

Meeting of 2008-6-24 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
JUNE 24, 2008 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. 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 6:04 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Father Joe Ross, Blessed Sacrament Catholic Church, followed by the Pledge of Allegiance.

ROLL CALL

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

ABSENT:                                      None

PRESENTATION OF CITIZEN OF THE MONTH FOR JUNE 2008 TO EDNA DEAN

Sharon Means, Mayor s Commission on that Status of Women announced that Edna Dean has been named Citizen of the Month for June.

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

PRESENTATION OF CERTIFICATE OF RECOGNITION FROM MAYOR S COMMISSION  
ON THE STATUS OF WOMEN TO WILMA SMITH

Ms. Means stated that Wilma Smith is not in attendance but stated she has served on the Mayor s Commission on the Status of Women for the past six years and they will miss her service.

PRESENTATION FROM LEADERSHIP LAWTON

Norris Graves, representing the Leadership Lawton-Fort Sill, Class 18, stated their project this year was to work with the Lawton Police Department Gang Task Force. He presented a check for \$17,871 for the Gang Task Force for outreach to children. They also presented a commemorative plate to Chief Ronnie Smith.

AUDIENCE PARTICIPATION:

Al Martinez, 6908 Maple Drive, stated in the Silver Creek Addition they are surrounded by a channel that runs from Outback Restaurant back east towards 67<sup>th</sup> Street. In the spring of 2007 the City of Lawton was working on Hunter Road and the dirt, mud and rock came washing down this channel and has stopped up the water. Water is standing and they had a lot of mosquitoes and he is afraid they will have the same problem this year. He stated this has been stopped up for a year. He questioned who was responsible for that channel.

Haywood questioned if he had called his council person.

Mr. Martinez stated he has been talking with several council members for a year.

Jerry Ihler, Public Works Director, stated he will check to make sure it is not private property and if it is city property he will get it taken care of.

Herman Ahlborn, 2608 NW Locksley Lane, stated he has spoken with his councilman but has not heard back. He stated 52<sup>nd</sup> Street and Rogers Lane is a dumping site. It comes from the store and the apartments in the area. The problem is they do not close the lids on the containers. There is a small tree in the drainage ditch in front of the store. He stated directly across from him at 2609 NW Locksley, this person received \$100 from someone to dump wood, timber and telephone poles in his neighbors yard and driveway. A city official has seen this but chose to do nothing. He has called into neighborhood services, but there has been no action. His neighbor has also turned in this property.

Warren stated he also had talked with neighborhood services about this property and they have already inspected the property once, and they were going to send someone out again.

Nelson Sadler, 2411 SW Cornell, stated he would like to speak to his councilperson, Mr. Shanklin, about helping the city with the water shortage problem.

Shanklin told Mr. Sadler to give him a call the next day.

Patton stated he is representing a constituent, J. R. Warren, 2418 NW 80<sup>th</sup> Street, who could not be here tonight. Mr. Warren set out a couch and put a Free sign on it. No one took the couch and the solid refuse workers gave him a warning. Mrs. Warren called Goodwill and was told that they would come by and pick it up. She put a sign on the couch that said please do not take, Goodwill will come and pick it up. Goodwill did not come pick it up before the next trash day and the refuse workers picked it up and sent out a bill to the Warrens for \$110. He is asking that the \$110 be credited back to the Warrens.

Mayor Purcell stated they cannot take any action tonight, but the City Manager can bring something back and they can see what the Council would like to do.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF JUNE 10, 2008.

MOVED by Warren, SECOND by Drewry, to approve the minutes of the Lawton City Council regular meeting of June 10, 2008. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Burk, Shanklin. NAY: None. ABSTAIN: Patton. 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 items #8, #15, #28 and #53 need to be stricken off the agenda.

MOVED by Warren, SECOND by Haywood, to approve the Consent Agenda. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Burk, Shanklin, Patton. 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: Joe and Thelma Cepeda in the amount of \$4,283.63 ( **Res. 08-81**), Joseph Hill in the amount of \$540.91 (**Res. 08-82**), Quentin and Nancy Farrell in the amount of \$200.00. Exhibits: Legal Opinions/Recommendations and Resolution No. \_\_\_, Resolution No. \_\_\_.

2. Consider the following damage claims recommended for denial: Sue Ballard in the amount of \$950.00, John and Krista Ratliff in the amount of \$6,410.50. Exhibits: Legal Opinions/Recommendations.

3. Consider adopting a resolution ratifying the action of the City Attorney in filing and making payment of the judgment in the Workers' Compensation case of Tonya Criger in the Workers' Compensation Court, Case No. 2007-08666 A. Exhibits: **Resolution No. 2008-83**.

4. Consider approving a resolution extending the provisions of the FY 2007-2008 Collective Bargaining Agreement between the City and IAFF Local 1882 into FY 2008-2009 until such time as the parties resolve their collective bargaining disputes, or until further action by the City Council. Exhibits: **Resolution 08-84**.

5. Consider approving a resolution extending the provisions of the FY 2007-2008 Collective Bargaining Agreement between the City and IUPA Local 24 into FY 2008-2009 until such time as the parties resolve their collective bargaining disputes, or until further action by the City Council. Exhibits: **Resolution 08-85**.

6. Consider approval of a contract and a related budget for FY 2008-2009 between the City of Lawton and the Lawton Fort Sill Chamber of Commerce & Industry, and authorize the Mayor and City Clerk to execute the agreement as necessary. Exhibits: Proposed Budget FY 08-09 and Tourism, Economic & Industrial Development Agreement.
7. Consider approval of an amendment to the Grant Agreement between the City of Lawton and the Office of Economic Adjustment (OEA) to extend the grant period to August 31, 2008. Exhibits: Grant Extension Budget, Budget Justification, Letter of Support from Comanche County Commissioner Gail Turner, Letter from Patrick J. O'Brien, Director, Office of Economic Adjustment and Grant Agreement.
8. Consider Adopting a Resolution in Support of Douglas Commons, LP in their efforts to construct a development project for the elderly at the southeast corner of SW 11<sup>th</sup> Street and SW Douglas Avenue, Lawton, Oklahoma for consideration by the Oklahoma Housing Finance Agency (OHFA) for the award of Oklahoma Affordable Housing Tax Credits. Exhibits: Resolution of Support 08-\_\_\_, Correspondence from Douglas Commons, LP and Project location map.  
**(THIS ITEM WAS STRICKEN)**
9. Consider approving annual contract renewals between the City of Lawton and the following: County Commissioners (re: Juvenile Detention Center); J. Roy Dunning (re: Children's Shelter); and Roadback (re: Detoxification Center); Lawton Crimestoppers, Inc. (re: Funds from sale of property in police custody), Marie Detty (re: Juveniles). Exhibits: Copies of contracts are located in the City Clerk's Office for review.
10. Consider accepting donation of one (1) Bushmaster M-4 .223 Rifle from James Pollard, a Lawton Businessman. Exhibits: None.
11. Consider accepting a donation of funds for the Lawton Police Department Gang Unit raised by Leadership Lawton. Exhibits: None.
12. Consider the sale of surplus light bars and associated accessories to the Paradise Valley Volunteer Fire Department. Exhibits: Letter of request from Paradise Valley Volunteer Fire Department.
13. Consider authorizing the donation of eight 450 MHz radios to Cameron University Office of Public Safety. Exhibits: Letter of request from Cameron University Office of Public Safety.
14. Consider adopting a resolution amending Resolution 08-55 designating places and times to discharge fireworks and take appropriate action if necessary. Exhibits: **Resolution 08-86**.
15. Consider approving the request to allow the Lawton Community Theatre to use the wooden structure at the Gore Median between 3rd and 4th streets to display announcements for upcoming events and plays. Exhibits: Lawton Community Theatre Request. **(THIS ITEM WAS STRICKEN)**
16. 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.
17. Consider adopting a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, pertaining to increasing boathouse space fee rates at Lake Lawtonka and Lake Ellsworth, and establishing an effective date of January 1, 2009; and increasing dry stall fee rates, camping site fee rates, and the golf cart annual permit fee at Lake Lawtonka and Lake Ellsworth, and establish an effective date of July 1, 2008. Exhibits: Proposed **Resolution No. 2008-87**.
18. Consider accepting a grant from the Oklahoma Department of Human Services for the Retired and Senior Volunteer Program (RSVP) for Fiscal Year 2008-2009 funding. Exhibits: Contract on file in City Clerk's Office.
19. Consider approving the record plat for Rolling Hills Addition, Part 3H, and accepting the improvements, escrow agreement for minor incomplete improvements, maintenance bond, and an easement outside the plat. Exhibits: Plat Map. Escrow Agreement, Maintenance Bond, and Easement on file in City Clerk's Office.
20. Consider approving the record plat for Standard Testing Development and accepting the improvements and maintenance bond. Exhibits: Plat Map, Maintenance Bond on file in City Clerk's Office.
21. Consider approving the application for a Lease-Purchase Agreement for the construction of approximately

3580 linear feet of 12 diameter water main located along SW Bishop Road and SW 52<sup>nd</sup> Street. Exhibits: Application for Lease-Purchase Agreement.

22. Consider a one year extension of the Retainer Agreement for Professional Engineering Services with Chiang, Patel, and Yerby, Inc. Exhibits: Current contract is on file in the City Clerks office.

23. Consider approving plans and specifications for the Intermodal Transportation Museum Project (F.A. Project No. STP-116E(130)EH) subject approval by the Oklahoma Department of Transportation and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Planning Division office.

24. Consider approving the annual Cooperative Agreement and an Agreement for Limited Funding between the City and Transit Trust to provide funds for the operation of a public transit system and authorize the Mayor and City Clerk to execute the same. Exhibits: Cooperative Agreement and Limited Funding Agreement are on file in the City Clerk s office.

25. Consider approving plans and specifications for the Medicine Park Water Treatment Plant Water Storage Reservoir Project 2008-13 and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Public Works Administration office.

26. Consider accepting the Water Storage Tank Floor Project #2007-9 as constructed by Luckinbill, Inc. and placing the Maintenance Bond into effect. Exhibits: None.

27. Consider approving an agreement with PSA-Dewberry, Inc. for professional engineering design services for the 2008 CIP Residential Street Projects. Exhibits: Location Map.

28. Consider approving an agreement with PSA-Dewberry, Inc. for professional engineering design services for the Nine Mile Creek Sewer Line Project #2008-2. Exhibits: Location Map. **(THIS ITEM WAS STRICKEN)**

29. Consider revising Council Policy 10-2 changing the elevation level of Lake Lawtonka for which pumping will be suspended during the transfer of water from Lake Ellsworth to Lake Lawtonka. Exhibits: Council Policy 10-2.

30. Consider adopting **Street Light Resolution No. 456** to authorize the installation/removal of street lights at the locations listed in the Resolution. Exhibits: Street Light Resolution No. 456.

31. Consider and take action with respect to a resolution relating to \$3,000,000 general obligation limited tax bonds for economic and community development improvements (original high school project); fixing the amount of bonds to be sold, providing for the maturity of the bonds, fixing the time and place the bonds are to be sold and authorizing the clerk to give notice of said sale as required by law. Exhibits: **Resolution No. 08-88.**

32. Consider and take action with respect to a resolution relating to \$8,000,000 general obligation bonds for sewer system improvements; fixing the amount of bonds to be sold, providing for the maturity of the bonds, fixing the time and place the bonds are to be sold and authorizing the clerk to give notice of said sale as required by law. Exhibits: **Resolution No. 08-89.**

33. Consider entering into a Professional Services agreement with Comport Network Services to implement a Geographical Information System (GIS) for the City of Lawton. Exhibits: Agreement on file in City Clerk s Office.

34. Consider awarding (CL08-050) Service Bodies Items 2 & 3 to Caseco Manufacturing of Claremore OK. Exhibits: Department recommendation, abstract of bids.

35. Consider extending the contract (RFPCL05-061) Banking Services with IBC Bank of Lawton OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

36. Consider awarding (CL08-056) Easement Rodders to MoS Equipment of Little Rock, AR. Exhibits: Department recommendation, abstract of bids.

37. Consider awarding (CL08-054) Hook Hoist & Grapple Skid Unit to Rush Truck Centers of Oklahoma dba Perfection Equipment of Oklahoma City, OK. Exhibits: Department recommendation, abstract of bids.

38. Consider awarding (RFPCL08-063) Workers Compensation Administration Services to United Safety & Claims Inc of Tulsa OK. Exhibits: Department recommendation, proposal price sheets.

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

40. Consider approval of payroll for the period of June 2-15, 2008.

OLD BUSINESS ITEMS:

41. Consider the following damage claim recommended for denial: Bob and Jean Baird in the amount of \$1,650.00. Exhibits: Legal Opinion/Recommendation.

Vincent stated this item was tabled from the last meeting so that Mr. Baird could talk with his plumber, Mr. Glenn Devine and have him attend the meeting. Mr. Vincent stated he met with Mr. Devine after records were found on when this line was reconstructed, which was 1989. The problem with this was there was a boot that slipped off the connection between the riser and the service line. After nineteen years, Mr. Devine agreed that this was not the City's problem and he convinced Mr. Baird to withdraw his claim.

MOVED by Warren, SECOND by Hanna, to deny the claim. AYE: Warren, Shoemate, Hanna, Drewry, Burk, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED

42. Consider the following damage claim recommended for denial: Timothy and Rosemary Reed in the amount of \$1,200.00. Exhibits: Legal Opinion/Recommendation.

Vincent stated this item was tabled from the last meeting so that the Reeds could have their plumber, Mr. Hodges, attend this meeting. Frank Jensen, Deputy City Attorney, is here representing the City Attorneys office and also investigated the claim.

Timothy Reed, claimant, stated he appeared at the last council meeting because the City of Lawton had damaged a new sewer line he had installed. He had to call his plumber back out who charged him \$1,200 to fix the piece of pipe.

Donny Hodges, Hodges Plumbing, stated the job in question took place in two different intervals. The service line was replaced and at that time, they called and got a temporary inspection, moved out and dug up the riser down to the city main. At that time it was determined that the city needed to make a repair. The city came out and when they had their cages in the hole, he installed the riser straight up. The cages were then removed and the city covered it up to approximately three feet above the top of the ground. He then tied it into the service line and he called and had it inspected again. Later that afternoon he called his operator and told him to come finish covering it up. The next day his operator came out and it was already covered up.

Burk asked if this was caused by something running over the pipe.

Mr. Hodges stated the break was caused by too much weight. That is what they found when they went back and dug it up.

Haywood questioned who Mr. Hodges thought covered it up.

Mr. Hodges stated the City of Lawton covered it up. He has no idea why.

Shoemate questioned if the pipe runs vertical or horizontal.

Mr. Reed stated it runs vertical.

Jensen stated what they have heard so far is speculation. No one actually saw any of this happen. He asked that the City Council hear from the worker who was on the job and the supervisor.

Sir Allen, Wastewater Collections, stated on the day of the incident, crews did replace the city main and leave the cages in so they could make a safe tap. They did back fill half way up and pulled the cages so they could tie the lateral line back up. After that they pulled the cages and loaded everything up. When they were excavating down to the main, they stayed on the west side of the ditch and never did go across to the east side. He stated the excavator can run at 360 degrees turning radius. Once it is stationed you do not have to move to get to one side or the other unless you choose to do that. Since the east side of the bank was more of a slope, they decided to stay on the west side as a safety precaution. In order for them to damage the resident's service line, they would have to had to cross over to the east side of the ditch. He does not know why it was back filled, but they did not do it.

Shoemate questioned if Mr. Allen saw the piece of pipe.

Mr. Allen stated not at that time. He stated the photos show the pipe after the second time the plumber came and dug it up.

Burk questioned if this was something that would happen to the pipe if someone ran over it with a back hoe.

Mr. Allen stated this could happen if the weight of the dirt settled or someone could have ran it over, but they did not run over it because at the time the lateral line where the stand pipe meets together to connect was still exposed for the plumber to make their connection.

Shanklin questioned how deep the lateral line was.

Mr. Allen stated this one was three to four foot deep.

Shankin stated that when the city crews left the pipe was in place and exposed.

Mr. Allen stated yes. The stand pipe was standing up and they pulled the safety cages and they had backfilled the dirt halfway up to a safe working environment so whoever got in the ditch could tie up the lateral line to the stand pipe without causing harm to anyone.

Billy Chandler, Wastewater Collections Supervisor, stated everything Mr. Hodges said was correct to the point that they had left and the plumbing inspector came out. He does not know who came out after that point and backfilled, but it was not the City of Lawton.

Shoemate questioned if there might have been another city crew that came out.

Mr. Chandler stated no.

Shanklin stated from what he has heard and seen, he feels they need to deny the claim.

Warren stated the city crews would have had to make another trip out there to backfill.

MOVED by Shanklin, SECOND by Burk, to deny the claim. AYE: Shoemate, Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED

#### NEW BUSINESS ITEMS:

43. Hold a Public Hearing and Consider Authorizing application and acceptance of the 2008 Department of Justice Edward Byrne Assistance Grant (JAG). Exhibits: None.

Deputy Chief Mike Johnson, Lawton Police Department, stated this is the standard Byrnes Grant that they receive every year. It has been reduced this year by 1/3. They are looking at a \$33,350 grant which is split 80/20 with the Comanche County Sheriff s Department. The Sheriff s office will receive approximately \$6,650. He stated they will be purchasing two electric cars for the Lawton Police Department. They are looking at the Global Electric Motorcars. They are totally electric and they feel they would be advantageous to use during special events and for the detectives and day shift personnel to use in the downtown area where the speed limit in the area is 25 mph. This will allow the department to reduce emissions. He stated if they can make these work, perhaps the City will look at buying some in the future.

Warren stated they actually sell police packages for the GEM cars.

Johnson stated it is approximately \$750 to \$1,000 for the lights bars.

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

MOVED by Warren, SECOND by Haywood, to authorize the application and acceptance of the 2008 Department of Justice Edward Byrne Assistance Grant (JAG). AYE: Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED

44. Hold a public hearing and consider an ordinance amending Sections 18-1-1-106 and 18-7-1-701.1 of the Lawton City Code, 2005, modifying the definition of a structure. Exhibits: Ordinance No. 08-\_\_\_\_, CPC Minutes.

Richard Rogalski, Planning Director, stated the purpose of the proposed ordinance is to clarify the definition of a structure. In the past the definition had become too broad. Structures are not allowed to encroach into the front, side, or rear yard setbacks. The proposed ordinance excludes fences, driveways, parking areas, walkways, or open porches, stoops, or patios from the definition of a structure.

Vincent stated this really came out when they were discussing the concrete pad that an air conditioner sat on. Under the old code that concrete pad was considered a structure. Staff started looking at what really was a structure. They really came up with exceptions rather than trying to define what it is.

Rogalski stated the City Planning Commission held a public hearing on May 29, 2008, and recommended approval of the ordinance. The CPC added fences as an exclusion to the definition of structure.

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

MOVED by Drewry, SECOND by Hanna, to adopt **Ordinance 08-43**, waive the reading of the ordinance, read the title only. AYE: Drewry, Burk, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED

(Title read by City Attorney) Ordinance 08-43

An ordinance pertaining to planning and zoning amending Section 18-1-1-106, Division 18-1-1, Article 18-1, and Section 18-7-1-701.1, Division 18-7-1, Article 18-7, Chapter 18, Lawton City Code, 2005, by modifying the definition of a structure and providing for severability.

45. Hold a public hearing and consider an ordinance amending Section 18-8-1-803, Lawton City Code, 2005, to clarify the use of alleys as a means of access to parking areas and to allow the continued use of a paved alley as access to an existing parking area and declaring an emergency. Exhibits: Ordinance No. 08-\_\_\_\_, CPC Minutes.

Rogalski stated the City Code currently does not allow alleys as the primary means of access to the main parking lot, but alleys can be a secondary means of access. The proposed ordinance clarifies that alleys can be the primary means of access to single-family residences and duplexes. The ordinance provides that while alleys cannot be the primary means of access to the main parking area, paved alleys with a minimum width of 20 feet may be a secondary means of access to the main parking area or a primary means of access to a secondary parking area. In some cases employee parking spaces are located in the rear of the property and there is no room for a drive from the front of the building, and this ordinance would allow access from the alley to these parking spaces. The ordinance also provides that parking areas in existence on January 1, 2008 which use an existing paved alley as the primary means of access may be continued, improved, and/or expanded as required to meet the minimum parking requirements of Article 8, Chapter 18.

Shanklin questioned if the existing is okay now.

Rogalski stated if you have a paved alley that you are currently using as access to a parking area, then they are giving legitimacy to the parking area.

Shanklin questioned what happens if it is not paved.

Rogalski stated if the alley itself is not paved, then this would not apply and it would not be affected by this change.

Vincent stated the example is there are two structures at 12<sup>th</sup> and A Avenue, the front structure has access off of A Avenue, back structure has a gravel parking lot and the only access to that gravel parking lot is off the paved alley. They want to improve their parking lot, but they can't because of the current code. This will fix that problem. We don't want to create a situation where you are adding parking to alleys that don't exist at this time.

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

MOVED by Warren, SECOND by Drewry, to adopt **Ordinance 08-44**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Burk, Shanklin, Patton, Haywood, Warren, Shoemate, Drewry. NAY: None. ABSENT: Hanna. MOTION CARRIED

(Title read by City Attorney) Ordinance 08-44

An ordinance pertaining to planning and zoning amending Section 18-8-1-803, Division 18-8-1, Article 18-8, Chapter 18, Lawton City Code, 2005, by clarifying the use of alleys as a means of access to parking areas and allowing the continued use of a paved alley as access to an existing parking area, providing for severability, and declaring an emergency.

46. Hold a public hearing and consider an ordinance amending Chapter 18 to modify the requirements within C-2 (Planned Neighborhood Shopping Center District) and C-3 (Planned Community Shopping Center District) to lessen the restrictions on development within these districts. Exhibits: Ordinance No. 08-\_\_\_\_, CPC Minutes.

Rogalski stated the C-2 and C-3 commercial districts are set in between C-1 and C-4 and provide uses that are relatively more intense. They were written as planned development centers. Unfortunately, that level of planning and restriction was inhibiting to use of these zones. Currently development within these districts must be based upon a development plan for a planned shopping center with a minimum area of 4 or 10 acres respectively, includes additional requirements for driveway locations, but also provides for a reduced parking requirement. The proposed ordinance would allow for development of property within the C-2 and C-3 zoning districts on smaller, separate tracts of land in accordance with the setbacks and permitted uses and not as part of a larger planned shopping center.

This would be much the same as development within the C-1, C-4, or C-5 districts. Only projects to be developed as planned shopping centers would require a development plan, and only then be subject to the driveway restrictions and be able to take advantage of the reduced parking requirement. For developments not meeting the criteria of a planned shopping center, the off-street parking requirements of Article 8, Chapter 18 must be met. The minimum tract size for a planned neighborhood shopping center (C-2) would be decreased from 4 acres to 2.5 acres, and the minimum tract size for a planned community shopping center (C-3) would be decreased from 10 acres to 5 acres. Several figures regarding driveway location were changed/updated to match the text.

The City Planning Commission held a public hearing on May 29, 2008, and recommended approval of the ordinance.

Vincent stated that one thing the CPC was concerned about was the uses. Staff did not change the uses that could be allowed in C-2 or C-3. That way the parcels that are already C-2 and C-3 still contain the same restrictions.

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

MOVED by Drewry, SECOND by Warren, to adopt **Ordinance 08-45**, waive the reading of the ordinance, read the title only. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Burk. NAY: None. MOTION CARRIED

(Title read by City Attorney) Ordinance 08-45

An ordinance pertaining to planning and zoning amending Sections 18-5-9-590, 18-5-9-593, 18-5-9-595, 18-5-9-596, and 18-5-9-597, Division 18-5-9, Article 18-5, and Sections 18-6-10-600, 18-6-10-603, 18-6-10-605, 18-6-10-606, and 18-6-10-608, Division 18-6-10, Article 18-6, Chapter 18, Lawton City Code, 2005, by modifying the requirements within the C-2 planned neighborhood shopping center district and C-3 planned community shopping center district to lessen the restrictions on development within said districts; amending Section 18-8-1-803, Division 18-8-1, Article 18-8, Chapter 18, Lawton City Code, 2005, specifying design requirements for curb openings and driveways for planned neighborhood and community shopping centers, and providing for severability.

47. Hold a public hearing and consider an ordinance amending Section 18-5-7(1)-578.6, Lawton City Code, 2005, increasing the maximum allowable building height in PO (Professional Office District) and declaring an emergency. Exhibits: Ordinance No. 08-\_\_\_, CPC Minutes.

Rogalski stated one of the builders in town was working on a building in a PO district and brought it to staff's attention that the two stories and 25 feet did not fit with the way they constructed the building, in fact he felt he needed a couple more feet to try to make those two stories fit. It was proposed that they raise that to 30 feet. The maximum building height in R-1 (Single-Family Dwelling District) is 2 stories or 35 feet.

The City Planning Commission held a public hearing on May 29, 2008, and recommended approval of the ordinance.

Mitchell stated if they change this height limit then they are also requiring the back yard setback to comply with the same distance.

Rogalski stated as the height goes up so does the setback.

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

MOVED by Haywood, SECOND by Patton, to adopt **Ordinance 08-46**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Patton, Haywood, Warren, Hanna, Drewry, Burk, Shanklin. NAY: None. ABSENT: Shoemate. MOTION CARRIED

(Title read by City Attorney) Ordinance 08-46

An ordinance pertaining to planning and zoning amending Section 18-5-7(1)-578.6, Division 18-5-7(1), Article 18-5,



Chapter 18, Lawton City Code, 2005, by increasing the maximum allowable building height within the PO Professional Office District, providing for severability, and declaring an emergency.

48. Receive an update on the Lawton Downtown Redevelopment Project/TIF District. Exhibits: None.

Shanklin stated he feels the Council has been looped out of being a part of what they are trying to put in downtown. He stated that today he went to Rosenberg, Texas to look at a shopping center that is put out by NewQuest Properties. He stated there seems to be a misunderstanding as to whether an anchor such as Target will or will not go in down here on 2<sup>nd</sup> Street. There is no doubt in his mind that Target will not go in on 2<sup>nd</sup> Street. It is not big enough for the shopping center envisioned by NewQuest. He worries about the fact that Mr. Mitchell is carrying too many badges. They should all be privy when those decision need to be made. He would like to have an update on the TIF.

Drewry stated that Mr. Mitchell is not making all of the decisions. She is also a member of the Lawton Economic Development Authority which is made up of a whole group of local business people that sit on that committee and are really making the decision. This is not one person making these decision.

Shanklin stated he would inform Councilmember Drewry exactly what he is talking about at a later time. What she has said is not germane to what he said.

Mayor Purcell this council has been briefed over and over on every project that has been going on within the TIF District and the downtown redevelopment. There are no secret meetings going on. He stated they need to stop this dissention and this information that keeps going out. Everyone has had the same meeting with NewQuest that he has had, in fact Councilmember Shanklin had the first meeting with them the day they were here. He stated that he, the City Manager and Councilmember Warren had the second meeting and three other councilmembers had the third meeting that same morning. It does not help this city when it goes to the media that they are having secret meetings.

Haywood stated that he is the only one who did not meet with NewQuest.

Hanna questioned if there were some meetings held back in January with NewQuest and the City Manager.

Mitchell stated in the past six months he has probably met with fifteen commercial brokers, fifteen developers and twenty five real estate brokers. He gets those meetings all the time.

Hanna stated that when the City Manager has the meetings it should be brought to the attention of the City Council.

Mitchell stated he would be happy to give each Councilmember a copy of his calendar.

Hanna stated the City Manager was hired to run the City at the direction of the City Council but he feels they are not getting any information.

Mitchell stated he has meetings with developers all the time that are coming in seeking information.

Hanna questioned how many meeting he has had with NewQuest.

Mitchell stated probably two or three.

Hanna stated that the Council should have been notified after the first meeting if they are interested in something here. The first time he heard about it was a week and a half ago.

Mitchell stated that he has met with NewQuest. He and John Vincent have had meetings with different brokers and realtors. They basically come into the office trying to find out what our building codes are, what the zoning requirements are, what develop is going on in the community, what we would entertain and what we would not entertain. They do the same thing with the Chamber. It is just a constant stream of companies coming through City Hall.

Hanna stated that if the City Manager meets with the same developer two, three, four or five times, that means there is an interest here for them that they should know about.

Mitchell stated that there wasn't anything formal presented to him.

Vincent stated the big issue is NewQuest. He agendaed an item for the April 22<sup>nd</sup> council meeting to brief the Council on NewQuest. Jay Sears from NewQuest asked him to pull the item because he was not ready for a presentation. That

was about a month after the first meeting with NewQuest.

Shanklin questioned if staff has ever seen a document that said that Target would go with NewQuest in a certain area.

Vincent stated he has been told there is a document but he has not seen it.

Shanklin stated some have seen it and ignored it.

Mayor Purcell stated they are not ignoring it.

Vincent stated he agendaed an item for the April 22<sup>nd</sup> meeting and at the request of NewQuest, the item was pulled. He and Mr. Mitchell were prepared to present this early on at the request of the developer and the developer wanted it pulled off the agenda.

Mayor Purcell stated when he gets something in, he sends it on to every council member.

Burk stated he wished he was informed when staff meets with someone numerous times. He talked with Target today and they are not going to go downtown. They will go out west and that is it.

Drewry questioned why Target was the issue.

Burk stated Target is not the issue, but they are talking about the TIF issue. A lot of people are asking him questions about the TIF District and from the emails he receives he does not know if he can tell anyone about what is going on in the TIF District other than the fact that it is happening. He does not feel the council is presented with enough information on a regular basis.

He would like to formalize it more and bring it out in council meetings about what is actually happening.

Mitchell stated about 2 years ago the Council agreed to form the TIF District. After they formed the TIF District they had a memorandum of understanding that was signed between the City of Lawton, Lawton Economic Development Authority (LEDA) and the Lawton Urban Renewal Authority (LURA). The LEDA and LURA have been meeting twice a month and Councilmembers Drewry and Patton are members of the LEDA. The MOU was developed because there was just too much information and activity for the City Council to deal with in a council meeting. They agreed that the City Council was the financial partner responsible for overseeing the financial process in this downtown redevelopment program and if there were any revenue bonds or GO bonds that needed to be issued, the City Council would be the only ones authorized to issue those debt. A letter of credit with three local banks was also signed by the City Council, LEDA and LURA, which loaned the LEDA \$9.6 million to acquire these properties. As of today the LEDA has spent \$4 million acquiring 41 properties. There are 55 properties under contract. The LURA is made up of five members and the LEDA is made up of nine members. He stated reporters from the paper regularly attend these meetings. About a month ago there was a big article about where we were with the downtown area. This is a policy issue that has more to do with how we are going to develop the downtown and how we are going to develop the community. In his opinion it has nothing to do with Target. There are bigger policy issues for the council to consider as they move forward. He stated that they do not have the ability to force those corporate boards to move wherever we want them to move. They will make that decision independently on their own. He stated he can distribute a copy of the LEDA and LURA agenda and anyone can attend those meetings. He stated there is so much work to be done that LEDA is looking at hiring an individual to take over as project manager. He would be happy to provide any information the Council would like.

Shanklin questioned if Mitchell had ever met with NewQuest.

Mitchell stated yes. He stated there was another gentleman with NewQuest that staff met with four years ago. They had a big meeting with the Chamber regarding the KCA property north of Cache Road.

Shanklin questioned if we were talking with any specific retailers.

Mitchell stated in this development process, we don't know specific retailers. Generally they talk with commercial brokers representing these companies. Very rarely does he get a call directly from the general manager of a Kohl's or Best Buy. They are always working through a third party and we do not know who they are representing.

Shanklin stated that nothing has been narrowed down.

Mitchell stated he would love to see everyone come to Lawton. The whole purpose of developing the TIF District was to encourage private investors to invest in our downtown.

Shanklin questioned how many investors do they have?

Mitchell stated they do not have any commitments yet, but they see several on the horizon. City staff and the Chamber have met several times with a firm out of Dallas who is interested in doing a hotel/conference center.

They have had meetings with a company that want to put in an office building. There is a lot of preliminary work and pre-planning that goes into these projects to look at infrastructure and incentives.

Vincent stated an executive session item will be on the July 8<sup>th</sup> agenda at the request of Councilmember Hanna to discuss specific details about requests made by NewQuest. He stated he did not get a sample of the development contract until yesterday.

Shanklin stated if he had known that he probably would have pulled this item.

Patton questioned if it would be possible to have a standing agenda item at the end of each month to receive an update on what is going on.

Mitchell stated he would be happy to give an update in the report section.

Shoemate stated that everyone says that Target is coming and all of the different developers have contracts with them.

Burk stated he has only seen one signed contract by Target.

Mitchell stated that was an intent letter and he did not get a chance to read it. There are all kinds of terms and conditions under which Target will come.

Mayor Purcell stated they also saw what it was going to cost the citizens of Lawton for Target to go on 82<sup>nd</sup> Street and it was a substantial number. That is the issue.

Vincent stated this will be in executive session so they can discuss some of the details that NewQuest has given to them that they don't want discussed in public because this is an economic development project.

Shoemate stated he has taken several developers into the City Manager's office who have had an interest in Lawton.

49. Consider an ordinance amending Section 19-6-606, Article 19-6, Chapter 19, Lawton City Code, 2005, by expanding the areas around Lakes Ellsworth and Lawtonka where golf carts can be driven and reducing the age requirement to operate a golf cart at the lake from 16 years to 14 years of age, providing for severability, and declaring an emergency. Exhibits: Proposed Ordinance Version A requiring turf tires and Proposed Ordinance Version B no turf tire requirement.

Chief Ronnie Smith, Lawton Police Department, stated the current ordinance does not allow golf carts on the roads at Lake Lawtonka or Lake Ellsworth. He started looking at why they just don't put the golf carts on the roads at the lakes where the speed limit is 25 mph or less so that they don't drive in the ditches, causing ruts. This issue has been to the Lakes and Lands Commission and they came up with the requirement of turf tires only. He stated cars, boats and trailers park on the grass and he does not understand why there should be the requirement of turf tires just on the golf carts. The golf carts are not going to tear up the grass any more than the cars and trucks. He is requesting that the ordinance be changed to allow the golf carts on the paved roads and he is also requesting the age limit be lowered to 14 years old because they can already get a motorcycle license at 14. He is requesting that the Version B ordinance be passed that does not require turf tires.

Haywood stated this is only for the lakes.

Chief Smith stated this ordinance does specify it is only for the lakes.

Drewry stated it is safer for the kids to be on the roads than up and down on the side of the roads.

Vincent clarified that this does not apply to State Highway #58. That is state right of way and golf carts are not legal.

Shoemate stated that he is concerned with the amount of alcohol that is consumed out at the lake.

Chief Smith stated that if they are on the roads where they can see them, they can keep that down with enforcement.

(Title read by City Attorney)

Ordinance 08-47

MOVED by Haywood, SECOND by Drewry, to adopt **Ordinance 08-47**, waive the reading of the ordinance, read the title

only and declaring an emergency. AYE: Haywood, Warren, Hanna, Drewry, Burk, Shanklin, Patton. NAY: Shoemate. MOTION CARRIED,

An ordinance pertaining to golf carts allowed in certain areas amending Section 19-6-606, Article 19-6, Chapter 19, Lawton City Code, 2005, by changing the age from 16 to 14 years of age to drive a golf cart and by allowing golf carts on city streets adjacent to Lake Ellsworth and Lake Lawtonka, providing for severability, and declaring an emergency.

50. Consider amending Section 17-1-6-162, Lawton City Code, 2005, to establish pro-rated flexible holiday payoffs when individuals leave City employment. Exhibits: Ordinance No. 08-\_\_\_\_\_.

Vincent stated when the Human Resources Department were processing some employees who were leaving the City, it was brought to light that they have to put the 40 hours of flexible holiday leave for general employees on the books on July 1<sup>st</sup>. If a person were to quite on July 2<sup>nd</sup>, under the Fair Labor Standards Act, we must pay them for every leave hour that is on the books. This ordinance will create a way to prorate that so that if a person leaves in the middle of the year they would get half the payment and if they take it all and leave in the middle of the year, the employee would have to pay back the leave out of their final paycheck.

MOVED by Warren, SECOND by Haywood, to adopt **Ordinance 08-48**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Warren, Shoemate, Hanna, Drewry, Burk, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 08-48

An ordinance pertaining to personnel policies and procedures amending Section 17-1-6-162, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2005, by clarifying flexible holiday pay when individuals leave city employment, providing for severability, and declaring an emergency.

Vincent stated this would apply to the general employees that are not in the collective bargaining unit.

51. Consider an ordinance amending Section 4-2-1-213, Division 4-2-1, Article 4-2, Chapter 4, Lawton City Code, 2005, by reducing from three to two the number of violations of the liquor, beer, or gambling laws that serve as grounds for denial, suspension, or revocation of the City's beer license, providing for severability and declaring an emergency. Exhibits: Ordinance No. 08-\_\_\_\_\_.

Warren stated he placed this on the agenda after he watched a program about one particular convenience store that was on its third strike of selling alcohol to minors. He stated we are allowing this three time before holding them to the fire. He distributed a photo of the new drivers licenses issued by the state. There is a vertical license for anyone under 21/18. This ordinance would suspend the business license after the second offense.

Shanklin questioned if this was in line with state statute.

Vincent stated state pulls the license after one offense. We proposed it at one offense several years ago and Council decided to up it to three. He stated they are talking about the City of Lawton license, this does not affect the county license. County is governed by state law.

Warren stated he would be willing to support the one offense.

Burk asked if this was per location.

Vincent stated that would depend on the license.

Patton questioned if they should just increase the amount of the fine. He stated the owners try to get good employees.

Vincent stated he thought the fines were already at maximum.

Drewry stated if that employee allows this to happen, they will not have their job.

Patton stated he understands that it falls back on the owner.

Mayor Purcell questioned how we could give them three chances if the state law could revoke the license after one strike.

Vincent stated the state acts through the District Attorneys office and they very rarely start revocation proceedings. The City police enforce it more than the DA s office.

Drewry stated underage drinking is a major problem and they need to put a stop to this.

Patton stated he feels they should look at it more from a fine standpoint. He stated this is almost forcing those owners to be there 24/7 to make sure this doesn t happen.

Vincent suggested they table this item until the next meeting and he will bring our enforcement ordinances so he can answer some of these questions. He does not know exactly what the fine is.

Burk stated the owner is taking care of his responsibility in letting these employees go.

Warren stated the business owner is supposed to be responsible. It is not the responsibility of that 23 year old clerk, the owner of that establishment is the owner of that alcohol and he is the one that is responsible for the final destination.

Patton stated he does not really agree with that.

Warren stated he was told that we are already maxed on what we can fine.

Vincent stated we have the same problem with selling of tobacco.

Haywood questioned at what age you can buy tobacco.

Vincent stated he believes it is 18.

Warren stated we are already saying that you are in trouble after selling it that third time, well why are we letting them sell it that second time?

Patton stated he just fundamentally disagrees with this. That is his opinion.

Burk questioned if we fine the owner as well as the employee selling it.

Vincent stated they fine the clerk.

Burk stated they need to fine the owner, which would really get their attention.

Warren stated they cannot punish the owner because he is not the one who actually sold it. All we can do is to take away his license.

MOVED by Warren, SECOND by Drewry, to adopt **Ordinance 08-49**, waive the reading of the ordinance, read the title only and declaring an emergency.

SUBSTITUTE MOTION by Patton, SECOND by Shanklin, to table. AYE: Hanna, Burk, Shanklin, Patton, Haywood. NAY: Drewry, Warren, Shoemate. MOTION CARRIED

52. Approve an ordinance amending Ordinance No. 07-48 which declared as surplus and authorized the advertising and solicitation of sealed bids for a 1998 Caterpillar 623F scraper, S/N 6BK00530, with a minimum bid price of \$250,000.00 and a 1994 Caterpillar 623F scraper, S/N 11N10983 with a minimum bid of \$200,000.00, as amended it authorizes the sale by either sealed bid or public auction and does not set a minimum acceptable bid. Exhibits: Copy of proposed ordinance.

Ihler stated in 2007 a minimum price was set for the two scrapers, \$250,000 and \$200,000 for the other. When they went out for bid they did not receive the minimum bid. He is asking for permission to go out to bid without a minimum and if they don t like the high bid they do not have to accept it. Basically this would authorize staff to rebid and not set a minimum bid. Last year staff was authorized to use the money from the sale of the scrapers to go towards the purchase of the new scrapers, but they had to make the next payment for the scraper so they deferred the purchase of a trash compactor. They would like the funds from the sale to go towards the trash compactor when they do make the sale.

MOVED by Drewry, SECOND by Shoemate, to adopt **Ordinance 08-49**, waive the reading of the ordinance, read the title only. AYE: Drewry, Burk, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 08-49

An ordinance pertaining to Lawton City Charter, Article 4, Section c-4-3, Lawton City Code, 2005, sale of surplus property valued at more than fifty thousand dollars (\$50,000.00), providing for severability, and establishing an effective date as set out in section 3 hereof.

53. Consider an agreement between the City of Lawton and the International City/County Management Association (ICMA) to produce a Best Practices Program promoting and highlighting the City of Lawton's Sewer Rehab Program, and authorize Larry Mitchell, City Manager, to sign an ICMA Partnership Order Form. Exhibits: Request from Richard Price, WebsEdge Global Online Broadcasting and ICMA TV Partnership Order Form.  
**(THIS ITEM WAS STRICKEN)**

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood thanked everyone who came and donated to the Juneteenth Celebration.

Drewry requested that the City Attorney look into a couple of issues. She stated she is on the Fit Kids Coalition and they would like to develop an upscale good farmers market and they are looking for a location. They were thinking about an area close to Elmer Thomas Park or downtown in the library area. This would be a farmers market where Oklahoma grown fruits and vegetables are sold. They would require the participants to join a farmer's co-op and they would pay a small percentage so that a manager could be hired to oversee the market. The next issue is she is having a problem in her ward with commercial trucks pulling trailers and parking in the residential neighborhoods. She would like to look into an ordinance to prohibit this.

Warren stated they have tried this before but he would support another attempt.

Vincent stated if no one objected, he will look into both of these issues.

There were no objections from the Council.

Shoemate stated he met with a couple of well known Christian men in town and they are proposing seven skateboard parks around town. He distributed some information. He stated Oklahoma Department of Transportation is offering grants of \$1,875 to \$25,000 to local governments for trees, shrubs and drip irrigation. The grant requires a 25% match.

Haywood stated he has received some complaints about mosquitos and rodents due to the drainage at Dearborn and Carver all the way to Rogers Lane. The water is running behind people's homes. He questioned if they could kill the grass at the big bridge going to McMahan Park. He stated the Credit Union on 52<sup>nd</sup> across from Pappy's has a drainage problem because of the trees.

Ihler stated they can send the owner a nuisance letter.

Vincent stated that would come from the neighborhood services division.

Mayor Purcell stated there will be an event to sign a Community Covenant which is an initiative by the Secretary of the Army to sign a covenant and make the support of soldiers from local communities all over the country more prominent. There will be a ceremony at Cameron on August 19<sup>th</sup> at 11:30 p.m.

Mitchell stated three automated sanitation trucks have been delivered and one is already working on a route. He stated he has asked Chief Smith to give a quarterly report on the crime stats.

Chief Smith stated everything is looking good so far this year. The violent crimes are down by 38 and non violent crimes are down by 181. They are putting a lot of people in jail for these crimes and writing more citations. With regards to littering, a lot of people are coming in for community service and helping to clean up the city. He stated last year was a really high year with regards to the crime rate.

Warren stated our crime stats are really low. Most of the violent crimes are between people that know each other.

Chief Smith stated about 90% of the time it is usually between people who know each other.

Mitchell thanked the Lawton Constitution for their coverage of the Chautauqua event.

Vincent stated he has been selected to be one of the regional representatives on the Oklahoma Comprehensive Water Planning Committee. He is one of thirty from regional five.

The Mayor and Council convened in executive session at 8:33 p.m. and reconvened in regular, open session at 9:38 p.m. Roll call reflected all members present except Shanklin.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

54. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending damage claim of Bruce Bomgardner, Damage Claim No. DC-2008-0043, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item #54. No action is required.

55. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending damage claim of Sandy Lipscomb, Angelina Chavez Crumpton and Dre-Vion Walker, Damage Claim No. DC-2008-0045, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item #55.

MOVED by Drewry, SECOND by Burk, that the City of Lawton deny the damage claim of Sandy Lipscomb, Angelina Chavez Crumpton and Dre-Vion Walker. AYE: Patton, Haywood, Warren, Shoemate, Hanna. Drewry, Burk. NAY: None. MOTION CARRIED

56. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss pending damage claims of Gregorie Holcombe and Kourtnee Holcombe, Case Numbers DC-2008-061; DC-2008-062, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item #56. No action is required.

57. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2008-2009 between the Fire Union IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

Vincent read the title of item #57.

MOVED by Patton, SECOND by Hanna, to appoint Tim Wilson as the City's interest arbitrator for the upcoming arbitration hearing with the fire union for FY 2008-2009 contract. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Burk, Patton. NAY: None. MOTION CARRIED

MOVED by Hanna, SECOND by Shoemate, due to IAFF, Local 1882 negotiating directly with the City Council via June 17, 2008, memo with attached proposal, move to authorize the City Attorney to file unfair labor practice charges against Local 1882. AYE: Shoemate, Hanna, Drewry, Patton, Haywood. NAY: Warren, Burk. MOTION CARRIED

58. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of John H. Vincent as City Attorney, and in open session take other action as necessary. Exhibits: Employment Agreement Summary.

Mayor Purcell read the title of item #58. The conclusion of the City Council is that Mr. Vincent is doing an outstanding job and they wish him to continue doing that outstanding job.

Haywood clarified that Mr. Vincent did not ask for a salary increase.

MOVED by Warren, SECOND by Haywood, to amend the contract of John H. Vincent to include five weeks of vacation time and no change in salary. AYE: Drewry, Burk, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED

There being no further business to consider, the meeting adjourned at 9:44 p.m. upon motion, second and roll call vote.

/s/ John P. Purcell, Jr.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

/s/ Traci Hushbeck

TRACI HUSHBECK, CITY CLERK