

**BROKEN ARROW CITY COUNCIL
MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
November 16, 2010
6:30 PM**

1. Call to Order

Section Minutes: Mayor Lester called the meeting to order at approximately 6:30 p.m.

2. Invocation

Section Minutes: The invocation was delivered by Scott Keele of the Broken Arrow Church of Christ, who is also one of the City's police chaplains.

3. Roll Call

Present:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Absent:	None

4. Pledge of Allegiance to the Flag

Section Minutes: Vice-Mayor Thurmond led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Section Minutes: Mayor Lester asked if there were any items to be removed from the Consent Agenda. There being none, he asked for a motion.

Motion:	Move to approve the Consent Agenda as presented
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- A. Approval of the regular meeting minutes of November 2, 2010
- B. Acceptance of the minutes of the Planning Commission meeting held October 28, 2010
- C. Approval of and authorization to execute Budget Amendment Number 7 for Fiscal Year 2010-2011
- D. Approval of Resolution 680, A Resolution ratifying the Final Journal Entry of Judgment in the Matter of Warwick v The City of Broken Arrow, Tulsa County District Court Case Number CV-2010-1044, authorizing the Foreclosure of an Easement Located at 3914 South Tamarack Place, Broken Arrow, Oklahoma
- E. Approval of an Attorney Engagement Agreement between the City of Broken Arrow and Latham, Wagner, Steele and Lehman, P.C.
- F. Approval of the installation of "No Parking" signs on the north side of 41st Place between 202nd East Avenue and 203rd East Avenue (Adjacent to the Turnberry Subdivision Detention Facility)
- G. Approval of Request for a Special Events Permit by the Broken Arrow Civitans to hold their annual Christmas Parade on Saturday, December 4, 2010 at 10:00 a.m.
- H. Approval of and authorization to execute Change Order No. 2 on ODOT ARRA Stimulus Projects 264, 265, and 268 - Resurfacing Elm Place from New Orleans to Florence, Houston and Elm Intersection, and Houston and 9th Intersection
- I. Approval of bids received, award of the lowest responsible bid, and authorization to execute a construction contract for Aspen Avenue Widening, New Orleans to Florence

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3. Roll Call

Present: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike

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Absent: None

II

4. Pledge of Allegiance to the Flag

Section Minutes: Vice-Mayor Thurmond led the Pledge of Allegiance to the Flag.

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Section Minutes: Mayor Lester asked if there were any items to be removed from the Consent Agenda. There being none, he asked for a motion.

Motion: Move to approve the Consent Agenda as presented

Motion b Richard Carter

Second b Jill Norman

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

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H. Approval of and authorization to execute Change Order No. 2 on ODOT ARRA Stimulus Projects 264, 265, and 268 Resurfacing Elm Place from New Orleans to Florence, Houston and Elm Intersection, and Houston and 9th Intersection

1. Approval of bids received, award of the lowest responsible bid, and authorization to execute a construction contract for Aspen Avenue Widening, New Orleans to Florence

Broken Arrow City Council Page 1 of 6 November 16, 2010

- J. Approval of bids received, award of the lowest responsible bid, and authorization to execute a construction contract for Broken Arrow Heights Addition Milling and Overlay CDBG Project
- K. Approval of bids received, award of the lowest responsible bid, and authorization to execute a construction contract for Waco Street Milling and Overlay
- L. Approval of BAZ 1858, 1.47 acres, AR-1 to R-2, north of Dearborn Street (41st Street), one-quarter mile east of 23rd Street (County Line Road/193rd East Avenue)
- M. Approval of PT10-105, conditional final plat, Omaha Commercial Center (previously Drug Warehouse), 1.63 acres, 1 lot, A-CH (CH-BAZ 1845), southwest corner of Omaha Street (51st Street) and Aspen Avenue (145th East Avenue)
- N. Approval of PUD 94-O, Major Amendment, Battle Creek, 69.32 acres, north of the Broken Arrow Expressway, east of Aspen Avenue (145th East Avenue) and south of Granger Street
- O. Approval of PUD 161F, Boomerang Car Wash, 0.97 acres, east of the northeast corner of Kenosha Street (71st Street) and Olive Avenue (129th East Avenue)
- P. Approval of SP 89A, Life Creation Church, 3.48 acres, 1 lot, R-1/SP-89, one quarter mile south of Houston Street (81st Street), west of Olive Avenue (129th East Avenue)
- Q. Acceptance of a Temporary Construction Easement located approximately 1522 feet South and 696 feet West of the intersection of East Washington St (E 91st St) and East 1st Place from Michael Ward (S23 T18N R14E) (Project: Arrow Acres Sanitary Sewer Improvements) (S.0905)
- R. Acceptance of a Sewer Line Easement and a Temporary Construction Easement located approximately 24.75 feet North and 2940 feet West of the intersection of East Albany St (E 61st St) and North 37th St (209th E Ave) from The Spoon Family LLC (S31 T19N R15E) (Project: Adams Creek NW Sewer Improvements Phase 1 #S.0405)
- S. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

Section Minutes: There were no items removed from the Consent Agenda.

7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths

- A. General Fund Financial Presentation for the three months ending September 30, 2010

Item Minutes: City Manager Dave Wooden announced that Finance Director Tom Caldwell would present the quarterly review of the finances. Referring to the factual information as contained in the Fact Sheet provided in the agenda packet, Mr. Caldwell highlighted the fact that revenues for the first quarter exceeded expectations by about 1.5 million, a figure which will be adjusted to 1.7 million after a numerical error related to debt service is corrected. Due to various revenues being higher than expected and various expenses being lower than expected, he said the six-month average Emergency Reserve Fund balance is now over 100% of budget at nearly \$4,200,000. Mr. Caldwell then offered to answer questions.

Councilor McCaleb asked for confirmation that collections were about 2.6% above budget for the quarter while expenses were about 4% below budget. Mr. Caldwell confirmed that this was correct; he then added that he anticipates a loss of about \$700,000 for the month of October due to the fact that October will be a three-payroll month. He said that would still leave the City with a six-month average Fund balance at over 100%.

City Manager Dave Wooden then addressed the Council, stating that since the six-month average of the Emergency Reserve Fund balance is over 100%, hiring in the City has been re-opened for those positions that were authorized in the budget. He added that restrictions on training and travel inside the state have been lifted, although department heads have been asked to hold it to an absolute minimum until the City gets through the critical first months of the coming year. Mr. Wooden added that it's reassuring not only to be continuing to save money, but to see positive income in the form of sales tax. He said the numbers reported in the press are somewhat higher than the numbers reported to the Council because he's referenced back to the year 2009 as opposed to the loss year of 2010. Mr. Wooden also stated that the City is about 3% above 2009 which does not cover the subsequent inflation rate, but is better than the City has seen in quite some time. He noted that although hiring in the City has been re-opened, positions in the Police and Fire Departments will be on hold until

J. Approval of bids received, award of the lowest responsible bid, and authorization to execute a construction contract for Broken Arrow Heights Addition Milling and Overlay CDBG Project

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L. Approval of BAZ 1858, 1.47 acres, AR-1 to R-2, north of Dearborn Street 41st Street), one-quarter mile east of 23rd S - t County Line Road/193rd East Avenue)

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Broken Arrow City Council Page 2 of 6 November 16, 2010

the City can be assured that the funds are available to run the required academy in July and to hire the additional personnel. Mr. Wooden then offered to answer questions.

Councilor McCaleb noted that the City has weathered the recession well by being conservative on the budget. Mr. Wooded stated that he's waiting until after the first of the year to draw that conclusion, but agreed that compared to other cities Broken Arrow is doing well.

No action was required or taken.

- B. Approval of and authorization to execute a Proclamation declaring November 18, 2010 as "Childers Middle School Day" in the City of Broken Arrow

Item Minutes: City Manager Dave Wooden stated that Ms. Sarah Martin, a Spanish teacher at Childers Middle School, requested this proclamation to recognize the school's 25th anniversary and to honor its namesake, Ernest Childers. He asked the Council to approve this proclamation so that it can be presented on November 18th at a school assembly. Mr. Wooden also informed the Mayor that two faculty members were present to receive the proclamation.

Motion:	Move to approve the proclamation
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Mayor Lester then called Harold Hamilton and Bill Zellers forward, and said that they both were original teachers at the school when it opened in 1985. He then presented the proclamation and thanked both teachers for their dedication to the students.

- C. Approval of and authorization to execute a Proclamation declaring December 6, 2010 as "Optimist Youth Appreciation Day"

Item Minutes: City Manager Dave Wooden stated that this proclamation gives the Council an opportunity to recognize the efforts and accomplishments of the Optimist clubs and specifically to express their appreciation for the dedication, encouragement, and support shown to the youth of Broken Arrow by this organization. He said the Staff recommends that Council approve this proclamation and present it to members of the Optimist Club in attendance.

Motion:	Move to approve and authorize execution of a Proclamation declaring December 6, 2010 as "Optimist Youth Appreciation Day"
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Mayor Lester then presented the Proclamation to Mr. Ron Whittaker, Chairman of the Optimist Club, and thanked him for all he does for the youth.

Councilor Carter then said that he used to be an Optimist, and stated that Mr. Whittaker has worked countless hours over many years for the betterment of youth and the whole community, and he expressed his appreciation to Mr. Whittaker.

8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services

Section Minutes: No one signed up to address the Council on general topics related to city business or services.

9. General Council Business

- A. Consideration and possible approval of exemption waiver pursuant to section 16-12, c-4 of the Broken Arrow Code to allow the Flight Safety contractor to work beyond 10:00 pm

Item Minutes: City Manager Dave Wooden said the City had received a request from Crossland Construction Company, builder of the Flight Safety facility, for an exemption waiver to allow concrete work to continue beyond the 10:00 p.m. ordinance time. He explained that this exemption waiver is imperative to avoid cracks in the concrete and to meet certain

the City can be assured that the funds are available to run the required academy in July and to hire the additional personnel. Mr. Wooden then offered to answer questions.

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Motion: Move to approve the proclamation

Motion b Wade McCaleb

Second b Richard Carter

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

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Motion b Crai Thurmond

Second b Richard Carter

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Nays: None

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Flight Safety requirements. Mr. Wooden stated that he expects the noise from this work to be minimal, but that it will be reviewed and the City will speak with them if there is a need for suppression. He said the Staff recommends approval of this waiver. Councilor McCaleb asked if this waiver was only for the work on the concrete, and Mr. Wooden confirmed that this was true.

Motion:	Move to approve the waiver for temporary construction activities on the Flight Safety project pursuant to section 16-12, c-4 of the Broken Arrow Code from November 17 through February 25, 2011
Motion by:	Wade McCaleb
Second by:	Craig Thurmond
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- B. Consideration and possible approval of the waiver of building permit fees to the St. Jude Dream Home, Wellstone Subdivision, Forest Ridge Master Planned Community, Broken Arrow, Oklahoma

Item Minutes: City Manager Dave Wooden said Mr. Jeff Starkweather of Epic Custom Homes has requested this waiver of fees for the St. Jude home to be built in the Wellstone section of the Forest Ridge subdivision. He stated the Staff recommends the building permit fee of \$2,871 be waived, believing that the City will be more than reimbursed by the value of visitors and media coverage, and he pointed out that this is for the very worthy cause of benefitting St. Jude's Hospital.

Mr. Jeff Starkweather then addressed the Council on behalf of St. Jude's, a children's cancer hospital in Memphis. He said every year there are 83 or 84 homes built to raise funds for the hospital, and this year Broken Arrow is very fortunate to have one of the homes. Mr. Starkweather said last year's St. Jude home, in a different community, had 10,200 people go through it and raised over \$800,000 for St. Jude's. He described the fundraising process as sales of limited tickets for \$100 each, with this year's limit being \$900,000. Mr. Starkweather said they've had good response from community so far in donations for labor and materials. He showed drawings of the elevation and floor plans for the house and referred to a schedule of events in the agenda packet.

Motion:	Move to approve the waiver of building permit fees
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- C. Consideration and possible approval of reappointment of TJ Voskuhl to the Convention and Visitors Bureau

Item Minutes: City Manager Dave Wooden reminded the Council that they approved the nomination of TJ Voskuhl at the last meeting, and asked the Council to now approve her appointment to the Convention and Visitors Bureau.

Motion:	Move to approve the reappointment of TJ Voskuhl to the Convention and Visitors Bureau with a term expiring September 30, 2012
Motion by:	Wade McCaleb
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- D. Consideration of and possible approval of the appointment of Ernest Redwine to the Downtown Advisory Board

Item Minutes: City Manager Dave Wooden reminded the Council that at the last meeting they expanded the Downtown Advisory Board by two people, nominating Ernest Redwine to fill one of these positions. He then stated the Staff recommends the Council approve the nomination of Ernest Redwine to the Downtown Advisory Board.

Motion:	Move to approve the appointment of Ernest Redwine to the Downtown Advisory Board
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

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Motion: Move to approve the waiver for temporary construction activities on the Flight Safety project pursuant to section 16-12, c-4 of the Broken Arrow Code from November 17 through February 25, 2011

Motion b Wade McCaleb

Second b Crai Thurmond

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

B. Consideration and possible approval of the waiver of building permit fees to the St. Jude Dream Home, Wellstone Subdivision, Forest Ridge Master Planned Community, Broken Arrow, Oklahoma

Item Minutes: City Manager Dave Wooden said Mr. Jeff Starkweather of Epic Custom Homes has requested this waiver of fees for the St. Jude home to be built in the Wellstone section of the Forest Ridge subdivision. He stated the Staff recommends the building permit fee of \$2,871 be waived, believing that the City will be more than reimbursed by the value of visitors and media coverage, and he pointed out that this is for the very worthy cause of benefitting St. Jude's Hospital. Mr. Jeff Starkweather then addressed the Council on behalf of St. Jude's, a children's cancer hospital in Memphis. He said every year there are 83 or 84 homes built to raise funds for the hospital, and this year Broken Arrow is very fortunate to have one of the homes. Mr. Starkweather said last year's St. Jude home, in a different community, had 10,200 people go through it and raised over \$800,000 for St. Jude's. He described the fundraising process as sales of limited tickets for \$100 each, with this year's limit being \$900,000. Mr. Starkweather said they've had good response from community so far in donations for labor and materials. He showed drawings of the elevation and floor plans for the house and referred to a schedule of events in the agenda packet.

Motion: Move to approve the waiver of building permit fees

Motion b Craig Thurmond

Second b Richard Carter

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

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Motion: Move to approve the reappointment of TJ Voskuhl to the Convention and Visitors Bureau with a term expiring September 30, 2012

Motion b Wade McCaleb

Second b Jill Norman

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

D. Consideration of and possible approval of the appointment of Ernest Redwine to the Downtown Advisory Board

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Motion: Move to approve the appointment of Ernest Redwine to the Downtown Advisory Board

Motion b Richard Carter

Second b Jill Norman

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

Broken Arrow City Council Page 4 of 6 November 16, 2010

E. Consideration of and possible approval of the appointment of Patsy Terry to the Downtown Advisory Board

Item Minutes: City Manager Dave Wooden reminded the Council that at the last meeting they approved the nomination of Patsy Terry to fill the second newly-created vacancy in the Downtown Advisory Board. He then stated the Staff recommends Council approve the appointment of Patsy Terry to the Downtown Advisory Board.

Motion:	Move to approve Patsy Terry to the Downtown Advisory Board
Motion by:	Jill Norman
Second by:	Wade McCaleb
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

10. City Manager’s Report

Section Minutes: There was no City Manager’s report.

11. Preview Ordinances

Section Minutes: There were no preview ordinances.

12. Ordinances

A. Adopt Ordinance No. 3140, an ordinance amending Chapter 23, Article II, Section 23-26, which pertains to Grounds for Towing of Vehicles from Roadway; repealing all ordinances to the contrary and declaring an emergency

Item Minutes: City Attorney Beth Anne Wilkening stated that this ordinance is in exactly the same form as it was when previewed by the Council; it enables law enforcement officers to tow vehicles for any other lawful reason granted by state statute in addition to the ones identified in the Fact Sheet. She then offered to answer questions.

Councilor McCaleb asked if citizens have the right to use the towing service of their choice, and it was confirmed that citizens can request any towing service they want.

Motion:	Move to adopt Ordinance 3140
Motion by:	Jill Norman
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to approve the Emergency Clause on Ordinance 3140
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: There were no remarks or inquiries by governing body members.

At approximately 6:53 p.m., Mayor Lester asked for a motion to recess into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting.

Motion:	Move to recess into the Broken Arrow Municipal Authority followed by the Broken Arrow Economic Development Authority meeting.
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Mayor Lester reconvened the regular Council meeting at approximately 7:25 p.m.

E. Consideration of and possible approval of the appointment of Patsy Terry to the Downtown Advisory Board
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Motion: Move to approve Patsy Terry to the Downtown Advisory Board

Motion b Jill Norman

Second b Wade McCaleb

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

10. City Manager's Report

Section Minutes: There was no City Manager's report.

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Motion: Move to adopt Ordinance 3140

Motion b Jill Norman

Second b Richard Carter

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

Motion: Move to approve the Emergency Clause on Ordinance 3140

Motion b Wade McCaleb

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Nays: None

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Motion b Richard Carter

Second b Jill Norman

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

Mayor Lester reconvened the regular Council meeting at approximately 7:25 p.m.

