

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
OCTOBER 28, 2014 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Bryan Long, City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk
COL Glen A. Waters, 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 Shawn Forehand, Unitarian Universalist Church of Lawton, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bob Morford, Ward One
Keith Jackson, Ward Two
Rosemary Bellino-Hall, Ward Three
Jay Burk, Ward Four
Dwight Tanner, Jr., Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
Doug Wells, Ward Eight

ABSENT:

None

Mayor Fitch announced the official time for trick or treating will be Friday, October 31st from 6:00 p.m. to 8:00 p.m.

AUDIENCE PARTICIPATION: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF OCTOBER 14, 2014.

MOVED by Jackson SECOND by Burk to approve the minutes of Lawton City Council regular meeting of October 14, 2014. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Fitch stated item #5 will be stricken from the agenda.

MOVED by Burk SECOND by Zarle to approve the consent agenda with the exception of #5.
AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None.
MOTION CARRIED.

1. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Robert Edmonson. Exhibits: **Resolution 14-140.**
2. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in making payment on the judgment in the Workers' Compensation case of Steven L. Bowen in the Workers' Compensation Court of Existing Claims, Case No. 2012-13159X. Exhibits: **Resolution 14-141.**
3. Consider accepting two (2) Quit Claim Deeds needed to quiet title to city-owned property located at 215 SE Larrance and now under lease to Johnny Owens Commercial Property and authorize the Mayor and City Clerk to execute the Quit Claim Deeds. Exhibits: Quit Claim Deeds on file in the City Clerk's office.
4. Consider approving an Agreement with the Board of Education of Independent School District No. 8 of Comanche County, Oklahoma, for the funding of school building construction and renovation/remodeling, and capital equipment, within the School District, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement and Ordinance No. 14-18
5. Consider releasing the performance bond, and accepting the waterline and turn lane improvements, maintenance bonds and grant the Right of Access to NW Quanah Parker Trailway to Quanah Parker Commercial Addition located on the southeast corner of NW Quanah Parker Trailway and NW 82nd Street. Exhibits: Plat Map. Right of Access document and maintenance bonds on file in the City Clerk's Office. **STRICKEN**
6. Consider accepting the NW 82nd Street Sewer Project 2010-04 and placing the Maintenance Bond into effect. Exhibits: None.
7. Consider awarding a construction contract to T&G Construction, Inc. for the Bicycle & Pedestrian Facilities Phase II, Routes 1, 2, 3 & 4, COL Project 2010-7, ODOT Project STP-116E(184)EH, J/P 26901(04) upon concurrence from the Oklahoma Department of Transportation (ODOT). Exhibits: Route Map
8. Consider rejecting all proposals for contract (RFPCL15-001) Copier Contract. Exhibits: Department Recommendation.
9. Consider extending contract (CL12-002) Copier Contract to Bennett Office Equipment of Lawton, OK for an additional sixty days (60). Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
10. Consider approval of payroll for the period of October 13-26, 2014.

NEW BUSINESS ITEMS:

Mayor Fitch requested items #12 and #13 be considered before item #11.

12. Consider an ordinance amending Sections 15-2-201, and striking Paragraph H of Section 15-2-204, Chapter 15, Lawton City Code, 2005, defining those persons who are in control of a property and therefore subject to a citation for allowing the accumulation of weeds and/or trash thereon, establishing the maximum fines for such offenses, and allowing rental property management companies and real estate agents to participate in the voluntary registration and notification program. Exhibits: Ordinance 14-____.

Wells stated Lawton does have a problem with properties that are not being properly maintained. A property with trash and tall weeds and grass affects the value and quality of life for all the other properties within an area. He believes that most property management and real estate companies will agree with this and do their best to correct any issues with properties they either lease or are trying to sell. He feels the voluntary registration and notification program is a great way to work with the property managers and real estate companies to keep our neighborhoods looking good. He would like to see how the expanded and reemphasized notification program included in this ordinance works before they even consider the option of writing citations to rental property managers.

MOVED by Wells SECOND by Morford to table to November 11, 2014 City Council meeting and have staff modify the ordinance to remove the portions about property managers and real estate agents being cited for violations and bring back just the portion that deals with registration. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

13. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, to establish a fee for the voluntary registration of real estate companies to receive notifications of tall weeds, grass and trash violations. Exhibits: Resolution No. 14-____.

MOVED by Wells SECOND by Morford to table to November 11, 2014 City Council meeting. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

11. Accept a report regarding the current state of existing water conservation efforts, city staff enforcement activities, and the life, safety and economic impacts resulting from the ongoing severe drought conditions within the southwest Oklahoma region, and to consider city staff recommendations that may facilitate a more effective, efficient, and reduction goal-oriented water conservation program in partnership with the community. Exhibits: None.

Long stated they have structured this item in a way that the council would be accepting and discussing a report that will be given tonight as well as explore opportunities that they could direct city staff to pursue. This item is in no way intended to mean that water conservation does not continue to be an important issue within our community. This item will bring alternatives to allow for less government regulation and more true conservation. He stated he would like to touch on four items that were listed in the agenda packet:

- 1.) Reduction goal-oriented water conservation practices. This new model would favor a decreased role of government regulation while increasing our reliance on the fundamental economics of supply and demand within the market as the primary regulation method. The current method of voluntary and mandatory water conservation policies concentrates on individual and corporate compliance through strict regulation. There has been many studies done on this and they have concluded that economics tends to be a more stable driver of water conservation.
- 2.) A drought surcharge rate schedule that could be applied to the city's utility bill cycle that encourages consumers to conserve water in all use areas, rather than simply restricting one or two water use activities. This surcharge would, in theory, only be applied to those consumers who desire to use water above the average conservation goal that is established for that time period or "stage of water conservation" restriction. Within that conservation goal, consumers have the freedom to choose for themselves how the water will be used.
- 3.) A city-sponsored High Efficiency Incentive Program to encourage the purchase of certain appliances or materials designed for the specific purpose of conserving or reducing the demand of water resources within our community. This program would be coordinated with local commercial vendors and/or retailers where these products, services, or materials are currently sold.
- 4.) A public education/information program designed to encourage water conservation. This program will educate the public regarding the limited supply of this, our most precious natural resource; to inform them of the various ways to conserve water; and to provide details regarding the Incentive Program. Currently we have it split up into two main categories, the outside watering limitation and the internal water use.

Jerry Ihler, Public Works Director, presented a power point presentation on the status of our current water condition. (The presentation is on file in the City Clerk's office).

Long questioned if the council would desire city staff to continue to work along these lines and would they give any directives to consider in that work.

Mayor Fitch stated he does not feel they need to give any directives at this time other than proceed and then bring something back to where we have something in writing as far as changes and surcharges and more conservative measures. Then they can start seeing something where they can give direction. He would advise staff to go ahead and start putting this data together and come up with a water rate schedule for pricing for more use over and above 2,000 or 3,000 gallons and then they can have some input on what staff recommends.

Long stated they are asking if the council is buying into the concept of moving forward before he has staff go through a lot of detailed work to get to the point where they can come back and ask the council if they agree with the numbers they are presenting. There are a number of utility partners that have already reached out and said they would like to partner with us on this.

Wells stated he would argue against ever going below 8,000 gallons as a minimum before fees started being charged. Lawton has 51% low income residents and the average consumption for a family of four is about 8,000 gallons a month. Those people may be living on \$15,000 - \$20,000 a year and you put a \$5 or \$10 surcharge on per thousand gallons and you take food out of their mouths. He read the article in the paper Saturday and they did a good job but he was surprised by one thing, he thought our policy duplicated Wichita Falls. If we go to stage 4 we restrict all water use for anything other than a garden for food for your own consumption.

Ihler stated there are only two items exempt if we go to stage 4. You can water your foundation so that you don't have damage and the only other is if a truck or something that hauls perishable goods can be cleaned out.

Wells stated we may want to look at our policy. Wichita Falls asks car washes to close two days a week. Under our policy car washes would be closed permanently during stage 4. Landscaping companies would be forbidden to do any landscaping, pool services, etc.. He has a new car wash being built in Ward 8 and the construction permit is between \$2.2 and \$2.5 million. They won't have that completed by the time these restrictions will probably go into affect. Are they going to tell someone who just spent \$2.5 million that they can't open up? They need to talk about this now because there will be a lot of controversy if they start telling these people that they will lose their business.

Tanner stated if he read correctly a lot of those car washes are moving towards the recycling process.

Wells stated we might want to look at our city code to require that they recycle or use high pressure equipment that conserves water before they are built. Basically we have ten or twelve car washes in town and we are going to put them out of business?

Tanner stated he agrees with Councilmember Wells as far as the average consumption of 8,000 gallons for a lower income family. We need to make sure if we do these surcharges that they don't kick in until that amount is fulfilled. He questioned how much water we put into Cache Creek every year.

Ihler stated we send about 6 million gallons a day to Nine Mile Creek which then goes into east Cache Creek as part of our discharge from the wastewater treatment plant.

Tanner questioned why we could not possibly capture this creek water.

Ihler stated that will be part of the future study. They are in the process of negotiating a fee and scope of services to study alternative water sources and one of those is reuse from the wastewater treatment plant.

Tanner stated that needs to be a priority.

Ihler stated there are two main sources they need to look at, groundwater and reuse water. They need to hire experts in that area that can deal with ODEQ and study those areas in much greater detail. Hopefully the contract will come to council the first meeting in December and the final report should be done September 2015.

Tanner stated they need to move forward with capturing this creek water.

Ihler stated it is not that easy, you have to get ODEQ to allow us to be able to utilize that water.

Burk stated he has relatives in Burkburnett and they can go to a site they have where they are able to get the reuse water. They pay a fee and fill their tankers and they use this water to water landscaping and medians. They are way ahead of us on this.

Ihler stated our biggest hurdle for the reuse water is going to be with ODEQ. We need to be visiting with legislators at the state level. The real question is how well do you have to treat it to be able to use it? There needs to be a safety factor because the last thing you need is for someone to get sick. That is where the struggle will be. One of the things they are asking from the consultant in this process, and it will be optional in the contract, if we want them to give us a price to move forward with an emergency temporary measure so that we have something in place to move forward.

Wells stated we really need to get with legislators to talk about the rules. For years we had the water going from the wastewater treatment plant going into a pond that PSO uses, but the state passed some regulation that cost us.

Ihler stated there were some changes in the regulation that caused us to do some treatment.

Wells stated we really need to get the state to come up with how we can use this water and we need to move quickly.

Ihler stated this is the feasibility study for the alternative sources and to identify what we can utilize and the cost associated with each. One alternative we are not looking at is surface water, a new lake, because of the cost.

Wells stated they need to look at the wells in Lawton as part of the study. We need to find out just how much water we have available.

Jackson stated there is money set aside from the sales tax extension to look at alternative water sources. We are moving as quickly as possible.

Wells questioned an estimate on how many more years we have with our water supply.

Ihler stated if we don't get significant rain, it is somewhere between 2 ½ to 3 years.

Wells questioned if they take out Waurika.

Ihler stated they had supply to January 2016.

Wells stated we are in serious trouble if we don't get some rainfall.

Mayor Fitch stated the general consensus of the council is to have staff proceed as quickly as possible.

14. Brief council on Plan 65 Medicare Supplement insurance to be provided to retired employees eligible for Medicare. Exhibits: None.

Jim Russell, Assistant City Manager, briefed the council on a process in place for retired employees who have reached Medicare eligible age. With out insurance plan, our insurance becomes a secondary insurance policy and Medicare is the retiree's primary insurance. We have 73-75 retirees who are Medicare eligible and utilizing this plan. The supplement plan has no out of pocket expense which will save the retiree money. Blue Cross and Blue Shield offered a group plan that gave group discounts and was able to offer an identical plan and they are not losing any benefits. There is also a prescription plan tied to this. The cost for the supplement plan is about \$40 more than what the non-Medicare eligible retirees are paying, however last July they implemented a five year plan to increase the retirees premiums because they are actually paying about 50% and they should be paying 100%. In July they should be an even match and going forward the supplement plan will be less expensive. If the spouse is on the plan they will be saving about \$100 per month. They held workshops for the retirees and had about a 66% attendance rate and it was well received. This is not mandatory and they may opt out.

Zarle questioned the approximate cost for this plan.

Russell stated for the employee only with the healthcare and prescription plan it is \$336 per month. For the retiree plus dependent it is \$672 per month.

Zarle stated his plan is through Humana and his fee is \$68 per month and his wife's is \$68 per month. Next year it will go down \$2 per month.

Russell stated he would be happy to compare the plan coverage. Higginbotham compared the plans for us and this is their recommendation.

Bellino-Hall questioned if the Humana plan was an HMO plan.

Zarle stated he is not sure.

Bellino-Hall stated a lot of our people are retired military and they have Tricare for life and it is to their benefit to forego any supplement.

Wells questioned if we have to negotiate with police and fire.

Russell stated he and the City Attorney are looking into this issue.

Jensen stated they are going to have to deal with language in their contracts.

Tanner stated Blue Cross had some stipulations that we still collect the money and that we have a large enough group of retirees that meet the requirement for a group benefit. He questioned how large the group has to be.

Russell stated he is not sure about the number, but we do exceed it.

Tanner questioned if it would drop if we go below that number.

Russell stated it is a combination of the number of retirees and the number of members in our self funded plan. We are such a large customer that we have met all of their conditions.

15. Consider an ordinance pertaining to Business, amending Section 7-24-3-2433, Division 7-24-3, Article 7-24, Chapter 7, Lawton City Code, 2005, incorporating the appeal process for a denied taxicab driver's permit, adding appeal language in the title; providing for severability and declaring an effective date. Exhibits: Ordinance 14-__.

Jensen stated currently there is a gap in the city code relating to taxi cab driver permits and their right to appeal when their permit is denied. Currently our code addresses an appeal when the permit is suspended or revoked and they have a right to appeal to municipal court. It does not address when we deny a license at the outset or deny a renewal of their license. They have the same right to appeal on that basis and this adds language to fill that gap.

MOVED by Wells SECOND by Jackson to adopt **Ordinance 14-32**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. ABSENT: Burk. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 14-32

An ordinance pertaining to business, amending Section 7-24-3-2433, Division 7-24-3, Article 7-24, Chapter 7, Lawton City Code, 2005, incorporating the appeal process for a denied taxicab driver's permit, adding appeal language in the title; providing for severability and declaring an effective date.

16. Consider amending Section 19-1-111, Article 19-1, Chapter 19, Lawton City code, 2005, by amending camping regulations at City Lakes Lawtonka and Ellsworth, providing for severability and declaring an effective date. Exhibits: Ordinance 14-__.

Keith Neitzke, Parks and Grounds Superintendent, stated this amendment reflects the changes made at Robinson's Landing at the camp grounds several years ago. He stated they no longer have seasonal camping and they have redefined the sites and have labeled them as preferred sites.

Tanner stated at this point the only seasonal camping is at Robinson's Landing.

Wells stated he noticed they took out the discount for senior citizens and disabled. He questioned if they were being added back in for Robinson's Landing or are they doing away with them completely.

Neitzke stated the fees have been restructured.

Tanner questioned if they were charging everyone the same.

Jim Bonnarens, Lakes Supervisor, stated this will allow Robinson's Landing to be part of what Lake Lawtonka east campground and all of Lake Ellsworth is currently. In 2008 the City removed all of the annual camping/living accommodations at Robinson's Landing, with grant money, and created annual camp spaces. Each site has a slab for RV camping with electric boxes and direct water hookups, so there is no annual living that the City operates at either lake at this time. The existing code shows annual rates and they have not been there since 2010.

Mayor Fitch stated this prohibits people from permanently living there.

Bonnarens stated that is correct and this was just an oversight in 2010 when Robinson's Landing became a seasonal recreational camp site.

Tanner questioned if we had any annual campers out there now, people who were used to paying by the year.

Bonnarens stated no. Anyone can camp at these sites, the seasonal aspect means that you can't stay on that same site annually. You have to move every 14 days or 21 days depending on the designation of the actual camp site you are at.

Morford questioned how the boathouses are treated.

Bonnarens stated the boathouses are annual rentals at this time.

MOVED by Jackson SECOND by Burk to adopt **Ordinance 14-33**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 14-33

An ordinance pertaining to recreation, amending Section 19-1-111, Article 19-1, Chapter 19, Lawton City Code, 2005 by amending camping regulations; providing for severability and declaring an effective date.

17. Consider adopting a resolution amending Appendix A, Schedule of Fees and Charges, Lawton, City Code, 2005, as amended by modifying camping rates at City Lakes Lawtonka and Ellsworth and declaring an effective date. Exhibits: Resolution 14-____ and Exhibit A.

Bonnarens stated this has the break down of the actual fees.

Wells stated they are taking out the Lake Lawtonka and Robinson's Landing camp ground completely and it is now listed as Lake Ellsworth and Lawtonka camp grounds. He questioned if Lawtonka was Robinson's Landing.

Bonnarens stated yes.

MOVED by Jackson SECOND by Morford to adopt **Resolution 14-142**. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

FINANCE REPORT

Brooks Mitchell, Finance Director, presented the financial report for the period ending September 30, 2014. (On file in the City Clerk's office)

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

COL. Waters stated they have been in discussion with the state about reclaiming their water and they have gotten the approval to use it to water some facilities and parks. He stated they would like to partner with the city on these water issues. He would like be involved in some of the conversation with the realtors. They have some concerns at Fort Sill on some of the facilities and some of the things that realtors are not doing in terms of military clauses and taking advantage of the soldiers.

Wells stated he would like to see an agenda item on the special meeting to talk about what they are going to do on stage four restrictions. They need to decide to make some changes or they start notifying those places they are going to put out of business. He stated in the paper he saw Councilmember Jackson's comment about wanting to use the old city hall area for the public safety facility. If he had been asked he would have said just the opposite. He will fight for the property at Railroad and Gore, that is large enough for future needs. There are other opinions on where we move.

Haywood encouraged everyone to get out and vote.

Tanner stated he supports the public facility project on Gore, but the traffic at 2nd and Gore backs up and there may be some congestion for police and fire vehicles. He stated the old Southwestern Hospital may also be an option for this complex. He stated he attended the Certified Healthy Recognition event at Cameron. He also visited the Prince Hall Lodge #9 for their 35th anniversary. He also attended the Stop the Violence event. He offered condolences to the Hadley family.

Morford stated the OU architectural team will be here tomorrow.

Rogalski stated they will be here to give us advice on some conceptual designs. They are meeting at 10:00 a.m. at 2nd & C.

Burk stated the group from OU had a change in leadership so it is a new staff. We are trying to see what their focus is now.

Tanner stated he is on the RSVP Advisory Council and they have been visiting some of the volunteer sites and one of the sites they visited last week was the Patterson Center. He stated the lady in charges, Katitia Embry, could be a role model for public service customer service.

EXECUTIVE SESSION ITEM:

18. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2014-2015 between the Police Union, IUPA Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None. **STRICKEN**

There being no further business to consider, the meeting adjourned at 7:43 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK