



City of Lawton and authorize the Mayor and City Clerk to execute the document. Exhibits: Contract on file with City Clerk's office.

John Vincent said this was a potential contract with the Comanche Tribe for the property on Laurie Tatum Road, commonly know as Native Sun Water Park, for fire and medical service. Vincent said this contract does not obligate the City to respond when called, but respond if crews and vehicles are available. Vincent said the contract is pending a correction to the legal description, but can be approved at this time while the legal description is being corrected.

Bass asked why the citizens are required to pay for fire service protection monthly while this business will only pay when the service is rendered. Vincent said if this business pays regularly, the City is guaranteeing to respond to a call while this service contract states the City will respond when called only if a crew and vehicle is available and does not guarantee the City crew will stay on site until the emergency situation has been eliminated and if necessary, the responding crew can be pulled to another emergency call.

Shanklin asked if the past water bill had been satisfied. Vincent said the old bill was incurred by a different tenant and cannot be collected from the potential tenant saying the tenant prior to the property being turned over to the BIA was a private tenant and left town owing the City approximately \$8,900, and the past tenant was not affiliated with the Comanche Tribe.

Warren asked what type/amount of deposit would be required of the new tenant when this account is established. Vincent said approximately \$3,500 would be required which is one and a half times the average monthly water/sewer bill adjusted for the current rate.

Ewing-Holmstrom asked if money would be paid to the City for this contract. Vincent said the Comanche Tribe would be paying a \$500 deposit on fire and medical service just as they paid a deposit on the Comanche Nation Casino business. Vincent said the City had responded to calls to the casino area and the Comanche Tribe had paid the respective bills.

Ewing-Holmstrom asked for clarification on the water bill and asked why they had heard so many different amounts of this old bill. Vincent referred this question to the City Manager who said the number was closer to the \$8,900 and said this was the reason for the deposit.

MOVED by Shanklin to accept this agreement.

Bass asked Chief Hadley if the fire crews had responded to a call where they later had to be pulled off to assist on another emergency. Hadley said this happens frequently; however, the City does not leave a building burning. They are on site until another response crew arrives or they leave a small crew while others headed toward the next emergency.

Ewing-Holmstrom asked Chief Hadley if the City's fire services had man power to handle a contract such as this. Chief Hadley said the citizens of Lawton came first and the decision was up to the Deputy Fire Chief on duty to determine if a crew would respond to calls outside the city limits.

MOVED by Shanklin, SECOND by Warren, to accept this agreement without the correct legal description which will be provided later. AYE: Warren, Shanklin, Hanna. NAY: Bass, Devine, Ewing-Holmstrom, Patton. OUT: Haywood. MOTION FAILED.

Mayor Powell said this business was going to bring revenue into the City by the sale of water and where their customers would be eating at our restaurants, staying in hotels, and buying snacks at quick stops, but the City would not agree to a contract to provide fire and medical service to them for a fee.

MOVED by Hanna, SECOND by Warren, to reconsider the vote on Item 4 which would allow Haywood to vote. AYE: Warren, Hanna, Shanklin, Patton, Haywood. NAY: Bass, Devine, Ewing-Holmstrom. MOTION CARRIED.

Chief Hadley said this contract was for fire protection and medical protection and the majority of the calls received would be for medical protection and not necessarily fire related and if the Council so desired to amend the contract to provide medical protection only it would be understood and said the majority of patrons to this park would be citizens of Lawton who currently pay for fire and medical services.

MOVED by Warren, SECOND by Haywood, to accept this agreement without the correct legal description which will be provided later. AYE: Hanna, Shanklin, Haywood, Warren. NAY: Bass, Devine, Ewing-Holmstrom, Patton. MAYOR VOTED YES. MOTION CARRIED.

5. Consider approving a Cooperative Agreement between the Comanche Tribe of Oklahoma and the City of Lawton and authorize the Mayor and City Clerk to execute the document. Exhibits: Cooperative Agreement on file

with the City Clerk's office.

Vincent said this was a companion item for the City to provide water service to the water park and said the City had provided a temporary water connection to begin the process of cleanup and restoration. The City charged approximately \$1,700 deposit on this temporary connection. This contract would provide a permanent water service under the same similar contract the City and Comanche Tribe currently has at the casino which requires them to pay code rate for water service. The required deposit would be one and a half times the average of water/sewer usage at approximately \$3,500 and said the City is pending the correct legal description on this property located on NE Laurie Tatum Road, commonly known as Native Sun Water Park and they plan on opening Memorial Weekend if contract has been ratified.

Shanklin asked clarification on the owners/managers of this new venture saying he thought KCA and BIA was one in the same. Vincent said the previous manager was a private individual and since the time of closure, the BIA has taken this property over and made several attempts to have the park re-opened. The Comanche Tribe has agreed to open the park contingent on the approval of these contracts.

Hanna said he discussed this property with other citizens and the Comanche Tribe made mention they would be expanding the park in an effort to keep it open year round by installing Putt Putt Golf and Go Cart Track racing.

Ewing-Holmstrom asked what average money year round would be expected from this business. Mitchell said the sales would primarily be on water, but patrons would be eating at restaurants, staying in hotels, and buying gas and snacks.

Shanklin asked Vincent the procedure of Indian Sovereignty and Vincent said the sovereignty issue was covered in these contracts where the Comanche Tribe agrees to waive sovereignty issues and allow the City to bring suit if there was an issue in Federal District Court in Oklahoma City rather than going to the Indian Court.

Hanna asked who would be providing law enforcement jurisdiction in this area and Vincent said this enforcement would be done by the Comanche Tribe police.

MOVED by Shanklin, SECOND by Hanna, to accept this agreement without the correct legal description which will be provided later. AYE: Hanna, Devine, Shanklin, Patton, Haywood, Warren. NAY: Ewing-Holmstrom, Bass. MOTION CARRIED.

6. Consider approving an Agreement for Landfill Service between the City of Lawton, Oklahoma and James R. Ballard, and authorize the Mayor and City Clerk to execute the document. Exhibits: None. Agreement is on file in the City Clerk's office.

Devine asked why this individual was being allowed to dump free of charge. Vincent said this individual lives within the half mile jurisdiction and his property is in the city limits but he is not served by city water so he has no bill to produce to dump free as a citizen.

MOVED by Devine, SECOND by Hanna to approve as stated. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Warren, Bass, Hanna. NAY: None. OUT: Haywood. MOTION CARRIED.

7. Consider approving a Partial Release of Easement between the City of Lawton, Oklahoma and Lawton Properties, a general partnership, and authorize the Mayor and City Clerk to execute the document. Exhibits: None. Partial Release of Easement is on file in the City Clerk's Office.

Vincent said the agenda item stated to approve a partial release but this item should read to approve the entire water line underneath the Lowe's building and to release that easement and it is recommended for approval.

MOVED by Hanna, SECOND by Patton, to approve release as corrected. AYE: Ewing-Holmstrom, Shanklin, Patton, Warren, Bass, Hanna, Devine. NAY: None. OUT: Haywood. MOTION CARRIED.

8. Consider ratifying the action of the City Attorney and City Manager in not making an appeal in the Workers' Compensation case of Walter Payne in the Workers' Compensation Court, Case No. 2002-09407-A. Exhibits: None.

9. Consider adopting a resolution approving settlement by a joint petition and making payment in the Workers' Compensation case of Gary G. Bishop. Exhibits: Resolution No. 2003- **81**.

10. Consider approving Amendment No. 2 to the Raw Water Purchase Agreement with Charley E. Snyder and Doris Berry-Snyder, and authorize the Mayor and City Clerk to authorize the Amendment. Exhibits: Amendment No. 2.

11. Consider approval of the Retainer Agreement for Professional Services with PreConstruction Services, Inc.,

for expert analysis, consultation and reconstruction cost of failed structures at NW 67<sup>th</sup> Street, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional Services.

12. Consider accepting a Permanent Easement from Fairway Villas, Inc., located at Lot 17, Block 3, Country Club West Addition, for the installation of a street light and authorize the Mayor and City Clerk to sign the Permanent Easement. Exhibits: None. Permanent Easement is on file in the City Clerk's Office.

13. Consider adopting a resolution authorizing the Mayor and City Clerk to execute a project agreement for maintenance and funding with the Oklahoma Department of Transportation (ODOT) for improvements to NW 38<sup>th</sup> Street (Cache Road to Rogers Lane), Federal-aid Project Number STP-116B(045). Exhibits: Resolution NO. 2003-**82**, ODOT Letter dated April 30, 2003, Project Agreement is on file in the City Clerk's office.

14. Consider directing staff to prepare and submit a Supplemental Planning Grant Application for Emergency Operations Plans to the Oklahoma Department of Civil Emergency Management for the enhancement of the City's Emergency Operation Plan and authorize Mayor and City Clerk to execute said application. Exhibits: Letter from the Oklahoma Department of Civil Emergency Management.

15. Consider accepting donation from citizen for placement of "Cruising Prohibited" signs. Exhibits: None.

16. Consider adopting a street light resolution to authorize the installation and/or removal of street lights on the north side of the 600 block of SW "D" Avenue, south side of the 600 block of SW "D" Avenue and SW 6<sup>th</sup> Street and Bishop. Exhibits: Street Light Resolution No. 424

17. Consider approving a Resolution authorizing the removal of traffic control devices on the south side of NW Andrews at 2010 NW Andrews. Exhibits: Resolution No. 2003- **83**.

18. Consider denying requests for the installation of traffic control devices on the 700 block of NW 17<sup>th</sup> Street just north of Ferris, NW Lincoln/46<sup>th</sup> Street between Williams and 45<sup>th</sup>, 17<sup>th</sup> Street and Lake, 75<sup>th</sup> and Woodland, 9<sup>th</sup> Street and Dearborn, 9<sup>th</sup> Street and Columbia. Exhibits: None.

19. Consider accepting the Meadowbrook Demolition Project #2002-18 as completed by C.R. Gann Demolition, Inc. and placing the Maintenance Bond into effect. Exhibits: None.

20. Consider accepting the McMahon Park/Grandview Sports Complex Parking Improvement Project #2002-9 as constructed by H.G. Jenkins Construction, Inc. and placing the Maintenance Bond into effect. Exhibits: None

21. Consider accepting a sanitary sewer line located at 218 SE Larrance and Escrow Agreement in Lieu of Maintenance Bond. Exhibits: Location Map. Escrow Agreement on file in City Clerk's Office.

22. Consider accepting a sanitary sewerline on NW 53<sup>rd</sup> Street to serve Scott's House of Flowers and Circle K. Exhibits: Location Map.

23. Consider approving the construction plat for Kingsbriar Addition, Part 5 subject to condition. Exhibits: Plat Map, CPC Minutes.

24. Consider acknowledging receipt of permits from the Oklahoma State Department of Environmental Quality for the construction of a six (6) inch water line with appurtenances and eight (8) inch sanitary sewer line with appurtenances to serve Brentwood Addition, Part 3, City of Lawton, Comanche County, Oklahoma. Exhibits: None.

25. Consider approving the release of Mortgages between the City of Lawton (Lender) and participants of the CDBG &/or HOME Program (Borrowers) listed below and authorizing the Mayor and City Clerk to execute the documents. Exhibits: None. Copies of the Mortgages are available in the City Clerk's Office.

Vincent said Haywood cannot vote on CDBG/HOME funds.

MOVED by Warren, SECOND by Hanna, to approve the release of Mortgages and authorize execution. AYE: Shanklin, Patton, Warren, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. OUT: Haywood. MOTION CARRIED.

26. Consider approving contracts with Cindy Pauchey, Kessi McKenzie, Ethelda Wright, Janice Croft, Melea Welch, Susan Johnson, Susan Smith, and Guyla Carnes as instructors for the Summer Enrichment Program and authorize the Mayor and City Clerk to execute the agreements. Exhibits: None. Contracts on file in City Clerk's Office.

27. Consider approving the following contract extensions: A) Plexar Telephone Service (CL95-030) with SBC; B) Automatic Transmission Repair (CL01-105) with K-Co. Inc., DBA Mr. Transmission; C) Hydraulic Pump and

Cylinder Repair (CL01-114) with Hannon Hydraulics; D) Workers Compensation Administration Services (RFPC101-094) with Southwest Risk Management; and E) Striping Paint (CL01-103) with The Sherwin-Williams Company Exhibits: None.

28. Consider approving contract change order for Neighborhood Services Abatement (CL03-046) Exhibits: Recommendation; Bid Abstract.

29. Consider approving contract change order for Neighborhood Services Abatement (CL03-046). Exhibits: Recommendation; Bid Abstract.

30. Consider approving contract for Tree Transplanting Service (CL03-060) with Booker Tree Service of Chattanooga, Oklahoma. Exhibits: Recommendation; Bid Abstract.

31. Consider approving contract for Bunker Clothing (CL03-049) with Wayest Safety, Inc., OKC, OK. Exhibits: Recommendation; Bid Abstract.

32. Consider approving contract for Sewer Pipe Fittings (CL03-063) with Wichita Pipe and Supply of Wichita Falls, TX. Exhibits: Recommendation; Bid Abstract.

33. Consider approving contract for Mowing and Litter Contract (CL03-061) with Wayne W. Harris and Service One Janitorial both of Lawton, Oklahoma. Exhibits: Recommendations; Bid Abstracts.

34. Consider approving contract for Concession Lease Ahlschlager Park (CL03-042) with Kiwanis Club of Northwest Lawton, of Lawton, Oklahoma. Exhibits: Recommendation; Bid Abstract.

35. Consider appointments to boards and commissions. Exhibits: Memorandum - Citizen's Advisory Committee (CIP) George F. Kraus; Library Board James H. Burpo, Lynn McIntosh, and Carol Sinnreich.

36. Consider approval of payroll for the period of April 28, to May 11, 2003.

37. Consider approval of Minutes of April 17, 2003, Special Council Meeting; April 22, 2003, Regular Council Meeting; April 29, 2003, Special Council Meeting; and May 5, 2003, Special Council Meeting.

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OLD BUSINESS:

38. Consider the following damage claim recommended for denial: Dana Alexander-Wollett. Exhibits: Copy of Claims Memorandum/Recommendation dated April 10, 2003.

Vincent said this claim was previously submitted to Council but pulled because the claimant was unavailable for the scheduled meeting. The claimant is present to speak on this item. Vincent said there was no prior notice, this property was not listed on the SSES report, and there had been no other backups on this segment of main.

Dana Alexander-Wollett, 4829 SE Tattershaw Way, said this was the first damage her property had sustained from a sewer backup but felt she should not be held liable since the City had no prior notice of blockage on this segment of main. She said she suffered damage to her property and requested the City pay her.

Vincent said this denial was based upon a 1949 Oklahoma Supreme Court case saying where there is no prior notice to a particular segment of defective main, the City cannot be held liable, unless the City had notice and failed to make the repair.

Ewing-Holmstrom asked Alexander-Wollett to provide clarification on the location of her property. Ewing-Holmstrom stated she owns property in this neighborhood and was awakened on several occasions while sewer repair crews were needing access to her backyard to clear a blockage in the main behind her property.

MOVED by Ewing-Holmstrom, SECOND by Haywood, to approve damage claim for payment in the amount of \$816.93 and have Legal Services prepare the necessary friendly suit documents for payment (Res 03-~~84~~). AYE: Haywood, Warren, Bass, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. OUT: Hanna. MOTION CARRIED.

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39. Hold a public hearing and consider an ordinance amending the Lawton City Code to allow restoration of a nonconforming structure, a conforming structure containing a nonconforming use, or a conforming structure on a nonconforming lot if damaged by more than 50% but less than 75% of its replacement value and to modify the amount of time of discontinuance of nonconforming uses. Exhibits: Ordinance No. 03- 25 (April 22) Ordinance No. 03-\_\_\_\_ (CPC recommendation), Agenda Item Commentary of April 22, 2003, and CPC Minutes.

Robert Bigham, Assistant Community Services Director, said this item is a continuation of a public hearing that was

held April 22, 2003, concerning the recommendation of the CPC on establishing a more lenient non-conforming clause in Chapter 18 of the Zoning Code, and this item was generated from the discussions regarding down zoning in Mountain View Addition and North Addition. This item would provide flexibility in the code for those residential uses that were built post WWII. At Council's direction, the CPC recommendation was any structure damaged greater than fifty (50%) percent but less than seventy-five (75%) had the opportunity to appear before the Board of Adjustment for an appeal. Council directed staff to modify the ordinance to read if the property was damaged greater than fifty (50%) percent but less than one hundred (100) percent it could go before the Board of Adjustment for appeal.

Ewing-Holmstrom asked how this change was going to affect the citizens. Bigam said it pertained to how much damage should a property sustain before it could be built back to meet the City Code or the Zoning Code.

Currently, the grandfather clause states if sixty (60%) percent or more of the structure is damaged then the structure can only be built back to City Code, saying if the structure is damaged seventy (70%) percent, potentially the structure could not be rebuilt. The wording change would determine what damaged structures could be appealed to the Board of Adjustment. Bigam said the discussion on this change pertains to main dwellings that have accessory dwelling units next to the alley.

Bigam said the CPC has recommended a change to the current code where structures damaged greater than fifty (50%) percent but less than seventy-five (75%) could be appealed to the Board of Adjustment on a case by case basis whether it could be rebuilt without conforming to the code.

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

Bigam said the Council had been provided two ordinances for review, one as recommended by the CPC, original recommendation on April 22, 2003, stating structures damaged fifty to seventy-five percent could be appealed to the Board of Adjustment, and the other ordinance as recommended by Council, stating structures damaged fifty to one hundred percent could be appealed to the Board of Adjustment. Bigam said a motion was requested for either the CPC recommended ordinance or the Council recommended ordinance.

MOVED by Shanklin, SECOND by Haywood, to approve Ordinance 03-25 as recommended by Council where structures damaged fifty percent to one hundred percent could be appealed to the Board of Adjustment.

(Title read aloud) Ordinance No. 03-25

An Ordinance related to zoning amending Section 18-205 and Section 18-212, Chapter 18, Lawton City Code, 1995, adding exception to termination of nonconforming structures and uses as a power of the Board of Adjustment; adding new Sections 18-2-1-216, 18-2-1-217 and 18-2-1-218, Chapter 18, establishing procedures for exceptions to termination of nonconforming structures and nonconforming uses and for restoration of nonconforming structures and nonconforming uses; and amending Article 7, nonconformities, Chapter 18, Lawton City Code, 1995, modifying the amount of time of discontinuance of nonconforming uses and providing for an appeal to the Board of Adjustment for an exception to permit restoration of a nonconforming structure, conforming structure containing a nonconforming use or a conforming structure on a nonconforming lot damaged by fire, explosion, natural causes or public enemy by more than fifty percent (50%) of its replacement value; and providing for severability.

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

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#### BUSINESS ITEMS:

40. Consider a request for a revocable permit to allow the installation of a sanitary sewerline along SW J Avenue near SW 38<sup>th</sup> Street. Exhibits: Application, Site Plan, Revocable Permit.

MOVED by Shanklin, SECOND by Hanna, to table this item until a later meeting. AYE: Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

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41. Consider a request for a revocable permit for the placement of a patio deck in the utility easement located at 301 NE 48<sup>th</sup> Street. Exhibits: Application; Survey; Location Map; Revocable Permit.

Bigam said this request is for the placement of a wooden patio deck in a platted utility easement and presented a description of the property on the back wall in relation to the easement and placement request. Bigam said the Public Works Director has reviewed the request and does not recommend granting the permit because there is a sewerline located approximately 8 feet inside the fence and issuance of the revocable permit would be in conflict with efforts to keep utility easements clear for access by public and private utility companies. AEP/PSO stated there is an underground electric line located in this easement and underground electric lines are extremely dangerous. If the patio deck is made of materials that are easily movable, i.e., wood or plastic, AEP/PSO would not object. However, if the patio deck is made of concrete, they would object. Center Point Energy/ARKLA advises

there is a 2-inch distribution line located in this easement and construction of any structure on the easement would hinder maintenance of the gas line and possibly be a safety hazard; therefore, Center Point Energy recommends the request be denied. Lawton Cablevision and Southwestern Bell Telephone did not object to the issuance of the revocable permit; however, Bigham said he received a fax from Lawton Cablevision who now objects to the placement of this patio deck. Bigham said the building permit was denied based on Section 20-101 of the Lawton City Code which prohibits any obstruction in any public street right-of-way or easement except the Council may issue a revocable permit upon certain conditions with the statement this structure would have to be removed if the City or any other utility needed access to this easement.

Ewing-Holmstrom said this was her ward and located in her neighborhood but recommended Council to stand firm on a previous decision to keep right of ways and easements clear of obstructions.

Richard Smith, 301 NE 48<sup>th</sup> Street, said the cable for television is located on the outside of the fence and said the easement is 7.5 feet on inside of fence and 7.5 feet on the outside of the fence. Mr. Smith said he had lived at this location for six years and there had been no need for utility company to be at this location and said he understood he would have 48 hours to remove the structure if necessary. Mr. Smith presented current pictures of his backyard and the requested location of the patio deck. Warren asked if the placement of the deck would be between his house and fence and Smith said yes. Shanklin asked if the utility easement was fenced in and he said yes. Ewing-Holmstrom said it is the duty of Council to uphold the representatives of the City and other utility companies and not allow obstructions in right of ways and easements.

Smith asked for approval of this permit as he has taken the proper legal channels in making his request and says he will bear the responsibility to remove the structure in a timely manner.

Warren said Council should devise a system where citizens have full use of their property and the City, as well as other utilities, should place utilities in easements in the fronts of property in all new subdivisions saying it is redundant for the City to tell citizens they have to mow these easements, they have to keep them looking good, but they are not allowed to use them.

Vincent made a correction regarding the 48 hour notice saying in case of emergency, the City did not have to provide a 48 hour prior notice.

MOVED by Ewing-Holmstrom, SECOND by Hanna, to deny the issuance of a revocable permit. AYE: Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Warren. NAY: Haywood. MOTION CARRIED.

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42. Consider entering into an agreement with the Lawton Urban Renewal Authority (LURA) for ground maintenance of LURA's properties in the Rose Hill and D-6 area. Exhibits: Proposed Agreement.

Bigham said on April 25, 2003, LURA discussed maintaining the grounds that were given by the City back to LURA, about fifty buildable lots transferred by Council's authorization for the redevelopment purposes of the ZOE NEED Program, Inc., and they have been maintaining those properties since that day. Initially the City entered into contracts where the City maintained the property with their crews and billed the Authority. There has been specifications made which increased the cost and the Authority did not re-enter into that contract. For the last two years the Authority has contracted the ZOE NEED Program to maintain the lots and that agreement expires June 30, 2003, with no provisions to renew. Bigham said the Authority wishes to partner with the City of Lawton and provide a flat rate of \$7,000 to maintain LURA's properties for maintenance responsibilities and redevelopment.

Mayor asked Bigham for clarification on this request saying LURA is wanting the City to maintain these properties the City has returned to them to be sold and/or redeveloped. Mitchell said he could not recommend agreeing to this contract for \$7,000 as the figure was low and would cost the City much more to maintain these properties.

MOVED by Shanklin, SECOND by Hanna to deny this agreement.

Mitchell suggested Council make a counteroffer rather than deny the agreement stating the City would accept the responsibility of maintaining the lots at a different rate.

Bass asked how many properties were being considered and Bigham said around fifty.

AMENDED MOTION by Shanklin, SECOND by Hanna to deny this agreement and request staff to renegotiate a more equitable agreement. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED.

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43. Consider directing staff to initiate the process to amend the 2025 Land Use Plan from Residential/High Density to Commercial and change the zoning from R-4 (High Density Apartment District) to C-5 (General Commercial District) zoning classification on properties located in the 200 block between Arlington Avenue and Euclid Avenue. Exhibits: Current Zoning Map.

Devine said several citizens/property owners had requested this area be rezoned in an effort to clean up the neighborhood and by rezoning this to commercial status he felt it would entice businesses to relocate in the area. Devine said the last one hundred feet of each lot is already zoned commercial but has not rezoned the last two or three lots on the end of each block leaving them as residential. Devine said he visited with property owners in this area and had received no negative responses to the rezoning of this area; saying most of the area was vacant lots and abandoned houses.

Warren recommended the area on First Street be considered in this process as well. Bigham said the Council could initiate any rezoning action but there are costs involved where department budgets have been limited to close out for the current year saying expenses are incurred during the rezoning process. Warren said it would be cost effective to consider both areas at the same time and not bring the First Street matter back at a later date. Bigham said the estimated cost of this consideration would be approximately \$400 for mailings and notices.

Warren confirmed the area to be included in this rezoning as the alley between Dearborn and Columbia to be rezoned C-5. Vincent said the consideration could be expanded to include the property on First Street but notification would have to be completed.

MOVED by Warren, SECOND by Bass, to direct staff to bring back the necessary documents to include the section of First Street.

Bigham said to initiate the process to amend the 2025 Land Use Plan included staff starting the process of advertising for a CPC public hearing, after the public hearing CPC makes a recommendation to the Council, and the advertisement will be published again and brought back to the Council for consideration. This process will take approximately sixty to eighty days.

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

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44. Consider approving ordinance that revises Section 17-1-4-143 Educational Incentive Program, in Chapter 17, Lawton City Code, 1995. Exhibits: Ordinance No. 03- 26.

Tim Golden, Human Resources Director, said this is a proposal to reduce the education benefit for eligible employees saying this change is supported by City staff and the Employee Advisory Committee. Golden said the program costs are spiraling out of control; 2001 - \$6,500; 2002 - \$17,000 +, and projection for 2003 is \$20,000, saying the current budget for this benefit is \$6,500. Golden said between he and the EAC a fairly generous program has been developed laying out the four primary changes in the ordinance; saying the benefit will be related to job related courses only and not City related courses, tuition will be reduced to sixty percent of out of pocket tuition cost only, the grade standard has been increased to "B", and are requiring employees to apply for financial aide, excluding loans.

Hanna asked if any contracts would be violated pertaining to this change. Vincent said the Council could approve this but it may not become effective to Fire and Police depending future negotiations, but would become effective to General Employees if approved.

Ewing-Holmstrom commended Golden on his preparation and research of this program and on his efforts to save the City money. Golden said the EAC had a big hand in this and the committee was very receptive to the changes.

MOVED by Ewing-Holmstrom, SECOND by Haywood to approve Ordinance 03-26

(Title read aloud) Ordinance No. 03-26

An Ordinance related to personnel regulations that revises Section 17-1-4-143 in Chapter 17, Lawton City Code, 1995, Educational Incentive Program.

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

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45. Consider adopting an ordinance pertaining to driving in public parks, amending Section 530, Article 5, Lawton City Code, 1995, by providing limited vehicle access through public parks to homeowners who have pre-existing vehicle parking places in their yards abutting a park with no other means of access, providing for severability, and an effective date. Exhibits: Ordinance No. 03- 27.

Bass questioned the previous authority allowing citizens to have access through parks and now the City expresses a desire to stop this past practice. Bass said the City should continue to allow these citizens access to the back of their property for the purpose of parking their personal RVs. Haywood said other parks should be considered as



well, not to limit access only in a few parks. Warren commended the solution to this situation and says the City owes these citizens to have access to the back of their property where prior permission was granted to store their RVs. Warren asked for clarification on the proposed Ordinance and requested it be amended to increase the number of ingress/egress through the park on an annual basis, adding that after the limited number of gate operations had been expended, the resident will be charged a fee for each gate operation.

Ewing-Holmstrom requested these citizens be grandfathered in, but begin a process of not allowing others to drive through these parks in an effort to get to their backyard and she asked Shahan how this process will be maintained with current staff and man hours. Shahan said this benefit will only be available to those citizens who are presently using this access and the department has a list of these citizens.

Patton asked the process when these pre-existing property owners sell their properties, will this access be transferred to the new owners or does it discontinue upon the sale of the property. Warren said this clarification needed to be stated in the ordinance.

Devine said the City has expended a large sum money to place these fences around the parks for the safety of children. Devine said these parks are not there for the convenience of property owners, but if the City is going to allow one citizen to have this right, everyone should have the same right. Bass said he prefers the Police Department patrol these parks and issue citations as per code restrictions and says these fences are not needed. Shahan said this benefit will only be allowed for approximately twelve property owners.

MOVED by Warren, SECOND by Bass to amend the proposed ordinance to allow ingress/egress four (4) round trips per year for current owners and charge a \$25 fee for each gate open/close after the four have been expended. This benefit is not grandfathered to new owners of these properties and adopt the ordinance as amended.

(Title read aloud) Ordinance No. 03-27

An Ordinance pertaining to driving in public parks, amending Section 530, Article 5, Chapter 23, Lawton City Code, 1995, by providing limited vehicle access through public parks to homeowners who have pre-existing vehicle parking places in their yards abutting a park with no other means of access, providing for severability, and an effective date.

VOTE ON MOTION. AYE: Shanklin, Haywood, Warren, Bass, Hanna, Patton. NAY: Devine, Ewing-Holmstrom. MOTION CARRIED.

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46. Consider receiving an update from the Jail Study Committee in reference to a City/County Jail. Exhibits: Proposed agreement between the City and County.

Chief Thorne provided background on the process of combining the City/County Jail where a committee was formed to discuss this. Several meetings have been held. Thorne said the City Jail was overcrowded in September/October and city staff was directed to manage the jail population which is currently being done. This population is managed and monitored daily. Thorne said a request had been submitted to the State Fire Marshal for the conversion of one room in the existing jail to become a worker inmate dormitory which would increase the jail population. Thorne said the emergency capacity is sixty-one inmates.

Thorne said discussions with the County focused toward overcrowding. Thorne said it was the consensus of the Jail Study Committee to keep the City Jail open partly due to the fact the city jail is currently grandfathered as far as health and safety standards and if the City Jail was to close and reopen the City would have to comply with the current standards of today which would not be possible without serious modifications. Thorne said it was the recommendations of the Jail Study Committee to keep the City Jail open.

Hanna asked what happened to inmates who receive a thirty day sentence when the jail becomes overcrowded, are these inmates released and placed back on the street. Thorne said the City Jail was built on the standards of the 1960s and in the 1980s jail standards were implemented which caused the City to lose half of the area. Thorne said there would be an additional cost to house city inmates in the County Jail. Mayor Powell said this was only an item for update and a report will be provided at a later meeting.

ADDENDUM:

1. Consider amending the Project Impact Narrative Program and Budget and request a one-year extension of the grant program. Exhibits: Request letter for extension.

Bigham said on May 22, 2001, Council approved and submitted the initial grant application for Project Impact and in September 2001, where this was an initiative by the current administration to build a disaster resistant community and the full grant application was submitted to FEMA with detailed narrative and budget for the \$400,000 grant, and the City provide a 25% local match and this grant is for a two year period which ends on July

24, 2003. Bigham said FEMA had the authority to extend the grant period for an additional year or until July 24, 2004; however, a request for an extension must be received by FEMA sixty days prior to the expiration of the grant.

Bigham said for the past two years, staff has worked with Project Impact partners and had made substantial progress in developing the various mitigation programs with the grant and additional time is needed to fulfill all of the grant requirements to successfully expend the grant money and a draft letter has been included indicating the original objective, budget and suggested changes to the program. Bigham said if FEMA grants the requested extension the City would be able to better allocate the available funds and provide additional time to complete components of the grant. Bigham displayed a summary explaining where the funds had originated and how the funds were being expended. Bigham said a portion of the available funds would be expended to strengthen the City's Emergency Operation/Dispatch Center at the City Hall Annex. Staff is requesting authorization to submit the letter requesting the extension and approve the budget line items as amended.

MOVED by Haywood. SECOND by Warren to approve amending the Project Impact grant application and request a one-year extension to complete the grant program. AYE: Haywood, Warren, Bass, Hanna, Ewing-Holmstrom, Shanklin, Patton. NAY: None. OUT: Devine. MOTION CARRIED.

#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Col. Steuber reported Fort Sill and Altus Air Force Base team conducted the Striker Brigade Combat Team Certification Exercise where teams were given 72 hours to deploy the entire battalion combat team that was shipped in by rail and this exercise was completed in 46 hours. Thirty-five Sorties came in and thirty-five went out. Altus gave support in fueling capabilities and when the aircrafts could not be fueled quick enough, the C17s were flown to Altus for refueling. The evaluation team was the same team that will evaluate Fort Sill for the Chief of Staff of the Army Deployment Excellence Award. They watched the operation and reported they had never seen it done better anywhere. Steuber said Fort Sill showed everyone in the Pentagon how a deployment should be done. He also said the newspapers reported Fort Sill would be receiving \$50 million to tear down and rebuild 120 housing units on Fort Sill, toward a consolidated maintenance facility, a modified record fire range, as well as efforts to improve the training center to an innovative technology (ICT) and are supposed to be receiving money in the normal budget but the initial operational budget for next year looks like Fort Sill will be cut from \$8 to \$12 million, so the future looks tight for Fort Sill. Steuber reminded everyone to come out and support the Armed Services YMCA at a coop breakfast tomorrow morning beginning at 7:00 a.m. and that Family Day, strictly for Coop Partners and their families would be held at LETRA on Saturday May 17, 2003, and he encouraged everyone to come out and join the citizens in the Armed Forces Day Parade to kick off Friday, May 16, 2003, at 5:30 p.m. where General Maples and Mayor Powell will be Parade Marshals.

Devine said the City of Lawton really needed to consider its future on the SE Water Treatment Plant and on contracts of selling effluent water and the City needs to consider options on outside water contracts saying the City should not sell every bit of the effluent water and stipulate in contracts when the need arises, the City has the right to discontinue existing contracts stating the water level at Lake Ellsworth is at an all time low saying there is no way to pump enough water from Waurika to equal what we pump to Lawtonka. The City is going to have to look at using its effluent to pump water back into the system where there is easy access to pumping this water and once the SE Water Plant is in service the City needs to consider efforts of tying that all together to pump water to Lake Ellsworth.

Ewing-Holmstrom said she wanted to mention something that she read in the paper about the fire engine company possibly shutting down in the upcoming budget and asked staff to re-evaluate this issue and asked the date of the next union contract negotiations.

Bass said he had been getting calls on the negotiations between police and fire, asking if anyone gets information, to please put a copy in each council person's boxes so Council can be up to speed on negotiations. Mitchell said the City had exchanged letters about staying in negotiations but have not received a response back from them.

Hanna said Zone One would be having a picnic on May 31, 2003, with free food and information about a Neighborhood Watch Program.

Mitchell said the City's sales tax continues to out pace last year's collections and year to date, and months compared to last year are up 7.4 percent at \$95,000; year to date sales tax collections compared to last year are up 2.61 percent at \$365,000; so the City continues to improve in the sales tax area.

Haywood said he talked to a citizen today saying things just look dead down on Second Street and said the City needed some more economic development in the downtown area. He also said he would be fighting to keep the centers open during the budget process and encouraged everyone to attend a rally on Friday, May 16, 2003, at 1:00 p.m. at the Housing Authority Park to hear the concerns from the Senior Citizens of Lawton.

BUSINESS ITEMS:

47. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim filed by the family of Charles Wrighton, deceased, case number DC-2003-17, and if necessary, take appropriate action in open session. Exhibits: None.

48. Pursuant to Sections 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the Chapter 7 Bankruptcy of Hillel Smulowitz, owner of the Ft. Sill Gardens Apartments, and if necessary, take appropriate action in open session. Exhibits: None.

49. 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 Diamond Properties of Lawton, Inc., and if necessary, take appropriate action in open session. Exhibits: None.

MOVED by Devine, 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: Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 8:09 p.m. and reconvened in regular, open session at 8:35 p.m. with roll call reflecting all members present except Shanklin.

Vincent read the title to Item 47 stating the Council convened in executive session to discuss the pending damage claim filed by the family of Charles Wrighton, deceased, case number DC-2003-17. Staff recommended no action be taken on this item.

Vincent read the title to Item 48 stating the Council convened in executive session to discuss the Chapter 7 Bankruptcy of Hillel Smulowitz, owner of the Ft. Sill Garden Apartments. Staff recommended a motion to file an application of no objection to release the liens with the Federal District Court.

MOVED by Hanna, SECOND by Devine to file an application of no objection to release liens on this property. AYE: Devine, Ewing-Holmstrom, Patton, Haywood, Warren, Bass, Hanna. NAY: None. OUT: Shanklin. MOTION CARRIED.

Vincent read the title to Item 49 stating the Council convened in executive session to discuss the purchase or appraisal and legal options regarding the described property owned by Diamond Properties of Lawton, Inc., and recommended denial of the counter offer but to continue negotiations.

MOVED by Hanna, SECOND by Bass to deny the counter offer and continue with negotiations on this property. AYE: Ewing-Holmstrom, Patton, Haywood, Warren, Bass, Hanna, Devine. NAY: None. OUT: Shanklin. MOTION CARRIED.

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