

3. Consider approving an Amendment to the Outside Water Sales Contract with Ben and Rhonda Roulain, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Contract is on file in the City Clerk s Office.
4. Acknowledge receipt of election returns of December 11, 2007. Exhibits: Official Certification of Votes from Comanche County Election Board.
5. Consider approving the request from Kent Waller to make additional improvements at School House Slough. Exhibits: None.
6. Consider a request to authorize the Mayor to initiate a letter of support to the National League of Cities, Institute of Youth, Education and Families (YEF Institute) to participate in the following technical assistance project: City Leaders Supporting Afterschool and a New Day for Learning. Exhibits: Letter of support to the National League of Cities Institute for Youth, Education, and Families for the City of Lawton to participate in the technical assistance project, City Leaders Supporting Afterschool and a New Day for Learning.
7. Consider authorizing a Resolution of Necessity for real property acquisition for the NW 67th Street Reconstruction (Cache Road to Rogers Lane) project #2003-7. Exhibits: Resolution 08-04, Location Map. **Resolution 08-04** with Exhibits A is on file in the Engineering Division Office.
8. Consider granting a revocable permit to use a portion of the NW 62nd Street right-of-way south of Oak Avenue for parking and maneuvering. Exhibits: Application and Revocable Permit. THIS ITEM WAS STRICKEN.
9. Consider accepting the 8-inch sewerline located on the west side of NW 82nd Street, approximately mile north of Quanah Parker Trailway, escrow agreement in lieu of maintenance bond, and two utility easements. Exhibits: Location Map. Escrow Agreement and Utility Easements on file in City Clerk s Office.
10. Consider awarding (CL08-020) Water Pipes & Fittings to the following vendors: 1) HD Supply Waterworks of Oklahoma City, OK: Items 1-3, 9, 18, and 20, 2) Water Products of Oklahoma, Inc of Owasso, OK: Items 8, 10, 13-17, and 19 and 3) Oklahoma Contractors Supply of Oklahoma City, OK: Items 4-7 and 11-12. Exhibits: Department recommendation, abstract of bids.
11. Consider awarding (CL08-025) Sodium Hypochlorite to DPC Industries Inc. of Cleburne, TX. Exhibits: Department recommendation, abstract of bids.
12. Consider extending the contract (CL06-017) Electro Fusion Polyethylene Fittings for DR17 Pipe with SECOR of Houston, TX. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
13. Consider awarding (CL08-021) Fire Hydrants to the following vendors: 1) Oklahoma Contractors Supply of Oklahoma City, OK: Items 1-5 and 14-15, 2) Hydraflo, Inc of Beaumont, TX: Items 6-11 and 3) HD Supply Waterworks of Oklahoma City, OK: Items 12-13. Exhibits: Department recommendation, abstract of bids.
14. Consider approving appointments to boards and commissions. Exhibits: None.

Cemetery Board

Robert Williams
1006 Alta Lane
Lawton, Oklahoma 73501

Waurika Master Conservancy District Board

Fred Fitch
3221 NE Shelter Creek Drive
Lawton Oklahoma 73507
01/08/2011

15. Consider approval of payroll for the period of December 17 - 30, 2007.

BUSINESS ITEMS:

16. Hold public hearings and adopt resolutions declaring the structures at: 707 SW Summit Avenue, 1105 SW 8

Street, 1304 SW 19th Street and 2017 SW Jefferson 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 and reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

707 SW Summit Avenue:

Tony Griffith, Neighborhood Services Supervisor, presented photographs of the property. He stated the structure has been without utilities since May 2003.

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

MOVED by Shanklin, SECOND by Haywood, to adopt **Resolution 08-05** declaring the structure at 707 SW Summit Avenue as a dilapidated public nuisance. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

1105 SW 8th Street:

Griffith stated there are three structures at this address. They have been without utilities since December 2004.

PUBLIC HEARING OPENED.

Eva Fryer, Rt. 3, Box 336, Walters, stated she owns this property. She sold this house on contract for deed to Mr. Payette about two years ago. He has been trying to repair both properties so that he can rent them out. He had had a lot of problems with transients breaking in and destroying his work.

Mr. Payette stated that as soon as he puts something in, it is stolen. He stated he is attempting to fix these properties. He has someone who wants to rent one of the properties. It will take him at least another month.

Drewry questioned if he worked on the property every day.

Mr. Payette stated he can only work on it about three times a week.

Warren questioned if Mr. Payette currently had a permit.

Mr. Payette stated he does not.

Warren stated if the Council does approve this resolution, he will have thirty days to obtain a building permit.

Shanklin stated he wants Mr. Payette to understand that the plumbing and electrical need to be brought up to code.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Drewry, to adopt **Resolution 08-06** declaring the structure at 1105 SW 8th Street as dilapidated public nuisance. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson. NAY: None. MOTION CARRIED.

1304 SW 19th :

Griffith stated this structure has been without utilities since October 2006. There are two structures located at this address. The accessory structure is in similar condition of disrepair. All buildings are not secure.

Shanklin questioned if staff has heard from the owners.

Griffith stated no.

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

MOVED by Haywood, SECOND by Warren, to adopt **Resolution 08-07** declaring the structure at 1304 SW 19th Street as dilapidated public nuisance. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

2017 SW Jefferson Avenue:

Griffith stated this structure has been without utilities since August 2001.

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

MOVED by Haywood, SECOND by Hanna, to adopt **Resolution 08-08** declaring the structure at 2017 SW Jefferson Avenue as dilapidated public nuisance. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

Griffith stated that Ms. Campbell has sent a representative for 707 SW Summit. He was not here when the public hearing was open.

Vincent stated there must be a motion to reconsider.

Drewry stated they will still have to get the permit in thirty days.

Warren requested that Mr. Griffith speak with the person and give him the pertinent information.

17. Hold a public hearing and consider an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification located at 2607 2621 SW Cornell Avenue.
Exhibits: Ordinance No. 08-___, Location Map, Application and CPC Minutes.

Richard Rogalski, Planning Director, stated this request is for several lots located on the intersection of SW Cornell and SW 27th Street. It is approximately block south of Gore Boulevard. The zoning of the surrounding area is C-1 to the north and south, R-1 and R-4 (High Density Apartment District) to the south, and R-1 to the east. The land use of the surrounding area is Arvest Bank, vacant, and Bank of Oklahoma Mortgage to the north; single-family residential to the south and east; and medical office and commercial to the west. The 2025 Land Use Plan designates these lots as Commercial. The houses have been removed from these lots. The proposed use is expansion of Arvest Bank which will require a use permitted on review approval if the C-1 zoning is approved; however, until the alley is closed, a binding site plan cannot be submitted. The developer proposes to request the alley be closed if the rezoning is approved.

On November 29, 2007, the City Planning Commission held a public hearing on this request. During the public hearing one person spoke in favor of the request, and one person spoke against the request. The CPC, by a vote of 8 0, recommended approval of the request. The 2025 Land Use Plan designates these lots as Commercial, and C-1 is the most restrictive commercial zoning.

Notice of public hearing was mailed on December 18, 2007, to 46 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on December 23, 2007.

PUBLIC HEARING OPENED.

Bruce Bomgardner, 2517 A Avenue, distributed a letter to all Council members. He stated he purchased his property in 1980. He was a certified auto mechanic and he had intentions of buying the corner lot so he could put a shop in his back yard. He has never been allowed to do this. He stated if this property is rezoned, he will be flooded by the lights, traffic and nuisance of having a commercial business there. Since he has been restrained by a city ordinance preventing him from fulfilling his dreams, he resents that they can just come in and buy a lot and pay residential prices, knowing that this Council will already vote to rezone the property to commercial which will up the price. He stated the implication of bank robberies come into play. This bank has been robbed more than any bank in this town. He has been put on the ground at gunpoint as a suspect in two bank robberies in this town. He stated this puts everyone at risk in the community. There needs to be a study done by concerned citizens to look at the impact of a bank in a neighborhood.

Elizabeth Smith, 2517 SW A Avenue, stated she is an employee of Cameron University and a graduate student. She is concerned that with the expansion of Cameron University, the expansion of this bank could pose some real dangers to the people who are on campus and in that community. She supervises eight international tutors. Since they are international students they must walk to and from the campus to their homes, which are in that community. They tutor in the evenings and are forced to walk home at night and are at great risk. High school students who come to the campus at night are also at risk. She stated Lawton is a community where great things can happen. However, if they continue to make these kinds of changes, that affects the communities and neighborhoods without giving all those residents the opportunity to be fully aware of the ramifications of those changes. She encouraged the Council to perform a comprehensive study of the ramifications of the neighborhood.

Mr. Bomgardner requested the Council table this request and have a study done.

PUBLIC HEARING CLOSED.

Shanklin stated this is in Ward 5. He stated that stuff is going to happen and he cannot be a what-iffier.

Hanna requested a report from the Lawton Police Department regarding any problems around that area.

Chief Ronnie Smith, Lawton Police Department, stated the houses behind the bank are mostly empty. They have had a couple of robberies at that bank but those did not affect that neighborhood.

Mayor Purcell stated that this is just a rezoning action, not approving the Use Permitted on Review.

Hanna stated it sounds like this is a bad area.

MOVED by Shanklin, SECOND by Hanna, to table this request for ninety days. AYE: Hanna, Shanklin. NAY: Warren, Shoemate, Drewry, Jackson, Patton, Haywood. MOTION FAILED.

MOVED by Warren, SECOND by Patton, to adopt **Ordinance 08-01**, changing the zoning from R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification located at 2607 2621 SW Cornell Avenue, waive the reading of the ordinance, read the title only. AYE: Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 08-01

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification on the tract of land located at approximately 2607 2621 SW Cornell Avenue, as 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.

18. Hold a public hearing and consider an ordinance amending Sections 18-1-1-106, 18-6-11-611, 18-6-11-612, 18-6-12-623, 18-6-12-624 and 18-6-14-646, Chapter 18, Lawton City Code, 2005, by adding the definitions for carnival, circus, and theaters; amending the definition of commercial amusement enterprise; and amending which zoning districts permit commercial amusement enterprises and drive-in movie theaters. Exhibits: Ordinance No. 08-__ and CPC Minutes.

Rogalski stated at the request of Councilwoman Janice Drewry, staff researched uses permitted in the C-4 Tourist Commercial District. The proposed ordinance amends the City Code by adding the definition for carnival and circus found in Chapter 7 of the City Code to Chapter 18 to clarify that carnivals and circuses are temporary activities but did not amend the zoning districts in which a carnival or circus could be located. They also looked at the theater uses such as outdoor and drive in theaters and added those definitions. He stated they felt like a drive in theater may not be appropriate everywhere, so that was moved to a use permitted on review.

The proposed ordinance amends the definition of commercial amusement enterprise in that such uses may be located in C-4 and C-5 as a use permitted on review and as permitted uses in I-1, I-3, and I-4 districts. The definition also requires commercial amusement enterprises to be located a minimum of 300 feet from any residential district, residential use, medical facility, or public or private school offering classes in grades K 12. Also the C-4 and C-5 district regulations are amended to allow commercial amusement enterprises and drive-in movie theaters as uses permitted on review.

As a housekeeping item, pet shops are removed from the list of permitted uses in C-4 and C-5 since they are already permitted uses because they were added as a use permitted on review in C-1 and those uses are permitted in C-4 and C-5 through the cumulative zoning process.

Warren questioned if there will be less opportunities for carnivals and circuses.

Rogalski stated they really didn't change that part of the code at all. All they did was add the definition from Chapter 7.

Drewry stated the main thing is that if a C-5 is near a residential area, this will protect the residents from noise.

Patton stated the ordinance refers to coin operated amusement devices. He questioned if that would be construed as video games. If someone had a place with video games inside, would that be considered a commercial amusement enterprise?

Rogalski stated that something on a small scale as that would not fit this definition.

Drewry stated that would be indoors.

Vincent stated that all staff really changed in that section was adding that it would be a use permitted on review instead of a right. There could still be an indoor coin operated amusement in a C-4 or C-5 on use permitted on review.

Rogalski stated there is another definition. There is amusement center/arcade which is already allowed and is an indoor facility.

Shanklin questioned who they were after.

Drewry stated they are not after anyone. They are just trying to clean up the code so that the residents are protected from noise where new business is going in.

Warren stated if they do not change this part of the code, someone could come in and put a ferris wheel behind someone s house.

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

MOVED by Drewry, SECOND by Hanna, to adopt **Ordinance 08-02**, 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 08-02

An ordinance pertaining to planning amending Section 18-1-1-106, Division 18-1-1, Article 18-1, and Sections 18-6-11-611 and 18-6-11-612, Division 18-6-11, Article 18-6, and Sections 18-6-12-623 and 18-6-12-624, Division 18-6-12, Article 18-6, and Section 18-6-14-646, Division 18-6-14, Article 18-6, Chapter 18, Lawton City Code, 2005, by adding the definitions for carnival and circus, amending the definition of commercial amusement enterprise and which zoning districts permit commercial amusement enterprises and outdoor theaters, and providing for renumbering and severability.

19. Consider accepting the recommendation of the Lawton Impact Fee Committee and authorize the City of Lawton to proceed with the required engineering, easement acquisition, and construction of a sewer line extension of the Wolf Creek Sanitary Sewer Project using designated water/sewer impact fees. Exhibits: Impact Fee Collection History, October 30, 2007 Impact Fee Committee meeting minutes.

Shoemate stated he put this item on the agenda because he was not able to vote on this item when it previously appeared on the agenda. He stated there are committees and boards made up of business men and women throughout the community who take time out of their work to study various issues that affect our city. It bothers him that they take time to make these recommendations and then the City Council votes no on the issue.

MOVED by Shoemate, SECOND by Drewry to accept the recommendation of the Lawton Impact Fee Committee and authorize the City of Lawton to proceed with the required engineering, easement acquisition, and construction of a sewer line extension of the Wolf Creek Sanitary Sewer Project using designated water/sewer impact fees.

Shanklin stated he was the one who initiated the impact fees because wards 7, 5 and 2 do not get the sales tax money spent in those wards. He stated they would like to get some of that back. He stated all of their money is going to the outside area. He stated in 2004 councilmembers Shanklin, Devine and Haywood were appointed to this committee. He never heard another word about it after that. Now there is a committee with only councilmember Warren.

Mayor Purcell stated there are two council members on that committee, Warren and Jackson.

Shanklin stated that from the minutes the members are Barnes, Henry, Nance and Towe. Most of them are contributors to the Mayor s campaign, he can show that if necessary. He stated this is like putting the fox in the hen house. He does not understand why these people should have the input as to where, when and how this money is going to be spent. It is not fair that a few people continue to take our money and think it is their right and he disagrees with that. They are diluting the council s authority. There is only two council members on this and one does not show.

Vincent stated this was a council decision. When the impact fee ordinance was passed, there was a committee created to determine how the impact fee expenditures would be made and the council approved that as part of the ordinance.

Mayor Purcell stated the minutes from 2004 are absolutely correct. They created a committee that shared a

meeting. On April 26, 2005, based on the recommendations of that committee, ordinance 05-13 and ordinance 05-14 were passed that created the current committee with those particular positions, no names. Every single person sitting on this council voted for approval, the vote was 8-0 to approve those two ordinances with that make up of the impact fee committee. On August 22, 2006, ordinance 06-61 came back and combined the two committees into one and combined the funds. That ordinance, with the same committee and same positions, passed by the members sitting on this council by a vote of 8-0. On September 26, 2006, he came back and recommended the six people, plus the public works director as directed by the ordinance that was passed three times by this council. Those members were appointed to that committee by a vote of 8-0. This committee is a recommendation to this council. The people on this committee are a cross section of the community and have no axe to grind.

Hanna stated he was not here during this time.

Shanklin stated he is upset with the fact that this committee was ignored, never met and he knows why it was. The point is that the Mayor is entitled to appoint who he wants and he has done that.

Mayor Purcell stated that councilmember Shanklin voted for the people on that committee.

Shanklin stated what was said the other night was that we had never discussed using those funds any place but in that area. He has the minutes that say it. He has a problem with the fact that some of them think that it is our position and duty to enhance these water treatment plants and the service lines at our expense. There is not enough money to go around. We have fewer dollars per capita than any city in Oklahoma except for nine. We rank 491 out of 500 in relationship to taxes generated to number of people.

Patton stated the money in this impact fee is not coming from middle Lawton. When they passed this ordinance they completely exempted ward five because they wanted to encourage development in that area. The money that is being generated is not taxpayer money, the impact fees are coming from a specific development. This is new money being raised by the growth and development of Lawton. As Lawton is growing, it is outgrowing our current infrastructure. This money was to expand that infrastructure. He stated that the west side is at capacity and projects cannot be done because we don't have the infrastructure there right now.

Shanklin questioned who was paying for those trunk lines.

Patton stated we are all paying for that because that is improving infrastructure, that is not creating infrastructure.

Shanklin stated they are enlarging those lines in order to accommodate. He stated all wards are paying for that.

Patton stated that has nothing to do with the impact fees. Councilmember Shanklin is talking about a CIP project.

Warren stated the point is that this was supposed to be and was intended to be a self-perpetuating program. They take funds from new construction, new homes and new businesses where we have to build infrastructure. This money would go into a pot and they were going to use that pot to build more infrastructure. He stated at no point has anybody ever tried to take money from central Lawton and put in new infrastructure with it. This impact fee has never had anything to do with central Lawton. People in central Lawton don't pay into it and people in central Lawton don't recoup any benefits from it. This is all about building new infrastructure. It doesn't have anything to do with central Lawton. He stated that maybe people in central Lawton have been getting the short end of the stick when talking about CIPs, but that is a whole different bag of worms. This is an impact fee that has to do with building new infrastructure.

Shanklin questioned where they get the funds for the infrastructure being built right now. He stated they are coming from sales tax. They are not coming from impact fees.

Warren stated they are talking about impact fees, why should they be talking about anything else?

Shanklin questioned when they were going to get to ward five? He stated it floods in the alley where he lives because the sewer line is higher than the street.

Warren stated this doesn't have anything to do with impact fees.

Shanklin stated it has to do with funds. He stated he disagrees that those funds are locked in.

Warren stated they are locked in.

Jackson stated the approximate construction costs at the present time are estimated to be \$1.5 million. At the present time there is only \$363,750 in dedicated sewer funds. They are nowhere near having enough money to do this line. It is way too early to encumber this kind of money. He stated there are projects east of I-44 that need some sewer and water line work and he is not talking about nine-mile sewer line, which will be taken care of with

CIP funds. He stated there are no funds identified to help out that side of town and they should look east.

Warren stated that is not true. He stated the committee looked east, west and south.

Jackson stated they did look east, but there was one person out of six representing the east side of town.

Warren stated there were projects on the east side. For \$1 million they could have provided 200 homes. On the south side they could have added about 600 for \$1 million. On the west side they could add 3,000 for that \$1 million. They need to put the money where they can get the most return. There is absolutely no available room on the west side sewer line. There will be no further development until there is a new sewer line. That is not true on the south or the east. That is what came into play with the discussion of the committee. He stated he did not fight for the west or the east side. That line will not help his ward one bit.

Jackson stated the proposal for \$1.5 million has only \$363,750 collected as sewer impact money. He does not understand the urgency to encumber this money. He stated there is still just one east side representative on that committee and it is not fair.

Drewry stated there are not representatives on the west side.

Jackson stated there is.

Shanklin questioned where the money will come from if they don't have the money to finish the project. Is it tax dollars?

Warren stated by the time the land acquisition and engineering is done and they are ready to put pipe in the ground the money will be there.

Jackson stated that will be five or six years down the road.

Warren stated they don't have the funds for nine mile sewer.

Jackson stated nine mile sewer has been held off since 1983.

Hanna stated only 200 homes could be built on the east side because of nine mile creek and five lift stations. Once that is built it will open up 12,000 acres.

Warren stated the line that is available that we could build would only serve 200 homes. There is currently almost 2,000 homes that could be built out there. There is surplus line on the east side right now.

Jackson stated that is not true. They cannot build anymore houses on the northeast quadrant. They are close to capacity right off Flowermound Road. Those are two areas that he knows are in neglect of sewer line.

Ihler stated the northeast quadrant that is east of Shelter Creek cannot serve any additional capacity. Based on the model provided to him, in the northeast quadrant approximately 2,200 lots could be developed and tied in.

Shanklin questioned if that was platted.

Ihler stated there are a few construction plats, but it currently has the capacity to add about 2,200 lots.

Patton questioned the status of the west side.

Ihler stated on the west side there is no room. It is at capacity north of the railroad track and west of 82nd Street.

Patton stated he is not opposed to east side development, but economics drives this. Businesses want to be west, where the roof tops are. He stated it is economics. The growth and development right now is west. At some point it will be east. Right now they have people waiting because they are at capacity on the west side.

Jackson stated it is still way too early. You do not go and encumber yourself like this when you have barely over half the money.

VOTE ON THE MOTION: AYE: Drewry, Patton, Warren, Shoemate, Purcell.

NAY: Jackson, Shanklin, Haywood, Hanna. MOTION CARRIED.

Mayor Purcell stated he feels it is a fair committee and they have done what they have asked to do. They are unbiased and when you listen to the economics it makes sense.

20. Consider an ordinance amending Section 22-2-2-227, Division 22-2-2, Article 22-2, Chapter 22, Lawton City Code, 2005, by adding two additional members active in land development/building, providing for severability and an effective date. Exhibits: Ordinance 08-____ and List of current membership.

Jackson stated he believes that those people who are directly affected by the use of the impact fee money should have more input in the use of that money. There should always be two council members on this committee, but he does believe there should be two additional members added to this committee because there is an unfair balance of the committee. He would like to add two east side developer/builders to this committee. He has submitted the names to the Mayor.

Mayor Purcell questioned what happens when councilmember Jackson puts two people on the committee and he has already heard from other council members that they want to put others on the committee. They will still be in the same predicament that they are in now. He does not see how this will get them anywhere. The committee is still just a recommending committee that comes to the City Council. This council can overrule.

Jackson stated he believes that after watching what has happened with this committee that it just needs to be adjusted.

Mayor Purcell questioned what will happen when every councilmembers wants to add two additional people.

Shanklin suggested they add an additional councilmember to the committee. He stated he was never asked one question about how many or who he wants on this committee and he was the one who initiated it.

Jackson stated he is not going to be on the committee much longer but he does not have any trouble with adding an additional council person. He does feel the council needs to be the ultimate authority on all of this stuff.

MOVED by Jackson, SECOND by Shanklin, to approve Ordinance 08-03 providing for severability and an effective date and amend the ordinance to add an additional council person to the committee.

Patton questioned if they should designate that there be an equal number of representatives from the east side to west side and north side to south side.

Mayor Purcell that is getting into the politics of the whole committee.

Jackson stated he intentionally asked for two specific names be in these positions but was told that they would need to change the ordinance first and the Mayor would take the recommendation from the Council member and then they would be approved by the council.

Mayor Purcell stated he will submit names to the council based on what is approved tonight.

Warren stated there have been some comments made that might lead people to believe that some of the members of this committee were self serving. He stated that is not true. There was not one individual on this committee that stands to gain anymore than anybody else in town on whether or not this line went to the west side. No members of the committee are currently building or developing where this line is going to affect. He does not understand where this east or west side even comes from. If a developer wants to stay on one side of town, that is their prerogative.

Jackson stated he did not insinuate that. He stated the facts are that they don t have enough money to do the sewer line yet. He still believes there is an unfair balance on the committee.

Haywood thanked Mr. Barnes and Mr. Nance for building their homes in the city of Lawton and in the Lawton school district. He has a problem when developers go outside the school district.

Jackson stated all of those developers on the west side are outstanding citizens and he respects them greatly and will always support their issues. He just feels this is too early.

Mayor Purcell the money can only be spent in the city of Lawton city limits and the Lawton public school district.

Shanklin stated he is against the fact that all of our money is going someplace other than in wards five, seven or two. They need to find some way to generate more sales tax and they need to spread the money around.

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

An ordinance pertaining to utilities amending Section 22-2-2-227, Division 22-2-2, Article 22-2, Chapter 22, Lawton City Code, 2005, by adding two additional members active in land development/building and with the amendment to add one additional council member, providing for severability, and an effective date.

21. Consider an ordinance amending Section 22-4-1-403, Section 22-4-1-4-5 and Section 22-4-1-141, Division 22-4-1, Article 22-4, Chapter 22, Lawton City code, 2005, by increasing the volume of refuse allowed to be placed at the curb and identifying the number of containers, the number of plastic refuse garbage bags and the number of bags of yard debris allowed to be placed at the curb in those areas not yet utilizing the cart and semi-automated collection system, providing for severability and declaring an emergency. Exhibits: Ordinance 2008-__.

Ihler stated the council had asked staff to review the volume of refuse that is allowed to be placed at the curb. A committee was appointed made up of councilmembers Hanna, Shanklin, and Patton. Councilmember Haywood sat in on the committee meeting. The purpose of the meeting was to increase the volume allowed by residents to put out at the curb in those areas that are in the non-cart service area. The committee met on November 29th and discussed proposed ordinance changes. Basically there are three changes. The current code allows two 35 gallon containers to be placed at the curb in the non cart areas. The committee is recommending that they increase that capacity from two 35-gallons to three 35-gallon containers. The other discussion was if residents were allowed to have bags with trash. The recommendation of the committee was that they would be allowed to put out either the three 35-gallon containers or if they did not have containers they could put out six trash bags or any combination of the containers and bags where two bags are equivalent to one 35-gallon container. As an example someone could put out two 35-gallon containers and two trash bags. The last change they had made is that they would allow residents who are not in the cart areas to put out six bags of yard waste each time. There is an item that addresses the disposal of the bags and that they need to provide bags that are sturdy enough to hold the trash they put in it. In addition there has been some discussion and questions as to what is allowed and what is not allowed. He distributed some handouts to the council showing this information. He distributed a copy of the winter clean up schedule. The residents were allowed to put out items on January 3, 4, 5 and 6th and then refuse employees will go through the entire community picking up these items. He stated the committee also wanted to move forward with the progress in the cart area and nothing is allowed to be placed outside the carts. Yard waste must be placed inside the cart and if the resident needs more carts they can lease them for an additional \$5 month. Items not approved for curbside disposal are all large appliances, oil, batteries, shingles or remodeling construction debris, dirt, rocks, bricks, concrete, tires or metal pipes. Grass and leaves must be bagged if they are placed in a can and yard waste from the residents cannot exceed the six bags per pick up. The tree limbs need to be cut in 5 bundle segments and bundles are no more than 2 diameters and it cannot weight more than 75 lbs. He presented slides of photos of unacceptable refuse at the curb.

Shanklin questioned if the Neighborhood Services Division ever writes anyone tickets.

Ihler stated they do sent notes to Neighborhood Services and inform them of the address.

Shanklin stated he has had calls on when we were starting to pick up.

Ihler stated crews started picking up items for the clean up on Monday. He believes it will take about two weeks.

Drewry stated the information in the paper regarding the clean up dates is confusing.

Ihler stated the City Council discussed the options for the clean up. The option that was chosen was that the residents would put out items on the Thursday, Friday, Saturday and Sunday before crews start the clean up on Monday. Once they get through an area, they are not going back to pick something up that someone put out late.

Drewry stated she feels this is a good plan, but people were a little confused.

Ihler stated that staff will try to do a better job of educating the public for the next clean up in April.

Shanklin questions what they do when there are four apartments. He questioned if they are putting these people through math class. He does not feel they should do it this way.

Ihler stated when the committee met, they decided to allow three cans per unit. If there were two units they would pick up six cans. He stated most apartment complexes use the two or four yard containers.

Shanklin stated where he lives he has three houses. He does not put his trash out there anymore because it does not get picked up. The crews come by and pick up the one house on the alley.

Ihler stated if Councilmember Shanklin gives him the information he will make sure the situation is handled correctly. Ihler stated basically the changes the committee recommended were from two to three 35-gallon cans or a combination of cans and bags or six bags in the non-cart area.

Warren questioned if residents could lease an extra cart only during the growing season.

Ihler stated no, it has to be leased for the year. They do not want to have to track the carts monthly.

Jackson questioned if someone could have three 95-gallon containers.

Ihler stated there is no limit on the carts, but you are paying for extra carts.

Haywood questioned how often the crews pick up along 11th Street.

Jim Bonnarens, Landfill Supervisor, stated they try to get the crews out on Thursdays and Friday when they get in earlier. They also use community service and inmates for clean up. He stated it does not take long for trash to build up again.

Mayor Purcell stated there are trucks that drive around town with debris piled high that are not tied down. He questioned who can enforce the issue if something falls out.

Ihler stated when they get to the landfill, if their load is not secured, they are charged double the rate.

Ihler thanked the committee for their work. He stated they had to make some decisions that were not popular.

Shanklin questioned if those who have the 95-gallon containers were pleased with these carts.

Patton stated he loved them.

Jackson stated that it keeps things a lot cleaner.

Drewry stated a couple approached her the other day to say that things are a lot cleaner and they really liked their carts.

Shanklin questioned if we were always going to pick up in front of the house or will they still pick up where there are alleys.

Ihler stated when they get carts put in those areas with alleys they will ask the residents to put them out front if they can.

Haywood questioned what will happen to those homes that live in the alley.

Ihler stated there will be some instances where garages have been converted and they will have to use the old rear end loaders with tippers to get those homes.

Mayor Purcell stated when they first looked at this project it was going to take about eight or ten years to get all of the carts out there because of the cost of the carts and the trucks. He has asked the City Manager to look at speeding up this process. The City Council will have to bite the bullet to get those out there.

Hyrum Webber, 3125 NE Brentwood, stated we have a D- on the cart system. He stated the other day he took a photo of all the trash left behind after they picked up the trash. He put it in his truck and went down 31st Street. He took a picture of Councilmember Shoemate's trash and it looks legal, but it is not in a cart. They will pick up those bags, but they won't pick up his. He was going to take his trash and put it in his friend's yard because they would pick it up. He has been here since 1953 and he feels there should be an assessment by Lawton residents on how they feel it is working and what can be done to make it better.

Patton stated he would like to know how many other systems in this country provide for a two day a week pick up. He stated there are not too many communities that do that. If you have too much garbage, you sit it out and in two days they come back by. We are a bunch of cry babies and we have been spoiled. The crews have picked up everything for years and now it is time to pay for it in your utility bill or you will accept what has been done.

Haywood stated that everyone just wants the new trash cans.

Warren stated the only negative comments he has been getting are from those people who don't have the new cans.

Drewry stated she thinks we have a good deal here and she believes the new cans are great. Her street is so clean.

MOVED by Warren, SECOND by Patton, to adopt **Ordinance 08-03**, waive the reading of the ordinance, read the title only

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

(Title read by City Attorney)

Ordinance 08-03

An ordinance amending Section 22-4-1-403; Section 22-4-1-405 and Section 22-4-1-141 , Article 22-4, Chapter 22, Lawton City Code, 2005, by increasing the volume of refuse allowed to be placed at the curb and identifying the number of containers, the number of plastic refuse garbage bags and the number of bags of yard debris allowed to be placed at the curb in those areas not yet utilizing the cart and semi-automated collection service; and providing for severability and declaring an emergency.

22. Consider an ordinance amending Section 22-4-1-415, Division 22-4-1, Article 22-4, Chapter 22, Lawton City code, 2005, by adding four additional areas to be serviced by the semi-automated refuse collection, providing for severability and declaring an emergency. Exhibits: Ordinance 2008-___ and Location Map.

Ihler stated that as they move into these areas and provide carts the code is a little different as it relates to the carts and what you can put out. Because there is two sections of the code that covers the carted areas and non-carted areas, as they bring in more carts they have to identify those areas of the city that are served by carts. Tonight they are adding four areas that they will be providing carts. Actually service areas five and six have had carts for a year and they realized they had not been added. Service area seven and eight are the new areas that were approved during the budget process.

Warren requested that all of the service areas be put on a map so that he can get one picture of how the city looks.

Ihler stated he can provide a map to the councilmembers.

Haywood stated he needs to know the target times when other areas will receive the carts.

Ihler stated to answer that question, he needs to know how much money will be put in the budget.

Mayor Purcell stated they need to seriously consider coming up with enough money to not only purchase these 95 gallon containers, but they will also have to purchase the trucks to pick them up. If they extend this out eight more years they will have this constant conflict. They need to look at this in the next few budget years.

MOVED by Patton, SECOND by Warren, to adopt **Ordinance 08-04**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 08-04

An ordinance pertaining to utilities amending Section 22-4-1-415, Division 22-4-1, Article 22-4, Chapter 22, Lawton City Code, 2005, by adding a fifth, sixth, seventh and eighth area to be serviced by the semi-automated refuse collection providing for severability, declaring an emergency.

23. Consider an ordinance amending Section 20-1-102, Article 20-1, Chapter 20, Lawton City code, 2005, relating to street closures due to construction/maintenance by City workers, private contractors, and utility companies; requiring private contractors and utility companies to obtain a permit prior to closing a street for construction/maintenance activities and instituting a fine for non-compliance and declaring an emergency. Exhibits: Ordinance 2008-___ and Road Closure Permit Application.

THIS ITEM WAS STRICKEN.

24. Consider an ordinance amending Sections 7-30-1-3001, 3003, 3004, 3005 and 3006, Division 7-30-1, Article 30-1, Chapter 7, Lawton City Code, 2005, adding church, school and playground to definitions, providing for a filed surety bond with the Oklahoma Secretary of State, establishing location for body piercing and tattoo parlors, and making it unlawful to perform body piercing or tattooing on a child under eighteen years of age without parental consent or upon a person impaired by drugs or alcohol, providing for severability, and declaring an emergency. Exhibits: Ordinance No. 08-___.

Vincent stated last summer the Oklahoma Municipal League notified all the cities that the state had passed a tattoo ordinance relaxing some of the statutory requirements. After the city council passed the relaxed requirements, the state actually did not pass HB1382, it was sent back to committee. This ordinance will bring us into conformity with existing state law.

Jackson stated he realizes this is just a symbolic vote, but he disagrees with the state law on this. He feels that

these people are legitimate businesses that pay taxes and they should not have to be forced to pay a surety bond and do some of the things they have to do. His intentions are to vote no.

MOVED by Drewry, SECOND by Hanna, to adopt **Ordinance 08-05**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Haywood, Shoemate, Hanna, Drewry, Shanklin, Patton. NAY: Warren, Jackson. MOTION CARRIED

(Title read by City Attorney) Ordinance 08-05

An ordinance pertaining to business amending Sections 7-30-1-3001, 3003, 3004, 3005 and 3006 Division 7-30-1, Article 7-30, Chapter 7, Lawton City Code, 2005, by adding church, school and playground to definitions, providing for a filed surety bond with the Oklahoma Secretary of State, establishing location for body piercing and tattoo parlors, and making it unlawful to perform body piercing or tattooing on a child under eighteen years of age without parental consent or upon a person impaired by drugs or alcohol, providing for severability, and declaring an emergency.

25. Consider an ordinance pertaining to vehicles and traffic, Section 23-8-801, Article 23-8, Chapter 23, Lawton City Code, 2005, clarifying which vehicles approaching a T intersection must yield to approaching traffic unless traffic control devise are posted, providing for severability, and declaring an emergency. Exhibits: Ordinance 2008-__.

Vincent stated they recently had a court case involving a T intersection and there was an accident and each party claimed they had a right of way. The judge stated our code was unclear, so staff has restructured the code in an attempt to make it clearer.

MOVED by Warren, SECOND by Drewry, to adopt **Ordinance 08-06**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 08-06

An ordinance pertaining to the right of way at an intersection amending Section 23-8-801, Article 23-8, Chapter 23, Lawton City Code, 2005, by clarifying which vehicles have the right-of-way when approaching at an intersection, providing for severability, and declaring an emergency.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Shanklin questioned if staff was working on a change in the water leak policy to include commercial businesses.

Vincent stated that he and Rick Endicott and Barbara Curren are meeting next week to discuss the issue.

Shanklin stated the Episcopal church at 14th and D had a pipe that became dislodged and they had a \$1,600 water bill. He stated it was not their fault and why should they carry that burden. He questioned if any developer was looking at Lawton and the TIF district.

Mitchell stated they have one developer they are trying to negotiate with and the Lawton Economic Development Authority has had discussions with them and are exchanging concepts.

Shanklin questioned if they could get a map that shows the proposed operations right now in different housing additions.

Mitchell stated he could provide that information. They run that report every month.

Shanklin questioned if they had read about digital tickets.

Mayor Purcell stated it is a great idea but the price is over \$2 million.

Jackson stated a few weeks ago he inquired about the mowing situation along the right of ways next to the railroad tracks. He noticed some progress had been made and he wondered the status.

Mitchell stated he would get the council an update.

Drewry stated she feels the police department has done an outstanding job and it sure makes it nice for people to feel a little more secure.

Shoemate stated a couple of years ago one of Lawton s outstanding police officers, James Poindexter, was seriously injured in a motorcycle accident. He spoke with a close friend of his and he is at St. Anthony s hospital in Oklahoma City. He is now able to sit up in a wheelchair for about two hours a day. He has full feeling in his arms now and he does have feeling in both feet. He stated he thought it would be great for the council members to give him a call at (405) 255-1183.

COL Bridgford stated that they are now scanning ID cards at the gates. He stated this validates if it is a legitimate ID card. They have scanned about 86,000 and they have had a good number of people who are up on warrants, bad ID s and bad military ID s. He stated they are moving along with negotiations for privatized housing to be implemented next November. There is vertical construction going on in the western part of the post and they will see a lot more traffic coming in on Fort Sill Boulevard and west of Sheridan Road. He commended the Mayor and the regional planning committee. There is a lot of good work going on in southwest Oklahoma.

Haywood questioned the date of the next town meeting.

COL Bridgford stated the next meeting is scheduled for January 17th.

Mayor Purcell stated that Kevin Jackson from the Planning Division is doing great work dealing with all these committees and the Department of Defense.

Mitchell stated he will be at a City Manager s meeting in Stillwater on Wednesday and Thursday but will be back in the office on Friday.

The Mayor and Council convened in executive session at 8:25 p.m. and reconvened in regular, open session at 9:56 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

26. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss two cases out of the United States Court of Appeals which is pending to be filed with the United States Supreme Court, *Sumnum v. Pleasant Grove City, et al.*, Case No. 06-4057; and *Sumnum v. Duchesne City, et al.*, Case Nos. 05-4162, 05-4168, 05-4272 and 05-4282; and if necessary, take appropriate action in open session.

Vincent read the title of item #26.

MOVED by Patton, SECOND by Warren, to authorize the City Attorney to join in as a signatory on the appeal to the Supreme Court of the United States. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

27. Convene in executive session to discuss Case No. 07-385 before the Oklahoma Department of Environmental Quality, Land Protection Division, In the Matter of: City of Lawton Permit violation(s); pH; TSS Exceeded Permit Limits; Coliform, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item #27. He stated this involves the wastewater treatment plant and the City Council was briefed on the status of this case.

MOVED by Warren, SECOND by Patton, to authorize the Mayor to sign and execute the DEQ Consent Order Case No. 07-385 for permit limit violations discharged from the City of Lawton Wastewater Treatment Plant. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

28. Pursuant to Section 307B. 2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations between the City and the AFSCME employees group, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item #28. No action is required.

ADDENDUM:

1. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the potential Notice of Violation for an alleged fish kill at the Medicine Park Water Treatment Plant on January 6, 2008, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of the addendum.

MOVED by Shoemate, SECOND by Drewry, to authorize the Public Works Director to proceed to determine the cause and remedy to correct the apparent problem with South Medicine Park Water Plant Clearwell. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 10:00 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK