

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MARCH 8, 2016 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Jerry Ihler, 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 6:01 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Garrett Bookout, Northwest Church of Christ, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bob Morford, Ward One
Rosemary Bellino-Hall, Ward Three (arrived @ 6:10 p.m.)
Jay Burk, Ward Four
Dwight Tanner, Jr., Ward Five
Cherry Phillips, Ward Six
V. Gay McGahee, Ward Seven
Doug Wells, Ward Eight

ABSENT: Keith Jackson, Ward Two

AUDIENCE PARTICIPATION: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF FEBRUARY 9, 2016.

MOVED by Wells SECOND by Burk to approve minutes of Lawton City Council regular meeting of February 9, 2016. AYE: Morford, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Fitch stated item #8 will be stricken from the agenda and item #11 be considered separately.

MOVED by Burk SECOND by Jackson to approve the consent agenda with the exception of items #8 and #11. AYE: Morford, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Southwestern Bell Telephone dba, AT&T Oklahoma in the amount of \$1,067.74 (**Res. 16-15**), Soon Seop Hong in the reduced amount of \$4,366.12 (**Res. 16-16**); Gail and Edward Phillips in the amount of \$4,957.99 (**Res. 16-17**); and Sherri and Robert Conwell in the amount of \$3,570.46 (**Res. 16-18**). Exhibits: Legal Opinions/Recommendations, Resolution 16-___, Resolution 16-___, Resolution 16-___ and Resolution 16-___.
2. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Raymundo Quiroga Jr. Exhibits: **Resolution No. 16-19**.
3. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in making payment on the judgment in the Workers' Compensation case of Jereld Young in the Workers' Compensation Court of Existing Claims, Case No. 2014-10921J. Exhibits: **Resolution No. 16-20**.
4. Consider accepting a donation of \$500.00 from The Council of Korean Churches of Lawton, and approving the deposit of these funds into the Lawton Fire Prevention-Education Fund (026-1195-000-00-02010000). Exhibits: None.
5. Consider a recommendation from staff to reclassify the current Telecommunicator position into three separate classifications consisting of Telecommunicator I, II, and III. Exhibits: Pay Range for the three positions.
6. Consider authorizing staff to prepare a Request for Proposal (RFP) for the City of Lawton's health insurance Third Party Administrator (TPA). Exhibits: None.
7. Consider authorizing staff to prepare a Request for Proposal (RFP) for the City of Lawton's life insurance provider. Exhibits: None.
8. Consider giving consent to the Engineering Department to proceed with the National Purchasing Partners Government cost to purchase materials and labor for the construction of the splash pad in Elmer Thomas Park. Exhibits: City of Lawton Splash pad concept 4. **STRICKEN**
9. Consider accepting a donation of Lots 1-9, less and except the west 10 feet of Lot 9, Block 42, in Woods Addition, located at the southwest corner of SW 2nd Street and SW I Avenue, from Centenary United Methodist Church. Exhibits: Location Map
Quit Claim Deed is on file in City Clerk's Office
10. Consider acknowledging receipt of Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 133 linear feet of 8-inch PVC sanitary sewerline and all appurtenances to serve Great Plains Technology Center located at 1601 SW Park Ridge Boulevard in the NE/4 of Section 3, T1N, R12W, Comanche County, Oklahoma. Exhibits: Permit to Construct is on file in the City Clerk's Office.

11. Consider approving the record plat for the Replat of Lot 1, Block 15, Part Four of Morford Hills Addition, located on the northeast corner of NW 33rd Street and NW Cache Road. Exhibits: Plat Map.

Mayor Fitch stated this property is owned by Councilmember Morford.

Morford stated this is his property and he has all sorts of meet and bound descriptions out there and they are getting a little tangled so he is platting this and he will be able to file a plat and people will know what he is talking about. He will abstain from this vote.

MOVED by Wells SECOND by McGahee to approve the record plat for the Replat of Lot 1, Block 15, Part Four of Morford Hills Addition, located on the northeast corner of NW 33rd Street and NW Cache Road. AYE: Burk, Tanner, Phillips, McGahee, Wells. NAY: None. ABSTAIN: Morford. MOTION CARRIED.

12. Consider accepting the Wastewater Treatment Plant Improvements Package No. 2 as constructed by Archer Western Construction, LLC (Contractor) and placing the Maintenance Bond into effect. Exhibits: None.
13. Consider approving an engineering agreement with Craft, Tull and Associates, Inc. for the preparation of the SE 40th and SE 41st Street Design Plans from Elmhurst to Bedford and authorizing the Mayor and City Clerk to sign the agreement. Exhibits: A copy of the agreement is on file in the City Clerk's office.
14. Consider authorizing staff to cancel requirements contract #CL15-050, Electric Motor Repair with Kay Electric Company effective immediately upon notification to the vendor. Exhibits: Electric Motor Repair requirements contract #CL15-050 is on file in City Clerk's Office.
15. Consider extending contract (CL14-020) Grassing and Sodding with (items 1, 2, 3 [option 2] and 4) to Eastside Sod Farm, LLC of Lawton, OK and (item [option 1] and 5) to Green Turf Sod of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
16. Consider extending contract (CL14-023) Mowing and Litter with Teen Challenge of Cache, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
17. Consider extending contract (CL15-032) Tire Recapping with Wingfoot Commercial Tire Systems, LLC dba Goodyear Commercial Tire & Service Centers of Wichita Falls, TX for one (1) year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
18. Consider extending contract (RFPCL14-032) Delinquent Library Accounts Collection with Unique Management Services of Jeffersonville, IN for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

19. Consider extending contract (RFPCL15-016) Bulk Fuel Delivery to Carey Johnson Oil Company of Lawton, OK (primary contractor), Glenn Oil Company of Lawton, OK (secondary contractor), and Petroleum Traders Corporation of Fort Wayne, IN (Emergency Backup Contractor) for sites located at the Public Works Yard, Lake Lawtonka and Lake Ellsworth for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
20. Consider extending contract (CL14-025) Wrecker Service Cars and Light Trucks with Priest Brothers Inc. of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
21. Consider approving appointments to boards and commissions. Exhibits: None.

Arts and Humanities Council

Sue Burpo
403 NW Chimney Creek Drive
Lawton, Oklahoma 73505
Unexpired Term 06/30/16

Nancy Elliott
143 Holly Road
Lawton, Oklahoma 73507
Unexpired Term 06/30/17

Citizens' Committee On Capital Improvement Program (CIP)

Albert Johnson
118 NE Bell Drive
Lawton, Oklahoma 73507
04/23/19

Impact Fee Committee

Colin Hawkins
3602 NW Enclave Blvd.
Lawton, Oklahoma 73505

22. Consider approval of payroll for the period of February 15 - 28, 2016.

NEW BUSINESS ITEMS:

23. Consider an ordinance pertaining to Personnel Policies and Procedures repealing and reserving Section 17-1-4-140, Division 17-1-4, Article 17-1, Chapter 17, Lawton City Code, 2015, eliminating the increased pay benefit for working out of class. Exhibits: Ordinance 16-__.

Chase Massie, Human Resources Director, stated they are proposing to remove the 10% pay increase for employees working out of class. Currently there is not a working out of class budget

and year to date general employees have spent approximately \$15,000 and police have spent \$31,000. The directive from the City Manager's office is that this would be handled moving up. So instead of passing work down and having the employee a grade below step up and do work, directors would make every effort to assign work upwards.

Wells stated for 35 years he has been for doing this. As an employee, he was always glad when the boss left so he could move up and do the job and show that he was capable which would lead to promotions and other things. At the City we always paid someone to do it. He stated the Employee Advisory Committee (EAC) recommended it be done away with.

MOVED by Wells SECOND by Burk to adopt **Ordinance 16-08**, waive the reading of the ordinance, read the title only and establishing an effective date.

McGahee stated she understands that the EAC brought this forward, and that they will move the work up to the director, but what happens when the director is not actually on site and there is not one in charge. She believes there needs to be someone actually someone responsible on site. If you are going to move the work up, what happens if the director is out for three or four days.

Massie stated it would be up to the director to delegate certain duties for staff to perform while the supervisor is out. In certain cases there still would be things delegated to staff to do, but the major tasks or duties would go up to the director level.

Wells stated if a director is off and someone moves up, they are not going to do everything a director is required to do. They are only going to answer a question and if they are not sure they will go to someone else. This is something that makes sense. Someone will be there to make the decision.

McGahee stated she agrees with the fact that it gives you the opportunity to promote your skills, but what happens if the director is out for an week or two, and someone actually has to come in and perform some of the duties of the supervisor. Will we not compensate the employee? She would propose that rather than starting it at one day, they receive compensation on the sixth or eleventh day. If a person has to work longer than two weeks, then you compensate that employee.

Massie stated the employee would be performing some of the day to day tasks, but they will put off major decisions or those questions will be emailed to the director that is out. When a director takes a job, it is understood that you will be available 24/7, so even as directors go out to conferences, they are still checking emails and phoning in to make those decisions.

Wells stated he would think that there would be a policy that if someone was gone two weeks on vacation that would be handled under the policy we are adopting. If they were going to be gone six weeks because they had their hip replaced or a heart attack, he would think they would designate an acting person to do the job.

Massie stated if someone is going to be out for months the City Manager would designate someone as acting.

Wells stated at that point they would be compensated.

Massie stated that is correct.

Phillips questioned where it said that.

Massie stated it is not in this part of the code. Acting and working out of class are two separate parts of the code.

Phillips questioned if there was a time limit listed in the other part.

Ihler stated he does think there is a time designation in that section of the code. It is up to the City Manager to designate an acting superintendent or director.

Phillips stated she was uncomfortable with it being up in the air. She does not know where the measurement is and neither does the employee. How does the employee know what is going to happen.

Massie stated that would be up to the director or the City Manager to designate on a time frame. If we are talking a week or two on vacation then that would be handled with this policy so there would be no working out of class. If someone is going to be out with surgery or they just have a vacancy then that is when they would address that as an acting position. It will be on a case by case basis.

Wells stated you cannot write an ordinance that will cover every possible case that may come up. You have to give the manager the discretion to know when to do that.

Tanner questioned if this applies to only general employees or police and fire.

Massie stated this will remove it from Chapter 17. A few years ago fire removed working out of class. This would have implications on the police. In their contract it does refer back to chapter 17, so the negotiation team is currently in negotiations with police and they will address that.

Tanner stated right now it is only affecting the general employees.

Massie stated it will affect the general employees and will have the potential to affect the police.

Tanner questioned what it cost the city yearly.

Massie stated year to date since July 1st it is \$15,000 for general employees.

Tanner stated this is over the budgeted amount.

Massie stated there was no amount budgeted for working out of class. The police year to date is approximately \$31,000.

McGahee stated that right now it will not change for the police.

Massie stated the negotiating team will determine the best course of action on how to approach the police with negotiations that are currently going on.

Tanner stated he believes if you are doing the same job you should get the same pay.

Wells stated they are not doing the same job, they will do some of the job, but not nearly the whole job.

Tanner stated that some of the time you are doing it, you should get paid that amount. That is his opinion.

Mayor Fitch stated you have a situation where there is not going to be major decisions within that department and you would involve the City Manager on any decisions that would be made.

Phillips stated this is really written for that day or two days or maybe three days. She does not see anything that is taking it into a longer period of time and she does not like that it is just out there in the air somewhere for someone to make a decision on at that time.

Mayor Fitch stated those things that are “out in the air”, those have been addressed by the City Manager for a period of time that goes beyond the one, two or three days. That is addressed separately and independently of this. This is basically for the one or two days when a director is out or somebody is out and the director would be there to oversee.

Phillips stated she just thought it needed to be reworked a little bit. This is okay, she just hopes they don't get into trouble with it. That is her concern.

McGee questioned when this would go into effect. Would it be before or after you determine with the police if they are going to adopt it also.

Massie stated this would go into effect in 30 days.

McGee stated if you are not able to negotiate with the police, it would only affect the general employees. She feels that if it goes past two weeks they should be compensated. She feels the general employees should receive it if it is not an across the board change.

Mayor Fitch stated the police contract is through the end of this fiscal year and that will be one of the items they will discuss. Currently the fire does not have working out of class.

McGahee questioned if the general employees could take it through the end of the fiscal year.

Burk questioned if this is how we need to handle this with the general employees.

Bellino-Hall questioned if this makes sense to the City Manager.

Ihler stated yes it does. There are no funds to pay people working out of class. The directive that was given to all the department heads and superintendents is to not pass it down, pass it up, so essentially there is going to be no working out of class. After discussing that with the EAC, the

EAC said to do away with it. They talked about doing this for different time lengths and the EAC said to just do away with it and staff concurred.

VOTE ON MOTION: AYE: Morford, Bellino-Hall, Burk, Phillips, McGahee, Wells. NAY: Tanner. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 16-08

An ordinance pertaining to personnel policies and procedures, repealing and reserving Section 17-1-4-140, Division 17-1-4, Article 17-1, Chapter 17, Lawton City Code, 2015, eliminating the increased pay benefit for working out of class, providing for severability and establishing an effective date of thirty days after the date of the ordinance's passage.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells stated he attended the Lawton Metropolitan Transportation Board meeting today and they spoke about some industrial roads. He stated that we need to start looking for an industrial park on the east side of town. There are grants available to help get roads to it and other things.

McGahee stated in the Patterson Community they have just established a neighborhood association with the help of the health department and the Lawton Police Department.

Phillips stated an animal adopt-a-thon will be going on at the shelter.

Russell Anderson, Animal Welfare Superintendent, stated there will be a free spay/neuter clinic which is available to all Lawton residents on March 19th from 8 a.m. to 8 p.m. at the Comanche County Fairgrounds in the Expo building. They will be giving a vaccination shot, rabies shot and micro chipping. This will cost the city no money, he is raising funds from local businesses. Their goal is 100 animals and he has lined up 5 vets.

Tanner thanked everyone for the support for the revive Ward 5 initiative that he and Alan Hampton, his Ward 5 representative on LETA, are tackling with some of the older structures in Ward 5. They have targeted the Ron Stevens stadium south wall. He stated Councilmember Morford was also trying to do something with this wall so they combined their efforts and he feels they will have some good traction pretty quick. He stated the 2015 sales tax extension stated it was more than just public safety. Voters approved upgrades to the pool and possibly a spray park facility, playground, fitness, etc. It also included \$200,000 for summer youth programs and they are trying to figure out what to do with those funds at this point in time.

Burk commended the staff at the Animal Welfare Division. He suggested that staff go out and get a price for a recirculation pump system at the new splash park so we don't have to worry about wasting water. He believes they could come up with the funding to make it right and make it a destination for families. He stated they will try to get the bids back and try to get it open by the festival in July.

Ihler stated they will go out for the competitive bidding and typically it is a 20 day process to advertise. He stated they will expedite it as quickly as they can but it is going to be a stretch to get it ready for the July 4th celebration.

Bellino-Hall stated the spray park is not frivolous, it is an economic issue. You want families to stay here and this is the kind of things that keep them here and it is important for our economy.

Phillips suggested that shade also be included in the RFP.

Ihler stated it would be a design bid process and they will look at some different areas for shade covering.

Wells stated Burk is also working on tree donations for the area.

Phillips stated she has heard concerns from citizens because you may consider this frivolous when you have potholes in your roads. She stated they need to communicate to the citizens the priority list for the roads. She requested that Ihler brief the citizens of the ongoing program that we have to fix the roads.

Ihler stated the street division has assessed all of the residential streets and they prioritize them city wide as well as by ward. He stated they started this with the 2008 CIP and they have updated this in the past year because conditions may have changed and they do have an updated grading and rating system for the residential streets. They currently have \$4 million worth of residential street reconstruction in one project which is spread all across the city. (Ihler reported on the list of current projects). There is about \$40 million worth of roadway projects that are either under construction or in design.

Jim Russell, Assistant City Manager, introduced Joshua Leach, the new Neighborhood Services Supervisor.

Mayor Fitch announced that the Association of Defense Communities awarded ten outstanding communities as Great American Defense Communities. There are over 300 communities that partner with military installations in the United States. He stated Lawton was selected and it is a great honor for this community.

Barry Albrecht, Lawton Economic Development Foundation, stated an official presentation will be announced in June.

There being no further business to consider, the meeting adjourned at 6:52 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK