

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
OCTOBER 22, 2013 – 6:00 P.M.  
NEW CITY HALL  
COUNCIL CHAMBERS/AUDITORIUM

Doug Wells, Mayor Pro Tem  
Presiding

Also Present:  
Bryan Long, City Manager  
Frank V. Jensen, City Attorney  
Traci Hushbeck, City Clerk  
COL Glenn Waters, Fort Sill Liaison

Mayor Pro Tem Wells 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 Eddie Coast, Trinity Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bob Morford, Ward One  
Keith Jackson, Ward Two  
Rosemary Bellino-Hall, Ward Three  
Jay Burk, Ward Four  
Dwight Tanner, Jr., Ward Five  
Richard Zarle, Ward Six  
Stanley Haywood, Ward Seven

ABSENT:

None.

EMPLOYEE SPOTLIGHT PRESENTATION TO BUTCH MILLER, EQUIPMENT MAINTENANCE DIVISION.

Mayor Pro Tem Wells and Bryan Long recognized Butch Miller from Equipment Maintenance Division.

PRESENTATION OF AWARDS FROM OKLAHOMA WATER & POLLUTION CONTROL ASSOCIATION TO SCOTT GOLDEN, GEORGE SPICER AND LYNN KISNER.

Mayor Pro Tem Wells, Jerry Ihler, Public Works Director and Sam Drain from OWPCA presented awards to Scott Golden, George Spicer and Lynn Kisner.

AUDIENCE PARTICIPATION:

David Nelson, 6814 NW Willow Creek Drive, stated he and his family used to live in Pioneer Park and they moved because of the way things were handled with Jerry Lee Lynn. On June 26, 2008, Mr. Lynn was convicted of indecent exposure and he is required by law to register as a sex

offender. In 2010 he and his family moved to Pioneer Park and Mr. Lynn could be seen in the neighborhood. Mr. Lynn was arrested in October of 2011 and this made him uneasy about having him around his children and the elementary school. Detective Nancy Lombardo attended one of his neighborhood watch meetings to assure them that Mr. Lynn was completely harmless and as a level one offender he was not required to maintain a minimum distance from children, schools, parks or anyplace children gather. All this was said while he had child pornography charges pending against him for two years. Concerns were expressed to the detective about how Mr. Lynn would stare at the kids in the neighborhood. He feels he is the protector of his family and he expects help from the Lawton Police Department. He feels labeling a sex offender with levels is too broad a way to do things. Regardless of the level they should not be allowed to be near anyplace where children gather. He is asking that something be done.

Mayor Pro Tem Wells stated on behalf of the employees they can only do what state law allows and he feels confident that law enforcement officials obeyed the state laws.

#### CONSENT AGENDA

Mayor Pro Tem Wells stated item #26 will be stricken from the agenda.

MOVED by Burk SECOND by Jackson to approve the consent agenda. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Kimberly and George Foster in the amount of \$905.29 (**Res. 13-62**) and Nicholas and Charlotte Brown in the amount of \$921.53 (**Res. 13-63**). Exhibits: Legal Opinions/Recommendations, Resolution No. 13-\_\_ and Resolution No. 13-\_\_.
2. Consider the following damage claims recommended for denial: David Walker, for Juan Maldonado Ortiz in the amount of \$200.00 and Vickie Barney, through her attorney John Doolin in the amount of \$125,000.00. Exhibits: Legal Opinions/Recommendations.
3. Consider approving an Outside Water Sales Contract with Herbert and Melissa Shaw, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office.
4. Consider approving an agreement between the City of Lawton and Kellogg & Sovereign Consulting, LLC for E-rate management services on behalf of the Lawton Public Library and authorize the Mayor and City Clerk to execute the documents needed to allow Kellogg & Sovereign to perform the services. Exhibits: Kellogg & Sovereign Master Services Agreement, Letter of Agency, Fee Schedule, Scope of Services and Fact Sheet.
5. Consider sale of three (3) vehicles to the Cotton County Sheriff's Department and one (1) vehicle and one (1) animal cage to the town of Geronimo. Exhibits: Letters from Cotton County Sheriff's Office and Town of Geronimo.

6. Consider setting the date of December 10, 2013, to hold a public hearing to close the 10-foot utility easement for an abandoned waterline beginning approximately at the northwest corner of NW Taft Avenue and NW 20<sup>th</sup> Street extending northwest to NW Hoover Avenue and NW 22<sup>nd</sup> Street. Exhibits: Location Map.
7. Consider accepting a Settlement Agreement for the maintenance bond deficiencies in Dove Creek Addition, Part 2, 3, and 4A and putting the money in a designated account in order to make the necessary repairs. Exhibits: Letter from United Risk Management Corp and Settlement Agreement.
8. Consider accepting a temporary easement from William Earl Dixon & Willie M. Dixon for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
9. Consider accepting a temporary easement from Kenton B. Macom & Heather Macom for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
10. Consider accepting a temporary easement from Gary Wayne Minnick for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
11. Consider accepting a temporary easement from Kenneth R. Monson for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
12. Consider accepting a temporary easement from WanPen Bua Otsuka for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
13. Consider accepting a warranty deed and a temporary easement from Peggy J. Thomas & James W. Thomas Jr. for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.

14. Consider accepting a warranty deed from Trinity Assembly of God Inc. for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
15. Consider accepting a temporary easement from Tammi D. Whitehead for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
16. Consider accepting a temporary easement from Cathleen K. Widner for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
17. Consider accepting a temporary easement from L.B. Wiley & Jettie M. Wiley for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
18. Consider accepting a temporary easement from Paul Lane Zale & Nancy Ann Zale for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
19. Consider accepting a permanent easement and a temporary easement from Robert D. & Jennifer L. Head for right of way needed for the Nine Mile Creek Sanitary Sewer Interceptor Project#2008-2, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
20. Consider accepting two permanent drainage easements at 1911 NW Taylor from Becky Craig to give the City of Lawton access to maintain a drainage channel, authorizing the Mayor and City Clerk to execute the documents. Exhibits: Location maps. Easements are on file in the City Clerk's office.
21. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: both sides of NE Kingsbriar Drive between NE Cache Road and NE Eastlake Drive; and SW Sheridan Road south of SW Bishop Road near Bishop Elementary School. Exhibits: **Resolution No. 13-64** and Traffic Commission Minutes and Traffic Issue Requests.

22. Consider adopting Street Light Resolution No. 484 to authorize the installation/removal of street lights at the location listed in the Resolution. Exhibits: Street Light Resolution No. 484.
23. Consider extending contract (CL13-013) Pest Control Services with Advanced Pest & Termite, LLC of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Bid Sheet.
24. Consider approval of payroll for the periods of September 30 – October 13, 2013.

OLD BUSINESS ITEMS:

25. Hold a public hearing and consider an ordinance closing 5 feet of the 25-foot utility easement on Lot 27, Block 6, Heritage Hills Addition, Part 2, addressed as 1608 NE 31<sup>st</sup> Street. Exhibits: Ordinance No. 13-\_\_\_, CCAIC of October 8, 2013, Application and Location Map.

Richard Rogalski, Community Services Director, stated the public hearing for this request was opened on October 8, 2013, and continued to October 22, 2013. The applicant had some issues he needed to resolve and he requested the public hearing be continued. After review of the survey they were able to talk to all of the utility companies that were in the lot. The 25-foot easement is the rear yard. After review of the survey of utility locations within the 25-foot easement, there are no objections from the utility companies or the Public Works Department to close the requested 5 feet.

PUBLIC HEARING OPENED.

Darin Ray, 1608 NE 31<sup>st</sup> Street, stated he is the applicant and they would like to put in a pool and pavilion for the family. He stated he originally requested ten feet but he compromised with PSO for five feet and he can make that work.

PUBLIC HEARING CLOSED.

Jackson questioned if public works would foresee any future problems in this area.

Ihler stated based on the survey information provided staff did not see a problem with this request.

**MOVED by Burk SECOND by Jackson to adopt **Ordinance 13-32**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.**

(Title read by City Attorney)

Ordinance 13-32

An ordinance closing a portion of the 25-foot utility easement located on lot 27, block 6, Heritage Hills Addition, Part 2, addressed as 1608 NE 31<sup>st</sup> street, more particularly described in section one hereof.

**NEW BUSINESS ITEMS:**

Bellino-Hall questioned why item #26 was stricken from the agenda.

Mayor Pro Tem Wells stated there was some legal language that needed to be clarified before the ordinance can be approved.

26. Consider an ordinance pertaining to consumer fireworks and public fireworks displays; prohibiting the retail sale of consumer fireworks by repealing Article 7-11, Division 7-11-1, Section 7-11-1-1101 through Section 7-11-1-1120 of Chapter 7, Lawton City Code; amending Section 11-2-208 of the Fire Prevention Code in Article 2, Chapter 7, by modifying requirements for financial responsibility related to firework displays and by repealing provisions related to retail sales; by creating Sections 11-2-113 through 11-2-216, Article 2, Chapter 11 related to allowing firework sales among retailers, distributors, manufactures and wholesalers, related to making application and permitting public fireworks displays, and providing for punishment for violations; by providing for severability and for an effective date. Exhibits: Ordinance 2013-\_\_\_\_. **STRIKEN FROM AGENDA**
27. Consider approving an Ordinance amending language in Section 6-6-1-601, Chapter 6, Building, Construction and Housing, Lawton City Code, 2005, relating to building contractors by stating that the building contractor is responsible for the licensing requirements of the specialized trade contractors they hire to perform work under their building permit, and declaring an emergency. Exhibits: Ordinance No. 13-\_\_\_\_.

Rogalski stated during the recent commercial construction boom, it has come to the attention of the Inspection Services Division, that several trade contractors are performing work in Lawton without the proper state and city licenses. The plumbing, mechanical, and electrical trades require specialized training and licensing due to the complex nature of their work and the life safety issues that can be involved. The general/building contractors must be licensed with the City in order to obtain a building permit, but it is nearly impossible for the City to track who the building contractor hires for the specialized trade work. Since we are unable to track all trade contractors, it can be difficult to verify they hold the required licenses, and with out-of-state contractors, difficult to collect any fines. This ordinance would reinforce the responsibility of the building contractor to make sure that the trade contractors they hire are licensed in accordance with Lawton City Code. If at any time a trade contractor is cited for violating the licensing requirements, the building contractor may also be cited. He stated the language in the ordinance in the agenda book has been modified and now says “It shall be unlawful for any building contractor to fail to ensure the licensing compliance of the specialized trade contractors they hire to perform work under the building contractor’s building permit. The building contractor may therefore be cited at any time a specialized trade contractor performing work under said permit violates the licensing requirements of this code. Citation or prosecution of any

specialized trade contractor for a licensing violation shall not be a prerequisite to prosecution of a building contractor under this provision”.

Burk stated this item was brought forward in a meeting. He has had a lot of conversation with local contractors about the fact that we are getting a lot of out of state contractors who are working after hours and weekends when no one is doing license checks. He stated this hurts our local contractors because contractors can come in and underbid our local contractors by huge amounts of money because they hire unlicensed people. With so many construction projects going on, we are still inspecting the work, but it is a matter of right and wrong. He felt they needed to get this done and declare an emergency so that they could stop these people from being able to work in our city unlicensed.

Jackson stated he does a lot of subcontracting in his business and when he hires someone he asks for a copy of their workman’s comp certificate and general liability insurance and a couple other certificates that they have to have.

Burk stated they need to be licensed by the state and the contractor needs to hold a license at the city level and we require that. They know we are not on the job all weekend so they are taking advantage of us. This will help rectify that and the general contractor on the job will now be held responsible for his people.

Tanner stated that these subcontractors may be licensed in Texas, but they are just not licensed in Oklahoma. He questioned how difficult it was to get a license in Oklahoma.

Burk stated it is difficult. It is a big difference between Texas and Oklahoma.

Tanner questioned if licensed contractors are allowed to hire apprentices to come in and do the grunt work.

Burk stated they can if they have the right amount of licensed journeyman out on the job. There has to be a ratio for every journeyman, you can only have so many apprentices.

Tanner stated he wants people to have the right to work. The most important thing is that the work is being done correctly.

Burk stated there is a state statute that says how we must be licensed. We can’t just arbitrarily say that we will allow apprentices to do what they want. The state sets the rules. We want the local guys to have these jobs because he is licensed and legal.

Tanner stated he agreed we need to keep it local, but what if we don’t have these people available.

Burk stated it is different when you are talking about a layman that does work and those who are in a specialized trade.

Tanner stated that this ordinance is not designed to run out the competition.

Burk stated it is designed to get rid of the unlicensed competition.

Rogalski stated the state adopted a certain level of rules and licensing requirements. We didn't make the rules, but we are trying to make sure everyone is playing by the same rules. These are life safety issues.

Tanner questioned if all our inspectors were licensed.

Rogalski stated yes, they are licensed inspectors.

Tanner questioned if we ever had any inspectors that were not licensed.

Rogalski stated there have been some that have started out with a provisional license and after a certain amount of time you have to get the full license or you can be let go.

Burk stated we have had people let go because they could not pass the examination.

Jackson stated there is a mechanism in place to get a license in Oklahoma. If they want to do business here and earn a profit, then they will do that. He stated he occasionally goes to Texas to do work with the roofing company and he has to get a license and provide his information.

Tanner stated he just did not want to pass an ordinance that possibly was crafted to run out the competition. He believes in the right to work.

MOVED by Burk SECOND by Jackson to adopt **Ordinance 13-33**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 13-33

An ordinance pertaining to building, construction and housing, amending Section 6-6-1-601, Division 6-6-1, Article 6-6, Chapter 6, Lawton City Code, 2005, by establishing language that states that the building contractor shall ensure that the trade contractors performing work under their building permit are properly licensed and that the building contractor may be cited in addition to the trade contractor for licensing violations, providing for severability, and declaring an emergency.

28. Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, by amending the fees pertaining to several different business licenses and establishing an effective date. Exhibits: Resolution 13-\_\_.

Jackson stated in Article A-7-8, it states that we are charging a carnival \$1,000 for a permit for a week and then we charge \$50 for each amusement ride.

Rogalski stated that is in the existing code. He stated the committee was directed to look at the fees and adjust those that they felt were low and to raise the fee to cover the city's cost to do the work.

Jackson stated there are a lot of people who use these carnivals as fund raisers for civic organizations and he can see now why they don't want to come to town. He stated he is going to vote no because of this.

Rogalski stated those numbers were already in code and those numbers will stay the same.

Jackson stated the permit for the rides is increasing from \$10 to \$50. He stated it would be tough on a small amusement company if they have to pay \$1,000 and then have to pay \$50 for each ride. He stated this seems excessive.

Burk stated each ride has to be inspected for safety.

Jackson questioned if they could recover that money out of the \$1,000 permit.

Burk questioned why the fee is \$1,000.

Rogalski stated staff can go back and look at higher fees if directed by council. He stated there are many other fees here and they are trying to get things recovered as soon as possible. He stated many of these are not being raised by much.

MOVED by Jackson to approve Resolution 13-65 with the exception of leaving 7-844 at \$10 per day. **MOTION DIED DUE TO LACK OF SECOND.**

MOVED by Burk SECOND by Wells to approve Resolution 13-65.

SUBSTITUTE MOTION by Tanner SECOND by Jackson to table. **AYE:** Morford, Jackson, Tanner, Zarle, Haywood. **NAY:** Bellino-Hall, Burk, Wells. **MOTION CARRIED.**

29. Consider adopting an ordinance amending Section 20-1-101, Chapter 20, Lawton City Code, by adding driveways and walkways in a public utility easement as encroachments which may be allowed with the administrative approval of a revocable permit. Exhibits: Ordinance No. 13-\_\_.

Rogalski stated the proposed ordinance amends Section 20-1-101 of the City Code to allow driveways and walkways to encroach into public utility easements with the approval of an administrative revocable permit. There are certain areas within Lawton that have public utility easements along the streets in the front or side of the lots. The proposed ordinance would allow staff to issue a revocable permit to allow driveways and walkways to be placed within the easement.

MOVED by Jackson SECOND by Bellino-Hall to adopt **Ordinance 13-34**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 13-34

An ordinance pertaining to streets and sidewalks amending Section 20-1-101, Chapter 20, Lawton City Code, 2005, by adding driveways and walkways in a public utility easement as encroachments which may be allowed with the administrative approval of a revocable permit; providing for severability.

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

Mayor Pro Tem Wells reminded the council that meetings in November will be held on the 5<sup>th</sup> and 19<sup>th</sup>. He stated the council approved the redesignation agreement for the Transportation Policy Board as the LMPO for transportation planning for the Lawton Metropolitan Transportation Study area. The agreement states the membership will include two members of the City Council and one member of the City Transit Trust. He requested volunteers for this board.

Wells and Burk will represent council and Jackson will represent City Transit Trust.

Long presented the financial report for the date ending September 30, 2013. (Report is on file in the City Clerks office).

Jackson questioned why we were at 72.29% of hotel/motel tax.

Long stated we have encumbered the whole amount for the chamber contract. He stated 70% is approved for the chamber.

Burk stated he does not like this.

Mayor Pro Tem Wells stated if there is a reoccurring payment throughout the fiscal year, you will have that payment every month. You cut one purchase order for the whole amount and you make payments monthly out of that so you are not cutting purchase orders every single month to the same company. You don't pay it all at one time, but you encumber it.

Jackson stated it skews our numbers.

Burk stated even though the chamber is allocated 70% there are many times that they don't spend that 70% and the balance goes into the economic development carry over fund. If you encumber way too much money it makes the budget look funny. He does not agree with this.

Long stated it would be an adjustment at the end of the fiscal year.

Burk stated you really don't know what that number is.

Long stated they encumber that amount of funding to expedite payment to the chamber.

Burk stated it looks funny that we already encumbered that 70%.

Mayor Pro Tem Wells stated they would have to wait about two additional weeks to get a check if the money was not encumbered.

Long stated it is a valid concern when it comes to skewing the numbers. He stated he could just reflect the invoices coming in which they track as well. He does not want to cause a two week lag behind.

Burk stated that 70% is for things they invoice us for. He would much rather see real numbers that are spent.

Tanner questioned if the Waurika expenditure was set up the same way.

Long stated yes. It looks like they have either paid one interest or one principal payment.

Tanner stated right now it is showing that we collected \$21 million and spent about \$23 million.

Long stated those encumbrances are dollars that are currently encumbered within our accounting system but have not yet been spent.

Jackson stated at the bottom of the notes on the expense side it says a budget amendment is forthcoming to account for the \$318,000 expense for solid waste service. He questioned what that was.

Long stated when they went back to twice a week trash service there is an additional \$318,000 that has to be accounted for in the budget. The proposal at that time was that they would look at lapse funding to fill that void. They have not seen the budget amendment because he has not verified that we have \$318,000 that we will be able to capture.

Mayor Pro Tem Wells stated we are at 26.39% at 25% of the year, so we are up 1.39% and that is on a \$71 million budget which is only \$100,000, which is not a lot of money.

Jackson stated the point is that we are not going to be \$8.3 million in the hole like we were last year.

Tanner stated he would like to talk about mixed messages given by a council. He stated Lawton is pro business and we want to bring new businesses in and we want to nurture existing businesses. If we were to pass an ordinance that put a certain type of business out of business, what type of message would this send? When the council is crafting these ordinances, he would hope we would craft an ordinance that is pro business and that respects individual freedom and liberties and gives the average citizen some credit. They have enough common sense to govern themselves accordingly on a lot of these issues and we do not need to be micro managing them.

We need to pass ordinances that are fiscally responsible that pay for themselves and an ordinance that is enforceable.

The Mayor and Council convened in executive session at 7:28 p.m. and reconvened in regular, open session at 9:02 p.m. Roll call reflected all members present.

**BUSINESS ITEMS: EXECUTIVE SESSION ITEMS**

30. Pursuant to Sections 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the proposed purchase of approximately 3 acres of land for the purpose of construction of a new fire station in the southwest area of Lawton and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #30. No action was taken.

31. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case of Joseph Harper and Vivian Wheeler vs. City of Lawton, CV-12-841-F, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #31. No action was taken.

32. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending claim or action pertaining to city-owned property under lease located at 215 SE Larrance, and take appropriate action in open session as necessary. Exhibits: None.

Jensen read the title of item #32. No action was taken.

33. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in the Western District of Oklahoma of Billy Ray Chandler vs. City of Lawton and Bryan P. Long, 13-CV-1082-HE, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #33.

MOVED by Burk SECOND by Jackson to approve a professional services agreement with the law firm of Rubenstein and Pitts for attorneys Leah Avey and James Priest to represent Bryan Long in his individual capacity in the lawsuit Billy Ray Chandler vs. City of Lawton and Bryan P. Long. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:04 p.m. upon motion, second and roll call vote.

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DOUGLAS A WELLS  
MAYOR PRO TEM

ATTEST:

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TRACI HUSHBECK, CITY CLERK