



that any new building cannot be tied into a private line. Their plans showed them tying into the private line and they received approval.

Shanklin questioned the size of the private line.

Mr. Francois stated he believes it is 12-inch.

Burk questioned if he was told this when he made application.

Mr. Francois stated no. He stated staff admitted it was an oversight on their part.

Vincent stated this is the line that runs parallel to Lee Boulevard, east and west and ties in at Sheridan Road. There have been some issues with that road. He believes it is a 6-inch line.

Mayor Purcell questioned when they built the building.

Mr. Francois stated the permit was issued July 2<sup>nd</sup>. By the time they received the letter in September, the building was up and they were tied in to the lines. They already had running water and plumbing. They have a temporary CO right now and they are waiting on a final.

Mayor Purcell told Mr. Francois to contact the City Attorney in the morning.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF FEBRUARY 26 AND SPECIAL MEETING OF MARCH 3, 2008.

MOVED by Hanna, SECOND by Drewry, to approve the minutes of February 26 and March 3, 2008. AYE: Warren, Hanna, Drewry, Burk, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Vincent requested item #2 be considered separately. Warren requested item #16 be considered separately.

MOVED by Drewry, SECOND by Haywood, to approve the Consent Agenda with the exception of items #2, and #16. AYE: Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of the resolution authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Billy R. and Brenda Cole in the amount of \$75.00, Fran and Willie Harrell in the reduced amount of \$4,216.75 (**Res. 08-25**), Vernon Broomfield in the reduced amount of \$1,456.90 (**Res. 08-26**) and Ronnie L. and Sheila A. Null in the amount of \$3,145.79 (**Res. 08-27**). Exhibits: Legal Opinions/Recommendations, Resolution No. \_\_\_\_, Resolution No. \_\_\_\_, Resolution No. \_\_\_\_.

2. Consider the following damage claims recommended for denial: Albert and Susan Ozuna in the amount of \$1,200.00 and Michael and Connie Jones in the amount of \$43,575.95. Exhibits: Legal Opinions/Recommendations.

Vincent stated that Albert and Susan Ozuna could not attend the meeting and they have requested this item be stricken off the agenda. Staff will look at another date to place this item back on the agenda.

MOVED by Hanna, SECOND by Warren, to strike the claim of Albert and Susan Ozuna. AYE: Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

MOVED by Drewry, SECOND by Burk, to deny the claim of Michael and Connie Jones in the amount of \$43,575.95. AYE: Drewry, Burk, Shanklin, Patton, Haywood, Warren, Hanna. NAY: None. MOTION CARRIED.

3. Consider approving an Outside Water Sales Contract with Darry Shaw, 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 ratifying the actions of the Lawton Water Authority awarding a surface lease for City property in the Southwest Quarter of Section 12, Township 4 North, Range 11 West, in the vicinity of Lake Ellsworth in Comanche County for the purpose of drilling an oil/gas well by Marathon Oil Company, and authorize the Mayor and City Clerk to execute the lease document. Exhibits: Location Map; Lease is On File in the City Clerk s Office.

5. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in directing our third party administrator to make payment on the judgment in the Workers' Compensation case of Sam Lopez in the Workers' Compensation Court, Case No. 2007-09946 A. **Resolution 08-28.**
6. Consider approving a Resolution establishing a committee to be appointed by the Mayor and confirmed by the Council to be known as the Parade/Assembly Fee Review Committee. Exhibits: **Resolution No. 08-29.**
7. Consider approving an Agreement with Abington, L.L.C. to remodel the property located at 4625 SW J Avenue, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Agreement is on file in the City Clerk's Office.
8. Consider entering into a Professional Services Agreement with John Lemmon Films, Inc. for a stormwater education campaign, and authorize the Mayor and City Clerk to execute the document. Exhibits: Professional Services Agreement.
9. Consider ratifying a resolution agreeing to file application with the Oklahoma Water Resources Board for the financial assistance through the Drinking Water SFR Loan Program and/or Financial Assistance Program, for the purpose of financing improvements to the authority's water system; and containing other provisions related thereto. Exhibits: Resolution 08-\_\_\_.
10. Consider accepting donation of fifteen police jackets to be utilized by the police department's Bike Patrol. Exhibits: None.
11. Consider approving a request to enter into a grant application process with the Oklahoma Emergency Management Hazard Mitigation and the City of Lawton for an opportunity to purchase the Pictometry Visual Intelligence System. Exhibits: Copy of the project grant application.
12. Consider approving and accepting a one-time donation gift in the amount of \$1,000.00 from the estate of Vanita Lee for landscaping at the Highland Cemetery. Exhibits: Check is on file with Financial Services Supervisor.
13. Consider giving City Manager approval to immediately terminate the contract between the City and E-Lite Cleaning Company. Exhibits: None.
14. Consider approving Change Order #1 for the Lake Ellsworth Pump Station Electrical Project #2007-5 with Ramsey Ward Electric Co. Exhibits: None.
15. Consider acknowledging receipt of a permit for the construction of a one million gallon capacity composite elevated water storage tank from the Oklahoma Department of Environmental Quality to serve the Water Infrastructure Improvement Phase 2 (Tower) Project #2006-9, City of Lawton, Comanche County, Oklahoma. Exhibits: Permit to Construct dated February 19, 2008.
16. Consider approving a credit adjustment in the amount of \$941.41 to Southwest Mobile Village's utility account #1001210036 for the property at 2301 SW Sheridan Road for an undetected, underground leak on the customer's water service line. Exhibits: Billing statements from Baker Plumbing dated 12/12/2007 and Copy of Southwest Mobile Village's bill.

Warren stated he did not pull this item to suggest they not pay it. He wanted to make the Council aware that this is the type of situation that caused them to pass the previous ordinance that only allows for credit adjustments to residential customers. He stated they may have gone a little far with that idea, but this was the exact situation that caused that to happen. They had decided that it was not the citizens responsibility to pay the bill of a company who makes its living with that water. It is no different than if a water association had a leak in their system. Part of their responsibility is to take care of those lines. This is a mobile home park and a 2-inch line that runs out to all of these mobile homes in this park. That is what they did not want to pay for when the ordinance was written. He stated this is what they asked for and this is what they got.

Shanklin questioned if these were Lawtonians that owned this property. If they are citizens of Lawton they should have the same consideration as they give everyone else.

Warren stated he has the right to have a different opinion.

MOVED by Warren, SECOND by Haywood, to approve a credit adjustment in the amount of \$941.41 to Southwest Mobile Village's utility account #1001210036 for the property at 2301 SW Sheridan Road for an undetected, underground leak on

the customer s water service line. AYE: Burk, Shanklin, Patton, Haywood, Warren, Hanna, Drewry. NAY: None. MOTION CARRIED.

17. Consider awarding (CL08-031) Sulfuric Acid to Southwest Chemical Services Inc. of McAlester, OK. Exhibits: Department recommendation, abstract of bids.

18. Consider awarding (CL08-038) Aluminum Sulfate, Liquid to Chameleon Industries Inc of Mesquite, TX. Exhibits: Department recommendation, abstract of bids.

19. Consider awarding (CL08-042) Concession Lease Ahlshlager Park to Lawton Evening Optimist of Lawton, OK. Exhibits: Department recommendation, abstract of bids, Lease & Non-Exclusive Concession Operation Agreement.

20. Consider awarding (CL08-040) Footwear (Safety, Athletic & Walking): Item Safety to Woodward's Cyril of Cyril, OK. Exhibits: Department recommendation, abstract of bids.

21. Consider awarding (CL08-040) Footwear (Safety, Athletic & Walking): Item Athletic to Bill's Scoreboard Inc. of Lawton, OK. Exhibits: Department recommendation, abstract of bids.

22. Consider awarding (CL08-035) Hydraulic Root Saws to J&R Equipment LLC of Oklahoma City, OK. Exhibits: Department recommendation, abstract of bids.

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

24. Consider approval of payroll for the period of February 25 March 9, 2008.

Mayor Purcell requested item #29 be addressed next.

29. Consider an appeal on the denial of a special flood hazard development permit for a low water crossing on the West Branch of Wolf Creek at the Lawton Country Club, 4601 W. Gore Blvd. Exhibits: Letter of Denial by the License and Permit Center, Letter from Edward W. Dzialo, Jr., Floodplain Map, Site Plan and Order.

Larry Wolcott, Floodplain Administrator, stated this item is an appeal of the floodplain ordinance. It is for a proposed low water crossing at the Lawton Country Club to replace a bridge that was destroyed last year. The permit application was denied because the low water crossing is located in the flood way which is the central portion of the flood plain. Staff is unable to issue permits in the flood way. According to City Code, the only way construction may occur in the floodway is if the City Council grants a variance. In order to grant a variance, six items must be voted on and each item must receive an affirmative vote.

Mayor Purcell read the following six questions:

A) Will the request, if granted, result in no increase in flood levels during the base flood discharge? AYE: Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

B) Will the structure be built no greater than two (2) feet below the base flood elevation? AYE: Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

C) Has the applicant been given written notice that the granting of a variance to construct the lowest floor elevation below the base flood elevation would cause the cost of flood insurance to the appellant to increase commensurate with the increased risk resulting from the reduced lowest floor elevation? AYE: Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED

D) If the structure has historic character or qualifies under the historic criteria of the State, is the variance the minimum necessary to preserve the historic character and design of the structure? AYE: Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED

E) Does the variance meet all of the following:

(1) A showing of good and sufficient cause; and

(2) A determination that failure to grant the variance would result in a hardship to the appellants; and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to the public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing city code or regulations; and

(4) The variance is the minimum necessary, considering the flood hazard, to afford relief.

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

F) Does the variance contain all the conditions deemed necessary to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions throughout the city? AYE: Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED

MOVED by Drewry, SECOND by Burk, to grant a variance to Section 19A-2-4-232 B.1 of the Lawton City Code to allow construction of a low water crossing on the West Branch of Wolf Creek at the Lawton Country Club, 4601 W. Gore Blvd. AYE: Shanklin, Patton, Haywood, Warren, Hanna, Drewry, Burk. NAY: None. MOTION CARRIED.

#### OLD BUSINESS ITEMS:

25. Consider the following damage claim recommended for denial: Stoney and Kyong Teeter. Exhibits: Supplemental Claims Memorandum/Recommendation.

Vincent stated this claim was tabled at the request of the Teeters because they could not attend the last meeting. He stated they advised staff yesterday that they could not be at this meeting. They are advised of their rights if the Council chooses to deny the claim. Staff is continuing to recommend denial of the claim.

MOVED by Warren, SECOND by Hanna, to deny the damage claim of Stoney and Kyong Teeter. AYE: Patton, Haywood, Warren, Hanna, Drewry, Burk, Shanklin. NAY: None. MOTION CARRIED.

#### NEW BUSINESS ITEMS:

26. Hold a public hearing and consider an ordinance changing the zoning from I-3 (Light Industrial District) to I-4 (Heavy Industrial District) zoning classification located at 672 SW Bishop Road. Exhibits: Ordinance No. 08-\_\_\_\_, Location Map, Site Plan, Application, Petition and CPC Minutes.

Richard Rogalski, Planning Director, stated this request is for the East Half of Lot 5, Weightman Addition, measuring 185.95 feet by 1171.0 feet. The proposed use is a scrap metal recycling and processing facility, which is a Use Permitted on Review in the I-4 zoning district. The property owners are Marcus Wicker and Russell Green, and the applicant is Sanner Pipe and Salvage, LLC.

The zoning of the surrounding area is I-3 to the north, east, and west and R-1 (Single-Family Dwelling District) to the south. The land use of the surrounding area is Swinford Sand and Gravel and vacant to the north, single-family residential (Ranch Oak Addition) to the south, UPS to the east, and HE&I Construction to the west. The 2025 Land Use Plan designates this tract as Industrial. The proposed use, scrap metal recycling and processing facility, is allowed in I-4 as a Use Permitted on Review. The applicant has submitted a site plan which indicates the building and scales will be located close to Bishop Road with a 6-foot fence around the perimeter of the tract and an additional 6-foot fence 350 feet from the south property line.

On February 14, 2008, the City Planning Commission held a public hearing on this request. During the public hearing two persons spoke in favor of the request and nine persons spoke against the request. Also a petition with 97 signatures was submitted opposing the rezoning.

The CPC, by a vote of 6 2, recommended denial of the rezoning based on:

1. The concerns of the neighborhood in regards to the noise and perception of having a scrap metal and car crushing operation next door;
2. The fact that development of the property will require a substantial investment for a water line, and it is not clear if the owner or developer is prepared to make that investment; and
3. If the property is zoned I-4, it would be possible for another business, which is not compatible with the nearby residential neighborhood, to open in that location.

The CPC, by a vote of 8 0, also denied the request for a Use Permitted on Review for the operation of a scrap metal recycling and processing facility at this location.

Upon review of the petition opposing this request it was determined that the owners of 59% of the property within 300 feet of the requested area had signed the petition. Section 18-1-1-114B provides that In cases of a protest against a rezoning filed at least three days before the time of said council public hearing by owners of twenty percent (20%) or more of the area in the requested area or by the owners of fifty percent (50%) or more of the area of the lots within a three hundred foot (300 ) radius of the exterior boundary of the territory included in a proposed rezoning, such rezoning shall not become effective except by a favorable vote of three-fourths (3/4) of all the members of the council. Therefore, it will require an affirmative vote of at least six Council members to approve the rezoning.

Notice of public hearing was mailed on February 19, 2008 to 30 owners of property within 300 feet of the requested area, and proper notice was published on February 24, 2008, in *The Lawton Constitution*.

PUBLIC HEARING OPENED.

James Stewart, 627 SW Sedalia Place, stated he has lived in the area for 42 years. They have opposed several attempts by heavy industry and jail sites. The residents in Ranch Oaks are 100% opposed to this rezoning. They believe it will be damaging to the neighborhood and the entire front on 11<sup>th</sup> Street. He hopes the City Council will deny the request.

Bill Williams, 3503 NW Ridge Road Place, stated he and Harry Morgensen built the UPS building in 1978. He is opposed to this use. He would like for someone to be able to utilize the property with I-3 zoning. It is hard to get a prospect into the area because of the lack of water. There is a 1 water line that runs from 11<sup>th</sup> Street. He suggested that a new water line be included as a future project.

Barbara Bogalsky, 622 SW Bishop Road, stated she owns the Bel Air apartments and they have a lot of children and adults in their complex. They have worked hard to make that area safer and more secure. They are very concerned about any kind of heavy industrial activity.

Derrick Beardsley, 743 SW Sedalia, stated he feels that this particular business will drive down the property values.

Eloise Paul, 3342 SW Salinas Drive, stated she is the president of the Ranch Oak Improvement Association. She has lived in her home since 1965. She requested the Council deny the rezoning because this would be a blight to the neighborhood, depreciate the area, and it would also be a health hazard to the people in the neighborhood.

PUBLIC HEARING CLOSED.

Haywood stated that often when there are issues such as this, they always come together. He stated this would affect 344 houses in Ranch Oaks and also 200 apartments in Bel Air. He thanked all of those in attendance.

MOVED by Haywood, SECOND by Drewry, to deny the request for rezoning. AYE: Haywood, Warren, Hanna, Drewry, Burk, Shanklin, Patton. NAY: None. MOTION CARRIED.

27. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Agriculture to Residential/Low Density, Residential/High Density, and Commercial and an ordinance changing the zoning from Temporary A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District), R-4 (High Density Apartment District), and C-1 (Local Commercial District) zoning classification located at the southeast corner of SW 52<sup>nd</sup> Street and Bishop Road. Exhibits: Resolution No. 08-\_\_\_\_, Ordinance No. 08-\_\_\_\_, Location Map, Site Plan, Applications and CPC Minutes.

Rogalski stated this request is for 113.47 acres of R-1 zoning for the proposed Deer Trail Development, 21.49 acres of R-4, and 3.90 acres of C-1 located at the southeast corner of SW 52<sup>nd</sup> Street and Bishop Road. The property owner is American Communities, Inc., who is also the developer of the subdivision.

The zoning of the surrounding area is C-4 (Tourist Commercial District) and R-1 to the north and Temporary A-1 to the south, east, and west. The land use of the surrounding area is vacant and single-family residential (under construction) to the north and vacant to the south, east, and west. The 2025 Land Use Plan designates this property as Agriculture.

On February 14, 2008, the City Planning Commission held a public hearing on this request. During the public hearing two persons spoke in favor of the request, and one person voiced concerns with drainage, sewage system, and Bishop Road. The CPC, by a vote of 8 0, recommended approval of the amendment to the Land Use Plan and rezoning. The requested rezoning follows the node concept of the 2025 Land Use Plan which provides for Commercial at the intersections of section line roads with Residential/High Density buffering the Commercial from the Residential/Low Density located toward the center of the section. The requested C-1 zoning is the most restrictive commercial zoning classification. The 2025 Land Use Plan did not use the node concept for this section of land because the land is further south than the 2025 Plan projected growth to occur. The developer will be required to extend infrastructure to the proposed subdivision.

During the meeting, the CPC discussed concerns about the amount of development planned for this area and the condition of SW 52<sup>nd</sup> Street and Bishop Road. The CPC suggested to the City Council that Bishop Road and SW 52<sup>nd</sup> Street be repaired or improved.

PUBLIC HEARING OPENED.

Jim Sharp, President of American Communities, Inc., stated their company is focused on providing affordable and quality housing developments off of military bases throughout the United States. They currently have approximately 800 acres under development at Fort Drum in New York. They are the largest developer at Fort Riley in Kansas. He stated they have also invested in some property in Elgin. He stated they also have a non profit called Real America Cares which deals with disabled veterans in the business enterprise section.

Haywood questioned if they caused damage to the roads during construction, were they going to repair those roads.

Mr. Sharp stated they have had conversations regarding how they were going to stage 52<sup>nd</sup> Street. He stated it is gravel. He considers this as part of the parcel to be developed. They need to work with the Council and the City of Lawton to make sure that everyone understands who will pay for what. He has no problems providing infrastructure because it only enhances the community.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Burk, to adopt **Resolution 08-30** and **Ordinance 08-17**, waive the reading of the ordinance, read the title only. AYE: Warren, Hanna, Drewry, Burk, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 08-17

An ordinance changing the zoning classification from the existing classification of temporary A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District), R-4 (High Density Apartment District), and C-1 (Local Commercial District) zoning classification on the tracts of land located in the vicinity of the SE corner of SW 52<sup>nd</sup> and Bishop Road, which are more particularly described in sections one (1), two (2), and three (3) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

28. Hold a public hearing and consider a change of zoning from A-1 (General Agricultural District) to C-1 (Local Commercial District) zoning classification located at 3001 SE Lee Boulevard. Exhibits: Ordinance No. 08-\_\_\_\_, Location Map, Site Plan, Application and CPC Minutes.

Rogalski stated this request is for a 240 x 300 tract located at the southeast corner of SE Flower Mound Road and SE Lee Boulevard. The proposed use is a convenience store with gas pumps. The applicant and property owner is Nick Richards.

The zoning of the surrounding area is C-4 (Tourist Commercial District) to the north and west and A-1 to the south and east. The land use of the surrounding area is First Baptist East Church to the north, single-family residence and agriculture to the south and west, and agriculture to the east. The 2025 Land Use Plan designates this tract as Commercial. The requested zoning of C-1 permits the convenience store; however, a Use Permitted on Review is needed for the gas pumps.

On February 14, 2008, the City Planning Commission held a public hearing on the rezoning 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 rezoning. The CPC also conditionally approved a Use Permitted on Review for the gas pumps in conjunction with the convenience store.

Notice of public hearing was mailed on February 19, 2008 to 8 owners of property within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on February 24, 2008.

PUBLIC HEARING OPENED.

Lorene Sullivan, 1320 SE Flower Mound Road, stated from the north side of the property to property line in question is about 75 feet. She stated this is an unacceptable change because of the threat to her safety and the concerns for her happiness for the remainder of her life. There have been numerous robberies lately at convenient stores and that makes her a little nervous. She stated a nice restaurant would be wonderful for the east side. It makes her wonder if change to promote progress is really the thing for everyone. She stated that trash will be a constant irritant. She stated that traffic will increase. She already has a lot of traffic from the prison. She stated there will be odors when they fill the gas tanks and a lot of loud noise, especially if there is a car wash. There are already several convenience stores in that area, with one a mile to the north, one mile east and one across from McArthur. She does not feel this is solid planning.

Haywood stated there were some problems when they put the highway in.

Nick Richards, 39 SE 67<sup>th</sup> Street, stated he is the manager of the Richards Family Group, LLC. He stated he and the

Sullivans are friends. They are some of the hardest working people in this community. He stated if he was not standing here requesting this rezoning, then someone else would. One of the Sullivan family members wanted to sell that corner and he made an offer and purchased that corner. Before he can continue to spend more money on that corner he has to know that it is zoned commercial. He has to extend the sewer line, pay for plans, specs and feasibility studies. The last thing he wants to do is upset any of the Sullivan family.

Haywood stated that if this property is rezoned, he requested that Mr. Richards make sure there is a fence put up between the properties. They do not want to disturb Mrs. Sullivan and they want to see her protected.

Mr. Richards stated he will try his best to make her happy.

Mayor Purcell questioned if Mr. Richards is definitely putting a convenience store on that corner.

Mr. Richards stated it could be something other than a convenience store. That is the direction they are looking at. He stated a restaurant would be nice on that corner. The taxpayers have spent \$11.7 million on a five lane concrete road on Flower Mound from Lee to Rogers Lane. Something commercial will be there in the future. The taxpayers have spent \$40 million in southeast Lawton on water lines, the water treatment plant, water tower at 45<sup>th</sup> and Bishop, and there is going to be a lot of growth that way at some point in time.

Warren questioned if they could look at transition zoning.

Rogalski stated the applicant just simply requested C-1 zoning and it is in accordance with the land use plan.

Warren stated this is a tough one because it does coincide with the land use plan and they have discussed how, in the future, a developer will probably acquire that land for a future residential development. In the past, they have always tried to get that C-1 in there so that everyone knows what will happen and where things are going to be. If there was any way he could vote against this he would, but he just does not know how he can. This is just the direction the land use plan says they need to go. No matter what they do here it will be unfair to someone.

Mitchell stated the City Planning Commission conditionally approved a Use Permitted on Review. He questioned the condition.

Rogalski stated it would depend on the rezoning by the City Council. The UPOR only exists if this property is C-1. If the Council votes yes on the zoning it is automatically in effect.

Mayor Purcell clarified that if this is approved tonight for rezoning to C-1, then the UPOR is automatically approved to put this at that location with no further action by the City Council.

Rogalski stated this is a binding site plan so it has to go exactly as presented.

Mayor Purcell questioned what would happen if Mr. Richards decided to build a restaurant.

Rogalski stated he could do that with no further action. Anything can be built there that is included in C-1 zoning. He stated it is the gas pumps that would require the UPOR.

Burk stated this is really tough and they want to see things grow out on the east side and no matter what, someone will be upset.

Joe Sullivan, 3035 SE Lee Boulevard, stated he lives just east of this corner. He stated that he and Mr. Richards conferred once in his driveway that this would be a five year delay. He questioned where that was in this planning.

Mr. Richards stated that on some projects you try to go real fast and on some you don't have to go fast. This is one project that he does not have to go fast. But before he can continue to spend money he needs to know that this is commercial. He will have this project on the side burner instead of the front burner as far as pushing it forward. He wants to give Mrs. Sullivan as much quiet and enjoyment as possible.

Mr. Sullivan stated they had talked and it was stated that there would not be anything built there for five years and he didn't know if that was written in somewhere.

Drewry stated the timeline would be up to Mr. Richards.

Mr. Sullivan stated that Mr. Richards wrote a letter stating that it would be five years. He would also like to see the east side grow. The center of town has moved and it would be great to see some activity out that way.

Mayor Purcell stated there is nothing the Council is approving tonight that guarantees the five years. That is up to Mr. Richards.

PUBLIC HEARING CLOSED.

MOVED by Drewry, SECOND by Hanna, to adopt **Ordinance 08-18**, waive the reading of the ordinance, read the title only. AYE: Hanna, Drewry, Burk, Shanklin, Patton, Warren. NAY: Haywood. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 08-18

An ordinance changing the zoning classification from the existing classification of A-1 (General Agricultural District) to C-1 (Local Commercial District) zoning classification on the tract of land located at 3001 SE Lee Boulevard, which is hereinafter more particularly described in section one (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

30. Consider accepting an award from the U.S. Department of Housing and Urban Development (HUD) of a CDBG Section 108 Loan Guarantee for \$2,000,000. Authorize the Mayor to sign the Funding Approval/Agreement and the Applicant/Recipient Disclosure/Update Report and authorize submission to HUD. Exhibits: Exhibit A: HUD Award Letter dated November 19, 2007 with a Funding Approval/Agreement with Item 8, Special Conditions (Enclosure A) and an Applicant/Recipient Disclosure/Update Report (Enclosure B) is on file in the City Clerk's office and HCD.

Mitchell stated in November we received a letter from HUD notifying us that our application for the Section 108 program had been approved. This is the next step in the process of submitting the required documents back to HUD for their review. Once those documents are reviewed and approved, staff will bring the completed application back for Council approval. During that final consideration Council will discuss security on that loan. Staff does not know what type of security will be required. In the letter from HUD, revenues from the TIF District were mentioned as a possible source of security for the loan. This step basically moves the process along and they hope that by May or June they will be able to resolve the remaining issues and will be able to start on the 2<sup>nd</sup> Street project. The Section 108 loan program is a \$2 million loan to make improvements along 2<sup>nd</sup> Street between Gore and Ferris.

Patton stated if it was not for former Councilmember Rex Givens they would not have this opportunity. He fought hard for this project.

Haywood thanked Tom Aplin, Assistant Director of Housing and Community Development Division, for making this happen and getting this loan approved.

MOVED by Patton, SECOND by Drewry, to accept an award from the U.S. Department of Housing and Urban Development (HUD) of a CDBG Section 108 Loan Guarantee for \$2,000,000 and authorize the Mayor to sign the Funding Approval/Agreement and the Applicant/Recipient Disclosure/Update Report and authorize submission to HUD. AYE: Hanna, Drewry, Burk, Patton, Haywood. NAY: None. ABSTAIN: Shanklin. ABSENT: Warren. MOTION CARRIED.

31. Consider an ordinance amending Section 17-3-4-436, Division 17-3-4, Article 17-3, Chapter 17, Lawton City Code, 2005, relating to personnel policies and procedures by amending the City Code to provide that the city and general employees' retirement contribution rates reflect the current rates that were adopted by the City Council as a part of the budget process for the 2004/2005 fiscal year and providing for severability, and an effective date. Exhibits: Ordinance No. 2008-\_\_.

Vincent stated this is a clean up ordinance to bring the code into conformance with the budget that was adopted for 2004-2005.

MOVED by Drewry, SECOND by Burk, to adopt **Ordinance 08-19**, waive the reading of the ordinance, read the title only. AYE: Drewry, Burk, Shanklin, Patton, Haywood, Warren, Hanna. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 08-19

An ordinance pertaining to personnel policies and procedure amending Section 17-3-4-336, Division 17-3-4, Article 17-3, Chapter 17, Lawton City Code, 2005, to set the city's contribution rate and employee's contribution rate to the employee retirement system of the City of Lawton and providing for severability.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Mayor Purcell welcomed Councilmember Jay Burk.

COL. Bridgford thanked Mayor Purcell, Barry Beauchamp and Dr. Sylvia Burgess for traveling to El Paso with military staff to meet with members of the 31<sup>st</sup> Air Defense Artillery Brigade headquarters that are moving to Lawton this summer. There will be 130 soldiers plus their family members.

Hanna reminded everyone of spring break the following week.

Mayor Purcell stated the Chamber trip to Washington, D. C. will be held on April 27, 28 and 29. On March 17<sup>th</sup> the Oklahoma Municipal League will host Legislative Day at the state capitol. He stated it is good for legislators to hear from the community.

Mitchell stated that on Thursday, March 13<sup>th</sup> at 1:30 p.m. there will be a pre-construction conference at Central Junior High.

The Mayor and Council convened in executive session at 7:30 p.m. and reconvened in regular, open session at 8:57 p.m. Roll call reflected all members present excluding Shanklin.

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

32. Pursuant to Section 307B. 4, 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 #32. He stated there will be an agenda item on March 25<sup>th</sup> for possible approval of the contract.

33. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2008-2009 between the Fire Union IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session.

Vincent read the title of item #33. No action is required.

Patton stated the hopefully by the end of business on Friday the light at 67<sup>th</sup> and Cache Road will be up and running.

There being no further business to consider, the meeting adjourned at 8:59 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK