



2. Consider the following damage claim recommended for denial: Julia and Samuel Dennis in the amount of \$2,559.08. Exhibits: Legal Opinion/Recommendation.

Vincent stated Ms. Dennis filed a claim against the City. She alleges she fell at Greer Park Kid s Zone when she slipped in some mud by the drinking fountain. Staff believes it was open and obvious. Ms. Dennis did have medical bills, but if it was her own negligence that caused her to slip, then she is responsible. Staff is recommending denial of the claim.

Julia Dennis, 2122 NW Ozmun, stated this happened on the 6<sup>th</sup>, not the 10<sup>th</sup>. She stated the mud was slimy and she did not know this until she stepped on it and her feet went out underneath her. She stated it was not intentional. She had never been to the Kid s Zone before and she did not know the proper place to walk. She stated the only place she could see to walk was the cement where the water fountain is. She expected the concrete to be wet, but not slimy mud. She does not feel that she is to blame and her medical bills need to be paid.

Shanklin questioned if Ms. Dennis had medical coverage or did she pay these bills out of her own pocket.

Ms. Dennis stated she does have health insurance but these bills have not been paid. She stated they will ask her questions about the injury and she felt since it was on City property, it is the City s responsibility.

Vincent stated the City is not the insurer of everyone that comes onto City property. He stated we are governed by the Oklahoma Governmental Tort Claims Act which specified what our liabilities are.

Shanklin stated Ms. Dennis has been forthright and come here and looked them in the eye. He is not saying that we owe her all of it, but he would be willing to pay the deductible. He questioned if she had a deductible.

Ms. Dennis stated if the insurance company considers this an injury, she probably will not have a deductible.

Vincent stated Ms. Dennis does have recourse through the court system.

Haywood questioned who her insurance was with.

Ms. Dennis stated her insurance is with Federal Blue Cross/Blue Shield.

Haywood questioned if she has filed any claim with her insurance.

Ms. Dennis stated she has not filed. She felt the injury happened on City property and the City would be responsible. She stated the hospital and radiologist has been asking for payment.

Haywood questioned if the emergency room asked for her insurance information.

Ms. Dennis stated no. She didn t go to the emergency room. She went to her doctors office.

Shanklin stated he would be willing to pay her out of pocket expenses. This is what insurance is for. We cannot be responsible for vehicle wrecks all over town. He appreciates her dilemma, but she is covered by insurance.

Ms. Dennis stated she will contact her insurance company to see what they say.

Shanklin suggested they table this issue for sixty days.

Shoemate questioned what the claim for \$430.08 was for?

Ms. Dennis stated that is for loss of wages.

Vincent stated that would not be covered by her insurance.

Shoemate stated he would rather pay her for the lost wages.

MOVED by Shoemate. SECOND by Shanklin, to approve **Res. 07-163** and all supporting documents to approve the claim of Julia and Samuel Dennis in the amount of \$430.08 for loss wages. AYE: Haywood, Shoemate, Hanna, Drewry, Jackson, Shanklin. NAY: Warren. MOTION CARRIED.

3. Consider ratifying the actions of the Lawton Water Authority by approving an amendment to the Lease Agreement with the Sunken Bridge Yacht 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.

4. Consider releasing \$10,125 of Hotel/Motel Tax revenues to the Lawton Fort Sill Chamber of Commerce for advertising and marketing of the new direct air service by Delta Airlines from the Lawton Fort Sill Regional Airport to Atlanta, Georgia and take action as deemed necessary for transfer of funds. Exhibits: Letter of Request, Lawton Fort Sill Chamber of Commerce, December 7, 2007.

Shanklin stated he does not understand why they have to ask for this money. He thought we supported them with \$5,000 from the contingency fund a year ago.

Mitchell stated this is separate from that \$5,000 for Santa Shops Lawton. He stated this is for advertising for the Delta Air Service. The City of Lawton agreed to use \$50,000 of hotel/motel tax to match a grant. The Chamber is requesting partial release of that \$50,000.

MOVED by Shanklin, SECOND by Haywood, to approve the release of \$10,125 of Hotel/Motel Tax revenues to the Lawton Fort Sill Chamber of Commerce. AYE: Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Haywood. NAY: None. MOTION CARRIED.

5. Consider approval of a Professional Services Agreement with Roy B. Hooper from January 1, 2008 through June 30, 2008, for the purpose of providing professional consulting/lobbyist services to the City and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Consultant Agreement will be available for review in the City Manager s Office.

6. Consider entering into a Professional Services Agreement with Comport Network Services to perform a Geographical Information System (GIS) Needs Assessment and Implementation Plan for the City of Lawton. Exhibits: Memo from Derrell Morgan, Emergency Communications. Agreement is on file in City Clerk s Office.

7. Consider approving the Release of Mortgage between the City of Lawton (Lender) and Ms. Sarah E. Owens (Borrower), a participant of the City s CDBG Homeowner Rehabilitation Program and authorize the Mayor and City Clerk to execute the implementing documents. Exhibits: A copy of the mortgage is on file at the City Clerk s Office.

8. Consider approving a Resolution amending Resolution 05-170 by providing for additional members to the Lawton Base Realignment and Closure Committee. Exhibits: Resolution 07-\_\_\_.

Haywood stated this does not reflect this community. He stated this committee does not include representatives from Goodyear or the Northside Chamber.

Mayor Purcell stated the BRAC committee was put together way back when before we knew about BRAC. People were added to this committee in order to get the funding from the Department of Defense OEA. These are the kinds of people that they recommended be put on this committee. The bigger the committee gets, we cannot control the kinds of things that we need to do to get back to OEA. He stated Goodyear is involved in the subcommittee level, but the BRAC committee is not made up of everyone in the city. Subcommittees are made up of many people in the city.

Haywood stated he would like to see some people on this committee.

Mayor Purcell suggested Councilmember Haywood submit a name and it will go to Council for approval.

MOVED by Haywood, SECOND by Drewry, to approve **Res. 07-164** amending Resolution 05-170 by providing for additional members to the Lawton Base Realignment and Closure Committee. AYE: Shoemate, Hanna, Drewry, Jackson, Shanklin, Haywood, Warren. NAY: None. MOTION CARRIED.

9. Consider approving an agreement with Public Service Company of Oklahoma for Contribution-In-Aid-Of-Construction for electrical distribution service with the City of Lawton to convert existing transformer station from 3-Phase 120/208 to 3-Phase 120/240 for the newly constructed Building Maintenance Shop. Exhibits: Proposed Public Service Company of Oklahoma Contribution-In-Aid-Of-Construction Agreement for Electric Distribution Service. Copy of PSO Billing for Service.

10. Consider approving Change Order #2 with Archer Western Contractors LTD for necessary Federal Emergency Management Agency (FEMA) and State reimbursed repairs at the Wastewater Treatment Plant (WWTP) resulting from the heavy summer storms. Exhibits: Change Order #2 is on file in the Public Works Administration office.

11. Consider approving the construction plans for an 8-inch waterline to serve Storage Depot located at NW 40<sup>th</sup> Street and Rogers Lane. Exhibits: Location Map.

12. Consider releasing the performance bond for The Highlands, Part 1, and accepting the improvements, a maintenance bond, and an escrow agreement in lieu of minor improvements. Exhibits: Plat Map. Maintenance Bond and Escrow Agreement are on file in City Clerk s Office.

13. Consider awarding (CL08-018) Automatic Transmission Repair to Premier Auto Service of Lawton, OK. Exhibits: Department recommendation, abstract of bids.

14. Consider awarding (RFPCL08-024) Concession Operations Eastside Community Park to LaSill Optimist Club of Lawton, OK. Exhibits: Department recommendation, abstract of bids, Lease & Non-Exclusive Concession Operation Agreement.

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

Airport Authority

Toney Stricklin  
Chamber  
17 NW Eagle Mt. Road  
Lawton, Oklahoma 73507  
12/31/2008

BRAC Co-Ordination Committee

Toney Stricklin  
Chamber  
17 NW Eagle Mt. Road  
Lawton, Oklahoma 73507

Great Plains Improvement Foundation

E.F. Farley  
913 SW 4<sup>th</sup> Street  
Lawton, Oklahoma 73501

16. Consider approval of payroll for the period of December 10 - 23, 2007.

ADDENDUM:

1. Consider accepting the 10-inch and 8-inch waterlines constructed near NW Cache Road and NW 40<sup>th</sup> Street to serve Cache Road Shopping Center, permanent utility easements, escrow agreement for minor incomplete improvements, and an escrow agreement in lieu of a maintenance bond. Exhibits: Location Map. Easement, Escrow Agreement and Maintenance Bond are on file in City Clerk s Office

Richard Rogalski, Planning Director, stated the waterline has been constructed and inspected. There is an escrow for minor improvements. The record drawings have been submitted. There were some problems with record drawings and the water and sewer line were not exactly constructed as planned. The record drawings need to be corrected to reflect this.

MOVED by Drewry, SECOND by Hanna, to accept the 10-inch and 8-inch waterlines constructed near NW Cache Road and NW 40<sup>th</sup> Street to serve Cache Road Shopping Center, permanent utility easements, escrow agreement for minor incomplete improvements, and an escrow agreement in lieu of a maintenance bond. AYE: Hanna, Drewry, Jackson, Shanklin, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

17. Hold a public hearing and consider approving an ordinance closing portions of SW 24<sup>th</sup> Street and SW 24<sup>th</sup> Place south of Jefferson Avenue. Exhibits: Ordinance No. 07-\_\_\_, Application, Location Map and Council Policy 5-1.

Rogalski stated on November 6, 2007, the City Council set the date to consider closing the portion of SW 24<sup>th</sup> Street and SW 24<sup>th</sup> Place south of Jefferson Avenue. This area was formerly a mobile home park. The applicant is City Moving and Storage. The applicant proposes to replat Lots 2 14, Block 1; Lots 5 15, Block 2, and Lots 4 11, Block 3 of the Replat of Blocks 14, 15, and 16, Trope s Five Acre Blocks into one parcel and construct cul-de-sacs where SW 24<sup>th</sup> Street and SW 24<sup>th</sup> Place will end at the north end of its property. The applicant intends to petition district court to vacate this right-of-way upon a successful closure ordinance by the City Council.

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

MOVED by Haywood, SECOND by Warren, to adopt **Ordinance 07-68**, waive the reading of the ordinance, read the title

only. AYE: Drewry, Jackson, Shanklin, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-68

An ordinance closing a portion of SW 24<sup>th</sup> Street Right-of-way and the SW 24<sup>th</sup> Place right-of-way located south of Jefferson Avenue, more particularly described in section one of the ordinance.

18. Consider Adopting a Resolution in Support of Roundstone Development LLC in their efforts to construct a multifamily development project at the northwest corner of 52<sup>nd</sup> Street and SW Lee Blvd, Lawton, Oklahoma for consideration by the Oklahoma Housing Finance Agency (OHFA) for the award of Oklahoma Affordable Housing Tax Credits. Exhibits: Resolution of Support 07-\_\_\_\_, Correspondence from Roundstone Development LCC and Project location map.

Mitchell stated he received a request from the developer who is proposing to construct 56 garden style units on property located at the NW corner of 52<sup>nd</sup> and Lee Boulevard. A month ago a portion of this property was rezoned to R-4. The units will be placed on that piece of property. The development is consistent with the City's affordable housing strategy and comprehensive plan. The resolution is necessary so the developer may file the tax credit application with the Oklahoma Housing Finance Authority.

Vincent stated there needs to be a correction on the resolution published in the agenda packet. The resolution says substantially rehabilitate and it should read to construct.

Haywood stated he agrees with this but he was jumped on by someone in his ward asking if he voted for the rezoning. He explained that the developer would be required to put in a detention pond. He questioned if that was a correct statement.

Hanna stated that was the other developer they spoke with at the November 27<sup>th</sup> meeting.

Warren stated that anything more than an acre will have to have some type of detention/ retention.

Haywood stated this water is going across someone's land and under Lee to 52<sup>nd</sup> Street and behind a restaurant and the credit union. It is also going down to 61<sup>st</sup> and Lee.

MOVED by Shanklin, SECOND by Hanna, to approve the amended **Resolution 07-165** in Support of Roundstone Development LLC in their efforts to construct a multifamily development project at the northwest corner of 52<sup>nd</sup> Street and SW Lee Blvd, Lawton, Oklahoma for consideration by the Oklahoma Housing Finance Agency (OHFA) for the award of Oklahoma Affordable Housing Tax Credits. AYE: Jackson, Shanklin, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

19. Discuss Section 22-2-1-215, Division 22-2-1, Article 22-2, Chapter 22, Lawton City Code, 2005, regarding water leak adjustments and take appropriate action if necessary. Exhibits: Ordinance 06-85.

Jackson stated there has been a considerable amount of discussion regarding commercial enterprises being given the same consideration on adjustments on unknown leaks that single family residential property are given. He feels that commercial businesses should be given the same consideration if there is an unknown leak happening under some property.

Shanklin stated he feels the same way. They can arrive at this by some formula. He is thinking somewhere in the line of three months back and three months forward. He stated you cannot see parts of the infrastructure. He suggested that staff bring back some kind of formula that is fair and equitable. He stated that the business people in this city cannot be the enemy. He is getting tired of the calls.

Jackson stated that staff needs to develop some sort of plan to include commercial businesses in leak detection.

Mayor Purcell stated they need to address the part that it is for underground, undetected leaks, not toilets. This needs to be included in the overall ordinance.

Jackson stated they have stuck to that issue even for the residential adjustments.

Mayor Purcell stated that some of the things that brought this back on the businesses and there were toilets running and they lost all of this water, but it was not an underground, undetected leak. The issues have to be addressed or they will be right back here.

Warren stated they need to look at the definition of undetected. His issue has been when that business owner let his toilet run and did not pay any attention and then he wanted the City to help him out. That is totally different

than what Mr. Herring brought to his attention where he has a commercial piece of property that is not being used and there was an underground leak. No one is in the building and there was no way to know what was going on. He does not know how we fix this.

Vincent stated that he and Rick Endicott, Finance Director, visited on this issue and they believe they have an idea on how to fix the problem. He stated they will look at writing the ordinance to eliminate any broken or leaking facilities like toilets or faucets.

Shanklin stated you can look at seven or eight water bills and tell if you have a leak. He stated they need to help everyone because water is expensive.

Warren stated he does not know if there is anything they can do for Mr. Herring now, he received a \$3,390 for a building he is not even using. He fixed it as soon as he found out he had a leak. He would like to see if there is anything we can do about that. He stated there was also an issue with a sprinkler leaking at an abandoned theater on Cache Road. The entire theater was full of water and he just happened to drive by and take some pictures and saw the water running out. He does not know how many millions of gallons of water ran out of that building, but the issue is that this is not metered water, that was a fire flow which is an 8-inch pipe running into that building dumping water as fast as it could come out for months. He questioned if there was any way we could meter the water going into a fire flow. They need to get staff to look at this. When those fire lines break, they just run until someone notices.

Shanklin stated the point is that something happened below where you could not see it. If a toilet runs, someone is capable of looking at their bill.

Warren stated that Mr. Herring's issue is one side of that coin and had that been metered water at the theater, that would be the other side. They should know that their sprinkler system is running water out, whereas Mr. Herring had no way of knowing that.

Shanklin questioned if there is any way they can address Mr. Herring's problem. He believes there is.

Mayor Purcell suggested they deal with this item and then bring back Mr. Herring's issue.

MOVED by Jackson, SECOND by Shanklin, to direct staff to bring back a correction to the ordinance to fix this problem regarding commercial enterprises. AYE: Shanklin, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson. NAY: None. MOTION CARRIED.

Vincent stated the only way they can address Mr. Herring's problem, under the current code, would be to make the ordinance staff is working on retroactive. The problem is that staff may have turned others down during this time and this would open that up. He stated Mr. Herring has filed a claim and staff is looking to see if the City has been negligent. Staff is not recommending that this ordinance be made retroactive.

Endicott stated they have offered to put Mr. Herring's bill on a payment plan until the claim has been processed. That is all staff can do at this point.

Shanklin questioned why others should be denied just because staff is afraid of opening up a can of worms.

Vincent stated he is not saying they should be denied, but Mr. Herring's claim is under review to see if the City is negligent.

20. Consider accepting Vision 2030 as presented by the Mayor's Strategic Direction Task Force. Exhibits: None.

Drewry stated in 2006 Purcell commissioned this project for prospective planning and to provide the City Council with a tool for budgeting and decision making based on a view of the city's future. The Lawton Strategic Planning Task Force was formed to research and assemble this document.

Mr. Tony Pokorny distributed a copy of the presentation.

Drewry stated on the back page of the presentation is a map that details the locations for the various points considered. She stated the executive summary will include a pocket on the back page which will hold a CD that contains the full document. She stated the members of the task force spent many hours interviewing companies and other cities within our area. She felt they came up with some points that are very important for the city and some points that will be very helpful for the growth of Lawton through the year 2030.

Mr. Pokorny reviewed each Chapter of the presentation. (Copy of presentation is attached).

Drewry stated that a lot of time and effort went into this presentation and focusing on what they felt were the top priorities for the city of Lawton. She stated one of the top priorities they would recommend is to appoint action teams and leaders for implementing each recommendation. They would suggest that the leader of each action team be the person who wrote the chapter on the subject. She stated the group that wrote this plan sat in and listened to so much information coming from all those interviewed. A lot of the knowledge they carry is not necessarily written in this plan and they could be very helpful in seeing that these actions are carried out.

Warren stated that the committee did an excellent job.

Mayor Purcell stated that Councilmember Drewry, Mr. Pokorny and the rest of the committee did a great job. He stated they spent a lot of time putting this together and it is very beneficial. He stated they need to start moving in this direction.

#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Shoemate stated that Comanche Nation Waterpark is adding a new slide that will be great for the young people. He stated he attended a funeral in Walters yesterday and on the way out there from I-44 all the way to the south edge of the dump ground looked like a pigs sty. He has never seen that much litter on the highway. He suggested a truck go by once a week and pick that stuff up.

Drewry stated there are a lot of people that have been working to provide a lot of toys and clothes for 1,005 children in our city and over 600 families. Those things will be distributed tomorrow. She encouraged everyone to come out and help distribute at the Boy s and Girl s Club.

Jackson stated a couple of months ago he was involved with Tony Griffith, Neighborhood Services Supervisor, in trying to do something about the railroad right of ways. He thought there was some kind of agreement reached and he understood we were just moments away from getting some work done on right of ways. He would like an update on this issue.

Shanklin stated the other day he took some pictures of some trash over by Lincoln School. He did give this information to Mr. Griffith. He stated he thought there would be some people here tonight to complain about what trash we don t pick up. He doesn t know what to tell them. We need to tell everyone what the program is. He personally does not know. For twenty years we picked up trash and there were no complaints. He feels they need a committee to study this issue. He stated he does not want to hear that we don t have the money because we picked it up for years. He stated they are kidding themselves if they think the taxpayers aren t getting a bellyful of the trash that we are not picking up. He has a mattress that has been there for almost three months and he is going to let it lay in the alley until it disintegrates. Today what was wrong down on H by the railroad track is that he had four cans, two on one side and two on the other. He gave this information to Mr. Buckley and he was told this evening that he looked in it and saw some bricks and that means we don t pick it up.

Ihler stated the one Mr. Shanklin is talking about on 17 H, when the foreman went out and looked at it, the can had construction debris in it.

Shanklin stated that a foreman goes around and looks in the trash can, he does not believe that.

Ihler stated there is a city code that they try to follow and that code says that they will not pick up construction debris and residents are not suppose to be putting that in their residential trash. He stated that Councilmember Shanklin was at the meeting with Councilmembers Hanna, Haywood and Patton when they went all through this. He stated the trash also had chunks of concrete which will damage the trucks which will cost a lot of money. He stated this council committee is coming back with an ordinance that will change the code.

Shanklin questioned if he was the only one getting complaints on trash.

Haywood stated he also receives complaints.

Hanna stated the committee agreed to make changes to the city code.

Shanklin stated he does not understand our attitude towards this. He stated the city crews will not even look at him. Before they would tell a joke and have some water, but they have been told that when they come by his, don t even look at him. He can assure you that. He does not know why because he has done nothing to offend someone who works with his hands because he has done it all of his life.

Ihler stated he does not have any idea what Councilmember Shanklin is talking about.

Shanklin stated you treat like you get treated, and that is his philosophy. You treat me, and I am going to do what I can to get even with you.

Haywood stated that for some reason people come from other wards to ward seven, he guessed because it was close to the landfill. He stated you can go on Bishop Road, on 52<sup>nd</sup> Street between Sheridan Road and 82<sup>nd</sup> Street and you can see trash. He does plan to adopt a street from the airport to 11<sup>th</sup> Street. He plans to trim and edge it along with Lawton View and McClung neighborhoods. He stated Eva McNally passed away about a month ago. He stated she was on the Parks and Recreation Commission and she will be missed. He stated Raymond Gates daughter, Linda Denise Lewis, also passed away. He stated they also need to take care of the young people and they need jobs. They need to keep them off the streets. They need to develop after school programs. He stated today was his last day as chairman of the Airport Authority. He stated the highlight was the ten year master plan and Delta Airlines.

Mitchell stated that Olive Garden should be opening on January 14<sup>th</sup>.

Mayor Purcell distributed a copy of a book from 1922 which was a report that was put out by the Rotary Club of Lawton. He stated it has an interesting budget and views of what was going on in Lawton.

The Mayor and Council convened in executive session at 7:48 p.m. and reconvened in regular, open session at 8:07 p.m. Roll call reflected all members present.

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

21. Pursuant to Section 307B.2&4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss AFSCME negotiations and the proceedings in American Federation of State, County, and Municipal Employees Union vs. City of Lawton, Oklahoma, PERB No. M1400, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 21.

MOVED by Warren, SECOND by Hanna, to adopt **Resolution 07-166** amending Resolution 07-86 by including twelve additional city positions in the list of positions eligible to be in the AFSCME bargaining unit and extending the provisions of Resolution 07-86 to the employees in these twelve positions with said action including the termination of the July 2007 cost of living increase for the employees in the twelve positions. AYE: Shoemate, Hanna, Drewry, Jackson, Shanklin, Haywood, Warren. NAY: None. MOTION CARRIED.

22. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of John H. Vincent, Jr., City Attorney, and if necessary, take appropriate action in open session. Exhibits: None.

Mayor Purcell read the title of item 22. He stated the Council concluded that Mr. Vincent is doing an outstanding job.

There being no further business to consider, the meeting adjourned at 8:12 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK