

**BROKEN ARROW CITY COUNCIL  
MINUTES  
COUNCIL CHAMBERS  
220 SOUTH FIRST STREET  
BROKEN ARROW, OKLAHOMA 74012  
December 7, 2010  
6:30 PM**

**Call to Order**

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

**2. Invocation**

**Section Minutes:** An invocation was delivered.

**3. Roll Call**

<b>Present:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
<b>Absent:</b>	None

**4. Pledge of Allegiance to the Flag**

**Section Minutes:** Councilor Carter 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.

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

- A. Approval of regular meeting minutes of November 16, 2010
- B. Ratify appointment of Deidre Ellis to serve as Honorary Mayor and Ernest Redwine to serve as Honorary Vice Mayor during Fiscal Year 2010 - 2011
- C. Ratification of the Workers' Compensation Joint Petition Settlement Agreement with Stephen T. Smith, a Police Department Employee
- D. Approval of and authorization to execute an Architect-Engineer contract for design of Covington Creek Regional Detention facility
- E. Approval of and authorization to execute a Consulting Service Contract for City of Broken Arrow Natural Hazard Mitigation Plan Preparation and Approval of Budget Amendment Number 8 for Fiscal Year 2010-2011
- F. Approval of consultant selection and approval of and authorization to execute a resolution recommending that ODOT contract with Guy Engineering Services, Inc. for 2011-2013 bridge inspections
- G. Acceptance of a Temporary Construction Easement located approximately 1300 feet North and 600 feet West of the intersection of Kenosha St (E 71st St) and 9th St (S. 177th E Ave) from the John Charles Hardison Revocable Trust (S2 T18N R14E) (Project: Sanitary Sewer Lift Station Improvements Contract A)(S.1002)
- H. Acceptance of a Utility Easement located approximately one quarter mile south of Houston Street (81st Street) and west of 9th Street (Lynn Lane Road) from Mance W. Cannon and Fannie J. Cannon, Trustees of The Cannon Family Revocable Trust Dated February 15, 2006 (S14 T18N R14)

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Absent: None

4. Pledge of Allegiance to the Flag

Section Minutes: Councilor Carter 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 Wade McCaleb

Second b Richard Carter

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

Nays: None

A. Approval of regular meeting minutes of November 16, 2010

B. Ratify appointment of Deidre Ellis to serve as Honorary Mayor and Ernest Redwine to serve as Honorary Vice Mayor during Fiscal Year 2010 2011

C. Ratification of the Workers' Compensation Joint Petition Settlement Agreement with Stephen T. Smith, a Police Department Employee

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- I. Acceptance of Utility Easement and Deed of Dedication located approximately one quarter mile east of 23rd Street (193rd Avenue) and north of Dearborn Avenue (41st Street) from Tom and Kathryn Michelson (S19 T19N R15E) (Project: BAZ 1858)
- J. Acceptance of a Sewer Line Easement and a Temporary Construction Easement located approximately 34.75 feet South and 590 feet East of the intersection of East Albany St (E 61st St) and North 197th St from Sharon Harriger (S6 T18N R15E)(Project: Adams Creek NW Sewer Improvements Phase 1 #S.0405)
- K. Acceptance of a Sewer Line Easement and a Temporary Construction Easement located approximately 805 feet South and 440 feet East of the intersection of East Albany St (E 61 St) and North 197th St from John and Cynda Spoon, Co-Trustees (S6 T18N R15E)(Project: Adams Creek NW Sewer Improvements Phase 1 #S.0405)
- L. Approval of Final Acceptance of Public Improvements at Cinemark
- M. Approval of Final Acceptance of Public Improvements at Tuscan Plaza
- N. 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. Approval of and authorization to execute a Proclamation commending Lucienda Denson for community service

**Item Minutes:** City Manager Dave Wooden said Mr. Clint Walden of Ferguson Pontiac and Judy Collis of the Broken Arrow Ledger requested a proclamation be prepared to commend Lucienda Denson for community service. Ms. Denson is the Life Style editor for the Broken Arrow Ledger and is retiring in December 2010 after 10 years with the Ledger.

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

There was no one present to receive the proclamation.

**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 the Proposed Festival/Events Park Master Plan

**Item Minutes:** Scott Esmond, Director of Parks and Recreation, presented the Council with a brief history of the development of the Festival Events Park Master Plan. He stated that on November 4, 2008, an overall Parks & Recreation Master Plan was adopted by the Council. He said a leading item in that plan was a place to hold special events, a concept that had received support from 83% of citizens in a survey. Mr. Esmond then stated that the City obtained ownership of the land for the Events Park in April 2009 with funding from the 2008 bond issue. He said in November 2009 the City contracted with Alaback Design Associates to develop an Events Park Master Plan, and Alaback has worked closely with an internal advisory committee since then. Mr. Esmond added that a stakeholders meeting on April 27, 2010 previewed the Master Plan; a public meeting was held at Northeastern State University in Broken Arrow on September 20, 2010; and then on November 18, 2010, the Planning Commission recommended approval of the Master Plan.

Mr. Esmond informed the Council that the Park may be used for staging and hosting larger events that the city can presently accommodate, such as concerts, cultural events, festivals, firework displays, carnivals, and other destination-type events. He then added that if the plan is adopted, construction will be done in phases as funding is made available.

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M. Approval of Final Acceptance of Public Improvements at Tuscan Plaza

N. Approval of the Claims List

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

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Motion: Move to approve the proclamation

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

There was no one present to receive the proclamation.

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

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Mr. Esmond informed the Council that the Park may be used for staging and hosting larger events that the city can presently accommodate, such as concerts, cultural events, festivals, firework displays, carnivals, and other destination-type events. He then added that if the plan is adopted, construction will be done in phases as funding is made available.

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Mr. Esmond then introduced Mike Peters of Alaback Design Associates, who added that Alaback received assistance from GH2 with the architecture and from BKL with the civil engineering for the Plan. Mr. Peters described the planning process of about a year as very thorough and benefitting from great support from City staff. He stated that this park would be an exciting addition to the city, not only as a venue for special events but also as an everyday park for the city. Mr. Peters then presented an overview of the Events Park Master Plan, describing its location, features, and proposed improvements and uses. He then offered to answer questions.

Councilor McCaleb praised the Plan's emphasis on complementing the natural beauty of the site and encouraged that concept's use throughout the Park. He then asked about the projected capacity of the amphitheater; Mr. Peters answered that several thousand people could be accommodated at the amphitheater, and much larger groups at the big field at the north end of the site. Councilor McCaleb then asked about parking facilities at the site, and Mr. Peters said in addition to the 300 spaces at the parking lot there would be a large amount of overflow parking available on grass, likely reinforced with gravel to make it more weatherproof. For very large events, Mr. Peters said a shuttle could be utilized to accommodate visitors with off-site parking. Councilor McCaleb then asked if sidewalks would be constructed for visitors to walk from the parking areas to the staging areas, and Mr. Peters answered that a system of sidewalks is planned, but not specifically from the grass parking areas.

Vice-Mayor Thurmond asked about the structure of the amphitheater; Mr. Peters answered that the site will provide a service road, all the utilities, and likely a paved area where performers can construct a temporary stage. Mr. Esmond added that part of the site can be closed off to accommodate events such as five-kilometer runs and bicycle races. Vice-Mayor Thurmond asked if more detailed plans have been developed; Mr. Peters responded that the presentation contains the essence of the plan, but a final report and cost estimate will be delivered to the City by Alaback.

Councilor Norman asked if the primary events section of the park would always be open or would sometimes be closed. Mr. Esmond responded that if this plan is approved, work would begin on more detailed plans that may include features such as gating to close off this area. Councilor Norman then asked if trees indicated in the drawings were expected to control noise. Mr. Peters said most of the events will be held in the summer when winds will push the noise towards the north, away from the residential areas; he didn't think the tree line would have an effect on the noise level and suggested that the bigger events be held further away from the residential areas.

Mayor Lester asked if there would be a pumping system to provide water circulation between the stream and the lake. Mr. Peters said this is a detail that hasn't been worked out yet, but a pump could be used or the stream could be allowed to flow naturally, which would result in lower flow rates in the summer. Mayor Lester then asked if a camera system would be included with the lighting system, and Mr. Esmond answered that cameras and security lighting are a good deterrent and will be considered at the detailed planning level when consulting with the police and fire departments. Returning to the issue of noise levels, Mr. Esmond pointed out that the concert area would be quite some distance from the residential areas.

<b>Motion:</b>	<b>Move to approve the proposed Special Events Festival Park Master Plan and recommend that Staff be authorized to proceed in changing the comprehensive plan designation from Level 6 to Public Recreation</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

- B. Approval of an Employment Agreement with David L. Wooden for City Management Services, effective as of December 3, 2010, and authorize execution

**Item Minutes:** City Manager Dave Wooden said the contract before Council is essentially the same contract that was in effect last year with a couple of major differences, namely that the term of the contract is for two years and all references to Mr. Wooden having any position in the city besides City Manager have been removed. He added that the contract also includes providing him with the 2% stipend that was provided to all other city employees with exception of the fire department. He then offered to answer questions.

Vice-Mayor Thurmond noted that there was not a wage increase included in this contract. Councilor Carter commented that he's glad Dave Wooden is willing to stay.

<b>Motion:</b>	<b>Move to approve this employment agreement and authorize its execution</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Wade McCaleb
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

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Motion: Move to approve the proposed Special Events Festival Park Master Plan and recommend that Staff be authorized to proceed in changing the comprehensive

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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: Move to approve this employment agreement and authorize its execution

Motion b Richard Carter

Second b Wade McCaleb

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

Nays: None

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Broken Arrow City Council Page 3 of 6 December 7, 2010

**10. City Manager's Report**

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

**11. Preview Ordinances**

**Section Minutes:** The Preview Ordinances 11A, 11B, and 11C were taken together.

- A. An ordinance amending Chapter 2, Article I, Section 2-12, which pertains to Maintenance bonds required on public property improvements; repealing all ordinances to the contrary; and declaring an emergency.

**Item Minutes:** City Manager Dave Wooden said this item is a change to the land subdivision code. He stated that when a large portion of this code was changed several years ago a section pertaining to three and five-year maintenance bonds was missed. After determining that the City had never been able to collect on a bond older than one year, Mr. Wooden said the City moved back into compliance with the industry standard of one-year maintenance bonds; this amendment reflects that change. He then offered to answer any questions.

- B. An ordinance amending Chapter 4, Article I, Section 4-13 of the Broken Arrow Code pertaining to Transporting Alcoholic Beverages in Opened Containers; Possession in Public Places; repealing all ordinances to the contrary; and declaring an emergency.

**Item Minutes:** City Manager Dave Wooden said this item allows two changes to the alcohol ordinance. Mr. Wooden said the first change provides for the sale of alcohol in a downtown Entertainment District to be designated by the City Council. He said this district would allow for sidewalk cafes and bistros similar to what the Downtown Advisory Board and various committees have recommended. Mr. Wooden then said the second change would provide for the sale of alcoholic beverages by permit during certain events at the Events Park and at other special events at other parks as approved by the City Council. He emphasized that all the various prohibitions against drinking at various locations inside the city have been kept in place.

- C. An ordinance amending Chapter 4, Article I, Section 4-86 of the Broken Arrow Code pertaining to Transporting Low-Point Beer in Opened Containers; repealing all ordinances to the contrary; and declaring an emergency.

**Item Minutes:** City Manager Dave Wooden said this item addresses the same issues as the previous item, but addresses these issues for low-point beer. He explained that by definition in Oklahoma low-point beer is not an alcoholic beverage, thus making it necessary to have two ordinances, one for alcoholic beverages and one for low-point beer. He then offered to answer questions on these items.

Councilor McCaleb asked how long it would be until there is some definition of what is allowed in an Entertainment District, and noted that the downtown sidewalks are not very wide. Mr. Wooden said the Downtown Advisory Board has been receiving input from various portions of the community, and he expects they will provide a recommendation in the next six to eight months. Mr. Wooden said he thinks it's likely that this committee will recommend some type of sidewalk enlargement to allow this type of activity.

In response to a question from Councilor McCaleb, Mr. Wooden confirmed that this would not go into effect until the Council actually establishes an entertainment district. Councilor McCaleb then asked about guidelines to protect minors, and Mr. Wooden answered that there are state laws that cover such issues in great detail, and these issues will be considered and brought to the Council for approval. Councilor McCaleb asked about the type of permits required to serve these beverages in City parks, and Mr. Wooden answered that a permit approved by the City Council would be required. Councilor McCaleb stated that he prefers this type of permit require Council approval, and expressed

concern that the ordinance did not clearly state that Council approval would be required for these permits. Mr. Wooden promised to make sure all permits of this type will be subject to Council approval until this policy is finalized.

<b>Motion:</b>	<b>Move to approve these three Preview Ordinances and set them for adoption at the next regular meeting</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None



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Motion: Move to approve these three Preview Ordinances and set them for adoption at the next regular meeting

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 December 7, 2010

**12. Ordinances**

**Section Minutes:** The Ordinances 12A, 12B, 12C, 12D and 12E were taken together. City Manager Dave Wooden said these amendments to the City’s zoning code are necessary due to the platting of new developments.

- A. Adoption of Ordinance No. 3132 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1841, and granting IL zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- B. Adoption of Ordinance No. 3133 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving PUD 191 and BAZ 1808, and granting RM zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- C. Adoption of Ordinance No. 3134 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1797, and granting CN zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- D. Adoption of Ordinance No. 3135 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1649, and granting RD zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- E. Adoption of Ordinance No. 3136 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving PUD 203 zoning classifications to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

<b>Motion:</b>	<b>Move to adopt Ordinance 3132, 3133, 3134, 3135, and 3136</b>
<b>Motion by:</b>	Wade McCaleb
<b>Second by:</b>	Craig Thurmond
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to approve the Emergency Clause on Ordinance 3132, 3133, 3134, 3135, and 3136</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

**13. Remarks and Inquiries by Governing Body Members**

**Section Minutes:** Councilor McCaleb noted that a City Council meeting was scheduled for February 1, 2011, at 6:30; due to the fact that this is also a precinct meeting night, he asked if there would be any objections to changing the time of the City Council meeting to 5:30 to allow those who wished to attend a precinct meeting to do so. Mayor Lester said it would be set up for discussion.

At approximately 7:11 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.

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

Mayor Lester reconvened the regular Council meeting at approximately 7:15 p.m.

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

## 12. Ordinances

Section Minutes: The Ordinances 12A, 12B, 12C, 12D and 12E were taken together. City Manager Dave Wooden said these amendments to the City's zoning code are necessary due to the platting of new developments.

A. Adoption of Ordinance No. 3132 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 2931) approving BAZ 1841, and granting IL zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

B. Adoption of Ordinance No. 3133 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 2931) approving PUD 191 and BAZ 1808, and granting RM zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

C. Adoption of Ordinance No. 3134 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 2931) approving BAZ 1797, and granting CN zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

D. Adoption of Ordinance No. 3135 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 2931) approving BAZ 1649, and granting RD zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

E. Adoption of Ordinance No. 3136 amending the zoning Ordinance of the City of Broken Arrow, Oklahoma Ordinance No. 2931) approving PUD 203 zoning classifications to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Motion: Move to adopt Ordinance 3132, 3133, 3134, 3135, and 3136

Motion b Wade McCaleb

Second b Craig Thurmond

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

Nays: None

Motion: Move to approve the Emergency Clause on Ordinance 3132, 3133, 3134, 3135, and 3136

Motion b Richard Carter

Second b Jill Norman

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

Nays: None

## 13. Remarks and Inquiries by Governing Body Members

Section Minutes: Councilor McCaleb noted that a City Council meeting was scheduled for February 1, 2011, at 6:30; due to the fact that this is also a precinct meeting night, he asked if there would be any objections to changing the time of the City Council meeting to 5:30 to allow those who wished to attend a precinct meeting to do so. Mayor Lester said it would be set up for discussion.

At approximately 7:11 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 b Crai Thurmond

Second b Richard Carter

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

Nays: None

Mayor Lester reconvened the regular Council meeting at approximately 7:15 p.m.

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

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

Mayor Lester reconvened the regular session of the City Council meeting at approximately 7:24 p.m.

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

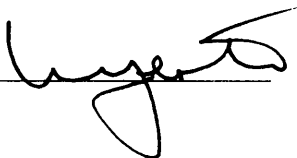
14. **Executive Session** for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney for the purpose of discussing litigation and offers of settlement and taking appropriate action in open session in City of Broken Arrow v. David A. Center, et al., Tulsa County District Court Case Number CJ-2007-07888; and City of Broken Arrow, Oklahoma v. Kenco Properties, L.L.C., et al., Tulsa County District Court Case Number CJ-2009-990, under 25 O.S. §307(B)(4). 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 7:32 p.m., and the room was opened for those in attendance.

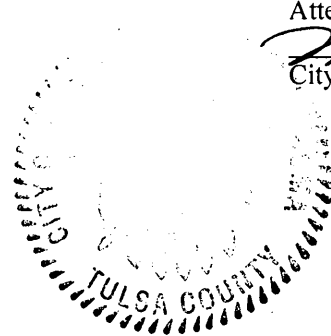
<b>Motion:</b>	<b>Move to authorize the City Attorney to settle the case of City of Broken Arrow v. Center for the amount of \$117,000 plus grading the two sites, installing Rip Rap at the southeast end and the northwest end and planting ten trees</b>
<b>Motion by:</b>	Craig Thurmond
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Wade McCaleb, Richard Carter, Craig Thurmond, Mike Lester
<b>Nays:</b>	None

15. **Adjournment**  
**Section Minutes:** The meeting adjourned at approximately 7:32 p.m.

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

Mayor 

Attest:  
  
City Clerk



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

Motion b Craig Thurmond

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 7:24 p.m.

Motion: Move to enter into Executive Session

Motion b Craig Thurmond

Second b Wade McCaleb

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 v. David A. Center, et al., Tulsa County District Court Case Number CJ-2007-07888; and City of Broken Arrow, Oklahoma v. Kenco Properties, L.L.C., et al., Tulsa County District Court Case Number CJ-2009-990, under 25 O.S.

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Mayor Lester reconvened the regular session of the City Council meeting at approximately 7:32 p.m., and the room was opened for those in attendance.

Motion: Move to authorize the City Attorney to settle the case of City of Broken Arrow

v. Center for the amount of \$117,000 plus grading the two sites, installing Rip

Rap at the southeast end and the northwest end and planting ten trees

Motion b Craig Thurmond

Second b Richard Carter

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

Nays: None

15. Adjournment

Section Minutes: The meeting adjourned at approximately 7:32 p.m.

Motion: Move to adjourn

Motion b Wade McCaleb

Second b Jill Norman

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

Nays: None

IQdlf

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