

2. Consider accepting three (3) warranty deeds and four (4) temporary easements which are needed for the Flower Mound Project #STP-116B (046) [Gore Blvd. to Rogers Lane]. Authorize the Mayor and City Clerk to execute the proper documents and authorize payments to property owners for all of the items listed in exhibit. Exhibits: Documents on file in the City Clerk's Office. Approved: Charles & Patti L. Hanza, temporary easement; Timothy & Janice Ortner, temporary easement; East Congregation of Jehovah's Witnesses, warranty deed, temporary easement; Michael Brown Development, warranty deed and temporary easement; Inez Manning, warranty deed.

3. Consider approval of Professional Service Agreement with Rebecca Zittle, Center for Educational Evaluation and Research, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Copy of letter and proposal from Rebecca Zittle, dated 10/1/04.

4. Consider acknowledging receipt of a permit for the construction of a force main, lift station and appurtenances from the Oklahoma Department of Environmental Quality to serve the School House Slough Restroom, Lift Station, & Force Main Project #2001-17, City of Lawton, Comanche County, Oklahoma. Exhibits: None.

Shanklin asked for funding information. Jerry Ihler, Public Works Director, said an application was submitted to the Oklahoma Department of Wildlife Conservation requesting a 25-75% match. City funds for the match would be from the \$88,000 remaining from the Robinson's Landing lagoon project, and \$50,000 from this year's lakes division budget.

Shanklin said many people do not use School House Slough, those camping in trailers pay fees to the concessionaire, and he did not feel that he personally should have to pay for this improvement because he would not be using it. Ihler said there is a lease with Lakeland Addition homeowners and the waste from the day use area and School House Slough goes to Lakeland's lagoon; that lease runs out in 2007 or 2008 and an extension will not be granted so a place must be found for the sludge. Shanklin said those who will be using these facilities should be charged a fee to offset that cost, and people from outside of Lawton also use the facilities. Shanklin said this enhances the property of the concessionaire.

Kim Shahan, Parks & Recreation Director, said a meeting was held with the Oklahoma Department of Wildlife Conservation three years ago where they extended the invitation for us to apply for these funds. The meeting on Thursday is a continuation of that because now the permit is being granted by DEQ. Shahan said the State is awarding the funds for the benefit of anglers, and the State's resources for this are generated from fishing licenses.

MOVED by Shanklin, SECOND by Warren, to approve Item 4. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Devine. NAY: None. OUT: Ewing-Holmstrom. MOTION CARRIED.

5. Consider acknowledging receipt of a permit from the Oklahoma State Department of Environmental Quality for the construction of 301 linear feet of eight (8) inch PVC sewer line and all appurtenances to serve the Comanche County Memorial Hospital, City of Lawton, Comanche County, Oklahoma. Exhibits: None.

6. Consider denying a request for the installation of traffic control devices near 212 SW H Avenue. Exhibits: None.

7. Consider awarding contract for Hydraulic Root Saws (CL05-018) to J & R Equipment Company. Exhibits: Department recommendation and Abstract of Bids.

8. Consider awarding contract for Sodium Hypochlorite (CL05-017) to Petra Chemical Company. Exhibits: Department recommendation and Abstract of Bids.

9. Consider adopting a Resolution to allow the appointment of Mr. Steve Glick and Mr. Granville Long to the Lakes and Land Commission. Exhibits: Proposed Resolution. Action: Approval of **Resolution No. 04-156**.

10. Consider approval of appointments to boards, commissions and trusts. Exhibits: Memo.

Mayor's Commission on Status of Women: Deborah Baroff, Cynthia M. Smith, Nancy Lombardo Erwin, Trenelle Rucker, Jodi Standish. (terms for all expire 12/7/06)

Lakes and Land Commission: Col. Steve Glick to 12/7/06; Ellis (Jack) Haynes to 1/23/07; Brendan Wolverton to 1/23/07; Frank Hawthorne (Chairman) to 12/7/05; Granville Long to 12/7/06; Todd Devine to 12/7/05

11. Consider approval of payroll for the period of October 11, 2004 through October 24, 2004.

BUSINESS ITEMS:

12. Consider approving and accepting a one-time donation from the Lawton Community Foundation and the Great Plains Ambucs, Inc. for the benefit of improvements and maintenance for Eastside Park. Exhibits: Copy of donation check.

Kim Shahan, Parks & Recreation Director, recommended approval of the \$2,500 donation. Mayor Purcell expressed appreciation to both organizations for the donation.

MOVED by Patton, SECOND by Shanklin, to accept the donation. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Devine. NAY: None. OUT: Ewing-Holmstrom. MOTION CARRIED.

13. Consider approving and accepting a one-time donation from Mr. Mark Glenn for the benefit of improvements and maintenance for Eastside Park. Exhibits: Copy of donation check.

Shahan said this is similar to the previous item but the individual requested to make a personal donation of \$500 for the Eastside Park. Mayor Purcell thanked Mr. Glenn for his generous contribution.

MOVED by Shanklin, SECOND by Patton, to accept the \$500 contribution from Mr. Mark Glenn. AYE: Patton, Haywood, Warren, Shoemate, Givens, Devine, Shanklin. NAY: None. OUT: Ewing-Holmstrom. MOTION CARRIED.

14. Consider setting a date of January 11, 2005, to hold a public hearing and consider an ordinance closing a portion of a public utility easement on Lots 1 and 2, Block 14, Rolling Meadows Addition located at 2105 NW 43rd Street. Exhibits: Application; Map; Council Policy 5-1.

Deborah Jones, Planning, said an application has been submitted to close a portion of a utility easement located at 2105 NW 43rd Street; the applicant is Mr. Donald Aycock who owns a structure on Lots 1 and 2. A portion of that structure is located on the utility easement and he is requesting consideration of a closure for an eventual vacation of this easement to obtain fair title. Public Works and all private utility companies have been notified of the application; no objections have been received. Staff recommendation is to establish a date of January 11, 2005, to hold a public hearing to consider an ordinance closing that portion of the public utility easement. Notice will be served to the 300-foot area around the requested area to owners and utilities.

MOVED by Warren, SECOND by Patton, to set the date of January 11, 2005, to hold a public hearing to consider this ordinance. AYE: Haywood, Warren, Shoemate, Givens, Devine, Shanklin, Patton. NAY: None. OUT: Ewing-Holmstrom. MOTION CARRIED.

15. Hold public hearings and adopt resolutions declaring the structures at: 2425 SW E Avenue; 4645 W. Gore Boulevard; to be dilapidated public nuisances, causing a blighting influence on the community and detrimental to the public's health and safety. These are both voluntary actions by the owners. Exhibits: Resolution No. 04-____; Resolution No. 04-____; summary documents with supporting photos.

Mayor Purcell said these are both voluntary actions by the owners.

2425 SW E Avenue: Melissa Laycock, Neighborhood Services, said this is a fire-damaged structure owned by Clover Realty and Edward Jett. Mortgage holder is Fleet Mortgage Corporation. It is a blight on the community and the owner is requesting this demolition to receive reduced tipping fees.

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

MOVED by Shanklin, SECOND by Shoemate, to adopt **Resolution 04-157** declaring the structure at 2425 SW E Avenue to be dilapidated. AYE: Warren, Shoemate, Givens, Devine, Shanklin, Patton, Haywood. NAY: None. OUT: Ewing-Holmstrom. MOTION CARRIED.

4645 W Gore Boulevard: Laycock said two commercial structures are located on this property and are owned by Mr. Don Gaskins. There is no mortgage holder. Mr. Gaskins has requested to have this declared a blight on the community for the reduced tipping fees.

Givens asked what the residents are saving by going through this process and what type of cost is involved. Response was \$27.50 per ton.

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

Shoemate asked if this was near Eisenhower schools and response was yes. Shanklin asked Jensen to comment on the criteria. Jensen said he could not tell if it met the criteria and that Council was not required to do this. Patton asked if complaints had been received on the property. Laycock said the action was requested by the owner so he could receive the reduced tipping fees. Laycock said the interior is seriously damaged on the second floor and it

will cost a considerable sum to bring it back to Code.

Mayor Purcell asked if this meets the criteria that other structures are held to. Laycock said this would not be one of our main priorities.

MOVED by Devine, SECOND by Warren, to approve the resolution declaring the structure dilapidated. AYE: Shoemate, Devine, Haywood, Warren. NAY: Shanklin, Patton. ABSTAIN: Givens. OUT: Ewing-Holmstrom. MOTION FAILED FOR LACK OF FIVE AFFIRMATIVE VOTES TO ADOPT THE RESOLUTION.

16. Consider issuing a revocable permit for maneuvering of vehicles in the NW 20th Street right-of-way adjacent to 1919 NW Cache Road. Exhibits: Application; Site Plan; Memorandum from Civil Engineer/Traffic Engineer; Revocable Permit.

Deborah Jones said an application for a revocable permit was received from Steve Tolhurst to use a portion of the 19th Street right of way for parking. A new commercial structure has been constructed on this site and during the building permit process it had adequate parking; the owner decided to pave the right of way and stripe it for parking. He was notified of the Code violation so he applied for a revocable permit to continue to use the parking. A letter was sent to utility companies; no objections were received, however, the Traffic Engineer has raised a concern about vehicles possibly overhanging NW 20th Street when they are backing out of angled parking.

Devine asked if there would be sufficient parking spaces without these that are on the right of way. Jones said there are enough spaces without the additional parking. Warren asked if there were any utilities in the easement. Jones said they raised no objection to the surface use but that does not mean there are not utilities in it.

MOVED by Warren, SECOND by Shoemate, to approve issuance of a revocable permit. AYE: Givens, Devine, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. OUT: Ewing-Holmstrom. MOTION CARRIED.

17. Discuss traffic issues and options at E. Gore Blvd., Laurie Tatum Road and I-44 and take appropriate action on and consider approving a resolution authorizing the installation of traffic control devices at E. Gore Blvd. and Laurie Tatum Road. Exhibits: Resolution No. 04-____; Traffic Commission Minutes; Laurie Tatum Road and East Gore Blvd. Intersection Review Report.

Larry Wolcott, Traffic Engineer, said the Traffic Commission considered this intersection and the study came up with 14 items as options for improvement due to the accidents happening there. He said over the 12 month period from June 2003 to June 2004, there were 15 total accidents in that area; eight were related to Gore and I-44 rather than Laurie Tatum and Gore. Of those 15 accidents, six were related to turning movements coming out of the casino and Best Western driveway and conflicting with Gore Boulevard. Three traffic control items are recommended: install a 40 mph speed limit sign just west of the Best Western entrance; intersection warning signs on Gore to let traffic know an additional intersection is coming up that they need to pay attention to; and install No U Turn signs for east and west bound traffic to limit the conflicts in that median. Shanklin asked what the warning signs say. Wolcott said it is a diamond shaped sign, yellow with a black cross indicating an intersection.

MOVED by Shanklin, SECOND by Haywood, to adopt **Resolution 04-158**.

Warren asked if this is meant to address only the accidents but not correct the flow of traffic. Wolcott said that is correct, turning movements would not be changed. Warren said the same problems will continue as far as traffic backing up out of the parking lot of the hotel and on both ends of Gore. Wolcott said two other actions are recommended; one to communicate with the Tribe asking them to separate their traffic from the Best Western driveway and having an exit to the east and a new driveway for casino traffic. Patton asked if we will still be working on long-term solutions for exits from the casinos. Wolcott said yes, and noted the 14 options presented. Wolcott said this is just a start.

Mayor Purcell asked why there was no discussion or information on installing No Left Turn signs at the exits from the Best Western and casino and then go across to Laurie Tatum Road and install the same sign. He said coming out of Best Western, you could not turn left and go west, you could only go east. Mayor Purcell said these three recommendations would not solve the problem, in his opinion. Wolcott said No Left Turn signs would significantly help the intersection but the Traffic Commission considered the inconvenience it would cause to Best Western and the casino. Mayor Purcell said it is a dangerous area and those signs would help. Wolcott said it would have helped the six accidents that occurred. Devine said it would only move the problem a little further to the east because those wanting to turn left will have to go down and make a U Turn so you have created a worse scenario.

Mayor Purcell said at the casino entrance there are three or four cars you cannot see around so someone tries to go and there is an accident. He said the U turn further down would not be the best solution but it is better than having the problem where it is.

Devine suggested synchronized traffic devices, although it would cost a lot of money, but there are two businesses

which would be hampered by taking their exit away and making it inconvenient. There are several hundred cars involved and major traffic problems.

Mayor Purcell said the synchronized lights would only have room for three or four cars. Devine said Fort Sill Boulevard at Ferris is a bad intersection at 3 p.m. due to the school buses, but when the lights are synchronized correctly, it will move the traffic. Wolcott said it is possible to install a signal in the I-44 and Gore area but he could not say whether it would operate efficiently without looking at the traffic volumes. Devine said two businesses should not have to suffer because the City cannot find a solution.

Shoemate said a light would eliminate a lot of problems. He said concerts are held there and it takes a while for 1,500 cars to exit; if it were not for assistance from the police, there would be many wrecks. He said going east on Gore and making a U turn will not solve the problem and could cause other problems so a signal light would be the best answer. Shanklin asked about moving the road further to the east and Shoemate said that is not tribal property. Mayor Purcell asked Wolcott if traffic lights would work. Wolcott said another traffic signal would be 200-300 feet away from the existing signal and all would have to be synchronized, and they would not work at all for traffic coming off of I-44. Shanklin suggested a frontage road along each side of I-44. Shanklin asked if a hotel and business center were planned and Shoemate said yes. Shanklin said access by a frontage road will be needed even more. Various methods of improvement were further discussed.

Patton suggested a substitute motion to adopt the resolution with the addition of installing No Left Turn signs, and direct the Traffic Engineer and his staff to come up with a further solution in a rather timely manner. Devine said that will penalize the two businesses and not solve anything. He said all of the cars trying to turn left will go to the next intersection and make a U turn. Patton said he also did not want to see the businesses hurt but the situation is dangerous and this may make it safer; this is not a final solution and there is a bigger problem to correct.

Mayor Purcell asked if police officers could direct traffic to make left turns if signs were in place to prohibit them, because that may be needed after concerts or special events. Police Chief Harold Thorne said they may have to do that at a specific location.

Haywood asked how many accidents had taken place. Wolcott said at the intersection of Laurie Tatum and Gore there have been seven, and six of those were left turning accidents.

Thorne said regarding the left turn, he saw something on a news cast showing a vehicle stopped in the center of the roadway, as many as three of them, and only one of those vehicles will be able to see the traffic coming from the right. He said if a person is impatient, they will pull out and that is a real cause of an accident. He suggested prohibiting stopping in the median portion of the roadway waiting to turn. Mayor Purcell said traffic would never be able to get out if they could not do that.

Mayor Purcell asked about a traffic study and Wolcott said it is possible. Devine suggested tabling the matter for 30 days. Mayor Purcell said some of the things could be done in the interim.

Patton withdrew his substitute motion and offered another substitute motion to take out the no left turn and have the City staff come up with another solution in 30 days.

SUBSTITUTE MOTION by Patton, SECOND by Warren, to approve these traffic devices by adopting **Resolution No. 04-158** and direct the staff to come back in 30 days with a solution for that intersection. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Devine. NAY: None. SUBSTITUTE MOTION CARRIED.

18. Consider approving a resolution authorizing the installation of traffic control devices on SW Lee Blvd. at 27th Street, NW 9th Street near 816 NW Columbia, SW McKinley at Sheridan, NW 52nd Street at Quanah Parker Trailway and to remove the traffic control on the 2700 block of SW D Avenue and to revise the school zone at Washington Elementary and to revise signal phasing at Flower Mound and East Gore Blvd. Exhibits: Resolution No. 04-____; Traffic Commission Minutes; Memo from Engineering Division.

Wolcott said the Traffic Commission received a request to eliminate the left turning movement at Flower Mound and Gore, and they recommended to do that and have protected left-turning movements only. Ewing-Holmstrom asked the number of accidents since the lights have been installed. Wolcott said there were eleven accidents when the stop signs were there in a 12-month period, and after signalization, there have been 22 accidents. Ewing-Holmstrom said this light is not working well and she had been personally involved in near misses. Patton said things such as this work in other cities and drivers need to be reminded of the rules. Ewing-Holmstrom suggested getting rid of the permissive left turn and allowing left turn only on the arrow.

MOVED by Ewing-Holmstrom, SECOND by Devine, to approve **Resolution No. 04-159** authorizing the installation, removal and revisions of traffic controls.

Mayor Purcell asked if this includes all seven of the items listed in the agenda and response was yes.

VOTE ON MOTION: AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

19. Discuss and consider approving the 2005 Notice of Meeting Schedule for Lawton City Council Meetings. Exhibit: 2005 Notice of Meeting Schedule for Lawton City Council; Resolution No. 04-_____.

Mayor Purcell said it is traditional to reschedule the December meetings due to Christmas holidays. He suggested rescheduling the December 27, 2005, meeting. Shanklin suggested the meeting be moved to December 20. Ewing-Holmstrom suggested moving the meeting scheduled for the week of Thanksgiving because it is a travel week for many people.

MOVED by Shanklin, SECOND by Patton, to approve the 2005 Notice of Meeting Schedule with the exception of changing from December 27, 2005, to December 20, 2005 and adopting **Resolution No. 04-160**. AYE: Patton, Haywood, Warren, Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.
REPORTS:

Devine said Council voted at the last meeting on trash containers and people are now having to buy new containers to meet the ordinance. He said two trucks have already been purchased containing the tipping device for the larger machines and hoped to buy three more in next year's budget. Devine said a container company may come forward to set up a trial area to use the trucks and larger containers, and that people should not be asked to buy new containers when the next year's budget may provide for the larger containers and the trucks to empty them. Haywood said the trash cans are very heavy and companies that sell the cans are sending information to City officials urging them to change to those containers. Devine said the crews would not be picking the containers up because the truck would lift and empty them. Devine said employees would not be losing their jobs, but the ones who retire, quit or get fired would not be replaced if an automated system is used. He said he has a large container, it is easy to maneuver due to the large wheels and it can withstand high winds.

Discussion was held on the ordinance passed last week in this regard. Jerry Ihler, Public Works Director, said the ordinance limited the maximum size of the container to not more than 35 gallons; the problem was that people were having 95 gallon containers and you can handle them if you have the tippers but there are only two trucks with tippers and there are 13 routes. Ihler said employees cannot lift them without creating a safety problem. Ihler said any pilot program must be limited to a certain route until enough trucks can be purchased to do more; trucks are purchased in seven-year cycles. Patton said most containers are 38 gallons. Ihler said typical containers are 30, 33 or 35 gallons.

Devine thanked Council for not doing the No Left Turn on Gore that was discussed earlier.

Shanklin said he was gone last week and received calls from the media that he had resigned. He said he has not resigned and he will be in the next race in March.

Shanklin said he asked Council to look at information put out by the City Manager in Bethany which shows Lawton as 481 in the State in sales tax collection in relation to population. He said this creates a great discrepancy in what Lawton has to spend as compared to other cities. Ewing-Holmstrom asked if there was a company that could seek out those who were not paying the sales tax. Mitchell said the study compares populations to the sales tax collected and it does not apply to the under collection.

Shanklin thanked the Street Division for doing a good job. He said F Avenue south of Cameron was being redone and asked if it would be two or four lane. Ihler said two lanes. Shanklin said Cameron will appreciate that work.

Patton said the driver of a car turning left at a solid green light should know to yield to oncoming traffic.

Haywood said he attended the National League of Cities conference recently and that he was a member of the National Black Caucus, which will concentrate on HIV and no child left behind next year. He said cities and schools collaborate in larger towns and Lawton should do the same to make this a better place.

Ewing-Holmstrom said she thought a dump site on East Gore was going to be brought up and asked if it would be. Mitchell said the permit is under the old ordinance so it is in compliance; if the permit is revoked the City would likely receive a legal challenge. Ewing-Holmstrom asked when the permit expired and Mitchell said he did not think it expired. Devine suggested the attorneys look into it. Ewing-Holmstrom said there are large mounds of mud on Gore Boulevard in both lanes and it is a mess. Buckley said the permit expires in March and after that they would need to comply with the stricter regulations.

Mayor Purcell said there were excellent speakers at the National League of Cities. He encouraged more Council Members to attend the NLC next year.

Mayor Purcell thanked Kim McConnell for the news article about the need for members on boards and commissions and said the response has been excellent. He said the Council liaison position to the Library Board is open and requested a volunteer. Givens volunteered to serve.

Mayor Purcell said a Charter election will be held in March to change election dates and some other clean up items. He said Council would see a proposal next week to officially change the name of the city from Lawton to Lawton-Fort Sill. Mayor Purcell said most people think that is the name now because Fort Sill has been annexed and we officially changed the name of the airport. Mayor Purcell said some expense would be involved but it did not have to all be done at once and it would go to a vote of the people if Council chose to do so. He said Fort Sill officials said they did not have a problem with it.

Mitchell said he had given out National League of Cities information to Council regarding electronic communications and said they are focusing on getting local issues heard in states and at the national level.

EXECUTIVE SESSION ITEMS:

20. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the continued employment of Kathy E. Fanning as City Clerk, and in open session, consider approving an employment agreement with Kathy E. Fanning as City Clerk and authorize the Mayor and Deputy City Clerk to execute the Agreement. Exhibits: Employment Agreement Summary; Agreement on file in City Clerk s Office.

MOVED by Shanklin, SECOND by Warren, to convene in executive session as shown on the agenda following a ten-minute break. AYE: Haywood, Warren, Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 7:45 p.m. and returned to open session at 9:41 p.m. with roll call reflecting all members present. Mayor Purcell said the Council met in executive session pursuant to Section 307B.1, Title 25, Oklahoma Statutes, to discuss the continued employment of Kathy E. Fanning as City Clerk. He asked the pleasure of the Council.

MOVED by Ewing-Holmstrom, SECOND by Warren, that the employment contract for Kathy Fanning as City Clerk not be renewed.

SUBSTITUTE MOTION by Shanklin, SECOND by Devine, that Ms. Kathy Fanning s contract be renewed.

Jensen asked if that is under the same terms and conditions as the previous contract. Shanklin said yes. Devine said an evaluation should be included. Shanklin said that should be in the new contract.

VOTE ON SUBSTITUTE MOTION by Shanklin, Seconded by Devine, to renew the City Clerk s contract: AYE: Devine, Shanklin, Haywood. NAY: Givens, Ewing-Holmstrom, Patton, Warren. ABSTAIN: Shoemate. SUBSTITUTE MOTION FAILED.

VOTE ON ORIGINAL MOTION by Ewing-Holmstrom, Seconded by Warren, to not renew the City Clerk s contract: AYE: Givens, Ewing-Holmstrom, Patton, Warren. NAY: Devine, Shanklin, Haywood. ABSTAIN: Shoemate. MOTION CARRIED.

There was no further business to consider and the meeting adjourned at 9:45 p.m. upon motion, second and roll call vote.