

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
APRIL 9, 2013 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Mayor Fred L. Fitch
Presiding

Also Present:
Bryan Long, 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 6:04 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. Walter Wilson, Friendship 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
George Moses, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
Doug Wells, Ward Eight

ABSENT:

None

PROCLAMATION FOR SAFE DIGGING MONTH

Mayor Fitch proclaimed the month of April as Safe Digging Month. He presented the proclamation to Public Works staff.

PROCLAMATION FOR BARBERSHOP HARMONY WEEK

Mayor Fitch proclaimed the week of April 7 – 13, 2013 as Barbershop Harmony Week. He presented the proclamation to the members of the Lawton Chapter of the Barbershop Harmony Society known as Southwest Pride Chorus.

REPORT FROM MUSEUM OF THE GREAT PLAINS

John Hernandez, Executive Director of the Museum of the Great Plains, distributed and discussed information from a detailed report on attendance at the museum. Current fiscal year budget is \$772,415. The City of Lawton and funding from hotel/motel tax provide \$613,280. The balance of that is made up from revenue the museum either brings in from the gate,

membership or education programs or workshops. As of February 28, the museum had obligations of \$503,338, paid or pending, on track to utilize full budget allocation. The hotel/motel tax revenue share is down \$12,811 for the fiscal year. The museum hopes to minimize the impact of that shortfall. They were successful in obtaining a \$4,039,951 grant from the D.W. Reynolds Foundation to be used to incorporate hands on interactive exhibits where children can discover and help promote their informal education. That will cover 17,000 square feet of the museum. They had to raise 20%, which was \$800,000. In three months they raised over \$900,000 during a capital campaign. They have contracted with the Science Museum of Minnesota and they will meet with them on May 9th and 10th to sign a contract. Target date for completion is May 2015. They will look at closing the museum for renovations for approximately nine months. They will depend heavily on exhibits in the trading post. In June of this year they will receive another mini grant from the Reynolds Foundation for \$40,000 and that money will be used to prepare the upper mezzanine to be used as a tinkering area.

Mayor Fitch thanked those in the community who stepped forward and donated to the capital campaign.

AUDIENCE PARTICIPATION:

Amy Ewing-Holmstrom, Mayor's Commission on the Status of Women, invited the council to Comanche County Outstanding Woman of the Year reception which will be held on Friday, April 12th at 6:30 p.m. in the banquet hall at City Hall. The nominees are Ruth Dishman, Carol Harrick, Bobbie Machette, Jane Mitchell, Dana Moore, Linda Neal and Jody Sherry.

CONSENT AGENDA

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

1. Consider the following damage claims recommended for approval: Ralph and Joan Page in the amount of \$99.00, Searchlight Center in the amount of \$1,449.26 (**Res. 13-24**) and Liz Brundige in the amount of \$1,193.67 (**Res. 13-25**). Exhibits: Legal Opinions/Recommendations. Resolution No. ____, Resolution No. ____.
2. Consider the following damage claim recommended for denial: Roger and Jennifer Maggard in the amount of \$1,740.00. Exhibits: Legal Opinions/Recommendations.
3. Consider adopting a resolution approving payment on the judgment in the Workers' Compensation case of Eugene McCracken in the Workers' Compensation Court, Case No. 2012-08950J. Exhibits: **Resolution No. 13-26**.
4. Consider a request from Morgan Taylor to waive all fees and contractor's license requirement associated with the building permit to replace an access ramp at "Hearts That Care", a nonprofit health clinic located at 304 SW A Avenue, and approve a revocable

