

Meeting of 2007-8-14 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
AUGUST 14, 2007 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

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

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

ROLL CALL

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

ABSENT: None

AUDIENCE PARTICIPATION: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF MAY 22, JUNE 26 AND JULY 24, 2007.

MOVED by Hanna, SECOND by Haywood, to approve the minutes of May 22, June 26 and July 24, 2007. AYE: Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

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

Mayor Purcell stated they need to strike items #21 and #27.

MOVED by Warren, SECOND by Drewry, to approve the Consent Agenda as written. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

1. Consider the following damage claims 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: Willie Johnson in the amount of \$97.31 and Jacqueline McNeal in the reduced amount of \$2,952.34 (**Res. 07-106**). Exhibits: Legal Opinions/Recommendations and Resolution No.____.

2. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and Sue Taylor and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional & Legal Services on file in City Clerk s Office.

3. Consider approving an Outside Water Sales Contract with Tina Chandler, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk s Office.

4. Consider approving two Outside Water Sales Contracts with Dayman and Linda Reinwand, and authorize the

Mayor and City Clerk to execute the Contracts. Exhibits:
Location Maps. Contracts are on file in the City Clerk s Office.

5. Consider approving the Plans and Contract Specifications for the City Offices Demolition work of the original Lawton High School Restoration Project, Phase II and authorizing Staff to advertise for bids. Exhibits: Copy of the Demolition Plans and Specifications are available in the City Clerk s office.

6. Consider acknowledging receipt of permits for the construction of sanitary sewer lines from the Oklahoma State Department of Environmental Quality to the serve the North Wolf Creek Expansion Project #3 located parallel to the West Branch of Wolf Creek just north of Gore Boulevard from NW 40th Street west to NW 75th Street, City of Lawton, Comanche County, Oklahoma. Exhibits: None.

7. Consider approving plans and specifications for the Lake Ellsworth Pump Station Electrical Project #2007-5 and authorizing staff to advertise for bids. Exhibits: None.

8. Consider approving Change Order No. 1 for the Water Infrastructure Improvement Phase 2 (Tower) Project #2006-9 with Landmark Structures I, L.P. Exhibits: None.

9. Consider authorizing the Mayor and the City Clerk to execute a Cooperative Agreement with Grady County for the rental of specified Public Works equipment owned by the County in exchange for monetary compensation by the City of Lawton. Exhibits: Cooperative Agreement.

10. Consider adopting a Resolution authorizing the installation of traffic control measures along SW 24th Street, SW Bishop Road, SW 38th Street, SW 52nd Street and SW 67th Street. Exhibits: Traffic Commission Minutes, Traffic Issue Requests and **Resolution 07-107**.

11. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 695 linear feet of eight (8) inch PVC water line and all appurtenances to serve the Cache Road Shopping Center, located at NW 40th Street and Cache Road in the SE/4 of Section 22, T-2-N, R-12-W, I.M., Comanche County, Oklahoma. Permit to Construct on file in the City Clerk s office.

12. Consider approving the revised construction plat for Waterstone Development, approving the record plat, and accepting the improvements, escrow in lieu of completion of improvements, maintenance bonds, easements, and park land. Exhibits: Plat Map. Escrow Agreement, Maintenance Bonds, and Easements on file in City Clerk s Office.

13. Consider approving an agreement between the Center for Creative Living Corporation and the City of Lawton for services to senior citizens. Exhibits: Center for Creative Living Agreement on file in the City Clerk s office.

14. Consider approving a Cooperative Purchase agreement between the City of Lawton, Oklahoma and the Mountain Metro AMBUCS of Lawton, Oklahoma, in the procurement of materials for the construction of a baseball field, Miracle Field, specifically designed to accommodate special needs children and young adults to be located in a section of land located in the McMahan Park at 38th Street and Lee Boulevard and authorize the Mayor and the City Clerk to execute the same. Exhibits: Cooperative Purchase Agreement.

15. Consider approving contracts with Karl Waldbauer of The Polka Kings, Paul Compton of the OSU Trombones, James Sparks of The New Plainsmen Quartet, Cecil Gray of the Red Dawn Blues, Teri Mora of the Alma Folklorica de Oklahoma, S-Ankh Rasa of KUMAASI, Steve Vanlandingham of Arabesque and Micheal Merrill performers at the 2007 International Festival and authorize the Mayor and City Clerk to execute the agreements. Exhibits: Contracts on file in City Clerk s office.

16. Consider approving and authorizing the Mayor to sign Government eManagement Systems (GEMS) Notice of Assignment and Request for Consent. Exhibits: GEMS Notice of Assignment and Request for Consent letter.

17. Consider extending the contract (RFPCL06-004) Copier Contract with Bennett Office Equipment of Lawton, OK. Exhibits: Department Recommendation, Proposal Price Sheet, Contract Extension Form.

18. Consider awarding (CL07-046) Electric Motor Repair to J & W Electric Motor Co., of Lawton, OK. Exhibits: Department recommendation, abstract of bids.

19. Consider awarding (CL08-002) Hydraulic Pump & Cylinder Repair to Horizon Hydraulics, Inc., of Oklahoma City, OK. Exhibits: Department recommendation, abstract of bids.

20. Consider awarding (CL08-003) Rear Suspension Repair with Loden Spring & Suspension, Inc., of Wichita Falls, TX. Exhibits: Department recommendation, abstract of bids.

21. Consider approving the agreement with Hill s Pet Nutrition, Inc., and Lawton Animal Welfare. Exhibits: Record of written quotes, copy of agreement. **THIS ITEM WAS STRICKEN.**

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

23. Consider approval of payroll for the periods of July 16 August 12, 2007.

OLD BUSINESS ITEMS:

24. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges (Animals), Lawton City Code, 2005, to establish a fee for the Commercial Advertising/Transfer permit that may be issued to pet shops, and establish an effective date. Exhibits: Resolution 2007-__.

Mayor Purcell stated at the last meeting there were two different fees that were addressed. One for \$250 and one for \$500 and the vote was three to three. It takes five votes to pass a resolution. He stated tonight all they are going to discuss is this item which is the fee for the permit.

Shanklin stated that nothing germane to that can be discussed.

Mayor Purcell stated within reason, but they are not going to go back and discuss the ordinance. If the City Council wants to discuss that, they need to suspend the rules and bring it back.

Drewry questioned where they are at with this issue.

Mayor Purcell stated there are two resolutions in the agenda packet, one has a \$250 fee and one has a \$500 fee. Those were the two amounts that were voted on at the last meeting, neither received five votes. The ordinance is already in effect, now they are just establishing a fee for that permit.

MOVED by Drewry, SECOND by Warren to approve **Resolution 07-108** amending Appendix A, Schedule of Fees and Charges (Animals), Lawton City Code, 2005, to establish a fee of \$500 for the Commercial Advertising/Transfer permit that may be issued to pet shops and establish an effective date.

SUBSTITUTE MOTION by Hanna, SECOND by Haywood, to approve Resolution 07-108 amending Appendix A, Schedule of Fees and Charges (Animals), Lawton City Code, 2005, to establish a fee of \$250 for the Commercial Advertising/Transfer permit that may be issued to pet shops and establish an effective date.

Hanna stated they all voted on the \$250 last time, and then it got changed.

Drewry stated they never voted for the \$250.

Mayor Purcell stated the original ordinance was for a \$1,000 fee. The issue was between the \$500 and the \$250 at the last meeting.

Shanklin questioned if this was a one time fee or can they be charged the \$500 again.

Drewry stated it would be \$500 to sell fifty puppies, which would be \$10 per puppy.

Hanna stated it would be \$2,000 if they sell four batches of fifty per year.

Shanklin stated they added a \$4 surcharge to the water bill. He stated he does not have a problem with \$10 instead of \$5.

Jackson questioned if the pet shops sell more than 200 animals per year.

Jerry McCutchen, Fins and Critters, stated the most dogs and cats they have sold in a year is 100. They basically try to sell them to stop them from going to the shelter.

Drewry stated she would like to see the pet shops have an adoption day one day a month.

Linda McCutchen, Fins and Critters, 2014 W. Gore, stated they asked the Animal Shelter to bring animals to the store and they were told for health reasons they would not bring them to the store. She stated she asked if they

could put up pictures of adoptable animals and they were told no.

Drewry stated the goal is to not have to kill so many animals.

Shanklin questioned if the difference between \$5 and \$10 dollars per animal made that much difference to the pet store owners.

Ms. McCutchen stated they already pay taxes to the city. They pay for a permit to the City of Lawton each year to run their business. They are being taxed twice. Once they have to pay all of the taxes and a fee there is not a lot left. It is not going to stop overpopulation. She stated she has some literature that says that only 7% of cats and dogs that come from pet shops end up in shelters.

Shanklin stated he had his two dogs out in the yard and Animal Welfare stopped and told him to get his dogs behind the fence. He did not know that this was in this ordinance. This affects how he wants to vote sometimes.

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

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

NEW BUSINESS ITEMS:

25. Consider adopting an ordinance amending Section 7-12-1-1202, Division 7-12-1, Article 7-12, Chapter 7, Lawton City Code, 2005 by making it so a participating vendor of a contracted event at Elmer Thomas Park will not be required to obtain an itinerant vendor license, providing for severability, and declaring an emergency. Exhibits: Ordinance No. 07-_____.

Vincent stated when the City Council passed an ordinance requiring itinerant vendor permits for the park it was to protect the park. He stated they told the City Council that staff would be fine tuning the ordinance as they got more experienced. The contract for use of the stage area includes certain vendor permit locations in that contract price and that is the purpose of the amendments. The vendor is already paying for this when they sign the contract for the stage.

MOVED by Warren, SECOND by Patton, to adopt **Ordinance 07-50**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-50

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 making it so a participating vendor of a contracted event at Elmer Thomas Park will not be required to obtain an itinerant vendors license, providing for severability, and declaring an emergency.

26. Consider adopting an ordinance adding Section 20-3-304, Article 20-3, Chapter 20, Lawton City Code, 2005 providing for a council policy for the relinquishment of the right of limits of no access on a limited basis, providing for codification, severability, and declaring an emergency and consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, to include a \$10,000.00 fee for the access to a section line road or arterial street. Exhibits: Ordinance No. 07-___ and Resolution No. 07-__.

Vincent stated at the last meeting in July the City Council adopted Council Policy 8-2 establishing a right of way requirement for limited access road and at that time a fee of \$10,000 was discussed. In order to make that effective into the city code they need to add a section and add to Appendix A, Schedule of Fees. This will allow the implementation of Council Policy 8-2.

Warren questioned if there was a discussion about a tiered valuation. He looks at this at he sees someone that has a business that needs to get that access and they have a small development, and there may be a large development. He questioned if they looked at a percentage.

Vincent stated basically there are only about five areas in the city that this would apply. There are two areas on Quanah Parker Trailway and three areas on Lee Boulevard between 52nd and 82nd Street. It limits the number of access points. This is the average of what we paid for the right of no access.

Warren stated they are limited on the number. What if the small developer uses the one access and a larger

developer comes in and that access is used up.

Vincent stated there is a provision for an access road off of the existing cut.

MOVED by Patton, SECOND by Haywood, to adopt **Ordinance 07-51**, waive the reading of the ordinance, read the title only and declaring an emergency and **Resolution 07-109** amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, to include a \$10,000.00 fee for the access to a section line road or arterial street . AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 07-51

An ordinance pertaining to streets and sidewalks adding Section 20-3-304, Article 20-3, Chapter 20, Lawton City Code, 2005, by establishing a council policy for the relinquishment of the right of limits of no access, providing for severability, codification, and declaring an emergency.

27. Discuss the recommendations of the Lawton Impact Fee Committee regarding the development of contract specifications, acquisition of construction easements, and project funding for the proposed Wolfe Creek Sanitary Sewer Extension and the Southwest Sanitary Sewer Upgrade and take any appropriate action as may be required. Exhibits: Impact Fee Collection History (July, 2007) and Draft meeting notes from Impact Fee Committee meeting of July 31, 2007.

THIS ITEM WAS STRICKEN.

28. Consider receiving a report on the City s financial condition for the 4th Quarter of fiscal year 2006-2007 and provide direction to staff. Exhibits: None.

Rick Endicott, Finance Director, distributed a summary of revenue and expenditures for the period from July 1, 2006 through June 30, 2007.

Endicott reported that with regards to the general and enterprise fund as of June 30, 2007 they have collected \$55,191,992 or 101.48% of budget. Sales tax is up \$854,071 as compared to last year. They actually collected 101% of the budgeted sales tax. Franchise tax is up \$144,960 from the previous year and they collected \$2,674,364 and budget was \$2,562,169. Police fines and bonds were up \$75,284 or 2%. He stated water revenue was up for the year by \$409,397. They collected 101.57% of budgeted revenue. Sewer revenue was up \$29,715 or 1.5%. Refuse was up \$470,776 or 9.17%. Landfill revenue was up \$173,024 or 11.34%.

Patton questioned if sewer rehab was a fixed cost.

Endicott stated part of that is what they draw down from the Oklahoma Water Resources Board for sewer rehab.

Shanklin questioned if we were doing alright as far as water revenues generated.

Endicott stated yes. He stated they were down approximately \$200,000 for June compared to last year, but for the entire year we did really well.

Mitchell stated we had a real hot summer last year.

Shanklin questioned if the May revenue was down.

Endicott stated May revenue was down as compared to last year by about \$50,000.

Endicott stated on the expenditure side, all of the general fund, enterprise and other categories came in under what was expected.

Mayor Purcell questioned the amount of the carry over in the budget for this year and what is the carry over based on these figures.

Endicott stated going into 2007-2008 it is around \$4.2 million.

Mayor Purcell stated in the budget, the carry over for the beginning of 2007-2008 was \$4.2 million. He questioned based on these numbers, what is the amount now. He realizes that these numbers have not been audited.

Endicott stated that based on this information, that is the number.

Mitchell stated that they were under expended about 4.5%. He feels this number is important since they had some

unusually high costs in fuel and chemicals. He stated this reflects the attempt by all departments to try and maximize productivity and minimize costs for providing services.

Endicott stated in the last two to three years departments have done a great job trying to save money where they can.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Drewry stated she went to Ramon s today on Gore Boulevard. She stated right next door there was someone working on cars and there are all of these cars in the parking lot for sale. She does not understand how they got in there right next door with this type of business.

Warren asked if Ramon owned that part of the lot.

Drewry stated he does not own that side. She stated they are buying, repairing and selling cars on this lot. She stated Ramon is spending a lot of money and it will be a very nice development.

Vincent stated it would depend on the zoning.

Drewry stated she received a copy of an article about an ordinance from Louisiana titled pull them up or pay up. She suggested that we think about this issue. She stated she was watching a program about the animal issue in Washington State and she was so amazed at how the media got behind them and supported the issue. She does not know what they need to do, but she does not feel like the City of Lawton has the support of either the newspaper or television.

Jackson stated he would like to announce that Flowermound is open from Lee Boulevard to Rogers Lane. He stated the road is open and it is five lanes. He stated he also appreciates that a sidewalk is now on that road and it is being used. He questioned if the police department was still short of officers.

Chief Smith stated he was at full staff with 164 officers.

Jackson stated that it is important for the newspaper to print that we are at full staff.

Shanklin questioned what happened to Dave Tracey from the Streets Division.

Ihler stated he has retired and his last day will be August 24th.

Shanklin questioned if they were going to identify any roads for the October election.

Mayor Purcell stated there will be a meeting on August 21st to discuss potential projects in each ward.

Shanklin stated we put down 3,000 linear feet of overlay in Ward 4. He stated a year ago they did 17 blocks for another guy and he does not understand where that priority comes from.

Why wouldn t they do this in town where they have people coming in from out of town and driving on these old crappy roads. He stated at the last council meeting each of them said they wanted 1/8th of that money. It bothers him that they are overlaying in Ward 4, way out yonder, and they are only three weeks into the budget and are already spending that money.

Ihler stated that Councilmember Shanklin is talking about the Street Division overlaying about ten blocks in Sungate Addition. These streets have been on a list for a while and street division scheduled this and overlaid. They are moving around to different wards and they just haven t gotten to Ward 5 yet.

Shanklin stated they are going to ask people to be patient because Mr. Ihler said it would take ten years to do this job.

Ihler stated he will get into this next Tuesday.

Shanklin stated they are trying to sell this and he hasn t found anyone that would vote for this. He stated he would not support it unless his people know that they will get their streets done and not ten years from now.

Ihler stated he told the City Council that based on the manpower and equipment they had, if every single councilmember wanted all overlays, in order to cover \$10 million in overlays, it would take about ten years.

Mitchell stated the overlay they are doing now in Ward 4 is the money that is in the budge that was approved in July.

Ihler stated this is out of street maintenance account.

Shanklin stated there is no doubt in his mind that they can cover this up. All he can do is smile and laugh with them. He stated sure, they have the money.

James Campbell, stated this is the second time he has come to the meeting. He told them that he was raped and he was told someone would get back with him.

Mayor Purcell stated that Mr. Campbell is out of order.

Mr. Campbell stated he wants his money.

Mitchell stated he gave this information to Chief Smith.

Mayor Purcell stated Mr. Campbell needs to speak to the Police Chief.

Patton stated he was disappointed to see some gang graffiti on the corner of Sheridan and Cache Road. He stated it is just as frustrating to the police as it is the citizens of Lawton that there are people out there that continue to cause trouble. He stated this is happening because Lawton already has a reputation across the state.

Shoemate stated a lot of cities are suing gangs. He would like to see us get with the legislators and put some teeth in the law and see a \$5,000 fine if they are caught doing graffiti. If they can't pay for it, let them work it out at minimum wage or serve their time out in jail. Right now they can only charge them \$750 for littering.

Mayor Purcell questioned if we could do as Wichita Falls did and fine gang members congregating. He questioned if we could pass a similar ordinance.

Vincent stated Wichita Falls filed a lawsuit against gang members and got an injunction in district court which prohibits certain people from congregating in certain places. This prevented certain gang leaders from associating with each other. He stated the ACLU has taken up this issue and they are waiting to see what happens.

Patton stated they need to start looking at this as organized crime and they need to take a chapter from history and look at how gangsters were handled.

Haywood stated he agrees with Councilmember Shanklin about weeds and grass in the street. The drainage is always stopped up because people blow their cut grass in the street. He has told people that it is a \$750 fine. He suggested that people in the neighborhood take their brooms and blowers and blow that grass back on the yard. He does that in his ward. He stated he would like for AFSCME to understand that he is pro general employees and pro union. He stated the City Council has made sure that the general employees have received a certain amount of money. He stated they have to pass a budget every year and they don't have a choice with raising the water bill. He stated he has constituents that can't even afford medicine and he will continue to not vote when it comes to raising the water bill. He stated if AFSCME would like to go to his ward and tell his constituents that they want a new councilperson, tell them to come on down and tell those people that they are going to raise their water bills. He stated he could not have gotten the work done in Ward 7 without the general employees.

Warren stated he would like to thank public works for the much needed overlay on Horton Boulevard. He stated with regards to gangs, as long as they accept certain behavior, it is going to continue to occur. He requested that if the City Council concurs, he would ask that the City Attorney to spend some time and look at the ordinance from Louisiana and see if that could be instituted here. He stated they have to start with some of the fundamental parts and start saying certain things are not acceptable anymore. Everything he has read says that the graffiti problem goes up when the police department starts becoming effective. The gangs communicate that they are still active. They need to get rid of that graffiti as quickly as possible. He stated they need to find some type of community plan to get that graffiti down.

Mayor Purcell questioned if the City Council wanted staff to bring back an ordinance similar to the one discussed from Mansfield, Louisiana.

Hanna questioned if anything can be done about the profanity on vehicles.

Mayor Purcell stated he did not think they could do a lot about this problem due to the first amendment.

Vincent stated he will get a copy of the ordinance from Louisiana and staff will check out state constitution. He will bring something back if he can otherwise he will report back to the Council.

Mayor Purcell thanked Lori Meadors, Billie Whipp and the entire city staff who did an outstanding job on the

birthday celebration. He estimated there were at least 1,000 people in the park. He stated there will be a special meeting on August 21st at 6:00 p.m. to discuss what streets need repair from each ward. He hopes they will have a list that can be discussed for the sales tax election.

Hanna stated that he has asked his constituents to get together with their neighborhood watch programs and decide which streets they would like to see repaired.

Mayor Purcell stated they could hold off on Ward 2, but they have to get this done since the election is the 9th of October.

Mayor Purcell stated they have received a contract from Delta Airlines. He stated three weeks ago he contacted both Senators and Congressman. Two hours later he received a call from one of the Senators saying it looked like Delta would come. He stated the next day he spoke with Delta Airlines officials and told them he needed to know by 5:00 p.m. on the next day what it would take to get Delta Airlines to start jet service between Lawton and Atlanta on January 1, 2008. He stated at 3:30 p.m. the next day they had an email that laid out exactly what Delta wanted. Based on those requirements, the committee went to the Department of Commerce and were told they did have some money. As of today they still don't have any money from the Department of Commerce. He stated they went to the Comanche County Industrial Development Authority (CCIDA) today with an application asking for a \$500,000 guarantee for Delta that will only have to be paid in 2010 if they don't meet their revenue projections. He stated they feel pretty good about this because there are more than enough people to fill the airlines. He stated CCIDA approved this and a letter will be sent to Delta Airlines tomorrow morning and Delta promised him they would send a letter of commitment within a week which says they will start jet service between Lawton and Atlanta on March 1, 2008. They must then take that letter to the Department of Transportation, because the \$575,000 grant will expire on September 13, 2007. We will ask them for a one year extension.

Haywood thanked the members of the Chamber Task Force and the members of the Airport Authority. He stated they have all worked together in this community and hopefully the whole city will benefit from this venture.

Mitchell stated there will be a groundbreaking ceremony in Elgin on August 22nd at 3:00 p.m. for BAE Systems.

Mayor Purcell stated they need to RSVP to the City Clerk.

The Mayor and Council convened in executive session at 7:14 p.m. and reconvened in regular, open session at 9:12 p.m. Roll call reflected all members present except Shanklin.

EXECUTIVE SESSION ITEMS

29. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending tort claim by Damian Everette and take action in open session as necessary. Exhibits: None.

Vincent read the title of item 29. No action is required.

30. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending tort claim by Delores Wynn and take action in open session as necessary. Exhibits: None.

Vincent read the title of item 30. No action is required.

31. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the arbitration award in the IUPA Local 24 vs. City of Lawton, FMCS No. 071023-50627-7, and take appropriate action in open session if necessary. Exhibits: None.

Vincent read the title of item 31.

MOVED by Shoemate, SECOND by Haywood, to authorize the City Attorney to file suit in District Court to appeal the July 16, 2007, arbitration award in the arbitration titled: IUPA Local 24 vs. City of Lawton, FMCS No. 071023-50627-7. AYE: Hanna, Drewry, Jackson, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

32. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of Michael Corrales, Municipal Judge, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 32. No action is required.

ADDENDUM:

EXECUTIVE SESSION ITEM:

1. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending tort claim by Paul Lopez and take action in open session as necessary. Exhibits: None.

Vincent read the title of the addendum.

MOVED by Patton, SECOND by Haywood, to move that the City of Lawton adopt **Resolution 07-110** authorizing the City Attorney to settle the claim of Paul Lopez in the reduced amount of \$8,500 and execute any and all documents necessary to effectuate said settlement. AYE: Drewry, Jackson, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:16 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK