

Meeting of 2010-5-25 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MAY 25, 2010 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Fred L. Fitch Also Present:
Presiding Larry Mitchell, City Manager
 Frank V. Jensen, City Attorney
 Donna Gibson, Deputy City Clerk

Mayor Fitch called the meeting to order at 6:06 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Councilmember Bill Shoemate, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Michael Tennis, Ward Two
Janice Drewry, Ward Three
Jay Burk, Ward Four
Robert Shanklin, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
 Doug Wells, Ward Eight

ABSENT: None

PROCLAMATION FOR NATIONAL PUBLIC WORKS WEEK

Mayor Fitch proclaimed the week of May 22 - 29, 2010 as Public Works Week and presented the proclamation to Jerry Ihler, Public Works Director.

PROCLAMATION FOR LUPUS AND FIBROMYALGIA MONTH

Mayor Fitch proclaimed May 2010 as Lupus and Fibromyalgia Awareness month. He presented the proclamation to members of the Lupus and Fibromyalgia Support Group.

PROCLAMATION FOR MOTORCYCLE SAFETY AWARENESS MONTH

Mayor Fitch proclaimed May 2010 as Motorcycle Safety Awareness Month.

AUDIENCE PARTICIPATION:

Ralph Davis, 7 SW 71st Street, stated those that own RV's, trailers and boats have a right to park them in their driveways. That is their investment and they need to look after them. He feels that we have already gone too far.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MAY 11, 2010.

MOVED by Drewry, SECOND by Tennis, to approve the minutes of the regular meeting of May 11, 2010. AYE: Wells, Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle, Haywood. NAY: None. MOTION CARRIED.

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

Mayor Fitch stated item #4 needs to be considered separately. Wells requested item #14, #15 and #16 be considered separately.

MOVED by Drewry, SECOND by Shoemate, to approve the consent agenda with the exception of items #4, #14, #15 and #16. AYE: Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: John and Pamela Cox in the amount of \$272.02. Exhibits: Legal Opinion/Recommendation.
2. Consider adopting a resolution ratifying the actions of the City Attorney in filing and making payment of the judgment in the Workers' Compensation case of Maurice Neil Morgan in the Workers' Compensation Court, Case No. 2008-12156A. Exhibits: **Resolution 10-46**.
3. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and John C. Mackey, Jr., 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 Agreement for Administrative Professional Services with Tori Strecker, to work as a summer Legal Assistant Intern in the City Attorney s Office, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk s Office.

Jensen stated Tori Strecker will not be able to fill the position of summer intern and the agreement will now be with Emily McKee at the rate of \$10 per hour.

MOVED by Wells, SECOND by Drewry, to approve the Agreement for Administrative Professional Services with Emily McKee at a rate of \$10 per hour. AYE: Tennis, Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

5. Consider allowing the Parks & Recreation Department to individually Co-sponsor with the Lawton/Fort Sill Chamber of Commerce, American Legion Baseball, and American Cancer Society a series of softball/baseball tournaments for the year 2010. Exhibits: List of Tournaments for 2010.
6. Consider approving an agreement between Lawton Public Schools and the City of Lawton for the purpose of providing a citywide summer baseball program during the months of May, June, July, and August. Exhibits: Lawton Public Schools Agreement.
7. Consider approving the Proposed Cooperative Program and Memorandum Agreement between the U.S. Geological Survey and the City of Lawton and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Proposed Cooperative Program and Memorandum Agreement is on file with the City Clerk.
8. Consider approving an Agreement between the City of Lawton, the Lawton Water Authority, and the Board of County Commissioners of Comanche County, Oklahoma, pertaining to the collection and disposal of trash dumped in County right-of-ways, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement.
9. Consider accepting a warranty deed and a temporary easement from Mohammad Ali and Yeganeh Tabatabai for right of way needed for the NW 38th Street (Gore Blvd. to Cache Road) Project #2006-7, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Warranty deed and temporary easement are on file in the City Clerk's office.
10. Consider accepting a warranty deed and a temporary easement from Henry Norbert O. Ndekwe and Patience E. Okon-Ndekwe for right of way needed for the NW 38th Street (Gore Blvd. to Cache Road) Project #2006-7, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Warranty deed and temporary easement are on file in the City Clerk's office.
11. Consider adopting a Resolution authorizing the installation of traffic control measures on: NW Victory Blvd at the intersection of NW Liberty Avenue; NW Ash Ave. at the intersection of NW Pershing Dr; NW 67th Street between NW Cache Rd and NW Rogers Lane; vicinity of US-62 and the I-44 overpass; and eastbound on SW Driftwood Drive at the intersection of SW 67th Street. Exhibits: **Resolution 10-47**, Traffic Commission Minutes and Traffic Issue Request.
12. Consider adopting **Street Light Resolution No. 465** to authorize the installation/removal of street lights at the location listed in the Resolution. Exhibits: Street Light Resolution No. 465.
13. Consider endorsing the Federal Fiscal Year 2011-2014 Transportation Improvement Program for the Lawton Metropolitan Area Transportation Study area. Exhibits: FFY 2011-2014 TIP is on file in the City Clerk s Office.

14. Consider endorsing the Fiscal Year 2010 Unified Planning Work Program for the Lawton Metropolitan Transportation Planning Process. Exhibits: FY 2010 UPWP is on file in the City Clerk s Office.

Wells stated it appears that items #14, #15 and #16 are tied together. He questioned where the funding from the City of Lawton comes from.

Richard Rogalski, Planning Director, stated the City Council has already budgeted for the staff time and the federal government reimburses the City of Lawton for 80% of the salaries for three planning positions.

Wells stated we budget 100% of the personnel costs and then we are reimbursed.

MOVED by Wells, SECOND by Haywood, to approve items #14, #15 and #16. AYE: Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis. NAY: None. MOTION CARRIED.

15. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization for metropolitan transportation planning for Fiscal Year 2011. Exhibits: Memorandum of Understanding.

16. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization for Congestion Mitigation and Air Quality programs and projects during Fiscal Year 2011. Exhibits: Memorandum of Understanding.

17. Consider accepting a 12-inch waterline to serve the Lawton Country Club located at 4601 W. Gore Boulevard and maintenance bond. Exhibits: Location Map. Maintenance Bond on file in City Clerk s Office.

18. Consider awarding (CL10-040) Moving Radars to Decatur Electronics, Inc. of Decatur, IL. Exhibits: Department recommendation, abstract of bids.

19. Consider awarding (RFPCL10-033) Wireless Underwater Communications System to Amron International of Vista, CA. Exhibits: Department recommendation.

20. Consider awarding (RFPCL10-034) Health (Medical) Dental/Pharmacy and COBRA Network and Administration Services RFP. Exhibits: Department recommendation, RFP and proposal packets on file at the Financial Services Office.

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

Mayor s Commission on the Status of Women

Belinda Ferguson
621 Arbuckle
Lawton Oklahoma 73501
Unexpired Term 06/28/11

Parks & Recreation Commission

Michael Garcia
1728 NW 31st Street
Lawton Oklahoma 73501
Unexpired Term 01/01/11

22. Consider approval of payroll for the period of May 3 - 16, 2010.

NEW BUSINESS ITEMS:

23. Hold a public hearing to receive input from citizens regarding the City of Lawton budget for Fiscal Year 2010-2011. Exhibits: None.

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

24. Hold a public hearing and consider an ordinance amending Section 18-1-1-106 of the Lawton City Code modifying the definition of townhouse and amending Sections 18-5-3-522, 18-5-4-534, 18-5-5-550, and 18-5-6-562 of the Lawton City Code modifying the side yard setback for townhouses. Exhibits: Ordinance No. 10-__ and CPC Minutes.

Rogalski stated there have been several submissions of townhouse developments for review recently. In the review

of these submissions it has been noted that amendments to the townhouse development regulations may be warranted.

The current definition of a townhouse in Chapter 18 of the Lawton City Code reads a single-family dwelling unit attached at the side or sides in a structure containing not less than four nor more than ten (10) such dwelling units, each of which shall have a front and rear entrance, a private outdoor area, access to common open space, and is designed to be occupied and may be owned by one family. The ordinance proposes the definition of a townhouse be modified to read a building on its own separate lot containing one dwelling unit that occupies space from the ground to the roof and is attached to at least one but no more than nine (9) other townhouse dwelling units by at least one common wall with each unit having a front and rear entrance, a private outdoor area, and access to common open space. The side yard requirement for townhouses is a minimum of 12 feet for a total of 25 feet between buildings. The ordinance amends the side yard requirement to 5 feet for a total of 10 feet between buildings. This amendment is in line with several other communities surveyed by staff. He stated The City Planning Commission held a public hearing on April 29, 2010, and recommends approval of the proposed ordinance.

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

MOVED by Wells, SECOND by Drewry, to adopt **Ordinance 10-19**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis, Drewry. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 10-19

An ordinance pertaining to zoning amending Section 18-1-1-106, Chapter 18, Lawton City Code, 2005, modifying the definition of townhouse and amending Sections 18-5-3-522, 18-5-4-534, 18-5-5-550, and 18-5-6-562, Chapter 18, Lawton City Code, 2005, modifying the side yard setback for townhouses, and providing for severability.

25. Consider receiving a presentation and hold a public hearing on the proposed amended Lawton Downtown Economic Development Project Plan for the purpose of providing an opportunity for questions and answers regarding the proposed project plan, and schedule the date of June 8, 2010, as the date of the second required public hearing and presentation of the proposed amended Lawton Downtown Economic Development Project Plan, at which any interested persons shall have the opportunity to be heard in support of or opposition to the proposed project plan prior to any City Council action with regard to adoption of the proposed project plan. Exhibits: Proposed amended Lawton Downtown Economic Development Project plan, proposed ordinance adopting and approving the amended Lawton Downtown Economic Development Project Plan and the City Planning Commission Resolution No ____.

Leslie Bachelor, Center for Economic Development Law, stated she is advising the Lawton Economic Development Authority (LEDA) on the 2nd Street project and the Downtown Revitalization plan. She stated in 2006, the City of Lawton convened the Review Committee to prepare a project plan under the Local Development Act in order to assist with the implementation of the Downtown Revitalization Plan. They established the boundaries of the project area and what the budget should be. The area covered was 14th Street to the west, east of Railroad Street, north to Ferris and south to F Avenue. As this has moved forward with the 2nd street project it has become apparent that the plan needs to be tailored as focused to finance to public components of the mixed use development east of 2nd Street and especially the hotel conference center. These amendments do three basic things. First, it divides that very big increment district into two separate increment districts. This will allow focused financing where you know this new development is about to occur. In order for the financing to work they need to know exactly what development is going to happen and what will be captured.

Dividing these will allow the 2nd Street project to stand on its own. Secondly, this will dedicate all general sales taxes and all use taxes from the new downtown redevelopment toward payment of project costs, instead of dedicating only a portion of the sales and use taxes from the larger area. Increment District No. 2 will be both a sales and use tax increment district as well as an ad valorem increment district. Increment District No. 1 will be only an ad valorem increment district.

Third, this will add hotel occupancy taxes assessed within Increment District No. 2 as an additional project funding source. All of these revenue sources in the new increment District No. 2 will be captured and dedicated to bringing that project about and that will leave the ad valorem increment in the rest of the original increment District No. 1 available when the project appears there to help the city finance those costs. The boundaries for increment district one and where the money can be spent remain the same. The overall budget will also stay the same. The hotel occupancy tax just from the new hotel for a ten year period will be used to fund the conference center.

Shanklin questioned how much money this will generate.

Ms. Bachelor stated well over \$100 million in new private development.

Shanklin asked how this will be spent.

Ms. Bachelor stated the taxes that are generated from the new development are controlled by the budget in the

project plan which is a \$50 million budget. The only expenditures that are identified are the incentives necessary for the commercial development and the hotel conference center on the 2nd street project.

Wells questioned the gray areas on the TIF No. 1 map.

Mitchell stated those are urban renewal project areas.

Ms. Bachelor stated that those urban renewal areas are part of what makes this area eligible for this type of assistance. You can only have a TIF district in those areas that are under development, undeveloped or blighted. You have to justify these public expenditures and use these funds where they are needed to leverage the private investment. This change also adds some language to identify this as a military growth impact project. The city will also capture a portion of the state sales tax that is generated by the new project which will help with costs of infrastructure for the project.

Mayor Fitch stated that after these retail locations are built there will be a big increase in value of the buildings in this district and ad valorem will go up. Through the TIF district, a certain amount of that increase can be used to recoup the cost of the project.

Shanklin questioned how the school board will generate revenue from this project.

Wells stated he still has a problem that this money can be used up to twenty five years and the money will only be used in this area. About 70% of the business will come from the area west of 17th street. Tax revenues will be lost from the west side of town and will be tied up for up to twenty five years.

Ms. Bachelor stated the TIF district expires either at the end of the twenty five years or when this budget has been captured, whichever happens first. All of their projections show that they will meet the budget long before the twenty five years. As soon as that milestone is hit, in approximately 12-15 years, then the increased tax revenues will be available in the general fund. The types of retail establishments they are looking have a very large trade area and will actually bring in regional business to Lawton that is currently lost to other cities.

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

Mayor Fitch stated there will another public hearing scheduled for the June 8, 2010 City Council meeting.

26. Hold a public hearing to consider the Consolidated Plan for FFYs 2010-2014, receive input from citizens, and provide revised community priorities and provide direction for development of the final plan. If appropriate, pass a resolution authorizing the Mayor and City Clerk to execute the documents to submit the plan to the U.S. Department of Housing and Urban Development (HUD) and to execute all related required by HUD to implement the CDBG and HOME programs. Exhibits: A copy of the Consolidated Plan for FFY 2010-2014 is on file at the City Clerk s Office.

Tim Libby, Grants and Fiscal Officer for Housing and Community Development, stated every five years they present suggestions for the HUD funding for the different programs over the next five years. He stated he is looking for guidance from the Council for prioritizing these projects.

Libby presented a series of slides on the Consolidated Plan for FFY 2010-2014.

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

MOVED by Shanklin, SECOND by Zarle, to adopt **Res. 10-48** authorizing the Mayor and City Clerk to execute the documents to submit the plan to the HUD and to execute all related required by HUD to implement the CDBG and HOME programs. AYE: Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis, Drewry, Burk. NAY: None. MOTION CARRIED.

27. Receive the semi-annual update of the hotel/motel tax funded activities for FY 2009-2010 from the Northside Chamber of Commerce. Exhibits: None.

Nicole Bailey, Director of Northside Chamber of Commerce, summarized a report that was distributed to the Council along with the agenda books. She stated the report covers the period from December 2009 to May 24, 2010. She stated they assist individuals with their business development from loan packaging to basic business plan development as well as locating funding. She stated she expects that her state funding will be cut drastically.

Haywood stated that last year the Northside Chamber received \$80,000. He questioned if she was aware of what she would be receiving in this year s budget.

Ms. Bailey stated she did submit a budget for \$80,000 again, but if she is approved for less she will have to cut her budget.

Haywood stated the Northside Chamber would receive \$63,749.

Ms. Bailey stated that she could continue with providing these services if the City could possibly provide her with the additional \$16,000. This is the budget she needs.

28. Receive the semi-annual update of the hotel/motel tax funded activities for FY 2009-2010 from the Lawton-Fort Sill Chamber of Commerce. Exhibits: None.

Dana Davis, President of Lawton Fort Sill Chamber of Commerce distributed and summarized their semi-annual report. He stated they have issued an RFQ for engineering firms to come in and begin the development of the 480 acres in the industrial park. Garver Engineering was chosen as the preferred firm and CCIDA has authorized the funding for phase I of that overlay district. He stated they have also received a \$750,000 STAG grant. CCIDA has agreed to put \$337,500 into that project to get water and sewer for the 480 acres.

29. Continue discussions of a proposal to amend the Charter of the City of Lawton by removing the requirement for a primary election in December followed by a general election in February for the election of the Mayor and councilmembers and replacing the same with one (1) general election to be held in November; and consider approving appointments by the Mayor and Council to a review committee to make recommendations on this proposed amendment and other amendments to the City Charter. Exhibits: List showing election dates of various other cities.

Mayor Fitch stated this was discussed several meetings ago and everyone was to select a person from their ward to be on the Charter Review Committee. He requested that he be allowed to make an appointment to the committee which would be a total of nine members.

Haywood stated he has appointed Albert Johnson, Sr.
Wells stated he has appointed Emil Vyhlidal.
Mayor Fitch stated he has appointed Ernest Godlove.
Burk stated he has appointed John Purcell, Jr.
Drewry stated she has appointed Ken Easton.
Tenis stated he has appointed Dr. Lance Janda.
Shoemate stated he has appointed Gary Chambers.

MOVED by Shoemate, SECOND by Haywood, to approve the committee members who have been named and the others who will be selected by other council members. AYE: Zarle, Haywood, Wells, Shoemate, Tenis, Drewry, Burk, Shanklin. NAY: None. MOTION CARRIED.

30. Consider and take action on the appeal of the denial of a Vendor, Solicitor or Peddlers license for Pinnacle Security, LLC. Exhibits: Chief of Police Denial Letter, Background Check on Pinnacle Security, LLC and Letter of Appeal.

Tony Fenton, Associate Counsel with Pinnacle Security, stated he would like to address some concerns that have been raised by Lawton Police Chief Ronnie Smith. He stated their company is a security system company. The issues raised by the Chief of Police were primarily in reference to the Better Business Bureau (BBB) with reference to sales tactics and licensing. He stated as much as they are out going door to door there have been a number of complaints and primarily last year. They went from an A+ rating to an F. He stated they have experienced an enormous amount of growth from 2008 to 2009 and they were not prepared to deal with the number of issues that were created with having such a robust sales force. He stated 99.18% of the complaints were resolved directly within the company. He stated to be proactive they have increased their compliance department to nine compliance specialists and their deputy counsel. They have developed a complaint response system so they can respond in a timely fashion. They have addressed the sales tactics of their employees as well as established a code of conduct. The licensing department has also been revamped. He stated they have background checks ran on all of their employees.

Haywood questioned if Mr. Fenton had met with Chief Smith.

Mr. Fenton stated he had met with the Chief before the Council meeting. He is not disputing the concerns of Chief Smith, but he would like to put in context why the issues have come up.

Haywood stated that he relies on the recommendation of Chief Smith.

Mr. Fenton stated he is asking for an opportunity to have a test period to bring reps in to see if they can meet the standards of the City of Lawton. He stated if that is not an option he would like to request a time period when they can reapply for a license.

Jensen stated Chief Smith has made a decision but according to city code, there is a right to appeal that decision.

Tenis questioned if they sell security systems door to door and is it primarily residential.

Mr. Fenton stated they mainly sell door to door. There is a call sales force. They sell mainly residential and also some small business.

Wells questioned how long before they could apply again.

Jensen stated there is no definite time period and suggested they wait until their rating with the BBB goes up.

Shoemate stated he sees too many issues.

Wells stated he feels they need to protect the citizens.

Chief Ronnie Smith stated he has been chief for five years and he has never denied a permit until this one. He agrees that when the rating goes up and the issues have been taken care of then they might look at it again. He requested the appeal be denied.

Mr. Fenton requested that if their rating has improved in less than twelve months that they be allowed to reapply. He stated they have signed an agreement with the Electronic Security Association that specifically addresses door knocking, code of ethics and standards of conduct. He requested that they put into context that although they have 1,100 complaints they have hundreds of thousands of customers. He stated it is also an option for the Council to put any kind of parameters on their licensing.

Haywood stated they would need a recommendation from the Chief of Police before they would reconsider their application.

MOVED by Wells, SECOND by Zarle, to deny the appeal. AYE: Haywood, Wells, Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle. NAY: None. MOTION CARRIED.

31. Consider approving a resolution amending the Lawton Metropolitan Bicycle and Pedestrian Plan by modifying the Elmer Thomas Connector Route. Exhibits: Resolution No. 10-___ and Proposed Route Modification to the Elmer Thomas Connector.

Rogalski stated the Lawton Metropolitan Bicycle and Pedestrian Plan was adopted in June 2008. The Bike Plan Route Analysis and Feasibility Study was adopted by the LMPO on March 11, 2010, with the exception of the segment along Ferris Avenue between NW Sheridan Road and NW Fort Sill Boulevard. The original plan was to convert Ferris Avenue between NW Fort Sill Boulevard and NW Sheridan Road from 4 travel lanes to 2 travel lanes with a center left-turn lane and 2 striped bike lanes. The Lawton City Council along with Lawton Metropolitan Planning Organization (LMPO) directed further study on this segment. A committee was formed which included Councilman Tennis; Councilwoman Drewry; Pat Henry, LMPO Chair; John Pereira, LMPO; Lon Parks, Friends of the Trail; Barry Beauchamp, Lawton Public Schools Superintendent; Jerry Ihler, Public Works Director; and Richard Rogalski, Planning Director. A meeting was held on April 21, 2010 to review alternatives. The committee recommended that the Elmer Thomas Connector be modified. On May 13, 2010, the LMPO held a public hearing and approved the amendment. On May 20, 2010, the Transportation Policy Committee also approved this amendment. He stated the cost for that phase was \$107,040 and the cost for this section of Ferris is approximately \$92,000 bringing the entire Elmer Thomas connector to \$199,000 which is less expensive than the original alternative by approximately \$10,000.

MOVED by Drewry, SECOND by Tennis, to approve **Res. 10-49** amending the Lawton Metropolitan Bicycle and Pedestrian Plan by modifying the Elmer Thomas Connector Route. AYE: Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle, Haywood. NAY: Wells. MOTION CARRIED.

32. Consider entering into an agreement with the Lawton Urban Renewal Authority to carry out a Brownfields Economic Development Initiative (BEDI) Grant Project as part of its Phase 1A redevelopment and authorize the Mayor and City Clerk to execute the Project Agreement. Exhibits: Copy of the proposed Agreement.

Mitchell stated they have been talking about this grant for two years and this is the final step of approving a contract with LURA and the City of Lawton. He stated the BEDI grant was money that was connected to the Section 108 loan for 2nd Street. Half of this money will secure this loan and the other \$500,000 can be used to purchase brownfield property in the downtown area. This money will reimburse LURA for the purchase of the Coca-cola bottling plant and other brownfield projects in the downtown. He stated LURA met on May 18th and approved the agreement.

MOVED by Haywood, SECOND by Burk, to approve entering into an agreement with the LURA to carry out a BEDI Grant

Project as part of its Phase 1A redevelopment and authorize the Mayor and City Clerk to execute the Project Agreement. AYE: Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

33. Consider an ordinance amending Section 7-30-1-3006, Division 7-30-1, Article 7-30, Chapter 7, Lawton City Code, 2005, making it unlawful for any person to perform or offer to perform scleral tattooing upon a person, providing for severability, and declaring an emergency. Exhibits: Ordinance 2010-__.

MOVED by Drewry, SECOND by Burk, to adopt **Ordinance 10-20**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Tennis, Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 10-20

An ordinance amending Section 7-30-1-3006, Division 7-30-1, Article 7-30, Chapter 7, Lawton City Code, 2005, making it unlawful for any person to perform or offer to perform scleral tattooing upon a person, providing for severability and declaring an emergency.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Burk stated he will be bringing back an item to amend the hotel/motel budget. There is a maintenance issue with all of the projects that are being done in Lawton. He stated the parks and recreation department cannot get this done and we don't have the expertise to get this done. They need to see about contracting this out to individuals to get this done. He has asked Mr. Shahan to come up with a list of those areas that they maintain today and he and Dr. Bellino will sit down and go over some areas and hopefully come back with some specific numbers and a request from Lawton Beautiful to see about maintaining those areas. He stated that LETA will be able to fund a portion of this, but they cannot do it all. He stated beautification is also maintenance of our roads, buildings and landscaping. Lawton Beautiful and LETA need help from the City Council.

Wells stated he would like to see a plan to put sidewalks in neighborhoods. With regards to the appeal they had tonight, he questioned why the City Council was involved in the appeal process. He suggested they change the code to say that if someone is turned down for a license, they appeal in district court.

Haywood stated they are not going to go against the recommendation of the Police Chief. If he denied the license he had a good reason.

Jensen stated staff can bring something back in the near future to address this issue.

Mitchell stated a pre bid conference was held last week for the old Lawton High phase IV renovation. He stated ten contractors were present. Bid opening is June 4th.

The Mayor and Council convened in executive session at 8:43 p.m. and reconvened in regular, open session at 9:13 p.m. Roll call reflected all members.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

34. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2010-2011 between the Fire Union, IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

Jensen read the title of item #34. No action was taken.

35. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2009-2010, between the American Federation of State, County and Municipal Employees (AFSCME) Local 3894, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #35. No action was taken.

36. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Steven Scott Goss, Damage Claim No. DC-2010-016, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #36. No action was taken.

There being no further business to consider, the meeting adjourned at 9:15 p.m. upon motion, second and roll call

vote.

 /s/ Fred L. Fitch

FRED L. FITCH, MAYOR

ATTEST:

 /s/ Donna Gibson

DONNA GIBSON, ACTING, CITY CLERK