

Meeting of 2007-4-24 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
APRIL 24, 2007 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 Frank Jensen, Deputy City Attorney
 Denise Ezell, Deputy City Clerk

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 Lloyd Grubbs, Trinity Assembly of God Church, followed by the Pledge of Allegiance.

ROLL CALL

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

ABSENT: None

PRESENTATION OF CITIZEN OF MONTH FOR APRIL

Sharon Means, Chairman, Mayor s Commission on that Status of Women introduced Ken Horner and his wife Chris, Connie Henley and Margaret McCracken representing Sally Cody as the citizens of the month for April.

Mayor Purcell presented a Certificate of Congratulations from the State of Oklahoma, and a Certificate of Commendation from the Mayor s Office.

PRESENTATION OF PROCLAMATION FOR MENTAL ILLNESS AWARENESS DAY

Mayor Purcell presented a Certificate of Commendation from the Mayor s Office to Jim Reagan.

PRESENTATION OF PROCLAMATION FOR FLOOD AWARENESS MONTH

Mayor Purcell presented a Certificate of Commendation from the Mayor s Office to Larry Wolcott.

PRESENTATION OF POSTER CONTEST TO CELEBRATE EARTH DAY WINNERS

Cynthia Williams, Wastewater Treatment Plant, presented the first place winners of the First Annual Poster Contest. The theme this year was Water Wise. The first place winner in the Kindergarten to Second Grade Division was Kindergartener Darin Ward from Crosby Park, in the Third to Fifth Grade Division was Third Grader Terra Benefield from Elgin Elementary, in the Sixth to Eighth Grade Division was Eighth Grader Theresa Fowler from Eisenhower Junior High, in the Ninth to Twelfth Grade Division was a Tenth Grader Hyun Ho Kim from Macarthur High School.

PRESENTATION FROM TONY POKORNEY REGARDING CLEAN UP PROGRAM

Tony Pokorney presented a clean up program to the Council. It will be contained in the Strategic Plan that is being prepared for the City. This will be a litter hotline like the one in Little Rock, Arkansas. The State of Oklahoma has this similar committee called Keep Oklahoma Beautiful with a representative from Lawton, Darrell Hesselius. Pokorney explained how the hotline would work. Norma Lynn Pascal has volunteered to help write the ordinance if necessary.

Drewry stated the timing of the presentation is perfect since it is Come On Lawton Pick It Up. After talking with Pokorney about the program it sounds like a great program and I believe we can make it work.

ADUIENCE 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.

Cory Steel, 647 Arbuckle, has lived at this address for 43 years and loves it. Last month a waterline burst on Ranch Oak and Arbuckle. Within the next two days another portion of the line busted again. Public Works did fix the line both times. Yesterday morning the line busted again. Ms. Steel asked the Council if you are going to come out to patch up, mess up, and waste money would they please clean up. The red mud gets into our cars, homes, in the street and it is just discussing. I m a concerned resident and I m asking the Council to please look into this and repair those streets permanently. The money has been appropriated. I asked a worker yesterday if they were repairing or replacing and he said repairing. My street is muddy and red right now. If you are going to treat the resident s right I m asking that you please look into this at the corner of Ranch Oak Blvd. and Ranch Oak Blvd.

Haywood stated since he has been on the Council there has been sixteen breaks on Ranch Oak. We definitely need new a waterline at Ranch Oak and Arbuckle.

Steel asked if Council had anything to say so she could take it back to the citizens.

Purcell stated we can t take any action tonight as part of audience participation. Mr. Haywood can bring something back and the Manger is taking notes. That is all we can do tonight is listen to you.

Steel stated very good she appreciated it. Thank you

Purcell asked if there was anyone else that would like to address the Council. Seeing no one Audience Participation is closed

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.

Haywood asked that Item #2 be removed.

Shanklin asked that Item #9 be removed.

Purcell asked if there were any other items to be removed. If not he would entertain a motion.

MOVED by Haywood, SECOND by Drewry, to approve the Consent Agenda with the exception of items #2 and #9. AYE: Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Toni and David Kerr in the amount of \$4,216.99, Yvonne and Paris Grayson in the amount of \$399.96, Cassandra and Scott Holst in the amount of \$7,153.71, and Prudential Moeller & Associates Real Estate on behalf of Vernon and Viola Cooper in the amount of \$265.38. Exhibits: Legal Opinions/Recommendations
Resolution 07-__ and Resolution 07-__.

3. Consider authorizing the Fire Department to accept a phased grant from the State Office of Homeland Security for the purpose of purchasing/accepting a fully equipped Technical Rescue Trailer (TRT), auxiliary rescue equipment, and tow vehicle. Exhibits: None, (the tow vehicle Specs from the Office of Homeland Security are available in City Clerks Office for review).

4. Consider accepting donation of funds donated by Wal-Mart, 1002 NW Sheridan Road, for Lawton Police Department Gang Unit. Exhibits: None.

5. Consider adopting a Resolution to grant permission to the Lawton Constitution and KSWO TV to use the Official City of Lawton Seal with news stories and news articles involving the City of Lawton and authorizing the Mayor and City Clerk to execute the necessary associated documents. Exhibits: Resolution 07-__.

6. Consider adopting a resolution authorizing the Mayor and the City Clerk to execute an agreement for utility cost sharing with the Oklahoma Department of Transportation (ODOT) for improvements to I-44 at Medicine Bluff Creek, Federal Aid Project Number BHIY-0044-1(069)043. Exhibits: Resolution 07-__, ODOT letter dated March 29, 2007. Project Agreement is on file in the City Clerk s office.

7. Consider accepting the Water Storage Tank Roof Repair Project #2006-14 as constructed by Luckinbill, Inc. and placing the Maintenance Bond into effect. Exhibits: None.
8. Consider rejecting the bid proposal for the Numu Creek Tree Disposal Project #2006-15.
Exhibits: None.
10. Consider setting a date of June 12, 2007, to hold a public hearing and consider an ordinance closing a portion of a public utility easement on the side of Lot 2, Block 32, Wyatt Acres Addition, Part 14, also known as 612 NW Micklegate Boulevard. Exhibits: Application, Location Map, Survey, Council Policy 5-1.
11. Consider approving the construction plans and specifications for NE 34th Street and a 10 waterline to serve the Independence Place Apartment project located on East Gore Blvd. Exhibits: Location Map.
12. Consider acknowledging receipt of two permits from the Oklahoma Department of Environmental Quality for the construction of 2,528 linear feet of ten (10) inch PVC water line and 5,500 linear feet of eight (8) inch PVC water line; and 1,900 linear feet of ten (10) inch PVC gravity sewer line and 7,712 linear feet of eight (8) inch PVC gravity sewer line, and all appurtenances to serve The Highlands Addition Phase I and II, located in the SW/4 of Section 3, T-1-N, R-12-W, I.M., Comanche County, Oklahoma, (NE corner of 52nd & Bishop). Exhibits: Permits to Construct on file in the City Clerk's office.
13. Consider extending the contract (CL05-042) Mowing & Litter Contract II with Teen Challenge of Cache, OK, for Areas G & H, and with WFS Service of Lawton, OK, for Areas D, E, I, J, K. Exhibits: Department Recommendation, Price Bid Sheets, Contract Extension Forms.
14. Consider extending the contract (RFPCL06-023) Cellular Telephone Service with Sprint Nextel Corporation of Oklahoma City, OK. Exhibits: Department Recommendation, Price Bid Sheets, Contract Extension Form.
15. Consider awarding (CL07-035) Street Sweeper to Frontier Equipment Sales, LLC, of El Reno, OK. Exhibits: Department Recommendation, abstract of bids.
16. Consider awarding (CL06-042) Library Book Contract to the following vendors: 1) Davidson Titles, Inc., Jackson, TN Items 1-3, 6-7, 11, 14-18, 22-28, 31 2) (The Gale Group), Farmington Hills, MI Items 2-4, 6-7, 13, 15, 21, 23-24, 3) HW Wilson, Co., Bronx, NY Item 15, 4) Penworthy Co., Milwaukee, WI Items 22-24, 5) Publishers Quality Library Service, Crete, IL Items 24-25 6) Recorded Books, Inc., Prince Frederick, MD Items 26, 31, 7) Regent Book Co., Lodi, NJ Items 1-9, 11-12, 14-24, 26-28, 31-32, 8) Rourke Publishing LLC, Vero Beach, FL Items 24, 32, 9) Salem Press, Inc., Hackensack, NJ Item 15, 10) Scholastic Library Publishing, Inc., Danbury, CT Items 3, 6, 11, 15, 22, 24, 26, 27, 28, 31 and 11) Waldenbook Inc./Borders, Inc., Ann Arbor, MI Items 1-9, 11, 12, 14-26, 28, 31. Exhibits: Department Recommendation and Abstract of Bids.
17. Consider approving appointments to boards and commissions. Exhibits: None.
18. Consider approval of payroll for the period of April 9 22, 2007.

Purcell stated we now come to Item #2.

2. Consider the following damage claims recommended for denial, Jennifer McWilliams in the amount of \$263.33, Michael and Nina Phillips in the amount of \$1,250.07, Southwestern Bell in the amount of \$537.87, Clarence and Janet Smith in the amount of \$2,963.37 and Ralph and Anness Wilson in the amount of \$7,158.67. Exhibits: Legal Opinions/Recommendations.

Haywood stated last year in the March timeframe he spoke with Mr. Wilson. I haven't read the entire claim, but I told the Wilsons they were two days short of filing the claim in time. The Wilsons live in Country Club Heights. They have had some problems. There are four manholes in their area with two on each side. I know the City of Lawton has in the past paid some of these claims for houses on 45th Street. We paid a lady at 1101 \$7,000 because she has a manhole on the north side of her house. Mr. and Mrs. Wilson may want to say something. I have explained to them they were two days late in filing the claim.

Ralph Wilson, 103 SW 46th stated he had a sewer backup on the February 19, 2006.

Haywood stated the City came out and made contact due to the backups on the 19th and the 20th. Does it have to be exactly a year according to Oklahoma law?

Jensen stated the law that was cited in the memorandum is very clear. They have to file a claim within one year of the loss. The backup happened on February 19. When the City came back on the 20th there was still some blockage,

but the claimants were not experiencing any problem that day. But even if they were they didn't file their claim for a year and two days. We can't waive that requirement. That is why I try to emphasize with bold letters that is the law. Also emphasized in the paragraph is we had multiple contact with the claimant. We provided the claim form, told them what the requirements were and the requirements were not met.

Haywood stated he is aware of this and he has made them aware. I told them they were two days late in filing the claim and that is what we have to go by. I asked them if they wanted to come in and they said yes. I'm proud of you for coming in. You didn't have to but you did. Thank you.

MOVED by Haywood, SECOND by Warren, to deny all the claims for Item #2. AYE: Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

9. Consider approving Amendment #1 to the Retainer Agreement with Chiang, Patel & Yerby, Inc. (CP&Y) for professional engineering services to include traffic engineering services. Exhibits: Amendment #1 to the Retainer Agreement.

Shanklin stated he knew that we hired these people sometime back. It says we are going to pay them out of the general fund without any cost attached. How have these guys been doing? Have they helped us any? Is there anybody out in the development mad?

Ihler stated he is asking the traffic portion be amended. I'm asking to revise the contract with this firm because Planning already has a contract with them. The reason that I asked to revise the contract with this firm was because Planning has a contact with the firm to do sub-division reviews. They are also doing contract checks for us in sub-division. I feel it will be quickly and timely because the Traffic Engineer resigned. The Traffic Engineer is going to work for this firm and he is familiar with the aspect of what is going on with our streets and services.

Shanklin stated I'm satisfied. I just didn't think one of them was as important as the other as far as expertise. He thought there would be more expertise in trying to figure out a sub-division other than our signs, signals, speeding and parking.

Ihler stated the contract has different hourly wages. I'm sure the Traffic Engineer position will be a project manager level and I believe that pays \$110 per hour.

Shanklin asked if the fee was allocated in this year's budget. It wasn't was it?

Mitchell stated no.

Shanklin stated we have several things coming in that was not in the budget and we act like we have all kinds of money. How much money do you think it will cost us?

Ihler stated the hourly rate for a project manager position was \$110. Our intent is to minimize the use of this person. We will do everything we can at this level before passing the information on to the firm. The reason we are contracting this is because if the Engineers in our office take on this task then it takes away from managing their projects. We just thought this would be the best way to handle it. Hopefully we will be able to find someone to fill the position.

Shanklin stated it's good we don't delay it any further. He has no problem with that he just wondered how much it was. It didn't mention it. If it's going to delay some of our signs being put up, because six weeks or so ago Council passed a 35 miles an hour speed limit on 27th and F Street and it still says 25. So we are that far behind. This might be a good deal to get them going. They might want to get that started before fall. Thank you Jerry.

MOVED by Shanklin, SECOND by Warren, approve Item #9. AYE: Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

19. Hold a public hearing to consider the Consolidated One-Year Action Plan for FFY 2007, receive input from citizens, and provide input for development of the plan. Approve the plan and pass a resolution authorizing the execution of the plan and authorizing the Mayor and City Clerk to execute the implementing documents necessary to implement the Consolidated One-Year Action Plan for FFY 2007. Exhibits: City Planning Commission minutes of April 12, 2007. A copy of the Consolidated One-Year Action Plan for FFY 2007(Draft) is on file at the City Clerk's Office.

Aplin stated the process this evening allows the citizens an opportunity to learn what we are proposing to do with our federal fund. This allows them to provide comments and suggestion for consideration to the plan. The draft was put out for citizen's review on March 2. The thirty day review period ended on April 2. The review period is

completed and we received no comments from citizens as a result of the review process. We held three neighborhood meetings at the community centers in Lawton. We had a CPC workshop and concluded with a Public Hearing before CPC on April 12. We met with Council on April 19 for a workshop to review the proposed allocation of funding.

Aplin stated this evening we will review the allocation you develop as a result of our meeting and hold a public hearing to allow citizens to provide input. You have an updated spreadsheet that reflects the funding recommendations you wanted incorporated into this plan.

Aplin stated over the past five years our Community Development Block Grant Fund has been reduced over 26% by the federal government. The Home Program has been reduced over 14%. We were lucky this year our reductions between the two programs was about \$4,000. Only the future will tell where this is going. The cumulative losses for the community since 2002 are approximately \$1.1 million. The Brownsfield Economic Development that was submitted to HUD has been approved. It is pending completion of the review of the Section 108 loan. We are working with HUD on the review at this moment. Assuming the 108 loan is approved it will be paid for out of our CDBG Program funding. It can be expected to take up to as much as a third of our annual receipts in the CDBG Program in order to make that annual payment. This will have an impact on the amount of funds we can apply to other purposes in the future.

Aplin stated in the Community Development Block Grant Program the allocation for this year was \$889,183. The program income was \$12,735. The total amount we have to allocate this year is \$901,918. You will see that those dollars will be fully allocated.

Aplin stated you see the request for CDBG funds. This is low compared to what we normally get. People realize we have lost a lot of our funding and as a result we are not receiving as many request. We will allocate approximately \$901,000 this evening which means about \$40,000 will not be able to be addressed.

Aplin stated you see the CDBG funding recommendations. There are three columns. Column one reflects the Housing and Community Development initial proposal. Column two reflects the City Planning Commission s adjustments and proposal and column three shows the City Council proposals. It is key to note public services have a 15% cap and as our funding has gone down every year the amount of funds we can allocate to that category of services is significantly reduced to \$135,288. This is the amount that will be allocated for the Chamber of Commerce to do economic development.

Aplin stated now you will see the administration. The administration has a 20% cap. That 20% cap is reflected in the \$180,384. We are also proposing a certain amount be held in contingency. Contingency funds are basically to meet unanticipated events that may come up. In addition part of this fund will be available to make future Section 108 payments. We also have a prior year s contingency we have been holding of \$247,023 in anticipation of the Section 108 approval. Those funds will help to get started meeting the initial payment. It is also important to note that of the Brownsfield Economic Development will also be used as paying a share of the first few years of our Section 108 loan.

Aplin stated the Home Program entitlement grant of \$494,284 is about \$3,700 below last year. This is the program income we have received which is also included in the allocation this. This is the total amount of funding we will be allocated. The total amount allocated is \$577,621. The 10% administration cap limits what we can allocate for administration. We are required to allocate a minimum of 15% to CHDO for housing development. That amount is \$74,143. You see we have a project that will provide four rental units in the amount of \$188,500. We are allocating \$150 to first time home buyers, \$181,359 to rehabilitation and this all totals \$577,621. Another Home Program requirement is the provision of match. The HUD program requires community match of 25% of the dollars committed to housing development activities. The City of Lawton has been provided a 100% waiver by the US Department of Housing and Urban Development. We have been able to bank the match if we have to begin paying at a later date. We have in excess of \$9,000.

Aplin stated this concludes his briefing. Are there any questions.

Haywood stated he wishes the citizen s participation for 2007-2008 would not be held on a Tuesday night. Council members are unable to attend and we would like to participate if possible.

Aplin asked if he was referring to the neighborhood meetings.

Haywood stated yes.

Aplin stated they could do something about that. We try to have them on Thursday.

Purcell asked Aplin to show the slide of the CDBG Program Funding with the three proposals.

PUBLIC HEARING OPENED.

Purcell stated anyone wishing to address these issues to please come forward at this time. The Council has heard from many of the organizations already and unless you have something new to add tonight I m not sure where we go from there. You are certainly welcome to add anything new or anything else you want to say.

Purcell stated you see the plan that was proposed to Council. Council approved a plan Thursday night pending any other adjustments they decide to make tonight.

Frazier, Marsha stated she was the Director of Teen Court. I spoke with you last week so I m not here to speak tonight. I do want to acknowledge a group of my volunteers that are here in support of our program. Some of the youth would like to speak with you.

Sheppard, Brook stated she was a junior at Eisenhower High School. For the past two years she has served as both a juror and an attorney for Teen Court. Teen Court sees a lot of teenagers ranging from the age of 12 to 18 with one thing in common. They all have one common thread that runs through every single one of them and that is hope. Hope for a second chance or a second opportunity. A chance to clear their record, pay the consequences and turn their life around. Some of the teenagers that have come through Teen Court say without Teen Court their life would be going down the wrong path. Teen Court was a reality check for them and for many it was the first time they were caught doing a crime. It is a chance for them to step back, do some community service and set their priorities straight. When teenagers make mistakes it is nice to have a second chance. When they admit their guilt they can come to Teen Court. Teen Court is for anyone who has committed a first time misdemeanor. They are tried by a jury of their peers and they get a completely fair trial. My job as a prosecuting attorney consists of preparing a case before hand, presenting this case in front of a jury and an audience. I get to interview the witnesses, ask questions and try to show a different side of the case than the defense attorney. My job as an attorney is an important job in giving the defendant a fair trial. Teen Court is a valuable asset to this community one that we desperately need. Without this program teens that make a first mistake will end up in a juvenile court and with a record with no hope for their future. I m asking you to please support Teen Court. Now I would like to introduce someone who can show you a different side of the Teen Court. One of our defendants William.

William stated he was recently in Teen Court. Teen Court gives you a second chance. I have completed 50 hours of community service. Teen Court gave me a second chance and showed me we shouldn t do the things we do. I was going down the wrong path for a long time and Teen Court showed me life is nothing but a plan. I really approve of Teen Court. They have given me and my peers a second chance. I m truly sorry for what I ve done. Teen Court really changed my life around and my parents will agree with this. I m going back to school and doing very good.

Mathew stated I attend Eisenhower Junior High School and I m here on behalf of Teen Court. Thank you for allowing Teen Court to speak about our funding. If Teen Court had more money in their budget this would give us the opportunity to see how other Teen Courts operate. Seeing other Teen Courts would give us ideas on how to run our courts better and a bigger variety to make Teen Court more fun for the volunteers. Our volunteers are needed with our youth today getting into gang violence and shootings. The volunteers are here to try and prevent that. If we could have more money to go to other Teen Courts it would make it more fun for the volunteers and the defendants. It can get the defendants out of trouble and off the streets into something that not only will help themselves, but also their community.

Wilson, Andrea stated I m a sophomore at Eisenhower High School and would like to thank you for allowing me to speak. I m here on behalf of Teen Court. I ve been a dedicated volunteer for Teen Court since November 2006. Every Thursday I become ecstatic about going to Court. Since I ve started I ve been on many cases as a juror, a defense attorney, or a prosecutor. Out of all the cases I ve seen what I love the most is the fact that what we do truly helps the youth of this town. I also enjoy seeing others that were once on the stand returning to be volunteers as a juror and/or attorney. Teen Court is capable of spectacular things we just need a little help.

Springborn, Neil stated I m really impressed by what these young people have said. I had no idea what they would talk about. I m a Board member of Teen Court and extremely proud to be that Board member. I have 17 years with the Sheriff s Department, 11 years as a Police Chief and I know the problems kids can get into. Several years ago when the Community Needs Assessment survey was conducted youth crime was not a major issue. Unfortunately the results of this outdated survey are being used today to assign priorities to CDBG funding. However, we all know that youth crime has now reached a critical point in our community. According to the LPD Gang Task Force youth crime accounts for 80% of all crimes in Lawton. Unfortunately, changing behavior, establishing gang member is at best difficult so we must address the issue at the earliest onset specifically when a youth commits crime his or her first crime. It is then we can influence future behavior. Teen Court does just that and direct one on one intervention. We have the very first line of defense and it is through Teen Court. The first time youthful offender is made to realize there are consequences to bad behavior. You have already heard that tonight. Is Teen Court successful? Absolutely. A recidivism rate is only 5%. We have 5% repeat offenders. This is magnificent. This put us in the top Teen Courts in the United States. The success will not last unless the financial

input is there to fund and continue Teen Court programs. Sadly Teen Court lost all its financial funding from Marie Detty. United Way has graciously agreed to make up for the short fall for the remainder of the year, but their resources are also limited. They cannot continue this help in the future therefore our only recourse is an increase in CDBG funds to cover our loss. Law enforcement professional and the counseling community all agree that early intervention is critical. Teen Court does that. Our results are quantifiable, measurable and clearly successful. If we are going to face up to youth crime and eliminate it from our community then early intervention is the answer by funding Teen Court a program that works.

Christian, Angela stated I m the Board Chair of Teen Court. When first joining the Board I knew nothing about Teen Court. I feel Teen Court is one of the best kept secrets in Lawton and Comanche County. One of the things I find about CDBG is you have to be high risk. High risk means your agency needs to do things with drug and alcohol. We were talking a couple of weeks ago about how many of the offenders in the last weeks and months had drug related offenses. Since January about 1/3 of our offenses were drug related. I want Council to consider this when looking at the funding. Teen Court is having more and more drug related offenders come through the Court as first offenders. If we don t take care of them when they offend for the first time what is going to happen to them when they re-offend. I would like for you to consider that as you are looking at the funding. We lost Marie Detty s funding and thank goodness United Way came through. Had they not provided the funding we would have had to shut Teen Court down. We didn t have the money to continue to pay Frazier s salary. She has gone without a raise this year because she didn t want the program to shut down. We are so grateful for her and she is a one woman operation. We wanted to get Frazier an assistant this year, but we have not been able to do. We are having a hard time finding other funding sources. We implore you to consider this when thinking about funding this year.

Tracy, Cindy stated I m a police officer with Elgin Police Department and a Teen Court Board member. I have been on the Board for about three years. One of my duties in Elgin is to work at the school. I work a lot with the youth. Working with Teen Court brought another aspect as to how we can handle minor problems before they turn into big problems. I want to put my support in by asking for Council support for Teen Court. Teen Court helps the youth. We are coming to a point where we are going to need more and more support.

Drewry stated we are very proud of Teen Court and of all of you. This is why we increased Teen Court s funding by \$14,000. We haven t done that for anyone. We are very proud of you guys.

Purcell stated we want to thank all the volunteers for coming tonight and especially the young man who was a defendant and now a volunteer. He deserves a special round of applause. Is there anyone else who wants to address any other issue besides Teen Court as part of the public hearing?

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Drewry, to approve Resolution 07-51 authorizing the filing of Consolidated One Year Action Plan for FY 2007 and authorize the Mayor and City Clerk to execute the documents necessary to implement the CDBG and the Home Program that was proposed by the City Council.

Shanklin asked if everyone received the letter from Lawton Mobile Meals on Wheels.

All stated they did.

Purcell stated this is not a part of this plan.

Shanklin stated I wasn t at the meeting on Thursday, but I don t believe you had this information.

Purcell stated that was not a part of this plan. It is a part of the regular budget. It has nothing to do with what we are doing tonight.

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

20. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan establishing the designation of Agriculture and an ordinance changing the zoning from Temporary A-2 (Suburban District) to A-2 (Suburban District) zoning classification located at the northeast corner of NE 45th Street and NE Cache Road. Exhibits: Resolution 07-___, Ordinance 07-___, Location Map, Applications, CPC Minutes.

Rogalski stated this item is an administrative rezoning. On October 11th and 25th of 2005 Quail Run Estate Sub-Division was annexed within the City of Lawton. It is about 160 acres of property. The area was annexed as Temporary A-2. A-2 is the zone that fits the sub-division. We are asking that it be applied to permanent zoning A-2. Along with this rezoning request is the designation of agricultural on the land use plan which fits the A-2 Zoning. CPC voted on March 22 to approve the rezoning.

Jackson stated the homeowner requested to be annexed into the community. I supported them fully. I and the City

Manager had several meetings with the homeowner and the statement was made the community would be A-2 Temporary and in the future it would be permanent.

Rogalski stated the issue is with temporary zoning. Anytime property is annexed it is always applied temporary zoning.

Jackson stated this is just a housekeeping situation.

Purcell asked if there were any other question of Rogalski before opening the Public Hearing.

PUBLIC HEARING OPENED.

Anyone wishing to discuss this issue please come forward at this time and state your concerns.

PUBLIC HEARING CLOSED

MOVED by Jackson, SECOND by Hanna, adopt Resolution 07-52 and **Ordinance 07-30** waive the reading of the ordinance, read the title only. AYE: Jackson, Shanklin, Hanna, Drewry, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 07-30

21. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan establishing the land use designation of Industrial and an ordinance changing the zoning from Temporary A-1 (General Agricultural District) and Temporary I-1 (Restricted Manufacturing and Warehouse District) to I-4 (Heavy Industrial District) zoning classification located south of SW Lee Boulevard, west of SW 112th Street. Exhibits: Resolution 07-___, Ordinance 07-___, Location Map, Applications, CPC Minutes.

Rogalski stated this is also an administrative rezoning. The south quarter of that half section was annexed on June 27th 2006 and was given the designation of Temporary I-1. The northwest quarter is designated at Temporary A-1. It was annexed sometime in the past, but had yet to receive permanent zoning. This request was at the request of Kurt Newkirk who is representing the Lawton Industrial Foundation. They are the owner of the property. Along with the rezoning will be the land use designation of industrial. CPC voted on March 22, 2007 and recommended this rezoning.

Jackson stated this is being zoned industrial for further development. Is this in the Lawton Public School system?

Haywood stated no.

PUBLIC HEARING OPENED.

Purcell stated anyone wishing to speak please come forward.

Lafrance, Mary, 13861 SW Lee Blvd. My property adjoins this property. What do mean by heavy industrial zoning. What do you plan on putting on the property?

Rogalski stated the heavy industrial district would be similar to that north of Lee Blvd. Right now there is not a particular use in mind.

Lafrance asked if there were waste product where does it go.

Rogalski stated waste product has to be handled by the laws. It will not be any different than any other sewage that will have to go into sewer lines.

Lafrance stated Goodyear has water coming from their plant that runs down a draw into Pecan Creek. She wonders if there would be any waste.

Rogalski stated Goodyear is not in the City limits. Goodyear is in the County. You still have to follow state law in release of the storm water and the Clean Water Act. The City of Lawton cannot manage this because they are not located in the city. However, this property is located in the City and would be monitored.

Lafrance stated so you say this property is in the city limits.

Rogalski stated yes.

Haywood asked if she was referring to the water at the underpass. When you get ready to go up the underpass towards Lee.

Lafrance stated it goes from Goodyear down through a concrete draw.

Haywood stated he thought what she was referring to was within the City limits.

Purcell stated her property is west and south of that property and that would be in the county.

Rogalski stated it is in the county. The City does have jurisdiction over this site. This site would be monitored by the City of Lawton.

Lafrance asked if you could put a plant similar to Goodyear on the property.

Rogalski stated yes.

Drewry asked what Lafrance had on her property.

Lafrance stated farm land. I m opposing this rezoning.

Shoemate asked if the City of Lawton goes out to 112th.

Purcell stated there it does. The property on the south side of Lee is in the city limits. You go across Lee north to Goodyear and it is not. The school district line is really strange there also.

Newkirk stated that land is owned by the Lawton Industrial Foundation.

Shoemate asked if it was in city limits.

Newkirk stated yes.

Haywood stated we annexed it.

Shoemate asked if this was in the school district.

Purcell stated no. The school district doesn t jive with the city limits. The State is responsible for this. We have tried several times to get it changed.

Newkirk stated there are very small amounts of property available for any kind of commercial development left close to the industrial park that is in the Lawton Public School District. Most of the plots would not be acceptable to even medium heavy industry because of residential encroachment. The neighborhood has built to close to the industrial park.

Shoemate asked why you can t clean out by Fairmont.

Newkirk stated this is part of the long range plan for downtown redevelopment. There is some possibility there. On behalf of the Lawton Industrial Foundation Lawton/Ft. Sill area continues to lag behind our competition in available land for heavy industrial use that has rail access. That is why this piece of property is particularly attractive. At a reasonable amount we can get rail service and heavy industrial size infrastructure would be available. It was made available to us by the Cross family at a very attractive rate. Because we are so far behind the competition curve on having available industrial land and I encourage you to rezone this to I-4.

Shoemate asked why the Chamber turns a death ear to the KCA.

Newkirk asked which particular piece of property he was referring to.

Shoemate stated on Laurie Tatum and Rogers Lane where you have a rail spur, I-44 and Highway 62.

Newkirk stated we showed that property to a recent industrial prospect and it was between residential encroachment and flood plain encroachment. It was just not attractive to them.

Shoemate stated that corner is not a floodplain.

Newkirk stated the floodplain is within a of a mile. I don t believe we have turned a death ear. We just haven t had a client that has found that piece of property attractive.

Purcell asked if there was anyone else that would like to speak to this issue before closing the public hearing.

PUBLIC HEARING CLOSED

MOVED by Haywood, SECOND by Drewry, adopt Resolution 07-53 and **Ordinance 07-31** waive the reading of the ordinance, read the title only. AYE: Shanklin, Patton, Haywood, Warren, Hanna, Drewry, Jackson. NAY: Shoemate. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-30

22. Consider requesting staff contact Burlington Northern Railroad officials and Oklahoma Corporation Commission regarding abatement of railroad right of ways. Exhibits: Memorandum from Neighborhood Services Supervisor.

Jackson stated I ask for this to be placed on the agenda. As most of you know when you drive around town one of the worse places of high weeds and grass, trash, debris and junk along the railroad right-of-ways. I don t believe there will be a lot of success by simply contacting Burlington Northern Railroad officials. I do believe we need to be in touch with the Corporation Commission and really pursue this. We need some help. We have Neighborhood Services and other areas that are working with Trash Off which is a massive effort, but we are not getting support from the railroad.

Patton stated the area by I-44 and Rogers Lane is bad.

Purcell stated to tell the City Manager is great, but it will go absolutely nowhere. We need to call the President of Union Pacific. When we had this problem the last time I spoke with the CEO of the railroad and the Chairman of the Corporation Commission. Those two made it happen because an elected official made the call. We can have Mitchell call, but my recommendation is as an elected official call the CEO of the railroad and the Corporation Commission. That was the only way we got action before. This is just a suggestion.

Haywood asked how far out do they go on both sides of the track.

Shanklin stated depends on the area.

Mitchell stated it can be up to 200 feet.

Haywood stated the Oklahoma Corporation Commission came down and gave us permission to cut the Union Pacific. They probably will not pay us, but we have been mowing it since then. I think it would be wise to contact the Oklahoma Corporation Commission. I would like to add Union Pacific along with Burlington.

Jackson stated it is hard for me to continue to site individual citizens in town for trash, debris and junk when one of the biggest contributors to this problem we are not doing much about. I would just like the Manger to call and if we need to follow up with the elected officials he would be more than glad to so.

Mitchell stated this is a struggle that cities all over the state have. It is not unique to Lawton and it is really a tough one. When railroad companies were organized they were given some preferential treatment through the Corporation Commission and it is very difficult to force them into any kind of action. I will do what ever possible.

Purcell stated I recommend while Mitchell is doing what he can that the elected officials call at the CEO level. They ignored the City Manager before.

Haywood stated we did get some action.

Shanklin stated we got action out of the Corporation Commission. Every thirty to ninety days the Corporation Commission needs to get a letter from the City of Lawton about the right-of-ways.

Jackson stated he didn t believe that any action needed to be taken. If you need a vote that s fine.

23. Consider rejecting the only bid for (RFPCL07-027) Robinson s Landing Concession, which was received from Sagebrush Properties, LLC of Lawton, OK, as non-responsive. Exhibits: Department recommendation.

Shahan stated this item is in relationship to the Robinson s Landing Concession RPF. There was one bidder. This has been a two year process of attempting to find a way to create improvements on this particular piece of camping and boathouse operations. The bid was a non-responsive bid based on the fact we requested. The proposal requested improvements were to be made on the property. In the one bid there were no improvements presented.

I recommend we don t receive this proposal based on what was presented. I m still interested in working with someone in developing the improvements to Robinson s Landing. In my memorandum to Council and the Finance Director I wanted to bring this for discussion. This has been a two year process of attempting to get someone who

is willing to make improvements at Robinson s Landing.

Shahan stated I want to be real clear that financially this is a profitable piece of property. We are generating about \$40,000 after operational expenses. This is the reason I m not quick in saying we want to release this property for someone to take over just the operations. For someone to take over operations and provide development improvements of the camping area is different. Terry Smith is here representing Sagebrush Properties. I m willing to answer any questions you may have.

Shanklin stated the problem I have with this is you have 2 and 3% that should have never been placed in the other one. Three percent you discount. Many places discount 3%. Can you live at the lakes full time?

Shahan stated you are not suppose to be living on the lakes.

Shanklin asked can you or can you not sir. If you cannot move them out of there then I can get in a better frame of mind. Not only here, but across the way. I went out there two weeks ago. I didn t get to run down southeast. I went out to take a look at the lake. Those people are living out there full time and we have to furnish them electricity with that one bill. Is that correct.

Shahan stated correct.

Shanklin stated I would like that. I would like to have free electricity.

Shahan stated my position on this property is if we don t work with someone to develop the property then after camping season remove everybody to redesign and develop it. Right now we generate income of \$49,000 in camping fees.

Shanklin asked what it cost to generate that.

Shahan stated total operation cost is about \$20,000 to operate the boathouses and camping.

Shanklin asked all of it.

Shahan stated yes for the one area. That includes electricity and water.

Shanklin asked if that was School House Slough and the other one.

Shahan stated no just the Robinson s Landing area. I m not talking about anything pertaining to School House Slough.

Shanklin stated we are generating \$48,000 and it cost of \$20,000 so we are making \$28,000.

Shahan stated \$28,000. The boathouses and dry stalls bring in another \$10,000 each. We are generating about \$40,000 after all the operation expenses. To move everybody out and make the improvements you are talking \$49,000 income we will be losing.

Shoemate asked how much will we get back from other campers.

Shahan stated in one year we will lose \$49,000. We can re-establish it and re-establish new campers to start regenerating the money. This was the attempt two years ago in attempting to get someone from the outside to create those improvements.

Drewry asked if you had to get rid of everything to include the boathouses, stalls and everything.

Shahan stated no just the camping area.

Drewry stated so you will still have income from the boathouses and the stalls.

Shahan stated approximately \$8,000 from the boathouses and \$9,000 from the dry stalls.

Drewry asked if this comes out of that.

Shahan stated no.

Drewry stated the \$49,000 is strictly camping.

Shahan stated correct.

Patton asked if he meant the trailers and stuff back north.

Shahan stated just Robinson s Landing. Just Robinson s Landing.

Patton stated I understand, but what about the ones that are to north where the bathroom is and where the store use to be.

Shahan stated it would be to the west of the store.

Drewry stated we are not saving the \$20,000 that right now it is costing us.

Shahan stated to maintain it, manage the property, and pay for the electricity and water.

Drewry asked if that came out of the \$49,000.

Warren stated so basically we are going to take a loss for a year or a year and a half. Then we will be back to where we were, but we will be in control.

Shanklin ask Shoemate what he thought.

Shoemate stated he wouldn t have a trailer on that lake.

Purcell stated but the loss isn t \$49,000 it is a net of \$29,000. If you are making \$49,000 in revenue and it is costing you \$20,000 to do your other stuff you are going to save the \$20,000 you will lose the \$49,000 so you are going to lose a net of \$49,000 for the year. Is that correct.

Shahan stated correct.

Shanklin stated so there will not be maintenance during that year out there.

Shahan stated yes there will be.

Shanklin stated I went through the first one when we had the britches put on us. It was by the guy that had Shahan s job. I just hate to see it happen again, but I can t say, unless you just don t like this individual, he is not coming forth with the program that you should put out an RFP, I think he did, which you wanted to see and you didn t get anybody to come in with it.

Shahan stated that is correct. The standard in which I m expecting no one wants to pay. Everybody has been at the lake. You have seen the private operation that is starting to take place up around the house which has lighting, pads, and everything an RV operator wants. It is at the supreme level. Our expectation is for the City to make improvements to the campsite like the private operation have done. No one wants to pay to do that.

Shanklin asked if he wants the standard that is being set there now at the north end.

Shahan stated no.

Shanklin asked if he had ever looked up and tried to find when the Oklahoma State Parks man came here and we had a two day session at the library and he said there will come a time when you will have to let some out so you can let some in on this lake.

Shahan stated he wasn t here.

Shanklin stated what I see, but I m never there on the weekends, Council it is your deal, Keith I don t hear you talking. Bill you live out there and your at the lake.

Jackson stated the comment of non-responsive needs to be removed. Mr. Smith was very responsive in the original bid that went out almost two years ago. We worked a long time trying to get something progressive and it just didn t work out to legal s interpatation as well as yours. Then we went back out for proposals again and it s not that Mr. Smith was non-responsive but, this is what he wants to do now. It doesn t come to the standards you are looking for. Mr. Smith wants to take over the operations of Robinson s Landing as is to establish himself as a concessionaire and in the future come up with a development plan at that time.

Shoemate stated I have no problem with Mr. Smith taking over the operation, but my only concern is putting more trailers out there. We ve got the only ugliest lake in the state. You drive around all the other lakes and the shorelines are clean. You drive around ours and it looks like a ghetto district. Mr. Smith is making a proposal of

opening the store, clean it up, and clean up some of those areas. If that is all there is to it I would be for it, but if it is going to put more trailers out there then no.

Jackson stated there would be.

Drewry agreed.

Shanklin stated they have had six or seven months is the only thing that bothers me on this now. We get to the season to open up and we got it on the table again. I don't know whose fault that is, but it damn sure isn't mine.

Warren stated if we leave it exactly the way it is, go in and remove everybody, start rotating campers through like we do supposedly everywhere else, do minor improvements we are making a profit every year of \$20,000. If we accept the proposal we will get the exact same thing we have right now, but only make \$6,000. Why would we want to consider doing that. If you read this the plan doesn't even involve actually opening the store other than letting someone else open it. If this is what is going to happen we can keep making the profit of \$20,000 and let someone else open the store. I don't understand why we would want to do the proposal if we are making \$20,000 profit right now. If we can't get a better offer than we should probably do what we are doing.

Shanklin stated that is what I was saying about that 2 and 3% that is absolutely ridiculous.

Smith, Terry stated let me thank Council for listening to me whether or not you pay it much attention or believe what I have to tell you. I don't think I was non-responsive. I don't believe that your RFP said that you had to add any new development to the area. I don't believe that is in there. I'm correct. Did you read it?

Jackson stated he read it today. It wasn't a requirement.

Smith stated it definitely was not non-responsive. If you would like to turn me down because what I have to offer is not the quality you want that is different. You start speaking of your expenses you have out there and I'm not sure you mentioned any expenses for insurances, management of the area or the gentleman that manages the area. I don't believe any of those salaries are tied into those dollars you are quoting as profit are they. We put together a decent program two years ago and could not reach a point we all agreed. When I looked at it this time I said okay how do I play within the rules and boundaries you put out there. I didn't have to change any specifications on the camp grounds because we are not adding any camp grounds at this moment. I was willing to accept the verbiage in the agreement so it didn't have to be changed. I want to go out there and clean up the area and make it presentable. Maximize the camp spaces that are out there. Re-open the store, clean it up and get it operational. Spend a couple of years operating the area to get a track record of the financial income and the expenses so I have something that I look at from a business perspective and say alright we need a new store out there, we need gasoline, and we can fund that based off these dollars. I'm not sure you have been successful in leasing out the store since you last concessionaire left.

Shahan stated we haven't been able to present it because we have been working with you.

Smith stated since Larry Meese left the store had been open, but nobody seems to be able to continue to operate it. It has been empty for almost two years. The last guy out there basically sold beer. I'm not sure we have had a decent store since Mr. Meese. I'm offering the opportunity to go out there and try to do that given that opportunity. In the contract any improvements we make we give back to the City. Starting from day one if for some reason the City decides you want the property back or we have to give it back. We have to work from thirty years straight line depreciation. So the capital improvement dollars we are willing to put in go down hill everyday from the first day we put it in. There is no opportunity, other than the rent, to draw that back. When I go out in the local economy and buy residential property my asset grows everyday instead of going down hill. But if you have a better project and Council see fits to fund this clean up, new campsite and new areas at that level you will not have me to stand in your way. You have had since 1996 or 1998 to get this program involved and it doesn't look like we have made any progress at all. So before you turn it down I think you need to look and see what you have out there and what you have had out there and how many people are willing to take it and give it a shot. I believe I'm the only one that has tried in the last two years. Thank you.

Jensen asked what the motion was.

Purcell stated the motion was to reject the bid.

Drewry asked if all the expenses are included in the dollars.

Shahan stated he didn't estimate his salary or those who oversee it.

Drewry stated but everything else.

Shahan stated yes.

Shanklin stated it is known as RFP, Request For Proposal, those have been taken away from us. We don't get to see those until we get down here like this tonight. Do you know what the Request For Proposal was? I don't. Do you know Mr. Jackson? Do you know Mr. Warren? No no no we don't. The Mayor took that away from us about fifteen years ago. We don't get to see it until they bring it to us. Now probably on a four or five million dollar road I don't need to see it. No I wouldn't know where to begin. But something like this we should be able to look at it and see if this is really what we want or is this one individual so called the way he sees it. We had a Lakes and Lands Commission and in the first contract there was a human cry right across the street over here because they had no input, zero, when that contract was put out. Didn't have a word in it. Isn't that right Mr. Mayor? Do you remember it? You and I both sat right across over there.

Purcell stated he didn't know what Shanklin was talking about. How did I take away the RFP?

Shanklin stated we are talking about the RFP on School House Slough. Well it did happen.

Purcell asked if the draft proposal on the draft RFP came to council. Didn't we make this RFP the same as the one we did for Lake Lawtonka? I thought that was why we went through that whole drill the last time.

Shanklin stated Mayor you have forgotten you took that away from us.

Purcell stated he didn't take anything away. He doesn't know what Mr. Shanklin is talking about.

Shanklin stated it was your agenda item that we don't waste time bringing the RFP to council. Bring it only when the contract is ready to be let. I'll get you the minutes.

Purcell asked when we went out with this contract and RFP wasn't this done the same way the council had directed. Council directed it be the same kind of contract that was issued for Lake Lawtonka. We got them in line because we didn't want the same problem that happened several meetings ago at Lake Lawtonka where at the end of the contract we had to pay to buy it. Wasn't that changed and isn't this the same proposal.

Shahan stated yes. The original RFP was approved prior to submitting it to the public.

Purcell asked if council approved it.

Shahan stated yes.

Purcell stated we approved the RFP for this very reason, so we didn't get here tonight and be told we never approved the RFP. We need those minutes also. Would you find the minutes where the council approved the RFP.

Drewry asked if we should table this until we have a chance to look it over.

Warren stated it still comes down to the fact do you want to give up \$20,000 profit for \$6,000 regardless of what the RFP said or didn't say.

Drewry stated that is true, but we do want something done.

Warren stated that doesn't mean we need to chance this. We need to just deny this and build a new one or whatever.

Purcell stated deny this and maybe write a better RFP that explains exactly what we expect them to do for improvements. Maybe that is the right to go.

Patton asked if we really thought we would get someone to re-bid if we are going to change it for someone to put some money into it. We couldn't get anyone to bid when we said you don't have to really put something into it, but now we want you to put something in. I think we are spinning our wheels.

Jackson asked Shahan where he would get the money to rehab Robinson's Landing.

Shahan stated he doesn't want to run the operations at Robinson's Landing. I'm trying to clarify, based on the RFP presented; we are going to lose revenue. I don't think we will lose revenue in the future if we can develop something with him. I felt I needed to be clear that if we give it to this concessionaire immediately there will be a reduction in revenue base on what we are operating right now.

Shanklin stated Council ya'll just stated you have not seen the RFP. You still not going to look at it so how would

you know. It s that simple. Do what you have to do.

Purcell stated lets take a vote on the motion. You can either reject it or accept it and we will go from there.

MOVED by Warren, SECOND by Drewry, to reject the bid for Robinson s Landing Concession and direct staff to bring a revised RFP to Council for discussion before it goes out to the public. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: Jackson, Shanklin. MOTION CARRIED.

Jensen stated for the record your motion was not to reject the bid as non-responsive. The motion was to reject the bid.

Warren stated that is correct.

Purcell stated and to bring another RFP to council before it goes to the public.

Shanklin stated he would like to see the one that supposedly we saw already.

Purcell stated we are going to. We will bring it to the next meeting. We will agenda an item or send it around to each of you along with the minutes of that meeting where council approved the RFP.

Drewry asked in the School House Slough area are the trailer houses allowed to live in that area year round.

Shahan stated no.

Drewry stated but they do. So what do we do? I mean those people live out there.

Jensen stated I think code amendments were drafted a couple of years ago that prohibit using those spots as full time residents.

Drewry stated but there is more and more of them.

Warren stated yesterday I was out there on the eastside of the lake just north of the concession area. It is where there is a City of Lawton sign that say Limited Use Area where the trailers are parked that have skirting on them with ricks of woods beside them, patios, and porches.

Patton asked if that area was the concessionaire. Do we have any control over that?

Warren stated no this is north of the concession area where it says City of Lawton and Licenses Are Required.

Shahan stated you are talking about the boat club area. That is a private operation.

Jackson stated you are talking about that little circle out there that circles around the boathouses.

Warren stated no north of the boathouses.

Shoemate stated between the Yacht Club and the concession.

Warren stated yes.

Jensen stated he didn t believe there was anything in the concession lease that allowed a concessionaire to let somebody live on the premises.

Drewry stated she would hope not.

Jensen stated he knows there are code sections that prohibit that.

Jackson stated let me explain. I have a trailer out there and I m out there quite a bit. I know a third of the people and I don t think anybody actually lives out there.

Drewry stated oh yes they do.

Jackson stated I don t think they actually live out there. I know some people that move out there in February and stay through the summertime. But that is not year round.

Patton stated they don t get their mail there do they.

Jackson stated they do not and that is not living out there year round.

Drewry stated well there are people who live out there I know because I have talked to them.

Shanklin stated they do at the north end.

Haywood stated we can send Griffith out there he can clean it up.

Purcell asked if we were done with lakes for tonight.

Drewry stated yes.

Jackson stated School House Slough is a successful operation. Like it or not it is successful. A lot of people use the benefit of the lake as recreation and that is what the intent was. That is why there is so much discussion about Robinson s Landing. School House Slough is successful and they are trying to make Robinson s Landing just as successful and provide an area for recreation for the community.

Shoemate asked but why is it so successful. Ninety-nine percent of the money is going to School House Slough and not Robinson s Landing.

Jackson stated that is right.

Shoemate stated that makes a difference.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Shoemate stated since no one contacted me I took it upon my own and choose Laurie Tatum Road. Be there this Saturday at 9:00 a.m. at Gore and Laurie Tatum.

Purcell stated okay council bring you work gloves. Trash Off for the City of Lawton is Saturday. Then everyone can go to McMahan and see what is going on over there. This is where the trash will be collected.

Shanklin stated he had four items to discuss. First I do appreciate Mr. Porkorney telling us about trying to instill a little pride in Lawtonian s. I would like for all of us to do our part in helping to keep Lawton beautiful or help clean up Lawton. If we ever get it cleaned up then we can call it beautiful. I think a hotline would be a good deal. Before we do that we have to commit ourselves from the City Manager down that they want to do it also. I did get the mattress picked up. The next morning it was picked up but it laid out there for 3 or 4 months. It lay out there because it wasn t mine. We can t have the attitude of that doesn t belong to me. If we are going to clean it up we have to clean it all up. Another thing that worries me is the trash that I see from the new dumpsters along side of it that is being left. How are we going to handle that? Do we expect some of these people to take it out to the dump or stick it in one of my dumpsters or your dumpsters or whatever.

Mitchell stated your city code says if it is not in the dumpster we don t pick it up.

Shanklin stated well the city code could be changed.

Mitchell stated yes it could.

Shanklin stated there needs to be some input from your end as to how we can help the city from that end. I talked to the men and they said it was the nastiest they have ever seen it.

Mitchell asked where.

Shanklin stated where they have alleys and pickup other than those 95 pounders.

Mitchell stated the old ones.

Shanklin stated yes. They are probably not going to tell you and I don t know if they know who I am and it doesn t make any difference. The city is dirtier now than I have ever seen it. Do you agree?

Hanna stated yes.

Jackson stated it is picking up.

Haywood stated yes.

Patton I don t think so. I really don t.

Shanklin stated well then you don t live in my part of town. I know that we are and like Mr. Porkorney says we have to start somewhere so let s do something. Another thing is we have a Trash Off and we are not going to pick up paint thinner and those items. If we don t pick them up and get rid of them what are they going to do with them?

Drewry stated drop them off at McMahan.

Purcell stated they can drop them off Saturday at McMahan Auditorium and the proper people are there to get rid of them.

Shanklin stated he was talking about during the year. I m talking about during the course of the year not just this Saturday. This is Trash Off and it says stains, thinners or lacquers will not be accepted.

Ihler stated we do not pick those up and put them in the trucks. We ask the individuals to bring them to either McMahan when we have clean up or we have a location at the landfill or we have a special location at the Public Works yard on the north west side of the animal shelter.

Shanklin stated what I m trying to say is if we are not going to handle it who is.

Mitchell stated we can t handle it.

Ihler stated at some point and time the citizens have to take some responsibility.

Mitchell stated paint cans and lacquers cannot be thrown in the back of the trucks.

Ihler stated that is correct.

Drewry stated if they have three locations they can take it then it shouldn t be a problem.

Shanklin stated they hide it in the dumpster. If I want to get rid of some paint thinner in the winter I can just throw it in and throw stuff on top and it goes over into the truck. Now Mr. Manger what do we do.

Mitchell stated if we find it we will fine them. DEQ and EPA will not allow us to throw it in the landfill.

Ihler stated that is correct.

Warren stated you have to make an effort to keep it out.

Shanklin stated another thing is I didn t know that we were taking pictures and giving citations. We take a picture of junk and debris or whatever with them even knowing it and going back and sending them a letter. Is that re-active or pro-active.

Mitchell stated it is both.

Shanklin stated he didn t know that the council ever agreed to pro-active. We have taken some votes here several times right around here at this time of the night.

Mitchell stated a picture is taken for proof to the courts.

Shanklin stated when I come by there and take a picture of you with your motorcycles sitting out there when they shouldn t have been and then I come back down here and find out they belong to you and send you a letter putting you on notice that you have a citation coming because I have a picture of you and your motorcycles.

Warren stated this is done all the time. We have done this for years.

Mitchell stated when you go to court you have to have evidence and proof.

Warren stated when we mow yards we take before and after pictures.

Shanklin stated not to just give a citation. We haven t done that.

Warren asked why we would not want to. Is it better to send somebody a letter and say.

Shanklin stated you are cheerleading me now. I don t want to hear that cheerleading.

Warren stated no I m not. I want to know. It makes no sense at all to say you should send somebody a letter, but don t include a picture of the violation. That is crazy.

Shanklin asked what have we done for ten years.

Hanna stated we have been sending a letter with a ten day warning to correct the problem or you will get a citation. Now you open your mailbox and there is a citation waiting on you.

Drewry stated if we don t take the picture the newspaper will.

Shanklin stated he saw Griffith here a while ago. You ought to know Mr. Manager do we do that now. Take a picture of everything.

Mitchell stated yes for proof of the violation.

Patton stated that is exactly right.

Haywood stated we have to give them a few days of warning.

Shanklin stated on my camera I have thirteen people on one job.

Purcell stated we sit around the council and tell them to go clean it up and then when they go clean it up we don t want them to take pictures to clean it up. It doesn t make any sense to me either.

Shanklin asked the Mayor what we did for fifteen years.

Purcell stated we didn t do anything and people would say I didn t have that there. I mowed it before they came. We heard that over and over and over. So now they take a picture on the day they looked at. Mail them a warning and stating fix it.

Hanna stated what we are saying is they are not getting the warning. Just a citation.

Jackson stated every single one of us have come and said why is it taking so long to get the grass cut at 407 Euclid. I think we all have tried to figure out a way where it doesn t take thirty days. I want the high grass mowed.

Shanklin stated certainly, but I m talking about just driving down the street and saying oh there is some junk and debris and that old man is 85 years old. I m going to take a picture of that and fine him.

Jackson stated I hope that is not the case.

Shanklin stated well it has happened.

Jackson stated if high grass is at 407 Euclid I want it cut. I don t want to wait thirty days.

Patton stated he agrees, but the problem is we have had a lot of rain. There are only so many crews and when you get the rain you get behind. Stuff starts stacking up on you. I understand, but what I don t understand is we had a conversation about how Lawton is the trashiest it has ever been but then when we send people out to try and do something we are like well let s give them a warning or lets give them a chance.

Shanklin stated well let s alienate everyone we can Mr. Patton.

Patton stated I don t want to do that, but you have to do something. Don t sit around and complain about the town looking bad unless you want to do something about it.

Drewry stated that s right.

Warren stated you can t have it both ways. Your enemies can t be treated one way where you want somebody out there tomorrow writing them a citation. Then the next day your friend gets a citation and you say well they gave him a citation and you weren t suppose to do that. The rules are the rules and that is the way it is. To say that you shouldn t take a picture of a violation and send it to somebody just makes no sense at all.

Shanklin stated I ve been down here as long as you and I know how we have done it since 1985.

Warren stated they didn t have digital cameras back then and very few computers.

Shanklin stated no, but we didn't have the animosity among the clientele.

Warren stated so the animosity is the citizens don't want us to clean Lawton up. They don't want us get violators because they want vote for a tax issue. There's some logic.

Purcell asked Mr. Shanklin if he had anything else.

Haywood stated the Lawton Inter-Denominational Choir was at Bethlehem Church on Saturday. They had a Sara Hall Day. They had the choir that was there for twenty years. People came back from all over the United States. It was just wonderful. Ms. Sara Hall taught piano lessons in her studio and for Lawton Public Schools. She taught my son who writes songs so I appreciate that. I want say thank you to Mrs. Sara Hall for all the work she did and all the churches that have musicians. I would like for Bob from Pleasant Valley to come tell everyone what we are having on Saturday.

Bob stated Saturday morning from 10:00 to 4:00 at Verda Cook Park we have the South Lawton Youth Rally. It is sponsored by the Lawton Police Department and Housing Authority with a number of other volunteers. It is for the youth of south Lawton. I would like to see as many of the councilmembers and the city manager present. This is our ninth year and we've gotten a little bigger each year. We do have a good attendance. We will have a Ferris wheel, the moon bounce, the titanic, Stitches, Teen Challenge and it is a pretty good operation.

Haywood stated they come from all over Lawton not just from south Lawton. We will accept everyone. We don't turn anyone back. They have lots of hot dogs and hamburgers.

Purcell stated I have discussed Trash Off and we need all the media support we can get. We have lots of people who will be picking up trash from the roads. The City will be receiving two awards. One is the Technical Innovation Award from the American Public Works State Chapter on Tuesday. Ihler will be going to Oklahoma City to receive that award. Our clean air program contractor, Evergreen Production, will be receiving an award in Washington on May 10th. I and Gary Copeland will be going also. We heard today American Airlines has announced that as of May 1st they will be adding an extra flight out of Lawton. I assume that means an extra flight into Lawton, but they only said an extra flight out. The neat part of that is as of June 24th they will be adding two flights a day. Two of seven flights will be regional jets. This is good news for the public.

Mitchell stated Senator Bass's bill, Senate Bill 751, that provides no interest support on loans or projects supporting our military facilities passed the House 97 to 2. It has passed both the Senate and the House and it now goes back to the Senate for the Title and maybe one amendment. We think this bill is coming out and this is really good news for Lawton and other military communities. Any project we finance the State will pick up the interest on the debt for the first five years. Friday morning at 10:00 a.m. we will be closing on our Letter of Credit at BancFirst for the Lawton Economic Development Authority. This is a \$9.5 million Letter of Credit that will be available for our downtown redevelopment project. We are real excited about this. This will be a great kickoff to a big project for our community.

Jackson stated we are not talking prairie dogs, animal control issues and where is our TV now that we have some good positive issues going on in the City of Lawton.

Purcell stated we have a problem with. Ms. Drewry is working on this issue. We do need an Executive Session. There will be four items in Executive Session, but I have one final thing that I need to say tonight. As you know the Mayor gets lots of phone calls. I know that I get more now than when I was a Councilmember about all kinds of things. Hanna has said a couple of times about showing some courtesy to citizens let me tell you about a phone call that I received on Friday. It was from an irate citizen over picking up trash. I asked them to tell me their story and they did and it didn't sound reasonable. I asked if they called their Councilmember and they said oh yeah and the answer they gave me was I don't want to hear anymore about that. Go take a picture and when we have the next tax election go show the picture around. I told the citizen to let me see what I could do. I called and Ihler's people took care of it. The City probably shouldn't have picked the stuff up. It was too big and wouldn't fit in the garbage truck, but we are trying to finish up the clean up. I call the citizen back and he was happy, but that is exactly what Hanna was talking. I implore to Councilmembers we need to do exactly what Hanna said.

Shanklin stated to name him he can handle it.

Purcell stated we need to do exactly what Hanna said. We needed to give him an answer. It took a two minute phone call to call him back and tell him. He was no longer mad. By not responding we can create some of these problems on our own.

The Mayor and Council convened in executive session at 8:30 p.m. and reconvened in regular, open session at 8:55p.m. Roll call reflected all members present except Shanklin.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

24. 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.

Jensen read the title of item 24.

MOVED by Drewry, SECOND by Patton, moved to adopt the Resolution approving a Settlement Agreement between the City of Lawton and the International Union Police Association Local 24 and Anthony Aguilera and direct the City Attorney to file appropriate action in District Court to effectuate the Settlement. AYE: Hanna, Drewry, Jackson, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

25. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending tort claim by Job VanWagner and take action in open session as necessary.

Jensen read the title of item 25. The City Council was briefed on the facts and circumstances of the claim. No action is required.

26. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending investigation, Conditional Administrative Order, and Notice of Right to be Heard issued by the State of Oklahoma Department of Agriculture, Food, and Forestry, file No. 07-122 DLS, involving the City of Lawton, and if necessary, take appropriate action in open session.

Jensen read the title of item 26.

MOVED by Warren, SECOND by Haywood, to approve a proposed informal resolution of complaint between the State Board of Agriculture, for the State of Oklahoma and the City of Lawton. The Proposed Informal Resolution requires the City of Lawton to pay a fine of \$800.00 for one violation and the other two violations contained in the Conditional Order submitted to the City of Lawton one will be dismissed and the other deferred. AYE: Drewry, Jackson, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

ADDENDUM

1. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2007-2008 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session.

Jensen read the title of item 1.

MOVED by Patton, SECOND by Hanna, as a result of the Police Union s April 19 declaration of impasse during contract negotiations I move to ratify the City Manager s appointment of John Vincent to serve as the City s Interest Arbitrator for any arbitration over year of 2007-2008 contract with police. AYE: Shoemate, Hanna, Drewry, Jackson, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:10 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

DENISE EZELL, DEPUTY CITY CLERK