

MOVED by Givens, SECOND by Drewry, to approve the minutes of December 12 and December 19, 2006. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Mayor Purcell stated they need to strike #6 and pull #5.

Shanklin requested item #7 be considered separately.

MOVED by Warren, SECOND by Givens, to approve the Consent Agenda with the exception of items #5, #6, and #7. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial, Janice & Scott Hertzog in the amount of \$40.00 and Sandra L. Johnson in the amount of \$867.50. Exhibits: Legal Opinions/Recommendations.

2. Consider approval of the Retainer Agreement for Professional Services with the Mary Anne Derrico, RN, to provide professional services to the City of Lawton in the case styled Anthony Zinn v. City of Lawton, Case No. CJ-2005-1108 and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement

3. Consider ratifying the action of the Lawton Water Authority approving advertising for bid to lease the City's oil and gas interests for the tracts of land listed below located in the vicinity of Lake Ellsworth in Comanche County to the highest and best bidder. Exhibits: Location map, Lease request letter dated December 6, 2006.

4. Consider approving contracts for cultural programming in the Lawton Metropolitan Area for events that commemorate the state's centennial. Exhibits: Contracts on file in City Clerk's office.

5. Consider accepting donation of monies to purchase Powerheart defibrillators for the Lawton Police Department and a Combi Vehicle Extrication Tool for the Lawton Fire Department. Exhibits: None.

Mayor Purcell stated at the last meeting, Dr. and Mrs. Johnson generously contributed \$6,500 to buy a Combi Extraction Tool for the Fire Department. He stated he would like to recognize them because not only have they donated this item, they have come back and donated an additional \$6,500 to buy some Powerheart defibrillators for the Police Department.

Mrs. Cassandra Johnson stated they are new to this community and they have been very good to them and they would like to say thank you.

Mayor Purcell thanked them for all that they do for the city.

MOVED by Patton, SECOND by Shoemate, to accept the donation of monies to purchase Powerheart defibrillators for the Lawton Police Department and a Combi Vehicle Extrication Tool for the Lawton Fire Department. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

6. Consider approving the construction plans for a 12-inch waterline to serve the Lawton PHS Indian Hospital on Lawrie Tatum Road. Exhibits: Location Map.

THIS ITEM WAS STRICKEN.

7. Consider approving Change Order #3 assessing liquidated damages, accepting the NW 34th Street Drainage Project #2001-23 as constructed by Bruton Construction Co., Inc. and placing the Maintenance Bond into effect. Exhibits: None.

Shanklin stated they need to be careful of running off their bidders. Some of their bids have not been responsive on some of their major projects. He stated that Bruton has been assessed \$216,500 and we took a job away from him as low bidder.

Jerry Ihler, Public Works Director, stated that this was the last project for Bruton and once this is approved he will not be allowed to submit a bid for a project for three years. He stated he may be doing some work around town for other contractors as a subcontractor.

Shanklin questioned if we were safe from any lawsuits.

Vincent stated yes and Mr. Bruton did sign accepting this assessment.

MOVED by Shanklin, SECOND by Haywood, to approve Change Order #3 assessing liquidated damages, accepting the NW 34th Street Drainage Project #2001-23 as constructed by Bruton Construction Co., Inc. and place the Maintenance Bond into effect. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

8. Consider approving contract Amendment #1 with Danny S. Howie, NACE Certified Coatings Inspector, for the Water Storage Tank Renovation and Maintenance Project #2005-6. Exhibits: Amendment #1 to Agreement.
9. Consider ratifying the actions of the Public Works Director/City Engineer awarding a contract to Luckinbill, Inc. for the Water Storage Tank Roof Repair Project #2006-14. Exhibits: None.
10. Consider accepting the 2000 CIP Waterline Replacement Project #2005-15 as constructed by Evans & Associates Utility Services, Inc. and placing the Maintenance Bond into effect. Exhibits: None.
11. Consider accepting NE Maine Waterline Improvement Project #2006-2 as constructed by Miller Construction & Sons, Inc. and placing the Maintenance Bond into effect. Exhibits: None.
12. Consider adopting **Street Light Resolution No. 450** to authorize the installation of street lights at various locations listed in the Resolution. Exhibits: Street Light Resolution No. 450.
13. Consider awarding (RFPCL07-018) Concession Lease McMahon Park to LaSill Optimist Club, Inc. of Lawton, OK.
14. Consider awarding (CL07-015) Double-boiler, Melter Applicator to Vance Bros., Inc. of Tulsa, OK. Exhibits: Department recommendation, abstract of bids.
15. Consider extending the contract (CL06-033) Sulfuric Acid with Brenntag Southwest of Sand Springs, OK. Exhibits: Department Recommendation, Contract Extension Form.
16. Consider extending the contract (CL05-023) Police Footwear with Special Ops Uniforms, Inc. of Oklahoma City, OK. Exhibits: Department Recommendation, Contract Extension Form.
17. Consider approval of payroll for the periods of December 18 31, 2006.

BUSINESS ITEMS:

Mayor Purcell requested item #22 be addressed.

22. Consider approving a Law Enforcement Services Agreement between the City of Lawton and Cameron University granting the Cameron University Department of Public Safety authority to enforce municipal criminal and traffic ordinances on university property and on specific streets, highways, roads, alleys, easements and other public ways immediately adjacent to university property. Exhibits: Proposed Law Enforcement Services Agreement.

Tim Wilson, Assistant City Attorney, stated discussion on this agreement started in 2003. He stated this agreement will allow Cameron Public Safety officers to enforce municipal ordinances on specific streets that border Cameron University property. He stated Cameron University requests this because it would be an extra tool for them to use with law enforcement. He stated they get non-students on their property and this agreement will allow Cameron police officers to file charges for disorderly conduct, public intoxication, etc. in municipal court. Under this agreement the fines collected will all go to the City of Lawton. They will be able to give citations on city streets that border. This agreement can be cancelled at any time by the City Council or Cameron University Board of Regents.

Patton questioned if they will be looking for speeders or are they basically doing this to protect their area.

Jim Ronin, Public Safety Director for Cameron University, stated they already have state police jurisdiction, and this will be used for lesser misdemeanor offenses and can utilize municipal court as opposed to district court.

Jackson questioned if all the officers involved would have the same training as Lawton Police officers.

Mr. Ronin stated they no longer employ security guards. Every law enforcement officer at Cameron is a state certified police officer and they go through all of the same training as any other state police officer.

Jackson stated the City of Lawton already uses 27th Street as a speed trap and he doesn't want Cameron using it as one as well.

Mr. Ronin stated they are not looking at this for traffic enforcement, they are looking at University Boulevard with crosswalks with thousands of students crossing that street. Currently they have no traffic jurisdiction to help in that school zone.

MOVED by Shanklin, SECOND by Warren, to approve a Law Enforcement Services Agreement between the City of Lawton and Cameron University granting the Cameron University Department of Public Safety authority to enforce municipal criminal and traffic ordinances on university property and on specific streets, highways, roads, alleys, easements and other public ways immediately adjacent to university property. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

18. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Residential/High Density to Commercial and an ordinance changing the zoning from R-4 (High Density Apartment District) to C-1 (Local Commercial District) zoning classification located at 2701 NW 38th Street. Exhibits: Resolution 07-___, Ordinance 07-___, Location Map, Site Plan, Applications and Draft CPC Minutes.

Richard Rogalski, Planning Director, stated this item is for a rezoning request on NW 38th Street. The parcel is located approximately mid block between Rogers Lane and Cache Road. The site plan the applicant has provided is for mini warehouse facility. The current zoning is R-4, zoning to the north is C-1, to the east is residential and to the south is C-1 and West is C-2. He stated the current land use is high density residential and they would need commercial. On December 14, the City Planning Commission held a public hearing, one person spoke in favor and one person against. The CPC, by a vote of 6-0, recommended approval of the amendment to the Land Use Plan, the rezoning, and the Use Permitted on Review for the mini warehouse.

PUBLIC HEARING OPENED.

Nick Garrett, representing the property owners, stated he is also authorized to speak on behalf of the purchaser who has submitted the plan. He distributed a copy of the plans for the property. He stated he is also authorized to speak on the behalf of the apartment owner which is immediately to the south. He stated this would be a benefit to those renting an apartment and the owner is interested in this project moving forward. He requested the City Council approve the zoning to a C-1 and amend the land use for this purpose.

PUBLIC HEARING CLOSED.

MOVED by Drewry, SECOND by Haywood, to approve **Resolution 07-01** amending the 2025 Land Use Plan from Residential/High Density to Commercial and **Ordinance 07-01** changing the zoning from R-4 (High Density Apartment District) to C-1 (Local Commercial District) zoning classification located at 2701 NW 38th Street. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Givens. NAY: None. ABSENT: Shoemate. MOTION CARRIED.

(Title read by City Attorney) Ordinance 07-01

An ordinance changing the zoning classification from the existing classification of R-4 (High Density Apartment District) to C-1 (Local Commercial District) zoning classification on the tract of land located at 2701 NW 38th Street, which is more particularly described in section one (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

19. Hold a public hearing and consider an ordinance changing the zoning from R-3 (Multiple-Family Dwelling District) to I-1 (Restricted Manufacturing and Warehouse District) zoning classification located at 625 SW Sheridan Road. Exhibits: Ordinance 07-___, Location Map, Site Plan, CPC Minutes.

Rogalski stated this site is the existing coop facility. It is located on Sheridan just north of the railroad tracks. This zoning is in compliance with the land use plan. The proposed zoning is for industrial for the remaining portion of block one. In addition, the applicant had requested I-1 zoning for the remaining blocks three and four. The CPC did not favor that request and the applicant has withdrawn that portion. This use is going to be mini warehouses. The current use is in noncompliance so this would be just a housekeeping measure.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Warren, SECOND by Givens, to approve **Ordinance 07-02** changing the zoning from R-3 (Multiple-Family Dwelling District) to I-1 (Restricted Manufacturing and Warehouse District) zoning classification located at 625 SW

Sheridan Road. AYE: Jackson, Shanklin, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. ABSENT: Patton. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-02

An ordinance changing the zoning classification from the existing classification of R-3 (Multiple-Family Dwelling District) to I-1 (Restricted Manufacturing and Warehouse District) zoning classification on the tract of land located at 625 SW Sheridan which is more particularly described in section one (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

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

Shanklin stated he needs some questions verified. There is indian housing out on Industrial Road at the railroad tracks. There has never been any water there. He stated there is a smoke shop out there at Bishop Road and Railroad. There are two houses that sit there and they do not have water. He questioned how do they get water and who has to pay for it. Do we have to provide water to someone that is in the city limits, providing to the easement so that they can hook on.

Vincent stated he has not looked into this issue and cannot answer. He would be happy to look into this issue and staff can place this back on the agenda.

Shanklin stated he would like to table this issue until the next meeting. He thought we had a policy on this issue.

Vincent stated we have a policy on developments, but he is not sure about existing houses.

Shanklin stated the other problem is when we annex someone, are we responsible to get water for them.

Vincent stated if it is a voluntary annexation we are not. If we force the annexation, then we are responsible to get service to them.

Shanklin questioned sewage.

Vincent stated that depends on the availability of sewage.

MOVED by Shanklin, SECOND by Haywood, to table until the January 23, 2007 City Council meeting. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

21. Discuss citizen concern regarding trash service and water billing. Exhibits: Excerpt from City Council minutes of December 12, 2006, Letter to the Editor dated December 23, 2006 from Raymond Justice and an example of a water bill.

Shanklin stated he is concerned that when we go forward with the southeast water treatments plant and the contract we are going to have with the rural water districts, it is going to cost \$1.6 million to staff it and the cost of chemicals. He questioned if this was going to go on the water bill. He stated everyone received a copy of a water bill that shows how it is broken down. Over the years when we owed for the Waurika plant that was in our budget, but as prices have grown we have taken it out. Sixty thousand people cannot fund a city of 90,000, so when we get into the next year when it comes on line, he thinks we should look at doing away with these little charges. We need to call it like it is, it is still a water bill. We have this unit coming and it will make a difference on the penny for penny and dollar for dollar. He stated Mr. Rivera called around and he is not sure if all these numbers are correct, but we put all these charges on the bill under a different name. It is still a water bill. We need to call it what it is and get away from smoke and mirrors.

Mitchell stated they will have some discussion about this issue during budget discussions.

23. Consider adopting a resolution authorizing the Mayor and City Clerk to execute an agreement for utility cost sharing with the Oklahoma Department of Transportation (ODOT) for improvements to I-44 at Rogers Lane (US-62) & Gate 2, Federal-aid Project Number IMDY-0044-1(089)043ID. Exhibits: Resolution 2007-___, ODOT letter dated December 13, 2006. Project Agreement is on file in the City Clerk s office.

Ihler stated everyone is aware of the new off ramp that is being constructed for south bound traffic off of I-44 to westbound onto US 62. This is a federal and state project. As part of that project the Oklahoma Department of Transportation contacted the city and indicated that there was some utility relocation that was required as part of that project and there is a state statute that says that on a state highway project the municipality is responsible for a minimum of 10% reimbursement to the utility companies that have to have their utilities relocated. ODOT contacted the city around July indicating that the city s cost for their relocation was in the \$65,000 cost range. The city felt that since we were never notified of this, we contacted ODOT and requested a waiver. ODOT came back

and indicated they would waive all of the fees with the exception of one utility along Rogers Lane. The cost for that relocation would be a little over \$12,500. Staff is asking the City Council to execute the agreement with ODOT with the city being responsible for paying that 10% and authorize the Mayor and City Clerk to make payment for that \$12,564.

MOVED by Shanklin, SECOND by Haywood, to adopt **Resolution 07-02** authorizing the Mayor and City Clerk to execute an agreement for utility cost sharing with the Oklahoma Department of Transportation (ODOT) for improvements to I-44 at Rogers Lane (US-62) & Gate 2, Federal-aid Project Number IMDY-0044-1(089)043ID. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

24. Consider approving a master service agreement with AT&T Oklahoma to provide Hosted E9-1-1 Services. Exhibits: The Master Service Agreement is on file in the City Clerk's Office.

Chief Ronnie Smith, Lawton Police Department, stated AT&T is providing a new service for the dispatch section and our telephone system. Staff met with representatives from AT&T and they came up with a contract which has been approved by AT&T. They feel this will be a better system overall for the dispatch section. The cost is slightly more than what they have now. This will help with future needs when they combine E-911 systems.

Mitchell stated they think this new system is a requirement in order to proceed with combining our E-911 system and once this is switched out, we will be able to do the conversion and transfer the county system to combine with the city's. One provision in the agreement states that AT&T is requesting 120 days to install the equipment. He is hoping that time frame will be shorter so that in the next 90 days they will be ready for the conversion. Once this new system is in place, they will be able to roll the county's E-911 services over to the city.

Shanklin clarified that this is needed.

Mitchell stated yes.

Vincent stated we have had similar contracts with Southwestern Bell on E-911 services and we have tried for years to limit the city's liability of the Governmental Tort Claims Act. We raised that issue again and Chief Smith was successful in negotiating this issue. This is the first time he has seen an SBC or AT&T contract amended at our request. He wanted to commend Chief Smith on a good job.

Warren stated this provides us with the opportunity that if we had a major disaster, when this is fully in action, our E-911 center could be remotely run from Oklahoma City or from a trailer out in the middle of Wichita mountains. This is the future and it is a really good deal.

MOVED by Warren, SECOND by Haywood, to approve a master service agreement with AT&T Oklahoma to provide Hosted E9-1-1 Services. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

25. Consider an ordinance amending Section 10-1-102; 105; 107; and 108, Article 10-1, Chapter 10, Lawton City Code, 2005, by eliminating the definition of lowest responsible bidder and establishing a definition of a non-responsive bid and disqualified/ineligible vendor/contractor, and allowing the City to join with other municipalities and governmental entities for the purpose of joint bidding, providing for severability, and declaring an emergency. Exhibits: Ordinance 07-__.

Vincent stated the changes are basically to bring us into compliance with the definitions of state law. He stated this would allow us to join with other cities to possibly save money on trash trucks by combining our bids and give us a larger quantity.

MOVED by Shanklin, SECOND by Warren adopt **Ordinance 07-03** waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-03

An ordinance pertaining to finance and taxation amending Sections 10-1-102; 105; 107; and 108, Article 10-1, Chapter 10, Lawton City Code, 2005, by providing for a definition of a non-responsive bid and disqualified/ineligible vendor/contractor, and allowing the city to join with other municipalities and governmental entities for the purpose of joint bidding, providing for severability, and declaring an emergency.

26. Consider authorizing the City Manager to solicit Requests for Proposals for a Capital Improvement Line of Credit, Series 2007A, Revolving Line of Credit, for the Lawton Economic Development Authority necessary to provide initial financing of redevelopment activities for both the Phase IA Project and TIF related projects and take

appropriate action as necessary. Exhibits: Request for Proposals (RFP) for Capital Improvement Line of Credit, Series 2007A, Revolving Line of Credit approved by LEDA 1/2/2007. Exhibits included with the RFP available for review in the City Clerk's Office:

Ordinance Approving the Lawton Downtown Economic Development Plan/Map (adopted May 9, 2006), Lawton Downtown Implementation Agreement between the City, LEDA, and LURA (dated October 11, 2006) Developer Request for Qualification, Phase IA: 60 Acre Mixed-Use Development (dated September 6, 2006).

Mitchell stated they have been planning the downtown redevelopment program for about two years and we are now at the point that we can start implementing and this is the first step. A copy of the RFP is included in the agenda packets. The purpose of the RFP is to solicit financial institution proposals for a line of credit that we will be able to use over the next eighteen months to fund some of the activities we are planning in Phase IA which is the area north and east of 2nd and Gore. The proposals should be ready to review in about 15-20 days.

Shanklin stated they started this thing with \$3 million street enhancement and then it went to \$4 million and this says \$5 million. He worries about spending \$5 million on a street that is already there. There are other streets that aren't even in third world classification. He stated he just wanted to make that statement. He stated he is completely outvoted and only time will be the test. He questioned if it will be \$7 million in another six months?

Mitchell stated the original estimate was not from Ferris to C Avenue. It was from Ferris to Gore.

MOVED by Drewry, SECOND by Warren to authorize the City Manager to solicit Requests for Proposals for Capital Improvement Line of Credit, Series 2007A, Revolving Line of Credit.

Shanklin stated that on page 94 of the agenda book it states that Wells Nelson Associates will be reviewing the bids and will recommend proposals that provide the lowest overall borrowing cost and most favorable terms. It states that LEDA will select the companies. He questioned who was in charge, Wells Nelson, LEDA or does the City Council have any say so?

Mitchell stated all of the above. Wells Nelson will help evaluate the proposals we receive, LEDA will take that recommendation and vote yes or no on that proposals and then that recommendation will come to the City Council.

He stated the City Council signed a memorandum between the three entities which states that LEDA has the responsibility to manage the project and to review the financing of that project based on the budget that we adopted for the TIF District. The City Council has to authorize any borrowing by LEDA. That recommendation will come to the City Council.

VOTE ON THE MOTION: AYE: Givens, Drewry, Jackson, Patton, Haywood, Warren, Shoemate. NAY: Shanklin. MOTION CARRIED.

27. 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 take appropriate action as necessary. Exhibits: Chamber Committee recommendations to be presented at the January 9, 2007 Council Meeting.

Mitchell stated the City Council met in mid October and set an election date for April 3rd and asked that a committee be formed to review both potential projects for that election and methods of funding. That committee, chaired by John Hester, has been meeting for the past couple of months and is ready to present a recommendation to the City Council.

A copy of the committee report was distributed.

John Hester stated the document was put together by a cross section of people from the community. He stated they believe the City Council should go out for a spring vote on April 3, 2007 on a 7-year, one-quarter cent sales tax that would be city-wide. This would be an extension of what is now called the Goodyear Tax. Simultaneously they believe the Comanche County Commission should go out for a 1/8 cent jail tax that would not begin until the current jail tax expires. The County Commission would also go out for an 1/8 cent economic development tax. This wouldn't completely replace the Goodyear Tax, but would work in replace of the Goodyear Tax with regards to providing us economic development funding. These three taxes would not raise any existing taxes, it would actually lower taxes in the outlying communities. Cache, Fletcher and Elgin would actually have a cent less tax under this scenario. He stated they believe the Comanche County Commission should go out for a 1.75% sales tax in unincorporated areas. Right now unincorporated areas of Comanche County have a sales tax of only 5.5% with a of that coming off July 1st. By adding 1.75%, this would be the maximum allowable, it would level the playing field between the municipalities and outside the municipalities with regards to sales tax. This would fall mostly on building materials. Right now if you build a home outside the city limits it is 3% less on building materials. This 1.75% tax is for nothing but county needs: rural fire, the coliseum, rural road programs. Actually these people would be paying for their own services. Besides the sales tax issues, we have to have a strong legislative action in the coming session. They have started that process. Both the City of Lawton and the Chamber of Commerce have hired lobbyists for this session and it will take a strong effort from a lobbying standpoint to get some legislative action. There are two or three various places

that are possibilities to get state help with our issues. He stated they believe the task force should reconvene after the legislative session and assess where we are. By then they will have the result of the sales tax election and the legislative session. He stated he thinks there is a great amount of cooperation out there and the people in Lawton and Comanche County understand the pickle we are in with regards to infrastructure and he thinks that people are very willing to be cooperative and work together to solve our problems. He and the Chamber of Commerce Board of Directors firmly believe that if we stick together on this infrastructure issue and this BRAC issue and taking care of the growth we need, if the city, county and citizens get out there and pull together, we can get the things done that we need to do.

Haywood stated he has seen this before on City of Lawton project costs in dealing with the streets. He questioned if there was any way they could add some more streets to these projects.

Hester stated it is entirely up the City Council to prioritize. This was done with the information they had available.

He stated the 1 cent sales tax is partially designed to replace part of the fuel taxes that are currently being used in only the eastern and western districts of Comanche County. Right now there is \$3.6 million being used in those two districts, the central district gets nothing. By passing the sales tax in the unincorporated areas, they believe there should be a political solution to the central district receiving part of that \$3.6 million. He stated there is a mechanism whereby the central district could have \$800,000 or \$900,000 to be used within the central district and the eastern and western districts could have an increase in their road funding with that sales tax.

Haywood questioned what about Sheridan Road.

Hester stated that Sungate Addition has been there since he was a kid and 45th Street sits in the same condition. He stated personally, if there is one street to be redone it would be SE 45th.

Mayor Purcell stated the priorities listed in this recommendation are just some numbers they filled in. The City Council is going to decide where the money goes. He stated 45th Street is listed as priority number one. Most likely it will not take \$9 million to do that one mile. He stated those projects listed were just guesses they did in a short amount of time. He stated that money is already planned for in the ODOT and 2005 CIP. The money to do 45th Street will probably not come out of this cent sales tax. There is going to be money going to other roads. All they are trying to do now is to decide what goes to the ballot. No particular road will be on the ballot, it is just to increase the sales tax. They will have a lot of discussion about what roads will be affected once the proposal passes.

Haywood stated that he just wanted to put that out on the table. Sheridan Road has to be extended sooner or later.

Shanklin stated he does not think you can even use the gasoline sales for anything other than what has been designated.

Hester stated Comanche County has the ability to divide however they choose.

Mayor Purcell stated there are only two counties in the state that don't give fuel tax money back to cities and Comanche County is one of those counties.

Hester stated in most counties in the state, the money is split equally between the three districts.

Warren stated the issue is that there is a big restriction on cities as to what roads they could use the money. You can use gasoline tax money within the city limits of an entity.

Shanklin stated you can in Elgin and Cache.

Warren stated you can also use it in Lawton.

Shanklin stated that was never really clarified.

Hester stated they are currently using fuel tax dollars inside city limits in other communities such as Cache, Elgin and Sterling.

Shanklin stated he liked that idea. He questioned if the other two commissioners will give this money up.

Hester stated they will not do it without a long discussion. They have talked with them and at some point a sense of fairness has to prevail with this sales tax and fuel tax whereby the people who are paying it are getting some benefit from it or in the long term there will be some issues. He feels that they see the value in having us support their tax issue and as long as they are getting an increase out of it, he thinks there is room to negotiate.

Shanklin stated when you drive out in the county on a hard surface road, the citizens of Lawton paid for 80% of it.

Mayor Purcell stated they are not going to solve this issue tonight and he suggested adding this item to the agenda

for the special meeting scheduled for January 16th. He stated they need to decide what to do on the April 3rd election for the city portion. He stated this will give everyone an opportunity to study this over the next week.

Everyone agreed to agenda this issue on January 16th.

Haywood stated in the future, if they ever need anyone to serve on the Mayor's Task Force on Infrastructure, he would highly recommend Keith Bridges. He stated he has a lot of experience.

Mayor Purcell thanked everyone who agreed to serve on this task force. He stated this was something that was needed and it was a community wide exercise.

Jackson stated that he, Janice Drewry and Rex Givens participated in this committee and there was a lot of work done. With some fine tuning and movement he believes this will work.

Warren stated this looks like a pretty good plan. There is one issue that was not looked at and they really need to look at adding some police officers and firefighters.

Warren distributed an additional option that would provide 15 police officers and 5 firefighters. He stated it would add a cent sales tax, but would reduce the utility bill by an average of \$2.89 on the average of a four year period at which time the City Council could vote to move that \$6 rolling stock fee back to the utility bill. He requested that the City Council look this option over. It would allow them to put police officers on the street that would have normally been put in the budget over a long period of time. This would let them do this up front and get them all trained at the same time.

Mayor Purcell stated if there is anything else they want the City Council to consider they need to put it in writing and get it out to council members.

Shanklin stated he needs to say something other than utility bill, unless they want to use smoke and mirrors.

Warren stated that smoke and mirrors would be lumping it all into one sum and saying this is what it costs you. He thinks that we have done a really good job of itemizing the utility bill and showing exactly where that money goes.

Shanklin questioned how they are going to convey the costs into the rural area by hiding it with a utility bill. You either put in on the water or put it on all three: sewage, solid waste and water. He has discussed this with two judges and somewhere down the line that is going to be the issue.

Mayor Purcell stated this can be discussed during the budget process.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

COL Uberti stated next Tuesday, January 16th at 4:00 p.m. there will be deployment ceremony for some National Guard soldiers heading to Afghanistan.

Drewry stated that Lawton is facing a great new year and she is excited about it.

Jackson stated that he finds it very interesting and he was surprised by the editorial in the newspaper regarding gasoline prices in the city of Lawton. This is something he and others have been complaining about and this is the first time ever that he has seen the newspaper agree that there is a problem with prices in Lawton as compared to other communities. He stated there still seems to be a problem with trash and debris in this community. He knows that the police officers are working on the litter issue, but we have a lot of trash and debris in this town and it is ugly. He stated that we need some help.

Mayor Purcell stated the problem is that a large number of citizens leave debris on the side of roads and in the back of pickups. It is much better in those areas that have containers. He stated his rotary club will pick up on Saturday and by Monday it looks like they didn't even touch it. He stated they must rely on citizens to clean up their own mess.

Shanklin stated there was a letter to the editor that dealt with the issue that there are two holidays during the year on Mondays and there is no trash pick up. He stated he spoke with the City Manager about this issue and he will bring something before the Council that will move the pick ups around. He stated last Friday we bought gasoline for the City of Lawton for \$1.54, you add .36 and that is \$1.90. He stated it is \$2.18 and that is a difference of .28. He stated he is not accusing anyone.

Haywood stated that the people in his area are not able to go to the landfill when they have extra trash. He became a solid waste worker and taking trash out to the landfill. He questioned where stoves, washing machines

and sofas can go. Are we picking them up in a different truck?

Ihler stated in previous clean ups they have been suffering some damage to the trucks because they have been putting everything they can in the truck and they have been paying for it in higher maintenance costs. During this winter clean up, trucks are going through and when they see things that should be picked up as part of the clean up, the driver notes the address and turns it in at the end of the day. The next day a crew will go by and they will pick up these items with a dump truck. He stated the pick up will be one day behind. He stated they will not pick up appliances that do not have the refrigerant removed.

Warren stated the litter problem is an attitude issue and they need to look at some kind of educational push with the youth. He stated they are not going to get there by just charging \$700 for littering.

Mitchell stated he would like to recognize the City of Lawton employees for raising \$2,700 for the Lawton Food Bank. He stated he attended a preconstruction conference on Monday for the Lawton High project on C Avenue. The subcontractors should be showing up next week. He stated that he and Assistant City Manager Greg Buckley will be at a city managers conference for two days in Stillwater. Those in charge will be the City Attorney and the Public Works Director.

Mayor Purcell complimented Chief Smith and the Lawton Police Department for their actions in regards to the first homicide of the year. Their quick action caught the culprit in a matter of hours.

The Mayor and Council convened in executive session at 7:38 p.m. and reconvened in regular, open session at 8:03 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

28. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers Compensation claim of Craig Lyman, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 28. He stated the City Council discussed the claim and possible courses of action. No action is required at this time.

29. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Oklahoma Water Resources Board application of Edward A. Hilliary, Jr., #2003-599, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 29. The City Council did discuss the pending case in front of the Oklahoma Waters Resources Board concerning the application of Edward A. Hilliary, Jr. and possible courses of action. No action is required at this time.

30. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Tort Claim of Rebecca Nelson, DC-2006-081, against the City of Lawton, and if necessary, take appropriate action in open session.

Exhibits: None.

Vincent read the title of item 30. The City Council did receive a report concerning the injuries and the claim. No action is required at this time.

There being no further business to consider, the meeting adjourned at 8:05 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK