

Meeting of 2004-6-22 REGULAR MEETING

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JUNE 22, 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
Col. G. Keith Herring, Fort Sill Liaison

The meeting was called to order at 6:15 p.m. by Mayor Purcell with invocation by Reverend Patrick McPherson, Cameron Campus Ministry and 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
Stanley Haywood, Ward Seven
Randy Warren, Ward Eight

ABSENT: Jeffrey Patton, Ward Six

PRESENTATION OF EMPLOYEE OF THE MONTH AWARD TO JULIE MAGNESS, ACCOUNTANT IN THE FINANCIAL SERVICES DIVISION OF THE FINANCE DEPARTMENT

Rick Endicott, Finance Director introduced the Employee of the Month Award recipient, Julie Magness, Accountant in the Financial Services Division of the Finance Department. He said she has been with the City for ten years and he said she keeps him out of a lot of trouble. He thanked Julie for all her hard work. She is very valuable to the City of Lawton, Laura Smith, Supervisor, and himself. He told her he appreciates everything she does.

Mayor Purcell said it is the employees and citizens that make this city go and without the great employees we have in the City of Lawton we wouldn't be able to do all the things we have. He said the employees are the backbone of this city. He presented Magness with a plaque for Employee of the Month, presented her a certificate for two days off, script money for \$50, and a Certificate of Honor from The City of Lawton. He also gave her a Mayor's coin.

Magness said thank you and appreciates the opportunity to be Employee of the Month. She said she doesn't look at it as doing something extra or above and beyond, she looks at it as just doing the very best she possibly can.

PRESENTATION OF CERTIFICATE OF APPRECIATION TO SHANNON DAVE

Purcell recognized Shannon Dave as being recently honored at a Oklahoma Blood Institute meeting for the entire State of Oklahoma. She has done something outstanding as a young person in school. She has taken this upon herself. He thanked her for all her hard work and the work she is doing for school. Here is a great example of a young member of our community that is going great places. He read and presented her with a Certificate of Appreciation from the Office of the Mayor of Lawton, Oklahoma. She assisted the Oklahoma Blood Institute with student donations from Lawton High School. She also scheduled speakers, arranged student's schedules for donations, and trained workers for the drive. Purcell also presented her with a Mayor's Do What's Right coin.

Dave thanked everyone and said she had a fun time doing this. It wasn't for this award, it was for the community and those needing blood. She also thanked the Blood Institute for helping her and giving her the courage to move forward and do something that's right.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL SPECIAL MEETINGS OF MAY 3, 2004, MAY 4, 2004, AND MAY 5, 2004.

MOTION by Warren, SECOND by Shanklin, to approve the minutes of Lawton City Council Special Meetings of May 3, 2004, May 4, 2004, and May 5, 2004. AYE: Givens, Devine, Ewing-Holmstrom, Shanklin, Haywood, Warren, Bass. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION: None.

CONSENT AGENDA : Separate consideration was requested for Items #1, 6, & 13.

MOTION by Bass, SECOND by Shanklin, to approve the Consent Agenda with the exception of items #1, 6, and 13. AYE: Devine, Ewing-Holmstrom, Shanklin, Haywood, Warren, Bass, Givens. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for denial: John Erwin.

Purcell said he pulled this because there is someone who wants to speak on this tonight.

John Erwin, 141 NW 36th Street said the Fire Department came out to test the fire hydrant and they broke it and it took 30 days to finally find someone who would handle it. Usually we would talk with a plumbing company and they would say no and to call the City of Lawton. We did that several times and they would not come out and do anything. One said because of liability reasons. He said they broke it and we had to pay for it.

Vincent said this item was recommended for denial because there s three specific items in the Oklahoma Governmental Tort Claims Act that prohibits the Council from paying for this. Two of them are particularly on point and that is Section 155, Subsection 6 which the method of offering fire protection; it s City Policy, whether it s a private or public fire hydrant, we test those on an annual basis. On number 3-13 which is really specific, inspection powers, which this was an inspection, making an inadequate or negligent inspection. The allegation is when the Fire Department tried to close the hydrant they broke the inside of the hydrant so it wouldn t shut off properly, requiring the Water Distribution Department to do out there. The reason we couldn t replace his hydrant or fix it is because it is a private fire hydrant he is required to maintain for his mobile home park. There is no way we could find, under State Statutes, to pay this because there are specific exemptions that apply to this.

Haywood asked Devine what would cause that.

Devine said he d rather not comment on that because it s conflict. Mr. Erwin tried to get me to repair it and I couldn t for the reason of conflict. He said Shanklin and he are aware the Fire Department was shutting some of them off too fast, creating damage to it. Mr. Erwin called him and he told him he would be more than happy to support the City paying for this because we were having a time and had several fire hydrants broken at that time and water mains broken at that time because they were slamming some of them shut.

Shanklin said two or three months ago some of the staff said we burst the line in five places on 31st Street and the higher ups said it didn t happen. He said he knows that, he s watched it happen himself out on north 11th and he believes we owe this claim and is going to support it.

Bass asked Erwin about the \$1,135 for the private water line and if they blew his water line up also. Erwin said no, they had to go in and put in a valve in order to shut it off so they could repair it. They had to dig and put in a 4 or 6-inch valve in order to shut off that fire hydrant so they could take it apart and fix it.

MOTION by Devine, SECOND by Shanklin, to approve payment of the damage claim of John Erwin, along with the supporting documentation, resolutions, and warrants of attorney.

Ewing-Holmstrom said she would like to hear from the Fire Chief on this.

Fire Chief Bart Hadley said he would appreciate the chance to address some of the things that have been said. He said the incident on 31st where there were five breaks, there was a Fire Department employee involved in that, it had nothing to do with the employee shutting the hydrant off too quickly. That hydrant, the stem broke and slammed shut as they were shutting it off, it wasn t closing it too fast that caused the water hammer. It did shut off too fast, but it was mechanical malfunction that closed that and caused the five water main breaks in that particular incident. He has not heard any allegations about fire fighters slamming fire hydrants off too fast. They are extremely careful and very cognitive of closing hydrants too fast. The particular incident we are talking about, with the mobile home park, was not a result of closing they hydrant too fast, the hydrant itself broke, similar to the other one. Closing the hydrant too fast would cause water main problem, a water hammer backs into the main and potentially could cause breaks. He said he doesn t believe their guys were at fault. Sometimes mechanical things do break, but it wasn t because they did anything improper from the Fire Department side.

Vincent reminded Council specifically of exemption 13 which is on page seven of their agenda item. It does say a negligent inspection and that s what Mr. Erwin is alleging; that we were negligent in our inspection of the facility

and that s a specific exemption under the Tort Claims Act that this Council should not pay for it.

Bass said the City can go out, the hydrant can be leaking, and you can just drive off and leave it leaking. Without any problems you can just drive off and say that s his responsibility?

Vincent said technically and legally, yes.

SUBSTITUTE MOTION by Ewing-Holmstrom, SECOND by Warren, to deny the claim of John Erwin. AYE: Warren, Ewing-Holmstrom. NAY: Haywood, Bass, Givens, Devine, Shanklin. MOTION FAILED.

VOTE ON THE ORIGINAL MOTION WAS TAKEN AT THIS TIME.

AYE: Shanklin, Haywood, Warren, Bass, Givens, Devine. NAY: Ewing-Holmstrom. 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: Charles and Linda Drake, Charles Gilley, Weldon and Debra Love, Mabel and Earl Hamburger. Action: approved.

3. Consider authorizing the City Attorney to initiate litigation against Regency Partners, LLC, to recover monies owed on two City of Lawton utility accounts. Action: approved.

4. Consider renewing the Retainer Agreement for Professional Services with Darrell Dawkins, to provide professional investigative services to the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Action: approved.

5. Consider approving a renewal Agreement between the City of Lawton and the Marie Detty Youth and Family Service Center, Inc. for the continued operation and management of a Community Intervention Center in Lawton and authorize execution of the renewal Agreement and any associated documents. Action: approved.

6. Consider authorizing the City Attorney to request the District Court to dismiss CJ-2002-662 and release the judgment entered on March 26, 2004 concerning the previously declared dilapidated structure at 6914 SW Forest Avenue.

Warren said he pulled this item because the proposed property owner is here tonight on speak to this issue. He requested one of the requirements at the bottom under staff recommendation be lifted. That requirement is the final inspection before the release. The reason for this is he is trying to close on this house and can t as long as the judgment is in effect from the court, he s not allowed to close on it and he s really needing to close on this in order to finish the rehab. He showed Council pictures of the progress so far.

Devine asked if this was only \$121.00 claim. Warren said we don t even have that claim any longer, he s paid that amount. All we have is the requirement that he make it through the final inspection and he has some items he hasn t finished yet and needs to before he can get the final inspection, but he needs to close on the house to be able to finish.

Sanjit Bhattacharya said he is buying the house on 6914 SW Forest and he found upon closing the house there were judgments and liens on the property. These were suppose to have been paid at closing, but he found out before closing he had to get a Structural Inspection, a Framing Inspection, and get the house up to date. This left him in a tough situation because he has to put thousands of dollars into the house to finally get a clearance to close on the house and he has already started on that. He is going to fill in the pool, where apparently a child had drowned in and that was a big issue on this property. Runyon Dirt Company is doing the work. He has also secured the house, has put up a privacy fence, put on a new roof, has passed a Frame Inspection done by Mike Hawkins. The house has been insulated, sheet rock textured, cabinets have been installed, and have put in approximately \$13-14,000 into the house already, just to get it passed.

Shanklin said this reads staff recommends authorizing the City Attorney to request District Court of Comanche County to dismiss this case and release the Journal Entry of Judgment therein. He asked what is our issue. Warren said the issue is for in order for us to do that, he has to pass a final inspection, which he can t pass yet. Shanklin asked why. Warren asked for staff input.

Tim Wilson, Assistant City Attorney, said this is a structure Council originally declared dilapidated in 2002. In March of this year, District Court issued an Order confirming it was dilapidated and ordered the property owner to bring it up to Code and to fill in the swimming pool. We filed that Judgment with the County Clerk at that time and that s when it became of record and when this individual who was trying to close on it couldn t do so because there s an Order saying the City can go in and do what it needs to do to abate the nuisance if the property owner doesn t. The City s recommendation is the home owner, or person interested in buying it, go in and finish the remodeling, get the Certificate of Occupancy, which is required in the Court Order, and then the City would be willing to ask

the Court to dismiss the case and release the Judgment. He said he does have concerns about the swimming pool. There has been a fence put up around it, a little boy did drown in it around early 2000, and the fence is protecting the community from the pool, but there is water starting to build up in the pool and that would be a health hazard for mosquitoes and such and he asks the Council to consider that. He said Mr. Bhattacharya has indicated he is willing to fill in the pool and based on that, Wilson said he would add to the staff's recommendation that prior to releasing our Judgment, he also be required to fill in that pool, as he stated he's willing to do.

Shanklin said he is confused and asked if he still has to fill in the swimming pool. Warren said he has to fill the swimming pool in and pass final inspection. He said he thinks Bhattacharya's portion of this is he needs to close on this house so he will have the funds to finish remodeling. That's the progression we're in and he's in a catch-22. He can't get the funding he needs without finishing the house, and he can't finish the house without getting the funding.

G. Wayne Smith of 4448 NW Baltimore, said he is working with Mr. Bhattacharya on his purchase and if you let the item 1 pass, then it would delay the closing another 4 to 6 weeks and Mr. Bhattacharya needs to go ahead and get it closed so he can get his money recouped. Work is being done.

Ewing-Holmstrom asked about the \$121 being discussed and asked Mr. Bhattacharya if he wants to receive his Certificate of Occupancy from the City of Lawton. Smith said not at this present time. Ewing-Holmstrom asked if he just wants the \$121 claim. Smith said no, the \$121 was the Court Cost the City incurred. Mr. Bhattacharya has paid that. Ewing-Holmstrom asked if anyone from the City had been in the house. Bhattacharya said yes, they have approved the Framing Structure and have passed every inspection to date. Ewing-Holmstrom said her concern is someone is asking us to agree to pass the final inspection. Wilson said he was not asking Council to pass the final inspection, what he was putting in the minute action would be once he has passed the final inspection, authorize the City to request that the Court dismiss the Judgment and release the lien. That is what we are asking.

Vincent said he thinks there's some confusion. What Bhattacharya is asking is the City waive the requirement that the final inspection and the swimming pool be filled, at this time he paid the \$121 and wants the Council to go ahead and authorize the release of the Judgment without the final inspection or the swimming pool being filled.

Smith said correct, so we can get the house closed. Bhattacharya said after that he would fill the pool up. Warren said he is still going to pass all the Code requirements he is going to have to pass.

Ewing-Holmstrom asked what happens if he doesn't fill the pool in. Warren said we end up tearing down a house that's in a lot better shape than the one we originally intended tearing down.

Vincent said if we release the Order though, that's what he's asking us to do, we no longer have the Court declaring this house dilapidated.

Ewing-Holmstrom said then we have to start all over. Vincent said that is correct.

Smith said the house won't sell, which is what Mr. Bhattacharya wants to do, it won't sell with the pool in the condition it's in. Bhattacharya said it's terrible, he had four swimming pool contractors to take a look at it. The fiberglass is cracked and fungus all over, cracks in the concrete, and to fix it, it was going to cost him \$10,000 and it's just not worth it.

Ewing-Holmstrom asked him how long it will take him to get all that done. Bhattacharya said he is at the trimming stage now, maybe another day for that, another week to paint it, another two to three weeks at the most. The house will be a brand new home. He has already replaced the windows, a brand new roof, everything is basically redone to brand new, electrical, plumbing, everything except the break in the slab.

Bass said here's a guy working hard, trying to make it right, fixing his house up and here we are, holding him up. He said we should let him have it and go on. We can always bring it back.

MOTION by Warren, SECOND by Bass, to direct staff to request the District Court of Comanche County dismiss case no. CJ-2002-662 and release the judgment entered on March 26, 2004 concerning the previously declared dilapidated structure at 6914 SW Forest Avenue and acknowledge that the \$121 for Court Cost has been paid. AYE: Shanklin, Haywood, Warren, Bass, Givens, Devine. NAY: Ewing-Holmstrom. MOTION CARRIED.

7. Consider accepting a permanent utility easement, which is located in Block 35 of Military Addition, from John and Jane Lewis, authorize payment in the amount of \$4,087.50, and authorize the Mayor and City Clerk to execute the easement. Action: approved.

8. Consider accepting a permanent utility easement, which is located in Block 36 of Military Addition, donated by Lawton Masonic Lodge, and authorize the Mayor and City Clerk to execute the easement and send a letter of appreciation. Action: approved.

9. Consider accepting a permanent utility easement, which is located in Lot 2, Block 1 of Highland Park Addition, donated by Darrel (also known as Darrell) and Marynel Chabino, and authorize the Mayor and City Clerk to execute the easement and send a letter of appreciation. Action: approved.

10. Consider accepting a permanent utility easement, which is located in Lot 2, Block 1 of Highland Park Addition, donated by Bobby Abshere and Charles Abshere, and authorize the Mayor and City Clerk to execute the easement and send a letter of appreciation. Action: approved.

11. Consider accepting a contract with Charles Benke regarding the purchase of his private waterline in order to close Tinney Road and expand the City landfill, and authorize the Mayor and City Clerk to execute the contract. Action: approved.

12. Consider approving an agreement between the Center for Creative Living Corporation and the City of Lawton for services to senior citizens. Action: approved.

13. Consider approving Agreement for Limited Services with the Museum of the Great Plains.

Purcell said he had this pulled because this is an agreement with the Museum and we just need to look at it. There is nothing specific about it, but he just thought it needed to be pulled to look at it since it is a new agreement with the Museum.

MOTION by Shanklin, SECOND by Haywood, to approve the Agreement for Limited Services with the Museum of the Great Plains. AYE: Haywood, Bass, Devine, Ewing-Holmstrom, Shanklin. ABSTAIN: Givens. NAY: None. MOTION CARRIED.

*Warren was out of the room when vote was taken.

14. Consider an agreement with Lawton Mobile Meals for services for FY2004-2005, and authorize the Mayor and City Clerk execute the same. Action: approved.

15. Consider approving the annual Cooperative Agreement and an Agreement for Limited Funding between the City and Transit Trust to provide funds for the operation of a public transit system and authorize the Mayor and City Clerk to execute the same. Action: approved.

16. Consider approving annual contract renewals between the City of Lawton and the following: County Commissioners (re: Juvenile Detention Center); Department of Corrections (re: temporary housing of prisoners in city jail); J.Roy Dunning (re: Children's Shelter); and Roadback (re: Detoxification Center); Lawton Crimestoppers, Inc. (re: Funds from sale of property in police custody). Action: approved.

17. Consider ratifying the actions of the Lawton Water Authority authorizing the staff to conduct another auction for Lake Lease E-21, which was not leased at the Public Auction held on June 7, 2004, and decreasing the minimum bid amount to \$800.00. Action: approved.

18. Consider approving the Proposed Cooperative Program and Memorandum Agreement between the Oklahoma Water Resources Board, the U.S. Geological Survey and the City of Lawton and authorizing the Mayor and City Clerk to execute the agreement. Action: approved.

19. Consider adopting a street light resolution to authorize the installation of street lights at the locations listed in the background section. Action: approved.

20. Consider approving new investment services for the City of Lawton. Action: approved.

21. Consider approving the following contract extensions: Bunker Clothing (CL03-049) with Wayest Safety, Inc. - Fire; Custodial Maintenance Group 1 (CL02-061) with Pride's Janitorial - Building Maintenance; Employee Physicals/Drug Screen Testing (RFPCL03-066) with The Center for Occupational Health - Human Resources. Action: approved.

22. Consider awarding a contract for the City of Lawton Employee Assistance Program (RFPCL04-053) to Deer Oaks. Action: approved.

23. Consider awarding contract for City of Lawton audit (CL04-066) to John M. Arledge and Associates. Action: approved.

24. Consider awarding contract for Copper and Brass (CL04-058) to Water Products of Oklahoma, Inc. Action: approved.

25. Consider awarding contract for Long Distance Telephone Service (RFPCL04-065) to SBC. Action: approved.

26. Consider awarding contract for Precast Concrete Manholes (CL04-067) to Nance Precast Concrete Products. Action: approved.

27. Consider approval of appointments to boards, commissions and trusts. Action: approved.

28. Consider approval of payroll for the period of May 24, 2004 to June 6, 2004. Action: approved.
OLD BUSINESS ITEMS:

29. Consider the following damage claim recommended for denial: Donald and Marcelle Bynum.

Vincent said Council considered this claim at the June 8, 2004 meeting and asked the City Attorney's office to verify the amount of the claim. This is where the sewer line collapsed causing the tap to drop into the hole and causing Bynum's problems. She did expend the claimed amount of \$1,500.

Shanklin said this an item we sent back to ascertain the amount and if the \$1,500 was negotiable. Evidentially they have spent that amount.

MOTION by Shanklin, SECOND by Devine, to approve **Resolution No. 04-79** to pay the damage claim of Donald and Marcelle Bynum, in the amount of \$1,500.00. AYE: Bass, Givens, Devine, Shanklin, Haywood. NAY: Ewing-Holmstrom.
MOTION CARRIED.

*Warren was out of the room during the vote.

Purcell asked Council's permission to move the addendum up as the first item of business. No objections from Council.

ADDENDUM ITEM:

1. Consider adopting a resolution authorizing the application for grant funds be submitted to the Oklahoma Strategic Planning Commission for Phase III of the Oklahoma Strategic Military Planning Commission Project to establish causes of action to accept new rolls and missions to provide cost benefit analysis for each cause of action.

Purcell said this was a last minute thing and is required. We have to have this information to the State by our Thursday meeting in order to garner quite a bit of money.

MOTION by Givens, SECOND by Ewing-Holmstrom, to approve **Resolution No. 04-78** authorizing the application for grant funds be submitted to the Oklahoma Strategic Planning Commission for Phase III of the Oklahoma Strategic Military Planning Commission Project to establish causes of action to accept new rolls and missions to provide cost benefit analysis for each cause of action. AYE: Bass, Givens, Devine, Ewing-Holmstrom, Shanklin, Haywood, Warren. NAY: None.
MOTION CARRIED.

Mitchell said this the third of three phases and with the approval of this phase, we will receive approximately \$350,000 from the State Commission and our local match, to date, has been \$4,400, so it is money well spent.

BUSINESS ITEMS:

30. Hold a public hearing and consider an ordinance placing Planned Unit Development overlay district on the existing R-1 (Single-Family Dwelling District) zoning classification on property located at 501 NW 38th Street.

Deborah Jones, Acting Planning Director, said the purpose of this request is to place an overlay zone known as the Plan Unit Development over the existing R-1 zone. Eventually the developer intends to construct a new subdivision known as San Emilion. It's a gated community with a mixed density of both detached, single-family lots and townhouses. The surrounding zoning is Public Facility to the north and south, R-1 to the east and west. The land use of the surrounding area is the Kid Zone Park to the north, vacant to the south, and single-family residential to the east and west. The 2025 Land Use Plan designated this area as residential low density. On the 27th of May the CPC, by a vote of 7-0, recommended approval to the Council of the PUD overlay. Notice of public hearing was mailed on June 1st to 52 property owners within 300 feet and proper notice has been published in the Lawton Constitution. She said she has received one letter, included in Council's packet, expressing a concern regarding drainage. She referred this question to Larry Walcott and he replied to her that this subdivision will not drain to Dearborn. It crosses under 38th Street just north of Cherry, north of Dearborn, into an existing drainage channel. It will not drain toward the concern.

Devine said he thought at one time we were trying real hard to trade that property, the property south that the City owned. He asked if that was just dropped and not to pursued at all. He said he understood they were pretty interested in trading for our property so that we would try to get all of ours right together with the Kid Zone and

the tennis court. He asked what ever happened to that.

Vincent said he has had several meetings with the Ewins concerning this and their designer indicated to them the property we were interested in on the east side of the tennis courts in Greer Park, that they needed that for their development. They are still interested in obtaining Tomlinson Ridge Park. We have talked about trading for other City properties, or other properties they have adjacent to City properties, that we might be able to use. At this time, there are some restrictions on the plat that dedicated that part to the City that the Erwins and their attorney is trying to work out with the former developer s family of the Tomlinson Ridge area. It s still an on-going issue but it s not moving very fast because of some legal things.

Ewing-Holmstrom said in the future we are going to expand 38th Street to four or five lanes, how is that going to effect the future of this project?

Jones said the Erwin family donated a deceleration lane that is adjacent to the tract that is being rezoned with the PUD overlay.

Devine said when we originally did the Kid Zone, we tried to talk to them and he doesn t know why we ever dropped it, but we were trying to trade that property south of that notched out area on the map, which belongs to them, and we were trying to trade properties so they wouldn t be in between us.

Vincent said they denied our request because their Engineer said the property to the east of the upper notched out area, they needed to keep for their planned unit development, they were no longer interested. They are still interested in that property but they don t want to trade us to expand Greer Park.

Jones said during the construction phase and the design phase of the subdivision, we have asked the developer to work with Ihler to insure where we place the wall and the sewer line for this subdivision, won t interfere with the rehabilitation of that mile of 38th Street.

PUBLIC HEARING OPENED AT THIS TIME.

Dave Drummond, 137 NW 36th said he was one of the residents in the 300 foot notification zone. He said there are some concerns he has about this development and the development of this area. One of his biggest concerns is the increase in traffic this will generate on 38th Street. He has been involved in one rear-end collision up there, his sister-in-law has been involved in a rear-end collision on 38th Street, he has seen numerous near misses and numerous accidents. He said you are talking about an increase in traffic right around Kid Zone. We have a lot of kids up there and there are a lot of families that take advantage of that area. If you tie this in with the traffic and the increased traffic, he is concerned. He is concerned the increase in traffic will also affect the condition of the road on 38th Street. He said what happens if they have to install another traffic light, will they be cutting into the sides and into people s properties. He has concerns about the upkeep of the private roads. He asked what happens if these private roads are not maintained. He is concerned about crowding a lot of people into a smaller area than they should. Right now it is zoned single-family dwellings and then to go and add the PUD to it. He asked how crammed it was going to be. He asked what happens after changing the zoning and this plan falls through, the zoning will remain and then they can come back and do something totally different than was initially presented as the plan. His other concern is the power and water pressure. He said the water mains on 34th, 35th, and 36th, break on a monthly basis. He said power to his house frequently goes out in a high wind storm. He has been without power for more than four days in this area. Adding 24 more houses to the area will probably tax water pressure and possibly the power grid. His other concern is drainage problems. If you drive around 34th, 35th, and 36th Streets, you notice there is always high water during heavy rains. When you cover this large grassy area with homes and concrete, what is going to happen to the water in a heavy rain as it goes onto 38th Street? It is a dangerous road as it is and when you add another one or two inches of water into the area, he thinks it will make it more dangerous. He has been involved in areas where expansion plans have gone wrong. He said if you change the zoning, he asked what happens if the plan does not go according to specs and these problems arise.

PUBLIC HEARING CLOSED AT THIS TIME.

Purcell said we are not changing the zoning from something else to R-1, is that correct?

Jones said that is correct, the developer owns a tract that is in excess of seven acres. Using a single-family density, we could build about 6 units per acre, so he could build 40 homes right now.

Purcell said he doesn t have to come before us, he doesn t have to do anything, anyone can go in right now and just build the homes. All is being asked for is the PUD which would, in his opinion, limit access.

Jones said the PUD does several things; it allows him to mix some densities, some townhouses or smaller lots with single-family detached lots, and allows him to gate and have private streets which are maintained by the homeowners association. The entrance to this subdivision is the same as Kid Zone, so it will utilize the light that s

already in existence on Meadowbrook for the traffic to flow in and out of this subdivision.

Ewing-Holmstrom asked for an example of what s being discussed that has already been done in Lawton. Purcell said Chimney Creek and Stonegate. Jones said there is a 27 lot, gated community and is located on the west side of 82nd Street, adjacent to Wyatt Acres. They re large lots, but it is private streets, they re built to our standards, they dedicate the water and sewer, which we maintain and provide them with solid waste service, but we do not maintain their streets.

MOTION by Givens, SECOND by Bass, to approve Ordinance No. 04- 29 placing Planned Unit Development overlay district on the existing R-1 (Single-Family Dwelling District) zoning classification on property located at 501 NW 38th Street.

Vincent read the ordinance title at this time.

VOTE WAS HELD ON THE MOTION.

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

(Title read aloud) **Ordinance No. 04- 29**

An Ordinance placing Planned Unit Development (PUD) Overlay District on the existing classification of R-1 (Single-Family Dwelling 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.

31. 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 R-4 (High Density Apartment District) to C-4 (Tourist Commercial District) zoning classification located at 1611 and 1613 SW B Avenue and 108 SW 17th Street.

Jones said this is a request initiated by the Communications Federal Credit Union to rezone lots 9, 10, and 11 of Block 4 Lloyd Addition. They are currently located on lot 9 and the west of lot 10. The Credit Union proposed to add four drive-through lanes and build a new building. The zoning of the surrounding area is R-4 to the north, south, east, and west, the land use of the surrounding area is single-family and multi-family residential to the north, multi-family residential to the south, single-family residential to the east, and vacant and multi-family residential to the west. The 2025 Land Use Plan designates these lots as residential high-density. In 1979 a Use Permitted on Review was approved for the operation of the current Credit Union at 108 SW 17th Street. In those days only communications union members could participate in this Credit Union and it had to be located within several hundred feet of the exchange building. Now the Credit Union is not tied just to that union membership, they have membership open to anyone, therefore they have a desire to expand. On the 27th of May the CPC held a public hearing on this request, a representative from the Credit Union spoke on behalf of their request, and one person within the 300 foot area spoke, but did not object. The CPC by a vote of 6-0, with one abstention, recommended denial of the request to the City Council. Reasons given for the recommendations were the large amount of vacant commercial property on Gore, C-4 at this location would be Spot Zoning. The residential neighborhood is a stable neighborhood and if the Credit Union fails or outgrows this location and moves, the residential area where they have three lots, zoned C-4, allows uses not competable with residential uses. Notice of public hearing was mailed on June 1st to 39 property owners within 300 feet and proper notice was published in the Lawton Constitution. She said the C-4 zone is a tourist commercial zone and allows activities such as billboards, motels, drive-in restaurants, ambulance service, recreation and arcades, as well as mixed beverages and lounge activities.

PUBLIC HEARING OPENED AT THIS TIME.

Charles Wright, 702 SW 52nd Street, with Design Associates, said he has been employed by the Communications Federal Credit Union to stress their case. He said this is to be a stable residential neighborhood and presented Council with pictures of the surrounding area and proposed construction site. There are several vacant houses around the area, as well as dilapidated structures, and apartments. So to say this is a stable residential neighborhood is a little tug on the imagination. There are only three houses on that street. He went over their site plans with Council. The Credit Union is stable and has been there for 22 years. Their current office site, where they have been for 22 years has been well maintained. He showed Council pictures of what the new building would look like.

PUBLIC HEARING CLOSED AT THIS TIME.

MOTION by Shanklin, SECOND by Warren, to approve **Resolution No. 04- 83** amending the 2025 Land Use Plan from Residential/High Density to Commercial and **Ordinance No. 04- 30** changing the zoning from R-4 (High Density Apartment District) to C-4 (Tourist Commercial District) zoning classification located at 1611 and 1613 SW B Avenue and 108 SW 17th Street.

Purcell said he has been attending several of the Planning Commission meetings and they are preparing a letter to send to the Council. They are concerned when they make recommendations, they study the issues, we've got the experts on the Planning Commission, and they involve the whole community. In most instances when they send it to Council, it is overruled. He said their latest frustration is what happened with the car wash on Cache Road and Council overruled their recommendation and everything came to pass what they were concerned about. The Planning Commission is not concerned about the politics of it, they are just trying to do what's right. They are doing what they think is best for the community. He said he just wanted to point that out to Council and asked them to take this into consideration. If we are going to continually overrule the Planning Commission on what they're doing, he's not sure we need a Planning Commission and not sure we are going to have one much longer, because they don't want to waste their time coming down here every two weeks and we just overrule them because of politics involved.

Shanklin said this is in the area he represents and they don't want to go anywhere but right where they are and he just wants to see anything we can get going on in the Central Quarter, he has to be for it. He urged Council to vote for this.

Vincent read the ordinance title at this time.

VOTE WAS TAKEN ON THE MOTION AT THIS TIME.

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

Purcell requested Council go to item #33 at this time and no objections from Council were heard.

32. Hold a public hearing and adopt resolutions declaring the structures at: 306 SW Summit Avenue; 1312 NW Ferris Avenue; 902 SW E Avenue; and 2504 NW 19th Street, be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and neighborhood Services to solicit bids to raze and remove structures, if appropriate.

306 SW Summit

Angie Alltizer, Neighborhood Services Supervisor said the first two structures presented are voluntary condemnations. Each of these property owners wishes Council will condemn the properties so they may take advantage of the 50% off in our landfill.

Alltizer said the structure at 306 SW Summit has been vacant for quite some time, we estimate over six years. We have not had to expend any funds for tall grass and weeds or securing, however, the owners wish to have this condemned by Council so they can redevelop that area.

PUBLIC HEARING OPENED AND CLOSED AT THIS TIME WITH NO PARTICIPANTS.

MOTION by Warren, SECOND by Ewing-Holmstrom, to adopt **Resolution No. 04- 84** declaring the structure at 306 SW Summit Avenue be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and neighborhood Services to solicit bids to raze and remove structures, if appropriate. AYE: Shanklin, Haywood, Warren, Bass, Givens, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

*Devine was out of room during the vote.

1312 NW Ferris Avenue

Alltizer said this structure is also a voluntary demolition. She said they had contact with the owners and they had intentions of remodeling the structure and decided it was not in a condition to do so and would rather raze and remove the structure and redevelop that lot.

PUBLIC HEARING OPENED AT THIS TIME.

Rick Carr said this is his property and would like to Fire Department to look at it for condemning it and burning it down as training.

PUBLIC HEARING CLOSED AT THIS TIME.

MOTION by Warren, SECOND by Shanklin, to adopt **Resolution No. 04- 85** declaring the structure at 1312 NW Ferris Avenue be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and

neighborhood Services to solicit bids to raze and remove structures, if appropriate. AYE: Haywood, Warren, Bass, Givens, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

902 SW E Avenue

Alltizer said the next two structures have been to previous Council meetings. Both have both been condemned at those meetings, however, she did discover there was an error in the legal description on this property and an error in the name of the property owner on the next one.

Alltizer said the property at 902 SW E Avenue consists of five structures at the time she first brought this before Council and now there are three structures and a partial structure that was razed, but not completely removed, there are still some foundation stem walls there. At the time we brought this to Council in August 2003, the property owner did not come in and obtain a permit. They did do a partial demolition, and since there has been little or no further progress on this property. It does not have current utilities at this time and in order for us to proceed with District Court litigation, she needed to bring this back to Council to correct the legal description in the resolution.

PUBLIC HEARING OPENED AT THIS TIME.

David Williams said he is the current deed holder of this property. He said he does have a contract to sell the property to a Christian organization. He said he is currently residing at this property and has lights and water on.

Purcell asked if he was Mr. Taylor. Williams said he is David Williams. Purcell stated he doesn't own this property. Williams said he is the deed holder at the time.

Purcell asked Alltizer if the same person owns this property now who owned it back in June 2003. Alltizer said when they did the legal research to find out who the owner was at that time, Williams was listed at the Treasurer's office and still at the County Clerk's office. He notified us that Mr. and Mrs. Taylor were purchasing the property to put in a church. She said they informed him there would have to be a change of use, there would have to be a building permit, and it would have to be brought up to Code. She said she cannot verify if Williams is living there or not, she found no record of City utility services, when she checked this afternoon and a building permit was never obtained to make the necessary repairs or to demonstrate that it was actually habitable and receive a Certificate of Occupancy in accordance with City Code.

Purcell asked who the title holder was. Alltizer said Mr. and Mrs. Taylor and David Williams, that's how the City Attorney's office provided information to us.

Ewing-Holmstrom asked Alltizer if she has been in the structure where he says he lives. Alltizer said she had not. One of the problems with this structure is we have had numerous calls from the Lawton Police Department regarding vagrant activity over the last year or so. That has decreased over the last few months. It has been a significant problem for us in the past.

Ewing-Holmstrom asked Williams what happened to the house he was living in on 13th Street. Williams said he was told it was taken to Court and couldn't find him and it was torn down. Ewing-Holmstrom asked him if he owned that house or was the deed holder. Williams said he was the deed holder. Ewing-Holmstrom asked him if he thought it strange that the houses he has lived in has been torn down. She asked him how long he has been living here. Williams said when they torn down the other house in March or April, then he moved into this place. Ewing-Holmstrom asked him if the Taylors owned the house on 13th Street too. Williams said no, he only sold them the property at 902 E Avenue.

Haywood asked Williams if he owned some property on Washington, 1302 Washington. Williams said that is correct.

PUBLIC HEARING CLOSED AT THIS TIME.

MOTION by Shanklin, SECOND by Ewing-Holmstrom, to adopt **Resolution No. 04- 86** declaring the structure at 902 SW E Avenue be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and neighborhood Services to solicit bids to raze and remove structures, if appropriate. AYE: Haywood, Warren, Bass, Givens, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

2504 NW 19th Street

Alltizer said this property has a similar story to the previous structure. We brought this back to you in March or August of last year and it was condemned by Council. When we started litigation in District Court we realized we had spelled Mr. Wingfield's name incorrectly and did not receive notice that he was served. We thought it smart to bring this back before Council. At the time we did our Notice of Public Hearing, we found out the property owner

has relocated to California. He did sign the certified mail and has received the letter, so this is a housekeeping measure to clean up the resolution and correct it so we can continue with litigation in District Court.

PUBLIC HEARING OPENED AND CLOSED AT THIS TIME WITH NO PARTICIPANTS.

MOTION by Ewing-Holmstrom, SECOND by Warren, to adopt Resolution No. 04- 87 declaring the structure at 2504 NW 19th Street be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and neighborhood Services to solicit bids to raze and remove structures, if appropriate. AYE: Warren, Bass, Givens, Devine, Ewing-Holmstrom, Shanklin, Haywood. NAY: None. MOTION CARRIED.

33. Consider approving recommendation to locate the General Lawton sculpture in Elmer Thomas Park located at the Museum of the Great Plains and expend appropriated funds for placement.

Kim Shahan, Parks and Recreation Director introduced Billie Whipp, our new Arts and Humanities Administrator. He also introduced John Hernandez, the Museum Director and acknowledged Dr. Gary Gardner, who is the Sculptor you selected to put together the sculpture for General Lawton. He has put his heart and sole into this project and wanted to give him some time to talk about what he has done.

Gardner showed a small replication of his full-size statue to Council. He said it was a great honor for him to have been chosen to do the sculprty of General Lawton. He said he was not a professional but felt he had to ability to do it. He was asked to do a bust and it grew from that to a full-size figure, which was no harder, it just took longer. He said he did not know what a great person out city is named after until he went into research on him. He was a great military leader, was loved by his troops, was a great family man, had four children, died in battle by riding along the front line, taking sniper fire, and he said he could go on and on about the General and he has become part of Gardner. He said they have put the sculpture where he will be enjoyed, he as a spirit, will look over our city and know that we did the right thing by honoring him, naming our city after him. He said he appreciated the opportunity to do this and hope it is acceptable to everyone. He said the statue is being cast at this time and we chose to go to Fahuska, the bronze foundry because they were \$5,000 cheaper than the foundry in Norman who did the McMahan statue. They do this in about 8-10 pieces. They cut up his statue he did in clay and then weld him back together and put him up. Their responsibility is to come back here and help mount him on our pedestal. He stands 6 4 in stature and the base he s cast on will be about 4-6, so he will be about 6 8-6 10 piece of sculpture and put him on probably a 36-40 base and the area the committee from the Arts and Humanities decided on the very best place he thought to be in the City of Lawton.

Devine asked if we got to keep this small replica here at City Hall. Gardner said there might have to be a few dollars changing hands before that happens.

Shanklin asked how much the statue will weigh. Gardner said it will weigh in the neighborhood of 700-1,000 pounds, the finished product. He said he has the smaller statutes for purchase. One of the banks in town has purchased one. He said he wants to wait until the dedication service because he felt it should be at the City before a private individual has it. The price for the smaller bronze statue will be \$2,300.

Purcell said that is something for Council to consider; to purchase one to be kept in a prominent place. This will be dedicated and unveiled on the 6th of August, for Lawton s Birthday. Gardner said he doesn t think it has been determined by the committee, but it was our hopes for it to be on Lawton s Birthday.

MOTION by Ewing-Holmstrom, SECOND by Devine, to approve the recommendation to locate the General Lawton sculpture in Elmer Thomas Park located at the Museum of the Great Plains and expend appropriated funds for placement. AYE: Ewing-Holmstrom, Shanklin, Haywood, Warren, Bass, Givens, Devine. NAY: None. MOTION CARRIED.

Council went back to item # 31 at this time.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Bass asked for Mitchell and his staff to tell this Council how and what market they got to, to decide the General Employees were under market, what cities they chose and how they got to that.

Mitchell said if you remember in our Preliminary Budget discussion, we said we were going to go over the next six months or so and re-evaluate our pay plan and do a re-evaluation of every single job description for all General Employee job classifications. He asked Bass if he wants something prior to that.

Bass said he would like to see how Mitchell got to explain to us when we were all sitting up here, you didn t really. How did you get to a market, what market are you talking about, OML market?

Mitchell said we really didn t look at a market, we have an OML Survey that shows comparison of wages and

benefits for certain job classifications throughout the State of Oklahoma.

Bass said he understands he has OML, but wants to know what cities were chosen.

Mitchell said we haven't done any analysis. He said if Bass would like them to do a market analysis, we could do that with 12 cities that are over 35,000, that are facing the issue of recognizing General Employee groups. He told Bass he would do a survey sampling.

Givens said he went to the Zone One Neighborhood Watch meeting last night and found that 13 prostitutes had been arrested in that particular area. That group is very appreciative of the work the Police Department is doing and he received a lot of nice comments and reports from the neighbors in that area. He said he has asked Vincent to bring back some kind of organization or committee on the Council and others, perhaps the Fire and Police Chiefs, for a committee that will further delve into the problems that face citizens and consequently, the City At Large. He said it is his opinion that the whole area up there is like a cancer and we need to have a higher level of interest in that particular area. He said they are also highly complementary of Alltizer. He said the problem is so horrendous that it needs this level of attention and if it calls for talking to judges or having conferences with them or whatever it calls for, we need to do it. If offenders are not getting the proper sentencing or whatever it takes and we just need to let that be known.

Devine told Chief Hadley his remarks about the fire plug, he wasn't trying to lay any blame on the fire fighters doing that, it's an accident that happened. He felt it was done in a way the City should have paid for the damages done. He said he wanted to make sure he wasn't pointing a finger that the fire fighters had done something wrong. He said he thinks the City Manager needs to be directed to form a committee, a bargaining committee for the General Employees so they will have the proper representation when it comes time and to start now negotiating for their pay raises and their benefits, just like the other two entities. He said even though they are not represented by a union, they need to be represented by a committee that will meet with the City staff and this Council and do what it needs to do, to keep them their legitimate raises and benefits. He said the third is he cannot bring that back and he would, on item 31, it has to be a yes vote to bring it back, to reconsider. If Shanklin could get himself or somebody else to bring it back, he will change his vote.

Shanklin asked when he could do that. Vincent said he would have to do that tonight.

MOTION by Shanklin, SECOND by Haywood, to bring back item #31 and reconsider it. AYE: Bass, Devine, Shanklin, Haywood, Warren. NAY: Givens, Ewing-Holmstrom. MOTION CARRIED.

Purcell asked what the pleasure of the Council was now on item #31.

MOTION by Shanklin, SECOND by Warren, to approve **Resolution No. 04- 87** amending the 2025 Land Use Plan from Residential/High Density to Commercial and **Ordinance No. 04- 30** changing the zoning from R-4 (High Density Apartment District) to C-4 (Tourist Commercial District) zoning classification located at 1611 and 1613 SW B Avenue and 108 SW 17th Street.

Vincent read the ordinance title at this time.

VOTE ON THE MOTION AT THIS TIME.

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

(Title read aloud) **Ordinance No. 04- 29**

An ordinance changing the zoning classification from the existing classification of R-4 (High Density Apartment 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.

Ewing-Holmstrom congratulated the Council for again being involved in spot zoning, something you all said you didn't want to do.

Shanklin said the lady who came down here and said they made repairs and paid for the repairs to the air conditioning. He would like to know how they did that who authorized them and did they use the same contract we have or did they get an independent somewhere. He would like to know what they did pay them. He said it is embarrassing to him that the Friends of the Library had to do it. As far as the windows, it's up to staff to make sure the windows are cleaned and it's not up to this Council. We have people in the jail section, and there is an ordinance where they can work and work off their sentence, and those windows could have been done a long time ago. He asked if it had been a year ago that we borrowed from the Rolling Stock, a million dollars.

Mitchell said a portion of that money is the money you transferred out of Capital Outlay, but another portion of it is

the money we saved by not expending everything that was allocated in the budget. It s a combination of the two.

Shanklin said he would like to know what it is. To him, it s a million dollars, we didn t put the money back and Bass has asked about it 3 or 4 times and it got turned down.

Mitchell said you transferred \$1 million from Capital Outlay into the General Operating Budget, but at year end, the end year balance included more than just that Capital Outlay carry over.

Shanklin asked if the million is still in there.

Endicott said when the Council transferred the \$1 million from Capital Outlay to the General Operating Fund, more or less that s an accounting transaction for us, so whatever savings we had, in addition to the \$1 million transfer, is what enabled us to have the beginning reserve balance for the next year. As far as the \$1 million being in the Capital Outlay, we have funded the Capital Outlay for 04-05, pretty close to that million dollars.

Shanklin said his question is: If we put the million back, on that \$3.00 surcharge for Capital Outlay, we would have two million this year if we put it back. Endicott said no. Mitchell said yes, you d have two million for Capital Outlay but your Fund Balance would be about \$300,000.

Shanklin asked if it is safe for him to say that out of the million three we are carrying over now, a million of that came from the Capital Outlay. Endicott said no, he doesn t see it that way.

Purcell said this year we put the whole Rolling Stock back in this year s budget, in addition to the Rolling Stock, we put \$900,000 approximately, back in Capital Outlay. That s almost equal to that million dollars you all took out last year or the year before. So most of that has been put back into Capital Outlay in this budget we just finished. Now it s short \$100,000, so after you put that \$900,000 back in there, the remainder of that 1.2 that we have, doesn t still have a million dollars. At most it might have \$100,000 of it left because we moved \$900,000 back into this year s budget.

Warren said they over-funded this next year s budget. Purcell said right, for that \$900,000 of a million you are talking about. We still owe \$100,000, it s not a million anymore. Endicott said in other words, if we hadn t have over-funded Capital Outlay for 04-05, we would have had approximately \$900,000 more in our reserve balance to start out the year.

Devine said if we borrowed the million out of that and we put it into General Fund, he asked why we didn t stop the \$3.00 surcharge that generated that million dollars in Rolling Stock. Mitchell said then you wouldn t have it in there. Purcell said you wouldn t have it to put in there, you wouldn t have had it to transfer to General Fund if you stopped the \$3.00 surcharge. Devine said this goes back to the same thing he fought not to take that money out of there. We are misrepresenting because we are taking that \$3.00 and putting it in General Fund when that surcharge was supposed to have been put over in Rolling Stock. Shanklin said that was the way it originally was. Devine asked if we were going to continue charging everybody the \$3.00 surcharge. Warren said they got their money back. Purcell said the money s back. Devine said we don t have it in Rolling Stock anymore. Givens said yes, they put it in Rolling Stock this year. Devine said no they haven t because Purcell said no it s goes to Capital Outlay, it s not in Rolling Stock.

Devine said that is subject to pay raises. Purcell said no it isn t, it went into Capital Outlay, it buys equipment. Devine said every time you transfer it back into General Funds, it becomes eligible for salary increases.

Ewing-Holmstrom said the day after the people from the Library were here talking about having no money and why didn t we give them more money, there was a meeting at the library and there was a woman cleaning the front of the library. She said it was interesting because she had been in the meeting a couple days before that and it was a wreck. There are birds living in the brick, bird feces everywhere, leaves everywhere, and it s dirty filthy, but the night we voted on it, the next day there was someone out there with a broom cleaning up. She said she would like to know who that person was because she doesn t believe they were a City of Lawton employee because they were not dressed appropriately. She would like to know who that person was, if they were a member of the Friends of the Library, because they were saying the Friends of the Library don t do that kind of stuff. Mitchell said he would try to find that out.

Haywood said Juneteenth was a success, it was the first time we ever had a Two Star General there, General Belcourt, Congress Representative Cole was there, and also Warren and Dr. Gibbons was there. He said our honorable Mayor also attended and spoke. They fed between 1,500 to 2,000 individuals. He said tomorrow, Mrs. Johnson at Patterson Center, will be serving food from Juneteenth. He wants the citizens to know that the City of Lawton does not pay for food, that money is donated by Marie Detty. Haywood thanked everyone involved, to include the Health Department, the Waste Water Treatment Plant, the Street Department, the Fire Department, and the Recreation Department. He suggested the need for a new gym for that area.

Warren said he had a great time at Juneteenth and said everybody involved picked up the location from the park to a new location because of the rain, and they did a great job.

Purcell thanked Parks and Recreation, not only for Juneteenth, but also the Wall of Healing, which they did an outstanding job. There were all kinds of great comments out there that day on what a wonderful job they did. At the E911 meeting yesterday, a committee has been formed, the advisory board, our Police Chief has graciously agreed to start next time as the Chairman. They will elect their own Chairmen then and the next meeting is on the 15th of July at 7:00 p.m. in Room 201 at the Comanche County Court House and anyone is invited to attend. Ewing-Holmstrom asked how they can find out about what happened at that meeting for those who don't subscribe to the paper. Is there a memo or is there going to be one? Purcell said no, I just told you. What happened at the meeting was the board has been constructed. Ewing-Holmstrom said she was curious if they would see those names. Purcell said the names are the Chief of Police of the City of Lawton, the Fire Chief of the City of Lawton, the Emergency 911, Emergency Operation Center for the City of Lawton, a representative from Fort Sill, a Comanche County Sheriff, the Emergency Director, E911 for the County, a representative, elected by all the Rural Fire Departments, an elected representative for all the Police Chiefs in all the surrounding communities in Comanche County, and the Ambulance Services will get together and elect a representative. That may not be the final board, but that's the one that's going to start. They are going to go through all the details and try to work it out. When they have a recommendation, they will bring it before this Council and to the County Commission. He said there was one suggestion he did not agree with and there was no need to, unless Council disagrees, the Sheriff felt very strongly that we should take this to a vote of the people if we are going to consolidate. He said he told them the citizens in the City of Lawton elected the eight on the Council to make those decisions and we do not have to take it out for a vote and Purcell told them he doesn't touch the County, they can do what they want.

Purcell asked Council to please help Warren because he's leaving tomorrow at 6:00 and won't be back until the 11th of July and Warren is the Mayor Pro Tem. He may need some help, because he can't be at two places at once. He asked for someone to please step forward and help him.

Mitchell said our next Council meeting is July 13th and on July 12th there is a hearing being conducted by the Oklahoma Water Resources Board, having to do with a request by a Rural Water District for a permit at Lake Waurika, at the Library at 1:00 and he encouraged Council to attend.

Mayor and Council convened into executive session at 8:20 p.m. and reconvened in regular open session at approximately 9:21 p.m. with roll call reflecting all members present, except Patton.

EXECUTIVE SESSION ITEMS:

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

Purcell read the title of Item 34 as shown above. He said Council convened in executive session and after discussion a motion is required.

MOTION by Warren, SECOND by Haywood, to approve the continued employment of John H. Vincent as City Attorney, and approve a one year employment agreement in the amount of \$85,000 per year, and authorize the Mayor and City Clerk to execute the Agreement. AYE: Shanklin, Haywood, Warren, Bass, Givens, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

35. 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 between the Fire Union, IAFF, Local 1882, and the City of Lawton, and 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 a motion is required.

MOTION by Ewing-Holmstrom, SECOND by Warren, to approve a contract, as negotiated, between the Fire Union, IAFF, Local 1882, and the City of Lawton and authorize the Mayor and City Clerk to execute the Agreement. AYE: Haywood, Warren, Bass, Givens, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:25 p.m. upon motion, second and roll call vote.

