

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
JUNE 24, 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 6:06 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Leonard Reimer, Faith Bible Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bob Morford, Ward One  
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:

Keith Jackson, Ward Two

AUDIENCE PARTICIPATION:

Lee Burns, resident of Benjamin Davis Apartments, stated when it rains they have a pond outside their building because of poor construction. He stated they should treat military better. He stated they also have a monopoly of cable with Fidelity and they are paying too much.

Mayor Fitch stated these issues need to be addressed with the management of the building.

Mr. Burns stated they have been waiting on funding for the bike trail.

Mayor Fitch stated the report came in this week that ODOT approved the funding for the bike paths.

Dick McKean, stated he disagrees with giving the Chamber of Commerce additional hotel/motel funds. He feels this issue needs to come back to the voters. He stated economic development does nothing to decrease the crime rate. He stated Oklahoma City does not give economic development a nickel, they put it all into their convention and visitors bureau. Moore puts 100% into the park system and Norman puts 25% in parks, 50% for convention and visitors and 25%

for arts and museums. This is a better use and is closer to the people. He feels they need to establish a crime reduction board which looks at the whole city and comes back to the council with program recommendations. He stated they need to look at a way to bring some officers back with bonuses.

Mayor Fitch requested that Mr. McKean get his handouts to the council prior to the meeting so they have an opportunity to look at them. He stated the hotel/motel is being used the way it was petitioned on the ballot. It cannot be diverted to other things. He stated the 2015 sales tax issue will address many of these needs.

Herbert Derricott, 6212 NW Cheyenne Drive, stated he has never seen a committee put together to see why crime is so high in the city. He feels this would be a good idea and he would volunteer to serve. He suggested they find things to keep the young people occupied.

Tanner stated there is a way to reduce the violent crime rate in Lawton by backing out all of the crimes that happen at the prison. Those crimes get calculated into Lawton's statistics.

Mayor Fitch stated the prison is in Lawton city limits and that is why those figures are compiled with other things in this community.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF JUNE 10, 2014.

MOVED by Burk SECOND by Bellino-Hall to approve the minutes of Lawton City Council regular meeting of June 10, 2014. AYE: Morford, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Tanner requested item #3 be considered separately. Mayor Fitch stated item #26 also needs to be considered separately.

MOVED by Burk SECOND by Haywood to approve the consent agenda with the exception of items #3 and #26. AYE: Morford, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Cody Zimmerman dba Winchester Apartments in the amount reduced of \$6,422.28 (**Res. 14-80**), Cody Zimmerman dba Pinewood Village Apartments in the reduced amount of \$3,235.00 (**Res. 14-81**) and Dorothea Willis in the reduced amount of \$2,845.24 (**Res. 14-82**). Exhibits: Legal Opinions/Recommendations, Resolution No. 14-\_\_\_\_, Resolution No. 14-\_\_\_\_, Resolution No. 14-\_\_\_\_.

2. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, to implement an increase in Goodyear Tire and Rubber Company's water rate as set forth in Exhibit "A" of the Resolution, and establishing an effective date. Exhibits: **Resolution 14-83** and Exhibit "A".
3. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, to implement increases in water and sewer rates as set forth in Exhibit A of the Resolution, and establishing an effective date. Exhibits: Resolution 14-\_\_\_, Exhibit "A".

MOVED by Tanner to not approve Resolution 14-84.

Motion died due to lack of a second.

MOVED by Wells SECOND by Burk to adopt Resolution 14-84. AYE: Morford, Bellino-Hall, Burk, Zarle, Haywood, Wells. NAY: Tanner. MOTION CARRIED.

4. Consider adopting a resolution declaring that Ninety Percent (90 %) of the budgeted and appropriated revenues for fiscal year 2013-2014 have been collected for the General Fund. Exhibits: **Resolution 14-85**.
5. Consider and accept the Transition Plan developed by City staff and the Lawton Access Board as part of the ongoing process of assessing and improving program accessibility within the City as required by Title II of the Americans with Disability Act (ADA). Exhibits: ADA Transition Plan dated June 16, 2014 is on file in the City Clerk's office.
6. Consider canceling the Elmer Thomas Park standard lease agreement with Teen Challenge of Oklahoma Inc. for a one day event called Freedom Fest with a public Fireworks display on Thursday July 3, 2014. Exhibits: None.
7. Consider approving a request from BLAC! Inc. out of Oklahoma City, Oklahoma and Mrs. Anita Arnold to allow the Parks and Recreation Department to Co-sponsor and provide in-kind services to the 30<sup>th</sup> Annual Charlie Christian International Music Festival on May 28-31, 2015 at Shepler Park and Old City Hall parking lots and using the dock at the City Hall Annex as a stage venue and the new City Hall auditorium, and Elmer Thomas Park to include other private properties in the City of Lawton. Exhibits: None.
8. Consider approving an agreement between the City of Lawton and Kellogg & Sovereign Consulting, LLC for E-rate management services on behalf of the Lawton Public Library and authorize the Mayor and City Clerk to execute the documents needed to allow Kellogg & Sovereign to perform the services. Exhibits: Kellogg & Sovereign Letter of Agency, Fee Schedule, and Scope of Services.

9. Consider a request from Richard Routon to waive all fees and contractor's license requirements associated with the building permit to construct a handicap ramp at St. Andrew's Episcopal Church located at 1313 SW D Avenue. Exhibits: Request letter from Richard Routon.
10. Consider acknowledging receipt of Tier I permits from the Oklahoma Department of Environmental Quality for the construction of 238 linear feet of 8-inch sanitary sewer line and all appurtenances to serve CVS Pharmacy located on the northwest corner of NW Sheridan Road and NW Cache Road in the SE/4 of Section 23, T2N, R12W, Comanche County, Oklahoma. Exhibits: Permit to Construct is on file in the City Clerk's Office.
11. Consider approving the annual Cooperative Agreement and an Agreement for Limited Funding between the City of Lawton and the Transit Trust to provide funds for the operation of a public transit system and authorize the Mayor and City Clerk to execute the same. Exhibits: Cooperative Agreement and Limited Funding Agreement are on file in the City Clerk's office.
12. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization for Congestion Mitigation and Air Quality programs and projects during Fiscal Year 2015. Exhibits: Memorandum of Understanding between LMPO and the City of Lawton is on file in the City Clerk's office.
13. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization for metropolitan transportation planning for Fiscal Year 2014. Exhibits: Memorandum of Understanding between LMPO and the City of Lawton is on file in the City Clerk's office.
14. Consider endorsing the Fiscal Year 2015 Unified Planning Work Program for the Lawton Metropolitan Transportation Planning Process. Exhibits: FY 2015 Unified Planning Work Program is on file in the City Clerk's office.
15. Consider endorsing the Federal Fiscal Year 2015-2018 Transportation Improvement Program for the Lawton Metropolitan Area Transportation Study area. Exhibits: FFY 2015-2018 TIP is on file in City Clerk's Office.
16. Consider approving agreements for euthanization services with the following entities, and authorize the Mayor and City Clerk to execute the Agreements: City of Cache, City of Grandfield, Town of Chattanooga and Town of Medicine Park. Exhibits: Agreements (On file with the City Clerk).
17. Consider approving agreements for refuse disposal with the following entities, and authorize the Mayor and City Clerk to execute the Agreements: Town of Indianahoma, Multiple Community Services Authority and Town of Temple. Exhibits: Agreements (On file with the City Clerk).

18. Consider approving the Proposed Cooperative Program and Memorandum Agreement between the Oklahoma Water Resources Board, the U.S. Geological Survey and the City of Lawton and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Proposed Cooperative Program and Memorandum Agreement (on file with the City Clerk)
19. Consider approving an Amended Agreement with Element Markets, LLC for the sale of carbon credits produced from greenhouse gas emission reductions generated by the Landfill Gas Collection & Control System (GCCS), and authorizing the Mayor and City Clerk to execute the Amended Agreement. Exhibits: Amended and Restated Carbon Credit Purchase and Sale Agreement on file in the City Clerk's Office.
20. Consider authorizing staff to apply for a grant from the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) in the amount of \$90,984.60 for acquisition and demolition of flood-prone properties. Exhibits: Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) grant application on file in the City Clerk's Office.
21. Consider approving an engineering agreement with Stearns, Conrad and Schmidt Consulting Engineers, Inc. d/b/a SCS Engineers for professional environmental engineering services for operations, monitoring, and maintenance of the Landfill Gas Collection & Control System. Exhibits: A copy of the agreement is on file in the City Clerk's office.
22. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: Southbound NW Parkwood Place south of NW Woodland Drive; southbound NW 76<sup>th</sup> Street south of NW Woodland Drive; southbound NW Woodland Circle south of NW Woodland Drive; and southbound NW 34<sup>th</sup> Street at the intersection of NW Ferris Avenue. Exhibits: **Resolution 14-86**, Traffic Commission Minutes and Traffic Issue Requests.
23. Consider awarding contract (RFPCL14-048) Workers Compensation Services to United Safety & Claims, Inc. of Tulsa, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
24. Consider extending contract (RFPCL13-039) Rental or Lease Work Clothing to Cintas Corporation of Lawton, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
25. Consider awarding contract (CL14-052) Hydraulic Excavator to C.L. Boyd of Oklahoma City, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
26. Consider awarding contract (CL14-051) Digger, Derrick to Altec Industries of St. Joseph, MO. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

Jerry Ihler, Public Works Director, stated this item awards a contract for a digger, derrick for digging holes for traffic signals. He stated the original recommendation was to award the contract for \$173,999. One of the options that was bid with this project was a 36” auger that goes with this particular truck. Because they were short \$721 with their budget, they made a decision to not award the 36” auger. They have now found the funding and the City Manager has allowed them to transfer the funding to be able to award the additional option of the auger for this truck. It would be an additional \$1,822. The total amount to award the contract would be \$175,821 adding that additional 36” auger.

MOVED by Burk SECOND by Wells to award contract (CL14-051) Digger, Derrick to Altec Industries of St. Joseph, MO with the addition of the 36” auger. AYE: Morford, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

27. Consider rejecting bids on contract (RFPCL14-031) E Book Service. Exhibits: Department Recommendation.
28. Consider approval of payroll for the periods of June 9-22, 2014.

NEW BUSINESS ITEMS:

29. Consider approving an Ordinance pertaining to Donation Boxes and Recycling Bins amending the regulations for exemptions, clarifying the maximum size of a single recycling bin and providing that multiple smaller containers may be used in place of a single large recycling bin, by amending Sections 7-33-1-3302 and 7-11-1-3304, Division 7-33-1, Article 7-33, Chapter 7, Lawton City Code, 2005, and providing for severability. Exhibits: Ordinance No. 14-\_\_.

Richard Rogalski, Community Services Director, stated the original adoption of the code regulating donation boxes and recycling bins was approved on April 9, 2013, and went into effect sixty days later. Since that time, they have determined that there are a few items that require some clarification. This ordinance clarifies the regulations that boxes and bins exempt from obtaining a city permit must follow, and allows multiple smaller recycling containers to be used in place of a larger single recycling bin. He stated they also clarified the way that recycling bins can be located.

MOVED by Burk SECOND by Wells to adopt **Ordinance 14-22**, waive the reading of the ordinance, read the title only. AYE: Morford, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 14-22

An ordinance pertaining to donation boxes and recycling bins amending the regulations for exemptions and clarifying the maximum size of a single recycling bin and providing that multiple smaller containers may be used in place of a single large recycling bin, amending Sections 7-33-1-3302 and 7-11-1-3304, Division 7-33-1, Article 7-33, Chapter 7, Lawton City Code, 2005, providing for severability.

## FINANCE REPORT

Brooks Mitchell, Finance Director, presented the financial report for the period ending May 31, 2014. (On file in the City Clerk's office).

Wells requested that the council receive copies of the report so they can follow along.

Long stated the report was not included in the agenda packet. He stated he will print off a copy to have during the report.

Wells suggested they just have their books available at the meeting. He stated they are about in the same place where sales tax is up and water revenue is down.

Mitchell stated that is correct.

Mayor Fitch stated it is helping that expenses are a lot less.

Mitchell commended the department directors for holding the line on expenses. He stated after the report next month the council will be seeing a different format.

Tanner commended the department directors for being conservative with their spending this budget year.

Wells stated all they are doing is getting further behind in their daily operations. These are things they really needed to spend money on.

## REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

COL Waters announced that Saturday, July 5<sup>th</sup> is the big concert on post. Tickets are on sale.

Wells stated he understands that monies from the 2008 CIP have been found to fix the water lines around E and F Avenue. They really need to get that bid out as quick as possible. He questioned if they were going to rebid the audit and get someone else that can get an audit done in a reasonable amount of time even if we have to pay more. They need those numbers in the budget sessions.

Mitchell stated the audit is due to go out for bid for next year. He stated part of the delay has to do with some component units and a lot of the activity that has happened with the 2<sup>nd</sup> Street project.

Wells stated they need to get them done earlier in the year because by the time they get them now the numbers are of no use.

Mitchell stated the audit schedules for 2014 are to be ready by October 1<sup>st</sup>.

Wells stated he would like to recommend that the council allocate \$50,000 out of hotel/motel tax to go to the museum rather than the \$27,000 they got last year. He stated the museum will be closing effective January 1, 2015 for about 9 months to remodel so they will not have any source of income coming in during those months so they will need additional help.

Tanner commended the fire department for testing their apparatus equipment in the parks instead of wasting this water.

Morford questioned the status of the city pool.

Jim Russell, Assistant City Manager, stated that staff has found the problem areas and have made several repairs over the past two weeks. They will start doing some concrete work tomorrow and they believe they have everything taken care of. Staff will be talking with the YMCA next week to get the pool open.

Long reported they have closed with the developer for the project on 67<sup>th</sup> Street. He distributed a report he will be using to show the assignment of any action item that takes place at the council meetings. He is trying to keep the council better apprised of what is occurring as a result of the actions taken at council meetings. He stated they have printed 2,500 copies of the sales tax information sheet and they are working on a program to identify a group of city employees that will be able to speak on the CIP.

Wells questioned how much of the proceeds of the sale of land on 67<sup>th</sup> Street went towards the \$2.5 million loan.

Long stated all of the proceeds went to pay towards that existing note. The amount was \$2.1 million. He stated they had \$415,000 outstanding which they have refinanced at this point.

Mayor Fitch stated the stuffer for the sales tax proposal should go through two cycles in the water bills.

The Mayor and Council convened in executive session at 6:56 p.m. and reconvened in regular, open session at 7:49 p.m. Roll call reflected all members present excluding Bellino-Hall who left the meeting at 6:56 p.m.

#### EXECUTIVE SESSION ITEM:

30. 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.

Jensen read the title of item #30.

MOVED by Wells SECOND by Morford that until the City and IUPA Local 24 are able to reach an agreement for a fiscal year 2014-2015 contract, I move to adopt **Resolution 14-87** extending the current collective bargaining agreement into fiscal year 2014-2015 with the exception that employee merit step increases, which were frozen in fiscal year 2013-2014 collective bargaining agreement, resume in fiscal year 2014-2015 as set forth in the resolution. AYE: Morford, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

31. 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 #30. No action was taken.

There being no further business to consider, the meeting adjourned at 7:51 p.m. upon motion, second and roll call vote.

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FRED L. FITCH, MAYOR

ATTEST:

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TRACI HUSHBECK, CITY CLERK