

Meeting of 2007-4-10 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
APRIL 10, 2007 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John Purcell, Jr. Presiding
Also Present:
Larry Mitchell, City Manager
Frank Jensen, Acting City Attorney
Traci Hushbeck, City Clerk
COL Sonny Uberti, Fort Sill Liaison (Arrived @ 6:35 p.m.)

Mayor Purcell called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Chris Stephens, Dayspring 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 (Arrived @ 6:40 p.m.)
Stanley Haywood, Ward Seven
Randy Warren, Ward Eight

ABSENT: None

PRESENTATION OF PROCLAMATION FOR WHITE CANE DAY

Mayor Purcell proclaimed April 21, 2007 as White Cane Day and presented the proclamation to members of the Lawton NE Lions Club and Noon Lions Club. White Cane Day is a national day where money is raised to help eradicate cataracts.

PRESENTATION OF PROCLAMATION FOR AUCTIONEER DAY

Mayor Purcell proclaimed April 21, 2007 as National Auctioneers Day and presented the proclamation to Joey and Nola Stallings of Stallings Auction on behalf of the National Auctioneers Association.

AWARD PRESENTATION TO CITY OF LAWTON FROM THE AMERICAN CONCRETE PAVEMENT ASSOCIATION.

Jerry Ihler, Public Works Director, presented an award from the American Concrete Pavement Association for the Flowermound Road Project from Gore Boulevard north to Cache Road. He stated the reason the City of Lawton received the award was for the quality of work as well as the time completed which was four months under the contract time. He stated Alan Hendricks and Sons was the project engineer and Duit Construction was the contractor. He stated they all received the award at the state association conference in Oklahoma City.

AUDIENCE PARTICIPATION: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF FEBRUARY 13 AND FEBRUARY 27, 2007.

MOVED by Jackson, SECOND by Hanna, to approve minutes of Lawton City Council regular meetings of February 13 and February 27, 2007. AYE: Hanna, Drewry, Jackson, Shanklin, 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.

Shanklin requested items #2, #6, and #14 be considered separately.

MOVED by Shanklin, SECOND by Drewry, to approve the Consent Agenda with the exception of items #2, #6, and #14.
AYE: Drewry, Jackson, Shanklin, Haywood, Warren. Shoemate, Hanna. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Ricky D. Reese in the amount of \$100.00, Timothy and Mar Dee Spurgeon in the amount of \$65.00, Lesley Hobbs in the amount of \$987.46 (**Res. 07-41**), and Wayne and Windy Stillick in the amount of \$7,679.08 (**Res. 07-42**). Exhibits: Legal Opinions/Recommendations, Resolution No. ___ and Resolution No. ___.

2. Consider the following damage claims recommended for denial, SBC in the amount of \$171.76, Teresa Knight in the amount of \$231.36, and Josephine Burnett in the amount of \$65.00. Exhibits: Legal Opinions/Recommendations.

Shanklin stated regarding the claim by Ms. Burnett, the record shows that there have been two prior main stoppages on this segment and this segment of the main is not on the SSES report. He stated the plumber went 90 feet and was in the main. He feels for \$65 they should not be arguing whether or not they can see through four or six feet of dirt as to where the stoppage was.

Jensen stated the reason his staff recommended denial of the claim for \$65 was because it was reported to be a service line problem, not a problem with the main. There were no obstructions found in the main. The claimants private plumber rodded her service line and pulled out roots. This was the basis for the denial.

Shanklin stated he still believes they need to pay Ms. Burnett the \$65.

MOVED by Shanklin, SECOND by Drewry, to pay the claim of Josephine Burnett in the amount of \$65.00 and deny the claims of SBC and Knight. AYE: Jackson, Shanklin, Haywood, Warren, Hanna, Drewry. NAY: Shoemate. MOTION CARRIED.

3. Consider approving an Outside Water Sales Contract with Ben & Rhonda Roulain, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk s office.

4. Consider accepting a donation of \$1,000.00 from Hudiburg Chevrolet to the Lawton Fire Department, to help fund the purchase a Vehicle Extrication Tool. Exhibits: None.

5. Consider adopting a Resolution to grant permission to the Lawton Enhancement Trust Authority, Lawton Beautiful, Inc., and the Task Force to Improve the Appearance of Lawton, to use the Official City of Lawton Seal on signs displayed at Median Enhancement Project sites, and authorizing the Mayor and City Clerk to execute the necessary associated documents. Exhibits: **Resolution 07-43**.

6. Consider approving the Second Amendment to Employment Agreement of Larry Mitchell as City Manager, and authorize the Mayor and City Clerk to execute the document. Exhibits: Second Amendment to Employment Agreement on file in the City Clerk s Office.

Shanklin stated this is not the time to be giving anyone a raise and especially not one of this magnitude. He stated it amounts to around \$41,000. Three months severance pay is \$10,000, the car allowance, which has never been offered before, is \$500 a month and a 4% raise is \$5,000. He stated we are \$400,000 down in our hospitalization and that has to come from somewhere out of the budget.

MOVED by Shanklin, to put this action off for 120 days and then reevaluate it again.

SUBSTITUTE MOTION by Warren, SECOND by Drewry, to approve the Second Amendment to the Employment Agreement of Larry Mitchell as City Manager, and authorize the Mayor and City Clerk to execute the document. AYE: Haywood, Warren, Shoemate, Drewry. NAY: Hanna, Jackson, Shanklin. MOTION CARRIED.

7. Consider approving contracts for cultural programming in the Lawton Metropolitan Area for events that commemorate the state s centennial. Exhibits: Contracts on file in City Clerk s office.

8. Consider approving contract with Sounds Impossible to provide sound equipment and operators for the Native American Program Ghost Dance for April 18 - 20, 2007. Exhibits: Contract on file in City Clerk s office.

9. Consider granting to the Boys Scouts of America, Black Beaver District, permission to hold instructional canoeing and paddle boat sessions on Lake Helen and to have open fire cooking (as long as a burn ban is not in place at the time of the day camp) during their day camp held in Elmer Thomas Park held on June 18-23, 2006. Exhibits: Assembly Permit on file with the Parks and Recreation Department.

10. Consider establishing a Special Revenue Lease and Rentals Fund specifically to receive and/or reimburse lease and rental payments for the events scheduled at the Elmer Thomas Park Amphitheatre and surrounding facilities and set effective date. Exhibits: Proposed **Resolution 07-44**.

11. Consider approving plans and specifications for the Water Infrastructure Improvement Phase II (Tower) Project #2006-9 and authorizing staff to advertise for bids. Exhibits: Location Map.

12. Consider acknowledging receipt of permit for the construction of a water line and appurtenances from the Oklahoma Department of Environmental Quality to serve the West Cache Road 24 Waterline Phase II Project #2005-8, City of Lawton, Comanche County, Oklahoma. Exhibits: Permit to Construct dated March 8, 2007.

13. Consider authorizing a Resolution of Necessity for real property acquisition for the Water Infrastructure Improvement Phase I a. (Gore Blvd) 12 Waterline Project #2006-17. Exhibits: **Resolution 07-45** and Location map.

14. Consider awarding a construction contract to Metal Roof Contractors, Inc. for the Lawton Public Library Re-Roofing Project #2004-15. Exhibits: None.

Shanklin stated on the base bid the engineers estimate was \$387,582 which was \$100,000 more than the original bid. He questioned if this was because of the experience with the previous roof on the fire stations on Cache Road and Roger Lane.

Ihler stated it was based on those bids that were received on the fire stations and the police station. Those were quite a bit smaller than the library. He stated the bids that were received for his project were very good.

Shanklin questioned if these were the same contractors we used for the fire stations.

Ihler stated the Metal Roof Contractors did not do the fire stations, but they did do the police station. He stated the second bidder, Briggs Rainbow Buildings, did the fire stations.

Shanklin stated he thought the others were too high.

Ihler stated these came in at \$756 a square.

MOVED by Shanklin, SECOND by Hanna, to award a construction contract to Metal Roof Contractors, Inc. for the Lawton Public Library Re-Roofing Project #2004-15. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

15. Consider accepting NE Bell Drive Drainage Improvement Project #2006-3 as constructed by Joe s Backhoe Service and placing the Maintenance Bond into effect.

16. Consider authorizing the Mayor and the City Clerk to execute an agreement to donate expired chemical reagents to Cameron University which includes a General Release and Hold Harmless Agreement. Exhibits: See following Agreement and Exhibit A.

17. Consider approving the construction plat for Standard Testing Development. Exhibits: Plat Map.

18. Consider accepting a sanitary sewerline extension, a permanent utility easement, and a maintenance bond to serve the area north of Victoria Square Apartments located at 2309 NW 38th Street. Exhibits: Location Map. Maintenance Bond and Easement is on file in City Clerk s Office.

19. Consider extending the contract (RFPC04-066) Annual Audits with John M. Arledge & Associates, PC, of Edmond, OK. Exhibits: Department Recommendation, Original Cost Sheet, Contract Extension Form.

20. Consider awarding contract (CL07-026) for Police Motorcycle to Proteam Harley of Lawton, OK. Exhibits: Department recommendation, abstract of bids.

21. Consider awarding contract (CL07-029) for Modular Play Unit & Swing Set to Miracle Recreation of Bixby, OK. Exhibits: Department recommendation, abstract of bids.

22. Consider awarding contract (CL07-033) for Nuisance Abatement East Side to Charlie s Backhoe & Demolition of Sterling, OK. Exhibits: Department recommendation, abstract of bids.

23. Consider awarding contract (CL07-034) for Nuisance Abatement West Side to Kevin Williams Landscape of Lawton, OK. Exhibits: Department recommendation, abstract of bids.

24. Consider awarding contract (CL07-032) for Walk Behind Concrete Saw to Brown Machinery of Oklahoma

City, OK. Exhibits: Department recommendation, abstract of bids.

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

26. Consider approval of payroll for the period of March 26 April 8, 2007.

NEW BUSINESS ITEMS:

27. Hold public hearing and adopt a resolution declaring the structures at 1202 W. Gore Blvd to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate the nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove the dilapidated structure, if necessary. Exhibits: Resolution No. 07-____; Summary documents with supporting photos, reports from Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

Tony Griffith, Neighborhood Services Supervisor, stated this item was brought before the City Council on July 25, 2006. Because of an error in procedure it is being brought back to the City Council to be considered a dilapidated structure. He presented photos of the property from last July and a current photo. He stated the structure is boarded up in sections. There has been some clean up. The doors to the bingo hall are not secured. A child could push his way through the opening. He showed photos of fire damage that is current. He stated some repairs have been done to the roof.

PUBLIC HEARING OPENED

Dennis Butler, attorney for the property owners, Bob and Delores Mansell, stated he has been told that this issue started back in 2003. He stated that Mr. Mansell feels the City of Lawton is partially responsible for the vacancies in the shopping center and the renters leaving. He stated he got involved after the first lawsuit was filed. He filed an answer alleging the lawsuit was defective for the reason that Mr. Mansell and his lawyers were fraudulently induced not to attend the July 21, 2006 City Council meeting when the City Council decided to put this property on the D&D list. The lawsuit was not litigated but was dismissed and the issue was placed back on the agenda. After the lawsuit was dismissed he wrote a letter on March 13th to Scott Meadors, Assistant City Attorney, requesting that he be provided with a definitive list of whatever perceived deficiencies the city thinks the property has. He stated his client has never been provided with a definitive list of what is wrong with the building and what it would take to bring it up to standards. He stated Mr. Meadors responded to his letter ten days later and informed him that the Neighborhood Services Division is working on a list of deficiencies previously provided to Mr. Mansell and he would provide him a copy as soon as it comes available. He stated the mindset seems to be to tear it down. He would think they would be more interested in fixing the problem. He stated if the city would give him a definitive list of what is wrong with the building and what it will take to bring it up to standards, and give them some time to fix it, his client will do it. He stated if the city does not do this, they are going to district court, because the city does not have the final say so.

Jackson stated Mr. Mansell called him at his place of business one afternoon and said that he has never received a list of the problems. He stated he immediately called Neighborhood Services and they provided him with a detailed list. He took that list and mailed it to Mr. Mansell. He stated Mr. Mansell did receive a list of items and he will testify to that.

Mr. Butler questioned if that was the same list that said this inspection sheet is not intended to be all inclusive and additional items may be identified and added to bring this property into compliance.

Jackson stated it was a series of about five different papers.

Mr. Butler stated this is the only list he has seen and it is not a definitive list and the criticisms on this list are general in nature.

Jackson stated he has heard that baloney before about Mr. Mansell not having a specific list. He specifically asked and received a list from Neighborhood Services and specifically mailed it to Mr. Mansell. All that is going on here is they are simply trying to stretch this out over another year or two.

Mr. Butler said he is Mr. Mansell's attorney and why won't they give it to him.

Jackson stated they should.

Mr. Butler stated that they didn't. He suggested they put this off so he can get the list.

Jackson stated this has been put off since 2004.

Mayor Purcell stated he sat on this council and at that time they gave Mr. Mansell a list of everything that was

wrong and he promised to fix it and all they got was delays. This list has been given to Mr. Mansell on numerous occasions and he just never gets around to fixing it. They are getting beat up by citizens in the community to do something about it.

Mr. Butler stated that Mr. Mansell has told him in the past two years he has spent over \$115,000 on roofing materials and working on the building. He stated the ad valorem taxes have been going up every year. If the building is dangerous and dilapidated, why aren't the taxes going down.

Mayor Purcell stated that he understands that Mr. Butler has to represent his client, but he is about the fifth attorney that has been up here. They get a promise from Mr. Mansell each time.

Mr. Butler stated that he can see that the council has their minds made up. They can place it on the D&D list, but that is not the final say. They have the right to take discovery depositions and Mr. Mansell seems to think that the City of Lawton has it in for him and they are going to find out why. He drives around Lawton and sees a lot of buildings that are worse than Mr. Mansell's. In preparation for the litigation, he obtained a structural engineering report that stated the building is structurally sound. He is aware it needs some cosmetic work, but it is structurally sound, the concrete is not cracked, but Mr. Mansell just does not know what to fix.

Hanna stated they need to give him the definitive list to the attorney and make it public at the same time, so this cannot be brought up over and over.

Mr. Butler stated it will be brought up in litigation. He stated the City Attorney has said he would give him the list and he does not have it.

Drewry questioned if Mr. Butler had been in the building.

Mr. Butler stated he spends about two hours going through the building and he can tell the building is structurally sound.

Drewry stated she took a class in the building for quit some time and there were days when they could not take the class because rain was pouring down through the roof. There were mice running back and forth. The building would never have gotten in that shape if it had been cared for along the way. You can't just build a building and do nothing to it for years and years. That is what has happened.

Mr. Butler stated all his client is getting from the city is that they are going to tear it down. Why should he spend a half million dollars if the city is just going to tear it down.

Mitchell questioned what is preventing Mr. Mansell from getting a building permit. He stated that is all he has to do.

Mr. Butler stated Mr. Mansell has told him what is preventing him from getting one is that he does not know where to start.

Mitchell stated that yes he does know where to start. Mr. Mansell owns commercial property all over this county and he knows the code.

Jackson stated he respects Mr. Butler as an attorney, but he knows that Mr. Mansell has a copy of the list. He believes that if Mr. Mansell came to the city and obtained a building permit and hired a contractor to rehab that property, he does not believe that any member of this council would vote to tear it down. It is a centrally located area and at one time it was one of the best places in town. As their constituents are calling asking when something is going to be done, that is why they are where they are today.

Mr. Butler stated they all have a job to do.

Mayor Purcell stated they had a promise from Mr. Mansell and they gave him six months to come in and get a building permit and get that building repaired. For six months all that happened was some tar was put on the roof.

Mr. Butler stated that Mr. Mansell's health is failing and it is too big of a job for one man. He has told him that he needs to hire a contractor and get it done. He stated Mr. Mansell would like to have the opportunity to do that.

Jensen stated he does have an updated list that he will provide to Mr. Butler right now. This is an updated list that supplements the list Mr. Mansell previously received.

Scott Meadors, Assistant City Attorney, stated this list is limited by the fact that staff cannot get into the interior of the structure based upon the health hazards they present.

Tom Rheinlander, 5108 NW Cherry, stated he is a member of the First Presbyterian Church which sits right behind the facility in question. He stated the City Council made a good decision last July and it was the right decision for Lawton. He stated when the flat roof leaks it destroys the walls and leaks and rots. He stated this is the third lawyer he has seen for the property owner. He requested that the City Council vote for the citizens of Lawton and get rid of the sty in the eye of Lawton on Gore Boulevard. There has been very little if any work done on the property and it has been done by the owner rather than hiring professional help to get it done.

Don Ramos, stated he has rented a building within this building. He stated the City of Lawton will let him turn the water on to the building, yet they want to tear it down. He is a member of a twelve step fellowship and they hold meetings in that building. He has been renting the building for the past month. He stated the building is structurally sound and does not leak.

Dr. Rosemary Bellino, 21 NW 38th Street, stated they are letting one man strangle this community economically, destroying our prosperity. She stated they were fooled and tricked the last time. It is time to make this change and if they do not take care of this building, then they are fools. She went through the building and did not know there was asbestos in the building. She stated you could see the sky through the building and see the roof pieces hanging. There was water on the floor and you could smell the mold. She was worried because there were kids around the building the day she went. She stated they need to make a change now and the City needs to be responsible.

Dr. Rose Lepien 1201 W. Gore, stated her clinic is directly adjacent to the property in question. She stated it has been improved some because the grass no longer grows in the cracks. She remembers the days when the property was booming with businesses and she loved to go shopping in the shopping center. She feels that it is due for an extreme makeover. She hoped that Mr. Mansell and the local property owners would take some pride in their properties and bring them up to date so that the rest of the city can be proud. If Mr. Mansell is not willing to do this, he needs to let go of the property, sell it or let it be tore down.

Delores Mansell, property owner, stated Mr. Mansell is recovering from a knee operation. She stated he wants to remodel the building and be able to rent it out. She stated he has spent approximately \$100,000 since last year on roofing materials and hiring roofing companies. She stated the property is structurally sound but needs a lot of cosmetic work. He wants to be sure that if he leases the building out that he can give the renter a long lease and the building will not be torn down. She stated he is willing to do all the work that needs to be done.

Dr. Susie Cache, Minister at First Presbyterian Church, stated she came to Lawton in May 2001 and the property had about three tenants at that time. She was interested in that property because the church is interested in the community and are now reaching out and looking at children s programs and making this a consistent neighborhood. She stated with this property vacant, loose tiles on the roof, mold, mildew and asbestos, it is not only an eyesore, but a deterrent for parents to want to bring their children to this area for programs. She stated they do not want to deny any type of due process, but they want process to have its due. She requested the City Council support the citizens of Lawton so they can have a viable commercial establishment rather than something that is dangerous and an eyesore. The church wants to go forward with the community and neighbors, but their neighbors aren t hearing what needs to be done, and they need for the process to work on behalf of the community. She supports the recommendation that is before the City Council.

Herbert S. Derricott, 6212 NW Cheyenne Drive, stated he owns a home and when the grass gets above 12 inches, the City of Lawton comes out and gives him a citation. He stated organizations are trying to beautify the city and make it look presentable so more people and businesses would come here. He has heard the lawyer say that the property owner didn t receive this and didn t receive that. The place is an eyesore and this has been going on since 2004 and it is about time the City Council, as his elected representative, take action and tear down the building. Hold the property owner to the fire as they do private citizens.

Mrs. Mansell stated there is only one area in one building with about 3,400 square feet of asbestos. She stated Mr. Mansell is willing to have that taken out and comply with the State of Oklahoma. The building is sealed off.

Drewry stated there is no way that Mr. Mansell can do all the work himself.

Mrs. Mansell stated that he has hired two different roofing companies.

Drewry stated it is not only the roof.

Mrs. Mansell stated he is willing to do the other things, but the list he received was vague and at the bottom it said that more things could be added. He wants the ability to fix it up so he can rent it out.

Drewry stated they gave him six months and he didn t do it. He did not make an effort to bring that building up to code.

Mrs. Mansell stated he has worked on the building and he knows it needs a lot of cosmetic work and he is willing to do it. She hoped that the property will not be put on the D&D list and give them the chance to do the work that needs to be done. She stated it can be a good shopping center.

Drewry stated it can be, but not going like it has been. She stated Mr. Mansell has made promises that he would make progress and they just have not seen that. She was in that building and knows what that building is like.

Mrs. Mansell stated she just wanted to clear up the asbestos issue.

Jackson stated this City Council a while back set up a system in order to deal with situations like this. He doubts that this City Council will give the Mansells anymore time. There is a system where they can get time and they are throwing it back in their court. If this goes on the D&D list tonight, they have thirty days to obtain a building permit. When they get that building permit they can start the remodel procedure. The system is set up to do just exactly what they want. He stated a lot of residential properties have been put on the D&D list and the property owners have come down and obtained their building permit and they have remodeled and it was taken off the list. They just need to come down and get a permit.

Mrs. Mansell stated they were hoping that it wouldn't be put on the D&D list and they would have the chance to get the permit and take care of the cosmetic work.

Jackson stated they have thirty days to come and get that permit.

Mayor Purcell stated this Council has heard that they want more time for years. He stated Mr. Mansell had more than three years without the property being on the D&D list to get the permit and he never has.

Mrs. Mansell stated it was listed in the paper as being on the list which puts a bad slant on it.

Mayor Purcell stated the City Council has given him more time.

Mrs. Mansell stated he just wants the City to sit down with him and tell him what needs to be done.

PUBLIC HEARING CLOSED.

Hanna questioned what happens if we tear it down and we lose in court.

Jensen stated we are not tearing anything down. This could end up in court or they could draw a permit and make progress and things will work out. They are not to the point of tearing it down.

(Haywood left @ 6:40 p.m.)

MOVED by Jackson, SECOND by Warren, to approve **Resolution No. 07-46** and declare the structure at 1202 W. Gore Blvd to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public's health and safety, and a blighting influence on the community. AYE: Warren, Shoemate, Drewry, Jackson, Shanklin, Patton. NAY: Hanna. MOTION CARRIED.

Mayor Purcell stated there are a lot of people that would like to speak and this is not a public hearing. They will follow the same procedures as last time with each person having two minutes to speak.

28. Consider an ordinance amending Section 5-1-101, Article 5-1, Chapter 5, Lawton City Code, 2005, and Section 5-5-501, Article 5-5, Chapter 5, Lawton City Code, 2005, by adding the definition of animal rescue groups and exempting such groups from certain license requirements, providing for severability and declaring an emergency. Exhibits:

Ordinance 2007-__: Animal Rescue Groups.

Jackson stated he has received calls from people who are involved in animal rescue. He stated there are some viable people involved in rescuing of animals other than our local human society and animal welfare. He stated there are restrictions placed on them with requiring that they be an organization qualified as a non-profit organization under the 5013C code and affiliated with the foster homes of national organizations, he thought it was appropriate to allow these people to continue their good work in Lawton.

MOVED by Jackson, SECOND by Hanna, to adopt **Ordinance 07-28**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-28

An ordinance pertaining to animals amending Section 5-1-101, Article 5-1, Chapter 5, Lawton City Code, 2005, and Section 5-5-501, Article 5-5, Chapter 5, Lawton City Code, 2005, by adding the definition of animal rescue groups and exempting such groups from certain license requirements, providing for severability and declaring an emergency.

29. Consider an ordinance amending Section 5-1-120, Article 5-1, Chapter 5, Lawton City Code, 2005, by limiting application of the requirements to provide shelter to animals that are left outdoors longer than two hours per day, providing for severability and declaring an emergency. Exhibits: Ordinance 2007-___: Shelter provisions.

Jackson stated there were some problems with this issue and he considers this a housekeeping move within the ordinance. This will help those people who have inside pets.

Warren stated he has a concern. He understands where they were trying to go, but he is not convinced that they are going to get there. The purpose of that part of the ordinance is to prevent animals from being left out in the elements. He stated that this says a person can leave their animal out for two hours at a time. There are not enough animal welfare officers to sit in the driveway and wait for the owner to come back. The whole purpose is to shelter the animal and they still haven't accomplished this purpose.

Jensen stated this is not two hours at a time, it is two hours per day. As far as the enforcement issue, they will have to rely on the same people that we rely on to say that an animal is running at large. The neighbors are going to have to call in and say that this animal was out for longer than a couple hours a day and there is no shelter. There are not enough animal welfare officers to stake out a place. This is the best effort at this time. There is an exemption if it is a house pet, but if not there needs to be adequate shelter.

Warren stated there are doggy doors available for every size dog.

MOVED by Jackson, SECOND by Drewry, to adopt **Ordinance 07-29**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Hanna, Drewry, Jackson, Shanklin, Patton. NAY: Warren, Shoemate. MOTION CARRIED. EMERGENCY CLAUSE FAILED.

(Title read by City Attorney)

Ordinance 07-29

An ordinance pertaining to animals amending Section 5-1-120, Article 5-1, Chapter 5, Lawton City Code, 2005, by limiting application of the requirements to provide shelter to animals that are left outdoors to longer than two hours per day, providing for severability, and declaring an emergency.

30. Consider an ordinance amending Section 5-1-106, Article 5-1, Chapter 5, Lawton City Code, 2005, by allowing two (2) litters per animal per year for which the owner has obtained a Breeding/Advertising/Transfer (BAT) permit, providing for severability, and declaring an emergency. Exhibits: Ordinance 2007-___: two litters per BAT Permit.

Hanna stated he has received numerous phone calls and had conversations with breeders. Some of these dogs that they breed are very expensive and to breed them is expensive. He would like to change the ordinance to give equal opportunity and give them two litters per year instead of one. He has spoken to veterinarians about this and some are for it and some against. He would also suggest changing the fees from \$250 to \$125 per year for the BAT permit which will be discussed in the next agenda item.

Mayor Purcell stated the item they are discussing now is simply from going to one litter per year to two litters per year. He stated if this passes, the next item is to reduce the fee from \$250 to \$125 and there are other fee changes.

Warren stated the original intent of the ordinance was to limit the number of produced animals. He does not understand why they would change it now.

Hanna questioned if Councilmember Warren had received any phone calls.

Warren stated they have all been in favor of the ordinance that was originally passed.

Shoemate stated he would like to see how the original ordinance works out before they change it.

Warren stated maybe they do need to change it but they are not going to know it until a year or year and a half.

Mayor Purcell invited anyone from the audience to speak with a limit of two minutes.

Sid Hudson, 3960 NW Welch Road, stated with the ordinance the City Council tried to deal with the pet overpopulation problem and direct the money like they do with other types of licensing. He stated a dog actually has two cycles a year and by allowing two litters a year, they have gutted the law and just attached a fee to

something. If they are actually trying to reduce the number of pets, he feels the allowing of two litters just guts the law. If they reduce the number of litters, it works to the breeder's advantage which would restrict supply and drive up demand. He requested that the City Council reject this change in the ordinance.

Tonya Turley, Geronimo, stated she was a member of the Comanche County Humane Society. She stated breeders and puppy mill operators are a direct source of contribution to pet overpopulation. They usually have more than one female producing litters. An average litter consists of five puppies or kittens. Profits are their only interest and are not concerned about the future of the animal they sell or give away. She stated she feels that breeding once a year is logical and adequately sufficient and she feels the ordinance should be left as it is.

Donna Watson, 825 NW 41st Street, stated she went to a luncheon today and the first words out of the speaker's mouth were there is a place in hell when you ignore a crisis. She stated there is a crisis here. She has no problems with upper scale breeders that know the business and they know what they are doing and will not ignore the price of doing business. All business people have to pay the price of doing business and breeders are no different. She requested that the City Council give this a chance to work.

Marcella Ivens, 724 NW Laird, stated she has dogs from three generations. She is not a breeder but would like to keep the generations going. She cannot afford to pay the astronomical fees that the City Council is assessing and she cannot afford to pay the fines. She stated there was no input from the residents but only from special interest groups that are well organized and made their contacts. She stated her dogs stay inside and sometimes they are out more than two hours. They are hearty dogs and they like to stay outside. She resents someone coming into her home and telling her how to take care of her animals. She is a responsible pet owner. People that love their animals are going to take care of their animals. She has only had two litters in ten years but she plans to have another one before her older dog passes away.

Mayor Purcell stated that Ms. Ivens handed him some petitions and he will pass them around.

Delores Deluomo, 1914 E. Gore, stated she went to the City Clerk's office after the February 13th City Council meeting, where these people are saying they had no voice in this decision. She stated there were eight or nine people who spoke against the ordinance and had their voices heard. Two spoke in favor of the ordinance. She stated voices were heard.

Susan Epler, 4612 NE Columbia, read a letter from her son David requesting that he be exempt from the \$250 breeding fee. He purchased a dog in May 2006 so that he could have a pet and conduct a Four-H dog project. He intends to breed the dog and hopes to learn how to care for a pregnant female dog and her puppies. He will make sure that the puppies receive good homes and he will then have her spayed according to his original plan and belief system. He feels that since this is an education project he feels it should be exempt.

Heather Hurley, 1808 NW Arlington, stated she does not understand why breeders are saying they cannot afford this fee. She requested the City Council leave the ordinance alone.

Richard Young, 719 SW 49th Street, stated he is sick of being treated like he is an idiot and he can't responsibly own pets and he has to have someone tell him how to care for them and threaten him with outrageous fines if he does not agree. He is a responsible pet owner and has a substantial investment in his pets. Everything from the two hour limit to the number of litters and outrageous fees has to stop.

MOVED by Hanna to adopt Ordinance 07-30, waive the reading of the ordinance, read the title only and declaring an emergency.

Motion failed due to a lack of a second.

31. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges (Animals), Lawton City Code, 2005, to decrease the fee for the Breeding/Advertising/Transfer (BAT) permit, decrease the fee for the first impoundment of an unaltered dog or cat, increase the fee for second impoundment of an unaltered dog or cat, increase the fee for the third and subsequent impoundment of an unaltered dog or cat, and establish an effective date. Exhibits: Resolution 2007-__.

Hanna stated he has had a lot of phone calls from breeders who feel that \$250 is too much. He stated in this resolution the fee for a Breeding/Advertising/Transfer (BAT) permit would decrease from \$250.00 to \$125.00, the fee for the first impoundment of an unaltered animal would decrease from \$65.00 to \$30.00, the fee for the second impoundment of an unaltered animal would increase from \$135.00 to \$250.00 and the fee for the third and subsequent impoundment of an unaltered animal would increase from \$135.00 to \$500.00. He stated this is to make pet owners more aware of their animals and take care of them.

Warren stated he was fully aware of what they voted on when they approved this ordinance. If they go in and change the fees they have defeated the whole point. He will not be able to support this resolution.

Drewry stated that staff put a lot of thought into the original plan and they are not even giving it a change and she feels they need to go with it as it is.

Jackson stated he feels the ordinance is working. A lot of the veterinarians in town are heavily booked with spaying and neutering procedures. He has a petition that is signed by at least six vets in town that states they support the new ordinance. He knows from making phone calls to other vets that this thing is working and is reducing the amount of pets running loose. People seem to forget that tax dollars deal with this problem and over a half million dollars annually is spent dealing with stray dogs and cats because of irresponsible pet owners.

Mayor Purcell stated 4,500 animals are destroyed every year and that is what they are trying to stop.

Drewry stated she has received numerous phone calls and emails and every one of them has said they want the ordinance to stay as is. She has not received one comment against it.

Mayor Purcell stated he has received about twenty or so phone calls and emails this week and every single one has said that do not want the ordinance changed.

Billie McNeil, 6934 NW Sprucewood Drive, stated on February 12, 2007 the headlines of the Lawton Constitution read The fix is in, on February 13, 2007, when they tried to participate in discussion about responsible dog ownership, they were made very aware that their rights were of no concern to the sitting council. She stated a committee was appointed to look into the overpopulation of dogs and cats. The committee only had one group of citizens to serve as representatives of the entire city. There is a large group of citizens that would have gladly shared their knowledge about the responsibility of owning a dog or cat. She stated as pets are released to the pound and dumped outside the city limits, more and more will be slaughtered. If they kill enough or neuter or spay enough, there will be no more. She is not willing to let her animal be killed just to satisfy animal activists.

Evelyn Ball, 3005 SW Combs Road, questioned why the animal ordinance was adopted with such short notice and limited opportunities with the citizens of Lawton to have input. She stated this does not reflect responsible leadership. The short time frame showed little consideration for Lawton citizens and their opinions. She feels the unreasonable fines have led to the sudden dumping of many pets. Many people were not aware of the restriction on the number of pets or of the licenses. There is a bond between the pet owner and their pet. She stated those who do try to find homes for dumped animals are now being penalized by not being allowed to advertise without the BAT license. The goal of reducing the number of dogs and cats allowed to roam and breed by irresponsible pet owners is to be commended, however it appears to her that the City Council has been influenced by the animal rights movement whose agenda is to remove all animals from ownership which would mean there would be no companion animals, guide dogs for the blind, no search and rescue dogs and no police dogs. This all starts with the innocent guise of ridding the world of problems.

Greg Shawn, 117 SW 50th Street, stated they have seen the law of unintended consequence. There is the intimidated threat of higher fees. He stated no one has mentioned that 25% of the money from these fees goes to the Animal Welfare Division. The rest of the money goes into the general fund. If they are going to increase fees the funds should go directly into improvements of the Animal Welfare Division, add a treatment center, and use those fees properly, not as a tax offset. He stated Rose Wilson is doing a good job and those number of animals killed are decreasing and she is getting animals adopted and properly handled. Now they are fining the responsible pet owner. He suggested they continue the education and not worry about the bill.

Bill Gray, 202 NW 76th Street, stated he has spent twelve years on the City Council and he feels this ordinance is just bringing more burden on the city and the taxpayers. Those responsible pet owners are going to be responsible, but those that are not are not going to pay those fines and that animal will be going to the shelter and euthanized and the taxpayer will be paying that bill. He also does not like the two minute limit for speakers, it just cuts off people who may have some good things to say.

Lori Parks, 2810 NE Scottsdale Circle, stated there is a misconception that all dogs sold by breeders go to good homes and live happily ever after and are out of the rescue system. She invited everyone to Google purebred rescue sites. She stated you can find rescued purebreds from homes that were not forever homes. She stated it would be great if all dogs sold by breeders did go to homes permanently, but this is not the case. She stated if breeders are not responsible for pet overpopulation, why do we need purebred rescue sites. She stated anyone who would be willing to dump a pet that is a member of his/her family would also be willing to dump a whole litter because that animal is not altered, and at least they are trying to put a stop to that problem.

(Haywood returned at 7:49 p.m.)

Lynn Ramos, President of Sheltering Tree Animal Rescue Society, thanked the City Council for reconsidering the animal rescue groups. She stated the premise of the basic ordinance is wonderful. She gets phone calls from people all the time who are terrified that the city is going to come and take their animals and she thinks that is sad.

She has had about 25 phone calls asking her to take their pets and take them someplace else. She thought that Mr. Hanna was going to form some kind of group to discuss this issue. She invited everyone to go on a rescue with her and she agreed that puppy mills are horrible. She thinks it is sad that people want to give up their pets because they think they are going to be euthanized.

Lynn Parker, 2536 NE Heritage Creek Drive, thanked all the Council members for their time and energy that they have put into this ordinance. She has attended the last two meeting when this issue was discussed and realized there are people against this ordinance. It has been her experience that people against issues are the most vocal. She stated at the last meeting she attended the Mayor spoke about projects for the past year and one that stood out to her was the \$750 fine for littering that had been placed into effect. She stated if the City can charge a person \$750 for throwing away trash, why are people complaining about the fine for throwing away lives. She requested the City Council give the ordinance a chance to work as is with no changes.

Doreen Thomas, 16523 SE Tinney Road, stated she has not seen an increase in the number of dogs and cats dumped in the county since the ordinance took effect. She believes the new ordinance is not the real cause of dumping in the county, there has always been dumping in the county and it will continue to be a problem. Comanche County has no regulations on neutering or spaying any dogs or cats outside of the city limits. County residents are allowed to keep as many dogs or cats as they want. She blames a majority of the dumped dogs on the residents that live in the county and do not neuter or spay their own dogs. One of her neighbors has between ten and twelve dogs and a majority of them are not spayed or neutered. She stated it is time for Lawton, as a whole, to step up to the plate and do what is necessary to curtail this pet overpopulation crisis.

Mayor Purcell stated he does not know where everyone has gotten this idea that the City of Lawton is going to come in and take anyone s animals. That is a false rumor and the City has no intention of coming in and taking anyone s animals out of their home and forcing them to give them up. He requested the media get this information out.

MOVED by Hanna, to approve Resolution No. 07-47 amending Appendix A, Schedule of Fees and Charges (Animals), Lawton City Code, 2005, to decrease the fee for the Breeding/Advertising/Transfer (BAT) permit, decrease the fee for the first impoundment of an unaltered dog or cat, increase the fee for second impoundment of an unaltered dog or cat, increase the fee for the third and subsequent impoundment of an unaltered dog or cat, and establish an effective date.

Motion failed due to a lack of a second.

Mayor Purcell stated that because there are no changes the ordinance will go into effect on the 15th of April. He stated that on April 11th, 12th and 13th, permits can be obtained between 11:00 a.m. and 7:00 p.m. and on Saturday, April 14th from 9:00 a.m. to 5:00 p.m.

Rose Wilson, Animal Welfare Supervisor, stated residents need to bring in a current rabies certificate given to them by the vet and make sure it states on the certificate if the animal is spayed or neutered and if it does not say, they need something that states it is spayed or neutered. The fees are \$15 cash only.

Mayor Purcell stated from today through Saturday, the fee is only \$15 and it does not matter if they have been spayed or neutered.

Shanklin questioned if he brought his dog in on the 16th and it has not been fixed, what will it cost.

Wilson stated if the animal is not fixed the cost will be \$100. The cost would be \$75 every year after that.

Shanklin stated if he comes in before the 15th it will be \$15. He questioned if there was a cost every year after that.

Wilson stated no, but they will need an updated rabies certificate every year.

Shanklin stated that evidentially they cannot handle the crowds that are showing up and people are getting mad and giving up. We are running out of forms and other things.

Wilson stated they have run out of tags, but everyone that is registering will receive a tag in the mail.

Shanklin stated they don t need to make it any tougher than it has to be.

Mayor Purcell stated people have had two months and we are now extending the hours to accommodate people. People are just waiting until the last minute.

The Mayor and Council recessed at 8:00 p.m. and reconvened in regular, open session at 8:10 p.m. Roll call reflected all members present.

32. Discuss sales tax issue and take appropriate action if necessary. Exhibits: Ordinance 07-04 and Sales Tax Fact Sheet.

Mayor Purcell stated on Wednesday he and the City Manager were in Oklahoma City and met with the Strategic Military Planning Commission. He stated Senator Bass sits as a member of that committee. One of the first things they were asked by a member of that committee was not that the sales tax election failed, they questioned how Lawton would get the money to pay back the loan in the bill that is working its way through the House of Representatives. He stated his comment was that he was sure the City Council would discuss the issue, but he was pretty sure that they would have to go back out again and ask the citizens for their support. He was sure that next time all involved would do a better job of explaining what is going on. He has received many phone calls from people apologizing because they did not do enough to help pass this issue. He went to the Election Board and obtained a complete record of everyone who voted in this election. He stated they would be amazed at the number of people in this town that did not get out and vote. They got caught by the no vote, because if you look at that election there were 1,151 people who voted no, 1/3 voted no on the charter amendment, which just moved the filing dates. He could not see why anyone would vote no on that issue. The no voters get out and vote. They needed to get the yes voters out and they didn't do a good job of that. He did not bring this issue up to decide whether they were going to go back out for a 1/8, , or 3/8 cent or what they are going to use the money specifically for, but he would like a motion tonight that says that it is the consensus of this City Council that they will go back out on October 9th and send a message to the state legislature that yes they will step up as a community and support what they are trying to get through to help with BRAC. Otherwise we are not going to get any state or federal help with BRAC. If the community will not stand up with support, they will not be interested.

Warren suggested a workshop because they need to do a better job of not only explaining the issue, but taking the time to discuss the different avenues that they can go. They were in a hurry last time, but now they have the time to work on it.

Mayor Purcell stated they will have to have the resolution to the Election Board by August 9th. He suggested they get the budget done by mid June and then have a couple workshops.

Jackson stated the discussion was brought up about the sales tax extension the previous year around October or November. There was an effort by the Chamber of Commerce members, the Mayor and others that wanted to do what Councilmember Warren is suggesting, which is call a committee together. He stated they started the first of November with a very good blue ribbon committee. He stated Councilmember Drewry, Givens and himself were on that committee. They were not rushed and they discussed and evaluated everything about this issue and they had a proposal that was endorsed by the Chamber of Commerce and brought to the City Council and ignored. He contends that it was because of some special interest groups that were applying pressure to include some money to hire additional personnel that didn't need to be in a sales tax extension program. The City Council chose to ignore that committee. If they are going to do this again, they need to listen to the committee and what the recommendations are. He stated John Hester stood before the City Council and begged them not to increase taxes for 18 months. He said the retail community would be against it, and they were. They don't believe they really need another committee.

Mayor Purcell stated the previous committee's recommendation was predicated that Comanche County was not going to ask for the 1/8 cent which they did. They cannot go back and redo that again.

Jackson stated a tax increase will cause the effort to fail again.

Mayor Purcell said all he is suggesting tonight is a motion from this Council that says they will go back and ask for a tax election on October 9th. They have plenty of time to figure out what the rate will be and what it will be used for.

Hanna stated in the editorial section of the paper that morning there were about seven letters regarding this issue. He stated they need to talk with the no voters and they may change their minds.

Jackson stated when he was in line at the animal shelter getting his dog license, he asked a lady in line if she voted. She stated she voted no because she had just gotten through paying property taxes and her income tax was due and she had enough.

Mayor Purcell stated in every national, state and local election there is a group of people that are going to vote no on everything, that is a given.

MOVED by Drewry, SECOND by Warren, to plan a tax election on October 9, 2007.

Hanna questioned if they were going to use the same platform.

Drewry stated they don't know what they will do.

Patton stated he agreed with everything Councilmember Jackson said, but he did talk with some retailers who were upset that they were not better represented on that committee. He suggested if another committee is formed, he would like to see some more retailers represented.

Mayor Purcell stated when the committee was first formed it had absolutely nothing to do with the tax. That committee was originally formed to say what the priorities were and which way they were going to build in Lawton. He stated they never got out of the committee what it was originally designed for.

Drewry stated the entire committee was really never a part of coming up with anything.

Jackson stated that is not true, they progressed in two different directions. They had to put priority listings together.

Mayor Purcell stated the priority listing was just what they would do with the money. When it was originally formed it was going to recommend where we were building and where our priority infrastructure should go. However, that committee had all the right people and it became the committee to give priorities on how to spend the tax dollars.

Haywood stated he believes if they would have waited one month on this election it would have made all the difference in the world because they were dealing with the prairie dog and animal ordinance issues. He stated Mr. Hester encouraged them to wait. He stated no one represented the south part of town on that committee that actually lived in that part of town. He stated he would like to represent his area next time.

Shanklin stated there was no concerted effort for a no vote. What if there had been. How many people are still mad over the 429 tickets staff wrote a year ago on Memorial Day issuing \$120 fines. He stated we picked on Glen Devine, he talks to people, and Cecil Powell, we harassed him. He reported a mattress two weeks ago and if he had 850 employees, he would say one of them get in a pickup and go down there and get that mattress, it lays 18 feet from the curb.

Mitchell stated there will be a clean up this week, and they will have it out.

Shanklin stated that they had two weeks to get it picked up.

Mitchell stated that once you start doing that, you re going to be picking it up everywhere.

Shanklin stated he does not know that.

Mitchell stated he does know that.

Shanklin stated you are kidding yourself if you think the no vote people got out. There was no one herding them together, but they might be this next time. He stated we have harassed Harvey Adams and he is going to talk to people. He stated we didn t help Jeff Sadler with his free clinic. We have to change our attitude with regards to the citizens of Lawton, they are not the enemy.

Mitchell stated and neither are we.

Shanklin stated yes, we are. He has talked with developers and builders. He knows that the City Manager thinks he has appeased them, but it will only happen when you change your attitude and we get those people to the point when we can get something out of here within a year.

Mitchell stated they had been meeting with a group of developers for six months. They have been meeting with Ron Nance and others to work through this process.

Shanklin questioned why it took six months.

Mitchell stated that they wanted to develop an ordinance that would allow builders and developers to choose which process they wanted to undertake to make improvements, post a bond, make the improvements themselves or ask the city to make those improvements. They had at least three meetings with them and have been working through a flow chart. They asked them for their comments and they had not received their comments in over two months.

Shanklin stated he didn t have to sell him, it s the people they are going to have to sell.

Mitchell stated that they had been meeting with those developers and he is not trying to appease anybody, he gave them the information they requested.

Shanklin stated that the City Manager handed out some information from OML and he wondered what the Mayor was doing up there voting no on a hotel that the Remington Park people think will make them survive.

Mitchell stated they wanted a sales tax exemption, they wanted a special exemption and that is problem that we have legislation being proposed every year to provide certain groups exemptions on sales tax. Where do we get 40% of our sales tax to run our government, to run our operations, it comes from sales tax.

Shanklin questioned why we would care if that hotel was given some type of an exemption.

Mitchell stated because then every hotel in the state would want some special exemption.

Mayor Purcell stated that under state law they would all get it. If that law passed, every hotel in the state would get an exemption. The same way they are trying to pass a law on tax holidays. Once they do it at the state level, everyone is stuck with it.

Shanklin stated that he does not want the Mayor up there voting for him.

Mayor Purcell stated he is not voting for Mr. Shanklin, he sits on an OML legislative committee where mayors and city managers make recommendations that go to the OML board as individuals. He is not voting for Mr. Shanklin or for the citizens of Lawton.

Shanklin stated they can play like the no vote was out there but he has gotten a no vote out there before and it has run into several thousands. He thinks they made a mistake by not putting off the City Manager's \$41,000 a year raise at this time with the budget coming up and they will see that he was right. He feels they will have to run it by again, but they have got to change their attitude and get off some of these people's backs.

Mitchell stated they did not pick on Mr. Powell. They tried to work with Mr. Powell for two years.

Hanna stated he believes three years ago Mayor Powell applied for a snow cone license and someone was supposed to call him back and he never received a phone call and he still doesn't have his license. Staff was supposed to call him back and let him know about the license and what he has to go through.

Mayor Purcell questioned why he didn't know to pick up the phone in three years and call the City Manager and ask where it is.

Hanna stated he called and talked to the people upstairs in planning. They were supposed to get back with him and to this day they haven't.

Mayor Purcell stated he is like any other citizen, and he tells citizens when they don't get the answer they want out of any staff member, pick up the phone and call the City Manager. He finds it hard to believe that he didn't know to call the City Manager when he didn't get an answer from staff.

Haywood stated he talked to Coach Powell and was told that when he's trying to call the City Manager he can't get through. He told him that the City Manager was out of the office.

Shanklin stated all he can say is that we are making our people mad.

Mayor Purcell stated they are way off the subject matter. He stated there is a motion on the floor with a second.

VOTE ON MOTION: AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Shoemate stated at the last meeting he suggested the City Council step forward and commit to cleaning up an area of town. He is looking for a location. He talked with Ron Stewart at Wal-Mart on Sheridan Road and they agreed to donate the bags that we need.

Hanna stated there will be neighborhood watch meeting at H.C. King Center on Monday, April 16th at 6:30 p.m. He thanked the Lawton Police Department for all of their help. He stated we all need to work with all groups of citizens and be more courteous.

Jackson stated two weeks ago he requested that someone work on the dilapidated buildings east of downtown and he was curious of the status of his request. He believes that in the future there will be some interesting things taking shape with the downtown Lawton Redevelopment Program and the citizens need to be aware that there will be some neat things coming.

Patton stated he agrees with Councilmember Hanna and that they should all be courteous and pay attention to people's concerns, but it is a two way street. The City Council does not meet in secret. They always meet the second and fourth Thursday of the month. Citizens have a right to come down and let them know how they feel. Become a part of the solution. It is easy to sit back and become critical of everything that is being presented. Come down with some solutions. They are all here because they care about this community. He wants to do everything he can to help Lawton grow and be successful, but they can only do so much.

Haywood stated the Lawton Housing Authority will hold a youth rally on Saturday, April 28th from 10:00 a.m. to 4:00 p.m. at Vernon Cook Park.

Warren stated not only do they need the help of citizens to tell them what they want, they also need some responsible messengers. This is part of the problem, not part of the answer.

Mayor Purcell stated that on Saturday, April 14th at 9:00 a.m. the City Council will hold a workshop at Cameron University. He distributed the agenda. They will be talking about where they are going in the next two to five years, they will not be talking about budget.

Mitchell stated that staff would like to brief the City Council on the policy of pumping at Lake Ellsworth.

Ihler distributed a sheet that shows the lake elevations at Lake Lawtonka beginning January 2006 through today. He stated that beginning in September 2006 Lake Lawtonka was at its lowest point in many years. It was 10.84 feet down from the top of the gates. Since that time frame in the last seven months the elevation of Lake Lawtonka has raised 8 feet to the elevation that it is today. It is 2.8 feet down from the top of the gate and 0.6 feet from the normal pool elevation. When they hit that normal pool elevation they are required by the Oklahoma Water Sources Board, through a statute in law for dam safety, to open the gates and release water. They have almost recovered completely in Lake Lawtonka to getting where they need to be. He stated at elevation 1341 it says that Ellsworth pumps are turned on below this elevation, so as the elevation goes down and they hit elevation 1341 going down, that is when they turn the pumps on and pump water from Lake Ellsworth over to Lake Lawtonka. For water storage that is usable, when they get to 1341 elevation, that is 87% of our usable water supply for drinking. They have done very at Lake Lawtonka in getting back up to the elevations that they need to.

Ihler distributed a sheet showing lake elevation at Lake Ellsworth from January through April 10th. He stated the lowest elevation reached was just prior to January 2007 when it was down 12.68 feet from the top of the gates. Since that time frame in the last four months, it has increased almost 5 feet to the elevation it is at today. That elevation is 7.85 feet down from the top of the gate and 5.35 feet down from that normal pool elevation. It is the normal pool elevation that controls the maximum supply that they can keep in Lake Ellsworth. The red line at 1225 elevation is when they turn the pumps on at Lake Waurika and pump from Waurika over to Ellsworth. In the last three years we have experienced some strong drought conditions and Lake Ellsworth is down quite a bit in comparison to previous years. They have actually kept the pumps running from Waurika to Ellsworth to try and recoup some of that storage capacity because at elevation where they shut the pumps off at 1225, that storage capacity of usable water in Ellsworth is at 51%. They are trying to increase that capacity and get more water into Ellsworth to recoup some of it that has been lost. Now that they are not pumping from Ellsworth to Lawtonka and pulling 30 million gallons a day out of Ellsworth and transferring it to Lawtonka, the elevation is coming up a little better with the pumping from Waurika. He wanted to get some feedback as to if they should continue the pumping even though the policy says to shut the pumps off at 1225 because they feel it is important to restore that capacity. Even though we have had some good rains, the forecast is that we are not through with the drought.

Mitchell stated the other thought is to continue pumping at the off peak rate and when we hit the peak rate, stop pumping.

Ihler stated they will hit the peak pumping high cost from Waurika beginning May 1st. If they could pump at least until May 1st before they shut the pumps off even though they are beyond that 1225 elevation when the pumps should be shut off and hopefully we will recoup some of that capacity.

Hanna questioned how many gallons a day we pump from Waurika.

Ihler stated right now we are pumping from 28-30 million gallons a day.

Shanklin questioned if all pumps were working.

Ihler stated yes.

Jackson questioned if they could tell the public that the pumping fee from Ellsworth to Lawtonka will come off of their water bill.

Ihler stated that was effective March 30th when they shut the pumps off.

Mitchell stated that staff is requesting that the City Council allow staff to continue pumping for another 2 weeks in off peak pumping, he feels that is the most cost effective way to get water into Ellsworth.

Ihler stated it saves about \$700-\$800 dollars a day by pumping in off peak time. Once they get into July and August the evaporation rate at Ellsworth will be greater than what they are pumping. In the heat of the summer we will lose 50 million gallons a day at Ellsworth due to evaporation.

Ihler stated there will a street closure starting on April 16th on west Cache Road. They will start the 24 water line and close east bound traffic on Cache Road from 82nd Street east to Stonegate for mile. There will be one lane east bound and one lane west bound. North bound traffic on 82nd Street coming to Cache Road will not be able to make that right turn. They will have to go on to Quannah Parker to turn right.

Mitchell stated staff has been working with the architect on Central Junior High project and they will have a preliminary set of floor plans at the next City Council meeting.

There being no further business to consider, the meeting adjourned at 8:52 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK