

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
AUGUST 23, 2016 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Keith Jackson, Mayor Pro Tem
Presiding

Also Present:
Jim Russell, Assistant City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk
COL Samuel Curtis, Fort Sill Liaison

Mayor Pro Tem Jackson called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. Norma Quinn, Centenary United Methodist 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
V. Gay McGahee, Ward Seven
Doug Wells, Ward Eight

ABSENT:

Fred L. Fitch, Mayor

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO NANCY EDWARDS

Mayor Pro Tem Jackson presented a Certificate of Commendation from the Mayor's Office to Nancy Edwards.

PROCLAMATION FOR "START UP IN A DAY" INITIATIVE

Mayor Pro Tem Jackson presented a proclamation to John Veal, U. S. Small Business Administration, proclaiming Lawton, Oklahoma as a Start Up In A Day City.

RECEIVE THE ANNUAL UPDATE OF THE HOTEL/MOTEL TAX FUNDED
ACTIVITIES FOR FY 2015-2016 FROM THE LAWTON-FORT SILL CHAMBER OF
COMMERCE

Updates were given by Mark Brace, Chairman, and Debra Welch, President of the Lawton -

Fort Sill Chamber of Commerce. Phil Kennedy, Chairman of the Lawton Economic Development Corporation and Barry Albrecht, President and CEO, briefed the council on economic development issues. (A copy of the End of the Year Report for FY 2015-2016 is on file in the City Clerk's office)

AUDIENCE PARTICIPATION:

Tom Abram, Lawton Food Bank Board of Directors, announced that Edgar Cruz is performing a benefit concert for the Lawton Food Bank on Friday, August 26th. It is at First Assembly and tickets are \$25. You can contact the Food Bank or Arvest Bank for tickets.

Paula Huckabee, Community Engagement Manager with the Alzheimer's Association, invited everyone to the Walk to End Alzheimer's this Saturday at Elmer Thomas Park. Registration is free and starts at 9 a.m. with the opening ceremony at 10 a.m. with the walk starting at 10:30 a.m.

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

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

CONSENT AGENDA

Mayor Pro Tem Jackson stated that item #8 will be considered separately.

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

1. Consider the following damage claims recommended for denial: Charlotte Taylor in the amount of \$47,583.00 and Northwest Baptist Church in the amount of \$300.00. Exhibits: Legal Opinions/Recommendations.
2. 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 Billy Chandler in the Workers' Compensation Court of Existing Claims, Case No. 2012-12298J. Exhibits: **Resolution No. 16-64**.
3. Consider approving a Fourth Amendment to Lease Agreement between the City of Lawton, Oklahoma, and T-Mobile Central, LLC, and authorize the Mayor and City Clerk to execute the amendment. Exhibits: Fourth Amendment to Lease Agreement is on file in the City Clerk's Office.

4. Consider authorizing the Mayor, as the City’s representative on the consortium of local elected officials of the South Central Oklahoma Workforce Investment Area, to execute a new consortium agreement that among other things: (1) updates references to federal law and (2) renames the consortium area the “South Central Oklahoma Workforce Development Area.” Exhibits: Proposed Consortium Agreement.
5. Consider approving a Grant Agreement for the Lawton-Ft Sill Regional Airport in the amount of \$ 900,431.00 for Construction of the Snow Removal Equipment Building. Exhibits: None.
6. Consider ratifying the submission of a grant application and executing the grant offer from the Oklahoma Aeronautics Commission (OAC) for the Lawton-Ft Sill Regional Airport in the amount of \$ 154,553.00 for a Pavement Management Program and Testing. Exhibits: None.
7. Consider waiving the permit, licensing and fee requirements associated with the construction of entry ramps at private residences by local AMBUCS chapters. Exhibits: None.
8. Consider approving a resolution of opposition to the passage of SQ777 which would limit the State’s and the City’s ability to protect public water supply and to regulate land usage. Exhibits: Resolution No. 16-__ and SQ 777.

Wells stated he has had a lot of conversation and phone calls regarding this item and he would like to table this until the September 27th meeting. He would also like the council to support asking the City Attorney to look at SQ 777 and come up with a list of pros and cons as it reflects on the City.

MOVED by Wells SECOND by Burk to table to September 27, 2016 and request that the City Attorney research SQ 777 and establish a list of pros and cons as it reflects on the City. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

9. Consider approving contracts with Wilmari Ruiz of Enye Media (Tequila Azul) and Jimi Towry of Tropikal Productions (Watusi) performers at the 2016 International Festival and authorize the Mayor and City Clerk to execute the agreements. Exhibits: Contracts on file in City Clerk’s office.
10. Consider accepting Fiscal Year 2016-2017 grant funds in the amount o \$40,000 from the Federal Corporation for National and Community Service (CNCS) for the Retired and Senior Volunteer Program (RSVP). Exhibits: Federal CNCS Notice of Grant Award.
11. Consider entering into a professional services agreement with Tom Aplin for consultation and training services regarding the Housing and Community Development (HCD) division operations, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Proposed Agreement is on file in the City Clerk’s Office.

12. Consider accepting a \$500.00 donation to the Library from the Friends of the Library to be designated for library-related activities. Exhibits: None.
13. Consider accepting donation of \$1000.00 to purchase police canine bullet/stab resistant vest(s). Exhibits: None.
14. Consider accepting donation of Automated External Defibrillators from Firehouse Subs. Exhibits: None.
15. Consider approving a request from Oklahoma Elite Athletics, Inc to waive fees for the use of Eastside Ball Park to host a football jamboree to raise funds to provide sporting activities in conjunction with enhancing the mental and physical development of the youth for the betterment of the youth and the community. Exhibits: Oklahoma Elite Athletics, Inc Letter of request, Certificate of Incorporation and Internal Revenue Service determination letter for federal tax exemption.
16. Consider approving an Agreement for Limited Services between the Lawton Enhancement Trust Authority (LETA) and the City of Lawton to fund activities by LETA designed to encourage, promote and foster economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Agreement for Limited Services and LETA Budget.
17. Consider a Section 4(f) de minimis finding for SH-58 Widening and Resurfacing from the SH-49 Junction extending North 6.4 Miles through Wolf Road, Comanche County, JP #30427(04), J3-0427(004) and authorizing the Mayor to execute said document. Exhibits: Letter dated July 22, 2016 from ODOT.
18. Consider accepting the permanent utility easements on Lots 1-4, Block 42, in Waldman Addition, for Fleet Way Auto Storage located at 1621 SW Lee Boulevard. Exhibits: Location Map, Easements are on file in the City Clerk's Office.
19. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on NW 34th Street at Atlanta. Exhibits: **Resolution No. 16- 65** Traffic Commission Minutes and Traffic Issue Requests.
20. Consider adopting a Resolution authorizing the installation of traffic control measures on US-62 and NW 67th Street. Exhibits: **Resolution No. 16- 66**.
21. Consider accepting a permanent easement and a temporary easement from A2Z Enterprises, LLC, for right of way needed for the Pat Henry Elementary School, Safe Routes to School Project# 2013-09, authorizing the Mayor and City Clerk to execute the documents. Exhibits: Location map. Documents are on file in the City Clerk's office.
22. Consider extending contract (CL15-006) Annual Audit – City of Lawton to BKD, LLP of Oklahoma City, OK for a third year, as provided for in the contract. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

23. Consider extending the Requirement Contract for Repair Clamps, Bell Joint Clamps and Steel Couplings, Items No. 1, 3, 5, 6, 7 8 and 9 to HD Supply Waterworks to Owasso, OK; Items No. 2 and 4 to Oklahoma Contractor Supply of Oklahoma City, OK; and Items No. 10, 11, and 12 to Pioneer Supply of Moore, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
24. Consider amending and extending contract (CL06-006) Plexar Custom Service Agreement with AT&T, formerly doing business as Southwestern Bell Telephone, L.P., by its General Partner, SWBT OKLAHOMA, LLC., (“SBC”), for an additional one year to a final expiration date of August 31, 2017. Exhibits: Second Amendment to Agreement.
25. Consider awarding (CL17-002) Jail Food and Supplies to Stephenson Wholesale Co., dba Indian Nation Wholesale of Durant, OK. Exhibits: Department Recommendation, Proposal Packets on file with Financial Services.
26. Consider approval of payroll for the period of August 1 - 14, 2016.

NEW BUSINESS ITEMS:

27. Consider amending Exhibit “A” to Resolution Nos. 16-62 and 16-63, which sets forth the text of proposed City Charter amendments to be submitted to a vote of the people by reducing the text for each ballot proposition to two-hundred (200) words as recently imposed by the State Election Board for the November 8, 2016 general election. Exhibits: Amended Exhibit “A”.

Jensen stated we were given a limit of 200 words per ballot proposition and we did not know about it until after the last council meeting where the council approved four ballot propositions to amend the charter. We were given that announcement after we submitted our ballot propositions. His assumption is that they are doing this because this is a presidential general election. We had to take the brief gist, which is a summary of each of the proposed amendments, and we had to reduce one of those to below 200 words, the other three were fine. The verbatim amendments will not be able to fit on the ballot if we only get 200 words per proposition, so the compromise we reached with the election board is that the ballots will have the brief gist but when you walk into the precinct to vote they will also hand out a separate sheet that has the verbatim amendments which shows the strikeouts and underlines reflecting the changes. We will print these documents at our cost. We looked at the cost versus having our own election and it would still be better to hold it during this election. In the meantime we will publish everything, including the verbatim amendment for 21 days, but you will not see the verbatim amendments on the actual ballot, you will be handed those when you walk into the precinct to vote.

Phillips questioned if this 200 word requirement was ongoing.

Jensen stated they do not know for sure. Once we got word the Assistant City Attorney called the state election board and asked for a citation of the rule and we did not receive one. We will get through this issue first and then we will deal with it afterwards. He has never seen a rule and

we did not get one upon our request. The bottom line is we have to get this on the ballot and tomorrow is the deadline to finalize it.

Tanner questioned the cost amount for the additional printing.

Hushbeck stated it is estimated to cost between \$6,000 to \$7,000 to print 37,000 copies.

MOVED by Wells SECOND by Phillips to amend Exhibit “A” to Resolution Nos. 16-62 and 16-63. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

28. Consider using funds collected as a Fee in Lieu of Constructing Sidewalks and a portion of the ADA Compliance Improvements Fund within the 2015 CIP to construct a sidewalk along East Gore Blvd from NE 20th Street to SE Flower Mound Road in order to provide an accessible path from the Veterans Center to commercial services along East Gore Blvd. Exhibits: Sketch of proposed sidewalk location.

Burk stated in early April he was contacted by the VA center to come and meet with their council. He stated there were a lot of residents in motorized vehicles and he was told there was a need for sidewalk accessibility down East Gore to the casino side of Gore and across the street. He stated there were people living in the VA center that would like to have access to those areas. He also spoke to a young gentleman who spoke about riding his bicycle to work down East Gore and almost being run off the road and finally being hit by a vehicle. He drives that road every day and he sees people on bikes and motorized vehicles going up and down on the grassy area on the south side of the road as well as on the north side. He started working with city staff to come up with ideas and a plan. He stated there are 56 people that live at the facility that have motorized vehicles. There are 5 that are being ordered and 8 that are pending for a total of 69 vehicles. He stated he did not start this because it was the VA center, but he felt there needed to be access for all the apartment complexes that are on East Gore and anyone that wanted to safely get up and down East Gore Boulevard and not be killed. There are people all over the city riding motorized vehicles up and down the sidewalks, the grass and over curbs. There was a lawsuit filed against the City of Lawton for not having ADA accessibility in our public buildings, walkways, streets and sidewalks. To settle this suit we agreed to do our part and make things ADA assessable. This included parks and all areas throughout our city. That money was put aside for exactly this type of need. He did not know there was this kind of need at the VA center. As part of the agreement we put together the Lawton Access Board which consists of people from all across the community and some who were involved in the lawsuit. They believe that the \$1 million which was approved in the 2016 CIP is not to be used frivolously. This is the first time, to his knowledge, there will be an expenditure out of that \$1 million. Others can go to the Access Board and request assistance and that is what this fund was set aside for. He requested city staff research this issue and he also spoke with Alfred Espinoza from A&E Construction and requested a donation. His goal is to go all the way to SE 45th with a sidewalk. (Burk read a letter from the VA Center requesting support). He stated Mr. Espinoza got back with him and told him he would give a 10% donation off of this cost, which would be a total of \$13,000. He has also been able to go out and get \$50,000 of donations, \$25,000 to be used on the south side and \$25,000 to be used on the north side. That gets us down to \$69,000 without

any other fundraising efforts. Someone suggested they install pavers into the concrete to be able to pay for the sidewalk. He stated he went to Lawton Enhancement Trust Authority (LETA), which he is the Chairman, and they agreed to get behind this project. He stated a lot of citizens didn't even know there was ADA money available. At this point they are \$69,000 short and he thinks he can raise a lot of that money himself because he would rather not use a dollar of that ADA money. The Access Board and LETA feel this is a viable project and he would ask for the support of the council.

Wells stated he has been pushing for sidewalks the eight years he has been on council. This is a good project, but he can name areas all over the city that need sidewalks, bus stops that need handicap access and it is difficult to say that this one is more important than others. He stated the council needs to come up with something to get sidewalks and handicap accessibility done throughout the city. The newer areas all require them now but the older areas don't and you find kids walking to school in the streets and they are all important projects.

Phillips stated she supports sidewalks, but she received three phone calls about the need for sidewalks in other areas of town. People are looking for places to shop and we are remiss in not trying to find more funding to accomplish some sidewalks in this city.

Morford stated he has received comments regarding the need for sidewalks to Walmart and the hospital.

Tanner stated he received a comment regarding the need for a sidewalk along E. 45th. Citizens are concerned that these sidewalks are not more centrally located, but he feels you have to start somewhere. He stated during an election time, things get done. This project will benefit the veterans and he does not know how a person could be against it.

Phillips questioned the money.

Burk stated he hoped the council would allocate some money that they could use if need be. He does not think they will need anywhere near the \$70,000 that they have asked the Access Board for. He would like to approve the \$69,000 and he will not start the project until they have exhausted every opportunity to raise the money. He would like to have sidewalks everywhere and we have road issues, but he wants people to understand that this money cannot be used for roads.

Tanner questioned how the money is split up.

Burk stated the \$14,000 is from the fee in lieu of constructing sidewalks and up to \$70,000 will be from the CIP money. He stated he has raised \$50,000 and Espinoza has agreed to waive \$13,000.

Tanner stated the total cost is \$132,000.

Burk stated you take \$132,000 minus \$63,000 and that is \$69,000.

Tanner questioned if this includes the \$50,000 that has been raised.

Burk stated no. Take the \$132,000 and deduct the \$50,000, deduct the \$13,000 and that gets us down to \$69,000. He would like to use the money in lieu of first because that money is specifically for sidewalks. The Access Board approved up to \$70,000 but we will use a number a whole lot less than that if we even have to use any at all.

McGahee stated she initially had an issue with the amount of money and the fact that there are so many places that need sidewalks, but listening to Councilman Burk and that the funding is pretty solid and he has raised donations, she feels she can support this issue.

Burk stated LETA will help with getting the bricks since they can collect tax deductible donations. He is hoping we don't have to use any of the money.

Bellino-Hall stated she agrees that we need sidewalks all over the city, but no one has picked up the baton and ran with it until now. How can you say no.

Tanner stated that several folks have died crossing I-44 and ODOT has awarded the City of Lawton a grant of \$700,000 to build this pedestrian crossway across I-44. We have to match some of that and we can use these funds in the CIP because it is going to be handicap accessible.

Burk stated he is not asking for this to be built just for the VA center, this is for accessibility for anyone on the east side of town. He felt like we had to start somewhere and this was a great need and the VA center needed it as well and he felt it was a great start. He does believe that there are schools and churches and other areas across our city that need access and we need to address those one by one and start making a move towards getting these things fixed. He questioned where that responsibility should fall.

Russell stated when the access board was created they prioritized the need for all accessible access to shopping, bus stops, churches, schools, etc. They created a priority list across the city based off the major points of usage. The \$1 million from the sales tax is to begin the process of going through that list.

Phillips stated the access board is responsible for putting together the plan.

Russell stated yes, they present an annual update every year.

Jackson stated with the final approval by the council.

Jody Maples, 4402 NE Mossy Oak, commended Councilmember Burk for coming up with the funding for this project. She stated that Tonya Hendricks is the administrator at the VA center and she spoke with her and she is not a proponent for this. According to her there are only three or four at the VA center who will actually be able to use the sidewalk, however, the way it has been presented she would even have to support it. She would request that the council not allocate the full \$84,000, but allocate a lower amount. She believes that Councilmember Burk will come up with the funding and she would even partner with him to create some of the funding. She suggested the Apache Casino help with some of this funding. A lot of the

residences are not allowed to take their scooters outside of the facility and she feels there are other ways they can help support the veterans by going by there and visiting with them and doing activities with them and without necessarily saying we have to build a sidewalk. She stated it is just not there that we need a sidewalk. She did receive a lot of phone calls and people want them all over the city and the council has acknowledged that. She just doesn't feel they should allocate the full funding because she feels they could come up with the funding for the entire amount.

Jackson stated he does feel it is a good project and the ultimate goal is to get a sidewalk down E. Gore Boulevard all the way from 45th Street to the shopping/retail area. He commended Councilmember Burk on this effort. If other neighborhood activists or council members would put the same effort in on trying to raise money for their area, our dollar would stretch a lot farther.

MOVED by Bellino-Hall SECOND by Phillips to approve the use of funds collected as a Fee in Lieu of Constructing Sidewalks and up to \$70,000 of the ADA Compliance Improvements Fund within the 2015 CIP to construct a sidewalk along East Gore Blvd from NE 20th Street to SE Flower Mound Road in order to provide an accessible path from the Veterans Center to commercial services along East Gore Blvd. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

ADDENDUM:

1. Consider waiving the permit, inspection, and impact fees associated with the construction of a single family home on property located at 5415 SW Trevor Circle by Operation FINALLY HOME. Exhibits: None.

Burk stated that this group goes throughout the nation and builds homes for veterans that are at least 70% disabled. He stated his business will be putting in the heating and air and people all across the community are donating items to get this home built. This is a brand new home in Dove Creek that is ADA accessible for this veteran at zero cost. This organization is funded through a private person that covers all their administrative costs, so 100% of everything that anyone gives in Lawton toward this project goes directly to the project itself, so no money is spent on overhead for the project. The builder is Colin Hawkins and the groundbreaking will be held on Friday at 9 a.m.

Phillips stated we will still require that all building requirements and codes be met which is important for our city.

Burk stated that all inspections will be done, but we will waive the fees that we normally charge to a builder.

MOVED by Burk SECOND by McGahee to waive the permit, inspection, and impact fees associated with the construction of a single family home on property located at 5415 SW Trevor Circle by Operation Finally Home. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

J.I. Johnson, Finance Director, presented revenue and expenditure highlights for period ending July 31, 2016. (On file in the City Clerk's office).

McGahee stated today the Lawton municipal pool was tagged and there was some painting on the building, but a group of citizens got together and went down and painted it. She is proud of the citizens of this community.

Phillips stated that Dunbar School is almost cleaned up and she is proud that this group has come as far as they have and now the school may have a future.

Tanner stated we have a community housing division that helps folks fix up their homes. He understands that we have plenty of funding, up to \$25,000 that the city will help you fix your home back up. It is a good program that the city offers and 90% is in a grant form and you only have to pay back 10%.

The Mayor and Council convened in executive session at 7:51 p.m. and reconvened in regular, open session at 8:25 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

29. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in United States District Court of Margie M. Robinson, as the Personal Representative of the Estate of Christina Dawn Tahhahwah, Deceased vs. City of Lawton, and eleven police/correctional officers, CIV-16-869-F, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #29.

MOVED by Burk SECOND by Wells to retain Clay Hillis to represent the officers and the correctional officers sued in their individual capacities in the federal lawsuit filed in the Western District of Oklahoma styled Margie Robinson vs. City of Lawton and authorize the Mayor and City Clerk to execute a retainer agreement at the rate of \$125 per hour. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 8:26 p.m. upon motion, second and roll call vote.

KEITH JACKSON, MAYOR PRO TEM

ATTEST:

TRACI HUSHBECK, CITY CLERK