

Meeting of 2001-2-13 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
FEBRUARY 13, 2001 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBERS

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
John Vincent, City Attorney
Brenda Smith, City Clerk
LTC Anthony Puckett, Fort Sill Liaison

The meeting was called to order at 6:25 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall bulletin board as required by State law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
James 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 MEETINGS OF JANUARY 18 AND 23, 2001.

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

PRESENTATION OF MID-YEAR HOTEL/MOTEL REPORT BY LAWTON-FORT SILL CHAMBER OF COMMERCE AND INDUSTRY

Marilyn Fever, President of Lawton-Fort Sill Chamber of Commerce and Industry, presented the mid-year report as it relates to use of hotel/motel tax funds over the past six months for economic development and tourism activities. Chamber staff were present, as well as Dr. Richard Boatsman, Chairman; Robert Turner, Auditor; and Scott Hatch, Accounting Services. The last briefing was in June and a written report and documentation of accomplishments were previously provided, and Council should have received a binder. Tab One is the executive summary; Tab Two is an addendum to the annual audit, provided by Turner to separately detail the use of hotel/motel funds. Tab Three is the budget for the Fly Lawton campaign and the billboard ad copy. Tabs Four through Eight are documentation regarding the advertising and marketing that has been accomplished to this point in the budget cycle.

Fever said they are cognizant of the fact that the funds are to be used for tourism and economic development; they are as frugal with the funds as they can possibly be and still be effective. They are aware that when hotel/motel funds are coupled with Chamber resources, both monetary and staff, the potential is maximized.

Fever said two new industries have announced corporate site locations in Lawton-Fort Sill since the last briefing. Groundbreaking was held last July for the Assurant Group whose facility at 67th and Gore is under construction. Operations are to begin in mid-March, weather permitting. Initial hiring has begun and newly hired employees are travelling out of state for training. Assurant is pleased with the quality of the Lawton-Fort Sill work force and it is hoped they will expand in the future. Silver Line Plastics is building a plastic pipe manufacturing facility directly north of Republic Paperboard. Together these industries represent 400 new jobs and \$9 million in new payroll. The economic development team will visit a high tech industry to be able to understand what we must do to be competitive in that arena. A web site is being developed that is dedicated entirely to economic development and recruitment. Fever said the Chamber works closely with City staff, County Commissioners, CCIDA, Great Plains Technology Center, Cameron University and others. Silver Line Plastics came because of a project lead generated directly from PSO.

Efforts continue to focus on existing industry and Mr. Blaylock spends the majority of his time developing strong relationships with those companies. The executive summary contains specific examples of how the Chamber has been able to assist exiting local industries.

The Fly Lawton campaign will begin later this week with four billboards urging travelers to save time, save money and Fly Lawton. There will be radio, television and newspaper advertising with that same message. The airport is a tremendous asset to economic development efforts and to the community; it is hoped that passenger traffic will increase as the public becomes more mindful of the importance of a regional airport.

A list of tourism events since July 2000 is included in the binder. The Chamber supported each event through recruitment, working with recruiters, advertising, providing financial support or in-kind support through staff or mailing. There is a particular interest in events that generate hotel/motel tax and they work closely with hotel management, and several hotels have representation on the committee and task force; one hotel representative has a permanent position on the executive committee and board of directors by their by-laws and Jamie Hall currently holds that seat.

There are several new initiatives in advertising and marketing. The Chamber responded to a Council member's request that a billboard campaign be developed to market the community and its tourism assets. Specific examples of billboards are in the packet and they include Fort Sill's Canon Walk, Wichita Mountains Wildlife Refuge, Lawton Philharmonic Orchestra, Percussive Arts Society Museum, and the Museum of the Great Plains.

Purcell said he received the binder this morning and had not had a chance to read it thoroughly. He asked if they are satisfied with the six categories in the budget at the beginning of the year or if they need to change anything in that regard. Fever said they are perfectly fine.

Dr. Boatsman commended Marilyn Fever on being named the State Chamber of Commerce Executive Director of the Year for 2001, which covers the entire state, and she is an asset.

Mark Townsend was recognized to speak from the audience. Townsend said he wanted to share his experiences with economic development. He said he started a company called turboscooter.com in Lawton and they make electric scooters, which are basically skateboards with handlebars and electric motors. Townsend described uses of the vehicles, as well as those who have purchased them and types of national advertising and news stories in this regard.

Townsend said his problems have not been in building the scooter or marketing or advertising, but there have been problems in finding a bank that can do international bank wires. Financing was also a problem, local banks did not appear interested, however, they have had several visitors from Europe during the last week and a gentleman from the Netherlands has invested quite a bit of money.

Townsend said when this is complete, they will look at where they will do business and most likely it will not be in Lawton because there are many things they need in the way of support that are hard to find here. He said he felt the Chamber could be a good single point of contact for information on leasing space, any available incentives to stay here, the regulations for hiring people, any available grants or small business loans for electric vehicles. Townsend said the support he received from the Chamber has been quite minimal but he looked forward to something good happening so his company could stay here.

AUDIENCE PARTICIPATION: None.

UNFINISHED BUSINESS:

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

Vincent said the claim was previously tabled, a supplemental report was provided and staff recommended denial of the claim. Luwayne Irwin, Sasseen Realty, requested approval of the claim.

Devine related incidents his son was involved in where City employees went to the wrong house, turned off the water, came back over an hour later and turned on the water, but neither time went to the door to tell anyone in the house they were doing this. He said the employees make mistakes, and he felt the City could not deny this claim in that light.

MOVED by Devine, SECOND by Shanklin, to pay this claim.

Smith said his real estate company manages well over 200 rental properties, and in the six years he had been associated with it, the City had never turned the water on to any meter they had called on without someone being there.

SUBSTITUTE MOTION by Smith, to deny this claim. (Substitute Motion died for lack of second)

Baker confirmed the incident Devine described. He said the City's policy is to not turn water on unless someone is home, and obviously you have to check or knock on the door to determine if someone is home. Baker said people get upset because they have to make arrangements to be there when the water is turned on, but in this case, our employee did not check so he did make an error in that particular instance. He said whether that happened in this particular case, he did not know but had been told it did not.

Baxter asked if the same employee was involved in both cases. Baker said he did not know.

VOTE ON MOTION TO PAY THE CLAIM: AYE: Baxter, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: Smith. MOTION CARRIED.

2. 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.

Mayor Powell requested all negotiations stop on sale of water to Tarrant County or anyone else at the present time. He said a lot has been learned from the discussions, and one of those things was that there is a Western Water Law which states you can have agreements but if you want the water back and the community has become dependent on the water, you cannot get it back.

Shanklin said we would not want to sell our water and not be able to wean someone off of it. He said he, Baker, Ihler and Livingston attended a Water Resources Board meeting today and the Board tabled an action on the Sardis water in the Kiamichi Mountains, and it appears there is a ploy to sell the excess water from that area to Tarrant or the North Texas Water Authority. Shanklin said the Tarrant representatives who came here did not appear too concerned over whether we sold them water, and they felt they already had an inside track on water from the Kiamichi Mountain water basin. He said he also learned there could be an effort by some to take away the East Cache Creek Basin water from Lawton, so it may be that we cannot sell water anywhere, even to a cogeneration plant.

MOVED by Shanklin, SECOND by Hanna, that we do not discuss any sale of water with Tarrant Regional Water District or anyone else outside of the State of Oklahoma. AYE: Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

3. Receive the proposed budget plan presentation for the Lawton Centennial, consider approval of the budget plan and authorize submittal of a grant request and a public solicitation for Centennial funding. Exhibits: None.

Gary Jackson, Assistant City Manager, introduced Howard Kuchta, Centennial Coordinator, and said that Kuchta and Margaret Chalfant, Arts & Humanities Administrator, have worked diligently on this presentation.

Kuchta gave a power point presentation and explained the committees involved in Centennial efforts. He encouraged Council members to submit family history for the Centennial book. Book sales are fairly low and after the histories are compiled, efforts will be directed toward sales. The Beautification Committee is considering major improvement in Elmer Thomas Park in the area of McMahon Auditorium and the Great Plains Museum, which is where most of the activities in August will be held. Entrances to the City will also be cleaned up.

Kuchta described activities planned for Saturday, August 4, as follows:

Horseback riders will carry the Governor's proclamation beginning August 2 in Oklahoma City, camp one night at Chickasha, camp one night at Ambrosia Springs at Fort Sill, and arrive at Elmer Thomas Park at 10 a.m. on August 4. The public is invited to the encampment at Ambrosia Springs, which will be as authentic as possible. On August 4, the group would arrive at Elmer Thomas Park at 10 a.m. The 77th Army Band is scheduled to participate. General Stricklin, Mayor Powell, and the Tribal Chairmen from the three local tribes will welcome the public to the activities.

Breakfast will be served by the Lawton Rangers from 7 to 9 a.m. in Elmer Thomas Park near the old fort at the Museum. A Native American village will be established in that area on August 3, 4 and 5. An authentic powwow will be convened on Friday evening. Buffalo Soldiers have agreed to reschedule their encampment to coincide with the Centennial activities and hold it in Elmer Thomas Park. There will be a re-enactment of some aspects of the Land Lottery and the Museum has gone to great lengths to restore the original map. There will be blue grass music and a picnic early in the afternoon. The Artillery Half Section will perform if there is sufficient area for them to do so. Students from Lawton Public Schools will be asked to participate in a summer enrichment program and will demonstrate what they have done during their summer work. A children's parade is planned for that afternoon. Later in the evening there will be jazz music from a stage. Lawton Philharmonic will do a "Boston Pops" type of

concert, which will be very informal, and may conclude with the 1812 Overture with Fort Sill firing accompanying the orchestra. On August 6th, Lawton's actual birthday, Pioneer Women will present the birthday cake and there will be additional activities.

Channel 7 has agreed to do a video production of these activities that could be offered for sale, and they have also agreed to do some of the announcing for the events.

A number of requests have been submitted for assistance from Fort Sill, such as the Army Band and Half Section, Ambrosia Springs camping area, physical troop support to help put up the equipment, a ceremonial battery for the 1812 Overture, fresh water, showers, restrooms and camp facilities at Ambrosia Springs, and electrical generators for use in Elmer Thomas Park.

The Greater Lawton Telephone Directory cover will commemorate Lawton's Centennial.

Kuchta said in regard to the budget, \$100,000 has been earmarked by the Council and the plan is to seek \$100,000 from major donors. The sale of souvenirs will take place through the Museum, if an agreement can be reached, for the Museum to be the exclusive sales point to market these items. This will offer control and benefit the Museum. Donations would go directly to the Museum to acquire and sell the souvenirs. It is anticipated that \$20,000 may be contributed by the general public, and sample solicitation letters were in the agenda item. Transfer of \$15,000 for the fee for the coordinator was previously authorized.

Anticipated expenses are: Book \$55,000; Coordinator - \$15,000; Souvenirs - \$30,000; Billboards and posters - \$5,000; Philharmonic performance - \$17,000; Blue grass and jazz groups - \$2,000 each. Site preparation and set-up, including fireworks are budgeted at \$18,000. Two dramatic productions are budgeted at a cost of \$35,000. Cameron is interested in producing Oklahoma in the summer of 2002. Community-wide church services are budgeted at \$2,500. Concerts may be held in the fall at a cost of \$26,150. Contingency of \$10,000 is included. Total budget is for \$235,000.

Jackson said Council previously indicated an interest in adding \$25,000 in the next budget and those funds could be used if appropriated.

Mayor Powell encouraged submission of family histories for inclusion in the book. He said the souvenir items would be available at the Museum long after the Centennial celebration has ended so that would allow for their sale in the future. He thanked Kuchta, Chalfant and all of those who had worked on the Centennial.

MOVED by Smith, SECOND by Devine, to approve the budget and the agenda item as recommended. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

4. Consider reimbursing Sentinel volunteers for the cost of clothing and other required items to be able to participate in the program. Exhibits: Sentinel Information.

Hanna said Sentinel volunteers have provided 70,000 hours of service free of charge, and it would have been very expensive to the City if payment for those services would have been required. He said these volunteers are required to purchase certain items to be able to participate in this program and it would be appropriate to reimburse them for at least a portion of those costs after they finish the training and volunteer for at least three months.

MOVED by Hanna, SECOND by Shanklin, to reimburse Sentinel volunteers \$150 after completion of training and three months of volunteering for the required items.

Smith said \$150 will not cover all of the costs shown. Hanna said we have to start some place and they would appreciate anything the City could give them and stay within what the budget can support. Baker said the budget shows \$200 per employee for the general labor and trades positions and he would not suggest providing more per person than the employees get, and \$150 seems to be a fair amount to help them get uniforms.

Baxter said the funding source is shown as Council Contingency for this expense and asked if it would come out of the police budget next year. Baker said yes.

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

5. Consider an ordinance amending Chapter 6, Lawton City Code, 1995, relating to utilizing public streets and alleys for building purposes and declaring an emergency. Exhibits: Letter of Request; Ordinance No. 01-05.

Dan Tucker, Building Development Director, said on January 22 the City received a request from the County Commissioners to close SW 5th Street between C and D Avenue to allow placement of construction trailers and materials

on that area. There will be a need to close that section of the street for two years. City Code currently allows approving street closure in these situations for up to nine months for one-third of a street and this change gives Council authority to close more than one-third of a street for a period of longer than nine months. The applicant will be required to provide information on how emergency responders can get to fire hydrants and utility easements in that area.

Mayor Powell asked if the street needs to be closed by March 1. Tucker said yes and a letter was sent stating what would be needed if this were approved to process the request.

MOVED by Purcell, SECOND by Devine, to approve Ordinance No. 01-05, waive reading of the ordinance, read the title only, and declare an emergency.

Baker said the ordinance provides that the applicant, upon re-opening of the street, would have to repair any damages that may have been done during construction.

(Title read by Clerk) Ordinance No. 01-05
An ordinance related to buildings amending Section 6-142, 6-143, 6-144, 6-145, 6-147, and 6-148, Chapter 6, Lawton City Code, 1995, relating to extent of occupancy of any street or alley for building purposes; providing for severability; and declaring an emergency.

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

6. Consider approving the transfer of the Lakes Division from the Public Works Department to the Parks & Recreation Department effective July 1, 2001. Exhibits: None.

Baker recommended transfer of the Lakes Division from Public Works to Parks & Recreation effective July 1, 2001. The Lakes Division was previously part of Parks & Recreation and it was moved about three years ago to Public Works. He said the intent at that time was for it to be a temporary situation, and Public Works has done a very good job since the transfer and this does not reflect negatively on Public Works and it is simply a philosophical type of thing. Baker said this has been discussed in the past but Mr. Salva had just been hired as the Parks & Recreation Director and needed to get familiar before being given an additional division. He said he was confident that Salva and his staff can handle this very well. Baker said July 1 will provide lead time for transition, but for all practical purposes if this is approved tonight, Salva will start assuming those responsibilities and will also be responsible for preparation of the budget request.

MOVED by Devine, SECOND by Haywood, to approve the transfer effective July 1.

Hanna offered a substitute motion to delay this another month since July 1 is directly prior to the July 4th holiday and it would be difficult for the staff. Baker said if this is approved tonight, administratively the management staff of Parks & Recreation will start taking control but technically and officially the change will not take place until July 1, but the staff will be ready for it. Hanna withdrew the substitute motion. Baker said this will not relieve Public Works of the responsibilities for operating the gates at the lakes or the pumping facilities.

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

7. Consider authorizing expenditure of CDBG contingency funds for the purpose of decontamination of records and equipment belonging to the Housing and Community Development Department and awarding of bid to the most responsive vendor for the decontamination activity. Exhibits: None.

Mayor Powell asked that Item 7 be stricken due to the time frame.

8. Consider terminating the commercial building lease between Parks-Jones Realty and the City of Lawton for the property located at 412 SW Lee Boulevard and authorize the Mayor to sign and transmit a ninety (90) day termination notice. Exhibits: None.

MOVED by Shanklin, SECOND by Purcell, to approve the item as stated.

Mayor Powell said there is a letter from the owner of the building. Baker said he visited with Mr. Jones yesterday and he has no objection at all to the City vacating the facility. Mayor Powell said the letter requested it be vacated expediently because they put on a new roof and want to refurbish the interior so we should pay attention to that.

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

9. Consider adopting an ordinance creating Section 10-117, Article 1, Chapter 10, Lawton City Code, 1995,

providing provisions and procedures for expenditures relating to awards, recognition and incentives, providing for an effective date, codification and severability. Exhibits: Ordinance No. 01-06.

Vincent said a request was received from the Mayor s Commission on the Status of Women concerning certain awards they want to do, such as Women of the Year Award and having a banquet, and there was no provision in the code for that sort of thing. There is statutory authority and case law that this is acceptable provided an ordinance is adopted. Vincent said in Section 1, Subsection C, the word "among" should be inserted in the blank, and the effective date section can be stricken and allow the ordinance to automatically become effective in 30 days.

MOVED by Smith, SECOND by Haywood, to adopt Ordinance No. 01-06, waive reading of the ordinance, read the title only, with the recommended changes by the City Attorney.

(Title read by Clerk) Ordinance No. 01-06

An ordinance relating to finance, creating Section 10-127, Article 1, Chapter 10, Lawton City Code, 1995, providing provisions and procedures for expenditures relating to awards, recognition and incentives, providing for codification and severability.

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

10. Consider authorizing the City to accept and approve the Contract for Sale of Real Property for the purchase of property for Fire Station #5 and authorize the Mayor and City Clerk to execute the contract. If not accepted, take action to provide direction to City staff on alternatives. Exhibits: None. (Contract for Sale of Real Property on file in City Clerk s Office)

Mayor Powell said per the City Attorney, strike Item 10. Purcell asked the reason for striking Item 10. Vincent said we received the contract back from Hyman Copeland today at 4 p.m. by Fax, there were significant changes and staff has not had time to review it.

ADDENDUM ITEMS:

1. Consider an ordinance relating to fire investigations, amending Article 1, Chapter 11, Lawton City Code, 1995, by adding thereto Sections 11-104 and 11-105, creating the office of fire marshal and establishing the scope of their authority, providing for codification, severability and declaring an emergency. Exhibits: Ordinance No. 01-07.

MOVED by Smith, SECOND by Baxter, to approve Ordinance No. 01-07, waive reading of the ordinance, read the title only, and declare an emergency.

Shanklin asked if the fire marshal operation would remain under the Fire Chief. Don Barrington, Fire Chief, said that was correct.

(Title read by Clerk) Ordinance No. 01-07

An ordinance relating to fire investigations, amending Article 1, Chapter 11, Lawton City Code, 1995, by adding Sections 11-104 and 11-105, creating the office of fire marshal and establishing the scope of their authority, providing for codification, severability and declaring an emergency.

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

2. Consider authorizing Mayor Powell to submit a request to Congressman J.C. Watts for federal funds to construct the SE Water Treatment Plant. Exhibits: Letter; Fact Sheet.

Mayor Powell said he had been working on this and created a file and he had pages from South Texas to the Daily Oklahoman and Dallas papers and had been keeping up with this for over a year. He said what it shows is that water is the most precious resource we have and those who have it will have power and that is for the future. He said he talked with Baker and Jackson about this at length several months ago and started drafting a letter and he had met with Barbara Jordon with Congressman Watts' Office, and they would meet, along with Mr. Jackson, in the very near future. Mayor Powell said there is a draft of the letter in the packet that would go to Congressman Watts, and he wanted to try to answer some questions before they were asked and all of the information would be verified and Ihler had helped prepare some of the data that had been included and he appreciated everyone who had helped work on it.

Devine said he was in support of the Southeast Water Treatment Plant and had made that very clear from the time he had taken his seat on the Council. He said he would support anything that would expedite that project.

MOVED by Devine, SECOND by Moeller, that the Mayor send the letter.

Purcell said any time we can go to the federal government and ask them for money, either in the way of grants or any help from the congressional delegation, we should do that, but it needs to be made very clear that this is an example of asking for money and he would hate to see the people think that we are actually going to get money for the Southeast Water Treatment Plant. He said he hoped we would get plenty of money to support it but unfortunately there are many needs presented to the federal government and he did not want a misrepresentation that we think we are going to get this money when we might not, but we certainly ought to do this and we all should write our congressional delegation if that is what it takes to get the money and he wanted to get that in the record.

Mayor Powell said he thought it was quite clear, we made that point very explicitly that we are simply requesting or asking for funds and nothing more than that and leading no one astray whatsoever. He said he was trying to perform his duty for every citizen in the Lawton-Fort Sill community.

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

CONSENT AGENDA:

11. Consider the following damage claims recommended for denial: Rebecca Tannery, Vincent & Marta Falter, and Carmela Hardy. Exhibits: Legal Opinions/Recommendations. Action: Denial of claims.

12. Consider the following damage claims recommended for approval and consider passage of resolutions authorizing the City Attorney to file friendly suits for the claims which are over \$400.00: Thomas L. and Ursula E. Dorman, Janice M. Harris and Grover and Charletha Haney. Exhibits: Legal Opinions/Recommendations. Action: Approval of Dorman claim in the amount of \$90.00 and approval of resolutions.

(Title only) Resolution No. 01-16

A resolution authorizing and directing the City Attorney to assist Janice M. Harris 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 reduced amount of Ten Thousand Six Hundred Twenty-Seven Dollars and 04/100 (\$10,627.04).

(Title only) Resolution No. 01-17

A resolution authorizing and directing the City Attorney to assist Grover and Charletha Haney 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 One Thousand Three Hundred Seven Dollars and 60/100s (\$1,307.60).

13. Consider approving a letter agreement between the City and Emma J. Tomlinson and authorize the Mayor and City Clerk to execute the acceptance. Exhibits: Letter Agreement. Action: Approval of item dealing with property at 38th and Meadowbrook.

14. Consider authorizing the City to accept a quit claim deed for property containing approximately 0.8733 acres in Section 26, Township Two North, Range Twelve West, which has been donated by Great Plains American Business Club (AMBUCS) Charity Fund and authorize the Mayor and City Clerk to execute the acceptance. Exhibits: Letter. Action: Approval of item dealing with property at 38th and Meadowbrook.

15. Consider ratifying the City Manager's action to purchase and issue the payment check for a temporary and a permanent easement for a total of \$5,000 from John G. Erwin and authorize the Mayor and City Clerk to execute the acceptance on each easement. Exhibits: Letter from Erwin; Memo from Whisenhunt. Action: Approval of item.

16. Consider ratifying the action of the City Attorney to appeal the unemployment compensation decision by the Oklahoma Employment Security Commission in the case styled Charles R. Cook v. City of Lawton, LOFP #69-01. Exhibits: None. THIS ITEM WAS STRICKEN AS SHOWN BELOW.

17. Consider ratifying the action of the City Attorney in approving a Retainer Agreement designating Susan Zwaan as an alternate special prosecutor in Municipal Court and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Agreement. Action: Approval of item.

18. Consider approving a resolution for settlement in the pending lawsuit of Patricia F. Huskey, Case No. CJ-97-727 in the amount of Four Thousand and 00/100 Dollars (\$4,000.00) to reimburse the Health and Life Fund for medical payments made to medical providers. Exhibits: Resolution No. 01-18; Letter.

(Title only) Resolution No. 01-18

A resolution approving and authorizing settlement of a third party claim by Patricia F. Huskey and payable to the

City of Lawton Employee Health and Life Fund and authorizing the City Attorney to execute document necessary to settle this matter.

19. Consider approving a resolution authorizing the payment to Avista Advantage, Inc. the amount of \$115.28 to return a mistaken payment on utility bills owed by Montgomery Wards. Exhibits: Resolution No. 01-19; Letter.

(Title only) Resolution No. 01-19

A resolution authorizing the refund of \$115.28 to Avista Advantage, Inc. for utility payment on behalf of Montgomery Ward.

20. THIS ITEM WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

21. Consider a resolution authorizing the installation of traffic control devices at 320 NE Angus Place, 3800 Block of Dearborn, 300 Block of C Avenue, SW 43rd and Wolf, 1st and Euclid, and 19th and Lindy. Exhibits: Resolution No. 01-20; 1/18/01 draft Traffic Commission minutes excerpt.

(Title only) Resolution No. 01-20

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma.

22. Consider entering into a Contract of Sale with Dr. Daniel A. Woesner to purchase a Centennial logo and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Proposed contract with rendering of logo. THIS ITEM WAS STRICKEN FROM CONSIDERATION AS SHOWN BELOW.

23. Consider approving the extension of the loan of Songs of the Past, a sculpture by Allan Houser, to the Museum of the Great Plains from January 1, 2001 through December 31, 2001. Exhibits: None. Action: Approval of item.

24. Consider accepting a contract for a maintenance upgrade to the current E911 System. Exhibits: Southwestern Bell Revised Contract. Action: Approval.

25. Consider approving Change Order No. 1 for the Fire Station #7 Re-Roofing Project #2000-35 with Brox Industries, Inc. Exhibits: Map. Action: Approval of item which decreases costs by \$6,795.00 and provides for no additional contract days.

26. Consider accepting Animal Welfare Building Improvements Project #2000-15 as constructed by Bordwine Development and placing the Maintenance Bond into effect. Exhibits: None. Action: Approval of item.

27. Consider awarding contract for Dewatering Polymer. Exhibits: Department Recommendation; Abstract of Bids. Action: Award contract to Polydyne, Inc.

28. Consider awarding contract for Rear Suspension Repair. Exhibits: Department Recommendation; Abstract of Bids. Action: Award contract to Loden Spring & Suspension.

29. Consider awarding contract for Sewer Pipe & Fittings. Exhibits: Department Recommendation; Abstract of Bids. Action: Award contract to Water Products of Oklahoma.

30. Consider awarding contract for Precast Concrete Manholes. Exhibits: Department Recommendation; Abstract of Bids. Action: Award contract to Nance Concrete Products.

31. Consider approving the following contract extension: Dairy Products for Lawton City Jail with Hiland Dairy Foods Company. Exhibits: None. Action: Approval of item.

32. Consider awarding contract for Practice Ammunition. Exhibits: Department Recommendation; Abstract of Bids. Action: Award contract to GT Distributors.

33. Consider awarding contract for Tractor 45HP Diesel. Exhibits: Department Recommendation; Abstract of Bids. Action: Award contract to Standridge of Duncan.

34. Consider awarding contract for Pea Gravel. Exhibits: Department Recommendation; Abstract of Bids. Action: Award contract to City Concrete.

35. Consider awarding contract for Work Clothing. Exhibits: Department Recommendation; Abstract of Bids. Action: Award contract to Woodward.

36. Consider approval of appointments to boards and commissions. Exhibits: Memo.

Lawton Metropolitan Area Planning Commission: Howard Johnson, Term: 2/13/01 to 2/13/05

Redistricting Commission: Jake Allen, Ward 7, Term: 2/13/01 to 7/1/03

Museum of the Great Plains Trust Authority: Dr. David Miller, McMahon Foundation Representative, Term: 1/27/01 to 6/30/04

Building Development Appeal Board: John Perry, Licensed Plumbing Contractor Representative, Term: 2/24/00 to 2/24/02

37. Consider approval of payroll for the period of February 5 through 18, 2001. Exhibits: None.

Mayor Powell asked that Items 16 and 22 be stricken. Baxter asked for separate consideration of Item 20.

MOVED by Shanklin, SECOND by Smith, to approve the Consent Agenda items as recommended, except striking Items 16 and 22, and considering separately Item 20. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

20. Consider requests for the installation of traffic control devices at 316 SW 72nd Street, 3800 Block of Dearborn, and NW 61st Street from Cache to Euclid. Exhibits: 1/18/01 draft Traffic Commission minutes excerpt.

Baxter requested approval of additional speed limit signs on NW 61st Street from Cache to Euclid. He said eleven streets exit onto 61st Street and there are no speed limit signs anywhere in that eleven-street section; there are no four-way intersections. Baxter said there are 15 speed limit signs on 67th Street between Cache and Gore, and he was just asking for a couple.

MOVED by Baxter, SECOND by Hanna, to install two speed limit signs, one facing north and one facing south, at the south of the exit of Elm Street where it connects with 61st Street, and deny the other requests as recommended.

Baker said the speed limit is 25 mph on residential streets unless marked otherwise, and there can be too many signs, but there may be a legitimate need here as Baxter pointed out, so it is not a problem.

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

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Shanklin asked for an explanation on the Chandler Creek Bridge. Vincent said ODOT officials agreed to fix the bridge, make it handicapped accessible, and lease it to the City, however, ODOT will maintain ownership.

Baxter asked how many flush trucks and rod trucks the City has. Ihler said there were three combination rod and flush trucks and one flush truck. Baxter asked if there was a disaster of some type in using the flush trucks. Ihler said not to his knowledge. Baxter said a citizen complained that the City main was stopped up a week ago, a rod truck was sent and the crews apparently lost some rods in a main, but they told the citizen the problem was fixed. He said four days later, it was apparent it was not fixed and the backyard was again flooded with sewage. He said the employee said the reason it was not fixed right the first time was because that was not a high priority. Baxter said if sewage was running in a backyard or house, it was a high priority for him and the employees should not be telling residents that when they are in that type of situation. Ihler said sewage running through a house or backyard is a high priority for them.

Shanklin said he thought the City had two \$280,000 flush trucks. Ihler said there are three combination flush and rod trucks, a single flush truck, and four trucks with mechanical rodders. Baxter said he got the impression from what the employee told the citizen that all of the trucks were being used somewhere and they could not get one out there. Ihler said they are used but if it is backing up into a house or yard, it is a high priority. Baker said he had asked Ihler for a report, and he was not sure if it was the same incident being referred to, but we apparently told a citizen we did not have a flush truck and would have to come back out on Monday, and he and Ihler are looking into that to see what actually happened, and the flush truck should be used if necessary if sewage is backing up into a home. Baker assured Council that it was a high priority to him and to Public Works. Devine said he was the one with the problem where the crew said they would be out on Monday so it was a separate incident.

Devine said the Mayor brought up the item on selling water to Tarrant County and he was really glad he did so. He said if the law says we cannot take the water away once we let them have it, then under no circumstances would he agree to sell any water.

Purcell said on Sunday night on the east side of town there was a house fire and a lady and five children lost everything they had. He said they are in need of clothing and funds, and donations could be made through Park Lane School. Purcell gave the children's ages and sizes of clothing.

Baker said he was starting work on the budget and a schedule had been provided.

Smith said a joint Ward 1 and 2 neighborhood meeting will be held on Friday at 6 p.m. at the H.C. King Center.

Vincent introduced Randy Henning, Assistant City Attorney, and stated Tim Wilson will begin work on April 2 as Assistant City Attorney. Vincent said Chereese Bagwell fell at her house on Sunday and refractured her ankle and will be out two weeks.

Jackson said the Trash Off will be scheduled in April and everyone is encouraged to participate. Mayor Powell said he had asked Jackson to try to work this up again with the soldiers, Chamber, and everyone together because last year we won having the most people to volunteer on the state level. He said over ten tons of garbage were picked up last year in about six hours, which goes a long way toward cleaning the City up and will help in starting out the Centennial.

BUSINESS ITEMS:

38. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending tort claim of Robert Allen Steel against the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

39. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending tort claim of Thomas Riley Landis III against the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

40. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled In re: Carewell Corporation of Oklahoma, Inc., Case Number 99-40827-1-11, United States Bankruptcy Court for the Western District of Missouri, Case Number 99-40827-1-11, and if necessary, take appropriate action in open session. Exhibits: None.

41. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the employment of John Kinslow as Municipal Judge for the City of Lawton, and in open session, take action if necessary. Exhibits: None.

Addendum Item #3: Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the appeal of Charles R. Cook's unemployment determination, and if necessary, take action in open session. Exhibits: None.

Addendum Item #4: Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Charles R. Cook against the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

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

The Mayor and Council convened in executive session at approximately 7:50 p.m. and reconvened in regular, open session at approximately 10:20 p.m. with roll call reflecting all members present.

On Item 38, Vincent reported that pursuant to Section 307B4, Title 25, OS, the Council convened in executive session to discuss the pending tort claim of Robert Allen Steel. He said they received a report on this claim and no action is required at this time.

On Item 39, Vincent reported that pursuant to Section 307B4, Title 25, OS, the Council convened in executive session to discuss the pending tort claim of Thomas Riley Landis III and no action is required at this time.

On Item 40, Vincent reported that pursuant to Section 307B4, Title 25, OS, the Council convened in executive session to discuss the bankruptcy case of Carewell Corporation as shown in the agenda title. He requested a motion to approve a resolution authorizing payment of the demand and authorizing the City Attorney to file subsequent claims.

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

(Title only)

Resolution No. 01-21

A resolution authorizing the refund of \$17,688.84 to Carewell Corporation of Oklahoma, Inc. for utility payments made within ninety (90) days of filing bankruptcy.

On Item 41, Vincent reported that pursuant to Section 307B1, Title 25, OS, the Council convened in executive session to discuss the employment of John Kinslow as Municipal Judge and no action is necessary at this time.

On Addendum Item 3, Vincent reported that pursuant to Section 307B4, Title 25, OS, the Council convened in executive session to discuss the appeal filed by the City of Lawton against Charles R. Cook's unemployment determination. He requested authorization to dismiss the appeal.

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

On Addendum Item 4, Vincent reported that pursuant to Section 307B4, Title 25, OS, the Council convened in executive session to discuss the pending damage claim filed by Charles R. Cook. He recommended the claim be denied.

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

Mayor Powell wished everyone a very Happy Valentine s Day.

There being no further business to consider, the meeting adjourned at 10:25 p.m. upon motion, second and roll call vote.