

Meeting of 2001-1-23 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JANUARY 23, 2001 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Cecil E. Powell, Mayor Also Present:
Presiding Bill Baker, City Manager
John Vincent, City Attorney
Brenda Smith, City Clerk
Col. Westbrook, Fort Sill Representative

The meeting was called to order at 6:50 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by State law.

ROLL CALL

Present: G. Wayne Smith, Ward One
James H. Hanna, Ward Two
Glenn Devine, Ward Three
John Purcell, Ward Four
Robert Shanklin, Ward Five
Barbara Moeller, Ward Six
Stanley Haywood, Ward Seven
Michael Baxter, Ward Eight

Absent: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF JANUARY 9, 2001.

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

AUDIENCE PARTICIPATION: None.

UNFINISHED BUSINESS:

1. Consider the following damage claim recommended for denial: Sasseen Realty Group. Exhibits: Supplemental Claims Memorandum/Recommendation.

Mayor Powell said the representative of Sasseen Realty Group has asked that this be tabled to the February 13 meeting.

MOVED by Smith, SECOND by Baxter, to table this item until February 13. AYE: Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

2. Consider adopting a resolution urging that the three (3) major military installations in Oklahoma remain in the same congressional district through redistricting efforts. Exhibits: Resolution No. 01-11.

Mayor Powell said the State is in the process of redistricting, going to five representatives instead of six, and several persons attended a meeting in this regard. He said it seemed to make sense to all join hands together and have a resolution asking that the same person be able to represent these three military installations. Mayor Powell said he had spoken with several who concurred with this, and should Council adopt the resolution, he had asked that Altus and Midwest City be contacted to see if they would like to do this also.

MOVED by Smith, SECOND by Baxter, to adopt Resolution No. 01-11. AYE: Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01-11

A resolution requesting that the three (3) major Oklahoma military bases (Fort Sill, Tinker, Altus) remain in a single federal district for federal representation.

3. Consider adopting a resolution supporting House Bill 1856 submitted to the Oklahoma Legislature by Representative Ron Kirby relating to removal of tolls on Oklahoma turnpikes. Exhibits: Resolution No. 01-_____.

Smith said at this point, with the limited information that is available, he could not ask the Council to support this item and requested it be pulled at this time.

MOVED by Smith, SECOND by Baxter, to strike this item. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

4. Consider directing the Housing & Community Development Department (HCDD) staff to conduct a feasibility study of the City providing lead-based paint (LBP) inspection/risk assessment services for local owners of private residences on a city-wide, cost-for-service basis. Exhibits: None.

Smith said he asked for the item to see if there was any interest in pursuing this. He said he thought within the next three to five years, every house that is sold or rented would be required to have a lead based paint inspection. Smith said this is a service we could offer to the citizens and staff could explain it further.

Shanklin asked if this regulation might be put on hold by the new Bush Administration in Washington. Smith said he hoped so. Jim Phillips, Housing/Community Development Department, said as strongly as the government is feeling about the rights, health and welfare of children, he doubted this would be put on hold.

Smith said he learned of this through his office, and when they redo a lease that involves government assistance of any kind, they are going ahead and getting a lead based paint inspection and the only place that does that is the Lawton Housing Authority, and they cannot do it for private citizens, so he requested this item to see if Council wanted to pursue it. Phillips said he needed to make a correction, the Lawton Housing Authority does in fact offer that on a cost for service basis for private citizens and they just started doing that so there is that opportunity for the general public right now. Smith said he had not understood that from his discussions earlier with Phillips. Phillips said he just learned of the change this morning.

MOVED by Smith, SECOND by Purcell, to table this item indefinitely. AYE: Devine, Purcell, Shanklin, Haywood, Baxter, Smith, Hanna. NAY: Moeller. MOTION CARRIED.

5. Consider extending the escrow agreement for erosion control in Kingsbriar Addition, Part 4. Exhibits: Letter to Keegan Ledford dated 11/2/00; Letter to ODEQ dated 11/27/00; Letter to Keegan Ledford dated 1/17/01.

Bob Bigam, City Planner, said on August 8, 2000, the Council approved the record plat for Kingsbriar Addition, Part 4, and accepted an escrow in the amount of \$3,222 in lieu of completion of erosion control measures and a two-year maintenance bond in the amount of \$386.70 for erosion control improvements. The initial time period for the escrow agreement expired on November 6, 2000, and was administratively extended for 90 days. He said a Council decision was needed on whether to extend the bond for another 90 days or to collect on the bond and have the City put in those improvements. The Associate Civil Engineer inspected the development last week and some of the deficiencies have been corrected. Bigam said staff recommendation is that Council extend the agreement for another 90 days or until May 5, 2001, and if the deficiencies are not completed, it will have to be brought back to council for further decision.

Purcell said he had a problem with the whole issue, not the extension, but what has happened here, as well as other times, the escrow is put in place to do erosion control and there might be plenty of money in escrow to do the erosion control itself, planting grass seed or sodding it, and that is approved so the record plat can be done and the developer promises to do the erosion control later. He said the problem is when the erosion control is not done and there is bad weather, which is exactly what has happened at this location, all of the mud and everything flows down and causes all kinds of problems for the neighbors. Purcell said in this area, mud has flowed down off of this property onto the easement, so the last couple of times it has rained, the water cannot get through that would normally drain off through the easement and into a drainage ditch, so it floods the yards of those who live along this development.

Purcell said this problem needs to be fixed by mid to late February and if not, those people will be flooded if there are heavy spring rains. He said he did not know the solution and was not saying we should collect the escrow now and do the work because he did not think the City could do it for the amount in the escrow, but there has got to be some way to get this problem fixed, either by encouraging the developer to do it, or the City needs to take action and go do it. Purcell said in the future, there should be enough money in the escrow account, if this is allowed to happen, to not only cover the actual costs of planting the erosion control, but also to cover the damage that has to be fixed if the erosion control is not in place. He said Council can do whatever is recommended here but he would like to see something done by mid to late February to fix the problem; if we wait until May and do nothing, those people could be flooded out during March and April and there may be a lot of claims if we let this happen and do nothing about it.

Baker said if it is not done before the spring rains, there could be further damage, and it is obviously preferable for the developer to take care of this problem, but if the escrow is extended until May 5, there may be more problems this spring. He said the only other choice is to not extend it, have the City collect the funds and have Public Works take care of it, and that is the only way it would likely get done before the spring rains unless the developer would just get it done within the next 30 days.

Purcell asked if Public Works could do the work for this \$3,600 or if it would cost more. Baker said from the discussions he had with Public Works, no, this will not cover the expense, but if it needs to be done quickly, he did not see another way to do it. Baker said staff will look at this entire problem and come back to the Council with some recommendations because we allow the equity and it has worked in the past but it has not always worked, so we may need to look at the code and do business a little bit differently. Baker asked Ihler if he had other comments and Ihler said Public Works could not do the work for \$3,600.

Purcell asked if the City only gets \$3,600 but it costs the City \$8,000 to do the work, could an effort be made to recover the difference. Vincent said we would certainly look at it once the cost figures are known and whatever the difference would be, we would look at some type of lawsuit against the developer.

Purcell said something had to be done even if it costs more and the City has to do it because it will cost more in the long run. He said if there is a strong rain this spring, several houses and yards will flood, and the only reason some of them were not flooded before is that some of the residents got out there in the rain with shovels and dug a channel through the mud to get the water to flow to the drainage ditch.

Mayor Powell asked what the response of the developer was as to why he had not taken care of this. Bigham said he had not discussed it with him. Mayor Powell asked if anyone had discussed it with the developer. Larry Wolcott said the response he received was that it had not been completed due to the weather and that it is hard to get to when it is muddy.

Baxter said the developer sat in the audience and promised the Council he would take care of it, and the City has mailed him three letters and received no response, which is not very good.

MOVED by Purcell, SECOND by Smith, to not extend the escrow agreement and if it is not completed by 4 February we let it expire and we direct the City Manager to take care of the problem and we go from there.

Shanklin asked how big is this problem and said evidently he did not know where it is. Purcell said he would be glad to meet Shanklin out there at 8 tomorrow morning and show him. Shanklin asked if this is the area that Keegan Ledford is developing up on top of the hill. Purcell said yes, it is the area that runs down onto the people who live along NE 35th Street.

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

6. Consider accepting a modification to the Landfill permit which added a Salvage and Recycling plan to the permit, as approved by the Oklahoma Department of Environmental Quality (ODEQ) and provide direction as to the items to be salvaged and recycled. Exhibits: Salvage and Recycling Plan; Modification Acceptance.

Ihler said as he indicated earlier during the Water Authority meeting, associated with the Notice of Violation received in February 2000 for the May 1999 storm, in order to adequately respond to that Notice of Violation it was necessary to prepare this item. He said we have submitted the salvage plan and ODEQ has accepted it, and as part of the acceptance, ODEQ requires a formal acceptance by the governing body to modify the Landfill permit. Ihler said the items were listed to be part of the recycling plan, and it may take a period of time to implement salvage and recycling of all of those items, and currently wood and uncontaminated rock, dirt and concrete are recycled, but salvage will begin for tires, grass clippings and other miscellaneous metal products.

MOVED by Smith, SECOND by Baxter, to authorize the Mayor and City Clerk to accept the modification to the City's Landfill Permit and authorize staff to initiate and individually implement plans to salvage and recycle the following materials: A) Miscellaneous metal products; B) Tires; C) Wood; D) Uncontaminated rock, dirt, concrete, bricks and solidified asphalt; E) Grass clippings and F) Other materials found appropriate to recycle and/or beneficially reuse. AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

7. Consider accepting grants from the McMahon Foundation for the Lawton Public Library, the McMahon Memorial Auditorium and the Municipal Swimming Pool. Exhibits: None.

MOVED by Shanklin, SECOND by Smith, to accept the grants from the McMahon Foundation with a great round of applause and thank you. AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

8. Consider adopting an ordinance notifying the public of the publication of Supplement No. 5 to the Lawton City Code, 1995, and declaring an emergency. Exhibits: Ordinance No. 01-04.

Vincent said this allows for updating the City Code with the ordinances that were already passed through December 31, 2000.

MOVED by Smith, SECOND by Moeller, to adopt Ordinance No. 01-04, waive reading of the ordinance, read the title only, and declare an emergency.

(Title read by Clerk) Ordinance No. 01-04

An ordinance approving Supplement No. 5 to the Lawton City Code, 1995, directing filing and notification of the publication of Supplement Number 5 to the Lawton City Code, 1995, and establishing a fee for the sale of Supplement No. 5, and declaring an emergency.

AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

ADDENDUM ITEMS:

1. Consider authorizing the City Manager to request the Oklahoma Water Resources Board to approve a request to the Oklahoma Legislature to consider the sale of water to the Tarrant Regional Water District. Exhibits: None.

MOVED by Shanklin, SECOND by Devine, to table this item until the next Council meeting. AYE: Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

2. Discuss interest of power generation companies in purchasing water from the City, provide direction to staff, or take appropriate action. Exhibits: None.

Baker said the Council received presentations from three power companies as to their plans for locating a power generating facility, and in one case it was for two facilities, in this community. Council direction was to return the item to the next agenda for further guidance.

Mayor Powell asked if Baker had a recommendation. Baker said based on the presentations and the value to the community, it appeared the Energetix proposal would be in the best interest of the community and he would recommend we be authorized to enter into negotiations with that firm.

Smith said he also felt Energetix had the best presentation and had a lot more to offer.

MOVED by Smith, SECOND by Haywood, to direct staff to start negotiations with Energetix.

Shanklin said there has never been any discussion about solid waste being used as a fuel in these co-generation plants. Ihler said he had heard about it but was not personally familiar with the process.

Shanklin said he thought a Council member should be appointed to be on the negotiating team as to the sale of the water, and that he did not care about being on it, but felt an elected representative should be present during negotiations. Purcell asked why not let the staff do the negotiating. Shanklin said that is not the staff's job. Purcell said he felt it was staff's job to bring a recommendation and Council did not have to accept it and could change it, but he did not think a Council member needed to be a part of every single thing that is done, and it is a waste of time. Shanklin said it is taxpayer dollars and in his opinion someone should be there to see how it is handled and be sure we are getting the biggest bang for the bucks. Baxter said he would volunteer to serve. Shanklin said it did not have to be a committee, just someone on the negotiating team.

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

3. Consider providing direction regarding upgrading of the gasoline fueling system at Robinson's Landing and authorizing staff to advertise for bids, if desired. Exhibits: None.

Ihler said this matter was tabled at the December 12, 2000, Council meeting due to concern about the estimate from the design engineer. He said the bid proposal would contain several items as deductive alternates and he recommended bids be received, which would show the funding needed and Council could make a decision on whether to award.

Hanna said he had received calls suggesting the fuel system not be installed and complaints about the lack of fuel and supplies carried at the concession being inadequate to serve the public.

MOVED by Baxter, SECOND by Moeller, to approve the plans and authorize advertising for bids. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: Hanna, Devine. MOTION CARRIED.

4. Consider authorizing the Mayor to request ODOT to reduce the speed limit to 45 MPH, install Warning Signs and lights in the vicinity of SE Flowermound and SE Lee Boulevard. Exhibits: None.

Mayor Powell said Council had asked previously that he write a letter to ODOT, and he did so and reported at the last meeting that a copy of the response would be provided. He said the response cannot be located but they are looking for it. Mayor Powell said he had been advised that if Council would take this action that it would likely be approved.

Purcell said this started last August and he had also sent a personal letter to the Secretary of Transportation, and he was later called and told they probably could not put the light in because Flowermound was in the process of being constructed to four lanes. He said what they could and would do at that time was to reduce the speed limit, and speed limits in the area were reviewed. Purcell said it has been almost seven months since this started and this needs to be done

quickly because there had been a fatality and several accidents at that intersection. He said reducing the speed limit will help but it will not be the final solution because of problems with traffic from Wackenhut or traffic coming from the north wanting to turn left across the traffic. Purcell said he would like a copy of the letter and Shanklin said he may have unintentionally walked off with it.

MOVED by Purcell, SECOND by Hanna, to authorize the Mayor to request ODOT to reduce the speed limit to 45 MPH, install Warning Signs and lights in the vicinity of SE Flowermound and SE Lee Boulevard. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None. MOTION CARRIED.

5. Consider the following damage claim recommended for approval and consider passage of a resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Maria and William Hickey. Exhibits: Legal Opinion/Recommendation. (Resolution No. 01-12 on file in City Clerk's Office)

Vincent explained the damage claim was received too late to place on the consent agenda but there was a need to consider it due to daily rental car expenses continuing. The claim involved a car accident with a police unit during icy weather and Vincent recommended approval.

MOVED by Shanklin, SECOND by Haywood, to approve the claim and Resolution No. 01-12.

Smith asked if the officer was given a ticket and Vincent said yes. Baxter asked that Council receive a report on the type of ticket that was issued.

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

(Title only) Resolution No. 01-12

A resolution authorizing and directing the City Attorney to assist Maria and William Hickey in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Seven Thousand Thirteen Dollars and 44/100 Dollars (\$7,013.44).

CONSENT AGENDA:

9. Consider the following damage claim recommended for approval and consider passage of a resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Church of the Nazarene. Exhibits: Legal Opinion/Recommendation. (Resolution No. 01-13 on file)

(Title only) Resolution No. 01-13

A resolution authorizing and directing the City Attorney to assist Church of the Nazarene, in filing friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of One Thousand Four Hundred Fifty-Four Dollars and 61/100's (\$1,454.61).

10. Consider adopting a resolution ratifying the action of the City Manager and City Attorney in authorizing payment of the judgment in the Workers' Compensation case of John C. Whittington in the Workers' Compensation Court, Case No. 1996-21771X, and making no further appeals in the case. Exhibits: Resolution No. 01-14.

(Title only) Resolution No. 01-14

A resolution ratifying the action of the City Attorney in making payment of the judgment in the Workers' Compensation case of John C. Whittington for the amount of Eight Thousand Four Hundred Five Dollars and no cents (\$8,405.00), per order of the Workers' Compensation Court, and filing a foreign judgment in the District Court of Comanche County for purposes of placing said judgment on the tax rolls.

11. Consider ratifying the action of the City Manager and the City Attorney appealing the judgment in the Workers' Compensation case of Stacey E. James in the Workers' Compensation Court, Case No. 1999-18830Q. Exhibits: None. Action: Ratify action of the City Manager and the City Attorney to appeal the judgment.

12. Consider executing the First Amendment to the Agreement for Professional Services with Dan Wigington to authorize the appraisal of property needed by the City for various capital projects. Exhibits: None. Action: Approval of item as stated. (6 parcels of property for expansion and upgrade of WTP at Medicine Park & land to complete 82nd Street project).

13. Consider approving a new building permit for the burnt out structure located at 707 W Gore Blvd. Exhibits: Building Permit Application. Action: Approval of item as stated.

14. Consider adopting a street light resolution to authorize the installation and removal of street lights at NW 14th and Lindy, NE Kingsbriar and Yorkshire, and SW 22nd and "E" Avenue. Exhibits: Street Light Resolution No. 414.

(Title only) Resolution No. 414

A resolution authorizing the installation of additional street light facilities. (1. install two 150 Watt High Pressure Sodium Lights on existing wood poles at Carrol Park, NW 14th and Lindy. 2. Retire one 100 Watt High Pressure Sodium Light on an existing wood pole at Carrol Park, NW 14th and Lindy. 3. Install two 150 Watt High Pressure Sodium Lights on new

wood poles at Prairie Park, NE Kingsbriar and Yorkshire. 4. Install one 150 Watt High Pressure Sodium Light on an existing wood pole at SW 22nd and "E" Ave.)

15. Consider approving Change Order No. 3 for the 2000 CIP Waterline Replacement Project 2000-12 with S.M. Burk Mechanical Contractor. Exhibits: Map. Action: Approved 35 additional days contract time for the additional 8" waterline and fire hydrant at 9806 Cache Rd. (Council contingency funding) and 8" waterline and fire hydrants for proposed soccer fields at McMahan Park (\$60,000 available from funds allocated for McMahan Park Improvements - 95 CIP).

16. Consider acknowledging substantial completion of the Lawton Parkway Enhancement Project as constructed by Bruton Construction, Inc. and as administered by the Oklahoma Department of Transportation (ODOT). Exhibits: Map. Action: Approval of item as stated.

17. Consider acknowledging substantial completion of the Intersection Modification and Traffic Signal Project Nos. STPG-16B (295) UR and STPG-16B (296) UR at Lee Boulevard and SW 52nd Street and at Lee Boulevard and SW 67th Street as constructed by T & G Construction and as administered by the Oklahoma Department of Transportation (ODOT). Exhibits: Map. Action: Approval of item.

18. Consider adopting a resolution amending Appendix A, Section 22-131, Lawton City Code, related to sewer fees and charges for operating the City's pretreatment program. Exhibits: See Water Authority Item.

(Title only) Resolution No. 01-15

A resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, as amended, amending and establishing the fees for the Industrial Pretreatment Program, and establishing an effective date.

19. Consider approving the construction plans for the NW 52nd Street Project (Bark Avenue). Exhibits: Map; Agreement. Action: Approval of construction plans.

20. Consider approval of Mutual Aid Agreement for fire protection and emergency services with United States Field Artillery Center and Fort Sill Fire and Emergency Services. Exhibits: Agreement for Mutual Aid. Action: Approve and authorize execution of the agreement.

21. Consider entering into a contract with Mr. Shaun B. Gibson and a contract with Mr. George Guglielmetti for fire protection outside the Lawton city limits, and authorize the Mayor and City Clerk to execute the contracts. Exhibits: None. Action: Approve and authorize the Mayor and City Clerk to execute the contracts.

22. Consider accepting State Aid for Libraries grant of \$40,634 and authorize execution of the contract with the Oklahoma Department of Libraries. Exhibits: None. Action: Approval.

23. Consider approving the Economic Impact Study commissioned by Lawton Arts & Humanities Council and prepared by Cameron University, School of Business, Business Research Center. Exhibits: None. Action: Approval of item.

24. Consider approving contracts for the Co-Sponsorship Program (SW Oklahoma Opera Guild; Lawton Philharmonic Orchestra; Museum of the Great Plains; Lawton Community Theatre; VSA Arts Lawton Public Schools; Omega Workshop Lawton Public Schools). Exhibits: None. Action: Approval of contracts: SW Oklahoma Opera Guild - \$674.90; Lawton Philharmonic Orchestra - \$674.90; Museum of the Great Plains - \$895.50; Lawton Community Theatre - \$674.90; VSA Arts Lawton Public Schools - \$674.90; Omega Workshop Lawton Public Schools - \$404.90

25. Consider approving the following contract extensions: A) Laboratory Services of Toxic Pollutants with Accurate Labs; B) Biomonitoring Testing with Stover & Associates, Inc.; C) Footwear with Woodward's, Bill's Scoreboard, Inc. and Lawton Red Wing Shoe Store. Action: Approval of item as stated.

26. Consider awarding contract for Multi-Line Remote Control Dispatch System. Exhibits: Department Recommendation; Abstract of Bids. Action: Award contract to Modular Communications and authorize signatures.

27. Consider awarding contract for Welding Gases. Exhibits: Department Recommendation; Abstract of Bids. Action: Award contract to Airgas Mid-South and authorize signatures.

28. Consider awarding contract for Packer Bodies. Exhibits: Department Recommendation; Abstract of Bids. Action: Award contract to J & R Equipment Company and authorize signatures.

29. Consider awarding contract for Scott Wireless Talk Around Mask Radio. Exhibits: Department Recommendation; Abstract of Bids. Action: Award contract to Wayest Safety Inc. and authorize signatures.

30. Consider approval of payroll for the period of January 22 through February 4, 2001.

31. Consider approval of appointments to boards and commissions. Exhibits: Memo. Action: Approval of appointments shown below.

Lawton City (Municipal) Planning Commission (CPC): Tony Layton, Ward 8, Term: 1/25/01 to 1/25/04; Doris Fuller, Ward 7, Term: 1/11/01 to 1/11/04

Lawton Metropolitan Area Planning Commission (LMAPC): City Representatives - David Means, Term: 2/12/01 to 2/12/05; Jim Nisbett, Term: 4/30/00 to 4/30/04

Parks & Recreation Commission: Delbert R. Allen, Ward 7, Term: 8/27/00 to 8/27/02

Traffic Commission: Les Hines, Term: 3/22/00 to 3/22/03

Lawton Housing Authority: Alvis Kennedy, Term: 12/20/00 to 12/20/03

Mayor's Commission on the Status of Women: Shannon A. Viau, Ward 8, Term: 1/23/01 to 9/14/01 (unexpired term);

Pamela Sue Douglas, Ward 5, Term: 1/23/01 to 1/23/03; Joan Haughton, Ward 5, Term: 1/23/01 to 1/23/03

Board of Adjustment: Alvis Kennedy, Term: 2/12/00 to 2/12/03; Jim Quinlan, Term: 10/28/00 to 10/28/03; Dr. Rodney Worthen, Term: 2/12/00 to 2/12/03

Environmental Concerns Committee: Sara Bridges, Rep: Citizen, Term: 11/10/00 to 11/10/03; Barbara Geiser, Rep: Citizen, Term: 9/11/00 to 9/11/03; Doug Brown, Rep: Citizen, Term: 9/11/00 to 9/11/03; Gene Hollar, Rep: Citizen, Term: 9/11/00 to 9/11/03

Lakes & Land Commission: Frank Hawthorne, Term: 10/1/00 to 10/1/03; Ellis Haynes, Term: 1/23/01 to 1/23/04; Booker G. Coleman, Term: 2/24/01 to 2/24/04; Dr. Todd Bridges, Term: 1/23/01 to 1/23/04

Lawton Metropolitan Area Airport Authority: John Marco, Rep: Chamber of Commerce, Term: 1/23/01 to 12/31/01; Hossein Moini, Term: 1/23/01 to 1/23/04

Lawton Urban Renewal Authority (LURA): Paul Fisher, Term: 7/31/00 to 7/31/03; Dr. Ernest E. Sheppard, Term: 7/31/00 to 7/31/03; Jack Norrel, Term: 7/31/99 to 7/31/02

MOVED by Smith, SECOND by Moeller, for approval of the Consent Agenda items as recommended. AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Devine said he felt it would be best for speed limits within the Lawton City limits to be 45 mph or lower and that it would be good to have a caution light at Lee and Flowermound.

Purcell asked when a budget would be presented for the centennial activities. Gary Jackson, Assistant City Manager, said the committee will make a recommendation to the Mayor, who would present the item to Council and the tentative date for that is February 13. Mayor Powell said a very good group was working on this project and Purcell agreed.

Baxter commended staff for receiving grant funding from the McMahan Foundation.

Mayor Powell asked for an update on the Chandler Creek Bridge project. Ihler said staff was working with ODOT on the contract and it appeared to be a workable project. Shanklin asked if the City would receive any of the \$30,000 ODOT will not have to spend to tear down the bridge and Ihler said he did not know that the City would receive any of that. Shanklin suggested that was why it was important to have Council involved in negotiations.

Mayor Powell said he had not received any further information on the 11th and F intersection.

Haywood announced the Black History Month Celebration on February 1 at Douglas School.

Mayor Powell reported on problems with mud at the Robinson's Landing Concession Store.

Col. Westbrook was welcomed as representing Fort Sill at this meeting.

BUSINESS ITEMS:

32. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the possible settlement of a pending lawsuit of Patricia F. Huskey, Case No. CJ-97-727, in which the City has a medical claim subrogation interest and in open session, appoint a City Council representative to attend the Settlement Conference scheduled for January 24, 2001. Exhibits: None.

33. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss possible litigation involving the collapsed storm drain located in Cheswick Avenue, and, if necessary, take action in open session. Exhibits: None.

34. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss appointment of John Kinslow as Municipal Judge for the City of Lawton; and, in open session, consider approving an Employment Agreement with John Kinslow as Municipal Judge and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Employment Agreement Summary.

MOVED by Shanklin, SECOND by Baxter, to convene in executive session to consider the items so listed on the agenda and as recommended by the legal staff. AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 7:40 p.m. and reconvened in regular, open session at approximately 8:20 p.m. with roll call reflecting all members present.

Vincent reported on item 32 that executive session was held pursuant to Section 307B4, Title 25, Oklahoma Statutes, to discuss the possible settlement of a pending lawsuit of Patricia F. Huskey, Case No. CJ-97-727, in which the City has a

medical claim subrogation interest. He said a settlement conference would be held at 2 p.m. tomorrow and recommended Shanklin be appointed as the settlement representative with settlement authority and the final action would be brought back to Council.

MOVED by Smith, SECOND by Haywood, that Shanklin be appointed as the settlement representative with settlement authority and the final action would be brought back to Council. AYE: Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

Vincent reported on item 33 that executive session was held pursuant to Section 307B4, Title 25, Oklahoma Statutes, to discuss possible litigation involving the collapsed storm drain located in Cheswick Avenue. He recommended that the City Attorney's Office take appropriate action to resolve the legal issues, that staff notify the manufacturer, installer and designer they have ten days to correct partial deficiencies and plan for full corrections, and authorize staff to notify the neighbors of the contingency plans.

MOVED by Baxter, SECOND by Moeller, to approve the City Attorney's recommendation as stated. AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

Mayor Powell reported executive session was held on item 34.

MOVED by Shanklin, SECOND by Smith, that the employment of John Kinslow be extended for two years, with a 3.5% raise, and one additional week of leave as he requested.

Vincent read the agenda item title.

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

There being no further business to consider, the meeting adjourned at 8:25 p.m. upon motion, second and roll call vote.