

Raymond McAllister said we had 215 floats in the parade and thanked everyone for participating and coming out.

Anna McGregor, also lives in the highrise and would like to ask the Mayor and Council if they realize how much seniors put back into the city. Ewing-Holmstrom said she would be glad to answer that, she knows exactly what they put back into the community, she has lived with elderly people all her life. She said she feels a lot of senior citizens think Council has called them nonessentials and that is not the case. We are talking about trimming some things, not shutting centers down. Trimming doesn't mean shutting down a center, turning lights off and no one there all week long, it means tightening and that is going to have to happen and nothing personal, it is going to have to happen throughout the City of Lawton. Ewing-Holmstrom said she knows they have put a lot into our community and appreciate it. McGregor named a few things they do, that everyone might not be aware of; knitting, crocheting, sending things to the Sulfur Veteran's Hospital, our local nursing homes and all the places they donate to. The city does pay for some supplies, but a lot of supplies are donated, which helps, therefore, we can give to the nursing homes, children's shelter, ladies shelter, etc. She invited Council to come by and see what they do.

Mayor Powell said it wasn't anyone's intention during this budget process to lessen the fact senior citizens have lead the way and made it better for many people in the Lawton/Ft. Sill community.

AUDIENCE PARTICIPATION CLOSED.

CONSENT AGENDA: Separate consideration was requested for Items 8, 11, 15, 17, 18 and strike item 4.

*Haywood left the room at this time (6:30 p.m.).

MOVED by Hanna, SECOND by Shanklin, to approve the Consent Agenda items as recommended with the exception of Items 8, 11, 15, 17, & 18 and striking Item 4. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Warren, Bass. NAY: None. MOTION CARRIED.

*Haywood out of room for this vote.

1. Consider the following damage claim recommended for denial: Encompass Insurance Company. Exhibits: Legal Opinion/Recommendation. Action: Denied claim.
2. Consider the following damage claim recommended for approval: Maynard Quast. Exhibits: Legal Opinions/Recommendations. Action: Approved claim-Quast-\$250.00
3. Consider accepting a Temporary Easement needed for the Meadowbrook Creek Local Flood Protection Project, and authorize the Mayor and City Clerk to sign the Temporary Easement and authorize payment for the same. Exhibits: Temporary easement is on file at the City Clerk's Office. Action: Approved Temporary Easement.
4. Consider accepting a Permanent Easement needed for the Meadowbrook Creek Local Flood Protection Project, and authorize the Mayor and City Clerk to sign the Permanent Easement and authorize payment for the same. Exhibits: Permanent Easement is on file at the City Clerk's Office. Action: THIS ITEM WAS STRICKEN AS SHOWN ABOVE.
5. Consider revoking the Revocable Communication Cable Permit with McLeod USA, formerly Caprock Telecommunication Corp. Exhibits: April 29, 2003 letter to McLeod; May 12, 2003 letter from McLeod. Action: Approved.
6. Consider ratifying the action of the Lawton Water Authority to permit PGS Onshore, Inc. to conduct a Geophysical Survey on land owned by the City of Lawton in the vicinity of Lake Ellsworth, accept payment of \$57,224.23 and authorize the Mayor and City Clerk to execute an agreement authorizing PGS Onshore, Inc. to conduct these surveys. Exhibits: PGS Onshore, Inc. letters dated April 23, 2003 (2); PGS Onshore, Inc. permits (5); Agreement for Geophysical Survey. Action: Approval to accept the funds for this project and designate the money be allocated to the shortfall in the Senior Centers.
7. Consider approving the construction plans for offsite water and sewer improvements to serve property located at NW 72nd Street and Quanah Parker Trailway. Exhibits: Map Action: Approved.
8. Consider approving Change Order No. 1 for the Municipal Pool Renovation Project #2001-22 with Downey Contracting, L.L.C. Exhibits: None. Action: Approved.

Bass said once you start painting pools, you have to paint them every year and was wondering if you could put plaster on there instead of painting. Ihler said it was explained to him if you put plaster on a large public pool, you would have to keep water in it year round or provide a cover and for safety reasons, you couldn't keep water in it year round. Bass said he believes everyone who owns a pool drains it below the pump so it doesn't freeze and the plaster never breaks or cracks from there up. He said all the plaster has been blasted off and the only thing

holding the water in that pool is the paint. Ihler said it's the concrete underneath the paint that is hopefully holding the water in the pool. Bass said what holds the water in the pool is the plaster they put over the cement. You are starting something you're going to continue to do every year. Ihler said with regards to the plaster, it was his understanding they would have to keep water in it year round and that would become a safety problem. Devine said his pool is almost 30 years old and 3 years ago he had to paint it; he was going to have it regunited, but the price was so expensive he decided to paint it. The paint used was an epoxy base paint, which is guaranteed to stay on 5 years minimum. He said he didn't know what kind of paint is being used, but would think you would use the regular epoxy paint. Ihler said he didn't know the specific details of the paint specs, he would have to talk with the design engineer.

MOTION by Bass, SECOND by Warren, to approve Change Order No. 1 for the Municipal Pool Renovation Project #2001-22 with Downey contracting, L.L.C. AYE: Devine, Ewing-Holmstrom, Shanklin, Warren, Bass, Hanna. NAY: None. MOTION CARRIED.

*Haywood out of room for this vote.

9. Consider accepting the NW 67th Street Overlay Project #2003-5 as constructed by H.G. Jenkins Construction, Inc. and placing the Maintenance Bond info effect. Exhibits: None. Action: Approved

10. Consider approving plans and specifications for the NW 38th Street (Cache Road to Rogers Lane) Water and Sewer Line Relocation Project #2003-9 and authorizing staff to advertise for bids. Exhibits: None. Action: Approved

11. Consider approving agreements for refuse disposal with the following entities, and authorize the Mayor and City Clerk to execute the Agreements: City of Cache; Town of Indianahoma; Multiple Community Services Authority; Town of Temple. Exhibits: Agreements on file in the City Clerk's Office. Action: Approved.

Shanklin asked if they are paying the same thing we are, they are not getting a break are they? Mitchell said he didn't believe they are. Ihler said they are paying the same price as required in the fee schedule.

MOTION by Shanklin, SECOND by Hanna, to approve agreements for refuse disposal with the following entities, and authorize the Mayor and City Clerk to execute the Agreements: City of Cache; Town of Indianahoma; Multiple Community Services Authority; Town of Temple. AYE: Ewing-Holmstrom, Shanklin, Warren, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

*Haywood out of room for this vote.

12. Consider approving agreements for euthanization services with the following entities, and authorize the Mayor and City Clerk to execute the Agreements: City of Cache, City of Grandfield; City of Geronimo; Town of Medicine Park. Exhibits: Agreements on file in the City Clerk's Office. Action: Approved

13. Consider renewing the professional services agreement with Robert M. Jernigan as a representative on telecommunication; James C. Ferguson of Walker, Ferguson and Ferguson for the defense of Workers' Compensation claims; Sylvia Burgess of Burgess and Burgess, Inc., in evaluating the City's flexible benefits plan (Cafeteria Plan) for employees and evaluating employees' benefit plans which may be impacted by IRS rules and regulations; Tony G. Puckett of McAfee & Taft on labor-related issues; Gary M. Bush of Fagin, Brown, Bush, Tinney & Kiser for financial related representative services; and authorize the Mayor and City Clerk to execute the Agreements issued as they effect the City of Lawton and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreements for Professional & Legal Services are on file in the City Clerk's Office. Action: Approved

14. Consider authorizing staff to develop and submit a grant application for the U.S. Department of Housing and Urban Development's (HUD's) Lead-Based Paint Hazard Control Grant Program and authorize the Mayor and City Clerk to execute the grant documents. Exhibits: None. Action: Approved.

15. Consider approving the following contract extensions: A) Temporary Workers with Direct Staffing Solutions, Inc. Exhibits: None. Action: Approved.

Ewing-Holmstrom said it doesn't show what we spend for the contract extension. Endicott said he doesn't have that figure. Endicott said he could email that information to her. Hanna asked if there is a fee charged to the City every time we hire someone from temporary services? Golden said yes, we have negotiated an hourly rate with that company. Hanna asked if the worker pays also. A lot of these places take money out of the worker's pay for finding the job for them. If they are, we are paying them twice. Golden said he does not know the answer to that. It is his understanding we pay them a flat hourly rate we negotiate with them and they provide us with sanitation workers, clerical people and labors. They absorb the cost for worker's compensation and unemployment, which is to the City's advantage.

MOTION by Ewing-Holmstrom, SECOND by Hanna, to approve the contract extension with Direct Staffing solutions, Inc.

for Temporary Workers. AYE: Shanklin, Warren, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None MOTION CARRIED.

*Haywood out of room for this vote.

16. Consider awarding contract for Copper and Brass to Oklahoma Contractor's Supply of Oklahoma City. Exhibits: Department recommendation (Abstract on file in City Clerk's Office) Action: Approved.

17. Consider awarding contract for Practice Ammunition to The Hunting Shack, Inc. Exhibits: Department recommendation and Abstract of Bids on file in City Clerk's Office. Action: Approved.

Devine asked why we accepted a bid for \$124.96 per unit, when number 3 bidder is \$75.50 per unit. Thorne said one is for 500 rounds and one if for 1,000 rounds. Thorne said he would verify that.

MOTION by Devine, SECOND by Shanklin, to approve awarding contract for Practice Ammunition to The Hunting Shack, Inc. AYE: Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

*Haywood out of room for this vote.

18. Consider awarding contract for Work Clothing to Eagle Group, Inc. Exhibits: Department recommendation and Abstract of Bids. Action: Approved

Ewing-Holmstrom said last year's budget we talked about embroidered emblems on city shirts as opposed to heat sealed. She asked what a summer cap is. Endicott said they are not wool caps. Ewing-Holmstrom said we supply a shirt, denim jeans and a ball cap for city employees to wear. Endicott said several of them, yes. Ewing-Holmstrom said bidder #3 shows embroidered emblem at \$4.55 and bidder #4 will heat seal it for \$4.05; this is a 50¢ difference, but how much are we saving if we heat seal? Endicott said obviously it would be cheaper for us to do the heat seal transfer; in the past, complaints have been they don't last. Ewing-Holmstrom said she is not the only person that's seen a city employee wearing an orange shirt worn with a really nice embroidered emblem on a shirt that will eventually wear out and be thrown away. She has a problem with this because when talking about saving money, that may be a place we need to look at. Powell said we are awarding this to Eagle Group, Inc.. Ewing-Holmstrom said it doesn't say if they are heat sealing or embroidering. Endicott said he can't answer that. Ewing-Holmstrom said we have bidder 3, which is highlighted, but we are talking about Eagle Group; are we just talking about Big Ben denim jeans; what are they getting for this bid? Endicott said all in the first column. Ewing-Holmstrom said Eagle Group is getting the bid for the Big Ben denim jeans and that's it. Mitchell said no, they are getting a contract for all those clothing items. Endicott said items 1-17. Ewing-Holmstrom said she just wants explained what Eagle Group is getting. Powell said it is listed. Endicott it is all items in that one column. Ewing-Holmstrom said then it's all these items and doesn't pertain to any other stuff such as heat seal or embroidered, etc.

MOTION by Ewing-Holmstrom, SECOND by Bass, to approve awarding contract for Work Clothing to Eagle Group, Inc. AYE: Warren, Bass, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

*Hanna and Haywood out of room for this vote.

19. Consider approving contract change order for Custodial Maintenance Service Group 1. Exhibits: Department recommendation; Abstract of Bids. Action: Approved.

20. Consider approving contract change order for Custodial Maintenance Service Group 2 & 3. Exhibits: Department recommendation; Abstract of Bids. Action: Approved.

21. Consider approving an agreement with the County Commissioners to participate in the Juvenile Accountability Incentive Block Grant (JAIBG). Exhibits: Juvenile Accountability Incentive Block Grant Agreement. Action: Approved.

22. Consider approving annual contract renewals between the City of Lawton and the following: County Commissioners (re: Juvenile Detention Center); Department of Corrections (re: temporary housing of prisoners in city jail); J. Roy Dunning (re: children's shelter); and Roadback (re: Detoxification Center); Lawton Crimestoppers, Inc. (re: funds from sale of property in police custody). Exhibits: Copies of contracts are on file in the City Clerk's Office. Action: Approved.

23. Approved reappointment to Lawton City Municipal Planning Commission (CPC): Harold Robinson.

24. Approved the minutes of May 6, 2003, Special Council Meeting and May 13, 2003, Regular Council Meeting.

25. Approved payroll for the period of May 12, 2003 to May 25, 2003.

*Haywood returned at this time (6:45 p.m.).

UNFINISHED BUSINESS:

26. Consider a request for a revocable permit to allow the installation of a sanitary sewerline along SW J Avenue near SW 38th Street. Exhibits: Application; Site Plan; Revocable Permit.

Bob Bigham said this was tabled at the last Council meeting at the request of the applicant, Mr. Ward, who is considering constructing a silk screen operation at the corner of 38th Street and J Avenue. Mr. Ward proposes to install a 2" sanitary line along J Avenue and bore under J and bring the line in the J Avenue right-of-way down a sewer line and put this line in the J Avenue right-of-way. Staff did contact Public Works Department and other various utility companies to get their opinion. Public Works Director advises there is a water line on the north side of J Avenue and the applicant would have to comply with the Department of Environmental Quality Standards with a separation between water and sewer line and construct a manhole to tie his force main into. Central Point, Energy Arkla advises they do have a distribution gas line in a portion of the requested area and the installation of a private sewer line could compromise their facility, therefore, they recommend this request be denied. Lawton Cablevision has a 24 account fiber, 2 fiber vault in this easement and opposes the issuance of this revocable permit. Underground fiber optic cable runs from the northeast corner of the property under SW J Avenue and to the north side of J and goes overhead. Southwestern Bell is not in favor of granting the revocable permit and AEP/PSO has no objections to the request. Bigham said Section 20-101 of the Code prohibits the use of public right-of-way for private utilities, however, there is a provision in the Code where Council may issue a revocable permit, providing the facility located in the right-of-way does not have a detrimental impact on the public or private utilities allowed in those locations.

Devine asked if there was a sewer system there he could tie into. Bigham said the closest gravity line he could get into would be on Lee Blvd. Devine said the owner is taking on all the expense himself to do this in order to get a workable system. Bigham said Mr. Ward is looking for the use of public right-of-way to do this, but he has the option to negotiate for a private easement not located on a public right-of-way. Shanklin said he doesn't know how we are disenfranchising his land; we've provided sewer lines everywhere else. We had the same thing happen on Cache Road. Bigham said this property has not been developed, it's been in this condition many years and this is one of the drawbacks from development; it did not have access to a close location to a gravity sewer line.

Powell said at the SW J and SW 38th intersection on the north side of the road is a manhole. Bigham said he is not familiar with that; it does not show on the Atlas map. Powell said there is a manhole there and why can't he go to that. Bigham said Mr. Ward was advised to meet with Public Works Sewer Division and did so. They explored all opportunities to sewer this property and Bigham said he cannot answer why or if that sewer line is available; they did not recommend tying into it. Powell said he didn't know if there was a sewer line under that manhole but there is a manhole there.

Shanklin said he would like to table this for two weeks so Mr. Ward can come before Council after finding out if there is a sewer line and manhole.

MOTION by Shanklin, SECOND by Haywood, to table this item for two weeks. AYE: Warren, Bass, Hanna, Devine, Ewing Holmstrom, Shanklin, Haywood. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

Mayor Powell requested moving to Item 29 with Council's approval.

29. Consider adopting a City Council resolution to support an Oklahoma Affordable Housing Tax Credit (OAHTC) application by McSha Properties, Inc. to the Oklahoma Housing Finance Agency (OHFA) and authorize the Mayor and City Clerk to execute the document. Exhibits: Letter from McSha Properties Inc. dated May 1, 2003; Resolution of Support, No. 03-85. Action: Approved

Tom Aplin said it's staff's recommendation that Council support this effort.

Vincent said Mr. Aplin handed in a revised resolution he wanted to make Council aware of; a cost needed to be added where it talks about a fire hydrant. We will be inserting an estimated cost not to exceed \$3,000.

Shanklin asked if CDBG was paying for this. Aplin said yes, that is correct. Shanklin asked which fund this would be out of. Aplin said this would come out of CDBG; this is a public improvement, infrastructure improvement project.

AUDIENCE PARTICIPATION:

Teresa Goss, Vice President of McSha Properties, Inc., Norman, thanked Council for taking time to hear them. They have been working with the City of Lawton, close to a year, trying to find a site to build an apartment complex here that is pleasurable to the community and the Council. We were looking at the Ft. Sill Gardens and at the same time a site at 27th and J Avenue, Mr. Devine's ward. After finding out who owned the property and found City National Bank has a lien on it, they met with Mr. Paul Elwinger, who told them about the property, the owner, who lives in New York and also told us there was an option on the property. They found out the property was in bankruptcy and the option at hand was not valid. Talking with the owner in New York, he gave them his Bankruptcy Trustee who they

contacted and was able to come to terms with a contract which went before the Court and was approved. They have a valid contract on the property, which is contingent upon receiving Housing Tax Credit; they do not own the property yet. It is their desire to work with the community and provide housing there's a need for. Today, Larry Shaver, one of the owners of McSha Properties and myself met with Col. Steuber and his staff to go over the housing shortage, which they feel they can help in solving. Right now there is a need for over 1300 housing units for the military, in addition to the independent studies we have done, there is need for additional apartment units. Either the apartment units you have are already occupied or are sub-standard. In our discussions with Col. Steuber, their desire is to have the properties off site rather than on base. We are here tonight asking for your support on the development of Ft. Sill Gardens and will also ask for your support on June 10th for the new construction of 92 units at 27th and J Avenue. By doing both developments at once, we feel it would economically work. We already are a member of your community; we own and manage Willow Park Apartments on Maple, which is probably one of your nicer apartment complexes and stays full all the time. We have 18 years experience in owning and managing properties in the state of Oklahoma.

Hanna asked if this and the next one is approved, which one will be worked on first? Goss said they will both be worked on at the same time. We will start all the work together; all the engineering work at the same time, our construction crew will be here, and the Superintendent will oversee both sites. Hanna asked if construction and rehab would go on simultaneously until finished. Goss said no, it will have to continue on because of our construction line, we will have a time limit to complete construction. She said normally it takes, depending on weather, seven to nine months for completion. Time is of the essence and the faster we get those completed and units available for occupancy, the more feasible it is for us.

Larry Shaver, Chairman of the Board, McSha Properties, said we at any one given time, will have five to seven apartment complexes under construction. This is what makes it feasible and economical to do at the same time. He said under OHFA Rules and Regulations, we have a short period of time in which to spend the 10% which is allocated to us. We will not know if we are successful until October; as soon as we are successful, we will buy both tracts of land, Ft. Sill Gardens Apartments and property on 27th and J Avenue. We will put a team of people in here and construction will start on both of them on the same day. We will have to have the building permit for both properties because Ft. Sill Gardens is inside and out; the entire exterior has to be done, we will be adding a pool to the property.

Ewing-Holmstrom said she has lived in both properties and survived Ft. Sill Gardens and it will be nice to see something positive happen with that property and lived in Willow Park Apartments; they do provide nice housing.

MOTION by Ewing-Holmstrom, SECOND by Bass, to adopt Resolution No. 03-85, with the contingency they are able to pull this out of bankruptcy and acquire property at 27th and J Avenue.

Shanklin asked Co. Steuber, if we are 1300 housing units down. Steuber said we just discussed this, this afternoon; we have just finalized a requirement for 1,302 additional housing units for Ft. Sill quarters and doesn't necessarily have to be made up of housing units on post, in fact, the army's standard is to find the housing in the civilian community rather than build on post. He said Brenda Spencer, his Housing Manager and Director of Community Activities, has looked at the properties McShea has and they are outstanding. More importantly, the new and renovated properties will meet the newest army standards, because they will be three bedroom, two bath apartments, which will help meet the housing standard.

Shanklin asked if they are going to build an additional 1,000 units on post. Steuber said not necessarily, we have validated a requirement for an additional 1,302 sets of quarters and those can be met in the civilian community, the army doesn't have to build those or do a privatization action that has an outside contractor coming and building them. However those are satisfied and right now there is no army money set aside to build so much as one of those 1,302, so whatever Lawton does to meet that requirement helps us as well as \$45 million coming into the Lawton area for construction, which seems to him, to help Lawton as well.

Shanklin asked about the tax credit; what it is and how money is made using it. Shaver said tax credits are very complicated, but to give a condensed version; for every five applications that go into OHFA, one to two is approved. He said they have been very fortunate and Teresa Goss worked for OHFA for 12 years and knows the ends and outs and McSha Properties have been fortunate in getting approval. Right now we are batting 1000; the more support we get from the city, the better chances are of getting approved. He said the way tax credits work is we go in apply for \$5 million in tax credits, they give us a certificate that says we have a reservation for \$5 million in tax credits; he takes that reservation and sells it, usually to Sun America for 99.9% of this project and set \$4 million back, paying us 80 4 on the dollar, then he goes to a local lender; with a tri-party agreement from Sun America guaranteeing the lender on my construction loan. They will take this to bale them out if something happens to me. Shaver said his two partners, himself and the company are all personally guaranteed and corporately guaranteed with Sun America on these things, plus I am guaranteeing this with the IRS for fifteen years and with OHFA for forty years. We then go and borrow the money, approximately \$6 million to build that apartment complex and once completed, I take the \$4 million dollars from OHFA and reduce my construction loan by that amount. Instead of debt servicing on a permanent loan, a \$6 million loan, where I have to charge XX amount for an apartment unit, I'm only debt servicing \$2 million dollars on that loan. Where I make money, of course I make a developer's fee and a construction fee because we are our own construction company and developer, for the next 15 years, I receive all the income from the property, all the profits from the property, and at the end of 15 years, Sun America gives the property back to me. If I have taken care of the property,

which we are very good at, and that property appreciates, at the end of 15 years, it will be worth 1 1/2 times, but I reduce that note by making payments for 15 years plus I have \$4 million dollars up front to reduce the total indebtedness, so at the end of 15 years, I've got all kinds of money with these things. The more you do, we do 2 to 4 a year, the more your equity builds.

Shanklin said, in other words, your company is going to own these. Shaver said he will own 1/10 of 1% for 15 years, Sun America will own 99.99% and at the end of 15 years, they will give it back to him. They have purchased a tract of land just west of 67th Street, on the north side of Gore and plan to start construction in the next 30 to 45 days on a market rate property that will look, inside, outside, same appliances, same blinds, same everything, as the new tax credit property. He has a contract to sign to buy a tract of land on 67th and Lee, on the south west corner, ten acres, which they plan to build a total complex of three bedroom, two bath units, which is what is needed by the military today; we will not cater to just to military, we will take civilians also. We met with the owner today and if she signs the contract, which she and her son said they would, will be under construction within the next 6 months.

Shanklin asked why he would want tax credit? Why would the government give tax credit? Is it so you won't have to pay as much taxes? Shaver said it doesn't help tax wise at all. It's like selling Sun America dollar bills for 80¢; they get a full one dollar benefit for an 80¢ purchase. I sell them \$5 million in cash credits, they pay me 80¢ on the dollar, \$4 million dollars and they get a full \$5 million write off.

AUDIANCE PARTICIPATION CLOSED

A vote on the motion was held at this time. AYE: Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Warren. ABSTAIN: Haywood NAY: None. MOTION CARRIED.

27. Hold public hearings and adopt resolutions declaring the structures at 617 SW H Avenue; 1402 NW Williams Avenue; 810 SW H Avenue; 1516 New York Avenue; 41 NW 31st Street; 1209 SW H Avenue; 1920 SW Monroe Avenue; 803 SW 7th 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 ___; No. 03-___; No. 03-___; No. 03-___; No. 03-___; No. 03-___; No. 03-___; No. 03-___.

1516 New York Avenue; 617 SW H Avenue, 1920 SW Monroe Avenue: Alltizer said three structures are voluntary by the owners, wishing to have them condemned, to receive reduced tipping fees and asked if a public hearing could be held for these three structures: 617 SW H Avenue; 1516 New York Avenue; 1920 SW Monroe. Powell asked John Vincent if we could hold a public hearing on these three properties at one time. Vincent said if it is the desire of Council.

PUBLIC HEARING OPENED.

Shanklin asked if 617 was a good address; he was just over there and that's a nice house. Alltizer said the property owner called and gave this address requesting condemnation.

PUBLIC HEARING CLOSED.

MOTION by Haywood, SECOND by Hanna, to adopt Resolution No. 03-86, 03-87, & 03-88; 617 SW H Avenue; 1516 New York Avenue; 1920 SW Monroe; to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Haywood, Warren, Bass. NAY: None. MOTION CARRIED

Mayor Powell asked Alltizer to check on the address on H Avenue and get back with Council if something is wrong.

1402 NW Williams: Alltizer said there are three structures on this property in various states of disrepair. The small structure has a roof collapsing and unsecured and City utility services were terminated in Feb. 2002. The owner has kept up the maintenance of the lawn, but Councilman Hanna had asked her to bring this before Council and it's also part of our Zone One Cleanup efforts.

Bass asked if these were three houses together. Alltizer said yes, 1402 and 1402 1/2 NW Williams. Bass said these were up for auction on June 16th and they would like this tabled until after that date. Ewing-Holmstrom said that means someone else will buy them and we'll bring them back a couple months later. Hanna said the owner had called him three weeks ago wanting a two weeks extension and he told her no. He said this has been going on for over three years.

Nothing has been done with them and deteriorating the neighborhood more and more. Ewing-Holmstrom asked Alltizer what would happen if Council decided these were dilapidated, go on auction and someone buys them, would this stop the process. Alltizer said we would probably have to serve notice on the new legal owner, she said she would have to refer to the City Attorney for the answer. Vincent said once they have been declared dilapidated and the 15 day time period elapses, the City Clerk notifies the County Clerk and it becomes a matter of record that they are dilapidated and all subsequent owners are on notice, once we have filed the documents in the County Clerk's Office. Ewing-Holmstrom asked what they were on notice for. Vincent said they are on notice that they are dilapidated and on the condemnation list. Alltizer said if the property owner fails to obtain a permit to either remodel or demolish those structures, within 15 days of

the passage of the resolution, it is then turned over to the City Attorney's Office to commence litigation in District Court. Tonight, after the resolution is passed, the City Clerk will file a notice with the County saying the City has a lien of interest on that property, with no specified amount, but this property has been before the City Council and has been condemned.

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS

MOTION by Hanna, SECOND by Ewing-Holmstrom, to adopt Resolution No. 03-89, declaring the structure at 1402 NW Williams to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety.

SUBSTITUE MOTION by Bass, SECOND by Warren, to table this item until June 24th, to give the owner a chance to sell this property. AYE: Shanklin, Warren, Bass, Devine, Haywood. NAY: Ewing-Holmstrom, Hanna. MOTION CARRIED.

810 SW A Avenue: Alltizer said this is a single mobile home residential home structure. Neighborhood Services has expended \$165.00 for mowing last season and multiple citations have been issued. The mobile home does not meet the current City Code requirements, utility services were terminated in September of 1995 and this property has been a chronic problem for several years.

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS

Shanklin said this is in Ward 5 and the City doesn't have anything saying they have to do it. We thought if something wasn't done within that two week time frame, we would issue a citation and it would go on their water bill, but there is nothing that forces anyone to do it. He said we have a dozen just like this. We are not doing anything about. If we are not going to come back with something saying if you don't do one or the other, we will cite you three times before we take them to the Court House and those citations will be on their water bill. Ewing-Holmstrom said that was great but what if they don't have water service. Shanklin said we would find something to do. Vincent said we are putting the lien when we do mowing, etc. and putting it on the water bill and issuing citations for failure to comply with our notices, but he said he doesn't know how to go from where this is to the water bill. Shanklin said, as an example, I have two weeks to tear down 810 H and I don't do anything, what are you going to do. Vincent said we are going to take you to District Court; in the meantime, Ms. Alltizer is supposed to be writing tickets. We are going criminally and civilly at the same time. Shanklin said we wants to see copies of all citations issued by Neighborhood Services to the people who didn't come in and get a remodel or demolition permit.

MOTION by Shanklin, SECOND by Warren, to adopt Resolution No. 03-89, declaring the structure at 810 SW H Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. AYE: Ewing-Holmstrom, Shanklin, Haywood, Warren, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

41 NW 31st Street: Alltizer said we have had significant problems with it being unsecured. We have expended \$161.88 for mowing last season. It needs significant exterior maintenance, but we haven't been inside recently to determine what the interior condition is like and utility services were terminated in January 2001. She said numerous complaints from citizens in that area have been received.

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS

MOTION by Devine, SECOND by Shanklin, to adopt Resolution No. 03-90 declaring the structure at 41 NW 31st Street to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. AYE: Shanklin, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

1209 SW H Avenue: Alltizer said this is a single residential structure and was unsecured this afternoon when they went out to take the photos. She said utility services were terminated in 1991. The property is in violation for tall grass and weeds and junk and debris. There is also a mobile home on the property, owned by the same property owner and will bring this back to Council for some action. There was an injunction filed in 1990, regarding this property, specifically the mobile home; that's why it is not being brought before you tonight because Alltizer needs to get with the City Attorney's Office on this.

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS

MOTION by Shanklin, SECOND by Haywood, to adopt Resolution No. 03-91, declaring the structure at 1209 SW H Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. AYE: Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

803 SW 7th: Alltizer said this is a single residential structure. Neighborhood Services has expended \$427.50 and has been unsecured three times in this past year.

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS

MOTION by Shanklin, SECOND by Haywood, to adopt Resolution No. 03-92, declaring the structure at 803 SW 7th to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. AYE: Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

28. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Residential/High Density to Commercial and an ordinance changing the zoning from A-1 (General Agricultural District) to C-5 (General Commercial District) zoning classification located at 7501 NW Cache Road. Exhibits: Resolution No. 03-____; Ordinance No. 03-____ (C-5 as requested); Ordinance No. 03-____ (C-1 as recommended by CPC); Location Map; Applications; Site Plan; CPC Minutes.

Bigham said this is an application for amendment to the Land Use Plan and a rezoning request at 7501 NW Cache Road. Applicants are Rita Love, Anita Ratcliff and Patricia Dawes. The Planning Commission reviewed this request on April 24th with a lot of debate and recommended amending the Land Use Plan by a 4-3 vote and recommend not approving the C-5 as requested by the applicants and recommend C-1 to the City Council. There was a substitute motion to go to C-4, but the motion did fail. Notice of Public Hearing was mailed on May 6th to 59 property owners, within 300 feet and proper notice was published in the Lawton Constitution.

PUBLIC HEARING OPENED

Rita Love, Route 1, Box 113B, Lawton, said she was the owner of half the property requested for rezoning. She said they have no offers on the property or any plans to do anything with it. She said her Mother and Aunt live in the house on the property and we felt it was time to consider going to the commercial zoning with all the activity going on in Lawton right now. They asked for C-5 because they felt it would provide more opportunities for people who might be interested in this land. The Planning Commission did look at both C-1 and C-4. If Council feels they can't consider the C-5, she asked if they would please consider C-4.

PUBLIC HEARING CLOSED

Devine said this is not in his Ward, but feels it needs to be kept in conjunction with what's there. He said if we do anything, he would like to see it go to a C-4. That would put everything in the same zoning. Devine said go ahead and make my motion a C-5.

MOTION by Devine, SECOND by Haywood, to adopt Resolution No. 03-93 and Ordinance No. 03-28 to amend the 2025 Land Use Plan from Residential/High Density to Commercial changing the zoning from A-1 (General Agricultural District) to C-5 (General Commercial District) zoning classification located at 7501 NW Cache Road. AYE: Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Haywood. NAY: None. MOTION CARRIED.

(Title read aloud) Ordinance No. 03-28

An Ordinance changing the zoning classification from the existing classification of A-1 (General Agricultural District) to C-5 (General Commercial District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

30. Consider supplementing the funding request by \$4,500 for the replacement of the restroom at Harmon Park. The Parks and Recreation Department is requesting the additional funding to change the building material of the exterior structure in order to make the structure more aesthetic and durable. Exhibits: None.

Tom Aplin said \$10,000 was authorized for this project about three years ago, subsequently, when estimates were done, they had to take the old restroom completely down and this significantly increased the cost. Several months ago Council approved an increase in funding allowing the replacement of the current restroom in Harmon Park. This request for an additional \$4,500 is to allow the Parks and Recreation Division to improve the facility to the same standard that is used in restrooms in the other parks in this community.

MOTION by Shanklin, SECOND by Bass, to approve supplementing the funding request by \$4,500 for the replacement of the restroom at Harmon Park. AYE: Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Warren. ABSTAIN: Haywood. NAY: None. MOTION CARRIED.

31. Consider approving contract change order for Harmon Park New Restroom Building. Exhibits: Department recommendation; Abstract of Bids.

MOTION by Shanklin, SECOND by Bass, to approve contract change order with Kent Waller Construction for Harmon Park New Restroom Building. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Warren, Bass. ABSTAIN: Haywood. NAY: None. MOTION CARRIED.

32. Consider adopting a Council Policy and Resolution regarding Damage Claim Mitigation Payments for sewer

backup prevention. Exhibits: Proposed Resolution No. 03-____; Proposed Council Policy No. ____.

Devine said he brought this to Council several months ago to work out some kind of system to assist homeowners with sewer backups. This is a backwater valve installed and basically reimburse the homeowner \$200 to help with the cost. The purpose of this is when the City main stops up and to keep it from flooding the house, this valve will close and won't let the sewer back up into the house. We found an ordinance where this has been in effect for a long time. We pay hundreds of thousands of dollars every year on sewer backing up destroying people's houses and this would be an asset to the City. Once they install this, it relieves the City from any responsibility of sewer damages.

Powell asked why we are asking the City to participate in the funding of this. Devine said to give them an incentive to do it and gives the City a little protection, because they are not going to go out and do it themselves; this has been available for many years. The minimal price we came up with was \$200 and that's about the cost of materials. We are now requiring this in our sewer rehab. When they run smoke tests and if it comes back they have had somebody come out to unstop their sewer and have broken holes into the sewer mains, which lets open sewage back up through those holes. Bass asked if this was for new homes or old homes. Devine said it is for anybody. Once they have a sewer backup, they can request one of these be put in. Vincent said this is for existing or new homes, tying into a sewer line with known problems. It's not just any line, what we have found in the Code in doing our research for this, we currently have in the building code, a requirement for new homes and replacement sewer lines, to have this installed. Shanklin said we just choose not to enforce it. Vincent said if Council goes with this policy, he believes it is the understanding of staff, that we will start enforcing that provision.

Powell asked about the funding source. Hanna said this is going to be a \$200 credit to them for buying this valve, right. Devine said they will be reimbursed \$200 after filling out an application. Hanna said we will not go out and purchase it for them. Devine said no, this is strictly for the individual to do. Hanna said if they do not maintain that valve and have problems afterwards, they are responsible. Devine said yes.

Powell asked again about a funding source. Devine said he really didn't know where we would come up with the money. Vincent said there are two issues on funding; 1) if the Council chooses to make this part of the requirement on a claim, there is a provision, if the claim is over \$400, it will come out of the Sinking Fund. Powell asked what the Sinking Fund was attached to. Vincent said the Court House; ad valorem. As far as the other funding, he doesn't know where that would come from.

MOTION by Devine, SECOND by Bass, to approve Council Policy 6-3 and Resolution No. 03-94 regarding Damage Claim Mitigation Payments for sewer backup prevention. AYE: Devine, Ewing-Holmstrom, Shanklin, Haywood, Warren, Bass, Hanna. NAY: None. MOTION CARRIED.

33. Consider passing a Resolution amending Appendix A, Schedule of Fees and Charges to create a contract application fee of One Hundred Fifty and No/100 Dollars (\$150.00) for outside water sales contracts. Exhibits: Proposed Resolution No. 03-____. Action: Approved

MOTION by Shanklin, SECOND by Haywood, to approve Resolution No. 03-95, amending Appendix A, Schedule of Fees and Charges to create a contract application fee of Fifty and No/100 Dollars (\$50.00) for outside water sales contracts. AYE: Ewing-Holmstrom, Shanklin, Haywood, Warren, Bass, Devine. NAY: Hanna. MOTION CARRIED.

34. Consider approving an amendment to the agreement between the City of Lawton and Lawton Evening Optimist Soccer Association requesting road base material, 3" rock, related to the construction and operation of a new soccer complex road and parking lot. Exhibits: Amendment to Cooperative Agreement. Action: Approved.

Ihler said the person constructing the Big Green Soccer Complex has requested they be allowed to use some of the 3" rock at the old Abandoned Waste Water Treatment Plant site, just east of the soccer field complex. They are asking for 2,500 tons of rock that exist in those trickling filters. We currently have about 50,000 tons remaining in those filters. When the old Waste Water Treatment Plant was abandoned in 1977-78, they just closed the gates and walked away. That rock is valuable to the City, we can utilize it for projects and have been doing so in the last couple months. They have requested the 2,500 tons to build the road coming into the complex. It would take about 17,000 tons of rock to construct the parking lot for this complex. We are recommending, because of the value of this rock, we provide the rock for the roadway construction and the City retain the remaining and use it over the next 18 months to 2 years.

Devine asked what we would charge them for this rock. Ihler said nothing, just allowing them to utilize it.

Ewing-Holmstrom asked if this rock would make an adequate road. Ihler said it will be used for the base and they will probably put about 2" of crusher over it and then asphalt over that.

Bass said he didn't understand how in 26 years we have never used any of that rock. Ihler said when it was closed, nobody realized it was going to be closed for that long. Because of the State School Land Commission asking us to

remediate that site about a year and a half ago, we really just became aware of it being available for use. Bass asked if there were 2,500 tons of rock in each cell. Ihler said no, there is seven cells; 6 cells contain about 9,000 tons each and one contains about 6,000 tons for a total of about 60,000 tons and in the last three months we have used about 8,000 to 10,000 tons. To give you an idea of the dollar value, about 2,500 tons is worth about \$18,000 to the City. The 17,000 tons would be worth about \$120,000 to the City.

Hanna said once the soccer fields are built and being played on, they will bring money to the City. That's the reason they are building in so many fields, about 33. The school system has asked to have the State Championships played here. Right now they are playing in Tulsa and Oklahoma City and they bring big crowds who stay two or three days and spend a lot of money. They don't come down here because we don't have enough practice fields for teams to practice on while the tournament is going on. This will help us out immensely in the long run by bringing in these big soccer tournaments that Tulsa and Oklahoma City are reaping the benefits from right now. Ewing-Holmstrom said we need this and let's just do it.

MOTION by Shanklin, SECOND by Haywood, to approve an amendment to the agreement between the City of Lawton and Lawton Evening Optimist Soccer Association requesting road base material, 3" rock, not to exceed 17,000 tons, related to the construction and operation of a new soccer complex road and parking lot. AYE: Shanklin, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

35. Consider establishing a Pumping Charge Fund. Exhibits: Resolution No. 03-__.

Endicott said this request is to establish a special fund needed to take care of pumping charge fees. Each month we pump for Waurika, we get an electric bill. In the past, we've had an amount set aside in Public Works budget to address the electricity bills, which this year we have pumped more than ever. We need a conduit that is more efficient to put the revenue into and pay the bills out of and that is what this fund would do.

Haywood asked how much money we are talking about. Endicott said it depends on how much we pump; in our current budget, we set aside \$190,000 and have well exceeded that and are into the \$300,000 range. Powell said what you are asking for is the pumping fee charge on the water bill to go into a separate account. Endicott said exactly.

MOTION by Shanklin, SECOND by Devine, to adopt Resolution No. 03-96 establishing a Pumping Charge Fund. AYE: Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

36. Consider approving an ordinance that creates Section 17-2-11-243, FURLOUGH, in Chapter 17, Lawton City Code, 1995, establishing a procedure for implementing mandatory furloughs of exempt and non-exempt employees. Exhibits: Ordinance No. 03-_____.

Tim Golden said this ordinance provides Council with the opportunity to establish a policy and procedure for the furlough of general employees. Currently there is no mechanism in the Code for Council to execute a furlough. Staff does not recommend we furlough general employees at this time. This is a pro-active measure in case you choose to do so. Staff recommends approval of the ordinance.

Devine asked if we are back to the same thing where we can't furlough police and fire. Golden said they are governed by contracts and referred the question to the City Attorney. Vincent said police has almost the exact face language we are using as a basis for this. Fire is silent, we believe we have the ability, but it is not as clear as it should be.

MOTION by Shanklin, SECOND by Bass, to approve Ordinance No. 03-29 that creates Section 17-2-11-243, FURLOUGH, in Chapter 17, Lawton City Code, 1995, establishing a procedure for implementing mandatory furloughs of exempt and non-exempt employees. AYE: Warren, Bass, Shanklin. NAY: Haywood, Hanna, Ewing-Holmstrom, Devine. MOTION FAILED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Col. George Steuber said yesterday Ft. Sill conducted their Memorial Service and was well attended and appreciates all the support from the community as we honor our soldiers, sailors, airmen and marines who have given the ultimate sacrifice for our freedom. Over the last week and a half, we have lost two additional soldiers from Ft. Sill; Lt. Col. Buragona was killed in the accident in Arrack and SSG Gaspard, Protocol NSO, killed Saturday in a car accident in Oklahoma City along with her sister. These are truly tragic accidents and we are trying to do whatever we can to raise the awareness of all our soldiers, civilian employees and contractors who work at Ft. Sill, to see if we can't keep these accidents from happening in the future. At the Garrison Commander's Conference for the Southwest Region at Ft. Hood last week, the Director of the Southwest Region, Hugh Exton, said he will support Ft. Sill's Army Housing Funding at 143% for next year to make sure we receive the funds necessary to adequately take care of army family housing. That will give us almost \$10 million dollars additional monies to put into doing repairs and maintaining the Ft. Sill Housing. Since we have no guidance on the fiscal year 04 budget, that's just a promise, but, even if he gives us 100%, that's a \$5 million increase on the funds we will

receive.

Haywood said Col. Steuber is leaving next month. Steuber said he will change command on June 20th. He said Col. Keith Herring, coming to us from the Army War College, will be taking command. He, his wife and two children have been here before and he was given a choice of Ft. Leavenworth or Ft. Sill and obviously he too the better of the two posts. He will be here at Ft. Sill and we are glad to see him return. He served here from 1990 to 1993 as a Small Group Leader, had his Battalion Command at Ft. Hood with the 1st Calvary and is an outstanding officer and will be a great asset to the community. Steuber said he will bring him to the June 24th Council meeting for introduction. Steuber said he will be going to Ft. Monroe, Tradoc Headquarters, Army International Programs.

Haywood said he was a young senior citizen, turning 55 yesterday.

Shanklin spoke about window tinting in vehicles when you can't see inside and asked if we had anything against that. Chief Thorne said there is a State Standard on tinting by degree that a window can be tinted and we have been giving tickets on this. Shanklin said he has had several calls on the mowing of 150 feet change and asked why we did that. Bass said Mike Baxter and himself brought this up. Inside the City limits there are large areas, like across from Dunbar, which could be a fire hazard. We would like to see them all mowed.

Ewing-Holmstrom said Saturday, in the Lawton Constitution, a gentleman by the name of Kevin Pack, wrote a letter to the editor and was directed towards her and was completely slanderous and false. It states, "Council woman has narrow focus," because he put into words that she feels the fire, police, sewer, public works and meter readers, etc. were nonessential and that is not true. She said she felt she has to defend herself because Mr. Pack went into great detail putting words in her mouth that was never said. She said this is an open invitation to Kevin Pack to shadow her Thursday at the budget meeting so he understands what she considers essential and nonessential. She said she clearly does not consider those departments to be nonessential. His last sentence says it leads him to the conclusion that the only nonessential personnel in the City of Lawton are Council people who don't see the entire picture. She invited Mr. Pack to join Council on Thursday at 5:00 p.m. at the budget meeting so he can see the entire picture.

Larry Mitchell reported Senate Bill 213, dealing with Municipal Liens, came out of the Senate with a 37-0 last week and will be heard this week in the House and we have high hopes that will pass. He said this is the legislation that will give us equal standing with property taxes on all our mowing and demolition liens and hopefully we'll get that done this year.

Thorne said the Lawton Airport received notice effective May 31st the overtime reimbursement funding to compensate us for placing officers there will cease. The likelihood is we will end our security out there, as far as Lawton Police Officers funded through the City, on the 31st of May. He said he did receive an email there's been an appeal to the TSA which, if appeal is granted, we might see funding in two months. That will still be part of the patrol district and if there is a problem out there, the officers will respond to the call. Ewing-Holmstrom said she recently flew to Washington D.C.; left from Lawton, to Dallas and then to D.C. and Lawton has the safest airport, safer than D.C. or Dallas; they were so thorough and quick, doing a really good job. Thorne said a lot friendlier too. Thorne said Office Terry Baldwin passed away at 2:30 this morning. He was active duty and was undergoing some medical treatments and advised us he would continue to work at long as possible and he did work Saturday night.

Powell sent out an urgent plea to the citizens of Lawton/Ft. Sill Community to slow their vehicles down. Slow down and live. Almost 800 people were killed in the State of Oklahoma last year; they are not accidents, they are wrecks. When you are flying down Lee Blvd. and it's 40 mph and you're doing 60 mph in an 18 wheeler, it's not an accident when you crash and kill somebody, that's called a wreck. An accident is an unexpected happening. He said going down Lee Blvd. this afternoon, nine vehicles passed him and he was going the speed limit, within a mile and a half. Rogers Lane, Jack Carter Expressway, is 50 mph, 70 is the norm. He said it doesn't matter what street you're driving on in Lawton, deaths are waiting to happen. Powell said he is making a plea to our citizens of Lawton/Ft. Sill to slow your vehicles down, to respect the speed limit, so we'll all be safer.

Haywood said on June 8th he will be in Kansas City and in case he's not here, he wanted to invite everyone to the annual Juneteenth Celebration where Mayor Cecil Powell is the guest speaker. This will be on June 14th at OH Arnold Park, starting at 5:30 p.m. and ends at 9:00 p.m. with free barbeque and free entertainment.

BUSINESS ITEMS:

37. 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. Exhibits: None.

38. Pursuant to Sections 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the purchase and/or appraisal of property which may be necessary to acquire for the 34th Street Drainage Project

and if necessary, take appropriate action in open session. Exhibits: None.

39. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending companion tort claims of Paula R. Clark, DC-2003-33, and Oklahoma Farm Bureau, DC-2003-40, against the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

40. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY2003-2004 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action Exhibits: None.

41. 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 Firefighters Union, IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

MOVED by Haywood, SECOND by Baxter, to take a ten minute break and convene in executive session to consider the items so listed on the agenda and as recommended by the legal staff. AYE: Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Haywood. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:25 p.m. and reconvened in regular, open session at approximately 9:30 p.m. with roll call reflecting all members present.

Vincent read the title of Item 37 as shown above. He said Council convened in executive session and after discussion staff recommends a motion to discuss a negotiated settlement of the eminent domain case.

MOTION by Ewing-Holmstrom, SECOND by Bass, to discuss a negotiated settlement of the eminent domain case regarding property owned by Morford Land and Leasing Co. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Haywood, Warren, Bass. NAY: None. MOTION CARRIED.

Vincent read the title of Item 38 as shown above. He said Council convened in executive session and after discussion staff recommends authorization for the City Attorney to negotiate for the purchase of property for the 34th Street Drainage Project.

MOTION by Shanklin, SECOND by Devine, to authorize the City Attorney to negotiate for the purchase of the property for the 34th Street Drainage Project. AYE: Devine, Ewing-Holmstrom, Shanklin, Haywood, Warren, Bass, Hanna. NAY: None. MOTION CARRIED.

Vincent read the title of Item 39 as shown above. He said Council convened in executive session and after discussion no action is required at this time.

Vincent read the title of Item 40 as shown above. He said Council convened in executive session and after discussion staff recommends continuing negotiations with the Collective Bargaining Agreement for FY2003-2004 between the Police Union, IUPA, Local 24.

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

Vincent read the title of Item 41 as shown above. He said Council convened in executive session and after discussion staff recommends continuing negotiations with the Collective Bargaining Agreement for FY 2003-2004 between the Firefighters Union, IAFF, Local.

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

There being no further business to consider, the meeting adjourned at 9:35 p.m. upon motion, second and roll call vote.