



6. Consider authorizing an application for a Department of Justice Grant. Exhibits: None. Action: Authorize application for the grant through Department of Justice.

7. Consider entering into an agreement with Wichita Independent Living Center, Inc. to carry out a CDBG project authorized in the City of Lawton Consolidated One-Year Action Plan for FFY 2002 (July 1, 2002 thru June 30, 2003) and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Agreement available for review in City Clerk's Office.

In response to a request for information from Shanklin, Tom Aplin, Housing and Community Development, said this organization helps provide handicapped accommodations to homes. The agreement provides \$10,000 toward such projects, and the organization has other funding sources. Shanklin asked if this was with the original program or with the supplement that was recently submitted. Aplin said it was one of the original projects.

MOVED by Shanklin, SECOND by Bass, to approve the agreement as recommended. AYE: Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller. NAY: None. ABSTAIN: Haywood. MOTION CARRIED.

8. Consider entering into an agreement between the City of Lawton and ZOE N.E.E.D. Program, Inc. for the use of program income generated from an affordable housing project at 608 SW Doolittle Avenue for use on other affordable housing projects for water and sewer infrastructure improvement and authorize the Mayor and City Clerk to execute the document. Exhibits: Agreement available for review in City Clerk's Office. Action: Approval.

9. Consider approving contracts for Community Arts Program for Charles Clark (\$527) and Jolene Schonchin (\$325), facilitators of the project. Exhibits: Contracts on file in City Clerk's Office. Action: Approval.

10. Consider approving the following contract extensions: A) Crane Service with Belger Cartage Service; B) Rock Hauling with Atlas Tuck Concrete dba Beall Trucking; C) Laboratory Services of Toxic Pollutants with Accurate Labs; D) Custodial Maintenance Group I with Pride Janitorial. Exhibits: None. Action: Approval.

11. Consider awarding contract for Neighborhood Services Abatement. Exhibits: Department Recommendation; Abstract of Bids.

Shanklin asked what level of work the contract calls for the companies to perform. Angie Alltizer, Neighborhood Services, said the same specifications as last year were used; the companies will be required to use a weed eater but not to landscape. She said the work is to eliminate a fire hazard and a harborage for rodents, but not to do edging around the curbs.

MOVED by Shanklin, SECOND by Ewing-Holmstrom, to award to Service One Janitorial and to Brown's Lawn Care and Handyman as recommended. AYE: Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

12. Consider awarding contract for 35th Division Park Restroom Renovation. Exhibits: Department Recommendation; Abstract of Bids. Action: Award to Kent Waller Construction-\$10,750.00.

13. Consider awarding contract for Mocine Park Restroom Renovation. Exhibits: Department Recommendation; Abstract of Bids. Action: Award to Kent Waller Construction-\$21,495.00.

14. Consider awarding contract for Harmon Park New Restroom Building. Exhibits: Department Recommendation; Abstract of Bids. Action: Award to Kent Waller Construction-\$35,877.75.

15. Consider approving contract change order of Pest Control Services. Exhibits: Department Recommendation; Abstract of Bids. Action: Approval of change order deleting Animal Shelter.

16. Consider appointments to boards and commissions. Exhibits: Memorandum.

Building Development Appeal Board: Barry Ezerski, Licensed Real Estate Agent, Term: 3/25/03 to 3/25/05; Larry Gordon, Licensed Plumbing Contractor, Term: 3/25/03 to 3/25/05; Douglas Shilling, Licensed Electrical Contractor, Term: 3/25/03 to 3/25/05

17. Consider approval of payroll for the period of March 17 thru 30, 2003.

18. Consider approval of Minutes of March 11, 2003, Council meeting.

UNFINISHED BUSINESS:

19. Consider the following damage claim recommended for approval and adopt a resolution authorizing payment: Spencer Stanley. Exhibits: Supplemental Claims Memorandum/Recommendation. (Resolution No. 03-45 on file in

Vincent said Council tabled the claim on February 25 to determine the amount of damage to a sign. Staff recommendation was to pay \$1,200, which was \$300 less than originally claimed. City workers had determined the damage was extensive and they would be unable to make the repairs.

MOVED by Shanklin, SECOND by Ewing-Holmstrom, to approve Resolution No. 03-45 paying the claim in the amount of \$1,200. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Bass. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

20. Hold public hearings and adopt resolutions declaring the structures at: 1134 NW Maple Avenue; 1706 NW Williams; 605 NW Euclid; 910-1/2 SW D Avenue; 1202-1/2 SW D Avenue; 1605 & 1607 SW D Avenue; 2305 NW 45th Street and 13 NW 58th Street to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate. Exhibits: Resolutions. Supporting documents on file in Neighborhood Services.

Angie Alltizer, Neighborhood Services, said 1706 NW Williams should be removed from consideration as the structure was demolished and removed last August.

**1134 NW Maple Avenue:** Alltizer said this dilapidated structure was involved in a fire and it is currently being demolished; the owner requested condemnation to receive discounted tipping fees at the landfill.

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

MOVED by Bass, SECOND by Moeller, to approve Resolution No. 03-46 declaring the structure to be dilapidated and dangerous, a fire hazard, detrimental to the public safety and health. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Bass. NAY: None. MOTION CARRIED.

**605 NW Euclid:** Alltizer reviewed photographs showing three single-story residential structures, each needing significant exterior maintenance. Roof repair and some painting had been done to one of the rear structures; the front of the structure lacks exterior maintenance. One picture shows the roof in bad shape at back of the main structure. Staff members were assured by the owner in April 2002 that the repairs would be completed by the end of the year, however, they have not been completed. Neighborhood Services has also been asked to address zoning violations regarding the number of structures and the setback for the carport, which has been there for some time but it is actually a violation.

PUBLIC HEARING OPENED.

Gerald Neuwirth, attorney representing Mr. and Mrs. Pennington, owners of 605 NW Euclid, said the property is next door to the Pennington's personal residence; the Pennington's have been remodeling each structure and over the past year they spent \$11,000 on maintenance and remodeling. The properties are secured and one is currently occupied. Neuwirth said they did not feel it fits the criteria of being dilapidated or a hazard to the citizens and requested Council not declare this a dilapidated property. He said the Pennington's have been asked to do certain things by the City and have complied in each instance; the project is not complete, it is expensive and takes time but the improvements made over the last year are a showing of good faith and they may not be the prettiest in town but they certainly are not a hazard. He requested Council not determine the properties to be necessary for demolition.

Ewing-Holmstrom asked what was bought with the \$11,000. Neuwirth said \$4,100 in materials, \$2,900 in labor, \$900 for appliances and fixtures, \$525 for trash disposal, and the rest for insurance and utilities.

Ewing-Holmstrom asked when utilities were last active at the three structures. Alltizer said they have current City utilities. Ewing-Holmstrom asked about the zoning violation. Alltizer said it is in an R-2 zone which allows a maximum of two residential structures; the carport on the front of the main structure does not meet the setback requirements. Ewing-Holmstrom asked what the owners had to do to comply and said it will be a year next month that they knew they were in violation. Vincent said they were just notified within the last 30 days of the zoning violation; there are three residential structures on an R-2 lot, and the Code allows for a primary and a secondary residential structure. The third structure could be used as a storage building for one of the other two structures, but all three cannot be used as residential structures.

Moeller said the three structures were acceptable when they were built and asked if that qualified for protection under the grandfather clause. Vincent said it would depend on how long they have been vacant and the current code states 12 months, although that may soon be amended by Council.

Haywood asked how long it would take to remodel the structures. Neuwirth said siding and a roof can be put on

the main house by the end of summer, then work would start on the interior. Randy Pennington said the inside of one house has been repaired to Code and the other one is being worked on; the foundation and walls on the main house are sound, there is water damage on the ceiling and other than that, everything is repairable; the intent is to gut the sheetrock, install new dry wall and refurbish it. Haywood said Mr. Pennington is with Comanche Lumber Company.

Ewing-Holmstrom said the City has been dealing with the structure for a year and asked when the line should be drawn. Pennington said he took care of each item he received notice on from Neighborhood Services so he thought he was in compliance. He said he is motivated to repair the property, he lives next door and it affects his equity. Mayor Powell asked how much time was needed. Pennington said he could do the cosmetic repairs to the front house this summer, siding and roof, and the inside is on-going and he does a lot of the labor himself. Moeller asked if the rear two structures were structurally sound. Pennington said yes, those were built after the front house and they are in better shape. Moeller asked if all were going to be remodeled and used as rental property and Pennington said yes.

PUBLIC HEARING CLOSED.

Shanklin said the property is in his ward and the whole idea of Neighborhood Services bringing this up is to force action; it may be satisfactory to Pennington in three years but not to the other people. He said if we put this on demolition, it causes things to get done; three or four were not put on demolition and Council has lived to regret it. Shanklin said the staff brought it to put it on D & D and that would be his motion, to put it on D & D. He said he knew Mr. Pennington well and liked him but this is a blight to the area and we are trying to get to every one of them and our code says what to do.

MOVED by Shanklin, SECOND by Ewing-Holmstrom, that we put it on D & D and adopt the resolution.

Moeller asked how much time this would allow, noting a concern that there are three houses to consider, not just one. Vincent said he will have 15 days to pull his permit, and assuming he meets all of the steps in that, he will have 90 days. Shanklin said he did not know that some of it could be brought to code. Moeller asked if 90 days was enough time to do three houses. Shanklin said he was satisfied if there was a strong display of work done that we would find a way to continue it, but not over three or four years.

Haywood said he knew Mr. Pennington, gave him his first job in Geronimo when he was a teenager and would abstain from voting on the issue.

Bass said if we declare the structure dilapidated like we always do, are we going to work with him to let him continue on. Shanklin said he would if he could get Council to go with the codes and not deviate from it because when we start deviating, it will be pointed out in the court room so you've got to do them all just alike or do away with Neighborhood Services.

Moeller said the zoning should be looked at to see if this is grand fathered and if it is, there is no reason to make him tear it down if he wants to renovate it. Vincent said if it is a violation as a residential structure, one of the back structures could be used as a storage building and he would look into the zoning portion.

VOTE ON MOTION: AYE: Ewing-Holmstrom, Shanklin, Moeller, Bass, Devine. NAY: None. ABSTAIN: Haywood.  
MOTION CARRIED. Resolution number is 03-47.

**910-1/2 SW D Avenue:** Alltizer presented pictures and stated this is a single, two-story residential structure which has been vacant for over four years, there was a fire in November 1997 and an investigation of the cause. The structure was brought to Council in June and July of 1999 for condemnation; no action was taken at that time to allow the property owner time to obtain permit and remodel and to allow completion of the fire investigation. In August 1999 it was brought back to Council and at that time staff said the owner had obtained a remodel permit and had 180 days to make necessary repairs; that was four years ago and nothing has happened so it is being brought back at this time.

Ewing-Holmstrom asked who owns the property. Alltizer said the actual owner is Geldina Lazarte but she believed it to be in the control of Henry Herzig.

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

MOVED by Shanklin, SECOND by Ewing-Holmstrom, to put it on D & D and adopt the resolution.

Shanklin asked if citations are issued when people do not comply with the codes in cases such as this. Alltizer said this was brought before Neighborhood Services was created and she could not attest to what happened prior to her being employed. Shanklin said he was asking for now. Alltizer said yes, now we do. Shanklin asked if after the 15th day if they have not come in, we write them a citation. Alltizer said condemnations are turned over to the City Attorney's office for prosecution and litigation through District Court; Neighborhood Services can issue citations if

Council desires, in addition to litigation in District Court. Ewing-Holmstrom suggested that be done and that it would generate revenue. Shanklin said unless you do something, no one will do anything. Alltizer said she believed we had been doing something. Mayor Powell asked if it was legal to do that. Alltizer said certainly, it is a violation of the Existing Structures Code for Property Maintenance. Shanklin asked if they could write a citation today and for each of the next five days. Vincent said every day is a continuing violation.

VOTE ON MOTION: AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Bass. NAY: None. MOTION CARRIED. Resolution number is 03-48.

**1202-1/2 SW D Avenue:** There were questions as to whether proper notice was given.

MOVED by Shanklin, SECOND by Bass, to table this and bring it back. AYE: Ewing-Holmstrom, Shanklin, Moeller, Haywood, Bass, Devine. NAY: None. MOTION CARRIED.

Ewing-Holmstrom asked who owns this property. Shanklin said he did not know that it would make a difference or be germane. Ewing-Holmstrom said it is about information and the public should know. Alltizer said the owners are Kenny and Trina Kinder, Rt. 1, Box 63-H, Chattanooga, Oklahoma.

**1605 and 1607 SW D Avenue:** Alltizer said there are two single-family residential structures and an accessory structure that may have been used as a garage. 1605 has been unsecured numerous times in the past six months. City utility service was terminated in December 1987. 1607 has had a cessation of construction or remodeling for at least two years and there was no record of utility service at that address.

PUBLIC HEARING OPENED.

Delphie Nelson, Tribal Administrator, Comanche Nation, said both properties are owned by the Comanche Nation. The structure at 1605 was being renovated when the tribe acquired it and the gentleman had run out of money. The roof has been replaced and plywood placed over the windows.

Nelson said they keep the building at 1607 as secure as possible and have placed plywood over the windows; they are in the process of deciding what to do with that structure and the adjoining garage, whether to demolish them or try to find funding for renovation.

Ewing-Holmstrom asked how long the Comanche Nation had owned the structures. Nelson said about a year. Ewing-Holmstrom asked if they would decide what to do as a tribe. Nelson said yes, the business committee will decide. Ewing-Holmstrom asked if there had been any head way in the last year on what to do. Nelson said no, they just acquired the property and are now deciding which direction to go with it.

Devine asked if the City had legal grounds with the property being owned by the tribe. Vincent said he had no indication that the property had been put in trust. Nelson said that process has not started. Vincent said it is then within the City's jurisdiction.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Ewing-Holmstrom, to put 1605 and 1607 SW D Avenue on demolition and adopt the resolution. AYE: Shanklin, Moeller, Haywood, Bass, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED. Resolution Number is 03-49.

**2305 NW 45th Street:** Alltizer said the last two structures will be the most deceiving ones from the pictures; the pictures do not look too bad but this property suffered a fire in February 2002. City utility service was terminated in April 2002. The structure has been unsecured twice within the last six months. Neighborhood Services has re-secured the structure with no cost to the property owner; the City has spent \$293.76 to abate tall grass and weeds in July and September, 2002. She said most of the fire damage occurred within the structure and it cannot be seen from the outside but because no action has been taken on the property it is being brought before Council. Bass asked if this had been brought up before and Alltizer said no.

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

Ewing-Holmstrom asked who owns this. Devine said he thought Council was provided that information in the past. Alltizer said it should be on the resolution in the agenda packet. Ewing-Holmstrom said it is not and that was why she had been asking. Alltizer said it was quite a bulk of paper and she could include it on the handout. Alltizer said the property owners are Joshua Brad and Angela Lee and they are listed at this address, 2305 NW 45th Street.

MOVED by Bass, SECOND by Ewing-Holmstrom, to declare the structure to be dilapidated and dangerous, a fire hazard, detrimental to the health and safety. AYE: Moeller, Haywood, Bass, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED. Resolution Number is 03-50.

**13 NW 58th Street:** Mayor Powell noted receipt of a letter from David Nottingham on this.

Alltizer said this is a single-family residential structure with current City utility service. She said it is not so much that it is in evident disrepair but the foundation is what we consider structurally unsound, the neighbors report that the living area of the structure floods on a regular basis, the property has been unsecured twice in the last 12 months. Alltizer said numerous complaints have been received from the neighbors not wanting this property to be sold to an unsuspecting individual because of the structural foundation problems. She said the City spent \$161.88 to abate tall grass and weeds last year.

Ewing-Holmstrom asked if the inspectors found evidence of flooding in the home. Alltizer said they found evidence of water damage, and the top picture shows a significant crack going up the driveway that actually runs under the corner of the garage and they felt it was structurally unsound foundation wise. Bass said every driveway in Lawton has a crack in it. Alltizer said it is not making the edge of the house fall in.

PUBLIC HEARING OPENED.

Peter Bailey, 11 NW 58th Street, said the people who owned the house before bought it for \$49,000, and his house next door was recently appraised at \$95,000, which is a vast difference so something has got to be wrong with that house. He had a statement from Orville Ware, Foundation Specialist, that he could not repair it and he would not try. He said the house has been jacked up twice that he knew of, once in 1987.

Bailey presented copies of statements and photographs of the interior. Ewing-Holmstrom asked how Bailey got in the house. Bailey said it was unlocked, the house went into foreclosure and he found it open four or five times. He pointed out the photographs show the roof in the front center is bowed down six to eight inches and garage doors do not close squarely on the door frames. There is a large crack in the brick on the bottom of the front window to the left of the front door. The alignment of the brick is displaced by at least a half an inch. There is a large crack in the brick work under the bedroom window in the southwest corner of the structure. There is clear evidence that there has been an attempt to repair it at some time previously, the current crack shows increased problems because it has broken out again. There is a large crack between the window frame and the brick work on the bedroom on the southwest corner. There is a large crack in the brick work under the bedroom window on the southeast corner of the structure and the photograph also shows where an attempt had been made to repair it.

Bailey said the window frame brick is separating on both sides of the southeast corner of the bedroom. The brick work between the patio and the main structure is separating. There is a crack under the bathroom window on the east side, there is clear evidence that an attempt had been made to fill that crack. The fireplace is separated from the wall in the sunken living room and there is a crack and water stains at the bottom of the fireplace, and there are cracks in the sunken living room. There are large cracks in the floor of the bedroom in the southeast corner, and walking in the hall feels you are walking down hill. The carpet has been removed and not replaced, which would indicate someone is aware it floods.

Bailey said it seems there is clear evidence both internal and external that there are major malfunctions in the foundation of the home because of the cracks on the west, south and east sides of the house, and the floor is broken in numerous places and flooding; aluminum siding is falling off the house. The previous owner attempted to drain the back yard and tried to punch a hole into the drainage. The power line mount was pulled out of the house during a wind storm. The retaining walls and fencing on the east side of the property are collapsing.

Bailey said the previous owner told him the sunken living room flooded, after heavy rains and the ground outside was saturated. They paid for a company to seal the foundation and it was not successful and they told his wife they had pumped out 165 gallons of water. Last Saturday there was a City inspector there and he said he had inspected the home when it was flooded. The fact that the living room floods is also corroborated by a statement from Brenda Flarey.

Shanklin said he thought Bailey had made his point. Bailey said it was so flooded that it had mud in it.

Ewing-Holmstrom said according to Homefinders of Lawton the reason the house is flooding is because of the neighbors according to his letter. Bailey asked how it could come from his house, he has a city drainage ditch right next to it. Ewing-Holmstrom said she did not know the answer to that so she was asking Mr. Bailey if he knew. Bailey said it was not the neighbors.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Moeller, to put it on D & D and adopt the resolution. AYE: Haywood, Bass, Ewing-Holmstrom, Shanklin, Moeller. NAY: None. ABSTAIN: Devine. MOTION CARRIED. Resolution number is 03-51.

Alltizer said a memorandum was sent to Council regarding 26 commercial structures in a dilapidated condition. She asked that Council review them and turn in any more they have noticed. These will be brought back to Council

to discuss a course of action.

21. Hold a public hearing and consider an ordinance changing the zoning from A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District) zoning classification located approximately mile south of SW Lee Boulevard and mile west of SW 67th Street. Exhibits: Ordinance No. 03-14; Location Map; Application; CPC Minutes.

Bob Bigham, Planning, said this rezoning is for a continuation of the Brentwood Subdivision. The Planning Commission recommended approval, proper notice was published.

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

MOVED by Haywood, SECOND by Moeller, to approve Ordinance No. 03-14, waive reading of the ordinance, reading the title only.

(Title read aloud) Ordinance No. 03-14

An ordinance changing the zoning classification from the existing classification of A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; authorizing changes to be made upon the Official Zoning Map in accordance with this ordinance.

VOTE ON MOTION: AYE: Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

22. Consider issuing a revocable permit for the use of the NW 18th Street right-of-way adjacent to Roundtree's Food Market located at 1904 NW 18th Street for parking and maneuvering of vehicles. Exhibits: Letter; Site Plan; Proposed Revocable Permit.

Bigham presented a drawing showing Andrews, 18th Street, the food market, and the parking that backs out into the 18th Street right of way in a nonconforming situation with the zoning code. He said the Roundtrees wish to add four spaces in the same configuration adjacent to the south. Public Works and the Traffic Engineer have reviewed the request and have no objection.

Bass asked if the improvement would be in asphalt or gravel. Bigham said it is required to be hard surfaced and the applicant is present. Mr. Roundtree said he planned to put in asphalt.

MOVED by Shanklin, SECOND by Haywood, to approve the revocable permit. AYE: Shanklin, Moeller, Haywood, Bass, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

23. Consider approving an agreement with the Oklahoma Department of Civil Emergency Management for the \$1,000,000 Hazard Mitigation Grant Program (HMGP) Saferoom/Shelter rebate program and authorize the Mayor and City Clerk to execute. Exhibits: Letter; Grant Agreement.

Bigham said this is for \$750,000 in federal dollars; the required local match is \$250,000. Applicants can receive up to \$1,500 in rebate of a minimum expenditure of \$2,000 and the \$500 difference is considered the local share match. \$15,500 will be provided for administration of the grant. A draft application packet was distributed to provide the necessary information. The flow chart seems complicated and there are a lot of blocks but we need to document a lot of information due to the federal funds involved.

MOVED by Haywood, SECOND by Moeller, to approve the item as recommended. AYE: Moeller, Haywood, Bass, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

Mayor Powell asked the last day applications will be received and Bigham said one year from today, plus any time extensions that may be granted. Applications are available in the Planning Department and on the City's web site, they will be processed in order of receipt and funds are available for 500 saferooms if the full \$1,500 rebate is due.

24. Consider adopting a resolution designating an area of the City as a No Cruising Zone. Exhibits: Map; Resolution No. 03-52.

Harold Thorne, Police Chief, said the request for designation deals with the Zone One area and the City and law abiding citizens are still trying to clean up that part of town. He said it is feared that the vehicular activity for the purpose of being consumers for illegal acts will return with the warm season. Thorne said they have realized successes in the area but the job is not done, and he felt this was needed to accomplish what was started. He said a citizen in the area has donated funds to pay for the signs and poles.

Mayor Powell recognized several members of the neighborhood group who are present and wearing their T-Shirts and commended their work. He said the Street Superintendent has helped getting a reduced price on the signs and

poles and they are being funded by donations from the area.

Thorne said the no cruising ordinance was adopted last September and it requires Council action to designate an area.

Bass asked what will happen for those who live in the neighborhood, as he had received calls of concern that residents would be ticketed. Thorne said if it is designated as a no cruising area, traffic control points will be set up and monitored; residents or legitimate businesses and owners in the area would not be in violation. After passing a certain point twice within a four hour period, they would be contacted by the officer who would give a written notice that they are in violation of the ordinance and any subsequent violation within that four hour period would be cited. Bass asked if they could tell by the license plates who lives in that neighborhood. Thorne said they may be contacted once to determine that, however, the officers that work the area know most of the vehicles.

Thorne said the area boundaries are 12th Street extending west to 18th Street, and from Lawton Street extending north to Williams. He said it involves the placement of 32 signs to properly mark the area.

MOVED by Bass, SECOND by Haywood, to approve Resolution No. 03-52. AYE: Haywood, Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller. NAY: None. MOTION CARRIED.

Bass said the police and residents are doing a great job in this area. Thorne said it would not have been possible without the combined resources of the City, other agencies and most importantly the law abiding citizens in that area that have put their foot down and said enough is enough. He said it has been relatively easy with those commitments.

25. Consider approving a resolution creating a temporary police officer position in the FY 2002-2003 personnel schedule and approving modifications and revisions to the City's existing pay plan, and declaring an effective date. Exhibits: Resolution No. 03-53. (MOU on file)

Chief Thorne said this will create a position of temporary police officer and there is a memorandum of understanding with the police union to allow the hiring of our retired officers during the time of military activation. He said with minimum training, the officers can be put back to work; they have served 20-25 years previously and were good employees. Eight or nine officers have been activated.

Moeller asked if it retired officers could be used for lake patrol on a temporary basis in the future when there is no deployment. Thorne said the memorandum of understanding with the union is for short term for the duration of the activation; some officers would like to help out for the period of time we are in need but he did not know how long they would want to do that.

Shanklin said it was a good idea to have part time officers man the lakes in the summer and asked why it could not be done in the future. Thorne said he was not saying we could not do it, but was saying the current memorandum with the union would prohibit that. Vincent said the three areas that were excluded where we cannot use retired officers are the lakes, the highway safety overtime program, and the COP program. Shanklin asked if excluding the lakes was spelled out in the contract. Vincent said it was the compromise they reached in being able to bring them back.

MOVED by Haywood, SECOND by Ewing-Holmstrom, to approve Resolution No. 03-53. AYE: Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

Thorne added that approval had been given to over hire by three officers due to upcoming retirements, so assistance will be available from those officers in six months.

26. Consider adopting an ordinance amending Section 19-7-701, Article 7, Chapter 19 of the Lawton City Code, 1995, by empowering the City to establish different closing hours at certain City parks without any limitation on the number of days the different hours will be in effect, providing for codification, severability, and declaring an emergency. Exhibits: Ordinance No. 03-15.

Kim Shahan, Parks & Recreation Director, said the present City Code sets the open hours for parks from 6 a.m. to 11 p.m. There are now special use parks, such as Greer Park, Kids Zone, and others. This changes the language to allow establishment of different hours at certain parks.

MOVED by Ewing-Holmstrom, SECOND by Moeller, to approve Ordinance No. 03-15, waive reading of the ordinance, reading the title only, and declaring an emergency.

(Title read aloud) Ordinance No. 03-15

An ordinance pertaining to park closings, amending Section 19-7-701, Article 7, Chapter 19, Lawton City Code, 1995, by empowering the city to establish different closing hours at certain city parks without any limitation on the

number of days the different hours will be in effect, providing for severability, and declaring an emergency.

VOTE ON MOTION: AYE: Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

Ewing-Holmstrom asked if citations will be issued for being in a park after hours. Shahan said Council will have to designate each park and signs would be posted to give notice, then it is up to the police.

27. Consider establishing different operating hours (6:00 a.m. to 7:00 p.m.) at Greer Park (Kids Zone) during the months of November thru March. Exhibits: None.

Shahan said Kids Zone is a special use park; during the winter months the park is not used properly from 7 p.m. to 11 p.m. so the recommendation is to close the park, just during those months, at 7 p.m.

Devine suggested it be closed at dark instead of 7 p.m. because all of the problems are happening right after dark. Mayor Powell asked if it should be sunrise to sunset. Devine said Mark Glenn asked that it say dark and he has done a lot in that park. Discussion was held on how this change would help in curtailing the illegal activities taking place.

MOVED by Devine, SECOND by Moeller, to accept this with the change of putting it at dark instead of at 7 p.m. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Bass. NAY: None. MOTION CARRIED.

28. Discuss the Comanche County Jail and its cost, and hold any other appropriate discussion on this subject. Exhibits: None.

Shanklin said he requested the item after reading several articles in the paper, one of them was covenants which bothered him. He said the City of Lawton is 80% of the county and his concern was whether there were covenants saying we have to go along with them. He said the jail committee had not reported and it is not fair to the taxpayers to get caught in a trap regardless of the cost. Bass said the jail committee had held only one meeting, and they found out who the players were that day and have not had another meeting. Shanklin asked Mr. Pope to respond to a news article.

David Pope, Central District County Commissioner, said we have had discussions with the bond company as to who would operate that jail, we do not have it in writing any place although they have been looking for it. Pope said he had nothing in writing on a covenant being placed. Shanklin said at that time we were talking about Lawton being a part of that and he wanted to know if there were covenants obligating Lawton or if we would be held to it since we did not sell the bonds. Vincent said as far as he knew the Council had never authorized anything more than discussion with the County Commissioners; no contract has ever been considered or approved. Pope said that is exactly right, we are in the discussion phase of this whole thing, we are not in any contract phase at all.

Pope said the jail was to be opened on April 1 but due to construction delays it will be July 1. He said it is coming in on cost and we have enough money to operate it through 2009. There is enough money to renovate the first floor in the jail which should hold between 94 and 100 beds. Pope said this was discussed with two of Lawton's representatives and the Chief of Police, and that will give a total of 350 beds in the County jail. Pope said if we get to the decision point that we do consolidate it, we will work all of those details out but none have been worked out to date, it has only been preliminary discussions. Pope said the citizens of Lawton have already built one jail, somewhere close to \$11 million, and we want to work very much with you to make this system work, we don't see building another jail in this city because we represent the same people you represent and we think we can make this system work, we pledge to you that we will meet you every step of the way at least half way; we want to work with you.

#### ADDENDUM BUSINESS ITEMS:

1. Consider the submission of a Notice of Intent for a Homeland Security grant to the Oklahoma Department of Civil Emergency Management for enhancing the City's emergency operations plan and other related emergency matters. Exhibits: List of Eligible Projects; Email from Fred Liebe.

Bigham said this grant has limited funding of \$112,000 to each region, and there are several regions within the state. Lawton is competing with 16 other counties in Region Three. Submission deadline is April 4. It is a 100% federal grant with 5% administration cost and no local share requirement. Staff recommendation was to submit an application for \$40,000 for: 1) Enhancement of the Emergency Operation Plan; 2) Coordination with other regional/jurisdiction; and 3) Coordination of citizen and family preparedness plans and programs, including citizen corps, donation management, and other volunteer initiatives to ensure an effective response to an all-hazard event.

MOVED by Devine, SECOND by Haywood, to authorize the submittal of this Notice of Intent for a Homeland Security grant. AYE: Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

2. Consider approving the acquisition of parcels of land as indicated below for the NW 38th Street Reconstruction Project, and authorize the Mayor and City Clerk to accept the Temporary Easement, Permanent Easements, and Warranty Deeds and authorize payments for the same. Exhibits: None.

Vincent said the Holy Cross Lutheran Church at 2105 NW 38th Street would receive the appraisal amount of \$17,600 and the City will furnish a water line and fire hydrant, and put in a sewer across the street as part of the project that they will be able to tie into and remove the service that goes across the street. The location of the sewer line was discussed. Dan Tucker, Holy Cross Lutheran Church, spoke regarding location of the sewer line.

MOVED by Bass, SECOND by Shanklin, to approve as recommended. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Bass. NAY: None. MOTION CARRIED.

Vincent said four properties remain to be acquired following those on executive session.

For the record, this item approves the following purchase prices:

NE Corner Cache Rd & 38th St.	\$1,872	Parcel 3 Warranty Deed
NE Corner Cache Rd & 38th St.	\$500	Parcel 3.1 Temporary Easement
NE Corner Cache Rd & 38th St.	\$750	Parcel 3.1 Landscaping
3801 NW Cache Rd	\$3,049	Parcel 5.1 & 5.2 Temporary Easement
1042 NW 38th St.	\$2,000	Parcel 5.1 & 5.2 sign improvements
3423 NW Atlanta	\$625	Parcel 6 Warranty Deed
3423 NW Atlanta	\$4,825	Parcel 6.1 Temporary Easement
3420 NW Baltimore	\$625	Parcel 7 Permanent Easement
3420 NW Baltimore	\$300	Parcel 7.1 Temporary Easement
3420 NW Baltimore	\$2,100	Parcel 7.1 Improvements
2105 NW 38th St.	\$17,600	Parcel 11 Warranty Deed
17 ft. strip on NW 38th St.	\$1,175	Parcel 20 Warranty Deed
Drainage Channel NW 38th St.	\$2,250	Parcel 22 Permanent Easement
2104 NW 38th St.	\$400	Parcel 23.1 Temporary Easement

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Col. Steuber reported Fort Sill is busy sending over 2,000 soldiers and 68 million pounds of equipment to the fight. Reserve units have arrived for training and they will also be going to the fight. A sandstorm grounded most of the units but it did not stop the Field Artillery, which is the only 24 hour all weather fire support for the Armed Forces, the King of Battle and very proud of that and we will continue to provide that sort of support around the clock.

Col. Steuber said the first field artilleryman was killed in the fight just yesterday, a young Marine, a forward observer who trained at Fort Sill. The Marines, Army and all field artillerymen are trained at Fort Sill and it is one of our fallen comrades.

Shanklin asked that appropriate action be initiated to prohibit 18 wheel units and smaller refrigerated units from parking in front of McMahon Park. Vincent said a resolution will be returned.

Shanklin asked about the list of commercial properties. Mitchell said it was requested by a Councilman; members are encouraged to indicate their priorities and if there are others to consider, and we will then move forward with sending notice. Shanklin asked how they would be prioritized. Mitchell said pictures were provided for each address and members are asked to go through the list and indicate priorities.

Shanklin said Everett Wilson had been trying to get a street light at 52nd and Fairway Villas for a number of years and there were issues with an easement. Following all discussion, the City Attorney will prepare and present the proper easement for execution by the condo owners association.

Ewing-Holmstrom encouraged use of alternate routes since the intersection of Flower Mound and Gore is under construction. She gave a reminder of the ground breaking ceremony for The Big Green tomorrow at 4:30 p.m. next to Harley Davidson and Bingo Country.

Bass said he asked for the information on commercial structures. He said the Council can take the responsibility for the action rather than Neighborhood Services being wrongly accused.

Mitchell said a budget workshop is scheduled for next Tuesday evening, followed by a discussion with the Public Works Department on the contract responders to the RFB on solid waste and landfill.

Mitchell said an e-mail was sent out letting you know that \$30,000 was transferred into Neighborhood Services and

that could be done without a supplemental appropriation.

Mitchell complimented John Vincent and his staff with respect to the 38th Street; they have done a very good job getting those right of ways done under some real time pressures.

Haywood thanked the Street Department for their work in Ward Seven.

Doug Wells, Information Services Director, thanked Dr. Ross at Cameron University for allowing the use of Birch Hall in case of emergency after the mold was found at Eisenhower Junior High and it was no longer available for such use.

Mayor Powell said we are a military town and every citizen is encouraged to display a yellow ribbon, in particular around a tree so it is very visible, and the significance might be that our men and women in uniform might declare victory before long and come back home free and safe. He asked the news media to assist in getting that word out.

#### BUSINESS ITEMS:

29. Pursuant to Section 307B.3 and 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the purchase or appraisal and legal options regarding the below described property owned by Morford Land and Leasing Co., and if necessary, take appropriate action in open session. Exhibits: None.

30. Pursuant to Section 307B.3 and 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the purchase or appraisal and legal options regarding the below described property owned by Joe Greenlee, Sally Greenlee, Larry Gordon, Gay Gordon, Ronald Nance, and Susan Nance, and if necessary, take appropriate action in open session. Exhibits: None.

31. Pursuant to Section 307B.3 and 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the purchase or appraisal and legal options regarding the below described property owned by Vencil Lawrence, and if necessary, take appropriate action in open session. Exhibits: None.

32. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending law suit in the Western District of Oklahoma, Case Number CIV-02-1163A of Connie Givan vs. City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

#### Addendum:

3. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss pending action(s) regarding Carl Moore, mortgagor, and if necessary, take appropriate action in open session. Exhibits: None.

4. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the appointment and employment contract of the City Manager and/or Acting City Manager and if necessary, take appropriate action including any discussion if so desired in open session. Exhibits: City Manager Contract. (Summary of Contract to be distributed in executive session)

MOVED by Bass, SECOND by Ewing-Holmstrom, to convene in executive session as shown on the agenda and recommended by the legal staff after a five minute recess. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Bass. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 8:00 p.m. and reconvened in regular, open session at 8:30 p.m. with roll call reflecting all members present except Hanna and Baxter.

Vincent read the title to Item 29 stating the Council convened in executive session to discuss the property owned by the Morford Land and Leasing Company on the 38th Street Project. The Morford's made a counter offer to the City's offer and staff recommends a motion to decline the counter offer.

MOVED by Bass, SECOND by Haywood, to decline the counter offer of the Morford's. AYE: Shanklin, Moeller, Haywood, Bass, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

Vincent read the title to Item 30 stating the Council convened in executive session to discuss the purchase, appraisal and legal options regarding property owned by Joe and Sally Greenlee, Larry and Gay Gordon, Ron Nance and Susan Nance; this is part of the 38th Street Project. City staff recommends a motion to accept the counter offer of \$9,000 and authorize the Mayor and City Clerk to accept and execute all necessary documents.

MOVED by Devine, SECOND by Haywood, to accept the counter offer of \$9,000 and authorize the Mayor and City Clerk to accept and execute all necessary documents. AYE: Moeller, Haywood, Bass, Devine, Ewing-Holmstrom, Shanklin. NAY:

None. MOTION CARRIED.

Vincent read the title to Item 31 stating the Council convened in executive session to discuss the purchase, appraisal and legal options regarding the property owned by Vencil Lawrence. This is part of the 38th Street Project. After this discussion, staff recommends a motion to accept the counter offer of \$5,300 and authorize the Mayor and City Clerk to accept and execute all required documents.

MOVED by Devine, SECOND by Haywood, to accept the counter offer of \$5,300 and authorize the Mayor and City Clerk to accept and execute all required documents. AYE: Haywood, Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller. NAY: None. MOTION CARRIED.

Vincent read the title to Item 32 stating the Council convened in executive session to discuss the pending lawsuit in the Western District Court of Oklahoma, Case CIV-02-1163A, in the Federal Court in Oklahoma City, Connie Givan vs. City of Lawton. He recommended a motion to approve the professional services agreement with William M. Clark, PhD, for expert analysis and consultation as determined necessary by the City Attorney.

MOVED by Devine, SECOND by Haywood, to approve the professional services agreement with William M. Clark, PhD, for expert analysis and consultation as determined necessary by the City Attorney. AYE: Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

Vincent read the title to Addendum Item 3 stating the Council convened in executive session to discuss the pending action involving Carl Moore, mortgagor, and discussion was held. A motion was requested to accept 50% of the net proceeds of the sale of the house.

MOVED by Devine, SECOND by Bass, to accept 50% of the net proceeds of the sale of the house. AYE: Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller. NAY: None. ABSTAIN: Haywood. MOTION CARRIED.

Vincent read the title of Addendum Item 4 and said no action is recommended on this item.

There being no further business to consider, the meeting adjourned at 8:40 p.m. upon motion, second and roll call vote.