

Meeting of 2001-6-12 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JUNE 12, 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 6:35 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT: Randy Bass, Ward One
James Hanna, Ward Two
Glenn Devine, Ward Three
John Purcell, Ward Four
Robert Shanklin, Ward Five
Barbara Moeller, Ward Six
Stanley Haywood, Ward Seven
Michael Baxter, Ward Eight

ABSENT: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETINGS OF MAY 21, 22, AND 31, AND JUNE 4, 2001.

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

AUDIENCE PARTICIPATION: Raymond McAlister encouraged parents to see that the children do not ride skateboards in the streets due to possible injuries from traffic.

ADDENDUM: Consider authorizing Once a Week Residential Refuse Collection through August 3, 2001 to allow for collection of storm debris. Exhibits: None.

Baker said there was a very severe storm on May 27 and City employees have been working to clear debris from neighborhoods, primarily the central corridor and further. The employees are almost to the point of exhaustion from the strenuous work of loading branches and trees day after day, and the task is not being accomplished in a timely manner due to the number of employees, the available resources, and the large volume of brush, which is an eyesore and will soon become a fire hazard. Baker recommended once a week residential refuse collection from now through August 3 on Mondays and Tuesdays; the Thursday and Friday routes will concentrate exclusively on picking up brush. Employees will be off on their normal day, which is Wednesday, and equipment can be maintained on that day.

Gary Jackson, Assistant City Manager, said attempts are underway to receive federal and/or state funds and meetings were held today with FEMA, State Emergency Management officials, and Richard Atkins. There is an estimated quantity of 4,000 tons of limbs, tree and debris that resulted from the storm and through Saturday crews have collected 1,622 tons so other steps are needed and the City Manager has proposed a very viable option. Federal funds are being pursued but a preliminary damage assessment must be prepared and sent to the Governor, which is the purpose of the state and federal representatives, and Atkins will explain that process and its timing.

Richard Atkins, County Emergency Management Director, said they met this afternoon with two representatives from FEMA and one representative from the Office of Civil Emergency Management; we briefed Mr. Jackson on the information that would be required in regard to the budget, what force accounts would be looked at, overtime costs

for the police and fire departments and various agencies. Tomorrow they will look at some of the areas that were stricken. Information will be presented to Governor Keating who will decide to either forward it to FEMA national to the President for a Presidential Declaration, or possibly handle it in the State with the Governor's emergency funds. Atkins said we are not guaranteeing anything, it is strictly a preliminary damage assessment survey to determine the damage, the cost to the community and how it impacts the budget. Atkins said they take into account what the budget was when it was submitted, as well as the City being in the last month of the budget year which causes a constraint.

Baker encouraged the media to get the word out if this is approved so residents will be aware of the change in the residential collection schedule. He asked that residents take as much of the debris to the landfill as they can physically handle, or place it on the curb in a manageable fashion; crews will pick up everything they can and they need the help of the citizens.

Shanklin asked if debris would be picked up four or five days a week. Baker said Street Division crews are picking up debris, but some are doing street projects, and we are asking for volunteers on Saturday. Baker said it was mandatory for a while but later it was voluntary because it is exhausting work. Sanitation crews will run regular routes for two days, and be used exclusively on Thursdays and Fridays to pick up brush.

MOVED by Shanklin. SECOND by Haywood, to authorize the City Manager to initiate the once a week solid waste pick up through August 3.

Bass asked if people will be penalized or fined if they put their trash out by accident on the usual days. Baker said certainly not, and we anticipate a lot of telephone calls so the better we can get the word out, the easier it will be on everyone and they just have to ask for the citizens' cooperation.

Purcell asked if there were any holidays during this time that would cause residents to not have a pickup at all during a week. Baker said Solid Waste was going to have Tuesday, July 3 as the holiday for July 4th, but crews will work July 3, and that is the only holiday so everyone will get at least one pickup a week.

Mayor Powell asked what would happen if people help out and the work is done before August 3. Baker said it would be no later than August 3, and hopefully sooner. Shanklin said Norman has one solid waste pickup per week and another for limbs because they compost, so we should be able to do this.

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

Mayor Powell welcomed the Leadership Lawton-Fort Sill Class and thanked them for being in attendance.

BUSINESS ITEMS:

1. Hold a public hearing on the Proposed Budget for the fiscal year July 1, 2001 through June 30, 2002. Exhibits: Preliminary Budget Summaries.

Baker said State Statutes require that a public hearing be conducted no later than 15 days prior to the start of the new budget year to allow for public comment.

PUBLIC HEARING OPENED.

Bill Kennard said he wanted to protest the budget on page 166 authorizing Central Junior High to draw money for bonds and he wanted to reserve the right to go to the National Constitution, as annotated, at any time. He said he would not get up here for three minutes on a public hearing of this magnitude and asked if he was allowed to speak for more than three minutes.

Mayor Powell said he never had told anyone they had one minute or two minutes or three minutes since he had been sitting in the Mayor's chair and that he would not do so this evening. He asked that we be reasonable in using the time.

Shanklin asked if Kennard was referring to page 166 in the budget book and Kennard said yes, Central Junior High money.

Kennard's comments are included verbatim as follows:

"I don't see that the school is on any organizational chart. Are they related to the City? Then I'm going to go here to some things, I already know that the attorney has told me he's going to be against me on this, that's why I reserved the right to go to the Constitution of the United States. There's two ways this budget goes; it really goes both ways because it goes up to the Courthouse and has the ad valorem tax that's put on it for capital improvements and also

has the judgments on it. I've asked the County Clerk to have the ad valorem tax that is for CIP and those for judgments listed separate. Now each county in this, each county in this county goes 56 mils for schools. Now if you have a school that has voted 60% to get any additional for building funds, you may do so by 60% of the vote. That's in Constitutional law. Now I want to take up the first page that I give you on a guarantee here from the United States Constitution and the Constitution of the States guarantees no interference from the legislature. Do we understand what we're talking about? In other words, if you believe in initiative referendum as it is written under Constitutional law as interpreted by the Constitution of the United States, you will find out that the initiative petition has to be recognized and then the legislature cannot pass 22159. The only thing they can do under initiative petition is recommend a law to amend the Constitution or a new bill under this and it has to be submitted to the Governor, come out and be voted on by the people of this state and reject or adopt. The other part is the people may put out a petition for the bill and vote when it's adopted or rejected. That's the only way that the legislature can act with the initiative referendum. I'll ask the attorney to rule on it.

Vincent: I'm not going to pre-suppose to tell the State Legislature for the City of Lawton how they can act but I will tell you that they can act other than the initiative and referendum under the State legislative powers conferred on them by the Oklahoma Constitution.

Kennard: Do you have a copy of the Constitution of the United States as amended in Article 4?

Vincent: Not with me.

Kennard: Well, do you know what it says? That every state will be authorized a republic type of government and it mentions 39 is, note 39 is on referendum petition and anything that is in the Constitutional law is not supposed to go through any court whatsoever. It's supposed to be directed at the legislative body of the United States and to the committee on the Constitution of the country. Now, if I have no document and no help, I'm not going to go on here and I'll tell you that. I'm going to bring up one more thing and I give each one of you a copy of this. It is a precedence of 1910 when we become a state from two territories. One territory was building schools in the territory and the city was furnishing them money. Now you can read it and I think if you'll drop down to the second paragraph in here is a precedence: "the free public school system which the legislature addresses will be established by Article 13 of the constitution as a matter of general state concern and not a municipal affair". Is that in there? Do you all have copies of it? Well, the first thing you have to know is this: there was an organic act that set up the two territories. They had government, governors and governments which were different. The Constitution that was adopted was directed to have certain things in it, such as compulsory education. If you read in the states, the Oklahoma Constitution it tells you that you are only, you only have to educate people between 8 and 16 years of age that are sound in body and mind and which, three months out of the year. Now, this is one of those articles that was put in the Constitution because you had to; it has not been rescinded, adopted or nothing else. It was a have-to case. It was one of those where you can do more but you cannot do less.

Mayor: Okay, Mr. Kennard, you've made your point on the Central Junior High and we appreciate that but let's, if we could, be more specific.

Kennard: All right, sir, I'm going to read the Constitution to you.

Mayor: No, I'm not interested in that. What I am interested in is sticking with this is a budget hearing for you...

Kennard: Oh, well, all right. You don't want the public to know it but I want to tell you this. Everybody should know in this town what's going on and I want you to know this, you voted and broke the tie vote, there was a conflict of interest. There's a lot of people that called me that. And there isn't no conflict of interest for the Council, you don't have to do it every six months but the Water Authority does and you're the same body. Thank you very much. Don't think I won't see Mr. Watts because I will." (end verbatim)

John Thomas, Employee Advisory Committee Chairman, said he spoke before about the general employees' cost of living allowance. He said he appreciated having a job, but he took the 3% guarantee cost of living in January back to the general employees and was asked whether fire and police will get a cost of living in July, and the answer is yes. Thomas said the next question was will we get a cost of living allowance in July like the police and fire, and the answer is no. He said this is a morale problem for the workers, whose work speaks for itself. Thomas said current and past Council members had told him that general employees could look into having a union, and that he felt he should not have to have a union to represent him in asking the governing body of the people he works for to ask for a raise; his work should speak for itself and he should not need someone to stand up or argue his case for him.

Thomas said a couple of years ago the City Manager wrote in *The Communicator* that "employees of any organization are its most valuable resource. Happy, well-motivated employees are the key ingredient to the City of Lawton's success. The vast majority of our employees, general, are hard-working, dedicated and loyal. They are most deserving of our thanks and appreciation. They are most deserving of a pay raise, as well as COLA's, to acknowledge their contribution and confirm their worth, and you, as the governing body, have the opportunity to reward these employees of this corporation for their dedication." He said that was two years ago, and you still have those hard-working dedicated employees. Thomas said

there has always been and will always be a division among general employees, fire and police due to the fact that they have a union and the general employees do not. He said the bottom line is we are all City employees, regardless of whether we have a union or not and we should be treated as such. Thomas said Councilman Beller made the comment two years ago that until the general employees get a union, they would continue to get the leftovers from the City, and he did not know if Beller was a prophet, but two years later we are still getting the leftovers. He said we have been asked to wait six months, nine months, and when will there come a time that we do not have to wait at all and be recognized in July like everyone else. Thomas said it was his understanding that the funds were there for police and fire to receive raises in July and asked why the funds were not there for general employees.

Thomas said tomorrow he will get up and go to his job, just like he did today, with a smile on his face thanking God he is alive so it does not matter and Council will make the decision. He said he told the general employees he talked to that they should continue on doing their job, and if there is a better opportunity, go for it, and if not, just continue to go to work and maybe one day we will all be treated fair.

PUBLIC HEARING CLOSED.

Baxter asked how many general employees there are. Baker said approximately 500.

Purcell asked that Item 3 be considered at this time.

3. Consider approving a resolution revising the three dollars capital outlay charge on the City utility bill to provide for allocations of the money received and establishing an effective date. Exhibits: Resolution No. 01-____.

Purcell said he requested this item; it will keep faith with the people, it does not increase the total utility bill but it separates \$2.25 for rolling stock capital outlay and 75 cents for all other capital outlay and it can be changed next year if needed. He said for the last five years, these funds have been used for rolling stock, and this year it will be \$900,000 for rolling stock and \$300,000 for other capital outlay.

MOVED by Purcell to approve the resolution with a change that will say, instead of it saying capital outlay (motive equipment), it will say capital outlay (rolling stock) and the City Attorney will provide a definition of rolling stock.

Vincent said a resolution was sent out separately because the one in the folder was not accurate. He said motive equipment on pages two and three should be changed to rolling stock. A definition will be inserted in the resolution stating: "rolling stock means wheeled or track vehicles, earth moving equipment, such as but not limited to front end loaders, road graders, bull dozers, automobiles, pickup trucks, fire trucks, dump trucks, and trucks of other types."

SECOND by Devine.

Bass asked if this changes anything or if the way things are set up would remain the same. Purcell said there is \$900,000 in the preliminary budget for rolling stock, which is one of the reasons the fire truck must be obtained through lease-purchase, and for the last five years, all of it was for rolling stock; the resolution reflects the change being made, which is \$2.25 for rolling stock and 75 cents for other capital outlay.

Bass asked if any rolling stock funds were used this year to purchase capital outlay items. Purcell said no, it has never been done before. Mayor Powell asked if rolling stock had been defined, and if it was defined five years ago. Vincent said the term was used throughout the minutes five years ago, and he did not see a definition in the minutes but he would defer to Purcell since he was present at that time. Purcell said there was discussion for two complete budget meetings on what rolling stock was, and minutes show discussion of what rolling stock was not, such as personnel, computers or other equipment, and there were various definitions. Purcell read the motion as follows: Motion by Beller, Second by Green, to do the 7% increase in utility rates and a \$3 surcharge for rolling stock and adopt the resolution. Purcell said the City Attorney at the time said rolling stock was not a legal term, so the resolution says capital outlay but we all know it's rolling stock, and that is how the budget has been prepared for the last five years, and not one item has been bought for the last five years out of rolling stock funds that is not rolling stock.

Moeller asked if this is passed, does it mean we cannot encroach on that \$900,000 and that amount must be used only for rolling stock. Baker said he was not sure he understood the question. Moeller said if it stays the way it is, there is nothing to stop those in the future from taking more of this money for computers, for instance, and less for vehicles. Baker agreed. Moeller said if this is adopted, it will establish a maximum amount that cannot be used for computers or anything other than rolling stock. Baker said that is correct. Moeller asked if we could use any of the \$300,000 for rolling stock if we need it, if this is passed. Baker said yes, the 75 cent part could be used for rolling stock but it would not have to be. Moeller said if this is passed, all of the \$3 charge can be used for rolling stock if needed. Baker agreed.

Bass asked if any capital outlay got used this year from rolling stock. Baker said in the current fiscal year, there is

\$1.2 million for rolling stock; it has not been a problem until this year because we have been replacing about \$3 million in equipment each year, but when the budget was cut back to \$2 million this year, it does not work out that way and if all of the \$3 is used for things that roll, there would be no money left for any other capital outlay. Baker said the resolution and fee schedule say capital outlay, \$3, so he believed what he recommended was appropriate but agreed, because he was here when the prior discussions took place and the intent at that time was rolling stock, even though it is not reflected in the resolution. Baker said leaving it the way it is would give the City Manager more flexibility but you certainly do not want to hurt your credibility with the citizens at all, and that was Purcell's concern.

Shanklin said the Council is the watchdog and future Councils will understand the purpose of the \$3 surcharge to be for capital outlay to be used as your manager sees fit, and if you do not like it, you can change it in the budget process. He said we have all said what an outstanding job Mr. Baker has done and we have not changed anything by passing this resolution. Shanklin said the pumper was requested in accordance with recommendations from the 2020 Fire Protection Plan published in March 1996, and he did not know if we had to have one right now and we are buying it because it is in accordance with that plan. He said if you need more or less than 75 cents in a given year, then you have to change this resolution. Shanklin said he did not think this was right and would not vote for it.

SUBSTITUTE MOTION by Shanklin, that we leave it as it is.

Shanklin said there may come a time when we have more pickups and sedans than we need; if that \$1.2 million is held in place for the next ten years to be used only for vehicles, that is not being prudent with the taxpayers' money.

SECOND by Baxter.

Baxter said the way the capital outlay reads now, the City Manager can spend that money on a fire truck or computer or however he sees fit. He said that is what Baker did this year, that is what he was instructed to do so water rates did not have to be raised, and it is not broken and does not need to be fixed.

Purcell said it is going to be broken; this was put into effect five years ago because Council kept migrating all the money out of equipment into other areas and there were police cars that did not run, fire engines were broken down, and the easiest thing to do when funding is inadequate is to not buy equipment. He said equipment was purchased through CIP funds, and no one runs a business without replacing vehicles or equipment on a regular basis hoping to win the lottery to be able to replace the vehicles. Purcell said if next year the whole \$3 is needed for rolling stock, that can be done, and we are just fencing the \$900,000 to make sure it does not go off to other things because before long we will be buying all kinds of things and there will be no funds for rolling stock purchases.

Devine asked if the money could be used for any other purpose if this is not passed. Baker said it can only be used for capital outlay, which is defined in the back of the budget book as being for equipment with a value over a certain dollar amount; it cannot be used for supplies, materials or personnel. Devine said he was leery of leaving it as capital outlay because if the employees see that extra money is there, which is \$1.2 million right now, they could not say, okay, there is extra money but it is for capital outlay, so you can use that for capital outlay and free up other money in the general fund to give employee raises. Baker said if the entire \$1.2 million is used for rolling stock, funds would not be available for computers, desks, etc.

Shanklin said future Councils can change this by resolution just as easy as this is being done, so why is this being done. He said it can be left as it is, Council is the watchdog over the City Manager and they will not let it get away from him; the taxpayers do not expect new equipment to be bought when it is not needed.

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

2. Consider a resolution approving the fiscal year 2001-2002 Budget. Exhibits: Resolution No. 01-87.

Baker said a memorandum dated June 7 was distributed listing all changes made by Council to the budget during the three budget hearings. The following changes are requested: Include the Traffic Engineer in the budget and cut the Street Division field supervisor; include \$10,000 in Revenue Services for an additional drive-through facility since cars are backed out to Gore; delete \$500 for the seeding machine at the landfill. \$35,579 was cut from travel and training, and cuts of \$50,000 could not be made without problems. The State transportation planning grant will likely be \$165,000, rather than \$100,000. Republic Paperboard has requested the City provide refuse containers, as their contract allows, and 24, 20-cubic yard containers will cost approximately \$65,000, which is not included in the budget and this should be taken from the reserve, which is \$574,607.

Shanklin said the City has not had a Traffic Engineer for almost two years and asked why it is needed now. He said

the closest one is somewhere in Oklahoma City. Baker said there will be difficulty recruiting and hiring a Traffic Engineer but the Public Works Director feels it is important and we have some ideas about trying to consolidate all traffic-related functions under one individual to provide better coordination. Shanklin asked if the field supervisor makes as much as the Traffic Engineer and Baker said no. Shanklin asked how many engineers we have and Jerry Ihler, Public Works Director, said there are four in engineering, himself, and one in Building Development.

Shanklin asked if a civilian would be put in the position when the police officer retires that works on vehicles. Baker said that officer retired a couple of months ago and another officer was put in that position. Shanklin said an officer costs \$53,000, but a qualified mechanic who can do that job is about \$30,000, and asked why that was not done to save those funds and not have someone overpaid and overqualified. Bill Adamson, Police Chief, said he considered replacing that position with a civilian but decided against that; one issue is many of the vehicles have warranties and are transported to and from shops for service and we have a department policy that any officer driving a police unit must have their weapon with them and be prepared to serve as an officer should the need arise, and a civilian doing this could cause a problem although that is not a major concern but it is a concern. Shanklin said it causes a morale problem for those who work in this area. Adamson said he had much better control over his equipment and inventory with the officer there and he strongly suggested the officer stay there. Shanklin disagreed.

Shanklin asked why travel expenses were not cut in Human Resources which has \$28,000. Baker said it is for City-wide training for all employees, including tuition reimbursement, so it is not for Human Resources personnel.

Shanklin asked if the secretaries in Parks & Recreation would be moved up or if others could apply for those jobs. Baker said a reclassification review would be done; if the job description changes, the pay grade would change, but that procedure will be done before finalizing any pay grades. Shanklin asked if others can apply for the jobs. Baker said no. Hanna asked if the classification study would cost anything. Baker said no, the department head will update the job description and submit it to the Human Resources Director, both of those persons rate the position and submit it to the City Manager for a determination of whether the pay grade should be adjusted. Baker said if it is recommended, Council must approve a resolution to make the change in pay grade. Shanklin asked if two of these people are getting a \$2,000 to \$3,000 raise and how they could jump that far. Vincent said on reclassification of an existing, filled position, if it is reclassified to a higher grade, the person currently in the position moves up to the higher pay grade.

Shanklin asked if Baker called Black & Veatch. Baker said he had not. Shanklin said this is being put off.

Purcell said travel is for employees to receive training, which is important. He said there is \$150,000 in the Mayor & Council budget for professional services, which was included last year before the CIP was passed in case there was a need for infrastructure for a new industry, economic development. Purcell said only \$20,000 was spent from that last year, and he suggested that fund be reduced to be able to fund training and the \$65,000 required for Republic because that was an incentive to recruit the industry. Purcell said it was up to the City Manager to not let employees go on training trips that were not warranted. Shanklin asked if Baker wanted to address that or if he wanted him to pull out a file on it and embarrass some people. Baker said he would prefer Shanklin not do that. Baker said the account is schools, training and travel, and he cut it significantly before submitting the preliminary budget, then Council asked that he cut it further and he identified an additional \$35,000 reduction, and did not cut areas where required training was included for employees to receive certification required for the job and did not cut anything that was absolutely required.

Shanklin said two jobs were civilianized in the Police Department before, but this one is not being done. Baker said we were highly criticized for civilianizing those positions, and comments were made that the positions were created for retiring police officers; the unions do not like reduction in the number of uniformed police officers, and based on all factors, it appeared best to leave this with a uniformed officer.

MOVED by Purcell, to replace the \$35,000 for training and travel, and take the \$65,000 needed, and reduce it out of the Council's 231 professional and technical services account, and we still have the Council Contingency because really all that is is Council Contingency. (motion died for lack of second)

Devine asked for Baker's recommendation. Shanklin said Baker recommended taking \$65,000 out of the reserve and he had no problem with that if we could get with Black & Veatch and be able to get a fair amount for outside water sales. Baker said his recommendation was in the June 7 memo, he did not mind cutting the \$35,000 additional travel, and asked that the \$65,000 be provided for the containers.

MOVED by Shanklin, SECOND by Hanna, to accept that, and accept the budget with the changes in the memorandum, and adopt the resolution.

Baxter said the 3% raise for the employees would cost \$300,000 and if that was evenly distributed among the employees, everyone could receive a \$600 per year raise, effective July 1. Shanklin seconded that. Baxter said he would be happy to listen to the employee representatives.

Baker said from a purely budgetary, financial standpoint, it would be wonderful, but he did not feel it would be to the employees' benefit in the long term because if they get 3% even at mid-year, it will stay with them and be there for the entire year next year and a lump sum payment does not help over the long term. Shanklin said that was not the motion. Baxter said the \$600 per year raise would be added to the salaries this year and in future years. Baxter said he assumed 250 of the 500 would make less than the average salary, so that would be more than 3% for those, and for the higher echelon employees, they will not quite get 3%. Baker asked if every pay grade would be raised by \$600. Shanklin said yes. Baker said the computer would have to be programmed to make that adjustment. Shanklin said you have one individual who made \$1,240 ten years ago and now he makes \$2,860, and if you carry it out for ten more years, he would be making \$6,400 26 times a year and it is not fair to the low people. Purcell said it would basically throw the pay plan out the window and in the future cause difficulty recruiting for higher positions because we would be underpaying. Shanklin said he did not like the pay plan the last time. Baker said doing this for one year would have a minimal effect on the pay plan, but if it is done again, the relationship between the positions would change and you would be in the same position as when the last pay plan was done, and Council may want to listen to some of the employees.

Moeller asked if the 3% or the \$600 would give employees more discretionary income because by the time taxes are taken out, there may be very little left. Baker said the higher the salary, the more discretionary income they would have because 3% of \$60,000 is more than 3% of \$20,000, and anyone making more than \$20,000 would not be getting 3%.

Carolyn Anders said she is a member of the Employee Advisory Committee and the \$600 is a surprise tonight so they were not able to discuss it with their constituents. She said she was not for it because down the line, the 3% cost of living increase will also have a bearing on your merit increases if you deserve one every three, six or 12 months.

Mayor Powell said Baker had suggested putting the \$300,000 in the budget to be used, and let the employees decide which way they would like the money distributed, and not hold up the budget.

David Snider said Council gave employees \$300 a few years ago due to budget constraints and the employees paid more in Social Security and income tax and did not realize any increase. Since that time, Council has spent large amounts at least twice for salary surveys. Snider said employees would like an increase that was meaningful, and the \$600 may look good now but when it comes time for retirement or merit increases, the \$600 would have no bearing on that, whereas a percentage increase would benefit the general employees more in the long term.

Mayor Powell said the entire intent of the \$600 was to try to help those who were making less money. Shanklin said the \$600 would be added to the pay and be included for the merit increases. Mayor Powell suggested the employees be allowed to meet and discuss what had been stated tonight.

Baxter asked where the \$65,000 would come from for the containers. Baker said it will reduce the reserve.

VOTE ON MOTION to adopt the budget as proposed by the City Manager with the changes in the memo and adopt the resolution: AYE: Hanna, Devine, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: Purcell. MOTION CARRIED.

(Title only) Resolution No. 01-87

A resolution of the governing body of the City of Lawton adopting, approving and promulgating an official budget for the City of Lawton for fiscal year 2001-2002 in accordance with the provision of the Municipal Budget Act of the State of Oklahoma; approving the appropriations, estimate of revenues, and the planned expenditures contained in said budget for fiscal year 2001-2002; establishing and approving the sinking fund levies set forth in said budget for fiscal year 2001-2002; and directing that said budget be filed and published in accordance with State law.

4. Consider the Mayor's proposed appointment of the Municipal Judge. Exhibits: None.

Mayor Powell said Council should have received a letter this afternoon, and in accordance with Section 9-204 of the Lawton City Code, he would hereby appoint Michael Corrales as Municipal Judge for the period of June 27, 2001 through January 31, 2003. He requested as provided in the Lawton City Code that Council act on this matter at the June 26, 2001, Council meeting and in this regard he would request an executive session be scheduled so this matter may be discussed. Mayor Powell said this was taken verbatim from the books under the advice of the attorneys. He said seven persons applied for the position and he started yesterday at 9:30 a.m. and completed it at 1:30 p.m. conducting interviews and seven questions were asked of each applicant and there were some excellent candidates.

Purcell asked if Council could have a list of the applicants. Mayor Powell said they were Toni Capra from Yukon, who was a graduate of Eisenhower Senior High; John Perera, Cherese Bagwell, John Crawford, Barry Cousins, Susan Zwaan, and Michael Corrales.

Bass asked what happens if Corrales is not elected on that day. Vincent said the Acting Municipal Judge, John Crawford, or Felix Cruz, the Alternate Acting Judge, would continue to fulfill those duties until an appointment is made. Bass asked how long that would take. Vincent said if the nomination is rejected, the Mayor would have to bring another one.

5. Receive bids for sale of \$15,850,000 General Obligation Bonds, Series 2001, and award the sale of the bonds to the lowest bidder. Exhibits: None.

Steve Livingston, Finance Director, said bids were opened at 4 p.m. today and information was distributed. Mike Prescott, Wells, Nelson & Associates, said bids were received from Southwest Securities from Dallas, Prudential Securities which is nation-wide, State Street Capital Markets headquartered in Boston, and ABN AMRO from New York City. Prescott said information shows the gross interest costs and the amount of interest you will pay on the bonds over 15 years. Some bid a premium which is extra they would pay to the City, and that was broken down into an average rate of interest. Southwest Securities had the lowest rate of interest at 4.49569% and it is a very good bid. Prescott recommended award to Southwest Securities.

MOVED by Devine, SECOND by Haywood, to accept the bid of Southwest Securities at 4.49569%. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

6. Consideration and approval of an ordinance providing for the issuance of General Obligation Bonds in the sum of \$15,850,000 by the City of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; prescribing provisions for redemption of bonds; designating bonds for purposes of certain provisions of the Internal Revenue code; naming a paying agent and registrar; approving a continuing disclosure agreement; approving the official statement pertaining to the bonds; providing for the levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency. Exhibits: Ordinance No. 01-20.

MOVED by Purcell, SECOND by Baxter, to approve Ordinance No. 01-20, waive reading of the ordinance, read the title only, and declare an emergency.

(Title read aloud) Ordinance No. 01-20

An ordinance providing for the issuance of General Obligation bonds in the sum of \$15,850,000 dollars by the City of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; prescribing provisions for redemption of bonds; naming a paying agent and registrar; approving a continuing disclosure agreement; approving the official statement pertaining to the bonds; providing for the levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency.

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

The Mayor and Council recessed at 8:05 p.m. and reconvened at 8:15 p.m. with roll call reflecting all members present.

7. Consider directing City staff to prepare a contract with the Lawton Rangers to provide economic development funds associated with the 2001 Rodeo, which will be televised on ESPN. Exhibits: None.

Jackson recommended the \$10,000 be allocated and staff be authorized to prepare a contract out of economic development funds within the budget for the promotion of this item, which would give national exposure to Lawton, along with the Centennial year. Mayor Powell said the Chamber is providing funding, as well as the State of Oklahoma, and the amounts are not known, but he hoped Council would support it and acknowledge this is one of the biggest events Lawton-Fort Sill has been exposed to as far as national television is concerned.

Purcell said he supported the funding but did not understand why out of this fund. He said the Chamber will be given \$400,000 hotel/motel tax for tourism and economic development, and the \$20,000 that was going to be given to the Boulevard of Lights was not needed so it will go back to the Chamber, and this is what that money is for so it should come out of the \$400,000 hotel/motel tax.

Mayor Powell said \$150,000 was included in the budget to use for economic development, and this will be economic development drawing a large crowd. Purcell said it could be tourism.

Shanklin asked what the Chamber was contributing. Mayor Powell said he understood it was about \$17,000 and he could be corrected on that. Margaret Chalfant, Arts & Humanities, said it was \$7,500 for the commercial.

MOVED by Devine, SECOND by Haywood, to give them the \$10,000 from the budget.

Bass asked if the rodeo would be at the Coliseum. Mayor Powell said no, it will be held at the Lawton Rangers Rodeo facility and upgrades will be needed for the lighting and other things to accommodate the event being televised.

Shanklin said the \$20,000 the Council gave to Boulevard of Lights was rejected, and he did not know what pressures were brought to bear but there were some, and he would be afraid to try to give the Rangers any of that \$20,000.

Mayor Powell asked if the motion was for the funds to come out of the Mayor's economic development fund and Devine said yes.

SUBSTITUTE MOTION by Purcell, SECOND by Baxter, to direct that the Chamber in their budget set aside an additional \$10,000 out of the hotel/motel tax to go to this; whatever they had before, whether it was \$17,000 or \$7,5000, to pay an additional \$10,000 from the hotel/motel tax for this.

Jamie Hall asked if Purcell was referring to the hotel/motel tax budget for next year or what is left in the account for this year. Purcell asked when the funds are needed. Mayor Powell said they need it now. Purcell said it is coming out of next year's budget which will not be available until after July 1 and that is when the hotel/motel tax money comes also. Mayor Powell said the rodeo is in early August. Purcell said it would be from next year's hotel/motel Chamber budget.

VOTE ON SUBSTITUTE MOTION: AYE: Baxter, Bass, Purcell, Moeller. NAY: Haywood, Hanna, Devine, Shanklin. (Haywood passed on initial roll call) TIE VOTE, MAYOR POWELL VOTED NO, SUBSTITUTE MOTION FAILED.

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

8. Consider adopting a resolution designating places and times within municipal jurisdiction to discharge fireworks on July 4, 2001. Exhibits: Resolution No. 01-88; Photographs; Memo.

Gary Salva, Parks & Recreation Director, said the resolution allows fireworks discharge at the lakes; it is not recommended by police, fire, or parks and recreation. Baker said staff recommends against this annually in their professional capacity, but it is fully expected that Council will normally approve it.

MOVED by Devine, SECOND by Hanna, to approve Resolution No. 01-88. AYE: Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01-88

A resolution designating the places and times within the municipal jurisdiction in which fireworks may be discharged on July 4, 2001.

9. Receive a presentation on Tourism, focusing on Lawton and Fort Sill and how we may encourage tourism in our area. Exhibits: None.

Margaret Chalfant, Arts & Humanities, said Lawton had incredible, untapped opportunities for tourism. She distributed information on statistics on how much tourism brings in to the economy. Her presentation is summarized as follows:

The Welcome Center at Walters had only one piece of information for Lawton; for Duncan there were five pieces. A new Lawton map was available but had to be requested from the person at the desk. There is a need to advertise. Lawton has a rich heritage of American Indian people, Apache, Kiowa and Comanche, as well as Fort Sill with the Buffalo Soldiers, the 7th Cavalry, the 9th and 10th Cavalry, and a rich heritage of the West and the Wild West; the James Boys and buried treasure in the Wichitas; Geronimo, Quanah Parker. There is interest in doing a motion picture on Quanah Parker's life and Larry Hagman was here about three weeks ago. There is Medicine Bluff, the Meers Store, and the Wildlife Refuge. When the National Symphony came, a tour was arranged for them to eat at the Meers Store and visit the Wildlife Refuge to see the buffalo in the wild. These very sophisticated people from Washington, D.C. came back to McMahan Auditorium talking about seeing the wild west and wonderful animals in the wild and thought it was a great adventure. We do not have to make things up like some places do; we have things here to do and we need to get the word out and to plan.

The Museum of the Great Plains has an incredible Native American collection; the Chisolm Trail, Fort Sill Museum, the Percussive Arts. We can capitalize on the Arts Festival and make it a cultural week; expand the International Festival which celebrates the diversity of our cultures. There is also the opportunity with Lawton's Birthday on August 6 and the Lawton Rangers Rodeo being in the top ten in the Pro Wrangler Circuit, so that could be advertised as a wild west week, and be proud of who we are, where we came from, and have a good time doing it. There will be a terrific Centennial Celebration that can be played off of this year with wagon trains and Pony

Express rides, and people want to be a part of it, and we can continue the following year with a festival with the wild west. There is a 30 second commercial that comes with the showing of the rodeo on ESPN and we can do a wonderful selling job for Lawton, leave a tag end on that to add to it for publicity, and that is ours to use for years to come on television to show people who and what we are as Lawtonians.

There are Lakes Lawtonka and Ellsworth in addition to LETRA. There are mountains for repelling and many people do not know we have that. Recreational opportunities are being missed. There is culture with the Philharmonic. Louise McMahon International Music Competition gives as much prize money and should have as much prestige as the Van Clyburn in Fort Worth, and we need to get that word out and bring those people here. The Leslie Powell Gallery is as good as any metropolitan gallery she had seen.

A group of the population travels from the north to the south each year for the winter, and we need to tell them that I-35 is heavily traveled and they should try I-44 and given them a two-day invitation to stay here. They will come back to see more once they know who and where we are, and they will tell others. Town Hall could be used as a Visitor Center with an RSVP volunteer during the Festival times. Ads are needed in Oklahoma Today. Southern Living is looking for features and we can tell them what we have. Advertising dollars should be maximized and we should be proud of who we are because we have a tremendous city with a lot to share. Tourism is one of the fastest growing industries in the State, and one of the top three money-makers.

Purcell asked if Chalfant could take on a tourism mission as part of her job if funding were provided without it interfering with other duties. Chalfant said she could after the Centennial activities.

10. Consider adopting an ordinance amending Section 22-4-1-412 of Chapter 22, Lawton City Code, 1995, by requiring that trash or garbage shall not be allowed to accumulate or be stored for a period longer than fourteen (14) days, and declaring an emergency. Exhibits: Ordinance No. 01-21.

Hanna said the current Code provision allows for storage of garbage and trash beside a house for up to 30 days. He said with the summer weather, this would allow for maggots and rodents so he suggested this ordinance change for health and sanitation reasons.

MOVED by Hanna, SECOND by Baxter, to approve Ordinance No. 01-21, waive reading of the ordinance, read the title only.

(Title read aloud) Ordinance No. 01-21

An ordinance amending Section 22-4-1-412 of Chapter 22, Lawton City Code, 1995, by requiring that trash or garbage shall not be allowed to accumulate or be stored for a period longer than fourteen (14) days, and declaring an emergency.

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

11. Consider adopting an ordinance related to Chapter 19, Article 3 of the Lawton City Code, 1995, Recreation, by amending Section 19-3-307, Subsection B, amending the length requirement for retaining smallmouth bass for purposes of weighing and measuring before returning to lake waters; providing for severability and declaring an emergency. Exhibits: Ordinance No. 01-____.

Devine asked that Mr. Hawthorne be allowed to make a presentation. Frank Hawthorne, Lake & Land Commission Chairman, asked that his group's presentation be made after Devine's.

Arthur Shipley, 4829 NW Floyd, said he was the instigator of the smallmouth bass size limit reduction. He said a viewgraph slide was being displayed showing \$94,000 per year generated in trips for fishing, but permit information shows two people from Oklahoma City came here to fish for smallmouth, and they did not spend any money because Schoolhouse Slough does not open until 8 a.m., they start fishing at 6 a.m., and when they did open, they could not find the permits, so Council may need to look at that.

Shipley requested that the smallmouth bass size limit be changed to 18 inches or less, "immediate" release into the lake, and over 18 inches "will be" released in the lake. He said smallmouth have been there for several years, they would like a return on the investment, and this was requested on the petition he gave the Lake & Land Commission that this be done as a test for one year. Shipley outlined errors he perceived the Oklahoma Wildlife Department had made in fisheries operations at area lakes. He gave longevity rates for smallmouth and largemouth bass in southern states versus northern states, noting there will be no benefit from them if they die.

Devine said Shipley had outlined what they wanted to do, and they were not wanting to harvest any fish whatsoever or take away from the lake. He said the thought is to take the fish out temporarily, keep them in a live well long enough for them to be weighed and measured and tagged if necessary if wildlife would like to have records on that, and then release them immediately back into the lake. Devine said comments will be made that the

fish will die from being placed in a live well, but he was told in approximately 1990 some of the smallmouth bass brought from Florida were brought here in a live well of a bass boat, so he did not feel this would cause the fish to be killed.

Devine said an article from Field & Stream says bass live longer in the north, and in the south, largemouth live nine to ten years and smallmouth only seven to eight years. These fish have been in the lake for 11 years and Cofer's goal is to have trophy bass available to catch, but he did not think that would happen. He said the bass clubs can start keeping records because they do not take fish from the lake to keep unless it is a trophy bass, and a fisherman will take care of a bass by putting it in a live well. Devine said if a fisherman brings a fish to a weigh-in, if the fish is dead, it is automatically disqualified and he is penalized the full weight of the fish, which would cost him several hundred dollars if he caught a fish that weighed three, four or five pounds and he was penalized, so he would do everything he possibly could to try to keep that fish alive and would not let it die on purpose. He said they would like to have a trial for one year, and if there are major problems with it, they can change it back, but they have waited 11 years since the bass were put in and there were no records to look at. Devine said with the bass clubs willing to set up a system, they would have some records and keep weight and length of every fish when the boats come in, and as soon as they are weighed, they would be returned to the lake.

Larry Cofer, Oklahoma Wildlife Department, said Lakes Ellsworth and Lawtonka are the City's responsibility to manage and rule on as the City sees fit, and the role of the Wildlife Department is to advise and assist in managing the lakes, and they felt they had certain expertise in fisheries to share with the City employees, Lake & Land Commission and the Council. Cofer said having a discussion like this shows the smallmouth bass have become a hit, it is a special fishery. Smallmouth bass are a special breed that was brought in from Tennessee in 1990 because they grow large; they stocked them for a couple of years then saw reproduction in 1993 so they stopped stocking them and they are doing fine. In 1993, the Wildlife Department worked with the City in conducting a survey to see how they wanted to manage them, and most people favored the catch and release policy. Other surveys about that time showed that tournament exemptions like are being proposed tonight are opposed by a 2/3rds majority of fishermen who do not want tournaments to have rules that are different from those for other people.

Cofer said the trophy limit on 23 inches was established in 1993 by the Council. Lawtonka smallmouth fishing now supports about 3,000 per year estimated trips, and \$94,000 in tourism is brought into the area. Because of the unique length limit of 23 inches, which is a tough goal to meet, it has been recognized in national and regional media, including two television shows and several magazines. Trophy fish are caught each year, and we know of four that were taken out that were over 23 inches. Cofer said 23 inches is the State record fish, and a lot of trophy fish are being caught, enjoyed and released, and for every smallmouth removed under this proposal, there will be five or six people who are not satisfied. He said it was his understanding that the proposal would be only for tournament bass fishing.

Shanklin asked if he could keep a 22 inch long fish. Devine said it has to be 23 inches or longer on the smallmouth bass but we really do not have a record of what is being taken out of the lake.

Bill Sparks, owner of Eagle Lure Company, said he had been in business for 20 years, fished his first professional tournament in 1971, and has been doing this for about 30 years. He reviewed the numbers and types of fishing tournaments he had participated in. Sparks said Oklahoma ranks third in per capita for fishing opportunities, and he teaches a bass fishing class at Cameron. Smallmouth bass are very unique and you have to drive hundreds of miles north to find good fisheries; the only thing close in southern water is Lake Texoma. Smallmouth bass were put in every lake in Oklahoma and Lake Lawtonka was one of the few places it took, and it is like a little gold mine; it is not a renewable resource; if you do not take care of them, you will lose them. Sparks said they had meetings and surveys to see how the fishermen wanted them managed and it was kept as catch and release for three years; the fishermen decided they wanted the trophy limit through a survey done at K-Mart, Gibson's, and all the fishing tackle shops. He said they had 82% that wanted it kept as catch and release, 12% wanted to be able to keep a trophy fish, and about 5% wanted to be able to harvest the fish.

Sparks said 23 inches was a compromise to allow those persons to keep a trophy fish; it is set very, very high. There is not an argument with trophy fish being kept and they are trying to protect the fish population. Sparks said he is in the tackle business and is not against tournament fishing because they use rods and reels, break things, and they are his customers, but this is the only place these fish are in Oklahoma and if they are not protected, they will be lost. Touching fish can create a fungus and putting them in a live well can cause death due to stress. It may not be as much of a problem when there is a very low water temperature; if the tournaments were in December or January, they would not hurt the fish but they are doing it during the summer and once the water is over 60 degrees and you put them in a live well and bounce them around for about six or eight hours, you will have a minimum 40% mortality and it could go up to 75% or 80%. Sparks said if you have a precious commodity and wipe out 30-40%, week after week, you will lose the fish. He said the penalty for dead fish is not loss of the fish; Shipley's tournament rules are four ounces and that is all you lose; if you catch a six pound fish and it is dead when you bring it in, you are only penalized four ounces and that is a drop in the bucket, it does not mean anything. The only way to protect the smallmouth is to not let them be harvested by anyone period.

Devine said Lake Murray has the best crop of smallmouth bass in the state, and one area of that lake is called Smallmouth Cove. Sparks said it is a different species; they are little smallmouth. Devine said they have a 16 inch limit, and 82% want the catch and release and that was all they wanted to do was catch and release. Sparks disagreed and said the proposal is for tournament fishermen to be treated differently than regular fishermen and that he disagreed with different rules for different classes of people.

Sparks said big smallmouth live in very, very deep water; during the Miller Tournament, Lake Lawtonka was opened up for the first time in many years to fishing as one of multi-lake tournaments. One reason was to see what the fish population was, and they were going to move fish from Lawtonka to Ellsworth and stock them on the rip rap because that is the brood stock area. Devine asked how they were going to be moved and Sparks said in Larry Cofer's wildlife well. Devine said that is a live well. Sparks said it is done in April and it is not a problem during the cold months or early spring.

Baxter said 84% of the fishermen are not tournament fishermen, and if you apply this rule for tournament fishermen, you have excluded 84% of the general fishing public. He said he was a member of the general fishing public and did not think that was fair, did not appreciate being excluded, and the fish should be put right back in the water. Baxter said we may be able to get a State record fish from the lake in the future if it is left like it is.

Frank Hawthorne, Lake & Land Commission Chairman, said discussions on this have been on-going since 1996 and he distributed a summary showing how many times it had been discussed. The Lake & Land Commission previously recommended the rules in place now be permanent and the Commission has heard these same arguments over and over again, and has always recommended going along with the State recommendation to maintain these rules since it is a special type of fishing and asked that the ordinance not be changed. Hawthorne said it was reviewed again recently when the Commission thoroughly revised Chapter 19 and the recommendation was to leave it in place because it was working. Hawthorne said Shipley spoke before the Lake & Land Commission on September 6. It was put back on the Commission agenda as requested by Shipley and Devine on April 18, 2001, and neither of them appeared at that meeting and those in opposition to the change presented the only discussion. The Commission passed a resolution to unanimously support the current codes.

Hawthorne said in regard to tournament fishing, if you start bass fishing early in the morning and catch a 7 or 8 lb. bass, you may still want to stay out for the length of the tournament, then come in by the rules. Regarding the statement about bringing in dead fish, the comment was that a penalty would be assessed, but the rules put out by Shipley say each dead fish will have one quarter pound penalty deducted including big bass, so if you bring in a 7 lb. bass, they will deduct a quarter of a pound and allow the rest toward the tournament score. Dead fish will be weighed at the discretion of the organizer, Mr. Shipley.

Shipley said this proposal applies to all fishermen, not just those in tournaments. He said live wells in modern bass boats have agitators, and chemicals are used to stabilize the fish and slow down metabolism in hot weather; bass boats are designed today to keep fish alive.

Purcell asked why the average fisherman would want to keep a 19 inch fish in a wet well, rather than immediately releasing it back into the lake. Shipley said they want to take it back to a facility to weigh it and have their picture made with it.

Devine said this ordinance is not being changed for anyone to take fish out of the lake to eat under 23 inches; they are only asking to weigh and measure fish that are 18 inches or larger then release them back into the lake; that is the whole ordinance we would like passed, it would run for one year only on a trial basis and if there is a problem, it would be no problem to discontinue it.

MOVED by Devine, SECOND by Bass, to approve Ordinance No. 01-22, waive reading of the ordinance, read the title only, and declare an emergency.

The proposed ordinance title was read aloud as follows: An ordinance amending Section 19-3-307, Subsection B, Chapter 19, Recreation, amending the length requirement for retaining smallmouth bass for purposes of measuring and weighing; providing for severability and declaring an emergency.

VOTE ON MOTION: AYE: Devine, Bass. NAY: Purcell, Shanklin, Moeller, Haywood, Baxter, Hanna. MOTION FAILED. (Purcell and Moeller passed on initial roll call)

12. Consider approving a contract with ZIA Corporation for professional engineering and construction services for the Robinson's Landing Fuel System Removal and Closure Project #2001-12. Exhibits: Proposal from ZIA Corporation.

Jerry Ihler, Public Works Director, reviewed the long history with trying to remove the old fuel system and install a new one, but it was a very large cost that could not be redesigned to achieve a lower cost. The Oklahoma Corporation Commission has directed that the system be upgraded or closed. Staff recommendation is to close the

system and to authorize this contract to be able to do that.

Shanklin asked where the \$25,000 was appropriated. Ihler said from Fund 35 for remediation of fuel tanks.

MOVED by Shanklin, SECOND by Baxter, to approve the contract with ZIA Corporation.

Mayor Powell asked what the contract would be for and Ihler said to close and remove the tanks at a cost of approximately \$10,800. Mayor Powell asked if they provide soil sampling. Ihler said yes, the unit price is \$100 per sample for testing; the number of tests required will depend on the ruling of the Oklahoma Corporation Commission and if the fuel system has leaked, additional testing will be required. The City may qualify for funds if soil contamination is found that has to be remediated.

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

13. Discuss enforcement and abatement of temporary/advertising signs in the right-of-way, medians and utility poles, and take appropriate action. Exhibits: None.

Purcell said there are signs, not political signs, on most major street corners either on sticks or stapled to telephone poles or tied to street signs and the wind is blowing them all over. A few days ago on the NW corner of Sheridan and Gore, there were six signs for PCs, how to make money, for singles clubs, health insurance, roofing contractors and so forth; today there are two signs still there, partially coming off, and four stakes so the signs have been blown somewhere around the city. He suggested the rules be enforced and people be fined for putting the signs up in that manner, or change the ordinance and let them trash up the city and put them wherever they want. Mayor Powell said there are a number of cars and campers sitting at that corner for sale in the old Wards parking lot and they are not authorized. Purcell said the signs look bad enough when they are up, but the problem is the wind scattering them all over the city as trash. Devine said a light pole in the corner of his yard had so many nails in it, it was leaning.

Bass asked if it was legal for people to put signs up on poles. Vincent said no. Baxter asked who enforces it. Mayor Powell said people are just trying to make an honest living. Purcell said the problem is the signs turn out to be trash. Baker said Neighborhood Services will be responsible for enforcement, and we should publicize that it is a code violation and that the city will collect them and throw them away. Mayor Powell asked who would pick them up. Baker said Parks and Recreation is usually asked to do that but it would take time away from their mowing and other work.

Vincent said he checked with other city attorneys and they found the best enforcement tool was picking the signs up because they do cost a little bit of money and when you pick them up enough, people stop putting them out. Purcell said if you do not pick them up, crews will eventually have to pick them up as trash.

Baxter said someone could be hired to pick up the signs while we are waiting to be able to hire a Traffic Engineer. Moeller said it would be a good summer job for kids. Mayor Powell suggested we try to educate the public and ask them to do it themselves. Shanklin said there is a guy that follows the sanitation trucks in a pickup truck and he could collect them. Mayor Powell asked that people be given ten days to two weeks to make the correction themselves and then if not, we can, but give them an opportunity. Mayor Powell said he would call one in the morning and ask him to move his sign six or seven feet back, and there are four or five on the corner and he would ask them to move them or he would move them for him. Purcell said he was not speaking of the more permanent type of sign, but the paper signs.

14. Discuss and take appropriate action on the Landfill Maintenance Building as to the size, purpose and number of employees required. Exhibits: None.

Shanklin said this was previously on the consent agenda for a contract for \$100,000 and he thought nothing would be put on consent that was that much money. He said it is in the CIP but to spend \$1 million for a building at the landfill is not being good stewards of the money and he asked Ihler to speak.

Ihler said this will be a heavy equipment maintenance facility, pre-engineered metal building, workshop area will be 75' x 50' divided into three bays. The building used for the last 30 years is 40' x 60'. The new building will have a five ton bridge crane system, an anvil type flooring for the middle bay for the large trackhoes and compactors that can damage a concrete floor; required vehicle exhaust assembly, lubrication tanks, lean-to storage structure; break and locker room area for the employees; wash pad to wash the equipment; diesel tank relocation and pad for it. Architect's drawing was presented.

Shanklin asked how many more staff will be required. Ihler said no more staff than is there now, but the facility itself will be the maintenance facility for the landfill for the next 30, 40 or 50 years so we are building it as such. Shanklin said this is close to \$300 per foot. Ihler said he was using the architect's estimate and felt his numbers

were a little high. Shanklin said the other maintenance facility was about \$780,000, which was much cheaper per square foot.

Mayor Powell asked if this building would be to the north of the scale area. Ihler said it will be south of Tinney Road. Haywood asked if there would be showers in the new building. Ihler said there will be one for emergency use in the locker room area in case someone gets sludge on them.

Purcell asked if the \$300 per square foot includes the exhaust system and equipment. Ihler said yes, it includes everything, including the wash rack that is not part of the building, the lagoon system for the restroom and septic tank, and oil separator; the building itself was \$450,000 and the rest was the additional needs. Mayor Powell asked what would catch all of the washed down material from the equipment. Ihler said there will be a oil-water separator and septic tank, and an evaporating lagoon.

15. Discuss the City's codes and ordinances on excavations and cuts in alleys, rights of way and easements and take appropriate action. Exhibits: None.

Shanklin said City crews finally did some good work in the alleys in Ward 5 and now Old Town North and the Wilson School areas were cut up because a utility upgraded their lines and excavated and filled back in with the dirt that came out of it. There have since been rains and the trash trucks bog down, causing large ruts. Shanklin said someone has to be held responsible and suggested the person who follows the sanitation truck could call in when he sees an alley has been excavated or cut.

Dan Tucker, Building Development, said anyone who digs or excavates in an alley, whether it is a utility or private citizen or contractor, is obligated to put the alley back into a traversable condition. Franchise utilities are not required to obtain permits but must return the alley to a good condition. A utility company has a contract with a local concrete company to do their repairs after the area has settled. Tucker said if someone finds an area that has settled, they can call Building Development at 581-3361 so they can find out who dug there because sometimes people are not aware they need a permit if it is a homeowner or contractor, and they are not aware of the requirement for the materials that must be put back in. He said his department will determine who caused the problem and then have them fix or repair it.

Devine said if one party is required to do something one way and a different party is not required to do that same thing, he asked what that constitutes. Vincent said it is discrimination. Devine asked what can happen with that. Vincent said discrimination lawsuits are possible, although this type of thing would not meet that requirement.

Devine said any plumber getting ready to put in a sewer or gas line must get an alley cut permit which states the plumber must remove all of the debris that he digs out and cannot put it back in the ditch but must totally haul it away. The plumber must haul in screening, sand or gravel to put back in there to a 95% plus compaction rate, meaning you must totally wet it down. He asked why small contractors have such strenuous requirements placed on them but utility companies can dig it up, push their dirt back in and go away and when it settles, have someone bring gravel to fill up the hole. Devine asked if that was fair.

Vincent said there are different requirements in the newer franchise agreements and he asked Wilson if he looked at them. Tim Wilson, City Attorney's Office, said he did not realize until the end of the day that they were specifically concerned with ARKLA and they did not read the franchise agreement but he was not sure a utility would be exempt from the code requirements that were described. Vincent said unless a franchise or Corporation Commission provision overrules, they have to meet our code requirements. Devine said he was not picking on the utility companies but wanted to be treated like everyone else.

Mayor Powell said City crews dig up and repair any broken water lines and put the same dirt back in the hole, so we are doing the same thing ourselves.

Purcell asked if the same rules apply to utilities cutting roadways. Tucker said yes, a paving cut or excavation permit is required and it applies to rights of ways and alleys and pavement.

Devine said he went through this issue less than a month ago over street cuts and showed a person what the City of Lawton was putting back, and what he had to put back, and they changed it. He said the City is now trying to enforce a 97% plus compaction rate, which is stronger than what it was.

Bass said on NW 31st Street in the alley behind Brentwood Circle, a utility truck came through and there is gravel on some parts but not on the middle, and there are big ruts. He asked who is responsible and what would be done to fix it. Tucker said his department would identify which utility truck was involved and they would be required to restore it to a maintainable status. Bass asked if they would bring out a box blade tractor and level it out. Tucker said yes.

16. Consider adopting an ordinance amending Chapter 7, Articles 24 and 25 of the Lawton City Code, 1995,

Business, by amending Section 7-24-4-2451; by amending Section 7-25-1-2507; and amending Chapter 23, Article 3 of the Lawton City Code, 1995, Vehicles and Traffic, by amending Section 23-3-305; providing for severability and declaring an emergency. Exhibits: Ordinance No. 01-22.

Vincent said this is needed due to the State repealing the vehicle inspection requirements; this removes vehicle inspections from taxi cabs and wreckers. Both will still have to meet inspection requirements but will not have to display inspection stickers. The other section deals with normal vehicles driven by the public to bring it in line with State law.

MOVED by Shanklin, SECOND by Haywood, to approve Ordinance No. 01-22, waive reading of the ordinance, read the title only, and declare an emergency.

(Title read aloud) Ordinance No. 01-22

An ordinance amending Sections 7-24-4-2451 and 7-25-1-2507, Chapter 7; and Section 23-3-305, Chapter 23, Lawton City Code, 1995, amending the requirement for safety inspection stickers; providing for severability and declaring an emergency.

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

Devine asked if this would help with enforcement on the hydraulics with vehicles that jump up and down. Vincent said that would be under a different code section that is more specific to that question.

Shanklin suggested the executive session items be considered at this time due to the number of items needing separate consideration from the consent agenda. He asked for separate consideration of Items 17, 18, 34, 38 and 53. Bass asked for separate consideration of Items 29, 30, 31, 32, 34, 38, 48, 51 and 52. Moeller asked for separate consideration of Item 43. Mayor Powell asked that executive session be held.

BUSINESS ITEMS:

57. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Thomas Riley Landis III and take necessary action in open session. Exhibits: None.

58. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled John Henry Perkins v. City of Lawton, Case No. CJ-2001-508, in the District Court of Comanche County, and if necessary, take appropriate action in open session. Exhibits: None.

59. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case City of Lawton vs. IUPA, Local 24 & Damion Sean Hart, Court of Civil Appeals, Case No. 95,122 and take necessary action in open session. Exhibits: None.

60. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the GM Class Action Law Suit and take necessary action in open session. Exhibits: None.

61. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the determination of the Workers' Compensation case of Cara Dell Yellowfish (Landers) in the Workers' Compensation Court, Case No. 97-1737-K, and take necessary action in open session. Exhibits: None.

62. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the continued employment of Brenda M. Smith as City Clerk, and in open session, consider approving an employment agreement of Brenda M. Smith as City Clerk and authorize the Mayor and Deputy City Clerk to execute the Agreement. Exhibits: None.

63. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the continued employment of John H. Vincent as City Attorney, and in open session, consider approving an employment agreement of John H. Vincent as City Attorney and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: None.

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

The Mayor and Council convened in executive session at approximately 9:50 p.m. and reconvened in regular, open session at approximately 10:20 p.m. with roll call reflecting all members present.

ITEM 57: Vincent reported pursuant to Section 307B4, Title 25, O.S., we convened in executive session to discuss the pending damage claim of Thomas Riley Landis III. The City Attorney's office recommends a motion to approve a

settlement in the amount of \$3,000 and authorize the Mayor and City Clerk to execute the resolution.

MOVED by Purcell, SECOND by Hanna, to approve a settlement in the amount of \$3,000 on the Landis claim and authorize the Mayor and City Clerk to execute the resolution. AYE: Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 01-92

A resolution authorizing the City Attorney to enter into a settlement agreement authorizing the City Attorney to cooperate with efforts to expunge the City's records pursuant to the statutory provisions and for the sum of Three Thousand and no/100 Dollars (\$3,000.00) as settlement of a claim filed by Thomas Riley Landis III, by and through his attorney, Hyman Z. Copeland, and directing the City Attorney to prepare and file a journal entry incorporating said resolution and settlement agreement for the Court's approval.

ITEM 58: Vincent reported pursuant to Section 307B4, Title 25, O.S., we convened in executive session to discuss the lawsuit entitled John Henry Perkins vs. City of Lawton, Case No. CJ2001-508 in Comanche County District Court. No action is required at this time.

ITEM 59: Vincent reported pursuant to Section 307B4, Title 25, O.S., we convened in executive session to discuss the pending appeal in the matter of the City of Lawton vs. IUPA, Local 24, and Damion Sean Hart, Court of Civil Appeals Case #95,122. He requested a motion to continue the appeal process.

MOVED by Devine, SECOND by Baxter, to continue the appeal process in City vs. IUPA and Hart. AYE: Haywood, Baxter, Bass, Hanna, Devine, Purcell, Shanklin. NAY: None. ABSTAIN: Moeller. MOTION CARRIED.

ITEM 60: Vincent reported pursuant to Section 307B4, Title 25, O.S., we convened in executive session to consider the class action lawsuit called the GM Class Action Lawsuit. He requested a motion to authorize the City Attorney to take necessary action to resolve the issues, which includes possible settlement.

MOVED by Devine, SECOND by Baxter, to authorize the City Attorney to take necessary action to resolve the issues in the GM Class Action Lawsuit, to include possible settlement. AYE: Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

ITEM 61: Vincent reported pursuant to Section 307B4, Title 25, O.S., we convened in executive session to discuss the Workers' Compensation case of Cara Dell Yellowfish Landers, Case #97-1737K, which is currently on appeal. He requested authority to dismiss the appeal.

MOVED by Hanna, SECOND by Purcell, to authorize the City Attorney to dismiss the appeal in this case. AYE: Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

ITEM 62: Mayor Powell said pursuant to Section 307B1, Title 25, O.S., we convened in executive session to discuss the continued employment of Brenda M. Smith as City Clerk and in open session to consider approving an employment agreement with Brenda M. Smith as City Clerk, and authorize the Mayor and Deputy City Clerk to execute the agreement. He said the Council discussed this in executive session and it is their desire to continue the contract with Brenda Smith as the City Clerk and provide a 3% increase in salary commencing July 1, 2001.

MOVED by Haywood, SECOND by Purcell, to approve the contract with Brenda Smith as City Clerk providing a 3% increase in salary commencing July 1, 2001, and authorize execution of the contract. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

ITEM 63: Mayor Powell said pursuant to Section 307B1, Title 25, O.S., we convened in executive session to discuss the continued employment of John H. Vincent as City Attorney and in open session to consider approving an employment agreement with John H. Vincent as City Attorney and authorize the Mayor and City Clerk to execute the agreement. Mayor Powell said Council, in executive session, did discuss the continued employment of Mr. Vincent as City Attorney and also to give a 3% pay increase commencing July 1, 2001.

MOVED by Haywood, SECOND by Hanna, to approve the contract with John Vincent as City Attorney providing a 3% increase in salary commencing July 1, 2001, and authorize execution of the contract. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Bass, Hanna. NAY: Baxter. MOTION CARRIED.

CONSENT AGENDA :

MOVED by Moeller, SECOND by Haywood, to approve the Consent Agenda items as recommended with the exception of Items 17, 18, 29, 30, 31, 34, 38, 43, 48, 51, 53, 54 and 55, and to completely strike Item 52. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED. (Note: Consent Items are shown in numerical order with note of separate action.)

17. Consider the following damage claims recommended for denial: Jefferson R. Houseman and Southwestern

Bell Telephone Company. Exhibits: Legal Opinions/Recommendations. Recommended action: denial of claims.

Shanklin said page 70 shows SW Bell Telephone's claim being denied, compared to the next item showing SW Bell's claim on page 81 being recommended for approval. Shanklin said Bell located the line but City crews still skinned it, although they were aware of the telephone line's location and we are going to pay it. He asked if the line was actually in the same place it was marked as he had seen them miss it by 16 inches. Devine said State law allows the telephone company 24 inches on each side of the cable and you have to hand dig to excavate when you are anywhere near that close. Vincent agreed. Shanklin said they just have to get close then and Devine said yes.

MOVED by Shanklin, SECOND by Haywood, to approve Items 17 and 18 as recommended in their entirety. AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

18. Consider the following damage claims recommended for approval and consider passage of resolutions authorizing the City Attorney to file friendly suits for claims which are over \$400.00: Connie Davenport; Thelma Davis; Don McLaughlin; Martha Phillips; Southwestern Bell Telephone Company; Wayne and Wendy Sterkel; and Mary E. Wilson. Exhibits: Legal Opinions/Recommendations. (Resolution Nos. 01-93, 01-94, 01-95, and 01-96 on file in City Clerk's Office) McLaughlin - \$144.42 (approved as shown in motion above)

(Title only) Resolution No. 01-93

A resolution authorizing and directing the City Attorney to assist Connie Davenport 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 Three Hundred Sixty-Seven Dollars and 73/100 (\$1,367.73).

(Title only) Resolution No. 01-94

A resolution authorizing and directing the City Attorney to assist Thelma Aleta Davis 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 Two Thousand Six Hundred Sixty-Nine Dollars and 39/100 (\$2,669.39).

(Title only) Resolution No. 01-95

A resolution authorizing and directing the City Attorney to assist Martha Phillips in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of One Thousand Nine Hundred Eighty-Eight Dollars and 51/100 (\$1,988.51).

(Title only) Resolution No. 01-96

A resolution authorizing and directing the City Attorney to assist Southwestern Bell Telephone Company 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 Three Hundred Twenty-Four Dollars and 94/100 (\$1,324.94).

19. Consider requests for the installation of traffic control devices at NW 31st and Arlington, NW 33rd and 34th, NW Lindy at 16th, SW 13th at Summit, and NW Smith from 13th to 16th. Exhibits: Excerpt from draft Traffic Commission minutes of 4/19/01. Action: Denial of requests.

20. Consider requests for the installation of traffic control devices at NW Baltimore and 44th, NW Baltimore and 50th, 1200 Block of Logan, SW Anglewood and 68th. Exhibits: Excerpt from draft Traffic Commission minutes of 5/17/01. Action: Denial of requests.

21. Consider a resolution authorizing the installation of traffic control devices on NW Oak at 53rd, NW 75th at Woodland Drive, and 31st and West Gore. Exhibits: Resolution No. 01-89; Excerpt from draft Traffic Commission minutes of 4/19/01.

(Title only) Resolution No. 01-89

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma. Action: Install a 25 MPH speed limit sign on NW Oak at 53rd; Install "Stop" signs on NW 75th at Woodland Drive; Install "Left Turn Yield on Green" sign for southbound traffic at the intersection of 31st and West Gore Boulevard.

22. Consider a resolution authorizing the installation of traffic control devices on E Gore at the Sonic median opening, 1200 block of Summit, 11th and Summit, and SW Baywood and Anglewood at 67th. Exhibits: Resolution No. 01-90; Excerpt from draft Traffic Commission minutes of 5/17/01.

(Title only) Resolution No. 01-90

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations

within the City of Lawton, Oklahoma. Action: Install a "No U Turn" sign on E Gore at the Sonic median opening for eastbound traffic; Install additional "No Parking/Handicap Loading Area" signs on the 1200 block of Summit, "Stop for Pedestrian in Crosswalk" signs on the 1200 block of Summit, "25 MPH" speed limit sign on Summit at 11th, and change the existing pedestrian signs to handicap crossing signs on the 1200 block of Summit; Install "Stop" signs on both SW Anglewood and Baywood at 67th.

23. Consider adopting a street light resolution to authorize the installation of an additional street light at the SW corner of SW 25th Place and SW Park. Exhibits: Street Light Resolution No. 415. Action: Approval.

24. Consider adopting a resolution declaring that Ninety Percent (90%) of the budgeted and appropriated revenues for fiscal year 2000-2001 have been collected for the General Fund. Exhibits: Resolution No. 01-91.

(Title only) Resolution No. 01-91

A resolution declaring that Ninety Percent (90%) of budgeted and appropriated revenues have been collected for the General Fund.

25. Consider an agreement with Wells, Nelson and Associates, LLC, to perform the services of financial advisor to the City of Lawton and Lawton Water Authority. Action: Approval.

26. Consider approving the plans and specifications for a waterline extension located along SE Interstate Drive and SE H Avenue. Exhibits: Site Map. Action: Approval.

27. Consider approving the plans and specifications for a waterline extension located south of Heather Lane in Sungate Addition, Part 9. Exhibits: Site Map. Action: Approval.

28. Consider approving an Agreement for Professional Services with Dan Wigington for the appraisal of real property the City of Lawton desires to acquire for certain projects and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: None. Action: Approval.

29. Consider entering into a Professional Services Agreement between the City and James C. Ferguson of Walker, Ferguson and Ferguson for Workers' Compensation claims. Exhibits: None.

Vincent said this attorney has been under contract for four or five years doing workers' compensation and it is very cost effective to use an Oklahoma City attorney. Bass asked if anyone in Lawton was capable of doing this work. Vincent said yes, however they charge windshield time to drive back and forth to Oklahoma City and mileage and tolls, so it is more cost effective to use an attorney in that area. Bass said this man charges \$65 per hour with a three hour limit and \$130 per hour in court. Vincent said we ship him the cases, he does not come down here except for depositions.

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

30. Consider approving Agreement for Legal Services between the City of Lawton and Burgess and Burgess, Inc. and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: None.

Vincent said Sylvia Burgess assists in the areas of health insurance and cafeteria plans as that is her area of expertise. She has not submitted a bill in over two years but she is kept on retainer in case there are questions.

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

31. Consider entering into a Retainer Agreement for Professional and Legal Services to provide a representative on labor-related issues as they effect the City of Lawton and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Agreement.

Vincent said this is the contract for Mr. Puckett who is our labor consultant; we have a lot of cases we cannot handle in the labor area dealing with unions and we use Mr. Puckett for those cases.

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

32. Consider renewing the Professional Services Agreement with Robert M. Jernigan as a representative on telecommunication issues as they effect the City of Lawton and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Professional Services Agreement.

Vincent said this is for Mr. Jernigan's assistance with telecommunications issues, both telephone and cablevision,

and he is one of two recognized experts in Oklahoma. The other expert works for the cable industry. Mr. Jernigan is the City Attorney in Newcastle.

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

33. Consider approving a Retainer Agreement for Legal Services between the City of Lawton and Susan Zwaan and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: None. Action: Approval.

34. Consider executing an agreement for Professional Services with G. Wayne Smith for Real Estate Broker Services for owners of property needed for the expansion and upgrade of the Meadowbrook Creek Local Flood Protection Project. Exhibits: None.

Shanklin said this is for the Meadowbrook Local Flood Protection Project and asked why this was being done if we have not agreed to buy any of the houses. Moeller said she found that FEMA requires you to hire someone to show people property. Shanklin asked if this has to be done whether the City buys the homes or not. Darrell Atkinson, Right of Way Agent, said this is in preparation for the item coming up next month and if it is not approved, we will not use the contract. Vincent said the property appraisals are in Tulsa for approval by the Corps of Engineers; once those are back and the PCA is signed, we need to start purchasing the houses. If we do not buy the houses, there is no money. Shanklin said he would not vote for the project because it appeared the problem has been corrected.

Bass asked G. Wayne Smith if he would be the person taking care of this for American Real Estate and if he would get a commission for selling the houses. Smith said if they do in fact sell any, yes he would get a commission. Moeller said she asked that question also and Smith is being hired to show them as required by FEMA, and the people still have the opportunity to use their own realtor if they wish. Atkinson agreed and said Smith has no guarantee he would make any commissions on any of the sales by doing this. Moeller said if the people do not have a realtor, Smith may be able to make a sale and commission. Bass asked if Smith sells a house if he would get a percentage of the sale. Moeller said not from FEMA. Bass asked if it would be paid by the seller and Smith said yes. Vincent said of the eight houses being discussed, there is no guarantee that any of those eight people would want to use Smith as their realtor, but we have to have someone under contract. Moeller said it would be possible he could get a sale.

MOVED by Shanklin, SECOND by Haywood, to approve the agreement in Item 34. AYE: Moeller, Haywood, Baxter, Bass, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

35. Consider accepting a Quit Claim Deed for property located in Section 27, T2N, R12W which has been donated by Doris J. Winkleman and authorize the Mayor and City Clerk to execute the Acceptance. Exhibits: None. Action: Approval.

36. Consider accepting a drainage easement from Park Central Realty Co., Inc. and authorize the Mayor and City Clerk to execute the acceptance of the easement. Exhibits: None. Action: Approval.

37. Consider granting an easement to The City of Geronimo for the installation of a waterline on the City of Lawton's property located in Sections 30 and 31, T1N, R11W, and authorize the Mayor and City Clerk to execute. Exhibits: None. Action: Approval.

38. Consider ratifying the action of the Lawton Water Authority to permit JEBSCO SEISMIC, LP to conduct a Geophysical Survey on land owned by the City of Lawton in Sections 11, 12, 14, 22, 23, 26 and 27 of Township 4 North, Range 11 West, accept payment of \$14,300 and authorize the Mayor and City Clerk to execute an agreement authorizing JEBSCO SEISMIC, LP to conduct these surveys. Exhibits: None.

Shanklin asked that future City leases include provisions to allow this without going back to the tenants.

MOVED by Shanklin, SECOND by Devine, to accept Item 38 under the same conditions as the Lawton Water Authority (the firm must negotiate directly with any tenants). AYE: Haywood, Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

39. Consider approving Change Order No. 1 assessing liquidated damages, accepting the Industrial Park Street Improvement (Neal Blvd. Extension Phase I) Project #2000-38 as constructed by T & G Construction, Inc. and placing the Maintenance Bond into effect. Exhibits: None. Action: Approval. Project was completed two days over specified time; liquidated damages are \$600 total.

40. Consider approving annual contract renewals between the city of Lawton and the following: County Commissioners (re: juvenile detention center); Department of Corrections (re: temporary housing of prisoners in city jail); J. Roy Dunning (re: children's shelter); and Roadback (re: detoxification center). Exhibits: None. Action: Approval.

41. Consider authorizing application and acceptance for a Department of Justice Local Law Enforcement Block Grant and authorizing the Mayor to appoint a committee as required by the grant conditions. Exhibits: Memorandum listing proposed advisory board members. Action: Approval.

42. Consider approving a sublease between the Lawton/Fort Sill Arts Council and the Lawton Heights Chapel to use the Arts Council's leased City building for conducting religious services on a temporary basis, not to exceed three months. Exhibits: Letters. Action: Approval.

43. Consider authorizing an agreement between the City of Lawton and the Lawton-Fort Sill Chamber of Commerce and Industry for the Co-Sponsored Softball Tournaments for the summer of 2001. Exhibits: Agreement.

Moeller asked what the City's costs will be for actual expenses, in-kind services and a total amount. She asked that the information be provided when it is known.

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

44. Consider accepting a grant from the Oklahoma Department of Human Services for the Retired and Senior Volunteer Program (RSVP) for Fiscal Year 2001-2002 funding. Exhibits: None. Action: Approval.

45. Consider rescinding authorization for an agreement between the City and U.S. Cellular for the sponsorship of the Parks & Recreation Department's Summer Youth Concert Series. Exhibits: None. Action: Rescind agreement.

46. Consider approving the acceptance of the proposed agreement between the City of Lawton Fire Department and Comanche County Hospital Authority. Exhibits: Agreement. Action: Approval.

47. Consider entering into a contract with Ms. Dianne Greb Mansell and Mr. and Mrs. Don Greb for fire protection outside the Lawton city limits, and authorize the Mayor and City Clerk to execute the contracts. Exhibits: None. Action: Approval.

48. Consider approval of contract between the City of Lawton and Comanche County Commissioners for emergency management services (civil defense). Exhibits: Agreement.

Bass asked if in case of straight winds, tornadoes, or flooding, do you call this number for emergency management service for the City of Lawton and we pay \$30,000 for it, and this is the person everybody in the City calls to take care of everything. Baker said Mr. Atkins is the County Emergency Management Director and he has certain responsibilities to provide services to the City under contract. Baker said we are writing our own emergency management plan and setting up our own emergency operations center, and when we do that, Council will need to decide whether to continue this contract for an additional year.

Bass asked if this is the person we call in case of tornadoes, flooding and so forth. Mayor Powell said no, anyone at this table has the ability to call down to our people down here and ask that the sirens be sounded and Mr. Atkins does not have to give approval for sounding the City's sirens; a policeman on the street can call Doug Wells and say a tornado is spotted and we can turn on our sirens without having to ask anyone.

MOVED by Bass, SECOND by Purcell, to approve the agreement. AYE: Moeller, Haywood, Bass, Hanna, Devine, Purcell, Shanklin. NAY: Baxter. MOTION CARRIED.

49. Consider approving the following contract extensions: A) HVAC Services with Carrier Commercial Service; B) Bunker Clothes with Total Fire Group. Exhibits: None. Action: Approval.

50. Consider awarding contract for Automatic Transmission Repair to Mr. Transmission. Exhibits: Recommendation; Abstract. Action: Approval.

51. Consider awarding contract for Hydraulic Pump and Cylinder Repair to Hannon Hydraulics. Exhibits: Recommendation; Abstract.

Bass asked if it is more feasible to send hydraulic pumps to Irving, Texas, for repair instead of having them fixed here or in Oklahoma City. Ihler said we have not been able to find anyone here that can fix them, and the ones on the back of the trash trucks are pretty big. Devine said he received service from L & L. Mayor Powell said they cannot work on the large ones like these. Ihler said bids were sent to six vendors and these are the only ones that submitted.

MOVED by Bass, SECOND by Moeller, to approve contract award to Hannon Hydraulics. AYE: Haywood, Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

52. Consider awarding contract for Water Pipe and Fittings to Midstate Utility Supply, Inc. Exhibits: Recommendation; Abstract. THIS ITEM WAS STRICKEN FROM THE AGENDA.

53. Consider awarding contract for 45HP Diesel Tractor to Standridge of Duncan. Exhibits: Recommendation; Abstract.

Shanklin said the specification committee may need to be reactivated if we are turning down a company that bid a 43 HP tractor, and you probably cannot tell the difference and it is a local vendor. Salva said the local bid did not meet the specifications on horsepower and more important was for the exhaust system to be underneath the tractor rather than above. Salva said they had to reconfigure a tractor to cause the exhaust to go under the machine as it was generating heat and pollution that was causing problems for the operators. Bass asked the cost to run the exhaust underneath. Salva said it would be more than \$400 and would void the warranty. Shanklin asked if the exhaust system was included in the specifications and Salva said yes. Bass said he would like to see the money spent in Lawton instead of Duncan and asked if there was any way possible to do that. Shanklin said they get a 5% bidders preference if they can meet specs.

MOVED by Shanklin, SECOND by Haywood, to table it and bring it back to see what they can do with it. AYE: Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

54. Consider awarding contract for Group Health and Dental Administration Services to Managed Health Resources, Inc. Exhibits: Recommendation; Abstract.

Bass asked if anyone in Lawton can provide this service. Chuck Bridwell, Human Resources, said the City has a self-funded health plan and these proposals were sent to several Lawton firms who had expressed an interest. Specifications were written so that bids could be submitted by both fully premium insured company agents and associations, as well as self-funded administrators. Bridwell said no proposals were received from local firms. Bass said he was interested in seeing that the opportunity was provided.

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

55. Consider awarding contract for Employee Assistance Program (EAP) Services to Integris Mental Health. Exhibits: Recommendation; Abstract.

Bass asked how many people we have in this mental health group and if you have to pay for them to go to Oklahoma City and back to get treatment. Bridwell said no, the previous provider for this service was Red River in Wichita Falls, and they set up an 800 number, the troubled employee calls that number and then they arrange an appointment with a local provider, and that is exactly what Integris will do.

Bass said Dr. Joe Langley was the person in charge last year and asked if he would be involved now. Bridwell said Dr. Langley was not in charge; Red River had the contract but their local contact was Dr. Langley, who is also the local contact for Integris and they may have additional local contacts later. Bridwell said the contract is required to be able to have a drug screen program by state law.

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

56. Consider approval of payroll for the period of May 28 to June 10, 2001. Exhibits: None.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood invited everyone to Juneteenth on June 16 at 5 p.m. at O.H. Arnold Park and Patterson Center.

Moeller said since the Boulevard of Lights did not accept the \$20,000, it would be her assumption that Council would need to reallocate that by voting on it again since it was voted on previously. Baker said an agreement is being drafted to send to the Lawton Chamber of Commerce and Industry and it will not have a dollar figure; LCCI will submit a budget to the City Council for approval, and depending on their request and what Council approves, that will be the amount of money. Moeller said Council would then address it at the time the contract comes back. Baker and Vincent said yes.

There being no further business to consider, the meeting adjourned at 10:53 p.m. upon motion, second and roll call vote.

