

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MARCH 10, 2015 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Bryan Long, City Manager
Tim Wilson, Deputy 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 Mark Henslee, Westminster Presbyterian 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
Cherry Phillips, Ward Six
Stanley Haywood, Ward Seven

ABSENT:

Doug Wells, Ward Eight

RECEIVE A PRESENTATION FROM DAVE TAYLOR, WAURIKA LAKE MASTER CONSERVATION DISTRICT MANAGER, TO PROVIDE AN OVERVIEW OF THE SEDIMENT REMOVAL, GATE REPLACEMENT AND FLOATING INTAKE PROJECT AT LAKE WAURIKA FOR THE PURPOSES OF RETRIEVING AN ADDITIONAL 25,000 ACRE FEET OF WATER FOR THE DISTRICT MEMBER CITIES.

Mr. Taylor presented a series of slides which are on file in the City Clerk's Office.

COL Waters questioned what assets they will get in terms of water once they complete the project. How many gallons and what is the longevity.

Mr. Taylor stated they will have access to 25,000 more acre feet. There will be enough water to easily feed the Southeast Water Treatment Plant and have some left over.

COL Water questioned how long that will sustain us.

Mr. Taylor stated at that point the lake should be sustainable. They received 16,000 acre feet of run off last year so that will balance out. If they get 16,000 acre feet for a normal rain and easily that much more from cloud seeding that will make life much easier. They will still need to draw from that bottom gate area to keep the balance.

Mayor Fitch questioned how you replaced the bottom gate if they are below water.

Mr. Taylor stated they will perform underwater demolition and construction.

Long stated the financial advisor to Waurika is Rick Smith, who also works with our staff. He questioned what will happen with the existing debt structure. Does it calculate back to what we pay through the surcharge? He assumes our consumers will end up paying that. Waurika services the debt that is carried on our behalf and they would be refinancing that debt.

Haywood stated they would like to know the cost. He knows Duncan and Lawton would be participating, but we would pay the most money.

Mr. Taylor stated the maximum would be \$12 million.

Phillips requested Mr. Taylor go over the floating intake project.

Mr. Taylor stated it is a piece of pipe that will run from the bottom of the intake structure that will run along the bottom of the lake and where they want to draw the water it will surface on a buoy. As the level in the pump house drops when it is pumping it will create essentially a suction effect to draw the water in.

Phillips questioned if we had any of those types of pipes now.

Mr. Taylor stated no. It is common in the Great Lakes area, but we do not have any around here.

David Towe, Secretary and Treasurer for the Waurika Master Conservancy District, stated they have approximately \$2 million in their capital improvement fund that they will be able to dedicate to this project. Although the project may cost \$12 million, the burden to the cities will be reduced by the amount of money they can put into it, plus they have applied for other grants and are seeking other sources of money to lessen the burden to the cities.

AUDIENCE PARTICIPATION:

Virginia O’Leary, 1215 W Gore, requested that the council approve a project called the “Lawton Luminaries” which will recognize people from Lawton with their picture and a bio to hang in the hallways at city hall. She stated a local organization will pay for the framing and the bios.

Mayor Fitch stated he has heard there is a committee being formed for this project and he suggested they determine their structure and guidelines and then bring it back to the council so they can have input.

Ms. O’Leary stated she has a committee formed with Minette Page and Herb Jacobs. She has a list of approximately 20 people who have achieved this goal in their life and brought credit to Lawton through their achievements.

Mayor Fitch suggested she give all this information to the council ahead of time so they can discuss this project. He stated so many of the hallways in this building are filled with lockers. They would have to look at where there is space to benefit and acknowledge that person.

Ms. O’Leary stated she felt that they could overcome any issues with the placement of the pictures so they could be read easily. She stated the criteria is that they be raised in Lawton.

CONDUCT ELECTION OF MAYOR PRO TEM

Mayor Fitch opened the floor to nominations. Councilmember Wells is the current Mayor Pro Tem.

Haywood stated Mr. Wells is in Oklahoma City and he requested they wait to vote on this issue until there is a full council.

Mayor Fitch stated they will agenda this on the next meeting.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF FEBRUARY 24, 2015.

MOVED by Burk SECOND by Jackson to approve the minutes of February 24, 2015. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Fitch stated item #4 will be considered separately
Tanner requested that item #2 be considered separately

MOVED by Burk SECOND by Jackson to approve the consent agenda with the exception of items #2 and #4. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Mark and Leann Cox, through their attorney Steven Robinson in the amount of \$6,665.00 (**Res. 15-23**) and Edwina Reddick in the amount of \$375.00. Exhibits: Legal Opinions/Recommendations and Resolution 15- ____.
2. Consider the following damage claims recommended for denial: Scoggins Realty on behalf of Richard and Tanja Johnson in the amount of \$3,910.84 and Paul and Anna Clelland in the amount of \$1,700.00. Exhibits: Legal Opinions/Recommendations.

Tanner stated Mr. and Mrs. Clelland are in the audience but he informed them that based on current city code that he would have to support the City Attorneys recommendation to deny the claim. He stated they had a water leak at their home and a city crew was dispatched and it was determined at the wrong home and then they were dispatched again and there was some miscommunication which took place and that is why the Clellands are upset. Under current city code, unless the city has damaged your water line physically, we cannot pay for that repair. Under city code leak adjustments are no longer allowed. They will just have to work in the future to do better about the miscommunication and he apologized on behalf of the City. He cannot liberally spend the City's money, but they do give him a paycheck in the amount of \$167 and he will give this to the Clelland's to help with their water bill.

MOVED by Tanner SECOND by Morford to deny the damage claims of Scoggins Realty on behalf of Richard and Tanja Johnson in the amount of \$3,910.84 and Paul and Anna Clelland in the amount of \$1,700.00 AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood. NAY: None. MOTION CARRIED.

3. Consider approving an agreement for professional services with Seeding Operations and Atmospheric Research (SOAR) of Plainview, Texas for a program of Applied Cloud Modification (Cloud Seeding) and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Agreement is on file in the City Clerk's office.
4. Consider approving a Standard Elmer Thomas Park Restricted Access Lease Agreement with BLAC! Inc. and Mrs. Anita Arnold Inc. for a three (3) day event, to include a set-up day, for the 30th Annual Charlie Christian International Music Festival on May 28 – 31. Exhibits: Standard Elmer Thomas Park Restricted Access Lease Agreement.

Jackson stated he was asked to pull this so they could get some additional information on cost values from staff.

Keith Neitzke, Parks and Grounds Superintendent, stated staff was asked to track the cost of events so they could determine the financial impact of their budget. (Staff distributed projected costs to the City for the Charlie Christina Festival). The projections are based on the request to support functions.

Jackson stated the information given is the labor impact of these two areas and they are also asking us to waive fees and staff feels this would be a great impact on their budget.

Neitzke stated it is not only dollar amounts, but man hours.

Jackson stated the original request was for Shepler Park.

Neitzke stated Shepler Park was considered as the site for this festival. Based on the experience with the festival last year, it is staff's recommendation that Shepler Park would be a better venue for a successful event.

Burk questioned if that was because of numbers of participants last year or because of the true size of the park.

Neitzke stated it is based on the factors including the size of the park and the fact they would be shutting down Elmer Thomas Park and that includes the Kids Zone playground.

Burk questioned the number of participants last year.

Jackson stated from the conversation from the media last year the numbers were not good.

Tanner stated they had rain last year.

Neitzke stated Shepler is approximately the same size, it is about 15,500 square feet, all of which has asphalt or hard surface.

Burk stated he hoped that we never cut off Kid's Zone at Elmer Thomas Park, and we are talking about four days which is not acceptable. He would not have a problem with cutting that down to just the festival site or going to Shepler Park.

Tanner questioned if the Charlie Christian folks are opposed to going to Shepler Park.

Anita Arnold, applicant, stated they looked at Shepler Park last year and it was not acceptable to them. Last year they were looking at a much shorter time frame than they are this year. They went to a private site last year that was made available to them. They came back to council in June and they had several sites listed in the contract and Elmer Thomas Park was one of the sites. She attended the International Festival and found that it would be a more appropriate site for their festival. They want this festival to be all it can be and since they have more time this year to move forward with the plan they want to bring it more closely to its full potential and that is why they looked at Elmer Thomas Park to be more acceptable. They pledge to hold the festival in Lawton for two years and in 2016 it will be their 100th anniversary and they set a goal of 100,000 for that event. They do not feel that being in Shepler Park would be the next step in getting to that goal. She stated that while the City provides in kind services, the city would realize revenues from full hotels, restaurants and many other places in Lawton. She stated there are other cities that are just as interested in this festival.

Haywood clarified that it would be more feasible to have this activity at Elmer Thomas Park.

Ms. Arnold stated yes.

Haywood questioned how many people they expected this year.

Ms. Arnold stated they are looking at 30,000 to 40,000 people. They have lead sponsors with BancFirst, Oklahoma Arts Council, Jim Glover Chevrolet and the Lawton Constitution. These sponsors will support them in making it successful. They did not have the opportunity last year to reach out to towns like Chickasha, Altus, Duncan or Wichita Falls and they do have those

contacts in place and have mailed out the applications. They are about a month and a half ahead of where they were last year.

Haywood stated we have a great resource out at Fort Sill. That is all you need.

Phillips questioned if this festival has been held anywhere other than Lawton.

Ms. Arnold stated they have held it in Oklahoma City for 28 years. She stated they have counted the numbers and feel they can deliver.

Burk stated there is no one on the council that does not want to see this event in Lawton, but they are going from a private location to Elmer Thomas Park which is widely used year around. He suggested they take the middle pavilion just to the east of the Kids Zone so that people can still fish at the lake and still access the park off of 6th Street. He feels this would still be a huge amount of property as it is about the same space that is used for the International Festival. He stated the council is going to support this event.

Neitzke stated the reason the playground was blocked off is because this was a paid event and otherwise people could sit in the playground area and listen.

Burk stated he feels this plan would give them a great start and they want the festival in Lawton.

Kelea Fisher, Assistant City Attorney, stated staff did have a floor amendment to the contract in that the standard lease agreement allowed for smoking in the park and that is not allowed anymore so they have removed that provision.

Mayor Fitch requested staff amend the cost estimates based on the decreased space and have it for the council next meeting.

MOVED by Jackson SECOND by Haywood to approve the contract with the smoking ban in place and with the modification of the fence placement. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood. NAY: None. MOTION CARRIED.

5. Consider approving the revised Mutual Assistance Agreement for Fire Protection between the City of Altus Fire Department and the City of Lawton Fire Department.
Exhibits: Mutual Assistance Agreement between City of Lawton Fire Department and the City of Altus Fire Department.
6. Consider approving the revised Mutual Assistance Agreement for Fire Protection between the City of Cache Fire Department and the City of Lawton Fire Department.
Exhibits: Mutual Assistance Agreement between City of Lawton Fire Department and the City of Cache Fire Department.

7. Consider approving the revised Mutual Assistance Agreement for Fire Protection between the City of Duncan Fire Department and the City of Lawton Fire Department. Exhibits: Mutual Assistance Agreement between City of Lawton Fire Department and the City of Duncan Fire Department.
8. Consider approving the revised Mutual Assistance Agreement for Fire Protection between the City of Snyder Fire Department and the City of Lawton Fire Department. Exhibits: Mutual Assistance Agreement between City of Lawton Fire Department and the City of Snyder Fire Department.
9. Consider approving the revised Mutual Assistance Agreement for Fire Protection between the City of Waurika Fire Department and the City of Lawton Fire Department. Exhibits: Mutual Assistance Agreement between City of Lawton Fire Department and the City of Waurika Fire Department.
10. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 844 linear feet of 8-inch PVC waterline, 2,050 linear feet of 12-inch PVC waterline, 2,143 linear feet of 8-inch PVC sanitary sewer line, and all appurtenances to serve the Carmike Movie Theater located at 2803 NW 67th Street in the NW/4 of Section 21, T2N, R12W, I.M., Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City Clerk's Office.
11. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 339 linear feet of 8-inch PVC waterline, 261 linear feet of 8-inch PVC sanitary sewer line, and all appurtenances to serve Freddy's Steakhouses located at 7201 NW Cache Road in the SE/4 of Section 20, T2N, R12W, I.M., Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City Clerk's Office.
12. Consider accepting the waterline, left turn lane on SW 38th Street, SW Summit Road improvements, easement, and escrow agreement to serve Lee Commercial Plaza located at the northeast corner of SW 38th Street and SW Lee Boulevard. Exhibits: Location Map. Easement and Escrow Agreement are on file in the City Clerk's office.
13. Consider accepting a warranty deed and a temporary easement from Allen Raymond Granger and Karen M. Granger, husband and wife for right of way needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project #2006-12, 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.
14. Consider awarding contract (CL15-022) Laboratory Services for Toxic Pollutants to Accurate Environmental Labs of Stillwater, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
15. Consider awarding contract (CL15-024) Mowing & Litter Items 1 and 2 to Teen Challenge of Cache, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet

16. Consider awarding contract (CL15-024) Mowing & Litter Items 3-5 to The Lawn Wizards of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
17. Consider awarding contract (CL15-031) Cement Kiln Dust to Silver Star Construction Co., Inc. of Moore, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
18. Consider approving appointments to boards and commissions. Exhibits: None.

Mayor's Commission on the Status of Women

Irma J Newburn
7220 NW Crestwood Drive
Lawton, Oklahoma 73505
Unexpired Term 9/10/2015

19. Consider approval of payroll for the period of February 16 – March 1, 2015.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Phillips stated she attended a meeting of the Mayor's Commission on the Status of Women last week and discovered that they are all about other things than just giving awards to women. She stated they have a "Suits for Success" program where they give suits or dresses to women who are applying for a job. She encouraged the public to donate clothing to this program. She also attended a legislative session where she met the City's lobbyist and she feels we have some good representation at the state level.

Tanner stated there was a very successful event at the animal shelter the past Saturday thanks to an idea from Councilmember Burk and city staff. He stated Family Promise is a local organization that helps the plight of homeless families. Every year they have an event at Cameron University called Box City which brings awareness of the plight of the homeless. That event is April 10-11. He announced the renovation at the Museum of the Great Plains is near completion and the museum has received an unexpected gift of \$250,000 from the Terry K. Bell Charitable Trust. They will use this money to renovate the lobby area.

Morford stated the museum will reopen on September 15th.

Long stated they have posted two position vacancies, the Parks and Recreation Director and Human Resources Director. He recognized Billie Whipp and Keith Neitzke for their hard work to hold the department together.

Mayor Fitch stated staff has done a tremendous job at the animal shelter and he congratulated all of the people who came down and volunteered their time. He stated they are going to have some budget workshops and have some things they need to work on as a council and he would like to appoint Wells, Phillips and Morford with Jackson as an alternate to work with the City Manager and Finance Director, otherwise they would have to have a council meeting every single time they meet and they would like to start working some things together and there will be enough

meetings that if some of the others want to attend when some can't he would like them to feel free to do that, but they have to keep it to four members and Jackson would be an alternate and if anyone else would like to be an alternate he would welcome them to volunteer. There is going to be a lot of hours spent during the day and he does not want more meetings to go to at night.

The Mayor and Council convened in executive session at 7:08 p.m. and reconvened in regular, open session at 8:46 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

20. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2015-2016 between the Police Union, IUPA Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Wilson read the title of item #20. No action was taken.

21. Pursuant to Sections 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the proposed land acquisition for the purpose of expanding, improving and remodeling Central Fire Station (AKA Fire Station #1) in the downtown area of Lawton and if necessary, take appropriate action in open session. Exhibits: None.

Wilson 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 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.

Wilson read the title of item #22. No action was taken.

There being no further business to consider, the meeting adjourned at 8:47 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK