

Linda Andrews, 503 SW I Avenue, requested a four way stop sign on the corner of 5th and I Avenue. She had a 13 year old boy hit by a car last night. She does not want to see any children hurt.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF SEPTEMBER 25 AND OCTOBER 23, 2007.

MOVED by Hanna, SECOND by Drewry, to approve the minutes of Lawton City Council regular meetings of September 25 and October 23, 2007. AYE: Patton, Haywood, Warren, Hanna, Drewry, Jackson, Shanklin. 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 item #31.

Vincent requested item #10 be considered separately.

MOVED by Warren, SECOND by Drewry, to approve the Consent Agenda with the exception of item #10. AYE: Haywood, Warren, Hanna, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of the resolution authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Luella C. Bostick in the reduced amount of \$1,181.28 (**Resolution 07-150**), Heather L. and Robert G. Spencer in the amount of \$35.42, Claude Davis Miggins in the amount of \$120.00, Jenna J. Rodrick in the amount of \$225.00, Dionisio and Jaclyn Casas in the amount of \$2,057.00 (**Resolution 07-151**), and Misty Prudencio in the reduced amount of \$4,143.79 (**Resolution 07-152**). Exhibits: Legal Opinions/Recommendations, Resolution No. ___, Resolution No. ___ and Resolution No. ___.

2. Consider ratifying the actions of the Lawton Water Authority by approving an Amendment to the Lease Agreement with the Lawton Boat Club, and authorize the Mayor and City Clerk to execute the Amendment. Exhibits: Amendment No. 1 is on file at the City Clerk s Office.

3. Consider authorizing the City Attorney to accept the settlement of Two Thousand and No/100 Dollars (\$2,000.00) for the City s subrogation interest in the personal injury case of Kelly Ross. Exhibits: None.

4. Consider adopting a resolution approving the settlement by a joint petition and making payment in the pending workers' compensation claim of Roger Parks. Exhibits: **Resolution No. 2007-153**.

5. Acknowledge receipt of election returns of October 9, 2007. Exhibits: Official Certification of Votes from Comanche County Election Board.

6. Consider approving the 2008 Notice of Meeting Schedule for Lawton City Council Meetings and Resolution 07-___ rescheduling the regularly scheduled meetings in November and December, 2008. Exhibits: 2008 Notice of Meeting Schedule for Lawton City Council; **Resolution No. 07-154**.

7. Consider approving the placement of a life size bronze sculpture of Lauren Nelson, Miss America 2007, inside the new city hall. Exhibits: Letter of request to place the bronze sculpture in the new city hall.

8. Consider approving the first option to renew request from Kent Waller in accordance with Amendment No. 3 of the Ground Lease and Non-Exclusive Concession Operation agreement between the Lawton Water Authority, Schoolhouse Slough, Inc., and the City of Lawton, Oklahoma. Exhibits: Amendment NO. 3 of lease, Council Agenda December 10, 2002 and Letter of request from Mr. Kent Waller to excise his first (1st) five (5) year option.

9. Consider approving Change Order #1 for the Lawton Public Library Re-Roofing Project #2004-15 with Metal Roof Contractors, Inc. Exhibits: None.

10. Consider authorizing a Resolution of Necessity for real property acquisition for the North Wolf Creek Expansion #3 Project. Exhibits: Resolution 07-___ and Location Map.

Vincent stated he received a telephone call from Ed Dzialo, who represents the Lawton Country

Club Board. Mr. Dzialo requested the opportunity to address the City Council

Mr. Dzialo stated he requested to speak to the City Council to suggest a better alternative in the implementation of the sewer line across the country club. Since 1961 the City of Lawton has had an easement across virtually the entire country club from east to west which contains a sanitary sewer. The board of directors would like to cooperate in every possible way to expedite, but they feel there is a better way to do this to minimize damages to the country club and the City of Lawton. The City currently has a 20 foot easement and they wish to acquire an additional 70 feet. The country club has suggested an alternative which consists of putting in a sewer line near the creek on the north side, following the driving range which will minimize the economic consequences of placing it across the golf course. If they cross the entire golf course they will affect the sprinkler system, electric lines and all of the fairways. They feel the alternative along the creek is a better option. He requested that the Council table this issue and allow him to continue working with staff to look at the options to minimize the impact on the country club.

Shanklin stated he was going to pull this item. He questioned why we had to have 90 feet.

Jerry Ihler, Public Works Director, stated the depth of the sewer line pipe is going to be approximately 20 feet deep. They originally indicated that 20 feet would be temporary, so they were looking at 70 feet permanent.

Shanklin questioned what Mr. Ihler meant by permanent? Can they not use any of this land?

Ihler stated they can use every inch of it. It is an easement. They need that much width to be able to construct a 36-inch pipe.

Jackson questioned if Ihler had any problem with tabling this item or if he has any answers to Mr. Dzialo's statements.

Ihler stated their first concern was that they may not be able to do it and maintain a minimum slope. In order to follow the north side of Wolf Creek, this adds an additional 400 feet of pipe. He stated after they looked at the option, they would be able to physically meet the minimum slope, however, the cost for the additional 400 feet of pipe, five additional man holes and rock bedding will be in the neighborhood of \$100,000.

Shanklin questioned when they were going to do this and how long will it take.

Ihler stated they had hoped to start the second week of December and they had anticipated it would take approximately 90 days to complete the project. If they go through the creek, that additional 400 feet will add another month to the project. The greatest concern of the sewer rehab crew is that they need to stay far enough north on the north side of the channel so that they are well off the tow of slope. They are concerned that they may be damaging three greens and two tee boxes. They would like to stay away from the greens because that would be the most costly.

Shanklin questioned if they were going to start and finish or meet in the middle.

Ihler stated they will start at one end and go all the way across. He stated they plan on covering up at the end of each day. At most they would have two fairways at a time that may not be able to be played. He stated another concern they had with the option along the creek is that they would need to be removing many trees, and with the existing option they would only have to remove two trees.

Shanklin questioned why the country club would have a problem with this. He stated most of this would be covered up within 30-40 days and it is in the winter time.

Mr. Dzialo stated that everyone agrees that this construction project will damage nine fairways, the sprinkler systems, electrical to the sprinkler systems and cart paths. The path along the creek is a much better idea. It may be more expensive, but he cannot calculate the amount of damages to the country club when nine fairways are crossed and the sprinkler system is cut. It is going to happen. That needs to be factored in to the Council's decision on which way to proceed. Going along the creek will not affect any green or tee boxes.

Shanklin questioned if we had to buy the right of way.

Vincent stated whether we work out a deal for what has been proposed on this or we go through a condemnation, we would owe them damages. He stated if we do realign this down the creek, he would like to look at the option of the country club donating the easement and not charging any damages.

Mr. Dzialo stated that would be a board decision, but consistent with his direction from the board, they do want to cooperate with the City in getting this sewer line accomplished with minimal impact or economic hardship for the country club and minimal damages to the City.

Patton suggested they table this and let the attorneys get together and see if they can reach some type of agreement.

Warren questioned if they needed to table this item to a certain date.

Vincent stated he will bring this back as soon as possible, but he is not sure of the timetable for the country club board meetings.

MOVED by Patton, SECOND by Jackson, to table. AYE: Warren, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

11. Consider adopting Street Light Resolution No. 454 to authorize the installation of street lights at the locations listed in the Resolution. Exhibits: Street Light Resolution No. 454.

12. Consider approving the construction plat for Wyatt Acres Addition, Part 15, subject to conditions. Exhibits: Plat Map.

13. Consider approving the construction plat for Regal Estates, Part 6, subject to conditions. Exhibits: Plat Map.

14. Consider approving the construction plat for Rolling Hills Addition, Part 4, subject to conditions. Exhibits: Plat Map.

15. Consider extending the contract (CL07-012) Pest Control Services with Advanced Pest & Termite Services of Sterling, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

16. Consider extending the contract (CL07-008) Coagulant Aid (Polymer) with Polydyne Inc of Riceboro GA. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

17. Consider awarding (CL08-016) In-Frame Rebuild of D-8 Caterpillar Engine to CL Boyd Co Inc. of Lawton, OK. Exhibits: Department recommendation, abstract of bids.

18. Consider extending the contract (CL06-009) Rental Equipment with C L Boyd Company, Inc. of Oklahoma City OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

19. Consider extending the contract (CL06-005) VHF/UHF Portable & VHF/UHF Mobile Radio Equipment with Lawton Communications of Lawton, OK. Exhibits: Department Recommendation, Price Sheet, Abstract of bids, Contract Extension Form.

20. Consider awarding (CL08-019) Powdered Activated Carbon to F2 Industries of Smyrna, TN. Exhibits: Department recommendation, abstract of bids.

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

22. Consider approval of payroll for the periods of October 29 November 25, 2007.

BUSINESS ITEMS:

23. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Residential/Low Density to Residential/High Density and Commercial and an ordinance changing the zoning from A-2 (Suburban District) and F (Floodplain District) to R-1 (Single-Family Dwelling District), R-4 (High Density Apartment District), and C-4 (Tourist Commercial District) zoning classification located at the north of SW Lee Boulevard, west of SW 52nd Street. Exhibits: Resolution No. 07-___, Ordinance No. 07-___ (as recommended by CPC), Ordinance No. 07-___ (as requested), Location Map, Applications and CPC Minutes.

Richard Rogalski, Planning Director, stated this request is for approximately 86 acres of R-1 zoning, 7.12 acres of R-4 zoning, and 7.75 acres of C-4 zoning. The applicant, Steve Rich, has submitted a development sketch for this area, Park View Addition. The land is owned by the Commissioners of the Land Office. Mr. Keith Kuhlman, Director of Real Estate Management, Commissioners of the Land Office, submitted a letter acknowledging that Mr. Rich has the right to request the rezoning. They have consented to this rezoning request.

The existing zoning of the area is primarily A-2 and there is large section of F, which is floodplain. In this particular case there is not a FEMA floodplain on the site. In fact this channel isn't even a primary channel, but it is zoned floodplain. The surrounding area is A-2 and C-2 (Neighborhood Shopping Center District) to the north; A-2, C-1 (Local Commercial District), and Planned Unit Development to the south; A-2, R-1, and C-1 to the east; and R-1 and A-2 to the west. The land use of the surrounding area is vacant and miniwarehouses to the north; vacant and Arvest Bank, Taco Mayo, Southwestern Medical Center, and medical offices to the south; vacant, single-family residential, and medical offices across SW 52nd Street to the east; and single-family residential and vacant to the west.

On October 25, 2007, the City Planning Commission held a public hearing and reviewed this request. During the public hearing one person spoke in favor of the request and one person spoke against the request. The CPC, by a vote of 9-0, recommended approval of amending the 2025 Land Use Plan as requested and changing the zoning to R-1 and R-4 as requested; however, the Commission recommended C-2 zoning instead of C-4 zoning for the following reasons:

1) The proposed use stated in the application is planned shopping center, 2) Even though the applicant stated the plan was to remove the existing billboards and construct one new billboard, the CPC is not in favor of additional billboards, 3) The CPC believes the uses permitted in C-4 would not be compatible with the existing and proposed residential, and the CPC realizes that ownership of the land may change and even though the only C-4 use proposed was a billboard, any future owner could establish any of the uses permitted in C-4 and 4) C-4 is the Tourist Commercial District, and this section of Lee Boulevard is not a tourist area.

This request, regardless of C-2 or C-4, does require a land use plan amendment. The 2025 Land Use Plan designates this land as Residential/Low Density.

Notice of public hearing was mailed on November 6, 2007 to 91 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on November 11, 2007. One call against the request has been received. Staff has received a petition against this rezoning. The petition is signed primarily by the residents of the adjacent subdivision along 60th Street. He stated there are 36 names on the petition. Per code, the requirement for the 3/4ths majority has to do with the area of the land that is in the 300 foot designated area. The majority of the area of this land is actually owned by the Commissioners of the Land Office. This petition does not meet the requirement for a 3/4ths majority.

Drewry stated she went out and looked at that land today and the land is so much higher than the residential area. What will we do about flood control?

Rogalski stated the majority of the property does drain into the existing swell that goes in the middle. A large culvert crosses the road. This project would be required to meet the detention ordinance and therefore detention would be required on all offsite releases.

Drewry questioned how they would get in and out of the subdivision.

Rogalski stated there are a number of roadways planned. There are two existing access points that correspond with the zone lines. As part of the master plan they do show connections to 60th Street. The City would normally require connections to adjacent properties. On this project the streets were not built on the rights of way because there is a channel in the middle of that right of way. He stated we do encourage indirect connectivity meaning you can get there if there is an emergency, but it is not the easiest way to get there, therefore you don't have a lot of people trying to funnel through the subdivision. He would think that the majority of people that live in the subdivision are going to go directly south to Lee Boulevard or over to 52nd Street. He would not think that either of these would be considered short cuts for the majority of the property owners.

Haywood questioned if there was going to be two cuts on Lee or one cut.

Rogalski stated currently there are two roads planned on Lee Boulevard. Those are already areas where the access limitation was set aside. They align with the streets on the south side of Lee Boulevard.

Hanna questioned if there were any accesses on 52nd Street.

Rogalski stated yes, they would require access in that direction.

Hanna stated most of the complaints he has received is that citizens are worried about cars going through the residential off 60th Street. That is a pretty dense area.

Rogalski stated he does not like any cut through traffic. As they design these subdivisions they try to urge the designers to arrange in such a way that discourages cut through traffic. In this case, as traffic comes to the south they would either turn or come straight down to Lee Boulevard.

Hanna questioned why they could not go down 52nd Street.

Rogalski stated they could also cut through and go to 52nd Street.

Drewry stated that 60th Street is very narrow and there are lots of kids.

Rogalski stated the access requirements are really part of the subdivision and not really part of this zoning request. He stated there is some sensitivity to this issue and staff will require them to connect. Both CPC and City Council approve plats and they are the ultimate authority on where these roads will go. He stated they can talk with the developer and the neighbors. He stated he liked the design of the subdivision in such that the through streets do prevent people from wanting to go through there.

Mayor Purcell stated that the City Council has the final authority to insist that some at some point in time there be an access.

Warren stated he is going to support what the citizens in that subdivision are asking for, but they need to understand that the road issue and the rezoning are two completely separate issues and he does not want to confuse the rezoning with the street issue. At some time they will approve the plat. The roads do not affect the rezoning. This petition is letting the developer know that there is a large opposition to those roads and possibly the developer will figure out a different way to do this rather than fight this battle. He would like to make the project happen, but we need to protect the citizens.

Drewry stated that is why this discussion is important, so that everyone knows where we are coming from. She would like to protect the residents that are already there.

Warren stated that he does not want people thinking that if they do not rezone this, that will protect them.

PUBLIC HEARING OPENED.

Mike Langford, 926 SW 60th Street, stated initially the residents did not want the rezoning, but after talking with several city council members they understand that Lawton has to grow. The issue they have is the two roads they are talking about. He stated the Brookline Road, the north road, where the cut is for drainage, that is a straight shot all the way to 67th. He can see the residents from that area taking that straight shot to go all the way to 67th. He stated there is only one exit onto Lee from that Lee West Addition. This would add more traffic to that west side. They are opposed to the roads going in to cause more traffic. He stated the other issue is water. When they get a lot of rain there is water standing in their yards. He stated they get a river from 60th street.

Mayor Purcell stated we do have a retention and detention policy which could help with the flooding problem the residents are currently experiencing.

Steve Rich, project developer, stated in the area where the church will go, their primary interest is off of Lee Boulevard. He stated the access from the proposed development over into the development to the west, there has been a lot of input. They would not like to tie this development in with that, but for fire safety, the engineers are saying this needs to happen to make it flow better. He stated he is not an engineer and Landmark Engineering is taking care of all of this along with working with Mr. Rogalski. He stated whatever the City Council decides is what they will do as far as the placement of the streets. He stated there will be several points of ingress and egress, so he cannot see much traffic going through on 61st Street. It is not very feasible in his mind.

Haywood questioned how many houses would be built.

Mr. Rich stated approximately 300.

PUBLIC HEARING CLOSED.

Mayor Purcell stated that there are two options for the ordinance. One is to rezone the property C-2, which is the recommendation of the City Planning Commission, and the other option is for C-4.

Rogalski stated the original request was for C-4. He stated the City Planning Commission and the staff is recommending C-2.

MOVED by Warren, SECOND by Jackson, to adopt **Resolution 07-155** and **Ordinance 07-61**, changing the zoning from A-2 and F to R-1, R-4, and C-2 zoning classification, waive the reading of the ordinance, read the title only. AYE: Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

An ordinance changing the zoning classification from the existing classification of A-2 (Suburban District) and F (Floodplain District) to R-1 (Single-Family Dwelling District), R-4 (High Density Apartment District), and C-2 (Planned Neighborhood Shopping Center District) zoning classification on the tracts of land that is approximately the NW corner of SW 52nd and Lee Boulevard, which are hereinafter more particularly described in sections one (1), two (2), and three (3) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

24. Hold a public hearing and consider an ordinance changing the zoning from R-3 (Multiple-Family Dwelling District) to R-4 (High Density Apartment District) zoning classification located at 2412 2424 SW G Avenue. Exhibits: Ordinance No. 07-___, Location Map, Site Plan, Application and CPC Minutes.

Rogalski stated this request is for Lots 11 18, Block 7, Sunset Place Addition which measure 200 feet by 137 feet (27,400 square feet). The proposed use is a 16-unit multiple-family apartment complex. The applicant is Dale Pulrang. The zoning of the surrounding area is I-1 (Restricted Manufacturing and Warehouse District) and C-2 (Neighborhood Shopping Center District) to the north, R-3 to the south and east, and R-3 and R-4 to the west. The land use of the surrounding area is Co-op Services and railroad tracks to the north and single-family residential to the south, east, and west. The 2025 Land Use Plan designates these lots as Residential/High Density. The applicant wants to construct 16 apartment units. The density provided in R-3 for these lots would allow only 12 units.

On October 25, 2007, the City Planning Commission held a public hearing on this request. No one spoke for or against the request during the public hearing, but it was noted that one person had contacted the chairman and staff opposing the request. The CPC, by a vote of 8 0 1, recommended approval of the rezoning to the City Council. Notice of public hearing was mailed on November 6, 2007 to 35 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on November 11, 2007.

Shanklin questioned why we would only let him have 12 units when he requested 16.

Rogalski stated the current zoning of R-3 is multi-family, but it would only allow 12 units based on the area of the lots he owns. The R-4 zoning would allow all 16 he requested. That is why he has requested the rezoning.

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

MOVED by Shanklin, SECOND by Haywood, to adopt **Ordinance 07-62**, waive the reading of the ordinance, read the title only. AYE: Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

An ordinance changing the zoning classification from the existing classification of R-3 (Multiple-Family Dwelling District) to R-4 (High Density Apartment 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.

25. Hold a public hearing and consider an ordinance closing the 800 block of NW 40th Street located in Heinz Addition, Part 8. Exhibits: Ordinance No. 07-___, Application, Location Map and Council Policy 5-1.

Rogalski stated an Application for Closing of Public Way or Easement has been submitted by Lawton Baptist Tabernacle to close the portion of NW 40th Street located in Heinz Addition, Part 8. Heinz Addition, Part 8, was platted in 1973 but was never constructed. It is the intent of the applicant to have the plat vacated. The plat contains four single-family residential lots. The proposed use of the land is a townhouse development. The applicant intends to petition district court to vacate this right-of-way upon a successful closure ordinance by the City Council.

On October 23, 2007, the City Council set the date of November 27, 2007 to hold a public hearing and consider this request. Notice was mailed on October 26, 2007, to 46 property owners, and proper notice was published in *The Lawton Constitution* on November 11, 2007. The utility companies were notified of the request on September 27, 2007. No objections were received.

Rogalski stated there would be significant cut through traffic on this roadway, so it would impact the owners of the property in this area. In this case it is probably best not to extend the roadway. They have told the applicant that rather than leave a dead end street, staff would require them to build a hammer head turn around, which is the smallest turn around you can actually turn a fire truck. He did run this by the fire department and they feel this would be applicable since a sufficient road for a cul-de-sac is not available. The applicant does intend to rezone and develop the property.

Drewry stated that to open that road would be a disaster. There is so much traffic now on Meadowbrook and 40th.

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

MOVED by Drewry, SECOND by Warren, to adopt **Ordinance 07-63**, waive the reading of the ordinance, read the title only. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Hanna. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-63

An ordinance closing a portion of NW 40th street right-of-way located in the 800 block of NW 40th, Heinz addition, part 8, more particularly described in section one of the ordinance.

26. Receive the semi-annual update of the hotel/motel tax funded activities for FY 2007-2008.
Exhibits: None.

Dana Davis, President of Lawton Fort Sill Chamber of Commerce, introduced Dr. Sylvia Burgess, Chairman of the Chamber Board. He stated that notebooks were distributed to each councilmember before the meeting. He encouraged everyone to review the information and give him a call if anyone had any questions. He stated they have been seeking to fill the vacant position of Economic Development Director and have employed a professional search firm to conduct a national search. Hopefully they will have someone within 90 days. He stated that BRAC will have a significant impact on this community and they are out there talking with defense contractors trying to encourage them that they need to be here as well. He stated the problem is trying to figure out the timeline of BRAC since it is still a moving target. He stated they are also concerned about our labor supply which continues to be an issue for Lawton. They are working on some concepts that will increase the labor supply here in Lawton. He stated they are talking with ASCOG about the possibility of a grant to hold job fairs outside of SW Oklahoma. They have had meeting with the Strategic Planning Office at Fort Bliss to market Lawton-Fort Sill to the civilian workforce. They need to make sure that qualified people from around the country are willing to move to Lawton. He stated a list of active projects is provided in the notebook. With regards to the BAE project, the Lawton Industrial Foundation has a responsibility of constructing that facility at the Fort Sill Industrial Park and they are moving that process forward. They have received statements of qualifications from architectural firms and have put together a task force that will be reviewing and conducting interviews the second week of December. Their goal is to have an architectural firm identified by the end of the year and working by the middle of January. They hope to have an opening in the fall of 2009. He stated they are very happy to have jet service from Delta starting in March. He stated the Military Affairs Committee has sponsored farewell ceremonies and hosted an event for representatives from NATO countries. Participation at Co-op events have increased. They have also implemented new point of contact meetings for the Co-op program which they plan on holding quarterly to make sure that the units at Fort Sill and businesses are communicating. Legislative Affairs Committee has issued a legislative survey and the results will be back this week. He stated the Washington D.C. trip is scheduled for April 28th 30th. They have provided a comprehensive community wide image campaign. This includes bus benches, billboard and airport signage. They have encouraged businesses to use this logo in their advertising.

Patton stated he had a constituent call and ask him if the Chamber advertised with AAA.

Mr. Davis stated he does not recall ever advertising in that publication. He stated they will look into it.

27. Consider approving a thirty (30) foot wide Permanent Easement across City owned property at Lake Ellsworth and authorize the Mayor and City Clerk to execute the Permanent Easement. Exhibits: Request Letter, Aerial Photo of Proposed Easement, Permanent Easement, Order of De-annexation and Grant of License.

Vincent stated that the Caddo County Rural Water District #3, which services the area surrounding Lake Ellsworth on the east and south, has requested from the City of Lawton two easements to provide potable water to the VA cemetery. Right now the City of Lawton furnishes the irrigation water through a connection to the 42-inch coming out of the Ellsworth area. In negotiating with them he was able to get a service area map for Caddo County Rural Water District #3 which includes the Fort Sill Industrial Park. They do not have the capability of servicing the new plant that was previously talked about by Mr. Davis. He stated staff proposed that if the water district de-annexed this area and in turn give the City of Lawton the service rights, we would provide them the easements. Their Board of Directors has de-annexed the area and this has been approved by the Caddo County Board of Commissioners and we do have a letter giving us the right to service the area. He feels this is an excellent opportunity for the City of Lawton to help the City of Elgin. He stated we also did receive an easement along the Fort Sill boundary if we have to bring water up to Elgin.

Shanklin questioned where this source of water originates.

Vincent stated the water comes from wells in Caddo County.

Shanklin stated there is a big lake in that area.

Vincent stated he does not know if they get water from Fort Cobb or not. He stated he would like to thank the Caddo County Commissioners and the Caddo County Rural Water District #3 Board of Directors for working with us to make this happen.

MOVED by Warren, SECOND by Jackson, to approve a thirty (30) foot wide Permanent Easement across City owned property at Lake Ellsworth and authorize the Mayor and City Clerk to execute the Permanent Easement. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Drewry. ABSENT: Hanna. NAY: None. MOTION CARRIED.

Mitchell stated he would like to thank John Vincent who worked very hard on this issue. This will give us a long term water solution to our friends in Elgin. This is a big step for both the City of Lawton and the City of Elgin.

28. Consider waiving Council Policy 1-6, and if approved, reconsider the naming of S.W. G Avenue from 3rd Street to 6th Street to Dr. Joe R. Williams, Sr. Avenue and if renamed back to S.W. G Avenue, approve the dedication of S.W. G Avenue from 3rd Street to 6th Street in honor of Dr. Joe R. Williams, Sr. Exhibits: Minutes from Lawton City Council meeting of May 8, 2007.

Mayor Purcell stated the first order of business would be to waive Council Policy 1-6.

MOVED by Drewry, SECOND by Warren, to waive Council Policy 1-6. AYE: Shanklin, Patton, Warren, Drewry, Jackson. ABSENT: Hanna. NAY: Haywood. MOTION CARRIED.

Mayor Purcell distributed photographs of the VFW Way dedicated street. He stated 20th Street remains the same and there is a large sign underneath that says VFW Way. He stated this is how it would look if they dedicated a street.

Warren stated the reason he asked that they reconsider this is not simply for the fact that the street was renamed, his issue is that the normal process they would use to rename a street was not followed in this instance. Normally they would agenda an item to rename a street and Parks & Recreation Department would send out a notice to individuals who live within 300 feet of the affected area and they would be put on notice that this was on the agenda. He stated the City Council would then pass a resolution changing the name. He stated on the name change in question they did not do any of this. Basically, they agended an item to dedicate a street and then at the meeting they renamed the street without notifying anyone that lived on that street. Those residents did not have any input in the process and they were not treated the way they should be treated.

Mayor Purcell stated they never did pass a resolution to rename the street so it is not official. He stated they need to do something to fix the overall problem.

Haywood stated it is at the courthouse.

Mayor Purcell stated they were never given anything. He does not know how it got done.

Haywood stated the VFW Way dedication was done on January 25, 2000. When they did this there was a substitute motion by Devine. He voted no. They have to be consistent with what they are doing. He thought those particular individuals deserve that particular street because they had fought in World War I, II, Korean War, Vietnam War, etc. He stated the vote was 4-4 and the Mayor voted yes. He does not want to get into it with Councilmember Warren. He stated there is 640 miles of streets in the city of Lawton. In Lawton View they have Jesse Davenport which is one mile, N.H. Jones which is seven blocks, Dr. Whitlow is eleven blocks, so that come out to be 2.5 miles in Lawton View. Then there is Albert Johnson which is four blocks, Dr. L.K. Jones which is four blocks, George Washington Carver which is five blocks and Patterson which is one block. This comes out to be 1.3 miles. All together you have 3.8 miles. He stated that is 640 miles versus 3.8 miles of streets being names after African-Americans. He stated if they add Dr. Joe R. Williams, Sr., that would be 4.2 miles. He stated that is a bad disparity. He stated he requested on May 8th to not designate this street. He is not going ever going to support a dedication sign for anyone. He will never recommend a dedication. He stated if this one was not done right, it was not the fault of the group that requested. He stated the parents came in from Mississippi and they had a ceremony. He stated he has no ill feelings for those people on G Avenue. At that time they had three residences between 5th and 6th Streets. He stated Mr. Jensen owned lots 3, 4, 5 and 6. Kirk s Ambulance Service they own the majority with 27 or 28 lots. The church owns about 7 lots and they are getting ready to buy 4 more lots. The church has after school programs and they are doing a lot of things that others need to be doing in their community. He is very proud of them. He stated the reason he fought for this is because he did have two more streets to name. They talk about doing what is right and they need to be consistent on what they do.

Shanklin questioned if Councilmember Haywood did not like the way the VFW Way dedication sign looked.

Haywood stated that he did not like the way it looked. He stated he would like it if the sign was at the top.

Shanklin clarified that the VFW Way sign should be on top.

Haywood stated yes.

Mayor Purcell stated that is still a dedication. They could put the bigger sign on top.

Haywood stated it is wrong to go back.

Joe Williams, Jr., 6708 SW Embassy Circle, stated they went through the appropriate channels and met with the Parks and Recreation Commission and they said they would recommend the dedication. Based on this information, they do not feel they should be punished for something that is outside of their purview. He stated it has even been recognized by Oklahoma State Legislators that the street has been renamed through phone calls, emails and a citation. It has also been changed by the post office. They feel it would be a waste of time and money to go back and change something that has already been done. They requested that the City Council's initial decision stand. He read a letter from Dr. Williams.

Annalea Davis, 4605 SW Cherokee Avenue, stated they have a small family business on G Avenue and they will be required to go back and change all of their advertisements. They were not notified of this change. They did not know of the change until the street signs went up. She stated that Dr. Williams does deserve the dedication, but she would request that they leave the street named G Avenue. There would be a lot of unnecessary expense on the 14 businesses on G Avenue.

Haywood stated that Ms. Davis leases the property.

Richard Jensen, 1001 Arlington, stated it does not matter whether they own or lease the property. He feels it needs to go back to G Avenue. He has no problem with a dedication.

Shanklin questioned if it would bother Mr. Jensen if the dedication sign goes above the street sign.

Mr. Jensen stated it would not bother him at all.

Haywood stated they he went to Mr. Jensen's business and he had no address at all.

He stated he advertises nationally in magazines.

Warren stated this is nothing personal, but a dedication simply provides the same amount of honor as a renaming, but it allows those who have businesses or residences on that street, the ability to not have to change their address. He stated they can put a plaque three times the size of the street sign, he does not care what it looks like. The honor is in the dedication.

Haywood stated there is Dr. Martin Luther King out on I-44. He questioned if that was a dedication or a renaming.

Mayor Purcell stated that is a state highway and probably is a dedication.

Haywood stated the dedication name is never mentioned.

Drewry stated she does not have a problem when they name new streets, but she does have a problem when they change existing streets.

MOVED by Warren SECOND by Drewry, to leave the street name as S.W. G Avenue and dedicate S.W. G Avenue from 3rd Street to 6th in honor of Dr. Joe R. Williams, Sr. AYE: Patton, Warren, Hanna, Drewry, Jackson, Shanklin. NAY: Haywood. MOTION CARRIED.

29. Consider an ordinance adding Section 2-5-1-502, Division 2-5-1, Article 2-5, Chapter 2, Lawton City Code, 2005, by establishing guidelines for renaming of public streets and honorary designation of streets, providing for severability, codification and establishing an effective date. Exhibits: Ordinance 2007-__.

Haywood stated he requested staff to bring back an ordinance so that the City Council could either say yes or no to naming a street or a building. He does not feel they should just discontinue it. They should have the opportunity to rename the street and let the City Council vote.

Vincent stated section 502 has two parts. The first part is a formal renaming of the street which includes data about the person and notice to all of the property owners on the street affected by the renaming. The second part is the honorary designation of the street and it also sets up the process. If this ordinance does pass, they will not have to vote on the next item.

Mayor Purcell stated at the last meeting the City Council directed staff to either bring back an ordinance that says they will no longer rename streets and one that will rename streets.

Vincent stated the direction from Councilmember Haywood is to establish a formal process for renaming and a process for designation. Councilmember Warren's item, which is the next item, does not allow renaming.

Haywood stated another Council could come in and repeal a name.

Mayor Purcell stated they could not if they do not allow for renaming. The Council needs to decide tonight either way what they want to do. Some future Council can change the ordinance. He stated they have a big mess right now.

Haywood stated that this ordinance states that everyone has to be notified before a street can be renamed.

MOVED by Haywood, SECOND by Shanklin, to adopt Ordinance 07-64, waive the reading of the ordinance, read the title only and establish an effective date. AYE: Haywood, Hanna, Shanklin. NAY: Warren, Drewry, Jackson, Patton. MOTION FAILED.

30. Consider an ordinance adding Section 2-5-1-502, Division 2-5-1, Article 2-5, Chapter 2, Lawton City Code, 2005, by establishing guidelines for the honorary designation of a street, providing for severability, codification and establish an effective date. Exhibits: Ordinance 2007-___.

MOVED by Warren, SECOND by Shanklin, to adopt **Ordinance 07-64**, waive the reading of the ordinance, read the title only and establish an effective date. AYE: Warren, Hanna, Drewry, Jackson, Shanklin, Patton. NAY: Haywood. MOTION CARRIED.

(Title read by City Attorney) Ordinance 07-64

An ordinance pertaining to administration adding Section 2-5-1-502, Division 2-5-1, Article 2-5, Chapter 2, Lawton City Code, 2005, by establishing guidelines for the honorary dedication of a street, providing for severability, codification and establish an effective date.

31. Consider accepting Vision 2030 as presented by the Mayor's Strategic Direction Task Force. Exhibits: None. **THIS ITEM WAS STRICKEN FROM THE AGENDA.**

32. Receive an update on the TIF District. Exhibits: None.

Shanklin questioned if anyone has been told they would be receiving X number of dollars for their property and have they signed for it. He knows they have not been paid because it comes through the City Council. He questioned if that was correct.

Mitchell stated that was not correct.

Shanklin questioned if they had to approve this.

Mitchell stated no.

Shanklin stated he has lied to a bunch.

Mayor Purcell stated this belongs to the Lawton Urban Renewal Authority (LURA).

Mitchell stated he has a handout that should help.

Shanklin stated he knew there was a clandestine effort somewhere. He stated Mitchell is in charge of every one of them.

Mitchell stated this Council passed a memorandum of understanding between the LURA, the Lawton Economic Development Authority (LEDA) and the City of Lawton. He stated LURA is responsible for the acquisition of property. The LEDA is responsible for project management/project development and the City Council must approve any financing that goes into that downtown redevelopment project.

Shanklin questioned why they would do that if they don't have any say so in the rest of it.

Mitchell stated by state statute, the city is the only body that can obligate the city to debt. He distributed the first annual report that is required under the state statute for TIF district that reports the contributions made through sales tax and ad valorem tax. He stated the contributions made through sales tax and ad valorem. He stated the

property values in that TIF district for the first year dropped by \$666,000 which is not unusual. That is the reason you establish a TIF district because the property values within your TIF boundaries are declining. You are trying to reverse the decline in property values. He also distributed a monthly status report which shows the status of the acquisition of property. He stated earlier in the year the City Council approved a letter of credit from three local banks.

Shanklin stated that is why he thought the City Council had something to do with it. He stated they approved the borrowing, but they don't know where it was put.

Mitchell stated there are two members of the City Council that sit on LEDA, Councilmembers Patton and Drewry. Those meetings are public and posted.

Shanklin stated he is only privy if he comes to the meetings. He does not get a synopsis of what has been done.

Mitchell stated he can provide a copy of the report.

Shanklin stated he wants to see who gets what.

Jackson stated he gets questions from the public as to how long this is going to take.

Mitchell stated it is happening right now. They issued an RFP in early spring. The LURA retained The Pinnacle Group to act as the land agent for acquiring the properties. They can see by the activity on the report that there are 19 purchase agreements signed and 41 offers made. He stated there is a total of 103 parcels.

Shanklin stated let's keep it as clandestine as they can because the taxpayers should not know anything.

Mitchell stated there were five public hearings when the TIF district was established. He stated part of the reason the process slowed down is because of the delay in the Section 108 loan application from HUD. The loan application is tied up in Washington, D. C. because Congress has not passed the budget for this year and that loan approval will not be released until Congress approves a federal budget. He stated half of the BEDI money could be used to acquire properties. Without the release of this money they cannot make offers on some of these properties.

Haywood stated that he thought this was dealing with the street.

Mitchell stated it does. That is what makes it complicated. The section 108 loan was for 2nd Street. The BEDI grant was for the loan guarantee (\$500,000) and to acquire properties (\$500,000), and primarily properties that have some kind of environmental issues.

Haywood stated a lot of people are not going to accept the money they are being offered. He questioned if they would end up in court.

Mitchell stated that decision has not been made yet. The LURA stated in the public hearings that they would start out acquiring vacant and residential properties because a lot of those properties have been vacant for a very long time. They were going to see how many offers would be accepted and at some point determine if they would move forward.

Haywood stated a lot of people are waiting to see if a certain commercial property on Ferris is sold.

Mitchell stated an appraisal and offer has been made on that commercial property, but it has not been accepted yet.

Shanklin stated they will not know what offers are being made on the properties. He questioned who would be able to see that information.

Mitchell stated the LURA approves the appraisals and have retained Pinnacle Group to make the offers and work with the property owners.

Haywood stated he knows what some of the offers are already because people have called him.

Patton questioned if the property owners get to see the appraisal or do they just see the offer.

Mitchell stated the property owners get the offer, but they can request a copy of the appraisal.

Haywood stated that some of them have not been privy to those appraisals.

Mitchell stated they must not have requested to see the appraisal or they have not received an offer yet.

Haywood stated he will make them aware of it.

Shanklin questioned if the City Council has anything to do with 2nd Street anymore.

Mitchell stated that 2nd Street is the Council's project. The final plans were submitted to the Department of Transportation and we are waiting for the release of the Section 108 loan. Once that is released staff will come back to the City Council with a final set of plans and the contract will be awarded.

Shanklin stated the Council does not have any control over the group that wants to develop.

Mitchell stated that is LEDA is negotiating now with the development company. They are not making significant progress.

Jackson stated he likes the idea of the purchasing of this property not being a political football game. He likes the decision that the Council made several years ago and he feels that the hiring of Pinnacle, who is a business group that is non-political, will do this in a professional manner.

He stated there will be disagreements over the amount of money offered and requested but this is the way the process works. He would hate to see the City Council become involved in this process.

Haywood stated he does not want anyone mistreated or taken advantage of. He stated some have asked for their appraisals but have not gotten to see them.

Shanklin questioned what they were trying to do on the south side of Gore. Have they spoken with any of those business owners?

Mitchell stated yes.

Mayor Purcell stated this is the same information they were briefed on a couple of weeks ago. He stated they passed this in front of this Council.

Shanklin stated in the back of his mind he always thought the Council would be the final say so on what people were going to get paid.

Mitchell stated no.

Drewry stated if Councilmember Shanklin had questions he should attend one of the LEDA meetings. She does not feel they should have a problem with any of the decisions being made by those board members.

Mitchell stated he has talked with people on the south side of 2nd and Gore but it had nothing to do with the twelve blocks, the LURA, LEDA or the City of Lawton. There are developers that come into the city every single day. They come to the City of Lawton and the Chamber of Commerce. He has had real estate people from Dallas, Houston, Oklahoma City, Kansas City, St. Louis, Minnesota, Nashville and California talking about what the City might or might not do. He stated there is a lot of interest percolating.

Shanklin stated he read that the D-6 area was just not big enough for the developer and they also wanted the south side.

Mitchell stated that is part of the discussion LEDA is having. He stated Rural and Rural out of Iowa submitted a concept plan that was twice the size of the proposed area. The developer came back with a revised plan that moved the project to the west. This is just the developer's concept.

Shanklin stated he wanted to clarify that from day one he was not going to have any say about this. He did not know that the Council would be excluded from what was going on. He questioned if there were minutes from these meetings.

Mitchell stated yes.

Jackson stated he wanted to know what was going on so he went to a couple of the meetings and talked with the Chairman of LURA.

Shanklin stated the point is that they should be told.

Haywood requested a copy of the minutes.

33. Consider an ordinance amending Sections 22-2-2-221, 22-2-2-222, 22-2-2-225, and 22-2-2-226, Lawton City Code, regarding water system lease-purchase agreement requirements and procedures, and Sections 22-3-14-390, 22-3-14-391, 22-3-14-393 and 22-3-14-394, Lawton City Code, regarding sanitary sewer system lease-purchase agreement requirements and procedures and declaring an emergency. Exhibits: Ordinance No. 07-__.

Rogalski stated that recently the City Council approved the first couple of lease-purchase agreements. As staff prepared the contracts they did notice that there were some areas that needed clarification and some issues they wanted to resolve. This ordinance revises that section of the code. He stated when it was set up there was an interest rate of 6% applied to the balance of the lease-purchase agreement. He stated the money comes in from a tie on and the City takes that money and sends it to the developer, but there is no guarantee when those tie-ons will happen and for how much. The code originally paid interest which will compound. The Finance Director felt that this would create a very large amount of debt for the City. The potential liability is still there. The interest could create too many problems for the City. He stated other language was changed due to liability issues.

Shanklin questioned if this was concocted upstairs.

Vincent stated this was developed by a Council committee along with some developers that put together a lease-purchase agreement to do away with what they used to call a payback system.

Shanklin stated he does not know why they would pass something that would come back and bite them like the 2025 plan and the 2050 plan. If anyone thinks that a plan will be in tact in 2050

Warren stated this has been in place.

Rogalski stated these are just minor modifications to the lease purchase agreement that is currently in the code.

Mayor Purcell stated they are only changing a few words.

Shanklin stated he did not read it, it was too complicated. He asked how long we have had this.

Vincent stated about five years. It replaced the old payback system. He stated the first application was approved two meetings ago for The Oaks development on SW 52nd Street. There are three that have been passed.

MOVED by Warren, SECOND by Drewry, to adopt **Ordinance 07-65**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 07-65

An ordinance pertaining to utilities amending Sections 22-2-2-221, 22-2-2-222, 22-2-2-225, and 22-2-2-226, Division 22-2-2, Article 22-2, Chapter 22, Lawton City Code, 2005, by amending water system lease-purchase agreement requirements and procedures and Sections 22-3-14-390, 22-3-14-391, 22-3-14-393, and 22-3-14-394, Division 22-3-14, Article 22-3, Chapter 22, Lawton City Code, 2005, by amending sanitary sewer system lease-purchase agreement requirements and procedures, providing for severability and declaring an emergency.

34. Consider accepting the recommendation of the Lawton Impact Fee Committee and authorize the City of Lawton to proceed with the required engineering, easement acquisition, and construction of a sewer line extension of the Wolf Creek Sanitary Sewer Project using designated water/sewer impact fees. Exhibits: Impact Fee Collection History and October 30, 2007 Impact Fee Committee meeting minutes.

Warren stated this committee determined that there were three possible areas where this money could be spent and the number of units that would be made available for construction. A project on the east side would have added 250 units, on the south side a project would have added 600 units and the one on the west side left open the ability to provide about 3,500 units, in the Lawton school district. The committee is recommending the project on the west side. Along with this recommendation, it is tied to the property owners providing the easement for the project and that the project area not venture outside the Lawton school district.

Patton questioned if this was roughly from 75th Street west?

Mitchell stated this project would start at 75th and move the current sewer project out to west of 82nd.

Jackson stated he attended most of these meetings. He stated there are water revenues of \$463,000 and sewer revenue at \$363,000. He stated the committee was given a big map of several locations where things were needed such as water and sewer lines. He stated there was one councilmember from the east side and he did not have a chance to offset the influence of the west side. He feels they were rushed to spend money that they just don't have.

They have not accumulated enough. He stated the cost of this sewer line is \$1.5 million. He stated he knows they want to combine the two monies out of the water and sewer account, which he does not think is a good thing to do, but that would only be \$827,000. When they get ready to build a road, they are required to have the money in the bank before they can start the project. He does not understand how they can start a \$1.5 million project even if they combine the two monies.

Warren stated he does not know where the west side councilman and the east side councilman came from.

Shanklin stated he would like to know how they got that job when he was appointed to it.

Jackson stated he would like to see how they can do this project when they don't have the money in the bank.

Mitchell stated this is basically accepting the recommendation from the committee. The ordinance creates an impact review committee made up of the members that were in the minutes. The committee is charged with making recommendations to the City Council. The recommendation of the committee is that this project be the first priority. They have done no engineering, they have not acquired any easements and they are not talking about going out and awarding a contract right now. All they are talking about is accepting their recommendation that this project be the first priority and if the Council adopts this recommendation this gives staff the direction to start doing the engineering, easements, etc. This will take a year and a half or two years to build this project.

Jackson stated they are barely over half the money required to put this sewer line in, yet they are going to make a recommendation based on this and it is way too far in advance.

Warren stated they are talking about a minimum of eighteen months lead time to even get to where they can award a contract. They need to decide what direction they are going.

Jackson stated they don't do that with any other project.

Shanklin stated they want to encumber the funds. Anyone can see through that. They are insulting his intelligence.

Mayor Purcell stated that everyone that sat around this table approved this committee and approved every single person who was on this committee.

Shanklin read from minutes of October 12, 2004 that stated that Shanklin, Devine and Haywood would be on that committee.

Mayor Purcell stated that is old. He requested the City Clerk pull the minutes regarding the appointment of members to the current committee.

Shanklin stated that the impact funds came from his suggestion. He stated Ward 5 does not get anything. He questioned why the little widows in Ward 5 have to fund those on the west side of town.

Warren stated the whole point of the impact fees are so that the little lady in Ward 5 does not have to fund these projects. The people that buy these new houses are the ones who fund this. The money goes back to make the system bigger.

Shanklin questioned where the sales tax goes.

Warren stated they are not talking about sales tax.

Shanklin stated that is what funds it.

Warren stated it is a tapping fee. He stated even Ward 5 was exempted from paying in order to build it up.

Shanklin stated what do they think the CIP is. Is it not sales tax?

Warren stated they are not talking about the CIP. They are talking about impact fees.

Shanklin stated impact fees were to come back and help us get something done in our area that didn't get done because those monies got put out there.

Warren stated there was a trade off that said that they would exempt parts of town.

Jackson stated his point is that they are looking at a \$1.5 million project and actually they have only \$363,000.

Warren questioned how much they will have in eighteen months?

Patton stated they he does not think they made the assumption that sewer money would only be used for sewer project and only water would be used for water projects.

Jackson questioned what they were going to do when they had water problems.

Hanna stated he just read this is outside the school district and city limits.

Warren stated this will not be outside of the school district.

Mitchell stated in October a sales tax election passed and we will collect \$28 million over the next 7 years. We won't have all of the money for the 7 years, but they have already talked about retaining an engineer to do nine mile sewer line, but they don't have the money to build that project.

Jackson stated the engineering is coming from previous monies.

Mitchell stated no, it is coming out of this sales tax.

Warren stated there were aeriels done with previous money.

Shanklin questioned if he was being told that none of the ward five sales tax money goes for streets, sewer lines or maintenance anywhere.

Mitchell stated no.

Shanklin stated that is the reason he wanted the impact funds to come back so they could do something in the areas that have been ignored.

Warren stated at no point was that ever discussed. It was always discussed that it was going to build the system. The majority of the money is always going to be spent for sewer lines because the water is generally always there for a new subdivision.

Mayor Purcell stated when they first passed this impact fee they were separated into water and sewer. This Council changed the code to combine the two. We will find the minutes. He suggested someone make a motion to either accept or not accept the recommendation.

MOVED by Warren, SECOND by Drewry, to accept the recommendation of the Lawton Impact Fee Committee and authorize the City of Lawton to proceed with the required engineering, easement acquisition, and construction of a sewer line extension of the Wolf Creek Sanitary Sewer Project using designated water/sewer impact fees

SUBSTITUTE MOTION by Shanklin, SECOND by Jackson, to not approve the recommendation of the Lawton Impact Fee Committee. AYE: Jackson, Shanklin, Haywood, Hanna. NAY: Drewry, Patton, Warren. MOTION CARRIED.

Hanna stated if this issue gets brought back up, he would suggest they get all of the pertinent information prior to meeting so they can get all of these arguments out of the way.

35. Receive a report on Cellular Service Fees from 2005 to present. Exhibits: Memo from Emergency Communications Supervisor Derrell Morgan and Cellular Service Fee spreadsheet.

Patton questioned what the fee was bringing in annually.

Derrell Morgan, Emergency Communications Supervisor, stated for the 2006-2007 fiscal year is \$307,000. He stated right now there is \$343,000 in the account.

Patton questioned what was the next big project planned.

Morgan stated there is a meeting set for Monday to finish up plans for cellular phase II. The next big project for communications is the new facility.

Patton questioned how often they will have to upgrade.

Morgan stated all of the equipment in the communications center is primarily computer related and usually has to be upgraded every five to six years. He stated right now all of the equipment they need has been purchased to go phase II, but they have only a few issues to wrap up.

ADDENDUM:

1. Consider approving the construction plans for water and sanitary sewer lines to serve Fiesta Toyota located at NW 72nd Street and Quanah Parker Trailway subject to conditions and accepting a utility easement and escrow agreement. Exhibits: Location Map. Easement and Escrow Agreement on file in City Clerk's Office.

Mayor Purcell stated he approved these items for the addendum because it would cost the developer money and delays if it did not make this agenda.

Rogalski stated the construction plans have been submitted to construct 980 linear feet of 12-inch waterline, 1,000 linear feet of 8-inch waterline, and 417 linear feet of 8-inch sanitary sewerline to serve Fiesta Toyota located at NW 72nd Street and Quanah Parker Trailway. The developer is CDBL, and the consulting engineer is Jung Engineering.

Staff has reviewed the plans and recommends approval subject to the following conditions:

1. Provide 0.10 foot drop in manholes at change in direction greater than 45 degrees to provide for losses in energy grade line and maintain minimum velocity.
2. Place sewerline in center of easement.

A separate agenda item is the approval of the record plat for Fire View Addition. The new site for Fiesta Toyota is Lot 1 of Fire View Addition. All proposed lots have access to public water mains, and all lots except Lot 1 have access to public sewer mains. Prior to approval of the record plat, the sewerline to serve Lot 1 must be constructed or surety provided to ensure the sewerline will be constructed. The developer has submitted an escrow agreement in the amount of \$12,500.00 as surety that the sewer improvements will be installed. The escrow will be released upon acceptance of the improvements by the City Council. The permanent utility easement for the sewerline has been reviewed and found to be acceptable.

The waterline is an extension of the existing main on NW 72nd Street and loops through the Fiesta Toyota site and will serve the fire hydrants on this site. When the waterline is ready for acceptance by Council, a revocable permit will be required to allow parking on the easement.

MOVED by Patton, SECOND by Warren, to approve the construction plans for water and sanitary sewer lines to serve Fiesta Toyota located at NW 72nd Street and Quanah Parker Trailway subject to conditions and accepting a utility easement and escrow agreement. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Drewry. ABSENT: Hanna. NAY: None. MOTION CARRIED.

2. Consider approving the record plat for Fire View Addition. Exhibits: Plat Map

Rogalski stated Fire View Addition is a three-lot subdivision containing 12.39 acres. The property is zoned C-4 (Tourist Commercial District) and R-1 (Single-Family Dwelling District). The land not included in the plat between the access drive on Lot 2 and Lot 3 is the site of Guarantee State Bank. The developer is Worm Burner, LLC, and the consulting engineer is Jung Engineering.

There are no improvements to be accepted with this plat; however, Lot 1 is not currently served by sanitary sewer. Prior to submission of this record plat, plans were submitted for a waterline and a sewerline to serve the future Fiesta Toyota site which is located on the proposed Lot 1 of Fire View Addition.

On November 8, 2007 the City Planning Commission approved the record plat subject to five conditions. One of the conditions was acceptance of the sanitary sewerline constructed along NW 72nd Street to serve Lot 1 or acceptance of a surety that the sewerline would be constructed. A previous agenda item on the Council agenda was approval of the plans and acceptance of the surety. All other conditions have been met.

Patton questioned if the drainage has been addressed.

Rogalski stated anything that is developed on this property will require a building permit.

MOVED by Patton, SECOND by Drewry, to approve the record plat for Fire View Addition. AYE: Shanklin, Patton, Haywood, Warren, Hanna, Drewry, Jackson. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Bridgford stated he is looking forward to the BRAC growth summit in St. Louis the following week and receiving information on community grants. They will get more definite dates on when all the moves are coming.

Shanklin stated we have a policy that says only single residential may receive a leak adjustment. He stated that businesses or duplexes cannot file for any kind of compensation. He wonders if we really mean this. He

questioned if the Council would like to modify this.

Warren stated he kind of pushed this through, but he feels like they could look at part of this. He stated he does not think the citizens of Lawton should pay for a leak at a business. He stated they have all gotten calls about a certain commercial building where there was no way that anyone could have know about the leak. He does not want to rescind the whole thing, but he would not preclude bringing it back and talking about making this policy a little more friendly.

Jackson stated since this certain customer is in Ward 4, he will agenda the item.

Vincent stated this would have to be an undetectable leak.

Jackson stated he has as many as three different water lines running under his building. He would not know when one of the lines busting. He feels a business should have an opportunity for some relief.

Shanklin stated they need to do something with the trash situation. He stated he has six trash cans where he lives now. The crews are only picking up two cans. He is going to let it accumulate.

Mitchell stated that is what is in the ordinance.

Shanklin state he has three houses there and he should be entitled to six cans.

Ihler stated there are three councilmembers on a committee. He suggested they met at 3:00 p.m. on Thursday at Public Works. They would like to talk about this issue.

Shanklin stated that he tried to do what Mr. Ihler said about his driveway, but that would not be accepted. He is going to have to pour concrete all the way up to the property line. That means he is going to have to do the best job he had done in his life and try to win an election. If he does win it, the next day he is going to have it done and hope that staff takes him over to the court house. There are three judges over there that would like to hear it.

Ihler stated he had asked some people to check into this and it is his understanding that Councilmember Shanklin does not have to put concrete all the way to the property line.

Rogalski stated he tried to find out who Councilmember Shanklin spoken to and everyone in License and Permit center said the same thing they had told Councilmember Shanklin earlier. He stated he is required to put in 30 of concrete from the gutter line.

Shanklin stated others don t have to do it. It has been called to people s attention and they do nothing about it. Where does that leave him? He has pictures of other violators who did not follow this code.

Patton questioned what Councilmember Shanklin wanted them to do. Mr. Shanklin does not want the Council to write tickets for people parking on the grass, but does he want them to write tickets to those who violated the part of the code. Should we make them dig it up?

Shanklin stated there is word called common sense. Common sense will tell you that he should not have to do what staff told him.

Haywood stated he needed to know when they were going to open up the street on 67th.

Ihler stated that is a developer doing that work. He does not know.

Haywood stated tomorrow Jenkins will start putting asphalt down, so the street should be open by the end of the week. He stated he went to New Orleans for the OML Conference. He stated they are rebuilding the Mississippi gulf coast, but it is devastating. He stated they want people to move out without receiving anything. He stated that everything has just skyrocketed. He felt that there should have been more workshops at the conference.

Mayor Purcell thanked staff for all of their work at the opening night of Holiday in the Park. He stated at the NLC conference he saw a voting mechanism that works through the computer and every councilmember would vote through a remote control. It gives a printout of the issue and how everyone voted. He stated it only costs \$4,200. He stated the company is willing to send it to us on a trial basis for a month or so. He questioned if the Council was interested in using this on a trial basis.

The Council agreed to try the software program.

Vincent stated the Water Summit will be held on December 14th in Oklahoma City. The primary interest is the policy track to discuss the state-wide water plan for municipal water issues.

The Mayor and Council convened in executive session at 9:34 p.m. and reconvened in regular, open session at 9:59 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

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

Vincent read the title of item 36. No action is required.

37. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2008-2009 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

Vincent read the title of item 37.

MOVED by Patton, SECOND by Warren, that the City of Lawton appoint the following individuals to serve as the negotiating team for the 2008-2009 Collection Bargaining Agreement between the City of Lawton and IUPA, Local 24: Jim Scholes, Scott Meadors, Julie Magnus and that the following individuals serve as alternates: Larry Mitchell and John Vincent. AYE: Warren, Hanna, Drewry, Jackson Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 10:02 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK