

Meeting of 2010-12-14 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
DECEMBER 14, 2010 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Fred L. Fitch Presiding  
Also Present:  
Larry Mitchell, City Manager  
Frank V. Jensen, City Attorney  
Traci Hushbeck, City Clerk  
COL Ray Lacey, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:05 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

Shoemate recognized Felix Cruz, the former City Attorney, who is ill.

Invocation was given by Pastor Wendell Buck, Lawton First Church of the Nazarene, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One  
Michael Tenis, 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: None

AUDIENCE PARTICIPATION:

Thurmond Bishop stated he has a rent house at 1303 H Avenue and he noticed that he had a water leak. He dug the line out and put a clamp on it and fixed it. He requested an adjustment to his account but he was told by staff that he had to have a licensed plumber fix the leak. He stated his account used 37,000 gallons and his bill was \$175.60. His normal bill is \$64.31. He requested an adjustment because he does not understand why he would have to use a licensed plumber.

Mitchell stated in the code it calls for a licensed plumber to do the work so that he can verify the leak happened and the repairs were made.

Mr. Bishop stated a city inspector came out and checked the leak.

Mitchell stated he would set up an appointment with Mr. Bishop and discuss the issue.

Shanklin stated he would hate to think he could not work on the 48 rental properties he owns because he is not a licensed plumber.

Burk stated he is not sure this should be this way and suggested they take a look at the policy.

Shoemate stated he believes there is not a person in this room that has not repaired something in their home.

Mitchell stated the idea here is that you can do repairs on your water line, but if you want the City to reimburse you for that lost water you should have a licensed plumber do the work so that you can verify the work was done and there was an actual leak. This is how the reimbursement is set up under the ordinance. Every leak under \$500 is handled administratively by staff.

Mayor Fitch stated the City Manager will handle this issue in the morning.

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.

Wells requested items #17, #23 and #26 be considered separately. Jensen requested item #8 be considered separately.

MOVED by Shanklin, SECOND by Zarle to approve the consent agenda with the exception of items #8, #17, #23 and #26. AYE: Tenis, Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Connie Ehrlich in the amount of \$2,887.98.  
Exhibits: Legal Opinions/Recommendations and **Resolution No. 10-115.**
  2. Consider the following damage claim recommended for denial: Southwestern Bell Telephone in the amount of \$911.19. Exhibits: Legal Opinion/Recommendation.
  3. Consider adopting a resolution approving the settlement by a joint petition and making payment in the workers compensation claim of Angela Chiarappa. Exhibits: **Resolution No. 2010-116.**
  4. 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 Eric Tienter in the Workers' Compensation Court, Case No. 2009-15842H. Exhibits: **Resolution No. 2010-117.**
  5. 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 Ameer Tahbonemah, Cameron Tahbonemah and Caden Tahbonemah, surviving spouse and minor children of Robert Tahbonemah (deceased), in the Workers' Compensation Court, Case No. 2010-13370R. Exhibits: **Resolution 10-118.**
  6. 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 Mark Alan Murphy in the Workers' Compensation Court, Case No. 2010-04692L. Exhibits: **Resolution 10-119.**
  7. Consider renewing the Retainer Agreement for Legal Services between the City of Lawton and Ambre C. Gooch, to provide professional and legal services to the City of Lawton in case styled Jason Wells vs. City of Lawton, Case No. CIV-09-1354-D, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional & Legal Services on file in City Clerk's Office.
  8. Consider approving the professional services agreement with Deborah A. Sterkel, to serve as legal advisor for a pending appeal before the Personnel Board, and authorize the Mayor and City Clerk to execute the Agreement.  
Exhibits: Proposed Agreement on file in the City Clerk's Office.
- Jensen stated the pending appeal has been withdrawn so this item can be stricken from the agenda.
9. Consider ratifying the action of the Lawton Water Authority to accept the Surface Restoration Bond for El Pache Energy, Inc., and authorize the Mayor and City Clerk to execute the document. Exhibits: Surface Restoration Bond.
  10. Consider approving Meyer Architecture Plus Change Order No. 1 which will authorize G.W. Hastings Construction Company to commence work on modifying an unfinished Phase III break room to be constructed as the City's primary mail distribution work center. Exhibits: Architect's Change Order No. 1, dated November 19, 2010 and General Contractor's Response: RFP No. 2, dated November 8, 2010.
  11. Consider approving Change Order # 3 for the Rehabilitation of Old Lawton High School Phase III Parking Lots (F.A. Project No. STP-116E(177)EH, State Job Piece Number 26406(04)) subject to approval by the Oklahoma Department of Transportation. Exhibits: Contract Change Order No. 3.
  12. Consider receiving a donation of two computer monitors from Douglas Wells, Councilman Ward 8, to the Information Technology division for allocation to other division(s). Exhibits: None.

13. Consider approval of a Mutual Aid Agreement (MAA) between the City of Lawton Fire Department and Sheppard Air Force Base (AFB) Fire Department. Exhibits: Proposed Mutual Aid Agreement between the City of Lawton and Sheppard AFB Fire Department.

14. Consider approving the 2011 Notice of Meeting Schedule for Lawton City Council Meetings and Resolution 10-\_\_ rescheduling the regularly scheduled meetings in November and December 2011. Exhibits: 2011 Notice of Meeting Schedule for Lawton City Council and **Resolution No. 10-120**.

15. Consider approving a credit adjustment in the amount of \$618.33 to Robert Caillet s service account #00022024 for the property at 2304 NE Village Drive for an undetected, underground leak on the customer s sprinkler system. Exhibits: Repair Statement from Gene Simmons Plumbing dated 09/11/2010 and statement from Robert Caillet dated 09/14/2010.

16. Consider approving a credit adjustment in the amount of \$668.25 to Billy Smith s service account #00005212 for the property at 10101 NW Shadybrook Drive for an undetected, underground leak on the customer s water service line. Exhibits: Repair statement from Andy s Plumbing dated 10/14/2010 and repair statement from Goldstarr Construction dated 7/26/10.

17. Consider approving plans and specifications for the Animal Welfare Building Project #2006-6 and authorizing staff to advertise for bids. Exhibits: Site plan.

Wells stated the funding source stated it will be taken out of the Animal Welfare Capital Outlay fund with a balance of \$400,000, but the cost of the project is between \$400,000 and \$500,000. He questioned where the other funds will come from if the project comes in at over \$400,000.

Jerry Ihler, Public Works Director, stated there are some things that can be done in house and they are also bidding alternates. They may be able to award the bids but delete the alternates that could be done in house.

Burk stated after talking with staff, this is basically an office building with a veterinary area. We are not enlarging the kennel and we are locked in to the space we have. He suggested that this might be the right time to move it to a different location. He would hate to see us put \$400,000 into a building that will not be the end all. We are already at capacity with the kennel. During the OML Conference he toured the animal welfare facilities in San Antonio and was impressed with what they were able to do with grant money and other funding ideas. He stated there is a city owned area on 38<sup>th</sup> where the current dog park is located and he feels this would be a great location. He suggested they build a kennel big enough along with the office space that is needed. He would like to see them take \$50,000 out of this \$400,000 and hire an architect to design a plan in that location and pursue some grant or foundation money.

Shoemate questioned if this was in a floodplain.

Ihler stated he talked with Larry Wolcott, Floodplain Administrator, and he was told it is in the floodplain but felt they could provide information that shows it would not cause any increase in flood elevation upstream. He feels the land could be developable.

Wells questioned if Ihler felt they should pull this item.

Ihler stated he feels they should. He feels the location on Lee Boulevard and 38<sup>th</sup> would be a much better location for an animal shelter. It would provide enough space for expansion of the kennel. He stated this will cost \$800,000 to \$1 million and he would not support waiting an additional six years to come up with the additional funding. He suggested the project be incorporated into the upcoming CIP so that they will not have to wait several years.

Kim Shahan, Parks and Recreation Directors, stated the dog fancier groups had a real interest in that location when they begin talking about the development of the dog park.

Burk stated he would support this project being included in the 2012 CIP.

Mitchell suggested they table the issue for 60 days so they can look at some alternatives as well as a workshop to discuss the 2012 CIP.

Shoemate questioned if the new soldiers at Fort Sill are told about the pet ordinances.

COL Lacey stated as part of their in processing they cover rules on pets in Lawton and on the installation.

Ihler stated staff works closely with Fort Sill who distributes the information.

Wells stated he thought they had discussed, at a previous meeting, looking at the cost of fines.

Ihler stated they had discussed citations as it dealt with stray animals. There are three levels of the offense and the officer does have some discretion when issuing a citation.

MOVED by Burk SECOND by Wells, to table for 60 days. AYE: Drewry, Burk, Shanklin, Haywood, Wells, Shoemate, Tennis. NAY: Zarle. MOTION CARRIED.

18. Consider adopting a resolution for the selection of a consulting engineer to conduct the bi-annual inspections required by the National Bridge Inspection Standards (NBIS) Program. Exhibits: **Resolution 10-121**.

19. Consider awarding a contract to Leon Alexander authorizing him to proceed with the erection of a metal building to provide additional storage area for Water Distribution Division. Exhibits: None.

20. Consider approving plans and specifications for the NW 38<sup>th</sup> Street Reconstruction (Gore to Cache) Project #2006-7 and authorizing staff to advertise for bids. Exhibits: None.

21. Consider adopting a Resolution of Necessity for real property acquisition for the NW Santa Fe Bridge Replacement Project #2010-2. Exhibits: **Resolution 10-122** with Exhibit A.

22. Consider approving an indemnity agreement between the City of Lawton and Paul Ellwanger, who resides at 6506 SW Brookline Ave, for the partial reimbursement of the 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 Paul Ellwanger.

23. Consider approving the Contribution-In-Aid-Of-Construction (CIAC) Agreement with the AEP-PSO and adopting Street Light Resolution No. 466 to install a 35 foot wood pole, one 250 Watt High Pressure Sodium Directional Flood Light and wiring at the parking lot on the north side of the Grandview Sports Complex. Exhibits: Contribution-In-Aid-of-Construction Agreement with AEP-PSO; and **Street Light Resolution No. 466**.

Wells stated the Council Contingency Fund is listed as the funding source. He did not think that could be used without the consent of the Council.

Burk stated he requested this item be brought before the council. He stated children walk out into this parking lot in the evening and it is pitch black.

Wells stated he has no problem with it if a councilmember made the request.

MOVED by Wells SECOND by Tennis to approve the Contribution-In-Aid-Of-Construction Agreement with AEP-PSO and adopting Street Light Resolution No. 466 to install a 35 foot wood pole, one 250 Watt High Pressure Sodium Directional Flood Light and wiring at the parking lot on the north side of the Grandview Sports Complex. AYE: Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis, Drewry. NAY: None. MOTION CARRIED.

24. Consider adopting a Resolution authorizing the installation of traffic control measures on: eastbound and westbound NW Maple Drive at the intersection of NW 73<sup>rd</sup> Street; eastbound and westbound NW Arlington Avenue at the intersection of NW 12<sup>th</sup> Street; and southbound SW 46<sup>th</sup> Street at the intersection of SW Cherokee Avenue. Exhibits: **Resolution No. 10- 123**. Traffic Commission Minutes and Traffic Issue Request.

25. Consider setting the date of January 25, 2011, to hold a public hearing and consider closing certain streets and alleys in the Downtown Redevelopment Project area. Exhibits: Location Map.

26. Consider a request for an extension of time for the escrow agreement for the drainage improvements in Dove Creek Addition, Part 3. Exhibits: Letter from Developer List of Deficiencies.

Wells stated the developer has already had a couple of extensions and he questioned if there was a time limit on the amount of time you could extend these.

Richard Rogalski, Planning Director, stated this is a different project. This is a bond for the minor incomplete

improvements. The functional improvements were completed. He stated the original term was for six months and staff is allowed to grant one extension and that extension expires on December 15<sup>th</sup>. The developer has requested an additional extension.

Wells questioned if the code authorizes council to grant the extension.

Rogalski stated the code is silent on that issue, the council could grant an extension.

Wells questioned if the items that need to be done affect the check off list.

Rogalski stated yes.

Wells questioned why we just didn't call in the bond and get these things done. He stated this could keep on going forever.

Rogalski stated he did check on the issues and they are factual.

Mayor Fitch questioned if this would be the first extension.

Rogalski stated yes, this would be the first extension by Council.

MOVED by Wells SECOND by Zarle to deny the extension.

Burk stated that he understands that there is some concern with this developer. He feels in this instance, he can see his willingness to want to stand back and wait on PSO before he completes his part.

Wells stated he had no idea who the developer was, he was just concerned that we just keep going and going.

SUBSTITUTE MOTION by Burk SECOND by Haywood to approve a six month extension. AYE: Haywood, Shoemate, Tennis, Drewry, Burk, Shanklin. NAY: Zarle, Wells. MOTION CARRIED.

27. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality to receive, transport and /or treat flow from Green Terraces West Townhouse Addition, Part 2, and a Tier I permit to supply potable water to Green Terraces West Townhouse Addition, Part 2, located south of West Gore Boulevard, west of SW 69<sup>th</sup> Street in the NE/4 of Section 32, T2N, R12W, I.M., Comanche County, Oklahoma. Exhibits: Permit to Receive, Transport and Treat, and Permit to Supply Water on file in the City Clerk's Office.

28. Consider extending the contract (CL09-027) Laboratory Services of Toxic Pollutants from Accurate Environmental Laboratories. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

29. Consider extending the contract (RFPCL10-020) HDW/SFW Support Agreement to Atlantic Tech Services of Richfield, OH. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

30. Consider approval of payroll for the periods of November 15 December 12, 2010.

#### OLD BUSINESS ITEMS:

31. Consider releasing the performance bond for drainage improvements in Scissortail, Part 1, and accepting the water, sewer, and public drainage improvements, escrow agreement in lieu of incomplete minor improvements, and maintenance bonds. Exhibits: Plat Map.

Escrow Agreement and Maintenance Bonds on file in City Clerk's Office.

Rogalski stated this was brought before the Council a month before. He stated the developer has not been able to finish the improvements and he is at a loss as what to do with this project. There are two bonds and this one is strictly for drainage improvements.

Burk stated he feels they need to stop any kind of construction out there until the developer gets this done. He was given another 30 days the last time he came to Council and he feels there should be no more building permits or inspections done until he gets his part done.

Rogalski questioned if they wanted to table this for thirty days. He stated the actual date on the bond is February 19, 2011 and they have to act before then or the bond is no good.

Burk stated if he can't sell houses he will get this done.

Wells stated he does not understand why they would stop issuing permits for this developer when they just agreed to give him six months on another project.

Burk stated on this project they have given him every opportunity to make it right.

Wells questioned the difference between a performance bond and the escrow agreement.

Rogalski stated the performance bond is for functional improvements that have to be in for the subdivision to be whole. The escrow agreement is for minor incomplete improvements.

Wells stated on the commentary staff is recommending releasing the performance bond.

Rogalski stated that was based on some promises made, but now their recommendation is not to release the bond.

MOVED by Burk SECOND by Drewry to 1) give no additional permits, 2) issue a stop work order on existing permits on existing work that is currently occurring, 3) no inspections on existing homes until these issues are completed and 4) do not release the performance bond.

Mayor Fitch questioned if the developer could sell the homes he currently has under construction if the work is not completed under the performance bond.

Rogalski stated he could, the purpose of the performance bond is to allow the plat to be recorded so that the developer can sell lots while he is completing those improvements. Without this motion, he could complete those homes and get the contracts completed. The hardest part of the motion is that without the inspections others would suffer. He does feel that this will get done.

Burk stated there will be some upset builders if they cannot build on the lots they have purchased.

Rogalski questioned if these stipulations will be lifted when he gets the work done or when it comes back to Council.

Burk stated these should be lifted when the work is done.

Rogalski clarified the restrictions will be lifted when the functional improvements have been completed and accepted by staff.

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

32. Hold a public hearing and consider an ordinance closing a portion of a public utility easement on Lot 2, Block 18, Rolling Hills Development, Part 4A, located at 2061 SW 45<sup>th</sup> Street. Exhibits: November 9, 2010, Agenda Item Commentary with Exhibits.

Rogalski stated on November 9, 2010, the City Council opened the public hearing on a request to close a portion of a public utility easement on Lot 2, Block 18, Rolling Hills Development, Part 4A, located at 2061 SW 45<sup>th</sup> Street. The public hearing was continued to December 14, 2010, to allow the property owner time to reconstruct the sewer line located in the easement in a steel casing so that replacement of the line in the future can be accomplished without damage to the house. Construction plans have been approved and a pre-work meeting was held on December 7, 2010. Staff recommends the public hearing be continued to January 11, 2011, to allow time to complete the reconstruction.

MOVED by Wells SECOND by Haywood to continue the public hearing to January 11, 2011. AYE: Wells, Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle, Haywood. NAY: None. MOTION CARRIED.

#### NEW BUSINESS ITEMS:

33. Hold public hearings and adopt a resolutions declaring the structures located at: 101 S.E. D Avenue, 312 S.W. Summit Avenue, 320 S.W. I Avenue, 406 S.W. 24<sup>th</sup> Street, 506 S.W. Park Avenue, 708 S.W. Garfield Avenue, 916 S.W. B Avenue, 1312 S.W. Wisconsin Avenue, 1516 S.W. G Avenue, 1907 S.W. D Avenue, 1929 S.W. McKinley Avenue to be dilapidated, detrimental to the health, safety or welfare of the general public and community, a blighting influence, and a public nuisance; directing the owners to abate the nuisance by obtaining a remodel or demolition permit within thirty (30) days; authorizing summary abatement of the nuisance should the owners fail to abate the nuisance; and alternatively

authorizing the City Attorney to commence legal action in district court to abate the nuisance if summary abatement is not economically practical. Exhibits: Eleven Resolutions. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

101 S.E. D Avenue

Anthony Griffith, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property as documented on the Property Maintenance Evaluation Sheet. Griffith presented photographs of the property.

PUBLIC HEARING OPENED.

Delores Mansell, 4626 NW Meadowbrook Drive, stated they received a letter on October 27<sup>th</sup> requesting them to schedule an inspection of this property as well as 916 SW B. She stated Mr. Griffith looked at them on November 16<sup>th</sup>. She stated they told Mr. Griffith they wanted to repair the property and he told them to get permits. Mr. Griffith told her that he could freeze the process since they were making application for the permits. License and Permit Division staff called her on Monday, November 29<sup>th</sup> and left a message that the permits were ready. She was planning to go on Friday and pick up her permits but she got a letter informing her the properties were going to council. She called Mr. Griffith and reminded him of what he had said about freezing the process. When she went to pick up the permits she was told that the City Attorney's office informed staff that the permits could not be issued. She requested that both properties not be put on the D&D list so that they can pick up the permits and repair them.

Zarle questioned if they could fix this property.

Ms. Mansell stated they need to put on a new roof but the walls are in good shape.

Burk questioned why they haven't done something up to this point.

Ms. Mansell stated that Mr. Mansell has had four major operations in the past four years and his health is not good. They plan to work on the property and repair it.

Burk stated this process will give them thirty days to get their permits.

Ms. Mansell stated if the property is not on the D&D list and they decide to tear it down they could take advantage of reduced tipping fees.

Griffith stated he did tell Ms. Mansell that he would freeze the process as long as she makes application and pick up her permits. She did make application but he felt she did not pick up the permit in a timely manner so he put the property on the agenda.

Ms. Mansell stated Carrie from License and Permits called her on Monday, November 29<sup>th</sup> and she called her back on Wednesday and said she would be down at City Hall on Thursday or Friday. She stated they only had four days to pick up the permits. No one told her they needed to pick them up on Monday or Tuesday.

Shanklin questioned if Mr. Mansell was going to do all the work himself.

Ms. Mansell stated that they have a contractor.

Mayor Fitch questioned the time frame of issuing permits.

Griffith stated the Mansells applied on November 16<sup>th</sup> and the permits were ready on the 24<sup>th</sup>. He stated on December 2<sup>nd</sup> they had not picked them up and there was a deadline to place this on the agenda.

Mayor Fitch stated if the Mansell's picked up their permits tomorrow then the timeline would start for them to make some progress.

Burk stated that is how the D&D process will work. The only catch is that they could not take advantage of the reduced tipping fees.

Wells questioned if they were told staff would call them when the permits were ready.

Ms. Mansell stated she was told they would call when they were ready. She was told by Mr. Griffith that he would freeze the process if they applied for the permits.

Bryan Long, Assistant City Attorney, stated if this property goes on the D&D list, the permits will be released to the

Mansells.

PUBLIC HEARING CLOSED

MOVED by Haywood, SECOND by Burk, to adopt **Resolution 10-124** declaring the structure located at 101 SE D Avenue to be a dilapidated public nuisance. AYE: Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

312 S.W. Summit Avenue

Griffith reported the numerous violations of city code existing on the property as documented on the Property Maintenance Evaluation Sheet. Griffith presented photographs of the property. He stated there have been no utilities since March 2010.

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

MOVED by Haywood, SECOND by Shoemate, to adopt **Resolution 10-125** declaring the Structure located at 312 SW Summit Avenue to be a dilapidated public nuisance. AYE: Tennis, Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

320 S.W. I Avenue

Griffith reported the numerous violations of city code existing on the property as documented on the Property Maintenance Evaluation Sheet. Griffith presented photographs of the property. He stated there have been no utilities since March 2008.

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

MOVED by Haywood, SECOND by Zarle, to adopt **Resolution 10-126** declaring the structure located at 320 SW I Avenue to be a dilapidated public nuisance. AYE: Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis. NAY: None. MOTION CARRIED.

406 S.W. 24<sup>th</sup> Street

Griffith reported the numerous violations of city code existing on the property as documented on the Property Maintenance Evaluation Sheet. Griffith presented photographs of the property. He stated there have been no utilities since February 2001.

PUBLIC HEARING OPENED.

Tom Brown, representing property owner Robert Brown, stated he has been asked by his brother to come to the meeting and request a permit to remodel the home.

Mayor Fitch stated if the resolution is passed tonight, Mr. Brown will have thirty days to obtain the permit and ninety days to show progress on the project.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Wells, to adopt **Resolution 10-127** declaring the structure located at 406 SW 24<sup>th</sup> Street Avenue to be a dilapidated public nuisance. AYE: Burk, Zarle, Haywood, Wells, Shoemate, Tennis, Drewry. NAY: None. ABSENT: Shanklin. MOTION CARRIED.

506 S.W. Park Avenue

Griffith reported the numerous violations of city code existing on the property as documented on the Property Maintenance Evaluation Sheet. Griffith presented photographs of the property. He stated there have been no utilities since 2004.

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

MOVED by Haywood, SECOND by Shoemate, to adopt **Resolution 10-128** declaring the



structure located at 506 SW Park Avenue to be a dilapidated public nuisance. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Drewry, Burk. NAY: None. ABSENT: Shanklin. MOTION CARRIED.

708 S.W Garfield Avenue

Griffith reported the numerous violations of city code existing on the property as documented on the Property Maintenance Evaluation Sheet. Griffith presented photographs of the property. He stated there have been no utilities since February 2009.

PUBLIC HEARING OPENED.

Gail Hanson, Route 3, Box 185, Marlow, OK, stated her and her husband purchased this property to remodel and then rent or sell. She stated her husband has passed away and she now has a buyer for the property. She requested the property not be placed on the D&D list.

Brian Morris, 608 Park, stated he is prepared to purchase the property but he does not want it to be placed on the list because that will affect the closing date and his timeline to obtain the permits.

Mayor Fitch questioned the date of the closing.

Mr. Morris stated he is paying cash for the home, so they will just need to get the abstract up to date. He stated they should close within 30-45 days.

Tennis questioned what timeline Mr. Morris had planned for the building.

Mr. Morris stated he should have the remodel done within six months.

Mayor Fitch stated he would hate to jeopardize the sale of the property.

PUBLIC HEARING CLOSED.

MOVED by Burk, SECOND by Tennis, to remove 708 S.W Garfield Avenue from D&D list. AYE: Zarle, Haywood, Shoemate, Tennis, Drewry, Burk, Shanklin. NAY: None. ABSENT: Wells. MOTION CARRIED.

916 S.W. B Avenue

Griffith reported the numerous violations of city code existing on the property as documented on the Property Maintenance Evaluation Sheet. Griffith presented photographs of the property. He stated there have been no utilities since August 2001.

PUBLIC HEARING OPENED.

Delores Mansell, 4626 NW Meadowbrook Drive, stated the house is in very good shape inside. There are no leaks in the roof and the floor needs to be refinished. They have requested the property be placed on the national preservation list. They would like to make the repairs and either rent it out or sell it.

Drewry questioned when the home was purchased by the Mansells.

Ms. Mansell stated approximately 15-20 years ago.

Drewry questioned why they would let it get in this condition if they have owned it for so long.

Ms. Mansell stated they were just waiting for a tenant to come along and due to health reasons Mr. Mansell has not been able to work as hard as he used to. She requested that the property not go on the D&D list.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Zarle, to adopt **Resolution 10-129** declaring the structure located at 916 SW B Avenue to be a dilapidated public nuisance. AYE: Haywood, Wells, Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle. NAY: None. MOTION CARRIED.

1312 S.W. Wisconsin Avenue

Griffith reported the numerous violations of city code existing on the property as documented on the Property

Maintenance Evaluation Sheet. Griffith presented photographs of the property. He stated there have been no utilities since April 2004.

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

MOVED by Haywood, SECOND by Drewry, to adopt **Resolution 10-130** declaring the structure located at 1312 SW Wisconsin to be a dilapidated public nuisance. AYE: Wells, Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle, Haywood. NAY: None. MOTION CARRIED.

1516 S.W. G Avenue

Griffith reported the numerous violations of city code existing on the property as documented on the Property Maintenance Evaluation Sheet. Griffith presented photographs of the property. He stated there have been no utilities since May 2010.

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

MOVED by Shanklin, SECOND by Drewry, to adopt **Resolution 10-131** declaring the structure located at 1516 SW G Avenue to be a dilapidated public nuisance. AYE: Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1907 S.W. D Avenue

Griffith reported the numerous violations of city code existing on the property as documented on the Property Maintenance Evaluation Sheet. Griffith presented photographs of the property. He stated there have been no utilities since January 2007.

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

MOVED by Shanklin, SECOND by Shoemate to adopt **Resolution 10-132** declaring the structure located at 1907 SW D Avenue to be a dilapidated public nuisance. AYE: Tennis, Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

1929 S.W. McKinley Avenue

Griffith reported the numerous violations of city code existing on the property as documented on the Property Maintenance Evaluation Sheet. Griffith presented photographs of the property. He stated there have been no utilities since December 2006.

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

MOVED by Haywood, SECOND by Shoemate, to adopt **Resolution 10-133** declaring the structure located at 1929 SW McKinley Avenue to be a dilapidated public nuisance. AYE: Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis. NAY: None. MOTION CARRIED.

34. Hold a public hearing and consider an ordinance amending the open space requirements for townhouse developments. Exhibits: Ordinance No. 10-\_\_ and CPC Minutes.

Rogalski stated this ordinance would amend the open space requirements for townhouse developments. Currently the City Code requires an active recreation area of at least 10,000 square feet with an average side dimension of at least 100 feet and no side less than 50 feet. The proposed ordinance amends the open space requirement to be a minimum of 5,000 square feet for 20 or less lots and 400 square feet for each additional lot. The proposed dimension requirements of the smallest side of the open space would be not less than half the dimension of the largest side. The City Planning Commission would have authority to approve a deviation from this standard if it can be shown that special features or improvements are to be included with the active recreation space such that it meets the intent of the code.

On November 11, 2010, the City Planning Commission held a public hearing on the proposed amendment. The CPC, by a vote of 7 0, recommended approval of the attached ordinance.

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

MOVED by Zarle, SECOND by Burk to adopt **Ordinance 10-44**, waive the reading of the ordinance, read the title. AYE: Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis, Drewry. NAY: None. MOTION CARRIED.

An ordinance pertaining to zoning amending Sections 18-5-3-525, 18-5-4-537, 18-5-5-553, and 18-5-6-565, Chapter 18, Lawton City Code, 2005, amending open space requirements for townhouse developments and providing for severability.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells suggested they look at a service line maintenance program that citizens can sign up for that is sponsored by the National League of Cities. It is \$5 a month for sewer and water lines and it will pay for up to \$4,000 worth of repairs. Oklahoma has already been accepted into the program.

Haywood stated Pacific Railroad is taking up the rails from Bishop to Rogers Lane.

Mitchell stated staff has been negotiating with them for over a year.

Burk stated he really enjoyed the National League of Cities conference and he thought there were a lot of good things that were talked about and some things they could bring back and work on.

Mitchell distributed a copy of the recommendations from the Oklahoma Academy's town hall meeting in which he participated. He stated there should be some good things submitted to the legislature to help municipal government.

Mayor Fitch stated he attended NLC and he was amazed at how proactive Lawton is and how we have tremendous vision and ideas. We have made headway in so many areas that many communities are just now beginning to address. He was really impressed with being able to evaluate where our city is in comparison to so many other cities. He congratulated Mitchell on being appointed to the Oklahoma Academy.

Shoemate stated he would like to see us dedicate a room in new city hall in honor of Councilmember Shanklin for his years of service.

The Mayor and Council convened in executive session at 8:10 p.m. and reconvened in regular, open session at 8:51 p.m. Roll call reflected all members present excluding Shanklin.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

35. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending claim of Eddie Cordes Auto Finance and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #35. No action was taken.

36. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending cases of City of Lawton vs. EZ-GO (CV-2010-79) and City of Lawton vs. Hop & Sack (CV-2010-82), and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #36. He stated regarding the case with EZ-GO, that case is going to be resolved like all of the other cases have been with an administrative settlement agreement between EZ-GO and the City of Lawton on low point beer violations. He has a motion regarding the case with Hop & Sack.

MOVED by Wells, SECOND by Drury to deny Hop & Sack's offer to sign a settlement agreement for only six months instead of twelve months. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Drewry, Burk. NAY: None. MOTION CARRIED.

37. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the Employment Agreement of Frank V. Jensen as City Attorney, and in open session take action as necessary. Exhibits: None.

Mayor Fitch read the title of item #37. He stated the discussion was positive and the council agreed to an increase in salary of 5% which would amount to \$5,500 annually.

MOVED by Burk, SECOND by Drury to approve a contract with Frank V. Jensen as City Attorney with an increase in salary of \$5,500. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Drewry, Burk. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 8:54 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR /s/ Fred L. Fitch

ATTEST:

/s/ Traci L. Hushbeck  
TRACI HUSHBECK, CITY CLERK