

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
DECEMBER 16, 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 6:03 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Chris Austin, Lighthouse Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

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

ABSENT:

Jay Burk, Ward Four

AUDIENCE PARTICIPATION: None

CONSENT AGENDA

Mayor Fitch stated items #4 and #7 will be stricken and under item #19, Robert Powell does not wish to be reappointed to the Parks and Recreation Commission.

MOVED by Wells SECOND by Tanner to approve the consent agenda with the exception of items #4, #7 and striking Robert Powell from the Parks and Recreation Commission under item #19. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Bettye and Jessie Gaines in the amount of \$225.00, Harold and Marion O'Neal in the reduced amount of \$478.40 (**Res. 14-159**), and Southwestern Bell Telephone Company in the amount of \$1,097.56 (**Res. 14-160**). Exhibits: Legal Opinions/Recommendations, Resolution No. 14-__ and Resolution 14-__.

2. Consider the following damage claim recommended for denial: Lee and Peggy Roseberry in the amount of \$328.80. Exhibits: Legal Opinion/Recommendation.
3. Consider approving an Outside Water Sales Contract with Gabriel and Miranda Gallegos, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office.
4. Consider approving a professional services agreement with Michael S. Bates, Labor Relations Consulting Services of Tulsa, Oklahoma, L.L.C. for consultation services, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Agreement is on file in the City Clerk's office. THIS ITEM WAS STRICKEN
5. Consider amendment to the Group Health and Dental Plan Administration Services and Reinsurance Stop Loss to Blue Cross and Blue Shield of Oklahoma in order to provide plan coverage (Blue Secure) for retired employees eligible for Medicare. Exhibits: Benefit Program Application for Blue Secure.
6. Consider adopting City Council resolution to support of the Oklahoma Affordable Housing Tax Credit (OAHTC) application by MACO Development Company, LLC., to the Oklahoma Housing Finance Agency (OHFA) for a proposed senior housing development located at the southeast corner of SW 11th Street and SW Douglas Avenue, and authorize the Mayor and City Clerk to execute the document. Exhibits: **Resolution No. 14-161.**
7. Consider approving the second option to renew from Steve and Sandra Perry in accordance with the Lease and Concession Agreement for Ralph's Resort between the Lawton Water Authority, and John Perry to include authorizing written approval for the requested construction of a 200' X 200' chain link fence for RV and boat storage area. Exhibits: Letter of request from Steve and Sandra Perry and map of storage location. THIS ITEM WAS STRICKEN
8. 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.
9. Consider awarding a construction contract to Southwest Water Works, LLC for the 2014 Waterline Phase 1 Project #2014-8. Exhibits: None.
10. Consider accepting the Goodyear Tire Industrial Access Road (S.W. 112th St. & Lee Blvd.) (Pavement Portion Only) State Aid Project No. 216E(008) Job Piece No. 29428(04) - Project #2013-08 as constructed by T&G Construction, Inc. and placing the Maintenance Bond into effect. Exhibits: The Maintenance Bond is on file in the City Clerk's office.

11. Consider authorizing the Mayor and City Clerk to execute an agreement with Topcon Positioning Systems, Inc. (TPS) to host a reference station for the Global Positioning Satellite Network (GPS). Exhibits: Reference Station Host Agreement on file in the City Clerk's office.
12. Consider approving an architectural/engineering agreement with C.H. Guernsey and Company for professional engineering design plans and specifications associated with Fire Station 8 located on Bishop Road and authorizing the Mayor and City Clerk to sign a contract for these design services. Exhibits: A copy of the agreement is on file in the City Clerk's office.
13. Consider accepting a permanent easement and two temporary easements from Vickie Lynne and Larry Keplinger, wife and husband, 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.
14. Consider accepting a permanent easement and a temporary easement from Ronald Clifton Smith Sr. and Nikki E. Smith, husband and wife, 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.
15. Consider accepting a warranty deed from Cameron L. and Rebecca Trudell, husband & wife, for right of way needed for the SW 52nd Street Project# 2012-4, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Document is on file in the City Clerk's office.
16. Consider awarding contract (RFPCL15-027) Copier Contract to Bennett Office Equipment. Exhibits: Summary of Proposals.
17. Consider accepting a bid (RFPCL15-014) from Lime Light Productions/Extreme Pyrotechnics for Pyrotechnic Fireworks Production. Exhibits: Recommendation and bid sheet.
18. Consider extending contract (CL13-019) Electro Fusion Polyethylene Fittings to HD Supply Waterworks of Owasso, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
19. Consider approving appointments to boards and commissions. Exhibits: None.

Building Development Appeal Board

Barry Ezerski
Real Estate Agent
1701 NW Cache Road
Lawton, Oklahoma 73507
07/26/16

City Planning Commission (CPC)

John Jones – Mayor’s Appointment
4301 NW Cache Road
Lawton, Oklahoma 73505
01/11/18

Historical Preservation Commission

David Denham – CPC Rep
1012 NW Bell Avenue
Lawton, Oklahoma 73507
01/27/17

John Jones Real Estate Broker
4301 NW Cache Road
Lawton, Oklahoma 73505
1/27/17

Steve Newcombe
Attorney
513 SW C Avenue
Lawton, Oklahoma 73501
01/11/17

Housing Authority

Linda Bentley
737 NW Heinzwood Circle
Lawton Oklahoma 73505
11/26/17

Parks & Recreation Commission

Ross Hankins
3602 NW Julie Street
Lawton, Oklahoma 73505
01/01/17

Angela Bolds
732 NW Heinzwood Circle
Lawton, Oklahoma 73505
01/01/17

Kern Kamauna
702 NW Dearborn
Lawton, Oklahoma 73507
01/01/17

Robert C. Powell
705 SW Monroe Avenue
Lawton, Oklahoma 73505
01/01/17 (STRICKEN)

Pam Garrett
423 NW 56th Street
Lawton Oklahoma
01/01/17

Jack E Hanna – Mayor’s Appt.
1109 NW Cherry
Lawton, Oklahoma 73507
01/01/17

Traffic Commission

David Means
PO Box 665
Lawton Oklahoma 73502
02/10/18

20. Consider approval of payroll for the period of December 8 - 21, 2014.

NEW BUSINESS ITEMS:

21. Consider an ordinance amending Section 22-1-2-115, Division 22-1-2, Article 22-1, Chapter 22, Lawton City Code, 2005, relating to water fees and charges, providing for severability and establishing an effective date. Exhibits: Ordinance No. 14-__.

Tanner stated the first part of this item supports military families by allowing them to forego a deposit when they have good credit. The second part of the ordinance allows tenants who have rent and control of an entire multi-unit property to have the water bill service in their name. That is not currently allowed under city code.

Mayor Fitch stated if military personnel bring in a letter of credit from a utility company from the last place they were stationed, the deposit will be waived. He stated they need to pass that along to COL waters at the next council meeting so that they are aware of this before they get here.

MOVED by Tanner SECOND by Wells to adopt **Ordinance 14-39**, waive the reading of the ordinance, read the title only and establishing an effective date of January 15, 2015. AYE: Morford, Jackson, Bellino-Hall, Tanner, Haywood, Wells. NAY: Zarle. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 14-39

An ordinance pertaining to utilities, amending Section 22-1-2-115, Division 22-1-2, Article 22-1, Chapter 22, Lawton City Code, 2005, allowing active duty military applicants to provide a letter of credit in lieu of a monetary deposit and requiring lessee to be responsible for establishment and payment of account when entire multiple unit property is leased to single lessee; providing for severability and declaring an effective date of thirty days from today.

22. Consider adopting a resolution urging the Oklahoma Legislature to pass legislation prohibiting and making unlawful texting on an electronic device while operating any motor vehicle by any age driver on the streets, alleys and highways within the State of Oklahoma. Exhibits: Resolution 14-__.

Jackson stated he requested this item last year and found it was being opposed by most of the GOP in the legislature, but this year the attitude seems to have changed and they may be more agreeable to it. He wanted the City of Lawton to pass this resolution stating that we oppose texting and driving. It is dangerous and a large majority of accidents in this area and across the nation is a direct result of inattentive driving while texting.

MOVED by Jackson SECOND by Wells to adopt **Resolution 14-163** urging the Oklahoma Legislature to pass legislation prohibiting and making unlawful texting on an electronic device while operating any motor vehicle by any age driver on the streets, alleys and highways within the State of Oklahoma. AYE: Morford, Jackson, Bellino-Hall, Tanner, Haywood, Wells. NAY: Zarle. MOTION CARRIED.

ADDENDUM:

- 1 Consider approving a resolution of support for the Kiowa, Comanche and Apache Tribes of Oklahoma with regards to their request for the United States Congress to release funding to the tribes for the demolition of the dilapidated structure(s) known as the Old Southwestern Hospital. Exhibits: To be provided at the meeting.

Haywood stated they have had a meeting and they also plan to meet tomorrow and they would like for ASCOG to forgive the \$400,000 loan to the KCA because this is dealing with federal money.

Mayor Fitch stated they were in attendance at the meeting last week and they have a meeting set up with Tom Cole's staff tomorrow at 9:30 a.m. They have funds that would be utilized for the demolition of this structure but they are being held back by the federal government because if you tear down a tribal building or if you sell a tribal building, you have to have congressional approval. They are addressing this with Tom Cole's staff in a meeting tomorrow and are only giving support to get these funds released.

Wells questioned if this resolution has anything to do with the \$400,000 loan from ASCOG.

Mayor Fitch stated no, this has nothing to do with the ASCOG deal. That is between ASCOG and the KCA.

Jackson stated he knows the public is pleased that there is a continued effort to take care of this situation and he appreciates Councilmember Haywood's involvement and they are doing a great job.

Mayor Fitch stated this is the first of several steps that will have to be taken but they do need the support of the City of Lawton.

MOVED by Haywood SECOND by Wells to adopt **Resolution 14-164** in support for the Kiowa, Comanche and Apache Tribes of Oklahoma with regards to their request for the United States Congress to release funding to the tribes for the demolition of the dilapidated structure(s) known as the Old Southwestern Hospital. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

FINANCE REPORT

Brooks Mitchell, Finance Director, announced that the City had a BRAC note for \$28 million that was paid off yesterday. The note was taken out in 2008-2009 and at the time it was a program through the state where the state would pay the interest for five years and the state's obligation ended Monday and it was in the City's best interest to go ahead and use the sales tax money available from 2008 to pay this off.

Well questioned how much we will be able to recoup after the payoff.

Mitchell stated we still have a couple months of collections on the sales tax so we still have a couple million dollars.

Wells stated this was a \$28 million loan and we had to put all the 2008 sales tax money into the bank to be held for the period of five years and the state paid the interest. When it was paid off we got to keep the balance in between.

Mitchell state the earnings on the funds have been exceptionally low the past couple of years. He stated since this meeting was early, they have not closed out everything for November, so the financial report will be abbreviated tonight and he will forward the rest of the schedules when they are complete.

Mitchell presented revenue and expenditure highlights for period ending November 30, 2014. (On file in the City Clerk's office)

Well stated the all other general fund is down a couple hundred thousand dollars. He questioned if there was any particular reason for that.

Mitchell stated no, not that he could identify.

Jackson stated our petroleum expenses should be down considerably, so that is good.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Tanner stated there is an anti-bullying program going on in the community that the parks and recreation program is supporting called City Pals Puppets. They had a program at Sanders Heights apartments and one is coming up on December 18 at Crossroads Headstart, December 19th at Carriage Hills Elementary and December 20th at Pointe Apartments.

Jackson stated our concrete medians are ugly with dirt, debris and rocks. He suggested they use trustee crews to clean these up.

Bellino-Hall stated in the past year she has been in airports in Fort Meyers, Florida, Savannah, Georgia, Syracuse, New York, Charlotte, North Carolina and Augusta. When you walk out of those airports there is a wow factor and it says that this is a beautiful city. When you come back through our airport, she is ashamed. She has cleaned up the front of the airport at least four times, the last time was about 6 months ago. It is an embarrassment to this city and it is just trashed out.

Mayor Fitch stated he appreciates all the work by the council and staff over the past year.

The Mayor and Council convened in executive session at 6:30 p.m. and reconvened in regular, open session at 6:53 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEM:

23. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending grievance from the International Association of Fire Fighters (IAFF), Local 1882 over the recently enacted tobacco free ordinance and take action in open session, if necessary. Exhibits: None.

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

There being no further business to consider, the meeting adjourned at 6:54 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK