

Patrick and Ronna Corrente, and authorize the Mayor and City Clerk to execute the document. Exhibits: None. Agreement is on file in the City Clerk's Office.

7. Consider accepting the traffic signalization and roadway widening improvements at NW 40th Street and Cache Road for the Home Depot development. Exhibits: Location Map. Maintenance Bond on file in City Clerk's Office.
8. Consider adopting a street light resolution to authorize the installation of a street light at 14th Street and Garfield. Exhibits: Street Light Resolution No. 426.
9. Consider approving a re-organization within the Public Works Department. Exhibits: Current PW Organizational Chart and proposed PW Organizational Chart.
10. Consider acknowledging receipt of permits for the construction of water and sewer lines and appurtenances from the Oklahoma Department of Environmental Quality to serve the NW 38th Street (Cache Road to Rogers Lane) Water/Sewer Line Relocation Project #2003-9, City of Lawton, Comanche County, Oklahoma. Exhibits: None.
11. Consider accepting the Ranch Oak Waterline Replacement Project #2003-16 as constructed by Miller Construction & Son's, Inc. and placing the Maintenance Bond into effect. Exhibits: None.
12. Consider approving the following contract extensions: Water Clarification Chemicals CL03-007 with Gulbrandsen Technologies, Inc; and Sprinkler Pars CL03-014 with Davis Pipe and Supply, Inc. Exhibits: None.
13. Consider approving contract change order for Pest Control Services (CL01-054). Exhibits: Department recommendation and Abstract of Bids.
14. Consider approving contract change order for Repair Clamps, Bell Joint Clamps and Steel Couplings (CL03-065). Exhibits: Department recommendation and Abstract of Bids.
15. Consider awarding contract for Thermoplastic Material (CL04-009). Exhibits: Department recommendation and Abstract of Bids.
16. Consider awarding contract for Tire Recapping (CL04-005). Exhibits: Department recommendation and Abstract of Bids.
17. Consider awarding contract for Soil (CL04-010). Exhibits: Department recommendation and Abstract of Bids.
18. Consider approval of payroll for the period of August 18 to August 31, 2003.
19. Consider approval of Minutes of August 12, 2003, Regular Council Meeting; August 21, 2003, Special Council Meeting; and August 26, 2003, Regular Council Meeting.

Mayor Powell asked that Item 24 be considered at this time.

24. Hold a public hearing and consider an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to P-F (Public Facilities District) zoning classification located at 102 - 126 NW 31st Street. Exhibits: Ordinance No. 03-42, Location Map, Application, Site Plan, CPC Minutes, Memorandum from Assistant Director of Engineering, Memorandum from Civil Engineer.

Robert Bigham, Assistant Planning Director, said this request was to rezone the area of 102 - 126 NW 31st Street from R-1 to P-F and the applicant is Memorial Hospital. The rezoning includes Lots 1 - 13, Block 16, Tomlinson Addition, Part 2, except the west 49 feet of Lots 1 - 6 and the west 49 feet of Lots 8 - 13 which were rezoned to P-F in 1993. The applicant is the Comanche County Hospital Authority. The hospital owns Lots 1 - 12 and leases Lot 13. The owner of Lot 13 is Mr. Michael Mayhall, Trustee, who had agreed to include Lot 13 in the rezoning application.

The zoning of the surrounding area is R-1 to the north and east, C-1 (Local Commercial District) to the south, and P-F to the west. The land use of the surrounding area is single-family residential to the north and east, Comanche County Memorial Hospital parking and landscaping to the south, and Comanche County Memorial Hospital to the west. The 2025 Land Use Plan designates this area as Public. The current land uses of the requested area were a walking trail and landscaping with detention structures which served as a buffer between the hospital parking and the single-family residential. The proposed uses were the same with the addition of a medical office to be located at NW 31st Street and Arlington (Lots 1 - 4). There is an existing 8-inch sanitary sewerline located under the proposed medical office. The City Code does not allow structures to be built over sewerlines; therefore, the sewerline will have to be relocated. The construction of the medical office will cause for the removal of two of the detention areas, which are a concern due to existing drainage problems in the area.

On August 14, 2003, the City Planning Commission held a public hearing on this request. During the public hearing five persons spoke against the request, and two persons spoke in favor of the request where the main concerns were drainage and traffic. The CPC, by a vote of 6 - 0 with 1 abstention, recommended Lots 1 - 6 (116 - 126 NW 31st Street) and the west 49 feet of Lot 7 (114 NW 31st Street) be rezoned to P-F. Mr. John Mackey, representing the Authority, agreed with the CPC recommendation. The proposed medical building will be constructed on Lots 1 - 4 and the drive opening on NW 31st Street is currently located on Lot 7 but will be relocated to Lot 5 with possibly a portion of the drive on Lot 6. The hospital does not plan to change Lots 8 - 13. The residents want to be sure the landscaping would remain as a buffer and help with the drainage problems as much as possible. The CPC included in its motion to advise the applicant that prior to the issuance of any building permit certain conditions must be met which include relocation of the 8-inch sanitary sewerline which is located under the proposed building and submission of an analysis of the flow and velocity of storm water so that the existing drainage problems are not worsened.

Notice of public hearing was mailed to 45 property owners within 300 feet of the requested area on August 19, 2003, and proper notice was published in *The Lawton Constitution* on August 24, 2003. Since the public hearing, Bigham received a letter from Mrs. Jackson, 25 NW 31st Street stating concerns of the hospital expansion having an impact on the value of her property to include the flooding issue, traffic issue, and construction traffic issues.

Bigham said the applicant is agreeable to the CPC recommendations in rezoning lots 1 - 6 and the west 49 feet of lot 7.

Devine said all the concerns in the CPC meeting would be addressed at the time permits were obtained by the hospital.

PUBLIC HEARING OPENED.

Mr. John C. Mackey, 312 Ridgeview Way, said he was a neighbor to the hospital and the hospital had grown but the space it had to grow in had not increased, and stated the hospital is surrounded on all sides, which causes growing pains. Mackey said on August 14 the hospital obtained a use on review permit for parking renovations on 35th Street and when complete, will become staff parking. Staff currently had to park in available spots and for the convenience of patrons, the hospital had adopted free valet parking.

Mackey said he thought the main concern of construction was on 31st Street about traffic. Mackey said he drives these streets on a daily basis and is continually monitoring the traffic near the hospital. Mackey said this rezoning would not change the walking track and they had no intention of taking it out, and said the park area is so much better now than the old days.

Mackey said these properties would be used to construct a cardiology medical office and gave hospital statistics on the number of heart surgeries performed at the hospital over the last year and said this medical building would be no more than two stories and would face the hospital campus.

Mackey said Randy Segler, Hospital CEO; John Zelbst, Chairman of the Board of Trustees of Comanche County Hospital Authority; and Ron Jarvis, were available to answer questions. Mackey said they all hoped people would understand, especially neighbors of the hospital, because the hospital wanted to be good neighbors and wanted to do their part to listen to concerns regarding the hospital expansion.

Ralph Reynolds asked if the hospital planned on taking more property in the future. Mackey said the hospital can't take property by condemnation and can only obtain property through purchase and Mackey said there were no plans to move the helicopter pad as had been rumored.

Rodrick Whitewolf, 17 NW 31st Street, said the hospital entrance is close to his private drive and the traffic was very heavy at times and feels the hospital should have spoken to the neighbors before beginning the process.

PUBLIC HEARING CLOSED.

Devine said he had listened to both sides and felt certain the hospital would be held accountable in obtaining all necessary permits for the proposed construction.

MOVED by Devine, SECOND by Patton, to adopt Ordinance 03-42 changing the zoning from R-1 to P-F zoning classification on Lots 1 - 6 located at 116 - 126 NW 31st Street and the west 49 feet of Lot 7 located at 114 NW 31st Street.

Mackey said it was agreed at the August 14, 2003, CPC meeting that the applicant would meet certain conditions to include relocation of the 8-inch sanitary sewerline which is located under the proposed building and submission of an analysis of the flow and velocity of storm water so the existing drainage problems are not worsened.

(Title read aloud)

Ordinance 03-42

An Ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to P-F (Public Facilities District) zoning classification on the tract of land which is hereinafter more particularly described in section one (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this Ordinance.

VOTE ON MOTION: AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Hanna. NAY: None.
MOTION CARRIED.

OLD BUSINESS ITEM:

20. Hold public hearings and adopt resolutions declaring the structures at: **1739 NW Ferris Avenue** to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate. Exhibits: Resolution No. 03-____. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

Angie Alltizer, Neighborhood Services Director, requested this item be tabled until September 23, 2003, when the property owner could be present.

MOVED by Hanna, SECOND by Patton, to table this item for two weeks. AYE: Shanklin, Patton, Haywood, Warren, Hanna, Devine. NAY: Ewing-Holmstrom. MOTION CARRIED.

21. Consider continuing discussion of proposed amendments of the Council Rules of Procedure that will establish (1) rules of conduct and decorum to be followed by Councilmembers (2) action(s) that may be taken for noncompliance with the rules, and/or (3) procedures for appointment of a Sergeant-at-Arms to attend all sessions of Council meetings to include Executive Session. Direct staff to provide any assistance as necessary. Exhibits: None.

Ewing-Holmstrom said she would like to reconsider having a council person act as Sergeant-at-Arms suggesting a police officer be placed outside the door of the conference room during executive session meetings to deter aggressive behaviors and overheated discussions. Ewing Holmstrom suggested clarification in the event the sergeant at arms caused injury to another individual. Vincent said if acting within his official capacity and did not use excessive force the City could possibly be liable for the action but there would be no individual liability on the appointed Sergeant at Arms.

Ewing-Holmstrom said this consideration was for current and future councilmembers, male or female, but was not sure what steps to proceed with since the elected Sergeant-at-Arms was not present.

Hanna stated he did not think a Sergeant-at-Arms was necessary and said at no times had he seen anyone in danger and said by the current rules the existing body would take care of the matters in executive session. Hanna said there were enough people in executive session to keep matters under control and said what was discussed in executive session should stay in executive session and not be discussed after the fact.

Ewing-Holmstrom said there was a difference between passion and belligerence, and said she monitored the council at its meetings during her campaign and said there had become a pattern of behavior that people had gotten accustomed to and said this behavior didn't just take place during council meetings, and mentioned a police dispatch report dated February 13, 2003, where a past secretary had to utilize the panic button to alert the police to come to her office because a council person was rude, excited, and passionate about matter. Ewing-Holmstrom said this has become a pattern toward women in specific and has become a pattern of abuse. Ewing-Holmstrom said Council Policy 1-6 does not state what to do with belligerent council people who don't know how to control their anger and said this is the true issue she is speaking on.

Warren said other council members doesn't seem to have a problem with what went on during the executive session being discussed and said he felt Mr. Devine wanted this issue to just die saying this had been made a problem since it was made public after the executive session and said this issue had embarrassed the City and the Council, and said too much time had been spent on this issue. Ewing-Holmstrom said there was a difference between embarrassment and integrity and said she was not seeing the integrity at this time.

Mrs. Jody Maples, Indiahoma, said she served two terms as Ward 1 council person, saying she had been in executive sessions during heated and passionate arguments, and had been passionate about issues of discussion. She also agreed with Hanna in that discussions held in executive session are to be confidential and said the city and council had suffered embarrassment by having issues published in several newspapers. Maples said the City Council had codes of conduct to follow and said another policy or procedure was not necessary as they could not be added to common sense and common courtesy.

Ewing-Holmstrom thanked Jody Maples for coming to speak and said the story she had been told may have been misconstrued and said she received guidance from OML on how situations such as this are to be handled in executive session and said the issue brought up was not listed on the agenda for executive session, if the issue talked to is on executive session is being discussed it may not be discussed outside of the door, but inside the door if issues are brought up that are not on the agenda, they need to be taken out of the executive session and the reason this was brought out was not because to embarrass the city.

Shanklin said the former secretary had been misinformed about a statement he made and later in the day when they were able to speak about the issue, she knew and understood the statement he previously made and agreed she would not have pushed the panic button. Shanklin said the police did not come into the secretary's office.

Mayor Powell said he would remain professional on the council floor, as the people had elected him to do.

22. Consider discussion on the need for a Sergeant-at-Arms and determine if the current Policy 1-6, Council Rules of Procedure eliminates the need for a Sergeant-at-Arms. Exhibits: None.

MOVED by Warren, SECOND by Hanna that council remove Bass as Sergeant-at-Arms and that position be deleted. AYE: Shanklin, Patton, Haywood, Warren, Hanna, Devine. NAY: Ewing-Holmstrom. MOTION CARRIED.

BUSINESS ITEMS:

23. Hold public hearings and adopt resolutions declaring the structures at: **108 NE Arlington** and **2104-06-08 NW Oak** to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate. Exhibits: Resolutions No. 03-**162** and No. 03-**163**. Summary documents with supporting photos and video, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

108 NE Arlington

Angie Alltizer, Neighborhood Services Director, said the structure at 108 NE Arlington was a severely fire damaged structure and the fire occurred in late June. Alltizer said this was a single residential structure which could not be secured because of the damage from the fire. Alltizer said they met with a representative of the owner as well as meeting with the insurance adjuster who said they do plan on demolishing the structure. Alltizer said this issue was brought to Council to give the property owner the reduced rate at the landfill when the property is removed in the next month or so.

PUBLIC HEARING OPENED.

Ralph Reynolds said the owner is residing in Mississippi and will provide a telephone number to Alltizer.

Public Hearing Closed.

MOVED by Haywood, SECOND by Shanklin to adopt Resolution 03-**162**, to be dilapidated and dangerous, detrimental to the health, benefit and welfare of the community, ordering it to be brought up to habitable standards or demolished. AYE: Patton, Haywood, Warren, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

2104, 06, 08 NW Oak

Alltizer said these structures have been demolished and when the owner of 2102 NW Oak was brought to council several weeks ago and Council recommended these addresses be brought forward for condemnation so the property owner could receive a reduced rate at the landfill. This paperwork is necessary to complete those properties.

Public Hearing Open and Closed as no one appeared to speak.

MOVED by Hanna, SECOND by Devine, to adopt Resolution 03-**163**, to be dilapidated and dangerous, detrimental to the health, benefit and welfare of the community, ordering it to be brought up to habitable standards or demolished. AYE: Haywood, Warren, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

25. Consider approving an amendment to the cooperative agreement with the Housing Authority of the City of Lawton for the administration and operation of an affordable tenant-based rental assistance (TBRA) housing project authorized in the City of Lawton Consolidated One-Year Action Plan for FFY 2003 (July 1, 2003 thru June 30, 2004), and authorize the Mayor and City Clerk to execute the document. Exhibits: None. First Amendment to the Agreement to Administer and Operate an Affordable Rental Housing Project by a Subrecipient and Exhibit A Agreement to Administer and Operate an Affordable Rental Housing Project by a Subrecipient are available for review in the City Clerk's Office.

Edward Alexander, Housing and Community Development Division, said this was the amendment to an agreement that was approved September 2002 to operate the tenant based rental assistance program for the City of Lawton and was a two year agreement which provided the additional funding for the second year of operation in the total amount of \$72,000 in rental assistance and \$6,120 in administrative funds to operate the program and said funding was approved by Council on April 29 when the Consolidated One Year Action Plan was approved.

MOVED by Shanklin, SECOND by Warren, to approve amendment. AYE: Warren, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. ABSTAIN: Haywood. MOTION CARRIED.

26. Consider approving an ordinance amending Article 17-2, Chapter 17, Section 17-2-9-202, Lawton City Code, 1995, providing for the realignment of Employee Advisory Committee (EAC) membership, establishing severability, and declaring an emergency. Exhibits: Ordinance 03- 43.

Tim Golden, Human Resources Director, said this was a proposed ordinance amendment pertaining to the Employee Advisory Committee which originated in the EAC and was unanimously approved by that body. This amendment updates the language in the ordinance, eliminates the position in labor and trades and takes those positions presently being represented and redistributes them to other labor and trade representatives, and redistributes divisions among labor and trades representatives in general so each representative represented approximately the same number of people.

MOVED by Haywood, SECOND by Hanna, to adopt Ordinance 03-43 realigning the EAC membership and declaring an emergency.

(Title read aloud) Ordinance 03-43

An Ordinance Amending Article 17-2, Chapter 17, Section 17-2-9-202, Lawton City Code, 1995, Providing For Realignment Of EAC Membership, Establishing Severability, And Declaring An Emergency.

VOTE ON MOTION: AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

ADDENDUM ITEMS:

1. Discuss procedures for water credit on construction projects, as defined under Chapter 22, Section 22-1-2-118, of the Lawton City Code, 1995. Exhibits: copy of existing code adopted in 1995.

Shanklin said he placed this agenda item on for discussion pertaining to a personal situation where he purchased apartments that were being renovated and staff wanted him to pay water rates as if those apartments were rented.

Shanklin said a portion of the code had been brought to his attention regarding construction and water rates and said the code states there is a \$25 reduction during construction and asked for clarification on the issue.

Bigham said there had been a change in fees since the original ordinance was drafted and said the current code was an offset to increase building permit fees and to provide a certain amount of free water for new construction as an incentive. Bigham said this particular ordinance did not address per unit, per house, or per structure and during that time the City allowed for provisions for vacancies and that way the builder could continue water usage after the \$25 was depleted, file vacancies and only pay for actual water usage of each unit and recently the vacancy adjustment had been changed.

Devine said many years ago there was an understanding through the City that they did all water main taps and the builder used water and paid a minimal amount each month and said later the City decided to issue a construction meter for new construction only. In this instance actual water usage was being billed during the construction process.

MOVED by Devine, SECOND by Ewing-Holmstrom, to consider rescinding a portion of Chapter 22, Section 22-1-2-118, of the Lawton City Code, and bring this modification back for consideration at a later meeting.

Rick Endicott, Director of Finance, said the interpretation of the code in this instance has caused conflicting situations in the Revenue Services Division. Endicott said the \$25 construction adjustment is applied to a single account and believed that was where the confusion stemmed, saying some citizens feel this fee should be applied to a per unit basis and said this section of the code should be amended. Endicott said his division does use compassion while trying to interpret the code as Council had adopted and said the way Revenue Services Division applied credit to Councilman Shanklin's account was the way it would be applied to any citizen until the code is amended.

Shanklin asked for clarification on the credit amount and said if your first water bill was \$50 and you received the \$25 credit, you didn't get very far, saying the credit would only last one month and then you would be paying a water bill for 162 apartments and asked where the common sense was in this matter. Endicott said their conversation became very heated and as Finance Director, to the best and most honest way, he would apply the code as he understood it.

VOTE ON MOTION: AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

1. Consider giving Lawton-Fort Sill Regional Airport permission to rename the airport terminal to Robert S. Johnson Airport Terminal.

Shanklin said he placed this item on the agenda in consideration for the recent newspaper articles and telephone calls he had received saying Mr. Johnson was a WWII Ace who shot down many fighter pilots while putting his life on the line for our protection. All of the medals and firearms presented to him by the City of Lawton in 1944 was presented to the Great Plains Museum upon his death. Shanklin asked for support that the City do something for this fallen hero, Robert S. (Bobby) Johnson.

Shanklin said this consideration was for a terminal only and not to rename the airport. Haywood said this consideration did come up in a recent meeting of the Lawton Airport Authority and said something within the airport should be named after this war hero.

MOVED by Hanna, SECOND by Warren, to give Lawton-Fort Sill Regional Airport permission to rename the airport terminal to Robert S. Johnson Airport Terminal. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Hanna. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood recognized two ladies in the community who celebrated birthdays during the week and expressed personal concern on the issue discussed regarding the executive session situation saying he tried not to take sides. Haywood commended the Mayor and Council for supporting him, supporting the City of Lawton, supporting Lawton Public Schools, saying councilmembers are his friends and requested they accept his public apologies. Haywood commended Ewing-Holmstrom for speaking out on what she believed. Haywood expressed the need for police assistance on October 11, 2003, at Cameron University, where Langston University will be playing a football game sponsored by Lawton Chamber of Commerce.

Patton announced a fundraiser of the Lawton Public Schools Foundation on September 26, 2003, an all you can eat breakfast at Golden Corral at \$10 per person. The Lawton Public Schools Foundation is a private entity that raises money and provides grants to LPS teachers for teaching projects.

Devine said they needed to give guidance to City Manager to begin the application and interview process of the City Clerk position saying the first ninety day period was complete and the second period had begun. Devine said he needed volunteers from his ward for the Library Board and the Parks and Recreation Commission.

Ewing-Holmstrom spoke on a local newspaper advertisement attacking her character and she said she was not ashamed of those who made donations to her election campaign.

Hanna expressed the need for police support on October 4, 2003, at a youth football game.

Mitchell introduced Greg Buckley, Assistant City Manager, to Mayor and Council, saying he had 13 years of experience in local government. Buckley came to the City of Lawton from Penn Hills Pennsylvania and has worked in Claremore and another community in Oklahoma. Mitchell also said OML Annual Conference is in Tulsa this week, and he plans to attend on Wednesday through Friday.

Vincent said he would also be attending the OML Conference on Thursday and Friday.

Haywood said the Ranch Oak Neighborhood Improvement Association were having a back to school picnic for children on Saturday, September 20, and everyone was invited.

Mayor Powell said he hoped everyone had noticed the fire plugs around the community had begun to take on a new face. These plugs were being painted by volunteers of the community under the direction of Kerri Hobbs Stevens of Parks and Recreation Department in honor of the 343 New York Firemen who died on September 11, 2001.

Mayor Powell announced the moment of silence and ceremonies of September 11, 2003, and Mayor Powell said he would remain professional in all meetings and proceedings as Mayor of the City of Lawton.

BUSINESS ITEMS:

27. Pursuant to Sections 307B.3 and 307D, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the acquisition of property for the Southeast Water Treatment Plant, and if necessary, take appropriate action in open session. Exhibits: None.

28. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending lawsuit of City of Lawton vs. Delisa Nevaquaya, Case No. CJ-2002-877, Comanche County District Court, and if necessary, take appropriate action in open session. Exhibits: None.

29. Pursuant to Section 307B(4) Oklahoma Statutes, consider convening in executive session to discuss Case No. CJ-2002-1200, First Union Home Equity Bank vs. Aaron B. Green, et.al., and Case No. 03-16433BH, In Re: Donna Kay Green, and if necessary, take appropriate action in open session. Exhibits: None.

30. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2003-2004 and terms and conditions of employment between the Firefighters Union, IAFF, Local 1882, and the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

31. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of Larry Mitchell as City Manager. Exhibits: Memorandum dated September 9, 2003 and Proposed Evaluation and Goal Setting Procedure.

MOVED by Warren, SECOND by Patton, to convene in executive session after a ten minute break as shown on the agenda and as recommended by the legal staff. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Hanna, Devine. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 7:20 p.m. and reconvened in regular, open session at 8:05 p.m. with roll call reflecting all members present except Bass and Ewing-Holmstrom.

Vincent reported on Item 27 by reading the agenda item title and stating executive session was held to discuss the acquisition of property for the Southeast Water Treatment Plant saying the discussion was about the acquisition of property from the School Land Commission and staff suggested a motion to approach the School Land Commission about a long term lease.

MOVED by Devine, SECOND by Hanna to approach the School Land Commission about a long term lease. AYE: Patton, Haywood, Warren, Hanna, Devine, Shanklin. NAY: None. MOTION CARRIED.

Vincent reported on Item 28 by reading the agenda item title and stating that executive session was held to discuss the pending lawsuit of City of Lawton vs. Delisa Nevaquaya Case No. CJ-2002-877, Comanche County District Court, and said staff recommended a motion to dismiss the lawsuit.

MOVED by Warren, SECOND by Patton, to dismiss the lawsuit of Lawton vs. Nevaquaya. AYE: Haywood, Warren, Hanna, Devine, Shanklin, Patton. NAY: None. MOTION CARRIED.

Vincent reported on Item 29 by reading the agenda item title and stating that executive session was held to discuss Case No. CJ2002-1200, First Union Home Equity Bank vs. Aaron B. Green, et.al., and Case No. 03-16433BH, In Re: Donna Kay Green, and said no action was required at this time.

Vincent reported on Item 30 by reading the agenda item title and stating that executive session was held to discuss the negotiations for a Collective Bargaining Agreement for FY2003-2004 and terms and conditions of employment between the Firefighters Union, IAFF, Local 1882, and the City of Lawton, saying the possibility of the last best offer was discussed for arbitration scheduled for September 25, 2003, the terms of the last best offer have been reviewed and staff recommended a motion to authorize the City Attorney s Office to submit the City s last best offer to the Fire Union.

MOVED by Hanna, SECOND by Warren, to submit the City s last best offer to the Fire Union. AYE: Hanna, Devine, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

Mayor Powell reported on Item 31 by reading the agenda item title and stating that executive session was held to discuss the evaluation review of Larry Mitchell as City Manager, and said no action was required at this time. Devine requested a further review at the next meeting in executive session of the City Manager s work plan saying it was a good working tool to base their review.

There being no further business to consider, the meeting adjourned at 8:29 p.m. upon motion, second and roll call vote.