Broken Arrow City Council Page 5 of 6 November 16, 2010

Mayor Lester then asked for a motion to take a short break in order to clear the room prior to entering into Executive Session.

Motion:	Move to take a recess prior to entering into Executive Session
Motion by:	Wade McCaleb
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Mayor Lester reconvened the regular session of the City Council meeting at approximately 7:30 p.m.

Motion:	Move to enter into Executive Session
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

14. **Executive Session** for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney for the purpose of discussing litigation and offers of settlement and taking appropriate action in open session in City of Broken Arrow, Oklahoma, a Municipal Corporation v. Kenco Properties, L.L.C.; Lamar Central Outdoor, L.L.C., et al., Tulsa County District Court Case Number CJ-2009-990; under 25 O.S. §307(B)(4), and for purposes of conducting the evaluation and discussing the employment of the City Manager and taking appropriate action in open session under 25 O.S. § 307(B)(1); and discussing the potential purchase and appraisal of real property for the purposes of right-of-way between Hillside Drive and 9th Street and taking appropriate action in open session under 25 O.S. § 307(B)(3). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the pending litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

Mayor Lester reconvened the regular session of the City Council meeting at approximately 7:45 p.m., and the room was opened for those in attendance.

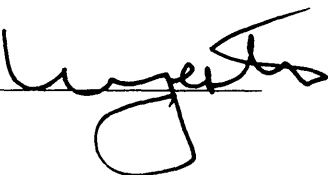
Motion:	Move to authorize the City Attorney to resolve the action with Lamar in City of Broken Arrow v. Kenco Properties, et al., and present an agreement for resolution at the next meeting
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to authorize the City Attorney to draft the City Manager's contract in accordance with Council direction and present at the next meeting
Motion by:	Craig Thurmond
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

15. **Adjournment**

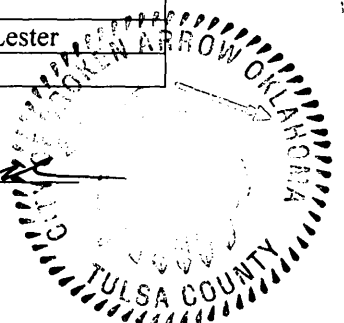
Section Minutes: The meeting adjourned at approximately 7:46 p.m.

Motion:	Move to adjourn
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None


 Mayor

Attest:

 City Clerk



Mayor Lester then asked for a motion to take a short break in order to clear the room prior to entering into Executive Session.

Motion: Move to take a recess prior to entering into Executive Session

Motion b Wade McCaleb

Second b Richard Carter

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

Mayor Lester reconvened the regular session of the City Council meeting at approximately 7:30 p.m.

Motion: Move to enter into Executive Session

Motion b Craig Thurmond

Second b Richard Carter

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

14. Executive Session for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney for the purpose of discussing litigation and offers of settlement and taking appropriate action in open session in City of Broken Arrow, Oklahoma, a Municipal Corporation v. Kenco Properties, L.L.C.; Lamar Central Outdoor, L.L.C., et al., Tulsa County District Court Case Number CJ-2009-990; under 25 O.S. 307(B)(4), and for purposes of conducting the evaluation and discussing the employment of the City Manager and taking appropriate action in open session under 25 O.S. 307(B)(1); and discussing the potential purchase and appraisal of real property for the purposes of right-of-way between Hillside Drive and 9th Street and taking appropriate action in open session under 25 O.S. 307(B)(3). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the pending litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

Mayor Lester reconvened the regular session of the City Council meeting at approximately 7:45 p.m., and the room was opened for those in attendance.

Motion: Move to authorize the City Attorney to resolve the action with Lamar in City of Broken Arrow v. Kenco Properties, et al., and present an agreement for resolution at the next meeting

Motion b Craig Thurmond

Second b Richard Carter

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

Motion: Move to authorize the City Attorney to draft the City Manager's contract in accordance with Council direction and present at the next meeting

Motion b Craig Thurmond

Second b Jill Norman

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

15. Adjournment

Mayor

Attest:

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Section Minutes: The meeting adjourned at approximately 7:46 p.m.

Motion: Move to adjourn

Motion b Richard Carter

Second b Jill Norman

Ayes: Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester

Nays:

None

or,
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Broken Arrow City Council Page 6 of 6 November 16, 2010