



Himey Griffith, from Park Ridge Neighborhood, stated there was a fire in this area this past Sunday. He has been trying to get some answers regarding this fire. He noticed some things that bothered him. The fire was going on for 15-17 minutes before any kind of fire truck was on the scene. When a truck finally did arrive it was a pick up. He stated they ran out of water. He stated he did not see another truck on the scene for 20 more minutes.

Mayor Purcell questioned if Mr. Griffith contacted his councilmember or the City Manager. He stated the records will have to be pulled to find out the exact times. He suggested that Mr. Griffith make an appointment with the City Manager who will be able to get some answers.

Herbert Derricott, 6212 NW Cheyenne Drive, stated he would like to commend the city employees working in the plumbing department. They have come out numerous occasions and helped him out. He would also like to thank Denise in the City Clerk s office who has also helped him. There are reasonable people in City Hall who try to resolve the problems that people have.

Shanklin questioned if they were going to do anything with the request from Mr. Barber to help the city employee who was terminated.

Vincent stated that he and Tim Wilson have visited with Mr. Barber and they are trying to work out a solution.

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 that item #2 needs to be considered separately.

MOVED by Warren, SECOND by Hanna, to approve the Consent Agenda with the exception of item 2. AYE: Haywood, Warren, Shoemate, Hanna, Burk, Shanklin, Patton. 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: Mike and Kim Spencer in the amount of \$1,051.48 (**Res. 08-124**), H. Allen Johnson in the amount of \$111.59, Margariette M. Colby in the amount of \$198.70 and Heesun and Ronald Stanfield in the amount of \$525.00 (**Res. 08-125**). Exhibits: Legal Opinions/Recommen-dations Resolution No. \_\_, Resolution No. \_\_.
2. Consider the following damage claims recommended for denial: Reynaldo and Irmtraud Alfar in the amount of \$4,607.73 and Linda Debose in the amount of \$528.20. Exhibits: Legal Opinions/Recommendations.

Vincent stated the Debose claim involves a dumpster rolling into a car in a parking lot. At the time the dumpster was inspected the wheel locks were found to be locked. Subsequent information indicates that an employee at the shopping center went out and locked those wheels. Staff is recommending approval of the claim in the amount of \$528.20.

MOVED by Haywood, SECOND by Shoemate, to adopt **Resolution 08-126** approving the claim of Linda Debose in the amount of \$528.20. AYE: Warren, Shoemate, Hanna, Burk, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

Vincent stated that staff continues with the recommendation to deny the claim of Reynaldo and Irmtraud Alfar.

MOVED by Patton, SECOND by Warren, to deny the claim of Reynaldo and Irmtraud Alfar in the amount of \$4,607.73. AYE: Shoemate, Hanna, Burk, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

3. Consider adopting a resolution approving the settlement by a joint petition and making payment in the workers compensation claim of Walter Lopez. Exhibits: **Resolution No. 08-127**.
4. 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 Rebecca Nelson, Case No., CJ-2007-446, against the City of Lawton. Exhibit: **Resolution No. 08-128**.
5. Consider approving contract with Lance Burnett of Under the Influence Band to perform at the 2008 International Festival and authorize the Mayor and City Clerk to execute the agreement. Exhibit: Contract on file in City Clerk s office.

6. Consider terminating a portion of contract (CL08-045) Mowing and Litter Contract for Areas D, E, I, J, and K with Bruce Poindexter and approve Parks and Recreation Department to spot bid said mowing areas temporarily until a new contract can be awarded. Exhibits: None.

7. Consider rejecting bid proposals for the Storm Drainage Replacement Project #2008-10 and authorize staff to re-advertise. Exhibits: None.
8. Consider approving the construction plans for waterlines located on SE Interstate Drive and SE H Avenue. Exhibits: Location Map.
9. Consider approving the revised construction plat for Oak Ridge Addition, Part 1, subject to conditions. Exhibits: Plat Map.
10. Consider approving construction plans for a sewerline to serve the proposed Walgreens at SW 12<sup>th</sup> and Lee Boulevard. Exhibit: Location Map.
11. Consider approving Agreement for Limited Services with the Museum of the Great Plains. Exhibits: Agreement for Limited Services.
12. Consider approving an extension to the current lease agreement between the City of Lawton and Crossroads Youth and Family Services, Inc., dba, Crossroads Head Start/Early Head Start. Exhibits: Letter from Crossroads Youth and Family Services, Inc.  
Proposed Extension to the current Lease Agreement on file at the City Clerk s Office.
13. Consider approving a lease agreement between the City of Lawton and Crossroads Youth and Family Services, Inc., dba, Crossroads Head Start/Early Head Start. Exhibits:  
Letter from Crossroads Youth and Family Services, Inc. Proposed Lease Agreement on file at the City Clerk s Office.
14. Consider approving an indemnity agreement between the City of Lawton and Kim M. Smith who resides at 2620 NW 77<sup>th</sup> Street for the partial reimbursement of installation expense of a backflow prevention valve in accordance with Council Policy 6-3, and authorize the Mayor and City Clerk to execute the document. Exhibits: Agreement between City of Lawton and Kim M. Smith.
15. Consider approving a request to provide assistance to the Medicine Park Police Department as authorized by Title 11, Section 34-103A for the Spirit of Survival Marathon. Exhibits: Copy of the Letter from the Medicine Park Police Department requesting our assistance and Title 11, Section 34-103A.
16. Consider awarding (CL09-003) Liquid Oxygen to Airgas Mid South Inc. of Tulsa, OK. Exhibits: Department recommendation, abstract of bids.
17. Consider awarding (CL09-002) Fluorosilicic Acid to Lucier Chemical Industries Ltd of Jacksonville Beach, FL. Exhibits: Department recommendation, abstract of bids.
18. Consider extending the contract (CL07-004) Tire Recapping with Mileage Masters of Oklahoma City, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
19. Consider extending the contract (CL08-010) Nuisance Abatement West Side with TCB Services of Chattanooga, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
20. Consider awarding (CL09-004) Rental of Portable Restrooms to ARA Equipment Rentals of Lawton, OK. Exhibits: Department recommendation, abstract of bids.
21. Consider extending the contract (RFPCL07-010) Hardware/Software Support System with Atlantic Tech Services of Richfield, OH. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
22. Release Brenntag Southwest Inc. from contract CL08-032, Sodium Hydroxide and allow staff to re-bid and/or spot bid sodium hydroxide. Exhibits: Letter from Brenntag Southwest Inc. seeking release from the contract and proof of their supplier s price increases.
23. Release DPC Industries Inc. from contract CL08-025, Sodium Hypochlorite and allow staff to re-bid and/or spot bid sodium hypochlorite. Exhibits: Letter from DPC Industries Inc. seeking release from the contract and proof of their supplier s price increases.
24. Consider approving appointments to boards and commissions. Exhibits: None.

25. Consider approval of payroll for the period of August 25 September 7, 2008.

OLD BUSINESS ITEMS:

26. Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, amending the inspection fees pertaining to Chapter 6 Building, Construction and Housing, and Chapter 19A Stormwater Detention. Exhibit: Resolution No. 08-\_\_.

Burk stated he previously pulled this item a few weeks ago. He and staff went through some of the fees and a lot of them were fees that were not used anymore. They tried to make them more condensed and clear cut. He stated they basically just cleaned it up and because of rising costs, they did have to go up a bit on inspection fees, from \$15 to \$25.

MOVED by Burk, SECOND by Warren, to approve **Resolution 08-129** amending the inspection fees pertaining to Chapter 6 Building, Construction and Housing, and Chapter 19A Stormwater Detention. AYE: Hanna, Burk, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

27. Hold public hearings and adopt resolutions declaring the structure(s) at: 611 SW Jefferson and 504 SW Lee Blvd. 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: Resolution No 08-\_\_ and Resolution No 08-\_\_; Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

Mayor Purcell stated the public hearing for 611 SW Jefferson was continued at the last meeting.

Anthony Griffith, Neighborhood Services Supervisor, stated this property was presented on August 26<sup>th</sup> as a dilapidated structure.

611 SW Jefferson

PUBLIC HEARING CONTINUED

Sally Greenlee, stated the structure is part of her mother's property. She does agree that it needs to be torn down, however, in the past year and a half her husband crushed his ankle and he just had his third surgery. She stated they would like to be able to take the structure down themselves and it will be at least eight weeks before he can put any weight on his foot. She requested six months to get the property demolished.

Haywood stated this property is in his ward and he has complained about this property.

Mayor Purcell stated that Mrs. Greenlee needs to tell the Council what she would like to see happen.

Mrs. Greenlee stated she would like to have six months to take it down.

Haywood stated his ward is trying to be pro active in tearing down houses. He stated they have been working on this for a year and Mr. Copeland, the neighbor, has been working on this for four years. He stated the Council is proposing to give Mrs. Greenlee sixty days.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Burk, to postpone for sixty days.

Mayor Purcell stated that if this motion is approved, staff will have to go back through the whole process again with public hearings.

Haywood stated he realizes that.

Mr. Copeland, resident who owns property next door, questioned if they were going to postpone it for sixty days and then come back for another hearing.

Haywood stated it may be torn down in sixty days.

Mr. Copeland stated he has put up with this property for about eight years and there has been no improvements made in that time. He would like to know that something will be done in sixty days.

Vincent stated the way he understood the motion was that in sixty days, if the property has not been torn down, staff will publish the notice again and go through the public hearing again and basically start over.

Mr. Copeland stated that is not right. Mr. Burk has guaranteed him that this thing will be down in sixty days even if he has to come take it down himself.

Burk stated that was exactly what he said.

Haywood stated they could go ahead and pass the resolution, but Mrs. Greenlee would not be able to take advantage of the break in tipping fees. He stated it will come down or he will deal with it.

Vincent stated if the resolution is passed, the landfill fee goes to full price. It is only if they take the structure down prior to the passage of resolution that they can get half price at the landfill.

Mr. Copeland stated he understood the money had already been set aside from the rental income of the front property. Money should not be in the question. If they have the money to do this, why keep postponing it. That is what is bothering him.

Mayor Purcell stated the reason was that Mr. Greenlee has just had surgery and is unable to do this work.

Mr. Copeland stated they could have someone else tear it down. They just want to save that \$1,200.

Burk stated if they can't get this done in sixty days, the Council might as well go ahead and do what they were going to do. The Council cannot give them six months.

Mrs. Greenlee stated she would do her best to get it down.

Mr. Copeland stated they are leaving it unresolved. Someone needs to make a decision.

Warren stated this is not any different than any other one that comes before the Council. He understands that the property owner wants to save money on tipping fees, but they are past that point. He wishes they could change the code to say that once it comes to Council they should not be eligible for reduced tipping fees. He is not going to be able to support this motion. This case is no different than any other they placed on the D&D list. Mr. Copeland should not have to worry about this.

SUBSTITUTE MOTION by Warren, to adopt Resolution 08-130 declaring the structure at 611 SW Jefferson as a dilapidated public nuisance. MOTION FAILED DUE TO A LACK OF A SECOND.

VOTE ON ORIGINAL MOTION: AYE: Burk, Shanklin, Patton, Haywood, Shoemate, Hanna. NAY: Warren. MOTION CARRIED

#### 504 SW Lee Blvd

Griffith presented photographs of the property. He stated the property came before the City Council on May 26, 2008, and was declared dilapidated. Due to an administrative error in his division, the titleholders were unable to execute the resolution to remodel their building. He is bringing this property back to the City Council to restart the clock and give the titleholder full opportunity to take advantage of the time frames allowed in the resolution.

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

MOVED by Haywood, SECOND by Hanna, to adopt **Resolution 08-130** declaring the structure at 504 SW Lee Blvd as a dilapidated public nuisance.

SUBSTITUTE MOTION by Warren, to postpone for sixty days. MOTION FAILED DUE TO A LACK OF A SECOND.

VOTE ON ORIGINAL MOTION: AYE: Burk, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

28. Discuss Lawton City Code Section 22-2-1-215, interference with meters-averaging charges-adjustment of water bills and if necessary provide direction to staff. Exhibit: Lawton City Code Section 22-2-1-215.

Warren stated there is really nothing they can do about it and it is not an issue with something that staff did wrong. He stated he has a lady in his ward that has been a customer for forty years and her bill is consistently \$45. The other day she got a bill for \$280. Staff checked and there was no leak and she was in the hospital for most of that time. He stated under the present code, someone that doesn't take care of their house and allows a pipe to break and the water to leak out, we will forgive them for that bill. But there is nothing we can do for an individual that suddenly has a \$200 bill for no apparent reason. He feels this is just the opposite of what was intended. It is unfair that they will not allow an adjustment on a bill that is without a doubt in error. He stated he is not really asking for anything with this item, but he feels that if they can't give this woman help, then they don't need to be giving help to anyone. He questioned if there was any interest from the Council in doing away with adjustments completely.

Shanklin stated he does not feel they can do that. They need to fix it where there is discretion without having to come to the City Council. He stated one year we had over 4,000 leaks. There has to be some leeway in the water even though there will always be someone trying to beat the system.

Warren stated he agrees, but he does not know how they get there. If they could have gotten there, staff would have already found the solution.

Haywood questioned if the meter reader sometimes does not read the meter correctly. He stated if one month his bill is \$54 and the next month it is \$108, somebody did not read the meter correctly. He feels this could be the reason for some of the problems they are having right now with some of these elderly people.

Barbara Curren, Revenue Services Supervisor, stated that it is possible at times they have not read the meter correctly, but she has, on her desk right now, similar instances where someone uses 2,000 or 3,000 gallons per month and all of the sudden they get a high bill. They say they check their premises and toilets and they cannot find the leak. Staff tries to work with these customers to find out what has happened. There is a possibility that their toilet may have hung up and water is running, then it stops. There is no 100% way to verify that it is on the City's side or the customer side. They test meters and try to work with the customers as best they can.

Warren stated that staff did everything in the world to try and figure out what had happened with the account from his constituent. He stated that staff has to physically hold on to each one of these accounts to make sure that these people don't get turned off until they figure out what is going on. He stated this is a policy issue and he doesn't know how they can get there.

Burk stated that usually in these cases it is not the meter that is the problem.

Curren stated that they do test a lot of meters.

Warren stated that he had no expectations that the Council would have a cure for this problem. He just wanted to bring this out because it is an issue that everyone is dealing with. It seems that the ones that this is affecting, are the ones that can afford it the least.

Curren stated that staff will work with these customers to give them more time if they do have to pay these bills.

NO ACTION WAS TAKEN.

29. Consider adopting an ordinance pertaining to Recreation, adding language to Section 19-4-412, Article 19-4, Chapter 19, Lawton City Code, 2005, providing for designated hunting areas on private property within the city limits, minimum acreage size, distance from roads and structures, and limiting firearms to shotguns, further providing for severability, and declaring an emergency. Exhibit: Ordinance 2008-\_\_.

Haywood stated that he had a call from one of his constituents, Dr. Kelsey, who wanted to make sure it was legal for him to hunt within city limits.

Vincent stated if the Council approves this proposed ordinance it would affect property that is at least 320 acres, not separated by public roads, using shotguns with #6 shot or smaller and at least 200 yards from the road or any type of structure.

Haywood stated he is sure there will be no problems with this request. He questioned how long Dr. Kelsey was going to hunt.

Charlie Kelsey stated that his grandsons are going to hunt for dove. He thanked Councilmember Haywood and Mr. Vincent for working on this ordinance. He moved to this area in September of 1955 and a lot has happened. He appreciated the Council's consideration.

MOVED by Haywood, SECOND by Shoemate, to adopt **Ordinance 08-61**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Burk, Shanklin. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 08-61

An ordinance pertaining to recreation amending Section 19-4-412, Article 19-4, Chapter 19, Lawton City Code, 2005, designated hunting areas by providing for hunting on private property within the city limits, providing for severability, and declaring an emergency.

Addendum to agenda:

1. Consider authorizing the Mayor and City Clerk to execute the Oklahoma Department of Environmental Quality (ODEQ) Application for Permit to Construct in order for the Residential Communities Initiative housing project at Ft. Sill to move forward. Exhibits: Letter from Col. Bridgford, Garrison Commander Ft. Sill, Letter from Picerne Military Housing and a Copy of the ODEQ Application for Permit to Construct.

Mitchell stated they received a request from Picerne Housing, who is now taking over the management of all of the housing on post. They are planning to expand their housing activities on post and they need a permit to proceed with construction.

Shanklin questioned if they were going to use our sewer system.

Mitchell stated they are going to use our sewer system and have agreed to pay the current residential sewer rate for all of those house connections to that system.

MOVED by Patton, SECOND by Burk, to authorize the Mayor and City Clerk to execute the Oklahoma Department of Environmental Quality (ODEQ) Application for Permit to Construct in order for the Residential Communities Initiative housing project at Ft. Sill to move forward. AYE: Haywood, Warren, Shoemate, Hanna, Burk, Shanklin, Patton. NAY: None. MOTION CARRIED

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Warren stated he has a neighborhood, Lee West, that is taking a proactive attitude as far as neighborhood watch and they have requested speed bumps. He knows we don't do that because of legal concerns with damage to property. A lot of cities such as Norman are using speed humps which are a 3-inch rise over a 14-18 foot area. It is really effective and makes you pay attention to where you are at. The Lee West neighborhood has asked if they could be a test area. We don't have the time and money to do this all over town, but this neighborhood would like to work with the City to put these on one or two streets that see a lot of fast traffic. There are two types, one is assembled and the other is just poured asphalt. He is requesting the poured asphalt, so we really would only be out the cost of labor and the asphalt.

Mitchell stated a lot of cities use these for pedestrian crossings.

Patton stated he feels it is a good idea and a lot of places are doing this.

Vincent stated his biggest concern is that we would post proper notice.

Warren stated in Norman they paint it and post a sign.

Vincent stated if we don't sign it and mark it we will have an issue. Another issue would be with low rider cars.

Jerry Ihler, Public Works Director, stated that the City of Norman has some criteria for the street and the neighborhood. They will go out and take a traffic study of the speed limit of the cars.

Warren stated the important part is that they get that part of the information out there. Whether they actually end up installing one or not, at least we will have that criteria built and we can move forward if we ever have one that meets that criteria.

Mayor Purcell stated this will need to go to Traffic Commission.

Ihler stated they would need to put together a policy and bring it back to the City Council for review.

Shanklin stated the trees in Elmer Thomas Park are growing grotesquely and they cannot be replaced overnight. He intends to speak to Mike Dixon from the McMahan Foundation.

Hanna stated he would like to know why we are only one of three counties in the state of Oklahoma that does not receive any money from the gas tax.

Shoemate stated around November the Comanche Nation will open up their Nations of Fun which will be a 150 x 100 metal building next to the water park that will house electronic games, pasta and pizza.

Mitchell reminded the Council of a workshop next Tuesday, September 16<sup>th</sup> at 6:00 p.m. to discuss Waurika Water District water supply. He distributed a map of Phase IA downtown project.

Mayor Purcell stated he, Mitchell and Vincent attended the OML Conference last week and one of the things they are going to talk about at the workshop on the 16<sup>th</sup> is regarding the issuance of general obligation bonds and the new IRS rules.

Vincent stated on September 18<sup>th</sup> the Oklahoma Water Research Institute will be conducting their Region V meetings to discuss the state water plan. He stated he will participate in those discussions.

Chief Ronnie Smith, Lawton Police Department, stated Ted Mason, a 30 year veteran of the police department, passed away last week. He stated he was a great police officer and they will miss him. He stated the Cops and Kids Picnic is Saturday from 11:00 a.m. to 2:00 p.m. in Elmer Thomas Park.

Chief Bart Hadley, Lawton Fire Department, stated over the course of this meeting he was able to gather some information regarding the fire that was brought up during audience participation by Mr. Griffith. The first unit was on the scene in less than seven minutes and they actually had six units on scene in under fifteen minutes. He stated no property was lost and no citizens were injured.

The Mayor and Council convened in executive session at 7:57 p.m. and reconvened in regular, open session at 8:56 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 the pending Workers Compensation claim of Terry Turner, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item #30. No action is required.

31. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2008-2009 between the Fire Union IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

Vincent read the title of item #31.

MOVED by Hanna, SECOND by Burk, subject to ratification by the members of the IAFF Local 1882, move to approve Local 1882 s August 20, 2008, proposal for a two year contract.

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

32. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session for the semiannual performance employee review of Larry Mitchell as City Manager, and in open session take other action as necessary. Exhibits: None.

Mayor Purcell read the title of item #32. He stated the consensus of the Council is that Mr. Mitchell continues to do an outstanding job and they are extremely pleased with the way he is performing. No action is required.

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

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

/s/ Traci Hushbeck  
TRACI HUSHBECK, CITY CLERK



