

Meeting of 2008-8-12 Regular Meeting

MINUTES

LAWTON CITY COUNCIL REGULAR MEETING
AUGUST 12, 2008 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Traci Hushbeck, City Clerk
 COL Robert Bridgford, Fort Sill Liaison

Mayor Purcell called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Samuel Hutchinson, St. James Baptist Church, 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 (arrived @ 6:12 p.m.)
Robert Shanklin, Ward Five
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: Jeff Patton, Ward Six

PRESENTATION OF CERTIFICATES FOR YOUTH VOLUNTEER RECOGNITION

Mayor Purcell introduced Leroy Giles, Youth Services Coordinator for the City of Lawton Parks and Recreation Department.

Mr. Giles distributed Certificates of Recognition to several young people for their collective community service project totaling 332 hours during the Black Beaver Cub Scout Day at Elmer Thomas Park on June 8-14, 2008.

AUDIENCE PARTICIPATION:

Clifford Douglas, representing the IBMR Bible Class, 525 SW 11th Street, stated he is concerned about some over charges on their water bill. It started last July and in November the water meter was changed out. Once the meter was changed out they went from using 11,000 gallons in four days to 300 gallons a month. He stated staff says it was not the water meter, but since that time they have not had any problems. They are looking at trying to recoup some of the money from the over charges which comes to a total of \$168. He stated they paid those bills in hopes that something would be done about the situation. He stated there never was a leak in the building and it was a faulty meter, but no one will believe them.

Shanklin stated this should be simple to rectify.

Mitchell asked Mr. Douglas to call his office and schedule an appointment.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF JULY 8 AND JULY 22, 2008.

MOVED by Hanna, SECOND by Shoemate, to approve the minutes of the Lawton City Council regular meetings of July 8 and July 22, 2008. AYE: Hanna, Drewry, Haywood, Warren, Shoemate. NAY: Shanklin. 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.

Shoemate requested items #2 and #21 be considered separately. Drewry requested item #8 be considered separately. Shanklin requested items #6, #7, #16, #18 and #19 be considered separately.

MOVED by Haywood, SECOND by Drewry, to approve the Consent Agenda with the exception of items 2, 6, 7, 8, 16, 18, 19 and 21. AYE: Drewry, Burk, Shanklin, Haywood, Warren, Shoemate, Hanna. 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: Southwestern Bell Telephone L.P. in the amount of \$369.87, Southwestern Bell Telephone L.P. in the amount of \$1,978.87 (**Res. 08-101**), Southwestern Bell Telephone L.P. in the amount of \$1,020.38 (**Res. 08-102**), AT&T Telephone L.P. in the amount of \$468.70 (**Res. 08-103**). Exhibits: Legal Opinions/Recommendations, Resolution No. ___, Resolution No. ___ and Resolution No. ___.

2. Consider the following damage claim recommended for denial: Rosemary Emerick in the amount of \$365.00. Exhibits: Legal Opinion/Recommendation.

Shoemate stated if there is gravel in the street it is hard to stop. He realizes this may be the individuals problem, but it has to be somebody s. He would like to make the motion that we pay the \$365.00.

Vincent stated the Street Superintendent could not be at the meeting and he suggested this claim be tabled so that he could present a report to the City Council. He stated they are talking about a car with low ground effects, it is not the standard height of an automobile. There was a slight depression where the gravel had pressed down.

MOVED by Shoemate, SECOND by Burk, to approve the damage claim of Rosemary Emerick in the amount of \$365.00. AYE: Burk, Shanklin, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

3. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and McAFEE & TAFT and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional & Legal Services on file in City Clerk s Office.

4. Consider adopting a resolution approving the settlement by a joint petition and making payment in the pending workers' compensation claim of Richard Pack. Exhibits: **Resolution No. 2008-104**.

5. Consider approving the budget of North Side Chamber of Commerce Inc. Exhibits: Proposed Budget for 2008-2009.

6. Consider approving Change Order 001 submitted by Meyer Architecture Plus and J. L. Walker Construction, Inc. reducing the Contract Sum for Historical Lawton High School project contract with J. L. Walker by \$8,680.00 and authorize the Mayor to execute the original Change Order documentation. Exhibits: Copy of Change Order 001.

Shanklin stated he does not see that much activity going on at the school. He questioned if there was a problem.

Mitchell stated the general contractor has several projects, three of which are in Oklahoma City. He stated this contractor is the low bidder for both Phase I and Phase II and there have been some construction related issues along with having inadequate crews on site to do the work under Phase II.

MOVED by Shanklin, SECOND by Hanna, to approve Change Order 001 submitted by Meyer Architecture Plus and J. L. Walker Construction, Inc. reducing the Contract Sum for Historical Lawton High School project contract with J. L. Walker by \$8,680.00 and authorize the Mayor to execute the original Change Order documentation. AYE: Shanklin, Haywood, Warren, Shoemate, Hanna, Drewry, Burk. NAY: None. MOTION CARRIED.

7. Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, amending the inspection fees pertaining to Chapter 6 Buildings, Construction and Housing, and Chapter 19A Stormwater Detention. Exhibits: Resolution No. 08-105.

Shanklin stated he has had some calls from people concerned about the fees.

Burk stated he also has received some calls. He questioned if staff looked at the fees from other cities.

Doug Wellhouse, Acting License and Permit Supervisor, stated they contacted several cities in 2006. Several cities charge more than the \$35 minimum charge and have increased their fees since 2006.

Shoemate questioned what cities were surveyed.

Wellhouse stated Oklahoma City, Tulsa, Norman, Wichita Falls, Edmond, Ardmore, Broken Arrow, Chickasha, Stillwater and Yukon.

Burk stated it has not been that long since they raised these fees.

Wellhouse stated it was taken to the City Council in 2006. The original fees for new construction was established in 1981 and until 2006 that fee had not changed. They are basically making up time for 25 years. It cost more than this to put an inspector in the field.

Shanklin stated these fees go into the general fund and inspectors are paid out of the general fund. He stated it is erroneous to say that we are collecting fees to offset our cost.

Burk stated he would like to see them table this item until they look it over. He stated there are way too many permit fees in there and they need to consolidate some of this so that it is more user friendly.

Wellhouse stated this is only an increase in inspection fees.

Burk stated if they are going to work on raising fees, they need to look at everything. He volunteered to sit on a committee to look at the fees.

MOVED by Burk, SECOND by Shanklin, to table. AYE: Haywood, Shoemate, Hanna, Drewry, Burk, Shanklin. NAY: Warren. MOTION CARRIED.

8. Consider approving a resolution requesting the Oklahoma Department of Transportation (ODOT) to include Rogers Lane (Flower Mound Road to I-44) in their Eight-Year Construction Program. Exhibits: Resolution 08-__.

Burk stated he heard that the money paying for this was out of the CIP.

Mitchell stated yes. He stated under the local roads and reconstruction portion of the 2007 CIP, there was a portion set aside for projects other than neighborhood streets. There was money set aside for BRAC related projects and they have been talking about this project for three years.

Hanna questioned why they weren't getting money for their neighborhood streets if there is money for this project.

Mitchell stated they don't have it yet.

Mayor Purcell stated on May 27th the City Council approved this agreement for professional engineering and design. With this item tonight, they are asking the state to move this project forward to an earlier timeframe.

Drewry stated this property is in the Oklahoma Historical Register and they need to be cautious to protect what is already there. The trees are recognized by the centennial tree program recognized by the State of Oklahoma.

Mitchell stated currently they are doing the surveying and preliminary engineering. That is all that is authorized. Once the engineering is completed, it will be a matter of getting it into ODOT's schedule. It may not happen for six to eight years unless we get a special appropriation. Typically ODOT now requires cities to do all of the pre-construction pieces of a project.

Burk stated it is a beautiful drive through the trees. He questioned if they can figure out a way to save the trees and would ODOT let them do this.

Mitchell stated during the engineering process the Council will have an opportunity to review the plans. The plans will not be submitted to ODOT until the Council approves them.

Mayor Purcell stated he has heard questions regarding why they needed five lanes. He stated maybe between Garden Village and the bridge it only needs to be four lanes and then it goes to five lanes where you will be turning. He stated all of this will be worked out. The issue tonight is just asking ODOT to get this project on their eight year plan.

Shoemate stated he remembers when this was discussed eight to ten years ago.

Al Caldwell, 1420 NE Rogers Lane, stated some of the trees are in his front yard and they will be removed based on the surveys that have been occurring on that road. He stated Rogers Lane is not an obstruction to traffic. There are no backups on that road and there is very little interference with the flow of traffic. It is far from being fully utilized. He has had a number of calls from people who want to keep it as it is because it is so unique and part of our history. He stated this will only run trucks down a road that is basically residential, school zones and farmland. The people on the east side do not want this done. He stated the surveyors violated law and came on to his property prior to notification and broke state law. They should have given him two weeks written notice prior to coming on his property.

Ihler stated with all of ODOT projects it is the city's responsibility to do the design and as part of that process we will have a public hearing. They just need to get the survey information and put together a preliminary alignment before they can determine what to do and that is what they are doing now. They will have to transition to a four lane to tie into the bridge and not transition back to a five lane until the entrance of Garden Village. He stated he feels there is not going to be a way to design a four lane without some of the trees having to go on one side or the other. That will be decided after the preliminary alignment and public hearing.

Shanklin stated the reality is that Rogers Lane is going to be a four lane at a minimum. Those on Flower Mound didn't want it either and look at it now, it is nice and no one is screaming and hollering.

MOVED by Warren, SECOND by Shanklin, to approve **Resolution 08-105** requesting the Oklahoma Department of Transportation (ODOT) to include Rogers Lane (Flower Mound Road to I-44) in their Eight-Year Construction Program. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Shanklin. NAY: Burk. MOTION CARRIED.

9. Consider approving Change Order #2, assessing liquidated damages, accepting the Water Storage Tanks Renovation & Maintenance Project #2005-6 as constructed by Utility Service Co., Inc. and placing the Maintenance Bond into effect. Exhibit: None.

10. Consider approving an agreement with Black & Veatch Corporation for professional engineering services for the Engineering Study & Report for WWTP Improvement Project #2008-11. Exhibits: None.

11. Consider awarding a construction contract for the Medicine Park Water Treatment Plant Water Storage Tank Project 2008-13 located at Medicine Park, Oklahoma. Exhibits: None.

12. Consider adopting **Street Light Resolution No. 457** to authorize the installation/removal of street lights at the locations listed in the Resolution. Exhibits: Street Light Resolution No. 457.

13. Consider releasing the performance bond for Bilbrey's East Plaza and accepting the improvements and the maintenance bond. Exhibits: Plat Map. Maintenance Bond on file in City Clerk's Office.

14. Consider granting a revocable permit for parking and maneuvering on a utility easement located at 7405 NW Cache Road. Exhibits: Location Map, Application and Revocable Permit.

15. Consider granting a revocable permit for placement of a retaining wall on a utility easement located at 6808 SW Oakland, 6810 SW Oakland, and 6804 6814 SW Majestic Oak Boulevard. Exhibits: Location Map, Application and Revocable Permit.

16. Consider awarding contract for Integrated Public Sector Bill Printing/Mailing Services Exhibits: RFP 08070 on file with Purchasing and Contracting Division, Contract on file in City Clerk's Office.

Vincent stated staff had anticipated that they would start with the September 1st billing date, but it does not look like they will have the computer system set up at that time. They would like this to be approved subject to the contract being amended reflecting an effective date when they are sure that the GEMS system can print the billing.

MOVED by Shanklin, SECOND by Haywood, to award the contract for the Integrated Public Sector Bill Printing/Mailing Services to Peregrine Corporation and authorize the Mayor and City Clerk to execute the contract. AYE: Warren, Shoemate, Hanna, Drewry, Burk, Shanklin, Haywood. NAY: None. MOTION CARRIED.

17. Consider extending the contract (CL08-003) Rear Suspension Repair with Loden Spring & Suspension Inc. of Wichita Falls, TX. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

18. Consider extending the contract (RFPCL08-004) Property Insurance with Towe, Hester & Erwin LLC of Lawton, OK. Exhibits: Department Recommendation, Proposal Price Sheet, Contract Extension Form.

Shanklin stated he has talked with several of the larger insurance agencies in town and they know nothing about this contract. He cannot be a party to a \$141,000 contract if they never received a bid.

Vincent stated they bid this last year and it was a one year contract with three one year extensions and he does not believe they received any other bids. He stated Towe, Hester & Erwin have had this contract for at least the last six years. Shanklin stated they have bid this out.

Shanklin stated the other people don't get enough time to come down here and give a bid. That is the story he gets. This is taxpayers' money and they need to get a bid.

Vincent stated they cannot go uninsured on the buildings.

Shanklin stated that is not true, there are binders. This is taxpayers money they are squandering.

MOVED by Drewry, SECOND by Warren, to extend the contract (RFPCL08-004) Property Insurance with Towe, Hester & Erwin LLC of Lawton, OK. AYE: Shoemate, Hanna, Drewry, Burk, Haywood, Warren. NAY: Shanklin. MOTION CARRIED.

19. Consider rejecting bids for (CL08-065) Wrecker Service II. Exhibits: Department Recommendation, Abstract of Bids.

Shanklin stated he has had several calls and he said they are talking about a ton and a ton. One person bid a ton because he thought the ton already had a contract, so we rejected his bid.

Glenn Alford, 1015 SE 2nd Street, stated no one in town has the equipment to cover the whole contract except for him and he has no intentions of bidding. He stated they need to come up with a plan since there are only a couple of wrecker services in town that can handle tons on down. You cannot afford to tow a \$350,000 fire truck with a \$150,000 piece of equipment for \$75.

Mitchell questioned if Mr. Alford was suggesting that they just open it up and receive quotes.

Mr. Alford stated always before it has been one service takes all and then two or three years ago they divided it up. He stated he held the contract for several years, but it was not very economical for him to continue. He stated if someone gives the City a bid they can live with, they need to take it.

Warren suggested they split it up and it may take three bidders to cover everything.

MOVED by Shanklin, SECOND by Warren, to reject bids for (CL08-065) Wrecker Service II. AYE: Hanna, Drewry, Burk, Shanklin, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

20. Consider extending the contract (RFPCL07-054) Life Insurance with Brokerage Services Inc. representing Lincoln Financial Group of Gunnison, CO. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

21. Consider awarding (RFPCL08-062) Collection of Overdue Utility Bills to Millennium Financial Group, LLC of Oklahoma City, OK. Exhibits: Department recommendation, abstract of proposals.

Drewry stated the group that previously had the contract was local and that money we paid them stayed in the city and it goes out to help a lot of different organizations in this town. She does not feel the difference in the bids is enough to warrant sending this business out to an Oklahoma City firm. She would prefer to keep this money in Lawton.

Shoemate stated he feels the same way. He also noticed that with Millennium if there is litigation they charge 35%. If it gets into a lengthy lawsuit, they could be charging us more than our local people. He would like to see us stick with Lawton Retail Merchants Association.

Barbara Curren, Revenue Services Supervisor, stated on the issue of the litigation, most of the collection firms do charge a higher rate for litigation. Since she has been in her position, they have never litigated any collection case and it is up to the City to decide if they want that firm to litigate a case. Normally the amount they collect are not large enough to warrant litigation. She stated they have been with Retail Merchants Association for many years and this year it was a close call. She stated Millennium has a 3% lower rate they will charge us for overall collections. She stated a local firm could be awarded the bid if their cost was within a 5% different range. She stated Millennium also had a little better collection rate. She stated that the profits from the Lawton Retail Merchants Association goes into the Lawton Community Foundation who will disperse to different organizations within the Lawton community. She stated she made the recommendation based on numbers.

Nicki Livingston, Manager of the Lawton Retail Merchants Association, stated for the past forty years the Lawton Retail Merchants has been the collection agency for the City of Lawton. She stated they have had a great working relationship with the City of Lawton. They are a non profit who have been in business since 1925. They are owned by the Lawton Community Foundation whose sole purpose is to keep money in Lawton for the enrichment of the Lawton community. They have awarded scholarships, grants and gifts to nineteen charitable organizations in Lawton. She stated currently the recovery percentage for the City of Lawton is 20.64%. Their average for all of their clients combined is 33.9%. She stated the City of Lawton is their third largest client and they spend a lot of time and effort in trying to locate these skips. She stated if they choose to award the contract to Millennium, all the profits will go to the Oklahoma City community.

MOVED by Shoemate, SECOND by Burk, to award (RFPCL08-062) Collection of Overdue Utility Bills to Lawton Retail Merchants Association, Inc. of Lawton, OK, based on the local preference for 5% discount. AYE: Drewry, Burk, Shanklin,

Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

Shanklin stated he meant to pull item #23 for discussion.

MOVED by Shanklin, SECOND by Burk, to reconsider item #23. AYE: Burk, Shanklin, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

22. Consider extending the contract (CL06-006) Plexar-Custom Service Agreement with AT&T of Oklahoma City, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

23. Consider awarding (CL08-064) Temporary Workers (as amended) to Direct Staffing Solutions Inc. of Lawton, OK. Exhibits: Department recommendation, abstract of bids.

Shanklin questioned the cost of the positions listed in the commentary.

Mitchell stated the amount is what they are paying Direct Staffing which includes salary and a calculation of other cost such as insurance. This is not the rate they are paying the individual.

Jim Scholes, Human Resources Director, stated this amount includes the workers compensation liability costs. He stated these are positions that are typically not year round. Most are general laborers that are used in Parks and Recreation Department during mowing system and when the pools are open.

Jerry Ihler, Public Works Director, stated the Traffic Engineer left the City and they have been advertising for that position many times and have not been able to fill it. In the past they have contracted out with CP&Y and the cost of that contract is \$80-\$100 per hour. He is trying to save some money and this person would do some of the technical aspect in the field.

Shanklin questioned how we know the insurance is covered on these employees.

Vincent stated they have to provide staff with a certificate of insurance for general liability and workers compensation. We insure that person if they are driving a city vehicle.

Shanklin questioned how many people in a seasonal timeframe.

Scholes stated approximately 63.

MOVED by Shanklin, SECOND by Hanna, to award (CL08-064) Temporary Workers (as amended) to Direct Staffing Solutions Inc. of Lawton, OK. AYE: Shanklin, Haywood, Warren, Shoemate, Hanna, Drewry, Burk. NAY: None. MOTION CARRIED.

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

25. Consider approval of payroll for the periods of July 28 August 10, 2008.

BUSINESS ITEMS:

26. Discuss the 2008-2009 adopted budget for the Museum of the Great Plains and provide direction to staff. Exhibits: Approved budget for Museum for fiscal year 2008-2009.

Drewry stated this was an oversight for the for the money to be cut from the museum budget. The museum works on a tight budget and she would like to take the \$50,000 out of hotel/motel and place it back into their budget.

Shanklin stated they were sorry this happened and it should have never been overlooked.

MOVED by Drewry, SECOND by Shanklin, to approve an additional \$50,000 at of Hotel/Motel Tax for the Museum of The Great Plains budget for 2008-2009.

Mitchell stated the item will have to come back to council for approval. This item is a discussion item and not an action item. Mitchell is to get with the Finance Director and bring it back to the next meeting for approval.

Shanklin stated the salaries at the museum needed to be raised and questions how to make this happen.

Drewry questions if this could be an item during budget.

Vincent stated there were reason for creating the Museum Trust Authority and placing the employees under the trust. The biggest reason was due to funding. A Trust can apply for grants that the City is not allowed to apply for.

The McMahon Foundation and the Historic Society requested the Trust be formed and that all employees fall under the Trust.

Hernandez stated he appreciated all the City did for the Museum and the reason for going to a Trust was for grant purposes. The problem is there are no grants for operating budget. Grants are project orientated. The Museum is facing major problems and the only way to keep up is to reduce the amount of hour for staff and close the Museum for one full day.

Shanklin asked Hernandez to come back to the next meeting with a dollar amount needed.

Hernandez stated upon separating from the City employees were told they would receive the same benefits as the City of Lawton employees. The Museum hasn t been able to do this. He doesn t believe it was thought out well enough in become a Trust.

Burk asked if Hernandez could see what other Museums were paying their employees because the Museum has full time employees only making \$20,000.

Vincent stated the Museum is run by the Trust Authority.

Burk stated we could give more than just the \$50,000.

Vincent stated it would be the Trust Authority responsibility to make the allocations.

Mitchell asked if the Trust Authority could be made an advisory group. He questioned whether we could separate the two so the Trust could still apply for grants but the employees would be City of Lawton employees.

Vincent stated he would have to look at the Trust indenture, but to dissolve the Trust would take a majority vote of the Trustees and acceptance by the City.

Drewry stated we needed to look at the situation to see what works best. She asked Hernandez to explain about the Museum being accredited.

Hernandez stated the Museum received reaccreditations from the American Association of Museums. This is a national organization and hundreds of museum apply for accreditation. Accreditation means the Museum operates at a professional level. Fifteen percent nationwide receive accreditation and Oklahoma has eleven. This is a serious award and not to be taken lightly. The awarded stated we were working in a professional manner, doing what we were suppose to do, growing, take care of our curator responsibilities, and taking strides forward. The staff loves the Museum and our jobs. They are working hard and appreciate anything the City can do for them.

Mayor Purcell stated the Museum is wonderful and the staff does a wonderful job. Purcell was here when the Trust was created and the reason for doing so was for grant purposes. Salaries paid at the Museum was well below what we should have been paying. The purpose of the Trust was to apply for grants and to increase their salaries which couldn t be done underneath the City. We need to study this very carefully. He believe the Museum will be worse off if they are brought back under the City.

Hernandez stated he agreed, but they did need help.

Drewry stated they needed to give the \$50,000 now and then do a study to see what the next move should be.

Hernandez stated thank you.

Mayor Purcell stated there is a motion and second on the floor if there is no further discussion would you please call the roll.

AYE: Haywood, Warren, Shoemate, Drewry, Burk; Shanklin. NAY: None. MOTION CARRIED.

27. Consider an ordinance amending Lawton City Code, 2005, pertaining to Nuisances and Health, amending Section 15-5-503, Article 15-5, Chapter 15, by adding provisions for wreckers with single rear axles; Streets, amending Section 20-1-101, Article 20-1, Chapter 20, by removing provisions for trailers and wreckers; and Sidewalks, and Vehicles and Traffic, amending Section 23-1-102, Article 23-1, Chapter 23, by adding the definition of a recreational vehicle, providing for severability and declaring an emergency. Exhibits: Ordinance 2008-_____.

Vincent stated Council directed this item be brought back with a definition of recreational vehicles. This ordinance adds the definition and prohibits them from parking on residential streets between the hours of dusk and dawn. There is also a provision to allow a commercial wrecker with a single rear axle on a one ton or smaller frame to be parked in a driveway of a residential area for the purpose of responding to police calls.

Glen Alford, 6712 SW Embassy Circle, stated he was the owner of Alford Trucking. He is concerned with this item. He thanked those Council person that returned his call. He started the wrecker service in 1990 and apparently there were provisions/rules between the police department and the wrecker services that gave the wreckers thirty minutes to perform a response to a call. Thirty minutes is a reasonable amount of time unless you pass this ordinance change. If the driver on call is not allowed to park the wrecker in his driveway he will not be able to respond in a thirty minute time frame. One tons are obsolete so everything is bigger. I would like to see you change the one ton classification to light duty.

Drewry stated she has had several calls and lots of emails thanking her for bringing this before Council. One home is sitting between two driveways with wreckers on both sides. This is offensive in a residential neighborhood.

Alford asked what she would suggest when the police requires a thirty minute response.

Drewry stated she understood and was at a loss as to what the answer is.

Shoemate asked why they couldn t park the wrecker in the driveway and their personal vehicles in the street.

Alford stated most do park the wrecker in the driveway, but the wrecker is still in the neighborhood.

Drewry asked if the wreckers were there all day long.

Alford stated at his place of business.

Haywood asked where his business was located.

Alford stated 1015 SE 2nd Street.

Warren stated if we don t make an exception for wreckers we will start to spiral down. There is no difference between a wrecker being on call and a van being on call. They should not be precluded from parking in a residential area. We need to make an exception. If the ordinance stated commercial light duty wrecker that should take care of everyone on the rotation list.

Mayor Purcell stated that we were talking about two different things. First is wreckers parked in residential driveways being an unsightly and second is wreckers parked in the street being unsafe. He thought the purpose of the ordinance was for safety and now is turning into an aesthetics.

Burk asked about people that work from their homes and have a work vehicle parked in their driveway. People have to make a living and the reality is sometimes they have to bring it home.

Mitchell asked if every employee was driving a wrecker home.

Alford stated only the one on call.

Mitchell stated we were only talking about one wrecker per night.

Mayor Purcell stated for each company.

Drewry stated she didn t believe they could make a decision tonight. She feels they need to look into this situation.

Warren stated to go back and try to control what happens in a neighborhood is difficult.

Vincent stated subdivision with covenants would be the way to enforce this. The City of Lawton will not. We are addressing those areas without a covenant.

Mitchell asked if arrangements might be worked out with a local church or school to park the vehicle in their parking lot.

Alford stated he wouldn t park it wreckers in an open parking lot for anybody to has access to. He had to much invested in his wreckers.

Warren stated they did need to look into this because we should not exempt some and not others.

Vincent stated they were exempt because they were small.

Warren stated if parked in a driveway it wouldn't matter how big they were.

Mayor Purcell stated that is a safety issue. This discussion has turned to an aesthetic issue and we need to separate the two.

Drewry stated she believe it is still a safety issue. It is a safety issue if parked in a driveway and the vehicle is hanging in the street.

Mayor Purcell stated the ordinance in effect now prohibits you from doing that and now we are saying we're not sure we want it to.

Vincent stated all commercial vehicles with the exception of commercial passenger cars, SUV, and pickups with a load capacity of a half ton or less are prohibited.

Mayor Purcell stated if they did nothing tonight it would be a violation of the code for a wrecker to park in the driveway.

Vincent stated code says you cannot park a vehicle in the street right-of-way.

Alford stated another safety issue in his neighborhood is parking cars on both sides of the street. He has a hard time getting his ton pickup down the street and doesn't believe a fire truck would make it.

Drewry stated she agreed there are lots of areas in town a fire truck couldn't get through. She asked what they need to do tonight.

Warren stated they needed to allow a wrecker to park in a residential area.

Vincent stated they could amend the ordinance to say commercial light duty wrecker and delete the single rear axle on a one ton or smaller frame. The ordinance would then deal with recreational vehicles parked in the street at night.

Alford stated a light duty wrecker would not have more than one real axle.

Raymond Schmitt, 1110 NW Dearborn, stated after discussing the issue with my grandson they believe trying to establish additional controls on citizens is a stupid idea. He knows several individuals who feel the same way. Making more restriction on those who live in the City is not necessarily in their interest. Council doesn't want residents to park on the grass or park an RV on the street after dark. The photo of the RV in the newspaper article was probably a \$100,000 RV and isn't a piece of trash. Somebody worked hard to be able to afford that RV for recreational purposes. They don't want to pay a rental fee to park the RV in an inconvenient storage building. He sees the solution for the owner of the RV to drive around all night until daylight and then he can park his vehicle at his resident. He ask about independent truck drivers. If they can't park their rigs at home where will they park them. He believes we have several small business owners in town that use their personal vehicles for their business and they would fall under this ordinance. He asked Council not to pass legislation just for the sake of passing it or because they have the power to do so.

Herbert S. Derricott, 6212 NW Cheyenne Drive, stated he didn't know until tonight that he was required to place his name on a piece of paper to speak. If Council is going to change the rules they need to make sure everyone knows about it. He feels he has the right to purchase a boat and to park it in his driveway without someone stating he can't. He feels this is taking away his rights and every other citizen. He is tired of it because Council is suppose to represent him and not just twenty or thirty people. Cars park on both sides of the street in his neighborhood and he agrees an emergency vehicle could not get through.

Burk stated he agreed and there are lots of cities that allow you to park on a certain side of the street between certain hours. Council may need to look into this.

Drewry stated she believe a study of the whole situation needs to be done.

Mayor Purcell stated Council needed to address the issue in the ordinance and come back to address the other issues. He stated the City Attorney suggested changing the words commercial light duty wrecker with a single rear axle under the underline and stopping there. This would solve the problem and allow light duty wreckers to park in their driveways. Another change to the ordinance is defining a recreational vehicle under definitions and parking a recreational vehicle in the street or hanging out of the driveways. This ordinance wouldn't allow them to do so.

Vincent stated the definition came from state statutes.

Mayor Purcell stated everyone needed to understand you will be approving both changes and the ordinance number is 08-54.

Warren stated he received a letter that brings up several important ideas and issues. When loading your motor home if it is 26 or bigger you can't park it in your driveway even to load because it extends into the right-of-way.

Burk stated he had a neighbor that was concerned about the same thing. They came home after the storage was closed and had to park their boat at their home until the next morning. He could have been fined for doing so.

Shanklin stated there has to be some discomforts and hardship now and then. We need to hear from the Chief of Police to see how he feels. He feels Council is trying to fix something that isn't broken.

Warren stated there needed to be an allowance for loading and unloading. Also there needs to be an allowance for someone who is visiting and has brought their motor home to stay in.

Vincent asked if they left number six as it originally read if they would approve the definition of a recreation vehicle.

Mayor Purcell stated six would read in no event will a trailer, as defined by Section 23-1-102 of this code, including but not limited to cargo, flatbed or boat, be parked whether attached to a vehicle or not on a residential street between sunset and dawn. This will be brought back as a study item.

MOVED by Drewry, SECOND by Burk, to adopt **Ordinance 08-54**, as amended on paragraph two on page hundred to allow commercial light duty wrecker with single rear axles to continue to be parked and leaving paragraph six as it originally read, add the definition on page one hundred five of a recreational vehicle, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Burk. NAY: Shanklin. MOTION CARRIED

(Title read by City Attorney)

Ordinance 08-54

An ordinance amending Lawton City Code, 2005, pertaining to nuisances and health, amending Section 15-5-503, Article 15-5, Chapter 15, by adding provisions for wreckers with single rear axles; streets, amending Section 20-1-101, Article 20-1, Chapter 20, by removing provisions for trailers and wreckers; and sidewalks, and vehicles and traffic, amending Section 23-1-102, Article 23-1, Chapter 23, by adding the definition of a recreational vehicle, providing for severability and declaring an emergency.

28. Consider an ordinance amending Section 23-5-524, Article 23-5, Chapter 23, Lawton City Code, 2005 by creating new criteria for information to be included on license plates and for the placement of license plates and temporary license plates on motor vehicles, and for the registration of motor vehicles, travel trailers and commercial trailers, providing for severability, and declaring an emergency. Exhibits: Ordinance 2008-_____.

Vincent stated this was an amendment to state statute. It states a temporary plate for a new or used vehicle must be incased in plastic so it doesn't weather. This will allow the issue to be heard in Municipal Court instead of District Court.

MOVED by Warren, SECOND by Drewry, to adopt **Ordinance 08-55**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Warren, Shoemate, Hanna, Drewry, Burk, Shanklin, Haywood. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 08-55

An ordinance pertaining to registration of vehicles, amending Section 23-5-524, Article 23-5, Chapter 23, Lawton City Code, 2005, by creating new criteria for information to be included on temporary license plates and for the placement of license plates and temporary license plates on motor vehicles, and for the registration of motor vehicles, travel trailers and commercial trailers, providing for severability, and declaring an emergency.

29. Consider an ordinance amending Section 4-3-1-309, Article 4-3, Chapter 4, Lawton City Code, 2005, by prohibiting any person under the age of twenty one (21) years to enter into, remain within or loiter about the designated bar area of the licensed premises, except for persons who incidentally pass through a designated area, providing for severability, and declaring an emergency. Exhibits: Ordinance 2008-_____.

Vincent stated this would change the Code to comply with the ABLE Commission. This allows you to pass through a bar area in a restaurant and not be in violation. The big change is incidentally pass through a designated area.

MOVED by Drewry, SECOND by Hanna, to adopt **Ordinance 08-56**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Shoemate; Hanna; Drewry; Burk; Shanklin; Haywood; Warren. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 08-56

An ordinance pertaining to persons under twenty-one (21) passing through designated bar areas, amending section 4-3-1-309, article 4-3, Chapter 4, Lawton City Code, 2005, by prohibiting any person under twenty-one (21) years of age to enter into, remain within or loiter about the designated bar area of the licensed premises, except for persons who incidentally pass through a designated bar area, providing for severability, and declaring an emergency.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Shoemate stated he would like to thank John Baxter going up and down 31st Street picking up litter. Mr. Baxter doesn't sit around griping about problems he does something about them.

Hanna stated a gentleman ask him to bring up the litter throughout the City. The City is starting to look trashy. Also schools starts Friday and bus routes have changes so there will be more children walking. Please watch for them.

Drewry stated the Farmers Market held on Saturday mornings have done a great job. This is Oklahoma grown produce. It opens at 8:00 and closes at noon, however they are usually sold out by 8:45 or 9:00. Thanks to those providing the produce.

Burk stated he wanted to thank staff for mowing the railroad crossings. Also he is still receiving calls in regards to the water rebate and he will try to call everyone back. He has had over 200 calls.

Haywood stated he wanted to say thanks for allowing him to go to Atlanta, Georgia. The theme was Inspire, Influence and Achieve with numerous wonderful speakers. He also attended the National Bank Arts Festival to see Millie Jackson. Thanks to the Mayor and the Superintendent of Schools for attending the Douglas reunion.

Mayor Purcell stated he attended a meeting held by Congressman Cole concerning energy. There were outstanding speakers who talked about wind power, nuclear power and switched grass in lieu of corn for ethanol. Oklahoma is on the leading edge of alternate energy. All are invited to the Southwest Oklahoma Army Covenant Signing on Tuesday at 1:00. The Secretary of the Army along with many other dignitaries will be there.

Mitchell stated the OML conference is in September and National League of Cities in November. If you are wanting to attend please advise his office as soon as possible. He introduced the new Assistant City Manager, Bryan Long, coming from Kansas City, Missouri area. Long has a master degree serving as a city administrator and served ten years in the Marines. Welcome to the City of Lawton. There will be a statewide water association meeting/ conference in October. This is important due to all the water issued in Oklahoma with the water master plan. Hugo filed a lawsuit last week challenging the states authority.

Vincent stated the Oklahoma Municipal Attorneys Association is running in conjunction with the OML conference. He will be manning the Oklahoma Municipal Water Plan booth.

The Mayor and Council convened in executive session at 8:36 p.m. and reconvened in regular, open session at 10:04 p.m. Roll call reflected all members present except Shanklin.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

30. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending lawsuit in the District Court of Comanche County, State of Oklahoma, Rebecca Nelson v. City of Lawton, Case No. CJ-2007-446, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent stated Council convened into executive session to discussion the pending lawsuit in Comanche County District Court, Rebecca Nelson v. City of Lawton, Case No. CJ-2007-446. Council was brief on the current status and the fact there will be a settlement/status conference on the 25th of August. We recommended a motion to appoint a Council representative at settlement conference.

MOTION by Drewry, SECOND by Hanna, to appoint Randy Warren as the City's representative to attend the August 25th settlement conference in the case of Rebecca Nelson v. City of Lawton. AYE: Burk; Haywood; Warren; Shoemate; Hanna; Drewry. MOTION CARRIED.

31. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of Michael J. Corrales, Municipal Judge, and if necessary, take appropriate action in open

session. Exhibits: None.

Mayor Purcell stated Council convened into executive session to discuss the six month evaluation of Judge Michael Corrales as the Municipal Judge. No action is necessary at this time.

There being no further business to consider, the meeting adjourned at 10:06 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK