

Meeting of 2010-1-26 Regular Meeting

ON JANUARY 26 THERE WAS A SPECAIL MEETING HELD BEFORE THE REGULAR SCHEDULED COUNCIL MEETING.

MINUTES

LAWTON CITY COUNCIL SPECIAL MEETING
JANUARY 26, 2010 5:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

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

Mayor Purcell called the meeting to order at 5:01 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT: James Hanna, Ward Two
Janice Drewry, Ward Three
Jay Burk, Ward Four
Robert Shanklin, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
 Doug Wells, Ward Eight

ABSENT: Bill Shoemate, Ward One

1. Discuss possible funding options for CJHS Restoration Project. Exhibits:
Meyer Architecture Cost Estimates, First through Third Floor Phases.

Mitchell stated this presentation will be broken down into two parts. He has asked Meyer Architects to walk through the balance of the project. Phases I and II have been completed and the City of Lawton has taken over the operation and maintenance responsibilities from the Lawton Public Schools so we are now paying utilities and property insurance. They currently have two grants pending, one for \$250,000 for the west parking lot and one for \$900,000 for an energy retrofit.

Gary Armbruster, M. A. Architecture, stated he has been the architect on this project for a number of years. He distributed a packet of his presentation. The atrium which is phase I is complete. Phase II is complete minus a few minor things. He stated they are really here to talk about phase III. He stated even after phase III is complete, there is a lot of other square footage in the building.

Mr. Armbruster presented a series of floor plans to the City Council. He distributed a cost estimate analysis. He stated the base bid which encompasses planning, revenue services and licenses and permit is \$1,890,000. He stated these numbers come from previous bids. He took the high numbers from those bids. The good news is that these were done two or three years ago at a time when you had to beg contractors to even bid your project because everyone was busy at that time. The prices of steel and copper were through the roof. All of this has changed and now there is a lot of competition. Many of the projects he has worked on have come in considerably under budget over the past year. Alternate one which is the conference center and catering kitchen comes in at \$595,000. Alternate two, the auditorium, comes in at \$1,190,000 and alternate three, auditorium lobby and conference rooms come in at \$500,000. Total construction is \$4,175,000. Fixtures, furniture and equipment is \$417,500. Architectural engineering fees are based on total project cost at \$292,250. Contingency is \$417,500. A grant total of the entire project is \$5,302,250. There is still about 15,000 square feet of renovation after this to deal with and those have been priced out.

Shanklin questioned how much money we have spent so far.

Mitchell stated approximately \$10 million.

Shanklin stated we started off with a \$13 million project.

Mitchell stated the original estimate was about \$12 million and that was in 2003-2004.

Mr. Armbruster stated the whole project cost is around \$18 million to do all floors.

Burk questioned how much the project cost per square foot.

Mayor Purcell stated \$181 per square foot.

Mr. Armbruster stated you could not build a new city hall of this size for this kind of money. It would be \$250 or \$300 a square foot.

Mitchell stated if the City Council agrees that staff should move forward with the base bid and the three alternates that are outlined, he stated there an outline from Wells Nelson and Associates on how they may be able to pay for phase III of the project. They are trying to break the project into pieces A & B and a C & D piece. Pieces A & B would cost just over \$3 million and they think they can pay for the majority of that through remaining funds from the 2000 CIP program. They have talked about folding the 2000 CIP into the 2005 CIP. There is one outstanding project in the 2000 CIP. Past practice has been when projects are completed the remaining funds get folded into the next CIP program and the Council reallocates those dollars. They think they have about \$950,000 in cash in the 2000 CIP program and about \$1.3 million left in a street project that they designated in the 2000 CIP which was west Gore. When the Council approved the 2000 CIP program, the idea was to put enough money into the west Gore project to cover the City's local match to an ODOT funded program, so there was never enough money to do the whole project. It is obvious to him that after ten years the Gore project is not going to get high enough priority from ODOT to get funding. In September 2001, the City reallocated about \$1.3 million from the west Gore project to the Medicine Park water treatment plant to help fund a project. He stated the City Council could use those remaining 2000 CIP funds which would provide about \$2.3 million in cash to help fund the base bid and one of the alternatives. The other \$683,000 would be combined with a short term bridge loan which would carry them between now and the next CIP which will be in 2012. They are looking at funding about \$3 million through an 18 month bridge loan. With the bridge loan they will be accelerating the project and saving the cost of inflation and consolidation of departments. He stated under the Buy America Bonds program they can save about 1/3 of the interest rather than work with local banks. He stated other options are assets that the City owns which would include the current city hall and 40-50 acres on Rogers Lane and 67th Street which has some considerable value. He stated selling of property is something that cannot be done quickly and would be very time consuming. He has also submitted grant requests to several foundations, but has not been successful. He stated they could also start a local fundraising campaign or simply wait until the 2012 CIP to finance the improvements. He stated they could cut this down and only finish up the north wing and the conference center which would be about \$2.5 to \$3 million. There are all types of variations.

Drewry stated if they worked on the 2000 CIP funds and the short term bridge financing, in the mean time could they go ahead and try to sell that property on Rogers Lane.

Mitchell stated they could pay off the loan early. He stated they are not asking for any action tonight, we know we need about \$8 million to complete the building. They need to move forward with the north wing in order to vacate current city hall. He stated they are paying for utilities and the cost of maintenance in the new building.

Zarle stated we have approximately \$2.3 million right now without going into any debt.

Mayor Purcell stated we need \$5.3 million to get everyone out of current city hall.

Wells stated they have \$3.2 million in the bank right now.

Mitchell stated yes, but there is one project that is still outstanding which is the building at the landfill. You would have to subtract that building out and the balance is \$2.3 million.

Wells questioned if they could defer that project until 2012.

Mitchell stated that is an option for Council to decide.

Wells stated he read there was a delay on that project and it would be another year before they can even get the permit to get it started.

Mayor Purcell stated they have \$2.3 million in the bank, and they need another three million. They need to give the City Manager some guidance on where they want him to go to get the other three million.

Wells stated it will be at least a year before they will be ready to even start building at the landfill. They could talk about using that money and do something else later. That would give them \$3.2 million.

Shanklin questioned if they even had a location for this building.

Jerry Ihler, Public Works Director, stated they have a location on the south side of Tinney Road.

Mitchell stated the base bid would allow them to move out of the current city hall. The three alternates allow them to do the auditorium, conference center and lobby so they can start using it as a community building. He stated there is a good environment to go out and do the base bid with the alternates to see how they get those projects priced out.

Zarle questioned if they know of anyone interested in the parcel of land.

Mitchell stated he has not heard of anyone.

Mayor Purcell stated there was a group that had discussed buying or leasing the land that the current city hall sits on and taking in the whole area to the south to include the Armed Services YMCA, when they move. It would be turned into a youth center. He has not heard anything more about this in six months.

Wells questioned if the plans were complete and ready to go out for bids.

Mitchell stated they are 95% complete.

Mr. Armbruster stated if they are talking about this phase, then a lot of it is done.

Wells questioned how long it would take to get ready to go out for bids.

Mr. Armbruster stated about two to three months. Bidders would have thirty days to respond.

Wells stated they were talking about five months before they could award bids. He questioned how long for the construction.

Mr. Armbruster stated twelve to sixteen months.

Wells stated they have money to get started and they will probably be in the 2012 CIP program by the time they will really have to start using more money than what is available.

Mayor Purcell stated they cannot let the bid until all of the money is available, so they will have to figure out where the other \$2 million or \$3 million will come from. He stated the longer they wait the price will be higher.

Wells stated fortunately the prices have dropped in the last couple of years.

Shanklin questioned if we were going to get any additional help from the McMahon Foundation. He stated that well may be dry.

Mitchell stated if they go out to bid for the \$5 million, he is hoping that someone might make a significant donation in the next eighteen months or two years that may want the auditorium named after them.

Mayor Purcell stated from what he is hearing, everyone wants to move forward with the \$5.3 which is the base bid and the three alternatives. He stated we have \$2.3 million in the bank. He stated the question is if they want to take the \$900,000 from the building at the landfill. He stated they need to give the City Manager some guidance.

Shanklin stated they have not needed that building at the landfill for the past ten years. He suggested they move the \$900,000 and use it.

Mayor Purcell stated they now would need \$2.1 million.

Hanna stated they need to look at the bridge loan.

Burk stated he agrees they need to use the \$900,000 and then look at a bridge loan for the remainder.

Mitchell stated they estimate the bridge loan would cost approximately \$200,000 in interest for eighteen months.

MOVED by Drewry, SECOND by Hanna, to approve the minutes of December 15, 2009 and January 12, 2010. AYE: Shanklin, Zarle, Haywood, Wells, Hanna, Drewry, Burk. NAY: None. MOTION CARRIED.

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

Mayor Purcell stated they need to strike item #12.

MOVED by Drewry, SECOND by Burk, to approve the Consent Agenda with the exception of item #12. AYE: Zarle, Haywood, Wells, Hanna, Drewry, Burk, Shanklin. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of the resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Donna Apauty, Sheldon Bennett and Sarah Bennett in the amount of \$2,400.00 (**Res. 10-07**), Ralph and Steven Baker in the amount of \$9,169.69 (**Res. 10-08**), Department of Army in the amount of \$89.01 and Travis Kennard and Donna Apauty in the amount of \$4,102.00 (**Res. 10-09**). Exhibits: Legal Opinion/Recommendation, Resolution No.____, Resolution No.____, and Resolution No.____.

2. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in directing our third party administrator to make payment on the judgment in the Workers' Compensation case of Paul Caldwell in the Workers' Compensation Court, Case No. 2008-02748L. Exhibits: **Resolution No. 2010-10**.

3. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in directing our third party administrator to make payment on the judgment in the Workers' Compensation case of Bobby W. Tomah in the Workers' Compensation Court, Case No. 2009-10719K. Exhibits: **Resolution No. 2010-11**.

4. Consider accepting State Aid for Libraries grant of \$57,927 from the Oklahoma Department of Libraries for FY 2009-2010. Exhibits: State Aid agreement on file in the City Clerk s office.

5. Consider approving contracts for Children s Art Studio , Spring 2010 semester for Steven Scott Smith (\$ 684), Kenneth Hobbs (\$ 324), Sandra Dunn (\$ 600) and Erica Barnes (\$ 270) instructors for the program. Total amount for the spring semester stipends is \$ 1,878.00. Exhibits: Contracts on file in City Clerk s office.

6. Consider approving request from the Arts & Humanities Division to pursue applying for a Local Government Challenge Grant from the Oklahoma Arts Council for FY 2010-11. Exhibits: None.

7. Consider adopting a Resolution authorizing the City of Lawton to apply for a grant from the Oklahoma Strategic Military Planning Commission, through the Department of Commerce, in the amount of \$237,000 for improvements to US-62 (Rogers Lane) at Sheridan Road and Fort Sill Boulevard, City of Lawton, and authorize the Mayor and City Clerk to execute all necessary documentation. Exhibits: **Resolution 10-12**, Letter from Oklahoma Department of Transportation dated May 14, 2009, Proposed estimate of City of Lawton Costs for the Projects and Oklahoma Strategic Military Planning Commission Grant Application Form.

8. Consider accepting a warranty deed from Whataburger Real Estate LP and a permanent utility easement from James and Shirley Winfrey for right of way needed for the NW 67th Street Reconstruction (Cache Road/Rogers Lane) Project #2003-7, authorizing the Mayor and City Clerk to execute the instruments and authorizing payments for same. Exhibits: Warranty deed and easement are on file in the City Clerk's office.

9. Consider approving the record plat for the Replat of Lot 1, Willow Park. Exhibits: Plat Map.

10. Consider authorizing staff to re-advertise the Intermodal Transportation Museum Project (F.A. Project No. STP-116E(130)EH) for bid following approval by the Oklahoma Department of Transportation. Exhibits: Project Site Plan. Plans and specifications are on file in the Planning Division office.

11. Consider extending the contract (CL08-041) Self-Contained Breathing Apparatus (SCBA) from Wayest Safety of Oklahoma City, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

12. Consider extending the contract (CL07-033) Nuisance Abatement-East side from Charlie s Backhoe of Sterling, Oklahoma. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form. **THIS ITEM WAS STRICKEN FROM THE AGENDA.**

13. Consider extending the contract (RFPCL09-039) Cellular Telephone Service from US Cellular of Tulsa, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
14. Consider extending the contract (CL08-044) Wrecker Service from Priest Brothers of Lawton, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
15. Consider extending the contract (CL08-040) Footwear (Safety, Athletic & Walking)-Item-Safety from Woodward's Department Store of Cyril, Oklahoma. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
16. Consider extending the contract (CL08-040) Footwear (Safety, Athletic & Walking)-Item-Athletic from Kessler's Team Sports of Richmond, Indiana. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
17. Consider approving appointments to boards and commissions. Exhibits: None.
18. Consider approval of payroll for the period of January 11 - 24, 2010.

NEW BUSINESS ITEMS:

Mayor Purcell stated they need to strike item #20.

19. Receive a demonstration from E.I. Technologies on the City's new GIS web application. Exhibits: None.

Rick Endicott, Finance Director, stated in the 2005 CIP, voters approved approximately \$3 million for computer hardware upgrades which included geographical information systems. For years the City of Lawton has been operating in a non-integrated system. Last year in the budget, the Council approved an actual GIS division. He introduced Mike Jones, Supervisor and Judy Franco. He introduced Nirav Shaw, President of E.I. Technologies. His company is under contract to help integrate our GIS function. He stated this will be ready to go out to the public in the next sixty days.

Nirav Shaw stated they have worked on this program for the past twenty-four months. He stated that staff will be using this before it goes out to the public.

Mr. Shaw provided a demonstration of the latest component of the City's Geographic Information System.

Haywood questioned if this will tell you how many homes are in a neighborhood.

Mr. Shaw stated you can find out how many parcels in a ward or school district.

Endicott stated the big thing will be to keep this program updated and the information fresh. He stated the public works staff put in a lot of man hours for this program.

Wells questioned if this would eventually tie in with E-911 phase two.

Mr. Shaw stated system integration will be available to the staff in the next few months.

Endicott stated one of the bigger challenges is addressing. They have millions of different hits on the way people are addressing and they will have to deal with that issue.

20. Consider amending Council Policy 2-3 which provides that damage claims approved for payment in an amount less than \$400.00 will be paid by the responsible division's budget as opposed to claims approved for \$400.00 or more, which are paid by confession of judgment in District Court and placed on the tax rolls. Exhibits: Council Policy 2-3.

THIS ITEM WAS STRICKEN FROM THE AGENDA.

21. Consider waiving the impact fees for water and sewer service for the new Hospice of Southwest Oklahoma inpatient facility located at 1001 SE 36th Street. Exhibits: Letter from Hospice of Southwest Oklahoma.

Richard Rogalski, Planning Director, stated a request has been received from Hospice of Southwest Oklahoma to waive the impact fees of \$9,000 for water and sewer service for the new inpatient facility being constructed at 1001 SE 36th Street. The water meter size is 2 inches which requires impact fees of \$4,000 for water and \$4,000 for sewer. Also there is a \$1,000 impact fee for a 1-inch water meter for an irrigation system. He stated Section 22-2-2-222C (water) and Section 22-3-14-391E (sewer) of the Lawton City Code state Any applicant for a low or moderate income or

senior citizen residential housing project may apply to the city council for a modification or waiver of the fee. The Council shall consider the application on a case by case basis. He stated this facility will allow patients to continue to receive hospice care when their symptoms can no longer be managed in their homes and will serve as the administrative offices for Hospice. Ten to fifteen percent of their patients are uninsured, non paying residents and eighty percent of the patients are 65 years old or older. Staff did feel like this falls under the intent of the code and they do recommend approval of this waiver.

MOVED by Shanklin, SECOND by Zarle, to waive the impact fees for water and sewer service for the new Hospice of Southwest Oklahoma inpatient facility located at 1001 SE 36th Street. AYE: Haywood, Wells, Hanna, Drewry, Burk, Shanklin, Zarle. NAY: None. MOTION CARRIED.

22. Consider approving a request from the School House Slough concessionaire, Kent Waller, to construct two proposed boat docks to be built at School House Slough in accordance with the lease agreement at School House Slough approved in 1999 between himself and the City of Lawton. Exhibits: Letter from Kent Waller dated October 29, 2009 and Map with location identified.

Kim Shahan, Parks and Recreation Director, stated in 1999 a concession lease was awarded to Mr. Waller and at that meeting he made a presentation of the improvements that would be done. Over this time he has been making these improvements. Based on the lease, the requested improvements will be brought to the City Council for consideration. These improvements are boat slips within the School House Slough area. (A map was distributed).

This is on a peninsula area of the slough and the request is to build 23 boat slips within that area. He stated this morning Mr. Waller told him he would modify his request and build only 11 in that area. Staff is concerned about the vehicle access on the peninsula. He stated this was submitted in 1999 as a proposed plan. His recommendation is to deny the request. There are people who want to access that area that are not users of boat slips and there is a possibility they would not be able to access that area.

Drewry stated that area is very congested and she does not see how they can put anything else in there with all of the boats that are going in and out of that slough area.

Burk stated he feels it is a parking issue. Even if you don t park on the peninsula, where do you park to get to your boat slip. He stated there are a lot of people who go down there to fish and this will take away from their area. He just cannot support this request.

Zarle questioned who would be liable if there was an accident.

Shahan stated if they were on the water, it would be the City of Lawton.

Kent Waller stated his contract was approved in May of 1997, not 1999. He stated this road on the peninsula has been there as long as he can remember as cars have gone out, turned around and come back. He stated it is tight.

In 1997 when he submitted his proposal to the City of Lawton, he submitted a plan which was approved by the Lawton City Council. Nowhere in the plan did they say that he needed to come back to the City Council for approval. He has fulfilled his part of the plan. In the plan he was authorized 55 wet slips. If he is allowed to build these, it would be a total of 49 new ones that he has put out there. He is under the number that was proposed in 1997. He stated they have a waiting list and they want to park in the parking lot, walk down and get on their boat.

He does not see this as a problem. He stated he would take two of the older docks that are on the south side and he would move over to where it would just be 11 docks on that side and then build a new dock on the south peninsula that would hold about 23 or 24 new boats. There is plenty of parking over on the south peninsula. He stated the roads and parking lot at the lake are not his responsibility. They were taken out of his lease. He tries to take care of the citizens of Lawton. He has the only marina at any of the city lakes that has gas and a functioning store.

MOVED by Drewry, SECOND by Burk, to deny the request. AYE: Wells, Hanna, Drewry, Burk, Shanklin, Haywood. NAY: Zarle. MOTION CARRIED.

23. Consider an ordinance amending Sections 22-2-2-222 and 22-2-2-225, and Sections 22-3-14-391 and 22-3-14-393, Lawton City Code, 2005, regarding water and sanitary sewer system impact fee and lease-purchase agreement requirements and procedures and declaring an emergency. Exhibits: Ordinance No. 10-__.

Rogalski stated on December 16, 2009, the Impact Fee Oversight Committee met to discuss certain provisions with within the water and sewer impact fee and lease-purchase agreement code sections per the request by City Council. The specific items discussed were: 1) Section 22-2-2-222 (A) Water system impact fee established of the City Code in that Councilman Wells would like to address that section of the code which deals with remodeling or additions to existing structures that may cause an increase in meter size or an increase in the number of meters serving the structure, 2) Review and discuss Section 22-2-2-222 (B) Water system impact fee established of the City Code in that Councilman Wells would like to address that section of the code

which exempts the Downtown Area from assessment of the impact fee and 3) Review and discuss Section 22-2-2-225 Lease-purchase agreement procedure of the City Code in that Councilman Burk would like to address that section of the code which increases the time frame when a developer/owner may receive the benefits of the lease purchase agreement, specifically, when the developer/owner fails to submit the application and receive Council approval prior to the construction of the improvement. He would like to allow the developer/owner to be able to apply after construction is complete.

During the course of the discussion, the Impact Fee Oversight Committee determined that it would recommend no change to Section 22-2-2-222 (A), but would recommend amending Section 22-2-2-222 (B) to terminate the exemption of the Downtown Area from the collection of impact fees on January 1, 2013. With regards to Section 22-2-2-225, the committee felt that the current requirement that applications for lease-purchase agreements be approved by City Council prior to beginning construction was too rigid. The recommended change would allow applications to be submitted after the start of construction, but that the agreement must be approved by City Council at the time the qualifying improvements are accepted. The recommendation included making this provision retroactive to July 1, 2009 in order to allow acceptance of any applications that would have met this requirement but were denied under the existing code.

The Impact Fee Oversight Committee directed staff to draft the recommendations for both the water (Sections 22-2-2-222 and 22-2-2-225) and sanitary sewer (Sections 22-3-14-391 and 22-3-14-393) system impact fee and lease-purchase agreement requirements and procedures, and forward them to City Council for consideration.

MOVED by Drewry, SECOND by Burk, to adopt **Ordinance 10-02**, waive the reading of the ordinance, read the title only and declaring an emergency.

Wells stated he would like to make a substitute motion that Section 22-2-2-222, the last line in paragraph A reads The remodeling of or an addition to an existing structure shall also be exempt from this fee provided there is no major redevelopment or development of the existing property. He stated in Section 22-3-14-291, the last line in the paragraph basically says the same thing.

SUBSTITUE MOTION by Wells, SECOND by Hanna, to adopt amended **Ordinance 10-02**.

Jensen stated he understands the substitute motion, but he does not understand what Councilmember Wells means by a major development or redevelopment. There is no way to determine what we are talking about here. He stated they need some more definition.

Mayor Purcell suggested they pass this ordinance tonight as is, and bring back another ordinance with Councilmember Wells recommendation.

Wells stated he wanted everyone to understand that at the committee meeting the item did not come up for a vote, but the feeling among the members was that they should not change it. Had it come up for a vote, the majority would not have voted to do this, but there were some who would have voted to do this. He thinks this is unfair to charge those, who have been paying a bill for years, a fee to go from a 5/8 inch meter to a one inch, or a one inch to a two inch meter. He would like to have an item come back to the Council to change this wording.

Mayor Purcell stated Councilmember Wells will meet with the City Attorney and come back with the words he would like and how they are going to judge that at the next meeting.

Wells agreed to withdraw his substitute motion.

Hanna agreed to withdraw his second.

VOTE ON ORIGINAL MOTION: AYE: Shanklin, Zarle, Haywood, Wells, Hanna, Drewry, Burk. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 10-02

An ordinance pertaining to utilities amending Section 22-2-2-222 and Section 22-2-2-225, Division 22-2-2, Article 22-2, and Section 22-3-14-391 and Section 22-3-14-393, Division 22-3-14, Article 22-3, of Chapter 22, Lawton City Code, 2005, by limiting the exemption of the downtown area and modifying the lease-purchase agreement procedure, providing for severability, and declaring an emergency.

24. Consider approving an ordinance pertaining to Buildings, Construction, and Housing, amending Sections 6-1-1-104 and 6-1-1-106, Division 6-1-1, Article 6-1, amending Sections 6-2-1-201 through 6-2-1-203, Division 6-2-1, Article 6-2, and amending Sections 6-4-1-401 through 6-4-1-403 and Sections 6-4-1-406 through 6-4-1-408, Division 6-4-1, Article 6-4, all in Chapter 6, Lawton City Code, 2005, by adopting the international codes that have been previously adopted by the State of Oklahoma, specifically the 2009 editions of the International Plumbing Code,

International Mechanical Code, International Fuel Gas Code, and Chapters 12-24 and 25-33 of the 2009 edition of the International Residential Code; providing for severability and declaring an emergency. Exhibits: Ordinance 10-__.

Bryan Long, Assistant City Manager, stated this item will bring us up to date on our code references that are adopted by virtue of our ordinance. He stated this is a routine item and the development community has been made aware of these changes approximately six weeks ago. Staff has received no comments opposing the changes being adopted.

Burk requested that when they do these code changes they give at least three to six months lead time for all of the trades. It is major for them to undertake all of these code changes. He does appreciate the letter that went out, but it does take more than six weeks. He stated the effective date is February 1st and it does not give them much time.

Long stated they can expect that every three years there will be a major implementation of a new code and the State of Oklahoma is almost always going to accept those code changes.

Burk stated we are not always so gung ho on getting them passed. He stated sometimes we have been ten to twelve years behind in the code changes. It is good that we are keeping up.

Mayor Purcell stated that instead of declaring an emergency, they can choose to establish an effective date. He questioned if this would solve the problem.

Burk stated that would relieve a little bit of concern on the building side. He stated an extra 90 ninety days would be good.

Jensen questioned if this would cause a problem with the state.

Long stated the only issue is the fact that staff has already sent out a letter informing a number of contractors of the change. He stated they could send another letter.

Mayor Purcell stated the City Council can establish an effective date of May 1, 2010. The contractors can choose to implement them before that date if they wish.

Burk stated some of them have already implemented the changes. He would appreciate it if staff could send out another letter changing the effective date.

MOVED by Burk, SECOND by Hanna, to adopt amended **Ordinance 10-03**, waive the reading of the ordinance, read the title only and establishing an effective date of May 1, 2010. AYE: Haywood, Wells, Hanna, Drewry, Burk, Shanklin, Zarle. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 10-03

An ordinance pertaining to buildings, construction and housing, amending Sections 6-1-1-104 and 6-1-1-106, Division 6-1-1, Article 6-1, amending Sections 6-2-1-201 through 6-2-1-203, Division 6-2-1, Article 6-2, and amending Sections 6-4-1-401 through 6-4-1-403 and Sections 6-4-1-406 through 6-4-1-408, Division 6-4-1, Article 6-4, all in Chapter 6, Lawton City Code, 2005, by adopting the international codes that have been previously adopted by the State of Oklahoma, specifically the 2009 editions of the International Plumbing Code, International Mechanical Code, International Fuel Gas Code, and Chapters 12-24 and 25-33 of the 2009 edition of the International Residential Code; providing for severability and establishing an effective date of May 1, 2010.

25. Consider adopting an ordinance notifying the public of the publication of Supplement No. 5 to the Lawton City Code, 2005, and declaring an emergency. Exhibits: Ordinance 10-__.

Hushbeck stated this is the annual supplement that incorporates all of the changes that were made to the City Code in 2009. This also establishes a fee of \$25.00 which will cover the printing costs.

MOVED by Hanna, SECOND by Drewry, to adopt amended **Ordinance 10-04**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Wells, Hanna, Drewry, Burk, Shanklin, Zarle, Haywood. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 10-04

An ordinance approving Supplement No. 5 to the Lawton City Code, 2005, directing filing and notification of the publication of Supplement No. 5 to the Lawton City Code 2005, and establishing a fee of \$25.00 for the sale of Supplement No. 5, and declaring an emergency.

26. Receive a report on the City's financial condition for the 2nd Quarter of Fiscal Year 2009-2010, and provide direction to staff. Exhibits: None.

Endicott stated the finance report was distributed with the Council agenda packets. He stated sales tax is up 2.64% from last year. He needs to make a correction on page one of the report, under B, the second bullet, the budgeted sales tax revenue is \$22,036,513 and we have collected \$10.5 million or 47.93%. He stated franchise tax is down \$137,000 compared to last year. The reason is they did not receive December 2008 revenue until January 2009, so that is misleading and we are really okay on franchise tax. Police fines and bonds are up as well as all other general revenue fund.

Mayor Purcell stated that on page one, under A, it says that we have collected 51.27% of budgeted revenue for general and enterprise funds combined, but yet the budgeted sales tax revenue is down. This is because we are way over on enterprise funds, and overall with the two we are over.

Endicott stated when you combine the totals you get the 51.27%. Enterprise revenue is up considerably from last year. He stated water revenue is up \$489,000 or 6.53%. Sewer revenue is also up 21% and refuse collection revenue is up 21.39%. Landfill revenue is up almost 75%. He stated we are doing very well on the expenditure side and we are holding down expenses. We are 47% of our general fund expenditures and 43% of our enterprise expenditures.

COL Lacey questioned if the sales tax increase was due to growth or just price increases.

Endicott stated it is a mix of all of those things. The population growth is affecting it and over the last several years several new businesses have come to town. This has been a steady increase for the City of Lawton for the last seven or eight years. You do not see that in the surrounding areas.

Mayor Purcell stated we have been fortunate as compared to the rest of the state. We have had some good folks who did some good budgeting this year.

Burk questioned if there has been an increase in water meters over the last six months.

Endicott stated he has not seen a tremendous growth in the number of accounts. Typically, people are just transferring their accounts from one location to another. He does not think we have seen the numbers that we expected to see of new meters as a result of BRAC. He stated they are seeing an increase in multi-unit family complexes. This has a huge impact on our water revenue.

Shanklin questioned how we were doing with the meter replacement program.

Endicott stated staff is still working on 1,200 meters that they are trying to get reprogrammed and programmed correctly. They have about 98% in the ground. There are still several large meters that are not in because they require a lot of work.

Shanklin questioned if they have reached the revenue expected with these new meters.

Endicott stated he does believe that is part of the reason for the increase in water sales. The measurement process begins when we sign off on the project and it is 100% complete.

Mitchell stated that regarding our financial situation, we are very proactive and we have a very active capital improvement program and obviously all of those sales tax dollars that we are collecting in our CIP program, we are turning around and spending in our local community. There are a lot of cities that don't have these types of programs and that has a negative affect on the local economy.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Jerry Ihler, Public Works Director, stated the City Manager had asked him to give the City Council an update on the nine-mile creek sewer line. He provided the Council with a summary report. The line basically runs from the wastewater treatment plant north and east to the area of Fort Sill's boundary. The total area of the three sub areas are about 14,000 acres. Twelve thousand of those acres are undeveloped pasture land. The estimate of probable construction cost is \$11,833,250. He stated there is about 1,850 of existing residential area that will tie in and we will be able to eliminate four lift stations. There is about 12,000 acres for potential future development for Lawton. He stated once developed, you will be able to double the size of the community.

Mitchell stated they are talking about approximately 50,000 houses.

Ihler stated the consultant is about 85% complete with the design. The estimate for right of way costs is \$1.8 to \$2

