

Meeting of 2004-9-28 REGULAR MEETING

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
SEPTEMBER 28, 2004  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr.                 Also Present:  
Presiding                         Larry Mitchell, City Manager  
                                   John Vincent, City Attorney  
                                   Karen Mull, Acting City Clerk  
                                   Col. G. Keith Herring, Fort Sill Liaison

The meeting was called to order at 6:10 p.m. by Mayor Purcell with invocation by Reverend Jim Holley of Saint Andrews Episcopal Church and followed by the Pledge of Allegiance. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT:             Randy Bass, Ward One  
                       Rex Givens, Ward Two  
                       Amy Ewing-Holmstrom, Ward Four  
                       Robert Shanklin, Ward Five  
                       Jeffrey Patton, Ward Six  
                       Stanley Haywood, Ward Seven  
                       Randy Warren, Ward Eight

ABSENT:   Glenn Devine, Ward Three

PRESENTATION OF PROCLAMATION FOR FIRE PREVENTION WEEK

Bart Hadley, Fire Chief, came forward as well as Chief Rivera from Fort Sill. Purcell said Fire Prevention Week is coming up and he'd like to present both the Chief of Fort Sill and the Chief of the City of Lawton a Proclamation to recognize Fire Prevention Week. As most people understand, they do an awful lot of work. Much of their job is fire prevention, so hopefully they don't have to get out and fight the fires. He knows they do a wonderful job with the school children throughout the city and just wanted to thank him for all you've done and keep up the good work. The Mayor read and presented a proclamation from the Office of the Mayor whereas Fire Prevention Week is scheduled each year to coincide with the great Chicago fire of October 9, 1871, that killed more than 251 people, left 100,000 homeless and destroyed more than 17,400 buildings. This week recognizes the tragic loss of life and injury that occur each year due to fires in the home. The 2004 Fire Prevention Week theme tests smoke alarms, emphasizes the need for homes to be equipped with working smoke alarms and that children and families must know what to do when the alarm sounds. Whereas the members of the fire service are joined by other concerned citizens of the Lawton Fort-Sill community, as well as businesses, schools, service clubs and other organizations in their fire safety efforts. The fire services of Lawton Fort-Sill are dedicated to the safety of life and property from the devastating effects of fires. The local efforts of the fire service are supported by numerous local, state, federal and international organizations. He proclaimed the week of October 4-8, 2004 as Fire Prevention Week. He thanked both Chiefs for all they do.  
AUDIENCE PARTICIPATION OPENED AT THIS TIME.

Carles Sowers from 3506 Silcott Circle came forward. He said he did a lot of work today on a project that he wanted to bring to Council. He had an experience that disturbed him. He had a deal a few years back that Council had an ordinance passed dealing with apartments. This individual was renting an apartment and their water bill was sky high. He came down and did a little research and he's glad he did and that's the reason he's bringing it to Council's attention. He'd requested that Council look at the codes dealing with apartments. Those individuals, some of them are having a difficult time. They rent one apartment and might have two that's on standby for repairs or something else. These people are being charged some outrageous water bills because there's no one living in these apartments. Instead they still charge the individual that's not receiving service. He doesn't want people to be charged for something the City doesn't give them. He knows the Council is fair and wants them to look at this. We have a lot of people out there that needs our help and he's here to ask your consideration.

Purcell thanked Sowers. He said they'd take a look at that.

AUDIENCE PARTICIPATION CLOSED AT THIS TIME.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL SPECIAL MEETING OF JUNE 1, 2004, REGULAR MEETING OF JUNE 8, 2004, SPECIAL MEETING OF JUNE 15, 2004, AND REGULAR MEETING OF JUNE 22, 2004.

MOTION by Warren, SECOND by Patton, to approve the minutes of Lawton City Council Special meeting of June 1, 2004, Regular Meeting of June 8, 2004, Special Meeting of June 15, 2004, and Regular Meeting of June 22, 2004. AYE: Givens, Shanklin, Patton, Haywood, Warren, Bass. NAY: Ewing-Holmstrom. MOTION CARRIED.

CONSENT AGENDA : Separate consideration was requested for Item 19.

MOTION by Shanklin, Second by Bass to approve the consent Agenda with the exception of item 19. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Givens. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: two claims from SBC Communications, Inc.  
Action: Approved.
2. Consider ratifying the actions of the Lawton Water Authority approving and Outside Water Sales Contract with Malcolm and Shirley Ray, and authorize the Mayor and City Clerk to execute the contract. Action: Approved.
3. Consider ratifying the actions of the Lawton Water Authority approving and Outside Water Sales Contract with Malcolm and Shirley Ray, and authorize the Mayor and City Clerk to execute the contract. Action: Approved.
4. Consider ratifying the actions of the Lawton Water Authority approving an Outside Water Sales Contract with Margaret Guthrie, and authorize the Mayor and City Clerk to execute the contract. Action: Approved.
5. Consider ratifying the actions of the Lawton Water Authority approving an Outside Water Sales Contract with Patrick and Ronna Corrente, and authorize the Mayor and City Clerk to execute the Contract. Action: Approved.
6. Consider ratifying the actions of the Lawton Water Authority approving an Outside Water Sales Contract with Celeste Corrente, and authorize the Mayor and City Clerk to execute the contract. Action: Approved.
7. Consider ratifying the action of the City Attorney in entering into a promissory note with Robert G. South for the repayment of damages to City property and authorize the Mayor and City Clerk to execute the note. Action: Approved.
8. Consider accepting three easements for the dedication of Warwick Way located in the Northeast Quarter of the Northwest Quarter of Section Thirty-Four, Township Two North, Range Eleven West, and expressly omit any existing waterline located in the easement areas from acceptance and dedication and authorize the Mayor and City Clerk to execute the easements. Action: Approved.
9. Considering approving an Agreement to accept an Emergency Management Performance Grant (EMPG).  
Exhibits: Emergency Management Preparedness Sub-Grant Agreement.  
Action: Approved.
10. Consider exercising the first option to extend the term of contract for a period of one year between The City of Lawton and The Emergency Medical Services Authority for administration of the \$50,000 Medical Reserve Corps Grant. Action: Approved.
11. Consider approving contracts for the second round of the Co-Sponsorship Grant Programs for FY 2004-2005.  
Action: Approved.
12. Consider approving contracts for School of the Arts , Fall 2004 Semester for Steven Scott Smith (\$540), Sherri Denning (\$540), Natalie Sklaney (\$270), and Shana M. Shriver (\$270) faculty members for the project.  
Total amount for stipends is \$1,620.00.  
Action: Approved
13. Consider entering into an agreement with Lawton Heritage Association, Inc. to carry out CDBG projects authorized in the City of Lawton Consolidated One-Year Action Plan for FFY 2000 (July 1, 2000-June 30, 2001) and authorizing the Mayor and City Clerk to execute the agreements. Action: Approved.
14. Consider approving an agreement with Lawton-Fort Sill Habitat for Humanity, Inc., a Community Housing Development Organization (CHDO) for the rehabilitation of an affordable housing unit at 1714 SW D Avenue and authorizing the Mayor and City Clerk to execute the document. Action: Approved.
15. Consider denying a request for the installation of traffic control devices at 6507 NW Elm, SW Cornell just

south of Gore Blvd., SW 76<sup>th</sup> Street between Crystal Hills Drive and Cherokee Ave., NW 3<sup>rd</sup> Street at Dearborn. Action: Approved.

16. Consider approving a Resolution authorizing the installation of traffic control devices at 1517 SW Pennsylvania, NW Quanah Parker Trailway at Crosby Park Blvd. and on SW Cornell, just south of Gore Blvd. Action: Approved.

17. Consider approving the following contract extensions: Cellular Telephone Service (CL03-029) with US Cellular. Action: Approved.

18. Consider awarding contract for Employees Accidental Death Insurance (RFPCL05-003). Action: Approved.

19. Consider approval of appointments to boards, commissions and trusts.

Ewing-Holmstrom said she had reservations about someone the Mayor has nominated to one of these committees, otherwise we can pass it.

MOTION by Warren, SECOND by Patton, to approve appointments to boards, commissions and trusts. AYE: Shanklin, Patton, Haywood, Warren, Bass, Givens. NAY: Ewing-Holmstrom. MOTION CARRIED.

20. Consider approval of payroll for the period of August 16, 2004 through August 29, 2004. Action: Approved.

#### BUSINESS ITEMS:

21. Consider accepting donation of \$1,000.00 from The Home Depot USA.

Harold Thorne, Chief of Police, introduced Dennis O'Keefe and Mike Borden from Home Depot and who would like to make a donation to be utilized in the child identification program. He said they have a child identification program, which they make i.d. cards for children. It has their photograph and fingerprints on it. They have such a demand to do those things and have the need for some modern equipment to accomplish that. These funds would go towards additional items, such as a laminator and a computer program which we could print the photographs rather than use a pre made, older style Polaroid picture.

Borden said he'd like to present the check on behalf of The Home Depot USA. He also thanked the Police Department for coming out last year on our Kid's Safety Week, and letting them participate in the Cops and Kids Picnic and letting us bring out kid's workshop.

O'Keefe said he knew how important the kid's i.d. program is. He has two kids himself and is very grateful the Lawton Police Department does that.

Thorne said he'd like to elaborate a little more on Home Depot's interaction with the City, in particular the Lawton Police Department. For our Cops and Kids Picnic, they brought out some little sailboats and other items for the children to put together and it was a pretty big hit. They've been real supportive of it this year and last year.

Purcell, said on behalf of the City Council, he'd like to thank Home Depot, not only for this but everything they do for the community. He's been out to many activities when they've been there and they are good corporate citizens in this city. The money will be put to good use for the kids.

Borden said they have nine associates who, on their time work at the Carter Crane Shelter. They're painting it and putting new ceiling fans in. Home Depot is donating the product.

MOTION by Bass, SECOND by Warren, to accept donation of \$1000.00 from the Home Depot USA. AYE: Patton, Haywood, Warren, Bass, Givens, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

22. Consider the Consolidated Annual Performance and Evaluation Report (CAPER) for Federal Fiscal Year (FFY) 2004, receive a briefing on the CAPER, hold a public hearing to receive input from citizens, consider the CAPER, approve the report for submission to HUD.

Tim Libby said each year the City of Lawton receives both Community Block Grant Funds and Housing Improvement Funds for the low and moderate income citizens. In the beginning of the year they go through the consolidated planning process where you meet out how those monies will be spent. During the year, they spend those in accordance with Council's guidance. At the end of the year, they're required to report back to HUD how those funds were spent. This report is a recapitulation of all those activities during the year.

Libby showed a slideshow briefing of how the different funds were provided to the citizens and how they supported

the citizens of Lawton. He said as of July 1, 2003, they had available for projects from previous years and with this year's grant, they had approximately \$2.2 million available for funding. Some of those funds were already allocated to different projects but the monies had not been spent and therefore they carried to this fiscal year. Of that, \$262,000, or 20% of this year's allocation was set aside for Administration.

Libby said Community Development activities include the entire range from public services to park improvements. Anything in the city that you find where low and moderate income citizens live, we are able to provide support through our consolidated planning process and through the funding. This year, in funds available, they had approximately \$990,000 for these different projects and spent approximately \$700,000 of that. The \$295,000 that's remaining is funds that are still there but have been allocated to projects. A very small portion of that is in contingency funds.

Of the total number of projects that our funds provided the citizens, we had thirteen public service projects funded and seven completed. The Historic Preservation is on-going. He encouraged everyone to go and see the work being done on the exterior of the Mattie Beal home. They've made a lot of progress and project completion is this fiscal year, although they've asked for an additional year extension in case any problems come up.

In park improvements, they've completed four out of the five projects and this year's budget had another four park projects. They had one street improvement, one out of three public facility improvements, one sewer line and all of the demos were completed.

The bulk of their economic development activity was going to be in the Lawton Industrial Foundation, Hagger Building Project. That firm withdrew their application and those funds are available for other projects. The other main provider is the Northside Chamber of Commerce and they spent approximately \$74,000 out of the approximate \$88,000 available.

In the Housing activity, they had about \$650,000 available and expended about \$379,000. Housing activities have a lengthy list of rehabs that are going to be ongoing. Those funds are allocated to those projects. We have a limited number of contractors available.

There were thirty two houses assisted, \$176,613.00 spent. Emergency repair, 42 houses were assisted. Over the course of the year, they helped 103 different homes. He said last year, they had a \$1.1 million starting at the beginning of this fiscal year. Their grant this year was \$1.094 million and they had program income of \$13,185, providing us \$2.2 million at the beginning of the fiscal year.

Expenditures in the year were approximately \$1.1 million, providing us on June 30, 2004, \$1.4 million moving into federal fiscal year 2004. 100% of the funds that were available for low mod projects went to low mod individuals in the community. HUD mandates that we spend no more than 15% of our annual grant plus 15% of program income on public services. This year, they obligated 13% of those funds. That 2% was that \$31,000. It's already been allocated; it just rolled over into the new fiscal year.

For the Administrative cap, HUD mandates a 20% cap on spending. This year they spent a total of 17.7%, again meeting HUD's requirements. Their performance criteria, HUD mandates that at no time will you have greater than 1.5 times the annual entitlement as a balance. If you do, it's considered poor performance. This year had 1.02 times, which means they have met HUD's performance criteria.

In the Home Investment Partnerships Program, they had \$1.6 million authorized for projects and Administration, HUD mandates a 10% cap on Administration and the Home Program unlike CDBG, where it's 20. They had \$130,000 for Administration.

On the breakdown of the numbers of activities during the federal fiscal year a total of 35 households were assisted using the home funds. Their home grant is usually about 1/2 of what they get for CDBG. At the end of the federal fiscal year, they had approximately \$900,000 left in Home. In the Home program they're required to allocate that money within 2 years and spend the money within 5. They're doing a good job in that program.

Out of \$330,000, they expended \$288,000 and have a fund balance of approximately \$38,000. In public facilities they have \$240,000.

Purcell asked if there were any questions from the Council. Purcell said he had 2 questions. He said he just wants to make sure he didn't misread. He read federal fiscal year 2004 was what he read but what he sees up there is fiscal 2003.

Libby said it's the 2003 report. Purcell said the federal year ends on September 30, 2003. Libby said they're actually one year off with CDBG between the City and the federal fiscal year. Federal fiscal 2003 ran from July 1, 2003 to June 30, 2004. Purcell said he would correct that when Council makes the motion, it needs to be federal fiscal year 2003. The second question he has, on one of the charts, Libby shows public services with a balance of

approximately \$38,000. He asked if that's the same area where we're limited to only 15%. Libby said yes. Purcell asked if that means that next year when they're doing this drill again, they're going to be able to take 15% of what we get next year in CDBG and add on to it \$38,000. Libby said no, what that \$38,000 is, for instance in that fiscal year, there was \$164,000 plus whatever 15% of their program income was. Out of those funds, they expended all but \$40,000 so they had \$130,000 expended. We had \$40,000 left over. That \$40,000 was actually expended in June of last year but Finance didn't receive the receipts of their requests for repayment until August. That's why they have to carry those into the next year. We have to do that every year. Next year we've been told \$1.49 million for the CDBG. We're going to get 15% of that for public services plus 15% of whatever program income, which will likely be around \$10,000 to \$15,000 again. It should be somewhere in the vicinity of \$150,000 to \$160,000. Purcell said thank you that answers his question.

PUBLIC HEARING WAS OPENED AND CLOSED WITH NO PARTICIPANTS.

MOTION by Haywood, SECOND by Warren, to approve the Consolidated Annual Performance and Evaluation Report (CAPER) for Federal Fiscal Year (FFY) 2004, receive a briefing on the CAPER, hold a public hearing to receive input from citizens, consider the CAPER, approve the report for submission to HUD. AYE: Haywood, Warren, Bass, Givens, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

Purcell introduced the Lawton Urban Renewal Authority and thanked them for all their hard work.

23. Consider adopting a resolution approving the submission of a Transportation Enhancement (TE) grant application to the Oklahoma Department of Transportation for a streetscape enhancement project for 2<sup>nd</sup> Street from Ferris Avenue to C Avenue and authorize the Mayor to execute.

Dr. Ernest Sheppard came forward and introduced himself as the Chairman. He said they recently contracted with a couple of independent businesses to develop for them a plan to revitalize 2<sup>nd</sup> and C. They have developed that plan and it's in the preliminary status. That will be submitted on October 1, with Council's approval from the City of Lawton to the Oklahoma Department of Transportation. Sheppard said they're matching funds of a total grant of about \$600,000 of which we would match 20%. Purcell asked Council if they had any questions. Sheppard said they had a representative from the firm also that can answer questions and there are also displays if anyone wants any details. Purcell said they had a good public hearing at the Carnegie Library.

Haywood asked Sheppard to introduce the members of LURA. Sheppard introduced Paul Fisher, Jerry Evers, Linda Dzialo and Albert Johnson. Givens asked if the Urban Renewal Board is 100% behind this. Sheppard said at this point they were.

MOTION by Shanklin, SECOND by Haywood, to adopt **Resolution No. 04-123** approving the submission of a Transportation Enhancement (TE) grant application to the Oklahoma Department of Transportation for a streetscape enhancement project for 2<sup>nd</sup> Street from Ferris Avenue to C Avenue and authorize the Mayor to execute. AYE: Bass, Givens, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. ABSTENTION: Warren. MOTION CARRIED.

24. Consider adopting a Resolution approving the submission of a Transportation Enhancement (TE) grant application to the Oklahoma Department of Transportation for the creation of a transportation museum on the grounds of the Museum of the Great Plains and authorize the Mayor to execute.

They're going to make a transportation museum utilizing those 2 elements. There'll even be an interactive theatre in the Depot itself explaining inner mobile transportation, a kind of back in time film that will allow children to interact with answers and travel along in time. They will be using different types of transportation. They're hoping they get approved.

MOTION by Givens, SECOND by Ewing-Holmstrom, to adopt Resolution **04-124** approving the submission of a Transportation Enhancement (TE) grant application to the Oklahoma Department of Transportation for the creation of a transportation museum on the grounds of the Museum of the Great Plains and authorize the Mayor to execute. AYE: Bass, Givens, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

25. Consider approving a revised Equipment List, submitted by the Oklahoma First Responder Equipment Program that was approved by the State of Oklahoma in August 2004, and accepting a contract with PSSI for the purchase of a Computer Aided Dispatch (CAD) System as part of the Phase 17 Grant Fund Project List approved by City Council on October 28, 2003.

Endicott said the item is a two part item. Back in October 28, 2003, Council approved a list for a grant totaling a little more than \$410,000 for some emergency equipment and so forth. Since that time, in August, 2004, the State has revised that list, so one part of this agenda item is approving that revised list. On the list, which was also on

the list in October, 2003, is the purchase of CAD equipment in the amount of \$225,000 plus. That's the second part of this item is to approve a contract with PSSI. The MIS supervisor has been working with this company to make sure all the specs are in order. The City Attorney has reviewed the contract and signed off on it. He said he's in this loop late because Doug Wells retired in June and they've re-started their Emergency Committee. They got involved because of the purchase of the computer equipment their department did. The Fire Chief and Police Chief have been involved from day one. They may be able to answer any questions he can't.

Warren referred to a page and asked if it was the previous list. Endicott said in October, if you turn to page 59 & 60 in your agenda, on page 59, that was the original list that was approved by Council. On that list, the top item, water system security project, for \$150,000 is not on there for some reason but what they have put on there is video surveillance and access control security system for \$121,860. He said he can't tell Council why that switch took place because the water system security project was a Public Works project and this video surveillance and access control is a Communications Project. Evidently there was some point during this application process that somebody asked for that switch to be made. He said he wasn't involved early on so he doesn't really know. The other point he'd like to make about those two lists is, if you look at the protective mask, in October 2003, the amount was \$12,000. Now it's \$14,400 to buy protective masks. The overall total to the grant has not changed. One of the reasons they're coming to Council with the PSSI is we have to get this equipment ordered and in place by February 28. With the departure of Mr. Wells, there was a couple of months that lagged. Our MIS Supervisor, once he got on board, found some information out about the CAD equipment and got it going.

Warren said he still had one question. He said he doesn't have a problem with the changes but what exactly is a video surveillance and access control security system?

Thorne said, by its definition in here, when they first submitted the grant, that item wasn't in there. I would take that as video surveillance cameras posted at the Communications Center and then controlled access, swipe type i.d. cards at specific locations that we consider vital. That would be for the entire access building because it would be virtually impossible to control just that one section.

Warren said his last question would be, the part that was deleted, the water system security project, if he remembers right, they would have do a fencing or something at the Water Treatment Plant? Are they just not going to do that now? His understanding is that was part of a federal mandate that we do that. Are we going to pay for that out of some other funds? Thorne said he doesn't know why that's not in there but if you look at the heading at the top of the page, it says Oklahoma First Responder Equipment Program. Maybe they tailored that money just to be utilized in infrastructure protection of communication centers, which involves first response and things of that nature. Mitchell said he would guess the State's moving in the direction of trying to set up these regional centers. He said he thinks that's why we have the shift in the allocation.

MOTION by Warren, SECOND by Bass, to approve a revised Equipment List, submitted by the Oklahoma First Responder Equipment Program that was approved by the State of Oklahoma in August 2004, and accepting a contract with PSSI for the purchase of a Computer Aided Dispatch (CAD) System as part of the Phase 17 Grant Fund Project List approved by City Council on October 28, 2003.

Warren said the reason why he was had the floor so long was because he's a little nervous about changes to stuff that no one can tell who wanted to change it. That's no reference to you gentlemen at all. He understands that Wells left and all that. He was just a little concerned.

Mitchell said he thinks they were made at the State level.

VOTE ON THE MOTION WAS TAKEN AT THIS TIME.

AYE: Givens, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED.

26. Consider adopting an ordinance amending Section 22-2-1-206, 22-2-1-218 and 22-2-1-219, Water Usage, in Chapter 22, Lawton City Code, 1995, providing for severability and establish an effective date. Exhibits: Ordinance revisions to Section 22-2-1-206, 22-2-1-218, and 22-2-1-219. Page 64 Ordinance No. 04-37.

Mitchell said as Council knows the current City's policy with respect to water conservation, water restrictions has to do with either a loss of water pressure and emergency in the water systems. What they're proposing is to change that policy to include a more comprehensive approach to water conservation and restricting water use. He said, as outlined in the background of this report, they're proposing a three stage approach which would incorporate both a volunteer conservation program and a mandatory or prohibition regarding water usage. They're proposing a three stage approach which ties directly to lake elevations and Lawtonka and the treatment capacity at our Medicine Park plant. He's not sure what that chart is reflecting, but for our three stages, our first stage would be a voluntary restriction which would call upon the general population to conserve water voluntarily and watering between the hours of midnight and noon every other day. That would be triggered when the water treatment plant reaches 95% of capacity for a 7 day period and our lake level drops to 1,340 elevation. Currently Lake Lawtonka is

at 1,339 so if this ordinance were in place it would be the option of the Mayor to call for voluntary conservation of water. As we move to stage 2, it would be a mandatory restriction which would impose a strict limitation on all non-essential watering and trigger a penalty or fine upon those choosing to violate the order and this proclamation for Stage 2 would be implemented either at the time that our treatment plant reached 98% capacity, our lake level dropped to 1,334. The consumption is rising from 95 to 98% and lake levels are dropping by 6'. At that stage they would have a mandatory restriction that watering for residential customers would occur between midnight and noon every other day and those violating that order would be subject to a maximum fine of \$500.00. The third stage would be a mandatory prohibition which would expand the restrictions under stage 2 by including limiting commercial watering enterprises and suspending all outside water sales contracts. That would be at the point and time where they'd reach the 100% of capacity of our plant, the treatment for 2 consecutive days and the water level at Lawtonka drops below 1,330. Essentially, below 1,330 we're pulling silt and other things into our piping system. It's very difficult to maintain that type of capacity and treatment schedule. Mitchell asked Ihler there if was anything he'd like to add?

Ihler said that stage 1, 2 & 3 were based on how we arrived at those elevations for the lake levels based on the amount of water we would have left over or the time they would be able to treat water at the water treatment plant and that last column shows the number of months that they would still have water available at the water treatment plant. He said if they had no more run off or no more rain and those number of months to incorporate the fact that they still will have the pumping system in the works where they're able to pump from Waurika, then from Waurika to Ellsworth, Ellsworth to Lawtonka. As the City Manager said, you can see that as we get down to stage 3, then we get down to 35% of our capacity that's left, the quality of the water really depreciates quickly.

Mitchell said he was just going to point out that he thinks what Ihler's saying here is that if the City doesn't receive another drop of rain from this point forward we basically have a three year window. If nothing else changes we have about three years of capacity remaining. Is that summarizing it correctly?

Ihler said yes, based on the elevation they're at today, somewhere around 28 to 30 months remains.

Shanklin said when was the last time we were 11' down? What year?

Ihler asked if he meant at Lawtonka? Shanklin said yes. Ihler said he really couldn't tell him. Shanklin said, well, he has 11' down there, he just assumed that was Lawtonka we're talking about. Ihler said, Yes it is, 11.6' down. Shanklin asked if it was in the 60s? Ihler said he really couldn't tell him because he's been here for 21 years and it's never been that low at Lawtonka.

Shanklin said I think it was in the 60s, it did get down, they did a little dredging to clean out School House Slough. They had the boat houses out there for \$400.00 a year. They sure didn't want to load them up with any expenses. The only thing he has is, we're a long ways from that. We did treat 31 million this year. He said he's looking at March of 04, they treated a maximum of 17, April was 19, May was 25, and July was 31. They had 31 one day and averaged 22 million. So we can treat 40, so he thinks they're a long ways from that. In 2002 they had pretty good revenue because of our daily average of July and August with 23 and 26 million. He said his point is, there is water, it just needs to be conserved. .

Mitchell said what they're saying here is they're looking at both the treatment capacity at the plant and the lake level. If the lake level gets below 1,330 it doesn't matter how much plant capacity we have.

Shanklin said his only concern is have we looked at how much money our budget is down right now? Will it be down for the lack of water sales?

Mitchell said you just received an August financial report and they're dead on as far as revenue. The revenue is dead on with what we have on our budget. Shanklin said, yes, but we don't have August water bills collected either. Mitchell said that's correct.

Shanklin said he thinks they should be looking at how they're going to try and make up the shortfall. He's gone through one.

Purcell asked if there were any other discussion. He said just to point out what's on the agenda item itself, there's an error on page 64 where it says in stage 1, every day, it should be every other day. It's correct in the ordinance. The ordinance will be 04-37 and it has the correct wording in there but the agenda item is what's wrong.

Patton asked if all these stages would still be subject to Council approval or once this is implemented, then once they hit those stages it automatically goes into effect.

Mitchell said it would not be automatic. It would be up to the discretion of the Mayor to make the proclamation. The Mayor would make the proclamation in stage 1 which would alert the community we are now in a voluntary situation and they're asking people to voluntarily restrict the use of water. Then if these other situations persist

and we reach stage 2 level then it's up to the Mayor's discretion.

Shanklin said no, that's not the way it reads. They're passing that for stage 1, 2 & 3 and the Mayor would authorize it when we hit stage 1. It's not up to his discretion, he does not have that administrative authority.

Purcell said once we get to this, before he issues that order he would contact all Council members but once we hit those numbers that are on that chart then that's when he would issue that order. Before issuing the order, every Council member will be contacted and told that we're going to issue it.

Patton asked if it is going to be a combination. I know there were 4 factors that were up there.

Purcell said there's only 2. He said it's how many gallons are produced or lake level. If either of those things happen we would be issuing an order for stage 1. We're not at 95 % capacity but we're below 1,340 so stage 1 will go into effect.

Vincent said the way it is written, it could go into effect.

Purcell said he agreed with Shanklin. Why does it say could, because if you're expecting him to do it when it hits those numbers, he's going to do it.

Shanklin asked about if he was out of town. Purcell said the Mayor Pro-Tem will do it. Shanklin asked if he was sick in bed what would happen. Purcell said one of the Council members will do it. Shanklin said it should be automatic that the City Manager will do it. Purcell said it's just a technicality. Vincent said the only thing that's changed in this ordinance from what's already on the books is to create the stages and the impact. They already have up in paragraph A, the Mayor shall issue a proclamation upon certification by the City Manager and the City Engineer.

Shanklin said if it's an ordinance it doesn't have to be. It's automatic. Vincent said that revision can be made. Shanklin said it's automatic when it hits that scale right up there, these stages, 1, 2, & 3 will occur.

Purcell said make that part of your motion.

Purcell said it's whoever's been on the Council the longest and that's Councilman Shanklin. After the Mayor Pro-Tem, it's him.

MOTION by Shanklin, SECOND by Patton. to approve Ordinance No. 04-37, amending Section 22-2-1-206, 22-2-1-218 and 22-2-1-21-9, Water Usage, in Chapter 22, Lawton City Code, 1995, providing for severability and establish an effective date. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Givens. NAY: None.  
MOTION CARRIED.

(Title Only)

**Ordinance No. 04-37**

An ordinance amending Section 22-2-1-206, 22-2-1-218 and 22-2-1-21-9, Water Usage, in Chapter 22, Lawton City Code, 1995, providing for severability and establish an effective date.

27. Consider an ordinance amending Section 101, 107, and 108, Article 1, Chapter 10, Lawton City Code, 1995, by authorizing utilization of electronic sealed bidding, establishing a reverse auction bidding procedure, creating an alternative to the bidding procedure, providing for Severability, and establish an effective date.

Endicott said recently OML has partnered with a company called Ecuity and they are a company that provides an electronic sealed bidding service. He said what this agenda item basically does is revises sections of our code to allow us to enter into that phase of the bidding process through electronic means. State law, effective November 1<sup>st</sup>, will allow that process to take place but currently our code does not. Electronic sealed bidding is basically a reverse of Ebay. We contact Ecuity and tell them, for instance we want to buy a dump truck, they will then put it on the internet. Vendors then go on-line and begin bidding at prescribed times on this particular item. There's a time limit set and our end, he get to see the bidding is going. He'll get to see numbers and see how the bid is processing. It's pretty competitive. There's several states that have been using this system for quite a while. On average, the City can save somewhere between 10 and 20% overall, sometimes it's less, sometimes it's more. The other attractive thing about this is it will give us the capability to partner with other cities. For instance, Oklahoma City, Lawton, Tulsa and any other cities were going to buy a fire truck, all together, we wanted 10 fire trucks and Lawton wanted 1 of those. We could join up with those other cities and a company can bid out those 10 fire trucks. So, there's a savings just because of the volume. There's no cost to the City. There's a small percentage cost to the vendor. There's been some question whether or not local vendors will be involved in this. We can pass on any information that we currently have to Ecuity regarding any vendors and put them on the list. Then Ecuity will work with those vendors to help them go through this process of bidding on whatever we're looking for. He plans, if this item passes, to step into this gently and look at bidding a few items over a period of time and see how it works. In his opinion, it is the future of purchasing. In the future, he thinks this is how purchasing is going to go. The process is basically the same as we do now except it's electronic. They still go through a sealed process. They will still bring it to Council.



MOTION by Ewing-Holmstrom, SECOND by Warren: to approve ordinance 04-38 amending Section 101, 107, and 108, Article 1, Chapter 10, Lawton City Code, 1995, by authorizing utilization of electronic sealed bidding, establishing a reverse auction bidding procedure, creating an alternative to the bidding procedure, providing for Severability, and establish an effective date.

Givens asked if the City had a maximum bid. Endicott said if they know they don't want to spend more than a certain amount on an item, they can put that number on there.

Bass asked if people can see what other people bid on this site. Endicott said they don't know who the vendors are but it's actually a position, say there's 5 vendors bidding on this piece of equipment, they'll have 5 numbers up there. Between 1 and 5, if 1 is the lowest and 5 is the highest, there will be a little dot on the screen and you'll see if you're the contractor that's the highest. In order to get below, they have to keep on going down because you don't know what his bid is. Bass asked if it tells you how many days you have left. Endicott said it's within a 30 minute time span. It can be extended, depending if the bidding continues to be competitive. The other part about it is, they're not lowering their bids by \$5 or \$10. We set the amount to be \$500, \$1000, that type of thing, where they have to bid at least that much lower on their next bid.

Patton asked if this would preclude anyone from bidding in the old process. Does that mean that's the only way someone can bid? Endicott said if we bid an item on Ecuity, that's the only way they can bid that item. It doesn't preclude us from still doing the type of bidding that we do right now. We won't bid everything we purchase in a given year through this process. It will be probably, big ticket items, pipe, and trucks. It could be a number of things but it won't be everything. Patton asked if each vendor has to pay the fee to bid or just the winning bid. Endicott said the successful bidder will pay the fee.

Shanklin asked how they'd do that on water meters. Endicott said that's an excellent opportunity for them. The other thing he didn't mention, basically they want to limit the items we want to bid to anything over \$20,000 or above. The water meters would be an excellent item to put on there. Shanklin asked how you make sure that you're getting the product exactly like you need it? Endicott said this is one of the things he's excited about. They deal with so many companies in the United States, they have professionals on staff, at no cost to us, that will help us develop those RFPs and specifications.

Patton had an example of purchasing a dump truck. He asked if the only companies that are going to be able to bid on that, are companies affiliated with Ecuity. In other words, say I'm a regular vendor for dump trucks with you, and I'm not on this Ecuity, will there be a publishing process just like it is now? Endicott said they will submit the name to Ecuity. They will contact you and get you in the loop. He said there's was a question, what if you don't have a computer. We would encourage them to use the Library computer but Ecuity will work with these people in one fashion or another. If we've been working with companies and say, we have a list of 10 companies that we've been dealing with for 30 years, we're going to give that information to Ecuity. They will then contact the companies and bring them into the process. Then they'll have their own broad list of vendors in addition to ours.

Warren said it also gives that local guy an incentive to actually go buy a computer because he won't only be able to bid on Lawton, Oklahoma items, he'll be able to bid on Tulsa and Sacramento or whoever else happens to be on there. Endicott said that's right. He said if you go on there right now, it's ECUITY.COM, you can click on it and see what all the specs are and the cities that have them. It really gives them an opportunity to bid on items across the United States.

Purcell said there was one thing when they went to the class and watched how this worked. The demonstration he remembers is there was one city in Oklahoma that was bidding on a dump truck. From the initial bid that they would have gotten as the low bid, when they did it through Ecuity, they saved \$10,000 on that dump truck.

VOTE WAS HELD ON THE MOTION AT THIS TIME.

AYE: Ewing-Holmstrom, Shanklin, Haywood, Warren, Bass, Givens, Devine. NAY: Patton. MOTION CARRIED.

Title Only

**Ordinance 04-38**

An Ordinance amending Section 101, 107, and 108, Article 1, Chapter 10, Lawton City Code, 1995, by authorizing utilization of electronic sealed bidding, establishing a reverse auction bidding procedure, creating an alternative to the bidding procedure, providing for Severability, and establish an effective date.

ADDENDUM ITEM

1. Consider approving contract amendment No. 3 with Robert B. Hendrick and Sons Co., Inc. for professional engineering services for the design of N.E Flower Mound Road (Gore to Rogers) Project #2000-28.

Ihler said back in the 2000 CIP, the citizens of Lawton approved a project when they approved the CIP to

reconstruct Flower Mound Road from Gore Boulevard north to Rogers Lane. They have been going forward with this project and completed the design of the project. This is a joint project with The Oklahoma Department of Transportation and the Federal Highway Administration has indicated that they have been trying to get this project incorporated into their fiscal year 2005. It's depending upon available funds as to whether or not they can fund the project. However, they have come to us as late as last week and told us that they do have some monies they are able to acquire from other states that are not able to use the funds. If we're able to split the project into 2 projects, they have enough money available to do the south mile from Gore Boulevard north to Cache Road and we would have to split the project up into 2 different phases. Phase 1 would be that south mile. This amendment that is before Council is that they have hired a consultant, Robert B. Hendrick and Sons to do the project and he has completed the design for the 2 miles but we are required to break the project up. This amendment has two items, 1 to break it up and the 2<sup>nd</sup> item is, the southwest quarter section is owned by the KCA Tribal Land. There are some complexities we work with when we're trying to acquire KCA Tribal Land. Because the bid letting date is going to be set for April, we have to have all of the Right of Ways acquired 60-90 days in advance of that. The concern is if there's enough time to go through the process of acquiring that property. The 2<sup>nd</sup> item associated is to do a realignment of Flower Mound Road where they start back down by the creek they start angling a little towards the east and get through the intersection and then start angling to get back into the original alignment. The consultant has given us a price of \$22,000 to break the project up as well as do the realignment design. Should we be fortunate enough to work something out with BIA & KCA, in a short time frame then he requests one change on the amendment and that's item 2 where they said compensate the Engineer with additional fee proposal amounting to \$22,000. If they could change that when Council approves the amendment to compensate the Engineer with an additional fee proposal not to exceed \$22,000. If we don't have to realign it then the fee is somewhere in the neighborhood of \$16,800 to \$17,000.

Warren asked if it would affect the road size. Ihler said no, they're still going with the 5 lane facility but won't be able to acquire that west 17' so basically we'll be shifting the road about 15'. It will require them to get additional Right of Ways from the property owner on the east side.

Patton asked what would happen if the BIA and the KCA don't come to the table with this and the City does have to pay the extra expense of widening that around. Let's say they put up a casino there or whatever they could because they certainly could. Now that the City has put in a 5 lane road there at our expense, is there any way they can recoup some of that money?

Ewing-Holmstrom said just from her background with the KCA, the chances of them putting up a casino are very slim. Patton said he didn't doubt that but it's still a possibility. Ewing-Holmstrom said, not that they wouldn't welcome more business on the east side. She said the casino isn't really the issue to her. It would be on the other side of the street. Patton said, let's say they put up an aesthetically beautiful building, whatever it is, it could be a park. That would require ingress and egress. If they go to this expense, they're spending the money to do this because they couldn't make a deal and now, all of a sudden, this is a great 5 lane road, let's utilize this property. Ihler said he's not aware of how we could recoup the costs for realignment but they'll be coming back to Council with an item next month that talks about impact fees. That would be a methodology we could recoup some of the costs through impact fees, if Council chose.

Shanklin asked if this is the one he's been waiting on. Ihler said yes.

Ihler said just before the Council meeting he talked with an individual that said the BIA feels very good about this, about possibly working this out and they have talked to the KCA and they would like to have a meeting on October 6<sup>th</sup> with City Staff. He thinks it's the City Manager that's doing the negotiations.

Mitchell said he had 2 dates, either October 4<sup>th</sup> or October 6<sup>th</sup>. Ihler said their choice would be to work out the agreement and keep the original alignment so they won't have to make this change.

Purcell said let's make this clear so everyone on the Council understands. They were about to lose \$2.5 million from the state on this project because we had no agreement with the KCA. It didn't look like we were going to get it. They had 1 meeting and it was canceled. They're still trying to meet with them so he's glad to know that we're meeting with them again. It would probably wind up being cheaper by them spending the \$22,000. Even though the road won't be as straight as they'd like it, and get on with it. If they didn't, they'd still be arguing with this months and years from now and they'd have lost the \$2.5 million, so that's number 1 why that's being brought up. He asked Vincent about the other issue, is that resolved? If we get approval from BIA, we're okay? Vincent said that's correct. Purcell said he didn't want to get into it but there was another approval with, even with approval from BIA, that has now gone away. Vincent said the other issue is they had to do some intersection redesigns, which would cause the need for an amendment to the contract, anyway. Ihler said this item is strictly to amend the Engineer's contract to allow the realignment redesigned, as well as splitting the project up. The difference for the realignment is only just over \$5,000 so that's the difference in the amount. Purcell said if they don't get an agreement fairly soon after this meeting and they don't have anything from the BIA, they need to get on with making the change.

MOTION by Ewing-Holmstrom, SECOND by Patton, to approve contract amendment No. 3

with Robert B. Hendrick and Sons Co., Inc. for professional engineering services for the design of N.E Flower Mound Road (Gore to Rogers) Project #2000-28, changing the amendment not to exceed \$22,000 on item No. 2.

Warren said he just wanted to make sure that once this is voted in, are they going to have the product to do this either way? Ihler said yes.

Bass asked if the revised total fee amount for Flower Mound Road was \$292,000? Is that because of the split?

Ihler said on the original contract to do the design was \$292,000 minus the \$22,000, so it was \$270,000. He said they're just adding the \$22,000 to the original contract. They're increasing his contract from the \$270,000 to the \$292,000 by \$22,000. Bass asked what part was revised to give us \$270,000. Ihler said it's only \$22,000 more.

The original design to do the entire design of the 2 miles, actually included the design of the 3<sup>rd</sup> mile, was \$270,000. Just to make that realignment and split the project into 2 phases it's costing the \$22,000.

Mitchell said he wanted to personally thank Brad Burgess publicly because he worked really hard on this project and met with individuals from ODOT on several occasions to help us secure this funding.

VOTE ON THE MOTION WAS TAKEN AT THIS TIME.

AYE: Shanklin, Patton, Haywood, Warren, Bass, Givens, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

## REPORTS

Givens said the Sign Ordinance Committee has met a couple of times and they're proceeding along. Be assured they'll have something back to Council. The Zone One Task Force has met once. They elected Chief Thorne and Chief Hadley as their Co-Chair of that committee. He said he thinks there's another committee tomorrow afternoon. That was a very good meeting also. A lot of good is coming out of that task force.

Ewing-Holmstrom asked Ihler where they're at on the 9<sup>th</sup> and Dove standing water. Ihler said he went over last week and asked Water Distribution to go out and check and see if it was a leaking fire hydrant or a sprinkler system. The water actually starts north of the fire hydrant. Ewing-Holmstrom said she checked it out on the way here tonight and there's a big puddle. She said she's getting phone call after phone call. Whatever he can do to get that remedied would be great.

Ihler said if it's not the City's, he'll have to get with the property owner and see if they can take care of it. Ewing-Holmstrom asked if it was from those new little townhouses along that road? She said, by the way, his guys have done a fantastic job out in Mac Park. They've been doing some road work and putting in sidewalks. She asked if everyone received a Boulevard of Lights memo. She had a comment. She said she loved David VanHoozer, the Boulevard of Lights Project and she even got to emcee that parade one year. She thinks they need to look somewhere else other than our Fort Sill soldiers to do the manpower for something that is really for the City of Lawton. Everybody enjoys it, Fort Sill and the City of Lawton, but he's asking a lot here and they rely on those soldiers a lot. They clean up our city when we do the Spring Cleanup and Fall Cleanup. We need to dig deep and find some Lawton citizens who can put in some manpower to put up our Boulevard of lights. We're a Country at war and we need to remember that.

Patton said this past Friday the Lawton Public Schools Foundation had a fundraiser/breakfast at Golden Corral. He wanted to thank them for providing that venue for them. It was a very successful fundraising operation and he wanted to say he appreciates everyone coming out and supporting that cause.

Haywood said he failed to mention the death of John Henry Nelson. He helped changed Lawton. He would sit in and deal with civil rights. They had some people come down from the state. He was very popular in this state, nationally in and his fraternity. They did have state representatives from OU and from the Governor's office. He wanted to say that we hate that he's gone. He was between 82 and 85 years old and he will be missed. Also they lost Ms. Maggie Holman. There was going to be a football game this Saturday, most of you have received an invitation. The band is out of this world. They play Southern Nazarenes. It's been on television. Also, this is Amy's deal but it's in Ward 7 at the Big Green. Mr. Shahan said this is the reason Big Green is the original soccer field. They have 37 soccer fields. It used to be Ward 4 but now it's Ward 7. He is thrilled to death because that's going to bring in lots of money.

Warren said kudos to Lawton Fire Department. They put out a stretcher fire across the street from my parent's house. You kind of forget what they do until you see them in action and see what a professional crew they are.

Second, he wanted to mention that earlier they approved the 2<sup>nd</sup> Street Beautification Project. He just wanted to touch on that for a second to make sure you know you're going to get lots of phone calls. There was a big misunderstanding and hopefully, they got it settled after he left but some of you may believe that you approved a plan to beautify 2<sup>nd</sup> Street. The plan was what you approved. What's actually going to get beautified is between Gore and Columbia. There's a 3 block section there that they have the funds to actually do the planting and things of that nature.

Mitchell said the City thanks Tim Golden and David Tracy. They held an open meeting at the old Town Hall Saturday morning to encourage individuals to come in and fill out applications. They had people there to help

assist in filling out the applications. He thinks there were over 60 show up. Our recruitment efforts were very worthwhile and productive. He also wanted to remind Council that OML will be there next Thursday, October 7<sup>th</sup>. Last year they had a regional dinner in Altus and this year it's going to be in Lawton. It's going to be at J Martin's. There's usually 40-50, maybe 60 elected and appointed officials that come in from the region to the meeting. There will be representatives from OML and if you have any questions or you want to visit with staff, that's a good opportunity to meet and greet other people in this region.

Purcell asked Mitchell to let Traci know so she can let them know who's going to be there.

Ewing-Holmstrom asked if Tim Golden resigned. Mitchell said his last day is October 8<sup>th</sup>. Ewing-Holmstrom said when things get put back into place and start with the new department head, can the hiring procedures for the City of Lawton be reviewed as to how far they're going into checking backgrounds. She asked Mitchell if that's something he can personally oversee and let them know how that turns out and to make sure they're hiring the best folks in the field. Mitchell said he would do that.

Purcell said he had a couple announcements. There was a good announcement in the paper last week where the Comanche Tribe is going to build a 548,000 square foot convention center and hotel. It'll have about 116 rooms in the hotel. It will seat over 8,000 people so that is great news. The architect was there as well as the builder. They plan to start in 2005 and should take from 18 months to 2 years.

He said he had 2 calls this weekend about Big Green. They have a major traffic problem there now. They're going to have to do something about it on Saturdays, especially because they've got a big tournament coming up. Just the normal Saturday morning traffic when people are trying to get out of Big Green, they've now created a nightmare on Lee Boulevard. Unfortunately that's not a city road. It's a state road and he talked to someone who's going to be calling the Commissioner and see what he can do. They're going to have to do something at that location and hopefully, when they finally do something and work on the egress and ingress, getting in and out of the convention center, hopefully they're going to be funneled that way and have a light there.

Ewing-Holmstrom said you should drive down Gore around 10:00. Purcell said the Traffic Engineer is working on that. Ewing-Holmstrom said it's the traffic flow coming out of the casino. Purcell said the Traffic Engineer is working on a solution for that.

Purcell said they had an ASA softball tournament with 38 teams, the lady's teams here. He was told it was a wonderful thing. Bass and him were out there and Purcell said he threw a wonderful pitch right across the plate for a strike. It dribbled and rolled across the plate.

MOTION by Shanklin, SECOND by Warren, to convene in executive session. AYE: Patton, Haywood, Warren, Bass, Givens, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 7:55 p.m. and reconvened in regular, open session at approximately 8:55 p.m. with roll call reflecting all members present.

#### EXECUTIVE SESSION

28. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending tort claim of Aaron Martin, DC-2004-80, against the City of Lawton, and if necessary, take appropriate action in open session.

Vincent read the title of item 28 as shown above. He said Council convened in executive session and after discussion the City Attorney recommends no action at this time.

29. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the required settlement conference of a pending lawsuit of Art G. Mata and Armando G. Mata, Case No. CJ-2003-882, in which the City has an interest and in open session, appoint a City Council representative to attend the Settlement Conference.

MOTION by Shanklin, SECOND by Bass, to table item 29. AYE: Givens, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED.

30. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of Larry Mitchell, City Manager, and take action in open session if necessary.

John Vincent stated no action was needed at this time.

There being no further business to consider, the meeting adjourned at 9:00 p.m. upon motion, second and roll call vote.

