



access to their backyards, but parking private vehicles in a city park is not the answer when leased parking spaces are available.

Devine requested Larry Mitchell give instruction to have a concrete/asphalt ramp removed in the 6400 Block of NW Columbia Avenue, in front of the park. Bass requested contact be made with the resident in this neighborhood that possibly uses this ramp as a handicap access to his property.

Kim Shahan, Parks and Recreation Director, addressed the desire to begin a fencing project to be completed in all city parks, where low, pipe-rail fences would be installed and gates would be constructed to secure all parks after closing hours.

Ronald G. Brown, 6407 NW Euclid, living in this neighborhood for thirty-two years; said these citizens are not driving through the park, they are driving on the side of the park, adding that his grandson plays at this park everyday.

Shanklin expressed concern for fencing being placed at parks and the necessity of this need advising the City has little funds allocated for this process. Shahan said this is tube fencing, two-feet above ground level with the objective to be able to maintain the property and to limit access, to be placed at neighborhood parks with this private property access problem. Shanklin asked if every square inch of the park would be fenced or would a ten or twelve foot area not be fenced. Shanklin requested Shahan prepare an agenda item commentary to be heard at a later meeting concerning the proposed park fencing projects and recommendations

MOVED by Bass, SECOND by Haywood to agenda the park related item at a later meeting. AYE: Hanna, Devine, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: Ewing-Holmstrom. MOTION CARRIED.

Baxter asked how a motion could be made on an item that was not listed on the agenda. Vincent explained that under the open meetings act this motion was acceptable.

READING OF PROCLAMATION BY MAYOR CECIL POWELL RECOGNIZING "WHITE CANE DAY" April 19, 2003, saying the Northeast Lions Club has a long history of working with and providing assistance to the blind, adding Helen Keller challenged the International Lions Club at a convention in 1925 to become "the knights of the blind in the crusade against darkness" and since that time, Lions Clubs have set out to serve the blind by providing information to those who ask about the purpose of White Cane Day. Mayor Powell encourages all citizens to give generously in support of the Lions Club during the period of March 19 through April 19, 2003, during their campaign, and to give on a continuing basis. Mayor Powell presented the proclamation to two Lions Club members in the audience.

READING AND PRESENTATION OF PROCLAMATION BY MAYOR CECIL POWELL PROCLAIMING April 13-19, 2003, as "NATIONAL INFANT IMMUNIZATION WEEK", saying immunization is one of the most cost-effective means of disease prevention and that children need 80% of their vaccinations in their first two years of life for a lifetime of protection. While 23% of Oklahoma infants are not fully protected from vaccine preventable diseases, Oklahoma ranks below the National average for immunized infants. At the present time, all recommended vaccines are extra-ordinarily proven safe after years of testing before becoming licensed. While preventable diseases still exist in Oklahoma, and can be easily contracted and transmitted, to have a medical intervention as effective as vaccination and to not utilize the prevention is unheard of.

Mayor Powell presented the proclamation to a representative from the Comanche County Health Department who said through proper and timely immunizations, eleven diseases can be prevented in children before the age of two years old. She expressed gratitude to the Mayor and City of Lawton for recognizing National Infant Immunization Week.

READING OF PROCLAMATION BY MAYOR CECIL POWELL PROCLAIMING March 31 through April 26, 2003 for "EARTH WEEK ACTIVITIES" recognizing that the protection of the environment is a vital concern to all citizens and everyone benefits from a clean and healthy environment while appreciating its attractive and beautiful surroundings. Earth Day is celebrated annually on April 22 and the City of Lawton will sponsor a city-wide spring clean-up campaign March 31 through April 12, and further events, as well as a "Trash-Off" scheduled for Saturday, April 12, 2003, in celebration of Earth Day at the McMahan Auditorium from 9:00 a.m. to 12:00 p.m. Many local sponsors have contributed goods, time, and services to this campaign. Mayor Powell invited everyone to be a part of this big day for our community.

CONSENT AGENDA : Mayor Powell asked Item 9 be stricken. Separate consideration was requested for Item 7.

MOVED by Bass, SECOND by Haywood, to approve the Consent Agenda items as recommended with the exception of Items 7, and 9. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: Southwestern Bell; Southwestern Bell; and Donald W. and Toni Wilson. Exhibits: Legal Opinions/Recommendations.
  2. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00; Department of Army; James B. and Valerie D. Johnson; Jesus and Xochitl Alvarado; and Lillie Michelle and Greg Kohout. Exhibits: Legal Opinions/Recommendations; Resolution 2003-55 and Resolution 2003-56.
  3. Consider granting approval for Arts & Humanities Division to apply for a Local Government Challenge Grant from the Oklahoma Arts Council for the FY 2003-04. Exhibits: None.
  4. Consider approving the extension of the loan of *Songs of the Past* a sculpture by Allan Houser to the Museum of the Great Plains from January 1, 2003, through December 31, 2003. Exhibits: None. Contract and copy of certificate of insurance on file in the City Clerk's office.
  5. Consider approving a First Amendment to the Agreement for the sale of treated water between the City of Lawton, Oklahoma, and Dr. Daniel Woesner, and authorize the Mayor and City Clerk to execute the document. Exhibits: None. Amendment on file in the City Clerk's Office.
  6. Acknowledge receipt of election returns of March 11, 2003. Exhibits: Election Tabulation.
  7. Consider entering into an Agreement with ZOE N.E.E.D. Program, Inc. to carry out a HOME 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: None. Agreement available for review in the City Clerk's Office.
- MOVED by Baxter. SECOND by Ewing-Holmstrom, to approve Item 7 upon a separate motion. AYE: Ewing-Holmstrom, Shanklin, Moeller, Baxter, Bass, Hanna, Devine. NAY: None. ABSTAIN: Haywood. MOTION CARRIED.
8. Consider declaring the City's outstanding demolition lien against the real property located at 1306 SW B Avenue uncollectible by the Comanche County Treasurer, and authorizing the City Attorney to commence a civil action as appropriate: (1) in personam against Art Mata and Armando Mata and other necessary parties; and (2) in rem against 1306 SW B Avenue, for the recovery of monies expended in the demolition of the structures located at the address; including in such action the authority to seek the foreclosure of the City's lien on the property and the sale of the property at sheriff sale, if necessary. Exhibits: March 12, 2003, letter from County Treasurer.
  9. Consider not participating in a request from Bible Baptist Church for the City of Lawton to participate in the construction of a water line to serve a proposed church at 7501 SW Lee Boulevard. Exhibits: Letter of request; Map of proposed water line. THIS ITEM WAS STRICKEN AS SHOWN ABOVE.
  10. Consider accepting a permanent roadway easement for SW G Avenue located between SW 17<sup>th</sup> and Sheridan Road, which has been donated by the Comanche County Commissioners, and authorize the Mayor and City Clerk to execute the Acceptance. Exhibits: None. Original Permanent Easement on file in City Clerk's office.
  11. Consider awarding a construction contract to H.G. Jenkins Construction, Inc. for the NW 67<sup>th</sup> Street Overlay Project #2003-5. Exhibits: None.
  12. Consider approving Change Order No. 4 for the Eastside Community Park Project #2000-19 with T&G Construction, Inc. Exhibits: None.
  13. Consider approving the following contract extensions: A) Collection of Overdue Utility Bills (RFPCL02-056) with Lawton Retail Merchants Association; B) Refuse Containers (CL02-058) with Roll-Offs USA Inc; and Pre-Sort Mailing Service (CL01-107) with Southwest Mailing Service. Exhibits: None.
  14. Consider awarding contract for Custodial Maintenance Service Group 2 & 3 (CL03-051) Exhibits: Recommendation; Bid Abstract.
  15. Consider awarding contract for Concession Lease at McMahon Park Softball Complex to LaSill Optimist Club (CL03-057). Exhibits: Recommendation; Bid Abstract.
  16. Consider appointments to boards and commissions. Exhibits: Memorandum.

Citizens' Advisory Committee: Frank Wamsley, Term 9/24/02 to 9/24/05; emergency Management Advisory Committee: Arty Pamplin, representing LEPC, Appointed 04/08/03; Dr. Cindy Ross, representing Cameron University, Appointed 04/08/03; Jim Nesbit, representing Great Plains Technology Center, Appointed 04/08/03.

17. Consider approval of payroll for the period of March 31 to April 13, 2003.

18. Consider approval of Minutes of March 25, 2003, Council Meeting.

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BUSINESS ITEMS:

19. Hold public hearings and adopt resolutions declaring the structures at 2338 NW Williams; 2334 NW Williams; 1908 SW Douglas; 2317 SW A Avenue; 1815 SW E Avenue-Ref 408 SW 19<sup>th</sup> Street; 1810 NW Sheridan; and 1812 NW Sheridan 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 No. 03-57; No 03-58; No 03-59; No 03-60; No 03-61; No 03-62, No 03-63. Summary documents with supporting photos and video and reports from the Fire Marshal, Housing Inspectors, and case history are available at Neighborhood Services.

2338 NW Williams: Angie Alltizer, Neighborhood Services, said this is an accessory structure owned by Danny Leon Harrison and is lacking exterior surface coating. It has deteriorated structural members, foundation walls are not structurally sound and exterior walls have holes and rotten material. This structure is vacant and unsecured while trash and debris continues to collect on the premises. The City utility service was terminated in June 2000 and Neighborhood Services has expended approximately \$295.00 for abatement of tall grass and weeds during the last growing season.

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

MOVED by Bass, SECOND by Ewing-Holmstrom to approve Resolution No. 03-57 declaring the structure to be dilapidated and dangerous, a fire hazard, detrimental to the public safety and health. AYE: Shanklin, Moeller, Haywood, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. OUT: Baxter. MOTION CARRIED.

2334 NW Williams: Alltizer said this is another accessory structure similar to the previous one, owned by Doris and Larry Stewart and is lacking exterior surface coating. It has deteriorated structural members and the foundation walls are not structurally sound. The exterior walls have holes in them and the material is rotten. This structure is vacant and unsecured, while trash and debris collects on the premises. The owner contacted Neighborhood Services stating he would begin repairs the next day, but Alltizer stated the repairs would possibly cost more than the structure was worth.

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

MOVED by Bass, SECOND by Moeller, to approve Resolution No. 03-58 declaring the structure to be dilapidated and dangerous, a fire hazard, detrimental to the public safety and health. AYE: Moeller, Haywood, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. OUT: Baxter. MOTION CARRIED.

1908 SW Douglas: Alltizer said this is a single residential structure owned by Ima Jean Houston as indicated by the pictures which lacks exterior surface coating and has deteriorated structural members and rotted siding. The foundation walls are not structurally sound and the exterior walls have holes and rotted materials. The interior surfaces are decayed in places where the sheet rock needs replacing and repair and this structure needs plumbing repairs. There is a current city utility account as of this time. The owner is present tonight and has applied for a permit and is currently working on the structure. Last inspection was completed by Neighborhood Services and Building Development on April 3, 2003.

Bass asked Alltizer if she or a member of her staff had been inside this property and she said yes. Ewing-Holmstrom asked how much notice is given to property owners before these structures are presented to Council for action. Alltizer said a letter was sent to property owners generally a three to four month period while paperwork and documents are being prepared, occasionally a two month period, but not often. Alltizer said the owner applied for the permit about one week ago.

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

MOVED by Haywood, SECOND by Hanna, to approve Resolution No. 03-59 declaring the structure to be dilapidated and dangerous, a fire hazard, detrimental to the public safety and health. AYE: Haywood, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller. NAY: None. OUT: Baxter. MOTION CARRIED.

2317 SW A Avenue: Alltizer said this is a single residential structure owned by Ronald and Brenda Fisher and has been vacant for approximately ten years, since 1994. This property is a chronic problem for our division as we continue to mow this property at least three times each growing season. This structure lacks exterior surface coating and has deteriorated structural members and rotted siding. The foundation walls are not structurally sound and the exterior walls have holes and rotten materials. The interior surfaces are decayed in places and the roof needs repairs. This structure is vacant and unsecured. Neighborhood Services has expended \$712.24 for

abatement of tall grass and weeds over the last two growing seasons. Access was not possible at the time photo was taken to view the inside except through what appeared to be a bathroom window.

MOVED by Shanklin, SECOND by Haywood to approve Resolution No. 03-60, declaring the structure to be dilapidated and dangerous, a fire hazard, detrimental to the public safety and health. AYE: Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood. NAY: None. OUT: Baxter. MOTION CARRIED.

1815 SW E Avenue-Ref 408 SW 19<sup>th</sup> Street: This structure is a single residential structure and is referenced as 408 SW 19<sup>th</sup> Street as this is its actual location, but listed on the deed with the property located at 1815 SW E Avenue. The structure of concern is located behind 1815 SW E Avenue. This structure has been vacant since April 2000, and has had some recent repairs to the carport structure. This structure appears to be habitable upon an inspection of about one week prior, but is currently vacant. Neighborhood Services inspected the property recently and believes it could be removed from the D & D list.

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

MOVED by Shanklin, SECOND by Haywood to approve Resolution No. 03-61, declaring the structure to be dilapidated and dangerous, a fire hazard, detrimental to the public safety and health. AYE: Bass, Hanna, Devine, Shanklin, Moeller, Haywood. NAY: Ewing-Holmstrom. OUT: Baxter. MOTION CARRIED.

Shanklin stated he previously discussed the issue of property owners not getting the required permits in a timely manner to begin the process of refurbishing these properties that have been placed on the D & D list saying the City needs to get tougher on these deadlines and consider establishing a fine or not allowing the lower tipping fees if the structures are not removed promptly. Alltizer said each case is an individual case and in some instances, property owners are prompt on getting permits and beginning work on the property, while in other cases, the owner will continue to drag the time limit and in some instances citations would stimulate action. Shanklin would like to see some action generated.

Vincent said the City provides owners enough time, fifteen days after the property has been declared D & D to obtain a permit, and then ample time to begin the refurbishing, with extensions as requested by the property owner. Direction was requested of Mitchell to begin a process of issuing citations for those property owners who do not obtain permits for D & D in a timely manner.

Shanklin asked if out of town property owners were being cited for these structures and requested Mitchell give Alltizer direction to issue citations to out of town owners.

Bass asked Alltizer how long the process took once a property was turned over to the court for the City to receive its return on the funds expended for a mowing lien. Alltizer said it was hard to determine at this time.

Ewing-Holmstrom asked Alltizer with the request and direction given to Mitchell on issuance of citations, could this be handled by the current staffing level of Neighborhood Services at this time. Alltizer said it would be a large task to fully undertake given the growing season is beginning, but they would give it their best effort.

1810 NW Sheridan: Alltizer said this dilapidated structure is owned by Charles and Karen Sue Barger and no pictures or statements were being presented at this time as the owner requested condemnation to receive discounted tipping fees at the landfill. These structures are on the west side of Sheridan where the I beams laid for some time.

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

MOVED by Bass, SECOND by Hanna, to approve Resolution No. 03-62, declaring the structure to be dilapidated and dangerous, a fire hazard, detrimental to the public safety and health. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Bass. NAY: None. OUT: Baxter. MOTION CARRIED.

1812 NW Sheridan: Alltizer said this dilapidated structure is owned by Charles and Karen Sue Barger and no pictures or statements were being presented at this time as 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 Hanna, to approve Resolution No. 03-63, 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, Hanna. NAY: None. OUT: Baxter. MOTION CARRIED.

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20. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Residential/High Density and Parks/Open Space to Residential/Low Density and an ordinance changing the zoning from R-4 (High

Density Apartment District) and P-F (Public Facilities District) to R-1 (Single-Family Dwelling District) and placing Planned Unit Development overlay district on property located approximately at 1801 NW 38<sup>th</sup> Street. Exhibits: Resolution No. 03-64; Ordinance No. 03-16; Location Map; Applications; CPC Minutes.

Bob Bigham, Assistant Planning Director, said on November 12, 2002, the City Council approved the construction plat for The Enclave, Part 1, which is proposed as a gated, single-family residential subdivision located on the east side of NW 38<sup>th</sup> Street approximately 2 mile north of NW Cache Road. One of the conditions of the approval was that the land must be zoned R-1 with a Planned Unit Development overlay district. This request, submitted by Morford Land and Leasing Company, is to rezone the entire area planned for the gated community, which includes 24.907 acres.

The zoning of the surrounding area is R-1 and R-4 to the north, R-1 to the south and east, and R-1, P-F, and C-5 (General Commercial District) to the west. The land use of the surrounding area is single-family residential and Holy Cross Lutheran Church to the north, single-family residential to the south and east, and single-family residential, Westwood Elementary School, and Cache Road Square to the west. The 2025 Land Use Plan designated the southeast corner of the requested area as Parks/Open Space because the land had been dedicated to the City as a park.

The City never developed the park area as an active park, and January 2002 the City Council approved an ordinance closing the park. The developer petitioned District Court and the park has been vacated. The northwest portion of the requested area is designated as Residential/High Density in the 2025 Land Use Plan and is currently zoned R-4. The land is proposed to be developed for single-family residential; therefore, the zoning should be changed to correspond with the proposed use. The developer is proposing that the streets will be private streets and therefore is requesting the Planned Unit Development overlay district to allow the private streets.

On March 13, 2003, the City Planning Commission (CPC) held a public hearing on the request. During the public hearing no one spoke for or against the request. The CPC, by a vote of 8 - 0, recommended approval of the request to the City Council.

Notice of public hearing was mailed on March 18, 2003, to 92 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on March 23, 2003.

During the development of the proposed subdivision plans, all potential problems with infrastructure have been addressed. The developer and his engineer have also worked with the engineer developing the plans for the NW 38<sup>th</sup> Street reconstruction project regarding required right-of-way.

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

MOVED by Bass, SECOND by Moeller, to approve Resolution No. 03-64 amending the 2025 Land Use Plan and approve Ordinance No. 03-16 changing the zoning as stated, waive reading of the ordinance, reading the title only.

(Title read aloud) Ordinance No. 03-16

An Ordinance changing the zoning classification from the existing classification of R-4 (High Density Apartment 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; changing the zoning classification from the existing classification of P-F (Public Facilities District) to R-1 (Single-Family Dwelling District) zoning classification on the tract of land which is hereinafter more particularly described in Section Two (2) hereof; placing planned unit development overlay district on the tract of land which is hereinafter more particularly described in Section Three (3) hereof; and authorizing changes to be made upon the official zoning map in accordance with this ordinance.

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

Mayor Powell asked Bass to provide information about this property. Bass said this is a proposed eighty house, gated community located on 38<sup>th</sup> Street, north of Cache Road and south of Rogers Lane. This addition will have two entrances, one from 38<sup>th</sup> Street and the other from the back off of 36<sup>th</sup> Street. Dirt work has been started and things are really looking up in this area and this is a great development for Lawton, Oklahoma, and Ward One.

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21. Consider request for Energetix to extend the Treated Effluent Option Agreement for the Lawton Energy Facility and provide direction. Exhibits: Letter of request to extend option and proposed amendment #3.

Bigham said this was a request from Energetix to extend their agreement to receive treated effluent from the Wastewater Treatment Plant for an energy plant in west Lawton. On April 30, 2001, the City Council entered into an agreement with Energetix for the sale of treated effluent for an energy plant in West Lawton as well as for a plant on the east side of Lawton. However, the agreement for the energy plant on the east side has lapsed. Amendment #1 was also approved the same day modifying certain sections of the agreement. The terms of the

option expired April 30, 2002.

The second amendment was approved by the City Council on April 23, 2002 extending the option until April 30, 2003.

The City received a request to extend the option until April 30, 2004, and amend Section 6.1 to increase the ratio from 0.10 to 0.25 cents per thousand gallons as stated in a letter dated March 31, 2003 and attached to commentary.

Bigham said staff is requesting guidance on drafting the third amendment to the option and introduced Deborah R. Thompson, Director of Legal and Business Affairs of Energetix.

Thompson submitted a brief update regarding the progress to date and said the amendment included an additional \$10,000 option payment with this payment the total pay for an option for the water would be \$40,000, that has been deposited into the City's general fund. Energetix in this agreement has increased to price from \$0.10 to \$0.25 per 1,000 gallons. Thompson said she had been in discussion with City personnel on this extension request of the treated effluent option and sales agreement for the Lawton Energy Facility and said the current agreement expires on April 30, 2003. She stated Energetix is requesting a third amendment to their agreement and this amendment is consistent with the one-year extension granted last year by the City Council, and in this third extension Energetix has offered an increased rate of pay from \$0.10 up to \$0.25 per 1,000 gallons of effluent water used per day, saying this is the treated water leaving the wastewater treatment plant and being put into the river, so there is no cost to the City for providing this service.

Thompson said this agreement request is to purchase up to 5,500,000 gallons of treated effluent per day from the Lawton Wastewater Treatment Plant at the Lawton Facility. This agreement allows them to design, construct, own and operate facilities and improvements to transport and deliver through a sixteen mile pipeline such treated effluent to the site upon which Energetix is developing an electric generating facility in the Lawton Industrial Park known as the Lawton Energy Facility. This agreement also allows for the City to grant agreements to other requestors to be connected to this distribution line. This line is to be constructed and paid for by Energetix. She added that engineers have been hired and are waiting to start construction once the decision has been handed down from the Corporation Commission which has jurisdiction over this type of facility. Thompson added this is a \$300,000,000 facility with \$200,000,000 plus capital expenditure which will become a part of the taxable base within Comanche County.

Thompson said litigation is still pending with AEP-PSO at the Corporation Commission and it had been hoped this would be completed in the third week of April, but due to more important matters at the Corporation Commission, this issue was put to the side for a period of time, but is now being considered, and stated an appeal could be filed even after a decision was handed down, so it was the desire of Energetix to seek a one year third amendment from April 30, 2003, to April 30, 2004.

Ewing-Holmstrom asked when a decision was expected on this ruling. Thompson said they were hoping to receive something by the second week in April, but it could be late May, or it could be any day now, but would be sometime before they receive the order after which a thirty day period from the issuance of order for any appeal to be filed with the Oklahoma Supreme Court. The Oklahoma Supreme Court has jurisdiction over appeals from the Oklahoma Corporation Commission. Thompson said everything is ready to move forward once the direction has been given. Thompson said \$2,000,000 has been expended to date in the preparation of beginning this project on permits, pipeline design, equipment, etc., and that figure is likely to grow up to \$4,000,000 once financing is closed and dirt begins to move.

Baxter commended Energetix on this project saying this is a great thing for the City to consider for its future and he thanked Thompson for her report.

Devine asked Vincent for clarification on Sections 6.1 and 6.2. Vincent said once this contract starts we will sell water to Energetix at \$0.25 per 1,000 and provides for adjustments to the treated effluent rate as specified in the schedule during the life of the contract. Thompson further explained the agreement in sections 6.1 and 6.2 saying that for the first few years Energetix will pay \$0.25 per thousand gallons and once the plant is established the fee will then be based on the GPI through the remainder of the contract. She also added that Energetix is allowing the City to use the pipeline to distribute effluent to other facilities such as golf courses or the like, which would allow the City to collect from the movement to other facilities as well.

Devine asked where the point of delivery was set and Vincent said the meter is at the Wastewater Treatment Plant just north of the lagoon where the pipeline and the meter for the pump station is located which is stated in the contract. Vincent said the pipeline from the meter to their plant is Energetix property and their responsibility.

MOVED by Baxter, SECOND by Ewing-Holmstrom, to approve the request for Energetix to extend the Treated Effluent Option Agreement for the Lawton Energy Facility until April 30, 2004, and change the effluent ratio from \$0.10 to \$0.25

per thousand gallons. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

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22. Consider an agreement with Easton, Inc., on the Hazard Mitigation Grant Program (HMGP) NOAA Radio Rebate Program. Exhibits: Agreement.

Bigham said he would like to make the public aware of this program and said the City was approved for a \$100,000 HMGP NOAA Radio Rebate Grant by the Oklahoma Department of Civil Emergency Management (ODCEM). The purpose of the grant was to educate and provide a 75% rebate on NOAA programmable radios. The recipient of the radio will provide the local share match.

Easton's, Gibson's Discount Center and KSWO-TV have partnered with the City to promote this program. KSWO-TV will promote and educate citizens of Lawton on the advantages of the NOAA radio. The promotion will begin on or about April 18- 26 and distribution at Gibson's and Easton Ace Hardware will be on April 26<sup>th</sup> through May 3, 2003.

The proposed agreement sets out the terms of the program. Easton's will fund the purchase of the radios. The total purchase price is \$36.99 per radio. Easton will then file a claim with the City, and the City in turn will file a claim with ODCEM for \$27.75 per radio. The recipient will pay \$10.00 which will provide the city's local share match. ( $\$9.24 + .76 \text{ tax} = \$10.00$ ).

The NOAA programmable radio will be an Oregon Scientific #WRS101 with AC adapter and extra batteries. The manufacturer's suggested retail price is \$69.95.

Bigham said the City is trying to promote this life saving technology and says this radio is different and better than similar radios of the past. Each radio can be programmed for up to seven different frequencies of the owner's choice so weather alerts will only be received for the counties which you have programmed your radio to alert on. The importance of these radios is to alert citizens during times they wouldn't normally be listening to or watching other electronic devices, such as during periods of sleep.

Ewing-Holmstrom asked what the cost was to the City for this program. Bigham explained the City was approved for a \$100,000 HMGP NOAA Radio Rebate Grant by the Oklahoma Department of Civil Emergency Management to educate and provide a 75% rebate on NOAA, National Oceanic and Atmospheric Administration, programmable radios; in which some can be expended for administration cost as well, so the only thing the City is out is staff time. Bigham said this is one of the goals under part of the Project Impact Program and that the City had received \$15,000 in administrative fees with this grant to pay for staff time.

MOVED by Devine, SECOND by Baxter, to accept the agreement. AYE: Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

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23. Consider adopting a resolution relating to General Obligation Bonds for street improvements, fixing the amount of bonds to be sold, providing for the maturity of the bonds, fixing the time and place the bonds are to be sold, and authorizing the Clerk to give notice of said sale as required by law. Exhibits: Resolution No. 03-65.

Rick Endicott, Finance Director, said on November 9, 1999, the citizens of Lawton approved the 2000 CIP Program, which included \$1.6 million for Street Improvement Bonds, to date \$550,000 has been expended of that amount and the City needs to go out for sale for the remainder of the \$1,050,000 for the 38<sup>th</sup> Street Reconstruction Project.

MOVED by Baxter, SECOND by Moeller, to approve Resolution No. 03-65, fixing the amount of bonds to be sold, providing for the maturity of the bonds, fixing the time and place the bonds are to be sold, and authorize the City Clerk to give notice of said sale as required by law. AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

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24. Consider a resolution amending permit and inspection fees in Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995. Exhibits: Memo from Mike Jones to City Manager, Resolution No. 03-66.

Mike Jones, Code Plans Supervisor, said at the direction of City Manager, Bill Baker, this division was directed to review current fees and charges pertaining to this division based on current levels being charged by other cities. It was found that many service fees are not being charged at the current time and said that a lot of research had been completed on this issue as well as fee comparisons taken from cities such as Oklahoma City, Chickasha, Tulsa, Norman, Wichita Falls and Edmond finding that the City of Lawton fees were substantially lower than other cities of similar size and had not been changed or looked at since 1985. He said some services Lawton provides are not even being charged to the citizen, while research indicated cost to review and issue permits and to perform inspections exceed the current fees being charged. Jones said these increased fees would result in significant gains in revenue that would continue to be in line with the similar fees other municipalities currently charge. It is staff's recommendation that fees be implemented for services not billed and other fees be increased as adequate.

MOVED by Baxter, SECOND by Ewing-Holmstrom, to approve Resolution No. 03-66 amending permit and inspection fees. AYE: Moeller, Haywood, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

25. Consider an ordinance amending Section 1-102, Article 1, Chapter 23, Lawton City Code, 1995, by adding a definition of T intersection, providing for severability and declaring an emergency. Exhibits: Ordinance No. 03-17.

Vincent said the next series of ordinances, Items 25 through 30 were house keeping items where changes need to be made to the Lawton City Code due to the revisions of the Oklahoma State Statutes.

MOVED by Baxter, SECOND by Hanna, to adopt Ordinance No. 03-17, waiving the reading of the ordinance and read the title only and declare an emergency.

(Title read aloud) Ordinance No. 03-17

An Ordinance pertaining to the definition of terms for vehicles and traffic amending Section 23-1-102, Article 23-1, Chapter 23, Lawton City Code, 1995, by adding a definition of "T Intersection", providing for severability, and declaring an emergency.

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

26. Consider an ordinance amending Section 8-801, Article 8, Chapter 23, Lawton City Code, 1995, clarifying who has the right-of-way at T intersections, providing for severability and declaring an emergency. Exhibits: Ordinance No. 03-18.

This is a follow up ordinance to the definition of the T intersection which clarifies the right-of-way at T intersections, saying the person on the "through" intersection has the right-of-way unless a control device is used in the operation of traffic.

MOVED by Devine, SECOND by Ewing-Holmstrom, to adopt Ordinance No. 03-18, waiving the reading of the ordinance and read the title only and declare an emergency.

(Title read aloud) Ordinance No. 03-18

A Ordinance pertaining to the right-of-way at intersections amending Section 23-8-801, Article 23-8, Chapter 23, Lawton City Code, 1995, by clarifying who has the right-of-way at T Intersections, providing for severability, and declaring an emergency.

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

27. Consider an ordinance amending Section 5-540, Article 5, Chapter 23, Lawton City Code, 1995, by requiring nonresident drivers to comply with the child passenger restraint law the same as resident drivers, providing for severability and declaring an emergency. Exhibits: Ordinance No. 03-19.

Vincent said this ordinance was changed by State law and now brings Lawton in compliance with the State law as concerned to nonresident operators.

MOVED by Devine, SECOND by Hanna, to adopt Ordinance No. 03-19, waiving the reading of the ordinance and read the title only and declare an emergency.

(Title read aloud) Ordinance No. 03-19

A Ordinance pertaining to Child Passenger Restraint System amending Section 23-5-540, Article 23-5, Chapter 23, Lawton City Code, 1995, by requiring nonresident drivers to comply with the Child Passenger Restraint Law the same as resident drivers, providing for severability, and declaring an emergency.

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

Bass asked Vincent when the child safety restraint seat could be moved from the back seat to the front seat of a vehicle, asking if this is determined by an age limit or a weight limit. Vincent said there were different situations pertaining to different makes of vehicles, adding that restriction limits on cars are different than restriction limits on pickups. Vincent will research this request and provide information to Bass as soon as possible.

Devine asked if the fees for this offense were correct as listed in the ordinance and if they should be increased. Vincent said the listed fine was the maximum fine by State Statute on a child restraint device.

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28. Consider an ordinance creating Section 2-206, Article 2, Chapter 16, Lawton City Code, 1995, relating to prohibiting any detention officer or other person operating as jail operations staff from receiving compensation from any person other than the city for providing goods or services for the benefit of an inmate, providing for codification, severability and declaring an emergency. Exhibits: Ordinance No. 03-20.

Vincent said State law has recently made it a felony, depending on the level of the amounts; over \$500 considered a felony and under \$500 considered a misdemeanor if a jail operations staff receives compensation to provide personal services to prisoners. Vincent said the City's Municipal Judge would consider the misdemeanor offense if under \$500 and the County would consider the felony if over \$500. Vincent said the State set the amounts of the crime on this item.

MOVED by Bass, SECOND by Haywood, to adopt Ordinance No. 03-20, waiving the reading of the ordinance and read the title only and declare an emergency.

(Title read aloud)

Ordinance No. 03-20

An Ordinance pertaining to Jail Employee misconduct creating Section 16-2-1-206, Article 16-2, Chapter 16, Lawton City Code, 1995, which makes it an offense to receive compensation, except from the City, for providing goods or services to an inmate, providing for severability, and declaring an emergency.

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

29. Consider an ordinance creating Section 4-404, Article 4, Chapter 23, Lawton City Code, 1995, allowing for the operation of all-terrain vehicles (ATVS) on public streets and highways under strictly controlled circumstances, providing for codification, severability and declaring an emergency. Exhibits: Ordinance No. 03-\_\_\_\_.

Vincent said this ordinance would bring into the City Code certain driving standards adopted by the State which would allow all-terrain vehicles to cross certain City streets and highways at a ninety-degree angle under certain conditions and at certain times. Otherwise, these vehicles would be prohibited from using City streets.

Mayor Powell asked if there were code restrictions on this instance. Vincent said they are currently prohibited.

Bass asked exactly what kind of vehicle this ordinance is referring to and Vincent described the small three or four-wheeled recreational type vehicles like you see at the lakes and the ones hunters use and that these are not the large army tank all-terrain vehicles, which are restricted by a separate section of the code. Vincent said the specific requirements are set out.

Vincent said this code is specific in the usage of ATVs adding these vehicles can only be operated by a licensed driver, during daylight hours, on streets where speed limit is below thirty-five (35) miles per hour, these vehicles can only cross the street at a ninety (90) degree angle to get from one trail to another and does not apply to divided highways or streets. These vehicles are not permitted by this code to drive on the shoulder along a street or highway.

Ewing-Holmstrom asked why the City would want to consider this issue and open itself up for a situation. Devine said this would be a bad idea and he thought there was currently a provision in the City Code saying that an operator of such type vehicle had to stop at the street and walk the ATV across the street. Devine requested more research on this item and asked why the City would allow a vehicle on our City streets that are not properly tagged and licensed. He requested more research and to bring it back later for consideration.

MOVED by Devine, SECOND by Ewing-Holmstrom, to table this item and bring back at a later date with more clarification. AYE: Haywood, Bass, Devine, Ewing-Holmstrom, Moeller. NAY: Baxter, Hanna, Shanklin. MOTION CARRIED.

Bass requested a strict clarification on "All-Terrain Vehicles" when bringing this item back for consideration.

30. Consider an ordinance amending Section 5-528, Article 5, Chapter 16, Lawton City Code, 1995, by adding the offense of aiding and abetting prostitution providing for severability and declaring an emergency. Exhibits: Ordinance No. 03-21.

Vincent said this was another State law that would allow the City to go after a person who aides and abets and participates in the crime of prostitution by allowing a house, place, building or parking lot to be used for that purpose. Currently, the City's ability is under the public nuisance section of the code, this ordinance will now bring this crime in under the criminal area of the code which would be charged as a misdemeanor.

MOVED by Devine, SECOND by Hanna, to adopt Ordinance No. 03-21, waiving the reading of the ordinance and read the title only and declare an emergency.

(Title read aloud)

Ordinance No. 03-21

An Ordinance pertaining to the offense of prostitution amending Section 16-5-1-528, Article 16-5, Chapter 16, Lawton City Code, 1995, by adding the offense of aiding and abetting prostitution by allowing a house, place, building or parking lot to be used for prostitution, providing for severability, and declaring an emergency.

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

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31. Consider an ordinance amending Section 22-2-3-232, Article 22-2, Division 22-2-3, Chapter 22, Lawton City Code, 1995, by requiring structures and subdivisions outside the city limits contracting for the purchase of city water to meet all city building and development codes and pass inspections, providing for severability and declaring an emergency. Exhibits: Ordinance No. 03-22.

Shanklin said Council was concerned when other issues of this nature were brought before them for consideration. Vincent said Shanklin asked him to prepare an ordinance stating that all residences, structures, buildings or subdivisions entering into a contract with the City to purchase city water after the enactment of the code amendment shall be required to meet all city building and development codes, pass inspections and pay for inspection, tapping and meter setting fees as set forth in the fee schedule. The council may establish a fee for application for a contract and development and inspection fees outside the city limits. If the council approves this ordinance, the council should consider at a subsequent meeting adopting appropriate fees

Vincent said current City Code chapters and fees affected by this proposed Ordinance would include Chapter 6, Building Codes; Chapter 14, Mobile Home Park; Chapter 19A, Certain drainage requirements, flood zone requirements; Chapter 20, Streets; Chapter 21, Sub-Divisions; and Chapter 22, Water Lines and other utilities.

This is non-waivable and any future contracts outside the city limits for the sale of water, except to United States Government, and other Cities and Municipalities, these clauses will be written into the contracts requiring these code standards to be met.

Bass asked the requirement for residents' sanitary sewer systems like septic tanks and lagoon systems; will these be permitted. Vincent said ODEQ has to approve all systems within the County and the City would accept those as approved by ODEQ under the jurisdiction of the County.

MOVED by Shanklin, SECOND by Baxter, to adopt Ordinance No. 03-22, waiving the reading of the ordinance and read the title only and declare an emergency.

(Title read aloud)

Ordinance No. 03-22

An Ordinance pertaining to utilities amending Section 22-2-3-232, Article 22-2, Division 22-2-3, Chapter 22, Lawton City Code, 1995, by requiring structures and subdivisions outside the city limits contracting for the purchase of city water to meet all city building and development codes and pass city inspections, providing for severability and declaring an emergency.

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

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ADDENDUM BUSINESS ITEMS:

1. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers' Compensation case of Eric C. Tienter in the Workers' Compensation Court, Case No. 2001-07626H. Exhibits: Resolution No. 2003-67.

Vincent said this was a routine item which should have been considered on consent agenda, but because it was received after the agenda deadline, it needed to be considered as an addendum. Staff recommended approval of this workers' compensation settlement.

MOVED by Devine, SECOND by Ewing-Holmstrom, adopting Resolution No. 03-67 ratifying the action and making payment of the judgment in the workers' compensation case of Eric Tienter. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

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2. Consider approving a Partial Release of Mortgage between the City of Lawton, Oklahoma and Larry G. Gordon, Linda G. Finley, and Marilyn Smith, and authorize the Mayor and City Clerk to execute the document. Exhibits: None. Partial Release of Mortgage is on file in the City Clerk's Office.

Vincent said this parcel is property required for the 38<sup>th</sup> Street Reconstruction Project and is located at the corner of SE 38<sup>th</sup> and Cache Road. Staff recommended approval of this partial release.

MOVED by Bass, SECOND by Baxter to approve partial release of mortgage on this property. AYE: Haywood, Baxter,

Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller. NAY: None. MOTION CARRIED.

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REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Col. Steuber reported Fort Sill continues to prepare and send troops, sending approximately 500 this coming weekend, who will be placed with the troops already there. Fort Sill has suffered casualties in which a memorial service was held this afternoon for that battalion and a larger memorial service has been planned in the community for the end of the week.

Steuber said our forces are doing a superb job at Operation Iraqi Freedom and the Field Artillery is supporting those forces in the fight on a daily basis; they are the reason the successful achievements have been accomplished in conjunction with the other armed forces of the United States, which all goes back to the training base established here to prepare soldiers for the fight and make equipment ready. Steuber commended Councilman Bass for reminding the citizens of Lawton-Fort Sill we do have the best soldiers and equipment which is being demonstrated today in Iraq because that equipment has been able to survive the fight.

Steuber added that Senator Inhofe published some kudos for Fort Sill earlier this week and obtained praise from the Vice Chief of Staff of the Army, General King, who said Fort Sill was doing it better than any other installation in the United States Army in deploying the forces and preparing the equipment. Steuber reminded everyone of the rally in support of our troops scheduled for Friday, April 11, 2003, to be held at the McMahan Auditorium parking lot beginning at 6:30 p.m. and the Boulevard of Support displaying American Flags. These efforts keep Fort Sill and the citizens focused on our soldiers.

Steuber reminded Lawton-Fort Sill of the Trash Off this weekend in conjunction with Earth Day 2003 and invited everyone to come out and participate in this worthwhile event teaching our youth about the environment.

Haywood said Lawton Housing Authority will be sponsoring a cleanup effort in the Lawton View area on Thursday, April 10, from 10:00 am to 2:00 pm.

Ewing-Holmstrom provided information on the upcoming "Support Our Troops Rally" on Friday, April 11, at 6:30 p.m. at McMahan Auditorium. Free food will be provided as long as it lasts; music will be provided by Miss Lawton; the 77<sup>th</sup> Army Band will perform, along with guest speakers Senator Sam Helton and Mayor Cecil Powell.

Ewing-Holmstrom said this celebration will be documented on CDs which will be sent to our troops for their viewing so they can see Lawton-Fort Sill supporting their efforts and she added that calling cards will be collected and distributed to our soldiers, to let them know we are behind them 100 percent and we will be home waiting for their safe return.

Hanna said the first annual Lawton Caring Community Softball Challenge will be held Saturday, April 12, from the efforts of the March of Dimes and American Cancer Society. This challenge will take place at the McMahan Softball Complex at 38<sup>th</sup> and Lee beginning at 10:00 a.m. and concluding around 7:00 p.m., with admission being free. Several local sponsors of this event are Centerpoint Energy, AEP-PSO, Lawton Cablevision, Bar S, United Supermarkets, City of Lawton, and Coke. For more information contact Rob Slater at 250-5433. Hanna said the City of Lawton would have teams participating in this event.

Mitchell said the City's team in this event felt prepared and confident of showing a good effort in this event.

Mitchell expressed consideration on the sale of water contracts to home owners living outside the city limits and said there is currently a bill being considered in the Senate, HB1108-Rural Water Districts, which gives rural water districts extraordinary power to extend their boundaries in a territory. Mitchell asked everyone to contact Senators Maddox and Helton to show opposition to this legislation.

Vincent said OML is also in opposition to this bill saying it takes the County Commissioners out of the loop as far as annexation and it allows the Directors of the Rural Water District to annex adjacent property as they see fit, with a reduced notice requirement and basically no notice to the affected municipality.

Shanklin asked Ihler about the requirements of rural water districts by the year of 2005. Ihler said requirements were different for each affected rural water district in their latest water sample tests dependant upon the areas of necessity for each rural water district.

Mayor Powell commended Deborah Jones and her staff in the Planning Division for their efforts in the preparation of "Earth Day 2003". He said the American Lung Association will provide free asthma screening for all children. There will be lots of items given away at this event as well as free soft drinks and hot dogs and encouraged everyone to participate.

Mayor Powell expressed gratitude to the Top Hat Club for picking up about twenty-five bags of trash on Lee Boulevard from 52<sup>nd</sup> Street to 67<sup>th</sup> Street and removing them from this location.

Mayor Powell commended the Lawton-Fort Sill citizens for making a FOX News Release for supporting the troops

of Operation Iraqi Freedom and invited all citizens to participate in the Boulevard of Flags to be placed on Gore Boulevard from 2<sup>nd</sup> Street west toward Fort Sill Boulevard.

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**BUSINESS ITEMS:**

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-03-0217L of Sandy Porter vs. City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

33. Pursuant to Sections 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.

34. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2003-2004 between the IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

35. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2003-2004 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

**ADDENDUM:**

3. Pursuant to sections 307B.3 and 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the purchase or legal options regarding property owned by Charles Klein, which is needed for the NW 38<sup>th</sup> Street Reconstruction Project and if necessary, take appropriate action in open session. Exhibits: Counteroffer letter from John C. Mackey.

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

The Mayor and Council convened in executive session at 8:05 p.m. and reconvened in regular, open session at 8:45 p.m. with roll call reflecting all members present.

Vincent read the title to Item Addendum 3 stating the Council convened in executive session to discuss the property owned by Charles Klein which is needed for the NW 38<sup>th</sup> Street Reconstruction Project. Staff recommendation is to pay \$10,000.00 for this property as requested by Klein, which was the amount he paid for the property in 1997.

MOVED by Bass, SECOND by Baxter, to approve this item as stated. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

Vincent read the title to Item 32 stating the Council convened in executive session to discuss the pending law suit, in the Western District, United States District Court, Case Number CIV-03-0217L of Sandy Porter vs. City of Lawton. Staff recommended a motion to deny the settlement offer.

MOVED by Shanklin, SECOND by Hanna, to deny the settlement offer. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

Vincent read the title to Item 33 stating the Council convened in executive session to discuss the purchase or appraisal and legal options regarding the property owned by Morford Land and Leasing Co. This property is necessary for the 38<sup>th</sup> Street Reconstruction Project. Vincent stated the Morfords have made a counteroffer on this property to donate this property to the City if the City will construct a retaining wall on top of the required retaining wall and they will provide \$5,000 toward this construction.

MOVED by Bass, SECOND by Haywood, to accept the donation of this property from the Morfords and have the City construct the retaining wall.

SUBSTITUTE MOTION by Shanklin, SECOND by Hanna, to stay with the appraised value for this parcel of land.

VOTE ON SUBSTITUTE MOTION: AYE: Ewing-Holmstrom, Shanklin, Moeller, Hanna, Baxter. NAY: Devine, Haywood, Bass. SUBSTITUTE MOTION CARRIED.

Vincent read the title to Item 34 stating the Council convened in executive session and discussed the negotiations for a Collective Bargaining Agreement for FY 2003-2004 between the Fire Union, IAFF, Local 1882, and the City of

Lawton. No action required at this time.

Vincent read the title to Item 35 stating the Council convened in executive session and discussed the negotiations for a Collective Bargaining Agreement for FY 2003-2004 between the Police Union, IUPA, Local 24, and the City of Lawton. No action required at this item.

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There being no further business to consider, the meeting adjourned at 8:50 p.m. upon motion, second and roll call vote.