

one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

MOVED by Warren, SECOND by Drewry, to approve the Consent Agenda as written. AYE: Hanna, Drewry, Burk, Shanklin, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

1. Consider accepting the Quit Claim Deeds for the property located at 2505 SW A Avenue, 2111 SW B Avenue, and 1610 SW Oklahoma Avenue, and authorize the Mayor and City Clerk to execute the Quit Claim Deeds. Exhibits: Resolutions and Quit Claim Deeds.
2. Consider approving Agreement and Release with Western Center for the Conservation of Fine Arts (WCCFA) for restoration of the Politicians by Oklahoma Artist, DJ Lafon. Exhibits: Agreement and Release on file in City Clerk s Office. Background on Artist, DJ Lafon on file in City Clerk s Office.
3. Consider approving a request to enter into a contract application process with the Oklahoma Highway Safety Office and the City of Lawton for an overtime reimbursement of Traffic Enforcement and Project Under 21 (2M2L). It will also allow for the purchase of 2 in-car video camera systems to be used for this enforcement project and allow for public information and education events pertaining to it. This contract will be in conjunction with the Alcohol (D.U.I.) Enforcement grant. Exhibits: Copy of the project contract application request in the amount of \$106,000.00.
4. Consider approving and authorizing the Mayor to sign the attached Non-Disclosure Agreement with AT&T, Inc. Exhibits: Non-Disclosure Agreement with AT&T.
5. Consider the sale of surplus Fire Engine/Pumper to the Great Plains Technology Center. Exhibits: None.
6. Consider approving a credit adjustment in the amount of \$778.66 to Oliver Pinc s utility account #2002242911 for the property at 2804 SW Woodlawn Road for an undetected, underground leak on the customer s water service line. Exhibits: Billing statement from Kephart Mechanical dated 07/18/08.
7. Consider approving the construction plans for sanitary sewer and storm sewer improvements located at 2401 East Gore Boulevard and approving a revocable permit for parking and maneuvering on the utility easements. Exhibits: Location Map and Application.
8. Consider granting a revocable permit for parking and maneuvering on utility easements located at 3414 NW Cache Road. Exhibits: Location Map, Application and Revocable Permit.
9. Consider awarding (CL09-014) Redi-mix Concrete to Southwest Ready Mix of Lawton, OK. Exhibits: department recommendation, abstract of bids.
10. Consider approval of payroll for the period of October 20 November 2, 2008.

BUSINESS ITEMS:

11. Consider an ordinance amending Section 22-4-1-415, Division 22-4-1, Article 22-4, Chapter 22, Lawton City Code, 2005, by adding two additional areas to be serviced by the automated refuse collection, providing for severability and declaring an emergency. Exhibits: Ordinance 2008- ___ and Location Map.

Jerry Ihler, Public Works Director, stated a month ago an ordinance was passed which identified those areas that would receive the 7,100 carts that were purchased as part of the budget. After delivery of the carts were completed, there were approximately 300 carts that could be delivered to another location. Staff chose the areas that were next on the list which were Brentwood Addition, Waterford, Homestead and Tomlinson addition. They are adding about 280 carts.

MOVED by Drewry, SECOND by Hanna, to adopt **Ordinance 08-66** waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Drewry, Burk, Shanklin, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 08-66

An ordinance pertaining to utilities amending Section 22-4-1-415, Division 22-4-1, Article 22-4, Chapter 22, Lawton City Code, 2005, by adding a fifteenth and sixteenth area to be serviced by the automated refuse collection providing for severability, declaring an emergency.

12. Consider approving an ordinance pertaining to utilities amending Section 22-2-1-215, Division 22-2-1, Article 22-2, Chapter 22, Lawton City Code, 2005, as amended, by providing for procedures whereby unexplained exceptional billings may qualify for utility account adjustments, providing for severability, and declaring an emergency. Exhibits: Ordinance 08-_____.

Rick Endicott, Finance Director, stated that at the last City Council meeting staff was asked to bring back an ordinance that will address the unexplained consumption issue. He stated they have tried to mirror the leak adjustment ordinance. He stated the unexplained consumption must be at least 150% more than the average bill.

If the bill is an average of 2,000 gallons, you would not qualify for staff to look at your bill as an unexplained consumption unless you use at least 3,000. He stated residents would be required to submit a written notarized statement saying that they did not consume this water. He stated staff will check the meter once the resident submits the documentation. The consumer will be required to pay a bill adjusted to 150% of his monthly average consumption. This average will be based on 12 months history. If that is not available they will use three months and if three months history is not available, the resident would not qualify. Only one adjustment for unexplained consumption will be allowed per account and an account year is based on when the resident opened their account.

Haywood questioned what would happen if the meter is incorrect.

Endicott stated they will take care of those problems with an administrative adjustment.

Endicott stated if the calculated adjustment total is less than \$500 staff would take care of it administratively as they do the leak adjustments and provide a summary to the City Manager. If the total is \$500 or greater it will come to the City Council. He stated the City Council had requested this ordinance be retroactive and staff has tried to make it as clear as possible. Bills with an ending reading period date of August 1, 2008 or later would be eligible.

Mitchell stated staff got into a discussion about if it is the date we print the bill, mail the bill or the date you receive the bill. They decided that if you go by the date that is on the face of the utility bill there will be no questions.

Burk stated he has a problem with the December 5th deadline.

Mitchell stated this will give residents one month from today to apply for the retroactive adjustment.

Endicott distributed a sample utility bill to show the location of the date.

Shanklin stated he has a constituent who had two months that were high and now she owes \$300. He questioned how they would handle this. Will we cut her off? He thought staff was going to allow her to pay this out.

Endicott stated staff will work with her on a payment schedule. They do this all the time and have done this for years.

Shanklin questioned if we could cut off someone with four or five kids in the house.

Vincent stated we do have the legal authority to turn them off for nonpayment of bill after a certain period of time. The resident has the option of taking us to court.

Shanklin questioned if anyone else has had complaints from residents about their water bill. He stated the City Council does not realize what they have done with raising these water bills.

Burk stated he does understand how much they have raised the water bill. He was here for all of the budget sessions and he does know what kind of a burden this is on people, but that is where this Council and everyone else involved has to understand that if we do not get more economic development in Lawton, how are we going to pay for things. We pay for this by adding things on to the utility bill. He questioned if someone was a good customer for two years but they missed the due date and they have a late fee. He questioned if staff can go back and look at their credit history and see that they are a good customer and waive that late fee or cut off charge. We need to be user friendly with our customers.

Endicott stated that every time a customer comes in with an issue with their bill, the first thing they do is look at their pay history. He stated staff does work with residents on the issues Councilmember Burk just brought up, but no one ever hears about those cases. He stated they try to be customer friendly, but they are also customer aware. Sometimes customers don't understand all of the facts when they are talking to the City Council members. Facts may be a little different.

Burk stated he had a constituent who pays his bill through automatic draft. He questioned if we will ever be able to pay bills on line.

Endicott stated they are trying to move towards automation, but yet no one wants to raise the water bills and this would be a \$10 - \$11 million venture of getting everything automated. This would help staff do their jobs better if they could have on line service.

Burk stated this constituent had a \$75 automatic withdrawal go straight to the City every single month. After the water rates increased, \$75 was not enough to cover his bill. He never checks the bill and does not look at the notices and then his water is cut off.

Endicott questioned whose responsibility was that?

Burk stated he is not saying this person was not at fault, but when they come in to say that they didn't pay that bill, he was made to put up a deposit and reconnect charge.

Endicott stated those are all addressed in the city code.

Burk stated that is where he feels they need to make some adjustments. In these kinds of cases, staff needs to be able to look at that history.

Endicott stated staff is customer friendly and they do the best job they can within the resources they have available to them.

Burk questioned if there is something currently in place where staff could have waived the deposit.

Endicott stated under certain criteria they can do that.

Burk stated he gets the impression from staff in Revenue Services that they did not have that authority.

Endicott stated they do not. He and the City Manager have that authorization.

Mayor Purcell questioned why the amount didn't go up to cover the bill if this was an automatic withdrawal.

Burk stated it is more like a check pay which paid the same person the same amount every month. He stated the person agreed they were at fault, but he wanted to make sure that staff was able to do their job.

Endicott stated staff does have the ability to take care of 99.9% of these issues without having to come to City Council. He stated they also need that support from the City Council to say that they are doing what they need to be doing.

Burk stated these things need to be done without having to come to Council with every little thing that goes on in this city. He does not want to micromanage.

Shanklin stated the paper stated that water revenues were up 41.08% or \$1,241,585 for July, August and September.

Endicott stated that was compared to those months last year which did not include the higher rate. They need to also look at the budget adopted by the City Council for 2008-2009.

Shanklin questioned if those figures extended in this budget.

Endicott stated the current budget was adopted based on these numbers.

Shanklin stated he wanted to see those numbers.

Drewry stated the expenditures were increased in this year's budget.

Endicott stated that they have collected almost 25% of the anticipated revenue that was appropriated and adopted in the budget process. There is no profit or surplus of funds out there.

MOVED by Drewry, SECOND by Warren, to adopt **Ordinance 08-67** waive the reading of the ordinance, read the title only, and declaring an emergency. AYE: Burk, Shanklin, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 08-67

An ordinance pertaining to utilities amending Section 22-2-1-215, Division 22-2-1, Article 22-2, Chapter 22, Lawton

