

Meeting of 2001-6-26 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JUNE 26, 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 6:08 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
 Stanley Haywood, Ward Seven
 Michael Baxter, Ward Eight

ABSENT: Barbara Moeller, Ward Six

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETING OF JUNE 12, 2001.

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

AUDIENCE PARTICIPATION:

Deral Paulk, 4012 SW Hickory Lane, Oklahoma Society of Professional Surveyors, said there are two calibrated base lines in Oklahoma and one was lost at Tulsa; there is one at Fort Sill. Approximately 100 surveyors come to Lawton twice a year for a convention and use the line on Fort Sill north of Quinette Park at 1310; there is a four-foot meter target on top of this station. Paulk asked if LTC Puckett could send their request to the proper department to get the target removed so they could use this for GPS set ups if it is not used by the military. He said they routinely work with the ranger officer and the SIC and asked that Puckett relay their request. LTC Puckett indicated he would do so.

Raymond McAlister encouraged participation at the Lawton Rangers Rodeo in August and at all events celebrating Lawton's centennial. Mayor Powell said Centennial Celebration brochures are available and he encouraged everyone to be a part of the celebration.

Denise Thomas expressed concern about camping at Lake Lawtonka; they camped then tried to move to a vacant area but were told they could not because there was a waiting list. She said the ordinance says when all the sites are full, a waiting list comes into effect, but above that it says it is on a first-come, first-served basis. Thomas said for over 24 hours the site was empty and at 7 a.m. the next morning, the next site came open and then it was not filled until 5 p.m. She said information shows you can get a site as long as you have a tent, you do not have to be there but you can have a tent and she did not think that was fair. Baker reviewed his phone conversation with Ms. Thomas and said staff was working on a reply. Staff will provide copies of the reply, as well as information presented by Ms. Thomas, to the Council. Mayor Powell explained action cannot be taken on items brought up during audience participation.

Mayor Powell thanked citizens and City crews for actions in cleaning up storm debris. Baker said the additional work may be finished by the middle of July. Mayor Powell said there is not a slush fund for these expenses, or any others, and there were additional expenses due to the harsh winter, so whatever funds may be received from FEMA

will not cover the costs incurred in storm clean up. Shanklin asked if debris in alleys is being picked up now. Baker said crews are working north of Cache Road from 11th to Sheridan and if there are alleys in that area, they are being cleaned also. Shanklin suggested debris in front of the houses be picked up first and said crews missed Old Town North. Jerry Ihler, Public Works Director, said the residential areas are being done now; alley work was done early so garbage trucks could get through to pick up the trash for those with alley pick up, but crews are working in residential areas and will then move to commercial areas and alleys; some alleys were done earlier if there were problems with transportation and access for trash trucks. Shanklin said he had two or three areas where limbs were still present from the storm before that in Old Town North.

BUSINESS ITEMS:

1. Receive Year-End Report from the Lawton Chamber of Commerce & Industry (LCCI) on the Hotel-Motel Tax. Exhibits: None.

Marilyn Fever, LCCI President, recognized Chamber staff, Dr. Boatsman, out-going chairman; David Means, incoming chairman, other board members, and Scott Hatch, whose firm provides accounting and bookkeeping services. The mid-year report had been presented in February and a written report was distributed immediately prior to this meeting.

Fever said the Chamber can announce 300 new jobs in Lawton-Fort Sill as a result of efforts last year. Assurant Group will dedicate their new facility on July 25; they have 160 employees on payroll and will employ, at a minimum, a total of 350 people. Silver Line Plastics is under construction and will bring 40 new jobs at start-up with the potential of adding employees as new lines are added. Together these two new industries represent over \$9 million in new payroll and a new capital investment of \$21 million. There has been a major economic development announcement every year for the past several years. The Chamber works closely with City staff, County Commissioners, Comanche County Industrial Development Authority, Great Plains Technology Center, Cameron University, and others to make these announcements possible. The Silver Line Plastics project lead came directly from the efforts of PSO and they are truly a partner. She thanked the City for their efforts.

Fever said Fred Blaylock spends the majority of his time working with local companies who have been providing jobs over the long haul. Specific examples of this are included in the report and Fever gave an example of Blaylock assisting a local manufacturing business in acquiring repair parts and operating during an interim period. An active manufacturer's council has been organized and the support and networking opportunities should assist local manufacturers with similar challenges in the future.

Fever said tourism continues to grow each year as evidenced by the steadily increasing hotel tax revenues. A list of events in the binder shows the Chamber's assistance since July 2000 by recruiting, working with the event recruiter, advertising, financial support or in-kind support through staff assistance or mailings. The Chamber spent \$47,244.61 in event funding and incentive for events, that figure does not include expenses for advertising or in-kind support. The Chamber mailed 205 relocation packets to people interested in moving to our area and 943 tourism packets. These figures do not reflect inquiries responded to through the web site. The Chamber provided 5,253 welcome and information packets for individuals attending conventions and events in Lawton-Fort Sill during the past 12 months. The chamber responded to a Council member's request to develop a billboard campaign marketing this community and its tourism assets; to date those billboards include Fort Sill's Cannon Walk, the Wichita Mountains Wildlife Refuge, the Lawton Philharmonic Orchestra, Percussive Arts Society Museum, and the Museum of the Great Plains. Examples of marketing pieces are in the binder. The Chamber collaborates with other organizations to assist in marketing their special events in State publications and in brochure development. Brian Davis worked tourism travel shows promoting our area this year in major markets in Texas and Oklahoma.

Fever said last March a large contingency of area residents traveled, at their own expense, to Washington, D.C. to show their support for Lawton and Fort Sill and the Chamber's annual legislative mission trip. The group met with top military officials and members of Oklahoma's Congressional delegation regarding military issues. The Chamber partnered with Altus to host a State legislative event, demonstrating our desire for a collaborative and regional approach to State issues that affect the Southwest region.

Fever said the Chamber spearheaded the effort to fund economic development efforts with a three year, quarter cent sales tax. Although the election was lost by a mere 300 votes, the effort was not in vain. We raised community awareness of the need to fund economic development and the importance of each vote. This issue is more important now because as the economy experiences a slow down, competition will be gearing up. The Chamber and its leadership will continue to be concerned and involved in the discussion of the need to identify a mechanism to fund economic development. The Chamber staff and volunteers organized and funded the campaign to renew the five year, five percent hotel tax last March.

Purcell asked how much money was spent last year on tourism, economic development and government affairs from hotel tax funding. Fever said they will not know until after July 1.

Mayor Powell expressed appreciation for presentation of the report.

2. Consider approving an agreement with the Lawton Chamber of Commerce & Industry (LCCI) for allocation and expenditure of Hotel-Motel Tax Revenue. Exhibits: Agreement.

Baker said staff prepared an agreement which was approved by LCCI. Significant provisions include more reporting requirements and accountability; Council must approve LCCI's budget for hotel tax revenue prior to any payments being made; monthly claims are required to draw down funds; funds not expended by June 30 of the contract year would be retained by the City and deposited in the hotel-motel tax fund, which is a separate, segregated fund. LCCI must fully document all expenditures. Reports itemizing expenditures are due by the 15th of each month to the Finance Director, and copies will be made for the City Manager and Council. A mid-year and end of year report will be provided. LCCI must maintain records which shall be available for the City for review. Contract term is one year with a maximum of four one-year extensions by mutual agreement. Other than those items, the agreement is similar to the current agreement.

Shanklin said he spoke with Ms. Fever this morning and asked that she explain the American Express card entry of \$6,000, and if those funds were reimbursed, where is that shown. Fever said two signatures are required on checks and some places do not accept checks so they use an American Express card to pay for some of the hotel-motel and membership activities. Fever said they receive a monthly bill from American Express showing each expenditure and have invoices to go with each charge. Fever said staff indicates whether those are membership dues expenditures or whether they are economic development or tourism expenditures, and those are sent to Mr. Hatch who does the necessary coding.

Scott Hatch said any expenditure made that is charged to hotel-motel tax is coded to the proper account; if reimbursement is later received, it is charged to that same account except as a credit instead of a charge. Shanklin said he understood that but that was not shown on those line item entries as such. Hatch said he was not aware of the document Shanklin was looking at. Shanklin said he was looking at Hatch's report and ledger and he understood the rest of the Council was also given the information. Fever came forward to receive a copy of the information. Hatch said anything reimbursed would be taken as a credit on that GL account. Shanklin said there is one for American Express for \$6,639, and he understood a good portion of that was received back from the membership when they got home and their portions were determined, and asked where that would be shown on the ledger sheet.

Mayor Powell said when they make the Washington trip, the Chamber picks up the tab and after they return, they assemble it and each person receives a bill for the amount spent. He said Shanklin's question is where those funds are shown as coming back in. Hatch said those checks do not get coded to hotel-motel tax in the beginning, they never get put in that account; if we know we are getting reimbursed, we take that to an accounts receivable from the membership and it never hits the expense account on the books, so his answer to the question is the \$6,639.85, none of those charges were reimbursed; anything associated with that event that is reimbursed would not have been taken to this account to begin with. Shanklin asked if that check went for something that had to do with government affairs, 100%. Hatch said it was for the state legislative reception specifically. Shanklin asked if there was any reimbursement from the membership for that. Hatch said not from this portion that was taken to this account.

Hatch said the travel expenses the Chamber pays for on the Washington trip are taken to an accounts receivable account from the members so it never hits the expense account in the books; when we receive reimbursement from our members, those reimbursements are taken against that receivable account so it never hits the body of the income statement. Hatch said for charges associated with the Washington trip that are not reimbursed, if we write one check to American Express and part of the charges will be reimbursed and part will not be reimbursed, the parts that are reimbursable get taken to the receivables and the parts that are not that are legitimate charges against hotel-motel tax will appear in the body of the income statement and the GL account that you are looking at for whatever that expenditure would be taken to, so it may have been travel and that is where it would appear.

Shanklin said there are two items and \$7,750 is shown. He asked if there are invoices for that and if the Council could look at them. Hatch said they have invoices for everything they could ever want to look at.

Purcell asked if the Chamber has a separate GL for hotel-motel tax only and a separate GL for other revenue. Hatch said we can print a GL only for hotel-motel tax expenditures. Purcell said what people are reading and what people have copies of is the entire GL and he thought that was where some of the confusion was coming in; there is a GL for the Chamber and some are hotel-motel tax entries and some are not. Hatch said the one Shanklin provided is a GL specific to hotel-motel tax and that is available.

Shanklin asked if none of those funds were reimbursed. Hatch said none of those charges that appear in that account are reimbursed; if they were, there would be a credit against it. Hatch said it is important for everyone to understand that if they do something and they know they are looking for reimbursement or for someone to cover some of the cost, they will charge it to hotel-motel tax and then the Chamber in their duties to try to increase how

far those dollars stretch, they might try to get someone to pay for something that was an allowable cost against hotel-motel tax, and if we do not foresee and know that it will be reimbursed, we will take it to the expense account and then if it is reimbursed, we will show it as a credit against that. Hatch said his answer to the question is if they know up front that they will be reimbursed, they never show up here, and it appears to be the case here, but there are other cases, such as Wichita Mountain Classic where the charges were placed against the hotel-motel tax and when it is all said and done and the entry fees are received, they take the dollars and reverse the charges out of hotel-motel tax and take those over to the dues side.

Shanklin said we have talked about co-mingling of funds for 15 years. He asked if a separate checking account for the hotel-motel tax would be better as far as information to the taxpayers as to how the money was spent and if Hatch had a problem with it. Hatch said he does not have a problem with it, and as he understood it, the agreement calls for them to do that. Shanklin asked Vincent if that was correct. Vincent said he recalled the agreement speaking of a separate account to be maintained within the City's treasury. Shanklin said it has always said to maintain the integrity of the tax revenues at all times by establishing a separate account for general ledgers for these funds, but we have co-mingled them.

Hatch said that is a good and important point; when it talks about a separate general ledger account, there is a confusion about a bank account versus a general ledger account so the terminology just stated deals with the fact that we have a separate general ledger account which is what is being looked at here to account for those costs. Hatch said that is being done and has always been done; the change as he understands it is that the Chamber will be required to have a separate bank account, as well as still having separate general ledger accounts.

Purcell said in 1995 when they had the last agreement, he wanted to have a separate bank account and Council and the Chamber said no and there is a co-mingle. He asked if this agreement requires the separate bank account. Shanklin said it is on page 11, section five, accountability. Baker said that was our intent when we drafted the agreement. Mayor Powell said that was acceptable. Purcell asked if separate account means a separate "bank" account, and if so, it should be stated specifically. Shanklin said we would come closer to passing a tax bill if we kept a separate account so it would be clearer as to use of the funds.

Purcell said some bills are written from hotel-motel tax funds and some are written from the Chamber's other accounts, so a \$3,000 bill may require a check for \$500 from hotel-motel tax and \$2,500 from the other accounts, which is a burden, and that is why the GL was set up as opposed to separate bank accounts. Hatch said that was correct but they were sensitive to the fact that there was some comfort level in the Council and the public to do that so they were certainly willing to forego the administrative burden associated with that to do what the Council prefers. Purcell said it does not say to do a separate bank account. Mayor Powell said the City Attorney gave an opinion that it does not say that and asked if Council wanted it to be a separate bank account. Shanklin said you have a better chance of passing things if you are up front with the taxpayers that the accounts are separated.

MOVED by Shanklin, SECOND by Hanna, to keep the separate bank account. AYE: Haywood, Baxter, Bass, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

Shanklin asked if \$167,000 would be for an economic development director, a tourism director and someone else. Fever said that is shown on the next agenda item. Devine asked to discuss their budget before voting on the contract and the Mayor and Council considered Item 3 at this time.

3. Review and consider approval of the FY 2001-02 Hotel-Motel Tax Budget as submitted by the Lawton Chamber of Commerce & Industry (LCCI). Exhibits: None.

Baker said the Council received a proposed budget of \$400,000 under separate cover and that is the amount projected for collection in next year's budget.

Fever said the LCCI Board approved presentation of the budget which proposes an increase in salaries. She said she presented an 11 or 12 page proposal to Council on May 31 for use of hotel tax funds beginning July 1, 2001, and it was a departure from the way the budget was presented in previous years. The new budget includes funding three positions in their entirety with hotel tax funds, those three positions are a director of economic development, which we do not currently have and the person would be responsible for economic development activities at the Lawton Chamber and for the City of Lawton. The person currently performing economic duties at this time, part time, Fred Blaylock who works with established industry, and Fever, and none of her salary is paid with hotel tax funds.

Mayor Powell asked if everyone had the handout, which was a single-page document.

Fever said the second position is a director for tourism and convention development, and Brian Davis is currently performing that function, doing an excellent job, and all of his salary is currently paid by hotel tax. The third position is a director of military affairs, which is a new position. Fever said she is currently performing this function and none of her salary is paid by hotel tax; this position would be responsible for military enhancement activities,

serve as an advocate for the business community on pro-business issues and coordinate the existing military affairs and Lawton-Fort Sill Coop Program. With the new structure, Blaylock's part time position in established industry will be eliminated. The new full time position for economic development would assume responsibility for existing industry. The proposal presented on May 31 included fairly thorough job descriptions, although they were drafts and subject to change. No other staff salaries will be paid from hotel tax, which works out well in accounting since there will be a separate account for hotel-motel tax revenues and expenditures. The proposed change in salaries reflects a 15% increase from last year. From 1990 to 1996, salaries averaged \$110,613 from hotel tax. In 1996 when the last hotel tax agreement was negotiated, the amount of hotel tax used for salaries went from 36% to 15%. Fever said more money was put into programs at the expense of staffing, which went from 11 to 6 and one part-time employee. She said they cannot carry out their program of work on military affairs, tourism and convention development, and economic development without sufficient staff.

Fever said the Chamber has been successful over the past five years but with the focus and staff to accomplish the mission, they can be even more successful. Tourism development will not be affected by the change in structure. LCCI is a service-oriented organization whose product for this community is the people, which translates to the employees. No programs will be cut and the fat was trimmed from their organization many years ago. LCCI looks at the program of work each year and cannot find anything to omit and believes this restructuring is a step in the right direction. Fever said it was amazing what they had accomplished with so few staff members, and they are overloaded and are not doing as well as they could or should be doing.

Devine said out of \$400,000, the Chamber plans to spend roughly \$122,000 on tourism, military and economic development, and that is a three to one ratio. He said he did not understand why two-thirds of the \$400,000 was required to run the business and only \$122,000 is planned for those exact expenses and it was his opinion that they were not getting much in return for the money. Devine said others had asked him this question also. Fever said in the May 31 proposal they broke down how those funds would be spent as they had done in the past; it was in categories such as government affairs, economic development, tourism development, sports promotion and shared administrative costs. Fever said there is not that much of a change; the difference between what salaries are now and \$136,000 is not that much different. Fever said the same funds are spent on sports promotion, event recruitment and advertising and marketing; the program has not changed that much other than adding a staff person and looking for an economic development person which is what she thought some members of the Council wanted them to do. Devine said he agreed they would like to see someone do that, but we could probably find a pretty good individual for \$278,000, which is the difference between \$122,000 and \$400,000.

Purcell said the budget was what was asked of the Chamber a few weeks ago. He said in his opinion, this budget was not appropriate for what we are doing; there are eight members trying to micromanage \$400,000 that goes to the Chamber and that is not his function and he did not plan to do it; we trust the Chamber or we do not trust the Chamber, you have auditors and accountants and accounts are provided. Purcell said we are trying to micromanage and we do not worry about the \$52 million we have in our budget that we do not micromanage. He said the problem is we asked for it in this format but in his opinion this is not the right format. The salary for the economic development director should be in the economic development category and the budget should show how much the Chamber will spend for economic development, and a break out can be given showing salaries, stamps, travel, etc. but it will show how much LCCI spent for economic development and the year-end report will show what the City received for those expenditures. Purcell said the contract mentions line items and if there is a line item for \$450 for organizational dues and LCCI wants to spend \$490, they have to get approval from Council and we do not need to micromanage. He suggested there be certain amounts in certain categories and LCCI will report on it, and if they move money out of economic development into tourism or governmental affairs, we should become involved, but to change a couple hundred bucks in each of the categories is not the Council's function.

Devine said that was not his question; this shows business development \$12,000 and he did not know what that was for. Purcell said he hoped it was for economic development. Devine said that is 1% they are going to use out of the \$400,000. Purcell said there is more because in the \$136,000 they will have a salary for the economic development person and that is also economic development but right now it is wrapped in the one line called salaries for three different people. Devine said other cities only have one person that handles all three of these items.

Mayor Powell said salaries for those three positions are \$136,000 and Fever agreed. Devine said it is about \$45,000 per person. Mayor Powell said it is a little larger than 30% of the total. Purcell said it is 40% when you add all the other stuff that has to go with the salaries. Mayor Powell said the City of Lawton spends 68% of its funds on salaries so how can we be critical. Shanklin said we are not being critical or trying to micromanage, and he did not care what they did with their money, but where will you get a person to bring in industry for this amount and asked how much that person would be paid out of this \$136,000. Fever said they did not know what it would take. Shanklin asked if membership dues would be used to go with this to get this individual. Fever said they hoped to have a search committee comprised of people who have a vested interest in economic development, to include City Council members, and that is a decision that will have to be made by a group of people who sit down and talk about the job description, how they want to advertise, how much they want to pay, and see who and what you can attract.

Shanklin said he did not believe a man was out there who could do for us what we will expect him to do for the kind of money you are talking about here. Fever said she did not mean to sound rude, but in the last year we have recruited two industries not using any of the hotel-motel tax with her as the team leader, Mike Austin and Keith Bridges, and she believed we may be able to attract someone, and she was hearing that some think we will pay too much and others think we will not be able to get someone because we will not pay them enough and we just need to get started. Shanklin agreed and said you are going to have to pass a tax to get a fund going or you will not need any of them, and to get that, we are going to have to sell this to the taxpayers and we have got to be up on top of the table. Devine agreed and said he had no personal conflict with this, although it had been stated that he had, but he could not answer questions that his taxpayers ask him, which puts him in a bad position, because he did not know what they do with the money. Fever asked if any of the board members would like to speak.

Leo Baxter said the idea that there are Chambers that support cities our size with one person running economic development, tourism and military affairs, he had not found any case where that was true. In his previous existence at Cameron he had the opportunity to visit 15 different cities about our size and compare Chamber sizes, cities in Texas, Oklahoma, Alabama, and we have certainly the smallest Chamber of any of those for cities our size that we ever visited. Secondly, he did not know what it would take to hire the right person for economic development, but if it is more than we are able to spend, we will make every effort to attract money from other places, privately through the Chamber side, to support the kind of individual we need. Leo Baxter said he did not know a member of the Chamber or of the Council that ever said having a director of economic development is a bad idea, and Councilman Moeller who is not here tonight was a big advocate of that, and someone needs to do it. He said if you do not like the results after a period of time, re-address the issue, but we have to get started; we have never done it before and a function of this economic development director will be to attack the issue of how we best fund economic development through a tax base or ad valorem or whatever.

Leo Baxter said LCCI has spent a lot of time on this trying to address the concerns of the Council for accountability of hotel-motel tax funds and everyone has put forth their best effort to do that but to suggest that only 1% is going to a rightful cause for economic development or tourism is inflammatory. Six people are working very hard to make sure this gets done right; if the Council is unhappy with how the Chamber performs its duty, it is within Council's authority to change all of that but he did not recommend that and did not feel it was prudent to do so. He said this will work and you have to be behind it.

Leo Baxter said when you have a line of your taxpayers asking you how hotel-motel tax money is spent, we certainly want to answer those questions but he would remind the Council that we do not pay hotel-motel tax here; people who visit our hotels and motels from out of town do pay hotel-motel tax so we want to have accountability but this is not a tax that I am paying as a citizen of Lawton to support my own economic development for the most part, and that is out of town money here and we ought to use it to garner as much support for our economy as we can.

Devine said he told Mr. Baxter in a phone conversation that if we could get the questions answered that people had asked him that he would support the Chamber 110% and agreed we should move forward with it in some manner, either through the Chamber or as Ms. Moeller raised an issue that she would like to have an individual do it and he was not saying that was a good or a bad idea either way but Duncan has been successful in having their own individual taking care of that. Devine said he wanted to have the questions answered and when people look at the sheet provided and see the figures, they have a hard time understanding that and he had a hard time explaining it. Leo Baxter said if you do not want to have any telephones or pay anything for postage and you do not want to pay the light bills, it all adds up that way, but we are not diminishing support for programs, we are putting the same amount into programs as has been placed there before; we are increasing salaries a small amount of money.

Councilman Baxter said he trusts the Chamber in what they are doing, and Council discussed this same issue about a year ago and some members standing in the parking lot were listening to someone preach about the need to hire an economic developer, and the Chamber has stepped forward to do that and they are now being criticized for it. He said the Chamber should be given an opportunity to do what they are trying to do and if the tax needs to be raised in the future, that can be considered but for now, we should let them do what they need to do.

MOVED by Baxter, to approve the 2001-2002 hotel-motel tax budget as submitted by the Lawton Chamber of Commerce and Industry.

Devine said he was trying to get this straight so the people would know what the money would be spent for, and if we cannot take the time to do that for the courtesy of the people, then we have problems. He said he was not trying to run the Chamber down but was trying to get some questions answered.

SECOND by Devine to motion shown above.

Purcell said he did not feel Council should be tying the Chamber's hands to this budget, and the budget should be approved for \$400,000 in the areas of economic development, tourism, military affairs, sports and whatever else, but not item by item. He said the contract in item two uses the words "line item budget" and if the budget before them is approved and the Chamber wants to spend more than \$450 for organizational dues, they have to request

Council permission and that is ridiculous. Purcell said it needs to be in the broad areas and if they want to get out of those, they should come back to Council.

Mayor Powell asked if Baxter would like to change the motion as Purcell suggested so they would not be pinned down to those exact amounts. Shanklin said they may not spend these exact amounts, such as the \$30,000 for Coliseum marketing and it may be \$27,000 or \$35,000, and they will not come and tell us about it and we are not asking them to.

SUBSTITUTE MOTION by Purcell to approve the budget for the \$400,000 broken down, and they know what it is, they can give it to us in the areas of economic development, tourism, sports, military affairs, and general and administrative, those five areas.

Purcell said if it is approved with this laundry list, there will be a problem later and someone will say they did not do what we asked.

Bass asked which way the Chamber would prefer it be required. Fever said on May 31 they presented the budget in five categories, and then reformatted the figures to this line item budget but they would prefer the five categories presented on May 31. Bass asked if that was what Purcell said. Purcell said that was exactly his motion, that it is in those five categories, that we approve the \$400,000 budget in the five categories, they report in those five categories, they move it around anywhere they want under these things, and the line items we are talking about when we approve the contract are those five line items.

SECOND by Bass to the Substitute Motion shown above.

Shanklin said he did not have a problem with that and asked if they ever adhered to it anyway, just for the record, did they ever stay right with that where they did not spend more than \$22,000 on sports or whatever it was, it varied, did it not, common sense tells you that. Fever said it varies and one year they spent more hotel tax than they received and they made up the difference in the membership dues revenue.

Mayor Powell said there is a substitute motion on the floor and a second as stated as the budget that was presented on May 31, 2001.

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

Mayor Powell asked that Item 2 be considered regarding the agreement with the Chamber for expenditure of hotel-motel tax revenue.

MOVED by Shanklin, SECOND by Haywood, to approve the agreement with the Lawton Chamber of Commerce and Industry for the hotel-motel tax, stipulating in section five, page 11, that there will be a separate account, and separate account means a separate account.

Vincent said section four, allocation of funds, refers to a line item budget and asked if clarification was needed in the contract so everyone understands that it means the five major categories. Fever asked if they are supposed to report on a monthly basis to the City in that manner. She said they divide the money up into those categories. Shanklin said he did not think it had to be done monthly, they do not have time. Fever said they have to submit something monthly to receive funds. Vincent said he was referring to section four and Fever was referring to section six, and if everyone is clear as to the language on section four, that is fine. Hatch said the vote on Purcell's motion regarding the five categories was sufficient and they would not be opposed to that being part of the contract.

Mayor Powell said the motion and second was made and the changes recommended by the City Attorney have been included and accepted with the motion.

Vincent said there was a statement made about not having a monthly report. Shanklin asked if they have time to go through it. Hatch said they have it anyway, and must have it, so they certainly did not object to providing that to the City on a monthly basis.

Baker said he wanted to make sure he was clear on this; the agreement, when we say line item, it will be those five categories and Council has already approved the budget, so the monthly reports, the mid-year and end-year will be reported based on those five categories. In other words, expenditures will be broken down into those five categories, is that correct. Baker said he wanted to make sure so there is no doubt. Hatch said that was an excellent point and it had not dawned on him, and Council could make whatever decision was appropriate and they would abide by it; from the Chamber's standpoint, as does the City, they have to budget to keep track of it and control expenditures, they have to budget by these line items that you previously got; the five major categories make a lot of sense because from the City's standpoint, you do not really care if we spend \$450 or \$445 on dues.

Hatch said our books are currently set up where we have a detailed account, general ledger account, which can provide a detail in the categories that were previously submitted; for those five categories, for instance, economic development, part of economic development is this economic development expert that we are going to hire, and his money will be in salaries so the long answer to the short question is that he would prefer, if he could and it would be selfish because it would cut down on the amount of work he would have to do, he could provide a detailed general ledger in the categories discussed and also hand write by those categories, for instance if it is personnel, in economic development, which is one of the five categories. He asked if everyone understood. Shanklin said you are going to put the money in one pot, write checks on it and Council is going to see what they have written the checks for. Hatch said yes.

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

Mayor Powell thanked the Chamber members for attendance and for their work in the City's behalf.

4. Consider award of a bid and authorize execution of a contract for MedTrans Services. Exhibits: None.

Gary Jackson, Assistant City Manager, said two bids were received and based on the assumption that Meet The Needs can administer a complex, federally funded project as outlined in the proposal, it is recommended that the bid of \$49,980 be awarded to Meet The Needs. Hedy Jackson, Assistant City Attorney, said according to the bid documents, prior to awarding the contract, Meet The Needs will have to provide proof of insurance to show the City as a co-insured and there is not sufficient documentation to establish that at this time. She said the City Attorney's office had previously determined that the contract was not actually awarded until the Mayor signed it and recommended the motion include the Mayor being authorized to sign the contract after Meet The Needs provides required proof of insurance.

MOVED by Devine, SECOND by Baxter, to award the contract to Meet The Needs and authorize the Mayor to execute the contract upon receiving adequate proof of insurance.

Purcell asked when MedTrans will commence operation. Bobby Carter, Meet The Needs, said they have insurance through State Farm and Tony Reese is the agent, and that will be provided. Carter said they can begin operations as soon as the bus is turned over to them, and if it is not transferred over, they can still start July 1.

Purcell said he knows Meet The Needs is well-intentioned and will do this but would ask the staff if there is a fall-back position six months from now if there is a problem. He said there are complex administrative requirements through HUD, which reimburses the City for the program, and if they find non-compliance, the funding will be terminated and what do we do at that time. Frank Pondrom, Director of Housing and Community Development, said the funds are based on a letter of credit and the funds are in the Kansas City Federal Reserve where we draw down on a monthly basis, or more frequently, based on claims we have received. Pondrom said how and when the service will begin is outlined in the bid packet and the contract. Purcell asked how often the reports have to go to HUD. Pondrom said once a year. Shanklin said he hoped they would do a good job.

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

Baker said due to the favorable bid from Meet The Needs, there will be some CDBG funds available and public hearings will be needed to reprogram the remaining funds.

5. Consider approving an ordinance amending Chapter 9, Lawton City Code, 1995, by amending Section 9-2-201, Judge Created; Qualifications; Outside Employment to provide for a closure period of the appointed judge's private law practice, providing for severability and declaring an emergency. Exhibits: Ordinance No. 01-23.

Vincent said the City Code currently requires the immediate cessation of the private practice of a newly appointed judge, and this will allow for a phase out period. He said it is pointed out in the background that there is a State Code of Judicial Conduct problem and he had visited with the potential appointee and they may jointly be contacting the Bar Association for additional guidance in that regard. Vincent recommended approval of the ordinance.

MOVED by Shanklin, SECOND by Haywood, to approve Ordinance No. 01-23, waive reading of the ordinance, read the title only, and declare an emergency.

Purcell asked how much time District Judges get when they are elected or appointed to close out their private practices. Vincent said it is not specified in the State Judicial Code and that is why the ordinance is written in this manner; we feel there has to be a phase out period because no one can just walk away from their practice.

(Title read aloud)

Ordinance No. 01-23

An ordinance relating to Chapter 9, Lawton City Code, 1995, amending Section 9-2-201 adding a time period a newly elected municipal judge has to close out any private practice work after appointment by the City Council; providing for severability and declaring an emergency.

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

Haywood said he heard a radio broadcast saying the person would have four weeks to close their practice and the ordinance is correct in saying not to exceed four months.

6. Consider directing staff to prepare a Hazard Mitigation Grant Program application for the voluntary purchase of Repetitive Loss structures and discuss funding alternatives. Exhibits: Summary of six programs for HMGP funding; List of Repetitive Loss Properties identified by FEMA; Meadowbrook Addition Map; West Highland Addition Map; Garden Village Addition Map; Heinz Addition Map; Letter from Oklahoma Department of Civil Emergency Management.

Bob Bigham, City Planner, said City Council authorized two Notices of Intent to submit grants. Funding was generated due to Caddo County flooding resulting in Presidential Disaster 1349, and due to the winter ice storm resulting in Presidential Disaster 1355; both disasters generated \$26 million to Oklahoma for hazard mitigation projects. Lawton's first NOI was \$400,000 for purchase of four repetitive loss flood homes in Meadowbrook, and the second, larger NOI included six projects.

Bigham said the State Mitigation Team reviews all Notices of Intent and one of the State's top priorities is purchase of repetitive loss homes, therefore, the State gave us a go ahead to submit a grant application which is due July 13. Direction is needed prior to preparation of the complex grant application, along with a hazard analysis plan, and the critical question is the 25% local match only dealing with the repetitive loss purchases. Properties on FEMA's repetitive loss list are shown in the packet; staff recommended the top ten and Council directed the entire list be considered. Total purchase cost for the structures is \$2,136,000, and local share would be \$534,093. This is a voluntary program; if property owners do not wish to sell, you move on to the next one. This is a reimbursement program where the City would fund acquisition of structures, demolish them, and request FEMA reimbursement. \$21,000 per structure was added to the estimated costs to fund administration and demolition; property values were taken from FEMA forms and may not be accurate. Guidance was requested on whether to prepare the application and return it to the July 10 Council meeting, with the critical point being funding.

Shanklin asked if Lawton will be required to fund a \$1.2 million local share if the grant is approved. Bigham said Lawton would be reimbursed \$1.6 million of the \$2.1 million total estimated project cost and must front that entire amount and then receive reimbursement.

Baker recommended the City not apply for the grant because he could not identify funding, not the \$530,000 and certainly not \$2 million. He said this could benefit these residents, although they may or may not want to sell their property, and it would benefit the federal government because FEMA would no longer have to worry about reimbursing them for damages, but as far as benefits to the general citizenry of Lawton, he did not see that and we do not have the money.

Purcell said information in the packet shows a total for both NOI's of \$1.9 million instead of \$2.1 million. Bigham said he added \$21,000 per structure for the demolition and administration.

MOVED by Devine, SECOND by Purcell, to deny this on the City Manager's recommendation. AYE: Purcell, Shanklin, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED. (Note: Baxter passed on first roll call.)

7. Consider approving a change in scope of the Meadowbrook Creek Corps of Engineers Project and authorizing staff to take necessary action. Exhibits: None.

Jerry Ihler, Public Works Director, said in April 1999 Council approved a project for the Middle Branch of Meadowbrook Creek, consisting of the north section of channel improvements from just south of Cache Road down to Liberty and 51st, and a south portion from the south side of Meadowbrook Drive to 300 feet onto the Country Club golf course. The Corps of Engineers has designed most of the project and provided an updated cost estimate. A meeting was held with the Country Club about their concerns over losing trees on the golf course and relocating a green and a tee box. With the design close to completion, there is concern about the budget; the City had budgeted \$1.7 million and the estimate from the Corps for the City's share is \$2 million. Due to the increased costs and the valid concerns of the golf course, it is recommended that the scope of the project be revised to eliminate the south portion and do the north portion only. Staff was authorized to move forward with purchase of eight homes required as part of the project and that is being done. Ihler introduced Gene Lilly, Corps of Engineers Project Manager.

Gene Lilly said in April 1999, four alternatives were developed for Meadowbrook Creek channel improvements, and those were due to public concern over the removal of trees and trying to do a full channel improvement project, therefore, the Corps went to a planned formulation process and identified improvement of only the upper and lower reaches of the channel. City Council approved the Corps proceeding with detailed design analysis. A slide was presented showing part of the plan formulation process used by the Corps, developing a matrix showing pros and cons of each project, and at that time, plan eight had an estimated project cost of \$3.4 million. Mayor Powell asked if that would be \$1.7 million provided by both the City and the Corps. Lilly said that is correct, it is a 50-50 cost share.

Lilly said the detailed design and cost estimates have been done, as well as environmental work and initiating preliminary coordination with affected land owners. During the detailed design, it was found that the project cost would increase; there were geotechnical investigations done showing considerations are necessary at the 51st Street bridge that were not anticipated in the preliminary design and cost estimate. There is the potential for project construction delays due to a very limited time constraint in trying to work with the golf course. It would be best to do construction work during the golf course's off season and also this #2 green that would be affected, we would need to act on it this fall so that is a very optimistic schedule that could not likely be met and that could delay construction for a year. Additional concerns were brought up by the Country Club that could increase the project cost even more. With those constraints identified, the Corps recognized the potential need to reconsider plan nine, which would not affect the golf course.

Lilly said if Council desires for the Corps to pursue plan nine, they would need to update the plan formulation documentation. The Corps is required, as part of the federal process, to show different alternatives and the National Economic Development Plan shows the most net benefits, however, we also recognize planning constraints and part of those are issues with the golf course and the City's budget. The engineering is essentially complete and they would be deleting the downstream channel improvement; the design for the upstream channel improvement is still valid, however, specific hydraulics are needed to verify the design assumptions for that specific project, which is plan nine. Environmental assessment must also be re-addressed; the previous environmental assessment was plan eight, and the revised environmental assessment would be specific to plan nine.

Lilly said he could not tell Council the Corps could approve plan nine but his professional opinion was he was optimistic; the preliminary numbers indicate a healthy benefit to cost ratio, they are anticipating the benefit analysis to show that the benefits are probably close to twice the annualized cost of the project so right now it looks like a good investment from both the community's perspective and the federal government. He said he felt he could recommend with confidence plan nine if Council wants to pursue that.

Purcell said the retention pond was already constructed at 67th and Rogers Lane. He asked if plan nine, along with that improvement, will solve the flooding problem in Meadowbrook without addressing the creek through the Country Club. Ihler said it will help the flooding problem; by doing just the north portion we will remove fewer homes from the 100 year and 10 year flood storms than we would have if we did both the north and the south; when the middle section was eliminated in 1999, the number of homes assisted was reduced by that action also. Plan nine will reduce the number of homes that will flood.

Purcell asked if eight homes will be purchased to do the upper portion. Ihler said yes. Purcell asked if some of those eight houses were also listed in the previous agenda item. Ihler said three of the homes in the northern portion are the same as were in the previous item. Purcell asked if three of the houses in the previous item were in the south portion. Ihler said four of them were in the north, three of which are going to be purchased as part of this project, and then four or however many were to the south. Purcell asked why the homes would not be purchased under the 75-25 match program, rather than this one which is a 50-50 match. Vincent said the previous item was a voluntary program that included no relocation cost so the homeowners did not want to participate in that manner. Vincent said there was also a question as to the City being allowed to use partial federal funds under the FEMA program to match a Corps program since they are both federally funded.

Shanklin asked what will be done with the bridge that has the abutment behind it. Ihler said at Meadowbrook we are not doing anything under this program; there will be a new bridge at 51st and Liberty. Shanklin asked if the abutment would be removed that goes southeast of the bridge. Ihler said yes, and the house on the south side will be purchased. Shanklin asked if the house had flooded. Ihler said he did not think it was on the repetitive loss list but it has flooded. Shanklin said it flooded more than once. Baxter said he had seen it flood. Mayor Powell said this will help there.

Ihler said it appeared everyone agreed the eight homes should be purchased, and it is a 50-50 match with the Corps on the project. The purchase of those eight homes will meet the City's 50% match for the channel project; we have to buy those homes to construct the project and the channel construction on the north half would not require any additional City funds.

Devine asked how much longer this would delay getting started or purchasing the houses. Ihler said the

environmental assessment must be re-done and we will not close on the houses until we have a signed PCA so a rough estimate is three to four months. Lilly said they would present another schedule based on the Council's decision tonight and coordinate that with the City.

Baker asked the estimated cost of the north only portion. Ihler said the City's match should be around \$1.5 million and the budget is \$1.75 so funds are available.

Bass asked if nothing will be done to the bridge at Meadowbrook or at the Country Club. Ihler said no, not if the revision is approved. Devine said they discussed taking some of the money that was left over and working on an agreement with the Country Club and asked if we were leaving them out on that. Baker said if Council elects to change the scope of the project, there will be some funding left over in the 1995 CIP which has been reserved for the Corps project; we will then have the luxury of having some time to determine what we need to do further after this project is finished or while it is on-going and we may want to do something at the Country Club and to look at the Meadowbrook bridge and see if that will be an effective thing to do. Shanklin asked how much money is being reserved in the 1995 CIP. Ihler said \$1.75 million. Baker said the estimate for our share now is \$1.5. Shanklin said that is just to buy those houses and Ihler said yes. Ihler said the total project cost, including the purchase of the homes right now is in the neighborhood of \$2.8 to \$3 million; our share would be 50% or \$1.5 million if it were \$3 million. Mayor Powell said we will pay our share by purchasing those homes and will not have to provide any services, labor or anything for the channel itself, we will have paid our money.

Bass said before anything is done with those homes, he would like to have some kind of contract with the Lawton Country Club so they can fix the problem; all of the water will be dumped onto the Country Club because it has nowhere else to go.

Haywood said in 1999 Ihler made the recommendation to buy the houses and we could have been way ahead if we would have listened to him.

Devine said in our meeting with the Country Club, we tried to work an agreement with them that we would use some of the surplus money and we were willing to do some construction there to help get the water cleared and moving through so it does not back up on the Country Club. Vincent agreed. Devine said he wanted Bass to understand that we are not trying to undermine the Country Club and we are looking out for them because it is part of it to get that cleared there.

MOVED by Devine, SECOND by Baxter, to accept the new project, recommend plan nine as recommended by Mr. Lilly. AYE: Shanklin, Haywood, Baxter, Hanna, Devine, Purcell. NAY: Bass. MOTION CARRIED.

8. Consider adopting an ordinance amending Sections 22-141.D.4 and 22-142.B.5 of Chapter 22, Lawton City Code, to delete the requirement for a concrete pad for solid waste collection bulk containers. Exhibits: Ordinance No. 01-24.

Ihler said there is a requirement for reinforced concrete pads for solid waste bulk containers. A survey of 250 sites was done showing only 3% met that requirement. It was felt that it was in the best interest of everyone involved to amend the code so that the concrete pad is not a requirement and this ordinance eliminates the requirement. Staff will make sure the sites have acceptable access and provide protection to keep the wind from blowing the containers and causing damage. Shanklin asked if this is to just kind of clean up the code. Ihler said he was not sure how the requirement was arrived at previously but he was asked by the City Manager to look at it. Ihler said he asked the current superintendent, who has been there many years, why it is not being enforced he understood that in the late 1970's or early 1980's they were trying to enforce it and it just was not working. Shanklin said we have an ordinance that says we will pick up three 20-gallon trash cans twice a week and that is not the practice. Ihler said we pick up more than that as a service to the customers.

Devine said he remembered three members causing this to be brought up because they watched a trash truck back over a water line, causing it to break because there was not a pad for it to sit on and it was sitting on bare dirt. Devine said he thought it was being brought forward to be sure there were pads for the containers to sit on. Baker said it was pointed out at that time that the particular property owner was not complying with the City Code, and the problem is you can have the pad but the surface the trucks back up on is really the critical thing. Baker said the water line would have still been damaged unless the pad was built over the water line. Baker said Devine asked him to look at it and he had asked Public Works to do the survey and we found that 97% of all of our commercial, business customers are not complying with this code and it is perhaps unrealistic and almost to the point of being unenforceable because the code requires a four-inch concrete reinforced pad, and it is an example of a code that has not been enforced probably for 20-30 years and he saw no reason to keep in on the books unless we want to actively enforce it, which would upset a lot of people.

MOVED by Purcell, SECOND by Baxter, to approve Ordinance No. 01-24, waive reading of the ordinance, read the title only.

(Title read aloud)

Ordinance No. 01-24

An ordinance relating to refuse, amending Section 22, Chapter 22, Lawton City Code, 1995, as previously amended, relating to refuse collection charges, and providing for severability.

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

Upon motion, second and roll call vote, the Mayor and Council recessed at 8:05 p.m. and reconvened at 8:15 p.m. with roll call reflecting all members present except Moeller.

9. Consider approving the purchase of the property located at #3 NW 53rd Street, Lawton, Oklahoma, and authorize the Mayor and City Clerk to execute the acceptance of the Real Estate Purchase Contract. Exhibits: None.

Vincent said this is the house immediately north of the existing fire station five; the property was listed for sale so after the May 22 Council meeting staff approached the property owner through a real estate agent and negotiated a potential contract. He recommended approval of the contract in the amount of \$59,900.

MOVED by Devine, SECOND by Hanna, to accept the contract.

Bass asked how many more homes will be purchased. Vincent said three. Purcell asked what if we are unable to buy the others and why they are not all purchased at the same time. Vincent said a resolution of necessity would be returned to authorize the City Attorney's office to contact the other property owners and if they do not cooperate in the purchase of the property, then we would potentially go to condemnation. Mayor Powell said we are going to throw our people out of their houses. Purcell asked if this purchase was contingent upon getting the other properties. Vincent said no. Mayor Powell said we are just going to buy it without knowing if we can buy the others or not and asked if Vincent was recommending that. Bass asked if anyone had contacted the other residents to see if they wanted to sell. Vincent said no.

SUBSTITUTE MOTION by Purcell, SECOND by Shanklin, to table this until we find out whether we can buy the others. AYE: Bass, Hanna, Purcell, Shanklin, Haywood, Baxter. NAY: Devine. MOTION CARRIED.

10. Consider amending Council Policy 1-1, Employee Travel, to provide that all out of state travel must be approved by the City Manager and limiting out of state travel. Exhibits: Proposed Policy 1-1.

Baker said this should provide for better control of employee travel; all out of state travel will have to be approved by the City Manager and no more than one employee of a department will be authorized to attend the same out of state conference or seminar unless approved by the City Manager. Baker said it provides receipts will not be required for turnpike tolls but he asked that it reflect that no receipts will be required if a pike pass is used, and if not, receipts would be required. He said the auditor asked for that change because the toll receipts provide proof of where an employee was on a certain date and time.

MOVED by Haywood, SECOND by Hanna, to accept the recommendation of the City Manager.

Devine said he thought the City Manager already had this authority. Baker said the policy provides that he would approve travel for department directors, and those directors have the authority to approve travel for their employees; this provides that if it is out of state, the City Manager would have to approve it.

Shanklin asked what would happen if the pike pass time was different than the times shown on the forms. Baker said the forms are reviewed by Auditing and they would catch that and the expense would be disallowed; there may be some disciplinary action if an employee lied on an official form.

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

ADDENDUM #1: Consider awarding contract for 45HP Diesel Tractor. Exhibits: Memo; Abstract.

Gary Salva, Parks & Recreation Director, said this was tabled at the last meeting because the low bid did not meet the specifications but it has been found that they are willing to do the modification to the exhaust system. Salva recommended award to the low bidder, Lawton Tractor and Lift, provided there is no increase in price for the modifications.

MOVED by Devine, SECOND by Hanna, to award the bid to Lawton Tractor and Lift. AYE: Devine, Purcell, Shanklin, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

ADDENDUM #2: Consider request from the Great Plains Improvement Foundation, Inc. (GPIF) to provide HOME

funds in support of the Bishop Manor Apartments Low Income Housing Tax Credit project. Exhibits: Engineering Report; Letter.

Frank Pondrom, HOME/CDBG Director, said this project was started two years ago and GPIF did not have enough points for the project to be approved by HUD last year. The request is for the City's participation through use of \$5,000 in HOME funds which will give them more points in their evaluation from HUD. The project location is on S Sheridan Road. The City has an agreement with GPIF to act as a community housing development organization, and as projects become available, to provide funds for this type of activity.

Purcell asked if this is from contingency in the HOME funds. Pondrom said it is from the CHDO portion of the HOME funds.

MOVED by Haywood, SECOND by Hanna, to authorize the use of \$5,000 from the HOME funds for the assistance and construction of a sewerline to serve the Bishop Manor Apartments project to be constructed by the Great Plains Improvement Foundation, Inc. AYE: Purcell, Shanklin, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

CONSENT AGENDA : Separate consideration was requested for Items 23, 26 and 40.

MOVED by Shanklin, SECOND by Haywood, to approve the Consent Agenda items as listed with the exception of Items 23, 26 and 40. AYE: Shanklin, Haywood, Baxter, Bass, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

11. Consider the following damage claim recommended for denial: Jacob and Monica Johnson. Exhibits: Legal Opinion/Recommendation. Action: Denial of claim.

12. Consider the following damage claim recommended for approval and consider passage of a resolution authorizing the City Attorney to file friendly suit for the claim which is over \$400.00: Southwestern Bell Telephone. Exhibits: Legal Opinion/Recommendation. (Res. No. 01-97 on file in City Clerk's Office)

(Title only)

Resolution No. 01-97

A resolution authorizing and directing the City Attorney to assist Southwestern Bell Telephone in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Six Hundred Forty-Nine Dollars and 26/100 (\$649.26).

13. Consider authorizing the City of Lawton to file an application for permanent and temporary easements located in Section 13, T1N, R12W, from the Commissioners of the Land Office. (re: Geronimo water line) Exhibits: None. Action: Approval.

14. Consider authorizing the City of Lawton to file an application for a permanent easement located in Section 33, T2N, R11W, from the Commissioners of the Land Office. (re: Fort Sill Apache Tribe). Exhibits: None. Action: Approval.

15. Consider authorizing the City to accept Warranty Deeds from Brett P. and Staci A. Dodson and authorize the Mayor and City Clerk to execute the Acceptance (re: Water Plant Expansion). Exhibits: None. Action: Approval.

16. Consider ratifying action of the City Manager to endorse a Memorandum of Understanding between several agencies to obtain grant funding to reduce crime. Exhibits: Memorandum of Understanding. Action: Approval.

17. Consider supporting a proposal from the Northside Chamber of Commerce to the Oklahoma Department of Commerce for the continuation of services of the Minority Business Development Center; and authorizing the Mayor to send a letter of support. Exhibits: Letter. Action: Approval.

18. Consider approving submission of the Library Long Range Plan to the Oklahoma Department of Libraries. Exhibits: None. Action: Approval.

19. Consider approval of Change Order No. 1 for the NW 23rd/26th Street Sewerline Upgrade (Phase I) Project 99-10 SSES. Exhibits: None. Action: Approval in the amount of \$5,441.92 and 0 additional days for this project with Jim Mayes Construction, Inc.

20. Consider rejecting bid proposals for the Lake Lawtonka Gate Operators Electrical Project #2001-11 and authorize staff to re-advertise. Exhibits: None. Action: Approval.

21. Consider acknowledging completion of the Robinson's Landing Force Main/Lagoon Project #2000-6. Exhibits: None. Action: Approval.

22. Consider approving agreements for euthanization services with the City of Cache and the Town of Geronimo,

and authorize the Mayor and City Clerk to execute the agreements. Exhibits: None. Action: Approval.

23. Consider approving agreements for refuse disposal with the following entities, and authorize the Mayor and City Clerk to execute the agreements: City of Cache, Town of Chattanooga, Town of Geronimo, Town of Indianoma, Multiple Community Services Authority, Town of Temple. Exhibits: None.

Shanklin asked if these towns pay the same rates as those in Lawton. Ihler said they pay the same tipping fees as anyone else.

MOVED by Shanklin, SECOND by Haywood, to approve Item 23. AYE: Haywood, Baxter, Bass, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

24. Consider approving the proposed Cooperative Program and Memorandum Agreement between the Oklahoma Water Resources Board, the U.S. Geological Survey and the City of Lawton and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: None. Action: Approval.

25. Consider approving the annual Cooperative Agreement and an Agreement for Limited Services between the City and Transit Trust to provide funds for the implementation and operation of a public transit system. Exhibits: None - See Transit Trust Agenda. Action: Approval.

26. Consider approval of a Memorandum of Agreement between the City and the Comanche County Health Department for certain public health services. Exhibits: Agreement.

Shanklin said the agreement shows the Health Department will issue notices for standing water or unsecured swimming pools but he thought City employees did these things. Jackson said we are doing that internally as well but since it is a matter of public health and safety, we work in coordination with the Health Department and it is so important, our employees jump right on it, as does the Health Department, and this bolsters our effort if there is a problem.

MOVED by Shanklin, SECOND by Baxter, to approve Item 26. AYE: Haywood, Baxter, Bass, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

27. Consider approving the annual contract renewal between the City of Lawton and Crime Stoppers/Drug Busters, Inc. to allow the transfer of funds generated by auctioning property held by the Police Chief to Crime Stoppers/Drug Busters, Inc. Exhibits: None. Action: Approval.

28. Consider approving Amendment #1 to the agreement between the City of Lawton and Southwestern Medical Center which provides training for emergency care to members of the City's Fire Department. Exhibits: Amendment #1. Action: Approval.

29. Consider entering into contracts with Mr. and Mrs. W. Paul Loveless and Mr. James D. Loden for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contracts. Exhibits: None. Action: Approval.

30. Consider entering into a contract with Mr. and Mrs. Henry F. Smith for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contract. Exhibits: None. Action: Approval.

31. Consider approval of an extension of a professional services agreement with Howard Kuchta for Centennial Coordinator. Exhibits: Extension; Agreement. Action: Approval.

32. Consider authorizing agreements between the City and performers and technical specialists for the Summer Teen Rec 'N Roll (Youth Concert Series). Exhibits: None. Action: Approval of agreements with: Katrina Elam, Debt Free, Kris Forsyth, Sweet Jackson, Patrick Reynolds, Frontier Music.

33. Consider authorizing an agreement between the City of Lawton and the Zoe Need Program/Youth With Purpose. Exhibits: Agreement. Action: Approval; funded by ASCOG.

34. Consider a proposal from Lawton Mobile Meals for services for FY2001-2002, and enter into an agreement for services. Exhibits: None. Action: Approval in the amount of \$54,996.00.

35. Consider approving the First Amendment to the Agreement between the City of Lawton and Marie Detty Youth & Family Service Center, Inc., dated February 27, 2001, and authorize the Mayor and City Clerk to execute the amendment. Exhibits: Amendment. Action: Approval; agreement provides for rehabilitation of structure at 21st and Lincoln used for child care.

36. Consider approving the First Amendment to the Agreement between the City of Lawton and Lawton Heritage

Association, Inc., dated February 27, 2001, and authorize the Mayor and City Clerk to execute the amendment. Exhibits: Amendment. Action: Approval; agreement provides for contracting and oversight of renovation of Mattie Beal Home.

37. Consider entering into agreements with Wichita Mountains Prevention Network, Inc.; Christian Family Counseling Center; Northside Chamber of Commerce; and Zoe N.E.E.D. Program, Inc. to carry out CDBG projects authorized in the City of Lawton Consolidated One-Year Action Plan for FFY 2001 (1 July 2001 thru 30 June 2002). Exhibits: None. Action: Approval.

38. Consider awarding contract for Water Pipe & Fittings. Exhibits: Recommendation; Bid Abstract. Action: Award to Plumbing Parts Plus; Water Products of Oklahoma.

The following memorandum from Water Distribution Superintendent through Public Works Director to Financial Services Supervisor is inserted herein for the record: "After a more thorough review and consideration of the above referenced contract, it is my recommendation that this contract be awarded to the lowest responsible bidders for the following items: Items #1, and 8 through 12k to Plumbing Parts Plus; and Items 2 through 7 and 13a through 16 to Water Products of Oklahoma. After further discussions with other City divisions, the first vendor recommended, Midstate Utility Supply, Inc. is a party who failed meeting the requirements of the previous contract.

Although the two recommended bidders are not the lowest bidders in all categories, they are the lowest in the majority of items when you consider the 5% preference for Plumbing Parts Plus as a local vendor. In order to reduce the administrative costs associated with keeping track of who has what contract, we recommend staying with only two vendors.

Funding source for these items is 56 78 00 211 000. A sufficient amount of money has been approved in the current and upcoming budgets to cover these purchases. Purchases are made on an as needed basis. It is estimated that this division will expend approximately \$25,000 on parts purchased from this contract. While these parts are ordered on an as-needed basis, it is very important that shipment can be made in a timely manner, to keep repair delays to a minimum.

Please feel free to contact me if you have any questions or need additional information regarding this contract."

39. Consider awarding contract for Sewer Rods to ICM. Exhibits: Recommendation; Bid Abstract. Action: Approval.

40. Consider awarding contract for Long Distance Telephone Service to Southwestern Bell. Exhibits: Recommendation; Bid Abstract.

Purcell said information shows the City will pay slightly less than seven cents a minute if the contract is for three years, and if it is for one year, it is a little over seven cents per minute. He said his home long distance service is seven cents a minute and he did not understand why the City would not get a much better deal than this. Jerry Bayliss, Southwestern Bell, said commercial accounts are usually more and it includes calling cards at the same rate. Jenny Lupton, Southwestern Bell Representative, said the three year contract would provide the best rate and allows a good rate since the City already has Plexar service. Purcell asked if it could be done for three years. Vincent said the agreement contains the budgetary clause so we can do it for three years subject to approval of annual funding.

MOVED by Purcell, SECOND by Haywood, to approve the contract with Southwestern Bell. AYE: Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Haywood. NAY: None. MOTION CARRIED.

41. Consider approval of appointments to boards and commissions. Exhibits: Memorandum.

Citizens Advisory Committee (CIP): Mike Jones, Ward 6, Term: 5/12/01 to 5/12/04

Arts & Humanities Council:

Bobbie Matchette, Term: 7/1/01 to 6/30/04 Dana Middleton, Term: 7/1/01 to 6/30/04

Tony Pokorny, Term: 7/1/01 to 6/30/04 Steve Phillips, Term: 7/1/01 to 6/30/04

Whittie Rainwater, Term: 7/1/01 to 6/30/04

42. Consider approval of payroll for the period of June 11 to June 24, 2001. Exhibits: None.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood said he had just returned from a conference in Tulsa in conjunction with his membership on the Lawton

Housing Authority, and all Authority members were attending along with the Housing Authority Director and certain staff members. He said they were learning a great deal about Section 8 housing and ways to allow persons to be able to own their own homes. Haywood said that was the reason he was late this evening and that he would be going back to Tulsa tonight.

Purcell said a No U Turn Sign was posted on East Gore at the entrance to Sonic, and enforcement began today. He asked that the media cover the sign since many people are unaware of it, even though it is large enough to be seen.

Shanklin said information came out that the City was going to spend \$30,000 on a gas line at 82nd and Cache Road and asked why we would be doing that. Ihler said we are working in their easement. Mayor Powell said it came out good under the circumstances.

Shanklin said we have paid Black & Veatch \$42,000 for a water rate study and the total contract was \$44,000. He said we are still two months away from receiving the report but they did not worry about getting paid before doing the work and asked if we paid too soon. Baker said payments are usually made on a draw down basis and they have done a lot of work. Baker said he had spoken with the project officer who told him this was the most difficult study they had ever done; part of the problem is the difficulty of retrieving a lot of historical records and data, and he had shared some of that correspondence with Council recently. Baker said he had been told they might be finished in 30 days but 60 days was a safe timeframe.

Shanklin said ARKLA Gas had not done anything to repair the alleys yet and asked if and how we would enforce it because the alleys are getting rougher. Baker said Tucker was working on it.

Haywood said a housing conference will be held in Lawton in September and 200 people are expected to attend. He said Albert Johnson asked him to thank the Parks & Recreation Department and Street Division for their work in connection with the Juneteenth Celebration which was attended by 1,800 to 2,000 persons. He thanked the Mayor and Council for endorsing the event and said they were working toward a \$50,000 State grant through arts and humanities to be able to have a week long celebration.

Bass thanked Angie Alltizer and the Neighborhood Services group for doing a great job in Ward 1.

Baxter said a citizen called him today about a trash truck that contained trees and branches, but the operator had failed to compact the material before driving so it was falling out into the street.

Hanna thanked the City crews who worked Thursday, Friday and Saturday in Ward 2 removing tons of brush. He said the residents appreciated that work, as well as that of Neighborhood Services in seeing that properties are adequately mowed. He thanked the City Manager, City Attorney, and Police for attending their ward meeting and said they had been asked to return. The next ward meeting will be July 15 at 6 p.m. at the H.C. King Center.

Baker said a press release will be done shortly advising that certain types of signs are not allowed in certain locations, and shortly thereafter we will start picking them up. Notices will not be given and the signs will be taken to the Landfill. Baker said Council support will be needed if complaints are received, and they will begin with the small cardboard signs on stakes in medians. Mayor Powell said if we are going to start enforcing codes, at the same intersection mentioned last time, the grass was very high and there were about 30 vehicles for sale in the parking lot so we should not just look for one thing. Baker said staff was working on that location.

Mayor Powell said Public Works and Parks & Recreation and others who have vehicles that go to homes or places of business should take particular care to stay off their lawns. He asked that the City lead the way in doing this and hoped the utility companies would follow suit. Mayor Powell said residents try to manicure yards and beautify the area, then a five ton truck comes to park in the middle of it and that is upsetting so we should try to take pride in other people's possession and lawns.

Mayor Powell wished everyone a safe and accident-free Fourth of July.

BUSINESS ITEMS:

43. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss possible settlement of the City's claim associated with the case styled Delisa Nevaquaya vs. American Home Products, Case Numbers CJ-98-665 and CJ-98-666, District Court of Oklahoma County, and if necessary, take appropriate action in open session. Exhibits: None.

44. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled Charles Cook v. City of Lawton, Case No. CJ-2001-516 in the District Court of Comanche County, and if necessary, take action in open session. Exhibits: None.

45. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss

appointment of a Municipal Judge for the City of Lawton; and in open session, consider approving a proposed Employment Agreement of a Municipal Judge and authorize the Mayor and City Clerk to execute the agreement. Exhibits: None.

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

The Mayor and Council convened in executive session at 8:40 p.m. and reconvened in regular, open session at 9:15 p.m. with roll call reflecting all members present except Moeller.

Item 43: Vincent reported pursuant to Section 307B4, Title 25, Oklahoma Statutes, the Council met in executive session to discuss a possible settlement of the City's claim in the case of Delisa Nevaquaya vs. American Home Products, Case No. CJ-98-665 and CJ-98-666 in the District Court of Oklahoma County.

MOVED by Shanklin, SECOND by Baxter, to table this matter and authorize a confidentiality motion be filed. AYE: Devine, Purcell, Shanklin, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

Item 44: Vincent reported pursuant to Section 307B4, Title 25, Oklahoma Statutes, the Council met in executive session to discuss the case styled Charles Cook vs. City of Lawton, CJ-2001-516 in the District Court of Comanche County and no action is required at this time.

Item 45: Mayor Powell reported Council met in executive session to discuss the employment agreement of the Municipal Judge, and that he would stand by his earlier nomination for Michael Corrales being appointed as the Municipal Judge for Lawton-Fort Sill. He asked for a motion to approve that action.

MOVED by Baxter, SECOND by Bass, to accept the Mayor's nomination of Michael Corrales as Municipal Judge for the City of Lawton. AYE: Purcell, Shanklin, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

Mayor Powell asked for consideration of the contract. Vincent suggested the appointment begin on July 2, 2001, and that Corrales receive the usual general employee benefits with the addition that during the first year of the agreement that the Judge shall receive one week's professional personal time in addition to the other benefits provided, and an annual salary of \$66,000.

MOVED by Shanklin, SECOND by Haywood, to approve Corrales' contract as stated. AYE: Shanklin, Haywood, Baxter, Bass, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:20 p.m. upon motion, second and roll call vote.

CECIL E. POWELL, MAYOR

ATTEST:

BRENDA SMITH, CITY CLERK