

put into the ground. He said they project by the end of Phase I, the end of June 2005, we will have installed a total of 190,000 feet. With the \$4 million savings from doing the program in-house, we'll be able to install an additional 40,000 feet than what was originally identified.

Ihler said some of the challenges they have had to deal with is weather. To date we have had 274 bad weather days and as part of our new Consent Order for Phase II construction, our completion date of Phase I was revised by 10 months, allowing us to go to June 2005. Some other construction constraints we have dealt with was very tight easements where we have had only 5 feet of easement to install the pipe or several fences or buildings in the way and the cost of materials has escalated quite a bit these last five years. Ihler pointed out and explained several pictures showing some of the obstacles they have faced.

Ihler said we have received our Consent Order from DEQ and have seven years to complete Phase II, which begins in July 2005 and runs through June 2012. The estimated cost is \$28 million.

Shanklin said he is happy to see those numbers because we have fought for that. Ihler said we felt if we did it in-house we could save the profit and overhead cost of a contractor, so we reduced what we put into the budget by that amount, which was the \$2.6 million mentioned earlier.

Shanklin said the \$2.5 million grant the Mayor got from the Federal Government; does that mean we have to match it in this CIP coming up? Ihler said it was actually \$1.95 million because there was some administrative costs that had to be accounted for. Shanklin said we don't have to match it in other words. Ihler said it is a grant the City has to match a portion of, but we can match it with the rest of the Sewer Rehab Program. Shanklin asked if that saved us almost \$2 million on the CIP projects. Ihler said yes, it will save us \$2 million on Phase II.

Patton asked how many phases there were. Ihler said there is a Phase III; it was broken up into three 7 year phases. We have no guarantee yet that Phase III will be 7 years. We have three major basins within the City; Squaw Creek, our oldest basin in the oldest part of town, which was Phase I and that's where we started; Phase II is Wolf Creek basin; the area west of 38th Street; and Phase III is East Cache Creek basin; the area east of I-44 and we anticipate receiving another 7 years to do Phase III. He said basically, we have 15 1/2 years left on the entire program as identified. Shanklin said he understands this is on-going forever. Ihler said yes, it's going to be an on-going program.

Powell said one of the questions that came out when we talked about doing this in-house is what are we going to do with this crew after they complete this project. He said the response was, they will never be through. He asked what percentage of the lines we were touching. Ihler said we are only touching about 18 or 19% of our entire system.

Shanklin said that was for a 1" rain in 24 hours, correct? Ihler said no, it was for a 2 year storm that would be 3 1/2-4" over a 24 hour period. Shanklin said if it had of been 6 or 7, it would have cost us \$150 million or so. Ihler said yes, originally they wanted us to accomplish the 5 year storm and that would have made it \$150-200 million program. He said the other thing they wanted us to do was to do all this work in 10 years. We were able to negotiate it over a 21 year period, which instead of \$3 1/2 - 4 million a year, it would have been about \$10-11 million.

Powell said the challenges Ihler spoke about earlier was another reason we felt strong about doing this in-house because he feels our people have done a tremendous job of working around those challenges. He said instead of tearing the tree or building down, in many cases, they worked around those and made citizens happy. Powell told Ihler his people have done a fantastic job on this and words are just not enough. Ihler said thank you and Rusty and his crew deserve the credit.

PRESENTATION FROM THE PUBLIC WORKS DEPARTMENT REGARDING THE CURRENT STATUS OF LAKE LAWTONKA AND LAKE ELLSWORTH ELEVATIONS AND A SUMMARY OF WATER TRANSFERRED FROM LAKE WAURIKA AND LAKE ELLSWORTH IN CALENDAR YEAR 2003.

Ihler said he had been asked to give Council a status report as it relates to the lake elevations as well as pumping that has occurred over the past two years at each lake. He said he and Mitchell went to the Waurika Conservancy District monthly meeting today and they approved some expenditure of funds to purchase an additional standby pump which should help us in the future. He said there is a 14-18 week delivery time for getting that pump delivered, but once it's here, we will always have that standby, backup pump so we will be able to pump the full 23-24 million gallons from Waurika to Ellsworth.

Shanklin asked if we had been shut down. Ihler said there have been some time frames when we have been shut down. Shanklin asked if it had been six weeks at a time. Ihler said there was a couple times we were shut down for about three weeks, so we've been down somewhere in the neighborhood of about 6-7 weeks where we have not received any water. Shanklin asked if at any of those time frames did we charge for the electrical. Ihler said there was a charge for the electrical because during any one month, we weren't down for a full month, we pumped sometime during the month, so there were charges. He said there has not been a time frame in the last year where

we were not pumping sometime during a month, so there would be electrical charges every month.

Ihler referred to his slide presentation explaining about the lake levels and effects it has. He said as of 2:00 p.m. this afternoon, Lake Lawtonka's elevation was about 6.6 feet down. He explained the short term effects and the long term effects on low lake levels.

Ihler referred again to the slide presentation explaining the lake level history and effects at Lake Ellsworth. He said the concern is when we get to elevation 1215, we could start experiencing some cavitations from the pumps that pump from Ellsworth to Lawtonka and once we get below that elevation, a strong possibility exists that we would not be able to pump from Ellsworth to Lawtonka and that's why it's critical to get as much from Waurika into Ellsworth.

Shanklin asked about the seals and if Council had been made aware about the work needing to be done on the gates. Ihler said as unfortunate as the situation is at Lake Ellsworth, we are 14' down, we should probably take advantage of this to perform some maintenance on the gates, such as painting, replacing some runners and controls that are damaged as a result of age. He said mainly the painting because we would not have to use a bulkhead because the water is 4' below the bottom of the gate. We have had some discussion on this and maybe next month or so we will bring Council an item to consider that. Even though the situation is unfortunate, we should take advantage of the situation while the water is off the gates. Shanklin asked what the dollar value was. Ihler said we have been looking at the cost of the chemicals from the Medicine Park Water Treatment Plant through the budget and there's going to be about \$300,000 we will not utilize because ozone didn't come on line until the end of December and some of the chemical fees we budgeted for we are just now starting to bring them on line, so we are recommending looking at this so we won't have to take that out of the CIP or some other source, we think it will be available through the WTP budget.

Shanklin asked what would happen if we didn't get any more rain and went into a draught. Ihler said we have been looking at a couple of things; if Ellsworth continues to drop and we cannot pump from Ellsworth to Lawtonka because of the elevation of Ellsworth, to get the water to our treatment plant, have been looking at a couple alternatives. He said one alternative is to run a pipe line directly from the surge tank at Ellsworth, just below the dam, into the wet well where we pump from Lake Ellsworth over to Lawtonka, so the water that's pumped directly from Ellsworth goes into the wet well. Even though the water level is too low in Ellsworth, we would still be able to pump it into the wet well and over to Lawtonka. The other alternative is instead of building the pipe line, which is about 1,000-1,200 feet of 36" pipe, to devise some type of floatation pumps that could be leased for a short period of time and just drop them into Ellsworth right at the intake and pump it directly into the intake so that we can still pump over to Lawtonka from Ellsworth.

Shanklin said there are people in organizations that say we are going to have this draught for the next 2-3 years and the Oklahoma Water Resources Boards lends to that idea also. We are at 47% of our conservation storage and this could happen to us and are we going to be ready for it. The other thing is, are we conserving our water? He said our budget is predicated on all the water we can sell. There are people all around us having to conserve their water and the more you use, the higher the cost. He said we have never discussed this and what we would do if this should happen.

Shanklin went over past statistics of water usage and wanted to bring this to Council's attention. If we haven't tried to conserve our water and want to sell everything we can, there is going to come a time when we're not going to be able to. He suggests coming up with an idea, just in case we don't get the rains we expect, since we didn't get them last year.

Ihler said this last year and during the winter months, the demand was down. He said you predicate the design of your plants for what you provide for your community and that is for that max day, when you have your fire flows and that fire occurs, you need to be able to provide them the water to fight that fire. He said back in 2000 and 2001, we had max day demands of just under 38 million gallons and yes, we have 40 million at Medicine Park right now. Shanklin said he agrees, but you could have that happen five or six times a year, but yet we spend millions and millions of dollars just so we don't have to conserve it. Ihler said you are not building your plant for today, you are building your plant for the next 20 years. He said this 10 million gallon plant in SE Lawton is to address the needs of Lawton and the community of Lawton/Ft. Sill for the next 20 years; it will provide the water availability to grow and bring in industry and meet that 20 year projected demand. Shanklin said that will cost \$1 million a year to administrate that SE Water Treatment Plant. He said that had been dropped now to \$800,000. Ihler said he would have to go back and look. Shanklin said that's what it was and that's \$800,000, you wouldn't even be using today. Ihler said yes we would use it today. By using water from Lake Waurika and bringing it to town because Waurika is not down like Ellsworth and Lawtonka because they have had a great amount of rain and runoff, their lake levels are not at the levels of concern we are with Ellsworth and Lawtonka. We would be treating Waurika water and sending it to town and not using water from Ellsworth or not as much water from Lawtonka. Shanklin said our water is going to go up whenever that does go on line. Ihler said yes, there's no doubt the cost is going to increase.

Powell said as a curtsey to our visitors, we will move to the Lawton Fort Sill Chamber of Commerce report.

Council went out of agenda order at this time.

RECEIVE A MID-YEAR REPORT FROM THE LAWTON FORT SILL CHAMBER OF COMMERCE AND INDUSTRY ON THE 2003-2004 HOTEL/MOTEL TAX.

Phil Kennedy, currently serving as Chairman of Lawton Fort Sill Chamber of Commerce, said he was here to present their mid-year report to Council. He informed Council of action taken by their Board this afternoon; with regrets, they accepted the resignation of Mr. Tony Pokorney, effective January 31, 2004. He said Pokorney has done an outstanding job during his tenure at the Chamber and is truly a visionary. They will be assembling a search team to begin the process of replacement immediately and until then, they have an experienced staff that will continue to keep them on target with the plan of work Mr. Pokorney and their Board have established. He then introduced Shelia Lee, a member of their staff, to delivery the mid-year report.

Shelia Lee said she was here to provide the mid-year report on the Chamber's activities, as it relates to the use of the Hotel/Motel Tax Fund and also expressed thanks for the use of those funds in their Economic Development and Tourism Recruitment activities. Chamber staff passed out binders with a written report and documentation of accomplishments. She said they are attentive to the fact that these funds are to be utilized for Economic Development and Tourism purposes. They are not frivolous with this money. She said their organization is aware that when Hotel/Motel Funds are combined with the Chambers additional resources, to include staff, that the potential for all Economic Development and Tourism funds are maximized. Their organization is about creating jobs and enhancing the quality of life for the Lawton-Ft. Sill community and the Chamber carries out this mission in a variety of ways; to include the recruitment of new industry and assisting established business and industry and tourism development and enhancement. She said the Economic Development Department of the Chamber continues it's work in such areas as expansion and retention, marketing, recruiting, data collection and research. She said interest in the Lawton-Ft. Sill area remains strong, with requests for information and proposals ahead of anticipated numbers.

Lee said the Economic Development Department has responded to requests with the potential to create, in excess of 900 new jobs in the community. Lawton remains in contention for more than 600 of those jobs because the perspective companies have not yet made their final decisions. A local business will be expanding by several dozen jobs within the next few weeks. The Economic Development Office assisted the business with the writing of a CDBG grant for infrastructure improvements that would add value to the project. She said a formal announcement regarding this project will be forth coming.

She said the Oklahoma Corporation Commission has issued an order that would allow the Energetix Cogeneration Plant Project to move forward. The order established a rate formula and a term of contract. AEP-PSO has filed an appeal forcing the issue to the Oklahoma State Supreme Court and a final ruling should come no later than November 2004. She said Mr. Newkirk is assisting the Energetix staff with an industrial prospect that would locate adjacent to the Energetix plant.

Lee said the Chamber has developed a BRAC Advisory Committee and contracted with The City of Lawton to support all efforts to retain Ft. Sill Army Post through the BRAC process. They continue to work closely with City staff, the County Commissioners, CCIDA, Great Plains Technology Center, and Cameron University to effectively recruit economic prospects to the community.

In an effort to continue to increase sales tax collections, Chamber staff and volunteers, with cooperation from the City, organized the Comprehensive Retail Promotion focusing on the Christmas holiday shopper. The Santa Shop's Lawton Promotion is designed to encourage area shoppers to do their shopping with area merchants. This year, as in last, it has had measurable success.

She said March 8, 2004 has been chosen as the date for the Annual State Legislative Reception and they have confirmed March 28-30th for the Chamber's Washington DC trip. She said the purpose of the meetings in Washington is to gather information on Legislation and activities effecting the Lawton-Ft. Sill community. The Chamber continues to coordinate lobbying efforts through consultant JR Reskovic of Capitol Decisions, Inc. She said this program is funded entirely through private donations.

Lee said tourism continues to grow each year as evidenced by the steadily increasing Hotel/Motel Tax revenue. She said they have included in Council's binders a list of conventions and events the Chamber has assisted with since July 2003. These activities has resulted in over 8,000 visitors to the community during the past six months. She said Lawton-Ft. Sill continues to grow as a destination for conferences and convention activities. A comprehensive marketing plan has given a new and consistent look to tourism advertising for the community. She said the Discovery Trail is a marketing concept developed this year to attract visitors to the Lawton-Ft. Sill area. She said trail cards depicting the top five attractions are providing direction and are distributed at attraction sites and welcome packets and at local hotels. She said Council would find a Discovery Trail Card in their binders.

In July 2003, the community was host to the Amateur Softball Association Co-Ed State Tournaments and this year will host the Ammeter Softball Association Women's Classic National Tournament. She said recruitment efforts this past November were successful in securing a National Tournament for 2005.

She said they continue to provide, at no cost to the requestor, visitor and relocation information, as well as access to information through the website. Tourism continues to grow vigorously.

Lee encouraged Council to review the executive summary in their binders, which includes what she has reported on, in addition to others, too numerous to mention. She said their organization continues to work hard to stretch every dollar they receive for the benefit of the entire community.

Powell said a point of interest that should be brought out on the Hotel/Motel Tax is the number of new units we have added in the Lawton-Ft. Sill community in the last four years. Lee said it's a large amount, we will be in excess of 200 new rooms. Powell said we have had 150 new rooms in the last four years, with an occupancy rate of 87%. He thanked those in the hotel/motel business for their vision and putting up those new units, as well as the units which have been established here for many years.

Powell thanked the Boy Scouts for coming and being a part of our City Council meeting as well as their sponsors. He thanked the sponsors for working with them.

RECEIVE A REPORT ON THE CITY'S FINANCIAL CONDITION FOR THE FIRST SIX MONTHS OF FISCAL YEAR 2003-2004 AND PROVIDE DIRECTION TO STAFF.

Rick Endicott said this is the mid-year financial report for the City of Lawton. He said currently, in our General Enterprise Fund Budget Revenue, we have collected approximately 51.5% of our revenue and are at 50% of the year. He said City Sales Tax is up \$647,587, or 8.4% compared to this time last year. We have collected approximately 52% of our budgeted sales tax, almost \$8.3 million, Franchise Tax is up 19.51% compared to the same period last year and we have collected approximately 49%, or \$1 million of our budgeted franchise tax revenue. Police fines and bonds are down \$253,000, or 23%, as compared to this time last year and have only collected about 37% of our budgeted revenue. He said we are about on target for all other miscellaneous revenue.

Devine asked if there was any particular reason our fines were down. Chief Thorne said it could be a variety of reasons, he hasn't personally reviewed the number, but has noticed there have been less traffic citations issued this year. He said earlier in the year they did have some morale problems at the police department, in addition to that, for the year 2003, we hired 11 more officers. He said it takes 6-7 months for an officer to be able to work on his own. Devine said the main reason he was asking was because the chief is getting ready to bring to Council the need for money for different things and was wondering why have we dropped off in this area, income to the City, because he wants to ask for dash cams for the police units and would like to see the guys respond to that by trying to help out a little bit. Thorne said as far as he knows, they are addressing violations when they observe them.

Endicott spoke on the Enterprise Fund Revenue Summary. He said water revenue is up \$2.3 million, or 26.23% compared to the same time last year and have collected 55.12% of our budgeted, anticipated revenue. He said Sewer Revenue is up \$497,000 or 27% and have collected 47.64% of our budgeted revenue. Refuse Collection Revenue is up \$608,000 or 31.57%, compared to last year and have collected approximately 54% of our budgeted revenue and Landfill Revenue is down \$121,000 or 19% compared to the same period last year and have collected 35.47% of our Landfill budgeted revenue.

Bass asked why the refuse was up so high. Why all of a sudden do we have a 31% increase in refuse collection? He asked if the price went up. Endicott said he could address the water and sewer; in our budget last year we did raise some rates and are seeing a slight increase of water usage. The refuse collection he doesn't know, we are up \$600,000 there, compared to last year. Bass asked if this was because of the new business that came in. Endicott said he thought that had a large part to do with it.

Endicott said the expenditures on our General Fund are just a little over 50%, which is right on target for the year. Our Enterprise expenditures are right at 41.7%, so we are doing really well, especially on the Enterprise Fund side. He said the last six months of the year is typically where we buy the big ticket capital outlay items, so that will effect it. He said right now we are right on target with our expenditures.

In summary, we are doing considerably well compared to this time last year, but Endicott cautioned to continue being very careful in our expenditures and how we handle them. He said our revenue picture is looking good and our sales tax base seems strong, compared to most communities around the state. He said this is good news, but doesn't want to give Council the impression it's going to give us a whole lot of money next year to work with.

Endicott explained the attachment pages of the report. On Attachment C he explained is something that has not been done this year yet, and that is to make a projection on revenue. He said back in October a report was given to Council called a Revised Fund Balance Report and at that point and time we were very comfortable that our ending

fund balance, as of last year, would be \$1.286 million and so the revised fund balance on June 30, 2004, would be \$1,891,508. He said attachment C will show we are projecting our revenue for the rest of the year to be \$1,879,741 (originally the fund balance would be around \$2.4 million). He said they did not budget the step increases that were recently given and estimated that cost to be approximately \$600,000, so we deducted that from the \$2.4 million.

Patton asked whenever we are fortunate enough to have a carry over, is there any mechanism built in where we can set that, or a portion of that aside, into a reserve. Mitchell said that is the purpose, basically, of the fund balance; that is your reserve, or your rainy day fund. Patton asked if that figure wasn't always plugged into next year's budget though. Mitchell said it could be used in the following year's budget as a carry over, but recommends trying to minimize using that money to fund next year's appropriations. Patton asked if we were going to just set that aside. Mitchell said in theory, that's what we would do and hopefully we will collect enough additional revenue to be able to balance our budget next year without having to draw down that fund balance. He said we were not able to do that last year. Ewing-Holmstrom said maybe lower the price of water. Mitchell said not to get ahead of ourselves.

Bass asked if one of the main reasons for that \$1.8 million was because we used \$1.2 million from rolling stock and didn't have to put it back. Endicott said the Council did transfer approximately \$1 million to supplement the General Fund Operating Budget last year. Bass said if you had to put that \$1 million back into rolling stock, your carryover would really only be \$800-900,000. Endicott said yes, the \$1.2 million we started off the year with, had Council not transferred that balance, would have been \$286,000. Bass said if we wanted to put the \$1 million back into rolling stock then the carry over would be \$800,000. Endicott said yes and he did want to remind Council that we have a 5% Reserve Policy that says we're going to keep a reserve balance of 5% of our budgeted expenditures, which is around \$34 million and comes out to be around \$1,750,000 which is what we want to maintain to keep as a reserve balance.

At this time Council returned to the consecutive order of the agenda.

AUDIENCE PARTICIPATION:

David Pope, Central District County Commissioner, said at their Monday morning meeting, they discussed a possible CIP Program for the County and knows the City is working on something for their CIP. He said the County is one entity that can ask taxpayers for a sales tax, ad valorem tax increase and the City is the other entity that can do that. He said this way the City knows what they are planning and we can work together. He said he wanted to try to provide some information on what they are thinking about, so when the City starts theirs, you know the County has some problems and some are joint problems we need to address. He passed out a hand-out to Council at this time. He said his concern is we try to limit the amount of sales tax we have to pay as citizens and their concern at the County Government is to inform the City they have an urgent need to repair their County Fair Grounds. He said they need to do a large arena and that's going to cost about \$12-15 million and they don't have the money at the County Government to do this without coming up with some new source of income.

Charles Miller said he pays City taxes every month, even though he is a County resident. He said he is all for the CIP Plan and he supports it, but his concern is about the County getting into it. He suggests getting a copy of the State Audit Report and look at it. He has paperwork and documents clearly stating our County has big major problems due to gross mis-management of our monetary funds. He said a classical example is we got a tax issue in building the County Jail, but the citizens of the City of Lawton are paying the tax. He said each and every Council member was not protecting their citizens because that tax money was illegally diverted. He said the Constitution states a tax will be for the purpose it was intended; the ballot that everybody voted for, was to build a jail, fund the jail and fund the Sheriff's Office. He said look at the budget; #1) the Sheriff's Office isn't getting a penny out of that tax, none, it's coming out of General Funds; #2) we funded a Trust Authority, we have 43 Jailers and a Jail Administrator, mis-management of the tax money. He said now we're taking money from the Home Finance Trust Authority to rebuild a jail, which is in violation of State laws as to what can be used and how it can be used to build a jail, when we could use, if we can manipulate this slush fund from this Housing Trust Authority money, why doesn't the County put it into the County CIP Plan, but instead, we're paying \$75,000 for a white elephant, per year, that we bought across the street, from the County Court House, again, coming out of the General Fund. He said it states if you haven't got the money in your pocket, you don't spend it, and this County has been spending money left and right and there are some serious questions that needs to be addressed. He said the Council, as representatives of their particular districts, have a County Commissioner. He said you haven't asked him what he's doing with the money, you're just going along with it. We, as County citizens, are sick and tired of this.

Miller said there was an incident at Monday night's County Commission Meeting; the County Commissioner for the Western District wanted a study made on a road going out Lee Blvd. and some bridges. He said that is a pretty important area and a pretty important road that effects this City. Why? It's industry out there, that's where all the stuff is. He said that study can't be made as to what the bridges were because there was no money. The money was going over to the Eastern District. Why did the Eastern District get it? It's a two to one vote, it's real easy. Look at who votes, the District 3 Commissioners voted no on all these fly by night schemes of building a miniature

prison over here, so she isn't going to get the money for the Western District, but that's going to affect the City in the long run. He asks all the citizens of Lawton to stand up and back up the citizens and County of Comanche, because we are filing a tax payer's suit demanding our money back. If you get involved with a tax issue with the County, he can assure you the District Attorney will not do anything to help you as a City. He'll tell you the same thing he has told us; he can't do anything because he has a conflict of interest, because he provides legal advice. He said that does not follow State Law.

Audience participation was closed at this time.

CONSENT AGENDA : Separate consideration was requested for Items #1, 5, 6, & 7.

MOVED by, Devine, SECOND by Hanna, to approve the Consent Agenda items as recommended with the exception of Items 1, 5, 6, & 7. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: Wolf Creek Center Association, Mike Cornish, and Southwestern Bell Telephone Company.

Powell said he pulled this item and asked Mike Cornish to come forward.

Cornish passed out some literature and pictures on his damage claim, which was recommended for denial. He said this is the same problem that won't go away. Shanklin asked him why he didn't fix it then. Cornish said he's tried to. He said we wanted Council to consider not denying this claim. His building has flooded several times and not just once as John Vincent had said. He said Vincent said it was an act of God and he couldn't prove the building had water in it. He referred to the packet he handed out and in 1990 the City had a CIP Program, spending \$300,000 putting a drain in right in front of his building and it didn't work. He referred to the pictures he sent around showing the water in it back in June. He said he has worked on trying to get this problem fixed for the last 14 years. He referred to several dates his building had flooded May 23, 1991, June 8th, June 9th, and June 20th. He has filed a tort claim on this and offered to settle it if the City would fix the problem. He came before Council then and they refused to fix the problem or settle and he had to take further action and doesn't want to have to go down that way again. He said if Vincent thinks he can't prove he's had water in his building on repeated occasions, we'll go to court and make a point, but nobody wins when we do that. It takes too much time and money. That's why he's here again tonight. He asks the City approve this claim and he would like to work with the City. He said this can easily be fixed by putting it back like it was prior to the 1990 CIP Program. We could lower the street 8 to 10" and keep the water out of his building, but nobody wants to listen. He said Haywood got all the streets paved and it's a wonderful improvement, but unfortunately the water comes faster and quicker now. He said Vincent said it was just a little 3" rain, but he's here to show proof and wants the City to work with business people and citizens that pay their bills, pay their property tax, pay their City tax, and pay their water bills.

Shanklin asked Cornish if we paid him \$30,000. Vincent said it was \$20,000. Shanklin said he thought we paid him \$20,000 and he would go away forever. Cornish said no, that was just for that one incident. Shanklin said we shouldn't have paid the \$20,000 because he was in on it and he thought that's the way it was settled.

Vincent said Cornish has had prior problems with the building and he personally is aware of two floods and the last one was in 1994 and that's the one he filed the claim on that we settled back in 1995 or 1996. He said this deal is different, it is not the same and that's the reason we're recommending denial. If this Council would remember the rain storm that occurred on June 26, 2003 that flooded Salas, the parking lot at the mall and we have pictures of all; the 281 by-pass down off S. 6th Street and down around that area; this is part of that rain storm, it was an extraordinary rainstorm. He said Cornish has not flooded since 1994 when we put in the storm grate across the road to modify some of the stuff he's talking about. This was a pure act of God and we have denied every claim that has come before Council on this particular rainstorm.

Patton asked what the suit was for that was filed in 2002. Cornish said that was just a Judgment Entry, he didn't have time to copy everything. Vincent said this was the settlement of the law suits he filed in 1994 and 1995, this is the one we paid him \$20,000 on. He said this goes back to three incidences, one was 1990 or 1991, the other 1992 and the other was 1994. We have determined that we built a standard 10 year rain storm drain at that location. That's all we require developers to do and that is what we built. He said Lee Blvd. was built by the State of Oklahoma back in 1988-1990 time frame and part of the problem was created by the State and we tried to bring that out, which is what Shanklin was talking about; we ended up, because of economic reasons, settling that case because of the cost of expert witnesses and hydrologists, etc.

MOTION by Shanklin, SECOND by Hanna, to deny the following damage claims recommended for denial: Wolf Creek Center Association, Mike Cornish, and Southwestern Bell Telephone Company. AYE: Shanklin, Patton, Warren, Bass, Hanna. ABSTAIN: Devine, Haywood. NAY: Ewing-Holmstrom. MOTION CARRIED.

2. Consider the following damage claims recommended for approval and consider passage of the resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Shaun and Davina Reppond, Junior and Joe Nation, and Curtis Lee Heath, Sr. Action: approved.

3. Consider adopting a street light resolution to authorize the removal and installation of street lights on the east side of SE Flowermound from Lee Blvd. to Surrey Lane. Action: approved.

4. Consider approving Change Order No. 3 and accepting the NW 38th Street (Cache Road to Rogers Lane) Water/Sewer Line Replacement Project #2003-9 as constructed by Jim Mayes Co., Inc. and placing the Maintenance Bond into effect. Action: approved.

5. Consider approving the lease agreement between the City of Lawton and the Marie Detty Youth and Family Services Center, Inc. (Midway Headstart).

Ewing-Holmstrom asked Shahan how long have we had a contract with Marie Detty. Shahan said approximately 15 years, maybe longer. Ewing-Holmstrom asked how much they have rented this space for. Shahan said as long as he's been here, it's been \$700. Ewing-Holmstrom said for 15 years Marie Detty Youth and Family Services has rented over 4800 square feet in Owens Center for \$700 a year. Shahan said no, he's not sure about that, but since he's been here it's been that amount. Ewing-Holmstrom asked what the 4800 square feet was worth in open market, for someone to rent. Shahan said he wouldn't have an answer to that question. Patton said this is inside the Owens Multi-Purpose Center, is that correct? Shahan said that is correct. Ewing-Holmstrom said if Marie Detty is renting this from us and they had to rent this property from somewhere else, what would be a comparable price and would it be \$700 or more. She said \$700 seems like a good deal and if it's been for 15 years, that's an even better deal.

Haywood said that building was built with Model Cities money and with those funds, they said they would have a daycare center and ever since that building was built, there has been a daycare center in that building. This was built with Federal money and not private money.

Bass said the Marie Detty Youth Family Service Center does a great job. Ewing-Holmstrom said she was not questioning that, she just wanted to know the history of it and look at this, this is another issue where we have a non-profit situation and we're helping them out. She said these are tough things Council needs to be looking at.

Devine asked Ewing-Holmstrom if she wanted to reduce the lease and he would sure go along with that, if she thought it was too much for them to pay. Ewing-Holmstrom said if no one else has any issues, obviously it's another stand alone lady over here, but her issue was, to her, \$700 is a heck of a deal. Devine said you've got a deal right out here at 160 acres leasing for \$600 a month. Ewing-Holmstrom said that was her point exactly. She said these are things she wanted to point out to Council.

MOTION by Devine, SECOND by Bass, to approve the lease agreement between the City of Lawton and the Marie Detty Youth and Family Services Center, Inc. (Midway Headstart). AYE: Shanklin, Patton, Haywood, Warren, Bass, Hanna, Devine. NAY: Ewing-Holmstrom. MOTION CARRIED.

6. Consider accepting the Cotton County Rural Water District No. 2 waterline project located on SW 97th Street, south of Lee Boulevard and maintenance bond.

Bass asked Vincent if Cotton County Rural Water District No. 2 was part of the suit against the City. Vincent said no sir and they are dedicating this line to the City and they worked with us on our boundaries during that annexation process.

MOTION by Bass, SECOND by Devine to accept the Cotton County Rural Water District No. 2 waterline project located on SW 97th Street, south of Lee Boulevard and maintenance bond. AYE: Shanklin, Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

7. Consider approving and authorizing reimbursement to Pizza Time located at 1705 NW Cache Road, for a billing error that occurred on their utility account.

Ewing-Holmstrom said this is pretty alarming and asked Endicott what steps we've put in place to make sure this isn't happening. Endicott said they have been working with Solid Waste over the last several months to match up our records and their records, making sure what we're charging people is based on what they're getting for service. They have been going through a very detailed process of updating their records and during that process, found this error. Ewing-Holmstrom said we discovered it then? Endicott said yes, we discovered it. Ewing-Holmstrom said that was good. Endicott said typically what will happen is we will see the error and the credit needs to be given. He said in this case, because of the amount, the customer requested \$5,000 of it be returned in the form of cash. Devine asked if we were giving that back to them in cash or check. Endicott said check.

MOTION by Hanna, SECOND by Warren, to approve authorizing reimbursement to Pizza Time located at 1705 NW Cache Road, for a billing error that occurred on their utility account. AYE: Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

8. Approved appointments to boards, commissions and trusts: Planning Comm.-Springboard; Investment Comm.-Bass, Gibson, & Henry; Historical Preservation Comm.-Barnes, Jones, Musselewhite, Denham, Smith, Kennedy, & Wiggins.

9. Approved payroll for the period of January 5, 2004 to January 18, 2004.
OLD BUSINESS:

10. Consider accepting a Wellness and Fitness Fire Act Grant awarded the City of Lawton Fire Department on September 11, 2003.

Chief Hadley said late last fiscal year we applied for a grant from FEMA, it's through a National Fire Act Grant Program for a Wellness and Fitness Program. The program is set up to provide physicals for the firefighters, to buy exercise equipment for the stations, for a dietician and to have a fitness trainer look at the physicals and set up specific individualized programs for each firefighter. He said the City has a grant matching account, we applied for and used this last year through the Fire Act Grant. He said there was \$93,000 set aside for grant matches and we are asking to utilize \$24,546 as the City's match, this is a 70/30 split, with FEMA providing 70% and the City is required to provide 30%. Warren said he wanted to confirm that this is not going to increase overtime. Hadley said no, part of the requirements, one of the mandates to apply for this particular type of grant was to have a mandatory physical fitness program and we have worked out a Memorandum of Understanding with the union. He said basically this means they will be required, when on duty, to participate a certain time period each day in a physical activity, such as an aerobic exercise and weight lifting. Bass asked if that is why we have to buy all the equipment, instead of just going to a fitness health club, the YMCA or wherever they choose and let them get into a program there and do they have to be on duty to be doing this or do they have to be off duty? Hadley said the mandatory portion will be on duty, but we have a number of firefighters, the vast majority, stay in tremendous physical shape and they do that during their off time or during their down time on duty. He said many, if not most, do belong to gyms and do that. He said this will make it mandatory for all, currently we have no minimum standard that they have to meet on a year in, year out basis. He said this won't set any minimum standard, but it will require they participate in the program on a daily basis. Devine said if we make it mandatory for them to do that while off duty, they could demand overtime for it and that's probably why they are going to make this be mandatory during on duty.

MOTION by Devine, SECOND by Warren, to accept a Wellness and Fitness Fire Act Grant awarded the City of Lawton Fire Department on September 11, 2003. AYE: Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton.
NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

11. Consider approving a contract for the sale of treated water, for a limited duration, between the City of Lawton, Oklahoma and Bruton Construction Co., Inc.

Vincent said after Council's action, we sat down with Bruton Construction and their attorney and have devised a contract, they have approved it and it has been passed out to Council for prior consideration. Haywood asked if a 10' fence was suppose to be in the contract also. Vincent said whatever the construction standards are for a batch plant, in the City of Lawton, they will have to meet that standard, and they have agreed to that. Shanklin asked what the standards were. Vincent said he would have to ask Bigham what the standards are. Bigham said if it was zoned I-4 it would be required to have a minimum of a 6' to 8' screening fence around the facility, where it would be screened off from a residential area and there's no zoning in Wedgwood Addition since it's in the County. Bass said so they don't have to put a fence up at all, if they don't want to. Bigham said if you wish to have that, you would have to specify that in the contract. Vincent said our ordinance says they would have to meet the standards as if they were locating inside the City limits. Bigham said we are making the assumption that this is zoned industrial and it's abutting residential district, a screening fence would be required, but not to exceed 8'.

Haywood said he needed to table this to make sure this is in the contract. Vincent said you can certainly send it back and if Council wants to include a screening fence as a specific line item, we can certainly approach them with it and of course, they would have to resign it. Devine said he thought they had to met all the criteria anyway, as if it was in the City, he said he understood that very plainly.

Patton said, based on the language we have now, they would have to meet the same codes as if it was in the City. He asked if there was any other zone that it could be placed in that would have a lesser requirement. Bigham said a concrete batch plant is an I-4, special use permitted on review and approval of the Planning Commission. He said based on that situation, the Planning Commission may set additional standards to be more compatible with that residential neighborhood. If it was an industrial district of any sort, abutting residential, a 6 to 8 foot screening fence would be required. Shanklin asked if we get to see the contract before approving. Vincent said yes.

Vincent said if Council wants to amend this on the floor, subject to Mr. Bruton's approval, we can deal with it tonight by inserting that a screening fence shall be installed on all four sides, at least 8' high, and we can put that amendment in here and if Mr. Bruton agrees with it, we have a contract, if they don't agree with it, we will have to

bring it back to Council.

MOTION by Haywood, SECOND by Warren, to approve a contract for the sale of treated water, for a limited duration, between the City of Lawton, Oklahoma and Bruton Construction Co., Inc., with the stipulation the contractor will build a screening fence at least 8' high on all four boundaries. AYE: Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

12. Consider amending Section 23-6-602, Chapter 23, Lawton City Code, 1995 to provide for changes in the state statute including making it unlawful to park in van-accessible side-striped areas, increasing the fine for violations, providing for dismissal at no cost under specific circumstances, creating a special fund of 12.5% of fines from citations to be used for establishing, maintaining and perpetuating a citizen volunteer handicapped parking violation unit and establishing criteria relating to the volunteers and enforcement of the parking laws.

Chief Thorne said this is an amendment to an existing policy. The changes to be made in it would be the addition of the van accessible side striped parking spaces and changes the fine amount of not less than \$150 and not more than \$250 for a violation of the handicapped ordinance. He said this would allow for the creation of a special fund to fund citizen volunteers to do the enforcement of the parking violations and also establishes a criteria for the volunteers, establishes the mailing of citations to vehicles in violation and would be mailed to the registered owner of the vehicle and that would be in the case of unattended vehicles. Hanna asked if the citizen volunteers would be the Sentinel Program. Thorne said yes, we already have the program in place and they already have been provided training and this would require him to simply establish a policy or procedure in which to conduct business. Warren asked how we get past the hurdle of these volunteers not being cleet certified when they issue a citation; is it because it's a non-moving violation? Thorne said yes, it's a parked and unattended vehicle, it's not an arrest situation. Warren said it also does not count against your insurance and does not go on your driving record.

Vincent said it's not a moving violation. Shanklin asked if we had anything that says we need to see anything other than that sticker hanging down, to show that individual has access to it. Thorne said it has to be marked with a placard or the handicapped license plate, he believes. Shanklin said he has had several calls from individuals concerned with using that sticker and not entitled to it. Do we have anyway to check and see if it belongs to that individual? Thorne said we wouldn't have a way of checking unless we observed a particular person park the vehicle and contact was made with that person by a police officer. He said those are issued to an individual, not to a vehicle. Vincent said either the handicapped license plate or the placard you hang or lay on your dashboard, is issued to an individual and has a specific number and the police department has the ability, through the State system, to track that number to a specific person.

Bass said, according to the Court House, you have to have the handicapped spaces both marked and posted, to give a ticket and asked if that was correct. Vincent said he would have to check on that.

Devine said this is pertaining to the area marked van wheelchair accessible, not just the blue marker, this is the one that has the striped out area for the van. Vincent said there has been a change in State Law that says for a vehicle with a handicapped sticker to park in a van accessible spot, it has to have a van sticker or van license plate; a standard, handicapped sticker person cannot park in a van accessible place by State Statute.

Patton said he was concerned about the special fund of 12.5% to be set aside. He said we were already down in that department, as far as citations go, so if we pull out any of that additional money from those citations, aren't we just lowering that even more and really coming more out of the General Fund because of that lack. Thorne said for that amount of money we'd simply allow funding for the volunteers. He said there are some additional things and we do have a system in place; as a requirement he is going to require the Sentinels take a digital photograph of the vehicle in violation and that photo of the vehicle in violation will be included with the notice mailed to the registered owner. Bass said that is only 12.5% of these parking violations.

MOTION by Devine, SECOND by Haywood, to approve Ordinance No. 04- 05 amending Section 23-6-602, Chapter 23, Lawton City Code, 1995 to provide for changes in the state statute including making it unlawful to park in van-accessible side-striped areas, increasing the fine for violations, providing for dismissal at no cost under specific circumstances, creating a special fund of 12.5% of fines from citations to be used for establishing, maintaining and perpetuating a citizen volunteer handicapped parking violation unit and establishing criteria relating to the volunteers and enforcement of the parking laws.

SUBSTITUTE MOTION by Shanklin, to table this until we find out exactly what it is because it says it's unlawful to park in van accessible side striped area, it doesn't say anything about a blue marked space; we are talking about van accessible and van accessible only. Vincent said before you second this, that's just the addition, this is an amendment to the existing Code. He said we are talking about all the handicap issues and adding the van accessible. Shanklin asked the if Thorne was comfortable with this. Thorne said the way he understands the ordinance is that fine would be for any violation of handicap parking, whether it be the van accessible parking space or your standard handicapped parking space.

Substitute Motion died due to a lack of a second.

Vincent read the ordinance title at this time.

VOTE ON ORIGINAL MOTION WAS HELD AT THIS TIME: AYE: Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title Only)

Ordinance No. 04- 05

An Ordinance pertaining to vehicles and traffic, amending Section 23-6-602, Article 23-6, Chapter 23, Lawton City Code, 1995, by adding provisions making it unlawful to park in van-accessible side-striped areas; and changing the fine for Handicapped Parking Violations to not less than One Hundred Fifty Dollars (\$150.00) and not more than Two Hundred Fifty Dollars (\$250.00); providing for dismissal at no cost upon a first violation for an expired displayed placard under certain circumstances; creating a special fund by placing twelve and one-half percent (12.5%) of the fines from citations or violations for the sole purpose of establishing, maintaining and perpetuating a Citizen Volunteer Handicapped Parking Violation Unit; allowing for the appointment of civilian volunteers to enforce handicapped parking; and establishing criteria for volunteer personnel to enforce handicapped parking laws and ordinance pursuant to Title 47, Article 10, Sections 11-1007 and 11-1007.1 of the Oklahoma Statutes; providing for severability and declaring an effective date.

Thorne said he had left out one part about the lower fines; a significant contributor could be we had a significant number of officers military-activated and he was allowed to add on part time officers to help out with calls.

Vincent said this ordinance just approved by the City Council will go into effect on February 26, 2004.

13. Consider a request from Mr. Larry Pinchback for the City to assist in the construction of a waterline along the south side of US 277 between SW 6th and SW 11th Streets.

Bigham said staff received a letter of request from Landmark Engineering on behalf of Mr. Larry Pinchback to have the City assist in a waterline project down on US 281 Business. He said 11th Street is on the west, Douglas on the north; this is about a 6 acre track that Mr. Miller wishes to purchase from Pinchback to develop. He said the proposed project is to tie onto the 10" waterline running down Douglas and 7th Street and wants to tie onto that and run about 800' of 10" waterline down to this location, along with some fire hydrants and other appurtenances. They are requesting the City of Lawton provide the materials, the fittings, waive the inspection fees and waive the Maintenance Bond. He said Pinchback proposes to employ Landmark Engineering to do the plans under the off-site infrastructure process in Chapter 21, prepare applications to DEQ, pay the permit fees and provide the labor and equipment to install the waterline. He said Pinchback did recently install a waterline project, at his cost, for the development of the RV Connections, so there was a waterline to serve that project, paid by the developer. Devine asked if they dedicated that to the City. Bigham said yes they did. It is customary for the developers to pay for running services to the property line, therefore, staff cannot support this request. The estimated cost for materials is about \$8,200, however, the Public Works Director further recommends these two waterlines be looped together to have the system in place and the material cost for that would be \$17,800. If Council so desires to approve this, staff will develop such an agreement and bring it back to the next Council meeting and have to determine the funding source to purchase the materials.

Devine said he doesn't understand why the Council wouldn't want to go ahead and get that extended and join those two lines together because that seems like a cheap investment to have that complete water system through there. He said we really need to look at that. Bigham said the \$17,800 would provide the materials only. Devine said they are going to furnish the labor. He said if you go ahead and lay the whole line and tie the two together, do a little plea bargaining there.

Haywood asked Miller if he would be willing to do that, to go all the way down from 7th Street. Miller said that is an additional 1300' on top of the 800' they've already looked at, which would cost a considerable amount. With the purchase of the property, the new building and trying to develop that area, that would be a considerable cost to them. Haywood said Miller had just purchased the car wash at 13th and Washington and it looks real nice there. Haywood asked what the total price would be to do from 7th Street all the way down to the loop. Ihler said that's about 2100', so it would be around \$35,000.

Shanklin said if we do put that in, how would someone else tie onto it so we can recover some of our funds.

Bigham said Pinchback owns all that property. Shanklin said if Miller furnishes the construction, we furnish the materials, somebody's got to help pay us back, for tying on someplace else. Devine said you'd dedicate that to the City, then it belongs to the City. Bigham said after that is dedicated, somebody could tie onto this. Shanklin said at a cost. Bigham said we could look at setting up a pro rata agreement. Shanklin said you ought to have that in the back of your mind like we did out there on Wilson's deal. We put that in there and somebody wants to buy to the east of Miller, wants to tie onto it, fine, there's a fee for it.

Ewing-Holmstrom asked who owns the land in the triangle. Bigham said he believes that's the Hutchins property.

Ewing-Holmstrom said if someone where to build a business there, what would be the option for them? Bigham said there is an existing waterline along 11th Street and also along Douglas. Powell said there's a 10" line up there.

Ewing-Holmstrom said that would be their options and what would the fee be if they wanted to tie into that? Bigham said there would be no additional charges except for the meter cost and hiring the plumber to do the tap, unless the City did it.

Bass asked what the problem was and why couldn't they just run the line down there and why do they have to be connected now? He asked why can't we pay half of the line and just let him go ahead and run his line and if he develops on

out, he'll have to build a waterline on out. Bigham said that was the request.

Ihler said you could do that, but the negative side of that would be you'd have two dead ends and the quality of your water is not as good, it becomes stagnant.

Warren asked Ihler if the \$17,800 was a 10". Ihler said no, that was an 8" from 7th Street to tie into the existing 8" on the other end.

MOTION by Haywood, for the City to fund this waterline all the way down to the 8" line.

Powell asked if that was material only. Ewing-Holmstrom asked what was the funding source. Haywood said material only. Patton asked who was going to do the labor, he's not going to do the labor for that. Hanna said we are talking \$35,000. Patton said Miller's not going to pay for the labor to move those lines.

Devine asked what if we dropped it from a 10 to 8" which is cheaper. Haywood asked if we could do that.

Miller said there is an approximate \$3.00 a foot difference in dropping from an 8" to a 10" and you're talking 2100 feet, so that's approximately \$5,000 or \$6,000 off of the \$34,000 proposed, or, if you propose to do that, I would still be interested. He said if Council proposes to tie those two lines together, he would still be interested in providing the labor for the 800 feet and the City would pay for the material and the labor for the additional 1300 feet.

Haywood said he thinks we need to go all the way down and asked Ihler if we shouldn't do that. Ihler said it is better for your system with water quality and then you've got to loop and then if you put a valve in the middle and the line breaks on the east side of that valve, they could still get water from the west, if it breaks on the west side, they could still get water from the east side, it's better for everybody to run the whole thing down. Shanklin said if somebody wants to tie on, they're going to have to pay a fee, for the cost the City is out to fund that and put that line in. Bigham said we could go ahead and set that up in an agreement. Shanklin said we need to do that.

Vincent asked Bigham if we didn't have a provision that allows the City to set up a pay back system, on a City funded line, so if we funded that line, we could charge a pro-rata share for anybody tying onto that line, to cover the cost, if the City funds the cost. Bigham said that was what he was referring to. He said if the Council wishes to install the 8" line, Miller would provide an equivalent amount of money for labor on the 800 feet. Miller said yes, if the Council so desires. Bigham said we could work out an agreement with Miller to do that. Then, in addition to that, we could have a pro-rata statement saying anyone else wishing to tie onto that 1300 feet, would have to pay x-amount of dollars and we would have to calculate what that would be.

MOTION by Shanklin, that Mr. Miller furnish the labor to put in the 800 feet and the City furnish all materials and labor to tie into the existing 8" waterline and a pro-rata share be established, so the City would be able to recoup the costs.

Bigham said we also need to establish a funding source for approximately \$35,000, minus, a money amount for labor for 800 feet, so we need to consider that as we go into the next meeting where the funding's going to come from. Shanklin asked what did we do on NW 52nd, on the flower shop, to fund that. He asked if it wasn't Economic Development. Bigham said he believed it came out of that fund. Shanklin said to designate that as the funding source.

Warren asked if this a single business or a multiple business. Miller said it's a single business but we're going to do a couple different entities out of that location. Warren said they'll all be owned by the same individual though. Miller said that is correct.

SECOND by Haywood

Bass said if they go ahead and run their extended line up there and get started with their business, then the City comes in and decides they want to finish that line, can you tie that 10" into that 8" line? Ihler said yes you sure could. Bass said then why don't we let him go ahead and do his thing and then when we find the money, we'll go ahead and finish that off, so it's in the budget. Shanklin said we'll have the money.

Powell said we have had a second to the motion, had a ton of discussion, and asked if this was going to be a 10" line going down to meet the 8" line? Vincent said 8" all the way.

VOTE WAS HELD ON THE MOTION AT THIS TIME

AYE: Devine, Shanklin, Patton, Haywood, Warren, Bass. NAY: Ewing-Holmstrom, Hanna. MOTION CARRIED.
REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Col. Herring said the Memorial Service for SSG Castro, a Ft. Sill soldier recently killed in Iraq, will be held Friday, at 3:30 in Grierson Hill Chapel.

Warren reminded everybody to free up some time to go read to the children at the Library on the 3rd of March.

Shanklin said the handout from Mitchell says we received \$484,000 from Ft. Sill. He asked Hanna who his opponent was in the upcoming Municipal Election. Hanna said the only one he knew about was Rex Givens.

Patton said he had the pleasure of being at the police department sometime this week and saw a taser demonstration which is something he would like Council to look at. He said it is something very important and thinks it's something we should look at and help them get it off the ground.

Ewing-Holmstrom said there is a particular building in the City of Lawton complex, where a particular employee brings a dog to work. She said she did not know what the policy was but would like someone to look into it and find out why this person is allowed to bring their dog to work everyday. She said this was a kind of sticky situation; a person living in her Ward had to come to City Hall and has dog allergies and that is how it was brought up. She asked this to be brought back to discuss on Council, the policy on allowing animals in the buildings.

Mitchell said he has one of the responses on the CIP questionnaire and if the rest of the Council could submit theirs to him within the next couple weeks to be able to put it together for your packet in February.

Vincent said we have been discussing water all night and has a meeting a week from Friday in Oklahoma City, with the Water Attorneys on OLMUC Committee and has been passing out updates on water issues in various parts. He said the most recent was a lawsuit filed on the Arbuckle Simpson Aquifer by some attorneys out of OKC to prevent the sale of that water. He asked Council if they would like him to continue sending them these updates. Council said yes please do.

Bass thanked Ihler and his group for stopping the leaks on 40th Street, which have been leaking for about 10 years.

Fanning announced she had already volunteered to read at the Library.

Powell said we were honored at Ft. Sill today; the Commandant from West Pointe, Gen. Brooks, was there and spoke to everyone and said his twin brother is the Gen. Brooks we have heard and seen about over in Iraq and their father was also a General, retired from the military.

Powell said the 10th of February, the next Council meeting, for everyone to be early for photos to be taken at 5:45 p.m.

MOTION by Patton, SECOND by Warren to take a five minute break and convene into executive session. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:30 p.m. and reconvened in regular, open session at approximately 8:40 p.m. with roll call reflecting all members present.

BUSINESS/ EXECUTIVE SESSION ITEMS:

14. Pursuant to Section 307B(4) Title 25 Oklahoma Statutes, consider convening in executive session to discuss the claim related to Case No. CJ-2002-1200, First Union Home Equity Bank vs. Aaron B. Green, et al., and Case No. 03-16433BH, In Re: Donna Kay Green, and if necessary, take appropriate action in open session.

Vincent read the title of Item 14 as shown above. He said Council convened in executive session and after discussion staff recommends a motion to approve payment to HUD in the amount of \$19,025 from the cost of grant fund.

MOTION by Devine, SECOND by Warren, to approve payment to HUD in the amount of \$19,025 from the cost of grant fund in the claim related to Case No. CJ-2002-1200, First Union Home Equity Bank vs. Aaron B. Green, et al., and Case No. 03-16433BH, In Re: Donna Kay Green. AYE: Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

15. Pursuant to Section 307B(4) Title 25 Oklahoma Statutes, consider convening in executive session to discuss Case No. CJ-2003-956, City of Lawton vs. Woodlake Properties L.L.C., and if necessary, take appropriate action in open session.

THIS ITEM WAS STRICKEN, COUNCIL DID NOT CONVENE IN EXECUTIVE SESSION TO DISCUSS THIS ITEM, IT WILL BE BROUGHT BACK AT A LATER DATE.

16. Pursuant to Section 307B.4, Title 25 Oklahoma Statutes, consider convening in executive session to discuss the pending tort claim of David Lee McCall, DC-2003-104, against the City of Lawton, and if necessary, take appropriate action in open session.

Vincent read the title of Item 16 as shown above. He said Council convened in executive session and after discussion no action is required at this time.

17. Pursuant to Section 307B.4, Title 25 Oklahoma Statutes, consider convening in executive session to discuss the pending tort claim of Randall Scott Whitson, DC-2003-105, against the City of Lawton, and if necessary, take appropriate action in open session.

Vincent read the title of Item 17 as shown above. He said Council convened in executive session and after discussion no action is required at this time.

18. Pursuant to Section 307B.4, Title 25 Oklahoma Statutes, consider convening in executive session to discuss the pending tort claim of Brad Corley, DC-2003-89, against the City of Lawton, and if necessary, take appropriate action in open session.

Vincent read the title of Item 18 as shown above. He said Council convened in executive session and after discussion no action is required at this time.

There being no further business to consider, the meeting adjourned at 8:50 p.m. upon motion, second and roll call vote.