

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
SEPTEMBER 13, 2011 – 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Fred L. Fitch
Presiding

Also Present:
Larry Mitchell, City Manager
Scott Meaders, Deputy City Attorney
Traci Hushbeck, City Clerk
COL Paul Hossenlopp, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:02 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Minister Barry Haynes, Northwest Church of Christ, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bill Shoemate, Ward One
Michael Tennis, Ward Two
Rosemary Bellino-Hall, Ward Three
Jay Burk, Ward Four (Arrived @ 6:13 p.m.)
Rex Givens, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
Doug Wells, Ward Eight

ABSENT: None

PRESENTATION OF PROCLAMATION FOR SENIOR CORP WEEK

Mayor Fitch proclaimed the week of September 19 – 23, 2011 as Senior Corp Week.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF AUGUST 9 AND AUGUST 23, 2011.

MOVED by Tennis SECOND by Givens to approve the minutes of Lawton City Council regular meetings of August 9 and August 23, 2011 AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Givens. 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.

Tennis requested item #14, and Bellino-Hall requested item #8 be considered separately.

MOVED by Givens SECOND by Shoemate to approve the consent agenda with the exception of items #8 and #14. AYE: Givens, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: Frederica Grant in the amount of \$3,687.63 and Bill and Nova Menser in the amount of \$101.25. Exhibits: Legal Opinions/Recommendations.
2. Consider adopting a resolution approving the settlement by a joint petition and making payment in the workers' compensation claim of Scott Kisner. Exhibits: **Resolution 11-77.**
3. Consider adopting a resolution approving the settlement by a joint petition and making payment in the workers' compensation claim of David Fincher. Exhibits: **Resolution 11-78,**
4. Consider adopting a resolution approving payment on the judgment in the Workers' Compensation case of Anthony Buzbee in the Workers' Compensation Court, Case No. 2010-14231F. Exhibits: **Resolution 11-79.**
5. Consider extending the Agreement for Administrative Professional Services with Jennifer Cargill, to work as a fill-in Legal Assistant in the City Attorney's Office, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
6. Consider approving a First Amendment to Lease Agreement between the City of Lawton, Oklahoma, and T-Mobile Central LLC, and authorize the Mayor and City Clerk to execute the amendment. Exhibits: First Amendment to Lease Agreement is on file in the City Clerk's Office.
7. Consider authorizing the Mayor to execute the recertification application for the Community Rating System of the National Flood Insurance Program. Exhibits: Recertification Application on file in the City Clerk's office.
8. Consider approving Change Order # 7 for the Rehabilitation of Old Lawton High School Phase IV. Exhibits: Architect's Change Order No. 7, dated August 15, 2011. Supporting documents for Change Order are available for inspection at the City Clerk's Office.

Bellino-Hall stated she has some concerns with approving this item. She stated one item is for structural changes for roof top ventilators on the north wing. She stated there are no details of the roof opening. She stated they are requesting approximately \$10,000 in structural steel, etc. She feels this should have been seen before by the architect and she does not feel the City of Lawton should be responsible for paying some of these items. She stated these things should have been looked at beforehand and it just keeps adding to the cost of the remodeling of city hall.

MOVED by Bellino-Hall SECOND by Zarle to deny Change Order #7.

Burk questioned if this was something we just did not catch.

Mitchell stated he does not go to the construction meetings so he cannot answer the question. He stated CDBL is the inspection contractor and they approved this change order. It was also reviewed by the architect. Many times when you get into rehabilitation you uncover things that you could not see when you started the project.

Zarle questioned if funds were available to cover these costs.

Mitchell stated there is approximately \$130,000 in a contingency fund to cover these change orders. He stated the phase IV contract was \$4.6 million and they are working with a 100 year old building and some of this just is not foreseeable when you get into the project.

Bellino-Hall stated it is the architect's responsibility to look at this more closely. She feels it should be someone else's responsibility to pay for this kind of stuff rather than the City of Lawton.

Burk stated they hired CDBL to catch these kinds of things. He would rather they catch this now. If they don't do these things, they just can't do the work so that we can move in. When you are working on a building like this you get into a big mess every time you take down a piece of old plaster. He stated it is a beautiful building and it has cost a lot of money, but in the long run they will be able to sell the old buildings.

SUBSTITUTE MOTION by Burk SECOND by Tennis to approve Change Order #7. AYE: Haywood, Shoemate, Tennis, Burk, Givens. NAY: Wells, Bellino-Hall, Zarle. MOTION CARRIED.

Shoemate stated he could agree with both side, because he feels that CDBL should have caught everything other than the dishwasher issue.

Mitchell stated that CDBL was brought in after the contract was awarded, so they did not have any plan review prior to award. They are basically acting as our inspector on the job. He stated this is something that maybe the architect could have caught, but the architect is also relying on other professionals in the field, especially when you get into mechanical or structural. They have consultants they use to provide them with the specs for this work.

Bellino-Hall stated that there are professionals on board that should have caught all this and now we are responsible.

Wells stated several years ago he asked the same question about when the architect or someone else makes a mistake why are we paying the bill.

Mitchell stated a lot of this work had to be done anyway. If the architect had caught the work to start with the original bid would have been higher. It is not like we are adding to the project, we are correcting things that were not shown in the original bid.

Wells stated it would have been cheaper if it had been in the original bid that trying to go back and do it later.

Mitchell stated he does not know if it would have been cheaper or not.

Wells stated at some point our people should have looked at it and said that this should have been caught and someone else should have paid for it.

Burk stated he has bid large contracts at Fort Sill and they have change order after change order. He stated somehow things are left out and there has to be a change order. Sometimes things aren't done right, but change orders are very common in big projects like this.

Zarle stated the problem is these guys bid low and get the job then turn around and make all their money on change orders.

Mitchell stated there is a total amount of change orders of \$62,000 on a \$4.5 million project. He stated they are close to finishing phase IV of the project.

9. Consider accepting a grant of \$500 from the Oklahoma Department of Libraries to enhance early literacy skills for Oklahoma children and families. Exhibits: The Oklahoma Department of Libraries grant agreement is on file in the City Clerk's Office.
10. Consideration of Grant Agreement for the Lawton-Ft Sill Regional Airport in the amount of \$ 476,595.00. Exhibits: Grant Agreement is on file in the City Clerk's Office.
11. Consider adopting a Resolution authorizing the installation of traffic control measures on: southbound Ft Sill Boulevard at the southerly intersection of the US-62 (Rogers Lane) and Ft Sill Boulevard interchange; NW 15th Street and NW Irwin Avenue near the Lawton Heights Park; northbound NW Goodyear Boulevard near the intersection of NW Cache Road; and eastbound and westbound NW Cache Road near the intersection of NW Goodyear Boulevard. Exhibits: **Resolution No. 11- 80**, Traffic Commission Minutes and Traffic Issue Request.
12. Consider awarding contract (CL12-003) Testing Services to Standard Testing & Engineering Company of Lawton, OK. Exhibits: Department Recommendation, Abstract and Price Sheet.
13. Consider awarding contract (CL12-005) Rental of Portable Restrooms to ARA Equipment Rental from Lawton, OK. Exhibits: Department Recommendation, Abstract, Price Sheet.
14. Consider awarding contract (RFPCL12-001) Collection of Overdue Utility Bills to United Adjustment Corporation of Kentland, IN. Exhibits: Department Recommendation, Abstract and Price Sheet.

MOVED by Zarle SECOND by Givens to table for two weeks. AYE: Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood. NAY: None. MOTION CARRIED.

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

Citizens' Committee On Capital Improvement Program (CIP)

Dr. Frank Wamsley
1123 NW Cherry
Lawton, Oklahoma 73507
10/11/14

Lee Sanger
1616 W Gore Blvd.
Lawton, Oklahoma 73501
10/11/14

Housing Authority

Linda Bentley
737 NW Heinzwood Cricle
Lawton Oklahoma 73505
11/26/14

Mayor's Commission On The Status Of Women

Rebecca McKeowan
Ward 1
3122 NW Denver
Lawton, Oklahoma 73501
10/11/13

16. Consider approval of payroll for the periods of August 8 - September 4, 2011.

NEW BUSINESS ITEMS:

17. Hold a public hearing and consider an ordinance to close a 10-foot utility easement on Lot 10, Block 1, Silver Creek Patio Homes Addition, also known as 6920 NW Maple Drive. Exhibits: Ordinance No. 11-____, Location Map and Application.

Richard Rogalski, Planning Director, stated on August 9, 2011, the Council set the date of September 13, 2011 to consider a request by Woon Chang, the owner of Lot 10, Block 1, Silver Creek Patio Homes Addition (also known as 6920 NW Maple Drive), to close and vacate the 10-foot utility easement along the east side of Lot 10 and relocate the 10-foot easement to the west side of Lot 10. After the easement is closed and vacated, Mr. Chang proposes to apply for a lot line adjustment to enlarge the lot for the construction of a residence. The 10-foot easement was dedicated for street light purposes. PSO does have an electric line in the easement. Mr. Chang has advised that PSO is agreeable to moving the easement provided that he pays the cost to relocate the line and provide the easement. No other utilities are affected by this closure. He stated between the time the easement is closed and vacated we will have to get the new easement in place and get the lines moved. He stated no objections to the proposed closing have been received. He requested that the council include in the motion to accept the easement on the opposite side of the property.

Meaders stated in his opinion the acceptance of the easement will need to be a separate agenda item. As written, the council will only be voting on the ordinance.

Rogalski stated he will bring back a separate agenda item.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Zarle, SECOND by Haywood to adopt **Ordinance 11-42**, waive the reading of the ordinance, read the title only. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle, Wells. NAY: None. ABSENT: Haywood. MOTION CARRIED

(Title read by City Attorney)

Ordinance 11-42

An ordinance closing a utility easement located on lot 10, block 1, silver creek patio homes addition addressed as 6920 NW Maple Drive, more particularly described in section one hereof.

18. Hold a public hearing and consider an ordinance amending Section 18-2-1-209, Lawton City Code, adding extension of carports and reduction in number of off-street parking spaces as special exceptions that may be considered by the Board of Adjustment and Section 18-4-1-404.1, Lawton City Code, modifying the definition and requirements for carports. Exhibits: Ordinance No. 11-___ and Draft CPC Minutes.

Rogalski stated at the July 12, 2011, meeting the City Council requested the City Planning Commission form a committee to discuss modifying the current code requirements for carports. It had been discovered that the City Code requirements for carports had not been enforced correctly. On July 14, 2011, Chairman Henry appointed a committee. The committee met on July 21, 2011 to review proposed changes to the regulations and has reviewed subsequent changes by email.

The proposed ordinance would relax the current regulations also by allowing carports to be constructed within the front yard setback of a single-family or two-family dwelling located on a local street with a platted right-of-way width less than or equal to 60 feet in a subdivision which was platted prior to January 1, 1990, provided the carport is at least 5 feet from the front property line and located outside the sight triangle. The proposed ordinance also requires that the architectural design of the carport harmonize with the main structure in material and appearance, establishes the maximum height as 24 feet or the height of the main structure, whichever is less, and provides design requirements for safety. One of the requirements of the carport in the front yard is that they are attached to the house and are open on all three remaining sides. Also included in the proposed ordinance is a disclaimer to be signed by the applicant if the carport extends beyond the building limit line shown on a record plat. The disclaimer indicates the applicant understands that the building permit does not relieve the property owner's obligation to any plat restrictions, covenants, or conditions that may prohibit or otherwise limit the construction of the carport. The proposed ordinance also adds extension of a carport into the front yard setback as a special exception that may be granted by the Board of Adjustment when not otherwise permitted by the City Code.

Rogalski stated that unrelated to carports, the ordinance includes a provision that grants the Board of Adjustment authority to reduce the total number of off-street parking spaces within a

new development as a special exception when it can be shown in a study performed by a qualified professional that the required number of spaces is in excess of the number of spaces actually needed. Currently, the Board's authority on parking is limited to existing developments. On August 25, 2011, the City Planning Commission held a public hearing on the proposed ordinance, and by a vote of 7 – 0, recommended approval of the ordinance.

Givens questioned if the committee looked at the entire code on carports or just parts.

Rogalski stated this is the entire section that covers carports.

Givens stated when he built a carport recently there was a rule that if you didn't attach it to the building then it had to be six feet away from the building because it would cause a fire hazard. That did not make much sense to him. What was the miracle about six feet?

Rogalski stated that is part of the building code requirements and not part of the carport ordinance. If it is attached it is considered the same structure and it uses the same fire rating. If they are separate structures there are rules on how far apart structures have to be. He stated it is normally ten feet between structures. This code would not have the authority to overrule fire and building codes. To get a permit to build a carport you will have to meet building codes.

Doug Wellhouse, Code Plans Supervisor, stated the six feet issue is under accessory structures in chapter 18,

Wells stated if there are covenants they cannot build unless they get a covenant change which would be approved by the homeowners association. If it is a new neighborhood that does not have carports they added in that if they wanted to build they would have to get their neighbors okay.

Rogalski stated when they appeal to the board of adjustment all of the property owners within 300 feet of the lot are notified. He stated the City does not enforce private covenants and they also do not supersede them. Because we issue a permit for something it does not you're your private covenants go away.

Burk stated it is important to check your covenants before you build anything. He stated the committee wanted these to look appealing to the rest of the neighborhood and having the same roof pitch and material was very important. He felt it was a great effort by everyone to try and work it out.

Wells stated staff is going to go out and if those that have metal carport do not have a building permit then they were going to have to take them down.

Wellhouse stated they will be given a timeline to take them down.

Mitchell stated the non-conforming existing carports would be given notice.

PUBLIC HEARING OPENED.

Joe Bailey, 2723 NE Euclid, stated there is no such thing as a tasteful carport. His neighborhood is about 30 years old and the very first carport was constructed on his street. It matches the house beautifully, but it is an eyesore. All of the newer neighborhoods are prohibiting carports because residents object to them. People need to use their garages. It is not a valid argument for those who choose to convert their garages.

Harold Sowell, 1507 SW 70th, stated he has applied for a permit to put up a carport and he was approved by every office but he then received a letter denying his permit. He wanted to know why it was a problem to put up a carport on your own property. His carport will look just like his home with the same brick.

Rogalski stated until this ordinance is approved they cannot allow the carport. If approved they can look at his application again and potentially approve it. He suggested Mr. Sowell give him a call tomorrow.

PUBLIC HEARING CLOSED.

MOVED by Wells, SECOND by Tennis to adopt **Ordinance 11-43**, waive the reading of the ordinance, read the title only. AYE: Tennis, Bellino-Hall, Burk, Givens, Haywood, Wells, Shoemate. NAY: Zarle. MOTION CARRIED

(Title read by City Attorney)

Ordinance 11-43

An ordinance related to planning and zoning amending Section 18-2-1-209, Chapter 18, Lawton City Code, 2005, adding extension of carports and reduction in number of off-street parking spaces as special exceptions that may be considered by the board of adjustment and Section 18-4-1-404.1, Chapter 18, Lawton City Code, 2005, modifying the definition and requirements for carports and providing for severability.

19. Consider an Ordinance pertaining to Animals amending Section 5-1-103, Article 5-1, Chapter 5, Lawton City Code, 2005, by authorizing the use of live traps when issued to the public by the Animal Welfare Division after payment of a refundable deposit, providing for severability, and establishing an effective date. Exhibits: Ordinance 11-__.

Ihler stated for the past twenty plus years the Animal Welfare Division has managed a trapping program where citizens are allowed to check out traps for a deposit. The purpose of the traps are to assist them in catching domestic and non-domestic animals that caused a nuisance. One of the recommendations from the operations audit was that they should reference in the city code this trap program.

Givens questioned how they could do this when they can't have a big enough petty cash fund to take care of things like this. How will people get their refund.

Ihler stated they put the deposit in the city's account that day. When they bring the trap back in good operating condition, staff will prepare a requisition for a check to be written and then they would receive a check in three or four weeks.

Givens stated that is real public friendly.

MOVED by Wells, SECOND by Tenis to adopt **Ordinance 11-44**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Bellino-Hall, Burk, Haywood, Wells, Shoemate, Tenis. NAY: Givens, Zarle MOTION CARRIED

(Title read by City Attorney)

Ordinance 11-44

An ordinance pertaining to animals amending Section 5-1-103, Article 5-1, Chapter 5, Lawton City Code, 2005, by authorizing the use of live traps issued to the public by the animal welfare division upon payment of a refundable deposit, providing for severability, and establishing an effective date.

20. Consider adopting a resolution amending Articles A-5-1 and A-5-3, Chapter A-5, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, by creating Section 5-103 under Article A-5-1 to establish the amount of refundable deposits for the use of live traps issued by the Animal Welfare Division, and creating Section 5-302 under Article A-5-3 to establish the daily fee for quarantining animals at the animal shelter. Exhibits: Resolution No. 2011 - ____.

Ihler stated this is a companion to item #19. This establishes the fee for the deposit of \$50 for small trap and \$100 for large trap. These are the same fees they have used for the past several years. He stated they have also addressed the fees for quarantining animals at the animal shelter.

Givens stated the way he understands it is you get the trap and if an animal gets in it the animal welfare staff comes and picks it up then if you want to trap another animal you have to start the process all over. He questioned how much money would a resident end up paying.

Ihler stated they are allowed to keep the trap for a two week period and if they catch an animal during that time the trap is returned back to the resident for the remainder of the two week period. They do not put up another deposit.

MOVED by Wells, SECOND by Haywood to adopt **Resolution 11-81**. AYE: Burk, Givens, Haywood, Wells, Shoemate, Tenis, Bellino-Hall. NAY: Zarle MOTION CARRIED

21. Consider approving an Ordinance pertaining to Food and Food Establishments, amending Section 12-1-115, Article 12-1, Chapter 12, Lawton City Code, 2005, by clarifying the requirements for and expiration dates associated with Food-Service Establishment Permits and Food Handler's Certifications, providing for severability, and establishing an effective date. Exhibits: Ordinance 11-__.

Wellhouse stated this ordinance would take out the June 30th requirement for food establishments. He stated they are trying to get a new computer software program implemented and they are finding it difficult to have everything expire on one date. The issuance would be good for one year which would spread the permit issuance out over the course of a year.

Wells stated this ordinance and the ordinance in item #22 will be beneficial to the citizens where you don't have everyone coming in at one time to get a food handlers permit. It should also allow us to be able to send out expiration reminders.

MOVED by Wells, SECOND by Tennis to adopt **Ordinance 11-45**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Givens, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 11-45

An ordinance pertaining to food and food establishments, amending Section 12-1-115, Article 12-1, Chapter 12, Lawton City Code, 2005, by clarifying the requirements for and expiration dates associated with food-service establishment permits and food handler's certifications, providing for severability, and establishing an effective date.

22. Consider approving an Ordinance pertaining to Business, amending Sections 7-1-1-106 and 7-1-1-109, Division 7-1-1, Article 7-1, Chapter 7 Lawton City Code, 2005, by clarifying that the expiration date for all business licenses shall be one (1) year from the date of issuance and providing for the renewal of permits, providing for severability, and establishing an effective date. Exhibits: Ordinance 11-__.

Wellhouse stated this ordinance removes the deadline of April 30th.

MOVED by Wells, SECOND by Burk to adopt **Ordinance 11-46**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 11-46

An ordinance pertaining to business, amending Sections 7-1-1-106 and 7-1-1-109, Division 7-1-1, Article 7-1, Chapter 7, Lawton City Code, 2005, by clarifying that the expiration date for all business licenses shall be one (1) year from the date of issuance and providing for the renewal of business permits, providing for severability and establishing an effective date.

23. Consider approving an Ordinance pertaining to Business, amending Sections 7-17-1-1702, 7-17-1-1703, and 7-17-1-1706, Division 7-17-1, Article 7-17, Chapter 7, Lawton City Code, 2005, by clarifying that precious metal dealer's licenses shall be applied for through the city's licensing agent and requiring the display of both the state and city license on the business premises, providing for severability, and establishing an effective date. Exhibits: Ordinance 11-__.

Wellhouse stated currently the code section requires the precious metal dealer's application to go into the City Clerk's office. He stated this will change the location from City Clerk's office to the License and Permit Division.

Zarle questioned if we required they use a certified scale.

Wellhouse stated the state does.

MOVED by Tennis, SECOND by Burk to adopt **Ordinance 11-47**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 11-47

An ordinance pertaining to business, amending Sections 7-17-1-1702, 7-17-1-1703, and 7-17-1-1706, Division 7-17-1, Article 7-17, Chapter 7, Lawton City Code, 2005, by clarifying that precious metal dealer's licenses shall be applied for through the city's licensing agent and requiring the display of both the state and city licenses on the business premises, providing for severability, and establishing an effective date.

24. Consider approving a resolution amending Article A-7-15, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, by striking the word "license" and substituting the words "regulatory fee" in order to match the language used in Section 7-15-1-1502, Lawton City Code, 2005, and Oklahoma State Statute. Exhibits: Resolution No. 2011 - ____.

Wellhouse stated our fee schedule has the wrong wording and this ordinance would match language in state statute.

MOVED by Shoemate, SECOND by Burk to adopt **Resolution 11-82**. AYE: Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood. NAY: None. MOTION CARRIED

25. Consider an ordinance pertaining to business amending Sections 7-15-1-1505, Division 7-15-1, Article 7-15, Chapter 7, Lawton City Code, 2005, regarding the reporting of pawnbroker transactions to the Police Department, providing for severability, and establishing an effective date. Exhibits: Ordinance 11-__.

Wellhouse stated this ordinance gives the police department the authority to start a web page so that pawnbrokers can submit their information to the police department.

Meaders stated the Lawton Police Department is anticipating establishing a contract with another company that provides this service.

MOVED by Givens, SECOND by Wells to adopt **Ordinance 11-48**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 11-48

An ordinance pertaining to business amending Section 7-15-1-1505, Division 7-15-1, Article 7-15, Chapter 7, Lawton City Code, 2005, regarding the reporting of pawnbroker transactions to the police department, providing for severability, and establishing an effective date.

AUDIENCE PARTICIPATION:

Rick Endicott, Finance Director, announced that the on line bill paying system was on the website along with the 2012 CIP information. He distributed a status sheet on the on line bill paying system.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells stated the International Festival will begin on September 23rd.

Givens questioned if there were any provisions in the tentative landscaping ordinance that has to do with private residences.

Rogalski stated no.

Givens stated he wanted to clarify that this has nothing to do with private residences as suggested in a recent editorial.

Burk stated lately a lot of editorials have been written in the Lawton Constitution that have not been factual and he thinks it is sad that our local newspaper goes out of its way to have an editorial that is totally against what we are trying to do.

Burk stated he and Council member Tennis have been involved with some talk about recycling locations. We currently have two sites and the provider could no longer do it for free so staff has sent out an RFP for recycling locations. They believe it will cost \$50,000 for the remainder of this year for the project to go forward. The true cost for a mandatory five locations beginning the next fiscal year will cost approximately \$100,000 a year. When they started the quarterly clean ups in 2007 they averaged 3,382 tons each quarter. In 2008 it went down to 3,130 tons, in 2009 it went down to 2,011 tons, in 2010 it was 1,900 tons and so far in 2011 it is 492 tons. He stated even with the trash off this year the numbers are a lot less. He is recommending that they take out a couple of the quarterly clean ups and go back to one spring and one fall clean up. It costs \$15,000 per clean up. He suggested they cut out the October and January clean up and use those funds along with \$20,000 from the council contingency fund to be able to keep the recycling centers open and eventually get five locations.

Bellino-Hall questioned who will be paid.

Burk stated it will actually go to a new contractor. Staff is in negotiations with them.

Ihler stated they received three proposals and two addressed the picking up of the containers in up to five locations. He stated they received one from Horn and one from Inland Services, both from Lawton. The best proposal was from Inland Services which was \$100,000 for five locations. Since there are not funds for the full year they have been authorized to negotiate with them and work something out within the funding they have available. He stated we will pay them to provide the containers and pick up the recyclables. He stated it will be picked up three times a week and their containers were twice the size of the current ones.

Wells questioned if they were going to add three more sites for this year.

Burk stated that is part of the negotiations now. He stated they are going to try to get as many sites as they can with the money they have available for the remainder of this fiscal year.

Ihler stated they are hoping for a minimum of three sites.

Wells stated he would like to see how much they actually need after negotiations before they transfer money out of contingency.

Burk stated absolutely, it will be brought back to the council.

Ihler stated the reason they are bringing this up is because they would have started the next clean up at the end of this month and they needed a consensus on whether they were going to do the October clean up.

Givens stated they have all worked too hard to give up the effort now.

Wells questioned if the October clean up has been advertised.

Ihler stated they have not advertised. He suggested they go to the media to let people know there will not be a clean up.

Mitchell invited the council to an event at New Beginnings tomorrow at 10:30 a.m. PSO has made a substantial donation for a science backpack program. He stated LPO is kicking off their new season on Saturday night. He stated the new city hall will not be ready for the September 27th meeting.

The Mayor and Council convened in executive session at 7:38 p.m. and reconvened in regular, open session at 8:20 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

26. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case of Dan Brown d/b/a Southwest Resources vs. City of Lawton, CJ-2011-29, and if necessary, take appropriate action in open session. Exhibits: None.

Meaders read the title of item #26.

MOVED by Burk, SECOND by Zarle to appoint council member Givens as a representative for the City of Lawton at the scheduled settlement conference regarding Comanche County District Court case CJ-2011-29 styled Dan Brown vs. City of Lawton. AYE: Tenis, Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED

27. Pursuant to Section 307(B)(3), Title 25, Oklahoma Statutes, consider convening in executive session to discuss the appraisal/proposed sale of approximately 50 ½ acres, more or less, 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.

Meaders read the title of item #27. No action is necessary.

28. Pursuant to Section 307B3 and C10, Title 25, Oklahoma Statutes, consider convening in executive session for the purposes of conferring on matters pertaining to economic development, including the purchase/transfer of property and financing in connection with the Lawton Downtown Redevelopment Project, for the hotel-conference center and the mixed-use commercial retail establishments and take appropriate action, if necessary, in open session. Exhibits: None.

Meaders read the title of item #28. No action is necessary.

There being no further business to consider, the meeting adjourned at 8:22 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK