



(Title Only) Resolution No. 03- 122

A Resolution authorizing and directing the City Attorney to assist Bill and Alice Watson in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of One Thousand Eight Hundred Thirty-Nine and 29/100 Dollars (\$1,839.29).

MOTION by Shanklin, SECOND by Warren, to deny the damage claim of Southwestern Bell Telephone. AYE: Shanklin, Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

2. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00; Carquest Auto Parts, Katherine I. and Melton P. Meek; Southwestern Bell Telephone.

Action: Approved damage claims and Resolutions No. 03- 110 and 03- 111.

(Title Only) Resolution No. 03- 110

A Resolution authorizing and directing the City Attorney to assist Katherine I. and Melton P. Meek in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of One Thousand Four Hundred Fifty Dollars and 11/100 (\$1,450.11).

(Title Only) Resolution No. 03- 111

A Resolution authorizing and directing the City Attorney to assist Southwestern Bell Telephone Company in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Six Hundred Ninety Dollars and 58/100 (\$690.58).

3. Approved the annual Cooperative Agreement and an Agreement for Limited Services between the City and Transit Trust to provide funds for the operation of a public transit system.

4. Consider a request for a revocable permit to use the right-of-way at 1205 SW Summit Avenue for a circular drive to serve Goodwill Industries of SW Oklahoma.

Vincent said this involves CDBG funding and was pulled to allow Mr. Haywood to abstain.

MOTION by Shanklin, SECOND by Bass, to approve a revocable permit to use the right-of-way at 1205 SW Summit Avenue for a circular drive to serve Goodwill Industries of SW Oklahoma. AYE: Patton, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. ABSTAIN: Haywood. NAY: None. MOTION CARRIED.

5. Accepted the Fifth Amendment to Trust Indenture of the Lawton Arts and Humanities Council.

6. Approved a renewal Agreement between the City of Lawton and the Marie Detty Youth and Family Service Center, Inc. for the continued operation and management of a Community Intervention Center in Lawton and authorize execution of the renewal Agreement and any associated documents.

7. Approved a State-Local Grant funds agreement with the Oklahoma Department of Civil Emergency Management for the FY 2002 Supplemental Planning Grant Funds for Emergency Operations Plan in the amount of \$17,439.77 and authorizing the Mayor and City Clerk to execute said agreement.

8. Ratify the action of the City Attorney in assisting the City of Del City in a request for rehearing on the case styled Moran V. City of Del City, 2003 OK 57. Action: Approved.

9. Consider endorsing the Fiscal Year (FY) 2003-2004 Unified Planning Work Program (UPWP) for the Lawton Metropolitan Transportation Planning Process. Action: Approved.

10. Consider endorsing the Federal Fiscal Year 2004-2006 Transportation Improvement Program (TIP) for the Lawton Metropolitan Area. Action: Approved.

11. Approved the memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Area Planning Commission (LMAPC) for metropolitan transportation planning and air quality planning for Fiscal Year 2003-2004 for the Lawton Metropolitan Area.

12. Approved plans and specifications for the Landfill Expansion-Hydrogeological Investigation (Boring) Project #2003-10 and authorizing staff to advertise for bids.

13. Accepted a Temporary Easement needed for the Flower Mound Road (Lee-Gore) Project; authorize the Mayor and City Clerk to execute the Temporary Easement.

14. Adopted Resolution No. 03- 112 ratifying the action of the City Attorney and the City Manager and filing and making payment of the judgment in the Workers' Compensation case of Donnie R. Hanson in the Workers' Compensation Court, Case No. 2002-16560F.

(Title Only) Resolution No. 03- 112

A Resolution ratifying the actions of the City Attorney and the City Manager in making payment of the judgment in the workers compensation case of Donnie R. Hanson for the amount of Twenty-One Thousand One Hundred, Ninety-Two and 54/100 Dollars (\$21,192.54), per order of the Workers Compensation Court, and filing a foreign judgment in the District Court of Comanche County for purposes of placing said judgment on the tax rolls.

15. Approved the following contract extensions: Banking Services, Local Oklahoma Bank; Testing Services, Standard Testing and Engineering Co.; Sodium Silcofluoride, Harcros Chemicals, Inc..

16. Awarded contract for HVAC Services; Carrier Commercial Services.

Devine asked why we took the number two bidder instead of the number three bidder. Shahan said based on the discrepancy we found in the proposal, which is stated in the memo. He said basically, in the operations of the contract, there is a four hour response time in their proposal and the City of Lawton specifications require a two hour response time and the hours of operation were 8:00 a.m. to 4:30 p.m. and the City of Lawton is 8:00 a.m. to 5:00 p.m., the third discrepancy the contractor is solely responsible for replacement of fridgerant and they did not have that in their contract and the fourth discrepancy, they were bidding on 29 buildings and in our specifications it was for 40 buildings. Shahan said it was a difference in cost but we felt the number one bidder was bidding on the City of Lawton specifications and the number three bidder was bidding on their proposal.

Devine said we didn t get anyone local to bid on this? He said he only saw four bidders and they are all out of Oklahoma City and that seems like an awful long ways to drive for service calls. Shahan said for service calls there s a service employee who lives within a 30-mile radius, from the Carrier Corporation, who has been doing this for the last five years.

Bass said if they came in with a proposal and it didn t go with the City specs, why did we even accept it? Why wasn t this denied it right away? Why wouldn t we just leave number three off and go with one and two? Shahan said they submitted it, so we re just rejecting them, because they are the lower bidder, but, we believe they are bidding on completely different specifications than what was proposed to them.

Devine asked why wouldn t that delete them from the bid list totally? If you had done that to start with, this wouldn t have even come up.

Vincent said historically, we have always reported every bid received to the Council and if they don t meet specifications, we tell Council why they don t. He said the Council, under the purchasing policy, has the ability, if they choose, to waive, what is called, minor deficiencies, even though staff may say they don t met specifications. If the Council feels it s a minor deficiency, they can go ahead and award to another bidder.

MOTION by Devine, SECOND by Warren, to approve awarding contract for HVAC Services to Carrier Commercial Services. AYE: Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

17. Approved appointments to boards, commissions and trusts to: Mayor s Commission on the Status of Women, Jeri Anderson; Lawton Arts and Humanities Council, Dr. John Morris, Eve Sandstrom, Diana Brown, Anneliese Heston; Museum of the Great Plains Trust Authority, Keith Erwin.

18. Approved payroll for the period of June 9, 2003 to June 22, 2003.

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ADDENDUM ITEM:

1. Consider a Resolution amending Appendix A. Schedule of Fees and Charges, Lawton City Code, 1995, as amended, by applying recently increased rates for water and sewer service to customers within the city limits on a per unit basis and all others on a per customer basis, effective the same date as the increased rates, as recommended by the Lawton Water Authority.

MOTION by Bass, SECOND by Hanna, to approve Resolution No. 03- 123 amending Appendix A. Schedule of Fees and Charges, Lawton City Code, 1995, as amended, by applying recently increased rates for water and sewer service to customers within the city limits on a per unit basis and all others on a per customer basis, effective the same date as the increased rates, as recommended by the Lawton Water Authority. AYE: Warren, Bass, Hanna, Devine, Shanklin, Patton, Haywood. NAY: Ewing-Holmstrom MOTION CARRIED.

(Title Only) Resolution No. 03- 123

A Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, as amended, by applying recently increased rates for water and sewer service to customers within the city limits on a per unit basis and all others on a per customer basis, effective the same date as the increased rates.

**\*\*COUNCIL WENT OUT OF ORDER ON THE NEXT ITEM**

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**BUSINESS ITEM:**

23. Consider approving renewal of the Contract for Tourism and Economic and Industrial Development Services Agreement with the Lawton Chamber of Commerce and Industry (LCCI) for allocation and expenditure of Hotel-Motel Tax Revenues and approving the Hotel-Motel Tax Funded Budget for Fiscal Year 2003-2004 and receive the year-end report and take appropriate action.

Mitchell said Council, in their budget consideration this year, agreed to fund the Lawton Chamber of Commerce for the coming year at \$490,000 and asked if anyone wanted to address Council at this time.

Tony Pokorney, the new President of the Chamber, presented the annual report covering the fiscal year ending on the 30<sup>th</sup> of June. He said he wanted to speak on what has happened in the three areas funded by the Hotel/Motel Tax; Economical Development, Tourism and Governmental Affairs. He said in the area of Economic Development we have seen a lot of progress. 1) In the past year, Lawton/Ft. Sill has obtained a total of 1,410 new jobs. 2) The Chamber worked closely with the City in a program to rehabilitate the Haggard Building, to put it into a marketable condition as a manufacturing facility. 3) Lawton has been named to two national top 10 lists, by two different economic development magazines. He said recognitions were for having one of the largest Economic Development Project in the Nation for the year 2002; the expansion of the Goodyear Tire and Rubber Company; one of the top 10 cities in the Nation for job creation. 4) Under Economic Development, the initial planning has been accomplished to expand five local businesses and bring in four new companies in the near future. In the area of Tourism, we have completed a comprehensive Tourism Study and Marketing Plan, triggered by this Council last year; we have attracted over 19,000 visitors to our city, providing an estimated economic impact greater than \$750,000; we have brought in , in excess of 1,200 hotel room nights by funding local events; we have provided incentives to attract four new conventions over the next two years, bringing an estimated 4,000 attendees for multiple days and nights to our city. In the area of Governmental Affairs, we have held a legislative reception in Oklahoma City for our State Government Officials, attended by over 250 people; we have sponsored a visit to Washington D.C., where 22 of our citizens met with key federal decision-makers about National matters affecting our city and region; we participated as the Lawton/Ft. Sill Cooperative Group in the annual City Trash Off in April; we have sponsored eight legislative breakfasts through the 2003 State Legislative Sessions, featuring our local senators and representatives. He said a lot has been done, but much left to be done. He said he is proud to lead the staff as they implement requirements set forth by this Council and the Chamber Board of Directors.

MOTION by Patton, SECOND by Bass, to approve renewal of the Contract for Tourism and Economic and Industrial Development Services Agreement with the Lawton Chamber of Commerce and Industry (LCCI) for allocation and expenditure of Hotel-Motel Tax Revenues and approving the Hotel-Motel Tax Funded Budget for Fiscal Year 2003-2004.

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

**\*COUNCIL RETURNED TO CONSECUTIVE ORDER OF AGENDA AT THIS TIME.**

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**UNFINISHED BUSINESS ITEMS:**

19. 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.

Bigham said this is a request from Stan Ward to install a pressurized sanitary service line from a proposed business at 38<sup>th</sup> and J Avenue; this is the fourth time this item has been agendaed. He said staff is not concurring with this permit.

Bass said when this was tabled last meeting, he didn't see Mr. Ward in the audience and he was told from Arkla Gas Company he did not have to have it in cement because it's a pressurized line and Bigham had told him he had to have it in cement. Bigham said right, for a non-pressurized sewerline, it does have to have a 10 foot separation from the water line, unless it is encased in concrete. He said we did find out if it is pressurized PVC, it can be within 10 feet of a potable water line. Bigham said we have approximately 10 feet of right-of-way between the north curb line and the north right-of-way line with numerous utilities in this and staff feels this would not be a good request and are passing on the recommendation of private utility companies on this matter.

Powell asked where the sewerline would have to go now? Bigham said we don't have any detailed plans as to where the forced main would go, he just wishes to put it in the 10 foot right-of-way on the north side of J Avenue.

Bass asked what if he gets a permit to do this, has that put in and hits a cable line, who's responsible? Bigham said he is. Bass said so the city is not responsible for any damages done to any of those lines. Bigham said if this is going to require additional man power and expenses for the city, as well as the other utility companies, when they go back in to repair their facilities, it may prohibit them from putting in additional utilities or expanding service in

that space. He said this 10 feet is dedicated for public use and utilities to service that area and it s just going to be an additional burden on the City and utility companies to have an additional private system in that 10 foot space.

Ewing-Holmstrom asked where else could he put it? Bigham said it was discussed at the last meeting to carry the forced main out of the right-of-way on the north side and obtain a private utility easement and transfer it back to east. He said the other sewerline is down on Lee Blvd. about 1,000 feet away and that s really not a good option either.

Shanklin asked if there was no right-of-way on the south side of J Avenue? Bigham said there is a little more space; this building is built almost on the property line and there s a sidewalk right adjacent to that building when they improved J Avenue, so for this to go on the south side of J, it s going have to compete with a fiber optic meter vault, a sidewalk, a concrete driveway, and then have to go under J Avenue, which is new pavement there. It s basically all concrete and competing with the fiber optic vault.

Shanklin said Centre Point and Cablevision is opposed to it, but somebody said they didn t care. Bigham said AEP/PSO. Shanklin said he would have to hear what Ihler had to say.

Ihler said if we have to ever go in and repair that waterline, we would have to worry about it. If our waterline is below him, if we go out there, we are going to call OP Locate and they are not going to locate private lines, they are going to locate those identified by public utilities and there s the likihood we could hit and damage that line during that process. Shanklin asked about a septic tank system inside the city limits? Ihler said he thinks if you have access to public sewer within 200 feet, you have to extend the sewerline.

Vincent said the access question you asked is 200 feet; the State Code governs the placement of what you call a package facility, something similar to a septic system, right now, the DEQ Regulations requires a half acre plus access to a public potable water system. He said he wasn t sure how the package system, like they use out at Quail Run, all fits in that section because it s not placed inside the city limits, but there is the ability to do that.

Devine said that is a public utility easement for the public to use and to deny this man the use of that easement just because the utility companies doesn t want it, is wronging that individual. He said it doesn t have to be a separation if it s a gravity flow sewerline, and this will definitely be under pressure, there is no problem with having the distance between the water and sewer. He said if we give him a revocable permit and we have to go in there and dig, then the City is not going to be responsible for hitting his sewerline, if they end up hitting it, then he s going to have to repair it.

MOTION by Devine, SECOND by Bass, to approve 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.

SUBSTITUTE MOTION by Ewing-Holmstrom to deny 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. MOTION FAILED DUE TO LACK OF A SECOND.

Vote on MOTION was held: AYE: Hanna, Devine, Shanklin, Warren, Bass, Patton. ABSTAIN: Haywood. NAY: Ewing-Holmstrom. MOTION CARRIED.

20. Hold public hearings and adopt resolutions declaring the structures at: **1601 1/2 SW Bishop Road; 902 SW E Avenue; 2108 NW 18<sup>th</sup> Street; 1510 NW 15<sup>th</sup> Street; and 2108 NW 19<sup>th</sup> Street** to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate.

#### **1601 1/2 SW Bishop Road**

Alltizer said the property owner of 1601 SW Bishop Avenue, has requested Council to condemn this structure so they may take advantage of half off tipping fees at the Municipal Landfill.

PUBLIC HEARING WAS OPENED AND CLOSED WITH NO PARTICIPANTS.

MOTION by Haywood, SECOND by Hanna, to approve Resolution No. 03- 113 declaring the structure at 1601 SW Bishop Road 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. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

(Title Only)

Resolution No. 03- 113

A Resolution declaring a certain structure a dilapidated public nuisance, detrimental to the health, benefit, and welfare of the community; ordering the dilapidated structure be brought to habitable standards or demolished and removed; and

authorizing the City Attorney to initiate legal action in Comanche County District Court to abate such nuisance. **1601 SW Bishop Road**

902 SW E Avenue

Alltizer said this is a corner lot with an additional address of 511 SW 9<sup>th</sup> Street. There are five structures, one has been razed but not removed. We have expended \$131.06 for securing over the last year on one of these structures. She said city utility services were terminated in March and another one in April 2003. This property has been unsecured numerous times and has been a chronic problem for our police department. She said she had met with the new owner who came in to pick up a remodeling permit for these structures, but had not turned it in at this point, but she believes their intentions are to remodel some of those structures and raze and remove two of the others. They do not have a demolition permit for the one on the ground, but an inspector went out and visited with them today regarding that issue.

Shanklin asked if their intention was to remodel those.

Alltizer said the intentions of the Holy Ghost Pentecostal Church are to tear down a couple of the structures and rehabilitate the remaining ones.

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS

MOTION by Shanklin, SECOND by Devine to approve Resolution No. 03- 114 declaring structures at 902 SW E Avenue and 511 SW 9<sup>th</sup> Street dilapidated public nuisance, detrimental to the health, benefit, and welfare of the community; ordering the dilapidated structures be brought to habitable standards or demolished and removed; and authorizing the City Attorney to initiate legal action in Comanche County District Court to abate such nuisance. AYE: Shanklin, Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED

(Title Only) Resolution No. 03- 114

A Resolution declaring a certain structure a dilapidated public nuisance, detrimental to the health, benefit, and welfare of the community; ordering the dilapidated structure be brought to habitable standards or demolished and removed; and authorizing the City Attorney to initiate legal action in Comanche County District Court to abate such nuisance. **902 SW E Avenue and 511 SW 9<sup>th</sup> Street**

### **2108 NW 18<sup>th</sup> Street**

Alltizer said this next residential structure has become difficult over the last several months to take pictures of because of the overgrowth of vegetation; the structure is not in a serious dilapidated state, however, the carport is collapsing. She said the main reason for bringing this before Council is because it has been vacant, utilities were terminated in 1997 and it has been a chronic problem for us because we mow it at least two or three times each year. We have expended \$737.76 for mowings over the past three seasons. She said this property might be familiar because the last time we mowed it about a month ago, our mowing contractor found a military ordinance or piece of ammunition in the backyard, which turned out to be a dud, but it did receive some news coverage because of that.

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS

MOTION by Hanna, SECOND by Haywood to approve Resolution No. 03- 115 declaring structures at 2108 NW 18<sup>th</sup> Street dilapidated public nuisance, detrimental to the health, benefit, and welfare of the community; ordering the dilapidated structures be brought to habitable standards or demolished and removed; and authorizing the City Attorney to initiate legal action in Comanche County District Court to abate such nuisance. AYE: Patton, Haywood, Warren, Bass, Hanna, Devine, Shanklin, Ewing-Holmstrom. NAY: None. MOTION CARRIED

(Title Only) Resolution No. 03- 115

A Resolution declaring a certain structure a dilapidated public nuisance, detrimental to the health, benefit, and welfare of the community; ordering the dilapidated structure be brought to habitable standards or demolished and removed; and authorizing the City Attorney to initiate legal action in Comanche County District Court to abate such nuisance. **2108 NW 18<sup>th</sup> Street**

### **1510 NW 15<sup>th</sup> Street**

Alltizer said the legal address contains the address of 1510 NW 15<sup>th</sup> Street and also a street reference of 1504 NW Baldwin. The structures are actually on the 1504 NW Baldwin side, consisting of five mobile home structures, four of which were unsecured this afternoon when she went out to take the pictures. She said City utility services were terminated in June 2002 and this property has been a chronic problem for her office as well as the police department, which considerable amounts of vandalism and vagrancy activity is present and on going. She said the mobile home park does not have a current City Permit.

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS

Powell announced at this time that the lights in Elmer Thomas Park are all working and functioning properly. He has had several calls about this and it has been taken care of.

MOTION by Hanna, SECOND by Haywood to approve Resolution No. 03- 116 declaring structures at 1501 NW 15<sup>th</sup> Street and 1504 NW Baldwin a dilapidated public nuisance, detrimental to the health, benefit, and welfare of the community; ordering the dilapidated structures be brought to habitable standards or demolished and removed; and authorizing the City Attorney to initiate legal action in Comanche County District Court to abate such nuisance. AYE: Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED

(Title Only) Resolution No. 03- 116

A Resolution declaring a certain structure a dilapidated public nuisance, detrimental to the health, benefit, and welfare of the community; ordering the dilapidated structure be brought to habitable standards or demolished and removed; and authorizing the City Attorney to initiate legal action in Comanche County District Court to abate such nuisance. **1501 NW 15<sup>th</sup> Street and 1504 NW Baldwin**

**2108 NW 19<sup>th</sup> Street**

Alltizer said we have had approximately 200 structures brought before Council and have about 100 more to go, but we are making progress. She said this is a single residential structure that looks fairly sound outside, however it s a chronic problem for her office and have expended about \$600 in the last three mowing seasons to take care of this property. The City utility services were terminated in September of 1999 and are bring it before Council in hopes of prompting some action from the property owner.

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS

MOTION by Hanna, SECOND by Shanklin to approve Resolution No. 03- 117 declaring structure at 2108 NW 19th Street a dilapidated public nuisance, detrimental to the health, benefit, and welfare of the community; ordering the dilapidated structure be brought to habitable standards or demolished and removed; and authorizing the City Attorney to initiate legal action in Comanche County District Court to abate such nuisance. AYE: Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED

(Title Only) Resolution No. 03- 117

A Resolution declaring a certain structure a dilapidated public nuisance, detrimental to the health, benefit, and welfare of the community; ordering the dilapidated structure be brought to habitable standards or demolished and removed; and authorizing the City Attorney to initiate legal action in Comanche County District Court to abate such nuisance. **2108 NW 19<sup>th</sup> Street**

Shanklin said he had misunderstood Alltizer, that she was going to give a work order and go clean up this property while it s inhabited by a renter or owner; you are going to go onto their property and do that, right? He asked why we couldn t give them a ticket and put it on their water bill if they refuse to do it.

Alltizer said we can t put a ticket on their water bill, we can put charges for abatement, so because we sent them an Administrative Order telling them to abate the tall grass and weeds and clean up the brush pile in the back of their property, we gave them ten days to accomplish that and they have not completed that task, our options are to issue a work order to our contractor to abate that nuisance and if they don t pay that cost, that can be put on their water bill. She said simultaneously, we can also issue a summons for charges in Municipal Court.

Bass asked if this is what they re talking about special assessment taxes, the charges we do to mow those properties and now they ve sold those properties, we loose the money on it?

Mitchell handed out a short memo and a copy of Senate Bill 213, approved in the House and the Senate and signed by the governor recently with the emergency clause attached. This is the bill we have been trying to get through the legislature for the last three years. He said we think this will go a long way in addressing the very issue that Councilman Bass just raised. Mitchell read from the new bill: Where a municipality has abated any public nuisance, in accordance with State Law or Municipal Ordinance, the governing body may issue a tax warrant against each separate lot that was actually abated in the manner provided by law which shall be a valid lien on the lot and shall be extended, collected and bear a light penalty with other taxes of the State, County and Municipality. He said in the future, these Sheriff Sales, when they occur, they ll have to collect the City s lien and reimburse the City for those liens.

Bass said on the notice from the county, we lost all the mowing?

Vincent said on the first property, there were ten items that were mowing liens, yes we lost those. Now, in the future, we won t because of this legislature.

Bass said he doesn't understand how we lose them, when we send it over there and put it on their taxes; how do we lose it?

Vincent said there was a conflict between State Statutes on the Mortgage Statutes on Priority versus the Tax Statutes Priority. He said we were counted as a second or third party mortgage holder, in essence, so if not enough money is received to pay us off through the Sheriff's Force Sale, we didn't get anything, now because of this legislation, we move up to the top.

#### BUSINESS ITEMS:

21. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Professional Office to Commercial and an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification located at 1422-1426 NW Sheridan Road.

Bigham said this is an amendment to the Land Use Plan request and a rezoning action at 1422-1426 NW Sheridan Road. He outlined the property on a transparency for Council. The proposed use of this area is for a restaurant facility, which is currently located on north Sheridan Road and also in their site plan they show a 1,000 square foot office building. He said the site plan is very general and doesn't know if it's going to meet Code Requirements or not. The Planning Commission did review this request on May 22<sup>nd</sup> and recommends, 6 to 1, to go with the applicant's request of C-1 zoning.

Devine said we are back to spot zoning and most of those are vacant lots, they have already torn some of those down; why don't we go ahead and zone that whole strip, at least the next block, which would be Atlanta, from Cache Road to Atlanta, why wouldn't we go ahead and do that, because we know they are already tearing those houses down and they're already vacant lots? He said nobody is going to build a residential back there. Why wouldn't the City do that to save those people money because it costs so much to do this and the time element to go through the rezoning. Why don't we consider that?

Bigham said staff would have recommended the wrong zoning district because we would have recommended, as we did in this request, to go along with the approved Land Use Plan and the Planning Commission and the Council, which would have been professional office district, which have been much more compatible with the abutting single-family residence. He said this would not have been the selected application for this particular applicant, that would have not have worked for him if we had gone in and went along with City Policy on professional office district for this, so we have been right back to square one. They would have had to come in and request a different commercial district.

Powell said there are two issues here; 1) if those people want that land rezoned out there, that's their land, let's don't drive it down their throats, let them be the decision makers because they are the ones who own it; 2) Why are we in the business of spending our money to zone somebody else's property, when they haven't even asked for it?

Devine said we are going through the same identical thing down between Euclid and Arlington because we spot zoned all of that down there and ended leaving roughly 50-150 foot of lots; from 3<sup>rd</sup> Street back to 2<sup>nd</sup> Street, everything's commercial all down through there except the last tail end of those lots. It costs roughly \$600 for an individual to do one 50 foot lot and the City of Lawton can do the whole strip for roughly \$300.

#### PUBLIC HEARING OPEN

Kristin Corrales, owner of the two lots being spoken about. She said they have someone wanting to purchase those lots and are hoping they will be rezoned. She said they have already torn down the houses, the Planning Commission has agreed and are hoping Council will agree.

#### PUBLIC HEARING CLOSED

MOTION by Ewing-Holmstrom, SECOND by Patton to approve Resolution No. 03-118 amending the 2025 Land Use Plan from Professional Office to Commercial and Ordinance No. 03-35 changing the zoning from R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification located at 1422-1426 NW Sheridan Road. AYE: Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED

(Title Only) Resolution No. 03-118  
A Resolution approving an amendment to the 2025 Land Use Plan for the City of Lawton from professional office to commercial located at 1422-1426 NW Sheridan Road.

(Title Only) Ordinance No. 03-35  
An Ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to C-1 (Local 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.

22. Consider entering into a Memorandum of Agreement with the County Health Department for health services and authorize the Mayor and City Clerk to execute said agreement.

MOTION by Shanklin, SECOND by Bass to approve a Memorandum of Agreement with the County Health Department for health services and authorize the Mayor and City Clerk to execute said agreement. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED

23. Consider adopting a resolution in support of the Lawton Metropolitan Area Airport Authority in their efforts to obtain an Economic Development Grant under a Limited Federal Program, The Small Community Air Service Development Pilot Program.

Mitchell said this is a follow-up item to the consideration Council gave to the Lawton Airport Authority last week. He said Council approved the submission of their grant request for \$500,000 and with that grant request, we sent a letter of support and they are asking we consider approving this resolution to go along with the grant application.

MOTION by Bass, SECOND by Haywood to approve Resolution No. 03- 119 in support of the Lawton Metropolitan Area Airport Authority in their efforts to obtain an Economic Development Grant under a Limited Federal Program, The Small Community Air Service Development Pilot Program. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Hanna NAY: None. MOTION CARRIED.

(Title Only) Resolution No. 03- 119  
A Resolution supporting the efforts of the Lawton Metropolitan Area Airport Authority in obtaining an economic development grant under a limited federal program, The Small Community Air Service Development Pilot Program.

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REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood said the Juneteenth Celebration was a success and the kids had lots of fun.

Shanklin spoke on putting trash in containers and several people have mentioned this to him.

Ewing-Holmstrom spoke on the two firefighter positions; she said people are confused about the seven positions as opposed to the two. In the budget, we agreed there are two positions for firefighters, we will lose through attrition, is that correct?

Hadley said no not exactly. He said the two positions, we knew we would have open as of July 1<sup>st</sup>, were going to be eliminated and the other seven, out of the nine initial positions, the other seven would be eliminated through attrition.

Ewing-Holmstrom asked Mitchell if it s crucial to get rid of those seven firefighters? Wasn t the budget ok without getting rid of those seven positions?

Mitchell said we put the money back into the budget to fund the seven firefighters; our understanding was there would only be two vacancies this coming year with the long term view of reducing those nine positions over the next three to four years, that was the idea.

Ewing-Holmstrom said that s her concern and the general confusion the public has. That we are willing to put a freeze on the replacement of these people and in five years, if this is not re-evaluated in 6 months, we are going to be short a total of nine firefighters and she doesn t want that to happen.

Mitchell said he doesn t think we are going to be short nine firefighters. He said there was a recommendation made by the Fire Chief some six months ago, about how we could realign and reassign our equipment in order to streamline our manpower requirements, and that was the initial idea we presented to Council in the preliminary budget. He said he doesn t think we are going to be short nine firefighters, it s a matter of how we reassign the equipment and where we locate that equipment throughout our fire station system.

Powell said what everybody should know is there is money in the budget for those seven firefighters this year.

Ewing-Holmstrom said they will not lose their jobs.

Mitchell said they will not lose their jobs.

Ewing-Holmstrom said she wants it on record you are telling me we are not losing seven firefighters because it s a matter of public safety.

Powell said that action was taken by the Council the other night. He said he thought it was very clear and specific, the money is in the budget for seven firefighters.

Mitchell said if we experience other retirements we don't anticipate, obviously that is going to be a consideration on whether those positions will be filled or not. He said at this point, we are not planning to layoff any of those seven firefighters.

Hadley said if we have seven firefighters retire in the next month, then it would be up to Council to come back in and decide if we are going to replace those positions or not. We have word there may be two additional retirees within the next couple of months, but neither of those are definite.

Ewing-Holmstrom said that is her concern; the City cannot afford to be undermanned, police or firefighter.

Mitchell said he would be on vacation from the 4<sup>th</sup> of July to the 14<sup>th</sup> of July and in his absence, our Finance Director, Rick Endicott, will be the Acting City Manager.

Powell gave thanks to the water committee group who's been working and negotiating. He said it is his understanding a conclusion has finally come together with Ft. Sill and it will be three or four months before we know any final numbers.

Powell stated a picture has been portrayed out here that this past Council, this Council, Managers, etc. have just sat here and paid no attention to any semi-crisis this City has been in. He shared some numbers with everyone: July 1<sup>st</sup> 2002, Council adjusted fiscal year 02-03, \$920,000; July 1, 2002, City eliminated 22 full-time positions, \$578,890; January to June 03, hiring and travel frozen, \$1,400,000; July 1, 03, City positions eliminated, 18 full time, \$661,000; July 1, 03, step freeze on employees, \$730,000; July 1, 03, adjustment on employee health plan, \$322,000; July 1, 03, anticipated savings in salary lapses, \$500,000; July 1, 03, furlough day all employees, \$120,000; July 1, 03, decrease contract and part-time labor, \$40,000; a total cuts and or savings in one year of \$5,271,890. He said he would think somebody could say this City has done something about recognizing the fact we are one of the cities in the USA that joins them in saying we do have a budget crisis here, but the past Council and this Council, past Manager and current Manager has done something about it.

#### EXECUTIVE SESSION ITEMS:

25. Pursuant to Section 307B(4) Oklahoma Statutes, consider convening in executive session to discuss the settlement of a lawsuit, Case No. CJ-2003-392, City of Lawton vs. Bann Partnership, Alfred Espinoza and Green Family Investments, L.P., substituted as defendants, and if necessary, take appropriate action in open session.

26. Pursuant to Section 307B(4) Oklahoma Statutes, consider convening in executive session to discuss the settlement of a lawsuit, Case No. CJ-2003-270, City of Lawton vs. Woodland Arms Apartments, Inc., and if necessary, take appropriate action in open session.

27. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the continued employment of John H. Vincent as City Attorney, and in open session, consider approving an employment agreement with John H. Vincent as City Attorney and authorize the Mayor and City Clerk to execute the Agreement.

28. Pursuant to Section 307B.2 Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2003-2004 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session.

29. 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.

MOTION by Hanna, SECOND by Warren to take a five minute break and convene into executive session. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Hanna, Devine. NAY: None. MOTION CARRIED

The Mayor and Council convened in executive session at approximately 7:45 p.m. and reconvened in regular, open session at approximately 8:20 p.m. with roll call reflecting all members present.

Vincent read the title of Item 25 as shown above. He said Council convened in executive session and after discussion staff recommends a motion to approve a settlement offer of \$8,500.

MOTION by Bass, SECOND by Hanna, to approve a settlement offer of \$8,500 in the lawsuit of, Case No. CJ-2003-392, City of Lawton vs. Bann Partnership, Alfred Espinoza and Green Family Investments, L.P., substituted as defendants. AYE: Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED

Vincent read the title of Item 26 as shown above. He said Council convened in executive session and after discussion staff recommends approval of the settlement offer of \$8,000 with the City constructing a temporary, 4ft. chain link fence, in the lawsuit of, Case No. CJ-2003-270, City of Lawton vs. Woodland Arms Apartments, Inc..

MOTION by Bass, SECOND by Hanna, to approve the settlement offer of \$8,000 with the City constructing a temporary, 4ft. chain link fence, in the lawsuit of, Case No. CJ-2003-270, City of Lawton vs. Woodland Arms Apartments, Inc.. AYE: Haywood, Warren, Bass, Hanna, Devine, Shanklin, Patton. NAY: Ewing-Holmstrom MOTION CARRIED

COUNCIL WENT OUT OF AGENDA ORDER AT THIS TIME.

Vincent read the title of Item 28 as shown above. He said Council convened in executive session and after discussion staff recommends approving a resolution adopting terms of employment for the members of the International Union of Police Associations, Local 24, effective July 1, 2003, and remaining in place until a bargaining agreement is reached.

MOTION by Devine, SECOND by Hanna to approve Resolution No. 03- 120 adopting terms of employment for the members of the International Union of Police Associations, Local 24, effective July 1, 2003, and remaining in place until a bargaining agreement is reached. AYE: Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED

(Title Only) Resolution No. 03- 120  
A Resolution adopting terms of employment for the members of the International Union of Police Associations, Local 24, effective July 1, 2003, and remaining in place until a bargaining agreement is reached.

Vincent read the title of Item 29 as shown above. He said Council convened in executive session and after discussion staff recommends approving a resolution adopting terms of employment for the members of the Firefighters Union, IAFF, Local 1882, effective July 1, 2003, and remaining in place until a bargaining agreement is reached.

MOTION by Bass, SECOND by Hanna to approve Resolution No. 03- 121 adopting terms of employment for the members of the Firefighters Union, IAFF, Local 1882, effective July 1, 2003, and remaining in place until a bargaining agreement is reached. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED

(Title Only) Resolution No. 03- 121  
A Resolution adopting terms of employment for the members of the Firefighters Union, IAFF, Local 1882, effective July 1, 2003, and remaining in place until a bargaining agreement is reached.

COUNCIL RETURNED TO CONSECUTIVE ORDER OF AGENDA.

Powell read the title of Item 27 as shown above. He said Council convened in executive session and after discussion staff recommends approving an employment agreement, with the sick leave in lieu of, to take as terminal leave included, with John H. Vincent as City Attorney and authorize the Mayor and City Clerk to execute the Agreement

MOTION by Haywood, SECOND by Hanna to approve an employment agreement, with the sick leave in lieu of, to take as terminal leave included, with John H. Vincent as City Attorney and authorize the Mayor and City Clerk to execute the Agreement. AYE: Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED

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There being no further business to consider, the meeting adjourned at 8:25 p.m. upon motion, second and roll call vote.