

Meeting of 2001-11-13 Regular Meeting

MINUTES
LAWTON CITY REGULAR COUNCIL MEETING
NOVEMBER 13, 2001 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor, Cecil E. Powell Also Present:
Presiding Gary Jackson, Assistant City Manager
John Vincent, City Attorney
Sandra Rench, Deputy City Clerk
LTC Anthony Puckett, Ft. Sill Liaison

The meeting was called to order at 6:15 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by State law.

ROLL CALL

Present: James H. 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: Randy Bass, Ward One.

AUDIENCE PARTICIPATION:

Sarah E. Owens, 1910 Dearborn, said she is currently the site manager of the Patterson Center Nutrition Project. She said they were notified at the last minute that the building was going to be closed, they only had an hour to get out which they did for their protection and they were grateful. She asked what is going to be the outcome of the building because she has heard all kinds of rumors and everyone is asking her what they are going to do. She said they aren't the only people who use the building and the other organizations and people who use the building have been put on hold until they find out what will happen to the building.

Gary Jackson said a couple weeks ago the Building Maintenance personnel at the Patterson Center noticed what appeared to be a mold like substance in the Patterson Center and knowing it could be a problem they called in a contractor who deals with mold remediation and although they didn't do a formal test at that time, in their opinion it clearly appeared to be a toxic mold. He said that was on the day of the nutrition program so the staff notified the program personnel that at the conclusion of lunch that day they would be closing the facility. They had an air quality firm that is certified in that area do the testing and the full report was received today along with a Fax yesterday stating that there is a very serious, high level of toxic mold in the building which will require remediation. They anticipate having to do more than one request for proposal, they are going to need first some advice from a professional company as to how to approach the remediation because this is similar to a toxic mold that had a multi-million dollar court award in Texas in past months and it is something they want to approach professionally and in the right manner. The City doesn't have the personnel that can address this type of situation and it may or may not be pervasive through the entire structure. The type of building the center is could be conducive in it being pervasive throughout the building so they plan to develop and send RFP's to firms that specialize in this and could tell them what the approaches may be and what the possible expense may be to remediate the mold contamination. He said the Garfield school is a recent example and about a year ago the offices they were leasing for the Housing/Community Development Department had mold and they have just recently gotten them relocated to a different facility so it can potentially be an extremely serious situation and they want to make sure they have the right professional people. He said they have had people call them because they have heard rumors that the building is going to be torn down, etc., and they don't have any knowledge of what the outcome is going to be, it may be that the mold can be removed but at this point they don't know. For health and safety reasons at the current time they felt it would not be prudent to allow the public into the building. He said it is an extremely toxic mold, they just don't know how pervasive it is in the building and they don't have a time frame at this time.

Shanklin asked who identified the mold. Jackson said Environmentalist Specialists, Inc. did the testing and the report was prepared and submitted by Michael Jenkenson, professional engineer of Environmentalist Specialists, an Oklahoma firm.

Devine said that is a viable community building and asked if there are any empty buildings that can be used temporarily. Mayor Powell said they are temporarily housed at the Galilee Baptist Church.

Mayor Powell said the biggest concern was the rumors that they were going to close the Center and that is not a known fact, they do not know what they will do until they get an in-depth report.

Ralph Reynolds said there are about 15 programs other than the Nutrition Program that utilize the facility to include the youth that use the building to play basketball after school and with the cold weather it will shut them out of their activities. Mayor Powell said the concerns are justified and they hope to be able to answer those concerns to some degree in time.

A citizen came forward and said the expert on toxic mold is at the University of Tulsa and he can tell them how long the building will be closed and how much it will cost to clean it up.

CONSENT AGENDA:

Mayor Powell said Item 7 has been stricken from the Agenda.

MOVED by Shanklin, SECOND by Purcell, to approve the Consent Agenda items as recommended with the exception of Items 1, 2, 4, 9, 14, 16, 19 and striking Item 7. AYE: Moeller, Haywood, Baxter, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: John Maynard, Mike and Nancy Lydens, Department of the Army, and Kimiko Carrie Newport. Exhibits: Legal Opinions/Recommendations.

MOVED by Moeller, SECOND by Purcell, to deny the claims with the exception of the claim filed by Mike and Nancy Lydens. AYE: Haywood, Baxter, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

Bob Pasco said he lives with his daughter at 1520 NW 43rd Street and they have photographs of the numerous times the sewer contamination has occurred, a report from Wastewater Collection and estimates of what it would cost to repair the damage along with other information regarding cleaning the property three other times and the conclusion that it was the City's sewage backing into the yard. He said there was sewage in the back yard with mold and mildew damage to the house, the carpeting which had recently been replaced prior to the most recent occurrence and he provided the pictures to the Council.

Vincent said they are not denying there were three sewer backups on January 9, January 11 and January 13, 2001, however the claimants turned in a claim with their insurance carrier who sent out an investigator and a copy of their findings is provided in the claims memorandum on page 2. The insurance company alleges improper drainage on the lot causing rainwater to stand in an area that causes molds to contaminate the property and that is the primary reason they denied the claim. He said there is a difference of opinion as to why there is a problem in the area and he didn't recall seeing the pictures.

Ms. Lydens said they didn't see or talk to the insurance adjuster and she didn't know when he had the opportunity to view the house.

Vincent asked when the claim was filed. Timothy Wilson, Assistant City Attorney, said it was filed on October 16, 2001. Vincent said with Council's permission and the claimant's permission, they can extend the claim for further investigation if the Council desires.

Shanklin said they need to investigate this further and the Lydens need to contact the Corporation Commission or Insurance Commissioner with the State of Oklahoma.

Pasco said the home is at the end of the line and all the pressure to the sewer main is not going through so it is building up and backing up into the home and fills the bathtub completely up.

Vincent said Mr. Wilson is the contact person for the claim and if the Lydens will visit with Mr. Wilson tomorrow, with the Council's permission, they would like to extend the time period to the second meeting in December which would give them approximately 30 days to look into the matter and provide a chance for the Lydens to discuss this further with their insurance company but they have to have a signed agreement for the extension.

Mayor Powell asked if this would be agreeable to the Lydens'. Ms. Lydens responded that it was.

MOVED by Shanklin, SECOND by Moeller, to extend the Lydens claim to December 18, 2001. AYE: Baxter, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

2. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Ken Palmer, Sarah Wade, Mike Holtzman, Roosevelt and Yuvonne Flye and Timothy P. and Dina K. Gilliam. Exhibits: Legal Opinions/Recommendations. (Res. 01-159) Palmer - \$84.00; Wade - \$30.00; Holtzman - \$206.27; Gilliam - \$75.00.

MOVED by Moeller, SECOND by Purcell, to approve the claims as recommended except for the claim submitted by Roosevelt and Yuvonne Flye. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

Moeller said the Flye's had requested to speak on their damage claim.

Mrs. Flye said the reason they are disputing the claim is because it is recommended to approve half the claim. She said this is the fifth time the sewer has backed up into their home, they haven't filed a previous claim but have had it cleaned up and paid for it themselves. She said she can't keep cleaning it up, if it had been fixed the first time it wouldn't have backed up four more times and they wouldn't have gotten to the point where the City only wants to pay 50% of the claim. She said they are depreciating the carpet because they have been in the house for 8 years but if it had been fixed the first time it wouldn't have gotten to the point where the carpet needs to be replaced.

Shanklin asked if they had notified the City when they had the other backups. Mr. Flye said yes and they had been told they would come out once a month and flush the line but they haven't.

Haywood asked how many times they have had the carpet cleaned. Mrs. Flye said five times including the most recent incident.

Vincent said the only reason they reduced the claim amount was because of the age of the carpet, it is standard procedure to base it on a 15-year life expectancy for carpet so reduced it based on the estimated cost to repair and replace it.

Mrs. Flye said they wouldn't have to replace the carpet had the sewer line been fixed after the first time.

Devine said some time back he recommended that where they have continuous back ups in these yards to try to find a legal way to put a backwater valve in or pay the people a certain amount of money to assist them in putting the valve in to stop this and it seems that has gotten pushed aside. He said if they continue to get these claims it looks like they could find a legal way to do this because every Council meeting they have a half dozen or more of these.

MOVED by Moeller, SECOND by Devine, to pay the full amount of the claim and adopt the Resolution.

Purcell asked if they could do something at this time legally to have someone go out and put a backwater valve in at this residence. Haywood said it is fixed now, they have one in the back yard.

Baxter said the information in the damage claim states that the carpet was in the house before the Flye's moved in. Mrs. Flye said it had only been in for six months when they moved in.

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

(Title only) Resolution No. 01-159

A resolution authorizing and directing the City Attorney to assist Roosevelt and Yuvonne Flye 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 amount of Nine Hundred Fifty Five dollars and 55/100. (\$955.55)

3. Consider approving a resolution authorizing the installation of traffic control devices on NW Motif Manor at 50th St., NW Sheridan Road and NW Fort Sill Boulevard in advance of entrance to Fort Sill, and NW 17th St. and Lake. Exhibits: Resolution No. 01-160; Excerpts from draft Traffic Commission minutes of October 18, 2001. Action: Approval.

(Title Only) Resolution No. 01-160

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma. (Install "Yield" and "Yield Ahead" signs on NW Motif Manor Blvd. at 50th; install speed limit signs to reduce the northbound speed limit on NW Sheridan Road and NW Ft. Sill Blvd. to 15 MPH in advance of the Ft. Sill entrance gates; to replace the existing "Yield" signs at the intersection of NW 17th and Lake with

"Stop" signs. Resolution amended below to include installing crossing warning signs on 38th Street in the vicinity of Kid's Zone.)

4. Consider denying requests for installation of traffic control devices at 12th St. and Hoover, 400 block of SW 80th, and 38th Street in the vicinity of Kid's Zone Park. Exhibits: Excerpts from draft Traffic Commission minutes of October 18, 2001.

Devine said the Traffic Commission denied a request to put in a warning sign on 38th Street in the vicinity of Kid's Zone and they really need to consider it because even though they have the traffic light they need the warning sign there for children crossing.

Mayor Powell said he had received phone calls from people in that area concerned with this issue which is how it originated.

MOVED by Devine, SECOND by Shanklin, to approve the crossing warning signs on 38th Street to be installed and to deny authorizing the other three items as recommended.

Shanklin asked if they have or will be putting in any sidewalks there and do they have any money left to do so. Divine said not yet but he is working on that situation.

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

5. Consider adopting a street light resolution to authorize installation of additional street lights at the corner of SW 18th and Roosevelt, SW 17th and G Avenue, SW 12th and Oklahoma, and SW 13th and Georgia. Exhibits: Street Light Resolution No. 418. Action: Approval.

6. Consider approving the 2002 Notice of Meeting schedule for Lawton City Council meetings. Exhibits: 2002 Notice of Meeting Schedule. Action: Approval.

7. Consider approving a Retainer Agreement for Legal Services between the City of Lawton and Luwana John and authorize the Mayor and City Clerk to execute the agreement. Action: Item was stricken from the Agenda and not considered.

8. Consider ratifying the action of the Lawton Water Authority approving advertising for bid to lease the City's oil and gas interests for a 25 acre tract of land located in the vicinity of Lake Ellsworth in Caddo County to the highest and best bidder. Exhibits: None. Action: Approval.

9. Consider accepting the proposed lease with the Oklahoma Department of Transportation (ODOT) for lease of the old Chandler Creek Bridge and approving a resolution to authorize the Mayor and City Clerk to sign the necessary documents. Exhibits: Res. No. 01-161.

Shanklin said he pulled this item because it has a resolution and asked if he was missing something, did they have to pass a resolution on Chandler Creek Bridge. Vincent said the resolution is on the next page. Shanklin said it is on the Consent Agenda. Vincent said they can do that with resolutions but not ordinances.

MOVED by Shanklin, SECOND by Baxter, to approve the lease negotiated with the ODOT Division VII Engineer for the lease of the old Chandler Creek Bridge from ODOT and approve the Resolution authorizing the Mayor and City Clerk to execute the lease agreement. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01-161

A resolution approving a lease between the City of Lawton and the Department of Transportation of the State of Oklahoma, for the old Chandler Creek Bridge, and authorizing the Mayor and City Clerk to execute the lease.

10. Consider approving Change Order No. 4 for the 2000 CIP Waterline Replacement Project #2000-12 with S.M. Burk Mechanical Contractors. Exhibits: None. Action: Approval.

BACKGROUND: On March 27, 2001, Council approved the construction of an 8 waterline and fire hydrants for the 2100 and 2200 blocks of E Avenue to provide fire protection to that area. This work was to be funded through a current 2000 CIP waterline contract. Since this is a unit price contract, a change order is only necessary for the additional contract time. The contractor is requesting 40 additional contract days for this work.

11. Consider approving Change Order No. 4 for the McMahan Memorial Auditorium Lobby Renovation #2000-34 with Reynosa Construction, Inc. Exhibits: McMahan letter. Action: Approval.

BACKGROUND: Change Order #4 includes the following three items: 1) Eliminate a junction box uncovered during the construction and re-route electrical lines; 2) Modify two roof hatches to ensure minimum roof slopes specified in the design, and 3) Modify Vanity tops so that the sinks can fit properly. The cost of Change Order No. 4 is \$3,769.50. The Contractor is requesting seven (7) additional contract days for this work.

12. Consider accepting the Landfill Grassing Project #2001-10 as constructed by RCJ Construction, Inc. and placing the Maintenance Bond into effect. Exhibits: None. Action: Accepted Project #2001-10.

13. Consider acknowledging receipt of permits for the construction of sanitary sewer lines from the Oklahoma State Department of Environmental Quality to serve Sub-Basin 201, City of Lawton, Comanche County, Oklahoma. Exhibits: None. Action: Acknowledged receipt of permits.

14. Consider authorizing expenses for concert by The Lettermen on October 26, 2001, as a Centennial Celebration event. Exhibits: None.

Moeller said she just wanted to recognize and thank the people who put this on, she has had numerous people tell her how wonderful the Lettermen concert was and they gave something back to the people and thanked them and the citizens thanked them.

MOVED by Moeller, SECOND by Baxter, to authorize expenses for concert by The Lettermen on October 26, 2001, as a Centennial Celebration event. AYE; Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Hanna. NAY: None. MOTION CARRIED.

15. Consider entering into contracts with Mr. Effard M. Holley, and Ms. Jolene L. Price, and Mr. and Mrs. Robert Pflager for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contracts. Exhibits: None. Action: Approval.

16. Consider releasing mortgages between the City of Lawton (Lender) and the following borrowers: Jessie Faye Jackson at 1406 Park; Charlotte P. Lauthner at 909 SW 37th St., Mark L. Riggins & Barbara S. Roosa, Guardian of Mark L. Riggins, at 1713 NW Ferris, Tammy L. Allison at 5339 NW Elm, Sherry R. Pate AKA Sherry R. Gutierrez at 306 Jefferson, William E. & Jennifer A. Woodall at 1808 NW Smith, Nathan Moore, Jr. & Lisa C. Moore at 2715 SW "I" Ave., and C.O. & Velva Buzbee at 1709 NW Kingsbury, and authorize the Mayor and City Clerk to execute the mortgage releases. Exhibits: None.

Moeller said they have been asked to do a lot of things on the housing program, these eight people have completed their requirements and thought they needed to be congratulated with following through with their agreements.

MOVED by Moeller, SECOND by Devine, to approve the request to release the Mortgages and authorize the Mayor and City Clerk to execute the Releases of Mortgages. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Hanna, Devine. NAY: None. MOTION CARRIED.

17. Consider approving the following contract extensions: A) Pest Control Services with Advanced Pest and Termite Service; B) Degreaser with Suncoast Research Labs, Inc.; C) Symbols and Roll Goods with Rocal, Inc., Nippon Carbide Industries, Inc., Vulcan Signs, 3-M; D) Traffic Control Enclosures with Pinkley Sales Co.; E) Data/Telemetry Radios with Southwest Communications. Exhibits: None. Action: Extended contracts..

18. Consider awarding contract for Hydraulic Root Saws. Exhibits: Recommendation; Abstract. Action: Awarded contract to Sewer Equipment Company of America, Glenview, IL.

19. Consider awarding contract for 10 Wheel Dump Truck. Exhibits: Recommendation; Abstract.

Shanklin said they are buying two 10 wheel dump trucks for Sewer Rehab and asked if they hadn't bought these at one time or are they just now finding out they need them and if they had been in the budget originally.

Jerry Ihler, Public Works Director, said they were approved in the budget but were probably not approved in the original budget. He said they have been in the program for four and a half years and have realized they needed an additional two dump trucks and put it in the budget in June when it was approved.

MOVED by Shanklin, SECOND by Haywood, to award the contract for the 10 wheel dump truck to Roberts Truck Center, Oklahoma City, Oklahoma, and authorize the Mayor and City Clerk to execute the contract. AYE: Shanklin, Moeller, Haywood, Baxter, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

20. Consider awarding contract for Waste Oil Disposal. Exhibits: Recommendation; Abstract. Action: Awarded contract to ORI Recovery, Inc., d/b/a Oils Recovery, Oklahoma City, OK.

21. Consider awarding contract for Spray Cabinet Parts Washer. Exhibits: Recommendation; Abstract. Action:

Awarded contract to The H2O Solution, Turpin, OK.

22. Consider approval of appointments to boards and commissions. Exhibits: Memo.

Emergency Management Advisory Committee - Terms to 11/13/03: Leland Kliewer - Rep: Ft. Sill; Dan Brown - Rep: Health Department

Lawton Housing Authority: Jeffry Schutte - Rep: Resident Commissioner; Term to 8/24/03

Redistricting Commission - Dennis Holland - Rep: Ward 4; Term to 7/1/06

McMahon Auditorium Authority: Kim Shahan - Rep: City - Parks and Recreation Department Term: indefinite; Nathaniel Todd - Term to 6/30/04

Airport Authority - Charlie Beller - Term to 11/3/04

Public Library Board - Barbara Moeller - Rep: Council liaison

23. Consider approval of payroll for the period of October 29 through November 11, 2001.

24. Consider approval of Minutes of Lawton City Council Meeting of October 23, 2001.

BUSINESS ITEMS:

25. Hold public hearings and adopt resolutions declaring the structures at: 906 SE Lomond Lane, 401 NW Arlington, and 2104 NW Lake to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize Neighborhood Services to solicit bids to raze and remove structures, if appropriate. Exhibits: Resolution Nos. 01-____, 01-____ and 01-____.

Vincent said these resolutions are different than those in the past, instead of coming back to the Council with a second resolution, should these structures be declared dilapidated and condemned as a result of the action tonight these resolutions allow them, if the properties are not razed, to go directly to District Court.

Ann Alltizer, Neighborhood Services, reviewed the photos taken of the structure located at 906 SE Lomond Lane, it has fire damage from a recent fire and an agent for the owner of the property requested it be brought before Council for consideration of condemnation. The staff recommendation is that if the property owner wishes to demolish the structure and rebuild on the existing slab, that Building Development will allow that or completely remove the structure and rebuild at some point. The agent of the property owner lives in Tennessee and is present.

PUBLIC HEARING OPENED ON 906 SE LOMOND LANE

No one appeared to speak.

PUBLIC HEARING CLOSED

MOVED by Purcell, SECOND by Baxter, to approve Resolution 01-162. AYE: Moeller, Haywood, Baxter, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01-162

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that the buildings be demolished and removed.

906 SE Lomond Lane, Sungate Addition, Block 12, Lot 10.

Title Holders: James E. & Sarah M. Medley. Mortgage Holders: None.

Alltizer said 401 NW Arlington has been a problem since 1998; Alltizer reviewed the pictures and said there have been problems with tall weeds and grass; junk and debris; the structure had been secured by the City. The porch is ready to collapse, letters have been sent requesting the property be upgraded and the inspectors from Building Development addressed this issue as well and have not had any response from the property owner. Alltizer noted structural and foundation problems indicating the structural integrity has been compromised to a great degree. There has been no contact from the property owner, the property has not been lived in since some time last year although it still contains personal items from the resident but have no information on where the owner is at this point.

PUBLIC HEARING OPENED ON 401 NW ARLINGTON

No one appeared to speak.

PUBLIC HEARING CLOSED

MOVED by Shanklin, SECOND by Haywood, to approve Resolution 01-163. AYE: Haywood, Baxter, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01-163

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that the buildings be demolished and removed.

401 NW Arlington, North Addition, Block 49, Lot 16

Title Holders: Mark & Marilyn E. Williams. Mortgage Holders: Secretary of Veterans Affairs.

Alltizer said 2104 NW Lake Avenue has been before Council before, with the records going back to 1998 with a scheduled meeting in December of 1998 but she did not know why nothing was done with the property. The property owner contacted Mr. Cruz on November 5 and the property was inspected on November 8. Alltizer reviewed the pictures of the structure. She said Mr. Jones has evidently been working on the interior of the property for several years and there has been progress made but didn't know if any permits had been required or issued. Mr. Cruz has recommended, based on the property being structurally intact, that it doesn't need to be demolished. The property has been before Council before and the recommendations from Community Development and the Fire Marshal was to go forward with the demolition if Council approves the resolution.

Hanna asked if they could tell the property owner he has 90 days to bring it up to Code and if he doesn't to bring it back. Alltizer said that would be a Council option.

PUBLIC HEARING OPENED ON 2104 NW LAKE AVENUE

Melvin Jones said he inherited the property from his father. He said he lives 75 miles away so it has been neglected somewhat, he has paint in the house, has been working on the property and has the siding available to make those repairs. He said he would like to fix the house and requested waiting until Spring to do the roof because it isn't warm enough at this time for the shingles to tab down.

Mayor Powell asked if there were any interior leaks and how many roofs there were on the structure. Jones said there aren't any leaks and there are two layers of shingles.

Moeller said she agreed with Jones in regard to putting on the shingles but if it starts leaking he may have to go ahead and replace the shingles before that time.

Hanna asked if Jones could bring the house back up to code with siding on the house within 90 days. Jones said he could.

Shanklin said this is in his Ward and he has been after this for some time because except for one other property the residents are proud of their street. He said he would think Jones would put the roof on first, they are roofing every day right now but wouldn't make an issue of it and asked if he is going to re-side it. Jones said those places that need to be replaced he will, he had to special order the siding and has it and 15 gallons of paint in the house, has painted part of it and could do it in 90 days.

Shanklin said there would be a 30-day increment of inspections and if Jones doesn't make any progress the 90 day agreement won't be valid any longer. He said Jones will need to bring the electrical up and will probably need a permit and referred him to Dan Tucker on the permitting process.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Devine, to give Mr. Jones 90 days with the ordinance that governs the 90 day permit. AYE: Baxter, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

26. Discuss the Proposed City-County Consolidated E911 Program and provide direction. Exhibits: None.

Mayor Powell said this is for informational purposes, he has never said he was in favor of the City doing the entire service for the County nor has he said he is opposed to this. He has had many County citizens call or come by saying they are opposed to the City doing the County 911. He said he hoped the City wouldn't be brought into a controversial issue where the County residents will have hard feelings toward the City. He said people will be given an opportunity to speak, and asked that it be done in a professional manner.

Purcell said several months ago the Council appointed a Council Committee to meet with the County

Commissioners to try to work out some type of agreement if they so desired. The committee, Mr. Bass, Mr. Devine and himself, along with the City Manager, Police Chief, City Attorney and the Director of Communications, have had several meetings and the attorneys have drafted an agreement that will be brought to the Council for their consideration and then to the County Commissioners. He said he felt this action was premature, they need to continue, it will probably be ready for the next meeting and they need to discuss it then and didn't think they wanted to stop negotiations at this point. He said he just received a note that the staff finalized the contract this afternoon and once Mr. Cude, the attorney for the County, and the County Commissioners have an opportunity to look it over, they will bring it back to the City Council for a decision if they want to get into this and then the Commissioners. He said 80% to 90% of Comanche County residents live within the city limits of Lawton and this is an economic issue, during negotiations it was made very clear that if they agree to do this the City of Lawton cannot incur any more expenses by taking on this job and the County Commissioners agreed. This will save the citizens of Comanche County over \$100,000 and has heard that it would be \$150,000 to \$175,000 a year although that may be high. He said the citizens of Comanche County are going to have to pay the higher number. He said Jasper Grigg, a member of the Excise Board couldn't be here tonight but he commented that it is not feasible economically to have two E-911 systems.

Baxter said he would like to know what the Committee would elect to do and asked Devine for his comments.

Devine said he has received many calls in reference to this issue and wanted to make sure they did not make any mistakes where they would have to change their mind. He said he would like to have a public forum where the people in the City and the County could have a voice in this because they are taking an extremely large amount of the responsibility on themselves. The residents in the County rely on their County Sheriff's Department and those people have a right to have an opinion of how their response is going to be met. He said they need to have a public forum to get an equal number of people on both sides for and against it instead of the Committee and this Council making the decision totally for those people that live there. He said he would like to make a motion for some way to have a public forum for these people to come in.

Haywood said today the County Commissioners, who represent the County, voted for E-911 and they are the voices for the people in the County and they need to continue to negotiate.

Devine said they need to continue to negotiate but the people in the County need to have a voice other than the County Commissioners. He said he is responsible for 10,000 people in his Ward and he tries to make the best decisions for them but he also asks for their opinion and the people who live in the rural areas of the County should have the same opportunity to voice their opinions.

Haywood said the select few may be 80% of the County area for the E-911, the County Commissioners voted on that today, they don't have anything to do with how the County votes.

Purcell said they aren't voting on this tonight they are voting to not stop the negotiations because it isn't the right time to discontinue negotiations and agreed with what has been said.

Baxter asked if the Commissioners voted today and the members wanted to hear from them because they are elected officials and speak for the County.

Mayor Powell asked if the Council wanted to open it up for discussion from the floor and the Council members agreed. Mayor Powell opened the meeting for comments and asked for them to stay with facts and figures.

Kenny Stradley, Comanche County Sheriff, Rt. 1, Box 332, Lawton, said Channel 7 did a poll where 77 people said to keep it under the Sheriff's Department and 23 said to have the City take it. There was a meeting in Cache and 100% of the people voted for the County to keep it. His biggest problem was with antennas being knocked out in Lawton or in the County, they have dispatched for each other in those cases and asked if they wanted all their eggs in one basket. They want to be able to help all the people in the County. Lawton does a good job but they have priority calls and the Sheriff's Department considers everything a priority from the cat stuck in a tree to the person who is down and if it goes to the City of Lawton they are afraid they won't get the call for four or five hours. He asked them to consider the emergency situation in this day and time and if it isn't better to have two systems.

Shanklin asked Stradley how he will fund it. Stradley said the numbers have been expanded but felt they could do it themselves for \$50,000 to set it up, they don't need ten dispatchers, they are working it now with one, the 911 calls average one for every two to three days and he believed they could handle it themselves although they don't get the E-911 calls.

Shanklin said if they consolidated they would handle all the calls, the people would be at a console along with the rest of the dispatchers. Stradley said he didn't know what would happen once they went over there, he wouldn't have a dispatcher if they take it away from them. He said OLETS has said that his records, 10,000 warrants, will have to go to the City of Lawton, they have to verify those within 10 minutes and there is more to this than they see. He said he represents Lawton, the rural areas, other small towns and 15 volunteer fire stations and his main

concern was if the main system were knocked down and they were all on the same system.

Purcell said Stradley has said the County would become second class citizens and he checked with the people at Ft. Sill and they haven't seen any reduction in service and have not been treated as second class citizens, the service is better and it is done with less people. He said there is a priority system and if a person is down someone would be dispatched on that immediately, when they get the call they don't know if it is from the County or the City and the cat in a tree wouldn't have a very high priority and asked if Stradley wouldn't make the same priorities. Stradley said they answer every call to include the cat in a tree and would send someone on both calls. He said he has problems and the City has some problems but didn't know why they wanted to put all the eggs in one basket.

Charles Miller, 112 Snow Mass Road, said the County residents voted for a County system and allowed the County to collect the fee for it. A redundant system is almost a requirement when systems go down so there is a backup system. As a representative of a group of County citizens they object to the County Commissioner's action and felt there had been criminal gross management of the system. By taking the system and the warrants away from the Sheriff he will lose his ability to communicate with NCIC which is going to effect law enforcement in the County areas and is something they have to protect.

David Carter said he is a resident of Lawton and Comanche County and as a taxpayer the consolidation makes sense. He said if he would have known he needed to call the Mayor he would have done so and would have others do so. Mayor Powell said that is not necessary, he had received his first call yesterday supporting this and he hasn't said whether he supports it or is against it but this has been a controversial issue for seven years, the Commissioners asked the City to negotiate with them for the system and is the reason for this meeting.

Carter said they had a hearing with their County Commissioners and have come to the City Council who represents 90% of the taxpayers of this county, it is in the City Council's best interest to consolidate this from an economic standpoint.

Larry Johnson, Deputy, Comanche County Sheriff's Office, said there are only three counties that have centralized 911 systems and the Sheriff's Department and Police Department's of those three county's are in the same building. All the Sheriff's Department needs is one monitor and one trunk line, they have been answering 911 calls for years, they just don't have the screen that tells them the location of the caller. From a law enforcement point of view, if the tower goes down it won't just be the Lawton Police Department, services of Lawton and the Comanche County Sheriff's Office, there are nine other towns, 15 volunteer fire departments and the Tribal Police they dispatch for, the dispatcher will run teletypes for the highway patrol and the U.S. Marshal and there is more to this than what has been provided. They don't need two terminals for only one dispatcher. He said everyone was at the negotiations except the Sheriff who is elected by everyone in the County and they are taking away his vital communications.

Haywood asked what three counties have the joint systems. Johnson said Tulsa, Greer and Latimer. He said the Tulsa Sheriff's Department pays Tulsa to keep their records and warrants, they can put them under one house by OLETS regulations and it is in the same building because the Sheriff and Police Department's are in the same building.

Johnson said they need to have a public meeting so everyone will know what is going on because they weren't even aware of the contract. Purcell said they don't have the contract yet, they are still negotiating the contract.

Moeller said she has heard references made to OLETS and they have regulations they have to follow. Johnson said that is correct, if they move dispatch away from the warrants someone will still have to be there to check warrants.

Gary Jones, Rt. 1, Cache, said he was the one who proposed 911 be with the City and it was proposed at the same time to consolidate the jail functions and a Countywide law enforcement agency which would have put the jail at one location, with the police department on one side, the sheriff department on the other side along with dispatching, everything would be at one location. They have been told the new jail won't be run by the Sheriff's Department which will be at a different location, the Police Department is at a third location and the 911 dispatch at a fourth location. He said the figures being brought forward are taking into consideration that they won't have dispatchers at the Sheriff's department, but there will have to be someone there to man it. He said technology can combine the systems and they could share the same data base which is one of the biggest costs to the system. There can be a 911 system at the City and County with those systems tied together and the calls from the City can be routed to the County. The cost figures have not been provided at a public meeting, they were given at a press conference and unless a request is made beforehand and is approved they can't speak at the public meetings. He said Motorola has a system where the ANI (Automatic Number Identification) on the telephone will recognize the number as being outside the city limits, will route it to the Sheriff's Department and both systems are running everything but in the event one of the systems were to go down there is a redundant backup system already in place where the call will be routed to the location that is still up. A public forum would be a good idea in order to receive information from all parties whereby they could make a more informed decision.

David McCoy, Medicine Park, asked Purcell if there is going to be an extra charge for the fire departments in

regard to the \$150,000. Purcell said he didn't know anything about charges to fire departments, the \$150,000 was the cost of having the City do it by adding one more console and the number of people may be five, the difference in cost is with the number of people between five and ten people.

McCoy said if the City takes it over who pays for the County's part. Purcell said the County will give the City the money to pay for the extra dispatch, the agreement was to make sure the City wouldn't be paying any more than it is now and according to the numbers they have if it is consolidated it would cost the County citizens less and that is the issue although the number varies.

Baxter said he would like to hear from the Commissioners and Doug Wells.

Larry Buchwald, County Commissioners, Western District, said the County E-911 dispatch has been on the table for quite a few years and they have heard quite a few different ideas and opinions about what gives and doesn't give on dispatch. There are three options, they can combine with the City, operate County dispatch to the Sheriff's Office or can have a separate County operated system. Several weeks ago, in a Commissioner's meeting, entering into a contract with the City was brought up. This morning he gave a press conference on some of the issues on E-911; issues brought up were on the combined system and a County operated system to include the Sheriff's Office or a separate office of County dispatch. The figures he presented were given to him by Doug Wells of what it would cost to run a combined system, the other figures for the County came from the Sheriff's Office. The first year cost to initiate the program would be \$278,000 for a combined system; \$397,000 for County operated; annual cost from Wells - \$195,000; from the Sheriff \$269,000 and Buchwald added \$20,000 because he thought the Sheriff left off a position so it would be between \$269,000 and \$289,000. A 5% charge is being charged to the rural residents on the phone bills which equates to \$86,000 to \$97,000 which means the County will have to pay approximately \$94,000 from its general fund to operate E-911. He said they are looking at \$109,000 versus \$203,000 or \$98,000 versus \$192,000 and still have approximately \$95,000 that will have to come out of the County general fund which would be from every person who is a taxpayer in Comanche County, whether you live in the City or the rural area and that is a significant savings for everyone. Personnel - if it is a combined system five people will have to be hired and certified; if it is County operated ten people will have to be hired and certified. There will be another eight or nine month delay if they have to hire people and if they have five dispatchers already they have to be certified and this is a position of why it is important to have a combined system at this time. Space available - they have limited to space in the Courthouse, they don't have enough space in their dispatch area; when they move into the jail facility they may consider taking over the first floor by clearing out the jail and renovating the Sheriff's Office and if they have a combined system with the City and it isn't working they could go their separate ways but if they delay and don't combine at this point they are going to delay the County E-911 system another eight months to a year in order to get everything on board and find a place to put it. He said they can only enter into a one year contract with the City to be renewed at the end of a year so if they have a combined system and they don't get along they wouldn't renew it, all contracts have a termination clause so they would be able to get out of it but it is important to get it on board. Dependable service was an issue and the system the City has is dependable, the United States Government has had a contract with the City through Ft. Sill for approximately five to seven years. The Board of Commissioners knows they have a good system and they could visit with Mr. Wells on prioritizing calls. They will spend a lot more money if they put it in the County and there have been ideas brought up but not one of them has come across his desk with figures and a policy for a County 911 or a combined 911. They have received budget proposals from Doug Wells and Sheriff Stradley and that is what they have to weigh, and whether to spend an extra \$95,000 a year for the same system. In regard to the warrants and OLETS, dispatch and OLETS or NCIC are not connected but they can be, there was a person from OLETS and one from the FBI who came in and talked to the Commissioners about the OLETS system and the warrants, the OLETS system will involve the Sheriff, the court clerk, the judges and the district attorney, it isn't one entity, there is paperwork that has to be moved through a system rather quickly so that someone doesn't get arrested unjustly and everyone has agreed that can be worked out and it doesn't have to have anything to do with dispatch.

Baxter said the press release states that all the City has to do to accommodate the County is add two consoles that will be paid for and owned by the County and hire five additional medical dispatchers and who will hire the dispatchers and pay for it. Buchwald said the City will hire them and the County will pay for them through their fee.

Buchwald said the dispatch for the rural fire departments will fall under the County umbrella for the contract with the City.

Wells said he works for the Council and if they vote to combine 911 they will provide an excellent professional service to all the residents of Comanche County.

Baxter asked if Wells had read the press release for today. Wells said he saw it late this afternoon. Baxter asked if the numbers were correct. Wells said they were close based on what he knows.

Shanklin asked if the County will be treated any differently than a normal call. Wells said absolutely not, just as they don't treat Ft. Sill any different.

Moeller asked how many consoles Wells felt the County would actually need, whether they have it or we have it. Wells said the National Standard is one console and one dispatcher for every tenth of the residents, based on that the County has 30,000 residents and he said they could try it for the first year with one console. He said they have five people that answer telephones all the time so that one position would be dispatching the County Sheriff, fire, ambulance, type organizations so they may not need a second dispatch position, the ten has come up because the City would be doing some of the phone answering that would no longer be necessary. He said the first year they could start with one because he doesn't know how many 911 calls the County gets now and the National Standard has said that calls will increase by 90% when you go to Enhanced 911 (E-911).

Tommy Hawthorne said he has been in this 911 for some time and was on the original task force started in the County right after the election was approved, he is a rural County resident and had a great concern for their emergency dispatching because he has heard statements that the dispatch and the OLETS and the NCIC are two separate entities and they are not, he was in a meeting with a representative from OLETS who said if this was moved from the County that every record will be purged without their authorization which means every record the county has the dispatcher has to be able to access it within ten minutes. He has asked every Commissioner how this is going to be handled and has not been able to get an answer, this was the first time he has heard any discussion regarding OLETS and NCIC from a Commissioner and the statement was made that they are separate and they are not it has to be kept together. One of the reasons Lawton has a high priority of 911 calls as compared to the County is because the County has a day to day phone where the calls such as a cat in the tree would be received rather than through 911. He said the County also dispatches to the Wichita Mountain Wildlife Refuge. He said they had been told this morning that there would be no charge to the small towns or the fire departments and since he heard something different tonight he was confused with what the charges will be and would like to see a copy of the contract. The City needs to be aware of the record keeping procedures because the dispatcher needs to be able to provide information within ten minutes and the records have to be maintained 24/7.

Purcell said the Council committee was not making a decision to merge or not merge, the purpose of the committee, if there was a merger, was to put together a contract that could be brought back to the City Council for their consideration and would also go to the County Commissioner. He said the small committee did not decide to merge or not to merge, they were going to listen and the idea of having a public forum is great and when they get done he would like to make a motion to have a joint City Council and County Commissioner meeting when it is convenient, it will be a public hearing and everyone can come on both sides and they can hear the same stories at the same time.

Mayor Powell said he has heard there needs to be a public forum and isn't opposed to having a joint meeting if that is the direction they want to go. Mayor Powell thanked the citizens for coming forward, they are all in this together one way or another.

MOVED by Purcell, that they hold a joint City Council, County Commissioner meeting to be set within the next week.

Shanklin asked if it is going to cost the taxpayers in Ward 5 more money on their ad valorem if it is separated. Response was that if it is taken from the County budget that would be correct.

Purcell said he has a motion on the floor and would defer to the Mayor for a date but didn't want to wait too long.

Shanklin said he didn't think they needed the whole Council, just the Committee. Purcell said they need the full Council, the committee only worked on the contract in the event they merged, the Council needs to hear from the public and the citizens in the City and the County to decide whether or not they want to merge. Everyone thinks it is important.

Meeting dates were discussed.

Shanklin said they have three Commissioners, two are up for election and they are bound to have constituents as a sounding board.

Mayor Powell suggested holding the Water Authority meeting at 5:00 p.m. followed by the joint Council meeting at 6:00 p.m.

MOVED by Purcell, SECOND by Baxter, to hold a joint City Council, County Commissioner meeting in the Council Chambers on Tuesday, November 20th at 6:00 p.m. with a public forum with one item for this to be discussed. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

Mayor Powell expressed his appreciation for those who came forward.

Haywood said the Sheriff is a key player in the E-911 and he needs to be involved in this process.

Upon motion, second and roll call vote the Council recessed at 8:05 p.m. and reconvened at 8:15 p.m. with roll call reflecting all members present except Devine, Purcell and Bass.

27. Consider authorizing the Mayor to sign a letter of intent for the Meadowbrook Creek Corps of Engineers Project. Exhibits: Fax from Corps of Engineers; Sample Letter of Intent.

Devine and Purcell entered the meeting at this time.

Ihler said in June the scope was revised for the Meadowbrook Creek Project to do only the section to the north near Cache Road because of budget restraints. The Corps has revised the plans and provided new cost estimates with the cost share for the City being \$1.4 million which is within the City budget amount allocated for this project. The next step to proceed with is a letter of intent from the City that they are in favor of the project and have the funding available to move forward and are asking for the authorizing of the Mayor to sign the letter of intent and move forward with the project. He said once the letter of intent is approved they would come back in January with the PCA and would then begin with the real-estate process which will take approximately one year to purchase the homes which are being purchased as part of that project and then the Corps will start the construction. The Corps will administer the bids for the project and manage the project with the City providing its share which has been appropriated.

MOVED by Devine, SECOND by Moeller, to authorize the Mayor to sign a letter of intent for the Meadowbrook Creek Corps of Engineers Project.

Shanklin asked if he has seen the plans. Ihler said he has seen the preliminary plans, they are about 90% complete.

Shanklin said the Corps will build this, and the City does not put out any RFP's for general contractors. Ihler said no, the Corps will handle the bidding and the procurement process.

Shanklin said they are still going to ignore the fact that 52nd and Meadowbrook could use another cell and Ihler may not believe that but he has seen it. Ihler said he believed those improvements would help but they do not have the funding available to do the project. Shanklin said he meant they could build a cell and was told they couldn't because of their code or ordinance, that if they do anything to that bridge they have to build a \$500,000 bridge across it and asked if that is correct, as they did at 13th and "D". Ihler said if they are going to build a structure they need to build it to meet the City Code which requires being able to handle the minimum of the ten year within the structure itself and on a major tributary believed they would have to build it to handle the 100 year storm.

Shanklin said they don't know what a 100 year storm is and haven't had anyone sign off on a 100 year storm so don't know what one is. He asked how this is going to alleviate the problem because they wanted to do the whole thing at one time, they have backed off a half mile or so, are they still going to get the job done and have they over designed the project. Ihler said no, several years ago staff presented eight alternatives and each one had a cost and benefit associated with it. He said one of the alternatives would have done the whole channel from Cache Road to 300 feet onto the golf course, there was a section from Meadowbrook Drive north to Liberty Bridge at Liberty and 51st and the residents didn't want the trees removed so that section was removed and basically, if they were to do the entire section, they were able to remove all the homes from the 100 year flood plain but because of the cost associated with it and the wishes of the residents in that area they took out the middle section.

Shanklin said they were supposed to get the project done for about \$1.5 million. Ihler said the City's share is approximately \$1.5 million. Shanklin asked if that would be everything and would alleviate all the flooding. Ihler said no, this alternative won't alleviate all flooding, during the 10 year storm the models show there are 48 homes in the 10 year floodway, this project will remove 26 of the homes so they are removing greater than half of them, 8 of the 26 homes are the ones they are purchasing so there will be 22 homes still in the floodway.

Shanklin asked if Ihler could not see them ever adding a cell to 52nd and Meadowbrook as it is. Ihler said they can look at that as an improvement. Shanklin said he has been trying to get that for five years because on the south side there is a waterfall of about 18 inches. Ihler said any additional area that is added will improve the flow.

Mayor Powell said if they cleaned out the area east of the Country Club, get the tree out of the ditch and let the water get out of there, someone needs to make that happen rather speedily.

Rick Herbert, 1110 NW 51st St., said the cell at Meadowbrook could be a living, growing thing, they added a detention pond at Rogers Lane, it has been widened from there all the way to new Cache Road and the new part will connect into that. He said they are making it wider so it will hold more water and if people are against it there is something there they don't want to happen such as the trees. He said there are 48 houses in the 10-year flood plain which means there is a 10% chance every year of flooding. He said the last time it rained they had 2.65" of rain in 24 hours, the water was up to 8" to 9", the next day they had 1.5" and it went higher than that, they had not had any rain in six months so most of the water from the first day went into the cracks in the ground. He said everything they have done is helping, taking 28 homes out of

the flood plain will reduce the insurance rates and they need to go from the Liberty bridge to the Meadowbrook bridge and clean it up, they don't need to cut them all down but the dead trees need to be removed. He said they have \$1.7 million in the fund so if it costs them \$1.5 for the project there is money left to build the bridge at Meadowbrook.

VOTE ON MOTION: to authorize the Mayor to sign a letter of intent for the Meadowbrook Creek Corps of Engineers Project. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Hanna, Devine. NAY: None. MOTION CARRIED.

28. Discuss the purchase of property located at #11 NW 53rd Street, Lawton, Oklahoma, and if approved, authorize staff to prepare the necessary documents for the Mayor and City Clerk to execute. Exhibits: Photograph of the property.

Vincent said this property is immediately north of the property they purchased for Fire Station #5 and the owner is offering to sell the City the house for \$40,000, they wanted to make the City this offer before putting the house on the open market, they have not been able to identify funds and the property is not necessary to rebuild Fire Station #5.

Purcell asked if the property could be used in conjunction with the fire station such as for parking or do they not need it. Vincent said the house is in good shape but doesn't meet Code for commercial property so if they wanted to use it for offices or something like that they would have to spend money to bring it up to Code but it is not necessary at all for the Fire Station.

MOVED by Devine, to deny the purchase of the property.

Devine said he would like to see them have it and it would be good use but did not know where they would get the money.

SECOND TO MOTION by Purcell, to deny the purchase of the property. AYE: Hanna, Devine, Purcell. NAY: Shanklin, Moeller, Haywood. OUT: Baxter. TIE VOTE: Mayor Powell voted Aye. MOTION CARRIED.

29. Consider the request of the Housing Authority of Lawton for the City Council to waive the outstanding liens for mowing, weed abatement and trash removal on property located at 1517 Pennsylvania, Lots 24 and 25, Block 80, Lawton View Addition. Exhibits: Letter of Request with attachments.

Vincent said the City has cleaned this property three times. He said as of October 2, the City had filed liens for mowing, boarding houses and demolition, etc. against over 340 properties, with an outstanding balance at that time of \$147,463.59, the majority of the liens are under \$200.

Devine said he didn't think they needed to waiver all of them that come up providing they buy the property and should waiver it because it is going to be a community park. He asked if it was going to be a tennis court and didn't see why they would want to charge them for it. He said if someone was going to build it for private use they would keep the lien on it.

MOVED by Devine, SECOND by Haywood, to waive the liens on the property located at 1517 Pennsylvania, Lots 24 and 25, Block 80, Lawton View Addition, under the condition that the Housing Authority purchase the property.

Rita Love, Housing Authority, said they have already purchased the property.

AMENDED MOTION by Devine, SECOND by Haywood, to waive the liens on the property located at 1517 Pennsylvania, Lots 24 and 25, Block 80, Lawton View Addition.

Purcell said since the Housing Authority is part of them, what happens when the next quasi-governmental agency comes forward, if they start something, the next person who comes along with the next set of circumstances for the good of the community, are they going to waiver that, if they are he did not have a problem. Shanklin said he would.

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

30. Consider issuing a Revocable Permit for the use of the NW Cache Road right-of-way adjacent to 2413 NW Cache Road as parking and maneuvering to serve a proposed dry cleaning and laundry business. Exhibits: Application; Site Plan; Revocable Permit.

Bob Bigham, City Planner, said this property is on the west side of Squaw Creek, Mr. Duus wants to build a Comet Cleaners with a drive through around the building which limits the available parking so he has come up with a proposal to put four parking spaces on the right-of-way, Section 20-101 of the City Code allows the Council to issue

a revocable permit.

MOTION Shanklin, SECOND by Devine, to issue a revocable permit for the use of the NW Cache Road right-of-way adjacent to 2413 NW Cache Road. AYE: Haywood, Baxter, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

31. Consider installing temporary traffic control measures to increase safety and assist Boulevard of Lights, Inc. in obtaining voluntary donations along Gore Boulevard and waiving fees for the itinerant vendors license. Exhibits: Letter of request.

MOVED by Shanklin, SECOND by Purcell, to install temporary traffic control that would reduce the speed limit in both lanes of eastbound and westbound Gore Boulevard to 20 mph from 5:30 p.m. to 12:00 a.m. from 3rd Street to 9th Street for the time period of November 16, 2001, to January 2, 2002. Allow donations to be collected by Boulevard of Lights, Inc. at the traffic signals at 4th Street and 6th Street during the red light portion of the signals' cycle and waive fees for the itinerant vendors licenses.

Vincent said for clarification the waiver of the itinerant vendors license is for the Boulevard of Lights collectors. Dan Tucker, Building Development, said that was correct and Mr. Owensby said they wished to limit their collections to just the stop lights at 6th Street but with this action it will be optional.

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

32. Consider appointment of Dr. Rick Brittingham to the Emergency Management Advisory Committee. Exhibits: Letter from Comanche County Memorial Hospital.

Mayor Powell said Randy Segler, from Memorial Hospital spoke to him some time ago regarding Dr. Brittingham who is on the State level and very involved in bio-chemical and terrorist activities and he would be a vital member of the Committee.

MOVED by Purcell, SECOND by Hanna, to appoint Dr. Rick Brittingham to the Emergency Management Advisory Committee. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

33. Consider approving an amended version of Council Policy 3-1, Sexual Harassment; and authorize the Mayor to execute the same. Exhibits: Revised Council Policy 3-1.

Vincent said following the situation they recently went through with the Municipal Judge the Sexual Harassment Policy did not cover several areas so Mr. Jensen, in conjunction with other persons present, has amended the Policy to cover areas such as appointed officials, elected officials and people that are hired by the Council. The Policy also defines sexual harassment as defined by Federal law.

Moeller said Page 3, references the city manager as being the investigator of complaints or may delegate it to someone else and asked if the person filing the complaint could request someone other than the city manager to investigate the complaint if they had a reason they didn't want the city manager to do the investigating. Vincent said by Charter the city manager is the personnel director.

Baxter asked what if the complaint is against the city manager. Vincent said it would elevate to the mayor.

Moeller asked what if the person has no faith or believes that the city manager would be impartial, could they ask for a different investigator. Vincent said they could ask for it, but the ultimate decision would be made by the city manager.

MOVED by Purcell, SECOND by Hanna, to approve the amended version of Council Policy 3-1, Sexual Harassment; and authorize the Mayor to execute the same. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

Purcell complimented Frank Jensen for the work he did on the Policy.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Shanklin said Mr. Bill Anders, the bailiff for the Municipal Court for four and a half years has now worked warrants to the amount of \$964,000, this is a commendable figure and thought he had collected \$27,000 in October and has collected \$78,000 for this fiscal year.

Haywood said he would be unavailable for approximately four weeks, he was in the hospital last week and they

found a tumor which will be taken out on November 27. He asked for their prayers and received calls from all over the United States and received a card from Cameron Green who is a Douglas student and was formerly a Garfield student and appreciated the card. He expressed his appreciation for all those persons who visited him and were thinking of him and advised all males to get a checkup because he is 53 and had never had a checkup. He asked they take care of Patterson Center because there are a lot of organizations who meet at that location.

Mayor Powell wished Haywood the best and their prayers would be with him.

Baxter said he received a threat tonight from one of his fellow councilmembers that he needed to hire an attorney for some remarks he made last Friday. He said he stands by the remarks he made, they were all true and correct. Shanklin said he didn't mean for him to take that personal.

Gary Jackson said last week was the meeting with the youth regarding the design of the skateboard park, there will be another meeting next month, approximately December 13, which will be confirmed when it is officially set. He said there are some concerns they may be hearing regarding bicycles versus skateboarding and in-line skating and that is an issue that has not been envisioned at this point.

Mayor Powell said last Friday the Viet Nam Veterans had a great celebration for their dedication of their memorial at Elmer Thomas Park and they presented him with plaques for the City which he presented to Mr. Jackson to be placed in the hallway of City Hall. Jackson thanked Mayor Powell and said they will display them prominently.

Mayor Powell said they received a call from the Department of Transportation regarding the agenda item to remove limited access on Highway 7 and the item was approved by the Commission. This action was due to the request regarding Braum's and in view of the violations they took action on the entire strip from 45th on the north side whereby the Commission decided to pass it for limited access off Highway 7.

Purcell said they couldn't get the access off Lee to build businesses. Devine asked how much of that had been given back to the City. Purcell said it is still Highway 7 all the way to the interstate. Devine said they had to make some decisions on center median cuts. Vincent said it is west of I-44 and this action will take care of most of what they needed.

Mayor Powell said they received a fax from Congressman Watts' office and one from Senator Inhoffe's office and phone calls regarding the money being appropriated for the \$5 million they had requested in April 1998 which they had been fighting for. The money has been appropriated they are just waiting for the President's signature and can't do anything until they receive the check. The money will go toward the sewer rehabilitation.

Jackson asked Jerry Ihler if the Authorization Bill last year was written to where the money was for design work only. Ihler said last year it was written for design work only and they met with a representative from the Corps of Engineer to see if they could get some of the money incorporated into construction and suggested the staff and representatives meet with the Corps to find out how they will be able to spend the funds to best suit the City of Lawton.

Mayor Powell said he asked Chad Bradley what the time frame would be on this and he anticipated it would probably be a week to two weeks before they would actually have the money on the way. He suggested they wait to see what language is provided with the funding and get direction from that point in time. He said the money has been appropriated, it is attached to a Veteran's Bill and they feel it will be signed.

BUSINESS ITEMS:

34. Pursuant to Section 307B3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the sale of the following property: Commencing at the northwest corner of the Northwest Quarter (NW/4) of Section 21, Township Two North (T2N), Range Twelve West (R12W), Indian Meridian, Comanche County, Oklahoma; thence S89 38'51"E along the section line a distance of 1316.04 feet to the northeast corner of the west half of said northwest quarter; thence S00 32'06"W a distance of 1746.28 feet to the point of beginning; thence N89 36'18"W a distance of 1246.93 feet; thence N00 33'51"E parallel to the section line a distance of 100.0 feet; thence S89 36'18"E a distance of 1246.87 feet; thence S00 32'06"W a distance of 100.0 feet to the point of beginning, and if necessary, take appropriate action in open session.

35. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the City's claim associated with the case styled Delisa Nevaquaya vs. American Home Products, Case Numbers CJ-98-665 and CJ-98-666, District Court of Oklahoma County, and if necessary, take appropriate action in open session.

MOVED by Shanklin, SECOND by Baxter, to convene in executive session to consider the items listed on the agenda and recommended by the legal staff. AYE: NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:50 p.m. and reconvened in regular, open session at approximately 9:10 p.m. with roll call reflecting all members present except Bass.

Vincent reported on Item 34 that Council entered into executive session pursuant to Section 307B3, Title 25, Oklahoma Statutes to consider the sale of property which is approximately 2.8 acres in the vicinity of the B-1 detention reservoir. Vincent suggested a motion to take necessary action to declare the property surplus and place it on the agenda at the next meeting the ordinance required by Section 4-3 of the Charter of the City of Lawton.

MOVED by Devine, SECOND by Moeller, to take necessary action to declare the property surplus and place it on the agenda at the next meeting the ordinance required by Section 4-3 of the Charter of the City of Lawton. AYE: Moeller, Haywood, Baxter, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

Vincent reported on Item 35 that Council entered into executive session pursuant to Section 307B4, Title 25, Oklahoma Statutes, to discuss the City's claim associated with the case styled Delisa Nevaquaya vs. American Home Products, Case Numbers CJ-98-665 and CJ-98-666. Vincent suggested a motion to approve a resolution authorizing the City Attorney's office to execute a settlement agreement at a 15% subrogation of all past, present and future medical expenses Ms. Nevaquaya has experienced as a result of her condition and authorize the Mayor and City Clerk to execute the resolution.

MOVED by Hanna, SECOND by Moeller, to approve a resolution authorizing the City Attorney's office to execute a settlement agreement at a 15% subrogation of all past, present and future medical expenses Ms. Nevaquaya has experienced as a result of her condition and authorize the Mayor and City Clerk to execute the resolution. AYE: Haywood, Baxter, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

(Title only) Resolution NO. 01-164

A resolution authorizing settlement and directing the City Attorney to execute a settlement agreement with Delisa Smith Nevaquaya requiring Ms. Nevaquaya to reimburse the City of Lawton fifteen percent of all past, present and future medical expenses paid by the City's Health Plan that are a result, directly or indirectly, of her Primary Pulmonary Hypertension condition.

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