

Meeting of 2008-3-25 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MARCH 25, 2008 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Presiding Also Present:
Larry Mitchell, City Manager
John Vincent, City Attorney
Traci Hushbeck, City Clerk

Mayor Purcell called the meeting to order at 6:14 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Stan Baker, Northside Southern Baptist, followed by the Pledge of Allegiance.

ROLL CALL

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

ABSENT: None

PROCLAMATION FOR NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK

Mayor Purcell proclaimed the week of April 13-18, 2008 as National Public Safety Telecommunications Week.

STATE OF THE CITY ADDRESS BY MAYOR JOHN P. PURCELL, JR.

Mayor Purcell gave the State of the City Address, which is included as an attachment.

AUDIENCE PARTICIPATION:

Elizabeth Young, 7620 NW Baldwin Avenue, stated she is here regarding Tippi's Auto Spa. She stated the noise is getting very bad again. She stated there has to be something they can do. Her husband has called the police and no one came and she cannot blame them. It is not their job to police Tippi's car wash.

Shanklin questioned if this happens at specific times.

Mrs. Young stated it happens all day and late into the evenings.

Patton stated he asked Ms. Young to come before the City Council.

Vincent stated there is currently a code that addresses this and they just need to ask the police for increased enforcement. He stated they need to catch them in the act.

Drewry questioned if the car wash was open all night.

Mrs. Young stated yes. It goes on 24/7. They just pull in and chat and talk and play their music.

Burk questioned if they were actually using the car wash.

Mrs. Young stated no. She stated she tried to call Mr. Tippi's, but he recognizes her number and he switches it to the fax machine. She went to the car wash recently and spoke with the attendant about talking with Mr. Tippi's.

He was unavailable to speak to her. She has tried to be nice and ask him to keep the noise down.

Shanklin questioned if these people are just congregating at the car wash.

Mrs. Young stated yes. She stated that most of the signs he put up are gone.

Mayor Purcell questioned if they could possibly declare this a nuisance.

Frank Jensen, Deputy City Attorney, stated if the owner was present and the employee confirmed that and she heard the noise, Mrs. Young can come to the City Prosecutors office and fill out a complaint and we can file the complaint against the owner and prosecute.

Vincent stated there is a way to have a property declared a public nuisance, but there has to be sufficient evidence of violations. He stated the rules are different during the daylight, the decibel level is higher.

Patton questioned if there is a time when the lights go out.

Mrs. Young stated that was a misconception. She stated it was not going to be a 24 hour operation.

Mayor Purcell stated that Mr. and Mrs. Young need to come down and visit with the City Prosecutor. He can give them advice on what they need to do the next time it happens.

Drewry recommended that she file the complaint from the last time she went over to the car wash.

Shoemate stated the problem is that by the time they call the police and the police get to the car wash the perpetrator is gone.

Shanklin questioned if they could send a letter to the owner notifying him of the complaints.

Vincent stated he would like to see Mrs. Young file a valid complaint and then they notify the owner of the complaint.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MARCH 11, 2008.

MOVED by Warren, SECOND by Drewry, to approve the minutes of March 11, 2008. AYE: Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren. NAY: None. ABSTAIN: Shoemate. MOTION CARRIED.

Mayor Purcell requested that item #22 be addressed next.

22. Consider approving the 2008/2009, contract between the City and the AFSCME employees group. Exhibits: March 4, 2008 Email from John Breit.

Vincent stated after approximately twelve months of negotiations with the AFSCME employee group and with the help of the Federal Mediation Conciliation Service, we have resolved all of our contract disputes. The union has voted and approved this proposed contract by 97%. The City Council has been briefed about the contents of the contract during two executive sessions. He stated staff is recommending approval of this agreement.

Shanklin asked if they were going to make the agreement public.

Vincent stated it will be public once it is signed. They had an agreement with AFSCME that until the contract was approved by both the union and City Council that it would not be released to the media and no public comments would be made about the terms and conditions of the contract.

MOVED by Shoemate, SECOND by Burk, to approve the contract between the City of Lawton and the AFSCME employees group. AYE: Drewry, Burk, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

The contract was signed by Mayor John P. Purcell, Jr. and representatives from AFSCME.

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.

Mayor Purcell stated item #18 should be stricken off the agenda and item #8 should be considered separately. Shanklin requested items #2 and #7 be considered separately.

MOVED by Shanklin, SECOND by Warren, to approve the Consent Agenda with the exception of items #2, #7, #8 and

#18. AYE: Burk, Shanklin, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. ABSENT: Patton. 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: Diane Cates in the amount of \$5,635.06. Exhibits: Legal Opinion/Recommendation and **Resolution No. 08-31**.

2. Consider the following damage claim recommended for denial: William B. Stearns. Exhibits: Amended Claims Memorandum/Recommendation.

Shanklin stated that the first paragraph in the memorandum stated that the plumber indicated to Mr. Stearns that the main had collapsed and the riser fell into the main. He stated if he had known that without replacing the rest of the sewer line the charges would only have been \$1,400. He understands that the City wants to turn down the claim, but Mr. Stearns did nothing wrong. He stated they need to look at the pictures in the agenda, it is just a visage of a sewer line.

MOVED by Shanklin, SECOND by Haywood, to approve the claim of William B. Stearns in the amount of \$2,400.

Jensen stated they are not alleging that Mr. Stearns did anything wrong, but his plumber did. The photographs clearly show that the plumber dug right over the top of the main down to the riser. They pulled up the riser over the top of the main and saw where the plumber ripped the top of the main off. He stated if the main had been collapsed, there would be a pool of sewer water. What you do see is the top of the main over to the side of the hole. They were pulled over there. The main is still flowing and you can see it exposed.

Burk stated that Mr. Stearns has a claim with his plumber, not the City of Lawton.

Jensen stated that this main was not collapsed, it was ripped out. Mr. Stearns had to pay for an entire service line that was not necessary. Mr. Stearns told the investigator that he was not sure why the whole service line had to be replaced. It was not Mr. Stearns fault, but it is not the taxpayers fault either.

Burk stated the Mr. Stearns does not have an issue with the City of Lawton. In the background it states that the plumber did not do the right thing.

Warren stated if the riser truly collapsed then there was no reason to replace the service line.

Jensen stated in the background they cited a provision from the code that stated if the plumber digs down and that riser has fallen in the main, they are required, under code, to call the City of Lawton and let us see it. That did not happen in this case. If this line actually collapsed there would be problems in that area. The City of Lawton was not called.

Mayor Purcell questioned if Mr. Stearns had a claim against his plumber.

Jensen stated that is between Mr. Stearns and his plumber. He cannot express an opinion.

Haywood questioned if the riser was ours.

Jensen stated no. The riser is part of his service line.

Shanklin stated if you look at Exhibit B, you would not call that a navigable sewer line. We have them all over town.

Burk stated the commentary says that they found pieces by the side of the ditch and that tells him they dug it up.

William Stearns, 812 SW Summit, stated his plumber told him that he did not hit the main. He was out there when he dug the hole. The only place exposed is where they dug it out with shovels, not a backhoe. He has had problems for over a month with his sewer backing up. He had it roto-rootered three times and every time the tool would go all the way out to the main before it would hit an obstruction. The plumber told him it was hitting the back side of the main. He stated there was dark stuff in the dirt where you could tell it has soaked up his sewer.

Haywood questioned if this main had ever collapsed.

Jensen stated they are not talking about the main, but there was one prior problem on an overload several years ago. He stated if Mr. Stearns plumber told him that he was routing all the way out to the main and that is where he is finding a stoppage, why would they start replacing the service line from the house?

Shanklin stated he would like to amend his motion to pay \$1,400 which would be the cost to replace the riser.

SUBSTITUTE MOTION by Shanklin, SECOND by Haywood, to approve the claim of William B. Stearns in the amount of \$1,400. AYE: Shanklin, Haywood, Hanna. NAY: Warren, Shoemate, Drewry, Burk. ABSENT: Patton. MOTION FAILED.

MOVED by Burk, SECOND by Drewry, to deny the claim. AYE: Warren, Shoemate, Hanna, Drewry, Burk. NAY: Haywood, Shanklin. ABSENT: Patton. MOTION CARRIED.

3. Consider approving a resolution authorizing the City Attorney to file a claim against Southwestern Bell Telephone, L.P., in the amount of \$21,009.83 for reimbursement of payment of a tort claim plus the cost to replace a segment of sewer main damaged by Southwestern Bell Telephone, L.P. Exhibits: Copy of Claims Memorandums DC-2007-0088 and DC-2007-0111 and **Resolution No. 08-32**.

4. Consider accepting and approving an addendum to an April 9, 2007 engagement letter for technical accounting and consulting services with the firm of Crawford & Associates, P.C., and authorize the Mayor and City Clerk to execute the addendum. Exhibits: March 12, 2008 addendum letter for services with Crawford and Associates, P.C.

5. Consider a Resolution approving indebtedness (The Note or Notes) of the Lawton Water Authority in the amount of not to exceed \$28,000,000 in aggregate amount outstanding at any one time for the purpose of financing the BRAC related improvements to be financed with the proceeds of the 3/8TH cent sales tax approved by the voters on October 9, 2007; Waiving competitive bidding; approving documents including an agreement of support with the authority; and other matters relating thereto. Exhibits: **Resolution No. 08-33** and Security Agreement.

6. Consider allowing the Parks & Recreation Department to Co-sponsor with the Lawton Athletic Foundation Inc. a series of softball/baseball tournaments for the year 2008. Exhibits: None.

7. Consider approving the construction plat for Scissortail Development subject to conditions. Exhibits: Plat Map.

Shanklin questioned if Scissortail, LLC and Coon Engineering are from Lawton.

Richard Rogalski, Planning Director, stated the developer is Warren Wagner and he is based here in Lawton. Scissortail, LLC is the company name he is working under.

MOVED by Shanklin, SECOND by Haywood, to approve the construction plat for Scissortail Development subject to conditions. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Burk, Shanklin, Patton. NAY: None. MOTION CARRIED.

8. Consider adopting a Resolution authorizing the installation of traffic control measures at the following intersections: NE 34th St. at E Gore Blvd.; SW 45th St., SW Beta Ave., SW Atom Ave., SW 50th St., SW Country Club Dr., and SW 51st St. all at SW 52nd St.; SW Lee Blvd. at SW 82nd St.; SW Bishop Rd. and SW Tennessee Ave. both at SW 11th St.; SW N.H. Jones Ave. at SW Sheridan Rd.; SW Lee Blvd. at SW 17th St.; NW Ft. Sill Blvd. at NW Cache Rd.; SW Roosevelt Ave. at SW 8th and SW 10th St.; SW Douglas Ave. at SW 8th and SW 10th St. Exhibits: Traffic Commission Minutes, Traffic Issue Requests, and Resolution No. 08-__.

Jerry Ihler, Public Works Director, stated he asked the item be pulled because item #2 on the commentary deals with the signal at 82nd and Lee Boulevard. Staff had recommended to the Traffic Commission that the speed limit be reduced from 55 mph to 45 mph as well as put up a warning sign in the north and south direction indicating that there is a stop sign ahead. The Traffic Commission agreed with the recommendation but in addition they wanted a traffic signal installed. He would like to have some direction on funding the traffic signal. If they were to contract that out it would be approximately \$125,000 - \$150,000. If they buy the material and install it in house, it would cost approximately \$60,000. He questioned if the City Council would like to fund it in next years budget or would they consider using the council contingency fund which has \$42,000 - \$45,000 in that account. He stated there is some money in the 2008 CIP that is for BRAC growth and BRAC related projects. He questioned if they wanted to take the money from that account or try to fund it. The Traffic Commission did not provide any recommendation for the funding. He stated they do have a traffic study from the developer developing the northeast corner and the study indicated that with his first and second phase of the residential development, a traffic signal is not warranted based on the traffic counts. As the area gets fully developed, it does recommend that the City of Lawton consider a signalization of the intersection at 82nd and Lee Boulevard within the next five years.

Warren questioned if they could place a four way stop in the mean time. He stated if they put a light up there next week you are going to be stopping traffic going east and west anyway.

Ihler stated it would be an actuated signal light, so that where the traffic warrants, that is where the signal will fall. He stated that with discussions with the Associate Traffic Engineer and the traffic study, it does not warrant a four way stop, it warrants the stop on the north and south.

Patton stated that he and Councilmember Haywood would like to see this happen.

Burk stated this is a major problem and they need to find the funding.

Shanklin questioned how much they had left in their contingency fund.

Ihler stated he thought there was approximately \$42,000 - \$43,000.

Shanklin recommended they use all that is in the contingency fund and let staff find the rest of the funding.

Patton stated it would be cheaper to do this sooner than later.

Ihler stated over the next five years there will be 563 single family homes built in that area and on the corner there will be some commercial and apartments.

Patton questioned if staff could find the additional money if they put up the money from the contingency fund.

Mitchell suggested basically they borrow the money from another account and consider paying it back when 2008 CIP money becomes available.

Council members agreed.

MOVED by Patton, SECOND by Haywood. to approve Res. 08-34 authorizing the installation of traffic control measures at the intersections listed and that item #2 be funded with City Council contingency funds for this year with the remaining balance to be paid out of an undetermined account which may be repaid when 2008 CIP funds become available. AYE: Warren, Shoemate, Hanna, Drewry, Burk, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

9. Consider accepting the West Cache Road 24 Waterline Phase II Project #2005-8 as constructed by Howard Construction, Inc. and placing the Maintenance Bond into effect. Exhibits: None.

10. Consider authorizing payment of \$500.00 to David Scott for a tenant release needed for the NW 67th Street Reconstruction (Cache Road to Rogers Lane) Project #2003-7. Exhibits: Tenant Release Form.

11. Consider granting a permanent utility easement and a temporary construction easement to Comanche County Rural Water District #1 and authorizing the Mayor and City Clerk to execute the documents. Exhibits: Request Letter, Location Map. Easements are on file in the City Clerk's Office.

12. Consider approving plans and specifications for the Medicine Park Water Treatment Plant Administrative Building Re-roofing Project #2008-8 and authorizing staff to advertise for bids. Exhibits: None.

13. Consider accepting warranty deeds and easements from property owners for right of way needed for the NW 67th Street Reconstruction (Cache Road to Rogers Lane) Project #2003-7, authorizing the Mayor and City Clerk to execute the documents and authorizing payments for same. Exhibits: Settlement Table. Documents are on file in the City Clerk's office.

14. Consider accepting the Lake Ellsworth Bypass Project #2004-2 as constructed by Bowles Construction Company and placing the Maintenance Bond into effect. Exhibits: None.

15. Consider awarding a construction contract to Luckinbill, Inc. for the NW 67th Street (Cache to Rogers Lane) Water Line Relocation Project #2008-7. Exhibits: None.

16. Consider extending the contract (CL07-045) Jail Food & Supplies with Indian Nation Wholesale of Durant, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

17. Consider extending the contract (CL07-033) Nuisance Abatement-East Side with Charlie's Backhoe & Demolition of Sterling, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

18. Consider awarding (CL08-043) Alternate Daily Cover (ADC) to Landfill Service Corporation of Apalachin, NY. Exhibits: Department recommendation, abstract of bids. **THIS ITEM WAS STRICKEN.**

19. Consider awarding (CL08-041) Self-Contained Breathing Apparatus (SCBA) to Wayest Safety Inc. of Oklahoma City, OK. Exhibits: Department recommendation, abstract of bids.

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

21. Consider approval of payroll for the period of March 10 - 23, 2008.

BUSINESS ITEMS:

23. Consider an ordinance amending Section 22-1-4-141, Division 22-1-4, Article 22-1, Chapter 22; Sections 22-4-1-403, 404 and 410, Division 22-4-1, Article 22-4, Chapter 22, Lawton City Code, 2005, by establishing standards for refuse curbside pickup, providing for severability, and declaring an emergency. Exhibits: Ordinance 08-__.

Burk stated there are a few areas that are not correct in the proposed ordinance. He stated he was trying to stop all of the blowing trash and boxes blowing into the streets and parks. He stated the roads in the non cart areas are a disaster. It is hard to find a carted area that looks bad. He feels that we are asking people to go out and purchase a 35-gallon container because now they cannot use the container they had been using because they are too big. His proposal is that they do away with the 35-gallon provision and the bags. They would like to still keep the 105-gallon limit on the amount of trash plus the six yard waste bags. He has had many calls this week from people that are happy that they are addressing this issue.

Mayor Purcell stated they did receive a substitute for page one of the ordinance. He questioned if all of the changes on page two were still proposed.

Vincent stated they are doing away with the 35-gallon containers and they are saying you can have 105 gallons total of bags and/or containers or any combinations.

Haywood stated he was not on the committee that brought the recent changes but he did sit in on the meeting. They had six bags of home refuse and six bags of yard waste making a total of twelve bags. He questioned what the difference was.

Vincent stated the ordinance says you cannot exceed 105 gallons of refuse for curb side pickup as well as no more than six bags of yard debris.

Shanklin stated the 105 gallons is what is flawed. He questioned who has time to measure this. He wanted to go back to the way it was before those 95 gallon containers. They are not winning. They will win if they pick up the trash like we were picking it up. For those who abuse it, don't pick it up.

Burk stated his biggest thing is that they are letting those in the cart areas just have the 95-gallon containers unless they pay the \$5 extra a month for an additional container. He would rather see us just pick up the trash until everyone gets the containers.

Hanna stated the phone calls he has received over the past month are from people complaining that we won't pick up a small cardboard boxes or a small kitchen bags. Those are the things that are blowing around the neighborhoods. He questioned if we were not giving our employees specific instructions. He stated every route seems to be different.

Patton stated when you make laws, you have to make one law for everyone. His calls are from more people upset about boxes.

Warren stated part of the reason they stopped picking up everything outside of the can is because those individuals that have the carts were feeling put upon because they were only allowed to put out what would fit in a 95-gallon container and nothing else. Others outside the cart areas could put out whatever they wanted and that was the whole reason this issue started. Eventually we will have a fully automated system and that truck will reach out and dump that container. We will not be able to have that little box or bag sitting outside of that cart. He questioned when they started enforcing this.

Hanna stated they started enforcing this when everyone has the new carts. They should have had enough money set aside to implement the new program city wide.

Shanklin stated he hears all about the inconsistencies.

Mayor Purcell stated they need to pass something that makes sense. Everyone has to understand the rules and the city employees also have to understand what to pick up. How will they know what 100 lbs is when they see six trash cans or a bunch of trash bags. They all need to understand what we are going to pick up and what we are

not.

Shoemate questioned how much it would cost to put the new carts throughout the city.

Mayor Purcell stated it is not just buying 23,000 more carts, they have to buy or refurbish the trucks to pick up those carts.

Ihler stated there are currently 8,700 carts that have been distributed to residents. They only have eight trucks with tippers and they cannot lift those carts without the automated tipper. He stated to maximize those trucks, on one day they are on one side of town and the other day they may be on the other side of town. He stated they needed about \$1.2 million to purchase the rest of the containers. They would still need to purchase three trucks to cover the entire area. They are looking at a total of \$1.4 or \$1.5 million for the entire program. This would give everyone a container along with the additional trucks or the conversion of the existing trucks.

Shoemate stated that seems to be the answer. The only ones complaining are those that don't have the new containers.

Warren stated it comes out to about \$4 per utility bill to do this in one year or \$2 per bill for two years.

Ihler stated there are three automated trucks coming in around the end of May.

Burk stated he would like to speed this whole process up because that would solve all these problems. He suggested they scratch the whole 105-gallon deal and go back to picking up the trash and have a little bit of customer service. We pick it up until they are able to get containers for the other neighborhoods.

Warren questioned if they are going to pick up everything for everybody.

Shanklin stated just like they have done it for the twenty five years that he has been here, it does not take a genius to see those that abuse it and let staff write them a ticket.

Drewry stated she has gone by homes that have as many as fifty bags at the curb. Do they expect the crews to pick all of this up?

Haywood suggested that any changes go through the committee that was previously appointed which consisted of Councilmembers Patton, Shanklin and Hanna. He stated he would love to go back the way it was, but we have to keep these employees from being injured because they cannot pick up those big cans. He feels it still needs to go back to the committee and what they have in place will still work. He stated citizens can call solid waste if they have a lot of trash and pay \$40 to have a special pick up.

Burk stated people are putting out mattresses and chests and currently it is taking about 20-30 days to get that picked up legally. That is too long.

Drewry stated the some cans may be slightly larger than the 35-gallon cans and she does not see any point in people having to go out and buy new cans since eventually we will end up changing them all out. If they are a lot larger, that is another issue. She does feel that we should be picking up boxes.

Burk stated they kept in the 75 lb pick up in yard and brush.

Ihler stated they kept the 75 lb limit because right now that is already in the code. He stated if the crews go out and can pick everything up without the concern of their health and welfare then they would pick it up. If they attempt to pick it up and it is too heavy then they would leave it and put a sticker to let them know it was too heavy and then they would come back the next pick up date and if it was still there and still too heavy, they would call a crew back for a special pick up and they would be charged \$110 per hour. Depending on where it is they could probably get it picked up in an hour.

Shanklin stated everyone in town was always happy about the way the trash was picked up before. He still feels they need to go back to the way it was before they had the new containers. When staff wants something they find the money, so if staff really wants to get these containers they will find the money.

Warren stated staff is not going to find \$1.5 million. He cannot support anything that does not have some kind of rule. They cannot say they will pick up everything they put out up to a point that it is too much. That leaves too much of a question for the crews trying to do this job. He has sat on this Council and heard councilmembers then point at staff and question why they were making those decisions. There has to be rules. There will be a problem when someone's friend doesn't get picked up or when someone does get picked up who they don't like. How will they explain it to the public when you can't even establish rules? They have to start someplace. He stated when this whole program started two or three years ago he voted against it because he knew the Council would not have

the guts to do this deal because they did not want to put \$5 on each water bill to get it done and be finished. They wanted to stretch this out so it wouldn't hurt. Now they have spent at least \$250,000 on this program and we want to forget all about it because no one wants to put boxes inside a sack. He stated we need to either get in or get out. We can't keep picking up boxes because when we go to fully automated, we are not going to pick up boxes anymore. When do they decide to stop?

Ihler stated with the new trucks and containers we are about \$1 million in to this program.

Patton stated at some point people are going to have to learn how to break a box down.

Warren stated they are either going to have to forget about this deal and write off \$1 million or they are going to have to say put the boxes in a container.

Burk stated this proposed ordinance does not affect the carted areas.

Warren stated that Councilmember Shanklin just said he wanted to stop the whole program.

Shanklin stated he did not say that. He was just talking about those areas that do not have carts.

Haywood stated there are four pick ups per year and that is when people put out mattresses, furniture, etc.

Mayor Purcell stated the reason the committee came up with the three cans and/or six bags or any combination is so that everyone would understand the rules. People just don't like the rules and don't want to obey the rules. He suggested they table this item and put the committee back together including Councilman Burk, so they can work this out with the understanding that the council needs to be able to understand the rules so they can be communicated to the public and also staff can understand. In the meantime they keep doing what we have been doing for the past month or two. He stated there are different definitions of abuse.

Burk stated he would agree to table the item.

Shanklin stated he would like to continue to stay on the committee.

Patton stated he would continue to serve on the committee.

Hanna agreed to continue to serve on the committee.

MOVED by Burk, SECOND by Haywood, to table and re-establish the council committee consisting of Shanklin, Hanna, Patton and Burk. AYE: Shoemate, Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

24. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, to increase the fee for special collection of refuse and establish an effective date. Exhibits: Resolution 2008-____. **THIS ITEM WAS STRICKEN.**

25. Consider accepting Vision 2030 as presented by the Mayor's Strategic Direction Task Force. Exhibits: None.

Drewry stated that the book had already been distributed to the City Council. She distributed copies of the appendix. She requested that the City Council accept this plan so that the task force can start working on the projects.

Mayor Purcell thanked Councilmember Drewry and all of the task force members who worked on this plan. It encompassed a lot of people in the community.

MOVED by Drewry, SECOND by Warren, to accept Vision 2030 as presented by the Mayor's Strategic Direction Task Force. AYE: Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

26. Receive a presentation from Public Works outlining infrastructure improvements for the approved 2008 CIP and setting priorities for those improvements. Exhibits: Presentation at the meeting.

Mitchell stated now that they have the financial package put together, they would like to coordinate the construction side of the program so they can match up the financing with the construction.

Ihler stated he and the City Manager thought it would be a good idea to give the City Council an update on the 2008 CIP. He stated they have developed an estimated schedule and they feel they can get through this process in about five years.

Ihler presented a slide presentation (attached).

Shanklin questioned if they could do \$8 million in projects in five years.

Ihler stated it is \$6.5 million or \$812,000 per ward. He stated they do believe they can complete all of the overlays in five years.

Shanklin questioned if that was with the equipment we currently have.

Ihler stated the City Council had indicated that they wanted staff to include a new paving machine in the budget for next year. He stated the current paving machine can only do 13 foot wide. He stated the machine is \$250,000.

Shanklin questioned why they wouldn't take a little out of each ward and buy the machine so that they can get it done quicker. He stated some of these streets cannot wait five years.

Ihler stated from the standpoint of what they can do with in-house personnel and the existing maintenance, \$800,000 a year is about all the additional they can do. He stated as an alternative they looked at contracting out the overlay, and they could get it done very quickly, but they could only do about half the number of streets than if they did it in house. They wanted to do more streets even if it took five years to do. He stated they during the workshop they just decided to put the paving machine in the budget and utilize the \$250,000 for additional overlays. He stated they could revisit the discussion of taking the \$250,000 out of the \$6.5 million.

Haywood stated he does have some suggestions regarding the overlays in his ward.

Ihler stated he was not going to go through individual projects tonight but he will get with Councilmember Haywood to discuss those projects.

Shanklin questioned the time line for 9 Mile Creek.

Ihler stated they cannot hire the consultant to do the design until they have the monies available. He asked the City Council to call him about any questions regarding projects in their wards.

Shanklin questioned when the 2008 CIP finished.

Ihler stated it would stop in 2014, but they are trying to complete as much as they can in the first five years by getting the \$28 million up front and not paying the interest.

Mitchell stated that hopefully we will collect a little more revenue since we are not paying interest and we may be able to do some additional projects.

27. Consider an ordinance amending Section 16-4-1-401, Division 16-4-1, Article 16-4, Chapter 16, Lawton City Code, 2005, by including public urination as a disturbance of public peace, providing for severability, and declaring an emergency. Exhibits: Ordinance 08-___.

Vincent stated the next several items are mandated by state statute. These are revisions of the state statute that has gone or going into effect.

Warren questioned if there was a definition of public place.

Vincent stated that public place is defined in our code book in another section.

Warren questioned if the rest room in City Hall is considered a public place.

Vincent stated technically yes, but that is not what they are talking about.

Warren stated he was thinking it should say public view.

Vincent stated that this is the way the state statute is written.

MOVED by Drewry, SECOND by Burk, to adopt **Ordinance 08-20**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Drewry, Burk, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 08-20

An ordinance pertaining to offenses and crimes amending Section 16-4-1-401, Division 16-4-1, Article 16-4, Chapter 16, Lawton City Code, 2005, by including public urination as a disturbance of public peace, providing for severability, and declaring an emergency.

28. Consider an ordinance amending Section 16-6-1-612, Division, 16-6-1, Article 16-6, Chapter 16, Lawton City Code, 2005, making it unlawful for any person to affix on his or her motor vehicle, either temporarily or permanently, any insignia typically used by a law enforcement agency for the purpose of causing any other motor vehicle operator to yield the right-of-way and stop, or actually causes any other motor vehicle operator to yield the right-of-way and stop, providing for severability, and declaring an emergency. Exhibits: Ordinance 08-___.

Vincent stated that basically this ordinance says that you cannot place flashing lights and other things on your car that would cause people to think that you are an official police car.

MOVED by Drewry, SECOND by Burk, to adopt **Ordinance 08-21**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Burk, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 08-21

An ordinance pertaining to offenses and crimes amending Section 16-6-1-612, Division 16-6-1, Article 16-6, Chapter 16, Lawton City Code, 2005, by making it unlawful for any person to falsely impersonate a law enforcement officer, providing for severability, and declaring an emergency.

29. Consider an ordinance amending Section 23-5-521, Article 23-5, Chapter 23, Lawton City Code, 2005, by providing that a driver s license shall be in motor vehicle operator s immediate possession at all times, providing for severability, and declaring an emergency.

Exhibits: Ordinance 08-___.

Vincent stated if you did leave your driver s license at home, you can bring it in to the Court Clerk s office after you received a ticket and it will be dismissed without cost.

MOVED by Burk, SECOND by Haywood, to adopt **Ordinance 08-22**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Burk. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 08-22

An ordinance pertaining to vehicles and traffic amending Section 23-5-521, Article 23-5, Chapter 23, Lawton City Code, 2005, by providing driver's license shall be in motor vehicle operator's immediate possession at all times, providing for severability, and declaring an emergency.

30. Consider an ordinance amending Section 23-16-1602, Article 23-16, Chapter 23, Lawton City Code, 2005, by providing that the driver of a vehicle which is involved in an accident which causes property damage shall take reasonable steps to locate and notify the owner or person in charge of such property damage and shall, upon request, exhibit a driver s license and security verification form, providing for severability, and declaring an emergency. Exhibits: Ordinance 08-___.

Shoemate questioned if there was something that can be done when someone does not have insurance and they get caught. He questioned if we could confiscate their license or tag to get them off the street. He is tired of these people causing accidents and our hands our tied.

Vincent stated that the insurance companies are required by statute to notify the Department of Public Safety if insurance has been cancelled. He is not sure what happens after this notification. He stated one of the things our judge requires is restitution before there is any type of plea bargain. He stated we are limited in regards to our criminal codes and what the state allows us to have.

Shanklin stated they are not going to shut those people down. They are just trying to survive. Unfortunately if he gets runs over by someone who doesn t have insurance, that is just part of the game.

MOVED by Hanna, SECOND by Shoemate, to adopt **Ordinance 08-23**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Burk, Shanklin. NAY: None. ABSENT: Patton. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 08-23

An ordinance pertaining to vehicles and traffic amending Section 23-16-1602, Article 23-16, Chapter 23, Lawton City Code, 2005, by providing the driver of a vehicle which is involved in an accident which causes property damage shall take reasonable steps to locate and notify the owner or person in charge of such property damage and shall, upon request, exhibit a driver's license and security verification form, providing for severability, and declaring an emergency.

31. Consider adopting an ordinance pertaining to offenses and crimes, creating Section 16-5-1-543, Division 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 2005, by (1) prohibiting any person from willfully bypassing a security checkpoint, (2) prohibiting any person from assisting another in bypassing a security check point, (3) providing for a penalty for such violations and (4) further providing for severability, codification and establishing an effective date. Exhibits: Ordinance 08-___.

Shanklin questioned if they were talking about an accident. He can go around an accident.

Vincent stated this is talking about airport checkpoints, municipal buildings or courthouses.

MOVED by Hanna, SECOND by Drewry, to adopt **Ordinance 08-24**, waive the reading of the ordinance, read the title only. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Burk, Shanklin, Patton. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 08-24

An ordinance pertaining to offenses and crimes, creating Section 16-5-1-543, Division 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 2005, by (1) prohibiting any person from willfully bypassing a security checkpoint, (2) prohibiting any person from assisting another in bypassing a security checkpoint, (3) providing for a penalty for such violations, and (4) further providing for severability, codification and establishing an effective date.

32. Consider adopting an ordinance pertaining to vehicles and traffic by (1) amending the title of Article 23-17A, Chapter 23, Lawton City Code, 2005, to include a reference to all-terrain vehicles, (2) amending the title of Section 23-17A-1750, Article 23-17A, Chapter 23, Lawton City Code, 2005, clarifying that the section pertains solely to electric gopeds and electric personal assistive mobility devices, (3) creating Section 23-17A-1751, Article 23-17A, Chapter 23, Lawton City Code, 2005, by regulating the passenger limitation and helmet requirement for all-terrain vehicles, (4) amending Section 23-1-102, Article 23-1, Chapter 23, Lawton City Code, 2005, by amending the definition of an all-terrain vehicle, (5) providing for severability, codification, and establishing and effective date. Exhibits: Ordinance 08-___.

Shanklin questioned if this would apply to those riding down at Lake Murray.

Vincent stated the state statute would apply to Lake Murray as well as any city property. He stated anywhere that someone is operating an all-terrain vehicle, these rules would apply, whether it is under state or city law. That would depend on the location. He stated this would apply on private land also.

MOVED by Shoemate, SECOND by Hanna, to adopt **Ordinance 08-25**, waive the reading of the ordinance, read the title only. AYE: Warren, Shoemate, Hanna, Drewry, Burk, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 08-25

An ordinance pertaining to vehicles and traffic by (1) amending the title of Article 23-17A, Chapter 23, Lawton City Code, 2005, to include a reference to all-terrain vehicles, (2) amending the title of Section 23-17A-1750, Article 23-17A, Chapter 23, Lawton City Code, 2005, clarifying that the section pertains solely to electric gopeds and electric personal assistive mobility devices, (3) creating Section 23-17A-1751, Article 23-17A, Chapter 23, Lawton City Code, 2005, by regulating the passenger limitation and helmet requirement for all-terrain vehicles, (4) amending Section 23-1-102, Article 23-1, Chapter 23, Lawton City Code, 2005, by amending the definition of an all-terrain vehicle, (5) providing for severability, codification, and establishing an effective date.

33. Consider an ordinance creating Section 16-6-1-620, Division 16-6-1, Article 16-6, Chapter 16, Lawton City Code, 2005, by (1) prohibiting any person from impeding another person s passage through a municipal building, (2) providing a penalty for such violations and (3) further providing for severability, codification and establishing an effective date. Exhibits: Ordinance 08-___.

MOVED by Hanna, SECOND by Haywood, to adopt **Ordinance 08-26**, waive the reading of the ordinance, read the title only. AYE: Shoemate, Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 08-26

An ordinance pertaining to offenses and crimes, creating Section 16-6-1-620, Division 16-6-1, Article 16-6, Chapter 16, Lawton City Code, 2005, by (1) prohibiting any person from impeding another person's passage through a municipal building, (2) providing a penalty for such violations, and (3) further providing for severability, codification and establishing an effective date.

ADDENDUM:

1. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Residential/Low Density to Professional Office and an ordinance changing the zoning from R-1 (Single-Family Dwelling District) with a Planned Unit Development overlay district to P-O (Professional Office District) zoning classification located approximately at 501 NW 38th Street. Exhibits: Resolution No. 08-____, Ordinance No. 08-____, Location Map, Site Plan, Applications and CPC Minutes.

Rogalski stated this request is for a 7.29 acre tract located south of Kids Zone at NW 38th Street and Meadowbrook. In 2004 this tract was zoned R-1 with a Planned Unit Development (PUD) overlay district for the purpose of developing the tract as Saint Emilion, a gated, single-family residential subdivision. However, the owners now propose to sell the tract for professional office development.

The zoning of the surrounding area is P-F (Public Facilities District) to the north and south and R-1 to the east and west. The land use of the surrounding area is Kids Zone Park to the north, undeveloped park to the south, and single-family residential to the east and west. The 2025 Land Use Plan designates this area as Residential/Low Density.

On February 28, 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 no one spoke against the request. The uses permitted in the P-O district typically have daytime hours of operation, are designed to be compatible with single-family residential, are limited to 25 feet in height, and require additional landscaping. The CPC, by a vote of 7 0, recommended approval to the City Council.

PUBLIC HEARING OPENED.

Keith Erwin, applicant, stated they had decided to sell the land to Dr. Wavel Wells and his partner Steve Rich. Dr. Wells would like to put in medical office buildings. He stated the view for the homeowners will not be impeded. The surrounding neighbors do prefer this option.

PUBLIC HEARING CLOSED.

MOVED by Drewry, SECOND by Shoemate, to adopt **Resolution 08-35** and **Ordinance 08-27**, waive the reading of the ordinance, read the title only. AYE: Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 08-27

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) with a planned unit development overlay district to P-O (Professional Office District) zoning classification on the tract of land 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.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Shoemate stated he has had numerous complaints from tennis coaches regarding skateboarders who disrupt tournaments and matches. They refuse to obey anyone who tries to run them off. He stated the seating has big chips and looks terrible. They need to do something.

Mayor Purcell stated the Chief of Police has been sending more officers out.

Shoemate stated the Comanche Driving Range just opening and they are open from 8:00 a.m. to 8:00 p.m. every day. He stated there is a new Oklahoma Indian Chamber of Commerce Southwest Chapter. Their first meeting will be on April 4th at 11:30 a.m. at the Kiowa Casino.

Mayor Purcell stated that Councilmember Shoemate was elected chairman of the Chamber.

Shanklin questioned if anyone saw the article in the paper regarding McShae. He stated the management company settled a fraud scheme and the settlement was for McShae to pay \$4 million in fines for defrauding the federal tax program. He stated the judge wants someone to serve some jail time. He stated that in an article regarding the basketball stadium in Oklahoma City, the Mayor stated that discretionary income is one of our

strengths because the cost of living is low and our wages are higher than the national average.

Patton stated he had a call about some dirt being dumped at 67th and Rogers Lane.

Ihler stated that drainage maintenance is stockpiling dirt from the country club golf course project.

Mayor Purcell stated this Friday several city leaders will be meeting with General Bromberg from Fort Bliss who will be visiting Fort Sill to see how the air defense school is going.

The Mayor and Council convened in executive session at 8:53 p.m. and reconvened in regular, open session at 9:35 p.m. Roll call reflected all members present excluding Shanklin.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

34. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the lawsuit in the City of Lawton vs. IUPA Local 24, Case No. CJ-2007-757, and take appropriate action in open session if necessary. Exhibits: None.

Vincent read the title of item #34. He stated discussion centered on whether or not we should continue with an appeal to the Oklahoma Supreme Court.

MOVED by Patton, SECOND by Warren, to authorize the City Attorney to appeal the District Courts decision in City of Lawton vs. IUPA Local 24, Case No. CJ-2007-757. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Burk. NAY: None. MOTION CARRIED.

35. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Larry S. Mitchell as City Manager, and in open session take other action as necessary. Exhibits: Employment Agreement Summary.

Mayor Purcell read the title of item #35. He stated it was the determination of the City Council the Mr. Mitchell is doing an outstanding job. There were several comments that he is the best City Manager this city has had. The City Council has agreed that with keeping with what has been done with other departments in the way of pay raises, the police and fire have received a 5% step increase this year and city employees have negotiated with a 3% cost of living plus their 2 % step, the City Council has directed that an approximately 5% increase be applied to the City Manager for a total annual salary of \$131,000. Everything else in the contract will remain the same.

MOVED by Drewry, SECOND by Shoemate, to amend the contract to reflect an increase in salary to \$131,000. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Burk. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:39 p.m. upon motion, second and roll call vote.

John P. Purcell, Jr.
JOHN P. PURCELL, JR., MAYOR
ATTEST:

Traci L. Hushbeck
TRACI HUSHBECK, CITY CLERK