

Meeting of 2001-1-9 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JANUARY 9, 2001 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBERS

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
 John Vincent, City Attorney
 Brenda Smith, City Clerk
 LTC Anthony Puckett, Fort Sill Liaison

The meeting was called to order at 6:25 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
 James Hanna, Ward Two
 Glenn Devine, Ward Three
 John Purcell, Ward Four
 Robert Shanklin, Ward Five
 Barbara Moeller, Ward Six
 Stanley Haywood, Ward Seven
 Michael Baxter, Ward Eight

ABSENT: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETING OF DECEMBER 12, 2000.

MOVED by Smith, SECOND by Baxter, to approve the minutes. AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION: None.

UNFINISHED BUSINESS:

1. Consider the following damage claim recommended for approval in a reduced amount: Phillip Muse. Exhibits: Claims Memorandum/Recommendation.

Vincent said this claim was tabled and his office was asked to reconsider the amounts. He said they found no reason to change the recommendation and no evidence to indicate there was damage other than the alignment; he recommended approval in the amount of \$35.00.

MOVED by Purcell, SECOND by Smith, to approve the claim in the amount of \$35.00.

Phillip Muse, 1310 SW Jefferson, said he did not agree with the recommendation not to pay for the damage. He said he had a letter from the auto mechanic who was working on the car, the body man, saying he knew the condition of the car before and after the incident, and the letter is witnessed by Charlie Maguire, County Clerk. Muse said he got a letter from the City Attorney's office stating the man who ran him off the road stated there was no bumper on the car and a lot of other things, but the bumper has never been removed, and while his car was not in perfect condition, according to the letter there was more damage sustained because of the accident.

Mayor Powell asked the date on the letter. Muse said it is not dated but he got it this week. Mayor Powell asked the name of the person who wrote the letter. Muse said it was Raymond Sproat with Ray and Son Imperial Coach Work. Mayor Powell asked what the letter stated. Muse said in essence it stated that Sproat was writing the letter to verify that the bumper cover was on the car at the time of the accident and he said he was familiar with the condition of the car, before and after the accident and that Muse had work done on his car at his shop before the accident and came to the shop after the accident and inspected it then.

Muse said he wanted to make sure the Council understood that the person who ran him off the road fled the scene, and in his letter he makes a false statement by stating that at the time they got out and inspected the car, and they never did inspect the car but stood on the curb after he caught him eight blocks away and they talked. He said the statement also stated that the car did not have a bumper or spoiler on the front and it clearly did, and the statement said the hub caps were not on the car at the time, and they were. Muse said he did not think the person was very credible in his statement. He said Sproat was working on his car before the accident, and he had not completed all of the repairs but the accident made it even worse, and Sproat had already been paid for the work but he wanted to get the car restored.

Mayor Powell asked if the claim was for \$800 plus. Muse said yes, that was the estimate from Jim Lien Auto Body. Mayor Powell asked if Muse had any figure in mind other than the \$800 plus. Muse said no.

Smith said Muse should be aware that if Council agrees to give only the \$35, Muse was free to pursue additional amounts in district court. Muse said he understood.

Baxter asked if it was a City employee that ran Muse off the road or if a City employee fled the scene. Vincent said the employee did not know he had done it until Muse caught up with him, and the affidavit from the employee is in the agenda folder, and it is notarized.

Muse said when he caught the employee, the employee said he did not know what to do because he was afraid and that was why he ran so far. Muse said he thought the employee did know exactly what he was doing because you can tell when you are behind someone and they are trying to get away and they roll through stop signs, you can tell they are not trying to stop, and he did not think the employee was in that big of a hurry.

Purcell said he remembered something to the effect of the employee swerving across the center line. Muse said that was what the City Attorney said, but the employee cut in front of Muse, he changed lanes completely. Purcell said the employee then went on his way and supposedly the employee did not know anything had happened until Muse caught up with him. Muse said the employee told him he was afraid, he said he panicked and did not know what to do. Purcell said that was not what Council heard last time and he did not think that was what Muse said either but he may be wrong in remembering. Muse said he did not know his exact words but knew he said the employee fled the scene and he had to chase him down.

VOTE ON MOTION: AYE: Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: Haywood, Baxter. MOTION CARRIED.

BUSINESS ITEMS:

2. Hold a public hearing and consider an ordinance changing the zoning from Planned Unit Development to C-1 (Local Commercial District) zoning classification located at SW 54th Street and Lee Boulevard. Exhibits: Ordinance No. 01-01; Location Map; Application; CPC Minutes; 2020 Land Use and Zoning Maps.

Bob Bigham, Planning Director, pointed out the property location on a viewgraph map. Zoning of the surrounding area is Planned Unit Development to the north, south and west, and C-5 to the east across 52nd Street. Land use of the surrounding area is Fort Sill Credit Union under construction to the north, vacant to the south, mini-warehouses and single family and vacant to the east, and offices to the west. The 2020 Land Use Plan designates the area as commercial and office.

The Planning Commission on November 9 reviewed this request and it was tabled to November 30. During that public hearing the applicant's attorney spoke in favor of the request and the Planning Commission, by a six to zero vote, recommended approval. Seven letters were mailed to property owners within 400 feet and no calls or letters of protest were received on the request. Haywood said one call was received and the person did not object but did speak with Ms. Jones.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Devine, SECOND by Moeller, to approve the rezoning, adopt Ordinance No. 01-01, waive reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance No. 01-01

An ordinance changing the zoning classification from the existing classification of Planned Unit Development to C-1 (Local Commercial District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; authorizing changes to be made upon the Official Zoning Map in accordance with this ordinance.

VOTE ON MOTION: AYE: Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None.

MOTION CARRIED.

3. Hold a public hearing and consider an ordinance closing an easement located approximately one-half mile west of SW 52nd Street and one-quarter mile south of Lee Boulevard, and declaring an emergency. Exhibits: Ordinance No. 01-02; Application; Map; Council Policy 5-1.

Bigham said this closure ordinance is in the same vicinity as the rezoning previously approved; this is to the southwest of Southwestern Hospital. An application was received from Mattie Boyles to close this easement which bisects a plat that she proposes to develop in the area. The Planning Commission on December 12 approved, and Council approved, the plat subject to either closing this easement or reflecting this easement within the plat boundaries. Ms. Boyles has elected to close and vacate the easement. Proper notice has been given to property owners within 300 feet and to the utility companies. Letters were received from Cablevision and Public Service saying they have no objection provided the utilities in the requested area are relocated at Boyles' expense; there are no other utilities in the easement. Bigham said the council policy does not relate to this application because they are simply relocating the utilities for a plat that was not envisioned at that time. He recommended approval of the ordinance with the emergency clause.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Purcell, SECOND by Smith, to approve Ordinance No. 01-02, waive reading of the ordinance, read the title only and declare an emergency.

(Title read by Clerk) Ordinance No. 01-02

An ordinance closing an easement located in Section Four (4), Township One North (T1N), Range Twelve West (R2W) of the Indian Meridian, Comanche County, Oklahoma, more particularly described in Section One hereof; and declaring an emergency.

VOTE ON MOTION: AYE: Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None.
MOTION CARRIED.

4. Consider approving an ordinance levying and assessing a five percent (5%) excise tax, from May 1, 2001 through April 30, 2006, derived from rents received from the occupancy of hotels for the purpose of encouraging, promoting and fostering conventions, tourism, industrial development and economic development for the City; providing for an effective date; providing for codification; and, providing that a copy of this ordinance be published in a newspaper of general circulation within the City of Lawton, Oklahoma. Exhibits: Ordinance No. 01-03.

MOVED by Shanklin, SECOND by Haywood, to approve Ordinance No. 01-03, waive reading of the ordinance, read the title only.

Mayor Powell said a person had asked to speak and the comments should be relevant to the amount and term. The person indicated he did not wish to speak.

(Title read by Clerk) Ordinance No. 01-03

An ordinance levying and assessing an excise tax of five percent (5%) for a period of five (5) years on the gross proceeds or gross receipts derived from rents received from the occupancy of hotel rooms; providing for time limit on said tax and extension by vote; providing exemptions from the hotel tax including but not limited to certificates of exemptions; placing responsibility of collecting the tax upon the operator; requiring records to be kept; providing for the filing of returns; providing for the payment of tax; providing for delinquent taxes; requiring bonds; providing for assessment and determination of tax; providing for refunds; providing for notices; providing for remedies; providing general powers for the director; providing for use of funds; authorizing city council to make administrative and technical changes and additions except tax rate; making the tax cumulative; defining terms; providing penalty for fraudulent returns; making records confidential; providing for severability of provisions; requiring approval of the ordinance by majority of registered voters voting at an election held for such purpose as provided by law; providing for an effective date; providing for codification; and providing that a copy of this ordinance be published in a newspaper of general circulation within the City of Lawton, Oklahoma.

VOTE ON MOTION: AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None.
MOTION CARRIED.

5. Consider approving a resolution authorizing and calling for an election in the City of Lawton, State of Oklahoma, for the purpose of setting the dates for 2001 primary and general municipal elections, designating offices to be elected, submitting to the registered, qualified electors of said City the question of levying and assessing an excise tax derived from rents received from the occupancy of motels and hotels, setting a ballot title and authorize the Mayor to issue an election proclamation. Exhibits: Resolution No. 01-01; Election Proclamation.

MOVED by Purcell, SECOND by Hanna, to approve Resolution No. 01-01.

Smith said he planned to run for re-election. Hanna said he planned to run for re-election.

(Title only) Resolution No. 01-01

A resolution of the council of the City of Lawton, Oklahoma, calling for and setting the dates for the municipal election to be held during the year 2001 as provided in the City Charter; specifying the officers to be elected; providing for qualifications of candidates; designating which elective offices shall be filled by voting at large and by ward; providing for nonpartisan election; providing for residency requirements; providing for an election on the approval or rejection of Ordinance 01-03, levying and assessing a five percent (5%) occupancy tax on hotel rooms; providing that Precinct 42 not be opened; directing that a copy of said resolution be forwarded to the Secretary of the Comanche County Election Board as required by state law; and providing that the full text of this resolution be published.

VOTE ON MOTION: AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None.
MOTION CARRIED.

6. Consider approving plans and specifications for the Cheswick Avenue Storm Drainage Project #2001-01, authorizing staff to advertise for bids and authorizing funding from the 1995 CIP. Exhibits: Map; City Attorney's Memo; Public Works Director's Memo.

Shanklin suggested this item be struck and brought back to executive session at the next Council meeting.

MOVED by Shanklin, SECOND by Smith, that this item be struck and be brought back to executive session at the next Council meeting. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None.
MOTION CARRIED.

7. Consider scheduling a date for a public hearing to consider condemnation of the structure located at 707 W Gore Blvd. Exhibits: 11/29/00 Letter.

Dan Tucker, Building Development Director, said this property was involved in a fire in October 1999. He said the commentary lists actions taken; the permit was issued to rebuild the structure in June 2000 and it was valid for 180 days. On November 29, 2000, 28 days before the permit was to expire, Tucker sent a letter to the owner, Dr. Floyd, reviewing the contacts with him and telling him it would be brought before the Council to determine any direction in allowing continued work on the structure. He said the building was leaning at that time and he suggested Dr. Floyd contact a structural engineer with regard to whether the building could be brought back safely to a vertical position. Tucker said it was brought back to a vertical position the week before Christmas and Dr. Floyd contacted Tucker on December 27, the date of expiration of the permit, asking if he could place wood on the structure to keep it from shifting back into a leaning position. Tucker said he told Floyd he had no objection to him securing the structure in that manner and that has been done.

Shanklin asked that Dr. Floyd make a statement to Council. He said it has been a year and he had been receiving complaints about the house.

Dr. Roland Floyd, 6030 NW Williams, said there has been a lot of difficulty in getting anything done with the structure. He said the building has been made plumb and stable and it is secure. Floyd requested an extension on the building permit and asked what else he needed to do to get that accomplished. He said he was prepared to proceed to finish the project immediately.

Shanklin asked what dollar figure was anticipated to bring the structure to code. Floyd said he estimated it would be around \$50,000. Shanklin said work was needed on the building in the rear also and Floyd agreed it needed a little bit of work, but nothing major. Shanklin asked if Floyd would come under the provision where Council would look at it after 30 days if the building permit were extended. Vincent said it would fall under section g of the new provisions which would give him 60 days on the initial permit, the renewal permit, and it is then up to the Council as to whether to renew it again. Vincent said that is the provision of 6-1-108g.

Shanklin said he did not want to tear the house down and if Floyd wanted to fix it up, he was all for it. He said he had been through the house and was there the day Floyd bought it at the auction, but there are neighbors that want something done quickly. Shanklin asked Floyd if he could live with the 60-day time frame. Floyd said yes. Shanklin said he had no problem granting that, and the owners of the *Lawton Constitution*, Ned and Fred Shepler, were raised in that house. Vincent said the item would need to be returned in two weeks to approve the building permit application; a public hearing is not needed if Council desires to consider the permit, but Floyd will need to apply for the permit. Tucker said they were waiting on the result of Council action tonight.

Purcell said when the item comes back, Council would issue a 60-day building permit. He asked if Floyd would bring the structure to code within that 60 days. Shanklin said he did not think the work could be finished in 60 days, and if only three windows have been put in during that time, he would not favor continuing the work. Floyd said significant progress can be made in 60 days.

Purcell complimented Tucker on what he is doing on other buildings that have been destroyed by fire and it should avoid these prolonged problems with unsafe structures.

Mayor Powell asked the City Attorney to provide direction. Vincent said no action is needed tonight; Floyd should make application for a building permit and Council could consider it at the next meeting. Mayor Powell suggested Floyd start driving nails in the meantime in a good faith effort.

8. Consider adopting a resolution to amend Resolution 00-95 removing signs approved for the west side of NE Angus Place. Exhibits: Resolution No. 01-02.

Purcell said Council approved signs about a month ago to be put up on the east and west sides of NE Angus Place, but after meeting with the new school principal, the police department, and several parents, it was decided it would make things worse if the signs were put up on the west side of the street. He said those signs were not put up and this resolution is to approve that change.

MOVED by Purcell, SECOND by Smith, to approve Resolution No. 01-02. AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01-02

A resolution amending Resolution 00-95 by deleting some traffic control signs authorized in Resolution 00-95.

9. Consider authorizing the installation of a water line extension on the south side of Cache Road at approximately 9806 Cache Road to the east approximately 310 feet and consider adopting a resolution establishing a pro rata connection fee for said extension. Exhibits: Location Map; Resolution 01-03.

Tucker said Mr. and Mrs. Jim Liston own the property in question, which was recently rezoned to allow for a paint and body shop. There is no fire protection in that area on the south side of Cache Road and the proposal is for the City to install 310 feet of eight-inch water line where the line comes under Cache Road, down to this property, and install a fire hydrant. Tucker said the Liston's are asking Council to approve the installation of the line at a cost of \$7,900; the charges would be pro rated where the Liston's would pay half and do the engineering, then the City would do a change order to an existing City contract to put in the improvements.

Smith asked if the City will install the water line and put in a fire hydrant at a charge of \$3,950 to the Listons. Tucker said yes, and the other 50% of that pro rata share would go to a vacant lot, if it is developed they would owe the other 50% of the cost of the line. Baxter asked who owned that lot and Tucker said he did not know. Baxter asked about the building on the far left on the viewgraph; Tucker said it is Helms Campers, and the parking lot serves a night club to the west. Devine said the original building was Bob Chambers Heat and Air that was destroyed during a tornado. Tucker agreed and said since it went from a business to an industrial use, the hydrant was required.

Smith said the hydrant would serve the house on the corner, the business the Liston's are building, Helms Camper, and probably the club. He asked why the cost would go to two lots instead of four. Tucker said the code that allows the City to install the improvement, and the pro rata share, is for the proposed and any future beneficiaries or services off of the line and it does not address others who will benefit from it. Mayor Powell said it is just a matter of time before the City gets its money back and Tucker agreed.

Smith said it did not seem right to charge the Liston's and the owner of the vacant lot, when it is developed, and have them bear the burden of all of the cost for all of those who would benefit. Baxter said the club at the back of that parking lot is not in the City limits. Smith said if they have a fire, Lawton would likely respond and use that hydrant.

Devine said he had brought up the City annexing that development behind this area to the south because those people do not have water. He asked Bigham if there were any intentions of annexing it in the near future at all; he said he knew there was no sewer in the subdivision and asked if this water line would be adequate if and when it was developed or annexed. Bigham said the annexation of western Lawton was initiated by a request from Goodyear in 1977, and it was a major annexation. He said Primrose, Sooner and Wedgewood Estates at 38th and Bishop Road were substandard subdivisions and the policy decision of the Council was not to annex them. Bigham said there has been some discussion of this but nothing has been back before the Council on annexation but staff could prepare an agenda item for Council to discuss the impact annexation would have. Bigham said staff is not proposing any annexations at this point.

Devine said the area is substandard and it will never improve until the residents have water and sewer, and the water is being brought within a block of it, so it is time to try to get the area cleaned up. He said the entire area is supplied from a two-inch water line coming across from Goodyear Boulevard and the people who own the property that the line crosses will not let anyone in to work on it. Devine said he wanted to be sure this water line would be

ample in case anyone wanted to tie on to it so they could get off of the two-inch line.

Mayor Powell asked the size of the proposed line. Bigam said eight-inch. Tucker said it would serve the fire hydrant and this one other service and would be a dead end line; no engineering studies have been done. Tucker said anyone tying service lines to the eight-inch line that comes under Cache Road would be charged a \$900 service fee until the City recovers its money.

Devine said we push the idea of cleaning up the City and they are filling in the drainage area that runs across the land with anything they can haul in. He said he thought it was time for staff to look at it because the City would eventually have to take it in. Devine said he understood it would take a lot of money to get water and sewer for those residents but it needed to be looked at and it has been by-passed for too many years. Shanklin said they are grandfathered in and we could not make them change what they are doing. Devine said the residents would likely welcome the water service because if the two-inch line goes down, they will not have water. Shanklin said the line was re-routed around the pond.

Baker said staff could look at the pros and cons of annexation and provide a report if Council was interested. Devine said he was interested. Shanklin said he had no problem looking at it but had a problem taking something in that the City would be expected to bring up to standard, which would dilute the money for those who are already adhering to the codes and ordinances.

Purcell said he had no problem looking at it, but before annexing some of the subdivisions, they should bring the water and sewer and roads up to code and he would not support the citizens within the City limits paying for those improvements. Devine said the same thing is being done with this request, and the people would pay half of it.

Purcell said a pro rata arrangement was done before but it did not work this way; the person wanting the improvement paid the entire cost and when people tie in later, they have to pay that person who would then get some of his money back. Shanklin said Felton Dean's was done on a 50-50. Vincent said there are two code provisions, the one Tucker is referencing here and the one given as an example. Purcell asked if it could be done either way. Vincent said he would have to look but that seemed possible.

Baxter said Tucker is saying the engineering report has not been done and the Liston's are willing to pay for that. He asked if anyone could tell if there would be enough water to the hydrant. Tucker said the distance for the eight-inch line where it is a dead end, rather than being looped back to another line, that cannot be less than an eight-inch line if it is 400 feet. Tucker said if we are talking about the eight-inch line serving the subdivision, other than a hydrant and a service line, we would need to see if the line is adequate. Baxter suggested waiting until an engineer figures it out. Tucker said the eight-inch at 300 feet is within the standards set by the code; the engineer was needed to submit it to DEQ for a permit. Tucker said the eight-inch will provide enough water for the intended purposes he had listed. Mayor Powell asked if the City's engineers had made the recommendation that it be eight-inch and Tucker said yes.

Devine asked Ihler if a dead end line can be used for consumer use, other than a fire hydrant, because it gets stagnant. Ihler said in cul de sacs, they have a hydrant or blow off valve so they can flush the line.

Mrs. Liston, applicant, said they lost the building during a storm, had owned the property for 20 years and Bob Chambers rented it for 16 years. She said one strip of property was annexed years ago, they had paid ad valorem tax for many years, and had never had sewer access. Mrs. Liston said the water line will service other people and there are expenses in this leading up to about \$15,000, so if they could have any help from the Council, it would be appreciated. She said there is no protection on water on Goodyear Boulevard to Goodyear, there are homes through there. She said she had been surprised about how many properties in Lawton do not have fire coverage; they have developed five additions in Lawton which brought a lot of taxes and she understood development and had been in business for 50 years. In Oklahoma City years ago, they put in hydrants and went up on the water bill to pay back to the City for the convenience of people having water, so there are a lot of different ways things can be worked out.

Mrs. Liston said for her to have to bring in a hydrant for other people, to include her own property, she did not see why it should not be pro rated and why letters were not sent to each person in the area that this affects, such as the Helms and Wally Marion who owns a house on Cache Road, but none of these people know any of this is going on but they are very involved. She said there is a hydrant across the road but she had been told it could not be used because of traffic problems. Many people think they are protected by that. Mrs. Liston said there is a hydrant across the street in front of her building. She said they had been working to get the building operational since August and felt if the City was fair with them, they would help on this hydrant because it is the only one. Mrs. Liston said there is junky property a very short distance from them, so they would have a diamond in the middle of a bunch of roughage around them, and she did not mind bringing the property up to date because they would eventually benefit from that, and they are doing a lot of improvements. She said the building passed the Fire Marshal's inspection when they built it and they did change the type of operation that went in but she was not aware of the confusion it would cause. Mrs. Liston said the people in the property want to be able to operate and

they cannot do so and she had charged them no rent and wanted to get it where they could start operation.

Shanklin asked if Mrs. Liston had Lawton water right now. Mrs. Liston said they have had water out there for years; there are four meters on Goodyear Boulevard on the west side of the street that service the club, the Liston's property, and probably Wally Marion's house on the corner. Shanklin said he could not see holding the Liston's responsible for the City to be able to fight fire all up and down the line. Shanklin said if there was a fire, they would hook to the hydrant across Cache Road and shut the traffic down, and no one should try to tell him otherwise.

MOVED by Smith, SECOND by Devine, to approve Resolution No. 01-03 with the following changes: that the City foot the bill for the \$7,000 and that we charge the Liston's the hook-up fee that is recommended and the connect fee of \$900. AYE: Moeller, Haywood, Smith, Devine, Shanklin. NAY: Baxter, Hanna, Purcell. MOTION CARRIED. (Funding source shown was Council Contingency)

(Title only) Resolution No. 01-03

A resolution establishing the pro rata distribution of the future connection cost to a water main extension constructed by the City of Lawton on the south side of Cache Road at approximately 9806 Cache Road to the east approximately 310 feet.

10. Consider and approve a resolution approving modifications and revisions to the existing City Pay Plan, modifying position titles in the FY 00-01 budget, and declaring an effective date. Exhibits: Resolution No. 01-04.

Baker said Council approved a reorganization effective July 1, 2000, to consolidate Planning, Code Administration, and Housing & Community Development all into one department. He said he thought there could have been benefits from that but the problem is we have been recruiting for several months and he has been screening the applicants periodically. None of the applicants have had experience or qualifications equal to any of the current directors of these departments. Baker requested Council approve returning to the three departments and abandon the consolidation. He said we could not find the individual he thought was out there unless we pay them more than we pay the City Manager.

MOVED by Shanklin, SECOND by Purcell, to approve Resolution No. 01-04. AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01-04

A resolution approving modifications and revisions to the City's existing pay plan, modifying position titles listed in the FY 00-01 budget, and declaring an effective date.

11. Consider approving a resolution modifying positions allocated in the FY 2000-2001 Fiscal Year Legal Services budget. Exhibits: Resolution No. 01-05; Memorandum.

Baker said based on the action on the previous item, there is a cost savings so he would immediately ask Council to reappropriate that money and add staff to the City Attorney's office. He said with the elimination of the one position, there will actually be a net savings even though two positions are being added here. Baker said he and the City Attorney had talked for months about the work load in the Attorney's office and with the CIP and all of the work having to be done on right of way acquisition and property-related issues, he cannot keep up. He said he could not recommend additional staff at budget time but the City Attorney had convinced him that he needs help and Baker recommended adding these positions to the City Attorney's office.

Mayor Powell asked if it was positions. Baker said yes, one is an additional attorney and one is a clerk.

Baxter asked how many attorneys were on staff. Vincent said counting himself there are five; there is one vacancy they are attempting to fill at this time. Vincent said the prosecutor retired and Ms. Bagwell moved to that position, so he would like to fill that slot and request another attorney effective April 1.

Devine asked if this would cut back on some of the consultants. Vincent said it will help in the area of real property consultants.

Baxter said he did not know Darrell Atkinson and asked if he did all of the items listed on Thursday, November 9. Vincent said no, these are items that were entered in the computer on the "to do" list; these are projects that must be done in the real estate area and these have not been done. Vincent said more projects have been added since this was published; as an example, we just got notice from ODOT about two weeks ago that we need additional right of way to complete the 82nd Street project.

Shanklin said the work load is heavy and he supports it.

MOVED by Haywood, SECOND by Smith, to approve Resolution 01-05. AYE: Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: Baxter. MOTION CARRIED.

(Title only) Resolution No. 01-05

A resolution amending the City of Lawton fiscal year 2000-2001 general fund budget, adding two positions and appropriating funds in the Legal Services budget, Activity 08, reducing appropriations in the Planning and Community Development administration budget, Activity 20, and declaring an effective date.

12. Consider approving Contract Amendment #2 with Robert B. Hendrick and Sons Co., Inc. for professional engineering services for the design of SE Flower Mound Road (Lee to Gore). Exhibits: Amendment to Agreement; Letter from Hendrick; Letter from ODOT.

Ihler said Council approved an addendum to change the contract with Hendrick, who is designing the north two miles of Flower Mound Road from Gore to Rogers Lane, to do the south mile from Gore south to Lee. It was hoped the projects could be combined into one through ODOT and during construction. A contract amendment was approved for \$104,000 to do that mile. Ihler said he told Council at that time that if ODOT did not approve constructing it as one project, an additional \$8,500 would be needed. ODOT has informed us that due to the funding sources, the projects will have to be bid separately and therefore there is an additional cost for the engineer to deal with two projects. He recommended approval of the amendment for an additional \$8,500 to complete the south mile.

Ihler said the second issue is project priority; ODOT is involved with the southeast mile of Flower Mound, NW 38th Street, and NE Flower Mound from Gore to Rogers Lane. ODOT's priority is the southeast mile of Flower Mound from Lee to Gore because funding is available for construction, so when we get it designed, ODOT can go forward with construction. Ihler said on NW 38th Street, we have requested a bid letting date in July 2002 and the project is in the five-year plan for ODOT but funds have not been appropriated and ODOT will attempt to meet July 2002. He said on the north two miles of Flower Mound Road, we have requested a bid letting date of December 2002 and he felt ODOT would do what they could to meet that and get the projects funded. Ihler said he wanted to be able to give the engineer and ODOT the priority for SE Flower Mound Road, which will serve the veterans facility, because funding is available.

MOVED by Purcell, SECOND by Baxter, to approve contract amendment two with Robert B. Hendrick & Sons for professional engineering services to design SE Flower Mound Road, Lee to Gore, in the amount of an additional \$8,500. AYE: Smith, Hanna, Devine, Purcell, Moeller, Haywood, Baxter. NAY: None. ABSTAIN: Shanklin. MOTION CARRIED.

ADDENDUM ITEMS:

1. Consider submission of a Hazard Mitigation Grant Program (HMGP) Notice of Intent to the Oklahoma Department of Civil Emergency Management for acquisition of repetitive flood loss properties. Exhibits: Letter from Oklahoma Civil Emergency Management; Notice of Intent on file in Planning Department.

MOVED by Smith, SECOND by Haywood, to approve authorizing staff to submit a Hazard Mitigation Grant Program Notice of Intent for acquisition of repetitive flood loss properties. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

2. Consider awarding contract for Playground Equipment "Modular". Exhibits: Department Recommendation; Abstract of Bids.

MOVED by Smith, SECOND by Purcell, to approve award of contract to Modlin Recreation Equipment, Inc. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

13. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file friendly suits for claims which are over \$400.00: Joseph and Cathy Cranmer, Joy N. Lofton and Angela and Michael Holman. Exhibits: Legal Opinions/Recommendations. (Resolution Nos. 01-06 and 01-07 on file) Cranmer claim approved in the reduced amount of \$348.95.

(Title only) Resolution No. 01-06

A resolution authorizing and directing the City Attorney to assist Joy N. Lofton in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Two Thousand Nine Hundred Ninety-One Dollars and 10/100's (\$2,991.10).

(Title only) Resolution No. 01-07

A resolution authorizing and directing the City Attorney to assist Angela and Michael Holman in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City

Attorney to confess judgment therein in the reduced amount of Five Thousand Nine Hundred Seventy-Two Dollars and 31/100's (\$5,972.31).

ITEM 14 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

15. Consider adopting a resolution ratifying the action of the City Attorney in filing and making payment of the judgment in the Workers' Compensation case of Richard R. Briley in the Workers' Compensation Court, Case No. WCC-2000-277 J. Exhibits: Resolution No. 01-08.

(Title only) Resolution No. 01-08

A resolution ratifying the actions of the City Attorney in making payment of the judgment in the Workers' Compensation case of Richard R. Briley for the amount of Ten Thousand Seven Hundred Eighty-Three Dollars and 50/100's (\$10,783.50), per order of the Workers' Compensation Court, and filing a foreign judgment in the District Court of Comanche County for purposes of placing said judgment on the tax rolls.

16. Consider adopting a resolution authorizing the Mayor and City Clerk to execute a Funding Participation Agreement with the Oklahoma Department of Transportation (ODOT) for improvements to Flower Mound Road (Lee to Gore). Exhibits: Resolution 01-09; ODOT Letter; Agreement.

(Title only) Resolution No. 01-09

A resolution whereby the City Council of Lawton, Oklahoma, authorizes the execution of a funding participation agreement with the Department of Transportation of the State of Oklahoma for the Flower Mound Road (Lee to Gore) Project, in accordance with the terms and tenor of 69 O.S. 1991, Sections 1205, 1206, 1401 and 1403.

17. Consider entering into a Cooperative Agreement for Firefighter-EMT Cadet Program with Great Plains Technology Center (GPTC) for the specific purpose of conducting fire service training. Exhibits: Agreement; Release/Hold Harmless Agreement. Action: Authorize the Mayor and City Clerk to execute the Cooperative Agreement for Firefighter-EMT Cadet Program for the specific purpose of developing and conducting an 80-hour practicum as part of the Cadet Program with GPTC.

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. Exhibits: Agreement. Action: Approval of item as stated.

19. Consider approving Change Order #2 assessing liquidated damages, accepting the Public Works Vehicle Maintenance Building Project #2000-2 as constructed by S Construction Co. and placing the maintenance bond into effect. Exhibits: Location Map; Change Order #2 is on file in the City Engineer's Office. Action: Approval of item as stated. Liquidated damages amount is \$1,000.00.

20. Consider awarding a construction contract to Brox Industries, Inc. for the Fire Station #7 Re-roofing Project #2000-35. Exhibits: Location Map; Bid Tab. Action: Award a contract to Brox Industries, Inc. for the Fire Station #7 Re-roofing Project #2000-35 in the amount of \$46,888.00.

21. Consider acknowledging receipt of permit from the Oklahoma State Department of Environmental Quality for the construction of a waterline with appurtenances to serve the Braum's Ice Cream Company. Exhibits: None. Action: Acknowledge receipt of permit WL000016001253 for 275 lf of 8-inch water line and appurtenances.

22. Consider approving the construction plat for Boyles Landing, Section 4. Exhibits: Plat Map; Draft CPC Minutes. Action: Approve the plat subject to approval of ODEQ.

23. Consider authorizing the Mayor to sign the First Amendment to the Memorandum of Understanding between the City of Lawton, Oklahoma, and the Board of Education of Independent School District No. 8, Comanche County, Oklahoma, and the three deeds described in the MOU. Exhibits: None. Action: Approval of item as stated.

24. Consider authorizing the Mayor and City Clerk to execute the Annual Certification of Army Material Status for the M101A1 Howitzer provided by the United States Army to the City of Lawton for display. Exhibits: Annual Certification of Army Material Status. Action: Approval of item as stated.

25. Consider approving amendment to contract with Bell Books for Centennial Book. Exhibits: Proposed amendment to agreement. Action: Approval of item as stated. Action extends deadlines for the project.

26. Consider adopting a resolution authorizing the City Clerk to dispose of certain original records which have been reproduced on optical disk. Exhibits: Resolution 01-10 & Affidavit.

(Title only) Resolution No. 01-10

A resolution authorizing the City Clerk to dispose of certain original records which are kept by the City Clerk and

which have been accurately reproduced and perpetuated on optical disk in all detail, such records being as follows: expired contracts; nuisance files; board minutes; board meeting notices and agendas; and judgments.

27. Consider approving a Release of Conditional Lien on residential property belonging to Thomas Hurley Jordan, Jr. & Marion E. Jordon of 309 NW Bell in Lawton, Oklahoma, and authorize execution of the Release of Conditional Lien. Exhibits: None. Action: Approval of item as stated.

28. Consider approving a Release of Conditional Lien on residential property belonging to Ruby L. Burkhart of 2313 SW "J" Avenue in Lawton, Oklahoma, and authorize execution of the Release of Conditional Lien. Exhibits: None. Action: Approval of item as stated.

29. Consider approving the following contract extensions: A) Wrecker Service with Alford's Truck & Wrecker; B) Aluminum Sulfate with General Chemical Corporation; C) Glass Beads with Swarco Reflex, Inc.; D) Manhole Rings and Covers with Pioneer Supply; E) Sprinkler System Parts with Davis Pipe & Supply, Inc. Exhibits: None. Action: Approval of item as stated.

30. Consider awarding contract for Pest Control Services. Exhibits: Memo; Abstract. Action: Award contract for pest control services to Advanced Pest & Termite Service, Fletcher, OK, and authorize the Mayor and City Clerk to execute the contract.

31. Consider awarding contract for Saw Blades. Exhibits: Recommendation; Abstract. Action: Award contract for saw blades to Prime Equipment, Lawton, OK, and authorize the Mayor and City Clerk to execute the contract.

32. Receive, as submitted, the appointment of a Municipal Judge for the City of Lawton. Exhibits: Letter of Appointment. Action: Accept the appointment of the Municipal Judge to be acted on at the January 23, 2001, Council meeting.

33. Consider approval of appointments to boards and trusts. Exhibits: Memorandum.

Parks & Recreation Commission: Rick Strickland, Ward 5, Term: 1/9/01 to 1/9/03

Lawton City (Municipal) Planning Commission (CPC): Mrs. Pat Henry, Ward 6, Term: 12/14/00 to 12/14/03.

34. Consider approval of payroll for the period of January 8 through 21, 2001. Exhibits: None.

Requests were made that Item 14 be considered separately.

MOVED by Smith, SECOND by Baxter, for approval of the Consent Agenda items as recommended with the exception of Item 14. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

14. Consider the following damage claims recommended for denial: Jose A. Cajina; Rashard E. Andrews; Mindi R. Turner; Sasseen Realty Group; Georgia A. Peters; J. Hagan Barnes; Carey V. and Nadine C. Cambron II; and Charles and Rhonda Farmer. Exhibits: Legal Opinions/Recommendations.

MOVED by Moeller, SECOND by Smith, to deny the claims listed in Item 14 with the exception of Sasseen Realty Group and Charles and Rhonda Farmer. AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

Vincent said the claim of Sasseen Realty Group in the amount of \$1,475 has to do with a residence at 1608 SE Indiana; on September 29, water service was turned on and apparently a faucet inside the house was on and it flooded the house. He said we had no way of knowing at the time we turned the meter on that the water was still on inside the house and we see no negligence on the part of the city.

Shanklin asked if we turned the meter on or just put it in. Hedy Jackson, Assistant City Attorney, said according to the information she had, Revenue Services went out and turned on the water to the meter, however, they did not turn the water on from the meter to the house. She said they left a notice on the front door saying they had been there, that there was water to the meter, and in order to have water from the meter to the house, they would need to turn the appropriate position on the water meter.

Lou Wayne Irwin, Sasseen Realty Group, said she takes care of this rental house and rented in on September 29. She said the policy at their company is to physically sign in the keys so this tenant did not have a key to this house until she arrived at the house on September 30, a Saturday, at 8:00, and that was when she saw the water coming out of the house. Irwin said there was no note on the door, and she knew it was the City's policy not to turn the water on and the reason behind it, and this has not happened to her before but when she arrived that day, the water was running out of the house, the tenant did not have access to the house, no one had access to the house on

September 29. She said the damage was the carpet; the washer and dryer are located in the kitchen area so the carpet was completely soaked and had to be wet-vac'd, and that was done at \$210 but she had not yet finished some of the other repairs.

Purcell said he was trying to understand, the City turned the water on at the meter so water was flowing to the meter, and there was no water flowing from the meter to the house when they turned on the water, so someone had to turn the valve between the water meter and the house. He asked if the City did that. Irwin asked who would have done that; the tenant did not have access to it and she had just rented it to him the night before and the tenant came at 2:30 p.m. that afternoon to have the water turned on and they went out at 3:30. Irwin said the tenant knew if he was not there, they would not turn it on and gave him directions on how to do it, but when she got out there at 8 a.m. the next morning, the water was running rampant. Irwin said when she went to the water department the following Monday morning she asked if they had someone new working there because she knew the City's policy, but she did not know how else it could have gotten turned on.

MOVED by Devine, SECOND by Purcell, to table the item, by request of Mr. Vincent, so he can do some further investigation on it. AYE: Moeller, Haywood, Baxter, Hanna, Devine, Purcell, Shanklin. NAY: Smith. MOTION CARRIED.

Mayor Powell asked for explanation on the Charles and Rhonda Farmer claim. Vincent said this is a very large claim involving an accident; the Farmers were traversing an alley which was being worked on by the sewer rehab crew, Farmer straddled the truck over a manhole that had just been replaced in the alley, causing personal injury to Mrs. Farmer and possibly one child, and they have made a claim for the amount of \$100,000. Vincent said the City's investigation revealed that Mr. Farmer was not an authorized operator of the vehicle in the State of Oklahoma, his license had been suspended in Arkansas, and at the time of the accident, we are not exactly sure how they hit the manhole. He said he had pictures that were taken at the scene and had those available if Council would like to look at them, and there were signs on both ends of the alley indicating that the alley was under construction by the sewer rehab crews. Vincent said this is a claim of questionable liability and that he could find no fault on the part of the City and recommended denial of the claim, and the Farmers have the understanding they can go to court and sue the City because we have serious questions of liability that cannot be resolved because we have different statements from different people.

MOVED by Smith, SECOND by Baxter, to deny the Farmer claim.

Charles Farmer 2408 SW Jefferson, said he had discrepancies on the City Attorney's investigation; at the time of the accident, they stated there were warning signs at the start of the alley and at the other end, and there were no signs there. Farmer said he had written statements from Donna and Julio Marcus, they live right there at the end of the alley and the signs would be right there in their front yard if there were any, and they both stated there were no signs anywhere around that alley. He said as far as what hit the truck, it was high enough it hit the bottom of the truck, it hit the stabilizer arm on the front side.

Farmer said on the second page, it said the vehicle was not covered by insurance but she had insurance as stated in the police report. Vincent said the insurance is not covered because Mr. Farmer is not an authorized driver; there is a policy exemption that since he was not a licensed driver, there is no insurance.

Farmer said he paid \$600 to Oklahoma City and when he called up there after this happened to find out why his license was not cleared, they said they did not have the receipt; they said the only receipts they had were the ones they gave him. Farmer said he was ending up having to pay it again.

Haywood asked if Farmer said he sent \$600 to Oklahoma licensing for his license. Farmer said he thought it was \$606. Haywood asked if Farmer had a receipt. Farmer said they mailed him receipts but he could not find them, he called them and talked to one of the clerks and they said they do not keep copies of receipts, the only receipt is the one you get. Shanklin asked how Farmer sent the \$606. Farmer said the boss he was working for FAX'd them a check or something. Shanklin asked if Farmer could go back to that boss and get a copy of that \$606 check. Farmer said he tried and she had looked for it but had not found it. Shanklin said she should have a better bookkeeping system than that for \$600. Baxter said it is impossible to FAX a check.

VOTE ON MOTION: AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED. (Note: Haywood initially passed and then voted yes. During roll call Shanklin said he would vote yes and Council should understand they would be hiring an attorney.)

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Haywood said there are a lot of potholes to fix after the snow.

Shanklin thanked Public Works and the Street Division for the excellent job during the ice and snow. He said we would get to all the streets, but someone had to be last.

Shanklin said Council discussed the co-generation in executive session, and he wanted to give direction to the City Manager that Council wanted to hold a special meeting to hear from these four companies to explain what they want to do with the effluent from the Wastewater Plant. Baker said he could do that; letters have been sent to the four companies asking them to contact Bigham by January 15, and in lieu of them making a presentation to the committee he set up, it would be set up for the Council. Smith asked if any of the four companies were wanting to remain anonymous until a deal with made. Mayor Powell said that was their prerogative and Shanklin said he thought they would come forward. Shanklin said if they wanted to give a proposal to the bottom dollar, it could be done at a different time but it needed to be done in front of the citizens.

Shanklin asked Council if they believed if they slid off the street, hit a curb and had to call a wrecker that you should be given a traffic ticket because you did not have your vehicle under control due to the ice and snow, \$120 ticket. He said he did not believe that. Shanklin said if a police officer catches someone speeding and acting like an idiot on the ice, that is one thing, but for someone to drive 30 to 40 blocks on the same ice and all of the sudden start spinning around, and we are going to ticket him because the ice is slicker there or we did not have as much gravel there. He said he did not believe we should be doing it; these people own us and we should not be giving them a ticket under hazardous conditions; not everyone can drive on ice but they still have to get out there so why ticket them.

Purcell said he was driving around and there were some drivers going way too fast. Shanklin said we can pick them up. Purcell said he wished the police would have been around because the drivers were going way too fast for conditions. Purcell said he would have sympathy if someone was going 20 mph but some were going 40 to 50 mph on the ice. Shanklin said he knew of one of our strong leaders in Lawton that rolled his Expedition, turned it over and hurt his wife, and he is not going to jeopardize his property or his family on purpose; these other people, if they want to do it, fine, but if we did not catch them in the act of driving recklessly on ice, he could not see giving them a ticket because your vehicle slid off the road and down the bank.

Baxter said he agreed it was not right to give someone a reckless driving ticket when we did not actually see them driving recklessly.

Baker said he understood the point and felt we must leave that to the discretion of the police officers, and it depends on the specific case and if an accident was involved. He said he felt most officers would hesitate to write a ticket if they did not feel it was warranted, and you have to leave that to the discretion of the officers in the field. Shanklin said if we are on a ticket quota, that is how they can get them in a hurry. Shanklin said three of them went off in the same spot and all three of them got a ticket and that was what prompted him to bring this up. Shanklin said he did not believe in it, if they were foreigners, he would say give them a ticket if they are from a certain place he would not have any problem but he did not see how you are going to ticket your citizens, the people who own you, he did not understand it.

Purcell thanked Public Works and the Street Division for doing a super job for the conditions that were very bad for about three weeks, working a lot of overtime during the holidays.

Purcell said regarding the schedule of public hearings by the Senate Select Committee on Redistricting, he recommended the Mayor send a letter to the chairman of that committee because they have basically left out holding any hearings in Southwest Oklahoma. Mayor Powell said Chickasha was the closest one. Purcell suggested a letter be sent and Mayor Powell said he would be happy to do so because he also had a deep concern.

Hanna said he planned to run for re-election for Ward 2 Councilmember.

Smith said he was glad everyone was back after the new year.

Baker said he got a report from Public Works on the cost of the three ice and snow storms, and it was over \$128,000 additional cost to the City for Public Works alone. He wished Mr. and Mrs. Gary Jackson a happy anniversary, 19 years.

Mayor Powell said a lot of Martin Luther King celebrations are planned. Haywood said on January 12 at the Davenport Activity Building at St. John's Church there will be a breakfast at 6:30 a.m. Mayor Powell said there is a celebration at Fort Sill. Haywood said there would be a program at McMahan Auditorium on Friday at 7 p.m. and on Monday, there will be a banquet at Great Plains Vo Tech.

Mayor Powell said there was a problem at the Wackenhut Correctional Facility and a letter was received from the warden thanking the City for its assistance.

Mayor Powell said he was a member of the State Centennial Commission and he had invited them to Lawton and they came and met this morning, to include area legislators. He said a tour was held of the museum and of Central Junior High School. Mayor Powell said Dr. Graybill told him yesterday that if we could get \$3 million from the

Centennial group that they would give \$3 million also toward restoration of Central Junior High School. Shanklin asked if we would get \$3 million. Mayor Powell said Dr. Graybill came to his office yesterday and said the McMahon Foundation will give \$3 million if we can get matching funds from the Centennial Commission, and that he felt extremely good about that after their meeting. He said Ms. Hogan was hired as the grant writer with the money the City Council agreed to as far as helping to get the museum started.

35. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled In re: Carewell Corporation of Oklahoma, Inc., Case Number 99-40827-1-11, United States Bankruptcy Court for the Western District of Missouri, Case Number 99-40827-1-11, and if necessary, take appropriate action in open session.

Addendum Item #3: Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the possibility of appealing the determination of the unemployment hearing officers' determination that William C. Ramsey, Case No. 01-01679, should receive unemployment compensation, and take necessary action in open session. Exhibits: None.

MOVED by Smith, SECOND by Baxter, to convene in executive session to consider the items so listed on the agenda and addendum, and as recommended by the legal staff. AYE: Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 7:55 p.m. and reconvened in regular, open session at approximately 8:05 p.m. with roll call reflecting all members present.

Vincent reported on Item 35, In re: Carewell Corporation of Oklahoma, Inc., United States Bankruptcy Court for the Western District of Missouri, the corporation has made demand for payments they had previously made to the City wanting them returned. He suggested a motion authorizing the City Attorney to continue review and make appropriate demands and denials, and if further litigation is necessary, it will be returned to the City Council.

MOVED by Smith, SECOND by Baxter, to authorize the City Attorney to continue review and make appropriate demands and denials, and if further litigation is necessary, it will be returned to the City Council. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

Vincent reported on Addendum Item 3 stating this is an unemployment compensation hearing involving a former employee, William C. Ramsey, Case 01-01679. He said a hearing officer found in favor of Mr. Ramsey and ordered unemployment compensation benefits; the City has an opportunity to appeal through January 15. Vincent said after review of the case, he recommended no appeal.

MOVED by Smith, SECOND by Moeller, to not appeal in the Ramsey case. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None. MOTION CARRIED.

Mayor Powell announced that he would appoint Shanklin, Hanna and Devine to the committee mentioned during the Water Authority with regard to sale of water to Tarrant Regional Water District.

Shanklin again asked Council if someone should be charged \$100 or \$120 for sliding off of the road when there is not an accident involved. He asked if that was fair to the taxpayers who own you. Shanklin said if he was ten feet up in someone's yard, he did not want to get there and have to get pulled out. Smith said they can go to court and argue in front of the judge that the officer did not see it, and the officer would not get up in front of a judge and lie. Mayor Powell said Vincent had also extended an invitation for those persons to come and see him. Baker said he did not mind talking with the Police Chief and requesting that during this type of situation that we be as lenient as possible. Baker said he thought we should be lenient and also that the officer must have that discretion.

Mayor Powell said he got a letter late this afternoon from Bob Rose at ODOT regarding signalization at Flower Mound and Highway 7; it also addresses speed, and Council will be given copies.

Haywood said on Sunday, January 21, there will be a freedom march from Galilee Baptist Church to Bethlehem Church.

There being no further business to consider, the meeting adjourned at 8:10 p.m. upon motion, second and roll call vote.