

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MARCH 22, 2016 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Keith Jackson, Mayor Pro Tem
Presiding

Also Present:
Jerry Ihler, City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk
COL Glen A. Waters, Fort Sill Liaison

Mayor Pro Tem Jackson called the meeting to order at 6:08 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Charles Barnett, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bob Morford, Ward One
Keith Jackson, Ward Two
Dwight Tanner, Jr., Ward Five
Cherry Phillips, Ward Six
V. Gay McGahee, Ward Seven
Doug Wells, Ward Eight

ABSENT: Rosemary Bellino-Hall, Ward Three
Jay Burk, Ward Four

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO ALECE NEWELL (Will be presented on April 12, 2016)

AUDIENCE PARTICIPATION: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MARCH 8, 2016.

MOVED by Wells SECOND by McGahee to approve minutes of Lawton City Council regular meeting of March 8, 2016. AYE: Morford, Jackson, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Jackson stated the Lashley claim on #2 and item #3 needs to be pulled for discussion.

MOVED by Wells SECOND by McGahee to approve the consent agenda with the exception of the Lashley claim on item #2 and item #3. AYE: Morford, Jackson, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: David and Michelle Bradley in the reduced amount of \$418.39. Exhibits: Legal Opinion/Recommendation and **Resolution No. 16-21**.
2. Consider the following damage claims recommended for denial: Ann E. Meiling in the amount of \$130.00, David Whitford in the amount of \$6,473.00, F.J. Lashley Jr. M.D. in the amount of \$2,232.70 and Marilyn Stonerock in the amount of \$85.00. Exhibit: Legal Opinions/Recommendations.

John Lashley, claimant, stated last summer he purchased Dr. Roundtree's office on Lee Boulevard and about the time he purchased it there was a water main leak in front of the property. The City worked for a week and when they finished they filled in the hole but the sprinkler system was destroyed in the front. He spent \$2,400 and replaced the grass with some rock and shrubbery. He is requesting that the City Council pay half of the bill. The damage did occur and now it looks pretty good.

Wells stated he would like to be able to do something but state law says that if they pay something they are liable for triple damages if they are sued.

Kelea Fisher, Assistant City Attorney, stated their office has recommended denial of this claim. This was a water main break that occurred on July 9th at 12:30 p.m. and it was an emergency situation. The sprinkler system was damaged and there was some landscaping that was damaged. The sprinkler system was running directly over the top of the main and the crew was not able to avoid damaging the sprinkler system. The crew removed retainer wall blocks and was very careful to make sure they could preserve some of the landscaping. There are legal reasons for recommending denial. The repair occurred in the city's easement and we could not avoid damaging the landscaping.

Wells stated Dr. Lashley was not even the owner of the property at the time the main was being worked on. He did not acquire the property until August 14th and the repairs occurred July 9th.

Dr. Lashley stated he was not making a case regarding the sprinkler system but only the landscaping. He just wanted to try and make his case.

Wells stated Councilmember Burk is the Chairman of the Lawton Enhancement Trust Authority and they may be able to assist Dr. Lashley.

MOVED by Wells SECOND by Phillips to deny the claim of F.J. Lashley Jr. M.D. in the amount of \$2,232.70. AYE: Morford, Jackson, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

3. Consider and take action with respect to a resolution relating to City of Lawton general obligation bonds for fire station improvements; fixing the amount of bonds to be sold, providing for the maturity of the bonds, fixing the time and place the bonds are to be sold and authorizing the clerk to give notice of said sale as required by law, designating paying agent and authorizing paying agent agreement; ratifying a legal services agreement and a financial advisor services agreement with respect to the issuance of the bonds; deeming preliminary official statement "near final" and authorizing distribution; and containing other provisions relating thereto. Exhibits: Resolution 16-__ and Notice of Sale of Bonds.

MOVED by Wells SECOND by Morford to approve **Resolution 16-22**. AYE: Morford, Jackson, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

4. Consider authorizing the Mayor to execute on behalf of the City of Lawton a letter for continued support for an award by the Oklahoma Housing Finance Agency for Oklahoma Affordable Housing Tax Credits to Huntley Witmer Development, LLC for the redevelopment of the Apple Run and Deer Park Apartments. Exhibits: Resolution No. 14-71 and proposed letter of continued support.
5. Consider approving a request for the City of Lawton to Co-sponsor the Open Streets Lawton event to be held on April 23rd, 2016, within the downtown area to include the provision of necessary services as appropriate. Exhibits: None.
6. Consider entering into a professional services agreement with Animal Shelter Services, for training services of Lawton Animal Welfare staff and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
7. Consider accepting the Continuing Education Public Library Association 2016 Conference Grant from the Oklahoma Department of Libraries which provides reimbursement for two library employees to travel to and attend the Public Library Association Conference in April, 2016, and authorize the Mayor to sign the contract which specifies the terms of the grant. Exhibits: On file in Clerk's Office.
8. Consider accepting the Continuing Education Public Library Association 2016 Conference Grant from the Oklahoma Department of Libraries which provides reimbursement for two library employees to travel to and attend the Oklahoma Library Association Conference on March 30 -April 1, 2016, and authorize the Mayor to sign the contract which specifies the terms of the grant. Exhibits: On file in Clerk's Office.
9. Consider allowing the Parks & Recreation Department to Co-sponsor with the Lawton/Fort Sill Chamber of Commerce and Oklahoma ASA a series of softball tournaments for the year 2016. Exhibits: None.
10. Consider approving an agreement between M. Afzal and the City of Lawton for the cooperative effort to establish the McMahan Cricket Ground for the Lawton Fort Sill community. Exhibits: Agreement between the City and M. Afzal.

11. Consider approving a waiver of special assistance and property usage fees in the amount of \$4,400.00 in support of the Black Beaver District Cub Scout Day Camp to be held June 5 -10, 2016 at Elmer Thomas Park. Exhibits: City Assistance and Property Requested Attachment.
12. Consider approving the extension of the Operating and Professional Services Agreement, providing entertainment and fireworks for the 2nd Annual Freedom Festival by LimeLight Productions for one additional year. Exhibits: Operating and Professional Services Agreement (Extension).
13. Consider adopting a resolution setting the E-911 fee for the period of July 1, 2016, through June 30, 2017. Exhibits: **Resolution 16-23**.
14. Consider accepting a memorandum of understanding from Lawton Public Schools, for right of way needed for the SW 52nd Street Project #2012-4, authorizing the Mayor and City Clerk to execute the documents. Exhibits: Documents on file in the City Clerk's office.
15. Consider adopting a resolution authorizing the installation and/or removal of traffic control measures on Northbound and Southbound SW 38th Street at the intersection of SW Lee Boulevard and on Northbound and Southbound NW 28th Street near the intersection of SW H Avenue. Exhibits: **Resolution 16-24**, Traffic Commission Minutes and Traffic Issue Requests.
16. Consider extending contract (CL14-033) Footwear (Safety, Athletic & Walking) to Woodward's Occupational Footwear of Cyril, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
17. Consider extending the terms of the contract for Sodium Hypochlorite to Petra Chemical Company of Dallas, TX for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
18. Consider awarding contract (RFPCL16-015) City-Wide Hardware/Software Support Agreement to Abtech Technologies of Carlsbad, CA. Exhibits: Department Recommendation, Price Sheet.
19. Consider extending the terms of the contract for Liquid Aluminum Sulfate to Southwest Chemical Services of McAlester, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
20. Consider approval of payroll for the period of February 29 – March 13, 2016.

NEW BUSINESS ITEMS:

21. Hold a public hearing and consider an ordinance to close the west 100 feet of the alley between Lots 10-17, in Block 22, Woods Addition, located north of SW H Avenue, west of Railroad Street and accept a public utility easement. Exhibits: Ordinance No. 16-___, Location Map. Utility Easement is on file in the City Clerk's Office.

Richard Rogalski, Community Services Director, stated the applicant, Charles Lupi/Lupi Construction LLC, is the owner of the lots on both sides of the alley and has requested to close this portion in order to put up a fence to deter vehicles from driving through his property. The request is to close the west 100 feet of the alley between Lots 10-17, in Block 22, Woods Addition. The alley terminates at a drainage way located in the old First Street right of way. On February 9, 2016, Council set a date of March 22, 2016, to hold the public hearing for this proposed closure. PSO, CenterPoint Energy, and City of Lawton have utilities located within the alley. Public Works has required that Public Utility Easement be obtained prior to the closing and that the applicant provide gates on the east and west end of the alley closing in order to provide access to the utility companies to maintain the existing utilities. Fidelity does not have utilities within this portion of the alley and does not object to the closing. Notice of public hearing was mailed to 16 property owners within 300 feet of the requested area on February 16, 2016, and notice was published in *The Lawton Constitution* on March 9, 2016. No objections to this closing have been received by area property owners.

Phillips stated the alley ends at a tributary so it is not going all the way through.

Rogalski stated yes, you don't have public use of this alley.

Phillips questioned if it was going to block anyone's access.

Rogalski stated that is the purpose of the public hearing and the notice that was given. All property owners were mailed specific notices of the closing.

Tanner stated he is familiar with this property and it is in a rundown area and this property owner has done some nice upgrades.

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

MOVED by McGahee SECOND by Tanner to adopt **Ordinance 16-09**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 16-09

An ordinance closing the portion of alley between lots 10-13 and 14-17, in block 22, Woods Addition.

22. Consider approving an ordinance pertaining to aviation creating Division 7-3-2, Article 7-3, Chapter 7, Lawton City Code 2015, by adopting definitions, general regulations and operational regulations applicable to the Lawton Metropolitan Area Airport, providing for codification, severability and establishing an effective date. Exhibits: Proposed Ordinance No. 16-__.

Jensen stated we currently have a division in Chapter 7 of the City Code for private airports and he and the Airport Manager got together several months ago and she asked about the possibility

of creating a division that would be applicable just to the Lawton Metropolitan Airport. They put together this division that has 24 sections that contains rules that apply to public use at the airport in the public use areas, rules that apply to the operational areas and the use of lasers and drones in the airport areas.

Barbara McNally, Airport Manager, stated she appreciated the help of the City Attorney. The Airport Authority met this morning at their regular meeting and approved the ordinance as written.

Morford stated the items regarding lasers and drones are FAA rules.

Jensen stated as far as lasers, if there is an intentional pointing of a laser, that is a federal felony. If it is an accidental matter it could be state or city jurisdiction. With drones, it is consistent with FAA guidance with a 5 mile no drone zone. To operate drones out there you have to have FAA permission. There are some provisions that would be enforceable in our city court and some with federal and state authorities.

Phillips stated she noticed that disposal of garbage is part of this and she suggested they consider recycling at the airport.

Morford stated they are looking at residential recycling right now and the airport would fall under commercial.

Ihler stated they might look at putting out some recycling containers.

MOVED by Morford SECOND by Wells to adopt **Ordinance 16-10**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Morford, Jackson, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 16-10

An ordinance pertaining to aviation creating Division 7-3-2, Article 7-3, Chapter 7, Lawton City Code 2015, by adopting definitions, general regulations and operational regulations applicable to the Lawton Metropolitan Area Airport, providing for codification, severability and establishing an effective date of thirty days from today.

23. Consider an ordinance pertaining to Personnel Policies and Procedures amending Section 17-1-6-161, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code 2015, by correcting the top two tiers for employee vacation accrual rates on part-time employees, and correcting a transposed number on tier four. This was a miscalculation from the ordinance change in January, providing for severability and establishing an effective date. Exhibits: Ordinance No. 16-__.

Chase Massie, Human Resources Director, stated the ordinance that was passed in January made some changes to the accrual rates and there was a miscalculation on the part time on the top two tiers and this will make sure they have the right accrual rates.

MOVED by Wells SECOND by Phillips to adopt **Ordinance 16-11**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Morford, Jackson, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 16-11

An ordinance pertaining to personnel policies and procedures amending Section 17-1-6-161, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2015, by adjusting the part-time general employee vacation accrual rates for 9-12 years of service, 21-24 years of service and 25 or more years of service, providing for severability and establishing an effective date of thirty days from today.

24. Consider and approve an amendment to Section 5-5-508, Article 5-5, Chapter 5, Lawton City Code, 2015, relating to use of revenues collected from animal related fees and citations, authorizing (1) a fee for administrative processing of animals; (2) use of the revenues collected for the costs of administration and adoptions along with licenses to be used solely for improvements to the animal shelter /facilities and activities of the animal welfare division; and (3) use of other animal related fees for refunds upon the return of adopted animals. Exhibits: Ordinance No. 16-__.

Russell Anderson, Animal Welfare Supervisor, stated the animal welfare committee reviewed the fee schedule and in the ordinance they put in actual funds that these accounts went into.

Morford questioned if it cost \$50 or \$55 to adopt a dog with the new fee.

Anderson stated the \$5 administration fee will be in addition to the adoption fee. It will be \$55 for a dog and \$25 for a cat.

Morford questioned if this will include shots and spay/neutering.

Anderson stated it will include spay/neutering, regulars shots, city license and the micro chip.

Phillips suggested the council get a quarterly report on the fees that come into the animal shelter.

Jackson stated he would like to see an updated statement on the activities.

MOVED by Wells SECOND by Tanner to adopt **Ordinance 16-12**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Morford, Jackson, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 16-12

An ordinance amending Section 5-5-508, Article 5-5, Chapter 5, Lawton City Code, 2015, relating to use of revenues collected from animal related fees and citations, authorizing (1) a fee for administrative processing of animals; (2) use of the revenues collected for the costs of administration and adoptions along with licenses to be used solely for improvements to the

animal shelter /facilities and activities of the animal welfare division; and (3) use of other animal related fees for refunds upon the return of adopted animals, providing for severability, and establishing an effective date of thirty days from today.

25. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015 as amended, by adding an animal administrative processing fee and increasing, reducing, and eliminating other animal related fees, and establishing an effective date. Exhibits: Resolution No. 16 -__ and Exhibit “A”.

MOVED by Wells SECOND by Morford to adopt **Resolution No. 16 -25**. AYE: Morford, Jackson, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

Tanner stated they are focusing heavily on the redemption process of your animal. If it is impounded by the city we want to make things user friendly and less costly. This reduction in the redemption fee is going to encourage people that have their animals impounded to come and redeem their animal. It will cost nothing the first time your animal gets impounded, which is a big reduction from \$65.

Jackson questioned if this will be a deterrent from taking care of your animal and making sure it stays in.

Tanner stated it is not a matter of if your animal gets out of the fence, it is a matter of when. Under past policy, someone’s animal was getting out and then the process of redemption was very punitive, they would get a ticket and it would be cost prohibitive. We are focusing on a process that would allow the citizens to redeem their animal at the same cost as if they went and adopted an animal. We are encouraging the citizens to come and get their animal.

Jackson stated the council worked very hard on that original ordinance and he thought it was a good ordinance and a deterrent and there was a reason for those fees to be set up initially and it had to do with the BAT ordinance and spay/neutering of animals. Some of them worked very hard and we had a good ordinance.

Tanner stated all they did was tweak it.

Wells stated because of the high cost of fees some people were waiting for them to come up for adoption before they picked them up.

Anderson stated under the new fee schedule they still have to come in and apply for a city license. There are a lot of changes and months of going back and forth with the committee.

Tanner stated this is going to lower the adoption process because hopefully the city will not wind up with these animals to get it to the adoption process and hopefully it will reduce the city’s euthanasia rate. We want to encourage the citizens to come and redeem their animals.

Jackson stated some of them spent over a year and a half developing the original ordinance. They worked very hard on it and it was a good one.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Tanner stated he attended a Boys and Girls Club event to promote those who would like to help the youth in our community.

Phillips requested that the council form a committee to look at our fee schedules for events at Elmer Thomas Park, downtown events, etc. She stated these fees have not been looked at for a very long time and she finds that we waive some, but don't waive others and she would like to get a handle on that.

Jackson stated we get into tough situations sometimes as far as usage in the park. It is hard to turn down a nonprofit organization. The proper thing to do would be to agenda that item for discussion.

McGahee stated she has had the opportunity to speak to many constituents in ward 7 and many call with street issues. She wanted to thank Mr. Ihler and street division staff for being expedient in taking care of the needs of the citizens.

Wells stated he wanted to assure the citizens that the city is not making one dollar off of the \$7 fee for recycling. It goes strictly to Progressive to pay for the services and we make no money from the program.

Jackson stated the committee negotiated with Progressive and \$7 was the best they could do.

Wells stated he hoped that Neighborhood Services is pushing high grass and weeds because things are starting to get bad. He stated he has some areas in ward 8 that are having a lot of door to door salesmen. If someone knocks on your door to sell they are required by ordinance to go to the license and permit center and obtain an identification badge they are supposed to wear and there is a police background check done before that is issued. If they come to your door to sell ask for that badge and if they don't have it, call the police.

COL Waters stated on Friday, April 1st, Fort Sill is hosting the regional Special Olympics.

Morford stated in the consent agenda there was an item regarding a company to work with our software. He suggested they set up a committee to start looking at this issue because every year we get further behind and staff keeps talking about how the software does not mesh with anything else.

Wells stated a few months ago they talked about doing this.

Ihler stated there was some discussion but he does not believe there was a committee set up. Ihler stated they are looking at \$5 - \$6 million. He reminded the council of the special meeting the next day at 1:30 p.m. regarding a charter review and an update on the progress of the public safety facility.

J. I. Johnson, Finance Director, presented revenue and expenditure highlights for period ending February 29, 2016. (On file in the City Clerk's office).

Wells stated when staff did the budget this year they in fact decreased projected sales tax for the year and that is what is saving us now.

Ihler stated the bigger savings is what the department heads are doing and they have been able to save a lot of money.

Tanner stated he does not think the reason for the decrease in water revenues can totally be attributed to folks conserving water. Since 2009 we have lost 1,650 active water accounts. In his opinion, the city has to do something to stop this on slot of losing these water accounts. We need to promote Lawton as the place where you want to live.

Jackson requested staff update the council on the timeline for the budget.

Ihler stated they have gone through all the departments and divisions and reviewed their budgets and they are finalizing numbers and trying to reduce the number of personnel by 16 positions. They hope to have a draft budget to the council by late April and they will start meeting the beginning of May.

The Mayor and Council convened in executive session at 7:03 p.m. and reconvened in regular, open session at 8:14 p.m. Roll call reflected all members present excluding Tanner.

EXECUTIVE SESSION ITEMS:

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 2016-2017 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.

MOVED by Wells SECOND by Morford that in connection with the ongoing negotiations for a fiscal year 2016-2017 police contract to adopt **Resolution 16-26** extending the current working out of class pay benefit for eligible members of the IUPA Local 24 bargaining unit until the end of the current fiscal year 2015-2016 contract terms for the purposes set forth in the resolution . AYE: Morford, Jackson, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

27. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of Rural Water District No 1, Comanche County Oklahoma, Rural Water District No 2, Comanche County Oklahoma, Rural Water District No 3, Comanche County Oklahoma, Pecan Valley Waterworks Association Llc, vs. City of Lawton, CJ-2011-774, and if necessary, take appropriate action in open session. Exhibits: None.

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

There being no further business to consider, the meeting adjourned at 8:15 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK