

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
JUNE 12, 2012 – 6:00 P.M.  
NEW CITY HALL  
COUNCIL CHAMBERS/AUDITORIUM

Mayor Fred L. Fitch  
Presiding

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

Mayor Fitch called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Gary Castleberry, Olivet 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

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 item #17 will be stricken from the agenda and item #18 needs to be considered separately. Tennis requested item #9 be considered separately.

MOVED by Burk SECOND by Tennis to approve the consent agenda with the exception of items #9, #17 and #18. AYE: Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Daisy Perez in the amount of \$220.00 and James and Betty Phillips in the amount of \$4,374.71 (**Res. 12-47**). Exhibits: Resolution 12-\_\_ and Legal Opinions/Recommendations.
2. Consider adopting a resolution approving the settlements and making payment in the workers' compensation claims of Michael Cargill. Exhibits: **Resolution No. 12-48**.

3. Consider authorizing the City Attorney to accept the sum of Sixteen Thousand Six Hundred Sixty-Six and 66/100 Dollars (\$16,666.66) for settlement of the City's subrogation interest in the personal injury case of Anthony Buzbee. Exhibits: None.
4. Consider renewing the professional services agreement with James C. Ferguson of Walker, Ferguson and Ferguson for the defense of Workers' Compensation claims. Exhibits: Retainer Agreement for Professional & Legal Services on file in the City Clerks Office.
5. Consider renewing the Retainer Agreement for Professional Services with Granville D. Long, to provide professional investigative services to the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
6. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and McAfee & Taft and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional & Legal Services on file in City Clerk's Office.
7. Consider adopting a resolution designating places and times within municipal jurisdiction to discharge fireworks on July 4, 2012, and authorize the Mayor and City Clerk to execute the resolution. Exhibits: **Resolution No. 12-49.**
8. Consider adopting a resolution declaring that Ninety Percent (90 %) of the budgeted and appropriated revenues for fiscal year 2011-2012 have been collected for the General Fund. Exhibits: **Resolution No. 12-50.**
9. Consider approving a water sales contract between the City of Lawton and Comanche Nation (JAR Holdings, LLC) for the operation of the Comanche Nation Water Park. Exhibits: Proposed contract and memo from JAR Holdings.

Tenis stated this is a for profit company and discounting their water 35% is a nice thing to do but we run a business. He does not think that a for profit business is entitled to that big of a discount.

Shoemate stated his phone rang off the hook with complaints that the water park was not opening. He stated there is nothing for families to do and Mr. Pogi offered to make up the difference for the discounted rates. He stated they will discount tickets for community days. He stated senior citizens get in free as well as three and under. He stated the Big Green gets free water and even though there is no admission, the players have to pay to play. The water park is selling summer passes for \$35 and this is cheap entertainment.

Tenis stated the casino makes a lot of money.

Shoemate stated this is under Mr. Pogi's leadership and the casino has nothing to do with it.

Jensen stated there were four concessions made because there must be an equal benefit for the 35% discount. Those concessions were three community days where passes are \$7, one military appreciation day where passes are \$5 for members of the armed forces, senior citizens get in free and season passes for children brought to the facility by daycare centers and youth programs will be reduced to \$35 per pass. He stated he also added a line in the agreement that states that “all revenues from fees and concessions will be retained and used by the Comanche Nation for maintenance and operation of the facility”.

Burk stated he feels this is a pretty good give and take.

MOVED by Burk SECOND by Haywood to approve a water sales contract between the City of Lawton and Comanche Nation (JAR Holdings, LLC) for the operation of the Comanche Nation Water Park. AYE: Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells, Shoemate. NAY: Tennis. MOTION CARRIED.

10. Consider setting the date of July 24, 2012, to hold a public hearing and consider an ordinance closing the portion of the alley between Lots 20 – 25, Block 5, College Addition, east of SW 27<sup>th</sup> Street between SW A Avenue and SW B Avenue. Exhibits: Application, Location Map and Council Policy 5-1.
11. Consider setting the date of July 24, 2012, to hold a public hearing and consider an ordinance closing the portion of the alley between Lots 1 and 12, 13 and 14, Block 4, McClung Addition, located in the 800 block on the south side of SW Lee Boulevard. Exhibits: Location Map and Council Policy 5-1.
12. Consider approving the construction plat for Lawton Marketplace subject to conditions. Exhibits: Plat Map.
13. Consider endorsing the Federal Fiscal Year 2013-2016 Transportation Improvement Program for the Lawton Metropolitan Area Transportation Study area. Exhibits: FFY 2013-2016 TIP on file in the City Clerk’s Office.
14. Consider endorsing the Fiscal Year 2013 Unified Planning Work Program for the Lawton Metropolitan Transportation Planning Process. Exhibits: FY 2013 UPWP on file in the City Clerk’s Office.
15. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization for Congestion Mitigation and Air Quality programs and projects during Fiscal Year 2013. Exhibits: Memorandum of Understanding.
16. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization for metropolitan transportation planning for Fiscal Year 2013. Exhibits: Memorandum of Understanding.

17. Consider approving a short term lease agreement between LATS and the City of Lawton for the purpose of establishing a customer service center at Wayne Gilley City Hall. Exhibits: Lease agreement. **STRICKEN FROM AGENDA**
18. Consider accepting the street, sanitary sewer and storm sewer improvements and easements to serve the Fort Sill Apache Casino located at 2401 East Gore Boulevard and waiving the maintenance bond and engineering inspection fee requirements. Exhibits: Location Map.

Debbie Dollarhite, Senior Planner, stated these improvements were installed in 2009 and have been in service since that time. These were in conjunction with the new hotel and restaurant that is going up. The developer is requesting that the two year maintenance bond be waived because improvements have been installed and functioning for more than two years. The final inspection was performed on April 30, 2012 and no deficiencies were noted. The developer is also asking that the inspection fees be waived. City code states that there are only certain conditions which will allow for council to waive these fees and staff feels they do not meet these conditions. Staff is recommending that the improvements be accepted and the maintenance bond be waived but not the inspection fees.

Mayor Fitch questioned the amount of the inspection fees.

Dollarhite stated \$17,440.86.

John Kenslow, attorney for Fort Sill Apache Tribe, stated they are requesting that the inspection fees be waived because the tribe is a governmental entity and even though this is a commercial activity, this is their source of revenue. This is also the fair and reasonable thing to do on behalf of the tribe because the tribe made improvements which benefited neighboring property as well as the city as a whole and solved a significant flooding problem on Gore.

Shoemate stated the Apache Tribe has really improved the look of east Gore Boulevard.

Zarle stated they had to put in a \$1 million storm sewer from that parking lot just for the casino alone.

Jeff Haozous, Chairman of Fort Sill Apache Tribe, stated the city code does say that inspection fees can be waived for governmental entities and they are a governmental entity and they do run a business which is their source of revenue which funds tribal programs.

Haywood stated the tribe has given away more than \$17,000 to the community and he appreciates all that the Fort Sill Apache tribe has done for the city of Lawton.

Mayor Fitch stated the hotel and restaurant is on private land and they will have sales tax and collect hotel/motel tax at that facility.

Burk stated this is in his ward and the area on Gore Boulevard where all the construction has taken place has been torn to pieces and he is getting a lot of complaints. He questioned if they could work something out to address this problem since there is no money in the CIP to do this work. He stated he does support everything the tribe does and they always make sure that east Lawton looks really nice.

MOVED by Burk SECOND by Shoemate to accept the street, sanitary sewer and storm sewer improvements and easements to serve the Fort Sill Apache Casino located at 2401 East Gore Boulevard and waive the maintenance bond and engineering inspection fee requirements. AYE: Burk, Moses, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall. NAY: None. MOTION CARRIED.

19. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: Westbound SW “A” Avenue near the intersection of SW Sheridan Rd and SW “A” Avenue; westbound NW Mimosa Lane at the “T” intersection of NW Mimosa Lane and NW Northwood Place; southbound NW 40<sup>th</sup> Street south of the intersection of NW Cache Road and NW 40<sup>th</sup> Street; northbound Ft Sill Boulevard and southbound Ft Sill Boulevard at the signalized intersection of NW Cache Road and NW Fort Sill Boulevard. Exhibits: **Resolution No. 12-51**. Traffic Commission Minutes and Traffic Issue Requests.
20. Consider approving agreements for euthanization services with the following entities, and authorize the Mayor and City Clerk to execute the Agreements: City of Grandfield and Town of Medicine Park. Exhibits: Agreements (On file with the City Clerk).
21. Consider approving agreements for refuse disposal with the following entities, and authorize the Mayor and City Clerk to execute the Agreements: Town of Indianahoma, Multiple Community Services Authority and Town of Temple. Exhibits: Agreements (On file with the City Clerk).
22. Consider approving the Proposed Cooperative Program and Memorandum Agreement between the Oklahoma Water Resources Board, the U.S. Geological Survey and the City of Lawton and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Proposed Cooperative Program and Memorandum Agreement (on file with the City Clerk).
23. Consider approving the proposed Memorandum of Understanding (MOU) between the City of Lawton and Comanche County Health Department (CCHD) to participate in the planning and transport of medication as part of a Mass Immunization/Prophylaxis Strategy (MIPS), and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Memorandum of Understanding (on file with the City Clerk).
24. Consider entering into an Agreement with Horn Sanitation, Inc. for Non Exclusive Recycle Center Operations within the City of Lawton and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Agreement is on file in the City Clerk’s Office.

25. Consider approving the Oklahoma Department of Transportation (ODOT) Change Order No. 4, Change Order No. 5 and Change Order No. 6 for the NW 67<sup>th</sup> Street (Cache Road to Rogers Lane) Project #2003-7. Exhibits: None.
26. Consider approving Amendment #1 to Agreement with Dewberry and Davis LLC for additional time for the 2011 All Hazard Mitigation Plan. Exhibits: Amendment #1 to Agreement.
27. Consider awarding a construction contract to Rudy Construction, Co. for the SW 2<sup>nd</sup> Street Enhancement Phase IV (Gore Blvd. to SW C Ave.) Project #2011-4. Exhibits: None.
28. Consider approving an agreement with Cardinal Engineering, Inc. for professional engineering design services for the NW Arlington Avenue & NW 35<sup>th</sup> Street Drainage & Street Construction Project #2012-3. Exhibits: None.
29. Consider extending the City of Lawton Property Insurance contract with North American Insurance Agency of Lawton, underwritten by the Chubb Insurance Group. Exhibits: Contract Extension Form.
30. Consider awarding (RFPCL12-028) Cellular Telephone Service to U.S. Cellular of Tulsa, OK. Exhibits: Department recommendation, RFP and proposal packets on file at City Clerk's Office, Abstract, Price Sheet.
31. Consider awarding contract (CL12-036) Trailer Mounted Vacuum Pumping System to Vermeer of Great Plains of OKC, OK. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.
32. Consider awarding contract (CL12-038) Security Gate to Hall Building Products of Lawton, OK. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.
33. Consider approving appointments to boards and commissions. Exhibits: None.
34. Consider approval of payroll for the periods of May 14 – June 10, 2012.

NEW BUSINESS ITEMS:

35. Consider reviewing and approving the City of Lawton Fiscal Year 2012-2013 budget and approving a resolution adopting the FY 2012-2013 City of Lawton budget. Exhibits: Resolution No. 12 -\_\_ will be distributed at meeting.

Mitchell distributed a summary of the changes that were made as a result of two budget workshops and a public hearing. He stated they ended with an estimated carry over of \$1.1 million for June 30, 2013. Once they vote on the resolution approving the general appropriations, staff will develop the budget book and distribute those at the next council meeting.

Haywood stated he feels that the youth group that came before the council are our future and he requested that the council consider some funding for the group. He feels that these kids have worked very hard and they need some type of funding, whether it is \$10,000, \$5,000 or \$1,000 to give them some type of incentive for the work they have done so far.

Shoemate stated he agrees with Councilmember Haywood. He stated they need to encourage these young people to do their best to keep their schools clean. Every one of the schools this year has been hit by graffiti. These kids will want to take pride in their school especially if some of their peers are doing the work to make it clean. He would like to see it funded somehow. He stated we have made some headway in the parks but we are light years behind as far as our ballparks.

Mayor Fitch suggested that Councilmembers Haywood and Shoemate get together and identify a source and a recommendation. He stated one source of funding could be the council contingency fund.

Wells questioned the total amount of the budget at this point.

Mitchell stated \$183 million.

Wells stated he meant the operating budget.

Mitchell stated operating budget is the general fund which is \$58 million and then you add the enterprise funds to that. He does not have that summary sheet.

Wells stated it was \$87 or \$89 million.

MOVED by Wells SECOND by Haywood to approve the City of Lawton Fiscal Year 2012-2013 budget and approved **Resolution 12-52** adopting the FY 2012-2013 City of Lawton budget. AYE: Moses, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk. NAY: Zarle. MOTION CARRIED.

36. Consider adopting an ordinance amending Section 17-3-4-343, Division 17-3-4, Article 17-3, Chapter 17, Lawton City Code, 2005, by amending the restrictions on benefits to conform to IRS requirements, providing for severability and establishing an effective date. Exhibits: Proposed **Ordinance 12-\_\_**.

Tim Wilson, Deputy City Attorney, stated at a previous council meeting changes were made to our retirement section and they have found another section that needs to be adjusted. He stated Pension Trust attorney from McAfee and Taft identified this change. The Pension Trust is recommending adoption of the ordinance.

John A. Papahronis, McAfee and Taft, stated because the City's retirement plan is a tax qualified plan, every time congress adopts laws that affect the plan, the IRS procedures requires us to amend the plan to incorporate these provisions. Amendments were adopted several weeks ago but he has found some things that additionally needed to be in the amendment. The amendment that was previously adopted dealt with a section in the IRS code that limits the amount of benefit

that can be provided to anybody. The limit is something like \$200,000 and he doubts that anyone in our retirement plan is close to that limit, but the IRS requires that this language be put in the plan. The recent changes deal with how the limit is calculated by the actuary. It does not change the benefit calculation for anyone in the plan it is just a revision of how the IRS limit applies to what can be provided by any retirement plan. This amendment is just some fine tuning of the language that was previously adopted a few weeks ago.

Bellino-Hall clarified that this is something we must adopt.

Mr. Papahronis stated if we don't adopt this it will endanger the plan.

MOVED by Wells, SECOND by Shoemate to adopt **Ordinance 12-17**, waive the reading of the ordinance and read the title only. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Moses. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 12-17

An ordinance pertaining to personnel policies and procedures amending Section 17-3-4-343, Division 17-3-4, Article 17-3, Chapter 17, Lawton City Code, 2005, by amending the restrictions on benefits to conform to IRS requirements and providing for severability.

37. Consider approval of the Sales Tax Rebate Agreement between Hunt Properties Inc. and the City of Lawton for retail economic development assistance for the Lawton Marketplace project to be located at 82<sup>nd</sup> and Quannah Parker Trailway, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Sales Tax Rebate Agreement Summary and Sales Tax Rebate Agreement.

Jensen stated staff has negotiated an agreement for the sales tax rebate for the 82<sup>nd</sup> Street project with Hunt Properties. He stated a list of improvement have to be constructed to earn the sales tax rebate and the list was distributed as well as the site plan. He stated the sales tax rebate period will not exceed five years as required by our economic assistance retail policy. The rebate will not exceed \$2.5 million in sales tax generated only from this project on 82<sup>nd</sup> Street. The rebate will be based on 1% of taxable sales from this project. The city will only rebate the amount of actual sales tax generated based on the 1% within five years, so if it doesn't reach \$2.5 million, whatever it does reach below that will be the actual rebate earned. The rebate will be earned by submitting the cost incurred by the developer of constructing the public infrastructure improvements that are listed on Exhibit B. If the cost exceeds \$2.5 million, the rebate is capped at \$2.5 million. The developer also agreed that there will be no other incentives or assistance offered by the City of Lawton for this project. The developer will provide to the city a roster of the occupants of the project along with the sales tax permit and ID numbers to determine the amount of sales tax being generated by the project area. The City of Lawton, with their sales tax permit number, can get the sales tax generated by each occupant or tenant in the project and that is how we will confirm what the rebate is that has been earned. In paragraph 21 he included on the summary the fact that since municipalities operate on a cash basis and year to year basis, this promise to rebate sales tax must be on that year to year basis as required by Oklahoma

constitutional law and the attorneys for Hunt Properties do understand that. If performance is ongoing under the agreement, we will continue to renew the agreement on a year to year basis.

Haywood questioned if everything was legal now.

Jensen stated in his opinion it is or he would not be signing the agreement.

MOVED by Zarle, SECOND by Moses to approve the Sales Tax Rebate Agreement between Hunt Properties Inc. and the City of Lawton for retail economic development assistance for the Lawton Marketplace project to be located at 82<sup>nd</sup> and Quannah Parker Trailway. AYE: Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle. NAY: None. MOTION CARRIED

Mayor Fitch requested the council move to item #42.

42. Consider adopting a resolution to support an Oklahoma Affordable Housing Tax Credit application by Gardner Development and MRE Capital, to the Oklahoma Housing Finance Agency for rehabilitation of the Sanders Heights Apartments located in the Lawton View area at 2403 SW Jesse L. Davenport Street, and consider waiving building permit and impact fees up to an amount of \$14,005. Exhibit: Resolution 12-\_\_

Dollarhite stated the City has received a request for a resolution of support for the tax credit for housing. She stated Sanders Heights Apartments are located in Lawton View between 16<sup>th</sup> Street and Jessie Davenport Street and Wisconsin and Tennessee Avenues. The developer is requesting, in addition to the resolution of support, that the City also give at least \$14,005 in support. The way to accomplish this is to waive impact fees on their water and sewer improvements. They do propose to construct a couple of new buildings and we cannot waive the building permit fees but the council can waive impact fees.

Mayor Fitch questioned the estimated amount of the impact fees.

Dollarhite stated the developer would have to have a combination of a 3-inch and 2-inch meter to make the \$14,000 in impact fees and he was agreeable to putting in those sizes of meters. He will be building a laundry and a recreation center.

Burk stated he does not remember anyone asking for this type of thing with the impact fees.

Wells stated Rogalski told him they are still going to be paying a good amount in fees and this will give them extra points in their application. They are taking something that is a disaster and remodeling and rebuilding. He stated Rogalski told him it was a good deal for us.

Burk stated for these points there have been a lot of people come to the council and ask for this same kind of support.

Haywood stated there is some kind of new law and in some type of way we have to give them over \$14,000 and if we don't give it, they won't get the tax credits.

Burk stated he only saw that request in this one application.

Mitchell stated this is a standard.

Dan Siler, applicant, Fleetwood, Kansas, stated the process is a competitive application that is state wide. It is derived from a point system that is cut up into two pieces. In the last round of state funds the difference between the highest rated application and the lowest rated application that received state funding was 86 and 85. It is very competitive. The spread for the over \$14,000 in shared assistance from the city is five points. If the other applicants are not requesting this money then they have made a mistake because those five points made a huge difference. He stated they will still be paying building permit fees because those are not eligible to be subsidized, it is just sewer and water impact fees that would be waived.

Mitchell stated in the past we have done this in other ways by providing improvements like fencing or fire hydrants. We have never been asked for a waiver of impact fees.

Wells stated that not one applicant doing a Lawton project was approved for the tax credits out of the last round.

Tenis stated as much as he would like to see this type of development because we need to fix up what we have, it does give him pause on the \$14,000 request. No one else has ever asked for that.

Mr. Siler stated he does not need help on infrastructure or fire plugs. He stated if he does not have the \$14,001 in assistance he will not submit the application because it would not be a competitive application.

Haywood stated it is needed in this area, so whatever he can do would be an improvement.

MOVED by Haywood, SECOND by Zarle to approve **Resolution 12-53** to support an Oklahoma Affordable Housing Tax Credit application by Gardner Development and MRE Capital, to the Oklahoma Housing Finance Agency for rehabilitation of the Sanders Heights Apartments located in the Lawton View area at 2403 SW Jesse L. Davenport Street. AYE: Wells, Shoemate, Tennis, Bellino-Hall, Moses, Zarle, Haywood. NAY: Burk. MOTION CARRIED

43. Consider adopting a resolution to support an Oklahoma Affordable Housing Tax Credit application by the Commonwealth Companies to the Oklahoma Housing Finance Agency for property located at 2138 SW 11<sup>th</sup> Street. Exhibits: Resolution 12-\_\_, Location Map, Site Plan, Floor Plan and Building Elevations.

Dollarhite stated this request is for a new senior housing project and the applicant is also requesting the support of \$14,000 from the city. This does not have to be from waiving impact fees, but from staff's standpoint, that is the easiest way to contribute towards their cost. The developer did hold a neighborhood meeting on May 10<sup>th</sup> and did send out notices to the property

owners within the 300 foot radius. Approximately 15 people attended the meeting as well as Councilmember Haywood. There was no negative feedback following the meeting.

Haywood stated there was one person who was not in favor, but she lived almost on 7<sup>th</sup> street so it would not really affect her. Some people just don't want change.

Wells stated last time he voted no on one because it was by the airport. It is his understanding that the Airport Authority does support this project because it is far enough away.

Tenis questioned how much they want waived from impact fees.

Mayor Fitch stated \$14,000.

Wells stated the commentary states \$16,000.

Dollarhite stated there will be five buildings and each building will have \$4,000 for water and \$4,000 for sewer. They would waive the fees for two buildings, but they could just waive up to the \$14,000.

Mayor Fitch suggested they keep it consistent at \$14,000.

Michael Ash, Commonwealth, stated they need it to be more than \$14,001, so it must be \$14,002.

MOVED by Haywood, SECOND by Wells to approve **Resolution 12-54** to support an Oklahoma Affordable Housing Tax Credit application by the Commonwealth Companies to the Oklahoma Housing Finance Agency for property located at 2138 SW 11<sup>th</sup> Street. AYE: Shoemate, Bellino-Hall, Moses, Zarle, Haywood, Wells. NAY: Tennis, Burk. MOTION CARRIED

44. Consider adopting a resolution to support an Oklahoma Affordable Housing Tax Credit application by Apple Run Apartments 2012 LP LLC, to the Oklahoma Housing Finance Agency for the Apple Run apartment complex located at 2301 NW Williams Avenue. Exhibits: Resolution 12-\_\_and Location Map.

Dollarhite stated this request is for the rehabilitation of Apple Run Apartments. This is a 76 unit multi-family housing development at 2301 NW Williams Avenue. This request is just asking for the resolution of support, no waiver of fees.

MOVED by Shoemate, SECOND by Haywood to approve **Resolution 12-55** to support an Oklahoma Affordable Housing Tax Credit application by Apple Run Apartments 2012 LP LLC, to the Oklahoma Housing Finance Agency for the Apple Run apartment complex located at 2301 NW Williams Avenue. AYE: Tennis, Bellino-Hall, Moses, Zarle, Haywood, Wells, Shoemate. NAY: Burk. MOTION CARRIED

45. Consider adopting a resolution to support an Oklahoma Affordable Housing Tax Credit application by Deer Park Apartments 2012 LP LLC, to the Oklahoma Housing Finance Agency for the Deer Park apartment complex located at 2301 NW Williams Avenue. Exhibits: Exhibits: Resolution 12-\_\_and Location Map.

Dollarhite stated this request is for the apartments that are adjacent to the previous request. It is a 76 unit multi-family housing that is in great need of repair. They are asking for just the resolution of support.

Shoemate questioned if this will include landscaping.

Developer (name not given) stated this is a substantial property rehabilitation of approximately \$50,000 per unit. Property improvements will include both interior improvements as well as property and site improvements which will include landscaping, clubhouse and central laundry.

MOVED by Shoemate, SECOND by Haywood to approve **Resolution 12-56** to support an Oklahoma Affordable Housing Tax Credit application by Apple Run Apartments 2012 LP LLC, to the Oklahoma Housing Finance Agency for the Apple Run apartment complex located at 2301 NW Williams Avenue. AYE: Bellino-Hall, Moses, Zarle, Haywood, Wells, Shoemate, Tennis. NAY: Burk. MOTION CARRIED

The Mayor and Council convened in executive session at 6:56 p.m. and reconvened in regular, open session at 8:34 p.m. Roll call reflected all members present.

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

46. 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.**

MOVED by Burk, SECOND by Shoemate to table items #38 - #41 until the council can receive some additional information. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Moses. NAY: None. MOTION CARRIED

38. Consider and approve or reject a resolution approving the issuance by the Lawton Economic Development Authority of its “tax apportionment bonds or notes for the financing of projects in the Lawton Downtown Increment Districts in the amount of not to exceed \$37,000,000 (the “series 2012 bonds”); waiving competitive bidding; approving actions by the Lawton Urban Renewal Authority and the Lawton Water Authority; approving agreements with the Lawton Economic Development Authority; and other matters relating thereto. Exhibits: Resolution 12-\_\_ and Resolution 12-39.

39. Consider and approve or reject a resolution approving the issuance by the Lawton Economic Development authority of its “tax apportionment bonds or notes, series 2012b (taxable) (Lawton Downtown Increment Districts project) in the amount of not to exceed \$20,000,000; waiving competitive bidding; approving agreements with the Lawton Economic Development Authority; and other matters relating thereto. Exhibits: Resolution 12-\_\_ and Resolution 12-39.
40. Consider and approve or reject a resolution approving the issuance by the Lawton Economic Development Authority of its “tax apportionment bonds or notes, series 2012a (taxable) (Lawton Downtown Increment Districts project) in the amount of not to exceed \$17,000,000; waiving competitive bidding; approving agreements with the Lawton Economic Development Authority; and other matters relating thereto. Exhibits: Resolution 12-\_\_ and Resolution 12-39.
41. Consider and approve or reject a resolution approving the execution and delivery by the Lawton Economic Development Authority of a new reformed Economic Development Capital Improvement note in the amount of not to exceed \$13,500,000 for the purpose of replacing the existing similar line of credit note originally entered into in 2007 to finance downtown TIF district redevelopment activities; waiving competitive bidding; establishing a later maturity date; confirming prior actions of the City, the Lawton Economic Development Authority and the Lawton Urban Renewal Authority; approving and authorizing execution and delivery of a reformed note and authorizing an agreement of support, a mortgage and security agreement to provide additional security for the note and all documents relating thereto and other matters relating thereto. Exhibits: Resolution 12-\_\_ and Resolution 12-39.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER: None

There being no further business to consider, the meeting adjourned at 8:36 p.m. upon motion, second and roll call vote.

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

ATTEST:

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