

Meeting of 2004-4-13 REGULAR MEETING

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
April 13, 2004
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Kathy Fanning, City Clerk
 Col. Gregory K. Herring, Fort Sill Liaison

The meeting was called to order at 6:05 p.m. by Mayor Powell with invocation by Rev. Tyrone Turner of St. Johns Baptist Church followed by 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
 James Hanna, 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 MARILYN CRANE

Edwina Reddick-Scott of the Mayor's Commission on the Status of Women presented the Citizen of the Month Award to Marilyn Crane. She said time would not allow her to list all the contributions Mrs. Crane has given to our community. Since 1983 she has been giving from her time, talents, and finances to the citizens of Lawton. She was one of the Founding members of the Lawton Food Bank, founded in August of 1985. With some garage sale items, some households items, and on a shoestring, her and her husband started the Carter Crane Shelter. To date, over 400,000 have been served through the food bank and the shelter. Last year alone, 20,000 plus clients received food from the food bank. She has received Mother of the Year Award, Oklahoma Citizen of the Year, Oklahoma Humanitarian Award, Outstanding Woman of the Year in Comanche County, and the Ted Allen Humanitarian Award. She has been a member of the Lawton Mobile Meals Board, the Lawton Mammography Clinic Board, Junior League of Lawton Board, Mental Health of Lawton Board, Great Plains Improvement Foundation, Child Advocacy Board, the Start Up Board for the Habitat For Humanity, and the Lawton Food Bank. She currently serves at the age of 73 as the Director of the food bank. She has three sons, Steve, Blake, and David and two granddaughters. Mrs. Crane continues to pour herself into our community and for this reason, she is being recognized as the Citizen of the Month for the month of April, 2004.

Mayor Powell thanked Crane for all she has done for the Lawton-Ft. Sill community. He presented her with a Citation from the Oklahoma House of Representatives, a Citation from the Oklahoma Senate, and a Proclamation from the Mayor.

Crane said that's a lot of honors and said when she went into this she didn't want acclaim or anything. She did it because she wanted to and she did it for the Lord too. She said it took a lot of time away from her family and they didn't object and she has never been sorry. She said all the people who have come down there have needed their help. She said the old Carter Crane Shelter that has been closed for three years is opening again on Friday. She said there is such a need out there and they all just need someone to care about them and love and they are able to give that down there. She thanked everyone and said the City of Lawton has loved her too and she appreciates it.

PROCLAMATION FROM MAYOR POWELL FOR "LIONS WHITE CANE DAY"

Powell introduced Lion Ed Rawl, Lion John West Williams, Lion Leo Thorn, Lion Al Granger, Lion Al Williams, Lion Adelia Sandusky, Lion Kelly Driver, and Lion Claudie Lot and said the Lion's Club International cares about people

who have a lack of vision and they do something about it. He presented them with a Proclamation proclaiming April 17, 2004 as Lion's White Cane Day. For our neighbors in need, he urged citizens to give generously to the Lion's White Cane Day. Every penny will give the gift of sight.

PROCLAMATION FROM MAYOR POWELL FOR "DAYS OF REMEMBRANCE"

Powell read the Proclamation about the Holocaust and said to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples. Pursuit to an act of Congress, Public Law 96-388, October 7, 1980 the United States Holocaust Memorial Council designates the Days of Remembrance of the victims of the Holocaust to be Sunday, April 18 through Sunday, April 25, 2004 as "Days of Remembrance" in memory of the victims of the Holocaust. Powell urged that we, as citizens of Lawton-Ft. Sill should strive to overcome intolerance and indifference to learning and remembrance and proclaimed the week of April the 18th through April 25, 2004 as "Days of Remembrance" of the victims of the Holocaust and encourage all citizens to participate in this observance.

PROCLAMATION FROM MAYOR POWELL FOR "FAIR HOUSING WEEK"

Powell read the Proclamation on Fair Housing Week stating the City of Lawton is dedicated to providing all its residents equal housing opportunities through the elimination of illegal housing discrimination and predatory lending. This is the 36th anniversary of the enactment of the Civil Rights Act of 1968, as amended and strengthened in 1988. This law prohibits discrimination and harassment in all aspects of housing, including sales, rentals, eviction terms and conditions, mortgage loans and insurance, and land use and zoning. Powell proclaimed April 2004 as "Fair Housing Month" in the City of Lawton-Ft. Sill.

PROCLAMATION FROM MAYOR POWELL FOR "EARTH DAY"

Powell read the Proclamation on Earth Day, stating protection of the environment is of vital concern to all citizens. We all benefit from a clean and healthily environment and appreciate our attractive and beautiful surroundings. Powell proclaimed April 18 through April 28, 2004 for Earth Week activities in the City of Lawton-Ft. Sill community and encouraged all citizens to participate in the observance and activities to improve the quality of life in our wonderful community.

AUDIENCE PARTICIPATION:

Randy Meservy, 3502 NW Arlington, said thank you to the Council and everything they do. He said he doesn't think the citizens realize all the time and energy Council members put into the jobs they do. He said tonight they were here to recognize two people in particular who are about to leave us. He said to Councilman Hanna it has been a great 6 years working with him. He has always been very patient and has always had an open door policy for us and we appreciate that. He reminisced on several things Hanna had done, but one thing in particular that stands out is the time and effort Hanna has put into north Lawton. He said they have really had a lot of problems up there and he grabbed the bull by the horns and got control of it. He worked with the Mayor, got the Police Department involved and that is something he should be very proud of. Meservy thanked Hanna for all the time and effort and everything Hanna has done for them and presented him with a plaque.

Meservy next spoke about Mayor "Coach" Powell. He has been a teacher, coach for many years, a member on the School Board, and Mayor. He said thinking about all he has done for this city, it doesn't take much to look around and see his fingerprints are on everything. The sewer rehab, the economic development that has taken place since he's been Mayor, and as a citizen, he has helped us turn the corner from being a small town to being a thriving, progressive community. All the work he's done with Ft. Sill, strengthening that relationship and making sure they are going to be around for a long time. He said the main thing that sticks out about Powell is the phrase he coined, "Community of Unity" and that's Cecil Powell. He said anytime there has been a problem Powell has always had the uncanny ability to bring people together from some very opposite view points and find a middle ground.

Meservy said anytime he has gone to him with a problem, that door was always opened. He thanked Powell for all he has done for the Fire Department and for the city. He said he has worn a lot of hats over time and they presented him with one more, a special fire fighter's helmet.

AUDIENCE PARTICIPATION CLOSED

CONSENT AGENDA : Separate consideration was requested for Item #1.

MOTION by Shanklin, SECOND by Warren, to approve the consent agenda with the exception of item 1. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: Southwestern Bell Telephone Company and Deborah Bettis. Exhibits: Legal Opinions/Recommendations.

Haywood said there was a water break in the 1800 block of Monroe and he spoke with Mrs. Bettis. He said he would like to table this so he can go back and review this.

MOTION by Haywood, SECOND by Bass, to table the damage claim of Deborah Bettis and deny the damage claim of Southwestern Bell Telephone Company. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Hanna. 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 the claims which are over \$400.00: William and Karen Gregory, Walter and Retana Rhodes, Paul and Alice Elliott, Patrick and Teresa Donahue, Anneliese Wamer, and Mark E. McFarland, Jr. Action: approved.
 3. Consider approving and Agreement for the use of the Public Works car wash rack between the City of Lawton and Comanche County, and authorize the Mayor and City Clerk to execute the document. Action: approved.
 4. Consider accepting a Temporary Easement from Emmanuel Evangelical Lutheran Church of Lawton, located in Lot One (1) of Block Seven (7) of Willow Creek Addition Part Three, for the 67th Street Bridge Reconstruction Project, and authorize the Mayor and City Clerk to execute the Temporary Easement to reconstruct the retaining wall. Action: approved.
 5. Consider approving plans and specifications for the Retaining Wall Reconstruction Project #2004-6 and authorizing staff to issue a notice to proceed. Action: approved.
 6. Consider approving the record plat for Brentwood Addition, Part 2D and accepting the improvements, maintenance bonds, and easements outside the platted area. Action: approved.
 7. Consider approving the proposed updated City of Lawton Emergency Operations Plan. Action: approved.
 8. Consider approving the attached proposed update to the City of Lawton's Emergency Operations Plan, Annex C, Appendix 2, Standing Operating Procedure for Decision Making Officials. Action: approved.
 9. Consider approving contracts for Native American Project "Sharing the Spirit-Native American Storytelling," to be held on Friday, April 16, 2004, at 7:00 p.m. at the Museum of the Great Plains, and authorize the Mayor and City Clerk to execute the agreements. Action: approved.
 10. Consider awarding a construction contract to Bruton Construction Co., Inc. for the Lake Helen Access Road Construction Project #2002-6 (ODOT Project No. SAP-116D(090), State Job No. 20464(04)), and authorize the Mayor and City Clerk to execute the contract. Action: approved.
 11. Consider approving the Release of Lien between the City of Lawton (Lender) and participants of the 312 Rental Rehabilitation Loan program (Borrowers) listed below and authorize the Mayor and City Clerk to execute the document. Action: approved.
 12. Consider approving the Release of First Amendment to Mortgage Agreement between the City of Lawton (Lender) and participants of the Homeowner Rehabilitation program (Borrowers) listed below and authorize the Mayor and City Clerk to execute the document. Action: approved.
 13. Consider approving the Release of Conditional Lien between the City of Lawton (Lender) and participants of the CDBG &/or HOME program (Borrowers) listed below and authorize the Mayor and City Clerk to execute the documents. Action: approved.
 14. Consider approving the following contract extensions: Laboratory Services of Toxic Pollutants (CL02-054) with Accurate Env. Labs; Neighborhood Services Abatement Contract (CL03-046) with Service One Janitorial; and Manhole Lining Materials (CL03-059) with The Strong Company. Action: approved.
 15. Consider awarding contract for Electric Motor Repair (CL04-043) to J & W Electric Motor Company. Action: approved.
 16. Consider awarding contract for Jail Food and Supplies (CL04-050) to Wilson Wholesale Company. Action: approved.
 17. Consider awarding contract for Lease/Purchase of 15,000 GVW Truck (CL04-052) to Billingsley Ford. Action: approved.
 18. Consider approval of the minutes of February 24, 2004 Regular Meeting, March 9, 2004 Regular Meeting and March 16, 2004 Special CIP Workshop Meeting. Action: approved.
 19. Consider approval of payroll for the period of March 15, 2004 to March 28, 2004. Action: approved.
- BUSINESS ITEMS:
20. Hold a Public Hearing and consider an ordinance closing the rights-of-way of SW E Avenue, the alley between SW D and SW E Avenues, and the alley between SW E and Tulane Avenues, all between SW 27th Street and

University Drive and declaring an emergency.

Bigham said this is a request submitted by Cameron to close the right-of-way between University Drive and SW 27th Street. This is the street right-of-way and the two alleys in the associated blocks. This has gone through the proper notification process, according to State Statute and City Code. He said they received letters from Lawton Cablevision and Centerpointe Energy stating if the utilities had to be relocated at Cameron's expense, they would have no objections. The Ordinance does not vest any right-of-way to the abutting property owner, the next step would be to co-ordinate the relocating with the utility companies, and then petitioning District Court to go through the vacation action.

PUBLIC HEARING OPENED AT THIS TIME

Cindy Ross, President of Cameron University, said they desire Council pass this so they can construct Cameron Village. This is a six building apartment complex, five of the buildings would house 240 students and the other building being a learning center, which will be funded by a contribution from the McMahan Foundation. She requests Council's approval on this.

PUBLIC HEARING CLOSED AT THIS TIME

Vincent read the ordinance title prior to vote.

MOTION by Shanklin, SECOND by Patton, to adopt Ordinance No. 04-14, closing the rights-of-way of SW E Avenue, the alley between SW D and SW E Avenues, and the alley between SW E and Tulane Avenues, all between SW 27th Street and University Drive and declaring an emergency. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

(Title only)

Ordinance No. 04-14

An Ordinance closing the southwest E Avenue Right-of-Way, the alley between SW D and SW E Avenues, and the alley between SW E and Tulane Avenues, all between SW 27th Street and University Drive, located in blocks 15 and 16, College Addition, more particularly described in Section One hereof, and declaring an emergency.

21. Hold a Public Hearing to consider a change to the Consolidated One-Year Action Plan for FFY 2000, receive input from citizens; provide input for the final plan change. Approve the change and pass a resolution revoking Resolution 00-43 authorizing the original Consolidated One-Year Action Plan for FFY 2000 and authorizing the Mayor and City Clerk to execute the implementing documents necessary to implement the Consolidated One-Year Action Plan for FFY 2000, Change 2.

Tom Aplin said Change 2 to the Consolidated One-Year Action Plan for FFY 2000 is a proposal to increase the funding to the Lawton Heritage Association for their project with the Mattie Beal Home. He said to date, we have allocated \$71,000 plus for the completion of that project. When they went out on the bid for the project, the bid just for the exterior repair work, came out to \$98,000 over the amount estimated by the architects and engineers that developed the project. The Lawton Heritage Association has requested \$49,000 from our CDBG Program. The additional \$49,000 will be made up from another source of funds, which he believes to be the McMahan Foundation. He said there are representatives from the Lawton Heritage Association here to answer any detailed questions Council might have.

Devine said on the Hospice, are we changing anything on it?

Aplin said no sir, this is strictly for the Lawton Heritage Association Project on Mattie Beal.

Devine said he understands it came out in the paper that the City was not going to fund the Hospice this year, is that right?

Aplin said that is the proposal that will be made at the meeting on the 20th, when it will be open for discussion at that time.

PUBLIC HEARING OPENED AT THIS TIME

Wendy Tahtroe, Project Manager for the Lawton Heritage Association on the Mattie Beal Home Rehabilitation Project, at 902 SE Garfield Avenue, said she is here simply to answer any questions Council might have. She said Aplin has given you all the correction information about why we are here for this request.

Dr. Musslewhite said the Lawton Heritage Association is in the process of going through an extensive rehabilitation and reconstruction of the Mattie Beal Home. They feel confident when this project is complete, we will have one of the premier tourist attractions in southwestern Oklahoma. They have received a grant from the Oklahoma Centennial Committee and during our Oklahoma Centennial Celebration we will be running daily tours and hundreds of school children come through the Mattie Beal Home every year. It's a prime educational resource for the city. They think it will be a major asset to the City of Lawton and they need Council's help with the last bit of

funding so they can make the Mattie Beal Home what we all want it to be in our community.

PUBLIC HEARING WAS CLOSED AT THIS TIME

MOTION by Haywood, SECOND by Hanna, to adopt Resolution 04-32, approving change 2 to the Consolidated One-Year Action Plan for FFY 2000, revoking Resolution 00-43 authorizing the original Consolidated One-Year Action Plan for FFY 2000 and authorizing the Mayor and City Clerk to execute the implementing documents necessary to implement the Consolidated One-Year Action Plan for FFY 2000, Change 2. AYE: Shanklin, Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

COUNCIL WENT OUT OF AGENDA ORDER AT THIS TIME-WENT TO ITEM 23

22. Consider approving an agreement with Revenue Recovery Group, Inc. (RRG) to perform tax audit services on behalf of the City of Lawton, and authorize the Mayor and City Clerk to execute the agreement.

Warren said the City Manager, himself, Haywood, and some city staff went to an OML meeting in Altus where this program was presented and he thinks this is a good deal. This won't cost us anything until we use it and we have a pretty good chance at reaping some reward from it. He said the State of Oklahoma has a backlog of investigations and if we feel we are getting short changed on taxes, we have the ability to contract with this company to have that investigated.

Doug Frye from Revenue Recovery Group, said some of the Oklahoma cities got together and went to the Oklahoma Municipal League and presented a problem to them. They felt they were not being adequately represented by the Oklahoma Tax Commission, in the way of sales and use tax compliance auditing. Several cities agreed this created a situation where you pretty much had a voluntary system of remittance. You remitted what you wanted to remit, because there was no consequences for not doing so. With that in mind, OML and the Oklahoma Tax Commission got together and created what they call the Independent Audit Program. He said Revenue Recovery Group was selected through an RFB process to head up this Independent Audit Program. His company is in the business of auditing sales and use taxes on behalf of local government agencies and some state agencies. He said they don't represent tax payers, and they don't file income tax returns. They currently have six cities in the State of Oklahoma contracted with them to do this and have several more in the process of taking it through their finance committee and before their Councils. He is asking Council to approve the contract approved by OML, the OK Tax Commission, and signed by several Oklahoma cities. He said signing the contract and getting it in place doesn't obligate Lawton to ever do anything, it doesn't cost you a dime. Each audit they perform will be approved or disapproved by your City Manager and/or your Finance Director on a case by case basis. He then explained the process his company would take when a city wanted a certain company audited. Frye then went on to tell his company's history and reputation.

Shanklin asked how far back do they go? Frye said 3 years. Shanklin said you go by who the City Manager directs you to go or do you pick them by random yourself? Frye said whoever this city appoints to me to be the answer guy. If it's your City Manager, we will inform him of when we are going in to do an audit and request his approval. It's however you appoint to be that "go to" person.

Shanklin asked Mitchell how OML came up with this. Mitchell said OML basically went through the RFP process and selected this firm. Shanklin said no, who you pick, you're the one that's going to pick a firm. Frye said you're asking how the audits are picked? Shanklin said yes, is the City Manager going to direct them?

Mitchell said in concert with the Finance Department we would review individual cases and make a determination. We don't have anyone in mind at this point. When Frye is suggesting we approve the agreement and give him a case, he doesn't think that case would be immediate. That's something that may come up next month or in the next six months. Frye said right and he did misunderstand the question. We do come up with audit leads. We have a staff in our office that researches this.

Shanklin asked how they make this audit public. Is it an audit that shows somebody owes the city money, or do we do that? Frye said no sir, the Statutes don't allow that type of information to be given out. Shanklin said is the Council going to know it? When more than two people know it, it's not a secret. Frye said upon completion of an audit, he will provide that information to the Oklahoma Tax Commission and to your city. He said his responsibility is to not give that information to anybody else beside those two entities or he would be sued.

Vincent said what paragraph 7 of the contract says, pursuant to Title 68, Section 205, he reports his findings to the Oklahoma Tax Commission and agrees not to disclose or discuss or otherwise make available to anyone other than authorized representatives of the Oklahoma Tax Commission and the City any such information or data.

Powell said anyone could ask for an audit of any business. That can happen? Frye said yes sir. When you say anybody, he is talking about Council and he assumes they would direct it through your City Manager or Finance Director who would contact me. Not anybody walking down the street, no and any audit we do would have to be approved through you.

Ewing-Holmstrom asked what happens, if we agree to this. If Mitchell comes to you with information he passes on to you and it's decided this particular business is going to be audited, in just a brief comment, what does that business have to go through to show proof they have paid their taxes? Frye said that depends on what type of business. If it's retail, they would need some cash register detailed tapes, their bank statements, sales reported, etc. Ewing-Holmstrom said it would be a big ordeal, am I wrong? She said if they are following proper bookkeeping and accounting procedures, it shouldn't be a problem, right? Frye said it should not. Ewing-Holmstrom said her only concern with this is, in just the two years she has been on Council she has seen an abusive power by one or two Council members. She said she would not want this to be used in that capacity and that's what she is concerned about. She said a Council member could come to the City Manager and tell him he needs a certain person and their business checked out. She said she sees a potential there and maybe it's because she's just been exposed to too much stuff she shouldn't have been exposed to.

Mitchell said he doesn't think a retail operation would be required to report anything they would not already be required to report to the Oklahoma Tax Commission. He is essentially working as an agent of the Oklahoma Tax Commission.

Powell said that's his concern. You have the IRS that is looking down your throat at all times, the Oklahoma Tax Commission, and he believes they are gospel. He said he owns a business and he makes those reports every month without exception and pays every month.

Endicott said how do we know how much use tax we're suppose to collect. Use tax is one of those unknowns and this company will help us if we have a serious question. It would give us an opportunity if we had some very serious concerns about any kind of business that might not be remitting sales tax, use tax, franchise tax, and there's all kinds of areas. The other great benefit is we can participate with other cities as they are looking and it may be a large corporation, we have an opportunity to participate in that. He said he sees it as a great benefit to the city.

Shanklin asked for an explanation of use tax. Frye said the simplest way to explain a use tax is a sales tax that wasn't paid. If you have a vendor out of state that delivers goods into the City of Lawton to some customer and they felt like they had no responsibility to collect local sales and use taxes, so they just didn't. That tax is due. The goods are here, they were brought in from an outside company which undercut your local business's opportunity to make that sale, of the same type of sale, who would have to charge the sales tax. The tax is still due and payable by the person or company entity that made the purchase. That's the use tax. He said if he is a company located here in Lawton and ordered a new generator for his business, it came in from out of state and had no sales tax on the invoice, he owes it, it's the same rate, the same tax. He should file it on his own return and pay it as a use tax on his monthly return.

Mitchell asked if this use tax also covered construction materials? Frye said yes, there is an exemption from manufacturing equipment, but construction materials is taxable.

Hanna asked who pays for the audit. Is it all the cities involved in it or the city that commissioned you to begin with? Frye said each city that participates will pay their portion of it.

Warren said that is one of the safety valves on this, to keep the city from picking on somebody. This is only going to be a profitable situation for the city if we look at large firms because this isn't going to be a cheap endeavor. There's going to be some money involved so whoever makes the decision will have to think about it long and hard before they commit funds to do this.

MOTION by Warren, SECOND by Ewing-Holmstrom, to approve an agreement with Revenue Recovery Group, Inc. (RRG) to perform tax audit services on behalf of the City of Lawton, and authorize the Mayor and City Clerk to execute the agreement.

Endicott said they will come back to Council during the budget process to ask a certain dollar amount be set aside for this particular program.

Frye said in the 15 years his company has been in business, the fees in relation to revenues collected on behalf of their clients, have run something less than 30%.

Shanklin asked if that was 30% of the recovery. Frye said yes.

VOTE ON THE MOTION WAS HELD AT THIS TIME

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

COUNCIL WENT OUT OF AGENDA ORDER TO ITEM 26 AT THIS TIME

23. Consider approving a request for a revocable permit to use a portion of the SW 8th Street right-of-way, adjacent to 712 SW 'E' Avenue for a fenced playground yard, submitted by Mike Brown.

Bigham said this is a request for a revocable permit submitted by Mike Brown. This is in relation to a Marie Detty Project located at 712 SW F Avenue. No building permit was obtained for this, no fence permit was issued, and was erected and not inspected and brought to the city's attention after it was completed. He said under Section 20-101 of the Code, this does authorize the Council to issue a revocable permit for this. The Traffic Engineer and Centerpointe Energy have raised objections to the revocable permit. Continued use of the right-of-way for private purposes increase the cost and difficulty in maintaining and repairing the 8th Street right-of-way as well as utilities and future utilities that will go in this area.

Shanklin asked what utilities were in there right now.

Bigham said he doesn't believe there are any public utilities in the fenced area right now, they are across the street to the west.

Bass asked what the penalty or fine is for not obtaining a building permit. Bigham said charges are filed in Municipal Court up to \$500 per offense. He said they sat down with the fence contractor and we felt he did have a believable story as far as the general contractor thought he had already obtained it and since that day, he has been obtaining all his fence permits and we are satisfied that we do have his attention. Bass asked if it was Brown's problem to get the permit or the fence store's problem to get the permit? Bigham said it could have gone either way.

MOTION by Shanklin, SECOND by Haywood, to approve a request for a revocable permit to use a portion of the SW 8th Street right-of-way, adjacent to 712 SW 'E' Avenue for a fenced playground yard, submitted by Mike Brown, and the permit to stay with the property. AYE: Patton, Haywood, Warren, Bass, Hanna, Devine, Shanklin. NAY: Ewing-Holmstrom. MOTION CARRIED.

COUNCIL WENT BACK TO ITEM 22 AT THIS TIME

24. Consider approving plans for the Central Junior High Pedestrian Bridge and Signalization Project #2003-2 as prepared by Robert B. Hendrick and Sons Co., Inc. and providing direction to staff.

Ihler said a little over a year ago Council authorized three projects to assist with the junior high children attending the new Central Jr. High School to provide safe access to students who live on the west side of 11th Street and on the north and west side of 11th Street and Cache Road. Those three projects were the Fort Sill fencing project, which installed a fence from Lawton High School to the Baldwin area north of Central Jr. High, the second project was the Fort Sill Blvd. Pedestrian Signal Project which provided a cross walk and an access point and a controlled point for students to cross 11th Street and the third project was to have Robert B. Hendrick and Sons to design for a pedestrian crossing and signal project at Cache Road as it crosses 11th Street. He said Hendricks has finished the design of the bridge. The two projects already completed seem to be doing a very good job as far as controlling access and providing safety for the students to get to Central Jr. High. He said they are recommending approving the plans and specifications Hendricks prepared but at this point, put the plans on hold until we can monitor it more to see if it becomes a greater problem. We do not have any funding source at this time to construct the project and have not identified any funding source.

MOTION by Hanna, SECOND by Shanklin, to approve the plans for the Central Junior High Pedestrian Bridge and Signalization Project #2003-2 as prepared by Robert B. Hendrick and Sons Co., Inc. and place the project on hold until it is actually needed and funds are available. AYE: Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

25. Consider utilization of funds from the 2000 CIP Southeast Water Treatment Plant Right-of-Way Acquisition Account (379700452000) for the Old Wastewater Treatment Plant Remediation Project.

Ihler said at the last CIP meeting he indicated he would be bringing Council an agenda item regarding this matter.

As we move forward with the SE Water Treatment Plant, the preferred location is at SE 15th and Coombs Road, which is owned by the OK State School Land Commission. We have started the process of negotiating with them for obtaining the property. We did receive a letter back from the OK Land Commission that provided a couple conditions. One condition was they needed to check with the person who had the agricultural lease and determine if there was adverse impact as it relates to those agricultural operations. The second they indicated it would be their preference not to sell us the land but to provide us a lease. The lease term is 55 years. In their letter they state they would prefer to issue an easement versus selling the land. Ihler said he called the Right-of-Way Agent to discuss exactly what that means. Does it mean we absolutely do not have the opportunity to purchase the land. He indicated that was not correct, we still have the opportunity, it is not a closed door.

One of the conditions indicated in this letter was before they would consider providing us or dealing with us on the SE WTP site, as stated in the letter: "If and when the issues detailed in this letter are resolved, then would be a good idea and good time for the City to discuss the request to acquire land for the Water Treatment Plant."

Ihler said since this is part of the negotiation process for the SE WTP site that's preferred, we are recommending we use the Right-of-Way Acquisition Funds to take care of this project. He said much like we did with Ft. Sill on Rogers Lane. We used our ROW Funds to install a road and some other things on Ft. Sill. We also did the same on

38th Street with acquiring that ROW. We recommend as part of the negotiations that we utilize that fund for the ROW negotiations for the SE WTP.

Shanklin asked if any of those funds that have been for the SE WTP, are they designing it for that area right now, SE 15th and Coombs?

Ihler said we have the conceptual study and report done, but to answer your question, we put them on hold until we are able to acquire the site. We have spent approximately \$80,000 for the conceptual design report.

Shanklin said just for that land?

Ihler said for the project itself and what process units we are going to use, etc. We have not given them authorization to proceed with the actual design of that site.

Shanklin said he has had several people inquiring as to why we didn't take it to Lake Ellsworth, below the dam. He said his answer to them was the conduit would be much more expensive than it is from out here.

Ihler said that and the pumping cost. Right now, when we pump to Lake Ellsworth we have to pump from Waurika to the Lawton Relift Station and then from the Lawton Relift Station to Lake Ellsworth. With the construction and location chosen for the SE Plant at Coombs and 15th we would just pump from Waurika, bypass the Lawton Relift Station and it would flow into the new SE Plant. Then we would go ahead and pump from the SE Plant into the east side of town, so there would not be that pumping cost we would have as it's associated with the Lawton Relift Station.

Shanklin said he thought it had to be pumped from baseline to get it to the SE Plant.

Ihler said no.

Shanklin said it is more expensive for the conduit to Lake Ellsworth to Lawton than it is from SE to Lawton and our infrastructure, would it cost more or not?

Ihler said for the conduit?

Shanklin said yes, to get the 24" line into our system. We just can't have a plant, we've got to get the water to town.

Ihler said right, there is a cost from the SE WTP to tie the 24" water line into our system.

Shanklin said Ellsworth would be greater, would it not?

Ihler said if they built it at Ellsworth, he would presume we would utilize the 42" line that comes from the Waurika line to bring it to town. Then we would come off the Waurika line, but you would lose any ability to pump water from Waurika to Ellsworth, if you did that.

Mitchell said he would like for the Council to consider a second alternative to paying for this proposal. It would be still out of the 2000 CIP, but rather than designating money out of the SE Water Plant line item, look at using the interest we have earned on the 2000 CIP. He said in light of where we are with the 2000 CIP, if you have any concern over whether or not the funds could be used, he thinks the better course of action might be to use the interest we have earned in the 2000 CIP. We have collected about \$800,000 in interest.

Powell urged Council to do both things recommended by Mitchell and Ihler because we are working with the OK Land Commission and they've got their eyes on that old abandoned plant and have firmly said, in writing, what they expected. He said Ihler and his people are doing an extremely good job out there and we are going to get out of here a lot cheaper than we thought we were in the beginning.

Devine said that's the same sentiments he was going to bring up. We need to not use that money out of the CIP set aside for acquisition for the easements we are going to do. We are getting ready to ask for another CIP and every time we never used what the money was designed and passed for. If we keep that particular money set aside for the acquisitions, we will be alright. The interest is the extra money and with that he would like to make a motion.

MOTION by Devine. SECOND by Ewing-Holmstrom to approve using the interest off the 2000 CIP to clean up the old abandoned Waste Water Treatment Plant site.

Bass asked Ihler before you get the right-of-way acquisition, if he was going to bring this back to Council?

Ihler said for the 24" line? Yes, they all have to come back.

VOTE ON THE MOTION WAS HELD AT THIS TIME

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

26. Consider approving a building permit for the construction of a storage building at 2421 H Avenue for Mr. Willie L. Bowser Jr.

Bigham said he doesn't have any comments on this but will answer any questions Council might have. He said Jack Wagner applied for a building permit for an expansion to an accessory building at 2421 H Avenue. There were some difficulties in obtaining that building permit and Mr. Wagner indicated he did not want to be denied and this was concerning a coverage issue dealing with this rear accessory lot. The Friday before last Mr. Bowser came to Bigham's office and told him what was going on. He told him he would go by and look at the property, which he did Friday afternoon. Bigham said in looking at it, Bowser came to his office without an appointment Monday morning and in his review of the situation, he was looking at this as an expansion to a nonconforming use and did not have an opportunity to review this issue with the attorneys at that time. We did have a meeting with legal later and a different opinion was rendered. We were back to dealing with a coverage requirement. Bigham said Shanklin did agenda this item with the issuance of the legal opinion we have now, this is an appealable item through the Board of Adjustment. He said that's where the authority should go on that issue.

Vincent said in reviewing the agenda item, the process in the item title is perfectly fine, but the recommended action is not advertised in the item title and this is a Board of Adjust action and not a Council action. He said it is his recommendation that this item be struck and be referred to the Board of Adjustment.

Shanklin asked what the procedure was for the Board of Adjustment.

Vincent said Bowser would make application to the BOA based on his interpretation being different than the Code Official who issued the denial of the building permit. The BOA would hear the case and based on the criteria set out in the OK Statutes and the Lawton City Code on the operation of the BOA, they have the authority to grant a variance of the items being disagreed on.

Shanklin asked if Vincent could give him a time frame for that to transpire.

Vincent said he honestly can't.

Shanklin asked what would be a normal.

Bigham said they meet on demand with a request. As soon as we get a completed application we'll do a 10 or 15 day notice and we will have the meeting at that time.

Shanklin ask on demand from whom?

Bigham said as soon as we have an application.

Shanklin said we met many a day across the street on the Mayor's Task Force. The reason he wanted 60% of existing lots to be able to put on a roof so these people who live in the central quarter, instead of building a new home, because they had been turned down for lack of 150' on the coverage of the lot. That's 40-45%. He said he asked Bigham where he got that and he told him he just reached right up there and got it. Not 47 1/4, not 44 3/4, but 45% and no deviation. He said that's wrong, it wasn't fair to a great number of people in Old Town North who want to remodel their houses, wanted to stay there, but had to pick up and move out. In the Task Force, Devine made a motion to change it from R-1, R-2, R-3, and R-4 to 60% coverage. This came to the CPC and his motion was we got the 60% under a roof. What happened is Bigham takes the CPC and coaxes them into not allowing the 60% or 55%, but going back to 45%. He made the motion we take the CPC on the condition that would be brought back and everything would be brought up to date because the gentleman who wanted a variance or increase the 30% would get him there. We still wanted the 60%. He said that was never brought back because Bigham has it back exactly where it was before we went over there and spent hour after hour after hour hammering this out and this wasn't the only one he did. He fouled us at every term. He asked Vincent, since he could have chose the Mayor's Task Force, could he bring this to the next Council meeting and we pass it? Not the CPC but the Mayor's Task Force.

Vincent said since this is a revision to the Planning Commission, it has to at least be advertised for public hearing and that would require probably the meeting after next. This matter has been considered by the CPC, it was sent back, according to the minutes of the August 13, 2002 meeting, to the Task Force for reconsideration after the Council passed it and it's never come back out of the Task Force.

Shanklin said we did not get there. He said Bigham should have brought that forward but he did not.

Bigham said the Task Force made a recommendation for the 60% as you said, however, there's two components to the coverage requirements in the Zoning Code. One is dealing with the overall coverage, but then there is also a rear yard coverage for accessory buildings in which the Task Force did not make a recommendation on.

Shanklin said no sir, he read that in the minutes where they didn't do it and you say it they didn't do that so that's confusing and that's the reason he went with the CPC that night, because we didn't make that 20%. Our motion was 60% under roof, any place they wanted it. He said now Vincent tells him you have to have a 15 or 25 foot set back. Mine sets 1 foot from the alley. Where do you get that you have to be 20 or 25 feet back from the alley?

Bigham said that's for a main structure, not an accessory building.

Shanklin said this may be a part of the main structure.

Bigham said it may be, he doesn't know the situation you are dealing with.

Shanklin said the whole point was to go 60%.

Bigham said his only point was there was two components to this. One dealing with the overall coverage and one dealing with the coverage in the back yard. He said you may have made a recommendation on this one but you didn't make a recommendation on the other one. As the information was presented to the CPC, we did provide them with all the coverage requirements of all the major cities within the state, giving them both of those components. They did split the difference and did raise the overall coverage from 30% to 45%, so they dramatically increased the coverage requirements.

Shanklin said you mean you could only do 30%?

Bigham said 30%, yes.

Shanklin said no it was always 40%, you told me you picked that number out.

Bigham said he doesn't recall that.

Shanklin said you did.

Bigham said he doesn't have the information in front of him tonight but they did provide the Planning Commission and the Council a matrix of all the coverage requirements in the State of all the major cities. That's when the Planning Commission came up with an average of between what the Code was and what the committee recommended.

Shanklin said the point is, he should not have taken the CPC, he should have taken the Mayor's Task Force and then let Bigham worry about that 20%. How can it be when the minutes say we were going to put 60% any place they wanted to do it, any place on their lot as long as it had the set back.

Bigham said if the Council would like to provide specific direction to process this back to bring an ordinance back, staff will do so.

Shanklin said he would like to table this until we look at the 60% because that is a viable percentage. No one is going to do it, but they could do it. There are some people who have built 60%, but a lot of people like to build 1,000-1,300 additions, they can't do it, they've got to move out. It simply is not fair just because 30% of a 7500' lot, that's about a 2400' house. He asked Vincent what would be the quickest way to get Mr. Bowser a chance to do what he would like to do with his property.

Vincent said the absolutely quickest way is the Board of Adjustment. The other way is going to require public notices, advertisement in the newspaper, and a public hearing before this body.

Shanklin said he wants to bring this back.

Vincent said you can do that also, in conjunction with.

Shanklin asked Devine if he still supports the 60%.

Devine said 100%.

Shanklin said did we not think we had it?

Devine said yes we did. He said he tried to get him to go with it that night and we decided if we go ahead and just take the CPC, that would get this man his permit right now and we'll take it back. Our Task Force got abandoned because they just got so disgusted every time we would do something over there and by the time it got to Council, it was totally changed from what he had.

Ewing-Holmstrom said she would like to request in the future when this item is brought to Council that it be agendaed properly.

Shanklin asked how she knew it was not agendaed properly?

Ewing-Holmstrom said the City Attorney said it wasn't.

Devine asked Vincent if he said it was not agendaed properly?

Vincent said what he said was the item title says review and discuss the building permit, the recommended action is to give authorization and that's not part of the item title.

Powell said he has been down there and looked at this property. This is a man who is running a business that his father started many many years ago. He has building permits to do what he's doing down there right now and all he wants to do is build a very simple little building about 10 or 12 feet wide on the side of his structure and 22 feet long so the building will be symmetrical. He said on both sides of this property the houses and buildings are a lot closer to the alley than what this structure would be right here.

MOTION by Shanklin, SECOND by Warren, to table this item.

Warren said if you table it, it's going to have to come back incorrect again, so you don't want to that.

Vincent said if he would withdraw his motion, he will suggest one.

Shanklin said he withdraws his motion.

Vincent suggested to strike this item with instruction for staff to bring back a proper ordinance after going through the necessary procedures along with Council guidelines and in the meantime request Mr. Bowser file his application for a variance with the Board of Adjustment.

MOTION by Shanklin, SECOND by Warren, to strike this item and direct staff to bring back a proper ordinance under Council guidelines as submitted by the Task Force. AYE: Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

COUNCIL WENT BACK TO ITEM 24 AT THIS TIME

27. Consider approving and authorizing a credit adjustment to Re/Max Realtors for their utility account at 212 SW 76th Street due to a billing error.

Endicott said we messed up. A serviceman read the meter incorrectly.

MOTION by Warren, SECOND by Ewing-Holmstrom, to approve a credit adjustment to Re/Max Realtors for their utility account at 212 SW 76th Street due to a billing error. AYE: Bass, Hanna, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

*Devine was out of the room when vote on motion was taken.

28. Consider approving and authorizing a credit adjustment to TAO Management, general contractor for the Veterans Center project located at Gore Boulevard and Flower Mound Road, for over billing of utility accounts held in their name while working on this project.

Endicott said when the VA Center was built, they weren't under the same guidelines we normally go through as far as inspections, etc. and as a result, they have tapped into their main water line that the building line is also attached to. The problem is their sprinkler system follows their building water system, therefore, they are currently being billed twice. We want to encourage them to set up their sprinkler system off of the fire loop, however, after going out and checking the system, our folks tell us that's not the case. We do need to work with them and get them to change this, otherwise, we are going to continue to have billing issues with that center. They have been double billed and we are requesting Council approve an adjustment for \$6,465.02.

MOTION by Bass, SECOND by Haywood, to approve and authorize a credit adjustment to TAO Management, general contractor for the Veterans Center project located at Gore Boulevard and Flower Mound Road, for over billing of utility accounts held in their name while working on this project in the amount of \$6,465.02. AYE: Hanna, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED.

*Devine was out of the room when vote on motion was taken.

29. Consider approving and authorizing a reimbursement to Southwestern Bell Telephone Company and a credit adjustment to their utility account for their business located at 1702 West Gore Boulevard due to an undetected underground leak discovered at this location.

Endicott said he believes this situation is both our fault and the customer's fault. The customer had a tremendous leak and we were aware of it the first month, however the customer paid the bill and we didn't inform them they may have a problem with their bill, however, the second month we did. He said his Supervisor Mark Moore did go out with them and inspect all around and finally found a tremendous leak outside. We are requesting an adjustment for the leak to reimburse them, by check, for \$9,497.32 and we actually adjust off their account \$17,071.95.

MOTION by Ewing-Holmstrom, SECOND by Shanklin, to approve and authorize a reimbursement to Southwestern Bell Telephone Company and a credit adjustment to their utility account for their business located at 1702 West Gore Boulevard due to an undetected underground leak discovered at this location. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Hanna. ABSTAIN: Devine. NAY: None. MOTION CARRIED.

30. Consider accepting four (4) Permanent Easements donated to the City by the property owners listed below which are needed for the Cache Road Waterline Project (NW 82nd Street to NW 97th Street), authorize the Mayor and City Clerk to execute the easements, and authorize the Mayor to send the property owners a letter thanking them for the easements.

Vincent said James and Maureen Brandt live out of state and have indicated to Mr. Ernest Godlove that they have signed it and sent it back by Fed Ex or overnight mail. We haven't received it yet, therefore, we recommend Council approve and accept the Easements from Days Spring Community Church, Quail Ridge Inc., and Bigalou Int. and contingently approve the Easement signed by James and Maureen Brandt if it comes back in the form we submitted it to them in.

MOTION by Devine, SECOND by Hanna, to approve and accept the Easements from Dayspring Community Church, Quail Ridge Inc., and Bigalou Int. and contingently approve the Easement signed by James and Maureen Brandt if it comes back in the form we submitted it to them in. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

31. Consider approving the construction plans and specifications for the offsite water line and street improvements to serve Dayspring Community Church located at approximately 8612 NW Cache Road.

Bigham said this is approval for construction plans for a water line associated with the Dayspring Church on west Cache Road. This has gone through the review process and staff recommends approval of these plans, subject to the Oklahoma Department of Environment Quality. This is also related to the previous item relating to obtaining those easements. He said so subject to DEQ approval and the acceptance of those 4 Easements in final form on item #30.

MOTION by Patton, SECOND by Haywood, to approve the construction plans and specifications for the offsite water line and street improvements to serve Dayspring Community Church located at approximately 8612 NW Cache Road, subject to DEQ approval and the acceptance of the 4 Easements, Dayspring Community Church, Quail Ridge Inc., and Bigalou Int. and James and Maureen Brandt, in final form. AYE: Shanklin, Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

32. Consider hiring an appraiser or an appraisal company to review the appraisals done by Wigington Appraisal on the Kiowa-Comanche-Apache land located in the NW/4 of Section 21, Township 2 North, Range 12 West and the N/2 of the NW/4 of Section 28, Township 2 North, Ranger 12 West, associated with the Flower Mound Road NE Gore to Rogers Lane Project, and authorize the Mayor and City Clerk to sign the necessary agreement or contract.

Vincent said there is a mistake in the agenda. Where it says NW/4 Section on both lines, it should be NE/4 Section. This is on the Flower Mound Road Project. We have contacted several appraisers and the Bureau of Indian Affairs received the appraisals submitted by our appraiser Dan Wigington and they want a confirmation appraisal. We have contacted several appraisers and an appraisal company and a former City of Lawton resident, Mr. Steve Greer. Mr. Greer indicated he could do it with the least expense and the fastest for us to meet the BIA guidelines. He said staff recommends hiring Mr. Steve Greer and authorize the Mayor and City Clerk to execute the contract.

MOTION by Devine, SECOND by Haywood, to approve hiring Mr. Steve Greer to review the appraisals done by Wigington Appraisal on the Kiowa-Comanche-Apache land located in the NW/4 of Section 21, Township 2 North, Range 12 West and the N/2 of the NW/4 of Section 28, Township 2 North, Ranger 12 West, associated with the Flower Mound Road NE Gore to Rogers Lane Project, and authorize the Mayor and City Clerk to sign the necessary agreement or contract. AYE: Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Col. Herring thanked the community for all their support of our redeploying soldiers. Every unit from 3 Corps. Artillery has now returned back to Ft. Sill, with the exception of the 3 Corps. Artillery Headquarters, which is about 100 soldiers, along with General Formica who remains deployed. He said they appreciate everyone's continued support of them. Thanks to everyone in the community who helped support our redeploying soldiers. He said the Chief of Staff of the Army is going to be visiting Ft. Sill in late April. He will be the guest speaker at a banquet on the evening of the 28th and we are looking forward and preparing for his visit.

Haywood thanked all the neighborhood associations having their meetings. He especially thanked Mrs. Rosie Reed from Lawton View and all the work she is doing. He said they have changed the Lawton View By-Laws. You must live in Lawton View to hold office. He thanked that committee as well.

Warren said he wanted to hand out some kudos to Darrel Paulk and Michael Porter and their Department. We heard some bad things about city employees, not necessarily in Lawton, but in the country. It's nice to know we can get a write-up that really makes Lawton shine and makes us look progressive. It's a real good article in the American Surveyor.

Shanklin said we need to ask Ron Kirby to attend our next Budget Session and show us how we can move a little funds here, a little over here, and right there and we've got it covered. After the vote on the unionization of certain employees, so Mr. Kirby does have that expertise and we would be amiss if we don't call on him. He said there have been several articles in the paper by a former Council member who served 4 terms, eight years, Mr. Melvin Frederickson. He's against our CIP and against anything we want to do. Shanklin said he is disappointed Frederickson is allowed to be in the Lawton Constitution Editorial Page because he abused his public trust and was made to resign from a committee. He said he is disappointed that somebody could be poisoned by this line of thought. The Mayor is no more interested in buying or taking over Central Jr. High than any of the rest of us, but the \$3 million we did set aside was in case we did get the funding from the historical level and McMahan Foundation. McMahan Foundation is interested in it and they are interested in our history. Shanklin just wanted to say to Frederickson he hopes to blunt his criticism which is not correct and he knows it's not. He said he didn't nickname him Mr. Cheese Man or Velveeta, but it was down at the City Barn when he would back up down there with a pickup load of cheese, commodity cheese that these people weren't entitled to have. He said he was mad about it because he shouldn't be allowed to use our public paper when they are the ones who said he abused his public trust.

Ewing-Holmstrom said she wanted to draw Council's attention to a handout put in front of them. She said two weeks ago she was in Washington D.C. on behalf of the City of Lawton in the official capacity as Mayor Pro Tem and attended about four different briefings involving the BRAC Committee. She said the information she passed out was from a Lawtonian, someone born right here, Mr. Stanley Shelton, with the Dept. of the Army. Attached to that is the program he briefed us on. It's very good information and good to have. It was a worthwhile trip and she thinks in the future Council might want to consider sending more delegates to these BRAC trips because Ft. Sill is so vital to Oklahoma and it shows, on behalf of our city, that Lawton would be another small town if it wasn't for Ft. Sill. She said this Friday is an OML Tribal Workshop and asked if anybody is going.

Devine said he would like to but he can't, it's his anniversary.

Hanna thanked the Fire Association for their kudos and awards tonight. He said he wanted to reiterate what Shanklin said about Central Jr. High. If the City goes forward and takes over the old Central Jr. High, you will find it will open up the center of this town. By bringing the Chamber of Commerce and other entities in the same building, it will be like a one stop shop. He believes it will really open up the downtown area for more business and more people wanting to come on board. It is something that southwest Oklahoma could really be proud of, having something like this in our area. It will make us the premier city in southwest Oklahoma. By doing this it will bring in more business all around.

Mitchell wanted to officially thank AEP for donating the 175 pound fiberglass buffalo. We are the proud owners of the Spirit of the Buffalo emblem and we plan to have a contest to see what kind of artist conception we can get for painting our buffalo, mounting it, and then placing it somewhere in our downtown. He said you may have noticed in the last couple newspapers had a couple of these buffalos pictured. One was a psychedelic rhinestone type of look and the one in the Daily Oklahoman this morning was at the Medical Research Center and they were putting the dna molecular structure on theirs. These things are very popular around the country. He mentioned Senate Bill 1529 and OML is scheduling a meeting next Wednesday, April 21st for those 12 cities that will be affected by this. He said if any of the Council members would like to go to please let him know. We are planning to send 3 or 4 people to that meeting. He said Senate Bill 1558, which is affectionately referred to as "The Ballot Bill" was defeated in a similar fashion by two votes last week and on a reconsidered vote yesterday, passed on a 52-47 vote which means if the Governor signs the Bill then we will have to negotiate the language of any ballot question if we should choose to call an election on either Fire or Police contracts. Mitchell said the good news is the Officer's Bill of Rights legislation failed to get out of committee, so we won one out of three.

Powell thanked the fire fighters for what they did this evening, which they didn't have to do, but he certainly does

appreciate it very much and he thanked them for what they do for every citizen in the Lawton-Ft. Sill community. He said we still have soldiers over there, one of them being General Formica. He said about a month ago he emailed Formica thanking him for what he and the soldiers are doing over there and the next day he told his Commanders and he (Powell) received emails from every one of those Commanders over there with General Formica. This all happened within 24 hours. Powell said one last thing is to tell the people out there who read that garbage in the paper, that following the nasty letter to the editor about Pappy's Corner, and having to have a dumpster out there. After asking Endicott he was told he does not have to have a dumpster, regardless of what the paper said. That was piggy backing on some of these recent negative adds in the local paper.

MOTION by Hanna, SECOND by Haywood to adjourn into executive session. AYE: Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

Council adjourned into executive session at 8:03 p.m.

Council reconvened from executive session at 9:18 p.m. with a motion, second, and roll call with all present. EXECUTIVE SESSION ITEMS:

33. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss possible settlement of the pending Workers Compensation case of Darrell Southerland, and if necessary, take appropriate action in open session.

Vincent read the title of Item 33 as shown above. He said Council convened in executive session and after discussion staff requests a motion to authorize a joint petition settlement with payment not to exceed \$100 and raise our subrogation rights in the corresponding tort claim action he's filed.

MOTION by Warren, SECOND by Hanna, to authorize a joint petition settlement in the Workers Compensation case of Darrell Southerland with payment not to exceed \$100 and raise our subrogation rights in the corresponding tort claim action he's filed. AYE: Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

34. Pursuant to Section 307B(4) Oklahoma Statutes, consider convening in executive session to discuss Case No. CJ-2004-292, Beneficial Oklahoma, Inc. vs. Ricky S. Robson, Terri M. Robson, and Terri M. Fudge, and if necessary, take appropriate action in open session.

Vincent read the title of Item 34 as shown above. He said Council convened in executive session and after discussion staff requests authorization to intervene into the action.

MOTION by Warren, SECOND by Hanna, to authorize the City Attorney to intervene into the action of Case No. CJ-2004-292, Beneficial Oklahoma, Inc. vs. Ricky S. Robson, Terri M. Robson, and Terri M. Fudge. AYE: Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

35. Pursuant to Section 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the acquisition of real property, and if necessary, take appropriate action in open session.

Vincent read the title of Item 35 as shown above. He said Council convened in executive session and after discussion no action is required.

36. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of Larry Mitchell, City Manager, and take action in open session if necessary.

Powell read the title of Item 36 as shown above. He said Council convened in executive session and after discussion no action is required.

There being no further business to consider, the meeting adjourned at 9:20 p.m. upon motion, second and roll call vote.