

Meeting of 2001-9-25 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
SEPTEMBER 25, 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
 COL George Steuber, Ft. Sill Liaison Rep.

The meeting was called to order at 6:18 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: None.

CONSENT AGENDA :

The following items were requested to be considered separately: Consent Agenda Addendum - Item 3; Regular Consent Agenda - Items 1, 7, 9, 10, 16 and 17.

MOVED by Baxter, SECOND by Haywood, to approve the Consent Agenda Items and Consent Addendum Items as listed, with the exception of those requested for separate consideration. AYE: Haywood, Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: Rolando and Elisabeth Branly; Marcus and Tina Johnson; JoAnn Stewart; and Southwestern Bell Telephone Company. Exhibits: Legal Opinions/Recommendations.

Shanklin said regarding the Branly claim, the opinion states that the sewer line does not have adequate slope, was connected to the main without a riser, and there have been three backups. He said the house was built in 1937 and asked if the City had reconstructed the main to cause a lack of slope. Vincent said the camera of the service line showed dips and valleys, and the Branly's letter said they did not plan to pursue further legal action. Shanklin said the problem would likely continue unless proper repairs are made and Vincent said repairs can be made by the owners to their service line.

MOVED by Shanklin, SECOND by Haywood, to deny the claims listed in Item 1. AYE: Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

2. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Clifton and Margaret Henderson; Bob and Helen Houser; Mary L. Kuehn; and Robert and Sarah Otero. Exhibits: Legal Opinions/Recommendations. (Resolution No. 01-140 on file in City Clerk's Office) Action: Approval of claims. Henderson - \$45.00; Houser - \$122.00; Kuehn - \$91.84

(Title) Resolution No. 01-140

A resolution authorizing and directing the City Attorney to assist Robert and Sarah Otero 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 Eight Thousand Six Hundred Sixty Three Dollars and 57/100 (\$8,663.57).

3. Consider approving an agreement for assistance in the City Attorney's Office resulting from the events of September 11, 2001. Exhibits: None. Action: Approve agreement with Felix Cruz to provide assistance and guidance in the City Attorney's Office.

4. Consider approving a First Amendment to Agreement between the City of Lawton and the Board of Education of Independent School District No. 8, and authorize the Mayor and City Clerk to execute the document. Exhibits: First Amendment to Agreement. Action: Approve amendment to agreement regarding materials delivered to the landfill.

5. Consider approving a revocable permit for the placement of a grease trap in the alley behind the Wildcat Cafe located at 2012 West Gore Boulevard. Exhibits: Application; Location Map; Revocable Permit. Action: Approval.

6. Consider authorizing the Mayor to execute the recertification application for the Community Rating system of the National Flood Insurance Program. Exhibits: Annual Progress Report. Action: Approval.

7. Consider approval of a resolution to establish the Project Impact Steering Committee to create, implement, and monitor the FEMA's Project Impact Program. Exhibits: List of Mayor's Project Impact Task Force Members; Organizational Flow Chart; Resolution No. 01-141.

Moeller said the information shows the appointments for a two-year term. She asked if this would be a committee that would continue for longer than two years and the Mayor responded that it would be a permanent committee.

MOVED by Moeller, SECOND by Bass, to approve Resolution No. 01-141. AYE: Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

(Title) Resolution No. 01-141

A resolution establishing the Project Impact Steering Committee.

8. Consider adopting a street light resolution to authorize the installation of an additional street light at 1215 SW 25th Place. Exhibits: Street Light Resolution No. 417. Action: Approval.

9. Consider approving plans and specifications for the construction of East Side Community Park Project #2000-19 and authorizing staff to advertise for bids. Exhibits: None.

Shanklin asked what percent of the \$1.5 million estimate would be for dirt work. Gary Salva, Parks & Recreation Director, said the estimate a couple of months ago was \$300,000 for dirt work.

MOVED by Shanklin, SECOND by Haywood, to approve Item 9. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

10. Consider awarding a construction contract to T & G Construction, Inc. for the SW Crystal Hills Drive & 75th Street Reconstruction Project #2001-8. Exhibits: Bid Tabulation.

Purcell said the low bidder has been assessed liquidated damages for projects in the past. He asked if time is of the essence in this instance and if Council should take that into consideration. Jerry Ihler, Public Works Director, said time is not critical in this but the citizens in the area should not be inconvenienced for a great period of time either. Ihler said the construction sequence was broken into smaller segments to lessen inconvenience for area residents, and he did not feel the time would be a super-critical item but the contractor should be encouraged to finish or face liquidated damages again.

Baxter asked if the engineer believes it costs more to lay asphalt than it does to lay concrete. Ihler said he had the same question, and the asphalt section requires seven more inches of rock than would be required with the concrete section because of the difference in strength between asphalt and concrete.

Moeller asked if she could be notified when they are ready to start work. Ihler said they would do so, as well as sending notices to the residents in the area.

Shanklin said T & G is a local company and they do not want to be late on the project, and everyone would know when they were going to start because their equipment will be out there. He said the engineer's estimate on the alternate one base bid was 20% higher than the bid, and Council just agreed to a contract for \$34 million where the

engineer's estimate was 15% lower than the bid. Shanklin said the engineer's estimates are only an educated guess, and he reviewed the individual bids versus the estimates.

MOVED by Shanklin, SECOND by Moeller, to award the contract as shown in the amount of \$399,750.00. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

11. Consider accepting the LPD Storage Building Project #2001-4 as constructed by Kent Waller Construction Co. and placing the maintenance bond into effect. Exhibits: None. Action: Approval.

12. Consider accepting Lake Ellsworth Dam/Spillway Project #2000-21 as constructed by Winter's Contracting and placing the maintenance bond into effect. Exhibits: None. Action: Approval.

13. Consider authorizing the Mayor to execute a deed restriction pertaining to the Meadowbrook Creek Flood Control Project with the Corps of Engineers. Exhibits: None. Action: Approval regarding two acre site in McMahon Park for environmental/wildlife mitigation plan.

14. Consideration and approval of a grant agreement for the Lawton Fort Sill Regional Airport. Exhibits: None. (Grant Application on file in City Clerk's Office) Action: Approval; grant amount \$1,407,600 for installation of ten foot barbed wire perimeter fence and gates and construct perimeter road, remark holdlines and runway threshold.

15. Consider approving contracts for Centennial Celebration production of Oklahoma Opening, the original musical written by Dr. James Brock. Exhibits: None. Action: Approve contracts with Tom Layton and Chris Bayne, \$500 each.

16. Consider awarding contract for Storm Debris Grinding. Exhibits: Recommendation; Bid Abstract. Action: Award contract to Thelin Recycling Company LLC.

Shanklin said the City bought a grinder and asked why it was not being used for this work. Ihler said of this \$90,000 cost, the City will receive \$82,300 reimbursement from FEMA, so the City's cost would be about \$7,000 and that was paid through the expense of picking up and collecting the debris. Ihler said rather than tearing up the new grinder, because this will be extensive for a couple of months, we would be better off using this funding to pay for the grinding of the debris and for hauling it off. Shanklin asked if FEMA would not give us that money if we did not put it out for bid. Ihler said absolutely not.

Mayor Powell said he thought the debris was going to be burned. Baker said that had been considered as an option but this will be cleaner for the environment, and the City has already met its local share so the remainder is all being paid from FEMA. Mayor Powell asked who would pay for the labor involved. Ihler said it is all included in this contract and City employees would not do the work and the City's grinder would not be used.

Shanklin asked if any of this could be used by the citizens for firewood. Ihler said it would not make enough of a dent in the debris, there is over 4,400 tons out there.

Baker asked that the award be made contingent upon the funding being available before the Mayor signs the contract; funds are expected from FEMA any day.

MOVED by Shanklin, SECOND by Haywood, to approve Item 16 and that the contract not be awarded until the funds are on hand. AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

17. Consider awarding contract for Accidental Death Insurance. Exhibits: Recommendation; Bid Abstract.

Moeller said this shows accidental death insurance for fire and police. She said many employees in Public Works deal with dangerous situations also and asked if that should be considered. Baker said there have been serious accidents over the years, and historically the City has not elected to provide this benefit to general employees. Baker said the City does incur expense related to health situations and there is workers' comp and employees are also allowed to be off the job for extended periods of time, but this insurance is a benefit the City has not extended to other than police and fire. Moeller asked if that should be looked at to see if it could be extended to general employees also. Baker said they could look at the cost and ask the EAC to discuss it.

Devine said he felt every employee is just as valuable as the next, whether it was police, fire, sanitation, water treatment, and they should have the same coverage and benefits, rather than having the Council pick and choose who should get more coverage.

MOVED by Devine, SECOND by Moeller, to table this to find out more information as discussed. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

18. Consider awarding contract for Property Insurance. Exhibits: Recommendation; Bid Abstract. Action: Award

contract to Towe, Hester & Erwin LLC.

19. Consider approval of appointments to boards and commissions. Exhibits: Memo. Parks & Recreation Commission: Mike Strawn, Ward 6, Term: 9/24/01 to 9/24/03

20. Consider approval of payroll for the period of September 17 to 30, 2001. Exhibits: None.

21. Consider approval of Minutes of Lawton City Council Meeting of September 11, 2001.

ADDENDUM CONSENT ITEMS:

1. Consider the following damage claim recommended for denial: Crystal Rollins. Exhibits: Legal Opinion/Recommendation. Action: Denial of claims.

2. Consider a subordination agreement to a contract between the City of Lawton (Lender) and Wanda A. Seelig, a single person (Borrower), to subordinate the City's mortgage on her property at 3809 NW Ferris and take other appropriate action. Exhibits: Letter of Request. Action: Approve.

3. Consider a subordination agreement between the City of Lawton (Lender) and Yvette M. Chenault, a single person (Borrower), to subordinate the City's mortgage on her property at 4614 SW Beta or take other appropriate action. Exhibits: Letter of Request.

Vincent said the agenda item title did not mention a resolution which is shown in the recommendation. He said we continue to recommend disapproval of the request for subordination, but request approval to allow the homeowner to attach a second mortgage to the property.

MOVED by Devine, SECOND by Moeller, to deny the request for subordination agreement but allow, by minute action, a second mortgage on the property to the homeowner.

Haywood asked if that was what was shown in the packet. Vincent said no, the recommended action was to disapprove the request to subordinate but pass a resolution to allow the homeowner to attach a second mortgage to the property. Vincent said we did not advertise for the resolution so it would be done by minute action instead of resolution.

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

4. Consider ratifying the action of the Lawton Water Authority to approve the Lease Agreements between the City of Lawton Water Authority and the Town of Medicine Park Public Works Authority, in regard to the Water Treatment Plant Expansion Project. Exhibits: None. (See LWA Agenda) Action: Approve as shown in Water Authority minutes.

5. Consider ratifying the action of the Lawton Water Authority approving the Letter of Agreement between the City of Lawton and the Town of Medicine Park, Oklahoma, in regard to the Water Treatment Plant Expansion Project. Exhibits: None. (See LWA Agenda) Action: Approve as shown in Water Authority minutes.

6. Consider authorizing the Lawton Metropolitan Area Planning Commission (LMAPC) acting as the Metropolitan Planning Organization (MPO) for transportation planning grants and activities to apply for Congestion Mitigation Air Quality (CMAQ) funds to continue the air quality campaign. Exhibits: Budget. Action: Approve.

UNFINISHED BUSINESS:

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

Shanklin said this was tabled to allow for study on the policy, and Council had received a copy. He said the problem he had was what type of misdemeanor could cause such an action, and in this case it resulted in the demolishing of two police vehicles, then we do not find out about it for four or five days. Shanklin said he had been to the City barn, as had other members, and there are seven or eight others down there that he did not know anything about, and the City Manager was going to find out how those happened and when. He said he wanted the Council to be told when vehicles are lost, and they cost money and Council is privy to knowing it and it is part of their job to be made knowledgeable of these types of events.

Baker said he agreed Council should be aware of these type of incidents and he thought they would be in the future. He said he tried to keep Council informed about most everything that comes into his office, and it was a few days before Council found out about it and he apologized for that. Baker said Chief Adamson is prepared to brief Council on the nine vehicles at the yard. Shanklin suggested it be distributed to Council.

Devine asked how the City Manager found out about the two police cars that were wrecked. Baker said he found out about it from a council member. Devine said that council member found out about it from a citizen. Baker said that was correct. Devine said he felt that showed a break down in communication. Baker said he had addressed that.

BUSINESS ITEMS:

23. Hold a public hearing and consider an ordinance changing the zoning from temporary A-1 (General Agricultural District) to A-2 (Suburban District) zoning classification located at the northeast corner of SW 52nd Street and Coombs Road. Exhibits: Ordinance No. 01-31; Location Map; Application; Site Plan; CPC Minutes.

Deborah Jones, Assistant City Planner, said this is a request to consider rezoning of an 80-acre tract at the northeast corner of SW 52nd Street and Coombs Road, which is owned by Mac McConnell, Lonnie Grice and Mike Stewart. Zoning of the surrounding area is Temporary A-1 to the north, east, and west; the area to the south is outside the City limits and has no zoning. Surrounding land use is agricultural and the 2025 Land Use Plan designates this area as agricultural. The purpose of the request is to allow tracts less than five acres in size to be sold; the A-2 zoning requires a minimum lot size of 2.5 acres versus the A-1 zoning which requires a minimum lot size of five acres. On August 23, 2001, the City Planning Commission held a public hearing and one person, Mr. McConnell, spoke in favor of the request; the CPC recommends approval. Notice of public hearing was mailed to five property owners within 400 feet of the requested area and was published in the Lawton Constitution, and no input has been received.

Purcell asked why there are A-1 and A-2 districts and if the only difference was the size of lots they could be subdivided into. Jones said A-1 is for active agriculture, grazing, raising of crops; A-2 is a suburban zone with more urbanization, more houses, smaller lot sizes, less grazing, and less crop raising.

Devine suggested thought be given in the future when there are plans for large developments to ask that a small area be set aside as a future site for a fire station, as is done with schools, parks and so forth. He said it becomes a major issue when a new fire station is needed, and it seemed reasonable for a developer to set aside a certain amount of land for a fire station because we will need one in the near future in the area of 67th and Lee, but it will be developed and there would be no available area.

In response to Shanklin's questions, it was stated that the area is within the City limits and a 12" City water line runs down 52nd Street. Shanklin asked if the streets would be built to code. Jones said yes, at this point they are not expecting any more than three land splits, they are not anticipating platting right now, but as soon as they plat, they will meet the subdivision standards; even if they do not plat, under special subdivision certificate, they are required to get building permits and meet building codes.

Bass asked if the south side of Coombs Road is inside the City limits. Jones said the south side is not, the north side is. Mayor Powell said the owner did not even know he had to do this.

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

MOVED by Moeller, SECOND by Haywood, to approve Ordinance No. 01-31, waive reading of the ordinance, read the title only.

(Title read aloud) Ordinance No. 01-31

An ordinance changing the zoning classification from the existing classification of Temporary A-1 (General Agricultural District) to A-2 (Suburban District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; authorizing changes to be made upon the Official Zoning Map in accordance with this ordinance.

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

24. Hold public hearings and adopt resolutions declaring the structures at: 612 SW B Avenue (west structure), 1608 NW Ferris Avenue and 1225 SW Sheridan Road to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety; authorize Neighborhood Services to solicit bids to raze and remove structures, if appropriate. Exhibits: Resolution Nos. 01-142, 01-143 and 01-144.

610 SW B Avenue (reference 612 SW B; west structure) Lawton Original Addition, Block 29, Lots 5-6, Comanche County, Lawton, OK

Title Holders: J. T. Neal Insurance Agency, Inc.

Mortgage Holders: Amquest Bank, American National Bank

Angie Alltizer, Neighborhood Services Director, said the property owner desires to demolish the structure and would like to receive the 50% discount in landfill disposal fees by the Council adopting the resolution. She said they are also coordinating with Habitat for Humanity, Great Plains Improvement Foundation and Meet the Needs to be able to use some of the salvageable material from the house prior to disposing of it.

MOVED by Shanklin, SECOND by Hanna, to approve Resolution No. 01-142. AYE: Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

It was noted that a public hearing was not held.

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

MOVED by Purcell, SECOND by Devine, to reconsider and reapprove Resolution No. 01-142. AYE: Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

(Title) Resolution No. 01-142

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.

1608 NW Ferris Avenue, Mountain View Addition, Block 36, N 90' of Lots 7 & 8, Comanche County, Lawton, OK
Title Holder: Robert L. Squibb; Mortgage Holders: Associates Financial Corp.; Pacesetters

Alltizer said the property owner was assaulted and in the hospital, his daughter contacted Alltizer and said he had been declared incompetent and was no longer able to live on his own; the daughter resides in Indiana, another sister resides in Tennessee, and they informed Alltizer that when they checked him out of the hospital that they would take him to Tennessee and were going to abandon the property. She said there are repeated problems at this address where one of the family members is breaking into the property, and the City has secured it twice and each time the person kicks the door back in. Alltizer said it is definitely a blight on the neighborhood and offered to show pictures. She said neighbors are present to speak.

Baxter said he had seen the house and it is one of the nastiest places you could ever imagine; the stench comes through the windows.

PUBLIC HEARING OPENED.

Karen Herman said she had lived next door to this house for almost two years, and her three-year old son cannot go outside and play due to the situation with this property, and that mosquitoes come from this house. Herman said syringes had been found outside next door close to her trash, as well as pornography. She said she rents her house, but would like to see the property cleaned.

Pam Orr, 608 NW 16th Street, said her backyard is adjacent to this backyard, which you cannot walk across without stepping on something. She said they burn things in the back yard and the police get tired of going over there because there is nothing they can do, he breaks in every time he gets out of jail and he has been seen with little kids in the house, which the police checked out. Orr said as long as the property is there, he will not stop going back because he has lived there for years and is not in his right mind; she called the police on him yesterday and they handcuffed him and took him back to jail; he is really dangerous for the neighborhood. Shanklin asked if Orr was talking about Mr. Squibb. Orr said Jimmy Don, the old man, the grandpa that owns the property has been declared incompetent and it is the grandson that does this and you cannot keep him away from the property no matter what. Orr said if you have not seen it, it is really worth driving by and looking at.

PUBLIC HEARING CLOSED.

Shanklin asked if suit could be brought against Associates Financial Corporation, the mortgage holder, to cause them to demolish the property or if the City could demolish it and recover funds from Associates. Alltizer said Pacesetter is also a mortgage holder, and she felt this property was a priority and it would be public funds well-spent to demolish it. Vincent said the normal course would be to place the demolition costs on the ad valorem taxes. Mayor Powell asked if the ad valorem would mean the people paying for it versus the owner or mortgage companies. Vincent said it would go against the ad valorem tax on this property only. Shanklin asked if we could sue the mortgage holder. Vincent said no. Shanklin said if they foreclose, it is theirs and it is an asset. Vincent agreed and said he did not know the balance of the mortgage but when they receive notice of demolition, they will want to know how to get their money. Shanklin asked if a price of demolition had been received. Alltizer said \$4,000 and she thought it would be money well-spent. Shanklin said that may be the case, but there are others to consider and there is only a certain amount of money available, and he wanted to be able to recover the funds and knew we had not been successful in trying to collect it through the ad valorem taxes. Alltizer said it is unfair to the community to allow this particular property to continue to exist in this state.

Purcell asked what could be done about the man who keeps getting arrested and keeps getting out of jail. Vincent said he could look into it.

Moeller said it can take up to a year to foreclose on a property and you do not want to wait that long to take action in this case. Shanklin said he was trying to look out for the money but agreed with demolition. Vincent said they had been trying to get the State to change the law and they were still working on it.

MOVED by Shanklin, SECOND by Baxter, to approve Resolution No. 01-143. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

(Title) Resolution No. 01-143

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.

1225 SW Sheridan Road, Section 35, Township 02N, Range 12W, 2N-12W City Tracts Beg at Pt 50'W of SE/C of N/2 of SE/4 of SE/4 of SE/4, Sec 35 then 2 310', N 286' E 310', S 286', Comanche County, Lawton, OK

Title Holders: Subash & Nutan Patel

Mortgage Holders: Mashes P. Patel; Local Oklahoma Bank NA

Alltizer said this is the Sheridan Inn, which was severely damaged during the May windstorm and the owner secured it by placing a chain link fence around the entire property. A large amount of debris from this site blew onto an adjacent lot and that has been cleaned up. Alltizer said she had not had any contact from the owner or mortgage holder since that time, and it appeared the property was beyond repair; a number of complaints were received on this location. She said they waited the 90-day period, as required by ordinance, to give insurance companies time to resolve matters and it is brought for Council action.

Devine said the property owner is waiting to settle with the insurance company, hoping it will be totaled so he can tear it down and rebuild. Shanklin asked if the owner had talked to staff and Alltizer said no. Devine said he had a casual conversation with the owner before he knew this would be on the agenda. Shanklin asked if we are planning to spend City funds on this demolition. Alltizer said there are mortgages so she felt sure an insurance company would be involved. Baker said we would want to go to court on this one because it will be expensive and we cannot afford it out of our budget. Devine asked how long it would take to go through the process being discussed. Vincent said a minimum of sixty days; the owner will have 15 days to pull a permit pursuant to the resolution, then an item would be on the agenda to allow for filing of a suit.

Moeller said there is a swimming pool on this property; she asked if it was secure. Alltizer said yes, it has a fence around it and it was drained. Moeller said we need to keep a close eye on the pool.

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

Devine asked Alltizer if she knew how to contact the owner and said he had purchased another motel on Cache Road. Alltizer said she would be happy to try to contact him. Devine said he did not want to take this off of the floor and offered to assist staff in speaking with him because they could help him get finished with the insurance company and get it taken care of.

MOVED by Devine, SECOND by Purcell, to adopt Resolution No. 01-144. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

(Title) Resolution No. 01-144

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.

25. Consider the Consolidated Annual Performance and Evaluation Report (CAPER) for Federal Fiscal Year (FFY) 2000, hold a public hearing, receive a briefing on the CAPER, receive input from citizens, and approve the report for submission to HUD. Exhibits: None.

This item was stricken from the agenda and was not considered at this time.

26. Consider approval of a proposed contract amendment with the Oklahoma Capitol Complex and Centennial Commemoration Commission in support of the National Army Museum of the Southwest. Exhibits: Proposed Contract Amendment; Existing Contract with the Commission; Letter from the Commission.

Baker said Council previously approved an agreement and the amendment provides for four quarterly payments to the Commission to be used directly for grant writing, fund raising or establishment of the Army Museum. It provides that a report must come to Council no later than ten days after the preceding quarter ends, which details the expenditure and Council then would have to review and approve of those expenditures before the next

quarterly payment is released.

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

27. Consider authorizing the City Attorney to commence litigation in District Court to have the structures at the following addresses demolished at each respective owner's expense: 410 NW 14th Street, 1815 SW Roosevelt, and 1402 Dearborn. Exhibits: Resolution Nos. 01-145, 01-146 and 01-147.

Vincent said these were presented to Council on August 28. He said the property at 2111 B could not be included as there had been a death and the case had not gone to probate. Shanklin asked what would be done as a result of this item. Vincent said pursuant to Title 50, once the Council has made a declaration that the properties are a blighting influence and dilapidated and detrimental to the community, we can move to have the District Court declare them a public nuisance and seek a court order from a District Judge to order the property owner to demolish the property at the owner's expense, and if they fail to comply with the order, that would be between the owner and the District Judge as to whether the judge would hold them in contempt or possibly put them in jail or fine them. Vincent said this is a stronger tool than we have, and we can always fall back on the other method, but this would be a better method in his opinion to try to seek demolition of the structures without expenditure of City funds other than the time and effort to go to District Court.

Shanklin said there is a code that requires a person to paint the exterior of his house, straighten up pillars that are part of the structural integrity of the house, and one of these will be coming up and it will be taken to District Court and we will find out whether the judges will uphold our code as to exterior provisions. Vincent said it is the BOCA Property Maintenance Code, which the City Council has adopted.

Haywood said on 1815 SW Roosevelt, the elderly man lives in Goodwill Village and how can you make him pay for something like this when he is only getting SSI. Vincent said it would be up to the District Judge whether or not he orders him to pay for it, all we will seek is an order from the District Judge ordering the property owner to tear the property down.

Purcell asked how long it would take to go through the process to get to the point where the judge tells the owner they have to tear the buildings down. Vincent said he anticipated 60 days. Purcell said the judge would likely give them time also, so it could be 90-120 days. Vincent agreed.

Shanklin said the City has spent around \$11,000 to demolish structures at 1401, 1403 and 1405 Dearborn; he asked if we are trying to find out who the owner is and sue them for that. Vincent said the properties on Dearborn were demolished under Title 11, Section 22-112 of the State law, and we have to wait six months and then initiate a foreclosure procedure.

Mayor Powell asked Council's desire on 1815 SW Roosevelt, 1402 Dearborn and 410 NW 14th. Vincent added to direct staff to proceed on 2111 B.

MOVED by Shanklin, SECOND by Haywood, to direct staff to proceed on 2111 B as noted and approve Resolution Nos. 01-145, 01-146 and 01-147. (note: 2111 B was stricken as shown below)

Mayor Powell asked how we could act on 2111 B when it is not on the agenda item. Vincent said it was part of Council direction to bring those four items back. Mayor Powell said it is not listed. Vincent said 2111 B would be brought back and he agreed with the Mayor. 2111 B was stricken from the motion.

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

(Title) Resolution No. 01-145

A resolution authorizing the City Attorney to commence legal action against William R. Johnson and Alma Johnson to compel said individuals to demolish certain dilapidated structure located at 410 NW 14th St.

(Title) Resolution No. 01-146

A resolution authorizing the City Attorney to commence legal action against Luther Hurd to compel said individual to demolish a certain dilapidated structure located at 1815 SW Roosevelt.

(Title) Resolution No. 01-147

A resolution authorizing the City Attorney to commence legal action against Everett Newton to compel said individual to demolish a certain structure located at 1402 NW Dearborn.

28. Consider approving a contract amendment with GBA Architects for additional architectural services for the Fire Station No. 5 Relocation Project #2000-17. Exhibits: Amendment to Agreement.

Ihler said in April 2000 an architect was hired to design the fire station; the original concept was for a one-story facility. As the site selection process began, the architect was asked to design a two-story facility because some of the sites would not accommodate a one-story, so we are now asking to fund the additional work that was required by the architect in the form of an amendment in the amount of \$13,600.

Ihler said Council considered this item in July and decided to take no further action until the acquisition of the property was solidified. Since that time the City Attorney's office has contracts with the four property owners; the first closing is scheduled for this Thursday and the last closing is scheduled for October 10. Sufficient signatures have been obtained from property owners in the addition to change the restrictive covenants on the plat to change these four lots to public facility. The only remaining requirement is to rezone the four lots to Public Facility and the City Planner anticipates it will be considered by the Planning Commission on October 10.

Shanklin asked what the \$13,000 was for. Ihler said it is for preliminary design; the architect did a preliminary design for a one-story structure, which was the original concept, and then he had to re-do and do preliminary design for a two-story structure; the design changed completely. Shanklin said this is for design change and Ihler said yes.

Shanklin said he believed he understood the architect said if you have a 1,000 square foot building against a 3,000 square foot building, you put in an underground and two floors above it, it would be the same price. Ihler said construction wise, the architect indicated the construction costs he believe would be similar for the one-story and the two-story; the problem is the site we have selected, if we look at the same square foot facility with the same facilities in it, then we are looking at a two-story facility and he has done the preliminary design for that as we were looking at the different alternative sites that we were analyzing. Shanklin said that is the difference in engineers and architects, and he had not found anyone yet who believed that.

Vincent said there was a hearing this afternoon in District Court and the judge considered our application to remove the plat restrictions based on the signatures and he issued an order removing the plat restrictions.

MOVED by Devine, SECOND by Moeller, to amend the agreement.

Baxter asked if it will still be a four-bay station and Ihler said yes.

Baxter said "I want the public to know, and I'm going to talk specifically to the people of this community, that this project could have been done six months ago and due to the fact of some council members push to keep it where it is, which was not the recommendation of the fire department, we've wasted six months of time and \$167,000 of the taxpayers' money. If you have any questions about that, you can contact me."

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

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Bass was congratulated on his recent marriage, and he expressed appreciation to Fort Sill and those at the Officers' Club for doing a fine job with the wedding.

Purcell said Council continually gets addendum items, sometimes on Monday or even on Tuesday morning, and it is awful hard to go check those out. He said he understood emergencies come up but he requested of the City Manager that Council no longer get addendum items unless the City Manager takes it upon himself, and he trusts his judgment, that they are really emergencies; not because someone failed to get them in on time or some other reason but he wanted to see the items on Thursday when they get the agenda packets and not Monday or Tuesday.

Baker said he prepared a memorandum with a suggestion about addendums, he agreed they had become the rule rather than the exception and it does not give Council adequate time to read them and prepare for the meeting; his suggestion was if a member of Council or the Mayor wants an addendum, it will be done, no questions asked. If a member of staff wants an addendum, it will have to come to him for review and if he thought it was necessary, he would go to the Mayor and if the Mayor approves it, then we will do the addendum, and the reason he said the Mayor was because the City Charter does say the Mayor sets the agenda, not the City Manager. Baker said if we adopt that procedure, then we can minimize the number of addendums, and if it is not a Council member that puts it on, it will have to be approved by the Mayor. Purcell agreed and asked Council to also try to avoid having addendum items.

Moeller agreed with Purcell's comments and said the new agenda format seemed to be working well. She said there will be a Ward 6 meeting on October 4 at 6:30 p.m. at the First Baptist Church West at 73rd and Cache Road, and anyone can attend, and she hoped Baker and those who had been in the past would put it on their agenda to be there.

Shanklin said not much progress is being made in trying to get the City cleaned up and trying to put some pride back into the citizens and business people. He said Baker has made two excursions out into the City and made his notations and gave them to staff and he expects a report as to what they have done in a certain length of time, and we will all have a copy of that. DOC, through Chief Ben Lehew and LT Steve Williams, have done the alleys from 2nd to 11th Street from Gore to Columbia and that helps out; they will be in Wards 1 and 2 in the alternate weeks. He said he wanted to charge the Mayor to get the project underway and solicit help from the news media, churches, civic organizations and the Chamber of Commerce, and suggested the Mayor create a task force to beautify Lawton and put back some pride.

Hanna said a lot of military personnel rent homes and do not do much with the yards, although some do a fantastic job.

Baker said he and the Mayor had discussed cleaning up the City and had talked about a task force, but you do have a committee that already exists which this mission should be given to; it is a good committee with capable people and if Council gave this mission to them, they would take it and run with it, and that is the Environmental Committee. He said that would be his recommendation and the Mayor seemed to think that was a good idea, instead of creating another committee because some times we have so many committees we cannot keep up with them. Shanklin asked who was on the Environmental Committee. Mayor Powell said Jim Coe of the OSU Extension Office is the Chairman. Shanklin said he had no problem with it as long as we try to get as many people involved as possible. Mayor Powell said he would talk to Mr. Coe. Shanklin said the Mayor is charged with it and no one will object; he said he mowed 2nd and C three times, raked it and hauled off four cans of grass and it looked better for people going into the mall.

Baxter invited everyone to attend the International Festival this weekend, it starts Friday evening and continues through Sunday, and it will be quite an event for Southwest Oklahoma.

Colonel Steuber said Fort Sill has a similar problem and they have a "Yard of the Month" program; each housing area is judged by independent council and there are five winners a month who are given a certificate of achievement, a commanders' coin, and monetary certificates to play golf, bowl, etc. so there is a tangible award for excellence.

Colonel Steuber said he wanted to thank the Mayor, Council and citizens for their perseverance and patience as they have instituted force protection measures on Fort Sill, which have been very trying in some instances and there were seven hour waits to get on post, and yet he had heard only compliments about the people coming through the gates and they had given the soldiers pans of brownies with American flags in them, soft drinks, and done everything to help the situation. He said they are constantly assessing what force protection measures need to be in place and what we can eventually reduce as the situation sorts itself out, and if the situation warrants in the future, different measures will be taken which should make access easier but still maintaining the force protection posture.

Colonel Steuber said because of the situation, Fort Sill needs the citizens' help; soldiers are on post but the citizens are the eyes and ears surrounding them on all sides, and it is the citizenry of this city that can help increase our force protection by being vigilant and reporting those things that are suspicious and out of the ordinary, such as people that are asking questions about the post that you do not know who they are or what the reason is for those questions. A policy has been instituted whereby only official photographers can take pictures on post except at the museum, and that is to maintain operational security. People outside the post taking pictures of the post pose a threat as they may be collecting information on how they can come on post and do damage to both facilities and people who are there. The citizens' vigilance will really help if they will report any incidents of a suspicious nature, incidents of stolen emergency vehicles, those things that can be used to try and obtain access to the post, they also could be used to hide a bomb, so report those things, as well as stolen fire arms or stolen vehicles that have stickers on them. Colonel Steuber said other posts are finding that vital connections with the local community are helpful in being able to increase the force protection of the facilities that belong to the United States Armed Forces, so that help is still needed in this very trying time. Mayor Powell said that help will be given.

Moeller asked where people could call to give information. Colonel Steuber said the Emergency Operations Center is 442-3241 or 3242; MP Station is 442-2800 or 6530. Any of those numbers will put you in contact with people who can take the information.

Haywood thanked Fort Sill, the Mayor, Chief Adamson, City Manager and General Maples and Colonel Klein who sent K-9s to the Airport. He said Barbara McNally, Airport Manager, and Keith Bridges, Airport Authority Chairman, wanted him to relay their appreciation for all of the help provided at the airport, and Haywood expressed his personal appreciation as a member of the Airport Authority.

Haywood said Patterson Center is having a dinner on September 28 at 6 p.m. so they can meet the neighbors and clean up the area.

Baker said he had been contacted by a group that was going to conduct the post-wide garage sale, and as part of the recent changes, they cannot do that at Fort Sill; the proceeds will go to the American Red Cross and he planned to give them permission to use the north parking lot at City Hall for that garage sale; date to be determined, it would be a one-day event on a Saturday.

Mayor Powell said this will be an exceptional International Festival; arrangements have been made for naturalization of a number of persons at the festival. He said he attended a great event yesterday at Altus Air Force Base, a MIA-POW ceremony that the General hosted and we had a good representation of POW's, and the guest speaker was a General from Lawton. He said security is very tight and it is tough to get on the base; they were in an air force bus and still got held up but it was a great event.

There being no further business to consider, the meeting adjourned at 7:40 p.m. upon motion, second and roll call vote.