

Meeting of 2001-7-10 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 10, 2001 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

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

The meeting was called to order at 6:20 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
Robert Shanklin, Ward Five
Barbara Moeller, Ward Six
Stanley Haywood, Ward Seven
Michael Baxter, Ward Eight

ABSENT: John Purcell, Ward Four
*Bass entered at approximately 7:30 p.m. as shown below.

CONSIDER MINUTES OF LAWTON CITY COUNCIL MEETING OF JUNE 26, 2001.

MOVED by Hanna, SECOND by Baxter, for approval of the minutes. AYE: Haywood, Baxter, Hanna, Devine, Shanklin. NAY: None. ABSTAIN: Moeller. MOTION CARRIED.

AUDIENCE PARTICIPATION:

Monty Jennings, 5005 NW Meadowbrook, encouraged approval of the Carnegie Library Town Hall being established as a visitor center for Lawton to attract more tourism. He said the facility would be easy to locate, it is a historical site and it could be staffed with a group of enthusiastic volunteers armed with information about the many attractions in the area. Jennings volunteered to participate in such a program.

Lavone Bell, Wichita Falls, Texas, said he is the local scrap man in Lawton and that people are unloading stoves and ice boxes during the night on every corner, and asked if Council would entertain seeing how much waste is being thrown out. He said his company stopped paying for scrap metal and started charging to receive it because of the market; there are 15-20 steel mills in bankruptcy. Bell suggested the City pay him on a tonnage basis so he could pay people to bring items to him, rather than him charging people for doing so. Mayor Powell asked what Bell would do with the material. Bell said they haul it to Oklahoma City, and it was fortunate he had operations in Chickasha and Wichita Falls so the trucking is both ways. Mayor Powell asked about Bell setting containers out for people to use rather than placing items in the landfill. Bell said the containers would be too high for people to put in heavy items, and all of the surrounding area is having similar problems of items such as this being dumped along the roadways.

Devine said he was charged \$58 at the landfill to dump a load of hot water heaters, so he took the next load to Mr. Bell and was charged approximately \$27. Bell said there is a great amount of cost involved in operating a landfill. Devine said disposal of old refrigerators and air conditioners is becoming a problem due to the requirement to remove the refrigeration, and those items are being dumped on county roads, contributing to the ozone problem when the refrigeration is released through deterioration or damage. He suggested looking into Bell's proposal. Mayor Powell asked that Bell present a proposal to the City Manager so it can be brought to Council for discussion and action.

Moeller asked if people bring items to Mr. Bell and he pays them for the items. Bell said he charges the public but six months ago he was paying. Moeller asked if Bell picks up used refrigerators. Bell said he would have to charge for that.

Hanna asked the charge for a person to bring a refrigerator to Bell. Bell said it would depend on how big it was. Hanna asked Bell to provide the costs to the City Manager.

Haywood asked Bell what he planned to do with the refrigerators and stoves he had on Railroad Street and how he planned to get rid of them since they are backed up from the gate. Bell said it just keeps getting larger and they had been picking them up for the last six months, and today some people threw off some car frames, which they would have bought.

Baker said people are dumping metal products on Mr. Bell and the market is not there for them; in the past a person could sell scrap metal but now it is the opposite, and Bell wants to work together to address the problem. Baker said he had asked Bell to send in a written proposal so it can be evaluated, the extent of the problem can be researched, and a solution could be found.

Whittie Rainwater, 1613 NW 25th Street, said she asked Bass to look at 25th Street after a water line to the north had been repaired and the water settled at the end of their driveway. She said she did not ask Bass to do anything, but last Friday the street cleaner came by and a nice and considerate operator did his very best to clean all the dirt from in front of her house, as well as all up and down the street. Rainwater said she did not know if it was a small matter to the City but it was a big deal to her and her family and she wanted to express appreciation for the work done.

Raymond McAlister spoke regarding the Walters rodeo, as well as the Lawton rodeo.

Margaret Chalfant, Arts & Humanities Coordinator, and Dr. Howard Kuchta, Centennial Coordinator, presented items to commemorate Lawton's Centennial, including an afghan, coins, post cards, golf caps, flags, tee shirts, golf shirts, coffee mugs, water bottles, and buttons. The McMahan Foundation provided funding for purchase of the items, which will be sold by the Museum of the Great Plains and funds from sale of items will stay with the Museum.

BUSINESS ITEMS:

1. Hold a public hearing and adopt resolutions declaring the structures at: 810 SW Magnolia, 405 NW 13th Street, 5315 NW Elm, 914 SW D Avenue, 425 S Sheridan Road, 101 NE Bell, and 204 NW 3rd Street 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: Resolution Nos. 01-____, 01-____, 01-____, 01-____, 01-____, 01-____ and 01-____.

Shanklin said he wanted to discuss some of the things that had come up as a result of trying to get different properties before Council and make the owner adhere to State and local laws. He said a dilapidated structure is one which cannot be repaired for less than 50% of the appraised value, and Vincent said that was correct. Shanklin said 1403 and 1405 Dearborn were donated to a 501C3 organization, which could not do anything with them, then a Sergeant Major was going to try to do something with them, and now the City is going to demolish them at a cost of \$9,000 while there is only \$25,000 in the budget for demolition. He said he was sure the individual who gave them to the 501C3 organization will receive a tax write-off and now the City is stuck with it. Shanklin said he asked Vincent if there was a way to make the owner responsible for the properties and Vincent can expand on the idea of filing a lawsuit in District Court and let the District Judges give a court order to these individuals that have what we call dilapidated property and it can also be a blighting influence, which can be addressed in District Court.

Shanklin said we give remodeling permits but do not have a mechanism to see that those remodeling permits are fulfilled, or he was told we do not and would stand corrected; only if they call for an inspection do we know for sure whether the project is completed, ignored or they request renewal. He asked if there was anything in place to watch the progress of these permits. Baker said if Council passes a resolution, there is a certain time frame to obtain a permit and then staff does watch those properties; the ones that do not come to Council, they just get a remodeling permit and we do not go back and check those.

Shanklin said Vincent will tell us what happens when a property has been identified as dilapidated or in a blighting condition that is not habitable, it is detrimental to the health, safety and welfare of our community. He said we have a procedure and he wanted Vincent to explain that, and he did not think we all understand it because as he talked to different staff members, he was getting a different picture so we need a chart that spells it out as to how it happens and what happens but Vincent will want the Council consent that we would file in District Court to have these properties done at the expense of the owner, instead of us losing \$9,000 because that money is gone forever. Shanklin said he understood there would be some people who could not do it and he was not trying to take anyone's house away but was trying to eliminate some of the blighting and he lived next door to a structure that

was a blight, but something has to be done before it caves in, not just on that one but on a lot of them.

Vincent said we really have two situations and he would first go through the procedure and Baker or Alltizer could correct him if he mis-states anything. The first thing that happens when we receive a complaint and identify a house or some structure that we believe is dilapidated and does not meet the code requirements, they are given their notice and if they do not take action within the notice period then the item is brought to Council. Before you on pages six through ten are various resolutions for consideration tonight and what those resolutions do, they notify the property owner that we are going to consider this a dilapidated structure, detrimental to the community and order it be removed. The property owner then has 15 days to get a demolition permit; sometimes they come to Council and ask for a remodel permit and Council has been gracious enough on occasion to do that, yet sometimes or frequently they do not follow through with their promise to Council. Once the property is demolished by the property owner, that is the end of it; if the City has to demolish the property, then the amount of the cost of demolition goes on the ad valorem tax rolls as a lien and 99% of the time we do not collect that because the value of the property is less than the total tax liens against it. Lien priorities are first the Internal Revenue Service, then the State of Oklahoma, then Comanche County, and the City is toward the bottom so most likely we will not get our money for demolition because there is no value in the property because it is a bare piece of land, which may be substandard so basically it has no value.

Vincent said the first proposal is to amend the code so if a person comes in once they have received notice to get a remodel permit, to keep the item from being considered by Council, we would like to require a bond in the estimated amount of demolition; they cannot get a remodel permit without the bond. This is being proposed and this is the first time Council has heard this. This would prohibit someone from just getting a remodel permit to delay things; they will get a remodel permit and they will either remodel it or we will exercise the bond to demolish it at no cost to the City. The second thing is to possibly revise the resolutions and declare the structures a public nuisance. There is language that we can exercise to declare a dilapidated structure as a public nuisance; Council could declare them a public nuisance and authorize the City Attorney, under the various State Statutes for public nuisance, to seek an order from a District Court Judge ordering the property owner to abate the public nuisance, then he or she will be dealing with the District Court. Once the Council has passed the resolution, the Council will be out of it, and there will be no remodel permits, we will go straight from the Council in the next few days to file an action in District Court and start a lawsuit. The cost would be approximately \$100 per case, versus the \$9,000 we are now experiencing in the 1500 block of Dearborn. We have not talked to the District Judges about it but the statutory authority is there in Title 50 of the Oklahoma Statutes. It is something he and Baker had talked about, if we continue at the present course of seven to ten actions a month, what we would like to do shortly, and he did not know if they wanted to do it with any of these structures tonight and the resolutions would have to be changed from what is currently in the package but take one or two and try a lawsuit and see if it works. He said he did not know what the temperature of the District Judges was going to be.

Mayor Powell said he would like to see what Vincent told them put in writing and let them digest that and see the good and bad things about it and bring it back for a decision. He asked what Council wanted. Shanklin said we are not going to make any decision tonight anyway; we are just asking for a consensus to do what you just said. That was agreeable with the members.

Shanklin said another issue was repossessed properties, in the process of being repossessed, do we just have to wait for nine months or how ever long it takes for that to be settled and someone lives next door and nothing is done, as far as mowing it. Vincent said in a bankruptcy situation, we can notify the bankruptcy trustee but the bankruptcy court is in Oklahoma City. Shanklin asked if we are going to wait a year. Vincent said no, he was not saying that but we will have to do some things we have not been doing or do not have the capability of doing, like on the Internet for example, to find out who the notification people are, the same thing on foreclosure actions on mortgages.

Shanklin asked if a requirement can be established to check remodel permits every 30, 60 or 90 days and revoke the permit if no work has been done, whether they have been down here on a demolition or just come in for a brand new remodel. Vincent said there can be conditions and he was looking at the various permits that we issue this afternoon and we have different kinds of conditions based on the different kinds of permits and certainly that would be appropriate to put conditions into the permit; for example right now on a remodel permit, which is good for 180 days, it says there must be some work done within the first 30 days. Shanklin said how about after the 60 days. Vincent said there is nothing in there but we can put in steps. Shanklin said people sit there for four or five months and then come down and get another remodel permit and we do not even know it; we are under the illusion that this piece of property is going to be rehabbed and a year later it is not, and he knew of a dozen in the central corridor, and you have these people that put up with it and live beside it or across the street and they are simply tired of it.

Mayor Powell asked Vincent to make this the third piece that he and Baker bring to the Council so they can look at it before any action is taken. Vincent asked if he meant a report of recommendation be put in the box. Mayor Powell said yes, some communication in writing so they can see what it is and that he was talking about what Shanklin just brought up also.

810 SW Magnolia:

Angie Alltizer, Neighborhood Services Director, said the property owner requested condemnation. Pictures show the structure is gutted, has a partial floor in very poor condition, a portion has a dirt floor, and the ceiling is falling in. The property owner has a demolition business, the City will not lose money on this, and the owner wants condemnation so he can receive the reduction in tipping fees.

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

MOVED by Hanna, SECOND by Baxter, to adopt Resolution No. 01-98 to condemn the structure at 810 SW Magnolia. AYE: Haywood, Baxter, Hanna, Devine, Shanklin, Moeller. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01-98

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

Location: 810 SW Magnolia, Capitol Hill Addition, Block 22, Beg NW/C Blk 22, Thn E 162.1', S 305.9', W 162.1', N 305.9' to Pob, Comanche County, Lawton, Oklahoma.

Title Holders: Herbert and Ida Bell Gill, Rt. 1, Box 213A, Lawton, OK 73501-9663

Mortgage Holders: None.

405 NW 13th Street:

Alltizer said this address consists of two secured structures and interior photos could not be obtained. She said she and Manny Cruz inspected and the structures look decent on the outside but the inside needs a lot of work. Alltizer said the property owner approached them and asked that it be condemned so he can clear the lot, and this is another instance where they would like to take advantage of the reduced tipping fees and they have full intention of doing the demolition and the City will not incur any cost.

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

MOVED by Hanna, SECOND by Baxter, that 405 NW 13th Street be condemned and adopt Resolution No. 01-99. AYE: Baxter, Hanna, Devine, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01-99

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

Location: 405 NW 13th Street; ref 1215 NW Columbia, Mountain View Addition, Block 10, Lots 17 & 18, Comanche County, Lawton, Oklahoma.

Title Holders: Linda K. Horne, P. O. Box 386, Blackwell, TX 79506

Mortgage Holders: Glen A. Herring (et al) P. O. Box 2972, Lawton OK 73502; National Banc of Commerce Duncan, P. O. Box 70, Duncan, OK 73534

5315 NW Elm Avenue:

Alltizer said the pictures show the majority of the structure has been gutted, and it has been in this condition for over five years. Some remodeling efforts were done, new windows were installed on the majority of the structure and the remodeling permit was issued July 27, 1998. She said Manny Cruz inspected the property this afternoon and he feels it can be remodeled.

PUBLIC HEARING OPENED.

Joe Warner, 1608 NW 33rd Street, said he is the contractor who has been doing the work for the owner. He said they started on the property some time back and money got a little short on the owner's behalf, as well as his, and they had been busy on other projects and had not got around to finishing. The property contains 2,000 square feet and current value is about \$35,000. Interior demolition and clean up has been done; concrete foundation repairs have been completed; electrical and plumbing has been roughed in; interior framing has been reframed and is structurally sound; property has been kept in a secured and mowed condition throughout this process. He said when he completes the work, it will improve the property values in the neighborhood and he requested a permit for six months to get it done.

Mayor Powell asked when Warner intended to go to work. Warner said they could start about any time and could finish in six months. Shanklin told Warner he would be under the 30 day check off provision.

PUBLIC HEARING CLOSED.

Devine said he would offer a motion for staff to go ahead and issue the permit. Baxter asked if a motion was needed in that regard and Vincent said no, it can be stricken. Mayor Powell said 5315 NW Elm has been stricken. Shanklin asked what action was taken and Mayor Powell said it was stricken. Baxter said Warner will be given the opportunity to apply for the permit and show some work within 30 days, and then have six months from the time of the permit. Shanklin said we did not say anything about 30 days. Baxter said Shanklin said it and Warner understood it.

914 SW D Avenue:

Alltizer said this was tabled on April 3, 2001, and the owner was given the opportunity to apply for a remodel permit. She said the remodel permit was denied by Building Development as they did not feel this structure could be brought to code.

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

MOVED by Hanna, SECOND by Baxter, that 914 SW D Avenue be demolished and adopt Resolution No. 01-100. AYE: Hanna, Devine, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01-100

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

Location: 914 SW D Avenue, Lawton Original Addition, Block 54, Lot 7, Comanche County, Lawton, Oklahoma.

Title Holders: Geldina R. Lazarte, P. O. Box 1046, Lawton, OK 73502-1046

Mortgage Holders: None.

425 SW Sheridan Road:

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

101 NE Bell Drive:

Alltizer said this was tabled from the April 3, 2001, meeting to give an opportunity for Habitat for Humanity and Great Plains Improvement Foundation to acquire and rehab the property. She said that did not work out. Alltizer said it was her understanding that the owner wants the resolution to be passed.

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

MOVED by Haywood, SECOND by Baxter, to adopt Resolution No. 01-101. AYE: Devine, Shanklin, Moeller, Haywood, Baxter, Hanna. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01-101

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

Location: 101 NE Bell Drive, Vernon No 2 Addition, Block 19, Lot 1, Comanche County, Lawton, Oklahoma

Title Holders: James & Grace M. Delaney, 1605 Mescal, Seaside CA 93955

Mortgage Holders: None.

204 NW 3rd Street:

Alltizer said this structure was involved in a fire in August 1998 through arson. The structure has been unsecured, the City has been mowing the property for the past couple of years and liens are in place as a result of those actions. The property owner is deceased and she felt the City would incur the cost of demolition. The property is a blighting influence on the neighborhood as it has a giant hole in the roof, in the attic from fire damage, and it needs to be removed but the City will have to pay for it.

Shanklin asked if the City mowed the property. Alltizer said at least two or three times. Shanklin asked if the bill was sent. Alltizer said the owner is deceased and the City has a lien on the property. Shanklin asked if this is one we should try and sue, and there is an heir somewhere. Baxter asked if the City could get a judgment against the heir. Vincent said he needed to be sure we had done everything we need to and suggested it be tabled to research the court records to see if there have been any kind of probate issues.

MOVED by Shanklin, SECOND by Baxter, to table 204 NW 3rd Street. AYE: Shanklin, Moeller, Haywood, Baxter, Hanna, Devine. NAY: None. MOTION CARRIED.

Alltizer said they had done as much legal research as they could with the Neighborhood Services staff and were

unable to find any heirs or probate on this and a couple of other properties, and they would appreciate any assistance the City Attorney's office could provide.

2. Consider adopting an ordinance that changes the membership makeup of the Lake and Land Commission. Exhibits: Ordinance No. 01-_____.

Lynn Struthers, Assistant Public Works Director, said the Lake & Land Commission initiated this item to change the City Code to allow one Commission member to reside in Comanche County but outside the City limits, and the other members would have to be inside the City limits. This request resulted from Steve Glick's removal from the Commission following his move to Oak Meadows, a subdivision near Lake Lawtonka. The Commission members think highly of Mr. Glick, who has been a hard working member and they desire that he be allowed to remain on the Commission, therefore, they recommend adoption of the ordinance to allow the make-up of the Commission to be changed to allow a minimum of six members to be residents of Lawton, and the seventh would be a resident of just the County or the County and the City, and that would allow Mr. Glick to finish his three-year term.

Baxter said he had a problem with this, he did not know Mr. Glick and did not see Colonel Hawthorne here to comment, but he was afraid if we change this ordinance and allow someone outside the City limits to serve on one of our commissions or boards, it will open a can of worms for the other commissions and boards, and before you know it, they will all be coming in requesting exceptions for one of their people who have moved from their ward or they may have a friend living in Elgin that wants to be on some kind of board. Baxter asked that Council not adopt the ordinance.

Shanklin asked when Glick's term expires. Struthers said he thought it would be in about two years. Shanklin asked if he was in his second term. Mayor Powell said no, he had just appointed Glick one time and this was a one-time deal and the ordinance would not have to be changed. Struthers said it could be handled two ways; a resolution could be passed or just a motion asking that Glick be allowed to remain on the Commission or we could pass the proposed ordinance. Shanklin said in Glick's defense, he did live in Lawton when he was appointed and he is very concerned, having served diligently. He asked if Glick was more than half way through his term. Mayor Powell said he was probably close.

Baxter said about two months ago he was talking about moving out of his ward and he was told if he moved out of his ward, he would have to resign his post and that should be the same for everyone else who is on a city commission, board or whatever, and it should be the same for all. He said Glick chose to move out of the city limits and not pay city taxes any longer and he should not be allowed to serve on a city commission period.

Moeller said the Council members are elected by the people and Glick was not, he was serving as a volunteer who was appointed and confirmed.

Mayor Powell said he appointed Glick and he had done a fantastic job. He said he started to appoint a person to the Parks & Recreation Commission when he first got here and he could not do it because the person lives outside the City limits, but they happen to be some of the largest business owners we have in the City of Lawton, and that is about as unfair as you can get. Mayor Powell said they own all kinds of property in the City of Lawton, all kinds of businesses in the City of Lawton, but they cannot sit on a commission in the City of Lawton simply because they live a mile or two outside the City limits; we are happy to take their sales taxes and all those things that go with it but they will not let them come to the party, so there are some fallacies in this thing.

Moeller said she would like to see Glick at least be able to finish his term because we need people to serve on the commissions and to step forward and volunteer, and if they are willing to give their time, she would like to see him at least be able to finish his term. Mayor Powell said this would change it permanently and Moeller's suggestion was to let him finish his term and that could be brought back. Moeller said they could let him finish his term and see how it works because he is confirmed by the Council. Vincent said there is a provision in Chapter 2 under the general heading of boards and commissions to allow the Council to make exception by resolution and we will need to re-agenda an item and bring a proper resolution back to Council at the next meeting. Vincent said if Council does not desire to pass the ordinance, the item could be stricken. Mayor Powell said it is stricken.

3. Consider authorizing: 1) a project to construct a new restroom for School House Slough and a supporting lagoon system, which would also support the East Campground; 2) authorizing a request for grant funding of a portion of the project; 3) authorizing the Mayor and City Clerk to sign necessary grant documents and 4) authorizing staff to begin investigating possible site locations for the lagoon. Exhibits: None.

Mayor Powell said he got a telephone message this afternoon regarding Robinson's Landing funds being used for School House Slough, and those at Robinson's Landing would like to keep those funds there for improvements to the gasoline and grocery store. He said he did not get to talk to the person but wanted to bring the message to Council's attention.

Struthers said the City has a lease and operating agreement with the Lakeland lagoon which was negotiated in

1986 and expires in 2008, and that agreement is renewable for another 20 years. This covers a portion of the larger, south lagoon. Part of the two existing lagoons north of that land is property that is being used by the City on the base of lease we obtained from the Lakeland North Partnership, and that expires in 2008 and does not have a renewal clause. The lagoons service School House Slough, the East Campground and Lakeland and Lakeland North Additions. In June 2000 Council was asked to approve authorization for staff to negotiate permanent easements on this property; we have tried to negotiate and have been unsuccessful in doing so. School House Slough needs a larger restroom; there is a lot of work going on at the concession, there are a lot of boaters going in and out, and the existing restroom is in poor shape. There is the possibility of obtaining grant funding from the Department of Wildlife Conservation to do a project at Schoolhouse Slough; they would fund up to about 75% of the project cost and the remainder of the project could be funded from the Robinson's Landing restroom project or by using in-kind services.

Struthers said the Robinson's Landing restroom project was appropriated at about \$100,000 and Council authorized staff to apply for a grant for that project and the grant was received from Wildlife Conservation. At that time, it was noted that it was the intent to roll that money over that we received back so we could retain a fund, a rolling fund, to fund other restroom projects.

Shanklin asked how much money is in this fund. Struthers said the money was accumulated, about \$100,000, although we may not get quite that much back when we get through with the grant, but we think we will have between \$80,000 and \$100,000. Shanklin asked if this is Larry Cofer's deal and Struthers said yes. Shanklin asked if he was going to try to establish another one and Struthers said yes.

Mayor Powell asked if money would be taken from Robinson's Landing. Struthers said it was designated for a restroom project, one of four restroom projects, and the first one was Robinson's Landing; it does not belong to Robinson's Landing and the restroom and facilities there are in service, and we did a lot of the work ourselves so our 25% was in-kind work.

Struthers said the need now is to build new lagoons, we were unsuccessful in being able to use the lagoons at Lakeland Addition so we are asking Council to establish a project for School House Slough and the lagoons, to authorize us to apply for a grant, to authorize the Mayor and City Clerk to sign the grant application, and authorize us to investigate possible sites for a lagoon system.

MOVED by Shanklin, SECOND by Haywood, to direct staff to do those four things.

Baker said the first step will be to apply for the grant, and this project will be contingent upon receiving the grant unless additional funding can be identified. He said staff will look at two or three feasible lagoon sites and return information to Council for a decision on the site selection. Mayor Powell asked that Baker's statements be made a part of the motion and Shanklin and Haywood agreed.

Devine asked where we will come up with the money since we had turned down other grant applications because we did not have the money. Baker said we have the local share because we were reimbursed by the State for the City's portion of the work at Robinson's Landing.

Moeller said she received a call earlier along the lines the Mayor stated and they are still asking about gasoline at Robinson's Landing, but this money is just for restrooms.

Shanklin said we talked about this not too long ago and he thought he had support that put Robinson's Landing back out to bid, with the idea that the individual who is the high bidder will address that fuel and he gets the camping ground to the west and put it back out under a concessionaire and he thought we had a consensus on that. Devine said he thought so too. Shanklin said they want us to spend the money but a concessionaire could do that if he gets those camping grounds so he can make some money, make it profitable for him anyway.

Struthers said the last action he was aware of was approval of extending the lease with Mr. Mahoney who has the grocery store; it was approved at one-half the price which was \$175 per month, through the end of next April. Shanklin said that was true but this conversation was made but was ignored was his point; this conversation he just made right now had been made before and nothing was done or no one said anything about it but maybe now we will look at it and see. Shanklin said he still wanted it put back out and asked if this was new to Baker and if he had not heard those remarks made. Baker said he thought he had heard the remarks but did not recall formal action or direction from Council, we have an existing lease and when we are ready to go back out we could certainly put that in the specifications and make that part of the bid.

Shanklin said if we really want to move off center we would talk to Mr. Mahoney and he would probably vacate his lease in August or September to be able to bid on a project where an individual could make some money out of it; you cannot make it if you take away the campgrounds from him, it cannot be done and staff promoted that and won that deal and let's not make any other remarks about that fact.

Hanna asked if the gasoline project was turned down because it was costing \$70,000. Shanklin said yes. Hanna said the lease was at half price because there were no gasoline pumps. Devine said the biggest problem was we got into the campground leasing business and we should not have. Shanklin said some of the campground was year round.

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

4. Consider a revocable permit for the use of the SW 14th Street right-of-way between SW E and F Avenues for maneuvering of trucks to a proposed expansion of a building for the Salvation Army Thrift Store. Exhibits: Application; Site Plan; Memo from Building Development; Proposed Revocable Permit.

MOVED by Shanklin, SECOND by Devine, to approve the revocable permit for the Salvation Army for the use of a portion of the SW 14th Street right-of-way between SW E and F Avenues. AYE: Moeller, Haywood, Baxter, Hanna, Devine, Shanklin. NAY: None. MOTION CARRIED.

5. Consider authorizing an agreement between the City and Marie Detty Youth & Family Service Center, Inc. to provide compensation to the City in return for relinquishing a portion of the City's leased Comanche County property at the location of 17th & G, known as Ahlschlager Park. Exhibits: Aerial Photo.

Shanklin asked if the City was losing a lighted ball field. Kim Shahan, Assistant Parks & Recreation Director, said no. Shanklin asked if that information was included. Shahan said he did not believe Council was given the complete map and presented it on the overhead, pointing out the existing Marie Detty facility. Marie Detty is requesting the City relinquish the T-ball, coach pitch field, and all fields are at a premium, but we have established a new facility at James Henderson Park that serves the T-ball and coach pitch activities. Shahan said the overhead shows four lighted fields, and two others that we desire to light at a later date. He pointed out a small building that will be removed, as well as a vacant area that could house another field if needed later. He pointed to the location of a proposed gravel parking area that Marie Detty will provide and said the buildings can be moved to other locations in the park, and the \$15,000 would be used to improve the park as a whole.

*Bass entered the meeting at this point.

Mayor Powell asked about access from 17th Street. Shahan said there will be access from 17th Street to the parking lot but it will not go all the way through; there will be an access road for employees doing work but the parking lot for the Marie Detty Center will be used during City activities. Mayor Powell asked if the storage building would be lost. Shahan said yes and Marie Detty will replace it for us.

Baxter said Shahan mentioned \$15,000 compensation and asked if we were to have to rebuild field one in area a, how much would that cost. Shahan said it could be done in-house. Mayor Powell said John Paul built the whole facility for less than \$15,000.

MOVED by Devine, SECOND by Haywood, to authorize the agreement. AYE: Haywood, Baxter, Bass, Hanna, Devine, Shanklin, Moeller. NAY: None. MOTION CARRIED.

6. Consider a request for relocating the new fire hydrant at 1715 Elm. Exhibits: Drawing.

Mayor Powell said he requested the agenda item and asked Baker to address it. Baker said Council awarded a contract for a major waterline replacement project, including water lines and fire plugs, in the vicinity of Elm Avenue. The fire plug in question is at 1715 Elm, and the resident, Mr. Rath, is in the audience; he has requested we relocate the new fire plug that the contractor installed. Baker said Rath had spoken with him on numerous occasions, and has spoken with his councilmember. Baker said he had refused to move the fire plug; in conversations with Mr. Rath he did admit to Baker in Baker's office that he did concur and agree for the placement of the plug. After it was placed, he changed his mind and did not want it there and Rath stated that to Baker in his office. Baker said he told Rath he could not recommend spending \$1,500 to move the plug for his convenience, and this has gone on for several months and Rath is very persistent. Baker said if Council wants the plug moved, they can provide that direction.

Mayor Powell said Mr. Rath had called him several times and that he had looked at this, and had asked Mr. Hanna to look at it and he has done that, so several have been involved. He said he asked Baker to place the item on the agenda for Council to make a decision whether the plug should be moved or not.

George Rath, 1715 Elm, said he was going to widen his driveway and when he got a letter that they were going to put a new water line in, he did not do it because they would be digging under or through it; then there was a meeting with the men who were getting ready to install the fire plug and they put it together on his driveway and they agreed to put it to the west side of the old plug, which would be a foot on the other property line and when he come back they had set it three feet to the east side of the old plug which if he puts the driveway in will be right against the fire plug and that was why he was asking for it to be removed to the west four feet.

Mayor Powell asked if it is moved four feet if it will be on the other property owner's side. Rath said it will be on the line. Mayor Powell asked if the old plug was six feet west of the driveway and Rath said seven feet west. Mayor Powell said Rath did consent for it to be placed where it is now, probably about 30 inches closer to his driveway, and that was where they put it, then after it was placed there Mr. Rath decided he wanted it back even further west than the old fire plug was. Rath said that was correct and that they could have put it back in the same place or just to the west of it.

Baxter said page 37 shows reasons not to do this and the number one reason is "the property owner agreed to the present location prior to construction". He asked Rath if he agreed. Rath said no, he did not. Baxter said one of the two persons is not telling the truth then. Baxter said even if they move the hydrant back to the original location, the letter states Rath will not be allowed to extend his driveway, that City Code 18-8-1-803 will not allow him to expand his driveway no matter where the fire hydrant is located so he did not see wasting \$1,500 of the taxpayers' money.

Rath asked why he could not extend his driveway. Mayor Powell said the driveway cannot be closer than five feet from the property line. Rath said he understood he could put the driveway within a foot of the property line. Mayor Powell said the written information shows five feet, and the requirement is to stay five feet from the property line of the neighbor to the west. Devine said it is a radius of the curve of the driveway approach. Baxter said even if we removed the fire plug, Rath would not be allowed to make his driveway bigger than it is so there is no sense in paying the \$1,500 to move it. Mayor Powell said he wished someone would have told Mr. Rath this a long time ago and that he was not knowledgeable or he would have told him that.

Rath said he still did not understand why he could not widen his driveway. Hanna said he can widen it but he would have to do it on the east side, not the west, because that would infringe on the property line of the neighbor. Mayor Powell asked Bigham if that was correct and he said yes.

MOVED by Baxter, SECOND by Haywood, to deny the request. AYE: Baxter, Bass, Shanklin, Haywood. NAY: Hanna, Moeller. ABSTAIN: Devine. MOTION CARRIED.

During roll call Devine said the issue of the radius of a driveway not being this close to the property line will be coming up in the Mayor's Task Force and it would open up a can of worms. Rath asked why he could not do it but others have. Baxter said Rath could widen his driveway to the east in his front yard. Rath said that would be in his front door. Mayor Powell asked that the roll call continue, which was done and results are shown above.

7. Consider an amendment to a contract between the City of Lawton (Lender) and Mario E. and Joyce M. Hogue, Husband and Wife (Borrowers), to subordinate the City's mortgage on their property at 2901 NE Lakeview Circle and take other appropriate action. Exhibits: Letter; Amendment.

Frank Pondrom, Director of Housing and Community Development, said the Hogue's home was renovated through one of their programs, and they take out a mortgage against the property to insure they live in it for seven years. He said owners build up equity in their property and from time to time request subordination to borrow against it. Pondrom said there is a Council Policy to not approve any requests that are more than 75% of the current appraisal and this request, while it will put the Hogues in a better position and may enable them to meet their obligations and better their situation, it does not meet the Council Policy, therefore, they are recommending denial.

MOVED by Baxter, SECOND by Bass, to deny the request.

Baxter said it appeared the Hogues were wanting the City to be their banker, and we are not. Shanklin said the City has done this routinely in the past and it is an opportunity for the residents to meet their obligations; the City is in second place anyway, and it would be up to Arvest Bank to decide if they wanted to loan them the money.

SUBSTITUTE MOTION by Shanklin, SECOND by Moeller, to let them subrogate. AYE: Bass, Hanna, Devine, Shanklin, Moeller, Haywood. NAY: Baxter. SUBSTITUTE MOTION CARRIED.

8. Consider approving a contract amendment with GBA Architects for additional architectural services for the Fire Station No. 5 Relocation Project #2000-17. Exhibits: Amendment to Agreement.

Mike Shaw, Deputy Public Works Director, said the City contracted with GBA Architects in April 2000 for preliminary design for a fire station. The architect proceeded with the design then there were several discussions regarding the exact location and finally it was decided to relocate Fire Station #5 to just north of its present location, which would require an architectural design for a two-story structure, rather than the one-story. Council is asked to approve a contract amendment in the amount of \$13,600 for the architect to accomplish this task.

Shanklin said there are three more properties to be acquired and we may not be able to build it here for several reasons that we do not know yet. He said he would not want to change this contract at this time and he would make a motion to deny it. Shanklin said he had a problem with the fact that if you have a 3,000 foot building that

you can build a 1,000 foot basement, 1,000 foot first floor and 1,000 foot second floor for the same price you could on the single floor. He said he had not found a contractor who would agree to that, so that scared him on how we will bid this and how we will come out in the money.

MOVED by Shanklin, SECOND by Baxter, to do nothing on this until we finally have the acquisition of all the properties and we know that we have solidified the location. AYE: Hanna, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: Devine. MOTION CARRIED.

9. Consider approval of a resolution to establish an Emergency Management Advisory Committee, including terms and duties and responsibilities of members. Exhibits: Resolution No. 01-102.

Mayor Powell said the names for the committee were distributed with the packet. He said this is to satisfy the needs of the State and to make a better plan in case an emergency should come up.

MOVED by Moeller, SECOND by Hanna, to approve the establishment of the Emergency Management Advisory Committee and adopt Resolution No. 01-102. AYE: Devine, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01-102

A resolution establishing an Emergency Management Advisory Committee.

SECOND ADDENDUM: Consider authorizing the Director of Finance to endorse insurance checks issued to Joe Yzaguirre and the City of Lawton Housing and Community Dev. in the amount of \$474.60 and to James A. McCurley and City of Lawton Housing and Community Development in the amount of \$5,930.14. Exhibits: Copy of Union Mutual Insurance Company Check No. 002570 dated 6/30/01 in the amount of \$474.60; Copy of State Farm Fire and Casualty Company Check No. 1 26 445719 J dated 5/28/01 in the amount of \$5,930.14.

Pondrom said these clients had storm damage and when the City takes a mortgage on the homes, it becomes a loss payee on the mortgage insurance so when insurance companies write checks to the individuals, they make them out jointly to the City and the property owners. He requested the Finance Director be authorized to sign the checks and give them back to the property owners so they can begin repair on the property. Pondrom said we want to make sure the funds are used to actually make those repairs and the owners will be asked to sign a statement reminding them of their obligations under the mortgage agreement to maintain those properties and that these funds should be used for those repairs.

Mayor Powell asked what kind of recourse there would be if that is not done. Pondrom said under the existing mortgage agreement, if they do not maintain their property we can foreclose on it. Mayor Powell asked if funds can be withheld until repairs are made. Baker said he met with both of these individuals and they have repair invoices that well exceed this amount. Mayor Powell asked if the repairs had been made. Baker said yes and these checks need to be endorsed and go to them.

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

ADDENDUM: Consider a resolution establishing a pro-rata distribution and construction fee for the City to install a water line at approximately SW 67th Street and Gore Boulevard. Exhibits: Letter of Request; Resolution No. 01-103.

Bob Bigham, City Planner, said the City received a request from Lon Parks for the City to install a fire hydrant and water line to the southeast corner of 67th and W Gore Blvd. Mayor Powell asked if Mr. Parks requested the City to install the water line and the fire hydrant. Bigham said the issue that was related to the building permit was the fire hydrant, and as he read the letter and talked with Parks who indicated he just wanted the City to put in the water line. Mayor Powell said Parks' letter to him stated he wanted the City to put in the water line and that he did not have a problem with the fire hydrant, for clarification purposes.

Bigham said Jim Shaw and Lon Parks are expanding the mini-warehouse project at that corner and during the building permit application fire protection was required. Section 22-226 of the code authorizes the City Council, by resolution, to establish a pro rata water line cost on a water line extension like this. The Public Works Department estimated the cost of the water line extension only, not the fire hydrant, at \$7,500. The resolution authorizes the City to install the water line and share the cost with the developers, which would be half of the \$7,500. This resolution is very similar to the one for 52nd and Cache Road and the one in the 9700 block of Cache Road that was adopted by the Council; the only difference this resolution has in it is that the developer must pay his half cost prior to the City installing the water line.

Mayor Powell said he had asked this question and not gotten an answer yet but wanted to know what water line services all of those people on that side of the road already; there are businesses there, Dr. Kiehn has a building,

there used to be a little super market, and a liquor store and other things. Bigham said the main water line is on the east side of 67th Street. Mayor Powell said there has to be a main water line on the west side of the street and asked if this will go on the corner by Dr. Kiehn's DVM building. Bigham said yes. Mayor Powell said they are asking the City to run the water line under the road from the east side, which is the school land lease, and take it to the west side and his question to Baker had been what kind of water line is there that serves that whole entire Almor West and those businesses on the corner. Bigham said they have the ability to bore under 67th and Gore for the domestic lines, and in this location the main grid line is on the east side of 67th Street and apparently there is no fire protection for the commercial buildings at that corner and this fire hydrant will provide that fire protection. Shanklin asked how that could be and how you let that slip by you. Mayor Powell said the question still remains, we have a big area out there, a lot of houses and a lot of businesses and he could not believe it is served by just a four inch water line out there some place, and he certainly was not opposed to this or he would not have passed the letter along but his question is if we already have the water over there, why are we going to drill under 67th Street if there is already water there to service that fire hydrant. Shanklin said he was not given enough information to determine where the mini-storage building would be placed. Mayor Powell said it is where the car wash used to be and they tore it down and have already built the storage.

Moeller said there is a hydrant on the corner by McDonald's, and a water line goes up Gore and there is a hydrant on 69th Street and Gore. Mayor Powell said there has to be some water over there because there are so many houses and businesses. Devine asked what size of main was there. Bigham said 12 inches or better was his understanding. Devine asked why they could not tie into that. Mayor Powell said that was his question. Bigham said there are extensions off of the grids off of Gore and 67th going into Almor West Addition but the first street going into Almor West on the west side of 67th Street, there are no grid mains on that side that will support a fire hydrant; there is fire protection in Almor West Addition. Shanklin asked if we are forcing this issue or if they want it for their own protection. Devine said the fire department requires it. Bigham said it is a building permit application requirement, and staff and the developers are agreeable to the resolution.

MOVED by Moeller. SECOND by Devine, to approve the installation of the water line under SW 67th and adopt the resolution. AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01-103

A resolution establishing a pro rata distribution fee for future connections to a water main extension constructed by the City of Lawton at the Southwest corner of SW 67th Street and West Gore Boulevard.

Baker said staff will check the water atlas tomorrow and it was his understanding that the main on the east side of 67th was the closest and easiest to connect to and that was why they were looking at extending that one. He said information would be provided to Council to show location of the mains in the area.

CONSENT AGENDA :

Mayor Powell asked that Item 12 be stricken, and that Items 10 and 11 be pulled. Shanklin said he wanted to discuss Item 28.

MOVED by Baxter. SECOND by Bass, to approve the Consent Agenda items as recommended with the exception of Items 10, 11, 12 and 28. AYE: Moeller, Haywood, Baxter, Bass, Hanna, Devine, Shanklin. NAY: None. MOTION CARRIED.

10. Consider the following damage claims recommended for denial: William Cunningham and MaryRuth Prose; Larry and Suzanne Smith; Marion and Wanda Stevens; Zapata's Cafe and Cantina. Exhibits: Legal Opinions/Recommendations.

Vincent said Mr. Cunningham is present regarding his claim. Baxter said he wanted to discuss the Smith claim separately.

MOVED by Baxter. SECOND by Bass, to deny the Stevens and the Zapata's Cafe claims. AYE: Haywood, Baxter, Bass, Hanna, Devine, Shanklin, Moeller. NAY: None. MOTION CARRIED.

Mayor Powell asked for consideration of the claim of Larry and Suzanne Smith. Baxter said the Smiths reside at 5408 NW Wilfred Drive and on May 5 they had a backup into their bathroom so they called a plumber. The plumber found nothing wrong with their line and charged them \$75 but did not fix the problem because it was in the City main. City crews then fixed the problem but Mr. Smith was already out the \$75 for a problem he did not create, his line or trees did not create the problem, and he did not understand why Mr. Smith could not receive his \$75 back because it was the City's problem.

MOVED by Baxter. SECOND by Bass, to approve the submitted amount for \$75 for Mr. Smith at 5408 NW Wilfred Drive. AYE: Baxter, Bass, Hanna, Devine, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

Mayor Powell asked for consideration of the claim of William Cunningham. Tim Wilson, Assistant City Attorney,

said his initial recommendation was for denial because information he received showed there had been no work done by the City at 1711 Columbia. Further investigation found an indication of work being done in 1999, and that in October 2000 a City grader went through the alley which could have been a potentially contributing factor to the damages. Wilson requested the item be tabled for further review, and that Mr. Cunningham was agreeable to tabling the matter. He said the 90 days on the tort claim will run on July 18 and he had advised Cunningham of that because there is a requirement to approve or deny a claim within 90 days and otherwise it is deemed denied; Cunningham agreed to an extension to August 15 and it can be brought back to Council prior to that with a conditional recommendation at that time.

Mayor Powell asked if we had the ability to do that. Vincent said if Council will pass a motion authorizing the City Attorney to write a letter to Mr. Cunningham extending the time limit, that would be acceptable.

MOVED by Shanklin, SECOND by Haywood, to approve Vincent's recommendation. AYE: Bass, Hanna, Devine, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

11. Consider the following damage claims recommended for approval and consider passage of resolutions authorizing the City Attorney to file friendly suits for claims which are over \$400.00: John and Dolores Donohue; Anastacio and Maria Gomez; Albert and Carmen Harshman; Desmon Harvey; Carol and Daniel Phillips; and Sherry and Joseph Reska. Exhibits: Legal Opinions/Recommendations. (Five resolutions on file in City Clerk's Office)

Vincent recommended that the Harvey claim be stricken and the other claims be approved. He said the Harvey claim will be returned to the agenda at a later date.

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

(Title only) Resolution No. 01-107

A resolution authorizing and directing the City Attorney to assist John E. and Dolores A. Donohue in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Six Hundred Ninety-Five Dollars and 57/100 (\$695.57).

(Title only) Resolution No. 01-108

A resolution authorizing and directing the City Attorney to assist Anastacio P. and Maria C. Gomez 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 One Thousand Nine Hundred Fifty-Eight Dollars and 16/100 (\$1,958.16).

(Title only) Resolution No. 01-109

A resolution authorizing and directing the City Attorney to assist Albert K. and Carmen L. Harshman 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 Seven Hundred Five Dollars and 88/100 (\$705.88).

(Title only) Resolution No. 01-110

A resolution authorizing and directing the City Attorney to assist Carol D. and Daniel R. Phillips in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Seven Hundred Eighty Dollars and 00/100 (\$780.00).

12. Consider authorizing the City to accept a Quit Claim Deed for .394 acres in the SW/4 of Section 35, T2N, R11W, from City National Bank and Trust Company, Trustee of the Ludwig M. Meiling Irrevocable Trust and authorize the Mayor and City Clerk to execute the acceptance. Exhibits: None. Action: This item was stricken from the agenda as shown above and not acted on.

13. Consider adopting a resolution ratifying the action of the City Manager and City Attorney in not pursuing an appeal and making payment of the judgment in the Workers' Compensation case of Frank F. Lion in the Workers' Compensation Court, Case No. 2000-10083K. Exhibits: Resolution No. 01-104.

(Title only) Resolution No. 01-104

A resolution ratifying the actions of the City Manager and City Attorney in making payment of the judgment in the Workers' Compensation case of Frank F. Lion for the amount of Ten Thousand Nine Hundred Ninety-Six Dollars and 80/100 (\$10,996.80) 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.

14. Consider a resolution ratifying the action of the City Manager and City Attorney in dismissing any appeals and making payment of the judgment in the Workers' Compensation case of Cara Dell Yellowfish (Landers) in the Workers' Compensation Court, Case No. 1997-01737K. Exhibits: Resolution No. 01-105.

(Title only) Resolution No. 01-105

A resolution ratifying the actions of the City Attorney in making payment of the judgment in the Workers' Compensation case of Cara Dell Yellowfish (Landers) for the amount of Eighteen Thousand Two Hundred Ninety-Eight Dollars and 15/100 (\$18,298.15) 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.

15. Consider approving proposed Council Policy 2-8, Appeal Process and Procedure under the Uniform Relocation Act. Exhibits: Proposed Council Policy 2-8. Action: Approval of policy required due to use of federal funds in connection with projects.

16. Consider ratifying the actions of the Lawton Water Authority approving the First Amendment to Natural Grass Baling Sub-Lease Agreement between the Lawton Water Authority and Fletcher Farm Center, Inc. and authorize the Mayor and City Clerk to execute the amendment. Exhibits: None. (See Lawton Water Authority) Action: Ratify LWA action to approve.

17. Consider requests for the installation of traffic control devices at the intersection of SE Trenton and Randolph, SW 17th and Georgia, and SE Camelot at Lancelot. Exhibits: 6/21/01 draft Traffic Commission minutes excerpt. Action: Denial of requests.

18. Consider a resolution authorizing the installation of traffic control devices near 505 SW "H" Avenue, SW 18th and Douglas, SW 68th and Baywood, NW 27th and Denver, SW 50th at Gore and SW 52nd, 56th and W Gore, Gray-Warr and Gray Warr Avenue and on "F" Avenue from 27th to 38th. Exhibits: Resolution No. 01-106; 6/21/01 draft Traffic Commission minutes excerpt.

(Title only) Resolution No. 01-106

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma. Items: 1) Install "Deaf Child Area" signs near 505 SW "H" Avenue; 2) Install "Yield" signs at intersection of SW 18th and Douglas; 3) Install "Yield" signs at intersection of SW 68th and Baywood; 4) Install "Yield" signs at intersection of NW 27th and Denver; 5) Install "No Thru Traffic" signs on SW 50th at Gore and at SW 52nd; 6) Install "No U Turn" signs at intersection of 56th and W Gore for both east and west bound traffic; 7) Install "No Outlet" sign on Gray-Warr Place at Gray Warr Avenue; 8) Increase speed limit on "F" Avenue from 27th to 38th from 25 MPH to 35 MPH.

19. Consider approving the construction plans for a 12-inch water line located along SW 11th Street to serve the City of Geronimo. Exhibits: Map. Action: Approve the construction plans for the 12-inch waterline along SW 11th Street to serve the City of Geronimo subject to the approval of the Oklahoma Department of Environmental Quality.

20. Consider approving an agreement with the Board of County Commissioners of Comanche County to submit a Joint Application for Juvenile Accountability Incentive Block Grant funds. Exhibits: Letter; Agreement; FY 2000 - Program Purpose Areas. Action: Approval.

21. Consider approving Change Order #3 for the McMahon Memorial Auditorium Lobby Renovation #2000-34 with Reynosa Construction, Inc. Exhibits: McMahon Foundation Letter dated 6/20/01. Action: Approval. Change Order #3 includes removal and replacement of 800 sf of old wall carpet in the lobby area with new wall carpet to ensure uniform appearance. Cost is \$5,883; no additional contract time is requested to complete the work. Funding is provided by McMahon Foundation.

22. Consider adopting a Memorandum of Understanding (MOU) between the Wichita Mountains Wildlife Refuge and the City of Lawton allowing the City to use certain roads on the Refuge property for access to City property and authorizing the Mayor and City Clerk to sign the document. Exhibits: Memorandum of Understanding. Action: Approval.

23. Consider approving a Memorandum of Understanding (MOU) between the City and the United States Department of the Interior Fish and Wildlife Service, Wichita Mountains Wildlife Refuge for fire suppression service. Exhibits: None. Action: Approval.

24. Consider adopting the agreement entitled "Mattie Beal Renovation Project" between the City of Lawton and Lawton Heritage Association, Inc. providing an additional \$2,915 to cover the cost of the work undertaken in this contract, and authorize the Mayor to sign the agreement. Exhibits: Letter. Action: Approval.

25. Consider entering into agreements with Hospice of Lawton Area, Inc., Goodwill Industries, Inc., Roadback, Inc., and Meet the Needs, Inc. to carry out CDBG projects authorized in the City of Lawton Consolidated Plan for FFY 2001 (1 July 2001 thru 30 June 2002). Exhibits: None. Action: Approval.

26. Consider approving agreements between the City and performers for the Centennial Celebration on August 4, 2001. Exhibits: None. Action: Approval. Byron Berline Band - \$2,500; Lawton Philharmonic Orchestra - \$17,000.

27. Consider approving the following contract extensions: A) Mowing and Litter Control with Beaver Creek Tractor Service; B) Mowing and Litter Control with Wayne W. Harris; C) Plexar Telephone Service with Southwestern Bell Telephone. Exhibits: None. Action: Approval.

28. Consider approving contract change order for Custodial Maintenance Service with Service One Janitorial to add Landfill Administration Building to Group III. Exhibits: Change Order; Department Memorandums.

Shanklin said we are going to spend \$3,000 to maintain the Landfill Administration Building, which is a trailer, and we have enough personnel out there to haul out the trash, and the trash is right there, and it has to be swept perhaps two or three times a day with people coming in and out, especially when it rains. He said he thought we should maintain it ourselves and did not want to change the contract for it.

MOVED by Shanklin, SECOND by Devine, that we not extend the contract and let the staff that are out there maintain that building.

Baxter asked if someone could be made to do that according to their job descriptions. Baker said it is not really in their job description and we maintain other city facilities, just because this one happens to be located at the landfill does not necessarily mean we can expect those employees to do their own custodial work; we can do it and we could possibly get a grievance from an employee and go through that grievance procedure or they may just be willing to do it. We have cleaned it ourselves for a long time. Public Works made this request and Baker felt it was reasonable; we do not expect other people to clean their facilities but if Council does not want to do this, we will get it cleaned somehow.

Shanklin said he goes out there and sees employees milling around, and it has to be cleaned and swept out more than one time a day in many instances. Baker said if you want to take a field equipment operator off of a piece of equipment; Shanklin said no, there we go again, we are going to cut our budget, we are going to go get those old boys that pick up the trash every time, that is what we are doing here. Baker said if one of the employees at the landfill has to do this, we will have to pull them off of whatever else they are doing. Shanklin asked if they have their nose to the grindstone and if Baker had been out there to look and if he wanted to go with him. Baker said he had been out there many times, but he would go with Shanklin and look, but it is no big deal if Council does not want to do this.

Devine said the PA system and the light system out there does not work half the time. He said an employee was out there the other day in the heat and dust directing traffic and she did not object to that and he would guarantee that was not in her job description but she had no problem doing that when the lights were out so he could not understand why this would be a major issue to have someone to pick up a broom and sweep and save \$3,000 per year. Devine said we do not want to spend any money to fix the lights so the people can stay inside but we can sure put one of those high dollar employees out there directing traffic because the electrical system is not working half the time and we build it so close to the building that when big trucks come through with their doors open they knock the lights off. He said he did not know why anyone did not put any forethought into it and it aggravated him to want to spend \$3,000 for a janitorial service when we cannot even take care of our own equipment out there.

Shanklin said the other thing is it will be done at night and the employees could come into a nice clean facility in the morning but within one hour that could be shot due to the mud and he did not know how much trash they generate, but they are there and he did not think we would pull a \$20 an hour man and say this is your day to sweep.

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

29. Consider awarding contract for Tire Recapping to Tire Distribution Systems. Exhibits: Recommendation; Bid Abstract. Action: Approval.

30. Consider awarding contract for Redi-Mix Concrete to Lawton Transit Mix. Exhibits: Recommendation; Bid Abstract. Action: Approval.

31. Consider approval of appointments to boards and commissions.

Commission on Status of Women: Wilma J. Smith, Ward 6, Term: 7/10/01 to 7/10/03; Dorothy Woodruff, Western County, Term: 7/10/01 to 7/10/03

Parks & Recreation Commission: Jackie Barrett, Mayor appointee, Term: 1/12/01 to 1/12/03

32. Consider approval of payroll for the period of June 25 to July 9, 2001. Exhibits: None.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Bass apologized for arriving late. He said they played a baseball game, won 14 to 4 and had a good trip.

Baker said 45 applications were received for youth coordinator and interviews will be conducted. The Council picture may be taken immediately prior to the next meeting and it would be in front of the mural for the Centennial year. Devine asked if they would come in Centennial dress and Mayor Powell said no.

Moeller commented on the California weather and said she was glad to be home from her trip.

Shanklin said he gave everyone a copy of the Boulevard of Lights signs that they want permission to put up at 11th and Gore and it may help them entice donations. He thanked those who had anything to do with cleaning up the alleys and streets and he knew Ward 5 was done last but it did get done.

Shanklin asked if others had read where there may be only two bidders on a \$45 million remodel project at Lake Lawtonka and it was more than scary. He said if we cannot have at least five people give us a legitimate bid then we do not need to do this right now until something comes about. He said it is up to CH2M Hill, they are the ones that put the plans out, there are plenty of people that want to work and he was a little upset that we only have two people and the excuses they gave and he did not believe it, a \$45 million project eliminates many who can bond and bid a \$2 million project and they pass that work around, it is not a competitive bid and we are not going to get one and it is scary.

Baxter said a comment was made tonight when we were discussing the Lake & Land Commission about we need to keep the people who are on there because there are not people in the City who want to be on it. He said he knew of many people who would be willing to accept a post on the Lake & Land Commission.

Haywood said two family reunions were held here this past weekend and the City accommodated them and he appreciated that. He said Solid Waste and Street Department are doing a wonderful job.

Mayor Powell thanked those who have been on the back of the trucks in this heat doing the work.

There being no further business to consider, the meeting adjourned at 8:20 p.m. upon motion, second and roll call vote.