

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
JANUARY 24, 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 6:01 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Greg Baxter, Faith Journey 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  
Rex Givens, Ward Five  
Richard Zarle, Ward Six  
Stanley Haywood, Ward Seven  
Doug Wells, Ward Eight

ABSENT: None

SPIRIT OF SURVIVAL PRESENTATION

Presentation was made by Lori Cummins, Race Director.

Mayor Fitch recognized Weston Owens, City of Lawton Streets Division, for assisting a participant in the race.

Mayor Fitch presented a plaque to Council member Rex Givens for his year of service.

The Mayor and Council recessed at 6:25 p.m. and reconvened in regular, open session at 6:44 p.m. Roll call reflected all members present excluding Haywood.

AUDIENCE PARTICIPATION: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF JANUARY 10, 2012.

MOVED by Givens SECOND by Wells to approve the minutes of Lawton City Council regular meeting of January 10, 2012. AYE: Zarle, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens. NAY: None. ABSENT: Haywood. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Mayor Fitch stated someone has requested to speak regarding item #13. Wells requested item #7 be considered separately.

MOVED by Burk SECOND by Givens to approve the consent agenda with the exception of items #7 and #13. AYE: Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle. NAY: None. ABSENT: Haywood. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Galen Gossett in the amount of \$20,560.37 (**Res. 12-06**), Anthony LaSorse Physical Therapy P.C. in the amount of \$196.60 and Home Finders of Lawton in the amount of \$275.00. Exhibits: Resolution 12- \_\_, Legal Opinions/Recommendations.
2. Consider the following damage claim recommended for denial: Juan Alcala in the amount of \$125,000. Exhibits: Legal Opinions/Recommendations.
3. Consider adopting a resolution approving the settlement by a joint petition and making payment in the workers' compensation claim of Jesse Martinez. Exhibits: **Resolution No. 12-07**.
4. Consider adopting a resolution approving the settlement by a joint petition and making payment in the workers' compensation claim of Jacob Cooper. Exhibits: **Resolution No. 12-08**.
5. Consider accepting a grant of \$20,000 from the National Endowment for the Arts through Arts Midwest to support the 2012 The Big Read Initiative to be received in two installments. Exhibits: The Big Read agreement is on file in the City Clerk's office.
6. Consider approving an agreement with Korean War Veterans Association Chapter 319 organization (KWVA 319) for the construction and maintenance of a Memorial at Elmer Thomas Park to honor Korean War Veterans and be sponsored by the Korean War Veterans Association Chapter 319 organization. Exhibits: Park Map for the Memorial Site, Cooperative Agreement for Construction and Maintenance of the Korean War and Veteran's Memorial.
7. Consider approving Change Order No. 9 for the Rehabilitation of Old Lawton High School Phase IV. Exhibits: Architect's Change Order No. 9: Available for review in the City Clerk's Office.

Wells stated at the January 10<sup>th</sup> meeting change order number 8 was submitted and it stated that this change order marks the last modification to this contract. He questioned why there is now a change order number 9.

Bryan Long, Assistant City Manager, stated that was the last proposed change order. He did not know that the architect had forgotten one minor package item.

Wells questioned if this was the last change order.

Long stated yes.

Zarle stated these guys should be picking up the bills for these kind of things because they are the ones who are screwing up, not us. He stated that this was uncalled for.

Long stated there are a few things that he is still working with the contractor on.

Mayor Fitch stated there is a considerable amount of money being withheld at this moment.

Long stated they are holding \$175,000.

MOVED by Wells, SECOND by Givens to approve Change Order No. 9 for the Rehabilitation of Old Lawton High School Phase IV. AYE: Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle. NAY: None. ABSENT: Haywood. MOTION CARRIED.

8. Consider approving the record plat for Eastlake Addition, Part 3A, and accepting a performance bond in lieu of completed improvements and easements outside the platted area. Exhibits: Plat Map. Performance Bond and Easements are on file in City Clerk's Office.
9. Consider ratifying the grant application submitted to the Bureau of Reclamation for the WaterSmart Funding Grant to augment the 2012 CIP funds approved for reconstruction of the Medicine Park Water Treatment Plant's (MPWTP) Clearwell Project. Exhibits: None.
10. Consider extending the contract (CL11-014) Precast Concrete Manholes to Primary Structure of Guthrie, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
11. Consider awarding contract (CL12-018) Hook Hoist Container Pick-Up System & Grapple Skid Unit to Industrial Truck Equipment of Edmond, OK. Exhibits: Department recommendation, abstract of bids, price sheet.
12. Consider awarding contract (RFPCL12-019) Jail-Inmate Telephone System to Legacy Inmate Communications of Cypress, CA. Exhibits: Department recommendation, abstract of bids, price sheet.

(Haywood returned to the meeting at 6:50 p.m.)

13. Consider awarding contract (CL12-020) Laboratory Services for Toxic Pollutants to Accurate Environmental Laboratory of Stillwater, OK. Exhibits: Department recommendation, abstract of bids, price sheet.

Monica Torres, Oklahoma Regional Manager for Ana-Lab Corporation, stated that Ana-Lab was the lowest bidder on the contract. She stated she was made aware they did not get the contract because of their inability to enter data into the Oklahoma Department of Environmental Quality data reporting system. She stated they have not done business with the City of Lawton wastewater treatment plant because they have been in a three or five year contract with Accurate. She stated she does not believe the reporting to ODEQ involves the wastewater treatment plant, it involves the drinking water treatment plant. She requested that the council reconsider the recommendation. She stated they could save the City \$2,248 per year.

Jerry Ihler, Public Works Director, stated it is his understanding that the problem the City did have with Ana-Lab was not at the wastewater plant, it was at the water treatment plant and it had to deal with the safe drinking water information system. They need to report data to ODEQ and either the information got lost or it was not imported properly and it cost personnel at the water treatment plant approximately eight months to get it straightened out with ODEQ. They were almost fined.

Afsaneh Jabbar, Assistant Director of WWTP/WTP, stated laboratory services are very important to them and we are spending about \$14 million at the WWTP because of a consent order and they cannot afford to have any mistakes. If they cannot provide reliable services, it will cost the City more money in the long run. She stated the track record they have had with this company has not given her the confidence in the services that will be provided.

MOVED by Wells, SECOND by Burk to award contract (CL12-020) Laboratory Services for Toxic Pollutants to Accurate Environmental Laboratory of Stillwater, OK. AYE: Givens, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk. NAY: None. MOTION CARRIED.

14. Consider awarding contract (CL12-021) Laboratory Services for Ground Water/Storm Water to TestAmerica Laboratories, Inc. of Nashville, TN. Exhibits: Department recommendation, abstract of bids, price sheet.
15. Consider awarding contract (CL12-022) 750 CFM Class Portable Air Compressor to Frontier Equipment Sales, LLC of Yukon, OK. Exhibits: Department recommendation, abstract of bids, price sheet.
16. Consider approving appointments to boards and commissions. Exhibits: None.

Great Plains Improvement Foundation  
Annie Ferguson  
3309 SW Salinas Drive  
Lawton, Oklahoma 73501  
11/30/2012

17. Consider approval of payroll for the periods of January 9 - 22, 2012.

OLD BUSINESS ITEMS:

18. Consider an ordinance creating Section 11-5-501 in Article 11-5 of Chapter 11, Lawton City Code, 2005, establishing and implementing a program to recover service fees for the costs associated with the deployment of city fire department assets to provide emergency response services for motor vehicle accidents, hazardous material (HAZMAT) incidents and/or technical rescue incidents that are additional services beyond the fire department's primary function and scope of providing basic fire suppression and investigation, providing for severability and declaring an effective date. Exhibits: Proposed Ordinance 2012-01.

Chief Bart Hadley, Lawton Fire Department, stated in December this item was brought to the council and there were some concerns raised about the wording of the ordinance and how it potentially might affect citizens of Lawton, particularly with motor vehicle accidents. Staff has gone back and made changes that they feel will address the concerns of the council.

Tim Wilson, Deputy City Attorney, stated they have made the ordinance more specific in that when there is a charge, the bill will go to the insurance carrier. Notice will go to the responsible party but the bill itself will go to the insurance carrier. If the claim is denied by the insurance carrier, before any action could be taken against the responsible party, staff would come back to the council who would review the facts and make a decision. He stated they will need to amend Council Policy 2-1 to include that requirement.

MOVED by Tennis, SECOND by Wells to adopt **Ordinance 12-01**, waive the reading of the ordinance, read the title only, and declaring an effective date of March 1, 2012 AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 12-01

An ordinance creating Section 11-5-501, Article 11-5, Chapter 11, Lawton City Code, 2005, establishing and implementing a program to recover service fees for the costs associated with the deployment of city fire department assets to provide emergency response services for motor vehicle accidents, hazardous material (hazmat) incidents and/or technical rescue incidents, as these incidents require additional services beyond the fire department's primary function and scope of providing basic fire suppression and investigation, providing for severability and declaring an effective date.

19. Consider amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, as amended, by adopting a resolution establishing the Schedule of Fees and Charges for the fire department's response to motor vehicle accidents, hazardous material incidents and/or technical rescue incidents that are additional services beyond the fire

department's primary function and scope of providing basic fire suppression and investigation, and establishing an effective date. Exhibits: Proposed Resolution 2012-\_\_.

Hadley stated this is the required resolution to establish fees associated with the ordinance that was just passed.

MOVED by Tennis, SECOND by Shoemate to adopt **Resolution 12-09**, establishing the Schedule of Fees and Charges for the fire department's response to motor vehicle accidents, hazardous material incidents and/or technical rescue incidents that are additional services beyond the fire department's primary function and scope of providing basic fire suppression and investigation, and establishing an effective date. AYE: Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle. NAY: None. MOTION CARRIED

NEW BUSINESS ITEMS:

20. Hold a public hearing and consider issuing a Certificate of Public Convenience and Necessity to Americab LLC. Exhibits: Application with Required Submittal Documents and Notice of Public Hearing.

Richard Rogalski, Planning Director, stated that pursuant to Division 7-24-2, Lawton City Code, 2005, the City Council shall conduct a public hearing to determine if there is a need to allow this taxicab company to operate within the City of Lawton. Per Section 7-24-2-2414, four questions are given to help decide whether any additional taxicab companies are needed within the city.

*1) What is the current number of taxicabs already in service?* The City of Lawton currently has three (3) taxicab companies licensed, with 17, 11, and 18 vehicles respectively, totaling forty-six (46) taxicab vehicles currently licensed. When city staff called the three taxicab companies, we were informed that out of the forty-six licensed vehicles, only thirty-four (34) are currently in operation. In addition to the listed taxicab companies, the LATS bus system is also in operation within the city.

*2) Is the existing transportation adequate to meet the public need?* According to online research, the percentage of non-vehicle households in Lawton is 11.26%. For comparison, Oklahoma City has 3.31%, Norman 3.44%. Altus 6.21% and the State of Oklahoma as a whole is 5.54%. In 2005, a study was done to try to answer the question of how many taxicabs are needed within certain US cities. The study found that there is not a sure calculation that can be done to determine the number of taxicabs needed within a city, but there are a few main factors that influence the number: population, other public transportation ie. subways or buses, and number of non-vehicle households. Based on a graph from this study, solely taking population into account, a city the size of the City of Lawton should need anywhere from 32-48 taxicabs. However, based on the high percentage of non-vehicle households, the City of Lawton should be able to support additional taxicabs.

He stated they have received some petitions of support signed by individuals from local hotels. Those petitions were distributed.

3) *What is the probable effect of the increased service on local traffic conditions?* The effect of ten (10) additional vehicles on our local streets, should not affect any local traffic conditions.

4) *What is the character, experience and responsibility of the applicant?* Americab LLC is a new start-up company. Their business office will be located outside of the city limits, but will operate their business within the City of Lawton. Americab LLC has hired four drivers combined for a total of 75 years of driving experience. The provided financial statement does not show a large amount of assets, additionally, staff has concerns regarding their business office being located outside the city limits of Lawton.

Wells stated ten or fifteen years ago the council approved an application from a company from Wichita Falls. He questioned if they were still operating in Lawton.

Rogalski stated no.

#### PUBLIC HEARING OPENED

Terry Jones, People's Cab, 1908 SW 24<sup>th</sup> Street, stated there are seven cab companies. He stated things have changed because now there are bus systems and other companies that are transporting people here in Lawton and this has hurt their business. Insurance and licenses cost them about \$3,000 to \$4,000 per vehicle. He feels there are enough companies in Lawton. What they need is everyone to play fair.

Chrie Splawn, owner of AAA Cab, stated it would benefit all of the cab companies if the City would revise the test. She stated it is outdated and needs to be revised.

Mike Hartsall, Busy Bee Cab, stated this is a dying industry. He does not have any opposition to a new cab company coming in, but it is going to be tough. He stated there is not as much curb to curb service as there used to be. The bus system offers better rates than cab fairs.

Candy Hanza, Americab, stated club owners, restaurants servers and waitresses need additional service. She stated at clubs they are waiting an hour or hour and a half for cabs to show up. She stated the wait time at hotels is ridiculous. They want to take care of the hospitality end of the business, they are not looking at taking away from the residential pick ups. They want to do the timed calls. They want to offer clean cars with reliable service. They want to work with the hotels in town to provide packages.

Tenis stated out of the people who have spoken there has only been one who has been against a new company. He stated he has no problem approving this request.

Haywood stated People's Cab is in his ward and they have always been there when they needed them. He stated people should be able to open up a business if they wish, he is for free enterprise.

Craig Jarzak, 401 F Avenue, stated he has been in this business for 35 years and he has worked for every cab company in town. He currently is the afternoon dispatcher at AAA Cab. He stated

the statement made by Ms. Hanza about no one taking timed calls is a lie. He stated they cannot guarantee a cab at any time of the day. His shift alone he takes 195 calls daily, sometimes they have to wait 20 minutes, sometime an hour.

Mayor Fitch questioned if the 195 per shift is also reflective of the other cab companies.

Mr. Jarzak stated yes.

Mayor Fitch stated 195 calls per shift with seven cab companies is almost 1,400 calls being handled by 34 cabs.

Tenis stated then there is room for another cab company.

Mr. Jarzak stated he is just saying that someone cannot guarantee a cab.

Tenis stated that if they cannot, then they will not last.

Burk stated that adding a company should shorten the wait time.

Mr. Jarzak stated he is not rejecting another cab in this town, all he is saying is that you cannot guarantee one.

Haywood suggested that all of these people get together and work all of these things out.

PUBLIC HEARING CLOSED

MOVED by Wells, SECOND by Burk to approve the issuance of a Certificate of Public Convenience and Necessity to Americab LLC. AYE: Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood. NAY: None. MOTION CARRIED

21. Hold a public hearing and consider adopting an ordinance closing, vacating, and discontinuing certain streets, easements, and other rights-of-way in portions of North Addition located in the Downtown Redevelopment Project area and declaring an emergency and accepting a public access easement from the Lawton Urban Renewal Authority. Exhibits: Ordinance No. 12-\_\_, Location Map and Public Access Easement.

Rogalski stated as part of the Downtown Redevelopment Project, several streets, alleys, and public utility easements have been closed and vacated to make way for new construction. The current area to be closed and vacated includes portions of NW Arlington Avenue. Title to the area closed by this ordinance will revert to the Lawton Urban Renewal Authority as the adjacent land owner. A temporary easement for utilities is preserved. In anticipation of Council adopting this ordinance, LURA has granted a 40-foot public access easement along the west half of NW 1<sup>st</sup> Street in order to allow vehicular traffic to travel from Gore Boulevard to the three lots facing the unclosed portion of Arlington Avenue. Notice of public hearing was mailed to property owners within 300 feet of this area and to private utility companies on December 23, 2011, and proper notice was published in *The Lawton Constitution* on January 8, 2012.



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

MOVED by Burk, SECOND by Haywood to adopt **Ordinance 12-02**, waive the reading of the ordinance, read the title only, and declaring an emergency. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood. NAY: None. ABSENT: Wells. MOTION CARRIED

(Title read by City Attorney)

Ordinance 12-02

An ordinance closing, vacating, and discontinuing certain streets, easements and other rights-of-way in portions of the North Addition to the city of Lawton, Oklahoma, according to the recorded plat thereof, all in accordance with the Lawton D6 urban renewal project plan and the Lawton Downtown Economic Development Project Plan; and declaring an emergency

22. Consider and take action with respect to a resolution approving and confirming the sale and authorizing the issuance of general obligation refunding bonds by the city of Lawton, state of Oklahoma, for the purpose of refunding certain outstanding general obligation bonds of the city; prescribing form of bonds; providing for a bond issue designated "general obligation refunding bonds, series 2012"; providing for registration thereof; appointing a registrar for the issue; providing levy of an annual tax for payment of principal and interest on the bonds; approving a continuing disclosure agreement, escrow agreement, bond purchase agreement, bank, attorney, accounting and financial service contracts and other documents; fixing other details of the issue; and approving an escrow agreement. Exhibits: Resolution 12-\_\_\_\_.

Rick Smith, Municipal Finance Services, stated as a result of the meeting on December 13, 2011, the council asked him to proceed with the refunding of some 2001 general obligation bonds in order to save interest costs. Based upon that direction, they started working with staff to put together an offering document, engage and underwriter, get a credit rating on the bonds and a number of other steps to go to market. The bonds were sold yesterday. He stated they presented the opportunity of saving approximately \$200,000 upfront. He stated because of the lower interest rates the underwriter was able to achieve on the bonds, they actually will provide \$244,000 to the City. He stated the net interest cost on this particular issue turned out to be 1.37% and they are refinancing 4.66% bonds that were issued in 2001. He stated in conjunction with the other Water Resources Board loans that were refinanced last fall, they have saved almost \$1.1 million in interest costs. He stated the Attorney General's Office has to approve this and then they will close the issue on or about February 9<sup>th</sup>.

Wells questioned if they were locking in this interest rate.

Mr. Smith stated yes, this is a fixed rate. He stated they actually were able to add some principal because the rate was lower and it did not change the debt service requirement.

Jensen stated the new principal amount is \$6,080,000.

Burk questioned the original amount.

Mr. Smith stated \$5,985,000 is what they presented in December.

Burk questioned the amount of the old debt.

Mr. Smith stated \$5,850,000.

Wells questioned if it was still going to be paid off in 2016.

Mr. Smith stated yes, they did not adjust the maturity.

MOVED by Givens, SECOND by Tennis to adopt **Res. 12-10**. AYE: Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED

23. Consider an ordinance amending Sections 6-1-1-104 through 6-1-1-106, Division 6-1-1, Article 6-1, Chapter 6, Lawton City Code, 2005, by adopting the 2009 edition of the International Residential Code as minimum construction standards as required by the Oklahoma Uniform Building Code Commission Act, by adopting certain appendices created by the Oklahoma Uniform Building Code Commission related to those minimum standards, and by adopting certain amendments created by the Oklahoma Uniform Building Code Commission related to building plans, foundations, floors, wall construction, wall covering, flashing, roofing, energy efficiency, exhaust, fuel gas, plumbing, etc. as provided in the Act, providing for severability and establishing an effective date. Exhibits: Ordinance No. 12-\_\_\_\_.

Doug Wellhouse, Code Plans Supervisor, stated this ordinance is to adopt the codes that were adopted by the Oklahoma Uniform Building Code Commission on July 15, 2011. They had almost nine pages of amendments. It states that the City must adopt at least as strict as requirements as the state adopts. He stated that Council member Burk suggested he take these changes to the Building Appeals board. He stated there was not a quorum, but they did have a discussion.

Mayor Fitch stated he understood that other municipalities in Oklahoma could still be working off of older state codes since 2007.

Wellhouse stated the job of the Oklahoma Uniform Building Code Commission is to get every city in the state under one code. He stated this is a state wide code. He stated Tulsa, Stillwater and Broken Arrow have adopted this code.

Burk stated he deals with this code on a daily basis. He stated a lot of cities in Oklahoma have not adopted this code. Lawton is way ahead of the game having the 2009 codes. He believes in moving us forward, but he is concerned that some of these codes put a huge strain on commercial buildings in this area. He is concerned that we hurt people when we adopt codes so quickly. He questioned the drop dead date to adopt.

Wellhouse stated he does not know how the Attorney General's office will enforce this since they don't have building or energy code inspectors.

Burk stated they really need to think about this before they adopt these. He is for being progressive but he does not feel they are at the point where we have to make these changes.

Wellhouse stated some of these changes will make it easier but some are stricter.

Burk stated he would like to see the Building Appeals Board make a decision before the council votes to adopt.

Wells suggested that as part of the package when it comes back, they include an English language fact sheet that tells what those changes are so people can understand them.

MOVED by Givens, SECOND by Zarle to table. AYE: Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle. NAY: None. MOTION CARRIED

24. Consider an ordinance pertaining to the Mayor's Commission on the Status Of Women amending Section 2-3-13-382, Division 2-3-13, Article 2-3, Chapter 2, Lawton City Code, 2005, by adjusting the allocation of membership for the Commission, providing for severability and providing for an effective date. Exhibits: Ordinance No. 12-\_\_\_.

THIS ITEM WAS STRICKEN FROM THE AGENDA.

25. Consider approving changes to Council Policy 6-3 pertaining to mitigation payment procedures for reducing the number of sewer backup and associated cost due to damage claims by making the mitigation payment program unavailable when the building code required the installation of a backwater valve at the time of construction. Exhibits: Council Policy 6-3.

Wellhouse stated this requirement is to clarify council policy. Currently it is in code that if the elevation of your house or your outlet is higher than the manhole, it is required that you put in the back water valve. This clarifies the policy saying that we do not have to pay it out, it is already a requirement of code. The residential and commercial codes call for it and the city ordinance references it. He stated since 2007 they have a list of all the houses that are being built that would be required to have that back flow valve.

Burk stated he understands what we are trying to do, but these things have to be maintained. If someone buys a house and they don't know they have a back flow preventer and he doesn't do anything to it and it floods his house, are we going to say too bad, we don't cover that anymore.

Mayor Fitch stated there needs to be some red flag when a house sells. Is this something that can be done at the city level?

Wellhouse stated it could be listed on the certificate of occupancy that they have a back flow preventer.

Mitchell stated they get into similar arguments when they talk about easements. It would help to note this on the certificate of occupancy.

Wellhouse stated they could also put it on the plumbing final sticker in the electrical box.

Burk stated he does not want to support this because he would feel sorry for the guy who doesn't know he has one until five or ten years down to road. Maybe it could be done when they sign up for water service.

Tenis stated there has to be some notification process.

Wellhouse stated they can work on something. They have had meetings with some of the contractors regarding streamlining the permit process.

Burk suggested they table this issue until they get something figured out.

Wells stated he does not know how revenue services would keep a record of something like this.

Burk stated it could not be that hard.

Wells stated he does not know how they could even know every house that had one. They could keep track of the new ones that are put in.

MOVED by Burk, SECOND by Tenis to table. AYE: Tenis, Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED

#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Mitchell reminded everyone of the charter amendment election on February 14<sup>th</sup>.

Mayor Fitch stated the changes are just so that we can operate as efficiently as possible.

Rogalski stated he was directed by council to begin work on chapter 18 having to do with cumulative zoning as well as some additional protections on residential neighborhoods. He requested some council members serve on a committee.

Burk, Wells and Shoemate volunteered.

Ihler distributed a status report on street activities for the past quarter. He stated the first two pages cover the activity in the last six months. The third page gives a summary of what type of work goes on at what time of year. Also included are reports regarding what the concrete crews have been working on as well as the asphalt crews. He stated the paving machine was down for three weeks in the middle of July and they did not accomplish as much as they hoped. He stated the last page covers where they are at in each ward with the overlay program.

The Mayor and Council convened in executive session at 7:59 p.m. and reconvened in regular, open session at 8:17 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

26. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a proposed settlement of the City's claim for reimbursement of expenses resulting from the vehicle accident of Samuel Rucker and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #26.

MOVED by Burk, SECOND by Givens to approve the settlement on the subrogation claim regarding Samuel Rucker in the amount of 1/3 of \$100,000 or \$33,333.33. AYE: Givens, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk. NAY: None. MOTION CARRIED

27. 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 and financing in connection with the Lawton Downtown Redevelopment Project, for the hotel-conference center and the mixed-use commercial retail establishments and take appropriate action, if necessary, in open session. Exhibits: None.

Jensen read the title of item #27. No action was taken.

There being no further business to consider, the meeting adjourned at 8:19 p.m. upon motion, second and roll call vote.

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

ATTEST:

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