

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
APRIL 28, 2009 – 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr.
Presiding

Also Present:
Larry Mitchell, City Manager
Frank Jensen, City Attorney
Traci Hushbeck, City Clerk
COL Robert Bridgford, Fort Sill Liaison

Mayor Purcell called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Reverend Byron Elmore, Calvary Assembly of God, 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
	Richard Zarle, Ward Six
	Stanley Haywood, Ward Seven
	Doug Wells, Ward Eight

ABSENT: None

ROLL CALL

PRESENTATION OF WINNERS FOR WATER CONSERVATION POSTER CONTEST

Trish Hale, Chief Chemist and Industrial Pre-Treatment Coordinator for the City of Lawton, stated there were 101 entries from 15 different schools. Ms. Hale announced the poster contest winners.

PRESENTATION OF TRASH OFF AWARDS

Anthony Griffith, Neighborhood Services Supervisor, presented awards for Trash Off Day, which was held Saturday, April 18, 2009.

AUDIENCE PARTICIPATION:

Linda Andrews, 505 SW I, requested a variance to put up a chain link. She would like to keep undesirables out of her yard.

Mayor Purcell stated that he is unsure of what Ms. Andrews is asking for.

Ms. Andrews stated she received a letter from the City of Lawton that stated her property was in the floodway and a chain link fence would obstruct the flow of water. She was denied a permit and was told that the City Council could give her a variance.

Mayor Purcell stated the City Manager will look at the information and determine what to do.

James Ferguson, 2403 A, stated he owns a transmission shop at 304 2nd Street. He stated the work being done on 2nd Street will put him out of business. He would like to have some money so he can move his business.

Shanklin stated he asked Mr. Ferguson to come before the City Council. He feels they need to help Mr. Ferguson.

Mr. Ferguson stated he has a two year lease on this building.

Mitchell requested Mr. Ferguson come see him.

Mr. Littau, 4502 Bly Lane, stated he lives less than ½ mile from the Fort Sill overflow gate. He would like to put a pasture fence across this portion of the road to limit any access. He stated they get a lot of traffic on this road with people doing drugs. He has placed saw horses on this road, but the cars go through them. He is working with the Lawton Police Department and with Councilmember Burk.

Haywood questioned what neighborhood this was in.

Mr. Littau stated it is Quail Run Estates.

Burk stated people have always dumped trash in this area but now other things are going on. He has contacted the City Manager and the Police Chief.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MARCH 24, 2009.

MOVED by Hanna, SECOND by Drewry, to approve the minutes of March 24, 2009. AYE: Hanna, Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

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

Mayor Purcell stated they need to strike #17.

MOVED by Haywood, SECOND by Hanna, to approve the Consent Agenda with the exception of item #17. AYE: Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Hanna. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Brian and Jennifer Seichter in the amount of \$75.00. Exhibits: Legal Opinion/Recommendation.
2. Consider the following damage claims recommended for denial: Takeitha Ewing in the amount of \$649.50, Takeitha Ewing in the amount of \$457.37 and Noel and Cheryl Olmstead in the amount of \$204.78. Exhibits: Legal Opinions/Recommendations.
3. Consider accepting and approving an amended agreement between the Lawton Food 4 Kids, a not-for-profit and the City of Lawton entered into on June 17, 2008, and authorize the Mayor and City Clerk to execute the amended agreement. Exhibits: Amended Agreement with Regional Food Bank for funding the Food 4 Kids Backpack Project on file in City Clerk's Office.
4. Consider approval of the Agreement for Administrative Professional Services with Carly Griffith, 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.
5. Consider accepting a grant from the Oklahoma Department of Libraries in the amount of \$2,995.81 for continuing education for one library staff member. Exhibits: Contract on file in the City Clerk's office.
6. Consider approving submission of the Library Long Range Plan to the Oklahoma Department of Libraries. Exhibits: Long Range Plan is on file in the City Clerk's Office.
7. Consider approving a request to enter into a memorandum of understanding with the Comanche County and the City of Lawton Police Department accepting the conditions of the Justice Edward Byrne Assistance Grant as provided by the 2009 Federal Stimulus Package for Oklahoma. Exhibits: None.

8. Consider adopting a resolution setting the E-911 fee for the period of July 1, 2009, through June 30, 2010. Exhibits: **Resolution No. 09-44** and 2009-2010 Budget Documents.
9. Consider awarding a construction contract to Wittwer Construction Co., Inc. for the Numu Creek Bridge Replacement Project #2008-15. Exhibits: None.
10. Consider awarding a construction contract to B-C Walker, Inc. for the E-911 Dispatch & Operation Center Antenna Tower Project #2009-6. Exhibits: None.
11. Consider rescinding the award of a construction contract to Ark Wrecking Co. of Oklahoma, Inc. for the Abandoned WWTP Demolition Project #2009-3 and authorizing staff to re-advertise the project. Exhibits: Letter dated April 9, 2009, from Ark Wrecking Co. of Oklahoma, Inc.
12. Consider approving Change Order #1 for the Medicine Park Water Treatment Plant Water Storage Tank Project #2008-13 with Preload, Inc. Exhibits: None.
13. Consider approving the record plat for St. James Place, Part 1; accepting the water, sewer, and drainage improvements, escrow agreement in lieu of incompleteness of minor improvements, maintenance bonds, and easements; and granting a revocable permit for parking and maneuvering on the street rights-of-way. Exhibits: Plat Map. Escrow Agreement, Maintenance Bond, Easements, and Revocable Permit on file in City Clerk's Office.
14. Consider granting a Revocable Permit for the construction of a masonry fence along the west side of SW 67th Street adjacent to Oak Pointe Addition, Part 1A. Exhibits: Application, Location Maps and Revocable Permit.
15. Consider approving the record plat for Rolling Hills Development, Part 4A, and accepting the improvements, easements, and maintenance bonds. Exhibits: Plat Map. Maintenance Bond and Easements on file in City Clerk's Office
16. Consider setting a date of June 9, 2009, to hold a public hearing to close the portion of the alley adjacent to Lots 1 – 3, Block 5, McClung Addition, also known as 902 SW Lee Boulevard. Exhibits: Application, Location Map and Responses from Utility Companies.
17. Consider accepting the 8-inch waterline to serve Storage Depot located at NW 40th Street and Rogers Lane, the easement, and the maintenance bond. Exhibits: Location Map. Maintenance Bond and Easement is on file in City Clerk's Office. **THIS ITEM WAS STRICKEN FROM THE AGENDA.**
18. Consider approving the construction plat for Scissortail, Part 2. Exhibits: Plat Map.
19. Consider approving the construction plans for a left turn lane on Sheridan Road at Oak Avenue. Exhibits: Location Map.
20. Consider approving contract Amendment #2 with Jacobs Consultancy for the Lawton Bicycle & Pedestrian Plan On-Street Route Implementation, Phase I – Route Study. Exhibits: Amendment to Agreement.
21. Consider extending the contract (RFPCL06-055) HVAC Services with Johnson Controls, Inc. of Oklahoma City, OK. Exhibits: Department Recommendation, Price Sheets, Contract Extension Form.
22. Consider extending the contract (CL08-044) Wrecker Service with Priest Brothers, Inc. of Lawton, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
23. Consider extending the contract (RFPCL07-051) Rental or Lease of Work Clothing with Cintas Corp. of Lawton, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

24. Consider awarding (CL09-040) Police Vehicle Equipment – Items: 2, 3, 4, 5, 6, 7, 9, & 10 to Adamson Industries Corp. of Haverhill, MA. Exhibits: department recommendation, abstract of bids.
25. Consider awarding (CL09-040) Police Vehicle Equipment – Items: 1 & 8 to Galls, Inc. of Lexington, KY. Exhibits: department recommendation, abstract of bids.
26. Consider approving appointments to boards and commissions. Exhibits: None.
27. Consider approval of payroll for the period of April 6 – 19, 2009.

OLD BUSINESS ITEMS:

28. Consider the following damage claim recommended for approval and consider passage of the resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Bryan and Traci Pierce in the amount of \$4,810.00. Exhibits: Legal Opinion/Recommendation and Resolution No. ____.

Jensen stated this claim was tabled at the last meeting because staff had to renegotiate the amount of the payment. At the last meeting the recommended approved amount was \$3,810 because the claimant was going to keep his damaged vehicle. The claimant has now decided he does not want to keep the vehicle and has asked for an additional \$1,000. The City of Lawton will take possession of the vehicle.

MOVED by Drewry, SECOND by Shoemate, to adopt **Resolution 09-38** approving the damage claim of Bryan and Traci Pierce in the amount of \$4,810.00. AYE: Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED

NEW BUSINESS ITEMS:

29. Hold a public hearing to consider the Consolidated One-Year Action Plan for FFY 2009, receive input from citizens, and provide input for development of the plan. Approve the plan and pass Resolution 09-__ authorizing the execution of the plan and authorizing the Mayor and City Clerk to execute the implementing documents necessary to implement the Consolidated One-Year Action Plan for FFY 2009. Exhibits: Resolution 09-__. A copy of the Consolidated One-Year Action Plan for FFY 2009 (Draft) is on file at the City Clerk's Office.

Tim Libby, Grants and Fiscal Officer for Housing and Community Development, stated given the decision by the City Council at the special meeting on April 21st, all they really need to do now is conduct a public hearing and approve the plan.

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

MOVED by Wells, SECOND by Haywood, to adopt **Resolution 09-45** authorizing the filing of the Consolidated One-Year Action Plan for FFY 2009, and authorize the Mayor and City Clerk to execute the documents necessary to implement the CDBG and HOME programs. AYE: Shanklin, Zarle, Haywood, Wells, Shoemate, Hanna, Drewry, Burk. NAY: None. MOTION CARRIED

30. Hear the presentation of the principal owners of the Sanctuary at Granite Ridge, David & Candice McCoy and David Coaker, regarding their development adjacent to Lake Lawtonka and west of Medicine Park. Exhibits: None.

Candice McCoy, developer for the Sanctuary at Granite Ridge, stated this is an 8.8 acre, restricted access, four lot rural development for four homes. This development sits on the back side of the granite mountains, sloping away from the lake. This will have underground electric, city water and sewer with no septic tanks. She stated they recently discovered a 660 foot buffer zone affects parts of lots one and two. The buffer zone prevents potential pollution of the reservoir. They plan on building a retaining wall that has a portion sloping towards the lake. They will insure that any potential to pollute now or in the future, will be virtually nonexistent.

She stated they have been working on this project for five years and have a solid commitment to preserve the natural environment.

Wells questioned if this includes fertilizer.

Ms. McCoy stated they had intended to do natural zerascaping. They do not want any lawns to mow.

David Coaker, developer, stated they do not plan on using any pesticides. They will have ordinances against this.

Mitchell questioned if there was any possibility the house could be moved to the front of the lot.

Mr. Coaker stated the front of the house is about 500 feet from the waters edge. If they go much further you would not be able to see the lake from the home.

Mayor Purcell stated this issue will be discussed in executive session.

Zarle questioned if this 660 foot buffer is a state or local law.

Jensen stated this is a state statute.

Ms. McCoy stated she feels they have satisfied the spirit of this law which is to not pollute. They can assure the City Council that no pollution will be going in the lake.

31. Consider an ordinance amending Section 4-2-1-213, Division 4-2-1, Article 4-2, Chapter 4, Lawton City Code, 2005, pertaining to alcohol by amending the procedure for an appeal of an order denying, revoking or suspending a retail dealer's license to sell low-point beer, providing for severability, and declaring an emergency. Exhibits: Ordinance No. 09 ____.

Jensen stated staff received direction at the last meeting to delete the provision that provides for an appeal to the City Council as opposed to district court. He stated a provision has been added that the appeal will be controlled by state law, which means the appeal would go through district court.

Shanklin stated in July 2008 he did not attend the City Council meeting where this was passed with no comment whatsoever. After obtaining the minutes he found out that administrative meant they were going to do this themselves. He wanted it to go to district court from day one. He wants the people from Elgin to know that they do care about their kids and he feels they have all their ducks in a row.

MOVED by Shanklin, SECOND by Zarle, to adopt **Ordinance 09-17** waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Zarle, Haywood, Wells, Shoemate, Hanna, Drewry, Burk, Shanklin. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 09-17

An ordinance pertaining to alcoholic beverages by amending Section 4-2-1-213, Division 4-2-4, Article 4-2, Chapter 4, Lawton City Code, 2005, by amending the procedure for an appeal of an order denying, revoking, or suspending a retail dealer's license to sell low-point beer, providing for severability, and declaring an emergency.

32. Consider an ordinance amending Section 7-30-1-3004, Division 7-30-1, Article 7-30, Chapter 7, Lawton City Code, 2005, pertaining to Businesses by removing the current restriction prohibiting a tattoo parlor within 1,000 feet of a church, school, or playground, providing for severability, and declaring an emergency. Exhibits: Ordinance 09-____.

Jensen stated after the last meeting he received direction from the City Council to bring back this amendment to the ordinance regarding tattoo parlors being within 1,000 feet of a church, school or playground. They have deleted that provision based upon a case from Oklahoma City and the fact that the State of Oklahoma was no longer enforcing that state statute.

Mayor Purcell stated that this would mean someone can put a tattoo parlor right next to a school. He questioned if this is what the City Council intended to do or are they trying to reduce the distance.

Jensen stated the reason they have a distance is because the state imposed a distance requirement. Right now if they take this restriction out, tattoo parlors can go anywhere in C-5 zoning or Industrial zoning. As far as where they can be placed, his recommendation is to let the City Planning Commission address the issue first.

Mayor Purcell stated the issue is how close to a school these can be placed.

Drewry stated this is just a place of business, it does not involve alcohol.

Jensen stated these are not being treated the same as nightclubs or adult businesses.

MOVED by Drewry, SECOND by Wells, to adopt **Ordinance 09-18** waive the reading of the ordinance, read the title only, and declaring an emergency.

Steve Wilkinson, 2721 NW Denver Avenue, stated he feels that tattooing is more than just a business, there is a spiritual aspect. In his opinion, we are sending the wrong message to our children. There are reasons for the zoning limits on tattoo parlors and the main reason is to protect our children more than we need to save money from a lawsuit. Tattooing has a negative influence on children. Gangs identify people with different tattoos and brands and they need to keep this away from the kids. He feels they need to look at this issue a little more and not change this ordinance tonight.

Hanna stated he has three tattoos and he is not a criminal and he resents the remarks made by Mr. Wilkinson. He stated before Oklahoma allowed tattoo parlors everyone was going to Texas or they had homemade tattoos. He wished he didn't have them because you are marked for life, but kids are still going to get tattoos. He stated just because a business wants to open up, that does not make them criminals and he feels they should not be punished.

Mr. Wilkinson stated they are trying to protect kids.

Hanna stated this should start at home.

Mr. Wilkinson questioned what are they telling the kids? They seem to be going to wrong way.

Wells stated the state law required you be a certain age to get a tattoo.

Jensen stated that you have to have consent from a parent.

Wells stated our ordinance was based on the Oklahoma City ordinance that was declared unconstitutional. He stated if parents want their kids to get them they will get them and if they don't get their permission, they will still go out and get them somewhere.

Mr. Wilkinson questioned if they were going to be a part of making it easier to get a tattoo.

Wells stated if you are 500 feet or 50 feet, it is not that big a distance.

Mr. Wilkinson stated the issue is not the distance, it is the influence. It boils down to what we want influencing our kids. Judges have been wrong in the past.

Jensen stated this was not a city ordinance in Oklahoma City, it was a state statute that was under attack and when the state agency defended it, they lost and they then chose not to appeal. Once they chose not to appeal, they said they were not going to enforce it at the state level. That left us hanging out to dry.

Mr. Wilkinson questioned if we were left out to dry or are we pre-empting being sued.

Haywood stated he does not support allowing a tattoo parlor to be placed near a church or school.

VOTE ON MOTION: AYE: Drewry, Burk, Shanklin, Zarle, Wells, Shoemate, Hanna. NAY: Haywood. MOTION CARRIED

(Title read by City Attorney)

Ordinance 09-18

An ordinance pertaining to business amending Section 7-30-1-3004, Division 7-30-1, Article 7-30, Chapter 7, Lawton City Code, 2005, by removing the restriction prohibiting tattoo parlors within 1,000 feet of a church, school, or playground, providing for severability and declaring an emergency.

33. Consider approving an Ordinance pertaining to Business amending Section 7-1-1-109, Division 7-1-1, Article 7-1, Chapter 7, Lawton City Code, 2005, by providing for a late fee in addition to a new license fee when a business is operating on an expired license, providing for severability, and establishing an effective date; and consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, adding a late fee for expired business licenses. Exhibits: Ordinance No. 09-_____, Resolution No. 09-_____.

Bryon Long, Assistant City Manager, stated they are asking the City Council to allow city staff to put some teeth into an existing business licensing ordinance. They are having a problem with renewals. They are sending out notices to businesses that have not yet renewed and they are not responding. He stated right now they do not have a mechanism to go after them and the only remedy is to take them to municipal court. What they would like to do is to ask for a 10% penalty to be applied to the cost of the business license when it is renewed.

Burk questioned if staff sends out renewal notices to every business that is supposed to have a business license.

Long stated it is his understanding that they do.

Burk questioned if every business in Lawton has to have a business license.

Long stated he believes so.

Burk stated he does have a license to be a contractor, but he does not have a license to operate his business. He does not think he gets a renewal notice. Unless they are going to send out some kind of renewal notice, he cannot support this.

Mayor Purcell suggested they table this item until license and permit staff can be in attendance to answer these questions.

Hanna suggested if they don't get their license within 30 days, they need to take it away and not allow them to get one for a year.

MOVED by Drewry, SECOND by Burk, to table. AYE: Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED

34. Consider receiving a report on the City's financial condition for the 3rd Quarter of fiscal year 2008-2009, and provide direction to staff. Exhibits: None. Finance report will be provided to the City Council prior to the April 28th Council meeting.

Rick Endicott, Finance Director, stated the finance report ending March 31st was distributed earlier to the City Council. He stated sales tax is up almost \$500,000 or 3.2% compared to the same period as last year. He stated franchise tax is down \$129,000 compared to last year and we have collected about 65%. Police fines and bonds are down 8.5% and we have collected about 65% of revenue. All other general fund revenue is down compared to last year almost \$283,000 and we have collected about 67% of that revenue.

Shanklin questioned how everything can be down if we seem to be booming.

Endicott stated if you look at our sales tax compared to all other cities around Oklahoma, our sales tax is doing very well relatively speaking. Water revenue is up 13% compared to last year, which is due to the rate increase. We have only collected 68% of the budgeted revenue. Sewer revenue is up 22% over last year and we have collected 62% of the budget. Refuse collection revenue is up \$639,000 over last year and we have collected 63%. Landfill revenue is down almost \$106,000 and we have collected about 68%. He stated we are at 75% of the year, so revenue is looking bleak on the enterprise side. He stated expenditures for general fund is about 73.35%. Enterprise is about 70% and all other funds are about 67%. He stated the City Manager has taken steps to encourage all departments to try and save as much revenue as possible. He stated with revenue down, all they can do is to reduce expenditures.

Shanklin questioned the projections for carry over at the end of the year.

Endicott stated he thinks they will be between \$2 million - \$2.5 million short. He stated they are hoping to tighten the belt and save wherever they can through the rest of the year.

Mitchell distributed the preliminary budget. He stated they are recommending a 3 ½ % increase in water rates and a 5% increase in sales tax, so they think with those adjustments on the revenue side they can accommodate an expenditure budget of just under \$81 million, which is less than a 1% increase in the expenditure budget for the upcoming year. He stated the reason they had to raise rates last year was because of supplies, tools and equipment which were up 60%, petroleum products were up 80%, chemical were up 65% and electricity and natural gas was up 47%. At the time they adopted the budget last year they had no idea if those commodities were going to stop going up. Personnel costs were less than 2% for the current budget year. He stated going into 2009-2010, the cost driver for this year is going to be personnel. They have included in the budget a proposed cost of living increase for January. They have not included anything for the balance of the union contracts that are still under negotiation. They have also included some dollars to address the issue of the retirement fund, but not all that was requested. They have added 13 positions that are either public safety or required for the wastewater treatment plant. He stated if the council agrees to hire these positions, they are not suggesting that they all be hired on July 1st. He stated even though they have talked about stimulus and grant dollars, they have not put any of those numbers in the budget because he does not know if they are even eligible or what those dollars would be used for. The budget will be presented formally next Tuesday night.

Endicott stated they are estimating the beginning fund balance to be \$3.3 million. A large majority of that carry over is a result of savings from the departments in the last three months of the year. The departments are to be commended.

Zarle questioned if these are anticipated figures coming in for next year.

Endicott stated this is a fluid document and they have tried to look at every account and every expenditure where we are at right now and where we think we will be at the end of the year and make the best estimate of what we can save if we tighten the belt. He stated the \$3.3 million is based on a real number we got from last year and everything that is done from this point and what we will do the next three months.

Mitchell stated they are trying to estimate revenues and expenditures for about 15 months.

Zarle stated he feels this next year is going to be a lot worse than this last year.

Endicott stated this is an absolute flat operational budget when it comes to the 200 accounts.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Mayor Purcell presented a plaque to COL Bridgford. This is his last City Council meeting.

Mayor Purcell stated that Fort Sill is one of the only installations left that does not permit civilians in the local community to join and play golf at the installations. He stated he has a letter that Fort Sill has requested the Mayors from the surrounding 18 communities to sign. He questioned if anyone has any strong objections to his concurring with this.

No councilmember objected.

COL Bridgford stated it has been a privilege to sit with the Council as the Fort Sill liaison. His replacement will be COL Ray Lacy.

Burk stated that members of the Lawton Enhancement Trust Authority are very proud of the 11th Street beautification project. They are raising funds to include some bronze buffalo sculptures. He thanked the staff from parks and recreation department for all their contributions. He stated Miss Teen Lawton, Mistral Salas, raised money through Lawton Public Schools to plant a grove of crepe myrtles in Elmer Thomas Park.

Shanklin stated they need to figure out a way to come up with enough money to get the streets looking like boulevards and the store fronts looking beautiful. Grass is growing on every corner. They have almost priced themselves out of the business of selling water. He stated they have gone to \$62 for 2,000 gallons. He can remember when it was \$22.50 for everything. They need to find some revenue from somewhere and they need to think about it.

Haywood thanked all of those who serve on the beautification committees. He thanked all those who attended the South Lawton Youth Rally.

Wells stated that he has heard that with the recession, unemployment across the nation could make it to 10% by the end of the year. He stated the unemployment rate in Oklahoma has almost doubled in the last year. This means less income tax and less sales tax. He stated a lot of people are losing their jobs and very few are getting pay raises. He hopes that our employee groups will consider the national and local situation and defer asking for a COLA for at least a year so that they can get the budget under control. They need to be very careful about what they do with the money.

Mayor Purcell complimented the Lawton Police for all their hard work with the recent homicides. He stated Armed Forces Day events will take place on May 15th and 16th. He stated they received the audit from the Chamber and it was an unqualified audit. They also audited hotel/motel tax monies and found nothing wrong. He stated that something called the "Best of Television" has rated the city of Lawton as the best city in Oklahoma.

The Mayor and Council convened in executive session at 7:44 p.m. and reconvened in regular, open session at 8:02 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

35. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending further investigation and action regarding the proposed new development on the northwest side of the City of Lawton's Lake Gondola adjacent to Lake Lawtonka known as the Sanctuary of Granite Ridge, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item 35. No action is required.

36. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the lawsuit Jamal Lipford vs. City of Lawton, et al., CIV-08-0490-HE, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item 36.

MOVED by Hanna, SECOND by Haywood, to adopt **Resolution 09-46** approving a settlement in the amount of \$15,000 including all costs and attorneys fees. AYE: Haywood, Wells, Shoemate, Hanna, Drewry, Burk, Shanklin, Zarle. NAY: None. MOTION CARRIED

37. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending lawsuit in the District Court of Comanche County, State of Oklahoma, Jason Pena v. City of Lawton, et al., Case No. CJ-07-1176, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item 37. No action is required.

There being no further business to consider, the meeting adjourned at 8:04 p.m. upon motion, second and roll call vote.

/s/ John P. Purcell
JOHN P. PURCELL, JR., MAYOR

ATTEST:

/s/ Traci Hushbeck
TRACI HUSHBECK, CITY CLERK