

Meeting of 2007-3-13 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
MARCH 13, 2007 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John Purcell, Jr.                         Also Present:  
Presiding                         Larry Mitchell, City Manager  
   John Vincent, City Attorney  
   Traci Hushbeck, City Clerk

Mayor Purcell called the meeting to order at 6:02 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Richard Mayer, St. John s Lutheran Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:                         Bill Shoemate, Ward One  
James Hanna, Ward Two  
Janice Drewry, Ward Three  
   Keith Jackson, Ward Four  
Robert Shanklin, Ward Five  
   Jeff Patton, Ward Six  
   Stanley Haywood, Ward Seven  
   Randy Warren, Ward Eight

ABSENT:                         None

Mayor Purcell stated there are a large number of people in the audience who want to participate in several items on the agenda. He is glad to have them hear to participate, but they must follow rules that are approved by the City Council. There will be no demonstrations in the Council Chamber and if there are, those participants will be removed. During the audience participation, those who wish to speak need to come forward, state your name, address and concerns. This section of the agenda is for items that do not appear on the agenda. The prairie dog issue does appear on the agenda and will be addressed later. On audience participation, they will follow the City Council policy and rules which state that each person will have a maximum of three minutes to state his business and each subject will have a maximum of nine minutes.

CONDUCT ELECTION OF MAYOR PRO TEM

MOVED by Warren, SECOND by Patton, to nominate Janice Drewry to serve as Mayor Pro Tem.

SUBSTITUTE MOTION by Hanna, SECOND by Shoemate, to nominate Keith Jackson to serve as Mayor Pro Tem. AYE: Shoemate, Hanna, Jackson, Shanklin. NAY: Patton, Warren, Drewry. ABSENT: Haywood. MOTION CARRIED.

AUDIENCE PARTICIPATION: Anyone having an item of business to present to the City Council that does not appear on the agenda, please come forward at this time.

Debra Eash-Pittenger, 1003 SW Park Avenue, stated the new animal ordinance will come into effect on Thursday. She questioned if all animals have to be fixed by then or will fines be given out if you have an appointment with your vet. She questioned how animal rescuers will be affected and do they have to pay these costs if they are just trying to find these animals homes.

Mitchell stated he cannot answer the question about the fines, but he stated if no one has an objection, he would like to ask the City Council to extend the grace period so the new fees don t go into effect until April 1<sup>st</sup>. This will allow citizens to get their records from their veterinarians and get the license from animal control.

Shanklin stated he feels they need to give citizens another month.

Ms. Pittenger questioned how this will affect animal rescue organizations.

Rose Wilson, Animal Welfare Supervisor, stated currently there is an ordinance in effect that addresses special handlers permits. This gives a person the right to have up to seven animals. Number 4, 5, 6 and 7 fall under this provision and they would just need to provide a city license and a rabies vaccination if the animals are less than six months old. She stated most of the time the animal shelter works with non profit organizations that are 501.3c. There are a lot of people in town that claim to be rescue groups and staff ends up going out on calls to these residences where they have ten or eleven dogs in their yard or their home. That is the purpose of the special handlers permit.

Hanna stated he has received many phone calls on this issue. People have asked if this can be placed on a six month moratorium and a special study group be put together consisting of professional breeders and all veterinarians in town. He is getting complaints that the fees are way too high. He knows we are trying to stop people from selling puppies in front of Wal-Mart, but consideration should be given to everyone.

Mayor Purcell stated that Councilmember Hanna could place an agenda item on the next City Council meeting to address this issue. They cannot take any action tonight since it was not an agenda item.

Shanklin stated he feels they need to give citizens longer than two weeks to comply. He suggested maybe a month until April 15<sup>th</sup>

Mayor Purcell stated the City Manager could administratively extend it until April 15<sup>th</sup> if no one had any objections.

No one had an objection

Jackie Kelly, 7612 NW Kingsbury Avenue, stated she is concerned about the gang task force. She wrote to the Mayor regarding the meeting that was set up to discuss the issue. Pastors from across the city were encouraged to attend, but she stated the scheduled time did not allow all the pastors to attend. She was told that if she had concerns she should go to her pastor. She lives in Lawton, but she does not attend church in Lawton. She stated many people do not go to church and she would like to know how they are going to reach all these people and what steps the city is taking in order to better the situation and how citizens can help.

Mayor Purcell stated the point of contact with the City of Lawton is Deputy Chief James Apple. He stated he is working closely with Rick Lowe of the Juvenile Bureau and many pastors. He asked Ms. Kelly to contact Deputy Chief Apple for some guidance in this area.

Ms. Kelly asked if there will be a time set for a city wide meeting where everyone can come together and discuss what they feel the problem is and what can be done about the situation.

Mayor Purcell stated if that is what the people involved would like to do, they will schedule a city wide meeting. At this point in time, those involved did not want to do that until they get some more things ironed out. If they do schedule a city wide meeting it will be well publicized to the media.

Rita Hudson, 3960 NW Welch Road, thanked the City Council for unanimously approving the new animal ordinance. She feels it is incredibly well thought out. She is a little concerned that they would consider calling together a group of vets and breeders to get their opinion. The vets are not authorities on pet overpopulation and she feels that people have studied this for over twenty years and these people would be more of an authority on the subject. The vets have a vested interest in an ever increasing supply of puppies. She stated it was an incredibly brave thing for the City Council to do and she hopes that it would be appropriate to address the City Council on another date regarding her feelings on this issue.

Rick Thur, 305 NE Skyline Circle, stated he tried to get a license today for his two dogs and there was a 45 minute to an hour wait. He went back at 1:00 p.m. and it was the same thing. He requested the City Council think about having different locations where people could get this license. He suggested veterinarian offices or groomers shops. He would like to have gotten this taken care of today, but it just wasn't going to happen.

Mitchell stated the effective date was just extended for thirty days.

Donna Eckrote, 2215 NW 46<sup>th</sup>, stated she appreciated the fact that the specifications regarding the animal ordinance are being looked into to make sure that they represent the citizens and the welfare of the animals.

Katrina McMillan, 2 NW 25<sup>th</sup> Street, stated it is very frustrating to those that are good pet owners. She owns two female cats that stay indoors and she feels it is unfair to have to get them spayed. She stated her husband is military medical retired and they are very limited with their budget. They also have a dog that they are nursing along until they will have to put him to sleep. She does not see the sense in neutering a dog that is near death. She feels it would be fair to require this be done to animals that are found outside or caught running wild. She feels it is a good ordinance, but punish those who break the already existing laws. She feels that this needs community input.

Marcella Ivens, 724 NW Laird, stated the public did not have prior notice to this animal ordinance and the City Council should have gotten a broader view. There are petitions being circulated. The City Council should be listening to the majority who are good pet owners. She did stand in line to get her license today and most of those in line were responsible pet owners and not those who will letting their dogs and cats out to breed.

Alisander Parisien, 6419 NW Cherry Avenue, stated she is a pet owner and she did get her license today. She has to factor this into her cost as a breeder and she does not understand how it goes from \$15 a year to obey the law to \$350 per dog per breeding each year.

Mayor Purcell stated they have now exceeded the time on the animal ordinance. He questioned if anyone would like to speak on any other item.

No one came forward.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL SPECIAL MEETINGS OF JANUARY 16, JANUARY 30 AND MARCH 5, 2007.

MOVED by Warren, SECOND by Jackson, to approve minutes of Lawton City Council special meetings of January 16, January 30 and March 5, 2007. AYE: Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood. 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 requested item #2 be considered separately. Shanklin requested items #6, #7, #8 and #13 be considered separately.

MOVED by Shanklin, SECOND by Hanna, to approve the Consent Agenda with the exception of items #2, #6, #7, #8 and #13. AYE: Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

#### BUSINESS ITEMS:

1. Consider the following damage claim recommended for approval and consider passage of the resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Southwestern Bell Telephone in the amount of \$887.11. Exhibits: Legal Opinion/Recommendation and **Resolution No 07-32**.

2. Consider the following damage claims recommended for denial, Ruth Henkelmann in the amount of \$795.00 and Southwest Ready Mix in the amount of \$1,345.10. Exhibits: Legal Opinions/Recommendations.

MOVED by Warren, SECOND by Jackson, to deny the damage claim of Southwest Ready Mix in the amount of \$1,345.10. AYE: Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

Vincent stated Ms. Henkelmann is in the audience. He distributed a packet including the claim form and all the photos taken at the site. He stated a water line was broken in the front driveway and city staff did replace the driveway. Ms. Henkelmann is claiming that the additional cracks and damage to the front porch and foundation was caused at the time of the repairs to the driveway. He stated they took out a man by the name of Jesse Henry, who is the field supervisor on the concrete crew, and he stated all the damages that Ms. Henkelmann is claiming are old damages and was not caused by the repair work done on the property.

Warren stated he has talked with Ms. Henkelmann and he feels that she has no reason to lie to them. He stated that staff would probably agree that they violently busted her driveway and he truly does not believe that she would say there was damage that was not previously there. He suggested that staff carry a digital camera and take before and after pictures of the repair work. He stated they can address that issue at budget time.

MOVED by Warren, SECOND by Haywood, to pay the claim of Ruth Henkelmann in the amount of \$754.00 and all related documents (**Resolution 07-33**). AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

3. Consider ratifying the action of the City Attorney in filing an appeal in the workers compensation case of Larry Burnison, Workers Compensation Court Case No. 2006-03962K. Exhibits: **Resolution No. 07-34**.

4. Consider approving the proposal of Sapulpa Auto Pool to sell at auction a vehicle in their possession that has

been obtained by the City of Lawton as part of settlement of the tort claim filed by John and Doris Hoffman, DC-2006-0089. Exhibits: Sapulpa Auto Pool Invoice and Proposal.

5. Consider approval of Cellular Service Funds to be spent to replace the radio and telephone recording system in the Communications Center. Exhibits: Memo from Emergency Communications Supervisor Derrell Morgan and Email from Information Technologies Supervisor Kevin Hall.

6. Consider approving the construction plans and specifications for an 8-inch sanitary sewerline to serve the Pizza Hut located at SE 45<sup>th</sup> Street and Lee Boulevard. Exhibits: Location Map.

Shanklin stated he agended an item about six weeks ago to discuss what we owe people who live in the city limits as far as water and sewer service. He stated he gave a specific address just to the south of the I-44 on pigpen road. He questioned if we were making these people pay for this 8-inch line.

Vincent stated staff provided Councilmember Shanklin with a memo on the issue regarding Railroad and Bishop.

Shanklin stated when it was annexed there was a different code than we have now. He is talking about item #6, #7 and #8. The example he is going to bring back up is on E Street between 19<sup>th</sup> and 20<sup>th</sup>. The gentleman who is building this is being made to put a sewer line in and then another 50 feet further to the east for his three duplexes. He received a building permit from the City of Lawton and evidently the City did not know there was no sewer line in the alley. Is the builder held responsible for this line?

Vincent stated yes.

Shanklin questioned why.

Vincent stated if those folks at Railroad and Bishop want to tie on to the sewer line and water line that is out there by their houses, they have got to pay for the extension at this time. There is no requirement for the City to extend to them. Right now under code, if you are within a certain distance of a water line or sewer line, you have to pay to extend it to your property if you want to develop that property. It is in the code book.

Shanklin questioned if he should be fined because it was already there and he got to tap onto it for free.

Vincent stated that is the reason they created a lease purchase agreement on these sewer lines and water lines. If a developer is building a sewer line or water line that other people are going to tap onto, he can apply for a lease purchase from the city and get reimbursed. That is why that provision was put in the code last year.

Shanklin stated the other 50 feet is not germane to the first 150 feet.

Vincent stated if people can tie onto that 150 feet, then this gentleman needs to apply to the planning division to be put on the lease purchase program. If people do tie onto that, they will reimburse him.

MOVED by Shanklin, SECOND by Patton, to approve items #6, #7 and #8 on the consent agenda. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

7. Consider approving the construction plans and specifications for an 8-inch waterline to serve Southwest Ready Mix on SW Superior Circle. Exhibits: Location Map.

8. Consider approving the construction plans and specifications for an 8-inch sanitary waterline to serve the EZ Go Store located at 6439 NW Cache Road. Exhibits: Location Map.

9. Consider issuing a revocable permit for a parking lot to serve the Comanche Nation College located at 1608 SW 9<sup>th</sup> Street. Exhibits: Application and site plan.  
Revocable Permit on file in City Clerk s office.

10. Consider approving an agreement with Robert B. Hendrick & Sons Co. Inc. for professional engineering design services for the S.E. 45<sup>th</sup> Street Reconstruction (Lee to Gore) Project #2006-12. Exhibits: None.

11. Consider approving plans and specifications for the Lake Ellsworth Bypass Project #2004-2 and authorizing staff to advertise for bids. Exhibits: None.

12. Consider approving release agreements with Gaboon Roberts of 5710 NW Cedarwood Blvd and J.W. & Marcella Kennedy of 810 NW 44<sup>th</sup> Street for the partial reimbursement of installation expense of backflow prevention valves in accordance with Council Policy 6-3, and authorize the Mayor and City Clerk to execute the documents. Exhibits: Agreement between City of Lawton and Gaboon Sitti Roberts and an Agreement between City of Lawton and J.W. &

Marcella Kennedy.

13. Consider acknowledging receipt of two permits from the Oklahoma Department of Environmental Quality for the construction of 7,154 linear feet of eight (8) inch PVC water line, 990 linear feet of twelve (12) inch PVC water line and 2,370 linear feet of eighteen (18) inch PVC water line, and 745 linear feet of fifteen (15) inch gravity sewer line, 1,063 linear feet of twelve (12) inch gravity sewer line and 6,541 linear feet of eight (8) inch sewer line and all appurtenances to serve the Oak Pointe Part 1, located in the SE/4 of Section 5, T-1-N, R-12-W, I.M., Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City Clerk's office.

Shanklin questioned the address on this item. He stated this is the third time he has asked that an address be included in these items. He questioned if this was being funded by the developer.

Mitchell stated yes.

MOVED by Shanklin, SECOND by Patton, to acknowledge receipt of two permits from the Oklahoma Department of Environmental Quality for the construction of 7,154 linear feet of eight (8) inch PVC water line, 990 linear feet of twelve (12) inch PVC water line and 2,370 linear feet of eighteen (18) inch PVC water line, and 745 linear feet of fifteen (15) inch gravity sewer line, 1,063 linear feet of twelve (12) inch gravity sewer line and 6,541 linear feet of eight (8) inch sewer line and all appurtenances to serve the Oak Pointe Part 1, located in the SE/4 of Section 5, T-1-N, R-12-W, I.M., Comanche County, Oklahoma. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson. NAY: None. MOTION CARRIED.

14. Consider approving an Emergency Management Services Agreement between the Board of County Commissioners, Comanche County, and the City of Lawton, establishing the functions, location, terms, costs and expenses, operational budget, and responsibilities of the combined City/County Emergency Management Program and authorize the Mayor and City Clerk to execute the necessary documents. Exhibits: Emergency Management Services Agreement, FY 06-07 City of Lawton Emergency Operation Center Budget, FY 06-07 City of Lawton Emergency Operation Center Summary of Expenditures and FY 06-07 Comanche County Emergency Management Projected Budget.

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

16. Consider approval of payroll for the periods of February 26 March 11, 2007.

#### NEW BUSINESS ITEMS:

17. Hold a public hearing and consider an ordinance changing the zoning from C-4 (Tourist Commercial District) to R-3 (Multiple-Family Dwelling District) zoning classification located at East Gore Boulevard and Warwick Way. Exhibits: Ordinance 07-\_\_, Location Map, Site Plan, Application and CPC Minutes.

Richard Rogalski, Planning Director, stated this request is for two tracts located at the southeast and southwest corners of SE Warwick Way and East Gore Boulevard. Each tract measures approximately 240' x 200'. These tracts will be part of a large multiple-family apartment development. The applicants and property owners are the Frank L. Richards 1992 Trust and the Nick R. Richards 1992 Trust.

The zoning of the surrounding area is C-3 (Planned Community Shopping Center District), C-1 (Local Commercial District), R-4 (High Density Apartment District), and A-1 (General Agricultural District) to the north and R-3 to the south, east, and west. The land use of the surrounding area is vacant, ball fields, and apartments (under construction) to the north, vacant and Carriage Hills Elementary School to the south, vacant and single-family residential to the east, and vacant and Little Angels Day Care Center to the west. The 2025 Land Use Plan designates these tracts as Residential/High Density. The proposed use of these tracts is approximately 380 multiple-family apartment units on 18 acres on the east side of Warwick Way and on 6 acres on the west side of Warwick Way. The majority of the property to be developed (22 of the 24 acres) is currently zoned R-3. The site plans submitted by the applicants are the minimum required by the City Code. The applicants plan to sell the property and therefore do not have a site plan with proposed buildings, drives, etc.

On February 8, 2007 the City Planning Commission held a public hearing on this request. One person spoke in favor of the request at the public hearing. The CPC, by a vote of 7 - 0, recommended approval of the request.

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

MOVED by Jackson, SECOND by Patton, to approve **Ordinance 07-14**, waive the reading of the ordinance, read the title only. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-14

An ordinance changing the zoning classification from the existing classification of C-4 (Tourist Commercial District) to R-3 (Multiple-Family Dwelling District) zoning classification on the tracts of land which are located at approximately East Gore and Warwick Way and more particularly described in Section one (1) hereof authorizing changes to be made upon the official zoning map in accordance with this ordinance.

18. Consider the unexplained high water consumption and high bill received in February 2007 for the Catholic Community Center located at 911 NW Hilltop Drive and take appropriate action. Exhibits: Letter dated 2/23/2007 from Leo J. Meyer, Catholic Community Center.

Rick Endicott, Finance Director, stated at the last City Council meeting they discussed an unexplained water leak situation, but under the new code provisions, staff could not adjust for that bill.

Barbara Curren, Revenue Services Supervisor, stated after the last Council meeting, staff met with Mr. Meyer to discuss the situation. Staff provided him with some toilet dye strips to insure that the repairs had taken effect. He used those strips and there showed to be no leaks in the toilets. Staff tested the meters which showed that they were reading accurately. Staff switched out the meter and put in a new meter. The reading was zero on the meter on March 5<sup>th</sup>. They have checked several times and there has been no high consumption since the last council meeting. The reading on the new meter is still at zero today. She called the Sensus Meter Company and spoke with an expert and they could not come up with a reason. Staff has not come up with an explanation for this high bill. Based on city code, this customer does not qualify for a leak adjustment. If the council was to approve an adjustment, the amount of that credit would be \$400.

Warren stated as much as he would like to pay this, he does not see how the council can pay this. This is not a residential customer and part of that requirement is that they find the leak and fix the leak. He does not see how we can do this deal. The water had to go someplace and if the leak didn't get fixed it would still be leaking.

MOVED by Warren, SECOND by Shoemate, to deny the adjustment.

Shanklin stated that just because it says it has to be residential, isn't that a little bit discriminatory. He questioned what was wrong with businesses in Lawton, they can't receive the same kind of treatment?

Vincent stated the original ordinance allowed anyone to have an underground, undetected leak and get adjusted. The City Council directed staff to bring back an ordinance only for residential inside the city limits and exclude all outside customers and exclude commercial. That is the ordinance that was passed by council.

Shanklin stated any business that has a rupture beneath their business and loses thousands of gallons of water it is just tough luck because it is not residential.

Vincent stated that was the direction of the City Council. Staff can change the ordinance if the Council so directs.

Shanklin stated if that is not discrimination, he does not know what is.

SUBSTITUE MOTION by Shanklin, SECOND by Haywood, to credit the account of the Catholic Community Center in the amount of \$400. AYE: Hanna, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: Warren, Shoemate. MOTION CARRIED.

19. Discuss prairie dog issue and take appropriate action if necessary. Exhibits: Verbatim Minutes of Lawton City Council meetings of July 11, 2006 and September 12, 2006.

Mayor Purcell stated this is not a public hearing, although the City Council has indicated that they do want to hear from the public. They will follow the time line of two minutes per person. He stated the comments made by the public must be appropriate. If anyone uses derogatory information, he will stop them and take further action.

Vincent stated this morning staff was advised that the Fish and Wildlife Service has opened a case review of this situation and there could be outcomes that are adverse to the City of Lawton. He requested the City Council not make any comments tonight.

Shanklin stated he put this item on the agenda because a lady called him from Phoenix, Arizona a week ago and she wanted to speak on this subject. He told her he would agenda this item.

Mayor questioned if the City Council would like to hear from the audience with a two minute time limit on each speaker.

Everyone agreed to let the audience members speak.

Joanne Haddock, HCR2 Box 55, Lorenzo, Texas, 79343, stated Citizens for Prairie Dogs is a non-profit organization

and she had mailed a proposal to the Assistant City Manager on February 16<sup>th</sup>. She stated they would like to relocate the prairie dogs rather than have any more harmed. She stated they got to Lawton late today and did not have much time to spend out in the park. She is sure that 10,000 prairie dogs are totally inaccurate. She is guessing there are only about 2,000. She has been with this organization for four years and knows a lot about prairie dogs. She stated the City Council should be listening to the citizens of Lawton. The prairie dogs are part of the city and need to be considered. She questioned if there has been a case where someone has fallen into one of the holes.

James Beverly, 4709 SE 47<sup>th</sup> Street, stated the park is now depressing and is now a graveyard of dead animals. His daughter cried when she learned of the poisoning of the prairie dogs. He stated that gas cannot be fully contained by throwing a shovel full of dirt over the hole. The City Council put people's health in danger. The city of Lawton recently had a boxing champion, Miss America and Extreme Makeover Home Edition and the citizens are proud of these things. They cannot say the same thing about killing thousands of prairie dogs. Prairie Dogs are not like other rodents. Generations of families over the last twenty years have enjoyed seeing the prairie dogs in the park. He suggested they establish a systematic culling of the prairie dogs to keep the population manageable.

Denise Case, 2406 NW 5<sup>th</sup> Place, introduced her 8-year old son Jacob, who started a petition at school. He has 309 names from Brockland Elementary School and his church that he collected. He skipped his recess and lunch periods so that every child could sign the petition. She stated he does not understand why this is happening.

Jacob Case presented the petition to the Mayor.

Katrina McMillan, 2 NW 25<sup>th</sup> Street, distributed pictures of Elmer Thomas Park which shows a white powder on the ground. She stated this powder is aluminum phosphate ash that they all absorbed by breathing into their lungs and ingested through their mouths. She stated when they protested on Saturday, it was blowing in the air and many of them got sick. She stated there are certain OSHA and federal guidelines that should be followed. The poison was a use restricted Class four pesticide. There were certain guidelines that were not followed. She had to go to the emergency room and continues to be sick. She stated many problems can even show up 72 hours later. Some of these problems could relate to the liver, kidney, lungs, cardiac arrest and vascular collapse. She stated they had burns on their faces and their lips. She has medical reports from Comanche County Hospital which say she was specifically treated for aluminum phosphate poisoning. She is frustrated that the public was put at risk.

Debra Eash-Pittenger, 1003 SW Park, stated she went to the hospital a few times because she had multiple exposures due to the aluminum phosphate. She had to go to the hospital again today. She stated she is in poor health anyway and that is why she is more susceptible. When she went to the hospital they had no idea what was wrong with her. She stated there was a 6-year old that did pick up a prairie dog and had to be rushed to the hospital. She stated the public should have been notified ahead of time so they could have stayed away.

Kristin Riley, 2213 NW 40<sup>th</sup>, stated she had a petition that went out with 780 signatures of Lawton residents, Fort Sill military and some other signatures from across the country. She stated she does not feel they should be poisoning wildlife on public land. They oppose using taxpayer monies to scatter poison across the landscape for the benefit of a few special interests.

Alisander Parisien, 6419 NW Cherry Avenue, stated she does not know the cost of the poison or the clean up, but if the population begins to grow again, she is sure there are at least two vets in town that could neuter at least 50%-60% of the males. She suggested that a fund be started to alleviate the cost.

Thomas Inserra, 6 NW 26<sup>th</sup> Street, stated they are in an area that is the native breeding ground to a blacktoed ferret which preys on the prairie dog species in Elmer Thomas Park. These ferrets are protected by the Fish and Wildlife Service. He suggested a test be done to see if they are present. The University of Nebraska released a paper in 2002 that looked at the different options of removing the prairie dogs. They said that fumigation is the most costly and labor intensive and least effective method. Two professors said the most effective way is to look at the actual ecosystem and see what has been damaged to cause the problem. The EPA stated in June 2001 that the poison that was used was an extremely hazardous chemical. He suggested they train city staff to get the equipment and use the vacuum system to remove the prairie dogs.

David Torbert, 3316 Baltimore, stated it has been exciting to see all of the improvements being made to Elmer Thomas Park, making it a more user friendly recreation area. The investment will be a positive change with all citizens in mind. He stated several functions have been planned in the future. He stated in July 2007 a centennial event will be staged at the park. Over 400 volunteers will be on hand to accommodate a massive crowd which is expected to attend. This event will require the use of the entire park. They also recognize that safety is a major concern.

David Tyler, 2328 NW Lincoln, stated the Boulevard of Lights is moving to the park this year as will many other events and the prairie dog holes are safety hazards. They are not dogs and you cannot control them. He has spent 8 years helping Lawton High take care of their ball fields and every year they are out there filling prairie dog holes on the baseball field. He stated the prairie dogs are cute until a kid steps in a hole and ruins any type of hope for playing college ball. He wants this problem taken care of in a safe and economical manner. His tax dollars pay for

this too. If safely poisoning them does the trick, then let s do it if it is economical. He is concerned about the liability for the city when Boulevard of Lights comes to the park and someone steps in a hole and sues the city because they have not taken care of the problem.

Steve Cothren, Athletic Director for Lawton Public Schools, stated he represents the children, and Lawton Public Schools has two football fields, two softball fields and two baseball fields that butt up against the prairie dogs. They cannot keep them off of their fields and cannot fill up the holes fast enough. He stated for years they have tried to do something about it and they just can t. He begged the City Council to take care of this problem. He stated the first time an athlete steps in one of those holes and tears up a knee, they will sue Lawton Public Schools. They document every time they fill up holes. They will next come to the City of Lawton. If they think getting rid of the prairie dogs is expensive, the lawsuit will be more. Every year they will have at least 100 football players at the Lawton High School field and 80 at the Central Junior High field.

Elaine Garcia, 4603 SE Brown, stated it is such a please to watch the prairie dogs. She does not know the answer, but a stone wall could be put around their area because she has seen it done at zoos and on documentaries. To defray the costs, she is sure that citizens would not mind .50 added on to their utility bill once a year. She questioned why we were fighting prairie dogs when there is so much going on in Lawton with crime and other projects. It just doesn t make sense.

Bruce Bumgardner, 2517 A Avenue, stated he is a single parent raising a child in this community. He stated Elmer Thomas Park is one of the few free things that Lawton has to offer to people who are poor. He understands that we have to control the population, but he is seeing a lack of leadership and forethought from the community. They always cater to the rich special interest groups and whoever has the money and the ear of the City Council will get whatever they want. The American citizen has not done their civic responsibility and registered to vote and take an active interest in their community by serving in public service in these volunteer organizations. The McMahon Foundation donated the land so that there would always be a place for this community to have recreation and special interests. He encouraged the citizens to take an active role in this community. He stated Wichita Falls has a prairie dog town that is under control and it is because they planned for it. They need to be controlled. He stated kids get hurt more by falling off bicycles and skateboards than they do by stepping in prairie dog holes.

John Paul Miller, 9 NW 31<sup>st</sup>, stated he was in the electrical business for 31 years and not one of his customers was ever electrocuted because they constantly cautioned their customers about the danger of electricity and they kept their wires in order. He went to work for the City of Lawton and became the Athletic Maintenance Supervisor. For thirteen years he covered up prairie dog holes for the citizens. He now works for the Lawton Public Schools as a grounds keeper. He makes the earth smooth for the athlete that is on the field and all that come to watch them play. He stated underneath the new Central Middle School there are 200 wells that heat and cool the school. He stated they are 200 feet deep and there are 200 of them. If one of them is damaged, they will lose the whole system. He is asking that the City Council stand up and defend the children, not the prairie dogs.

John Stephens, 7519 Palomino, stated he and his family look at the prairie dogs just for the free entertainment. He stated these are rodents, and the rodents in Southwest Oklahoma carry bubonic plague, anthrax is in the ground and rabies is organic to the state. They can either kill all the rodents, rats, mice, prairie dogs, squirrels, and they will also have to kill off all the cats and dogs. They all carry these diseases and are all subject to it. While they are at it they should kill off all the birds, geese, ducks, because they carry the west Nile virus. People like the prairie dogs but they need to be controlled. He suggested they relocate them to the Wichita Mountains. The park is for the people. He stated he likes the festivals in Lawton, but he does not want to go to a slaughter yard.

Ed Trope, 4839 NE Winfield Circle, stated he agrees that this was a travesty what has happened to the prairie dogs. He questioned if this was a toxic poison, why weren t the City of Lawton employees wearing gloves, masks and protective clothing. From what he saw on the television, no one had this on. He questioned what the outcome would be if they got sick.

Sherry Bly, 813 SE 41<sup>st</sup>, stated she has had hundreds of calls from all over from good hearted citizens who are outraged and sad at what has happened at the prairie dog park. Karen May, one of their volunteers, found a poem dated 1901 where the prairie dog was mentioned south of Fort Sill. In 1950, the prairie dog is mentioned in one of their pioneer books as a wonderful tourist attraction. She would like to see a city ordinance passed to protect the prairie dog park. She stated they need to do better and there is a human way to address this problem. Killing is never an answer.

Cynthia Armstrong, Human Society of the United States, stated they advocate non lethal methods of population control. She hopes that they can assist the City of Lawton in finding a balance. She stated the prairie dog is an incredible part of our great plains heritage and currently exists on less than 3% of their original range. She is hoping to find a balance to support the vision of the projects in the park as well as a designated area for the prairie dog. She stated the lethal method of removal creates its own set of problems including indiscriminate poisoning of other species. She stated you can approach this with a wildlife management point of view rather than a pest control point of view which will be more popular with the citizens. Letting the prairie dog population self manage will actually get us the solution we are looking for. The way to do this is by using some mitigating techniques



including passive relocation, where we can use barriers to corral them over time into an acceptable area in the park which might include walking trails with signs asking citizens not to feed the prairie dogs, which does add to the problem and does not allow a natural population control. There are a number of things we can do to strike a balance and they would appreciate working with the City of Lawton.

Karen May, 3134 NW Kinyon, stated back in 2002 there was an option where Cameron University offered to have the agriculture students feed the prairie dogs birth control bait. She stated the students would monitor and record as well as learn from the project. She suggested they bring that option back for discussion.

Herbert Derricott, 6212 NW Cheyenne Drive, stated he likes to attend the festivals and events. He does not go to the park in fear of stepping into a hole. The prairie dogs have taken over. He suggested the City can relocate them only if it does not cost him money. He is tired of driving over potholes and he does not want the city to spend \$100,000 to go out and eradicate the prairie dogs. He stated they are rodents and the park has a more important use than just a prairie dog home. He does not personally agree with poisoning them, but if that is the most economical way to get rid of them, so be it.

Susan Hubby, Clovis, New Mexico, requested the City Council consider a reasonable offer to capture and relocate these prairie dogs. They only breed once a year and have a small litters and many of them do not survive the season. The problem she sees is a management problem that has not been implemented on a yearly basis where people come in and keep their promise to relocate and thin the population. She asked that the City Council do the right thing and have a humane relocation project that is reasonable.

Mayor Purcell closed the audience participation. He stated there has never been an attempt to get rid of all the prairie dogs. There was always a plan to have some left and controlled in an area. He stated he would like to see a proposal submitted by any group out there that wants to remove these prairie dogs. He would like to see three things in the proposal: 1) how they are going to remove approximately 5,000 prairie dogs, 2) what is the time frame of removal and 3) how much will it cost the citizens of Lawton. He asked that any groups send a valid proposal and he will bring it to the City Council for their consideration.

The Mayor and Council recessed at 7:28 p.m. and reconvened in regular, open session at 7:37 p.m. Roll call reflected all members present.

20. Consider rejecting the low bid, awarding a construction contract to Howard Construction, Inc. and approving Change Order No. 1 for the West Cache Road 24 Waterline Phase II Project #2005-8. Exhibits: Location Map.

Jerry Ihler, Public Works Director, stated on January 23, 2007, the City Council approved plans & specifications and authorized staff to advertise for bids for the West Cache Road 24 Waterline Phase II Project #2005-8. This was a project staff wanted to do in the 2000 CIP and were only able to fund a portion of this. This particular project is Phase II of that project where they picked up in the 2005 CIP at 82<sup>nd</sup> and Cache Road and went east to tie it into pump station at 67<sup>th</sup> and Atlanta. On February 20, 2007, bids were received and opened from seven contractors. The low bid was from Tec-An, Inc. from Oklahoma City. During review of the bids, the low bidder's experience questionnaire indicated that he did not have water line construction experience. Since this is a large diameter main and since it serves Goodyear Tire and Rubber Company, it was determined and concurred by Tec-An (lowest bidder) that the company would not be recommended for award of this contract. Staff reviewed the experience record of the next lowest bidder, Howard Construction, Inc., and recommends this firm for award of the contract. Since the bid amount submitted by Howard Construction was more than the available funding from the 2005 CIP for the project, staff made revisions to some of the base bid quantities in an effort to reduce the project cost so that at least the base bid could be awarded. The contractor is agreeable to the suggested revisions and Change order No. 1 has been prepared to reflect the revised quantities. These revisions will allow a total savings of \$97,800.00 from the base bid. The revised contract amount will be \$987,970. Current available funding for this project is \$890,421.77. Therefore, \$987,970-\$890,421.77 = \$97,548.23 plus a contingency equals approximately \$150,000 which is required to award the base bid only. It is recommended to utilize \$150,000 from 2000 CIP Water Distribution funds for this project. Funding for construction of the final segment of this project from Cache Road north to Pump Station #1, located on NW Atlanta, will be included in a future CIP.

Jackson stated there is a local vendor that bid, H.G. Jenkins Const. Inc., who has made a base bid of \$1,183,900 and a total bid of \$1,440,026. The difference between the base bid of Jenkins and Howard Construction is approximately \$100,000 and the difference between the total bid is \$160,000. By the time they spend a million dollars in this community and roll it over the number of times that dollar will be spent in Lawton and also the sales tax alone will make up the difference between the additional cost of an out of town firm. Jenkins employs locally and they hire locally and he feels they will be better off spending our dollars with a local construction company.

Patton questioned if this falls within the 5% preference.

Vincent stated the 5% bidders preference for Lawton companies only applies to goods and services, it does not apply to public construction contracts. There is a state law on awarding of construction contracts under the public

competitive bidding act and it has to go to the low bidder unless we have reasons to disqualify that low bidder.

Shanklin stated he likes H.G. Jenkins Construction, he has known them for 45 years and they wouldn't like it if the shoe was on the other foot. We have a hard enough time getting bidders, so he is glad to see eight or nine bidders. He stated if it was only 2% or 3% he would go along with Councilmember Jackson.

Jackson stated he feels we should spend our dollars locally.

Shoemate stated he has been told that is state law and cannot be done.

MOVED by Hanna, SECOND by Shoemate, to reject the low bid, award a construction contract to Howard Construction, Inc. and approve Change Order No. 1 for the West Cache Road 24 Waterline Phase II Project #2005-8. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

21. Consider ratifying the Lawton Economic Development Authority's action which authorized the Chairman to execute a Revolving Line of Credit with BancFirst, Arvest and IBC Bank (BancFirst is lead bank) in the amount not to exceed \$9,500,000 providing initial financing of redevelopment activities for both the Phase IA Project and TIF related projects and take appropriate action as necessary. Exhibits: Preliminary Closing Documents (to be distributed at Council Meeting).

Mitchell distributed a resolution. He stated staff met with the Lawton Economic Development Authority (LEDA) that afternoon who voted unanimously to approve all of the closing documents for the letter of credit which is being offered by BancFirst, Arvest and IBC Bank to LEDA for Phase I of the downtown redevelopment program under the TIF District. Under the agreement signed by LEDA, LURA and the City of Lawton, the City has to ratify actions taken by the LEDA when it comes to borrowing dollars and incurring debt. Staff is requesting the City Council pass a resolution ratifying the action of LEDA.

Vincent stated the City Council should also approve a support agreement between the City of Lawton and LEDA where the City of Lawton pledges as much as they can under the law to cover LEDA's debts if LEDA comes up short on money. That is subject to budgetary considerations.

Keith McDonald, Wells Nelson and Associates, stated that LEDA has taken all of the appropriate action in order to incur the debt that actually starts Phase I projects. These actions will just ratify what LEDA has done.

Jackson questioned what was meant by the note shall be in principal amount not to exceed \$9,500,000 outstanding at any one time and not to exceed \$19,000,000 of withdraws which will allow the authority to draw from.

Mr. McDonald stated under the proposal from the RFP, they had asked the banks to review an irrevocable line of credit or revolving line of credit. Therefore, if they go down and buy \$2 million worth of land, the most that can ever be outstanding is \$9,500,000. If they sell some land, the line of credit would go back up. They would only be allowed to hit that \$9,500,000 twice and it would be capped at a certain amount.

Hanna questioned if the taxpayers were going to be re-taxed in any way, shape or form.

Mr. McDonald stated no. It is actually a revolving line of credit, therefore, interest that will actually come in is basically capitalized in the note itself. Interest is due every six months. If they borrow \$1 million, in six months the interest may be \$15,000. That \$15,000 is actually taken out of the note also. They have capitalized interest in that. Once a party comes in and buys the property, that will go to pay off that entire balance.

Shanklin questioned if the site acquisition was in the D-6 area.

Mitchell stated that is correct.

Shanklin questioned what happened to the two developers. Did they not want to take the whole project?

Mitchell stated LEDA is going through an RFP right now to solicit proposals from those two firms. They are due back on May 1<sup>st</sup>.

Shanklin questioned if that meant we would not do anything until after May 1<sup>st</sup>.

Mitchell stated LURA will begin acquiring property in the next month or two in that D-6 area.

Shanklin questioned who was on LEDA.

Mitchell stated David Denham, David Madigan, Larry Neal, Fred Fitch, David Means, Jeff Patton, Ron Nance, Ernie Sheppard and Janice Drewry. It is a nine member board.

Shanklin stated he just saw something that stated they would be starting in the NE quadrant of the project area.

Mitchell stated they are basically talking about the Phase IA which is that area north and east of 2<sup>nd</sup> and Gore.

MOVED by Jackson, SECOND by Drewry, to approve **Resolution 07-35**, the Agreement of Support and ratify the Lawton Economic Development Authority's action which authorized the Chairman to execute a Revolving Line of Credit with BancFirst, Arvest and IBC Bank (BancFirst is lead bank) in the amount not to exceed \$9,500,000 providing initial financing of redevelopment activities for both the Phase IA Project and TIF related. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

22. Consider an ordinance pertaining to maximum fines, amending Section 1-1-119, Article 1-1, Chapter 1, Lawton City Code, 2005, by increasing the maximum fine from Seven Hundred Fifty Dollars (\$750.00) to Eight Hundred Dollars (\$800.00) for all alcohol and drug related offenses, with Fifty Dollars (\$50.00) of the fine or deferral fee for each such offense deposited in a fund for enforcement of laws relating to alcohol and other intoxicating substances as required by State Law, providing for severability, and declaring an emergency. Exhibits: Ordinance 2007-\_\_.

Vincent stated items #22 - #30 are clean up ordinances to bring us into compliance with the state statutes that were passed and have gone into effect. This is a special ordinance to allow us to increase to \$800 with the additional \$50 fine for the deferral fee going to a special alcohol substance abuse fund.

MOVED by Drewry, SECOND by Patton, to adopt **Ordinance 07-15**, waive the reading of the ordinance, read the title only, and declaring an emergency. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 07-15

An ordinance pertaining to maximum fines amending Section 1-1-119, Article 1-1, Chapter 1, Lawton City Code, 2005, by increasing the maximum fine from seven hundred fifty dollars (\$750.00) to eight hundred dollars (\$800.00) for all alcohol and drug related offenses, with fifty dollars (\$50.00) of the fine or deferral fee for each such offense deposited in a fund for enforcement of laws relating to alcohol and other intoxicating substances as required by state law, providing for severability, and declaring an emergency.

23. Consider an ordinance pertaining to offenses and crimes, creating Section 16-4-1-402.1, Division 16-4-1 Article 16-4, Chapter 16, Lawton City Code, 2005, which makes it unlawful to engage in protest activities at funerals, providing for severability, codification, and declaring an emergency. Exhibits: Ordinance 2007-\_\_.

Vincent stated this law was passed by the state following several other states that have had protests during military funerals. This ordinance would give our police additional authority.

MOVED by Patton, SECOND by Haywood, to adopt **Ordinance 07-16**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 07-16

An ordinance pertaining to offenses and crimes adding Section 16-4-1-402.1, Division 16-4-1, Article 16-4, Chapter 16, Lawton City Code, 2005, which makes it unlawful to engage in protest activities at funerals, providing for severability, codification and declaring an emergency.

24. Consider an ordinance pertaining to prohibiting certain uses of the names or pictures of service members, creating Section 16-3-1-324, Division 16-3-1, Article 16-3, Chapter 16, Lawton City Code, 2005, which makes it unlawful to use the names and pictures of service members for commercial gain without their consent, providing for severability, codification, and establishing an effective date. Exhibits: Ordinance 2007-\_\_.

Vincent stated this requires that if you want to use the picture of a military person for any type of commercial activity you have to have their permission. The effective date will be thirty days after passage.

MOVED by Haywood, SECOND by Drewry, to adopt **Ordinance 07-17**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 07-17

An ordinance pertaining to prohibiting certain uses of the names or pictures of service members, adding Section 16-3-1-324, Division 16-3-1, Article 16-3, Chapter 16, Lawton City Code, 2005, which makes it unlawful to use the names and pictures of service members for commercial gain without their consent, providing for severability, codification, and establishing an effective date.

25. Consider an ordinance pertaining to entitlement to a municipal jury trial, amending Section 9-3-301, Article 9-3, Chapter 9, Lawton City Code, 2005, by increasing the amount of possible fine that entitles a defendant to a jury trial from Two-Hundred Dollars (\$200.00) to Five-Hundred Dollars (\$500.00), providing for severability, and establishing an effective date. Exhibits: Ordinance 2007-\_\_.

Vincent stated the state legislature just recently changed the minimum dollar amount that requires a jury term from \$200 to \$500. This brings us in line with the state statute.

MOVED by Haywood, SECOND by Patton, to adopt **Ordinance 07-18**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 07-18

An ordinance pertaining to entitlement to a municipal jury trial, amending Section 9-3-301, Article 9-3, Chapter 9, Lawton City Code, 2005, by increasing the amount of a possible fine that entitles a defendant to a jury trial from two-hundred dollars (\$200.00) to five hundred dollars (\$500.00), providing for severability, and establishing an effective date.

26. Consider an ordinance pertaining to bicycles, amending Section 23-18-1808, Article 23-18, Chapter 23, Lawton City Code, 2005, by deleting the requirement that bicyclists ride on pathways adjacent to the street instead of the street itself, providing for severability, and declaring an emergency. Exhibits: Ordinance 2007-\_\_.

Jackson stated he does not understand why anyone would allow someone to ride in the street when there is perfectly good sidewalk next to the street.

Vincent stated he honestly does not know why the state legislature changed the rules on bicycles on sidewalks. The old law used to require people to ride on the pathway if there was a pathway available. This says that they can go wherever they want to even if there is a path available.

MOVED by Haywood, SECOND by Patton, to adopt **Ordinance 07-19**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 07-19

An ordinance pertaining to bicycles amending Section 23-18-1808, Article 23-18, Chapter 23, Lawton City Code, 2005, by deleting the requirement that bicyclists ride on pathways adjacent to the street instead of the street itself, providing for severability, and declaring an emergency.

27. Consider an ordinance pertaining to overtaking a bicycle on the roadway, creating Section 23-5-546, Article 23-5, Chapter 23, Lawton City Code, 2005, which requires at least three (3) feet between the vehicle and bicycle, providing for severability, codification and declaring an emergency. Exhibits: Ordinance 2007-\_\_.

MOVED by Haywood, SECOND by Patton, to adopt **Ordinance 07-20**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 07-20

An ordinance pertaining to overtaking a bicycle on the roadway, adding Section 23-5-546, Article 23-5, Chapter 23, Lawton City Code, 2005, which requires at least three (3) feet between the vehicle and bicycle, providing for severability, codification, and declaring an emergency.

28. Consider an ordinance pertaining to youth access to drugs and alcohol, creating Division 16-5-3, Sections 16-5-3-331 and 16-5-3-332, Article 16-5, Chapter 16, Lawton City Code, 2005, which makes it unlawful for a person to permit youth to possess or consume alcohol or drugs on the person s property, providing for severability, codification, and declaring an emergency. Exhibits: Ordinance 2007-\_\_.

MOVED by Haywood, SECOND by Shoemate, to adopt **Ordinance 07-21**, waive the reading of the ordinance, read the

title only and declaring an emergency. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-21

An ordinance pertaining to youth access to drugs and alcohol, adding Division 16-5-3, Sections 16-5-3-331 and 16-5-3-332, Article 16-5, Chapter 16, Lawton City Code, 2005, which makes it unlawful for a person to permit youth to possess or consume alcohol or drugs on the person's property, providing for severability, codification, and declaring an emergency.

29. Consider an ordinance pertaining to vehicular turning movements in two-way left-turn lanes, creating Section 23-9-908, Article 23-9, Chapter 23, Lawton City Code, 2005, which limits the distance a vehicle may be driven in a two-way left-turn lane while preparing to turn to two hundred (200) feet, providing for severability, codification and declaring an emergency. Exhibits: Ordinance 2007-\_\_.

MOVED by Patton, SECOND by Haywood, to adopt **Ordinance 07-22**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-22

An ordinance pertaining to vehicular turning movements in two-way left-turn lanes, adding Section 23-9-908, Article 23-9, Chapter 23, Lawton City Code, 2005, which limits the distance a vehicle may be driven in a two-way left-turn lane while preparing to turn to two-hundred (200) feet, providing for severability, codification, and declaring an emergency.

30. Consider an ordinance adding Section 7-30-1-3006, Division 7-30-1, Article 30-1, Chapter 7, Lawton City Code, 2005, prohibiting tattooing or body piercing on certain persons, providing for severability, codification, and declaring an emergency. Exhibits: Ordinance 2007-\_\_.

Warren questioned if body piercing includes ear piercing.

Vincent stated there is an exemption in state law for ear piercing and things like that.

MOVED by Drewry, SECOND by Haywood, to adopt **Ordinance 07-23**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-23

An ordinance pertaining to business adding Section 7-30-1-3006, Division 7-30-1, Article 7-30, Chapter 7, Lawton City Code, 2005, by prohibiting tattooing or body piercing on certain persons, providing for severability, codification, and declaring an emergency.

31. Consider an ordinance amending Section 23-1-102, Article 23-1, Chapter 23, Lawton City Code, 2005, which adds the definition of a construction zone, and adds Section 23-2-215, Article 23-2, Chapter 23, Lawton City Code, 2005, allowing fines for speeding to double in construction zones, providing for severability, codification, and declaring an emergency. Exhibits: Ordinance 2007-\_\_.

Mayor Purcell stated there is a gentleman who has requested to speak on this item.

Vincent stated this item is being brought before the City Council at the request of the Employee Safety Committee. They have been studying this for three or four months. This is the final product of all of the discussions. Basically this mirrors state law as it relates to construction zones on highways and allows city staff to post construction signs and there has to be certain distances.

Rodney Morgan, 3020 NE Lancaster Lane, stated the City Attorney just answered his question. He was curious how they will identify a construction zone. It does mirror state law.

Vincent stated there can be reduced speed zones in the area. City crews can post signs lowering the speed limit.

MOVED by Patton, SECOND by Haywood, to adopt **Ordinance 07-24**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

An ordinance pertaining to vehicles and traffic amending Section 23-1-102, Article 23-1, Chapter 23, Lawton City Code, 2005, by adding the definition of construction zone, and adding Section 23-2-215, Article 23-2, Chapter 23, Lawton City Code, 2005, allowing fines for speeding to double in construction zones, providing for severability, codification, and declaring an emergency.

32. Consider granting to authorize the Boys Scouts of America Last Frontier Council permission to hold their Centennial Camporee in Elmer Thomas Park on September 28-30, 2007. Exhibits: Letter of request from Last Frontier Council and Standard Non-Restricted Lease Agreement for Elmer Thomas Park.

Kim Shahan, Parks and Recreation Director, stated this item is in reference to the Boys Scouts of America Last Frontier Council who have requested the use of Elmer Thomas Park for this centennial event.

Jerry Orr, 1407 NW 31<sup>st</sup> Street, stated he is here to ask permission to bring in a camporee at Elmer Thomas Park on the 28<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup> of September. He stated they are expecting 5,000 boy scouts, plus another 2,500 leaders and also parents will be in attendance. This will be a huge success and will look very good for Lawton. He has really lobbied for this camporee to be in Southwest Oklahoma. He is currently the Assistant Council Commissioner for the Last Frontier Council. He stated they are finally getting Oklahoma City to recognize what we have in this part of the state. He and Mr. Shahan walked the park yesterday and he feels it will be a great location. They have requested the Governor designate this event as a centennial event. He will be coordinating with the Lawton Police Department, the Comanche County Sheriff, and the Highway Patrol. He stated the City Council will receive an invitation for the opening ceremonies.

Drewry stated Mr. Orr has worked with this group for a number of years and she believes this a great thing to bring to Lawton.

Mayor Purcell stated this will be a really positive event for our community.

Mr. Orr stated he would request that during that week, the Mayor declare it Camp Elmer Thomas instead of Elmer Thomas Park.

Shahan stated this is a contract where there is no fee. There is normally a rate set for the use of the stage, but he would recommend that since this will be a centennial event the fee be waived. Also Lake Helen will be used for some of the activities and will be part of the contract.

Mr. Orr stated that they will be covered with millions of dollars worth of insurance through the national headquarters. They assume that responsibility.

MOVED by Drewry. SECOND by Shoemate, to approve the request of the Boys Scouts of America Last Frontier Council to hold their Centennial Camporee in Elmer Thomas Park on September 28-30, 2007 and waive all fees involved. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

ADDENDUM:

1. Consider awarding (CL07-020) Fire Pumper Apparatus to Sutphen Corporation of Amlin, OH. Exhibits: Department recommendation, abstract of bids.

Chief Bart Hadley, Lawton Fire Department, stated staff developed specifications for their trucks which went to the Specifications Committee which were approved with several revisions. Per City Code, they went out for bids and bids were opened in early January. Sutphen Corporation was the low bidder. They also met the specifications as were approved. Their base bid was approximately \$347,000 for each of the two trucks which is what they expected. They are talking about a three year lease so there will be finance charges included, which should be approximately \$25,000 per vehicle.

Endicott stated there is currently \$200,000 budgeted for these two vehicles. They will have to budget for the lease agreement for the next two years.

Mitchell questioned if the \$200,000 will cover the first lease payment.

Endicott stated yes, they will be within approximately \$20,000.

Vincent stated that staff negotiated the lease contract and changed the lease payment schedule so that we will actually start paying for these trucks before we get them because it cut down on the interest.

Endicott stated the first payment is due on September 1<sup>st</sup>.

Drewry stated that she had read that to save money, staff cut back on the load or weight.

Chief Hadley stated there were two discounts that staff is recommending. There was a base bid and then there were a number of options based on recommendations from Specifications Committee. They bid out the necessary items such as radios, hoses, etc. as options so that they would have a clear picture as to how much they would charge for each item. Some of those options would be cheaper to buy separately from other vendors.

Drewry stated this was a reduction in the size of the rear axel. She questioned if that make a difference.

Hadley stated that is the actual size that the engineers recommend and they felt this was the more appropriate size for this truck. They will receive a \$1,346.00 discount for each truck by reducing it from a 27,000 lb axel to a 24,000 lb axel. They also offered an additional discount of \$3,500 for the two trucks if we would provide someone to bring the second truck back.

Shanklin questioned when the trucks will be here.

Hadley stated the truck should be delivered in nine to eleven months.

Shanklin questioned who were the engineers who made this recommendation for the axel.

Hadley stated the equipment maintenance staff was consulted. He stated the engineers from Sutphen suggested the 24,000 lb axel would be appropriate for this truck.

MOVED by Jackson, SECOND by Shoemate, to award (CL07-020) Fire Pumper Apparatus for the purchase of two fire pumper trucks to Sutphen Corporation and approve the lease purchase agreement for the purchase with Leasing 2 Inc. and **Resolution 07-36** authorizing the purchase and lease and authorize the Mayor and City Clerk to execute all necessary documents. AYE: Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

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

Shoemate welcomed Councilmember Hanna.

Drewry stated she would like to commend the woman who came forward and said she would like to become involved in the community and alleviate the gang problem. She hopes the whole community comes forward and feels the same way. She stated she printed out an email she received from some foreign bank wanted her bank account number so that they could deposit \$3 million. She stated she gets those a lot, but this particular one focuses on saying it is God s Work. She is afraid someone in the community will fall for this scheme just because of the content. She wants people to know that these are scams.

Shanklin stated a couple of weeks ago they had a program as to what the people were going to get if they voted for this sales tax on April 3<sup>rd</sup>. He questioned if those projects had been chosen. He was upset that overlaying was not the answer. Did he understand that Mr. Ihler thought this was a waste of time and money. He does not want to spend \$550,000 on the 600, 700 and 800 block of Columbia, when for that money, we can get 100 blocks overlaid.

Mitchell stated those estimates came from the Public Works Department. He was asked by a couple of Councilmembers to give examples on how we would use the money if the sales tax election passed. He simply took out an example of one street per ward.

Shanklin questioned if these project would be on the ballot.

Mitchell stated no. The only thing that will be on the ballot will be the question.

Shanklin stated he feels it would get a more favorable response if they were telling the people what would happen in their wards.

Mitchell stated the actual streets that will be selected and how they rebuild those streets is still up to the City Council. He was just providing some general information so they would have something to show the community if they were asked.

Shanklin stated he wants to help win this thing, but he has a problem with not telling the people what we are going to do with the money.

Mitchell stated if they could overlay and do more streets that would be great. A lot of the residential streets have no base and to just put an inch overlay on them is not very effective.

Patton stated he needs to put something on the Traffic Commission agenda. He would like to have a crosswalk installed at 67<sup>th</sup> and Cache Road.

Mayor Purcell stated someone called him about this and they may have already placed this item on the Traffic Commission agenda.

Patton questioned where the new water line would run on Cache Road.

Ihler stated it will run in the east bound lane on the south side of Cache Road.

Patton questioned if there was any room to widen Cache Road from 67<sup>th</sup> to 82<sup>nd</sup> Street.

Ihler stated there physically is room as far as right of way, but there are existing utilities on the south side of the road that would have to be relocated. That would be a future project that they could look at.

Patton stated he feels they really need to look at that. With the growth over the past few years, they need to look at something like that and put some numbers together.

Haywood welcomed Councilmember Hanna.

Hanna stated he would like to invite residents of Ward 1 and Ward 2 to a neighborhood watch program at HC King Center on March 19<sup>th</sup> at 6:00 p.m. He stated there is a lot of information to share to resolve their problems. He stated he understands that the prairie dog situation is a big problem and he feels we should let as many people take as many as they want out of the state. He stated they have a big decision ahead of them and they need to stand tall and stick with it as a group.

Mayor stated he has been asked to sign a letter of support for the Great Plains Technology Center in regards to the regional public safety complex. He stated they are working on receiving more state funding. He questioned if anyone had an objection to him signing the letter.

Jackson questioned if the City of Lawton will be asked to sign a contract with GPTC after the building is finished.

Mitchell stated at some point we will have an interlocal agreement with GPTC.

Jackson stated he would be leery of signing a letter without a contract.

Vincent stated we currently have two agreements with GPTC, one with police and one with fire to provide training.

Mayor Purcell stated this is to support the funding for the building.

No one objected to the Mayor signing the letter.

Mitchell stated the City Council has been getting updates on the work staff has been doing with the Office of Economic Assistance through the Department of Defense. He stated they believe they have all the work done on the application and some time this week they believe they will get approval for the growth management plan. He stated Kevin Jackson has been working very hard on the plan and there are several subcommittees formed. That approval should come in the next couple of weeks and it will be a great tool for us to use over the next two or three years as we try to accommodate all of this future growth.

Mayor Purcell stated Cynthia Armstrong from the United States Human Society came down earlier today and out of all of the email he received, she is the only one who is working on trying to find a solution. She understands the problem and they went on a tour today. She has a zoologist working on the problem to see what we can do to solve it. He stated she will be getting a letter over and he will copy the City Council. From the information in that letter, he will bring back an ordinance to the City Council for approval.

The Mayor and Council convened in executive session at 8:52 p.m. and reconvened in regular, open session at 9:10 p.m. Roll call reflected all members present.

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

33. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers Compensation claim of Stephen Handy, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 33. The City Council did have discussions concerning possible settlement of this claim. No action is required.



ADDENDUM

2. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled IUPA Local 24 and Anthony Aguilera vs. The City of Lawton, Case No. FMCS 070104-52529-8, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 2 of the Addendum. The City Council did receive a briefing concerning this grievance arbitration and possible settlement. No action is required.

There being no further business to consider, the meeting adjourned at 9:11 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK