



City of Broken Arrow
Meeting Agenda
Broken Arrow City Council

City Hall
220 S 1st Street
Broken Arrow OK
74012

Mayor Craig Thurmond
Vice Mayor Richard Carter
Council Member Mike Lester
Council Member Johnnie Parks
Council Member Scott Eudey

Tuesday, February 7, 2017

6:30 PM

Council Chambers

1. Call to Order

2. Invocation

3. Roll Call

4. Pledge of Allegiance to the Flag

5. Consideration of Consent Agenda

- A. [17-1753](#) Approval of Amended City Council Meeting Minutes of December 6, 2016

Attachments: [12-06-16 Council Minutes - AMENDED](#)

- B. [17-1652](#) Approval of City Council Meeting Minutes of January 17, 2017

Attachments: [Council Minutes 1-17-17](#)

- C. [17-1744](#) Approval of Special Joint City Council and Convention and Visitors' Bureau Meeting Minutes of January 17, 2017

Attachments: [Special Joint Meeting 1-17-17](#)

- D. [17-1801](#) Acceptance of Planning Commission meeting minutes of September 22, 2016

Attachments: [20160922 PC MINUTES.pdf](#)

- E. [17-1799](#) Notification of City Manager's and Assistant City Managers' execution of Professional Consultant Agreements with a value less than \$25,000

Attachments: [170127 Summary AE Veterans Park Community Center](#)
[170127 AE Summary Alaback Events Playground](#)
[170127 Summary AE Alaback Events Pavilion](#)
[170127 Summary AE Agmt Olsson Albany Corridor](#)

- F. [17-1639](#) Approval of and authorization to execute an amended final contract between the City of Broken Arrow and the Icon at Broken Arrow, Limited Partnership for storm sewer capacity improvements just south of Florence

Street on Elm Place to serve the Icon at Broken Arrow Development of approximately 13.5 acres and additional 85 acres

Attachments: [Final Amended Storm Agreement 011716.pdf](#)
[Icon Aprt. Additional Costs - Final Recommendations Memo 11-7-16.pdf](#)
[Case Map Prelim. Plans.pdf](#)

- G. [17-1779](#) Approval of and authorization to execute Amendment No. 2 to Architect-Engineer Contract with Infrastructure Solutions Group, LLC for 23rd Street Improvements (Houston Street to Kenosha Street) for Widening of State Highway 51 (Project No. ST0914)

Attachments: [170127 Amendment 2 SH51 Widening Design](#)

- H. [17-1749](#) Approval of and authorization to execute Downtown Overlay Study Pay Request Number 1 to ADG, PC through the Sales Tax Capital Improvement Program (STCI) in association with the Downtown Overlay District Revitalization

Attachments: [2-INVOICE NO 1.ADG.pdf](#)
[2-Executed Agreement.pdf](#)

- I. [17-1643](#) Approval of and authorization to execute Albany Corridor Study Pay Request Number 4 to Cowan Group Engineering, LLC through the Sales Tax Capital Improvement Program (STCI) in association with the Stoney Creek Hotel and Conference Center

Attachments: [Draw 4.121916.pdf](#)

- J. [17-1760](#) Approval of and authorization to execute Pay Request Number 12 to Cowan Group Engineering, LLC for Professional Design Services through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center

Attachments: [Draw 12.pdf](#)

- K. [17-1761](#) Approval of and authorization to execute Parking Lot, Phase III, Part A, Pay Request Number 3 (No. 12 overall) for Tri-Star Construction, LLC, through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center

Attachments: [170120 Draw 12 Pay Request Full Sign.pdf](#)
[170120 Draw 12 Pay Request Support Docs.pdf](#)

- L. [17-1742](#) Approval of and authorization to purchase equipment for Storage Area Network and Server Replacement from Dell pursuant to the Western States Contracting Alliance for Computers as competitively bid by the State of Oklahoma's Central Purchasing Division

Attachments: [Dell Quote](#)

- M. [17-1770](#) Approval of bids received and award the most advantageous bid to Casco Industries for the purchase of 110 Self-Contained Breathing Apparatus for

the Fire Department

Attachments: [17.127 SCBA bid tabulation](#)
[SCBA Report](#)
[SCBA bid 17.127 Casco Industries](#)

- N. [17-1789](#) Approval to reject bids for the purchase of new Cisco IP phones and to find that the best interests of the City of Broken Arrow will be served by the rejection

Attachments: [Letter to City of Broken Arrow](#)

- O. [17-1750](#) Approval of bids received and award the lowest responsible bid to Jo-Co Equipment for an asphalt crack sealer for the Street Division

Attachments: [Bid 17.126 Crack Sealer](#)

- P. [17-1773](#) Approval to reject all competitive bids for Fire Department structural firefighting gear due to the inability to award the bid within the allotted timeframe and authorize rebidding

- Q. [17-1745](#) Approval of BAZ-1967, Bentley Square, 8.14 acres, CG to RS-4, west of the southwest corner of Aspen Avenue and Jasper Street

Attachments: [1- PLANNING COMMISSION PUB FACT SHEET](#)
[2- CASE MAP](#)
[3- AERIAL.BAZ 1967](#)
[4- SIGNED ORD 3465](#)

- R. [17-1738](#) Approval of rezoning request, BAZ-1970, BA Corner, 40.71 acres, A-1, RD, CN, and CG to CH, northeast corner of Tucson Street and Aspen Avenue

Attachments: [1-PLANNING COMMISSION PUBLISHED FACT SHEET](#)
[2-CASE MAP.BAZ-1970](#)
[3-AERIAL.BAZ 1970](#)
[4-COMPREHENSIVE PLAN.BAZ 1970](#)
[5-TOPOGRAPHIC SURVEY](#)

- S. [17-1757](#) Approval of PUD-254 and BAZ-1968 and the partial abrogation of SP-257, QuikTrip, 2.77 acres, CN to CG/SP-257 to CN/PUD-254, northeast corner of Kenosha Street and 23rd Street

- Attachments:** [1-DEC 1 2016 FACT SHEET](#)
[2-DEC 15 2016 FACT SHEET](#)
[3-JAN 12 2017 FACT SHEET](#)
[4A-CASE MAP.PUD-254](#)
[4B-CASE MAP.BAZ-1968](#)
[5-AERIAL.PUD 254 & BAZ 1968](#)
[6-PUD 254.11-14-2016](#)
[7-PUD 254 EXHIBITS](#)
[8-AMENDED PLAT WAGONER COUNTY LINE PLAZA](#)
[9-TIGER PLAZA](#)

- T. [17-1739](#) Approval of PUD-255, First National Bank, 3.40 acres, DM to DM/PUD-255, one-half mile north of Houston Street, one-half mile west of 9th Street on the southeast corner of Main Street and Broadway Street

- Attachments:** [1- PLANNING COMMISSION PUBLISHED FACT SHEET](#)
[2-CASE MAP.PUD-255](#)
[3- AERIAL.PUD 255](#)
[4- PUD Text](#)
[5-Site Plan](#)

- U. [17-1756](#) Approval of PUD-257, Lot 1, Block 1 of Commerce Crossing, 2.98 acres, IL to IL/PUD-257, south of Albany Street, one-quarter mile west of Olive Avenue

- Attachments:** [1-PLANNING COMMISSION PUBLISHED FACT SHEET](#)
[2- CASE MAP.PUD-257](#)
[3- AERIAL.PUD 257](#)
[4- PUD 257 TEXT](#)
[5- SITE PLAN](#)
[6- SITE PLAN AERIAL](#)

- V. [17-1748](#) Acceptance of a Temporary Construction Easement conveying to the City of Broken Arrow a tract of land lying in the NW/4 of Section 5, Township 18 North, Range 15 East of the Indian Meridian, Broken Arrow, Wagoner County, Oklahoma, for the 37th Street Improvements from Houston to Albany (Project No. ST1413)

- Attachments:** [Temporary Construction Easement](#)

- W. [17-1747](#) Acceptance of a Drainage Easement conveying to the City of Broken Arrow two tracts of land lying in Lot 1, Block 2, Northeast Crossroads, an addition to Broken Arrow, Wagoner County, Oklahoma, for the 37th Street improvements from Houston to Albany (Project No. ST1413)

- Attachments:** [Drainage Easement](#)

- X. [17-1788](#) Acceptance of a Drainage Easement from Signature Properties along the south part of the south half of Reserve O of Bristol Ponds, located one-quarter mile north of Washington Street, one-quarter mile west of Elm Place (Section 15, T18N, R14E)
- Attachments:** [2-DRAINAGE EASEMENT - 5.pdf](#)
[3-RECORDED PLAT FOR BRISTOL PONDS.pdf](#)
[RECORDED DEED OF DEDICATION FOR BRISTOL PONDS.TIF](#)
- Y. [17-1782](#) Acceptance of a Drainage Easement from Signature Properties along the western part of the north half of Reserve O of Bristol Ponds, located one-quarter mile north of Washington Street, one-quarter mile west of Elm Place (Section 15, T18N, R14E)
- Attachments:** [2-DRAINAGE EASEMENT.RESERVE O.BRISTOL PONDS.pdf](#)
[3-RECORDED PLAT FOR BRISTOL PONDS.pdf](#)
[4-RECORDED DEED OF DEDICATION FOR BRISTOL PONDS.TIF](#)
- Z. [17-1786](#) Acceptance of a Drainage Easement from Signature Properties along the western part of the south half of Reserve O of Bristol Ponds, located one-quarter mile north of Washington Street, one-quarter mile west of Elm Place (Section 15, T18N, R14E)
- Attachments:** [2-DRAINAGE EASEMENT-3B.pdf](#)
[3-RECORDED PLAT FOR BRISTOL PONDS.pdf](#)
[4-RECORDED DEED OF DEDICATION FOR BRISTOL PONDS.TIF](#)
- AA. [17-1790](#) Acceptance of a Utility Easement from Signature Properties along the eastern part of Reserve D of Bristol Ponds, located one-quarter mile north of Washington Street, one-quarter mile west of Elm Place (Section 15, T18N, R14E)
- Attachments:** [2-EASEMENT.6.pdf](#)
[3-RECORDED PLAT FOR BRISTOL PONDS.pdf](#)
[4-RECORDED DEED OF DEDICATION FOR BRISTOL PONDS.TIF](#)
- AB. [17-1792](#) Acceptance of a Utility Easement from Signature Properties along the western part of Reserve D of Bristol Ponds, located one-quarter mile north of Washington Street, one-quarter mile west of Elm Place (Section 15, T18N, R14E)
- Attachments:** [2-EASEMENT.7.pdf](#)
[3-RECORDED PLAT FOR BRISTOL PONDS.pdf](#)
[4-RECORDED DEED OF DEDICATION FOR BRISTOL PONDS.TIF](#)
- AC. [17-1784](#) Acceptance of a Utility Easement from Signature Properties along the eastern part of the north half of Reserve O of Bristol Ponds, located one-quarter mile north of Washington Street, one-quarter mile west of Elm Place (Section 15, T18N, R14E)

Attachments: [2-UTILITY EASEMENT - 2.pdf](#)
[3-RECORDED PLAT FOR BRISTOL PONDS.pdf](#)
[4-RECORDED DEED OF DEDICATION FOR BRISTOL PONDS.TIF](#)

AD. [17-1787](#) Acceptance of a Utility Easement from Signature Properties along the eastern part of the south half of Reserve O of Bristol Ponds, located one-quarter mile north of Washington Street, one-quarter mile west of Elm Place (Section 15, T18N, R14E)

Attachments: [2-UTILITY EASEMENT - 4.pdf](#)
[3-RECORDED PLAT FOR BRISTOL PONDS.pdf](#)
[4-RECORDED DEED OF DEDICATION FOR BRISTOL PONDS.TIF](#)

AE. [17-1781](#) Acceptance of a Utility Easement from Signature Properties along the western part of the north half of Reserve O of Bristol Ponds, located one-quarter mile north of Washington Street, one-quarter mile west of Elm Place (Section 15, T18N, R14E)

Attachments: [2-UTILITY EASEMENT.BRISTOL PONDS.1A.pdf](#)
[3-RECORDED PLAT FOR BRISTOL PONDS.pdf](#)
[4-RECORDED DEED OF DEDICATION FOR BRISTOL PONDS.TIF](#)

AF. [17-1785](#) Acceptance of a Utility Easement from Signature Properties along the western part of the south half of Reserve O of Bristol Ponds, located one-quarter mile north of Washington Street, one-quarter mile west of Elm Place (Section 15, T18N, R14E)

Attachments: [2-UTILITY EASEMENT - 3A.pdf](#)
[3-RECORDED PLAT FOR BRISTOL PONDS.pdf](#)
[4-RECORDED DEED OF DEDICATION FOR BRISTOL PONDS.TIF](#)

AG. [17-1803](#) Acceptance of a Utility Easement from Fifty-First South, LLC on an unplatted parcel of land, located north of Omaha Street and west of 37th Street on the west side of Platted Phase One (1), Silverleaf Subdivision, in the southeast quarter (SE1/4) of Section Thirty (30) Wagoner County, State of Oklahoma, (Section 30, T19N, R15E)

Attachments: [1-APPLICATION - A.pdf](#)
[2-Conveyance Document A.pdf](#)
[3-Exhibit A with Legal.pdf](#)
[4-Silverleaf-Overall Easement Exhibit.pdf](#)

AH. [17-1804](#) Acceptance of a Utility Easement from Fifty-First South, LLC on an unplatted parcel of land, located north of Omaha Street and west of 37th Street on the northwest side of Platted Phase One (1), Silverleaf Subdivision, in the southeast quarter (SE1/4) of Section Thirty (30) Wagoner County, State of Oklahoma, (Section 30, T19N, R15E)

Attachments: [APPLICATION - B.pdf](#)
[Conveyance Document B.pdf](#)
[LEGAL - EXHIBIT B.pdf](#)
[EXHIBIT B.pdf](#)
[Silverleaf-Overall Easement Exhibit.pdf](#)

- AI.** [17-1805](#) Acceptance of a Utility Easement (Exhibit C) from New Bedford Lakes, LLC on an unplatted parcel of land, located south of Omaha Street and west of 37th Street south of Platted Phase One (1), Silverleaf Subdivision, in the northeast quarter (SE1/4) of Section Thirty (31) Wagoner County, State of Oklahoma, (Section 31, T19N, R15E)

Attachments: [1-APPLICATION - C.pdf](#)
[2-Conveyance Document C.pdf](#)
[3-LEGAL - EXHIBIT C.pdf](#)
[4-EXHIBIT C.pdf](#)
[5-Silverleaf-Overall Easement Exhibit.pdf](#)

- AJ.** [17-1806](#) Acceptance of a Utility Easement (Exhibit D) from New Bedford Lakes, LLC on an unplatted parcel of land, located south of Omaha Street and west of 37th Street south of Platted Phase One (1), Silverleaf Subdivision, in the northeast quarter (SE1/4) of Section Thirty (31) Wagoner County, State of Oklahoma, (Section 31, T19N, R15E)

Attachments: [1-APPLICATION - D.pdf](#)
[2-Conveyance Document D.pdf](#)
[3-LEGAL - EXHIBIT D.pdf](#)
[4-EXHIBIT D.pdf](#)
[5-Silverleaf-Overall Easement Exhibit.pdf](#)

- AK.** [16-1537](#) Approval of the Broken Arrow City Council Claims List for February 07, 2017

Attachments: [02-07-17 CL](#)

6. Consideration of Items Removed from Consent Agenda

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

- A.** [17-1802](#) Presentation of Financial Status of the City for the six months ending December 31, 2016 for the General Fund, Police Sales Tax Fund, Fire Sales Tax Fund and the Broken Arrow Municipal Authority

Attachments: [02-07-17 FINANCIAL PRESENTATION.pdf](#)

- B.** [17-1809](#) Presentation regarding the road closure for Charleston Street in association with the Leisure Park Mill & Overlay Project

Attachments: [Street Closure Permit](#)
[Detour Plan](#)

- C. [17-1626](#) Presentation by City Manager Michael Spurgeon on his assessment of the state of the City and its Public Trusts, observations, priorities, goals and objectives and related discussion

8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (No action may be taken on matters under this item)

9. General Council Business

- A. [17-1783](#) Consideration, discussion, and possible approval of and authorization to execute a Consent Order with Blue Bell Creameries, LLC requiring them to hire a licensed engineer, construct a pretreatment facility and come into compliance with Broken Arrow Wastewater Discharge Permit No. BA007, and waive the accumulated surcharges upon satisfactory completion of all required actions

Attachments: [Blue Bell Consent Order GSP 10-26 LW FINAL](#)
[FY 2016 and FY 2017 Blue Bell Surcharges](#)

- B. [17-1768](#) Consideration, discussion, and possible approval of an exemption for an 11.48 acre conservation area reserve of FedEx from Section 24-705, Excess Capacity Sewer Fee charge, quarter mile east of 9th Street and north of Houston Street

Attachments: [ORD 3281 2014 Amending Rates from BA Code Chapter 24 Water Sewer and S](#)
[#5 FINAL PLAT AND COVENANT.11-15-2016.APPROVED.pdf](#)
[Approved Site Plan.jpg](#)
[FEMA Firm Map.pdf](#)
[Request of Sewer Fee Exemption - 02.01.17.pdf](#)
[Public Notice SWT-2015-319](#)
[Deed Restriction](#)

- C. [17-1737](#) Consideration, discussion, and possible approval of Comprehensive Plan Change request, BACP-159, Muhich Tract, 50.13 acres, Level 3 to Level 6, one-half mile east of Evans Road, one-quarter mile south of Kenosha Street

Attachments: [1- PLANNING COMMISSION PUBLISHED FACT SHEET](#)
[2-CASE MAP.BACP-159](#)
[3-AERIAL.BACP 159](#)
[4-COMP PLAN.BACP 159.](#)
[5-DRAFT PUD.BACP 159](#)
[6-CASE HISTORY MAPS](#)
[7-PDF SUBMITTED TO PLANNING COMMISSION.pdf](#)

- D. [17-1755](#) Consideration, discussion, and possible approval of PUD-256 and BAZ-1969, Whiskey Ridge, 142.16 acres, A-1 to RS-3/PUD-256, southeast corner of 23rd Street and Rockford Street

- Attachments:** [1- PLANNING COMMISSION PUBLISHED FACT SHEET](#)
[2-CASE MAP.PUD-256 & BAZ-1969](#)
[3-AERIAL.PUD 256 & BAZ 1969](#)
[4-COMP PLAN.PUD 256 & BAZ 1969](#)
[5-PUD 256 DESIGN STATEMENT AND SITE PLAN](#)

- E. [17-1818](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 962, a Resolution of the Broken Arrow City Council approving and authorizing execution of a certain First Amendment to the Economic Development Agreement by and among the Broken Arrow Economic Development Authority, the City of Broken Arrow and Shawn and Gretchen Whistler (“Whistler”); and containing other provisions relating thereto

- Attachments:** [02-07-2017 RESOLUTION NO 962 - CITY COUNCIL - FIRST AMENDMEN
FIRST AMENDMENT TO EDA.pdf](#)

- F. [17-1797](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 971 - CORRECTED requesting programming of Federal Fiscal Year (FFY) 2020 Surface Transportation Program (STP) funds

- Attachments:** [170207 City Council Resolution - Corrected STP Funds Olive, Kenosha to Alba](#)

- G. [17-1775](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 972, a Resolution authorizing the City Attorney to enter into the Final Journal Entry of Judgment without admitting liability in the matter of QuikTrip Corporation v. City of Broken Arrow, et al., Tulsa County District Court Case No. CV-2017-00006, authorizing foreclosure and vacation of utility easement on property located in part of Lot Two (2), Block One (1), Hillside Crossings, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located north of the Broken Arrow Expressway and west of 9th Street

- Attachments:** [02-07-2017 RESOLUTION 972.docx](#)

- H. [17-1795](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 975, a Resolution approving action taken by the Broken Arrow Municipal Authority authorizing the issuance of its promissory note in principal amount not to exceed \$7,185,000 to the Oklahoma Water Resources Board; ratifying and confirming a lease agreement and operation and maintenance contract and a security agreement between the City and the Authority and containing other provisions relating thereto

- Attachments:** [02-07-17 CITY RESOLUTION 975.doc](#)

- I. [17-1796](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 976, a Resolution approving action taken by the Broken Arrow Municipal Authority authorizing the issuance of its

promissory note in principal amount not to exceed \$21,000,000 to the Oklahoma Water Resources Board; ratifying and confirming a lease agreement and operation and maintenance contract and a security agreement between the City and the Authority and containing other provisions relating thereto

Attachments: [02-07-17 CITY RESOLUTION 976.doc](#)

- J. [17-1810](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 977, a Resolution of Necessity to condemn property located at 1001 Wesley Drive, Broken Arrow, Tulsa County, State of Oklahoma

Attachments: [Resolution No. 977](#)

[Letters](#)

[Parcel Map](#)

- K. [17-1811](#) Consideration, discussion, and possible approval of and authorization to execute Resolution No. 978, a Resolution of Necessity to condemn property located at 131 North 9th Street, Broken Arrow, Tulsa County, State of Oklahoma

Attachments: [Resolution No. 978](#)

[Letters](#)

[Parcel Maps](#)

10. Preview Ordinances -- NONE

11. Ordinances

- A. [17-1774](#) Consideration, discussion, and possible adoption of Ordinance No. 3467, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1957, granting a DM zoning classification along with Specific Use Permit 276 be placed upon the tracts, generally located on the southeast corner of Cedar Avenue and Dallas Street, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Attachments: [2-ORDINANCE 3467 \(BAZ 1957 & SP 276\).pdf](#)

[3-CASE MAP.ORD 3467.BAZ 1957 & SP 276.pdf](#)

- B. [17-1776](#) Consideration, discussion, and possible adoption of Ordinance No. 3468, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1959, granting a DM zoning classification be placed upon the tracts, generally located north of Commercial Street between Cedar Avenue and Birch Avenue, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Attachments: [2-ORDINANCE 3468 \(BAZ 1959\).pdf](#)

[3-CASE MAP.ORD 3468.BAZ 1959.pdf](#)

- C. [17-1778](#) Consideration, discussion, and possible adoption of Ordinance No. 3469, an

ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1962, granting a CN zoning classification along with Planned Unit Development 247A be placed upon the tracts, generally located west of Oneta Road, north of State Highway 51, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Attachments: [2-ORDINANCE 3469 \(BAZ 1962 & PUD 247A\).pdf](#)
[3-CASE MAP.ORD. 3469.pdf](#)

- D. [17-1780](#) Consideration, discussion, and possible adoption of Ordinance No. 3470, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1955, granting a RS-1 zoning classification be placed upon the tracts, generally located one-half mile south of Florence Street, about one-quarter mile west of Aspen Avenue, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Attachments: [2-ORDINANCE 3470.BAZ 1955.pdf](#)
[3-CASE MAP.ORD.3470.BAZ 1955.pdf](#)

12. Remarks and Inquiries by Governing Body Members

13. Remarks and updates by City Manager, including Recognition of Recent Accomplishments by Employees and Elected Officials

14. Executive Session

Executive Session for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney, and possible action in open session regarding:

- 1. Economic development and specifically discussing an economic development proposal involving real property located between East Detroit Street and East Elgin Street and North Main Street and North First Street, in Broken Arrow, Oklahoma to include the transfer of property, financing, appraisal and the creation of a proposal to entice a business to locate within the City of Broken Arrow, and taking appropriate action in open session, including direction to the City Manager and Staff to negotiate for an economic development proposal, under 25 O.S. §307(C)(10).**

- 2. Pending litigation, settlement discussions and taking appropriate action in open session in Vicky High vs. City of Broken Arrow, Tulsa County District Court Case Number CJ-2012-3982, under 25 O.S. §307(B)(4).**

- 3. Possible litigation and pending claims regarding Lamar Outdoor Advertising and the removal of billboards from the City right-of-way located north of the Broken Arrow Expressway, along West Fargo Street, west of Aspen Avenue and possible litigation against Nikel Investment, LLC for possible breach of a July 15, 2008 Development and License Agreement between the City of Broken Arrow and Nikel related to the removal of Lamar Outdoor Advertising billboards from the City right-of-way, and possible action in open session, including authority to initiate an action against Nikel Investment, LLC and/or Lamar Outdoor Advertising under 25 O.S. §307(B)(4).**

- 4. The appraisal of real property, claims and potential litigation for the real property located at 4014 West Pittsburg Circle, Broken Arrow, Oklahoma, and city infrastructure and possible action in open session, including authorization to negotiate for acquisition and resolving the claims of this real property under 25 O.S. §307(B)(3) and 25 O.S. §307(B)(4).**

After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting and the final decisions if any will be put to a vote. 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 potential litigation and pending claims in the public interest. Also, in the opinion of the City Attorney the Executive Session is necessary to protect the confidentiality of the proposed businesses.

15. Adjournment

NOTICE:

If you wish to speak at this evening's meeting, please fill out a "Request to Speak" form. The forms are available from the City Clerk's table or at the entrance door. Please turn in your form prior to the start of the meeting. Topics are limited to items on the currently posted agenda, or relevant business.

All cell phones and pagers must be turned OFF or operated SILENTLY during meetings.

Exhibits, petitions, pictures, etc., shall be received and deposited in case files to be kept at the Broken Arrow City Hall. If you are a person with a disability and need some accommodation in order to participate in this meeting, please contact the City Clerk at 918-259-2400 Ext. 5418 to make arrangements.

POSTED this ____ day of _____, _____, at _____
a.m./p.m.

City Clerk