

Meeting of 2010-6-8 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JUNE 8, 2010 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Fred L. Fitch Also Present:
Presiding 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 6:27 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor John Dunaway, Abundant Life Christian Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Michael Tennis, 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

RECOGNITION TO LAWTON-FORT SILL REGIONAL AIRPORT AND BARBARA MCNALLY, AIRPORT MANAGER.

Mayor Fitch recognized and honored Barbara McNally, 2010 Airport Manager of the Year and the Lawton Fort Sill Airport, 2010 Outstanding Airport of the Year, for awards received from the Oklahoma Airport Operators Association.

AUDIENCE PARTICIPATION: None.

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 #3, #6, #11 and #14 be considered separately.

MOVED by Drewry. SECOND by Burk, to approve the consent agenda with the exception of items #3, #6, #11 and #14. AYE: Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis, Drewry. 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: Karetaromica Dotson and Patricia Eurie in the amount of \$1,072.45 (**Res. 10-50**), Steve and Claudia Laster in the amount of \$1,021.69 (**Res. 10-51**), Paula and Michael Patterson in the amount of \$22,922.32 (**Res. 10-52**) and Rafael Rivera and Mylene Rios in the amount of \$887.31 (**Res. 10-53**). Exhibits: Legal Opinions/Recommendations, Resolution No. ____, Resolution No. ____, Resolution No. ____ and Resolution No. ____.
2. Consider the following damage claim recommended for denial: Erna Soncksen in the amount of \$450.00. Exhibits: Legal Opinion/Recommendation.
3. Consider approving an Outside Water Sales Contract with Ernie and Jan Manning, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map.
Contract is on file in the City Clerk s Office.

Wells questioned if there was already a water line in place in this area.

Jerry Ihler, Public Works Director, stated they do have a 24-inch water line that runs all the way out to the east tower.

Wells clarified that the Mannings would have to run the water line from their property to our main.

Jensen stated their contract would require them to tie into our line.

Burk stated he does believe there are other houses in that area.

Jensen stated they are close to a water association, but they chose to be an individual customer.

MOVED by Wells, SECOND by Shanklin, to approve an Outside Water Sales Contract with Ernie and Jan Manning . AYE: Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis, Drewry, Burk. NAY: None. MOTION CARRIED.

4. Consider renewing the Retainer Agreement for Professional Services with Granville D. Long, to provide professional investigative services to the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement.

5. Consider renewing the professional services agreement with James C. Ferguson of Walker, Ferguson and Ferguson for the defense of Workers' Compensation claims. Exhibits: Retainer Agreement for Professional & Legal Services on file in the City Clerks Office.

6. Consider approving an Interlocal Cooperative Agreement for Mutual Enforcement of State Laws and Local Ordinances for the Protection of Public Health, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Interlocal Cooperative Agreement for Mutual Enforcement of State Laws and Local Ordinances for the Protection of Public Health; Code 15-1-110; Code 2-2-1-215; Code 2-2-1-217.

Jensen stated they need to strike this item because they need to make a change to the agreement and they will bring this back at the next meeting.

Wells questioned if this was a new agreement.

Mitchell stated this is a new agreement. The City of Lawton used to have a contract with a local medical officer and the past two years we have not had an agreement. Staff has been negotiating with the Comanche County Health Department to provide that service.

Wells requested this item be put on the agenda as a business item.

7. Consider approval of the Cooperative Lease Agreement for joint use of a combined Emergency Operations Center between the City of Lawton, Great Plains Technology Center, Emergency Medical Services Authority and the Board of County Commissioners of Comanche County, Oklahoma, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Cooperative Lease Agreement.

8. Consider approving annual contract renewals between the City of Lawton and the following: County Commissioners (re: Juvenile Detention Center); J. Roy Dunning (re: Children s Shelter); and Roadback (re: Detoxification Center); Lawton Crimestoppers, Inc. (re: Funds from sale of property in police custody). Exhibits: Copies of contracts are located in the City Clerk s Office for review.

9. Consider adopting a resolution designating places and times within municipal jurisdiction to discharge fireworks on July 3 and July 4, 2010, and authorize the Mayor and City Clerk to execute the resolution. Exhibits: **Resolution No. 10-54.**

10. Consider approving recommendation to officially dedicate and direct placement of a damaged tree stump of historical significance at the Patterson Community Center that was damaged during the recent ice storm. Exhibits: Ltr, Albert Johnson, Sr., Chairman, Patterson Neighborhood Association.

11. Consider approving agreements for euthanization services with the City of Grandfield and the Town of Medicine Park and authorize the Mayor and City Clerk to execute the agreements. Exhibits: Agreements on file with the City Clerk.

Wells questioned if these were new contract or renewals.

Ihler stated they were all contracts that are renewed every June.

MOVED by Wells, SECOND by Tennis, to approve agreements for euthanization services with the City of Grandfield and the Town of Medicine Park. AYE: Haywood, Wells, Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle. NAY: None. MOTION CARRIED.

12. Consider approving agreements for refuse disposal with the Town of Indianoma, Multiple Community Services Authority and the Town of Temple and authorize the Mayor and City Clerk to execute the agreements. Exhibits: Agreements on file with the City Clerk.

13. Consider approving a Resolution increasing the petty cash account for the License & Permit Division. Exhibits: **Resolution No. 10-55**.

14. Consider awarding a construction contract to H.G. Jenkins Construction Company 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: Award Recommendation Letter, Bid Tabulation and Project Map.

Wells stated it seemed like they were told the cost share would be less.

Mitchell stated the cost share for just the grant is 10%, but the actual construction dollars are based upon the bids we received. He stated Councilmember Wells is remembering the \$250,000 federal grant, but we have to supplement that grant with some additional money to award the contract. He stated they hoped to get the base bid under \$250,000, which is the east parking lot and alternate one which was the south half of the west lot and alternate two which was the north half. He stated staff feels they need to award the base bid and alternate one to provide the parking needed for the building and defer alternate two because the contractor for phase IV will need a staging area and they do not want them working on a brand new parking lot.

Wells stated they are going from \$25,000 to \$169,000 and they are using funds that are left over from the 2000 CIP.

MOVED by Drewry, SECOND by Tennis, to award a construction contract to H.G. Jenkins Construction Company 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. AYE: Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle, Haywood. NAY: Wells. MOTION CARRIED.

15. Consider accepting a warranty deed and a temporary easement from Danny D. and Saradell Horton for right of way needed for the NW 38th Street (Gore Blvd. to Cache Road) Project #2006-7, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Warranty deed and temporary easement are on file in the City Clerk's office.

16. Consider accepting a warranty deed and a temporary easement from Rosemary Bellino-Hall for right of way needed for the NW 38th Street (Gore Blvd. to Cache Road) Project #2006-7, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Warranty deed and temporary easement are on file in the City Clerk's office.

17. Consider accepting a warranty deed from Meadowbrook Square, Inc. for right of way needed for the NW 38th Street (Gore Blvd. to Cache Road) Project #2006-7, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Warranty deed is on file in the City Clerk's office.

18. Consider accepting two (2) warranty deeds and three (3) temporary easements from Professional Office Development, L.L.C. and 38th Street Properties, L.L.C. for right of way needed for the NW 38th Street (Gore Blvd. to Cache Road) Project #2006-7, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Warranty deeds and temporary easements are on file in the City Clerk's office.

19. Consider accepting a temporary easement from Richard B. Atkins for right of way needed for the NW 38th Street (Gore Blvd. to Cache Road) Project #2006-7, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Temporary easement is on file in the City Clerk's office.

20. Consider accepting an agreement letter for financial advisement and consulting services with the firm of Wells Nelson & Associates, LLC, and provide guidance to staff as appropriate. Exhibits: Agreement Letter with Wells Nelson & Associates, LLC.

21. Consider accepting an engagement letter for technical accounting and consulting services with the firm of Crawford & Associates, P.C., and provide guidance to staff as appropriate. Exhibits: Engagement Letter with

22. Consider approving a resolution redesignating NW 40th Street (running east and west) in Heinz Addition between NW 38th Street and NW 40th Street (running north and south) as NW Elm Avenue. Exhibits: **Resolution No. 10-56**, Location Map and Letter of Request.
23. Consider acknowledging receipt of Tier I permits from the Oklahoma Department of Environmental Quality for the construction of 1,953 linear feet of 8-inch PVC waterline, 4 fire hydrants, 2,113 linear feet of 8-inch PVC sanitary sewer line, 147 linear feet of 8-inch DIP sanitary sewer line, 12 manholes and all appurtenances to serve Dove Creek Addition, Part 4 located west of SW 52nd Street, north of Bishop Road in the SE/4 of Section 4, T1N, R12W, Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City Clerk's Office.
24. Consider extending (CL08-064) Temporary Workers to Express Employment Professionals of Shawnee, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
25. Consider extending (CL08-067) Manhole Rings & Covers to Water Products of Oklahoma of Owasso, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
26. Consider extending (CL09-047) Bunker-Turnout Gear to Wayest Safety of Oklahoma City, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
27. Consider awarding (RFPCL10-037) Employee Assistance Program (EAP) Services to Deer Oaks EAP Services of San Antonio, TX. Exhibits: Department recommendation, RFP and proposal packets on file at the Financial Services Office.
28. Consider extending (CL10-005) Mowing Contract Area O to Teen Challenge of Oklahoma of Cache, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
29. Consider extending (CL10-005) Mowing Contract Area M & N to Pair Mowing of Lawton, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
30. Consider extending (CL10-005) Mowing Contract Area P to L.C. Lawn Care of Altus, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
31. Consider extending (CL09-050) Lawton Arts & Entertainment Magazine to Colorgraphics, The Print Shop, Inc. of Lawton, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
32. Consider approving appointments to boards and commissions. Exhibits: None.
33. Consider approval of payroll for the period of May 17 - 30, 2010.

NEW BUSINESS ITEMS:

34. Consider a resolution amending Sections 22-111 and 22-112, Article A-22-1, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, increasing the surcharge constituting the Lake Waurika assessment from four dollars (\$4.00) to six dollars and fifty cents (\$6.50) as approved by the Lawton Water Authority. Exhibits: Resolution No. 10-___, Exhibit A - Sections 22-111 and 22-112, Article A-22-1, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005.

MOVED by Haywood, SECOND by Drewry, to adopt **Res. 10-57** increasing the surcharge constituting the Lake Waurika assessment from four dollars (\$4.00) to six dollars and fifty cents (\$6.50) as approved by the Lawton Water Authority. AYE: Shoemate, Tennis, Drewry, Burk, Haywood, Wells. NAY: Shanklin, Zarle. MOTION CARRIED.

35. Consider reviewing and approving the City of Lawton Fiscal Year 2010-2011 budget and approving a resolution adopting the FY 2010-2011 City of Lawton budget. Exhibits: Resolution No. 10-___.

Mitchell distributed a revised summary of the preliminary budget. He stated projected carryover for June 30, 2011 is now estimated to be \$518,015 and during the budget workshop that number was \$468,036. This number has increased slightly because of some minor adjustments.

Rick Endicott, Finance Director, stated during the budget hearing process there were some adjustments made to the budget and some corrections were made and the actual number of the carryover increased. The projected carryover with total revenues for all funds is \$128,800,375 and total expenditures for all funds is \$125,331,804.

Shanklin questioned if we had a \$6 million carryover.

Endicott stated the original number was around \$3 million.

Shanklin stated the taxpayers will question why we are raising the water rates if we have a \$6 million carryover. He does not understand this logic.

Tenis stated he cannot see paying \$35,000 for a lobby secretary/greeter to sit there and give directions to three different rooms.

Mitchell requested the position be kept in the budget but stated that he would look at other alternatives before they get to the point of hiring a receptionist. He will try part-time, temporary or volunteers. The issue is that when the offices move into the south wing there will still be contractors in and out of the building and he has some real concerns about security and they feel someone needs to be in that area to direct people. He feels this position will be necessary at some point.

Tenis stated he was not saying the position was unnecessary, but he feels it is not necessary to hire someone initially on the city payroll. He would prefer to have an armed guard there.

Mitchell stated they would have to contract with someone to perform that duty.

Tenis stated he would like the City Manager to look into this option.

Mitchell stated he will bring this back to the attention of the City Council if his efforts are not productive.

Tenis stated he would agree to that.

Burk stated there are problems with maintenance issues across the city. He stated they went out and looked at all of these beds that the parks and recreation staff attempt to maintain. He stated that the Lawton Enhancement Trust Authority (LETA) has agreed that they will spend 30% of their budget each year towards maintenance of flower beds and medians. He stated they can put these beds all over town, but if they can't maintain them, then they are making a bigger mess.

Burk distributed a list of areas they are willing to take on and maintain the first year.

Burk believes they need to make a commitment at some point to take care of all of these beds. They can use a contractor and make sure that it is done every month. He stated this year they are looking for an additional \$70,000. He stated he does not know where they should take the money from. Some feel it should come out of the hotel/motel carry over funds. He stated we expect our citizens to keep their yards and we are not taking care of our own.

Shoemate questioned how much water is used for these beds.

Mitchell stated they do not meter public use.

Drewry stated this is an economic development issue.

Burk stated LETA is spending money wisely, but there is no use in planting if they cannot get water to them.

Mayor Fitch stated this money would be for maintaining existing improvements.

Burk stated there has been money given to do projects on west Lee, east Gore and 38th Street near McMahon ballparks, but there is no reason to do these projects if we can't take care of them.

Mayor Fitch questioned how much LETA has spent on projects in the past year.

Burk stated they spent \$100,000 on a project on 11th Street near the airport, \$2,500 on photinias on Rogers Lane plus \$20,000 for the sprinkler system. They have roughly spent \$100,000 in projects this year. Their goal is to do \$100,000 in projects a year.

Mayor Fitch suggested that instead of spending money on new projects, they may want to look at spending money on existing projects that need revamping.

Burk stated this is economic development.

Drewry stated she feels they need to continue with this and move forward.

Burk stated they hope that the east Gore project will be a joint venture with the Apache Casino. He stated that

LETA not only does trees and shrubs, they have also donated money to the dog park and the miracle league ball field.

Wells stated this will also free up some time for park staff to work on other projects.

Mitchell stated if approved, this would reduce the carryover by \$70,000.

Wells stated this would not affect the budget if it is taken out of the hotel/motel economic development carry over.

Mitchell stated they would need to get a joint resolution approved. All unexpended monies roll into the economic development fund and to spend that money a joint approval is needed from both the City of Lawton and the Lawton Fort Sill Chamber of Commerce.

MOVED by Wells, SECOND by Zarle, to approve \$70,000 for LETA to be taken out of the economic development carry over through a joint resolution with the Lawton Fort Sill Chamber of Commerce. AYE: Tennis, Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

MOVED by Haywood, SECOND by Burk, to approve **Res. 10-58** adopting the FY 2010-2011 City of Lawton budget. AYE: Drewry, Burk, Zarle, Haywood, Shoemate, Tennis. NAY: Shanklin, Wells. MOTION CARRIED.

36. Consider approving an ordinance codifying Ordinance 2006-15 relating to Tax Increment Financing and the Downtown Economic Development Plan, and creating Sections 10-15-1-101, 10-15-1-102 and 10-15-2-201 through 10-15-2-215, Divisions 10-15-1 and 10-15-2, Article 10-15 of Chapter 10 Finance and Taxation, in the Lawton City Code, 2005. Exhibits: Proposed Ordinance 2010-____ codifying Ordinance 2006-15.

Jensen stated in 2006 the City Council adopted Ordinance 2006-15 which approved the Lawton Economic Development Plan and increment district number one. For some reason the ordinance was not codified in the city code. Before any amendments are made they need to codify the old ordinance. This is a clean up measure.

MOVED by Wells, SECOND by Drewry, to adopt **Ordinance 10-21**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis, Drewry. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 10-21

An ordinance codifying ordinance 2006-15 and creating Sections 10-15-1-101, 10-15-1-102 and 10-15-2-201 through 10-15-2-215, Divisions 10-15-1 and 10-15-2, Article 10-15 of Chapter 10 finance and taxation, Lawton City Code, 2005.

37. Consider Holding the Second Required Public Hearing on the Proposed Amended Lawton Downtown Economic Development Project Plan, at Which Any Interested Persons Shall Have the Opportunity to be Heard in Support of or Opposition to the Proposed Project Plan Prior to Any City Council Action with Regard to Adoption of the Proposed Project Plan. Upon Conclusion of the Public Hearing, Consider Adopting an Ordinance Approving the Amended Project Plan thereby Creating Increment District No. 2, City of Lawton, Establishing the Boundaries and Date of Creation of Increment District No. 2; Authorizing the Use of Ad Valorem, Sales, and Occupancy Tax Increment Revenues Apportioned for Increment District No. 2 for the Payment or Financing of Certain Project Costs; Reducing the Area of Increment District No. 1, City of Lawton; Providing for a Portion of the Ad Valorem Increment Revenues of Increment District No. 1 to be Allocated to the Affected Taxing Jurisdictions and the Balance to Payment of Project Costs; and Terminating the Sales Tax Increment Portion of Increment District No. 1. Exhibits: (1) Proposed Amended Lawton Downtown Economic Development Project Plan (2) Proposed Ordinance Adopting and Approving the Amended Lawton Downtown Economic Development Project Plan (3) City Planning Commission Resolution No ____.

Leslie Bachelor, Center for Economic Development Law, stated this will split it into two districts, dropping the sales tax portion of the larger increment district number one, adding the hotel occupancy tax revenues as one of the revenue streams for the project cost on increment district two along with the sales tax ad valorem tax. These amendments do not change the area of the districts, they do not change the budget and they do not raise anyone's taxes. It simply captures the revenues that will be created from the new project to use them for the project cost.

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

Wells stated as the chair of this committee he does recommend that this be approved, but he does not like the twenty five years. Some percentage of the money that the district takes in is going to come from the area west of the TIF district one which means sales tax money from that side of town will decrease from the general fund and that money from the TIF district is locked in to that area for twenty five years. Less money will be available from the general fund and he hopes everyone understands that.

Ms. Bachelor stated they will not touch any of that sales tax anymore.

Wells stated that yes they will pick up the sales tax from the mall and those things now from the general fund, but if national chains move into that twelve block area, the people that use those will be people from west of 14th street and from the east side of town. That money will no longer be available from the west or east side of town.

Mitchell stated this district does run for twenty five years, but half the revenue is generated by sales tax and the other half is from ad valorem. If the project is successful, they anticipate the collection of sales tax will accelerate and that we will hit that \$25 million threshold earlier than twenty five years and at that point the sales tax increment falls off. He stated the reason residents go to Oklahoma City or to Wichita Falls is because we don't have some of the national chains in Lawton and now we can capture some of those dollars.

Shoemate stated that when they opened up a second Wal-Mart in town, it did not affect the first one. They both make money.

Wells stated he went to an OML retail summit and other cities are doing things in five year increments, not twenty five. This just ties things up too long.

MOVED by Wells, SECOND by Drewry, to adopt **Ordinance 10-22**, adopting and approving the amended Lawton Downtown Economic Development Project Plan, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Drewry, Burk. NAY: None. ABSTAIN: Shanklin. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 10-22

An ordinance pertaining to the Lawton tax increment financing regulation amending Article 10-15, Chapter 10, Lawton City Code, 2005, by approving the amended Lawton downtown economic development project plan; creating increment district no. 2, City of Lawton, establishing the boundaries and date of creation of increment district no. 2; authorizing the use of ad valorem, sales, and occupancy tax increment revenues apportioned for increment district no. 2 for the payment or financing of certain project costs; reducing the area of increment district no. 1, City of Lawton; providing for a portion of the ad valorem increment revenues of increment district no. 1 to be allocated to the affected taxing jurisdictions and the balance to payment of project costs; terminating the sales tax increment portion of increment district no. 1; approving amended project plan to conform to this ordinance; providing for severability; and declaring an emergency.

38. Consider amending Section 14-1-106, Article 14-1, Chapter 14, Lawton City Code, 2005, by removing certain references to storage and use travel or camping trailers on residential lots; amending Section 15-1-101, Article 15-1, Chapter 15, Lawton City Code 2005, by further defining the terms camping trailer, front yard, motor home, non-standard motor vehicle, pickup coach or pickup shell, rear yard or back yard, recreational vehicle, side yard, travel trailer, vehicle or motor vehicle; providing for severability, and declaring an emergency. Exhibits: Proposed Ordinance amending Chapter 14, Section 14-1-106 and Proposed Ordinance amending Chapter 15, Section 15-1-101.

Mayor Fitch stated that all they are trying to do with this item it to get these two ordinances in line. Item 39 will be to put a moratorium on any building of concrete pads from now until December 31st or until action is take. There will not be a new ordinance tonight as to how to store or where you can or cannot store certain trailers. At a later time an ordinance will come back to the City Council for approval or disapproval.

Jensen stated for item #38 there are two ordinances. The one that they do need action on tonight is the ordinance which will amend Chapter 14 of the Lawton City Code. Chapter 14 governs the use and regulation of mobile homes and has nothing to do with recreation vehicles, but for some reason, camping and travel trailers appear in that mobile home chapter. This would move those items from Chapter 14 and make reference to regulation of the use, storage and parking of recreation vehicles in Chapter 15.

Shanklin questioned who they were targeting.

Jensen stated this will simply take our recreational trailers from the mobile home chapter.

MOVED by Zarle, SECOND by Tennis, to adopt **Ordinance 10-23**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Drewry, Burk, Shanklin. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 10-23

An ordinance amending Section 14-1-106, Article 14-1, Chapter 14, Lawton City Code, 2005, by removing certain

references to storage and use of travel or camping trailers on residential lots and providing that the use, occupancy or storage of travel trailers, pickup coaches, motor homes and camping trailers shall be controlled by the provisions of Chapter 15, providing for severability, and declaring an emergency.

Jensen stated the second ordinance dealing with Chapter 15 was actually not supposed to be on the agenda tonight. All it contains right now are some modified proposed definitions. He stated the committee has not had an opportunity to discuss the area of boats, jet ski trailers, snowmobile trailers, camper shells, etc. He questioned if they are limiting this to motor homes and travel/camping trailers, etc. The committees work is not done, they are just getting started.

Shoemate questioned if this includes city owned property around the lake.

Jensen stated this will involve areas that are zoned R-1 through R-4. They are talking about residential areas. He stated since this is on the agenda, they might as well receive some input on how to handle the boats, jet skis, snow mobiles and camper shells.

Mayor Fitch suggested this go back to the RV committee and let them discuss these issues and then bring it back to the City Council.

Wells stated he is getting comments from his constituents who are wondering what they are doing.

Mayor Fitch stated that everyone seems to agree that this should go back to the RV committee and then bring it back with some recommendations.

39. Consider approving a Resolution imposing a temporary moratorium on issuing new building permits for the construction of any hard surfaced (concrete, asphalt, paving stones or brick) area for the storage or parking of recreational vehicles or trailers on the front, side or rear yards of residential lots. Exhibits: Resolution No. 10 - _____.

Mayor Fitch stated all they are doing is asking for a moratorium on issuing building permits for those items until this committee comes back with a recommendation.

Maria Gagne, 2311 NE Kingsbriar, suggested that complaints be taken care of by a housing association in the community instead of barring any type of RV or boat because someone has complained. This does not have to be done city wide especially if there is no health or safety hazard. There are already laws on the books on how or where you can place these things. She does not feel this is necessary.

Jensen stated the purpose of this moratorium is to maintain the status quo until the committee can make recommendations on whether they want to continue to allow those driveway extensions or pads or grandfather in the legal and illegal pads.

Ms. Gagne stated that there are only two places in Lawton to store a camper. One is always full because it is only \$65 a month and the other place is \$95 a month to park it uncovered in the grass.

Phillip Herrera, 516 Green Meadow Drive, stated he had his motor home at his residence on pavement since 1972. He was told a few years ago that he had to move it and store it somewhere else. He now rents a space for his motor home.

Mayor Fitch stated all of these issues will be looked at and there will be plenty of time for community input.

Jensen stated that Mr. Herrera is saying that he has already been told to move his motor home, which has nothing to do with what is being discussed.

Wells stated at one point, code enforcement has been ticketing people, but they have stopped enforcing the code for now. He stated Mr. Herrera should be able to put his motor home back in his driveway.

Tenis stated he cannot vote for this moratorium. They are putting the cart before the horse. Until they come up with some type of ordinance, how can they tell someone they can't do this simply because they are not sure how this issue will come out in sixty or ninety days.

MOVED by Wells, SECOND by Shoemate, to table. AYE: Haywood, Wells, Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle. NAY: None. MOTION CARRIED.

40. Consider an ordinance amending Section 23-3-302, Article 2-3, Chapter 23, Lawton City Code, 2005, pertaining to making it unlawful for a motor vehicle use air compression brakes, providing for severability, and

declaring an emergency. Exhibits: Ordinance 10-____.

Wells questioned if there was money in the budget for the signs.

Ihler stated there is money in his budget for the signs. This will go to the Traffic Commission on June 17th to determine the location of the signs.

MOVED by Shanklin, SECOND by Tennis, to adopt **Ordinance 10-24**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Wells, Shoemate, Tennis, Drewry, Burk, Shanklin, Haywood. NAY: Zarle. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 10-24

An ordinance amending Section 23-3-302, Article 23-3, Chapter 23, Lawton City Code, 2005, pertaining to making it unlawful for a motor vehicle use air compression brakes, providing for severability, and declaring an emergency.

41. Consider rescinding City Council Policy 6-1, Granting additional time for compliance with building codes on condemned structures. Exhibits: Policy 6-1.

Jensen stated this policy was adopted in 1994 and it basically says that if a property is to be declared dilapidated and the policy owner requests more time, this policy requires the City Council to automatically table the item and give them more time. Staff feels the policy is obsolete. Now there is a process to either pull a permit for demolition or to remodel. Neighborhood Services also has time lines to allow that remodeling or demolition and also to allow for extensions.

MOVED by Wells SECOND by Drewry to rescind City Council Policy 6-1. AYE: Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Shoemate stated he was approached by a group who wanted to bring a cheerleading and football camp to Lawton. They would also like to have an all state football game. The camp would be held June 24, 25 and 26. The game would be played at Cameron on July 16 and 17. The Comanche Nation has offered to underwrite the food and travel. They would like to make this an annual event, adding a different sport each year. He stated they are looking for funding for hotel rooms to house 200-300 kids. He questioned if there was something they could do out of hotel/motel funds. They are looking at \$4,000 - \$5,000.

Mayor Fitch questioned if he had spoken with the Chamber.

Shoemate stated he has a meeting tomorrow with Chamber staff. He is also contacting other Native American tribes. He stated Tahlequah has offered to pay for rooms, food, etc. He is fighting to get this in Lawton.

Wells stated the Chamber should have money in their special events account.

Haywood stated the Juneteenth Celebration will be held on June 19th starting at 4:00 p.m. at 2nd Street and Gore and then the celebration will continue at the Patterson Center at 5:00 p.m.

Wells stated they need to think about rescinding the resolution with the chamber regarding the economic development fund. He does not know why they would have any say on city monies. The City Council should control that.

Mitchell stated the bids will be opened on Tuesday, June 15th for phase IV of the Old Lawton High restoration project.

Shanklin questioned the plans for Rogers Lane.

COL Lacey stated the Oklahoma Department of Transportation has proposed three projects on Rogers Lane. One at the interchange at Fort Sill Boulevard, one at the interchange on Sheridan Road and one further east where Rogers Lane intersects with I-44 adjacent to gate 2. You will not have to yield to traffic, there will be a round about where you come across the highway overpass and enter the highway going east or west without having to yield to the oncoming traffic. This should reduce the number of accidents as well as facilitate the flow on and off the installation.

Mayor Fitch stated he has the drawing and will place a copy in Councilmember Shanklin s box. He thanked staff for all of their hard working during the budget session.

The Mayor and Council convened in executive session at 8:09 p.m. and reconvened in regular, open session at 8:45

p.m. Roll call reflected all members.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

42. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending litigation of case number CJ-2005-352, concerning 911 W 11th Street. Exhibits: None.

THIS ITEM WAS STRICKEN FROM THE AGENDA.

43. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action relating to the cracking of the foundation of the newly constructed Medicine Park Water Treatment Plant Water Storage Tank and if necessary, take appropriate action in open session. Exhibits: Diagram Depicting Foundation Cracks.

Jensen read the title of item 43. No action is required.

44. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2009-2010, between the American Federation of State, County and Municipal Employees (AFSCME) Local 3894, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item 44. No action is required.

45. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2010-2011 between the Fire Union, IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

Jensen read the title of item 45.

MOVED by Wells SECOND by Burk to approve a collective bargaining agreement negotiated with IAFF, Local 1882, for fiscal years 2010-2011, 2011-2012, 2012-2013, and 2013-2014 subject to Local 1882 ratifying the same agreement prior to July 1, 2010. AYE: Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis, Drewry. NAY: None. MOTION CARRIED.

Jensen stated that copies of the agreement are available by hard copy or electronic copy in the City Clerk's office or the Office of the City Attorney.

46. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2010-2011 between the Police Union, IUPA Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item 46. No action is required.

There being no further business to consider, the meeting adjourned at 8:48 p.m. upon motion, second and roll call vote.

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

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