

Meeting of 2001-8-28 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
AUGUST 28, 2001 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Presiding
Also Present:
Bill Baker, City Manager
Gary Jackson, Assistant City Manager
John Vincent, City Attorney
Brenda Smith, City Clerk
Col. George Steuber, Fort Sill Liaison Rep.

The meeting was called to order at 6:21 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT: Randy Bass, 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 MINUTES OF LAWTON CITY COUNCIL MEETING OF AUGUST 14, 2001.

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

AUDIENCE PARTICIPATION: None.

UNFINISHED BUSINESS:

1. Consider authorizing submission of the Program Narrative for the FEMA Project Impact Program and authorize the Mayor to execute related documents. Exhibits: Revised Work Program with Budget and Time Lines; Summary of Program.

Bob Bigham, City Planner, said Council approved the initial program narrative on May 22 and the steering committee recommended a revised narrative. 53 persons attended a community workshop on August 13 at the Vo Tech School. This is to create an on-going mitigation program; FEMA is providing \$300,000 in seed money; a local \$100,000 in-kind match is required. Changes since the workshop include deleting the hazard mitigation plan for \$20,000 as it will be acquired through a different programs; \$20,000 will be moved to the public awareness section. Retrofitting public buildings was changed to show \$100,000 for public buildings and \$50,000 for public schools. LPS requested this change and will have to provide \$25,000 match. Language has been added to show funds cannot be committed beyond a fiscal year.

Shanklin asked how much hard money was required. Bigham said it is difficult to say because we use in-kind services and have not created all of the partnerships. Shanklin asked if Council was being asked to approve funding tonight. Bigham said a budget is part of this program; \$4,700 was claimed in match against the \$20,000 initial start up, and the \$40,000 in public awareness should generate in-kind match. Shanklin asked when an amount will be known and where the City Manager would find the funds. Baker said it will be some time before an exact amount is known but he was confident that very little hard cash will have to be put into the program by the City; the vast majority will be staff time, in-kind and \$100,000 will not be difficult at all through those items or the partnerships, and LPS was talking about \$25,000 so that is one-fourth of it. Baker said we have two years from inception to spend this money, so he could not answer the question precisely but felt it would be very little actual money out of

the City's budget.

Devine said part of the program was approval of building code programs. He asked if Council would be asked to increase the codes to make buildings stronger or if it would be an option. Bigham said it is strictly an optional program that builders may wish to take part in; it will not be a mandated building code above the current code requirements. Devine asked if it could accidentally slip in where we would be trying to force people into it. Bigham said the function is to create the additional building standard where a builder has an option to use it, and he hoped to see a reimbursement back to the builder for up to 75% of those costs, but we need to work through the details of that program. Bigham said the key here is that it is optional. Mayor Powell said it is the builder's option, not the City's, and Bigham agreed.

Moeller said one part of the retrofitting shows a non-profit day care center. She asked how the Griener School could fit into this. Bigham said it is a public building; the day care center is an in-kind service where the 3M window film would be donated by a local firm as part of being a regional partner.

Shanklin said he was not going to make a motion to create another bureaucracy.

MOVED by Bass, SECOND by Baxter, to approve the Project Impact item. AYE: Haywood, Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

2. Hold a public hearing and consider resolution amending the 2025 Land Use Plan from Commercial to Industrial and an ordinance changing the zoning from C-5 (General Commercial District) to I-3 (Light Industrial District) zoning classification located at 501 SE Interstate Drive. Exhibits: Resolution No. 01-___; Ordinance No. 01-___; Location Map; Application; Site Plan; CPC Minutes; 2025 Land Use and Zoning Maps.

Bob Bigham, City Planner, pointed out this 1.35 acre tract on a view graph map. Applicants are Larry Grayson, property owner, and Southwest Outdoor Advertising Company. The purpose of the request is to make an existing, non-accessory sign in conformance with the zoning code. On August 8, 2000, the City Council approved a revocable permit for the encroachment of the sign, which required Southwest Outdoor Advertising to obtain the proper zoning, which this request will accomplish. Bigham said the Planning Commission held hearings on June 28 and July 26 and recommended approval of the I-3 zoning. Notice of public hearing was mailed to eight property owners within 400 feet. Several persons appeared at the CPC hearing to oppose the request for I-3 zoning, and others appeared to speak in favor.

Shanklin asked if this came up three years ago. Bigham said the building permit was issued April 10, 1998 so it is getting close to three years. Shanklin asked when Council met in executive session when the staff wanted to take it to District Court to have it torn down and we gave them a use permitted on review or a revocable permit. Vincent said Council did not allow staff to file a lawsuit but directed a change to the code to provide for a revocable permit, which was done and they subsequently applied for it and it was conditionally granted on the zoning. Shanklin said it had already been built and asked what staff wants them to do now; he had read the information which was 30 or 40 pages and it has been going on for three years, so what do we do now. Bigham said for Southwest Outdoor Advertising to conform to the zoning code, they must apply and have an action taken by the Council to make the non-accessory sign conform to the zoning code or not; if Council does not rezone the property, then staff will bring an item to void the revocable permit because they will not have complied with the terms of the revocable permit.

Shanklin said this is all after the fact and he did not understand why we were doing it. Mayor Powell asked if the permit was given on a condition. Bigham said no, the revocable permit provided that within a reasonable time frame the applicant, Southwest Outdoor Advertising, must apply and obtain the correct zoning for the non-accessory sign; if they did not apply or Council desired not to do that, an item would be returned to consider revoking the revocable permit.

Purcell said he thought this was finished; three years ago, they got a permit, right or wrong, and prior to August 8, 2000, it came to Council's attention that there was a problem because the top of the sign, not the pole but the top of the sign, extended 12 feet into the right of way or easement. Purcell said it did not interfere with utilities or mowing and Council said that should be no problem. He said last August Council granted the revocable permit and Council said they had to get it rezoned, so they ask now for the rezoning but now we are discussing a sign that has been up for three years. Purcell said if this is to bring it into compliance with the code, it should have been done three years ago after we found the problem.

Bigham said after Council issued the revocable permit with that stipulation, Mr. Watkins filed an application and paid the fee but it was difficult to get the ownership list. He said the item could have been returned months ago but the applicant, in good faith, had the application in and had the filing fee paid for the rezoning but we lacked the ownership list and were not able to get it from the abstract company which caused a delay of several months. Purcell said he had concerns like Shanklin expressed; they built the sign and it has been up for three years, now

they are doing what Council required in the revocable permit, but Council can say we will not rezone it and revoke the permit and they have to tear down the sign. He asked if those were the options. Vincent said yes. Vincent said rezoning protects the person who made the investment; under State law and the City zoning code, if this sign were destroyed today, he could not rebuild it because it does not have proper zoning.

Baxter said he did not understand why he had 40 pages about this in his book either, but knew a lot of people were present and they had designated a speaker. He said at the CPC meeting on June 28, 2001, one of the commissioners stated how does Southwest Outdoor Advertising get the sign up without a permit. Baxter said people from this group had told him the sign was built before the people ever applied for a permit and they are working off the statement that it is better to ask for forgiveness than to ask for permission, and he did not like that. Mayor Powell asked if that was a true statement. Bigam said no, a building permit was issued for the sign prior to its construction. Baxter asked where they could find proof of that happening, the construction date and ending date or issue date of the permit. Bigam said Code Administration should have those records. Bass asked if the building permit was issued by the City for an area that was in the wrong zoning. Bigam said yes, it was an administrative error.

Shanklin asked if Southwest Signs built it originally. Vincent said it was a similar name but different company; the company at 11th and Bishop is a different company than the one that is the owner of this sign and that company has gone into bankruptcy and into different ownership. Shanklin said after Council's decision and the executive session, nothing was done for over a year and he was led to believe it was because the individual got himself into some type of IRS entanglement, and he could stand corrected.

Shanklin asked if the sign was mentioned when the revocable permit was done. Bigam said it was specifically for the encroachment on this sign. Shanklin asked if the revocable permit process was in place before we did this in April 2000. Vincent said it was revised to include signs and other encroachments in the right of way, this sign and one on Cache Road were examples. Bigam said the ordinance revision did not mention either sign but gave generic language that they could apply for a revocable permit, but the revocable permit application was for this particular sign encroachment.

Shanklin asked if the sign was legal and if you can have a billboard. Bigam said signs encroaching into right of way are illegal. Shanklin said we danced around that. Baxter said that is what you are trying to do. Shanklin said we did that three years ago. Mayor Powell said it is there, they were given the blessings to do that and the only remaining item to make it legal is to rezone this property.

PUBLIC HEARING OPENED.

Pastor Byron Elmore, Calvary Assembly of God Church, said a few years ago the church purchased five plus acres immediately north of the property in question. It was purchased because of its visibility from I-44 and because they knew it would be buffered from industrial zoning because it was surrounded by commercial zoning at that time. He said they were aware that further south from their location was industrial, but there was a buffer zone so that was one of the factors that helped them decide to purchase.

Elmore said the property is a significant financial commitment on the part of their church and the largest financial step they had ever taken. Many people sacrificed to purchase the property, it is not a business but a vibrant body of fellowship and worshippers and over 100 families have financial involvement in this situation.

Elmore said they are opposed to the rezoning because they feel it will devalue their land as far as building a church on that location; it could also have an adverse affect on the financial value of their property. He said they are opposed to the giant sign that was installed, apparently not according to code or illegally, that is right next to their property. He said when the pole was first put up, he contacted City Hall and was told it was in violation of City Code and they would get back with him and update him on the status. Elmore said that was three years ago and they had only been contacted within the last two months.

Elmore said it was his understanding that the sign was put up in the easement in violation of City Code, as well as being in an improper zone. He said you would not want property rezoned next to your personal property, or your church property, if you felt it would devalue your property; you would not want a big sign put up that would detract from your church's property or your personal property. Elmore said they object to the rezoning because of the kind of advertisement that might be displayed on the sign; in Oklahoma City and Tulsa on I-40 there are signs advertising evening clubs showing partially clad women. He said they would be concerned about what kind of advertising that would be objectionable, and this being church property would make that an even more delicate situation.

Elmore said at the time they purchased this property, they were told that a church was needed in that area, not only for the spiritual aspect but they were told it was needed to look good for the City of Lawton. He said they felt Lawton needed something on I-44 besides bingo parlors, closed restaurants and industrial use; something that gives a good impression. Elmore said they told the architect to prepare plans, which they have spent thousands of

dollars on, to show a 60 foot lighted cross tower in front of the church so it would be a landmark for Lawton. If the land is rezoned and the sign remains, it will block the view of that tower from one direction and it will just blend in with everything else coming the other direction.

Elmore asked that Council reject the rezoning and remove the sign. He said this was the first time he had spoken before Council and wanted their position known; they were not trying to be hard or dogmatic or cause any problems. He said he spoke against it at the planning meeting and understood there were mistakes on both sides, from the City and from the sign company. Elmore said they felt they were innocent by-standers who would be made to pay for the mistakes of others so they wanted to do what was right and they would not be ugly or mean but wanted to present their feelings as a church.

Chuck Wade, attorney representing Southwest Outdoor Advertising, distributed photographs of the sign being discussed, as well as other signs in Lawton done by his client, and other signs in Lawton done by other companies showing that they are not as aesthetically pleasing. Wade said he had the original building permit issued on April 10, 1998, prior to any construction being commenced on this sign, and that building permit was issued by the Building Development Department of the City of Lawton based on an apparent understanding that it was appropriately zoned. He said Southwest Outdoor Advertising constructed the sign, and there was a mistake resulting in an encroachment of less than five feet where the top of the sign overhangs the easement and that raised the issue during 2000 about the revocable permit or revisions of the ordinance to permit that to be done, and then the subsequent approval of the revocable permit. Wade said the application for rezoning was timely filed but there was a foul up at the abstract company and it was a lengthy period of time before the ownership list was provided to the Planning Department so the rezoning application could be processed.

Wade said this is already zoned C-5, which allows beer taverns, dance halls, and it is the most liberal commercial zoning classification. He said the map shows I-3 zoning currently in place on two sides of the property, and the only side that is not is C-5. Wade said the sign has been there for more than three years and if there was significant objection to the size of the sign or the fact that it was going in at all, why was it not brought to the City during the course of construction, and the pastor said there was a phone call and no return call, but it did not appear to be a concern at that time.

Wade said a concern was expressed about the kind of advertising, and the photos show advertising for Sprint, IHOP, Furr's Cafeteria, and businesses that want to attract the public to use their services but not the kind of signs that were objectionable that were alluded to earlier. He said his client has an investment in the sign and did it in good faith with the understanding that he was complying with all the ordinances when he was issued the building permit. Wade said they feel it is a legitimate request and cannot devalue the property of any abutting owners; the types of uses are not that significant between C-5 and I-3 except for the fact you can have an outdoor advertising sign and the sign has been there three years, has been before the Council a couple of times and we need to put the issue to rest and approve the rezoning.

Nick Garrett, attorney for T & G, the owner of the property, said he appeared before the Planning Commission to request approval and would do so tonight as well.

PUBLIC HEARING CLOSED.

Purcell asked when the property was purchased for the church. Elmore said in 1992.

Purcell said if it remains C-5 zoning, the kinds of things that can go in C-5, and signs on top of the buildings in conjunction with those uses might be way worse to have next to a church. Elmore asked if certain activities were prohibited by zoning within so many feet of a church. Vincent said that would apply to beer bars or adult entertainment but there is not a church built yet so someone could do that tomorrow. Purcell said he felt C-5 allowed uses worse than the sign and wanted the church to be aware of that possibility.

Moeller asked if Grayson owns the sign company. Bigham said no, he owns the property. Moeller said he leased the property for the sign and asked if C-5 allows the sign. Bigham said C-5 does not allow the non-accessory sign. Moeller asked if C-4 allows it. Bigham said C-4 allows non-accessory signs or billboards; discussion at Planning Commission was to table the action and ask the owner if C-4 zoning would be acceptable and the applicant preferred to go on with the I-3 zoning so they did not readvertise for the C-4 zoning. Moeller said if Council did not approve the request, the applicant could request C-4 and still have the sign and move it back five feet for it to be legal. Bigham agreed, and noted the revocable permit sets aside the problem of moving the sign. Moeller said C-4 would allow the sign to remain but the sign is what the church objects to.

Shanklin asked if the area to the north was C-5 when they purchased the property for the church and Elmore said yes. Elmore said it was their understanding that they were surrounded except on the back side by C-5. Shanklin asked if they chose to do that. Elmore said yes, because they knew C-5 was way back behind them and should not affect them and about the I-3 area. Shanklin asked the regulation on adult businesses or alcohol. Vincent said adult businesses are 1,000 feet from a church or day care, and alcohol is 500 feet from property line to property line.

Shanklin asked what the church would like to see go in here; the church wants them to remove the sign and asked what kind of business the church would endorse. Elmore said a nice business, nothing cluttered up or made to look bad, and they were not trying to give any indication of what kind of business they want in there, and of course they would not want a bar in there or anything like that. Shanklin said the zone allows certain things and one does not get to pick and choose. Elmore said it was stated at the Planning Commission that just because there was a big sign up would not keep people from coming, and that is true and churches need to be placed in all kinds of locations, but we do not like the big sign that obstructs the view of the church and nobody would after you have spent that much money and you do not want anything blocking access from I-44.

Devine said to Pastor Elmore and Mr. Garrett, he had read the CPC minutes and it showed Grayson wanted to sell the land to Mr. Ledford so he could build his business there. Elmore said he understood that had already taken place. Garrett said the sale has not taken place but it is intended, and that property is north of the church. Devine asked if I-3 would not be better for the church than C-5 as far as a buffer. Elmore said he did not know that. Devine said if it is not changed, they can put a bar in C-5 right beside the church's property because the church is not built yet.

Mayor Powell said he would again close the public hearing and asked for Council's desires.

Purcell said he was concerned if Council did not change the zoning that before the church gets built, someone could build something there that the church really would not want. He said there are other C-5 uses besides bars that could also be objectionable to a church, and he was concerned about getting that point across because the church's request could result in something worse than if it is zoned I-3 and the sign stays; something much worse could be put in.

Moeller asked which zone would accommodate a construction business if Mr. Ledford chooses to do that. Bigham said a business office could go in either zone, and an associated equipment storage yard with the business would require I-3 zoning.

MOVED by Devine, SECOND by Bass, to reject the resolution.

Devine said the people from the church are from his ward and they have a legitimate reason. Baxter asked whose ward the property is in and response was Haywood's. Baxter asked if Haywood had any comments. Haywood said he had mixed emotions and had spoken with both sides on the issues, and was debating whether he should vote or not.

Purcell said he would make a substitute motion because he felt the church could get into something worse.

SUBSTITUTE MOTION by Purcell, SECOND by Shanklin, to approve the resolution amending the 2025 Land Use Plan from commercial to industrial and change the zoning from C-5 to I-3, and approve the ordinance, waive reading of the ordinance, read the title only.

The Clerk read the ordinance title as follows: An ordinance changing the zoning classification from the existing classification of C-5 (General Commercial District) to I-3 (Light Industrial 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 SUBSTITUTE MOTION: AYE: Hanna, Purcell, Shanklin, Moeller. NAY: Baxter, Bass, Devine. ABSTAIN: Haywood. (Baxter and Haywood passed on initial roll call. Prior to Haywood's voting, he asked the roll call count. Vincent said if Haywood abstains with the vote at the current count, the item will fail because it requires five affirmative votes to pass the ordinance, a Charter requirement. At this time, Haywood voted to abstain.) Mayor Powell said there are four affirmatives, three no votes and one abstention, meaning the substitute motion failed. Vincent confirmed that was correct. Mayor Powell asked for roll call on the original motion made by Devine for rejection, which was seconded by Bass.

VOTE ON ORIGINAL MOTION: AYE: Bass, Devine, Baxter. NAY: Hanna, Purcell, Shanklin. ABSTAIN: Moeller, Haywood. (Haywood passed on initial roll call.)

Shanklin asked the City Attorney to explain the result of the roll call. Vincent said the vote is tied at three yes, three no, and two abstentions, which means there is no action at this time. Shanklin said everyone has to vote before the Mayor has to. Vincent said since this is not to adopt an ordinance, four votes would be required. Shanklin said the Mayor is not required to vote and Vincent agreed. Baxter said if the Mayor voted yes, the item would pass and Vincent agreed. Shanklin asked if the rejection means the sign comes down. Vincent said it would come back on the revocable permit because it would have to be rescinded. Shanklin said he felt like a fool doing this four times and three years later.

Mayor Powell said he would state his position that it is apparent that the City made a mistake by issuing a permit for the man to build a sign; the sign has been built and he could not see tearing it down. He said he could hear the other side and he knew who gives us strength to come here each and every time and asked for His help and support, but he could not in good conscience sit here among eight people and break this open, as important as the issue is, and say to tear the sign down. Mayor Powell said he could not do that and if Council wanted to change their votes, they could do so but he would not make the decision. He re-stated the current vote count. Shanklin said the motion in effect would fail. Vincent said the substitute motion failed, the motion to reject failed, so the item is still on the table.

MOVED by Devine, SECOND by Bass, to reject this resolution.

Moeller said if we reject it, this man can come back on C-4 and still have his sign if Council approves that. Mayor Powell said that will not solve their problem. Moeller said it has not solved anybody's problem.

SUBSTITUTE MOTION by Purcell, SECOND by Shanklin, to table this until we can get some guidance from the City Attorney and figure out how we can solve this problem one way or the other. AYE: Hanna, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: Devine, Bass. SUBSTITUTE MOTION CARRIED.

ADDENDUM BUSINESS ITEMS:

1. Consider a request from Comanche County to enter into discussions on a Combined E-911 System. Exhibits: Letter.

Baker said the Board of County Commissioners requested the City of Lawton enter into discussions for management of a combined city-county E911 system. Council previously appointed a committee to negotiate or to discuss with the County the subjects of the City jail and E911, so a committee is in place. This item asks Council authorization to proceed with those discussions.

MOVED by Purcell, SECOND by Baxter, to authorize the appointed Council committee, along with the staff, to enter into discussion with the County for the combined E911 system. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Hanna. NAY: None. OUT: Bass. MOTION CARRIED.

2. Consider approving the agreement between the City of Lawton and Lawton Community Theatre (LCT) for the production of "Oklahoma Opening". Exhibits: Agreement.

Baker said as part of the Centennial Celebration there is a play that has been written locally and the Centennial Commission, therefore the City, is sponsoring a production and to proceed, an agreement is needed. The cost is \$39,000 for the production, costumes, set, and advertising. LCT is putting on the production at no cost; they are already in rehearsal.

MOVED by Shanklin, SECOND by Baxter, to accept the agreement. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED. Mayor Powell encouraged attendance at the production to be held October 5, 6 and 7.

3. Hold public hearings and adopt resolutions declaring the structures at: 1306 SW B Avenue; 410 NW 14th Street; 204 NW 3rd Street; 1815 SW Roosevelt; 1402 Dearborn; 104 SW 20th Street; 1013 SW Roosevelt; 2111 SW B Avenue; 707 Gore Boulevard; 505 SW I Avenue and 1114 SW 45th Street 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: Resolutions.

Mayor Powell asked that 505 SW I Avenue and 204 NW 3rd Street be stricken from consideration.

1306 SW B Avenue, Butler Addition, Block 9, Lots 4-7, Comanche County, Lawton, Oklahoma
Title Holders: Art G. and Armando G. Mata, 609 SW E Avenue, Lawton OK 73501
Mortgage Holders: Midland Loan Ser Inc, P O Box 26648, Oklahoma City OK 73126; First National Bank of Chicago, Richardson Consulting Group Inc, 505 San Marin Dr 110-A, Novato CA 94945;
Home Savings Bank, P O Box 367, Lawton OK 73502; Michael J. Steadman, 2666 Brickell Avenue, Miami FL 33129

Vincent said Mr. Mata requested this be tabled for two weeks due to a family emergency.

MOVED by Shanklin, SECOND by Baxter, to table 1306 SW B Avenue. AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

410 NW 14th Street, Mountain View Addition, Block 24, S 48' of E 90' of Lots 9 & 10, Comanche County, Lawton, Oklahoma
Title Holders: William R. and Alma Johnson, 1408 NW Bessie, Lawton OK 73507-2631

Mortgage Holders: United Companies Lending Corp, 4041 Essen Lane, Baton Rouge LA 70809

Ann Alltizer, Neighborhood Services Director, presented photographs of the structure. The property is located west of Ron Stephens Stadium. It has been vacant, unsecured and had quite a bit of vagrant activity. There is significant roof and floor deterioration inside, and the exterior shows some cracks. It has been painted within the last four or five months, but beyond that we could not tell much had been done to improve the structure overall. City staff has not been able to get inside to do an inspection and no contact has been received from the property owner.

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

Shanklin asked if this is one we would like to take to District Court to make the owner pay for the demolition instead of putting it on us. Vincent said it is possible; we can approve this and then bring a resolution to file a lawsuit. Shanklin said we are going to run out of money; if a judge tells people to tear down a structure, they will do so or be in contempt, but now we are doing it and we do not have the money. Vincent suggested Council select a couple to see how the District Court would treat it, and a resolution can be brought back at the next meeting asking the District Court to declare it a public nuisance.

MOVED by Shanklin, SECOND by Haywood, to adopt Resolution No. 01-121 to demolish 410 NW 14th Street. AYE: Moeller, Haywood, Baxter, Bass, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

(Title) Resolution No. 01-121

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.

1815 SW Roosevelt Avenue, Lawton View Addition, Block 55, Lots 18-19, Comanche County, Lawton, Oklahoma
Title Holders: Luther Hurd, 1811 SW Roosevelt Avenue, Lawton OK 73501-7025; Luther Hurd, 1813 SW Roosevelt Avenue, Lawton Ok 73501-7025
Mortgage Holders: None

Alltizer presented a photograph and stated they believe it to be vacant although there was discussion prior to tonight's meeting as to whether that was accurate. There are no current utilities in service at this location. It is a dilapidated, wood frame structure and Alltizer felt it was beyond repair; the structure has continuous vagrant activities and calls are received from the Police Department on a regular basis about potential criminal and vagrant activities. Staff has been unable to inspect the property.

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

MOVED by Haywood, to adopt Resolution No. 01-122.

Shanklin asked if we wanted to take this to District Court to try to make the owner pay for it. Haywood said the owner lives in Goodwill Village and does not have the money. Purcell said he thought the purpose of taking it to District Court was not necessarily to have the owner pay for it, but if the District Court approved and we had to do it that it would go on the tax rolls. Vincent said no, the District Court would order the owner to remove it and if the owner did not do so, he could face a contempt citation. Purcell asked if the City could eventually have to pay for removing the structure. Vincent said that is a possibility but this is a bigger hammer.

Baxter said if the owner is poor, the City is going to pay for it, but if the owner has any kind of money at all, the owner will be made to pay for it. He said there is something wrong with that picture.

Alltizer said low income owners may qualify for CDBG assistance to pay for demolition, and they suggest that those persons meet with CDBG to see if they qualify. Through discussion it was determined that funds were available through prior year's CDBG accounts for such expenses, however, there is a delay in using those funds due to the requirement for a letter from the State Historic Preservation Office saying there is no historic value to the property. There was discussion about whether the costs could be filed on the tax rolls in the same manner as a judgment and that was not allowed.

Bass asked how the Council would pick who will pay and who will not by going to court. Vincent said it has not been done before and the idea was to try a couple to see if it would work.

Bass seconded Haywood's motion to adopt Resolution No. 01-122 to condemn 1815 Roosevelt. AYE: Haywood, Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

(Title) Resolution No. 01-122

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.

1402 NW Dearborn, Mountain View Addition, Blk 24, N 52' of E 90' of Lots 10-12, Comanche County, Lawton, Oklahoma
Title Holders: Everett Newton, 1805 NW 75th Street, Lawton OK 73505-2614
Mortgage Holders: The Bank of New York Trustee, Attn Darrell Colon, 420 N Brand Blvd 4th Floor, Glendale CA 91203; United Companies Life Ins Co, 4041 Essen Ln, P O Box 1591, Baton Rouge LA 70809

Alltizer said this property is directly west of Ron Stephens Stadium. It has been vacant approximately four years, there is significant structural damage both inside and to the exterior, there are several large cracks from the outside. Staff was not able to get inside to do an inspection and there has been no contact with the property owner. From looking inside the structure, there is significant ceiling and floor damage. Vagrant activities are taking place at this location, which has also had numerous code violations for junk and debris, and tall grass and weeds.

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

Shanklin asked if the owner was notified and if staff ever spoke to him. Alltizer said we have been unable to contact the owner, although we have tried all the means available to us. Shanklin asked Bass if it should go to District Court. Bass said he felt everyone should be treated the same.

MOVED by Shanklin, SECOND by Baxter, to adopt Resolution No. 01-123 and bring it back to take it to District Court. AYE: Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

(Title) Resolution No. 01-123

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.

104 SW 20th Street, College Addition, Block 10, Lots 7-8, Comanche County, Lawton, Oklahoma
Title Holders: Marlene LaNette Medina, 104 SW 20th Street, Lawton OK 73501-4123
Mortgage Holders: None.

Alltizer said we are referring to the property with a mailing address of 1916 SW A Avenue; the legal description is for this one lot but it has two structures on it and we are referring to the one in the photo and the mailing address and street address for that structure is 1916 SW A Avenue. She said the structure has been vacant for about ten years, and the photo shows it to be a dilapidated, wood frame structure with an accumulation of junk and debris, as well as a tree leaning on the roof. The owner is present and has spoken with Mr. Cruz. Vincent said the resolution should be amended to show 1916 A Avenue.

PUBLIC HEARING OPENED.

Marlene Medina, 104 SW 20th Street, said she lives in the house to the south of this one. She said it has been vacant for 15 years, she got it in May 1999 and wanted to take it down but financially she cannot afford it. Medina said she had received several estimates but the City's bid was lower than the estimates she received. Shanklin asked the figure. Medina said \$2,200 to \$2,300.

Medina requested time to vacate the building and remove antiques and other items. Mayor Powell asked how long it would be before action is taken if this is approved tonight. Vincent said she has 15 days to obtain the permit, then 30 days to remove the structure. Vincent asked if Medina intended to get the permit and demolish it. Medina said no, it was her intention to ask for 90 days to empty the building and then let the City come in and do whatever they need to do. Baxter said Medina wants the City to go through the court process. Medina said yes. Baxter said she wants to repay the City \$2,000. Medina said yes, that was why she was here. Purcell said he thought all of them would be done through court.

PUBLIC HEARING CLOSED.

Shanklin asked if we will take Ms. Medina to court. Vincent said that would not solve this lady's problem. Shanklin said she wants the City to tear it down at taxpayers' expense. Medina said that was not correct, the City will put a lien on the property if she did not pay. Devine asked if this could qualify for CDBG funding and Vincent suggested the item be tabled so Medina can meet with Pondrom.

MOVED by Shanklin, SECOND by Devine, to table this item. AYE: Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

1013 SW Roosevelt Avenue, McClung Addition, Blk 31 Beg 116-1/2, W of SE/C of Lot 3 Thn N 100', W 50', S 100', E 50' to pob, Comanche County, Lawton, Oklahoma
Title Holders: James Lee & Joyce Stewart, 627 Sedalia Place, Lawton OK 73501-8247
Mortgage Holders: None.

Alltizer said this is on the corner of 11th and Roosevelt, it is a dilapidated, wood frame structure. She said it is a

residential-type structure but it is used for a business and it is in the proper zone for business, so there is an error on the slide in that regard. Alltizer said the Fire Marshal and Neighborhood Services have conducted inspections on this property for numerous code violations; those inspections occurred in October 2000. After the inspections, a detailed letter was sent to the owner outlining necessary repairs but no progress has been made in that regard. Numerous code violations, such as junk and debris and obstruction of the right of way, have been noted. Baxter asked if someone lived in the structure. Alltizer said no, it is actually a business, and the property owner is present.

PUBLIC HEARING OPENED.

James Stewart, 627 SW Sedalia Place, said he and his wife own the property. He said he recycles old lumber and that is what they are calling trash and debris. Stewart said he gathers old lumber and makes dog houses and trash bins, and the property is zoned C-5. He said he is 1,000% willing and ready to fix that property up, it is on a main thoroughfare leading toward the airport, and he was 1,000% willing and ready to fix it up. Stewart said the building is one of the soundest structures for an old house on that street; there is a vacant house across the street from it that has been vacant for five years that is unbothered but he is occupying this structure, not to live, but to operate his business to recycle old lumber.

Stewart said he recognized that he piled up quite a bit of old lumber but he was 1,000% willing and ready to repair the property. He said he was an intelligent citizen who understood the need for aesthetics and beauty in the City and he was willing to work on the property. Stewart said nothing inside is bothered, the plumbing and electricity are intact, there is no natural gas there because he volunteered to have it discontinued. He said these people had never been inside his building to see what is there; the outside looks pretty bad and he will begin immediately to fix the outside and the shingles are already there, it needs shingling bad, and that is what makes it look bad. He said the windows are out, the painting is bad. Stewart said he intended to start on the roof immediately, to paint it as quickly as possible, and having windows out makes it look bad. He said he was willing and ready 1,000% to fix that building up. Stewart said he would make the building beautiful and needed time to do so, and that his building should not have been listed with the other structures that are vacant.

Shanklin asked how much time was needed. Stewart said he needed a considerable amount of time, that he would start on it now, start on it next week, as soon as he gets his permit, and in 90 days about half of it would be done.

Baxter said he heard Stewart say he had the shingles there and that he would re-shingle it and that he would paint it, and something about windows, but he never said he was going to replace the windows. Baxter asked if he planned to board over the windows with plywood and paint it. Stewart said no, he will put new windows in and it was no problem.

Purcell asked how long Stewart has known that this needed to be done. Stewart said he had known it a long time but that was not the point, he was willing to fix it up now. Purcell asked why he had not done something before now, or at least in the ten months since the inspection. Stewart said no one had told him anything about fixing it.

Manny Cruz, Neighborhood Services, said Stewart used 1,000% so he would also use 1,000% that Stewart has not cooperated with staff; Stewart was sent a detailed letter in 2000 and has spent time in Municipal Court paying fines for junk and debris, dogs being tied up and other violations. Cruz said the last thing Stewart did was when he went to post the property on June 27, 2001, Stewart got into name calling and told Cruz to leave the property, so he was not able to take pictures or post the property because Stewart was not cooperating. He said he was unable to get in the building because he was unable to get across the yard because of all of the debris. Cruz said instead of Stewart saying he would paint it and do a little fixing, we would like to inspect it and determine what needs to be fixed and then grant a permit if Stewart wishes to do so, and if not, we should condemn it.

Mayor Powell asked if staff inquired about the utilities in the building. Alltizer said City records show water service was activated in November 2000. Alltizer said Stewart was correct in that the staff has never been allowed inside the property; the Fire Marshal may have been able to step into the outer alcove into the front of the property but Stewart has denied the inspectors from Neighborhood Services any access to the interior of the property, so these are inspections that have been made from the outside during the one period when we were allowed on the property.

Cruz said the concern is that there are customers going in and out of the building so there are people who are being put in danger. He said if he was allowed to inspect it, he would write a list of things that need to be done and we could grant a permit and he could have time to fix it. Cruz said we cannot just have him paint it and replace one little window, that is not the answer to this problem right here.

Haywood said Mr. Stewart lives in Ward 7 but the business is in Ward 5, and Mr. Stewart has been ill; his son came down from Dallas to help him. He said if Council gives 90 days, Stewart will have to fix it, and staff needs to go in and inspect and tell him what is wrong and he will have to fix that also, and if it is not done, it will be condemned. Haywood said he did not want Mr. Stewart to get upset and wanted him to remain calm, and it is up to Council to make the decision. Stewart said most of his customers have no need to go inside the building, and that the Fire

Marshal told him he did not think it needed to be condemned, so Cruz was incorrect. He said he will fix the building up and make it beautiful.

PUBLIC HEARING CLOSED.

Baker said if Council is serious about cleaning up the City, and he knew they were, we have an item later in the agenda to talk about that, and this particular location has been a blighting influence on this community for years. He said people who come to our City from the airport and come down S 11th Street, this is what they see when they come into our community. Baker said we have tried to work with this gentleman, he has not been cooperative, and he was not saying he was not telling the truth, but if you are serious about cleaning up the City, this structure needs to be taken down.

MOVED by Shanklin that we pass the resolution condemning the property with the understanding with Mr. Stewart that he has recourse through the District Court; if you can go over there and persuade a judge that you will bring this thing up to code, not to your standards but up to the City Code, you may find out that you would be better off by erecting a new building, but you do have recourse in court, and the motion is to adopt Resolution No. 01-124.

Stewart said this is unprecedented in the City of Lawton that you tear down a building while a person is occupying it. He said you just pledged allegiance to the flag to do justice to everyone. Shanklin said Stewart has recourse in the District Court. Stewart said the constant bombardment of his place by these field workers, they will come up to bulldoze it; if they had ever sat down with him to talk, he would have done the same thing he has done tonight, conceded that his place needed fixing up and been willing to do it. Stewart said he was willing and ready to repair his building and make it look adequate. Shanklin said he interceded on Mr. Stewart's behalf ten years ago for this same thing, the dog houses out on the right of way. Stewart said he can have dog houses in C-5 zoning, but he did help about the right of way. Shanklin said that is how long this has been going on.

Purcell said he toured the City with Haywood's predecessor and this house was in bad shape that many years ago. He said he did not want to tear Mr. Stewart's place of business down, but he has had plenty of time in his opinion, and certainly since last October, but we have known about it for years, and he did not feel comfortable giving more time because we will be back again on this subject.

Purcell seconded Shanklin's motion.

Shanklin said Council does not have the authority to tell Stewart that he can paint his building and put shingles on it and it would be acceptable, it has to be brought to code.

Vincent asked if this would be taken to District Court, or follow through on the normal procedure and if Stewart wants to stop the action, he would take it to District Court. Shanklin said he thought Stewart would try to do that, and we can always come back and take it to District Court.

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

(Title) Resolution (see action below to rescind)

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.

2111 SW B Avenue, College View Addition, Block 8, Lot 11, Comanche County, Lawton, Oklahoma

Title Holders: Ray C. Smith, Rt. 1 Box 133, Lawton OK 73501-9646

Mortgage Holders: None.

Alltizer said the property contains two wood frame structures and one smaller shed; it has been vacant approximately ten years. One roof is sagging and the other has very large visible holes. The siding is in a very rotted state in numerous places on both structures, and the rear porch on one of the structures has completely rotted away. There have been numerous code violations to include junk and debris, tall grass and weeds. There has been some presence of vagrant activity. Staff has been unable to inspect either of the structures to determine if they are habitable and they are brought to Council for guidance.

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

Shanklin said he wanted to pass the resolution and if they do not come in for a demolition permit, can we bring it back and take it to District Court, and would that be the proper procedure. Vincent said we can do that, we will note in the record that if they do not come in within 15 days, we will prepare a resolution. Shanklin said it was his intent that if the owners do not demolish within the given time frame after adoption of the resolution, we will take them to District Court. He said he felt he and everyone else was confused about how to go about this because of the number of different ways it has been done in the past.

MOVED by Shanklin, SECOND by Devine, to adopt Resolution No. 01-124 on the demolition of 2111 SW B Avenue. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Bass, Hanna. NAY: None. OUT: Baxter. MOTION CARRIED.

(Title) Resolution No. 01-124

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.

707 NW Gore Blvd.; North Addition, Block 59, Lot 13, Comanche County, Lawton, Oklahoma
Title Holders: Roland & Judith Floyd, 6030 NW Williams Avenue, Lawton OK 73505-1317
Mortgage Holders: None.

Alltizer presented a photograph and said she had a very detailed history of the structure.

Bass asked if the house was livable. Alltizer said they had not been able to do an inspection to determine if it was habitable; she did not believe some of the systems had been brought up to code and Tucker could better address that.

Dan Tucker, Building Development Director, said the structure is not habitable in that it does not have completed electric, plumbing or heating enclosure, windows. It was permitted to be remodeled but it was not completed during that permit time. Mayor Powell asked if an attempt was made to get another permit. Tucker said yes. Mayor Powell asked if there had been contact since the last meeting. Tucker said yes, at the last meeting, Council denied the ability to extend the permit that was in effect at that time. Tucker said Dr. Floyd came in and asked him about extending the permit or obtaining another one, and he advised that Council had denied that and that the hearing would be held tonight where he could speak.

PUBLIC HEARING OPENED.

Roland Floyd said he was sure the members knew as much about the history of this as he did. He said he got a building permit in May 2000 which was initially for six months, and toward the end of that period, the house leaned and all work that had been done prior to that time was essentially worthless. Floyd said the house was brought upright and braced, and all previous work that had been negated was repeated and they started over again in January 2001. He said the house has had a new roof, electricity is roughed in, it has central heating and air installed and there is no final on the central heating and air because he has no building permit. Plumbing is now being roughed in. The house has been insulated and partially sheet rocked and it is secure. He said the statement was made that no one could get in and all they had to do was ask him. Floyd said he had spent thousands of dollars, a lot of effort and time, and nobody wanted to get this house fixed more than he did.

Devine said if this passes and it takes the issue to District Court and he finds a judge that would give him six or twelve months, that decision would have to be abided by on both the part of the City and Dr. Floyd. He said if Floyd does not comply within the time frame, he would be in contempt, but if he goes to court and the judge establishes a certain time period, it takes the City out of play, is that correct. Vincent said the judge would order us to issue him a permit to remodel or whatever for the time the judge establishes. Devine asked if that would be Floyd's best option since the Council is not going to issue another permit until he does that.

Floyd said if Council wishes to do that, he would do so, although his feeling was Council would like the house to be done as quickly as possible. Floyd said people are working right now. Devine said he knew that and that he drives by it every day. Floyd said if they go to District Court, it will be a couple of months before any real decision is made, and then the decision will be made for six or twelve months and then he would have to go hire some more people, but he has people working right now.

Shanklin asked when they started working. He said he goes by frequently and no one has been there for almost two months, although they may have been recently. Shanklin asked how they get there and where they park. Floyd said they park in the back. Shanklin said he drives down the alley, and the building back there next to the alley has to be torn down. Floyd said he was not aware of that. Shanklin asked Tucker if that was correct, the accessory building on the alley that is now being used for storage in a residential area has to be torn down. Tucker said if the main building is not completed, then the building out back would have to be torn down because you cannot have an accessory building without a main building, but if the main building is completed and becomes habitable, then they are entitled to a garage or storage building on that property, it can no longer be used as a residence as it was a garage apartment. Shanklin said he and Tucker had discussed this on about a dozen occasions, the plumbing has to be taken out if it is going to be used for storage. Tucker said that is correct, if it is going to be an accessory building, it cannot have the sink, kitchen and other things in it, all of that would have to be stopped and closed off.

Shanklin said he did not want to give six months, he did not want to tear the house down but he wanted to see something going on, and the doctor can tell these people he has been there every day but he knew he had not because he goes by there.

Devine said he did not mean to dispute Shanklin's statement but he had seen people working. He said if Floyd goes to District Court, it will take a little time but he may be spinning his wheels with the majority of the Council, but if a judge says he has six months, the City will have to issue a permit and that takes the City out of the picture and the work will have to be completed in six months. Devine said the problem is if the work is not completed in six months, he will be in contempt of court. Shanklin said how many six months are we going to give him, and he was not going to give him six months. Devine said if he is sent to District Court that is what will happen. Shanklin said we will be there too.

Purcell asked when this started. Floyd said he got a building permit in May 2000, and then had to bring the building back up and all the framing that had been done had to be re-done. Purcell said he understood and that he started back over in January 2001, but that has been ten months. Floyd corrected Purcell saying ten months and said it was eight months. Purcell asked how much longer it would take for the building to be brought to code and finished; the City has given permit after permit and several extensions and we are getting there. He asked Floyd how many more months from today that it would take to have the building to code. Floyd said he thought he could have the building to code in 90 days; if we go to District Court, it will be six months to a year.

Bass said he did not see why Council could not grant Floyd a 90-day permit so they did not have to go to court.

PUBLIC HEARING CLOSED.

MOVED by Bass, SECOND by Devine, to give Dr. Floyd a 90 day permit.

SUBSTITUTE MOTION by Shanklin, SECOND by Baxter, to give Dr. Floyd a 90 day permit with the staff checking it on 30 day increments.

Purcell asked if the motion could include that if the structure is not completed in 90 days that it would go to demolition and we do not bring it back to Council again. Vincent said that was possible. Bass asked if everyone would be satisfied if it was brought up to code in 90 days, even if all the work was not finished. Shanklin said as long as it is inspected. Bass said it would not have to be completed in 90 days, just brought up to code by then. Mayor Powell said Dr. Floyd indicated he could do that.

Mayor Powell said the motion is for 90 days, but inspection after 30 days. He said what if after 30 days nothing is done, why are we doing this. Shanklin said because if he does not do anything we bring it right back and put it on demolition. Mayor Powell said that needs to be understood. Shanklin said we all do not understand the process is the problem. Mayor Powell said he just wanted to make sure Dr. Floyd understands that there will be an inspection after 30 days and unless quite a bit of work has been done, then it will be right back down here on the next Council meeting.

Floyd asked if any one of the members had been inside the house in the past few months. Baxter said he had not been in the house but that he had just built a house from the ground up that was completely finished in 92 days, so he knew this house could be finished in 90 days. Floyd said he understood Council's motion.

Purcell said if we inspect it after 30 days and he has not done anything and they bring it back for demolition we will be right back where we are now and have been for quite some time. He said he would rather give 90 days and inspect if you want, but at the end of 90 days, if it is not up to code, it will be demolished and we do not have to bring it back one more time to be demolished to go through the whole process again of issuing another building permit and having this discussion. Purcell said this discussion has been going on for a long time and it should be taken care of tonight.

Shanklin said if it gets to 90 days and he needs two more weeks, he did not want to bulldoze it down.

Mayor Powell said Councilman Devine had asked for a vote and asked that the roll be called on the 90 days with 30 day inspections.

VOTE ON MOTION: AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED. (Purcell passed on initial roll call.)

1114 SW 45th Street, Country Club Heights Addition, Block 1, Lot 10, Comanche County, Lawton, Oklahoma
Title Holders: Joseph Paul Myers c/o Jimmy D. Walker, 1902 NW Ferris Avenue, Lawton OK 73507; Jim Walker, 1114 SW 45th Street, Lawton OK 73505-7805
Mortgage Holders: None

Alltizer said there was a fire at this structure in December 2000. There have been numerous, repeated code violations and we mowed the property earlier this month. Staff has been unable to inspect the property because we did not make contact with the owner until last week; one of the owners came in and spoke with Mr. Cruz about this

structure. Alltizer said she had talked to Ray Pickens today with Habitat for Humanity and indicated the property owner had talked about possibly donating the property to the City or a community organization, and Habitat for Humanity said they would pass because they felt there was too much structural damage.

PUBLIC HEARING OPENED.

Mr. Walker said after the house burned he decided to donate it and has been working with Great Plains Improvement Foundation; the property is paid off and he owes nothing on it. He said he did not know why this had been put off for so long and that most of the correspondence went to the person who owned it before he got it, and the things he got were what was taped to the side of the building. Walker said GPIF cannot look at it if it is on a condemnation list, and he thought he had it insured but later found it was not.

Purcell asked if this was Mr. Myers or Mr. Walker. Walker said he was Walker, and that Myers had the property before him. Walker said two weeks after he got it, there was the fire.

Mayor Powell asked what Mr. Walker wanted to do. Walker said he wanted some time with it off of the demolition rolls so Mr. Gunther can see if he can do anything with his organization. Mayor Powell asked if 30 days was enough and Walker said it should be, although he has been working on it since January.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Devine, to table this for 30 days and take it off demolition. AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

Devine said Bass voted no on 1013 Roosevelt but wanted it reconsidered. Vincent explained procedure.

MOVED by Devine, SECOND by Bass, to re-open discussion on 1013 Roosevelt. AYE: Haywood, Bass, Devine, Purcell. NAY: Moeller, Baxter, Hanna, Shanklin. TIE VOTE, MAYOR VOTED YES. MOTION CARRIED.

Bass said the man uses this house for his business, which is making dog houses out of scrap lumber. He said he stood right here and should at least get 90 days to try to fix it, and the other man was given that consideration for 90 days.

Purcell said he had seen the same property and the same owner here many times, and knew what was said here and what happens afterward. He said this was a problem before 1998 and it was a disaster then, so why have we not done anything since then. It was a problem in October 2000 and nothing has been done. Purcell said Council gives people two and three opportunities and they are back again. Shanklin said we went through it ten years ago and it was an exercise in futility.

Bass said he had only been on the Council for six months and had only seen him one time, so he thought he deserved a chance instead of taking the home away from him.

Baxter said he had not been here very long but he used to work across the street from that house for ten years and complained about it himself back then, and as Baker said, it is one of the worst sights you can see when you land in a plane in Lawton and come down 11th Street into town. He said if the owner was going to do it, he would have done it ten years ago when he was told to do it.

Bass said Mr. Floyd was given a chance and he felt Mr. Stewart should be given a chance to try. Cruz said Mr. Bass has a good heart and he would share that when he went to post it, he told Mr. Stewart if he would allow him to inspect it, he was only present to inspect it to be able to provide Mr. Stewart a list of what things needed to be done, and if that were the case, we would have issued a permit which would have been good for six months. Cruz said Stewart got into name calling, told him not to get out of the car, and told him to leave, and he has done this before. Cruz said he would love to help him but he has not been cooperative in the years he has worked for the City, which was ten years on August 21, and for ten years he has had a lot of trouble with Mr. Stewart.

Bass said he understood and felt Mr. Stewart understands his back is against the wall. He said it needs to be inspected by City staff without question, and if Stewart agrees with that inspection, give him the permit and if he does not agree to the inspection, demolish the house.

MOVED by Devine, SECOND by Shanklin, to table it to the next Council meeting, give them an opportunity to go to him and see if he will apply and if not, then it automatically be brought back and voted on again, and rescind the previous resolution. AYE: Haywood, Bass, Hanna, Devine, Shanklin, Moeller. NAY: Baxter, Purcell. MOTION CARRIED. (Hanna passed on initial roll call.)

The Mayor and Council recessed at 8:30 p.m. and reconvened at 8:40 p.m. with roll call reflecting all members present.

4. Hold a public hearing to consider Amendment No. 1 (Draft) to the Consolidated Plan for Federal Years (FFYs) 1999-2004, receive input from citizens, and provide comments and authorize the amendment to be sent to the Department of Housing and Urban Development. Exhibits: None.

Frank Pondrom, Director of Housing and Community Development, said the mission for this neighborhood strategy took place when we were preparing the application in May; at that time a draft neighborhood strategy was distributed that might be needed to have the flexibility in the block grant regulations so these two projects operated by Zoe for the Lawton View neighborhood would not be counted toward the 15% cap on public services.

Public hearings have been held and the Lawton Housing Authority had comments about trying to reflect credit for some of their activities and they are a very active partner in the Lawton View area and a very active agent in improving the neighborhood, so language has been added in that regard. Also, the Lawton Outreach Weed and Seed had comments, they did the initial survey for the neighborhood strategy that outlined crime activities so language was added showing their activities in Lawton View. The City Planning Commission members had questions dealing with the Land Use Plan and what happens if there is a conflict or if the Land Use Plan does not support the strategies outlined, and the wording was changed so that if there is a conflict, it would be taken to the Planning Commission for discussion and direction on any individual redevelopment proposals that may surface as a result of this plan. The final language change dealt with comments from the City Attorney's office regarding Dunbar School, and it was changed to show assistance to the United Social Action, which is the owner of the property. Pondrom said these revisions were done on August 25 and copies were provided to CPC members.

Purcell asked if this item had anything to do with funding. Pondrom said this identifies some projects but it does not tie the funding. Shanklin said the funding source is shown as CDBG and he wanted to know if any funds were being encumbered by doing this. Pondrom said no. Shanklin asked if we were obligating ourselves that by designating certain people to do this that they get a certain number or percentage of dollars. Pondrom said these are guidelines only.

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

Shanklin asked if other areas can have community based housing groups. Pondrom said the next item deals with community based development organizations; we can have another neighborhood strategy that would be in another part of town and another document like that can be done to designate other neighborhood strategy areas. Pondrom said another entity can also be designated as a community based development organization if they meet certain guidelines, and there are others out there. Shanklin said he was glad to hear that they are not all just in Lawton View.

MOVED by Devine, SECOND by Moeller, to approve the amendment and authorize execution.

Purcell said the background says in order to continue to fund the youth with a purpose and economic development, but Pondrom is saying they do not have to be included in the 15%. He said the amendment does not allow for them to be given any more money than they were given originally, so the money is still left over from MedTrans and if this is taken out of the 15%, there will be even more money available. He asked if that was what we are saying. Pondrom said no, the first part is correct but the second part is not. Purcell said the item shows the above referenced projects do not have to be included in the 15% cap. Pondrom said the Zoe Youth With Purpose and the Zoe Adult Education were shown as public services and HUD said those could not be public services unless they were in a neighborhood strategy area, and they will now be in a separate category as public services in a neighborhood strategy area. Purcell asked if they would still be under the 15% of public services. Pondrom said no. Purcell said the money given to Zoe in the original budget that is under the 15%, that money would still go to them but it would be under another area so it would not be under the 15%. Pondrom disagreed and Purcell asked for further explanation. Pondrom said those were funded under economic development, not under the 15% public services.

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

5. Consider adopting a resolution designating the ZOE N.E.E.D. Program, Inc. as a Community Based Development Organization (CBDO). Exhibits: Resolution No. 01-125.

Pondrom said the HUD representative mentioned that to make the neighborhood strategy work the best way was to have Zoe Need designated as a community based development organization, so this will satisfy the HUD requirement. When they are carrying out the activities, they are a CBDO for the Lawton View neighborhood strategy. There are others in the community who could receive the designation; it is not encumbering funds. Pondrom said he was looking to see who else may be eligible, and if there is something to be gained by it, staff will pursue it.

MOVED by Haywood, SECOND by Devine, to adopt Resolution No. 01-125. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

(Title) Resolution No. 01-125

A resolution designating the ZOE N.E.E.D. Program, Inc. as a Community Based Development Organization (CBDO) for the Community Development Block Grant (CDBG) Program for the City of Lawton.

6. Consider discussing the request from Zoe N.E.E.D. Program, Inc. to exchange twenty-four (24) acres for Blocks 109 and 120, Lawton View Addition, owned by the City of Lawton and Lawton Urban Renewal Authority (LURA), and provide direction to staff. Exhibits: Letter of Request; Draft LURA Minutes; Location Map of 24 acres.

Bob Bigham, City Planner, said the Lawton Urban Renewal Authority requested discussion and direction by Council prior to acting on this request. LURA received a request from Zoe to trade for a couple of parcels of land, one owned by the City and the other owned by LURA. Zoe recently acquired a 24-acre tract, which was pointed out on the viewgraph with references being SW 6th Street, Bishop Road, the Public Works yard, a couple of trucking companies and Swinford Sand. Zoe requested trading their 24 acres for Blocks 109 and 120. Bigham pointed out the corner of Fort Sill Boulevard and Bishop Road and Block 120 is at the corner; it is vacant, owned by the City of Lawton, and north of that is Block 109 which is owned by the Authority, and the third block up is owned by Zoe where they have their church facility.

Bigham said Zoe wanted \$50,000 as well as Blocks 109 and 120 for this trade. There are environmental issues dealing with contaminated soil on Block 120. The value of the properties is an issue. Mayor Powell asked if the contaminated soil is at the corner of 11th and Bishop. Bigham said yes, the old gas station.

Bigham said the first question is whether the City has an interest in this 24 acres, if Urban Renewal could trade for the property. He said it is zoned I-3, across the street from the Public Works yard, there are no immediate needs for an expansion to the Public Works yard but there may be in the future. A creek runs through the property, which has a 430 foot frontage of 6th Street, 560 foot frontage on Bishop Road.

Baxter asked what Zoe wanted to do with the land. Bigham said they are looking at expanding their church facility, grocery store, retail facility, things like that.

Shanklin asked how Zoe acquired the property. Bigham said he believed it was through a public auction. Shanklin asked if it was recently. Devine said the City National Bank sold it off under a bankruptcy.

Devine asked if the City only owns one of the tracts Zoe wants to trade for. Bigham said yes, Block 120. Devine asked how we would get the other block from the Authority. Bigham said the City can transfer its block to LURA or LURA can transfer its block to the City. Devine asked if that would cost anything. Hanna said Zoe wants \$50,000. Vincent said Lawton gave LURA several lots and blocks within the Lawton View area, but they turned down Block 120 because of the contamination problem but there is an agreement to give it to them at some point in time. Vincent said Lawton would have a problem transferring the property without going through some legal steps; the best way is to transfer Block 120 to LURA and let them deal with the transaction.

Mayor Powell asked if Zoe wants the property that has the contaminated soil. Bigham said one of their conditions in their request is for someone to clean it up; there are some other issues and the question tonight that needs direction and to take to the Authority is whether the City has an interest in this 24 acres. The details would have to be worked out and a package would have to be developed, there is money, contaminated soil, property values, those kinds of issues. Bigham said right now the only question is whether the City has an interest in this property. Shanklin said he was sure we should have because we had an interest in Waurika 20 something years ago and have not used it. Bigham said he did not want to go through the exercise of addressing all of these other issues if the City had no interest in the property. Mayor Powell said the Council needs to know some of the unknowns, for example, by law, what happens to the contaminated soil; it is public knowledge that it is contaminated and does that pass along with the property or stay to the seller. Bigham said LURA and the City are both in the chain of title and we will have responsibilities no matter what we do here; we need to go through the Corporation Commission and we have tracked down the responsible party who contaminated the soil and we will work through the Corporation Commission to get funds to get the property cleaned up. Bigham said it was his understanding the worst exposure would be \$5,000.

Baxter asked if Ihler or Baker would be interested in having it in the future. Shanklin said he wanted to know what year they would program that in. Baker said it was his opinion that the City should have some interest in that, and tonight they were only asking if there might be some interest and then authorize Bigham to continue to pursue it; if you are not interested, then we need to know and we can tell Zoe we are not interested and that would be the end of it. Moeller said she would think there would be an interest due to its location being near Public Works.

MOVED by Devine, SECOND by Baxter, to express an interest in the property. AYE: Purcell, Moeller, Haywood, Baxter, Bass, Devine. NAY: Shanklin, Hanna. MOTION CARRIED.

7. Consider authorizing the purchase of an additional fuel tank and pump for the new transit system. Exhibits: None.

Deborah Jones, Assistant City Planner, said the original transit plan envisioned buying fuel from the City on a charge-back system. Subsequently the Council adopted a local bidders' preference up to 5%, but federal regulations prohibit any geographic preference for the purchase of fuel or any other item. She said there are two alternatives, the first being to repeal the local vendor's preference, this would be the cheapest alternate and would not have an associated cost. The second alternative is to purchase an additional fuel tank and pump for the Transit Trust's use, a portion would be paid for by FTA and the City's cost would be \$6,800, based upon a company in Tulsa by the name of Hoidale. Financial Services acquired an estimate of \$34,000 on a turn-key job to install one above ground tank in the same location as the two tanks and pumps in the Public Works yard.

Mayor Powell asked if this would be above ground. Jones said yes, there would be a total of three above ground tanks in the yard if this one is purchased.

Devine said it was amazing that this can be done for \$34,000 but it was going to cost \$75,000 for the one by the lake.

MOVED by Haywood. SECOND by Moeller, to authorize the transfer of \$6,800 to the City Transit Trust to purchase an additional fuel tank and pump for the new transit system. AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED. (Baxter passed on initial roll call.)

Baxter said he thought this was a waste of money. Shanklin asked why a gas tank could not be put at the lake for the same price. Baxter said staff did not want it. Shanklin said we should check into it.

8. Discuss the need and methods to improve the appearance of public and private locations throughout the City of Lawton and take appropriate action. Exhibits: None.

Shanklin said he requested the item and some of our areas look like a boarder town, and he wanted input to see what we could do in the way of getting the private sector business community to clean up the front of their buildings, the grass out of the cracks, concrete corners, around signs. He said we are not exempt, we have grass that grows out 2-1/2 feet from the curb in a lot of our areas. Shanklin said people come down town to various government facilities, and most of them are well groomed. He said there are people who are not capable, physically or financially, to take care of their alleys and right of way in the front as far as dead trees, and for \$25,000 we can get a sergeant who will bring seven men to do the job Monday through Friday, every day the weather permits to take care of the right of ways and alleys, and one of them they did was very good work. Shanklin said we need to start a competition to get the City cleaned up and ask for help and suggestions on what can be done to clean up the City's central corridor.

Shanklin said we have mail boxes on Ferris, 17th Street, some of the arterial roads, and he watched a mail box break a mirror off of a pickup truck on Ferris. He said the mail boxes are unsightly, they degrade us, and they have done it only in the poor areas; there is not one in Fields & Dunning, they are in Wards 2, 5 and 7, and maybe others, but they are haphazardly stuck in the ground with angle iron and the mail box attached to it. Shanklin said it is sporadic, not uniform, and he never got an opportunity to say he did not want a mail box put on any of his properties, but they are there. He said they do not make us look like a prosperous city which we really are, our sales tax is up, and he did not know if anything could be done about the mail boxes but we need to try to keep this a viable community and need help from everyone to do so.

Hanna said the mail boxes along Smith Avenue make it look like a ghetto and it takes away from the property and the property value. He said we should be able to talk to the Postmaster and see if we can get a different system because it makes the whole town look bad.

Baxter asked if we could force the Post Office to do that. Vincent said force was not a good word to use in dealing with the federal government, and they read some of the postal regulations and found some room for discussion. Mayor Powell said the City Manager will meet with the Postmaster and try to work this out.

Purcell agreed there was a need to improve the appearance in the City, and in addition to the items listed in the commentary, there is a problem with signs. He said at 5 p.m. tonight at the corner of Flowermound and Gore there are six signs stuck in the ground in various states of repair, some are laying on the ground; on Flowermound Road just north of that, there is an area with 12 separate signs stuck in the ground and along the fence there are 12 signs hanging from it. Purcell said he was on W Lee last Saturday and in front of one business there were 10 signs stuck in the ground. He said it is all over the City, and if we are going to clean up the City, we need to enforce the sign ordinance and staff has been trying to pick them up off the corners. Purcell said if we do not want to clean up, we can revoke the sign ordinance and let everyone put signs wherever they want. He said picking up the signs would be an easy way to start cleaning up. Purcell said he called some of the numbers on the signs and you cannot

even get in touch with the people shown.

Baxter said he thought Purcell was playing both sides of the fence because he was in favor of supporting the big sign on the interstate but was not saying signs are not good. He said those people are in business and the place on Flowermound is a mobile home park where they are putting signs to advertise for people to live there, and they have the right to do that on their fence. Purcell said not if it is on the City easement, according to our ordinance, the fence is on the easement. Mayor Powell said about 90% of the signs are on City easement. Purcell said the ordinance can be changed.

Mayor Powell asked if all easements were the same on all properties in the City. Baker said no. Mayor Powell said that is another problem, and he had experience on this, more with the political signs and he had always heard that ten feet off the curb was a good rule of thumb and he tried to adhere to that and one at Pappy's Corner was 11 feet and three inches off the curb, and he may have to move it down behind the house and not sell any groceries or anything or detail any cars and if he had to move it, he would.

Purcell said the political signs go up and are taken down after a short period of time, but he was talking about the signs that stay forever except they blow down the street. He said some are out in medians and crews have to mow around them. Mayor Powell said there is a lot of difference in that, but whatever needs to be done on the signs, everybody can adjust to that.

Mayor Powell said he and Alltizer had already talked about this, and he had a local doctor talk to him about it, as had others at various times. He said he would like to get the City involved, not talking a threatening approach at all, but more in the manner of take pride in your property and clean it up. Mayor Powell said he would like the City to start as a good leader and the City was giving citations when it was not in compliance itself, and many of those problems have been corrected. He said he would like to see the businesses take a lead and be pro-active in cleaning their places up, including his own, and he would like to see competition between neighborhoods, and a challenge between Gore, Lee and Cache Road as to who can have the best manicured street. It will take a total community effort to make a difference.

Mayor Powell said there are some elderly people who cannot and do not have the money to have their yards mowed. He challenged each member and said he would lead the way, he would find an elderly person and mow their lawn for them, and trim, if each member would do the same things. He said people in the community need to do that as well, and this would make a dent in those things we are talking about. He challenged the Council, staff and citizens to do the same thing. He said the last thing that needs to happen is for this to be done in a threatening mode, it needs to be willingness and all pulling together because we tried the threatening mode and it does not work so we need to try something else.

Haywood said people at least need to pick up the debris in front of their houses and he agreed with the comments and it does take all of us, and people need to do what they can to help before complaining.

9. Consider adopting an ordinance related to finance, repealing Section 10-1-109, Lawton City Code, 1995, deleting provisions relating to limitation on award for public construction contracts and deviation from engineer's estimate, and declaring an emergency. Exhibits: Ordinance No. 01-27.

Vincent said Council discussed the Medicine Park Water Treatment Plant Expansion project at the last meeting and there was an obstacle created in the City Code in 1995 regarding deviation from an engineer's estimate. He recommended the section that sets limitations on deviation from the engineer's estimate be repealed; it is not suggesting repealing the section for engineer's estimates because they are a valuable tool for Council and staff to consider when the bids come in, but the limitation would be removed.

MOVED by Shanklin, SECOND by Devine, to adopt Ordinance No. 01-27, waive reading of the ordinance, read the title only, and declaring an emergency.

(Title read aloud) Ordinance No. 01-27

An ordinance relating to Finance, repealing Section 10-1-109, Lawton City Code, 1995, deleting provisions relating to limitation on award for public construction contracts and deviation from engineer's estimate, and declaring an emergency.

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

10. Consider adopting an ordinance related to Chapter 1, Article 1 of the Lawton City Code, 1995, General Provisions, by creating Section 1-1-120, providing guidelines for use of the City Seal; providing for codification; providing for severability and declaring an emergency. Exhibits: Ordinance No. 01-28; Resolution dated 11/20/73.

Vincent said it was brought to staff's attention that people were using the City seal in advertising commercial

enterprises; it is a violation of the Oklahoma Constitution for the City to support commercial enterprises. He said the seal was adopted in 1973. Vincent recommended an ordinance be codified making it a violation to use the City seal unless authorized by the City Council.

Baxter asked if there were examples of this happening. Vincent said it was brought to our attention that a television station in another town and state was using the City's seal for the City of Lawton in their advertising campaign.

MOVED by Devine, SECOND by Baxter, to adopt Ordinance No. 01-28, waive reading of the ordinance, read the title only, and declare an emergency.

(Title read aloud) Ordinance No. 01-28

An ordinance related to use of the City Seal, amending Article 1, Chapter 1, Lawton City Code, 1995, by creating Section 1-1-120, setting guidelines for use of the City Seal; providing for codification, and providing for severability, and declaring an emergency.

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

11. Consider and approve a resolution approving modifications and revisions to the existing City Pay Plan, modifying position titles in the FY 01-02 budget, and declaring an effective date. Exhibits: Resolution No. 01-126.

Baker recommended changes to pay grades for the listed positions. A new pay plan was adopted a few years ago and there is a mechanism to look at positions and update job descriptions as duties and responsibilities change; there is a procedure to assess the value of those positions and rate certain factors. He said these are some of the ones that were recommended to him from the department directors, he did not concur in others and those were not included.

Baxter said he could understand going up a step but one jumped up three grades, from a G5 to G8 seemed a bit extreme. Baker said according to the analysis, that particular position was well under the appropriate pay grade.

MOVED by Devine, SECOND by Haywood, to approve Resolution No. 01-126 making modifications and revisions to the City Pay Plan. AYE: Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

(Title) Resolution No. 01-126

A resolution approving modifications and revisions to the City's existing pay plan, modifying position titles listed in the FY 01-02 budget, and declaring an effective date. Position Titles: Parks & Grounds Administrator M8; Assistant Parks & Recreation Director M9; RSVP Administrator/Marketing Specialist M3; Building Construction Specialist G6; Plans Examiner G8. FY 01-02 Budget amended to reflect the following numbers of classified positions: Activity 52 delete Building & Grounds Superintendent and add Parks & Grounds Administrator; Activity 27 delete RSVP Administrator and add RSVP Administrator/Marketing Specialist; Activity 54 delete Sports Groundskeeper and add four Landscape Technicians; Activity 42 delete Clerical Associate and add Senior Clerical Associate; Activity 80 delete Building Maintenance Worker III and add three Building Construction Specialists.

CONSENT AGENDA :

Mayor Powell asked that Item 29 be pulled. Shanklin asked for separate consideration of Item 23.

MOVED by Purcell, SECOND by Baxter, to approve the Consent Agenda items as recommended with the exception of Items 23 and 29. AYE: Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

12. Consider the following damage claims recommended for denial: Southwestern Bell Telephone Company; Geico Direct; Marshall L. Williams and Sean Armstrong. Exhibits: Legal Opinions/Recommendations. Action: Denial of claims.

13. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for claims which are over \$400.00: Jane Cox, Charlene Donovan, Opal Hall, Christine Durham and Marilyn Holloway. Exhibits: Legal Opinions/Recommendations. (Resolution Nos. 01-127, 01-128, 01-129 and 01-130 on file in City Clerk's Office) Cox claim - \$62.50.

(Title) Resolution No. 01-127

A resolution authorizing and directing the City Attorney to assist Charlene Donovan 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 One Thousand Five Hundred Dollars and 00/100 (\$1,500.00) and accept the surrender of one 1985 Ford truck to the City of Lawton.

(Title) Resolution No. 01-128

A resolution authorizing and directing the City Attorney to assist Opal Hall 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 Four Hundred Sixty-Eight Dollars and 00/100 (\$468.00).

(Title) Resolution No. 01-129

A resolution authorizing and directing the City Attorney to assist Christine Durham 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 Five Hundred Dollars and 00/100 (\$500.00).

(Title) Resolution No. 01-130

A resolution authorizing and directing the City Attorney to assist Marilyn Holloway 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 One Thousand Nine Hundred Eighty-Seven Dollars and 98/100 (\$1,987.98) and accept the surrender of one (1) 1989 Nissan to the City of Lawton.

14 Consider adopting a resolution authorizing the City Attorney to enter into an economic settlement agreement for the sum of Fourteen Thousand Five Hundred Dollars (\$14,500.00) in the District Court of Comanche County, Oklahoma, as settlement of the damage claim of Elliot J. Clements and directing the City Attorney to prepare and file a Journal Entry incorporating said resolution and settlement agreement for the court's approval. Exhibits: Resolution No. 01-131.

(Title) Resolution No. 01-131

A resolution authorizing the City Attorney to enter into an economic settlement agreement in the amount of Fourteen Thousand Five Hundred and no/100 Dollars (\$14,500.00) as settlement of a claim filed by Elliot J. Clements, directing the City Attorney to prepare and file a journal entry incorporating said resolution and settlement agreement for the Court's approval.

15. Consider ratifying the action of the City Manager and City Attorney in not pursuing an appeal and making payment of the judgment in the Workers' Compensation case of Michael Gene Meador in the Workers' Compensation Court, Case No. 2001-4064Q. Exhibits: None. Action: Approval.

16. Consider possible litigation regarding the City's efforts to obtain title to a 1946 Willis Jeep, which the City removed on July 12, 2000 from the property at 614 NW Ferris Avenue, Lawton, Oklahoma, to abate a health nuisance pursuant to Section 15-110, Chapter 15, Lawton City Code, 1995, and Title 63, Oklahoma Statutes, Section 1-1011. Exhibits: None. Action: Authorize the City Attorney to institute legal action against the State of Oklahoma, ex rel. Oklahoma Tax Commission-Motor Vehicle Division, and Albert P. Jackowiak for the purpose of obtaining ownership of a 1946 Willis Jeep.

17. Consider entering into a Retainer Agreement for Professional Services with Howard Kuchta for consulting services for implementation of the Project Impact Program. Exhibits: Proposed Agreement. Action: Approval.

18. Consider approving the construction plat for Turtle Creek Townhouse Addition subject to conditions. Exhibits: Plat Map; CPC Minutes; Memo from Civil Engineer. Action: Approval subject to conditions: 1) Label 50 foot roadway easement along Rogers Lane; 2) Remove encroachment of the drive to The Grove from the east side of Lot 1, Block 4, or file an easement in the Comanche County Clerk's office for the encroachment; 3) Approval of Department of Environmental Quality; 4) Prior to submission of record plat, developer will be required to submit restrictive covenants for the plat and declaration of covenants, conditions, and restrictions for the homeowners association. The declaration of covenants, conditions and restrictions for the homeowners association must include a statement that the association owns Lot 7, Block 2 and Block 3 and is required to maintain the areas including the private street and drainage.

19. Consider adopting a resolution to extend the time for award of the Medicine Park Water Treatment Plant Expansion Project. Exhibits: Resolution No. 01-132.

(Title) Resolution No. 01-132

A resolution extending the time for the award of a public construction contract for the enhancement of the City of Lawton Water Treatment Plant located at Medicine Park, Oklahoma.

20. Consider approving Change Order No. 1, accepting the B-1 Detention Reservoir Project #99-17 as constructed by T & G Construction, Inc. and placing the Maintenance Bond into effect. Exhibits: None. Action: Approval. Change Order No. 1 is for a performance bond in the amount of \$70,250 guaranteeing the remaining grassing work at the site.

21. Consider approving an agreement for euthanization services with the Town of Apache, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: None. Action: Approval.

22. Consider approving an amendment to Council Policy 1-6, Council Rules of Procedure, to have Consent Agenda items considered before regular business items. Exhibits: Council Policy 1-6 as amended. Action: Approval.

23. Consider approving staff's recommendation to defer, until further notice, the One Way In/One Way Out project for the East Campground at Lake Lawtonka and to end negotiations with Mr. & Mrs. McCracken for the purchase of a portion of their land that would have been needed to complete this project. Exhibits: None.

Shanklin said the background did not adequately explain what we are trying to do out there with the McCracken's and it said nothing will be built between their property and Lake Lawtonka. Gary Salva, Parks & Recreation Director, said the McCracken's were placing what staff felt were unacceptable limitations on what we can do on our property forever, and rather than accepting those limitations, which we may ultimately do, we want to pursue all alternatives and defer this until we can do further research.

Shanklin asked if we can acquire the property by right of eminent domain. Vincent said yes, but it could be very expensive, and there was a budget limitation of \$70,000 for the total project.

MOVED by Shanklin, SECOND by Devine, to approve Item 23. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

24. Consider authorizing submission of application to the Oklahoma State Department of Health for Lawton Fire Department certification as a First Response Agency. Exhibits: First Response Application; O.S. Title 63, Section 1-2501; O.A.C. 310:641 et al. Action: Approval.

25. Consider approving the following contract extensions: A) Bakery Product for City Jail with Earthgrains Company; B) Copier Contract with High Tech Office Systems; C) Heavy Equipment Service and Parts with Darr Equipment Company; D) Steel Posts with Unistrut Distribution Company and Vulcan Signs. Exhibits: None. Action: Approval.

26. Consider awarding contract for Hydraulic Excavator to C.L. Boyd Company, Inc. Exhibits: Recommendation; Bid Abstract. Action: Approval.

27. Consider awarding contract for 10 Ton Bursting Winch System to TT Technologies, Inc. Exhibits: Recommendation; Bid Abstract. Action: Approval.

28. Consider awarding contract for Mowing and Litter Control II to Doolin Services, LLP. Exhibits: Recommendation; Bid Abstract. Action: Approval.

29. Consider awarding contract for Root Saws to Sewer Equipment Company of America and ICM of Oklahoma City. Exhibits: Recommendation; Bid Abstract.

MOVED by Hanna, SECOND by Haywood, to reject all bids. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

30. Consider awarding contract for Thermoplastic Material to Cataphote, Inc. Exhibits: Recommendation; Bid Abstract. Action: Approval.

31. Consider approval of appointments to boards and commissions. Exhibits: Memorandum.

Citizens' Advisory Committee on CIP: Michael Blose, Ward 4 Rep., Term: 9/8/01 to 9/8/04

32. Consider approval of payroll for the period of August 20 to September 2, 2001. Exhibits: None.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Shanklin said on Friday night we tore up two police cars in a pursuit of an individual on 112th Street; it has not been made public to the newspaper or on TV and he had been told that the Council would all want a copy of the dispatch track. He asked if Baker was aware of it and said he did not want to get in another digester. Baker said he did not either, and that he became aware of it this afternoon, the Police Chief is preparing a full report for him and he would share that information. Baker said he understood it happened Friday evening and he did not become aware of it until this afternoon. Shanklin asked if that was appropriate as far as Baker was concerned. Baker said he would prefer not to comment. Shanklin said he did not like people calling him and telling him about it and him not having been told. Baker said most people sitting at this desk do not like surprises and he did not either. Shanklin said he wanted to know how long it took; one inquiry was the FBI had something to do with it and that was the bank robbery and he had been told it took us from 12 to 15 minutes to respond and he wanted to know whether that was true or not. Baker said they had checked into that and that was not correct. Shanklin asked how

long it was. Baker said he thought it was a matter of minutes, we had an officer right there on the site. Gary Jackson, Assistant City Manager, said it was about three minutes until the first motorcycle came. Shanklin said that was not true and he wanted a copy of the tape. Jackson said we have the tape and the print out. Shanklin said the man who had the security called back seven or eight minutes later. Baker said he did not want to get into specifics tonight, but the first officer that arrived pursued the suspect, left the site, and then another officer showed up, but we will get you the tape and the information. Shanklin said that would be good if we did because we keep hearing horror stories and he wanted to know about it.

Col. Steuber said instead of going into controlled access at Fort Sill on 1 September, it has been delayed for an additional month and will be implemented on 1 October. He said this will give time to train personnel and get all of the registrations done, currently there are over 20,000 vehicles registered and it is about the half way point. There has been concern about access for soccer games, social events and access will not be prohibited for those persons; they will be provided a sticker that is not DOD but it will be a Fort Sill sticker with a two year expiration date and they will be waived through like everyone else. He said if there is a threat of any kind for the post, those persons would also be stopped under that circumstance, but they are trying to make access as easy as possible for things like the concerts, carnivals and so forth. Col. Steuber said while they will control access to the post, it will be as transparent as possible so they keep the good relationship that Fort Sill has with Lawton.

Mayor Powell said there was a great ceremony last Thursday and General Stricklin is now a Lawton civil resident, and Major General Maples is the new commandant for Fort Sill.

Devine asked what was being done about the taste and smell of the water. Jerry Ihler, Public Works Director, said we have increased the activated carbon, which is a chemical that helps reduce the taste and odor problems, and there is an associated cost but we hope within five to seven days that it will improve.

Purcell asked when a recommendation would be returned on the money that was saved for MedTrans under the 15% cap. He said the teen pregnancy programs were moved to another category and support is needed for them. Baker said a public hearing will be needed and he will find out from Pondrom.

Raymond McAlister wished everyone a happy Labor Day holiday.

Mayor Powell asked that Council select the voting delegate and alternate voting delegate to the upcoming National League of Cities Conference. Bass will serve as the voting delegate, Shanklin will serve as alternate.

ADDENDUM BUSINESS ITEMS:

3. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss possible litigation and the potential for settlement with the Town of Medicine Park to provide for the expansion and upgrade of the City of Lawton Water Treatment Plant in Medicine Park, Oklahoma, and if necessary, take appropriate action in open session. Exhibits: None.

4. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending grievance of the International Association of Fire Fighters (IAFF), Local 1882, and take necessary action in open session. Exhibits: None.

MOVED by Purcell, SECOND by Bass, to convene in executive session as shown on the agenda and recommended by the legal staff. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 9:35 p.m. and reconvened in regular, open session at 10:00 p.m. with roll call showing all members present.

Addendum Item 3: Vincent reported pursuant to Section 307B4, Title 25, Oklahoma Statutes, we convened in executive session to discuss possible litigation and the potential for settlement with the Town of Medicine Park concerning the expansion and upgrade of the City of Lawton Water Treatment Plant in Medicine Park. No action is required at this time.

Addendum Item 4: Vincent reported pursuant to Section 307B4, Title 25, Oklahoma Statutes, we convened in executive session to discuss the pending grievance of the International Association of Fire Fighters, Local 1882. He requested a motion authorizing the City Attorney to commence an action in District Court of Comanche County against the IAFF Local 1882 to obtain a declaratory judgment stating that the Public Employees Relation Board is the appropriate jurisdiction for deciding the issues outlined in the grievance.

MOVED by Shanklin, SECOND by Haywood, to commence an action in District Court of Comanche County against the IAFF Local 1882 to obtain a declaratory judgment stating that the Public Employees Relation Board is the appropriate jurisdiction for deciding the issues outlined in the grievance. AYE: Moeller, Haywood, Bass, Hanna, Purcell, Shanklin. NAY: Baxter, Devine. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 10:02 p.m. upon motion, second and roll call

vote.