

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
FEBRUARY 24, 2015 – 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 6:26 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 OKLAHOMA MUNICIPAL LEAGUE HONOR ROLL OF SERVICE

Mayor Fitch recognized Cindy Price, IT Division, for her 25 years of service.

PRESENTATION OF THE AWARD RECEIVED FROM OKLAHOMA STATE  
DEPARTMENT OF HEALTH FOR THE CITY OF LAWTON ACHIEVING THE  
EXCELLENCE LEVEL AS A CERTIFIED HEALTHY COMMUNITY.

Richard Rogalski, Community Services Director, and Kyle Rogers, Fit Kids Coalition, presented Councilmember Morford with an Award of Excellence as Lawton has achieved the gold standard for a Certified Healthy Community within Oklahoma. He stated Lawton is the only metropolitan city that achieved this honor. There are 33 cities that have met the gold standard. He stated the City of Lawton applied for a grant of \$165,000 from the Tobacco Settlement Endowment Trust and he just found out that we have been awarded that grant.

AUDIENCE PARTICIPATION: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF FEBRUARY 10, 2015.

MOVED by Wells SECOND by Jackson to approve the minutes of February 10, 2015. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Brooks Mitchell, Finance Director, question if seasonal meters were to be exempt on item #4.

Wells stated seasonal meters will not have the surcharge.

Mitchell stated that is not the way the exhibit was drafted so he wanted to make that clarification.

Mayor Fitch stated item #4 will pulled so that the council may add this to the motion.

Wells stated there are 394 seasonal meters, but we only read those from April 1<sup>st</sup> to September 30<sup>th</sup>, so we will not add the surcharge.

MOVED by Wells SECOND by Haywood to approve the consent agenda with the exception of item #4. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Haywood, Wells. NAY: Zarle. MOTION CARRIED.

1. Consider the following damage claim recommended for denial: Raven and Matthew Pointek in the amount of \$2,685.00. Exhibits: Legal Opinion/Recommendation.
2. Consider approving a resolution authorizing and calling for an election in the City of Lawton, State of Oklahoma, for the purpose of setting the dates for the 2015 primary and general municipal elections for the Mayor and designated City Council seats and authorizing the Mayor to issue an election proclamation. Exhibits: **Resolution No. 15-19** and Election Proclamation.
3. Consider accepting a \$4,600.74 donation to the Library from the Friends of the Library to be designated for programming, supplies, printing and library material purchases. Exhibits: None.
4. Consider a resolution amending Sections 22-111 and 22-112, Article A-22-1, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, as amended, by establishing a \$1.00 surcharge on each City of Lawton utility billing per meter, and per units or submeters served by said meter, as approved by the Lawton Water Authority, for the purpose of identifying and obtaining alternative water sources and establishing an effective date. Exhibits:, Exhibit A - Sections 22-111 and 22-112, Article A-22-1, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005.

Mayor Fitch stated this would include all meters except seasonal meters which are only billed six months out of the year.

MOVED by Wells SECOND by Haywood to approve **Resolution No. 15-20** exempting seasonal meters. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: Burk. MOTION CARRIED.

5. Consider adopting a resolution in conjunction with the Great Plains Technology Center to rename the 900 Building located at 4500 W. Lee Blvd. which currently houses the Police Training Division and E-911 Emergency Communication Facility as the “Jim Nisbett Emergency Communications Center”. Exhibits: **Resolution 15-21**.
6. Consider approving the construction plans for waterline and sanitary sewer line to serve Cache Road Professional Center located at 5105 NW Cache Road subject to conditions. Exhibits: Location Map.
7. Consider approving the record plat for the Replat of Lots 7A & 7B, Block 1, of the Replat of Lots 2 & 7, Block 1, Lawton Industrial Park, Part 1, located north of SW Lee Boulevard and east of SW Goodyear Boulevard. Exhibits: Plat Map.
8. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on Eastbound and westbound SW Dove Creek Boulevard between SW 54<sup>th</sup> Street and SW 55<sup>th</sup> Street; and on northbound NW 16<sup>th</sup> Street at the intersection of NW Laird Blvd. Exhibits: **Resolution No. 15-22**, Traffic Commission Minutes and Traffic Issue Requests.
9. Consider acknowledging completion of the Phase 2 Environmental Site Investigation Report for the Vacant Property South of Gore Boulevard between Railroad Street and Larrance Street Project # 2014-06 as completed by C.H. Guernsey and Company. Exhibits: Final Site Investigation Report available at Engineering Office.
10. Consider awarding a construction contract to Alfred Espinoza dba A.E. Construction Co. for the 2012 CIP Local Street Reconstruction Phase II Project #2012-11. Exhibits: List of Phase II Projects.
11. Consider accepting a warranty deed from MSH-JTC, LLC., an Oklahoma Limited Liability Company for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
12. Consider accepting a warranty deed from Eyal A. Revah, a single person, for right of way needed for the SW 52<sup>nd</sup> Street Project# 2012-4, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.

13. Consider approving a bid from Arvest Bank to provide financing at 1.46% for the purchase of two pumper trucks approved by Council on January 13, 2015 and a Ladder Truck approved by Council on January 27, 2015. Exhibits: Schedule of Payments of Financing Costs.
14. Consider extending contract (CL14-021) Precast Concrete Manholes to Primary Structure Inc. of Guthrie, OK for an additional year. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
15. Consider awarding contract (CL15-028) Industrial Forklift to Capital Lift Truck of Oklahoma City, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
16. Consider extending contract (RFPCL13-024) HDW/SFW Support Agreement to Abtech Technologies of Carlsbad, CA for an additional year. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
17. Consider approving appointments to boards and commissions. Exhibits: None.

**Airport Authority**

Sean Fortenbaugh  
817 NW Thornbury Drive  
Lawton, Oklahoma 73505

18. Consider approval of payroll for the period of February 1 - 15, 2015.

**NEW BUSINESS ITEMS:**

19. Hold a public hearing and consider an ordinance closing the south 12 feet of street right-of-way along SW J Avenue, west of SW 11<sup>th</sup> Street, adjacent to Lot 1, Block 25, Waldman Addition. Exhibits: Ordinance No. 15-\_\_\_, Location Map. Hold Harmless Agreement on file in the City Clerk's Office.

Rogalski stated on January 13, 2015, Council set a date of February 24, 2015, to hold the public hearing for this proposed closure. The request is to close the south 12 feet of street right-of-way along SW J Avenue, west of SW 11<sup>th</sup> Street, adjacent to Lot 1, Block 25, Waldman Addition. The applicant, Dale Miller, has requested to close this portion of street right-of-way along SW J Avenue because the existing structures located on his property, at 1001 SW 11<sup>th</sup> Street, encroach approximately 9 feet into the public street right-of-way. The structures were constructed around 1940. The City of Lawton has a 6-inch waterline in the south street right-of-way of SW J Avenue, which is approximately 7.7 feet from the existing structures. Public Works has requested a Hold Harmless Agreement, which has been received, from the property owner for the proposed closed portion of the street right-of-way which will be filed of record in the Comanche County Clerk's Office. PSO, CenterPoint Energy and Fidelity do not have utilities within this portion of the street right-of-way and do not object to the closing. Notice of public hearing was mailed to 20 property owners within 300 feet of the requested area on January 20, 2015, and

notice was published in *The Lawton Constitution* on February 11, 2015. No objections to this closing have been received by area property owners.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Tanner SECOND by Haywood to adopt **Ordinance 15-03**, waive the reading of the ordinance, read the title. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 15-03

An ordinance closing the South 12 feet of street right-of-way along SW J Avenue, West of SW 11<sup>th</sup> Street, adjacent to lot 1, block 25, Waldman Addition with an effective date of 30 days from today.

20. Consider holding a monthly Animal Adoption event at the Animal Welfare building and waiving adoption fees for the event. Exhibits: None.

Burk stated as he visited the animal shelter and saw rescue groups taking pets, he wondered why we could not have our own adoption day. Eventually all the kennels get full and we have to have ways to get those pets back out into the community with people who will take care of them. We should be trying to help the situation instead of depending on groups from across the city. We need an event where we can show off our animals. He has asked the Humane Society to help us with the event.

MOVED by Burk SECOND by Wells to hold a monthly Animal Adoption event at the Animal Welfare building and waive adoption fees.

Russell Anderson, Animal Welfare Division, stated they have done well with the pushes on their Facebook page but they have already hit the 90% mark and they are looking at euthanasia. There are things they can do in the community as far as fostering and getting with the local rescues. They are the only shelter in all of Southwest Oklahoma that actually houses animals. The rescue groups reach out to each person. Reaching out to the community and having these events will give them time to get those animals moved out and give them more room. He feels this will be a very positive thing for the shelter.

Mayor Fitch stated he has been to the shelter and worked with Russell and he appreciates the work the staff does and the pride they takes in their jobs and the changes that are being made.

Tanner stated the adoption fee is \$80, so they are just taking \$15 off of that amount.

Anderson stated every dog at these events will already be spayed or neutered so there will be no \$35 deposit.

Tanner questioned the total cost.

Anderson stated it will be \$15. The adoption fee is what they are waiving.

Tanner stated the lower we can keep the cost the more animals will be adopted.

Burk stated the plan is to have this event once a month on the first Saturday of every month. We want to empty that shelter every single month and to make it where we are becoming a no kill facility. We can become this if we all work together.

Morford questioned if we do back ground checks.

Anderson stated they actually do run the applicant through the computer and if they have any animal related incidences they are not eligible.

Tanner stated since he is on the animal welfare committee he has been looking at what other cities around the state have been doing in their practices. In Oklahoma City, to adopt one of their animals it is \$60 which includes shots and spay/neuter and they will cut that price in half if the animal is undesirable such as an older animal or one with special needs or it has been there for a little longer. He suggested the council may look at something like this policy.

Anderson stated any changes that help cut down on euthanasia is a positive.

VOTE ON MOTION: AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

#### FINANCE REPORT

Mitchell stated the finances at the animal shelter are divided into three separate funds. Fund 18 is the animal neuter fund which is used to neuter the adopted pets and we can use surplus funds in that particular fund for educational purposes if we need to. From July 1, 2014 through last Friday the fund brought in approximately \$23,000 in revenue. This fund has about \$120,000 in the bank. Fund 23 is the animal donation fund which has a balance of \$20,645.28. Fund 42 are funds used for operations and capital outlay. Revenues this year are \$34,692.50 and the fund has a balance of \$424,000, so there is money for improvements if needed.

Mitchell presented revenue and expenditure highlights for period ending January 31, 2015. (On file in the City Clerk's office).

Jackson stated they are looking at water sales of approximately 10% less for the year and he wants to make sure the City Manager and the Finance Director are on top of the effort to balance the budget.

#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells stated the council received a copy of a letter from Larry Wolcott regarding Snow Peak, LLC which is a company that a committee has been working with for over a year regarding a recycling program. He stated they keep pulling deals together and they keep falling apart.

Wolcott has recommended that we cease negotiations with Snow Peak and pursue additional sources of waste tonnage from Ft. Sill and surrounding communities to make a mixed waste recycling facility more economically feasible. After increasing our tonnage to a value that better suits the market, we could then reissue an RFP to potentially attract additional interested vendors for the best possible facility for the region. He would like to ask the council to concur with this recommendation so we can get on with the possibility of recycling at some point in the future.

Burk stated he feels they have tried to work through some of the issues that we had but sometimes things just don't work out. He feels they need to go back to square one and look at it from a different angle. He does believe it is something we need to address.

Wells stated he attended a Freedom Fest meeting and he was going to ask COL Waters about providing some tents and people to help with the July 4<sup>th</sup> celebration. Since COL Waters is not in attendance he requested the City Manager contact him. They are looking at 3-4 tents of a couple different sizes and at least one or two with porta-coolers. They would also need volunteers to help with parking.

Haywood recognized Cameron students in attendance. He also thanked Councilmember Zarle for all the things he has done and for serving the city.

Zarle thanked those who have given him the opportunity to serve Ward 6. He invited everyone to the swearing in ceremony on Monday, March 2<sup>nd</sup> at 9:00 a.m.

Mayor Fitch presented a plaque to Councilmember Zarle. He thanked him for the many years he has served.

Tanner thanked Pleasant Valley Baptist Church for all the support he and his family have received. He thanked Councilmember Zarle for his service.

Burk thanked Councilmember Zarle for being a part of this council.

The Mayor and Council convened in executive session at 7:12 p.m. and reconvened in regular, open session at 8:36 p.m. Roll call reflected all members present.

#### EXECUTIVE SESSION ITEMS:

21. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Kailee King and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #21. No action was taken.

22. 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 #22. No action was taken.

23. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending grievance from the International Union of Police Associations (IUPA), AFL-CIO, Local 24 over the recently enacted tobacco free ordinance and take action in open session, if necessary.

Jensen read the title of item #23.

MOVED by Jackson SECOND by Haywood to authorize the City of Lawton to participate in mediation with the IUPA Local 24 in an attempt to resolve this grievance and further move to appoint Councilperson Wells as Council representative to attend any such mediation session that may be scheduled. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

24. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Bryan Long as City Manager, and in open session take other action as necessary. Exhibits: None.

Mayor Fitch read the title of item #24. No action was taken.

25. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending investigation by the Oklahoma State Board of Veterinary Medical Examiners concerning the Lawton Animal Shelter, and if necessary, take appropriate action in open session. Exhibits: None.

This item was stricken from agenda.

There being no further business to consider, the meeting adjourned at 8:39 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