

Meeting of 2001-9-11 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
SEPTEMBER 11, 2001 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

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

The meeting was called to order at 6:40 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.

AUDIENCE PARTICIPATION:

Mayor Powell said he had been accused of price gouging on gasoline today at Pappy's Corner and he was upset about it. He said he went to the store about 1:30 p.m. and people were lined up blocking Lee Boulevard partially for almost 200 yards south; three men were working the pumps trying to take care of customers and keep the traffic flowing. He said after a while he did put a price increase on the sign after there were many near-wrecks on Lee Boulevard with traffic stopped; one lane was always closed and sometimes two lanes so he needed to do something about that. The police ordered the people to move, which was temporary because it started right back, so he put the price increase on the sign, not on the pump itself. He said they record all transactions as far as gas is concerned; the price stayed constant on the pump, which was \$1.53.9 and \$1.69.9 and he had verification of the sales showing the dollar amount and the gallons pumped. Mayor Powell invited anyone who had accused him of price gouging to come to the store in the morning and check his records. He said he did not like to be falsely accused of anything when he had done nothing wrong, and he invited the public to check his records.

CONSENT AGENDA :

Shanklin asked for separate consideration of Item 6.

MOVED by Purcell, SECOND by Moeller, to approve the Consent Agenda, with the exception of Item 6. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

1. 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: Charlene Sebo; and Southwestern Bell Telephone Company. Exhibits: Legal Opinions/Recommendations. (Resolution No. 01-133 on file in City Clerk's Office) Sebo - \$222.50

(Title) Resolution No. 01-133

A resolution authorizing and directing the City Attorney to assist Southwestern Bell Telephone Company 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 Six Hundred Eighty-Nine Dollars and 61/100 (\$689.61).

2. Consider the following damage claim recommended for denial: Lawton Cablevision. Exhibits: Legal Opinion/Recommendation. Action: Denial of claim.

3. Consider approving an agreement between the City of Lawton and the Lawton Metropolitan Area Airport Authority, and authorize the Mayor and City Clerk to execute the document. Exhibits: Agreement. Action: Approval. Agreement sets forth terms and conditions upon which the Airport Authority will perform litter abatement of certain City roadways in exchange for certain City refuse and disposal services.

4. Consider and approve a resolution approving modifications and revisions to the existing City Pay Plan by adding a position of Sewer Lift Station Mechanic, modifying position titles in the FY 01-02 budget by deleting one position of Principal Equipment Operator and adding a position of Sewer Lift Station Mechanic, and declaring an effective date. Exhibits: Resolution No. 01-134.

(Title) Resolution No. 01-134

A resolution approving modifications and revisions to the existing City Pay Plan by adding a position of Sewer Lift Station Mechanic, modifying position titles in the FY 01-02 Budget by deleting one position of Principal Equipment Operator and adding a position of Sewer Lift Station Mechanic, and declaring an effective date.

5. Consider approving a building permit for the burnt out structure located at 2803 NW 17th Street. Exhibits: Permit Application; Letter of Request. Action: Approve a building permit for a sixty (60) day period for 2803 NW 17th.

6. Consider a resolution establishing a special fund to operate the Project Impact Program. Exhibits: Resolution No. 01-136.

Shanklin said the funding source shows 25% local share and asked if that was actual dollars or if it would be in services in-kind. Baker said it is primarily services in-kind and partnership agreements; there is \$15,000 in this year's budget and the total match is \$100,000 but the vast majority will be from in-kind and partnerships. Mayor Powell said Lawton Public Schools is a partner and would participate in that match. Shanklin asked if anything was being requested from the general budget other than the \$15,000 or contingency. Baker said he did not think so.

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

(Title) Resolution No. 01-136

A resolution establishing the City of Lawton Project Impact Program.

7. Consider adopting a street light resolution to authorize the installation of additional street lights at: 16th and Baldwin, NW 76th Street and Wyatt Lake Drive, 411 NW 76th, NW 76th and Woodland Drive, 304 NW 76th, NW Woodland Drive and Wyatt Lake Drive, 7613 NW Wyatt Lake Drive, 7710 NW Wyatt Lake Drive, and on Lawton and Baldwin Avenues, midblock, from the 1100 block through the 1600 block. Exhibits: Street Light Resolution No. 416. Action: Approval.

8. Consider approving contracts with Jimmy Johnson & band, Watusi, Oklahoma Fancy Dancers, Chris Moss/magician, John Rohloff/Rainforest Adventure, Hi-Tones, Kristie Minh Tan, and Terry Gresham as performers at the 2001 International Festival and authorize the Mayor and City Clerk to execute the agreements. Exhibits: None. Action: Approval.

9. Consider approving contracts for Centennial Celebration production of Oklahoma Opening, the original musical written by Dr. James Brock. exhibits: None. Action: Approval of contracts with: Cynthia Kent (2), Linda Chapman, James H. Brock, David Anderson, Brenda Chambers, Vocal Orchestra Corp., Travis Bohannon, Penny McPhail, Kathy Meyer, Kristi Perdieu.

10. Consider approving Amendment No. 2 to contract with Bell Books for Centennial Book. Exhibits: Proposed amendment. Action: Approval.

11. Consider accepting the Water Division Building Expansion Project #2001-5 as constructed by Kent Waller Construction Co. and placing the Maintenance Bond into effect. Exhibits: None. Action: Approval.

12. Consider accepting Verna Cook & Harkey Park Improvements Project #2000-9 as constructed by Bordwine Development and placing the Maintenance Bond into effect. Exhibits: None. Action: Approval.

13. Consider approving plans and specifications for the Owens Multi-Purpose Center (OMPC) Re-Roofing Project #2001-25 and authorizing staff to advertise for bids. Exhibits: None. Action: Approval.

14. Consider approving the construction plans and specifications for a sewer line located at SW 5th Street and D

Avenue to serve the new Comanche County Jail. Exhibits: Map; Memorandum. Action: Approval.

15. Consider entering into a contract with Mr. and Mrs. Anthony C. Manilla for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contract. Exhibits: None. Action: Approval.

16. Consider releasing Mortgages between the City of Lawton (Lender) and Michael A. and Natalie C. Zaragoza, Husband and Wife (Borrowers) on their property at 1402 Ozmun, and Kenneth J. and Lisa M. Hancock, Husband and Wife (Borrowers) on their property at 702 NW 31st Street and authorize the Mayor and City Clerk to execute the mortgage releases. Exhibits: None. Action: Approval.

17. Consider a resolution approving the incurrence of indebtedness by the Lawton Water Authority issuing its sales tax and utility system revenue bonds series 2001 and approving the proposal of the authority to incur said indebtedness; approving the proceedings of the Authority pertaining to the sale of said bonds; waiving competitive bidding; approving a sales tax security agreement and other documents, and containing other provisions relating thereto. Exhibits: Res. No. 01-135.

(Title) Resolution No. 01-135

A resolution approving the incurrence of indebtedness by the Lawton Water Authority (The "Authority") issuing its sales tax and utility system revenue bonds, Series 2001 (The "Bonds") and approving the proposal of the Authority to incur such indebtedness; approving the proceedings of the Authority pertaining to the sale of said bonds; waiving competitive bidding; approving a sales tax security agreement and other documents; and containing other provisions relating thereto.

18. Consider approving the following contract extensions: A) Rental of Linen Service with Quality Enterprises of Lawton, Inc.; B) 12 Gauge Shotguns with Cruiser Tech; C) Decontamination and Cleaning of Bunker Clothing with Fire Brigade Mgf., Inc. Exhibits: None. Action: Approval.

19. Consider awarding contract for tree transplanting service. Exhibits: Recommendation; Bid Abstract. Action: Award contract to Gleason Instant Tree Farm.

20. Consider approval of appointments to boards and commissions.

Pension Trust Commission: Robert W. Kindt, Term: 9/10/01 to 9/10/06

21. Consider approval of payroll for the period of September 3 to 16, 2001. Exhibits: None.

22. Consider approval of Minutes of Lawton City Council Meeting of August 28, 2001.

UNFINISHED BUSINESS:

23. Consider a 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-___; Agenda Item Commentary of August 28, 2001 with Location Map.

Mayor Powell said there was a lot of discussion on this previously and he asked if Council desired to hear from the City Planner. Baxter said the previous motion was for the City Attorney to give an answer. Vincent said the motion was to table the item to allow the City Attorney to research and provide hopefully a resolution to the issues. Vincent said he met with the pastor and with various City staff members, and the matter before the Council is either to rezone the property to I-3 with the appropriate change in the Land Use Plan by resolution, or not, and there is no other resolution to the problem other than those actions.

Purcell asked what the next step would be if it is not rezoned. Vincent said an item would be returned to adopt a resolution to revoke the revocable permit for lack of obtaining the proper zoning. Purcell asked if it would not involve it being on the easement. Vincent said the revocable permit was based on obtaining the proper zoning which allowed him to have an aerial encroachment over the street right of way on Interstate Drive. Purcell asked what the next step would be if Council voted to revoke the revocable permit. Vincent said the sign owner would be required to tear the sign down.

MOVED by Devine, SECOND by Bass, to deny the resolution and ordinance. AYE: Purcell, Shanklin, Moeller, Bass, Devine, Baxter. NAY: Hanna. ABSTAIN: Haywood. MOTION CARRIED. (Purcell passed on initial roll call.)

24. Hold public hearings and adopt resolutions declaring structures at: 1306 SW B Avenue and 1013 SW Roosevelt Avenue, 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: Res. No. 01-137;

Res. No. 01-138.

Bass said he would like to make a motion to table 1306 SW B Avenue because Mr. Mata's father has been taking chemotherapy at the M.D. Anderson Cancer Clinic, and his mother is also sick. He said he knew this had been going on for a long time but that he would like to give Mata some time.

MOVED by Bass, SECOND by Hanna, to table 1306 SW B Avenue. AYE: Baxter, Bass, Hanna, Devine. NAY: Shanklin, Moeller, Haywood, Purcell. TIE VOTE, THE MAYOR VOTED YES, MOTION CARRIED.

Persons from the audience indicated they were present to speak regarding 1306 SW B Avenue. Mayor Powell explained no discussion could take place because the item was tabled.

MOVED by Baxter, SECOND by Purcell, to reconsider the motion to table on the last item. AYE: Moeller, Haywood, Baxter, Devine, Purcell, Shanklin. NAY: Bass, Hanna. MOTION CARRIED.

PUBLIC HEARING OPENED ON 1306 SW B AVENUE

John C. Painter said they were here as a group from the church and would like to do what they could to help clean that up, and they can at least mow the yards. He said it would look better if the lawn were mowed. Mayor Powell said the Council was talking about demolition and not about mowing lawns.

Lendon Riley said he bought the house adjoining on the west side of 1306 SW B Avenue 12 years ago, and noticed this property with five vacant rental units that were in bad shape, then a City condemnation certificate stapled on the front. He said he mowed the lawn twice and has been doing so for several years, but the units remain in the same condition, they are not livable. Riley said he bought his house for \$10,000 less due to these buildings. He said he was an appraiser for 14 years and knew that economic depreciation was due to the neighborhood; there is a good block except for this property which is right in the center.

Riley said the places are frequented by vagrants and there are drugs; police reports show a lot of calls made to this address and he had been awakened many times due to such incidents. Riley said he walked through the main house and the top plates have extensive termite damage so remodeling is beyond expense. He said he looked into buying the property and was told there was a \$57,000 balance and a second mortgage for \$10,000, and he would not buy it because the lot was the only thing of value. Riley said he lived next door for ten or eleven years and this property was one of the main reasons he moved, because it was unattended and nothing could be done about it and the property is five foot from his boundary. He said there could easily be a fire because the wood is rotten, and it is a danger to the church and the whole block because there are many trees in the area. Riley said no improvements have been made because it is beyond improving, it would be too costly to make it livable according to the city codes.

Mayor Powell asked if we are talking about all five of the structures and response was yes.

Roy Pennepacker said he was the Moderator of the Board of Trustees for the First Presbyterian Church. He said they are interested because they occupy the block between A and B Avenues on 13th Street, and this property is directly across the street from the church and it is time to clean it up. Pennepacker said he understood Mr. Mata may have personal circumstances, but 12 years is enough to indicate if you were going to do something about it that you would have already done so. He urged approval of the resolution and getting the place cleaned up.

Joe Andrews, 1215 B Avenue, said he lives one block away from this property, and in his block there are two more pieces of property in the same condition as this one, and they are all over town. He said in his block, Glen Hamilton, contractor, has tried to rebuild the neighborhood and is in the process of building a second new house and has totally reconditioned another, and unless Council can pass some permanent legislation that would help the contractors and the people who reside in the neighborhoods, there is no possibility of cleaning up the neighborhood or town.

Mayor Powell asked the addresses of the dilapidated properties. Andrews said 1207 B, which has a for rent sign in front of it and he called the number and was told it could not be rented because it had to have more work done; no one has resided in the house for over five years and he doubted it could ever be brought to code. Andrews said 1216 A has been locked up and vacant for ten years. Mayor Powell said those will be addressed by staff. Andrews said contractors need help rebuilding the properties; the Roadback facility was recently built and it is very nice.

Patrick Scott, 1312 B Avenue, said there have been recent occurrences where women have screamed in the night and they did not know what happened; the neighbor reported it but he did not hear it, but it becomes a sight, because it is unattended and unprotected and unmonitored and not lit, there will be activities that are detrimental to anyone wanting to live there. He said due to this, they do not feel it should be pushed off or put on a wait and see status.

Beverly Scott, 1312 B Avenue, said the May storm blew her fence down so she walked over to 1306 B and looked in one of the windows because not all of them are boarded up, people have been living in there, there is food in there, the smell was so bad by the window that she could not stand it, and it is filthy and nasty. Scott said they are children's ministers and they would like to be able to have children at their home and it is not a safe place.

PUBLIC HEARING CLOSED.

Purcell stressed the need to take action on condemnations and said he agreed with Shanklin's previous comments in this regard. Purcell asked if the person Bass mentioned was the owner or if he was representing the owner. Bass said the person who called him was the owner and there were health problems and that was why he told him he would try to table it and it was for no other reason.

Shanklin said this is in his ward, he should be able to comment on it before anyone else as a courtesy, and that he had toured the home with Mr. Riley. Shanklin said Art Mata is his friend, he coached him in Little League and football in 1964 and had taken him to OU football games and had told him something had to be done with this property. He said putting it off two weeks will not change this and if Mata wants to take this to District Court, he can do so and the judges can tell him what to do. He said these buildings cannot be repaired, there is not a foundation and he saw the termites.

MOVED by Shanklin, SECOND by Purcell, to adopt Resolution No. 137.

Devine said Bass told him that Meet the Needs wanted to tear down the structures but needed to get the property in their name before the City put a charge against it to be able to have it torn down. Bass agreed. Devine said that was the reason he agreed to table if an agreement could be worked out that they would tear the building down as soon as they could get it in their name, and if they will not, he would agree to tear the buildings down instantly. Shanklin said Mata will have two weeks to make his decision as to what he wants to do; there is ample time to talk to Meet the Needs.

Moeller asked if Council approves this, will Mata have time to transfer the deed to Meet the Needs. Vincent said the resolution can be amended to allow a longer period of time, but if they transferred the property tomorrow, they would have 14 days to tear it down or the City would be able to come in.

Mr. Riley said the owner did not comply 12 years ago and the property is beyond repair. He said the property belonged to Mata's client who is in the penitentiary, if he is still alive, and he took the property as payment for his legal services, and it is an unending process and can go on another 12 years if you have to wait for a deed to be done.

Purcell said it might be better to tear it down because if Meet the Needs get it, they would have to pay to tear it down. Vincent said he thought Mata donating it to Meet the Needs may be a tax deal, but if the City condemns it, there is a 50% reduction in the landfill fees so Meet the Needs might be better off if the condemnation was done. Devine called for a vote to be taken on the motion.

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

(Title) Resolution No. 01-137

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. (1306 SW B Avenue; Butler Addition, Block 9, Lots 4-7, Comanche County, Lawton, Oklahoma)

PUBLIC HEARING OPENED ON 1013 SW ROOSEVELT.

Mayor Powell said Council had been given the history on this property and a lengthy list of items was provided showing work that needed to be done.

James Stewart, 627 SW Sedalia Place, said he hoped that he and the City building officials had reached an accord, and the list he was provided contains mostly little bitty items that need to be taken care of. He said the structure of the building is as strong or stronger than many of the houses along that area running west from 11th Street back east. It has a hardwood floor, the walls and ceiling are sound, some light fixtures and plugs need to be fixed. An old barbecue pit shelter is hanging and needs to be torn down, but it is in the back portion of the building and cannot be seen from the front. He said he agreed it needs a roof and the windows need to be put back in. Stewart said he does business here and asked that Council separate this building from the unoccupied, dilapidated buildings left for rats and dope people to enter; this is not the same type of setting. He said he occupies the building on 11th and Roosevelt under the legal land use and proper zoning, and he builds dog houses, flower bins, flower boxes, trash can bins, and several other things; it is a C-5 zoning and he occupies it and does business there.

Stewart said he had been a minister for 46 years and had done many things to help this City, and Council did not want to tear down his livelihood building. He said he was not trying to be racial and was a Christian man and the only black man who owned a business piece of property and doing business in his own building with his own property from the beginning of this City on 11th Street to Fort Sill, and asked if there could be an ulterior motive where someone wanted to remove him from there and was not saying it was so but he does business there.

Stewart said he admitted to Council last week that he needed to do something about his building. He said he had a tumor taken out of his neck and year and a half ago that incapacitated him and he intended to fix the building up before then, and before having the tumor removed, he had the tumor aggravation before that. Stewart said Christmas three years ago thieves stole \$2,000 worth of his belongings and equipment.

Mayor Powell asked Mr. Stewart's intention as far as this property. Stewart said he promised previously and would stick with it that he would fix the building up if he was given 90 days and he would make it beautiful and take the old lumber out of his yard that he uses for revamping things and move it to another location; take some of the finished products he has built and set them behind the fence and fix up the building and he was willing and ready to do it.

Baker asked that Dan Tucker, Building Development Director, be allowed to speak.

PUBLIC HEARING CLOSED.

Tucker said one inspector from Building Development and one from Neighborhood Services went through the building with Mr. Stewart last Friday; they developed the list and gave it to Mr. Stewart and there has been no objection on Mr. Stewart's part that he knew of to any of the items. He said some of them, while being brief in their statement, may be long in the work, such as repair and upgrade of electrical circuits and equipment. Tucker said the building has been used for both residential and now commercial purposes so the electrical systems would have to be looked at to determine if they were in a hazardous condition. He said in the garage building in the past there was a garage apartment upstairs and the things that could make it a residence would have to be removed and the building disconnected from the public water and sewer. Tucker said all of these things are possible; it is an extensive list, and saying that the exterior must be free of holes and rotted wood and openings, there is a lot there that would be tasked to do.

Purcell pointed out that he, Tucker, Carol Green and another member looked at dilapidated houses over three years ago, and this was one of them and efforts were made to have it demolished then and it has been delayed for whatever reason. He said it has been so long that he could not see letting it go further.

Devine asked if Tucker had any estimates as to what it could cost to bring this structure within city codes. Tucker said no, many of the conditions may not be discovered until some of the sheet rock is removed. Tucker said Mr. Stewart tapped on it for them and it appeared to be sound, but they do not have information beyond that and had not tried to put a dollar amount to it. Shanklin asked if Tucker could make an educated guess. Tucker said it would be a lot of money in his opinion. Shanklin asked if it would be \$30,000. Tucker said he would not want to put a dollar amount on it. Devine asked if there was an ordinance or code that it cannot be more than a certain percentage of the structure. Tucker said yes, if the cost to repair and upgrade the structure would exceed 50% of the value of the property as it sits now, not when it is done but as it sits now, then it is automatically considered unreasonable to repair and it has to come down. Devine asked if staff normally tries to make those judgments before bringing them to Council. Tucker said they had not been in the evaluation business for over a year, and they were tasked to provide assistance to Stewart in determining what would be required and no cost per square foot was determined.

Stewart said nobody has ever in the existence of their discussion given him any list and told him these things need to be done; nobody has ever talked with him about tearing his building down. He said they talked about what they called trash and debris around it, and that was the big question about four years ago but there has been nothing said to him about tearing his building down. Stewart said he was 100% ready and willing to fix his property up and make it look good along 11th Street.

Haywood asked Stewart if he was requesting 90 days to fix it up and Stewart said yes.

Baxter said he was concerned about Devine's comment reference the 50% of the property value as it is now. He asked Stewart how much money he thought it would take to fix the building up as far as everything on the list, and Stewart confirmed he had the list. Stewart said Mr. Cruz and the other representative realized there was no structural tear in his building, and they wrote down a lot of little bitty items, and \$5,000 can fix the whole thing. Stewart said he would do the work himself.

Angie Alltizer, Neighborhood Services Director, said in October 2000 there was an inspection of Stewart's property as a dilapidated and dangerous structure; at that time they were not allowed to inspect the interior of the structure but Leon Williams, Many Cruz and herself visited the property and from what they could tell from the outside,

there were definite areas that needed repair and they provided a list of those items to Mr. Stewart. She said since that time, none of this has really been accomplished although he has made some progress in cleaning up the junk and debris in the back storage area and he did get water in November. She said other than that, even in the last few weeks, no progress has been made.

Tucker said on the \$5,000 covering all of the work, item e which simply says "re-deck and re-shingle roof"; the garage and house were originally wooden shake shingles on spaced members which were covered with composition shingles and to get that to code, all of that will have to be removed and if the rafters are sound, it will have to re-decked and then shingled on top of that, and \$5,000 is just not a reasonable value. He said the code says if a property is considered dilapidated by Council and the remodel, repair is not done within 90 days, then the permit automatically expires.

Devine said this building would be commercial if it is used to build dog houses, and to repair and upgrade the electrical, it must be to commercial standards. Tucker agreed and said this includes a saw mill operation and construction, and there would have to be some type of vacuum collection system. Devine said we are looking at several thousands of dollars and Tucker said he would think that would be true.

PUBLIC HEARING CLOSED.

MOVED by Purcell, SECOND by Baxter, to approve Resolution No. 01-138 and declare 1013 SW Roosevelt Avenue dilapidated and dangerous.

Shanklin said that he and Stewart together could not bring this together for \$5,000. Stewart said that Shanklin did not know that and Shanklin disagreed. Stewart said he would do the work himself. Shanklin said even if he helped Stewart they could not do it. Stewart said if he needed to spend more, he would do so. Shanklin said he thought they were saving Stewart the heartache of getting a building permit and giving him 90 days to spend his money, and he was not going to get there. Shanklin said if he thought he could do so, he would support it, but did not feel it could be done. Stewart asked that Council not tear down his little building.

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

(Title) Resolution No. 01-138

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. (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)

BUSINESS ITEMS:

25. Hold a public hearing and consider authorizing acceptance of the 2001 Department of Justice Block Grant. Exhibits: List of items.

Bill Adamson, Police Chief, said this is another of the law enforcement block grants that the department applies for and Council approves the application; we were approved in the sum of \$107,000 with a match of almost \$12,000 which was included in the department budget previously. He requested approval to accept the grant and noted a public hearing was required.

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

MOVED by Purcell, SECOND by Haywood, to approve and authorize acceptance of the grant and authorize the Mayor to sign the necessary papers. AYE: Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

26. Consider an ordinance amending Chapter 7, Section 7-8-2-813, to add concession booths and Section 7-8-2-822, to add circuses conducted by non-profit organizations to said section, and declaring an emergency, and adopt a resolution amending the Schedule of Fees and Charges to include circuses conducted by non-profit organizations. Exhibits: Ordinance No. 01-29; Resolution No. 01-139.

Purcell said several years ago, civic clubs were sponsoring carnivals; the City was charging \$250 per day and an ordinance was passed at that time to make it \$5 per day because all of the civic organizations and schools were putting the money back into the community. He said there is a circus coming to town sponsored by a civic organization, but circus has a different definition from carnival so he was requesting that it be corrected to show that a civic organization, school, non-profit organization and like entities can get a permit from the City for a circus, as well as a carnival, for \$5 per day.

MOVED by Purcell, SECOND by Shanklin, to approve Ordinance 01-29, waive reading of the ordinance, read the title only, and declare an emergency, and adopt Resolution 01-139.

(Title read aloud) Ordinance No. 01-29

An ordinance amending Chapter 7, Section 7-8-2-813 to add concession booth and Section 7-8-2-822 to add circuses and other events conducted by non-profit organizations to said section; and declaring an emergency.

(Title) Resolution No. 01-139

A resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, by adding and deleting fees relating to circuses, carnivals and amusement rides.

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

27. Consider adopting an ordinance notifying the public of the publication of Supplement No. 6 to the Lawton City Code, 1995, and declaring an emergency. Exhibit: Ordinance 01-30.

Vincent said State Statute requires codification of ordinances, and it is usually done twice a year. He said Supplement No. 6 will bring the City Code current through yesterday. The fee for sale of Supplement No. 6 will be \$25.

MOVED by Devine, SECOND by Moeller, to approve Ordinance No. 01-30, waive the reading, and declare an emergency.

(Title read aloud) Ordinance No. 01-30

An ordinance approving Supplement No. 6 to the Lawton City Code, 1995, directing filing and notification of the publication of Supplement No. 6 to the Lawton City Code, 1995, and establishing a fee for the sale of Supplement No. 6, and declaring an emergency.

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

28. Consider approving an agreement with Leadership Lawton for the construction of a pavilion at Greer Park in the vicinity of the Kid's Zone playground. Exhibits: Sketch.

Gary Salva, Parks & Recreation Director, said the pavilion will be an enhancement to the park and will be used by families and schools, and will be an improvement of the tennis courts as tournaments are held.

Hanna asked if this would have to be scheduled through Parks & Recreation or if it would be open for use. Salva said as it stands now, this pavilion is totally open to the public and reservations will not be taken. Hanna said he agreed it would be good to have the pavilion but felt the reservations may be needed because several persons may want to use it at the same time.

Devine said it was his understanding that Greer Park could not be used to make a profit of any kind whatsoever, and it must be clear that the pavilion cannot be used for tennis tournaments unless it was non-profit. Salva said his reference to the tennis tournaments was for City sponsored tennis tournaments, and the pavilion could accommodate the crowd. Devine said when they were trying to get the Kid's Zone project done, it was made clear that if anything were done for a profit that they automatically got the property back, to include every improvement that has been made on it. Mayor Powell asked how this would generate a profit. Devine said if a tennis club wanted to have a tournament and charged an entry fee or sell anything for a profit, it could be that; if they want the pavilion to put on tennis tournaments, if we are not careful or do something wrong, we could lose the whole park and all of the improvements that have been made to it. Vincent agreed and said on the tennis tournaments, we received a letter from Chris Meyers on behalf of the Greer family authorizing the City and Cameron University to hold tennis tournaments at Greer Park, but only those two entities.

Moeller asked when the sign will go back up. Salva said the sign is being restored and will be placed closer to the street and entrance. Mayor Powell said signs are needed showing where you can cross and where you cannot cross.

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

29. Discuss the City's policy on high speed pursuit by police officers. Exhibits: None.

Shanklin said Vincent has the policy to hand out and he understood it was taken from the State Statutes and had been approved by Judge Russell. He said there was a recent accident and Council was not told about it until later, so afterward he went to the City yard and saw nine totaled police vehicles, that multiplied by \$35,000 each would be worth \$270,000 in property that had been destroyed. Shanklin said if the pursuit policy is getting us into this,

then we need to look at it, we cannot afford to have a pursuit and run into a van with a family of five kids and annihilate them. He said the Council and the taxpayers should be privy to know when we have lost a \$30,000 vehicle, or nine of them, and he and the taxpayers would like to know what, why, when, how and where. Shanklin said Council was entitled to know, and not be told they cannot know because if they did then the criminal element would know, and he disagreed with that. He said he wanted to table this while Council has a chance to study the policy and wait to hear when the police department responds to Baker's question, and he read what the police chief said but there is an on-going investigation and they need to wait for that. Shanklin said there are 35 police cars in the bay.

MOVED by Shanklin, SECOND by Baxter, to table this until we get the final report as to what, why, when and where of the accident on August 24. AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

30. Discuss and provide direction to staff regarding building security and receptionist/switchboard operator at City Hall. Exhibits: None.

Mayor Powell said Councilmembers Devine and Hanna had requested this item.

Devine said Mrs. Maples and he had talked at great length about City Hall building security, that everyone can walk into City Hall and go anywhere within the building without answering to anyone; they can come and go as they please. He said if a person came in who was mad at an employee, they could pretty much do what they wanted, although there are a couple of emergency switches. Devine said the Mayor and City Manager's secretary answers and transfers a tremendous amount of calls because people call the Mayor's office thinking that is where they should get general information. He said there could be a receptionist at the front door where the volunteers are, and they do a beautiful job, to answer a switchboard and direct calls and visitors. He said the Mayor's secretary spends about 60% of her time answering phones and transferring calls to other departments and she is totally overloaded, then it bleeds over into the City Manager and Assistant City Manager answering calls that do not pertain to them. Devine said he was not wanting Council to decide to do this tonight, but thought it should be looked at, especially after what happened today at four different locations throughout the United States.

Hanna said he has found people at the front entrance who needed direction, and a knowledgeable switchboard operator could direct people and calls and provide information, such as the elk hunt applications. He said people have come in City Hall and threatened the staff; just last week a person was talking to an inspector and punching his finger in the inspector's chest and his question was if anyone called the police to have the man arrested for assault. Hanna said this would also help the security of the building; people have every right to receive assistance, but many come in and just wander the halls, and in the past, indigent people came in to use the restroom, wash up, almost take a shower, leave a mess and walk out, and this can be stopped.

Baxter asked how many offices have panic buttons. Baker said he knew of two or three. Baxter asked if other offices might need one. Baker said at times most of the offices could use one and obviously there is very little security at City Hall; we try to be as open as possible to the citizens, but after what occurred today, this should be looked at. Baker said he could look at the cost involved and bring back some options and costs; personnel could possibly be redirected and none added. Hanna said there could be a switchboard with an intercom type line to the front desk of the police department. Devine asked that Baker look at it and bring something back to the Council.

Shanklin said he had a problem with it and asked if all of the doors would be closed but one, and how is a woman going to answer the phone and will she challenge everyone who comes in the door and tell them where something is or tell them to get back out; how will she curb any violence if someone had that in his mind. Devine said it needed to be looked into and she would not be there to be a bouncer, but she could give general information if someone came in and asked for directions.

Shanklin asked if this would eliminate any jobs because each department has a secretary. Mayor Powell said it is to allow for appropriate utilization of the professional secretary, and let the Assistant City Manager not be a glorified secretary and a high dollar one at that to answer the phone when the secretary may be busy and tied up on that phone, or Mr. Baker doing the same thing, so it is better utilization of the people that we already have in place and he could not see anybody losing their jobs whatsoever. He said at the Lawton Public Schools, the first thing you see is a switchboard where people ask to talk to a person or department, and the caller is transferred there. Shanklin said he had no problem with that but if the doors are going to be locked down, there will be a lot of flack and that is not user friendly.

Haywood asked what we would do about the senior citizens who volunteer. Purcell suggested they stay there and help out. Mayor Powell said we are not eliminating anyone, and it is better utilization of the people we have right now and to let them do the jobs they were hired to do.

Purcell said it was his understanding that if a person called the Mayor or City Manager that the call would automatically go to that switchboard; they would not get every call for everyone in City Hall, and the direct

numbers would still be available, so that person would really be just getting all the phone calls that would normally come in to the Mayor and City Manager's office. Devine said yes, since many of them are looking for other offices. Purcell said if someone is deliberately calling in for Public Works, it would not go through that switchboard and they can call directly. Mayor Powell said they could give guidance to tell them how to get there.

Mayor Powell asked that the City Manager accept the challenge.

31. Consider directing staff to prepare a proposed contract amendment with the Oklahoma Capitol Complex and Centennial Commemoration Commission in support of the National Army Museum of the Southwest. Exhibits: Letter from the Commission.

MOVED by Shanklin, SECOND by Hanna, to direct staff to develop a proposed contract amendment with the Oklahoma Capitol Complex and Centennial Commemoration Commission in support of the National Army Museum of the Southwest. AYE: Moeller, Haywood, Baxter, Bass, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED. (Moeller passed on initial roll call.)

ADDENDUM: Consider authorizing response to Town of Medicine Park's requests associated with the City of Lawton's Water Treatment Plant Project. Exhibits: Letter from Mayor to Medicine Park dated September 12, 2001; Letter from Medicine Park dated 9/8/01; Letter from City Manager to Medicine Park dated 9/4/01; Memorandum from City Manager dated 8/30/01; Letter from City Manager to Medicine Park dated 8/22/01; Letter from Medicine Park dated 8/15/01.

Baker said the proposed letter will be a formal response to Medicine Park addressing the five issues they raised in cooperation with the Water Treatment Plant Project; some responses are direct yes or no and some are to consider negotiating. He said he and Councilman Shanklin had attended at least two meetings of the Medicine Park Planning Commission and Medicine Park's cooperation is needed in our project. Baker said the Council will consider awarding a multi-million dollar construction contract before September 21, 2001, and if that is done, assurance is needed that the contractor will be able to get a building permit. Medicine Park has indicated they will be very cooperative and do what is necessary to make the project happen in a timely manner, but they are asking for some concessions.

Mayor Powell encouraged passage of the item to allow him to sign the letter. He said Baker met with Mayor Hennessee at Medicine Park, it was very cordial and a good meeting.

MOVED by Shanklin, SECOND by Devine, to authorize the Mayor to sign the letter. AYE: Haywood, Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

LTC Puckett said because of today's events worldwide, the Department of Defense has raised the threat condition to the highest of the four levels, and all U.S. installations respond in a manner similar to what is going on at Fort Sill. All gates, except for Sheridan Road, Fort Sill Boulevard and Key Gate, have been closed and will remain so until the threat condition is lowered. The gates that are open will be manned by soldiers, all vehicles will be stopped; it is similar to what was going to go into effect on 1 October anyway, and unless you have essential or legitimate business on Fort Sill, the general public is asked not to try to enter Fort Sill until further notice.

LTC Puckett said a few events have been either cancelled or postponed, such as the retiree open house, which is a big event for Fort Sill and retirees because there is free medical screening available. The Lawton Fort Sill Coop buffalo burger cook out this weekend has been cancelled, as well as some activities to support disabled veterans. The training and schools will continue as normal; tomorrow will have reduced manning at Fort Sill; only mission essential people will report and arrival times will be staggered due to an anticipated traffic back up at the gates. This will go day by day and hopefully over the next 48 hours and once they see around the United States and around the world what happens, hopefully they will go to a more relaxed threat condition but it will not go back to normal immediately and they will scale back down through the different levels. The commissary, post exchange, hospital, and critical functions on Fort Sill will continue as previously scheduled, but the access to post will be a little more difficult.

LTC Puckett said questions should be directed to the Public Affairs Office listed in the Lawton phone book for the most up to date information about Fort Sill, as well as other installations. The Red Cross should be contacted for information as far as finding out the status of friends or relatives at the Pentagon.

Baxter encouraged attendance at the International Festival on September 28, 29 and 30 at the Library Plaza. He also encouraged people to vote later this month on an important issue, and whether you are for it or against it, you need to vote. Mayor Powell said that election date is September 25.

Shanklin said he thought Vincent had written that the City of Lawton was not liable for medical bills as a result of a

City jail inmate being taken to the hospital. Vincent said that was correct; three different letters were sent to the Hospital Authority citing the State Statute. Shanklin asked if that applied to the County also. Vincent said the County has a different situation.

Shanklin said Council saw a letter from Chief Barrington where there was a vehicle accident on the weekend, and this was to him on Monday stating where it was and the amount of the accident itself. He said we are entitled to know when vehicles are torn up and not find out through the back door.

Shanklin asked if Baker had decided anything on how we will help clean up Lawton. Baker said Council has been asking him to get out of his office for a long time and he had a visit from one member saying get out and inspect your city, and he had started that and would do so on a weekly basis. Baker said he went out for one hour and found almost three pages of problems, looking at private and city property, and he is transmitting the information to the appropriate departments to follow up and he was afraid they would not be able to keep up. Baker said many are not taking care of their properties and in some cases, the City of Lawton needs to do a better job; there are ideas from some of the departments on things we can do.

Shanklin said the City will have to set an example if we are going to clean up the City. Shanklin said he wanted Council to be told where the drainage crews are working on a weekly basis, where they have worked and where they are going to be; at 21st and F where Squaw Creek dumps in behind the City Barn and goes by the school grounds, that is a dam that is as bad as the one that was under the railroad tracks on Cameron property. He said when we mow a median, grass should not be thrown out three or four feet, we have grass growing over the sidewalk and into the gutter, and running a disc around it and leaving it there is not setting a good example. Shanklin said the TV station will run a picture of a business that is manicured, and then show one, not the name of the individual, but show the weeds in the cracks and the grass around the sign posts. Shanklin said he will mow Second and C himself because he was tired of looking at it. Shanklin said we can call it Lawton Pride or do something, and we have a long way to go to stop looking like a third world country.

Shanklin said Chief Ben Lehw of DOC has his crew out on a daily basis, and LT Steve Williams is running that and working in our rights of way, alleys, easements, and we need to commend those people and let them know we appreciate it, and we should know exactly where they have been. He said DOC has the labor, we have given the equipment, and they are appreciated.

Shanklin asked when we will have the report on police enforcement at the lake that was due September 1 as to any different suggestions. Baker said he had received the report from Mr. Salva but he had to get back with him and the police chief, and he had intended for it to be a joint report.

Purcell reminded all those who could to give blood and to volunteer at the blood bank.

Hanna said our hearts and prayers go out to all of the people involved in the incidents of the day and it is a time for us all to work together.

Baker said in response to today's events in the nation, the City is not curtailing any events or activities; we have increased our state of readiness, we have increased security at some key facilities, and all of the departments are on stand by so we can react very quickly if we need to. He said the Airport is closed, there are no flights, and they are waiting for FAA direction as to when flights can resume.

Vincent said he would be attending the OML-MESO Conference for the next three days. Tomorrow Vincent will speak on rural water issues facing municipalities, and Thursday he will speak to the Oklahoma Association of Municipal Attorneys on Public Employee Relations Board issues.

Smith said we need to support Fort Sill as much as we possibly can and all of the soldiers and those in command. Mayor Powell said the General knows we are ready, willing and able to assist, and we will stay in contact with them.

Mayor Powell said he made the statement that he would do something to help clean up Lawton, and he has mowed 120 yards of the City median in front of Pappy's Corner, including edging and did not put that in the street, and if he can do that, others can as well. He said he received a complaint about a park, certain individuals went out to check it and found it was worse than reported, and it is now corrected.

BUSINESS ITEMS:

32. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled International Association of Firefighters, Local 1882, v. The County Election Board for Comanche County, Oklahoma and City of Lawton, Case No. 94,530, in the Supreme Court of the State of Oklahoma, and if necessary, take appropriate action in open session. Exhibits: None.

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

The Mayor and Council convened in executive session at approximately 8:25 p.m. and reconvened in regular, open session at approximately 8:40 p.m. with roll call reflecting all members present.

Vincent reported pursuant to Section 307B.4, Title 25, Oklahoma Statutes, we convened in executive session to discuss the case styled International Association of Firefighters, Local 1882, v. The County Election Board for Comanche County, Oklahoma and City of Lawton, Case No. 94,530, in the Supreme Court of the State of Oklahoma. He said we discussed the recently-received Court of Appeals decision; City Attorney's Office recommends a motion authorizing the City Attorney's Office to file an application for certiorari and have the Oklahoma Supreme Court continue the hearings on this case.

MOVED by Hanna, SECOND by Haywood, to send it to the Supreme Court.

Shanklin said he would offer a substitute motion to get this behind us and it will cost between \$280,000 and \$300,000. He said we have never won a Supreme Court decision yet and Vincent disagreed. Shanklin said we should not continue this fight.

SUBSTITUTE MOTION by Shanklin, SECOND by Baxter, that we pay them and get on with it.

Mayor Powell said there is a substitute motion on the floor to pay that amount that would be figured, that is an unknown figure at this time.

Purcell asked if the amount would go on the ad valorem tax rolls or if it would come out of this year's budget of where we would get the money. Vincent said this year's budget cannot be used to pay this judgment, if it comes to that, and in his opinion, another lawsuit would be required to place it on the sinking fund to go against the ad valorem taxes. Shanklin asked if it goes on ad valorem; Vincent said yes.

VOTE ON SUBSTITUTE MOTION: AYE: Devine, Shanklin, Baxter, Bass. NAY: Hanna, Purcell, Moeller, Haywood. TIE VOTE, MAYOR VOTED YES, SUBSTITUTE MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 8:45 p.m. upon motion, second and roll call vote.