

Meeting of 2003-8-12 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
AUGUST 12, 2003 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell,                      Also Present:  
Presiding                                      Larry Mitchell, City Manager  
    John Vincent, City Attorney  
    Melody Cudd, Deputy City Clerk  
    Gregory K. Herring, Fort Sill Liaison

The meeting was called to order at 6:28 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT:                      Randy Bass, Ward One  
    James Hanna, Ward Two  
    Glenn Devine, Ward Three  
    Amy Ewing-Holmstrom, Ward Four  
    Robert Shanklin, Ward Five  
    Jeffrey Patton, Ward Six  
    Stanley Haywood, Ward Seven  
    Randy Warren, Ward Eight

ABSENT:                      None

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AUDIENCE PARTICIPATION: Anyone having an item of business to present to the City Council that does not appear on the agenda please come forward at this time.

Mr. Ed Cagle, 3413 NW Cache Road, spoke concerning a recent water disconnect saying he had been under a great deal of stress and turmoil due to the recent illness of his wife. He indicated he found a reminder notice concerning his past and current water bill and promptly mailed a check for payment. He felt his situation should have been handled in a better manner as he had been a water customer for 60 years and has never been cutoff. He knew it was his duty to get his bill paid in a timely manner, but felt his current situation should have been considered an extenuating situation.

Once he determined he had no water, he called Revenue Services to report the situation and was told his account had been disconnected for nonpayment. He asked the clerk if payment had been received, as he had mailed it several days ago. The clerk indicated payment had been received but not posted at that particular time. He expressed concern about the City having received his payment, but not pulling his name off of the disconnect list, saying if his name had been removed he would not be without water and would not be expected to come up with additional money to get his water reconnected.

His water service was later connected after agreement to pay the amount due plus other charges. He asked the Mayor and Council to review the current policy on water disconnects to determine if extenuating circumstances could be factored into the disconnect policy, saying a person's payment history should be taken into consideration before a disconnect was performed.

Mayor Powell said he had discussed this situation with the City Manager. Mitchell said he would review this policy and would provide information to Council at a later date on ways to alleviate future situations.

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CONSENT AGENDA : Separate consideration was requested for Item 3, 6, 7, and 9.

MOVED by Hanna, SECOND by Bass, to approve the Consent Agenda items as recommended with the exception of Items 3, 6, 7, and 9. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for denial: Joseph and Carol Vlahovich. Exhibits: Legal Opinion/Recommendation. Damage Claim denied.

2. Consider the following damage claim recommended for approval: Deborah and Rodney Castello. Exhibits: Legal Opinion/Recommendation. Damage Claim approved.

3. Consider the following damage claim recommended for approval and consider passage of the resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Keith and Susan Schweitzer. Exhibits: Supplemental Claims Memorandum/Recommendation; Resolution No. 03- 137.

Patton asked if water had been turned on by a city employee and if water could do that much damage in thirty minutes. Vincent said in all probability the water had been turned on and the turn on valve at the washing machine was leaking. Vincent said the employee was disciplined on this instance.

MOVED by Patton, SECOND by Bass, to approve damage claim and adopt Resolution No. 03-**137**. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Hanna. NAY: None. MOTION CARRIED.

4. Consider ratifying the action of the Lawton Water Authority to approve the Surface Sub-Lease Contract for Tract 25 at Lake Ellsworth between the Lawton Water Authority and Cameron University, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: The Surface Sub-Lease Contract is on file in the City Clerk s office. Ratified the action of the LWA and approved the Surface Sub-Lease Contract for Tract 25 at Lake Ellsworth.

5. Consider ratifying the actions of the Lawton Water Authority approving grazing, tillage and baling leases to the highest bidder and authorize the Mayor and City Clerk to execute the leases. Exhibits: Notice of Public Auction and Lease Agreements between Lawton Water Authority and highest bidders are on file in the City Clerk s Office. Ratified the actions of the LWA and approved leases to the highest bidders.

6. Consider amending Appendix A, Schedule of Fees and Charges, Lawton City Code establishing a fee for temporary food service establishment permits. Exhibits: Resolution No. 03- **150**.

Warren asked Mayor and Council to extend the reduction further, noting when applications are filed by a non-profit organization it was hoped this fee would be reduced to \$15 for non profit only and not sub-contractors and only apply if they were the actual entity providing the service. This proposal should be amended to read \$15 for a three-day function.

Patton asked for further amendment to include a six month license at the rate of \$75. This would allow seasonal vendors to obtain a license for only six months during the peak time of their operation.

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

7. Consider approving the First Amendment to the Lawton/Ft. Sill Arts Council building lease at 17<sup>th</sup> and Ferris. Exhibits: Amendment to Lease Agreement in the City Clerk s Office for review.

Bass asked if the City could terminate this 100 year lease at any time. Vincent said he had not seen the lease agreement and was unable to answer.

MOVED by Bass, SECOND by Devine, to table this item for further review of lease agreement. AYE: Shanklin, Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

8. Consider denying requests for the installation of traffic control devices near 2131 NW Smith, SW 4<sup>th</sup> and Monroe and NW Meadowbrook Drive at 46<sup>th</sup> Street. Exhibits: None.

9. Consider approving a Resolution authorizing the installation or removal of traffic control devices on NE Independence at Cache Road and at Flower Mound Road, SW 25<sup>th</sup> at Lee Blvd., SW Roosevelt at 21<sup>st</sup>, Will Rogers Elementary, NW 53<sup>rd</sup> and Liberty, 76<sup>th</sup> on Woodland Hills Drive, NE Village Drive just south of Rogers Lane. Exhibits: Resolution No. 03-\_\_\_\_.

Devine said the removal of the school zone traffic control device at NW 53<sup>rd</sup> and Liberty should be deleted from this Resolution as this school zone traffic device was needed in this area while kids are crossing at this location to get to their respective school.

Wolcott said a letter was received from Al Kirkes, LPS, making a request to have this device removed. Devine said this was the only traffic control device in the area and should remain at this location, for no other purpose but as a pedestrian crossing.

MOVED by Devine, SECOND by Ewing-Holmstrom, to remove item 5 as listed and adopt the remainder of the resolution. AYE: Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

Ewing-Holmstrom asked the cost to remove this traffic control device. Wolcott said there would be no cost to remove the device but the amount would be offset by no longer paying electrical bill to have it lit up.

10. Consider a proposal from Lawton Mobile Meals for services for FY2003-2004, and enter into an agreement for services and authorize the Mayor and City Clerk to execute the same. Exhibits: Proposed agreement on file with City Clerk.

11. Consider approving a contract amendment to the existing contract CL03-002 with Standard Testing and Engineering Co. for testing services. Exhibits: Amendment to Agreement; Letter dated August 5, 2003 from Standard Testing and Engineering Co.

12. Consider accepting the Eastside Community Park Project #2000-19 as constructed by T & G Construction, Inc. and placing the Maintenance Bond into effect. Exhibits: None.

13. Consider awarding a construction contract to Shawnee Lighting Systems, Inc. for the Greer Park Tennis Court Lighting Project #2002-13. Exhibits: None.

14. Consider accepting an 8-inch waterline along US 281B, east of SW 11<sup>th</sup> Street and Maintenance Bond. Exhibits: Location Map; Escrow Agreement on file in City Clerk s Office.

15. Consider accepting the waterline, sewerline, street modifications, traffic signal upgrades, and storm drainage improvements serving the Wal-Mart Supercenter located at NW 67<sup>th</sup> Street and Quanah Parker Trailway, Easements, and Maintenance Bond. Exhibits: Location Map; Easements and Maintenance Bond on file in City Clerk s Office.

16. Consider ratifying the action of the Mayor and City Manager in applying for an Oklahoma Department of Civil Emergency Management Emergency Management Performance Grant sub-grant for Federal Fiscal Year 2003 in the amount of \$6,000 for the purchase a computer, radios, and computer software to aid in the emergency management activities of the City of Lawton. Exhibits: Emergency Management Performance Grant 2003 Supplemental Sub-Grants application.

17. Consider approving the following contract extensions: Electro Fusion Polyethylene Fittings for DR 17 Pipe (CL02-067), Secor and TT Technologies; Redi-Mix Concrete (CL03-011), Southwest Ready Mix; Rental Equipment (CL02-068), Kirby-Smith Machinery; Tactical Body Armor (CL03-010), Special OPS Uniform; and Copier Contract (RFPCL03-009), High Tech Office Systems. Exhibits: None.

18. Consider awarding contract for Medical Director (CL03-076), Richard L. Campbell, M.D. Exhibits: Department recommendation and Abstract of Bids.

19. Consider approving cancellation for Water Meters, Parts and Service Items B 1-7 (CL03-062), Oklahoma Contractor s Supply of Oklahoma City. Exhibits: Abstract of Bids.

20. Consider awarding contract for Rental of Portable Restrooms (CL04-002), ARA Equipment Rental. Exhibits: Department recommendation and Abstract of Bids.

21. Consider approval of appointments to boards, commissions and trusts; Odessa Dangerfield appointed to Housing Authority as Resident appointment. Exhibits: Memo.

22. Consider approval of payroll for the period of July 21, 2002 to August 3, 2003.

23. Consider approval of minutes of June 24, 2003, Regular Council Meeting, July 8, 2003, Regular Council Meeting and July 22, 2003, Regular Council Meeting.

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#### BUSINESS ITEMS:

24. Hold a Public Hearing and consider a Resolution Amending the 2025 Land Use Plan from Residential/Low Density to Commercial and an Ordinance changing the zoning from A-2 (Suburban District) to C-1 (Local Commercial District) zoning classification located at 5209 SW Lee Boulevard. Exhibits: Resolution No. 03-\_\_\_\_ ; Ordinance No. 03-\_\_\_\_ ; Location Map; Site Plan; Applications; CPC Minutes.

Deborah Jones, Assistant Planning Director, said this request was for a 0.626 acre tract of land located at 5209 SW Lee Boulevard and the applicant is Mr. Leonard Feitz and the property owner is Commissioners of the Land Office. Both parties have signed the application

The zoning of the surrounding area is A-2 to the north and west, Planned Unit Development to the south, and C-4 (Tourist Commercial District) to the east. The land use of the surrounding area is vacant to the north and west,

commercial (Fort Sill Federal Credit Union) and vacant to the south, and commercial (Arvest Bank) to the east. The current land use of the requested area is vacant, and the proposed use is a Taco Mayo restaurant.

On July 10, 2003 the City Planning Commission (CPC) held a public hearing on the request. During the public hearing one person spoke in favor of the request, and no one spoke against the request. The CPC, by a 5 - 0 vote, recommended approval of C-1 zoning to the City Council.

Notice of public hearing was mailed to one property owner within 300 feet of the requested area on July 22, 2003, and proper notice was published in *The Lawton Constitution* on July 27, 2003.

Public Hearing Opened: No one appeared to speak and public hearing was closed.

MOVED by Devine, SECOND by Haywood, to adopt Resolution 03-138 and adopt Ordinance 03-39 on the rezoning issue.

(Title read aloud) Ordinance No. 03-39

An Ordinance changing the zoning classification from the existing classification of A-2 (Suburban District) to C-1 (Local Commercial District) zoning classification on the tract of land which is hereinafter more particularly described in section one hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance

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

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25. Hold a Public Hearing and consider authorizing acceptance of the 2003 Department of Justice Block Grant. Exhibits: List of Recommendations for Purchases.

Harold Thorne, Chief of Police, said this item was a request to accept funding under the 2003 Block Grant in the amount of \$83,043 and does require a 10 percent match of which funding has been budgeted. A list of items to be purchased has been attached and approved by a committee.

Public Hearing Opened: No one appeared to speak and the public hearing was closed.

MOVED by Bass, SECOND by Devine, to authorize the acceptance of the 2003 Block Grant. AYE: Warren, Bass, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. OUT: Hanna. MOTION CARRIED.

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26. Consider authorizing an external audit of the Revenue Services Division of the Finance Department and, if so authorized, provide direction to staff on the manner in which an auditor will be selected and the specific areas or activities of the Revenue Services Division to be included in the audit. Exhibits: Utility billing information for fiscal year ending June 30, 2003.

Councilman Shanklin addressed Mayor and Council saying that 50% of budget receipts come from the sale of water and 34% comes from sales tax. Shanklin said there were several incidents where customers owe the City money, one being a bill of \$4,000 which was turned over to a collection agency, saying whether or not that meter was being read, the water was being used and should be paid for and should not be turned over to a collection agency.

Shanklin said there was an implied contract in the State Statutes saying a customer was responsible back at least three years whether you know about it or didn't get billed for it, once it has been called to the attention of the utility, that money can be collected.

Shanklin said the Revenue Services Division is under staffed, just as Mr. Cagle brought that to everyone's attention. Shanklin said he felt the city had staff that was knowledgeable on audits that should be able to perform the requested audit.

Shanklin said there are customers on the system being billed as single family dwellings in which a small business was being run from the home and they are not paying their fair share, businesses such as a beauty salons, pet grooming businesses, barber shops; these businesses should be billed a factor of two.

Shanklin said he did not have a clue what an outside auditor would charge to perform the requested audit and said Rick Endicott suggested an outside auditor complete this task. Shanklin said the collection of the sale of water was the majority of the funds received and would like to see all units being billed correctly.

Ewing-Holmstrom said she would rather see money expended to hire additional employees for the Revenue Services Division to investigate and recover the funds being lost rather than hire an external auditor; and said by adding more staff to investigate would be a learning experience as well as getting the division up to a workable staffing level. Ewing-Holmstrom further asked if the City was losing enough funds to justify hiring an external auditor. Mitchell said an external audit was completed on the City in the last budget year.

Warren said he would suggest an RFP be put out to gather facts and figures on potential costs to perform such an audit to determine if the money could be better put to use by hiring another employee for the division.

Mayor Powell said in the past he had a zero reading on the meter at his residence where he brought the bill into Mr. Carson and the situation was taken care of and paid. Powell said the meter readers should be attentive to the areas while reading and know what to be looking for on billing factors.

Rick Endicott, Finance Director, said he talked to Councilman Shanklin regarding the audit and from a pure reception standpoint, an outside auditor would be useful, with an independent view point. If an external auditor was looked at, experience in utilities would be very important.

Endicott said every year the external auditors audit a sample of water bills and in that sample they are to take a look to determine if customers paid their bills, but they are unable to determine the billing factors from looking at the sample, because auditors don't know if customers have small businesses in their homes and said nobody coming in from the outside would know, saying field testing would be necessary and this testing would be expensive.

Endicott said he currently has a very professional Revenue Services Supervisor, who is loaded down doing clerical work, because staff was not available for her to have time to thoroughly review reports coming from MIS that basically identify areas of concern. Endicott said progress has been made in the past year.

Endicott said a meter replacement program was necessary and should be considered in the upcoming budget; saying the old meters on the system do not reflect proper readings, causing billing amounts to be lower than normal. Endicott said the employee turnover rate within this division was a substantial problem for meter readers and the standards are high for their performance.

Endicott said the division needs help and the supervisor should be allowed more time to supervise and review reports and statistics rather than doing clerical work and working with customers wanting special exceptions on their bills.

Endicott said an external or internal auditor could take the time to assist the directors and supervisors and look at those things of concern, but with this division currently being understaffed, it would be detrimental to the welfare of the division to pull this supervisor and require her to begin an audit function of water bills. Endicott said this division enforces the City Code in which the governing body has established. Endicott said he felt the division was currently collecting more money by upholding the code and not waiving penalties and charges.

Ewing-Holmstrom said this issue reflects the statements made by Mr. Cagle knowing the divisions' hands are tied by people coming in wanting exceptions on their bills. She said she knew this took extensive time to visit with customers keeping staff from completing their daily tasks. Ewing-Holmstrom said she supported Endicott fully and that Council was going to have to give their support in following the code so employees could get their work completed.

Endicott said his concerns for ten years have been the Revenue Services Division and said he did not ask for additional personnel in the current budget because he knew the budget constraints but said he did not want to lose good employees because they were being overworked. Endicott said he had a great staff of clerks at this time.

Ewing-Holmstrom said she felt convicted for not stepping up in favor of the Revenue Services Division when Mr. Cagle was speaking and said Council should have stepped up for their people.

Bass said if an audit was what Council was looking to do, then he suggested it be done.

Shanklin said an RFP needed to be put out to determine areas to be considered and costs in the audit. Shanklin upheld that this audit could be done in-house if that employee was set off to the side and only worked on the audit function.

Endicott said he felt part of the Revenue Services Supervisor's current job was to review and attend to exceptions on a weekly basis when it comes to water revenue and this task was not being done regularly because of understaffing.

Shanklin said if a customer pays an \$18 or \$24 water bill, something needs to be checked on that account because there are no such bills currently on the system. Endicott said reports are produced indicating such bills, but said the division does not have time and opportunity to review those accounts listed on the report.

Endicott said these situations are currently handled when brought to their attention, they are being dealt with and

corrected. Endicott said he realized it was permissible to go back three years, but felt very uncomfortable with making that judgment call on who gets one, two or three years. Saying some cases would be simple and some would not be so simple.

Bass said if an audit was being done in-house, that person would have to know the current city code and said the codes would have to be brought up to date. Endicott said a concern of an RFP was a practical audit and how that meshes with the city code. Endicott said he had on his personal agenda to visit several cities within the state to determine what they are doing in their utility areas, saying that the City of Lawton had some weak links in the code and said this audit needs to combine a review of the code section as it relates to utilities.

Patton said if an audit was going to be completed, a list of information needed would have to be formulated before the audit was to begin. Endicott said the billing factors were the major concern to be considered in the audit. Patton said he had concern for going back three years on billing situations, saying the City should just write off the loss and begin from that point with the correct billing factors.

Endicott said Ms. Curran is a degreed accountant and knows how to work with numbers and he had a finance degree and accounting background and said regardless of the decision made, was going to continue to try to find all weak links in the system and fix problems as they occur.

MOVED by Shanklin, SECOND by Hanna, to put out an RFP for an external audit to determine the cost of an audit.

Mayor Powell asked what was going to be included in the RFP and Shanklin said staff would have to make that determination. Patton asked if Council would have input or discussion on audit considerations and wants to make sure all of Councils' questions are completely answered during the process.

Ewing-Holmstrom asked what the trend had been for Stanfield and Odell. Endicott said they were currently performing the year end audit for 2002-2003 and they would continue doing their normal samples of all accounts. Endicott said this current audit would not tell Council what they are wanting to know on this item. Ewing-Holmstrom asked Endicott if he just recommended not going out for an external audit. Endicott said there were a lot of practical and perception reasons to go external and said he did not want to say that in-house could not look at this and provide Council with information that would be useful about billing factors and collections, but this cannot be done under the current staffing level.

Patton asked how an audit was going to help the process of errors being made by the meter readers saying these readers are the ones the city was depending on to get the job done correctly. Endicott said it was his responsibility to monitor these readers and he feels an exceptional job was being done in this area. Ewing-Holmstrom asked if tons of money was being lost in this effort. Endicott said he felt money was being lost on leaks, bad meters, and some money was being lost on bad readings, and not knowing who has a small business in their home, which is a coordinated effort with other departments.

Hanna asked what the current standard was for hiring new meter readers saying he had referred a gentleman to apply where this gentleman was interviewed but not hired. Endicott said he left the interviewing and hiring up to the Revenue Services Supervisor and the basic standards are; daily work attendance and timely report to duty, accurate meter reading, and you do your job to the best of your ability for the hours you are getting paid.

Devine asked if an exception report was printed on meters that are reading inaccurately and asked a cost or direction on initiating a meter change out program saying that if some meters are in that bad of shape, it would be cost effective to begin changing out old meters. Endicott said he did not know the cost at this time but said this program was necessary to up grade the system. Devine said this direction needed to be taken immediately to ensure proper reading and billing each month saying as these meters get worn they begin to turn slower and not register properly.

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

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27. Consider adopting an Ordinance notifying the public of the publication of Supplement No. 9 to the Lawton City Code, 1995, and declaring an emergency. Exhibits: Ordinance No. 03-\_\_\_.

Vincent said this process was completed twice a year and recommends adoption of this ordinance.

MOVED by Devine, SECOND by Hanna, to adopt Ordinance No. 03-40.

(Title read aloud) Ordinance No. 03-40  
An Ordinance approving supplement No 9 to the Lawton City Code, 1995, directing filing and notification of the publication of supplement number 9 to the Lawton City Code 1995, and establishing a fee for the sale of

supplement no 9 and declaring an emergency

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

28. Consider authorizing a Resolution of Necessity for real property acquisition for the 34<sup>th</sup> Street Drainage Project. Exhibits: Resolution No. 03-139 is on file in the City Clerk s Office.

Vincent said Council previously declared an intent to further the 34<sup>th</sup> Street Drainage Project by the acquisition of property and this resolution was necessary in the case of not being able to successfully negotiate and a companion item will be addressed in executive session. Staff recommendation is for approval. Shanklin asked if this was in consideration of one property which would be discussed in executive session.

MOVED by Devine, SECOND by Patton, to adopt Resolution No. 03-139. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Hanna. NAY: None. MOTION CARRIED.

29. Hold Public Hearings and adopt resolutions declaring the structures at: 1402 NW Williams, 1316 SW Park, 4105 SW Lee, 1242 SW 25<sup>th</sup> Place, 907 SW Washington, 2102 NW Oak , 2504 NW 19<sup>th</sup> Street, and 1213 SW 25<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. Exhibits: Resolutions No. 03-\_\_\_\_ , 03-\_\_\_\_ , 03-\_\_\_\_ , 03-\_\_\_\_ , 03-\_\_\_\_ , 03-\_\_\_\_ , 03-\_\_\_\_ .

### **1402 NW Williams**

Angie Alltizer, Neighborhood Services Supervisor, said these structures should have been brought up in unfinished business as these structures were tabled in May 2003 to allow the property owner to auction the property. This property has been sold and a warranty deed was filed on August 1, 2003. The condition of the property has not changed since that time; however the new property owner has applied for a demolition permit for the structure adjacent to the alley where the roof has collapsed and remodel permits for the remaining two structures. The City utility service was terminated in February 2002.

Hanna asked when the demolition was scheduled.

Public hearing opened.

John Dennings, residing in Elgin, said he just recently purchased this property on Friday and has had to move fast on the work completed. He requests Council give him time to remove the bad structure and remodel the remaining two structures in which he has already started. The structure to be demolished should be down within three weeks.

Hanna told Mr. Dennings he would have to meet all of the code requirements on houses and if not, this property would be condemned and returned to Council for consideration.

Ewing-Holmstrom commended the property owner for purchasing these properties in an effort to make them habitable and appearing before Council.

Public hearing closed.

MOVED by Hanna, SECOND by Haywood, to adopt Resolution No. 03-140 declaring one structure to be dilapidated and a nuisance to public health. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

### **1316 SW Park**

Alltizer said this is a single mobile home structure where City utility service was established in June 2003. Neighborhood Services has expended \$299.12 for abatement of TG&W in 2002. Significant junk and debris has been cleared at this location. Last month there were two mobile homes on this lot and both were in disrepair and not habitable and citations were written. One mobile home has been removed and the remaining mobile home structure we do not feel is habitable and is dilapidated and dangerous.

Public hearing open: No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Hanna, to adopt Resolution No. 03-141 declaring this structure to be dilapidated and a nuisance to public health. AYE: Shanklin, Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

#### **4105 SW Lee Boulevard**

Alltizer said this was a commercial structure originally constructed to be a water slide and said this had been a chronic problem and is currently unsecured. Alltizer said there was little way of keeping the property secured because of the significant vagrant activities. Neighborhood Services has expended \$357.00 for abatement of tall grass and weeds and the inside of the property is gutted.

Public hearing opened: No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Patton, to adopt Resolution No. 03-142 declaring this structure to be dilapidated and a nuisance to public health. AYE: Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

#### **1242 SW 25<sup>th</sup> Place**

Alltizer said this was a single residential structure that currently has City utility service. The structure had a fire in the spring of 2003 and is unsecured at present and has been unsecured several times in the past twelve months. There is significant junk and debris on the property and many complaints have been received from neighbors. Several citations have been issued. The owner has obtained a remodel permit and is requesting additional time. This permit slipped by the offices of Neighborhood Services and Building Development as permits should not be issued on properties currently listed on D & D. Some effort has been completed on cleaning up the property. Alltizer spoke with the property owner saying the property had to be secured and the junk and debris had to be removed.

Public hearing opened: No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Ewing-Holmstrom, to adopt Resolution No. 03-143 declaring this structure to be dilapidated and a nuisance to public health. AYE: Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

#### **907 SW Washington**

Alltizer said this was a voluntary condemnation where a church wants to demo this structure, receive a discounted tipping fee and rebuild.

Public hearing opened: No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Bass, to adopt Resolution No. 03-144 declaring this structure to be dilapidated and a nuisance to public health. AYE: Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

#### **2102 NW Oak**

Alltizer said this was a single residential structure and appeared to be secured at the present time, but has been unsecured according to dispatch records. The City utility service was terminated in March 2002 and Neighborhood Services has had no contact with the property owner.

Public hearing opened: No one appeared to speak and the public hearing was closed.

MOVED by Hanna, SECOND by Haywood, to adopt Resolution No. 03-145 declaring this structure to be dilapidated and a nuisance to public health. AYE: Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

#### **2504 NW 19<sup>th</sup> Street**

Alltizer said this is a single residential structure that appeared to be secured at the present time but is a chronic problem for the neighbors. The City utility service was terminated in December 2001 and Neighborhood Services has expended \$158.88 for mowing abatement this month. This structure is located in Zone 1 and is on the list as part of the continued effort to improve the area.

Public hearing opened: No one appeared to speak and the public hearing was closed.

MOVED by Hanna, SECOND by Patton, to adopt Resolution No. 03-146 declaring this structure to be dilapidated and a nuisance to public health. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED.



## 1213 SW 25<sup>th</sup> Street

Alltizer said this is a single residential structure and is presently vacant and unsecured. The City utility service was terminated in December 2002. This property could be rehabilitated and Neighborhood Services has been contacted by the mortgage holder and the property owner. The owner plans to remodel and sale the property.

Public hearing opened: No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Bass, to adopt Resolution No. 03-147 declaring this structure to be dilapidated and a nuisance to public health. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Hanna. NAY: None. MOTION CARRIED.

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### REPORTS: MAYOR/CITY COUNCIL CITY MANAGER

Colonel Herring said Lawton-Fort Sill is progressing well with the deployment and return of many soldiers and wanted to express thanks to all Lawton-Fort Sill citizens for their support.

Devine expressed thanks to the Public Works Department/Street Division for the speedy repair work on Meadowbrook removing the speed bumps and the nice job that was completed. Devine is concerned about the traffic control devices at 40<sup>th</sup> and Cache Road which have become the most dangerous intersection in all of Lawton saying these lights need to be studied because the timing seems to not be consistent with the timing of the other lights on Cache Road in the vicinity.

Ewing-Holmstrom said East Gore is down to one lane again near Flowermound and with school starting traffic will become heavy and said the turn bay at East Gore and 45<sup>th</sup> Street is still in the works while ODOT is working on the project. Ewing-Holmstrom commended the Refuse Collection Division stating there have been no complaints on the east side and they are doing a great job and the neighborhoods look great.

Hanna expressed thanks to Chief Thorne for being guest speaker at National Neighborhood Watch Night Out on August 5, 2003, and expressed thanks to the Public Works Department for making quick repairs to a huge pothole in the road in front of the new Central Junior High.

City Manager said the State OML meeting was set for September 10-12 in Tulsa. Mitchell said the Assistant City Manager will start work with the City of Lawton on September 2, 2003, and one of his first duties will be to investigate the Revenue Services Division. Mitchell said this gentleman, Greg Buckley, is from Penn Hills, Pennsylvania, a suburb of Pittsburgh, with a population of about 50,000, where he is the Assistant City Manager and he was also an Assistant City Manager in Claremore, Oklahoma, and the City Manager in Wewoka, Oklahoma. Mitchell said he will be taking vacation the last week in August and will return on September 2.

Mayor Powell said the birthday celebration had a great turn out and thanked Col. Herring for showing up and said the Lawton Ranger Rodeo had a packed house and said the soldiers were well represented at this event. Mayor said Cameron University received a \$750,000 grant last week for technology and economic development. Mayor reminded all citizens that schools starts on Friday.

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

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### BUSINESS ITEMS/EXECUTIVE SESSION:

30. Pursuant to Section 307D, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the acquisition of property for the expansion of Northeast Flower Mound Road Project (Gore to Rogers Lane). Exhibits: None.

31. Pursuant to Section 307D, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the acquisition of property which is needed for the 34<sup>th</sup> Street Drainage Project. Exhibits: None.

32. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers Compensation Claim of Kurt Short, and if necessary, take appropriate action in open session. Exhibits: None.

33. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending companion lawsuits, in the Western District of Oklahoma, Case Number CIV-02-1163A of Connie Givan vs. City of Lawton; Case Number CIV-03-0217-L of Sandy Porter vs. City of Lawton; and Case Number CIV-03-0082-HE of Catherine Huffer vs. City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

34. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled City of Lawton vs. International Association of Firefighters, Local 1882, Case no. CJ-2003-680, in the District Court of Comanche County of the State of Oklahoma, and if necessary, take appropriate action in open session. Exhibits: None.

MOVED by Bass, SECOND by Hanna, to convene in executive session as shown on the agenda and as recommended by the legal staff. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 8:15 p.m. and reconvened in regular, open session at 8:50 p.m. with roll call reflecting all members present.

Vincent reported on Item 30 by reading the agenda item title and stating that executive session was held to discuss the acquisition of property for the expansion of Northeast Flower Mound Road Project saying part of the property necessary to be acquired is property that is currently under the control of the KCA Intertribal Land Use Committee who has requested a three member subcommittee of the City Council to meet with them to discuss their concerns. Staff recommends the appointment of the three member subcommittee and suggest Randy Bass, Glenn Devine, and Amy Ewing-Holmstrom be appointed to this subcommittee.

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

Vincent reported on Item 31 by reading the agenda item title and stating that executive session was held to discuss the acquisition of property which is needed for the 34<sup>th</sup> Street Drainage Project. He recommended no action at this time.

Vincent reported on Item 32 by reading the agenda item title and stating that executive session was held to discuss the pending workers compensation claim of Kurt Short and a motion is suggested to approve settlement in the approximate amount of \$25,432.47 along with all the necessary documents for signatures.

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

Vincent reported on Item 33 by reading the agenda item title and stating that executive session was held to discuss the pending lawsuits in the Western District of Oklahoma, Case Number CIV-02-1163A Connie Givan vs. City of Lawton; Case Number CIV-03-0217-L of Sandy Porter vs. City of Lawton; and Case Number CIV-03-0082-HE of Catherine Huffer vs. City of Lawton .

Vincent said discussion did take place on the Catherine Huffer and no action was required.

Vincent said discussion was held on the possible settlement of the case, Givan vs. City, and a motion is requested to approve a Resolution authorizing the Mayor, City Clerk and City Attorney to sign necessary documents settling this case in the amount of \$18,000.00 and placing her in a part-time position in the Planning Division of the Community Services Department.

MOVED by Shanklin, SECOND by Haywood, to approve settlement of the Connie Givan case. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: Bass. MOTION CARRIED.

Vincent reported on the Porter vs. City of Lawton case saying possible settlement was discussed and requested a Resolution authorizing the settlement and authorizing the Mayor, City Clerk and City Attorney to sign necessary documents settling this case in the amount of \$8,500.

MOVED by Devine, SECOND by Hanna, to approve settlement of the Sandy Porter case in the amount of \$8,500.00. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED.

Vincent reported on Item 34 by reading the agenda item title and stating that executive session was held to discuss the case of City of Lawton vs. IAFF, Case No. CJ-2003-680, and no action is required.

There being no further business to consider, the meeting adjourned at 8:55 p.m. upon motion, second and roll call vote.