

Andrea Mayfield stated lights are needed on 12th street. She also stated 2 trailers had been set up in her neighborhood, one on Roosevelt and one on Monroe. She stated there was also a gambling shack on 13th Street.

She said she was told by a young man that a police officer had advised him it was acceptable to have a gambling shack as long as there were no drugs on the premises. She said she will try to find out the name of this police officer.

Rosemary Belina Hall, Chairman of Mayors Taskforce to Improve the Appearance of Lawton urged the Council to make funds available for maintenance of city properties. She said there are street curbs that are crumbling and falling into streets as well as cracks in medians and in front of storefronts. She stated we don't have enough sweepers to clean up the mess from these issues. She said this affects everyone because the appearance of our community causes people, such as physicians being interviewed at local hospitals, to opt not to move to Lawton.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING of APRIL 13, 2004 and SPECIAL MEETING of April 20, 2004:

MOTION by Warren, SECOND by Bass to approve the minutes of City Council Regular Meeting of April 13 , 2004 and Special Meeting of April 20, 2004.

Ewing-Holmstrom said she did not approve the minutes due to incorrect grammar used. She also asked if the official record of the meeting is the minutes or the video tape.

Vincent said the official record of the minutes is not a video tape, it is the tape recording.

Purcell said we have had many meetings and there are only two ladies in the City Clerk's office and they are currently short handed. Purcell asked each council member to read the portions of the minutes that are specific to them and inform the City Clerk of any corrections needed so those corrections can be made.

Vincent said the tape recording is verbatim and if the minutes are typed verbatim they would have to include grammatical errors made by Councilmembers. Vincent said the minutes are meant to be a summary, not verbatim.

Devine said verbatim minutes can be provided upon request to any council member who requires them.

Ewing-Holmstrom suggested that the minutes have "summary" included in the verbiage.

VOTE ON MOTION MADE AT THIS TIME

AYE: Devine, Shanklin, Patton, Haywood, Warren, Bass. ABSTAIN: Givens. NAY: Ewing-Holmstrom. MOTION CARRIED.

CONSENT AGENDA : Separate consideration was requested for Items #1 and #18

MOTION by Shanklin, SECOND by Patton to approve consent agenda with the exception of items 1 and 18. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Givens, Devine. Nay: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: Richard and Elizabeth Parkison, Martin and Barbara Doss, David and Shawnee Adams, LaJenna Harrison, and Southwestern Bell Telephone Company.

Martin Doss addressed council regarding his appeal for a damage claim filed on March 7, 2004 which was recommended for denial by the City Attorney. Doss said he lives at 3813 NW Columbia. He presented a picture to Council of what happened. Doss said the guy said there's no way he could have done this to my vehicle and that's not true. (Inaudible, Doss walked away from the microphone)

Vincent said we're not denying the damage occurred. What we don't have is any evidence that the City caused the damage. When it was discussed with Doss and the Claims Examiner he stated he didn't see the crew actually cause the damage. The crew stated the flusher hose had to be rolled up on a reel and it was drug across the ground and they didn't cause the damage.

Doss said he noticed it broken immediately after they left. He parked his car about an hour before then and he knows it wasn't broken at that time.

Vincent said under the Oklahoma law it's up to the claimant to prove to the Council that the City was negligent.

Patton asked Doss to show him the photograph. Council passed the photograph around.

MOTION by Devine, SECOND by Shanklin to approve damage claim for Martin and Barbara Doss AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Givens, Devine. Nay: None. MOTION CARRIED.

MOTION by Warren, SECOND by Shanklin to deny the remainder of the claims of Richard and Elizabeth Parkison, David and Shawnee Adams, Ljenna Harrison, and Southwestern Bell Telephone. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Givens, Devine. Nay: None. MOTION CARRIED.

2. Consider the following damage claims recommended for approval and consider passage of the resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Christian and Pamela Klein, Shirley Adams, and John Hegna. Action: approved. **Resolution 04-58** and **04-59**.
3. Consider ratifying the action of the Lawton Water Authority to approve the Raw Water Purchase Agreement with The United States Department of Veterans Affairs, and authorize the Mayor and City Clerk to execute the Agreement. Action: approved.
4. Consider approving a lease with Greiner School for the Handicapped on a tract of land located at 10 SE 'B' Avenue, and authorize the Mayor and City Clerk to execute the lease. Action: approved.
5. Consider approving the replat of Lots 11 through 22, and Lots 28 and 29, Block 6, Heritage Hills Addition, Part 2. Action: approved.
6. Consider accepting a drainage improvement located on Lot 29, Block 6, Heritage Hills Addition, Part 2 for public dedication, and accepting an easement for the new drainage improvement and a two-year maintenance bond. 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 Paul John Stoner in the Workers' Compensation Court, Case No. 2003-04163-X. Action: Approved. **Resolution 04-60**.
8. Consider authorizing litigation in the City's collection efforts to recover damages to a City vehicle caused by a vehicle owned by Yolanda Short and being operated by Kashawndia Short. Action: Approved.
9. Consider accepting for dedication a sanitary sewerline located on the west side of NW 82nd Street north of Quannah Parker Trailway, accepting the easements for the sewerline and the two-year maintenance bond. Action: Approved.
10. Consider declaring Lot 11 of Block 1 of the subdivision of Lots 6, 7, and 8 of Woodhouse Addition as surplus property, and provide direction to staff. Action: Approved.
11. Consider approving a lease with the Department of the Army on a tract of land located at 10th Street and Gore Boulevard, and authorize the Mayor and City Clerk to execute the lease. Action: Approved.
12. Consider approving the Releases of Mortgage and Conditional Lien between the City of Lawton (Lender) and Jesus Acosta & Elena Acosta and Luella Gardner, participants of the CDBG &/or HOME program (Borrowers) and authorize the Mayor and City Clerk to execute the documents. Action: Approved.
13. Consider adopting a resolution setting the E-911 fee for the period July 1, 2004 through June 30, 2005. Action: Approved.
14. Consider approving the proposed updated City of Lawton Emergency Operations Plan. Action: Approved.
15. Consider approving the EMSA Contract for Administration of \$50,000 Medical Reserve Corps Grant. Action: Approved.
16. Consider continuing the Retainer Agreement for Professional Services with Howard Kuchta for consulting services for implementation of the Project Impact and Hazard Mitigation Grant Programs. Action: Approved.
17. Consider approving the following contract extensions: Rock Hauling (CL02-059) with Atlas Tuck Concrete - Sewer Rehab; Plexar Telephone Service (CL95-030) with SBC - MIS; Life Insurance (RFPCL03-067) with Canada Life (thru Managed Health Resources) - Human Resources; and E-911 Equipment and Support Services (CL94-025) with SBC - MIS. Action: Approved.

18. Consider approving appointments to boards and commissions as shown on the exhibit to this item. Action: Approved.

Ewing-Holmstrom said she wanted to know why she hadn't been asked to be on any Boards or Commissions. Purcell asked which one she was referring to. Ewing-Holmstrom said any of them but she noticed every Councilmember is on a board. Purcell said most of these are re-appointments. He said he would be glad to put her on any committee if she'll let him know which she would like.

Purcell also announced that Houssein Moini, the Economic Development Representative, needed to be taken off the Airport Authority. He said because of his other commitments he doesn't feel he can put the time into this. Shanklin said he thought they were going to nullify that position. Purcell said the Council has to do that.

MOTION by Ewing-Holmstrom, SECOND by Warren to consider approving appointments to boards and commissions as shown on the exhibit to this item except for Houssein Moini, the Economic Development Representative.

Shanklin asked the Mayor to take a look at that because we may have a few more resign. I would step in and find out why. He thinks we have problems at the airport. He even thinks his wife is going to resign. She's been there 5 1/2 years. He doesn't know these two new people and they need to be enlightened as to how we take care of our airport.

Purcell said hopefully these two new people will bring some light to that. The Chairman of the Airport Authority knows my phone number and she's welcome to call me at any time and we'll discuss it.

Devine asked is there was any way of bringing the Airport Authority back under the City Council. Vincent said the way the Trust is set up right now the city is the beneficiary of the Trust. Without dissolving the Trust and going through some other legal gyrations it would be very difficult. Devine said if we're having that much of a problem it might be something we should consider. Shanklin said we had two resignations a couple of months ago. Devine said he knew that was because of anger and they got into a heated argument. Vincent asked Devine if he would like a written report on that. Devine said yes he'd like to find out what's entailed because something needs to be done. Purcell said it's key who's appointed and he's not sure it should be back under Council because that makes it even more political but if that's the desire of the Council we can go that way.

VOTE ON MOTION HELD AT THIS TIME

AYE: Patton, Haywood, Warren, Bass, Givens, Devine, Shanklin. Nay: None. MOTION CARRIED.

*Ewing-Holmstrom was out of the room during the vote.

19. Consider approval of payroll for the period of April 26, 2004 through May 9, 2004. Action: Approved.

OLD BUSINESS:

20. Consider the following damage claim recommended for denial: James Smith and the accompanying report on the property provided by Engineering.

Vincent said this item was tabled on April 27, 2004 so Engineering could provide a report. It indicates certain areas of possible help that need to be made. We continue to recommend denial of this claim. The maximum liability for this type of claim is \$25,000.

MOTION by Shanklin, SECOND by Devine to deny the damage claim recommended for denial: James Smith and the accompanying report on the property provided by Engineering.

Shanklin said he was out there about 10 or 12 years ago and he had that problem then. I think you should have brought it to Council before now. He said it's gone on too long.

Smith said his Dad brought it to Council a long time ago. Shanklin said he didn't know that. He asked if Smith had ever hired a lawyer. That's what you're going to have to do. This has been going on since 1969.

Warren said none of us are arguing that he doesn't need some type of help but we each represent approximately 10,000 people. Those people can't allow me to pay his money just because we think he deserves. We deny the claim, he takes us to court, and we let the court decide. Purcell said there is a long term solution and that's the Squaw Creek Project on the CIP. That's coming to solve the problem in the future.

Haywood asked Ihler if there was anything he could do. Ihler said in the report there are some short term things we can do if we acquire some easement or right-of-way such as cleaning out some trees and so forth. We can help with some of the flow but even doing those things, with the amount of rain that we got on that day, that piece of

property is going to flood.

VOTE ON MOTION WAS HELD AT THIS TIME.

AYE: Warren, Bass, Givens, Devine, Shanklin, Patton; NAY: Haywood

*Ewing-Holmstrom was out of the room during the vote

BUSINESS ITEMS:

Purcell stated items 26 & 27 would be postponed until the next Council meeting when more time can be devoted to discussion of these items.

*Ewing-Holmstrom entered the room at 6:57 p.m.

21. Hold a public hearing and consider amending Chapter 18, Lawton City Code, 1995, to allow the maximum lot coverage in all residential districts to be 60 percent, deleting the additional side yard setback for accessory buildings on lots one and one-half acre or greater, and allowing residential dwellings in C-4 Tourist Commercial District to cover a maximum of 60 percent of the lot.

Debbie Jones said on April 13, 2004 the Council heard a request from an applicant for a building permit to allow him to enlarge an accessory building. The application had been denied from the staff. One of the reasons for the denial was it would exceed the coverage requirement in the current code. Previously the Mayor's Task Force on building codes had requested the maximum lot coverage in residential districts be increased to 60%. In 2002 the Planning Commission examined this issue and recommended to the Council that the maximum lot coverage be established at 45%. For larger lots the percentage was a little less. That was adopted by the Council. We were asked to prepare an ordinance that would enlarge it to 60% and did so. We took it to the Planning Commission on May 13th. The Planning Commission didn't recommend amendment of the ordinance. Jones referred to a handout that she provided to Council.

Devine said when this went before the Mayor's Task Force we worked and worked on this. We had agreed to take it to 60% regardless of how the CPC voted. The only thing wrong was the wording on it. The reason why it was accepted as 45% was because there was a man who needed a permit to proceed with a structure. We had the intentions of making it 60%. It was just brought straight in here after it was changed the way they wanted it. We just voted to give relief for that one man on the 45%. It was supposed to be brought back and it hasn't been. There's nothing wrong with using 60% of a lot.

Shanklin said we never mentioned accessory buildings. I think 60% probably is too much. All we were trying to correct is when someone is trying to add on to their house, spend those funds to do it. I don't think you should have an accessory building bigger than the house. I have never promoted that. I want to change that to 50% and apply wherever it is in the code that the accessory building cannot be bigger than the house unless you attach it to your house.

MOTION by Shanklin, SECOND by Devine, to table this item until the next Council meeting. AYE: Bass, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

22. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Residential/High Density to Commercial and an ordinance changing the zoning from A-1 (General Agricultural District) to C-4 (Tourist Commercial District) zoning classification located at 7615 NW Cache Road.

Bigham referred to a resolution and an ordinance that was in Council's packet. This request is for a 196 X 300 foot tract that's owned by Carla Fitzpatrick.

PUBLIC HEARING OPENED AT THIS TIME

Orville Smith was the applicant. Bigham said the Planning Commission held a public hearing on April 22nd and one person spoke against the request and one spoke in favor. The Planning Commission, by a 6 to 0 vote recommended amending the Land Use Plan and changing the zoning from A-1 to C-1 local Commercial District, which is more restrictive. Notice of Public Hearing was mailed to 37 owners of properties within the 300 foot area and proper notice was published in the Lawton Constitution.

Orville Smith said he was the realtor representing Dr. Pat Montgomery on this transaction. His sale is contingent on getting this zoned C-5. Dr. Montgomery would like to build a retail building on this location. Smith handed a picture to Council of what he has in mind. He's a very good property owner. I think his office is very well cared for. It has professional landscaping and he'll do the same to this building. I feel the C-4 zoning would be restricted enough that it wouldn't be a bother to the people in that area.

Ewing-Holmstrom asked if Smith said the land sale was contingent upon the land being C-5. Smith said it was C-4 and he made a mistake when he said C-5. Ewing-Holmstrom said okay because it says on here C-4.

Patton said he's talked to Mr. Smith and Mr. Owens about this and have talked to several constituents who have called and expressed some concerns. He doesn't have a problem with what he's planning on doing with the property. He doesn't have a problem with it going to C-4.

Warren asked if C-4 required screening between it and residential property. Bigham said all commercial zones require screening. Devine asked if C-4 allowed beer joints. Bigham said it would allow a mixed beverage establishment or a lounge. Patton said he was told that as long as you had more space for eating than drinking, like Chili's. Bigham said that C-4 would allow a lounge or tavern. It says in the code mixed beverage establishment or lounge as licensed by the City. Vincent says a pure beer bar has to go into C-5. Purcell asked if a beer joint falls under the term tavern. And a tavern can only go in a C-5. Is that correct? Vincent said Chapter 4 calls a tavern a beer establishment serving low point beer. That is licensed by the City and the County. An alcohol beverage establishment is defined as a licensed establishment by the State of Oklahoma under the Able Commission and that can go in C-4. Patton said he doesn't want a bar to go there, but feels confident after talking with Smith and Owens that he really has a plan for a commercial establishment. Bigham said that Jones reviews the mixed beverage or lounge licenses. Jones said she didn't want Council to be under the impression only the lounge related to a restaurant would be allowed in C-4.

Jones asked Smith what was his client's opposition to the C-1. What is he not able to do? Smith said he feels the C-4 would give him more opportunity. He plans on one unit being used by his family. He's looking at selling medical supplies and uniforms. He would like to have other options to lease the other part out. He does not want an undesirable thing.

Shanklin said the only thing that concerned him was car washes. The City Manager and the Police Chief can put somebody in an unmarked car and after about two or three thousand dollars worth of tickets being written that proves a nuisance. I think we need to do that to protect that area. I want to direct the City Manager to do that.

Patton said he'd like to note this is more restrictive than what we're trying to do with this area.

Bass said if they want to put a bar in all they have to do is buy Mrs. Ratliff's house and put it in C-5 right next door so we're not accomplishing anything by not letting them not have C-4. All they have to do is move over.

PUBLIC HEARING CLOSED AT THIS TIME

MOTION by Patton, SECOND by Devine, to approve **Resolution 04-58** amending the 2025 Land Use Plan from Residential/High Density to Commercial and authorize the Mayor and City Clerk to execute the document. AYE: Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED.

MOTION BY Patton, SECOND by Haywood, to approve **Ordinance No. 04-20** changing the zoning from A-1 (General Agricultural District) to C-4 (Tourist Commercial District) zoning classification located at 7615 NW Cache Road. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Givens. NAY: None. MOTION CARRIED.

(Title Only)

Ordinance No. 04-20

An Ordinance changing the zoning classification from the existing classification of A-1 (General Agricultural District) to C-4 (Tourist 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.

23. Hold a public hearing and consider an ordinance amending Section 18-681, Chapter 18, Lawton City Code, amending the permitted uses in I-4 Heavy Industrial District.

Bigham said he considers this a housekeeping kind of item. In each zoning classification we have permitted uses and uses permitted on review with two separate lists. All we're doing in here is going into the uses permitted section of the I-4 category and adding in there all uses listed in 18-682 which is the uses permitted review items that are in the I-4 District. The way it's written it could be construed that it also included the other list, so we're putting that exception in there. The Planning Commission held a public hearing on this on April 22nd and recommended approval of this item to the Council.

PUBLIC HEARING OPENED AT THIS TIME AND CLOSED WITH NO PARTICIPANTS

MOTION by Shanklin, SECOND by Bass, to approve **Ordinance 04-21** amending Section 18-681, Chapter 18, Lawton City Code, amending the permitted uses in I-4 Heavy Industrial District. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Givens, Devine. NAY: None. MOTION CARRIED.

(Title Only)

Ordinance No. 04-21

An Ordinance pertaining to zoning amending Section 18-681, Division 17, Article 6, Chapter 18, Lawton City Code, 1995, by amending the permitted uses in the I-4 Heavy Industrial District and providing for Severability.

24. Consider awarding a construction contract to Dale Miller dba B & M Storm Shelters for the Storm Shelters Project #2004-7.

Bigham said the City Council did approve this project to place safe rooms for first responders at all the fire stations and the dispatch center. Since then we've run into some issues dealing with the way we bid this. He was unaware they had to go through the statutory provisions for a public construction contract. They've decided to delete the shelter from the E911 Dispatch Center. That was due to space reasons and there are alternatives over there for them. They added a safe room at the Public Works Administration building and the Street Division. They are also including that with the notation that they're including a safe room at Fire Station #1. However, due to the historic character of that building they did not get the State Historic Preservation Officers Review on this. Without doing this they were unable to get the FEMA rebate on this one. Staff is recommending that they leave Fire Station #1 but pay for it with Project Impact Funds. There is approximately \$47,000 in that account. This project has to be completed by July 16th.

Devine asked why this guy was 1/3 lower than the engineer's estimate. Ihler said the Assistant Director of Engineering had a meeting with the contractor because he expressed some concerns about moving forward. After that it was clear he did want to move forward and that he did provide everything in his bid. The Engineer's estimate is a little high. We had some concern as it relates to the cost of steel. The cost of steel has doubled in the last couple months because of 80% of the steel is being shipped to China.

Bass asked how many people these safe rooms would hold. Bigham said they're 8' X 8'. Warren asked if it's required they be weather-tight. He had two citizens call him and they're having problems with theirs leaking. Bigham asked if those were shelters they're getting rebates on and if they're underground shelters. Warren said they were above ground. Bigham said he hadn't heard of any problems. Warren said he just wanted to make sure that we require it be weather tight. Bigham said he would check on that.

MOTION by Haywood, SECOND by Patton, to award a construction contract to Dale Miller dba B & M Storm Shelters for the Storm Shelters Project #2004-7 in the amount of \$44,970. AYE: Shanklin, Patton, Haywood, Warren, Bass, Givens, Devine, Ewing-Holmstrom. NAY: None MOTION CARRIED.

25. Consider approving an ordinance related to a personnel regulation that establishes Section 17-1-3-127 in Chapter 17, Lawton City Code, 1995, to establish rehire procedures for former employees, establishing severability and declaring an emergency.

MOTION by Ewing-Holmstrom, SECOND by Patton, to approve **Ordinance No. 04-22** related to a personnel regulation that establishes Section 17-1-3-127 in Chapter 17, Lawton City Code, 1995, to establish rehire procedures for former employees, establishing severability and declaring an emergency.

Bass said there have been times when we've let people go and they file claims on the City and we've hired them back. He asked if this was part of this. Vincent said as far as those settlements go, this does not affect those.

Ewing-Holmstrom asked if you come to work for the City of Lawton do you have to pass a drug screen. Golden said the employee has to pass a drug screen and back-ground investigation. Ewing-Holmstrom asked if they're randomly screened during their employment. Golden said there are random drug screens for DOT personnel and the police contract we just signed establishes random drug testing for police officers.

VOTE ON MOTION WAS HELD AT THIS TIME

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

(Title Only)

Ordinance No. 04-22

An Ordinance pertaining to Chapter 17, Section 17-1-3-127, Lawton City Code, 1995, by establishing rehire procedures for former employees, providing for severability and declaring an emergency.

26. **ITEM POSTPONED UNTIL NEXT COUNCIL MEETING.** Consider approving an ordinance creating Sections 10-13-1301, 10-13-1302, 10-13-1303, 10-13-1304, 10-13-1305, 10-13-1306, 10-13-1307, 10-13-1308, and 10-13-1309, Article 10-13, Chapter 13, Lawton City Code, 1995, to assess and levy the continuation of a one and one-quarter percent (1.25%) sales tax to be collected from January 1, 2005 through December 31, 2011, for the purpose of financing capital improvement projects of the City, providing for the administration of the collection of the sales tax, severability, continuation of the ordinance in the event the purpose of revenue provision is declared invalid, codification and requiring

the full text be published.

27. **ITEM POSTPONED UNTIL NEXT COUNCIL MEETING.** Consider approving an ordinance authorizing the calling and holding of an election in the City of Lawton, State of Oklahoma, for the purpose of submitting to the registered qualified electors of said City the questions of the issuance of the bonds of said City in the sum of Fifteen Million Dollars (\$15,000,000) and to approve the continuation of a one and one-quarter percent (1.25%) sales tax for seven years to provide funds for the purpose of various capital improvements to the City of Lawton, upon all the taxable property in said City for the payment of the interest and principal on said bonds; providing for severability; declaring an emergency; and requiring the full text be published.

28. Consider approving a Resolution establishing a committee composed of three members to be appointed by the Mayor and confirmed by the Council to be known as the E-911 Coordinating Committee and approve the Mayor's appointment of the committee members.

MOTION by Shanklin, SECOND by Haywood, to approve **Resolution No. 04-59** establishing a committee composed of three members to be appointed by the Mayor and confirmed by the Council to be known as the E-911 Coordinating Committee and approve the Mayor's appointment of the committee members.

Purcell said this is to meet with the County Commissioners. The official committee is three. If approved, there will be an E911 Director and we'll have the Police Chief with us at our meetings. When he asked who wanted to be on this, Glenn Devine and Randy Warren came forward and that's how he got the two names.

VOTE ON MOTION WAS HELD AT THIS TIME

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

29. Consider awarding contract for Concession Operation Eastside Community Park (RFPCL04-059) to LaSill Optimist of Lawton.

Shahan said they have opened East Side Park but need a concession operator. He said they made solicitations for bids and received two bids. LaSill is an operation that's already in our system. The other bid was for 2%. This would be the highest bidder and in most cases would be the one awarded. He said staff feels LaSill is the one that should be chosen to award the contract to.

Ewing-Holmstrom said she received a couple of emails about the decision to go with LaSill. She asked Shahan to give an example of what the LaSill gives back to the community. Shahan said, in terms of particular projects, he didn't know.

Walt Gwen, of 4512 NW Denver, said he has been in the club since 1981. Since 1984 they've contributed approximately \$30,000 per year to community activity. They are supporting at least 5 or 6 of the Parks and Recreation activities. They supported a youth appreciation week which all of the Council participated in for many years.

Ewing-Holmstrom asked if he could provide an example of some of the projects. Gwen said for the City parks, they did the Easter Egg Hunt for two years and provided \$800 worth of candy. We also do an essay contest and an oratorical contest. They support soccer programs and baseball. They fed 200 people at the Special Olympics at the Hershey Track Meet. They do a fishing derby in conjunction with Parks and Recreation. Ewing-Holmstrom asked if they still do the Christmas tree lights. Gwen said their only source of income is McMahan Ballpark and Christmas trees. Ewing-Holmstrom asked if those two venues go to support these things they do. Gwen said yes. Ewing-Holmstrom asked if they have been doing the other parks in town. Gwen said they have their breakfast club that does the Grandview Park. He thinks the Eastside Optimist helped them man that. Ewing-Holmstrom asked how many members they have. He said they have 67 right now. Their members pay \$60 per year and get paid nothing.

Patton said he had talked to Shahan and agree the difference of 2% isn't much and the Optimist Club turns all their money back into the community. He supports Shahan's decision on that.

MOTION by Ewing-Holmstrom, SECOND by Warren, to approve the contract for Concession Operation Eastside Community Park (RFPCL04-059) to LaSill Optimist of Lawton. AYE: Warren, Bass, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

30. Consider an ordinance amending Section 116, Article 1, Chapter 5, Lawton City Code, 1995, pertaining to waiving the restrictions of dogs in park trails, and providing an exception to the applicability of the prohibited restrictions as to "working dogs for the disabled", providing for severability and declaring an emergency.

Vincent said Parks and Recreation received a letter requesting they waive the requirements so they can have an

activity at Elmer Thomas Park for a family day out and Lawton Homeless Animal Day. In reviewing the code it didn't provide for an exception but while reviewing the code we found that working dogs for the disabled were also excluded from park trails throughout the City and that needed to be fixed. So we're proposing to allow the Council on a case by case basis to allow for an exception and provide a blanket exception for the working dogs for disabled.

MOTION by Shanklin, SECOND by Givens, to approve **Ordinance No. 04-23** amending Section 116, Article 1, Chapter 5, Lawton City Code, 1995, pertaining to waiving the restrictions of dogs in park trails, and providing an exception to the applicability of the prohibited restrictions as to "working dogs for the disabled", providing for severability and declaring an emergency.

Warren asked if there was any way we could include that the entity is responsible for clean up. Purcell said we'd have to do that on the next one. Warren asked that we designate a certain City Park to be a dog park. They have them in most other medium to large size cities. It would require the park to be fenced off. Bass asked if dogs were allowed in the parks or not allowed on the trails. Vincent said they're not allowed on the trails.

VOTE ON MOTION WAS HELD AT THIS TIME

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

(Title Only) **Ordinance No. 04-23**

An ordinance pertaining to dogs in park trails amending Section 116, Article 1, Chapter 5, Lawton City Code, 1995, by providing for the temporary waiver of the restrictions contained in the ordinance upon proper resolution by the Lawton City Council, and by providing for an exception to the applicability of the restrictions as contained in the ordinance as respects "Working Dogs for the Disabled," providing for severability, and declaring an emergency.

31. Consider a resolution waiving restrictions of not allowing dogs on jogging trails or sidewalks in city parks on June 5, 2004, in conjunction with activities planned by the Humane Society of Lawton/Comanche County and the Sheltering Tree Animal Rescue Society.

Vincent this is the companion item that he spoke of before. He told Warren, the requirement about animal waste he mentioned before isn't included but that can be added. Warren said he just thinks we should cover ourselves for the future. The President of Sheltering Tree said they have a clean up crew that will be there and pick up any animal waste.

MOTION by Warren, SECOND by Ewing-Holmstrom, to accept **Resolution No. 06-60** waiving restrictions of not allowing dogs on jogging trails or sidewalks in city parks on June 5, 2004, in conjunction with activities planned by the Humane Society of Lawton/Comanche County and the Sheltering Tree Animal Rescue Society. AYE: Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED.

32. Discuss and review possible engineering approaches to the future Nine Mile Creek Sewer Construction Project #2004-5 and take appropriate action, if any.

Ewing-Holmstrom said she and Ihler had a pre-meeting tonight before Council. She said Ihler had provided a map that she had requested of all the land owners that are just past the City limits that will be directly impacted either through easement acquiring or through annexation in this project. Her number one concern is if we are to take the \$110,000 for the Nine Mile Creek Project, who would this affect the most and how this would affect the people who live in Ward 4, which is the closest ward to this project. There's also a part of Ward 7. Jerry said the areas that will be mostly impacted are the residents that live just outside the City limits. We will have a couple of neighborhoods like MacArthur Park, Sungate and Park Lane that will benefit from this project. Ewing-Holmstrom said we have two issues here. Number one, do we have it in our budget to assist people who don't live in our city limits? Number two, that's a great thing to do but can we spend that money somewhere else? Her suggestion is to take the \$110,000 to do aerials of the greater part of Lawton, not just the Nine Mile Creek Project. We have an urgent need to do aerials for economic development research for the City of Lawton. Jerry has the numbers of what that would cost. She thinks that would be good because it also benefits people who live outside the city limits. Ihler said it benefits some inside the city limits and more outside. Ewing-Holmstrom said she's not sure what Council would like to do with this because the item was originally agended as consider authorizing staff to prepare plans and specifications for the Nine Mile Creek Sewer Line Project. She would discourage that and rather see this economic development money funneled to the greater of Lawton rather than one specific area.

Bass said there's no way you're going to be able to not annex 60th Street on in to the City of Lawton to make this Nine Mile Creek area worth while for people to help pay for what's going to benefit them. If you don't think there's going to be an annexation when this happens, in my opinion, you're kidding yourself.

Warren said there's a lot of tribal land and state land on the East side, like the corner of 45th and Bishop, some of those houses in that area are already having to use a lift station. Ihler said there are four additions on the East side that

use a lift station. Warren asked if there were any new homes that are going to have a lift station to be able to feed the lines we've got. Ihler said that is correct. Warren asked if we do the project would the lift stations still be needed? Ihler said if the project is constructed that would eliminate those four lift stations.

Patton asked what the cost of a lift station is. Ihler said we spend about \$35,000 per year for the four lift stations.

Haywood asked if the Nine Mile was connected to Wackenhut. Ihler said it would go right by Wackenhut. In fact, Wackenhut has a lift station. We haven't done the design on this yet as to where this would go but it would come through that area because it would have to tie into the Waste Water Treatment Plant.

Patton asked if we'd have to annex from 60th Street in. Bass said they would have to annex because you're only 1/2 a mile away from Nine Mile Creek. As far as those lift stations, you eliminate four but didn't you have to put five of them in for other additions to come in? Ihler said not that he's aware of. Bass asked how much it cost for a new lift station. Ihler said it would depend on the size and how many homes or how large of an area it would serve. You probably could spend anywhere from \$100,000 to \$150,000. The \$35,000 is for our people to maintain them and the electricity for the pumps and so forth.

Devine said we can sit here with our heads in the sand and not ever let the city grow and every day that goes by, we have people encroaching on us. He asked the City Manager a couple of weeks ago to look into a fence which would set our boundaries where other people couldn't encroach on us. They're going to finally get us to the point where we're going to be boundary bound if this city cannot grow without us spending millions of dollars buying up these rural water systems. This Nine Mile Creek is a step to the future. We don't have to annex people in and that's the first thing that upsets everybody out there. They're thinking we're going to annex them in and they're going to fight against this. The only part that we would annex is just the general area of where this creek is going to run. Ihler said if you want to construct the sewer line you can go ahead and get an easement from the property owners without annexation. Eventually, it's going to happen. We've got to grow. We have gone as far as we can north and we can't go west much further.

Ewing-Holmstrom said there are a couple of issues she'd like to make Council aware of. Number one is annexation, which after speaking with Ihler, there wouldn't have to be this massive annexation that was brought about a year ago. The second issue involves what's really going to happen if this is constructed. There is this misconception that if this project is put in that all of a sudden, all these businesses are going to flock to the East side of town. There is already infrastructure on Gore Boulevard. Let's pretend that Nine Mile Creek isn't going on right now. Let's say those people and entities that own and control the land that's on the east side that are empty fields along Lee and Gore Boulevard wanted to come in and build a grocery store or strip mall, there is already infrastructure there isn't there? Ihler said there is infrastructure in various locations. It depends on exactly where you're talking about. There is infrastructure along Gore Boulevard. Ewing-Holmstrom said because there is so much State land and Indian land she wants the general public to understand that we as a city do not control much of what is inside the city limits on the east side of town. So, if we build this Nine Mile Creek Project it doesn't automatically mean we're going to see a bunch of growth along Gore Boulevard. We aren't sitting here waiting for Nine Mile Creek because we don't have water systems available to anybody along Gore. That is the misconception that is happening. Ihler said there is water along Gore Boulevard. Ewing-Holmstrom said the last thing she wants to mention is this all started with aerial photography. That is very much needed for the City of Lawton.

Shanklin said all we're doing is have it ready in case somebody gets a grant and they want to build that sewer line. Just be ready for it.

Warren said there's a dynamic that you have to remember. There is property available on the east side that could be developed but the dynamic is when we fence that property in and try to force businesses to locate there, what it does is inflate the price. When a person looks at that when they're making an investment, and they say okay I can build on the east side for a certain amount of money or I can build on the west side where the population center is currently for a certain amount plus two percent, they're going to go on the west side where the population is. When you expand the available land on the east side it lowers the price of the property and allows the development to occur. It will help provide growth for the west side.

Purcell said the problem is if we don't do some of this we're not going to have any development to the East because of this problem with lift stations.

Ewing-Holmstrom said she wished Ihler could show on the map the KCA land, the school land, the BIA land and that would give everybody a true idea of what we're talking about on the east side of town. There are lands that haven't been developed for many years and we will not have control of the development of that land for many years to come.

MOTION by Devine, SECOND by Shanklin, to authorize staff to prepare plans and specifications for Nine Mile Creek Sewer Line Project #2004-5 and fund the design, equipment, and aerial photos from the 2000 CIP Economical Development Fund in the approximate amount of \$110,000.

SUBSTITUTE MOTION by Ewing-Holmstrom, to take the approximate \$110,000 and use that and whatever other monies are available out of the Economic Development account to do aerial views of the southeast side and southwest side.....

Purcell said this is a whole new proposal and you would have to bring it back as a new agenda item.

Ewing-Holmstrom said this particular item she cannot say instead of spending it on Nine Mile Creek, just spend it on something else?

Vincent said it was postponed, which is this item right here, so we have to go back to the original item.

Purcell said so that is not proper, but she could certainly bring back an item for next time, so he can't accept the motion.

Shanklin asked Ihler if that keeps us from doing anything else, because she has a misconception. We are not just going to go out there and say this is it and that's all we are going to do. We are going to look at anyplace we want to look.

Ihler said we identified 15 square miles to do the aerials that would cover the area that would be served. Shanklin said to put that down and we'll do the southeast and the southwest and I'll support you on it.

Ewing-Holmstrom asked Ihler if she was misunderstanding. Wasn't this money specifically going to be just for the Nine Mile Creek aerials because that's all the money that was available for that. Ihler said in this particular item it was fifteen square miles and the monies would be spent to do aerials and the equipment to do that.

Purcell said you have to read the whole article. In that \$110,000, \$55,000 is to do aerial work. Another \$40,000 is for equipment, not only here but for other times. There's \$95,000. So the extra is only \$15,000 to do this project. The other \$95,000 is still going to be available.

Ewing-Holmstrom asked how this project originated.

Ihler said it was originated as part of 1985 CIP, he thinks that is when it was first discussed.

VOTE ON MOTION WAS HELD AT THIS TIME

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

REPORTS:

Shanklin said on the 82nd Street water line, we haven't come up with a method of charging for a tap on that impact line. Mitchell said we have to have a study. How do we kick that off? Shanklin asked if we're going to let people tie on before we do the study. Vincent said the last time we met on that we contacted several cities and stuff should be coming in.

Patton asked Harold Thorne to come forward

Patton said he had some concerns that a lot of his constituents have expressed about the carwash on 75th Street and Cache Road. They're having a lot of problems with the noise. He would like to see if we could do something to help alleviate that problem. Thorne said they already have something in plan.

Haywood said when we did the Community Development Block Grant money, Shanklin asked who was on the Lawton View Association. They are here tonight. Haywood introduced Ms. Reed, the President, Ms. Newton, the Secretary, Ms. Mayfield and Ms. Whooten.

Ewing-Holmstrom asked if this was the group with the \$25,000 grant. Haywood said that was correct. Haywood said he could talk about that. Ewing-Holmstrom said she was just curious about that. Purcell said they could bring it to Council next time. Also, Lincoln is developing a Neighborhood Association for Ward 5 and Ward 7. They meet on the first Monday at 6:30. The first Monday in June, they'll be meeting at Lincoln Elementary. Lawton View meets the second Monday at 6:00 at the Youth Center in the 1500 block of Pennsylvania. We also have Juneteenth coming up June 17, 18, & 19.

Mitchell said he would like the Council and the public to know House Bill 2373 passed today. That bill was originally to support volunteer firefighters. As it came out of the Conference Committee it was modified, changed and reconstructed to include a provision that will, if passed by the Senate, require cities to require Medicare Supplemental Health Plan Coverage for all retired employees and their dependants. He would strongly urge each Council Member to call either Senator Helton or Senator Maddox tomorrow and ask them to vote against that bill. He think it's something that's last minute. He thinks it's something that's intended to get this provision into our

Union contracts. It was a surprise to us. We learned of the amendment around noon and the Bill came out of the Conference Committee and was passed by the House in two hours. He's not sure how our Representatives voted. He knows Abe Deutschendorf voted against the Bill. It's a very serious issue for us.

Purcell reminded the Council about the budget meeting Thursday at 6:00 and Tuesday, we have another one, however we will do the CIP prior to doing budget. We have to make a final decision on Tuesday. We need to strike Item 36 on the Executive Session. We no longer have a need for that.

*Ewing-Holmstrom left the room at 8:30 p.m.

Mayor and Council convened into a executive session at 8:33 p.m. and reconvened in regular open session at approximately 8:45 p.m. with roll call reflecting all members present except Ewing-Holmstrom AYE: Shanklin, Patton, Haywood, Warren, Bass, Givens, Devine. NAY: None. MOTION CARRIED.

EXECUTIVE SESSION ITEMS:

33. Pursuant to Section 307 B. 4 and C. 10, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the ongoing litigation between Energetix Corporation and AEP/PSO in the Oklahoma Supreme Court and take appropriate action in open session.

Vincent read the title of Item 33 as shown above. He said Council convened in executive session and after discussion no action is required at this time.

34. Pursuant to Section 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the acquisition of real property, and if necessary, take appropriate action in open session.

Vincent read the title of Item 34 as shown above. He said Council convened in executive session and discussion was held.

MOTION by Patton, SECOND by Bass, to authorize Councilman Randy Warren to represent the City of Lawton and place a bid in the auction to be held on May 28th. AYE: Haywood, Warren, Bass, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

35. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers Compensation case of Helen Whitmore, Case No. 2003-07258-K, and if necessary, take appropriate action in open session.

Vincent read the title of Item 35 as shown above. He said Council convened in executive session and after discussion staff recommends a motion.

MOTION by Haywood, SECOND by Warren, to approve the settlement of the Workers' Compensation case of Helen Whitmore, Case No. 2003-07258-K, in the amount of \$20,000. AYE: Warren, Bass, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

36. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2004-2005 and terms and conditions of employment between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open sessions.

THIS ITEM WAS STRUCK

There being no further business to consider, the meeting adjourned at 9:10 p.m. upon motion, second and roll call vote.