

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
OCTOBER 23, 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  
COL Paul Hossenlopp, Fort Sill Liaison

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 Pastor Bob Weger, Bible Baptist 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.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL SPECIAL MEETING OF AUGUST 21, 2012 AND REGULAR MEETING OF OCTOBER 9, 2012.

MOVED by Wells SECOND by Zarle to approve the minutes of Lawton City Council special meeting of August 21, 2012 and the regular meeting of October 9, 2012. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

MOVED by Wells SECOND by Burk to approve the consent agenda. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Denise Kober in the amount of \$1,019.35. Exhibits: Legal Opinion/Recommendation, **Resolution No. 12-100**.

2. Consider the following damage claims recommended for denial: Nottingham Realty, Inc. in the amount of \$955.00 and Rico Lopez-Olivera in the amount of \$654.08. Exhibits: Legal Opinions/Recommendations.
3. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Russell Bell. Exhibits: **Resolution No. 2012-101.**
4. Consider approving contracts with Myron Beeson (\$350), Jimmy Arterberry (\$300) and Eleanor McDaniel (\$500) to participate in the Lawton Arts & Humanities Council's (LAHC) FY 12-13 Native American Program "Sharing the Spirit 2012" to be held during the months of November and December at the Museum of the Great Plains (MGP). Exhibits: Contract on file in City Clerk's office.
5. 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 Letter of Agency, Consortium Letter of Agency, Notification to Kellogg & Sovereign.
6. Consider approving the record plat for BWRW Development, Part 2, a replat of Tract C & D of the corrected Plat of Turnpike Industrial Park. Exhibits: Plat Map.
7. Consider releasing the Access and Maintenance Easement for the sewer lift station located within the Saint James Place subdivision. Exhibits: Copy of the Access and Maintenance Easement.
8. Consider accepting a permanent drainage easement on Lot 16, Block 12, Eisenhower Village Addition, Part 11. Exhibits: Easement on file in City Clerk's Office Location Map.
9. Consider granting an extension of time for the performance bond for Eastlake Addition, Part 3A. Exhibits: Request from the Developer.
10. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 374 linear feet of 12-inch PVC waterline, 470 linear feet of 8-inch PVC waterline, and all appurtenances to serve Aldi's Food Market located at 935 NW Sheridan Road in Lot 1, Block 1, Roger's Replat, in the NW/4 of Section 25, T2N, R12W, I.M., Comanche County, Oklahoma. Exhibits: Permit to Construct on file in the City Clerk's Office.
11. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: Northbound and southbound NW 45<sup>th</sup> Street near Country Club Heights Elementary School; eastbound and westbound NW Arlington Avenue at the intersection of NW 15<sup>th</sup> Street; southbound SW 4<sup>th</sup> St near Old City Hall parking lot

driveway entrance; the north side of SW “D” Avenue near SW 1<sup>st</sup> Street; and on eastbound and westbound E Gore Boulevard between Flower Mound Road and E. 45<sup>th</sup> Street. Exhibits: **Resolution No. 12- 102**, Traffic Commission Minutes and Traffic Issue Requests.

12. Consider acknowledging receipt of permit for the construction of sanitary sewer lines from the Oklahoma State Department of Environmental Quality to the serve the Rogers Lane Auger Boring Project, City of Lawton, Comanche County, Oklahoma. Exhibits: None.
13. Consider approving plans and specifications for the Rogers Lane Auger Boring Project and authorizing staff to advertise for bids. Exhibits: None.
14. Consider awarding a construction contract to A.E. Construction Co. for the Goodyear / Cache Rd. Intersection Project #2012-7. Exhibits: A copy of the agreement is on file in the City Clerk’s office.
15. Consider awarding (CL13-014) Topsoil to Ballou Topsoil of Elgin, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
16. Consider awarding (CL13-013) Pest Control Services to Advanced Pest & Termite Service of Sterling, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
17. Consider approving appointments to boards and commissions. Exhibits: None.
18. Consider approval of payroll for the period of October 1 - 14, 2012.

NEW BUSINESS ITEMS:

19. Hold a public hearing and consider an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) with an HP (Historical Preservation Overlay District) zoning classification for a portion of the Morford Hills neighborhood located between NW 33<sup>rd</sup> Street and NW 38<sup>th</sup> Street and the alley south of NW Atlanta Avenue and the alley north of NW Baltimore Avenue. Exhibits: Ordinance No. 12-\_\_ with Guidelines, Location Map, Map and Petition In Favor, Map and Petition In Opposition, Basis of Designation, HPC Minutes and CPC Minutes.

Richard Rogalski, Community Services Director, stated this is a request for a rezoning to a Historical Preservation Overlay District. This code was put into place about seven years ago and the only property so far that has this overlay is the Mattie Beal Home. The residents of Morford Hills Addition have requested that their neighborhood be designated as an overlay district. This request is for the majority of Morford Hills, parts one and two, but not all of Morford Hills parts one and two. The lots along Cache Road are not included in this request. The property is currently zoned R-1 and it is a very stable single family residential neighborhood. To the north, R-1 to the south, C-5 (General Commercial District) and R-1 to the east, and C-5 to the west. The land use of the surrounding area is single-family residential and park to the north, single-

family residential to the south, single-family residential to the east, and commercial (Cache Road Square Shopping Center) to the west. The 2030 Land Use Plan designates the existing parks as Parks/Open Space and the remaining lots as Residential/Low Density. For the record the official lots are Morford Hills Addition, more particularly Lots 13 – 27, Block 1; Lots 13 - 25, Block 2; Lots 1 – 22, Block 3; Lots 1 – 24, Block 4; Lots 1 – 10, Block 8; Lots 1 – 5, Block 9, and Lots 1 – 4, Block 10. The application was originally submitted by the Morford Hill Neighborhood Watch Association along with a letter that describes the historic significance of the property. The criteria they are looking at is that it is an older neighborhood within the city of Lawton, and it was put together with some very unique architecture. A significant feature of an HP Overlay is the proposed guidelines, which sets out the ways that the historic attributes of the structures within the neighborhood must be maintained. In some of the earlier meetings there was some discussion about how the regulations were tilted towards more aged historic properties. The guidelines were paired down significantly from the first meeting to say that is it alright to use fairly modern materials. They just do not want to change the basic look of the neighborhood. There is a process to go through in order to make significant improvements or build new buildings in that area. The Historic Preservation Commission would have to vote on any major building undertaking. For minor undertakings like replacing door and windows, the Planning Director can issue the Certificate of Appropriateness. The Historical Preservation Commission held a public hearing regarding this request on July 18, 2012. Initially the request included the lots adjacent to NW Cache Road between NW 33<sup>rd</sup> Street and NW 38<sup>th</sup> Street. At the Historical Preservation Commission meeting, two persons spoke in favor and five persons spoke against the request and a petition against the request was submitted. The majority of opposition was from property owners along Cache Road. The Commission recommended approval of the request with the exception of the lots abutting NW Cache Road. The applicant complied with the recommendation and removed the lots abutting Cache Road from the request. On September 27, 2012, the City Planning Commission held a public hearing and considered this request. He stated 10% of the owner within the requested area is against the request. It does not meet the threshold for the  $\frac{3}{4}$  majority vote. He stated there are petitions for both for and against this proposal. Within the 300 feet area, those who signed a petition against is 11%, you need 50% to require a  $\frac{3}{4}$  majority vote. Inside the petition area there is a petition both for and against. If 20% of owners had signed a petition against, it would require a  $\frac{3}{4}$  majority. There is 10% against the request, so it does not meet the threshold. He stated 55% of the property owners are for the request. He stated 35% of the property owners did not sign a petition.

Mayor Fitch questioned if those 35% were notified.

Rogalski stated yes, there were three sets of notices that went out and it was well publicized.

Wells questioned if those structures that may not comply are grandfathered in.

Rogalski stated yes, any existing structure, even non-conforming, is included.

Wells questioned if the council could remove this in the future.

Rogalski stated this is zoning and the process is the same to take it off.

Shoemate stated there have always been restrictions in Morford Hills. He has talked with people who were for it and against it. He questioned the reasons for those who were against this issue.

Mayor Fitch suggested they open the public hearing.

**PUBLIC HEARING OPENED.**

Hyman Copeland, 3405 Baltimore, stated he has lived in Morford Hills off and on since 1962. The addition of 1962 and 2012 are not the same addition. Not a single house has the original door on it, yet to get a door changed under this approval they have to seek approval of the City. No one has the original style of roof. Most homes have additions built on them or structure in the back. They do have restrictive covenants and have the right to enforce those covenants on an individual basis. Here they are seeking to empower the City to enforce those covenants and more restrictive covenants on these properties. The reason they pay money for these homes is so that they can have a say, not to turn it over to a group that wants the City to oversee what they do with their individual residences. He should not have to ask the City of Lawton if he wants to paint his home or have to go to a committee of non-elected officials if he wants to change his front door. The City is already involved when they have to obtain building permits. This is far too restrictive and it is taking a property right without compensation or consideration. He stated they were approached about signing the petition but were not told the true fact about what would happen if this were to occur. He stated there are many more neighborhoods in this town that have unique homes that might warrant a historic preservation overlay. He stated this is the agenda of a few to control the rest.

Claude Matchette, 3411 NW Atlanta, stated he is in favor of this request. They moved into the neighborhood twenty years ago because they liked the charm of the neighborhood. He believes that the restrictions of what you can and cannot do to your home are livable and are not more restrictive than some of these new additions where they have covenants. He thanks city staff for all their hard work.

Suzanne Crawford, 3320 Atlanta, stated she supports this request. She stated Morford Hills is a good example of a 1950's development. She stated part of Morford Hills has only been opened until fairly recently. Parts one and two are the parts that were completed in the timeframe. She stated the historic preservation district allows the city to safeguard parts of its past for the present and the future. Historically preserved neighborhoods in other cities have maintained or increased the value of the property. Historic preservation neighborhoods maintain community stability and cohesion, even though homeownership does change. Historically preserved neighborhoods enhance the quality life in this city.

Jerry Dodd, 3307 NW Baltimore, stated he supports this request. He stated they do appreciate private property rights but they have seen neighborhoods deteriorate because of no governance. Their home is the biggest investment they will ever make and they want to see that protected.

Michelle Marks, 3414 Atlanta, stated her home backs up to Cache Road which will most likely go commercial. She stated there are a lot of issues here that she does not like. A lot of people who are buying homes in Lawton are military and it states that you can't represent any other

geographical region of the county on your home. She questioned why that was necessary considering there are a lot of soldiers here buying homes, that is prejudice. She stated when she bought her home it was not a historic neighborhood and did not have strict codes. She bought into Lawton and Lawton city codes and permitting, not so that she could lose her dream of home ownership by being told what she can't or can do to her house aside from what she agreed to when she purchased her home in Lawton. She wants to put on a slate façade on the outside and according to this, she can't. Modernizing will not take away from the neighborhood, it will make it better. Younger generations want to modernize, but still appreciate what is there. She stated this goes above and beyond.

Dr. Bob Morford, 1622 NW 36<sup>th</sup> Street, stated the plat restrictions on the property right now are about the same as the historical overlay. Right now a homeowner is supposed to come get a permit from him and then go to the permit office at city hall. If this is approved they can go directly to city hall and get it all taken care of. What you can do is not changing, it will just change how you do it.

Mr. Copeland stated part of the restriction has to do with what type of vehicle you can park at your home. He stated he farms and he has a one ton feed truck that has a flatbed and feeder. Under the new restrictions he cannot park his vehicle at his home. His next door neighbor happens to be in the yard business and drives a pick up that is larger than what this says they can park in their neighborhood. There are restrictive covenants and all it takes is for Mr. Morford or other owners of homes in that area to enforce those restrictive covenants.

Jim Williams stated his family owns the property at 3403 NW Baltimore. He stated the property is in a trust and he was never approached to sign a petition. He stated there may be other houses in that area that are rental property and someone may have signed that petition. He questioned the validity of the petition and whether they were actually the property owners. He stated his nephew lives at the property and he is not sure if he signed the petition.

PUBLIC HEARING CLOSED.

Burk questioned who signed at that address.

Ms. Crawford stated that Kevin Williams signed the petition.

Mr. Williams stated that Kevin Williams is not the trustee for that property. He stated he should be listed as the property owner as the trustee or administrator and he did not receive anything in the mail.

Rogalski stated the ownership list shows the ownership as Paul Williams Trustees. The petition was signed by Kevin and Kellie Williams.

Mr. Williams stated he was the trustee. He questioned who the members of the commission were and why they were not mentioned on the document. He questioned if there was a grandfather clause on changes that have already been made. He stated the document does not address that issue.

Rogalski stated it is in the full Lawton City Code in Chapter 18 which addresses legal non conformity and it would carry over. It is also part of the historic preservation ordinance. He stated as an example, to replace a roof a person would have to come to the City for a permit. This approval would be the same process as they would walk up to the License and Permit Division counter and they will call planning to make sure this meets criteria and then you would receive your certificate of approval. If you were to build a new addition you would have to go to the committee.

Moses questioned if they can proceed contingent upon resolution of these petitions. Does this question of one invalid signature throw out all the petitions?

Jensen stated with regards to the two separate petitions, legally all they have to do with is whether there is enough votes in opposition to warrant a  $\frac{3}{4}$  vote by the council.

Wells questioned if the petition was legal if the property owner did not sign it.

Moses questioned if they had to review the entire petition.

Jensen stated if that one signature has put in jeopardy the 20% or 50% threshold then they would, but they are not even close to that.

Mr. Williams stated there may be some people who signed that petition that were renting the property, not property owners.

Rogalski stated with Mr. William's property it was under Paul Williams Trustee and the address for the owner is the address of this property. All the notices were sent to the address of the legal property owner of record. Anytime they do a rezoning there is a certified ownership list that is required. He stated they do check every signature to the certified ownership list when the petition is turned into city staff. On Mr. William's lot they assumed that the person with the same last name did represent the property owner.

Mr. Williams questioned how the petition was signed.

Ms. Crawford stated it was door to door in Morford Hills.

Wells stated of the calls he received they questioned what right would the other people have. He stated they would have the right to start another petition in six months to have that overlay removed.

Tenis questioned if someone has a dispute with the planning staff over a change, would they eventually come before the council?

Rogalski stated it goes to the Historic Preservation Commission and it could appeal back to the City Council.

Haywood questioned if they are trying to preserve this for their children. He understands what they are doing and he wished them luck.

Ms. Crawford stated this is to preserve little snippets of the past.

Mr. Copeland stated this is a flawed process. There was no verification at the point of signing the petition. They were never presented with the opportunity to sign a petition against this.

Jensen stated the City was not involved in circulating this petition, they just try to verify the signatures. We are not in the petition business.

Mr. Copeland stated this is disrespecting their property rights.

Jensen stated a rezoning is not taking of property and city staff would not even bring something like that to the council for consideration.

Moses stated there are cities around this country that have done this repeatedly and successfully without overburdening property owners. He sees this as a desire on the part of a set of homeowners that want to preserve the character of their neighborhood for as long as it is suitable to do so. He does not see it being a particularly punitive kind of thing. He would be disappointed if this was approved and it ended up in the court somewhere where people were haggling over their ability to change the door on their house. He does not see this initiative as a process to control people to the point where they can't enjoy their property. This is a method to try and preserve the character of a neighborhood. He is bothered by the legality of these petitions. These petitions represent the criteria by which we sense the property owners desire to proceed with this thing. The two or three people here tonight that have objected to this don't represent enough, in his view, to turn these percentages around. He is all for proceeding with this thing.

Shoemate stated this is his ward and at these meetings they have never been able to please everyone 100%. He is not affected by this but he would feel the same way.

MOVED by Shoemate, SECOND by Moses to adopt **Ordinance 12-40**, waive the reading of the ordinance, read the title only. AYE: Shoemate, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: Tenis. MOTION CARRIED

(Title read by City Attorney)

Ordinance 12-40

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) with an HP (Historical Preservation Overlay 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.



20. Consider an ordinance pertaining to utilities amending Section 22-2-1-218, Division 22-2-1, Article 22-2, Chapter 22, Lawton City Code, 2005, relating to temporary or periodic restrictions on water usage, providing for severability, and establishing an effective date. Exhibits: Ordinance No. 12-\_\_.

Jerry Ihler, Public Works Director, stated the past few summers we have been in a drought and as a result the Mayor appointed four council members to a committee to look at what they can do to revise the water conservation policy as it relates to drought conditions that we have been experiencing. Currently, we are in better shape than we were last year, but we are still in extreme drought condition. The current policy is strictly implemented based on the water elevation of Lake Lawtonka. Lake Lawtonka only makes up 18% of our overall raw usable stored water. It does not make a lot of sense to make your decision based on just the elevation of Lake Lawtonka. In most cases since we pump from Waurika to Ellsworth and then on to Lawtonka, because 80% of our overall treatment capacity is at Medicine Park, that is why they try to keep Lawtonka as full as they possibly can. The downside of the water conservation portion of that it only makes up less than 20% of our overall water supply, therefore Ellsworth or Waurika could basically be empty and we still would not implement stage two or stage three because of the elevation of Lawtonka. The committee decided to look at the overall raw water supply available which incorporates all three lakes. He stated we are at 56.5% of our overall raw water available to us to use. Under the current policy voluntary restriction doesn't occur until 82% and we are at 79% at Lake Lawtonka. Because of that we should use the overall raw water supply to make our decisions on when we implement stages 1, 2 and 3. There is a false sense that we are okay when we just look at Lawtonka when in fact we are not. The changes recommended were that voluntary restriction would go into effect at 75%, mandatory would go into effect at 60% and mandatory prohibition would go into effect at 50%. The ordinance would go in effect in 30 days. We will be in the 56% if we don't receive any additional rain and that would mean we would be in mandatory restriction, which would mean if you live in an even address home you would only be able to do outside watering on even number days and odd numbers would water on odd number days. The current policy allows watering from midnight to noon and the recommended change would be to change that time from midnight to 9:00 a.m. The reason is that in the summer there is a lot of evaporation from 9:00 a.m. to noon. The final recommendation was to provide some flexibility to the City Manager and the City Engineer in cases of emergencies that they can go ahead and implement the policy of a stage. The committee was made up of councilmembers Shoemate, Tennis, Zarle and Wells.

Mayor Fitch clarified that according to the percentages, right now we would fall in stage two, which is mandatory restriction which would be the odd and even days. Right now we are in stage one voluntary.

Moses questioned if we own all of the water rights of Waurika.

Mitchell stated the district owns it all but the City of Lawton's portion of that is 59%.

Moses stated there are others that draw on that lake.

Mitchell stated five other communities draw on that lake.

Moses stated their draw will affect our watering policies.

Wells stated their draw is so little it will not make much difference.

Mitchell stated the other bigger community is Duncan and they have other water resources.

Ihler stated they do account for what is allowed to be pulled out to other communities.

Moses stated other communities will suffer from the same kind of conditions that we will.

MOVED by Wells, SECOND by Tenis to adopt **Ordinance 12-41**, waive the reading of the ordinance, read the title only. AYE: Shoemate, Tenis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 12-41

An ordinance pertaining to utilities amending Section 22-2-1-218 Division 22-2-1, Article 22-2, Chapter 22, Lawton City Code, 2005, relating to temporary or periodic restrictions on water usage, providing for severability, and establishing an effective date.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Moses encouraged citizens to pick up the trash that blows in their yards.

Bellino-Hall stated the dead tree committee is putting together some ideas.

Mitchell announced the retirement of Municipal Court Clerk Donna Mata. He introduced Charles Barnett, the facilities manager for the new City Hall. He stated he received a service award at the ICMA conference the previous week for 40 years in municipal government.

Mayor Fitch reminded the council of the workshop on Tuesday, October 30<sup>th</sup> at 1:15 p.m. on the 3<sup>rd</sup> Floor regarding CIP projects. He announced the groundbreaking for the hotel/conference center will be held on November 13<sup>th</sup>. He stated he will ask those council members who are appointed to council committees to appoint a chairman who will be the spokes person for that committee so he can keep better track on these ad hoc issues and keep the other council members informed on these issues. He asked the council to let the City Clerk know what committees they sit on.

The Mayor and Council convened in executive session at 7:26 p.m. and reconvened in regular, open session at 9:01 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

21. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2012-2013 between the Police Union, IUPA Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #21. There was no action taken.

22. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of George Steven Smith and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #22. There was no action taken.

23. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of Larry Mitchell, City Manager, and if necessary, take appropriate action in open session. Exhibits: None.

Mayor Fitch read the title of item #23. He stated there was a lot of discussion and there is no action to be taken at this time.

MOVED by Wells, SECOND by Tennis to terminate the City Manager's contract effective immediately and do the payoffs according to the current contract.

Moses stated he did not hear any discussion about this. He heard a discussion of a semi-annual evaluation.

Wells stated he does not have to have a discussion to make a motion.

(City Clerk was unable to display names of how members voted and the votes were recast and voting record was displayed).

VOTE ON MOTION: AYE: Shoemate, Tennis, Bellino-Hall, Zarle, Wells. NAY: Burk, Moses, Haywood, Fitch. MOTION CARRIED.

Mayor Fitch stated he was very disappointed. There was an evaluation and none of this discussion took place. He thought they had a very positive evaluation, he thought they had a very positive conversation. They all had input and he is shocked that they came out and made a motion. It appears to him there is a hidden agenda here. This is not the time for them to allow this to happen. It is not fair. He thought there was positive discussion and he thought it was discussion where some questions had come up that maybe some council person did not like or whatever, they were addressed, they were answered and it seemed to be that everyone was in unison.

Mayor Fitch apologized to Mitchell. He thinks they have five people that need to sleep on what they have done and he feels they need to discuss this further before any further action.

Wells made a motion to adjourn.

Moses stated he disagrees, he wants to discuss this thing. He stated to Wells that this is the most deceitful thing he has every seen anybody. You don't have to have a vote in order to make a motion. Wells brought nothing up in executive session about firing Larry Mitchell, this was an evaluation. If Wells wanted to do that he should have brought that up and laid out some facts. Wells didn't do that. He thinks Wells has a vendetta going on here.

Wells stated he has laid out facts every time they have evaluated Mitchell.

Moses stated Wells has laid out his opinion and perceptions, and it turns out frequently they are not facts, they are perceptions. This is the most deceitful thing he has seen this council do since he has been back here. He stated it was wrong.

Wells stated just because something doesn't go the way Moses likes, it's not wrong.

Moses stated it was wrong. He stated Wells has a vendetta going on and has had every since he has been on this council and it just showed up in spades.

Mayor Fitch stated he did not hear a single word come out of any of these yes votes that indicated anything of this nature.

Haywood stated they knew this was coming, but they didn't know it was going to come tonight. They knew it was going to come two months ago before the police chief got here, but they knew it was coming. He stated what goes around comes around. If they were going to terminate the City Manager, they should have at least let him know something in the meeting. He stated five of you get together and discuss this and make a decision among yourselves, that is not right. That is illegal.

Moses questioned if there had been any discussion between Wells and any other council members about this matter.

Wells stated no.

Moses stated he sure hopes the evidence produces that answer.

Wells stated he does not talk that way.

Moses stated they will find out. He stated he is of the opinion that there needs to be an investigation into the records of these council members who have voted yes on this thing to determine if there has been any collaboration at all. He would like to see that done because he feels what has happened here tonight is unfair to Mr. Mitchell, it's unfair to this city and it does not represent the kind of way he wants to conduct business in this city, but he is only one opinion. He does believe that there ought to be a thorough look at whether there was collaboration among council members for this vote tonight.

Mayor Fitch stated he will address this with the Attorney General’s office tomorrow morning and we will have a thorough investigation.

24. 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.

(No action taken on this item.)

There being no further business to consider, the meeting adjourned at 9:12 p.m. upon motion, second and roll call vote.

\_\_\_\_\_  
FRED L. FITCH, MAYOR

ATTEST:

\_\_\_\_\_  
TRACI HUSHBECK, CITY CLERK