

Meeting of 2001-8-14 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
AUGUST 14, 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 6:12 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
 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: James Hanna, Ward Two

CONSIDER MINUTES OF LAWTON CITY COUNCIL MEETING OF JULY 24, 2001.

Baxter asked that the minutes be corrected to reflect that Jerry Thornton and Bob Dismuke were appointed as members of the Emergency Management Advisory Committee.

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

AUDIENCE PARTICIPATION:

Richard Taylor, SW Jefferson Avenue, asked that action be taken to stop prostitution in the area of Cache Road and Fort Sill Boulevard, noting that some activities are taking place near schools creating an unhealthy environment for children. He asked that Council consider adopting an ordinance to give the police as much authority as possible to be able to stop this prostitution. Mayor Powell said the issue was being addressed. Baker said he had met with Mr. Taylor on this issue and that the police are giving this top priority; other departments will also become involved to insure that violations in all areas are addressed.

Raymond McAlister said the rodeo and Centennial Celebration events were all very good and appreciated by the public.

Shanklin presented a plaque of appreciation to Mayor Powell for his work on the Centennial Celebration. Mayor Powell thanked the committee, Dr. Howard Kuchta and Margaret Chalfant, as well as all who assisted and contributed toward the celebration.

BUSINESS ITEMS:

1. Hold a public hearing and consider an ordinance changing the zoning from R-4 (High Density Apartment District) to P-F (Public Facilities District) zoning classification located at 1402 SW E Avenue. Exhibits: Ordinance No. 01-26; Location Map; Application; Site Plan; CPC Minutes; Zoning Map.

Bob Bigham, City Planner, said the applicant is the Salvation Army and the tract is immediately east of the main Salvation Army building. Zoning of the surrounding area is R-4 to the north and south, Public Facilities to the east

and west; multi-family to the north and single-family to the south. The City Planning Commission held several public hearings and one issue was the maneuvering of large trucks, however, the CPC on July 12 approved a Use Permitted on Review and recommended approval of the rezoning. City Council approved a revocable permit on July 10. Notice of public hearing was given and no calls or letters were received on this application.

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

MOVED by Shanklin, SECOND by Baxter, to approve Ordinance No. 01-26. AYE: Haywood, Baxter, Bass, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

(Title only) Ordinance No. 01-26

An ordinance changing the zoning classification from the existing classification of R-4 (High Density Apartment District) to P-F (Public Facilities 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.

2. Consider authorizing submission of the Program Narrative for the FEMA Project Impact Program and authorize the Mayor to execute related documents. Exhibits: Approved Initial Narrative; Proposed Work Program.

Bigham said this item was discussed at a community workshop last night at the Great Plains Technology Center, and all the Councilmembers present tonight attended last night's meeting. He suggested the item be continued to the August 28 meeting to put the finishing touches on the program and look closer at the budget to be sure the numbers fit the FEMA guidelines. Bigham said no action is required and asked if there were comments.

MOVED by Purcell, SECOND by Moeller, to table this to August 28. AYE: Baxter, Bass, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

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

Dan Tucker, Building Development Director, said this structure was burned in October 1999. In June 2000 the owner got a remodeling permit; in December 2000 the permit expired and the structure was brought to Council in January 2001 for condemnation. The owner asked that a remodel permit be issued and Council directed a building permit extension be given on January 23 for 60 days; on March 27 Council extended the permit for another 45 days; on May 22 Council extended the permit for another 90 days. Some work has been done on the property; it is not anywhere near complete and minimal progress has been made. Framing, electrical, mechanical and plumbing work have been done but none are near complete.

Tucker said he had written that the permit expired on August 9, but the owner picked up the permit on May 25 and we went 90 days from there, so the permit expires between now and the next Council meeting. He said the owner stated he intended to ask for another permit extension and he requested guidance. Mayor Powell asked when the permit expires. Tucker said either on August 9 or 25; extensions have been issued on the January permit; no new permits were issued and no new permit fees have been paid, so we have been doing the days given from the initial permit's expiration. Tucker said Council approved the extension on the 22nd and the owner came in on the 25th so the clerk wrote August 25 rather than going back and counting August 9, but it either expired or will expire within the next two weeks.

Shanklin said he has been in the structure on a couple of occasions and some progress has been made, but nothing really has been done in the last 45 days. He said he wanted to deny this and the owner has recourse through District Court; if a District Judge gives him permission to carry on, it will have more teeth than what we have if he fails to do that.

MOVED by Shanklin, SECOND by Haywood, to deny the extension of the permit for 707 Gore.

Bass asked if the owner can buy another permit. Shanklin said no. Tucker said if we deny the permit, our next action would be to notify the owner of a public hearing before Council to consider the property for condemnation and removal. Tucker said we have not formally received a request for another extension, although it was anticipated. Bass asked if the house would be condemned if another extension is not given. Mayor Powell said a public hearing would be held. Shanklin said the owner has recourse in District Court and what Council does is not the final word; when a District Judge gives him a time frame, then there is not any more recourse, that is if he even wants to pursue that. Mayor Powell said the other step is that he can come to the public hearing before the Council when condemnation is being considered.

Purcell asked if Council will have a condemnation action on the next agenda. Tucker said on August 26 when it expires, we will send him a notice of public hearing before the Council to determine whether or not it should be considered for condemnation.

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

4. Consider authorizing the Mayor to send a letter to the Bureau of Indian Affairs stating the City has no objections to the transfer of a part of the original Kerchee allotment located in Section 33, T2N, R11W, to the Fort Sill Apache Tribe. Exhibits: Proposed Letter.

Vincent said in early November 2000, the City received information, as required under a new federal law, asking if the City had any objection to the creation of trust property in the name of the Fort Sill Apache Tribe on E Gore in the vicinity of the casino. The casino property itself is already trust property, and this tract is located to the south and southwest. The information from the BIA was incorrect in stating this was a new trust property; it is actually a transfer from the Comanche Tribe to the Fort Sill Apache Tribe. Vincent said there have been numerous discussions with the Fort Sill Apache Tribe which requests this letter be rescinded and they want to work with the City on legal issues dealing with easements and rights of ways in that area. Vincent recommended the letter be rescinded and the Mayor be authorized to send the letter shown as a draft in the agenda packet indicating the City has no objection to the transfer of this property from one trust Tribe to another trust Tribe.

MOVED by Purcell, SECOND by Moeller, to authorize the Mayor to send a letter to the Bureau of Indian Affairs stating the City has no objections to the transfer of a part of the original Kerchee allotment to the Fort Sill Apache Tribe.

Shanklin asked the address. Vincent said this is the farm land south and southwest of the casino that goes all the way to Lee Boulevard.

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

5. Consider an amendment to a contract between the City of Lawton (Lender) and Yvette M. Chenault, a single person (Borrower), to subordinate the City's mortgage on her property at 4614 SW Beta and take other appropriate action. Exhibits: Letter; First Amendment to Mortgage.

Frank Pondrom, Director of Housing and Community Development, requested this item be stricken as Ms. Chenault is trying to negotiate with a bank for an interest rate lower than 14%.

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

6. Consider rejecting bids for the Medicine Park Water Treatment Plant Expansion Project. Exhibits: None.

Shanklin said he wanted Council to consider not rejecting the bids, we need to discuss some of it, and we need to bring back a change in the code that will allow us to reach that low bidder to be able to negotiate some change orders or at least discuss the content of the contract. He said he would make such a motion later and knew Ihler wanted to speak a little bit.

Jerry Ihler, Public Works Director, said the August 7 bid opening results were the engineer's estimate at \$30.7 million, the low bid at \$34.8 million and the second bid at \$36.7 million. He said the options appear to be to reject the bids and readvertise in six to nine months hoping for a better bid environment, although that likely will not happen. Another option would be to break the project into three smaller projects to try to lower the bonding requirements so more contractors would be able to bid the project. The down side is three different contractors over a period of time could be walking over each other, and bidding three separate contracts requires three separate mobilizations, and the potential for a cost savings probably will not be there in that alternative either. Another option is a construction management approach with the consultant acting as a prime general contractor and receiving bids from subs, and we do not know if we would receive a savings in that alternative. He said Shanklin brings up an interesting alternative by not rejecting the bids; this may be as good as it gets, we do not know.

Ihler said the bids can be left on the table and allow staff to go through the plans and do value engineering. Feedback has been received from different entities, from the contractors, from plan holders who bid and from those who did not, and staff would like to further investigate those ideas and comments to see if they could result in cost savings, but we also need to look at changing the code to award this if that is the alternative we look at in two weeks.

Mayor Powell asked how long the bids are valid. Ihler said we have 60 days to execute a contract. Vincent said the State law requires award of public construction contracts within 30 days of the bid opening, but for good cause, the Council can extend that an additional 15 days by resolution, which could be on the August 28 agenda to extend the award date to somewhere around September 20. Mayor Powell asked if the contract has a date in it as to how long it is good for. Vincent said the bid had to be good for 60 days so within that time we have 45 days to award and we

have to sign within 60 days.

Vincent said City Code Section 10-109 requires the low bid to be within 5% of the engineer's estimate for projects over \$800,000; that is not in the State Competitive Bidding Act and it could be repealed. Vincent said other sections in Chapter 10 also modify the State Competitive Bidding Act, and he recommended the City Code be amended to simply follow the state law.

Devine said this needs to get done and if we put it off, it will take 12-18 months to get bids again, and during that time, the contract could increase by 10 to 15%, and that could be \$3 to \$3.5 million. He asked that Council consider that and if there is a legal way to accept the bids, we need to move forward because we will just keep spending more money and be in the same identical place, plus another \$3.5 million down the tubes. Vincent recommended repealing Section 10-109. Shanklin asked if that had to be done before any other action can be taken. Vincent said yes and that could be brought back on August 28.

Purcell asked if there was a possibility under the law that the engineer's estimate could be looked at again, in light of the comment about the feedback that was received. Vincent said not once it is opened. Purcell said he agreed the contract should be awarded as soon as possible because if not, it will go higher.

MOVED by Shanklin, SECOND by Devine, that we do not reject the bids that we received for the Medicine Park Water Treatment Plant Expansion; direct staff to bring back at the next Council meeting to change the code, Section 10-1-109-a-3 that would allow us to at least get in the ball park to talk to the low bidder after we do that.

Vincent said he would like to repeal all of Section 10-109 because it all deals with engineer's estimates and we do not need that section. Shanklin and Devine agreed.

Baker said he supports this, we have to build the plant, we cannot put it off and if we do, it will cost more. He said the funding must be in place before the contract can be awarded and the Finance Director indicated that could be done by the first meeting in September.

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

ADDENDUM:

1. Consider ratifying the action of the City Manager and City Attorney in not pursuing an appeal and making payment of the judgment in the Worker's Compensation case of David Leon Keller in the Workers' Compensation Court, Case No. 2000-10831-A. Exhibits: None.

Vincent said we have ten days from the date of the court order to make an appeal and 20 days to make payment so pursuant to Council Policy, he and the City Manager decided not to appeal and instructed that payment be made. He said this is a perfunctory item and the amount of money is \$1,422.

MOVED by Purcell, SECOND by Moeller, to ratify the action of the City Manager and the City Attorney. AYE: Shanklin, Moeller, Haywood, Bass, Devine, Purcell. NAY: Baxter. MOTION CARRIED.

SECOND ADDENDUM:

1. Consider pedestrian access to the new Central Junior High School from the west side of Fort Sill Boulevard and provide direction to staff. Exhibits: None.

Shanklin said we are building a new central junior high for the central corridor and it will be open some time in October 2002 we hope and in the mean time there is a problem as to how we are going to get some of the students from the west side over to the school itself on the east side that are not being bussed. He had talked to Mr. Wade, Mr. Beauchamp, and it is in his ward, and he has talked with Mr. Haywood and Mr. Hanna and all are in support of getting this ball rolling now. Shanklin said he wanted to hear from staff as to what had to be done and see how we are going to fund it and he thought the school board may be running a little short and we are too but we have to find a place to put this overpass and he thought there would be a hand out as to the right of way.

Devine said he objected to an overpass for the pedestrians because it will be very costly. He suggested if we do anything that we build a walkway that would extend off the existing Cache Road bridge on the south side so they could walk along the bridge; that would get them across to the east side, then make a spiral walkway to go underneath the bridge, go back to the north and bring it back up on the other side to put them in the crosswalk with the red light. Devine said that would be cheaper and safer than trying to build an overpass. Devine said he thought he brought that up back when they were first talking about building the school when they were talking about the archway and he felt this would be a simpler way and would be easier to engineer than to try to build a free standing archway over the top.

Purcell said this was discussed five or six years ago when they talked about trading land because it was not in a very good, conducive location; it would be a problem for the buses and for getting students across Fort Sill Boulevard and across Cache Road. It was understood there was a problem then and the basic answer was, we want the land there, we want to build the school there, we will take care of it, and it came up again when we were discussing the whole bond issue that this could be a problem.

Purcell said it would be expensive to build an overpass both across Fort Sill Boulevard and across Cache Road. He said the other option discussed previously was to bus all the students even though they are well within the area you would normally have to bus. He said this is not a new problem, we knew about it and were told it would be taken care of and now it looks like it is getting dumped back on the City. Shanklin said we just want to talk about it and Purcell does not have to be against it right now, wait until it comes to a vote and then you can do it. Purcell asked to be allowed to finish his comments. Shanklin said Purcell was just pontificating. Purcell said we must look out for the safety of the children and find a way to solve this problem, but the citizens voted for x amount of dollars to build the school and maybe the cost for this can come out of the \$12.2 million. He said this should be studied and access is needed across both Fort Sill Boulevard and across Cache Road.

Baker said he met with Mr. Beauchamp last Friday, and he advised that until access can be provided for the children, especially to the west, that they will be busing them, but continuing to do that for the long term would cost more than providing safe walking access. Baker said Beauchamp was not speaking for the board but he felt the school system would certainly be willing to cooperate with the city as far as costs if we could come up with something, we did discuss the overpass and certainly there may be a better way of doing it. Baker said he would like authorization to continue to look at this, perhaps the first step would be to hire a traffic engineer to prepare options and associated costs, then if Council decides to pursue it, we could determine the funding source and proceed with the design. Mayor Powell asked about the schools participating in the hiring of this engineer. Shanklin suggested Mr. Wade be recognized.

Chuck Wade, attorney for Lawton Public Schools, said Bob Ross, School Board Member, is also present and may have comments. He said Beauchamp asked him to attend this evening and reconfirm what he told Baker in the meeting last Friday that he is really trying to develop a cooperative effort between the City and the school system to undertake the appropriate and most cost effective means of getting these children who live on the west side of Fort Sill Boulevard over to the new Central Junior High. Wade said in response to Purcell's comments, we have always known that this was a problem that would have to be addressed but when you look at the options and alternatives, there simply was not another site in the central corridor that was of sufficient size to construct a facility like this so it is a problem that we could not walk away from by going to another site. There are several different avenues to look at, certainly someone with expertise needs to address this such as a traffic engineer. Wade said this issue has not been formally taken to the Board of Education and the administration is looking at being able to develop some suggestions whereby we could jointly move toward resolving this problem. Wade said in regard to the \$12.2 million, that has already been committed to the project that is currently underway so we would have to be able to find some other funding source and he thought Mr. Beauchamp recognized that the school system needs to be in a position to find a way likewise to be involved in the funding and looking at it and finding the money necessary to undertake the project.

Bob Ross, School Board Member, said he came tonight as a parent, lives in Fields & Dunning and wanted to emphasize that those who live in Fields & Dunning and Liberty Heights feel seriously about this. He said in response to Devine's comment about the Cache Road issue, a kid in Liberty Heights can only get to Fort Sill Boulevard by walking down Elm Street or Cache Road; if the only access across Fort Sill Boulevard were at Cache Road, you would be trusting a 12 year old to walk all the way down Elm Street to Fort Sill Boulevard and then make him walk three blocks to the north to get across the roadway and realistically that is not going to happen. If something is built there to relieve a problem, it will have to be somewhere in the middle between Ferris and Cache Road, otherwise it will not be used, and the money should go for something that will be used and solve the problem, rather than something that will not be used. Ross said a school child was tragically killed trying to cross a dangerous intersection this past year and we are afraid it will happen again. Ross said they hope Central will be open for the start of school one year from now and hoped to have some help from the City in addressing this problem.

Purcell asked what thought had been given regarding the students from the northwest sector between Cache Road to Rogers Lane and between Fort Sill Boulevard to Sheridan. Ross said he did not have a good answer for that but felt once you get past Cache Road to the north, you are more in the area where the students will be eligible for busing; the most immediate neighborhoods where kids are not legally eligible to be bused are Fields & Dunning, Liberty Heights, North Addition, and Mountain View behind Braum's and south of Ferris. Mayor Powell said Beauchamp told Baker they would continue to bus those students north of Cache Road. Wade said the vast majority of the students to the north and west on the other side of Cache Road will be legitimately eligible to be transported by bus, together with the fact when you look at the first mile going back that direction and to the north, you will have a limited number of residences as compared to commercial businesses. Haywood asked if it was 1.5 miles for secondary students to ride the bus. Wade said that was his recollection. Haywood said all of those kids will not ride

the bus because many will need to get there early to participate in activities, so that could be a problem also, and we need to address this problem.

Moeller said we need to study it before getting into decision making; west on Fort Sill Boulevard between Pizza Hut and U-Haul is all houses and you will have to have a place to anchor this and unless you have got property, it will be a problem. She said if the kids are going down Fort Sill Boulevard and Cache Road, there are no sidewalks for them to walk on so you will still have a problem. Moeller said it should be studied in depth. Mayor Powell agreed it would be best not to build this in someone's front yard, and that was the reason for the print out and it needs to be studied. Vincent said from the pavement line to the west we have 27 feet basically up and down Fort Sill Boulevard. Baker said there is no problem on the east side of Fort Sill Boulevard because the school has the land; the west side could be a problem and the design might dictate how much room you need.

Baxter said the City has been trying to hire a traffic engineer. Baker said we are still trying to hire a traffic engineer, and he was talking about contracting for a consulting engineer to study this situation and provide recommendations. Baxter asked where you will get that money to pay that consultant and why not just hire the traffic engineer. Baker said we are trying to hire a traffic engineer, it is a very difficult position to fill and we have had trouble filling our engineering slots for years even when we increased the salary. Shanklin said that individual will not be able to design this. Baxter said he might be.

Bass asked if it was too far for students to walk from Ferris. Ross said it was not too far for them to walk, but it was too far for us to expect that they would do that when they are 12 years old. Ross said he and Bass routinely crossed Fort Sill Boulevard to go to the Dairy Queen years ago and there was a stopping point half way, and kids will dash across Elm trying to beat traffic that is hurrying to get to work. Bass asked if they are trying to get it half way. Mayor Powell said yes, half way between Ferris and Cache Road.

Shanklin said he just wanted to discuss it and not get it shot down before we had an opportunity to put it out there and get input from the school, and again, that is Mr. Baker and Mr. Beauchamp's category as far as he was concerned as far as hiring an engineer, that would be for them to decide how to fund it and bring it to the Council and School Board, and that would be the next thing. He said something needs to be started now and we have to be in on it because part of that problem is ours whether we want to admit it or not so he said let Baker and Beauchamp have it.

Mayor Powell said this has come up before and it is not anything new. He said he had spoken with the State Highway Department and received no indication that any funding could be provided, but suggested they be asked about planning it and see if some help could be provided on a study and design.

CONSENT AGENDA :

Vincent asked that Item 10 be stricken as the funds have been collected. Purcell asked for separate consideration of Item 21.

MOVED by Shanklin, SECOND by Haywood, to approve the Consent Agenda items as recommended, with the exception of Item 21 and to strike Item 10. AYE: Moeller, Haywood, Baxter, Bass, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

7. Consider the following damage claims recommended for denial: Southwestern Bell Telephone; and Lillian, Eberhard, Samantha and Christopher Stephan, minors. Exhibits: Legal Opinions/Recommendations. Action: Denial of claims.

8. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: James and Rise Cleland; William Cunningham and Mary Ruth Prose; Gerri Delaney; Brade and Carrie Jones; and Levi and Olivia Lewis. Exhibits: Legal Opinions/Recommendations. (Resolution Nos. 01-115, 01-116, 01-117 and 01-118 on file in City Clerk's Office) Action: Approval of claims and resolutions. Cleland - \$284.49.

(Title only) Resolution No. 01-115

A resolution authorizing and directing the City Attorney to assist William Cunningham and Mary Ruth Prose 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 Four Thousand Eighty-Four Dollars and 15/100 (\$4,084.15).

(Title only) Resolution No. 01-116

A resolution authorizing and directing the City Attorney to assist Gerri Delaney 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 Four Hundred Eighty-One Dollars and 46/100 (\$481.46).

(Title only) Resolution No. 01-117

A resolution authorizing and directing the City Attorney to assist Brad and Carrie Jones in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of One Thousand Seven Hundred Dollars and 00/100 (\$1,700.00).

(Title only) Resolution No. 01-118

A resolution authorizing and directing the City Attorney to assist Levi A. and Olivia M. Lewis in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Two Thousand Nine Hundred Seventy-Two Dollars and 66/100 (\$2,972.66).

9. Consider ratifying the action of the City Manager and the City Attorney in not appealing the judgment in the Workers' Compensation case of Vee S. Morales Sr. in the Workers' Compensation Court, Case No. 2001-03449H. Exhibits: None. Action: Approval of item; total lump sum award was \$6,468.90 with medical remaining open.

10. Consider possible litigation regarding the City's collection efforts from S & G Construction Company and Capitol Indemnity Corporation for the costs to repair the failure of the pump station in the sprinkler system at Grandview Ball Park. Exhibits: None. Action: Item was stricken.

11. Consider authorizing the City to accept an easement for a storm siren in Section 26, Township 2 North, Range 12 West, which has been donated by Wal-Mart Real Estate Business Trust, a Delaware business trust, and authorize the Mayor and City Clerk to execute this easement. Exhibits: None. Action: Approval.

12. Consider authorizing the Office of the City Attorney to submit an Application to the Court requesting the appointment of Steve Newcombe to succeed Ralph Newcombe as the court appointed trustee for the Highland Cemetery Perpetual Care Fund. Action: Approval.

13. Consider denying a request for the removal of a traffic control device on Gore Boulevard at NW 12th Street. Exhibits: Excerpt from 7/19/01 draft Traffic Commission minutes. Action: Deny request as stated.

14. Consider a resolution authorizing the installation of traffic control devices at SW 45th and Lee, SW 52nd and "G" Avenue, NW 25th and Gore, NW Parkwood Place and Woodland Drive, and NW Folkstone and Micklegate. Exhibits: Resolution No. 01-119; Excerpt from 7/19/01 draft Traffic Commission minutes. Action: Approval.

(Title only) Resolution No. 01-119

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma. Locations: 1) Install 25 MPH speed limit signs on SW 45th at Lee and on G at SW 52nd; 2) Install a "No Outlet" sign on NW Parkwood Place at Woodland Drive; 3) Install "Dip" signs on NW Woodland Drive in advance on NW 75th and Parkwood Place; 4) Install "Yield" signs on NW Chesley and Folkstone at Micklegate; 5) Install 25 MPH speed limit sign on NW 25th at Gore.

15. Consider approving the construction plans for water and sewer lines to serve Cameron Baptist Church. Exhibits: Location Map; Memorandum from Civil Engineer. Action: Approval. Plans indicate 324' of 8" water line along SW 26th St. between SW B and SW C Avenues; 327' of 6" water line along SW 27th St. between B and C Avenues, and 906' of 10" sewer line beginning at SW 26th and C going north to the alley, through the alley to SW 27th St. then south to SW C Ave. The existing 10" sewer line on C between 26th and 27th St. will remain in use but will only act as a private service line for properties owned by Cameron Baptist Church. Approval is subject to DEQ approval.

16. Consider adopting a resolution authorizing the Mayor and City Clerk to execute an agreement with the Oklahoma Department of Transportation (ODOT) for bridge inspection services as required by the National Bridge Inspection Standards (NBIS) program. Exhibits: Letter from ODOT; Resolution No. 01-120; Agreement. Action: Approval.

(Title only) Resolution No. 01-120

A resolution whereby the City Council of Lawton, Oklahoma, authorizes the execution of an agreement between the City of Lawton, Oklahoma, and the Oklahoma Department of Transportation for bridge inspection services under Project Number BR-NBIS(38)CO, Job Number 12996(08) required by the National Bridge Inspection Standards Program in accordance with the terms and tenor of 69 O.S. 1991, Sections 1205, 1206, 1401 and 1403.

17. Consider approving plans and specifications for the SW Crystal Hills Drive & 75th Street Reconstruction Project #2001-8 and authorizing staff to advertise for bids. Exhibits: None. Action: Approval.

18. Consider awarding a construction contract to Electro-Craft, Inc. for the Lake Lawtonka Gate Operators Electrical Project #2001-11. Exhibits: None. Action: Award construction contract to Electro-Craft, Inc. for the Lake

Lawtonka Gate Operators Electrical Project #2001-11 in the amount of \$29,469.00.

19. Consider accepting NW 23rd/26th Street Sewerline Upgrade Project 99-10 SSES as constructed by Jim Mays Construction Company and placing the maintenance bond into effect. Exhibits: None. Action: Approval.

20. Consider authorizing the City Manager or his designee to execute a Civil Support Release and Reimbursement Agreement with Fort Sill for the services of an explosive detection dog in the event such emergency services are needed by the City. Exhibits: Civil Support Release and Reimbursement Agreement. Action: Approval.

21. Consider approving the new Agreement for Limited Services with the Museum of the Great Plains Authority. Exhibits: Agreement.

Purcell said the agreement shows \$505,000 but he thought the budget contained \$515,000 for the Museum. Baker said he recommended a reduction to about \$490,000 and Council put \$15,000 back in, but if the actual budget document says \$515,000 this might be a typo. Purcell said the original part of the budget says \$505,000 but there is a letter that says \$515,000 so that was the reason for his question. Shanklin asked if Council put back \$15,000 and Baker said yes. Purcell said if \$505,000 is in the budget that was fine. Shanklin asked if this was satisfactory with the Museum. Baker said yes.

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

22. Consider approving an Independent Contractor agreement for the instructional services of a Judo instructor for the benefit of the community and citizens of Lawton. Exhibits: None. Action: Approve the Independent Judo Instructor Agreement with Mark Fogle, M.D.

23. Consider accepting the donations of ceramic supplies and a kiln from the Robert E. Greiner School for the Handicapped and from Tom Maiberger. Exhibits: Letters. Action: Approval. Estimated total combined value of all donations is over \$3,000.

24. Consider ratifying the action of the Lawton Water Authority approving Amendment No. 9 to the Raw Water Purchase Agreement with Ramon John, and authorize the Mayor and City Clerk to execute the amendment. Exhibits: None. Action: Ratify LWA approval actions.

25. Consider entering into contracts with Mr. Thomas Espinoza, Mr. and Mrs. Vern A. Lawson, Ms. Debra Daubenspeck, and Mr. Mattison Jenkins for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contracts. Exhibits: None. Action: Approval.

26. Consider awarding contract for Jogging Track Material to Red Dog Track. Exhibits: Recommendation; Bid Abstract. Action: Approval.

27. Consider awarding contract for Sodium Silicofluoride to Harcros Chemicals, Inc. Exhibits: Recommendation; Bid Abstract. Action: Approval.

28. Consider awarding contract for Four Wheel Drive Backhoe to Lawton Tractor & Lift. Exhibits: Recommendation; Bid Abstract. Action: Approval.

29. Consider awarding contract for Portable Lift Station to ICM of Oklahoma City. Exhibits: Recommendation; Bid Abstract. Action: Approval.

30. Consider approving contract change order of Water Clarification Chemicals with Ondeo Nalco Company to change delivery from seven calendar days to ten business days from placement of order. Exhibits: Contract Change Order; Department Memoranda. Action: Approval.

31. Consider approving the following contract extensions: A) Anhydrous Ammonia with Coop Services, Inc.; B) Technical Support for International Festival with Journey Productions; C) Lawton Arts & Entertainment Magazine with Colorgraphics "The Print Shop"; D) Soil with Penland Topsoil; E) Rental Equipment with ICM of Oklahoma City, TT Technologies, Inc., and C.L. Boyd; F) Electro Fusion Polyethylene Fittings for DR 17 Pipe with TT Technologies, Inc., Secor, and Cooper Wholesale, Inc.; G) Liquid Chlorine with DPC Industries, Inc.; H) Banking Services with Local Oklahoma Bank, N.A.; I) Water Clarification Chemicals with Gulbrandsen Technologies, Inc., and Ondeo Nalco Company; J) Rental of Cleaning Supplies with Rus of Lawton. Exhibits: None. Action: Approval.

32. Consider approval of appointments to boards and commissions.

Museum of the Great Plains Trust Authority: Dr. Lynn Musslewhite, City Representative, Term: 8/14/01 to 6/30/04

Traffic Commission: SGT Paul Royer, Fort Sill Representative, Term: 8/14/01 until transferred or provided by Fort Sill.

33. Consider approval of payroll for the period of July 23 to August 5, and August 6 to August 19, 2001. Exhibits: None.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Bass said the Wards 1 and 2 Neighborhood Meeting will be held on Friday, August 17 at 6 p.m. at the H.C. King Center. He said police officers will attend, as well as other staff who can answer questions about tall weeds and grass and other subjects. The public is invited.

Purcell thanked Public Works for finishing both East Cache Road and Rogers Lane. It is open in time for school, the citizens love it and the road is much improved in terms of surface, a little wider, and much safer for school buses, as well as citizens.

Devine commended all who took part in the Centennial Celebration for doing a fantastic job. He said the activities were very enjoyable. Mayor Powell said eight churches that are 100 years old celebrated the night after the birthday cake was cut and their choirs sung and it was a great celebration.

Moeller said she had called in Tuesday a week ago and asked for an item to be on the agenda and it was not, yet another one came in this Monday that was placed on the agenda, which was interesting. She said she was available to serve on committees and had not been appointed to anything other than the Museum Authority and she was available and was part of this Council. Mayor Powell said he thought she had been appointed to LEDA and the Museum Authority. Moeller said LEDA does nothing, it is a pass through, and it was shortly after she came on the Council but since then there have been various commissions and committee meetings and she had been appointed to nothing and was never even asked.

Shanklin said as for the last eight or nine months, water rate consultant report, they collected their money, where are they. Baker asked Livingston to answer. Steve Livingston, Finance Director, said he had been in contact with the water rate consultant every two or three days for the last three weeks working on one problem or another. Livingston said he mentioned the last time that we were reconciling our numbers, they have given him some information that is in a draft as far as the presentation and they are not the final numbers but he had gone through a 20-page report looking at what they intend to present and something is expected in the next couple of weeks. Livingston said he called Bob Benson this afternoon and he would probably return the call in the morning.

Shanklin asked if they had drawn all of their money down four months ago. Livingston said he did not think so but they are very close to drawing it down. Shanklin said they had a great portion of it drawn down and he could come in and look. Livingston said he did not know what they had four months ago. Shanklin said his point was why pay these people if they are not going to do their job, why do you let them draw down just because they send in a request that they need \$10,000 and just give it to them. Shanklin said it is past being funny to him. Livingston said it was not funny to him either. Shanklin said it was not funny to him and he would like to hit them on the nose. Livingston said they will be here for you to do that and they will make the presentation in about the next two weeks.

Haywood said school starts on Friday and he hoped all the people in Lawton would drive carefully.

Vincent said regarding the location of Fire Station 5, as of this weekend we have successfully received more than enough signatures to do away with the restrictive covenants on the site that was selected by Council and we filed an action in District Court this afternoon to have the Judge do a declaratory judgment. He said as soon as that is accomplished, we will bring the contracts back to the Mayor for signature according to Council's previous direction.

Baker asked that Council consider a change to the format on the agenda. He said citizens and others had approached him about the consent agenda being last, requiring them to sit here or watch on television for two or three hours before the consent agenda is addressed and their item may not even be discussed. He suggested amending the Council Policy to put the consent agenda first, any items could be pulled and considered in order after the regular agenda. Baker said this impacts department heads who may sit here for three hours when they could be home with their families and if they are not needed here, we need to let them go as soon as possible but they are not complaining. Mayor Powell said speeding up the meeting to not take so long to get to the consent agenda would be good. Council indicated they would be agreeable to considering such a change.

LTC Puckett said from the soldiers and families at Fort Sill, we want to thank the City, volunteers and Lawton Rangers for all of the events around the Centennial. He said Fort Sill changes commanders on August 23 from General Stricklin to Major General Maples, and General Stricklin will become Mr. Stricklin and a citizen of this

area. Mayor Powell said another good part of this is that we have found another retiring commandant that thinks Lawton-Fort Sill is a great place and he will reside here and be a part of our community.

Devine said he mentioned those that did a good job on the Centennial and the support provided by Fort Sill in that regard was fantastic and appreciated.

34. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the workers' compensation claim of Jeff Hall, and if necessary, take appropriate action in open session. Exhibits: None.

35. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending tort claim of Sean Armstrong against the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None. (Stricken as shown below)

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

37. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss conditions of employment of the new municipal judge and take action in open session if necessary. Exhibits: None.

Vincent asked that Item 35 be stricken.

MOVED by Baxter, SECOND by Bass, to convene in executive session to consider Items 34, 36 and 37 as shown on the agenda and recommended by the legal staff. AYE: Baxter, Bass, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 7:20 p.m. and reconvened in regular, open session at 7:43 p.m. with roll call reflecting all members present except Hanna.

Item 34: Vincent reported pursuant to Section 307B4, Title 25, Oklahoma Statutes, we convened in executive session to discuss the workers' compensation claim of Jeff Hall. He recommended a motion to authorize settlement of this claim by joint petition in the amount of 15% as the award.

MOVED by Purcell, SECOND by Moeller, to authorize settlement of this claim by joint petition in the amount of 15% as the award in the Hall claim. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

Item 36: Vincent reported pursuant to Section 307B4, Title 25, Oklahoma Statutes, we convened in executive session to discuss the pending damage claim of Elliott J. Clements. He requested authority to continue negotiations for settlement.

MOVED by Baxter, SECOND by Moeller, to continue to negotiate. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

Item 37: Mayor Powell said no action is required.

There being no further business to consider, the meeting adjourned at 7:45 p.m. upon motion, second and roll call vote.