MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 26, 2011 – 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Fred L. Fitch	Also Present:
Presiding	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 6:06 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Brother Harold Gaches, First Baptist West, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:	Bill Shoemate, Ward One
	Michael Tenis, Ward Two
	Rosemary Bellino-Hall, Ward Three
	Jay Burk, Ward Four
	Rex Givens, Ward Five
	Richard Zarle, Ward Six
	Stanley Haywood, Ward Seven
	Doug Wells, Ward Eight
ABSENT:	None

PRESENTATION OF PROCLAMATION FOR RODEO DAYS

Mayor Fitch presented a proclamation to the Lawton Rangers, proclaiming August 10, 11, 12 and 13 as Lawton's Rodeo Days 2011.

PROCLAMATION FOR FAIR HOUSING MONTH

Mayor Fitch proclaimed August 2011 as Fair Housing Month in Lawton. He presented the proclamation to Tim Libby, Assistant Director for Housing and Community Development.

PRESENTATION OF CERTFICATES FOR SPONSORSHIP FOR ARMED FORCES APPRECIATION DAY

Mayor Fitch and Kim Shahan, Parks and Recreation Director, acknowledged those businesses who sponsored Armed Forces Appreciation Day.

Mayor Fitch introduced Tim Nelson, a councilmember from Frisco, Texas, who was in attendance.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF JUNE 28 AND JULY 12, 2011.

MOVED by Wells SECOND by Haywood to approve the minutes of Lawton City Council regular meetings of June 28 and July 12, 2011. AYE: Haywood, Wells, Shoemate, Tenis, Bellino-Hall, Burk, Givens, Zarle. 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.

Mayor Fitch requested item #16 be stricken from the agenda.

MOVED by Burk SECOND by Shoemate to approve the consent agenda with the exception of item #16. AYE: Wells, Shoemate, Tenis, Bellino-Hall, Burk, Givens, Zarle, Haywood. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Donald Scott for Northwest Baptist Church in the amount of $100.00, Robert and Marilyn Elliott in the amount of $1,967.60 **(Res. 11-59)** and Weldon and Debra Love in the reduced amount of $873.81 **(Res. 11-60)**. Exhibits: Legal Opinions/Recommendations, Resolution No. _____, Resolution No. ____.

2. Consider adopting a resolution approving the settlement by a joint petition and making payment in the workers' compensation claim of Larry Dean Morris. Exhibits: **Resolution No. 2011-61.**

3. Consider adopting a resolution approving the settlement by a joint petition and making payment in the workers' compensation claim of Samuel Rucker. Exhibits: **Resolution No. 2011-62.**

4. Consider adopting a resolution approving the settlement by a joint petition and making payment in the workers' compensation claim of Bobby Dodd. Exhibits: **Resolution No. 2011-63.**

5. Consider adopting a resolution ratifying the actions of the City Attorney in filing and making payment of the judgment in the Workers' Compensation case of Jacob Ferrero in the Workers' Compensation Court, Case No. 2011-01049A. Exhibits: **Resolution No. 2011-64.**

6. 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.

7. Consider approving an Agreement between the Lawton Community Theater and the City of Lawton to fund activities by the Theater designed to encourage, promote and foster tourism in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget.

8. Consider approving an Agreement between the Lawton Philharmonic Society, Inc., and the City of Lawton to fund activities by the Society 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.

9. Consider approving an Agreement between the Lawton Heritage Association and the City of Lawton to fund activities by the Association designed to encourage, promote and foster tourism in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Agreement for Limited Services with Attached Budget.

10. Consider approving an Agreement for Limited Services between the Lawton Enhancement Trust Authority (LETA) and the City of Lawton to fund activities by LETA designed to encourage, promote and foster economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Agreement for Limited Services and LETA Budget.

11. Consider terminating professional services agreement with Wells, Nelson, and Associates. Exhibits: None.

12. Consider accepting a professional services agreement for financial advisement and consulting services with the firm of Municipal Finance Services, Inc. and provide guidance to staff as appropriate. Exhibits: Agreement Letter with Municipal Finance Services, Inc.

13. Consider approving contracts for the FY2011-2012 Co-Sponsorship Grant Program. Exhibits: Contracts on file in City Clerk's office.

14. Consider approving the renewal of the annual agreement between the Center for Creative Living Corporation and the City of Lawton for services to senior citizens. Exhibits: Center for Creative Living Agreement.

15. Consider approving plans and specifications for the NW 82nd Street Sewer line Project #2010-4 and authorizing staff to advertise for bids. Exhibits: None.

16. Consider approving the record plat for Dove Creek Addition, Part 4A, and accepting the improvements, escrow agreement in lieu of completion of minor improvements, maintenance bonds and easements outside the platted area. Exhibits: Plat Map, Escrow Agreement, Maintenance Bonds and Easements are on file in City Clerk's Office. **STRICKEN**

17. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 532 linear feet of 8-inch PVC potable water line and all appurtenances to serve King Fireworks Retail Outlet located at 5202 SW 11th Street. Exhibits: Permit to Construct on file in the City Clerk's Office.

18. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 304 linear feet of 8-inch DIP waterline, and all appurtenances to serve the Tractor Supply Company located approximately 1/2 mile west of NW 67th Street on the south side of NW Quanah Parker Trailway in the SE/4 of Section 20, T2N, R12W, I.M., Comanche County, Oklahoma. Exhibits: Permit to Construct on file in the City Clerk's Office.

19. Consider approving the construction plat for Rolling Hills Addition, Part 5, subject to conditions. Exhibits: Plat Map.

20. Consider approving the record plat for Saint James Place, Part 2, and accepting the water, sewer and drainage improvements, escrow agreement in lieu of completion of minor improvements, maintenance bonds, and easements outside the platted area. Exhibits: Plat Map. Escrow Agreement, Maintenance Bonds and Easement are on file in City Clerk's Office.

21. Consider approving the record plat for Saint James Place, Part 3. Exhibits: Plat Map.

22. Consider awarding contract for City of Lawton audit (CL 11-034) to John M. Arledge and Associates of Edmond, OK. Exhibits: Department recommendation and abstract of bids.

23. Consider extending contract (CL10-051) Hydraulic Pump & Cylinder Repair to Horizon Hydraulics of Oklahoma City, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

24. Consider extending contract (CL10-052) Electric Motor Repair to J & W Electric Motor Co. of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

25. Consider awarding (RFPCL11-043) contract for Temporary Workers to Express Employment Professionals of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids.

26. Consider approving appointments to boards and commissions. Exhibits: None.

City Planning Commission (CPC)
Jim Nisbett
2903 Templeton Terrace
Lawton, Oklahoma 73505
07/26/14

Mayor's Commission On The Status Of Women
Amy Holstrom
220 NE 46th
Lawton, Oklahoma 73507
07/12/2012

McMahon Auditorium Authority
Thomas R. Kelly
Deput6y To Garrison Commander
462 Hamilton Road Suite 120
Fort Sill, Oklahoma 73503
06/30/14

Redistricting Committee
Don Knippenburg
Ward 6
7028 SW Winchester
Lawton, Oklahoma 73505
07/01/16

Traffic Commission
Johnny Owens
PO Box 181
Lawton Oklahoma 73502
07/26/14

Urban Renewal Authority
Albert Johnson
118 NE Bell Drive
Lawton Oklahoma 73507
07/31/14

Jacob Brox
PO Box 1646
Lawton, Oklahoma 73502
07/31/14

27. Consider approval of payroll for the periods of July 11 – 24, 2011.

NEW BUSINESS ITEMS:

28. Hold a public hearing and consider a resolution amending the 2030 Land Use Plan from Commercial to Residential/High Density and an ordinance changing the zoning from C-3 (Planned Community Shopping Center District) to R-3 (Multiple-Family Dwelling District) zoning classification located at 152 SE 45th Street. Exhibits: Resolution No. 11-___, Ordinance No. 11-___, Site Plan, Location Map, Applications and Draft CPC Minutes.

Richard Rogalski, Planning Director, stated this request is for Lot 2, Block 1, Sungate Commercial Addition which contains 3.69 acres located at the northeast corner of SE 45th Street and SE Wilshire Terrace. The proposed use is 48 units for senior independent living. The applicant is Eastern Hills Development Company of Lawton, Inc. Recently a request was submitted by the applicant to rezone this lot and Lot 1, Block 1, Sungate Commercial Addition to C-1 for multi-family apartments and senior independent living apartments. On June 14, 2011 the City Council denied the rezoning request. The City Code states that if a rezoning request is denied by the City Council, another application cannot be accepted for at least six months; however, there are three instances where the City Planning Commission may waive the six-month waiting period. One of the instances is when the new request for rezoning is to a more restrictive zoning classification than was originally requested. The requested zoning of R-3 is more restrictive than the previous request of C-1 zoning, and the CPC waived the waiting period.

