

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
AUGUST 14, 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 6:05 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Leonard Reimer, Faith Bible 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

PRESENTATION FROM FRIENDS OF LIBRARY

Judy Neal, President of Friends of the Library and Patty Neiwurth, Treasurer, presented a check to Mayor Fitch in the amount of \$500 to purchase a chair for the auditorium.

PRESENTATION FROM TONY WOHLERS, ASSOCIATE PROFESSOR, CAMERON UNIVERSITY, ON PRESCRIPTION DRUG ABUSE TRENDS

Professor Tony Wohlers, representing the Lawton-Fort Sill Community Coalition, presented a brief overview of some national, state and local trends on prescription drug abuse.

AUDIENCE PARTICIPATION:

Mathew Jordan, Area Director for AFSCME for Oklahoma and Texas, stated he had three questions that he wanted to address to the council. He doesn't expect answers tonight but he just wanted to put them out there to think about. 1) Has anyone been held accountable for the

mismanagement of the health insurance fund? 2) Why have the general employee's benefits been cut even though there is \$1 million in the general fund? 3) Was the reason for the decertifying of the general employees union solely for the purpose of changing the general employee's benefits without the benefit of negotiation with the general employees?

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF JUNE 26 AND JULY 10, 2012.

MOVED by Wells SECOND by Zarle to approve the minutes of Lawton City Council regular meetings of June 26 and July 10, 2012. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

Mayor Fitch stated item #21 will be stricken from agenda and item #2 needs to be considered separately.

MOVED by Burk SECOND by Haywood to approve the consent agenda with the exception of items #2 and #21. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Tanya Codynah in the amount of \$678.00 (**Res. 12-70**), Diana and Marion Phelps in the amount of \$84.29, Clarissa Price in the amount of \$6,000.00 (**Res. 12-71**) and AEP/PSO in the amount of \$1,240.00 (**Res. 12-72**). Exhibits: Legal Opinion/Recommendation, Resolution No. 12-___, Resolution No. 12-___ and Resolution No. 12-___.
2. Consider the following damage claims recommended for denial: Bob and Delores Mansel in the amount of \$4,289.12, Bob and Delores Mansel in the amount of \$4,352.68 and AEP/PSO in the amount of \$3,375.00. Exhibits: Legal Opinions/Recommendations.

MOVED by Burk SECOND by Shoemate to deny the damage claim of AEP/PSO in the amount of \$3,375.00. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

Delores Mansel, claimant, stated she and Bob own the two houses at 729 SW 45th and 737 SW 45th. In the past three years her husband has had medical problems and they are doing the best they can. Regarding the property at 729 SW 45th, they had an agreement with Gene's Plumbing to lay the water line and he could have the work done in two or three days. They also had an agreement with Rooney Electric to put in heating units. This would have completed the requirements. City officials would not give them two or three days to finish even though they had spent thousands of dollars. The house had new windows and a new driveway. She stated the demolition costs were too high. She stated the claim on this house is for the lien that was put on the property which was the \$4,289.12. She stated the house at 737 SW 45th was nice. They had an agreement with the plumber to set the bathroom fixtures and connect them. They were going to set the central heating in two to three days which would complete their requirements.

City officials would not give them two or three days to finish the requirements although they had spent thousands of dollars. This all happened during the ice storm last year and contractors could not work as they were backlogged. She stated the house at 742 SW 45th has been dilapidated for three to five years and it has graffiti all over it. The claim for 737 SW 45th is the amount of lien that the city had put on the property.

Wells stated this all started in 2006 and the City tried to work with the Mansell's for all these years and we ended up with a court order. He does not understand why the Mansell's did not appeal the judge's order rather than wait and file a claim against the City.

Mrs. Mansell stated she is not sure, that was discussed with the attorney.

Wells stated the City was just following the court order.

Mrs. Mansell stated she filed the claim for the liens that the City put on the property. She stated they had a house torn down by Horn Sanitation back in June and it only cost \$2,300. The City comes along and puts charges that are almost twice that much. She stated they were not even allowed to keep the driveways.

MOVED by Burk SECOND by Wells to deny the damage claims of Bob and Delores Mansel in the amounts of \$4,289.12 and \$4,352.68 AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

3. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Justin Gilliland. Exhibits: **Resolution 12-73.**
4. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Timothy Poff. Exhibits: **Resolution 12-74.**
5. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Robert Sockbeson. Exhibits: **Resolution 12-75.**
6. Consider approving an Outside Water Sales Contract with Dean Callas, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office.
7. Consider approving an Outside Water Sales Contract with Ricky Dirks, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office.
8. Consider approving an Outside Water Sales Contract with Max and Kathy Plunk, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office.

9. Consider approving an Agreement between the Museum of the Great Plains Authority and the City of Lawton to fund activities by the Authority 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
10. Consider approving a renewal Agreement between the City of Lawton and the Marie Detty Youth and Family Service Center, Inc. for the continued operation and management of the Community Intervention Center in Lawton and authorize execution of the renewal Agreement and any associated documents. Exhibits: Agreement with Marie Detty Youth and Family Service Center, Inc., is on file in the City Clerks Office.
11. Consider approving Resolution 12-__ nominating Mayor Fred L. Fitch to the District 9 seat on the Board of Directors of the Oklahoma Municipal League. Exhibits: **Resolution 12-76** and email dated July 13, 2012 from Homer Nicholson, Mayor, City of Ponca City; OML President.
12. Consider accepting the Early Shipment Agreement from the Library’s book vendor Baker & Taylor. Exhibits: Baker & Taylor Early Shipment Agreement on file in the City Clerk’s office.
13. Consider applying for a grant from the Corporation for National and Community Service, CNCS, for the Retired and Senior Volunteer Program (RSVP) for Fiscal Year 2013-2014 funding. Exhibits: Funding notification on file in RSVP office.
14. Consider approving a master service agreement with AT&T Oklahoma to provide Hosted E9-1-1 Services. Exhibits: The Master Service Agreement with Addendums 1, 2, 3, and 4.
15. Consider approving an amendment to the current Cooperative Agreement for Joint Use of Fire Training Facilities between the Great Plains Technology Center (GPTC) and the City of Lawton, Oklahoma. Exhibits: Proposed Amendment to Cooperative Agreement for Joint Use of Fire Training Facilities between the Great Plains Technology Center (GPTC) and the City of Lawton, Oklahoma.
16. Consider approving an amendment to the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization for metropolitan transportation planning for Fiscal Year 2013. Exhibits: Amended Memorandum of Understanding between LMPO and the City of Lawton.
17. Consider approving Amendment No. 1 to the Fiscal Year 2013 Unified Planning Work Program for the Lawton Metropolitan Transportation Planning Process to include carryover in Section 5303 funds. Exhibits: Amendment No. 1 to the FY 2013 UPWP.

18. Consider granting an extension of time for the performance bond for Eastlake Addition, Part 3A. Exhibits: Request from the Developer.
19. Consider acknowledging receipt of Tier I permits from the Oklahoma Department of Environmental Quality for the construction of 1,257 linear feet of 12-inch PVC waterline, 4,729 linear feet of 10-inch PVC waterline, 364 linear feet of 6-inch PVC waterline, 3,131 linear feet of 12-inch PVC sanitary sewer line, 2,515 linear feet of 8-inch PVC sanitary sewer line, and all appurtenances to serve Lawton Marketplace located at the southwest corner of NW 82nd Street and Quanah Parker Trailway in the SE/4 of Section 19, T2N, R12W, Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City Clerk's Office.
20. Consider awarding a construction contract to T&G Construction, Inc. for the 2012 CIP Street Mill & Overlay Program (West Gore Boulevard from Sheridan Rd to NW 38th Street & West Cache Road From NW 52nd Street To NW 67th Street) Project #2012-06. Exhibits: A copy of the agreement is on file in the City Clerk's office.
21. Consider adopting a Resolution of Necessity for real property acquisition for the NE Flower Mound Sewer Line Upgrade Project #2012-5. Exhibits: Location Map, **Resolution 12-__**, Resolution 12-__ with Exhibit "A" is on file in the Engineering Division Office.

THIS ITEM WAS STRICKEN

22. Consider extending contract (CL12-003) Testing Services with Standard Testing of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
23. Consider extending contract (CL12-005) Rental of Portable Restrooms with ARA Equipment Rentals of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
24. Consider canceling, CL10-038, Top Soil, with Beaver Creek Tractor Service of Cache, OK, and authorizing re-bidding for top soil. Exhibits: Request from Beaver Creek Tractor Service.
25. Consider extending contract (RFPCL12-002) Copier Contract with Bennett Office Equipment of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
26. Consider awarding contract (CL13-007) Mowing Areas- Cache Rd. Medians from NW 46th St. to one block East of 6th St.; R.O.W. – North and South Side to Teen Challenge of Oklahoma, Cache, OK. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.

27. Consider awarding contract (CL13-007) Mowing Areas – NW 52nd St. from Hwy 62 to Rogers Lane; NW 67th St. from Hwy 62 to Rogers Lane; NW 67th from Gore Blvd. to Lee Blvd; NW 82nd St. from Rogers Lane to Stonegate Bridge to L.C. Lawn Care of Altus, OK. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.
28. Consider awarding contract (CL13-004) Audio/Visual Interview System to AAFEX Fire Systems, Inc. of Lawton, OK. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.
29. Consider awarding contract (CL13-003) Heating System for Chemical Tote Rooms (SEWTP) to Quality Electrical Solutions of Walters, Oklahoma. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.
30. Consider reaffirming the awarding of contract (RFPCL12-043) Credit/Debit Card Acceptance Program to: Bank of Oklahoma, Tulsa, Oklahoma. Exhibits: Department recommendation, Abstract of Bids.
31. Consider approving appointments to boards and commissions. Exhibits: None.

Building Development Appeal Board

Joshua Dickson
Plumbing Contractor
7809 NW Brady Way
Lawton, Oklahoma
07/26/2014

David B. Jones
Electrical Contractor
2106 SW Monroe Avenue
Lawton, Oklahoma
07/26/2014

Joe Tate
Fire Protection
PO Box 1286
Lawton, Oklahoma
07/26/2014

Citizens' Committee On Capital Improvement Program (CIP)

Don Cherry
2309 NW 73rd Street
Lawton, Oklahoma 73505
08/11/2015

Museum Of The Great Plains Trust Authority

Marcus Wilcoxson
McMahon
514 NW Ferris Avenue Apt B
Lawton, Oklahoma 73507 5427

Traffic Commission

Todd Weatherly
202 SE Coachman Drive
Lawton, Oklahoma 73501
08/25/15

32. Consider approval of payroll for the period of July 23 – August 5, 2012.

ADDENDUM:

1. Consider accepting a permanent utility easement for the offsite improvements to serve Lawton Marketplace. Exhibits: Location Map. Easement on file in City Clerk's Office

Richard Rogalski, Community Services Director, stated Lawton Marketplace is a commercial development located at the southwest corner of NW Quanah Parker Trailway and NW 82nd Street and consists of 12 commercial lots on 47.24 acres. The land is zoned C-5 (General Commercial District). The developer is Hunt Properties and the consulting engineer is Cates-Clark and Associates. The developer has requested that City Council accepts the permanent utility easement for the offsite water and sewer prior to the construction of the improvements in order to secure the placement of the improvements. They will still move forward with a record plat for the project. He distributed an additional map showing some of the onsite easements for PSO for electrical utilities. He stated staff will get additional easements as the project moves forward.

Moses questioned if these easements overlapped.

Rogalski stated no, even though they are both public utility easements.

Bellino-Hall questioned if staff was recommending approval.

Rogalski stated it is happening a little sooner than they normally would do this, but they do recommend approval.

MOVED by Zarle, SECOND by Shoemate to accept a permanent utility easement for the offsite improvements to serve Lawton Marketplace. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

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

Rick Endicott, Finance Director, stated the financial consultant for the City is here to present the analysis of the financial statements. (He distributed copies of the performer to the council).

Frank Crawford, Crawford and Associates, stated the performer is an analysis of the City's financial health and success as of a particular point in time. These are basically a snapshot in time of the financial health and success of the City as a whole. With the performer they take the audit and dissect 15 to 16 financial ratios, put them all together and create a scale of 1 to 10.

On June 30, 2011 the City has scored a 7.2 which is the highest score it has been since 2007. Sales tax has started to grow again and is recovering. This year he has added a speedometer at the top of the page with red, yellow and green to show the status of the ratios. One in red is the pension issue because there has been a significant unfunded liability with the City's pension as far as the government is concerned. The unfunded ratio has been growing over the past few years, however on July 1, 2011, there were changes that have been made that will begin to shrink that long term liability. He stated there are few communities that would score much above an 8 and a 7 is above average and does represent a recovery over the past few years.

Moses questioned what is the driver that keeps us from achieving a 10.

Mr. Crawford stated there will be some ratios that stand out. One is the budgetary reserves of the general fund balance. In order to score a 10 on the rainy day type reserves, the general fund have about 30% of its annual revenue stream there in case of an emergency or unseen need. Right now we sit at 15% in the general fund. Overall there are more ratios in the green than anywhere else.

Moses clarified that we have a pension system and budget reserve weakness.

Mr. Crawford stated anything that is below a 7 will drag that number down. He stated immediate cash flow is good. He would say the pension system and rainy day reserves are the two most significant that are dragging the score down.

Mayor Fitch stated we will not see the results from the changes to the pension system until this time next year.

Mr. Crawford states the changes to the pension system will be long term. We should start to see some reversals of that downslide from the reforms that went into place on July 1, 2011.

Mitchell stated part of the issue is that Oklahoma restricts cities from using property tax for general operations. We only have two revenue streams which are utilities and sales tax. The only one we have some direct control over is utilities, which makes this problematic in the way we manage the budget.

Mr. Crawford stated Oklahoma is the only state where municipalities are not allowed to levy property taxes for operations. Every other state has this ability.

Wells questioned if the two cents of sales tax we use for operations was voted in permanently.

Mr. Crawford stated yes. The sales tax is at 4.125% and it stays that way until another election.

Wells stated the rest of it does because it is out there for capital improvements, but for operations, that two cents is not. That performer should be better because it is not reliant on citizens voting.

Mr. Crawford stated the way the performeter looks at the direct control aspect of revenue dispersion is can we influence how much sales tax we are going to collect this year as opposed to utility fees.

MOVED by Shoemate, SECOND by Moses to accept the annual performeter report of the City of Lawton for the year ending June 30, 2011. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

NEW BUSINESS ITEMS:

33. Consider approving an Ordinance pertaining to Telecommunication Towers, amending Sections 6-8-1-804 and 6-8-1-806, Division 6-8-1, Article 6-8, Chapter 6, Lawton City Code, 2005, by amending which zoning districts a tower can be located, amending the setback requirements from certain zoning districts or uses, amending the separation requirements of towers from other towers, and clarifying the surface type for vehicular access roads to towers, providing for severability, and declaring an emergency. Exhibits: Ordinance 12-__.

Rogalski stated the License & Permit Division, in conjunction with the Planning Division, have been drafting an update of the code requirements relating to telecommunications towers. The current code was put in place in 1997 and there have been many significant changes in this industry since that time. Unfortunately, before we were able to complete a more thorough redraft of this code, Mother Nature through us a curve, literally. During a recent wind storm an existing telecommunications tower was severely damaged. As it turns out, the structure was a legal non-conforming structure and our current code would not allow for reconstruction or appeal. Staff felt that the best way to handle this problem was to move forward with the provisions of code had been worked out so far, allowing not only the completion of this structure, but also any other proposed telecommunications tower that would benefit from the softer restrictions. This ordinance would restrict the placement of towers only in the R-E, R-1, R-2, or R-3 zoning districts and requires a setback of one hundred and ten percent (110%) of the height of the tower from those districts, street rights-of-way and existing residential structures. The ordinance also reduces the separation requirement between towers from one mile to only a one-half (½) mile for towers greater than one hundred feet in height, and only one thousand feet for smaller towers. He stated since the tower access drives are used only for occasional maintenance, the minimum surfacing is given as six inch (6”) of compacted gravel.

Rogalski distributed a comparison sheet of tower regulations for Edmond, Oklahoma City, Tulsa and Lawton. He presented photos of different types of towers in Lawton.

Burk stated when we lost the tower on the east side they could not build it back to the height and he has had numerous calls from people who cannot talk on their cell phone in their home. He stated staff has done a great job and the next step is to go back to the CPC with the final presentation.

Rogalski stated they will start with workshops and a discussion process to determine what we really want.

Wells stated there are a couple of things in the ordinance regarding the aesthetics. Are they thinking of doing something like other communities have done such as putting them in church towers, trees or roofs of buildings?

Rogalski stated the next step will be to look at things like camouflaging the towers.

Wells stated they need to look at things like beautification. He stated for FAA it used to be 200 feet within the flight path, and staff is now showing 100 feet.

Rogalski stated they are working with the airport on the second phase of this.

Moses stated if they put too heavy a requirement on these utility companies, their ability to give this town priority, relative to other towns for putting up a new tower or repairing a tower, our priority gets so low that it takes a long time to get it done. Removing the pavement restriction to make it gravel makes it easier for the utility companies to deal in our town with these types of emergencies. He requested that staff not make this more stringent.

Shoemate questioned how they came up with the six inches of gravel for these roads.

Rogalski stated that is the same section requirement we have for industrial areas for truck maneuvering.

Shoemate stated there will not be that many trucks on those roads. He has yet to see a county road going out to a tower where the gravel is no thicker than two inches. He feels they are adding an extra burden on those who are developing.

Rogalski stated that is a standard already in the code. They are bringing heavy trucks on these roads and there is no base course requirement and the gravel itself is base course.

Shoemate stated the average person going out there would be in a pick up.

Rogalski stated he felt like that was a reasonable standard. He does think that county roads start off with six inches of gravel and you only see the top two inches. It is actually a gravel mix.

Shoemate stated there is just not that much traffic going from the road to the tower.

Wells stated once the tower is built you will not see heavy trucks on the road. He stated very few cellular companies actually build the towers themselves, private people will build the towers and rent space to the cell phone companies.

Wells stated he was told that the cost to repair this tower or putting up a new tower is costly because of this paving requirement and that is why it will drop in priority.

Rogalski stated on driveways you will use four inches and he felt this was not a real oppressive issue. He stated you want a nice firm gravel road and not all rutted up.

Burk stated the planning commission will have a chance to look at this again and if they feel this is too stringent they will send it back to staff. He asked staff to express the concerns of the council.

MOVED by Burk, SECOND by Wells to adopt **Ordinance 12-26**, waive the reading of the ordinance and read the title only and declaring an emergency. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 12-26

An ordinance pertaining to telecommunication towers, amending Sections 6-8-1-804 and 6-8-1-806, Division 6-8-1, Article 6-8, Chapter 6, Lawton City Code, 2005, by amending which zoning districts a tower can be located, amending the setback requirements from certain zoning districts or uses, amending the separation requirements of towers from another tower, and clarifying the surface type of vehicular access roads to towers, providing for severability and declaring an emergency.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Moses commended the public works employees for taking care of everything and working in this heat.

Burk reported that people are stealing timers and sprinkler heads from the medians and we are losing some plants because it is happening on a daily basis.

Bellino-Hall stated she is happy that 38th Street is now open and people are using the wide sidewalk.

Tennis thanked public works for fixing the sidewalk on the 600 block of C Avenue.

Mitchell stated in March or April, Mr. Ihler presented a recommendation on water conservation and changing the policy. He requested that two or three council members work on a committee to finalize the water conservation policy.

Shoemate, Tennis, Wells and Zarle volunteered for the committee.

Rick Endicott, Finance Director, distributed the end of the year financial report. He stated this year we are at 16.66% and we have collected 16.25% of our sales tax and this is not part of this financial report. He stated they collected 98.05% for general fund and enterprise fund. Sales tax was up \$275,049 from last year, but we collected 97.03% of our budgeted revenue. He stated franchise tax was up \$109,145 compared to last year and we have collected 90% of our franchise budget. Police fines and bonds are up almost \$300,000 compared to last year and we have collected 104% of our budget this year. All other general fund revenue is up \$169,000 and we have collected about 88%. Primarily the deficit was about \$600,000 in use tax. With the Enterprise Fund, water revenue is up \$1,970,000 from last year and we have collected 101% of

our budget. Sewer revenue is also up \$404,000 and we have collected 99.5% and refuse collection revenue is up \$46,000 and we have collected 93%. Landfill revenue is up \$686,000 from last year and our budget is right at 139%. He stated this increase was due to PSO doing some clean up work. On expenditure side, he reminded everyone that we don't close the books until September 30th, so until the audit is done these numbers are very fluid. We have spent 93.5% of general fund budget. We have spent 86% of enterprise fund and all other is 88%.

The Mayor and Council convened in executive session at 7:31 p.m. and reconvened in regular, open session at 9:17 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

34. 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 #34.

MOVED by Wells, SECOND by Haywood to adopt **Res. 12-77** approving a settlement agreement between the City of Lawton and the International Union of Police Associations Local 24 and Charles Todd Palmer in the amount of \$215,000 in consideration for Mr. Palmer's resignation/retirement and direct the City Attorney to file the appropriate documents with the District Court to effectuate the settlement. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

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

Jensen read the title of item #35. No Action was taken.

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

Mayor Fitch read the title of item #36. No Action was taken.

37. 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 #37. No Action was taken.

Mayor Fitch announced there will be a program at the Chamber on Wednesday at 4:30 p.m. and the developers on the downtown project will be there.

There being no further business to consider, the meeting adjourned at 9:21 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK