



MOVED by Warren, SECOND by Shoemate, to approve the Consent Agenda with the exception of items #2, #4 and #9. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval and consider passage of the resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: George and Ellen Nichols in the amount of \$3,041.30. Exhibits: Legal Opinion/Recommendation and **Resolution No.07-111**.

2. Consider the following damage claims recommended for denial: Kimberly and Kenneth Isaac in the amount of \$125.00, Wayde and Autumn Woodall in the amount of \$81.08, and Margaret Purdy in the amount of \$3,500.00. Exhibits: Legal Opinions/Recommendations. Mayor Purcell stated they have been asked to strike the claim from Margaret Purdy. This claim will be brought back at a later date.

Warren stated he was contacted by Mr. Isaac, who was unable to attend this meeting. He stated he would pass along his concerns. Mr. Isaac believes that the City of Lawton had something to do with his gate being broken. He requested that the City Council approve this claim.

Vincent stated there were no witnesses and it is up to the claimant to prove that the city employees caused the damage.

MOVED by Warren, SECOND by Haywood, to approve the claim of Kimberly and Kenneth Isaac in the amount of \$125.00. AYE: Warren, Drewry, Shanklin, Patton, Haywood. NAY: Shoemate, Hanna, Jackson. MOTION CARRIED.

MOVED by Warren, SECOND by Drewry, to deny the claim of Wayde and Autumn Woodall in the amount of \$81.08. AYE: Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

3. Consider approving an Amendment to the Outside Water Sales Contract with Dayman and Linda Reinwand, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk s Office.

4. Consider extending the Professional Services Agreement with Capitol Decisions, Inc. to provide consultation and lobbying services to the City of Lawton before the Congress of the United States and its various agencies and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Consultant Agreement with Capitol Decisions. Shanklin stated this says that they approved this contract in August 2000 and August 2002. He questioned if this was a new contract.

Mitchell stated this is a continuation of a contract they have had with Mr. Reskovic for the past several years. He stated the company name changed in 2002. He stated Mr. Reskovic provides the City Council and staff with a monthly report and weekly emails on their activities in Washington, D.C. This is the same firm that is retained by the Lawton/Fort Sill Chamber of Commerce.

Shanklin questioned if the rest of the City Council is privy to this information.

Mayor Purcell stated a copy of this report goes to council members each week via email.

Shanklin stated he does not get email. That is the reason he does not see the reports.

MOVED by Shanklin, SECOND by Drewry, to approve the Professional Services Agreement with Capitol Decisions, Inc. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

5. Consider approving the expenditure of funds from the 9-1-1 cellular service account to change the CAD interface to Format 56. Exhibits: Quotation from PSSI our current CAD vendor.

6. Consider approving the expenditure of funds from the 9-1-1 cellular service account to provide a CAD interface for the Emergency Medical Dispatch Protocol. Exhibits: Quotation from PSSI our current CAD vendor.

7. Consider adopting a Resolution authorizing the installation of traffic control measures at the intersection of SW Brentwood Blvd. and SW Lee Blvd, and along eastbound NW Cache Rd. and Quanah Parker Trailway at NW 50<sup>th</sup> St. Exhibits: Traffic Commission Minutes, Traffic Issue Requests and **Resolution No. 07-112**.

8. Consider accepting the Lawton Public Library Annex Foundation Repair Project #2007 as constructed by RCJ Construction, Inc. and placing the Maintenance Bond into effect. Exhibits: None.

9. Consider approving the record plat for Dove Creek Addition, Part 1C, and accepting the improvements, escrow in lieu of completed improvements, maintenance bonds, easements outside the platted area, and money in lieu of park land dedication. Exhibits: Plat Map. Escrow agreement and easements are on file in the City Clerk's Office.

Shanklin questioned if impact fees were collected on this project.

Mitchell stated the impact fees would be due at the time they issue a permit for a house. This is simply to approve the subdivision.

Shanklin stated at one time they talked about the impact fees being for the areas that are impacted through flooding and water pressure shortage, but they did not do that.

Mitchell stated they limited the impact fees to water and sewer line extensions to serve new drainage areas. It was not intended for drainage or improving existing system.

Jackson stated there was an item brought before the City Council two weeks ago regarding the impact fee study and it was pulled for further consideration. They did have one committee meeting since that time to go over all what areas would be impacted the most. This issue is still under consideration and review and should come back to the City Council soon. He stated all of the impact fees are being looked at to spend in the impacted areas. They are not looking at any older areas.

MOVED by Shanklin, SECOND by Haywood, to approve the record plat for Dove Creek Addition, Part 1C, and accepting the improvements, escrow in lieu of completed improvements, maintenance bonds, easements outside the platted area, and money in lieu of park land dedication. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

10. Consider adopting a resolution to execute the Project Agreement for Federal-Aid Project Number STP-116E(151)EH, State Job Piece Number 24571(04) between the City of Lawton and the Oklahoma Department of Transportation for a streetscape enhancement project for 2<sup>nd</sup> Street Pedestrian Corridor Project, Phase III (2<sup>nd</sup> Street and Gore Boulevard intersection) and authorize the Mayor and City Clerk to execute the Project Agreement. Exhibits: **Resolution No. 07-113**, Letter from ODOT, Transportation Enhancement Project Agreement and Estimated Project Budget.

11. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 1,010 linear feet of twelve (12) inch PVC water line, 1,644 linear feet of ten (10) inch PVC water line, 2,522 linear feet of eight (8) inch PVC water line; and acknowledging receipt of a Tier I permit to construct one (1) 117 gpm lift station, 1,496 linear feet of four (4) inch force main, 6,012 linear feet of eight (8) inch gravity sewer line, and all appurtenances to serve the St. James Place Part 1, located on NW Cache Road mile west of 82<sup>nd</sup> Street, NW/4 of the NW/4 of Section 30, T-2-N, R-12-W, I.M., Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City Clerk's office.

12. Consider accepting and approving the Workforce Investment Act (WIA) -Youth Program Activities Contract from the South Central Oklahoma Workforce Investment Board (SCOWIB) for the FY 2007-2008 and authorize the Mayor and City Clerk to execute the same. Exhibits: Contract for Youth Services! Education, Employment & Empowerment Budget (YS!E<sup>3</sup>) and YS!E<sup>3</sup> Case Manager Duty Narrative.

13. Consider approval of payroll for the periods of August 13 - 26, 2007.

#### BUSINESS ITEMS:

14. Hold public hearings and adopt resolutions declaring the structure(s) at: 1814 S.W. Jefferson Avenue, 1704 S.W. 14<sup>th</sup> Place, and 1910 N.W. Irwin Avenue to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Resolutions. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

1814 S.W. Jefferson Avenue: Tony Griffith, Neighborhood Services Supervisor, presented photographs of the property. The property has been without utilities since September 2003.

#### PUBLIC HEARING OPENED.

Herbert Derricot, 6212 NW Cheyenne Drive, stated he has been paying taxes and maintaining this property for two years. He owns the tax certificate on the property. Last Friday he sent notification to the owner telling him that he is applying for the tax deed on the property. He plans on repairing the property and the roof. He stated the owner

has sixty days to redeem the tax certificate. He questioned the status on this property and why the City of Lawton would wait two years to declare it dilapidated. He requested that the City Council give him until November or December to acquire the property and obtain the deed.

Shanklin questioned how this property got on the list.

Haywood stated it has been vacant.

Mayor Purcell questioned when Mr. Derricott purchased the tax lien.

Mr. Derricott stated two years. He could file for the deed at the beginning of this month. The owner has sixty days to redeem the tax certificate.

Warren stated he would not have a problem tabling this property for sixty days and if Mr. Derricott does not pull a remodel permit they can move on.

Haywood stated if they adopt a resolution on this structure, they are not going to tear this down in the next two or three months and Mr. Derricott will still have time to come in and get a permit.

Vincent stated if a resolution is passed tonight, Mr. Derricott will have to pull the permit within thirty days and he will not have title to the property until this other action takes place. He suggested they pass the resolution but change the thirty day requirement to sixty days.

Warren stated if they pass this resolution, the clock will start in sixty days. There will be no other discussion.

Mr. Derricott stated he signed the notification on August 28<sup>th</sup> and the owner has until October 28<sup>th</sup> to reply to the notification.

Vincent suggested they amend it for ninety days.

Mr. Derricott stated ninety days would work fine.

PUBLIC HEARING CLOSED.

Haywood suggested they give Mr. Derricott 120 days.

MOVED by Haywood, SECOND by Warren, to approve **Resolution 07-114** declaring the structure at 1814 S.W. Jefferson Avenue to be a dilapidated public nuisance, amending the resolution to provide for 120 days to obtain a permit. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

1704 SW 14<sup>th</sup> Place: Griffith presented photographs of the property. The property has been without utilities since October 1995.

Shanklin stated they need to drive by 1914 B. Avenue. That property should go down before they even think about this.

Griffith stated there is also an accessory structure involved.

PUBLIC HEARING OPENED.

Holland Galbraith, 203 SW 78<sup>th</sup> Street, stated he just bought this property about four months ago. He believes this property has potential and he has kept the property mowed since he acquired the property. He received a letter from the City of Lawton on August 8<sup>th</sup> which said he had ten days to contact the City. On August 15<sup>th</sup> he received a notice that the City was going to consider condemning the property. He feels he was not given a proper amount of time to do anything with the property. He has intended to get a permit from the City, but he was told that he needed a contractor's license. He did not have the money for the fees at that time, but he will obtain a license. He requested that he be given time to get some things done with the property.

Mayor Purcell stated the City Council runs into this problem every meeting. They have a problem with a dilapidated structure and as they work through the process to get rid of it, the owner sells the property to unsuspecting new owners. He questioned if they can notify someone.

Haywood questioned who Mr. Galbraith bought the property from.

Mr. Galbraith stated he purchased the property from a church in Oklahoma City.

Haywood stated he thought they had already condemned this house.

Mayor Purcell stated they need to find some way so unsuspecting people do not get caught in a situation like this.

Warren questioned if Mr. Galbraith actually does have title to the house.

Mr. Galbraith stated yes.

Warren stated if the City Council passes this resolution, he will have thirty days to obtain a permit.

Mr. Galbraith stated that is what he had planned.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Drewry, to approve **Resolution 07-115** declaring the structure at 1704 SW 14<sup>th</sup> Place to be a dilapidated public nuisance. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

1910 NW Irwin Avenue: Griffith presented photographs of the property. The property has been without utilities since 2003, however they had utilities reconnected a few days ago.

Jackson stated he sent pictures to Mr. Griffith via email back when they were working on the Habitat for Humanity home. He stated this is really a mess.

Hanna stated he believes Habitat for Humanity wants this place.

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

MOVED by Hanna, SECOND by Warren, to approve **Resolution 07-116** declaring the structure at 1910 N.W. Irwin Avenue to be a dilapidated public nuisance. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson. NAY: None. MOTION CARRIED.

Mayor Purcell stated they need to go back and fix an item. They will need a motion to reconsider the consent agenda.

MOVED by Jackson, SECOND by Hanna, to reconsider the consent agenda. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

10. Consider adopting a resolution to execute the Project Agreement for Federal-Aid Project Number STP-116E(151)EH, State Job Piece Number 24571(04) between the City of Lawton and the Oklahoma Department of Transportation for a streetscape enhancement project for 2<sup>nd</sup> Street Pedestrian Corridor Project, Phase III (2<sup>nd</sup> Street and Gore Boulevard intersection) and authorize the Mayor and City Clerk to execute the Project Agreement. Exhibits: Resolution No. 07-\_\_\_, Letter from ODOT, Transportation Enhancement Project Agreement and Estimated Project Budget.

Vincent stated this item has to do with the 2<sup>nd</sup> Street Streetscape. There may be a conflict of interest for Mr. Jackson and Mr. Warren to have voted on this item. The City Council will need to re-vote on this separately rather than on the consent agenda.

Haywood questioned if Councilmember Shanklin owned any property on 2<sup>nd</sup> Street.

Shanklin stated he does not own any property on 2<sup>nd</sup> Street.

MOVED by Shoemate, SECOND by Drewry, to approve **Resolution 07-113**. AYE: Haywood, Shoemate, Hanna, Drewry, Shanklin, Patton. NAY: None. ABSTAIN: Warren, Jackson. MOTION CARRIED.

MOVED by Warren, SECOND by Haywood, to approve the remainder of the consent agenda. AYE: Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

Mayor Purcell stated that from now on, anything having to do with 2<sup>nd</sup> Street will not be placed on the consent agenda.

15. Hold a public hearing and consider an ordinance changing the zoning from R-3 (Multiple-Family Dwelling District) to I-1 (Restricted Manufacturing and Warehouse District) zoning classification located at 1504-1528 and 1509 - 1515 SW 24th Street and 1502-1516 and 1507-1521 SW 24th Place. Exhibits: Ordinance No. 07-\_\_\_,

Location Map, Site Plan, Application and CPC Minutes.

Richard Rogalski, Planning Director, stated this request is for approximately 7.4 acres which includes Lots 2 - 14, Block 1; Lots 5 - 15, Block 2; and Lots 4 - 11, Block 3 of the Replat of Blocks 14, 15, and 16, Tropes Five Acre Blocks. He stated this is SW of Sheridan and Lee Boulevard. The proposed uses are an office, a warehouse, and a parking area for City Moving and Storage, which is currently located to the northeast of these lots.

The zoning of the surrounding area is R-1 (Single-Family Dwelling District) and I-1 to the north, R-3 and I-1 to the south, I-1 and I-3 (Light Industrial District) to the east, and R-3 and R-1 to the west. The land uses of the surrounding area are single-family residential and moving and storage to the north, vacant to the south and west, and batch plant to the east. The current land use of these lots is vacant. In the past these lots were part of a mobile home park. The 2025 Land Use Plan designates these lots as Industrial. The Land Use Plan identifies this area as an Area of Transition and recommends conversion from residential to industrial is based upon large tract redevelopment.

If the rezoning is approved, the applicant proposes to close and vacate the portions of SW 24<sup>th</sup> Street and SW 24<sup>th</sup> Place abutting the requested area, to construct cul-de-sacs for the remaining portions of the streets, and replat the requested area. If the portions of SW 24<sup>th</sup> Street and SW 24<sup>th</sup> Place within the requested area are not closed and vacated, the streets would have to be constructed to industrial street standards prior to the issuance of a building permit.

The City Planning Commission held public hearings on this request on June 14 and July 26, 2007. During the public hearings five persons spoke in favor of the request and three persons voiced concerns regarding traffic and drainage in this area. The CPC, by a vote of 9 0, recommended approval of the request.

Notice of public hearing was mailed on August 7, 2007 to 39 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on August 12, 2007.

Jackson stated when they rezone property to industrial it seems there is a problem with them losing control over the condition of the property with regards to junk and debris. He questioned what control Neighborhood Services maintains over the property once it is zoned industrial.

Rogalski stated I-1 is light industrial and it does have screening requirements. The applicant does plan on providing screening around the entire parcel.

Jackson questioned if it would be a six foot wood-type fence.

Rogalski stated yes, it will be an opaque fence where it is adjacent to the R-1 zoning.

Jackson stated in so many industrial areas we don't have any control over junk and debris that is stacked up on some of this property. It is degrading some of the areas in town.

Shanklin stated he does not think there are any \$200,000 - \$300,000 mansions around that area.

Rogalski stated the existing condition of the area is pretty bad.

Haywood questioned what they were going to do about the drainage.

Rogalski stated the drainage flows to the south and they are proposing a detention pond. They just can't do anything about the drainage to the north. Whatever improvements they make will not help the drainage to the north. It is a regional issue and this development will not make it worse or better.

Haywood stated for the people living on Washington and Jefferson, they need to get some drainage in that area because it is too small for the water to go through there.

**PUBLIC HEARING OPENED.**

Jim Lawson, 1503 SW 24<sup>th</sup> Place, Lot #2, stated the drainage all goes to the north and if they put in a cul-de-sac they cannot get around. The water gets knee deep. He stated they do not mind them buying the property just as long as they do not have the structure in front of their house. They just need to figure out a way to keep the water from draining down.

Haywood stated they had planned to spend almost a million dollars on 24<sup>th</sup> Street at one time from sales tax for reconstruction of the road and drainage.

Jackson suggested they delay this item for 30 days so they can look at the drainage issue.

Shanklin stated these people flood two or three times a year.

Mr. Lawson stated this year it has been about six or seven times. He stated water was coming out of the sewer manhole. He suggested if he could just leave a gate where they could just drive up on to Sheridan Road.

Mayor Purcell stated this issue is just to vote on the rezoning. They cannot block off the street without bringing it back to City Council as part of the construction phase. They can still rezone this property.

John Espy, applicant, stated the drainage is a bad problem and it does bottle neck at the culvert. The water actually flows from the south to the north. He stated they are proposing to put in a retention pond and make it big enough to hold most of the water and at least slow it down. He stated the problem is inherent to the whole area.

Warren questioned if Mr. Espy could work something out so that the neighbors could have access to that road.

Mr. Espy stated they are trying to meet the city requirements as far as butting up against a rural district with an industrial district while also trying to meet the needs of the people who are already there. They are willing to work with everyone to get this project done.

PUBLIC HEARING CLOSED.

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

(Title read by City Attorney) Ordinance 07-52

An ordinance changing the zoning classification from the existing classification of R-3 (Multiple-Family Dwelling District) to I-1 (Restricted Manufacturing and Warehouse District) zoning classification on the tract of land that is more particularly described in section one (1) of the ordinance; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

16. Hold a public hearing and consider an ordinance amending Sections 18-8-1-804 and 18-8-1-805, Lawton City Code, clarifying the size requirement for handicapped parking spaces, amending the number of parking spaces required for health clubs, and establishing the number of parking spaces required for indoor multi-use recreation centers. Exhibits: Ordinance No. 07-\_\_.

Rogalski stated this came about with a proposed change for the parking requirement for health clubs. He stated staff also needed to take care of some of the inconsistencies and formally adopt the parking requirement for the recreational center that CPC had set on June 14, 2007. The current parking requirement for a health club was 1 space per 100 square feet of gross floor area. This ended up being 1 to 2 times greater than Oklahoma City or Tulsa. Staff felt that was a bit excessive. They changed this to be exactly the same as parking requirements for retail which is 1 space per 150 square feet of net floor area.

On June 14, 2007 the City Planning Commission set the parking standard for indoor multi-use recreation centers. The proposed ordinance will add that requirement in the City Code.

The CPC held a public hearing on this ordinance on August 16, 2007, and recommended approval.

Notice of public hearing was published in *The Lawton Constitution* on August 1, 2007.

Shanklin questioned if staff copied the code from another city.

Rogalski stated it is very similar to Wichita Falls and Dallas. He stated not a lot of places have a specific code provision for multi-use recreation centers. He does not just take someone else's code, he generally will try to see if it feels rights.

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

MOVED by Drewry, SECOND by Warren, to adopt **Ordinance 07-53**, waive the reading of the ordinance, read the title. AYE: Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 07-53

An ordinance pertaining to planning and zoning amending Sections 18-8-1-804 and 18-8-1-805, Division 1, Article 8, Chapter 18, Lawton City Code, 2005, by clarifying the size requirement for handicapped parking spaces, amending the number of parking spaces required for health clubs, and establishing the number of parking spaces required for indoor multi-use recreation centers, and providing for severability.

17. Hold a public hearing and consider an ordinance amending Section 18-9-1-902, Lawton City Code, defining digital billboard and Section 18-9-1-907, Lawton City Code, adding digital billboard as an off-premise sign. Exhibits: Ordinance No. 07-\_\_\_.

Rogalski stated a request was recently made to install a digital billboard. The Lawton City Code currently does not address digital billboards. He stated there is one in town on the northeast corner of Cache and Sheridan. The proposed ordinance establishes that digital billboards are categorized as an off-premise billboard and must follow the requirements for billboards as well as sets standards for changing of images. Staff had recommended that images change a minimum of 10 seconds with 1 second transition between images. He stated the real issues are the length of time you project a single image and the transition. During the City Planning Commission public hearing held on August 16, 2007, Kent Jester with Arrow Sign Company, advised the Commission that the State allows a minimum of 8 seconds for images with 4 seconds for transition. The Commission, by a vote of 7 0, recommended the ordinance provide that images can change a minimum of 8 seconds with 1 second transition.

Jackson stated when he came on the Council, they were reviewing the sign ordinance. He thought they placed a moratorium on any new billboards in the community. He questioned if that moratorium was still in effect.

Rogalski stated he does not believe there currently is a moratorium on billboards because the sign code has been adopted.

Vincent stated the moratorium was in place while the sign code was being developed. Once it was adopted it went away.

Shoemate questioned if the individual business signs fall under the same code as the billboards.

Rogalski stated no. An on-premises sign is defined under a separate definition and is called an electronic sign. It is a much more liberal definition but it is a smaller sign.

Mayor Purcell questioned why it is important that they state in the ordinance that it has to remain constant for 8 seconds. Why do they care?

Rogalski stated the owner of the sign wants the sign to change as much as possible so he can sell ad space to different individuals. Staff is concerned about distraction.

Vincent stated the standard for the state, if the billboard was on an interstate, is 8 seconds.

PUBLIC HEARING OPENED.

Kent Jester, Arrow Sign Company, commended staff for their response to this request. He stated they did not realize until after the billboard was up that the digital billboard was not allowed for in the city code. He stated he does not totally agree with the distraction issue, the Small Business Administration states that they don't have any conclusive proof that electronic message centers create a distraction. However, he does believe this is a reasonable ordinance and he supports its passage.

PUBLIC HEARING CLOSED.

MOVED by Patton, SECOND by Warren, to adopt **Ordinance 07-54**, waive the reading of the ordinance, read the title. AYE: Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 07-54

An ordinance pertaining to planning and zoning amending Sections 18-9-1-902 and 18-9-1-907, Division 1, Article 9, Chapter 18, Lawton City Code, 2005, by defining digital billboard and adding digital billboard as an off-premise sign and providing for renumbering and severability.

18. Discuss proposed residential/collector street reconstruction and overlay projects identified for the October 9, 2007 sales tax election and take appropriate action if necessary. Exhibits: None.

Mayor Purcell stated he brought this back based on the last Council meeting. He stated some members of the City Council want a list of streets to take when they go out and talk with the public. He has also heard from some members that they do not want to be tied down to a list. He requested each Council members tell staff what they would like to do in their particular ward. He stated there is a group being put together now to go out and help educate the public on the tax issue. At some point in time, should the tax pass, the City Council will have to give their proposed streets to staff for planning purposes.

Shanklin stated he did vote with the group to go for the sales tax. He didn't say he was going to support it, he was just showing a little unity. He stated he just found out from the newspaper as to why they were going out for 7 years. He questioned how these dedicated funds were going to help five years down the line to borrow some money. He stated the 7 years is a killer. He has talked to too many people. The paper said that at some point in time we will need to have some funds to have on hand for matching for state funds.

Mayor Purcell stated that is exactly why the City Council approved the \$3.5 million to be set aside.

Jackson stated the reason for the 7 years is they wanted to raise a certain amount of money for certain projects, but in five years the major CIP program comes up for renewal. He suggested they either make this sales tax program expire prior to the five years or after the five years so they both will not come up for re-election at the same time. He was looking for about a 2 or 3 year sales tax program, but everyone convinced him that would not raise enough money to do any projects.

Warren stated that five years just does not get you enough money to do anything.

Shanklin stated that seven years got them in trouble on the Cache Creek. Staff had to come up with some money to fund it and he was able to do it because he doesn't have to tell them where he gets it. He stated they had a flood and didn't have the money to treat that.

Mitchell asked if he was talking about emergency repairs.

Warren questioned how having a different length on the CIP would have changed that.

Shanklin stated when they have a catastrophe like that, it is not in the middle of a seven year program.

Mitchell stated they had some money allocated in the 2005 CIP program for water line replacement. That is the money they used for Cache Creek. He did not come up with it, it was money they had planned to use to redo some water lines.

Shanklin stated they have gotten by with three and five years without any problems and now they are going to seven and they will have some problems.

Mitchell stated the problem is that they just can't raise enough revenue to do the projects they need to do because the cost goes up 25% - 30% a year. You just never catch up.

Warren stated they should have gone out for a one cent tax, but they can't do that so they settle on 3/8<sup>th</sup>.

Mayor Purcell stated they are beyond this, and they just can't change at this point. Mr. Shanklin has made it clear that he is against this tax and everyone in this city knows it. They can sit here and argue but they can't change the 7 years now. They all have to do what they need to do. He stated the issue tonight is what projects the City Council wants for their \$812,250 in each ward.

Shanklin stated he is going to leave it up to Mr. Ihler. He has the expertise. If you don't know anything about it, why vote.

Warren stated he has sent Mr. Ihler his project list. He just made one addition to the original list put together by staff.

Mayor Purcell stated that after the meeting tonight, he would like Mr. Ihler to give the City Council a list of the streets the Council has chosen, by wards. They need to get some idea of the projects when they go out to talk about the streets.

Haywood stated he is not through with his list. He is going to talk to his neighborhood groups including Patterson, Ranch Oaks, Lawton View and Brentwood.

Patton stated he has about \$2.5 million worth of work that needs to be done. He stated in the overlay section, staff has identified 15 streets totaling \$484,000. These streets represent a cross section of his ward, so he would request they overlay everything they can. He stated there would be enough money left over to do one major project. He definitely wants to do all of the overlays.

Shanklin stated he has a big hump at 17<sup>th</sup> & D Avenue that is heavily traveled and he would suggest we get that done before the election. He would like to leave his list up to Mr. Ihler and the next Ward Five councilmember as to what is the most important. He stated they are going to have to go outside to get some of this done and it will be \$30,000. He stated Mr. Ihler has that expertise.

Jackson stated he will stay with the list the Mr. Ihler has proposed and stick with the exact list on the overlay and stretch the construction dollars as far as they can go.

Drewry stated she has a list that adds up to \$4.2 million and she is only going to be able to do one street which needs to be totally reconstructed, which is 35<sup>th</sup> Street from Arlington to Ferris. She hopes they have identified some areas where they can do partial repairs. She feels they have a good plan and she hopes the residents of Lawton know how important this is so they can move ahead and start working on these streets.

Hanna stated he has talked with his constituents and has given a list to Mr. Ihler.

Shoemate stated he feels staff has done a great job selecting street projects. He would also like to meet with some of his neighborhood watch groups to get some input and prioritize the list that has already been established so that the worst street gets fixed first.

Mayor Purcell questioned if Mr. Ihler had enough information to make a consolidated list that equals the \$812,250 per ward and get that list back to the City Council in the next week or so.

Ihler stated for those who have given him the information, he could have a list for them by the end of the week with costs for that ward and what streets will get close to that \$812,000. For those who are waiting to talk with constituents and hold neighborhood meetings, he cannot gather that list until the councilmember gets back with him.

Shanklin questioned if the staff was planning on doing these projects.

Ihler stated those that are reconstruction will be bid. Those that are on the overlay list, the city will do with city crews.

Shanklin stated that would take about five or six years.

Ihler stated yes. He stated depending on the number of reconstruction streets they have, it would be best to bid those all at once.

Shanklin questioned if the list was in concrete.

Mitchell stated it can be changed.

19. Discuss, provide direction to staff or take appropriate action on Non-union Pay Plan related to pay categories, pay grades and steps, and pay ranges. Exhibits: Administrative, Supervisory, and Management and Executive category model; non-union pay plan pay structure(s).

Greg Buckley, Assistant City Manager, stated the purpose of this item is to give the City Council an update and a status report with regards to where staff is in this process and to receive direction from the City Council. The last update incorporated a matrix and an outline of where they were with the four category pay system. In November of last year the Public Employees Relations Board certified unionization for the general employees. Since that time they gained the right to negotiate their wages and their pay plan which was incorporated in the previous discussions. He stated staff had to step back and pull out the non union positions. In doing so, they looked at going from the four category system to a two category system. They took the previous categories of Labor/Trades/Clerical, Professional/Administrative, Management/Supervisory and created a single category titled Administrative/Supervisory/Management. He stated each grade would have similar characteristics with skills, abilities, knowledge and expertise. He stated they then incorporated the market analysis to ensure they stay market competitive. This is an update with regards to the structure and how it has been modified to identify the non union positions and the non union pay plan so that staff can move forward with updating the pay structure. Chapter 17 provides that the City Council periodically review and keep the pay plan maintained and updated to ensure compliance with both the market study and internal equity. He pointed out that this is not a fixed document. Once they have established a structure for the pay plan it will have to be reviewed and updated on an on going basis every two or three years. The next step will be to establish the actual cost and an implementation strategy, whether through a phased in process, through the next budget cycle or the current budget cycle if the numbers are insignificant. He stated there may be some changes if they need to make some adjustments or positions have been overlooked.

Jackson stated this is very preliminary and it scares him to death. He questioned what constitutes the minimum and maximum salaries. He would not want to see any increase in salary or step increase unless it came before the City Council. There is a big difference between the minimum and maximum salaries listed.

Buckley stated the minimum and maximum salary was driven by the market study analysis with taking positions they were able to get salary survey information within that grouping and that was the average of those salaries.

Jackson questioned if the minimum proposed range differs from the current budget.

Buckley stated yes, some of them are different.

Jackson stated he hopes they are looking at the proposed salaries and he hopes to taxpayers get a chance to look at this because it will scare them to death.

Shanklin stated they need to show him someone else who gets 5% a year increase. He questioned if Fort Sill gets that.

Buckley stated the average industry, along with police and fire have a 5% step pay plan.

Jackson stated staff needs to be prepared to come and say that taxpayers will be absorbing \$5 more on their water bills. That is where it will have to come from.

Mitchell stated that all they are talking about is the structure.

Jackson stated once the structure is in place, they are indebted to the structure. He does not want to get indebted to this.

Mitchell stated that all they are saying is that once they have their structure where they set the parameters, then you place the individual employees within that.

Jackson stated he has sat here and heard you voted on this. He is not voting on this.

Mitchell stated staff is not asking the City Council to vote on this yet.

Jackson stated this is a trap.

Mitchell stated it is not a trap. They are required by code to review the plan every two years. If you put the existing plan on the table right now and looked at step A versus step M, you would see that same type of range.

Jackson stated he hoped the newspaper had a copy of this so the taxpayers can get a copy.

Mitchell stated all they are looking at is structure. He suggested they wait until they look at the cost impact. What he is requesting they look at tonight is how the positions are placed in a pay plan that has like skills and background in experiences for those positions.

Jackson clarified that all they need to be looking at as a representative of the taxpayer dollar is what is in the grouping and not the proposed minimum and maximum salary.

Mitchell stated that is correct. When they place each one of these position into that actual grade, then they will see where those positions are placed and what the cost impact may or may not be. There may be positions that are currently overpaid and they may actually be looking at reductions. Not necessarily will everyone in this pay plan receive a raise. They are suggesting that the current pay plan has some built in flaws that they are trying to correct. He stated they have wage compression between the department directors and some of the deputy and assistant directors. There are positions that have not been placed properly in the current pay plan. Over the past years they have done some reclassifications to move people around in the pay plan without any regard to how the positions relate to one another. The current pay plan does not give them the flexibility that they need to have to move forward. The other issue they have is that the current pay plan recognizes someone who has 20 years of experience working for the City of Lawton, but if they go out and try to hire an engineer who has 20 years experience in another firm, either public or private, the current pay plan does not recognize that experience. In order to hire that person, they are supposed to hire in at step A, B, or C. If they don't hire in those steps, they have to either come to the City Council during budget time or in some cases he can place that person above step C as an entry level position. Those are some of the issues they are trying to address here. He is requesting for the time being, that the City Council not focus on the numbers, but how the pay plan is structured and how the positions relate to one another.

Shanklin stated he carries with him what everyone makes and it does not coincide with these numbers. He stated if they are going to give employees 5% a year for 10 years, 60,000 people are going to move out of here because they won't be able to afford it.

Buckley stated under the old structure, there are no discernable characteristics with regards to what is a GE02 versus GE03 versus a GE07 other than pay ranges. In this plan there are quantifiable elements with what you need as far as skill set, experience, capabilities and knowledge.

Jackson stated this is a possible mess and he would rather allow the City Manager the flexibility to hire rather than cluster a group of people where you are locked into on a schedule.

Buckley stated they currently have that now.

Jackson stated he does not want to be forced into this grouping and locked into this pay structure that staff is proposing. He wants the City Manager to make that decision, he does not want a grouping of all of these people just because staff feels they need to be elevated in stature.

Buckley stated it is not an establishment of elevation in stature, it is an establishment of a structure with regards to quantitative with regards to the placement of positions.

Vincent stated they are talking about 120-140 people. He stated this does not affect anyone in the police, fire or AFSCME union.

Jackson stated he feels that they are stepping into a structured plan and they will not have any flexibility.

Shanklin questioned if someone was close to the maximum, do they still get their ten years at 5%?

Buckley stated the employee would be placed in the closest step.

Warren stated that someone who has been here a long time may already be stepped out.

Mitchell stated they may end up at the end of the pay range. He stated it is basically the same as what they have now, it is just putting categories to what people do.

Shanklin stated he sees ten years at 5% a year and he doesn't see that anywhere else in the world.

Warren stated they have always had steps. This is not new.

Shanklin stated they have had steps every year and cost of living increases on top of that. He stated they should be tied to population and sales tax generated, and find out where we fall in all of the cities in Oklahoma.

Warren stated that had to do with the actual pay, not the forming of the groups.

Mayor Purcell stated that staff never should have put numbers in there. The problem is that if he didn't put number in, someone would complain that there are no numbers. All they are asking for tonight is the City Council to approve the concept and approve the positions in the categories or come up with where they think they should be placed. The dollar issue is down the pike somewhere.

Buckley stated the function of the 5% is a proposal with regards to being able to put a matrix together. He stated it is still a prerogative of the City Council to adjust the 5%. They could make it 4%, 3%, etc.

Shanklin questioned how that 5% over ten years actually comes out.

Mitchell stated in order to figure that everyone would have to start out in step A and this is not what will happen. He stated they are trying to categorize positions that have similar skills, education and experience requirements and group them together and look at the market to tell us that we are paying them fairly based upon that skill set and the results of surveying other communities. He stated it is a little different when you get to the executive part.

He stated they really need to have more flexibility at this level. Department directors have had a lot of input in this plan and they feel that this pay plan answers many issues. He stated if the City Council is okay with what they have done so far, the next step is to take those 120 or 140 people and plug them into this plan, figure out if they are in the appropriate spot and figure out what the cost will be

Mayor Purcell stated that nowhere in this plan does it say that it is 5% a year for ten years. There are ten steps. They could get a 5% every two years. They are not locked into giving a 5% every year.

Buckley stated these are just steps. They will have to provide some type of mechanism for qualifying for when employees receive that step, whether it be an annual performance evaluation or two year evaluations. Those elements still have to be decided. If the City Council would like to make those 3% steps that would stretch out the number of steps required to go through the entire pay structure.

Shanklin questioned if this is a step, as they see it right now today, a year?

Buckley stated no necessarily.

Shanklin stated the majority receive a step every year.

Buckley stated that is the current practice based on a satisfactory evaluation. Steps could be postponed or not given at all for the entire year.

Mayor Purcell questioned if there were any Councilmembers who want to meet with staff and give input if and when they proceed to the next step on this plan.

No one responded.

Mitchell stated even when they did the market study and looked at twelve other cities, not every single position fit. You cannot put a formula together and make everyone fit into it. There may be individual positions that just don't fit into the formula. There are also fire and police unions that have negotiated labor contracts that have 5% steps in their pay plans. There are deputy fire chiefs and deputy police chiefs that are very close to making the same salary as department directors. Who would want to be the next fire chief if the only difference in the salaries is only a few thousand dollars. There are currently three department directors that are the end of the pay plan. If they don't go with this plan, they need to do something to the existing pay plan to address these issues.

Shoemate questioned the executive pay structure having increases between zero and seven percent.

Mitchell stated the salary adjustment on the executive level would be based on an evaluation which could be zero or seven percent. This gives the City Manager a lot more flexibility in providing salary adjustments to department directors. It also provides a lot more flexibility when they are trying to recruit certain positions. There is a more fluid structure than the current plan. They are just trying to provide a revised pay plan that gives them more flexibility in trying to address some of these issues.

Drewry stated she has worked with a similar type program in the hotel industry and she knows that staff has spent many hours working on this and she feels they have done a great job in putting the groupings together. Nothing is perfect in this type of situation.

Haywood stated they may have to hire department directors or supervisors at a higher rate to get someone that is qualified for the job.

Vincent stated they just hired an attorney and under the current pay plan, they only received two applications.

Patton stated that says something. When they put something out there and you receive hundreds of applicants, they you feel you are in a pretty good place. To only receive two applications, that really tells us something.

Mayor Purcell questioned what guidance the City Council wants to give to staff. He questioned if they were satisfied with the categories and placement of position in those categories.

Drewry stated she believes staff has done a great job.

Shoemate stated he agreed with Councilmember Drewry.

Warren stated the City Council will hear about any issues that may come up once they direct them to move forward.

Mitchell stated this proposed plan will probably come back to the City Council around the end of the year.

Jackson stated they need to be careful that when they approve something of this nature, the very people who approve this need to step up to the plate when it comes time to adjust the utility bills. This structure will cause the budget to increase. This is where they are leading with this issue.

Haywood stated he understood, but that is why they have sales tax and bond issues. They cannot price themselves out of the water bill. People are not going to vote for certain things. But if they are going to hire good people, they need to do a better job of selling water or doing other things as well.

Jackson stated he sees down the road what is going to happen.

Mitchell stated they are not asking the City Council to approve this tonight, but even if they did, if they didn't have the money in the budget next year to pay for the pay plan, this Council can freeze the plan. They don't have to give employees a cost of living increase. This does not force them to do something. It is not automatic in the sense that they automatically get a pay adjustment. He stated the same holds true for the police and fire contracts.

Buckley stated if the City Council would like to provide some direction regarding adjusting the percentage that would be an easy chart to provide. He stated they can make it have more steps with a lesser percentage between steps.

Jackson questioned the possibility of the City Council approving an annual step increase in the budget, whether it be 0% or 5%.

Mitchell stated they currently do this. When the City Council says that there is enough money to provide for salaries, that is what they are doing.

Jackson stated that is why he feels that they are locking themselves into a 5% pay increase.

Shanklin stated don't they want to get the union squared away before they bring this out.

Buckley stated the City Council is currently doing this when they budget for salary dollars at 2% recognition.

Jackson stated no one has ever come to this council and said that they were running tight on the budget and they can back off that 5% step increase.

Mitchell stated he did that the first year he was here.

Mayor Purcell stated that the City Council will decide if the step increases will be 2%, 2%, 3%, 4% or 5%. They also need to look at the ten years. The average length of time that people work for the City of Lawton is generally in the neighborhood of 25 years. If they are only going to have ten steps, then those ten steps need to be spread over 25 or 30 years which means you either have 2% a year for 25 years or 5% every third year. Tonight they are only looking for guidance on the categories.

Patton stated he would make that motion to approve the categories.

Buckley stated all they need is the direction to move forward. He stated if the Council prefers, they could provide some additional options on the step matrix with 2%, 3%, 4% and 5%. He stated the executive level is a performance based evaluation and is not a guaranteed recognized step.

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

Hanna questioned if public works was finished painting crosswalks.

Ihler stated they have not completed all of them.

Hanna stated the intersection of Ferris and Fort Sill Boulevard needs to be done.

Drewry stated that the school signs have been taken down on 38<sup>th</sup> Street, so if someone is driving 40 mph they are not going to get a ticket.

Ihler stated that is correct. They took the school zone away when the crosswalk was placed from the school to the church for the daycare. They now have a push button signal to cross.

Jackson questioned if more speed limit signs could be placed on Flower Mound Road.

Ihler stated they need to wait until ODOT accepts the project before we go in and place signs.

Shanklin stated the sewer rehab crews did a great job on I Avenue. He questioned what happened with the TIF people who were waiting to pick a developer.

Mitchell stated there was a preliminary sketch submitted several months ago and the developer submitted a program that was twice the size of what was in the RFP. The developer is coming back to the Lawton Economic Development Authority on September 20<sup>th</sup> with a revised, scaled down project plan.

Shanklin questioned when they will be buying these people out.

Mitchell stated the Lawton Urban Renewal Authority has approved about eighteen appraisals and there will be another ten or twelve next week. They will start making offers to owners sometime next week.

Haywood questioned if they let the owners of the property know the amount of the appraisal.

Mitchell stated once LURA approves the appraisal, then Pinnacle will present an offer to the owner. He stated the appraisal is done for LURA. He stated it will be fair market price and if someone is living on the property they will also be eligible for relocation benefits.

Haywood thanked the Public Works and Parks and Recreation Departments for all of the work they do.

Warren stated he had a gentleman ask him about the trucks traveling on Flowermound Road. There are no truck signs on that road. He questioned if trucks were allowed and if not, are we going to enforce this issue.

Mayor Purcell stated the No Truck signs were put up when they did the overlay on Flowermound and when they fixed Rogers Lane. He does not think they can restrict trucks on Flowermound because federal funds were used.

Ihler stated it is his understanding that they can still go ahead and put No Truck signs up and restrict. He stated it is not part of the state highway system.

Mayor Purcell stated they need to take care of that.

Mayor Purcell stated that he met with two lawyers and a judge to discuss a change in the littering ordinance. He stated they are going back and starting out with a \$750 fine or they drop off \$100 so it would be \$650 and six hours of picking up trash. Or it will go back to \$550 and twelve hours and so on, with the minimum being a \$250 fine and thirty hours of picking up trash. He stated when they went back they discovered the fine only applied if someone threw it out of a car. He questioned if this was the direction the City Council wanted to go.

Shanklin questioned what will happen with grass that is thrown out in the street.

Vincent stated they will have to look at what the City of Lawton is doing. We are doing the same thing as far as throwing grass in the street. He stated right now grass is not considered litter unless it blows out of the back of a truck. He stated they can make that litter if the Councils wishes, but city crews will have to comply.

Haywood stated he thinks Neighborhood Services has something that says you cannot blow grass in the street. They can write tickets.

Drewry stated it becomes dangerous if the street becomes wet and there is grass on the street that becomes slick. She stated maybe city crews can work harder to keep the grass out of the street.

Warren stated city crews should make that effort and we could require our contractors to blow grass back up in the yard.

Mayor Purcell questioned if they could leave this issue out of the litter ordinance so they can move forward. Right now they are talking about litter excluding grass.

Shanklin stated he talked with a young man who was mowing a yard on 9<sup>th</sup> Street and he was told that it is in the contract to pick up all of the grass. He questioned if this was true.

Buckley stated the contractor needs to maintain a finished lawn appearance. They just cannot brush hog a yard with tall grass.

Patton clarified that if our contractor goes out on a mowing complaint, they have to bag the grass they cut.

Buckley stated yes, it is required they collect that grass and take it with them.

Patton stated he had a constituent call him about a house at 7020 SW Chaucer and it looked as though the mowing contractor had just brush hogged the property and they did not even mow the back yard.

Buckley stated the contractor should mow the entire property.

Patton questioned if someone could follow up on that property.

Shanklin stated he was told the contractor had to get it done in 30 minutes.

Buckley stated there is not a specified time in the contract. They have so many days to pick up the work order and then they have five days to complete the job and turn that work order back in.

Mayor Purcell stated he participated in the ground breaking ceremony for the air defense school and he reported that this is a huge economic development action going on at Fort Sill over the next five years. There is absolutely no question that BRAC is coming. Over the next five years they are building to the tune of over \$500 million. He

stated there are a lot of people sitting around this table as well as people around town that are working to put a good face and positive image on Lawton. He stated all it takes is one person to be negative all the time to cause major problems throughout the city. He hears it all of the time. He stated they can have a difference of opinion, but the constant negative impact that goes on is not doing well for this city.

Shoemate stated that Fort Sill used to always keep the fence mowed from Gate 2 all of the way to Medicine Park exit. Now it has grown up almost as tall as the fence. There are also dead trees on both sides of the welcome sign. He stated it really looks bad.

Mayor Purcell stated it has been really wet through there but he promised to talk to someone out there and see what they have planned.

Mitchell stated he has asked the Lawton Police Department to give the City Council a status report on where we are with the gang task force.

Chief Ronnie Smith, Lawton Police Department, stated would like to take a proactive stand. In the past they have only had time to be reactive.

Deputy Chief James Apple, Lawton Police Department, distributed a written progress report to the City Council. He discussed a campaign called Clean it Out, Lock it Up, which encourages citizens to keep their cars cleaned out and locked up. He stated they also plan on going back into the schools to reach out to students and staff regarding crime prevention, drug and gang awareness as well as decision making. He stated they currently have 40 enrolled in the Citizens Police Academy and have 30 people signed up for the next academy. In regards to the graffiti problem, they have identified several individuals involved and are working with federal and local agencies in seeking indictments. He invited the Council to the Cops and Kids picnic on September 15<sup>th</sup> at 11:00 a.m.

Chief Smith briefly went over some statistics which were distributed to the City Council. He stated he has been placed on the Governor s gang task force.

Mayor Purcell stated that all of the homicides in Lawton have been cleared by the police department which is a great accomplishment.

The Mayor and Council convened in executive session at 8:52 p.m. and reconvened in regular, open session at 9:16 p.m. Roll call reflected all members present.

#### EXECUTIVE SESSION ITEMS

20. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending tort claim by 3-Caldwell s, Inc., and take action in open session as necessary. Exhibits: None.

Vincent read the title of item 20. No action is required.

21. Pursuant to Section 307B.1, Title 25, Oklahoma Statues, consider convening in executive session to discuss the semi-annual evaluation review of Traci Hushbeck, City Clerk, and if necessary, take appropriate action in open session. Exhibits: None.

Mayor Purcell read the title of item 21. He stated everyone is extremely proud of the job Traci is doing. She is doing an outstanding job in all areas and they could not be more complementary. They feel she is best City Clerk in the state of Oklahoma.

There being no further business to consider, the meeting adjourned at 9:18 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK