

RECEIVE THE SEMI-ANNUAL UPDATE OF THE HOTEL/MOTEL TAX FUNDED
ACTIVITIES FOR FY 2013-2014 FROM THE LAWTON-FORT SILL CHAMBER OF
COMMERCE

Updates were given by Brad Burgess, Chairman, and Debra Burch, President of the Lawton-Fort Sill Chamber of Commerce. Barry Albrecht, Director of the Lawton Economic Development Foundation briefed the council on economic development issues.

AUDIENCE PARTICIPATION:

Sarah Sharif, Organizer Apprentice for the Sierra Club, Austin, Texas, stated she wanted to make the council aware of the issue of the Texas Regional Haze ruling decision to be made by the Environmental Protection Agency in May of 2014 and the importance of Oklahoma to recognize and to hold Texas coal-fired power plants responsible as the leading contributors of haze pollution in their Class I National Park, the Wichita Mountains. She requested that people voice their opinion to the EPA. She distributed a fact sheet and relevant articles.

Mr. Burgess announced that the state will break ground on the tri-level interchange sometime in mid-February. It is a 300 day contract.

CONSENT AGENDA

Morford requested item #20 be considered separately and Tanner requested item #4 be considered separately.

MOVED by Wells SECOND by Burk to approve the consent agenda with the exception of items #4 and #20. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: James and Annette Vaughan in the amount of \$135.29, Frank and Dorothy McHenry in the reduced amount of \$2,847.22 (**Res. 14-09**), Anne and Jeff Thompson through their Attorney Billy T. Elder in the amount of \$656.25 (**Res. 14-10**), Jeffrey and Susan Taylor in the amount of \$755.19 (**Res. 14-11**) and Tiffani and James Uplinger Jr., in the reduced amount of \$1,047.30 (**Res. 14-12**). Exhibits: Legal Opinions/Recommendations, Resolution No. 14-___, Resolution No. 14-___, Resolution No. 14-___ and Resolution No. 14-___.
2. Consider the following damage claim recommended for denial: Charlotte Rivera in the amount of \$450.00. Exhibits: Legal Opinions/Recommendations.
3. Consider a resolution approving – without any admission of civil liability - a proposed economic settlement and authorizing the filing of settlement documents, to include a journal entry to make payment in the pending lawsuit of Billy Ray Chandler v. City of Lawton and Bryan P. Long, Federal District Court for the Western District of Oklahoma, Case No. CIV-13-1082-HE. Exhibits: **Resolution No. 14-13** and Proposed Settlement Agreement.

4. 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.

Tanner stated the original intent of the hotel/motel tax is to promote tourism and economic development. Using this criteria, he would like to know how many jobs LETA brought into Lawton last year and how many hotel rooms were rented out last year.

Burk stated he is the Chairman of LETA and he does not believe there would be much economic development if you had an ugly city. It is more than “heads in beds” and more than jobs produced. There is so much more to economic development. He stated LETA had a funding base of \$5,000 five years ago and they couldn’t do anything. He stated they just need to look at the medians and Elmer Thomas Park playground. All of this happened because of the support of LETA and people in this community who believe that beautification is a huge economic development issue.

Bellino-Hall stated beautification is an economic development issue. If you look at the McMahan Ball Park, this is LETA’s business. They brought in ball players for softball tournaments and they stayed in our hotels. This is not a question to even argue about.

Burk stated they would never had a national tournament if they had not reworked McMahan Park. Council supported this and they went out and worked on the fields and they are not finished yet, they need to look at all the parks.

Tanner stated he is for beautification and he appreciates what LETA does for the city. The reason he voted for hotel/motel tax is to directly support programs that specifically create tourism and economic development. He believes an organization like LETA should be funded primarily with private funds and not use hotel/motel tax dollars.

Bellino-Hall questioned if Tanner did not understand the 900 hotel beds that came in with the ball park people. If they had not redone that ball park they would not have gotten those people here. Without beautification people do not want to live in a run down place. You do not get people visiting an ugly city.

Tanner stated he enjoyed the LETA banquet, but looking at how much the banquet cost, it was \$20,000.

Burk stated he raised \$30,000 in private donations to have the event, so it did not cost us any money.

Morford questioned if there was something Councilmember Tanner feels they should be funding out of this money.

Tanner stated the professionals like the chamber should be making the decision and he would prefer they keep the money and decide how it is spent.

Mayor Fitch stated they are addressing this issue next fiscal year to put this in the general operating budget of the city. He questioned if Councilmember Tanner recalled this conversation. He stated the issue of beautification is of great important to this community.

MOVED by Burk SECOND by Bellino-Hall to approve the Agreement for Limited Services with the Lawton Enhancement Trust Authority. AYE: Morford, Jackson, Bellino-Hall, Burk, Zarle, Haywood, Wells. NAY: Tanner. MOTION CARRIED.

5. Consider approving an Agreement between the Lawton Heritage Association and the City of Lawton to fund activities by the Association designed to encourage, promote and foster tourism in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget.
6. Consider approving an Agreement between the Armed Services YMCA and MOAA Auxiliary and the City of Lawton to fund activities by the Auxiliary designed to encourage, promote and foster tourism in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget.
7. 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.
8. Consider approving an Agreement between the Lawton Community Theatre and the City of Lawton to fund activities by the Theatre designed to encourage, promote and foster tourism 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 an Agreement between the Museum of the Great Plains Authority and the City of Lawton to fund activities by the Authority 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.
10. Consider adopting a resolution approving indebtedness (the “Note”) of the Lawton Industrial Development Authority in the form of an extension until July 9, 2014, and reissuance of a Note in the original principal amount of \$2,500,000 originally issued for the purpose of providing permanent financing of improvements relating to the downtown historical preservation site of the original Lawton High School to be used for City and conference purposes, with the repayment to include accrued interest from September 12, 2012, and certain unpaid closing costs; confirming documents including an Agreement of Support with the Authority; and other matters relating thereto. Exhibits: **Resolution No. 14-14** and Agreement of Support.

11. Consider transferring savings from Wayne Gilley City Hall utilities to the City Managers and Library's budget. Exhibits: None.
12. Consider accepting a \$3,602.89 donation to the Library from the Friends of the Library to be designated for library material money and library programming. Exhibits: None.
13. Consider accepting State Aid for Libraries Grant of \$53,468.00 from the Oklahoma Department of Libraries for FY2013-2014. Exhibits: Agreement for 2014 State Aid Recipients; Oklahoma Department of Libraries Rules and Regulations for State and Grants to Public Libraries
14. Consider declaring old library book spinner racks as surplus non-essential property, and sell one (1) rack to the Elgin Public Library and six (6) racks to the Tuttle Public Library. Exhibits: None.
15. Consider approving contract with Jimmy Arterberry to participate in the Lawton Arts & Humanities Council's (LAHC) FY13-14 Native American Program "Sharing the Spirit" and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Contract on file in City Clerk's office.
16. Consider approving contracts with Steven Scott Smith (\$615.00), Kenneth Hobbs (\$517.50), Catherine Daugherty (\$262.50), and Stephanie Jacobs (\$225.00) instructors for the Spring 2014 Children's Art Studio program and authorize the Mayor and City Clerk to execute the agreements. Total amount for spring semester stipends is \$1,620.00. Exhibits: Contracts on file in City Clerk's office.
17. Consider accepting reimbursement check of \$4,038.65 from the Fire Management Assistance Grant (FMAG), and approving the deposit of these funds into the Lawton Fire Operations Uniform and Clothing account (001-1195-000-00-02160000). Exhibits: None.
18. Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, related to Article A-11-2 Fire Protection Code, by amending only the referenced section numbers to match the corresponding code section which was recently modified. Exhibits: **Resolution No. 14-15.**
19. Consider accepting a permanent utility easement and a temporary easement from David M. Lindley & Wendi A. Lindley, husband and wife for right of way needed for the South Wolf Creek Trunk Expansion #2 Project #13-3SSES, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.
20. Consider accepting a temporary easement from Jay R. Burk, a single person for right of way needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.

Morfod stated he pulled this so that Councilmember Burk could abstain from the vote.

MOVED by Wells SECOND by Morford to accept a temporary easement from Jay R. Burk, a single person for right of way needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project #2006-12. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. ABSTAIN: Burk. MOTION CARRIED.

21. Consider accepting a warranty deed from Comanche Nation Housing Authority, for right of way needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.
22. Consider accepting a temporary easement from Ramon Reyes, for right of way needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.
23. Consider accepting a temporary easement from Ray Lawrence Jr., Mark W. Lawrence, Alfred R. Lawrence & Trent Lee Lawrence for right of way needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.
24. Consider accepting a permanent easement and three temporary easements from Dave Edward Skinner, a single person for right of way needed for the Nine Mile Creek Sanitary Sewer Interceptor Project#2008-2, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.
25. Consider accepting two permanent easements and two temporary easements from Commissioners of the Land Office for right of way needed for the South Wolf Creek Trunk Expansion #2 Project #13-3SSES, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.
26. Consider extending contract (CL12-023) Mowing & Litter Areas West Lee Blvd from 67th St. to ½ mile West of 112th St; Right of Ways East, Central and West to Lawn Wizards of Lawton, Ok. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
27. Consider awarding contract (CL14-015) Fire Hydrants, Items 1-5 to American Waterworks Supply, Inc of Norman, OK. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.
28. Consider awarding contract (CL14-015) Fire Hydrants, Items 6-7 to Hydrflo, Inc of Beaumont, TX. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.

29. Consider awarding contract (CL14-015) Fire Hydrants, Items 8-11 to HD Supply Waterworks LTD of Owasso, OK. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.
30. Consider approving appointments to boards and commissions. Exhibits: None.
31. Consider approval of payroll for the periods of January 6 - 19, 2014.

OLD BUSINESS ITEMS:

32. Consider a request from Lawton Public Schools to waive the inspection fee and annual operations fee associated with the Revocable Communications Cable Permit issued to Unite Private Network, LLC, for the installation and operation of approximately 10,435 rods of fiber optic cable serving Lawton Public Schools. Exhibits: Letter from LPS requesting fee waiver. Revocable Communications Cable Permit (On File in City Clerk's Office).

Richard Rogalski, Community Services Director, stated at the December 17, 2013 meeting, City Council issued a Revocable Communications Cable Permit to Unite Private Network, LLC (UPN), for the installation and operation of approximately 10,435 rods (32.6 miles) of fiber optic cable within City rights-of-way. Lawton Public Schools (LPS) has contracted with UPN to provide Wide Area Network facilities (WAN) connecting 38 school locations within Lawton. Article 20-4 of Chapter 20 of the Lawton City Code authorizes the issuance of a Revocable Communications Cable Permit with a one time inspection fee of \$21.00 per rod and an annual fee of \$2.10 per rod. Those rates have been the same since the code was written in 1995. For the Unite permit, this equates to \$219,135 for the inspection fee and \$21,913.50 for the annual fee. LPS has since submitted a request of support to have both the inspection fee and annual fee waived. LPS reasons that per their leasing agreement with UPN, LPS is responsible for these fees, and also, even though the E-Rate Program that assists in funding this service requires that the leased facilities be "non-exclusive", UPN does not have any other clients in this area. For this project, only 934 rods of the 10,435 rods of communications cable being installed in the City's right-of-way will be installed below grade. The remaining 9,501 rods of cable will be installed on existing poles owned by PSO.

Jackson stated that the council has all this information in their packets and most have read it and studied it.

MOVED by Jackson SECOND by Tanner to approve the staff recommendation on this item.

Dr. Tom Deighan, Superintendent for Lawton Public Schools, stated this is a game changer for them as a district and they appreciate the recommendation made by staff to waive a majority of the fees. However, they did not budget for the remainder of the fees and they would like to request that all fees be waived.

Mayor Fitch clarified that they are requesting that the reduced amounts of \$19,614 for the one time inspection fee and \$1,961.40 for the annual fee be waived. He stated that would set a precedent and he feels that a total fee removal would be impossible.

Wells stated this is critically important to the school children in this community. This will give them access to high speed internet that they need to be able to compete in this world.

Jackson stated he also could support waiving these fees.

SUBSTITUTE MOTION by Morford SECOND by Wells to waive all fees. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Jackson thanked the Lawton Police Department for their diligence in solving the recent homicide case.

Bellino-Hall stated you really do not understand what they do until you take part in the Citizen's Police Academy. She is really enjoying it.

Burk thanked everyone for attending the LETA banquet.

Mayor Fitch announced that the Lawton day at the capitol will be held on February 25, 2014.

Brooks Mitchell, Finance Director, presented the financial report for the period for the month ending December 31, 2013. He stated we are on track as far as revenues and expenses are slightly lower than budgeted. He stated they are beginning the budget process. He will also be updating the format for future meetings and will make the reporting form as concise as possible.

Bellino-Hall stated we are doing a little better than we thought we were.

Mayor Fitch stated our expenses are on track and instead of at 50% we are 42%. We are 8% lower than what we had projected and that is a good plus. Our tax revenues are up slightly.

The Mayor and Council convened in executive session at 7:26 p.m. and reconvened in regular, open session at 9:22 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

33. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Nathan M. Johnson as Municipal Judge, and in open session take other action as necessary. Exhibits: None.

Mayor Fitch read the title of item #33. No action was taken.

34. Pursuant to Sections 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss options for the proposed expansion of Fire Station #1 (a.k.a. Central Fire Station) including the possibility of purchasing additional real property to accommodate the expansion and take appropriate action in open session. Exhibits: None.

Jensen read the title of item #34. No action was taken.

35. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss interest arbitration for a Collective Bargaining Agreement for FY 2013-2014 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 #35.

MOVED by Bellino-Hall SECOND by Morford pursuant to the requirements of 11 Oklahoma Statute Section 51-108B, I move to direct the City Manager to file a request for a special election with the Municipal Clerk to decide the question of whether the City or the Police Union's last best offer should be the party's collective bargaining agreement for fiscal year 2013-2014. AYE: Morford, Bellino-Hall, Burk, Zarle, Haywood, Wells. NAY: Jackson, Tanner. MOTION CARRIED.

36. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in the Western District of Oklahoma of Robert Puccino, Jr. and Ronald Smith Sr. vs. City of Lawton, et al, 13-CV-0238-R, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #36.

MOVED by Wells SECOND by Zarle to appoint Jay Burk as the council representative in the case of Robert Puccino, Jr. and Ronald Smith Sr. vs. City of Lawton et al, Western District of Oklahoma case CIV- 13-0238. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

37. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending tort claim of East 75th Water Association, and if necessary, take appropriate action in open session. STRICKEN

There being no further business to consider, the meeting adjourned at 9:27 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK