

attendance to an event at Elmer Thomas Park on July 4, 2007 called I Love America. The event will be honoring the founding of this nation and God's faithfulness to America and also the centennial of Oklahoma. He stated this event is an approved centennial event and will be staged at the newly constructed pavilion at the park. He stated this event has been in the planning stages for three years. They are estimating a crowd of 15,000-20,000. It is a free celebration. It will start at 2:00 p.m. and will go for eight hours. He invited the Mayor to welcome the crowd and read a proclamation.

Bruce Bumgardner, invited the public to a gang task force awareness ceremony at Lawton High School on Saturday. He stated he was born and raised in Lawton and he has overcome a lot of hard circumstances. In March of 2005 he founded Outlaw Ministries which is a jail and prison ministry. He stated Lawton has the biggest prison in the state. He protested against it because Lawton is too mean of a town to house a prison. Why build a prison unless you are going to build a place for people to come to when they are released with work release centers and halfway houses and rehabilitation programs. He gave a letter to the Mayor and asked that copies be distributed to the City Council. He stated the state of Oklahoma used his criminal case to rewrite child custody laws which was based on a bogus charge. The people who were in charge of him were corrupt starting with his arrest in 1980. He stated he was an ex-convict who held a secret level security clearance. He is under attack from the City of Lawton for having cars parked on his grass that have been there for a decade. He is physically unable to comply with the city ordinance and he has had no income since he got fired for working outside of his job description at Fort Sill. He challenged the City Council to investigate him thoroughly to find out if what he has said is true and what is in his document is true.

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 requested item #5 be considered separately. Hanna requested items #6 and #7 be discussed separately. Shanklin requested items #10, #13 and #22 be considered separately.

MOVED by Warren, SECOND by Patton, to approve the Consent Agenda with the exception of items #5, #6, #7, #10, #13 and #22. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin. 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: John and Min Spessard in the amount of \$164.56, Elisabeth Christal in the amount of \$924.01 (**Resolution 07-55**), PHH Arval Leasing in the amount of \$548.72 (**Resolution 07-56**) and James and Krystal Fattrusso in the amount of \$598.00 (**Resolution 07-57**). Exhibits: Legal Opinions/Recommendations; Resolution No. ___; Resolution No. ___; Resolution No. ___.

2. Consider the following damage claim recommended for denial, Steven Justice in the amount of \$65.00. Exhibits: Legal Opinion/Recommendation.

3. Consider authorizing an exchange of land between the City of Lawton and Mark S. and Cecilia F. Skinner, by entering into a Contract for Exchange of Real Property Including Surface Sub-lease, accepting a Quit Claim Deed from Mr. and Mrs. Skinner for their property, granting a Quit Claim Deed to Mr. and Mrs. Skinner for the City's property, granting an Access Easement to Mr. and Mrs. Skinner to access abutting property they are retaining, and authorize the Mayor and City Clerk to execute the documents. Exhibits: Maps; February 13th agenda item; Quit Claim Deed from Mark S. and Cecilia Skinner, Quit Claim Deed to Mark S. & Cecilia F. Skinner, Access Easement to Mark S. and Cecilia F. Skinner and Contract for Exchange of Real Property Including Surface Sub-lease are on file in the City Clerk's office.

4. Consider approving the standard lease agreement for use of the Elmer Thomas Park/ Lake Helen Stage area on August 25, 2007 with Magic 95 Radio upon construction completion of concrete stage. Exhibits: Standard Lease Agreement with Magic 95 Radio.

5. Consider approving a recommendation to officially dedicate S.W. G Avenue from 3rd Street to 6th Street in the name of Dr. Joe R. Williams, Sr. by placing additional signs directly below each street sign in this area to reflect the dedication to Dr. Joe R. Williams, Sr.. Exhibits: Letter from True Love Apostolic Faith Church; Comment Sheet from Department Heads concerning Street Renaming Request.

Haywood stated he did not make this recommendation. True Love Apostolic Faith Church made this request to the Parks and Recreation Commission. He stated confusion can happen with the streets in Lawton because there are many streets that may only be one block. He stated Dr. Joe R. Williams Sr. has five children, three boys and two girls. All of his children are ministers. Dr. Williams plans to open up a recreation center for the children in that area at 426 SW G Avenue. He stated most of the members of this church are not from Ward 7. There are only two residences in that particular area, so he feels there will be no confusion. He stated a marker to him is just something that marks off the land. He would like to rename the street.

MOVED by Haywood, SECOND by Patton, to rename SW G Avenue from 2nd Street to 6th Street to Dr. Joe R. Williams, Sr. Avenue.

Warren stated he is opposed because the last time they discussed an issue like this he made a statement that he was not going to approve any more of these. For most it is not a problem finding something, but if someone comes in from out of town, there is a set system for naming these streets. This one may not cause a problem but the next one or the one after may create a situation where none of this makes sense anymore.

Chief Bart Hadley, Lawton Fire Department, stated he is proud to be from Lawton and associated with a community with people like Dr. Williams. In general, changing names of streets does create some problems. He stated there is a Williams Avenue in another area of town. Just renaming streets, especially sections of streets, creates additional potential for confusion, especially in taking calls for emergency situations, people get confused and may get the wrong street.

Haywood stated Williams Avenue is Northwest and he does not believe there will be a difference. This is a dead end street that needs some glorifying and general regard. He feels there will not be confusion for this four block area.

Chief Hadley stated this particular street will not create a problem for the firefighters in knowing where the address is as long as it is reported correctly. It is more in general, in renaming streets if they could take the whole section, but sometimes they are talking about areas where the name can change in the middle, and he would ask that be considered from a planning standpoint, to take an entire section of the entire street.

Haywood stated the only cost would be for four signs on 3rd Street, 4th Street, 5th Street and 6th Street. Second Street is a dead end.

SUBSTITUTE MOTION by Warren, SECOND by Shoemate to officially dedicate SW G Avenue from 3rd Street to 6th Street in the name of Dr. Joe R. Williams, Sr. by placing additional signs directly below each street sign in this area to reflect the dedication to Dr. Joe R. Williams, Sr. AYE: Warren, Shoemate, Jackson. NAY: Hanna, Drewry, Shanklin, Patton, Haywood. MOTION FAILED.

VOTE ON ORIGINAL MOTION: AYE: Haywood, Hanna, Drewry, Shanklin, Patton. NAY: Warren, Shoemate, Jackson. MOTION CARRIED.

6. Consider adopting a Resolution authorizing the installation of traffic control measures on SW I Ave. (adjacent to Union Park), the intersection of SW 44th St. & SW Mesquite Dr., NW Laird Ave. near Whittier Elementary School, SW 24th Place & SW 25th Street near Howell Elementary School, East Gore Blvd. Near MacArthur High School, and the intersection of NW Ash Ave. & NW Parkview Blvd. Exhibits: Traffic Commission Minutes; Traffic Issue Requests; Resolution No. 07-____.

Hanna stated this resolution involves three different school areas. He stated Mr. Ihler has been working with the Traffic Commission on these proposals.

Mayor Purcell stated he believes the issue is with Laird Avenue near Whittier Elementary.

Jerry Ihler, Public Works Director, stated specifically the two schools had asked for the Safe Route to School Program. At Whittier they had asked to make Laird between Oak and Maple one way. The Traffic Commission had received several phone calls from residents that lived on Laird requesting that they do not make it one way. As a result of those requests, the Traffic Commission voted to leave it a two way street and the next item on this agenda is to deny that request. He stated the Traffic Commission did vote to go ahead and install No Standing Anytime signs on the east side of Laird which would allow people to drive up and open the car door and drop people off at that location from Maple to Oak on Laird, just on the east side. He stated they will also address some of the concerns that the Safe Route to School citizens had. They will enhance some of the crosswalks at Maple and Oak on Laird and they are looking at moving the flashing light a little closer to the school on the north side of Whittier.

With regards to Howell Elementary, they were looking at a Safe Routes to School program and they are putting No Stopping signs from 8:00 a.m. to 4:00 p.m. which means no one can stop or even let people out on 24th Place. They are expanding the school zone on 25th Street on E Avenue back to C Avenue and will enhance the walkways and crosswalks in those areas.

Drewry questioned if the cars will not be able to park on the east side, anyway there is a safe walk to school, they do not want cars parked on both sides of the streets.

Ihler stated at Howell they are putting No Stopping/Standing signs so that people will not be able to park at those locations. On 25th Street between E Avenue and C Avenue they are not putting No Parking signs there, but they are enhancing the crosswalks. At Whittier there is already No Parking signs, and they are changing those to No Standing

signs anytime so they can't park on the east side.

Scott Michener, stated the Safe Routes to School program is a federal program and they have applied for two different grants for \$12,000 and \$5,000. Around Whittier and Howell they will have safe houses which will be labeled for kids if they get into trouble on the way to school. They will have a walking school bus where kids can walk with an escort. He stated it is a great program. The problem is at Whittier between Maple and Oak there are kids walking in the street because there are no sidewalks. There have been cars parked on both sides of the streets during drop off and after school and one lane of traffic. He stated they would like to have nothing from Maple to Oak on the east of Laird so at least there is a clear path where kids can walk along the curb until they get sidewalks built. They hope to talk care of Whittier and Howell as well as John Adams, Elmore West and the whole town. He stated they thought the one way would be good because they would have traffic going one way with either a walking or bike lane which is painted so that kids will have a safe place to walk. This seems like a solution, but the Traffic Commission did not agree. He stated they will take whatever they can get.

Hanna stated this is a national program and there is quit a bit of money out there and he is all for getting some work done in Lawton.

Shanklin questioned if this was going to be one way.

Mayor Purcell stated that will be discussed in the next item.

Shanklin stated that the no standing time is much shorter than the no stopping time. He questioned what was the difference in the time. He stated this could be an issue. He questioned if the no stopping meant you could not stop your car whatsoever.

Vincent stated that is correct. No parking means you cannot park and get out of the vehicle. No stopping means you cannot stop.

Ihler stated no parking means you can park for a short period of time if you want to get out and walk you child to the front door. That is why at the Traffic Commission they had requested the no standing because they could pull up and drop their child off and then move on. However, at Howell they did not want any cars stopping to even let them out, so they had requested the no stopping.

Drewry questioned what if the night before someone parks their car on that street, will it also say no parking so that it will be clear.

Ihler stated the request is no standing anytime, and that means no parking, on Laird from Maple to Oak. It will allow you to drive up and drop someone off. If it is no parking, you can stop your car and walk the child up to the front door, walk back to your car and leave. He stated if they do not want anyone stopping on the east side, they need to change it to no stopping/standing just like they did at Howell.

Warren stated enforcement is the only way to solve the problem.

MOVED by Hanna, SECOND by Drewry, to adopt **Resolution 07-58** approving the installation of traffic control measures on SW I Ave. (adjacent to Union Park), the intersection of SW 44th St. & SW Mesquite Dr., amending NW Laird Ave. near Whittier Elementary School to install NO STOPPING/STANDING signs, SW 24th Place & SW 25th Street near Howell Elementary School, East Gore Blvd. Near MacArthur High School, and the intersection of NW Ash Ave. & NW Parkview Blvd. AYE: Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

7. Consider denying a request for the installation of traffic control measures on NW Laird Ave. between NW Maple Ave. and NW Oak Ave. Exhibits: Traffic Commission Minutes. Exhibits: None

Hanna stated this would make if very unsafe if a fire truck or emergency vehicle had to get in there. The Traffic Commission has denied this request.

MOVED by Hanna SECOND by Shoemate, to deny a request for the installation of traffic control measures on NW Laird Ave. between NW Maple Ave. and NW Oak Ave. AYE: Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

8. Consider awarding a construction contract to RCJ Construction, Inc. for the Lawton Public Library Annex Foundation Repair Project #2007-1. Exhibits: None

9. Consider awarding a construction contract to Bowles Construction Company for the Lake Ellsworth Bypass Project #2004-2. Exhibits: None

10. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality

for the construction of 65 linear feet of eight (8) inch PVC water line and all appurtenances to serve the All-Stor Mini Storage located in the SW/4 of the NW/4 of Section 32, T-2-N, R-12-W, I.M., located approximately mile north of SW 82nd and Lee Blvd., Lawton, Comanche County, Oklahoma.

Shanklin stated the only problem he has with this is that it says that a condition of the permit is that it must be noted in the minutes of the next regular meeting of the Lawton City Council. He asked that this be explained.

Mitchell stated that the Oklahoma Department of Environmental Quality wants to make sure that the permit is approved by the City Council. It is just acknowledging receipt of the permit.

Shanklin questioned if they had to go to ODEQ on every sewer line now.

Mitchell stated yes. We send them a set of plans and they must approve those plans.

Shanklin stated he could see that on a development, but not when there is already a sewer line.

MOVED by Shanklin, SECOND by Jackson, to acknowledge receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 65 linear feet of eight (8) inch PVC water line and all appurtenances to serve the All-Stor Mini Storage located in the SW/4 of the NW/4 of Section 32, T-2-N, R-12-W, I.M., located approximately mile north of SW 82nd and Lee Blvd., Lawton, Comanche County, Oklahoma. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

11. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 103 linear feet of eight (8) inch PVC gravity sewer line and all appurtenances to serve the Pizza Hut Restaurant located in the NW/4 of the NW/4 of the NW/4 of Section 2, T-1-N, R-11-W, I.M., Hwy 7 & SE 45th Street, Lawton, Comanche County, Oklahoma.

12. Consider adopting a Resolution in Support for a Section 202 Elderly Housing Project application being submitted by Lawton Support Services, Inc., to the U.S. Department of Housing and Urban Development (HUD), for the construction of a thirty-five (35) unit elderly-only rental housing development to be located at 911 SW D Avenue, Lawton, Oklahoma. Exhibits: **Resolution No. 07-59**.

13. Consider a resolution and ratify the action of the Lawton Water Authority in approving a resolution, agreeing to file application with the Oklahoma Water Resources board for financial assistance in financing the expansion and improvement of the Authority's Wastewater Facilities. Exhibits: Resolution No. 07-____.

Shanklin questioned how they were going to pay this back.

Mitchell stated through the 2005 CIP program. This is for the sewer rehab program.

MOVED by Shanklin, SECOND by Warren, to approve **Resolution 07-60** ratifying the action of the Lawton Water Authority in approving a resolution, agreeing to file application with the Oklahoma Water Resources board for financial assistance in financing the expansion and improvement of the Authority's Wastewater Facilities. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

14. Consider rejecting all bids for (CL07-028) Reeve Truck, purchasing the cab-chassis from the State contract, revising our current specification for the non-cable system and bid the hook hoist system rather than the cable system. Exhibits: Department Recommendation.

15. Consider extending the contract (RFPCL06-051) Employee Physicals/Drug Screen Testing with The Center for Occupational Health of Lawton, OK. Exhibits: Department Recommendation; Proposal Price Sheets; Contract Extension Form.

16. Consider extending the contract (CL06-048) Custodial Maintenance Group 1 with Elite Cleaning of Lawton, OK. Exhibits: Department Recommendation; Price Bid Sheet; Contract Extension Form.

17. Consider extending the contract (CL06-047) Manhole Lining Materials with The Strong Company, Inc., of Pine Bluff, AR. Exhibits: Department Recommendation; Price Bid Sheet; Contract Extension Form.

18. Consider extending the contract (RFPCL05-047) Collection of Overdue Utility Bills with Lawton Retail Merchants Assn., of Lawton, OK. Exhibits: Department Recommendation; Price Bid Sheet; Contract Extension Form.

19. Consider extending the contract (RFPCL04-051) Workers Compensation Administration Services with United Safety & Claims, Inc., of Tulsa, OK. Exhibits: Department Recommendation; Price Bid Sheet; Contract Extension Form.

20. Consider extending the contract (CL05-055) Rock Hauling with Atlas Tuck Concrete of Duncan, OK. Exhibits: Department Recommendation; Price Bid Sheet; Contract Extension Form.
21. Consider awarding (CL07-042) Bunker Clothing to Wayest Safety, Inc., of Oklahoma City, OK. Exhibits: Department Recommendation; Abstract of Bids.
22. Consider extending the contract (CL06-058) Temporary Workers with Direct Staffing Solutions, Inc., of Lawton, OK. Exhibits: Department Recommendation; Price Bid Sheet; Contract Extension Form.

Shanklin questioned how much business we do with Direct Staffing. He wondered if it was thousands of dollars.

Mitchell stated this is the primary company the City uses to hire temporary employees for sanitation collection. It depends on the turnover.

Shanklin stated he would like for staff to provide him with the amount we spend.

MOVED by Shanklin, SECOND by Hanna, to approve extending the contract (CL06-058) Temporary Workers with Direct Staffing Solutions, Inc., of Lawton, OK. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson. NAY: None. MOTION CARRIED.

23. Consider extending the contract (CL06-045) Metal Recycling with Buddy s Crushed Cars, Inc., of Kingston, OK. Exhibits: Department Recommendation; Price Bid Sheet; Contract Extension Form.
24. Consider extending the contract (CL06-041) Police Vehicle Equipment Items 1, 2, 4, 6 with Cop Stuff, LLC, of Howe TX; Items 8, 10 with Galls of Lexington, KY; Items 3, 5, 7 with Adamson Industries Corporation of Haverhill, MA. Item 9 will not be extended. Exhibits: Department Recommendation; Price Bid Sheet; Contract Extension Form.
25. Consider Authorizing Application and Acceptance of a Department of Justice Grant.
Exhibits: None
26. Consider approving appointments to boards and commissions. Exhibits: None
27. Consider approval of payroll for the period of April 23 May 6, 2007.

BUSINESS ITEMS:

28. Hold a public hearing and consider an ordinance amending Chapter 18 of the Lawton City Code changing day care centers from permitted uses to uses permitted on review in R-3 (Multiple-Family Dwelling District) and R-4 (High Density Apartment District) and allowing day care centers as permitted uses in C-1 (Local Commercial District) and CBD (Central Business District) and declaring an emergency. Exhibits: Ordinance No. 07-___; Draft CPC Minutes.

Richard Rogalski, Planning Director, stated during the investigation on a recent rezoning request it was discovered that the provisions for day care centers were unclear in the current code. This code change is simply to clarify that issue. It was listed in R-3 and R-4 as a permitted use, however there was a provision that it had to meet the certain characteristics of the residential area. Staff scratched it out of R-3 and R-4 and put it back as a use permitted on review in R-3 and it would allow the City Planning Commission to make the determination if it was suitable in a R-3 zone or not. They also made it a permitted use in C-1 and CBD so that it is a standard community use for a day care center in those areas. They also took the parking requirement which was listed in the use and put it over where the parking requirement should be.

Shanklin clarified that they are just changing this to include C-1 and PF.

Rogalski stated they are making it a clear permitted use in those two zones and making it a use permitted on review in R-3 and R-4.

Vincent stated historically day care centers have always gone in C-1. What they want to do is go to R-3 and R-4 and allow them as a use permitted on review which means it goes to the City Planning Commission and if they say yes that is the end of it, and make it a use by right in C-1, which it currently is not.

Shanklin stated there really is nothing you can t do in an R-3 and R-4. He can take you to 14th and Arlington and there are three RV s, two cars, two boats and a trailer in that 50 x 150 foot lot. That is not right. He stated the home is in an R-4 and across the street is an R-2. He stated they need to look at that.

Warren questioned if there was still a day care that they allow in R-1 and R-2 because they only keep so many kids and they don't really count that as a day care.

Vincent stated it is counted as a day care and they have a certain type of state day care license. They limit the number of children that they consider home day care as a home occupation and they have to get a home occupation license as well as a state day care license. That is allowed in R-1 and R-2. He stated this will not change that.

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

MOVED by Patton, SECOND by Haywood, to adopt **Ordinance 07-32**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-32

An ordinance pertaining to zoning amending Sections 18-5-5-547 and 18-5-5-548, Division 18-5-5, and Section 18-5-6-559, Division 18-5-6, Article 18-5, Chapter 18, Lawton City Code, 2005, by changing day care centers from permitted uses to uses permitted on review in R-3 (Multiple-Family Dwelling District) and R-4 (High Density Apartment District); amending Section 18-5-8-580, Division 18-5-8, Article 18-5, Chapter 18, Lawton City Code, 2005, to allow day care centers as a permitted use in C-1 (Local Commercial District); amending Section 18-6-13-635, Division 18-6-13, Article 18-6, Chapter 18, Lawton City Code, 2005, to allow day care centers as a permitted use in CBD (Central Business District); and amending Section 18-8-1-805, Division 18-8-1, Article 18-8, Chapter 18, Lawton City Code, 2005, establishing the parking requirement for day care centers; providing for severability; and declaring an emergency.

29. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Residential/Low Density to Commercial and an ordinance changing the zoning from R-3 (Multiple-Family Dwelling District) to C-1 (Local Commercial District) zoning classification located at 1310 NW Ferris Avenue. Exhibits: Resolution No. 07-____; Ordinance No. 07-____; Location Map; Site Plan; Applications; CPC Minutes.

Rogalski stated an applicant has come in to rezone a parcel along Ferris Avenue. The site plan that was submitted is an existing day care center that was constructed and permitted along with a playground that goes along with the day care. The applicant has a gravel parking area and the city has asked them to pave that parking area. Unfortunately, to pave the parking area the property must be rezoned to meet the zoning for the parking lot for a day care center. There is quite a bit of R-3 zoning in that area. The proposed zoning is C-1 to match the land use plan. The City Planning Commission held a public hearing on April 26, 2007 and voted 7-0 to recommend approval of the ordinance.

PUBLIC HEARING OPENED.

James Durette, 103 NW Steeple Ridge Drive, stated he would like to know the dimensions of the property they are trying to rezone.

Rogalski stated these are three 25 lots, so it 75 x 140. The property goes along with another parcel that is 75 x 140.

Rick Kerr, owner of the property, stated they are trying to pave the parking lot and be in accordance with city code. They would like to expand the size of their learning center and they need this parking lot in order to expand and he cannot get the parking lot without the rezoning.

PUBLIC HEARING CLOSED.

MOVED by Warren, SECOND by Haywood, to adopt **Resolution 07-61** and **Ordinance 07-33**, waive the reading of the ordinance, read the title only. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin. NAY: None. ABSTAIN: Patton. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-33

An ordinance changing the zoning classification from the existing classification of R-3 (Multiple-Family Dwelling District) to C-1 (Local Commercial District) zoning classification on the tract of land which is hereinafter more particularly described in section one located at 1310 NW Ferris Avenue authorizing changes to be made upon the official zoning map in accordance with this ordinance.

30. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Professional Office to Commercial and an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification located at 2128 NW Bell Avenue. Exhibits: Resolution No. 07-____;

Ordinance No. 07-____; Location Map; Site Plan; Applications; CPC Minutes.

Rogalski stated this request is for lot 14, Block 2 in Lee Addition and is located in the SE corner of NW Bell and Sheridan Road. The property measures 55 x 140 , the property owners are James and Sun Me Durette. The proposed use is a beauty shop. They plan on having a main parking lot off of Bell. There is an existing structure on the lot that will be demolished as part of the project. There is some additional parking that would be accessed from the alley in the back and is designated as secondary. There is a very large stable residential area to the east, to the west is heavy commercial. In the Land Use Plan this whole area on Sheridan Road was designated as professional office. The requested zoning is C-1 with the Land Use Plan revision to commercial. On April 12, 2007 the City Planning Commission held a public hearing on this request and recommended denial of this request. There was concern over the size of the lot. There was consideration to use TR zoning on this particular lot, however the lot was undevelopable with any kind of setback higher than five feet. The building is only 25 feet wide as it is just to meet those setbacks.

Jackson questioned why they would want it rezoned if they could not develop it.

Rogalski stated the applicant feels it is developable in this format. It is a small lot and a small building. The City Planning Commission felt if the applicant could get the adjacent lot and develop the two lots they would probably support the rezoning. The lot is so narrow and constrained and it forces the entrance very close to the corner and therefore there are safety concerns.

PUBLIC HEARING OPENED.

James Durette, 103 NW Steeple Ridge Drive, stated this is going to be a one to two person beauty shop. He would love to get two lots, but they owner will not sell it to him. There will only be three or four cars there at one time.

Warren stated the site plan shows four secondary parking spaces in the back. He questioned how they will be accessed.

Vincent stated no one can use an alley to access property.

Rogalski stated the code says that a secondary parking area can be accessed from an alley.

(Severe Weather sirens were blown)

The City Council recessed at 7:30 p.m. and reconvened at 7:40 p.m. Roll call reflected all members present excluding Shanklin.

Mayor Purcell stated they are still in the middle of a public hearing. He asked if there was anyone who would like to address the City Council.

PUBLIC HEARING CLOSED.

Drewry stated she does not understand why the CPC denied the request.

Rogalski stated he did actually recommend the denial. He felt that the property was so constrained that it limits the functionality of it as C-1. This is an area identified as professional office for a reason which was to promote a transition from commercial to residential. If they give C-1 zoning, this site plan is not binding and they can put in any other C-1 use that is allowable under code. He stated the lot is so constrained that they are forcing cars into a very small area right at the corner and it does become somewhat unsafe. He stated it was a difficult hearing.

Vincent questioned if the four parking spaces designated as secondary are essential to the property or do the five parking spaces on the front of the building take care of the requirement.

Rogalski stated the parking requirement is one space for every 150 square feet and he does not recall how many spaces were required. He stated he does believe that the secondary spaces are essential.

Mayor Purcell stated right down the street they denied a rezoning several times because the only way to get to the property for the number of parking spaces was through an alley and there is an ordinance that says that you cannot use the alley to enter or exit. If the requirement is to use those four parking spaces to make this legal, he does not see how they are going to be able to go against what they have already denied at least once before.

Rogalski stated the parking requirement is based on the square footage that is available to the public, it is not gross square footage. If that parking is not viable, then they would have to reduce their usage.

Mayor Purcell stated if they are not sure, maybe they should table this item until staff can accurately determine

how many spaces will the applicant be required to have.

Vincent stated they can reopen the public hearing and continue it until this can be determined.

PUBLIC HEARING OPENED.

MOVED by Shoemate, SECOND by Warren, to continue public hearing to May 22, 2007. AYE: Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

31. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Residential/High Density to Commercial and an ordinance changing the zoning from Temporary A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District), R-4 (High Density Apartment District), and C-3 (Planned Community Shopping Center District) zoning classification located at the northeast corner of SW 82nd Street and Lee Boulevard. Exhibits: Resolution No. 07-___; Ordinance No. 07-___; Location Map; Site Plan; Applications; CPC Minutes.

Rogalski stated this request is for approximately 145 acres of R-1, 9.4 acres of R-4, and 10.6 acres of C-3 zoning. The applicant is Sooner Traditions, LLC, and the property owners (Clyde and Mikel Hill, Mark and Anita Hill, Rita Hill, and James and Betty Liston) have signed the applications. He stated there is an issue with this particular overall rezoning with limited access along Lee Boulevard. Currently there is only an access point at middle of the section and the mile mark. The zoning of the surrounding area is C-2 (Planned Neighborhood Shopping Center District) and R-1 to the north, I-2 (Industrial Park District) and C-5 (General Commercial District) to the south, R-1 and R-4 to the east, and Temporary A-1 and I-4 (Heavy Industrial District) to the west. The land use of the surrounding area is mini-warehouses, railroad, and single-family residential to the north; vacant to the south and west, and single-family residential and church to the east. The 2025 Land Use Plan designates the majority of the requested area as Residential/Low Density. The corner of SW 82nd Street and SW Lee Boulevard has the node concept of Commercial surrounded by Residential/High Density. The request includes extending the Commercial to the north along SW 82nd Street and to the east along Lee Boulevard into the Residential/High Density designation. The site plan is not binding. According to Nick Garrett, attorney representing the applicant, additional drive openings may be requested; however, that issue would be handled during the building permit phase of development. The requested zoning is consistent with the basic principles of the 2025 Land Use Plan.

On April 12, 2007 the City Planning Commission held a public hearing on this request. During the public hearing one property owner in the adjacent residential subdivision voiced concerns regarding increased drainage problems once the property is developed. The CPC, by a vote of 9 - 0, recommended approval of the request.

PUBLIC HEARING OPENED.

Nick Garrett, attorney representing the developer and the land owner, stated this is an extensive development that is at the intersection of 82nd and Lee Boulevard. He stated the issue that has been brought up is the access off of Lee Boulevard and he feels this may be resolved later. He stated there has to be some access to the commercial off of Lee or it defeats the purpose of the development for both the R-4 high density and the commercial development. This is an issue that at some point will be discussed with the planning division.

Shoemate questioned if there was a light on 82nd.

Mr. Garrett stated they are asking for a cut about 400 feet back from the intersection. That access point will be closest to the intersection. The others will be when you go out on Lee Boulevard.

Vincent stated at the time when the State took Lee Boulevard and made it temporary highway #7 and Quannah Parker Trailway, they took limits of no access on both sides of the road. They dedicated the land back to the City which still contains the limits of no access and we are required to develop a policy. He stated staff is working on a policy to address the limits of no access issue and allow accesses.

Patton stated if they approve this rezoning, is this something that they could sit down with the client and work something out as far as access, keeping in mind the importance of access to the development.

Mr. Garrett stated they are working with the City Attorney and staff to come up with the answer to how they will have access. With this size and cost of development there almost has to be access off of Lee Boulevard to serve the commercial and the high density apartments. There is no problem off of 82nd or the residential area. He stated the developer is willing to pay for any access, because the City had to pay ODOT for that property.

Mitchell questioned if this site plan was simply a draft or concept at this point.

Mr. Garret stated that is pretty much where the commercial will be because that is how the zoning request is.

Mitchell stated the site plan is showing an access point off of Lee Boulevard.

Vincent stated this is a big problem not only for this corner. There is the same issue from 38th Street to 82nd Street on Lee and 52nd to 82nd on Quanah Parker. Staff is trying to come up with a consistent policy.

Jackson stated when they first started the concept of Rogers Lane from I-44 to 82nd Street, they intentionally established it as a limited access highway and someone has violated that at the corner of 52nd Street with that gas station. Congestion at that corner is horrendous. They need to be cautious.

Mayor Purcell stated he is concerned when Mr. Garret said they needed egress and ingress 400 feet east of the traffic light on 82nd Street. That is the problem they have in the east side if they want a light there.

Mr. Garret stated they are just going to be able to turn one way with no light. The center median will stay the same. They will have to access this particular commercial and or residential as they are going west. It will not be jammed up at the corner.

Jackson questioned if there would be a lengthy right turn lane traveling west.

Mr. Garrett stated they would have to work out that detail.

PUBLIC HEARING CLOSED.

MOVED by Patton, SECOND by Haywood, to adopt **Resolution 07-62** and **Ordinance 07-34**, waive the reading of the ordinance, read the title only. AYE: Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-34

An ordinance changing the zoning classification from the existing classification of Temporary A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District) zoning classification on the tract of land which is hereinafter more particularly described in section one (1) hereof; changing the zoning classification from the existing classification of Temporary A-1 (General Agricultural District) to R-4 (High Density Apartment District) zoning classification on the tract of land which is hereinafter more particularly described in section two (2) hereof; changing the zoning classification from the existing classification of temporary A-1 (General Agricultural District) to C-3 (Planned Community Shopping Center District) zoning classification on the tract of land which is hereinafter more particularly described in section three (3) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

32. Consider setting the date of June 12, 2007 to hold a public hearing and consider an ordinance closing a portion of the alley adjacent to Lot 6, Block 15, Airport Addition, also known as 302 SW Lee Boulevard. Exhibits: Application; Location Map; Site Plan; Council Policy 5-1.

Rogalski stated that all they are doing today is setting the date for the public hearing.

Shanklin questioned if anyone has been to that intersection and been in that alley.

Rogalski stated that staff has been out to look at it.

Shanklin stated he would like someone to go out and measure from the telephone pole on the south to the gas line on the north. He stated it is about 23 feet. Someone else screwed it up, not the builder.

MOVED by Haywood, SECOND by Hanna, to set the date of June 12, 2007 to hold a public hearing and consider an ordinance closing a portion of the alley adjacent to Lot 6, Block 15, Airport Addition, also known as 302 SW Lee Boulevard. AYE: Drewry, Jackson, Shanklin, Haywood, Warren, Shoemate, Hanna. NAY: None. ABSENT: Patton. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

COL Uberti thanked the Lawton Police Department and the Wichita Falls Police Department for their assistance in an accident out on one of the lakes.

Shoemate thanked the Mayor, City Manager and his fellow City Councilmembers who picked up trash on a two mile stretch in east Lawton. He stated lately the skateboarders have been using the tennis courts on 38th Street and there has been some graffiti at those same tennis courts. He requested the police watch that area.

Drewry reminded everyone that on May 19th at 6 p.m. in Elmer Thomas Park is the Walk for Cystic Fibrosis.

Warren stated that he has a document that will be brought to the City Council in the future about the use of public property for something other than what it is intended.

Mitchell distributed a report on construction plats and their current status.

Due to the threat of severe weather, the City Council agreed to strike the remainder of the items and adjourn.

33. Consider receiving a report on the City's financial condition for the 3rd Quarter of Fiscal Year 2006-2007, and provide direction to staff. Exhibits: None

THIS ITEM WAS STRICKEN.

EXECUTIVE SESSION ITEMS

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

THIS ITEM WAS STRICKEN.

35. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending claim by Marion Newton, and if necessary, take appropriate action in open session. Exhibits: None

THIS ITEM WAS STRICKEN.

The meeting adjourned at 8:10 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK