

Meeting of 2004-10-12 REGULAR MEETING

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
OCTOBER 12, 2004
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Kathy Fanning, City Clerk
 Col. G. Keith Herring, Fort Sill Liaison

The meeting was called to order at 6:05 p.m. by Mayor Purcell with invocation by Mayor Purcell and followed with the Pledge of Allegiance. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT: Randy Bass, Ward One
 Rex Givens, Ward Two
 Glenn Devine, Ward Three
 Amy Ewing-Holmstrom, Ward Four
 Robert Shanklin, Ward Five
 Jeffrey Patton, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: None

PRESENTATION OF CITIZEN OF THE MONTH TO BRIAN HENRY

Edwina Reddick-Scott from the Mayor s Commission on the Status of Women presented the Employee of the Month, Brian Henry. She said Henry is being honored for all the active and dedicated service he has provided to the Lawton-Fort Sill community. He has contributed many volunteer hours to the United Way by serving on the Board of Directors, the International Association of Financial Crimes Investigators, and the Check It Out Program for Work Force Oklahoma. He has assisted with the Salvation Army Angel Tree and distribution of food baskets. Scott said Henry has spent many selfless hours enhancing the quality of life for the citizens of the Lawton-Fort Sill community and he encourages others to do the same. He is married and has two daughters.

Purcell said the volunteers are what make our City great. Without them, this community would not survive. He congratulated Henry and thanked him for all he does for the city. Purcell read and presented Henry with Citations of Congratulations from the State of Oklahoma Senate and the Oklahoma House of Representatives. He then read and presented him an Official Proclamation from the Mayor s Office and presented him with a Mayor s Do What s Right coin.

Henry thanked the Mayor s Commission on the Status of Women for this award and said it is an honor to be nominated, as well as selected. He thanked his family for all their support. He said the need is there and he appreciates being able to work for a company that understands the importance of commitment to the community.

AUDIENCE PARTICIPATION:

Bobby Benoit, 1412 NW Andrews said he is a Lawton Employee, as a Sanitation Operator, and is a member of the AFSME Union Organizing Committee. He said the municipal employees of the City of Lawton have decided to form their union through the American Federation of State, County, and Municipal Employees, AFLCIO. He said all municipal employees live in this community they call home, whether they reside in the city limits or the surrounding rural areas, they support the City of Lawton and the residents they serve. Municipal employees serve the city through many departments and divisions and are the first responders to the residents of this city by providing services. Their job knowledge and skills make the city operate, prosper, and grow. As of November 1, 2004, Lawton Municipal Employees, as members of AFSME, will for the first time, be able to sit across the bargaining table with City Management. He said they look forward to the opportunity to bargain wages, benefits, and working conditions. Currently, Lawton Uniformed Fire and Police employees engage in collective bargaining

and after November 1st they will have unity, equality, and no division among City employees. Lawton's AFSME Union will join the following cities that are currently represented by AFSME: Tulsa, Oklahoma City, Norman, and Muskogee.

Today a majority of eligible employees have signed union cards and they are prepared to document this majority and asked Council's recognition at this City Council meeting of their union. He said they are people with pride and dignity, proud to serve the City and its residents. Through unity, equality, and no division, they will continue to support the City of Lawton and its residents.

Jimmy Curry, the President of the Oklahoma State AFLCIO, his address is 501 NE 27th in Oklahoma City, said freedom of association is a long held belief in this country. The rights of a group of individuals with the same beliefs to associate together for common good. He asked Council to do the right thing. He said these employees should have the same rights as any other City Employee, be they fire fighters or police. It should not make a difference what your occupation is whether you are Street Maintenance or Park Departments, or whatever it is, they ask Council to give them the same rights as the other unions do and the freedom of association.

Patricia Hartley, an employee at Fort Sill and the President of the American Federation of Government Employees, residing in Chickasha, said she is here to show their support as Federal Employees, for the citizens of Lawton who are organizing with their union. She said a union makes your organization stronger, our leadership, our military leadership, and our civilian leadership out at Fort Sill, work together in all issues and it's a very good thing. She is an employee at DEFAS and their employees put in long hours to pay military and civilian members who are fighting the war on terrorism, so it's very important to keep that community going, the conversations going between employees and management and it just makes for a better organization.

Jerry Butler, President of Communication Workers of America, Local 6009, said he has the privilege of representing employees of SBC here in the southwest part of the state and one of the other privileges is the opportunity to stand in support of this fine group of employees of this city. He thinks they are a group that many of us overlook in what they contribute to the success of this great city. He said for those reasons and hearing from them what their desires are, they asked Council to do what is morally correct by supporting their endeavor to organize a union and to collectively bargain with the City of Lawton.

Danny Self, a representative of the International Brotherhood of Electrical Workers said they support the City Employees and their effort to organize.

Willie L. Croverly, 6222 NW Cheyenne Drive said he was here to address a serious traffic problem in Crosby Park. He said Horton Blvd. that runs from Cache Road to US 62 is being reduced to one lane traffic by the school and parents there dropping off their kids. His wife almost hit a child about a month ago because he was cutting behind a car crossing the street. He called the Police Department to ask if they would go out there and start writing tickets. One side of the street is marked no parking at anytime, but those cars park on both sides of the street. He said his wife was driving down the street and a school bus was coming the other direction and she had to back up down the street and into a side street and yesterday the same incident nearly happened again. He requests the City look into this problem.

Ron Parker, 1105 NW 52nd Street said his property backs up to the Meadowbrook Addition where they are redoing the Flood Control Dyke. When he moved into his house two years ago he called the City and talked to them about the house because he knew it was in a flood zone. They told him this house had never flooded. He also called the Engineers to find out about the upcoming project of moving the creek 50 feet to the east and they told him that was going to be done.

Parker also talked to them about the trees around there and was told some of them were going to be left. Once this project was started, no trees were left. Every tree along that creek was taken out. They didn't ask anyone's permission, they just came in and took out all the trees. That detracts from the area as far as price on the properties, it also heats up their houses because the sun beats down on the houses early in the morning now, instead of in the afternoon. He said the house is costing more and his property value is less because of the lack of trees. Talking with the Engineers and the Corps of Engineers, the trees are not going to be replaced behind his house; they are going to be replaced over on 38th Street and Lee Blvd. He is asking Council to reconsider moving some of the trees back into their area to replace the ones that were there before.

Purcell said they have the address and will look into that.

Shanklin asked Parker if we tore down trees that were on his property. Parker said yes and no; part of the property he has, 10 feet on one side and 25 feet on the other side, used to be a creek, but since they filled it in, it's part of the easement. Since they've started this and he called and spoke with the Engineers about them redoing the creek area, they said they were going to look at rezoning the Flood Zone in that area and that's why 6 or 7 houses were bought in that area, because they flooded all the time. He requested that be looked into also.

AUDIENCE PARTICIPATION WAS CLOSED AT THIS TIME.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF JULY 13, 2004, JULY 27, 2004, AND AUGUST 10, 2004.

MOTION by Warren, SECOND by Shanklin, to approve the minutes of the Lawton City Council Regular Meetings of July 13, 2004, July 27, 2004, and August 10, 2004. AYE: Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None.

CONSENT AGENDA : Separate consideration was requested for Items #1, 8, 15, and 20.

MOTION by Shanklin, SECOND by Warren, to approve the Consent Agenda with the exception of items #1, 8, 15, and 19. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Givens. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: William and Ruby McLean, Roberto and Charlotte Thompson, Gloria and Andrew Shelton, Archie Garrett.

Purcell said he pulled this item because he has someone who would like to speak on one of the items.

William McLean, 1603 NW 34th Street said around the 23rd of April a City water main broke, which is located about 20 feet from the street in his front yard and runs all along the residences that face west on 34th Street. He said the City water crews arrived about 3:30 a.m.. The Water Distribution personnel said the water was shooting up as high as 50 feet, causing flooding to his side and back yards and caused water and mud to come in through a utility room door and into the garage between the slab and the garage wall. He said the water line had been patched previously and City crews told him the patch had blown out. During the digging for the pipe, they damaged a sprinkler pipe and head. He used water extractors, carpet dryers, dehumidifiers, etc. to dry the wet areas and minimize the damage. He said the damage was to the utility room carpet, the kitchen carpet, and some items in the garage. McLean said the City Attorney's recommendation to deny his claim infers that if a City water line breaks and causes flooding to a house or property, it is his fault and he should bear all expenses to correct that damage. He said this is wrong, water damage occurred from a City owned water line, within a City easement and maintenance of those items were a City responsibility. He said the City had repaired the water line previously and the repair is what failed. He had reported standing water in the street in the vicinity of the break on several occasions.

Patton asked if we have recommended approving something similar in item #2, with a water line break. Vincent said yes, but it was the second break the next day that caused the damage. Patton said basically, once you have a break, you're kind of put on notice there's a problem. Vincent said under Oklahoma Law there's a notice requirement, either actually or constructive. He said this Council has gone back with constructive notice if it broke about three years ago or sometime in that period, then we're on notice of a possible defect. When there hasn't been a break within that period, or in the case of a sewer line, a back up, then it's no notice.

Patton asked if the City did patch that line. Vincent said that was the first he heard about that, it was not reported to them and he has no knowledge of that.

Shanklin asked if this was in Morford Hills. McLean said it is.

Shanklin said he could show Council a dozen driveways we have replaced in that area, from water line breakage. Vincent said we go from meter box to meter box like we do from manhole to manhole and you could have had a meter four houses down, if it's in a tight segment, there's notice on that one, but not on this one. It's just the nature of the beast. Shanklin said he doesn't believe that's what that says. If that pipe is defective and the same pipe is defective a block and half down the street, the same material. Vincent said that's just the way we've developed, the way we deal with these types of claims because it is underground. We don't see them and we can't inspect them, and that's the way the law has developed in the state of Oklahoma. He said they have provided a recommendation to Council on page six, if the Council finds this claim should be paid, we would recommend \$2,253.35.

MOTION by Bass, SECOND by Devine, to pay the damage claim of William and Ruby McLean, in the full amount of \$2,578.35, to include execution of any necessary documents and deny the remainder of the claims. AYE: Shanklin, Patton, Haywood, Warren, Bass, Givens, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

2. Consider the following damage claims recommended for approval and consider passage of the resolutions authorizing the City Attorney to file a friendly suit for these claims which are over \$400.00: Clifford Amero, James and Patrena Reed. Action: approved.

3. Consider ratifying the action of the City Attorney in filing an appeal in the Workers Compensation case of Charles Cook, Workers Compensation Court Case No. 99-12430 A. Action: approved.

4. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers Compensation case of Craig S. Lyman in the Workers Compensation Court, Case No. 2004-03946X. Action: approved.

5. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and

making payment of the judgment in the Workers Compensation case of Russell Bell in the Workers Compensation Court, Case No. 2003-12780-J. Action: approved.

6. Consider adopting Resolution No. 04-_____ in support of State Question 707, Tax Increment Financing. Action: approved.
7. Consider approving LURA Policy 04-01 which sets out procedures for disposition of property owned by the Lawton Urban Renewal Authority. Action: approved.
8. Consider entering into an agreement with Catholic Charities of the Archdiocese of Oklahoma City, Inc., to carry out the CDBG project authorized in the City of Lawton Consolidated One-Year Action Plan for FFY 2004 (July 1, 2004-June 30, 2005) and authorizing the Mayor and City Clerk to execute the agreement.

Shanklin said he pulled this and he thinks these are the owners of the property at 3rd and Columbia. He said that property has deteriorated badly and asked if there was some way to contact these people and ask them take care of this property. He doesn't have a problem with this agreement, just with them ignoring their property.

Aplin said it is his understanding that recently they have put the apartments under new management and are working right now to solicit funding necessary to begin the renovation of those apartments and to upgrade them. They have also asked for funding support from the City to construct a security fence around that property.

MOTION by Shanklin, SECOND by Bass, to approve entering into an agreement with Catholic Charities of the Archdiocese of Oklahoma City, Inc., to carry out the CDBG project authorized in the City of Lawton Consolidated One-Year Action Plan for FFY 2004 (July 1, 2004-June 30, 2005) and authorizing the Mayor and City Clerk to execute the agreement. AYE: Patton, Haywood, Warren, Bass, Givens, Devine, Shanklin. NAY: Ewing-Holmstrom. MOTION CARRIED.

9. Consider authorizing the Mayor to execute the recertification application for the Community Rating System of the National Flood Insurance Program. Action: approved.
10. Consider approving recommendation to rename Southside Park to James Edward Thornton Park. Action: approved.
11. Consider approval of a Mutual Aid Agreement (MAA) between the City of Lawton Fire Department and Sheppard Air Force Base (AFB) Fire Department. Action: approved.
12. Consider approving the proposed draft of the City of Lawton Debris Management Plan. Action: approved.
13. Consider approving a Resolution to re-adopt the City of Lawton Emergency Operations Plan and to adopt the revised and amended annexes of the City of Lawton Emergency Operations Plan. Action: approved.
14. Consider awarding contract for Telephone System Upgrade (RFPC05-013) to Perkins Communications. Action: approved.
15. Consider awarding contract for Hybrid midsize sedan (C:05-014) to Hudiburg Auto Group.

Bass said we always talk about buy in Lawton and here we are buying in Oklahoma City. He asked if there was anything special about having to buy this car in Oklahoma City that we can't buy it here in Lawton.

Mitchell said we have a dealer here in Lawton and he chose not to submit a bid for that. He said we have a Toyota dealer here in Lawton that carries the very same vehicle and we're hoping they will bid in the future. He said the difference between this hybrid and the Civic is that it gets almost 20 mpg more in gas mileage and it is a larger vehicle, for the same price.

Ewing-Holmstrom asked what the vehicle was going to be used for. Mitchell said they are using it for sharing between the City Manager's Office, the Finance Director's Office, and the City Attorney's Office for transportation.

Ewing-Holmstrom asked if it was replacing a vehicle and if it was in the budget. Mitchell said yes it was in the budget.

Bass asked if there was anyway to give the dealer here one more opportunity to see if we could purchase the car from him.

Shanklin asked what was wrong with the Honda Civic. We can give it local preference.

Bass said he would just like to see us spend the money here. Patton said he agrees with Bass and he had talked with the dealership today and what happened was the time just ran out. They were looking at what they could get

for a fleet price to put their bid in and they just ran out of time. He thinks Council should buy it locally. He said if we are just sold on the Toyota, we would recommend we send out more bids and give the local dealership the opportunity to bid, or we just decide to buy the Honda tonight.

MOTION by Shanklin, SECOND by Patton, to use local preference and award the contract for Hybrid midsize sedan to Milo Gordon for the Honda Civic in the amount of \$19,518.70.

SUBSTITUTE MOTION by Haywood, to reject all bids and go out for other bids.

Devine said we have a terrible time getting people to bid on our projects. He said our City staff does a good job in trying to solicit bids and then we decide we don't like it and just throw the bids out. All you are going to do is drive the competitive bid system totally and completely out of the City of Lawton. People will get where they don't want to bid on anything for the simple reason of why waste their time and money to send into Lawton and then they will turn them down. He would like to see us buy Lawton but that is not fair when you are in competitive bidding to not accept the bid and just throw them all out and start over again because you don't like something. You wrote the specs out, the people submitted their bids, and now it's a different ball game. He said he cannot support doing that.

Shanklin said this is not the first time we have done local preference and it's by State Statute that allows it. He doesn't know of any incidence that anybody has complained about it. He said the law allows us the 5% and he thinks we should do it.

Warren said if we are not going to give local preference on this, then we are really going on the size and engine issue, etc. If that's the case, he suggested we re-bid this electronically and only include bids for the Toyota, if that's what we want. We could get a better price on the Toyota plus be able to test the new electronic bidding.

Ewing-Holmstrom asked if they knew going into this that the Honda compared to the Toyota was the smaller car. Mitchell said they developed their specs to encourage dealers to submit bids for hybrids. That's what we were asking for, we were not aware of the size difference.

Purcell said the substitute motion has failed due to a lack of a second.

VOTE ON THE ORIGINAL MOTION WAS HELD AT THIS TIME.

AYE: Haywood, Warren, Bass, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: Givens. MOTION CARRIED.

16. Consider approving the following contract extensions: Hardware/Software Support Agreement (RFPCL04-018) with Atlantic Tech Services; Sludge Lagoon Cleaning (CL04-020) with Norton Construction; Electro Fusion Polyethylene Fittings for DR 17 Pipe (CL02-067) with TT Technologies and Secor. Action: approved.

17. Consider awarding contract for In-Car Digital Recording System (CL05-010) to Law Enforcement Specialty Products. Action: approved.

18. Consider awarding contract for Audio/Video Security System (CL05-005) to DSSI Corporation. Action: approved.

19. Consider rejecting bids for In-Line Hockey Rink Project #2002-7 Labor Only (CL05-007).

Shanklin said he had made a mistake and it was item #19 we wanted pulled instead of item #20.

Shanklin asked why we only had one bidder for this job. Buckley said the contract provides for labor and equipment for the In-Line Hockey Rink and that was the overall project. Council approved this project to be broken down into phases, similar to what was done at the Lake with regards to the bathrooms, for the staff to be the general contractor. He said the overall job is for labor and equipment. This phase was just for the labor of the concrete, to pour, smooth, and finish the concrete surface. This bid did not include equipment.

MOTION by Shanklin, SECOND by Patton, to approve item #20: appointments to boards, commissions and trusts. AYE: Bass, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

20. Consider approval of appointments to boards, commissions and trusts. Action: approved.

21. Consider approval of payroll for the period of August 30, 2004 through September 12, 2004. Action: approved.

BUSINESS ITEMS:

22. Consider accepting a donation of \$1,250.00 from Wal Mart Foundation for the purchase of Emergency Response Medical Bags.

Chief Hadley said a representative from Wall-Mart had indicated they would like to be present, but that fell through and they weren't able to be here.

MOTION by Bass, SECOND by Devine, to accept a donation of \$1,250.00 from Wal Mart Foundation for the purchase of Emergency Response Medical Bags. AYE: Givens, Devine, Shanklin, Patton, Haywood, Warren, Bass. NAY: Ewing-Holmstrom. MOTION CARRIED.

23. Consider authorizing the expenditure of \$18,000 from the 1995 CIP for the purchase of materials to allow the Street and Drainage Divisions to construct an asphalt overlay with Drainage Improvements on SW 5th Street from U.S. Highway 277 south to Douglas Avenue. Exhibits: Pictures of SW 5th Street; Location Map.

Ihler said SW 5th Street from U.S. 277 south to Douglas Avenue is currently a gravel road and after a small amount of rain, that area is set up such that it holds and ponds water for long periods of time. The property owners that have businesses along that street have requested the City pave and provide some drainage to do away with that ponding. If we were to go ahead and perform the work with in-house personnel, and purchase the materials, the storm drain pipe and asphalt for this street and drainage project, we could complete it by the end of next June. The cost would be approximately \$18,000 for the material. We would ask the funding for that material come from the 1995 CIP Program. In the 1995 CIP the 67th Street Retaining Wall Project, there was a failure of the retaining wall and we established a fund of \$68,000 to help with the litigation measures for having that retaining wall replaced. There has been a settlement on that project and the contractor is replacing that and the owner who actually constructed it is paying for the reconstruction of that, at no cost to the City. We have spent some money for the litigation and approximately \$50,000 remains in that account and he is asking Council to allow them to utilize \$18,000 of that to perform the work on 5th Street.

Devine said that road needs to be repaired, but are we going to do that to standards or are we going to just half-way do it and are we going to have curb and guttering like we force everybody else to do? Ihler said no. Devine asked if we were just going to overlay. Ihler said this would just be the asphalt for an overlay and to establish some inlets and storm drain pipes where we would funnel the runoff to those inlets. Also to remove the long-term pond and it would not be constructing the street to the City standard as it would be with curb and gutter.

Devine said he agrees this needs done, but doesn't understand how we can do something sub-standard and then force all our contractors to do everything to letter-perfect on every street they build.

Ihler said we are trying to provide an interim solution for these folks to get rid of the long-term standing water and if we were to go out and reconstruct this street and put in a curb and gutter and build it to the standard, we would be looking somewhere in the neighborhood of \$100,000-\$150,000 and we don't have those kinds of funds to take care of that kind of improvement at this time.

Shanklin asked if water was still leaking on the north side of a block of H Avenue. He said H Avenue had four or five breaks in it and it broke again, we need to go fix that, the water is coming right out and running right down. Ihler said they have not done those improvements and were not aware it was still leaking. They have repaired several breaks along there.

MOTION by Haywood, SECOND by Devine, to authorize expenditures in the amount of \$18,000 from the 1995 CIP for the purchase of materials to allow the Street and Drainage Divisions to construct an asphalt overlay with Drainage Improvements on SW 5th Street from U.S. Highway 277 south to Douglas Avenue. AYE: Devine, Shanklin, Patton, Haywood, Warren, Bass, Givens. NAY: Ewing-Holmstrom. MOTION CARRIED.

24. Consider adopting an ordinance amending Section 5-1-101, 5-1-118, Article 5-1, and Section 5-2-201, Article 5-2, in Chapter 5, Animals, Lawton City Code 1995, providing for severability and establishing an effective date.

Ihler said this deals with revisions to Chapter 5 of the City Code as it relates to animals. The revisions can be broken down into three major areas. The first area deals with potentially dangerous dogs. As it stands now, if a dog goes out and bites or attacks a human or another dog and creates a severe injury or hospitalization, or harms an individual, that dog is quarantined for a 10 day period and becomes categorized as a dangerous dog. If at the end of the 10-day period nothing happens and there are no rabies, etc., it's released. If it then bites and does the same thing, causing harm to an individual or animal, then it is moved from the category of potentially dangerous to the category of dangerous dog. The reason to request the category of potentially dangerous be removed is it eliminates that first free bite. We want to immediately categorize it as a dangerous dog.

Ihler said the second revision deals with the definition of owner of an animal. It has been expanded to include people who harbor an animal for 10 or more days. We would hold those people responsible who are caring for animals at their residence that either cause damage to property or become a neighborhood nuisance or attack an individual or animal. Presently the Animal Welfare Division is responsible to pay all fees as it relates to animals

they pick up that are stray that perhaps someone may be harboring or keeping for a period of greater than 10 days. Now it would become the responsibility of that owner that they actually become the owner if they are caring for that animal.

Ihler said the third major change deals with the redemption of an unaltered dog or cat. He said the proposed change would require owners leave a \$35.00 sterilization deposit upon redemption of their animal when they come to the shelter to pick them up. Currently the Code is set up such that when they come to redeem an animal, it's not until the third time that dog has been redeemed, before they have to put up that deposit. He said they are asking that change be made so immediately the first time the animal is picked up and they have to come in a redeem it and it is unaltered, they do put up a \$35.00 sterilization deposit and they agree to have that animal spayed or neutered within a 14 day period. If they don't do that, the city will keep their deposit. In addition, if it does happen a second and then a third time, after the third time it becomes mandatory and they must enter into an agreement that they will have that dog or cat spayed or neutered. By that agreement if they don't follow through after the third time, it will be considered unlawful and a citation can be written on that individual.

MOTION by Ewing-Holmstrom, SECOND by Warren, to approve **Ordinance No. 04- 39** amending Section 5-1-101, 5-1-118, Article 5-1, and Section 5-2-201, Article 5-2, in Chapter 5, Animals, Lawton City Code 1995, providing for severability and establishing an effective date.

Shanklin asked if you have to license your animal anymore. Ihler said yes, you have to license your animal.

Shanklin asked if the license would give him any preference if his dog got out of his fence, that he would get his animal back free. Ihler said he was not aware that there is a section that would get your animal back free.

Shanklin said he has a problem with dangerous dog. He said if you have dangerous dogs, why would you even want it in the City limits. Ihler said the requirement for keeping a dangerous dog, if a dog bites and causes harm, after that first time, the owner must provide a caged area with 150 square feet to detain their animal in their yard. He said the second thing that must be done is to get an insurance policy for \$50,000 if that dog should get out and cause harm. The third issue is if the dog goes out and they take it for a walk, it must be muzzled.

Ewing-Holmstrom asked if they tag dangerous dogs in a different way so others will know it's dangerous. Ihler said we don't tag it as a dangerous dog, there's no special tag provided, but if it's off the owners premises, it must have a muzzle on. Ewing-Holmstrom asked if people actually follow that rule. Ihler said if they don't agree to do that, then we take the animal.

Ewing-Holmstrom asked what the current rule was on how many dogs you can have in the City limits. Ihler said it is three.

Bass said the only problem he has is when a storm comes through and knocks people's fence down and all these dogs get out. He asked how would that be addressed. Ihler said if your dog is impounded then you would have to come in and redeem it and pay the fee. Bass said the weather has nothing to do with it. Ihler said no.

Purcell asked about paragraph 16 under the definition of nuisance. He asked Ihler to explain what someone is supposed to do and how we would enforce the section on the barking dogs. Ihler said if someone calls and complains about a barking dog at 2 or 3 in the morning, we will go out and ask the person who is complaining about the barking to give a written statement filing a complaint on that dog, we will go ahead and take that and a citation can be written. Purcell asked if the police could do the same thing. Ihler said either one can write the citation.

Bass asked who decides if it's a dangerous dog. Ihler said by definition in the Code. He read: a dangerous dog means any dog that has inflicted severe injury. He also read: If it has inflicted severe injury on a human being or another animal without provocation, on public or private property or, and it defines severe injury, means any physical injury that reasonably results in hospitalization and medical treatment.

Shanklin asked what type of liability does the City of Lawton have once we identify a dangerous dog, we know he's dangerous, we do all these things and he gets out and maims a child, can we be held responsible. Vincent said as long as we have met the requirements of Section 5-202, as shown on page 96 and the requirements at the bottom of Section 5-201 at the top of page 96. If we can show we have followed our rules, we are ok.

Vincent read the ordinance title at this time.

VOTE ON THE MOTION WAS HELD AT THIS TIME.

AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Givens. ABSTAIN: Devine. NAY: Bass. MOTION CARRIED.

(Title Only)

Ordinance No. 04- 39

An ordinance pertaining to animals amending Section 5-1-101, Article 5-1, Chapter 5, Lawton City Code, 1995, by expanding the definition of owner of a domesticated animal and deleting the definition of vicious or dangerous animal; amending Section 5-1-118, Article 5-1, Chapter 5, Lawton City Code, 1995, by requiring written proof of vaccination of impounded animals within two weeks of their release, providing for refund of the Vaccination Deposit upon presentation of written proof, and requiring a Sterilization Deposit each time an unaltered dog or cat is impounded as a condition of release; amending Section 5-2-201, Article 5-2, Chapter 5, Lawton City Code, 1995, by deleting the definition of potentially dangerous dog, expanding the definition of dangerous dog, adding a definition of provoke relating to an attack by an animal, and expanding the definition of severe injury; amending Section 5-2-202, Article 5-2, Chapter 5, Lawton City Code, 1995, by deleting the requirement that dog owners be given ten days to comply with the conditions of keeping a dangerous dog and the requirement owners be notified that their dogs are considered dangerous by Animal Welfare; and providing for severability.

25. Consider adopting a resolution amending the schedule of fees and charges by requiring a neuter/spay deposit each time an unaltered dog or cat is released from impoundment and authorize the Mayor to execute.

Ihler said this is a companion to the ordinance Council just passed and follows through with requiring the Neuter and Spay Deposit each time an unaltered dog or cat is released from impoundment.

MOTION by Warren, SECOND by Ewing-Holmstrom, to adopt **Resolution No. 04- 125** amending the schedule of fees and charges by requiring a neuter/spay deposit each time an unaltered dog or cat is released from impoundment and authorize the Mayor to execute.

Warren asked if you could actually have five animals if you have the proper permit. Ihler said you can have up to seven if you have a permit. Ewing-Holmstrom asked if that was animals or dogs. Warren said dogs and cats. Ihler said you have to have a Special Handlers Permit for every one over three.

AYE: Shanklin, Haywood, Warren, Givens, Devine, Ewing-Holmstrom. NAY: Bass. MOTION CARRIED.

*Patton was out of room during vote.

26. Discuss and give direction to staff concerning Impact fees for water and sewer services.

Ihler said in the past Council has asked the City staff look at Impact Fees as they relate to water and sewer carrying capacity of our distribution and collection system. They looked at some areas of the community to try and come up with an Impact Fee for water and an Impact Fee for sewer. They took three separate square miles of existing, built out areas and determined the cost for providing perimeter water, large water mains, and large sewer trunk mains to serve a square mile. They took these three square mile areas and averaged the cost to reach an overall cost for putting together an Impact Fee. He said in putting together that cost, they try to provide the cost for providing a 24 water line, much like we re doing on Cache Road from 67th to 97th for the perimeter of a square mile. The cost they reached for a water line is \$1,235,520 and for sewer mains, to serve a square mile, is \$1,205,403. With that, they developed an Impact Fee based on three different criteria. The first fee they put together was based on lot size. They took the acreage from the developed area, they knew the cost to put into constructing those improvements and, using the different categories that exists in those three square miles, single-family residences, churches, multi-family, professional office, shopping center, and commercial areas, and developed a per unit water fee. The water fee, based on lot size, for a single-family resident, if they were using a 5/8 meter, would be \$608. An estimated sewer fee per unit would be \$593. They did that same thing based on meter size. That is the second development fee schedule. We established the cost of a water fee would be \$670, based on a 5/8 meter and \$650 for the sewer. It would be the recommendation of staff to base it on the water meter size as that shows the relationship of the impact or the amount of water utilized, based on the maximum flow of the meter size. He said the third alternative they looked at was a development fee schedule based on the building floor area, or the square footage of the building. The cost they developed, utilizing this methodology, was \$603 for water and \$590 for sewer.

Ihler said staff would recommend fees based on the meter size. This shows the Impact Fee for water and sewer, based on the different sizes that could be placed in the community. As the size of the meter goes up, you will have a greater volume of water that comes through that meter and thus a greater impact on the collection system of the water system, so the cost goes up proportionately, based on the area of the meter. This is based on water meters from 5/8 all the way up to an 8. He said an 8 meter would obviously be a large industry or something of that nature, or perhaps an outside water community, such as Pecan Valley. Basically in the community, a single-family resident home would use a 5/8 meter. Some of the larger homes that have swimming pools and large sprinkler systems may purchase a 1 meter.

Ihler said they would recommend that occur at the time when the builder would come in for a Building Permit. At the Building Permit stage is when we would collect the Impact Fee. Before getting your Building Permit, you would have to pay that Impact Fee of water and sewer.

Ihler gave examples of Impact Fees from other cities. He said Edmond has an Impact Fee for their residential

water, based on 5/8 and 1 water meters, it is larger than what he is proposing for the City of Lawton; Norman's is under ours on the water side and the sewer, they do theirs based on the square footage. They pay \$850 for the first 1200 square foot and for every foot after 1200 feet, they add on \$2 per square foot for that structure. For a 2000 square foot home, it would be \$2,450 in Norman. In Stillwater they base theirs on the area to be developed and they charge \$800 per acre for water and \$1500 per acre for sewer.

Shanklin asked if this was on raw land, undeveloped or anywhere inside the City limits. Ihler said it's basically anywhere inside, it could be an area that already has water and sewer, however there may be vacant lots. If they come in for a Building Permit, they would pay that fee.

Devine said if developer goes out and develops an area and they put all the water mains in, which is required by the City today, we are going to impose these Impact Fees on the water and sewer lines that they have already spent to put in and dedicated back to the City. We are missing the whole concept of what this was originally designed for. When this was originally discussed, the City would bring water and sewer systems to the developer, we would lay those lines and then we would have the right to charge this Impact Fee. He said this doesn't seem right to him.

Ihler said they are asking developers to help pay for the 18 and 24 large trunk mains and transmission mains that bring the water to those subdivisions or developments, where the developer builds a smaller 8 water line. Devine asked if these Impact Fees are going to be charged to each individual lot. Ihler said yes, that's one method.

Devine said if you do that and the contractor or developer spends his money to put those mains in, he doesn't see how we can turn around and charge to tap his own mains, that he put in. Ihler said if we don't construct the 18 and 24, we are recouping the money to go out and put these in, for the future. We are asking that this be paid by the person or developer that is going to benefit from that development versus the citizens of Lawton paying through a sales tax.

Givens said you could also just ask what area they are developing and they say they are going to have 30 lots, then the City can just do 30 water and sewer taps to tap into the 18 line. It's based on how many lots they have that we furnish the 18 line to.

Shanklin told Council not to forget we have just spent millions of dollars out in Medicine Park for Water and Sewer Treatment out at the southeast of town. He asked if people can come in and just hook onto your line and it's free.

He said it wasn't free for us, we're still paying for it. If we're confused then we need to look at Edmond and Norman and see how they're doing. He said that's not going to deter construction, all it is is having those people pay their fair share.

Bass asked what about the infrastructure and economic growth it brings to the City of Lawton. It also brings growth, new businesses, new people and you've got to look at it like that also.

Shanklin said two other cities are capable of doing it. Norman doesn't have a Waste Water Facility, as we do, and they're larger and expanding. He said he can't see where in new development, why he, and others who have been here for any length of time, fund a project for someone else to tie onto something that's already here. This money will not go into the General Fund, this goes into a fund that will build another 24 line or 18 line.

Warren said he looks at it as the impact on the whole network and not the fact that we're paying for 18 line, we're looking at the impact. He doesn't have a problem supporting it, but he would like to see this set up so you wouldn't have those charges for areas that are already developed, so that would tend to bring people, developers, and builders back to an area that has taps. You could raze a whole area and go back in and re-develop it and it would be at a lesser cost because the taps are already there.

Ewing-Holmstrom said this sells itself. If we want to get progressive and move forward, we need to do this. She said you don't have to worry about selling it, it pretty much tells the whole story right there.

Bass said if you are talking about money you spent, it didn't come out of the CIP, if you had to take it out of the General Fund to build that 18 line, going from 67th to Goodyear Blvd., you could put an Impact Fee on that water line or sewer line. The ones that are already here, he doesn't see how we can do that.

Mitchell said what Bass is referring to is a Benefit District where you design the district, you put in the improvements, and as each person ties in, you use that money to reimburse for the cost of that construction. He said a lot of cities do that, but the problem is you have to find the money up front. The developer could do it through a development district, put his money up front and we could reimburse the developer and that would be another way to do it.

Shanklin said Mr. Barnes is here and would like to speak and he would like to hear him if Council doesn't mind.

Purcell asked Council and they approved.

Steve Barnes who lives at 3601 Baltimore said he is representing the Lawton Homebuilders Association. He said on the books right now the 24 water main is taken care of in Section 22-2-2-225 under Recovery of Cost. He said this was written back in 1985 and it allows for the City to be paid back, and also developers, if the City runs a 24 main for a mile and two developers are on each side of it. As a developer taps into it he pays the City and it s on the books right now.

Shanklin asked how much they pay the City. Barnes said a pro-rated cost and an Engineer figures out what it is before he taps on. If the developer has to put it in, it s the flip of that. He said if he puts a main in and the fellow across the streets wants to tap into it, we prorate it. Shanklin said we have it, but it s about as unfair and mismanaged an ordinance that he can think of.

Barnes said on a fresh piece of land it would work out very easily. He said you might want to look at this because he thinks it s already been taken care of. He said the sewers are different, you don t have an ordinance on the books for that, but you do have one for water.

Shanklin said on a new water line he doesn t think we should have to pay for it and we have been paying for it through the CIP. Barnes said he doesn t think a new house should have to pay for an old sewer line either.

Barnes said they have checked out Norman and it is not a good reference to use because of the university. He said he was told that Stillwater and Edmond were the two best cities to look at as far as a good model for Impact Fees. He said it s a free country and people can live wherever they want to. In this part of the country you can choose to live in the City of Lawton or you can choose to live in the County. In Lawton you ve got Building Permits and can track them for the last 10-15 years, you can t track out in the county because there are none. As near as they can tell, based on lumber yard sales, you are probably running about 2 to 1 ratio in the County versus the City. Families are moving to the County, that s where the homes are being built.

Purcell asked Barnes to keep to the topic of the Impact Fees.

Barnes asked if we were impacting water usage in this town. We are losing about 100 units a year just to attrition in the City of Lawton. According to the gas company, they have lost over 1000 gas meters in the last 10 years. Our school district has lost over 1200 students, families are moving to the outside school districts, that s where the growth is. He asked why that was. In the City we have City Sales Tax and in the County we don t. He said if he goes out to the County and builds a house, it s \$200,000, he saves about \$4,000 in sales tax on that house.

Shanklin said he likes the impact better. Barnes said he doesn t have to have inspections and a lot of other things. If he puts in sprinkler systems on a house and he stays in the City, that costs him \$7,200 more to build a house in town versus out of town. He said we need to look at if there is going to be a time limit on it or is this something that will be forever. He asked if its based on usage and he doesn t think so.

Purcell said it s been fifteen minutes and we need to stay on the subject of Impact Fees.

Shanklin said he wants to hear from Mr. Tucker.

Dan Tucker said this is an idea whose time has come. He has lived in Lawton a long time and he can t think of any CIP issue that he has ever failed to say yes, let s do that. He said this evening we took \$18,000 worth of money out of a CIP and put on a road and the rest of Lawton bought it for that short distance of road. The Impact Fees would charge those persons who are impacting, who are causing a need for expansion. He said he doesn t need the Southeast Lawton Water Treatment Plant, he does if he wants to see Lawton grow and he does, but for his water needs, he turns his tap and has water. He said those people that are impact our facilities, the question of building out of town is an easily done thing. There s nobody moving out to the county and digging wells, they re buying city water from the City and putting in through water associations. They pay the same tapping fees when they come to this Council and ask for a contract agreement that they pay in town. He said he wouldn t mind seeing them pay more. He said he lives in Lawton, not outside and if he chooses to live outside of Lawton and want Lawton s water, he said he obviously should pay more for it. He said one of Lawton s problems with building outside of town is that we are the big boy on the block, we have the same problems Oklahoma City has. Everybody wants to move out to the suburbs. He said put a city the size of Tulsa or Oklahoma City on our perimeter and you will see people moving into Lawton to get away from that big city. He said the CIP Program is a good program, but it should not be used for those things for which we can recover fees from the people who directly impact it. He said we are asking the citizens of Lawton to pick up for all of our expansion and the people effected by the expansion. Then we can take care of our inner town, our streets, our development, or water and sewer lines here, with the CIP money and not need to put it towards going out for new development.

MOTION by Shanklin, to table this for 60 days and ask the Mayor to appoint a committee with homebuilders and developers to discuss Impact fees for water and sewer services.

Ewing-Holmstrom suggested having staff to bring it back. Shanklin said he wouldn t want to rush into something

and he thinks this is too quick. Once Council sees how other cities are doing it and why they're doing it, then we can make a decision. Ewing-Holmstrom suggested a deadline at least because this is something that could get lost like the boat fee committee that just disappeared.

Purcell asked not to table this for 30 days if we are going to appoint a committee because they are not going to have anything for us in that time.

Shanklin said he wants to see them work on this so let's do it 90 days then.

AMENDED MOTION by Shanklin, to table this for 60 days and ask the Mayor to appoint a committee with homebuilders and developers to discuss Impact fees for water and sewer services.

Purcell reiterated what Shanklin wanted on the committee. He said we table this for 90 days and on the committee will be homebuilders, developers, and Council members. He said the Council members will be Shanklin, Devine, and Haywood. He asked Dan Tucker to be on it and he agreed.

VOTE ON AMENDED MOTION HELD AT THIS TIME.

SECOND by Warren. AYE: Patton, Haywood, Warren, Bass, Givens, Devine, Shanklin. NAY: Ewing-Holmstrom. MOTION CARRIED.

27. Discuss the traffic problem at 52nd and Gore Blvd. in relationship to the new Fire Station #5.

Shanklin said he ran into some people who didn't know what was going on and traffic was backed up five or six hours. He said he thought a decision was made by Council and staff, but didn't come before Council. He said he went out there this morning and the concrete has been poured. He said Mitchell told him they wanted the decision made because the contractor was on the job, so essentially the decision was made to pour it like they have it right now. Mitchell said the contractor who built the station had part of his agreement to finish the parking apron in front of the station, so that is correct. He said there was a question raised by Devine, Bass, and Warren about looking at a right turn lane. We didn't treat it any differently than we would treat any question from any other Council member. We looked at it and determined that in order to make a right turn lane in that intersection, we would have to look at a more comprehensive plan for that entire intersection. There are other turning movement problems there, utilities that need relocated, so it wasn't a simple question of whether or not we could put a right turn lane in there, it was more involved than that. He said we did make the internal decision that we could not hold up the contractor from completing his work because of those issues.

Purcell said he drove out there and looked at the same thing also, but we have that same problem where we're missing right hand turn lanes at all kinds of intersections in Lawton. He said the worst place is Sheridan and Gore. There are thousand of cars and you can't make a right turn because there is no right hand turn lane.

Shanklin said he read in the Sunday paper not long ago Devine was quoted. He said he thought how the fire apparatus was going to negotiate the intersection and the only thing he suggests is push a button, make it all red and get the people out of the way. He said he didn't think we should be making decisions without bringing it to the Council and essentially, that wasn't the case. He asked if we knew how we are going to come out of the firehouse now. Hadley said the current design allows them to come out as it was initially designed, by coming out to the west and our turning radius allows them to pull out of the station and turn back to the east or turn back to the north or continue south. Shanklin asked if Hadley didn't see a problem now. Hadley said that's a busy intersection, particularly certain times of the day. Having that station located at a busy intersection is probably not ideal, as far as getting in and out. Mitchell said the design of the station is to come in from the north and be able to exit straight out to the south. Hadley said currently, until the front apron is completed, we're backing in what is the back part of the station, on the north side and responding out of the north side. Once the apron is complete, we will enter from the north, the backside, and respond out of the south.

Shanklin asked if there was going to be an apparatus in front of every door. Hadley said they will have two apparatus, the two currently there, we also have our hazmat unit that is not manned 100% of the time, but it's able to respond out of that building. Our public safety house is also stored in that location, so those are the four pieces of apparatus that are currently there.

Devine said when he went to the staff originally and the City Manager and did a study on it. The information given to him out of the westbound traffic, 74% of that traffic made a right turn and they said it was definitely warranted to have a right turn lane. He said with that, he pursued it on behalf of Warren and Bass. They had a meeting and discussed it. What bothers him is they first looked at it and talked about it and then they had another meeting and decided they're not going to do it. He said they get so many conflicting stories of why they didn't do it or that they did it so quickly because the contractor was there to pour the concrete. All we had to do was to extend the man's time on his contract to complete the job and give us time to make the right turn lane. He said he understood one of the big problems was with the apparatus coming out from the station, going south into the intersection, that they

would have to cut 10 foot off the center median on Gore. Now Hadley is telling him they are going to exit from the station from the north. Devine said once its completed, they are going to reverse it and go out the south. Hadley said that is correct. Devine said he can understand why the ten foot would be cut off the center median because it does give you a little better access to make that left turn to go back east. The only problem he can see that would hamper the right turn lane is the storm drain was so close to the top of the ground that the cost factor to put a right turn in there and lower that, if we could, and not imbed that storm drain into the concrete street and that right turn lane would have been phenomenal. He said was the reason why he backed off pushing the issue of having the right turn lane installed.

Warren said its currently being built to the original plans, with a few modifications on curb testing, etc. It s basically built now the way it was intended to be built on the original diagram. He said once he found out about the 42 storm drain, that with the depth of that lot coming back east, would only allow you to queue about four or five cars at the most, even if we had built one, it would only be helpful to the point that you would get four or five cars in there and it would still back up. The decision was made to help clear the intersection to lengthen that light and that would alleviate some of that problem.

Ewing-Holmstrom said when talking about a traffic issue, we re talking specifically about certain times, such as 7:30 a.m., 2:30 p.m., this is a huge traffic nightmare. It s a busy intersection but all this you are talking about, unless you are going to start spending money and redesigning that intersection, she doesn t know what else we can do. There are other traffic intersections in this town that need our attention, as opposed to an intersection that s very busy at certain times of the day.

Warren said he hopes the long-range plan is we redesign that intersection someday to alleviate some of the problems, because it is a horrible problem at 5:00 in the afternoon. He said traffic literally backs up to and past the Country Club.

Purcell said he remembers Devine bringing this up to Council and he backed off of it then because of the cost. After tonight, this is a dead issue for a while. In the future we need to figure out how we are going to do 52nd, 53rd, and that area by the fire station. He confirmed with the Council that this is a dead issue now.

Bass asked why they took only the ten feet of concrete out and not the entire thing. Warren said if we did away with that, people will try to make a turn against the light because they won t be blocked from doing so. That concrete barrier prevents them from making that turn.

Shanklin said if the 74% is valid, make that right lane a right hand turn at certain periods of time during the day to begin with. You can only get five or six cars so it doesn t make any difference if you had a right hand turning lane.

Ewing-Holmstrom asked if there were any plans of expanding 53rd Street to a four lane. Purcell said you are going to spend a lot of money buying all those houses along there and you re going to have a lot of screaming.

Purcell said we have spent enough time on 52nd and everyone agrees it s a dead issue and we re not going to see it back again for a while.

REPORTS:

Col. Herring said its Red Ribbon Week and Fort Sill celebrates that in conjunction with the City to promote alcohol and drug abuse prevention. There are a variety of events going on from the 15th through the 22nd of October. He said the Moonlight Walk Against Drugs will be on October 20th at 7:00 P.M. at Cedar Lakes walking track. He encouraged everyone to come out and participate. The second item is Co-Op Fall Sports Weekend, which is an excellent program that partners local businesses with our units on post. He encouraged all involved in the Co-Op Program to participate in the weekend and the banquet on the 24th.

Ewing-Holmstrom said they just spent \$18,000 for that road and asked how much it will cost to fix the problem at 9th and Dove. Ihler said he had no idea. It s not a water leak and we are trying to find a way to reroute an underground spring. They haven t been able to determine how to reroute the water.

Shanklin said a million dollars worth of apparatus came up I Avenue and stopped at the old grade school about the 1500 block of I. He said he drove up there and they were taking their firefighting equipment off. He said his concern is the liability we put out when we send two or three apparatus. Hadley said they respond with one unit on medical, two units on vehicle accidents because one unit has our jaws and extrication unit and one unit to handle the patient. He said depending on the type of fire, they may respond with one, if it s a vehicle fire, a dumpster fire or a grass fire, they always have the ability to call for additional ones. He said for most building fires they have two engine companies, a rescue squad, and the Deputy Chief. If it s a multi-story building or a large commercial building, they might also respond an aerial apparatus with those two engine companies. Shanklin said he was just concerned with the liability and the wear and tear. Hadley said as far as the liability, their guys are

pretty careful and very well trained.

Warren said he will be attending the Moonlight Walk and encouraged everyone to come out.

Purcell said we had a meeting with the KCA Business Committee last week and we should know Thursday whether or not we are going to get the right-of-way on the KCA land we need to do the south one-mile of Flower Mound Road. If not, we will take what Council did last time and move forward with that. He said we are not getting much help from the TV Station or Radio Stations, so he reminded everybody on the first Tuesday of every month we have a Town Hall Meeting with the Mayor right here. He said any Council member can put an agenda item on the agenda, no questions asked, don't need to call him, but the deadline ground rules are, you have to have it in by close of business on Tuesday preceding the Council meeting. It's only after the agenda goes to print and someone wants an item on, then he will use his prerogative to decide. If it's money or life and death, that's a different issue and staff has been very good at this and he asked Council to do that also.

Mitchell said he would be out of the office a few days next week attending the City Manager's Conference and Greg Buckley will be in charge.

Mayor and Council convened into an executive session at 8:30 p.m. and reconvened in regular open session at approximately 8:51 p.m. with roll call reflecting all members present.

EXECUTIVE SESSION:

28. Pursuant to Section 307B(4) Title 25 Oklahoma Statutes, consider convening in executive session to discuss Case No. 04-290 before the Oklahoma Department of Environmental Quality, Land Protection Division, In the Matter of: City of Lawton Mercury Release from Wastewater Treatment Plant, and if necessary, take appropriate action in open session.

Vincent read the title of Item 28 as shown above. He said Council convened in executive session and after discussion on the proposed Memorandum of Agreement and Consent Order and Council was made aware of the requirements of that order and staff recommends approval.

MOTION by Warren, SECOND by Shanklin, to authorize the Mayor to sign the Memorandum of Agreement and Consent Order (MACO). AYE: Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None.
MOTION CARRIED.

29. Pursuant to Section 307B(4) Oklahoma Statutes, consider convening in executive session to discuss Case No. CJ-2003-882, The City of Lawton vs. Art M. Mata and Armando M. Mata, et al., and if necessary, take appropriate action in open session.

Vincent read the title of Item 29 as shown above. He said Council convened in executive session and we did discuss the possible settlement of this action and no action is required at this time.

There being no further business to consider, the meeting adjourned at 8:55 p.m. upon motion, second and roll call vote.