

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
AUGUST 28, 2018 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Jerry Ihler, City Manager
Frank Jensen, City Attorney
Traci Hushbeck, City Clerk
COL Don A. King, 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 Pastor Harold Gaches, First Baptist West, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bob Morford, Ward One
Keith Jackson, Ward Two
Caleb Davis, Ward Three
Jay Burk, Ward Four
Dwight Tanner, Jr., Ward Five
Sean Fortenbaugh, Ward Six
Onreka Johnson, Ward Seven
Randy Warren, Ward Eight

ABSENT: None

PROCLAMATION FOR SEPTEMBER 11TH DAY TO REMEMBER

Mayor Fitch proclaimed that September 11th is a Day to Remember. He presented the proclamation to members of the American Legion.

RECEIVE THE ANNUAL UPDATE OF THE HOTEL/MOTEL TAX FUNDED
ACTIVITIES FOR FY 2017-2018 FROM THE LAWTON-FORT SILL CHAMBER OF
COMMERCE

An update was given by Jamie Southerland, Interim President of the Lawton-Fort Sill Chamber of Commerce. Brad Cooksey, President of the Lawton-Fort Sill Economic Development Corporation briefed the council on economic development issues. (A copy of the End of the Year Report for 2017-2018 is on file in the City Clerk's office)

AUDIENCE PARTICIPATION:

Ted Symeleski, 2509 SW Cornell Avenue, stated in March he asked the council to look at the discount on the water bill that is offered to the disabled. At that time the council voted to go

along with the cost of living increase, but it was only done for one year. He is requesting that the council start looking at it now until waiting to process it next spring. He would like it to be an ongoing thing every year and adjust with whatever the cost of living increase is given by the federal government. There are a lot of people that need this help.

Davis stated he and Council Member Warren did quite a bit of work creating an ordinance that would tie that threshold to the federal benefits. There was some initial concern about what it would cost the City, but it would really be cost neutral because those people would already be receiving the discount. He stated this is in the works and it should be coming to the council in the next few months.

Wynona Alberty, 1505 ½ NW Arlington, stated they have been having an issue with their trash being picked up. Their trash is to be picked up on Tuesday and Friday. She stated they keep missing trash pickup between Gore and Ferris from the 1200 block to the 1700 block.

Mayor Fitch stated the City Manager will check into the issue.

CONSENT AGENDA:

Davis requested item #3 be considered separately.

Tanner requested item #12 be considered separately.

MOVED by Burk SECOND by Jackson to approve the consent agenda with the exception of items #3 and #12. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider renewing a professional services agreement for financial advisory and consulting services with BOK Financial Securities (BOKFS). Exhibits: Professional services agreement for financial advisory services, on file in the City Clerk's office.
2. Consider renewing a professional services agreement with BKD, LLP (BKD) for the City's annual auditing services for FY 2017-2018, including the City's required single audit of expenditures from federal financial awards. Exhibits: BKD's engagement letter outlining its professional services agreement with the City for auditing services is on file in the City Clerk's office.
3. Consider a request from the Ware District Committee, a committee of the Lawton Fort Sill Chamber of Commerce, to designate the monthly "Ware on C" event as a City co-sponsored event. Exhibits: None.

Davis stated the concept sounds great but he has some concerns. The concept is to start small and grow this to a larger event which would increase the cost. It is estimated that the cost would be approximately \$2,000 to the City of Lawton. This was not placed in our budget because this concept was not finished in time, so next year if this is passed it will be fully funded in the budget. This will grow and it will be more and more expensive. His concern is the expense to

the citizens when there are so many other concerns about sidewalks, roads, etc. The question he got from citizens is why the Chamber is not using the money from the hotel/motel tax. He is not in support of the City of Lawton giving money to support this event, but he is in support of the Chamber doing this if they can use hotel/motel funds or sponsor this with private funds. He does not think this is a top priority to fund.

Tanner stated he feels it is a great idea and if we had the money to support it he would be all for it. He has gotten calls from constituents, and as an example, there is a tennis court in 35th division park that has nets that are torn up. For the past three years he has tried to get those nets replaced and a coat of paint put on this tennis court. He feels the constituents in that neighborhood would be highly upset if we were to use some unbudgeted funds to support an event like this, and not use the unbudgeted funds in some of these departments like parks and recreation. Is there any way we can make a substitute motion to go ahead and use this \$2,000 for one month and possibly redo the tennis nets and paint the court, which is what he has been trying to do for the past three years.

Ihler stated if that is what the council wishes to do and if he is directed, that is what he will do.

Jensen stated you cannot do a substitute motion like this.

Tanner stated he is being facetious.

Burk stated he agrees that is it a wonderful idea and we need these kinds of concepts to move Lawton forward and people always want something to do. He stated just like the balloon festival, the sales tax comes back to the City, and we invest in ourselves. Any events they have downtown are going to have food trucks and people doing things that are going to help create and bring in more revenue to the City of Lawton. You have to spend money to make money, if you own a good business you know that. How do we reinvent Lawton and reinvent who we are, the only way is to invest in ourselves. He would donate the first \$2,000 to make sure we have the event. The main thing is that people want Lawton to grow and they want things to do at night and we have to help. At this point \$2,000 is nothing if we are going to get sales tax revenue back from some of these events. Don't kill a project until we give it a shot. After the first event if they see it didn't work, then they can scrap the idea.

Tanner stated he agrees we need to invest in the community and he is for the project but as the commentary says, the departments impacted by this event did not budget for this monthly expense. As elected officials they cannot spend money they don't have, it is against the law. What are these departments going to have to give up to fund this operation. The City of Lawton gets \$1.3 million annually for hotel/motel funds and this is to promote tourism and economic development. We give 70% of these funds to the Chamber of Commerce to use for economic development and they should take this \$2,000 out of the money that the council voted to allow the Chamber of Commerce to manage for us.

Davis stated he understands the idea of spending money to make money. If that event would bring in \$53,000 in those two hours, then it would be neutral as far as cost to the City. He likes the concept, but he does not see \$53,000 being spent on hamburgers in two hours, so he thinks

the argument of it being cost neutral just doesn't hold water. He likes Council Member Burk's idea that he would fund the first month and then if it doesn't go they can step back and not fund it. He stated this is a monthly event and it will be put into next year's budget and it will grow and will be more money. He does believe this could be a successful event as a privately funded event with the Chambers money that the citizens already provide them through the hotel/motel tax.

Fortenbaugh stated we must invest back in our city and \$2,000 is not a lot to the City and you just can't quantify everything through the sales tax that comes back. We need to support these things and it is not asking for much to ask for \$2,000.

Tanner stated evidentially \$2,000 or \$3,000 is a lot of money because he has not been able to get the City Manager to put it in the budget for the past three years to repair the tennis courts at 35th division park.

Fortenbaugh stated the tennis court nets are a separate issue.

Tanner stated it is real easy to spend other people's money.

MOVED by Fortenbaugh SECOND by Burk to approve a request from the Ware District Committee to designate the monthly "Ware on C" event as a City co-sponsored event. AYE: Morford, Jackson, Burk, Fortenbaugh, Johnson, Warren. NAY: Davis, Tanner. MOTION CARRIED.

4. Consider accepting a \$1,415.20 donation to the Library from the Friends of the Library to be designated for library-related activities and book material purchases. Exhibits: None.
5. Consider awarding \$40,000.00 of Community Development Block Grant funds towards the cost of the Patterson Center siding project and authorizing the Director of Parks & Recreation and the Supervisor of Housing & Community Development to execute the Memorandum of Understanding. Exhibits: Memorandum of Understanding.
6. Consider authorizing contract with City of Walters to provide services by the Animal Welfare Division to receive animals for the purpose of adoption, re-homing, sending to rescue, euthanization, or other means of disposal. Exhibits: Agreement.
7. Consider releasing the performance surety in lieu of completed improvements for Stonegate Commercial, and accepting the drainage and street improvements and maintenance bond. Exhibits: Location Map. Maintenance Bond is on file in the City Clerk's office.
8. Consider Acceptance of construction of NW 2nd Street Improvement Project from NW Columbia Avenue to NW Ferris Ave, Project No. 2014-3, placing the Maintenance Bond into effect, approving Change Order No. 1 and funding for refreshment of the landscape elements along the 2nd Street Corridor. Exhibits: Change Order No. 1.

9. Consider approving Amendment No. 2 to the October 27, 2015 agreement with Dewberry for professional engineering design services for the Public Safety Building, to amend the agreement to include the redesign of Larrance Street from Gore Boulevard to D Avenue, adjacent to the Public Safety Facility leaving the existing crane available for Larrance Tank. Exhibits: Amendment to the agreement.
10. Consider Acceptance of construction of I-44 Ramp Water Line Relocation Project #2013-10 placing the Maintenance Bond into effect and approving Change Order No. 1. Exhibits: Change Order No. 1. Maintenance Bonds are on file in the City Engineer's Office.
11. Consider Acceptance of construction of Splash Pad - Project # 2016-01 located in Elmer Thomas Park placing the Maintenance Bond into effect and approving Change Order No. 1. Exhibits: Change Order No. 1. Maintenance Bonds are on file in the City Engineer's Office.
12. Consider ratifying the actions of the City Manager and approving Change Order #4 with Flintco, LLC for the Public Safety Facility. Exhibits: Change Order No. 4 - Public Safety Facility.

Tanner stated we have removed this from Change Order #3 and created Change Order #4. Change Order #3 was a cumulative amount of \$170,864. Of that amount, in change Order #3, how many of these projects have been completed other than this Change Order #4.

George Hennessee, City Engineer, stated all of the items on Change Order #3 have been completed.

Tanner stated the only one on Change Order #3 that hasn't been completed is this \$5,287. This is the only item that is left.

Hennessee stated he would have to review that item, he is not familiar with that at this time. The item he was prepared to visit with the council about was Change Order #4, which was the tracks in the concrete for the storage facilities for the files.

Tanner stated he is not saying we don't need them, it is just they tabled Change Order #3 because it had been approved, and it shouldn't have been, and the City Attorney would not sign off on Change Order #3 but we have removed this section of Change Order #3 and made it Change Order #4, which under state law the City Manager or his designee is allowed to go ahead and approve this change order and bring it back to the council. So this change order is for the amount of \$5,287, so his question is if the City Attorney signed off on this change order.

Jensen stated he is going to sign off on it if it is approved because it is under the cap of \$40,000 and it is being brought back to the next meeting from the point in time where it had to be done to avoid a lot of delay and this is the very next meeting. That is what is required by the statute.

Ihler stated the contractor came forward and said beginning August 20th he would charge us \$3,700 per day and the overall cost of this item was \$5,200, so the earliest we could get it to council was today and get it addressed tomorrow, so we would have had to spend anywhere from \$26,000 to \$27,000 and that is why he went ahead and ratified it and brought it forward.

Tanner stated he feels it is a good decision but these other change orders that they already completed and haven't been paid on yet, a significantly higher amount, about \$165,000, that did not stop them from completing those projects and the architect said that he knew.

Ihler stated correct and that is what the council committee is going to meet on as soon as they decide when to meet.

Tanner stated if he was the contractor he probably wouldn't have stopped work on the building for this \$5,200, he probably would have continued along until it all got resolved.

Jensen stated this is just another example, if this item was over \$40,000 and couldn't be legally approved, they are being threatened by contractors because they won't approve something out in the field over \$40,000 and they are being threatened by contractors with delay damages or other threats like that. The bottom line is that we can't continue to operate the way we have with being pushed around by contractors who are trying to force change orders that are unlawful and he is not going to sign off on them anymore.

Hennessee stated the items that were on Change Order #3 were done at contractors risk, they were not an official approved change order. They explained to the contractor that they are doing this at their own risk and council may or may not approve this change order.

Jensen stated it can't be approved if they did it at their own risk and obviously we are carving out this \$5,200. If they did it at their own risk then tell them to eat the cost.

Hennessee stated the Change Order #4 is for the inbeds for the file system. Those inbeds are in the floor. The floor is on the critical path of the project and the oil tankers were not identified as being on the critical path. This is a critical path issue because they are pouring the floor now and critical path is what determines whether there is a delay in the project or not.

MOVED by Burk SECOND by Morford to approve ratifying the actions of the City Manager and approve Change Order #4 with Flintco, LLC for the Public Safety Facility.

Davis questioned why this was not in the original plans. He stated it seems that this would have been in the architects drawings, especially after the almost \$3 million we spent on those drawings. Why was this overlooked?

Hennessee stated there are a number of manufacturers for the storage units and without knowing the exact manufacturer and the exact dimensions, it was not shown on the drawings.

Davis stated the contractor bid on installing this and we are not going to go back on him for covering the cost of this because there is a system that was picked that has a rail system that he wasn't familiar with.

Rusty Whisenhunt, Director of Field Utilities, stated the mobile storage units are part of the furniture and fixtures, it is not part of the contractors part of the project. It had not been selected which furniture and fixtures would be installed when the plans were done. There are two options, above the floor rail system, which gives ADA problems and cost \$15,000 more than the in floor rail system. The above floor rail system is not as stable for this heavy equipment to be put on, so when they selected the mobile storage units with the inbed, they saved \$15,000 off of the cost of the mobile units and it eliminated having to have ramps over these tracks for ADA for someone to go into the storage. That part was quoted through the state contract for mobile storage units. This will save money and it produced a better, more stable system and it will eliminate the problem of having to build ramps above the floor to get over these rails.

Davis questioned what system the contractor bid on.

Whisenhunt stated the contractor did not bid, this is part of furniture and fixtures, it was just included that this area would have mobile storage units.

Davis stated it was not on the drawings from the architect because we did not know what we were going to use.

Whisenhunt stated it was part of the furniture and fixtures and for the City to acquire what they wanted and it would show the location of where the storage units would be but it did not identify what kind of storage units would be put in this area.

VOTE ON THE MOTION: AYE: Morford, Burk, Fortenbaugh, Johnson, Warren. NAY: Davis, Tanner. ABSENT: Jackson. MOTION CARRIED.

13. Consider extending contract for (CL17-002) Jail Food and Supplies to Stephenson Wholesale Co. of Durant, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
14. Consider extending contract (CL17-003) Manhole Coating Products to Corgill Construction Inc. of Greenwood, AR for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
15. Consider extending the requirement contract for Liquid Oxygen to Matheson Tri-Gas Inc., of Irving, TX for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
16. Consider extending the requirement contract for Sulfuric Acid to Water Tech Inc. of Ft Smith, AR for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

17. Consider awarding contract for (CL19-001) Mowing and Litter Area 1 to Adult and Teen Challenge of OK of Cache, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
18. Consider extending contract for (RFPCL16-034) Banking Services to IBC Bank of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
19. Consider extending contract for (RFPCL17-001) Annual Audit-City Retirement Fund to Finley & Cook, PLLC of Shawnee, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
20. Consider awarding (RFPCL18-049) Temporary Employment Services to Express Employment Professionals of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
21. Consider approving appointments to boards and commissions. Exhibits: None.

Building Development Appeals Board

Mark Pippin
Mechanical Contractor
Existing Member
09/14/2020

Paul Webb
Residential Homeowner
Existing Member
09/15/2020

Arthur Patrick
Commercial Contractor
Existing Member
9/14/2020

Citizens' Committee On Capital Improvement Program (CIP)

Carl Dentler
Ward 6
Existing Member
08/11/2021

Lawton Enhancement Trust Authority

Mary Ann Hankins
3602 NW Julie Street
Lawton, Oklahoma 73505
09/11/21

22. Consider approval of payroll for the periods of August 13 - 26, 2018.

NEW BUSINESS ITEMS:

23. Consider approving an Ordinance amending Chapter 4, Alcoholic Beverages, Lawton City Code, 2015; by amending the requirements for alcoholic beverage establishments as licensed by the state, setting the amount of the occupational tax for licensed alcoholic beverage establishments, amending the requirements for the consumption of alcoholic beverages, removing the requirements for non-intoxicating beverage establishments and establishing an effective date. Exhibits: Ordinance No. 18-__.

Richard Rogalski, Community Services Director, stated in May of 2017, the Governor signed Senate Bill 383 into law significantly changing the regulations regarding the distribution and sale of alcoholic beverages in the state of Oklahoma, effective October 1, 2018.

This proposed ordinance will update our alcoholic beverage code (Chapter 4) to be in line with the new state statutes. There will no longer be regulations for “low-point” beer/non-intoxicating beverage. Package stores, drug stores, convenience stores and grocery stores will be able to sell cold beer up to 8.99% and wine with up to 15% alcohol by volume as long as they have obtained their correct license from the ABLE Commission and paid an occupational tax with the City of Lawton. This ordinance also updates and clarifies the existing requirements to operate an alcoholic beverage establishment within the City of Lawton. The intent of this proposed ordinance is to follow state statutes with regard to the sale and consumption of alcoholic beverages that the municipalities are able to enforce.

Tanner stated basically this is helping our local ordinance comply with state ordinance with an occupational tax added to it. He questioned how much is the occupational tax.

Rogalski stated it is basically the same amounts as the ABLE license. If someone was going to sell beer they would get an ABLE license and pay \$500 for their retail beer license and then they would come to the City and they would pay a \$500 occupational tax.

Tanner questioned what we are charging now.

Rogalski stated for low point beer it is \$150, but this is much higher alcohol content.

Tanner questioned what we charged an establishment that is already selling high point beer and wine.

Rogalski stated it is much higher.

Tanner stated for those selling low point beer, the City is going up from \$150 to \$500 for this occupational tax permit.

Rogalski stated they are selling a higher, more profitable item. Currently it is \$500 for a beer and wine license, so it is the same.

Tanner stated we are not going up on the local restaurants.

Rogalski stated ABLE did not go up and we did not go up.

Tanner stated it is just convenience stores, Wal-mart, these other stores that will now sell the high point beer and wine. He questioned how many of these permit do we issue per year.

Rogalski stated we are not allowed to issue a permit or a license, it is an occupational tax.

MOVED by Tanner SECOND by Warren to adopt **Ordinance 18-27**, waive the reading of the ordinance, read the title only and establishing an effective date effective date of October 1, 2018. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 18-27

An ordinance amending Sections 4-1-1-101 through 4-1-1-109, Division 4-1-1, Article 4-1, Sections 4-2-1-201 through 4-2-1-211 and Sections 4-2-1-212 through 4-2-1-216, Division 4-2-1, Article 4-2, Sections 4-3-1-301 through 4-3-1-308, Division 4-3-1, Article 4-3, repealing Sections 4-1-1-110 through 4-1-1-118, Division 4-1-1, Article 4-1, Section 4-2-1-211.1 and Sections 4-2-1-217 through 4-2-1-219, Division 4-2-1, Article 4-2, all of Division 4-2-2, Article 4-2, inclusive of Sections 4-2-2-230 through 4-2-2-248, all of Division 4-2-3, Article 4-2, inclusive of Sections 4-2-3-260 through 4-2-3-276.1, all of Division 4-2-4, Article 4-2, Sections 4-3-1-309 and 4-3-1-310, Division 4-3-1, Article 4-3, all in Chapter 4, alcoholic beverages, Lawton City Code, 2015; by amending the requirements for alcoholic beverage establishments as licensed by the state, setting the amount of the occupational tax for licensed alcoholic beverage establishments, amending the limitations for the consumption of alcoholic beverages, removing the requirements for non-intoxicating beverage establishments, providing for limited municipal regulation of alcohol consumption and possession in circumstances authorized by state law, providing for severability, and establishing an effective date of October 1, 2018.

24. Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, pertaining to Chapter 4, Alcoholic Beverages by establishing an application fee for the Certificate of Compliance, repealing the fees for non-intoxicating beverages and establishing an effective date. Exhibits: Resolution 18-__.

Rogalski stated they simply scratched all the fees relating to non intoxicating beverages because it does not exist anymore. They did add a fee for a certificate of compliance application. When someone wants to apply for an ABLE license they have to get a certificate of compliance from the City of Lawton so we have to go out and do an inspection, which we are currently doing, but we have had no fee to cover our cost.

Burk stated there is no way that \$60 will cover our cost to do these inspections. It is ridiculous the amount of money it costs us to do these things.

Tanner questioned what the city employees are inspecting.

Rogalski stated the actual on site inspection is the Fire Marshall's office, the city staff does research in house. He stated this is just a general inspection of the facility. There are different requirements for the different types of compliance.

Tanner questioned if this certificate of compliance application fee is an annual fee.

Rogalski stated yes.

Tanner questioned if stores and taverns that are already in business have to go through this certificate of compliance application fee.

Rogalski stated he does not believe that ABLE requires a certificate of compliance for a renewal.

Burk stated he thinks this is an annual thing and to get the renewal he thinks they will need the certificate of compliance.

Rogalski stated they do annual inspections on many businesses and that fee is covered under their license fee.

MOVED by Burk SECOND by Jackson to adopt **Resolution 18-62**. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

25. Consider approving an ordinance adding Section 5-1-124, Article 5-1, Chapter 5, Lawton City Code, 2015, prohibiting the delivery of unclaimed animals from the City's animal welfare shelter to any entity that intends to use such animals for scientific research, providing for codification, severability and declaring an effective date. Exhibits: Ordinance No. 18-__ and Title 4 O.S. §394.

Russell Anderson, Animal Welfare Supervisor, stated at no time since he has taken over have they received a request from a scientific research facility requesting these animals. What they are discussing here are requests for live animals and according to state law it is his duty to give them up. This is a preemptive thing they are doing. This gives them a way out of fulfilling this by prohibiting this practice altogether. He is requesting that they prohibit the shelter from giving live animals to a research facility for the purpose of life testing of products. He has been working on this issue for three years and he feels this is the time to get this accomplished because he feels that Lawton will be the next target for them to start requesting. He stated that Skulls Unlimited are the company that come in and take our deceased animals and this would not affect that contract.

MOVED by Tanner SECOND by Burk to adopt **Ordinance 18-28**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 18-28

An ordinance pertaining to animals adding Section 5-1-124, Article 5-1, Chapter 5, Lawton City Code, 2015, prohibiting the delivery of unclaimed animals from the city's animal welfare shelter to any entity that intends to use such animals for scientific research, providing for codification, severability and declaring an effective date of thirty days from today.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Mayor Fitch stated he needs to appoint another person to the fee schedule committee. Currently Council Members Tanner and Johnson serve on this committee.

Fortenbaugh stated he would serve.

COL King stated this weekend there are several events out at Fort Sill. There will be a concert on Friday and the air show on Saturday.

Johnson thanked those citizens and staff who attended the Ward 7 town hall meeting. She stated those will be held quarterly, so the next one will be in January.

Fortenbaugh stated the citizens of Lawton need to be a part of the solution and let council know what is going on. Once they know what is bugging them, they can take care of the situation.

Diane Branstetter, Finance Director, presented revenue and expenditure highlights for the period ending July 31, 2018. (On file in the City Clerk's office).

The Mayor and Council convened in executive session at 7:45 p.m. and reconvened in regular, open session at 8:12 p.m. Roll call reflected all members present excluding Jackson. (Jackson and Tanner did not attend executive session).

EXECUTIVE SESSION ITEMS:

26. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of John Arthur Moser, Jr. and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen stated the council did not convene in executive session on the Moser claim.

27. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of Zatorria Bernard, et al. vs. City of Lawton, CJ-2018-157, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #27. No action was taken.

28. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2018-2019 between the International Union of Police Associations (IUPA), Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #28.

MOVED by Burk SECOND by Warren to appoint Councilpersons Davis and Fortenbaugh to attend the proposed September 7, 2018 mediation bargaining session between the IUPA Local 24 and the City of Lawton for the purpose of attempting to reach a tentative agreement for FY 2018-2019 collective bargaining agreement. AYE: Morford, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 8:14 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK