

Meeting of 2001-3-27 Regular Meeting

MINUTES
REGULAR MEETING
LAWTON CITY COUNCIL
MARCH 27, 2001 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
 John Vincent, City Attorney
 Brenda Smith, City Clerk
 LTC 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 notice board as required by 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 REGULAR MEETING OF MARCH 13, 2001

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

INTRODUCTION OF TEEN COUNCIL MEMBERS

Jasmine Osley, Junior at MacArthur High School, President of Lawton-Fort Sill Teen Council Advisory Group, said the group consists of 23 teens made up of the eight secondary junior and senior high schools. Each member had to fill out an application, provide references and go through an interview process. Purposes and goals are to provide a basis for cooperation among the eight secondary schools, to provide an official voice for the teens in the community, and to bring leadership between the teens. She said if the City Council members need a teen's perspective on any issue, they could call on them at any time. The groups meet each third Monday of the month at 6 p.m. at the Shoemaker Center to discuss issues that affect teens and City Council members are welcome to attend.

Osley said they had accomplished production of a video that is shown at every secondary junior and senior high school discouraging student participation in risk behaviors. They produced a Teen Outreach Card which has hotline numbers for suicide prevention, crisis teen pregnancy, and so forth. An elementary school tutoring program was started this year. The group has worked with area legislators to make changes. A teen pregnancy prevention program is being planned. They have built a spirit of communication and cooperation among all the teens in the city. She said each member would introduce themselves, and some were absent due to other functions.

Allen Weather, Senior at MacArthur High School, said his personal platform for Teen Council was teen pregnancy prevention.

Jessica Cooper, Sophomore at Eisenhower High School, said she was a cheerleader and member of Teen Council. She got involved because she wanted to start an elementary school tutoring program.

Maria Castello, Senior at Lawton High School, Vice Chairman of Teen Council, said this was her second year in the program. She said she joined the Teen Council because last year when they did the outreach card and the video she

thought it was a good way to get the teens involved with the city, and decided to participate again this year to try to get teens involved even more.

Adrian Davis, Junior at Eisenhower High School, said she was involved in vocal music where she was a current all-stater. Her special interest was teen pregnancy prevention because it becomes more of a problem every day and she felt they could have something to do with stopping it.

Michael Linville, 7th grade student at MacArthur Junior High School, said he got involved in Teen Council to bring a better communication among the schools.

Christa Fulitz, Freshman at Tomlinson Junior High School, said she was a member of the honor society and builders club and Teen Council. She said her special interest was prevention of teen pregnancy.

Laun Dorsen, 8th grade student at MacArthur Junior High School, said she was a second-year member of the Teen Council. She said she wanted to be part of the tutoring program and prevention of teen pregnancy because it is a growing problem for the Lawton area and should be addressed.

Thomas Hayes, Sophomore at Lawton High School, said this was his second year on the Teen Council and served as Secretary. He said he wanted to take care of some major issues facing teens in Lawton and felt the Teen Council was the best way to be able to do that.

Ron Nikea, 8th grade student at the Training Academy, said he was a member of the National Honor Society and Student Council. He said he joined the Teen Council because there are a lot of issues going on with teens and there should be some light shed on some of those problems.

Chris Fitzgerald, Junior at Lawton High School, said he was also a second-year member of Teen Council. He said he joined the Teen Council because a lot of times the kids' voices are not heard in the community and he thought this would be a good way to get those voices heard.

Aaron Willis, Sophomore at MacArthur High School, said she was involved in Student Council, Highlanderettes and Cultural Awareness. She said she joined Teen Council to help build communication among the schools and prevent teen pregnancy.

Taisha Crimley, Senior at Eisenhower High School, said she would be attending Langston University next year. She said she was involved in the gifted and talented program, President of the African-American Club, Senior Senator, and FCA. Crimley said her main interest was prevention of teen pregnancy.

Tony Gill, 7th grade student at Central Junior High School, said he joined Teen Council for the prevention of fighting, drugs, and alcohol use. He said there is a lot of violence going on in the schools and it is growing more and more, and a way should be found to stop it.

Maria Castella invited everyone to the 100 year celebration for Lawton High School this Thursday at 7:00 p.m.

Mayor Powell said it is a privilege to work with these young people. He said in the near 30 years that he had been associated with the Lawton Public Schools he had seen this tried many times but it always failed for some reason, but this group was started last year and has repeat members. Mayor Powell said they are addressing the issues and problems and that every child will have a voice in their schools through this mechanism. He said he listened to them address Representative Abe Dutchendorf regarding an issue and they had done their homework and studied prior to taking their presentation forward.

Mayor Powell said one of the leading concerns of these youth, and it is a problem in the entire State of Oklahoma, not unique to Lawton, and he had reason to believe that they will make a difference in teen pregnancy in the Lawton-Fort Sill community because they are real serious about this. He said when peer talks to peer, it makes a lot more sense many times than it does for an adult to talk to them. He expressed appreciation for their attendance.

Purcell congratulated the Teen Council and said they are making a difference. He said he understood the State legislation they requested would pass. Purcell suggested the Teen Council members feel free to contact the Mayor or any City Council member with their input on any item that is of interest to them.

Smith said he appreciated the Teen Council members being present. Smith introduced Ward 1 Councilman Elect Randy Bass and said he would take office on May 7. Mayor Powell said he appreciated Mr. Bass being in attendance tonight.

Haywood commended Adrian Davis, noting her attendance at Western Hills and Edison. Mayor Powell said he coached one of the young lady's father in basketball at Eisenhower High School and it was quite an honor to see the young lady doing well. Hanna welcomed Chris from the Teen Council, said he had known the family for many

years and was pleased to see such a fine young gentleman.

Mayor Powell said the City Attorney had just told him that he would be glad to visit with the Teen Council if they needed advice that he could provide. Hanna invited the Teen Council to attend the City Council meetings any time they wanted to participate.

AUDIENCE PARTICIPATION:

Pastor Patricia Carpenter, founder of Grace Covenant Evangelistic Ministries, Inc., said she was also the county leader for the Oklahoma Concert of Prayer. She said every Wednesday from 12 to 1 they call each official's name in prayer before God for wisdom to lead the City, show us what is right and what we need to do to be better citizens. Carpenter said they appreciate the Council and the hard work they do, and she was sure a lot goes on that many people know nothing about. She said they call Lawton the City of Hope.

UNFINISHED BUSINESS:

1. Consider rejecting the bid proposal for the Robinson's Landing Fuel System Project #2000-37. Exhibits: Map; Bid Tab.

Baker said the low bid is over \$73,000 and an additional \$5,000 is required for contingency and testing, so it would cost \$79,000 to replace the fuel system. Staff is recommending rejecting bids, Baker concurred with the recommendation and said the City does not have the money to do this. He said the Lake & Land Commission recommends awarding the bid and he had held discussions with Mr. Hawthorne, Chairman of the Lake & Land Commission, and Hawthorne has been working very hard to try to identify some options to get this done at a reasonable price. Baker said he believed Hawthorne agreed the bids should be rejected, and we will continue to work with Hawthorne and the Commission to try to find something that could be done at a reasonable price.

Shanklin said we should entertain the thought of putting it back out to the private sector, and let the private sector bid on putting in the tanks or whatever is needed to dispense fuel, and bring it back with the camping grounds that were there originally. He said the City needs to get out of it, give it to the private sector and they will take care of it. Mayor Powell said if we did that, we could be in a position of having someone spend \$74,000, which is a very unreasonable bid in his opinion, then walk off a year or two later and the City would have to pay for it. Shanklin said it would depend on how the contract is written and the Mayor agreed.

MOVED by Devine, SECOND by Smith, to reject the bids.

Shanklin asked what would be done. Devine said we should bring it back and have it re-bid. Devine said he talked to a local oil company and found there are ways we can do this for several thousand dollars less. He said an above-ground system with an 8,000 gallon storage tank that is out of the water could be put in for less than \$20,000, and it would have 6,000 gallons of unleaded gas and 2,000 gallons of super unleaded gas. Devine said it would be like the propane system that is out there now and it would be totally portable. Devine said he was told they were looking at less than \$10,000 to put the system in. Mayor Powell asked if that was to be in the motion. Devine said he did not want to close the options of putting in a fuel system because there is a need for it.

Baker said if the bids are rejected, he would take it as Council direction to continue to try to find a way to get the system in. He said we can also look at Shanklin's suggestion because the current lease is up around the first of May, so it could be bid as an alternate to see if someone was privately interested in putting in the system and taking over the store and that part of the concession. Baker said they would continue to work on this with the Lake & Land Commission.

Hanna said he got a call from Mike Mahoney, the current lessee for the store at Robinson's Landing, saying he sent a letter requesting his lease be renewed even if there is no fuel available. Jerry Ihler, Public Works Director, said they were working with Hawthorne and the Commission, and Hawthorne has received a semi quasi proposal. Staff is planning to meet with a vendor who has been working with Hawthorne, and the Commission, and the design engineer to evaluate the options and see if it is worth trying to revise and redesign the plans and rebid, and it may or may not be coming back depending on how those meetings go.

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

BUSINESS ITEMS:

2. Consider establishment of the position of Youth Services Coordinator. Exhibits: None.

Mayor Powell said hundreds of hours have been put into study that needs to be put into place by a professional person; it has been done by community leaders, faith based community persons, business leaders, youth and

parents, law enforcement, many persons and agencies have been involved in this study and it was taken very seriously for the betterment of the youth of Lawton-Fort Sill. He introduced Dr. Linda Dzialo of the Lawton Public Schools.

Dr. Dzialo said she appreciated the greetings given to the Teen Council and it was an honor to work with them. She quoted Herbert Hoover as saying "children are our most precious resource" and said everyone agrees. Dr. Dzialo said she was speaking on behalf of a very tenacious, caring and committed group called "Lawton-Fort Sill United for the Sake of the Children". She said they were present to unabashedly advocate in behalf of our young people; we are here because we have a vision of a community that cherishes our children; we are here specifically to ask you to establish a position called a Youth Services Coordinator.

Dr. Dzialo said she had three major points she wanted to make in her presentation; point one has to do with some data; point two will be to fill everyone in on what has already happened; and point three is to share the role the City now plays. In April 1999 we gave to over 2,600 high school age young people in the community a survey with 91 objective questions; it was confidential, anonymous and voluntary. It was done in a systematic manner, parents received information and were given an opportunity to see the survey, and out of those over 2,600 high school age teens, some seven or eight parents opted not to have their teen participate in the survey. The survey asked personal and probing questions. The data was received back in December 1999, and in January 2000 there was an open meeting where the results were shared with the community, it was printed in the newspaper and hundreds of copies have been disseminated. City officials previously received an abbreviated synopsis of the data.

Dr. Dzialo said she wanted to share a couple of the major points that were alarming. In the results of the youth risk behavior survey, our students talked to us and in a private way they were telling us what was going on. 59% of those students said they were sexually active. She said this places these teens at grave risk physically due to disease, as well as grave risks socially, emotionally and spiritually. Dr. Dzialo said of that 59% that reported they were sexually active, 39% of them said they had four or more partners, so that causes you to multiply all of those risks. Of those students, 13% said they had seriously considered suicide. Regarding chemical use, 42% of our young people in our community said they use alcohol; 49% said they have at least tried marijuana. 11% said they had tried methamphetamines. Young people to young people violence, 10% said their boyfriend or girlfriend had hit them or slapped them or abused them in the past year, and 10% of our young people said they had been raped.

Dr. Dzialo said the second point was that immediately after they got the results, they in the community went to work and began with a task force of approximately 50 people which included students, parents, community members, business leaders, prevention specialists, and school personnel. They started brain storming what could be done and 30 or 40 ideas were brought forward; meetings continued through the spring and summer. In the fall of 2000 they decided that for this year they wanted to tackle three things and three target areas were established. One area is to bring together the faith community, the ministers, rabbis and priests and pastors had to be major players in this effort; they had to start preaching from the pulpit, they had to start working with their young people, and all of those faith community members were invited to share the results which were given to them by CD's and hard copies, and they have been doing a fabulous job of addressing these issues in the churches. Dr. Gary Cook headed that effort.

Dr. Dzialo said the second target area was parents and communications; we wanted to try something different and Pat Henry, one of the activists in the community for children and parents, headed up that committee. We are already in the process, under Ms. Henry's leadership, of bringing training through the Wichita Mountains Area Prevention Resource Center to businesses, and businesses are saying yes, we will release our employees and provide the training.

Dr. Dzialo said the third target area that came up in all of the discussions was that we need one person in our community that their job, their focus, is services for youth. What an innovative idea to have a community that has a person with that as their job. That brings us to point three and your role. We tonight come to you asking you for a City position. We have given you a draft of our vision for this person. We see them as a clearinghouse for youth services, we want that person to put together what is going on in Lawton, what is going on at Fort Sill, what are churches doing, what Cameron University is doing, what the civic groups are doing, what are the schools doing, both private and public. All of this information needs to be tied together and put in print, keep a web site current, make brochures and presentations, be a seat on various organizations and always bring the youth perspective. Furthermore, to identify what other needs are there. This position has the ability to coordinate the future of the way we in Lawton become a youth friendly city. It is important today, and it will be important in the future. For every major event in history, there has been a starting point. For our history as a community, we believe this is a starting point. Please allow me to close by quoting a former President of the United States: "A child is a person who's going to carry on what you have started. He's going to sit where you are sitting when you are gone, attend to those things you think are important. You may adopt all of the policies you please but how they are carried out depends on her. He will assume control of your city, states and nations. She's going to move in and take over your churches, your schools, your universities and your corporations. The fate of humanity is in her hands." That President was Abraham Lincoln. Dr. Dzialo asked for help in continuing their quest for a community that cherishes our children.

Mayor Powell said he got an e-mail from Kim Shahan asking to address the Council.

Kim Shahan, #10 NW 60th Street, said the purpose of his return to Lawton after college 18 years ago was to pursue the purpose and mission of the proposed youth coordinator's position. He said he had done this through the platform of building and operating a youth family retreat camp for Southwest Oklahoma. Shahan said being someone who has worked with the youth of Lawton-Fort Sill for the past 18 years in the educational field, sports community, faith community and now through the City government, he would like to endorse the request for this position. He said he was not representing the Parks & Recreation Department or the City on this issue, but this requested position and what it stands for was very close to his heart. Shahan said the insight of what he had learned over the past 18 years had showed him that each institution, the educational system, the city and the church have a lot to offer but each have specific strengths and weaknesses in their ability to serve and support our youth. He said he had always known that if all of these institutions would work closely together that much more could be accomplished.

Shahan said as an assistant to one of the City's departments, he fully understood the immediate existing needs for increased staff in our respective City departments but if creating a position of this nature would work toward accomplishing the goals of unifying the educational, church and city leaders for the common good of our children, he fully supported the position.

MOVED by Purcell, SECOND by Hanna, to establish the position of Youth Services Coordinator and assign it directly to the City Manager's office.

Purcell said he really felt the person needed the help from the boss at the top, nothing against the other departments, but the visibility needs to be in that office.

Mayor Powell said this is a full time focus on one project with a common goal for one person.

Shanklin asked if it would be funded from Council Contingency. Baker said what we are asking this evening is for Council Contingency for the remainder of this year; it will take time to recruit, we have to finalize the job description and establish the pay grade which will have to be returned to Council. Baker said we do not expect to have this position on board too long before the end of the fiscal year; if Council approves the position, he would put it in the preliminary budget for next year and it will be a very, very tight budget next year. Baker said he will have to cut the budget considerably but he felt this was a very important position to the community and he would not recommend against it and whole heartedly supported it and had no problem with it being directly a part of the City Manager's office, which will give it that status and attention, not that Parks & Recreation would not do a good job, but he endorsed this and recommended approval.

Shanklin said Plato said in 225 BC that if we do not get control of our kids, it will be the end of our society. He said they were fighting the problem then and the same problems remain and there was a lot of rhetoric to it.

Smith said there is no doubt that this is needed, and the challenge will be to find it in the budget. He said he had the pleasure of voting yes on this issue and turning the budget considerations over to Bass and the remaining members.

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

Mayor Powell thanked all of those in attendance tonight who had been supportive of this and worked many long hours to make this dream become a reality, and that is what it is tonight. He said the problems we have are not unique from any other city, but the citizens there did not have the guts to face it like we do and we will make a difference and he challenged that this be done.

3. Consider approving a building permit extension for the burnt out structure located at 707 W Gore Boulevard. Exhibits: None.

Shanklin said a long dissertation is not needed, this is in his area and he had looked at it.

MOVED by Shanklin, SECOND by Devine, to approve the extension and for Tucker to keep an eye on it.

Dan Tucker, Building Development Director, asked if there was a time limit on the extension. Shanklin said to give them another 45 days because we know where they are now and need to see what will be done. Mayor Powell asked if 45 days was part of the motion and Shanklin said yes.

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

4. Receive a brief presentation and consider directing staff to develop a City Policy (for Council consideration), that will limit public services that interfere with a Department's primary responsibility and that will create a cost recovery mechanism for designated special services. Exhibits: Example of Parade, Street Fair, & Assemblage Permit.

Gary Salva, Parks & Recreation Director, said this item deals with a situation that has evolved over the last ten or more years in which the level of requests for special services from the public has escalated to a level that is possibly conflicting with certain departments' primary missions. He presented a slide of a shelter in Mattie Beal Park that is available for reservations, and said there are two others in Elmer Thomas Park.. He said it is typical during the summer that a family reunion will be held and the area reserved at no charge; they also request four to six additional picnic tables, extra trash cans, extra policing of the area, and the department has accommodated.

Salva presented a slide of the department's grand stand or portable stage which is a highly desired item; it was given to the City a number of years ago and the Parks & Recreation Department refurbished it. It is typical that the public will request this for their use on the weekends as a band stand or stage for a special event, and it has been given to the public as an additional special service.

Salva presented a list of events. He said a few picnics is not really a problem, but when you consider that churches and businesses all make requests to the City through an application form process that is picked up at the City Manager's office, it tends to escalate. Salva said the list shows the number of special requests that Parks & Recreation said yes to during last year, and the majority of them are from March through September which is the peak season for grass growing, and the individuals that must fulfill these requests come from the crews that mow the 80 parks; there are six individuals who mow these 80 parks and when we comply with these requests to move table, trash cans and make special reservations, we have to take people off of the mowers. The Building Maintenance section oversees the grand stand, which is typically requested on weekends and that requires overtime that is not budgeted because we do not foresee how many requests will come in from the public.

Salva said this concern is not just limited to Parks & Recreation. He presented a slide of information provided by Public Works showing the number of special events they have complied with as far as requests from the public, and their information shows overtime, regular time, equipment hours and a total, so it does add up in the budget to comply with special requests that could be beyond their true mission and responsibilities.

Salva said in the packet there is an assembly permit, which is picked up at the City Manager's office, and it is a general form where they can fill in whatever services they require from the City. He said the example shows that services this organization requested at that particular time. Salva said Parks & Recreation has a similar situation with ballfields, which people can reserve and there is a fee structure in which the individual can rent a field for a tournament or event and we comply but we are reimbursed with the fee structure. He said the department has requested permission to co-sponsor certain events and that privilege has been granted and the overtime is included in the budget, and it is very specific as to what the City is using taxpayer dollars to fund. Salva requested the same thing be considered as far as providing these other special services, that we be allowed to come up with a policy that would be brought back to Council for discussion regarding a fee structure and what services we should be providing to the public, and receive Council instruction. Salva said there may be a need to limit public services that interfere with the primary mission and to create a possible cost recovery mechanism for designated special services that are approved by the Council.

Baker said he had been looking at this for quite some time and the number of these activities continues to increase, and his office receives about 200 requests a year for these permits with each one requiring the City to provide some kind of support or service which we are not paid for. He said these are all worthwhile activities and it is nice that the City can support them but the problem is that the volume has gotten to the extent that we are having to pull people off of mowing, maintaining ballfields and that created a problem last year when we really got behind. Baker said staff would like to prepare a Council policy and possibly set some fees for some of these things. He said he could turn these down when they come in but as a matter of course he had approved every one that had been sent in because they are all good things to do, and even though it has cost us time and effort, we have supported it but it is just getting out of hand and something must be done.

Shanklin said we do have to recognize that these are people who work for us; are we going to try to designate between non-profit entities and the private sector in this policy. Baker said yes. Shanklin asked if we are spending more than \$10,000 per year to do this or can a figure be put on it. Baker said there was no doubt that we are spending more than \$10,000, and this impacts Police and Public Works also, and the events are usually after hours or on the weekend where overtime is involved. Shanklin asked if we charge for Sentinel and Police escorts for funerals. Baker said no. Shanklin said that is something that could be looked at if we are paying overtime, but we represent these people.

Mayor Powell said that is good direction but you need to walk very cautiously on this.

MOVED by Purcell, SECOND by Baxter, to direct staff to bring back a policy. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

5. Consider entering into a professional services agreement to provide a representative on telecommunication issues as they effect the City of Lawton and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Agreement.

Vincent said the telecommunications area is getting more and more complicated and detailed with the advent of DSL on the telephone systems and cable modems on cable systems and whether or not they apply under the Telecommunications Act of 1992, and it has been amended three times since then. There was a recent case in Oregon where Cox Cable, which is the big cable provider in Oklahoma City, has now refused in 13 cities in California to pay the franchise fee on the cable modem service they are providing and that is still in litigation.

Vincent said there are two recognized experts in Oklahoma, one being Jim Walker who is the executive director of the Oklahoma Telecommunications Association, and the other is Robert Jernigan who happens to be the City Attorney in Newcastle. He proposed entering into a contract with Jernigan to provide advice and information to the City Attorney's office on an as-needed basis; there is no cost to this contract unless we request advice and information.

Shanklin asked if we cannot understand the information put out by the FCC. Vincent said it is that complicated. Mayor Powell asked if Jernigan is a specialist in this field. Vincent said yes, plus him being a City Attorney gives him a lot of background in the municipal area.

Shanklin asked if we are collecting a tax from Southwestern Bell on everything they do. Vincent said he could not answer that, but he and Doug Wells had been discussing the \$1 fee on cell phones for E911 service and there are now 27 telephone companies operating in Lawton and we are trying to get information from the Oklahoma Corporation Commission on who they are because we are not sure we are receiving our \$1 fee on that, so this is an area that is mushrooming. Vincent said Southwestern Bell is now providing cable television service in Oklahoma.

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

6. Set a date for hearing in accordance with Section 9-2-206 B, Lawton City Code, 1995, for a hearing on the Mayor's Petition regarding the Municipal Judge. Exhibits: None.

Vincent said information was received that Judge Kinslow is seeking an outside counsel, probably from Oklahoma City. He said they were unable to arrive at a date with his current counsel, therefore, he suggested a motion to set the hearing date for 9 a.m., April 30, 2001, in the City Council Chambers. Vincent said that would give him approximately 30 days to prepare.

MOVED by Shanklin, SECOND by Devine, to set the hearing date for 9 a.m., April 30, 2001, in the City Council Chambers. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

7. Consider approving the formation of the Lawton Metropolitan Area Clean Air Committee to recommend policies and programs to reduce ozone-producing emissions and improve the air quality in the community. Exhibits: Proposed membership composition of Clean Air Committee.

Mayor Powell said this is a very, very serious problem in our community, and all communities north and south of the Red River. He said we are treading on very dangerous ground; ASCOG has led the way on this in years past and has done a good job, however, this being an immediate problem in our immediate area, we are asking for permission to put this committee together to take needed actions.

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

8. Consider awarding contract for Neighborhood Services Abatement Contract (CL01-083) and designate \$25,000 from Council Contingency. Exhibits: Department Recommendation; Bid Abstract.

Baker said bids were advertised for the mowing contract to abate the high weeds and grass nuisances, and this year a provision was added for abating junk and debris, which was not included before and the only method of abatement was forcing the issue through citations. He recommended award to the low, responsive bidder Service One Janitorial. Baker said this item also requests Council Contingency funds to make it through the rest of this year; because of the tremendous volume of high weeds and grass that had to be abated last year, all funds had been exhausted.

Shanklin asked how much money was set aside for that last year. Baker said he thought it was \$30,000. Shanklin

asked if staff anticipated that much weed abatement. Baker said yes, and to keep in mind that this includes abatement of junk and debris, which we have not previously paid for. Shanklin said he thought the bid was a little high, and the City workers do not get \$12 per hour. Hanna said these crews may have to work seven days a week, 15 hours a day, to keep caught up. Hanna said last year he turned in 400 houses in his area and would likely do it again this year. Shanklin asked why Council was not told this, and if print outs are provided. Hanna said he was getting copies every week. Shanklin said Hanna was talking about the inspection report, and if it was something different, he wanted to see it. Baxter said he had not seen it. Purcell said it is not just the ones that were mowed but the status report. Shanklin said it shows whether it was abated by the owner or tenant but it does not say if the City did it, or if it did, there was a different symbol. Shanklin asked if he was supposed to be able to tell from that information whether the City abated it or the owner. Baker said Council will be able to tell when we start getting the high weeds and grass; daily reports are being given now and that information will be on the daily report.

Purcell said last year Council received a report every other week on all the houses that were reported, and there may be a new system this year, showing what was called in, the ward, and the status. Shanklin said he had been trying to get that for three years and had never been able to, and he asked if Baker had a record that he could look at tomorrow to see it and that he would stand corrected if that is the case.

Hanna said they had a neighborhood meeting last Friday and the Neighborhood Services Director showed them a copy of the new program they will be using that will give all the statistics by ward. Shanklin said he understood that and understood where it originated from.

Jackson said at the first Council meeting in April they are planning to have a power point presentation of the new software program that was created internally by MIS, and they did a wonderful job; it will show the information that will be available on a daily basis. He said there is not a lot of mowing going on now but it will pick up considerably as the mowing season approaches.

Shanklin asked if \$25,000 would be spent from Contingency. Baker said he hoped not and that no more would be spent than is absolutely necessary; if the whole \$25,000 is not spent, the remaining amount will become part of the carryover. Shanklin asked if any of this money is recovered. Baker said bills are sent to the owner and most of the time we do not get payment; liens are placed on the property and we collect very, very little but do collect some.

Purcell asked if State legislation was changed to assist in that regard. Vincent said there is legislation pending at this time. Shanklin said that had been attempted for several years.

MOVED by Smith, SECOND by Devine, to award the contract for Neighborhood Services Abatement to Service One Janitorial of Lawton and designate \$25,000 from the Council Contingency fund. AYE: Moeller, Haywood, Smith, Hanna, Devine, Purcell, Shanklin. NAY: Baxter. MOTION CARRIED.

9. Consider approving an ordinance relating to personnel, amending Section 17-1-1-102, Chapter 17, Lawton City Code, 1995, as previously amended, adjusting the longevity rate earned, and providing an effective date. Exhibits: Ordinance No. 01-13.

Baker said on March 13 City Council approved a resolution that modified the pay grade for Meter Readers. The longevity payments to general employees are based on Step F of the salary of the Meter Reader. To avoid adjusting all general employee longevity payments, which would cost approximately \$50,000, the formula used to compute longevity needs to be adjusted and this ordinance provides for that adjustment.

Vincent said because of the retroactive effect back to March 13, it is recommended that this be approved with an emergency.

Shanklin asked if this is a decrease. Vincent said no, the number factor reducing from .0073197 to .0068091 maintains the longevity at the current rate, and the calculation was done by Human Resources through a computer formula. Shanklin said .0073 is more value than .0068. Vincent agreed. Baker said the Step F increased so the net longevity payment will be the same.

MOVED by Purcell, SECOND by Baxter, to approve Ordinance No. 01-13, waive the reading of the ordinance, read the title only, and declare an emergency.

(Title read aloud) Ordinance No. 01-13
An ordinance relating to personnel, amending Section 17, Chapter 17, Lawton City Code, 1995, as previously amended, adjusting the longevity rate; and declaring an emergency.

VOTE ON MOTION: AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None.
MOTION CARRIED. (Note: Ordinance title was amended during the reading to state "adjusting" the longevity rate, instead of "increasing".)

ADDENDUM:

1. Consider a resolution allowing the Leslie Powell Foundation to place a certain metal sculpture in the west landscape planter located south of the building at the northwest corner of the intersection of Southwest 5th and D Avenue known as the Amquest Bank building providing the Foundation maintain the sculpture in addition to two (2) planters located in the right-of-way south of the Amquest Bank building on Southwest D Avenue. Exhibits: Resolution No. 01-37; Letter from David Carter, Attorney for LPF.

Vincent briefly reviewed the background of the item.

MOVED by Devine, SECOND by Smith, to approve Resolution No. 01-37. AYE: Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

(Title only)

Resolution No. 01-37

A resolution allowing the Leslie Powell Foundation to place a metal sculpture in the west landscape planter located on the north side of the 600 block of D Avenue south of the Amquest Bank building providing the Foundation maintain the sculpture in addition to two (2) planters located in the right-of-way south of the Amquest Bank building.

2. Receive a presentation on energy-related costs and provide direction to staff. Exhibits: Report.

Mayor Powell said he talked about energy conservation when he was first elected and about how the Lawton Public Schools initiated a program that saved millions of dollars over the years. He said he put out a charge at that time but did not follow through and this is where we are at. Mayor Powell suggested he be allowed to name a Committee chaired by Gary Jackson with members being Dan Lau from Public Service Company, Bill Phelps from Reliant-ARKLA, Jerry Ihler, Gary Salva, Joe Joiner and Councilman Devine to look into this, and use the Lawton Public Schools if necessary and Fort Sill if necessary on energy conservation. He said Baker will also follow up and his actions were not related to this item. Mayor Powell said he had spoken with Baker and Jackson in this regard and hoped the others would be willing to serve, and information could be brought forward to educate the community because residents are having trouble with large bills.

Baker said he was amazed as to the increases in natural gas, electricity and petroleum products. He said this fiscal year, expenses exceed projected costs by \$314,000, which means that amount will not be available for carry over, and for next year, the departments have requested an increase of \$613,000 so if you add those together, it is almost \$1 million that this has and will cost the City. He said he was very concerned about the impact this will have on the budget and he had asked directors to do everything they can to conserve energy and look at vehicle usage, thermostats, heating and cooling. Baker said the biggest expenses are related to either water or wastewater treatment processes where we have to pump and some of those cannot be controlled but hopefully the committee the Mayor mentioned can look at all of these issues and find ways to cut energy costs. Baker said this will have a tremendous impact on the budget for the rest of this fiscal year and during the next fiscal year.

Mayor Powell said we would not look at dollar amounts but at kilowatts and gallons, the volume versus the dollar, because of the fluctuation on the tremendous price increases.

3. Consider amending the Limited Services Agreement between the City of Lawton and the Museum of the Great Plains Trust Authority to provide additional funding for Museum of the Great Plains and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Letter; Proposed Amendment to Limited Services Agreement.

Shanklin said he brought this up because the Museum is down \$20,000 on their gas bill, they have had a change in directorship and funds were expended for things other than how they received them, such as grants. He said everyone is in a crunch but the McMahan Foundation cannot allocate funds for this type of operation. Shanklin said McMahan just gave us \$330,000 and they would look very favorable if we tried to help the Museum out of this dilemma, and we are also trying to help with the Centennial.

MOVED by Shanklin, SECOND by Devine, to come up with this \$20,000 and take it out of Council Contingency.

Purcell asked if this was a one-time expense for this year only or if it would carry over to next year. Shanklin said we hope they can do something.

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

Mayor Powell asked how much money was left in Council Contingency. Shanklin said about \$50,000.

4. Consider a water line improvement in the 2100 block of SW E Avenue. Exhibits: Location Map.

Shanklin said the information shows the area in question where crews could not fight a fire right now if there was one; there is a 4" dead end water line coming from 23rd to 21st on E Avenue. He said Sherry Conwell wants to put in a commercial dance studio at 2112 and 2114 SW E Avenue, and all we are doing is what we did down the street on East Gore where we spent around \$235,000 helping an individual put in a restaurant and motel. He said Ihler wants to do the loop around E and back to F at a cost of around \$60,000. Shanklin said he really did not have that much problem with it other than the fact that if we loop it from E to F we are talking about \$15,000 and that satisfies the area for now, and in the future if someone wants to build something else, then we can spend that money. He said he did not know that a 500 apartment complex would be built in that area just to the east.

MOVED by Shanklin, SECOND by Smith, that somehow we get the capability to fight fire, satisfy the Fire Marshal, in order for the 2112 and 2114 SW E to accommodate a commercial dance studio.

Devine said there are many undersized water lines that need to be upgraded, and this is a good gesture that will improve the whole block because a pumper truck could not hook up to a 4" line. Smith said there is a day care in that area also.

Mayor Powell asked if this had been properly zoned for the dance studio. Shanklin said yes.

Baker said he felt the whole area should be done and it would be part of the 2000 CIP water line replacement. Devine said it should be brought up to standard. Ihler recommended the whole area be done, explained the sizes and locations, and said it could be done through a change order to a current contract which was bid at a very good price.

AMENDED MOTION by Shanklin, SECOND by Devine, to go with staff's recommendation, increase that to an 8" line in the area that we are talking about, and that it be added to an existing contract.

Mayor Powell said it should be less expensive now because there is ample equipment to the north and to the south of that particular location so they will not have to move very far.

Baxter asked if this would satisfy the new location for the dance studio and Shanklin said it would take care of the whole area. Baxter asked if that money is available in the 2000 CIP. Shanklin said there is \$7 million for that purpose.

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

CONSENT AGENDA:

10. Consider the following damage claims recommended for denial: Wanda D. and Avek Parker, Porter Pikul and Tammy R. and James D. Smith. Exhibits: Legal Opinions/Recommendations. CONSIDERED SEPARATELY AS SHOWN BELOW.

11. Consider the following damage claims recommended for approval and consider passage of resolutions authorizing the City Attorney to file friendly suits for claims which are over \$400.00: Clifford P. Brady and COLORTYME. Exhibits: Legal Opinions/Recommendations. Resolution Nos. 01-38 and 01-39 on file in City Clerk's Office.

(Title only) Resolution No. 01-38

A resolution authorizing and directing the City Attorney to assist Clifford P. Brady 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 Two Thousand Five Hundred Eighty-Two and 07/100s (\$2,582.07).

(Title only) Resolution No. 01-39

A resolution authorizing and directing the City Attorney to assist COLORTYME 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 Two Thousand One Hundred Forty-Eight and 06/100s (\$2,148.06).

12. Consider accepting the annual audit report of the City of Lawton for the year ending June 30, 2000. Exhibits: Responses to internal control and compliance report; Letter from Stanfield & O'Dell. Copies of the audit report have been distributed separately. CONSIDERED SEPARATELY AS SHOWN BELOW.

13. Consider endorsing amendments to the Federal Fiscal Year 2001-2003 Transportation Improvement Program (TIP). Exhibits: None. FFY 2001-2003 TIP on file in City Clerk's Office. Action: Endorse amendments to the Federal Fiscal Year 2001-2003 Transportation Improvement Program.

14. Consider endorsing an amendment to the Fiscal Year (FY) 2000-2001 Unified Planning Work Program (UPWP) limits for the Lawton Metropolitan Transportation Planning Process. Exhibits: None. Action: Endorse an amendment to the Fiscal Year 2000-2001 Unified Planning Work Program.
15. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Area Planning Commission (LMAPC) for transportation planning during Fiscal Year 2001-2002 and authorize the Mayor to execute. Exhibits: Memorandum of Understanding. Action: Adopt the Memorandum of Understanding between the LMAPC and City of Lawton for metropolitan transportation planning in FY 2001-2002.
16. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Area Planning Commission (LMAPC) for Congestion Mitigation Air Quality Campaign during Fiscal Year 2001-2002 authorize the Mayor to execute. Exhibits: Memorandum of Understanding. Action: Adopt the Memorandum of Understanding between the LMAPC and City of Lawton for the development of an air quality public awareness campaign.
17. Consider endorsing the Fiscal Year (FY) 2001-2002 Unified Planning Work Program (UPWP) for the Lawton Metropolitan Transportation Planning Process. Exhibits: FY 2001-2002 UPWP. Action: Endorse the FY 2001-2002 UPWP.
18. Consider a resolution authorizing the installation of traffic control devices on Flowermound at Lee Boulevard. Exhibits: Resolution No. 01-___; Excerpt from draft minutes of Traffic Commission meeting of 3/15/01.
CONSIDERED SEPARATELY AS SHOWN BELOW.
19. Consider requests for the installation of traffic control devices at NW 17th and Elm, NW 17th and Maple, NW 13th and Taylor, and NW 24th and Bell. Exhibits: Excerpt from draft minutes of Traffic Commission meeting of 3/15/01. Action: Denial of requests.
20. Consider entering into contract between the Oklahoma Highway Safety Office and the City of Lawton for an aggressive driving/seat belt/child restraint project. Exhibits: None. Proposed contract in the amount of \$56,816.00 on file in City Clerk's office. Action: Approve the proposed contract and authorize the Mayor and City Clerk to execute.
21. Consider authorizing the Mayor and City Clerk to sign a "Fair Housing Partnership Agreement" with the Oklahoma City Office of the Department of Housing and Urban Development. Exhibits: Fair Housing Partnership Agreement; Letter. Action: Authorize the Mayor and City Clerk to execute the "Fair Housing Partnership Agreement" in support and promotion of Fair Housing Laws and regulations of the United States Government.
22. Consider submitting a grant application to the Corporation for National Service (CNS) for the Retired and Senior Volunteer Program (RSVP) for Fiscal Year 2001-2002 funding. Exhibits: None. Grant application on file in City Clerk's Office. Action: Authorize staff to submit a grant application to CNS for the RSVP Program for Fiscal Year 2001-2002 funding.
23. Consider approving plans and specifications for the Ranch Oak Park Improvement Project #2000-14 and authorizing staff to advertise for bids. Exhibits: Map. Action: Approval.
24. Consider approving the plans and specifications for a 12-inch water line along NW Fort Sill Boulevard to serve the new Central Junior High School. Exhibits: Map. Action: Approval.
25. Consider a resolution approving action taken by the Lawton Water Authority authorizing issuance, sale and delivery of the Authority's Promissory Note to the Oklahoma Water Resources Board; ratifying and confirming a certain lease agreement, as amended; and containing other provisions related thereto. Exhibits: Resolution No. 01-40.

(Title only) Resolution No. 01-40
A resolution approving action taken by the Lawton Water Authority authorizing issuance, sale and delivery of the Authority's promissory note to the Oklahoma Water Resources Board; ratifying and confirming a certain lease agreement, as amended, and containing other provisions related thereto.
26. Consider awarding contract for Jail Foods and Supplies to Wilson Wholesale Company. Exhibits: Department Recommendation; Bid Abstract. Action: Approval.
27. Consider awarding contract for Lease of Office Facilities for Housing & Community Development to Kent Waller. Exhibits: Department Recommendation; Bid Abstract. Action: Approval. Location is 1307-1309 SW Washington for annual rent of \$10,415.00.

28. Consider awarding contract for Vibratory Soil Compactor to Kirby-Smith Machinery. Exhibits: Department Recommendation; Bid Abstract. Action: Approval.
 29. Consider awarding contract for Billboard Display Advertising to Keleher Outdoor Advertising. Exhibits: Department Recommendation; Bid Abstract. Action: Approval.
 30. Consider awarding contract for Rock Hauling to Beall Trucking, Inc. Exhibits: Department Recommendation; Bid Abstract. Action: Approval.
 31. Consider awarding contract for Truck Mounted Jet Rodder to Underground, Inc. Exhibits: Department Recommendation; Bid Abstract. CONSIDERED SEPARATELY AS SHOWN BELOW.
 32. Consider approving the appointment of John Crawford as an Alternate Municipal Judge, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Agreement. Action: Approval.
 33. Consider approval of appointments to boards and commissions. Exhibits: Memorandum.
- Human Rights & Relations Commission: Bill Mathis, City of Lawton representative, Term: 3/27/01 to 9/30/01.
- Citizens' Advisory Committee (CIP): Robert Pierce, Ward 5 representative, Term: 3/27/01 to 3/27/04
- Personnel Board: Sarah Michener, Term: 3/27/01 to 6/30/07
34. Consider approval of payroll for the period of March 19 through April 1, 2001. Exhibits: None.

Separate consideration was requested for Items 10, 12, 18 and 31.

MOVED by Shanklin, SECOND by Smith, to approve the Consent Agenda items as recommended with the exception of Items 10, 12, 18 and 31. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. OUT: Hanna. MOTION CARRIED.

ITEM 10: Consider the following damage claims recommended for denial: Wanda D. and Avek Parker, Porter Pikul and Tammy R. and James D. Smith.

Vincent said these are standard damage claims recommended for denial, and a message was received from Pikul Porter requesting permission to speak on her claim. He recommended denial of the other listed claims.

MOVED by Baxter, SECOND by Devine, to deny all claims listed in Item 10 except Porter's claim. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Devine. NAY: None. OUT: Hanna. MOTION CARRIED.

Pikul Porter, 4626 SW Atom Avenue, said on January 1 she was trying to get home through a short cut behind Gibson's on 47th Street, and was going down the hill and on the left side she saw a big hole and punched her car in there, and it was about eight o'clock. She said she smacked the front end of her car and asked why the City did not have barricades out to warn people going through there.

Vincent said this was not a pothole but a water line repair hole that had been filled numerous times, December 29, January 2, and at the time Ms. Pikul's car fell into the hole, we had just filled it two days before and were unaware that the gravel had washed out. Mayor Powell asked the location and Ms. Pikul said 47th and Cheryl, and there were no barricades and she could not avoid it due to the ice.

Baxter said he knew exactly where the hole was and it was turned in numerous times. Baxter said we were putting rock in it but there was a water leak further up the hill coming from an apartment complex, and every time we put rock in there, the next day the water had washed the rock down the street so there was a hole there every day. Shanklin asked who was paying for the water. Baxter said he assumed it was whoever had the apartment complex.

Smith said if he understood it right, the particular hole at 47th and Cheryl was refilled on several occasions. Vincent said the dates were listed and it was first repaired on December 12, rock was again placed in it on December 29, which was two days prior to this incident, and then three or four more times after that. Smith said he generally voted to deny these things but in his opinion the City was given prior notice on several occasions of this problem.

MOVED by Devine, SECOND by Smith, to pay the claim in the amount of \$527.78 and adopt the resolution and warrant of attorney.

Shanklin asked if staff had looked at the invoice. Vincent said yes and it appeared to be a good number.

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

(Title only)

Resolution No. 01-41

A resolution authorizing and directing the City Attorney to assist Pikul Porter 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 Five Hundred Twenty-Seven Dollars and 78/100 (\$527.78).

ITEM 12: Consider accepting the annual audit report of the City of Lawton for the year ending June 30, 2000.

Purcell said this is the audit report for the last fiscal year and it was the first time he could remember where an audit report found a material weakness. He said there was a request previously for new software to run the financial portion, and that was a part of this finding. Purcell asked the progress on getting the software. Baker said \$80,000 was included in the current year's budget as the first payment toward the software as the cost was unknown; there was difficulty identifying exactly what was needed so Council authorized RFP's for a consultant and the price for the consultant was approximately \$65,000. Baker said he could not see paying someone that amount to tell us what we need when we only have \$80,000, so he was working with Livingston and Wells to determine our needs and then determine whether the work can be done in-house, possibly with additional resources, or to get something off the shelf and we are still looking at it but \$80,000 is a drop in the bucket for software and he could not see paying \$65,000 for someone to tell us what we need.

Shanklin said Norman or Edmond or similar cities could be asked. Baker said we have asked them and many of them have spent hundreds of thousands of dollars for the software.

Steve Livingston, Finance Director, said he thought software or some major changes to the existing programs would certainly give enough time to convert our books from the statutory, which is what we keep our books under by Oklahoma law, to the full accrual basis which is required under GAP. He said it is harder and harder for the staff to make that conversion and be able to evaluate the adjustments that are made. Livingston said they were hoping to get better software for finance and utility billing, and also for Human Resources. He said there are a number of companies that provide software but we are bigger than some of the really good small software can handle that are economical, and we are sort of small for the big programs that big cities use and spend large amounts on. Livingston said they were thinking of spending \$400,000 for a program but when they got into the evaluation of software and what was needed, they put together a committee and so forth and there were differences on how to approach this and our own MIS staff has some ideas and feel they can accomplish most of it, but there were differences and after talking to Oklahoma City they thought the direction would be to get a consultant to look at the type of software because there are a number of software programs and we are spending a lot of money and not getting what we wanted or what we were paying for, so we got quotes from consultants. Livingston said the best quote was probably from Carter and Burgess and it was in the neighborhood of \$50,000; quotes close to \$200,000 were received from two professional companies, and these are companies that consult for places like New York City, so some were out of reach for us and would have required all of the money. He said staff is still working on this problem, the budget is tight and we may not be able to do this but we will keep working on the problem.

Livingston said the audit does give an unqualified opinion but it took a lot of work to get there, and it will take a lot of work to get there next year. He said he changed the RFP for next year's audit to include more assistance from the auditor during the closing process with changes in GAP and the ASCPA standards, the auditor is the expert and can give a lot of assistance and keep us from making mistakes when we make decisions on how this fund should be closed and so forth. He said the audit will cost a little bit more but we have not paid nearly what the average city our size pays for an audit.

Purcell said he thought the City and Finance personnel had done an outstanding job on the financial part, and that was not the issue, but we will have to bite the bullet eventually on the software questions. He said the audit showed there were no discrepancies.

MOVED by Purcell, SECOND by Haywood, to accept the annual audit report for the City of Lawton for the year ended June 30, 2000. AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

ITEM 18: Consider a resolution authorizing the installation of traffic control devices on Flowermound at Lee Boulevard. Exhibits: Resolution No. 01-____; Excerpt from draft minutes of Traffic Commission meeting of 3/15/01.

Purcell said this is to install signs on Flowermound Road, north and south of Lee, and this is needed. He asked the status of getting the speed limit on Lee reduced; everyone knows the intersection is dangerous and everything helps but there was almost another accident there yesterday morning and a person going south on Flowermound wanted to turn east on Highway 7 and must have got tired of waiting and the speed limit is 55 but traffic goes 65 to 70. Mayor Powell said it is in the hands of ODOT. Tucker said the Mayor submitted the request and we are waiting for an answer. Purcell asked if we could call ODOT and see if they know. Mayor Powell said the City Manager would make the personal contact.

Smith asked if there would be flashing lights on the dangerous intersection signs. Tucker said no, we asked for flashing lights on Lee but not on Flowermound Road. Purcell asked that someone call ODOT and let him know.

MOVED by Purcell, SECOND by Smith, to approve the resolution authorizing installation of traffic controls at the specified location. AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01-42

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

ITEM 31: Consider awarding contract for Truck Mounted Jet Rodder to Underground, Inc. Exhibits: Department Recommendation; Bid Abstract

Devine asked what is being bought. Ihler said it is a flush truck. Devine asked if we have enough of them. Ihler said this will replace an existing one and it was approved in the budget. Shanklin asked the price and Ihler said \$68,000 approximately.

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

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Smith said the Boy Scouts have started a fund raising drive and all donations were appreciated.

Devine asked that staff think about City police vehicles being used on private jobs. He said we are going to have to start making cuts on expenses, and if you look at how many police vehicles are being used for personal jobs, it is unreal. Devine said during the summer they sit with air conditioners on while they read their newspaper, in the winter they sit with the heater on while they are reading the newspaper. He said that is an awful waste of money, and it is nice of the City to allow them to use the City's uniforms, their weapons, police cars, commissions and everything, for their private gain and we are footing the bill and he was really not happy with that and had received complaints from an extremely large amount of people. Devine said that should be looked into as some of the budget that will have to be cut.

Purcell said in September 1999 the Council appointed a committee to work with the County Commissioners on the jail issue, and he had been in contact with Mr. Pope and nothing has been done since that time, but he is getting ready to institute it and wants to meet. He said the committee was Devine, himself and Williams and a person was needed to take Williams' place. Purcell asked if it had to be brought back to appoint someone to the committee. Vincent said the Mayor can make a recommendation for next time. Mayor Powell asked if it could be done now. Vincent said it is not on the agenda. Mayor Powell said he would ask for volunteers.

Shanklin asked if we were any further along on what we were going to do with Stan's Electric; the language in the letter was we did not see them do it, and that is frightening, do we see every electrician doing the work, or every carpenter or every plumber. Tucker said for us to file charges in Municipal Court or District Court, we would have to see the person doing the work or have someone who saw them do the work sign the complaint, and we do not have that in this instance. Tucker said they had requested that the State Health Department follow up with Stan's Electric because they have the ability to do administrative fines outside of the criminal arena.

Shanklin asked if this is true in every instance where you cite someone for failing to get an inspection that you have seen him in operation. Tucker said we either have personal knowledge that he has in fact done that work and we have seen that either through an application on his part or a permit for that job, or the homeowner or some other owner states that. Shanklin asked if you do not have personal knowledge that he did it, then. Tucker said no sir, we do not, we were told that he did but the person who told us that would have to be the person to sign the complaint; if we have someone willing to sign a complaint saying he saw him do the work, then we will assist them in filing that. Shanklin asked if he was still working in Lawton. Tucker said no. Mayor Powell said he had been told that he is. Tucker said if someone will tell them where he is working, they will follow up on it.

Mayor Powell asked how they progressed that far with all the inspections we make and we did not discover we had not made an electrical inspection. Tucker said we had done an electrical inspection for Stan's but that was prior to September of last year and at that time he had a valid electrical license with the City of Lawton but he had allowed the license to lapse and we drove by and saw there was electricity on in the building, called the general contractor who told us that Stan's was the electrical contractor, and we checked and found there were no inspections and that he had failed to renew his license. Tucker said at that time the guy from Stan's came in and said he had renewed his license but had a glitch with the State and we called the State and found he had not renewed the license so he was sent there to get it resolved and to our knowledge he has not resolved that issue.

Mayor Powell asked if on the application it gives the date of expiration of the license. Tucker said yes, it does. Mayor Powell asked if we failed to pick up on that. Tucker said he had a valid license and they are routinely renewed each year. Devine said it is not on the permit application, although it is on the license itself. Mayor Powell said that may need to be added.

Devine said he had received several complaints and people had asked him because he was a contractor, when we see someone that is doing plumbing without a license, what is our procedure to get a response from Building Development, and asked that Tucker think carefully before he answer. Tucker said what it takes to get a response from his office is you to tell us yes, I saw the person doing plumbing and then a willingness to go to the court and sign the complaint saying you saw them doing the plumbing; we will then go to court with you and the court asks the complainant if they saw the person doing plumbing, and once you say you saw them doing plumbing, the court then asks Building Development personnel if that requires a license and if the person is licensed.

Devine said Tucker did not listen to his question. Devine said a gentleman in the plumbing business called on his cell phone to Building Development and said John Doe is at a certain address doing plumbing without a license; how does he get someone from Building Development to respond so this contractor does not have to do the filing. Tucker said in that instance we would have to go to that address and see that person doing plumbing. Devine asked how they get them out there. Tucker said call them and they would radio someone, and it does not work. Devine said this person had called five separate times on a plumber that is doing work without a license and is not bonded, and that he would give Tucker the name. Tucker said he would like that. Devine said Building Development had never yet responded to the address in time to apprehend the person. Tucker said he could not say whether they went to the address, but if the person was not there or he is inside working and we knock on the door and ask what he is doing and he says sitting here, someone has to see him doing the plumbing.

Shanklin said he could not buy that and asked if the general contractor could not be held responsible for his subcontractors. He said we hounded a man named Ernie and asked him for his license every day until the general contractor told him to go get the license because he was tired of being asked. Tucker said we did not hound him, we went and asked him for his license and he told us he did not have it, had not had a chance to get down here yet, and we told him to get down there and get your license; the only option when you do not have it is for us to write you a ticket. Shanklin said what if you just saw him standing on the job but not working how could you write him a ticket. Tucker said if he is doing electrical work, hauling cable, pulling wire, those kinds of things, he is doing electrical work. Shanklin asked if you can hold the general contractor responsible. Tucker said no. Tucker said one of the procedures they are hoping to take to the task force to recommend changing is to require the licensed trades to call in and get their own permits and not allow the general contractor to get those permits, and at that point we will know who the responsible contractor will be for that job; we do not do that at this time and have never done that.

Shanklin said about Meadowbrook, he hoped Council had read the editorial, and if so, it was in error that they said we had spent \$200,000 to the west detention pond when we spent \$1.5 million; we spent \$2 million on the one east of it which is \$3.5 million trying to abate the flooding on Meadowbrook. He said now we want to throw another \$1.7 million at it, so now that is \$4.7 million, and then there is \$4 million for the Corps to come in and do it, which we are going to pay half of so that is \$2 million more so we will spend up to \$7 million to abate a flooding project that he believed until we put one or two more boxes on Meadowbrook, we are throwing bad money away. Shanklin said he would like to see someone who voted for it to bring it back and discuss it and see why we cannot put two boxes into the Meadowbrook Bridge. He said it is throwing \$7 million at seven houses and it made him sick to his stomach, and he was not the only one because there were a great number of taxpayers concerned over it.

Shanklin said he read a letter to the editor in the newspaper that soured him again, the Mayor's name was brought up, and the man made some remarks and he did not know he had sent John a copy of it, but it's a "what if" deal, well "what if" it does happen, that's your fate, you didn't get up in the morning saying they are going to have a straight shot at you, you're never going to get that and things can happen, they can have a wreck on the way to the scene and your second response people have to get there and in John's case it is six miles. Shanklin said on top of that, it is not a half a mile from the Airport to 17th Street, it is a mile and a tenth, and the letter had a half a mile but he drove it the other day. Shanklin said there is another letter that we cannot build it north maybe because of the zoning and what have you, and you can sure bet someone will know about it, if we can write these little snotty letters and that was uncalled for, very much uncalled for and he was sorry it was in there and that was probably the lowest hit he had seen in 15 years, and that was worse than his Pinocchio nose and he turned that around on them. Mayor Powell said he concurred 100% and the man who wrote that article knew he concurred with that and he did talk to him because it was a blatant lie and it was brought up on this floor on the Council and he wished it never had and that was where all the information came from. Mayor Powell said where he was wrong, he would not go any further.

Haywood thanked Pastor Carpenter for coming tonight and giving an inspirational speech, and that he appreciated them praying for him on Wednesdays. He said there was raw sewage in Lawton View by the convenience store on 11th Street for about a month and a half but they finally fixed the problem; it was coming through Ranch Oak and you could smell it at night but it has been resolved. Haywood thanked the Street Department for doing some work

as well.

Haywood said Kay Terrill was a teacher and a lawyer and she passed away. He said Buck Butler also passed away and will be missed. Haywood said this Friday would be the funeral for Mildred Carter at 1 p.m. at the Christian Center. He said she was a community leader who worked for Model Cities, the Sheriff's Department, and had passed the torch to him and she was a good friend.

Baxter said earlier tonight Council approved for Baker to go out for a Youth Services Coordinator. He said Mr. Shahan stood here and was quite emotional, and he thought he would like Baker to consider Mr. Shahan for that position if he is interested. Haywood said it is not enough money.

Baker said he sent a memorandum on an anticipated hiring freeze; this is another measure that is necessary to curtail expenditures to help balance next year's budget. He said if he did not hear otherwise from Council that he would implement that on April 1 and he had not heard otherwise and was planning on doing that. Baker said that does not mean we will not fill some positions; some positions must be filled but he will screen and review those very carefully.

Baker said he asked Gary Jackson to provide an update on street maintenance, we are about to run out of money on street maintenance and have curtailed maintenance work. He said Jackson has been working with the FEMA representative to inspect the streets and hopefully get FEMA funds to make repairs to damages that occurred this winter.

Gary Jackson, Assistant City Manager, said the winter has been tough on budgets in both energy costs and street repairs. The Street Department has stopped all concrete work being accomplished out of their budget, all asphalt overlay work and all major street construction due to the status of funds being depleted. There have been more material costs than we have had in the last decade combined trying to address the storms that were primarily during Christmas and New Years. A federal disaster declaration was signed covering the period of December 25 of last year through January 10, and we got approval through FEMA, whose representative is in town today and will hopefully be able to remain through the end of the week. We are going over every street that has damage, and today Jackson, Struthers and Woodall went around with him, and we will try to claim every dollar we are entitled to get back through this federal declaration. On the ice and snow itself, they wrote up today about \$72,000 that Lawton will be getting a check for in about 30 days, and that is only for the removal of ice and snow during the December 25 to January 10 time frame. The actual road repair is more difficult and they are going through with global positioning satellites getting readings on the actual locations of the streets, calculating the distances and looking at the actual amount of damage, and preparing write ups. Those will be grouped into projects of \$50,000 or less, and we can have as many of those as we want, and that allows us to get the money in immediately rather than having to spend the money and get reimbursed. He said they do not have a number tonight, other than the \$72,000 that they know we will get back. Jackson said at the next meeting they would come back for the appropriation of those funds that we know we will be reimbursed for to go ahead and authorize the Street Department to use now, because now is the time when the work needs to be done.

Shanklin asked if we are looking for more than the \$72,000. Jackson said we are looking for streets, alleyways that are justified, and there will be groupings of \$50,000 and multiple groupings.

Moeller said new stop lights were put up at 52nd and Cache Road. She said they were put up horizontally to allow for more clearance and they are greatly appreciated.

The City Clerk noted a special meeting had been set for April 3 at 6 p.m. Mayor Powell said the purpose of that meeting is to consider houses that are in an ill state of repair, and that he had asked staff to send pictures and addresses of each house so Council could better educate themselves and look at them.

BUSINESS ITEM:

35. Pursuant to Section 307B3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the acquisition of Ricky Webb's property which is needed for the expansion and upgrade of the City of Lawton Water Treatment Plant in Medicine Park, Oklahoma, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent said he did not feel an executive session was needed unless Council desired to do so. He said staff recommends approval of an amended contract, which will acquire all of the private property necessary for the Medicine Park relocation. Council did not indicate a desire to go into executive session and asked the agreed upon amount for acquisition. Vincent said \$67,050 for the purchase.

MOVED by Devine, SECOND by Smith, to approve purchase of the Webb property in the amount of \$67,050. AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

Mayor Powell asked that his wife be kept in prayer as she lost her mother yesterday and the funeral will be tomorrow at 10 a.m.

There being no further business to consider, the meeting adjourned upon motion, second and roll call vote at approximately 8:30 p.m.