

## CITY COUNCIL SPECIAL SESSION MINUTES

March 3, 2015

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session at 5:30 p.m. in the Municipal Building Conference Room on the 3rd day of March, 2015, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Allison, Castleberry, Heiple, Holman, Jungman, Lang, Miller, Williams and Mayor Rosenthal
ABSENT:	None

Item 2, being:

DISCUSSION REGARDING THE HIGHWAY 9 IMPROVEMENT PROJECT, MORE SPECIFICALLY, ACCESS POINTS TO THE BELLATONA ADDITION JUST EAST OF 36<sup>TH</sup> AVENUE S.E.

Mr. Shawn O'Leary, Public Works Director, said the Oklahoma Department of Transportation (ODOT) has a long term plan to systematically widen over 13 miles of State Highway 9 East (SH-9E) from the end of the current four (4) lane highway just west of 24<sup>th</sup> Avenue S.E. to the east Norman City limits and beyond. The project, funded by ODOT, will be completed in phases beginning at the west end and continuing to the east and will take several years to complete. Mr. O'Leary said the first phase of the highway widening is currently under construction and includes the area from just west of 24<sup>th</sup> Avenue S.E. to just east of 36<sup>th</sup> Avenue S.E.

Mr. O'Leary highlighted the current project timeline as follows:

- July 21, 2012: Council approved Contract No. K-1213-38 with ODOT for the right-of-way (ROW) and public utility and encroachment agreement for the project. As part of the agreement, the City was responsible for \$25,196.50, or 10% of the utility relocation cost in advance of the highway construction.
- August 27, 2013: Council approved the revised preliminary plat for Bellatona Addition, generally located on the north side of SH-9E and east of 36<sup>th</sup> Avenue S.E. The plat includes 692 residential lots with open space and six (6) commercial lots. Mr. O'Leary said none of the commercial lots will have access to SH-9E, but will access 36<sup>th</sup> Avenue S.E. The developer was required to complete a detailed traffic impact analysis (TIA) and pay \$150,000 to cover 100% of the traffic improvements.
- July 7, 2014: Construction began on the SH-9E project from 24<sup>th</sup> Avenue S.E. to 36<sup>th</sup> Avenue S.E., a \$9.5 million construction project, which was awarded to Allen Contracting of Oklahoma City. The project includes widening from two (2) lanes to four (4) lanes with a center median from 1,300 feet west of 24<sup>th</sup> Avenue S.E. to 1,300 feet east of 36<sup>th</sup> Avenue S.E.; storm water improvements; replacement of traffic signals at the intersections of 24<sup>th</sup> Avenue S.E., Technology Place, and John Saxon Boulevard; and a new traffic signal at the intersection of SH-9E and 36<sup>th</sup> Avenue S.E. This project is scheduled to be completed by April, 2015.
  - ❖ The Bellatona Addition will have access to 36<sup>th</sup> Avenue S.E. as well as SH-9E. The developer, Bellatona Development, L.L.C., was required to complete a TIA to evaluate the peak hour traffic conditions. Based on the TIA, the addition is expected to generate 10,746 trips per day at full build-out. The TIA recommended signalization of the intersection at 36<sup>th</sup> Avenue S.E. and SH-9E as well as an opening in the center median of SH-9E into Bellatona Addition.
  - ❖ ODOT had completed the design of the current phase of SH-9E before the TIA for Bellatona Addition was completed; therefore, the median opening on SH-9E was not included in the original project plan or the construction contract with Allen Construction.
- August 20, 2014: Bellatona Development, L.L.C., requested a median opening on the SH-9E project and at the developer's request, City Staff facilitated a discussion with ODOT officials during the summer of 2014, regarding the design and financing for a median opening into the Bellatona Addition. ODOT officials will allow the median opening if the City will enter into an agreement with ODOT for the change to the SH-9E project and if the City pays the estimated \$82,367.50 in project costs. In turn, the City has negotiated with Bellatona Development, L.L.C., to pay all project costs.

Item 2, continued:

Mr. O'Leary said a contract has been prepared establishing the roles and responsibilities of ODOT, the City of Norman, and Bellatona Development, L.L.C. If Council approves the contract, Bellatona Development, L.L.C., will submit the cost of the improvements, \$82,367.50, to the City of Norman and, subsequently, the City will enter into an agreement with ODOT to transfer the funds to ODOT. ODOT is unable to receive funds from a private entity; therefore, the City would act as a pass-through agency and transfer the funds to ODOT when requested. Bellatona Development, L.L.C., is responsible for all costs associated with the improvements.

Councilmember Holman thought the preliminary plat initially included a right in/right out entrance so that vehicles could turn west onto SH-9E from Bellatona Addition, as well as turn into Bellatona Addition from SH-9E and Mr. O'Leary said there had not been a negotiated open median when Council approved the initial preliminary plat. Mr. O'Leary said Staff acknowledged the TIA completed by the private traffic engineers who stated in the future, at full build-out, a full access to Bellatona Boulevard would be necessary. It is not just a benefit or an advantage because one full access at 36<sup>th</sup> Avenue S.E. could not support the development. He said in reality, this median opening is way ahead of when it is actually needed, but now is the time to build it, during the SH-9E construction. He said Staff has always supported, and now recommends, the open median concept if ODOT would approve a design that met highway safety standards.

Mr. Scott Sturtz, City Engineer, highlighted the specifics for the Bellatona Addition entry and median opening. He said there will be a signalized intersection at SH-9E and 36<sup>th</sup> Avenue S.E., which will handle the traffic flow from Bellatona Addition as well as Summit Valley Addition. The Bellatona Addition entrance is 1,300 feet (approximately one-quarter of a mile) east of the SH-9E and 36<sup>th</sup> Avenue S.E. signalized intersection and has been determined by ODOT as a safe distance. He said the design allows a 250 foot "stacking" zone on SH-9E, west of the Bellatona Addition entrance, which will allow approximately 10 vehicles. The design also allows a 100 foot "transition" zone on the west side of the 250 foot stacking zone, which is designed to meet all current rules and regulations.

Councilmember Castleberry asked if the median will be striped or raised and Mr. Sturtz said it is a raised, landscaped, curb median. Mr. O'Leary said it will compare to the Flood Street median opening just north of Robinson Street. Councilmember Castleberry asked the length of the raised median and Mr. Sturtz said it will go from 24<sup>th</sup> Avenue S.E. to 48<sup>th</sup> Avenue S.E.

Councilmember Lang asked at what point will the SH-9E and Bellatona Boulevard (entrance) intersection require a signal and Mr. Angelo Lombardo, Transportation Engineer, said the TIA concluded that particular intersection would not need a signal at full development build-out. Councilmember Miller asked if a dedicated left turn lane was in the design for vehicles traveling east on SH-9E wanting to cross traffic to turn left into Bellatona Addition and Staff said yes. Mr. O'Leary noted there will not be a dedicated left turn lane for vehicles traveling west on SH-9E because Bellatona Boulevard does not go south of SH-9E. Mr. Sturtz said there will also be a dedicated left turn lane on Bellatona Boulevard for vehicles wanting to turn left to travel east on SH-9E.

Councilmember Miller said she is concerned this area will develop and experience similar issues to that on Robinson Street and Crossroads Boulevard. She asked how traffic will flow smoothly with so many vehicles coming and going from so many intersections in the area, e.g., the Postal Training Center, Wellington Lakes Addition. Mr. O'Leary said Staff is very sensitive to this issue and center medians are placed without openings (as much as possible). Mr. Lombardo said ideally traffic signals are placed one-half mile apart, but sometimes a break is needed at every quarter mile. He said some cities have signalized intersections at the quarter mile breaks that allow for the best possible timing of signals for the 40 to 50 miles per hour (mph) speed range and that is what the City maintains on SH-9E west of 12<sup>th</sup> Avenue S.E. Mr. Lombardo said the distance between signalized intersections is very different on SH-9E in comparison to West Robinson Street. Councilmember Miller asked if the distance between the signalized intersections is sufficient for SH-9E so that traffic will not back up and Mr. Lombardo said yes.

Councilmember Holman asked whether cars traveling out of the development will be able to turn left and go east and Staff said yes, there will be a full access opening. Councilmember Lang said he is concerned that 36<sup>th</sup> Avenue is not a through street north of SH-9E and felt vehicles will use this area as a "cut through" route. Staff said the TIA spoke to this very scenario and Mr. Lombardo said the road has not been designed to encourage cut through traffic. He said the street will be a collector street with appropriate traffic calming circles to discourage that type of vehicle movement. Mr. Lombardo said at full development the TIA suggests a signalized intersection is not needed; however, if the traffic conditions change, Staff would review whether a signalized intersection would be needed at that time.

Councilmember Jungman asked Staff whether the TIA anticipated the break in the median and Mr. O'Leary said the developer's traffic engineers, Traffic Engineering Consultants (TEC), had done the research. In August 2013, ODOT had already approved their design for the SH-9E improvements and TEC realized

Item 2, continued:

there would be a future need for a median and included pertinent information in the TIA. He said the TIA recommended a break in a future raised median as well as projected future traffic movement if the raised median opening was not approved; meaning the traffic would move to the 36<sup>th</sup> Avenue S.E. intersection and there would not be enough stacking, etc., for the intersection to operate appropriately. Mr. Lombardo said the TIA is looked at and used to determine whether a signal is needed at the intersection. He said the TIA proved the intersection was able to operate at acceptable levels of service and delay at both A.M. and P.M. peak hours.

Mr. O'Leary said it is important to remember, if approved, the median opening to be constructed might not reach its full potential for 20 years. He said Staff feels it is smart to include the median opening in the design while SH-9E improvements are being constructed and while prices are at the cheapest they will ever be. Councilmember Jungman said he understands but is still concerned about the traffic turning left onto Highway 9 from Bellatona Addition because the westbound traffic travels at 60 mph and Councilmember Holman agreed. Mr. O'Leary said it is also important to remember Highway 9 is a State highway and ultimately any reviews and/or considerations are done by ODOT. He said the City can request and do improvements to the street/highway, but the City cannot authorize median and/or signals without ODOT first making it possible and accepting full responsibility for them. Mr. O'Leary said the City of Norman is serving as an intermediary on this project, just as we always do on all State Highway projects.

Councilmember Heiple asked whether the City can say "no left turn" onto SH-9E from Bellatona Addition and Staff said that is certainly under Council's purview. Mr. O'Leary said the way to do that would be to leave the median unbroken. He said that is why Staff is seeking input from Council tonight because if Council concurs, an agreement to allow this median opening would be on the March 10, 2015, agenda for Council consideration. Councilmember Allison asked if the TIA reflected how many vehicles will typically be turning left, as he felt the majority will be turning right to travel west into the City versus turning left to travel east out of the City.

Councilmember Miller asked if another street would be going through Summit Valley Addition. Mr. Sturtz said Summit Valley Section 2 is being completed now and connects to East Ridge Addition. Councilmember Miller asked if traffic can then exit off 24<sup>th</sup> Avenue S.E. and Staff said yes.

Mayor Rosenthal requested Staff include the TIA data with the agenda item for Council consideration on March 10, 2015, and Mr. O'Leary agreed and said representatives from TEC will also be available to answer any questions.

Councilmember Lang felt most vehicles making left hand turns would occur in the evening with westbound traffic on Highway 9 driving into the sun. He asked what it would take to enhance the 36<sup>th</sup> Avenue S.E. intersection to handle both developments. Mr. O'Leary said Staff would provide this information at next week's Council meeting and felt part of the challenge is the short distance of stacking.

Ms. Joy Hampton, *The Norman Transcript*, said the raised median is already in ODOT's plan so basically Council will consider next week whether or not to ask ODOT to cut an opening in the raised median along SH-9E at the Bellatona Addition entrance and Staff said that is correct. Ms. Hampton asked whether there are plans to widen 36<sup>th</sup> Avenue S.E. and include bike lanes and Mr. O'Leary said how 36<sup>th</sup> Avenue S.E., north of SH-9E, is built today is the final configuration.

Items submitted for the record

1. Text File RPT-1415-45, dated March 3, 2015
2. Memorandum dated March 10, 2015, from Josh Malwick, Capital Projects Engineer, through Shawn O'Leary, Director of Public Works, to Honorable Mayor and City Councilmembers with attached Bellatona Addition Entry and Median Opening for Bellatona Addition Section 1
3. PowerPoint presentation entitled, "State Highway 9 East Project Median Opening for Bellatona Addition," Study Session, presented by Shawn O'Leary, Director of Public Works and Scott Sturtz, City Engineer, dated March 3, 2015

Participants in discussion

1. Shawn O'Leary, Public Works Director
2. Scott Sturtz, City Engineer
3. Angelo Lombardo, City Transportation Engineer
4. Josh Malwick, Capital Projects Engineer
5. Jeff Bryant, City Attorney

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Item 3, being:

**DISCUSSION REGARDING UTILITY RELOCATION PROJECTS IN CONNECTION WITH THE LINDSEY STREET WIDENING PROJECT BETWEEN INTERSTATE 35 AND BERRY ROAD.**

Councilmember Castleberry requested to be recused from this agenda item stating he is a Lindsey Street property owner; therefore, he would stay only to hear discussions.

Mr. Shawn O'Leary, Director of Public Works, said on November 22, 2011, Council approved Programming Resolution No. R-1112-63, requesting funds for the Lindsey Street Improvements, and through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to provide 80% of the cost, up to \$9.7 million, and administer the construction with the matching share from the City of Norman. He said in order to receive federal funding, the City of Norman is required to enter into an agreement with ODOT to complete the design, acquire all necessary rights-of-way (ROW) and relocate utilities and encroachments at 100% the City's cost.

Council approved the agreement with ODOT on January 13, 2015, requiring the City to acquire all ROW for the project. The agreement states the City must grant ODOT access to and use of the ROW for the project; maintain all ROW acquired for the construction of the project; follow the Uniform and Relocation Assistance and Real Property Acquisition Act while acquiring ROW; and remove all encroachments and obstructions including utilities from the ROW.

Mr. O'Leary said on August 28, 2012, Norman citizens voted in favor of a Bond Election to finance the local share of eight (8) transportation/storm water improvement projects including Lindsey Street from 24<sup>th</sup> Avenue S.W. to Berry Road. He said the Lindsey Street corridor between Interstate 35 (I-35) and Berry Road is the most congested corridor in the Oklahoma City metropolitan area. The roadway portion of the project includes transportation and aesthetic improvements to Lindsey Street and the storm water portion of the project addresses the flooding problems along West Lindsey Street, most notably at the McGee Drive intersection. Staff said the project will convey storm water from the watershed to an underground storm water drainage box system which will discharge directly to the Canadian River. Phase 1 of the drainage box construction is complete and Phase 2 will begin with the I-35 construction beginning in March.

Mr. O'Leary said in order for the roadway and drainage projects to proceed, numerous public and privately owned utilities will need to be relocated. Staff explained that utility relocation is moving city and private utilities that conflict with the construction of the proposed roadway. Utilities in the Lindsey Street corridor include:

- Water (City of Norman);
- Sewer (City of Norman);
- City Fiber (City of Norman);
- Telecommunications (AT&T and Cox);
- Power (Oklahoma Gas & Electric [OG&E] and Oklahoma Electric Cooperative [OEC]); and
- Natural Gas (Oklahoma Natural Gas).

Mr. Scott Sturtz, City Engineer, said the City has already started utility relocations and is now moving into the next phase. He said the City is working within a 100 foot wide area on Lindsey Street and the City has promised to stay within the 100 foot area as much as possible. Mr. Sturtz said the City determined it would not buy new ROW or utility easements for this project. He said there is approximately 68 feet from curb to curb already utilized and the project will also include sidewalks and planting of trees; therefore, only a very narrow strip is left on each side to place all of the utilities. Mr. Sturtz said due to the lack of room in the existing ROW, OG&E, Cox, AT&T, and City utilities are being combined into a single trench called the Common Utility Trench (CUT). He said the City will be installing the conduit/pipes and the utility companies will be installing, pulling and connecting their own lines in the CUT. Mr. Sturtz said since four utilities are being combined in one trench, it will save the City from having to use 25 to 30 feet of additional ROW.

Mr. Sturtz highlighted the CUT and the additional series of projects that will need to be bid and constructed in the next six (6) to 12 months. He said the project name, description and expected times of completion are noted below as follows:

**Common Utility Trench (CUT)**

The CUT is a duct bank extending from 24<sup>th</sup> Avenue S.W. to Berry Road on the north side of the road and each utility is being assigned a certain number of ducts for their use. The CUT will have pull boxes installed for each utility to be able to access their cable within the duct bank.

Bids will be opened on March 26, 2015, and Norman Utilities Authority (NUA) is expected to consider Contract No. K-1415-118 on April 14, 2015. The anticipated contract start date is April 27, 2015, with a final completion date by July 31, 2015.

Item 3, continued:

**Berry Waterline Replacement (Phase 1)**

The project is expected to include 13,200 linear feet (LF) of 16-inch waterline along the west side of Berry Road from Robinson Street to Lindsey Street and then east along the south side of Lindsey Street to Chautauqua Avenue where it will connect to the 16-inch Lindsey Street Waterline project completed in 2005. Phase 1 will begin approximately 400 feet north of Lindsey Street on Berry Road, going south to Lindsey Street and then east to Chautauqua Avenue.

Phase 1 was created to allow this portion of the project to be completed in advance of the replacement of the Imhoff Creek Bridge as part of the Lindsey Street Widening Project. Staff has coordinated with the University of Oklahoma (OU) to allow their waterline to be constructed parallel and directly adjacent to the NUA waterline. The two (2) waterlines were bid as one (1) project to reduce width of pavement repairs.

On March 10, 2015, NUA will consider Contract No. K-1415-70 in the amount of \$1,334,675 with Central Contracting Services, Inc., and work is expected to begin March 23, 2015, and is expected to be completed by September 19, 2015, (180 days).

**Lindsey Street Waterline Improvements**

This project is composed of two (2) separate sections of work and is generally located between 24<sup>th</sup> Avenue S.W. and Berry Road. The Waterline Relocation project (Section A) is funded by the City of Norman and consists of approximately 800 linear feet (LF) of 12-inch, 2,600 LF of 8-inch, and 50 LF of 6-inch waterlines. The 24-inch Waterline Extension (Section B) is funded by the NUA and consists of approximately 5,950 LF of 24-inch waterline with interconnections to existing waterlines.

On March 10, 2015, Council will consider Contract No. K-1415-101 (Section A) in the amount of \$943,180, while the NUA will consider Contract No. K-1415-103 (Section B) in the amount of \$2,130,885. Both contracts totaling \$3,074,165 will be with McKee Utility Contractors, Inc. The anticipated contract start date is March 21, 2015, with final completion within 180 calendar days or by September 17, 2015. Due to time restraints associated with the Lindsey Street improvements, an intermediate completion date of 75 calendar days was implemented for substantial completion of Phase 1. Phase 1 must be completed by June 4, 2015, and generally includes all waterlines west of McGee Street. Early completion of this phase allows the CUT to be installed by others in a timelier manner and should allow the franchise utilities to move their facilities to the CUT by the ODOT deadline of November 19, 2015.

**Lindsey Street Sanitary Sewer Rehabilitation**

This project will rehabilitate about 2,900 feet of 21-inch and 18-inch sewer interceptor generally between McGee Street and Berry Road on the south side of Lindsey Street. Several smaller sewer collector lines crossing Lindsey Street will also be rehabilitated. Clay piping installed in the 1950's will be rehabilitated at this time to reduce the possibility of future sewer repairs in the area of the new roadway. This NUA project is expected to cost about \$850,000; funding is provided by the \$5.00 per month sewer maintenance fee which was approved by the citizens in 2001.

Bids will be opened on March 12, 2015, and NUA is expected to consider Contract No. K-1415-98 on April 14, 2015 with an anticipated contract start date is April 27, 2015, with final completion within 90 calendar days or by July 26, 2015.

Mr. Sturtz said Council may receive calls from constituents about these projects wondering why Lindsey Street is being torn up now. He said the City has maintained the utility work will and should be done before the Lindsey Street project begins. Mr. O'Leary said there may be misconceptions that the Lindsey Street Widening project has started since ODOT has begun the I-35 and SH-9E project. He said another challenge with the utility relocations is over the next six (6) months there will be multiple contractors doing a lot of work in the area, which will make the area very busy and messy.

Councilmember Heiple asked whether the City will allow the gas station at Berry Road and Lindsey Street a drive to access to the business from Berry Road and Staff said the City has already spoken to owners behind this property and has made arrangements for a drive to be constructed from Berry Road into the gas station. Mr. O'Leary said all of the businesses in this corridor are concerned and keeping access to all of the businesses open will be a challenge; however, the City has and is committed to doing just that. He said it may mean businesses will have to share driveways and/or utilize temporary driveways.

Councilmember Williams asked the timeline for Phase 1 and Staff said the work must be completed in 75 days. The contractor accepted these terms within the contract and Staff has offered slight incentives so that the work is completed before this timeline. Councilmember Williams asked if the utility work in the Lindsey Street corridor will be continuous work until all the projects are done or will there be lulls and Mr. O'Leary said there may be lulls; however, one of the goals is to get the CUT and Norman utilities in place because franchised utilities will need four (4) months to pull their wires. He said the City has tried to build four (4) months into utility relocations projects so they will be completed entirely by November, 2015, because that is when the City will need to bid the road construction project.

Item 3, continued:

Councilmember Heiple asked about the coordination of various utility companies and Mr. O'Leary introduced Mr. Chris Serrano, Utilities Coordinator, for the City of Norman. Mr. O'Leary said Mr. Serrano's job is to coordinate with utility companies and contractors every day to ensure issues do not occur and/or resolve concerns if they do transpire. Mr. Sturtz said the City has had 15-20 face-to-face meetings with different utility companies and/or contractors regarding the CUT and Staff will continue to meet with them regularly to ensure progress is being made during the project.

Items submitted for the record

1. Text File RPT-1415-44, dated March 3, 2015
2. Memorandum dated March 3, 2015, from John Clink, P.E., Capital Projects Manager and Mark Daniels, P.E., Utilities Engineer, to Honorable Mayor and City Councilmembers and Trustees of the Norman Utilities Authority with attachments, Common Utility Trench Details, Sheet No. 13, and Lindsey Street Projects Map, produced by the City of Norman Geographic Information Systems, dated February 27, 2015

Participants in discussion

1. Shawn O'Leary, Public Works Director

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Item 4, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25, §207(B)(4) IN ORDER TO HAVE CONFIDENTIAL COMMUNICATIONS BETWEEN THE PUBLIC BODY AND ITS ATTORNEY CONCERNING A CLAIM, THE DISCLOSURE OF WHICH WILL, ON THE ADVICE OF ITS ATTORNEY, SERIOUSLY IMPAIR THE ABILITY OF THE PUBLIC BODY TO CONDUCT POTENTIAL RESULTING LITIGATION AND PROCEEDINGS IN THE PUBLIC INTEREST, RELATED TO A CLAIM REGARDING A BID MADE BY PATRIOT CONSTRUCTION SERVICES, INC. FOR THE PHASE I BERRY ROAD WATERLINE PROJECT.

Councilmember Miller moved that the Special Session be adjourned out of and an Executive Session be convened into in order to have confidential communications between the public body and its attorney concerning a claim, disclosure of which will, on the advice of its attorney, seriously impair the ability of the public body to conduct potential resulting litigation and proceedings in the public interest, related to a claim regarding a bid made by Patriot Construction Services, Inc., for the Phase I Berry Road Waterline Project, which motion was duly seconded by Councilmember Williams; and the question being upon adjourning out of the Special Session and convening into an Executive Session in order to have confidential communications between the public body and its attorney concerning a claim, disclosure of which will, on the advice of its attorney, seriously impair the ability of the public body to conduct potential resulting litigation and proceedings in the public interest, related to a claim regarding a bid made by Patriot Construction Services, Inc., for the Phase I Berry Road Waterline Project, a vote was taken with the following result:

YEAS:	Councilmembers Allison, Heiple, Holman, Jungman, Lang, Miller, Williams and Mayor Rosenthal
NAYES:	None
ABSTAIN:	Councilmember Castleberry

The Mayor declared the motion carried and the Special Session adjourned out of; and an Executive Session was convened into in order to have confidential communications between the public body and its attorney concerning a claim, disclosure of which will, on the advice of its attorney, seriously impair the ability of the public body to conduct potential resulting litigation and proceedings in the public interest, related to a claim regarding a bid made by Patriot Construction Services, Inc., for the Phase I Berry Road Waterline Project.

The City Council adjourned into Executive Session at 6:27 p.m. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; and Ms. Kathryn Walker, Assistant City Attorney, were in attendance at the Executive Session.

Mayor Rosenthal acknowledged return to Open Session.

Item 4, continued:

Thereupon, Councilmember Heiple moved that the Special Session be reconvened, which motion was duly seconded by Councilmember Williams; and the question being upon reconvening the Special Session, a vote was taken with the following result:

YEAS:	Councilmembers Allison, Heiple, Holman, Jungman, Lang, Miller, Williams and Mayor Rosenthal
NAYES:	None
ABSTAIN:	Councilmember Castleberry

The Mayor declared the motion carried and the Special Session was reconvened at 6:50 p.m.

The Mayor said a bid made by Patriot Construction Services, Inc., for the Phase I Berry Road Waterline Project was discussed in Executive Session. No action was taken and no votes were cast.

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#### ADJOURNMENT

There being no further business, Councilmember Williams moved that the meeting be adjourned, which motion was duly seconded by Councilmember Allison; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS:	Councilmembers Allison, Heiple, Holman, Jungman, Lang, Miller, Williams and Mayor Rosenthal
NAYES:	None
ABSTAIN:	Councilmember Castleberry

The Mayor declared the motion carried and the meeting was adjourned at 6:51 p.m.

ATTEST:

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City Clerk

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Mayor