- permit for the new ramp. Exhibits: Request letter from Morgan Taylor, Location Map and Revocable Permit.
5. Consider authorizing the Fire Department to officially accept a Motorola mobile radio from the State Office of Homeland Security. This radio is part of the Oklahoma State Homeland Security Program 800 MHz Project/IJ #5 and for use in the Fire Department's Heavy Rescue apparatus. Exhibits: None.
 6. Consider authorizing the Fire Department to officially accept a 2012 International Crew Cab Tow vehicle from the State Office of Homeland Security. This vehicle is part of Homeland Security Grant Program Regional response system Project/IJ#6. Exhibits: None.
 7. Consider approving a modification to the Blanket Purchase Agreement (BPA) for the rental of the McMahon Memorial Auditorium for 434th Brigade IET/AIT rehearsals and graduation ceremonies, Fort Sill, Oklahoma, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Blanket Purchase Agreement on file in City Clerk's Office
 8. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on Southbound NW 14th Street between NW Bessie Avenue and NW Hoover Avenue; and on Northbound NW 15th Street between NW Bessie Avenue and NW Hoover Avenue. Exhibits: **Resolution No. 13-27** and Traffic Commission Minutes and Traffic Issue Requests.
 9. Consider accepting the Rogers Lane Auger Boring Project and placing the Maintenance Bond into effect. Exhibits: None.
 10. Consider approving plans and specifications and authorizing staff to advertise bids for the WWTP Improvement Project #2008-11 (Work Package #2). Exhibits: Plans & Specifications are on file in the Public Works Administration Office.
 11. Consider approving Amendment No. 1 to the February 22, 1972, Water Supply Contract with Public Service Company of Oklahoma for supplying treated effluent from the City of Lawton Wastewater Treatment Plant and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Amendment to the Agreement is on file in the City Clerk's Office.
 12. Consider granting a permanent easement to Public Service Company for construction and operation of pump station and associated pipe lines in the Southwest Quarter (SW/4), Section 28, Township 1 North, Range 11 West of the Indian Meridian and baseline Comanche County, Oklahoma. Exhibits: Location Map. Easement on file in City Clerk's Office.
 13. Consider accepting a permanent easement and a temporary easement from CPT Operating Partnership L.P. 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. Documents are on file in the City Clerk's office.

14. Consider approving an agreement with Re2C Engineering, LLC. for professional engineering design services to complete the design of the Landfill Equipment Maintenance Building. Exhibits: Engineering Agreement is on file in the City Clerks office.
15. Consider authorizing the transfer of additional funds approved for Sewer Rehabilitation Phase II from the 2005 CIP and awarding a contract for the South Wolf Creek Expansion #1 Siphon Project to Urban Contractors, Inc. of Oklahoma City, Oklahoma in the amount of \$644,600. Exhibits: None.
16. Consider extending contract (CL12-026) Sludge Dewatering Polymer with Polydyne Inc. of Riceboro, GA. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
17. Consider extending contract (CL12-032) Heavy Wrecker Service with Alford's Truck & Wrecker of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
18. Consider extending contract (CL11-024) Footwear (Safety, Athletic & Walking) with Woodward's Department Store of Cyril, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
19. Consider awarding (CL13-032) Mowing & Litter Contract Areas Rogers Lane from I-44 to Hwy 62 on Ramp; Pump & Lift Stations; Water Treatment Plant Sludge Lagoons & Lake Ellsworth to Teen Challenge of Cache, OK. Exhibits: Department recommendation, Abstract of Bids, Price Bid Sheet.
20. Consider extending contract (CL12-039) Bunker/Turnout Gear with Casco Industries of Oklahoma City, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
21. Consider extending contract (CL12-037) Repair Clamps, Bell Joint Clamps & Steel Couplings Items 2-6 & 9 with Powerseal Pipeline of Wichita Falls, TX. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
22. Consider extending contract (CL12-037) Repair Clamps, Bell Joint Clamps & Steel Couplings Items 1, 7, 8 and 10-12 with HD Supply Waterworks of Owasso, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
23. Consider approval of payroll for the period of March 18 – 31, 2013.

NEW BUSINESS ITEMS:

24. Consider approving an Ordinance amending Section 19-2-223, pertaining to Chapter 19, Recreation, by clarifying that prior to obtaining a city issued boat permit, proof of current state boat registration is required to be provided to the city's licensing agent. Exhibits: Ordinance 13-____.

Richard Rogalski, Community Services Director, stated our code already requires that a boat be licensed with the state prior to being licensed with the city. This ordinance just adds a requirement that they show the proof that they are licensed with the state.

MOVED by Burk, SECOND by Morford to adopt **Ordinance 13-16**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 13-16

An ordinance pertaining to recreation, amending section 19-2-223, article 19-2, Chapter 19, Lawton city code, 2005, by clarifying that prior to obtaining a city issued boat permit, proof of current state boat registration is required to be provided to the city's licensing agent, and providing for severability.

25. Consider approving an Ordinance pertaining Business, Chapter 7, Lawton City Code, 2005, by establishing regulations for donation boxes and recycling bins. Exhibits: Ordinance 13-____.

Rogalski stated this item was originally brought to Council for consideration on December 18, 2012, after several new clothing donation boxes had been placed around town. At the December meeting, the item was tabled and a committee was formed to work with staff to modify the proposed code. Staff has met with the committee and has revised the proposed code taking into consideration their thoughts and suggestions. The latest proposed ordinance would set location requirements for all donation boxes or recycling bins such as allowing them to be placed behind the building setback line, only within specific zoning districts, limit the number of boxes or bins per applicant, and set a one (1) mile separation between box/bin locations. An annual business license would also be required for most boxes and bins with exceptions for boxes/bins under contract with the City and for boxes/bins which are located on property that is owned or controlled by the owner/operator of the box or bin, and where the owner/operator has a permanent business within a building on the same property. By establishing regulations for such boxes or bins, the City can better insure that the boxes or bins are not placed where they would endanger the public by being too close to a street or within a sight triangle, and if a box or bin were to become unsightly or unsanitary, staff would have record of the responsibly party.

MOVED by Wells, SECOND by Burk to adopt **Ordinance 13-17**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 13-17

An ordinance pertaining to business, chapter 7, Lawton City Code, 2005, by establishing regulations for donation boxes and recycling bins, and providing for severability.

26. Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, by establishing the fee for donation box and recycling bin business licenses. Exhibits: Resolution 13-__.

Rogalski stated this item sets the fee for those bins and boxes at \$50 per year.

Morford questioned if we currently charge for the boxes.

Rogalski stated no. There was no license or permit at all. He stated they did set the effective date for ninety days from tonight.

MOVED by Wells, SECOND by Burk to approve **Resolution 13-28**. AYE: Morford, Jackson, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

27. Consider transferring funds from City-at-Large activity to Equipment Maintenance for City wide vehicle maintenance and repairs. Exhibits: None.

Long stated at the March 26, 2013 meeting there was a discussion that ultimately resulted in a council directive for staff to bring back an item that would cover this same issue. Item #27 would serve as an alternative for the council directed item #29, so the council should consider one or the other, but not both. He stated these are six projects from city at large fund. They asked for \$265,000 at the last meeting, which would give them the ability to provide for the ongoing repair and maintenance of the fleet vehicles. The average per month has been \$110,000. In this case they are requesting \$318,000.

Jackson questioned what got them in this position in the first place.

Long stated city staff under budgeted in this area and council later approved.

Wells stated his concern last time was McMahon and Elmer Thomas Park and they are still being deferred. He understands that the ball fields cannot be completed this fiscal year, but that is because we put off bidding it out and getting the work done. He still thinks those things should be accomplished out of this year's budget even if it is no more than bidding and encumbering the funds. They owe it to the McMahon Foundation to complete projects for them. They have spent millions for the city and every time we have something we delay it. He feels it is a disgrace for the council to keep putting off improvements for McMahon funded projects because we have shortfalls. He does not agree with this and he is not sure we won't have emergencies between now and the end of the year. He was told we were going to start the year short \$1.7 million instead of an \$800,000 carry over. That really means we are \$2.5 million short at the start of the year. This is an emergency to him and he feels the ordinance should be rewritten.

Moses stated this shortfall was identified during the budgeting process and they voted to approve it hoping to get by without having to face it. It is here now and they have to handle it. He feels this is a high priority. Staff has come forward with this recommendation and it seems to fit with the priorities of what is important to be done in the city. He does not consider this an emergency since they did this to themselves at the beginning of the budget year. He would support this item.

Wells stated that is partially true. Ihler did say at the beginning of the year that he did not think he had enough funds. He was one of the ones that said they could always transfer later in the year. No one realized they were starting the year with a \$2.5 million shortfall. That is a critical part of this argument. He respects what the staff has done, but he feels they have drawn down every penny they could find to do this and we still have three months to go. He feels they will get into the emergency fund in the next couple of months anyway.

Moses stated it seems to him that we have a higher priority in filling this need than they have in those items listed.

Burk stated four years ago they started working on the ball fields and we haven't done a good job of maintaining the stuff that McMahon has already given us. They have been very generous over the years. They have been told that if we don't start taking care of what they have given us, they should not come back and ask again. He does not like taking it out of the emergency fund, but every time they hit the quality of life items. Families enjoy going to these locations. He stated the chamber has big tournaments lined up this year and next year. They need to finish these ball fields. This is not the time to cut McMahon again.

Jackson stated the McMahon Foundation purchased the land for \$375,000. He stated the City of Lawton has contributed a huge amount of money to that complex as well as McMahon. During the 1980's they included about \$1 million on three CIP projects to expand and upgrade the facilities. Since that time they have added two additional fields on the south side. Today the City and McMahon have about a \$4 million investment on that corner. He believes it is a great investment and he agrees we need to maintain our facilities for economic development.

Moses stated they would establish a precedence on the types of things that can be taken out of the emergency fund that goes beyond what they intended. He stated they have modified the fund once already and they will be doing it again. He stated that is not a good direction to be going.

MOVED by Wells, SECOND by Morford to deny the transferring of funds from City-at-Large activity to Equipment Maintenance for City wide vehicle maintenance and repairs. AYE: Morford, Bellino-Hall, Burk, Haywood, Wells. NAY: Jackson, Moses, Zarle. MOTION CARRIED

28. Consider an ordinance amending Section 10-16-1604, Article 10-16, Chapter 10, Lawton City Code 2005, pertaining to the Emergency Management Stabilization Arrangement Ordinance, providing for severability, and declaring an emergency. Exhibits: **Ordinance 13-18.**

Jensen stated there was a motion made at the previous council meeting to direct staff to propose amendments to the emergency fund ordinance. This will be the third time the ordinance will be amended. The specific motion was to add language that will allow for use of the funds in the area of vehicle maintenance, fleet wide or city wide, and also in the area of chemicals at the water treatment plant. The companion item is next which is to actually transfer the funds.

Wells stated this goes against everything he believes in, but he feels we are in an emergency situation because of where we started the year.

Moses stated an emergency is not when you have choices to fix them. Next year we will have choices, we won't like those choices and the citizens will not like those choices. An emergency is when you have a situation where you have safety and health issues as well as property destruction issues that have to be dealt with. This change is going to alter that to allow a lot more liberal use of that fund.

MOVED by Wells, SECOND by Haywood to adopt **Ordinance 13-18**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Morford, Bellino-Hall, Burk, Haywood, Wells. NAY: Jackson, Moses, Zarle. MOTION APPROVED WITHOUT EMERGENCY CLAUSE

(Title read by City Attorney)

Ordinance 13-18

An ordinance pertaining to emergency management stabilization amending section 10-16-1604, article 10-16, chapter 10, Lawton City Code, 2005, by expanding the qualifying events under the city's emergency management stabilization ordinance for purposes of accessing the unappropriated fund balance provided thereby, providing for severability.

Jensen stated the emergency clause did not pass, therefore the ordinance cannot go into effect for 30 days. The next item will have to be brought back to council after the ordinance goes into effect.

29. Consider authorizing the transfer of funds into the Public Works Equipment Maintenance Vehicle and Equipment Maintenance account utilizing funds from Emergency Reserve Fund. Exhibits: None.

THIS ITEM WAS STRICKEN.

ADDENDUM:

1. Consider identifying a funding source for the design and professional fees, and certain reusable concrete form liners and stains, associated to the continuation of the City of Lawton – Ft. Sill Aesthetic Master Plan Project that will be provided through Creative Design Resolutions, Inc. in coordination with the Oklahoma Department of Transportation. Exhibits: CDR Price Sheet; design pictures.

Mayor Fitch stated this item is regarding the bridge branding design work. The three bridges that will be under construction by ODOT are the tri level bridge connecting Business 62 and I-44, the 2nd Street bridge going south under the tri level and the single level bridge going north on 2nd Street. A committee was selected and there have been two presentations given by Steve Weitzman from Creative Design out of Baltimore. He stated ODOT will pay for the designs to be put on the bridges. They have in their inventory the prairie grass molds which we will be able to utilize but they do not have any buffalo and the committee felt that was a prominent image of southwest Oklahoma. There will be a two tone color and we will have to send that out for bid to get the cost of the two tone. ODOT will have it sprayed one color. Mr. Weitzman will talk with ODOT to see if they will participate a little more on the two toning. The slope walls will be bid by a separate contractor. This is an opportunity to get this work done at a tremendous expense by ODOT. They felt this should be taken advantage of. The cost associated would be \$144,000 that we would have to do for the complete study and that would be all the bridges within the city of Lawton and we they will be reworking the bridge at I-44 and Rogers Lane. We may also be able to have some design work on that bridge. The urgency on the three bridges is because of the safety situation of the bridges and ODOT wants to release those bids the first of June and get started in July. He stated we are being asked to cover the cost and the Lawton Economic Development Authority (LEDA) has the money that is needed for this.

Bellino-Hall stated the previous week she attended a conference at OU hosted by the Institute for Quality Communities as part of their school of architecture. They discussed what makes a quality community. The number one thing people look for when moving to a community is the aesthetics of the community. This is the first view of Lawton and this is where they need to start. This is an extremely important project.

Wells stated he also attended that conference and the things they are doing with downtown communities are just fascinating. Some things don't cost as much as you think they would and they really improve the quality of life in our community.

Bellino-Hall stated that sidewalks are very important.

Mayor Fitch stated there has been a trend in the Lawton community and we have seen a lot of construction going on with revitalization of older buildings. We are working on bike paths and the refuge. We are trying to do things of importance to this community. He stated the funding source will be out of the economic development fund.

Wells stated the buffalo liners are not included in the identified funding source. The liners will be \$15,500 and the committee members donated \$4,000. He encouraged people to donate to the beautification of the bridges.

Burk stated that donations can be made to Lawton Enhancement Trust Authority because they are a non profit. He hopes they don't just do the basics. Now is the time for the community to come together and finish these four bridges. He hopes the committee will go after more funds to finish the other bridges.

Mayor Fitch stated the LEDA had borrowed money from the economic development fund which is part of the hotel/motel tax. LEDA will be paying part of that money back to provide funding for this project.

Moses stated he feels this is a good project, but he questioned if there will be some required funding from the City.

Mayor Fitch stated the \$144,000 is for the master plan. Before we can start this we must pay for the master plan. It will come from the LEDA which are monies that they have that they will pay back to the economic development fund within the city to reduce the note of the monies that LEDA owes.

Moses questioned if they needed a council motion.

Jensen stated they need a motion to allow the council to identify the funds, which will be economic development hotel/motel tax money, after it is repaid by LEDA as a partial repayment of a note between the City and LEDA.

MOVED by Wells, SECOND by Burk to allow the council to identify the funds, which will be economic development hotel/motel tax money, after it is repaid by LEDA as a partial repayment of a note between the City and LEDA. AYE: Morford, Jackson, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Haywood introduced Pastor Clarence Luckey from Barnett Chapel AME Church in Ranch Oaks. He stated he is new in the community. He stated the Juneteenth Celebration will be held on Saturday, June 15th at Patterson Community Center.

Dr. Morford stated it is remarkable what the museum has accomplished over the past few years.

Burk stated there will be an event held at Cameron tomorrow at 10 a.m. about what makes a city beautiful. The Mayor will be speaking and he and Councilmember Bellino-Hall will be on the panel to discuss what they can do to keep making our city beautiful.

Long stated he did not anticipate that the emergency ordinance would not pass on item #25. We are currently running in the red with our vehicles. As an alternative he is requesting that the council go back to items that are not related to the McMahon Foundation. This would include the comprehensive plan, digital filing system and the grant match which totals \$125,000.

Burk questioned if they could take money from city at large and use it until the ordinance goes into effect.

Long stated he could not because it is an interdepartmental transfer. If it were within public works he could. He has to seek the approval of the council in order to move money.

Wells questioned where this policy came from.

Long stated it is part of the code. He stated he can transfer within a department but he cannot from department to department.

Wells questioned why we could not run in the red for thirty days.

Long stated we are already running in the red.

Burk questioned if there were any funds within the department they could use to get us to the thirty days.

Wells stated they could use some of the utility money that they were going to use for chemicals.

Mayor Fitch questioned if there was a need for chemical money right now.

Ihler stated they just transferred \$100,000 into the chemical account and within the next two to three weeks they will need to transfer some more. He stated they are moving money from one pocket to another to get by day to day.

Wells stated they would only need to transfer enough to get by for thirty days. That is a change that can be made by the City Manager.

Moses questioned if this is what the staff wants to do. He is more prepared to listen to the staff than individual council members trying to do the staff's job. He would like to hear from the staff.

Long stated short of getting it passed with an emergency, the best they can do at this point is to utilize some of the items he indicated in #27, which would not cause a detrimental impact.

Jackson stated he can solve this problem by asking for a reconsideration of item #28.

MOVED by Jackson, SECOND by Wells to reconsider item #28. AYE: Morford, Jackson, Bellino-Hall, Burk, Haywood, Wells. NAY: Moses, Zarle. MOTION CARRIED.

28. Consider an ordinance amending Section 10-16-1604, Article 10-16, Chapter 10, Lawton City Code 2005, pertaining to the Emergency Management Stabilization Arrangement Ordinance, providing for severability, and declaring an emergency. Exhibits: Ordinance 13-__.

MOVED by Jackson, SECOND by Burk to adopt **Ordinance 13-18**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Morford, Jackson, Bellino-Hall, Burk, Haywood, Wells. NAY: Moses, Zarle. MOTION CARRIED

29. Consider authorizing the transfer of funds into the Public Works Equipment Maintenance Vehicle and Equipment Maintenance account utilizing funds from Emergency Reserve Fund. Exhibits: None.

MOVED by Wells, SECOND by Jackson to authorize the transfer of funds into the Public Works Equipment Maintenance Vehicle and Equipment Maintenance account utilizing funds from Emergency Reserve Fund. AYE: Morford, Jackson, Bellino-Hall, Burk, Moses, Haywood, Wells. NAY: Zarle MOTION CARRIED

The Mayor and Council convened in executive session at 7:27 p.m. and reconvened in regular, open session at 8:23 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

30. Pursuant to Sections 307B.4, Title 25, Oklahoma Statutes, consider convening in an executive session to discuss the pending actions relating to Consent Order, Case No. 12-136 received from the Oklahoma Department of Environmental Quality (ODEQ) regarding the sludge lagoons utilized at the Medicine Park Water Treatment Plant (MPWTP) located on Ft. Sill 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 307(B)(3), Title 25, Oklahoma Statutes, consider convening in executive session to discuss the proposed sale of approximately 50 ½ acres, collectively or by parcel, of City-owned real property in the vicinity of NW 67th Street and Rogers Lane, as authorized by Ordinance No. 11-07, and take appropriate action in open session. Exhibits: None.

Jensen read the title of item #31.

MOVED by Wells, SECOND by Burk to authorize the city to sell the property which consists of tracts one and two at 67th and Rogers Lane amounting to approximately 29 ½ acres of property for \$2.5 million subject to the City Manager and the City Attorney finalizing terms on the refund of earnest money during the feasibility period, granting access points on 67th Street adjacent to the property, in particular three access points and the issue of off site improvements on 67th Street that might be required by a traffic impact study and who will pay for those off site improvements. AYE: Morford, Jackson, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

There being no further business to consider, the meeting adjourned at 8:26 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK