



of the wall of the new housing area. She stated last year she called about the tall grass on 40<sup>th</sup> Street and she was told she had to have an address. She stated it is an empty lot and it is behind the Stripe s store. She was called by city staff and was told they had no control because there was a corporation that had bought the land. Now she hears that there will be hotel back there. She cannot image someone building on that lot in that condition. The other area is at 38<sup>th</sup> and Sante Fe. There is a big pile of rocks and a pool of muddy water. She was told by planning staff that when the development was through there would be a gate there. She questioned how they would control the flow of water with a gate if they can t control it with a retaining wall. She has talked with neighborhood services and the planning commission and no one seems to know who is responsible for that grass along the wall on 38<sup>th</sup> Street. She stated when this is addressed she will be the first one to come down and thank everyone.

Mayor Purcell stated the City Manager will work on this issue.

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.

Shanklin requested items #10 and #16 be discussed separately.

MOVED by Warren, SECOND by Patton, to approve the Consent Agenda with the exception of items #10 and #16. AYE: Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval and consider passage of the resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Patrick and Celeste Culver in the amount of \$1,280.30. Exhibits: Legal Opinions/Recommendations and **Resolution 07-95**.
2. 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 Fred Alexander in the Workers' Compensation Court, Case No. 2006-13448 A. Exhibits: **Resolution 07-96**.
3. Consider approving the Contract for Sale of surplus property located at 611 SW Bishop Road to 611 Bishop Road Properties, LLC., in the amount of Thirty-Six Thousand Five Hundred Dollars (\$36,500.00), and authorize the Mayor and City Clerk to execute the Contract for Sale and a Quit Claim Deed. Exhibits: The Contract for Sale and Quit Claim Deed are on file in the City Clerk s office.
4. Consider accepting a contract proposal submitted by Carter & Burgess to provide professional services for the Lawton-Fort Sill Regional Growth Management Plan to be funded by the Department of Defense, Office of Economic Adjustment (OEA) Grant and authorize the Mayor and City Clerk to execute necessary documents. Exhibits: Proposal letter from Carter & Burgess, dated May 30, 2007, Carter & Burgess Work Program. Carter & Burgess, Inc., Proposed Contract is available for review in City Clerk s Office.
5. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, to amend boathouse fees at Lake Lawtonka and Lake Ellsworth and establishing an effective date. Exhibits: Proposed **Resolution 07-97** is on file with the City Clerk.
6. Approval for Arts & Humanities Division to accept the Local Government Challenge Grant from the Oklahoma Arts Council for the FY 2007-08. Exhibits: None.
7. Consider approving contracts for the Co-Sponsorship Grant Program. Exhibits: Contracts on file in City Clerk s office.
8. Consider adopting the new non-exclusive license agreement extending the bus bench contract between the City of Lawton and PinHigh Investments of Lawton, Inc. and authorize the Mayor to execute. Exhibits: Non-Exclusive License agreement between the City of Lawton & PinHigh Investments of Lawton, Inc. on file in the Office of the City Clerk.
9. Consider approving the record plat for Shelter Creek Estates, Part 3, and accepting the improvements, escrow agreement in lieu of completed improvements, maintenance bonds, and money in lieu of park land. Exhibits: Plat Map. Escrow Agreement and Maintenance Bonds are on file in the City Clerk s Office.
10. Consider approving a credit adjustment in the amount of \$808.80 to Leonor D. Watkins utility account #0301454039 for the property at 3108 SW Wolf Avenue for an undetected, underground leak on the customer s water service line. Exhibits: Billing statement from Vernon Construction dated 01/09/2007 and Billing statement from R & G Plumbing dated 01/25/2007.

Barbara Curren, Revenue Services Supervisor, stated Ms. Watkins received three high bills and called in Vernon Construction to try and make the repair when she received her first high bill. Vernon Construction was unable to

make the repair and she then had R & G Plumbing come out and they were able to make the repair. She stated by code they are only allowed to adjust two.

Shanklin stated he marked the wrong item and did not intend for this item to be pulled.

MOVED by Shanklin, SECOND by Warren, to approve a credit adjustment in the amount of \$808.80 to Leonor D. Watkins utility account #0301454039 for the property at 3108 SW Wolf Avenue. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

11. Consider approving a credit adjustment in the amount of \$1,398.74 to Alan T. Williams utility account #0502045065 for the property at 6757 NW Compass Drive for an undetected, underground leak on the customer's water service line. Exhibits: Invoice from Wichita-Snyder Mechanical dated 3/19/2007, Repair Query received from Water Distribution Division indicating customer notified on 3/18 and 3/19/07 about service line leak.

12. Consider approving the transfer of a Taxicab Certificate of Public Necessity and Convenience from Faye Thompson dba AAA Cab Company to Bret K. Splawn and Chire A. Breitigan, and if the transfer is approved, revoke the Taxicab Certificate of Public Necessity and Convenience issued to Faye Thompson dba AAA Cab Company. Exhibits: Statement of applicants. Application and proof of financial responsibility on file in the City Clerk's office.

13. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 950 linear feet of ten (10) inch D.I. water line and all appurtenances to serve the NE 34<sup>th</sup> Street and E Gore Area, located in the SE/4 of the SW/4 of Section 27, T-2-N, R-11-W, I.M., Comanche County, Oklahoma. Exhibits: Permit to Construct on file in the City Clerk's office.

14. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 592 linear feet of twelve (12) inch PVC water line and all appurtenances to serve the Southwest Plaza located in the 7600 block of NW Cache Road, SE/4 of the SW/4 of Section 20, T-2-N, R-12-W, I.M., Comanche County, Oklahoma. Exhibits: Permit to Construct on file in the City Clerk's office.

15. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 118 linear feet of eight (8) inch PVC gravity sewer line and all appurtenances to serve the Standard Testing Development facility, located at SE 2<sup>nd</sup> Street and J Avenue, in the SW/4 of Section 32, T-2-N, R-11-W, I.M., Comanche County, Oklahoma. Exhibits: Permit to Construct on file in the City Clerk's office.

16. Consider awarding a construction contract to Triangle Excavating Co. for the Water Infrastructure Improvement Phase 1 (Lines) Project #2006-8 located from the new SEWTP to the proposed tower at the intersection of SE Bishop Road & SE 45<sup>th</sup> Street and to south of the VA Hospital on Flower Mound Road. Exhibits: None.

Shanklin stated there is a tremendous bidders list. He stated the engineers estimate is a \$1 million over the lowest estimate. He just wanted to call attention to the fact that they are going to spend \$37 million for ten million gallons of water at the plant they are building. Bartlesville, Oklahoma built 26 million gallons for \$47 million. He stated if they want to build 26 million gallons, they are going to spend somewhere around \$75 million. He stated he worries about the amount of money they are paying for the southeast water treatment plant. They need to look at this a little closer, those dollars are too hard to come by. He stated they generate \$19 million from the two cent sales tax. Norman does \$39 million. Why does a town of 3,000 more than Lawton double their sales tax. They can't meet these people with this kind of money with the money they are throwing around on this council floor.

MOVED by Shanklin, SECOND by Warren, to award a construction contract to Triangle Excavating Co. for the Water Infrastructure Improvement Phase 1 (Lines) Project #2006-8. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

17. Consider approving the Proposed Cooperative Program and Memorandum Agreement between the Oklahoma Water Resources Board, the U.S. Geological Survey and the City of Lawton for lake and stream level gauging and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Proposed Cooperative Program and Memorandum Agreement (on file with the City Clerk).

18. Consider adopting a Resolution authorizing the installation/removal of traffic control measures along the 500 block of SW 18<sup>th</sup> Street; NW 67<sup>th</sup> Street north of NW Westmont Circle and NW Taylor Avenue; the intersection of NW 72<sup>nd</sup> Street, NW Lawton Avenue, and NW Hunter Avenue; and NW 38<sup>th</sup> Street between NW 40<sup>th</sup> Street and Santa Fe Avenue near the Learning Tree Academy and Holy Cross Lutheran Church. Exhibits: Traffic Commission Minutes, Traffic Issue Requests, and **Resolution No. 07-98**.

19. Consider denying the request for installation of traffic control measures at the intersection of NW Euclid Avenue and NW Columbia Avenue; and along the 700 block of SW 45<sup>th</sup> Street across from Country Club Heights

Elementary School. Exhibits: Traffic Commission Minutes, Traffic Issue Requests.

20. Consider awarding (CL07-058) Easement Rodder to Instrument & Supply SW, Inc., of Sand Springs, OK. Exhibits: Department recommendation, abstract of bids.
21. Consider extending the contract (RFPCL05-061) Banking Services with IBC Bank of Lawton, OK. Exhibits: Department Recommendation, Cost Comparison Memo, Contract Extension Form.
22. Consider extending the contract (CL05-062) Liquid Sulfur Dioxide with Brenntag Southwest of Sand Springs, OK. Exhibits: Department Recommendation, Price Bid Sheet, Contract Extension Form.
23. Consider approving appointments to boards and commissions. Exhibits: None
24. Consider approval of payroll for the period of June 18 July 1, 2007.

#### BUSINESS ITEMS:

25. Consider an ordinance pertaining to the Employee Advisory Committee (EAC), Amending Section 17-1-1-102, Division 17-1-1, Article 17-1, Chapter 17, Lawton City Code, 2005; Amending Section 17-1-4-143, Division 17-1-4, Article 17-1, Chapter 17, Lawton City Code, 2005; Amending Section 17-1-7-174, Division 17-1-7, Article 17-1, Chapter 17, Lawton City Code, 2005; Repealing and reserving Sections 17-2-9-201 through 17-2-9-218, Division 17-2-9, Article 17-2, Chapter 17, Lawton City Code, 2005; Amending Section 17-2-11-243, Division 17-2-11, Article 17-2, Chapter 17, Lawton City Code, 2005; Amending Sections 17-3-4-339 and 17-3-4-354, Division 17-3-4, Article 17-3, Chapter 17, Lawton City Code, 2005; for the purpose of abolishing the EAC and deleting all references to said committee from the City Code; providing for severability and declaring an emergency. Exhibits: Ordinance 2007-\_\_\_\_.

Vincent stated the majority of the employees are covered under the American Federation of State, County and Municipal Employees (AFSCME) agreement which was ratified by the resolution incorporating Chapter 17. There is a MOU regarding the grievance procedure which will not longer necessitate the requirement of the EAC. To eliminate any confusion they are eliminating the EAC from the City Code.

MOVED by Haywood, SECOND by Drewry, to adopt **Ordinance 07-41**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-41

An ordinance pertaining to the Employee Advisory Committee (EAC), amending Section 17-1-1-102, Division 17-1-1, Article 17-1, Chapter 17, Lawton City Code, 2005; amending Section 17-1-4-143, Division 17-1-4, Article 17-1, Chapter 17, Lawton City Code, 2005; amending Section 17-1-7-174, Division 17-1-7, Article 17-1, Chapter 17, Lawton City Code, 2005; repealing and reserving Sections 17-2-9-201 through 17-2-9-218, Division 17-2-9, Article 17-2, Chapter 17, Lawton City Code, 2005; amending Section 17-2-11-243, Division 17-2-11, Article 17-2, Chapter 17, Lawton City Code, 2005; amending Sections 17-3-4-339 and 17-3-4-354, Division 17-3-4, Article 17-3, Chapter 17, Lawton City Code, 2005; for the purpose of abolishing the EAC and deleting all references to said committee from the City Code; providing for severability and declaring an emergency.

26. Consider rejecting the bid for (CL07-059) Prairie Dog Removal & Relocation. Exhibits: Department recommendation, abstract of bids.

Kim Shahan, Parks and Recreation Director, stated in March there was a request to go back out for bid for removal and relocation of prairie dogs. They received one bid and based on the four contract conditions, the one bid was declared nonresponsive. The bidder wanted eighteen months to remove the prairie dogs instead of the six months which was requested, they were not guaranteeing 5,000 prairie dogs removed, their payment structure was different than recommended and they had issues pertaining to insurance.

Mayor Purcell stated the big issue was the insurance, which they could not work around.

Vincent stated they have been contacted by two other vendors who said that if this contract was rejected, they requested the ability to bid on this contract.

Mayor Purcell stated he just got off the phone with Cynthia Armstrong from the Oklahoma State Humane Society. Her group came down in June for an independent look and according to their best estimate there are 1,200 prairie dogs in Elmer Thomas Park. He stated that includes those prairie dogs that are behind Ramada Inn. He stated the two others groups are putting together a plan that will be presented to the City Council which will allow for the

removal of however many they decide to remove. He stated the Human Society will recommend a way to make a barrier for a prairie dog town. They would start in late summer and finish it the fall. He stated they are working with a group out of Colorado, which was the second group, and they would like to present something to the Council. He stated this is the first time they have had an independent group come in and estimate as best they could.

Shanklin questioned if they are still saying the prairie dogs have one litter per year.

Mayor Purcell stated the one of the groups told him they had two litters per year.

MOVED by Hanna, SECOND by Shoemate, to reject the bid for (CL07-059) Prairie Dog Removal & Relocation. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

27. Consider an ordinance pertaining to recreation amending Section 19-4-410, Article 19-4, Chapter 19, Lawton City Code, 2005, by prohibiting the feeding of prairie dogs, providing for severability and declaring an emergency. Exhibits: Ordinance 07-\_\_.

Mayor Purcell stated he brought this up after consulting with Cynthia Armstrong and the prairie dog coalition. They both indicated that we should never be feeding prairie dogs and that they are designed to live in the wild and find their own food. That is a way to control the population. It is dangerous to the prairie dogs and bad for their system.

Warren stated this is just common sense. The more they are fed, the more they will produce.

Shanklin questioned if there was a fine.

Vincent stated the way it is written, it would be the standard penalty for the city code, up to 60 days in jail. He stated it is up to the judge to impose the fine.

Hanna questioned how they were going to enforce this.

Mayor Purcell stated they will post some signs to begin with.

Hanna stated that residents need to be educated first.

Mayor Purcell stated they need to slowly move into this because people have been feeding them for years.

Drewry stated hopefully they can put signs out and the community can sit and watch them. She does not feel they need to throw anyone in jail for feeding them.

Haywood questioned if they should wait thirty days.

Mayor Purcell stated they need to get the word out and get the signs up.

Warren stated that hopefully the majority of citizens will try to help the situation. They need to work together on ways to keep the population from growing.

Shoemate stated it should be adequate to just put up the signs. He cannot see putting anyone in jail.

MOVED by Warren, SECOND by Patton, to adopt **Ordinance 07-42**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-42

An ordinance pertaining to recreation amending Section 19-4-410, Article 19-4, Chapter 19, Lawton City Code, 2005, by prohibiting the feeding of prairie dogs, providing for severability and declaring an emergency.

28. Consider an ordinance pertaining to animals amending Section 5-1-101, Article 5-1, Chapter 5, Lawton City Code, 2005, and creating Sections 5-6-601 and 602, Article 5-6, Chapter 5 to identify circumstances requiring special measures for the prevention of animal attacks/bites and authorizing the imposition of such measures for such purposes, providing for severability, codification, and declaring an emergency. Exhibits: Ordinance 2007-\_\_.

Mayor Purcell stated there is a problem in this town with pit bulls, however, there is a state law that says you cannot ban breed specific animals. He stated we have had two children severely bitten and attacked by pit bulls in the past six to eight months. He had originally proposed to ask the City Council to pass an ordinance banning pit

bulls which violated the state law and would have eventually gone to the Supreme Court. After speaking to the City Attorney and the Humane Society, everyone felt this ordinance was a better way to go, rather than having one that is breed specific.

Shoemate stated the ordinance does not relate to just dogs.

Vincent stated the ordinance refers to animals that approach humans in a threatening way.

Jackson stated the ordinance is not relating to a specific breed.

Vincent stated that Ms. Armstrong from the Humane Society took this ordinance from the state of North Carolina.

Warren stated this is an issue that they need to address. He stated no matter what kind of animal, none of these incidences would have happened if the owners would have exercised proper care of those animals.

MOVED by Warren, SECOND by Shoemate, to adopt **Ordinance 07-43**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-43

An ordinance pertaining to animals amending Section 5-1-101, Article 5-1, Chapter 5, Lawton City Code, 2005, and creating Sections 5-6-601 and 602, Article 5-6, Chapter 5 to identify circumstances requiring special measures for the prevention of animal attacks/bites, and authorizing the imposition of such measures for such purposes, providing for severability, codification, and declaring an emergency.

29. Consider an ordinance amending Section 5-1-101, Article 5-1, Chapter 5, and adding Section 5-1-106.1, Article 5-1, Chapter 5, Lawton City Code, 2005, by providing definitions for a Commercial Advertising/Transfer permit and pet shops, and authorizing pet shops to sell, trade, advertise, receive for any compensation or to give away or transfer ownership a limit of fifty (50) dogs or cats per permit, with a maximum of four (4) permits per year, providing for severability, codification, and declaring an emergency. Exhibits: Ordinance 2007-\_\_.

Mayor Purcell stated he received a call from a pet store owner who pointed out some misinterpretation about the ordinance. He called the City Attorney and the Animal Welfare Supervisor and they have made two changes to the ordinance. In Section 5-1-106.1, paragraph 3, they deleted the last sentence. What was approved in paragraph 8 is where they get a copy of the spay/neuter agreement and a copy of an identification card or drivers license and they submit that to the City once a month. There is no further requirement for the pet store owner for enforcement. The City of Lawton will enforce from that point on. In paragraph 4 they would like to make an addition after the words USDA licensed breeders to say or breeders who have obtained a BAT permit from the City of Lawton for breeding/transfers occurring in the city limits. He stated this would allow someone who has a BAT permit to be able to sell their dogs or cats to a pet store for resale. He stated these two areas satisfy everyone's concerns, both animal control and the pet store owners. He stated there are some people who want to speak tonight. He questioned how long the Council would allow each to speak.

Shanklin suggested five minutes.

Council agreed.

Linda McCutcheon, Fins and Critters, 2014 W. Gore, stated she made a list to call all of the City Council members and explain their side of the ordinance. The third person she spoke to was Councilmember Warren. She stated that he said to her what if we stopped you from selling animals at all. She assumed he was talking about the City Council. She ended the conversation shortly after that remark. She stated that if this ordinance is passed, they will be violating their civil rights which is the right to fair commerce and a fair living. They have always vaccinated their animals and guaranteed them to a vet's inspection. She stated since there is an altered and unaltered licenses they should not be responsible to make their customers enter into a neuter/spay agreement. That is up to the individual. As to the USDA licensed breeder, she has pulled some horrible information from Small Paws, which is the largest breed rescue organization in the country. She distributed copies of a letter from this organization. She stated this is why they have always bought locally, so they can see the condition of the animals. She stated USDA licenses breeders are just puppy mills with a stamp. Copying a drivers license or ID is not their responsibility since they are not employed by the shelter. She does not feel it is their responsibility to keep records for the animal shelter. She stated citizens can purchase a BAT permit and are allowed to sell unaltered animals to anyone in Lawton, but not to pet shops. She stated their sales are down 27% on animals and related products that are sold with them since the ordinance has gone into effect. She does not feel this is the way to treat a business that has paid many tax dollars to the City of Lawton for so many years.

Joe Marabel, M&M Pet Shop, 7703 NW Chesley Drive, thanked the Mayor and Council for reconsidering this item

and making the requested changes. He stated he has a couple of other concerns regarding the ordinance. In paragraph 3 of Section 5-1-106.1 it states that no pet shop shall release to a consumer a dog or cat that has not been sterilized by a licensed veterinarian or to a consumer that has not entered into a spay/neuter agreement. He stated that pet shops get puppies that are 8 weeks old and are sold. He questioned if that section should also be deleted.

Mayor Purcell stated that if the pet shop sold a 6 week old dog, they would have the customer sign the spay/neuter agreement, give the customer a copy and a copy would then go to the City along with identification.

Mr. Marabel questioned if the paperwork would be a city form.

Mayor Purcell stated that this information would be provided to the pet shops from the City of Lawton.

Mr. Marabel requested that the City let the pet stores verify, on the spot, the identity of the customer. He is concerned about identity theft if they copy the license.

Vincent stated if the person signing the agreement does not honor the spay/neuter agreement, the next effort to contact them would be with a summons. We have to have identifiers in order to issue a summons and subsequently a warrant. At a minimum we would have to have their address, date of birth and a drivers license number.

Haywood questioned if the breeders come and pick up the puppies that are not sold.

Mr. Marabel stated that fortunately they have sold every puppy they have gotten.

Haywood questioned what they would do if they did not sell all of the animals. Would they give them back to the breeder?

Mr. Marabel stated they would find someone to adopt the animal and give it away. He stated the fee is \$1,000 for 50 animals per year. He stated as retailers they do collect taxes for the state and for the city. He stated their sales are down 30%, not because they are not selling the animals, but from related products that go along with the animals. He stated last year they collected \$13,000 in sales taxes. This year it is down by \$4,000 and they attribute that to the loss of revenue from animal related sales. He stated if they pay \$1,000 for 50 animals they are assessing another \$20 on top of the sales tax they are already going to pay. He requested that the City Council not put the \$1,000 into effect because it would only be passed on to the customer. He stated they need to keep people coming into the store in order to keep their doors open. He stated when citizens buy from them, the tax money stays in Lawton.

Mayor Purcell asked Mr. Marabel what his recommendation would be to the City Council in regards to the fees for a BAT permit for a retail business.

Mr. Marabel stated he feels it should be no more than \$250.

Andy Anderson, Kennel Master at Fort Sill, stated he has seen the ordinance work in the past 90 days. He would like the City Council to keep the ordinance as it is written. He stated that cute puppies and kittens end up at his facility when they are no longer cute. He stated they are getting a lot of complaints regarding county roads. The Fort Sill facility has seen an increase of 60% in abandoned cats and dogs. The number of surrendered animals who have been turned in by their owners has increased by 52% because of this ordinance. It is not popular, but he feels it will work. He stated there are some good pet stores in this town that do not sell puppies, but do sell dog and cat products and they are doing very well.

Mayor Purcell stated that this change in the ordinance is minor. He stated the point the pet store owners are trying to make is that people are selling animals all over in the county and in the city. When they buy from pet stores they will turn in a registration and the city will then be able to track them. He stated this is not against the original ordinance, but this is just a modification.

Drewry questioned if Fort Sill required chips.

Mr. Anderson stated every dog and cat that goes through Fort Sill is now required to have a micro chip.

Drewry questioned what it costs for the chip.

Mr. Anderson stated it is \$15.

Shanklin questioned if these animals are abandoned on post.

Mr. Anderson stated yes.

Haywood questioned if these animals were from Fort Sill or Lawton.

Mr. Anderson stated they have no chips, so they do not know where they came from. He stated a lot come from Sheridan gate, 52<sup>nd</sup> Street gate and Pioneer area. If they enter Fort Sill they take control of them.

Shoemate questioned how those percentages compared with the city.

Rose Wilson, Animal Welfare Supervisor, stated there has been no increase in abandoned animals or animals being turned in by their owners.

Shanklin questioned how many animals have been euthanized this year.

Ms. Wilson stated approximately 3,000.

Drewry stated she really likes the idea of having the microchip, then if an animal is running loose on the street, you can identify where it came from. She would like to see us offer that chip to animals with the license. She thinks people would be less likely to abandon an animal if their name is on that animal.

Shanklin stated he would agree with that.

Warren stated it would be easier to get an animal back to the owner.

Patton stated the bottom line is that the real proponents of the ordinance do not want any type of animal to be sold in any type of retail establishment. He stated this will not stop the influx of animals into Lawton. He has a real hard time since there are responsible business owners here.

Mayor Purcell stated the original ordinance only let pet stores sell only one litter per year. This was an attempt to correct this.

Shanklin stated if they want to kill this thing and drive the pet stores out of business, why don t they just make it \$5,000. That will drive them out completely.

Mayor Purcell stated there is an ordinance in place that is killing the pet stores right now. This change was to help the pet stores and let them sell what they need and not charge them the same price per litter that was being charged to anyone else. He stated maybe the number needs to be \$250 or \$500 instead of \$1,000. It is still an attempt to allow them to sell those 200 dogs and cats which they cannot do right now and an attempt to put all of the burden on the pet stores to enforce it, just get the form filled out. He had heard from some tonight that they do not want to collect or make a copy of an ID card. He asked the City Attorney to come up with some new words so that they don t have to make copies of the drivers license, they just have to get the information.

Vincent stated that once the contract is turned over, Animal Welfare will be responsible for enforcement.

Ms. McCutchen stated the pet store owners are being singled out and are making their customers sign a neuter/spay agreement. An individual can sell a puppy and they don t have to have it neutered or spayed. They can go down and get an A or B license. She feels they should be allowed to do the same thing. She understands filling out the paper and sending it to Animal Welfare, but it is up to the individual whether they want the animal to be spayed or neutered.

Mayor Purcell stated he has misunderstood the ordinance. He clarified that if he went and bought a dog from a pet store, he has no option about getting the dog spayed or neutered.

Ms. Wilson stated that pet shops can sell 300% more animals than an individual. Therefore these animals will be spayed or neutered. It is not their place to make that happen. Animal Welfare will get that agreement and they will work off that agreement just like they do at the shelter and enforce it through that agreement and that is why they need the customer s information.

Mayor Purcell stated that based on the ordinance as it reads now, if he goes in and buys a dog from a pet store, he must have that dog spayed or neutered. Does he not have the option to leave it unaltered?

Ms. Wilson stated if the customer lives in the city limits, according to this ordinance, that animal will be spayed or neutered.

Mayor Purcell stated that is not the way he read it. He questioned if the City Council understood it that way.

Hanna stated that it is cut and dry that you will have the animal spayed or neutered.

Patton questioned why we would even have a B license.

Haywood stated that people should have an option.

Patton stated it does not make sense to buy from a pet store and not have the same right as if you bought from someone with a BAT license.

Vincent stated that staff will have to bring this back with the fee amount and they can also bring these changes back.

Mayor Purcell questioned if the City Council wants to allow someone who buys from a pet store to have the option of either spaying and paying the \$15 or not spaying and pay the higher fee.

Warren stated that if the City Council makes these changes, the whole process has been for nothing. Everyone will basically be able to do what they have been doing before. The pet stores are going to pay an extra \$5 per animal and they are not accomplishing anything. He stated they might as well do away with the whole thing. He stated all along they have been talking about mandatory neuter and spay, and now everyone talks like this is an option. The final owner should have to spay or neuter that dog unless they are a breeder.

MOVED by Hanna, SECOND by Haywood, to direct staff to make the change that if a person buys an animal from a pet store, they are allowed to make the decision when they register to either get an A or a B license and make the fee to the pet stores be \$250 for fifty animals.

Delores Deluomo, 1914 E. Gore, stated there is a state law that mandates that all animals out of animal shelters have to be neutered or spayed when they are adopted. She stated that she had no idea that pet shops put out such a large number of animals into the community. She stated if these animals are not required to be neutered or spayed then the rest of them who are out there killing them are just whistling Dixie and nothing else will ever change.

Greg Shawn, 117 SW 50<sup>th</sup> Street, questioned how the City Council could make a subsection of the ordinance more punitive and restrictive than the base ordinance. He questioned why every citizen would not be allowed to have an A or B license and why a commercial business would not be allowed to have the same option. There is no doubt that everyone will go out of the city limits and get animals.

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

Haywood stated he would like to see an item come back to the City Council directing staff to work on the micro chip idea.

Mayor Purcell stated they are trying to focus on this item to give the pet stores some relief. He questioned if there was anything in this ordinance that they needed to bring back. He stated since there was the objection of the pet stores to make copies of ID s, he questioned if they wanted to make the wording that the pet shop owner shall furnish a signed form verifying the identity of the purchaser including the name, address, sex, date, birth and driver license or social security number.

MOVED by Hanna SECOND by Haywood, to direct staff to bring back amended wording regarding identity verification. AYE: Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

Mayor Purcell questioned if there was anything else that needed to be addressed.

Jerry McCutcheon, Fins & Critters, questioned if they would be restricted to buying animals from only those in town who have a BAT permit or a USDA breeder outside of Lawton.

Mayor Purcell stated the person would have to be USDA certified or they have to hold a BAT permit issued by the City of Lawton.

Mr. McCutcheon questioned if they purchased animals from a breeder that already has a BAT permit, do they use the breeders BAT permit to sell those animals?

Mayor Purcell stated the pet shop has to have their own BAT permit if they are going to sell an animal.

Shanklin questioned if they were going to keep people from selling pups on Indian land. He stated that is his only problem with the whole deal. If they could stop everyone then he could deal with it a bit harder.

Mayor Purcell stated they have no control on that issue.

Margaret Marabel, M&M Pet Shop, questioned if a customer is buying a dog, does this ordinance only pertain to those that reside in Lawton.

Mayor Purcell stated if someone buys a dog from the pet shop, it does not matter where they live, they have to fill out that form and that form has to be forwarded to Animal Welfare.

MOVED by Drewry SECOND by Hanna, to table to July 24<sup>th</sup> City Council meeting. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Shoemate, Hanna. NAY: Warren. MOTION CARRIED.

Mayor Purcell stated he would like to address the addendum before the discussion on item #30.

ADDENDUM:

1. Consider adopting an ordinance amending Section 7-12-1-1202, Division 7-12-1, Article 7-12, Chapter 7, Lawton City Code, 2005 by requiring a special itinerant vendors license for Elmer Thomas Park, providing for severability, and declaring an emergency and consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, to extend the current fee for a special itinerant vendor license. Exhibits: Ordinance No. 07-\_\_\_ and Resolution No. 07-\_\_\_.

Vincent stated it came to the attention of staff because of the upcoming centennial event in Elmer Thomas Park that there is a special vendor s permit for the Boulevard of Lights event to control the area and the number of vendors. It was determined that they needed the same type of permit at Elmer Thomas Park. He stated they did not exempt out a couple of the features that they should, but they need to get this passed as written so they can have it available for this event. He stated they will have to bring it back to talk about some other events. He stated this does limit the number of vendors that can be put inside the park boundaries and it does establish the same fee that was in place for the Boulevard of Lights.

Jackson stated on the itinerant vendors fees it calls for a background investigation at a cost of \$20. He questioned what they would be looking for.

Vincent stated there was a situation nine or ten years ago where there was a vendor that they did not know had a certain type background murdered a woman. As a result they added the background check requirement.

Jackson questioned if the background check would have caught this.

Vincent stated in this case it would have.

Jackson questioned how far the check stretched. Some people have a tough time early in life and then they straighten their life out.

Mayor Purcell stated they would be looking for specific things.

MOVED by Haywood, SECOND by Warren, to adopt **Ordinance 07-44**, waive the reading of the ordinance, read the title only and declaring an emergency and approve **Resolution 07-99**. AYE: Jackson, Shanklin, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. ABSENT: Patton. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-44

An ordinance pertaining to business amending Section 7-12-1-1202, Division 7-12-1, Article 7-12, Chapter 7, Lawton City Code, 2005, by requiring a special itinerant vendors license for Elmer Thomas Park, providing for severability, declaring an emergency.

30. Discuss options for the upcoming sales tax election scheduled for October 9, 2007 to fund infrastructure projects needed to support anticipated population growth as a result of recent BRAC announcements made by the Department of Defense and Fort Sill and take appropriate action as necessary. Exhibits: Informational Fact Sheet dated March 1, 2007, Ordinance No. 07-04, Resolution 07-06 and Resolution 07-07.

Mitchell stated he provided an overview of the ballot question and the ordinance from the April election. He outlined the same proposal with the revenue collected and the date and term of the sales tax and the possibility of how those funds could be appropriated between street construction, water and sewer line construction and the balance of the sewer rehab program. He stated they would also have the opportunity to take advantage of two state programs. One is the opportunity fund which will allow us to double the money we could generate through the sales tax and also Senate Bill 751 which was passed this session which would allow us to defer/offset the first five years of interest on any bonds that are issued for those improvements.

Jackson stated this was a very involved sales tax proposal in the last election and a lot of work and a lot of people were involved in the election and it failed. Everybody has their reasons on why it failed. He stated the less complicated, the better chances it has to pass. He stated this is a need in the community that has to be addressed. He stated all of these groups should not be reaching their hands in on this pile of money for this sales tax. This money should be spent on the streets of Lawton. He hears more comments about the roads in this town than anything else. The city cannot see the sewer and water lines, but they ride on the streets every day. He recommended that they devote the entire \$28 million to street renovation.

Mayor Purcell stated they cannot get any money from the state to build water lines, sewer lines and new roads if they devote the whole thing to street repairs. It has to cover the other infrastructure.

Jackson stated with all of the other projects listed, the election will fail again.

Mayor Purcell stated the day after the previous election failed, he had numerous phone calls from people who just didn't get out and vote.

Jackson questioned if they still are talking about money going to police and fire?

Mitchell stated he suggested three broad categories instead of six.

Jackson stated that \$9 million is not enough money for streets.

Drewry stated they need to do a better job in educating citizens about where the money is going.

Jackson stated he disagrees, the citizens saw a deal. He feels if they can reduce it down to those three things, he thinks it will pass. He would adjust the funding a little bit.

Drewry stated they don't need to sell this as just a BRAC project, this is for the citizens who live here now.

Mayor Purcell stated for the citizens who live here that are buying new homes they need new sewer lines, street repairs and construction as well as water lines. He stated they may have to juggle the numbers, but it is now broken down into the three categories: construction and repair of streets, water and sewer reconstruction and construction, and sewer rehab. This money is used to get matching funds from the state.

Jackson questioned if there is a magical number they are looking for to match or does it match whatever we put up.

Mitchell stated it really depends on which program they are talking about. The original discussion with the state and the way that SB 751 was originally drafted was the idea that \$20 million would come from state monies and the city would match that with \$20 million. You double the money you raise locally and you get a reduced interest rate on any debt that you issue.

Jackson stated he has heard at several meetings that people would like to see where the money is going, but at the same time he does not want to designate money to fix a particular street and then a major catastrophe happens and they cannot get that street fixed.

Warren suggested they divide that money up by wards and have that Councilmember of that ward decide what they want fixed. He stated once they have a project on the ballot, they cannot move that money. They could address the issues of each ward easier if the money is split up, but if they have an emergency, there is no way they can move that money.

Shanklin stated he feels that 7 years is too long, they should do it for five. He stated he was told that they did not have to tell the taxpayer what they were going to spend the money for. He stated if they do that again, they are going to get beat.

Mitchell stated the only purpose of that was a fact sheet to distribute to people and give them examples because everyone wanted something to show how the money might be broken up between six categories.

Haywood questioned what Mr. Shanklin would suggest.

Shanklin stated they need to tell the people what they are going to do with the money.

Haywood stated if they have more public hearings discussing this issue he thinks this will pass. They may have to go to every ward and discuss the issue.

Jackson stated only after the City Council decides what it will be.

Mayor Purcell stated they cannot go out and list every sewer line in town because that does not leave any matching money that they will need to go to the state. They have to have some flexibility. He stated they cannot list every project in the ballot. The City Manager has broken this down into three categories. They need to keep out all of the garbage.

Jackson stated he would go as high as \$18 million in streets, \$5 million on sewer lines and \$5 million on water lines. He stated the urgency is with the streets.

Mayor Purcell stated they have no choice with the sewer rehab. He stated \$5 million will not get them there.

Shanklin questioned when they will run out of the sewer rehab money.

Mitchell stated in about two or three years.

Shanklin stated he does not know why they would include that in this.

Mitchell stated they need to identify the revenue source. What are they going to do in three years?

Shanklin stated he does not think they will get \$28 million. He thinks it should be done for five years.

Mayor Purcell stated they cannot get the matching funds from the state. They have told them that. We must have the money available for the length of the bonds. They are not going to give us \$20 million for five years. They couldn't pay it back. They are giving us \$20 million and the principle starts in year six.

Jackson stated the reason they are looking at 7 years was because the major CIP is up in five years and they don't want both of these elections to coincide at the same time.

Shanklin stated everyone will get the five years, they won't get the 7.

Jackson stated they just couldn't have both elections come up at the same time. It would jeopardize both of them.

Mayor Purcell stated they just can't go five years on the money they are trying to get from the state because there is no money to pay the loan back for the bonds. They will not issue the bonds if they run out of money in five years.

Jackson questioned what was the maximum amount of money that they can put into streets and still get by.

Mitchell stated it depends. If they put \$12 million in streets and reduce the sewer construction to \$6 million, they could only do one project. A project like nine mile creek costs from \$7-8 million. He stated the City Council needs to make a decision on where you set the balance.

Mayor Purcell stated when they went to the state one of the major projects for them was the nine mile creek project, which is around \$8 million. They have been trying to get that done because that is stifling all of the development on the east side. He stated we would go in and ask them to do bonds for \$8 million, the state will pay the interest for the first five years. From year six through ten we have to pay the interest and the \$8 million. That is why five years won't work.

They need to give the City Manager some guidance on how the ballot will read and what the break out should be on these three categories.

Warren stated he does not have a problem with what is listed on the background of this item. His issue is that he does not think we are being aggressive enough. There is a very large segment of the population that would support a larger project if they would name what they are going to do. They have looked at the least amount of money that can be spent and how they can get there rather than address what they need to accomplish in hard terms. He stated all they are ever going to do is keep plugging that hole, they are never going to make any headway. He stated last time they got very little input. Since this was in the paper he has gotten five phone calls from semi-elderly residents and every single one said they needed to address public safety. He stated they have to understand that this is something residents want them to address.

Jackson stated that Councilmember Warren pushed this issue on the last ballot and that ballot failed.

Warren stated the need for more public safety is not gone.

Jackson stated the proposal failed. He stated he is not willing to spend another \$10,000 to test the issue.

Haywood stated they need to help the police and fire through the budget. They need all this support through the budget.

Mayor Purcell stated if they go out and say they want \$9 million for streets and receive another \$9 million from matching funds from the state, they may not need as much money for street repair in next years regular budget. This would free up a little money in the budget for public safety.

Warren stated he is just saying that they need to address it at some point. That is what he is hearing.

Drewry stated the timing is wrong. They need to address streets right now.

Warren stated unless they come to some agreement, nothing will pass.

Drewry stated they need to talk about what they need to do to get to work on this.

Mayor Purcell questioned if the City Council agreed with what will be placed on the ballot. He stated they need to be smart enough to take care of all of the issues. They need to give the City Manager some guidance.

Warren stated he does not have a problem with the way it is written.

Shanklin questioned how they were going to do these roads. They will have to have a bigger crew and another apparatus which will be around \$800,000 or \$900,000, or are they going to take bids. He stated staff just can t go do it.

Mayor Purcell stated it could be a combination of both, they are not limited to just one. He stated they need to look at some of this for matching funds for new road construction.

Warren stated they would probably have to contract a lot of this because they need to get this done as quickly as possible.

Mayor Purcell stated that the City doesn t even have equipment big enough for some of the road construction projects. They will have to contract out some of these projects.

Haywood stated that Councilmember Shanklin is the key to getting anything passed around here.

Mayor Purcell stated it is all of them and the problem they have is that this Council passes something, whether it is unanimous or by a majority vote, and then individual members of the Council go out and talk against it. That kills an issue. That is a detriment to economic development. They may not all agree, but when a majority rules, they all should go out and support it.

Jackson questioned if they would move \$1 million from sewer rehab to streets. He stated streets have to be the emphasis in this package.

Mayor Purcell clarified that they would spend \$10 million for streets, \$8 million for sewer construction/reconstruction and \$10 million for sewer rehab.

Shanklin questioned if that included Flowermound in that \$10 million.

Mayor Purcell stated no, Flowermound is done.

Shanklin stated he meant Rogers Lane.

Mayor stated it could be.

Warren questioned if they needed to give staff some general direction as to if this will be project specific or ward specific.

Mayor Purcell stated they can t do it in numbers, they need to do it in percentages. What happens if they raise more than the \$28 million, they could have more to do on streets and sewer.

Warren questioned if they were going to mention projects in the ballot.

Hanna stated you have to earmark it or it will be put back in the general fund and it will disappear like it did in the past.

Vincent stated they are project specific in that percentage has to be spent on streets, sewer or sewer rehab.

Warren stated that Councilmember Hanna has said something that is so far from the truth and people out there

listen and think it is true. He stated Councilmember Hanna just said that they voted some tax in and the money just disappeared and got funneled off.

Hanna stated he did not say funneled off he said it got put in the general fund. He stated until they come to the CIP where the money was actually earmarked for that project, the money use to go into the general fund and nothing hardly got done.

Mayor Purcell stated that is absolutely false and that is the problem when false information is put out there from those sitting around this table.

Hanna stated they need to advertise that the money will be dedicated until that project is finished. Once that project is finished, if any money is left over, then they can shift it elsewhere.

Mitchell stated the CIP money is dedicated revenue. There is a watchdog committee that meets and goes over reports on where those monies go. None of that money goes into the general fund.

Hanna stated he did not say that. He just said that once they earmark it for a project, once the project is completed, if there are funds left over they can funnel it into different places.

Mitchell stated it can only go to projects that are approved in the CIP.

Hanna stated if they are going to pass this it has to be earmarked.

Jackson stated in 1982 when the CIP was started, there was that very issue that the City Council was doing something with the money other than what was intended by the voters. He stated they created a watchdog committee to make sure that every dime of CIP monies was monitored by a group of citizens from each ward.

Mayor Purcell stated that watchdog committee still meets quarterly. He stated those that sit around this table need to watch what they say. When it comes out of their mouths it is perceived as the truth. He stated that all the money that was voted on for CIP projects since 1982 has been used for those projects.

Warren stated that project specific may mean that the money goes to streets, sewer and water. If they are going to direct that project be listed, now is the time to give that direction to the City Manager. If they come back at the next meeting and decide that is not what they want, they are running out of time.

Mitchell stated they could pass a resolution that states how the money will be allocated, but he does not think they want to put that in the ballot question.

Jackson stated he is going to give staff the flexibility to take care of the streets that are dilapidated at that time.

Mitchell stated there is currently a list of 40-50 streets and the City Council can set priorities on those streets and they can adopt that by resolution rather than having it on the ballot. He stated the priority list can change year to year.

Mayor Purcell stated a good example of this is the money they are now spending on Rogers Lane because of the flooding. If they had put specific roads, they would not have been able to spend that money on this repair.

Mayor Purcell questioned what direction the City Council wanted to give staff to bring back at the next meeting regarding wording on the ballot. He questioned if they wanted it broken down into the three categories and spend \$10 million for streets, \$8 million for sewer construction/reconstruction and \$10 million for sewer rehab.

Council agreed.

Warren stated they need to figure out all of the ways to get the information out to the public.

Shanklin stated they cannot spend taxpayer money to do that.

Mayor Purcell stated there is a group that is willing to do this and they have talked with the City Manager. He stated in the last election there were prominent citizens who chaired a committee and collected money and that is what they are going to have to have this time.

Warren stated the last election was funded with about \$3,000 and it failed and that is part of the reason.

Drewry stated they just didn't do a good job last time. People did not understand it at all.

Mayor Purcell stated they need to make it very clear that this money will generate additional funds. If they do not

do it this time they will not have any money to do anything.

Warren stated hopefully they can get some support from state level people who will come down. They all helped put this thing together.

Mayor Purcell stated that staff has an idea of what the City Council wants and no action will be taken.

#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Shoemate stated Pastor Barnes, First Assembly Church and Cameron Baptist Church did an outstanding job on the July 4<sup>th</sup> celebration. He stated thousands of people were entertained with a good family setting. He stated Lawton has been blessed with some outstanding young women such as Miss America. He stated recently McArthur and Eisenhower cheerleaders produced some All-Americans. He stated Kathryn Robinson, daughter of Lori and Scott Meadors and Ashley Nix, his niece, were selected as All-Americans at their schools.

Hanna stated that several meetings ago, Councilmember Shoemate told the City Manager that there was some trash around Railroad Street. There is still a couch and trash in the area. He stated an employee had spoken to his wife about some misinformation regarding the employees health insurance. He stated he did not appreciate it. The employees are getting the wrong information because they don't come to meetings, read the paper or talk with their union representatives. He stated they were straight forward with the union representatives at the previous council meeting about not being able to talk with them because they are in the middle of contract negotiations.

Drewry stated the July 4<sup>th</sup> event was a wonderful family event for the city of Lawton. She thanked those in her ward whose homes had flooded. They did call her but did not blame the City of Lawton. She stated this week she got three questionable checks in the mail for millions of dollars and all she had to do was send a money order in to collect the funds. She hopes people realize that these mailings are scams.

Jackson stated that east Lawton has really been hit hard by the water line break and the flooding problems and the feedback from citizens was so much better than it has been in the past. He stated they understood and were appreciative of the city response. He stated taxpayers in Lawton really get clipped on the price of gas. He stated we are twenty cents higher than Oklahoma City. He stated the taxpayers of Lawton do not deserve this.

Mayor Purcell stated gas is even higher in Oklahoma as compared to other states. He stated there is something going on in the whole state.

Shanklin questioned if Meadowbrook flooded.

Drewry stated yes it flooded around 50<sup>th</sup> Street.

Shanklin stated he is going to dig out the minutes where he promised everyone it would flood. He stated he did everything he could to increase those boxes, but he thinks there is a Council Policy that says they cannot do that. He stated the TV station went out with him and they watched the water come through the boxes and fall off 18-22 and go through the golf course. They spent \$6-7 million and still have the same boxes. He stated they have to instill some kind of pride in the business establishments in town as far as weeds in concrete. He stated we need to change our attitudes. We need to start smiling and helping people out.

Drewry stated that it was her understanding that when they started the project on Meadowbrook they did not get to go through the creek and widen it and clean it out. When that water reaches a certain point it starts backing up because it can't get through there fast enough.

Ihler stated there are a couple of things that inhibit the water from flowing through the creek. One is the trees that are in the middle of the channel from 51<sup>st</sup> to Liberty down to Meadowbrook. The second is the box structure is undersized and needs to be increased with regards to capacity.

She stated since Mr. Gaskins did not allow us to clean that out, those trees have fallen across the creek and created a dam by Dan Mullins house.

Ihler stated they could go in and clean that out if they get permission to go on private property to do so.

Mayor Purcell stated the problem is that there was such a stink made about removing those trees that they just decided to leave them.

Drewry stated now they have fallen in the creek.

Mayor Purcell suggested they bring back something that directs them to remove all of the trees.

Patton stated he has had several calls about tall grass at 7020 Chaucer.

Haywood congratulated Cheree Williams who was promoted to Lieutenant Colonel. He has been receiving a lot of calls about people being flooded in Rolling Hills and the 1500 block of Bishop Road. He has never seen water like this.

Warren stated the July 4<sup>th</sup> celebration was a tremendous event. He stated Kim Shahan, Parks and Recreation Director, had talked with them about making Elmer Thomas Park a venue where thousands of people could attend events. He stated he believes that Mr. Shahan is working on issues such as the need to for crowd control. He hopes that when they talk about budgets and who needs help, this is an area where they can spend some money to make some money. They have to ability to bring in events that will help tourism. They need to look at getting the fencing installed and start leasing the venue out to different organizations.

Jackson stated the July 4<sup>th</sup> event was a great family event and he was told that the group will sponsor the event again next year.

Mayor Purcell thanked Councilmember Jackson for serving as Mayor Pro Tem during his absence.

Mitchell reminded the City Council of a workshop with the Chamber of Commerce on July 11<sup>th</sup> at 6:00 p.m. to discuss hotel/motel tax. He distributed a memo regarding the current mowing contract. He stated they lost one of the mowing contractors. Bids should go out in approximately 30 days.

Shanklin questioned why is can t be considered an emergency.

Vincent stated they reviewed the contract this afternoon and it does not meet the emergency definition under state statute or city code. He stated the current contractor that covers the west part of town has volunteered to expand his service to the east side of town until someone else is on board.

Mitchell stated there will be delays because they must go through the bid process to hire another contractor. He stated there will be a community kick-off on July 26<sup>th</sup> at 9:00 a.m. at the Patriot Club for the growth management plan. He stated he will be on vacation the following week.

The Mayor and Council convened in executive session at 8:53 p.m. and reconvened in regular, open session at 9:35 p.m. Roll call reflected all members present excluding Shanklin.

#### EXECUTIVE SESSION ITEMS

31. Pursuant to Section 307B.3&D, Title 25, Oklahoma Statutes, consider convening in executive session to discuss appraisals and possible sale of City property located at 1210 SW G Avenue, 617 SW 26<sup>th</sup> Street, and 1706 SW B Avenue, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 31. He stated Council did receive a briefing from staff who suggested the property be declared surplus and a minimum bid price set.

MOVED by Warren, SECOND by Hanna, to declare the property located at 1210 SW G Avenue, Lawton, Oklahoma more particularly described as follows to with Lot 5, Block 11, Waldeman Edition to the City of Lawton, Comanche County, Oklahoma, according to the record plat thereof to be surplus property and authorize the sale of property at public auction and set a minimum bid o \$3,000. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Patton. NAY: None. MOTION CARRIED.

MOVED by Drewry, SECOND by Hanna, to declare the property located at 617 SW 26<sup>th</sup> Street, Lawton, Oklahoma more particularly described as follows to wit Lot 8, Block 1, Miller Subdivision to the City of Lawton, Comanche County, Oklahoma, according to the record plat thereof to be surplus property and authorize the sale of property at public auction and set a minimum bid o \$6,000. AYE: Warren, Shoemate, Hanna, Drewry, Jackson, Patton, Haywood. NAY: None. MOTION CARRIED.

MOVED by Hanna, SECOND by Drewry to declare the property located at 23 SW 17<sup>th</sup> Street and 1706 SW B, Lawton, Oklahoma more particularly described as follows to wit Lot 2 and 3, Block 1, Radio City Addition to the City of Lawton, Comanche County, Oklahoma, according to the record plat thereof to be surplus property and authorize the sale of property at public auction and set a minimum bid o \$25,000. AYE: Shoemate, Hanna, Drewry, Jackson, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

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

Vincent read the title of item 32.

MOVED by Jackson, SECOND by Hanna, to deny the claim filed by Debra Pittenger. AYE: Hanna, Drewry, Jackson, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

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

Mayor Purcell read the title of item 33. He stated the City Council rated Mr. Vincent outstanding in all areas and was happy with his performance.

MOVED by Haywood, SECOND by Warren, to amend the contract of John H. Vincent, Jr. and increase his salary by 3% to \$99,000 annually. AYE: Drewry, Jackson, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:42 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK