

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 22, 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 Reverend Gene Spillman, First Christian Church, 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

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 Clarence Fortney, 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:

Judy Neal, President of the Lawton Heritage Association, stated she is here to say thank you for the support from the council throughout the years. They have been able to purchase the Mattie Beal home and renovate it and open it to the public. In the past year they have had over 500 visitors. She invited the council to the open house commemorating Lawton's 113th birthday on August 9th from 1:00 to 4:00 p.m.

Dick McKean, 2415 NW 34th Street, thanked Jim Russell for speaking to his neighborhood watch group about the sales tax extension.

Sally Simpson, 6802 NW Faircloud, stated she is a past member of the board of Lawton Community Theater and current member of board of Lawton Philharmonic. She stated both entities are in financial difficulties and they need the continued support of the council.

Peggy Hightower, Director of Lawton Philharmonic, thanked the council for considering their importance in the community.

Billy Albritton, 2608 SW 69th Street, stated there is a disgruntled neighbor at her father's home and he calls in every six months. She stated the problem is with the neighbor himself. (She distributed pictures of his brush which has fallen into her father's yard). She stated on March 14th they received a letter saying their yard was not mowed. She stated they mowed the yard two weeks before they received the violation. This neighbor goes into backyards just to see what he can turn in as violations for other neighbors. She has complained to city staff numerous times.

Mayor Fitch stated this information will be given to appropriate staff to address this issue.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF MAY 27 AND JULY 8, 2014.

MOVED by Wells SECOND by Jackson to approve the minutes of Lawton City Council regular meetings of May 27 and July 8, 2014. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Fitch stated item #14 needs to be considered separately.

MOVED by Wells SECOND by Burk to approve the consent agenda with the exception of item #14. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Isaiah and Shawna Mohr in the amount of \$1,664.01 (**Res. 14-93**) and Corey Hayes in the amount of \$4,000.00 (**Res. 14-94**). Exhibits: Legal Opinions/Recommendations, Resolution No. 14-____ and Resolution No. 14-____.
2. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Christopher Faries. Exhibits: **Resolution No. 14-95**.

3. Consider renewal of the Retainer Agreement for Professional Services with Jim Avance, to provide professional investigative services to the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
4. Consider extending the Retainer Agreement for Professional and Legal Services with Tom A. Frailey to serve as legal advisor to the Personnel Board on an "as needed" basis when the City Attorney has a conflict of interest, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional and Legal Services on file in the City Clerk's Office.
5. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and McAfee & Taft and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional & Legal Services on file in City Clerk's Office.
6. Consider approving an Interlocal Agreement between the State of Oklahoma Office of Juvenile Affairs and the City of Lawton for the continued operation and management of a Community Intervention Center in Lawton, and authorize execution of the Affidavit of Assignment authorizing payment directly from the State to Marie Detty as the CIC subcontractor. Exhibits: Agreement and Affidavit of Assignment are on file in City Clerk's Office.
7. Consider approving a renewal Agreement between the City of Lawton and the Marie Detty Youth and Family Service Center, Inc. for the continued operation and management of the Community Intervention Center in Lawton and authorize execution of the renewal Agreement and any associated documents. Exhibits: Agreement with Marie Detty Youth and Family Service Center, Inc. is on file in the City Clerks Office.
8. Consider approving the construction of a commercial grade 12' x 12' Premier Pergola near the Korean War Veterans Memorial at Elmer Thomas Park to be sponsored by the Korean War Veterans Association Chapter 319 organization. Exhibits: Park Map for the Memorial Site and the Premier Pergola in Elmer Thomas Park. Cooperative Agreement for Construction and Maintenance of the Korean War Veteran's Memorial on file in City Clerk's office.
9. Consider approving the annual agreement between the Lawton Mobile Meals, Inc and the City of Lawton for the specific purpose of preserving the health and welfare of homebound elderly and/or disabled citizens of Lawton, Oklahoma. Exhibits: Mobile Meals Agreement is on file in the City Clerk's Office.
10. Consider approving the renewal of the annual agreement between the Center for Creative Living Corporation and the City of Lawton for services to senior citizens. Exhibits: Center for Creative Living Agreement is on file in the City Clerk's Office.

11. Consider approving the renewal of the annual agreement between the Delta Nutrition Project and the City of Lawton. Exhibits: Lease Agreement is on file in the City Clerk's Office.
12. Consider approving the renewal of the annual lease agreement between the City of Lawton and the Crossroads Youth and Family Services Center, Inc., dba, Crossroads Head Start/Early Head Start. Exhibits: Lease Agreement is on file in the City Clerk's Office.
13. Consider waiving the City fees associated with the construction of a new building to be used for meetings of the Lawton Original Group of Alcoholics Anonymous. Exhibits: Consider waiving the City fees associated with the construction of a new building to be used for meetings of the Lawton Original Group of Alcoholics Anonymous.
14. Consider approving the construction plans for a 12-inch waterline, median opening, left turn lanes, and a public entrance off of SW Lee Boulevard to serve Lee Commercial Plaza located at the northeast corner of SW 38th Street and SW Lee Boulevard subject to conditions. Exhibits: Location Map

Richard Rogalski, Community Services Director, stated the list of conditions if fairly long and the applicant wanted to make sure that they were not necessarily bound to those because they want to continue discussing some of this with staff. To the motion where it says "subject to conditions listed", they would like to add "or as amended through a mutual agreement between staff and the applicant". This would give them the ability to work this out with staff and get some of these things resolved in a more equitable way.

MOVED by Wells SECOND by Jackson to approve the construction plans for a 12-inch waterline, median opening, left turn lanes, and a public entrance off of SW Lee Boulevard to serve Lee Commercial Plaza located at the northeast corner of SW 38th Street and SW Lee Boulevard subject to the conditions listed or as amended through a mutual agreement between staff and the applicant. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

15. Consider approving the record plat for Auto Land Subdivision located on the northeast corner of SW 3rd Street and SW Roosevelt Avenue. Exhibits: Plat Map.
16. Consider awarding a contract for the Sewer Construction/Wastewater Collection Division Equipment/Material Storage Building Package 1 with Alternate 1 & Street Division Equipment Shed Building Package 2 Project to RCJ Construction of Lawton, Oklahoma in the amount of \$129,900. Exhibits: Bid Tabulation is on file in the Sewer Construction Division's Office.
17. Consider a request to pay a fee in lieu of onsite stormwater detention for the Bishop Schools Parking Lot Project located at 2204 SW Bishop Road in the amount of \$1,092.00. Exhibits: None.

18. Consider approving plans and specifications for the NW Arlington Avenue and NW 35th Street Drainage and Street Construction Project #2012-3 and authorizing staff to advertise for bids. Exhibits: None.
19. Consider extending contract (CL13-006) Nomex Uniforms to Casco Industries Inc. of Oklahoma City, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
20. Consider awarding contract (RFPCL14-054) Temporary Employment Services to Express Employment Professionals of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
21. Consider extending contract (CL13-007) Mowing Contract Areas One & Two (from NW 46th St. to one block East of 6th St. R.O.W. – North and South Side) to Teen Challenge of Oklahoma of Cache, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
22. Consider extending contract (RFPCL13-051) Maintenance of Public Grounds to Bedrock Nursery of Lawton, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
23. Consider extending contract (RFPCL12-043) Credit / Debit Card Acceptance Program to BOKF, N.A. dba TransFund of Tulsa, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
24. Consider extending contract (CL13-047) Jail Food & Supplies to Stephenson Wholesale Co. dba Indian Nation Wholesale of Durant, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
25. Consider approving appointments to boards and commissions. Exhibits: None.

City Planning Commission (CPC)

V. Gay F McGahee
1606 Oklahoma Avenue
Lawton, Oklahoma 73501
UT 01/11/16

Lakes & Land Commission

Dr. Richard Campbell
1002 SW 52nd Street
Lawton, Oklahoma 73505
08/09/2017

Dr. Mark Duncan
8202 NW Stonebridge Court
Lawton, Oklahoma 73505
08/09/2017

26. Consider approval of payroll for the period of July 7-20, 2014.

NEW BUSINESS ITEMS:

27. Consider accepting the annual audit report of the City of Lawton for the year ending June 30, 2013. Exhibits: None. **THIS ITEM WAS STRICKEN.**

MOVED by Wells SECOND by Jackson to request a special council meeting on August 6, 2014 at 1:30 p.m. to have the audit presented. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

28. Consider approving a resolution of support for the Fit Kids of Southwest Oklahoma Coalition and also consider appointing a Council Liaison Committee to foster better coordination and communication with this coalition. Exhibits: Resolution No. 14-__.

Rogalski stated this is a resolution of support for the Fit Kids Coalition.

Kyle Rogers, Program Coordinator for Fit Kids of Southwest Oklahoma Coalition, presented a series of slides regarding the coalition and how it functions. (On file in the City Clerk's Office)

Tanner requested the Mayor appoint members to a liaison committee.

Rogalski requested 2-3 council members be appointed.

Council members Bellino-Hall, Burk and Morford volunteered.

MOVED by Wells SECOND by Tanner to approve **Resolution 14-96** supporting the Fit Kids of Southwest Oklahoma Coalition and appointing council members Burk, Bellino-Hall and Morford to a Council Liaison Committee. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

29. Consider authorizing the Parks and Recreation Department to make a proposal to the National Park Service for an Outdoor Recreation Legacy Partnership Program grant. Exhibits: None.

Kim Shahan, Parks and Recreation Director, stated three weeks ago he was notified by the Chamber Tourism Director concerning a potential grant proposal. He stated that he is here tonight to see if this is a viable option for us to submit to the state agency knowing that we could be awarded and move on to the federal level and if we are awarded that project we would then have to submit that identified funding and how it would be administered. He knows there is no funding available to be allocated for this project, other than the proposed sales tax extension which will be voted on August 26, 2014. He stated there is \$2.5 million directed towards parks and recreation objectives. The funding does not have to be secured, but it has to be identified. He can submit a proposal with the potential that if the citizens of Lawton vote to extend the sales tax and we were awarded this grant we would have the funding in place.

(Shahan presented a series of slides regarding the projects submitted for the Outdoor Recreation Legacy Partnership Program 2014, which is on file in the City Clerk's office)

Burk stated this has great vision and our youth and our citizens deserve this opportunity. If we can get lucky enough to get \$500,000 from the government, then we should go for it. Hopefully we will pass the sales tax extension and we will have those matching funds.

MOVED by Burk SECOND by Haywood to authorize the Parks and Recreation Department to make a proposal to the National Park Service for an Outdoor Recreation Legacy Partnership Program grant. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

Mayor Fitch stated the next two items are identical other than there are some different structured items under these two items. He stated he is going to strike item #31.

30. Consider approving an Agreement between the Lawton Fort Sill Chamber of Commerce, the City of Lawton, and the Lawton Economic Development Authority to fund activities by the Chamber designed to encourage, promote and foster tourism, economic and industrial development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement, Proposed Budget.

Mayor Fitch stated we have \$1.123 million projected for the hotel/motel tax this year. He asked Councilmember Jackson, who was the chairman for the subcommittee, to go over the recommendation which came out of the subcommittee.

Jackson stated after numerous committee meetings over the past 6-8 months, this committee has reached a consensus on the direction they would like to take and they look forward to having a good working relationship with the Chamber of Commerce and the Lawton Economic Development Corporation and their membership.

Bellino-Hall stated she was a member of the committee and with great reservation she will support this item. She stated this started with Councilmember Jackson and the City Manager making a trip to Oklahoma City to visit their chamber. The Oklahoma City Chamber has a contract with the council and it is about performance and accountability. We have not had that before and when it was brought back to our chamber they said they were not going to do this. The committee felt that they had to show accountability because this money belongs to the citizens of Lawton. They eventually did come up with a reasonable contract. She feels the public needs to keep their eyes open on this contract and there are things they need to watch. The contract is between the Fort Sill Chamber of Commerce, the City of Lawton and the Lawton Economic Development Authority. She stated were some concerns on the audit that the city needs to be aware of. She stated in the past week or so she got to understand what the “good ole boys” were and she will be here next year to do this contract. She will, with reservation, support this contract because it does give us some idea of accountability and performance.

Jackson stated he and Councilmember Wells and the City Manager went to Oklahoma City to meet with a proven group. Oklahoma City has it going on and they have a working relationship with their three entities, the Chamber of Commerce, Economic Development Group and their city council, that is one of the best in the nation. When they came back they went to work with this committee to gather this same type of cooperation. After much discussion, he feels that

everyone is excited about the direction this is going to take. They need to continue to work on this to make sure the direction they are going is positive.

Bellino-Hall stated she is not sure the chamber really knows how to do this and that may have been some of the hesitancy of how you produce that on performance and accountability.

Morford stated he does not think we know how to do this either. Give them a year and we can work with them to put this together where it makes sense.

Bellino-Hall stated this is community money and it needs to be transparent and we need something to show for this money. We put on a lot of activities, but did it produce anything for this community. In Oklahoma City, their chamber is very enthusiastic and they work with their city council and the business community and this is important if we want to move forward with this.

Wells stated the Mayor, Debra Burch and four or five community leaders attended the meeting in Oklahoma City and he feels the chamber is on board with the performance agreements now and he feels they made a lot of headway.

Mayor Fitch stated the meeting was organized by Phil Kennedy, Barry Albrecht and Debra Burch and the invitation was given to council members and the business community. Basically they will have three agreements, one agreement which will be the contractual flow of the cash from hotel/motel fund to the chamber which will be 70% which the chamber and LEDC will work out how that percentage goes to each other. The 11% will go into the economic development fund which will be \$123,530 and then 14% into tourism and 5% to LETA. We currently have a carryover of \$423,121 and that will go into the economic development reserve fund. There will be a mutual consent of the chamber and the council on the utilization of those funds for economic or tourism projects within in the community. This should give us a projected carryover next year of about half million dollars upwards to \$600,000. That is beginning to build a war chest of where we will have dollars for benefits for companies that are trying to come here. We also have a great partner in the Comanche County Industrial Development Authority which has funds that will be utilized in this area also. There will be tourism funding of \$110,000 and that will remain with the council.

Morford stated that will cover the arts organizations.

Mayor Fitch stated he felt good to withdraw the option on item #31 because he had meetings with other council members, LEDC and the chamber and by changing the 50/50 funding split they will be able to work it out and both entities will be satisfied with the amount of money they will get. He stated this contract will be backdated to July 1st so that funds can be dispersed immediately.

MOVED by Jackson SECOND by Wells to approve the agreement between the Chamber of Commerce, the City of Lawton Economic Development Authority to fund activities by the Chamber and its subcontractor, the Lawton Economic Development Corporation, with an amendment to Section 5A, paragraph B, deleting the requirement for a 50/50 funding split

between the Chamber and the LEDC and restating the requirement to provide the Chamber in turn agrees to allocate funds received by the Chamber from the City to the Corporation to perform the professional services required of the Corporation under the subcontract. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

31. Consider approving an alternative proposal to the Council Committee recommendation regarding an Agreement between the Lawton Fort Sill Chamber of Commerce, the City of Lawton, and the Lawton Economic Development Authority to fund activities by the Chamber designed to encourage, promote and foster tourism, economic and industrial development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement (ref. Council Committee Agreement) and Mayor's Budget Proposal #2. **STRICKEN**
32. Consider approving a supplemental budget amendment increasing both revenues and expenditures in the amount of \$1,123,000 within the Hotel/Motel Activity for the City of Lawton's Fiscal Year 2014-2015 budget and approving a resolution amending the same. Exhibits: Resolution No. 14-__.

MOVED by Jackson SECOND by Wells to approve **Resolution 14-97**, a supplemental budget amendment for Fiscal Year 2014-2015 in the amount reflecting the total anticipated revenues and expenditures in the amount of \$1,123,000 for the hotel/motel sales tax activity. The portion allocated to this activity are as follows: 1) Chamber of Commerce and the Lawton Economic Development Corporation is \$786,100, 2) Tourism is \$110,000, 3) Economic Development Fund is \$123,530, a) anticipated tourism carryover of \$47, 220 will be added to the economic development fund and 4) Lawton Enhancement Trust Authority is \$56,150. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Tanner stated he had a meeting in early July with Kyle Rogers, Coordinator of Fit Kids Coalition and the Chairman, Dr. Cooper to discuss cooperation between Fits Kids and the City. He liked their ideas and asked what he could do for them and they came up with a plan of action to form a resolution of cooperation and a liaison committee which is what was approved tonight. He has spoken to the City Attorney who said that we would be allowed to have four council members on this committee. He requested that he be appointed to the Fit Kids liaison committee that was formed earlier in the meeting.

Mayor Fitch approved the appointment of Councilmember Tanner to the committee.

Bellino-Hall stated she has received multiple calls regarding the flushing of the fire hydrants. She received a suggestion that crews put out orange cones around the hydrant which say "flushing hydrant" with a number to call so that people know that someone is not doing a prank. She stated every airport she has seen is beautifully landscaped and when she flew into the Lawton airport there was grass in the plantings, the crepe myrtles had not been trimmed and the big planter was full of grass. She went out and trimmed and sprayed everything last weekend,

but she does not want to see this ever again. This is our “hello” to Lawton and we need to get that taken care of.

FINANCE REPORT

Brooks Mitchell, Finance Director, presented the financial report for the period ending June 30, 2014. (On file in the City Clerk’s office). He stated at the next meeting he will present a budget breakdown of what the monthly budgeted items should be so the council can have a little better information as to where we are.

Wells asked the status of the new police cars.

Chief James Smith, Lawton Police Department, stated the vehicles are in at Billingsley Ford and they are waiting to be equipped.

Burk stated this is all being done by local businesses and this supports local jobs.

The Mayor and Council convened in executive session at 7:39 p.m. and reconvened in regular, open session at 8:44 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEM:

33. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending claim relating to the City of Lawton Hotel Tax and the Apache Casino Hotel, and if necessary, take appropriate action in open session. Exhibits: None.

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

34. 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 #34. No action was taken.

There being no further business to consider, the meeting adjourned at 8:45 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK