

Meeting of 2008-2-12 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
FEBRUARY 12, 2008 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Keith Jackson, Mayor Pro Tem              Also Present:  
Presiding    Larry Mitchell, City Manager  
    John Vincent, City Attorney  
    Traci Hushbeck, City Clerk

Mayor Pro Tem Jackson 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 Greg Baxter, Lawton Baptist Tabernacle, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:                      Bill Shoemate, Ward One  
James Hanna, Ward Two  
Janice Drewry, Ward Three  
    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 JANUARY 8 AND JANUARY 22, 2008.

MOVED by Hanna, SECOND by Shoemate, to approve the minutes of January 8 and 22, 2008. AYE: Hanna, Drewry, Jackson, Patton, Haywood, Warren, Shoemate. NAY: None. ABSENT: Shanklin. 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.

Jackson stated the City Attorney has requested items #20 and #22 be considered separately. Shanklin requested item #14 be considered separately.

MOVED by Drewry, SECOND by Hanna, to approve the Consent Agenda with the exception of items #14, #20 and #22. 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 claims which are over \$400.00: Craig Scott Combs (Lawson Autoplex) in the reduced amount of \$414.59 (**Res. 08-12**), Dale L. and Myrna M. Shepard in the reduced amount of \$25,000.00, (**Res. 08-13**) Randy Anderson in the amount of \$1,200.00 (**Res. 08-14**) and Melody Figuera in the amount of \$32.98. Exhibits: Legal Opinions/Recommendations, Resolution No. \_\_\_\_, Resolution No. \_\_\_\_ and Resolution No. \_\_\_\_.
2. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and Dennis Butler 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 approval of the Retainer Agreement for Legal Services between the City of Lawton and John C. Mackey, 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.
4. Consider approval of the Amended Retainer Agreement for Professional Services with Mary Anne Derrico, RN, to continue providing professional services to the City of Lawton, and authorize the Mayor and City Clerk to execute the Amended Agreement. Exhibits: Proposed Amended Agreement.

5. Consider approval of the Retainer Agreement for Professional Services with Doctor Eric Frische, to provide professional services to the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement.  
Exhibits: Proposed Agreement is on file at the City Clerk's Office.
6. Consider ratifying the action of the City Attorney in filing an appeal in the workers compensation case of Dwight Franklin, Workers Compensation Court Case No. 2007-02330. Exhibits: **Resolution No. 2008-15.**
7. Consider ratifying the action of the City Attorney and the City Manager in not recommending an appeal of the judgment in the Workers' Compensation case of Samuel Lee Shubert in the Workers' Compensation Court, Case No. 2004-15989Q. Exhibits: None.
8. Consider adopting a Letter in Support and a Resolution in Support for equal distribution of transportation funding from a cent return of State Sales Tax generated within the City of Lawton, Oklahoma for construction and/or repairs of local city roads and bridges and transportation infrastructure, and authorize the Mayor and City Clerk to execute the necessary documents. Exhibits: House Bill 2707-Transportation Bill, Letter in Support, - **Resolution of Support 08-16**, A Bold Idea: Cent STATE Sales Tax for Town and City Roads and Bridges, Proposed Appropriations for Road and Bridge Improvements in Municipalities from One-half Cent of State Sales Tax and FY 2004-2005 Revenue & Apportionment.
9. Consider approving request from the Arts & Humanities Division to pursue applying for a Local Government Challenge Grant from the Oklahoma Arts Council for FY 2008-09. Exhibits: None.
10. Consider approving a request from the Lawton Police and Fire Departments that \$27,350.00 be transferred from Training Fund 79 to Police Training Fund 69-265 and Fire Training Fund 95-265. Exhibits: None.
11. Consider accepting donation of \$1,000 from Wal-Mart West, 6301 NW Quannah Road, to be used to purchase equipment and supplies for the Lawton Police Department dive team. Exhibits: None.
12. Consider accepting a donation of \$1,000 from Sam's Club, 802 N. Sheridan Road, to be used for the Lawton Police Department Cops and Kids Picnic. Exhibits: None.
13. Consider accepting a donation of \$136.00 from the Mission Village Neighborhood Watch to be used to purchase equipment and supplies for the Lawton Police Department dive team. Exhibits: None.
14. Consider approving plans and specifications for the NW 67<sup>th</sup> Street (Cache Road to Rogers Lane) Water Line Relocation Project #2008-7 and authorizing staff to advertise for bids. Exhibits: None.

Shanklin stated they had a heated discussion a few meetings back that the TV station refused to show on the following Thursday. It was about impact fees and there were some people around the council that don't understand that he does know what an impact fee is. An impact fee is a fee that is charged to the individual who has impacted us. Everyone pays CIP and sales tax. There are three wards that hardly get a nickel and that is his whole point, they need to get some of their money spent in their ward.

Patton stated when they passed the impact fee the builders and developers were against it. They did not want any type of impact fee. The reason they decided to do this was to pay for infrastructure that are in the areas that are not developed. Why should those people in those areas with no growth have to pay infrastructure expansion through a CIP, sales tax or property tax.

Shanklin questioned where he thinks these funds come from. This item is funded through the 2000 CIP. He stated there are two separate fees and he cannot make them understand it. He questioned if his sales tax money is supporting this.

Patton stated yes.

Shanklin stated that Mr. Warren and Mr. Patton are trying to tell him that this is not true.

Warren stated this item has nothing to do with impact fees.

Shanklin stated these fees are generated from sales tax and he pays that. That is what he is trying to tell everyone. They are taking his sales tax money and putting it out in areas other than wards 2, 5 or 7.

Patton stated the CIP was voted on by the citizens.

Shanklin stated that does not make him like it.

Warren stated that in the previous discussion, councilmember Shanklin was insisting that ward 5 was paying for these projects funded by impact fees.

Shanklin stated he knows the difference because he is the one who generated the impact fees. He knows what impact fees are.

Mitchell stated this item is funded through CIP funds and was approved under the CIP election.

Shanklin stated that is his city sales tax dollars.

Mitchell stated this item is funded through city sales tax dollars.

Shanklin stated they put all of the foxes in the henhouse when they put all of the developers on a committee to allocate all of those impact fees. He stated he just wanted all of the taxpayers to know that all of their tax dollars are going to places other than in their back yard. He doesn't get any of it, and neither do wards 7 or 2.

Jackson stated that the capital improvement programs were developed and voted on years ago and the list was produced and the public got an opportunity to vote on this list. He does not want anyone to think that the City Council is going to attempt to change the CIP list just because there are needs in another ward. This list was approved by the public and will be treated this way. He does agree with councilmember Shanklin that all wards need to participate in part of their sales tax expenditures.

Shanklin stated they have gone along with the CIP and all of these expansions and retrofits to sewer and water lines. He does not need these, he is fine where he lives, but he is still having to help pay for it. There has to come a point in time when everyone gets the same amount of money. He stated when it came up that they had \$8 million to share in the roads, he was the first one to say that he wanted 1/8<sup>th</sup> of it for ward 5. They want a share of the money spent in their wards.

Jackson stated with the last CIP they did divide up the money between the eight wards.

MOVED by Drewry, SECOND by Shoemate, to approve plans and specifications for the NW 67<sup>th</sup> Street (Cache Road to Rogers Lane) Water Line Relocation Project #2008-7 and authorizing staff to advertise for bids. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

15. Consider accepting warranty deeds and easements from property owners for right of way needed for the NW 67<sup>th</sup> Street Reconstruction (Cache Road to Rogers Lane) Project # 2003-7, authorizing the Mayor and City Clerk to execute the documents and authorizing payments for same. Exhibits: Documents are on file in the City Clerk's office. Settlement Table.

16. Consider adopting a Resolution authorizing the installation/removal of traffic control measures at or along NW Parkview Blvd.; NW Laird Blvd.; SW Wyatt Village Blvd. at SW 82<sup>nd</sup> St.; SW Kingston Dr. at SW 52<sup>nd</sup> St.; SW Cambridge Dr. at SW 52<sup>nd</sup> St.; SW Majestic Oak Blvd. at SW 67<sup>th</sup> St.; SW Oak Pointe Blvd. at SW 67<sup>th</sup> St.; SW 47<sup>th</sup> St. at SW Malcom Rd.; SW Coral St. at SW Boatsman Ave.; NW Ferris Ave.; NW Ash Ave.; and SE 4<sup>th</sup> St. at SE J Ave. Exhibits: Traffic Commission Minutes, Traffic Issue Requests, and **Resolution No. 08-17**.

17. Consider denying the request for installation of traffic control measures at the intersection of SW I Avenue at SW 5<sup>th</sup> Street. Exhibits: Traffic Commission Minutes and Traffic Issue Request.

18. Consider approving the construction plans and specifications for a waterline to serve Enterprise Rent-A-Car located at 6103 NW Cache Road. Exhibits: Location Map.

19. Consider approving the construction plans for a fire hydrant to serve Fort Sill National Bank at 203 SW Bishop Road. Exhibits: Location Map.

20. Consider approving the plans and specifications for waterline improvements to serve Lawton Place Apartments at 7301 SW Lee Boulevard. Exhibits: Location Map.

Vincent stated staff is still recommending approval, but one of the conditions that needed to be added is to require the applicant to get a permit from the Oklahoma Department of Environmental Quality (ODEQ). He stated it was inadvertently left off the list.

MOVED by Patton, SECOND by Warren, to approve plans and specifications as amended for waterline improvements to serve Lawton Place Apartments at 7301 SW Lee Boulevard. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson. NAY: None. MOTION CARRIED.

21. Consider approving the construction plans and specifications for waterlines to serve The Legend Park Apartments located at 3501 East Gore Boulevard. Exhibits: Location Map

22. Consider approving the construction plans and specifications for water and sewer lines to serve Switzer s Locker Room located at 2701 NW 38<sup>th</sup> Street. Exhibits: Location Map

Vincent stated they also need to add a condition that they obtain an ODEQ permit.

MOVED by Drewry, SECOND by Shoemate, to approve the construction plans and specifications as amended for water and sewer lines to serve Switzer s Locker Room located at 2701 NW 38<sup>th</sup> Street. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

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

24. Consider awarding (CL08-027) 4x8 Trench Box to ASCO Equipment of Wichita Falls, TX. Exhibits: Department recommendation, abstract of bids.

25. Consider awarding (RFPCL08-030) Solid Waste Software to Paradigm Software, L.L.C. of Hunt Valley, MD. Exhibits: Department recommendation, cost sheet.

26. Consider awarding (RFPCL08-033) Design, Printing & Mailing of a Consumer Confidence Report to ColorGraphics The Print Shop Inc. of Lawton, OK. Exhibits: Department recommendation, proposal price sheets.

27. Consider awarding (CL08-032) Sodium Hydroxide to Brenntag Southwest Inc. of Sand Springs, OK. Exhibits: Department recommendation, abstract of bids.

28. Consider extending the contract (CL07-021) Extrication Tool with Chief Fire & Safety Co., Inc. of Chickasha, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

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

#### **Enhancement Trust Authority**

Tim Hushbeck  
109 NE Meadow Lane  
Elgin, Oklahoma 73538

30. Consider approval of payroll for the periods of January 14 February 10, 2008.

#### **BUSINESS ITEMS:**

31. Consider a resolution authorizing the Comanche Nation to name the entrance to the Comanche Nation Museum and Cultural Center as Ten Bears Way. Exhibits: Resolution 2008-\_\_.

Shoemate stated this is a street that does not have a name and leads into the Comanche Nation National Museum. They would like to see that street name Ten Bears Way. He stated it would be fitting to go with the tribal museum that was initiated. He stated this is not a renaming of a street.

Jackson stated the post office will not need to be notified and no addresses will be changed.

Shoemate recognized Tribal Chairman Wallace Coffey and the Museum Director, Phyllis Wahhahrockah-Tasi.

MOVED by Shoemate, SECOND by Hanna, to approve **Res. 08-18** authorizing the Comanche Nation to name the entrance to the Comanche Nation Museum and Cultural Center as Ten Bears Way. AYE:Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton. NAY: None. ABSTAIN: Haywood. MOTION CARRIED.

32. Consider a request from Joe Bussey, through his attorney M. Monty Hightower, to vacate the Notice & Administrative Orders mailed December 7, 2007 on the property located at 7403 W. Gore Boulevard. Exhibits: Notice and Administrative Orders, Appeal to Notice and Administrative Orders.

Anthony Griffith, Neighborhood Services Supervisor, stated on December 4, 2007, Neighborhood Services Division investigated some code violation complaints at 7403 W. Gore and found that the building was not secure and there was junk, debris and tall grass and weeds around the building. On December 7<sup>th</sup> a Notice of Violation and Administrative Order was sent out requiring that these violations be corrected. The violations have since been corrected.

However, on December 14<sup>th</sup> Mr. Joe Bussey, the title holder, through his attorney, Monty Hightower, filed a notice of appeal and this is why it is before the City Council.

Griffith presented slides showing the violations.

Hanna questioned if this has been eradicated in any way.

Griffith stated the building has been secured and the junk and debris has been removed.

Hanna question if the missing wall and windows have been repaired and replaced.

Griffith stated the wall has not been replaced, however, the openings have been boarded up and secured.

Hanna questioned if the owner obtained a permit to remove the bricks.

Griffith stated they did not have a permit.

Shanklin stated this did not occur overnight. He questioned why staff is just now getting a hold of it.

Griffith stated they have been addressing this property for the past eighteen months as the violation come up. The title holder has responded and corrected the violations as they occur.

Jackson stated those did not have to come to the City Council. Staff has been in contact with the property owner.

Griffith stated it is before the Council because the title owner has appealed the Notice of Violation and the Administrative Order.

Bill Burgess, representing Mr. Bussey, stated this is an unusual situation in that this is a former nursing home that is currently vacant. They wanted to bring the plans to the attention of the City Council. There will be a new \$8 million nursing home built on Lee Boulevard. Because of the nursing requirements they are not allowed to take down this building prior to the new building being built. They would have their certificate of need revoked for this 100-bed nursing home if they take down this building. He requested a 60-day continuance on this hearing and over the next 60-days they will put wood fences that enclose the courtyards, board up each of every window and paint the wood the same color as the brick and they will have a full time security service in charge of making sure that there are no more problems. He stated all of the violations from the December 7<sup>th</sup> Notice of Violation were all cured within ten days. He stated part of this Administrative Order states that the City could come in and take over this property if there were any other violations. They cannot stipulate to this, but they will make sure the building is secured and in great shape. Because of the certificate of need situation they cannot give a date when this building will be leveled.

Haywood questioned the location of the new structure on Lee Boulevard.

Mr. Burgess stated it is across from Southwestern Hospital.

Warren stated this has been an ongoing problem in that ward for at least ten years. He questioned if they allow for this continuance, what is to keep this from continuing on for another ten years.

Vincent stated there seems to be some confusion on what process we are in right now. This process is to abate tall weeds and grass and junk and debris. This is not a dilapidated building hearing at this point. He stated there is some confusion, the City has the right to entry if there are any further violations six months after the administrative order is issued. That does not mean we will be taking over the property, it means we will go in and clean it up and charge the costs back against the property owner. If he does not pay, then it goes as a tax lien.

Warren stated that the worst thing that will happen with this administrative order is that we will go in and clean it up and charge them. We will not tear it down.

Jackson stated this is not even an attempt to get on the D&D list.

Mr. Burgess stated they appealed this issue so that his client could visit with the City Council about the situation.

He stated they would like the opportunity to get this done in the 60 days requested and if they don't keep their word and meet the approval of the City Council, they would not have any problem with the order being entered against them.

Haywood questioned why that particular area has not been cleaned up.

Mr. Burgess stated that all of the violations that have been sited have been taken care of. They are asking for time to further secure the building.

Warren questioned if they do decline to appeal, does the clock start all over again. Will they have to go through everything again?

Vincent stated if they were to table this item for 60 days, then they could deny the appeal and the clock starts ticking. If a week later they don't mow the grass, then they would have to go through the whole process again.

He stated the order is only good for six months and then they would have to start the process all over again anyway.

Hanna questioned if they do table this issue for 60 days, will they have the word of the property owner that this property will be kept up until the new structure is built.

Mr. Burgess stated yes.

MOVED by Patton, SECOND by Drewry, to table this item for 60 days. AYE: Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

33. Consider establishing Robinson's Landing camping facilities as seasonal camping sites in accordance with Chapter 19 of the City Code starting in September of 2008 and direct staff to send a letter notifying all annual campers that the camping area will be closed for renovations and that all personal items will need to be removed by September 1, 2008. Exhibits: None.

Kim Shahan, Parks and Recreation Director, stated staff has tried to provide a public operator for this facility over the last two years. They have not received a bid on this. The Lakes and Land Commission have suggested the improvements be made through the framework of the Parks and Recreation Department. He distributed a list of improvements to the camp sites that will be submitted at budget time. Because there is a full camping season coming up and they do not have the money to make the renovations at this time, but hopefully will be able to make the renovations in the fall, staff would like to submit a letter to the campers giving them notification that as of September 1, 2008, they would need to be out of the camping area so that the renovations could be made in the fall of 2008 and spring of 2009. The Lake and Lands Commission recommend that the camp site be reopened only as seasonal camping. Right now there are annual camping sites in the Robinson's Landing area. He stated currently the code does give staff the power to remove everyone to make renovations. After they make the renovations, the code would have to be changed to make that site seasonal camping only.

Shanklin questioned if someone tried to negotiate the operation of Robinson's Landing other than the gentleman in question that has the lumber yard.

Shahan stated no one else has bid and it has gone out three times. He stated the point that everyone is wanting is the buy back clause and there is no direction for that to be able to be done.

Shanklin questioned if there would even be a store there.

Shahan stated the facility has a good roof and structure and staff would recommend that it be made into a group use indoor/outdoor pavilion facility, which will be a strong marketing tool for RV clubs across the country. He stated the facility could also be used for family reunions, etc. for the general population. They feel that the renovations will be able to accommodate those services. The facility will be a rental facility.

Drewry questioned what Shahan considered seasonal.

Shahan stated that seasonal is year round, it is just that you cannot control a particular campsite for a full year.

Jackson questioned the number of campsites and how many were occupied.

Shahan stated there are 35 camp sites and approximately 24 are occupied.

Jackson questioned if the number of camp sites will increase with the renovations.

Shahan stated no. The looks will be modified to accommodate larger RV s.

Shoemate questioned if the ramp or boat slips will be expanded.

Shahan stated the boating area is not included in the renovations. Each year they have normally been given \$50,000 for improvements at the lake and that is going to be their recommendation this year.

Hanna questioned if the boat houses will be affected.

Shahan stated no, just the camping sites.

Drewry questioned why they don t make everything seasonal camping instead of people staying there year round.

Shahan stated the east side camp ground, which is controlled by the City of Lawton, is seasonal.

Patton stated Councilmember Drewry is talking about School House Slough.

Shanklin questioned if the Parks Department is still getting the \$50,000 every year.

Shahan stated he didn t get it last year. The dollars were redirected and they got a great piece of equipment with that money.

Jackson questioned if there was a need for more than 13 additional spots on a seasonal basis.

Shahan stated for 14 and 21 day campers, they are going to make some more camp sites available in the east side camp grounds. He stated the point of issue is the fact that they are either going to operate a camping facility or it is a trailer park facility. It is one or the other. He was directed to go out and see if it could become a private operator and there were no private operators. They are at the point now that they need to make the improvements and bring it back and operate it with annual camping and seasonal camping. He wants to make sure that if they are going to seasonal only camping, that they make notification to those who have been out there for many years that they will not be able to return as an annual camper.

Shanklin stated there is a trailer park on the south end of the lake.

Shahan stated that is a concession operation facility in which he has no control.

Jackson stated when it is operated by a concessionaire you must have that income.

Shahan stated a concession operator is going to want an annual camping operation. That is where the dollars are made. The City will lose money by moving this to a seasonal camping facility. They make around \$46,000- \$48,000 a year at this camp site. It is a choice of what the Council wants to do with this property.

MOVED by Warren, SECOND by Shoemate, to establish Robinson s Landing camping facilities as seasonal camping sites in accordance with Chapter 19 of the City Code starting in September of 2008 and direct staff to send a letter notifying all annual campers that the camping area will be closed for renovations and that all personal items will need to be removed by September 1, 2008.

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

34. Consider approving proposed Council Policy No. 9-2 which shall be named City Council Parade and Assembly Policy. Exhibits: Council Policy No. 9-2.

Jackson stated there are several people who wish to speak on this item and he would like to limit the amount of time each person will be allowed to speak to 3 minutes.

Shanklin questioned if this was something new to the code.

Vincent stated staff has taken various internal policies of the various departments and tried to combine them into a City Council policy so that all of the affected groups would actually know the steps for the permits. There are a couple of new items, but it is basically recapturing the process from various departments. He stated it took about 13 months to write the policy.

Greg Buckley, Assistant City Manager, stated this policy will help clarify the permitting process. This takes the various policies and procedures for the permitting process and defines for staff and the public. This addresses the application, the approval process and defines the services that the City can provide for those events.

Haywood stated the policy states that City sanctioned events will not be charged and other functions may be approved by the City Council and are either sponsored or co-sponsored by the City. He received a call today by the Housing Authority regarding the annual South Lawton Rally. He questioned if this would be sanctioned by the City Council or would they need to get approval by the City Council.

Buckley stated in order for this event to be co-sponsored, it would need to come before the City Council. This is not currently recognized as a City sponsored event.

Haywood stated that other functions throughout the year could be approved by the City Council.

Buckley stated yes. He stated this does not preclude an organization or group from coming before the City Council and requesting that the City be a co-sponsor and part of the event. This provides that the group obtain a permit and approval through the channels even though the fees may be waived. He stated staff did receive a letter today from the Vietnam Veterans of America, Inc. regarding two events that they sponsor. They have requested those events be placed on the recognized list as co-sponsored events.

Vincent stated they can amend the policy, but they are not exempting groups, it has to be a specific event.

Shanklin suggested they wait until the Mayor returns and let him appoint a committee to study this issue. He is not going to be able to study this information and make a real qualified estimate as to what is correct.

Shoemate stated he would like to see the City co-sponsor the Armed Forces Day Parade and the Lawton Rangers Rodeo Parade. These people bring people into our community and those people spend money.

Shahan stated the policy allows the Council to add to the co-sponsor list and he needs this policy to be in place as soon as possible so that he can submit the permits for those groups who are waiting to plan their events. He requested the City Council approve the policy tonight and then evaluate it and add events to the co-sponsored list.

Jackson stated there currently is a policy that staff has been working under for years.

Vincent stated this really became an issue with the July 4<sup>th</sup> celebration at Elmer Thomas Park where certain roads were closed without consideration and different departments furnished equipment unknown to other departments. They really need to get this policy in place. He stated others they may want to add to the list are the Armed Forces Day Parade, Lawton Rangers Rodeo Parade, Veterans Day Ceremony, Vietnam Veterans Awareness Day and an event following the Armed Forces Day Parade sponsored by the Lawton Fort Sill Chamber of Commerce and the South Lawton Rally. He stated staff can agenda an item at the next meeting to formally add these to the policy. He stated the policy is designed to address reoccurring events that happen each year.

Shanklin stated he feels they need to study this with a committee.

Warren stated he knows they need to look at this and the ability to add names later is a good thing. He stated currently there really is not a set of rules and there was no way to quantify what someone was going to be required to do.

Drewry stated she sees no reason why they cannot establish the policy and then they can always go back.

Warren stated they can always come back and add new events, but they need to move forward and get as many people in that park as possible.

Dan Tucker, representing Vietnam Veterans of America, Inc., stated they have made a financial investment in Elmer Thomas Park of \$35,000 ten years ago with a monument. He stated they would appreciate consideration in adding them to the list of co-sponsored events.

Dana Davis, Lawton/Fort Sill Chamber of Commerce, stated for many years they have sponsored, along with the City of Lawton, the Armed Forces Day Parade. He requested the City Council amend the policy to include the Armed Forces Celebration that will occur in Elmer Thomas Park after the parade. He stated they are working to enhance the parade this year. They want to change the parade to Saturday morning at 10:00 a.m. and have the parade end in Elmer Thomas Park. This year they are trying to expand the event and make it a full day event and draw people from the region. He requested that the City of Lawton co-sponsor the parade and the celebration in the park.

Patty Neuwirth, representing the Armed Forces Day Celebration committee, requested that the City Council consider adding this event to the sanctioned event list so that they can continue with their planning.

Jamie Hall, 503 NW Fairway Villa, stated the Armed Forces Day Celebration along with the Veteran s Affairs events



are all activities that promote sales and marketing. He stated someone comes into town and immediately leaves us money that we didn't have before. He encouraged the Council to approve this policy which will allow events like this to take place.

Warren stated for the longest time he has tried to get the large gun in the park painted. He stated there is a process that has to be done where they come in and sandblast it and have it painted so it stays for a long period of time. He stated he has spoken with someone who is willing to paint it at a cost. He suggested the Vietnam Veterans Association set up an account specifically for the painting of that gun and encourage people to donate through the Association. He stated the amount is approximately \$8,000.

Mr. Tucker stated the Vietnam Veterans of America, Inc. would be happy to run that account.

MOVED by Warren, SECOND by Drewry, to approve Council Policy No. 9-2 which shall be named City Council Parade and Assembly Policy and amend the policy to include Vietnam Veterans Awareness Day, Vietnam Day Ceremony, Armed Forces Day Parade, Lawton Rangers Parade, Armed Forces Celebration and City of Lawton Housing Authority South Lawton Rally as City sanctioned events without charge. AYE: Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

35. Consider adopting an ordinance pertaining to offenses and crimes amending Section 16-4-3-431, Division 16-4-3, Article 16-4, Chapter 16, and repealing Sections 16-4-3-432 through 441, Division 16-4-3, Article 16-4, Chapter 16, Lawton City Code, 2005, by establishing that no person shall hold, conduct or participate in a parade/assembly without first obtaining a permit as required, providing for severability, repealer, and declaring an emergency. Exhibits: Ordinance No. 2008-\_\_\_\_.

Vincent stated this particular ordinance repeals most of Chapter 16, Section 431-441 which deals with how you get a parade permit now which is handled through the police department. Realistically most of this is handled through the Parks and Recreation Department. They are moving this over to Chapter 7 and away from the police department. The only thing that will remain in Chapter 16 is the violation if they don't have a permit.

MOVED by Warren, SECOND by Haywood, to adopt **Ordinance 08-12**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Drewry, Jackson, Patton, Haywood, Warren, Shoemate. NAY: None. ABSENT: Shanklin, Hanna. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 08-12

An ordinance pertaining to offenses and crimes amending Section 16-4-3-431, Division 16-4-3, Article 16-4, Chapter 16, and repealing Sections 16-4-3-432 through 441, Division 16-4-3, Article 16-4, Chapter 16, Lawton City Code, 2005, by establishing that no person shall hold, conduct or participate in a parade/assembly without first obtaining a permit as required, providing for severability, repealer, and declaring an emergency.

Greg Shawn, 1004 SW B Avenue, stated in light of the next several discussions, he would propose that this issue go to a committee before it is enacted by the City Council. He stated organizations are shooting in the dark at what these fees will be. He stated with all indications, it is becoming a fundraiser to set new policies. As a citizen, he would appreciate being involved.

Jackson stated that would be up to the City Council.

Mr. Shawn stated when they look at fees and what type of events are going to be regulated, he feels this needs to be looked at more seriously and presented so that citizens and community members have an opportunity to look at it first. Tax money was used to build these facilities and tax money supports the city structure and now they are adding additional fees on top of it.

36. Consider adopting an ordinance pertaining to business creating Sections 7-31-1-3101 through 3112, Division 7-31-1, Article 7-31, Chapter 7, Lawton City Code, 2005, by establishing a more defined procedure for obtaining permits for parades, street fairs, and assemblies, providing for severability, codification, and declaring an emergency; consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, to establish fees for parades and public assemblies; and consider approving a resolution amending Appendix B, Bond Schedule, Lawton City Code, 2005, to establish facilities damage bonds. Exhibits: Ordinance No. 2008-\_\_\_\_; Resolution No. 2008-\_\_\_\_; Resolution No. 2008-\_\_\_\_.

Buckley stated this establishes the fees associated with the parade permit for those events not covered as a co-sponsored event. Permits for non co-sponsored events will be \$50 for parades, street fairs, and assemblies, permits would be \$50 for sidewalk or median use only and a full or partial street blockage would be \$100. There would be other costs associated with specific request for assistance supplied by the City. There is a non-refundable deposit of \$200 for services provided by Public Works.

Vincent stated there are basically three parts to this item. There is the ordinance approving what was moved out of Chapter 16 over to Chapter 7 and then there is the resolution amending appendix A which were the fees that are being charged by Parks and Recreation that are being placed in the code. There is also a resolution amending appendix B which are the bonds staff has been requiring, but were not set out in any specific place. He stated there are a couple of new fees in appendix A, but appendix B are the charges that are currently being assessed.

Patton questioned the new fees.

Vincent stated there is a \$100 street blockage permit and a non-refundable deposit of \$200 for request for city assistance. He stated if someone had an event today and the street division or fire department assisted them, a bill was sent after the event and we hope we get paid. This is a way to require up front payment or deposits. He stated the street blockage charge of \$100 is to cover costs associated with making notifications that are required when a street is blocked.

Shoemate questioned if the fire department is at the event, would the fee be \$100.

Vincent stated if the fire department is going to be involved as a co-sponsor it would come to the City Council because that is the only way the fire department can participate.

Warren stated the only new fees are for the street blockage and the deposits. He stated these are fees that we were requiring anyway, but we may or may not have gotten paid.

Jackson stated the City Council needs to be cautious about implementing additional fees on the citizens. He stated he was part of the original plan in developing McMahan Park and establishing the permit and fees for usage of that park. We have virtually eliminated the usage of McMahan Park except for state, regional or district sponsored events. Individual citizens just do not go out and rent the facility for tournaments on the weekends because the fees have gotten so expensive that they will lose money when hosting events.

Patton stated there has to be a distinction between those non-profits and those making money. He does not see why the citizens of Lawton should subsidize an event by someone trying to make money.

Jackson stated there is a fine definition between profit and non-profit. Most of the people who would rent for events on the weekend would be people who would raise money for a function. He stated it has just gotten cost prohibitive and it is just not done anymore. They need to be cautious of the future because they are going to fee themselves to death.

Buckley stated those parks and pavilions are general public use facilities supported by and through sales tax dollars for the general use of the public. When the public actually reserves that facility, they are limiting public use. He stated they would be requesting an exclusive use or right of that park for that specific period. The fee is actually compensation respective to the exclusion of the rest of the general populous from being able to utilize the general use or general park facility that is being supported. That is the purpose of the fee.

Mitchell stated staff has gotten over 400 permit requests over the past year for various types of events, parades, reunions, etc., and it requires a lot of staff time. There must be some type of a fee structure to not only compensate for the reservation of that space, but to offset some of the staff requirements to support the event. A lot of these events happen on weekends and holidays and the City has to pay overtime to staff. The Council needs to realize that there is a cost associated with putting on an event and they need to either take that into consideration with the budget or have a reasonable fee structure to offset some of these costs.

Drewry stated she does not think people mind paying the fees, but she does feel they need to review what those fees are and how they are applied.

Vincent suggested the Council approve the ordinance and table the two resolutions.

MOVED by Drewry, SECOND by Hanna, to adopt **Ordinance 08-13**, waive the reading of the ordinance, read the title only and declaring an emergency and table the resolutions amending Appendix A and Appendix B, Bond Schedule, Lawton City Code, 2005. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 08-13

An ordinance pertaining to business creating Sections 7-31-1-3101 through 3112, Division 7-31-1, Article 7-31, Chapter 7, Lawton City Code, 2005, by establishing a more defined procedure for obtaining permits for parades, street fairs, and assemblies, providing for severability, codification, and declaring an emergency.

Jackson stated that with the passage of this motion the Council would ask the Mayor appoint a committee to take a look at reviewing the fee structure on some of these events. He requested the City Attorney agenda an item for the next meeting to ask the Mayor to appoint members to a committee to start the process to review those fees.

Council agreed.

37. Consider adopting an ordinance pertaining to recreation amending Section 19-7-701, Article 19-7, Chapter 19, Lawton City Code, 2005, by establishing that revised closing hours for a specified park may be made by an approved parade/assembly permit or by an approved Elmer Thomas Park/Lake Helen Stage Lease Agreement, providing for severability, and declaring an emergency. Exhibits: Ordinance No. 2008-\_\_\_\_\_.

Vincent stated that while reviewing this process staff found that Elmer Thomas Park and some of the other parks had hours that were not the same as the stage permit or what might be granted in a parade permit and therefore they wanted to make an exception that the hours specified in the parade/assembly permit or the stage contract lease will govern the closing hours of the park if a permit has been issued, otherwise it is 11:00 p.m.

MOVED by Warren, SECOND by Hanna, to adopt **Ordinance 08-14**, 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 08-14

An ordinance pertaining to recreation amending Section 19-7-701, Article 19-7, Chapter 19, Lawton City Code, 2005, by establishing that revised closing hours for a specified park may be made by an approved parade/assembly permit or by an approved Elmer Thomas Park/Lake Helen stage lease agreement, providing for severability, and declaring an emergency.

38. Consider adopting an ordinance pertaining to business amending Sections 7-23-1-2301, 2302 and 2304, Division 7-23-1, Article 7-23, Chapter 7, Lawton City Code, 2005, by establishing guidelines for sound amplification, providing for severability, and declaring an emergency; consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, to establishing a fee for sound truck/sound amplification equipment permit per hour; and consider approving a resolution amending Appendix B, Bond Schedule, Lawton City Code, 2005, to establish a bond for sound truck/sound amplification equipment. Exhibits: Ordinance No. 2008-\_\_\_\_\_; Resolution No. 2008-\_\_\_\_\_; Resolution No. 2008-\_\_\_\_\_.

Vincent stated this is a clean up ordinance which basically moves all of the sound amplification into Chapter 7. This provides staff a way to control sound amplification equipment when it is located outside. He stated the fee of \$25 is the current amount charged. The bonding requirement is the same, they just added truck/sound amplification equipment bond. The current bond is \$50 and that amount has not changed.

MOVED by Warren, SECOND by Hanna, to adopt **Ordinance 08-15**, waive the reading of the ordinance, read the title only and declaring an emergency and approve **Resolution 08-19** amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, establishing a fee for sound truck/sound amplification equipment permit per hour and **Resolution 08-20** amending Appendix B, Bond Schedule, Lawton City Code, 2005, to establish a bond for sound truck/sound amplification equipment. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 08-15

An ordinance pertaining to business amending Sections 7-23-1-2301, 2302, and 2304, Division 7-23-1, Article 7-23, Chapter 7, Lawton City Code, 2005, by establishing guidelines for sound amplification equipment, providing for severability, and declaring an emergency.

39. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, to establish miscellaneous fees for special recreational events, and establish an effective date. Exhibits: Resolution No. 2008-\_\_\_\_\_.

Jackson suggested the Council table this item until the fees are discussed.

MOVED by Patton, SECOND by Drewry, to table until committee is formed to review fees. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

40. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, to establish fees for the requested dumpster size and the number of dumps per day needed for special events, and establish an effective date. Exhibits: Resolution No. 2008-\_\_\_\_\_.

Vincent stated these are the same fees that are currently in place.

MOVED by Patton, SECOND by Drewry, to table until committee is formed to review fees. AYE: Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

41. Discuss the proposed Council Policy No. 6-4, regarding cost sharing for new fire hydrant installation and/or public water main improvements and take appropriate action as necessary. Exhibits: Draft Policy and Draft Application Form.

Chief Bart Hadley, Lawton Fire Department, stated there have been a number of requests over the past few years from business owners and developers who were required to put in either a new fire hydrant or upgrade the water mains. They have asked the Council for assistance because the rationale is that it will benefit more people than just the business they are putting in. It was difficult to be consistent in answering these requests because there was no policy. He stated there would be four criteria before approved before it comes to Council. Those are 1) have they been required to upgrade water mains or add hydrants, 2) is the improvement in a public easement or right of way, 3) will it benefit other previously established commercial businesses in that area and 4) if so, are those businesses owned by the same person or not. If 50% or more of the direct benefit area of that improvement is owned by the developer it would not qualify. If they meet the four criteria, the request would be forwarded on to Council. If the request is denied, they would still have the ability to appeal to Council. He stated there is also a limit of how the City would cost share. It would be materials and parts required and there is a cap of \$10,000 per issue.

Warren stated there was a good chance that CiCi s on Sheridan would not have had to come to Council because it would have benefited other businesses not owned by the business owner.

Vincent stated it would come to Council but it would be after staff completed all of the paperwork and math and the business owner signed a contract. The contract would come to the Council for approval.

Chief Hadley stated one of the key issues is that there is not a funding source identified for these requests. This could have a major impact on public works budget if they had several in one year. He hopes Council will consider this during the budget requests.

Mitchell stated one of the possibilities is under the 2007 CIP that the community just approved. There is about \$4.5 million in water improvements/upgrades and they think many of these fire hydrants may be in those areas targeted for upgrade. He stated they have had the problem with the distinction between new and existing commercial development. New development knows they have to put in fire hydrants to serve the development.

Chief Hadley stated very often the reason for the improvement being required is because of current code requirements. When they go through the permit process for an expansion or change of use that is when it comes to staff s attention.

MOVED by Drewry, SECOND by Shoemate, to approve Council Policy No. 6-4. AYE: Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

42. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, to establish a fee for application to cost share new fire hydrant installation and/or public water main improvements. Exhibits: Resolution No. 08-\_\_\_\_.

Mitchell stated this would establish a fee of \$50 for the application. He stated the application has to go through a review with the Fire Marshall and internal staff and does take up a lot of staff time to review and make a recommendation.

Shanklin stated isn t staff paid for 40 hours a week. Do they have to have something to do to get paid?

Mitchell stated they get paid for 40 hours a week, but there is an issue with overtime and how you schedule and process these requests.

Warren stated he would pay \$50 for the chance to get \$10,000 worth of free water hydrant.

MOVED by Warren, SECOND by Hanna, to approve **Resolution 08-21** amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, to establish a fee for application to cost share new fire hydrant installation and/or public water main improvements. AYE: Hanna, Drewry, Jackson, Patton, Haywood, Warren, Shoemate. NAY: Shanklin. MOTION CARRIED.

43. Consider an ordinance amending Section 17-1-6-165, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2005, by changing full-time and part-time employees who are ordered by proper authority to active military

service to be entitled to a full regular pay and benefits from twenty (20) calendar days to thirty (30) calendar days in each federal fiscal year from the city while on such leave, providing for severability and declaring an emergency. Exhibits: Ordinance No. 2008-\_\_\_\_\_.

Vincent stated last year Senator Bass sponsored a bill changing the days from 20 to 30 for members of the reserve. He stated the City has been granting 30 days military leave, but the code had never been changed. He stated this is basically a clean up ordinance.

MOVED by Shanklin, SECOND by Drewry, to adopt **Ordinance 08-16**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 08-16

An ordinance pertaining to personnel policies and procedures amending Section 17-1-6-165, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2005, by amending accrual dates for regular pay and benefits, providing for severability, declaring an emergency.

44. Consider receiving a report on the City's financial condition for the 2nd Quarter of fiscal year 2007-2008, and provide direction to staff. Exhibits: None.

Rick Endicott, Finance Director, stated the finance report for the second quarter was distributed earlier to the Council. He stated as of December 31<sup>st</sup> they have collected 48% of budget revenue for general and enterprise fund. Sales tax is up \$600,000 compared to last year and they have collected almost 50% for the budgeted year. Franchise tax is down \$161,000 or 13% and they have collected 38% for the budgeted year. Police fines and bonds are up \$67,500 and they have collected 46%. All other general fund revenue is up \$230,000.

Shanklin questioned how much of an increase did they estimate for sales tax in this year's budget.

Endicott stated they estimated the sales tax revenue to increase by 3% in this year's budget. He stated they are right on budget as to where they hoped to be.

Endicott stated water revenue is down \$940,000 or 13% compared to last year. They have collected 46.15% of the budgeted revenue. Sewer revenue is up \$3,124 or .12%. They have collected almost 50% for the year. Refuse collection is up \$82,862 and they have collected 50% of the budgeted revenue. Landfill revenue is down \$21,000 and they have collected 48.56%. He stated if they continue on the trend with water revenue and they are down 4% at the end of the year, that will translate into about a \$1 million shortfall to the budget. He stated in the last two or three years they were probably at 51%, 52% or 53% in the enterprise revenue. If the trend continues it could be significant. He stated on the expenditure side we are looking good. The general fund expenditures are right at 44% and enterprise expenditures are at 48%. He stated the second half of the year is tougher because that is when the bigger pieces of equipment get purchased.

Shanklin questioned when the SE water treatment plant is supposed to come on line.

Ihler stated they will take operation in October, start up will be in August or September.

Shanklin stated that will add another \$1.2 million to the budget.

Ihler stated they are just now putting the numbers together.

Shanklin stated it will be over \$1 million when you count the manpower. Those are all new dollars. He is looking forward to that.

Endicott stated that staff is beginning the budget process and will be distributing the preliminary budget in May. They will be talking about a lot of these issues very soon.

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

Shanklin stated he has been getting 5-10 calls a day regarding trash. He stated he got calls from three people who did not get their trash picked up last week and yesterday, but they have been picking up out of the same containers, now they are turning those down. He wants to bring this up because he wants to get his name off of it because he does not support this. He would like to see if the repairs out at the landfill have jumped as much as everything else. He thinks we need to pick this up. The city is filthy and it is getting worse. He has one place on the 1400 block of Washington in the alley where it is ankle deep. He stated there was a wreck last week where some people got hurt making the right hand turn from Quannah Parker Trailway into the housing addition that sits east of Wal-Mart.

Warren stated that is Crosby Park Estates.

Shanklin stated he would like to see how many accidents that have taken place there. He was told there have been quite a few. He stated they slowed down to turn and were hit from behind.

Ihler stated there is a shoulder there but no turning lane.

Warren stated it is illegal to turn right off of the shoulder; you have to turn right off of the outside lane.

Ihler stated he would obtain the accident report for that intersection. He stated there are no plans for a right hand turn lane.

Shanklin stated he would like to know what areas have gotten the 95-gallon trash containers.

Ihler stated he left maps for each councilmember in the City Clerk's office which identifies the service areas. There are eight service areas with approximately 8,500 carts delivered.

Patton stated there was a committee that discussed this issue.

Haywood stated he was working at 14<sup>th</sup> & Washington but he has not been back to pick everything up. He will be back on Saturday. He goes to the landfill three to six times on Saturdays. He hauls everything from sofas to big screen TV's. He goes door to door and explains the container restrictions and does receive assistance. He stated he learned from Mr. Ihler that residents can also put out an additional six bags of yard waste.

Ihler stated in the non cart areas, residents are allowed to put out either three 35-gallon containers or an equivalent of three in the form of six trash bags. In addition, the Council approved allowing six yard waste bags.

Jackson stated staff does not seem to be using common sense when picking up this stuff. He has a constituent in Turtle Creek that has a container that is 3 inches taller than a normal 35-gallon container and the crews refused to pick it up.

Ihler stated crews do not pick up anything greater than 35-gallon. He stated the height has nothing to do with the volume.

Warren stated in regards to people putting out boxes, the code has always said that residents cannot put out loose trash. He stated those boxes should not have been out there, they should have been contained and that is part of the problem. What is so difficult to understand that trash has to be in a can or a bag. That is how we can keep the city clean and keep trash from blowing everywhere.

Haywood stated he has been telling his constituents to rip those boxes up and put them in a bag and the crews will pick them up. He stated they should also put bags in those cans so that trash won't blow everywhere. He stated February is Black History Month and there are a lot of activities planned. He announced that Annie Mae Smith had passed away at the age of 85. She was a dear person to him. He also announced that Forrest McClung had passed away. He did not know he was the first person to hire an African-American in the sheriff's department in 1966. He stated if you call him, he will take care of business, but call him first and he will discuss an issue with you. He stated that Greg Buckley, Assistant City Manager, is leaving Lawton and moving to Muskogee. His first council meeting is on February 25<sup>th</sup>. He stated he would like to attend his first meeting to show our loyalty for what he done for the City of Lawton.

Drewry stated the newspaper and TV have put information out about the trash regulations. She drove around this week and saw many situations where people are ignoring the rules and then calling to complain. She feels that if citizens would just try to follow the rules, the trash would get picked up. She keeps reading these letters in the paper talking against Holiday in the Park. She worked on the Boulevard of Lights for years and it is so difficult to get people to get out and help. She stated if citizens want to see this become a better program they need to get out and offer to help.

Shoemate stated he has spoken to two different neighborhood watch committees in the past two weeks and he has told everyone not to put out kitchen bags, boxes or tall cans. He went to the Manager of Walmart and asked them to stop selling 45-gallon cans. He stated if citizens would just follow the rules, the trash will be picked up.

Jackson thanked each and every councilmember for electing him Mayor Pro Tem for the past year. This will be his last opportunity to facilitate a council meeting and it has been a pleasure.

Vincent stated Councilmember Shanklin came to his office today to discuss a claim that was on the agenda. He extended that opportunity to any councilmember to drop in and discuss any issue. He would rather clear up a

question than have to table something off of the agenda.

The Mayor and Council convened in executive session at 8:25 p.m. and reconvened in regular, open session at 8:49 p.m. Roll call reflected all members present.

**BUSINESS ITEMS: EXECUTIVE SESSION ITEMS**

45. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the litigation styled City of Lawton vs. Bob L. Mansell, et al, Case No. CJ-2007-822, pending in Comanche County District Court; and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item #45. He stated the Council did receive a briefing on the status. No action is required.

46. Pursuant to Section 307B. 4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations between the City and the AFSCME employees group, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item #46.

MOVED by Hanna, SECOND by Drewry, to approve the appointment of John Vincent as the chief negotiator for the AFSCME contract for fiscal year 2007-2008 and contract administrator for all labor units. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 8:51 p.m. upon motion, second and roll call vote.

KEITH JACKSON, MAYOR PRO TEM  
ATTEST:

TRACI HUSHBECK, CITY CLERK