



## City of Broken Arrow

### Minutes City Council

Council Chambers  
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*

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Tuesday, August 18, 2015

6:30 PM

Council Chambers

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**1. Call to Order**

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

**2. Invocation**

Minister Tim Pyles delivered an invocation.

**3. Roll Call**

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

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

Vice Mayor Richard Carter led the Pledge of Allegiance to the Flag.

**5. Consideration of Consent Agenda**

Mayor Thurmond asked if there were any items to remove 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 as presented**

The motion carried by the following vote:

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

- A. 15-302 Approval of Council minutes of August 4, 2015**
- B. 15-319 Approval of Earth Change Pay Request Number 1 for Tri-Star Construction, LLC through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center**
- C. 15-318 Approval of and authorization to execute a Professional Consultant Services agreement with Cowan Group Engineering for a Traffic Impact Analysis (TIA), in association with construction of the Stoney Creek Hotel and Conference Center and other development in the area, located in the Northwest Quarter (NW/4) of Section Two (2), Township Eighteen (18) North, Range fourteen (14) East, Tulsa County, State of Oklahoma. (Project: Hotel-Conference Center)**
- D. 15-294 Approval of and authorization to execute an Interlocal Agreement concerning road repair and maintenance between the City of Broken Arrow and Wagoner County**
- E. 15-303 Approval of and authorization to purchase two ½ ton crew cab pickups from John**

**Vance Motors pursuant to the State of Oklahoma vehicle contract**

- F. 15-298 **Review of bids received, award of the most advantageous bid to Storey Wrecker, and approval of and authorization to execute a contract for wrecker services**
- G. 15-324 **Review of bids received, award of the most advantageous bid, and authorization to execute a construction contract for Fire Station No. 1 Mold Remediation and Build Back**
- H. 15-297 **Acceptance of a Utility Easement from Georgeanna Brown Thomas and Trust Company of Oklahoma, as Co-Trustees of the Wanda M. Brown Revocable Trust, U/T/A Dated December 8, 1983, and Georgeanna Brown Thomas and Roger L. Thomas, husband and wife, and Lynn Lane Terrace, LLC, an Oklahoma limited liability company, Lot 1, Block 2 of Lynn Lane Terrace Amended, an Addition to the City of Broken Arrow, located north of Kenosha Street and west of Lynn Lane Road, Broken Arrow, Tulsa County, State of Oklahoma (Section 02, T18N, R14E)**
- I. 15-331 **Approval of the Claims List**

**6. Consideration of Items Removed from Consent Agenda**

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

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

There were no Public Hearings, Appeals, Presentations, Recognitions or Awards.

- A. 15-321 **Presentation by Dan Berg of Ford Audio providing an overview of the upcoming audio and video improvement project for the City Council Chambers**

Mayor Thurmond said that the presenter for this item could not attend the Council meeting and he asked for a motion to table the item until the next meeting.

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

**Move table item 7A until the Council meeting of September 1st**

The motion carried by the following vote:

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

**8. Citizens' Opportunity to Address the Council on General Topics**

Mr. Richard Pisaturo of Broken Arrow addressed the Council on the subject of continuing issues with commercial vehicles that were being parked on the neighborhood streets in the Wolf Creek Subdivision. He said that three different commercial vehicle owners had been cited as many as six times each. He said there was no system in place to escalate the citations. He gave an example of the distance between two commercial vehicles showing that fire trucks would only have a twelve inch easement to pass between the vehicles.

No Action was required or taken.

**9. General Council Business**

- A. 15-246 **Consideration, discussion and possible approval of Resolution No. 888, a Resolution approving the Fiscal Year 2015-2016 Manual of Fees, establishing fees and costs charged by the City of Broken Arrow; authorizing the periodic adjustment of these fees by the City Manager; and providing an effective date of September 1, 2015**

City Attorney, Ms. Beth Anne Wilkening, reminded the Council that last year was the

first year that the Manual of Fees was utilized. She said the purpose behind the manual was to collect all the fees that had been located in all the Ordinances and put them in one place. Ms. Wilkening said the intended result was to provide a more citizen friendly access to all fees for various services provided by the City. She said that the plan had been to return annually to Council to make adjustments. Ms. Wilkening drew the Council's attention to the utility rate increases that had been discussed during the budget review. She said the 2016 Manual of Fees included a water rate increase of ten percent, a sewer rate increase of twelve percent, and a stormwater rate increase of five percent. Ms. Wilkening said that the Manual of Fees would go into effect on September 1, 2015. She said the rate increases would be reflected on the October billing cycle. Ms. Wilkening said the LifeRide charges would also be reflected in the Manual of Fees along with various services fees. She said that it was originally contemplated that the fees be tied to the price index or some other appropriate index that would allow for inflation, however, that was not done this year due to the recommendation of the Fiscal Sustainability Committee.

MOTION: A motion was made by Johnnie Parks, seconded by Mike Lester.

**Move to approve Resolution 888 and authorize its execution**

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

B. 15-339

**Consideration, discussion and possible approval of submitting an application to the Tulsa County Vision Authority for Vision 2025 funding for improvements in the Rose District and Central Park**

Acting City Manager, Mr. Russell Gale, reminded the Council that in November of 2014 the Tulsa Vision Authority determined that there would be \$45,000,000.00 in excess Vision 2015 sales tax receipts and that the Broken Arrow share of that excess would be approximately \$19.6 million. He said those funds would be broken down into three project categories. Mr. Gale said that earlier this year the City submitted an application that was approved for a contract that would utilize the proposition 3 funds totaling, \$7.1 million, for improvements and the construction of the Stoney Creek Conference Center. He said proposition 4 is funding that can be used for capital related to community enrichment which totals approximately \$3.7 million. Mr. Gale said that it was staff's recommendation that roughly \$11.2 million of the proposition 4 funding be used for improvements in the Rose District which includes the following improvements

1. Rose District Gateway at Kenosha and Main Street - \$250,000
2. Zero Grade Fountain at the Farmer's Market - \$750,000
3. Streetscapes from Dallas south to Ft. Worth and College north to Detroit \$3,000,000
4. Architectural Services for the design of the BA Creative Arts Center - \$650,000
5. Enhanced Special Event Electrical Distribution System at Central Park - \$300,000
6. Intersection improvements at Ash and El Paso - \$50,000

Mr. Gale said these improvements would total an estimated \$5,000,000. He said staff proposed that the City apply for \$3,687,500 in Vision 2025 funds to assist in the completion of the improvements. He added that in next month's Council meeting there would be a proposal to approve the sale of \$1.3 million in General Obligation Bonds that the public approved in 2014. Mr. Gale said construction is estimated to begin soon after the first of 2016.

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

**Move to authorize the staff to submit an application to the Tulsa County Vision Authority to seek funding for improvements to the Rose District and Central Park**

The motion carried by the following vote:

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

**C. 15-323 Consideration, discussion and possible direction for Staff to prepare an amendment to Section 2-151 of the Broken Arrow Code of Ordinances regarding Attendance and specifically expanding the approved list of city holidays by adding Christmas Eve**

Assistant City Manager, Mr. Jeff Jenkins, gave the Council an overview of the functions and objectives of the Employee Advisory Committee (EAC) as outlined in the fact sheet for this item. He said in the interest of promoting productivity the EAC recommended, through the Idea of the Month program, to add Christmas Eve to the approved list of city holidays. He said the recommendation was based on the following points:

1. A survey of eleven cities throughout the State of Oklahoma found that a majority had Christmas Eve as an approved holiday
2. Low call volumes on Christmas Eve
3. Overall little to no impact upon customer service

Mr. Jenkins told the Council that the proposed holiday was approved by the Acting City Manager. He said this change would require the Legal Department to add this holiday to Section 2-151(e) of the Broken Arrow Code and for the Council to adopt these changes in the amended Ordinance. The Council expressed their approval of this idea as appropriate and deserving for the City staff.

MOTION: A motion was made by Johnnie Parks, seconded by Mike Lester.

**Move Direct Staff to prepare an amendment to Section 2-151 of the Broken Arrow Code to include Christmas Eve to the approved list of City holidays**

The motion carried by the following vote:

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

**10. Preview Ordinances**

**A. 15-267 Consideration, discussion and possible preview of an Ordinance annexing property located in the West Half of the Northwest Quarter of the Northwest Quarter (W/2 NW/4 NW/4) of Section Nine (9), Township Seventeen (17) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, and generally located on the Southeast corner of 131st Street and 129th East Avenue (Olive) and being adjacent to and abutting 131st Street and 129th Street East Avenue (Olive), repealing all ordinances to the contrary; and declaring an emergency**

Ms. Wilkening said on August 4, 2015 the Council approved the Amended Legal Notice of Annexation that was then published as required law and followed by legal mailings of notification. She said the annexation regarded a track of land that was undeveloped and zoned agricultural. Ms. Wilkening said the plan was to demolish any current structures on the property and have the property rezoned to heavy commercial. She said a public hearing would be held at the next Council meeting regarding the development of this property and rezoning would be established with the Ordinance up for adoption at the time.

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

**Move to preview the Ordinance and set for adoption**

The motion carried by the following vote:

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

**CONSIDERATION, DISCUSSION AND POSSIBLE PREVIEW OF AN ORDINANCE OF THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN SAID CITY OF BROKEN ARROW, STATE OF OKLAHOMA, ON THE 10TH DAY OF NOVEMBER, 2015, FOR THE PURPOSES OF SUBMITTING TO THE REGISTERED, QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVING OR REJECTING ORDINANCE NO. \_\_\_\_\_ OF THE CITY OF BROKEN ARROW, OKLAHOMA, LEVYING AND ASSESSING A SALES TAX OF THREE TENTHS OF ONE PENNY (\$0.003) IN ADDITION TO PRESENT CITY AND STATE SALES TAX UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TO ANY PERSON TAXABLE UNDER THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED SALES LISTED THEREIN; PROVIDING FOR THE PURPOSE OF THE THREE TENTHS OF ONE PENNY (\$0.003) TAX TO BE USED TO THE EXTENT FEASIBLE FROM THE REVENUES GENERATED HEREBY, FOR THE PURPOSES OF STAFFING OF ADDITIONAL POLICE AND FIREFIGHTING/EMERGENCY MEDICAL SERVICES PERSONNEL, ACQUISITION AND REPLACEMENT OF POLICE AND FIRE DEPARTMENT VEHICLES, FIRE TRUCKS, APPARATUS AND AMBULANCES, AND ACQUISITION AND REPLACEMENT OF EQUIPMENT FOR POLICE AND FIREFIGHTING/EMERGENCY MEDICAL SERVICES PERSONNEL AND FOR SUCH OTHER LAWFUL PURPOSES AS SPECIFIED HEREIN; TO BECOME EFFECTIVE ON THE 1ST DAY OF JANUARY, 2017, FROM THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED EXEMPTIONS LISTED THEREIN; PROVIDING FOR THE ADMINISTRATION AND COLLECTION OF TAX; REQUIRING THE FILING OF RETURNS; PROVIDING FOR INTEREST AND PENALTIES AND FOR FAILURE TO PAY TAX WHEN DUE; PROVIDING FOR TAXPAYER TO KEEP RECORDS; REQUIRING VENDORS TO COLLECT TAX FROM PURCHASER AT THE TIME OF SALE; ESTABLISHING LIENS; AUTHORIZING THE CITY COUNCIL TO MAKE ADMINISTRATIVE AND TECHNICAL CHANGES AND ADDITIONS EXCEPT TAX RATE; MAKING THE TAX CUMULATIVE; AMENDING SECTION 22-15 OF CHAPTER 22 OF THE CODE OF ORDINANCES TO ADD A PERMANENT TAX FOR PUBLIC SAFETY PURPOSES; REQUIRING APPROVAL OF ORDINANCE BY MAJORITY OF REGISTERED VOTERS VOTING AT AN ELECTION HELD FOR SUCH PURPOSES AS PROVIDED BY LAW; FIXING EFFECTIVE DATE; AND PROVIDING FOR THE SEVERABILITY THEREOF.**

Ms. Wilkening said that typically when the Council adopts Ordinances for General Obligation Bond issues the Ordinances are not set for preview; they are sent directly for adoption. She said that in this case, because this will be the first sales tax initiative since 1979, the Acting City Manager thought it would be prudent to put it on for preview. She said she had submitted her draft to the Bond Counsel and comments had been received and reviewed. Ms. Wilkening said that while it was thought that representing the initiative in terms of pennies would have been clearer to the public, the Bond Counsel required the initiative be expressed in percentages. Ms. Wilkening reviewed the specifics of the Ordinance. She explained that the Ordinance would create a public safety fund and would be separate from the General Fund. Ms. Wilkening said the Ordinance would be subject to the approval of the majority of the voters and would become effective on the first day of January 2017 if it were approved. She said the purpose of the fund would be for increasing personnel in the fire and police departments, as well as provide for safety equipment and vehicles. She said it had been drafted in such a way as to allow this Council and future Councils the latitude to apply to the funds to the best use.

Councilor Scott Eudey said the he preferred the amount of the initiative expressed as a percentage of a penny and ask if that could also be included in the Ordinance. Ms. Wilkening said that the Bond Counsel required that the increase be expressed the format of tax percentage but that the penny amount could be used in the materials provided to the public.

Councilor Mike Lester asked for clarification of the term “Bond issue” used during the discussion saying that this item was a sales tax. Ms. Wilkening corrected the language used in the discussion saying that indeed it was a permanent sales tax initiative that was the subject of the Ordinances under preview.

Councilor Johnnie Parks asked for clarification saying regardless of how the Ordinance was structured for police or fire or what flexibility was intrinsic in the Ordinance, all of the funds would be dedicated to public safety. Ms. Wilkening confirmed that was true.

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

**Move to preview the Ordinance and set for adoption**

The motion carried by the following vote:

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

**C. 15-337**

CONSIDERATION, DISCUSSION AND POSSIBLE PREVIEW OF AN ORDINANCE OF THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN SAID CITY OF BROKEN ARROW, STATE OF OKLAHOMA, ON THE 10TH DAY OF NOVEMBER, 2015, FOR THE PURPOSES OF SUBMITTING TO THE REGISTERED, QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVING OR REJECTING ORDINANCE NO. \_\_\_\_\_ OF THE CITY OF BROKEN ARROW, OKLAHOMA, LEVYING AND ASSESSING A SALES TAX OF TWENTY-FIVE HUNDREDTHS OF ONE PENNY (\$0.0025) IN ADDITION TO PRESENT CITY AND STATE SALES TAX UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TO ANY PERSON TAXABLE UNDER THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED SALES LISTED THEREIN; PROVIDING FOR THE PURPOSE OF THE TWENTY-FIVE HUNDREDTHS OF ONE PENNY (\$0.0025) TAX TO BE USED TO THE EXTENT FEASIBLE FROM THE REVENUES GENERATED HEREBY, FOR THE PURPOSES OF IMPROVING, CONSTRUCTING AND MAINTAINING CITY STREETS, SIDEWALKS, AND RELATED STORMWATER IMPROVEMENTS, ACQUISITION AND REPLACEMENT OF MACHINERY, EQUIPMENT AND MATERIALS FOR THE PURPOSE OF IMPROVING, CONSTRUCTING AND MAINTAINING CITY STREETS, SIDEWALKS AND RELATED STORMWATER APPURTENANCES, AND ACQUISITION OF NECESSARY RIGHT-OF-WAY AND EASEMENTS FOR THE IMPROVEMENT, CONSTRUCTION AND MAINTENANCE OF CITY STREETS, SIDEWALKS AND RELATED STORMWATER APPURTENANCES, AND FOR SUCH OTHER LAWFUL PURPOSES AS SPECIFIED HEREIN; TO BECOME EFFECTIVE ON THE 1ST DAY OF JANUARY, 2017, FROM THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED EXEMPTIONS LISTED THEREIN; PROVIDING FOR THE ADMINISTRATION AND COLLECTION OF TAX; REQUIRING THE FILING OF RETURNS; PROVIDING FOR INTEREST AND PENALTIES AND FOR FAILURE TO PAY TAX WHEN DUE; PROVIDING FOR TAXPAYER TO KEEP RECORDS; REQUIRING VENDORS TO COLLECT TAX FROM PURCHASER AT THE TIME OF SALE; ESTABLISHING LIENS; AUTHORIZING THE CITY COUNCIL TO MAKE ADMINISTRATIVE AND TECHNICAL CHANGES AND ADDITIONS

EXCEPT TAX RATE; MAKING THE TAX CUMULATIVE; AMENDING SECTION 22-16 OF CHAPTER 22 OF THE CODE OF ORDINANCES TO ADD A PERMANENT TAX FOR STREETS AND STORMWATER PURPOSES; REQUIRING APPROVAL OF ORDINANCE BY MAJORITY OF REGISTERED VOTERS VOTING AT AN ELECTION HELD FOR SUCH PURPOSES AS PROVIDED BY LAW; FIXING EFFECTIVE DATE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ms. Wilkening said this item was a sales tax initiative for road repairs and the improvement of traffic conditions in the City. She said the original intent of the initiative had been to provide general repairs to existing streets but the Bond Counsel recommended that the Ordinance be written in fairly broad terms because there could be unforeseen circumstances, such as severe weather, that could impact the type of repairs that roads might require. She added that pursuant to a public meeting there were suggestions to add public sidewalks and that needed to be accommodated and then references to stormwater were determined to be necessary as during street repairs stormwater elements are often integral.

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

**Move to preview the Ordinance and set for adoption**

The motion carried by the following vote:

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

**11. Ordinances**

**A. 15-295**

**Consideration, discussion and possible adoption of Ordinance No. 3358, an Ordinance closing a utility easement on property located on the westerly portion of Lot 1, Block 4, Berwick on Cedar Ridge, Blocks 2, 3, 4, 5, and 6, a subdivision in the City of Broken Arrow, Tulsa County, Oklahoma, generally located east of Mingo Road and one-quarter mile north of Florence Street; repealing all ordinances to the contrary; and declaring an emergency**

Ms. Wilkening said this Ordinance was previewed at the previous meeting and remains in the same form. She said staff recommends adoption and approval of the emergency clause.

MOTION: A motion was made by Johnnie Parks, seconded by Mike Lester.

**Move to adopt Ordinance 3358**

The motion carried by the following vote:

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

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

**Move to approve the emergency clause**

The motion carried by the following vote:

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

**B. 15-304**

**Consideration, discussion and possible adoption of Ordinance No. 3359, an Ordinance amending the Broken Arrow Code of Ordinances by amending Chapter 24, Water, Sewers and Sewage Disposal, Article VII Sewer services charges and rates; Section 24-704, Rates for sanitary sewer service established, deleting the reference to cost per 1,000 gallons, repealing all ordinances to the contrary; and declaring an emergency**

Ms. Wilkening said this Ordinance references the Manual of Fees and removes the section that provides the specific dollar amount per 1,000 gallons for sewer.

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

**Move to adopt Ordinance 3359**

The motion carried by the following vote:

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

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

**Move to approve the emergency clause**

The motion carried by the following vote:

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

## 12. Remarks and Inquiries by Governing Body Members

There were no remarks by Governing Body Members.

## 13. Remarks by Acting City Manager

There were no remarks by the Acting City Manager.

Mayor Thurmond asked for a motion to recess in order to enter into the Broken Arrow Municipal Authority and the Broken Arrow Economic Development Authority meetings.

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

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

The motion carried by the following vote:

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

Mayor Thurmond reconvened the regular Council meeting at approximately 7:08 p.m. and asked for a motion to recess prior to entering into the Executive Session.

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

**Move to take a recess prior to entering Executive Session**

The motion carried by the following vote:

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

Mayor Thurmond reconvened the Council meeting at 7:13 p.m. asked for a motion to enter into the Executive Session.

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

**Move to enter Executive Session**

The motion carried by the following vote:

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

## 14. Executive Session

**Executive Session for the purpose of confidential communications between the Broken Arrow City Council, the Acting City Manager and the City Attorney, and possible action in open session on matters pertaining to potential litigation and/or claims regarding public improvements and infrastructure, including 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 under 25 O.S. §307(B)(4); and possible action on a pending litigation offer of settlement and taking appropriate action in open session in Green Acre Sod Farm v. City of Broken Arrow, a pending tort claim, under 25 O.S. §307(B)(4).**

**In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to process the pending claim and 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.**

At approximately 7:54 p.m., Mayor Thurmond reconvened the regular session of the City Council meeting and the room was opened to the public. The Mayor asked if there was a motion.

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 litigation and the potential claims in the public interest**

The motion carried by the following vote:

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

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

**Move to direct staff to further investigate potential issues with the block wall on Tiger Hill and to present proposals for additional action at a future City Council meeting**

The motion carried by the following vote:

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

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

**Move to authorize the City Attorney to make a counter- offer of settlement in the claim filed by Robert Cook's Green Acres Sod Farm**

The motion carried by the following vote:

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

#### **15. Adjournment**

The meeting adjourned at approximately 7:56 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, and Craig Thurmond

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk