

Meeting of 2003-2-11 Regular Meeting

LAWTON CITY COUNCIL REGULAR MEETING  
FEBRUARY 11, 2003 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell,                      Also Present:  
Presiding                                      Bill Baker, City Manager  
    John Vincent, City Attorney  
    Colonel Steuber, Fort Sill Liaison  
    Kathy Fanning, Deputy City Clerk

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  
    Amy Ewing-Holmstrom, Ward Four  
\*Robert Shanklin, Ward Five  
Barbara Moeller, Ward Six  
Stanley Haywood, Ward Seven  
Michael Baxter, Ward Eight  
\*Shanklin entered at 6:25 p.m.

ABSENT:    None.

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AUDIENCE PARTICIPATION:

Oran McMichael, 815 Brazzas, Suite 500, Austin, TX, Area Field Services Director with AFSCME, American Federation of State, County, Municipal Employees Union, spoke about their organization. He said they represent over 1.3 million state, city, county and health care workers in 47 states and Puerto Rico, in all areas of government services, private and public. He said the International Union is based in Washington, D.C. McMichael said under the AFSCME Constitution, all locals are independent and autonomous. In the State of Oklahoma they represent Oklahoma City, the Cities of Norman, Tulsa and Muskogee. He said they expect to bring on line the City of Lawton, Edmond and Norman Regional Hospital. The desire for collective bargaining by public employees has been a driving force in AFSCME's history. McMichael spoke on the history of AFSCME, starting in 1932. McMichael said general services employees are requesting, on the next meeting of February 25, Council grant their petition for union representation and collective bargaining. The general employees are requesting AFSCME be their representative and over 70% of these employees have signed a petition for this representation.

McMichael said in the early 70's, the State Legislature gave the right of collective bargaining to police and fire. He said there is a Bill pending in the Legislature, this session, that extends those rights to all public employees in Oklahoma. He said they feel confident this will be passed and signed by the Governor, this session or the next. McMichael said the proposed ordinance presented to you in a letter to the Mayor, last week, is patterned after those in other Oklahoma cities, where AFSCME has existing contracts. He said he believes a check with those cities will show the contract helps streamline services, provides for an efficient method of conducting services to the public; we have a partnership with management. He said they do not always agree, but, collective bargaining provides a constructive means to reach decisions. Collective bargaining allows for a fair and equitable mechanism for both employer and employees to address issues of mutual concerns and most importantly, workers gain dignity and respect in the work place, particularly in tough budget times. He said employees need to be an inclusive part of the process, as opposed to being excluded from the discussions.

McMichael said AFSCME brings to the table the most extensive research in public policy department in the public sector. He said this service is not only available to our members, but the agencies they represent, as well. This service, in many instances, saved cities and agencies, millions of dollars in consultant fees. He said AFSCME is part of a coalition to convince Congress to assist State and Local Government with deficits. He said the Federal Government has passed on to Local Government many unfunded mandates, which contributes to having to make critical decisions on what services to continue or curtail. McMichael said these discussions are not just employer-employee questions, but what level of service our communities are to receive. He said most city employees are tax

payers in Lawton and it's in their interest that Lawton remains a viable and attractive community.

McMichael ended in requesting Council approve the resolution for collective bargaining for general services employees at the next Council meeting on February 25, 2003.

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RECEIVE SEMI-ANNUAL PRESENTATION FROM MUSEUM OF THE GREAT PLAINS.

John Hernandez, Museum Director, reported admissions at the museum have been steady for the past three years, with approximately 20,000 people per year. He said 70% of paid admissions are from outside the City of Lawton, 60% are outside Oklahoma and 20% of those are from Texas. Hernandez said their budget for fiscal year 02-03 projected a loss of \$10,000; actual revenue versus expenses for the first 6 months, show a loss of \$2,000, so it is better than projected. The utility expenses are higher than projected, but, other expenses are down, so it is pretty much on target at the six month level. Hernandez said there has not been an increase in revenue for the past three to four years; the museum is under staffed at present, but will remain so, as long as revenue does not improve. He said exhibits and special programs are not effected by the general budget. Grants and funding are secured for exhibits and educational purposes that are presented at the museum.

Hernandez said they were contacted by the Executive Director of the Omniplex in Oklahoma City, concerning the establishment of a Children's Discovery Center Network of Oklahoma. The Omniplex has been approached by a foundation to pursue this idea; the Omniplex would act as a hub with various museums throughout the state acting as affiliates. This is in early planning stages and initially calls for a state-wide networking of sharing ideas, resources and exhibits. The funding for both programs and required facilities would come from the foundation. He said he would be attending a meeting on February 17<sup>th</sup> for further discussions. Hernandez said they feel this is a great move for the Museum of the Great Plains.

On February 23, 2003, 2:00 p.m. will be a reception for a new exhibition entitled "The Struggle For Equality, A Community View," which was funded by the Oklahoma Humanities Council and the local community. The exhibit chronicles the Civil Rights History of Lawton, from the late 40's through the 70's. The reception and exhibit is open to the public and invited the Council to attend.

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CONSENT AGENDA : Separate consideration was requested for Items 5, 10, 11 and 14.

MOVED by Hanna, SECOND by Baxter, to approve the Consent Agenda items as recommended with the exception of Items 5, 10, 11, and 14. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Judy McClung. Exhibits: Legal Opinion/Recommendation Resolution 03- 18 . Action: approval. Judy McClung - \$4,019.47
2. Consider the following damage claim recommended for denial: Rosella Elix; Egbert A. Williams. Exhibits: Legal Opinions/Recommendation Action: Denied
3. Consider ratifying the action of the Lawton Water Authority regarding renewal of the agreement with the Waurika Lake Master Conservancy District (WLMCD), and take appropriate action. Exhibits: Letter of Intent to Extend Agreement; Proposed Assignment of Interest. Action: Approved
4. Consider possible litigation regarding the City's collection efforts from a motor vehicle accident involving a city employee and a vehicle owned by the Samoan Christian Fellowship Church being driven by Alaelua Fiautuiga. Exhibits: None Action: Approved
5. Consider adopting a resolution approving a Settlement by Joint Petition of the Workers' Compensation case of Wayland Whitmore in the Workers' Compensation Court, Case No. 2003-00934Y and authorize the City Attorney, the Mayor and City Clerk to execute all required documents. Exhibits: Resolution No. 03- 19 ; Letter of January 29, 2003 from Southwest Risk Management. Action: Approval - Wayland Whitmore - \$11,850.00.

Bass asked if this claim is settled and he has 10% disability, does he still work for the City. Vincent said this is not a disability rating as far as job performance, it's just a disability rating. He said Mr. Whitmore was no longer an employee.

Ewing-Holmstrom asked about the 10% permanent partial and the letter from the doctor says 8%. Vincent said they asked the court to approve 8%, which is slightly over \$9,000, but the court's position is when there is surgery involved, 10% is the minimum they will accept in a settlement.

MOTION by Bass, SECOND by Baxter, to approve a Settlement by Joint Petition of the Workers' Compensation case of Wayland Whitmore and adopt Res. No. 03-19. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None MOTION CARRIED.

6. Consider accepting two permanent utility easements from Marvin Dodson and the Weber family for the Flower Mound Road Waterline Project. Exhibits: Easements are on file in the City Clerk's office. Action: Approval

7. Consider approving Agreement for Limited Services with the Museum of the Great Plains. Exhibits: Agreement for Limited Services Action: Approval

8. Consider accepting the Flower Mound Road Waterline (Lee/Bishop) Project #99-29 as constructed by the Flower Mound Water Association. Exhibits: None Action: Accepted as constructed

9. Consider accepting the donation of a trained, drug detection dog, from a city employee, to be used in police operations. Exhibits: Proposal letter; Proposed Agreement. Action: Acceptance of donation.

10. Consider approving the release of Mortgages between the City of Lawton (Lender) and Margaret D. Rhoades and Dois G. James, participants of the CDBG &/or HOME program (Borrowers) and authorize the Mayor and City Clerk to execute the documents. Exhibits: Copies of the Mortgages are available in the City Clerk's office.

MOTION by Baxter, SECOND by Bass, to approve the release of mortgages between the City of Lawton and Margaret D. Rhoades and Dois G. James and authorize the Mayor and City Clerk to execute the documents. AYE: Ewing-Holmstrom, Shanklin, Moeller, Baxter, Bass, Hanna, Devine. ABSTAIN: Haywood NAY: None MOTION CARRIED.

11. Consider a request from Great Plains Improvement Foundation (GPIF), Inc. to approve a proposed Emergency Shelter Grant (ESG) project and authorize the Mayor to sign the Certification of Local Approval for the ESG application to the Oklahoma Department of Commerce (ODOC). Exhibits: GPIF Letter of Request with Form ODOC-4; Certification of Local Approval.

MOTION by Baxter, SECOND by Bass, to approve request from Great Plains Improvement Foundation (GPIG), Inc. to approve a proposed Emergency Shelter Grant (ESG) project and authorize the Mayor to sign the Certification of Local Approval for the ESG application to the Oklahoma Department of Commerce (ODOC). AYE: Shanklin, Moeller, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom. ABSTAIN: Haywood NAY: None MOTION CARRIED.

12. Consider approving the following contract extensions: Footwear (Safety, Athletic and Walking), with Woodward-Cyril and Bill's Scoreboard-City Wide. Exhibits: None (Contracts, information from previous bid award, and letters of staff recommendations on file in Financial Service's Office Action: Approval

13. Consider awarding contract for Wrecker Service. Exhibits: Department recommendation and Abstract of Bids Action: Awarded to: Priest Brothers, Inc., of Lawton, OK. (Items 1-4, 6 and 8); American Wrecker Service, of Lawton, OK (Items 5 and 7).

14. Consider awarding contract for Pavilion. Exhibits: Department recommendation and Abstract of Bids. Action: Awarded to: RCP Shelters, Inc., of Stuart, FL

Shanklin said McMahan Foundation is awarding a grant through the Boat Club. He asked if this is where the Pavilion is going. Shahan said the McMahan Foundation is providing \$15,000, the Lawton Boat Club donated \$5,000, five or so years ago and we are combining those two efforts. The Pavilion will go in a public use facility area for group use, it will not be on the property of Lawton Boat Club.

Bass asked if this will be at School House Slough or somewhere in that area. Shahan said no, it will be at the group use area, north of the east camp ground. He said we have one group use area now that has a pavilion and this will be a second site.

MOTION by Shanklin, SECOND by Baxter to approve awarding contract for Pavilion to RCP Shelters, Inc. AYE: Moeller, Haywood, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None MOTION CARRIED.

15. Consider awarding contract for Fibar Safety Surfacing. Exhibits: Department recommendation and Abstract of Bids. Action: Awarded contract to: Kids Place Designs

16. Consider approval of appointments to boards, commissions and trusts. Exhibits: Memo. Action: Approval; Lawton Metropolitan Area Airport Authority: Larry Benson, John Marco and Mark Davis.

17. Consider approval of the minutes of January 28, 2003 Council Meeting and February 4, 2003 Special Council Meeting. Action: Approval

18. Consider approval of payroll for the period of February 3, through February 16, 2003. Action: Approval

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UNFINISHED BUSINESS:

19. Hold a public hearing and adopt a resolution declaring the structure at 7403 West Gore Blvd. to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structure, if appropriate. Exhibits: Resolution No. 03-\_\_\_\_\_; Summary document with supporting photos; Reports from the Fire Marshal; Housing Inspectors, and case history are available from Neighborhood Services.

Angie Alltizer, Neighborhood Services, said the structure at 7403 West Gore Blvd. has been tabled for two Council meetings and a representative of the owner is present and will speak to the Council.

Monty Hightower, attorney with Burgess-Hightower Law Firm, representing the owner, Joe Bussey, said the mowing and securing liens for \$600 were paid. He said this property is structurally sound, and Lawton Security Guard Service has been hired to secure the premises, and check it every two hours at night.

Hightower said their business plan is contingent upon the Certificate of Need, which is in litigation right now. He said they intend to be good stewards from this point on regarding this property. He said they had people present who could answer any questions Council might have.

Ewing-Holmstrom said a gentleman was boarding up windows last night. She asked if they had visited with the neighbors on 74<sup>th</sup> Street, properties that back right up to the back of this empty building.

Hightower said not that he was aware of.

Ewing-Holmstrom suggested Hightower might want to talk to these folks because they are not real happy about this empty facility. She said she understands it's been empty for five years. Hightower said his client has come into possession of it recently. He said it went through a bankruptcy and Jack Atkinson was here and might know more about the history of that property.

Ewing-Holmstrom asked if there was a ballpark figure about the litigation. Hightower said he was here to talk about the securing, the litigation effects the business plan, and this property is financially important to his client, regardless of litigation. He said they have hired Lawton Security Guard, which goes out at 10:00 p.m., then every two hours after that. He has had to board some things up, as well as people being in there. He has been working with the police and the police have been briefed and know now there's a care taker on call.

Ewing-Holmstrom said she appreciates these efforts, however, that really doesn't help much when you are looking at the neighborhood. She said security is great, but the building has boarded windows, air conditioning units ripped out and put back in, high grass and a motor home parked in front of it. She said it's the blight part when you drive down that street and there are some beautiful homes and town homes on that street. She said the people who own those town homes will tell you they are concerned about the value of their property. Hightower said it's an agency hearing and we are fighting it vigorously and feel good about our case and that it'll be successful, but, it still has to be decided.

Moeller said this is her ward, she hears the calls that come in, and the hiring of security is wonderful. She said Hightower said they have a business plan and asked him for a time frame of when they might expect something positive happening with this building.

Jack Atkinson said he represents the owner in litigation in Oklahoma City and they received a favorable ruling from a judge in November from the Health Department; that was appealed to District Court in Oklahoma County and the final brief is due the end of this week and the judge will then make a decision. He said he would anticipate this would take no more than a month or two, but, he said he doesn't have any control over that.

Moeller asked, after the decision, if they have something in plan to put that building back in use in the near future. Atkinson said his client has a contract to sell this property as soon as the sale is approved by the Health Department. He said he has seen the business plan of the buyer and it includes either refurbishing the building or a transfer of the building to a church or other charitable institution for refurbishing and the construction of a new nursing home at a different location. He said that's the current plan and will happen in a very short time of the completion of the litigation.

Moeller said vacant buildings deteriorate the longer they sit; she asked if this is a sound building. She said she hates to see a good building torn down, but it does attract people who want to make it look a little bit worse.

Moeller asked the owner to secure someone to maintain the yard; that is her biggest complaint; the weeds brings

rats and everything else. Atkinson said they have done that.

Bass asked Alltizer what it would take to bring this building back up to code and presentable.

Alltizer said the building is structurally sound, it does have several windows that have been knocked out, several air conditioning units removed, some shingles on the west side that needs replaced, so there may be some roof leaking in that same area. She said basically the structure needs to be occupied, the exterior premises maintained. The building is suitable for use and is a blight on the community as it is today.

Ewing-Holmstrom asked if Alltizer had ever been in the building to look around. Alltizer said she has not been in the building, but a couple of her inspectors had been inside. Ewing-Holmstrom asked how much the City has spent on securing this building. Alltizer said she wasn't sure for securing, but for securing and mowing we have spent just over \$600. Those liens have been paid and released.

Moeller said if Council votes not to put this on the demolition list, would they stay in touch with the City, don't let us have to mow it again and when you know something, tell us so we can tell the residents, in six months or so, something is going to happen. Atkinson said they'd be glad to give periodic reports.

Mayor Powell opened a public hearing at this time.

Steve Miller, teacher in the Lawton Public School System and pastor of a new church, said a man contacted him almost 9 months ago from Oklahoma City, representing the buyer, telling him they would like to take the entire building, if everything works out, and donate it to his church. He said right now they are meeting in Woodland Hills Elementary, with about 120 people, close to 40 families. Miller said he has been in the building, talked to all the neighbors, has some money to make it beautiful and will be meeting with an architect soon. He said the City has already been kind by letting them know what it's going to take and what we need to do. He said he was contacted again last week with the same time frame and we hope to wrap it up real soon. He said the name of their church is "The Way Christian Fellowship" and we are excited about the location, but we really can't do anything until the judge makes his statement.

Ewing-Holmstrom said she was under the impression the hold up was to do with guidelines because it may be another nursing home and now they're talking about a church.

Atkinson said nursing homes are regulated by the Certificate of Need Act, which is basically in two parts; one is for the acquisition of an existing facility and the other is for the building of a new facility. He said there has been one new facility granted in Oklahoma within the last 12 years, that doesn't happen anymore. He said the litigation really concerns if this is an existing facility or not; we say it is, the judge agreed with us the first time and the new judge on the appeal is going to decide that question again. Atkinson said the buyer has said rather than open this existing building back up as a nursing home, when he gets permission to buy it, rather than rehab this facility, they would rather go to a new location where, if they haven't bought the land, they have the right to buy the land and build a new facility and donate this one to a church. He said he was not privy to all the details and plans, but he would guess it would be a good tax write off.

Ewing-Holmstrom said it sounds like it's going to take a long time to take care of this building.

Atkinson said that part is quick and easy, they just sign it over and it's done. He said the relocation of a facility, once you have permission to acquire it, all you have to do is file the paperwork for the new address and have the architect's plans approved for the construction, it's really easy from that point on; it's getting the permission to acquire in Oklahoma that's so difficult.

Moeller said her understanding is you're still about two months in litigation, before you get out of court.

Hypothetically saying your buyer is wanting to acquire with an existing building, which gives him an "in" to get permission to open a nursing home and then he can transfer to a new building and donate this one. She said if the court follows through, hopefully, it will be through in six months.

Atkinson said yes, easily.

Mayor Powell closed the public hearing at this time.

MOTION by Moeller, SECOND by Bass, to deny adopting a resolution declaring the structure at 7403 West Gore Blvd. to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety and give the owner six months to pursue his plans. AYE: Haywood, Baxter, Bass, Hanna, Devine, Shanklin, Moeller NAY: Ewing-Holmstrom MOTION CARRIED

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Mayor Powell asked for a motion to go into executive session on items 28 and 29.

MOTION by Haywood, SECOND by Bass to convene in executive session as shown on the agenda on items 28 and 29. AYE: Baxter, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood. NAY: None MOTION CARRIED

The Mayor and Council convened in executive session at approximately 6:55 p.m. and reconvened in regular, open session at approximately 7:40 p.m. with roll call reflecting all members present.

20. Consider a change in scope of the Section 205 Local Flood Control Project on Meadowbrook (Middle Branch Wolf) Creek by deleting the bridge at NW 51<sup>st</sup> Street and Liberty. Exhibits: Memo from Mr. Bill Millspaugh.

Ihler said about a year ago, Council authorized the Project Co-Operation Agreement with the Department of the Army for a flood control project in the Meadowbrook area, on a 50-50 cost share with the Department of the Army and the Corps of Engineers. The total project cost was estimated at about \$2.9 million and the City's share would be approximately \$1.45 million.

Ihler stated at the last Council meeting, Mr. Bill Millspaugh and area residents requested the bridge at 51<sup>st</sup> and Liberty be deleted from the Corps of Engineers Project because they feel the street has become a high speed thoroughfare. They did present a petition to Council at last meeting indicating approximately 24 of the 27 occupants of the houses in that area signed the petition for the bridge to be deleted.

Ihler said it is City staff's position the bridge remain a part of the project for several reasons. From the Fire Chief's standpoint, the emergency vehicle access would be limited if we do away with that bridge. There are two ways in from the west side off of 53<sup>rd</sup> Street; one is down Liberty Ave. and then up 51<sup>st</sup> around 50<sup>th</sup> and back towards Motif Manor; the other is a thoroughfare Meadowbrook Drive that actually goes all the over to 38<sup>th</sup> Street. He said with two ways into that area to be served, the concern is the response time for fire trucks and ambulances would be increased if we did away with the bridge. The Police Chief has indicated he is concerned about the increase in response time on calls for those areas if we delete the bridge. From a Public Works standpoint, we are concerned with the emergency access and emergency vehicles coming in. If we do eliminate the bridge, they are asking for a cul de sac at each end, on each side of the channel, which would create a long cul de sac, which does not meet the City Code for the maximum length requirement. The City Code says we should not have cul de sacs greater than 500 feet in length. Basically, both cul de sacs would be about 1,000 feet and exceed the maximum limit. Ihler said another concern is the garbage trucks and some other City equipment, with limited access and putting cul de sacs at that location, it's not a desirable situation for trash trucks, they do better with through streets where they have to turn around.

Ihler said the residents there now are not in favor because, what they call, a high speed traffic. If these residents should move, sell their home and other residents move in, they may want the bridge for access. From that standpoint, as this project goes forward, it is a 50-50 project as far as cost share; in 5 - 10 years in the future, residents decide they want that bridge for access, the City would have to pay 100% of those costs and at that time, those costs would be considerably more than now. Ihler said Mr. Millspaugh's letter indicated \$110,000 savings by deleting the bridge and there would be a little more savings, probably closer to \$150,000, however, if the City had to construct that in the future, it would probably cost half a million dollars because of inflation and the city paying 100% for the project. Ihler said if it's because of high speed thoroughfare and high speed traffic, in his opinion, it should be addressed through enforcement. If we are going to take that traffic, move it off this location, we would move it over to Meadowbrook Drive and then the next meeting you would probably have citizens from Meadowbrook Drive here with a petition asking the traffic not be allowed to go down their street. Ihler said city staff recommends we leave the bridge in as part of the project and move forward. The time table, as it stands today, we are looking at approximately the end of March. The Corps plans going out for bids and would be awarding the project sometime around May.

Ewing-Holmstrom asked Ihler how much it would cost the city to put a speed bump on this road. Ihler said a very minimal amount, a couple hundred dollars, but from a Traffic Engineer's standpoint, that's not the preferred way to handle speeding, it should be handled with enforcement.

Bass asked if the million and a half spent on this project was for buying the homes. Ihler said the majority of it was buying the homes and buying right-of-way a little north of where the homes are and there will be some utility relocation expenses. He said he received a letter from the Corps of Engineers today indicating they believe the cost will be a little less than their original \$2.9 million, it will be in the \$2.6 million area, so our cost will be \$1.3 million and since we have already paid in about \$1.2 million, and we have some additional costs, they will probably be reimbursing us somewhere around \$600,000 at the end of the project.

Bass asked if Ihler knew the actual cost of building that bridge. Ihler said he would guess it would be in the \$360-370,000 range.

Devine asked if Council decided to remove the bridge, what would we do for kids crossing that creek to get to school. Ihler said he spoke with Lawton Public Schools about the bus routes, not access crossing to get to the school. LPS indicated they would have to change their bus routes, as long as the children did not have to walk farther than four blocks. He said they would have to re-evaluate their current bus route system and from that standpoint, they would adjust. Ihler said if the bridge was eliminated, he hopes we would incorporate some type of walking bridge as a minimum. Devine asked what the cost would be for a walkway. Ihler said probably close to \$75-100,000.

Mayor Powell opened the Public Hearing at this time.

Joe Bacon, 1112 NW 52<sup>nd</sup> Street, said he feels the bridge should stay there. He said right now we are talking about Liberty and 51<sup>st</sup> Street, but we have other people affected by this bridge. He said there's 52<sup>nd</sup> Street, 52<sup>nd</sup> Circle, and all the traffic that comes across there to pick up 52<sup>nd</sup> Street to go to Gate 6 and to Motif Manor, which is probably where some of that speeding comes from. We would just redirect that traffic going some other way and so it would just move from one point to another point. He said he agreed the way to control speeding was through law enforcement and not by removing a bridge that so many people use. Bacon said he uses the bridge. He said his neighbors on 52<sup>nd</sup> Street knew nothing about this; they saw something in the paper, but knew nothing about this taking place or the petition. They are affected, but were not consulted about any of this. He said he was sure the people on 52<sup>nd</sup> Circle and in Motif Manor are in the same boat. He said a lot of kids do walk through there, if you do away with the bridge and don't put in a foot bridge, they are still going to cross there.

Mary Burrell, 5114 NW Liberty, said when she moved there in October 1971, there was no bridge at all and when they built the houses on 51<sup>st</sup> Street, they put the bridge in. She recommended the money to be used to put the bridge in, be used for other things, like the schools. She recommends not having a bridge and the money be allocated to more useful purposes.

Bill Millsbaugh, 5103 NW Liberty, said he started the petition and the majority of people who live on Liberty, 51<sup>st</sup> Street and 50<sup>th</sup> Street, between Motif Manor and 53<sup>rd</sup> Street, recommend the elimination of this bridge. He said the traffic is a nuisance and believes there are safety issues as well. He said he understands Mr. Bacon's opinion, but he does not have to suffer the loud music, the fast cars and the traffic that gets stuck on that street when there's flooding. He said the Fire Chief talked about accessibility; during flooding, that bridge is really not accessible from Liberty and if you had to get emergency vehicles in there during heavy flooding situations, they would have to go down Meadowbrook and up 50<sup>th</sup> and around anyway. He said that is a safety hazard right now; people drive into that flooded area and stall their cars out.

Millsbaugh said he has seen cars sit on that bridge with water up to the back of the seats. People have gotten out of those cars in those conditions and were lucky they weren't swept away and if they were, the City would probably be in for a big law suit. He said the school children do not have to come down that street to go to school, there is a bus that picks up school children at Motif

Manor and will take them to Western Hills School. He said there are lots of areas in the city that only have one way in and one way out; a lot of people live on cul de sacs because they like it, it's quiet and 52<sup>nd</sup> Street is a cul de sac and Mr. Bacon probably likes that because it is quiet. Lastly, it would save the city some badly needed funds.

Joann Demastus, 5112 NW Liberty, said she is about three houses down from the bridge and when the water is over the curb, she has had two people come into her yard with their automobiles because they did not straighten up when they came across that curve. She said it is also dangerous to the home owners, we can not get in and out when things like that happens.

Dr. Teresa Labrano, 5108 NW Liberty, said she has owned her home in Meadowbrook Addition for sixteen years.

She requested Council members vote not to rebuild the bridge at 51<sup>st</sup> and Liberty. She said, first, the bridge we have now is basically unnecessary and second, cars speeding across the bridge pose a hazard to children playing in the neighborhood. She said, in addition, the speeding cars are a nuisance, not only because of the noise level, but because the drivers toss all kinds of trash into their front yards. She said the angle of the proposed bridge reconstruction would allow cars to come across the bridge at a greater velocity and since she lives at 5108, this would mean the cars crossing the bridge would be exiting right in front of her home. She said, finally, the rebuilding of the bridge would lessen neighbors and her quality of life, might actually increase the chance of flooding and would definitely bring down property values.

Labrano respectfully asked the Council to vote no.

Mayor Powell closed the Public Hearing at this time.

Bass asked how long the bridge has been there. Ihler said he understands it was early 70's. He said they did take traffic counts to give an idea the number of cars that go through there and from Friday through Monday, there was just under a thousand cars a day.

Moeller said she was going to support the residents on the traffic problem because she has been on that street; she has come off Motif Manor and the speeding she has run into has been off Meadowbrook, down 50<sup>th</sup> and has almost been hit twice at that intersection. She said she has seen cars come around that corner on two wheels.

Devine said he has had calls from both sides and for every one that wants it taken out, there have been three on Meadowbrook who don't want that traffic over there. He said he really doesn't want to move that extra traffic out on Meadowbrook.

MOTION by Devine, SECOND by Bass, to take staff recommendation and reject a change in the scope of Section 205, location flood control project on Meadowbrook and leave the bridge in, to have it replaced. AYE: Hanna, Devine, Ewing-

21. Consider approving a resolution modifying the City's Group Health and Dental Plan to increase the City's contribution to the plan for single and dependent coverage, increase the dependent health premium for employees and retirees, and increase the PPO-Oklahoma deductible amount. Exhibits: Res. No. 03-\_\_\_\_\_.

Tim Golden, Human Resources Director, said the Health Plan is currently \$471,000 in debt. A special Council meeting was held on February 4<sup>th</sup> and Council directed staff to prepare four actions for consideration. He said this Resolution contains three of those and the fourth action was employee contribution for the single premium rate, which will be brought before Council at a later time. Golden said this Resolution increases the single premium rate from \$188.54 monthly to \$213.54 monthly and would require contributions from the City and from the retirees. He said the second thing it does is increase the dependent health premium from \$199.46 monthly to \$241.96 monthly for the City and employee. It would also require retirees to pay a premium increase from \$587.46 monthly to \$697.50 per month and the third action recommended is to increase the PPO deductible for an individual from \$250 to \$500 and the PPO deductible for the family increase from \$750 to \$1500 annually. Golden said if Council were to enact all three actions, between the savings and additional revenue, we believe it will bring in an additional \$224,000 this fiscal year; this will not resolve the immediate budget deficit, it will ease the burden, but it will not solve the 2002-2003 budget deficit. He said if Council were to enact all three actions, including the Resolution, he believes next year, it would bring in \$627,743.00 and recommends approve the Resolution and modify the Employee Group Health and Dental Plan.

Baker said on the Dependant Coverage, the original agenda item as we read it, says it's going from \$199 to \$266, and as we discussed, that \$266 included the \$25 again, for the dependant, so that amount should really be \$241.96.

Shanklin said he has a problem with the retirees. He said it won't be too much longer if we keep doing this to them that they'll be paying us and that's not what it's about. He said he wouldn't be able to support that at all. Shanklin asked what Mr. Vincent's recommendation was.

Vincent said, as we discussed, we do not feel, in the City Attorney's Office, it's in the City's best interest at this time, to increase the employee only contribution, in other words, the employee should not be required to increase their contribution on employee only coverage; that should be the same in both union contracts. Leave it as it is in both union contracts.

Baker said if the Council chooses to do nothing this evening, there are a lot of issues that need to be resolved and the general fund can continue to advance the Health Plan as we go through the fiscal year, but at some point during the year, a decision will have to be made about that general fund. He said we can continue to advance it as necessary; right now we are about two months ahead of schedule on that and maybe the claims might slow down and things might improve and we may not be in as bad shape at the end of the year.

Bass asked why is it so high for the retirees. Golden said the City subsidizes the rate for the employee and the single premium rate and half of the dependent rate, so for what the employees pay, it is subsidized partially by the City. He said the retirees are not subsidized by the City at all, so they pay the full dependent rate and the full single premium rate.

Devine asked Golden if the City decided to go to an outside agency (insurance company), it would cost around \$2 million, but, wouldn't each person, whether a single, family or retiree, all pay the same premiums if we go to an independent insurance company instead of insuring it ourselves.

Golden said a fully insured fund would charge the City a set rate, for example, Blue Cross, Blue Shield, was \$5.9 million and that would be up to the City to determine how we wanted to allocate the charges for that, so, to answer the question, it would depend on what Council wanted to do. He said, inevitably, everybody would pay more in that scenario.

Ewing-Holmstrom asked Golden if everybody would pay more, would the solvency problem go away for the City. Golden said absolutely.

Moeller said when you go back to the drawing board, she would like to separate the retirees and look at them as a separate entity and not across the board because they are already on a fixed income and those that are still working are not, they have a chance to increase their income, and they are not necessarily the ones driving the costs up. There are a lot of retirees out there very healthy and she would like to see this addressed separately.

Baker said this is a real burden on retirees. He said he talked with a gentleman awhile back who had retired from the street division after twenty years with the City and his retirement income was \$615 a month and he was paying \$580 for his insurance. Baker said somebody has got to bear the burden, but the retirees really do get hit, it's hard.

Doyle McCune said you have to understand most retirees are on a fixed income and his premiums would be a \$160 increase for family. He said his family consists of his wife and himself, they have no kids at home, so he is paying



\$213 if he wants to go single coverage, the rest of it would be strictly to cover his wife, which would be over \$500. He asked if somewhere, a medium could be reached.

Juan Rodriguez, President of the Fire Union, said the City is in economic hard times and he was in the special Council meeting concerning insurance and heard the City Attorney's opinion that the City Council could change it. He said it's Local 1882's opinion that it's a negotiable item. He said he received a letter from Assistant City Manager, Larry Mitchell to start negotiations and he invites the City to bring insurance into negotiations. He said we can help fix this problem, we don't have to fight.

Tommy Harrell said he was here representing two groups, the local Police Union IUPA 24 and Chairman of the City's Health Committee and from the union's standpoint they would give the same invitation the fire union gave and bring this to negotiations; we do believe that is a mandatory subject of negotiations and that's where it should be done. He said from the standpoint of being Chairman of the Health Committee, this issue of the single rate premium is something we have been trying to address for the last four years. He said about a year ago, the committee made a recommendation to come to Council on the single rate premium and you can't insure an adult in the country, in 2003 for \$188 a month, it's not possible to do. Harrell said we went out for RFP's awhile back and the lowest one for dependent coverage was \$800 a month for an employee and dependent, and the single rate premium was much higher than that because those businesses are in business to make a profit. He said if we can insure an employee for \$188 a month, then, theoretically, we should be able to insure the spouse for \$188 also.

Shirley Bukey, 1502 SW 8<sup>th</sup>, spoke on behalf of her parents, John and Barbara Payne of 1007 S 5<sup>th</sup>. She said her father retired from the City of Lawton in the Vehicle Maintenance Department after 24 years and due to health problems beyond his control, he had to medically retire in August 1999. She said he was told at retirement they had the option to remain on the group insurance plan or drop it. She said one of the benefits of being a retired City of Lawton employee was they would have a reasonable health insurance plan to count on. She said due to high cost of medical coverage, prescriptions and other medical needs, they decided to keep this insurance. Their monthly insurance rate at this time is a staggering \$587.46, or 24% of their retirement income, and they have no choice but to pay this premium. She said according to this Resolution, their monthly rates are scheduled to increase to \$747.45 a month. With this outrageous increase, their monthly medical insurance premium will take 30% of their retirement pension, which is unacceptable for any retiree.

Bukey said her father worked 24 years in all kinds of weather risking his health and safety for an insurance premium that takes 30% of this retirement pension each month. She begged Council to stop and really think about this. She said if this motion passes, they will only have \$1,726 a month to pay for their medical deductions and co-pays, prescription co-pays, housing, utilities, food, other insurances and the remaining necessities of life. This rate increase will be very hard for them and other retirees to bear. She said it was her wish that Council put themselves in the retiree's shoes and look at the other side of the fence; they have worked hard all their lives and feel making the retirees bear the blunt of the increase is wrong. She asked Council to vote this measure down because it's not fair to the retirees or the people who will soon be retired. She said with the present PPO coverage on drugs, her parents now pay \$344.68 each month for the medication they need in order to remain in life. She said without the present PPO coverage on drugs, they will be forced to pay \$1,288.82 a month for the medication they need to sustain their lives. She said it's amazing, if they do not have an insurance plan, their medication will cost more than they receive from their City retirement pension. She said if the rates go up, they will be forced to choose between medication, food, shelter, utilities and their lives. She said it's wrong to even consider putting the brunt of the City's shortfalls on the shoulders of the employees and the retired employees. She said it really is a matter of life and death for many.

MOTION by Shanklin, SECOND by Haywood, that we do nothing on the City's Group Health and Dental Plan. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None MOTION CARRIED

Ewing-Holmstrom asked the City Manager to pursue efforts to find out what other avenues we have, whether it's Blue Cross, Blue Shield or whatever insurance company, we have to do something.

MOTION by Baxter, SECOND by Bass, to break for a 5 minutes recess. AYE: Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine. NAY: None MOTION CARRIED

The Mayor and Council broke for a recess at 8:25 p.m. and reconvened in regular, open session at 8:31 p.m. with roll call reflecting all members present.

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22. Consider directing the City Manager to identify surplus City property which could be sold to generate revenue and report back to Council. Exhibits: None

Powell said he asked for this because the City has land that is very valuable in some areas of town and in his opinion, will never be used by the City of Lawton. He said he hopes this land can be sold and that money put in a reserve and the only money that could be spent from that is the interest accrued from money from the sale of land. He said one, for instance, is 67<sup>th</sup> and Rogers Lane; a very valuable property as well as others.

Baxter said he would like to identify more than just property, maybe some unused equipment.

Bass said he likes this idea, but he would like to use this money to make the City look better by buying other property to enhance the city.

MOTION by Devine, SECOND by Moeller, to direct the City Manager to identify surplus city property which could be sold to generate revenue and report back to Council. AYE: Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine. NAY: None MOTION CARRIED

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23. Consider rearranging the order of seating of the Council members to a numerical order from Wards 1 through 8, starting with Ward 1 being seated at the first chair by the stage entrance. Exhibits: None

Hanna said sometimes it seems like even numbers against the odd numbers or the north against the south.

Ewing-Holmstrom said she likes the idea of going in numerical order, it makes sense.

MOTION by Moeller, SECOND by Shanklin, to leave Council seating as is. AYE: Moeller, Haywood, Bass, Devine, Shanklin NAY: Baxter, Hanna, Ewing-Holmstrom MOTION CARRIED.

SUBSTITUTE MOTION by Baxter, SECOND by Hanna, to rearrange Council seating numerically. AYE: Baxter, Hanna, Ewing-Holmstrom NAY: Shanklin, Moeller, Haywood, Bass, Devine. MOTION FAILED.

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24. Discuss and determine the direction of the enforcement program regarding condemnation of structures through Neighborhood Services, and provide appropriate guidance to staff. Exhibits: Report from Neighborhood Services Supervisor.

Shanklin said he put this on the agenda because we are out of funds to do anymore D & Ds or to even go to court, but we need to keep going with this program. He said the Pilot Program had 100% compliance and direction should be given to Baker that staff continue to send out letters to these D & D properties, let them know they are in violation and ask them to correct those violations with a little reminder that this comes before the Council to be forced upon them. Hopefully we will generate some revenue from the sale of some of the property that eventually will be deeded to us and any fines generated as a result from ignoring our requests, ordinances and codes and those funds still goes into a fund that enables staff to continue to try and clean up the city. Shanklin said we are not doing ourselves fair by deciding to put cleaning up our city on hold and he hopes Council agrees with that. He said for example, what we need to keep in mind, every time we bring one down here, that we have to pursue this in order to get anything actually started. He said we have an individual on Gore now who said he'd be done on the 15<sup>th</sup>, he's not going to be there, he ignored the letter that said he had to have a building permit in order for us to finish the inspections and he doesn't have a building permit so we can't go out and inspect it. He said he brought this up to say whenever we put them on D & D, we know some we are not going to tear down, that's just to get some action started. If you look at all the addresses Angie has before you and Tim Wilson has done, they have done a pretty good job.

Hanna said the Pilot Program was done in Ward 2; it was 296 different properties looked at and right now we are at zero. People have complied with it, through the help of the gas and electric companies, the TV hook-ups, City and everybody else. It has made a difference in Ward 2, it's really starting to clean up over there. He said like Shanklin said, you have to prod these people a little bit to get them out there and get it cleaned up and make their neighborhoods and city look better and if you stop now, it's going to go back to where we started from. Hanna said we should continue this program.

Ewing-Holmstrom said the gas bill has a place on it to check a box if you want a dollar donated to kids and coats for the winter time, etc. She asked why couldn't we try something on our utility bill; check here to kick in for the Mayor's Clean Up Task Force and have people add a dollar to their utility bill, it's their choice, they don't have to do it.

Baker said Council could do that but he doesn't believe you could dedicate that dollar to the Mayor's Task Force because that is the Mayor's Task Force, it's not a Council Committee, but you could pay that to go into the City Fund for those purposes. Shanklin said it truly is the Council's committee because we ask the Mayor to appoint a committee. The Council did, we voted on it. Ewing-Holmstrom asked if we could look into this and see what we could do with that, it might help us out.

Hanna said instead of going just after personal properties, how about some of these businesses in town. He said we have a lot of businesses that look worse than some of these homes, they need to get their acts cleaned up as well. He said store fronts, for example, on Ft. Sill Blvd. have some old raggedy curtains that look like they came out of WW II, hanging in the windows. The place is just plain filthy and the owner has been contacted a couple times because he was with Angie the summer before last, we went and talked to them and nothing has been done about it yet.

Powell said someday there's something that can be done.

Moeller said she would like to see what kind of ordinance there is against some of their windows so filled you can't see inside and she thinks that would be a terrible hazard for our police officers that couldn't see what's going on inside. She said they look awful with over use of advertisement things in the window; it's an obstruction and looks tacky. She said she would like to see that brought up and see where we are and what can we do.

Alltizer said she has received Council's direction and would also like to express her appreciation for Council's support of all the Neighborhood Services Programs and hope we continue to do a good job for you and the citizens of Lawton.

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25. Consider adopting Ordinance No. 03-09 amending Section 15-5-502, Lawton City Code, Junk Vehicles Prohibited on Private Property and declaring an emergency. Exhibits: Section 15-5-502, Lawton City Code.

Alltizer said they wanted to add language to the junk vehicle ordinance to allow for better enforcement between our inspectors and charges when filed in municipal court. She said this adds a provision if you are a property owner and allow a junk vehicle stored on the property, you are responsible as well, whether you put the vehicle there or not.

Shanklin said if the owner lives in Little Rabbit, Australia, how would you make him responsible for that.

Alltizer said it is not a fix for every situation because it is difficult to press charges, especially within Comanche County, let alone within the state or country, but it does help enhance enforcement on certain situations where we have property owners here locally who fail to take action to correct the violation.

Shanklin said he knows an individual given a ticket who didn't own the vehicle, but he went ahead and abated the problem. He said he has a situation I've tried to get you to do and you won't do it; it's much easier for you to go up and put a deal on the door saying this vehicle will be removed or we will impound it. Alltizer said at this time she is not allowed to impound vehicles off private property, however, the property owner can have that vehicle removed at no cost to themselves. All they have to do is contact a wrecker company and say "this vehicle is on my property, in violation, I did not allow it" and they will tow that vehicle. Powell said the City does not have that ability. Alltizer said the City does not have that ability except on Public Property and Public Rights-of-Ways.

MOVED by Ewing-Holmstrom, SECOND by Baxter, to adopt Ordinance No. 03-09, waive reading of the ordinance, reading the title only and declaring an emergency.

(Title read aloud) Ordinance No. 03-09

An Ordinance pertaining to Junk Vehicles Prohibited on Private Property, Amending Section 15-5-502, Article 5, Chapter 15, Nuisances and Health, Lawton City Code, 1995, providing for severability and declaring an emergency.

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

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26. Consider denying the request for a subordination agreement on the City's mortgage with Cynthia B. Rushin (Borrower) for the property at 1503 NW Arlington Avenue. Exhibits: Letter of request; Mortgage-City of Lawton; Promissory Note-City of Lawton; good Faith Estimate for new loan; Credit Report; Administrative Policy 7-2 "Subordination of Loan Position"; on file in the City Clerk's Office; Subordination Agreement.

Shanklin said we have done these every time, it's in Ward 5 and Mr. Aplin will tell you we have done this every time. He asked Aplin if that wasn't true.

Tom Aplin said in these cases, yes sir, that is true. He said this is a case in which an individual has requested to subordinate their mortgage on their home and we are currently on the second position on the mortgage. He said they are asking to refinance their mortgage and we retain the second position while they will receive enough money out of the refinancing to pay off a good deal of their debts. Aplin said when they go into a rehab, we will allow the total financing on the property to not exceed 75% after rehab appraised value. He said they have developed a policy in case these resubordinations or request in which that loan value exceeds that 75%, we recommend we do not do that through the Council because it reduces any money the City might get out of it in the event there is a foreclosure or a default on the agreement with the City. He said in this particular case, the total debts, after the refinance on the mortgage, will exceed 140% of the value of the house, so, in this case, we would still recommend no. He said the Council can look at each on a case by case basis and make a decision on whether it is warranted to go out on a limb, let the new lender move into the first place and let the City in second place.

Baxter asked what's to protect us, after we pay off all these bills, that he doesn't go out and run them back up again. Aplin said absolutely nothing. Baxter said he doesn't like that deal. Aplin said we have no kind of

agreement that would preclude that from happening.

Cynthia Rushin said she has made some bad financial decisions in the past and is trying to fix that problem and that is why she wanted to come tonight to ask Council to vote yes on this, because her only other option is to file bankruptcy. She said she has spent the last six months trying to search for all the solutions for her financial situation and bankruptcy is the only other solution.

Ewing-Holmstrom told Rushin she was really sorry that she is in the financial situation she is in because, clearly, by the numbers, things aren't looking too good. She said she didn't see anything that says that something was out of Rushin's control, such as a medical situation. If there was something in here that said you'd been in a car wreck, was laid up for two months and had to live on your Visa card to pay your bills, she could understand that. She said these bills are incredible and to ask Council to carry her on this deal is asking a lot when we are looking at a bunch of Visa bills. Ewing-Holmstrom said if these were medical bills, it would be a different story and might pull on a different heart string, but for a Visa bill like this, it's real hard for her to support it.

SUBSTITUTE MOTION by Ewing-Holmstrom; to deny the request for a subordination agreement by Cynthia Rushin.  
Motion failed due to lack of a second.

Shanklin said Mr. Aplin has been before Council on these before and in every instance we have done this, these people have been able to make it. He said you are going to deny them that chance to survive, then that's your conscience. He said they have a history of being able to make it and why they got there, I can't tell you, but maybe none of you have ever been in that position. He said he has a little more compassion than that and he wants to see her have a chance to get a start in life again.

MOTION by Shanklin, SECOND by Hanna, to approve the request for a subordination agreement on the City's mortgage with Cynthia B. Rushin (Borrower) for the property at 1503 NW Arlington Avenue. AYE: Baxter, Bass, Hanna, Devine, Shanklin, Moeller. ABSTAIN: Haywood NAY: Ewing-Holmstrom MOTION CARRIED.

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#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Col. Steuber said they continue to train and prepare to deploy soldiers as well as mobilize reserve component units at Fort Sill and actually, as General Maples noted last evening at the Lawton Chamber of Commerce and Industry Dinner, we have more soldiers on Fort Sill now than we had a couple months ago because we have mobilized reserve component units that are on post and we are still waiting to deploy a number of units, their equipment's gone, but we have not received the actual orders to deploy the soldiers.

Col. Steuber said they received great news for Fort Sill; last year the Department of the Army did a Housing Market Analysis in Lawton and some of the surrounding areas to look at Fort Sill's on-post housing to see if it was adequate for our military population. He said one of the things they got to do differently from past Housing Market Analysis was, we at Fort Sill, got to set what was adequate and what was not and we absolutely did not allow trailers as being adequate housing for soldiers, we looked at neighborhoods, in particular, some of the neighborhoods where you have a primary residence on a lot, but then had smaller apartments and those sort of things and we did not allow those as adequate housing for soldiers either. The Army came back and said we require an additional 1,302 sets of quarters on post, that almost doubles the on post occupancy; we currently have 1,450 sets of quarters on post and this would bring us up to 2,717. He said they don't know how these are going to be built or the time frame, but we are looking very hard at the Residential Community Initiative, which is a private contractor coming in and building the quarters on post and those quarters eventually being privatized and run by the contractor. He said there are a variety of options for doing that; at Fort Drum, New York, they didn't build all the quarters on post, they built them in small residential areas in surrounding communities out to a distance of 37 miles from the post. He said they were all government owed, but run by a contractor, which is obviously an option and we'll look at all those options as we go ahead and get these additional quarters built. He said this is a great opportunity for Fort Sill soldiers and the Lawton-Fort Sill community.

Devine said he would like to make a recommendation that we start having a workshop for the Council every other week until we get this budget in hand, so we know what we're going to be presented with, before Council meeting and not wait till the day of the Council meeting to start trying to make decisions. He said he didn't know how we are going to do that, but we need to do something, because that was very confusing. Powell said he would get something worked out where we can come together and do something like that.

Ewing-Holmstrom welcomed a new business in town, Nicki's House of Style. She was over there last Friday, with a proclamation for the Mayor and welcomed Mrs. Monique Vastor and her new business and congratulated her adding to the economic development of the City. She said the address is 720 NW Fort Sill Blvd., Suite 4, right across the street from Lawton High. She said she had good news, House Bill 1515 which Ron Kirby introduced that would require cities and municipalities to pay vacancies, died in committee, so that is good news for the City of Lawton.

Shanklin said 38<sup>th</sup> and Rogers Lane is still leaking and has leaked everyday since he mentioned it. He said he received a letter from Ihler stating 75% of the time this crew is out and they discharged down the creek. He said what is bothering him is what are we discharging, is it straight water, because that water, when we take a sample of it, we're going to find out exactly what's in it, such as soap. He said he doesn't think there is and if they are discharging, why would a car wash have to have a sump pump, if they can discharge it down the creek.

Ihler said they have talked with Fort Sill and walked it and it is the facility and certainly Col. Stueber would know better to be able to describe, but the facility they utilize to wash down their tanks. He said he believes they contract that out and they also have a DEQ Discharge Permit and they are allowed to discharge it out into the creek. He said we did take pictures of it because we thought someone might have a question or two as to whether or not that is where it's coming from. Shanklin asked if the water was dirty at all. Ihler said no, it's not, it's basically the decant or top portion off the pond, so it's not dirty. Stueber said the water is not dirty and we found we had a very large leak and their Director of Public Works is trying to determine where the leak is. He said they are actually leaking potable water into the wash rack and it's clean and treated water. Stueber said they are trying desperately to find where the leak is so they can stop it.

Haywood said he has problems in his ward with birds, from 11<sup>th</sup> down to 15<sup>th</sup> Street on the south side.

Baxter asked Baker to follow up on a consent agenda from a couple weeks ago, for a speed limit change on G Avenue and signs have not been changed yet, west of Sheridan to 27<sup>th</sup> Street.

Baker said we received a Notice of Violation from DEQ concerning Total Organic Carbons Contaminants at our Water Treatment Plant. He said this is one example where our current plant cannot meet this new standard; he said the improvements ongoing at the Water Treatment Plant will enable us to meet those standards. Baker said Ihler has already been in contact with DEQ and we will be giving them a response. Ewing-Holmstrom asked if that is why the water still tastes like dirt. Baker said that has nothing to do with it. Ewing-Holmstrom asked if anybody knew when that would stop. Ihler said he does hear this complaint a lot. He said once we get the ozone system on line, we will be able to address those issues of taste and odor and you should see an improvement. He said we anticipate the ozone system will be on line by July.

Vincent said he had been selected to teach a course at the Air Force Jag School next week on Total Force Operations and will be gone Thursday, Friday, Saturday and will be back Sunday. He said he will leave on Thursday morning.

Mitchell spoke about a Public Nuisance Bill; Senate Bill 213 came out of committee passing with a unanimous vote of 11-0, so we are one step closer to having a new bill on our Public Nuisance Liens.

Powell said on cleaning up the alleys, we cannot give enough credit to Arkla-Reliant Gas, the PSO, working hand in hand with the City to make this happen. He said it's just a beautiful plan of people working together for a common cause and you see the results when that happens.

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#### BUSINESS ITEMS:

27. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Worker's Compensation case of Walter Lopez, Case No. 99-12737-K, and if necessary, take appropriate action in open session. Exhibits: None Action: None

28. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2003-2004 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session. Exhibits: None Action: None

29. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2003-2004 between the Firefighters Union, IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None Action: None

#### ADDENDUM:

1. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to consider the continued employment of Mr. Bill Baker as City Manager, and, in open session, take appropriate action as necessary. Exhibits: None.

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

The Mayor and Council convened in executive session at 9:10 p.m. and reconvened in regular, open session at 9:45 p.m. with roll call reflecting all members present.

Vincent reported on Item 27 to discuss the Workers' Compensation case of Walter Lopez, Case No. 99-12737-K, as shown on agenda. He said we discussed this item and it is the recommendation of the City Attorney's Office that Council ratify the actions of the City Manager and City Attorney not to further appeal this case and to approve a resolution and related documents to pay the judgment in the amount of \$13,133.89.

(Title) Resolution No. 03-020

A Resolution ratifying the actions of the City Attorney in making payment of the judgment in the Workers' Compensation case of Walter Lopez for the amount of Thirteen Thousand One Hundred Thirty-Three Dollars and 89/100 (\$13,133.89), per order of the Workers' Compensation Court, and filing a Foreign Judgment in the District Court of Comanche County for purposes of placing said judgment on the tax rolls.

Baxter said he didn't believe that was what was discussed. Vincent said the other part about possible settlement, we will just do that and bring it back to Council if we are successful.

MOTION by Baxter, SECOND by Devine, to approve as stated by the City Attorney. AYE: Moeller, Haywood, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None MOTION CARRIED

Vincent reported on Item 28 to discuss negotiations for a Collective Bargaining Agreement for FY 2003-2004 between the Police Union, IUPA, Local 24 as shown on agenda. He said no action is required at this time.

Vincent reported on Item 29 to discuss negotiations for a Collective Bargaining Agreement for FY 2003-2004 between the Firefighters Union, IAFF, Local 1882 as shown on agenda. He said no action is required at this time.

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ADDENDUM:

1. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to consider the continued employment of Mr. Bill Baker as City Manager, and, in open session, take appropriate action as necessary. Exhibits: None.

MOTION by Devine, SECOND by Ewing-Holmstrom, to terminate Mr. Baker's contract immediately. AYE: Shanklin, Moeller, Bass, Devine, Ewing-Holmstrom, Baxter. NAY: Haywood, Hanna, Powell  
MOTION CARRIED

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There being no further business to consider, the meeting adjourned at 9:50 p.m. upon motion, second and roll call vote.