

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 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 6:08 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Paul Craig, The Christian Center, 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

PUBLIC EDUCATION PRESENTATION BY STORMWATER DIVISION

Cynthia Williams, Environmental Specialists, introduced the stormwater mascot “Stormy” the toad. She reviewed ways we can improve the local water quality. Mayor Fitch proclaimed August as Water Quality Awareness Month.

PRESENTATION BY DR. TODD BRIDGES AND DR. JUAN LOPEZ
(THIS ITEM WAS STRICKEN FROM AGENDA)

AUDIENCE PARTICIPATION: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MAY 8, 2012.

MOVED by Tennis SECOND by Shoemate to approve the minutes of Lawton City Council regular meeting of May 8, 2012. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. 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.

Shoemate requested item #2 will be stricken from agenda. Moses requested items #9 and #10 be considered separately.

MOVED by Burk SECOND by Shoemate to approve the consent agenda with the exception of items #2, #9 and #10. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: Easaw Acree and Lawanda Threats-Acree in the amount of \$262.18, Phillip and Sara McCoy in the amount of \$1,520.93 and Rae-Joyce Huger in the amount of \$60.00. Exhibits: Legal Opinions/Recommendations.
2. Consider approving an Agreement between the Historical Association of the Lawton Rangers, Inc., and the City of Lawton to fund activities by the Association designed to encourage, promote and foster tourism and economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget. **THIS ITEM WAS STRICKEN FROM AGENDA**
3. Consider extending the Retainer Agreement for Professional Services with Scott Haney for expert analysis and consultation of a motorcycle/vehicle accident, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional Services on file in the City's Clerk Office.
4. Consider extending the Retainer Agreement for Professional and Legal Services with Tom A. Frailey to serve as legal advisor to the Personnel Board on an "as needed" basis when the City Attorney has a conflict of interest, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional and Legal Services on file in the City Clerk's Office.
5. Consider approving contract with Myron Beeson to perform at Lawton's 111th Birthday Celebration on August 6, 2012. Exhibits: Contract on file in City Clerk's office.
6. Consider approving contracts for the FY2012-2013 Co-Sponsorship Grant Program. Exhibits: Contract on file in City Clerk's office.
7. Consider approving contracts with Ed Walewski (Needfire), Samantha Rose Band, Mikel Daggett (Blood Washed Blues Band), Nancy Fly Agency (Del Castillo), David Gish (Tract & Friends) and Teresa Black performers at the 2012 International Festival and authorize the Mayor and City Clerk to execute the agreements. Exhibits: Contract on file in City Clerk's office.

8. Consider accepting the waterlines to serve the car dealership located at NW 72nd Street and Quanah Parker Trailway and an additional permanent utility easement for the waterline and consider waiving the maintenance bond requirement. Exhibits: Location Map. Utility Easement on file in City Clerk's Office.
9. Consider setting the date of August 28, 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.

Moses stated he does not have an issue with either one of these closures, but looking at the policy and several of these vacating and closing issues that we have considered in the past, the policy we have had since 1995 is procedural and he would like to see staff explain in each case how the policy applies to the recommendation. He stated when this comes back for approval or denial, he requested that staff lay out how this policy applies and under what provision of the policy are these recommendations going to be made. If it is outside of the scope of the policy then staff owes the council an explanation of why it should be approved outside the policy.

Richard Rogalski, Community Services Director, questioned if he wanted this discussion at the date setting time or at the public hearing.

Moses stated when the item comes back he would like to have an explanation of how the policy applies and if it does not apply and staff is recommending approval, tell them why they are recommending an exception.

MOVED by Moses SECOND by Zarle to approve setting the date of August 28, 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. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

10. Consider setting the date of August 28, 2012, to hold a public hearing and consider an ordinance closing the right-of-way of SW Tulane Avenue between SW University Drive and SW 27th Street. Exhibits: Application, Location Map and Council Policy 5-1.

MOVED by Moses SECOND by Zarle to approve setting the date of August 28, 2012, to hold a public hearing and consider an ordinance closing the right-of-way of SW Tulane Avenue between SW University Drive and SW 27th Street. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

11. Consider approving plans and specifications for the construction of the Landfill Gas Collection and Control System Project # 2011-2 and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Engineering Division office.

12. Consider approving Supplemental and Modified Agreement No. 1 for Federal-Aid Project Number STP-116E(183)EH, State Job Piece Number 26900(04) between the City of Lawton and the Oklahoma Department of Transportation for the Second Street Pedestrian Corridor Enhancement Project Phase IV, consisting of a streetscape enhancement project for 2nd Street from south of Gore Boulevard to SW C Avenue, and authorize the Mayor to execute the agreement. Exhibits: Agreement.
13. Consider approving contract Amendment No. 4 to the August 12, 2008, contract with Black and Veatch Corporation for professional engineering services for modifications to the design of Work Package II for the Wastewater Treatment Plant Improvements. Exhibits: Amendment to the Agreement (Scope of Services on file in the City Clerk's Office) and ODEQ letter dated July 10, 2012.
14. Consider extending contract (RFPCL11-036) Emergency Generator Maintenance with Elite Power Services, Inc. of Edmond, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
15. Consider awarding contract (CL13-001) Manhole Rings and Covers to Water Products of Oklahoma of Owasso, OK. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.
16. Consider awarding contract (CL13-002) Jail Food and Supplies to Indian Nation Wholesale of Durant, OK. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.
17. Consider awarding contract (RFPCL12-043) Credit/Debit Card Acceptance Program to: Bank of Oklahoma, Tulsa, Oklahoma. Exhibits: Department recommendation, Abstract of Bids.
18. Consider approval of payroll for the periods of July 9 - 22, 2012.

OLD BUSINESS ITEMS:

19. Consider Rescinding Council Policy 4 – 2 “Establishment and Maintenance of a Grant/Disaster and General Fund Reserve.” Exhibits: Council Policy 4 – 2, Ordinance 10 – 26.

Wells stated he originally had this item pulled and now some information has been furnished to him. In a budget letter back in 05-06 the City Manager said he would not be setting aside the 50 cents anymore. No one on council discussed that and we now have an ordinance. He suggested that a couple of council members get together with the finance director because there are some good positions in this policy that they may want to incorporate into the ordinance.

MOVED by Wells, SECOND by Haywood to rescind Council Policy 4 – 2 “Establishment and Maintenance of a Grant/Disaster and General Fund Reserve”. AYE: Wells, Shoemate, Tenis, Bellino-Hall, Burk, Moses, Zarle, Haywood. NAY: None. MOTION CARRIED

ADDENDUM:

1. Consider approval of Grant Agreement for the Lawton-Ft Sill Regional Airport in the amount of \$ 3,982,362.88. Exhibits: None.

Barbara McNally, Airport Manager, stated this is a runway overlay project that they have been waiting for. The total project amount is \$4,424,847. The grant approved tonight is 90% of the project cost. The 10% will be paid out of PFC's they have already collected for this project.

MOVED by Wells, SECOND by Moses to approve a Grant Agreement for the Lawton-Ft Sill Regional Airport in the amount of \$ 3,982,362.88. AYE: Wells, Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood. NAY: None. MOTION CARRIED

Bellino-Hall commended the Lawton Airport Authority. She stated within the past 2-4 years the airport has made a remarkable change and it is a great way to greet people coming to our city for the first time.

Haywood thanked Bellino-Hall for all the work she has done at the airport.

NEW BUSINESS ITEMS:

20. 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 27th Street between SW A Avenue and SW B Avenue, retaining a utility easement, and granting a revocable permit for parking and maneuvering on the utility easement. Exhibits: Ordinance No. 12-___, Application and Location Map.

Richard Rogalski, Community Services Director, stated this application was submitted by Cameron University to close the alley between Lots 20 – 25, Block 5, College Addition which is east of SW 27th Street between SW A Avenue and SW B Avenue. Cameron University wants to construct a parking lot on the subject property. The City Council approved a rezoning request for the parking lot with a binding site plan on February 28, 2012, subject to conditions. Two of the conditions would require an adjustment to the design of the parking lot to accommodate the 16-foot alley bisecting it. With this request, Cameron has opted to close the alley rather than designing around it. While the existing alley is unimproved, there are utilities present and a public utility easement for maintenance of utilities in the portion of the alley to be closed will need to be retained and a revocable permit for parking and maneuvering on the easement will need to be issued.

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

MOVED by Wells, SECOND by Moses to adopt **Ordinance 12-24**, 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 12-24

An ordinance closing a portion of the alley adjacent to lots 20 through 25, block 5, College Addition located east of SW 27th street between SW A Avenue and SW B Avenue, more particularly described in section one hereof and retaining all remaining easements rights.

21. Consider accepting the annual audit report of the City of Lawton for the year ending June 30, 2011. Exhibits: None.

Rick Endicott, Finance Director, stated there will be presentations from our auditor LaDonna Sinning with Arledge and Associates and from our financial consultant, Brenda Wright from Crawford and Associates. He stated for years we have had the same amount of staff doing the same things as the city grows, so we have found it necessary to use Crawford and Associates as our experts in helping us stay up with all the GASB rules. He stated each year they try to make progress at getting the audit done closer to December 31st. He stated it is next to impossible to get it done in that time frame with the amount of things that need to be done. He stated they are asking Crawford and Associates to come in a little bit earlier this year.

LaDonna Sinning, Arledge & Associates, stated she will speak about the audit conclusions. She stated as auditors they test, sample, confirm, interview people and do everything they can to see that those financial statements are accurate and they issue an opinion. The opinion for the City of Lawton is clean which means there are no qualifications in the report. On the single audit reports, that is the report on expenditures on federal awards, which is grant monies. They look at how it was expended and compliance with the grant agreements. You have to have a single audit if you expend more than \$500,000 in a year of federal grant money. She stated they also have to look at major programs, which is a program where you expended more than \$300,000 of federal money. She stated there are about twice as many programs this year than the City has had in the past. She stated they issue an opinion on compliance for those major programs and that opinion is unqualified, or a clean opinion. They did have one finding and that is the Davis-Bacon Act compliance with regards to the highway planning and construction grants. There was at least one agreement that did not have the Davis-Bacon compliance language in the agreement with the contractor or the subcontractor. There are also some instances where the contractors or subcontractors were not required to send in their weekly payrolls to prove that they are complying with Davis-Bacon. She believes this has been corrected. The only other finding was over controls over financial reporting. This has been a repeat finding. The bottom line of that finding is the timeliness of the financial reports and getting these annual reports to the council, bond investors, citizens of Lawton, or any other users, in a fashion where the information is still useful for decision making. She stated this is the third year for this finding, and each of the past two years there has been progress. The reports are to you a month earlier this year than they were last year. She does not think the council should find it acceptable to get these this late, but it is being addressed and it is not something that can be fixed quickly. Progress is all you can ask for and she is happy with that progress. She stated the last document is the letter of audit communication. This is where they tell you everything that our professional standards tell them they must communicate to you. You will find another comment regarding the time limits of financial statements. You will find a discussion of what audit adjustments were made as well as what audit adjustments they found but they weren't posted due to not being material. Finally you will find some discussion that there was an implementation of a

fairly massive new governmental accounting standard this year, GASB statement 54 which resulted in taking some funds that had previously been reported as special revenue funds that are not rolled into and included as part of the general fund. It also changed the classification of governmental fund balances.

Wells stated he had a question about an email sent by the City Attorney regarding discreet versus blended component unit. He was not sure he understood the response. He stated on page 36 of the audit states Blended Component Units are separate legal entities for which the City Council is fiscally responsible for but appoints a separate governing board. He stated Lawton Economic Development Authority is one of those listed and he is not sure he understands. According to the City Attorney, the state law and the trust document itself specifically states that the City is not fiscally responsible for those organizations.

Ms. Sinning stated the financial statements are put together under governmental accounting standards. The City created these trusts and what the governmental accounting standard boards is saying is that the City created these trusts and they jumped through all the legal hoops to make sure the City is not responsible for debt of the trust, etc.. but who ultimately controls those trusts. And that is what the accounting standards are getting back to. Essentially the bottom line is the City of Lawton controls those trusts. The difference between discrete and blended is we blend them into the report where it is a situation where the city council specifically sits as the board of trustees on that trust. Even though you may be a trustee of the Lawton Water Authority, it does not change the fact that they are also sitting on the city council and they are controlling both entities. The accounting standards are saying you have to just add that up, they don't really care about what legalities you went through to control your debt or to be able to issue debt or whatever your business purpose is for doing this, they want everything that these elected officials are responsible for in that same report.

Wells stated that would be misleading to the Bank of New York if LEDA or the City of Lawton wants to borrow money from them and the state law and the trust authority specifically says we are not responsible for that debt. Bankers would look at the audit and say that we are fiscally responsible. It seems that it is misleading from what state law says versus what the audit report is saying.

Moses stated he is reading it as the difference between what the law says and what the auditing standards would require. He stated this is really legally gassy and you would probably find a set of attorneys of both sides of the question. He is beginning to think it might be worth the time spent to find the answer from a legal viewpoint.

Jensen stated he does not think there is any question that LEDA, LETA, LIDA and the McMahon Auditorium Trust Authority are separate legal entities. Their documents say that, the City of Lawton does not control them. They say they are responsible for their own debt and the state statutes say this. He stated Ms. Sinning can have that language in her world, but it does not apply to the legal world. That is why these separate trust authorities were set up.

Moses stated he remembers taking the oath of office for this job and he was shocked at the number of things he was held accountable for. He stated somehow they break through the barrier going from city council into any one of these organizations and things get murky.

Wells stated he understands things like the Lawton Water Authority because they are also the controlling board for LWA, but on the discrete ones, they do not control those, they sit out there doing their own thing and if a citizen was to ask him, he would say he has no control over LETA, McMahan board or any of these other organizations. He stated the City Attorney tells him that the city council is not fiscally responsible for them.

Ms. Sinning stated what the accounting standard is going to ask you if you appoint the people who serve on those boards. If you appoint the people who serve on those boards, then you control that board, therefore you control that entity. They are splitting hairs between legal and accounting. If you look through the report you can see that these are carved out very specifically. That is why the report is carved up like it is, to address both of those issues, what did I elect you to control for me, and then also all busted out for the legal piece of whose debt is whose. It is very carefully split out by which entity that debt belongs to.

Jensen stated he does not know how Ms. Sinning can say that if the council appoints someone they control that board or those individuals. He does not agree with that. To say that the City of Lawton is fiscally responsible would mean that every time LETA or LIDA or other trusts take out long term indebtedness, if the City of Lawton was fiscally responsible, it would be a violation of Article 10, Section 26 of the Oklahoma constitution because the City of Lawton has to operate on a year to year cash basis. If the City of Lawton was responsible and LIDA took out a note for two or three years, that would be an illegal transaction.

Wells stated once they are appointed they can only be removed for cause. Just because we don't like the way a member votes, the city council cannot go out and remove them.

Ms. Sinning stated governmental accounting standards board does not sit in Oklahoma. They write the governmental accounting standards for the nation and the City of Lawton must comply. It is what the bond holders are going to expect. To the extent that those may conflict with local law, when you issue the financial statements the governmental standards are going to prevail.

Moses stated there is an element of confusion here that comes from federal versus state constitution. He stated if he is responsible under the federal accounting rules to track the monies and be audited for how the monies may be handled in those organizations, that is one thing, but then to be legally accountable for any findings that are contrary to federal law or the state constitution, seems that is a whole different kind of question. The accountability issue lies with the entity that is handling the monies and making commitments. He does not feel responsible for the individual legal decisions made in these different agencies over how they handle their debt. He stated this is a gassy area.

Mayor Fitch stated a lot of what is done in the boards and authorities is passed along to the city council for approval or support and it seems that there would be liability of the governing body of the council when they give support on an issue.

Ms. Sinning stated she just witnessed the council approve the airport receiving a grant. That is where that federal money was approved.

Endicott stated the council is actually ratifying the actions of these boards. The accounting standards are holding the accounting folks doing the audit responsible to respond to those standards and that is why we see this conflict.

Moses stated he can understand compliance with accounting standards, but then to say there is a legal accountability for how those funds are handled within the agency is not there in his view. The council wants the airport to have that funding.

Ms. Sinning stated when the council approves that grant, that grant agreement is going to come through with the name City of Lawton on it. It is Lawton's money and the council has a responsibility to monitor the sub recipient, which is the Airport Authority. That is why the Airport Authority has to give a copy of their audit report.

Moses stated there were some weaknesses in the audit and he would question how we address those weaknesses and what does it take to get these corrected.

Endicott stated they are required to respond to each and every finding with a corrective action.

Burk stated there are some recommendations given in the single audit that suggest we explore additional training of existing staff and adding staff or outsourcing certain functions. He questioned if staff was just not getting the resources to help make this process move faster. He questioned if we needed more staff.

Endicott stated they do need professional accountants added to the staff. They have taken steps with Crawford and Associates and asked them to come in and bring staff with them this year to speed up the process. They need the single audit done quicker. He stated they have stretched their staff. They have added one or two people in the past twenty plus years. He stated it takes a long time to get someone trained. The best use for the funds available was to hire Crawford and Associates a few years ago and ask that they assist city staff. He stated this year they have agreed to come in earlier.

Burk stated every year there is this same reoccurring theme. He questioned what the plan was.

Mitchell stated last year they had to wait for the audit on the retirement system. That audit delayed us by two months. He stated it is not the same issue every year and he feels if they can shave a month or month and a half off every year the realistic target would be the end of March or first of April.

Endicott stated they have never had a qualified audit. In the past they have done some things trying to get this rushed through and the information may not have been as accurate as what they truly want. They are trying to meet a deadline. He is very proud of the fact that with a city this size, they have never had any major issues financially or compliance wise.

Burk stated they are never going to fix this process if they are trying to only move it up two weeks next year. Another audit is due in six months. He stated council will work to do whatever needs to happen.

Mitchell stated if bringing in outside resources does not work he will have a recommendation to council the next budget year.

Bellino-Hall suggested they bring Crawford and Associates in to do more. It is too hard to train someone to do this work.

Ms. Sinning stated in cities of similar size they would see a couple more qualified accountants, CPA's with governmental training and experience. Those people really aren't available in the marketplace. The only way you can get one is to steal them away from an audit firm or another city. Another option is to bring in Crawford and Associates more heavily or a combination of both letting staff slowly catch up and using Crawford and Associates to help out. She is gratified that the council is concerned about this issue.

Brenda Wright, Crawford and Associates, stated if the council would like to get a brief overview of what happened during the year, she suggested they look at pages 6 – 16 where they summarize the report. She stated if you take assets less liability, what you have left increased by 14.9 million or 6.9% over the previous year. She stated their firm prepares the performeter and it takes your financial position and compares it to all the prior years they have been working with you plus compares with a national average. She stated they will return at an August meeting to discuss the performeter in detail. She stated LaDonna mentioned that the city implemented the GASB statement 54 and that some of the funds they saw last year had to be combined with the general fund because of the new standards. Those funds are on page 38. She stated when you look at the fund level governmental financials, what they call fund balance changed. It used to be restrictive, reserved, designated, undesignated, that all went away. There are new categories of nonspendable, restricted, committed, assigned and unassigned. Those are described in detail on page 55. For something to be restrictive, money that can't be spent except for specific purposes, can happen two ways, either by an external party, like a restrictive sales tax, or by enabling legislation, which is an ordinance. You have to create the enabling legislation and the restriction at the same time for it to be restrictive.

Haywood clarified that when they vote to accept the audit, it really means that they receive the audit.

Mayor Fitch stated they are not approving the audit, they are accepting what the auditor has written.

Mitchell stated the council cannot modify or change the audit. This is an independent audit report and therefore the council is accepting their report.

MOVED by Moses, SECOND by Shoemate to accept the annual audit report of the City of Lawton for the year ending June 30, 2011. AYE: Shoemate, Tennis, Burk, Bellino-Hall, Moses, Zarle, Haywood. NAY: Wells. MOTION CARRIED

22. Consider approving an ordinance amending Section 17-1-1-102, Division 17-1-1, Article 17-1, Chapter 17, Lawton City Code, 2005, by amending the definition of “Immediate Family” applicable to sick/bereavement leave, adding to that definition son-in-law, daughter-in-law, and grandchildren, providing for severability and establishing an effective date. Exhibits: Ordinance 12-__.

Jim Russell, Human Resources Director, stated staff has been reviewing chapter 17 and have found that the definition of immediate family is different in all three employee contracts versus what chapter 17 says. This is just clean up language to include son-in-law, daughter-in-law and grandchildren in that definition. If one of these members of your family passes, this allows bereavement leave for the employee.

MOVED by Shoemate, SECOND by Haywood to adopt **Ordinance 12-25**, 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 12-25

An ordinance pertaining to personnel polices and procedures amending Section 17-1-1-102, Division 17-1-1, Article 17-1, Chapter 17 , Lawton City Code, 2005, by amending the definition of “immediate family” applicable to sick/bereavement leave, adding to that definition son-in-law, daughter-in-law, and grandchildren, providing for severability and establishing an effective date.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood announced that the late H.C. King and Albert Johnson, Sr. were inducted in the Oklahoma African American Hall of Fame.

Mitchell reminded everyone that the Oklahoma Department of Transportation will be at City Hall on Thursday for their board meeting. This will be the first time they have traveled outside the metro area for a board meeting.

The Mayor and Council convened in executive session at 7:35 p.m. and reconvened in regular, open session at 9:06 p.m. Roll call reflected all members present excluding Tennis and Shoemate.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

23. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of City of Lawton v. International Union of Police Associations, ALF-CIO, Local 24, and Charles Todd Palmer, CV-2011-173, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #23. No action was taken.

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

Jensen read the title of item #24.

MOVED by Burk, SECOND by Shoemate to approve the damage claim number 2012-40 filed by Patricia and David Hays on July 10, 2012 in the amount of \$9,990.00 and authorize the City Attorney to prepare and execute the legal documents regarding the same. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

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

Jensen read the title of item #25. No action was taken.

26. 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 read the title of item #26. No action was taken.

There being no further business to consider, the meeting adjourned at 9:08 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK