

Meeting of 2001-5-22 Regular Meeting

MINUTES  
REGULAR MEETING  
LAWTON CITY COUNCIL  
MAY 22, 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  
Sandra Rench, Deputy City Clerk  
COL Steuber, Fort Sill Representative

The meeting was called to order at approximately 6:22 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: Randy Bass, Ward One  
James Hanna, Ward Two  
Glenn Devine, Ward Three  
John Purcell, Ward Four  
Robert Shanklin, Ward Five  
Barbara Moeller, Ward Six  
Stanley Haywood, Ward Seven  
Michael Baxter, Ward Eight

ABSENT: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETINGS OF APRIL 30, MAY 7, 8 and 14, 2001.

MOVED by Haywood, SECOND by Moeller, for approval of the April 30, May 7, 8 and 14, 2001 Minutes. AYE: Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

CONDUCT ELECTION OF MAYOR PRO TEM

MOVED by Hanna, SECOND by Baxter, to keep Bob Shanklin as Mayor Pro Tem.

SUBSTITUTE MOTION by Purcell, SECOND by Devine, to elect Councilmember Barbara Moeller as Mayor Pro Tem. AYE: Devine, Purcell. NAY: Hanna, Haywood, Baxter, Bass. ABSTAIN: Shanklin, Moeller. MOTION FAILED.

VOTE ON ORIGINAL MOTION: AYE: Devine, Moeller, Haywood, Baxter, Bass, Hanna. NAY: Purcell. ABSTAIN: Shanklin. MOTION CARRIED. AUDIENCE PARTICIPATION:

Raymond McAlester said the Armed Forces Day Parade held last week was a really nice parade.

BUSINESS ITEMS:

6 Consider awarding a construction contract to Kent Waller Construction Company for the Ranch Oak Park Improvement Project #2000-14 and authorizing additional funding for this project. Exhibits: Bid Tabulation. THIS ITEM WAS CONSIDERED AT THIS TIME.

Ihler said on March 27, 2001, the Council authorized staff to advertise for construction of a water spray park in the Ranch Oak Park Improvement area. On April 24, one bid was received from Kent Waller Construction Co. in the amount of \$186,918. The original project budget has a balance of approximately \$106,707, staff has identified additional funds to award this project, if Council desires, from projects that have been completed having remaining balances, the Greer Park Project, the 17<sup>th</sup> and "G" Lighting Project, and although the Squaw Creek Sewer Line Project is still ongoing it is very near completion and they are confident those funds are available. He said staff is also asking Council to add an additional \$18,000 that is available in CDBG Contingency so they can award the entire project and staff

is recommending that the project be awarded to Kent Waller and authorize the additional funding that has been identified.

Shanklin asked how many firms checked out plans to bid this project. Ihler said Jim Atkinson, the Architect from GBA Association, said four individuals purchased plans for the project. Shanklin asked if all four live in Lawton. Atkinson said three were from Lawton and one from Chickasha. Shanklin asked if he knew why no one else had responded. Atkinson said the one in Chickasha had said that it was related to the bonding and they had another project for the same date.

Shanklin said he just wanted to know because it is 15% over the estimated bid and only one person bid on it. Ihler said it is 11% over the estimate, it had to be within 15% to award the contract.

Baxter said he has seen other things come before the Council and anytime the bid price is more than the architect's estimate it has always been rejected and staff has recommended not approving it and asked why they are now recommending approval for this project when it is more than the architect's estimate. Ihler said he didn't believe they have always been rejected, there have been times when they have been rejected when they were not able to find the additional funding to award the project and if they thought if they went back out and readvertised they would get better bids, they had discussions with the contractors that did not bid and they don't think they will receive better bids.

Baxter asked if they paid the architect to make this estimate. Ihler said yes. Baxter said they could have just burnt that money up because they aren't going to listen to what they are being told, he is telling them it should cost \$167,500 and they are going to build it for \$186,900. Ihler said that is his estimate of the project, it can be higher and it can be lower, it depends on the environment at the time of bidding.

Shanklin asked what year the CDBG money is coming from. Ihler said it is from the 1999 Contingency.

Haywood said there are two young ladies that would like to speak to this. Mayor Powell said Christy Mitchell and Jenethe Cooper have requested to speak to this issue.

Jenethe Cooper, 703 SW Ranch Oak Street, 7<sup>th</sup> grade student at MacArthur Junior High School, said the water spray grounds will be something everyone will enjoy and need the restrooms to keep the water spray grounds clean and the fencing and parking would be useful. She and her family have enjoyed going to the park and would like to have the water spray park and restroom facilities at the park.

Christy Mitchell, 3336 SW Salinas Drive, 7<sup>th</sup> grade student at MacArthur Junior High School, thanked the Council for building the pavilion at George Lee Park near Ranch Oaks. She said she is here for parking, sidewalks, the water spray unit, chain link fencing and especially the restrooms, they would like the restrooms for health and other reasons for everyone who uses the park.

Haywood said the students have a grade point average of 4.17 and are doing real well in school and this is the second or third generation coming up in Ranch Oak so would really like to have the park out there.

MOVED by Haywood. SECOND by Moeller, to award the contract to Kent Waller Construction Co. for the Ranch Oak Park Improvement Project #2000-14 in the amount of \$186,918 and authorize additional funding in the approximate amount of \$90,000. AYE: Purcell, Shanklin, Moeller, Haywood, Bass, Hanna, Devine. NAY: Baxter. MOTION CARRIED.

1. Hold a public hearing and consider approving a resolution adopting the 2025 Land Use Plan. Exhibits: Resolution No. 01- 75. (Draft 2025 Land Use Plan sent under separate cover)

Deborah Jones said the Oklahoma Statutes and the City of Lawton Charter require a Comprehensive Land Use Plan and that the zoning be based on the Land Use Plan. In accordance with the Charter it is updated every five years so they began this process about 24 months ago by preparing base data information which looked at the growth trends over the past five years and prepared projections in the plan for the next five years. They also examined infrastructure as well as physical constrictions to growth, such as ridge lines and flood plains. She said they prepared a land use inventory to indicate what land is available for development at this point in time and how readily you absorb it. They also examined areas of special character such as Old Town North and the Central Business District and made recommendations regarding those areas. She said areas prone to change were identified to transition from one land use to another and recommended some strategies for such transitions as well as adopting a neighborhood concept which establishes a guide for the most compatible land use within a one mile section of land. They utilized a joint committee of the City Planning Commission (CPC) and the Lawton Metropolitan Area Planning Commission (LMAPC) to develop the land use map, they met five times and most of the Council joined in on a number those meetings. There was a town meeting on March 19 for further public input on this plan as well as the map. On April 19 they had a joint public hearing by both planning commissions at which time they recommended this draft and approved a resolution recommending adoption.

Jones said the plan is unique because they tried to put it on a digital basis so if they receive requests for economic

development packages they can transmit the information to each section of the map and via E-mail can transmit the socioeconomic information such as the growth trends and population, employment and housing and tried to put them on a better platform to respond to economic development. Throughout the 24-month process they tried to keep the Council involved so the comment wouldn't be made that this is just another Staff plan and she hoped the Council would not say that because they have made a conscious effort to have the Council involved and wanted their input.

Shanklin asked what they did in Old Town North. Jones said they recommended that the Council be cognizant that they have their own Land Use Plan and to be respectful of the Land Use Plan, that it was developed by a neighborhood and it spoke well of that neighborhood.

Mayor Powell asked where the greatest growth is projected between now and 2025. Jones said the greatest growth in the plan is in the southwest, the west and the east, those areas where there is infrastructure available such as roads, water, sewer and land, when you have those four components you are ready for development.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Baxter, to approve Resolution No. 01-75 adopting the 2025 Land Use Plan.

Purcell said they needed to give a big thanks to Jones, Julie Sanders and their staff, and the Planning Commission's who had many meetings which many of the Councilmembers attended and the staff spent a lot of time in putting the plan together and they owed them a great deal of gratitude.

ROLL CALL ON MOTION: AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01- 75

A resolution adopting the 2025 Land Use Plan for the City of Lawton, Oklahoma, as the basic policy document in consideration of matters affecting the future growth of the City of Lawton.

2. Hold a public hearing and consider a resolution amending the 2020 Land Use Plan from Residential-Multiple Family to Commercial and Office and an ordinance changing the zoning from R-3 (Multiple-Family Dwelling District) to C-1 (Local Commercial District) zoning classification located at 2701 SW J Avenue. Exhibits: Res. No. 01- 76; Ord. No. 01-19; Map; Applications; Site Plan; CPC Minutes; 2020 Land Use and Zoning Maps.

Bob Bigham, City Planner, provided a transparency showing the location of the request for rezoning which is near 27<sup>th</sup> Street and Cleveland Elementary School. He said on April 26, the City Planning Commission (CPC) held a public hearing and recommended denial of the request because the requested area is bounded by single family residences on the north and east; the request would constitute spot zoning and would not be in conformance with the current or proposed Land Use Plan; and they felt the proposed use for a funeral home would not be compatible with the existing elementary school at the southeast corner of the intersection of SW 27<sup>th</sup> Street and "J" Ave.

Bigham said the Planning Department received a letter today from Windy L. Davis, at 2615 SW "I", who is within the 300 foot notification area, objecting to the rezoning of 2701 SW "J" Avenue.

Baxter asked what the orange square on the transparency was. Bigham said it was a C-1 zoning, part of the original zoning code where one of the old ma and pa grocery stores used to be and there is now a convenience store at that location. He said there are spots such as this throughout the community for these stores in residential neighborhoods.

Hanna said the way it is zoned now they could build an apartment complex. Bigham said yes, it is zoned R-3 in which 30 to 40 apartment units could be built on this tract.

Moeller asked what other responses Bigham received from the residents in the area. Bigham said they received one other letter in protest of this at the Planning Commission from an out of town property owner.

Mayor Powell asked how many letters had been sent out. Bigham said 50 letters were sent to owners within the 300-foot notification area and they received two responses.

PUBLIC HEARING OPENED.

Chuck Wade, Attorney for Lawton Public Schools, said he was asked by the School Administration to appear in opposition to this change in the Land Use Plan and rezoning request. He said he also appeared at the Planning Commission meeting where the Commission voted unanimously to recommend this body deny the request. He said the presentation made to the Planning Commission was that the Tribe was looking for a funeral home that they couldn't call a funeral home because of the funding source so were calling it a community center that would

accommodate seating for as many as 500 people. He said they would have funeral services for their elders and other functions and in the opinion of the school district this is simply not compatible with a busy elementary school and the young children walking to and from school in the morning, at noon and in the afternoon at approximately 3:30 with other traffic, etc. He said it would create a significant congested area, it is spot zoning and there is plenty of C-1 or other commercial property available for the Tribe to locate a funeral home in places that would be more accessible and wouldn't create traffic congestion or safety hazards such as this location would.

Shanklin asked Wade if the church across the street from Central Junior High had been a problem. Wade said Central Baptist Church is cater-cornered from Central Junior High and this is going to be a funeral home with funerals on a much more frequent basis than Central Baptist Church the way he understands it.

Shanklin asked if they are really going to build something that will hold 500 people. Wade said that is the way it was presented and that is an awfully large facility if you are talking about one that will seat 500 people.

Mayor Powell asked if Wade was present at the meeting and if there was some misunderstanding where some people were led to believe that it would be a convention center versus a funeral home. Wade said they were led to believe it would be a funeral home and community center for other functions or meetings the Tribe would be interested in holding and that is what the Tribal Administrator told the Planning Commission.

Purcell asked if there is anything anyone has heard that once this is done it is going to be turned into a Tribal Trust property. Vincent said they received notification from the BIA last fall that the Tribe had made application for the BIA to consider converting this to Trust property but he did not have any other information. Purcell said if the Council approved the rezoning and they build what they want on the property and apply for and are approved for Tribal Trust asked if they would have any control after that. Vincent said whether they rezone or not if it should become Tribal Trust they would have no control.

Shanklin asked if this property is in the private sector, privately owned. Vincent said this property is owned by the Tribe but it isn't currently held in Trust by the Bureau of Indian Affairs as a Federal Enclave as he understands it. Johnny Wauqua, Chairman of the Comanche Tribe, said he has been chairman for the last two years and there were some questions brought up at the City Planning Commission meeting held April 26. He said he sent their Tribal Administrator to represent them at that time because he was out of town and there was probably some misunderstanding at that time. He said the purpose for the building will only be for a funeral home, it will probably have a seating area from 200 to 250 and it will only be for that purpose. He said as to the congestion they have talked about, there is no reason they couldn't use "J" Avenue to go west to offset the traffic from the school because there is a church right across the street and they have funerals too and they wanted to work with the City to do this. He said they only have between 85 to 90 funerals a year and the building won't be used for anything else. He said someone had said it would be a community building but it is not because any funeral home where there are services you don't see them using it for a community service building.

Shanklin asked if there is any way they can hold Wauqua to his remarks that it won't seat over 250 people.

Vincent asked Wauqua if this property is privately owned by the Comanche Tribe and not in Trust. Wauqua said yes it is. Vincent said they will have to meet all of the building codes and permit requirements. Wauqua said yes, that is why he came to the City in the first place because he wants to work with the City to do what they are supposed to do whether the land is in Trust or not. He said they filed an application several months ago to have the land put in Trust and it probably will be sooner or later, but at this time he wanted to work with the City and do what he is supposed to do and is why he came to the City to do this in the first place.

Shanklin said he doesn't want to deny this just because it is the Comanche Tribe, they have to work with those people, wanted to work with them and he could support it knowing it will be 250 and no more and get on the good side of the Tribe instead of always being at odds.

Mayor Powell said Wauqua had come to him earlier about another project and it is the Comanche Tribe's desire to adhere to all rules and regulations and codes and inspections of the City of Lawton and he believed that if Wauqua tells them that it is going to be a funeral home only that will only seat 250 people, he has found him to be a man of his word.

Devine said he has listened to both sides, this is in his Ward, he has waited patiently for anyone to call after notice was sent out and not one person has called him either way. He said he would rather see them move forward on this now and approve it because if they wait and turn it down and it becomes Trust property they will lose control of it and they want to get along with the City and are trying to meet them half way or a little further and he would like to see the support of the Council to approve this and let them have the funeral home. He said one of the major reasons he would like to support this is because funerals are very expensive and this is a way they can control their own funerals and cost which will be half of what it would normally be and they are not in the upper income.

Purcell said he is not opposed to what Devine is saying but there seems to be a lot of confusion as to what was said

at the Planning Commission meeting and what they are hearing tonight. He said it seems as though they should send it back to the Planning Commission, he thought they were bypassing Planning Commission again and was reluctant to do that, not because it is the Comanche Tribe or anyone else but because there was confusion from what the Chairman is saying and maybe when the Commission hears this they will recommend approval.

Devine said he disagreed, they need to proceed forward and let the Council make their decision because the Planning Commission has made their issue and made their recommendation and felt they need to move forward.

Moeller said the northeast corner of the property on the site plan proposal shows future development and asked Wauqua what that would be. Wauqua said they were, at the time, looking at that but it has been changed since they went to the Planning Commission, they were probably going to build a 20 by 30 small building for a tutor, counseling position for someone to be there to help the students at Cameron but since that time they did away with that, it will only be a funeral home.

Wauqua thanked the Council for their time.

Wade said he has worked with Mr. Wauqua on other projects and knows him to be a man of his word and was not questioning that but suggested that he may not be in charge forever and they can build as large a facility on that property as they can under the current City ordinance. He said there is no way, if this is zoned tonight, that they are bound to a facility that accommodates 250 people, if under the Ordinances and Zoning Codes they can build a facility that seats 750 people they can do so and that is a significantly large tract. He said he can't understand that if the intention all along was to build a funeral home that would accommodate 200 to 250 people why the Tribal Administrator told the Planning Commission they were planning on building a community center, the Commission was told they couldn't call it a funeral home because of the Federal source of funds they were getting to build the project so they were going to call it a community center and would build a community center that would seat at least 500 people. He said that is a matter of record of the Planning Commission and the Council is being told something entirely different and there is nothing that binds the Tribe to build anything as long as it conforms to C-1 zoning if they approve the request. He said there are a lot of unanswered questions and if they approve it, history will prove what is going on the property, but the Commissioners were also told they were going to build a day care facility and an educational building on the property and he is responding to what had been said previously and that is pertinent in considering the request.

Frank Parrish, Chairman of the LMAPC, said he is here on behalf of the Planning Commission (CPC) because Ms. Henry couldn't be present and he wanted to present facts they heard at the meeting which he attended. He said during their 2025 Land Use Plan which they just approved the only comments he received or phone calls was on this change. He said he is not present to say whether he is for it or against it, he just wanted to provide the facts. He said at the Planning Commission meeting they were led to believe there was going to be a community center and day care center and they may not have specifically stated that, but that is what they were led to believe. He said Ms. Sexton, who owns all the property to the south, called him two or three times, as Chairman of the LMAPC and he really has no control over this issue, to express her displeasure as to what they were trying to do. He said Ms. Sexton's concerns were the traffic and whether the City would get taxes.

Richard Sexton said he is speaking on behalf of his mother Marie Sexton, he attended the Planning Commission meeting and Wade was correct in that there would be approximately 500 people, community center/funeral home and as far as having a funeral home it makes a lot of sense. He said who could better service their own people but their own people and they could do it very economically, the location they have chosen may not be the best and hoped they would see that. He said with the school so close and the school children, he doesn't know what goes on in funeral homes or a funeral of the Comanche Tribe, only they know and they don't know if it is a celebration of death, or what. He said the only thing they have is with the traffic situation and the property south is his mother's property, he didn't know if that would be a real problem or not for her but thought it would be for the school system and there is probably a better location. He said if it goes to Trust asked if the City loses control as to what could be built there and thought that was a concern for his mother and for the people that have homes there, they would be foolish not to say they would be concerned because if there is a problem who would they contact and if the school system has a problem who would they contact to get something done. He said the funeral home makes a lot of sense and if he was with the Comanche Tribe he would support it and does support it but if they have problems with some of the residents around that is not good because it is friction and his concern was to look at it, view it and see if this is the best location they could have for what they are wanting to do.

Devine asked Vincent how knowledgeable he is on the Indian Trust. Vincent said jurisdiction wise pretty much. Devine said they own the land at this time and if they go through BIA and have it moved into a Trust asked if it is correct the City will not have any control over it after that point. Vincent said that was correct. Devine said right now they can at least control it for a while as to what they can do, if they can move it into Trust they can do what they want and the City won't have any control at all, right now they have a better opportunity to work with them, have it built to the City Code and can control it at least temporarily.

Powell said they don't have the ability to say anything about whether it goes into a Trust or not.

Wauqua said he wanted to address a question as to why they had called it a community center/funeral home, it is because when you call it a funeral home with a seating area they ask what the seating area is for, any time anyone goes after any funding from any Federal funding if it is going to be officially associated with any kind of church services they will not give you that money and that is the reason they called it that but he assured the Council that it is going to be a funeral home and there will be no community meetings held there. He said they hold the same type of services for their funerals as anyone else does.

Moeller said she has been to many Indian Pow-Wow's with the drums and singing and asked Wauqua if that is a part of the funeral service. Wauqua said no, it is not, and is why he said they would see the same thing as they see in any other funeral home.

Purcell asked if the new 2025 Land Use Plan shows this property being zoned as R-3 or C-1. Frank Parrish said they didn't address it because it had been submitted before they had public hearings on the 2025 Land Use Plan, the review committee didn't take any action on it because it had been presented to the Planning Commission, it is R-3 in the 2025 Plan, this would be an amendment to the new plan.

PUBLIC HEARING CLOSED.

MOVED by Devine, SECOND by Baxter, to approve Resolution No. 01-76 and Ordinance 01-19, for the rezoning of 2701 SW "J" Avenue.

Vincent said the resolution, as written, says to amend the 2020 Land Use Plan and asked if they are going to need to change that. Bigham said with the adoption of the plan it should be 2025 Land Use Plan.

Devine said he would amend his motion to include the 2025 Land Use Plan in the Resolution and Baxter amended his second.

Shanklin asked if they could hold them to what was said in regard to the funeral home. Vincent said as long as they are within the City Code they can control what is built there as long as it meets the parking and seating requirements, etc., if it ever goes to Trust they will lose control. Shanklin said they can change it and put anything in they want to after they do this. Vincent said as long as it is within the C-1 zone. Shanklin said they have to have some faith in them and he does.

Purcell said if they don't get the funding to build the funeral home asked Wauqua if they will still build it or is it contingent on them getting the funding. Wauqua said the funding is waiting and it is available.

Bass said once it is put into the Tribal Authority asked if they have no control and can build what they want. Mayor Powell said they can build whatever they want without asking the City. Bass asked how long it takes to have it put into Tribal Trust. Wauqua said it takes approximately four to six months to a year on average.

VOTE ON AMENDED MOTION: to approve Resolution No. 01-76 amending the 2025 Land Use Plan and Ordinance No. 01-19 changing the zoning from R-3 (Multiple-Family Dwelling District) to C-1 (Local Commercial District) zoning classification located at 2701 SW "J" Avenue. AYE: Moeller, Haywood, Baxter, Bass, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01- 76

A resolution approving an amendment to the 2025 Land Use Plan for the City of Lawton from Residential-Multiple Family to Commercial and Office located at 2701 SW J Avenue.

(Title read aloud) Ordinance No. 01- 19

An ordinance changing the zoning classification from the existing classification of R-3 (Multiple-Family Dwelling District) to C-1 (Local Commercial District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; authorizing changes to be made upon the Official Zoning Map in accordance with this ordinance.

3. Discuss remarks made on the so called firing of City Manager Bill Baker. Exhibits: None.

Shanklin said Purcell made remarks toward the end of the Council meeting and the next morning he read that the City Manager's job was in jeopardy from those remarks and he resented those remarks. He said Mr. Baker's job was not and is not in jeopardy, they are probably in the most critical budget issue that he has seen in the 12 or 15 years that he has been here and he is doing a fine job of getting that to them. He said he knew of no one who was trying to fire Mr. Baker and the remark was that was the third time in a year and didn't believe that was true and figured that this is another chapter in the ongoing saga of Mr. Purcell wanting to embarrass the City Mayor and possibly himself. He said there was no one that had anything to do with it, Mr. Baker did go in to see Mr. Powell on the Monday Mr. Powell left and Mr. Powell assured him there wasn't any move to unseat him. He said on

Wednesday morning he was in at 8:00 a.m. to see Mr. Baker and Mr. Baker had said that he had asked Mr. Purcell not to make those remarks and Mr. Purcell chose to do that, it embarrassed the City Manager and gave the City Council a bloody nose. He said they all got some letters and a signed petition and respected almost all of them, their opinion and if that is what they are trying to do, fine, but they need to call a spade a spade, this is an item that can be countered by Mr. Purcell if he so desires. He said he thought the Council and the City of Lawton is owed an apology.

Purcell said the comment that was made that he did it to embarrass the Mayor is absolutely incorrect and false. He said they should be happy, they always ask for input from the citizens and everyone on this Council got a petition signed by 33 people, they got a letter and he got 20 phone calls all in support of the City Manager. He said he mentioned the day before he made the announcement to Baker that he was going to do it so he wouldn't be embarrassed when he was making it and Baker did ask him not to do it and he did it anyway. He said they got input they asked for from citizens, it was valuable input and hoped everyone got phone calls like he got phone calls, they should be happy they got input, they now know how the citizens feel and thought they needed to get on with it and that is all he has to say about it.

Shanklin said he has another remark that he didn't want to bring up but Mr. Purcell has on several occasions threatened everyone with a law suit by the Attorney General because of so called polling but has the Minutes of August 25, whereby Mr. Purcell voted, made the motion to fire Mr. Gil Schumpert and he had a second and it died for lack of motion to fire Mr. Schumpert that night instead of six days later, whenever his contract expired, and he was sitting here and they voted to let Mr. Schumpert's contract run out and Mr. Baker assumed that position until he was named the City Manager. He said he would like him to counter his remarks of the ongoing saga of trying to embarrass the City Mayor and some of the Council because that is how he perceives it and so do several of the others.

Purcell said since he brought the matter up he wanted to explain for the Council members who were not here at the time what happened at that meeting. He said at that meeting everyone on the Council at the time agreed that they were not going to renew the City Manager's contract that was going to come due in a week or ten days. The issue at that meeting had to do with how much money it was going to cause the citizens to have to pay because if they terminated the contract on that night, under the terms of his contract, the City Manager would have become the acting city manager and would have stayed on as the acting city manager until the Council, at the time, hired a new city manager but if they let his contract run out, ten days later the city manager would walk, he would get three months severance pay under his contract and he could go off and play golf. He said Mr. Sadler and he both discussed it and it was discussed among the Council at the time that it was cheaper to the citizens, because under that contract if the current City Manager was fired he would become the acting city manager and anything he was paid for his three month's severance pay, the time he stayed on would be subtracted from that so if he had stayed on for two months while they hired a new city manager he would have only been entitled to one month's severance pay and that was the only reason for the motion. Purcell said the members of the Council could, if they wanted to, call anyone who was on the Council at the time and would will find out that information.

Shanklin said he was on that Council and he didn't have any knowledge that there was anything afoot to terminate Mr. Schumpert, he had agended an item three times personally to terminate his employment and it was defeated all three times and he didn't know anything about it until they went in there that night and the ducks were lined up. He asked how he did that, that is only for him to say and he can say well, they all got into it, let's just terminate him and it didn't happen that way, the guns were there and the man was terminated and that is just it, so he doesn't want to hear any more about his going to the Attorney General because he wanted him to explain that one.

Purcell suggested they call the Councilmembers who were on the Council at the time because there are particular statements made on the floor on a regular basis by Shanklin, and implored them to call those Councilmembers and see what happened at that meeting.

Shanklin said he has already called three of them and they don't remember it quite that way.

Powell said Mr. Baker came to his office and he told him that it was a shock and news to him, that he had not heard one word from anyone to terminate his contract as City Manager for the City of Lawton/Fort Sill, he had not heard that from anyone and thought he would have heard it had there been some movement by someone and had heard about when it happened the other time. He said he told Mr. Baker he felt he could relax, that he didn't know of any movement on him whatsoever. He said when he got back from Ft. Bragg the newspaper headlines blew him away and he doesn't know what is going on but hoped it was clear now.

Shanklin said there had to be some collaboration to get this in the headlines somewhere and Purcell did a pretty good job of embarrassing the Council and City Manager.

Baker said he was not embarrassed, he didn't believe Purcell would do anything to intentionally embarrass him, his motives were good and thought Purcell was trying to do him a favor. He said he discussed it with him and he told him what his intentions were, Baker asked Purcell not to do it, but if he felt it was something he needed to do to

use his own judgment. He said Mr. Purcell received several calls, people read the newspaper article the next morning and felt he was trying to fire Baker and Purcell has been a supporter of his for years and thought it was unfortunate, but he was not embarrassed. Shanklin said he thought Baker told him he was embarrassed when he went in there Wednesday morning. Baker said he wasn't embarrassed, he was surprised at the attention the newspaper gave it because he received a call before he got up asking him if he had seen the front page of the newspaper and he was surprised because that same evening they had spent two and a half hours on the Consolidated Plan and thought that would be the headline and it was just briefly mentioned. He said he was surprised at the press it got but was not embarrassed.

Devine said that should make Baker feel pretty good that the people were more interested in him than their City Budget.

4. Hold a public hearing and adopt resolutions declaring the structures at: 305 SW Summit Avenue; 1215 SW Summit Avenue; 1213 SW "G" Avenue; 1813 SW "E" Avenue; and 1213 SW Summit Avenue, to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize Neighborhood Services to solicit bids to demolish structures, if appropriate. Exhibits: Res. No.'s 01- 77 ; 01-78; 01-79; 01-80; 01-81.

305 SW Summit Avenue

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Devine, to approve Resolution No. 01-77. AYE: Haywood, Bass, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. ABSTAIN: Baxter. MOTION CARRIED. (Baxter passed and then abstained.)

(Title only) Resolution No. 01- 77

A resolution determining certain structure(s) to be dilapidated and detrimental to the health, benefit and welfare of the community, and ordering that the buildings be demolished and removed.

Location: 305 SW Summit, Beal Addition, Block 18, Lot 14, Comanche County, Lawton, Oklahoma.

Title Holders: Essie Lee Hollis % Wanda Marsh, 580 N Oaktree Ln Apt 8, Thousand Oaks CA 91360

Mortgage Holders: None.

1215 SW Summit Avenue

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Baxter, to approve Resolution No. 01-78. AYE: Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01- 78

A resolution determining certain structure(s) to be dilapidated and detrimental to the health, benefit and welfare of the community, and ordering that the buildings be demolished and removed.

Location: 1215 SW Summit, Waldman Addition, Block 35 E 17.45 of Lot 9 & W of Lot 10, Comanche County, Lawton, Oklahoma

Title Holders: Booker T. Alberty, Jr., P. O. Box 5903, Lawton OK 73502

Mortgage Holders: Rayl Finance Co., 509 SW C Ave., Lawton OK 73501

1213 SW "G" Avenue

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Devine, to approve Resolution No. 01-79. AYE: Haywood, Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01- 79

A resolution determining certain structure(s) to be dilapidated and detrimental to the health, benefit and welfare of the community, and ordering that the buildings be demolished and removed.

Location: 1213 SW G Avenue, Waldman Addition, Block 2, Lot 2 (E 50' of W 125'), Comanche County, Lawton, Oklahoma

Title Holders: Florence Johnson % Joe Short, P. O. Box 153, Elgin OK 73537

Mortgage Holders: None

1813 SW "E" Avenue

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.



MOVED by Shanklin, SECOND by Baxter, to approve Resolution No. 01-80. AYE: Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01- 80

A resolution determining certain structure(s) to be dilapidated and detrimental to the health, benefit and welfare of the community, and ordering that the buildings be demolished and removed.

Location: 1813 SW E Avenue, Radio City Addition, Block 14, Lot 10, Comanche County, Lawton, Oklahoma

Title Holders: Lloyd & Bruce Pickens, 1813 SW E Avenue, Lawton OK

Mortgage Holders: None

1213 SW Summit

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Hanna, to approve Resolution No. 01-81. AYE: Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01- 81

A resolution determining certain structure(s) to be dilapidated and detrimental to the health, benefit and welfare of the community, and ordering that the buildings be demolished and removed.

Location: 1213 SW Summit Avenue, Waldman Addition, Block 35 E 17.45" of Lot 9 and W of Lot 10, Comanche County, Lawton OK

Title Holders: Booker T. Alberty, Jr., P. O. Box 5903, Lawton OK 73502

Mortgage Holders: Ralph Newcombe, 513 C Avenue, Lawton OK 73501

5. Consider receiving a presentation from Jim Atkinson, Architect, regarding the current status of the Fire Station #5 project and take appropriate action. Exhibits: None. (Maps distributed to Council May 3, 2001).

Baker said the last direction the staff received on the location of the new Fire Station was to look at the current site and determine the cost associated with that site. As a result, they asked Mr. Atkinson to look at the site and he had to redesign the station so it would fit on that particular location which would basically be a two story fire station. On May 3 they should have received information showing all the possible sites Council had discussed with the estimated cost of those sites. He said they asked Mr. Atkinson to be present to give them a brief presentation on where they are in the process and to ask them for any direction.

Jim Atkinson, Architect, said the information provided has an error on the figures on Site #4 and provided the following corrections: five lots are required not four lots in order to accommodate the turning radiuses of the vehicles so the estimated land and relocation cost will change to \$400,000 based on an \$80,000 estimated purchase price per lot; Building Cost will remain the same at \$875,000; The Estimated Site Cost would be \$135,000; and the total cost would be \$1,410,000.

Atkinson said as the Council requested the Gore and 53<sup>rd</sup> site be looked at and subsequent to that staff asked him to go back and look at all seven sites and he has put together estimates based on the seven sites which range from a little less than \$1,085,000 for Site #7 to \$1,500,000 for Site #5. The redesigned building will fit on all the sites, the building as a one story facility will work on at least two and possibly three of the sites overall. Site #1 will require a purchase of four lots;

Site #2 is approximately 11 feet short of being able to only purchase four lots because of building set backs on 53<sup>rd</sup> Street and the orientation of the building because the building will actually encroach on two additional lots so they would have to purchase six lots. Site #3 has five lots and they didn't have to change the site, it is large enough to accommodate the one or two story facility. Site #4, where originally they couldn't get the one story building on at all, they can now accommodate it, the new facility is 125 feet deep or in length, but they need to purchase an additional lot to make the turning radius because the turning radius of one of the vehicles is approximately 100 feet, they will have to pull the vehicle completely out of the station before they can start the turn. Lot #5, which is the large lot by the apartments, will easily accommodate both structures. The reason for the large estimated cost of the site is that they have a lot more concrete and site work to simply get into the area and navigate the trucks around the building, they have probably looked at the numbers and noted the differences. He said the actual site cost is \$135,000 for the site work and an additional \$50,000 to relocate private utilities and have anticipated a retaining wall construction that may or may not occur. He said they have to purchase a fifth lot to make the turning radius work on the north side of the facility but they have natural gas and telephone in the easement and a communication lease on one of the properties that may or may not be there.

Mayor Powell asked how long the lease is for. Devine said he didn't know, all they know is that there is approximately a 25-foot x 25-foot lease immediately north of the station and they don't know if it has been consummated but they are sure that it has not been approved by the Council. He said the corner behind that is where one of the telephone companies wants to put an antenna and that has not gone before zoning yet but he understands it is basically going to be a storage building.

Atkinson said they have some power concerns located in the alley that will have to be relocated, sewer and water

will have to be rerouted and one of them terminate there but those are not major issues, the power communications and telephone are entities they will have to deal with at that site. Site #7, on the south end of town, estimated site costs are staying at approximately \$135,000, estimated land cost is the major variable between this property and the other properties and it makes a difference in the bottom line figures. The two story design in essence is a three story design with an apparatus bay and the main business functions located on the same level, a second story where the dormitory is located and a basement housing a meeting room which would also substitute as the dining area and would be an emergency communications center. He said that layout will fit on any of the sites.

Baxter asked if he is sure they still need six lots on Site #2, he was told they might be able to do it on four lots. Atkinson said according to the calculations they have run if they have to stay within the front street setback on 53<sup>rd</sup> Street, at this point they are having a problem staying within the property lines on Site #2.

Baxter said on Site #7, referencing the gray box on the viewgraph, asked if where it says estimated land cost at \$75,000 would be the site where the station is currently but the purchased land would be the whole triangle in blue. Atkinson said he wasn't sure of that, the land costs were provided by the City. Powell said the whole area should be shaded because it goes back along the railroad track and Baxter has brought up the point before of other entries of ingress and egress, there is a street that comes off SW 45<sup>th</sup> which is an open street and is accessible off that property and Powell pointed out the area on the viewgraph.

Devine asked if they considered, if they are going to use that site, how much the street is going to cost to run a concrete street all the way back to 45<sup>th</sup> Street, the estimated cost. Atkinson said no, the estimated costs are strictly for the ingress and egress from the station itself and a partial street, the full depth of the property they need for the station. Devine asked if Ihler could provide an estimated cost of what it would be or who could provide a cost for the street to support a fire truck all the way to 45<sup>th</sup> Street. Ihler said based on bids they have recently received it would be approximately \$250 a foot and it is about 1,200 feet. Powell said he is talking about east and west. Ihler said yes, back to 45<sup>th</sup> Street. Devine said if you use 45<sup>th</sup> Street for an exit you will have to build a concrete street to support the fire truck. Ihler said they have designed it to be accessed off 53<sup>rd</sup> Street and the ingress and egress would be off 53<sup>rd</sup> Street, it isn't designed to go back to 45<sup>th</sup> Street. Devine asked what it would be approximately. Ihler said it would be approximately \$120,000. Devine said if they add \$120,000 to the cost it will be up to \$1,200,000, so it is back in the ball game with the cost factor of the rest of them, it would be \$250,000 to \$300,000 more.

Bass referenced Site #2 and asked if it is possible to only use the four houses and have a back up system into the fire station, instead of a turn around you would back it up. Atkinson said if they go with back up systems it really changes the game plan on every one of the sites but if they went into a back up system utilizing the two story and basement configuration you could do it that way. He said the building is approximately 70 feet wide, the building set back is 20 feet, the longest truck is approximately 50 feet so they have 130 feet of building and truck.

Bass said if they didn't have to buy the two back lots how much would that be. Atkinson said they are estimating the lots in that area at \$80,000 which would be \$160,000 less.

Baxter referenced Site #2 and said he was told they could back the trucks up into there and they wouldn't need the back two lots, you could fit it on four lots. He said he talked to all four of those homeowners, two people told him they would be willing to sell, one lady said they would have to throw her out with a ball and chain around her ankle and the other lady wouldn't respond. He said he lives right down the street from there and those houses are not \$80,000 but they are \$65,000 to \$70,000 houses and for them to say they would offer \$60,000 plus \$20,000 relocation they are not going to buy that because those houses are going to appraise for more than that because there is a house, 14 houses down, that is going for \$70,000 and that is what they cost.

Bass asked if Site #1 was 90 feet deep which is a four lot configuration and the difference is approximately 10 to 15 feet in total length from 53<sup>rd</sup> Street back to 54<sup>th</sup> Street.

Shanklin asked what the square footage was of the 52<sup>nd</sup> and Gore fire station and what the square footage is of the one Atkinson designed. Atkinson said he didn't know, the one he designed is approximately 13,908. Shanklin said the letter that Chief Barrington has repeatedly surveyed said that to move that fire station north a half mile and 17<sup>th</sup> Street at the airport a half mile and it is a mile and a tenth, asked if it would make any difference whether it is a two story with a basement or a one story it would cost \$175,000. Atkinson said that is true, there doesn't seem to be a lot of difference in cost between a two story and a one story facility. He said this particular building, if you look at the configuration, is actually right at 900 square feet larger than the one story facility because of the way it is compacted and stacked on the business end of the facility, not the apparatus bay, all of the business end of the facility is stacked over approximately a 70 foot by 35 foot three tier structure. Shanklin asked if this structure is three or four times larger than the one on 52<sup>nd</sup> Street. Atkinson said it is two times or two and a quarter times but not three times.

Shanklin asked if they are moving two companies into the building, two apparatuses, what they have at 52<sup>nd</sup> to move north is inadequate. Don Barrington said that is correct, it is not adequate for the future use of the facility in that

area. He said the station as it is now is 6,000 square feet and the original design on the one story facility was 10,000 square feet and by stacking the station they gained an additional 3,000 square feet for basically the same cost for construction. Shanklin said they are going to have to have another apparatus. Barrington said there will be an apparatus moved out there to better accommodate the City and commercial properties, apartment complexes, which will remove the aerial ladder from Station #4 on Cache Road where there is a lot of congestion and centralize that in the western corridor. Shanklin asked if he has a survey that says that is the way to do it. Barrington said he did not. Shanklin asked how they have operated as long as they have. Barrington said the way their response districts are set up now they basically split the town with Sheridan Road east and west for ladder company responses and this would more centralize ladder two, or aerial apparatus operations to the west corridor just like ladder one at Central Fire Station is more centralized to the east side of Sheridan Road.

Shanklin said he saw in a letter where Barrington had asked for, or corresponded with an individual, that 17<sup>th</sup> Street didn't need to be moved. Barrington said it was requested that he approach the individual that did the original survey and he indicated that moving one site wasn't contingent upon moving the other site, in other words if you move Station #5 a half mile north you do not necessarily have to move Station #2 back to its original location, but either move would positively effect the response of their services to the community.

Powell asked to respond to that and read a letter to the City Manager from the Fire Chief dated February 5, 2001, recommending Station #5 be relocated approximately one half mile north of its current location nearly adjacent to 52<sup>nd</sup> Street and further recommended that Station #2 be relocated to its original facility. He said that was Barrington's memo to the City Manager. Barrington said yes, that was to comply with the original proposal of the fire study. Powell said those words were verbatim taken from the report itself. Barrington said that was correct. Powell said he never heard that until he asked for that information, it is always the recommendation to go one half mile north of its existing location and the report states very pointedly exactly what the Chief brings out and he had asked Barrington for the report and he provided the letter dated February 5.

Purcell said Barrington received a letter from the gentleman who wrote the report, because it was said on this Council floor that the original report said you had to move one half mile north and at the same time move the one back for the airport to 17<sup>th</sup> Lee and he wanted to know if that was, in fact, what the gentleman who wrote the report meant and said in his report. Purcell said the answer to him was no, and he put it in writing back to the Chief, which they all got a copy of. He said there were two separate recommendations and he stands by those two recommendations, but they are not contingent, he said they need to move the one north on the west side by half a mile to protect the citizens to the north, he also had a second recommendation that they needed to move the fire station back from the airport to 17<sup>th</sup> and Lee but one was not contingent upon the other and Purcell challenged the Council to call the gentleman and talk to him themselves and get the answer.

Powell said he had the report of findings recommendation, City of Lawton, Oklahoma, Fire Study, location study, submitted by the Fire Service Training Division, College Engineer, Architect Technology, which is five years old this month which states the recommendation: Based upon either the four or five minutes travel time data it is recommended that Station #5 be relocated approximately one half mile north of its current location along or nearly adjacent to 52<sup>nd</sup> Street. It is further recommended that Station #2 be relocated back to its original facility at 11<sup>th</sup> and Lee Boulevard, failure to do so leaves a fairly large area of developed and undeveloped land outside the travel time perimeters. He said that is the man's report, he saw that letter and what he said to the bottom of that is, does it make any sense, he says right there what has to be done, he responded that it was a contingency but at the same time the report says blatantly what has got to happen and gives the rational for changing it that way.

Purcell said he understands that and that is Powell's interpretation of what it says so he called the gentleman who wrote it and asked if that was what he meant, he had told them what it was and Purcell asked if that was what he meant, that one was contingent upon the other and they saw his letter, he said no, that is all Purcell is saying, one is not contingent upon the other. Powell said he gives the rational for it to change.

Shanklin said he wouldn't call him now himself, he has already been influenced, there is no doubt about that. Powell said he didn't need to call him.

Baxter said he called the gentlemen and if you don't believe that one statement is contingent upon the other then you are ignorant. He asked the Chief about getting the new director of the Fire Services Office at OSU Extension to come down and do what this guy did some five years ago when they showed there was zero population at 67<sup>th</sup> and Lee Boulevard and he knows that there are more than 100 houses out there. He said for some reason or another the guy at the OSU office called the ex-director, the guy that wrote the letter, and after their conversation the new guy called Baxter back and said he wouldn't be able to do what the former gentleman did as the director of the office, that the former director is in private business and he would be happy to come back to Lawton to do another study and charge them some more money but the new director would not be allowed to come because of his conversation with the person who provided the study. He said someone had talked to both those guys previously, apparently Purcell did. Purcell said he didn't talk to the guys previously. Baxter said if you don't believe that when it says there should be four to five minutes and that by moving one station further away from the other station that isn't going to create more response time, then they can't do their math.

Bass said if for some reason the Council votes to move the station north is it possible to make a fire station work in one of those areas. Atkinson said physically, yes.

Shanklin said the only problem he has with it is if you don't move #7 at the airport the mile and a tenth and you move this one a half mile, your radius is leaving some people hungrier for service than others. Baxter said that would include one of the biggest buildings in the City, Cameron University. Shanklin said everyone can't live next door to a fire station or shopping center, someone has to be on the outlying area and if they are across the street that is another four or five seconds, someone has to be last every time and the furthest away. He said he doesn't understand, he is worried about the central corridor, the future growth, and if they can prove it to him, and he has some good friends out there that agree it should go north for response time, but how about ten years from now, are they going to build another one then, is that what they are after.

Powell said if they build another fire station, he has heard this argument before to go ahead and move it north because they are going to need one out there but don't worry about those people out there now. He asked Barrington if that should happen, one north and next year move one south, is it a true statement that you have to have two fire chiefs, are they at that position right now, where if they add another fire station in addition to what they already have, does this say by some Statute that you have to have two fire chiefs. Barrington said no, they are referring to deputy chiefs or district chiefs, it is recommended that once you get eight stations that you split them into districts and that is why some cities refer to them as district chiefs. He said you would probably have better supervision with your personnel because as it is right now with seven stations in the 55 square miles they respond to it is a task to keep running from one side of town to the other. Powell said the statement is probably true then, if they had this station and built another station they would be divided and have two deputy chiefs or district chiefs.

Devine said he has never been for moving it north or south and agreed with Baxter and anyone else that they are going to need a station south and that is a good idea to look at but right now can't justify taking it away from several thousand residents to accommodate a few hundred. He said he thinks they should leave the station where it is now, although it is going to cost them a little more money, and if they need to move out on 67<sup>th</sup> or in that general area, they could buy some land for the future because if they are going to grow they are going to have to have another fire station. He said the one half mile south is not going to accommodate the amount of people that are going to move out there and that area is growing very fast. He said they should leave it where it is, bite the bullet and build the station because it is going to have a dual purpose where they can have emergency equipment for emergencies with the radios for tornadoes, etc., instead of using the school because it can be used for the civil defense emergency equipment and temporary housing. He said he doesn't see where they are going to benefit anything by moving it north or south, they need to leave it where it is, do what is necessary and go with purchased land around 67<sup>th</sup> and Lee Boulevard for a future station.

Baxter asked if they leave it where it is, isn't that a minimum of \$80,000 over the budget because the budget was 1.3 and they have already spent some of that. Devine said it might be, but it isn't any more than being over budget on the playground they just did, they are out of budget on everything any more and the further they wait the further out of budget they are going to get and if they don't make a decision they will be even more out of budget in another six months while they are still fighting the same issue.

Baxter said Devine is talking about purchasing land at 67<sup>th</sup> and Lee Boulevard, whatever the land costs, plus they have to hire another divisional chief when it is built, they are looking at two to five years down the road and he doesn't want to have to build another station for ten or twenty years because he doesn't think the City budget can handle two more three quarter million dollar fire trucks and another 1.3 million dollar building.

Bass said they should try to take care of the people that need to be taken care of, all the surveys say to go to the north and if at all possible they should try to move it north, if they can't, leaving it where it is at is okay with him but if they can get it moved north to where it supposed to move, where all the surveys say that is where it should go he is for that.

Powell asked what about the people south who just heard what he said. Bass said he has a population of the number of people in that area and the area they are taking it away from if they move it south, there is 4,562 people in a square mile, the area they are moving it to is 2,916, so there are twice as many people north as there are where they are trying to move it to the south if that is what he is trying to do. Powell said right now the fire station is 4.5 miles from 17<sup>th</sup> and Bishop Road, it is 2.3 miles to the fire station on 82<sup>nd</sup> Street, it is 2.6 miles to the fire station at 24<sup>th</sup> and Cache Road, if it is moved further north one half mile it is 5 miles away from the nearest fire station to the south that serviced all those people and 2.1 mile for the one on 82<sup>nd</sup> Street, 2.3 miles from the one on 24<sup>th</sup> and Cache Road and asked if that figure would change dramatically. He said if you add in the 2025 year Plan and the projected growth rate in the two sections immediately impacted by this, the third one in west Lawton is at 82<sup>nd</sup> Street and there is already a fire station setting at the front door. Bass said he understand that but there is almost 5,000 people in the square mile and only 3,000 in the other one so he didn't think they should take it away from where it is needed. Powell said if they move it a half mile north the figure changes dramatically. Bass said they may just as well leave it where it is.

Shanklin asked what it will cost them to move to 17<sup>th</sup> Street, what does it do with their training facility with the Vo-

Tech facility. He said he could move it north if they move it on Lee Boulevard but can't see widening the gap because they would be forsaking those people who live outside that circle. Barrington said the majority of backup responses to Engine 2 areas, Ranch Oak, south part, are initiated from Central Fire Station, not Station #5, there are areas that back up Engine 5 and backs up Engine 2 in lighter populated areas. He said one of the reasons why Station #5 is where it is at and why they recommended to go north with it is because Station #4 on Cache Road is the busiest engine company in town and they have had national recognition for that station and for backup responses to move the station north, they would get help to those people that are running in on engine companies quicker.

Purcell asked if there is any difference in terms of operating between Site 1, Site 2 or Site 5, it is a different location but for some reason Site 1 is only \$1,295,000 and asked if there is a difference in operating, one is right across the street, will Site 2 function just as well at Site 1. He said if Site 1 functions just as well and if you have to build it south and build a road that is another \$125 added to the \$1,085,000 which would be \$1.2 million. Barrington said if they have to build a road it would be about \$250,000.

Purcell said when you come out on 52<sup>nd</sup> and go north you have to go through two school zones, as soon as you come out there is Eisenhower Elementary School and High School, going north to reach Gore and 52<sup>nd</sup>, if that is busy one of the things Mr. Baxter suggested was to go out the back way and is how the road came in because you would go out 45<sup>th</sup> Street until you hit Gore. Barrington said you could turn off on 45<sup>th</sup> Street which comes out into 52<sup>nd</sup> Street by the Elementary School. Purcell said if you couldn't go that way because of the traffic Mr. Baxter was suggesting going out to 45<sup>th</sup> Street to Gore and asked if they know of any other fire station where when they leave the station in order to get to a main drag such as Gore or 52<sup>nd</sup> they have to go through a neighborhood to get there and asked if that is a good location if you had to use that as an alternate way to get out of that southern location. Barrington said he couldn't answer that, there are probably stations where after they are built and they reconsider they may have wished they had done something else.

MOVED by Baxter, SECOND by Bass, to move Fire Station #5 north to Site #2 and put it on four lots and have a back up bay.

Baxter said it would be between Ash and Euclid on 53<sup>rd</sup> Street.

Purcell asked what the difference is between Site #2 and Site #1, they are coming in and out at the same place. Baxter said Site #2 is better than #1 because the truck will actually enter onto 53<sup>rd</sup> Street instead of onto Euclid.

Powell asked if the location has to be rezoned. Vincent said yes, all of them do, Site #2 would require a release of plat restrictions and rezoning, all the others are the same except Site #7 which only requires a rezoning.

SUBSTITUTE MOTION by Devine, SECOND by Shanklin, to leave the Station where it is at Site #6.

Vincent said when Atkinson was making his presentation on Site #6, he said it would require five lots and asked if he was including the current lot plus the purchase of four lots or was he saying current lot plus five. Atkinson said he thought it was the current lot plus four. He said they were hoping to be able to fit it on three lots plus the current lot which is 100 feet deep. He said Site #1, the station did not engress onto Euclid Avenue, it loaded from 54<sup>th</sup> and engressed 53<sup>rd</sup> Street, the orientation of the building itself was north and south but the traffic through the building went from west to east.

Shanklin said he wanted to be sure he had it right, they are saying that the letter moving a mile instead of half mile it related to was #2 up to 17<sup>th</sup> Street, it will not give any more response time or help anyone by leaving it at #2 if they move this one north. Barrington said there will be a response time lapse in the area that both stations currently serve and there will probably be some adjustments in response districts like Station #4 dropping down to Lee Boulevard but they will cover the population that is there. Shanklin said they are covering it now, it didn't seem to be a concern when they shut down Wyatt Acres for two years. He said if they are going to give those people that much more coverage then they have to move the station to the north to give the same adequate coverage and response time as they do the others. He said if they are going to accommodate the response time which seems to be the criteria and the priority then let's don't make someone suffer from it and he wanted to know that is what will happen, that the response time is not going to be the same. Barrington said it is not going to be the same. Shanklin said they are forsaking some people to accommodate others. Barrington said that was correct.

Purcell asked if \$1,380,000 for Site #6, the current location, is a good number, if it goes to Site #2 when you do away with the lots it is \$1,295,000, it will cost more to leave it where it is than to move it north a half mile. He asked Barrington where the fire department experts feel it belongs, if where it is at is a better location, or Site #2 which is a half mile north, what is the better location from the fire professional's perspective. Barrington said from their perspective a half mile north is better. Purcell said that is \$85,000 cheaper than the current location.

Devine said if they go south they are going to start cutting their coverage and right now they have a good response time where it is.

Shanklin said they have some people that are more deserving than others of this response time.

Baxter said the estimated site cost on Site #2 says \$135,000, when you change to four lots your estimated site cost changes to \$100,000.

Haywood requested a substitute motion and Vincent said they have to go with the first substitute motion.

VOTE ON SUBSTITUTE MOTION: to leave the Station where it is at Site #6. AYE: Hanna, Devine, Shanklin, Moeller. NAY: Purcell, Baxter, Bass. ABSTAIN: Haywood. (Haywood passed when first called). SUBSTITUTE MOTION CARRIED.

Powell said the motion passed for the fire station to remain where it is. Vincent said there will be a resolution of necessity. Purcell said the vote was legal though and the substitute motion did pass. Vincent said yes.

Powell asked for a motion for a fifteen minute break.

Shanklin asked what they had done. Powell said it will remain where it is right now. Shanklin asked what the vote was and the Clerk responded it was four to three. Haywood said he wanted to change his vote to no. Vincent said the vote has been announced and the only way they can do that is with the Parliamentary Procedure where someone who was in favor of the motion can ask for immediate reconsideration.

Bass asked if Haywood was wanting to vote no to tie the vote. Haywood said yes.

Vincent said the official vote is four, three, one, and one of the persons who voted for would have to make a motion for immediate reconsideration, there would have to be a vote on that motion and then they could revote if that motion passed.

Shanklin said he wants everyone to vote and doesn't want someone to get out of this without voting.

MOVED by Shanklin, SECOND by Baxter, to reconsider the vote.

Bass asked what they were voting for. Mayor Powell said they are voting to reconsider the last vote and asked for a roll call.

ROLL CALL: AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: Devine. MOTION CARRIED. (Hanna originally passed)

Mayor Powell said they are now going to vote on the Substitute Motion which was for the fire station to remain at its existing location at 53<sup>rd</sup> and Gore.

ROLL CALL: AYE: Shanklin, Moeller, Hanna, Devine.. NAY: Purcell, Haywood, Baxter, Bass. (Haywood and Hanna originally passed). TIE VOTE: Mayor Powell Voted Aye. MOTION CARRIED.

Upon motion, second and roll call vote the City Council recessed at 8:20 p.m. and returned to open session at 8:35 with roll call reflecting all persons present who had been present prior to recess.

7. Consider approving Council Policy No. 10-4, concerning the removal/replacement of encroachments on right-of-ways and easements in order to construct improvements or to make repairs to City infrastructure. Exhibits: Council Policy No. 10-4.

Ihler said the City Code addresses this situation where if something is in the easement, alley or right-of-way where the City needs to have access to maintain its infrastructure, it is the property owner's responsibility to, for example, remove and then replace their fence. He said over the years there has been direction from previous staff and management where in some instances some divisions are removing and replacing fences. All of the contractors, as a result of the cost to the contracts are not doing this, they are following the City Code and are not removing and replacing fences, the property owner's are sent letters requesting them to relocate the encroachments. He said the policy provides that all divisions within the City, all construction contractors and city representatives will follow the City Code with regard to removal and replacement of encroachments whereby it would be the property owner's responsibility.

Ihler said the only new item in the policy deals with mail boxes which come up when they do a street reconstruction. He said over the years, especially in new additions, mail boxes are becoming expensive because they are building decorative mail boxes that match the brick on the house and they are required by the Postal Service to place the mail box at the curb, however, the standard the postal office requires is a 4 by 4 pole with an attachment to be able to hold the mail. He said he was in a new subdivision recently where decorative rock was being brought in to construct all the mail boxes along the roadway and these can cost \$2,000 and up and the problem is that these mail boxes can become a decorative encroachment. He said what they are trying to do with

the policy is that if the property owner requests it, they will make every attempt to have the contractor doing the street reconstruction to attempt to move the whole structure without causing damage. He said if damage is caused it becomes the property owner's responsibility and it will be incumbent upon them to make the repairs and replace the mail box. Ihler said staff is asking Council to approve the policy where it is the property owner's responsibility, which follows the City Code as it is today.

Devine said the only problem he has with this is that the mail boxes are not as important as the fences where they have issued permits, because any time anyone wants to put in a fence they are supposed to have a permit to put it in. He said if they issue a permit to encroach on the City easements asked if that is going to be hard to make those people move those fences after they have told them it is okay to build them there. Ihler said he believed when they get a fence permit they are given a little plate that says they understand they are on the easement and as part of the permit they understand that if the City has any need to get in there and do any maintenance on the infrastructure it is the homeowner's responsibility to remove it and replace it. Devine said if that is the case he would not have any problem at all.

Shanklin said he thinks it is a revocable permit and is what he has wanted it to be so that whenever you come in are given the authority to encroach in the easements it is revocable where if the City needs it they can get it anytime they want to at the owner's expense. Vincent said the Code is not quite worded the way Shanklin said it but it means the same thing, the Code is currently written after they get their permit if any of the utility companies using the public utility easement have to get in to replace gas lines, electric, or the City for the sewer or water lines, etc., the utility company has the right to request the homeowner remove the encroachment and if they don't move it the utility company or the City can move it and they don't have to replace it. Shanklin asked if they were talking about the entire City or just the new additions. Ihler said this would apply to the entire City.

Haywood said if they have to move a fence for the sewer lines now, some of those people have extended the fences out too far and asked when this would go into effect, would it be tonight or in 30 days. Ihler said it isn't a resolution or anything of that nature, it would basically go into effect tomorrow. Vincent said the Ordinance is already in effect.

Devine said all staff is going to do is start enforcing the City Ordinance. Ihler said yes, because in the past there has been some direction where, as a public relations type avenue, if they had to repair a sewer line they would take the fence down and put it back up, it is an increased cost to the citizens and taxpayers of the City, under the Council Policy they would follow the Ordinance as it is. Haywood said he needed to tell all of the people where the sewer lines are being replaced that they will move the fence but they won't put it back. Ihler said if the fence is on the easement the City will notify the property owner asking them to remove it and they would be responsible to remove it and replace it, if they do not remove it at the time they get there the City will remove it and place it on the property but they will not put it back up.

Mayor Powell said he isn't defending this one way or the other but they are going to get a lot of phone calls.

Vincent responded to an inaudible question from the audience regarding sidewalks, that since the City had required the sidewalks, the City would put the sidewalks back. Ihler said he didn't have a problem with that.

Baker said the Council members will get phone calls and are getting them now. He said one reason this has been brought to the Council as a Council Policy is because they want to know what their policy is and if it is the City's policy that they are going to enforce it they are going to need their support because when a property owner calls the staff and they are told no, that person is going to call the Council and if they adopt this they are going to need to enforce it and will need their support.

Shanklin asked if they can put a limit on it as to what they would spend to put it back if they have an elaborate brick wall or have someone next door with a cedar fence where one is less expensive than the other one to replace, these people are the taxpayer's, they are representing them and he didn't know how they would touch that and asked where they would tear down a decorative mail box. Ihler said for street reconstruction, there are currently three residential street projects in the design process in the residential areas and the decorative mail boxes sit right at the curb. Shanklin said those are in the new additions and asked if there are any in the old additions. Ihler said there are some, on Lindy, where this came about, they had two decorative mail boxes on the project and because the project came forward before this all came about they decided to incorporate the cost into the contract.

Mayor Powell said it depends on what area you are in, if you are putting in water lines where it runs by the mail box you have the mail box but if it is in the areas where you have street rehabilitation now you are running into fences on both sides. Ihler said the street reconstruction is where you are going to address the mail boxes because they have to go about a foot and a half behind the back of the curb and do tear off. Mayor Powell said the Postal Service says it has to be by the curb and the City says if it is there it is going to be torn out and put it back at their expense.

Purcell said they either need to pass the policy or, if they decide they don't want to pass the policy, they need to

change the Ordinance but they shouldn't have an ordinance that says one thing and do another.

Mayor Powell said they need to consider whether they are going to pass the Policy and support the Ordinance already in effect.

MOVED by Purcell, SECOND by Baxter, to approve Council Policy No. 10-4 concerning the removal/replacement of encroachments on right-of-way and easements in order to construct improvements or to make repairs to City infrastructure. AYE: Baxter, Bass, Hanna, Purcell. NAY: Haywood, Devine, Shanklin, Moeller. TIE VOTE: Mayor Powell voted Nay. MOTION FAILED.

Purcell said they need to direct the staff to bring back a change in the Ordinance because that is what they just said.

Mayor Powell said to bring it back with some type of direction with some type of study and asked Baker what they can get involved in what they can and can't do.

Ihler said as a side note, Mayor Powell and ARKLA Gas had asked him to touch on the problems in the easements concerning high weeds and grass, debris, holes and different things and ARKLA Gas met with them and they have had some meter readers leave employment because of those problems. He said their meter readers are going to start documenting those addresses where there are problem areas and he had suggested they get with Ann Alltizer, Neighborhood Services, to put together some type of program where they can work together on getting something going and ARKLA had asked for Council support in that regard.

Mayor Powell said they called him this morning and congratulated the City staff for the working relationship they have between the City of Lawton, Fort Sill and ARKLA, through all of the rehabilitation work they do.

Devine said they had the issue of utility companies leaving their abandoned items in the easements which have cluttered them up and they need to figure out a way to control who puts things in their easements and had mentioned it some time ago and didn't know if anything had moved forward on it. He said one item in particular is the company that is putting the cables in the ground and they are tearing up sewer lines, water lines and gas lines, etc., they mow through them left and right and are leaving ruts in the alleys, etc. causing major problems. Mayor Powell asked if Devine wanted something on the agenda in that regard. Devine said yes, where they have more control of the easements and how the utility company's are using them because there is no telling how many thousands of dollars have been spent on repairing sewer lines where the mole plows through it, this cable company has even scraped power lines and then when it rains the moisture shorts out and burns out transformers and they have spent thousands of dollars repairing their lines.

ADDENDUM:

1. Consider approving the Initial Program Narrative and initial grant application for Project Impact, authorizing submission to the Federal Emergency Management Agency (FEMA), and authorizing the Mayor and City Clerk to execute the grant application documents and supporting documents. Exhibits: Program Narrative.

MOVED by Devine, SECOND by Moeller, to approve the Initial Program Narrative and initial grant application for Project Impact, authorize submission to FEMA, and authorize the Mayor and City Clerk to execute the grant application and supporting documents. AYE: Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

2. Consider providing funding to the Great Plains Improvement Foundation for Med-Trans and take appropriate action. Exhibits: None.

Haywood said he represents the City Council on the Great Plains Improvement Foundation Board and they voted not to continue with the Med-Trans because they needed an additional \$10,000, they received \$68,000 and he thought Council may have moved too fast last week when they made this consideration for funds. He said Great Plains has had a great track record since 1991 dealing with Med-Trans by going to homes and picking people up and thought they shorted them \$10,000 that they shouldn't have. He said Meet the Needs has done wonderful things here but didn't think they had a track record when it comes to transportation and Great Plains Improvement has been there since 1966 and Meet the Needs just started this year.

Purcell said he asked this to be reconsidered because when they did the plan on the CDBG money, obviously the only way they could fund Meet the Needs was to take money from other people and one of the things they had to do to fund Meet the Needs was to take \$10,000 from Med-Trans. He said obviously they can't just annihilate Med-Trans, it is an important service this community has to have. He said he went to the Manager and said they had to have \$10,000 somewhere in the budget, all it will do is reduce the carryover by \$10,000 which is where he wants to take it from. He said the only way they are going to be able to operate Med-Trans is with \$78,000. He said he had the same problem as Haywood, Meet the Needs' plate is pretty full right now with what they are trying to do, they



have been given their first grant from the City and are doing super work in that area. He said hopefully next year they will have the bus service up so when they go to get money for Med-Trans next year out of CDBG, if Great Plains Improvement wants to put in a bid to reduce the Med-Trans to some lesser level if they still need it other than the bus service and Meet the Needs and whoever else, then that is the appropriate time to do that, but at this late date to expect an agency to go in there that has never done this before, thought they were courting disaster and is why they need to come up with the \$10,000 for Great Plains Improvement Foundation to carry them through the next year.

Hanna said he would like to hear from Meet the Needs and they said that Med-Trans started in 1966 so they had to start somewhere. Haywood said the property on the poor started in 1966. He said they don't have a track record when it comes to transportation. Hanna asked who is to say they can't do it.

Bass asked what the Great Plains Improvement Foundation is. Odell Gunter, Executive Director of the Great Plains Improvement Foundation, Community Action Agency, said it is a community action agency serving Comanche County, there are 20 community action agencies in the State of Oklahoma. He said they have a Federal Mandate, all 77 counties in Oklahoma are served by a Community Action Agency and Great Plains has been in existence since 1965 in the City of Lawton, providing services to the low and moderate income population of Comanche County. Bass asked where the funds come from. Gunter said CSBG, CDBG, Federal, State and local dollars fund all of their programs and they serve about 13 different programs. He said the Federal law says one third of the board has to be from the private sector, one third from the poor sector and one third from the public sector and you can't outnumber the poor sector on your board.

Shanklin asked who defines poor. Gunter said the income defines poor, individuals who are below income. Haywood said the Federal Government defines the income.

Hanna said he understood they have a salary every month of \$120,000. Gunter said yes, Great Plains has salaries for 107 employees. Hanna said he understood they have \$140,000 in reserve and asked why the \$10,000 couldn't be taken out of the reserves. Gunter said as he explained to his board the grants with federal dollars require you to have a solvency in finances, you have to have money in case you miss some contract periods. Hanna asked if they have told them how much they have to have. Gunter said when you are on reimbursement you don't get your money on time so you have to make up that difference, someone has to pay the amount they need to pay for salaries and that money is always there in case you have to pay salaries and other expenses. Hanna said the salaries are \$120,000, they have \$140,000 in reserve, if they take \$10,000 that still leaves \$130,000 in reserve to meet the salaries.

Haywood said Gunter is also saying that sometimes the Federal Government is slow in paying you. He said when Gunter first came on board in 1991 they only had \$1,000 and he had to work with different programs to get there. He said they used to have head start programs also, have other programs and the best child support in the State of Oklahoma but if the money isn't there for payroll and the Federal Government doesn't pay them the 107 people would go home without a pay check and then you have a lot of problems. Gunter said it is not just payroll but taxes that are required for the payroll that you have to have in case something happens.

Shanklin asked how many of the 107 are full time employees. Gunter said about 95 are full time. Shanklin asked where they are domiciled, are they all over the County. Gunter said most of them live in Lawton but they have satellite offices.

Shanklin said he has had five calls from ladies that are dissatisfied with the Med-Trans, they make an appointment and they don't show up or whatever and asked Gunter if he had experienced any of those complaints. Gunter said there are rules and regulations they have to follow in order to get on the transportation. Shanklin said he has heard they have called and asked when they can get a date, then they get the date and make a doctor's appointment but the date comes and they don't show up. Gunter said if they are scheduled they show up, if they can't get them they let them know and since he has been there he has even take some out in another agency vehicle. Shanklin said out of those five calls that is what he heard. Gunter said they transport approximately 2,000 different people a year.

Bob Carter, Meet the Needs, said they want to put their name in to be a provider for Med-Trans and they can do the job on budget. He said he has 30 years in the automotive industry, he has run 180 employees, they have the expertise to do it and thanked them for what they have said about them, their track record for the two years is outstanding. He said they can do it for less than \$67,500, they are working on programs right now to reduce that and they want the opportunity to come to them with a budget and explain to how they would do this. He said they started with \$1,000 in reserve, they have built that reserve to \$140,000 and they don't want to spend it. He said they care about the citizens and the Council cares about the citizens and they don't feel it is fair that they don't use their money and are asking for more.

Hanna asked if they were going to close two houses. Haywood said they are going to close one house. He said homeless is not Great Plains' problem, that is the City of Lawton's problem, and those people will start coming down here because different agencies refer them to the Great Plains Improvement Foundation when people don't

have houses and the police are supposed to pick up people and take them to these houses. He said everyone is having a shortfall right now but they have taken 35 people on Texas at number 2, number 1 was in Ward 5 on Summit, and that is a small one and can only hold 15 so in order to keep it open for six to nine months longer they chose to keep the one on Texas open. He said in the meantime they are going to try to find some money through grants to stay open and may then be able to open the one at 615 Summit so they aren't giving up. He said Meet the Needs is in his Ward and everyone needs the opportunity but Great Plains has a record and you can't beat a record.

Hanna asked if Meet the Needs can keep the house going for the same amount of money. Carter said yes, they have met with Great Plains and if they decide to close either project Meet the Needs would take those projects.

Purcell said he was confused because Med-Trans is one set of money that could only be used for Med-Trans and now they are talking about shelters and the question was asked where they are going to get the money to run the shelter.

Carter said they have \$67,500 to run Med-Trans and they could operate it for less than that. He said there is \$133,500 for the salaries to run the shelters and they don't have that. Purcell said if the City were to give them \$67,000 for Med-Trans asked if Carter could run Med-Trans and the one shelter on Summit. Carter said that is correct.

Powell said they need to stay with Med-Trans because that is what the item is.

Shanklin asked Gunter if the City owns one bus and Great Plains owns one. Gunter said that is correct.

MOVED by Purcell, SECOND by Haywood, to direct the City Manager to include \$10,000 for the Med-Trans System in the FY 2001-2002 Budget that will be provided to Great Plains in addition to the \$68,000 already approved.

Baxter said Med-Trans is a wonderful program but when they have people telling them they can do it for a budget he can't support giving someone \$10,000 extra dollars.

Shanklin said they didn't debate this the other night and they should have looked at this longer and stronger. He asked Gunter if it would bother his program if they lost the Med-Trans. Gunter said they would like to keep it another year.

Devine said he wanted to make a motion to give these people at Meet the Needs the opportunity to try to make their track record. He said Gunter seems to have his hands full as it is and if they aren't willing to take the \$10,000 out of their fund set aside for emergencies like this where they lost \$10,000 and if they don't want to put that up for another year they should give an opportunity for these people to try to show them what they can do and he has a lot of faith in them.

SUBSTITUTE MOTION by Devine, SECOND by Baxter, to move the \$68,000 in funds to Meet the Needs and let them try to do what they need to do. Motion amended below and second withdrawn.

Mayor Powell said the substitute motion is to transfer the \$68,000 from Great Plains to Meet the Needs.

Gary Jackson, Assistant City Manager, said the Council approved a proposal to HUD for a One Year Consolidated Action Plan that has been delivered to HUD and there is a possible concern over some changes that might be made to the plan and asked Tom Aplin if there are any considerations to be made, such as an RFP or bidding process they may have to go through if they go to a different entity.

Tom Aplin, Community Development, Housing Assistance, said when they became aware there was a possibility that Great Plains Improvement Foundation may not be able to carry on with the project he talked with Mr. Pondrom about the proper way of developing some other funding mechanism or getting another agency to carry on with the project because it is one of the most important projects they run and is a very high priority with a definite need in the community. He said they discussed that in the event the Great Plains Improvement Foundation could not meet the requirement to take over the project then the appropriate way to handle it, to insure they meet all of HUD's requirements for citizen participation, contracting and those kinds of requirements, was to put it out for bid for other agencies to have an opportunity to bid on the project. He said it has been a number of years since this project was put out for a formal bid and in this case it would give them an opportunity to have other interested agencies bid on it and give them an idea of what the true cost of the program would be and thereby would meet all of HUD's requirements for documentation by meeting the purchasing contracting requirements, etc.

AMENDED SUBSTITUTE MOTION by Devine, that they go out for RFP's. Baxter withdrew his second. SUBSTITUTE MOTION DIED FOR LACK OF SECOND.

Devine said if he understands it right, even if it passes they can't transfer the money until it goes out for bid and asked if that was correct. Vincent said that is correct and they are going to have to do a Consolidated Plan

amendment which will require all the public hearings once they receive the bids. Aplin said that should be part of it but the reality is that they funded the project and designated a recipient for the funds and in order to make that change it would require the citizen participation process which would essentially be about 45 to 60 days to meet all the requirements before they can go out for RFP's.

Purcell said Meet the Needs is great and he has nothing against them but in 30 days, on June 30, they will no longer have Med-Trans if they start changing it now, the only one who can do Med-Trans on June 30 with everything that has to be done is where it is now. He said if they had started this six months ago they may have done this but they are between a rock and a hard spot, if they are going to continue at all they have to leave it.

Devine said that is why he asked why they couldn't take the \$10,000 out of their fund and fund this at least until the end of the year so they could regroup, that isn't unreasonable.

Hanna and Powell asked what they are going to do if they don't give them the \$10,000.

Shanklin asked what they are going to do if Gunter gives them back their bus and keeps his one van, they are only entitled to one van and asked if they could run the program on one van.

Gunter said the board voted last Thursday to terminate the program, they have been doing this for 10 years and they know what the budget is and is why they requested that amount.

Devine said if they voted against it they aren't going to get the \$68,000 to start with. Gunter said the \$68,000 will go back to the City of Lawton and they will have to do what staff has said about the bidding. Devine said they are going to give the money back to them anyway.

Powell said he heard the City staff say that if they accept the funds back, they close the program down, they have sent their plan in for the distribution of the funds so then you will have to advertise 45 to 60 days to do anything different than what they have approved in the plan. He said in the meantime the citizens are without service.

Devine said they are holding them over fire to get their \$10,000 or they are just going to reject it. Gunter said they are not trying to be hard on them. He said in 1991 the City of Lawton came to Great Plains and asked them to operate the Med-Trans program, the program had already started for young teenage pregnant mothers who could not get to the clinics for their prenatal care and it developed into individuals needing services for medical facilities. He said this was a City of Lawton service and Great Plains was providing the services for the City of Lawton. He said they can't provide that service for \$68,000, they know that for a fact because they have dealt with this budget and have come a long way in increasing the budget each year. He said they are not trying to be hard shelled about it. He said this is a community service and they are more than glad to provide the service for the citizens of the community but they know they can't do an efficient job with the \$68,000.

Purcell said it is because of the time restraints, if they do not give them the \$10,000 they are going to tell them on June 30 that they are shutting down Med-Trans, therefore, on June 30, no matter what happens after that, there is going to be no Med-Trans for whatever amount of time it takes to do something different. He said secondly, maybe they can do it assuming they can get another van, but to shut it down and give a van to Meet the Needs even after it is approved by HUD and give them the \$67,000 they are only going to give them one van, they now have to operate with one van and if they have another one they will be back up to the two vans, but they are stuck. He said if they don't want this to shut down in 30 days they have to do something because of the point they are at this year.

Bass asked if there is any way possible for HUD to work with Meet the Needs until the other proposals and bids come in. Haywood said no, that plan is gone. Powell said that plan was approved two weeks ago.

Devine said the problem he has is that they have the money they can use temporarily, the \$10,000. He said the City is going to have to take that away from someone else, they have the surplus they could use for the year until they get back into this budget again. He said he is concerned that they are backing everyone on the Council floor against the wall by saying if they don't give them the \$10,000 they are going to shut the program down, it is plain and simple, why don't they want to come up with the \$10,000 to offset it, that is what he is concerned about.

Powell said they have a motion on the floor by Purcell for the City Manager to find \$10,000 to support the endeavors for the Med-Trans and had a substitute motion and second but the second was withdrawn.

Carter said they have a second van already and the process they were told of could be done in 40 days total which would be five days out of sink. Haywood said there is no guarantee they would get it because they would have to go out for RFP's.

VOTE ON MOTION by Purcell, SECOND by Haywood, to direct the City Manager to include \$10,000 for the Med-Trans System in the FY 2001-2002 Budget that will be provided to Great Plains in addition to the \$68,000 already approved. AYE: Purcell, Moeller, Haywood. NAY: Bass, Hanna, Devine, Shanklin, Baxter. MOTION FAILED.

5. Discuss and take appropriate action to establish a mechanism for the expenditure of hotel/motel funds to promote tourism and economic development after the expiration of the contract with the Lawton-Fort Sill Chamber of Commerce and Industry (LCCI) on June 30, 2001. Exhibits: None. This item was considered at this time.

Baker said he placed this on the agenda because the current contract the City has with LCCI expires June 30. He said the contract provides that LCCI will perform certain services for tourism and economic development with the hotel/motel tax the City provides. He said because June 30 is not that far away he wanted to at least advise the Council of that and see if they have any direction for staff at this time. He said he didn't want to do nothing and have the contract expire so was asking for any direction they may have.

Powell asked what kind of direction that would be. Baker said an example would be whether it is Council's desire to continue the relationship with LCCI and negotiate the agreement with them for next year, do they want the staff to open the competition to other agencies that may have an interest in those funds or do they want to handle economic development differently than they are now, those are the type of things. He said if they are going to come back to Council before the end of June and recommend an agreement they need to know what their desires are, if not, they don't know how to proceed and the contract will expire, which is an option, and those funds would accrue and Council could decide after the first of July.

Devine said he would like to see the contract reviewed for one year which would give the City the opportunity to look at anything else they feel they need to and would like it to be renewed for only one year instead of five years and that gives them a year, if anyone wants to work on any other direction and they would know they had a year to work on it.

Moeller said she would like to see them bring this back to the next meeting and ask those that are interested, including the Chamber, to submit their request to the City and discuss it at that time and see what is on the table.

Shanklin asked Livingston if they are on line to generate \$323,000 this year and if he could tell them where they are on their collection. He said he wants to be able to find some money out of the hotel/motel tax to be able to help on some of the Boulevard of Lights. Steve Livingston, Finance Director, said right now they are not optimistic that they will exceed the Chamber's current budget. He said last month they were a little behind the point where they were last year at this time. Shanklin asked if what Livingston showed him a few days ago was for ten months or nine months, the \$245,000 they had collected so far and asked how many months that would leave. Livingston said the reports Shanklin saw were through the end of April because they haven't finished May so that would be ten months. Shanklin said the remainder is barely going to be around the \$300,000.

Powell said Devine is recommending renewing the contract for one year as it is right now; Moeller has asked to bring it back to the next meeting and anyone who wants to submit a request to provide the same services can do so at that time.

Moeller said not necessarily the same services, but services that fit what the people voted for, those that want to apply for the funds would bring them their budget.

Shanklin said he doesn't have any problem with listening to people talk and is satisfied they will end up where they were for a year but would like to hear some new ideas.

Purcell asked if that would be a better item of discussion at a budget meeting.

Moeller said she liked the idea of one year at a time.

Powell said the direction will be to bring it back to a budget or other meeting and those people who desire to provide their services can make a presentation at that time.

3. Discussion or comments regarding recent letter from Republic Paperboard and the noise abatement situation.

Moeller said they received a letter from Republic Paperboard and felt it was important for it to be read into the record so the public as a whole can understand what is happening. She said it is in her Ward and she would like to share it with the public and thanked the people for calling her, they did make a difference. Moeller read the following letter:

"I am writing you in regards to the recent noise complaints by several area residents around the Republic Paperboard mill site. The mill has been directly in contact with the neighbors and has put together several action plans to remedy the problem as efficiently as possible.

The root cause of the noise results from the quick atmospheric venting of pressurized steam from the papermaking process. This quick venting of 90,000 lbs. of high pressure steam occurs when there are system upsets, and is

required for the safety of the workers along with preventing equipment damage. Several "mufflers" have already been installed in the process, and we are immediately requesting capital to finish the two other recently defined areas. We have also involved our good neighbors at Goodyear for their recommendations and will be using one of their recommended consultants to look over our boiler controls and process to minimize the duration of steam venting. In the meantime, several in-house procedures have been instituted to help minimize the noise created in the process.

Though the total elimination of the steam noise may not be physically possible, it is our intention to continue to work with the community and attempt to reduce this nuisance."

Moeller said she would like to thank Mr. John Fortunato, Vice President/General Manager of Paperboard Operations.

4. Consider extending the deadline (from May 30, 2001 until June 30, 2001) for the IUPA, Local 24, to submit a notice of its intent to collectively bargain in the event that the city Council elects to reject the economic consideration of the Collective Bargaining Agreement scheduled for FY 2001-2002. Exhibits: None.

Gary Jackson said they have a two-year agreement with the IUPA and are getting ready to enter into the second year. He said what triggers the second year is the Council's appropriation of funds that fund the economic considerations of the second year of the contract. He said the contract itself was signed last year but they have to budget funds in order to fulfill the contract for the second year. The contract contains a date whereby if the Council fails to appropriate the necessary funds for the second year the union has until May 30, to notify the City of its intent to negotiate the terms of the agreement and it opens all the issues within the contract. He said it isn't possible at this point since they don't have another budget meeting until May 31, where they could possibly fulfill the appropriation of funds for the second year so they are asking Council that the May 30, deadline, in the event the Council doesn't appropriate the second year funding, be extended to June 30. He said the City Manager has recommended funding for the second year in the Preliminary Budget submitted to the Council but they are asking that the deadline for the union to give the Council their intent to negotiate be extended to June 30.

MOVED by Shanklin, SECOND by Baxter, to extend the deadline from May 30, 2001 until June 30, 2001 for the IUPA, Local 24, to submit a notice of its intent to collectively bargain in the event that the City Council elects to reject the economic considerations of the Collective Bargaining Agreement scheduled for FY 2001-2002.

Purcell said it is great they are doing this but thought there was some concern that they aren't going to do something and both the police union contract and fire union contract as negotiated last year needs to be honored in this year's budget with no changes. He said they need to make it clear, because so far as he knows there isn't any intent to not fund those contracts as negotiated and that needs to be out there.

ROLL CALL ON MOTION: AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

SECOND ADDENDUM:

1. Consider adopting a resolution ratifying the action of the City Manager and City Attorney in not pursuing any appeals and making payment of the judgment in the Workers' Compensation case of Lester Roberts in the Workers' Compensation Court, Case No. 2000-15594Y. Exhibits: Resolution No. 01- 82 .

Vincent said this is a routine matter that would normally be on Consent Agenda however because of the late date it was received it had to come on as an Addendum and recommend approval, the gentleman is already back to work.

MOVED by Purcell, SECOND by Bass, to adopt Resolution No. 01-82. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01-82

A resolution ratifying the actions of the City Manager and City Attorney in making payment of the judgment in the Workers' Compensation Case of Lester Roberts for the amount of Thirteen Thousand Four Hundred Thirty-Seven and 90/100 (\$13,437.90), per order of the Workers' Compensation Court, and filing a foreign judgment in the District Court of Comanche County for purposes of placing said judgment on the tax rolls; and

CONSENT AGENDA:

8. Consider a resolution relating to General Obligation Bonds for the water system, street and fire station improvements, fixing the amount of bonds to be sold, providing for the maturity of the bonds, fixing the redemption provisions, fixing the time and place the bonds are to be sold and authorizing the clerk to give notice of said sale as

required by law. Exhibits: Res. No. 01-83; Projected timetable for issuing bonds.

(Title only) Resolution No. 01-83

A resolution fixing the amount of bonds to be sold, providing for the maturity of the bonds, fixing the redemption provisions, fixing the time and place the bonds are to be sold and authorizing the Clerk to give notice of said sale as required by law.

9. Consider the following damage claims recommended for denial: Cindy & Scott Foster and Helen M. Barbee. Exhibits: Legal Opinion/Recommendation. Action: Denial of claims.

10. 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: Walter Mark Robbins and Lisa Marchand, Fred and Jessica Quichocho, and Steven and Bobbi Sherrod. Exhibits: Legal Opinions/Recommendations. (Resolution No. 01- 84; Resolution No. 01-85 on file in City Clerk's Office) Sherrod - \$169.97

(Title only) Resolution No. 01-84

A resolution authorizing and directing the City Attorney to assist Walter Mark Robbins and Lisa Marchand 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 Five Thousand Seven Hundred Twenty-Eight Dollars and 00/100s (\$5,728.00).

(Title only) Resolution No. 01-85

A resolution authorizing and directing the City Attorney to assist Fred and Jessica Quichocho 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 Twenty One Thousand Forty-Six Dollars and 19/100s (\$21,046.19).

11. . Consider approving a First Amendment to Lease Agreement between the Board of Education of Independent School District No. 8, Comanche County, Oklahoma, and the City of Lawton, Oklahoma, and authorize the Mayor and City Clerk to execute the document. Exhibit: Amendment. THIS ITEM WAS CONSIDERED SEPARATELY; SEE ACTION TAKEN BELOW.

12. Consider accepting a Temporary Easement for 0.301 acres in the SE/4 of Section 19, T2N, R12W, from Kurt H. Schutz, Renate B. Schutz, George F. Schutz, Simone Schutz, Elisabeth Wyatt and Michael T. Wyatt and issue a payment check in the amount of \$4,000.00 and authorizing the Mayor and City Clerk to execute the acceptance on the easement. Exhibits: None. Action: Approval. Re: 82nd Street Project.

13. Consider authorizing the City to accept Warranty Deeds from Jeremy A. Courtney and Wanda Ruth Cantu and authorize the Mayor and City Clerk to execute the Acceptance. Exhibits: None. Action: Approval. Re: Water Treatment Plant Expansion.

14. Consider approving a building permit extension for the burnt out structure located at 707 W Gore Boulevard. Exhibits: Permit Application. Action: Approve a building permit for a ninety (90) day extension for 707 W Gore.

15. Consider approving Release of Conditional Lien on a residential property belonging to Madlen Lake, 1205 NW Bell, and authorize execution of the Release of Conditional Lien. Exhibits: None. Action: Approval.

16. Consider authorizing an agreement between the City and U.S. Cellular for the sponsorship of the Parks & Recreation Department's Summer Youth Concert Series. Exhibits: None. Action: Approval; City to accept \$4,000 in funding from U.S. Cellular.

17. Consider approving a cooperative agreement between the City and Lawton Community Theatre (LCT) for the repair of the roof of the Lawton Community Theatre building. Exhibits: Letter. Action: Approval; provides \$30,000 for roof repair in one-time only event.

18. Consider entering into an agreement between the City and the Northside Chamber of Commerce in which the City agrees to co-sponsor the City-Wide Juneteenth Celebration 2001 by providing in-kind services and financial assistance. Exhibits: None. Action: Approval; provides \$3,500 and in-kind services of preparing O.H. Arnold Park and use of Patterson Center.

19. Consider authorizing an agreement between the City and Marie Detty Youth and Family Services Center for the sponsorship of youth recreation programs. Exhibits: None. Action: Approval; City to accept \$11,000 for youth recreation programs.

20. Consider approving plans and specifications for the Lake Lawtonka Gate Operator Electrical Project #2001-11 and authorizing staff to advertise for bids. Exhibits: None. Action: Approval.

21. Consider accepting Fire Station #7 Re-roofing Project #2000-35 as constructed by Brox Industries, Inc. and placing the maintenance bond into effect. Exhibits: None. Action: Approval.
  22. Consider approving Change Order No. 1 for the Water Division Building Expansion Project #2001-5 with Kent Waller Construction Co. Exhibits: None. Action: Approval; provides for an additional exit door and light to comply with building code; cost is \$584.78.
  23. Consider extending the escrow agreements in lieu of complete improvements and erosion control in Wyatt Acres Addition, Part 12. Exhibits: Letter; Inspection Report. Action: Extend escrow agreements for an additional 30 days (July 3, 2001).
  24. Consider transferring the Revocable Permit Communication Cable Permit issued to Caprock Telecommunications Corporation on May 23, 2000, to McLeod USA Telecommunication Services, Inc. Exhibits: Letter. Action: Authorize the transfer subject to receipt of the annual fee and documentation of general liability insurance.
  25. Consider accepting an off-site sewer line improvement at NW 67th Street and Quanah Parker Trailway and an escrow agreement in lieu of a maintenance bond. Exhibits: Map. Action: Approval.
  26. Consider entering into an agreement for the sale of treated water to Clayton L. and Lisa J. Green located outside of the City limits at approximately the southwest corner of SE 60th and Gore Boulevard. Exhibits: None - see Water Authority. Action: Approval.
  27. Consider a revocable permit for the installation of groundwater monitoring wells adjacent to Meadowbrook Creek adjacent to 5214 NW Cache Road submitted by Summit Environmental, on behalf of Welch Enterprises. Exhibits: Letter; Revocable Permit. Action: Approval.
  28. Consider approving the acceptance of the proposed agreement between the City of Lawton Fire Department and Southwestern Medical Center. Exhibits: Agreement. Action: Approval; allows required staff training at no cost by Southwestern.
  29. Consider entering into a contract with Mr. Ron Jarvis for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the document. Exhibits: None. Action: Approval.
  30. Consider approving the following contract extensions: A) Fire Department Polo Shirts with T & S Printing; B) Library Books, Periodicals and Services with: Southwest Micropublishing; Recorded Books LLC; The Gale Group; Grolier Educational (Franklin Watts); Grolier Publishing Company, Inc. (Children's Press); Picton Press; Publishers Quality Library Service. Exhibits: None. Action: Approval.
  31. Consider awarding contract for Hydraulic Concrete Breaker to Midwestern Equipment Company. Exhibits: Recommendation; Abstract. Action: Approval.
  32. Consider awarding contract for Pre-Sort Mailing Service to Southwest Mailing Service. Exhibits: Recommendation; Abstract. Action: Approval.
  33. Consider awarding contract for Workers Compensation Administration Services to Southwest Risk Management, Inc. Exhibits: Recommendation; Abstract. Action: Approval.
  34. Consider rejecting bids for Long Distance Telephone Service. Exhibits: Recommendation; Abstract. Action: Approval.
  35. Consider approving contract change order of Mowing and Litter Contract with Service One Janitorial to delete Section I, Area A: Lawton View, Woodhouse, Florida, Plainview and D-6 Urban Renewal. Exhibits: Change Order; Department Memoranda. Action: Approval.
  36. Consider approval of appointments to boards and commissions. Exhibits: Memo.
- Lake & Land Commission: Brendan Wolverton, Term: 5/22/01 to 1/23/04  
Citizens' Advisory Committee (CIP): Michael Blose, Ward 4, Term: 5/22/01 to 9/8/01
37. Consider approval of payroll for the period of May 14 to 27, 2001. Exhibits: None.

Purcell requested Item 11 be considered separately.

MOVED by Baxter, SECOND by Moeller, to approve the Consent Agenda as recommended by Staff with the exception of

Item 11 to be considered separately. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

11. Consider approving a First Amendment to Lease Agreement between the Board of Education of Independent School District No. 8, Comanche County, Oklahoma, and the City of Lawton, Oklahoma, and authorize the Mayor and City Clerk to execute the document. Exhibit: Amendment.

Purcell asked what they are doing on this item.

Vincent said the School Board gave the City the property for Terrace Hills Park as a trade on a lease and they are cleaning up the lease, it is a routine matter so the only park they are leasing from the School is the MacArthur Park Park.

MOVED by Purcell, SECOND by Baxter, to approve a first amendment to Lease Agreement between the Board of Education of Independent School District No. 8, and the City of Lawton and authorize the Mayor and City Clerk to execute the document. AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Col. Steuber said they confirmed General Stricklin's retirement date, change of command date will be August 24. Major General Maples will be coming in a week or so prior to that to begin the transition.

Haywood said he spoke with Albert Jonnson and his son, Albert Johnson Jr., will receive full Colonel on Saturday.

Devine said he wasn't picking on Great Plains, he just felt they could step up and take their part for a change and apologized if he offended anyone.

Baker said they received one proposal from energy companies, the City Council approved an agreement with Energetix and prior to that they had authorized solicitation of RFP's and had amended the RFP to designate raw water as opposed to wastewater effluent. One bid was received and the original is in the City Clerk's Office and he asked how Council wanted to review the proposal. He asked if Council wanted to do it or if they wanted staff to do it and asked for direction. The Council members and Mayor agreed the staff would review it and bring it back to the Council.

BUSINESS ITEMS:

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

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

The Mayor and City Council convened in executive session at 9:40 p.m. and reconvened in regular, open session at approximately 10:35 p.m. with roll call reflecting all Council members present.

Vincent reported on Item 38 that Council entered into executive session pursuant to Section 307B3, Title 25, Oklahoma Statutes, to discuss property acquisition for the expansion and upgrade of the City of Lawton Water Treatment Plant in Medicine Park, Oklahoma. He recommended two motions, the first motion is to authorize the City Manager to send official notice pursuant to Oklahoma Statutes to the City of Medicine Park requesting the closure of the necessary easements, right of ways and alleys.

MOVED by Baxter, SECOND by Moeller, to authorize the City Manager to send official notice, pursuant to Oklahoma Statutes, to the City of Medicine Park requesting the closure of the necessary easements, right of ways and alleys. AYE: Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

Vincent said the second motion is on the property currently owned by Mr. Ricky Webb, staff requests the Council reject Mr. Webb's counter offer and make a counter counter offer of \$50,000.

MOVED by Shanklin, SECOND by Baxter, to reject the counter offer on property owned by Mr. Ricky Webb and make a counter counter offer of \$50,000. AYE: Bass, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: Hanna. MOTION CARRIED.

39. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Elliot J. Clements and take necessary action in open session. Exhibits: None.



Vincent said pursuant to Section 307B4, Title 25, Oklahoma statutes, Council met in executive session to discuss the pending damage claim of Elliot J. Clements and no action was required at this time.

40. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to evaluate the job performance of the City Manager and take appropriate action in open session. Exhibits: None.

Mayor Powell said pursuant to Section 307B1, Title 25, Oklahoma Statutes, the Council met in executive session to evaluate the job performance of the City Manager and he was happy to report that they evaluated Mr. Baker. He said Mr. Baker gave a statement in the beginning and each Councilmember had an opportunity to make any statement, direction or discussion as was appropriate and were in agreement that in general, Mr. Baker is doing a good job in his capacity and they look forward to continuing a working relationship with him and no action is necessary.

Powell said May 31, is a budget meeting at 6:00 p.m., another is scheduled for Monday, June 4, at 6:00 p.m. and he was hoping they wouldn't need the one scheduled for June 7, and asked that meeting be cancelled right now and reschedule if necessary because the AUSA banquet is that evening.

There being no further business to consider, the meeting adjourned at 10:40 p.m. upon motion, second and roll call vote.