

Meeting of 2010-7-13 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 13, 2010 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Fred L. Fitch Also Present:
Presiding Larry Mitchell, City Manager
 Frank V. Jensen, City Attorney
 Traci Hushbeck, City Clerk
COL Ray Lacey, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Joe Williams, Jr., True Love Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Michael Tennis, Ward Two
Janice Drewry, Ward Three
Jay Burk, Ward Four
Robert Shanklin, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
 Doug Wells, Ward Eight

ABSENT: None

AUDIENCE PARTICIPATION: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF JUNE 22, 2010.

MOVED by Drewry, SECOND by Shoemate, to approve the minutes of the Lawton City Council regular meeting of June 22, 2010. AYE: Tennis, Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Jensen stated items #1 and #7 need to be considered separately. Zarle requested item #23 and Wells requested items #21, #22, and #35 be considered separately.

MOVED by Drewry, SECOND by Burk, to approve the consent agenda with the exception of items #1, #7, #21, #22, #23 and #35. AYE: Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of the resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Eric and Flecia Porch in the amount of \$27.44, John Trenholm in the amount of \$1,553.00, Lois Malone and Raymond Thomas in the amount of \$500.00 and Dorothy Thompson in the amount of \$257.18. Exhibits: Legal Opinions/Recommendations, Resolution No.____, Resolution No.____.

Jensen stated Eric and Flecia Porch could not be in attendance and he requested the claim be tabled until the meeting on August 10th.

MOVED by Shanklin, SECOND by Burk, to table the claim of Eric and Flecia Porch in the amount of \$27.44. AYE: Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis, Drewry. NAY: None. MOTION CARRIED.

MOVED by Shanklin, SECOND by Burk, to approve the following damage claims of John Trenholm in the amount of \$1,553.00 (**Res. 10-64**), Lois Malone and Raymond Thomas in the amount of \$500.00 (**Res. 10-65**) and Dorothy Thompson in the amount of \$257.18. AYE: Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis, Drewry, Burk. NAY: None.

MOTION CARRIED.

2. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in directing our third party administrator to make payment on the judgment in the Workers' Compensation case of James Mielke in the Workers' Compensation Court, Case No. 2008-08652X. Exhibits: **Resolution No. 2010-66.**
3. Consider adopting a resolution ratifying the actions of the City Attorney in filing and making payment of the judgment in the Workers' Compensation case of Kenneth Wayne Lindsey in the Workers' Compensation Court, Case No. 2010-00206H. Exhibits: **Resolution No. 2010-67.**
4. Consider approval of the Retainer Agreement for Professional Services with Zahl-Ford, Inc. to provide professional structural engineering services to the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement on file in City Clerk s Office.
5. Consider renewing the professional services agreement with the Center for Economic Development Law for economic development financing methods, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Retainer Agreement for Professional & Legal Services is on file in the City Clerk s Office.
6. Consider approving a renewal Agreement between the City of Lawton and the Marie Detty Youth and Family Service Center, Inc. for the continued operation and management of the Community Intervention Center in Lawton and authorize execution of the renewal Agreement and any associated documents. Exhibits: Agreement with Marie Detty Youth and Family Service Center, Inc., is on file in the City Clerks Office.
7. Consider approving an Agreement between the North Side Chamber of Commerce Inc., and the City of Lawton to fund activities by the Chamber designed to encourage, promote and foster economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement and Proposed Budget.

Jensen stated this agreement was pulled because the North Side Chamber had a change in their funding source after they submitted their proposed budget to go along with their agreement. He distributed a new budget.

MOVED by Shanklin, SECOND by Zarle, to approve an Agreement between the North Side Chamber of Commerce Inc., with an amended budget. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Drewry, Burk, Shanklin. NAY: None. MOTION CARRIED.

8. Consider approving an Agreement between the Lawton Philharmonic Society, Inc., and the City of Lawton to fund activities by the Society designed to encourage, promote and foster tourism and economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget.
9. Consider approving a Joint Resolution between the City of Lawton and the Lawton Fort Sill Chamber of Commerce to authorize funding assistance from the Lawton Hotel/Motel Economic Development Fund for beautification projects and maintenance undertaken by the Lawton Enhancement Trust Authority (LETA) in an amount not to exceed \$70,000.00. Exhibits: Joint Resolution.
10. Consider approving an Agreement for Limited Services between the Lawton Enhancement Trust Authority (LETA) and the City of Lawton to fund activities by LETA designed to encourage, promote and foster economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Agreement for Limited Services and LETA Budget.
11. Consider approval of the Arts & Humanities Division acceptance of the Local Government Challenge Grant from the Oklahoma Arts Council for the FY 2010-11. Exhibits: Contract on file in City Clerk s office.
12. Consider accepting a grant from the Corporation for National and Community Service (CNCS) for the Retired and Senior Volunteer Program (RSVP) for Fiscal Year 2010-2011 funding. Exhibits: Contract on File in City Clerk s Office.
13. Consider accepting a grant from the Oklahoma Department of Human Services for the Retired and Senior Volunteer Program (RSVP) for Fiscal Year 2010-2011 funding. Exhibits: Contract on File in City Clerk s Office.

14. Consider approving the lease agreement between the City of Lawton and the Crossroads Youth and Family Services Center, Inc., dba, Crossroads Head Start/ Early Head Start. Exhibits: Lease Agreement.
15. Consider accepting a grant of \$8,500 from the Oklahoma Humanities Council to support the 2010 Oklahoma Chautauqua program. Exhibits: The Oklahoma Humanities Council grant agreement is on file in the City Clerk s Office.
16. Consider accepting the additional State Aid for Libraries Grant of \$6,436 from the Oklahoma Department of Libraries for FY 2009-2010. Exhibits: State Aid agreement on file in the City Clerk s office.
17. Consider accepting a donation of \$1000.00 from the Lawton Westside Wal~Mart, 6301 NW Quanah Parker Trl, to the Lawton Fire Department to be used to repair and/or replace department fitness equipment. Exhibits: None.
18. Consider accepting donation of funds donated by Wal-Mart West, 6301 NW Quanah Road for Lawton Police Department. Exhibits: None.
19. Consider authorizing the Mayor to sign and execute the Oklahoma Department of Environmental Quality (ODEQ) Consent Order Addendum, Case No. 07-385(A) requiring certain tasks be performed within an agreed time frame in order to upgrade the City s Wastewater Treatment Plant (WWTP). Exhibits: Schedule of tasks to be completed as part of the addendum. Consent Order Amendment, Case No. 07-385(A) is on file in the City Clerk s Office.
20. Consider approving Change Order # 1 with S Construction Company, Inc., in the amount of \$1,398.56 for the Intermodal Transportation Museum Project (F.A. Project No. STP-116E(130)EH). Exhibits: None.
21. Consider approving an agreement with Jacobs Engineering Group, Inc., for professional engineering services for the Bicycle and Pedestrian Plan Phase II and III - COL Project #2010-7. Exhibits: Phase II and III Route Map.

Wells questioned if the CMAQ funds were in kind.

Richard Rogalski, Planning Director, stated the CMAQ funds are federal funds that are passed through ODOT for congestion mitigation air quality.

Wells stated this is not city money.

Rogalski stated no.

MOVED by Wells, SECOND by Haywood to approve an agreement with Jacobs Engineering Group, Inc., for professional engineering services for the Bicycle and Pedestrian Plan Phase II and III. AYE: Burk, Haywood, Wells, Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle. NAY: None. MOTION CARRIED.

22. Consider amending the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization for Congestion Mitigation Air Quality programs and projects during Fiscal Year 2010. Exhibits: Amended Memorandum of Understanding.

Wells questioned if the city funds are in lieu of. Where does the 20% come from?

Rogalski stated the 20% matching on the CMAQ funds comes from the City of Lawton funding the salaries of the transportation planner positions. That money is the match for the rest of the planning activities for the year.

MOVED by Wells, SECOND by Haywood to amend the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization for Congestion Mitigation Air Quality programs and projects during Fiscal Year 2010. AYE: Wells, Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle, Haywood. NAY: None. MOTION CARRIED.

23. Consider approving the construction plat for Wyatt Village Addition, Part 2, subject to conditions. Exhibits: Plat Map.

Zarle stated the information provided shows an in lieu of fee for residential boundary lot for drainage. He did not realize we had in lieu of fees for drainage. He questioned where this money can be spent.

Rogalski stated this fee is provided for in the city code. If a developer can show that the drainage from the lot won

t cause a hardship downstream they can pay a drainage fee in lieu of. He stated he believes the money goes into a fund that helps to build community wide drainage structures.

Zarle stated he has never seen this before. He stated we have over \$90,000 in a park fund that we cannot spend.

Jensen stated staff is working on that issue.

MOVED by Zarle, SECOND by Drewry, to approve the construction plat for Wyatt Village Addition, Part 2, subject to conditions. AYE: Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

24. Consider approving construction plans for storm sewer improvements serving the proposed EZ Go #19 located at SW 52nd Street and Lee Boulevard. Exhibits: Location map.

25. Consider awarding a construction contract to Dillon Construction, Co. for the Abandoned WWTP Demolition Phase 2 Project #2009-7. Exhibits: None.

26. Consider accepting a warranty deed and a temporary easement from Ronald Ray and Patsy L. Sampley for right of way needed for the NW 38th Street (Gore Blvd. to Cache Road) Project #2006-7, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Warranty deed and temporary easement are on file in the City Clerk's office.

27. Consider accepting a temporary easement from the Korean Presbyterian Church of Lawton for right of way needed for the NW 38th Street (Gore Blvd. to Cache Road) Project #2006-7, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Temporary easement is on file in the City Clerk's office.

28. Consider accepting a warranty deed from Jennifer Robinette for right of way needed for the NW 38th Street (Gore Blvd. to Cache Road) Project #2006-7, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Warranty deed is on file in the City Clerk's office.

29. Consider accepting a warranty deed from Gerald Eason and a permanent and temporary easement from James S. Eason for right of way needed for the NW 82nd Street Sanitary Sewer Project #2010-4, authorizing the Mayor and City Clerk to execute the documents and authorizing the Mayor to sign a thank you letter. Exhibits: Warranty deed and Easements are on file in the City Clerk's office.

30. Consider accepting a warranty deed and a temporary easement from Apollos V. and Rachel Thomasian for right of way needed for the NW 38th Street (Gore Blvd. to Cache Road) Project #2006-7, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Warranty deed and temporary easement are on file in the City Clerk's office.

31. Consider accepting a warranty deed and a temporary easement from Rafael and Pauline Rosario for right of way needed for the NW 38th Street (Gore Blvd. to Cache Road) Project #2006-7, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Warranty deed and temporary easement are on file in the City Clerk's office.

32. Consider accepting a warranty deed and a temporary easement from Tommy G. and Treasea D. Morris for right of way needed for the NW 38th Street (Gore Blvd. to Cache Road) Project #2006-7, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Warranty deed and temporary easement are on file in the City Clerk's office.

33. Consider adopting a Resolution authorizing the installation of traffic control measures on: Highway 7 on East Lee Blvd east of SE 45th St for eastbound traffic and west of I-44 exit for westbound traffic; Rogers Lane west of 82nd St for eastbound traffic and west of I-44 for westbound traffic; Quanah Parker Trailway west of 82nd St for eastbound traffic; South 11th St north of I-44 for northbound traffic; SW 82nd St south of Lee Blvd for northbound traffic; West Lee Blvd west of 97th St for eastbound traffic; Cache Rd east of Ft. Sill Blvd. for westbound traffic; SW Delta Ave from the intersection of SW 69th St to 45 feet west of the school s driveway; and SW Ridge Terrace from Lee Blvd. to Park Ridge Blvd. Exhibits: **Resolution No. 10-69** and Traffic Commission Minutes and Traffic Issue Request.

34. Consider awarding (RFPCL10-041) Rental or Lease Work Clothing to Cintas Corporation of Lawton, OK. Exhibits: Department recommendation, proposal comparison.

35. Consider extending (RFPCL08-062) Collection of Overdue Utility Bills to Lawton Retail Merchant s Association, Inc. of Lawton, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

Wells questioned how much money the City of Lawton receives from what is collected.

Rick Endicott, Finance Director, stated we get 70% of whatever is collected. He stated he will get the specific number to Councilmember Wells.

MOVED by Wells, SECOND by Zarle, to extend (RFPCL08-062) Collection of Overdue Utility Bills to Lawton Retail Merchant s Association, Inc. of Lawton, OK. AYE: Tennis, Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

36. Consider awarding (CL10-045) Cement Kiln Dust to Silver Star Construction of Moore, OK. Exhibits: Department recommendation, abstract.

37. Consider approving appointments to boards and commissions. Exhibits: None.

Museum Of The Great Plains Trust Authority

Dr. Edwin Chappabitty
Institute
3115 NE Colonial Drive
Lawton, Oklahoma 73505
06/30/13

38. Consider approval of payroll for the periods of June 14 July 11, 2010.

NEW BUSINESS ITEMS:

39. Consider adopting a resolution approving action taken by the Lawton Industrial Development Authority awarding a bid to Arvest Bank for a \$2,500,000 Construction/Bridge loan to assist in financing the Phase IV restoration Project for the New City Hall and by resolution authorize the issuance of the bond anticipation note; approving and authorizing the execution of a note indenture and a series 2010 supplemental note indenture; waiving competitive bidding; approving an Agreement of Support with the City; designating the Note as a bank qualified obligation; authorizing payment of fees and expenses; and containing other provisions relating thereto. Exhibits: Agreement of Support, Resolution 10-____.

Mitchell stated the City Council discussed this issue in February. The idea was to use the balance of the 2000 CIP money which is about \$3 million and supplement that with a \$2.5 million bridge loan. The intent is to award the contract for phase IV and then use the bridge loan as a way to provide the funds to finish phase IV of this project.

Zarle questioned how the money will be paid back.

Mitchell stated there are three options. The first is the 2012 CIP program, the second is through some type of revenue bond at the time the note is due and the third option would be some sort of debt service payment through the general fund budget.

Endicott stated they sent out requests for proposals to thirty different banks. The only proposal was from Arvest Bank and the terms were very favorable at 3.99% rate.

Haywood questioned what would happen if the 2012 CIP does not pass.

Mitchell stated they would look at the other two options.

Zarle stated he would like to stay away from the CIP money and pay this back out of the general fund, if at all possible.

Mitchell stated the original project was approved in the 2005 CIP along with funding from the McMahan Foundation and the State of Oklahoma. We have spent a little over \$10 million to date. A work order has been issued for the parking lots.

Shanklin questioned the estimate for the total project.

Mitchell stated by the end of phase IV they will have approximately \$15 million in the project.

Tennis stated he thought the parking lot was funded through ODOT.

Mitchell stated we did get a \$250,000 grant through ODOT for a portion of the parking lots.

Wells stated the commentary stated we waived competitive bidding.

Keith McDonald, Wells Nelson & Associates, stated they sent out the RFP s through the normal process, but they did not have all of the language. When they got them back, they wanted the flexibility to negotiate. He stated since they only received one bid, there was not much to negotiate. He stated this issue has gone to the Lawton Industrial Development Authority (LIDA) and was approved by the margin they needed to waive competitive bidding.

Mitchell stated the phrase waiving competitive bidding means that they did not publish a notice in the newspaper and did not have a formal set of documents that were sent out. They sent out letters to thirty lending institutions to ask if they were interested in participating.

McDonald stated if they did a formal RFP for competitive bidding they have no flexibility when they come back. If you want to change something you have to go back out for competitive bidding.

Wells stated he agrees with Councilmember Zarle about the funding. He would hate to tell citizens that they are appropriating money out of the 2012 CIP before they even have a chance to vote on it. He supports looking at the other two options for repayment.

Mayor Fitch stated it does not specify the 2012 CIP as the funding source. They are not locking in any options tonight. All they are doing is allowing this \$2.5 million to be a bridge gap so that they can complete phase IV of the project and recognizing that it was not an advertised bid item.

Jensen stated we cannot commit to pay this off with 2012 CIP funds. He stated this agreement would be on a year to year basis because we have to operate on a cash basis as a municipality.

Mayor Fitch stated they would be pledging no funds.

Shanklin stated they need to go forward with this.

Zarle confirmed that there are no obligations for the 2012 CIP.

Mayor Fitch stated that is correct.

MOVED by Burk, SECOND by Tennis to adopt **Res. 10-70** approving action taken by the LIDA awarding a bid to Arvest Bank for a \$2,500,000 Construction/Bridge loan to assist in financing the Phase IV restoration Project for the New City Hall and by resolution authorize the issuance of the bond anticipation note; approving and authorizing the execution of a note indenture and a series 2010 supplemental note indenture; waiving competitive bidding; approving an Agreement of Support with the City; designating the Note as a bank qualified obligation; authorizing payment of fees and expenses; and containing other provisions relating thereto. AYE: Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis. NAY: None. MOTION CARRIED.

40. Consider awarding a construction contract in the amount of \$4,594,000 to G. W. Hastings Construction Co., Lawton, Oklahoma, for the Phase IV restoration of the original Lawton High School. Exhibits: Correspondence: June 22, 2010; Meyer Architecture Plus, General Phasing Plan Notes; May 25, 2010 and Phase IV Bid Tab Sheet; Meyer Architecture Plus.

Mitchell stated in the agenda packet there is a breakdown of those items that will be funded under this contract. He stated the low bidder was a local company, G.W. Hastings Construction, which means that the majority of these dollars will be spent locally. He stated there was an error on the commentary under the funding source. The funding from the 2000 CIP should be \$3 million instead of \$2 million.

Wells questioned if we were going with all four alternates.

Mitchell stated yes, that is the recommendation.

Wells questioned why Meyer Architect was so far off on their estimate for alternate three. He questioned what made that estimate so much higher.

Katie Byer, Meyer Architecture, stated they did not have all of the information and the mechanical came in at the last minute and it turned out to be much more expensive than they expected and that drove the cost up approximately \$500,000.

Mitchell stated all six bidders were very competitive.

Zarle questioned if they expect a lot of change orders.

Mitchell stated they never anticipate a change order. He stated they feel they have this bid properly and there was a lot of interior demolition in phase two and that would have revealed problems.

Mayor Fitch stated also in the next item they will be hiring a construction manager which will help prevent the number of change orders.

MOVED by Drewry, SECOND by Burk, to award a construction contract in the amount of \$4,594,000 to G. W. Hastings Construction Co., Lawton, Oklahoma, for the Phase IV restoration of the original Lawton High School. AYE: Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis, Drewry. NAY: None. MOTION CARRIED.

41. Consider approving an agreement with CDBL, Inc., for construction project management services for Rehabilitation Of Old Lawton High School Project (New City Hall) Phases III and IV. Exhibits: None.

Bryan Long, Assistant City Manager, stated on May 14, 2010 city staff prepared and distributed Request for Qualification (RFQ) letters that were mailed to local and regional construction management firms. On May 25, 2010, five firms responded with detailed submittals. These submittals were reviewed by a selection subcommittee comprised of Gary Armbruster, Project Architect of Record, Bryan Long, Assistant City Manager, Mike Johnson, Engineering Division, Doug Wellhouse, Building Official, and Rich Rogalski, Planning Director. The subcommittee did meet to review and score these submittals and to determine which firms should be extended an invitation for a panel interview. On June 21, 2010 three selected firms were interviewed and subsequently scored based upon their respective responses to a series of prepared questions which were provided to each firm in advance of these interviews. He stated the City Council Engineer Selection Committee met on July 13, 2010 to consider and approved the ranking of the top three firms and authorized the negotiation of a contract with the top ranked firm; CDBL, Inc. of Lawton, Oklahoma. Through negotiations with CDBL, Inc. a project fee in the amount of \$78,000 for the contracted scope of services was agreed upon.

Shanklin questioned if any other firms from Lawton were interviewed.

Long stated no other Lawton firms submitted a RFQ.

MOVED by Wells, SECOND by Haywood, to approve an agreement with CDBL, Inc., for construction project management services for Rehabilitation Of Old Lawton High School Project (New City Hall) Phases III and IV. AYE: Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis, Drewry, Burk. NAY: None. MOTION CARRIED.

42. Consider and approve an ordinance creating sections 10-16-1601 through 1606, Article 10-16, Chapter 10 Lawton City Code 2005, pertaining to the establishment of an Emergency Management Stabilization Arrangement Ordinance, providing for severability, and declaring an emergency. Exhibits: Ordinance 10-___.

Endicott stated that during the budget meeting the City Council talked about creating an emergency fund. This ordinance would set up guidelines for these funds. He stated staff worked with our CPA, Crawford and Associates, to develop this ordinance. Any expenditure must be approved by the City Council and the funds can only be spent on certain types of expenditures. The funds are already set aside and this ordinance would basically formalize that process.

Mitchell stated as we receive reimbursements from FEMA for the storms and other events, those funds will roll into this account.

Wells questioned if we were reimbursing the money we borrowed from the fire and public works departments.

Endicott stated the funding for the rescue truck and the street sweeper will be reimbursed.

Wells stated the Investment Committee, of which he is a member, strongly recommended that an emergency reserve fund be set up. He stated they need to shoot for 10-15% over a period of time, which would be \$8-10 million. He was more under the opinion that this was more of a rainy day fund. He questioned if they are allowing for a massive budget default.

Endicott stated the ordinance states that the City Council has the ability to use these funds for federal or state mandated programs that causes the City of Lawton to have a budget shortfall or if there is something that happens outside of our scope of control. They tried to protect this from someone going into this for operational deficits because they didn't budget correctly.

Mayor Fitch stated it would be great to get a reserve of 10% and he believes they can get there one of these days.

Tenis questioned if we would be able to access these funds if we had some kind of a FEMA type of situation.

Endicott stated yes, if we get into some kind of a disaster situation, we need this account so that we would have a place to access some funding.

MOVED by Wells, SECOND by Drewry, to adopt **Ordinance 10-26**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Drewry, Burk, Shanklin. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 10-26

An ordinance creating sections 10-16-1601,1602,1603,1604,1605 and 1606, article 10-16, chapter 10, Lawton City Code, 2005, pertaining to the establishment of an emergency management stabilization arrangement ordinance, providing for severability, and declaring an emergency.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Mayor Fitch recognized Dr. Charles Graybill, Mike Dixon and Kenny Bridges from the McMahon Foundation. They have been instrumental in the funding for the restoration of Old Lawton High School.

Wells stated he would like to see the \$400,000 that will be reimbursed from the Intermodel Museum project go into the emergency fund. He stated there has not been a bond issue passed for roads since the 1960 s. He suggested someone look at that kind of option to help with the road situation.

Jerry Ihler, Public Works Director, updated the City Council on the status of street projects going on within the city.

Mitchell stated the Oklahoma Water Resources Board met today and approved a \$30 million loan for the Waurika Water District to purchase the rest of the storage water in Waurika Lake. He stated OWRB has very favorable rates and we should be looking at approximately 3-3 % on an interest rate. He stated they received their first report on the new prescription drug program that they kicked off a couple of months ago. So far we have saved 94 families/individuals in this community over \$2,000. He distributed pledge cards for a fundraiser for the auditorium for the new city hall. He stated he will be on vacation the last week of July and the first week of August.

The Mayor and Council convened in executive session at 7:18 p.m. and reconvened in regular, open session at 7:46 p.m. Roll call reflected all members.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

43. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2009-2010, and FY 2010-2011, between the American Federation of State, County and Municipal Employees (AFSCME) Local 3894, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #43. No action was taken.

44. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2010-2011 between the Police Union, IUPA Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #44. No action was taken.

There being no further business to consider, the meeting adjourned at 7:48 p.m. upon motion, second and roll call vote.

_____/s/ Fred L. Fitch_____

FRED L. FITCH, MAYOR

ATTEST:

_____/s/ Traci L. Hushbeck_____

TRACI HUSHBECK, CITY CLERK