

Israel, Sweden, etc. He said they found out last October that Barfield was selected as the Oklahoma Investigator of the Year and April this year, the International had their conference in Reno, Nevada and it was announced at that time that Barfield was also the recipient of the International Award. Mitchell said right here in Lawton, Oklahoma, he brought it home to our community; he not only represents himself, but the fire department and the City itself.

He announced Barfield's entire family was in attendance. Mitchell said Barfield has been with the fire department since 1984, a respected leader of the fire department, was the key instrumental person in helping raise donations for the first AEDs for the City of Lawton Fire Department. These are devices to help people's heart going again when they're not breathing. He was also very instrumental in obtaining the first Thermal Imaging Cameras, the ones we look into the fire in the darkness to identify and locate somebody. He said Barfield personifies, in his mind, as well as the State's and obviously the International, as the kind of person they look for as Investigator of the Year. Mitchell presented Barfield with a plaque.

Barfield thanked everybody for backing him up and has truly enjoyed working for the fire department. He said the City has been good to us and we appreciate that. He thanked the community for all their support, not only for him, but all the fire fighters as well.

AUDIENCE PARTICIPATION:

Bob Hutchins, 301 C Avenue, operates the Lawton Novelty Melody Shop, said this has to do with a drainage problem he has tried to solve himself but didn't get anywhere. He said a new sewer line has been laid, the hole is still open; in the back of his building is a drainage box they took out. He said he asked if they were going to put it back and was told no, the backhoe would cover it up. He called the sewer division, they referred him to the drainage division and he asked to talk with the boss. The supervisor came over and said they couldn't do anything with it because of too many utility lines under the alley. He said without the drainage box, he has a lake that drains right into the back of his building. He said he would like some help from Council to solve this drainage problem.

Shanklin said he has been in the back part of the Melody Shop and water does come in and when a car comes down the alley, it ripples into the building, even when the door is down. He said there has to be a solution.

Raymond McAllister spoke about the Lawton Birthday, Lawton Rangers Rodeo and the concert.

AUDIENCE PARTICIPATION CLOSED

CONSENT AGENDA : Separate consideration was requested for Items 1, 7, 8, 14, 15 & 16.

MOTION by Shanklin, SECOND by Haywood, to approve the Consent Agenda items as recommended with the exception of Items 1, 7, 8, 14, 15, & 16. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED

1. Consider the following damage claims recommended for denial: United Services Automobile Association, Op Yon D Onofrio, and Larry R. Gensman d/b/a/ American Homes Realty.

Vincent said this is a claim on a house flooded with water and we are recommending denial. He said Gensman contacted him and he could not be here tonight and requests this be stricken and rescheduled. Vincent recommends the other two claims be denied.

MOTION by Shanklin, SECOND by Bass, to strike the Gensman item from the agenda and reschedule it and deny the other two claims. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Hanna. NAY: None. MOTION CARRIED

2. Approved the following damage claim: Vernon and Dianna Butler.

3. Awarded a contract to Oklahoma Abstract to perform closings for purchases of real property acquired for public purposes and authorize the Mayor and City Clerk to execute the agreement.

4. Consider acknowledging receipt of the approved EPA Grant for the rehabilitation of wastewater infrastructure and authorize Mayor to execute said grant. Action: Approved

5. Awarded contract for Technical Support for International Festival (RFPC03-074) to Journey Productions.

6. Awarded contract for Arts and Entertainment Magazine (CL03-075) to Colorgraphics The Print Shop.

7. Consider approving an agreement with the Lawton Heritage Association for the completion of the repairs to the exterior of the home as a part of the Mattie Beal Restoration Project for which the City Council approved additional funding on February 23, 2003.

Vincent said this agenda item involves a conflict of interest for Mr. Haywood and request it be approved.

MOTION by Bass, SECOND by Hanna, to approve an agreement with the Lawton Heritage Association for the completion of the repairs to the exterior of the home as a part of the Mattie Beal Restoration Project for which the City Council approved additional funding on February 23, 2003. AYE: Ewing-Holmstrom, Shanklin, Patton, Warren, Bass, Hanna, Devine. ABSTAIN: Haywood. NAY: None. MOTION CARRIED

8. Consider approving a cost-sharing agreement for the installation of a waterline along the 7400 and 7500 Blocks of NW Cache Road with Mr. Jim Tippens and Dr. Gilbert Gibson and authorizing the Mayor and City Clerk to execute.

Powell said Dr. Gibson called him the morning after the last Council meeting saying he wanted to pay for his own fire hydrants. He called Mr. Tippens and advised him of what happened and he said he wanted to pay for his fire hydrant. Powell said in the City Manager's absence, he called Ihler and gave him this information.

SUBSTITUTE MOTION by Patton, SECOND by Bass, to approve the amended cost-sharing agreement for the installation of a waterline along the 7400 and 7500 Blocks of NW Cache Road with Mr. Jim Tippens and Dr. Gilbert Gibson and authorizing the Mayor and City Clerk to execute. AYE: Shanklin, Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. SUBSTITUTE MOTION CARRIED

9. Approved the construction plans for a sanitary sewer line located on the west side of NW 82nd Street north of Quanah Parker Trailway.

10. Consider acknowledging receipt of a permit for the construction of a waterline and all appurtenances from the Oklahoma State Department of Environmental Quality to serve the SE Flower Mound Road (Lee to Gore) Project #2001-2, City of Lawton, Comanche County, Oklahoma. Action: Approved.

11. Consider approving Change Order No. 2 assessing liquidated damages, accepting the Municipal Pool Renovations Project #2001-22 as constructed by Downey Contracting, L.L.C. and placing the Maintenance Bond into effect. Action: Approved.

12. Consider ratifying the action of the Mayor and City Manager in applying for an Oklahoma Department of Homeland Security, First Responder Equipment Program grant in the amount of \$410,260.35. Grant monies will be used to provide equipment, training, and support to first responders (Police, Fire, Medical, etc.). Action: Approved.

13. Consider authorizing the Mayor and City Clerk to execute a Quit Claim Deed to Ivanhoe, Inc. for Lot 15A, Block 12, Sherwood Addition, Part 5-A. Action: Approved.

14. Consider acknowledging receipt of a permit from the Oklahoma State Department of Environmental Quality for the construction of 841 linear feet of ten (10) inch PVC water line, three (3) fire hydrants and all appurtenances to serve the 3B Industries Car Wash, City of Lawton, Comanche County Oklahoma.

Bass asked where 3B Car Wash was going to be located? Bigam said this will be located on the north side of Hunter Hills Addition, 72nd Street and Quanah Parker area, by the skate rink.

Ewing-Holmstrom asked if we were paying for their fire hydrant? Bigam said no they have developed a plan and they are going to install these. This is an acknowledgement we received the Department of Environmental Quality Permit.

MOTION by Bass, SECOND by Hanna, to approve acknowledging receipt of a permit from the Oklahoma State Department of Environmental Quality for the construction of 841 linear feet of ten (10) inch PVC water line, three (3) fire hydrants and all appurtenances to serve the 3B Industries Car Wash. AYE: Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

Devine said it would be helpful if they would put some kind of an address on these agenda items. Powell said he believes this was asked to be done at one time, when we got into Quanah Parker, out by Wal-Mart, because we use the legal versus a street address and somehow we got away from that. He said we got in a habit of doing this and somehow got away from it.

15. Consider acknowledging receipt of a permit from the Oklahoma State Department of Environmental Quality for the construction of 1,055 linear feet of eight (8) inch PVC sewer line, four (4) manholes and all appurtenances to serve the 3B Industries Car Wash, City of Lawton, Comanche County, Oklahoma.

MOTION by Bass, SECOND by Hanna, to approve acknowledging receipt of a permit from the Oklahoma State Department of Environmental Quality for the construction of 1,055 linear feet of eight (8) inch PVC sewer line, four (4) manholes and

all appurtenances to serve the 3B Industries Car Wash, City of Lawton, Comanche County, Oklahoma. AYE: Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED

16. Consider acknowledging receipt of a permit from the Oklahoma State Department of Environmental Quality for the construction of 275 linear feet of ten (10) inch PVC water line and all appurtenances to serve Bible Baptist Church, City of Lawton, Comanche County, Oklahoma.

Bigham said this is a project the church is doing, in cooperation with the seller of the property, to run a 10 water line under Lee Blvd. to serve their tract on the north side. He said there was some discussion on cost-sharing this, but have not received anything in writing. We are still waiting on some cost estimates, but we don't have a complete package to present to Council.

MOTION by Bass, SECOND by Devine, to approve acknowledging receipt of a permit from the Oklahoma State Department of Environmental Quality for the construction of 275 linear feet of ten (10) inch PVC water line and all appurtenances to serve Bible Baptist Church. AYE: Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED

17. Awarded contract for Liquid Oxygen (CL03-072) to Airgas Mid South Inc.

18. Rejected bids for Employee Group Health and Dental Plan (RFPCL03-070).

19. Approved appointments to boards, commissions and trusts: Pension Trust Commission, Lawton Arts & Humanities Council, Lawton Metropolitan Area Planning Commission and Redistricting Commission.

20. Approved of the minutes of June 16, 2003 Special Council Meeting and June 17, 2003 Special Council Meeting.

21. Approved payroll for the period of July 7, 2003 to July 20, 2003.

BUSINESS ITEMS: NONE

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

22. Receive June Financial Report from Finance Director.

Endicott gave the Financial Report for June. He said city sales tax was up 3.51% for \$219,672 for the year. Our sales tax actually came in at \$15.7 million and we budgeted \$15.492 million. Our most current report on sales tax is up 7.54% over last year, for the month of May. Franchise Tax is up 7.8% or \$151,000 as compared to last year, it exceeds the budgeted revenue by \$30,000. Police fines were up 2.97% or about \$65,000 as compared to last year and fell short of budgeted revenue of about \$45,000. He said all other revenue for the year is up 28%. Overall, for the year, all other revenue exceeded our budget by \$861,000. He said as far as Enterprise Fund, our water revenue was up 4.1% or \$415,688 as compared to last year, however, we fell short \$1,577,000 compared to the budgeted revenue. He said sewer revenue was up 2.09% or \$86,000 compared to last year, exceeding budgeted revenue by \$28,000. Refuse revenue was up 16.4% or \$691,655 as compared to last year, exceeding budgeted revenue by \$93,732. Landfill revenue increased by 2.53% or \$36,308, falling short of budgeted revenue by \$21,000.

Shanklin asked about the \$1,500,000 we're short on water revenue, is that because we projected a greater revenue from the sale of water? Endicott said yes sir, it was projected we would collect \$12,100,00, in that neighborhood, this past fiscal year and we fell short \$1,500,000.

Devine asked about the shortfall on the landfill revenue. Was that contributed to losing one of our large customers going to Texas? Endicott said he believes that had a lot to do with it.

Endicott said in our total Part C, General Enterprise Fund Budget Revenue, we had budgeted \$46,337,929 for revenue and our actual revenue, unaudited, came in at \$45,933,361, a deficit of \$404,000. He said these are unaudited numbers and won't have an actual firm number until September's Report. We had budgeted \$138,000 from the refuse fees, the 50, to be set aside for grants and we actually collected about \$162,000. He said on Part D, General Fund and Enterprise Fund Expenditures is something exciting, about mid-year we asked Council to set aside \$1 million in Capital Outlay money, we made a commitment to Council we would try to save approximately \$1,450,000 from our appropriated expenditures and right now, the numbers we have, say we saved about \$1.5 million. One of the things accomplished this year, which credit goes to the department directors, is encumbrances; at the end of the year, people try to encumber money from last year to spend this year, which is usually around \$200,00-\$250,000; this year those dropped to \$80,000 and departments should be credited because they really held the line on the expenses.

Endicott said the number he is going to give Council, he wants it noted, this number is only the difference between the revenue seen so far and the expenses, not any adjustments. After taking away expenses from the revenues, we believe we have a balance of a little over \$1 million and that's going in the right direction for future years.

Ewing-Holmstrom reminded everyone they are still working on Flower Mound Road, to be patient and courteous and use an alternate route when possible.

Mitchell said they have scheduled a tour of the Water Treatment Plant for next Tuesday morning and will have a van here at 9:30 a.m. and have you back by 1:00 p.m. and will treat you to lunch after the tour. He said we have police arbitration scheduled for this Thursday.

Hanna expressed condolences to the Sutherland family in the loss of a family member.

Haywood reminded everyone that school starts on August 15th and to drive carefully.

Vincent said he will be going to Kansas City Friday to move his daughter back to Oklahoma and will be on Air Force duty for the next seven days after that.

Fanning thanked whoever worked on E Avenue, between Sheridan and 17th, they did a beautiful job.

Powell said August the 6th is the City of Lawton's Birthday at the museum where we will be serving hot dogs and General Maples will be joining us. The Army Band will be there from 5:30 p.m. to 6:00 p.m. and the ceremony will start at that time.

VERBATUM STARTS HERE AS REQUESTED BY COUNCILMAN SHANKLIN

Powell: Council, a brief note to you. Council members, I apologize to you for taking a brief few minutes of your time, but in view of the fact that a Council Person has talked with some of you and others in the City, I am compelled to present to you with facts. Fact 1) On May 27, 2003 I had a water bill for 1604 and 1616 SW 52nd and one of them did not have a final figure, so I stood in line and Renee was the lady who helped me and she asked me, Mayor, do you get trash pickup? and I said, Yes. She said Well, it's not on there. I asked her to put it on, she did and I paid. Fact 2) I have been the general contractor on every project at 5201 SW Lee. Fact 3) Every project has had a plan approved by the City. Fact 4) All inspections have been made by the City. Fact 5) I have paid every water bill and other items on the bill that has ever been presented to me by the City. Fact 6) The store and car wash has separate meters and are billed separately, I have those four in my possession, those two and also 1604 and 1616. Fact 7) If you'd checked into the records far enough, two to three years ago, 1616 received a bill, that's my home, for zero water usage. I brought that bill to Mr. Carson, told him to make the proper adjustment, I paid that. He said the meter is probably worn out and was replaced.

Powell: An item of interest. My wife and I have given not one, not two, but three easements to the City, one being temporary. All the three easements given for zero compensation to the Powell family. One of these permanent easements, on the south end of 5201 SW Lee, containing approximately 28,000 square feet with two manholes and a sewer line going diagonal through the middle, which you cannot build on, meaning the value is deteriorate to almost zero dollars. The interesting point about this, is when I granted this easement, it was to be in exchange for sewer and trash service; that verbiage never made it to the easement document. The value of this land, if it had one fourth the value that sold 60 feet for, would be \$28,000. The fact remains, even though the City's agent did not follow through, I have paid in full on every bill sent to me by the City. The easement documents are contained right here, actually there was one more than I had thought there was, but in case somebody doesn't believe what I have told you this evening, it's all a matter of record and I'll be happy to show it to you. Entertain a motion to go into executive session.

END OF VERBATUM

MOTION by Hanna, SECOND by Haywood, to convene in executive session to consider the items so listed on the agenda and as recommended by the legal staff. AYE: Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 6:38 p.m. and reconvened in regular, open session at approximately 6:55 p.m. with roll call reflecting all members present.

ADDENDUM ITEMS: EXECUTIVE SESSION

2. Pursuant to Section 307D, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the acquisition of property for the expansion of Northeast Flower Mound Road Project (Gore to Rogers Lane).

Vincent read the title of Addendum Item 2 as shown above. He said Council convened in executive session and after discussion staff recommends a motion to decline the offer of the KCA to met with the City Council in a formal session.

MOTION by Patton, SECOND by Ewing-Holmstrom, to decline the offer of the KCA to met with the City Council in a formal session. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Hanna. NAY: None. MOTION CARRIED.

Vincent said staff will continue to attempt to negotiate something with the KCA and bring it back when appropriate.

BUSINESS ITEMS: EXECUTIVE SESSION

23. Pursuant to Section 307B(3) and (4) Oklahoma Statutes, consider convening in executive session to discuss Case No. CJ-2003-521, City of Lawton vs. Milo Gordon Chrysler-Plymouth, Inc. and City National Bank and Trust Company, and if necessary, take appropriate action in open session.

24. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers Compensation case of Jimmie Jones, Case No. 2002-06316-A, and if necessary, take appropriate action in open session.

Vincent read the title of Item 23 as shown above. He said Council convened in executive session and after discussion staff recommends a motion to pay the Commissioner s Award and take no other action.

MOTION by Devine, SECOND by Hanna, in the condemnation case of City of Lawton vs. Milo Gordon Chrysler-Plymouth, Inc. to pay the Commissioner s Award and take no other action. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Hanna, Devine. NAY: None. MOTION CARRIED

Vincent read the title of Item 24 as shown above. He said Council convened in executive session and after discussion, no action is required at this time.

ADJOURNMENT: There being no further business to consider, the meeting adjourned at 6:58 p.m. upon motion, second and roll call vote.