

Exhibits: Legal Opinions/Recommendations.

Vincent asked this claim be tabled indefinitely and the other two Southwestern Bell claims be denied. He said he had discussions with the Claims Representative for Southwestern Bell and they are in concurrence.

MOTION Warren, SECOND by Hanna, to table item # 1 indefinitely and deny the other two claims from Southwestern Bell. AYE: Ewing-Holmstrom, Shanklin, Patton, Warren, Bass, Hanna. NAY: None. MOTION CARRIED.

*Haywood was not in the room during the vote.

2. Consider ratifying the actions of the City Engineer and approving Change Order No. 3 for the Fire Station #5 Relocation Project #2000-17 with Wicker Construction Co., Inc. Action: approved.

3. Authorize release of RFP for Project Impact "Public Building Retrofit-Fire Station Storm Shelters for First Responders." This component of the Project Impact Program is subject to approval by the Federal Emergency Management Agency of the United States Department of Homeland Security. Action: approved.

4. Consider allowing the City of Lawton Parks & Recreation Department to co-sponsor with the Lawton Chamber of Commerce, Lawton/Ft. Sill Umpire Association, American Cancer Society, and American Legion Organization a series of softball tournaments for the 2004 baseball/softball season.

Warren said Leadership Lawton would like to be included in the fee waiver, as indicated in information he passed out to Council.

MOTION by Warren, SECOND by Hanna, to approve allowing the City of Lawton Parks & Recreation Department to co-sponsor with the Lawton Chamber of Commerce, Lawton/Ft. Sill Umpire Association, American Cancer Society, and American Legion Organization a series of softball tournaments for the 2004 baseball/softball season and to waive those fees with the addition of Leadership Lawton. AYE: Shanklin, Patton, Warren, Bass, Hanna. NAY: Ewing-Holmstrom. MOTION CARRIED.

*Haywood was not in the room during the vote.

*Devine arrived at 6:20 p.m.

5. Consider accepting the Department of Health and Human Services Grant to establish a community based citizen volunteer Medical Reserve Corps. Action: approved.

6. Consider approving an agreement to accept an Emergency Management Performance Grant (EMPG). Action: approved.

7. Consider setting the date of April 27, 2004, to hold a public hearing and consider an ordinance closing the public utility easement located in a closed portion of "C" Avenue between Sheridan Road and SW 21st Street in Radio City Addition. Action: approved.

8. Consider adopting a street light resolution to authorize the installation of street lights at SW 6th Street and Bishop and in Elmer Thomas Park at the Vietnam Veteran's Memorial and at 52nd and NW Wilfred Drive. Action: approved.

9. Consider acknowledging receipt of a permit from the Oklahoma State Department of Environmental Quality for the construction of 272 linear feet of eight (8) inch PVC sanitary sewer line and 487 linear feet of eight (8) inch PVC potable water line and all appurtenances to serve the Warwick Development, City of Lawton, Comanche County, Oklahoma. Action: approved.

10. Consider holding a public hearing on April 13, 2004 to consider a change to the FFY 2000 Consolidated One-Year Action Plan; Change 2 (Draft), receive input from citizens; provide input for the final plan change. Action: approved.

11. Consider approving the following contract extensions: Library Book Contract (CL03-047) with The Gale Group, H.W. Wilson Company, Publishers Quality Library Service, Regent Book, Recorded Books, LLC, Davidson Titles, Inc. and Scholastic Library Publishing - Library. Action: approved.

12. Consider awarding contract for Playground Equipment (CL04-046). Action: approved.

13. Consider awarding contract for Manhole Rings and Covers (CL04-049). Action: approved.

14. Consider approval of minutes of Special CIP Workshop Meeting of February 17, 2004. Action: approved.

15. Consider approval of payroll for the period of March 1, 2004 to March 14, 2004. Action: approved.

OLD BUSINESS ITEMS:

16. Receive a briefing on the All Hazard Mitigation Plan from Carter-Burgess, Inc., and consider adopting a resolution approving the plan.

Bigham said this item is to receive a briefing on the All Hazard Mitigation Plan. This was distributed at the last Council meeting. He said the City did an amendment to their contract with the Storm Water Mitigation Plan to do this plan. This plan is one of the unfunded mandate requirements of FEMA to have in place to receive Mitigation Aide from the Federal Government in certain conditions. We have been received a lot of HMGP (Hazard Mitigation Grant Funding) from this Act, which this plan is required to have in place. He said the \$1 million Safe Room Rebate Program, the \$400,000 Stormwater Mitigation Plan, the \$100,000 NOAA Radio Rebate Program, and some other programs, were all proceeds from the requirements of this plan. The action before Council tonight, after the briefing, is to adopt a resolution adopting this and it will be submitted to the State Emergency Management and later to FEMA. This has to be accomplished, with FEMA approval, by November 1st of this year. He introduced Curtis Beitel, PE, CFM, from Carter-Burgess Engineering to give Council said briefing.

Beitel said they have prepared the final report and handed this out to Council. He said hazards affecting Lawton are floods, tornadoes, high winds, lightning, hail storms, winter storms, extreme heat, draught, earthquakes, and other hazards such as expansive soils, wildfires, hazardous materials events, and dam failures. He went over the hazard identification/profiles shown in there report. He said the Hazard Mitigation Plan has a rating system of 4 criteria which are; 1) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials; 2) Hospitals, nursing homes and housing likely to have occupants who may not be sufficiently mobile to avoid injury or death during a disaster; 3) Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for disaster response activities before, during and after the disaster event; and 4) Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during and after the disaster event.

Beitel said the next was the Capability Assessment which involves the following; 1) Summarize the enabling codes, ordinances or laws relating to hazard mitigation (City authority), 2) Describe the roles of City, County, State and Federal governments related to the implementation of the hazard mitigation plan; and 3) Summarize existing mitigation programs, including Project Impact. He said our existing mitigation activities under Project Impact include; 1) \$20K-start up activities; 2) \$40K - Public awareness/education; 3) \$150K - Retrofitting public buildings/schools against high winds (window safety film); 4) \$4K - Demonstration project of window safety film for a non-profit day care facility; \$75K - Pilot Safe Room Rebate Program; 5) \$50K - Superior building code/Code Plus Home Rebate Incentive Program; and 6) \$20K - Preparation and implementation of an Emergency Operations Plan.

Beitel went over different Mitigation Goals. The National Mitigation Strategy is 1) To substantially increase public awareness of natural hazard risk so the public demands safer communities in which to work and live; and 2) To significantly reduce the risk of loss of life, injuries, economic costs and destruction of natural and cultural resources that result from natural hazards. He said the Oklahoma State Plan Goals are 1) Minimize the destruction and devastation resulting from disasters; 2) Promote increased coordination among State agencies and local officials; 3) Integrate hazard mitigation management capabilities and programs into everyday government functions; and 4) Expand the focus of mitigation measures to include the major hazard threats to Oklahoma. The mitigation goals for Comanche County are; 1) Protection from loss of life and personal injury; 2) Protection of critical facilities and infrastructure; 3) Protection of personal property and reduction of economic injury due to hazards; and 4) Minimize the costs of disaster response, which is the same goals for the City of Lawton, so the City's plan can be included in the County Plan.

Beitel then explained the mitigation strategies/activities. First is to incorporate State Plan priorities; 1) Acquisition of repetitive loss residential properties; and 2) School safe rooms. It's a must to be based on results of vulnerability and risk analyses, specific potential mitigation activities for each mitigation strategy, and last, the plan must describe how they were identified and the process used to prioritize them. He over the mitigation activity ranking and the Hazard Mitigation Action Plan itself. The Plan lists the activities by priority, identifies the organization responsible for implementing the activity, provides an approximate time frame for implementation, estimates implementation cost, and potential funding mechanism. There are a total of 34 items on the priority list.

Beitel then went over the Plan monitoring and update. The Plan requirements are; 1) must include monitoring procedures, proposed schedule and evaluation criteria; 2) identify local agencies that will participate; and 3) include opportunities for public participation. Other requirements are the annual review of plan by EMAC, followed by a public meeting, and implement changes and update the plan.

Beitel said our next steps are; ODEM has reviewed draft plan, comments incorporated to finalize plan (distributed

to Council at the February 24th meeting), City Council to pass resolution to adopt the final All Hazard Mitigation Plan, submit adopted plan to ODEM for their review and approval, and ODEM submits to FEMA Region VI to review and approve by November 1, 2004.

Shanklin asked if this was mandated by the Federal government. Beitel said it is by the Disaster Mitigation Act of 2000, which adjusted the Stafford Act. The Stafford Act is the Federal Act which FEMA provides disaster assistance. Shanklin said we're going to do this whether we want to or not, everyone is, right? Beitel said yes sir, in order to remain eligible for FEMA grant funding. Shanklin said for any type of FEMA grant? Beitel said yes.

Shanklin asked if Beitel could give Council a figure of what it's going to cost the tax payers 10 years from now. Beitel said they worked very hard to include existing City activities so it didn't cost the tax payers much, in fact, of the \$2 million how much actually comes from the tax payers, in terms of the total amount the City is responsible. Shanklin asked if we are going to do all this for \$2 million.

Bigham said what Beitel is referring to of the \$2 million of Federal grants, dealing with mitigation, how much has the City paid for. He said all of those primarily, the 25% match has been paid by the recipient, whatever they are receiving. With exception of the Storm Water Mitigation Plan, which the City did fund the 25% of that, and the \$5,000/25% match of doing this plan here. Shanklin asked if the Storm Mitigation was included in this. Bigham said the results of that plan are listed as those drainage projects you saw at the end of the Action Plan, the recommendations from that Plan are in here.

Shanklin said he read in the paper that was around a \$50-60 million expenditure to the tax payers, is that correct? Powell said when it's all totaled up, that's exactly right.

Bigham said the plan was to look at 20 troubled drainage areas in the community and come up with solutions for those. That's what is in the Storm Water Mitigation Plan. The priorities of that are listed in this Plan as an action we can do to mitigate future damage.

Shanklin said it's going to cost Lawton tax payers \$50-60 million in the next 10-15 years, that we haven't looked at? Bigham said there is that potential. He said he thinks you have to look at this as a planning document, as well as a requirement from FEMA to receive additional mitigation funds. This Plan is identifying mitigation actions, based on the rankings this company did. It's listing all these mitigation efforts that can be made. He said that doesn't mean we have to do all of them. He said annually we are going to review this action list, redo the priorities, and we have to redo the Plan every 5 years. We will continue annually and looking at this document every 5 years to see if these are the priorities we want to do. We are not going to be able to accomplish all these in the next 5 years, but the priorities are listed in this book. Shanklin said we don't have \$50-60 million in the next 5 years. We don't have \$5 million. Bigham said the other part of this is it's a good planning document that shows these priorities we can do. He said to answer the question if this is a federal requirement, he would have to say no, if we don't want to receive any additional Hazard Mitigation money from FEMA. If we want to do that and receive that money, or be eligible for it, this Plan is a requirement.

Powell asked how much money we have received from FEMA in the last 5 years. Bigham said \$2 million. Shanklin said that's Meadowbrook. Bigham said no, the Meadowbrook project is different federal money than the money he is referring to. Shanklin asked where did the \$2 million go and where did we spend it. Bigham said we haven't spent all of it yet. We received a \$1 million grant for the Safe Room Rebate Program we are still involved with, we received \$400,000 to do the Storm Water Master Plan, we received \$100,000 for a NOAA Radio Rebate Program, which we are about half way through with, we received \$50,000 to do some rain and stream gauges in the urban area, and \$400,000 for Project Impact. Shanklin said so if we want \$10, we have to spend \$100. Bigham said no, if we want \$100, we only have to spend \$25. That's also in-kind services, it's not necessarily a hard match.

Mitchell said as clarification, this also compliments, or overlaps with our Storm Water Management Plan, so there are some connections between the two.

Bigham said the purpose of this Plan is to look at all the natural hazards, not just worrying about storms, let's look at what wind damage can do, tornadoes, earthquakes were mentioned. We have a fault here that nobody pays attention to, it's not a major one, but the potential is there. All these natural hazards are listed in this Plan and mitigation efforts we can do. We don't have to do all of them.

MOTION by Warren, SECOND by Ewing-Holmstrom, to adopt Resolution 04-24 approving the All Hazard Mitigation Plan. AYE: Patton, Warren, Hanna, Devine, Ewing-Holmstrom. ABSTAIN: Shanklin, Bass. NAY: None. MOTION CARRIED.

*Haywood was not in the room during the vote.

BUSINESS ITEMS:

17. Hold public hearings and adopt resolutions declaring the structures at: 115 NW Columbia Avenue (Ref: 304 &

305 NW 2nd Street); 1610 NW Lawton Avenue; 2013 NW Smith Avenue; 709 SW B Avenue; 205 SW 11th Street; 2604 SW G Avenue; 1623 SW Roosevelt Avenue; 2018 SW Jefferson Avenue; 1513 NW Lawton Avenue; 2104 NW Lake Avenue; and 314 SW Jefferson Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate.

Powell asked Alltizer what the reference addresses on the property at 115 NW Columbia Avenue meant. Alltizer said the legal description references the street address as 115 NW Columbia Avenue. Powell said this is one in the same? Alltizer said yes, it's actually two, the way they are split up, there's two commercial structures we are referring to that actually fact 2nd Street. Powell said it is 115 NW Columbia Avenue. Alltizer said, but we are referencing the two commercial structures, yes.

Alltizer said the first 5 structures are actually voluntary condemnations. The property owners would like to take advantage of the reduced tipping fees at our landfill. She said there is no one here tonight to discuss those. She said she didn't know if it would be proper to have a public hearing on all five of those structure together.

Powell said no, he is going to do them separately. He asked if she was counting 304 & 305 NW 2nd Street as two or one. Alltizer said one. Powell asked if the first five are asking for tipping fees reduced. He said he is going to ask for a Public Hearing on each one of those separately and then we'll act on all of them under one motion. He asked Vincent if that was alright. Vincent said yes.

115 NW Columbia Avenue (ref: 304 & 305 NW 2nd Street)

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS

1610 NW Lawton Avenue

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS

2013 NW Smith Avenue

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS

709 SW B Avenue

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS

205 SW 11th Street

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS

Powell said he has been informed by the City Attorney that we can have one motion for all five properties.

MOTION by Shanklin, SECOND by Haywood, to approve Resolution Nos. 04-25; 04-26; 04-27; 04-28; and 04-29 declaring the structures at: 115 NW Columbia Avenue (Ref: 304 & 305 NW 2nd Street); 1610 NW Lawton Avenue; 2013 NW Smith Avenue; 709 SW B Avenue; 205 SW 11th Street Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate. AYE: Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

2604 SW G Avenue

Alltizer said with the resolutions in the packets Council received, they have included a Code Violation Checklist for the Property Maintenance Code violations at each property. She said these were mailed out certified to the property owner before being brought to Council. For this property, no response has been received from the owner. They met with the owner of this property a couple months ago and inspected the property. She said they sent him the list of items needed corrected and he needed to obtain a permit by the middle of February and we have had no action at that time. Alltizer said she did receive a call from the property owner late this afternoon saying he was unable to attend tonight, that he didn't have the money to fix up the property, and it was up for sale. She said the structure has some significant problems, the inside is full of junk and debris and problems needing fixed as well. City utility services were terminated in August 2003. She and Manny Cruz went to inspect the property yesterday and it was unsecured again.

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS

MOTION by Shanklin, SECOND by Patton, to approve Resolution No. 04- 30 declaring the structures at 2604 SW G Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate. AYE: Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

1623 SW Roosevelt Avenue

Alltizer said this is a singled residential structure and also has a small accessory structure and a storm cellar on the property. A letter was mailed to the property owner in December 2003 requesting an inspection but received no response and eventually received the letter back. She said a detailed inspection letter on the exterior of the property was then sent and was returned, unclaimed, yesterday. They received a call from a relative of the property owner last week saying he would try to be here tonight to explain what they intentions are with the property. It has not had City utility services for quite some time, terminated in December 1999.

PUBLIC HEARING WAS OPENED

Eric Finley, 1804 Garrett Street, Garland, Texas, said he was representing 1623 SW Roosevelt Avenue. He said he had looked at the property today and is willing to upgrade the property or whatever is best for the neighbors. He said he spoke with a couple of the neighbors and found the people he has been paying to keep the property up hasn't been doing what they were supposed to be doing. He said he will be down here for a couple weeks trying to decide what's best for the property and the neighborhood.

PUBLIC HEARING CLOSED AT THIS TIME

MOTION by Haywood, SECOND by Shanklin, to approve Resolution No. 04- 31 declaring the structures at 1623 SW Roosevelt Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate. AYE: Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None MOTION CARRIED.

2018 SW Jefferson Avenue

Alltizer said structure has suffered a significant fire on or about December 1, 2003. We sent a letter requesting an inspection prior to the fire, but in the meantime, we believe vagrants started the fire. We have not had any contact from the property owners or mortgage company on this property. Prior to the fire there was significant junk and debris and vagrant activity at this address. We have expended \$619.27 for abatement of tall grass and weeds and for securing the property over the last two years.

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS

MOTION by Haywood, SECOND by Bass, to approve Resolution No. 04- 32 declaring the structures at 2018 SW Jefferson Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate. AYE: Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

1513 NW Lawton Avenue

Alltizer said we have expended quite a bit of money on this property, probably one of the highest ones to date, for a structure that we have not demolished, which is \$1,110.46, mainly for mowing the grass for the last couple years. This structure has had no City utility services since March 2000 and was unsecured when we took the photos yesterday. It has been a chronic problem and has had no contact from property owners or mortgage company and every letter we have sent has been returned unclaimed.

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS

MOTION by Hanna, SECOND by Patton, to approve Resolution No. 04- 33 declaring the structures at 1513 NW Lawton Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate.

Shanklin asked for clarification. They couldn't find an owner of any kind and have the taxes been paid or not?

Alltizer said she wasn't sure about the taxes, but the owner of record is in California and also listed at this address, but we have not been able to have anyone claim those letters and there are no mortgages on the property at this time. Shanklin said there is a process through the court system how to get sold at the Sheriff's sale and so forth, is that correct? Vincent said if we go through the dilapidation process and have one of the District Judges take the case and he approves it, we will then order it demolished by the home owner. If they don't do it the City would be required to do it. Shanklin asked if we had to take it through the court first. Vincent said yes. Alltizer said they have been having very good success through the District Court.

VOTE ON MOTION WAS HELD AT THIS TIME

AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED.

2104 NW Lake Avenue

Alltizer said we have had this structure before Council and it was condemned in November 2001 and was brought back to Council and the resolution was rescinded to allow the property owner time to make the required repairs. He made some progress but did not correct all the Code violations so we are bringing it back tonight. When the owner received the Notice of Hearing he came in and applied for a building permit but it was already scheduled for tonight so she told him he would have to wait. He says his daughter is going to move into the house so he will have to make the necessary repairs. Alltizer said that hasn't had utility service since 1987.

PUBLIC HEARING WAS OPENED AND CLOSED WITH NO PARTICIPANTS

MOTION by Shanklin, SECOND by Haywood, to adopt Resolution No. 04- 34 declaring the structures at 2104 NW Lake Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate.

Shanklin asked how are they going to move in if they haven't had water, do we just allow the water to be turned on? Alltizer said no sir, he would have to make the necessary repairs and then open a City utility services account. He has applied for a building permit last week. Shanklin said they can't just move in there and say they're living there now, correct? Alltizer said they are not supposed to, no. Shanklin said he didn't want to hear not supposed to. We will not turn the water on for habitable use. Mitchell said we will not turn the water on until they comply with the Building Permit requirements. Alltizer said under the current Code they have to obtain a certificate of occupancy before this structure would go off the D & D list.

VOTE ON THE MOTION WAS HELD AT THIS TIME

AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Hanna. NAY: None. MOTION CARRIED.

314 SW Jefferson Avenue

Alltizer said she talked with a gentleman whose mother is the property owner of this structure. There are significant problems there as far as criminal activity. LPD brought this to our attention. The main problems with the structure is it's had a small fire last year and we went in and inspected the property and provided that list to the grandson of the property owner. He says he plans on obtaining a permit and remodeling the structure and asks if Council would table this for 30 days. It does have current utility services.

PUBLIC HEARING WAS OPENED AND CLOSED WITH NO PARTICIPANTS

MOTION by Haywood, SECOND by Shanklin, to adopt Resolution No. 04- 35 declaring the structures at 314 SW Jefferson Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

18. Consider awarding a construction contract to Bowen Construction, Inc. for the Lake Ellsworth Gate Repair Project #2004-1.

Ihler said on February 24th Council authorized staff to prepare plans and specifications and go out and advertise for sandblasting and painting the gates at Lake Ellsworth, sealing the cracks on the spillway on the upstream side, and replacing the metal race plates that the seals abut up to. Taking advantage of the unfortunate situation with the low lake levels at Lake Ellsworth, trying to do that before we get water on top the gate. We received four bids on March 16th and the prices ranged from \$227,000 to just over \$300,000 and it's staff's recommendation that we award it to Bowen Construction Company from Oklahoma City in the amount of \$227,625. He said one adjustment he needs to update

Council on is we show a current balance in the agenda item of \$810,720 and since that time there have been some invoices paid and the current balance is \$702,000 in that account. We would ask Council approve \$250,000 to take care of any contingencies or testing needing done.

MOTION by Shanklin, SECOND by Haywood, to award a construction contract to Bowen Construction, Inc. for the Lake Ellsworth Gate Repair Project #2004-1 in the amount of \$250,000. AYE: Shanklin, Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

19. Consider authorization of the replacement of a collapsed storm drain located on Terrace Hills Drive and approve a funding source.

Ihler said on March 4th a 42" corrugated metal storm drain pipe located on the east side of Terrace Hills Blvd. collapsed as a result of age and condition of the corrugated metal pipe. It completely rusted through and we need to provide a fund source to replace approximately 500 feet of that 42" pipe on the east side of Terrace Hills Blvd. If approved, we will do that with in-house staff to minimize cost and we are estimating somewhere in the neighborhood of \$40-50,000 to take care of that. Staff is recommending the funding source be the 1995 CIP we utilized to fund the construction of Flowermound Road from Gore Blvd. south to Lee Blvd. He said that area and project is complete and we do have some additional expenses of about \$65,000 we are aware of that we will have to pay to ODOT as part of the process. We have a current funding balance of \$117,000 in that account, so we are asking we go ahead and utilize \$40-50,000 to take care of that problem.

Ewing-Holmstrom asked what was the alternative funding source other than this CIP money that would have been for Flowermound. Ihler said the alternative funding source would be the small remaining amount in the 67th Street drainage problem we had and entered into a lawsuit and it was settled. There's about \$25,000 or so in that account, but we still have some final issues in getting some right-of-way on that project, so that is really still on-going. The only other accounts Ihler said he is aware of that we could utilize would be City Staff General Fund Account and we just don't have it.

Shanklin said you could make a motion and put \$2 on the water bill as a sur charge for a month. Ewing-Holmstrom said frankly she doesn't feel like taxing anymore. Shanklin said that's one way of getting it done. Ewing-Holmstrom said she doesn't think it's worth putting \$2 on every citizen in this community. We've got the money, we're just going to have to go to another section of town.

Shanklin asked how long is this drainage ditch. Ihler said it's a 42" pipe and approximately 500 linear feet we are having to replace.

Powell said this is corrugated iron, right? Ihler said it's corrugated metal pipe. It was put in at the time of the subdivision was developed, so it's about 40-50 years old.

Mitchell said other possible funding sources would be the 2000 CIP, you have some interest we are earning on this CIP, so it's just a matter of which money do you want to spend. So, the 2000 CIP would be another alternative.

MOTION by Patton, SECOND by Haywood, to authorize the replacement of a collapsed storm drain located on Terrace Hills Drive and fund it from the 1995 CIP. AYE: Patton, Haywood, Warren, Bass, Hanna, Devine, Shanklin. NAY: Ewing-Holmstrom. MOTION CARRIED.

20. Consider an ordinance amending Section 19-1-111, Article 19-1, Chapter 19, Lawton City Code, 1995, by clarifying camping site reservations procedures, providing for severability and declaring an emergency.

Shahan said we are requesting amending the ordinance concerning our camping site reservations for non-preferred sites. Basically the non-preferred camping sites do not have a restriction of allowing a camper to stay there continuously throughout the season, so we have made those changes for the preferred sites, which is 14 days. Now we are requesting to make that change for the non-preferred sites for 21 days. So an individual could only stay at that campsite for 21 days and would not be able to return there during that camping season. They could use another site but not hold that same site. The second amendment is to provide a proof of unit ownership for the senior citizens to be able to have the reduced fee for their camping site. There's those who are using camping sites and saying it's for their Grandmother or whomever, and basically we need some way in showing proof of ownership of that unit, so we request Council change this for us.

Shanklin asked what was the required proof. Shahan said show proof of camping unit ownership would be a title. Shanklin asked if Shahan had found out anything on people staying there year round and acting like they weren't, did you ever run anybody out? Shahan said we have.

Ewing-Holmstrom asked if this would stop the people who are living there and basically taking root, with refrigerators outside, and lights and the things we've seen out there.

Shahan said this is addressing the east side camp ground, so those individuals who are staying there throughout the whole summer, this will address.

Vincent read the ordinance title at this time.

MOTION by Warren, SECOND by Patton, to adopt Ordinance No. 04-13 amending Section 19-1-111, Article 19-1, Chapter 19, Lawton City Code, 1995, by clarifying camping site reservations procedures, providing for severability and declaring an emergency. AYE: Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None.
MOTION CARRIED.

(Title Only)

Ordinance No. 04-13

An Ordinance pertaining to Recreation amending Section 19-1-111, Article 19-1, Chapter 19, Lawton City Code, 1995, by clarifying camping site reservation procedures, providing for severability and declaring an emergency. 21. Consider approving a supplemental amendment to the General Fund Budget of \$75,000 to Neighborhood Services Division for the administration and oversight of easement cleanup for the months of April, May and June 2004.

Mitchell said we have had requests from several utility companies to address the easement problem in our community. At the last meeting Council asked staff to develop a plan and wanted to report we were unable to schedule that meeting in the short window we had in the last two weeks. We are planning to schedule a meeting with not only the utility companies, but several developers in the community, to talk on this issue. He said he thinks it's more than just a financial issue. There are some concerns about existing ordinances and how we address those and how we work together to resolve the revocable permit issue, along with a couple sections in our ordinances that need reviewing or revised. Mitchell said he has prepared a handout for Council which is a memo that follows a report that the Public Works Director provided that shows the costs of cleaning some alleys and right-of-ways we did to allow our sanitation trucks to operate. We show the cost of that tree trimming program was about \$24,000 and we would estimate a daily cost for providing that type of activity or service, would be about \$1,300 per day.

Shanklin asked for how many people. He asked if this was the program he has asked about. Mitchell said yes.

Patton said basically what we wanted to do is, we know there is a long term fix in this and this is not designed to be the long term fix. This is just merely to get started in some of the problem areas like we saw in the video two weeks ago. This is just to address those immediate needs and he knows the City Manager will work with the utility companies and Neighborhood Services, as far as getting a long term solution hammered out.

MOTION by Patton, SECOND by Ewing-Holmstrom, to approve a supplemental amendment to the General Fund Budget of \$75,000 to Neighborhood Services Division for the administration and oversight of easement cleanup for the months of April, May and June 2004.

Shanklin said what are we going to do with the money? How are you going to do it Larry? Where's it going and who's going to do it?

Mitchell said that's one of the questions. Patton said we have this showing how much it will cost. He said he's not saying we have to use all of the \$75,000, he's just saying we earmark it.

Shanklin said he had the minutes pulled after he read the agenda item and we discussed this last time, very explicitly and the Mayor said direction had been given to the City Manager that he (Shanklin) was asking for the whole \$300,000 in the next budget. If we don't know where we're going to spend that \$75,000, he has a little problem in just looking at this. We are adding in the use of our own equipment, as to get to that \$23,000. He said he didn't understand that and how to get to the \$1,300 a day.

Ihler said he had been requested to provide Council the cost for doing the alley tree trimming cleanup program we had performed on the weekends. We had broken it up to show we had the man hour costs, the equipment costs, and we state in the memo that the equipment costs could be removed, if you use the City equipment as part of any kind of program in the future. He said if you look at the labor costs, you are looking somewhere in the neighborhood of \$11,000. Shanklin asked if that was per week. Ihler said no, for the whole 40 weeks we performed this. Shanklin asked if this would just cost us \$11,000 if we had done this for 40 weeks. Ihler said this program was for 18 Saturdays and we had 4 people working, two from Streets and 2 from Solid Waste Collections and we used the FEMA cost prices that we always do for equipment. If you included the equipment, it was \$23,614. If you subtract the equipment cost, the labor cost was \$11,000. Shanklin said we spent \$11,000 for 18 days.

Mitchell said that was the actual cost, the money we spent. If you were doing this program long term, he thinks you need to look at the \$1,300 per day cost because you are going to have equipment maintenance and other costs associated with it.

Ihler said we used the Pole Cat so they could use the bucket to get up and cut the trees and during the week, we use that in the Street Division, it's not available during the week. He said you would have to purchase that type of equipment if you wanted to go ahead and use it for this.

Shanklin said we are going to have to buy all kinds of equipment then, if we are going to go into this, is that it?
Mitchell said yes.

Ihler said that's for an alley cleaning program. He said he doesn't know that you would need a Pole Cat for an easement cleaning and mowing and large grass. He said that's not what he was asked to look at.

Shanklin said he thinks we can get it done by spending about \$300,000, but if we are going to go in and create a brand new division and director, etc. he just can't be part of it.

Patton said all he's saying is we just start now. Obviously there's a need right now.

Shanklin said he has been fighting this for about 3 years. The correctional facility was going to help us and we bought equipment for them and they came 3 days on our allies and right-of-ways. We have not been successful at it except for these guys who volunteered, on their off day, they were paid, and four of them worked.

Warren asked if we had the same abilities to expend tax payer funds in easements, as well as right-of-ways. Are we able to go in and expend money to remove people's buildings and things of that nature in an easement?

Vincent said buildings and things that the person's had permission to put up at the time, no sir. If we are going in there to remove a tree that has weighted down and is crushing a gas line or crushing a sewer line or something like that, yes. Right now, the City Code allows fences in easements. The pictures they were showing the other night are under the old Code where you fenced to the property line and then created this no-man's land between fences on easements, that are still really the property owner's property.

Warren said originally he thought we were going to expend funds on Admin. Go out and give them an order to clean up and if they don't, we could take them to court and he started thinking about this and how are we going to spend money to move structures, etc.

Vincent said if we have an illegal structure out there, that's a different ballgame all together, but it will be a case by case on each property.

Mitchell said we did that in the two pilot programs in Wards 1 & 2, we did it administratively. We sent notices and did it administratively and that would be another way of doing it. Warren asked if that's what we are really looking at here, is doing that type of program where we're just going out there and touching the citizen and say they are going to have to clean this up. If you don't, we're going to have to take other actions.

Mitchell said then you go through the abatement process. Warren said we're not just going in there and mowing easements. Shanklin said not necessarily mowing easements but he can see us going in there and cutting down the vegetation and foliage that's above your head and leave it where you can walk through it.

Powell asked if this meeting needs to take place with our utility companies that we had asked for the other night and then bring back a plan of action and talk about that \$75,000 at that time. He said right now he doesn't know that we've had any direction for that \$75,000. He said he just asked the Manager and isn't sure we have any direction for that, so the thing to do would be having that meeting with out utility companies and get a plan of action there and then come back.

SUBSTITUTE MOTION by Bass, SECOND by Hanna, to table this until the next meeting. AYE: Bass, Hanna, Devine, Shanklin, Haywood. NAY: Ewing-Holmstrom, Patton, Warren. SUBSTITUTE MOTION CARRIED.
22. Discuss and possibly amend Warning Siren Activation Procedures.

Bass said he brought this up because he didn't know we had a committee for the siren alarm that goes off. He had a lot of phone calls on this on how high the winds have to be before the sirens go off, does the County have their own sirens, does the City have theirs, etc.

Doug Wells said back in 1999 the Mayor appointed a committee to come up with a policy on sirens within the City. Warren at the time, was the Chairman of that committee and the committee met and made recommendations to the Mayor shortly there after, Warren left the Council and Baxter came on the Council and took over as Chairman of the committee. The later part of 2001 a recommendation was made to the Council that Baxter brought up; the discussion at the time was with Chief Meteorologist at Channel 7 at the time, Andy Wallace and he felt our recommendation of 70 mph winds was too low and it should be 90 mph. Wells said Council voted to have a policy of 70 mph and the sirens would be sounded.

Haywood said he was on that committee too. He said didn't we buy about \$300,000 worth of sirens? Wells said 17 additional sirens for around the City, yes. He said it was \$225,000 he thinks.

Powell said we found during that study there was only two sirens east of the interstate and that has certainly been updated on the east side.

Wells said they came up with a plan that basically covers the whole city and the policy implemented by Council in 2001 was if straight line winds exceeding 70 mph the sirens will be sounded. If a tornado is spotted by either radar or by storm spotters that will have a direct impact on the City of Lawton, the sirens will be sounded.

Patton said his understanding is a tornado warning is defined as when a tornado is either indicated by radar or has been spotted by a trained observer. He asked Wells if that was his understanding of a warning.

Wells said yes and if it's going to impact the City of Lawton.

Patton asked if on March 4th, when this high winds happened, it is his understanding we were under a tornado warning at that time.

Wells said Comanche County was under a Tornado Warning at that time.

Patton said we did not have the sirens going. Wells said we did not have the sirens going. Ewing-Holmstrom asked why not. Wells said based on the information we had available at the time, there was not going to be a direct impact on the City of Lawton. Ewing-Holmstrom asked Wells if he knew if the County sirens went off. Wells said he believes Cache sounded their sirens and Chuck Jones recommended Geronimo and maybe Walters sound their sirens. Ewing-Holmstrom asked if Wells knew what siren was closest to the Lawton Community Correctional Facility on Coombs Road. Wells said not right off hand he doesn't.

Wells said he's sorry, he just doesn't know, there's 30 of them out there. Ewing-Holmstrom said she thinks it's considered a County siren and there are people who work there that said the siren went off and she doesn't know what the connection between the County and the City is. Is there communication during bad weather where one says we're going to set our sirens off. Do you communicate with the County during situations like that? Wells said communications wasn't very good that day and since that time he has had a direct line installed between us and them where either one of us can pick it up and talk and say what we are doing and why. We also, two years ago, had a direct line installed between us and KSWO and the County has the same thing, so we can talk directly with the weather people out there.

Ewing-Holmstrom asked who actually makes the decision to flip the switch and blow the sirens.

Wells said our policy says the Emergency Manager/IS Director, which is him, the Mayor, City Manager, the Police Chief, or his designee or representative, and/or the Fire Chief, or his designee or representative.

Ewing-Holmstrom said she was standing in the City Manager and Mayor's office when all this was going on and the sirens were going off just outside of Lawton and none of us knew what to do. That's kind of scary and no one knew what the policy was and she thinks that's another reason this was brought up. She said if everybody knew it was a warning, it was all over the news that it was a warning, but the sirens didn't go off and it states the warning sirens will be sounded when a tornado.....

Wells said to read on, the last sentence says, if it's going to directly impact the City of Lawton and that's the decision we have to sit over there and make. Unfortunately, he said he was at a National Weather Service Conference in Norman that day because we never had those kind of storms that early in March. He said David Wood, who he sent to the OK 1st Weather School, was there watching the weather. We have two radar feeds, one from OK 1st and one from Meter logics that gives us up-to-date radar information. We have text pagers that will go off based on an Alert Manager that we have that says if these conditions are met, give us a warning. We have storm spotters in the field and based on all the information he had available to him at that time, there was nothing going to directly impact the City of Lawton, so he did not sound the siren.

Wells said the storm was going north east and winds were at 50 mph. Ewing-Holmstrom said she was curious. If you say the winds only went up to 50 mph, how do we explain what everyone say happened at Cameron. Wells said that was winds at about 40-45 mph and it doesn't take very high winds to cause damage like that, if it's going the right direction. Ewing-Holmstrom said she doesn't think that's what one of our reliable weather sources, Channel 7 says, and that's her concern. We rely on those weather reports. Wells said he doesn't think Channel 7 ever said that day that there was any winds above 70 mph.

Bass said if you were watching Channel 7 that day, you would have seen the tractor trailer was turned over by high winds, so how hard does the wind have to blow?

Wells said if you have a trailer being turned over down below Walters on the turn pike and the storm's moving to the east, is that going to impact Lawton?

Bass said he has no idea, but he's saying when you are watching TV and you see the 18 wheelers turned over the wind blew it over and if it's coming towards Lawton, it's going to impact us, that's for sure.

Wells said that one wasn't, that was going east.

Bass said maybe you should lower the miles of the wind speed down. Do you think it would help anything? If you think this is a real fool proof plan, I think you're wrong. You have the Police Chief, the Fire Chief, the Mayor, anybody could, but they don't have time, they're not here, there has to be one guy responsible for this decision, in my opinion.

Wells said there is. That day David Wood was filling in for me, he was over in the EEOC with the ammeter radio and the weather spotters from around our area. He had the decision making power that day. Normally I would have been there and would have that responsibility.

Warren said he found a copy of what the committee submitted when he was the Chairman and will have copies made for everyone. He said there's multiple problems here and you have to decide how you want to attack it first. Whether or not you want to have a shelter siren, which means we have a problem right this instant. Get in your bathtub and cover up and that's basically what we're operating under right now, immanent danger. The committee discussed having a safety zone which would be a 20-30 mile radius circle that anytime a list of criteria was met within that circle that was headed this way, not that it was necessarily even going to get here, but that it was headed this way, you would sound the sirens and that would give people an opportunity to stop what they are doing, turn on the TV or radio, something to have an idea of what's going on. He said he was on his computer as this was all happening and this is the notice he read;

"At 1:34 p.m., Central Standard Time, the National Weather Service in Norman, issued a tornado warning for Comanche County and Southwest Oklahoma until 2:15. At 1:34 a tornado was detected by doplar radar, 14 miles southwest of Faxon moving northeast at 60 mph. Locations in the warning include Cache, Faxon, Ft. Sill, Lake Lawtonka, Lawton, Medicine Park. This tornado is likely obscured by rain and may not be visible, abandon mobile homes and vehicles, if possible, move to a basement or storm shelter, otherwise move to an interior room or hallway on the lowest floor and stay away from windows."

Warren said at 1:55 they issued a continuance of that same warning:

"At 1:55 p.m. Central Standard Time, doplar radar detected a strong circulation approaching the area between Cache and west Lawton."

Warren said the way he looks at it is this storm started in Faxon, or even past there, but it was detected in Faxon, heading this way at 60 mph. How far is Faxon from Lawton, 12 miles? It's on us and there's not time. He said the argument he has heard is it didn't hit us, it went west of us between us and Cache and there wasn't a tornado anyway. He said that doesn't wash with him because, at any point in that 12 mile path, it could have made a course correction that would have been on us in a minute and a half.

Shanklin asked what Warren would have done with it he had of heard that.

Warren said if he had his finger on the button and he read this, he would have pushed the button. He said he thinks there is even an argument to have pushed the button when it was at Faxon heading this way. When you've got one half way here, you can't be the one to decide is it going to go left or right. He thinks you have to say it might go right and you have to push the button. He said the argument there is, if we do that on a regular basis, the people could become....

Shanklin said wolf....

Warren said he looks at it as our responsibility to give them the option to not pay attention. If they chose not to pay attention, then that's their problem. He suggests we look at it again and idling strongly to the safety area and give the warning and let the people look at the TV and listen to the radio and decide for themselves. There's 100,000 people out there that we have to protect in some way, shape, or form, and there are people out there who are going to have to do different things. You have people with children at the park. People who are already in their house, and they have to have the chance to make that decision. If we just wait till the very last instant.....he said he believes we are responsible for giving them as much warning as we can.

Patton said if you look at the numbers, the cry wolf deal is something he thought about too. He checked the numbers and the number of tornado warnings issued for Comanche County are very low each year, less than 5 each year, so he doesn't think we would get into the situation where we're blowing the sirens every other week in the spring.

Ewing-Holmstrom said an issue no one has touched on, and knowing from personally having coming from radio, if

you remember that Sunday night, everybody was scrambling to get to the storm shelters and Channel 7 had actually been knocked off the air. There wasn't but one radio station on the air that night and they were actually live, but they weren't doing any weather updates. She said of all the radio stations, and there are 7 in Lawton, she can tell you that at any given time after 6:00 p.m., one or two are actually broadcasting live. All the rest are what's called the satellite feed, or it's computer generated voices. We are in a very serious situation in Lawton if you are turning on a radio to get directions on what to do as far as weather. If Channel 7 gets knocked off the air, like it did that Sunday night, there was one radio station on the air that night because she remembers trying to figure out where are we going to get weather information. There was nothing coming on that radio station about the weather, so the only other recourse is the sirens. We're kind of in a unique situation here in Lawton, when we don't have every radio station on the air. That particular day when this happened, March 4th, everyone got knocked off the air except KCCU and if you didn't think to go to that station, you couldn't get information.

Wells said that's one thing we are going to be putting on the website and advertising. KCCU has come up with an agreement with KSWO and they are going to do live weather simulcasts from now on.

Shanklin said in 1979 we had a tornado hit Lawton, sirens went off, his neighbor and good friend, jumped in his car and ran over to 6th and Washington and got turned upside down. He said he sat there in his backyard and didn't even know there was a storm. So when the siren goes off, what are you going to do? Jump in your car and run right into the face of it, alarm people and scare them to death, and want to go get the radio.

Hadley said that brings up a point he would like to stress. Our public shelters we have identified are not set up to house the community of Lawton, at large. Those are primarily set up for people that are out away from their homes, out without shelter, for them to have someplace to go.

Devine said his shop in 1979 was at 212 Lee at that time and the sirens went off probably about a minute before the tornado hit his building. It was already in the city limits of Lawton when the sirens went off. He said he was sitting at this desk and it blew all of his building away except one room he ran into and laid on the floor. He said it killed the man right accross the street from him and those sirens never had an opportunity for anybody to go to any kind of safety other than he had maybe 10 seconds to do it. He said he doesn't think you can cry wolf too much on this because when the sirens go off, that is a warning and you never know how long it's going to take that tornado to get here. Even though there may be one in Faxon and you've got rotation, that tornado can come out of the sky anywhere in a matter of seconds. He said he doesn't think the people will consider crying wolf on it because if he had of had warning, it would have been a lot better and the guy right accross the street from his who was killed, they didn't have any warning. It was a mechanic shop and in a matter of seconds it was on top of him.

Wells said history shows when we sound the sirens, we will have somewhere between a few hundred and a couple thousand people head for the shelters and it doesn't matter when it is. He said that is not the issue at all. The issue is what policy does the City Council want and we will implement that policy. The policy right now as stressed in 2001 was they were to be used as warning sirens. What we advertised through Channel 7 and the newspaper and everybody else was, if you hear the sirens, head to the bathtub or some type of shelter. If the Council wants to change that policy and set the sirens off when there's a tornado warning issued, we will be glad to comply with that, it's up to whatever the Council wants to do.

Powell said guidelines is all you need right there? It's very clear what it says and what that committee put in place.

Wells said the committee recommendations Warren was talking about was changed when Baxter was on the committee. We went to the recommendations that are in the book now.

Powell said aren't they 70 mph? Wells said 70 mph. Powell said or a sited tornado? Wells said sited tornado either by radar or by spotters. Powell said aren't we connected with the Nation Weather Service in Norman? Wells said yes. Powell said you can't get much better than that.

Wells said the question is when do you want to do it? Right now, the decision is whether it's going to have an impact on the City of Lawton.

Powell said if he had of seen what Warren read, he would have sounded the sirens.

Wells said that's not our policy.

Ewing-Holmstrom said then we need to fix that.

Wells said that's up to the Council.

Devine said back in the 60's, when he was on the police department, one of the best warning devices we had was the police officers were dispatched to the side of town the storm was on. We didn't have sirens and we used the police department and the officers as spotters more or less and they went to the far corner of town where that

storm was coming from. If we saw a tornado on the ground or any indication of rotation, we actually drove the streets with our sirens on in the police cars. He said he doesn't understand why we don't use the police officers today and the fire department we have. By the time you look on the computer or the radio station says it's 70 mph winds, it's a little late to sound the sirens because the damage has already started. You have got to have pre-warning on anything you do. The policy is great but if you don't have a way of setting that policy into effect before it gets here, it's a little late to close the barn door after the horse gets out.

Hadley said in years past, the fire department has done some of that, as the police department has and he thinks the modern thinking is that we need to protect the first responders so we have people available to respond to the citizens once and if, the city is hit. They should be protected as well. Everybody knows a vehicle is the worst place to be should a tornado actually strike. He said it would be his recommendation that we not use first responders for that. He said the public education piece of this is we do have sirens that cover the city much better than we did back in that day and it was probably much more necessary than it would be today.

Devine said the problem is we don't have anybody that will say push the button. It's too late by the time it comes time for someone sitting here reading a computer, to push the button you have there.

Wells said he didn't want to argue but that just isn't true. He said we have storm spotters, trained storm spotters out in the field. Devine asked where in the world were they at a couple of weeks ago when it blew into Cameron stadium. Wells said they were out in the field. Devine said they didn't see it coming, everybody else did. There was a black cloud come right across 38th Street.

Jerry Thornton, 504 SW 75th Street, said he was on the Mayor's committee with Warren, Haywood and two other citizens and Wells. He said Wells just made a statement that was the truest thing he has heard here this evening and that is "it's not our policy", and that's true. He said someone in the city has changed the policy from what was put out by the committee. He said that policy set up a 30 mile radius around the City of Lawton, winds expected to reach 70 mph, or a tornado coming into Comanche County. When it crossed that 30 mile barrier, the warning sirens were supposed to be blown and he has not heard that mentioned this evening but that was the recommendation of the committee. He said he was in Altus the day of this storm and when he heard NOAA weather radio issued the tornado alert he was in their office on Park Lane. He got into his vehicle and came all the way back to Lawton. The sirens were never blown, in the meantime, the Chattanooga Airport was particularly demolished, airplanes were turned over, and he personally drove by the trading post in Cache and saw the roof setting in the parking lot. He said this was all over the news and still no sirens were blown. He said later that day he called Woods from his office, he identified himself as a member of that committee, and asked him why he didn't blow the sirens. He said Woods told him that if a tornado warning was part of that policy, that he just made a mistake, he didn't know that and Thornton said he hopes that's a recorded phone call because he wished Council could hear what he heard when he interviewed him. He said he talked with some police officers that afternoon and the damage at Cameron was so severe that the rocks off the roof went completely through the middle of the cars. He said that wasn't a 30-40 mph wind, that was a very very severe wind. He said anything coming from that part of the County or when it's coming from the east and crosses that 30 mile barrier, should be considered about to have a direct impact on the City of Lawton. He said the committee worked almost 2 years to get this done. The first time it was used, and used successfully, he can remember the Mayor sitting right here asking one of these City officials, what part of 70 mph didn't you understand, when it wasn't blowing the first time. The next time we had a storm, the sirens were blown and as far as he knows, that was the last time they were every blown. He said we spend a lot of money. The committee has gone from 6 people to probably 40 people and we look at nuclear disasters, chemical spills, we look at all kinds of ways to get federal monies, but still, the number one disaster, as pointed out by the engineering firm here tonight, is tornados in this town. We are going to get hit every year during this time. He has done his own survey and has talked with probably 100 people since this last storm and has yet, found one person say, we don't want to be hollering wolf, he can't find anybody. They all want to be warned, they all feel they are adults and they should have the ability to make those decisions on their own. He said the shelters were never designed for storm shelters, they were designed for people to go to after they had lost their homes in the storm. There was a part of this plan he guesses the City dropped, where we were to interact, and he believes we had a member of the Lawton Public Schools. We were going to educate the children that these sirens were being blown to tell you to take cover where you were at and to give you time to do that and not to run out looking for storm shelters, we don't have any. You take cover in your home. We were going to use the children in the schools to accomplish that. That was one of the better items in the plan, to get the word to the parents through the children. Those kids will know what to do when a storm comes.

Thornton said he would like to suggest when this plan was implemented or suggested, Richard Atkins was still the Civil Defense Director for the City and the County and he was one of the people authorized to blow the sirens.

There has never been a siren button at the County EOC. He would like to recommend to the Council to direct Public Works, or whoever, to install a button at the County. We are still part of Comanche County, we have a new EOC Director and he believes he would have blown the sirens that day, communication problems or not. He would have taken the action to do it. He blew them in Geronimo, he blew them in Cache, he blew them in Faxon, and in Chattanooga, he was trying to blow the sirens that day. He didn't have a way to blow the City sirens. He said when the people from the County call over here and they say, and he has heard this on tape, "I'm Richard Atkins, blow the sirens," they say who's Richard Atkins? They don't know who those people are over there. Dispatchers turn over and when you are trying to use a telephone or plan on Wells being here every time we have a storm, we know that's not going to happen.

Thornton suggests placing a button at the City and County. This storm was in early March and we normally don't have storms then, but the Fire Chief was at a meeting out of town, the Police Chief had left town for a meeting, Wells was out of town for a meeting, and we had a person in charge of EOC, based on what he told him, was not familiar with what the policy was. From what you all said, the City Manager didn't know he was authorized to blow the sirens. He said he didn't believe the two Deputy Police Chiefs knew they had the authority to blow the sirens. He said he believes we have a complete breakdown here in this system and one of the reasons is you have far too many people to do it. Let's narrow it down. If it's Wells you want to give it to, give it to him. If he is gone and he leaves somebody in charge, it still falls on his shoulders. If it's not done right, let's have some accountability for it. Let's don't just continue to let this happen, spring after spring. Let's narrow it down to one person and when the person leaves town, someone's left in charge that understands it.

Mitchell said he would like to clarify one point, that he did call over to David Woods, prior to Ewing-Holmstrom coming into the office and wanted to know what he was seeing on the radar. He said he did watch it on his computer screen and he believes, based on the policy, Woods had the authority to blow the sirens, had he seen conditions met the policy. He said what he and Ewing-Holmstrom talked about was whether or not the sirens had been blown and he hadn't heard the sirens. He said they didn't know whether the sirens had been blown or not, but Woods was in charge and he followed the policy he thought was in place and he made that judgment call. Whether or not that was the right call, in his judgment, he made the right call. He said he thinks it's important for us, if we think we need to do something different, then let's change the policy, but if you change the policy, we have to have a lot of public education as to why we are changing the policy and what that policy means. He said if you want to blow the sirens every time there's a tornado warning, that's fine, but he thinks the other part of that is educating the community to let them know that's the condition in which we are going to blow the sirens.

Ewing-Holmstrom said he has a very good point and we are going to have to get all media outlets to work with us. The general public does not know that typically, after 6:00 p.m., if you are depending on a radio station to break in and tell you, you are looking at KLaw, and they bring staff in at night, or KCCU. That's an issue that needs to be addressed when we are talking about educating the public.

Powell said that's a good point, but still, when we are plugged into that National Weather Service in Norman, Oklahoma, it just doesn't get any better than that. We are using them, aren't we? That's who we said we were going to use. Wells said yes. Powell said the only other thing he would like to add to that is that 30 mile radius. Wells said if that's what we want to do, that's all the Council has to tell us and that's what we'll do.

Shanklin said he worries about the fact, since he doesn't listen to KLaw and not all people does, and he very seldom turns to Channel 7 and then he doesn't hear, what are you going to do for him and others like him? Let him get all worried and get out in the middle of one of them? That's the other part you have to worry about is getting everyone alarmed and run out into the middle of it.

Ewing-Holmstrom said Shanklin just missed that; educate the public on what those shelters are for.

Warren said we need to explain, in no uncertain terms, regardless of what we do, we need to spend some money and educate the citizens of Lawton and say when there's a storm, you stay at home. He said the people who need to worry about looking for shelter are those who live in mobile homes, multi-family dwellings, such as apartments, etc., but mostly people who are caught out in the storm. If you are at home, you stay there and if you get in your car and get blown away by a tornado, he said he's sorry, we have educated you to stay at home and that's all we can do.

Powell said we have spent 45 minutes on this. Ewing-Holmstrom said this is important. Powell said yes it is but you can only say the same things ten times, then perhaps we will get the message. He said we are right on top of storm season so if you want to give directions to Wells, make any amendments, etc., let's do it right now and move on.

Wells said if you want them sounded when a tornado warning is issued for Comanche County, say that and that's what we will do.

Ewing-Holmstrom said Thornton has a valid point about the within 30 miles of the city limits.

Powell asked if that is what Council wanted, a 30 mile radius of an imminent 70 mph winds.

Warren said as a stop gap, he would say 20 miles just for the time being and he would ask the Mayor or Council to appoint another committee or ask that this be looked at again by the committee we have. We need to look at the education issue and a lot of different things and see what we can do to make this deal work smoother.

Bass said he agrees with that but also, you forget how many portable buildings you have at Lawton Public Schools. How many kids do you have out there? This is a serious issue and you need to focus on this.

Wells said we've done a couple things such as the NOAA Radios. We've put one in every school so the schools are aware of what is going on, and the Safe Room Rebate Program are a couple things we have done.

Haywood said on March 4th, someone, somewhere, called all the schools. They evacuated, so they did have a plan of action.

Powell said you have heard the majority of the Council say a 30 mile radius....

Wells said when a tornado warning is issued for Comanche County.

Powell said that's exactly right.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Ewing-Holmstrom said early Sunday morning at 3:00 a.m. she attended two of the welcome home ceremonies that Fort Sill has been conducting to bring home our soldiers from Iraq. She said would like to invite every citizen. She didn't know anybody there, but talk about a great event, it really makes you feel very very proud. She said it was the crack of dawn, that hanger was full of 200-300 people welcoming home our soldiers and it was a great thing to do. She said KLaw is one of the only radio stations in town, KLaw and Z94, that actually broadcast live from those events. She said you should tune into those stations to hear when these ceremonies are and because we are so grateful that Fort Sill is here, remember, we would be another small town if it wasn't. She encouraged everyone to attend those.

Bass said he came home and the alarm on the house across the street was going off. He dialed 911 and told them the alarm was going off, saying burglar, burglar, burglar, and he went over and tried knocking on the door and couldn't get in. He said after 30 minutes the alarm was still going off so he called 911 again and asked what was going on with his house, the alarm is still going off. They told Bass they couldn't find anybody to answer or unlock the door. Bass asked if everything was ok inside and was told they guessed so. He said that was the answer he received. This was about 5:30 Sunday afternoon and the alarm just kept going off and finally the people came home and turned their alarm off, but how did you know the people were ok inside? He said he knocked on the door and nobody answered, so how did dispatch know everything was ok?

Wells said he will look that up and get an answer for Bass. He said they should have dispatched a police officer on it, the alarm company may have called it in before you did and were trying to find a key holder, but he will check on it.

Mitchell said we finally received our \$40,000 from the State Department of Commerce for Phase I of our Military Reassessment Program. Senate Bill 1258, dealing with rural water, got out of the House Judiciary Committee and will be heard on the House Floor on April 8th and that is a very important bill for us.

Vincent said actually this bill has some teeth in it. The Oklahoma Supreme Court said rural water districts don't have the authority to enter into exclusive service agreements in their area. He said it would be great if this bill passed.

Mitchell said by the end of the week we are going to have our CIP Survey, the 34 projects up on our website so people in our community can go into our website and express their interest on our list of projects, so hopefully we'll get some response from that.

The Mayor and Council convened in executive session at approximately 8:10 p.m. and reconvened in regular, open session at approximately 8:50 p.m. with roll call reflecting all members present.

EXECUTIVE SESSION ITEMS:

23. Pursuant to Section 307B.4 Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending claim against Howard and Sharon Smith on the property located at 1403 and 1405 NW Dearborn, and if necessary, take appropriate action in open session.

Vincent read the title of Item 23 as shown above. He said Council convened in executive session and after discussion staff recommends a motion to formally reject the offer of settlement and authorize the City Attorney's Office to continue negotiations.

MOTION by Shanklin, SECOND by Warren, to reject the settlement offer and authorize the City Attorney's Office to continue negotiations in the pending claim against Howard and Sharon Smith on the property located at 1403 and 1405 NW Dearborn. AYE: Shanklin, Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

24. Pursuant to Section 307B.4 Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending tort claim of Mark E. McFarland, Jr., DC-2003-112, against the City of Lawton, and if necessary, take

appropriate action in open session.

Vincent read the title of Item 24 as shown above. He said Council convened in executive session and after discussion staff requests a motion authorizing us to formerly reject the settlement but to continue negotiations.

MOTION by Hanna, SECOND by Warren, to reject the settlement offer and authorize the City Attorney's Office to continue negotiations in the pending tort claim of Mark E. McFarland, Jr., DC-2003-112. AYE: Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

25. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2004-2005 between the Police Union, IUPA, Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session.

Vincent read the title of Item 25 as shown above. He said Council convened in executive session and after discussion staff requests approving John Vincent as the City's Interest Arbitrator in the tort claim of Mark E. McFarland, Jr., DC-2003-112. AYE: Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

26. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of Larry Mitchell, City Manager, and take action in open session if necessary.

Powell read the title of Item 26 as shown above. He said Council convened in executive session and after discussion Mitchell handed out some forms for Council to fill out and this item will be brought back in two weeks. No action is needed at this time.

There being no further business to consider, the meeting adjourned at 8:55 p.m. upon motion, second and roll call vote.