

Coree Steele, 647 Arbuckle, stated their neighborhood watch sign was picked up and it has not been brought back.

There is also a sign warning drivers of a deaf child playing in the neighborhood which was damaged and picked up and it has not been replaced. She would like to see these signs replaced.

Haywood stated he would see that these signs are replaced.

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.

Vincent requested item #3 be considered separately. Shanklin requested item #24 and Shoemate requested item #21 also be considered separately.

MOVED by Warren, SECOND by Haywood, to approve the Consent Agenda with the exception of items #3, #21 and #24.

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

1. Consider the following damage claims recommended for approval and consider passage of resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Shirley Newton in the amount of \$306.63 and Lawton Public Schools in the amount of \$182.62. Exhibits: Legal Opinions/Recommendations.

2. Consider the following damage claim recommended for denial: Southwestern Bell Telephone in the amount of \$1,981.01. Exhibits: Legal Opinion/Recommendation.

3. Consider approval of the Agreement for Administrative Professional Services with Amanda Trankovich, to work as a Legal Assistant Intern in the City Attorney's Office, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement.

Vincent stated they recently had one of their secretary's transfer to another department and in discussions with Ms. Trankovich, she will be able to work up to 40 hours per week until they get a replacement. He requested that they modify the contract to say that she will work up to 40 hours in a calendar week as authorized by the City Attorney.

MOVED by Warren, SECOND by Jackson, to approve the amended Agreement for Administrative Professional Services with Amanda Trankovich, to work as a Legal Assistant Intern in the City Attorney's Office, and authorize the Mayor and City Clerk to execute the Agreement. AYE: Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

4. Consider approving a renewal Agreement effective July 1, 2007 through June 30, 2008 between the State of Oklahoma Office of Juvenile Affairs and the City of Lawton for the continued operation and management of a Community Intervention Center in Lawton, and authorize execution of the renewal Agreement and an Affidavit of Assignment authorizing payment directly from the State to Marie Detty as the CIC subcontractor. Exhibits: Renewal Agreement and Affidavit of Assignment on file in City Clerk's Office.

5. Consider approving a renewal Agreement between the City of Lawton and the Marie Detty Youth and Family Service Center, Inc. for the continued operation and management of the Community Intervention Center in Lawton and authorize execution of the renewal Agreement and any associated documents. Exhibits: Agreement with Marie Detty Youth and Family Service Center, Inc., is on file in the City Clerks Office.

6. 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 Karen Clark in the Workers' Compensation Court, Case No. 2005-15386 L. Exhibits: **Resolution No. 07-64**.

7. Consider adopting a resolution authorizing the City Attorney to initiate a friendly suit in favor of Maurice Neil Morgan in the amount of \$18,454.85 and ratifying the actions of the City Attorney and the City Manager in directing our third party administrator to make weekly payments on the balance of the judgment in the Workers' Compensation case of Maurice Neil Morgan in the Workers' Compensation Court, Case No. 2005-14769 X. Exhibits: **Resolution No. 07-65**.

8. Consider approving a Resolution establishing a committee composed of seven (7) members, three of whom to be Councilmembers and four from City staff, to be appointed by the Mayor and confirmed by the Council to be known as the Council Committee For Emergency Services. Exhibits: **Resolution No. 07-66**, Mayor's Memorandum dated April 19, 2007.

9. Consider approving an Outside Water Sales Contract with Daymon and Linda Reinwand, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map.

Contract is on file in the City Clerk s office.

10. Consider a Resolution decreasing the petty cash account for the City of Lawton City Clerk s Office. Exhibits: **Resolution 07-67.**
11. Consider approving a Mutual Aid Agreement for Fire and EMS Protection between the City of Lawton Fire Department and Fort Sill Fire Department. Exhibits: Memorandum of Understanding between United States Army Garrison (USAG) Fort Sill and City of Lawton fire Department.
12. Consider approving Addendum 3 and 4 Master Services Agreement between the City of Lawton and Southwestern Bell Telephone, L.P. D/B/A AT&T Oklahoma. Exhibits: Addendum 3 and 4 to the Master Services Agreement between the City of Lawton and Southwestern Bell, L.P. D.B.A. AT&T Oklahoma.
13. Consider authorizing a new non-exclusive license agreement with Pin High Investments for the placement of bus benches and shelters with advertising on public street rights-of-ways along LATS routes. Exhibits: Letter from Pin High Investments of Lawton.
14. Consider approving a contract with the Historical Association of the Lawton Rangers in the amount of \$ 1,000.00 for cultural programming in the Lawton Metropolitan Area for an event that commemorates the state s centennial. Exhibits: Contract on file in City Clerk s office.
15. Consider adopting a resolution designating places and times within municipal jurisdiction to discharge fireworks on July 4, 2007. Exhibits: **Resolution No. 07-68.**
16. Consider accepting a grant from the Oklahoma Department of Human Services for the Retired and Senior Volunteer Program (RSVP) for Fiscal Year 2007-2008 funding. Exhibits: Contract on file in City Clerk s Office.
17. Consider approving Change Order No. 1 to the construction plans for a 12-inch waterline to be constructed in the 7600 block of NW Cache Road to serve Southwest Plaza. Exhibits: Location Map.
18. Consider approving Change Order No. 2 for the West Cache Road 24 Waterline Phase II Project #2005-8 with Howard Construction, Inc. Exhibits: None.
19. Consider extending the contract award period of thirty (30) days to ninety (90) days for the Water Infrastructure Improvement Phase 1 (Lines) Project #2006-8. Exhibits: None.
20. Consider approving and authorizing the Mayor and City Clerk to execute an agreement with Chevron Energy Solutions Company (Chevron USA) to perform an energy audit of selected City of Lawton facilities and operations in order to discover energy savings and use the savings to upgrade city assets. Exhibits: Energy Audit Agreement is on file.
21. Consider awarding (CL07-041) Compact Motor Grader to Kirby-Smith Machinery, Inc., of Oklahoma City, OK. Exhibits: Department recommendation, abstract of bids.

Shoemate stated it looks like OCT Equipment is the lowest bidder.

Kim Shahan, Parks and Recreation Director, stated OCT Equipment did not meet two very important specifications.

Shanklin questioned how many manufacturers did meet their specifications.

Shahan there were two bidders that met specifications.

Shanklin questioned if there were others that could have bid.

Shahan stated yes.

Vincent stated the spec committee did review the spec and were assured that there were more than one company that could meet the specifications as written.

Shanklin questioned if that is why they abandoned the specifications committee.

Vincent stated there is still a specifications committee. It has been revamped with only staff members. There are no longer council members on the committee.

MOVED by Shoemate, SECOND by Hanna, to award (CL07-041) Compact Motor Grader to Kirby-Smith Machinery, Inc., of Oklahoma City, OK. AYE: Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

22. Consider awarding (CL07-039) Trench Shield to ICM of OKC, from Oklahoma City, OK. Exhibits: Department recommendation, abstract of bids.

23. Consider awarding (CL07-038) 15-Ton, Tandem Axle Trailers to Stallion Trailers, Inc., of Berry, AL. Exhibits: Department recommendation, abstract of bids.

24. Consider awarding (CL07-040) Custodial Maintenance Service Group 2&3 to Crystal Clear of New Mexico, LLC from Denver, CO. Exhibits: Department recommendation, abstract of bids.

Shanklin questioned why it said that Item 9 (Local Vendor Preference) does not apply to these contract bids.

Shahan stated it has to do with the financing. It did not meet the qualifications based on the percentage.

Shanklin stated he does not want to outsource to New Mexico when we have somebody local. All we have to do is drop off HC King and Owens and rebid them because they are not in the ballpark. He has never heard of Crystal Clear. He questioned if this was 5%.

Shahan stated there was a 6% difference in their bid. That is the reason they were not able to recommend the local bidder, Universal Cleaning.

Shanklin stated they could rebid the special services portion and let the local bidder have the rest.

Jackson questioned who the present contractor was.

Shahan stated it is currently Universal Cleaning.

Vincent stated it is permissible for the City Council to reject the two bids on HC King and Owens and direct staff to rebid those and award on the balance.

Warren stated this is the reason why we don't get bids on some things and it does have repercussions down the line.

MOVED by Shanklin, SECOND by Jackson, to award (CL07-040) Custodial Maintenance Service Group 2&3 to Universal Cleaning Inc. of Lawton, OK and direct staff to rebid Special Services. AYE: Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

25. Consider extending the contract (CL06-050) Moving Radars with Kustom Signals, Inc., of Lenexa, KS. Exhibits: Department Recommendation, Price Bid Sheet, Contract Extension Form.

26. Consider extending the contract (CL06-054) Copper and Brass (Items 1-107) with Water Products of Oklahoma, Inc., of Owasso, OK, and spot-bidding Items 108-109 when needed. Exhibits: Department Recommendation, Price Bid Sheet/Specs, Contract Extension Form

27. Consider extending the contract (CL94-025) E-911 Equipment and Support Services with AT&T Oklahoma (formerly SBC) of Oklahoma City, OK. Exhibits: Department Recommendation, Service Upgrade Form, Contract Extension Form.

28. Consider awarding (CL07-045) Jail Food and Supplies to Indian Nation Wholesale Company of Durant, OK. Exhibits: Department recommendation, abstract of bids.

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

30. Consider approval of payroll for the period of May 7 20, 2007.

OLD BUSINESS ITEMS:

31. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Professional Office to Commercial and an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification located at 2128 NW Bell Avenue. Exhibits: Resolution No. 07-___;

Ordinance No. 07-____; Revised Drawing and Agenda Item Commentary from May 8, 2007.

Richard Rogalski, Planning Director, stated on May 8, 2007, the City Council opened a public hearing on this request and there were some questions regarding the parking and the access. He presented the original site plan. He stated there was some discussion that the alley parking would not be allowed. Staff did an analysis on the site. The access off of Bell does not work because it does not meet the setback and width requirements from the property line so the only access for this site would be off of Sheridan Road. He presented a site plan that would meet the requirements. He did discuss this new plan with the applicant who said it would meet his needs. He stated the City Planning Commission did recommend denial of this request because it does fit, but this is a small building that would be jammed up within five feet of the property line. The two zoning categories they feel would be good for this type of situation is PO and Transition District. He stated it is not so much the use that he is trying to provide, but the fact that the applicant has one narrow lot that he is trying to transition and it is just too tight and that is the basis for their recommendation for denial.

Shanklin questioned how short the lot is in square footage.

Rogalski stated it is a 55 lot by 140 . The issue is that is it only 55 away from Sheridan Road. The site plan does work, so the applicant can develop this building under the C-1 zoning. The best use and zoning for the area would be Transition which would provide a little more landscaping and setback to the adjacent neighborhood. They are really talking about preserving the stability of the neighborhood.

Shanklin stated a 50 x 150 wouldn t have been a problem.

Rogalski stated if he had more width he probably could do the same building with enough setback to do TR zoning and it would have been a different story.

Shanklin questioned if 50 x 150 would have been acceptable.

Mayor Purcell stated the 55 is too short.

Rogalski stated the City Planning Commission talked about the issue of more distance to provide a greater buffer to the adjacent lot. He stated that would have been a different story.

Warren stated he does not have a problem with letting it happen but he does have two issues. One is the C-1 zoning, because if they zone this C-1, the applicant could sell this property and put a McDonald s there. That is the reason they have the TR zoning. The whole point is in order for it to have the setbacks to insulate the neighborhood, you have to have a bigger lot. The other thing that bothers him is if they continue to give curb cuts, they will have 37 curb cuts down Sheridan Road which will be a big mess.

Patton questioned if there was some kind of deal where they basically zone it and it has to be approved for the purpose.

Warren stated that is the TR zoning.

Rogalski stated the site plan is not binding nor is the use binding that is listed.

Mayor Purcell stated he thought the reason the City Council sent it back is because of the number of parking spaces. He questioned if there was now the right number of parking spaces.

Rogalski stated from the parking perspective, he had to rearrange it a bit, but it now works.

CONTINUATION OF PUBLIC HEARING

Donna Moore, 2105 Bell Avenue, stated this will make their neighborhood into a circus and there is enough action on Bell Avenue.

PUBLIC HEARING CLOSED.

MOVED by Jackson. SECOND by Warren, to deny the request. AYE: Drewry, Jackson, Warren, Shoemate. NAY: Shanklin, Patton, Haywood. ABSENT: Hanna. MOTION CARRIED.

BUSINESS ITEMS:

32. Hold public hearings and adopt resolutions declaring the structure(s) at 1621 S.W. Garfield Avenue, 1804 S.W. Garfield Avenue, 1625 S.W. Garfield Avenue, 1106 S.W. D Avenue, 1315 S.W. Bishop Road, 1319 S.W. Bishop Road, 809 S.W. 4th Street (Abdenour Achab), 809 S.W. 4th Street (David Williams) to be dilapidated public nuisances,

thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Eight Resolutions. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

1621 SW Garfield: Tony Griffith, Neighborhood Services Supervisor, presented photographs of the property. There has been no record of the property having any utilities.

Haywood questioned if there were two houses.

Griffith stated there are two structures.

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

MOVED by Haywood, SECOND by Warren to approve **Resolution No. 07-69** and declare the structure at 1621 SW Garfield to be dilapidated and a public nuisance. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Drewry. NAY: None. ABSENT: Hanna. MOTION CARRIED.

1804 SW Garfield: Griffith presented photographs of the property. The property has had no utilities since September 1988.

PUBLIC HEARING OPENED.

Donna Moore, 2105 NW Bell, stated she just purchased the trailer and had it moved in July of 2006. She has hired J& S Construction as a contractor and she is taking care of getting it leveled and getting the skirting put on.

Vincent stated if this resolution is passed, Ms. Moore will have thirty days to obtain a remodel permit. He stated the City Council passed an ordinance that new trailers cannot be placed in residentially zoned areas.

Shanklin stated that was in June of 2006.

Vincent questioned if Ms. Moore obtained a permit.

Ms. Moore stated she did obtain a permit.

Vincent stated if the permit is expired she cannot fix the trailer.

Haywood questioned if there was another trailer on that lot.

Ms. Moore stated there was an RV, but it has been removed.

Vincent suggested they continue the public hearing so that they can obtain records from the License and Permit division and see where they are at.

Warren questioned if Ms. Moore relied on the person moving the trailer to get the permit.

Ms. Moore stated she had the paperwork at home.

MOVED by Haywood, SECOND by Jackson to table this item and continue the public hearing until June 12, 2007. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson. NAY: None. MOTION CARRIED.

1625 SW Garfield: Griffith presented photographs of the property. The property has had no utilities since November 2002.

PUBLIC HEARING OPENED.

Herbert Derricott, 6212 NW Cheyenne Drive, requested that the City Council table this item because he would like to look at the property and see what has to be done to bring it up to standards before it is condemned. He would like to check into the property and see who owns it and see if it can be repaired.

Haywood stated a good friend of his owns this property and he told him how he was going to vote on the property tonight and they can do what they need to do in thirty days or they can clear it away.

Addy Smith, 1508 SW Jefferson, stated she is the president of the Lawton View Neighborhood Watch. She stated the properties on the agenda tonight are in her neighborhood. She stated they are a blight on the community. She stated there is another one on Washington that has two trailers and the City tells her there is nothing they can do. She stated investors that come into the community not only look at downtown, they look at the communities their

people will be living in.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Shoemate to approve **Resolution No. 07-70** and declare the structure at 1625 SW Garfield to be dilapidated and a public nuisance. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

1106 SW D Avenue: Griffith presented photographs of the property. The property has had no utilities since January 2002. He stated they have had several complaints over the past 18 month for junk, debris and grass. The title holder finally boarded up the structure.

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

Shanklin stated he looked at this house and it is in a dilapidated condition, but he has four properties that he can't even get the City to do anything about for three or four years that look ten times worse than this one. It bothers him to put this on the dilapidated list and he sees a list of 32 properties that we have torn down and haven't even collected the money on.

Vincent stated regarding those that are pending, at some point we will be able to get a tax sales certificate or foreclose on the amount owed.

Shanklin stated the properties that he is talking about are also in Ward 5 and he does not understand why he can't get some reaction from staff. He is not going to vote to do this.

MOVED by Warren, SECOND by Jackson to approve **Resolution No. 07-71** and declare the structure at 1106 SW D Avenue to be dilapidated and a public nuisance. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Patton. NAY: Shanklin. MOTION CARRIED.

1315 SW Bishop: Griffith presented photographs of the property. The property has had no utilities since February 1985.

PUBLIC HEARING OPENED.

Katrina Battiste Wade, 3313 SW Salinas, stated those properties belong to her grandparents. She stated her grandfather passed away in November and her father has the power of attorney over these homes. He lives in Louisiana. She is the only family member in Lawton and she has kept the grass cut up until three weeks ago. She stated her father is in the process of selling these homes and there has been some interest in both 1315 and 1319 SW Bishop. She requested that this information be sent to her father now.

Vincent stated if the Council declares these properties dilapidated, the property owner will have thirty days to obtain a remodel permit that will allow them to start remodel work. If substantial compliance is made in the first 30 days, then staff can extend it for two additional 30 day periods.

Ms. Wade questioned who she needs give the new information regarding where to send the notices.

Vincent stated she needs to talk with Mr. Griffith.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Warren to approve **Resolution No. 07-72** and declare the structure at 1315 SW Bishop to be dilapidated and a public nuisance. AYE: Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

1319 SW Bishop: Griffith presented photographs of the property. The property has had no utilities since October 1984. The structure has been boarded up.

PUBLIC HEARING OPENED.

Ms. Wade stated her request included both properties.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Shoemate to approve **Resolution No. 07-73** and declare the structure at 1319 SW Bishop to be dilapidated and a public nuisance. AYE: Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

809 SW 4th Street (Abdenour Achab): Griffith presented photographs of the property. He stated there are three structures located at this mailing address. There are two separate owners and two separate legal descriptions. The structure has had no utilities since May 2000.

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

MOVED by Haywood, SECOND by Warren to approve **Resolution No. 07-74** and declare the structure at 809 SW 4th Street (property owner Abdenour Achab) to be dilapidated and a public nuisance. AYE: Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

809 SW 4th Street (David Williams): Griffith presented photographs of the property. The structure has had no utilities since May 2000.

PUBLIC HEARING OPENED.

David Williams, 1715 NW Kingsbury, stated the pictures are not up to date. He has been working on the property. He stated he put a new roof on 2003 which is a 30-year roof. He requested this item be tabled to give staff some time to come back and look at the work he has done.

Mayor Purcell clarified that Mr. Williams will have 30 days to get a remodel permit.

Mr. Williams stated he would prefer for someone to come out and look at the property before a resolution is passed.

Vincent stated the exterior coding is just one issue. The house has to be livable.

Mr. Williams stated he moved out in 2004 and the house has been rented out.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Warren to approve **Resolution No. 07-75** and declare the structure at 809 SW 4th Street (property owner David Williams) to be dilapidated and a public nuisance. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

Jackson questioned why staff would not address the properties turned in by Councilmember Shanklin.

Griffith stated he is not aware of any particular property to be put on the D & D list.

Mayor Purcell suggested someone email staff a list of addresses.

Jackson stated he has never heard of staff not responding.

33. Consider a request by Kelley Haesy-Bass, representing the Mountain Metro Ambucs of Lawton, Oklahoma, to allow a section of land located in the McMahan Park, 38th & Lee Boulevard, to be established as a baseball Miracle Field specifically designed to accommodate special needs children and young adults. Exhibits: Letter from Kelley Haesy-Bass dated March 29, 2007 and location map.

Kelly Bass, representing Mountain Metro Ambucs presented an audio presentation regarding the Miracle League. She stated there are now 170 fields across the United States. There is only one in Oklahoma, located in Edmond. She stated the field placement has already been established on SW 38th Street, where other fields are located. She stated that is very important because that is where all of the other able bodied children play and they will feel as though they are a part of something in this community. Before they proceed with fundraising, she wanted to see if Mountain Metro Ambucs could lease the land from the City of Lawton.

Jackson stated that complex is more for adults. He questioned if there was another location near the little league facilities that would be more appropriate.

Kim Shahan, Parks and Recreation Director, stated the reason they recognized that particular site is because of the high visibility and the existing restroom facilities and sidewalks. The amenities are already in place so the cost of development would only be the actual playing field.

Haywood questioned why they would have to lease it from the City.

Vincent stated it would work out better if they did something similar to the Kid s Zone area where the City entered into a development agreement where Ambucs would build the facility and then turn it over to the City.

Mayor Purcell stated then the City would maintain it.

Ms. Bass stated that would be wonderful and she is sure everyone would agree to that.

MOVED by Warren, SECOND by Haywood to provide a section of land located in the McMahon Park, 38th & Lee Boulevard, to be established as a baseball Miracle Field and enter into an agreement with Mountain Metro Ambucs to turn completed field over to City of Lawton to maintain. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

34. Discuss future operations and existence of municipal golf course. Exhibits: None.

Jackson stated that he has felt that the municipal golf course needed some upgrades and made into a better facility for the citizens of Lawton. He pursued the possibility of acquiring the course and an issue was brought up regarding the possibility of shutting down the golf course through an action done by some visionaries. He felt the City Council should be brought up to date by the Airport Director and a board member from the Airport Authority regarding the plans of the course.

Haywood stated he is the Chairman of the Airport Authority. He stated the City Council had a workshop on April 14th and Councilmember Drewry and Tony Pokorney discussed some things about the airport. He mentioned that in 2015 the golf course may not be there because of the ten year plan. He stated the Airport Authority has nine members consisting of George Moses, Cassandra Lawson-Johnson, John Direnzo, David Aubrey, Ernest Godlove, Steven Gillickson, Dr. Richard Campbell and Carey Johnson. He stated before they did anything, they would have to come before the City Council. The lease with the Airport Authority is up in 2019. He stated the Airport Authority is aggressive and assertive.

George Moses, appointed member of the Airport Authority, stated he serves as the chairman of the Development Committee. He stated the purpose of coming tonight was to advise the Lawton City Council members about the master plan goals and that relationship to the golf course. He stated they operate on a committee structure for planning. There has been a lot of good leadership in the Airport Authority since the agreement was established years ago. They are beginning to see some significant growth at the airport that they think will come on the heels of BRAC. They feel that this growth will affect the airport in ways they cannot see yet, but are anticipating. The development of the airport is guided by a master plan that lays out projects that are required by FAA and their own aviation related development efforts. The ten year master plan update has just begun, which consists of eighteen projects that they have collected to enhance the operations of the airport over the next 5, 10, 15 or 20 years. He stated the City Council has discussed the 2050 idea for a disaster relief center to be located at the airport. This project was identified in the project 2050 study that was part of the BRAC analysis which looked in the future for projects that would enhance many dimensions in Lawton/Fort Sill. The vision was briefed to the Airport Development Committee and was found to be consistent with growth of the airport for the future. The artists rendering showed this project in a fully matured state and located where the municipal golf course is now, which has caused some concern. The golf course is an enterprise that is part of the airport grounds and provides funds for the operation of the airport and provides a significant recreational asset for golfers in town. He stated there is no agreement or approved plan to displace the municipal golf course. The lease runs through 2019 and the Airport Authority recently renewed the lease on the land in which the golf course sits through 2049. The disaster relief center idea will be evaluated in the master plan update, but where it is located is not yet determined and it is simply a vision at this point. He stated it is probably the least mature of all of the projects and may not even be located on the golf course grounds. Their consultant may recommend another location. Even if the leasing company sells its rights to another company, the Airport Authority would be involved. He stated they are not prepared to cut off that funding revenue for the benefit of a long range vision. He stated there is no commitment to stop the operation of the golf course.

Jackson stated he appreciated the remarks from COL Moses and the time line was one of his greatest concerns. He stated there are not a lot of golf courses in Lawton that are accessible to the working class citizen. He would still like to upgrade the facility with the lease being sold to the City of Lawton and in five years when the CIP program becomes available, include the money to upgrade the facility and make it a class facility. He believes the citizens of Lawton deserve a good quality golf course. He would like to pursue this issue and see what the lease holders are going to do with the property.

Barbara McNalley, Airport Director, stated there was some recent drainage improvement done to the airport at a cost of \$850,000 which included areas of the golf course. She stated the Airport Authority is committed to continuing the lease at the golf course and has made improvements to the golf course area.

Jackson stated he would like to see the City of Lawton lease the golf course from the Airport Authority. He just wanted the City Council and the public brought up to date on the status of the golf course and his desire to make the golf course a class facility.

COL. Moses stated the Airport Authority wants to work with the City Council as they go through the update and receive feedback on some of the things they will be recommending.

Jackson stated he has spent thirty one years in the promotion of sports and events in the city of Lawton and as ball players would fly into Lawton to play in national events he would hear that there was no better advertisement for the city of Lawton than when you get off the plane and there was the golf course.

COL Moses stated he would ask that they not give up on the crises management center idea. It is a unique idea whose time has come. It is going to happen somewhere and he sees no reason why it cannot happen here.

Jackson stated he will probably bring some future agenda items to the City Council regarding this issue. He stated the golf course is there now and all it needs is a little influx of money to upgrade it to make it a nice facility.

35. Discuss and take appropriate action as necessary concerning a request to consider cost share assistance with AEP/PSO for the cost of required fire hydrants and water line improvement/installation that are related to their building project located at 226 SE B Ave. Exhibits: Letter dated May 3rd, 2007 from Mr. Robbie Dutton, AEP/PSO. Letters dated March 16th, 2007 and December 8th, 2006 from Darin Huffman, Project Manager, T.P. Enterprises, Inc. to Mr. Robbie Dutton, AEP/PSO. Letter dated November 27th, 2006 from James Crow, City of Lawton, Planning, to T.P. Enterprises, Inc. and attached Building Permit Site Review Check List (dated November 15th, 2006).

Shanklin stated that AEP/PSO is looking for a little help and the City Council has given other individuals in the private sector help in sharing the costs.

Warren stated they have done this before but it has always been for a private industry. He feels they are talking about a completely different animal. He does not believe the citizens of Lawton should be asked to pay for a water line and fire hydrant.

Jackson questioned if this was in the Phase II development area.

Mayor Purcell stated this is on the other side of the railroad tracks.

Tim Hushbeck, Community Services Manager for AEP/PSO, stated this is an area that would include a stadium or convention center area down the line. He stated they are adding on 3,000 square feet to an existing building. There is about 800 square feet in the total water line connecting B and D Street water lines. He stated there is a section that they are being asked to pay for that does not affect them. They are currently served by one hydrant at 226 SE B for their main building that dead ends at that point. He stated for their garage on the other side there is a hydrant on D Street. This building is in between and the proposal is that there will be one more new hydrant in front of the garage and another 300 feet down in front of the Simpson building. He stated the line continues on 350 feet to tie into the old hydrant and make a loop system. He stated they are having a little bit of heartburn with that little bit of pipe because they feel they should be able to be served by the hydrants without the additional tie in which will benefit the city and the other businesses in that area. They feel that they should not be expected to totally pay for this expense when it may not be necessary.

Mayor Purcell questioned why AEP/PSO could not be paid back by others that may tie in.

Vincent stated they may be eligible for the lease back program.

Ihler stated they are talking about impact fees and the lease purchase agreement is part of a subdivision development for the water lines which have to be a 12-inch or larger.

Shanklin questioned if AEP/PSO disputes what they are being asked to do by the Fire Department.

Mr. Hushbeck stated they do not dispute the two hydrants.

Warren stated they are basically taking about 300 feet of 8-inch pipe.

Mr. Hushbeck stated all they are asking for is a little relief. He suggested the City provide the pipe for that section and they can install it. He stated they feel that all of the burden should not be placed on AEP/PSO.

Ihler stated that his department would provide 350 of 8-inch pipe to finish the project. He stated they do want a loop system, not a dead end line.

Patton stated he has a bad taste in his mouth about what has transpired a few weeks ago with the Energetix plant and he cannot support a cost share in this situation.

Shanklin stated that group was never going to build that plant. It was not PSO that held us hostage, it was Energetix.

Patton stated he felt they got it from both sides.

MOVED by Shanklin, SECOND by Warren for City of Lawton to provide 350 feet of 8-inch pipe with PSO installing pipe for the loop from B Avenue to D Avenue. AYE: Haywood, Shoemate, Hanna, Drewry, Jackson, Shanklin. NAY: Patton, Warren. MOTION CARRIED.

36. Discuss current refuse collection system policies and take appropriate action if necessary. Exhibits: None.

Shanklin stated they have talked about this several times and what he wants to get on the record the staff policy on collecting the trash in the areas that do not have the 95-gallon containers. He wants to know what they will and won't pick up.

Ihler stated that the city code states that residents in those areas are authorized to have two 35-gallon containers. He stated they will pick up yard waste and brush. The code does not limit on the number of grass bags. He stated no individual containers should exceed 75 lbs. They will not pick up anything that will cause damage to the trucks. He stated the last couple of years they have gotten a lot of damage and wear and tear to the trucks as a result of the clean ups. In the last two clean ups they have utilized dump trucks.

Shanklin questioned if they are going to stay with four pick ups per year. Are they willing to let the city get that much dirtier every three months. He stated they use to pick up everything. There is still an individual following these trucks around and they are not being consistent as far as whose trash they will pick up and whose they skip down the line. He stated this is the first time he has ever heard about the damage to the hoppers. He stated they are getting a filthy city.

Ihler stated if there is a mattress in the alley all they need to do is give him or Carl Dentler a call and they will get it picked up. They will not pick up someone who has emptied their home and put it all out at the curb. There is a special fee that is required for the crew to come out and pick that up.

Shanklin questioned if the foreman goes down every alley that the truck goes down. He stated they have radios and they can call in and say they have a couch and two mattresses at a certain address. Whenever the individual may not have been the one who generated that trash, it gets left.

Hanna stated on Sunday he drove from Lawton Avenue to Rogers Lane and he saw 15-20 huge piles of trash, chairs and couches throughout his ward.

Ihler stated it is the homeowners responsibility to pay this fee to the city to pick it up.

Shoemate stated if someone throws a beer can and wrappers in his yard he will go pick it up.

Shanklin questioned if staff could give him the cost of putting a couple guys in a bobtail to go pick up these piles around the city. He questioned if they were getting relief from having the 95-gallon containers.

Ihler stated the initial cost is more because they are purchasing the trucks and the containers. As they go through the process, they will eventually be able to reduce manpower.

Shanklin stated that if that foreman sees something he should be calling it in and getting it picked up.

Ihler stated if they would give him a call and tell him where this item is, he will send that foreman out to pick that up.

Warren stated he does not have a problem with knowing what it would cost for a pick up crew, but the issue is where you draw the line. He stated that there are also trash piles in his ward. He stated those people will just not get it until they start fining them. There is someone who is responsible for that property, be it the renter or the property owner. It is not right that everyone in Lawton should have to pay.

Shanklin questioned if they just want to leave it there? What if they don't know who left it.

Warren stated if it is move in or move out garbage someone needs to pay the \$40 fee.

Shanklin stated that if everyone is happy with the city looking like a third world city he can live with it.

Jackson stated part of this has to be a little bit of education to the public. He stated they now have a clean up eight weeks out of the year. The public has to help them out. He does not want to pay \$150,000 to have someone running around town and picking up the excess stuff. If they do it once, they will have to do it forever. The public

has to help them out. He calls in piles of trash to Neighborhood Services almost daily.

Shanklin questioned if there was anything on the books that says that a resident is responsible and if they don't abate the problem they will get a problem.

Vincent stated yes.

Mayor Purcell stated if they really want to clean up the city they need to enforce the ordinances where they can. He questioned if they had an ordinance that allows them to fine the person living there or fine the person renting the property.

Vincent stated there are special ordinances dealing with when you place trash out, how much trash you can put out, where it has to be placed and the times of day you can put it out.

Warren suggested they be a little more proactive in actually sending the foreman to that house and have him make contact with someone at that house or note that no one lives there. Maybe they need mechanisms to send out that \$40 crew and charge the utility account holder.

Vincent stated they would have to modify the code, but they could make it happen.

Mayor Purcell stated they are not going to get anywhere until they get into their pocket book.

37. Discuss the need for R-3 Multiple-Family Dwelling District and R-4 High Density Apartment District and take appropriate action if necessary. Exhibits: Article 15-5, Chapter 15, Lawton City Code, 2005 and Division 18-5-5 and Division 18-5-6, Article 18-5, Chapter 18, Lawton City Code, 2005.

Shanklin stated the problem is in R-3 and R-4 there is no limit to what they can put in their yard or side yard. It is in R-1 and R-2. At 14th & Arlington there are three motor homes, two cars, three boats and two trailers, and it is legal. They need to try and bring in the same restrictions that are in R-1 and R-2 and place them in R-3 and R-4.

Vincent stated if they want to expand these restrictions to all residential areas they just need to amend those sections of the city code.

MOVED by Shanklin, SECOND by Warren to direct staff to bring back amendments to Chapter 15.503 adding zoning districts R-3 and R-4. AYE: Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

38. Discuss the necessity of amending the BAT (Breeding/Advertising/Transfer) permit for commercial pet stores. Exhibits: Letter from M&M Pet Shop, Inc.

Mayor Purcell stated there are a lot of people in the audience and he needs some guidance on opening this item up to the public and how long does the Council want to give each person to speak.

Drewry suggested three minutes per person.

Shanklin stated he never did study this ordinance and he does not know any of the other councilors who did. He stated he knows that they have to do something and he still supports it. That does not mean that they can't tweak it whenever necessary. He placed this item on the agenda because he saw an ad that said to beware of the pet stores. His concern is that this may not be applicable to them. He stated the owner of M&M pet store said it would cost him \$30,000 to comply. This is a recognized legitimate business. He feels this is wrong and he does not see how they can put a group out of business on something that may not be 100% true. They are not going to stop those ads in the paper. He would like for the City Council to kick this around and set a fee. He suggested \$700 - \$750 for a license for a year.

Joe Hamlin, attorney for Fin's and Critter's Pet Store, stated the ad in the paper indicated that one person has been ticketed and this was his client. His client does not buy from puppy mills. It costs \$29 to sell a kitten, it costs \$125 plus \$83 to get a health certificate and vaccination. That adds up to \$237 and he wants to know who will buy a kitten for \$237. He stated it is easier to buy a gun at a gun show than it is to buy a dog. He stated this is selective targeting. He is here to respectfully ask the Council to amend this ordinance or do away with this ordinance.

Debra Eash-Pittenger, 1003 SW Park Avenue, stated she has rescued animals that have been bought from pet stores. She feels the ordinance should stay the way it is. It is not fair that the animal rescue people and animal welfare officers are the ones who deal with those animals who are bought from pet stores and do not go to good homes.

Joe Marbel, 7703 NW Chesley Drive, stated he is the owner of M&M Pet Shop. He stated pet stores are retailers

just like other businesses. They belong to organizations and are a legal retailer who provides a service to the community. Pet shops are not puppy mills and they do not want to buy from puppy mills. They are in business to stay in business. They support a pet ordinance, but they would like the field to be fair, and not cut their business by 30-40%.

Linda Reinwand, 6208 NE Cache Road, stated she is the Administrative Director of the Animal Birth Control Clinic. She stated that M&M Pet Shop is a big part of the pet overpopulation problem. She thought that the pet shops in Lawton only sold a small number of puppies and kittens. This business sent out 350 unaltered animals last year. That is probably more than the number of animals adopted from the city shelter that, by law, is required to alter their animals. She stated this ordinance is meant to restrict and regulate breeding, selling or giving away dogs and cats to combat pet overpopulation and the impact on taxpayers and the innocent animals killed year end and year out, not a small special interest group. She stated if the City Council goes easy on the pet shops, what is to keep anyone from filtering animals through the shops and circumventing the ordinance. She questioned why the breeders could not pay the fee, since people are paying outrageous sums through the pet stores.

Margaret Marbel, owner of M&M Pet Shop, stated the dogs they sell are the small breed puppies who are registered and that is why they cost a little bit more. She stated they are controlling this ordinance on the backs of the pet shops, who are the visible people. They need to look at what they are selling. She stated this needs to be looked at a little closer. They are affected by this ordinance but they had no input and that is what seems so unfair.

Greg Shawn, 117 SW 50th Street, stated he also feels they should review the ordinance. He stated they were told that this would not affect legal businesses. He stated they were just told that the City Council did not bother to look at the ordinance and had no idea what the impact would be. He questioned why the pet shop should pay to have the animal altered, that should be an individual choice when they register the animal. He stated this ordinance has increased the number of abandoned dogs and doubled the euthanasia rate. This also impacts the surrounding communities. The way to control this issue is by education. He stated this ordinance increases the cost of the animal welfare division, decreases the number of registrations and increases the abhorrent conditions of most puppy mills.

Evelyn Ball, 3005 SW Coombs Road, stated she lives on the edge of town and many cats and dogs have been dumped at her doorstep. Over the years she has found homes for many of these animals by running an ad in the paper. Under the BAT section, she can no longer run a legal ad in the paper. She wants to be a law abiding citizens, but the City Council is forcing many of them to go underground. She requested that they be able to find homes for these animals and don t blanket them all as criminals.

Shanklin stated he could see a \$500, \$600, \$700 license for the pet stores for the whole year for all of their sales with the knowledge that those animals will be neutered or spade or they can pay to leave them unaltered.

Jackson stated that Rose Wilson, Animal Welfare Supervisor, has some ideas on this issue.

Ihler stated when they received the letter from M&M Pet Shops, Rose started looked into tweaking the ordinance to accommodate the concerns that they had. One of the thoughts that Rose put together was a commercial BAT permit that allowed pet shops to obtain a commercial BAT permit for \$1,000 that would allow them to sell up to 50 dogs or cats and they would be allowed to get an additional extension and pay a fee to sell another 50 up to four times which would allow them to sell 200 dogs or cats. Some of the conditions that would be attached is that they cannot release a dog to a consumer unless it has been spade or neutered or enter into a spay/neuter agreement. There would be a requirement that dog/cats would be acquired from USDA licensed breeders and have current health certificates and vaccination records. He stated that is what staff has put together and if the City Council agrees they can get with the City Attorney to place it in the appropriate format and bring it back to the City Council at a future date.

Vincent stated that Assistant City Attorney Frank Jensen has already started looking into this and he would like to make a couple of adjustments to what Rose has sent over.

Shanklin questioned what they need to do to postpone this. He does know if he can go for the \$1,000 for 50 puppies. If they are going to make them spay/neuter or pay to leave them unaltered, he does not see how this will hurt the ordinance. He just can t see them putting someone out of business. He stated it is not fair to have a \$250 bill on a dog or cat that they are going to get \$25 for. He questioned if the City Council would like to postpone this issue.

Vincent stated it will take staff until at least the second meeting in June to get the ordinance in proper format.

Hanna stated about three meetings ago he tried to bring this back to the City Council and he could not get a second on his motion to try and make this fair and equitable for everyone.

Mayor Purcell questioned if the dog and cats that are sold at pet stores are too young to be spade or neutered. He questioned at what point can someone safely spay or neuter an animal.

Rose Wilson, Animal Welfare Supervisor, stated that in the proposal that was given to the City Attorney the pet store owner can enter into a spay/neuter agreement and the owner would have ten days to bring a letter from a vet back to the pet store stating a new date as to when they could come into compliance based on their age.

Mayor Purcell stated the problem with that is that they have already tried that through Animal Welfare and they know that doesn't work.

Ms. Wilson stated if they do not comply, they are given a citation.

Mayor Purcell questioned how staff is going to know who the pet store sold the animal to.

Ms. Wilson stated the store will provide that information on the application. That is included in this new proposal. She stated the \$1,000 for the 50 animals is half of what an individual person pays. They average individual pays an average of \$41.66 for the BAT permit to sell X number of animals. For a pet store to sell 50 it is \$20 a piece.

Mayor Purcell questioned if the City Council would like this proposal to come back at a later date. He questioned what they do with the current ordinance.

Jackson stated he does not believe they can abate the ordinance.

Mayor Purcell clarified that the ordinance will stay in effect for the next month until it is brought back for modification.

The majority of the City Council agreed.

39. Consider an ordinance amending Sections 7-13-1-1302 and 1319, Division 7-13-1, Article 7-13, Chapter 7, Lawton City Code, 2005, by providing a definition of harmful to minors and inappropriate violence and prohibiting billboards or other exterior advertising signs for an adult cabaret or sexually oriented business within one mile of any state highway, providing for severability and declaring an emergency. Exhibits: Ordinance 2007-____.

Vincent stated on May 24, 2005, the state legislature passed a state statute regulating certain aspects of advertisements to minors and the placement of billboards affecting adult businesses. This expands the current adult business ordinance and brings it in line with the state statute.

MOVED by Warren, SECOND by Haywood, to adopt **Ordinance 07-35**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-35

An ordinance pertaining to business amending Sections 7-13-1-1302 and 1319, Division 7-13-1, Article 7-13, Chapter 7, Lawton City Code, 2005, by providing a definition of harmful to minors and also of inappropriate violence and prohibiting billboards or other exterior advertising signs for an adult cabaret or sexually oriented business within one mile of any state highway, providing for severability and declaring an emergency.

40. Consider receiving a report on the City's financial condition for the 3rd Quarter of Fiscal Year 2006-2007, and provide direction to staff. Exhibits: None.

Rick Endicott, Finance Director, stated everyone should have received an April report. They are at 83.33% of the year. They have collected just over \$16 million in sales tax, almost 85% of the budget. They have collected 91% of franchise tax. Police fines are 82% and all other is 85%. With water revenue, they have collected \$10.5 million through April and overall on enterprise fund they have collected 85%. He stated they are doing well compared to budgeted forecast. He stated this time last year they have collected about 24% more for the month of April in regards to sales tax. They saw some dips in sales tax in January, but then it picked up again for February, March and April. He stated a couple of years ago tobacco tax became an independent source of revenue for the city. This time last year they had collected \$370,000 in tobacco tax and this year it is almost \$390,000. He stated in police fines and bonds they have collected \$2.3 million of the \$2.8 million budget. He is concerned about what the water revenue will be for the months of May and June. He believes they will see a dip. On the expenditure side they are a little behind, but overall the general fund is 79% and 82% for enterprise that they have expended so far this year. He said typically a lot more spending happens the last few months of the year. They are right on target to meet the budgeted expectations.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Mayor Purcell stated he has had a request from the Northside Chamber of Commerce to write a letter in support of a proposal to the Oklahoma Department of Commerce for services of the Minority Business Development Center.

(Mayor Purcell read the letter)

Shoemate stated that he can personally say that the Minority Business Development Center goes out of its way to help any business.

Mayor Purcell stated he would like to see the City Council get some kind of a report from Municipal Court on littering and how many tickets have been written, what were the fines for each of those charges, and how many people that were found guilty were sentenced to pick up trash. He stated if the Council agrees, he will ask the City Manager to obtain that report.

City Council agreed.

Shoemate suggested they put up signs before parades regarding littering.

Mayor Purcell stated they have the street sweepers go through after each parade.

Patton questioned if there were even any public trash containers. The people would probably use them.

Mayor Purcell stated he would still like to see this report.

The Mayor and Council convened in executive session at 9:27 p.m. and reconvened in regular, open session at 10:13 p.m. Roll call reflected all members present excluding Patton.

EXECUTIVE SESSION ITEMS

41. Pursuant to Sections 307B.3 and 307D., Title 25, Oklahoma Statutes, consider convening in executive session to discuss the appraisal of a 3.34 acre tract located at 611 SW Bishop Road and the potential sale of the tract at public auction, and if necessary, take appropriate action in open session . Exhibits: Commentary from November 14, 2006.

Vincent read the title of item #41. He stated Council did have a discussion on the possible declaration of surplus property and they received an appraisal on this property.

MOVED by Haywood, SECOND by Warren, to declare a 3.34 acres of property located in the vicinity of 611 SW Bishop Road surplus and subject to council approval following a public auction, selling the property to the highest bidder with the minimum acceptable bid would be \$36,500. AYE: Shanklin, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson. NAY: None. MOTION CARRIED.

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

Vincent read the title of item #42.

MOVED by Jackson, SECOND by Drewry, to authorize the dismissal of the appeal to the Oklahoma Supreme Court of the Worker Compensation case of Stephen Handy and pay the award of the Workers Compensation Court as set out in that order. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

43. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending claim by Marion Newton, and if necessary, take appropriate action in open session. Exhibits: None

Vincent read the title of item #43.

MOVED by Drewry, SECOND by Hanna, to approve **Resolution 07-76** directing the City Attorney to assist Marion Newton and Jesse Francis Gay in filing a friendly suit and related documents in District Court against the City and authorizing the City Attorney to confess judgment in the amount of \$2,025 provided Ms. Newton and Ms. Gay sign a release and settlement agreement. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

44. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending lawsuit of Anthony Zinn, Case No., CJ-2005-1108, against the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item #44.

MOVED by Jackson, SECOND by Warren, to appoint Councilmember Drewry as the City Council representative to attend the June 12, 2007 mediation conference concerning the District Court case of Anthony Zinn versus the City of Lawton. AYE: Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Haywood. NAY: None. MOTION CARRIED.

45. Pursuant to Section 307B(4) Title 25 Oklahoma Statutes, consider convening in executive session to discuss Case No. 04-290 before the Oklahoma Department of Environmental Quality, Land Protection Division, In the Matter of: City of Lawton Mercury Release from Wastewater Treatment Plant, and if necessary, take appropriate action in open session.

Vincent read the title of item #45.

MOVED by Warren, SECOND by Haywood, to approve the consent order in Case No. 04-290 between the City of Lawton and the Oklahoma Department of Environmental Quality and authorize the Mayor and City Attorney to execute the documents. AYE: Shoemate, Hanna, Drewry, Jackson, Shanklin, Haywood, Warren. NAY: None. MOTION CARRIED.

46. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss reopening negotiations for a Collective Bargaining Agreement for FY 2007-2008 between the Fire Union IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

Vincent read the title of item #46.

MOVED by Hanna, SECOND by Shoemate, to reopen the current fire contract and move to authorize the City Manager to reopen the current Fire Collective Bargaining Agreement for the purpose of discussing employment issues related to health insurance, retirement benefits, wages and adjustments for the final year of the agreement and to appoint a three member negotiating team to comprise of Greg Buckley, Tim Wilson, Jim Scholes to negotiate possible contract modifications. AYE: Hanna, Drewry, Jackson, Shanklin, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 10:21 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK