

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
DECEMBER 9, 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

Mayor Fitch called the meeting to order at 6:21 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

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

PRESENTATION OF CITIZEN OF MONTH FOR DECEMBER 2014 TO DEDE ARMES

Mayor Fitch presented a Certificate of Commendation from the Mayor's Office to Dede Armes.

AUDIENCE PARTICIPATION:

Tom Sutherland, 154 NW 36th Street, stated he is the chairman of the McMahon Auditorium Authority. He invited everyone to the 77th Army Band "Home for the Holidays" program on December 11th at 7 p.m. He stated the auditorium is used 4-6 times a month for basic training graduations with about 1,200 people attending each one of those events.

Martina Callahan, 914 SW Garfield, stated she lost her niece, Christina Tahhahwah, last month. She did suffer from bipolar disorder and she was taken to jail on November 13th. On November 14th she was taken to Comanche County Memorial Hospital and was in ICU on life support. No one in her family knew she was there. Christina passed away that following Monday and the doctors do not know why she died. She was left at the jail unresponsive. They were told she was tased and handcuffed while she was in jail, but there is nothing in the police report. She stated they would like to have some answers on what happened that day. She suggested they

have an outside source conduct an investigation and someone needs to be held accountable for that day. They have received permission to hold a vigil for her on Saturday from 2 p.m. to 5 p.m. at Shepler Park.

Mayor Fitch stated the proper authorities have been contacted and a full investigation will be coming and they cannot be discussed until those things come back.

Ms. Callahan and her sisters shared a tribal song.

Spencer Fletcher, 3413 Minor Road, Fort Sill, briefed the council regarding a non-profit organization that was just started, called OK Truckin. They provide services for Lawton and Fort Sill. They focus on cleaning up the community. They also have started a “No DUI” service by providing rides. They want everyone to know that this is not military related. He questioned what type of licenses or certifications they need.

Mayor Fitch requested Mr. Fletcher leave his name and number with staff so they can contact him regarding the permits required. He commended Mr. Fletcher for his efforts in this community.

Burk suggested he talk with staff because there is a lot of work to do in this community.

CONSENT AGENDA

Tanner requested items #5, #10 and #11 be considered separately.

MOVED by Burk SECOND by Jackson to approve the consent agenda with the exception of items #5, #10 and #11. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Keith and June Aycock in the amount of \$300.00 and William Harry Edens Estate through Attorney John Kinslow in the reduced amount of \$15,259.09 (**Res. 14-153**). Exhibits: Legal Opinions/Recommendations and Resolution No. 14-_____.
2. Consider the following damage claims recommended for denial: Southwestern Bell Telephone in the amount of \$4,829.67 and Delia Ramos in the amount of \$125,000.00. Exhibits: Legal Opinions/Recommendations.
3. Consider adopting a resolution approving the compromise settlement and making payment in the workers’ compensation claim of Charles Yarbrough. Exhibits: **Resolution 14-154.**
4. Consider approving the deposit of a reimbursement check from Oklahoma Municipal League in the amount of Sixty-Five and 00/100 Dollars (\$65.00) into City Attorney’s 265 – Training and Travel Account. Exhibits: Oklahoma Municipal League check.

5. Consider adopting a resolution approving the incurrence of indebtedness by the Lawton Water Authority (the “Authority”) issuing its sales tax revenue note, series 2014 (the “note”); providing that the organizational document creating the Authority is subject to the provisions of the note indenture, authorizing the issuance of said note; waiving competitive bidding with respect to the sale of said note and approving the proceedings of the Authority pertaining to the sale of said note; approving and authorizing execution of a sales tax agreement by and between the City of Lawton, Oklahoma (the “City”) and the Authority pertaining to the year-to-year pledge of certain sales tax revenues; and containing other provisions relating thereto. Exhibits: Resolution 14-__.

Tanner stated that it is not the time for the City to take on any additional debt.

MOVED by Tanner to postpone this item indefinitely. MOTION DIED DUE TO LACK OF SECOND.

MOVED by Wells SECOND by Burk to adopt **Resolution 14-155**. AYE: Morford, Jackson, Bellino-Hall, Burk, Zarle, Haywood, Wells. NAY: Tanner. MOTION CARRIED.

6. Consider approving the 2015 Notice of Meeting Schedule for Lawton City Council Meetings and Resolution 14-__ rescheduling the regularly scheduled meeting in December 2015. Exhibits: 2015 Notice of Meeting Schedule for Lawton City Council; **Resolution No. 14-156**.
7. Consider accepting donation of \$500 from Wal-Mart #269, for Lawton Police Department to aid in funding community awareness event to offer education and opportunities for domestic violence victim’s financial stability hosted by the department. Exhibits: None.
8. Consider releasing the performance bond for the deflection test on the sewer improvements to serve the CVS Pharmacy located at 2107 NW Cache Road. Exhibits: None.
9. Consider adopting City Council resolutions in support of the Oklahoma Affordable Housing Tax Credit (OAHTC) applications by MRE Capital, LLC., to the Oklahoma Housing Finance Agency (OHFA) and authorize the Mayor and City Clerk to execute the documents. Exhibits: Exhibit A: Resolution of Support for Apple Run Apartments (**Resolution No. 14-157**) and Exhibit B: Resolution of Support for Deer Creek Apartments (**Resolution No. 14-158**).
10. Consider approving an agreement with Garver, LLC for professional engineering services to conduct a Feasibility Study and develop a report for alternative water supplies to augment Lawton’s current water supply. Exhibits: Contract Document and the Scope of Services on File at the City Clerk’s Office.

Tanner stated this feasibility study is approximately \$800,000 and since the city could suffer from a significant shortfall in our future revenue, he suggested this item be postponed.

MOVED by Tanner to postpone action on this item and form a council committee to try and negotiate a lower cost using the savings to promote water conservation in our city. An example would be water meters in city owned and other water supported properties such as The Big Green and the Great Plains Coliseum. MOTION DIED DUE TO LACK OF SECOND.

MOVED by Burk SECOND by Jackson to approve an agreement with Garver, LLC for professional engineering services to conduct a Feasibility Study and develop a report for alternative water supplies to augment Lawton’s current water supply. AYE: Morford, Jackson, Bellino-Hall, Burk, Zarle, Haywood, Wells. NAY: Tanner. MOTION CARRIED.

11. Consider awarding a not to exceed design/build contract to Meridian Contractors, Inc. for the 67th St. Chlorine Injection Pump Station Project. Exhibits: A copy of the bid schedule is on file in the Public Works Admin office.

Tanner stated they originally started out with a \$400,000 amount and it has jumped to \$800,000. He just wanted to add some wording that if the engineering company invests time, there is an \$800,000 cap, and they are not able to do it for \$800,000, it is not going to cost the City any money for the engineering costs. He stated Mr. Ihler has taken care of that.

Jerry Ihler, Public Works Director, stated Councilmember Tanner has contacted the City Attorney’s office and was concerned about having to pay for the engineering as part of this should the construction contractor would not be able to do this for not to exceed \$800,000. Part of the contract is the engineering fee, so if we don’t get the construction where they are able to do that, then we would pay the engineering fee. It is a good point so they have contacted the engineer and the contractor and they are going to add some language to the contract that reads “any engineering services including and beyond preparation of the bid documents will be the sole responsibility of the contractor. Owner will not be responsible for any engineering service costs should the project not be constructed.” They have agreed to put this in the contract.

MOVED by Tanner SECOND by Morford to award a not to exceed design/build contract, as amended, to Meridian Contractors, Inc. for the 67th St. Chlorine Injection Pump Station Project AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

12. Consider accepting four permanent easements and six temporary easements from Wichita Holding Corporation 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 Maps. Documents are on file in the City Clerk's office.
13. Consider accepting the construction improvements, placing the maintenance bonds into effect approving Change Order No. 1 modifying the construction contract to Power Lift Foundation Repair for the Foundation Repair City Hall, McMahan Auditorium & City Hall Annex Project #2014-07 and authorizing the Mayor and City Clerk to execute Change Order No. Exhibits: Change Order No. 1 is on file in the City Clerk’s Office.

14. Consider awarding contract (CL15-015) Heavy Equipment Service & Parts to C.L. Boyd Company, Inc. of Oklahoma City, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
15. Consider awarding contract (CL15-019) Liquid Ammonium Sulfate to Chemtrade Chemicals US, LLC of Parsippany, NJ, as the Primary vendor. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
16. Consider awarding contract (CL15-019) Liquid Ammonium Sulfate to Brenntag Southwest Inc. of Nowata OK, as the Secondary vendor. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
17. Consider awarding contract (CL15-020) Redi-Mix Concrete (Items 1-6) to Lawton Transit Mix, Inc. of Lawton, OK as the primary vendor. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
18. Consider awarding contract (CL15-020) Redi-Mix Concrete (Items 1-6) to Southwest Ready Mix of Lawton, OK as the secondary vendor. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
19. Consider approval of payroll for the period of November 24-December 7, 2014.

NEW BUSINESS ITEMS:

20. Discuss, consider, and take possible action regarding Resolution No. 14-___ that authorizes the City of Lawton to accept private donations and pledges to be received through a dedicated public activity fund held by the City for the purpose of funding the *City Functional Readiness: Adequacy and Efficiency Assessment* that will be performed by Chell Consulting, LLC; and further, authorize the Mayor and City Clerk to execute all necessary documents, and authorize the City Manager to provide management and fiduciary oversight necessary to accomplish the same. Exhibits: Resolution No. 14-___ and Letter to Community Partners dated November 19, 2014.

MOVED by Jackson SECOND by Burk to approve **Resolution 14-159**. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood. NAY: Wells. MOTION CARRIED.

21. Consider approval of the Retainer Agreement for Professional Services with Larry Shelton, Chell Consulting, LLC., to provide consultation services to the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement.

THIS ITEM WAS STRICKEN

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells stated he was looking at the water contract for The Big Green and he noticed it does not say that they will comply with our water restrictions and he wondered if they needed to amend that contract. We are authorizing them to use up to 12 million gallons of water and with our outside associations we add into their contracts that they have to comply with our restrictions.

Long stated he was under the impression that they were subject to the same conservation measures as our outside water customers. If that is not the case, they will amend the contract and bring it back to council.

Haywood congratulated McArthur High School on their state championship.

Tanner stated he attended an event at Career Tech with Impact Lawton, who have a co-op with community policing. They go into low income neighborhoods to help. He also attended the community input session at Fort Sill this morning and all the speakers did a great job and it was an impressive presentation.

Burk stated that Lawton Public Schools, McArthur Booster Club and the parents association would like to have a parade on Friday at 4:45 p.m. that starts at the mall and goes down 2nd Street and ends at Elmer Thomas Park.

Jackson stated he has a long history with McArthur and after seven attempts they finally brought home a state championship.

Morford stated he was very impressed with the presentation at Fort Sill today and the Chamber did a great job putting this together.

Long stated a lot of hard work went into the listening session today.

Mayor Fitch stated the listening session was an endeavor that has been going on for six months. Last year they were given seven days notice to put a program together and for 19 communities within the United States, we finished in the top four. Last year 4,500 cuts were predicted and we got cut 524. This year they are talking about 6,800, that is 6,000 permanent soldiers and 800 civil service workers. Everyone will be impacted if that were to become reality. They used the REMI program which is the number one program for data and statistics. Comments were that they have never received data so precise and factual. He commended the speakers and those in attendance for their support.

The Mayor and Council convened in executive session at 7:03 p.m. and reconvened in regular, open session at 7:45 p.m. Roll call reflected all members present excluding Bellino-Hall, who left the meeting prior to executive session.

EXECUTIVE SESSION ITEM:

22. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of Marvin G. Zike, As Personal Representative Of The Estate Of Angelia K. Werner, Deceased vs. Geronimo Martinez, et al, CJ-2012-812, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #22. No action was taken.

23. Pursuant to Sections 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the proposed land acquisition for the purpose of expanding, improving and remodeling Central Fire Station (AKA Fire Station #1) in the downtown area of Lawton and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #23. No action was taken.

24. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the Employment Agreement of Frank V. Jensen as City Attorney, and in open session take action as necessary. Exhibits: None.

Mayor Fitch read the title of item #24.

MOVED by Wells SECOND by Haywood to approve a contract to include a 3% pay raise. AYE: Morford, Jackson, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 7:47 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK