



City of Broken Arrow

Minutes
City Council

City Hall
220 S 1st Street
Broken Arrow OK
74012

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

Tuesday, October 18, 2016

Time 6:30 p.m.

Council Chambers

1. Call to Order

Mayor Thurmond called the meeting to order at approximately 6:30 p.m.

2. Invocation

Pastor Rich Manganaro delivered the invocation.

3. Roll Call

Present: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

4. Pledge of Allegiance to the Flag

Councilman Parks led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

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

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.

Move to approve the Consent Agenda

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

- A. 16-1212 Approval of the Special Joint City Council and Broken Arrow Municipal Authority Meeting Minutes of September 27, 2016**
- B. 16-963 Approval of City Council Meeting Minutes of October 4, 2016**
- C. 16-1248 Acceptance of Planning Commission meeting minutes of September 8, 2016**
- D. 16-1180 Approval and authorization to allow two Fire Department employees to apply to and participate on the Oklahoma Taskforce 1 - Urban Search and Rescue Team**
- E. 16-1253 Approval and authorization to execute a Legal Services Agreement with Kiser Law Firm, PLLC for services related to the approval and issuance of General Obligation Bonds in one or more series**
- F. 16-1254 Approval and authorization to execute a Financial Services Agreement with Municipal Finance Services, Inc. for services related to the approval and issuance of General Obligation Bonds**
- G. 16-1280 Approval and authorization to execute Amendment No. 1 to Professional Services Contract with Nicholls Consulting, PLLC for project management assistance, EC160001**
- H. 16-1230 Approval of bids received, award of the lowest responsible bid to A&A Asphalt, Inc., and approval and authorization to execute a construction contract for Fairfax Concrete Repair, Mill and Overlay (Project No. ST1615)**
- I. 16-1235 Approval of bids received and award the lowest responsible bid to Bob Hurley Ford for the purchase of one (1) replacement refuse truck for the Parks Department**
- J. 16-1231 Approval of bids received, award of the lowest responsible bid to H&G Paving Contractors, and approval and authorization to execute a construction contract for Leisure Park I Mill and Overlay (Project No. ST1509A)**
- K. 16-1266 Approval of bids received, award of the lowest responsible bid to 911 Custom, and approval and authorization to purchase police vehicle equipment**
- L. 16-1242 Waiver of formal competitive bidding, and approval and authorization to purchase 27 Taser Conducted Electrical Weapons (CEW's), model X2, with accessories from Taser International, a sole source vendor**

- M. 16-1223 Notification of Change Orders with a value of less than \$25,000 on Public contracts
- N. 16-1270 Notification of Architect-Engineer Agreements and Professional Services Contracts and Amendments with a value of less than \$25,000
- O. 16-1257 Final Acceptance of the public improvements (Water, Sanitary Sewer, Storm Sewer and Paving) for Rib Crib located at 121 West Kenosha Street
- P. 16-1247 Approval of Planned Unit Development (PUD)-161G, Bricktown West Extended, request for a major amendment to PUD-161, 0.87 acres, PUD-161/CG, one-quarter mile east of Olive Avenue, north of Kenosha Street
- Q. 16-1215 Acceptance of a Utility Easement and Temporary Construction Easement conveyed to the City of Broken Arrow a tract of land that is part of Lots Four (4) and Five (5), Block One (1), East Haskell Addition, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof for the 9th Street widening from Elgin to El Paso (Project No. ST1210)
- R. 16-1258 Approval of public easement encroachment release of liability agreement for Robyn L. Green, one-half mile south of Washington Street, one-half mile east of Aspen Avenue at 1503 W. Canton Place
- S. 16-837 Approval of the Broken Arrow City Council Claims List for October 18, 2016

6. Consideration of Items Removed from Consent Agenda

No items were removed from the Consent Agenda. No action was required or taken.

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

A. 16-1267 Presentation, appointment of, and swearing in of the Youth City Council members for the school year 2016 – 2017

Councilman Parks stated that along with the great group selected to comprise the 2016-2017 Youth City Council, he wished to acknowledge Jennifer Hooks, Executive Assistant to the City Manager, who played a key role in tying everything together for the group with respect to the program. He recognized the contribution of Assistant City Manager of Operations Ken Schwab and Director of Development Services Michael Skates in volunteering to speak to students at schools, together with his fellow Youth Council Representative Councilman Eudey. They, with the help of a lot of other people involved, were able to put together a rather large group of promising young people. Councilman Eudey added that it was a great group of young adults. He, along with Councilman Parks, was excited about the possibilities for the coming year with such a wonderful group assembled.

MOTION: A motion was made by Johnnie Parks, seconded by Richard Carter.

Move to accept the group and swear them in as the Youth City Council

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

City Attorney Beth Ann Wilkening administered the oath, which the group swore to or affirmed. The new Youth City Council members received a round of applause. The Mayor congratulated them, saying that it would be a great learning experience for them and that the City Council was looking forward to the group's input.

B. 16-1269 Presentation, discussion, and review of a proposed development for Red Creek Dance Hall and Restaurant located between the Creek Turnpike and Tucson Street, West of Olive Street (Sect. 32, T18N, R14E) in the City limits of Broken Arrow, Oklahoma

City Attorney Beth Ann Wilkening recalled that in August, City staff received a request from Civil Engineer Dave Sanders of Sanders Engineering, Inc. for Legal Department staff to meet with developers in regard to a proposed dance hall and restaurant. Ms. Wilkening informed the Council that the property was owned by Steve Bruner, stating that of the original 160-acre tract, two portions had been removed from restricted status according to the owner. She explained that the first was an area condemned in Federal Court for the Oklahoma Turnpike Authority, and pointed the area out on the map. The second area removed for the allotment was identified on the map as an existing house and driveway, proposed for use as administrative offices. A private wastewater disposal area was removed from Creek-allotted status, as well, which, she was told, was done so that the developer could obtain a mortgage on the property. She and another staff attorney met with Mr. Bruner, Mr. Sanders, and an architect from KKT Architects, Inc. She had since been informed by the architect that he was no longer involved in the project and she had not been provided with the name of a new architect. At the meeting, she was provided with a copy of the document and the idea behind the proposed project. As the discussion advanced, she brought up the subject of gaming since there had been requests for gaming and litigation in connection with an area on the other side of the Creek Turnpike. She subsequently discussed the project in question with City Manager Michael Spurgeon, both agreeing on the importance of transparency and notification of citizens regarding the

property's potential use. Mr. Bruner and Mr. Sanders told her that the primary purpose of the venture was the establishment of a restaurant-bar, a sports bar, or something along those lines. They had not ruled out using it for gaming, however, at some time in the future. She reiterated the City's policy that any gaming would have to go through the appropriate approval procedures, in compliance with the Compact, and that the City wished the project to go forward in accordance with their original, primary purpose. Ms. Wilkening added that the two gentlemen had been invited to the meeting, but apparently the project was still in preliminary design phase and they declined. She believed they would be making an announcement to the public sometime in the not too distant future.

Ms. Wilkening stated that the only issue that would involve the City of Broken Arrow was access off of Olive Street. The two men pointed out that they would not be seeking any sort of access to City utilities, i.e. water, storm water and sanitary sewer would be handled privately, at the allotted tract. The only issue that concerned Mr. Bruner and Mr. Sanders was the access point off Olive Street. Their questions in that regard had to do with safety of the travelling public. She believed their idea was to widen the curb, from an engineering standpoint. She recalled that Mr. Bruner had built a smoke shop previously, and despite the fact that it was located on an allotment, he requested that City officials step in to inspect the construction. He wished to develop the present property in similar fashion, asking the help of City inspectors to assure that the project was in compliance with various Codes. Ms. Wilkening pointed out that fulfilling such a request was not typically, something the City had the ability to do. Questions regarding police and fire protection would arise, but the Muscogee (Creek) Nation Lighthorse Police would have jurisdiction of the area. She believed the Creek Nation did have their own fire service, however, as in the past, she supposed that they could ask for the City's assistance with regard to Emergency Medical Service (EMS). Additionally, she contacted Mr. Jared Cawley a few days prior to the Council meeting, in connection with his involvement in Citizens Against Neighborhood Gaming, letting him know that the matter would be on the City Council meeting agenda. She requested also, that Mr. Bruner contact Mr. Cawley and Rob Martinek as the project proceeded, so they could exchange thoughts in advance. Mr. Bruner replied in an email, that his contract for operation provided that the entirety of the project be conducted in accordance with law, or else be terminated. He reiterated that any gaming whatsoever would be properly handled, in accordance with the Compact and the National Indian Gaming Commission. Mr. Bruner did wish to emphasize to the Council, Ms. Wilkening noted, that his intent was to build a restaurant-bar-dancing facility. She declared that the item before them was actually, not an action item; however, it represented an opportunity to inform the Council and update the public on the project.

Councilman Parks asked for clarification on the map which part of the property is not a part of the allotment. A further review of the map was provided. Ms. Wilkening stated that she had sat down with some staff members of Engineering/Construction that morning and thanked them for their assistance on the proposed development.

The Mayor stated that several citizens had requested to speak with regard to item 7B. He called on Lucian Tiger III of the National Council of the Creek Nation, but received no indication that he was present.

Jared Cawley, 4017 West Utica Street, thanked Ms. Wilkening and the Council for making him aware of the Creek Dance Hall and Restaurant proposal. He stated that he was not opposed to development of a restaurant and sports bar. He saw attracting business to the area as a positive thing. He requested that Mr. Bruner remain upfront and work with them to make sure that he didn't establish gaming which, he felt, would bring undesirable elements into the community. He also wanted to state that lots of people would be watching this particular development and wished to give Mr. Bruner the benefit of the doubt.

Rob Martinek, 1921 South Palm Avenue, expressed his appreciation for the Council, which he held in high esteem, and for Ms. Wilkening and Legal staff, with for the work they put with reference to addressing an illegal casino development a few years back. He recalled that the matter was resolved in a gracious manner. As he understood, the current development was different in that no City services were being requested, other than their review and permit. Mr. Martinek stated that he wished them to know that he was at their service to oppose any future illegal gaming in Broken Arrow. He reported that based on his understanding at the present time, no Bureau of Indian Affairs-sanctioned gaming lease had been issued and no National Indian Gaming Commission license had been granted, pursuant to mandatory agreement with the tribe. Moreover, no approval of gaming on the lands had been approved by the Muscogee Creek Nation. Accordingly, he stated, he and other citizens would keep the Council apprised on the issue, requesting that the Council, in turn, do the same for them. He thanked the City Council and staff again, commenting that he and other citizens enjoyed the fruits of their hard labor.

John Ederer, 1001 North Willow Avenue, remarked that he was coming forward to voice the concerns of close to a thousand residents of Broken Arrow. He explained that he was an Imam of the Islamic Society of Tulsa, and the group had just purchased a plot of land right off Olive Street and the Creek Turnpike, off the east exit on the east side of the street. He indicated on the map where they planned to build their Islamic center. They had visited

and spoken with neighbors there, including representatives of two churches in the vicinity. Their concern was basically, a moral one. While he understood the right of people to frequent establishments that offered alcoholic beverages and dancing, statistically, it was found that DUIs, and other problems relating to alcohol, were higher in the vicinity of such establishments with late hours. They also shared the concern of some other residents about gambling sometime in the future with regard to the site. He stated that the group he represented was opposed to the project but would support the growth and development of a restaurant.

Mayor Thurmond once again called on Mr. Tiger to step forward to address the Council, receiving no answer. Ms. Wilkening said that Mr. Tiger had recently communicated the Creek Nation's stance to her via email and Mr. Tiger had specified that sanctioning of a gaming project had not taken place.

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

No citizens signed up to speak on general topics.

9. General Council Business

A. 16-1274 Consideration, discussion, and possible approval and authorization to execute a First Amendment to Ground Lease between the City of Broken Arrow, the Broken Arrow Economic Development Authority and Stoney Creek Investors of Broken Arrow, L.L.C., successor in interest to Stoney Creek Hospitality Corporation, an Iowa Corporation, for the purpose of correcting the legal description of the Conference/Convention Center

Ms. Wilkening recalled that the City of Broken Arrow and the Broken Arrow Economic Development Authority (BAEDA) entered into a Comprehensive Economic Development Agreement, as well as a Ground lease. They had an opportunity to update the BAEDA agreement with regard to the legal description, but had not yet had an opportunity to do so with regard to the lease. The Legal Department created a First Amendment to Ground Lease and after review, made a few minor revisions before the meeting. It was recommended that Council approve the First Amendment to Ground Lease and authorize its execution.

MOTION: A motion was made by Scott Eudey, seconded by Mike Lester.

Move to approve the First Amendment to Ground Lease and authorize its execution

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

B. 16-1275 Consideration, discussion, and possible approval and authorization to execute an Acknowledgment and Waiver and a Ground Lessor Estoppel Certificate for property leased to Stoney Creek Investors of Broken Arrow, LLC, successor in interest to Stoney Creek Hospitality Corporation, for the Stoney Creek Hotel Conference Center located along West Albany Street between North Elm Place and Lynn Lane across from Bass Pro Outdoor World

Ms. Wilkening stated that it was foreseen that the Stoney Creek Investors of Broken Arrow, LLC would, at some point, need to obtain financing. The original investment by the City, approved by the voters through the General Obligation Bond proceeds to purchase the land, was essentially, an initial step. The second step constituted approximately \$6 million provided through excess Vision sales tax funds, which was utilized to pay for infrastructure and utilities access, especially with regard to extensive site work that had to be done. As they were going through the process of handling the BAEDA Agreement and the Ground Lease, they weighed that in order for Stoney Creek to make the roughly \$26 million investment, some sort of financing was needed. In order to achieve that, the lessee surmised that their lender would, in fact, require some kind of security interest in the land. Ms. Wilkening pointed out that, as Council was aware, typically, a lien could not be placed on City property and so, it would remain in the ownership of the City of Broken Arrow connected, as it were, with General Obligation Bond proceeds. The lender elected to provide a mortgage, specifically referencing the improvements. Ms. Wilkening explained that they were considering two documents: a Ground Lessor Estoppel Certificate and an Acknowledgement and Waiver, both approved by the attorneys for Stoney Creek Investors. The Legal Department made a few changes to the Estoppel since apparently, their lender had an opportunity to review the documents and wanted a few revisions, which the Legal Department then incorporated. Ms. Wilkening stated that action on the part of Council and BAEDA with regard to the Estoppel Certificate, would allow them to move forward with obtaining financing. She added that things were moving along very nicely at the project site and it was a great investment for Broken Arrow. It was requested that Council approve the Acknowledgement and Waiver and the Ground Lease Estoppel Certificate and authorize their execution.

MOTION: A motion was made by Richard Carter, seconded by Johnnie Parks.
Move to approve the Acknowledgement and Waiver and the Ground Lease Estoppel Certificate and authorize their execution

Aye: 5 - The motion carried by the following vote:
Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

C. 16-1246 **Consideration, discussion, and possible approval of Comprehensive Plan Change request, BACP-155, Indian Springs Elementary Site, 10.66 acres, Public/Semi-Public to Level 3, one-half mile south of Jasper Street, one-quarter mile east of Aspen Avenue**

Development Services Director Michael Skates explained that the item was a request to change the Comprehensive Plan on approximately 10.6 acres of unplatted land from Public/Semi-Public designation to Level 3, Transition Area for office neighborhood, or "ON". The property was currently zoned R2, and had been in use by Broken Arrow Public School System since 1972, as Indian Springs Elementary School. However, Mr. Skates related, three years back the School site was vacated due to location issues and lack of acreage. In addition, the current Comprehensive Plan restricted the use of potential buyers of the property. The applicant was requesting to change the Comprehensive Plan to increase marketability of the property. Upon approval of the change, the applicant proposed to rezone the property through the planned unit development (PUD) process for office use only. Mr. Skates reported that Derek Blackburn, Executive Director of Support Services Broken Arrow Public Schools, was on hand, if the Council had any questions. He added that the property was being looked at by a start-up company, working with the Schools in connection with safety services, local schools, and law enforcement. He recalled that at the September 22nd Planning Commission's meeting with the Council, BACP-155 was approved by the Commission for office use subject to platting and future rezoning. It was recommended that Council approve BAC-155, subject to the property being platted and all future rezoning applications being considered for office use only, through the PUD process.

MOTION: A motion was made by Mike Lester, seconded by Scott Eudey.
Move to approve BACP-155 subject to the property being platted, and all future rezoning application be considered for office use only, through the PUD process

Aye: 5 - The motion carried by the following vote:
Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

D. 16-1241 **Consideration, discussion, and possible approval and authorization to execute Resolution No. 943, a resolution regarding the adoption of the "GO Plan" as a part of the City of Broken Arrow Comprehensive Plan**

Brent Murphy, Senior Planner for the City of Broken Arrow, said that before the Council was a request to approve Resolution No. 943, regarding adoption of the GO Plan, as part of the City's Comprehensive Plan. Mr. Murphy related that the GO Plan was developed over 18 months and back in 2014-2015 it was adopted by the Indian Nations Council of Governments (INCOG) Transportation Policy Committee, and endorsed by the INCOG Board of Directors. Included in the Council's packet on the item was an individual tear-out section for Broken Arrow, as developed by the GO Plan. Mr. Murphy stated that INCOG staff requested that the GO Plan be considered as part of an amendment to the Broken Arrow Comprehensive Plan, so that projects identified for development/construction within the City limits could go forward with respect to funding. It was reviewed by the Planning Commission on September 22nd when the Commission recommended its approval, unanimously. He pointed out that implementation was already taking place, referring back to Parks and Recreation Director Scott Esmond's presentation on trail projects at a recent Council meeting. He added that Jennifer Haddaway, Transportation Resource Center Coordinator of INCOG was present, to assist in answering any questions the Council might have. It was recommended that Council adopt Resolution No. 943.

Mayor Thurmond observed that it was a great plan serving to develop alternative forms of transportation, bike trails, and human powered vehicles. Councilman Eudey commented that he was excited about the opportunity to increase opportunities for citizens to engage in physical exercise, while seeing parts of the City new to them through the trail system.

MOTION: A motion was made by Johnnie Parks, seconded by Mike Lester.
Move to approve Resolution No. 943 and authorize its execution

Aye: 5 - The motion carried by the following vote:
Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

E. 16-1251 **Consideration, discussion, and possible approval and authorization to execute Resolution No. 945, a resolution fixing the amount of Series 2016D bonds to mature each year, Fixing the time and place the bonds are to be sold and authorizing the Clerk to give notice of said sale as required by law; Approving the Preliminary Official Statement pertaining to said bonds; and approving a Legal Services agreement and a Financial Advisor Services agreement and containing other provisions with respect to the issuance of General Obligation Bonds**

Finance Director Tom Caldwell recalled that two weeks before, the Council reviewed a list of projects to be sold from the 2014 authorization of General Obligations Bonds voted on by the public. The total amount of the Bond sale would be \$18,720,000, and would cover various projects ranging from streets to quality of life/parks. Mr. Caldwell stated that the Resolution in question set the time and place of the sale, required that notice of the sale be given by the City Clerk, and authorized legal and financial advisory services, as well as any other professional services, required to complete the transaction. He noted that the projects listed in the attachment provided to the Council were the same projects approved by them two weeks before.

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.

Move to approve Resolution No. 945 and authorize its execution

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

F. 16-1261

Consideration, discussion, and possible approval and authorization to execute Resolution No. 947, a resolution of the Broken Arrow City Council approving, authorizing and accepting a contract for sale of real estate for real property located at 221 North 9th Street, Broken Arrow, Oklahoma 74012; approving and authorizing purchase of real estate pursuant to the contract for sale of real estate; and authorizing the City of Broken Arrow's expenditure of the sum of \$110,000.00 to effect such purchase, as well as reasonable and necessary costs; designating representatives of the City of Broken Arrow, Oklahoma, for purposes of granting certain approvals and executing certain instruments as required under and in connection with said contract for sale of real estate; and containing other provisions relating thereto (9th Street widening project-Elgin to El Paso)

Ms. Wilkening stated that acquisition of the particular parcel of land covered under the Resolution would provide additional access and parking for condominiums presently located on North 9th Street. She wished to personally thank Engineering/Construction staff for their diligent work in addressing a challenging situation, as well as Mr. Cook for his willingness to enter into discussion with the City to solve the parking and right-of-way issues. The Legal Department agreed to the terms and was prepared to move forward with closure. It was requested that Council approve the Resolution and authorize its execution.

MOTION: A motion was made by Mike Lester, seconded by Scott Eudey.

Move to approve Resolution No. 947 and authorize its execution

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

G. 16-1238

Consideration, discussion, and possible approval to reschedule the November 15, 2016, Broken Arrow City Council meeting from Tuesday, November 15, 2016, to Monday, November 7, 2016, due to Council members attending the National League of Cities Annual Conference in Pittsburgh, Pennsylvania

Assistant City Manager of Administration Russell Gale stated that the item was self-explanatory, given that it appeared that the National League of Cities Annual Conference in Pittsburgh was in conflict with the November 15th City Council meeting.

MOTION: A motion was made by Scott Eudey, seconded by Johnnie Parks.

Move to reschedule the November 15, 2016 City Council meeting to Monday, November 7, 2016

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

H. 16-1243

Consideration, discussion, and possible approval of the 2017 Calendar Year Schedule of Regular Meetings for the City Council

City Clerk Lisa Blackford stated that the 2017 schedule of regular City Council meetings was being presented for consideration. The meetings would take place, as previously, on the first and third Tuesdays of the month, with the exception of June 2017, when Council meetings were scheduled for the first and third Mondays, and first July 2017 meeting, scheduled for Monday, July 3.

MOTION: A motion was made by Scott Eudey, seconded by Richard Carter.

Move to approve the 2017 Calendar Year City Council Schedule of Regular Meetings

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

10. Preview Ordinances

No preview ordinances were considered. No action was required or taken.

11. Ordinances

No ordinances were considered. No action was required or taken.

12. Remarks and Inquiries by Governing Body Members

There were no remarks or inquiries by governing body members.

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

Mr. Gale stated that he had one item to share. As the Council was aware, City Manager Michael Spurgeon had been conducting a search for a new Human Resources Director. Mr. Gale reported that the week before, Mr. Spurgeon selected longtime Human Resources staff member Janette McCormick. An employee of the City for 20 years, having served as interim Director of Human Resources for a period previously, they were thrilled to have her formally as Department Director.

Mayor Thurmond entertained a motion to recess at approximately 7:15 p.m., in order to enter into the Broken Arrow Municipal Authority and the Broken Arrow Economic Development Authority meetings, prior to the Executive Session.

MOTION: A motion was made by Mike Lester, seconded by Scott Eudey.

Move to recess in order to enter into the Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority meetings

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

Mayor Thurmond reconvened the regular Council meeting at approximately 7:36 p.m. and entertained a motion for a brief recess prior to entering into Executive Session.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.

Move to recess prior to entering into the Executive Session

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

Mayor Thurmond reconvened the regular Council meeting at approximately 7:42 p.m. and asked for a motion to clear the room and enter into Executive Session.

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.

Move to enter into the Executive Session

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

14. Executive Session

Executive Session for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney, on matters pertaining to potential litigation and claims regarding public improvements and infrastructure, specifically the retaining wall on real property located on the North side of Tiger Hill (on the Southwest corner of Lynn Lane and Kenosha), and taking appropriate action in open session including direction to initiate claims or suit and settlement authority all under 25 O.S. § 307(B)(4).

At approximately 7:58 p.m., Mayor Thurmond reconvened the regular session of the City Council meeting and the room was opened to the public.

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.

Move to find that the Executive Session was necessary to process the pending claims and potential litigation in the public interest

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.

Move to authorize the City Manager to proceed with pre-suit mediation in accordance with Council direction

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

15. Adjournment

The meeting adjourned at approximately 7:59 p.m.

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.

Move to adjourn

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

Attest:

Mayor

City Clerk