

Meeting of 2004-9-23 REGULAR MEETING

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
NOVEMBER 23, 2004
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Greg Buckley, Assistant City Manager
 John Vincent, City Attorney
 Karen Mull, Acting City Clerk
 Col. G. Keith Herring, Fort Sill Liaison

Mayor Purcell called the meeting to order at 6:10 p.m. Pastor Wayne Schoonover of Liberty Heights Chapel gave the invocation, which was 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: Rex Givens, Ward Two
 Glenn Devine, Ward Three
 Amy Ewing-Holmstrom, Ward Four
 Jeffrey Patton, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: Bill Shoemate, Ward One
 Robert Shanklin, Ward Five

PRESENTATION OF EMPLOYEE OF THE MONTH TO SHERRI POOLAW, PUBLIC WORKS SCHEDULER IN THE SEWER CONSTRUCTION DIVISION.

Jerry Ihler, Public Works Director, introduced Sherri Poolaw, Scheduler for the Sewer Construction Division. Ihler said Poolaw also does perform many secretarial and accounting duties. Poolaw began working for the City of Lawton in April 1991 and she has always been willing to take on additional tasks. Her fellow employees nominated her for the honor.

Purcell welcomed Poolaw and presented the following to her: Certificate of Honor, script money, certificate for days off, plaque, and a Mayor's Do What's Right Coin.

Poolaw said the people she worked with were like her family and they all care about each other.

Purcell thanked the three applicants from Ward 1 that attended the night before and encouraged anyone who wanted to run for Council to do so. He said there are also many vacancies on boards and commissions and information on those can be found on the City's web site or in the City Clerk's Office.

AUDIENCE PARTICIPATION:

Billie Whipp, Arts and Humanities Division Administrator, invited everyone to the School of the Arts Reception and Art Show to be held at McMahon Auditorium on November 30 from 5:30 to 7 p.m. This program provides an art experience in grades 3-5 and 6-8 and is primarily for those unable to participate in after school programs. Classes are held at the Carnegie Library Town Hall on Saturday mornings from 9:00 to 12:00 a.m. and are taught by certified, experienced art teachers. The reception will include a special dedication of, "A Little Orchestra on the Prairie", which will become part of the City's art collection.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF NOVEMBER 9, 2004.

MOTION by Warren, SECOND by Patton, to approve the minutes of Lawton City Council Regular Meeting of November 9, 2004. AYE: Givens, Devine, Ewing-Holmstrom, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.
CONSENT AGENDA: Separate consideration was requested for Items #2, 4 & 9.

MOTION by Givens, SECOND by Devine, to approve the Consent Agenda with the exception of Items 2, 4 & 9. AYE: Devine, Ewing-Holmstrom, Patton, Haywood, Warren, Givens. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: SBC Communications, Inc., American Express, John & Sandra Cochrane, and Kenneth & Deana Michael. Exhibits: Legal Opinions/Recommendations. Action: Denial of claims.

2. Consider the following damage claim recommended for approval and consider passage of the resolution authorizing the City Attorney to file a friendly suit for this claim which is over \$400.00: Korean Presbyterian Church of Lawton. Exhibits: Legal Opinion/Recommendation; Resolution No. 04-____.

Vincent said this involved a water main break at the church at 920 NW 38th Street. The claim was in the amount of \$9,659.96 and staff recommended approval.

MOTION by Givens, SECOND by Ewing-Holmstrom, to adopt Resolution 04-146 and approve the damage claim recommended for approval and authorize the City Attorney to file a friendly suit for this claim which is over \$400.00. AYE: Ewing-Holmstrom, Patton, Haywood, Warren, Givens, Devine. NAY: None. MOTION CARRIED.

3. Consider accepting a permanent utility easement for a sewer line that was relocated on the property commonly known as Gene Burk s Auto Glass, described as part of Block 1 of Tropes Five Acre Blocks, and authorize the Mayor and City Clerk to sign the easement. Exhibits: Permanent easement is on file in the City Clerk s office. Action: Accept easement as recommended.

4. Consider approving the November 22, 2004 sale of a tract of surplus property described as Lot 6 of Block 1 of Florida Addition to the highest and best bidder, and authorize the Mayor and City Clerk to execute the Quit Claim Deed. Exhibits: Notice of public auction and a sample Quit Claim Deed are on file in the City Clerk s office.

