

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
OCTOBER 9, 2012 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Mayor Fred L. Fitch
Presiding

Also Present:
Larry Mitchell, City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk

Mayor Fitch called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. Bill Schneider, St. John Lutheran Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bill Shoemate, Ward One
Michael Tennis, Ward Two
Rosemary Bellino-Hall, Ward Three
Jay Burk, Ward Four
George Moses, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
Doug Wells, Ward Eight

ABSENT:

None

AUDIENCE PARTICIPATION: None.

CONSENT AGENDA:

Mayor Fitch stated item #2 will be stricken from agenda. Moses requested item #8 be considered separately.

MOVED by Burk SECOND by Tennis to approve the consent agenda with the exception of items #2 and #8. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider approving contracts for 'Children's Art Studio', Fall 2012 semester for Steven Scott Smith (\$ 607.50), Kenneth Hobbs (\$ 502.50), Catherine Daugherty (\$ 247.50), and Kathleen Long (\$ 225.00) instructors for the program. Total amount for fall semester stipends is \$ 1,582.50. Exhibits: Contracts on file in City Clerk's office.

2. Consider authorizing Kellogg & Sovereign Consulting, LLC. to provide e-rate management services to assist Lawton Public Library with the Universal Service Discount Mechanism for library (e-rate program) filing and compliance, and facilitate receipt of e-rate funding. Exhibits: Kellogg & Sovereign Master Services Agreement, Letter of Agency, Fee Schedule, Scope of Services and Fact Sheet. **STRICKEN**
3. Consider approving a Mutual Assistance Agreement for Fire Protection between the City of Frederick Fire Department and the City of Lawton Fire Department. Exhibits: Mutual Aid Agreement between City of Lawton Fire Department and the City of Frederick Fire Department.
4. Consider approving expenditure up to \$12,880.00 from the Mayor & City Council Account 230, Council Contingency, to fund the purchase of stackable seating for the Lawton City Hall conference center. Exhibits: None.
5. Consider accepting two (2) Quitclaim deeds from the Oklahoma Department of Transportation (ODOT) for the former C.R.I. & P. Railway which contains approximately 35 acres and is located between Ferris Ave and SW Douglas Ave. Exhibits: Copy of the proposed quitclaim deeds.
6. Consider accepting the 8-inch waterline, fire hydrant and maintenance bond to serve Jim Norton Toyota used car dealership located at 7202 NW Quanah Parker Trailway. Exhibits: Location Map. Maintenance Bond on file in City Clerk's Office.
7. Consider approving a permanent access easement for a public sidewalk along SW 22nd Street from PSR Properties, LLC, owner of New York Fashion located at 2126 W Gore Boulevard, and authorize the Mayor and City Clerk to execute the permanent access easement. Exhibits: None.
8. Consider awarding (CL13-011) Fluorosilicic Acid to Univar USA, Inc. of Bedford Park, IL. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

Moses questioned if this was the filter material Mr. Ihler spoke about at one time.

Jerry Ihler, Public Works Directors, stated no, this actually deals with providing fluoride for the community.

Moses questioned if there was quality controlled testing done at the city on those materials when they arrive. Do they have a specification that requires them to meet certain chemical compositions?

Ihler stated when they bid on the contract there are certain specifications that they have to meet.

Moses questioned if they are checked when they arrive to make sure they meet those specifications.

Ihler stated the operators at the plant test them to make sure they are okay.

MOVED by Moses SECOND by Shoemate to approve awarding (CL13-011) Fluorosilicic Acid to Univar USA, Inc. of Bedford Park, IL. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

9. Consider awarding (RFPCL13-012) Employee Physicals/Drug Screen Testing-Section A (Physicals) to the Center for Occupational Health, of Lawton, OK. Exhibits: Department recommendation, Proposal Price Sheets.
10. Consider awarding (RFPCL13-012) Employee Physicals/Drug Screen Testing-Section B (Drug/Alcohol Testing) to Allied Health Research Laboratory, of Lawton, OK. Exhibits: Department recommendation, Proposal Price Sheets.
11. Consider awarding (CL13-005) Portable Pneumatic Milling Machine to E.H. Wachs of Harvard, IL. Exhibits: Department Recommendation, Abstract of Bids, Quote Page.
12. Consider approving appointments to boards and commissions. Exhibits: None.

Board of Adjustment

Tom Linville
1416 SE Hillcrest
Lawton Oklahoma 73501
10/28/15

Pension Trust Commission

Paul Ellwanger
City National Bank
PO Box 2009
Lawton Oklahoma 73502
11/26/17

13. Consider approval of payroll for the period of September 4 - 30, 2012.

NEW BUSINESS ITEMS:

14. Hold a public hearing and consider an ordinance changing the zoning from Temporary A-1 (General Agricultural District) to A-1 (General Agricultural District) zoning classification located at the northeast corner of NE 60th Street and East Gore Boulevard. Exhibits: Ordinance No. 12-__ and Location Map.

Richard Rogalski, Community Services Director, stated this request is for 660 feet by 660 feet tract of land located at the northeast corner of NE 60th Street and East Gore Boulevard. This tract was annexed into the city limits in 1984. At that time Temporary A-1 zoning was placed on the tract. Typically, the City Council places temporary zoning on property when it is annexed. Staff is now processing requests to place permanent zoning on all tracts within the city limits that are zoned with temporary zoning districts. Unfortunately, the process to place permanent zoning on this property was never initiated. The zoning of the surrounding area is A-1 to the west and

outside the city limits to the north, south, and east. The land use of the surrounding area and the requested area is agriculture. The 2030 Land Use Plan designates this tract as Agriculture. Notice of public hearing was mailed on September 7, 2012, to 4 property owners within 300 feet of the requested area, and proper notice was published on September 9, 2012, in *The Lawton Constitution*. On September 27, 2012, the City Planning Commission (CPC) held a public hearing on this request. No one spoke for or against the request during the public hearing. The CPC, by a vote of 6 – 0, recommended approval of the request.

Moses stated it struck him as odd that the one piece was taken into the city limits. He questioned why we didn't take the whole section.

Rogalski stated it was done a while ago and he is not sure anyone is still around that could answer that. He would guess that it was a voluntary annexation.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Tenis, SECOND by Burk to adopt **Ordinance 12-36**, waive the reading of the ordinance and read the title only. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 12-36

An ordinance changing the zoning classification from the existing classification of Temporary A-1 (General Agricultural District) to A-1 (General Agricultural District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

15. Hold a public hearing and consider an ordinance closing and vacating certain streets, alleys, and easements in the Downtown Redevelopment Project area. Exhibits: Ordinance No. 12-__ and Location Map.

Mayor Fitch stated this item is in regards to the Jefferson property that was obtained yesterday and there is a 30 day appeal process. He stated they would like to hold the public hearing tonight and bring the ordinance back the second meeting in November.

Rogalski stated as part of the Lawton Downtown Center Redevelopment Project, the streets and alleys within the project area need to be closed and vacated. On February 8, 2011, August 23, 2011, and January 24, 2012, the City Council adopted ordinances closing and vacating streets, alleys, and easements within the twelve block redevelopment project area, including portions of Arlington Avenue, Bell Avenue, Columbia Avenue, Dearborn Avenue, Euclid Avenue, Ferris Avenue, First Street and Railroad (west of the section line).

On August 28, 2012, the City Council set the date of October 9, 2012, to hold a public hearing to close and vacate the remainder of Arlington Avenue between Second Street and First Street and the alley originally dedicated in Block 65, North Addition. Also included in this request is the closure and vacation of two public access easements: a 40-foot public access easement along the

First Street alignment which was granted to the City in January 2012 to provide access to three lots along Arlington Avenue which were not owned by LURA at that time and a 30-foot public access easement which was granted to the City in 2011 along the Bell Avenue alignment between 2nd Street and Railroad Street to provide the neighborhood east of the project area with access through any future development (this easement has been realigned on the recorded plat for Lawton Downtown Center, Part 1).

Haywood stated at the meeting at the church they said this was supposed to be permanent from Bell, LK Jones all the way over to 2nd Street.

Rogalski stated the dash lines on the map are the access easement that was provided on the record plat. It is just a slightly different alignment. That permanent alignment will be constructed along with the hotel/conference center. The final road will be in place on that final alignment.

Haywood stated at the meeting at Galilee Missionary Baptist they asked about L.K. Jones from their church all the way to 2nd Street.

Rogalski stated there will be a little jog in the road. Through that railroad street right of way there is a little bit of distance and it jogs around a bit. Curved roadways keep you from going to fast.

Haywood questioned Dearborn.

Rogalski stated there is a thirty foot wide public utility easement that is reserved and that is staying at this point because they haven't put anything permanent in that area. Planning for the development is actually to provide an emergency access drive and it will be open for any traffic.

Haywood questioned if Douglas Street was on this map.

Mayor Fitch stated it is farther south. He stated the developer cannot close Dearborn and Bell and there will be public access. The one on Dearborn will be a utility easement access but it will also be accessible for traffic and there will never be anything built to obstruct traffic flow.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

Mayor Fitch stated he was in those meetings with Mr. McGehee and that was a concern and they are still abiding by what their concerns were.

Haywood questioned whose ward it was all the way to the railroad tracks.

Rogalski stated the ward line was actually to Railroad Street. The church they met at was in ward seven and across the street is ward two.

Mayor Fitch stated they have held the public hearing and they will bring this back the second meeting in November to discuss and consider the ordinance to close and vacate the streets, alleys and easement.

16. Consider a request from the Lawton Airport Authority to rescind the Resolution of Support for the Oklahoma Affordable Housing Tax Credit application by Zimmerman Properties, LLC to the Oklahoma Housing Finance Agency for property located at the southeast corner of SW 11th Street and Bishop Road and to direct staff to begin the administrative process to rezone the subject property to a commercial use and take any other action as necessary. Exhibits: **Resolution 12-98**, Copy of Resolution 11-121 Location Map, Site Plan, Letters from FAA.

Rogalski stated on December 20, 2011, the City Council approved a request by Zimmerman Properties, LLC for a resolution of support in accordance with Oklahoma Housing Finance Agency (OHFA) Chapter 36 Program Rules for Affordable Housing Tax Credit Rules Section 330:36-4-2 (b)(5) for a proposed new senior housing project located at the southeast corner of SW 11th Street and Bishop Road. Preceding that action, the City Council also approved an amendment to the 2030 Land Use Plan from Industrial to Residential and a change of zoning classification from I-3 (Light Industrial) District to R-3 (Multiple Family Dwelling) District for that same property. At the time of Council's action, a letter had been received from the Federal Aviation Administration regarding the request, but there was some confusion as to how the FAA's concerns applied to this project. Since that time, the City received a letter from the Federal Aviation Administration clarifying their position and encouraging reconsideration of said action, stating that residential uses within close proximity of the municipal airport are incompatible, and could limit future use and/or expansion of the airport. More recently, on August 21, 2012, and September 25, 2012, The Lawton Airport Authority voted to request that City Council rezone the subject property to a compatible commercial use and also to withdraw the support for the tax credits for the development of senior residential housing thereon. The letter of support has a point value in the application process and that would remove a point from their scoring. He stated a vote on the zoning side would simply be to direct staff to start the process, it does not change the zoning in itself. They would advertise for a public hearing before the planning commission and advertise the public hearing before the city council. It will be a lengthy process of about 60 days. Rescinding the resolution of support will happen right away.

Haywood stated he read the letter and he did not think the noise was an issue. He thought it had to do with obtaining grants.

Rogalski stated the Airport Authority is concerned about future grants and the constraints of the airport itself. In the current round of applications there was another senior housing project that was approved by the council and it is in the current round competing with this project. There is also another project to renovate existing housing. He stated from what he has heard it sounds like we are going to get one of these projects approved.

Moses stated the linkage to FAA is in his mind one of the more important factors for reconsidering the previous decision. We have enjoyed a healthy relationship with the FAA and anything you do to put a stick in the eye of a federal agency that provides you funding is not

good particularly when it is the principal source for improvements at our airport. He stated it is not so much the noise but the safety issue that concerns him as far as putting residential areas that close to the airport. There are other areas out there that are fairly close to the airport that are residential but they were there when we got to this point with our airport. If you are a pilot and taking off to the north and you develop engine trouble before you get to altitude and you have to make a turn to get back to that airport, you are going to be right over that land. If something did happen it would be a tragedy. He feels it is wise to revisit this issue and decide what they need to do.

Haywood stated when they come in to land they come down Gore Boulevard and they could have an accident there. He is going to dispute some things said about safety because they never should have built that airport where they built it if it comes to safety.

Wells stated last December he voted against this and he will vote in favor of rezoning this item. When they look at the old neighborhoods that are there, they fell under older rules and the FAA allowed it at that time. Now the federal government changes the rules and the way we play the game. He stated the letter says that this is an incompatible use and he feels that answers it. He does not know why they would allow residential in there when it will possibly affect grants.

Chuck Wade, attorney for the Lawton Metropolitan Airport Authority, stated the letter from the FAA dated January 4th clearly says that they would like the council to reconsider this action. In the past ten years the City of Lawton and the airport have enjoyed close to \$15 million in grants from the FAA that have enhanced and improved the airport. This past year we have received \$3.9 million to resurface the runway. When they submit a grant application those grant assurances are made both by the Airport Authority and the City Council because we are joint sponsors of the projects, so the City Council cannot ignore the assurances that they are making to the FAA on the one hand and continue to allow the enlargement of residential use in the area. The whole concept of these grant assurances is to not allow any further incompatible land use. There are a lot of troop movements that come in and out of Fort Sill and those have been diverted to Oklahoma City because of the work being done at the airport right now. At some point the Department of the Army may say that the city has allowed too much encroachment of residential use near the airport and they could cease to use the airport for those purposes. There is too much at risk here to not seriously consider this matter and rescind the action recommending the tax credits that was done last December. There is a real safety concern that something could happen in a housing development that we allowed to be constructed. Where does the responsibility lie? Incompatible land use may result in the creation of hazards to air navigation and reduction in airport utility resulting from obstructions to flight plans or incompatible land use resulting from residential construction to close to the airport. There is a real safety concern. There is no guarantee that at some point the FAA may deny our application because we have not complied with these assurances. All of the documents say that residential development is incompatible adjacent to an airport.

Haywood stated that area has been compatible with the airport since 1950, so that couldn't be true.

Wells stated the rules have changed.

Haywood requested that the Airport Manager explain Title 49-CFR426.

Barbara McNally, Airport Manager, stated she is not sure what that referenced. She brought the language to the grant assurance and also the federal order that deals with compatible land use.

Haywood requested that she explain the DBE program.

Ms. McNally stated that is the Disadvantaged Business Enterprise program which, for federal grants, they are required to have a percentage of minorities and women owned businesses at the airport. It deals with both leases and the federal grants for our construction, but it is not related to this land use issue.

Haywood requested that she explain FHWA.

Ms. McNally questioned what it was related to.

Haywood stated it is related to FAA. He stated it is Federal Highway Administration.

Ms. McNally stated that is related to the Department of Transportation, but not to aviation.

Haywood question where the money comes from that comes to the airport.

Ms. McNally stated it comes from the Department of Transportation through the Federal Aviation Administration.

Haywood stated the Secretary of Transportation has to okay it.

Haywood requested the map of the area be put back up.

Mr. Wade stated the other projects that Mr. Rogalski referred to are not adjacent to the airport. Their concern is about development adjacent to the airport property. He stated they all know there was more residential development out there fifty years ago than there is today.

Moses stated it needs to be contiguous to airport property.

Mr. Wade stated contiguous is what they are talking about.

Haywood stated on Friday and Saturday nights you can hear the race track. He questioned how close that was.

Mr. Wade stated the Council does not regulate the race track, it regulates land use in and around the airport.

Haywood questioned the boundary lines for the airport. There is no other golf course close to an airport. There is no other school any where but in Lawton that is located on the airport. He questioned if they gave us waivers on those two items.

Mr. Wade stated there are golf courses close to airports all over the country. The school was closed in the early 1970's.

Haywood stated Bishop School was closed in 1973.

Mr. Wade stated Bishop School was there before the airport was even built.

Haywood stated we received leasing money from the school.

Mr. Wade stated they own the very small part of the property that makes up the playground and they don't own any of the buildings.

Haywood stated this is not right, it is a double standard. It is not right for the Airport Authority to dictate what can be built in the city of Lawton.

Mr. Wade stated the FAA grants these to them on an annual basis and they require that they make these grant assurances to them as a condition to getting the grant. Councilmember Haywood is suggesting they totally ignore the assurances they make to the FAA. That is not the way to do business. If you are going to accept \$3.9 million from the federal government you should be prepared to carry through with the assurances that they make as a condition of that grant and that is to only allow compatible uses adjacent to the airport and the bottom line is that residential uses are not compatible.

Haywood stated when you are well connected in Washington, DC and if you had written a letter saying this was compatible, the FAA would have okayed this. He has been around and he knows the game that people have played. If you put down that this is not compatible and you would like this to be waived, it would have been waived.

Mr. Wade stated he is not playing games, he is merely repeating what the FAA expects from us and it requires us to assure them every time we submit a grant application which the Airport Authority approves and the City Council approves. Any time you choose to ignore those expectations in connection with these grants, we are not living up to our part of the bargain.

Haywood stated Ms. McNally is well connected with those people and he knows that anything she wants she can get and he appreciates that about her. If she calls some people they will write anything she wants.

Mr. Wade stated they came here to simply make the request of the City Council to rescind the action taken last December because of the fact that it is not a compatible use according to FAA standards.

Wells stated he is going to make a motion on behalf of what he feels is in the best interest for the city of Lawton.

Moses stated he has worked on the Lawton Airport Authority with Councilmember Haywood, Ms. McNally and Mr. Wade. He knows they are a well meaning group and he has every respect in the world for Councilmember Haywood standing up for his ward and what he thinks is right. It is unfortunate, but the web has been woven around this long before either of them got involved in this council with this issue. In his mind, it is just not a wise thing for them to separate themselves by confronting FAA over this incompatible land use issue.

MOVED by Wells, SECOND by Tennis to approve **Res. 12-98** rescinding the Resolution of Support for the Oklahoma Affordable Housing Tax Credit application by Zimmerman Properties, LLC to the Oklahoma Housing Finance Agency for property located at the southeast corner of SW 11th Street and Bishop Road and to direct staff to begin the administrative process to rezone the subject property to a commercial use. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Wells. NAY: Haywood. MOTION CARRIED

17. Consider an ordinance amending Section 4-3-1-301, Division 4-3-1, Article 4-3, Chapter 4, Lawton City Code, 2005, which pertains to the fines for underage drinking and permitting underage drinking, providing for severability and establishing an effective date. Exhibits: Ordinance No. 12-__.

Jensen stated the fine for permitting underage drinking as a social host changed last year to be limited to \$500. The fine to engage in underage drinking as a minor is \$750, but the change was to reduce that maximum fine of \$750 to \$500 for permitting for the first offense and staff has reflected that in this code change.

MOVED by Wells, SECOND by Shoemate to adopt **Ordinance 12-37**, waive the reading of the ordinance and read the title only. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 12-37

An ordinance amending Section 4-3-1-301, Division 4-3-1, Article 4-3, Chapter 4, Lawton City Code, 2005, which pertains to the fines for underage drinking and permitting underage drinking, providing for severability, and establishing an effective date.

18. Consider an ordinance amending Section 23-5-548, Article 23-5, Chapter 23, Lawton City Code, 2005, which pertains to texting and public transit drivers, providing for severability and establishing an effective date. Exhibits: Ordinance No. 12-__.

Jensen stated state law changed last year as well in the area of texting and driving. The current law says that public transit drivers cannot text and drive. The new law says that the operator of a commercial motor vehicle cannot text and drive and staff has made that change to be reflected in the ordinance.

Burk questioned what was considered a “commercial vehicle”.

Jensen stated there is no definition for commercial vehicle.

MOVED by Wells, SECOND by Shoemate to adopt **Ordinance 12-38**, waive the reading of the ordinance and read the title only. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 12-38

An ordinance amending Section 23-5-548, Article 23-5, Chapter 23, Lawton City Code, 2005, which pertains to texting and public transit drivers, providing for severability, and establishing an effective date.

19. Consider an ordinance amending Section 19-2-232, Article 19-2, Chapter 19, Lawton City Code, 2005, by lowering the legal blood or breath alcohol concentration of any person operating or in actual physical control of vessel upon any lake to less than 0.08, providing for severability and establishing an effective date. Exhibits: Ordinance No. 12-
—.

Jensen stated this change in state law simply says that the .08 that is in effect on the highways of the state for DUI and DWI is now also applicable to vessels in the water.

MOVED by Burk, SECOND by Zarle to adopt **Ordinance 12-39**, waive the reading of the ordinance and read the title only. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 12-39

An ordinance amending Section 19-2-232, Article 19-2, Chapter 19, Lawton City Code, 2005, by lowering the legal blood or breath alcohol concentration of any person operating or in actual physical control of vessel upon any lake to less than 0.08, providing for severability, and establishing an effective date.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Mayor Fitch stated Jerry Ihler has requested that a workshop be held with the council on October 30th on the 3rd floor conference room. The council will identify two streets for overlay that would come out of the 2008/2012 CIP.

Ihler stated it would be more than two streets. They are trying to identify those streets for reconstruction out of the two CIP's. They want to lock in those that are going to be reconstructed because it will take about a year or so to do the design and they would like to hire the consultant and get that process started.

Mayor Fitch suggested they meet at 1:15 p.m. He reported they held the closing on the Jefferson property and they are scheduling a ground breaking November 13th on the hotel/conference center. The time has not been determined.

The Mayor and Council convened in executive session at 6:59 p.m. and reconvened in regular, open session at 7:11 p.m. Roll call reflected all members present excluding Mayor Fitch and Councilmember Burk.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

20. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of City of Lawton v. Emergency Communications Network, LLC., CV-2012-131, and the pending case with the American Arbitration Association of Emergency Communications Network, LLC. v. City of Lawton, Case Number 33-494-147-12, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #20.

MOVED by Moses, **SECOND** by Zarle to adopt **Res. 12-99** authorizing the City Attorney to enter into an economic settlement agreement in the District Court of Comanche County for the sum of \$26,562.50 as settlement of the lawsuit styled City of Lawton v. Emergency Communications Network, LLC and directing the City Attorney to prepare and file a journal entry incorporating said resolution settlement agreement for the courts approval. AYE: Shoemate, Tennis, Bellino-Hall, Moses, Zarle, Haywood, Wells. NAY: None. **MOTION CARRIED**

Jensen stated the council did not have a need to convene in executive session on items #21 and #22.

21. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case of City of Lawton vs. Dennis and Mary Lou Merrifield, CJ-2011-198, and if necessary, take appropriate action in open session. Exhibits: None.
22. Pursuant to Section 307B3 and C10, Title 25, Oklahoma Statutes, consider convening in executive session for the purposes of conferring on matters pertaining to economic development, including the purchase/transfer of property, incentive proposals, and financing in connection with the Lawton Downtown Redevelopment Project and other development projects under consideration in the City, and take appropriate action in open session as necessary. Exhibits: None.

There being no further business to consider, the meeting adjourned at 7:13 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK