

Meeting of 2001-4-10 Regular Meeting

MINUTES
REGULAR MEETING
LAWTON CITY COUNCIL
APRIL 10, 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 6:30 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 27, 2001.

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

AUDIENCE PARTICIPATION: None.

BUSINESS ITEMS:

1. Receive brief presentation outlining the success of the National Fire Protection Association (NFPA) "Risk Watch" Program. Exhibits: None.

Don Barrington, Fire Chief, said a pilot program was recently concluded for Risk Watch. Susan McCann, Principal at Brockland Elementary, as well as Abby Craig, teacher, and some of the successful students are present tonight in this regard.

Randy Meschell, Assistant Fire Marshal, gave a PowerPoint presentation explaining that Risk Watch is an injury prevention program developed by the NFPA for children in pre-school through eighth grade; it is a safety curriculum to be used in a school environment. The program is designed to help children and families create safer homes and communities by teaching them skills and knowledge needed to help them make safe personal choices. It seeks to prevent, reduce and eliminate unintentional injuries in the leading risk areas, which are motor vehicle safety, prevention of fire and burn, choking, suffocation, strangulation, poisoning, falls, firearms injury, bike and pedestrian safety and water safety. Severe weather education may also be added.

Meschell said Risk Watch is not only necessary, it is absolutely critical. He said unintentional injuries kill or disable more children than kidnapping, drugs and disease combined, making them the number one health risk facing school age children. Meschell asked that members think about the number of injuries that have occurred during the past few years of this nature. He said a local coalition was formed and Lawton Public Schools allowed them to present the program at Brockland, Eisenhower, John Adams, Washington, and Taft Alternative Academy. A pre-test and post-test are given and 1,100 students have participated. Post-test scores indicate an increase from five to 30 points and about six real life situations have been identified where children have taken their knowledge from this

program and prevented an injury to themselves or others.

Meschell said the program unites the community and gets the professional safety advocates under one umbrella pushing for one cause, keeping the kids safe. It builds professional and personal

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relationships. Participating groups are Lawton Public Schools, Lawton Fire & Rescue, Lawton Police Department, Comanche County Memorial Hospital, Fort Sill Directorate of Public Safety Law Enforcement Command, Lawton YMCA, KSWO-TV Channel 7, KLAW 101/Z94, and Golden Corral. Memorial Hospital and Golden Corral have been the biggest corporate sponsors. There are plans to implement the program during the next school session at Howell, Hugh Bish and Sullivan Elementary. More supporting organizations will be sought for recruitment, and one that comes to mind is Lawton Parks & Recreation. Funds will be sought for future implementation and to sustain the program that is in place now.

Mayor Powell presented certificates of recognition to Susan McCann, Brockland Elementary School Principal, and to Davonte' Walker, Amanda Jette, Amber Coriano, Lori Adams, and Chase Malavi. Walker and Malavi were commended for reporting minors in possession of weapons and Jette, Coriano and Adams were commended for reporting the presence of cigarette lighters on the playground to the proper authorities.

Baxter asked how much money was needed to continue the program. Meschell said about \$3,600 for the next school year. Baxter offered a motion to provide the funding but it could not be accepted at this time. Mayor Powell said he was sure the City Manager had heard the concern and would take it under advisement.

Mayor Powell asked that Item 4 be considered at this time and there was no objection.

4. Consider waiving Council Rules of Procedure and consider directing staff to negotiate the sale of water with Smith Cogeneration to support a proposed power plant. Exhibits: Letter from Smith Cogeneration; Letter from City Manager.

Mayor Powell said people from SmithCo had called him and asked for an appointment but that he had not met with them and that was for a reason, the reason being that in January the Council gave direction to start negotiations with another company and that he would not work behind the Council's back, he appreciated them and respected the decision they made so he had not and would not meet with anyone. He said he wanted that understood before everyone that it was the reason he did not meet with them, and they are present in the audience at this time.

Mayor Powell said a letter was received from Cal-Pine this morning and everyone had received a copy, but Cal-Pine knew of this agenda item and was requesting they be considered in anything that comes forward. He said Moeller requested this agenda item and asked that she address it.

Moeller said representatives of SmithCo have met with some, if not all, of the Council and all they asked was to have an item on the agenda so they could come forward and speak to Council.

MOVED by Moeller, SECOND by Hanna, to waive the Council Policy to consider the staff to negotiate with SmithCo and to support a proposed power plant, and add the other one also.

Vincent said as far as he was concerned this was broad enough to add Cal-Pine. Moeller said she wished to do so. Mayor Powell suggested listening to anyone else who may come forward and Moeller agreed.

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

Mayor Powell asked if Council had questions prior to opening discussions. Purcell said we were trying to get the DEQ to come down and asked if they were present. Gary Jackson, Assistant City Manager, said Dave Dillon called yesterday and said he would not be able to attend, but could attend a future meeting. Purcell said he called DEQ and got a briefing over the phone for about thirty minutes and suggested to Jackson that it might be helpful to Council and to everyone else to just hear the process, and it had nothing to do with any of the companies, but to hear the process they will have to go through. Mayor Powell asked the text of Purcell's conversation as far as the permitting.

Purcell said there were a lot of rumors that DEQ would issue only one permit, and he talked to Dawson Lassiter who is in the process of issuing permits, not the DEQ director, but someone involved in the permit process, and Lassiter explained to him that it is absolutely false, that there is nothing that the DEQ has planned to issue only one permit, they may very well issue multiple permits. He said secondly, he thought the EPA issued the permits but found out that is not true, the people who actually issue the permit for the air will be the Oklahoma Department of Environmental Quality; normally only DEQ and EPA would be involved but since this is so close to what is called a "class one" area because of the Wildlife Refuge, their rules apply which are more stringent than either DEQ or EPA.

Purcell said the first thing the DEQ will issue at some point in time, and he was not sure what procedure they use to get there, but they will issue a draft permit only after the land manager, who is the Wildlife Refuge folks, approve what they see to be done for a particular permit. Once that draft permit is issued by the State DEQ, the public has 30 days to comment on that and it can be commenting on air quality or anything else they want to comment on. After that 30 days is over, they will take all the comments into consideration and Lassiter explained that even the EPA will either send representatives to talk to them or put something in writing to them, at that point in time they will either deny the permit or they will issue a proposed permit. Once the proposed permit is issued, the public then has 20 days to request a legal kind of review, which is much more formal, and anyone can do that, and after 20 days they will hold some kind of hearing if that is requested and then the result of that will determine if they issue the final permit. So there is a lengthy process. Purcell said he mainly called to see if it was true that they would issue only one permit and he was assured that was not true, that is not necessarily their plan, nor was their plan to issue a lot of permits.

Mayor Powell said several persons had signed forms requesting to speak on this issue. He asked Bill Burgess if he would like to address this.

Bill Burgess said he was always a little nervous when he appeared in front of Mayor Powell; back in his school days he would get in a lot of trouble and then Coach Powell was in charge of the discipline at his school and he had a large paddle that he administered justice with, and he was in college before he knew Mayor Powell could say anything to him other than "Mr. Burgess, assume the position". Burgess said that made him a little nervous but he would get over it, and that Councilman Shanklin's son Bobby was normally with him.

Burgess said back in January the City Council chose Energetix to proceed with a power plant construction project in the City of Lawton and they did that for a number of good reasons, the location is located out by the PSO power plant; one of the other facilities being looked at would be located right near a residential area just down the street from a junior high school. He said Energetix proposed to build two power plants, and none of the other competitors wanted to build a power plant in the industrial zone out by Goodyear, which is critical to Goodyear, Republic Paperboard, Bar-S and the new Silver Line Plastics because that would reduce their energy costs dramatically. In addition, their construction project in terms of millions of dollars were almost twice as much as anyone else; they were in the neighborhood of about \$800 million which is almost twice as much construction as any of the other competitors. Burgess said they would employ about twice as many employees when their two projects are completed; their wastewater supply, the effluent they would use that currently goes downstream which is not used for any other purposes, they would be taking about twice as much as any other competitor, which would amount to twice as much revenue for the City of Lawton.

Burgess said since January they had been negotiating, per Council's instructions, with the City staff and are nearly complete and way down the line in terms of contract negotiations; they are currently passing contracts back and forth with the City staff in terms of adjusting those. He said Energetix feels the Council made the right decision in choosing them in January; however, they understand the Council and Mayor's goals are to do everything they possibly can to make sure they do the right thing by Lawton, Oklahoma, and what is in the best interest of Lawton, Oklahoma. Burgess said they think and know the right decision was made in choosing Energetix for a lot of different reasons, and some of the ones he had talked about are those as well as other reasons, but if you decide you want to open negotiations with other folks, even though a decision was made to chose Energetix, they welcome the competition. Burgess said they have the best proposal, and the more you look at it the more you are going to realize that it is the best proposal, and they welcome the competition, they did not think it was necessary because of all the reasons they talked about but, at the same time, they want them to know if they decide they want to go forward and visit with other folks, they welcome the competition. They would simply ask, because of time constraints and the fact this project needs to get off the ground quickly, that you put some kind of time limits on this process. Burgess said they are in the position to hopefully complete contract negotiations with the City Attorney and the committee that Councilman Baxter heads and have a contract before Council in the very near future to vote on, at a great price per thousand gallons for the City, far more than anyone ever anticipated the City would get.

Burgess said they would like to have this process completed quickly, in a timely process, and they are not scared of the competition, they welcome it, but they wish it would be done in a timely, quick manner.

Mayor Powell asked if there were questions for Burgess and there were none. He asked if anyone was present to speak on behalf of SmithCo and if so to please state their name and address and comments.

Robert S. Kerr III, 11204 Stratford Drive, Oklahoma City, said he had over the last couple of weeks had the opportunity to visit with many of the Council members and appreciated the opportunity to speak and discuss anything Council desires. He said he appreciated that Energetix was interested in the competitive process, which is the foundation to our country and Council respects that. Kerr said he had occasion to be on Council's side of the table during his public service career.

Kerr said they come with a very simple request to enter into, to compete with Energetix and with Cal-Pine, for a very important element for their, or any other, project. He said the issue is simple but very, very important. Kerr said there are members of the community present tonight who are very interested in this process and Council is sensitive to that. He said that SmithCo is not only competing with their brethren in the merchant power plant business, but have a long standing history of dealing with communities and understand the issues of the community and the concerns they might have. He said as they move into the process that Purcell outlined a few minutes ago, there will be public hearings, this is not something that happens overnight. Kerr introduced the CEO of Smith Cogeneration, Donald M. Smith to address Council and answer any questions Council deems appropriate at this time.

Don Smith said he had been trying to develop a power plant in Lawton since the late 1980's and spent huge resources at the Oklahoma Corporation Commission trying to develop a cogeneration plant near the site of the Goodyear Tire plant in the early 1990's. He said they came back a year and a half ago and met with some City officials to discuss some of their ideas for the new generation of power projects for Oklahoma. Smith said their style of development is to be precise and make sure what they want to do; they go as far as they can in the regulatory process to make sure the ideas would meet the approval of the regulatory authorities and then discuss it with the community. Smith said unfortunately, the style of other companies is to discuss it with the community and then possibly proceed with permits. He said the most important development item in a power plant is the sale of electric power, and they are negotiating and holding discussions with half a dozen companies, all in the Fortune 100 category, for the sale of power from the proposed plant.

Smith said the second issue is the air quality permit; they applied for an air quality permit with ODEQ last June, almost a year ago, and have been told the permit writers are now beginning to write a draft permit, and they expect to have it in a month or two and then begin the process as Purcell described. He said he hoped the community would support it, and if there are problems with their plant, they would do everything they could to accommodate the community.

Smith said the most important thing is that they have been working here for a long time, and quite privately, to develop the project. He said the other competitors have not even made application for their air quality permit, and the issue of rapidly signing a contract to buy water is not the most important issue. Smith said in the process of developing a plant, there are contracts to be negotiated for the supply of equipment and the construction, contracts for the sale of power and the purchase of fuel; purchase of water is important and a critical issue but any contract to buy water from the City would be conditional upon permits and financing, so if the City wanted to finalize a contract with one of the developers, including his company, they could not have a guaranteed purchase but could have a purchase provided they got approval for the plant and got financing.

Smith said he hoped the City would consider negotiating and perhaps signing conditional contracts with several developers; we believe there is enough water to support more than one project. He said their project would have a net water use of about four million gallons per day, compared to the City's gray water of about 12 or 13 million, three of which goes to PSO. Smith said in other words, there could be three projects of their size with just the gray water, not to mention the raw water possible from nearby lakes from which Lawton has an allocation.

Smith said he hoped the City would consider negotiating with all comers, perhaps establish standards for pricing and other issues in a sample contract, and let the developers proceed to try to complete the remainder of their project and then lock in firm to the water supply, the fuel supply, the sale of power and so forth, all simultaneously.

Mayor Powell asked if there were questions for Smith and there were none. He asked that Andre Walker speak at this time, state his name, address and concern.

Andre Walker, 700 Milam, Suite 800, Houston, Texas, 77002, said Calpine was present to express its continued interest in building a power plant in Lawton. He said they understood and respected the decision made in January to continue negotiations with Energetix, and that they were not present to object to that but only to say that Calpine is willing, ready and able to start construction and did not want to be prohibited from doing so simply by not having a contract or a right to purchase the water, and the gray water is what they are talking about from the Wastewater Treatment Plant.

Walker said Calpine is pursuing a development schedule with a 2004 start up, and they cannot commit to that date because the investment for this kind of a plant will not need to be made for some time now, so they consider 2004 as the target, and it could slip forward but that could not be determined because we live in a very dynamic market place. He said gas prices rose significantly last year due to factors beyond their control, and that ultimately dictates when and where they deploy their investments and equipment. Walker said Calpine started as a small company with a one mega watt power plant and has grown and now has the target of being the largest power company in the United States. He said they consider this to be a valuable investment and would move forward with it when the time is right. Walker said it was important for them to understand that the decision that was made in January would not include or exclude them from proceeding with negotiations and they were present to express their interest. He said they have the equipment needed to start construction of a project such as this, and have in

excess of 200 combustion turbines on order, which is a three to four year lead time; their construction group is based in Fulton, California and is very capable. Walker said he wanted the City to keep an open mind and not limit any possibilities.

Shanklin asked if Walker had ever gone through the process of having a cal-puff or received an air permit. Walker said they have gone through the process of requesting an air permit in Oklahoma with their project south of Tulsa; they have not initiated a permit for this project, it does take time and they would need to get the details more well-defined before they could make that initiation. Walker said they have a great relationship with the DEQ and had talked with them about the cal-puff test and the Wildlife Refuge, understanding it is a Class One attainment area and it will require more stringent modeling but they do not feel that limits one or three power plants and is a decision to be made by DEQ. Walker said they have placed emission reduction equipment on their plants throughout the United States so that is not foreign to them and they will do what is necessary to meet the air quality requirement set by the City or State or whoever.

Mayor Powell said he recently read in the business section of the Daily Oklahoman that there is something to power these systems that is a lot more friendly to the atmosphere than the gas. He asked if that had been looked into, and said he had given that to Deborah Jones for her records. Mayor Powell asked if there were other cogeneration companies interested in speaking and there were none. He asked if Ken Sue Doerfel would like to speak.

Ken Sue Doerfel, Rt. 1, Box 273C, Lawton, Oklahoma, said her property was located exactly a mile east of the City limits at 60th and E Gore. She said this was the first time she had been before Council in a long time not representing a specific client, and that she was present tonight as a member of a group, and as you can see from the audience tonight, there are many faces. Doerfel said some people present have land that has been in their families for generations, there are moms with kids at Pioneer Park and Sullivan Village schools, there are new homebuyers in Sungate, there are people who have owned their home in MacArthur Park for a number of years, there are people who have bought property just north of 60th and Gore to build their dream home. She said they have many faces, but they have one thing in common and that is they are scared to death and they are fighting mad. Doerfel said they are scared because their rural way of life for those on the periphery of the City limits have enjoyed for so long will be disturbed; they are scared to death that those hundreds and thousands of people who are on the east side will be extremely affected by air quality and just a general quality of life. She said it is a power plant, regardless of who builds it, but if a power plant is allowed to built at 60th and Gore, they know that Council does not have the power to deny anything to do with the application permit or process but you do have the power to sell water, and they have heard from three companies tonight, but no grass has been turned yet, no one has a permit, and no one has started construction. Doerfel said before a decision is made to sell water to anyone, she hoped they would have a chance through a workshop or public hearing to have their input into the effect it will have on their quality of life on the east side if you sell your water to someone who will put in a power plant at 60th and Gore or anywhere in that area; it is too close to families and residences and you need to listen to DEQ and then the residents. She said sometimes there is something a lot more important than the money you are going to make from the sale of some water, and it is their quality of life that will be impacted so they should be able to speak.

Mayor Powell asked if General Baxter would like to speak.

General Baxter said he does not come tonight as a disinterested person, the Chairman of the Board of Energetix, Mr. Rainbolt, is also the CEO of BancFirst, who is his employer, so he does not come as disinterested but he does come as an eastsider. He said Energetix has never had a plan to build at 60th and Gore. Baxter said he wanted to talk about what was best for Lawton-Fort Sill, and that is what the Council is chartered to determine. He said he wanted to recall the process, and that everyone present tonight in the cogeneration business participated in this process on January 18 and brought documentation and briefings, and Council made a unanimous decision for one of these companies to go forward and begin the process of negotiating with City staff and a councilman that was designated, and that process is nearing completion.

Baxter said he keeps asking himself, four months later, what did you do wrong on January 18, and has Council heard something tonight to cause them to see this differently; has Lt. Governor Kerr told you something tonight that you did not know on January 18, or Mr. Smith, and perhaps so and if an error was made, it should be corrected, he supposed, but he was not sure what it was that caused them to go wrong. He said this is not about permits exactly, or the price of water; it is about a whole lot of things and the price of water is one, as well as the location of the plant, the capital investment, the salary structure, reputations of the companies involved are important, and Council has the responsibility to decide not whether they want twenty-four cents or twenty-three cents or seven cents for water but should consider what is best for the economic development of Lawton-Fort Sill and Southwest Oklahoma. Baxter said there is not a structure for doing that currently and that should be considered, but to simply say now that we are going to negotiate with the next guy in, he questioned the rationale or what new information would cause them to rethink their position in regard to that.

Mayor Powell asked if anyone else would like to speak that has not had representation already tonight and if they had anything new to add. He said we would not battle back and forth on the floor tonight.

Donald Smith said he forgot to give his address when he first spoke and said his business address is 210 W Park Avenue, Oklahoma City, OK 73102, and he lives north of Wellston, Oklahoma, at Rt. 2, Box 177 in Wellston. He said the most important thing is Smith has not made a presentation to the Council or anyone else about their project. Smith said they have not addressed the citizens or the City Council and it is a premature thing. Mayor Powell said an invitation was extended to three different parties back in the December-January time frame and three companies came forward and made a presentation before this Council, and he did not understand saying that did not happen. Smith said he would like to address the Mayor directly and said that Ted Benechevitz was Vice President of his company until last week had to resign because of serious illness but when Ted was called about two or three days before the hearing the Mayor spoke of in January, he called to tell him he had been asked to come down to talk about the project. Smith said he asked Ted the purpose of the hearing and his response was he did not know. Smith said he called a friend in the city to ask if he could help him know the purpose of the hearing, Gib Gibson, and he told him he did not know.

Smith said Ted came here, after talking with him, and Ted said when we develop a project, we do not want to have a public display of what we are going to do until we finalize the project and can present it in an organized way to the community, so he planned to present a minimum of information publicly and offer to meet with the Council privately if they wish a status report. Smith said in other words, when Ted Benechevitz came down here, he did not come down here to present all of the information on the project; we know that at least one of the other companies knew long in advance of this meeting and even took out an ad in the newspaper to support their project. Smith said he wanted it understood that they had not presented all of the aspects of it. Smith said he had been working here for 15 years wanting to develop this project and looked forward to making a presentation to the Council.

Mayor Powell asked if anyone else would like to speak.

Todd Rogers, Director of Business Affairs for Energetix, 100 N Broadway, Suite 2800, Oklahoma City, OK 73120. Rogers said the power developers and generation business is very competitive, but he did not want the health competition in the market place to cause any misrepresentation of facts on their company. Rogers said Energetix gave a presentation on January 18 on the two projects they were developing for the Lawton-Fort Sill area and it is their company policy to be very open with all members of the Council, elected officials and community leaders on development of projects and they would continue to do so. He said the facts of the presentations were set forth and for the most part, most of the facts have been fairly consistent and they would continue to do updates on any changes regarding their facilities.

Rogers said on the air quality permit, Energetix has submitted an air quality permit application to DEQ, containing the extensive air quality modeling system called cal-puff system that they had retained a consultant to perform. He said that is in the DEQ process that Purcell spoke of.

Rogers said in regard to water availability for both of their projects, the project on the east side of town would have a water maximum daily quantity of eight million gallons per day, and the project on the east side of town is five million gallons per day. He said they have been studying the historical water flows of the wastewater treatment plant, the water quality and working with the negotiation team led by Councilman Baxter and working on the water agreement so that is something that is very much on down the line and progressing, and they feel there is room for the two projects they are proposing but there is not room for an additional project on top of that.

Mayor Powell asked if any citizen had not been represented in the audience who would like to speak, if they had anything additional to say that had not already been said. He said if it has already been said, he did not want to be rude, but we have already heard what Ken Sue said, but if there was anyone who wanted to say anything additional, they would be happy to hear from them.

Margaret McCracken, 802 NE 60th Street, said she lives across the street from this proposed site and had lived there for quite a number of years and they had owned this farm which was their livelihood. She said there are schools and four large housing districts in the vicinity, and the development of Lawton will go east and south and if this plant is put at this location, it appeared this would stop development as far as the east side. McCracken said she has a personal interest, her family has breathing problems and felt the plant would hinder that.

Mayor Powell asked if any citizens in the audience had not yet been represented and there were none. He said we have heard from the companies and the citizens and asked the desire of Council.

Moeller asked if SmithCo was the company planning for the site at 60th and Gore and asked if they were locked into that position or location, and asked that they address those issues as far as being that close to residences. Moeller said she understood that fully because of the development on the west side.

Don Smith said their air quality permit request had to specify a particular location, and that location is the place the people have been talking about tonight. He said they chose that location over a year ago in consultation and consideration of many factors, and he understood today after visiting with several people from the area that the

location may have been a mistake. Smith said they are looking at additional locations and did not know if it is economically practical to move to an alternate location but they are looking at alternates.

Smith said as far as the impact of a power plant on a community, their company owns a majority of the power plant in Oklahoma City and they have been operating it for almost 12 years. He said it is down the road from a school and there are residences nearby; it is a more industrial area than this location. Smith said as far as the air quality goes, the air will be extraordinarily clean from any of the plants that have been proposed and living next to one of those plants will not affect anyone's health. He said as far as noise goes, these plants could be next to a hospital, they are very quiet, but they are visible and the main impact on a community of one of these plants is that it is an industrial plant. Smith said PSO's plant is about five miles south of this site and it is an industrial plant; people prefer not to see an industrial site across the road and he understood that and they were looking at alternatives. He said the main issue is that it is not the soft, pastoral environment that exists there today and he understands that.

Shanklin said in some distant future there will be a decision made contingent upon a great number of factors, none of them have been solved at this time. He said he and Purcell are the only members remaining from when Wackenhut was done, and there was a large cry and he knew he would get jumped on because some think he did Wackenhut all by himself, but that he had no more than one vote. Shanklin said we all use electricity and it has to be made somewhere, but you want it some place else, not in your backyard. He said other people have Wackenhut by them and asked if they should also have the power plant by their property. Shanklin said other people would also be coming down to say do not put it in my backyard. He said if it passes DEQ there is not any environmental quality that will be missing. Shanklin said no one even knows Wackenhut is down there right now five years later. He said he thought we needed to have an RFP and that Mr. Baxter had said something about it, and two or three other councilmen mentioned it. Shanklin said he had no problem with the committee and staff negotiating to see what we can do as to where the plant will be and whether it will even be built or not.

Shanklin said he really did not want to sell the water and felt it was more valuable to us for use for ourselves because it is pure, clean water that should be easier to treat than the run off you have up here at Lake Ellsworth or bringing it up from Waurika. He said we have to look at whether this water will be more valuable to us than the money you may get for it. Shanklin said he doubted there would be a plant here in 2004, and someone somewhere down the line will listen to not in my backyard.

Purcell said he will obviously get the brunt on the telephone calls, along with Moeller. He said he had received a lot of calls but so far he had not received any calls from anyone who lived inside the City limits. Purcell asked if those in the audience who live inside the City limits who were concerned about this would raise their hands, and three persons raised their hands. He said he knows those who live outside the City limits feel very strongly and he had heard from them, although he had not heard from those inside the City limits but would likely do so after tonight because it will now be well publicized.

Purcell said he wanted to go on record right now to tell everyone in the audience that he will not support building a power plant at 60th and Gore. He said he had told that to many who had called him but what we are doing tonight is talking about negotiating for water sales and other things with more than one firm and he could certainly support that. Purcell said he agreed with Burgess that if we are going to do that, we need to set a time certain that is not too far down the pike because we do not want to hold up anyone and do not want the uncertainty there. Purcell said he wanted that on record so everyone knows, there is no question about it, he cannot support building a power plant at that location.

Devine said we have jumped off the track of the issue that Moeller had brought forward, where this plant is going to be built. He said he thought the most important thing was that SmithCo said they would entertain looking at a different site, and that he was not trying to represent any one of the three companies. Devine said he would like to address the issue that Moeller brought forward that we look at negotiating with all three, and thought we needed to move back to that issue and decide if we are going to do that. He said whichever company moves forward with the best opportunity for the City, then it would become an issue of where the plant will be placed, and he would like to turn the floor back to Moeller to make her motion if she so desires.

Shanklin said he had another comment; you all remember where Goodyear went, as well as Bar-S, the paper mill, Wackenhut did not go in Independent School District #8. He said if you want to get some calls, put this plant somewhere outside of Independent School District #8 where you have a \$400 million plant and someone else will get the benefit from it yet we are the ones supplying the water, so keep that in mind when you play the game of do not put it in my backyard, but let's put it some place that will benefit the citizens of Lawton.

Purcell asked if Chuck Wade knew if this area is in the Lawton Public School District, the area of 60th to 75th in between Cache Road. Response from the audience was that it is in I-8 district.

Mayor Powell said the task at hand is whether you want to move forward and ask for RFP's, and if that is what is desired, a motion should be presented so we can move forward.

Haywood said he sat back and tried to be as quiet as possible, but Council made a decision on January 18 and three companies came to talk to us. He said he wondered why we were in this process again, since the decision was made on January 18 and that he had a problem with that.

Moeller said we made a decision to negotiate; negotiations can go on forever or fall flat, or succeed, and it was the negotiation they agreed to do. Haywood said we agreed to negotiate with this particular company but now we are opening it back up to all the companies and he did not have a problem with that but Council made a decision on January 18 to negotiate with Energetix. Moeller said we are still negotiating with them, that has not changed.

Haywood said people already talk about us not being able to make a decision, but we made a decision. Moeller said we are still negotiating with them. Mayor Powell said it is a different ball game.

MOVED by Moeller, SECOND by Baxter, to send out for RFP's for all three companies with a time line of 60 days to enter the proposals. (motion amended as shown below)

Mayor Powell said we need a time line on when the RFP goes out so we do not get back into the accusations where they get it two days prior to it coming back in; when will it leave this office and when will it be back in. He asked Vincent and Baker how long it would take staff to draw up the RFP.

Vincent said based on what we approved today at the committee meeting, we have basically the gist of an RFP in existence right now, we would need to come up with some parameters and modifications to the documents. Shanklin asked if they were going to send it out without Council seeing it. Mayor Powell asked if Council wanted to see the RFP before it goes out. (inaudible response) Mayor Powell asked if Vincent was saying it would be ready to go out one week from today. Vincent said yes, and he would suggest a 30 day return instead of 60. Vincent said let's just say we will have it on the street no later than April 20 and they will be returned no later than May 20. Mayor Powell asked if any of the Council objected to that, and asked if that could be included in the motion. Devine said 30 days was cutting it awfully short. Mayor Powell said they are all here, they've all got the notice, and let's get on with the show. Moeller asked if they can do it in 30 days. Burgess spoke from the audience urging that it be done quickly and saying it could be done in ten or seven days. Vincent said he was shooting for the 20th and they could possibly have it ready for the second Council meeting in May. Shanklin asked if Vincent was referring to the RFP and Vincent said they would have the RFP out by the 20th of this month, which is ten days from today. Vincent said we normally open bids on Tuesday at 2:00 and suggested the Tuesday that is closest to the 20th. Mayor Powell said Vincent was saying the RFP's would go out by April 20th and Vincent said yes. Burgess spoke from the audience urging that it be done quicker.

Moeller said she would amend her motion to 30 days for the response time. Baxter seconded the amendment.

Shanklin said we are asking three or four, whoever is out there, to send us what they are going to do; that does not mean we are going to make a decision on one of those three or four. Mayor Powell said simply to look at it. Shanklin said yes, there is not going to be a decision made until someone has a cal-puff and has the rest of his contingencies; you're not bidding, this is not a bid, this is something to open up, whoever gets to first base first is what it looks like to him. Baxter said that is not necessarily true. Shanklin said almost; you have to get the location, have the meetings we're going to have, and we are going to be talking about this a year from now.

Mayor Powell said RFP's would go out on April 20th. He asked if ten days would be enough for the companies to get back in after they receive the information. Don Smith suggested 60-90 days. Walker said 30-60 days should be enough. Walker said he wanted to be clear, is the time line to submit proposals for the purchase of water and would that exclude the other parties from negotiating for water or are we talking about the right to negotiate for water. Mayor Powell said what he understood Council was asking tonight, this RFP would be sent out and it would contain what do you have to offer the Lawton-Fort Sill community; is that correct. Baxter said yes. Mayor Powell said the RFP will be what are you going to provide to the Lawton-Fort Sill community; the cost of construction, the tax base, the number of jobs, the quality of the jobs, the benefits, the number of gallons of water used, treated and untreated, all those things, the location, all of those things that are factored in to make this what is best for Lawton-Fort Sill. Mayor Powell asked if 30 days was the suggestion.

Vincent said also included would be a draft contract with blanks, the price the firm is willing to pay, what the option period would be, and like items, that draft contract will be included in the package.

Mayor Powell asked if 30 days was the motion. Moeller said 30 days would be acceptable; there is one thing the firms will have to comply with that the City has no control over and that is whoever is going to get their permit. Mayor Powell said we do not want control over that. Baxter said he seconded the motion as stated and amended. Mayor Powell said ten days out, 30 days back in, is that the motion, and Moeller said she supposed.

VOTE ON MOTION: AYE: Devine, Purcell, Shanklin, Moeller, Baxter, Hanna. NAY: Smith. ABSTAIN: Haywood.
MOTION CARRIED.

The Mayor and Council recessed at approximately 7:40 p.m. and reconvened at approximately 7:50 p.m. with roll call reflecting all members present.

ADDENDUM:

1. Discuss the reasons that the Lawton Public Schools Board of Education, in their efforts to build a new Central Junior High School, after eight months of the plans being in the City staff's hands, they do not have a building permit, and take any action that is appropriate. Exhibits: Changes staff found that prohibited a building permit.

Shanklin said he requested this item due to frustration expressed at the School Board meeting last week about not having a building permit. He said plans were turned in on August 7, a meeting was held on September 22, and the next thing the school got from City staff was on February 2, over four months later, and City staff was asking for a litany of things. Shanklin said you have to have a building permit to get started, and before you can apply for a building permit, you need to be able to put out to your general contractors who are going to bid your project, a process that they know that what they see on those plans is what they are going to build. He said the City had the plans for five weeks prior to the bid date and nothing was done to his knowledge, and he would stand corrected if necessary.

Shanklin said bids were taken but now in April there is another list of revisions, and he guessed some of the sheets could be revised five or six times, but he hoped not and it is prolonging the issue. He said there were four months of rain which set the junior high project back, but more than that, when we make those changes, and change orders, and the sewer rehab was done in-house to get away from change orders. He said if there is not a unit price, change orders cost retail plus 50%, it costs that much more money when you have a change order. Shanklin said this building belongs to us, all of the taxpayers who live in Lawton and he did not know whether all of our staff lives in Lawton or not, but his point was if we do not work with the school board, and the Architectural Institute of America, the AIA, when you get that stamp you have been to school for ten or eleven years and did your apprenticeship. The general contractor has to put up a bond in case he cannot complete the project, and he has to be able to get that bond and this is a \$12 or \$15 million project. The architect has errors and omissions, and must be able to qualify to some insurance carrier that will give him a policy on errors and omissions so if he messes up or leaves something out and he cannot pay for it, his insurance will pay for it.

Shanklin said his concern was when an AIA stamp comes in, where do we have the staff expertise to challenge an architect who has that stamp. He said that is what bothers him and that he has told Mr. Tucker that, and did so when he saw a large stack of plans for the Veterans Center and Tucker told him he would look them over. Shanklin said how are we going to look them over and what are we looking for; if the man has an AIA, let him go to work and if he has erred, then he will pay for it, but do not close the project down and create an atmosphere, which they will not admit to, or they do not want any atmosphere that is negative between the school board, the city and our citizens, they just want to get the project done.

Shanklin said he questioned why some of the items were listed and if an explanation could be given, maybe he could be satisfied. He said it is very, very hard to get someone to complain because they will tell you to never get them in that hassle again. Shanklin said he would not go into the seven or eight incidents but he wanted Council to understand that eight months is long enough to have a building permit issued, and we still do not have it and we still have a list of things and it is very confusing to the school board because they are doing this under construction management and cost overruns can mount up as a result of these change orders. He said if that is the case, he felt we had erred.

Shanklin said the task force the Mayor appointed had 39 changes to the code, and he understood that some of the staff probably did not like them or they were not in the code book and they were not going to change it. He said Council voted on those and either they accept them or go some place else to enforce your own will. Shanklin said he will personally need a building permit and it will be tough to get it but he will get it, he will have to tell them his shoe size and hat size and all kinds of things and if he does not have that stamp on it, they cannot tell him it will not hold up but he would have to have someone tell him that the engineer stamp will work, and we have the same thing here with an AIA firm which has drawn this thing up. He said he wanted Chuck Wade, the school board's attorney, to address this now and said he knew he was the one that was, maybe not hostile or negative but concerned over the fact that after eight months we still do not have a building permit.

Chuck Wade, Attorney for Lawton Public Schools, said he appreciated the concern and consideration. He said he received a call from the School Superintendent last Tuesday about delays in the building permit process so he immediately contacted Tucker to discuss it. Wade said he had not been directly involved in working with the architect, Clarence Williams from Norman. He said the original plans were submitted September 22, the marked up plans were given back to the architectural firm on February 2 with no explanation for that extensive amount of delay. Wade said we are here as friends, not adversaries, and to solve problems rather than create them. He said the schools went out for bids in November, six to eight weeks after the plans were initially submitted, and by not getting back any kind of revisions until February, they had to solicit change orders on the items. Wade said they were not major or insurmountable items, but any time you get involved with change orders you are spending more

money than is required.

Wade said following February 2, the architect addressed the issues raised by City staff and gave the revised plans back to the City on February 22. He said on April 3, when he called Tucker he forwarded to him later that afternoon the document dated April 2 entitled "Building Permit Site Review Summary" and he got it before the architect did, and submitted it to the construction manager who submitted it to the architect. He said there was a further delay from February 22 to April 3 before anything came forth.

Wade said the comments he made at the school board meeting last Tuesday that were addressing this issue were in talking with the school staff, architect, construction manager, everybody has been frustrated about the fact that they have not been able to get a building permit; they have not been held up one day, they do not anticipate being held up one day, but they want to make sure there is no chance that they will be held up one day because they are behind due to the weather and it will be fast paced to try to get this project in under the time frame they originally allotted. He offered to answer questions and said he was present at the invitation of Mr. Shanklin and Mr. Baxter who initiated the item, and was not present to point fingers.

Smith asked if Wade said staff has to date caused zero days delay in the project and Wade said yes, zero delays to this date.

Mayor Powell said the reason for that may have been the extensive amount of ground work that has been required did not allow them to get on to the next part of the project.

Purcell said there was a delay from September 22 and February 2, and asked if Wade or an elected official or anyone called the City Manager to ask for some help on this. Wade said he did not and that he was not brought into it until April 3. Wade said he could not address whether the architect or construction manager did that.

Baxter said it looked like they were almost finished with the dirt work so if they went another four months without a permit, would they be held up. Wade said they would be in a world of hurt and would be held up significantly if they go much longer without a building permit.

Baxter said there is a four month gap shown here, and then from the second time to the third time it goes from February 22 to some time around April 2, so every time there is communication it seems to take three or four months, so if there is one more lapse in communication there will be construction workers standing around doing nothing.

Wade said it took the architect 20 days to get the last submission back, and he is preparing written responses to each item and should have them to staff within the next day or two. He said he was told that several of the items on the site review summary had not even been brought to their attention until they were presented with the summary on April 3. Baxter said he did not understand why all of that was not originally issued back when the initial plans were red lined or checked off.

Baxter said on the building permit site review, he asked Baker, on item five in the plan layout it states names and pavement types of all surrounding streets, and it has a check mark in "OK" and a check mark in "Not OK". He said how confusing is that for people to try to work with, because it cannot be both. Wade asked if Baxter was speaking of the building permit site review dated August 7 and Baxter said yes. Baxter said there were more checks in the "Not OK" column than the other one and he agreed with Shanklin that he did not understand how we get the expertise to override an AIA architect.

Baker said it is either OK or it is not OK, and he could not explain why there were two check marks. He said this is a building permit site review and we do have people on our staff who are competent to review plans and specifications, and even if it is signed or sealed by an architect or an engineer, we have people who compare the plans against our city code and you do not have to be an architect to read the code and compare it to the plans. Baker said he was confident we do have staff who are capable of reviewing the plans and they do a good job; their job is to insure the project is built in accordance with the city code, which is intended to protect the citizens of this community, including school children and people who will inhabit this building.

Baker said we have been working very closely with the contractor and with the Lawton Public Schools throughout this project; when we began we made a commitment that we would not hold up the project and we have not held up the project one day, do not plan to do so and we know it is important to the community, but we have a job to do and there has been constant dialogue back and forth, it is not like a set of plans were on someone's desk for five months and nothing was done. He said we are phasing in this project and we assisted with DEQ to allow the dirt work to proceed, and there was a tremendous amount of dirt work. Baker said we did issue a foundation permit, and there was quite a bit of work involved in the foundation, and while all of this was going on, concurrently we were reviewing the building plans so we could issue a permit. He said there are still some outstanding items that are minor, that can be corrected easily, and he saw no problem issuing a problem, but that no one had ever contacted him to say the City had delayed them or asked for his assistance to get the permit; no one has alleged that we held

up the project, and he thought our staff was doing a good job and doing what they had been hired to do, and we need to enforce our city code. Baker said if we have some codes that are ridiculous or unreasonable, then Council needs to change them but our staff works hard to do their jobs properly; they may not be architects, some of them may not be engineers, but they can read plans and compare them against the requirements of the code.

Devine said the comment was made that zero days had been lost, but if we would not have had the bad weather, how many days would they be behind. Wade said he could not answer but they could be behind in that case. Wade said he did not disagree with Baker and any time any of them had inquired of the City staff, they had been cooperative, and if it were not for the weather delays, he was sure they would have been down here and staff would have worked with them on any problems, and he was not being critical of them in that regard. Wade said he would have probably been here long before now trying to get something done, if it were not for the weather.

Devine said he really did not want to get into this because it was more of a personnel problem and that was something they needed to discuss at the proper time. He said we need to get a council committee in the near future to start looking internally at some of the problems, because we are having problems and it is not just this project. Devine said if anyone wanted to step up he would rebut every one of them because he could tell of instances and bring in contractors where we have had major problems getting plans back like we should within a reasonable length of time. He said they thought they had this in hand but it seemed that as soon as the pressure was relieved we would go right back to our old bad habits, and he thought Baker had it in hand but evidently it is not. Devine said he would agenda an item to get a committee together and do some internal investigations if we cannot get this solved.

Purcell said some of the times stated were six weeks instead of three or four months, although one was four months. He said about a year or so ago he thought Council should have done what Devine was saying, and we have policies we set up to tell staff what to do and he always thought they were not the right ones to have but no one really agreed. Purcell said he had visited other cities and it is easier to get permits to build in other cities; permits can be obtained easily and quickly but when they inspect, if they violate any code, the staff tells them to tear out the improper work. He said there had been horror stories where someone did not put the right steel in the concrete or the right wiring in the wall, those inspectors in those cities make them tear out the whole thing, which makes it very expensive. Purcell said he asked them what happens when that occurs and someone comes in to complain that they cannot afford to tear it out, and the answer was that they tear it out; they complain but they tear it out and after they do it once or twice, they do not have that problem because everyone knows they better do it to code or they are going to have to tear it out. He said it was something to think about doing here because it would avoid long delays in getting permits and it puts the responsibility on the builder.

Shanklin said there are rough-in inspections where things can be corrected before you get to the finished product, there are several inspections along the way. He said item 15 says to provide a 25 x 25 utility easement for the existing manhole that is to be replaced at the east end of the property, see plans. Shanklin said we gave them that property. He said his concern was are we trying to show up the architect. Shanklin asked if we need to tell the Veterans Center to hold off on their construction for a year until we get this line out, and said he would not do that and felt there were enough Council members interested to see to it that this kind of action will stop.

Dan Tucker, Building Development Director, said the plans were submitted September 22 and the initial review was with the architect on February 2. He said our plan review process is a fluid process in that as we go through we ask the customer and the designer what they need us to look at first, what they need to progress with the project. Tucker said we still do not have a full set of plans for this project. He said they had asked those persons to put their attention to the things they need to get the work done. Shanklin asked Tucker if he said he had never had a full set of plans. Tucker said no, we have not received any sprinkler plans or layouts or any of the interior design concerning the sprinkler system; we have been going through with the designer and designing those items as we have come along. Tucker said a foundation only permit was issued in February, after discussions with the school and the designer, and we have enough information on your site to let you put in the foundation and we did that because they had to have the water in on the site before they could actually do the foundation. Tucker said they have done the piping that went into the foundation, all of that was complete and the foundation permit was issued. Tucker said all of the work that has been done has been done permitted.

Tucker said regarding contesting the architect's design, those items staff pointed out were that we need that road at the north end of the building to be big enough to be able to turn a fire truck around in. Shanklin said the Fire Department did that and they did not see the plans until some time in March, according to the Fire Marshal he talked to. Tucker said in March 2000 they met with the designer and Fire Marshal's office was represented and at that time they discussed parking, zoning, and traffic. Shanklin said he could end this right now, is the fault on the architect and the school board. Tucker said no, he did not say that at all. Shanklin asked if Tucker was satisfied that it had taken eight months. Tucker said during this same time period, they had other projects they were reviewing and they had promised Assurant Group that they would be able to break ground and occupy their building at the first part of February, and we did that during that six months with no delays to them. Tucker said they had also met with the Veterans' Administration and their architect from Oklahoma City to review their plans and discuss it, and the only question remaining is how they will tie to Flower Mound and they do not know that yet

because they do not have the full design for Flower Mound Road and the only thing we will concern ourselves with on that project will be how they tie to our public streets, sewer and water and interior traffic arrangement for vehicles for emergency responders, and the availability of fire suppression on that site.

Shanklin asked if this is how we perceive it or is it written down in a book some place that you go certain distances to put fire hydrants. Tucker said it is set up that there will be no fire hydrant at a greater distance, and as long as they are within that distance ratio they can put the fire hydrant as they will, it must be accessible to a truck and a circle around it. Shanklin said we changed it. Shanklin asked if Tucker was satisfied that we have done everything we could in eight months with the school board to get them on line with their project. Tucker said yes. Shanklin asked if it would not have rained, would we have done something quicker. Tucker said we would have taken our attention from other things and got them going, as Baker said, it is no problem getting a permit, and even without the sprinkler plans we are able to do that and say fit the permit in later. Shanklin said some of the comments listed did not make sense to him. Tucker said where we said a 125 volt receptacle has to be on the roof for the heating and air conditioning units, the reason we make that comment is that on another school project, the contractor came back after final inspection where we rejected it because the code requires that plugs be there and we told him he had to put the plugs in so he went to the school board with a \$27,000 change order for three receptacles. Tucker said they went to the school board's attorney and explained to him that this is a code requirement and less than \$50 in materials should have been in there, and a contractor could bid a project knowing it does not list all of the code requirements.

Shanklin said item 12 states to indicate the maximum 100 year water surface elevation for the storm water drainage system on the south side of the building, the finished floor 1165 must be a minimum of one foot above the 100 year water surface elevation. He said neither Bigham nor Ihler will sign off on a 100 year flood that we have ever had one. Tucker said what we have said to the architect or engineer is that on his plans he has told us his finished floor elevation is going to be 1165, and we need for him to indicate that that is going to be at least 12 inches above that flood; it is not a big deal and he just makes a pencil change and says this is what the flood elevation is.

Shanklin asked about Purcell's comments about other cities' processes. Tucker said if we go out there when they have the steel in the foundation, all of the pier holes bored and steel in it and we say you missed one, pull it all out, then immediately there is a flood of calls about the inspectors not applying common sense or good judgment but they would be complying with the code which is what they are expected to do. Tucker said we would not cause them to tear out everything and we do not like stopping work, it is so much easier to get it right before you do it.

Shanklin said he could not bring them down here because they will not come because they fear the retaliation. Tucker said if Shanklin knew of someone who was afraid of him, he would appreciate being told because he was not a vindictive person and he was a professional.

Shanklin asked if Tucker and Bigham had to go to one of Tucker's subordinates and tell him that code provisions had been changed on the 39 items Council approved. Tucker said yes. Shanklin said the man refused to acknowledge it. Tucker said no, he was not aware of it and that was his (Tucker's) fault for not making him aware of the code change. Shanklin said he was through and knew this would be his fault when it was over with.

Wade said on the requirement on the 125 volt single phase receptacle being installed at an accessible location for the service of the heat and air conditioning equipment on top of the building, the architect's response to him late this afternoon was that there is no heating or refrigeration equipment mounted on the roof for this project. He said we are creating a lot of unnecessary work and this kind of thing is just wasting people's time.

Mayor Powell asked if Devine planned to ask for an item to establish an oversight committee. Devine said he would do so in the near future. Mayor Powell said we can do it now and it could be Devine, Hanna and Shanklin; Council spent an hour on this item and if this group were in place they could look at such things and eight months was too long. Shanklin said the problem is staff red-lines plans, the party makes the changes and sends it back in, and they red-line it again and they do it again, and he thought they had a deal that they could red-line them one time and that was it. Baker said he had made that statement, and if it happened, this was the first time he had heard of it.

MOVED by Devine, that the Mayor appoint a committee, an oversight committee.

Devine asked the City Attorney for assistance in the language for the motion. Vincent asked if the committee would review the policies and procedures of the Code Enforcement Department. Devine said no, we have a task force for that. Vincent said that is an unofficial committee appointed by the Mayor, and asked if Devine was asking for a committee of the Council to review the policies and procedures of the Building Enforcement Department. Devine said yes, policies and procedures. Shanklin said besides the policies and procedures they needed to see what had been kicked back and how many times they red-line something. Vincent said that would be part of the review. Devine said that was his motion.

SECOND by Baxter to Devine's motion.

Purcell said that committee could also bring back items to say if a code provision needed changing to make the policies or procedures work better. Devine agreed.

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

Wade said on behalf of the Board of Education and the administration he wanted to thank the Mayor and Council for the concern and consideration, and thanked the staff for the help they had given. He said he was sure that now with all the issues on the table they could wrap this up quickly and get it behind them. Vincent said he needed an access easement. Wade said he thought Vincent would take care of it because it should have been done before the land was deeded to the school system.

2. Consider the following regarding nuisance abatement: 1) receive PowerPoint presentation of new complaint tracking computer software, and 2) receive report regarding abatement procedures, and 3) give direction regarding policy for issuance of citations. Exhibits: Memorandum; Standard Operating Procedures.

Jackson said this is the time of year that nuisance abatement becomes a real focus and that Neighborhood Services is trying to be as efficient as possible in addressing the issue. He said MIS has developed software to assist in this regard, and staff would request being able to relax the criminal provisions especially related to high weeds and grass.

Doug Wells, Information Services Director, explained past efforts to acquire software to assist in nuisance abatement processing, as well as staff's efforts to internally develop software to fit the needs of the department.

Judy Kreigbaum, Information Services, said she created the new complaint system and presented it through a PowerPoint presentation. Goals were to streamline the complaint process, satisfy staff and customer needs, maximize staff efficiency and meet their needs. In-house development saved money and provided exactly what was needed. She explained how information was entered.

Devine said he did not like the last line where the complainant's name is to shown. Kreigbaum said that is an option. Devine said it was his opinion that such information did not need to be included because it is so easy for the complainant's name to slip out and get to the person being filed on or complained about and it could cause neighborhood disputes or problems for councilmembers if they call in complaints.

Angie Alltizer, Neighborhood Services Director, said that option was included in the software package because some individuals want to be notified of action taken and do not mind letting their neighbors know who made the complaint. She said very rarely will that information be filled in, and they do not fill it in when it comes from a staff or councilmember and only fill it in if the person asks to be notified. Baxter asked if it could be shown as voluntary. Alltizer said they just leave it blank, and probably only five of all of the complaints that have been entered show information in that space, and we do not show anything unless they request it. Alltizer said the general policy is to have the citizen call back after the ten or fifteen days have expired to check on the status of the complaint so therefore we maintain complete anonymity. Shanklin said a complainant is only helping staff do its job by calling attention to a nuisance, then staff looks at it so he did not know that anyone needed to be listed. Mayor Powell said it would only be upon the person's request if they want to be called back and told what was done.

Purcell said if you put a name in there, under the Freedom of Information Act and the Open Records Act, it is releasable so based on that he would agree with Devine. Wells said if the complainant wishes their name to be known with the complaint, we have to have a place to store it; the normal citizen will not see the form at all and unless they say it is all right to use their name, we will not use it. Purcell said it may be all right today but then a person gets into a feud with their neighbor and then all of the sudden a person comes looking to see a public record which is releasable.

Vincent suggested putting "optional" after the name of the complainant and then in directions to staff in filling out the form, for them to tell the public it is a releasable document and ask them if they want their name on it. Alltizer said they make them aware of it; the citizen has to request it and staff does not offer it as an option, and it is just an option in an internal data base. Mayor Powell said if a person requests to have their name on it, they should be allowed to have their name on it. Alltizer said they do tell people that it can be released so it is really not an issue.

Kreigbaum continued the presentation explaining the software capabilities for entering, updating, and sorting the information and preparing reports from the data. She gave examples of how to look up complaints that had been entered in the system and the status of the complaint. Shanklin asked if they had information as to what would go on the citation. Kreigbaum said no, that might be something to consider in the future. Wells said Alltizer will cover citations in the next portion.

Shanklin asked if we go to the water department when we get a complaint to see who lives there and get their

Social Security number. Alltizer said that information was not always available to them. Shanklin asked why it would not be. Alltizer said people do not like to supply such information and that was an obstacle they had run into, not being able to obtain the necessary identifiers to issue citations. Shanklin said if the court will not process it, all of the work is for nothing.

Baxter asked if people were giving bogus Social Security numbers when they open water accounts. Wells said yes, and bogus names also. Baxter asked if they are asked for identification. Wells said yes, but people have false ID's. Shanklin asked if they would be in the minority. Wells said when they started work on the police system they found some people had 20 Social Security numbers, 20 different names, and there are a lot of them, not just one or two. Wells said before they added the Social Security numbers to the utility billing system, they would have cases where a person would come in to set up a water account under one name, get their water cut off and then set it up the next time with a similar name but not the same name, and we cannot positively identify people who want to be dishonest.

Devine said he appreciated the work that has gone into this project and it seems it will help. He said he really likes the daily report being able to be provided easily.

Purcell said he thought staff did a great job of doing this in Access. He asked if there was a history file to show previous actions against a property and Kreigbaum said yes. Wells said the system would show actions taken over the years. Purcell said unless the back information is input, it will show only what has happened to date since the system began.

Wells complimented his staff on their work on this project.

Alltizer said a copy of the standard operating procedure on tall grass and weeds is in the agenda packet. The first work orders have already been issued to the contractor for abatement of tall grass and weeds, and about 100-125 complaints have been received.

Shanklin said he had a problem with the picking and choosing by the inspector, and asked if they were addressing the portion on issuing citations. He asked if staff was asking that the inspectors be given the prerogative of whether or not to issue a citation. Alltizer said they are spinning their wheels when it comes to issuing mandatory citations for all violations of tall grass and weeds; we spend time trying to track down the identifiers for each individual, sending out certified mail and having it come back, and we are not really accomplishing much. She said if they could do away with the mandatory citation for each violation of tall grass and weeds and allow the inspectors to use their discretion, we could target the chronic violators; we end up catching the people who really are basically honest and show up in court and pay their fines, and with the others, we are only bogging things down and it is not working.

Devine said it is not right for some people to have to pay their fines and others do not have to. Alltizer said some people have been arrested for failure to appear on tall grass and weeds violations, but the majority of the tickets they write do not come to any fruition. Devine said the people who try to do half way right will be the ones who will be getting the tickets, and the others will not comply or respond so we need some kind of system to be able to stop that. Alltizer said the policy in Neighborhood Services has been to err on the side of the citizen every time; if we issue a citation to a citizen, you can be guaranteed that we have done everything in our power to work with that citizen, and we give extension after extension, all they have to do is call and ask. Alltizer said many times we realize the citizen will not accomplish their goals. Devine said the best thing for a person to do after being issued a citation is to just not show up for court. Alltizer said after they issue the citation it is out of Neighborhood Services' hands, although they may be subpoenaed to appear in court.

Vincent said once a citation has been issued by Neighborhood Services, it comes to his office to determine if there is probable cause and to see if they can identify the person to issue a warrant; if that is all there, they endorse that for arraignment. He said the Court Clerk and Judge send out a summons to the person saying a citation has been issued, because 90% of the time the inspectors cannot hand it to the person. Vincent said the first mailing is done by regular mail, if that does not come back we assume they got the summons to appear on a certain date; if it does come back, the second mailing is sent registered, certified, return receipt requested and about half of those come back as unclaimed, wrong address. He said State Statutes require certain procedures to identify who that person is and send it to an address identified in the State Statutes. Vincent said we get about a 75% response rate from the last numbers provided by the Court Clerk on this procedure; once we know they have the summons and do not show up in court, a warrant is issued for their arrest and it is given to the Police Department to enforce, and it does not matter who they are or how many tickets they have, but the problem is about 25% of the total number of tickets written by Neighborhood Services, through no fault of theirs, we cannot find the people to get them to come to court.

Haywood asked how long it takes for a complaint to get in before staff writes a citation. Alltizer said a complaint will be assigned to an inspector the next business day and they make the initial inspection that day, depending on the type of violation, if it is tall grass and weeds or a vacant and unsecured structure it is ten days from that for

reinspection. Haywood asked about tall weeds and grass. Alltizer said we operate strictly by the State Statutes on tall weeds and grass, and after that ten day period when we go back to reinspect and they have not complied, or if we have not had inclement weather to prohibit them from mowing, then under current policy we issue a citation and a work order to have our contractor abate the property. Haywood asked how many days we are talking about. Alltizer said the fastest they could probably get it done would be 25 days from start to end, including the contractor's five days, but she had not been here through a growing season yet and understood the process would slow down a little bit, and the weather plays a part also.

Shanklin said he would try the picking and choosing but Council would likely get complaints like the neighbor across the street has grass as high as mine. Alltizer said all of them would be treated equally. Mayor Powell said the comment was that a person who was home could be given a ticket but a person who was not could not be caught, and they were concerned about that part with the discretion. Alltizer said she has four inspectors and they do not have time to pick and choose, and if someone calls in on a high weeds and grass violation, they will be given more time and a ticket will not be issued immediately because they made an effort. Alltizer said she encourages the public to call in.

Smith said he had a concern about the discretion because Council went through that two years ago, and he would be satisfied if it just stays the way it is now because it seems to be half way working.

Purcell said he thought Council agreed that a ticket would be issued ten days after they did not comply. Alltizer said that is the currently policy. Purcell said in that case, you would not care who was involved so he did not understand where the discretion comes in, is it that because a certain person will not appear in court that he would no longer receive a citation. Alltizer said no, we will not cease abatement or citations because we know a person will not comply or show up and we would actually target them more if they are a chronic violator. Alltizer said they have found they end up penalizing good citizens who do not know about some of the codes, and those people show up and pay their fine, but those who are chronic violators and try to evade them and conceal their identities, we need to find some other way of getting them into compliance because issuing citations is not effective.

Smith said he understood that staff would leave a note or door knocker saying they were out of compliance, then go back ten days later and if it is not done, they get a fine, and that he was only talking about tall grass and weeds. He said they would obviously know they were in violation and if it is not done after ten days, the ticket needs to be written. Alltizer said they have been doing that.

Hanna said if a person is given ten days to mow their yard and they do mow it within ten days, but then it is found out of compliance again after a week or two, what do we do with those citizens. Alltizer said the new software system will keep track of the number of complaints against a particular address, and the grass must be twelve inches tall for it to be a violation. Mayor Powell asked if only one notice has to be issued. Alltizer said yes and they are under summary abatement for six months, so we can mow it without further notice if it is in violation again.

Shanklin asked if Council gave the authority to pick and choose. Alltizer said they would do as directed and were only trying to find a better way to conduct this. Shanklin suggested he and Hanna come in and visit with Alltizer.

Baker said he had recommended in a memorandum to discontinue mandatory citations and leave it to the discretion of the inspector, and indicated the reasons for that were the overload on Municipal Court and additional work on the inspectors, and those who come to court to pay their fines are good citizens and those who are chronic violators do not show up and we do not penalize them. He said after listening to the discussion tonight, he had changed his mind and felt it was a good idea to go ahead if we have to turn a property over to our contractor because we do not want to be accused of playing favoritism, and they have been given time to abate it and if they do not, then we can issue the citation, and maybe we can find a better procedure.

Mayor Powell said a procedure would be looked at tomorrow by Mr. Vincent's office, which he just shared with him but that he was not at liberty to talk about right now, but his staff will look into it and maybe find they can put some teeth into it.

Alltizer thanked the MIS staff for the work they did on the software and that they have been very helpful. She offered to make adjustments to the software as Council feels may be helpful.

3. Consider authorizing the City of Lawton Fire Department to apply for a Firefighter Investment and Response Enhancement (FIRE) Act grant through the Federal Emergency Management Agency (FEMA) and The United States Fire Administration (USFA). Exhibits: None.

Smith asked if explanation or discussion was needed and Barrington said no.

MOVED by Smith, SECOND by Haywood, to authorize the Fire Department to apply for the grant. AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None. OUT: Shanklin. MOTION CARRIED.

5. Consider waiving Council Rules of Procedure and consider a resolution authorizing the installation of traffic control devices at 40th and Columbia. Exhibits: Res. No. 01-35; Memo from City Manager.

MOVED by Devine, SECOND by Purcell, to waive the Council Rules of Procedure to reconsider this item. AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Moeller. NAY: None. OUT: Shanklin. MOTION CARRIED.

Devine said he wanted to make a motion to reinstall the stop sign at 40th and Columbia, and he had tried to visit with the people along the street and most of them wanted the stop signs put back up. He said he had also received calls from other people who do not live on that street. Devine suggested a roll out, temporary stop sign be used during the time that school kids are loading and unloading, and to try it on a temporary basis. He said traffic has increased on the street since the stop signs were removed and that was the biggest complaint he had received. Devine said the only way to use the portable stop sign would be for the school crossing guard that is there to install it and remove it at the end of the time when the busses leave. He said he had mixed emotions and was considering that but would really want the stop sign to be put back in.

Mayor Powell said he had received calls from citizens in that area about near tragedies. Devine said he had experienced near misses himself. Mayor Powell said under adverse conditions the Lawton Public Schools put the school out of the community but did not take the children out of the community, and 95% of those children live on the east side of 30th Street, there is one park there and the kids cross at that location so he would recommend the stop signs be put back up.

MOVED by Devine, SECOND by Purcell, to put the stop signs back in a permanent position for the time being until they quit picking up the kids at that area, and adopt the resolution.

Baxter said he knew this would probably pass, but two weeks ago this same item was before Council and no one said a word about not taking the stop signs down, it went through the Consent Agenda with a seven to zero vote. He said he did not understand why it was necessary to have a stop sign there when we have a school crossing guard there because the guards carry little stop signs for the traffic to stop when the kids are loading and unloading. Baxter said the Traffic Commission recommended taking them down.

Baker said the reason this is back after two weeks, and it probably was his fault, a councilman asked him to remind him at the last Council meeting to pull this from the consent agenda and he forgot to remind him to do that, so this is why it is back after two weeks.

Purcell said Devine is the councilman for that area and must answer to his constituents and the kids and parents, and he would support it if he wanted it.

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

(Title only) Resolution No. 01-51

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma. (Install "Stop" signs at intersection of Columbia and NW 40th, and remove the "Cross Traffic Does Not Stop" signs)

6. Discuss forming a Committee composed of three members of the City Council, the City Manager, the Chief of Police, Information Services Director and/or any other staff identified as necessary to negotiate with the County Commissioners of Comanche County and consider entering into cooperative agreements with the County for the use of jail facilities, the operation of the E911 system and other projects and take appropriate action. Exhibits: None.

Purcell said this is something Council did in September 1999, and all he was trying to do last time was replace one person who was gone, but the City Attorney said the committee was dead. He said when he made the comment last time, Mr. Bass said he would like to be on this committee also because he had done some speaking with the County Commissioners. Purcell said this is not to decide anything but only for councilmembers to sit down with Mr. Pope or any other folks he sees fit, from elected officials to elected officials, to try to work out some kind of arrangement. He said everyone had agreed on two or three occasions that they would cooperate and have a one jail system in Lawton, and now it is time to see what each party would contribute and that needs to be discussed. Purcell said he did not think it was fair for staff to talk with the County Commissioners and have anything decided, they would be afraid to say much and would have to come back to the Council. He said his suggestion was for three councilmembers to sit down with Mr. Pope and whoever he wants and discuss the issue; that is all this is, there is no ulterior motive or decision to be made without Council approval.

Shanklin said he made those same comments about two months ago and Purcell said he did not like them being involved in negotiations. Purcell said that was not what he was saying.

Devine said he was on the committee to start with and would like to serve on it.

Smith said in light of the fact that Councilman-elect Bass wants to be on the committee, would it be appropriate at this time to go ahead and appoint Bass now, or if not, appoint the Ward 1 representative so that when Bass comes on board he can serve on it. Smith said he would recommend that.

MOVED by Purcell, SECOND by Devine, to appoint the Wards 1, 3 and 4 representatives to this committee.

Purcell said the motion should not cause any problems in allowing Bass to serve after being sworn in, and that was why he did it by ward rather than by name.

Shanklin said this committee is not valid any more because it has not met in a year. Purcell said that is why this whole item is here, and all they were trying to do previously was replace Richard Williams. Purcell said Mr. Pope wanted a committee and Mr. Pope agreed.

Mayor Powell said the biggest part of the time when you do these kind of things, whatever is happening in a particular ward, you put that councilmember on there. He asked whose ward this is in. Shanklin said it is in his ward. Purcell said the E911 and jail are issues that involve the whole city. Purcell said he made a motion and it could be approved or denied and he would step out but that some action was needed. Moeller said call for the question. Shanklin said it is the Mayor's appointment and that he really did not need to be on it. Purcell said it is a Council appointment and he had made a motion to appoint three councilmembers by ward to this committee, and it has a second, and Council can vote it down if it does not want to do this and do something else. Shanklin said Purcell should check the history on this and not go to the County and capitulate.

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

Shanklin said there are some guidelines they have to go by and that is the budget that is over there at that jail section right now, so remember that and do not go over there to spend more money than what we have in that budget right now.

7. Consider adopting an ordinance amending Chapter 2, Lawton City Code, 1995, relating to administration; creating Article 15, Animal Welfare Committee; providing for severability; providing for codification; and providing an effective date of May 11, 2001. Exhibits: Ordinance No. 01-____.

Smith said concerns have been raised by staff and the task force so he would like for this to be brought back on April 24.

MOVED by Smith, SECOND by Haywood, to table this item until April 24. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

8. Consider authorizing a city corporate matching support payment for employees who desire to be members of the YMCA. Exhibits: YMCA Proposal.

Smith said Mr. Grant from the YMCA had to leave and he asked that it be tabled until April 24 so he could also address the Council.

MOVED by Smith, SECOND by Haywood, to table this item until April 24. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None. MOTION CARRIED.

9. Consider a request from the Board of County Commissioners that the City take no further action in the collection of a past due utility reimbursement. Exhibits: Report; Letter.

Baker said the Board of County Commissioners has asked the City Council to forgive a debt of \$14,890, and this dates back to charges in August 1999 through November 2000. He said it is one-half of the electricity charges that are provided for in an agreement between the City and the County dealing with the nutrition sites for the County Nutrition Program. Baker said he had discussed this with Commissioner Pope and he told him he could not forgive a debt, that Council would have to consider it. Baker recommended the debt not be forgiven; our budget situation will be critical as he would be advising soon and that he did not want to do anything to harm relations with the County and did not feel this would do that but that he could not recommend approval of forgiving the debt.

Purcell said the bills have been paid and the County owes this money to the City, so it is a receivable. He said the money would not get in the budget and the County would not pay it if they did not have the money, and either the City takes it out of their budget or the County does and the same people pay. Purcell said if it would impact next year's budget, he would say something different, but right now it is a bill and payment would not be received.

David Pope, County Commissioner, said the bill comes back from 1999 and ASCOG is prohibited by law from paying this bill and that was where they got the majority of funding. He said the County had already paid some large bills to bring this program up to date with their obligations and would continue to do so.

Devine asked the percentage of people living in the City limits that use the center versus those who live in the county. Pope said 450 meals are provided daily and the majority of them are to City residents because there are other sites in surrounding towns for those who live in the county.

MOVED by Moeller, SECOND by Devine, to approve the request from the County Commissioners and that the City take no further action to seek reimbursement. AYE: Purcell, Shanklin, Moeller, Haywood, Smith, Hanna, Devine. NAY: Baxter. MOTION CARRIED.

Shanklin asked that Baker check into the water usage at the Museum and whether they are paying for all of the water in Elmer Thomas Park., which they should be not be charged for.

10. Consider project management and quality assurance/quality control services for the Medicine Park Water Treatment Plant Expansion Project and amending the agreement dated April 15, 1999 with CH2M Hill, Inc. Exhibits: Table 12-1, Estimated Project Cost; Letter from CH2M Hill, Inc.; Proposed Amendment #2 to agreement dated April 15, 1999.

Jerry Ihler, Public Works Director, said the Water Treatment Plant Expansion budget has \$1.2 million for project management and quality assurance/quality control services; overall project is estimated to cost \$32 million. Extensive information was included in the agenda folder giving advantages and disadvantages of four alternatives ranging in cost from \$.8 to \$1 million for two alternatives to \$500,000 for the City staff to do the entire inspection, quality control and assurance, and the fourth alternative, which is recommended, is the joint effort between the consultant, design engineer and City staff. It requires four individuals on the project site, and it is recommended that Mr. Whisenhunt from City staff, who currently heads the sewer rehab and was project manager for the Wastewater Plant, and his secretary who also assisted with the Wastewater Plant. Ihler said we do not want to jeopardize the sewer rehabilitation program and staff does not feel this will become a problem. He said CH2M Hill will be the design engineer and have the lead role in the quality assurance/quality control at the Water Treatment Plant, and with them being in the lead role it will take less time from Mr. Whisenhunt, therefore he can focus his attention also on the sewer rehabilitation program.

Ihler said the advantage of the joint effort is the professional responsibility with the design firm and that is very important, whereas if staff were doing it all, there is not the expertise in-house to do the entire job that is required to watch a project of this nature. He said we will receive the expertise of the entire CH2M Hill firm; they will have one individual at the plant site that takes the lead role of manager at the construction site but we are also receiving the resources of the entire firm. Staff recommendation is for the joint effort, which will require an amendment to the contract with CH2M Hill and to allow hiring one staff in-house inspector full time, as was done at the Wastewater Plant previously. This would be funded from 2000 CIP and cost is estimated at \$625,000 to \$700,000 with the recommended alternative, which is about \$500,000 in savings from having the design firm do the entire work.

Mayor Powell asked what the down side would be to this. Ihler said there really is not one.

Shanklin said he mentioned he wanted to see the South Plant remain on line until the Southeast Plant was built, but that was shot full of holes by the consultant. He said he hoped it was not like Tomlinson Junior High that we tore down and built another \$10 to \$12 million structure in its place because we were told it was about to fall down but the first picture showed a front end loader on the second floor tearing it down so that was how close it was to falling down. Shanklin said he would defer to the consultant but did not like it. Mayor Powell said it seemed like a win-win situation.

MOVED by Smith, SECOND by Purcell, to amend the agreement with CH2M Hill to provide joint owner-staff and design firm to provide services as indicated by staff.

Baker said the staff the City will use on this project is currently being paid by the sewer rehab fund; the time they will devote to the Water Treatment Plant project will be charged against that project and they will have to keep time records for that because we cannot pay them out of sewer rehab if they are doing work for the Water Plant.

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

CONSENT AGENDA:

11. Consider the following damage claim recommended for denial: Willa and Ida C. Johnson. Exhibits: Legal Opinion/Recommendation. *CONSIDERED SEPARATELY.

12. Consider the following damage claims recommended for approval and consider passage of a resolution authorizing the City Attorney to file friendly suit for the claim which is over \$400.00: Ronald and Patricia Kitchens and Dean Winter. Exhibits: Legal Opinions/Recommendations. (Resolution No. 01-52 on file in City Clerk's Office) Action: Approval of claims. Kitchens - \$187.73
- (Title only) Resolution No. 01-52
A resolution authorizing and directing the City Attorney to assist Dean Winter 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 Thirty One Thousand Two Hundred Ninety Three Dollars and 81/100 (\$31,293.81).
13. Consider the passage of a resolution to replace Resolution No. 93-82, designating certain persons authorized to release public records under the Oklahoma Open Records Act, Title 51 O.S. 2000 Section 14A.1 et seq. Exhibits: Resolution No. 01-53.
- (Title only) Resolution No. 01-53
A resolution replacing Resolution No. 93-82, designating certain persons authorized to release public records for inspection, copying or mechanical reproduction.
14. Consider adopting a resolution renewing the E911 fee for three fiscal years. Exhibits: Resolution No. 01-54.
- (Title only) Resolution No. 01-54
A resolution renewing the Emergency Telephone Service Fee for three additional fiscal years.
15. Consider adopting a resolution setting the E911 fee for the period July 1, 2001 through June 30, 2002. Exhibits: Resolution No. 01-55.
- (Title only) Resolution No. 01-55
A resolution levying an Emergency Telephone Notification Fee, providing for a rate of such fee, and providing for an effective date.
16. 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. Action: Approval of item.
17. Consider authorizing application for a Department of Justice grant. Exhibits: None. Action: Authorize application for Bulletproof Vest Partnership grant.
18. Consider authorizing staff to enter into discussion with the Lawton Family YMCA as to the feasibility of a joint use recreation facility on the West Side of Lawton. Exhibits: Letter. Action: Approval of item.
19. Consider authorizing staff to submit a letter to Fort Sill expressing the City's continued interest in developing an indoor, in-line hockey facility in an existing Fort Sill hangar. Exhibits: Photos and explanation of hangar and rink. Action: Approval of item.
20. Consider authorizing staff to apply for scholarship grants from the Assembly of Community Arts Councils of Oklahoma. Exhibits: None. Action: Approval of item.
21. Acknowledge receipt of election returns of March 13, 2001. Exhibits: Election Tabulation. Action: Acknowledge receipt of election tabulations for Mayor, Ward 1, and Hotel-Motel Tax Election.
22. Consider approving plans and specifications for the Landfill Grassing Project #2001-10 and authorizing staff to advertise for bids. Exhibits: Map. Action: Approval of item.
23. Consider accepting Flower Mound Road Waterline (24") Project #2000-36 as constructed by Jim Mayes Co., Inc. and placing the Maintenance Bond into effect. Exhibits: Map. Action: Approval of item.
24. Consider accepting the Veterans Administration Sanitary Sewer Relocation Project 00-3 SSES constructed by Krapff Reynolds Construction Company and placing the Maintenance Bond into effect. Exhibits: None. Action: Approval of item.
25. Consider awarding a construction contract to Kent Waller Construction Co. for the LPD Storage Building Project #2001-4. Exhibits: None. Action: Award contract in the amount of \$32,095.00.
26. Consider approving the following contract extension: A) Manhole Lining Materials with Quadex, Inc. Exhibits:

None. Action: Approval of item.

27. Consider awarding contract for Refuse Containers to Roll-Offs USA. Exhibits: Recommendation; Bid Abstract. Action: Approval of item.

28. Consider awarding contract for Pedestal Electrical Boxes to SESCO Electrical Supply. Exhibits: Recommendation; Bid Abstract. Action: Approval of item due to local vendor preference.

29. Consider approval of appointments to boards and commissions. Exhibits: Memorandum.

Citizens' Advisory Committee (CIP): Rev. Charles Whitlow, Ward 7 Representative, Term: 4/28/01 to 4/28/04
Commission on the Status of Women: Coree L. Steele, Ward 7 Representative, Term: 2/23/01 to 2/13/03

30. Consider approval of payroll for the period of April 2 through 15, 2001. Exhibits: None.

Haywood asked that Item 11 be considered separately

MOVED by Smith, SECOND by Baxter, to approve the Consent Agenda items as recommended with the exception of Item 11. AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

11. Consider the following damage claim recommended for denial: Willa and Ida C. Johnson. Exhibits: Legal Opinion/Recommendation.

Haywood said Tucker, Phillips and others went to this house and a dryer was vented inside, rather than outside the house, so some of their clothes became mildewed. He said he would like to pay the \$400 claim. Vincent said the reason for the recommendation for denial was the pictures taken prior to the rehabilitation showed the mold in the same place. Haywood said he also saw those pictures but they did not have anything to do with the clothes, the mold was down at the baseboards. Haywood said when they remodeled the house they did not make an opening for the dryer. Vincent said he would talk to Haywood about that later.

Baxter asked how this was the City's fault. Mayor Powell said the City did the rehabilitation on the house.

Devine said during the process of inspecting they apparently did not make sure the dryer vent was exiting to the outside of the house. He said it left the humidity from the wet clothes inside the house which definitely would create mold and mildew in clothing or walls. Devine said he thought the City should pay the claim because this was not caught on inspection that it should have been to the outside. Vincent suggested any payment be made by check directly from the City, rather than placing it on the tax rolls; if Council opts to approve the claim, an appropriate amount would be \$399.99.

MOVED by Haywood, SECOND by Devine, to approve the claim for \$399.99

Mayor Powell asked if it was true that the dryer was not vented properly. Vincent said yes, and he was not sure it was the City's fault but it was questionable.

Smith said for it to cause mildew like they are implying, the dryer would have to be running all of the time. He said the mildew smell can be caused by residents turning up the heat in a house and not opening any windows. Smith said he could not support payment.

Purcell asked if the problem had been fixed and if the City did it. Haywood said it is fixed.

VOTE ON MOTION: AYE: Haywood, Baxter, Hanna, Devine, Purcell, Shanklin. NAY: Smith. ABSTAIN: Moeller. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Haywood said Cal Warner's funeral was today and he played at Eastern Junior College. He said he heard compliments about the Police Department, as well as the public, for showing respect for the motorcade.

Baxter said Leadership Lawton-Fort Sill Class Eleven is raising money to construct a pavilion at Greer Park. He said he would donate \$50 to the project and would challenge each Councilmember to meet that.

Shanklin said Bill Anders in Municipal Court has collected on his own over \$750,000 by working the warrant list. He said he had received comments about the police on motorcycles slowing people down in school zones and others weaving in and out of traffic so they are to be commended.

Moeller's comments are inserted verbatim as follows: "Yes, Mr. Mayor I do have something I'd like to say. I've been on the Council almost a year now and on many occasions I have been interrupted or walked over while other members have been allowed to ramble and make cute remarks. Tonight a comment was made to me that we know what you're trying to do, and that has been said by more than one member on one or more occasions. Since none of us are psychic or clairvoyant, I would ask you, since you don't have the courtesy to ask me what I think or what I feel, don't have the arrogance to assume you know or tell me what I think or feel. I will require from you the same respect that you expect me to give. Thank you."

Devine said he agreed Council had not shown Moeller due respect and he would apologize if he had offended her.

Purcell asked if an answer had been received from the Department of Transportation about the problem at Flower Mound and Lee. He said there was another accident there last week where a person went to the hospital. Baker said Dan Tucker has called Bob Rose two or three times and we are waiting for a call back from Rose to give us the status.

Hanna said the members are given the purchase order list each week showing the money spent. He suggested the City Manager take a close look because last year we spent over \$250,000 for clothing and accessories, and if we are talking about a tight budget, maybe some of that can be tightened up. Hanna said one department bought some shirts for what he felt was an exorbitant amount of money which he felt could be purchased elsewhere for a lesser price and the same quality.

Baker said work is progressing on the budget and he hoped to distribute the preliminary budget by the first of May, then meetings will be needed for review. He said it will be much more difficult this year than it has been the last two years; revenues are not good, there is a lot of additional expense that will have to be funded and it is a challenge to balance this budget.

Devine asked if there were plans to cut any jobs. Baker said it has come down to either cutting capital outlay significantly or cut staff, and he was dealing with the decision of whether to defer and cut capital outlay this year in favor of retaining staff or cut employees. Baker said he was leaning toward cutting capital outlay and retaining staff. Devine said he wished Baker would look at that the other way around. Baker said he was looking at all options right now. Shanklin said he wanted Baker to go back to the 1991 budget book and see how many employees we had, realizing we have not grown any and have probably experienced a loss in population, and see where we have added and why. Shanklin said he was not saying we do not need all of them or more but we should see what services we have enhanced and if it was worth it because it would be difficult for him and he could not raise the water because we have not grown enough to do it.

Smith said the census showed we had grown 15% in that same time frame. Shanklin disagreed and said we did not include Fort Sill in 1990 and the county has just grown 3,000 and the City grew 12,000.

Baker said he was operating under the assumption, and it was a big assumption, in preparing this budget that Council does not want him to bring a preliminary budget that requires a revenue increase. He said several members had individually discussed that with him and it had been made fairly clear to him that they did not want to see that in the preliminary budget. Baker said if that is not Council's direction, he would need to know that because he was operating under that assumption and the cuts will be deep to balance the budget.

Mayor Powell said they were encouraged by the Corps of Engineers from Tulsa to pursue this money we talked about earlier on, the \$5,000,000, and they encouraged us to raise it to \$6,000,000, but Washington D.C. suggested it be taken back to \$4,000,000 because they would have a better chance of getting it. Mayor Powell said instead of contacting only Senator Inhofe, they had expanded it by the request of the Corps of Engineers, to work through Senators Inhofe, Nickels and Congressman Watts, and they are all pursuing it. He said that is not to say that we will get it, but they have not given up and have reason to believe there will be money at some point in time to help on the \$52 million rehab.

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