Vincent said a public auction was held to sell the described tract of land. Council had set a minimum bid of \$700.00 and the person requesting the item be declared surplus was the only person to bid on the property. Recommended action was to approve the sale to Clint Phipps for his bid price of \$700.00.

MOTION by Devine, SECOND by Patton, to approve the November 22, 2004 sale of a tract of surplus property described as Lot 6 of Block 1 of Florida Addition to the highest and best bidder, Clint Phipps, for \$700.00, and authorize the Mayor and City Clerk to execute the Quit Claim Deed. AYE: Patton, Haywood, Warren, Givens, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

5. Consider approval of an endorsement to the City of Lawton group health plan administrative services agreement between the City of Lawton and Blue Cross and Blue Shield of Oklahoma and authorizing the City Clerk and Mayor to sign the endorsement. Exhibits: Endorsement to Administrative Services Agreement. Action: Approve endorsement, which relates to preventive eye exams.

6. Consider approving Change Order No. 1 for the Lake Helen Access Road Construction Project #2002-6 with Bruton Construction Co., Inc. Exhibits: None. Action: Approve Change Order No. 1 for \$3,600 to construct 300 LF of 4 under drainpipe and \$4,822.36 to remove and dispose of 40 truckloads of rock.

7. Consider approving plans and specifications for the 2005 Waterline Replacement Project #2004-3 and authorizing staff to advertise for bids. Exhibits: Location map; 2005 CIP Project List. Action: Approve

8. Consider approving the record plat for Silver Creek Patio Homes Addition and accepting the improvements maintenance bonds, and escrow in lieu of completed improvements. Exhibits: Plat Map; Maintenance Bonds and Escrow Agreement are on file in City Clerk s office. Action: Approve.

9. Consider paying artist fees for the Spirit of the Buffalo project, and approve contract with Oliver J. Poemocheah to paint the fiberglass buffalo to complete the project. Exhibits: Contract on file in the City Clerk s office.

Ewing-Holmstrom asked who would have final approval of the artwork and what was going to be painted on the buffalo. Whipp said the project was initiated from the City Manager's Office and AEP/PSO donated the fiberglass buffalo to the City of Lawton and the Lawton Arts and Humanities Council. A packet was sent out soliciting artists to include what their purpose was and what they were going to draw. The committee selected the artist and his references were checked. That artist was approved and he submitted the work he would do on the buffalo. The final project has to be approved by the committee. She said the theme is "Through the Eyes of the Buffalo".

Ewing-Holmstrom asked if the proposed location was known and if it would be in public view in a prominent location. Whipp said an exact location had not been determined but it would be placed outside and areas such as the airport, museum or Elmer Thomas Park had been discussed. Ewing-Holmstrom asked if this would be a continual project. Whipp said they decided they would continue doing that and not just with buffaloes, but all types of wildlife. Ewing-Holmstrom said she thought buffalo was a good idea and thought it would be a good idea to even

sell little replicas, which would make great gifts for people who come to Southwest Oklahoma.

MOTION by Ewing-Holmstrom, SECOND by Warren, to approve paying artist fees for the Spirit of the Buffalo project, and approve contract with Oliver J. Poemocheah to paint the fiberglass buffalo to complete the project. AYE: Patton, Haywood, Warren, Givens, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

10. Consider approving the following contract extensions: Hydrogen Peroxide (CL04-025) with Brenntag Southwest; Pest Control Services (CL04-028) with Advanced Pest and Termite. Exhibits: None. (Contracts, information from previous bid award, and letters of staff recommendations on file in Financial Services Office). Action: Approved.

11. Consider awarding contract for Automatic Transmission Repair (CL05-016) to K-Co Inc. dba Mr. Transmission. Exhibits: Department recommendation and Abstract of Bids. Action: Approved.

12. Consider approving appointments to boards and commissions as shown on the exhibit to this item. Exhibits: Memo. Parks & Recreation Commission: Linda Devine, Term: 11/23/04 to 1/1/06. Lawton Arts & Humanities Council: Cynthia Usher, Term: 11/23/04 to 6/30/07 filling unexpired term.

13. Consider approval of payroll for the period of October 11, 2004 through October 24, 2004.

BUSINESS ITEMS:

14. Consider accepting donation of funds donated by Wal-Mart West, 6301 NW Quannah Road for the Lawton Police Department Gang Task Force. Exhibits: \$1,000 check for the use by the Gang Task Force in educational programs and enforcement.

Thorne said Wal-Mart offered to donate funds for special police projects with the need being in the area of gang enforcement and identification. He said Wal-Mart has been very gracious in donating these funds.

MOTION by Patton, SECOND by Warren, to accept donation of funds donated by Wal-Mart West, 6301 NW Quannah Road for the Lawton Police Department Gang Task Force. AYE: Devine, Patton, Haywood, Warren, Givens. NAY: Ewing-Holmstrom. MOTION CARRIED.

15. Consider accepting donation of funds donated by Sam's Club, 802 N. Sheridan Road for \$1,000.00 for the Lawton Police Department Gang Task Force. Exhibits: A check in the amount of \$2,000.00, in which \$1,000.00 will be used for the Lawton Police Department's Gang Task Force for education and enforcement. The other \$1,000.00 will be donated to the Fraternal Order of Police for the Shop with a Cop Program. A letter from Sam's Club indicating their intent was for the \$2,000.00 to be split between Lawton Police Department and Fraternal Order of Police.

Thorne said they were approached by Sam's Corporation under the Safe Neighborhoods Grant and they've also made contact with the Fraternal Order of Police and want to donate \$1,000.00 to the Shop with a Cop Program. He said this a program where the FOP takes underprivileged youth from the community shopping for Christmas. There was a single check for \$2,000.00, which should be split between the Lawton Police Department and the Fraternal Order of Police.

MOTION by Devine, SECOND by Patton, to accept donation of funds donated by Sam's Club as recommended. AYE: Patton, Haywood, Warren, Givens, Devine. NAY: Ewing-Holmstrom. MOTION CARRIED.

16. Acknowledge donation in the amount of \$5,000 made by AEP/PSO to the Lawton Area Air Quality Program. Exhibits: Letter from AEP/PSO dated October 22, 2004.

Deborah Jones introduced John Romano from AEP/PSO. Jones said AEP/PSO has been a partner in the Air Quality Program since the committee was originally formed four years ago. She said they have been actively assisting with the outreach and educational projects. Romano said they have been very impressed with what the City of Lawton is doing with public outreach and education and they wanted to help the citizens to breathe cleaner air. Purcell thanked AEP/PSO and the staff in the Planning Department.

MOTION by Patton, SECOND by Haywood, to accept donation in the amount of \$5,000 made by AEP/PSO to the Lawton Area Air Quality Program. AYE: Patton, Haywood, Warren, Givens, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

17. Consider approving and accepting a one-time donation from Barry Ezerski, Inc. for the benefit of improvements and maintenance for Eastside Park. Exhibits: Copy of donation check.

Buckley said this was a result of Givens' agenda item and the realtors wanting to help keep Lawton beautiful. Ezerski has talked with Kim Shahan, Parks and Recreation Director, about the donation of \$1,000.00 for benefiting

the East Side Park.

MOTION by Ewing-Holmstrom, SECOND BY Haywood, to approve and accept a one-time donation from Barry Ezerski, Inc. for the benefit of improvements and maintenance for Eastside Park. AYE: Patton, Haywood, Warren, Devine, Ewing-Holmstrom. NAY: Givens. MOTION CARRIED.

18. Consider approving an ordinance pertaining to Residential Solid Waste Collection amending section 22-1-4-141, Article 22-1 and Section 22-4-1-403, Article 22-4, Lawton City Code, 1995, by increasing the maximum amount of household refuse for side yard or curbside pick up from sixty (60) to seventy (70) gallons and by limiting the capacity of residential refuse containers to thirty-five (35) gallons, respectively; providing for severability; and declaring an emergency. Exhibits: Ordinance No. 04-____; Memorandum from Employee Safety Committee; Memorandum from Safety & Risk Officer.

Jeff Welch, Safety and Risk Officer, said this is on the agenda out of concern for the safety of Solid Waste Collection crews, who do such a good job that sometimes they're taken for granted. He said many citizens may not consider that it's human beings doing the heavy lifting and it can be a very tough job. Welch said last year Ray Quiroga, the Solid Waste Division safety representative, brought to the attention of the General Employee Safety Committee the trend where more and more homes are getting over-sized containers. Welch said as this trend continues, the Safety Committee is concerned there is an increasing risk to the employees.

Welch said the current ordinance specifies a minimum refuse container size but not a maximum size, and, as a result, they made these recommendations to the City Manager. There is a 75-pound weight restriction to the total container. Residents will likely overload the larger containers and exceed that 75 pound limit. He introduced David Baggett and Casey Caddell from Solid Waste to the Council.

Ewing-Holmstrom said today was trash day on the East side of town and there were a lot of big trashcans. She asked the formula would be for informing the public about the limitation, how it will to be enforced, and what the crews will do when they find a container exceeding 75 pounds.

Welch said crews are supposed to tag them if they weigh more than 75 pounds and assumed it would be a similar procedure. Ewing-Holmstrom asked if there was a fine if it continues. John Thomas, Solid Waste Division, said right now, they actually pick it up and that's what they're required to do. Thomas said it's a safety issue, they're not trying to tell the residents not to put their trash out. He said there are only 2 employees on the truck. A lot of residents think that if they can get it out to the curb then the employees should be able to put it in the truck and what they don't understand is there's a big difference in rolling and lifting about 3 feet.

Ewing-Holmstrom asked what the plan would be to inform people of this. She said it's very smart to be concerned about safety but she also worries about getting phone calls that their trash isn't getting picked up.

Jerry Ihler, Public Works, said they plan to use the media and as they come across those containers that are too large, they'll put a tag on it to indicate that they can't pick it up. Ewing-Holmstrom asked if they could use the back of the utility bill to also promote this. Ihler said they could.

MOTION by Ewing-Holmstrom, SECOND by Givens, to approve Ordinance 04-45 pertaining to Residential Solid Waste Collection amending section 22-1-4-141, Article 22-1 and Section 22-4-1-403, Article 22-4, Lawton City Code, 1995, by increasing the maximum amount of household refuse for side yard or curbside pick up from sixty (60) to seventy (70) gallons and by limiting the capacity of residential refuse containers to thirty-five (35) gallons, respectively; providing for severability.

Ewing-Holmstrom asked when this would go into effect. Purcell said it is an emergency ordinance.

Ordinance No. 04-45

Title Only:

An ordinance pertaining to Residential Solid Waste Collection amending Section 22-1-4-141, article 22-1 and Section 22-4-1-403, Article 22-4, Lawton City Code, 1995, by increasing the maximum amount of household refuse for side yard or curbside pickup from sixty (60) to seventy (70) gallons and by limiting the capacity of residential refuse containers to thirty-five (35) gallons, respectively; and providing for severability and declaring an emergency.

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

Purcell said since this item didn't receive six affirmative votes, it would not be declared an emergency and will not go into effect for 30 days.

19. Consider an ordinance amending Section 15-1-101, Article 15-1, Chapter 15, Lawton City Code, 1995, by deleting, adding and/or changing the definitions for junk vehicle and antique or classic vehicles and renumbering;

amending Section 15-5-502, Article 15-5, Chapter 15, Lawton City Code, 1995, by changing the name, providing junk vehicles are prohibited within the City of Lawton unless located totally within a building or in connection with a business located within a properly zoned area, declaring the existence of junk vehicles a public nuisance, establishing a time limit for junk vehicles to be located on private or public property and deleting the section establishing a reputable presumption; amending Section 15-5-503, Article 15-5, Chapter 15, Lawton City Code, 1995, by clarifying the prohibition of parking or storage of vehicles in residentially zoned districts or lots occupied by a dwelling unit and clarifying the specific exceptions and requiring storage or parking in front and side yard areas; and repealing Section 15-5-505 Article 15-5, Chapter 15, Lawton City Code, 1995, reserving the number. Exhibits: Ordinance No. 04-_____.

Vincent said an issue came up in Municipal Court concerning junk vehicles and parking in front yards, and it was determined there were some ambiguities with the Code. The Legal staff developed this new ordinance and has received comments concerning specific issues that were dealt with. He said, for example, they put in the ordinance concrete and asphalt and some people had some questions about brick so they are going to have to re-look at it. The area for limitation where these vehicles are parked was another issue raised. He requested additional guidance from Council members. He asked that this item be postponed until the 2nd meeting in December or the 1st meeting in January.

Purcell asked Council what they would like to do since there were concerns. Givens said Shanklin had a concern about the 50% allowance in the front yard. He said he thought that was a little large. Vincent said it wasn't mentioned to him but they will look at the 50% coverage. Purcell said someone needs to contact Shanklin about that.

Givens said he was a little concerned about the way the proposed ordinance can be read. He asked if any number of junk vehicles can be stored in the back yard. Vincent said that is currently the code, as long as it's properly screened. He said when a yard is not visible to public view, the Code Enforcement Department cannot enforce the back yard without a search warrant.

Devine asked if it's got a 6-foot fence, can they look over it? Vincent said no. Givens said he thinks it's odd that Council would allow anyone to pile up junk vehicles. Vincent said they're going to look at that part.

Ewing-Holmstrom said on 45th and Gore, there is a junk car and a fence but you can still see the car when driving up the hill. She said Randy Bass, former Councilman Ward 1, brought some pictures to Council a couple of weeks ago where a gentlemen had been told he couldn't park his motor home in the front yard on the grass. He hired somebody to pour asphalt, which took out a good portion of his yard and he has a big motor home sitting in the front yard. She asked if that would be allowed. Vincent said motor homes are allowed now on hard surface areas. He said one of the ways they're going to control that is through drive-way access. They also can't extent onto the public right-of-way.

Warren said one of the concerns with the junk vehicles in the back yard is the issue of vermin. Vincent said they've faced that before and were able to handle it as a separate issue.

Devine asked if they were going to open this as public hearing and Purcell said no but one person wanted to speak. Mary Roberts, 836 NW 34th Street, came before Council to represent her 91-year-old mother, the property owner. She said she is opposed to any amendment that would dictate where a person parks in their yard, as long as the person parks on rock. Not every one can afford to widen their drive with cement. She said parking on the street poses a traffic hazard as well as raises the risk of the cars being vandalized. Roberts said home owners pay property tax and should have certain rights.

Ewing-Holmstrom said this goes hand in hand with cleaning up Lawton. Purcell said he got a phone call from a lady that was upset because her neighbors put gravel on their entire front yard and the gravel runs into the street, but her big concern is, there are cars backed all the way down the street and she can't see to back out of her drive way. Ewing-Holmstrom said this also goes to neighborhood association rules, they have addressing this for some time because they have their own codes that they follow and try to enforce.

Purcell said they've also gotten calls about people parked in their driveway and the vehicle extends past the driveway. Vincent requested Item 19 be struck.

MOTION by Givens, SECOND by Ewing-Holmstrom, to strike this item. AYE: Patton, Haywood, Warren, Givens, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

20. Consider the purchase of a DM800 Mailing System to comply with the up-coming new U.S. Postal Regulations and to fund this out of Council Contingency. Exhibits: Memo to the City Manager date October 29, 2004; Pitney Bowes Proposal Sheets; Sales Rep. Invoice showing payment of maintenance agreement; samples; memo to City Manager requesting Sole Source; memo to Finance Director; March 2004 letter from the US Postal Service; copy of State Statute 90.1, Postage meter machine required; Status of Council Contingency Funds dated November 16,

2004.

Purcell said a gentleman is present to address this issue. Warren said his main concern was, he did not understand the need for the fast action. He said this has to be done by January 1, 2006 and there may be a cheaper way to do it so maybe they should wait and see what their options are.

Kevin Grear, Pitney Bowes, said this is an opportunity to save some postage dollars but it could be put off to a later date. The 2006 date is required to comply with up-coming postal regulations. Grear said he identified an ability to save \$1.75 for each of the certified pieces, which would save approximately \$280 per month. It would give the ability to confirm directly over the Internet that they were delivered. This would also allow the City to get the machine at a lower rate because of the incentives to encourage customers to make the change now.

Warren said he understands they have the opportunity if they want to save on certified mail but they could also do that through the postal service, if they chose to do. He said they should just look at it for a little longer to see what needs to be done to save money.

MOTION by Warren, SECOND by Devine, to postpone the purchase of a DM800 Mailing System. AYE: Patton, Haywood, Warren, Givens, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

21. Consider approving a lease with the Kiowa-Comanche-Apache Intertribal Land Use Committee for the property the City of Lawton needs for the right-of-way along NE Flower Mound Road, South of Cache Road, authorize payment and authorize the Mayor and City Clerk to execute the lease and authorize payment in full at this time. Exhibits: The lease is on file in the City Clerk's office.

Vincent said the Committee has been in negotiations with the KCA concerning the property. There will still be a part north of Cache Road that will have to be discussed with them. He said they worked out a lease arrangement where they will lease the property for 50 years at the rate of \$500 per year. They would get the right-of-way that is needed on the west side of Flower Mound Road, south of Cache Road. The KCA met yesterday in an emergency meeting and approved the revised document as requested by the BIA. They wanted initial payment up front of \$500 and after everything is approved, a \$24,500 check. This is the best way the City can handle it to reduce the bookwork. Darrell Atkinson, City Attorney's Office, said if this approved, he would walk the check through and take two checks to the BIA.

MOTION by Devine, SECOND by Ewing-Holmstrom, to approve a lease with the Kiowa-Comanche-Apache Intertribal Land Use Committee for the property the City of Lawton needs for the right-of-way along NE Flower Mound Road, South of Cache Road, authorize payment and authorize the Mayor and City Clerk to execute the lease and authorize payment in full at this time. AYE: Haywood, Warren, Givens, Devine, Ewing-Holmstrom, Patton. NAY: None. MOTION CARRIED.

22. Discuss the status of and Council take appropriate action on the dump site located on East Gore Blvd. and NE 15th Street. Exhibits: Copies of permit applications and conditions.

This item was struck.

REPORTS:

Devine said sometimes they take it for granted receiving money from businesses. They're receiving a lot of donations for the City of Lawton. He said he's really excited to see people reach out and try to help and he gave them special thanks.

Ewing-Holmstrom said she wanted to compliment all the people behind the success of the parade that happened Saturday night. She also thanked the soldiers at Fort Sill for hanging the lights. She announced that the MacArthur High School football team will compete in the State play-offs in Oklahoma City on 50th Street.

Haywood said he would like to echo what Devine said and he thinks it's wonderful that people want to help out. He also thanked Tim Hushbeck from AEP/PSO and he's always been a great help. He said every time a company comes to this town he asks them what they are going to do for this community. He said he thinks if someone operates a business, you need to help out in the community. Ewing-Holmstrom said she has noticed there are only about 4 grocery stores in Lawton now. She said she was concerned that our shopping choices have been very limited. Ewing-Holmstrom also reminded everyone "Santa Shops Lawton" has begun and they've listed all the businesses that are involved and it's on the Channel 7 website and Lawton Constitution web site and newspaper. Devine asked who's in charge of that and Purcell said he thought it was the Chamber of Commerce. He said those are supposed to be given out without having to ask for them. Purcell said he would call the Chamber. Ewing-Holmstrom said they should put a list of names of businesses on the City of Lawton's website.

Purcell said lots of people have been calling wondering about the status of the Impact Fees for Water and Sewer Committee. He said he would call Shanklin Monday and see when he is going to set up a meeting. Purcell said

they have a big package about the Waurika water and that's too much to do at a Council meeting and that's a long drawn out item. He said they need to have a special meeting to go over it. The Council decided to have a Special meeting on Monday, December 6, 2004. He mentioned that they're having problems getting people to be on boards and commissions. He said he has the names of five people to serve on the Lakes and Land Commission. Devine said he would like to be on it. Haywood said he might have someone in his community.

Purcell said he received an email that with interesting concept. The email referred to saving tax money and increasing the welfare of our children. It suggested having children walk to school. Ewing-Holmstrom said that was a good idea and she said it would be a good idea for parents not to drive their kids to school because of the traffic jams and that's what's killing our environment. Patton said things are a lot different than from when they grew up and he wouldn't let his little girl walk to school.

Purcell asked Vincent to provide written information to the Mayor and the City Council concerning the open meeting act, specifically considering those things that are authorized and not authorized. On their next meeting, they will have an orientation, just as a reminder, and they'll do that once a year.

BUSINESS ITEMS: EXECUTIVE SESSION

23. Pursuant to Section 307B.4 Title 25, Oklahoma Statutes, consider convening in executive session to discuss potential litigation regarding the Oklahoma Municipal Employee Collective Bargaining Act, Senate Bill 1529, and take appropriate action in open session. Exhibits: None.

24. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the continued employment of Kathy E. Fanning as City Clerk, and in open session consider approving an employment agreement with Kathy E. Fanning as City Clerk and authorize the Mayor and Deputy City Clerk to execute the Agreement. Exhibits: Employment Agreement Summary; Agreement on file in City Clerk s Office.

The Mayor and Council convened in executive session at approximately 7:35 p.m. and reconvened in regular, open session at approximately 8:30 p.m.

The following action was taken with regard to Item 23:

MOTION by Warren, SECOND by Patton, to begin litigation regarding the Oklahoma Municipal Employee Collective Bargaining Act, Senate Bill 1529, and take appropriate action in open session. AYE: Warren, Givens, Ewing-Holmstrom-Patton. NAY: None. ABSTAIN: Haywood, Devine. MOTION CARRIED.

No action was taken at this time with regard to Item 24.

There being no further business to consider, the meeting adjourned at 8:35 p.m. upon motion, second and roll call vote.