

Meeting of 2010-7-27 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 27, 2010 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Fred L. Fitch Also Present:
Presiding Bryan Long, Acting 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. Invocation was given by Councilmember Bill Shoemate.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Michael Tennis, Ward Two
Janice Drewry, Ward Three
Robert Shanklin, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
 Doug Wells, Ward Eight

ABSENT: Jay Burk, Ward Four

PROCLAMATION FOR GRAND NATIONAL HORSEMEN ASSOCIATION 2010 PLAYDAY FINALS

Mayor Fitch proclaimed the week of July 24 31, 2010 as Grand National Horsemen Association s 2010 Playday Finals.

AUDIENCE PARTICIPATION:

Sharon Cheatwood, Arts Coordinator for Arts and Humanities Division, stated the City of Lawton 109th Birthday celebration will be held on Friday, August 6th at 7:30 p.m. in Elmer Thomas Park. She introduced Jim Whiteley, Chairman of the Lawton Arts and Humanities Council.

Mr. Whiteley introduced those members of the Arts and Humanities Council who were in attendance. He briefed the City Council on performances for the birthday celebration.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL SPECIAL MEETING OF JULY 8, 2010 AND THE REGULAR MEETING OF JULY 13, 2010.

MOVED by Drewry, SECOND by Tennis, to approve the minutes of the Lawton City Council special meeting of July 8, 2010 and the regular meeting of July 13, 2010. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Drewry, Shanklin. 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 Fitch stated item #7 needs to be considered separately and they need to strike item #16. Shoemate requested item #18 be considered separately.

MOVED by Drewry, SECOND by Shoemate, to approve the consent agenda with the exception of items #7, #16 and #18. AYE: Haywood, Wells, Shoemate, Tennis, Drewry, Shanklin, Zarle. NAY: None. MOTION CARRIED.

1. Consider adopting a resolution approving the settlement by a joint petition and making payment in the workers

compensation claim of Marshall Sutton. Exhibits: **Resolution No. 10-71.**

2. Consider approving the Contract for Sale of surplus properties located at 2505 SW A Avenue to Ralph P. Davis and Nancy A. Davis in the amount of Eight Thousand Dollars (\$8,000.00), 2111 SW B Avenue to Joseph W. London in the amount of Five Thousand Nine Hundred Dollars (\$5,900.00), 809 SW 4th Street to David J. Williams in the amount of One Thousand Four Hundred Dollars (\$1,400.00), and authorize the Mayor and City Clerk to execute the Contract for Sale and Quit Claim Deed. Exhibits: The Contract for Sale and Quit Claim Deed are on file in the City Clerk's office.

3. Consider approval of an Agreement in Principal with the Lawton Fort Sill Chamber of Commerce for a Contract for Services with Bill Phelps & Associates, LLC, beginning July 1, 2010 through June 30, 2011, for the purpose of providing professional consulting/lobbyist services to the City and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Consultant Agreement.

4. Consider declaring surplus two light bars and accessories to be sold by the Lawton Police Department to Paradise Valley Volunteer Fire Department. Exhibits: Letter from Paradise Valley Volunteer Fire Department.

5. Consider declaring surplus three light bars and accessories to be sold by the Lawton Police Department to Flower Mound Volunteer Fire Department. Exhibits: Letter from Flower Mound Volunteer Fire Department.

6. Consider endorsement of the 5th Annual Spirit of Survival Event as a City co-sponsored event held on October 10, 2010 and hereafter be considered as an annual city co-sponsored event in Elmer Thomas Park and approve a \$5,000.00 donation to assist in funding the event. Exhibits: Letter of request from Spirit of Survival Event Cabinet and Elmer Thomas Park Standard Contract.

7. Consider approving an agreement between the Center for Creative Living Corporation and the City of Lawton for services to senior citizens. Exhibits: Center for Creative Living Agreement.

Long stated there is a typographical error in the agreement. He stated under item #3 the dollar amount reads incorrectly and it should read \$18,000.

MOVED by Shanklin, SECOND by Zarle, to approve an amended agreement between the Center for Creative Living Corporation and the City of Lawton for services to senior citizens. AYE: Wells, Shoemate, Tennis, Drewry, Shanklin, Zarle, Haywood. NAY: None. MOTION CARRIED.

8. Consider approving the lease agreement between the City of Lawton and the Delta Nutrition Project. Exhibits: Lease Agreement.

9. Consider approving a credit adjustment in the amount of \$806.12 to Ghislaine Grice's service account #00005231 for the property at 4102 SW 52nd Street for an undetected, underground leak on the customer's water service line. Exhibits: Invoice dated 2/20/2010 from Wichita-Snider Mechanical.

10. Consider approving the transfer of two vacant properties from the City of Lawton to the Lawton Urban Homesteading Agency and authoring the Mayor or his designated representative and City Clerk to execute the Quit Claim deed and all associated documents to complete the transfer. Exhibits: The original quit claim deeds, prepared by the City Attorney's office, are available for review in the HCD office.

11. Consider adopting a Resolution authorizing the installation of traffic control measures on: Northbound and southbound NW 38th Street near NW 40th Street; and on eastbound NW 40th Street near NW 38th Street. Exhibits: **Resolution 10-72**, Traffic Commission Minutes and Traffic Issue Request.

12. Consider awarding a contract for the purchase of poly sewer pipe as part of the Sewer Rehab Stimulus Project ORF-09-0015-CW. Exhibits: None.

13. Consider approving the record plat for West Hill Addition, Part 1A, and accepting an escrow agreement in lieu of completion of functional improvements and easements outside the platted area. Exhibits: Plat Map. Escrow Agreement and Easements are on file in City Clerk's Office.

14. Consider granting an extension of time for the performance bond for drainage improvements in Scissortail, Part 1. Exhibits: None.

15. Consider accepting a warranty deed for 0.39 acres of park land located in the SE/4 of Section 3, Township 1 North, Range 12 West as part of Park Ridge Park. Exhibits: Warranty Deed and Location Map.

16. Consider approving the Bylaws of the City Planning Commission. Exhibits: CPC Bylaws. **STRICKEN FROM AGENDA.**

17. Consider extending (RFPCL09-005) Copier Contract to Bennett Office Equipment of Lawton, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

18. Consider awarding (CL10-044) Jail Food and Supplies to Indian Nation Wholesale of Durant, OK. Exhibits: Department recommendation, abstract.

Shoemate questioned if there was only one bidder.

Wells stated five were mailed out and only two bidders responded.

MOVED by Shoemate, SECOND by Drewry, to awarding (CL10-044) Jail Food and Supplies to Indian Nation Wholesale of Durant, OK. AYE: Shoemate, Tennis, Drewry, Shanklin, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

19. Consider extending (CL09-006) Testing Services to Standard Testing of Lawton, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

20. Consider rejecting bids for (CL10-47) Manhole Lining Materials. Exhibits: Department Recommendation, Abstract.

21. Consider rejecting bids for (CL10-46) Precast Concrete Manholes. Exhibits: Department Recommendation, Abstract.

22. Consider approval of payroll for the period of July 12 25, 2010.

OLD BUSINESS ITEMS:

23. Hold a public hearing and adopt a resolution declaring the accessory structure located at 1002 S.W. B Avenue to be dilapidated public nuisance, thus causing a blighting influence on the community and detrimental to the public s health and safety and the real property therewith to be a public nuisance. Authorize summary abatement of the nuisance. Authorize the City Attorney to commence legal action in District Court to abate the nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove the dilapidated structure, if necessary. Exhibits: Resolution No 10-____. Summary documents with supporting photos, reports from the Inspectors, and case history are available from Neighborhood Services.

Anthony Griffith, Neighborhood Services Supervisor, stated this item was brought before the City Council on May 11th and was tabled for sixty days. The personal representative for the title holders was out of the country and stationed in Afghanistan and the Council agreed to postpone the hearing until he returned to Lawton. He stated that he has been back to Lawton and has given written consent to demolish the structure at a cost not to exceed \$2,500. A lien will be placed on the property for that amount.

Wells questioned if the main structure was included.

Griffith stated no.

Mayor Fitch clarified that the property owners will not pay to demolish the structure.

Griffith stated a lien will go against the property. The property is in litigation right now and there are several liens against it. He stated the City will get first shot at getting our money back.

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

MOVED by Shanklin, SECOND by Drewry, to adopt **Resolution 10-73** declaring the accessory Structure located at 1002 S.W. B Avenue to be a dilapidated public nuisance. AYE: Tennis, Drewry, Shanklin, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

NEW BUSINESS ITEMS:

24. Hold a public hearing and consider an ordinance changing the zoning from R-3 (Multiple-Family Dwelling District) to R-4 (High Density Apartment District) zoning classification located at 2329 SW H Avenue. Exhibits: Ordinance No. 10-____,
Location Map, Site Plan, Application, CPC Minutes and Petition with Map.

Richard Rogalski, Planning Director, stated this request includes Lots 29 36, Block 8, Sunset Place Addition, which measures 200 feet by 137 feet (27,400 square feet). The lots are currently vacant, and the proposed use is a 16-unit apartment complex. The R-3 district would allow only 12 units to be developed on the 27,400 square feet of land area. The R-4 district would allow 16 units; therefore, a request was submitted to rezone the property to R-4. The applicant and property owner is Steve Rich.

The zoning of the surrounding area is R-3 to the north, south, and west and C-5 to the east. The land use of the surrounding area is single-family residential (mobile homes) and vacant to the north, single-family residential to the south, commercial (plumbing office and roofing office) to the east, and single-family residential and church to the west. The 2030 Land Use Plan designates these lots as Residential/High Density.

The City Planning Commission (CPC) held a public hearing on this request on July 15, 2010. One person spoke in favor of the request, and one person spoke against the request at the public hearing. A petition against the request has been submitted. The petition contains signatures of property owners representing 45 percent of the lots within 300 feet of the requested area. The reasons against the rezoning request stated in the petition include concerns of increased traffic, crime and absentee landlords that they believe are associated with apartment complexes. The CPC, by a vote of 6 0, recommended approval of the request to R-4 subject to including a note on the site plan that patios on the north and west sides of the apartment complex will not be covered (the patios extend into the side yard and rear yard setbacks) and that no balcony will extend into the required setback.

In their approval of this request, the CPC noted that the majority of the concerns as stated in the petition were focused on the negative impacts that an apartment complex might have on their neighborhood. However, due to the existing R-3 zoning, this request was not a question of whether apartments were appropriate on the subject property, but rather would a 16 unit apartment complex create a significantly greater impact on the neighborhood than a 12 unit complex. In this instance, the commissioners felt that the positives associated with the new investment in transitional area outweighed any negative impact that the additional units might produce.

Notice of public hearing was mailed on June 24, 2010, to 36 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on July 12, 2010.

He stated R-3 does allow for apartment units but only twelve units would be allowed and the builder would like to build sixteen units. He stated during the CPC meeting, Mr. Johnson submitted a petition with 45% of land owners signing. Mr. Johnson has resubmitted that petition and he now has 52.8%, which according to City Code, the City Council would have to pass this ordinance by 3/4th vote. He stated the CPC approved this rezoning by a 6-0 vote because of the nature of the opposition and the fact that this property was already zoned for apartments. The CPC felt it would be beneficial to get new development into that area.

PUBLIC HEARING OPENED.

Howard Johnson, 819 SW 50th Street, stated he is representing the property owners. He stated many of the other property owners live in other wards such as 2, 3, 5, 6, 7 and 8. These property owners have rental property in this area and are very upset about the effect this rezoning will have on their property. They do not want another apartment complex in this area because there are already eight in the area. He stated the City Council should have copies of items he filed in the City Clerk's office. He stated the CPC public hearing notice dated April 23, 2010 that was mailed out to 40 property owners had 3 mistakes on the property locations. He stated no one caught this mistake until he came to the meeting to protest. The CPC mailed out a second notice on May 20, 2010 and had an even bigger mistake. He stated at this point he turned in the petition.

Mayor Fitch stated the City Council has all of this background documentation and they know the sequence of events. He questioned the reasons why Mr. Johnson opposed this rezoning.

Mr. Johnson stated the apartments would increase the traffic flow through the area and would back up traffic entering and exiting Sheridan Road, SW H Avenue, SW G Avenue and SW I Avenue which now has more traffic than it can handle. He stated there is already crime in the area and they do not want to add any more. This would also devalue their property and will detract from property owners who rent to single families.

Wells stated the City Council cannot stop the developer from putting in twelve units.

Mr. Johnson stated they do not want a high density complex.

Wells questioned how many units would make this high density.

Rogalski stated R-4 is high density and they could have as many as 27 units on this lot. But because this is a binding site plan he would only be allowed 16 units. The current zoning of R-3 now is medium density and only allows up to 12 units.

Wells clarified that Mr. Rich is building two story apartments at 26 feet.

Rogalski stated yes. In high density the maximum is 165 feet, but this is a binding site plan.

Shanklin questioned if the block was vacant.

Rogalski stated yes. He stated the person who owned the two lots to the north of the property did call his office and was in favor of the rezoning. He felt it would raise his property value.

Zarle questioned if those who signed the petition actually lived in the area.

Rogalski stated they own property in the area, but they don't necessarily live in that area.

Mayor Fitch stated he drove through the area and it is blighted. There are abandoned mobile homes and businesses that are just shell buildings.

Shanklin stated this is ward five and these people like their homes and he cannot support this rezoning.

Tenis asked Steve Rich, the developer, if the difference between the 12 and 16 units was a deal breaker.

Mr. Rich stated yes. This is a \$700,000 project and when you break down the profit and the potential vacancies, four units make a difference. He stated it is very difficult to find a vacant piece of land to develop in this town and it is very important to him to redevelop sites like this.

Haywood questioned if the existing apartments like these are rented to college students.

Curt Francois, 575 SW Bradford, stated he owns the apartments at 2416 G Avenue and these are the same type of units that they will construct on this property. He stated they have 100% occupancy and the property taxes are approximately \$5,000 per year. They are looking at another \$2,600 a month income if they had four more units. This money help pay the property tax and the water bills. He stated it is absurd to think the crime rate or the traffic will increase because of this project.

Zarle questioned if this was Section 8 housing.

Mr. Francis stated they do not accept Section 8 housing. He stated they currently rent from \$650 to \$1,150 for a fully furnished unit.

Wells questioned if Mr. Johnson lived in that area.

Mr. Johnson stated he owns two lots across the street.

Wells questioned how many people who signed the petition actually live in that area.

He stated one person lives in ward two, five people live in ward three, eighteen live in ward five, one in ward six, three in ward seven and one in ward eight.

Wells clarified that twenty some people who signed the petition don't live there they just own property there.

PUBLIC HEARING CLOSED.

MOVED by Shanklin. SECOND by Wells, to deny the rezoning request. AYE: Shanklin, Haywood, Wells. NAY: Drewry, Zarle, Shoemate, Tenis. MOTION FAILED.

MOVED by Drewry. SECOND by Shoemate, to adopt **Ordinance 10-27**, waive the reading of the ordinance, read the title only. AYE: Zarle, Haywood, Wells, Shoemate, Tenis, Drewry. NAY: Shanklin. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 10-27

An ordinance changing the zoning classification from the existing classification of R-3 (Multiple-Family Dwelling District) to R-4 (High Density Apartment District) zoning classification on the tract of land which is hereinafter more particularly described in section one (1) hereof; approving the site plan attached as Exhibit A; and authorizing changes to be made upon the official zoning map in accordance with this ordinance.

25. Hold public hearings and adopt resolutions declaring the structures located at 308 N.W. 15th street, 1003 S.W. Washington Avenue, 1005 S.W. Washington Avenue, 1301 S.W. Park Avenue, 1310 S.W. Pennsylvania Avenue, 1409

S.W. G Avenue (**STRICKEN**), 1611 S.W. E Avenue, 2013 S.W. Monroe Avenue and 2820 N.W. 26th Street 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 owner(s) to abate the nuisance by obtaining a remodel or demolition permit within thirty (30) days; authorizing summary abatement of the nuisance should the owner(s) 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: Nine resolutions. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

Mayor Fitch stated they need to strike 1409 SW G Avenue. He stated the building has already been removed.

308 N.W. 15th Street

Griffith presented photographs of the property. He stated there have been no utilities since February 2006.

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

MOVED by Shanklin, SECOND by Zarle, to adopt **Resolution 10-74** declaring the structure located at 308 NW 15th Street to be a dilapidated public nuisance. AYE: Drewry, Shanklin, Zarle, Haywood, Shoemate, Tennis. NAY: None. ABSENT: Wells. MOTION CARRIED.

1003 S.W. Washington Avenue

Griffith presented photographs of the property. He stated there have been no utilities since 2001.

PUBLIC HEARING OPENED.

Roberta Hamm Kantowski, 3112 NW Denver, stated her family owns the property. She requested a 90 day extension so that they can tear this structure down.

Griffith stated it would cost the property owner an additional \$1,000 if they placed it on the list and the City had to take it down.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Wells, to table for 90 days. AYE: Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis, Drewry. NAY: None. MOTION CARRIED.

1005 S.W. Washington Avenue

Griffith presented photographs of the property. He stated there have been no utilities since February 2009.

PUBLIC HEARING OPENED.

Ms. Kantowski, stated the Hamm family also owns this property and she requested a 90 day extension to demolish the property.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Wells, to table for 90 days. AYE: Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis, Drewry. NAY: None. MOTION CARRIED.

1301 S.W. Park Avenue

Griffith presented photographs of the property. He stated there have been no utilities since November 2009.

PUBLIC HEARING OPENED.

Lloyd Mullins, 1304 SW Park, stated he owns the property and he is not willing to make the necessary repairs because the sewer system has collapsed underneath the property and the electrical is bad. He has tools stored on the property and he is going to move the tools and sell the property to someone who might want to build.

Wells questioned if Mr. Mullins was going to tear it down.

Mr. Mullins stated he was going to sell it with the structure still on the property.

Shanklin stated that Mr. Mullins is going to have to do something with these tools because we are going to tear it

down.

Mr. Mullins stated he is selling the tools as fast as he can without just giving them away. He questioned if the one bedroom house behind this structure was also included.

Mayor Fitch stated yes if that is also part of this address.

Shanklin questioned how much it would cost to demolish this structure.

Griffith stated approximately \$3,500. He stated that it will take a couple of months before they demolish the structure and staff will notify Mr. Mullins of the date so that he can remove anything from the buildings. They can work with Mr. Mullins on the time frame.

Jensen stated he does not want to put a condition on our process as to how many months it takes Mr. Mullins to remove his tools. He stated there will also be a lien on that lot after we are done.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Tennis, to adopt **Resolution 10-75** declaring the structure located at 1301 S.W. Park Avenue to be a dilapidated public nuisance and give Mr. Mullins sixty days to remove his property. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Drewry, Shanklin. NAY: None. MOTION CARRIED.

1310 S.W. Pennsylvania Avenue

Griffith presented photographs of the property. He stated there have been no utilities since 2007.

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

MOVED by Haywood, SECOND by Wells, to adopt **Resolution 10-76** declaring the structure located at 1310 SW Pennsylvania Avenue to be a dilapidated public nuisance. AYE: Haywood, Wells, Shoemate, Tennis, Drewry, Shanklin, Zarle. NAY: None. MOTION CARRIED.

1611 S.W. E Avenue

Griffith presented photographs of the property. He stated there have been no utilities since December 2005.

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

MOVED by Shanklin, SECOND by Zarle, to adopt **Resolution 10-77** declaring the structure located at 1611 SW E Avenue to be a dilapidated public nuisance. AYE: Wells, Shoemate, Tennis, Drewry, Shanklin, Zarle, Haywood. NAY: None. MOTION CARRIED.

2013 S.W. Monroe Avenue

Griffith presented photographs of the property. He stated there have been no utilities since February 2000.

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

MOVED by Haywood, SECOND by Wells, to adopt **Resolution 10-78** declaring the structure located at 2013 S.W. Monroe Avenue to be a dilapidated public nuisance. AYE: Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis, Drewry. NAY: None. MOTION CARRIED.

2820 N.W. 26th Street

Griffith presented photographs of the property. He stated there have been no utilities since September 2009.

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

MOVED by Shoemate, SECOND by Drewry, to adopt **Resolution 10-79** declaring the structure located at 2820 N.W. 26th Street to be a dilapidated public nuisance. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Drewry, Shanklin. NAY: None. MOTION CARRIED.

COL Lacey complimented the City Council on taking actions on these properties. He encouraged them to keep up the good work.

26. Consider a resolution relating to the Lawton Conference Center Project; authorizing certain actions pursuant to the

Lawton Downtown Economic Development Project Plan, Increment District No. 2, City of Lawton, pursuant to the Local Development Act, 62 Oklahoma Statutes, 850, *et seq.*, as amended; authorizing the proposed Hotel-Conference Center Development Agreement with Lawton Hospitality, LTD.; authorizing the proposed loan agreement with the Comanche County Industrial Development Authority (CCIDA); authorizing the proposed Function Space License Agreement with Lawton Hospitality, LTD.; authorizing the Officers of the Lawton Economic Development Authority (LEDA) to execute the development agreement, loan agreement, and license agreement; authorizing the pledge of available revenue sources, including apportionment of tax increments as authorized by Article 10, 6C of the Oklahoma Constitution, where applicable; authorizing LEDA s incurring indebtedness and waiving competitive bidding on the sale and issuance of evidence of indebtedness; and authorizing supporting actions. Exhibits: Hotel-Conference Center Development Agreement, Function Space License Agreement, \$1.5 Million Lawton Downtown Economic Development Project Plan Tax Apportionment Revenue Note and CCIDA LEDA Loan Agreement - \$1.5 Million.

Leslie Bachelor, Center for Economic Development Law, stated tonight is the first major component of the 2nd Street redevelopment project which is the hotel/conference center. In order to put in place the framework to bringing this development about there are three agreements for the Council to consider. The first is the overall development agreement under which the hotel and conference center will be built. The major terms of that agreement are that it must be built on a timeline in accordance with plans approved by LEDA and must be in compliance with the downtown overlay district. There are protections in the agreement to ensure that everything is set to go in terms of having the necessary financing in place on the private side before any of the public money goes in. The development agreement provides for \$1.5 million in public assistance and development finance. This is one of the authorized project costs under the TIF project plan. This is a pay for performance. Public monies only flow into the private development when the private side performs.

Mayor Fitch stated that the \$3 million from the developers will go in before the \$1.5 million.

Ms. Bachelor stated this is a self supporting public financing. The only money going into this project from the public side is money generated by the development itself. The \$1.5 million will be borrowed from CCIDA and put into the project and will be paid back with the sales tax revenues from the new hotel and conference center. The other major agreement that gets public assistance for the project is the Function Space License Agreement. The basic terms are that LEDA and its designees, which include the City of Lawton, have certain rights to use the function space in the hotel and conference center each year and in return it will pay a license fee out of the hotel occupancy taxes just for that hotel. The hotel occupancy taxes will be paid for a period of ten years. There is a cap of \$3.5 million. The other document before the Council is the loan agreement between LEDA and CCIDA and since it is a debt of a public trust it requires Council approval.

Shanklin questioned where CCIDA gets their money.

Mayor Fitch stated they get a portion of the county sales tax which was an economic development sales tax that was collected for the Goodyear expansion. That tax is no longer collected. He stated they have \$6 - \$7 million to put into projects.

Wells stated the agreement says that this will be paid back by hotel/motel funds and if that is not extended in 2016, then LEDA will still be responsible for paying that and they will have to come to the City Council for funding.

Mayor Fitch stated that if hotel/motel tax is not extended, we are still accruing economic development funds from the hotel/motel taxes we are currently collecting and LEDA could request those funds.

Wells stated they are obligating a future Council to use those funds.

Ms. Bachelor stated LEDA will have to come up with a way to pay this commitment. She stated it is LEDA that is obligated, not a future Council.

Mayor Fitch clarified that CCIDA will loan LEDA \$1.5 million and that will be paid back to LEDA from sales tax dollars from the project itself and that money will be paid back to CCIDA. The \$3 million is a loan from CCIDA directly to the developers with personal guarantees. That money will be paid back to CCIDA from the developers.

The hotel/motel revenue that is generated from just this project will be put into that project to pay for the expenses of the conference center. This is a ten year agreement. If the hotel/motel tax is not extended in 2016, then LEDA will be obligated to pay the developer for the remaining four years, which would be approximately \$1 million. A funding source would be the economic development dollars that are currently being collected from hotel/motel revenue.

Tenis questioned if the Chamber would have their hands in the pie, or is this strictly for the hotel and conference center.

Mayor Fitch stated the Chamber and LEDA has agreed that this money will go back to the developer.

Pete DeKalb, Lawton Hospitality, LTD, presented an overview of the concept that they are working with. He stated

there are no specific plans yet, these are based on projects they have already done, specifically one in Lewisville, Texas.

Mr. DeKalb presented a conceptual site plan and floor plan. He stated they are anticipating a six story hotel tower which will be a Hilton Garden Inn. He stated the conference center ballroom in Lewisville will seat 840 in a banquet seating with round tables, 1,100 in theater set up and 550 in a classroom.

Haywood stated that a lot of conferences that could come to Lawton would require enough space for over 1,000 attendees. Now they are going to Tulsa and Oklahoma City.

Mr. DeKalb stated he feels this will be able to meet the needs of the vast majority of Lawton for the next ten years. This will allow them to get into the multiple day meeting market that drives rooms. That is what helps in bringing revenue to the city and will help Lawton get on the map with associations and multi-day meeting groups of 400-500. He stated this will also be generating room nights for other hotels.

Mayor Fitch stated this is a \$28-\$30 million project. The \$3 million from the developer will go in first, the second will be the \$1.5 million which will come from CCIDA to LEDA and then into the project, third will be the \$3 million from CCIDA that will be loaned directly to the partners within Lawton Hospitality, LTD. You have to have all of these commitments and monies in place in order for a primary vendor to be attracted to the project.

Todd McNeal, Lawton Hospitality, LTD, stated the developer will be providing personal guarantees to the lenders. These lenders are only doing the very best projects with only the best borrowers. All of their projects have been very successful and the municipalities have been very happy with the projects.

MOVED by Drewry, SECOND by Shoemate, to adopt **Resolution 10-80**. AYE: Shoemate, Tennis, Drewry, Shanklin, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

Larry Massey, Lawton Hospitality, LTD, stated in 1967 he graduated from Fort Sill and it changed his life and turned him around. He stated it is a privilege to be here in Lawton.

27. Consider approving plans and specifications for the NW Gore Boulevard Overlay Project #2010-8 and authorizing staff to advertise for bids. Exhibits: None.

MOVED by Shanklin, SECOND by Drewry, to approve plans and specifications for the NW Gore Boulevard Overlay Project #2010-8 and authorize staff to advertise for bids. AYE: Shoemate, Tennis, Drewry, Shanklin, Zarle, Haywood. NAY: None. ABSENT: Wells. MOTION CARRIED.

28. Consider an ordinance amending Section 15-1-108, Article 15-1, Chapter 15, Lawton City Code, 2005, pertaining to the city having power to define and summarily abate nuisances, providing for severability, and declaring an emergency. Exhibits: Ordinance 2010-____.

MOVED by Shanklin, SECOND by Zarle, to adopt **Ordinance 10-28**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Shoemate, Tennis, Drewry, Shanklin, Zarle, Haywood. NAY: None. ABSENT: Wells. MOTION CARRIED.

(Title read by City Attorney) Ordinance 10-28

An ordinance amending Section 15-1-108, Article 15-1, Chapter 15, Lawton City Code, 2005, pertaining to the city having power to define and summarily abate nuisances, providing for severability, and declaring an emergency.

29. Consider an ordinance pertaining to trespassing amending section 16-3-1-316, Division 16-3-1, Article 16-1, Chapter 16, Lawton City Code, 2005, by adding that it is not only unlawful to enter a premise, but it is also unlawful to remain upon that premise. Providing for codification, severability, and declaring an emergency. Exhibits: Ordinance 2010-____.

MOVED by Haywood, SECOND by Tennis, to adopt **Ordinance 10-29**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Tennis, Drewry, Shanklin, Zarle, Haywood, Shoemate. NAY: None. ABSENT: Wells. MOTION CARRIED.

(Title read by City Attorney) Ordinance 10-29

An ordinance pertaining to trespassing amending Section 16-3-1-316, Division 16-3-1, Article 16-1, Chapter 16, Lawton City Code, 2005, by adding that it is not only unlawful to enter upon premises under specified circumstances, but it is also unlawful to remain upon premises under specified circumstances. Providing for codification, severability, and declaring an emergency.

30. Consider an ordinance amending Section 6-5-1-503, Division 6-5-1, Article 6-5, Chapter 6, Lawton City Code, 2005, pertaining to amendments to International Property Maintenance Code, 2006 edition, specifically paragraph C of Section 6-5-1-503 which amends Section 107.1- Notice to person responsible of the International Property Maintenance Code, 2006, providing for severability, and declaring an emergency. Exhibits: Ordinance 2010-_____.

MOVED by Drewry, SECOND by Tennis, to adopt **Ordinance 10-30**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Shoemate, Tennis, Drewry, Shanklin, Zarle, Haywood. NAY: None. ABSENT: Wells. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 10-30

An ordinance amending Section 6-5-1-503, Division 6-5-1, Article 6-5, Chapter 6, Lawton City Code, 2005, pertaining to amendments to International Property Maintenance Code, 2006 edition, specifically paragraph C of Section 6-5-1-503 which amends Section 107.1- Notice to Person Responsible of the International Property Maintenance Code, 2006, providing for severability, and declaring an emergency.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood stated events for the Douglas School Reunion will start on Thursday.

Shoemate stated while visiting San Antonio he was in a situation where he encountered some of their police officers. He went to write a letter of thanks and he looked on their website and they have a place where you can submit compliments or complaints against their employees. He submitted words of thanks for the officers and within minutes they wrote him back and thanked him for his remarks. He stated that is something we may look at and incorporate into our website.

Tennis stated he received a call from residents in zone one questioning when they were going to receive their polycarts. He stated it was encouraging that people were anxious to get their new carts. He credited the previous Council for sticking with the plan to use this city wide. He was told they would be delivered the first week of August.

Long stated that there is a deceptive marketing pamphlet that is going out to residents and it is made to look like a City of Lawton utility bill. He stated it is advertising for an informational seminar and is not affiliated with the City of Lawton. He stated our heartfelt condolences go out to those families that were involved in the tragedy that happened last week.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

31. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2010-2011, between the American Federation of State, County and Municipal Employees (AFSCME) Local 3894, and, if necessary, take appropriate action in open session. Exhibits: None. **STRICKEN FROM AGENDA.**

There being no further business to consider, the meeting adjourned at 8:19 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