

Commission on Thursday of this week. This issue will come to the City Council on February 13th.

MOVED by Jackson, SECOND by Drewry, to pay the claim of Thomas & Delia Adams in the amount of \$150. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Haywood. NAY: Patton. MOTION CARRIED.

MOVED by Givens, SECOND by Jackson, to deny the remainder of the damage claims. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

2. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers' Compensation case of James Hitchcock in the Workers' Compensation Court, Case No. 2005-09761 R. Exhibits: **Resolution No. 2007-03**.

3. Consider adopting a resolution approving the settlement by a joint petition and making payment in the pending workers compensation claim of Craig Lyman, and filing a foreign judgment in the District Court of Comanche County for purposes of placing said judgment on the tax rolls. Exhibits: **Resolution No. 2007-04**.

4. Consider approving contracts for School of the Arts , Spring 2007 semester for Steven Scott Smith (\$ 630), Sherri Denning (\$ 630), Natalie Sklaney (\$ 315), and Sandra Dunn (\$ 270) faculty members for the project. Total amount for spring semester stipends is \$ 1,845.00. Exhibits: Contracts on file in City Clerk s office

5. Consider issuing a revocable permit for eight (8) monitoring wells to Clearwater Environmental Services, Inc. on certain street rights-of-ways of the NW Cache Road, NW Laird Avenue, and NW 16th Street and on utility easements in Fields and Dunning and Liberty Heights Additions near 776 NW 16th Street. Exhibits: Application and location map. Revocable Permit on file in City Clerk s office.

6. Consider approving a Resolution authorizing the City Manager to temporarily suspend certain Resolutions, Ordinances and Code Provisions of the City of Lawton for the purpose of providing local resources and incentives for the making of motion pictures and television productions in the City of Lawton in an effort to help enhance the image and public relations of the Lawton-Fort Sill community. Exhibits: **Resolution 07-05**.

7. Consider acknowledging completion of the Oklahoma Department of Transportation (ODOT) reconstruction project for the NE Flowermound Road (Gore to Cache) Project #2004-17 as constructed by Duit Construction, Inc. Exhibits: None.

8. Consider acknowledging completion of the Oklahoma Department of Transportation (ODOT) reconstruction project for the NW 38th Street Reconstruction Project #2000-16 as constructed by Bruton Construction Co., Inc. Exhibits: None.

9. Consider approving plans and specifications for the West Cache Road 24 Waterline Phase II Project #2005-8 and authorizing staff to advertise for bids. Exhibits: None.

10. Consider accepting the documents listed below which are needed for the Water Infrastructure Improvement Phase I (Lines) Project #2006-8 and the Water Infrastructure Improvement Phase 2 (Tower) Project #2006-9, authorizing the Mayor and City Clerk to execute the documents and authorizing payments for same. Exhibits: Documents are on file in the City Clerk's office.

11. Consider awarding (CL07-022) Sodium Hydroxide to Brenntag Southwest of Sand Springs, OK. Exhibits: Department recommendation, abstract of bids.

12. Consider extending the contract (CL06-017) Electro Fusion Polyethylene Fittings for DR17 Pipe with Secor of Houston, TX. Exhibits: Department Recommendation, Price Bid Sheet, Contract Extension Form.

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

14. Consider approval of payroll for the periods of January 1-14, 2007.

Shanklin stated he had wanted to pull #7 off of the consent agenda.

Jackson stated he agreed. It was brought to his attention that there was some concern over this item.

MOVED by Shanklin, SECOND by Jackson, to reconsider item #7 of the consent agenda. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

7. Consider acknowledging completion of the Oklahoma Department of Transportation (ODOT) reconstruction project for the NE Flowermound Road (Gore to Cache) Project #2004-17 as constructed by Duit Construction, Inc. Exhibits: None.

Shanklin stated that Mr. Duit sent a letter stating that he was proud of his job here working with the city. He talked with Duit Construction in either Mustang or Yukon and they were upset with the fact that the big mound of dirt out there was not in their contract. He stated Duit left it in a mess. The contract was 80% paid by the state and 20% paid by the City of Lawton. He questioned if there was anything we could do about this mess that they left on that property.

Vincent stated Allen construction is right back on the same site. They are using the same work area and he does not know if we can tell who did what.

Nick Richards, distributed pictures that show machinery with the Duit Construction name. He stated that the Richards Family Group is the owner of an 80 acre tract and he is the manager of the LLC. Duit Construction approached him and stated they needed a place to set their batch plant, stage their equipment and waste 17,000 cubic yards of excess dirt. He agreed that if the excess dirt was placed 1500 east of Flowermound, he would lease the corner for the duration of the contract. Duit Construction started putting the dirt in the specified location and the City of Lawton stopped them. A week later they started building this mound of dirt just 100 feet east of Flowermound. He was told that the City of Lawton is requiring Duit to get a dumping permit. He stated their contract stated where the dirt must be placed. He stated they just kept placing the dirt in the wrong location and now the City Council is going to give them a clean bill of health when actually, they really don't. They still have a mound on their property with oil and gas all over the site that is washing into the drainage basin.

Givens questioned if he had a written contract.

Mr. Richards stated yes.

Givens questioned if Mr. Richards was compensated for this agreement.

Mr. Richards stated the compensation was for the 17,000 cubic yards to go 1,500 feet east in the low area and a dollar amount which was approximately \$1,000 a month.

Givens clarified that he did have a private contract with Duit Construction.

Mr. Richards stated yes. He stated everything would have gone fine, but the City of Lawton stopped Duit from placing the dirt where the contract called for and allowed them to build a mountain 100 feet east of Flowermound.

Patton questioned why it would have mattered.

Jerry Ihler, Public Works Director, stated this is an Oklahoma Department of Transportation (ODOT) administered and 80% funded project. He cannot speak for ODOT, but he believes their position would be similar to ours when we have projects. It is up to the contractor if he wants to utilize someone's private property that is not on city right of way as a staging area or as a construction site and we tell them that it is between them and the property owner. The city is not involved. He is fairly competent that ODOT's position is the same on the project they had on Flowermound. This was an agreement with the property owner and Duit Construction off the right of way and off the project site.

Patton questioned if Mr. Ihler was aware if the City of Lawton told Mr. Duit not to dump the dirt 1500 yards east.

Ihler stated that is not done in his department.

Jackson stated someone stopped Duit from dumping over there.

Mitchell stated Duit was required to secure an earth change permit from the City. He stated we were having problems with dump sites around town and the City Council changed the ordinance and the process for securing those permits. He does not know anything about where the material was located or who asked them to relocate it.

Patton questioned why it would make a difference if he was dumping 1,000 feet more to the east.

Vincent stated the reason they needed a permit 1,000 feet east is because it was off into a swail of a drainage area and they had to get a permit to show that they were not going to cause sedimentation and they were following the proper environmental procedures to fill up a low area. He does not know if we actually issued the permit. The condition of the contract between Duit and Mr. Richards is a private issue. If he couldn't dump the dirt in the low area, Duit should have made arrangements with Mr. Richards for someplace else.

Jackson questioned if anyone knew if Duit applied for the permit.

Mitchell stated they did apply, but he does not know if it was issued or not.

Mr. Richards stated Duit tried to get the dump site permit, but they never could jump high enough. He finally hired Landmark Engineering to obtain the dumping permit, but it was at the very end of Duit's contract.

Jackson stated it sounds like the permit has been issued and the City Council is being asked to give Duit a clean bill of health. He does not know what to do about this issue.

Shanklin questioned if we had any hold on anyone coming to town and leaving a mess like this.

Vincent stated no, he is not saying this, but the contract to hire Mr. Duit is a state contract. We only furnished 20% of the money and Mr. Duit did not have to answer to the City of Lawton. His contract for the dirt and the site location is between Duit Construction and Richards Family Group, LLC, and we are not a party to that contract. If we caused a problem by not being able to obtain a permit, then it is still a contract between Duit and Richards Family Group.

Shanklin stated Mr. Richards only recourse is in District Court.

Vincent stated yes. He stated he did not know if Mr. Richards had contacted ODOT.

Mr. Richards stated he cannot understand how the City Council can give them a clean bill of health tonight if you look at the picture and see all of the oil they allowed on that site and allowed to wash into the stormwater drainage basin. He stated he didn't think it was a prudent thing for him to take legal action and delay the progress on that road to get the dirt in the right place. If he has to, he will move the dirt into the right place.

Shanklin stated the EPA would not let us do this. He went out there five or six times and he does not see how we can ignore it.

Jackson questioned what can be done.

Vincent stated as far as breach of contract between the Duit Company and Mr. Richards, that is a private matter.

Shanklin questioned if we would bring in the EPA to look at it.

Vincent stated he is not an expert on environmental law and he would have to look that up before he could give an opinion.

Drewry stated this is another situation like we had when they tore up the street at Comanche County Hospital. She questioned if this was something we should look at before someone comes in to do something. Should they have to agree that this is cleaned up and make sure they don't create a mess.

Vincent stated that would depend on the contract.

Shoemate questioned if the contract with Mr. Richards reads that the property would be returned to its normal state.

Vincent stated that is a civil matter.

Mayor Purcell stated all they are doing is acknowledging completion. He suggested the City Council either acknowledge the completion of the project or table this issue and someone call ODOT and ask them if there is anything that can be done.

Patton stated we only contracted with them to build the road. It is not that we are saying that Duit is a great company, it is just that we are bound to our own contract and they have built the road. He stated we may open ourselves up to some legal trouble if we don't meet our end of it. He hates that they breached the contract with Mr. Richards.

Jackson stated that now this has been discussed on the City Council floor, maybe Duit Construction will get with Mr. Richards and try to resolve this problem.

Mitchell suggested they accept the contract and direct staff to contact ODOT on behalf of the owner and see if we can help assist them in pursuing this issue. We don't have any legal standing, but we can assist in finding the right people to talk with. He does not know if ODOT has accepted this project.

Patton stated it would be better coming from ODOT.

Ihler stated when this is brought to the City Council to acknowledge completion, the construction of the street work is completed and the punch list items that ODOT puts together after their final inspection are completed. Because this is a CIP project, we have always brought back to the City Council after the completion of CIP projects. From the city's standpoint and the action that the city has to take, we are saying that the project is complete. We are not saying that we accept the project, we are acknowledging that it is complete, because it is an ODOT project. He stated he would be more than happy to call ODOT and ask them what they can do to help Mr. Richards with regards to his matter with Duit Construction. Other than that, he does not believe there is a thing the City of Lawton can do.

Shanklin stated he would like to have staff ask the ODEQ about this issue. He does not believe that Duit can walk off and do this.

MOVED by Jackson, SECOND by Drewry, to acknowledge completion of the Oklahoma Department of Transportation (ODOT) reconstruction project for the NE Flowermound Road (Gore to Cache) Project #2004-17 as constructed by Duit Construction, Inc. and direct the Public Works Director to contact ODOT to see what can be done to help out Mr. Richards. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

OLD BUSINESS ITEMS:

15. Discuss criteria for providing water to residents inside the city limits. Exhibits: None.

Vincent stated he and Councilmember Shanklin spoke earlier in the week and staff has not finished the research on this issue and request this item be tabled to the February 13th meeting.

MOVED by Shanklin, SECOND by Jackson, to table until February 13, 2007. AYE: Givens, Drewry, Jackson, Shanklin, Haywood, Warren, Shoemate. NAY: None. ABSENT: Patton MOTION CARRIED.

NEW BUSINESS ITEMS:

16. Discuss options for a future sales tax election to fund infrastructure projects needed to support anticipated population growth as a result of recent BRAC announcements made by the Department of Defense and Fort Sill and provide direction to staff. Exhibits: Draft Ordinance #2 and Draft Ordinance #3.

Vincent stated he was directed to prepare two types of ordinances. One based on Councilmember Warren's suggestions and one based on Councilmember Jackson's suggestions. He distributed a corrected copy of Warren's proposal. He stated these proposals were a result of a meeting that took place in the City Attorney's office and it was decided to place both proposals on the agenda. He stated basically the only differences are in Sections 1402, 1404 and 1409. Other than that, the ordinances are identical.

Patton questioned on the 2005 CIP, how much money was set aside for streets.

Mitchell stated there was money set aside for general street improvements and there were two or three specific projects.

Ihler stated there was \$4 million set aside for street improvements throughout the community. They are trying to do the majority in-house so they can make the dollars stretch. He stated they had three major arterial projects which were 67th Street from Cache Road to Rogers Lane, Southeast 45th Street from Lee Boulevard to Gore Boulevard and 38th Street from Cache Road to Gore Boulevard.

Givens read a letter from the Mayor's Task Force on Zone One expressing their support for any tax plan that would in principle support the hiring of additional police and fire personnel.

Jackson stated while he has had discussion with citizens around town and received feedback from some of the County Commissioners and meeting with the chairman of the Mayor's task force, the proposal that he has proposed is clean and simple. But most important, it includes no new taxes and gets us to a position that will make a dent in the city's infrastructure problem. His proposal includes, as of July 1, 2007, for seven years will bring us about \$17,500,000 in addition, we pick up an 1/8 cent on January 1, 2009 that will bring us approximately \$6, 875,000 for a total of \$24,375,000 for this seven year span. He stated he purposely left a 1/8 cent off the table because of some concerns by the County Commissioners and the Mayor's Task Force because there may be some needs by the county for some additional money. He stated it seems as though the committee has suggested not using sales tax money for operational expenses and that is what they tried to emphasize to the county officials. Once operational is used by sales tax it is gone and lost forever. With working from \$24,375,000 and addressing some of the dire needs in this community, like trying to upgrade the existing streets and some of the poorer neighborhoods. This will give us a lot of money to work in all eight wards. He stated the Public Works Director has put together a

project list and this \$10,968,750 would address a lot of problems we have with interior streets in our community. With arterial street reconstruction of \$8,531,250, this money would basically be to match the monies that we have identified in the 2005 CIP programs with some of the streets like 45th Street or 38th Street. He stated there is almost \$4 million allocated to upgrade our water and sewer lines. He stated there would be \$1.2 million for homeland security, mainly the consolidation of our E-911 system. He stated they do need more police officers on the street and we can get more without raising taxes. Currently there is \$6 per month charge on the utility bill. If we withdraw \$1 off of that rolling stock money that would bring us \$400,000 annually for hiring of additional officers. The City Manager has indicated he would do his best within this next budget year to hire at least an additional three or four new officers. He stated the additional \$400,000 could be used the way the City Manager and Police Chief see fit. They may want to double the officers up in a police car and avoid us paying \$30,000 for new vehicles. If they doubled up, we could put more officers out on the street. He believes this proposal would get us possibly ten to twelve police officers on the street as well as one, two or three new firefighters. He stated to him, this is clean and simple and he wants to emphasize to the public that there are no new taxes involved.

Givens stated he agrees with the addition of the police officers and he would like to emphasize the need for more firefighters. He stated in 1981 the fire department had 1,875 emergency responses and they only had 123 budgeted positions. In budget year 2006-2007, they had 7,561 emergency responses. That is 111% increase and they currently only have 128 budgeted positions. They have only gone up 5 positions in 25 years. He stated there is one unit that does not have supervisors. He stated the Fire Marshall's office does not have the staff to keep up with reviewing of plans. He stated he needs to be assured that not only the police will be taken care of but also the fire department.

Jackson stated tonight they are here to pass the ordinance for a sales tax extension and at a later date it will be the responsibility of the City Council, through recommendation by the City Manager, as to who will be hired and how many. He has provided a method of funding without additional taxes. It should be determined by the City Manager, Fire Chief and Police Chief as to how many people they can hire with this amount of money.

Drewry stated she feels they need an additional gang task force. The current six member task force cannot cover the city.

Shoemate questioned if they reduced the amount of money for existing street reconstruction from 45% to 40%, would that take care of the additional police and fire personnel.

Jackson stated he really wants to stay away from using sales tax money for operational expenses.

Givens stated we currently spend sales tax money for operational expenses.

Jackson stated we are asking to extend the sales tax for seven years and we would have to come back and ask the public to extend it again in order to continue to fund those positions. He stated he would have no problem adjusting that percentage from 45% to 40%. That would bring an additional \$1.2 million. He stated this proposal is clean and simple with no new taxes. He is definitely against any new taxes.

Drewry stated that Councilmember Shanklin stated at the last meeting that people didn't have a problem with a tax increase.

Mayor Purcell stated that according to Councilmember Jackson's proposal, there are new taxes in that there is a cent sales tax for seven years that takes the place of the county tax for Goodyear. That is a wash in terms of total taxes, but he is also proposing a 1/8 cent sales tax for the city. That is an increase.

Jackson stated that would not take effect until January 1, 2009.

Mayor Purcell stated that is still an increase because Comanche County is obviously going to go out and ask for that cent.

Jackson stated that is not obvious. They are discussing that right now.

Mayor Purcell stated from just the City's perspective, that is an increase of an 1/8 of a cent.

Givens stated that would not be an increase to the people, but to the City.

Jackson stated that he answers to the voters and that is not an increase to the taxpayers.

Mayor Purcell stated he is assuming the county doesn't propose any new taxes.

Patton stated then the county would be proposing the increase.

Jackson stated it is not an increase of taxes to the public. It is an increase to the City of Lawton, but not to the public.

Mayor Purcell stated assuming the county does not put that or 1/8 back on.

Jackson stated yes.

Shanklin stated we pay the City Manager well over \$100,000 and questioned if he was not performing his duties because Councilmembers Jackson and Warren know more about this tax deal than the City Manager. He is flabbergasted over the fact that Lawton, Oklahoma has 161 police officers and Norman has 163. We have 60 square miles and Norman has 193 square miles. His point is that we are in that ballpark and we are not the only ones who have gangs. The data comes from who is selling it. He is confused as to the funding because where do we think the money comes from to balance the budget. Our revenues are generated from the sale of water, sewer, solid waste and taxes. He is not going to support it and he is worried that we are ignoring the county and we are going to get into a contest against each other. We have got to sit down with the county officials and appease them to some end. He knew the proposed tax increase on those residents outside the city limits was a farce and that it wouldn't fly. They are not going to pay us sales tax on those houses they are building out in the county. We are trying to appease our building people with water levels and that tax. We are creating more enemies than we can overcome. He feels that if we did hire two or three police officers, there could be some ingenuity used as far as getting them in cars, but we could put 500 more police out there and we would still have gangs. The parents are at fault.

Warren stated Councilmember Jackson's version is the light version. He looked at the list of needs that was provided to the state officials. He does have a small hope that they will provide us funding for some of those projects, but we have to try and help ourselves. He stated we can say we are not going to raise taxes, but that limits us to what we can do. You can't attack the problem, you can only put it on hold for a while. You decide you are going to raise taxes, but you have to decide to what extent. In his mind, this would be the proactive way to go about it. You take a bigger bit out of the problem. He believes the police and fire issue is important. He sent out an email with both plans to several citizens and asked their opinion and what they would be willing to pay for. He got back about 28 responses, and with the exception of one they were in favor of his proposal with the tax increase.

He read an email he received in support of his proposal. He stated this was a good indication of all of the responses he received. The public has issues with public safety and he feels they need to address that issue. His proposal includes twenty public safety officers and he is proposing to pay for these positions from the utility bill.

His original plan is for approximately \$52.5 million. New infrastructure would be \$15,600,000, existing street maintenance is \$8 million, upgrading existing waterlines is \$8 million, homeland security and public safety would be a capital account and would not be used for personnel, but it would be used for capital equipment and other things. This also includes five years of rolling stock at about \$12 million. The \$6 that is currently on the utility bill will be shifted over to that tax. In its place there will be a public safety charge on the utility bill of \$3.20 and it would slowly decrease over the years until it is about .63 cents. Basically residents will save about \$3 a month on their utility bill with this plan, but the sales tax will be cent for the first eighteen months and cent for seventy-two months. This will be a high of 8 which is a cent increase over the current tax rate. This does not include anything on the county side and there are issues there that need to be discussed. The Mayor's task force had talked about ad valorem on some of the county projects. He stated this proposal is an aggressive approach, and they need to agree on an amount they are willing to raise and go from there.

Drewry questioned she feels that they have gotten away from the ideas brought by the Mayor's task force where everyone was involved including the county.

Mayor Purcell suggested they separate the issue into two parts. The first is the tax that is being proposed to raise the funds and second is how they will spend the funds. Councilmember Jackson is proposing a cent sales tax for seven years and 1/8 cent for 5 years which would start on January 1, 2009. He questioned Warren where his money will come from.

Warren stated he is proposing cent from July 1, 2007 December 31, 2008. For the period beginning January 1, 2009 through December 31, 2014 there would be a 72 month cent tax.

Mayor Purcell clarified that the sale tax raised would be raised by a cent from the current rate on July 1st and you lose cent and go back to cent which raising it another cent. In addition it is proposed to take \$6 off the rolling stock and add \$2.80 with a decreasing scale each year to pay for police and fire.

Warren stated maybe they need to decide how much they are willing to attach first. In all of his proposals he never loses the police and fire, but he shifts the amount of remaining dollars that can be used for the remaining projects. The lower the tax and the less time, the less the amount of dollars they have for each project. He stated they need to decide how much money they want to attach first, otherwise the project doesn't mean anything until they know how much money they have to spend.

Jackson stated that he doesn't have to defend the City Manager, but he was on the task force and he was in his office two or three times a day and Mr. Mitchell knew where they were at on this proposal. Mr. Mitchell did help develop both proposals. He stated his proposal was put together with a combination of the meetings with the task force and what he felt was important for the taxpayers inside the city limits of Lawton. He purposely left off an 1/8 cent to begin January 1, 2009 with the county in mind as well as realizing that the county needs to address an ad valorem tax issue for their items. Those are expenses that will last forever and he feels they need to address those by an ad valorem issue. The City of Lawton and the task force need to stay with the county and do what needs to be done to get theirs passed as well.

Drewry stated they all need to remember that we are part of the county.

Patton stated that was the point of the task force, to get everyone together. The bottom line is that when the county initially went after that tax to build the jail, it was built as we need this money right now to build this jail and they won't need the money to operate it. They claimed the revenue from housing inmates will pay for the operations. He stated that hasn't happened.

Mayor Purcell stated from what he has heard, it appears the county wants to go out and replace the cent sales tax that goes off on December 31, 2008, with a new cent sales tax that will begin on January 1, 2009. He questioned if anyone could confirm this.

Mitchell stated he attended the County Commission meeting and the ballot language that was distributed to the commissioners was in fact a cent sales tax that expires in December 2008 and the proposal was to extend that cent sales tax for ten years to not only fund the jail, but to fund economic development, rural firefighters, the fairgrounds, county sheriff and the juvenile detention center. He does not think that a cent sales tax can fund all of those operations. He thinks there is a slight variation to that proposal that might include some ad valorem for a portion of that project list.

John Hester, Lawton-Fort Sill Chamber of Commerce, stated he cannot say with all certainty that is the way they will proceed. He has personally encouraged them not to proceed with that. He does not think that the pieces of that are correct. He has encouraged the county to put off the jail issue so that the City of Lawton and Comanche County can work together on a more comprehensive solution. The juvenile detention center is a part of that package because the city is going to put more police officers on the street and there will be more arrests.

Mitchell questioned the idea of economic development.

Hester stated it did not get the best hearing. Part of the efforts over the next few days has to do with what happens here tonight. He stated they got great news yesterday with the ability to use ad valorem for economic development whereby state law allows you to set up a certain millage which sets up bond capacity. You don't have to draw on it. Theoretically, if you didn't have any economic development deals, you would never raise the property tax. Basically you set up bond capacity to use as needed. They could take care of some immediate needs and it is a great solution.

Haywood questioned how they can come together with the county. They need to know what is at risk.

Hester stated they have tried hard to work together and they have gotten off track over the last week and he believes there is still time to salvage a joint solution. He personally does not believe that this has to go out April 3rd.

Shanklin stated that the 1 sales tax we were going to put on them was not a good deal.

Hester stated the county wants to fund rural fire departments and he does not think the citizens of Lawton are ready to fund rural fire departments. He was looking for a way to fund some of their own issues and help themselves and increase their county funding by that method. It was a good idea, it just didn't work. He feels there is a solution still on the table.

Shanklin stated he feels they don't have to do this tonight.

Mayor Purcell clarified the county will meet again on Thursday.

Hester stated there is a lot of common ground and he believes the county will not attempt to do a deal on Thursday morning.

Mayor Purcell stated we could have a joint meeting on Monday and have a discussion. The problem is that we cannot deal with the county commissioners as individuals because they cannot have even two together or they violate the open meeting law.

Hester stated he feels the city cannot eat up all of the sales tax capacity. The county is going to have to have some of it. He would like to see this issue put off a month and spend some time.

Mayor Purcell questioned if it would be beneficial to have a joint meeting with the county commissioners next Monday night. Go betweens going back and forth is causing some of this confusion. He questioned the City Council if they felt this would be a good idea.

Shoemate stated he feels it is a good idea, but he felt they need to include the technology center in this discussion.

Mayor Purcell stated they can come to the meeting, but the technology center already has their thing done and will go to a vote in March and they have nothing to do with this.

Hester stated he cannot be here Monday night.

Jackson questioned what the drop dead date is for the April 3rd election.

Vincent stated they have to have the resolution to the election board by February 1st.

Jackson stated they need to make it clear to the county commission that we are going to reach a decision on Monday night.

Hester stated if we end up in an environment where we do raise the sales tax by agreement, they really need to get with some retailers in advance and play it out. There is a voter education issue as well. He would like to see them put it off for a month.

Mayor Purcell questioned if Hester could be here on Tuesday night.

Hester stated yes.

Mayor Purcell questioned if the City Council could attend a special meeting on Tuesday, January 30th at 6:00 p.m.

Everyone agreed.

Mayor Purcell stated he will call the Chairman of the county commission and invite the commissioners to the special meeting.

Givens stated for anyone who doesn't think we need additional police and fire, they need to go out and spend a week in the zone one area and see how those residents have to live on a nightly basis.

Hester stated in regards to public safety, they really need to determine a number.

Shanklin stated he knows the chief could use fourteen, he could probably put twenty-five or forty to work, but other cities haven't done it and they have more money than we have. He hopes the City Manager is back on target and running this show. He is getting alarmed from some of our input from people that may not have that expertise. He thinks the City Manager is capable.

Jackson stated he agrees, but this City Council, since 1982 has developed the CIP program project list and the funding method.

Shanklin stated if the police chief tells us that he has to have fourteen, then he will go with you. But just because someone has generated the number fourteen doesn't mean apples to him.

Drewry stated this wasn't just Councilmembers Jackson or Warren's plan, this was the whole task force.

Mayor Purcell confirmed that there will be a meeting next Tuesday, January 30th at 6:00 p.m. and he will call Commissioner Turner tomorrow and invite the County Commission.

Warren stated the reason he funded the police and fire the way he did was because he wanted these officers and firefighters to be on the job as quickly as possible. There is no way that they will be able to hire 14 police officers in one hiring cycle. If the dollars are there and available, they can hire them as quickly as possible. If they only hire three or four a year, it would be five or six years before they will all be out on the street. He stated there are issues with the jail question and there are a lot of things that people are not happy about. He would hope, at City Council direction, that they would sit down with the county and start discussing a city/county solution to incarceration. He has heard from people on the street that the county is asking for a ten year extension on an operational tax on a building that won't be able to house all the prisoners it needs to house in the next three years.

There is a real issue they need to address as a whole, not just the operational aspect. This is for the city jail as well.

17. Consider authorizing the City Attorney to prepare a Council Policy relating to requests for information from the office of the City Manager, Finance Director and City Clerk. Exhibits: Council Policy 2-2.

Shanklin stated he thought we already had this on the books somewhere around 1995 or 1996 that anything that came through the City Clerk's office was germane to the rest of the City Council.

Mayor Purcell stated he remembers that they changed the policy to make sure that all legal opinions go out to every city council member. He thought everything goes out to everyone now in either email or some other form. He questioned who was not getting something from the City Manager, Finance Director or City Clerk?

Shanklin stated Councilmember Warren wanted the voting record of former Councilmember Hanna. That is not privileged information. He wants to know what he wanted it for. He stated they cannot put the City Clerk in the middle of it, which is not fair to her. He got this on the street that he had asked for this information, the same way that he found out that Mr. Beller knew everything that went on in executive session. He stated he would not have known anything about it unless someone would have told him. He stated Warren's request is not germane to anything here.

Warren stated as a citizen of Lawton, he has the right to ask for the voting record of any elected official he wants to. He wanted to know Mr. Hanna's voting record because he was told that in a person to person conversation Mr. Hanna told someone that he was personally responsible for Olive Garden coming to Lawton and he wanted to see exactly everything that he had voted yes or no on because he wants to know what are lies and what aren't.

Shanklin stated if that isn't farfetched he had never heard of one.

Mayor Purcell questioned what he wanted to do on this item.

Shanklin stated he did this more so that if he wanted to know what someone has asked for, he can have it and if someone wants to know what they want it for, the City Clerk can give him a copy and not be caught in the middle. If the City Clerk doesn't want to give it to me

Warren questioned why wouldn't she tell you it is not a secret.

Shanklin stated he is trying to make it easy and if the City Council doesn't want to do it that way, fine.

Warren stated what Councilmember Shanklin is saying is that every time he goes to the City Manager, Public Works or Parks and Recreation and he wants something, now everyone is going to have to get a copy of it.

Shanklin stated no.

Warren questioned what was the difference?

Shanklin stated he is not going to tell him.

Warren stated he does not understand how he can say that he wants a copy of what people ask for, but only on stuff that certain people ask for.

Shanklin stated when he told the City Clerk that he knew about it, her face fell this far. He explained where he did find out about it because someone who asked for it had to go tell someone and they told somebody else. Just like the incident over the deal in executive session, he would never have known about the argument they had in there back in February. He stated Councilmember Warren said something to Mr. Beller and Mr. Beller said something to his brother-in-law and a friend.

Warren stated that is not what happened. Mr. Beller came to his office the morning after it happened and told him about it.

Mayor Purcell stated they do not need to get into personal conversations with people around town. He questioned what Councilmember Shanklin would like to do about this particular agenda item.

Shanklin stated he would like to table this issue indefinitely.

MOVED by Shanklin, SECOND by Drewry, to table indefinitely. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Shanklin. NAY: None. ABSENT: Jackson. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Shanklin stated he mentioned a time or two about the \$10 million we are putting down the creek that is running to the red river and then on to Waurika. Texas wants this water and that is our water to begin with. We need to figure out some way to get the water to Waurika or put a pump out there and pump it back into Ellsworth. That is 10 million gallons and that equates to a ton of water we are losing. If we had that going to Ellsworth the last two or three years, it probably wouldn't be down any. We need to look at it and how we can protect that water and be sure that it is ours.

Vincent stated it is ours, but ODEQ will not issue a permit unless we get the state law changed.

Mitchell stated they are trying to get the state law changed that will permit us to use that water.

Drewry stated she has received some calls from boathouse owners on Lake Lawtonka whose boathouses are on dry land and they received a bill to pay their fees. She thought that we weren't charging them right now.

Mitchell stated they need to apply to get that fee waived.

Givens stated there is a centennial exhibit at the museum. It is a quilt collection from people throughout the state. He reminded citizens that the museum is free to Lawton citizens on Sunday afternoons.

Mayor Purcell stated the Martin Luther King, Jr. celebration is this Friday at 6:00 p.m. at McMahan Auditorium. There is also an art exhibit from the Comanche Nation at McMahan Auditorium at 2:00 p.m. and 8:00 p.m. on Friday or Saturday.

Vincent stated the statewide water conference is February 16th in Oklahoma City. He will be a presenter. He asked the Council to contact the City Managers office if they want to attend.

Mitchell stated this would be a good opportunity to talk to ODEQ people about using gray water out of the wastewater treatment plant. We need a permit to be able to do this and it would require state law. He distributed a notice regarding a budget workshop sponsored by Governing Magazine to be held on February 7th in Oklahoma City. He stated eight department directors signed up to attend. He stated if any Councilmember is interested in attending, let him know.

The Mayor and Council convened in executive session at 7:47 p.m. and reconvened in regular, open session at 8:55 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

18. Pursuant to Section 307B.2&4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations concerning employees and representatives of employee groups and the proceedings in American Federation of State, County, and Municipal Employees Union vs. City of Lawton, Oklahoma. PERB No. M1400, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 18. The City Council did receive a briefing on the current status of the PERB case and the current status of negotiations. No action is required.

19. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending petition in the Supreme Court of the United States case of Mark Roy Collins, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 19. The City Council did receive a briefing on this case and we do need an assistance of an attorney that is licensed in the United States Supreme Court to help with the case.

MOVED by Drewry, SECOND by Warren, to approve the amendment to the retainer agreement for professional and legal services with John P. Zelbst Law Firm regarding the pending petition in the Supreme Court of the United States case of Mark Roy Collins. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

20. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the continued employment of Michael Corrales as Municipal Judge, and in open session, consider approving an Employment Agreement with Michael Corrales as Municipal Judge and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Employment Agreement Summary. Proposed Employment Agreement On file in City Clerk's Office.

Mayor Purcell read the title of item 20.

MOVED by Haywood, SECOND by Warren, to continue the employment agreement with Michael Corrales as Municipal Judge at a salary of \$91,000 a year beginning February 1, 2007 and ending January 31, 2009. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

21. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of John H. Vincent, Jr., City Attorney, and if necessary, take appropriate action in open session. Exhibits: None.

Mayor Purcell read the title of item 21. He stated the City Attorney was evaluated and it was determined by the City Council that he is performing in an outstanding manner in all areas.

There being no further business to consider, the meeting adjourned at 8:58 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK