

Meeting of 2004-8-10 REGULAR MEETING

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
AUGUST 10, 2004
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Kathy Fanning, City Clerk
 Col. G. Keith Herring, Fort Sill Liaison

The meeting was called to order at 6:06 p.m. by Mayor Purcell with the invocation by Pastor John Dunaway from Abundant Life Church Ministries and followed by the Pledge of Allegiance. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT: Randy Bass, Ward One
 Rex Givens, Ward Two
 Glenn Devine, Ward Three
 Robert Shanklin, Ward Five
 Jeffrey Patton, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: Amy Ewing-Holmstrom, Ward Four

Purcell announced that Council will conduct business for about 45-50 minutes and take a recess to view the Lawton Ranger Parade and then reconvene. He said he will try to move everything with Public Hearings and/or a lot of interest to the top of the Agenda and may postpone the Consent Agenda until after Council returns.

PRESENTATION OF CITIZEN OF THE MONTH TO JO N. MARTIN

Edwina Reddick-Scott from the Mayor s Commission on the Status of Women introduced the Citizen of the Month, Mrs. Jo N. Martin. She said Martin is being recognized for her many volunteer hours to our community. She volunteers every Sunday to cook for the trainees at Fort Sill at the Old Post Chapel, she also volunteers to do the laundry for them, she is the Sacristan for the Saint Barbara s Episcopal Service at the Old Post Chapel, where she volunteers to train Alter Gill Workers and has done this for 17 years. At the Reynolds Army Community Hospital she volunteers at the Out Patient Pharmacy, the President of the Mended Heart Support Group and both Comanche County Memorial Hospital and Southwestern Hospital. In this position she educates patients on how to function after a heart attack. Martin has served on the American Heart Association Board, she volunteers at the Center for Creative Living, and making quilts for the J. Roy Dunning Children s Shelter, the Greiner Handicapped School, and the New Directions Battered Women s Shelter. She volunteers for the VFW and the American Legion, and during election times, she is a volunteer at the Comanche County Democrat Headquarters. Martin and her husband will celebrate 53 years of marriage this year. They have two daughters, two sons, three granddaughters, and one great-grandson who all live in Oklahoma. She says helping others is helping herself and feels whatever good she does anywhere, always comes back to her.

Purcell said on behalf of all the citizens of Lawton and the City Council, they all extend their congratulations. He said he doesn t know when she has time for herself, but she needs to make some time for herself, she is richly deserving. He congratulated her and her husband on their 53rd year of marriage. He said the entire community appreciates all she is doing. He read and presented her with Citations from the Oklahoma House of Representatives and the Oklahoma State Senate. He next read and presented her with a Proclamation from the Office of the Mayor and a Mayor s Do What s Right coin.

Martin said after this there is not a whole lot she could add, but she thanked the Mayor s Commission on the Status of Women for giving her this honor. She also thanked the Mayor and Council for this honor. She said she volunteers simply because there is a lot of benefits for the volunteer in volunteering. She enjoys what she does, enjoys being with people, has learned a lot, and has met a lot of people that she otherwise would not have met. She has gleaned a better attitude about a lot of things by volunteering and seeing people in a different situation

than when we think we are at our best. She thanked her husband for his support. She said she will continue doing this for as long as she can for all the places she can serve and help someone else.

AUDIENCE PARTICIPATION:

Jim McGavic, 5011 SE Hardin Avenue in Herford Meadows Addition, Ward 4, said he has brought forward a petition from property owners and residents of SE Hardin Avenue asking Council's consideration in the matter of the removal of the dead end status of the east end of SE Hardin Avenue for the purpose of allowing the construction of a private driveway across the existing 20 foot City easement or any other purpose. He said any construction across said easement will impede the natural drainage of storm water through the existing ditch line and might cause an excess of accumulation of water on the street and risk the flood to adjacent homes. It will increase traffic flow and undesirable activities in our neighborhood and will compromise the intended use of a dedicated City easement for drainage and public utilities. He invited Council to come out and see what problems he is talking about.

Shanklin said he went out there in March and the person doing the construction does own that property, but just because it's his land, should we allow him to dig a ditch so it can drain over on us?

Vincent said that is correct and he was not aware of this until McGavic spoke, that we have an easement out there and he did not see that on the plat, so he will continue to work on it.

McGavic said he talked with Bigham in Planning and they are the ones that put a dead end sign at the end of that street. It is his understanding there's a possibility they are going to remove that dead end street sign and allow them to put a private drive there.

Purcell verified that McGavic was heard to ask Council not to take any action to remove that sign. McGavic said that is correct. There's children that play at the end of that street and we have enough problems with gates and other things that we never had before. It used to just be a barbed-wire fence and everybody left it alone, but now there's a drop-off at that gate and you have kids playing around there. Another concern is they have a lot of water down through that street.

Ronnie Calloway, 1302 S 3rd said they have a problem with The Southern Club. There's excessive loud music, from 10:30 until 1:30 in the morning. He said something needs to be addressed and done about that. Haywood said he would call Calloway. He said those people have been given citations and the noise goes all the way to 11th Street. He told Calloway they are still working on this. Calloway said the only citations they have been issued is the ones where he has filed complaints. He said the officers say there is no point in them going out there because they can do no good. They can ask them to turn the music down and they don't turn it down. He said he is losing sleep over it, has been late for work, and has been threatened with his job if he doesn't start getting there on time and doing his job right. Something needs to be done. Haywood said it could be a public nuisance as well.

Purcell said it looks like we have a problem there that we need to figure out how to solve. He said issuing citations doesn't seem to work. He said he and the Police Chief visited about this today. We are going to have to come up with another solution to that.

Herbert S. Erricott, 6212 NW Cheyenne Drive, said his goal is to have the contractors in this city bonded, if they are not already, due to the fact that he had a bad experience with a contractor. The contractor put all his money in trust funds for his children so he can't touch it. He said he could take him to Civil Court or Small Claims. If the City gives this person a license to operate in this city, he feels the City should be held responsible if this contractor doesn't live up to his obligation, or if the contractor doesn't have enough money to cover whatever judgment is brought against him. He said that is his goal and will keep on fighting until he gets it. He invited the citizens of Lawton to join him, those who have been done wrong by contractors.

Warren said the problem is we require these contractors be licensed, but that doesn't mean anything. It has no weight at all and doesn't stop anybody from performing poorly in the fulfillment of a contract. A contractor can go to a citizen's house and cause a hundred thousand dollars worth of damage and walk off and it doesn't make any difference if they have a permit from the City. He said there is a defiant problem there and we are spending a lot of time and trouble requiring licensing and things of that nature, and it doesn't mean anything. We are kind of spinning our wheels.

Patton asked what he has to prove, if he's a contractor wanting to get a building permit. He asked what the requirement is.

Devine said he is a contractor, he has to have a bond, and he has to carry General Liability Insurance and that's a State requirement. To get his City license, he has to meet all the State requirements. He said he doesn't know why or where somebody is saying they are not being bonded because if you have a license with the City of Lawton, you have to be bonded.

Purcell said they may be bonded, but if you go out and hire a contractor to do some work, you pay them, he doesn't do the work, and the person is out their money. He said he thinks that's the bond Ericott is talking about, as opposed to the normal bond. It's like a performance bond.

Devine said if they have a problem with that all they have to do is take it one step further and go to the State because the only thing the City can do is suspend their City license, but the State can get their State license. This is not something that can be easily overlooked, if people value their license, they are going to take care of it and the ones who don't, it's not going to make any difference anyway. Devine asked Ericott if this was a General Contractor, remodeling or something like that.

Ericott said yes, remodeling and he thanked Devine for the information about the State and that is his next step.

Vincent said for most of the professional services such as plumbing, electrical, and mechanical, they have to have a State license before they can get a City license. One of the requirements of a State license is insurance and bonding. It's a Performance Bond and Liability Insurance. He said the City doesn't have the power to enforce that because it's issued in the name of the State. The State of Oklahoma is the one that requires that, all the City requires is they have the State license. The bond and insurance is issued as a requirement of the State Statute, so any enforcement of those bonds and insurance, once you've made demand and the bonding or insurance company doesn't come through, would be through the State Licensing Agency.

AUDIENCE PARTICIPATION CLOSED AT THIS TIME.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL SPECIAL MEETING OF MAY 20, 2004 AND REGULAR MEETING OF MAY 25, 2004.

MOTION by Shanklin, SECOND by Warren, to approve the minutes of the Lawton City Council Special Meeting of May 20, 2004 and the Regular Meeting of May 25, 2004. AYE: Givens, Devine, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED.

Purcell said he would like to skip the Consent Agenda and go to business items and asked if Council objected to that. There was no objections from Council. Council went to item #29 at this time.

CONSENT AGENDA : Separate consideration was requested for Items #1, 8, 19, and 20.

MOTION by Shanklin, SECOND by Warren, to approve the Consent Agenda, with the exception of items #1, 8, 19, and 20. AYE: Shanklin, Patton, Haywood, Warren, Bass, Givens, Devine. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: K. Joe and Lori Kimball, Scotty Hutcheson, and James and LuAnn Powers.

Givens said he would like to move to approve Mr. Hutcheson's claim. He said he read what is in the staff report and Hutcheson claims that prior to the damage to his sprinkler system, he was out in his yard, told the City people where the sprinkler was, and notwithstanding that warning, they dug and damaged it anyway. He said that's not what was the report in the agenda says, but that's what Hutcheson told him.

Vincent said we knew about that allegation and did investigate it and the people who did the work said when they got down to the line, the actual break of the water line had broke the sprinkler system.

MOTION by Givens, SECOND by Bass, to approve the damage claim of Scotty Hutcheson in the amount of \$67.00 and deny the claims of Kimball and Powers. AYE: Shanklin, Patton, Haywood, Bass, Givens. NAY: Warren, Devine. MOTION CARRIED.

2. Consider the following damage claims recommended for approval: Michael and Mary Keepers. Action: approved.

3. Consider approving a Resolution correcting a scrivener's error in Ordinance No. 2004-25. Action: approved.

4. Consider ratifying the actions of the Lawton Water Authority approving a bailing lease for Tract E-21 to the highest bidder and authorize the Mayor and City Clerk to execute the lease. Action: approved.

5. Consider the passage of a Resolution to repeal and replace Resolution No. 2001-53, designating certain persons authorized to release public records under the Oklahoma Open Records Act, Title 51 O.S. 2000 Section 14A.1 et seq. Action: approved.

6. Consider approving the Fourth Amendment to Trust Indenture for the Lawton Metropolitan Area Airport

Authority and authorize the Mayor and City Clerk to execute the document. Action: approved.

7. Consider approving acceptance of AIP Grant 3-40-0028-020-2004 awarded to the Lawton Metropolitan Area Airport Authority. Action: approved.

8. Consider approving a Resolution establishing a Zone One Task Force Committee composed of nine members for the purpose of identifying, discussing and finding possible solutions to community issues facing the citizens residing in the area of the City of Lawton commonly known as "Zone One."

Purcell said someone wishes to speak on this item.

Jacob Debusk, 2104 NW 19th Street said he supports this 100%, but we need to expand not only Zone One, but this whole city has corruption in it. If we can get the citizens to get a Neighborhood Watch Program going, it would help to get the job done and to clean up our town of drug dealers, prostitution, and burglaries, etc. If we work as a team, we can do it. We've already proved that in Zone One. He said they still have a little problem, but nothing like they did have. He requested each Council member get the people in their Wards to form Neighborhood Watch Programs.

Givens said this resolution is not any reflection on what the Police Department or other Administrative Agencies of the City have already done, in fact, they have done a really good job. He said he thinks there is even more attention needed at a higher level and these people need to know that they are supported by a higher administration, from the Mayor, City Manager, and on down. He wanted to be clear that it's no reflection on what has been done. He said when they say Zone One he is intending that to mean north of Cache Road to Rogers Lane and from 11th Street to Sheridan. He said that is the area that we are trying to address with this resolution.

Bass said Zone One Task Force has done a fantastic job and everybody on the Council understands that and hopefully it will motivate other areas to get together with these people and understand how they started their task force and get rid of crime in other neighborhoods. He said he commends them, there was a lot of crime and prostitution, etc. going on up there and it's just about all gone now.

Debusk said they would be more than happy to help others set up their Neighborhood Watch Programs.

MOTION by Givens, SECOND by Bass, to approve **Resolution No. 04-105** establishing a Zone One Task Force Committee composed of nine members for the purpose of identifying, discussing and finding possible solutions to community issues facing the citizens residing in the area of the City of Lawton commonly known as "Zone One."

Purcell named who would be on this committee: three residents from Zone One appointed by the Mayor and confirmed by Council and he asked Givens to provide him those names and will appoint those, but in addition, the following individuals are members of the committee: the City Manager, the Chief of Police, the Fire Chief, the Parks and Recreation Director, and both the Neighborhood Services Supervisor and the Assistant Director for Housing and Community Development Division.

VOTE ON THE MOTION WAS HELD AT THIS TIME.

AYE: Patton, Haywood, Warren, Bass, Givens, Devine, Shanklin. NAY: None. MOTION CARRIED.

Purcell said at this time, based on the desires of the Council, we will take a short recess and will reconvene at the end of the parade. Council recessed at 6:55 p.m. and reconvened at 7:20 p.m. with roll call reflecting all members present, with the exception of Ewing-Holmstrom.

9. Consider setting the date of September 14, 2004 to hold a public hearing and consider an ordinance closing the west ten (10") feet platted utility easement on Lots 1 through 7, Block 16, Tomlinson Addition, Part Two, located at 114 to 126 NW 31st Street. Action: approved.

10. Consider approving the construction plans for a sanitary sewerline located along the south side of the 3100 Block of NW Arlington Avenue running 301 feet to the east. Action: approved.

11. Consider accepting two water main improvements, easements for the public utilities, and an Escrow Agreement in lieu of Maintenance Bond for the Dayspring Community Church located at 8612 NW Cache Road. Action: approved.

12. Consider directing staff to provide the Oklahoma Department of Wildlife Conservation State Office with preliminary site plans and cost estimate for a grant to establish pedestrian fishing access concrete trails, and provide erosion control material at Lake Helen and authorize the Mayor to initiate a letter of interest in the State grant. Action: approved.

13. Consider ratifying an agreement between the City of Lawton/Lawton Arts and Humanities Council and

Lawton Community Theatre to render professional services as presenter of "The Guys-Oklahoma Community Theatre Festival of Plays" for the benefit of the community and citizens of the City, and authorize the Mayor and City Clerk to execute the ratified agreement. Action: approved.

14. Consider appointing Karen Mull as Acting City Clerk during times of absence of the City Clerk. Action: approved.

15. Consider acknowledging the receipt of permits from the Oklahoma State Department of Environmental Quality for the construction of sanitary sewer and water lines with appurtenances to serve Wyatt Acres Addition, Part 14. Action: approved.

16. Consider acknowledging receipt of a permit from the Oklahoma State Department of Environmental Quality for the construction of 610 linear feet of twelve (12) inch and 556 linear feet of eight (8) inch potable water lines and all appurtenances to serve the Dayspring Church, City of Lawton, Comanche County, Oklahoma. Action: approved.

17. Consider approving a Resolution authorizing the installation of traffic control devices on SW Jefferson between 11th Street and 12th Street. Action: approved.

18. Consider denying a request for the installation of traffic control devices at SW 15th Street and "C" Avenue. Action: approved.

19. Consider approving a Resolution authorizing the installation of traffic control devices on NW Crosby at Sheridan Road, NW Eisenhower Drive at 58th Street, 1630 S. Railroad Street, NE 9th Street from Rogers Lane to Dove Lane, S. Railroad Street from Lee Blvd. to Bishop, SW Park Ridge Blvd. near Park Way Drive, and the removal of a traffic control device at 4839 NE Winfield Circle.

Purcell said the person who wants to speak tonight only wants to talk about the removal of the signs, so he asked for a motion to approve all those signs, then we ll address the removal action.

MOTION by Bass, SECOND by Warren, to approve the installation of traffic control devices on NW Crosby at Sheridan Road, NW Eisenhower Drive at 58th Street, 1630 S. Railroad Street, NE 9th Street from Rogers Lane to Dove Lane, S. Railroad Street from Lee Blvd. to Bishop, SW Park Ridge Blvd. near Park Way Drive. AYE: Bass, Givens, Devine, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

Purcell said the next item on this is the removal of a traffic control device at 4839 NE Winfield Circle and we have someone who wishes to speak on this. Purcell said this is connected to another item very similar to this, item #20, so we will do #19 and then #20.

Ed Troupe, 4839 NE Winfield Circle said he has lived there for the past 22 years. He said on the north side of his house there is a City park and three to four times a week, during school session, there is soccer being played and it is quite congested. On his north side they are parking on both sides and is not allowing him to do the work he needs to do to maintain his lawn. They are butted up right next to the curb and this has been an on-going problem for three years. When it gets congested they park in front of his driveway and have also parked in front of his mailbox. He said about three years he talked with Purcell, he was on the Council at that time, and took him over to his house and showed him the congestion problem. At that time there was a no parking sign put up, but it is at the far east end, you can t see anything on the west end of it so they re still continuing to park. He said he was referred to our Traffic Engineer who took this to the Traffic Commission and they denied another sign being put up. He is requesting another sign be put up where parking is not allowed so he can go ahead and maintain his lawn they way he wants to.

Haywood asked if his house was on the end of the block. Troupe said yes, across from the park. He said behind him is a field and there is ample parking in this open field.

Purcell said there is a no parking sign there and the problem is, it s disregarded and the police cannot enforce that because it isn t clear enough. He said at the corner is a fire hydrant and people park all around it. So there is a double thing out there; he can t get to his property on those days and people are parking around the fire hydrant. He said in an attempt to get an additional sign, which is item #20 and we haven t gotten to that yet, they took this back to the Traffic Commission and on this item, voted to remove the current sign that s there. In the next item we are going to talk about, they denied the second sign. Purcell said he believes that s what Troupe is wanting, to keep the sign that s there and in the next item approve the sign the Traffic Commission denied. He said this may give the police enough information and enough signage out there that they can enforce the no parking.

MOTION by Bass, SECOND by Warren, to remove item 7 from **Resolution No. 04-106** and authorizing the installation of traffic control devices on NW Crosby at Sheridan Road, NW Eisenhower Drive at 58th Street, 1630 S. Railroad Street, NE

9th Street from Rogers Lane to Dove Lane, S. Railroad Street from Lee Blvd. to Bishop, SW Park Ridge Blvd. near Park Way Drive. AYE: Bass, Givens, Devine, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

20. Consider denying a request for the installation of traffic control devices near 3920 SW Park Ridge and an additional traffic control device on NE Euclid just east of Winfield Circle.

Purcell said Troupe would like the one on NE Euclid to have the extra traffic device added, which will make it very clear there is no parking in that area.

Warren said we have a traffic sign that s not doing an adequate job and have a citizen asking for another one to help do the job adequately, yet we have an Engineer that says not only are we not going to give you another sign, we re going to take out the one that s not working right. He asked what the reasoning was there.

Mitchell said that was the recommendation of both the Traffic Engineer and the Traffic Commission. He said his guess is the reasoning was they felt it was either unenforceable or there was no problem there. They didn t view it as having a problem.

Purcell said the only thing he knows is he has been out there when the problem exsits and there are cars parked there, but what s even stranger, we can t seem to enforce it even when they are parked right on top of the fire hydrant.

MOTION by Bass, SECOND by Givens, to deny the traffic control device near 3920 SW Park Ridge and approve **amending Resolution No. 04- 106** to approve an additional traffic control device at 4839 NE Euclid just east of Winfield Circle. AYE: Devine, Shanklin, Patton, Warren, Bass, Givens. NAY: Haywood. MOTION CARRIED.

Council went to item #31 at this time.

21. Consider approving the following contract extensions: Technical Support for International Festival (RFPCL03-074) with Journey Products; Lawton Arts and Entertainment Magazine (CL03-075) with Colorgraphics "The Print Shop"; Temporary Workers (CL02-062) with Direct Staffing Solutions, Inc.; Soil (CL04-010) with Pendland Topsoil; Rental of Cleaning Supplies (CL04-006) with Cintas Corporation; Thermoplastic Material (CL04-009) with Swarco Industries, Inc.; and Copier Charges (CL03-009) with High Tech Office Systems. Action: approved.

22. Consider rejecting bids for Automatic Transmission Repair (CL04-077). Action: approved.

23. Consider awarding contract for Water Clarification Chemicals (CL04-079). Action: approved.

24. Consider awarding contract for Hydraulic Excavator (CL04-076). Action: approved.

25. Consider awarding contract for Rear Suspension Repair (CL04-072). Action: approved.

26. Consider awarding contract for Access Control Security System (CL04-070). Action: approved.

27. Consider approving appointments to boards and commissions as shown on the exhibit to this item. Action: approved.

28. Consider approval of payroll for the period of July 5, 2004 through July 18, 2004. Action: approved.

BUSINESS ITEMS:

29. Consider accepting donation of funds raised by Ben Meraz, Willie Martinez and the Citizen's Police Academy Alumni Association.

Chief Harold Thorne said he was approached many months ago by a gentleman who asked if we employed tazers at the Lawton Police Department, which we did not at that time. He asked Thorne if we would be interested in allowing him to have a fundraiser for that. Thorne then introduced Ben Meraz and Willie Martinez, who were the ones who approached us requesting to do a fundraiser for this purpose. He said our Citizen s Police Academy Alumni Association agreed this was a worthwhile project and jumped on board. Through many fund raising efforts, including a golf tournament, a considerable amount of money was raised.

Willie Martinez said he was a little selfish in this deal because he tends to lean towards police officers, he has a son who s a police officer in Oklahoma City. He said he had an experience with his son who would come home all tore up, hurt in fights, and once they got the tazers, it seemed like it settled everything down and he thought our people here in LPD needed to have that item of equipment in their inventory. He and Meraz, along with CPAAA, wanted to have them help us. They raised over \$10,000 and feel this is an initial issue of this tazer and with the budget,

maybe Council can help them out a little more. He said they have them off on a start and hope this will help them, save man-hours, and have people not hurt anymore.

Thorne said Meraz believes so strongly in this that he also submitted to a shock from a tazer, as did many people in the fund raising events. Margaret from the CPAAA said they actually have raised more money than what she is presenting tonight, but they do have enough for one more tazer, but we re continuing in more fund raisers, so we will present that at a later date. She then presented the Mayor and the City of Lawton with a check for \$10,438 for the purchase of 13 tazers.

Purcell complimented everyone who worked so hard on this and the fundraisers, in raising the money for these tazers, but he wanted to especially recognize Ben Meraz and Willie Martinez, who are the ones who started this. They started it several months ago, came to him and asked if he would support this and he certainly did. All their work has resulted in this and the one thing everyone needs to know tonight is because of their work and efforts, in this year s budget, we have the money to buy 75 additional tazers. If it hadn t have been for these two gentlemen, we would not be there today. Purcell, on behalf of the entire Police Department, the citizens of Lawton, and the City Council, thanked Meraz and Martinez.

30. Hold a public hearing and consider an amendment to the 2025 Land Use Plan from Residential/Low Density to Professional Office and a change of zoning from R-1 (Single-Family Dwelling District) to P-0 (Professional and Office District) zoning classification located at 1802 NW Ferris Avenue.

Deborah Jones said the location of this rezoning request is 1802 NW Ferris Avenue, Lot 1, which is located on the south side of Ferris, between 18th Street and 19th Street. This request is in Carr Addition, initiated by Michael Anthony on the 22nd of April, 2003. Lots 2 through 5 were also rezoned Professional Office. She said the applicant has now acquired Lot 1 and is seeking to put the same zoning on it as well. The zoning of the surrounding area is R-1 to the north, south, east, and Professional Office to the west. The land use of the surrounding area is duplexes to the north, single-family residential to the south and east, and vacant and Professional Office which is currently under construction, to the west. The requested area is vacant. On July 8th the CPC held a hearing on this request and no one appeared in favor or in opposition to the request. The CPC by a vote of 8-0 recommended approval of the request to the City Council. Notice of Public Hearing was mailed on July 20th to 48 property owners within 300 feet of the requested area and proper notice was published in the Lawton Constitution on July 20th. No calls or letters have been received by the Planning Department since our publication and notice.

Devine said he doesn t understand why we are back to the spot zoning again. He said we know that s all going to turn into Professional Buildings through there. He asked why didn t we go ahead and take that to CPC and zone the whole block. He said he thought we were going to eliminate spot zoning.

Jones said it is virtually impossible for them to know what type of zoning each owner wants on the land. This particular owner has acquired five or six lots and desires Professional Office. There could be other owners who desire more intense zoning, so it s very difficult to initiate Administrative Rezoning without all the ownership in the requested area giving you some idea what they intend to do with the land.

Devine asked Jones if she didn t think that sets a precedence of what you re going to use that property for, instead of having one part of it PO and the other part C-4 and C-5, etc.

Jones said she believes the proper time to address land uses in the Land Use Plan, is in our update year. At that time, we can establish land use which is a policy and we can get some input as to how we think the trend will be on land use. That s not to say that s how it will be zoned, but it would certainly have some trends that could be examined by both the Planning Commission and the Council during that update.

Devine said he just doesn t understand why we keep doing the spot zoning. Every time we do that, that costs those property owners at least \$600 or in that neighborhood to spot zone each one of those lots. He said they did the entire half a mile north of here on 1st to 3rd, did it in one deal and it cost the City of Lawton approximately \$300 to do that. We are costing each individual to do those lots at approximately \$600 a pop and he doesn t think that s fair to the people who s buying the property.

PUBLIC HEARING OPENED AND CLOSED AT THIS TIME WITH NO PARTICIPANTS.

MOTION by Shanklin, SECOND by Devine, to approve **Ordinance No. 04- 33** and **Resolution No. 04- 104**, to approve amendment to the 2025 Land Use Plan from Residential/Low Density to Professional Office and a change of zoning from R-1 (Single-Family Dwelling District) to P-0 (Professional and Office District) zoning classification located at 1802 NW Ferris Avenue.

Vincent read the Ordinance Title at this time.

VOTE ON MOTION WAS HELD AT THIS TIME.

AYE: Devine, Shanklin, Patton, Haywood, Warren, Bass, Givens. NAY: None. MOTION CARRIED.

(Title Only)

Ordinance No. 04-33

An Ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to P-O (Professional and Office District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; authorizing changes to be made upon the Official Zoning Map in accordance with this ordinance.

Purcell said we would now go back to the Consent Agenda.

31. Hold public hearings and adopt resolutions declaring the structures at: 68 NW 24th Street; 72 NW 24th Street; 75 NW 24th Street; 76 NW 24th Street; 79 NW 24th Street; and 83 NW 24th Street.

Purcell asked if these could be all done at one time. Vincent said yes, they are all the same ownership.

Greg Buckley, Assistant City Manager said the property owner has requested these be voluntarily condemned so they can take advantage of the tipping fees at the landfill for cleaning the property.

Devine asked if these will be a resolution for all of them or just one. Purcell said we are going to do them all at the same time and it will be Resolution Nos. 04- 107 through 04- 112.

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS.

MOTION by Devine, SECOND by Bass, to approve Resolution No. 04- 107, 04- 108, 04- 109, 04- 110, 04- 111, and 04- 112 declaring the structures at: 68 NW 24th Street; 72 NW 24th Street; 75 NW 24th Street; 76 NW 24th Street; 79 NW 24th Street; and 83 NW 24th Street be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public s health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate. AYE: Shanklin, Patton, Haywood, Warren, Bass, Givens, Devine. NAY: None. MOTION CARRIED.

32. Consider receiving a report on the City's financial condition for the 4th Quarter of fiscal year 2003-2004, and provide direction to staff.

Endicott said this is the 4th Quarter Report ending June 30th and we had a pretty good year. He said we ended up in our General Enterprise Fund Budget about \$2.1 million excess, so that was good news. We had budgeted \$45,922,00 and collected about \$48 million. Our Sales Tax, compared to the same period last year was up 7.96% or \$857,000, our budgeted Revenue was exceeded by a little over 7%, Franchise Tax was up 9.96%, compared to last year, and we exceed the Franchise Revenue by 11.95%. He said we made a come back in Police fines, they ended up being down just a little over 3.7% and we ended up collecting about 94% of our budgeted revenue in Police fines. We clumped everything else together in All Other General Revenue and we were down about 20% compared to the same period last year. That previous year was the year we did some transfers from Capital Outlay to the General Fund, so that s part of the reason for that big percentage. He said overall we collected almost 14% more in that area than what we had budgeted.

Endicott said on the Enterprise Fund side, we did really well in Water Revenue, and he feels the budgeted revenue was right on target and we exceeded it by approximately 7%, a little over \$600,000 and that was due primarily to receiving some back monies from Fort Sill and Bar-S on their water.

Patton asked how much that was. Mitchell said the two companies, Fort Sill and Bar-S, we collected around \$560,000. Patton asked what we increased our projection on water revenue. Endicott said it was overall 3%, or something like that. He said Sewer Revenue was up over last year, by 1.5%, however, we missed the target on our budget. We budgeted almost \$4.8 million and collected about \$4.3 million. On Refuse Collection, it was up almost 3.79% over last year and we budgeted for \$4.6 million and collected just a little over \$5 million, so we were up a little over 9% over our budgeted amount. He said Landfill Revenue was down \$234,00 or almost 16% compared to last year and we only collected about 86% of our budgeted revenue.

Endicott said as far as the Expenditures, we came very close to our appropriated expenditures, we were within about \$60,000. He said in a month or so we will be bringing Council an amendment to this year s budget because of the Fire Contract and some other things. Last year we didn t do that, we probably should have. The reason we came so close to over expending was primarily due to the budget already being adopted for 03-04 and we had some things in there that were put back into the budget after it had been adopted, and with all the salaries and everything, that caused us to come very close to our appropriated budget for expenditures. He said we made it and we re ok. He said this year we approved the Fire Contract after the budget was adopted, so we need to come back to you and say we need to get that number in our appropriated expenditures and we will explain that all later.

Endicott said all in all we did really well for the year. We did really well on expenditures, even though what he just explained and the Revenue side ended up being a good picture. He doesn't anticipate seeing the large numbers we saw last year. He reminded Council that the monthly reports and the budget are on the website now.

Purcell explained we got within \$60,000 of our appropriated expenditures and that is awful close because we cannot go over by even one penny and that's why Endicott is saying they will bring us a Supplemental Budget this year to increase that budget to send it to the State to make sure we don't get too close. He said \$60,000 sure makes him nervous because that's a violation of State Law, if you go over by one penny.

33. Consider discussing and providing direction to staff concerning revisions and/or amendments to the code provisions regulating signs within the city limits of Lawton.

Purcell said he was concerned about overall signs and Givens also wanted it brought back for some other things, so we need to discuss the entire Sign Ordinance and provide direction to staff on which way we want them to go. We have problems with political signs and problems with all the other signs out there. He said Col. Joe Streleky has been waiting all night and with Council's permission he would like to speak on this item.

Givens said for 30 years he has been concerned about the signs in Lawton and was not successful getting a whole lot done several years ago and he is hoping the climate has changed this time. His recommendation would be the Mayor appoint a committee consisting of a couple Council Members, a couple members from the Planning Department, a couple members from the City Planning Commission, and a couple members from the Chamber of Commerce, to meet and discuss the overall current Sign Ordinance, with hopes to make some change recommendations to the Council. He said to include political, the proliferation as always, of all the signs over everywhere, and anything of that nature.

Vincent said he gave Council a copy of the Sign Code and an article dealing with the Central Business District signs is available.

Patton said he has a friend that has a sign company and he has been talking with Patton for many years about us being a little more consistent and pro-active on our enforcement and he would like to have some type of representation and enable him to be part of that process as well. Givens said it is fine with him. Purcell asked Patton to give him this person's name.

Warren voiced his support for Givens plan because the committee level is the way to do this because there is entirely too many changes that need to be made for Council to sit up here and talk about it.

Shanklin said Mrs. Pat Henry and her group worked on this for about six months one time and had a hard time in keeping people's interest. He said you are opening up another can of worms.

Purcell said one of the things we need to do once we get the Sign Ordinance in and it's approved by Council, then Council has to stand behind it and enforce it. It doesn't do all these people any good to do this if we are not going to enforce it. He is planning on asking for some of the City to be cleaned up under the current ordinance, but is holding off because they are short of help in that office and have also lost the head of that department. Patton said he would like to see enforcement on our ordinance and try to make a more concentrated effort at it.

Purcell asked for names of two Council members to serve on this committee. He asked Givens and Patton to serve.

Joe Streleky, 1101 NW Homestead said he was on the last committee in 1998 and his primary interest is what he calls junk signs. He said the purpose is to have easy and agreeable communication between businesses and people, considering safety, welfare, and maintain an attractive public appearance. He said this is a good town and we have a good ordinance but through neglect, things have been sliding downhill. He spoke on sign violations by businesses and nothing has been done and now other businesses are starting to do the same. He said most businessmen are proud of Lawton and want to do right. He said he doesn't think they know what the rules are. He suggests the City or the Chamber of Commerce put out a one page, with the basic fundamental rules, and publish it. He said there is a list of exceptions and he urged Council to be very careful, you can put a 100 page document out and ruin it by putting in so many exceptions that you make the whole document null and void.

Purcell said he will bring back the list of names for the committee at the next Council meeting.

REPORTS:

Haywood asked Vincent if before you play music outside, don't you have to have a permit. Vincent said it depends on the zoning classification. He said they are looking into that and Tim Wilson was actually down there Saturday night, officially. He said he will be visiting with the Chief tomorrow. Haywood said at the Town Meeting, Bill Wallace came down by 7th Street, when it was Ward 5, and we did discuss about trying to put some curbs and gutters there and the money would come from the Community Development Block Grant money. He thanked the Mayor for

coming down to the Douglas School Reunion. Purcell said it was a fun luncheon and was interesting watching people who haven't seen each other for 20-30 years and are not sure they recognize someone across the room and finally they do and it was just fun to watch.

Shanklin said Wallace was Ward 5, but he couldn't ever get any money from Haywood's Ward from CDBG and we were going to try to do it one block at a time, but he couldn't ever get the money, it all belonged to Haywood's Ward.

Shanklin spoke about City employees being pro-active and make notes of violations and problems around town. He spoke about the conditions of our alleys. If you are going to bring someone in who might be interested in coming into Lawton and they were to see our alleys, he is ashamed of them. He said Dave Tracey, our Street Superintendent is doing a great job.

Haywood reiterated what Shanklin said about Tracy and he doesn't know how we keep him without paying him more money because he is doing an outstanding job.

Givens said he saw in the paper the other day where they challenged the Councilman in Ward 5 to do something about the landscaping of Gore Blvd. and asked Shanklin if he had a comment on that.

Shanklin said the prima-dona who did it before should continue his actions.

Warren said he had the opportunity to attend Kids Day at the Comanche County Coliseum and he thinks this is a great deal and anything we can do in the future to help that program along, he thinks we should do it. It's very seldom anymore where you get to see a kid having a good time with his parents and it was really enjoyable seeing those kids having fun and the parents having fun also.

Purcell said last Friday was a great Birthday party, we had a great turn out and a wonderful unveiling of the statute. He said Dr. Gardner did a super job. He thanked Gardner for his all his contributions and it means a lot to the City of Lawton and the people here. Today we had the Grand Opening for Fire Station #5 and it was very successful.

Mitchell said the new owner of the Fort Sill Garden Apartments has submitted their plans for a building permit today. They have cleaned up the site and that is a very positive sign for that neighborhood.

Vincent said at the next Council meeting he will be submitting a request from the Oklahoma Municipal League Oklahoma Municipal Utility Providers for reappointment on the Steering Committee. It is totally up to the Council, but he will be agendaing that item.

Purcell asked how many people were going to attend the OML Conference next week. He also asked who was going to the National League of Cities and if you want to go, you need to get in touch with Traci in the Mayor's office.

Purcell said there are a lot of vacancies on committees and he needs Council's help and a lot of them are Ward appointed. We are frustrating people on committees when you have a vacancy that needs to be Ward appointed, he needs a name. We need to get those committees filled up so when they have meetings, they have a quorum.

The Mayor and Council convened in executive session at approximately 8:10 p.m. and reconvened in regular, open session at approximately 8:26 p.m. with roll call reflecting all members present, with the exception of Ewing-Holmstrom.

EXECUTIVE SESSION ITEMS:

34. Pursuant to Sections 307B.3 and 307D, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the possible sale of property at approximately SW 3rd and Bishop, and if necessary, take appropriate action in open session.

Vincent read the title of Item 34 as shown above. He said Council convened in executive session and did discuss the possibility of declaring that surplus and obtaining an appraisal.

MOTION by Haywood. SECOND by Warren, to declare property located west of SW 3rd between Bishop and Texas Avenue surplus and authorize the City Attorney to have the property appraised. AYE: Haywood, Warren, Bass, Givens, Devine, Shanklin, Patton. NAY: None. MOTION CARRIED.

35. Pursuant to Sections 307B.3 and 307D, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the possible acquisition of property for the Flower Mound Road project, and if necessary, take appropriate action in open session.

Vincent read the title of Item 35 as shown above. He said Council convened in executive session and after discussion, no action is required at this time.

There being no further business to consider, the meeting adjourned at 8:28 p.m. upon motion, second and roll call vote.