The zoning of the surrounding area is C-3 to the north and west, P-F (Public Facilities District) to the south, and R-1 (Single-Family Dwelling District) to the east. The land use of the surrounding area is vacant to the north and west, a church and a fire station to the south, and single-family residential to the east. The 2030 Land Use Plan designates this area as Commercial.

On July 14, 2011, the CPC held a public hearing on this request. During the public hearing two persons spoke in favor of the request, and three persons spoke against the request. Prior to the public hearing, 16 letters in support of the request were received and one letter opposed. After the CPC meeting he received a letter from Mr. Jesse Sorrell who spoke at the CPC meeting. Mr. Sorrell was not able to attend the council meeting and he expressed his opposition to this request and asked that his letter be read. The CPC, by a vote of 8 – 0, recommended approval of the rezoning to R-3 subject to the following conditions:

a. Providing an opaque screening fence or wall not less than six feet no more than eight feet in height along the eastern boundary of the requested area in accordance with Section 18-5-8-555.1 of the Lawton City Code.
b. Providing a tree screen outside the utility easement along the eastern boundary of the requested area between the apartments and the single-family residential using a species of tree that, at maturity, will equal the height of the buildings.

Notice of public hearing was mailed on June 23, 2011, to 34 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on June 26, 2011.

PUBLIC HEARING OPENED.

Rick Flores, 4926 SE Randolph, stated at the June 14th meeting there were a room full of people who opposed this rezoning, all for different reasons. He stated he hopes the council sends a clear message by denying this rezoning. He stated they would like to see businesses out there, not residential.

Amy Ewing-Holmstrom, 220 NE 46th Street, stated the intersection that this proposed plan affects is Gore and 45th Street which is a four way stop. She stated 45th Street is a two lane road and one of the worst roads in town. Before they start building the businesses, let’s build the roads that will take care of the residents that will be serviced by these businesses. She stated everyone should go to that intersection at 8:00 a.m. in the mornings and try to get out of those neighborhoods, she stated it will be a nightmare if this project is built. She stated they need to keep the traffic in mind.

An unidentified woman stated the item regarding the six months waiting period was not on the CPC agenda and she questioned how they could even talk about it. She stated it was not on the published agenda and it is not legal to talk about it.

Rogalski stated the posted agenda did have that item.

Amy Sorrell, 133 SE Tattershall Way, read a letter written by her husband, Jesse Sorrell, expressing his concerns and opposition to the rezoning.

Lou Bressman, 12 SE Camelot, stated she does not want this building and there are enough apartment style buildings on east Gore. They did not have an opportunity to object to the apartments that were built on the north side of Flowermound and 45th Street. She stated the traffic is already horrendous. There are numerous accidents on east Gore and she cannot imagine an older person living in this type of housing wanting to battle the traffic on east Gore. She stated they need to take care of the traffic issue first before they start building any more apartments.

Nick Richards, President of Eastern Hills Development Company, stated he is the owner of this site. He stated they are not talking about the multi family complex, this is just the senior site. He stated his family has been pioneering in east Lawton since the 1960's. When they built Ten Oaks, the room was full of people who opposed the rezoning. He requested that the council use their common sense and good judgment and do what is right for the community. He stated City Code, Chapter 21, Lawton subdivision regulations, shows commercial on the corner and apartments as the buffer between single family. That is what they are asking the council to do.

Bobbi Jo Lucas, Cornerstone Associates, stated she is the developer proposing this senior site. She stated this will be a 48 unit independent living senior family homes. There will be 18 one bedroom and 30 two bedroom homes. Rents will range from $393 to $491 on one bedroom and $469 to $586 on the two bedroom. She stated the project is 215 feet from the proposed property line. They are 145 feet from the property line closest to Wilshire Terrace and those single family homes are not on their property line so there is additional buffer. Senior ages 62 and up are eligible to live there. Most are retired and live on pensions or social security.
(Ms. Lucas presented photos of the apartments).

Zarle questioned if any of the units will be handicap accessible.

Ms. Lucas stated yes and they do have elevators.

Mitchell questioned the size of the units.

Ms. Lucas stated one bedrooms are 750 square feet and two bedrooms are 880 square.

Burk stated that they must be 62 or older, but he questioned if any other relative could move in with them.

Ms. Lucas stated absolutely not. Even if they have a full time, live in aid, that aid has to be on the lease or they are not eligible to remain within the building, other than working hours. Grandchildren can visit periodically, but grandparents cannot be day care providers. They are very strict on who is eligible to be in that building and they keep an eye who is in the building.

Haywood thought they may have a nurse on call 24/7.

Ms. Lucas stated no, this is independent living. They have a nurse call in case someone might fall.

Burk questioned the income levels.

Ms. Lucas stated they have to have proof of how they are going to pay their rent. A one person household can earn up to $21,840 and a two person household can earn up to $24,960. If there children are helping pay the rent, then their names must be on the lease as a co-signer.

Wells questioned if the incomes include retirement incomes and social security.

Ms. Lucas stated they verify any form of income they receive on a regular basis. It could be retirement plan in addition to social security. Any interest on investments is considered income.

Burk stated he has received calls for and against this development. He questioned if the goal is to come back in six months and rezone the other piece of property.

Ms. Lucas stated they have no interest in making an attempt to rezone the other property. They understand the concerns of the residents within that area. She stated with the previous rezoning request, the primary hesitation was on the other parcel because it directly abutted within the neighborhood and the residents did not want the multi-family. She stated this is a completely different project and had she known, she would have proposed that these be reviewed separately. She stated this is a great site and a great project and she felt it was worth coming back to the council and requesting the rezoning.

PUBLIC HEARING CLOSED.

<u>MOVED by Tenis, SECOND by Wells</u> to adopt **Resolution 11-65** amending the 2030 Land Use Plan from Commercial to Residential/High Density. AYE: Shoemate, Tenis, Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

Jensen questioned if the two conditions recommended from the CPC were in the binding site plan.

Rogalski stated the conditions will be added to the binding site plan.

Jensen stated the motion to approve the ordinance needs to address those two conditions.

MOVED by Wells, SECOND by Tenis to adopt **Ordinance 11-32**, to include the two conditions on the binding site plan, waive the reading of the ordinance, read the title only. AYE: Tenis, Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED

(Title read by City Attorney) Ordinance 11-32

An ordinance changing the zoning classification from the existing classification of C-3 (Planned Community Shopping Center District) to R-3 (Multiple-Family Dwelling District) zoning classification on the tract of land which is hereinafter more particularly described in section one (1) hereof; approving the site plan attached as exhibit a; and authorizing changes to be made upon the official zoning map in accordance with this ordinance.

29. Hold a public hearing and consider an ordinance closing Hoover Street between NE Dearborn and NE Columbia Avenue, NE Columbia Avenue between Hoover Street and Albert Johnson Sr. Drive, and the alley in Block 8, Vernon Addition. Exhibits: Ordinance No. 11-___, Location Map and Application.

Rogalski stated on June 14, 2011, the City Council set the date of July 26, 2011, to hold a public hearing and consider a request submitted by Galilee Baptist Church to close Hoover Street between NE Dearborn and NE Columbia Avenue, NE Columbia Avenue between Hoover Street and Albert Johnson Sr. Avenue, and the alley in Block 8, Vernon Addition. The rights-of-way for the streets were included in the plat for Vernon Addition, but the streets are not constructed. The church owns all of Blocks 8 and 9, Vernon Addition, and is requesting the streets and alley be closed to provide a more uniform campus for its mission. The church intends to petition district court to vacate the public ways if the Council approves the closure request. Notice of public hearing was mailed to 5 property owners within 300 feet of the requested area and to utility companies on June 24, 2011, and proper notice was published in *The Lawton Constitution* on July 10, 2011. There have been no objections received from the private utility companies. There are no public utilities within the rights-of-way requested to be closed.

PUBLIC HEARING OPENED.

Bill Doolin, representing Galilee Baptist Church, stated they wish to further the mission of the Galilee Baptist Church and have a campus without the interruption from the easements.

James Towers, Associate Minister at Galilee Missionary Baptist Church, stated he is also the trustee chairman. He stated six months ago they had an appraisal done on the church property and during that appraisal they noted that the property in question did not belong to them. At that time they put in a request, through their attorney Mr. Doolin, to have these streets vacated.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Wells to adopt **Ordinance 11-33**, waive the reading of the ordinance, read the title only. AYE: Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells, Shoemate, Tenis. NAY: None. MOTION CARRIED

(Title read by City Attorney) Ordinance 11-33

An ordinance closing the right-of-way of NE Hoover Street between NE Dearborn Avenue and NE Columbia Avenue, NE Columbia Avenue between NE Hoover Street and NE Albert Johnson Sr., Avenue, and the alley in block 8, Vernon Addition, more particularly described in section one hereof.

30. Consider hearing an appeal from Mr. George Nassaney's, Lawton Motorsports, concerning the denial of his fire hydrant cost share application for the property located at 5110 NW Cache Road as provided for under Council Policy 6-4. Exhibits: Original Application, Mr. George Nassaney, Lawton Motorsports and Letter of Denial to Mr. George Nassaney.

Mayor Fitch stated that he believes an agreement has been reached on this item.

Bryan Long, Assistant City Manager, stated they have satisfactorily addressed the intent of the council at the last meeting which was to find a solution. He believes staff has done that.

Wells questioned if Mr. Nassaney was agreeable to the solution.

Jana Barker, mother-in-law of Mr. Nassaney, stated Mr. Nassaney was out of town and could not attend the council meeting. She questioned what the solution was.

Long stated the staff recommendation was to deny the request for cost share. He stated during the last council meeting there was some interest in resuming discussions on how to find a solution so they ultimately would enter into a cost share agreement with this property owner. He stated if the council should desire to move into a cost share agreement, there would be one condition which would be that the check valve on the sprinkler system that currently serves the building be verified to be in operation. He does not believe that will be an issue.

Ms. Barker state that inspection should be done tomorrow.

Long stated after they receive that confirmation, there would be a material cost of approximately $2,500.

Mayor Fitch clarified that the city would pay the material cost of $2,500 and Mr. Nassaney would pay the labor.

Ms. Barker stated they have received requests from the Fire Marshall's office for different things and sometimes they were not clear on what they wanted. She stated she wants Lawton to be pro-business and this is not very pro-business. She has talked and worked with other cities and they were pro-business and they would not require a fire hydrant that they were not willing to put in themselves. Most cities would not want businesses drilling into their water systems.

MOVED by Bellino-Hall, SECOND by Wells to approve the cost share agreement. AYE: Burk, Zarle, Haywood, Wells, Shoemate, Tenis, Bellino-Hall. NAY: Givens. MOTION CARRIED

31. Consider reviewing the proposed ordinances relating to the 2012 Capital Improvement Plan setting forth the ballot propositions and call for the election in October 2011, and provide direction to staff as necessary. Exhibits: Two draft ordinances.

Jensen stated there are two proposed ordinances included in this agenda item. He stated the council will take action on this item on August 9, 2011. Since staff has to have the documents to the election board on August 11th, it does not give staff much time to make any changes that may be necessary. He stated he wanted to give the council the opportunity to look at what will be presented on August 9th. The first ordinance includes the sales tax program for 2012 and the second ordinance calls for the election for the sales tax and $20 million of ad valorem projects. On the sales tax side the ordinance is straight forward. There are not all of the special rules that they have to deal with on the ad valorem side, so all you have is the list of specific projects and it does not require any numbers. There are some very complicated rules they have to deal with on the ad valorem side and one of those rules is that they have to identify specific projects and they do have to assign dollar figures to specific projects, If this passes on October 11, 2011, they do have to follow specific rules, especially on the ad valorem side, as to how the money is spent. He stated Gary Bush, the city's bond counsel needs to able to take a final look at these documents. He requested from the council any kind of input they would like to give staff before the documents are finalized on August 9th. There is no action to be taken tonight.

Mayor Fitch stated this CIP program has a lot of smaller items than the ones in the past have had. He encouraged the council to sit down with the City Attorney if they have any questions.

32. Consider approving a resolution authorizing and calling for an election in the City of Lawton, State of Oklahoma, for the purpose of setting the dates for the 2011 primary and 2012 general municipal elections of the designated City Council seats and authorizing the Mayor to issue an election proclamation. Exhibits: Resolution No. 11-_____ and Election Proclamation.

MOVED by Givens, SECOND by Tenis to adopt **Resolution 11-66**. AYE: Givens, Wells, Shoemate, Tenis, Bellino-Hall, Burk. NAY: None. ABSENT: Zarle, Haywood. MOTION CARRIED.

Jensen stated item #33 needs to be stricken from the agenda. There is some language in the ordinance that needs to be clarified. The ordinance will be brought back at a later date.

33 Consider an ordinance amending Section 23-5-501, Article 23-5, Chapter 23, Lawton City Code, 2005, removing and modifying certain requirements relating to driving on the right side of the roadway and to driving at less than the maximum posted speed so as to conform with changes in state law, providing for severability, and providing for an effective date. Exhibits: Ordinance 2011-_______. **STRICKEN.**

34. Consider adopting an ordinance creating Section 9-1-134, Article 9-1, Chapter 9, Lawton City Code, 2005, pertaining to Municipal Court, and thereby enacting provisions for keeping confidential certain personal identifying information, providing for severability, and providing for an effective date. Exhibits: Ordinance 2011-_______.

MOVED by Givens, SECOND by Wells to adopt **Ordinance 11-34**, waive the reading of the ordinance, read the title only and providing for an effective date. AYE: Haywood, Wells, Shoemate, Tenis, Bellino-Hall, Burk, Givens. NAY: None. ABSENT: Zarle. MOTION CARRIED

(Title read by City Attorney) Ordinance 11-34

An ordinance pertaining to municipal court creating Section 9-1-134, Article 9-1, Chapter 9, Lawton City Code, 2005, enacting provisions for keeping confidential certain personal identifying information, providing for severability, codification, and providing for an effective date.

AUDIENCE PARTICIPATION:

Hector Noel, Menes Shrine Temple #32**,** stated they are joining with the Oklahoma Diabetes Association to sponsor the first annual walk for diabetes on July 30, 2011 at Elmer Thomas Park. The walk will begin at 9:00 a.m.

Dan Tucker, 6916 SW Beta Avenue, stated he has in his hand his water bill which has a fee of $6.50 for Waurika water purchase. He wanted to come to this meeting and thank the Mayor and council as well as the previous Mayor and council members who have been involved in procuring the water rights to Waurika Lake. He stated that is a tremendous step forward for the future of this community.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Givens stated the Museum of the Great Plains is celebrating its 50th anniversary this year. They are opening with an exhibit on July 29th that will show 50 people who have been influential over the past 50 years and an artifact from each of those 50 years will be in that exhibit. He stated in August there will be an exhibit on the life of Howard Council, who is the premier saddle maker in the world.

Shoemate stated that former council member James Hanna has had his leg amputated and he wished him all the best.

Bellino-Hall stated that everyone needs to see what has gone on at the airport. She stated the renovations are a positive statement about southwest Oklahoma. She stated Barbara McNally, Airport Manager, has done a marvelous job. She stated that Cameron University's academic festival for 2011-2012 is on Afghanistan and they are bringing in some world class speakers. She thanked Jerry Ihler and his public works crews for the work they are doing. She stated the workers are very pleasant and kind.

Mitchell reported that the buffalo monument in front of new city hall has been rotated.

Jerry Ihler, Public Works Director, distributed the semi-annual street report. He stated there should still be additional money remaining from those street projects in the 2008 CIP because they were able to do the streets for a little less than they had anticipated. He stated they will keep the money in the wards that have money left over and they will apply the money to the streets they have identified in the proposed 2012 CIP.

Burk stated this is one of the best reports he has received.

Mitchell distributed material from a conference he attended the previous week entitled Partnership for America's Economic Success.

The Mayor and Council convened in executive session at 7:44 p.m. and reconvened in regular, open session at 8:07 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

35. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the acquisition of right of way for the NW 82nd Street Sewer Line Project #2010-4 and discuss two lawsuits styled The City of Lawton v.s. David A. & Judy Nottingham, Case Number CJ-2011-197 and The City of Lawton v.s. Dennis W. & Mary Lou Merrifield, Case Number CJ-2011-198, in the District Court of Comanche County, and take appropriate action in open session. Exhibits: None.

Jensen read the title of item #35. He stated there is no action needed on the Nottingham case.

MOVED by Zarle SECOND by Wells to authorize staff to pay the commissioners offer of $25,000 into the court for the condemnation case CJ-2011-198, The City of Lawton v.s. Dennis W. & Mary Lou Merrifield, for the NW 82nd Street Sewer Line Project #2010-4. AYE: Shoemate, Tenis, Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 8:09 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK