



Mr. Giles stated there is a program called the Junior City Council where they invite students to visit City Hall. They participate in a mock city council meeting, visit the different departments and spend all day in different activities.

He stated over 250 students participated. He received a letter from the Oklahoma League of Mayors asking the City of Lawton to support the local government week awareness. He introduced Chris Morrow from Cleveland Elementary School, Rita Smith from McArthur Middle School, Calvin Prince, from Park Lane and Councilmember Stanley Haywood representing Eisenhower Junior High School.

Mayor Purcell presented a proclamation for Municipal Government Week.

#### STATE OF THE CITY ADDRESS BY MAYOR JOHN P. PURCELL, JR.

Mayor Purcell gave the State of the City Address, which is included as an attachmen.

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.

Dick McKeen, 2415 NW 34<sup>th</sup> Street, stated he is concerned about the upcoming sales tax election on April 3<sup>rd</sup>. He stated this is an extremely important tax that the citizens are looking at. This would provide the City Council with revenue to increase police and fire personnel by a significant number. We are losing police and fire personnel through retirement and higher paying jobs. He stated they need some action quickly. Oklahoma City has had 6 murders this year for a population of 540,000 and Lawton has already had 3 murders for 90,000 people. Lawton is at a turning point and something needs to be done about the crime rate. There were fifteen dogs stolen from their area. He encouraged everyone to vote yes on this sales tax extension.

Sid Hudson, 3960 NW Welch Road, stated he is here to speak on behalf of the new pet ordinance. He has spent some time in the public sector and worked on public policy and he just wanted to say that the ordinance was very well measured, it is a good ordinance and it is clearly something that people have put a lot of time into in trying to address a problem that most communities sweep under the rug. He congratulated the City Council for being at the forefront of this issue. He stated Lawton has always been a forward thinking, progressive city. He stated change is uncomfortable and inconvenient for many people, but change is the only constant. He cannot think of any other time in this city s history that a City Council has been faced with more challenging issues related to progress than this current City Council. He is excited about the future of Lawton and that is why he has come back and he is hopeful that they will allow this law to go into effect and let it work.

Jim Rush, 114 SW 45<sup>th</sup> Street, stated he did not know Lawton had a new dump ground, but they could look behind his fence where they are building apartments. People are parking up against the fence and there is trash along the fence. Lumber is scattered everywhere. He requested the City of Lawton do something about it.

George Sallani, 1815 SW B Avenue, stated he has lived in this city for over twenty years and he has seen the pet population go from bad to worse. He stated the ordinance is long overdue and addresses the problem. He stated if it is not broken, don t fix it.

Yvonne Johnson, 7 NW Fort Sill Boulevard, stated she is here tonight to ask the City Council to stand firmly behind the new animal ordinance. She stated it is working right now. She is the President of the Humane Society of Lawton-Comanche County. She hears both sides of the story regarding pet overpopulation. She stated several years ago a survey was done on why people do not spay or neuter their animals, and 65% of those people responded with the answer they just did not get around to it. This ordinance gives people that incentive. She stated 30% answered that they just didn t have the money. There is state and local assistance for those people.

She stated 5% said they wanted to breed their animals. She stated Lawton is leading the way with this spay and neuter ordinance and she encouraged the City Council to not weaken the law.

Linda Reinwand, 6208 NE Cache Road, stated she is the Administrative Director for the Animal Birth Control Clinic. She is here to plead with the City Council, especially Councilmember Hanna to leave the ordinance in place as is. Let the ones who deal with these issues on a daily basis have a chance to continue to make this work. She stated it is working. At the Animal Birth Control Clinic they have performed 465 neuter/spay services since the ordinance was passed and they have 600 additional surgeries booked through mid June. She would like to see Lawton be the model for the state of Oklahoma to finally address pet overpopulation in a meaningful manner. She stated there is much confusion about the licensing requirements and the BAT permit. She suggested that a town hall meeting be held to explain the benefits of the ordinance. She extended an invitation to the City Council to come to the Animal Birth Control Clinic any Monday through Thursday morning when they are performing surgeries and talk with some of these citizens.

Donna Eckrote, 2215 NW 46<sup>th</sup>, stated she is in agreement with the spaying and neutering, but her issue is the sheltering of the animals. She has four dogs, two of which are great danes. According to the city ordinance, she has to have a special

handler s permit, which they were granted.

Mayor Purcell stated they have already solved that issue and Ms. Eckrote was notified.

Ms. Eckrote stated she would like to ask the City Council to look at the general provisions of the ordinance and redefine an indoor and outdoor pet by a percentage of time spent and to fine tune the ordinance.

Mayor Purcell stated that issue is currently being worked on.

Bob Glasco, 738 SW 46<sup>th</sup> Street, stated he lives in the neighborhood that was under gun fire all of last week and the week before. He is here to say thank you to the Lawton Police Department and the gang task force for being so quick to respond.

Chief Ronnie Smith, Lawton Police Department, introduced Clint Wagstaff who is the new Emergency Operations Manager for the City and the County. He will take over April 1<sup>st</sup>. Derrell Morgan is the E-911 Director and will take over April 1<sup>st</sup> for both the City and the County. He hopes that by the end of May they will have the dispatchers combined in one area.

Mayor Purcell stated they all appreciate all of the hard work done by Clint and Derrell over the past year trying to put this together.

Mr. Morgan stated he appreciated the hard work by the City Council, Mayor and Comanche County Commissioners regarding this merger.

Mr. Wagstaff stated he is looking forward to the future of the emergency management and E-911 system. He believes this is a big step forward for the state and we will show the rest of the state that we can do this.

Mayor Purcell stated that they need help in explaining what is going on with the animal ordinance. He stated that any animal that is alive today in the city of Lawton falls under the old ordinance. If anyone goes down to the animal shelter between now and the 14<sup>th</sup> of April and gets their pet registered and gets a license, it will cost them \$15 for a lifetime fee. It does not make any difference if that animal is spayed or neutered or not, it will cost \$15 lifetime as long as they are the owner of that animal and continue once a year to provide proof that the animal has had a rabies vaccination. They will never have to pay again. If the owner does not get that animal registered prior to the 14<sup>th</sup> of April, at that point in time, if it is spayed or neutered it will cost a \$15 one time fee for the remainder of the time they own that animal and once again they will continue to provide proof that the animal has had a rabies vaccination. However after the 15<sup>th</sup> of April if the owner takes an animal to the animal shelter that has not been spayed or neutered, the owner will be forced to pay the new fee. He stated there is a lot of confusion and he has received a lot of phone calls claiming they cannot get their animal spade by the 14<sup>th</sup> of April. They don t have to. He requested the media get this information out there. He stated there is a lot of misinformation out there and it is causing a lot of concern.

Shoemate stated that Rose Wilson, Supervisor of the Animal Shelter, spoke at a neighborhood watch and she did a fantastic job of explaining the issue. He stated one thing that was brought out was that senior citizens get their license for free.

Mayor Purcell stated if citizens don t want to pay the higher fee they need to get down there before the 15<sup>th</sup> of April and pay the one time \$15 fee and they are done.

Warren suggested the newspaper may want to put together a question and answer article.

Hanna stated the owners of dogs that are ten years or older or are in bad health need to go to the veterinarian and get a statement saying the dog would be in jeopardy if they were spayed or neutered and that issue will be waived.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MARCH 13, 2007.

MOVED by Warren, SECOND by Hanna, to approve minutes of Lawton City Council regular meeting March 13, 2007. AYE: Hanna, Drewry, Jackson, Shanklin, Patton, Haywood. Warren, Shoemate. 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.

MOVED by Warren, SECOND by Drewry, to approve the Consent Agenda. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. 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: Dennis and Susan Butler in the amount of \$754.51. Exhibits: Legal Opinion/Recommendation and **Resolution 07-37**.
2. Consider the following damage claim recommended for denial, Saber Acceptance Company in the amount of \$450.00. Exhibits: Legal Opinion/Recommendation.
3. Consider authorizing the City Attorney to accept the settlement of Eight Thousand Three Hundred Thirty-Three and 33/100 Dollars (\$8,333.33) for the City's subrogation interest in the personal injury case of Sean McDougle. Exhibits: None.
4. 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 Michael D. Clark in the Workers' Compensation Court, Case No. 2006-03824 Q, and filing a foreign judgment in the District Court of Comanche County for purposes of placing said judgment on the tax rolls. Exhibits: **Resolution 07-38**.
5. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in directing our third party administrator to make payment on the judgment in the Workers' Compensation case of William Looney in the Workers' Compensation Court, Case No. 2006-12238 X. Exhibits: **Resolution 07-39**.
6. Consider ratifying the action of the City Attorney and the City Manager in not recommending an appeal of the judgment in the Workers' Compensation case of Walter Lopez in the Workers' Compensation Court, Case No. 1999-12737 K. Exhibits: None.
7. Consider accepting two Quit Claim Deeds, one Permanent Easement, and two Assignments of Easements in conjunction with the dedication of SE Skyline Drive, and authorizing the Mayor and City Clerk to execute the documents. Exhibits: Documents on file in the City Clerk's Office.
8. Consider approving plans and specifications for the Water Infrastructure Improvement Phase I (Lines) Project #2006-8 and authorizing staff to advertise for bids. Exhibits: Location Map.
9. Consider accepting the WWTP Sludge Wetwell Project #2006-5 as constructed by Concrete Services Corporation and placing the Maintenance Bond into effect. Exhibits: None.
10. Consider approving the construction plans and specifications for a 12-inch waterline to be constructed in the 7600 block of NW Cache Road to serve Southwest Plaza. Exhibits: Location Map.
11. Consider approving the construction plans for an 8-inch sanitary sewerline to serve 1910, 1912, and 1914 SW E Avenue. Exhibits: Location Map.
12. Consider approving an agreement accepting an Emergency Management Performance Grant (EMPG) to assist local jurisdictions in updating operations plan and conducting emergency exercises. Exhibits: Cover Letter from the Department of Emergency Management. The Emergency Management Performance Grant is on file in the City Clerk's Office.
13. Consider approving appointments to boards and commissions. Exhibits: None.
14. Consider approval of payroll for the period of March 12 - 25, 2007.

#### NEW BUSINESS ITEMS:

15. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Residential/Low Density and Professional Office to Commercial and an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification located at 3402, 3408, 3428 NW Cache Road and 3401 - 3435 and 3402 - 3434 NW Oak Avenue. Exhibits: Location Map and Letter from Property Owners.

Richard Rogalski, Planning Director, stated this request is for Lots 1, 2, and 5 - 10, Block 7, and Lots 1 - 6, Block 8, Greer Addition, Plat No. 2. The City Council approved rezoning Lots 3 and 4, Block 7, to C-1 on July 11, 2006, and directed Staff to process an administrative rezoning for the remainder of Block 7; however, on November 28, 2006 the City Council failed to approve the rezoning. On February 27, 2007 the Council again directed Staff to process an administrative rezoning for these lots and expanded the area to include the lots on the south side of NW Oak Avenue. Also, several of the property owners submitted a letter requesting the area on the north and south sides of Oak Avenue between 34<sup>th</sup> and 38<sup>th</sup> Streets be rezoned to C-1 so the area could be marketed as a package.

The zoning of the surrounding area is R-1 to the north and south, C-5 (General Commercial District) and R-4 (High Density Apartment District) to the east, and C-5 to the west across NW 38<sup>th</sup> Street. The land use of the surrounding area is single-family residential to the north and south, commercial (convenience store) and apartments to the east, and commercial (IHOP and Kmart) to the west. The current land use of these lots is single-family residential. The 2025 Land Use Plan designates Lots 1, 2, and 5, Block 7, as Professional Office and the remaining lots as Residential/Low Density.

On March 22, 2007, the City Planning Commission held a public hearing on this amendment to the 2025 Land Use Plan and rezoning. The CPC voted to approve the rezoning request and the minutes were provided prior to the Council meeting.

Notice of public hearing was mailed on March 1, 2007 to 44 property owners within 300 feet of the requested area and 18 property owners in the requested area, and proper notice was published in *The Lawton Constitution* on March 4, 2007.

PUBLIC HEARING OPENED.

Jason Wells, Insight Commercial Real Estate, stated he and Sam Helton are in attendance and available to answer any questions the City Council may have in regards to the current status or future development plans of Greer Addition. They have been requested by the property owners to come to this meeting and request this rezoning.

PUBLIC HEARING CLOSED.

MOVED by Drewry, SECOND by Shoemate, to approve **Resolution 07-40** and adopt **Ordinance 07-25**, waive the reading of the ordinance, read the title only. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-25

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to C-1 (Local Commercial 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.

Mayor Purcell stated there is a gentleman in the audience who had wished to speak on item #7.

MOVED by Shanklin, SECOND by Warren, to reconsider item #7. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Drewry, Jackson. NAY: None. ABSENT: Hanna. MOTION CARRIED.

7. Consider accepting two Quit Claim Deeds, one Permanent Easement, and two Assignments of Easements in conjunction with the dedication of SE Skyline Drive, and authorizing the Mayor and City Clerk to execute the documents. Exhibits: Documents on file in the City Clerk's Office.

Turley Dalston, 1705 SE Skyline Drive, thanked the City's right of way agent for her help with this issue. He stated in 1972 the City of Lawton and the people on the east side of Skyline Drive came to him and asked him to give an easement to use and maintain the street a half a mile long and 30 foot wide, which he agreed to do. The City rebuilt the street and now the street is in very bad condition. He hopes that it will be repaired. He stated he has sent in a petition with about 200 names trying to get the street repaired and some drainage done.

Haywood stated the street has never been dedicated to the City of Lawton. Once that street is dedicated some things will be done.

Jackson questioned if this will take care of getting all of the easements and the right of ways done.

Mr. Dalston stated yes. They have been working on this for three years.

MOVED by Haywood, SECOND by Jackson, to accept two Quit Claim Deeds, one Permanent Easement, and two Assignments of Easements in conjunction with the dedication of SE Skyline Drive, and authorizing the Mayor and City Clerk to execute the documents. AYE: Patton, Haywood, Warren, Shoemate, Drewry, Jackson, Shanklin. NAY: None. ABSENT: Hanna. MOTION CARRIED.

16. Consider accepting the annual audit report of the City of Lawton for the year ending June 30, 2006. Exhibits: Copies of the audit report will be distributed at the Council meeting.

Rick Endicott, Finance Director, stated the auditors are in attendance. Andy Cromer is here from Arledge & Associates who do the actual audit. Mike Crawford is hired by the city to do financial consulting work. His firm does a performance evaluation based on the audit. He stated it is very difficult these days to get an audit done by December 31<sup>st</sup>.

Andy Cromer stated the single audit report is required if you get over \$500,000 of federal funding. This document shows no findings. The second document is the Letter Of Audit Communication. He stated part of this deals with internal control and items that are not necessarily control related, but just areas to improve. Those items are listed in Exhibit II. He stated he and staff are looking at solutions. He stated with the new GEMS system, many of these listed will get addressed naturally. He wanted to speak about the Capital Assets comment. These deal with fixed assets. Fixed assets are usually put off until the end of the year as far as properly recording these items. It has gotten to the point that it has gotten too complex to wait until the end of year. They are suggesting that we make this a higher priority and do it monthly and make sure that there is available staff and that the staff know the rules. He would also like to address purchase orders. Again, the new system may help in this area, but it will require enforcement on purchase order. They found that often time purchase orders weren't being used or they were being created as the check was cut. The intent is to create a purchase order before you are obligated to pay for them.

Endicott stated that one of the reasons a new accounting system was purchased was because staff new that the way they were doing business was not in accordance with state law and the standards. Basically the old system allowed too much flexibility to do what they needed to do. He stated they hope to address the fixed asset problem this year in working with the internal auditors.

Shanklin questioned if they found any excess money.

Mr. Cromer stated they did not find any excess money.

Mayor Purcell stated they actually found \$300,000 less than we thought we had.

Mike Crawford, Crawford and Associates, stated last year they changed the format of the City's financial statements to add a section that they called a Performer Analysis which is a financial performance evaluation tool his firm developed several years ago. While all of the detail numbers are in the front, an overall view of the City's financial health and performance is included in this section. They developed this tool to try and simplify a City Council and public understanding of the City's financial health and performance by taking a dozen different financial ratios and scoring them on a benchmark schedule that they have developed over time and actually rating the financial health and performance on a scale of 1 to 10. Last year the overall total rating was a 7.4 which is mid to upper level of scoring. This year the overall rating increased to 7.6, which means that some of the elements within the financial statements improved. They look at the actual financial health and condition in three areas: 1) financial position, which show how are the rainy day funds and if we are keeping enough in reserve and are we keeping up with capital assets, 2) financial performance, did that health improve or deteriorate or remain steady over the past year, how is the local economy and 3) financial capability, where is our sales tax rate and property tax rate, what is the likelihood of that tax being renewed. They score these on a scale of 1 to 10. The financial position is relatively strong at 7.0, financial performance was extremely high and the weakest rating was financial capability because the sales tax rate is at the moderate level at 3.25% for the city side, the property tax rate is at the moderate to high level because there is a significant amount of general obligation that is paid back by property taxes relative to other communities. The capabilities for future revenue generation is lower rating, but it is still above 5. There is no rating here to be overly concerned about. He stated the most important ratio to look at in terms of financial health is what is the ability to fund those emergency needs. That number in terms of dollars for Lawton was a little over \$19 million. For the size of Lawton, that is not that much. They like to see somewhere between 30-50% of the annual revenue in reserve. We are 23%, which is 3% above last year. It is getting better but we are not there yet. He stated the pension plan is underfunded which is not unusual. Hopefully this will improve with time. He stated net assets did grow last year by about \$5.6 million. The City was able to keep it's spending under its annual revenue by about \$5.6 million, which is a 4% increase. He stated he believes we had a very good year financially and financial health remains good and performance was excellent last year.

Shanklin questioned why we went up in sales tax and what was the cause?

Mr. Crawford stated in the last fiscal year all of the businesses within the city limits of Lawton, sold basically in total \$60 million more than they did the prior year, that was subject to sales tax. With the 3.25% rate, it means that our sales tax went up about \$2 million.

Mayor Purcell congratulated Mr. Endicott and his staff. He stated it is not unheard of to have unqualified audits, but it is good to have one with no deficiencies and only one minor deficiency which will be corrected with the new

system. This is unheard of with a city of this size.

MOVED by Haywood, SECOND by Warren, to accept the annual audit report of the City of Lawton for the year ending June 30, 2006. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

17. Discuss current refuse collection system and take appropriate action if necessary. Exhibits: None.

Shanklin stated he put this on the agenda because of the trash that accumulates. He distributed a picture of a mattress on 11<sup>th</sup> Street that had been laying there for six weeks. He stated he was told by the City Manager that it is the responsibility of the property owner. He does not know if it is on railroad property, but he will go get it tomorrow and bring it down here. He questioned where he should take it.

Mitchell stated the city barn.

Shanklin stated he was chastised severely for putting trash from different areas, and he questioned whose trash was in there. At least he pays a water bill. He stated there is a problem with picking up trash in the alleys in the areas where we don't have containers yet. Those are the filthiest areas. He questioned if the tonnage has dropped in those areas with containers.

Jerry Ihler, Public Works Director, stated there is a bin in the public works yard and that trash is from house side service pick ups. The field foreman picks that up and places it in the back of his truck and then empties it in those bins.

Shanklin stated that some of that trash in that bin was not picked up by our crews. He asked if our tonnage was up, down or the same.

Ihler stated in comparison of 2005 with 2006, the tonnage is actually down about 1,800 tons. There is about a 4% difference. There were three months higher in 2006 and nine months higher in 2005. The big difference was the summer months beginning in March through August. Those are the times when they have large yard waste pick ups. Last year was a very dry year and they did not pick up as much yard waste. That is what they are attributing the difference.

Shanklin questioned if this was city wide or just in those areas that has all the pick ups.

Ihler stated this is total tonnage city wide for residential pick up.

Shanklin questioned if they could isolate ward Four.

Ihler stated the same truck may stop in a different ward.

Shanklin stated let's compare apples to apples. Let's compare what it has been running to what it is running now.

Ihler stated they can look at it on a monthly basis since the pilot program started, but it is city wide. Overall there was about a 4% decrease in residential pick up. They attribute that to less yard waste.

Shanklin suggested a council committee get together and come back with suggestions for cleaning up the city. It is about the filthiest he has ever seen it.

Hanna stated people are just going around and dumping in empty dumpsters. They don't care who they belong to. He stated there is trash all over the city such as furniture and appliances. He would like to see crews come through neighborhoods once a month and pick up the heavy stuff.

Shanklin stated there was a photo in the paper this morning showing trash that had been dumped at the recycling bins. He questioned how many individuals follow the refuse truck to make sure they pick everything up. He stated there are citizens who put their trash out late and then call and say it never got picked up.

Ihler stated that happens quit frequently. He stated there are three individuals who pick up the house side pick ups and check on the residential and commercial pick ups. He stated there are also areas that are difficult to get into, such as cul-de-sacs, and those three field foremen go into those areas and put the trash in the back of their pick up trucks.

Shanklin questioned if there were hundreds of these cases.

Ihler state he believes there is about 500 house side pick ups.

Shanklin questioned if those guys had radios.

Ihler stated they are working to get radios in all the trucks. They all do not have them yet.

Shanklin stated we will have to assume some of this responsibility.

Mitchell stated there is a real enforcement issue. There are a lot of county residents that have no means or choose not to subscribe to trash pick up and they drive their trash into town and dump it wherever they can find it. He stated they added two extra clean ups per year. He does not think the majority of this is coming from Lawton residents. If we start picking up box springs in the right of way, we will be picking them up all the time because people will keep putting it out there.

Shanklin stated not if we rewrite the ordinance and put some teeth into it by charging a fine.

Mayor Purcell questioned how you find out who it is.

Haywood questioned what the solution was. He stated if he saw a mattress in his ward, he would pick it up and take it to the landfill.

Mitchell stated if there was some way to identify who the trash belonged to. He does not feel the solution is to just hire another crew to go around and pick it up.

Shanklin stated if the tonnage was down in a certain area.

Ihler stated they are talking about 41,000 tons last year versus 39,500. He stated there was a very dry summer and he believes they did not pick up as much yard waste.

Patton stated he believes a lot more people were mulching.

Shoemate stated he talked with Mayor Gene Brown from Duncan and they do basically the same thing as Lawton with the same containers. In addition to their twice a week pick up, they also pick up bagged trash. In addition if you have something old and sit it out at the curb, when that truck goes by and sees it, they call in and another truck comes in behind it and picks it up. He does not know if that is cheaper than having quarterly clean ups.

Ihler stated the two additional clean ups were about \$10,000.

Shanklin stated they are going to have to do something.

Shoemate stated when he was managing 98 FM, they got a hold of about a dozen civic clubs and scout groups and set up a meeting to identify the twelve most blighted areas in Lawton as far as trash and litter. They went to Wal-Mart and Gibson's who donated trash bags and each group was assigned a particular area. He stated they picked up the entire city in one afternoon.

Warren stated if they really want to attack this problem it is an every day problem. It will get worse as soon as everyone knows they will pick it up.

Mayor Purcell stated they need an education campaign with help from the media that tells people if they see a vehicle dumping trash, they need to get a license number and description and call it in.

Warren questioned if we find a name in that dumped trash, don't we have the ability to cite that individual.

Jensen stated the code section says that if you find identifying information in litter, there is a presumption that the person whose name is on that litter is responsible.

Drewry stated Tony Pokorney studied the process that they are using in Fort Smith, Arkansas. She would like for Mr. Pokorney to make a presentation to the City Council on his findings.

Warren stated just from his dumpster at work, a lot of it is coming from individual companies that clean up doctors' offices and things like that. Rather than taking it to the landfill, they are driving around town and dropping it off in dumpsters around town.

Shanklin stated last week he had a couch and chair in the alley and the city crews came by to pick up the trash and he asked them to take the furniture. He was told that they could not take it. He stated they need to find a way to pick some of this stuff up.

Mayor Purcell stated maybe they will get some ideas from Mr. Pokorney.



Jackson stated he is all over town every day and he sees all kinds of things. He has noticed that a lot of the remodeling companies throw everything to the curb. He calls Neighborhood Services immediately. He stated that maybe the word needs to go out to some of the established businesses regarding clean out crews. It amazed him how people are so inconsiderate about trash and debris that blows out of the back of the pick up truck and trash that blows out their windows.

Shanklin stated there is a way to do this and we have the manpower and the equipment to do it. He stated the City Council can tell the City Manager what they want to do.

Haywood stated he has heard from different people who come into town and see how filthy our town is.

Hanna stated he has heard from city inspectors that it is not in their area. He stated the whole town is our area. They really need to look at businesses as well as residential areas.

Shoemate stated he has received the best service from our refuse workers.

Patton stated that is the one service that the city has provided that is spotless.

Jackson stated a good part of ward four uses the new containers and his constituents like them.

Mayor Purcell stated the biggest complaints they get are from people who don't even have the new containers.

18. Discuss Section 15-5-503, 506 and 507, Article 15-2, Chapter 15, Lawton City Code, 2005, providing for a notice of violation for the storage or parking of motor vehicles to be issued prior to penalty and establishing enforcement and fines and take appropriate action, if necessary. Exhibits: Section 15-5-503, 506 and 507, Article 15-2, Chapter 15, Lawton City Code, 2005.

Shanklin stated since this item was put on the agenda he has given a picture to the City Manager. He stated R-1 zoning and R-2 zoning has a different category behind between an R-3 and R-4. In an R-3 or R-4 you can double deck vehicles if you want to. You don't have to have a fence and if a resident wants to block the sidewalks with vehicles and foliage he guesses they can get by with it and they are doing it. He stated Fort Sill Boulevard is R-2 on one side and R-4 on his side. He stated there is no action to be taken on this item.

19. Consider the acceptance of an OEA Grant Application submitted through the Department of Defense, Office of Economic Adjustment (OEA) and approve an OEA Grant Agreement in the amount of \$635,026 to coordinate growth management planning activities and to hire a consultant to develop the Lawton-Fort Sill Regional Growth Management Plan. Exhibits: Lawton Fort Sill Regional Growth Management Budget, Budget Justification, Proposed Budget, Media Release dated for March 28, 2007. Documents Available for Review in City Clerks Office: Program Narrative, Requests for Qualifications and Proposals and Scope of Work.

Mitchell stated staff has been working about six months on this grant application and have received verbal notification on March 15<sup>th</sup> that the grant application had been approved by the OEA office. This money was allocated to this office to assist communities that were receiving additional missions at their military installation. This money is designed to help with planning county wide to assist in managing growth for the next four to five years. The total project budget for the growth management plan is \$705,000 and requires a local match. They have identified that match in accounts that were set up for that very purpose.

Kevin Jackson, Senior Planner, stated on April 12, 2006 the City of Lawton was awarded a grant from OEA. The grant was to secure the services of a consultant who would then develop a regional growth management plan for the area. He was hired on May 19, 2006. The growth management plan is not only for Lawton, but for the entire impacted region. He stated they had to determine the parameters of the study area and once this area was defined they had to meet with community leaders to see what kind of impact BRAC would have upon their communities.

He stated they also consulted other military communities who were also gaining personnel. He stated they organized five subcommittees to address the issues of the study area. The subcommittees were education, housing, public safety and emergency services, transportation and utilities and infrastructure. They developed five documents that had to go to OEO. Those documents were the project narrative, RFP, scope of work, budget and budget justifications. They defined the study areas as anywhere it took 25 minutes or less to drive to the nearest Fort Sill gate. The towns in Comanche County that will be studied are Cache, Chattanooga, Indianola, Elgin, Fletcher, Faxon, Geronimo and Medicine Park. He stated this also reaches into Caddo County which will include Apache and Cyril. This will also include Walters in Cotton County. For the development of the growth management plan the consultant will look at existing issues and conditions, public outreach, housing, education, land use, public utilities and infrastructure, economic impacts and opportunities for job creation, public safety and emergency services, health and social services, quality of life, libraries, cultural parks and recreation facilities, open space, transportation, air waves, urban, highway, transit, trails and bike ways and an implementation plan. The proposals advertised will be March 30<sup>th</sup> with a due date of April 30<sup>th</sup>. Interviews of consultants will be May 14-

18 and the contract will be awarded on May 22<sup>nd</sup>. They will give the consultant approximately ten months. They have told the OEA that it would cost a total of \$705,584 and have asked for \$635,026 which is 90%. He stated he is extremely happy that they have been awarded this grant.

Shanklin questioned if these outside communities will accept us telling them what they should do. He stated the regional director is not a permanent position and as soon as this is done they will be gone.

Kevin Jackson stated that the consultant will make recommendations, they will not be telling them what to do. He stated everyone is on an even plane with this. OEA has emphasized to them that this is not just about Lawton, this is the impacted region.

Shanklin questioned where they came up with \$600,000.

Kevin Jackson stated this is based on a stormwater management study.

Mitchell stated they will send out an RFP to hire a consultant. He is not an employee of the City of Lawton. They will send out notices to about 70 firms. It will be a very competitive process. Depending on the bids they receive they may only spend \$450,000. This is simply the amount they have been awarded in the grant application.

Hanna questioned if this individual will tell the city what to do.

Mitchell stated he is basically a consultant that will be making a series of recommendations to the communities that are involved in this planning process.

Hanna questioned who will be the designated planner. He stated it looks like Mr. Jackson will be traveling a lot attending conferences.

Mitchell stated many of these conferences are required by the OEA Division for the grant. He stated they realize that all of the growth we are going to experience will be throughout the county and the county has no planning department, engineers, building inspection process or any plan review process. This is critical to make sure that they can help those other communities. He stated it is up to the communities to take those recommendations and use them how they see fit. He stated he feels this growth management plan will open the door for other capital improvement monies either at the state or federal level.

Col. Uberti stated that one of the great things this had done to date is established a governing structure for this whole area to start thinking about those services that are important to our citizens. He stated they have been able to use some of these education programs that the DOD and other agencies have available for transitional students from one community to another. He stated there are a lot of ancillary benefits that he thinks we are already seeing the rewards of just from putting this grant together. It helps communities network with other communities that are experiencing similar issues. He applauded Kevin Jackson's efforts who has worked very closely with a lot of people to prepare the draft.

Mayor Purcell stated this process started right after the BRAC announcement. The City Manager discovered that OEA had the capability of providing support. The City Manager's efforts got us the money to hire Kevin Jackson. He stated we are the most fortunate community in this country to have Kevin Jackson working for us.

COL. Uberti stated in the last twelve to eighteen months they have done about eight years worth of planning work for this undertaking. This will be a great asset that will connect some of the good work that has been already been done.

Jackson stated he would like to see regular updates rather than a final version.

COL Uberti stated these sub committees are doing great work and they need to have a governing structure and a reporting mechanism that gets that work surfaced so that at least they all understand the direction of the subcommittee. He feels that now there is the right participation level and hopefully this will help get periodic updates from these subcommittees.

Mayor Purcell questioned if these reports were sent to only him or the entire City Council.

Kevin Jackson stated he apologized, but he has only been sending it to the Mayor.

Mayor Purcell stated he will make sure that copies are made of this report and distributed to the City Council.

Kevin Jackson stated he will get copies to the Council members.

MOVED by Shanklin, SECOND by Drewry, to accept an OEA Grant Application submitted through the Department of

Defense, Office of Economic Adjustment (OEA) and approve an OEA Grant Agreement in the amount of \$635,026 to coordinate growth management planning activities and to hire a consultant to develop the Lawton-Fort Sill Regional Growth Management Plan. AYE: Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

Mayor Purcell called for a recess at 8:45 p.m. and called the City Transit Trust meeting to order. The City Council reconvened in regular, open session at 8:57 p.m. Roll call reflected all members present.

20. Consider approving a request from the Lawton Strategic Planning Task Force to produce 1,000 sixteen-page brochures, 500 CD s, and 50 comb binders for the Lawton Strategic Planning Task Force s Final Report and presentation material and authorize the Mayor to fund such materials from the Council Contingency Fund. Exhibits: Proposed Bids.

Drewry stated that this was an effort by Tony Pokorney, Dan Mullins, Lisa Wade, George Moses, Tom Rheinlander, Keith Bridges and Ed Peterson. She stated they all put a lot of work towards this project. They interviewed 35-40 companies and also the Mayor s of Cache, Elgin and Geronimo. She stated they also interviewed people from the Oklahoma Department of Transportation and local schools including Cameron. Mr. Pokorney put together a presentation on the airport and some of the needs of Fort Sill. She stated they will add plans to the bike trails that will be located throughout Lawton. These brochures will include a CD which would include the entire copy of the plan. The 50 binders consist of the entire plan in black and white with full color covers. The brochures will be in color.

Mitchell stated there are three proposals. The low bid is Advanced Printers.

Drewry stated there is a layout and finished art that is included in the proposal by the Donaldson Company that is not included in the others.

Mayor Purcell questioned which proposal Councilmember Drewry would recommend.

Drewry stated she would recommend the Donaldson Company because it was the most complete.

Jackson stated they all know how he feels about using local companies.

Warren stated the only issue is the actual preparation of the materials for the printer.

Drewry stated there is a little bit of difference in the finished product. The reason the Donaldson Company included all of this is because they worked with the group. She stated she felt that Advanced Printers could also do a great job as well.

MOVED by Drewry, SECOND by Jackson, to approve a request from the Lawton Strategic Planning Task Force to contract with Advanced Printers in the amount of \$6,245.98 to be paid from the Council Contingency Fund to produce 1,000 sixteen-page brochures, 500 CD s, and 50 comb binders for the Lawton Strategic Planning Task Force s Final Report and presentation material. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

21. Consider adopting an ordinance amending Section 19A-2-3-234, Lawton City Code, reassigning the responsibility for administering appeals to the stormwater regulations from the Director of Planning to the Floodplain Administrator. Exhibits: Ordinance 07-\_\_.

Greg Buckley, Assistant City Manager, stated in the past the Planning Division was responsible for several issues related to stormwater regulations, and the Director of Planning was the floodplain administrator for the City. However, the responsibilities of the floodplain administrator has been assigned to Larry Wolcott, Civil Engineer, who is also responsible for stormwater management. The City Code needs to be amended to reflect the floodplain administrator, not the Director of Planning, is responsible for administering appeals to the stormwater regulations.

Mayor Purcell stated this is basically a clean up ordinance.

MOVED by Haywood, SECOND by Shoemate, to adopt **Ordinance 07-26**, waive the reading of the ordinance, read the title only. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-26

An ordinance pertaining to stormwater amending Section 19A-2-3-234, Division 19A-2-3, Article 19A-2, Chapter 19A, Lawton City Code, 2005, by establishing the floodplain administrator as the staff person responsible to administer appeals to the stormwater regulations and providing for severability.

22. Consider an ordinance pertaining to offences and crimes, amending Section 16-3-1-321, Division 16-3-1, Article 16-3, Chapter 16, Lawton City Code, 2005, by including in the definition and prohibition against littering any substance which may cause a fire and setting forth punishments for the same, providing for severability, and declaring an emergency. Exhibits: Ordinance 07-\_\_\_.

Jensen stated this is the last in a series of ordinances that adopt changes in state law.

MOVED by Haywood, SECOND by Warren, to adopt **Ordinance 07-27**, 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 07-27

An ordinance pertaining to offenses and crimes amending Section 16-3-1-321, Division 16-3-1, Article 16-3, Chapter 16, Lawton City Code, 2005, by including in the definition and prohibition against littering any substance which may cause a fire and setting forth punishments for the same, providing for severability, and declaring an emergency.

23. Discuss the possible consolidation of city and county jail operations. Exhibits: None.

Mayor Purcell stated he received a call a week and a half ago from one of the County Commissioners. They are trying to figure out what to do with the re-build in the County Courthouse, whether they want to configure it for offices or do they want to look at additional jail space. He stated there is no action on this item tonight, but he told the County Commissioner he would bring this to the City Council to see if they wanted to pursue this issue or if they absolutely do not want to look at this issue.

Warren stated this is something they really need to look at. He thinks there is a lot of legal and procedural issues to look at with this issue than there was with the E-911 consolidation. He stated Tulsa County has done this and we may or may not be able to save some money.

Jackson stated that he and the City Manager have had preliminary discussion with Commissioner Gail Turner who is excited about this project. He stated the County is now gathering numbers on their jail operations and will be getting that information to the City. He stated if they receive a nod from the rest of the City Council they will continue looking at this issue. These will be open committee meetings and anyone can attend. He does believe it will be beneficial to both the City and County to pursue this issue.

Mayor Purcell stated this item is only to get the consensus of the City Council that they want to talk about this issue.

Haywood stated he wants to stay separate. He knows that the City will end up paying all the money for the County and he would rather not join the City and County.

Jackson requested that they at least meet and get all of the figures together and see if this is even feasible. He would never ask the City Council to support something that would cause a financial burden in the future. This is going to be a long process, but he would like to explore the issue. The County Commissioners have asked for this and he feels they owe it to them to at least sit down at the table and talk with them.

Hanna stated he would like to hear from the staff that actually runs our jail.

Chief Ronnie Smith, Lawton Police Department, stated he would prefer to keep his own jail. He stated if the city jails closes and they ever have to open it back up it will take a lot of money to bring it up to code, probably about a million dollars. He has jailers right now that are talking about looking for other jobs because they think their jobs are gone. Every time this comes up they talk about looking for another job. He stated with the city jail, the detectives can go in and talk to inmates before they go to the county. If we close the jail, we would be at the mercy of someone else. He requested that he be included in the discussions. He stated if the county jail had been built big enough to start with he would not have a problem with it. If they add all the space downstairs, it will be full in six months. He stated they house an average of 58 or 68 a day, but most days they are running an average of 75-85 people.

Mayor Purcell stated the county was talking about building enough for 100 additional beds. He stated they owe the county an answer, whether it be no tonight or they might be interested.

Hanna stated he would vote no along with Councilmember Haywood.

Shanklin stated before they say no they should hear their program. He stated most of the city people in jail are not

felonies.

Chief Smith said the people that stay in the city jail are misdemeanors. If they are on a felony they come to the city jail and are booked in and then transferred to the county jail if charges are filed.

Shanklin stated there is no reason to close this part of the jail if we take the felonies over anyway. He does not understand why we can't just listen.

Mayor Purcell confirmed that Councilmember Shanklin would like to hear the proposal.

Shanklin stated yes.

Mayor Purcell stated they have two nos from Hanna and Haywood, with Shanklin, Jackson, Drewry saying yes.

Col. Uberti questioned if they are talking about the consolidation of operations or the consolidation of facilities or both.

Mayor Purcell stated it is really facilities.

Warren stated he is not talking about moving everything over to the county courthouse. He stated even if they don't combine, there is a long term issue with the county jail. There is a solution that they can offer to build cells in the basement that is maybe a four, five or six year solution to the problem. The long term is that there will be another facility somewhere. There needs to be an overview of where we want to be in fifteen years, if that is in one facility outside of town. How is not the issue right now, it is do we want to do everything that we can do to save the citizens of Lawton and Comanche County some money. He is not going to be in favor of a plan that only puts everyone in one building that costs everyone more money. If everything stays the way it is, in 15 years the city of Lawton will not have enough room for our misdemeanors. There is not enough room right now.

Drewry stated she thought we just said there was a possibility that we wouldn't necessarily close our jail.

Warren stated we could use both and work towards a new third one. They need to sit down and look at the projections of fifteen years and start that plan now. It may be smarter to pay a little bit more for the next five years and less for the next twenty.

Jackson stated they are occasionally getting criticized for no long range planning and this is one area that they have not addressed in any long range planning.

Warren stated they need to talk about it.

Jackson stated there is a good rapport right now with the County Commission.

Haywood stated if we are going to do anything we need to build our own jail.

Mayor Purcell stated he needs a breakdown from the City Council on where they stand on this issue. He is going to tell them when he calls tomorrow that there are five councilors that agree they want to discuss the issue and there are three councilors that are absolutely not interested.

Haywood stated he is not saying that he does not want to hear what they are saying, but he may not agree to what they are saying.

Mayor Purcell stated he just wants to tell Commissioner Kirby that this number will consider discussing the issue and this number will not. He questioned if Councilmember Haywood has changed his mind and will now listen.

Haywood stated he does not want to consolidate at all. If the majority of the council wants to listen, he will hear what they have to say.

Mayor Purcell stated if Councilmember Haywood is definitely going to vote no to consolidate, he needs to tell the county. He stated he will tell them that three absolutely do not want to consolidate and five would be interested in talking to see where this leads. He questioned if anyone had a problem with this.

No one disagreed with this statement.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Col. Uberti stated on Monday, April 3<sup>rd</sup> at 1:00 p.m. there will be a deployment ceremony at the polo field. He thanked the community for the continued support. He encouraged everyone to participate in the trash off on April 28<sup>th</sup>. He

applauded the efforts of Kevin Jackson.

Shoemate stated he believes that the City Council should identify one area to clean up. They need to pick a location.

Mayor Purcell requested Councilmember Shoemate pick a time and location and send everyone an email.

Hanna stated a little bit of courtesy goes a long way. When we all do our jobs, let's be courteous to the citizens because they pay every city employees' salary.

Drewry thanked the Lawton Police Department for inviting her to their awards banquet. She thanked Councilmember Warren and Jackson for their hard work on the E-911 consolidation project.

Jackson stated he has asked before, but he does not understand why they don't do anything about the old red brick building in the industrial area, the old Fairmont building and furniture depot building. It is dangerous and it is time they address this issue.

Mitchell stated there will be some commercial properties coming before the council.

Haywood thanked the Lawton Police Department for apprehending those who were responsible for some shootings in his ward. He stated it is a shame that children cannot get out and play and people have to stay in their homes. He thanked the street division, water distribution and parks and recreation department for the work they have done in his ward.

Warren stated they have got to start paying attention to what is going on in their neighborhoods. They need to give the police something to work with and help them when they can.

Rick Endicott, Finance Director, stated in the 2005 CIP there was \$3 million set aside to upgrade city software and potential wireless. The City Council approved a contract with GEMS in December 2005. Staff purchased packages related to accounting, payroll, human resources and business license. Staff is currently on an 18-20 month program of implementation. They have implemented the general ledger system that has been up and running for a few months. He stated the last payroll was produced in the GEMS system. They are currently in the process of implementing the utility system. They hope to go live in utilities in July. Once the utilities side is done they will go to the business license side that will integrate the entire intake of cash throughout the City. After that they will hopefully go to the internet side which will be exciting for the citizens who will be able to do a lot of things on line. He stated on the utility side next year they will implement a full page utility bill. This will cost more, but they will provide a return envelope. He stated out of the \$3 million they have spent approximately \$1.7 million which includes a ten year maintenance program which is kept in an escrow account.

Warren stated the IT Division is doing a great job.

Mayor Purcell stated he signed the resolution today lifting the phase I voluntary water restrictions. The water level is now above 1340. He reminded everyone if they want to go to the NLC Conference in November please inform the City Clerk.

The Mayor and Council convened in executive session at 9:39 p.m. and reconvened in regular, open session at 10:34 p.m. Roll call reflected all members present excluding Shanklin.

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

24. Pursuant to Section 307C10, Title 25, Oklahoma Statutes, consider convening in executive session to discuss an economic development prospect to be located within the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item 24. The City Council did have discussions concerning an economic development prospect. No action is required.

25. 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.

Jensen read the title of item 25. The City Council did discuss the possibility of settlement. No action is required.

26. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending litigation of case number CJ-2004-578, 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 26.

MOVED by Patton, SECOND by Hanna, pursuant to CJ-2005-261, move to provide the owner of the real property at 803 SW 7<sup>th</sup> Street, deed the property to Lawton Housing Authority and we agree not to seek attorney fees or court costs. Move to authorize the City Attorney to dismiss this public nuisance claim without prejudice and authorize the City Clerk to release the municipal liens against 803 SW 7<sup>th</sup> Street. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson. NAY: None. MOTION CARRIED.

MOVED by Patton, SECOND by Warren, pursuant to CJ-2004-578, move to authorize the City Clerk to release all municipal liens against said property at 2605 SW G Avenue and deed it to the Lawton Housing Authority. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Patton. NAY: None. MOTION CARRIED.

27. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of Larry Mitchell, City Manager, and if necessary, take appropriate action in open session.

Mayor Purcell stated the City Council is well satisfied with the actions and work of the City Manager. He is doing an excellent job and everyone was very complimentary of his job. The City Council also approved a salary for the next year of \$125,000 with six months severance pay and a \$500 a month car allowance.

There being no further business to consider, the meeting adjourned at 10:37 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK