

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
SEPTEMBER 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 6:04 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Dewayne Hall, Get the Word Out 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

PRESENTATION OF CITIZEN OF MONTH FOR SEPTEMBER 2014 TO KYLE ROGERS

Mayor Fitch presented a Certificate of Commendation from the Mayors Office to Kyle Rogers.

PROCLAMATION FOR NATIONAL PREPAREDNESS MONTH (STRICKEN)

Chief James Smith, Lawton Police Department, invited everyone to the annual Cops and Kids picnic at Elmer Thomas Park from 10:00 a.m. to 1:00 p.m.

AUDIENCE PARTICIPATION:

Mike Dudley, 1006 SW B Avenue, stated we have a problem with water in Lawton. He is not complaining about the water restrictions, but there is a lot of wasted water. There were photos posted on Facebook of Taco Bell at 67th and Cache Road with water gushing into the street because of a broken sprinkler head. He has two suggestions, one is to require that median and business sprinkler systems be converted from spray nozzles to drip systems. The other suggestion is to require the car washes to install a recycle system. With regards to the water

restrictions, he has heard a lot of complaints about the times citizens are authorized to water. They would prefer to have it from 6 a.m. to noon rather than midnight to 9 a.m.

Bellino-Hall stated commercial sprinkler systems go on during the night so the business owner does not know what is happening. She suggested if they see this they need to call the business and let them know. Her system at her business goes on at 2 a.m. and she would not know if there was a leak unless someone let her know.

Avery Finnell, 1441 NW 24th Street, stated he would like to see a focus on providing rehabilitation programs for high school drop outs and individuals that have been in trouble. A lot of what they have done has kept them from getting jobs and growing as individuals. Education is hard to come by especially if you go to jail. He would like to be involved in any planning on this issue.

Mayor Fitch stated this is a concern for many people and he has visited with many agencies that are working in this area and there is a lot of activity with this issue. With the sales tax extension there is money for programs within the school system.

Tanner stated he read that Job Corps has been targeted to be closed down because of low performance levels. He would like the council to form a consensus and fight for Job Corps.

Mayor Fitch suggested Councilmember Tanner study this issue and bring it back to council.

Bellino-Hall stated there are people who have felonies on their record for things that really should not hold them back from getting a job the rest of their lives. There is a nationwide organization of lawyers who will try to get these expunged from records, but she cannot find this organization. She suggested Mr. Finnell search this out.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF AUGUST 12 AND AUGUST 26, 2014.

MOVED by Wells SECOND by Burk to approve the minutes of Lawton City Council regular meetings of August 12 and August 26, 2014. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Fitch stated items #1 and #15 need to be considered separately.

MOVED by Burk SECOND by Haywood to approve the consent agenda with the exception of items #1 and #15. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Azelda Gutierrez in the reduced amount of \$1,669.52 (**Res. 14-111**), Carl Fleming dba, Shine Car Wash in the amount of \$948.64 (**Res. 14-112**), Joie Thigpen in the reduced amount of \$2,623.33 (**Stricken**) and Aaron and Kristen Payne in the reduced amount of \$1,512.54 (**Res. 14-113**). Exhibits: Legal Opinions/Recommendations. Resolution 14-____, Resolution 14-____, Resolution 14-____, Resolution 14-____.

MOVED by Burk SECOND by Wells to approve all damage claims with the exception of the Thigpen claim. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

2. Consider the following damage claims recommended for denial: Leonora Moore in the amount of \$700.00 and Helen Mazzo in the amount of \$182.50. Exhibits: Legal Opinions/Recommendations.
3. Consider approving an Agreement between the Armed Services YMCA and MOAA Auxiliary and the City of Lawton to fund activities by the Auxiliary designed to encourage, promote and foster tourism in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget.
4. Consider approving an Agreement between the Museum of the Great Plains Authority and the City of Lawton to fund activities by the Authority designed to encourage, promote and foster tourism and economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget.
5. Consider approving an Agreement between the Lawton Community Theatre and the City of Lawton to fund activities by the Theatre designed to encourage, promote and foster tourism in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget.
6. Consider approving an Agreement between the Lawton Philharmonic Society, Inc., and the City of Lawton to fund activities by the Society designed to encourage, promote and foster tourism and economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget.
7. Consider approving an Agreement between the Lawton Heritage Association and the City of Lawton to fund activities by the Association designed to encourage, promote and foster tourism in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget.

8. Consider accepting a grant of \$100,000.00 and entering into a grant agreement with the Oklahoma Highway Safety Office to target and reduce the number of alcohol-related crashes in the City of Lawton. Exhibits: A copy of the grant agreement summary is on file in the City Clerk's office.
9. Consider repealing the Resolution adopted November 25, 1969, which placed responsibility and management of the Lawton Fine Arts Collection with the Lawton Arts and Humanities Council, thereby returning responsibility and management of the Lawton Fine Arts Collection to the City of Lawton. Exhibits: **Resolution No. 14-114**; November 25, 1969 Resolution.
10. Consider approving instructor's contracts with Kenneth Hobbs (\$562.50), Catherine Daugherty (\$412.50), Kathleen Long (\$262.50) and Danielle Coates (\$225.00) for the Children's Art Studio Fall 2014 semester. Exhibits: Contracts on file in City Clerk's office.
11. Consider approving contract with Lawton Community Theatre for two performances of "Freckleface Strawberry the Musical" on Friday, February 6, 2015. Exhibits: Contracts on file in City Clerk's office.
12. Consider accepting Federal Fiscal Year 2014-2015 supplemental grant award from the Federal Corporation for National and Community Service (CNCS) for Retired and Senior Volunteer Program (RSVP). Exhibits: Federal CNCS Notice of Grant Award, Amendment 4. Amendment 3 is on file in City Clerk's office.
13. Consider approving the construction plans for waterline and sanitary sewer line to serve the House of Cool located at 7401 NW Cache Road subject to conditions. Exhibits: Location Map.
14. Consider approving the record plat for Pappys Corner located on the south side of SW Lee Boulevard, east of SW 52nd Street. Exhibits: Plat Map.
15. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: Northbound and southbound 2nd Street between NW Ferris Avenue and SW 'C' Avenue; on eastbound and westbound W Gore Boulevard near NW 2nd St; on westbound NW Ferris Avenue near NW 2nd Street; on eastbound and westbound SW 'C' Avenue near SW 2nd Street; on NW Lindy Avenue and on NW 22nd St near old Jackson Elementary School; and on the west side of SW 5th Street between W Gore Boulevard and SW 'A' Avenue. Exhibits: Resolution 14-__ and Traffic Commission Minutes and Traffic Issue Requests.

Burk stated the intent of this item was that they are trying to make the downtown area a pedestrian friendly location as it is being developed. They wanted to make sure they were not impeding deliveries to any businesses and helping them find alternate routes for big delivery trucks. He stated they have asked that they be no bigger than 5 ton trucks, but they also

understand there will be times when they will have to make deliveries happen in bigger trucks. He stated Councilmember Tanner has an amendment to this motion.

Tanner stated there is a lot of money invested in 2nd Street and they don't want to make it a major truck route. He stated they also need to consider the current businesses and their ability to have things delivered to them.

MOVED by Tanner SECOND by Burk to approve **Resolution No. 14-115** with the following amendment to subsection 1 of section 1 which will read “no trucks in excess of five tons are authorized to drive between Ferris Avenue and C Avenue on 2nd Street, but may temporarily use a portion of 2nd Street between Ferris Avenue and C Avenue when maneuverability limitations are such that make it impossible to otherwise complete a delivery to a business located adjacent thereto. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

16. Consider accepting a permanent easement and a temporary easement from Therman & Maunan French, husband and wife & Murray Blake French, a single person, 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.
17. Consider awarding a construction contract to MTZ Construction, Inc. for the NW Arlington Avenue and NW 35th Street Drainage and Street Construction Project #2012-3. Exhibits: None.
18. Consider extending contract (CL13-014) Topsoil to Ballou Topsoil of Elgin, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
19. Consider extending contract (CL13-011) Fluorosilicic Acid to Univar USA, Inc. of Bedford, IL for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
20. Consider extending contract (CL13-012) Employee Physicals/Drug Screen Testing Section B (Drug Screens) to Allied Lab, Inc. of Lawton, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
21. Consider extending contract (CL13-012) Employee Physicals/Drug Screen Testing Section A (Physicals) to Comanche County Memorial Hospital (Center for Occupational Health) of Lawton, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.

22. Consider approving appointments to boards and commissions. Exhibits: None.

Julie S. Young
At Large City Limits
4522 NE Highlander Circle
Lawton, Oklahoma 73507
Unexpired Term 03/12/15

Brandi Whatley
Ward 3
1116 NW 52nd Circle #8
Lawton, Oklahoma 73505
Unexpired Term 6/29/15

23. Consider approval of payroll for the period of August 18-31, 2014.

NEW BUSINESS ITEMS:

24. Consider accepting a donation of \$7,500.00 from Fidelity Communications to be used for public access channel broadcast equipment, and provide direction on the purchase/utilization of the equipment. Exhibits: Donation Letter from Fidelity Communications.

Jensen stated while they were negotiating the renewal of the Fidelity Cablevision franchise, they had some discussion about three of the channels that are offered by Cablevision. Channel 2 is a government access channel, channel 8 is the educational channel and channel 97 is called the public access channel and Cablevision pointed out to staff that this channel was underutilized. That channel is a City of Lawton channel that is designed to broadcast community events. To help with the utilization of that channel, the headquarters of Fidelity wanted to donate \$7,500 to purchase camera equipment that would be suitable for television programming. He stated staff needs some direction on how to proceed with the donation, if accepted. He met with Councilmember Haywood and Kim Shahan, Parks and Recreation Director.

Kim Shahan, Parks and Recreation Director, stated the equipment will be used to create programming within the framework of particular organizational structures such as faith based organizations, arts and entertainment organizations and city based organizations. Organizations will be able to tape events and create the programs which will be aired by the station. Parks and Recreation Department will be issuing the equipment to these groups. He spoke with Dr. Matt Jenkins from Cameron University and they have developed in-house media broadcasting programs which can actually go on channel 97. They would also be interested in developing some activities with the City, for example if a program is taped and then submitted to them for help in editing. After they receive the equipment staff would bring back a plan to council on how it would be implemented.

Mayor Fitch stated this is an opportunity for the city to get the message out with regards to things going on within the city.

MOVED by Haywood SECOND by Tanner to accept a donation of \$7,500.00 from Fidelity Communications. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

25. In accordance with §10-16-1604 Sections B and E, of Lawton City Code 2005, the City Manager is petitioning the council to consider authorizing the use of funds from the Emergency Reserve Fund to be reimbursed from the 2015 Sales Tax Extension in the amount not to exceed \$400,000 committed for the purpose of emergency management for design and installation of a booster chemical injection system at the 7 million gallon storage tank located at NW 67th Street and Atlanta. Exhibits: None.

Jackson questioned if it would make more sense to place it farther south since we seem to be having more trouble on the south side of town.

Jerry Ihler, Public Works Director, stated the entire west high zone is pumped from that 7 million gallon storage tank area and they feel if they put the booster pump station there it will flow to the whole area. They are also looking at trying to loop the lines on the south side of Bishop and trying to possibly do some additional mixing in the elevated tank. They feel that this is the best location based on the information they have.

Mayor Fitch stated he does not think you can just inject it into a line that is within the city.

Ihler stated they will have two tanks because they feed chloramines and each of those have to be provided at an exact dosage and the dosage amount overall flow is based on the flow rate going through the line which constantly changes. They basically will be injecting just downstream of the tank.

Haywood questioned the size of the water lines from 38th to 67th on Lee.

Ihler stated a 24 inch water line runs down Lee Boulevard. The difference in the west high zone and the low zone is at 52nd Street. There is a dead end line coming from the east that stops at 52nd from the low zone and you have a dead end line that comes from the west for the high zone that's on the elevated storage tower at 82nd Street, that ends at 52nd to keep those zones separated. Our worst area is at that Taco Mayo location where that dead end is. They have done multiple things to see if they can improve that system.

Tanner stated the reason they are discussing this issue is to address the public outcry they have had because of the fire hydrants being open for prolonged periods of time. Once the chlorine levels get so low they have to build them back up and the only way to do this is to pump it out. What they want to do is put in this injection system to help build the chlorination in these areas and hopefully they will not have to pump as much water out of these hydrants.

Ihler stated the goal is to raise the chlorine level from two to a four which will give us a higher residual. He stated when they put this in, it does not mean that we will never flush again. There will always be a requirement to flush, but this will reduce the amount of flushing significantly.

Zarle questioned how long it has taken to create this issue.

Ihler stated they have been flushing for as long as he has been here, which is over thirty years. What has made it so noticeable is that we have never been in stage three water restrictions or in drought condition and we did not have developments out in that area.

Burk stated he wanted to make sure that citizens know that the fire department still has to test the fire hydrants so that they know they are safe.

Ihler stated we still need to do that to be able to ensure that the hydrant will provide adequate fire flow.

Mayor Fitch stated the fire equipment has to be tested to make sure everything is functioning.

MOVED by Wells SECOND by Morford to authorize the use of funds from the Emergency Reserve Fund to be reimbursed from the 2015 Sales Tax Extension in the amount not to exceed \$400,000 committed for the purpose of emergency management for design and installation of a booster chemical injection system at the 7 million gallon storage tank located at NW 67th Street and Atlanta 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 July 31, 2014. (On file in the City Clerk's office)

Jackson stated with the concern about the adjustments with the budget already and the lack of funds because of water restrictions, he hopes that city management is all over addressing the possible revenue shortfall.

Long stated he does not think there is any reason to sound an alarm yet. This is one month out of the fiscal year. They are cautiously optimistic, but they are paying attention to what that trend will develop into.

Jackson stated it is obvious that we are asking people to conserve water and they are.

Long stated it is not a question if we have some shortfall, the question will be how much. A lot of that will depend if they bring back a recommendation to the council for some type of drought schedule or some other provision to consider.

Wells stated based upon the budget revenue, we are actually a little above the point we should be at this time of year, we are supposed to be at 833 and we are at 859 on water. If we collect \$1.5 million in water revenue every month, that will make the \$18,332,000 projection for the year. We are a little above on water based on the budget.

Long stated it is one month and he does not want to take this as an omen of what is to come, but they do need to report that these are the numbers. We are going to be watching them cautiously.

Burk stated he appreciates the new ledgers. He stated Lawton Marketplace sales tax is at almost \$44,000 for July and Lawton Town Center is at \$40,400. There is not much difference between the two with sales tax generated and he feels that is pretty unique. If you can figure \$1 million or \$1.2 million out of those two centers, that is a decent win for the first year in Lawton.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Burk stated he is concerned with some of our mowing contracts. We are paying people to mow and we have roadways that have grass growing over the curbs into the streets. Before we renew contracts, he would like us to look at the requirements to maintain the cleanliness of the street. He does not know why we don't require these contractors to blow the grass out of the street. There needs to be some oversight on these contracts to make sure that the maintenance is done.

Bellino-Hall questioned who was responsible for monitoring the contracts.

Long stated there are contracts for nuisance abatement and contracts for parks and recreation. Those can change every year. Parks and Recreation monitors the contracts for the area that Councilmember Burk is talking about.

Burk stated he would like to see some improvement on this issue. We should be getting what we are paying for.

Tanner stated he has received photos from his constituents regarding 2nd Street and Ferris.

Mayor Fitch stated there is trash and concrete that was part of the responsibility of LEDA and they have gotten an estimate. There was high cost associated with this and they have a proposal from a local contractor who will dispose of the debris on his own land. They are waiting on an answer from the developer who will also share in the cost. They hope to address this issue in the next few weeks.

Long thanked the citizens for approving the 2015 sales tax proposal.

Mayor Fitch stated there will be a pinning ceremony for new firefighters on Friday, September 19th at 2:00 p.m. in the banquet hall.

The Mayor and Council convened in executive session at 7:07 p.m. and reconvened in regular, open session at 8:30 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEM:

26. 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 #26. No action was taken.

27. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of Bryan Long, City Manager, and if necessary, take appropriate action in open session. Exhibits: None.

Mayor Fitch read the title of item #27. No action was taken.

There being no further business to consider, the meeting adjourned at 8:31 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK