

Meeting of 2004-10-26 REGULAR MEETING

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
OCTOBER 26, 2004  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr.                 Also Present:  
Presiding                             Larry Mitchell, City Manager  
   John Vincent, City Attorney  
   Kathy Fanning, City Clerk

The meeting was called to order at 6:26 p.m. by Mayor Purcell, with invocation by Rev. Wayne Ashlock of First Christian Church, and followed with the Pledge of Allegiance. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT:                 Randy Bass, Ward One  
                                   Rex Givens, 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

PRESENTATION OF EMPLOYEE OF THE MONTH TO DIANE ROAT, FEE COLLECTOR IN THE LAKES DIVISION OF THE PARKS AND RECREATION DEPARTMENT.

Kim Shahan, Parks and Recreation Department Director introduced the Employee of the Month, Diane Roat, Fee Collector in the Lakes Division of the Parks and Recreation Department. He said Roat came here from Great Bend, Kansas in 1991. She started camping at Robinson's Landing, then became a part-time employee in 2001, and Shahan was able to hire her as a permanent part-time employee in the fall of 2001. She takes care of all the fee collecting throughout the year at both Lake Lawtonka and Lake Ellsworth. He said she does a great job and congratulated her.

Purcell said it is a pleasure to have Roat here again because she not only has been recognized by her fellow employees for this honor, but she has also been recognized by citizens who use the camping area. He read and presented Roat with a Certificate of Honor, script money, a Certificate For Days Off from the Employee Advisory Committee for two days off, a plaque, and a Mayor's Do What's Right Coin.

Roat thanked those who nominated her, all her co-workers, and she said she couldn't make her ideals a reality without their help.

PRESENTATION OF THE STUDENT CIVIC COUNCIL.

Mayor introduced the Youth Advisory Board for the Lawton-Fort Sill Community, referred to by Official Proclamation or Resolution from this Council as the Student Civic Council. The Student Civic Council was founded on Christmas Day, 2003 and is part of the National League of Cities recognition of youth. He said he has been to one of their meetings and they have some new officers to be introduced. Purcell introduced Leroy Giles, their Advisor, Meagan Armstrong, President, Jennifer Jones, Secretary, Kyle Hatcher, Treasurer, and Charles Taylor, Parliamentarian. He expressed his appreciation for them coming tonight and welcomed them to stay for the meeting if they desired. He said this is our attempt to get input from the youth of our community to help us do what's best for everyone.

Greg Buckley, Assistant City Manager, introduced the new Neighborhood Services Supervisor, Melissa Laycock. She started on Monday and we are very pleased to have her on board to continue the burden of Neighborhood Services and Code Enforcement.

Purcell welcomed Laycock and expressed how pleased everyone was to have her on board.

#### AUDIENCE PARTICIPATION:

Chris Elledge, 811 NW 41<sup>st</sup> and said he was here to ask Council's permission for his neighborhood to host the Christmas Eve Luminaries display for the City of Lawton. His neighborhood consists of 41<sup>st</sup> Street and Currell Drive and there are 51 homes involved in this. He said a luminary is a paper sack with about 2 inches of sand in the bottom that contains a small candle in it that is placed about 3 feet apart and is placed on the property perimeter and the walkway to the door.

They are lit at dusk. They did a luminaries display in 1978, 1979, 1980, and 1988, consisting of about 8,000 candles that were lit from dusk until about 2:00 in the morning. He said he called the Fire Department to inform them they would be doing this again and was told that an open flame law is in effect within the City limits. He said they are asking Council's permission to do their display.

Devine stated this is in his ward and he knows these people and works with this neighborhood very closely. He said he understands they are even going to try to have a security person in the area to watch. He said he would really like the Council's support to allow them to do this.

Purcell asked Devine if he would bring an agenda item for the next meeting.

Mitchell asked Elledge what the time was for this. Elledge said they are lit at dusk. Mitchell asked what duration would this be held. Elledge said this would only be for one night, Christmas Eve.

#### PUBLIC HEARING CLOSED AT THIS TIME

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF AUGUST 24, 2004, SEPTEMBER 14, 2004, SEPTEMBER 28, 2004, AND OCTOBER 12, 2004.

MOTION by Warren, SECOND by Bass, to approve the minutes of the Lawton City Council Regular Meetings Of August 24, 2004, September 14, 2004, September 28, 2004, and October 12, 2004. AYE: Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None.

CONSENT AGENDA : Separate consideration was requested for Items #9 and 10.

MOTION by Shanklin, SECOND by Bass, to approve the Consent Agenda, with the exception of items 9 and 10. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Givens. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: Ruth Gibson, Cynthia and Ronnie Bonham, Debbie and Mike Sanfellipo, Sally and Robert Whan. Action: approved.
2. Consider the following damage claims recommended for approval and consider passage of the resolution authorizing the City Attorney to file a friendly suit for this claim which is over \$400.00: Tammy and Benjamin Allison. Action: approved.
3. Consider declaring Lot 6 of Block 1 of Florida Addition as surplus property, and authorize it to be sold at public auction and set a minimum acceptable bid of Seven Hundred Dollars (\$700.00). Action: approved.
4. Consider ratifying the actions of the Lawton Parking Authority authorizing the Chairman and Secretary to sign an Estoppel Certificate regarding the current lease with Warmack-Lawton Limited Partnership. Action: approved.
5. Consider ratifying the actions of the Lawton Parking Authority approving the Assignment and Assumption of Leasehold Estate regarding the current lease with Warmack-Lawton Limited Partnership. Action: approved.
6. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers Compensation case of Herman J. Triche III in the Workers Compensation Court, Case No. 2003-07303K. Action: approved.
7. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers Compensation case of Mike Holtzman in the Workers Compensation Court, Case No. 2004-02902F. Action: approved.
8. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers Compensation case of Kelly M. Blake in the Workers Compensation Court, Case No. 2004-07433A. Action: approved.
9. Consider ratifying the actions of the Lawton Water Authority awarding a lease of the City's oil and gas interests for a 324 acre tract and a 40 acre tract of land located in the vicinity of Lake Ellsworth in Comanche

County to Marathon Oil Company and authorize the Mayor and City Clerk to execute the lease document.

Warren said he pulled this item to be able to approve it with the addition of directing the funds received from this contract be programmed back into the Parks and Recreations Department budget, specifically directed at the Elmer Thomas Park festival area. He said there is \$48,000 to be spent with AEP putting in the major electrical, a sprinkler system that is about \$25,000, and there is also another \$65,000 in electrical pedestals, fittings, wiring, and trenching, for the actual individual sites where the vendors would be.

Devine asked Warren if his intentions were for Parks and Recreation to spend most of this money on something that will bring revenue in. Warren said that is exactly correct. It s going to be at Elmer Thomas Park, a pavilion type area, and places to plug in. He said we will be able to move Arts For All, International Festival, or any other festivals similar to these, out there instead of being downtown.

MOTION by Warren, SECOND by Patton, to ratify the actions of the Lawton Water Authority awarding a lease of the City s oil and gas interests for a 324 acre tract and a 40 acre tract of land located in the vicinity of Lake Ellsworth in Comanche County to Marathon Oil Company and authorize the Mayor and City Clerk to execute the lease document and reserve the \$72,800 for use by the Parks and Recreations Department, specifically for use in Elmer Thomas Park.

Shanklin voiced his concern about the festivals not wanting to move. Warren asked Shahan if he had any indications from any of the organizations that they would have a problem moving.

Shahan said during budget period a question came up about the existing festivals and the organizations that operate those: Arts For All and the International Festival Committee. Since the budget preparation he has met with both organizations. They have outlined the electrical system to meet their needs and also the needs of future festivals. He said they are both in agreement that they would prefer to move there when everything is in place. This is not only going to service the festivals, it s going to provide an avenue for the Blvd. of Lights Organization, if they choose, to be able to create the festival they have during Christmas time through the park. This will be a drive through the park from 3<sup>rd</sup> entrance all the way up to the Armory, with lights in the trees in that area. This will provide them an avenue for funding with a controlled system. He said that organization is also in support of this project.

Shanklin asked how they would control the traffic. Shahan said there are two additional parking areas being built right now with the new road system that s going in. He said the expansion road back to the west on the hill area, will be a grass parking area that will be able to exceed the amount of parking we have now. He said he believes they have a plan in place that will service the existing projects and future programming. In the Master Plan there was an amphitheater area that was going to be designed. He said through the road excavation now, there are large mounds of dirt and that excavation of dirt is being utilized to create the bowl of a grassland amphitheater. They have commitments from the Job Corp and from different organizations to help construct the staging area of this amphitheater. This electrical system will provide for that expansion of programming also in Elmer Thomas Park.

VOTE ON MOTION WAS HELD AT THIS TIME.

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

10. Consider extending the Professional Services Agreement with Capitol Decisions, Inc. to provide consultation and lobbying services to the City of Lawton before the Congress of the United States and its various agencies and authorize the Mayor and City Clerk to execute the Agreement.

Patton asked about the reports and if Council had been getting regular reports in the past. Mitchell said they call them regular reports, but typically we only get them every five or six months.

MOTION by Patton, SECOND by Haywood, to approve extending the Professional Services Agreement with Capitol Decisions, Inc. to provide consultation and lobbying services to the City of Lawton before the Congress of the United States and its various agencies and authorize the Mayor and City Clerk to execute the Agreement. AYE: Shanklin, Patton, Haywood, Warren, Bass, Givens, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

11. Consider approving an Agreement between the City of Lawton, Housing Authority of Lawton and Steering Committee of the Lawton Weed and Seed Program and authorize the Mayor and City Clerk to execute the agreement. Action: approved.

12. Consider approving Change Order No. 1 for the Highland Cemetery Road Overlay Phase I Project #2004-8 with H.G. Jenkins Construction, Inc. Action: approved.

13. Consider approving plans and specifications and authorizing staff to solicit bids for the 2004 Sewer Liner Project #04-3 SSES as required in the DEQ Consent Order, Case No. 02-397 for the Citywide Sewer Rehabilitation

Program. Action: approved.

14. Consider authorizing an agreement between the City and Marie Detty Youth and Family Services Center for the sponsorship of early intervention youth recreation programs. Action: approved.
  15. Consider renewing the agreement between the Board of County Commissioners of Comanche County and the City of Lawton for library service to Comanche County residents living outside the City of Lawton. Action: approved.
  16. Consider approving the record plat for Wyatt Acres Addition, Part 14, accepting the improvement for dedication, easements outside the platted area, maintenance bonds for the improvements and an escrow agreement in lieu of completing erosion control measures. Action: approved.
  17. Consider Change 1 to the Consolidated One-Year Action Plan for FFY 2004. Authorize the Mayor and City Clerk to execute the documents to submit the change to the plan to the U.S. Department of Housing and Urban Development (HUD) and to sign and execute all related documents, to include the subrecipient agreement between the City of Lawton and the United Way, required by HUD to implement the CDBG programs. Action: approved.
  18. Consider approving the request for a subordination agreement on the City's mortgage with Glenda Garcia (Borrower) for the property at 4816 NW Lindy Avenue. Action: approved.
  19. Consider ratifying the action of the Lawton Water Authority to approve rate modification P00041 to the Water Service Contract with Fort Sill. Action: approved.
  20. Consider a resolution and ratify the action of the Lawton Water Authority in approving a resolution, agreeing to file application with the Oklahoma Water Resources Board for financial assistance in financing the expansion and improvement of the Authority's Wastewater Facilities. Action: approved.
  21. Consider awarding contract for Critical Power System Protection. Action: approved.
  22. Consider approving contract change order of Pest Control Services (CL04-028). Action: approved.
  23. Consider approving the following contract extensions: Upholster Damaged Seats (CL04-016) with Joanie's Upholstery. Action: approved.
  24. Consider awarding contract for Refuse Containers (CL05-012) to Wastequip Teem. Action: approved.
  25. Consider approval of appointments to boards, commissions and trusts. Action: approved.
  26. Consider approval of payroll for the period of September 13, 2004 through September 26, 2004. Action: approved.
- BUSINESS ITEMS:
27. Consider receiving a presentation from the firm Wells, Nelson & Associates, LLC, regarding the possible issuance of bonds for the 2005 CIP projects, discuss and take appropriate action.

Endicott said the citizens passed the CIP in August 2004 and since that time we haven't had much discussion regarding the projects, the funding of those projects, and with Council's permission he would like representatives of Wells, Nelson & Associates who can discuss potential funding available to the City to move forward with some of these projects that we can do within the next year or two. He then introduced Keith McDonald to give Council a presentation on possible issuance of bonds for the 2005 CIP projects.

There were no objections from Council.

McDonald said in comparison to the rest of the state, Lawton has been very successful in everything done and accomplished. He said a lot of that is the trust of the public. Over the last 15-20 years what you said you would do with the funds voted in, you have actually done. He said Lawton is to be commended for all the efforts put into your CIP programs.

McDonald said prior to the election you identified projects, time lines, etc. Over the last month or so they have been working with City staff to actually look at those projects that could be funded, planned, bid, and implemented in a timely fashion and would give you the opportunity to go ahead and get projects started prior to next year. He said the two type of projects were voted in; Sales Tax and General Obligation Debt. Those were \$10.5 million for the Phase II Sewer on G.O., \$3 million for the Historical Preservation, and \$1.5 for Cameron. The balance was from Sales Tax.

McDonald said they always look at two key factors which are exceptions to the Tax Law. One is Small Insurance

exemption; if you issue less than \$5 million in a calendar year, there is an exception under the Tax Code that you don't have to rebate monies back to the Federal Government if you earn interest above your bond yield. Based on the interest rate environment we've been in the last five or six years, that has not been an issue. When you do a bond issue, you invest those monies and it's been at a lesser interest rate than what you actually pay, even though it's a tax-exempt piece of paper and you are getting tax-exempt rates. The second one is what is called Bank Qualified Exemption. If the City issues less than \$10 million in that calendar year, basically that debt is eligible for banks to actually buy it. When banks buy it they get a break on interest rates.

McDonald said the interest rate environment is a critical aspect we want to look at and always consider. Right now we are still in a historically low interest rate environment. They actually looked at two bond issues that would be considered very similar to Lawton's. Those interest rates were starting out around 2% and going out for a seven-year period somewhere around 350-360. When you look at that and do an average interest rate over a period of time, you are looking at somewhere around a 3% interest rate for debt. That is something you always have to consider, on how we would be able to issue it and the benefit to the City. The General Obligation Bonds that would be issued is the other key element. Revenue type debt would actually be backed up by the Sales Tax. That is key to look at the BQ versus non-BQ, but that right now is really on top of each other and there's not really a difference. When you get into the General Obligation Bonds, it does make a difference. In GO Bonds, Bank Qualified means a great deal because our major purchasers or the purchasers we have within the State of Oklahoma for GO type debt, which is pledgable for a bank, basically is the main purchaser. Looking at how and when we may do something is some of the considerations they look at, along with working with staff to actually see when those projects need to be funded, when they could actually have funds available to award contracts, etc.

McDonald said the one thing they have talked about amongst staff level is next year, in the timing of the Cameron and Historical is both GO Bonds. For those, they would try to issue that debt, as they have done in the past, pretty close to a May or June type funding. The reason for May or June is anything you issue prior to that, would have a long interest rate coupon, which basically deters some of the banks from actually looking at that type of things. In the GO things, we would structure that to be issued somewhere in May or June and we want to keep Bank Qualified.

McDonald said there were some projects looked at as projects that could be planned, bid, and implemented in a pretty timely fashion to be able to be financed. Those projects listed were broken down into three type of categories: December 2004, January 2005, and later in 2005. He said those projects were based upon what could be actually done within a time line to be able to get planned, bid, and implemented as soon as possible. The first amount is somewhere around \$5.9 million, the second is \$4 million, and later in 2005, there's \$10.5 million. After their analysis and look at where the interest rate environment is now, based upon the interest rates he just spoke about, if we could actually sell a deal that would range from a 1.90 to 2% interest rate in the first year and out to the year 2007, somewhere around a low 4%, that's an attractive structure that needs to be considered. He said knowing we would want to keep GOS available for Bank Qualified exception in play for next year for the GOS, those two numbers of the \$5.9 million and the \$4 million we feel could be done in this calendar year, even though it will exceed the Bank Qualified exception for this year. They don't think it'll be a detriment to the City and being able to issue more in this calendar year than we would normally do as Bank Qualified in two complete different years. This cost benefit in doing it in one issue rather than splitting issues would also be a savings the City would actually get. If the City is wanting to move forward with getting some of the projects up and bid, planned, and implemented, we could actually have the funding for those projects prior to the end of the year. You would have funds to go out and start the construction of those projects or purchase of whatever the items would be, immediately.

Mitchell asked McDonald to speak about 2006 and why we are trying to look at the balance of this year and 2005.

McDonald said we have some major items coming up in the 2006 period. He said in 2006, one of the items is the Southeast Water Treatment Plant and that plant is budgeted somewhere around \$24 million. We don't know what the interest rate environment is going to be in 2006 and we know today we can do so much and it would appear in 2006 we would also exceed that Bank Qualified exception. In order for us to take advantage of the 2005 BQ, we need to definitely do the GOS in that calendar year, that's a critical element. He said the 2006 would appear we would exceed that exception. If you look at the Southeast Water Treatment Plant, the engineering is to start in 2005 and runs through the first quarter of 2006. At that point in time, funds will have to be available for that particular project.

Shanklin asked if all the projects will be paid within the time from of our CIP. McDonald said that is correct. Shanklin said when the CIP is over, we won't have a sinking fund to worry about and we're clean just like we were in 1995. McDonald said it has to be.

Purcell verified McDonald's recommendation that we do the \$9.9 million, the \$5.9 million, and the \$4 million all in December 2004. McDonald said yes, from his perspective, the benefit you will derive because of the low interest rates is something, after the election, next year we may know or not know what will happen. We do know exactly what we can do today just based on bond issues that's being sold immediately. Purcell asked when we need to take action to give him (McDonald) the go ahead on that, so he can begin the process and get it done in December.

McDonald said he would anticipate bringing back a resolution at the next Council meeting, if that s the Council s desire.

Mitchell said this is a preliminary schedule of all the projects and a reasonable expectation of how the projects would flow from January 1, 2005 through 2012-2013 because we know we will need some lead time on our larger projects. We have some up-front money for Phase II Sewer Rehab so we don t have to start funding that in 2005. We know that Cameron s looking for their money in 2005. There is some flexibility in this schedule, so we can certainly go back and look at individual projects if Council wants to move them around.

28. Consider providing financial support to the Santa Shops Lawton Campaign.

Purcell said this is the same thing we have done the last few years and has been very successful in bringing tax dollars into the City and encourages people to buy in Lawton.

MOTION by Shanklin, SECOND by Givens, to approve providing financial support to the Santa Shops Lawton Campaign.

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

29. Discuss and take appropriate action on considering to participate in the cost of installation of Fire Hydrant at Popeye s Chicken (201 S.W. Lee).

Buckley said a letter of request was received from C.E. Wade, representing Ted Tongson dated October 1, 2004 requesting assistance in participating in a fire hydrant at Popeye s Chicken being constructed at 201 SW Lee Blvd.

The Building Permit for this project was issued on July 13<sup>th</sup>, which included the fire hydrant requirement. The property owner did not appeal the fire hydrant requirement at the time of being issued a Building Permit. Under the current Code, the provisions of this site location requires the installation of a fire hydrant. Staff recommends denial of this request.

Purcell said there are two issues needed to be discussed before we get to the specifics. One is whether or not we need to install another fire hydrant and if the answer to that is yes, the other issue is the cost-share.

Devine said according to the Code, they are not going to be required to have a fire hydrant because they are only 265 feet from the existing fire hydrant on Summit. The Code says within 300 feet. Secondly, if we are going to force these people to do it, we didn t require Sonic a half a block away to put one in. We do this for most people and have started a practice of doing that and he thinks it only fair that we participate in the cost of this. We have not required the fire plugs to be put in properly to start with and now we re trying to make every new business in this town foot the burden of the cost of bringing things up to City Code for our Fire Department. He pleaded with Council to start thinking and we need to start helping people who come into our City, instead of trying to cost them more money.

Chief Hadley, Fire Chief said that section of the Code that requires 300 feet from a building, those are for very large buildings. They have to have a fire hydrant within 300 feet of each part of the building. That s for large buildings over 20,000 square feet and that doesn t apply here. If it did and we were measuring from the building that Code requires within 300 feet as the hose lays. That s as we can get to it. He said they quoted 265 feet, but he s not sure but assumes that s as the crow flies. He said he went out and measured it and it s actually over 300 feet as we would drive to the building. That part of the Code is not pertinent to this anyway. He said the 300 feet is spacing requirement. It s 300 feet between hydrants, not 300 feet from the building. We are supposed to have 300 feet between hydrants in a commercial area. That s why this hydrant is required because we don t have another fire hydrant for about 600-700 feet. He said Sonic was mentioned, but that was there before he started with the Fire Department. He said this Code requirement was adopted in 1985 and those businesses were pre-existing and the Code was revised in the early 90 s.

Bass asked what the cost of a fire hydrant was. Hadley said approximately \$3,000-4,000, that s with installation and labor.

Shanklin said these people will furnish the fire hydrant if we will install it.

Warren said there was nothing said about a cost share or why do they have to do that, until the building was constructed. They went through the entire Building Permit process with nobody having a problem until now, they re trying to finish up and get an Occupancy Permit and suddenly they don t want to have to have one or want the City to share in it. He asked why this wasn t brought up when the original Building Permit was issued. He said he will vote no on this and at some point we have to say yes or no.

Ewing-Holmstrom asked what would happen if they don t do the fire hydrant. He asked if they would be denied their Occupancy Permit. Mitchell said we would withhold their Occupancy Permit. Ewing-Holmstrom asked if we didn t recently have a business open without doing their fire hydrant and are operating in the City limits, without the fire hydrant. Mitchell said there is one that didn t even get a Building Permit. Ewing-Holmstrom verified that they have to do this in order to open for business. Mitchell said that s the theory, yes. We start filing complaints, issue citations, and go to court.

Devine said that s the point he is getting at. He asked when is this City going to become user-friendly. The first thing we do is start hollering to start writing tickets, let s issue citations and summons. He has a person in his neighborhood that piles trash to the top of the house and ten cars sitting in the driveway and it took him a month to get a ticket written on it and he s not even sure the ticket has been written yet. He said we can t help new businesses, but we can sure let people pile stuff up in their yards.

Ewing-Holmstrom asked if we didn t have a committee working on the City Code and looking at revising it and if this was one of the issues to be looked at. Purcell said they are not looking at this.

Ewing-Holmstrom asked if we knew how many fire hydrants are installed every year. Hadley said he would guess its in the dozens.

Hadley said it is his stand that the fire hydrant is needed. The Code requires it and requires it for a reason and it needs to be there.

Devine said he agreed, if he needs the hydrant there, that s great and we need it there, but also we should share in the cost of it.

MOTION by Devine, SECOND by Ewing-Holmstrom, to approve participating in the cost of the installation of a fire hydrant at Popeye s Chicken (201 S.W. Lee).

Givens said they made a legitimate point that if some other business should go in, they would theoretically get to go in free without the fire hydrant. We are talking about tapping fees for water and sewer lines, there should be some provision for future businesses sharing in the cost of that hydrant.

Patton said if we are going to start cost-sharing we need to put something in there that says every time Code requires a fire hydrant, we do a cost-share, because someone might just step up and pay it and that wouldn t be fair to them.

Haywood said he is pro-business and we need to help businesses locate to Lawton.

Chuck Wade, attorney for Mr. Tongson, said the question of pursuing the appeal is his client, when issued the permit, was told the Code required a fire hydrant and he said ok to that. In a subsequent conversation well after the appeal time had ran, with a City Official, the issue of 300 feet came up. He had it measured and his contractor measured it to be 264 feet, in the way in which you would lay the line. There is an existing business to the west of their building that was built since the Code went into effect, was not required to put in a fire hydrant. There was an addition to the Sonic Restaurant within the last year or so and the Fire Marshall told him they didn t even see those plans. The commentary says that every set of plans goes to the Fire Marshall for review before the permit is issued. There are a lot of issues here that justifies the support of the legitimacy of the request. They are willing to provide the hydrant if the City will bear the cost of installing it.

Purcell announced that there is a motion and second on the floor that we install the hydrant and do a cost-share. There was a suggestion as part of that motion, there be a maximum amount put on there, how much the City is willing to spend on this. Warren verified that the City would do the labor.

SUBSTITUTE MOTION by Warren, to approve to participating in the cost of the installation of a fire hydrant at Popeye s Chicken (201 S.W. Lee) and direct staff to bring back a Code change that would allow cost-share on any existing commercial main.

Devine said he would make that part of his motion.

Purcell asked Warren if he would withdraw his motion with the above addition. Warren withdrew his motion.

Purcell reiterated the original motion to install the fire hydrant, the owner pays for the hydrant, the City does the labor and installation and staff be directed to come back with a Code Ordinance change stating we will cost-share fire hydrants in established commercial lines in the future.

Wade clarified that their proposal is to provide the fire hydrant and if there are any other couplings or parts required, other than the hydrant proper, to connect into the line, the City would pay the cost of those too.

ORIGINAL MOTION AMENDED AS STATED ABOVE.

VOTE ON THE MOTION WAS HELD AT THIS TIME.

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

CARRIED.  
REPORTS:

Shanklin said the City is furnishing the labor and equipment to do an alley that he has property on, approximately 210-215 feet and he is buying all the materials, both sides of the alley. They are not giving him any favors they wouldn't do for any citizen requesting it and willing to pay for the material. He said in Neighborhood Services, they have been wanting to know the tickets, the people they call on and give a warning, and he doesn't know why they can't get this. Mitchell said he would have that for Council in the next two weeks.

Ewing-Holmstrom asked Shahan for a quick update on the expansion of Elmer Thomas Park.

Shahan said the first Phase of the Restoration of Lake Helen was basically the inlets built out into the lake with concrete slabs are completed. The issue pertaining to the growth within the lake is something the Oklahoma Department of Wildlife like, but that will go away as soon as the water rises, but it is a habited restoration for habitat so that is part of the plan for that to happen. That will not look like it does now when the water is at full level.

Ewing-Holmstrom asked when it will be completed. Shahan said he has no control over the water part. Ewing-Holmstrom said it is finished then and we just have to wait for nature to fill it up. Shahan said they just got their 2<sup>nd</sup> Phase funding, which is about \$30,000 to do some more dirt work on the west end, which came through the Oklahoma Department of Wildlife. That portion will be done as soon as they are able to start, but the majority of the work in the lake area is completed, but the water is something we have no control over.

Ewing-Holmstrom asked about the Boat House Committee she was on, as well as Shahan. She said they met once and nothing happened. She asked if anything was going to happen with that. She said the members were Ray Bitsche, Ken Easton, and a couple others. She asked if they were finished looking at possibly increasing the prices of the people with boathouses. Shahan said the recommendation of the committee at that time was to keep the rates as is. He said the committee was put together for the purpose to see if we should raise the rates, so there is no reason to meet. The choice was made that evening from his understanding. Ewing-Holmstrom said her concern is the people on that committee were actually boathouse people and of course they don't want their fees increased. Vincent said there is a Sunset Clause in our Code on committees that once a report has been received, or one year has elapsed, the committee ceases to exist, unless Council provides otherwise in the ordinance or resolution creating the committee. The Council would have to re-create that committee at this time, if they wanted to further consider those issues.

Ewing-Holmstrom suggested this be an issue to be looked at again for several reasons, but the main reason is that it's a revenue source that the City is just sitting on. She said there is a select few people who get to enjoy the boathouse privilege and the rest of the City's citizens are left paying for it. She said the rates are something we need to look at. We are giving that away, we're giving that nice little piece of property away every year to these privileged few.

Purcell asked Ewing-Holmstrom to e-mail him information on the Boat House Committee and to agenda the item.

Devine commended Council for voting to help new businesses coming into town on some of the cost factors that are unforeseen for them that should have been taken care of for years. We have finally made a step forward to try to help people and see that new businesses come in. He said he agreed with Ewing-Holmstrom to some degree, but it's awfully hard to raise rates on boathouses when these people's boathouses are sitting on the ground. Ewing-Holmstrom said not at Lake Lawtonka or School House Slough. Devine said if we don't pump water from Ellsworth to Lawtonka to have water to service our City, that's the only reason their boathouses are not on dry land. He said you hear reports all over the country about a shortage of water and we need to start thinking about dredging our lakes and getting more cubic feet of water, instead of acre footage of water. He said our lakes right now are really full of silt and that takes up the space of water. When you spread water out it evaporates a lot faster than it does in large deep quantities. We talk about spending money on parks, which is great, but we need to start thinking of our future and start thinking of maybe trying to make our lakes deeper so we can hold more cubic feet of water. He doesn't think Council is really thinking about that. He asked for the neighborhood request for candles on Christmas Eve be placed on the agenda for the next meeting.

Purcell announced this is Lawton Public School's Red Ribbon Week. He spoke about a memorandum from the City Attorney Council received about a month ago, concerning the new State Law and when we can hold elections, he said he hopes everyone reads this and it's time for a discussion. Vincent said he had been contacted by two Council Members to bring an agenda item to discuss this at the next Council meeting.

Purcell asked about the Impact Committee Council requested and has chosen people to be on it, however, one person has requested to be on this committee but lives outside the city limits. In order to allow him to serve on this committee, under the City Code, Council could approve a resolution to allow this person to serve on this committee. He said there is also someone else on the Code Enforcement Committee who was inadvertently



appointed and also lives outside the city limits. This person thought he lived inside the city limits but doesn't, it's across the street about 20 feet outside the city limits. He said unless he hears some objections, he will bring a resolution to Council to approve allowing these two individuals to serve on those committees. He asked Council if there were any problems with this concept. Council stated no objections.

Purcell announced the next Town Hall meeting would be held next Tuesday, November 2<sup>nd</sup>, in the Council Chambers of City Hall. He announced that as of today, Lake Lawtonka is below the limit for going into Stage One of our Water Conservation. If we are lucky enough to get rain and it fills back up, we may be ok, but if not, on Friday he will be issuing a proclamation asking for voluntary compliance; no watering between noon and midnight under the first stage of our water conservation.

Mitchell reminded Council that the National League of Cities is the first three days of December and those who are planning on going, please get your requests in. He also reminded everybody of the election next Tuesday. There is a set of very important propositions on the ballot. He said 707 is a very important one for cities and asks the support from the community on this and for the other ballot questions as well.

Haywood said a report came about two weeks ago that Mr. Johnson's brother, Preston had died. He is a Lt. Colonel who lived in Germany. He expressed condolences to Albert Johnson.

Haywood said we need to hire three or four individuals to cut the grass for the Neighborhood Services Nuisance Abatements, instead of hiring a contractor. He said the current contractor is two to four weeks behind. If we want our city to be beautiful, then we need to do this. Those three or four individuals could also cut the alleys during the winter months. He thanked Public Works for all they do for this city. The morale is up high and would like to keep it that way. He also thanked the City Manager and Assistant City Manager for all they do.

Purcell said Trick or Treat is this Saturday night between 6:00 p.m. and 8:00 p.m. He said he didn't change the holiday, we just set up the Trick or Treat hours on Saturday night.

The Mayor and Council convened in executive session at approximately 7:51 p.m. and reconvened in regular, open session at approximately 8:40 p.m. with roll call reflecting all members present.

#### EXECUTIVE SESSION ITEMS:

30. Pursuant to Sections 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the possible sale of City owned property located in the vicinity of Lake Lawtonka, and if necessary, take appropriate action in open session.

Vincent read the title of Item 30 as shown above. He said Council convened in executive session and discussed the possible sale of City owned property located in the vicinity of Lake Lawtonka. Council was advised that we had received a request from a person that we declare property in Section 5, 3N12W of approximately 8.7 acres surplus and put it up for public auction.

MOTION by Ewing-Holmstrom, SECOND by Devine, to deny the request to declare the property located in Section 5, 3N12W of approximately 8.7 acres in the vicinity of Lake Lawtonka as surplus. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Givens. NAY: None. MOTION CARRIED.

31. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss potential litigation regarding the Oklahoma Municipal Employee Collective Bargaining Act, Senate Bill 1529, and take appropriate action in open session.

Vincent read the title of Item 31 as shown above. He said Council convened in executive session and Council did receive a report from the City Attorney and City Manager and no action is required at this time.

32. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers Compensation case of N. Joan Bias, Case No. 2003-05545-X, and if necessary, take appropriate action in open session.

Vincent read the title of Item 32 as shown above. He said Council convened in executive session and after discussion request no action at this time and bring it back to Council at a future date.

There being no further business to consider, the meeting adjourned at 8:42 p.m. upon motion, second and roll call vote.