



development, education and lawsuit reform. The legislative reception was held on February 20<sup>th</sup> with 56 legislators attending. With regards to tourism, during the first six months of this fiscal year, the state fulfillment program has responded to 1,300 requests for information about Lawton-Fort Sill. The chamber has mailed out an additional 200 packets of information. He thanked the City of Lawton for all their support.

#### AUDIENCE PARTICIPATION:

Cindy Reynolds, 5702 NW Chestnut Lane, stated the Lawton Police Department Gang Unit at Cameron this morning was very sobering. Her comments are geared toward a gang prevention campaign. She stated she has raised 2 boys, men now with one in Iraq, and has a 15 year old at home. One of the hardest things to go through when someone is young is not feeling as though they belong. If our young people are to be convinced gangs are not an appropriate place to be, at least two things must happen. They must find a place where they belong and they must have an alternative that is as attractive or more attractive than what is being offered to them through a gang. She has heard it said in Lawton ever since she can remember that there is nothing for the kids to do. The Skate-a-rena closed down and yes, we have a skatepark and sports are a great deterrent; however, there are many more young people who are not athletic than there are athletes. They must consider what it would take to peak their interest on a regular basis. It is clear that everyone is affected by the gang violence and that if everyone will work together, it can go a long way. The City of Lawton will have to give at some point along the way and there are various ways to do that. Fees can be waived for positive events that target youth, such as at McMahon Auditorium and other city-owned buildings. She also suggested that there are applications that can be made for grants that will support gang prevention and a campaign that encourages making right choices and gives young people a place to belong. Now is a great time for the City to consider, in their budget, how they can give to this cause, because it will be necessary, either now or later. The City is the catalyst simply because of the capacity in which they serve with police, fire and other services. A campaign such as A Place To Belong or something that gets their attention where young people can gather every week at the McMahon Auditorium and play their music, do dramas, set up symposiums on relevant issues or just try out their talents is one idea. She is sure that there are churches and school organizations just looking for a place to do just this sort of thing. And what do they do in the meantime, get ready for the next one. Area businesses could even donate prizes. Who knows what can happen if everyone puts their heads together? But until development from BRAC and other areas really begins, something must be done for our kids. She suggested adding an incentive for businesses with youth-oriented activities in the development process or forming a body made up of youth leaders, police and civic leaders. They are on the front lines already.

Leo Myer, Knights of Columbus, stated he is representing the Lawton Fort Sill Catholic Community Center. He stated they received a high water bill for the period from October 12 to November 12 of \$125. They have already replaced the hot water heater and they replaced all of the commode parts and repaired leaky faucets. They also made sure all of the outside water was shut off. The bill for November 12 through December 12 was \$48.14. The City did not read the meter in December or January because of the bad weather. He stated they check the building two or three times a week to make sure that they weren't leaking any water. They received a bill from December 12 to February 13 and it was \$488.81. He stated they are a catholic organization that works on nothing but donations. He stated the meter reading was correct. The meter supervisor came out and checked things out and determined there were no leaks. The building was only open for five meetings during this two month period and he cannot understand how the usage can be 113,000 gallons. He submitted a letter to the water department and was told the letter could not go to the City Council because he was not an individual residence. He is requesting that someone look into this matter.

Haywood questioned if Mr. Myer called his City Councilor.

Mr. Myer stated yes, he called Mr. Shanklin yesterday and was told to come to the City Council for some guidance.

Patton questioned if he has had a plumber come out.

Mr. Myer stated yes and there were no leaks.

Shanklin stated the problem is that the way the code was written, it has to be an individual to receive an adjustment, and it cannot be a company. He still needs to see Mr. Endicott.

Mitchell stated he can meet with Mr. Endicott, but by City Code, Mr. Endicott cannot adjust his bill.

Shanklin questioned who can adjust this bill.

Mitchell stated the ordinance reads that it is for residential customers. He stated in order to get an adjustment, the ordinance states that the individual must show that all the repairs have been made. The repairs were made before the high bill. He does not see how the staff has the authority to make the adjustment. He does not know how to explain it, someone must have used the water.

Patton questioned if they have ruled out the meter.

Mitchell stated the meter was checked.

Mr. Myer stated that staff came out and they could not understand because they could not have used that much water, there is just no way.

Mitchell stated the water had to have been used.

Shanklin suggested a couple of City Councilmembers go out and look at it and then bring it back on the agenda to discuss.

Mayor Purcell questioned if anyone has checked the meter from the last time the meter was read until now. He questioned if there was another huge usage.

Mr. Myer stated it is reading exactly the same.

Mayor Purcell stated someone had to have used that water in the building.

Warren questioned if there was an exterior faucet.

Mr. Myer stated yes, but it is an underground cut off and it has been cut off since last spring.

Jackson questioned if they had ever had a water bill this expensive.

Mr. Myer stated before the repairs the highest bill was \$125. That is when they started repairing all of these leaks. Usually their bill is between \$40 and \$48 every month.

Rick Endicott, Finance Director, stated he would be happy to meet with Mr. Myer tomorrow and see if they can figure out what is going on and report back to the City Council the next meeting.

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 consider items #2 and #10 separately. Shanklin requested item #12 be considered separately.

MOVED by Shanklin, SECOND by Haywood, to approve the Consent Agenda items as recommended with the exception of items #2, #10 and #12. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: James and Bernita Taylor in the amount of \$1,920.00, Southwestern Bell Telephone in the amount of \$1,086.35 and William and Deborah Sanfellipo in the amount of \$95.00. Exhibits: Legal Opinions/Recommendations, **Resolution No.07-18** and **Resolution No. 07-19**.

2. Consider the following damage claims recommended for denial, Angela and Jeffrey Bolds in the amount of \$4,792.83 and Valerie and Bryan Baiz in the amount of \$350.00. Exhibits: Legal Opinions/Recommendations.

Mayor Purcell stated that Mr. and Mrs. Bolds have requested to speak regarding their claim.

Jeffrey Bolds, 708 SW Normandy, stated they have been residents of Lawton since 1977. He is retired military. He stated because of his condition his wife will speak about their claim.

Angela Bolds stated they are here to appeal the denial of their claim for damages to their home which was a result of the main line backing up twice into their home in 2006. She stated the City of Lawton did have prior knowledge of problems with the main line on Normandy. She submitted copies of an email between public works staff dated September 2006 which stated that there was problems with the line at 702, 706 and 708 SW Normandy. She stated the problems with the sewer system have occurred on Normandy for at least two years. Her next door neighbors at 706 Normandy have also experienced numerous problems as well as their neighbors at 702 Normandy. They have had some near back ups but never a complete overflow. She stated they were not worried because on several occasions they saw city crews during the day and also late at night. She stated they were told by city crews that there were problems. They trusted that because the city knew of these problems they were being managed or eliminated. On March 2006 their downstairs toilet began to overflow and huge amounts of

sewage began to cover the powder room, utility room and den. They called the plumber and were told they suspected a main line problem. They had another flood in August 2006. They called the plumber and were told it had to be a main line problem and advised them to call the City of Lawton. City crew came out and cleared the obstruction. Within days they had mold creeping up the walls. They contacted Councilmember Patton who was very responsive. A city crew came to their home in September to evaluate the problem. The crew ran a camera check through their line and informed them that they would be scheduled for a monthly preventive maintenance to keep the main line clear. They never saw any maintenance performed until after they filed a claim in December 2006. They requested the maintenance records but were denied. Her husband was forced to stop working in September because of his chronic illness and they have not been able to afford any repairs to their home and they still have the mold. She feels their claim should be paid because the City knew of problems with the main line and they did not resolve the problem or inform them of the problem and should therefore be responsible to pay for the damages.

Patton stated based on the information he feels that the City clearly did have knowledge that there was a problem with this line segment, especially based on the email from public works staff dated September.

Jensen questioned if the email was provided to the City Attorneys office.

Ms. Bolds stated she did not have it at the time she filed the claim. Her neighbor retrieved the email last night.

MOVED by Patton, SECOND by Shanklin, to approve the claim of Angela and Jeffrey Bolds in the amount of \$4,289.15 **(Res. 07-20)**. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

MOVED by Givens, SECOND by Warren, to deny the claim of Valerie and Bryan Baiz in the amount of \$350.00 AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

3. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager to make payment on the judgment in the Workers' Compensation case of Paul Caldwell in the Workers' Compensation Court, Case No. 2006-06214 H and filing a foreign judgment in the District Court of Comanche County for purposes of placing said judgment on the tax rolls. Exhibits: **Resolution No. 07-21**.

4. Consider approving a settlement in the amount of \$3,750.00 to Eddie Merritt for surface damages to his crops, which resulted from construction of the sludge line, gas line and fiber optics cable between the Waste Water Treatment Plant and the Southeast Water Treatment Plant, and authorize payment of the settlement from project funds. Exhibits: None.

5. Consider accepting donation of funds donated by anonymous business owners for Lawton Police Department Gang Unit. Exhibits: None.

6. Consider approving a lease agreement between the City of Lawton and Crossroads Youth and Family Services, Inc., dba, Crossroads Head Start/Early Head Start. Exhibits: Proposed Lease Agreement on file in the City Clerk's Office.

7. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization (LMPO) for Congestion Mitigation Air Quality Campaign during Fiscal Year 2007-2008 and authorize the Mayor to execute. Exhibits: Memorandum of Understanding between LMPO and the City of Lawton.

8. Consider accepting the Arterial Street Safety Improvements Project #2005-3 as constructed by Barnett Paving & Sealing, L.P. and placing the Maintenance Bond into effect. Exhibits: None.

9. Consider approving plans and specifications for the Lawton Public Library Re-roofing Project #2004-15 and authorizing staff to advertise for bids. Exhibits: None.

10. Consider approving the construction plans for the waterline to serve All-Stor Mini Storage located at 602 SW 82<sup>nd</sup> Street. Exhibits: Location Map.

Richard Rogalski, Planning Director, asked that the motion to approve the construction plans include the provision of backflow prevention between the public and the private system. This is a minor oversight that needs to be made.

MOVED by Patton, SECOND by Haywood, to approve the construction plans for the waterline to serve All-Stor Mini Storage located at 602 SW 82<sup>nd</sup> Street with the addition of backflow prevention. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

11. Consider extending the contract (RFPCL05-033) Credit Card Acceptance Program with Bank of Oklahoma of Tulsa, OK. Exhibits: Department Recommendation, Original Cost Comparison Sheet, Contract Extension Form.

12. Consider extending the contract (CL06-030) Sodium Hypochlorite with DPC Industries, Inc. of Cleburne, TX. Exhibits: Department Recommendation, Price Bid Sheet, Contract Extension Form.

Shanklin stated he meant to pull item #9.

MOVED by Givens, SECOND by Drewry, to approve extending the contract (RFPCL05-033) Credit Card Acceptance Program with Bank of Oklahoma of Tulsa, OK. AYE: Givens, Drewry, Jackson, Shanklin, Haywood, Warren, Shoemate. NAY: None. ABSENT: Patton. MOTION CARRIED.

Mayor Purcell stated they now need a motion to reconsider item #9.

MOVED by Drewry, SECOND by Warren, to reconsider item #9. AYE: Drewry, Jackson, Shanklin, Haywood, Warren, Shoemate, Givens. NAY: None. ABSENT: Patton. MOTION CARRIED.

9. Consider approving plans and specifications for the Lawton Public Library Re-roofing Project #2004-15 and authorizing staff to advertise for bids. Exhibits: None.

Shanklin stated he would like to know the size of the roof in squares.

Jerry Ihler, Public Works Director, stated it is in the neighborhood of 35,000 to 40,000 square feet.

Shanklin stated that is 400 squares. He questioned whose account this is.

Ihler stated that is an account that is utilized at the end of the year when they have not spent the money or are unable to get the project completed. The money is set aside in Fund 35 so they can utilize it when they complete the design. This money was originally in the previous fiscal year for the library roof and they did not think there would be enough money to finish that project, so the money was left in Fund 35 and combined with this years budget so there would be enough money to complete the project.

Shanklin questioned who did the plans and specifications.

Ihler stated the Engineering Division.

Shanklin questioned if a metal roof was the only thing considered.

Ihler stated before they started this process staff brought this forward and indicated they wanted the roof at the library to match what was done at the police department.

Shanklin stated he could not see the roof at the police department.

Mitchell stated you could see the faade.

Shanklin questioned if they are getting one bid from the same person who did the police department roof.

Ihler stated he has no idea who will bid. Last time they had two bidders.

Shanklin stated two bidders are not a bid. That is not an acceptable bid in his line of thought when you are talking about \$500,000. He questioned if Ihler thought it would take \$500,000 to do 40 squares.

Ihler stated he believes it will be in that neighborhood.

Jackson questioned if staff was basing the number off of a comparison with the police department.

Ihler stated staff did look at the police department which came in at \$12.50 a square foot. Fire station #3 and fire station #4 came in at \$12.80 a square foot. There has been some discussion about a single ply. At the wastewater treatment plant a single ply was used at a cost of \$10.00 a square foot approximately two years ago.

Jackson stated that is a lot of money, but he also knows that contractors have to adhere to the Davis Bacon Act which adds to the cost of government projects.

Shanklin stated this is just taxpayers money, they can drive on chug holes and cracks in the street for a couple more years. He does not like it.

Jackson stated he does have enough faith in Mr. Ihler and his staff to seek out the best possible solution to the problem and he believes he is looking out for the taxpayers dollar.

Shanklin stated Mr. Ihler is not a roofer and he has told them that several times.

Mitchell questioned the police chief if they have had any problems with their roof.

Shanklin stated that is not germane to anything.

Mitchell stated he was just curious.

MOVED by Warren, SECOND by Drewry, to approve plans and specifications for the Lawton Public Library Re-roofing Project #2004-15 and authorizing staff to advertise for bids. AYE: Jackson, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: Shanklin. MOTION CARRIED.

13. Consider extending the contract (CL06-036) Sludge Dewatering Polymer with Polydyne, Inc. of Riceboro, GA. Exhibits: Department Recommendation, Price Bid Sheet, Contract Extension Form.

14. Consider extending the contract (CL06-037) Wrecker Service with American Wrecker and Salvage of Lawton, OK. Exhibits: Department Recommendation, Price Bid Sheet, Contract Extension Form.

15. Consider awarding (CL07-021) Extrication Tool with the option for the 16C Brute Vario to Chief Fire & Safety Co., Inc. of Chickasha, OK. Exhibits: Department recommendation, abstract of bids.

16. Consider awarding (CL07-025) Aluminum Sulfate, Liquid to Chameleon Industries, Inc. of Mesquite, TX. Exhibits: Department recommendation, abstract of bids.

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

18. Consider approval of payroll for the periods of February 12 - 25, 2007.

#### BUSINESS ITEMS:

Mayor Purcell requested that item #22 be considered next.

22. Consider accepting a \$1,000 donation from City National Bank for the Lawton-Ft. Sill Birthday/Centennial Celebration scheduled for Saturday, August 4, 2007 in Elmer Thomas Park. Exhibits: None.

Kim Shahan, Parks and Recreation Director, stated this item is to receive a contribution for the centennial celebration from City National Bank. He stated they would also like to update the City Council on the activities that will take place. He stated there were members of the Lawton Rangers and the Pioneer Ladies in the audience. Those groups will be a part of the centennial celebration.

Billie Whip, Arts and Humanities Administrator, stated the current budget provides grants to local organizations and schools that are planning projects to commemorate the Oklahoma State Centennial. She distributed a summary sheet of the project information that has been submitted to her division for funding. She stated the Lawton birthday celebration is scheduled for Saturday, August 4<sup>th</sup> in Elmer Thomas Park. The whole weekend has been designated as Lawton s official centennial project time frame. The Lawton Heritage Association has planned events on Friday and Saturday. On Saturday the Lawton-Fort Sill birthday celebration will be held. She stated the Lawton Rangers and Pioneer Ladies Club approached the City about combining their annual rodeo parade with the birthday celebration. She stated the Lawton Rangers are an official centennial riding club and have already been participating in parades across the nation.

Givens stated the Oklahoma Centennial items are being sold at the Museum of the Great Plains.

Shahan stated the Lawton Rangers will be including a longhorn drive during the rodeo parade festivities. He stated the parade will take place in Elmer Thomas Park.

MOVED by Givens, SECOND by Warren, to accept a \$1,000 donation from City National Bank for the Lawton-Ft. Sill Birthday/Centennial Celebration scheduled for Saturday, August 4, 2007 in Elmer Thomas Park. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. ABSENT: Jackson. MOTION CARRIED.

19. Hold public hearings and adopt resolutions declaring the structure(s) at: 303 N.W. Bell Avenue, 304 S.W. Park Avenue, 305 N.W. Dearborn Avenue, 743 S.W. 45<sup>th</sup> Street, 803 S.W. 7<sup>th</sup> Street, 1505 S.W. 7<sup>th</sup> Street, 1714 S.W. B Avenue, 2505 S.W. A Avenue, 2518 S.W. A Avenue, 4511 S.W. G Avenue To be dilapidated public nuisances, thus causing a

blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Ten Resolutions. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

Mayor Purcell stated they need to strike the properties at 303 NW Bell and 803 SW 7<sup>th</sup> Street.

304 SW Park Avenue: Tony Griffith, Neighborhood Services Supervisor, presented photographs of the property. The property has had no utilities since February 2001.

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

MOVED by Haywood, SECOND by Jackson, to approve **Resolution No. 07-22** and declare the structure at 304 SW Park Avenue to be dilapidated and a public nuisance. AYE: Patton, Haywood, Shoemate, Drewry, Jackson, Shanklin. NAY: None. ABSENT: Warren, Givens. MOTION CARRIED.

305 NW Dearborn: Griffith presented photographs of the property. The property has had no utilities since August 1996.

Shanklin questioned if staff has found the owner.

Griffith stated they have had no response from the owner. They have sent out a notice of violation and a public hearing notice.

Shanklin stated when we tear this down it will be at our expense. He stated he has looked at this house and there have been people in and around it last week. He does not see how we can tear this down without hearing from someone.

Jensen stated we have received no response from certified mailings. This action is just to put this on the dilapidated list.

Haywood questioned if we send out these notices certified mail.

Griffith stated yes. After the building is condemned they have a 90 day process. Before they actually tear anything down it goes to the City Attorney's office who will then make several additional efforts to contact the responsible party. It is a lengthy process with a lot of checks in between.

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

MOVED by Shanklin, SECOND by Haywood, to approve **Resolution No. 07-23** and declare the structure at 305 NW Dearborn to be dilapidated and a public nuisance. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. ABSENT: Patton. MOTION CARRIED.

743 SW 45<sup>th</sup> Street: Griffith presented photographs of the property. He stated there is no record that the property has had utilities.

Jackson questioned how staff is coming along with Mr. Mansell's properties in this area.

Griffith stated this is also one of Mr. Mansell's properties. He stated Mr. Mansell has obtained remodel permits on those homes in Country Club Heights. Staff will inspect when those remodel projects are complete.

PUBLIC HEARING OPENED.

Delores Mansell stated that Mr. Mansell will have knee surgery on March 12<sup>th</sup>, and they would request some time to finish this remodel. She stated her husband had financed this home. There has been a lot of work on this home and it just needs to be finished out.

Drewry questioned if the property has water.

Mrs. Mansell stated it does have water and electricity. The exterior is cedar and does not need to be painted.

Drewry questioned how long the home has been empty.

Mrs. Mansell stated it was never occupied. It was moved in from Rogers Lane and it was just left. It had gone to District Court once and the judge asked them to put on a roof and cover the windows. They did everything they were supposed to.

Jackson stated that roof is at least twenty years old.

Mrs. Mansell stated they have shown the house to several potential buyers and they would like to be able to finish the project. Since Mr. Mansell is having surgery on March 12<sup>th</sup> it will take him several weeks to recover.

Shoemate questioned if Mr. Mansell does all the work himself or does he hire help.

Mrs. Mansell stated he does a little of both, but he does a lot of the work himself.

Drewry questioned if it would be possible for Mr. Mansell to go get a permit and then hire someone to get started.

Mrs. Mansell stated they are also working on three other homes with a number of contractors and they would really need more time to finish those projects before they can work on this property.

PUBLIC HEARING CLOSED.

Shanklin stated the Mansells will have time, at least five or six months.

MOVED by Haywood, SECOND by Shanklin, to approve **Resolution No. 07-24** and declare the structure at 743 SW 45<sup>th</sup> Street to be dilapidated and a public nuisance. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

1505 SW 7<sup>th</sup> Street: Griffith presented photographs of the property. He stated there are three structures on site. The property has had no utilities since February 2005. Staff has had to secure the building several times.

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

MOVED by Haywood, SECOND by Shoemate, to approve **Resolution No. 07-25** and declare the structure at 1505 SW 7<sup>th</sup> Street to be dilapidated and a public nuisance. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

1714 SW B Avenue: Griffith presented photographs of the property. The property has had no utilities since January 2003.

PUBLIC HEARING OPENED.

Charles Barger, American Real Estate, stated they have the property listed for Country Wide Mortgage. They repossessed the property back in January. They were just notified two weeks ago of the public hearing. There is a potential buyer for the property and it will take at least thirty days to close on the property.

Shanklin stated they still need to put it on the list. It did not get like this overnight.

Mr. Barger stated he was not notified as the listing agent. They have always done what they could to secure these properties.

Givens questioned if staff even notifies the mortgage company.

Jensen stated they do notify the mortgage company if they have that information.

Griffith stated the mortgage company was notified. He stated during their research a bank came back as the titleholder, not Country Wide Mortgage.

Scott Meadors, Assistant City Attorney, stated this property has been to sheriff s sale three times and they could not get a buyer. He stated Country Wide is a clearing house for other mortgage companies and is acting as an agent for the titleholder. He stated if the City Council places this property on the dilapidated list, a lien will be filed against the property in thirty days, which will represent a cloud on the title to the purchaser.

Mr. Barger stated it will take them at least thirty days to close and the future property owner cannot start work on the property until he owns it.

Shanklin stated there is recourse in District Court.

Mr. Barger stated they would spend more in court costs and attorney fees.

MOVED by Shanklin, SECOND by Warren, to approve **Resolution No. 07-26** and declare the structure at 1714 SW B Avenue to be dilapidated and a public nuisance. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

2505 SW A Avenue: Griffith presented photographs of the property. The property has had no utilities since February 2002. The structure is a combination of a mobile home and a permanent structure.

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

MOVED by Shanklin, SECOND by Warren, to approve **Resolution No. 07-27** and declare the structure at 2505 SW A Avenue to be dilapidated and a public nuisance. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

2518 SW A Avenue: Griffith presented photographs of the property. The property has had no utilities since November 1997.

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

MOVED by Shanklin, SECOND by Drewry, to approve **Resolution No. 07-28** and declare the structure at 2518 SW A Avenue to be dilapidated and a public nuisance. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

4511 SW G Avenue: Griffith presented photographs of the property. The property has had no utilities since February 2001.

PUBLIC HEARING OPENED.

Delores Mansell stated they also own this property. She stated the property is not in bad shape, it needs some remodeling. She reiterated that her husband is having knee surgery and she requested that the property not be put on the list.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Givens, to approve **Resolution No. 07-29** and declare the structure at 4511 SW G Avenue to be dilapidated and a public nuisance. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. ABSENT: Shanklin. MOTION CARRIED.

20. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Industrial to Commercial and an ordinance changing the zoning from R-3 (Multiple-Family Dwelling District) to C-2 (Planned Neighborhood Shopping Center District) zoning classification located at 802 SW 27<sup>th</sup> Street. Exhibits: Resolution No. 07-\_\_, Ordinance No. 07-\_\_, Location Map, Site Plan, Letter from Co-op Services and CPC Minutes.

Rogalski stated this request includes Blocks 3 and 4, Sunset Place Addition. The applicant is Co-op Services, Inc. The proposed use is mini-warehouses. The C-2 zoning classification is the most restrictive zoning district which will allow mini-warehouses at this location. The zoning of the surrounding area is R-1 (Single-Family Dwelling District), P-F (Public Facilities District) and R-3 to the north; R-3 to the south; I-1 to the east; and P-F to the west. The land use of the surrounding area is single-family residential to the north; single-family residential, duplexes, and apartments to the south; Co-op Services to the east; and Cameron University to the west. The 2025 Land Use Plan designates the requested area as Industrial. The current land use is vacant.

The requested area was part of an earlier request for I-1 (Restricted Manufacturing and Warehouse District). On January 9, 2007 the City Council approved I-1 zoning on a portion of Block 1, Sunset Place Addition. The applicant withdrew the request for I-1 zoning on these two blocks during the City Planning Commission consideration of the request and submitted applications to amend the 2025 Land Use Plan from Industrial to Commercial and to change the zoning from R-3 to C-2.

On January 25, 2007 the City Planning Commission held a public hearing on this request. During the public hearing no one spoke either for or against the request. The CPC, by a vote of 6 - 0, recommended approval of the request.

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

MOVED by Warren, SECOND by Shoemate, to approve **Resolution 07-30** and adopt **Ordinance 07-11**, waive the reading of the ordinance, read the title only. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. ABSTAIN: Shanklin. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-11

An ordinance changing the zoning classification from the existing classification of R-3 (Multiple-Family Dwelling District) to C-2 (Planned Neighborhood Shopping Center 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.

21. Hold a public hearing and consider an ordinance changing the zoning from R-4 (High Density Apartment District) to R-4 (High Density Apartment District) zoning classification with HP (Historical Preservation Overlay District) located at 1008 SW 5<sup>th</sup> Street. Exhibits: Ordinance No. 07-\_\_\_, Location Map, Report from Historical Preservation Commission and CPC Minutes.

Rogalski stated this request is for Lots 9, 10, 11, and 12, Block 17, Beal Addition which is the site of the Mattie Beal Home. The applicant is the Lawton Heritage Association. The zoning of the surrounding area is R-4 to the north, east and west and P-F (Public Facilities District) to the south. The land use of the surrounding area is single-family residential to the north, east and west and medical offices and vacant hospital building to the south. The current land use of the requested area is the Mattie Beal Home. The Lawton Heritage Association is requesting the Historical Preservation Overlay District be placed on the property. On December 6, 2006, the Historical Preservation Commission considered the request and recommended approval. The report from the Historical Preservation Commission is attached.

On January 25, 2007 the City Planning Commission held a public hearing on this request. During the public hearing one person spoke in favor of the request, and two persons asked questions. The CPC, by a vote of 6 - 0, recommended approval of the request.

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

MOVED by Haywood, SECOND by Drewry, to adopt **Ordinance 07-12**, waive the reading of the ordinance, read the title only. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 07-12

An ordinance changing the zoning classification from the existing classification of R-4 (High Density Apartment District) to R-4 (High Density Apartment District) zoning classification with HP (Historical Preservation Overlay District) 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.

23. Consider requesting a weekly report from Legislative Consultant, Roy B. Hooper regarding State legislative activities, and take appropriate action. Exhibits: Consultant Agreement.

Jackson stated he has never known exactly what our hired lobbyist was doing. He feels it is only appropriate that they receive a report from Mr. Hooper regarding the activities that he is working on and his success in those activities. He has not heard one thing in the last year and a half regarding what he is doing. He stated he does not want a review of the legislative bills that have been filed. He wants to know what Mr. Hooper is working on in regards to direction from the City Manager, Mayor or any particular Councilmember.

Mitchell stated the legislative session just started the first week of February. Most of the month has been used for hearings and meetings of the various committees regarding bills that may reach the Senate or House floor. He distributed a list of issues that the Oklahoma Municipal League is supporting or not supporting and a summary of the issues that Mr. Hooper is tracking.

Haywood stated he does not see any problem with Mr. Hooper coming and giving a report to the City Council.

Mayor Purcell stated most of the time there is nothing to report on a weekly basis.

Jackson stated he does not necessarily have to come to a City Council meeting. He can send out a written report. He believes that weekly information is important. They need to react quickly on some issues.

Mitchell stated he has been sending out OML alert bulletins via email. He stated the legislature is out of session on Fridays and he could ask Mr. Hooper to come by City Hall and give those reports verbally. He does not believe a weekly report would be very effective.

Jackson stated they need to know what they are getting for their \$7,500.

Mitchell stated Mr. Hooper is working very hard on two bills that are of interest to the City of Lawton. One is the CLEET bill which would allow Lawton to conduct their own CLEET training program. The other bill is the Goodyear Bill which Senator Bass has submitted an amendment which would provide low interest loan funds to military communities to help with infrastructure projects over the next four to five years. He stated they are also watching a bill regarding funding of the Oklahoma fuel tax so that cities would receive a portion of that allocation.

Jackson questioned if the City Manager is opposed to the City Council receiving a report.

Mitchell stated he is not opposed, he is just not sure it would be effective on a weekly basis.

Jackson stated if something comes up he would like to be able to react.

Mayor Purcell stated the City Manager would need some guidance on what the City Council would like to see in that report. He stated the OML Grip Report is what tells them what issues they need to react to quickly.

Shanklin stated they just want to know what Mr. Hooper is doing.

Jackson stated he is hearing some animosity against getting some information from our lobbyist.

Mitchell stated it is not animosity. He wants to know which bill the City Council is interested in. There are over 2,000 bills filed.

Jackson stated he has had someone come to him asking what we are getting for our \$7,500. He would like for them to be able to know.

Mitchell stated we are getting someone to help track those bills that we have interest in.

Shanklin questioned how much time the City Manager and Mayor spend in Oklahoma City.

Jackson suggested that if Mr. Hooper has success on a certain bill, he can email to the City Council.

Mitchell stated he is willing to do that.

Mayor Purcell stated Mr. Hooper could give the City Council the status of all of the bills he is working on.

Jackson stated he would like an email shot to him letting him know if a bill was successful or defeated. This will let him know if he needs to pick up the phone and call our legislators.

Mitchell stated he would work on this issue.

Jackson stated he would just like to see the tracking of the bills Mr. Hooper is working on.

Mitchell stated Mr. Hooper is generally working on transportation bills, sales tax bills, the CLEET training bill and the bill from Senator Bass which was discussed earlier.

Jackson stated he is very interested in Senator Bass bill, also know as the Goodyear bill and the CLEET bill. He has tried to go through the thousands of bills.

Shanklin stated he has questioned how valuable Mr. Hooper is to the City of Lawton. He questioned how the Mayor felt about Mr. Hooper s value.

Mayor Purcell stated the City Council members need to call the local legislators and ask them how valuable Mr. Hooper is to them.

Shanklin stated Senator Bass has told him that Mr. Hooper is valuable to him.

Haywood stated we must be represented up there to get any kind of funding. I makes all the difference in the world.

Mayor Purcell polled the City Council to see if they were in favor of the CLEET bill and Goodyear bill.

No one was opposed to these bills.

Mitchell stated that Mr. Hooper has even worked with senate staffers to help draft bills.

No action was taken on this agenda item.

24. Discuss a possible administrative rezoning and Land Use Plan amendment for properties located on Cache Road and Oak Avenue between 34<sup>th</sup> Street and 38<sup>th</sup> Street and direct staff to proceed accordingly. Exhibits: Location map.

Drewry stated this issue came before the City Council one time before and unfortunately she stopped it because she did not think the residents were for the rezoning. Since that time she has learned that the residents are in

favor of the rezoning. This would affect the remainder of the property on Cache Road and the property on both sides of Oak between 34<sup>th</sup> and 38<sup>th</sup> Streets. The residents have requested that the City Council bring this C-1 rezoning request back.

Geneva Kirkpatrick, 3403 NW Oak Avenue, stated the property owners in this area have been challenged over the years to develop it commercially. They have been told it is a very high traffic area and it is prime commercial property. With the three properties recently rezoned C-1, they have taken a new look and examined their position on conceding the potential for commercial development. The plat is bordered on the east and west by commercial property. She stated they are now working as a group for the benefit of the entire plat which includes 20 properties. She stated Sam Helton and Jason Wells from Insight Properties were requested to help the residents in accomplishing their goals. They realize this must be rezoned commercial before it can be marketed as commercial. With ten to fifteen acres involved, they feel a quality development can be accomplished which will draw people from the area.

Sam Helton, Insight Properties, stated they have worked on this area the last two or three weeks. The property owners have discussed this option with them and he has heard that this issue has come up several times. Most of the property owners are retired and ready for something to take place. He stated their goal is to try their best to market this area as a whole and bring in a quality development.

Jackson stated over the past two weeks he has heard that there have been problems with covenants being enacted to prevent some development. He questioned if these covenants will be removed if they rezone this property.

Mr. Helton stated that is an issue with Steve Rich, who cannot proceed now because there are restrictions and it is holding up his construction. He stated he was told by the Planning Division that if each individual lot was sold, the new owners can vote to lift those restrictions. The wishes of the current property owners is for that not to happen until it sells.

Mrs. Kirkpatrick stated that as a group, they have said that this is the tool that they have in having a voice in what takes place in the future. They are willing to work with Mr. Rich and anyone else in getting the entire project accomplished.

Jackson stated he does not mean to be disrespectful, but when Mrs. Kirkpatrick says work as a group are they saying they are refusing to remove the covenants until all of the property sells. He worries about someone having a sizeable investment on that property and the residents holding it up because of covenants.

Mrs. Kirkpatrick stated they had not met with Mr. Rich prior to him purchasing the property. They did not have the opportunity to say they wanted to develop this as a whole. They would like to work together as a group. She stated Mr. Rich already has his zoning and she hopes they receive the same consideration.

Jackson stated he feels that the City Council is leaning towards Councilmember Drewry's request of rezoning, but he is still concerned about the covenants holding up the project.

Shanklin stated Mr. Rich cannot do anything with this property because post has to equal pre in runoff. He questioned if Mr. Helton felt that all these people are in the same package.

Mr. Helton stated they are trying to keep it that way if possible. He realizes that they may run into problems. The majority of the people have agreed to work with them on this project and try to make it happen. He stated he cannot speak on behalf of Mr. Rich, but he does know that his plans do have a drainage area.

Rogalski stated the storm drainage policy is if it is a pre versus post, these sites already have development on them. To start off there will not be as much storm drainage detention requirement as you would have on raw land. They are allowed to release the water in the same location and nature as before. He stated in redevelopment it is a little tricky.

Shanklin stated the whole thing needs to be developed together.

MOVED by Drewry, SECOND by Shanklin, to direct staff to begin the process to administratively rezone to C-1 and amend the Land Use Plan for properties located on Cache Road and Oak Avenue between 34<sup>th</sup> Street and 38<sup>th</sup> Street. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

25. Consider waiving Council Policy 1-6, and if approved, reconsider adoption of a Resolution authorizing the change of speed limit on SW 27<sup>th</sup> Street between Gore Boulevard and J Avenue from 25 MPH to 35 MPH. Exhibits: Traffic Issue Request, Traffic Commission Minutes and Resolution 07-14.

MOVED by Shanklin, SECOND by Warren, to waive Council Policy 1-6 and reconsider dialogue regarding speed limit on

27<sup>th</sup> Street. AYE: Givens, Drewry, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: Jackson. MOTION CARRIED.

Shanklin stated he has a problem with the speed from the railroad tracks to Lee Boulevard. He requested that the City Council consider the speed limit be 35 mph up to the railroad tracks which is F Street and if F Street is not 35 mph between 27<sup>th</sup> through 34<sup>th</sup>, make it 35 mph.

Patton questioned if it is currently 25 mph.

Jackson questioned if he was talking about 27<sup>th</sup> to 38<sup>th</sup>.

Shanklin stated he is talking about 27<sup>th</sup> to 38<sup>th</sup> on F Avenue.

Mayor Purcell stated they only voted to talk about 27<sup>th</sup> Street, not F Avenue. They can bring that back next time.

Shanklin stated he would like to limit that 35 mph to the railroad track, which is F Avenue, Gore to F Avenue.

Jackson stated he does not have a problem with that and it is Councilmember Shanklin's ward. He stated after he observed that area for about a week he felt it was appropriate to change that speed limit from 25 mph to 35 mph. He wanted to stop it at J Avenue which is the street next to Cleveland Elementary, but he would concede to the railroad tracks.

MOVED by Shanklin, SECOND by Warren, to approve **Resolution 07-31** which will modify Resolution 07-14 changing the speed limit on 27<sup>th</sup> Street between Gore and the F Avenue to 35 mph and from F Avenue to Lee to 25 mph. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: Shoemate, Givens. MOTION CARRIED.

26. Discuss recent article in Lawton Constitution regarding citizen complaints that city employees are unfriendly to businesses. Exhibits: Copy of article from the Lawton Constitution dated February 19, 2007.

Shanklin stated he is concerned that staff has singled out a former Mayor over his signs when in the last election there were signs everywhere in illegal spots. He stated he is looking at going off in a year and he is saying he cannot afford to get off because staff will pick on him. He stated he has given staff pictures of his neighbor who parks five or six vehicles on a side yard. He has also lost his fence because the neighbor's leaves are waist high. He just worries that we are trying to pass a sales tax extension and he does not know if it will pass. He is not going to support it until they do everybody the same way and we haven't done it and we are not doing it. He could name a dozen more places and they need to look at it. Everyone he has talked with feels the sales tax election will not pass.

Warren questioned what this had to do with city employees.

Shanklin stated he is talking about inspections. They cannot pass this sales tax.

Drewry stated a month ago, Councilmember Shanklin said everyone was for this tax and it was not a problem.

Shanklin stated he is for the tax, but he is talking about the poor people who have told him they will not pass the tax.

Drewry stated she thought they were going to talk about the article in the Lawton Constitution.

Mayor Purcell stated that is the item that is on the agenda.

Shanklin stated he just likes to ramble a little bit. He stated he would just put this off until the next City Council meeting when there will be a new member on the City Council and maybe he will have a little support.

Patton stated he had an individual who was having problems with a building that he bought and he met with Mike Jones, Code Supervisor, and the applicant and staff really worked with this individual. He truly believes that staff in that office tries to help in every way they can.

Shanklin stated he has seen Mr. Jones help people.

Shoemate stated he has yet to hear a staff person speak derogatory towards a customer. He stated tonight they have had two people compliment employees at City Hall. He feels that speaks volumes.

Mayor Purcell stated the person that was quoted in that article came to the City Manager and apologized for what was in the article because he was misquoted.

27. Consider adopting an ordinance notifying the public of the publication of Supplement No. 2 to the Lawton City Code, 2005, and declaring an emergency. Exhibits: Ordinance 07 -\_\_\_.

Jensen stated supplement No. 2 incorporates all ordinances adopted through February 1, 2007 and is ready for publication to the public. A copy will be placed in the Comanche County Law Library, the County Clerk s office and the City Clerk s office.

MOVED by Shanklin, SECOND by Drewry, to adopt **Ordinance 07-13**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-13

An ordinance approving supplement No. 2 to the Lawton City Code, 2005, directing filing and notification of the publication of supplement No. 2 to the Lawton City Code, 2005, and establishing a fee for the sale of supplement No. 2, and declaring an emergency.

28. Consider waiving Council Policy 8-1, Engineering and Architectural Policy, and approve an agreement with Meyer Architecture Plus, L.L.C. to provide architectural services for Phase II of the remodel of the original Lawton High School and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Letter from Meyer Architecture, dated February 19, 2007. Draft agreement on file in the City Clerk s Office.

Mitchell stated Lawton Public Schools have been working with Meyer Architect for the last two years to do the architectural design work for the old Lawton High School. Meyer Architect put together the base bid and the architectural design plans for the conference center, auditorium and other parts of that project. Staff is requesting that the City Council waive Council Policy 8-1 which requires all engineering and architectural work be reviewed by an architectural review committee and award Phase II of that project to Meyer Architecture so they can proceed with Phase II which is designing and bidding out the first floors on the north and south wing and perhaps the second floor on the south wing. Once that work is completed, staff will vacate current city hall.

Shanklin questioned what amount they were talking about.

Mitchell stated there is \$3 million set aside in the 2005 Capital Improvement Fund and the fee for the architectural design work would be 8% of that amount and capped at \$240,000.

Shanklin confirmed that it will be capped unlike the Wastewater Treatment Plant where they were going to get \$1.5 million and they got \$3.1 million. If this is capped, he can support it.

MOVED by Warren, SECOND by Givens, to waive Council Policy 8-1, Engineering and Architectural Policy, and approve an agreement with Meyer Architecture Plus, L.L.C. to provide architectural services for Phase II of the remodel of the original Lawton High School and authorize the Mayor and City Clerk to execute the agreement. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

## REPORTS

Patton stated he has really enjoyed working with Councilmember Givens and appreciated all of his contributions to the City Council.

Jackson stated he had looked at the claims report and questioned if we were deducting utility services out of the Capital Improvement Program.

Mitchell stated he would look into that issue.

Jackson stated he would echo Councilmember Patton s statements regarding Councilmember Givens who did bring a lot of interesting issues to the table.

Drewry stated that Councilmember Givens has made a big difference in the city of Lawton and everyone she knows appreciates that.

COL Uberti thanked Councilmember Givens for his public service to the citizens of Lawton and the entire community. He thanked everyone who was involved in the Extreme Home Makeover project for the Westbrook family. It speaks volumes for the character of this community.

Mayor Purcell stated every time someone was needed to serve on a committee Councilmember Givens has volunteered. In the last three years he has contributed greatly to this city.

Mayor Purcell presented Councilmember Givens with a plaque which included his City Council name plate.

Mayor Purcell stated a gang task force meeting was held that morning at Cameron University and approximately 250 people were in attendance. He reminded everyone that the point of contact on this issue is Deputy Chief Apple. He stated a lot of good ideas came out of this meeting.

Mitchell distributed a fact sheet regarding the sales tax election on April 3, 2007. He stated the Chamber of Commerce did pass a resolution in support of the sales tax election.

Shanklin questioned why they were not overlaying those street projects instead of tearing them up.

Ihler stated most of the streets that are on the potential project list have base material that is in terrible shape and if staff overlaid it, they would be throwing money away. The base fails and the overlay fails. They need to construct a good solid base.

Shanklin stated he does not understand why we are not overlaying in Lawton.

Ihler stated they are overlaying in Lawton.

Haywood questioned if this would also include the drainage.

Ihler stated yes.

Mayor Purcell stated there is a special City Council meeting on April 14<sup>th</sup> from 9:00 a.m. to 4:00 p.m. The City Manager is bringing in a facilitator. He stated they will be discussing what needs to be done in the next 2-5 years and what the City Council wants to accomplish. This has nothing to do with budget. It is important to know where we are going.

Mitchell stated he will be out of the office on Thursday and Friday.

The Mayor and Council convened in executive session at 9:00 p.m. and reconvened in regular, open session at 9:38 p.m. Roll call reflected all members present.

#### EXECUTIVE SESSION ITEM

29. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending lawsuit, in the Comanche County District Court, City of Lawton vs. Bob Mansell, et al, Case No. CJ-2006-1063, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item 29. He stated the City Council was briefed on this case. No action is required.

30. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending tort claim by Reynold Veal and take action in open session as necessary. Exhibits: None.

Jensen read the title of item 30. He stated the City Council was briefed on this claim. No action is required.

31. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending litigation of case number CJ-2004-1093, concerning 2604 SW G, and case number CJ-2005-261, concerning 803 SW 7<sup>th</sup> Street and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item 31. No action is required.

32. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of Traci Hushbeck, City Clerk, and if necessary, take appropriate action in open session. Exhibits: None.

Mayor Purcell read the title of item 32. He stated it was the unanimous opinion of the City Council that Ms. Hushbeck is doing an excellent job in all areas.

MOVED by Drewry, SECOND by Warren, to amend the contract of Traci Hushbeck, City Clerk to reflect an annual salary of \$56,000. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:41 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK