

on 31st Street and all the mud stops in front of my driveway. There is a large dip and a big pool of water will form. This is a continuous problem. I would like for staff to look and see if there is something that can be done.

Drewry stated when it rains it goes down 31st and around the corner. It is really bad there especially now that the hospital has the new building.

Martin stated everyone pushes their debris into the street and it catches in front of my driveway.

Mayor Purcell stated the City Manager will get with staff to see if anything can be done. He will report back at the next Council meeting.

Nicole Haycock, 2302 NW 9th Street, stated when the City widen the creek bed a tree fell and took out her fence and trampoline. If the children had been on the trampoline they would have been killed. Another tree fell last week and took out the electrical pole. My kids had just come in when it fell. Had they been outside it could have electrocuted them. This situation is going to hurt someone. The trees are damaged and need to be removed.

Vincent stated Ms. Haycock has filed a claim for the damages to her property and PSO has been trimming the trees.

Haycock stated when the bulldozers rammed into the trees it removed the roots. After this kind of damage the three story trees will fall. This wasn't due to weather conditions.

Mayor Purcell asked do the trees belong to the city or someone else? Is the City prohibited from removing them? I went and looked at the situation and it appears the trees are growing out of an eroded bed. The City would have had nothing to do with them eroding.

Ihler stated part of the trees do belong to the City. They are growing towards the sunlight and are almost vertically. We measured to see if they were on City or KCA land. We did contact PSO and scheduled to have them cut back away from the electrical lines so we could cut back the remainder.

Haycock stated there was a natural erosion but the trees stood fine during the floods last year. It wasn't until the bulldozer went to widen the creek beds the trees fell. They didn't come out at the roots but where they were hit by the bulldozers.

Mayor Purcell asked if there was anyone else to address the Council.

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 strike item #23 and pull items #12 and #18.

MOVED by Warren. SECOND by Haywood, to approve the Consent Agenda with the exception of items 12 and 18. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: Shanklin. 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: Kerry and Brenda Surrat in the amount of \$248.50, Bill Burgess Sr. in the amount of \$2,042.90 (**Res. 08-106**), AT&T Telephone L.P. in the amount of 1,664.37 (**Res. 08-107**), Bryan and Madelyn Caban in the amount of \$119.25, AT&T Telephone L.P. in the amount of \$550.36 (**Res. 08-108**), and Shawna Collins in the amount of \$716.14 (**Res. 08-109**). Exhibits: Legal Opinions/Recommendations, Resolution No. ____, Resolution No. ____, Resolution No. __ and Resolution No. ____.

2. Consider the following damage claims recommended for denial: Hays and Amy Griswold in the amount of \$8,326.16, AT&T Telephone L.P. in the amount of \$2,348.94. Exhibits: Legal Opinions/Recommendations.

3. Consider adopting a resolution approving a proposed settlement and authorizing the filing of a joint journal entry to make payment in the pending lawsuit of Deta Turner, Case No., CJ-2008-104, against the City of Lawton. Exhibits: **Resolution No. 08-110**.

4. Consider approving a resolution authorizing and calling for an election in the City of Lawton, State of Oklahoma, for the purpose of setting the dates for the 2008 primary and 2009 general municipal elections of the designated City Council seats, setting a ballot title; and authorizing the Mayor to issue an election proclamation. Exhibits: **Resolution No. 08-111**, Election Proclamation.

5. Consider declaring a tract of land described as Lots 52 through 59, Block 2, Woodhouse Subdivision 6 through

8, as surplus property, setting a minimum bid for the purchase price of each lot, and authorizing sale by public auction. Exhibits: Request Letter and Location Maps.

6. Consider Extending the Professional Services Agreement with Capitol Decisions, Inc. to provide consultation and lobbying services to the City of Lawton before the Congress of the United States and its various agencies and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Consultant Agreement with Capitol Decisions.

7. Consider approval of a Professional Services Agreement with Bill Phelps & Associates, LLC, beginning January 1, 2009 through May 31, 2009, for the purpose of providing professional consulting/lobbyist services to the City and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Consultant Agreement and Bill Phelps & Associates, LLC Proposal Letter.

8. Consider awarding a professional services contract to Impact Data Source, Jerry Walker, for a retail Sales Tax Analysis and Growth Projection Report , and authorize the Mayor and City Clerk to execute the necessary documents. Exhibits: Copy of Sales Tax Study Proposal, Impact Data Sources.

9. Consider approving contracts with Karl Waldbauer of The Polka Kings, Christy McLeod of Beyond the Pale, Samantha Crain of Samantha Crain & the Midnight Shivers, Steve Vanlandingham of Arabesque, Andreas Mihalakeas of Laand, Micheal Daggett of the Blood Washed Blues Band, Wilma Ruiz of Mariachi Orgullo de America and Ed Walewski of Needfire performers at the 2008 International Festival and authorize the Mayor and City Clerk to execute the agreements. Exhibits: Contracts on file in City Clerk s office.

10. Consider approving and accepting a one-time donation gift in the amount of \$50.00 to the Parks and Recreation Department for park improvements in the City of Lawton community parks from the New Hope Church of God in Christ. Exhibits: Check has been submitted to the Financial Services Supervisor.

11. Consider approval and officially renaming the park property known as Country Club West between Gore Boulevard and Compass Avenue Eva McNally Memorial Park. Exhibits: None.

12. Consider endorsement of the Spirit of Survival Marathon as a City co-sponsored event held in Wildlife Refuge and Medicine Park on October 4-5, 2008 and hereafter be considered as an annual city co-sponsored event. Exhibits: Letter of request from Spirit of Survival Marathon Committee.

Shahan stated this item is brought to Council for public knowledge and to make you aware that this is a co-sponsored event by the City of Lawton. This means there will be some in kind services provided by different departments. The in kind service will be from the Fire and Police Departments in the amount of \$3000 for overtime, fuel cost and the educational trailer. If the item is approved it will be one of the annual groups that will be served. It is estimated there will be approximately 8000 people in the area and thirteen stated will be participating. This is a great endeavor and I commend Comanche County Memorial Hospital for this event.

MOVED by Warren, SECOND by Hanna, to approve the item #12 of the Consent Agenda. AYE: Haywood, Warren, Shoemate, Hanna, Drewry; Shanklin; Patton. NAY: None. MOTION CARRIED.

13. Consider approving the Memorandum of Understanding between the City of Lawton and Lawton Public Schools for a 6th grade football league. Exhibits: Memorandum of Understanding.

14. Consider providing \$50,000 for the Lawton Museum of the Great Plains funded by the Hotel/Motel tax revenue. Exhibits: **Resolution 2008-112**.

15. Consider and approve a loan to the City from the Oklahoma Water Resources Board; approving action taken by the Lawton Water Authority ratifying and confirming a certain lease agreement, as amended; and containing other provisions related thereto. Exhibits: None.

16. Consider accepting FEMA/State of Oklahoma reimbursement checks for the total amount of ten thousand, eight hundred forty five dollars and forty one cents (\$10,845.41) and authorize the Finance Department to deposit these funds into the General Fund, FEMA Fund 35, Sewer Rehab Fund and the 2005 CIP to reimburse the accounts from which the funds were expended during the 2007 summer floods. Exhibits: Summary of FEMA/State of Oklahoma checks received to date.

17. Consider accepting FEMA/State of Oklahoma reimbursement checks for the total amount of eight thousand, twenty-five dollars and sixty-three cents (\$8,025.63) and authorize the Finance Department to deposit these funds into the Fund 35 account established to repair the damaged infrastructure for which the funds were appropriated by FEMA. Exhibits: Summary of FEMA and state reimbursements.

18. Consider approving Change Order #3 with Archer Western Contractors LTD for necessary repairs at the Wastewater Treatment Plant (WWTP) resulting from the 2007 heavy summer storms. Exhibits: Change Order #3 is on file in the Public Works Administration office.

Mitchell stated this item is being pulled due to a revised item. The original commentary failed to include the amount of the change order in the amount of \$171,339.05.

MOVED by Warren, SECOND by Drewry, to approve the Consent Agenda item 18. AYE: Warren, Shoemate, Hanna, Drewry; Shanklin, Patton, Haywood. NAY: Shanklin. MOTION CARRIED.

19. Consider approving the construction plat for West Hill, Part 1, subject to conditions. Exhibits: Plat Map.

20. Consider approving the record plat for Village West Addition. Exhibits: Plat Map.

21. Consider approving the construction plat for Oak Pointe Addition, Part 2, subject to conditions. Exhibits: Plat Map.

22. Consider approving an application for Access to a Limited Access Roadway for 6720 NW Quannah Parker Trailway and approving the construction plans for a deceleration lane and drive opening at that location. Exhibits: Location Map, Completed Application.

23. Consider a request to grant a 180 days extension for the dilapidated structure located at 504 SW Lee Blvd to comply with resolution 08-68. Exhibits: None.

THIS ITEM WAS STRICKEN.

24. Consider extending the contract (RFPCL06-023) Cellular Telephone Services with Sprint Solutions Inc of Norcross, GA. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

25. Consider awarding (CL09-001) Copper and Brass: Items 108 & 109 to HD Supply Waterworks of Oklahoma City, OK. Exhibits: Department recommendation, abstract of bids.

26. Consider awarding (CL09-001) Copper and Brass: Items 1 - 107 to Oklahoma Contractor s Supply of Oklahoma City, OK. Exhibits: Department recommendation, abstract of bids.

27. Consider extending the contract (CL08-006) Liquid Chlorine with Brenntag Southwest of Sand Springs, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form

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

29. Consider approval of payroll for the period of August 11 - 24, 2008.

BUSINESS ITEMS:

30. Hold a public hearing and consider a resolution amending the 2030 Land Use Plan from Agriculture to Residential/Low Density and an ordinance changing the zoning from Temporary A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District) zoning classification located on the north side of SW Bishop Road, approximately mile west of SW 67th Street. Exhibits: Resolution No. 08-___, Ordinance No. 08-___, Location Map, Site Plan, Application and CPC Minutes.

Rogalski stated this request is for 44.4 acres located on the north side of Bishop Road about of a mile west of 67th Street. It is adjacent to the existing Oak Pointe Addition Part 1 for Oak Point Addition Part 2. The existing zoning is temporary A-1 and they are requesting R-1. The zoning in the surrounding areas to the south, north and west is temporary A-1. To the east is Oak Point Addition and Oak Ridge Addition. The existing land use plan shows this area as agricultural and the proposed is residential low density. On July 24, 2008 the CPC held a public hearing and reviewed the request. There were no appearances at the hearing to speak for or against the request. CPC voted 5 to 0 to recommend approval to the City Council.

PUBLIC HEARING OPENED

Mayor Purcell stated Public Hearing is opened and anyone wishing to address this issue please come forward and state your concerns. Seeing no one Public Hearing is Closed.

PUBLIC HEARING CLOSED

MOVED by Haywood, SECOND by Drewry, to approve **Resolution 08-113** and adopt **Ordinance 08-57**, waive the reading of the ordinance, read the title only. AYE: Shoemate, Hanna, Drewry, Shanklin, Patton, Haywood, Warren. NAY:

None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 08-57

An ordinance changing the zoning classification from the existing classification of Temporary A-1 (General Agricultural District) to R-1 (Single-Family Dwelling 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.

31. Hold public hearings and adopt resolutions declaring the structure(s) at: 306 SW Park Avenue, 310 SW Jefferson Avenue, 611 SW Jefferson Avenue, 1001 SW H Avenue, 1810 SW Garfield Avenue, 15-17 NW 24th Street, 16-18 NW 24th Street, 19-21 NW 24th Street, 20-22 NW 24th Street, 23-25 NW 24th Street, 24-26 NW 24th Street, 31-33 NW 24th Street to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public s health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Twelve Resolutions. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

310 SW Jefferson

Griffith presented photographs of the property. He stated the premises are not maintained in a clean, safe, secure or sanitary condition. This structure is creating a blighting problem that could adversely affect the public health and safety. The structure is missing all the doors and windows and the sides are falling off the structure.

PUBLIC HEARING OPENED

Mayor Purcell stated Public Hearing is opened and anyone wishing to address this issue please come forward and state your concerns. Seeing no one Public Hearing is Closed.

PUBLIC HEARING CLOSED

MOVED by Haywood, SECOND by Drewry, to adopt **Resolution 08-114** declaring the structure at 310 SW Jefferson as a dilapidated public nuisance. AYE: Hanna, Drewry, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

611 SW Jefferson

Griffith presented photographs of the property. He stated the premises are not maintained in a clean, safe, secure or sanitary condition. This structure is creating a blighting problem that could adversely affect the public health and safety. The structure is vacant and the exterior lacks protective treatment from the elements. The exterior walls have holes and breaks. The stairs and other walking surfaces lack the required handrail and guards.

PUBLIC HEARING OPENED

Mayor Purcell stated Public Hearing is opened and anyone wishing to address this issue please come forward and state your concerns.

Doy Copeland, stated I live to the east of the property and the property has looked like this for the past four or five years. I have tried to get someone to clean it up. After speaking with the real estate company the owner of the property lives in California and they are not allowed to make repairs costing more than \$100. The pipes froze one winter and the water ran into my garage. The landlord doesn t check the property so I called the City to turn the water off. I have called Neighborhood Services and still nothing is resolved in regards to the property. Finally I called Council Haywood and he has got the ball rolling. I appreciate his help. This property ruins the value of my property and I would appreciate someone tearing it down. I have lived here for 58 years and this property is an eye sore to the whole City.

Haywood stated we would like to table this for sixty day. Are you okay with that?

Copeland stated yes as long and the structure is torn down in sixty days.

Mayor Purcell asked is the property Burk was talking about?

Hanna stated yes. The contractor that is going to demolish the structure has had surgery and is unable to perform the work at this time. He will demolish the structure in sixty day. If we wait they will be able to pay the tipping fees.

Max Sasseen stated I manage this property and you are actually referring to 611 1/2 . Sally Greenlee s mother owns the property. Ms. Greenlee is trying to take over her mothers affairs and this property is a part of it. Money from the rent of the property has been placed into escrow and a check has been written for the demolition. The structure needs to be torn down and they intend to take the right action.

Warren asked if we approve the dilapidated tonight do they have thirty days to get a permit and ninety days to so something.

Mitchell stated the issue is the tipping fees.

Mayor Purcell stated Greenlee called me today and I thought we wanted six months. Is it sixty days or six months? Will the contractor be back on his feet in sixty days? I though Greenlee was going to be here tonight. I believe we need to continue the public hearing until the next meeting so we know exactly what they are requesting.

Warren asked if we declare it dilapidated tonight would this give them four months?

Vincent stated they have thirty days to get a demolition permit. Once it is issued it must be executed and completed within thirty days of the issuance.

Mayor Purcell stated if everyone agrees we ll continue the public hearing until the next meeting.

MOVED by Shanklin. SECOND by Haywood, to continue public hearing for two weeks. AYE: Drewry, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

1001 SW H

Griffith presented photographs of the property. He stated the premises are not maintained in a clean, safe, secure or sanitary condition. This structure is creating a blighting problem that could adversely affect the public health and safety. The structure is vacant. The accessory structures to include the detached garage, fence and walls are also not structurally sound. The windows and door frames are cracked and are not weather tight. You are unable to open them. The structure is boarded up. The door assembly and hardware is in poor condition. The interior surface is poorly maintained. The roof is also caving in.

PUBLIC HEARING OPENED.

Ward stated my name is Lasandra Ward and I own the property. I emailed several of you last night showing pictures that the property has been cleaned up. Mr. Cruz told my bother that anything within the privacy fence was allowable. The roof that was falling in has been repaired. The accessory building is used for nothing but storage. The inside has been cleaned. When they did their inspection I ll admit it was horrible.

Patton asked when was the last time this house was occupied?

Ward stated around July 4th and we have been working on the house since then. There are two people that have approached me to purchase the property as is and I would like the opportunity to sell. We have filled four thirty yard dumpsters to hold all the junk. The photo Griffith shoed covered by a canvas is some junk that can gradually be carried off.

Shanklin asked how long have you owned the property.

Ward stated since 2002.

Shanklin stated I believe the number of calls made by the police to the resident for activities there is this long.

Ward asked are you referring to the meth labs and drugs.

Shanklin stated yes. I believe that was the drug capital of south Lawton was it not Chief.

Smith stated we have served two search warrants on that house and have removed two meth labs.

Mayor Purcell stated we not here to discuss the criminal activity. Do you understand if Council declares the structure dilapidated you have thirty days to get a remodeling permit and if you don t Council will follow up on the action approved tonight.

Ward stated the interior of the house has already been cleaned up and taken care of.

Mayor Purcell asked are you ready for an inspection?

Ward stated no. There are people who would like to purchase the property as is and I would like the opportunity to sell.

Warren stated if Council condemns the property you can apply for a permit to remodel. Neighborhood Services will give you a list of deficiencies and if the list is completed within ninety days the property won't be demolished.

Ward stated we have been working on that list for about a month and a half. The vast majority of the items have been taken care of. Mr. Cruz didn't want to do an inspection because if he came out and I had not completed every item on the list it would still come before Council. He also stated if he came out he would find other times that needed repair.

Warren stated if the property is declared dilapidated you will need to get with Griffith and he will give you a list of all the repairs that must be done. That list will not change once you receive it. Once the work is completed all is clear.

Griffith stated we need to conduct a formal inspection of both the interior and exterior. We requested an inspection of the interior and had no response and so we inspected what we could see. Once we have done the inspection we will give her a list to work from.

Ward stated I discussed this with Mr. Cruz.

Mayor Purcell stated if declared dilapidated get with Griffith tomorrow to do an inspection.

Hanna stated I believe the confusion is coming from Cruz telling her if she completes one list he will make another one.

Ward stated thank you.

PUBLIC HEARING CLOSED.

MOVED by Drewry, SECOND by Shoemate, to adopt **Resolution 08-115** declaring the structure at 1001 SW H as a dilapidated public nuisance. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

1810 SW Garfield Avenue

Griffith presented photos of the property. He stated the premises are not maintained in a clean, safe, secure or sanitary condition. This structure is creating a blighting problem that could adversely affect the public health and safety. The structure is vacant and has fire damage. There have been no utilities since August 2006. The roof drains, gutter and downspout in disrepair or none existent. The exterior walls have holes, breaks and cracks and the door assemblies and hardware are in poor condition or non-existent. The roof is caving in and the structure is considered dangerous.

Haywood stated this house was declared dilapidated once but due to technicalities it is being brought back.

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

MOVED by Haywood, SECOND by Hanna, to adopt **Resolution 08-116** declaring the structure at 1810 SW Garfield as a dilapidated public nuisance. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

15-17 NW 24th Street

Griffith presented photos of the property. He stated the premises are not maintained in a clean, safe, secure or sanitary condition. This structure is creating a blighting problem that could adversely affect the public health and safety. The structure is vacant and there have been no utilities since January 2008. It is boarded and unsecured. On the floors people have defecated and left drug paraphernalia.

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

MOVED by Drewry, SECOND by Hanna, to adopt **Resolution 08-117** declaring the structure at 15-17 NW 24th Street as a dilapidated public nuisance. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Shanklin. NAY: None. MOTION CARRIED.

16-18 NW 24th Street

Griffith presented photos of the property. He stated the premises are not maintained in a clean, safe, secure or sanitary condition. This structure is creating a blighting problem that could adversely affect the public health and safety. The structure is vacant and has been without utilities since June 2008. Windows and door frames are cracked and not weather tight. You are unable to open them. Part of the structure is boarded up and the roof is coming apart.

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

MOVED by Drewry, SECOND by Shoemate, to adopt **Resolution 08-118** declaring the structure at 16-18 NW 24th Street as a dilapidated public nuisance. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Shanklin, Patton. NAY: None. MOTION CARRIED.

19-21 NW 24th Street

Griffith presented photographs of the property. He stated the premises are not maintained in a clean, safe, secure or sanitary condition. This structure is creating a blighting problem that could adversely affect the public health and safety. The structure is vacant and been without utilities since December 2006. The window, doors and door frames are cracked and not weather tight and some are non-existent.

PUBLIC HEARING OPENED.

Sasseen stated this property is owned by Mr. Coonce. There are two sides to the property. One side is ready to rent and the other has been vandalized. The boards on the windows are for protection. If the boards are removed they will be busted out. We have put in new air conditioner and refrigerators and they have been stolen. The utilities have not been turned on because the owner is not trying to rent the property. It will cost \$900 a year to turn the water on. If there is a sign of utilities the property will be broke into and inhabit. Once they move in we have to call the police to remove them from the property. The owner has other properties within the City and they look great. He is praying the environment in this neighborhood changes and he will be able to rent the property.

Shanklin stated how it is going to change.

Sasseen stated I don t know. It is a law enforcement issue. There is a lot of activity over there and there has been drug arrest in the neighborhood. There is graffiti on there this afternoon that wasn t there seven days ago. We try to maintain the property but who am I m going to rent this to. The owner is willing to fix everything but he want to leave the windows boarded so it will be safe and secure.

Mayor Purcell stated you just made the point that Council is considering. You are fighting a never ending battle. The owner needs to cut his losses and get rid of the property.

Sasseen stated if the owner is willing to secure and repair it to make it safe then we just can t go in and tear it down.

Drewry stated the whole area is not safe and sound.

Sasseen stated that is a law enforcement issue. These problems use to be on 1st and 2nd Street. The City rightfully closed all the businesses and stopped what they thought was going to be prostitution and drugs use. It never goes away it just moves to another area.

Shanklin asked are the apartments repairable and if so what would it cost to do so.

Griffith stated yes they are repairable but I don t know the dollar figure or how long it would last. We ask they remodel to code and maintain it. I understand their difficulty in maintaining it.

Vincent stated if Council declares the property dilapidated the owner can get a remodel permit with two extensions. This allows them ninety days to make the repairs.

Sasseen stated I understand the process but the property is secure. Does he have to un-board the windows? Is it against code for the property to be board with nobody living there?

Griffith stated yes if it is boarded for more than thirty-six months.

Sasseen stated so you want us to remove the boards so the windows get broken and then re-board them.

Vincent stated the property has to be habitable 100% of the time.

Sasseen stated this property is not falling in nor the walls caving in.

Vincent stated you have admitted the property is not habitable.

Sasseen stated only because of the environmental conditions in the neighborhood.

Mayor Purcell stated we cannot argue this all night. We need to see what the Council would like to do.

CLOSED THE PUBLIC HEARING

MOVED by Drewry, SECOND by Warren, to adopt **Resolution 08-119** declaring the structure at 19-21 NW 24th Street as a dilapidated public nuisance. AYE: Warren, Shoemate, Drewry, Shanklin, Patton, Haywood. NAY: None. ABSENT: Hanna. MOTION CARRIED.

20-22 NW 24th Street

Griffith presented photographs of the property. He stated the premises are not maintained in a clean, safe, secure or sanitary condition. This structure is creating a blighting problem that could adversely affect the public health and safety. The structure is vacant and there have been no utilities since June 2008. The doors, doorframes and windows are boarded up. The structure is not habitable. We were unable to do an interior inspection because the title holder did not respond to our request.

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

MOVED by Drewry, SECOND by Warren, to adopt **Resolution 08-120** declaring the structure at 20-22 NW 24th Street as a dilapidated public nuisance. AYE: Shoemate, Drewry, Shanklin, Patton, Haywood, Warren. NAY: None. ABSENT: Hanna. MOTION CARRIED.

23-25 NW 24th Street

Griffith presented photographs of the property. He stated the premises are not maintained in a clean, safe, secure or sanitary condition. This structure is creating a blighting problem that could adversely affect the public health and safety. The structure is vacant and there have been no utilities since December 2004. The window, doors and doorframes are boarded. The structure is not habitable. The title holders did not respond to our request to do an interior inspection.

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

MOVED by Drewry, SECOND by Warren, to adopt **Resolution 08-121** declaring the structure at 23-25 NW 24th Street as a dilapidated public nuisance. AYE: Hanna, Drewry, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

24-26 NW 24th Street

Griffith presented photographs of the property. He stated the premises are not maintained in a clean, safe, secure or sanitary condition. This structure is creating a blighting problem that could adversely affect the public health and safety. The structure is vacant and there have been no utilities since April 2007. The structure is boarded and is not habitable. The title holders did not respond to our request to do an interior inspection.

PUBLIC HEARING OPENED.

Rodriguez stated I m Juanita Rodriguez the current owner of the property. The windows are boarded to keep them from being broken. The inside has been almost completely remodeled. We are waiting until after the hearing tonight to finish. The utilities are on. There is a leak at the water meter and we are working on that.

Warren asked do you understand the process if it is declared dilapidated.

Rodriguez stated yes. Several of these properties are currently rented. There is a bad element there and a due to the boarded structures. Most of the neighbors that live there are good people and would like to see the crime go away. I m a live in this town and not California and own two other properties in the area. I have pictures if you would like to see the interior where everything is new.

Mayor Purcell asked did you get a remodel permit.

Rodriguez stated the work was done prior to me purchasing the property.

Mayor Purcell stated if the property is declared dilapidated you will need a remodel permit to finish the work.

Haywood asked how far are you from the church?

Rodriguez stated at the other end.

Warren asked how long ago did you purchase the property.

Rodriguez stated on August 1st and we received the notice on August 7th.

PUBLIC HEARING CLOSED

MOVED by Drewry, SECOND by Hanna, to adopt **Resolution 08-122** declaring the structure at 24-26 NW 24th Street as a dilapidated public nuisance. AYE: Drewry, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

31-33 NW 24th Street

Griffith presented photographs of the property. He stated the premises are not maintained in a clean, safe, secure or sanitary condition. This structure is creating a blighting problem that could adversely affect the public health and safety. The structure is vacant and there have been no utilities since October 2007. The windows are boarded and we were unable to tell what condition they were in. We requested an interior inspection with no response from the title holder. From the outside the structure is not habitable.

PUBLIC HEARING OPENED.

Sasseen stated an interior inspection of the property was done on August 5 and we are waiting on a list from Cruz. The owner has intentions to insure the property is safe, sound and in sanitary condition. He wants to rent the property but feels there is insufficient law enforcement to protect his property.

Shanklin stated the property must be brought to code. The City doesn't give you a list.

Sasseen stated we met with Cruz and he stated he would give us a list of things that needed to be repaired. We are waiting on that list.

Shanklin stated we want the property brought to Code. When we inspect the property if you haven't brought it to Code you will not receive a Certificate of Occupancy.

Sasseen stated I'm just stating what we were told. I don't know if that is the correct procedure or not.

Shanklin asked am I wrong.

Griffith stated the property has to be brought up to Code. The inspection required once the property has been declared dilapidated is different than a pre-dilapidated inspection. For a dilapidated structure it requires licensed plumbers, electricians, mechanical and building inspectors. They will do a detailed inspection to bring the property up to Code. A pre-inspection can be done by one of my maintenance inspectors.

Mayor Purcell stated if declared dilapidated contact License and Permit to get a remodeling permit.

Sasseen stated I understand the City's needs to expedite the process but when you receive a letter from the City you should have a chance to respond. An inspection was done on August 5 and now is on the dilapidated list. We were in the process and all of a sudden we are on the list. It maybe the will of the Council but I'm getting the feeling it doesn't matter what the homeowner does. If it isn't rent ready then the City is going to tear it down and we're not going to give you the amount of time that we allowed. It seems to be on the fast track.

Mitchell stated that is incorrect. If you received your letter on August 5 you could have picked up a remodeling permit the next day.

Drewry stated I don't agree that law enforcement hasn't been there.

Sasseen stated I'm not slamming them. I think they are doing the best they can but I want you to understand there is an environmental issue in the neighborhood and it is not all the homeowner.

Drewry stated that is correct and it is not going to change over there until we do something.

Patton stated this may not be a fair questions because you don t own the property but why would someone purchase that property if they are not willing to rent it.

Sasseen stated within the last five years these properties were rented and owners were fixing them up. When the properties were purchased the conditions of the neighborhood wasn t this bad. I don t like driving through and seeing clothes drying on a fence instead of a dryer. It looks bad. Part of the trouble is there are no driveways so they have to park in the street. I have concerns about tearing somebody s property down if they are will to do what it takes to keep it. I m not dunning the police but it is a law enforcement issue. My mother has the same problem on 4th Street in Old Town North and she had given her apartments to police to try and solve the issue of drugs and gangs. My point is there is an environmental issue with crime that is affecting those areas and I don t have a solution to the problem.

Warren stated we can t post police in front of every placed that is owned by an absentee owner so he can receive a check every month. That is not our responsibility.

Sasseen stated I m saying Council should recognize that sometimes we have community problems that need to be addressed on a community basis. It is not always about the owner of the property and the property. When you tear down these properties the problem will move to another area unless we get to the bottom of it. In many cases it is a law enforcement issue.

Warren stated it will move to areas in which landlords allow it to happen. That is where it will move to. It isn t just the absentee owners. We have local owners that allow their property to become dilapidated. The buck stops with the property owner. You can blame police and City Council but the owner is the one responsible.

Sasseen stated I don t believe the are responsible for the kid with the spray paint. They are responsible to remove the pain after it has happened.

Warren stated boarding the property up and leaving it boarded for twenty years is the owners responsibility.

Patton stated this is just a vicious cycle.

Mayor Purcell stated to get the record straight the first time we had an issue with this property was not on August 5th. Is that correct?

Griffith stated the first notice was sent on July 24th.

Mayor Purcell asked was that the first time the owner was notified?

Griffith stated yes.

Mayor Purcell stated I m not picking on this property but Council doesn t see them until we have gone through a process for several months. This isn t brand new.

Sasseen stated July 24th is the correct date on this property.

PUBLIC HEARING CLOSED

MOVED by Drewry, SECOND by Warren, to adopt **Resolution 08-123** declaring the structure at 31-33 NW 24th Street as a dilapidated public nuisance. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

32. Consider an ordinance amending Lawton City Code, 2005, pertaining to Finance and Taxation, amending Section 10-1-101, Article 10-1, Chapter 10, by increasing the bidding amount for integral components, providing for severability and declaring an emergency and amending Council Policy 4-2, Purchasing and Payment Procedures. Exhibits: Ordinance 2008-___ and Council Policy 4-2.

Endicott stated in the past several months we have had difficulties with the current level we can spot bid at \$13,000. The Code provides for an exemption as stated in the commentary. Competitive bidding must be done with the exception of motor fuels, lubricants and so forth. We are asking you to raise the amount to \$40,000. Due to the difficulty with our chemical contracts we are asking you to increase chemicals and petroleum materials to \$75,000 for the spot bidding process.

Shanklin asked have we compared to what other cities are paying for the same chemicals?

Endicott stated I have not.

Shanklin stated it might not do any good to check but it would make me feel better to know what other cities were paying.

Ihler stated I don't know if they are paying the same but we are hearing the same complaints from other cities.

MOVED by Drewry, SECOND by Shoemate, to adopt **Ordinance 08-58**, waive the reading of the ordinance, read the title only, declaring an emergency, and amend Council Policy 4-2. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED

(Title read by City Attorney) Ordinance 08-58

An ordinance pertaining to finance and taxation amending Section 10-1-101, Article 10-1, Chapter 10, Lawton City Code, 2005, by adding asphalt and chemicals to the list of excepted items and increasing the maximum amount that may be spot bid for integral components, providing for severability, and declaring an emergency.

33. Consider receiving bids for sale of \$3,000,000 general obligation limited tax bonds, series 2008 and award the sale of the bonds to the lowest bidder. Exhibits: None.

Endicott stated Keith McDonald, our financial consultant, is here to review the next four items.

McDonald stated we have gone through the process you approved a month or so ago. The first item is to consider receiving bids for sale of \$3 million general obligation limited tax bonds, series 2008 and award the sale of the bond to the lowest bidder. We received one bid from BOSC out of Oklahoma City at an interest rate of 4.233408. I'm very happy with this bid.

Shanklin asked are we paying these pack with CIP funds?

McDonald stated no through ad valorem not to exceed five mills.

Shanklin asked the City of Lawton gets ad valorem.

McDonald stated yes on the GO's.

Endicott stated in 2005 we passed a CIP with Central Junior High at \$3 million, \$10.5 million for sewer rehab and \$1.5 million for Cameron. Those are the ad valorem portions. The rest comes from sales tax.

Shanklin asked what taxes are we generating to pay for this.

Endicott stated the ad valorem.

Shanklin asked you are saying the County will give us money for the ad valorem?

McDonald stated this portion is from the ad valorem. The \$3 million you voted in 2005 that we received bids on will come from the property taxes. This portion of CIP is property tax.

Endicott stated there is confusion about whether or not we receive ad valorem for operating. General funding operating we do not receive ad valorem.

McDonald stated we recommend the bid be awarded to the lowest bidder which is BOSC.

MOVED by Haywood, SECOND by Hanna, to receive the bid for sale of \$3,000,000 general obligation limited tax bonds, series 2008 and award the sale of the bonds to BOSC the lowest bidder. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Shanklin. NAY: None. MOTION CARRIED

34. Consider approving for the City to receive bids for sale of \$8,000,000 general obligation bonds, series 2008 and award the sale of the bonds to the lowest bidder. Exhibits: None.

McDonald stated in the general obligation issue in 2005 \$2.5 million was for sanitary sewer improvement. This is the balance of the \$10.5 million. We received three bids. One from Wachovia, Morgan Stanley and the Oklahoma Water Resource Board. The low bid was the Oklahoma Water Recourse Board at an interest rate of 3.1414. This goes until 2028. Their program is a subsidiary program to some degree. The market interest rate for AAA bonds going until 2028 is 4.43. We recommend approval of the bid. This is the first time in Oklahoma that the Water Board has bid on a general obligation bond. We explained to them the benefits if they bid in comparison to banks or institutions. Once they understood what we were trying to accomplish they were very happy. We are really

happy because this is going to save us hundreds of thousands in interest.

Endicott stated the Water Board is getting comfortable with Lawton because they funded our meter program of \$10.8 million at a very good interest rate. This is a super good deal for the City.

MOVED by Drewry, SECOND by Haywood, to approve the City to receive bids for sale of \$8,000,000 general obligation bonds, series 2008 and award the sale of the bonds to the Water Resource Board the lowest bidder. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Shanklin, Patton. NAY: None. MOTION CARRIED

35. Consider and approve an Ordinance providing for the issuance of general obligation limited tax bonds in the sum of \$3,000,000 dollars by the City of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; naming a paying agent and registrar; approving a continuing disclosure agreement; approving the official statement pertaining to the bonds; providing for the levy of an annual tax, not to exceed five mills per annum, for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency. Exhibits: Ordinance 2008-____.

Mayor Purcell stated this goes back to the \$3 million we just approved.

MOVED by Warren, SECOND by Haywood, to adopt **Ordinance 08-59**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Warren, Shoemate, Hanna, Drewry, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED

(Title read by City Attorney) Ordinance 08-59

36. Consider and approve an Ordinance providing for the issuance of general obligation bonds in the sum of \$8,000,000 dollars by the City of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; naming a paying agent and registrar; approving a continuing disclosure agreement; approving the official statement pertaining to the bonds; providing for the levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency. Exhibits: Ordinance 2008-____.

Mayor Purcell stated this goes back to the \$8 million.

MOVED by Drewry, SECOND by Hanna, to adopt **Ordinance 08-60**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Shoemate, Hanna, Drewry, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED

(Title read by City Attorney) Ordinance 08-60

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Warren stated I attended at Neighborhood Watch Meeting of the Lee West Watch. There was over ninety people in attendance. The officers there stated this was the largest meeting they have seen. This indicates that the neighborhoods are ready to work together. It is nice to see a neighborhood take control.

Shanklin stated on 3rd Street we have laid asphalt from Gorerd to Dearborn except for in two intersections. You need to drive it because we are doing a good job. Also we need to do something with the trees in the park. We need to prune them because they are starting to deform.

Hanna stated I would like to thank Cindy Ross, President of Cameron University, and her staff for the excellent show on Friday night. The Oak Ridge Boys were there with fireworks and a parachute jumper. It was all great. They gave out 11,000 tickets and there were only 3,000 to 4,000 in attendance. If you weren't there you missed a great show.

Shoemate stated I was happy to see the letter that Mr. Ihler received. It says: Dear Mr. Ihler: Thank you for the prompt response to my letter of August 7th. The workers were here early this morning and removed the dead tree in the drainage ditch and trees growing there also. I'm very please and relieved to have this hazard removed. I can not say enough about not only the competency but the friendly and polite attitude of this crew and also the people who did such an excellent job on my driveway in 2007. I broke my hip during that time and they were very cooperative in scheduling the work. The excellent service of the garbage truck crews every single pickup you people do good work and I appreciate you all very much. Please thank this mornings crew for me. Sincerely Mary McClure. All we every hear are complaints and to received this kind of letter is great. My hat goes off to our city crews.

Mayor Purcell stated when I receive a letter of this nature I try to forward to all the Council Members. The Army Covenant ceremony last Tuesday was a great success. The Secretary of the Army was extremely pleased with southwest Oklahoma. There were a group of kids that sang who had only practiced for three days. There were

magnificent. A young man did the signing and he was the hit of the party. Next week some of us will be at OML. Last I have been asked to sign a letter and I would like your approval before signing. It is a letter of support for the Buffalo Soldiers Monument Park Project to the Division of Public Programs and National Endowment for Humanities. It reads as follows: Dear Review Committee: The City of Lawton would like to offer this letter of support to the Buffalo Soldiers Monument Park Project to be located at 2nd Street and Gore Blvd. downtown Lawton Oklahoma. The Buffalo Soldiers have always been a vital part of Lawton/Ft. Sill history. This project is the idea location to honor and remember the Buffalo Soldiers. This project will offer in site and explanation into the difficult conditions and circumstances these brave faced. These men faced odds few other were faced with and still upheld the ideas of our country. The Buffalo Soldiers monument will be a beautiful addition to our downtown area in served to honor the memory of those who fought so hard for our county. If Council has no objection I ll sign the letter in an effort to help them with what they are trying to accomplish. Dan Mullins is paying for most of this out of his own pocket but needs some support from the National Endowment for Humanities. Does anyone have any objections?

Shoemate stated I would like to thank Mullins for his efforts. He is doing it right.

Mayor Purcell stated it is going to be beautiful. They are working very diligently and if the weather cooperates it may be done in the near future.

Mitchell stated Thursday we will be releasing our growth management plan at a meeting in Old Town Hall at 10:00 a.m.. Each of you have received an executive summary of the report. Carter Burgess and other representatives will be here to announce the results of the study. Also I have been asked by the Waurika Conservation District for a Council workshop on September 16th. They would like to visit with the City concerning the balance of the storage in Lake Waurika and about the possible options on how we might proceed with purchasing the balance of the water.

Mayor Purcell stated this will be a special meeting on the 16th at 6:00.

Mitchell stated you received the month end financial report and Endicott will make comments on the report.

Endicott stated this is the June 30th 2008 report. For the overall year sales tax was up compared to last year. There is a \$450,000 increase in general funds sales tax to what we had estimated in the budget. We ended with a \$1.6 million deficit and our water revenue/sewer revenue was up \$127,000. Refuse collection increased over budget of \$71,000 and landfill revenue was up \$20,000. Our guess right now is general funds expenditures look like we have spent 93%. If that is true it will boost our carryover.

Shanklin asked by how much.

Endicott stated a bunch. We tried in March to estimate where we needed to be in order to gain about \$6 million and we estimated we needed to be around 93 or 94% expenditures in the general fund and enterprise.

Mayor Purcell asked what is your estimated carryover.

Endicott stated \$400,000. While I have the opportunity I would like to introduce our new supervisor in IT Cindy Price.

Shanklin stated the carryover we had for July 1st you are going to keep the same.

Endicott stated yes.

Shanklin asked did our June revenues come in exactly right.

Endicott stated we had estimated that our water revenue would be down around \$1.6 or \$1.7 million and it came in at \$1.5 million. Overall the water revenue did not change. We are on target with sales tax and general fund revenue. After the audit is done and all the adjustments are made the carryover might increase because I don t have the numbers for July.

Shanklin asked what has to happen for the carryover to decrease?

Endicott stated for water revenues to have a high deficient. If water revenue is \$1.7 million we will lose a couple hundred thousand in the beginning carryover.

Shanklin asked were we in any danger in having to rework our budget?

Endicott stated yes if in July we had adjusted all the accounts.

Shanklin asked what changed?

Endicott stated the adjustment was estimated to be \$500,000 and if our beginning carryover was less than that it would have put us at an operating deficient. We can't operate in a deficient.

Mayor Purcell stated the BRAC Committee Meeting is Thursday at 10:00. Three Council members are on this committee and we all need to be there. Everyone is invited. The executive summary will be presented as well as a report from Ft. Sill.

Vincent stated starting on Wednesday at the OML Convention I'll be manning the OMA Water booth. I will discuss the Municipal Water Plan to anyone interested. This plan will be presented to the Governor in the middle of September.

Shoemate stated in today's paper there was an article about a young man who attended Eisenhower High School and was his class president in the 7th - 11th grade. He attended KU and was class president all four years of college. I kept telling his father that someday he would be President. It was announced today he was running for the House of Representative in Kansas. His name is John Wilson and a young man we can all be proud of.

MOVED by Haywood, SECOND by Drewry, to convene into executive session. AYE: Hanna, Drewry, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED

The Mayor and Council convened in executive session at 8:06 p.m. and reconvened in regular, open session at 8:26 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

37. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers Compensation claim of Ronnie L. Walker, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent stated pursuant to Section 307B.4, Title 25, Oklahoma Statutes, Council convene in executive session to discuss the pending Workers Compensation claim of Ronnie L. Walker. Council did receive a briefing and update on the status of the claim and no action required.

38. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers Compensation claim of Walter Lopez, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent stated pursuant to Section 307B.4, Title 25, Oklahoma Statutes, Council convened in executive session to discuss the pending Workers Compensation claim of Walter Lopez. Council did receive a briefing and update on the status of the claim and no action required.

39. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Traci L. Hushbeck as City Clerk, and in open session take other action as necessary. Exhibits: None.

Mayor Purcell stated pursuant to Section 307B.1, Title 25, Oklahoma Statutes, convened in executive session to review the employment of Traci L. Hushbeck as City Clerk. Council is extremely satisfied with all Hushbeck is doing. She received outstanding ratings in all areas.

There being no further business to consider, the meeting adjourned at 8:27 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:
TRACI HUSHBECK, CITY CLERK