

MINUTES
SPECIAL CALLED MEETING
LAWTON WATER AUTHORITY
DECEMBER 10, 2002 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBERS

The meeting was called to order at 6:00 p.m. by Chairman Cecil E. Powell. Invocation was given by Rev. Michael Hall, Calvary Tabernacle. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT: Randy Bass, James Hanna, Glenn Devine, Amy Ewing-Holmstrom, Robert Shanklin, Barbara Moeller, Stanley Haywood, Michael Baxter. ABSENT: None.

ALSO PRESENT: Bill Baker, City Manager; John Vincent, City Attorney; Brenda Smith, City Clerk; Col. Anthony Puckett, Fort Sill Liaison.

PRESENTATION OF CITIZEN OF THE MONTH AWARD TO NANCY HALL COLWELL

Edwina Redick-Scott, Mayor's Commission on the Status of Women, introduced Nancy Hall Colwell as Citizen of the Month. Ms. Colwell's volunteer efforts with the Oklahoma Arts Association, Muscular Dystrophy Association, Business and Professional Women's Club, Life Underwriters, Red Coat for the Lawton Chamber of Commerce and Industry, representative of OU Alumni for Price College of Business, nominated for Comanche County Outstanding Woman of the Year, Holy Family Catholic Church and Woodland Hills PTA. Mayor Powell presented awards from Congressman Watts, the Oklahoma State Senate and House of Representatives and the Office of the Mayor.

PRESENTATION OF PLAQUE FROM THE SWANA ORGANIZATION TO LYNN STRUTHERS

Fenton Rood, Director of Solid Waste Management and Planning for the Oklahoma Department of Environmental Quality, presented a plaque to Lynn Struthers, Assistant Director of Operations of Public Works. Struthers also served as acting landfill superintendent for the last year. The plaque was presented on behalf of the Solid Waste Association of North America recognizing Struther's activities to improve the professionalism of solid waste management. Struthers served as Vice Chairman of the Oklahoma chapter and his activities allowed for reduced costs in connection with Lawton's landfill.

Jerry Ihler, Public Works Director, commended Struthers on receiving this award and thanked him for his service to the City of Lawton as Struthers will be retiring in three weeks.

CONSIDER APPROVAL OF MINUTES OF LAWTON WATER AUTHORITY MEETING OF NOVEMBER 26, 2002.

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

BUSINESS ITEM:

1. Consider approving contract documents and specifications for Solid Waste Collection services and operation and maintenance of the City Landfill, and authorizing staff to advertise for bids. Exhibits: None.

Jerry Ihler, Public Works Director, said specifications were distributed at the last meeting, and this item is for approval of those specifications and authorization to bid. He asked Struthers to explain the minor revisions that had been made since that time.

Struthers said there are four contracts dealing with refuse collection, landfill operation, the sale of the equipment associated with refuse collection, and the sale of the equipment associated with the landfill operation. Comments have been received since the draft specifications were handed out and a slide was shown of the primary changes which have been made. The pre-bid conference has been set for all four contracts for 10 a.m. on January 8; bids are expected to be received at 2 p.m. on January 28. More information was needed for the contractors to be able to prepare their bids and it was done in the form of an output report. The output report lists how many tons of refuse that has been collected or delivered to the landfill by month and by year. The contracts are set to start on July 1, 2003 and run for five years to June 30, 2008. We had placed originally a guaranteed amount of 10,000 tons per month to be delivered to the landfill; it is more appropriate to put in an estimated quantity of 12,000 tons per month.

Struthers said the City was allowed to waive the cost of the storm debris delivered to the landfill so we do not have to charge the contractor for delivering it. As a method of accounting, the refuse collection contractor is being asked to pay for the landfill fee when he delivers the refuse to the landfill, which will allow the landfill to assess the total amount of fees associated with the operation of the landfill. The refuse collection contractor will be billing us on a unit price basis for the work he does for us; that work will significantly exceed the amount of the cost of the landfill fees and it will be backed out before he is paid for his services.

Struthers said regarding the equipment contract, we have depreciated the value of the trucks from the end of November of this year to the end of June of next year which is when the contract would become operable. It changes the value of each truck by \$4,200 and the total value is reduced by \$100,800. Estimated values were used rather than minimum bid values and we have asked the contractor to bid a minimum bid of \$1,678,000 for the refuse equipment contract.

Struthers said a clause was deleted that would allow the Public Works Director to approve the person who is in charge of operating the collection system. Regarding the landfill equipment purchase contract, we have done basically the same thing; more research was done as to the value of the equipment and priced it at \$762,400. Other minor corrections were made.

Ihler said in the City Council portion of the meeting, a companion item is on the consent agenda, so this presentation covers both of these agenda items.

Haywood asked how many employees there are at the landfill. Ihler said eleven. Haywood asked what will happen to the employees. Ihler said the contract is written for the contractor to provide the first right of job to the existing employees, and the employees will have 30 days to let the contractor know if they are interested in having a job with them. Struthers said the scale operator will be a city employee and that would be the only city employee there. Ihler said he hoped to be able to keep the landfill superintendent on board to monitor the contract but it would be dependent as a budgetary item.

Baker said some solid waste employees are present and contrary to a letter in the newspaper, he did not believe the City was looking to contract out solid waste collection and the landfill because it is not a good service or that we are not doing a good job. He said the City Council has asked that bids be

solicited to see if taxpayer money could be saved. Baker said we are not unhappy with the service and the vast majority of citizens would probably say this is one of the best services the City provides. He said we do a professional and efficient job of operating the landfill.

Devine asked if the City would also bid on this project. Baker said yes. Devine asked why the expense cannot be reduced now so we do not have to go out for bids. Ihler said we actually did not plan on submitting a bid; once the bids are received, we are going to compare them to the cost of our services. Ihler said we will not be submitting a bid.

Shanklin said ten years ago similar documents were put out on the Wastewater Treatment Plant and he thought there were 31 or 32 City employees out there at that time. He said the contractors showed they could do it with 20 or 22 employees; we kept it in-house and reduced the manpower to that level. Shanklin said the City is not out of it, but at least we can see how much money we can save. Ihler said he felt the reduction in employees had a lot to do with Mr. Graves' management at the Wastewater Treatment Plant and doing an excellent job of getting the same work done with fewer people.

Mayor Powell said he was they were deleting the requirement for the Public Works Director to approve the contractor's representative in charge of the site. He said the landfill site is one of the most expensive sites the City of Lawton governs and asked why we would not want Ihler to be a part of the decision making process as to who would be over that site. Ihler said they struggled with that issue and there was a question as to whether the Public Works Director should have the ability to say a certain person is not allowed to be the contractor's foreman. Ihler said there are other safeties in the contract that if they are not performing, then they need to make a change, but it can be put back in.

Mayor Powell said everyone knows the value and the cost of the landfill from the last CIP; it is a great operation and it can go down hill quickly. He urged that the clause be put back in that would allow the Public Works Director to OK the person to be in charge of the site.

Bass said in the meeting that he was in with Mr. Baker and Mr. Shanklin, a solid waste company came in and they want to use the employees from the City; they are not bringing other employees in to the City to work on this, they want to use the employees from the City is what they told them.

Mayor Powell asked if there were any problems with the Public Works Director approving the person who would be in charge of the landfill. Baker said he made that change when the specifications were reviewed; it was originally written that the Public Works Director would have to approve of the individual in charge of the landfill and also that if the Public Works Director wanted him terminated, that he would have the authority to do that. Baker said he did not think it was necessarily proper that someone on the City staff can tell the contractor who they must hire or that they would have to terminate one of their employees; there are other protections in the contract for failure to perform and penalties to protect the City's interests if they are not performing up to the contract, but if you want him to have the authority to approve that individual and be able to remove that individual, we can put it back in the specs but he took it out. Mayor Powell said he still hoped the Council would approve it and asked if anyone had a problem with that. Shanklin said he did not have any problem with it.

MOVED by Shanklin to approve the contract documents and authorize them to put them out for bids.

Baxter said he agreed with Baker that he was not sure that the contractor would allow that to be in the contract. He said if he were bidding, he did not believe he would want someone to tell him who he could have as the lead guy. Mayor Powell asked who the landfill belongs to. Baxter said it belongs to the taxpayers. Mayor Powell said we should have something to say about it. Baxter said some firms may not want to bid due to that clause. Mayor Powell said he had stated his case and if they did not want to let it happen, let it go south.

Shanklin said he would restate his motion to approve the contract documents and direct staff to put it out for bid. Ewing-Holmstrom asked if the motion included the clause about the Public Works Director having to approve the landfill foreman. Shanklin said it was insignificant to him and by the time they get finished there will be 5,000 little caveats to it, so if that makes the Mayor happy, he would be glad to put that in there, and it will be in there that we will control the scales. Ihler said it is not the scales that we are asking to be added, it is whether or not the Public Works Director would have the authority to say the person you have in charge, Mr. Contractor, is somebody that we are not satisfied with and you must remove him from that position. Shanklin said he had no problem with that. Devine asked if Shanklin was going to include in the motion that we not delete that clause. Bass asked if bids could be received both ways. Mayor Powell asked the Council's desire. Shanklin asked that the Mayor make it because he knew what he wanted done. Mayor Powell said it is not about the Mayor, it is about protecting that property that is so valuable and he had only asked that we have some kind of jurisdiction over the person that is out there guarding the landfill, that we just don't turn it loose and say here it is, that was the only thing he had requested.

Haywood said he would second the motion.

Bass asked that Shanklin make that part of the motion and Shanklin said he thought he did.

SUBSTITUTE MOTION by Devine, SECOND by Shanklin, to state the same thing that Mr. Shanklin does with the exception, I want it deleted out of the proposal that deleting the requirement for the Public Works Director to be appointed, approve the contractor's representative in charge of the site, I want that deleted out of it, it's the same thing the Mayor wanted. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None. SUBSTITUTE MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 6:30 p.m. upon motion, second and roll call vote.

CECIL E. POWELL, CHAIRMAN

ATTEST:

BRENDA SMITH, SECRETARY