

Meeting of 2007-2-13 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
FEBRUARY 13, 2007 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
John Vincent, City Attorney
Traci Hushbeck, City Clerk

Mayor Purcell called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Bob Weger, Bible Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Rex Givens, Ward Two
Janice Drewry, Ward Three
Keith Jackson, Ward Four
Robert Shanklin, Ward Five
Jeff Patton, Ward Six
Stanley Haywood, Ward Seven
Randy Warren, Ward Eight

ABSENT: None

PRESENTATION OF CITIZEN OF MONTH TO CHARLES MIDDLETON.

Sharon Means, Chairman, Mayor s Commission on that Status of Women introduced Pat Beck, Commission member.

Ms. Beck introduced Charles and Middleton and his wife Dana, Citizen of the Month for February.

Mayor Purcell presented a Certificate of Congratulations from the State of Oklahoma, and a Certificate of Commendation from the Mayor s Office.

AUDIENCE PARTICIPATION:

Buford Rooks, 6410 NW Compass Drive, stated there is a building on his property that does not belong to him. It is sitting across the telephone line. He would like for the building to be removed off of his property. He would like it to be declared dilapidated.

Warren stated this is in his ward and has been an ongoing issue for Mr. Rooks for a long time. There was a ruling through the courts system that he is stuck with someone else s property on his easement. They need to try going through Neighborhood Services and explore that avenue. If he has to put up with it, it should at least be up to code.

Shanklin questioned how long Mr. Rooks has been trying to get this building removed.

Mr. Rooks stated since 2002.

Shanklin stated that is too long.

Warren stated he has been out there and looked at it and told Mr. Rooks there is nothing that we can do and he needed to go through the legal system. Mr. Rooks took that avenue, and the judge said that the property stays on Mr. Rooks easement.

Shanklin questioned what judge said that.

Mr. Rooks stated Mark Smith in District Court.

Shanklin questioned the size of the building.

Mr. Rooks stated it is 8 x 8 .

Mayor Purcell stated they need to go through the dilapidated process and work it through that process, this is not our building.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL SPECIAL MEETING OF OCTOBER 30, 2006, AND THE REGULAR MEETINGS OF NOVEMBER 14, 2006, JANUARY 9 AND JANUARY 23, 2007.

MOVED by Warren, SECOND by Jackson, to approve the minutes of October 30 and November 14, 2006 and January 9 and January 23, 2007. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. 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 that items #1, #3 and #22 need to be considered separately.

MOVED by Patton, SECOND by Jackson, to approve the Consent Agenda with the exception of items #1, #3, and #22. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

1. Consider accepting State Aid for Libraries grant of \$52,920 from the Oklahoma Department of Libraries for FY 2006-2007. Exhibits: State Aid agreement on file in the City Clerk s office.

T. W. Shannon, Oklahoma State Representative presented the Mayor with a check from the State Aid Library Fund in the amount of \$52,920.

MOVED by Patton, SECOND by Warren, to accept the State Aid for Libraries grant of \$52,920 from the Oklahoma Department of Libraries for FY 2006-2007. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

2. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: John and Doris Hoffman in the amount of \$6,825.00 (**Resolution 07- 09**), Parks Jones Realty in the amount of \$4,256.91 (**Resolution 07- 10**) and Troy D. Muse in the amount of \$183.80. Exhibits: Legal pinions/Recommendations, Resolution 07- __, Resolution 07- __.

3. Consider the following damage claims recommended for denial, Elsie Mae Strange in the amount of \$13,165.18 and Angelita Knight in the amount of \$15.00. Exhibits: Legal Opinions/Recommendations.

Mayor stated that someone has asked to speak regarding the Elsie Mae Strange claim.

MOVED by Warren, SECOND by Shoemate, to deny claim of Angelita Knight in the amount of \$15.00. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

Margaret Strange Downey, 22 NW 35th Street, stated she is here to speak on the sewer back up claim of September 17th which forced her mother, Elsie Mae Strange, out of her home for six weeks. Her mother is 91 years old, a widow and has lived at 814 NW 33rd Street since June 9, 1953. She stated she completed to tort claim for her mother and would like to speak for her tonight. On the morning of September 17th she and her husband arrived at her mother s home and the sewer had backed up into her home but the flow had stopped. While they were mopping the flow started again and it was gushing out of the toilet and the tub. She stated the water department had been called several hours earlier by a neighbor. City crews arrived and the gushing stopped. The next day a neighbor saw two city employees unloading sewer cleaning equipment and taking it to the manhole behind the house. The following Wednesday, the neighbor observed more workers working on the manhole. She stated in going through her mother s papers she found a report dated March 10, 2004 from the City of Lawton Wastewater Collection Division showing that the crew flushed the main and cleared an obstruction. This shows a previous problem with this main. There were only two houses with a sewer back up on September 17th, 814 NW 33rd and 816 NW 33rd. These homes are in the middle of the street in a block that slants downhill from north to south. If this was an act of God, why didn t the homes upstream or downstream flood with the sewage. At the November 14th City Council meeting, the claim by the next door neighbors, the Greens, was approved.

Drewry stated she did go and look at both homes when this occurred and it was a terrible mess.

Shanklin questioned if, according to the back up information, are we admitting that there is inflow.

Vincent stated we do have inflow, but the storm dumped 4 inches of rain in three hours and the sewer could not handle it.

Shanklin questioned if the burden should go on the homeowner.

Vincent stated this sewer is built to design standards to handle a two year inflow.

Shanklin stated he feels we owe Ms. Strange. We need to validate what exactly are the damages.

Vincent stated if the City Council does approve this claim, staff is recommending we pay \$11,714.10.

MOVED by Drewry, SECOND by Haywood, to adopt **Resolution 07-11** approving the claim of Elsie Mae Strange in the amount of \$11,714.10. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

Ms. Downey stated they did put in a back up valve and a pop up clear out and Ms. Strange does now have sewage back up insurance.

4. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in directing our third party administrator to make payment on the judgment in the Workers' Compensation case of Carlton Clark in the Workers' Compensation Court, Case No. 2006-09560 Y. Exhibits: **Resolution No. 07-12**.

5. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in directing our third party administrator to make payment on the judgment in the Workers' Compensation case of Ansara Young in the Workers' Compensation Court, Case No. 2006-09624 Y. Exhibits: **Resolution 07-13**.

6. Consider accepting a Quit Claim Deed for the property located at 617 SW 26th Street, authorize the Mayor and City Clerk to execute the Quit Claim Deed and authorize Neighborhood Services to demolish the structures thereon. Exhibits: Letter from Property Owner, Abington LLC, Sub-division Map and Quit Claim Deed.

7. Consider approving request from the Arts & Humanities Division to pursue applying for a Local Government Challenge Grant from the Oklahoma Arts Council for FY 2007-08. Exhibits: None.

8. Consider accepting donation of funds donated by Wal-Mart West, 6301 NW Quanah Road for Lawton Police Department Gang Unit. Exhibits: None

9. Consider accepting donation of seven additional police jackets to be utilized by the police department s Gang Unit. Exhibits: None.

10. Consider issuing a revocable permit for the installation of a parking lot to serve the First Free Will Baptist Church located at #10 SW 24th Street. Exhibits: Application and site plan. Revocable Permit is on file in the City Clerk s office.

11. Consider approving the construction plans and specifications for the extension of SW Brentwood Boulevard and an 8-inch waterline extension. Exhibits: Location Map.

12. Consider accepting the sanitary sewerline constructed to serve Independence Place on East Gore Boulevard, an escrow agreement, a maintenance bond, and a utility easement and releasing the performance bond and payment bond for the sanitary sewerline. Exhibits: Location Map. Escrow Agreement, Easement and Maintenance Bond on file in City Clerk s Office.

13. Consider acknowledging receipt of a permit from the Oklahoma Department of Environmental Quality for the construction of 3,165 linear feet of eight (8) inch PVC gravity sewer line and all appurtenances to serve the Richards Family Group Property located in the SW/4 of Section 27, T-2-N, R-11-W, I.M., Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City Clerk s office.

14. Consider accepting a corrective easement from the heirs of Oleta Turner and authorizing the Mayor and City Clerk to execute the easement. Exhibits: Document is on file in the City Clerk s office.

15. Consider accepting a permanent easement from Lance and Loretta John which is needed for the Water Infrastructure Improvement Phase I (Lines) Project #2006-8, and authorizing the Mayor and City Clerk to execute the easement. Exhibits: Document is on file in the City Clerk s Office.

16. Consider ratifying the actions of the City Engineer and approving Change Order No. 1 for the Water Storage Tank Roof Repair Project #2006-14 with Luckinbill, Inc. Exhibits: None.

17. Consider adopting a Resolution authorizing the installation of traffic control measures on 6400 block of SW Atterbury Drive, Patterson Park on SW 29th Street, and SW 27th Street between Gore Blvd. and J Avenue. Exhibits: Traffic Commission Minutes, Traffic Issue Requests, and **Resolution No. 07-14**.

18. Consider adopting Street Light Resolution No. 451 to authorize the installation of street lights at the location listed in the Resolution. Exhibits: **Street Light Resolution No. 451**.

19. Consider extending the contract (CL05-032) Metal Products with Albright Steel & Wire of Lawton, OK. Exhibits: Department Recommendation, Price Bid Sheet, Contract Extension Form.

20. Consider extending the contract (CL05-029) Footwear (Safety, Athletic, Walking) with Bill s Scoreboard of Lawton, OK, for the athletic shoes portion of this contract. Exhibits: Department Recommendation, Price Bid Sheet, Contract Extension Form.

21. Consider extending the contract (CL05-029) Footwear (Safety, Athletic, Walking) with Woodwards of Cyril, OK, for the safety shoes portion of this contract. Exhibits: Department Recommendation, Price Bid Sheet, Contract Extension Form.

22. Consider rejecting bids for (CL07-019) Side-load Refuse Collection Body and authorizing Solid Waste Collection to proceed with the purchase of this equipment through the city of Norman contract as outlined in the recently amended ordinance Section 10-1-102; 105; 107; 108. Exhibits: Abstract of bids and department recommendation.

Jerry Ihler, Public Works Director, stated he asked that this item be pulled. He stated staff does still want to reject the bids but since this process has started with the City of Norman and with the overall process of emission controls for new trucks in 2007, they are required to have special emission controls with regards to the Clean Air Act. The truck that we bid with the City of Norman is no longer available to be bid. Staff still would like to reject the bids, but they will not proceed with the City of Norman s contract but will pursue another community s contract that has purchased a truck with the new emission control standards in place.

Jackson questioned if we are inquiring about the purchasing process from Texas.

Ihler stated staff is in the process of gathering information and looking at that aspect. The Attorney General s office still needs to provide some approval for cities from the State of Oklahoma to be able to purchase on that process.

Shanklin questioned if they were looking at \$230,000 for this apparatus and a new vehicle.

Ihler stated the low bid was \$213,000. One of the other reasons they wanted to reject the bids was because the dollar amount was more than they anticipated in the budget and they wanted to revise the specifications because they felt the 30 yard trucks were just too heavy with regards to street standards. They would like to go back and find a contract that has 24 yard trucks. Our current trucks are only 20 yard trucks. The cost of a fully automated truck is more than a semi-automated.

Shanklin questioned if it would take one or two individuals on the truck.

Ihler stated this truck would just require a driver.

Shanklin questioned why we would want to go with a larger capacity truck.

Ihler stated we do not. Staff had mistakenly specified the 30 yard truck, and staff would like to go with a smaller truck.

MOVED by Shanklin, SECOND by Warren, to reject bids for (CL07-019) Side-load Refuse Collection Body. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

23. Consider awarding (CL07-024) Ballistic Vests & Covers to Special OPS Uniforms, Inc. of Oklahoma City, OK. Exhibits: Department recommendation, abstract of bids.

24. Consider extending the contract (CL06-036) Thermoplastic Material with Swarco Industries, Inc. of Columbia, TN. Exhibits: Department Recommendation, Price Bid Sheet, Contract Extension Form.

25. Consider approval of payroll for the periods of January 15 - February 11, 2007.

OLD BUSINESS ITEMS:

26. Consider the following damage claim recommended for denial that was tabled at January 23, 2007 Council meeting, Glenn & Maria Girone in the amount of \$2,900.00. Exhibits: Legal Opinion/Recommendation.

Vincent stated this claim was tabled so that staff could make an on site inspection of the property. He stated that he, Councilmember Patton, Dave Tracey and two claims examiners went out to the property. He stated the damage appears to be old and there does not appear to be any new cracks. There are similar cracks in the sidewalk down the side of the home and the driveways on either side of the home and across the street have cracks. Staff continues to maintain that this was not caused by any city equipment or the leaking water and recommend the claim be denied.

Glenn Girone, 211 NW 74th Street, stated on the night of October 3rd at 10:25 p.m. the main in between his water meter and the fire hydrant had broken. Crews got the water shut off at 10:55 p.m. At 1:00 a.m. crews starting blasting away at the cement which lasted the rest of that night and through most of the next day. When he returned from work the next day, crews were filling it in. He did submit names of workers who were there on the night of October 3rd but they were never interviewed. He was contacted by Jessie Henry, a city employee, who said they were there to fix the approach. He explained he had submitted a tort claim and he asked that they hold up on the work. He was informed by Mr. Henry that it was part of the protocol of the city crews to identify pre-existing cracks. As part of the protocol he was to give an estimate, which was \$2,900 for the flat part of the driveway. He is not here to collect a check, he would just like his driveway fixed.

Patton stated he did go back out and look at the driveway. After looking at it again, he cannot say that we did not contribute to the cracking on the driveway.

MOVED by Patton, SECOND by Shoemate, to pay the claim in the amount of \$2,900.00.

Shanklin stated he has been around concrete and there may be some wear and tear, but he does not think it is our entire fault.

SUBSTITUTE MOTION by Shanklin, SECOND by Jackson, to pay 50% of the claim.

Jackson stated he is looking at having a driveway redone and the total cost of the driveway will be about \$1,800.

Patton stated he spoke with Mr. Girone and he had a hard time getting anyone to come out for an estimate. He stated Mr. Girone is just interested in getting things fixed. It is not a dollar issue. He questioned if city staff could take care of the whole driveway.

Ihler stated the City Council would have to authorize staff to go on private property.

Vincent stated if Mr. Girone gives us permission.

Patton questioned if that would be cost effective. He asked if Mr. Girone would be okay with city crews replacing the driveway.

Mr. Girone stated that would be fine.

SECOND SUBSTITUTE MOTION by Patton, SECOND by Warren to approve the replacement of the full driveway with work to be done by Public Works. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

27. Discuss criteria for providing water to residents inside the City limits. Exhibits: City Attorney Memo of January 29, 2007.

Shanklin stated he just wanted to know how we handled this issue and staff has given him that information. No action is required.

NEW BUSINESS ITEMS:

Mayor Purcell requested item #43 be addressed.

43. Consider Approving an Emergency Management Services Agreement between the Board of County Commissioners, Comanche County and the City of Lawton, establishing the functions, location, terms, costs and expenses, operational budget, and responsibilities of the combined City/County Emergency Management Program and authorize the Mayor and City Clerk to execute the necessary documents. Exhibits: Emergency Management Services Agreement, FY 06-07 City of Lawton Emergency Operation Center Budget, FY 06-07 City of Lawton Emergency Operation Center Summary of

Mitchell stated in the agenda packet is a draft that is in response to an agreement or proposal that was sent to us by the County Commissioners in November. In the draft agreement they are asking the City of Lawton to pay 80% of all costs associated with the emergency management operations once they are merged. Staff is recommending that we counter offer back to the county that we share equally in that cost on a 50-50% net. The net means that any state or federal grants that are received would be used to reduce the cost to the city and the county and we would split those costs equally after reducing the grant amount from the budget. He stated historically we have shared that cost equally between the county and city.

Patton stated they have always been big on the 80/20 as far as splitting up revenue and he wonders if this doesn't send the wrong kind of message if we want to split revenue 80/20 but we don't want to split expenses.

Mitchell stated if you look at the budgets, both the city and county are spending about the same amount of money each year for emergency management. The budgets were very different when they were talking about E-911, the ratio between the city and county was more like four to one. The city was spending well over \$1 million and the county was spending about \$350,000. We are just talking about emergency management now.

Mayor Purcell stated before the city took over part of the emergency management, we didn't pay much at all to the county because they have the responsibility of emergency management to the county. He stated the City Manager is recommending that we each pay about 50% of emergency management. Neither the city nor county will necessarily save anything but it should make emergency management a lot safer than it is now. There will be one agency running it and one agency writing the emergency operations plans which certainly need to be rewritten.

MOVED by Warren, SECOND by Drewry, to approve an Emergency Management Services Agreement between the Board of County Commissioners, Comanche County and the City of Lawton, establishing the functions, location, terms, costs and expenses, operational budget, and responsibilities of the combined City/County Emergency Management Program and authorize the Mayor and City Clerk to execute the necessary documents. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Drewry. NAY: None. ABSENT: Givens. MOTION CARRIED.

28. Hold a public hearing and consider Ordinance No. 07-___ creating Division 18-11-2, Article 18-11, Chapter 18, Lawton City Code, 2005, creating the Transition District (TR) zoning classification and the regulations for the Transition District providing for severability, codification and declaring an emergency. Exhibits: Proposed Ordinance No. 07-___.

Mayor Purcell stated the only thing they are discussing is a new ordinance creating a transition district. They will not be discussing any particular location where this will be applied if approved.

Richard Rogalski, Planning Director, stated as the community grows there is increasing pressure on residential lots fronting on high traffic streets to convert to a new commercial use. This conversion becomes a concern to the abutting residential neighborhood due to the proximity of the new activity to the residential use. Often a twenty foot alley is the only physical separation between the uses. Examples of these conversions are located along NW Ferris Avenue, NW Sheridan Road, NW Cache Road and SW Lee Boulevard. Currently the zoning code does not offer any protections to the abutting neighborhood for such commercial encroachments. He stated both the Planning Commission and City Council have expressed an interest in adopting a new zoning district that would allow some conversions of residential lots on high traffic streets to commercial uses while protecting the adjacent residential neighborhood through tools such as limited permitted uses, mandatory site plan approval by the Council, revised setbacks for multi-story and large scale buildings, enhanced landscaping, and new refuse collection design standards. He stated the draft ordinance has been reviewed by a committee consisting of Planning Commissioners Denham and Jones, and Councilmembers Drewry and Warren.

On December 14th the CPC commenced its review of this ordinance and tabled it to the first meeting in February to allow time for more discussion of the ordinance by the committee. However, Councilpersons Drewry and Warren requested that the CPC place this item on the January 11th meeting. On January 11, 2007 CPC concluded its public hearing on this matter and recommended that the Council approve the ordinance by a 5 to 2 vote.

Rogalski stated the ordinance includes a variety of uses that are not necessarily just the uses from C-1, C-2 or C-5. There are a variety of uses that they felt were compatible with mitigation to a residential area. This includes everything from residential to a large retail establishment. There is also the provision for Council to approve additional uses that are similar in character. This district requires a binding site plan, which means if a developer or someone interested in developing some property comes before the Council and say these are the things I am going to do, this will bind all of those promises into that site plan so that there is no concern that two years from now, someone forgets what they promised Council. It will be carried with the zoning. If any changes were to be made they would have to come back to council. This ordinance also includes some additional setbacks. Parking lot lighting is covered in this ordinance. A landscaping plan is also included. He stated for a large development there

is actually a burm requirement between the building and the adjacent residences. There is also a five year reversionary clause. After a property is rezoned, if nothing happens within five years, this gives the city the ability to go back and access that property and determine if that zoning is still appropriate. He stated the CPC was concerned that this ordinance was going to be overused by staff or by the city to start putting it everywhere. He stated that is not the intent, it is just a tool.

Shanklin questioned if this was for the same thing regardless if it is R-1, R-2, R-3 or R-4.

Rogalski stated the intent of the ordinance is that the property is already zoned R-1 and someone want to buy houses and build something else.

Shanklin questioned if there was a difference between R-, R-2, R-3 or R-4 as to the application of all of this and he questioned if there was any other city in Oklahoma that has this zoning district.

Rogalski stated he does not know of any other city in the state that has this. They drew this up. This is its own district, it is not residential.

Drewry stated the idea is to protect the residential areas. As an example, when the Hampton Inn was built, the building backs up to the homes behind it. People staying at the Hampton Inn look right down into the backyards of those residents.

Shanklin stated there is a difference between R-3 and R-4.

Mitchell stated this would only be applied in a situation where you need a buffer between and R-1 and a high density residential or commercial development.

Rogalski stated this is not a blanket type ordinance.

Shanklin stated that is in someone else s opinion as to what he thinks it is and what you want it to be. That is his only point.

Rogalski stated the term sensitive area is subjective.

Mitchell questioned what happens in the case where you have a piece of property that is already rezoned. He is thinking of the case on west Gore where a piece of property was zoned R-4 for 25 years and all of the sudden it now has a multi-story apartment complex being built. He questioned if this would solve that issue.

Rogalski stated this would not affect existing zoning. If someone has the zoning, there is no need to apply for rezoning.

Warren commended staff for putting this together and making the changes they asked for. This is the tool that gives them the ability to let something be built someplace where it is probably a good idea, but could not be done under the old zoning. There are so many times that they try to do stuff and can t and everyone leaves unhappy because it is something that should happen.

Shanklin stated this tells the developer what they have to have and we don t have time for that.

Warren stated this is not a noose we are putting around a developer s neck. They are the ones that come to the city and ask to use this transition district to build this project because it could not be built by just changing it to a C-1. The developer will tell us what he wants to do and agrees to build it a certain way. We have given the developer to tool to do this. We are not forcing this on them, this is something they can request.

Drewry stated it gives us the ability to make sure that if they don t do it a certain way, they don t do it at all.

PUBLIC HEARING OPENED.

Doug Gibson, 3403 NW Cache Road, questioned if there was any way to align the zoning with plat restrictions. He spent some time with an attorney and was told that the plat restrictions on the property supersede the zoning restrictions. If you zone the property commercial, but the plats are still residential, is there an issue with making it commercial.

Vincent stated the plat restrictions or covenants that are contained in the plat document are private between the owners of the property and the developer. Those are agreements that they enter into when the property is developed. They are not required by the city and the city is not empowered to enforce those covenants.

Mr. Gibson stated they would zone property in a transitional/commercial setting when the plat restriction

completely restricts any commercial construction.

Vincent stated it would be up to the developer to go get permission from the other owners of the property to apply to the District Court to have the plat restrictions removed.

Mr. Gibson questioned why the city is even looking at the zoning without having this agreement in place.

Vincent stated there is a lot of parcels in the city of Lawton where the plat restrictions are either expired or they never existed in the first place. This would provide protection for some of those areas.

Mr. Gibson stated the plat restrictions on the north side of Cache Road have not expired.

Vincent stated this item is not aimed at any particular location, be it the north or south side of Cache Road.

PUBLIC HEARING CLOSED.

MOVED by Drewry, SECOND by Patton, to adopt **Ordinance 07-05**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Drewry, Jackson. NAY: None. ABSENT: Givens. MOTION CARRIED.

(Title read by City Attorney) Ordinance 07-05

An ordinance pertaining to planning and zoning creating Division 18-11-2, Article 18-11, Chapter 18, Lawton City Code, 2005, by creating the Transition District (TR) zoning classification and the regulations for the transition district zoning classification; providing for severability, codification; and declaring an emergency.

Mayor Purcell requested items #33 and #34 be addressed.

33. Consider adopting an ordinance amending 5-1-101, 5-1-103, 5-1-106, 5-1-107, 5-1-112, 5-1-113, 5-1-114, 5-1-117, 5-1-118, 5-1-120, Article 5-1, Chapter 5; Sections 5-2-201, 5-2-202, 5-2-203, 5-2-204, 5-2-205, 5-2-206, Article 5-2, Chapter 5; Section 5-3-302, Article 5-3, Chapter 5; Section 5-4-401, Article 5-4, Chapter 5; Sections 5-5-501, 5-5-502, 5-5-503, 5-5-508, 5-5-510, Article 5-5, Chapter 5; and adding Sections 5-1-105, 5-1-109, 5-1-123, Article 5-1, Chapter 5, and Section 5-5-512, Article 5-5, Chapter 5, Lawton City Code, 2005, by requiring a special license for unaltered dogs or cats; excepting certain animals from sterilization; requiring a permit to breed, advertise for sale or give away, or transfer ownership of dogs and cats; identifying circumstances constituting animal related nuisances; prohibiting menacing behavior by dogs; limiting the authority to euthanize abandoned animals to law enforcement/animal control officers as specified by state law; authorizing the deposit of twenty-five percent (25%) of all revenues from animal-related citations into an existing account used exclusively for animal welfare facilities, administration and enforcement, and programs; and imposing a minimum fine of five hundred dollars (\$500.00) for violations of specified animal-related ordinances, providing for severability and codification. Exhibits: Ordinance 2007-__.

Ihler stated the background for this agenda item identified eleven basic areas that changes section five of the City Code. Basically the majority of those items are clarifying the existing code to help with respect to enforcement of some of the issues already established in the code. The other issues are coordinating our code to match the state statute. He stated most of those attending the meeting tonight have issue with the items that create a Breeding Advertising and Transfer permit. In an effort to reduce the number of stray and unwanted dogs and cats and ultimately reduce the number of healthy adoptable dogs and cats that we euthanize every year at the Animal Shelter. Basically it is a compromise from the stand of a mandatory spay or neuter. They have established a permit and a cost associated with that permit so that if a citizen does not wish to spay or neuter an animal they must receive a permit and pay a fee. He stated the Animal Shelter has euthanized, on average, just under 4,500 animals every year.

Mayor Purcell stated he has several requests from people who would like to speak. This is not a public hearing, but the City Council has agreed to allow citizens to voice their opinion. He reminded those in attendance that they will have a limit of three minutes.

Tom Dewey, 2502 NE Kingsbriar Place, stated he is here to speak against the ordinance. He is interested in purebred dogs. A lot of people have a hobby of showing and breeding these dogs. He does not believe that purebred dogs have in any way contributed to this problem. If a dog is neutered, he is not allowed to show in an AKC show. The expense of keeping a dog unaltered is a burden. He encouraged the City Council to reject the ordinance

Greg Shawn, 117 SW 50th Street, stated he is against the proposed ordinance. He stated the additional fees for an unaltered animal is excessive. If the animal is picked up there is an increase in fines. There is a discrepancy between the altered and unaltered animal that is causing an issue with responsible pet owners. They will carry the burden of cost when

they register their animal. If a family cannot afford to alter their animal, they certainly will not be able to pay a fine. This ordinance does not address those people who sell animals out of pickup down Sheridan Road or Fort Sill Boulevard. In most cases these are not even residents of Lawton and will not even have to comply with the ordinance. He stated they need to define a public nuisance and a dangerous animal whether they are in tact or not. This ordinance does not address anything related to animal rescue or foster by organizations or individuals. The definition of nuisance does leave an open door. He stated they are burdening the veterinarians with a few responsibilities they have not had in the past.

James Crews, 2520 NE Turtle Creek, stated he is against the ordinance. He stated recently he had a personal experience with his neighbor's dog who likes to bark a lot when anyone comes around. When he was out of town his neighbor's dog scared off a potential burglar. The ordinance may reduce the number of dogs in town, but will probably not reduce the number of stray dogs. It will open up the doors for burglars to come in their homes.

Delores Deluomo, #6 SE 65th Street, stated she is president of the organization that runs the Animal Birth Control clinic. She stated the Bob Barker Foundation in Oklahoma City has just given them \$15,000 for free neuters and spades so this does not have to be a financial burden on anyone. She stated she sold a building to the State of Oklahoma and had to adhere to regulations for an entire year, she had surveys done, plats approved and all sorts of things had to be done that cost her thousands of dollars just to sell her own building. There are rules and regulations in this world and anytime you engage in business of any kind there are rules that must be followed in a civilized society as decent citizens. She stated they are just as much a service to people as they are to animals. She stated animals are treated like trash because they are so easy to get and easy to dispose of. There are too many people that produce these animals in too many unwanted numbers. The average animal shelter will euthanize more animals in a month than a veterinarian will euthanize in his or her entire career. She will never understand why when she conducts her business activity in the community she is regulated and her activities do not negatively impact the taxpayers in the community, but the people who refuse to have their pets neutered or spayed impacts all of us, the taxpayers and the animals.

Ronnie Gardner, 614 SW Magnolia, stated he is against this ordinance because if you spay or neuter your dog or cat they will not be able to have puppies or kittens.

Dr. Joe Kiehn, 7911 NW Folkstone Way, stated he is against the ordinance. He stated the people who are here to support the defeat of this ordinance are not your problem people. Most are good pet owners and take care of their animals. Some of these pets are show animals. He knows the animal issues are always hot topics and he can see both sides. The people that will be charged and that comply are not the problem, it is accidental breedings and the people who don't care for their pets. They are not going to advertise in the paper, and you are not going to catch them. He stated the number of animals that are euthanized each year will not change. He questioned if the fees for spaying or neutering are going to help subsidize the surgery center at the animal shelter. He does not understand why the City of Lawton would go into the spay or neutering business when the local veterinarians were offering a \$35 low cost just to help the shelter. They have done that for at least 28 years. He does not feel the ordinance is going to affect where the problem lies.

Martin Doss, 3813 NW Columbia, stated he is a member of the Oklahoma State Federation of Coon Hounds. He stated there are already very strict laws in Oklahoma and we need laws that will punish only the real offenders and not discourage good ownership and breeding. He stated this proposal will not reduce the number of animals but will cause problems for the local breeders. This will eliminate the possibility of the sale of purebred animals. The way to control this is to educate people on spaying and neutering their animals. The purebred animals are controlled in this community. He stated with BRAC coming to this community, do we really want to run people out of the city and into the country so that they can raise their purebred dogs and cats. They need to deal with bad animals on a case by case basis.

William S. Hurley, Jr., 1808 NW Arlington, stated everyone in this room is here first and foremost for the animals. That is the first priority in this law. He stated there are 4,500 animals euthanized at the animal shelter every year and approximately another 1,000 more at places like the Animal Birth Control Clinic and other veterinarians. This law will prevent the irresponsible breeders. There are a lot of people for and against this law. He takes great pride in his animals and he takes care of them. The biggest problem he sees with this law is the fees and the cost of the fines. He feels there needs to be some revision to the law regarding the cost.

Marcella Ivens, 724 NW Laird, stated she has dogs who are family members. She has three generations. She is on a fixed income. There are a lot of people who do not read a paper and are not aware of what is being voted on today. She does not want to get her dog altered because she wants to keep the generations going. She is against the ordinance because she does not feel that the dogs that are causing the problems are from any kind of breeders. She stated as the military personnel go in and out of this community, many of them leave animals which compounds the problem. She stated this is penalizing those responsible people and this will not address the problem of stray dogs.

Linda Rheinwand, 6208 NE Cache Road, stated she is a founding member of the Humane Society in Lawton and is the Executive Director of the Animal Birth Control Clinic and she deals with this problem every day. She lives on the very edge of the city limits of Lawton and for 22 years she has probably had 300 animals dumped on her doorstep from irresponsible pet owners. She stated at least 40% of the animals that are euthanized at the animal

shelter are purebred animals. There is a pet overpopulation problem all over the United States and here in Lawton. We need to control all breeding. If someone wants to breed their animal and show it, they need to pick up the fee instead of everyone else paying for it. She stated this is a sensible law.

Chris Smith, 126 NW Paddock Lane, questioned what happens to that individual or family that needs to find a home for their animal when they have to relocate. That is not addressed in this ordinance. She lives in Comanche County and feels people will start dumping animals in the county. They need to consider where they go if they start doing ordinances on the city side. They also need to look at the wording in the ordinance to see if they are prohibiting something else from happening.

Scott Briggs, 309 NW Ridgeview Way, stated he is a veterinarian and operates two animal hospitals in town. He believes in spaying and neutering and believes it has a part in the pet overpopulation problem. The spay and neuter programs do not work. Since they started these programs they are still impounding the same number of animals. The spay and neuter program is the cornerstone of this ordinance and it just hasn't been working and it is not the only answer. He believes they need to raise responsible pet owners by having programs in the schools.

Shanklin stated that he and Councilmember Jackson were here twenty years ago and they addressed this same problem. Something has to change because what we are doing is not getting us there. He sees dogs running wild everywhere and he has been there when they put these dogs down. He wants to stop this and they need to do something different. What they have been doing is not working.

Warren stated he brought a yearly break down of how many dogs the animal shelter euthanizes. In the last ten years it was 44,179, which is 4,000 a year basically, 333 a month and 12 every single day of the year. This may not be the answer, but it is a step in the right direction. He finds it amusing that everyone is saying that the purebreds are not the problem, it is the mixed breeds. By the very nature of the word, mixed breed means that at some point two purebred animals got together because they were out of someone else's control. That is the problem.

MOVED by Warren, SECOND by Drewry, to adopt **Ordinance 07-06**, waive the reading of the ordinance, read the title only. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-06

An ordinance pertaining to animals amending Sections 5-1-101, 5-1-103, 5-1-106, 5-1-107, 5-1-112, 5-1-113, 5-1-114, 5-1-117, 5-1-118, 5-1-120, Article 5-1, Chapter 5; Sections 5-2-201, 5-2-202, 5-2-203, 5-2-204, 5-2-205, 5-2-206, Article 5-2, Chapter 5; Section 5-3-302, Article 5-3, Chapter 5; Section 5-4-401, Article 5-4, Chapter 5; Sections 5-5-501, 5-5-502, 5-5-503, 5-5-508, 5-5-510, Article 5-5, Chapter 5; and adding Sections 5-1-105, 5-1-109, 5-1-123, Article 5-1, Chapter 5, and Section 5-5-512, Article 5-5, Chapter 5, Lawton City Code, 2005, by requiring a special license for unaltered dogs or cats; excepting certain animals from sterilization; requiring a permit to breed, advertise for sale or give away, or transfer ownership of dogs and cats; identifying circumstances constituting animal related nuisances; prohibiting menacing behavior by dogs; limiting the authority to euthanize abandoned animals to law enforcement/animal control officers as specified by state law; authorizing the deposit of twenty-five percent (25%) of all revenues from animal-related citations into an existing account used exclusively for animal welfare facilities, administration and enforcement, and programs; and imposing a minimum fine of five hundred dollars (\$500.00) for violations of specified animal-related ordinances, providing for severability and codification.

The Mayor and Council recessed at 7:50 p.m. and reconvened in regular, open session at 8:03 p.m. Roll call reflected all members present excluding Shanklin.

34. Consider approving a resolution amending appendix A, schedule of fees and charges, Lawton City Code, 2005, as amended, by incorporating the purchase and payment of a fee for a breeding/advertising/transfer permit to breed and transfer ownership of any dog or cat; decreasing the fee for the second impoundment of an altered dog or cat; increasing the fee for the first and second impoundment of an unaltered dog or cat; increasing the impoundment fee for livestock and other large animals; increasing daily boarding fees; increasing the fee for licensing an unaltered dog or cat; requiring a fee for the renewal of the city license only for an unaltered dog or cat; and establishing an effective date. Exhibits: Resolution 2007-___.

Ihler stated this is the resolution that will accompany the last item which establishes the fees for the licenses for the BAT permit.

Patton questioned if the \$100 fee for a Class B License is for a lifetime, why is there a \$75 fee for a renewal fee and validation. He questioned if you would have to pay \$100 initially and then \$75 every year after that.

Ihler stated yes.

Patton questioned why it said lifetime.

Ihler stated that is a one time fee as it relates to your B License and then you would have to renew it every year.

Mayor Purcell suggested they change the word lifetime to say one time.

Patton stated if people see the word lifetime they will assume they only have to do this once.

MOVED by Drewry, SECOND by Warren, to approve **Resolution 07-15** as amended. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Patton, Haywood. NAY: None. ABSENT: Shanklin. MOTION CARRIED.

Shanklin entered the meeting at 8:09 p.m.

29. Consider authorizing an exchange of land between the City of Lawton and Mark Skinner and provide direction to staff. Exhibits: Maps and Request letter from Mark Skinner.

Vincent stated Mark Skinner provided the city a letter requesting that we exchange land, acre for acre. The land is northeast of Lake Lawtonka and is approximately 8.7 acres on the east side of highway 58. Mr. Skinner owns land west of Robinson s Landing that actually fronts the lake and borders city property. This would be a benefit to the city because we do not have access to the west side of the lake and Mr. Skinner s property has a 30 foot easement access across his neighbor s property out to Meers Road. Staff is requesting permission to enter into negotiations with Mr. Skinner to see if they can get this deal done and bring it back to Council.

MOVED by Shoemate, SECOND by Drewry, to authorize the City Attorney to negotiate a land exchange between the City of Lawton and Mark Skinner. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

Mayor Purcell requested item #31 be addressed.

31. Consider the collection of a Mortgage between the City of Lawton (Lender) and a participant of the CDBG Rehabilitation program (Mildred Mathieu) and authorize the Mayor and City Clerk to execute the necessary documents. Exhibits: Copies of the Mortgage and release of mortgage are available in the City Clerk s office.

Vincent stated staff has received a letter from the attorney for the estate of Ms. Mathieu requesting that the City of Lawton waive the balance of the mortgage on this property. The balance of the mortgage stands at \$5,075. The property has sold and the \$5,075 has been put into escrow pending the City Council s decision on whether to waive it or collect it. He stated Ms. Mathieu did die with a couple of years left on the mortgage.

Madelon Blackwell, Fort Worth, Texas, stated she inherited the home at 905 SW 7th. She is the daughter of Mildred Mathieu. She stated the home was built by her grandfather and great-grandfather in 1913. In July 2000 her mother took advantage of the Housing and Community Development Program to bring her home up to code. The City hired a contractor to rehabilitate her home. Her mother was dissatisfied with the work on her home and she contacted Legal Aid in April 2001. The Legal Aid wrote to the City of Lawton and the contractor listing seven repairs. Legal Aid addresses her mother s concern regarding the lien and was told by city staff that if she dies before the lien expires the lien would be released or withdrawn. The city arranged for another contractor to do the repairs. A city inspector passed these repairs. After her mother s death, an offer was made on the home and an inspection was done in December 2006. The inspector set out the needed repairs and the estate has paid for those needed repairs. She requested the \$5,075 escrowed from the proceeds be released.

Jackson questioned who the contractors were who did the inferior work.

Ms. Blackwell stated the contractor was He & I Construction.

Haywood questioned how many years Ms. Mathieu lived in the home after the work was done.

Ms. Blackwell stated over five years.

Haywood stated the home was almost paid for.

Shanklin questioned what they were trying to waive.

Mayor Purcell stated the \$5,075 left on the mortgage.

Haywood stated he is going to go against city staff on this recommendation. He questioned how much Ms. Blackwell has spent fixing up the home.

Ms. Blackwell stated just under \$4,000.

MOVED by Haywood, SECOND by Shanklin, to forgive the remaining debt of \$5,075.00 and authorize the Mayor and City Clerk to execute the necessary documents. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

30. Discuss possible options for funding additional public safety employees during the 2007-2008 Municipal Budget Year and take appropriate action as deemed necessary. Exhibits: Spreadsheet prepared by Council Member Keith Jackson, Spreadsheets prepared by Council Member Randy Warren.

Warren stated when he first started looking at this issue he had hoped that they would be able to fund the public safety officers and still provide a large savings on the utility bill to the customer. Those figures came from the original idea before they started splitting money up with the county. If the sales tax passes, the amount that is in that sales tax for rolling stock is not nearly what they need to operate. In order to get to those numbers they will need to remove all or some of that saving that would have been on the utility bill. He feels they can still fund 20 police and fire personnel and still not raise the utility bill, but it will not be the drastic savings that he had originally hoped. The question is do they lessen the savings to the citizens on the utility bill and properly fund rolling stock or do they pass the savings on to the citizen and under fund rolling stock. He knows there are concerns about hiring them all at once. They may not get enough qualified applicants and get them CLEET certified. His idea would be to put that money in a fund and they can hire in six month cycles. He stated there was mention about comparing the number of officers in Norman versus Lawton. He stated a large majority of the patrolled area in Norman is patrolled by campus police.

Warren distributed and reviewed crime statistics between Lawton and different cities. He stated in 2005, Moore had no murders and Lawton had 6.8. The national average was 6.9. When you start looking at forcible rapes, 45.14 in Moore, 46 in Lawton, and the national average is 32. The crime index is really where you see the big difference. The U.S. average of police officers per 1,000 population is 1.9. In Lawton we have 1.69. The U.S. average crime index is 325.2, Lawton s is 426.7. Lawton s crime index is higher than Los Angeles. He does not have any proof of why. The first thought is that Los Angeles and New York have a large number of police officers that are visible and on the street. He stated the need is there and the City Council has heard that from various sources. More police officers are not the answer, but part of the answer. There is a need for a gang task force as far as community involvement and a new and improved attitude on crime as far as what we are willing to do.

Shanklin questioned when we started calling these safety officers. When did we start using this term.

Warren stated it is easier to say than police and fire.

Shanklin questioned if the animal control officer is a safety officer. If the City Manager wants to tell him that we need 50 police officers, then he will go with him. But he has not said that. He cannot find anywhere in the City Council powers that we have the authority to do his job. He appreciates all of this. He questioned if they could put five on a year.

Mitchell stated it would depend on how many qualified applicants we could get. He stated there has been some misinformation about how many officers we have on each shift. He distributed a handout reflecting how many officers are out on the street during any given shift.

Shanklin stated he does not think we should be boasting that we are the Gang Capital of America. He is ashamed of it. He stated they have not mentioned anything about curfews. He is ready to hear what the City Council thinks we need. He does not like the unions telling members of the Council that we need all of these people when it may not be necessary.

Warren stated why don t they talk about what they need. He stated evidently the people in Old Town North are perfectly fine with the crime situation and Councilmember Shanklin doesn t think we need any more officers.

Shanklin stated he did not say that.

Drewry stated they are not making a decision tonight. This is just discussion.

Warren stated he feels they just need to do what they can to help. He is not trying to do the City Manager s job. Every step of the way he has called the City Manager and discussed this with him. He is the one that started this by going to police and fire and asking what they needed and if this would help the problem. They said that they needed more officers and firefighters. This has been going on for six or eight months.

Shanklin stated that is not Councilmember Warren s job.

Warren stated the citizens in his ward feel there is a problem and he would like to address it. The City Council directs the City Manager to do things on a daily basis.

Shanklin stated that it looks like the City Manager is not doing his job if Councilmember Warren has to come with these numbers. To everyone out there that is watching, it looks like Mr. Warren is trying to tell the City Manager what his job is. That is the way he sees it.

Jackson stated there are a few members on the City Council that have gotten the impression from citizens that we need to add more police officers. He went to the City Manager and Chief Smith and asked what they needed, how many can they hire, how long to get them trained and how much will it cost. After talking with staff, that is the reason he came back with what you see on his proposal. The City Manager told him he could hire three or four police officers in this next years budget. Chief Smith felt this was a reasonable number because out of 25 applicants, you may only get 3 or 4 qualified people. They felt like that was the maximum number they could hire and get out on the street. He stated that is why he looked at pulling \$1 off of the rolling stock and questioned how much that would bring in. The Finance Director estimated that would bring in approximately \$400,000. He questioned how many people that would hire. He stated that would depend on if they have their own vehicle or if they double officers up in one vehicle. Chief Smith indicated to him that they could put more out on the street if they doubled them up in one vehicle. He stated it is really not his job to make this decision. His job is to say how many they get hire and do they have enough money to fund them. He would like to know from the Police Chief and the City Manager what they would recommend.

Chief Ronnie Smith, Lawton Police Department, stated he and the City Manager have been working together and he believes if he could get 3 or 4 officers a year for the next four or five years, he could outfit those officers with equipment and we would be better off than trying to put 14 or 15 on the street. We would accomplish this same thing over several years. He stated on April 30th he will hire six people and put them in the next academy. These are six vacant positions that he will have by the end of March. When that academy is over, he would like to be approved for four officers on July 1st. Right now he has the possibility of 40 people who could retire tomorrow. Right now he feels that four a year would be reasonable for the next three or four years. He stated he will put some of the officers on the streets and some in the Detective Division and other special divisions. He stated it take approximately \$7,500 to outfit an officer.

Jackson stated he appreciated the Chief s comments. He stated he feels this is a reasonable number to get hired on. They not only would just hire four additional, they also need to replace those that are retiring and quitting.

He stated Councilmember Warren has done a lot of work getting his proposal together and he appreciates that. The mistake he feels was made on Councilmember Warren s proposal is that it would bind future City Council s too much. It has a ten year payout period on the rolling stock reduction. He stated it would also devastate that rolling stock money that we now have in place. This City Council increased the rolling stock money last year from \$3 to \$6 and from the reports received from the departments, it is doing its job. He does not want to see us mess with that rolling stock money we are using now. He does believe that taking \$1 will not hurt the rolling stock and it will give \$400,000 to hire an additional four or five police officers. He stated they could continue to hire every six months. He just hates to see us bind future City Councils.

Drewry questioned if the police department is paying a lot of overtime.

Chief Smith stated they ran out of overtime money in December.

Jackson questioned what has happened that has depleted the overtime budget.

Chief Smith stated it was due to late arrests and late calls. Arresting people and having to stay over. He stated there is a need for additional officers, but they have to do it in a way that it doesn t strain the City and he can t get a bunch of people on that he can t get on the street.

Drewry stated she absolutely agrees. They just can t go out and hire 20 police officers.

Chief Smith stated he needs equipment and he realizes that other city departments need equipment as well. He just doesn t want to get in a bind where he has to lay someone off.

Mitchell questioned how the part time officers are used.

Chief Smith stated they fill in during the day and night. They work a maximum of 24 hours a week.

Mitchell stated a reasonable goal might be a compromise between Councilmember Warren s proposal and Councilmember Jackson s proposal. The goal would be to try to hire 8 to 10 officers. He stated they need to remember that any revenue they designate or assign to hire officers is collected on a month to month basis. If they say they have \$400,000 to spend on officers, they only collect 1/12 of that each month. They do not have that cash in the bank to go out and hire a large number of officers.

Chief Smith suggested they could hire four in July and maybe hire four in January. They have to be able to get them in the academy before they can get them on the street.

Patton questioned how many officers were on the gang task force.

Chief Smith stated there are currently six officers on the gang task force.

Patton stated he would like to come up with a way to get another gang task force together and also hire enough to supplement the loss of moving those officers over.

Chief Smith stated they could increase the gang task force slowly. He stated that Lawton is not the gang task force capital and we are not going to be, but we do have a problem and we need to stop it. He stated he feels the community is coming together to help.

Haywood stated most of the kids that are out there killing people are African-American. He stated we need more African-American police officers. He stated they suspended 40 kids at one school last week and all of those kids are out there in the community. He has talked with some ministers and they are going to have to have alternative schools, jobs for these kids and some type of recreation. It has a lot to do with these kids having money. He stated they need African-American and Spanish police officers.

Chief Smith stated there is currently an African-American candidate who should be hired on April 15th. He stated they need good candidates to apply. He does not get many that apply. He also needs more female candidates.

Warren stated he just wants to find a way to finance what needs to be done. The only issue he has with hiring four a year is that they are definitely limited. He wants to put a method together that would allow us to start banking those dollars and if it takes us 18 months to hire sixteen police officers that is fine. But at least we would have started banking the money. If they only add four a year, they are looking at 5 years before they have all fourteen officers on the street. For the same amount citizens are paying now, we can fully fund rolling stock when coupled with the sales tax, if it passes, and still be able to hire twenty police officers and/or firefighters. He has talked with citizens and they are willing to finance it this way. They don't have a problem if it does not cost them any more money. In regards to binding future City Councils, he stated rolling stock is redone every budget cycle. Each new council decides if they want to continue the rolling stock or not. The point is that it is a need and this is something they can address without costing the citizens any more money than they are paying right now. He stated the numbers work.

Jackson stated they don't need to make a decision tonight on this issue. His recommendation would be to allow the City Manager to come back to the City Council with a proposal based on all he has heard tonight.

Warren stated he never had the intention that they were going to do something about this tonight. We were only going to give the City Manager direction of what they wanted included in the next budget.

Jackson stated he would recommend that the City Manager come back to the City Council with a proposal as soon as he possibly can.

Drewry stated Councilmember Shanklin brought up the issue of a curfew. She questioned if they had thought about that issue.

Chief Smith stated there is currently a curfew on the books which restricts children under 18 to be out past Midnight unless they are with their parents or going to a specific place with a note from their parents.

Warren stated that maybe they need to look at our curfew again and put some teeth into it.

Chief Smith stated that Wichita Falls has an ordinance for a certain area of town. It is being tested in the court system and if it is upheld we may look at something like that for our problem areas.

Haywood questioned how many firefighters they are looking at hiring.

Jackson stated he would leave that up to the paid professionals.

Mayor Purcell stated Councilmember Jackson wants to use \$1 off rolling stock and Councilmember Warren wants to use more off rolling stock. He suggested that they take \$2 off the \$6 utility bill and leave \$4 on there to cover rolling stock plus the shortfall will be covered by the sales tax if it passes. This will give us approximately \$800,000 a year to hire what they need in terms of police officers and firefighters. Two years out if we get our own CLEET training facility, we could speed up the process.

Shoemate stated he likes a little of Councilmember Warren's plan and he likes a little of Councilmember Jackson's plan. He stated our town is growing east and west and they need to think of both groups.

Warren stated in the future when they do have to build a southwest fire station, you have to have a lot of personnel

to fill that station. This a vehicle they use for the future.

Shanklin stated they had to put on that \$6 for the rolling stock and now one year later, they are taking it off. It does not make sense.

Mayor Purcell stated if everyone agrees, the guidance they want to give the City Manager is to remove \$2 from the rolling stock on the utility bill, and he will know how much that equates to, and they want to see that \$2 be dedicated to new police and firefighters. What is left over is kept in a separate fund and he feels this may accomplish what everyone is saying. He questioned if this is the guidance the City Council wants to give to the City Manager.

Jackson stated he would also like to hear if they will be able to keep up with the rolling stock with \$4 versus \$5.

Patton stated that is the thing, they went to the people last year saying we are losing ground on rolling stock and went from \$3 to \$6. He would have liked to see a gradual increase instead of doubling it. Now they are going to turn back around and say we only need \$4.

Mayor Purcell stated that if the sales tax issue passes it will bring it up to the same amount.

Warren stated there would also be an incremental raise as the sales tax increases every year.

Mitchell stated staff's recommendation will be largely dependent on what happens with the sales tax election on April 3rd. A large piece of that will fund rolling stock. If that doesn't pass there will be a whole different set of circumstances.

Dick McKeen, Northwest Sheridan Neighborhood Watch, stated crime is up 39%. He stated they need to put that the money somewhere where it is reserved for additional police and fire. They need to work on the state level regarding the CLEET training center. He stated the money needs to be in the system and available.

Mitchell stated the CLEET bill will be heard tomorrow afternoon.

Mayor Purcell stated all of the local legislators are behind this CLEET bill and us getting a training facility in Lawton.

32. Consider an appeal for a variance of the denial of a building permit for an addition to an existing residential structure in a special flood hazard area located at 803 NW 41st Street. Exhibits: Letter of Denial by the License and Permit Center, Letter from Thomas Chapman, Floodplain Map, Site Plan, Memorandum from Civil Engineer and Order.

Mr. Thomas Chapman submitted an application for a building permit to construct an addition of 3,122 square feet on the first floor, 409 square feet on the second floor, and 283 square feet of basement onto his existing house located at 803 NW 41st Street (Lot 10, Block 6, Heinz Third Addition). The application was denied because the proposed addition is located in the special flood hazard area (flood fringe) according to the Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA) and the proposed floor elevation is below the base flood elevation. The desire is to build it within the flood fringe and it is only 4 inches below the flood elevation.

In 1985 Mr. Chapman was granted a variance to the flood prevention ordinance and a building permit to construct an addition onto his existing house which, at the time, was located in the floodway. The foundation slab was constructed, but the building was not constructed. On December 28, 2006 Mr. Chapman applied for a building permit to construct the addition, and the permit was denied for reasons stated above. With the original permit the first floor elevation which is 4 inches below the elevation, however there was a basement that was also built in that is too far below the flood elevation for us to grant the variance. Staff is recommending that the City Council grant the variance on the first floor of the building, but deny the application on the basement. He stated the applicant has agreed to this recommendation. In order to grant the variance there are several questions that have to be answered in the affirmative.

Drewry questioned when the last flood plain plan was drawn. She is supposedly in the flood plain and has never had water in her yard.

Rogalski stated the current map is dated 1992.

Drewry stated she feels it needs to be looked at again.

Mitchell stated there have been minor revisions.

Mayor Purcell stated there are six questions that must be voted on separately and a majority of the vote must be in the affirmative to grant this appeal and waiver.

A) Will the request, if granted, result in no increase in flood levels during the base flood discharge? AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

B) Will the structure be built no greater than two (2) feet below the base flood elevation? AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

C) Has the applicant been given written notice that the granting of a variance to construct the lowest floor elevation below the base flood elevation would cause the cost of flood insurance to the appellant to increase commensurate with the increased risk resulting from the reduced lowest floor elevation? AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED

D) If the structure has historic character or qualifies under the historic criteria of the State, is the variance the minimum necessary to preserve the historic character and design of the structure? AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED

E) Does the variance meet all of the following:

(1) A showing of good and sufficient cause; and

(2) A determination that failure to grant the variance would result in a hardship to the appellants; and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to the public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing city code or regulations; and

(4) The variance is the minimum necessary, considering the flood hazard, to afford relief.

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

F) Does the variance contain all the conditions deemed necessary to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions throughout the city? AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Haywood, Warren. NAY: None. ABSENT: Patton. MOTION CARRIED

Mayor Purcell declared that the variance has been granted.

MOVED by Drewry, SECOND by Warren, to grant a variance to Chapter 19A, Stormwater, to allow construction of the ground level and second story of the proposed addition to the existing house at 803 NW 41st Street and deny the appeal for the basement. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

Mayor Purcell requested items #39 through #42 be addressed.

39. Consider approving a credit adjustment in the amount of \$616.88 to Tomissa Miller s utility account #0402248082 for the property at 4627 NW Santa Fe Avenue for an undetected, underground leak on the customer s water service line. Exhibits: Billing statement from Hodges Plumbing dated 10/23/2006.

Barbara Curren, Revenue Services Supervisor, stated Ms. Miller has the account for the property at 4627 NW Sante Fe Avenue. She experienced two high bills due to a leak on her line. The leak was repaired. Because the adjustment for the two months in over \$500, it requires approval by the City Council.

MOVED by Shoemate, SECOND by Givens, to approve a credit adjustment in the amount of \$616.88 to Tomissa Miller s utility account #0402248082 for the property at 4627 NW Santa Fe Avenue. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

40. Consider authorizing a payment arrangement in the amount of \$10.00 monthly for Ms. Leah Kephart who resides outside city limits at SE RR 2 Box 134 (3801 SE 60th Street) for her January 18, 2007, utility bill for \$6,644.88 for 1,711,000 gallons of water used due to an underground, undetectable leak on her service line. Exhibits: Billing statement for repair from Kephart Mechanical, Inc., dated 01/29/2007.

Rick Endicott, Finance Director, stated Ms. Kephart is an elderly lady who had a leak that went undetected for some time, in fact city crews detected the leak and put a note on her door. The leak was repaired by Kephart Mechanical. The problem is that several months ago the City Council approved an ordinance that requires that leak adjustments only be considered for those inside the city limits. He stated he initially wanted to ask the City Council to waive the amount, but City Code does not permit this to happen. He suggested they come up with a payment schedule for \$10 a month and come back at a later date with some other kind of recommendation. He stated he is not sure that Ms. Kephart received the message that this arrangement is being made. Ms. Curren has

unsuccessfully tried to contact her and has left voice mails.

Shanklin questioned what they needed to do.

Vincent stated about four months ago after there was an underground leak on a water system of an outside water sales association, the City Council passed an ordinance allowing only inside residential customers and eliminated all outside customers and all commercial businesses.

The only thing that can be adjusted is inside residential.

Mayor Purcell questioned if they could make this thing \$1 a month. They are just doing something to get around this ordinance. They should forgive this but they can't.

Endicott stated he fully intends on bringing this back in a couple of months and waive the payment.

Givens stated he spoke with Ms. Kephart today and she understands the arrangement.

MOVED by Shanklin, SECOND by Drewry, to authorize a payment arrangement in the amount of \$10.00 monthly for Ms. Leah Kephart. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

41. Consider approving Lawton Economic Development Authority's recommendation to enter into a Revolving Line of Credit not to exceed \$9,500,000 with BancFirst, Arvest, and IBC Bank (BancFirst is lead bank), to provide initial financing of redevelopment activities for both the Phase IA Project and TIF related projects and take appropriate action as necessary. Exhibits: List of Proposals received.

Mitchell stated David Denham, member of Lawton Economic Development Authority (LEDA), is in attendance and was also a member of the finance committee that reviewed the proposals from four banks. The recommendation from LEDA is to accept the proposal submitted by BancFirst, Arvest, and IBC Bank, who is a local consortium of three banks. They have met all the conditions of the RFP and are ready to proceed with the closing on a letter of credit.

Mayor Purcell stated the City Manager has done an outstanding job on this project.

MOVED by Haywood, SECOND by Jackson, to approve Lawton Economic Development Authority's recommendation to enter into a Revolving Line of Credit not to exceed \$9,500,000 with BancFirst, Arvest, and IBC Bank (BancFirst is lead bank), to provide initial financing of redevelopment activities for both the Phase IA Project and TIF related projects. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

42. Consider accepting Resolution 07-____ supporting the submittal of a preliminary Opportunity Funding Grant Application to the Oklahoma Department of Commerce for the purpose of seeking state financial assistance with anticipated capital improvement projects that support Fort Sill (BRAC) activities. Exhibits: Resolution No 07-____, City of Lawton 2030 Planning, Regional Economic Modeling Simulation for BRAC and Associated Growth at Fort Sill 2006-2015, Draft copy of Application. Senate Bill 759 on file in the City Clerk's Office.

Mitchell stated they met with Governor Henry's staff a couple of months regarding this issue. As a result of that discussion and the introduction of Senate Bill 759 by Senator Randy Bass, they have been encouraged to submit a preliminary application to the Oklahoma Opportunity Fund. The application is for \$20 million and they are pledging the proceeds from the sales tax election. Should the sales tax election not pass, they are suggesting that the City Council could come up with a local match of about 10% or \$2 million spread out over 7 years, which is about \$275,000 per year. They are encouraged by the possibility that they might receive this grant and may also be able to secure dollars for the Lawton Public Schools through this program.

Shanklin stated that Senator Bass said that the Mayor and City Manager did an excellent job of promoting this issue.

Jackson stated he pulled up an article on KSWO broadcast and it indicated that El Paso, Texas was awarded a large sum of money from the federal government for their BRAC situation. Money is being given out by the federal government, we are just not on the receiving end.

Mayor Purcell requested that #2 in the resolution be changed to read April 2007 instead of April 07.

Patton questioned if this was any kind of conditional grant if we don't get BRAC or do not pass the sales tax election.

Mayor Purcell stated that BRAC is coming, despite what the media is saying. He stated they talked with the Governor's office and if the local citizens don't step up and front part of this, we can't expect any funding from the

state. If the sales tax issue fails, we are not going to get much out of the opportunity fund.

Patton stated they look at this as a true match.

Mitchell stated that is the reason they are suggesting the \$2 million as a local match. They are also hoping they will be able to secure a low interest loan for an additional \$20 million that they can either pay back from the proceeds of the April election or the future CIP program to do a lot of the projects to accommodate this growth.

The bill that Senator Bass submitted talks about all of the bases throughout Oklahoma in an attempt to fund a program that would help support those military installations in the state.

MOVED by Shanklin, SECOND by Haywood, to adopt **Resolution 07-16** supporting the submittal of a preliminary Opportunity Funding Grant Application to the Oklahoma Department of Commerce for the purpose of seeking state financial assistance with anticipated capital improvement projects that support Fort Sill (BRAC). AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

35. Consider an ordinance amending Section 20-1-101, Article 20-1, Chapter 20, Lawton City Code, 2005, relating to the use of public easements, waive the reading of the ordinance, read the title only, and declare an emergency. If approved, approve an amendment to Council Policy 5-3, regulating the use and access to public easements and rights-of-way. Exhibits: Amendment to Section 20-1-101 and Amendment to Council Policy 5-3.

Vincent stated last fall the City Council requested, as a result of some claims that we received for sprinkler systems in the right of way, that staff bring back a policy change and ordinance that possibly pays for sprinkler systems that were damaged as a result of maintenance in the front street right of way. This ordinance would provide for that and at the same time they did include some requirements. There is currently a requirement sprinkler systems be licensed if they are new installation. Staff has really not been enforcing that requirement, but we are going to start and as part of that, we are requiring that citizens put the locator tapes in with the sprinkler system so that our utility crews can find where they are. In the older systems, we are asking that they flag the sprinkler heads and the lines so crews will know where they are located. They will receive at least 48 hours notice except in emergency situations. This would say that if we go out there and they have done their job and we cut the sprinkler system, we are going to fix it or we will pay the claim. One of the things that Jerry Ihler has asked is that if the property owner authorizes it, we would make the repair because we can get it done cheaper than most of the sprinkler system companies. The companion to this ordinance is in the next item.

MOVED by Jackson, SECOND by Drewry, to adopt **Ordinance 07-08**, waive the reading of the ordinance, read the title only and declare an emergency and approve an amendment to Council Policy 5-3, regulating the use and access to public easements and rights-of-way. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 07-08

An ordinance pertaining to streets and sidewalks amending Section 20-1-101, Article 20-1, Chapter 20, Lawton City Code, 2005, by enforcing the permitting requirements for irrigation systems, providing for severability, and declaring an emergency.

36. Consider an ordinance amending Section 18-4-1-404.2, Division 18-4-1, Article 18-4, Chapter 18, Lawton City Code, 2005, related to public easements and alleys, waive the reading of the title only, and declaring an emergency. Exhibits: Ordinance 2007-___.

Vincent stated on page one of the ordinance all of the references to easements and easement regulations out of the zoning code and put them in the street and easement code. This removes those regulations from the jurisdiction of the planning commission and puts them in the City Council's regulations. This is a clean up and no language was changed it was just picked up out of Chapter 18 and moved to Chapter 20.

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

(Title read by City Attorney) Ordinance 07-07

An ordinance pertaining to planning and zoning amending Section 18-4-1-404.2, Division 18-4-1, Article 18-4, Chapter 18, Lawton City Code, 2005, by prohibiting encroachments upon a public easement, providing for severability, and declaring an emergency.

37. Consider an ordinance amending, Section 19-2-218, 227, Article 19-2, Chapter 19, Lawton City Code, 2005, by requiring boat safety certification and establishing an operator to be a minimum age of sixteen (16) years of age, providing for severability, and declaring an emergency. Exhibits: Ordinance 2007-___.

Vincent stated this is taken straight out of the Oklahoma State Statute. The state passes boating regulations that apply to all waters of the state which would include Lake Lawtonka and Lake Ellsworth. Nothing has changed from the state statute, but our lake division officers requested this be done so that we would not have to go to district court.

MOVED by Shanklin, SECOND by Haywood, to adopt **Ordinance 07-09**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 07-09

An ordinance pertaining to recreation amending Section 19-2-218, 227, Article 19-2, Chapter 19, Lawton City Code, 2005, by requiring boat safety certification and establishing an operator to be a minimum age of sixteen (16) years of age, providing for severability, and declaring an emergency.

38. Consider adopting an ordinance pertaining to utilities amending Section 22-2-1-217, Division 22-2-1, Article 22-2, Chapter 22, Lawton City Code, 2005, by requiring city provided backflow preventer valves, hydrant gate valves, and support stands on all city hydrant meters; requiring monthly rental fees on this city provided equipment, imposing a penalty for violations of City Code regarding use of city hydrant meters, providing for assessment of charges for non-return of or damage to city hydrant meters, backflow preventer valves, hydrant gate valves, support stands or city fire hydrants, providing for severability, declaring an emergency, and establishing an effective date of February 14, 2007, and consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, as amended, to adopt a monthly rental rate for city hydrant meters (includes backflow preventer valve, hydrant gate valve, and support stand), and also providing for assessment of charges for non-return or damage of the above equipment, or damage to the city s fire hydrant, declaring an emergency and establishing an effective date of February 14, 2007. Consider adopting an ordinance amending Section 22-2-1-217, Division 22-2-1, Article 22-2, Exhibits: DEQ Inspection Report dated 1/10/07, DEQ Inspection Report dated 1/29/07, Ordinance No. 07-___; Resolution No. 06-___.

Endicott stated DEQ came down and conducted an inspection of our hydrant meters and found us to be in violation because we did not provide backflow preventers on those meters. He stated we will probably get a notice of violation before we can get the problem fixed. We are proceeding ahead with the purchase of this equipment. With City Council approval, staff can change the fees as far as what is charged to use the hydrant meters.

MOVED by Warren, SECOND by Haywood, to adopt **Resolution 07-17** and **Ordinance 07-10** waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 07-10

An ordinance pertaining to utilities amending Section 22-2-1-217, Division 22-2-1, Article 22-2, Chapter 22, Lawton City Code, 2005, by requiring city provided backflow preventer valves, hydrant gate valves, and support stands on all city hydrant meters, requiring monthly rental fees on this city provided equipment, imposing a penalty for violations of City Code regarding use of city hydrant meters, providing for assessment of charges for non-return of or damage to city hydrant meters, backflow preventer valves, hydrant gate valves, support stands or city fire hydrants, providing for severability, and declaring an emergency.

44. Consider receiving a report on the City s financial condition for the 2nd Quarter of fiscal year 2006-2007, and provide direction to staff. Exhibits: None.

Endicott stated the city sales tax is up \$331,000. Year to date we have collected about 49%. Franchise Tax is up \$125,000 and we have collected about 48%. Police fines and bonds are down \$184,000. He stated because of the amount of money we are down on police fines, our external auditors will come in to look at this area and see what has caused this significant decrease. All other general fund revenue is up about 4% or a little over \$100,000. We have collected 48% for the year. Water revenue is up about \$838,000 and we have collected almost 59% of budgeted revenue. Sewer revenue is up \$128,000. Refuse collection revenue is up \$215,000. Landfill revenue is up \$145,000. General fund expenditures are right on target as a whole.

Mayor Purcell questioned if we will need a supplemental any time soon.

Endicott stated he believes we are going to be okay, especially on fuel. He does not anticipate a supplemental any time soon. There may be a need in the last quarter.

Mitchell questioned when they may see an audit.

Endicott stated they are hoping to see the audit at the end of this month. It is getting tougher and tougher in the state of Oklahoma to get an audit done. There are very few competent and qualified CPA firms that are willing to take on governmental auditing because it is not a big dollar item for them and it is very labor intensive. He stated right now Mike Crawford is reviewing our audit.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Givens stated he received a real thumping tonight in the election and he will be leaving the City Council. He stated he appreciated the opportunity to serve the past three years and he enjoyed the association with the members of the City Council, management and city workers.

Drewry stated she had an opportunity to go to New Orleans for a Kaboom meeting. She saw this organization at the NLC meeting in Reno and she visited with them about putting a playground in Lawton that they could use as a show playground. She stated in New Orleans she sat through two days of sessions and then they actually went out and built a playground at a school that had been destroyed by the hurricane. She stated this was one of the best things she has ever done. She stated they let the children draw a picture of what they wanted on the playground.

She hopes that they will look at doing this. She stated she was working with Tony Pokorney the other day and he was talking about Little Rock, Arkansas and how clean the city was. They have telephones placed in locations around the city and if a citizen sees someone throwing trash, they pick up one of the phones which go directly to a message machine. If that person gets two calls on them, they will receive a fine. She would like to check with that city and see how they are doing this.

Haywood stated that Lawton Public Schools is doing the best that they can and they need all the help they can get.

Mitchell stated the state wide water conference will be held on Friday, February 16th. He stated water will be a huge issue in the state. He and the City Attorney will be attending as well as several members of Public Works staff.

Mayor Purcell stated the 2007 legislative reception hosted by the Chamber of Commerce will be held on February 20th at 5:00 p.m. at the Oklahoma History Center. He encouraged everyone to attend.

The Mayor and Council convened in executive session at 9:56 p.m. and reconvened in regular, open session at 10:05 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

45. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Tort Claim of Paul A. Lopez, DC-2006-094, against the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 45. The City Council was briefed on the facts and circumstances of the claim. No action is required.

46. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2007-2008 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

Vincent read the title of item 46.

MOVED by Drewry, SECOND by Warren, that Larry Mitchell, Jim Scholes and Scott Meadors be appointed as the city's negotiating team for negotiations with IUPA, Local 24 for an agreement for 2007-2008 and that John Vincent be approved as an alternate. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 10:07 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK