

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
SEPTEMBER 27, 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 Samuel Curtis, 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 Brandon Johnson, First Christian 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 (Left meeting @ 6:25 p.m.)  
Cherry Phillips, Ward Six  
V. Gay McGahee, Ward Seven  
Doug Wells, Ward Eight

ABSENT: None

Lt. COL Kurt Nielson, Provost Marshall for Fort Sill, reported on the Real ID Act requirements that will be required when you enter Fort Sill. He stated a full list of documentation can be found at DHS.gov.

Mayor Fitch recognized students from the Presidential Leadership University Scholarship (PLUS) program at Cameron University.

Morford recognized students from the American Heritage Girl's group.

AUDIENCE PARTICIPATION:

Michael Tennis, Chairman of Holiday in the Park, announced two fundraisers. The first event will be held on October 8<sup>th</sup> and is a Light the Park/Funfest Trunk-N-Treat. The second event is the Carson & Barnes Circus which will be in the park on October 10<sup>th</sup> & 11<sup>th</sup>.

Allen Faries, 908 SW 3<sup>rd</sup> Street, stated he wanted to speak about the I-corridor from 9<sup>th</sup> Street to 2<sup>nd</sup> Street. His home flooded on June 12, 2016 and he is concerned that his neighborhood is

disintegrating. Homes have been boarded up and yards have not been mowed and are filled with piles of debris. He requested that the City Council accept responsibility for the flooding problems along the I-corridor because they approved all the build up along Numu Creek which increases the severity of the flooding with every load of concrete that was poured. He stated it is not reasonable to expect all the storm water from northwest Lawton to fit in that canal under I Avenue. He requested the council work with the county, state and corp of engineers to develop a plan to remediate this problem. He requested that city staff do what they can to get the piles of flood debris picked up, lots mowed and vehicles moved before winter starts.

Timothy Loftis, 2704 NW 52<sup>nd</sup> Street, stated he is interested in opening up a black chamber of commerce in Lawton. He stated there was one in the past that was not very successful, but he feels with his event planning and his artistic talent he will be able to do a good job in promoting and implementing different programs and fundraising ideas to bring interest to the city of Lawton. He would like to promote conferences to be held in Lawton. He would like to open an office and work with Councilmember McGahee and talk with qualified individuals to establish a board of directors.

Mayor Fitch stated the City would not be involved in developing this. The Northside Chamber of Commerce was here for several years and they did participate in some of the hotel/motel money but they did not have enough structure and participation. Those members eventually moved over to the Lawton Fort Sill Chamber of Commerce. He stated there would be a lot of guidelines and requirements that would have to be met in order to participate in hotel/motel tax money.

Mr. Loftis stated having one in Lawton would bring a lot of revenue to the city. He would do a good job as the creative director of this development.

Tom Leon, 2307 NW Ridge Road lane, stated he was disturbed when he read about the incident about the lady in the city jail who threw stuff at our police. He stated the police chief needed to put up boards in her cell. He respects the police and they do a fine job.

Robbie Day, Cameron PLUS scholar, stated PLUS scholars are selected on high ACT scores and high GPA's. After they have completed their four years they will have done individually 128 service hours through various organizations.

#### CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF AUGUST 23, 2016.

MOVED by Burk SECOND by Jackson to approve the minutes of Lawton City Council regular meeting of August 23, 2016. AYE: Morford, Jackson, Bellino-Hall, Burk, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

#### CONSENT AGENDA

MOVED by Burk SECOND by Morford to approve the consent agenda. AYE: Morford, Jackson, Bellino-Hall, Burk, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Aaron Gonzales in the reduced amount of \$975.05 (**Res. 16-71**), Terressa Spencer in the amount of \$520.00 (**Res. 16-72**), Anne and H. Glenn Williams in the amount \$213.64, Nan and William Kunkel in the amount of \$77.72 and Willie Munn in the amount of \$4,722.44 (**Res. 16-73**). Exhibits: Legal Opinions/Recommendations, Res 16-\_\_\_\_, Res 16-\_\_\_\_ and Res 16-\_\_\_\_.
2. Approve and authorize the Mayor and City Attorney to execute a settlement agreement to resolve a pending grievance titled International Union of Police Associations (IUPA), AFL-CIO, Local 24 & Mary Lile vs. City of Lawton, FMCS # 160125-52572-6. Exhibits: Proposed Settlement Agreement and Release.
3. Consider approving a Memorandum of Understanding between the U.S. Fish & Wildlife Service (USFWS) and the City of Lawton, to coordinate the construction of connecting fuel/fire breaks on certain City property along Lake Lawtonka and on certain service lands held and managed by the USFWS. Exhibits: Memorandum of Understanding for U.S. Fish & Wildlife Service, on file with City Clerk’s Office.
4. Consider approving the construction plat for Scissortail Development, Part 2. Exhibits: Plat Map.
5. Consider approving the record plat for the Replat of Lots 11-13, Block 31, Wyatt Acres, Part 15, located between NW Allison Lane and NW Micklegate Boulevard on NW Taylors Landing. Exhibits: Plat Map.
6. Consider acknowledging receipt of Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 150 linear feet of 8-inch PVC waterline and all appurtenances to serve Lawton Town Center, Part 3, located at the northeast corner of NW 2nd Street and NW Dearborn Avenue, in the SE/4 of Section 30, T2N, R11W, Comanche County, Oklahoma. Exhibits: Permit to Construct is on file in the City Clerk’s Office.
7. Consider acknowledging receipt of a Permit to Construct from the Oklahoma State Department of Environmental Quality for the construction of sanitary sewer lines to serve the South Wolf Creek Trunk Expansion #4 Project (Phase A), City of Lawton, Comanche County, Oklahoma. Exhibits: None.
8. Consider approval of payroll for the periods of September 12 - 25, 2016.

NEW BUSINESS ITEMS:

9. Consider the Consolidated Annual Performance and Evaluation Report (CAPER) for Federal Fiscal Year (FFY) 2015, receive a briefing on the CAPER, hold a public hearing to receive input from citizens, and approve the report for submission to HUD, and authorize the Mayor to sign the approved CAPER. Exhibits: None. (The CAPER is on file in the City Clerk’s Office.).

Anthony Griffith, Assistant Director for Housing and Community Development, reported on the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Programs' activities and accomplishments during the previous program year. A briefing was presented by Griffith. (on file in City Clerk's office).

PUBLIC HEARING OPENED

Timothy Loftis, 2704 NW 52<sup>nd</sup> Street, stated it would be a great idea to utilize the money for home improvement projects where there are a lot of dilapidated houses that need repair.

PUBLIC HEARING CLOSED

MOVED by Wells, SECOND by McGee to approve the CAPER for FFY 2014 and approve the report for submission to HUD, and authorize the Mayor to sign the approved CAPER. AYE: Morford, Jackson, Bellino-Hall, Burk, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

10. Consider an ordinance pertaining to Personnel Policies and Procedures, amending Sections 17-3-4-333 and 347, Division 17-3-4, Article 17-3, Chapter 17, Lawton City Code, 2015, by amending definitions and death benefits; providing for severability and declaring an effective date. Exhibits: Ordinance 16-\_\_.

Tim Wilson, Deputy City Attorney, stated our employee pension board retains an attorney in Oklahoma City, John Papahronis, who is an expert with the IRS and pension rules. Every five years our pension board has to submit a request for determination letter from the IRS for a favorable tax ruling. In August we received a letter back from the IRS and our favorable determination ruling is conditioned upon passage of this ordinance. This ordinance changes the definition of surviving spouse from a man and wife to a member spouse and the second change modifies the death benefits to make it clear that if a city employee is a member of the military that is deployed and dies serving the country that they would be entitled to the City's death benefit from the retirement system. He stated the pension board voted this morning and approved these changes.

MOVED by Wells SECOND by Morford to adopt **Ordinance 16-27**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Morford, Jackson, Bellino-Hall, Burk, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 16-27

An ordinance pertaining to personnel policies and procedures, amending Sections 17-3-4-333 and 347, Division 17-3-4, Article 17-3, Chapter 17, Lawton City Code, 2015, by amending definitions and death benefits; providing for severability and declaring an effective date of thirty days from today.

11. Consider an ordinance pertaining to the citation of the code year; amending Section 1-1-101, Article 1-1, Chapter 1 and also amending Section 12-1-126, Article 12-1, Chapter 12, Food and Food Establishments, by changing the reference therein from 2005 to 2015; providing for severability and establishing an effective date. Exhibits: Ordinance 16-\_\_.

Wilson stated last year when the city code went through a recodification from the 2005 to 2015 version these two references to 2005 were not changed.

MOVED by Burk SECOND by Phillips to adopt **Ordinance 16-28**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Morford, Jackson, Bellino-Hall, Burk, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 16-28

An ordinance pertaining to the citation of the code year; amending Section 1-1-101, Article 1-1, Chapter 1 and also amending Section 12-1-126, Article 12-1, Chapter 12, Food and Food Establishments, by changing the reference therein from 2005 to 2015; providing for severability and establishing an effective date of thirty days from today.

12. Consider adopting a new City Council Policy to be numbered Council Policy 4-3, and entitled “Municipal Securities Disclosure Policy”, for the purpose of establishing internal procedures for complying with federal regulations requiring timely, accurate and consistent dissemination of financial information to the municipal securities marketplace in connection with sale of the City’s bonds for funding/financing capital improvements and expenditures. Exhibits: Proposed Council Policy 4-3 with Appendices A-C.

Jensen stated every time the City of Lawton sells its bonds, whether by property tax or sales tax, for capital improvements there are certain federal regulations that apply. The first regulation requires us to prepare an offering document, which is a massive document that serves as the offering document to potential buyers of the bonds. It gives a history of Lawton and it is supposed to cover about every aspect of our financial health in the City of Lawton. The second part of that transaction that federal regulations require, and it says that either you comply with the federal regulations or comply with a continuing disclosure agreement. Just because you do an offering document that gives the financial health of the City at the point in time when the transaction is done, your job is not finished with that bond until the life of that bond is over. We have chosen historically to execute a continuing disclosure agreement that has a number of requirements on filing annual operating data, filing annual financial data and filing audited financial statements. It also has requirements throughout the year for each bond issue to file things on an electronic message board that is recognized by the Securities and Exchange Commission, a series of listed events. It can be a simple event like a change in our credit rating, we have to notify the people who have bought these bonds of a change in our credit rating. There are a number of other events that we have to address if they materialize. The last part of it, under continuing disclosure, is not actually a requirement, but it is a suggestion by a federal agency that we do some voluntary disclosure. Because of the situation his office has been dealing with for several months now, he is strongly recommending that we do voluntary

disclosure of things that aren't required, but try to give everyone in the municipal securities marketplace a high level of comfort in dealing with the City of Lawton. Those are the three major components of things that have to be filed and they have to be filed on time. If they are not filed on time you have to do a notice of failure to file and then we have to deal with a justification for not filing on time. The City of Lawton hasn't established a very good track record the last several years in dealing with this issue and there is an increased emphasis on municipalities and they have to get better at doing this. He is strongly recommending the adoption of this policy and if we don't have a policy we will continue to have the kind of track record that we can't accept. We need to have accountability internally and not totally rely on outside consultants and that is what this policy is designed to do.

MOVED by Wells SECOND by McGahee to adopt City Council Policy 4-3 entitled "Municipal Securities Disclosure Policy". AYE: Morford, Jackson, Bellino-Hall, Burk, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

13. Consider adopting a resolution amending the FY 2016-2017 budget to increase the staffing level of Finance Administration by adding a newly created staffing position for the Municipal Securities Disclosure Coordinator, as outlined in the Municipal Securities Disclosure Policy. Exhibits: Res. 16-\_\_\_, Position Description for Municipal Securities Disclosure Coordinator.

Ihler stated this is a companion item to what the City Attorney has just addressed. There are many items that need to be addressed as far as the disclosure requirements and they feel they need to go ahead and create a position to address those issues. They are looking at someone with preferably a legal background and this position would report directly to the Finance Director and work in the Finance Administration division. They are looking at a GE-15 position and if they were to get someone on board by November 1<sup>st</sup>, they would be looking at \$45,000 to get through the fiscal year. This position would take the manning table from 879 positions to 880.

Morford stated Mr. Jensen stated we were deficient, but actually our credit rating has gone up and we are not financially deficient, this is more administrative.

Jensen stated this is more than administrative, our credit rating has not changed but this deals with complying with federal regulations.

MOVED by Wells SECOND by Phillips to adopt **Resolution 16-74**. AYE: Morford, Jackson, Bellino-Hall, Burk, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

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

Wells stated this year we actually budgeted less in sales tax revenue than we did last year and unfortunately we are even below the budgeted amount.

McGahee stated she attended a great event at the dog park and she met a lot of residents with their pets. She stated we were able to get some funding for kennels for the cats at the animal shelter. She invited the public to a community dinner on October 8<sup>th</sup> at Galilee Missionary

Baptist Church from noon until all of the food is gone. She stated they will also be registering voters.

Wells stated his granddaughter will be participating in the white coat ceremony for dental school on October 7<sup>th</sup>.

Phillips stated she attended the International Festival and it was successful even though it rained.

Burk stated he has had a lot concerns and complaints about SE 45<sup>th</sup> and the utility relocation. There are concerns from the McArthur Park Townhouse Association. He stated there are a lot of street projects going on around the city and he encouraged everyone to slow down in these construction areas.

Jackson stated this is a horrible year as far as citizens maintaining their property. He encouraged the public to mow their yards, paint your homes and clean up the neighborhood. It is worse this year than he has ever seen it.

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

Ihler stated they need to fill a vacancy on the Engineering Selection Committee.

Phillips volunteered for the position.

There being no further business to consider, the meeting adjourned at 7:24 p.m. upon motion, second and roll call vote.

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FRED L. FITCH, MAYOR

ATTEST:

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TRACI HUSHBECK, CITY CLERK