

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
SEPTEMBER 25, 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 REGULAR MEETING OF SEPTEMBER 11, 2012.

MOVED by Tennis SECOND by Burk to approve the minutes of Lawton City Council regular meeting of September 11, 2012. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

Wells requested items #4 and #8 be considered separately.

MOVED by Burk SECOND by Shoemate to approve the consent agenda with the exception of items #4 and #8. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Hilario Marin. Exhibits: **Resolution 12-96.**
2. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Roger Parks. Exhibits: **Resolution 12-97.**
3. Consider approving a request to enter into a contract application process with the Oklahoma Highway Safety Office and the City of Lawton for an overtime reimbursement of Impaired Driving Enforcement grant initiatives. It will also allow for assistance to OHSO in data and information gathering for their Combined Enforcement Grant. Exhibits: Copy of the project contract application request in the amount of \$56,000.00.
4. Consider approving the construction plans for a waterline and left turn lane to serve the proposed Aldi Food Market located at 935 NW Sheridan Road subject to conditions. Exhibits: Location Map.

Wells stated he had a question about the length of the turn bay.

Richard Rogalski, Community Services Director, stated the turn bay that is provided does not meet our standards but obviously it could be larger.

Wells stated it is just past the red light where you turn right into Walmart and if that store is used very much that traffic lane is going to back traffic all the way up north on Sheridan. He feels this needs to be looked at a little more.

Rogalski stated in the right turn bay when you enter Walmart is further down, it is not directly across, it is north of Aubrey Chevrolet. He is not seeing the issue.

Wells stated if there are many cars going across Sheridan Road into that grocery store, the smaller turn bay will not handle the traffic and it is going to back up on Sheridan Road.

Moses questioned if our traffic people look at this kind of thing.

Wells stated that Rogalski said it doesn't meet our standards but the traffic engineer said it was okay.

Burk stated it is at the existing signal light that is on the northeast end. It would be at that turn bay.

Wells stated there is already one traffic lane that allows you to go into Staples, and another further north at Bank America.

Rogalski stated the space is limited, that median is now a turn bay each direction. It has as much room as it can have. He stated the traffic engineer did approve this.

Shoemate stated he agrees with Councilmember Wells. Even though there is a center median, that traffic gets backed up there as it is.

Rogalski stated during peak hours, Sheridan is one of our most traveled roads and there will be more cars at times. There is enough stacking room for four or five cars. In his opinion, it will function fairly well most of the time. The only option would be to reconstruct that left turn bay and close the one further north. If it turns out there is a problem in the future they can address that. The road itself is at capacity and he feels the turn bay will not make the problem any worse.

Moses stated this Sheridan stretch has a lot of commercial operations that have ingress and egress and it is getting increasingly more dense. He believes they will have to start controlling and metering that traffic all along that stretch sooner or later. He stated this may be too short for the traffic that is there already.

Wells stated this same grocery store in Oklahoma City is always packed all the time. If this one does that kind of business traffic will back up on Sheridan Road to the North.

Haywood questioned how Councilmember Tennis felt about this issue since it is in his ward.

Tennis questioned if they could make the median thinner so there is a longer turn bay.

Rogalski stated you would have to take away or close the other movement but they did not look at that in terms of reviewing this plan. He stated they can kick this back and look at closing that other median.

Tennis stated that sounds like a good idea.

Rogalski stated closing a median is not something they do lightly.

Moses questioned if the street to the east was an access into the store from a different direction. He can see people using that street to access the parking lot.

Rogalski stated that is a local street with homes and they really don't want to push traffic to that roadway. There is loading and fire access from that area. He is not disagreeing that the turn bay may need to be longer and maybe they need to look at closing that opening to the north.

Tennis questioned if staff goes back and looks at an alternative, will that hold up the developer.

Rogalski stated if the council does not approve they cannot start construction. He stated they could let them move forward with their on site construction but he does not know if there is an urgency on this.

Tennis stated haggling over a few feet versus someone developing something is not worth it.

Moses suggested they approve this with the provision that the entire turn bay issue be reassessed to make sure it is adequate for the anticipated traffic and report back to the council after staff has looked at the issue. They are going to have to learn how to handle increased traffic on that road for all those commercial businesses.

Mitchell stated the answer is to start closing the medians and you limit the turns, but he does not feel the council wants to do that either.

Rogalski stated one of the things they would look at is do they remove the median for that section. If they want to make the storage on this one longer, you are going to make the other storage shorter or you can take it completely out. With major intersections like this, closing medians usually helps traffic.

Tenis suggested they go along with this and get it out of the way and the meantime staff come back with something else and if they need to change it they can.

Wells questioned if they plan to put in left turn arrow at that light.

Rogalski stated yes.

Wells stated if they moved the turn lane past the red light down to the south side of the property you could get a longer turn bay.

Rogalski stated they would have to move that signal completely and that would be a much bigger project and this is a developer funded project.

MOVED by Tenis SECOND by Burk to approve the construction plans for a waterline and left turn lane to serve the proposed Aldi Food Market located at 935 NW Sheridan Road subject to conditions AYE: Shoemate, Tenis, Bellino-Hall, Burk, Moses, Zarle, Haywood. NAY: Wells. MOTION CARRIED.

5. Consider awarding a construction contract to Landmarc Environmental Systems LLC for the Landfill Gas Collection & Control System Project #2011-2. Exhibits: A copy of the agreement is on file in the City Clerk's office.
6. Consider accepting the Santa Fe Bridge Replacement Project #2010-2 as constructed by OBC Inc. and placing the Maintenance Bond into effect. Exhibits: The Maintenance Bond is on file in the City Clerk's office.
7. Consider authorizing the Mayor to execute the recertification application for the Community Rating System of the National Flood Insurance Program. Exhibits: Recertification Application on file in the City Clerk's office.
8. Consider authorizing Financial Services to transfer funding from the 2005 Capital Improvements Program into the appropriate Sewer Rehab accounts for the South Wolf

Creek Upgrade Project Phase II Siphon and right of way/easement acquisition, the Rogers Lane Boring Project, and the Phase II Post-Construction Flow Monitoring Assessment and Report for the Wolf Creek Basin Project. Exhibits: None.

Wells questioned if these projects were already approved and funded and we are just moving money to comply with something or are these new funding requests.

Jerry Ihler, Public Works Director, stated these are projects that were approved as part of the overall sewer rehab program in phase two. They will provide better accountability for accounting with regards to where the funding comes from. When they get audited they are able to follow the path much better. They used to set up projects directly out of the CIP for sewer rehab and in addition they have the budget that the council approves every year for sewer rehab. Specified projects would come out of the CIP and materials from their day to day work would come out of the budget. They are transferring it into the sewer rehab budget from the CIP that would have already been approved as part of the overall program.

MOVED by Wells SECOND by Moses to authorize Financial Services to transfer funding from the 2005 Capital Improvements Program into the appropriate Sewer Rehab accounts for the South Wolf Creek Upgrade Project Phase II Siphon and right of way/easement acquisition, the Rogers Lane Boring Project, and the Phase II Post-Construction Flow Monitoring Assessment and Report for the Wolf Creek Basin Project. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

9. Consider extending contract (CL12-012) Redi-Mix Concrete with Lawton Transit Mix of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
10. Consider awarding contract (CL13-010) Self Contained Hydraulic Fusion Machine to Secor from Houston, TX. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.
11. Consider approval of payroll for the period of September 3 - 16, 2012.

NEW BUSINESS ITEMS:

12. Consider the Consolidated Annual Performance Evaluation Report (CAPER) for Federal Fiscal Year (FFY) 2011, receive a briefing on the CAPER, hold a public hearing to receive input from citizens, and approve the report for submission to HUD, and authorize the Mayor to sign the approved CAPER. Exhibits: None. (The CAPER is on file in the City Clerk's Office.).

Tim Libby, Assistant Director for Housing and Community Development, stated HUD requires grantees to submit a CAPER, which reports on the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Programs' activities and accomplishments during the previous program year.

A briefing was presented by Libby. (on file in City Clerks office)

Burk stated as much as they talk about low to moderate income people in our city, he is confused that not more people are trying to get into these homes with our housing program. He questioned if it was how we were presenting this to the public.

Libby stated the best way to get the information out is by word of mouth. When they get a person in their office it is rare that they saw it in the newspaper. He stated they used to spend \$1,500 a year to advertise but they don't have that kind of money to spend anymore. He stated with both the first time homebuyer program and the rehab program, the person is going to pay us back some portion. It goes anywhere from 5% to 75%, depending on the income.

Moses stated if someone walked up to him on the street and asked him the advantages of these programs he would be at a great loss to tell them, with any kind of honesty, about these programs. He stated they need to produce something that is "Dick and Jane" for a layman to be able to understand what this program offers. He suggested they produce a one sheet fact sheet.

Shoemate stated there is some confusion with this program and section 8 housing. With section 8 housing the person does not have to worry about the property because the landlord has to fix it up.

Wells stated the rehab property basically comes with new heating and air, so the people should never have any problem during the five years they pay this back. He stated staff does a super job with this program.

Burk stated it would help if they had something that showed the criteria for someone to qualify. He questioned if they advertised on the internet and facebook.

Libby stated they have the information on the City of Lawton website but they are not on facebook, but they can work with IT to get that done.

Haywood stated a lady bought a house from this program and all she had to pay was \$2,500. She paid \$50 a month. He questioned how much money HUD gives to Lawton and Comanche County including Great Plains Improvement Foundation, Habitat for Humanity, Housing Authority, etc.

Libby stated he will be at HUD on Friday and he can talk to the Community Planning Director to see if they can put that information together. He stated funds go to all different places.

Moses requested some brochures on these programs. He wants to be able to explain these programs to his constituents.

Libby stated he can do that and he can also sit down and explain this information if anyone wishes.

Haywood stated we also have emergency funds to help people with sewer lines, leaking roofs, air conditioners, and all kinds of things.

Burk stated they do a lot of good but they just need to get the word out.

PUBLIC HEARING OPENED.

Kim Shahan, 1215 Lake Avenue, stated there is community leadership element in terms of pastors and they need to be informed of this program. They deal with people who are looking for resources at all times and he feels this is a group who needs to be educated in what these funds can do for the people.

Mayor Fitch stated if you could educate two or three groups you could get some pretty good coverage. He suggested Mr. Shahan pick up some information to distribute to some of these groups.

PUBLIC HEARING CLOSED.

MOVED by Moses SECOND by Haywood to approve the Consolidated Annual Performance Evaluation Report for submission to HUD, and authorize the Mayor to sign the approved CAPER. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

13. Consider discussion of an advisory request from the Lawton Enhancement Trust Authority and provide direction to City staff if appropriate to develop a plan to remove large trees that are dangerous to the public located on city right-of-ways. Exhibits: Picture of trees in right-of-ways that is considered dangerous to the public.

Burk stated the Lawton Enhancement Trust Authority (LETA) had their meeting last month and they feel that there needs to be a committee formed to discuss the issue of dead trees in right of ways. He feels there needs to be a plan on what the City can provide. People have called him to say they can cut the trees down but they just don't have a way to get it hauled away. People are willing to try and help but it has to be City led and community driven. The first time we have ice or heavy snow we are going to have trees in our streets and this could be a dangerous situation. He stated LETA wants to be involved as well. He suggested they start a committee that can look at some ideas and look at a funding source.

Shoemate questioned if they could sell the firewood to help offset the expense.

Burk stated Dr. Bellino had some great ideas about community support. There are some trees in Old Town North that are huge and there is no way a community group could take those trees down, they will need help from the City.

Mitchell stated they do not have a crew that is capable of taking down those huge trees. You would have to get a commercial company to take those larger trees down. Funding is one part of the problem, but having the manpower to do it is another.

Mayor Fitch stated it could cost several thousand dollars to take down one tree. Trees were planted by homeowners years ago even though they are in the easement.

Tenis stated he agrees that they need to get some people together and start talking about how they are going to handle the problem before it ends up costing us a lot more money.

Mitchell stated there are two clean ups a year and the next one is scheduled for October. If someone is capable of taking the tree down and cutting it up in five foot lengths then we could pick those trees up.

Moses stated he brought this up some time ago and he appreciates Councilmembers Burk and Bellino-Hall trying to pull together some thoughts. He stated there some liabilities of having a dead tree standing near their yard and it also takes training to take some of these large trees down. He also thought about soliciting woodcutters from around the state to see if they would be willing to cut these trees for the wood. He has noticed in Old Town North that some property owners have taken some of the trees down or they have cut the dead limbs off. He does not know if it is the right thing to do to lay it on a city employee to be cutting trees. He would have to rely on staff to tell him what those implications would be. He would be willing to help with this issue but he has no idea where to get the money.

Bellino-Hall stated they could put out bids state wide and see what it would cost to take down a tree first and once they have some real handle on the costs, then through LETA, they could look at a grant to do this.

Moses stated the state has received federal funds in response to this drought and they might explore the availability of some of those funds to help with safety considerations.

Wells stated normally that is just to reimburse 75% of the expenses.

Mitchell stated he does not believe the state has received any federal aid from the drought. He believes it is still pending. He stated the City is still waiting for FEMA reimbursement from the ice storm two years ago. He stated they certainly could go out and get an estimate but they do not want to issue an RFP because that implies that we have money to do a program.

Moses stated the first step would be to define the size of the problem and what the requirements would be and then take a look at what might be available to help alleviate the problem.

Shoemate stated a lot of homeowners have tall trees in their backyards and no way to get them down. You would have to tear their fence down and tear out bushes and trees.

Mayor Fitch suggested three councilmembers volunteer and bring in a citizen or two to serve on this committee. They need to target a particular area and come up with some estimates.

Bellino-Hall suggested they serve as a subcommittee through LETA and get some citizens on board. The first thing they need to do is find out how much it will cost.

Burk stated they will need some staff involvement from Public Works and Parks and Recreation.

Wells stated surely they could set up something that says that if a resident takes down a tree and piles it in their front yard the City could pick that up. In the past the downtown sidewalks were damaged and the City decided it had a liability and he feels the trees fall under the same category, we could have a legal liability if a tree in the right of way were to fall and hurt someone or damage a car.

Jensen stated they did a legal opinion on this very issue in 2003. They have done an opinion on a similar issue with sidewalks. Today he asked one of his attorneys to research the law and see if anything has changed since 2003, but they don't think it has. Their opinion was in areas that are in the right of way that they don't own outright, but hold in trust for use as a street or an alley, the owner of those trees is the abutting property owner. That does not mean that we don't have liability, if we don't require the property owner to address the issue or we don't do it ourselves, there is other case law that says we have potential liability. In areas where we own property outright, we own the tree. When you read the state statute on what we can do with high weeds and grass, trash and the boarding up of homes, a dead tree and an unhealthy tree is actually described and defined as a weed. We can address these dead and unhealthy trees just like we do high weeds and grass and we can impose an assessment on somebody's property if we had to take care of the problem ourselves. You don't do that until you give someone a chance to pay the cost of what we may have to do and if they can't pay we take the step of imposing a lien.

Burk suggested they have Neighborhood Services Division involved.

Mayor Fitch clarified that Councilmembers Bellino-Hall, Burk and Wells will serve on this committee.

14. Considering approving amendments to ordinances pertaining to section 19-4-412, article 19-4, chapter 19, Lawton City Code, 2005, by adding language clarifying designated hunting areas and times around Lake Lawtonka, providing for severability and declaring an effective date. Exhibits: Ordinance 12-____.

Kim Shahan, Parks and Recreation Director, stated this clarified the time of hunting on a particular portion of our property on the west side of Lake Lawtonka. The Lake and Lands Commission endorsed the development of a mountain bike trail in that area. This is already the existing time frame for hunting, they are just clarifying in the ordinance that mountain biking will not be during that period of time. They will post signage. There will be a future agenda item discussing the mountain bike program associated to the bicycling program being developed by the wildlife refuge and the Fit Kids Coalition.

MOVED by Burk, SECOND by Shoemate to adopt **Ordinance 12-33**, 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 12-33

An ordinance pertaining to hunting, amending Section 19-4-412, Article 19-4, Chapter 19, Lawton City Code, 2005 by adding language clarifying designated hunting areas and times around Lake Lawtonka; providing for severability and declaring an effective date.

15. Consider an ordinance amending Section 23-5-520, Article 23-5, Chapter 23, Lawton City Code, 2005, which pertains to court costs for convictions of driving under the influence or driving while impaired, providing for severability and establishing an effective date. Exhibits: Ordinance 12-____.

Jensen stated state law changed last year to say that anybody who has a specimen collected of saliva, blood, urine, etc. that results in a conviction of DUI or DWI shall pay as part of the court costs, the cost of the collection of that specimen and state law also says that when the court collects those court costs, that money shall go to a fund of the law enforcement agency, in our case the Lawton Police Department.

MOVED by Wells, SECOND by Zarle to adopt **Ordinance 12-34**, 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 12-34

An ordinance amending Section 23-5-520, Article 23-5, Chapter 23, Lawton City Code, 2005, which pertains to court costs for convictions of driving under the influence or driving while impaired, providing for severability, and establishing an effective date.

16. Consider an ordinance amending Section 23-5-543, Article 23-5, Chapter 23, Lawton City Code, 2005, which pertains to certain vehicles stopping at all railroad crossings, providing for severability and establishing an effective date. Exhibits: Ordinance 12-____.

MOVED by Wells, SECOND by Haywood to adopt **Ordinance 12-35**, 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 12-35

An ordinance amending Section 23-5-543, Article 23-5, Chapter 23, Lawton City Code, 2005, which pertains to certain vehicles stopping at all railroad crossings, providing for severability, and establishing an effective date.

ADDENDUM:

1. Consider approving the payment of interest due on the 2009 Economic Development Capital Improvement note executed between the Lawton Economic Development Authority and BancFirst, Arvest, and IBC having a maturity date of September 5, 2012.

Exhibits: Tax Increment Revenue Note, Series 2012-Sources and Uses of Funds, Funds Advanced – Hotel Developer, Retail Developer, Memo’s–Rick A Smith, Lawton TIF Advancement dated September 20th, Memo – Dan Batchelor, Jefferson Bankruptcy dated September 19th.

Mayor Fitch stated the monies have been received from the hotel developer on the purchase of the Jefferson property. Monies are due in from the retailer by October 5th, the same date as this is due. That is intended for the paying of the interest on this note. We don’t want to be in a delinquent position so we want the authority to be able to pay this out of another fund within the City and then it will be reimbursed around October 5th or 6th when Mr. Collette’s check comes in. He does not want to see the note go on a bank’s delinquent list.

Mitchell stated they have received the entire earnest money from Journeyman Construction so they will have the funds available to purchase the Jefferson property out of bankruptcy. The owner refused to sign the settlement agreement which meant they had to go back to the court and the judge has issued the implementation of that settlement agreement and it takes about ten days to process. Once that ten day period is up they will be able to purchase the Jefferson property. Upon purchasing that property, Collette and Associates will provide us with their earnest money and the Jefferson property is to be used as the collateral for their earnest money.

Zarle questioned if that money had been deposited.

Mitchell stated yes.

Zarle questioned the amount.

Mayor Fitch stated \$392,000.

Zarle questioned if they could pay the interest out of that \$392,000.

Mayor Fitch stated no because in all the documents it states that the \$392,000 from Journeyman was for the Jefferson property.

Mitchell stated they did have a closing today for the first part of the hotel/conference center development. The \$4.5 million from CCIDA was transferred to Bancfirst today. The next step is to get the money entered into the agreement from the hotel development group to purchase the property and the steps after that involve the tax credits and other funding sources. This will end up being a two or three day closing, but by the end of the week the closing will be completed on the hotel/conference center.

Mayor Fitch stated there will be a total of \$1.59 million in the bank which will then go to reduce the note we have with the three banks.

Bellino-Hall questioned if there was a written contract that the City gets the money back or is it just a verbal agreement.

Mayor Fitch stated they could draw up a document, but he suggested they add something to the motion that the money coming from Collette will be paid back to the City.

Jensen stated they could add that as a condition that the money will be repaid to the fund it is taken out of.

Mitchell stated there was a note that LEDA executed eight months ago that at some point in time the monies advanced to LEDA to pay interest and other operating expenses would come back to the City with a cap of \$600,000. There is already that document in place.

MOVED by Burk, SECOND by Tenis to approve the payment of interest due on the 2009 Economic Development Capital Improvement note executed between the Lawton Economic Development Authority and BancFirst, Arvest, and IBC having a maturity date of September 5, 2012 to be refunded back to the City with funds paid from Collette and Associates. AYE: Shoemate, Tenis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells stated since they talked about money out of the 2005 CIP he just had a couple questions. In the current budget on page 211 and 212 it shows two notes totaling \$32,500,000 from that program is going to be repaid this year. He questioned if they could get a date when that is going to happen because we are paying a little over \$1.1 million in administrative fees and interest on that note that could have been used for other projects if we had paid them earlier. He requested a report on how much money, after encumbrances and these notes are paid off, will we have left in that program.

Mitchell stated the investment committee has reviewed that issue and there are CD's that come due and when the maturity date on the CD comes due they will be paying off that note.

Wells stated he is on the investment committee and he knows they are waiting for money but it was not on the 2005 program. They are getting less interest on the CD's than what they are paying on these notes.

Mitchell stated he would get that information.

Haywood questioned the difference between a freeway and a highway.

Ihler stated he does not see a difference between a freeway and a highway.

Haywood stated he was talking about Interstate 44. He stated we have a Martin Luther King, Jr. Freeway then we have a Bill Burgess, Jr. Highway which starts at Gate One. He stated they are overlapping down to Lee. He feels that Mr. Burgess should have the whole highway all the way to Interstate 36. He does feel they need to name a street Dr. Martin Luther King, Jr. in the city of Lawton.

Mitchell stated he and Assistant City Manager Bryan Long will be attending the OML Conference in Oklahoma City the next few days. Jim Russell will be Acting City Manager. He stated he and Long will also be at the ICM Conference in Phoenix October 5-10 and will not be at the next council meeting.

Burk stated there is an issue with not having enough chairs in the banquet hall. There have been some events here and they have had to borrow chairs from Cameron. The LEDA event will come up in the first week of December and they are unable to borrow chairs from Cameron this year. He stated we have 110 chairs now and they usually borrow about 120. He suggested they use council contingency funds to purchase the chairs that they need for the events here. To purchase 120-130 chairs will be approximately \$17,000. He hates to use council contingency but that is the only place to get it.

Wells stated he does not have a problem with what Burk is trying to do, but he would think with an \$89 million budget, the City Manager could find \$17,000.

Mitchell stated he cannot.

Burk stated they need to get them ordered.

Wells stated if he votes for this out of council contingency, which he will, he will vote against any request by the City Manager anytime this year to come up and move funds for something else if he can't find \$17,000 out of \$89 million. He stated they need to get a council consensus that it is okay to go ahead and order them.

Mayor Fitch stated he will also be attending the OML conference.

The Mayor and Council convened in executive session at 7:47 p.m. and reconvened in regular, open session at 8:12 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

17. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case of Ollie Price vs. City of Lawton, CV-2012-165, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #17. No action was taken.

18. 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.

Jensen read the title of item #18. No action was taken.

19. 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.

Jensen stated the council did not discuss item #19.

There being no further business to consider, the meeting adjourned at 8:13 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK