

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JUNE 9, 2015 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Jerry Ihler, Acting City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk

Mayor Fitch called the meeting to order at 6:25 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Minister Dewayne Hall, Get the Word Out, 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
Doug Wells, Ward Eight

ABSENT:

None

PRESENTATION FROM LORENE MILLER, EXECUTIVE DIRECTOR FOR CENTER FOR CREATIVE LIVING

Ms. Miller presented a power point presentation highlighting their health and wellness program.

AUDIENCE PARTICIPATION:

Dan Tucker, 6916 SW Beta, stated he has three requests of the council: 1) have the integrity to finish the CIP's that the citizens of Lawton have already voted for and approved. He stated there are some apartments west of 67th Street on Gore Boulevard that have been there a long time and those residents still have to drive through dirt if they are coming east on Gore Boulevard. That was approved a couple of CIP's back, 2) have the courage to stand by those people and say "no, I am not raising utility rates". But you have to come up with the money for those people you hired under a certain condition of employment and 3) have the wisdom to realize there is always another crisis. Keep new emergencies "new" and don't let them affect what you have already done.

Mayor Fitch stated in talking about bringing the 2012 CIP to a closure at the end of this fiscal year, about 50% of the items in the 2012 CIP are either totally funded, under construction, or are completed. The 2016 CIP would start January 1, 2016 and the first thing it does is pick up the remaining items of the 2012 CIP that are not funded, are not started or are not completed. We are just moving those projects from one CIP to another. The remainder will fund alternative water sources.

Mr. Tucker stated that he never intended to say that someone was doing something wrong or that things that were promised were not going to get done. He is just repeating what he hears in conversations. He suggested the council do a public service announcement and give a status of those projects.

Mayor Fitch stated that will be done when they get closer to this election. He stated the overlay project at those apartments are in the 2012 CIP.

Wells stated that is widening the road.

Mayor Fitch stated ODOT has committed to paying 80% of that cost and that is something we cannot pass on and that will probably get started next spring or summer.

Mr. Tucker stated we are two CIP's behind when we said we were going to get that done and those apartments were built with the understanding that they would have a center lane.

Mayor Fitch stated he did not know what they were promised but when ODOT money was not available, the city could not pay the whole bill.

Dr. Hogue, former Chaplain at Fort Sill Veteran's Center, stated there are no sidewalks in a lot of the area and he spoke with Councilmember Wells who told him they were going to form a committee to evaluate his proposal. He is proposing that if the streets don't have sidewalks and there is not enough room with vehicles parked that two can pass each other safely, then there shouldn't be any parking on that street. They need to have off street parking. He has seen instances where there are five vehicles at a home and parking is a real problem. Emergency vehicles have to weave their way through the street. His proposal is that we park on one side or the other, not both. He stated there are a lot of curbed streets here and people park on the inside of the curb and you are blinded to incoming traffic. He proposes that if there is a curb, people park on the outside of the curb so you have full view of oncoming traffic. He stated the multi-colored headlights blind you at night. The window tinting is so dark you can't see the occupants so it is not safe for the officer to walk up to a vehicle.

Mayor Fitch stated he sees some things that are addressed by city code. He stated he is sure that Councilmember Wells will put together a committee to talk about these issues.

Morford stated he would like to participate in this committee.

Tanner stated he would also like to participate because he likes the idea of parking on one side of the street. That way they can put all the trash cans on one side of the street.

Sharon Anderson, citizen, stated if the cars are parked on one side of the street it would make it much easier for school buses to pass each other. It would also help if garbage cans were up on the curb and out of the street.

Ihler stated there is nothing that prevents a citizen from putting their container above the curb, as long as it is one foot from behind the back of the curb. The problem is that not everyone has a flat slope with regards to their yard and when they let the can down sometimes it tips over.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF APRIL 12, 2015.

MOVED by Jackson SECOND by Burk to approve the minutes of April 12, 2015. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Fitch stated on item #20 with regards to appointments, it states that the appointment to the McMahon Auditorium Authority is Jack Hanna, but that appointment should be Billie Whipp. Phillips stated she would like items #4, #11 and #12 to be considered separately

MOVED by Wells SECOND by Phillips to approve the consent agenda with the exception of items #4, #11 and #12 and correction on item #20. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Blayne Powell in the amount of \$676.05 (**Res. 15-46**) and Yolanda Allen-Cook and Thomas Cook in the amount of \$16,297.47 (**Res. 15-47**). Exhibits: Legal Opinions/Recommendations, Resolution 15-____ and Resolution 15-_____.
2. Consider the following damage claims recommended for denial: Tiffany Brewer in the amount of \$399.57 and Walter Baxter in the amount of \$1,224.92. Exhibits: Legal Opinions/Recommendations.
3. Consider a resolution repealing Resolution 15-20 and amending Sections 22-111 and 22-112, Article A-22-1, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, by repealing the temporary \$1.00 surcharge on each City of Lawton utility billing for the purpose of defraying the costs associated with identifying and obtaining alternative water sources and establishing an effective date. Exhibits: Lawton City Council **Resolution 15-48**, Lawton City Council Resolution 15-20 and Lawton Water Authority Resolution 15-01.

4. Consider approval of an Agreement in Principal with the Lawton Fort Sill Chamber of Commerce for a Contract for Services with Bill Phelps & Associates, LLC, beginning July 1, 2015 through June 30, 2016, for the purpose of providing professional consulting/lobbyist services to the City and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Consultant Agreement.

Phillips questioned if the increase in this contract was included in the budget.

Jim Russell, Assistant City Manager, stated yes.

MOVED by Phillips SECOND by Wells to approve an Agreement in Principal with the Lawton Fort Sill Chamber of Commerce for a Contract for Services with Bill Phelps & Associates, LLC. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

5. Consider adopting a resolution authorizing Kellogg & Sovereign Consulting, LLC (“KSLLC”) to file FCC Form 471 for funding year 2015-2016 in accordance with the agreement authorizing KSLLC to provide E-Rate Management Services for the Lawton Public Library and further authorizing payment of the Lawton Public Library’s share of requested services subject to E-Rate funding and receipt of services. Exhibits: **Resolution 15-49** and Exhibit “A” – E-Rate Requests, FY 2015 (07/01/2015-06/30/2016).
6. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization for Congestion Mitigation and Air Quality programs and projects during Fiscal Year 2016. Exhibits: Memorandum of Understanding between LMPO and the City of Lawton.
7. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization for metropolitan transportation planning for Fiscal Year 2016. Exhibits: Memorandum of Understanding between LMPO and the City of Lawton.
8. Consider endorsing the Fiscal Year 2016 Unified Planning Work Program for the Lawton Metropolitan Transportation Planning Process. Exhibits: FY 2016 Unified Planning Work Program (on file in City Clerk’s Office).
9. Consider approving the Proposed Cooperative Program and Memorandum Agreement between the Oklahoma Water Resources Board, the U.S. Geological Survey and the City of Lawton and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Proposed Cooperative Program and Memorandum Agreement (on file with the City Clerk).
10. Consider awarding a construction contract to Kayser Mechanical, Inc. dba Bill Miller and Ted’s Heating and Air for the installation of the Animal Welfare Kennel Ventilation System. Exhibits: None.

11. Consider authorizing the Mayor to execute the recertification application for the Community Rating System of the National Flood Insurance Program. Exhibits: CRS Recertification Application.

Phillips questioned what we would have to do to reach a class 5 rating. Currently we are at a class 6 rating. We want to continue to get a lower rating because the percentage of discount goes up with each rating.

Larry Wolcott, Public Works Director, stated right now we are in class 6 with a 20% discount and if we go to class 5 we would get a 25% discount on flood insurance premiums for Lawton citizens. He stated there are twenty different categories for which we get points. It is a specific FEMA program where they come in and rate each of these categories for each community. Right now we are maxed out on some categories and the ones where we can get points for reducing the amount of flooding will cost a lot of money.

Phillips questioned the discount Tulsa receives at a class 2 rating.

Wolcott stated 40%, but they have an entire division and employees that specifically run the CRS program for Tulsa. We have one staff member that contributes 10%-20% of their time.

Phillips questioned if there was any effort now to get us to 5.

Wolcott stated every go around we try to get as many points as we can. We just went through an audit with FEMA and we haven't gotten back a response. From what they have told him, we will probably still be a class 6. Any time they can increase points they will.

Phillips stated it would be worth it to do that.

MOVED by Phillips SECOND by Wells to authorize the Mayor to execute the recertification application for the Community Rating System of the National Flood Insurance Program. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

12. Consider approving contract Amendment #1 with Alfred Espinoza dba A.E. Construction, Co. for construction of the CIP Local Street Reconstruction Phase II Project #2012-11. Exhibits: Amendment #1 to Agreement is on file in the Engineering Office.

Phillips stated that she is sad about the pavers because she does think they are beautiful and she is sad that we have to remove them. She hopes the stamped concrete will last a long time and look good.

Ihler stated they can go down to 2nd and C Avenue and see what it will look like. They will have coloring of red for the crosswalks and a tan color for the center area. It will all be imprinted with the brick stamps.

Mayor Fitch stated it looks good and when you go back in with 5,000 lb concrete and stamp it you are eliminating the problem of having individual bricks.

Tanner stated it is sad to see the bricks go, but it has been one of the number one complaints that he has received. He is glad to see this happening.

MOVED by Phillips SECOND by Bellino-Hall to approve contract Amendment #1 with Alfred Espinoza dba A.E. Construction, Co. for construction of the CIP Local Street Reconstruction Phase II Project #2012-11. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

13. Consider accepting a permanent easement and two temporary easements from John E. Barnes, Jr., Linda T. Dauber, and Paul E. Barnes, Co-Trustees of the John E. Barnes, Sr. Family Trust, Dated October 20, 2005 for right of way needed for the North Wolf Creek Trunk Expansion #4 Project #14-3SSES 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 approving Change Order No.1 to the existing contract for construction of Chlorine Booster Station Project #2014-11 with Meridian Contracting, Inc. Exhibits: Change Order # 1 (on file in the City Clerk's office).
15. Consider extending contract (CL13-048) Hydraulic Pump & Cylinder Repair to Horizon Hydraulics, Inc. of Oklahoma City, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
16. Consider extending contract (CL14-050) Alternate Daily Cover (ADC) to LSC Environmental Products LLC of Apalachin, PA for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
17. Consider extending contract (RFPCL10-049) Banking Services to IBC Bank of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
18. Consider extending contract (RFPCL13-039) Rental or Lease Work Clothing to Cintas Corporation of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
19. Consider extending contract (RFPCL14-054) Temporary Employment Services to Express Employment Professionals of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

20. Consider approving appointments to boards and commissions. Exhibits: None.

Citizens' Committee On Capital Improvement Program (CIP)

Whittie Rainwater
1613 NW 25th Street
Lawton, Oklahoma 73505
06/27/18

Lawton Enhancement Trust Authority

Kyle Rogers
1609 SE Walnut Creek Road
Lawton, Oklahoma 73501
06/28/18

Bob Dismuke
5555 NW Eisenhower
Lawton, Oklahoma
6/30/18

Mayor's Commission On The Status Of Women

Brandi Whatley
Ward 3
1116 NW 52nd Circle #8
Lawton, Oklahoma 73505
06/29/17

Mary Dzindolet
Ward 4
1806 NE 29th Street
Lawton, Oklahoma 73507
07/12/17

V. Gay F McGahee
Ward 7
1606 Oklahoma Avenue
Lawton Oklahoma 73501
06/28/17

Nicole Bucher
At Large City or County
123 Melodie Lane
Medicine Park, Oklahoma 73557
06/11/17

Lisa R Johnson
At Large City Limits
429 NW Woodland Drive
Lawton, Oklahoma 73501
07/23/17

Jennifer Krebs Ellis
At Large City or County
PO Box 43123
Lawton, Oklahoma 73502
6/11/17

Tracey Rogers-Burke
Ward 2
311 NE Skyline Circle
Lawton, Oklahoma
6/25/17

McMahon Auditorium Authority

Billie Whipp
212 SW 9th Street
Lawton Oklahoma 73501
Indefinite – Staff Member

Museum Of The Great Plains Trust Authority

Paul Fisher
Institute
308 NW Ridgeview Way
Lawton, Oklahoma 73505
6/30/17

Marcus Wilcoxson
McMahon
514 NW Ferris
Lawton, Oklahoma
6/30/17

LaDonna Smith
At Large
7707 Wyatt Lake Drive
Lawton, Oklahoma 73505
06/30/17

Kara E. Hillman
At Large
716 NW 46th Street
Lawton, Oklahoma 73505
6/30/17

21. Consider approval of payroll for the periods of May 25 – June 7, 2015.

Mayor Fitch stated they will need to pass the addendum before approving the budget.

ADDENDUM:

BUSINESS ITEM:

- 1 Consider a resolution amending Sections 22-102, 22-141 and 22-142, Article A-22-1, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, as amended, by increasing the base rate for refuse collection by \$1.00 as approved by the Lawton Water Authority and establishing an effective date. Exhibits: Resolution No. 15-__, Exhibit A - Sections 22-102, 22-141 and 22-142, Article A-22-1, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005.

Wells stated tonight they have received a personnel summary. When they received the preliminary budget the numbers were they were going to cut 23 positions and lay off 25 people and add eight people so it was going to total out to 40. When he got the personnel summary tonight we cut 23 but have added 15 for a total of only 8 positions. Because we have already done this and we have to approve a budget he is going to make the motion, but he feels the City Manager should look at this and there should be some positions we could cut that could take care of this \$1 and then they can come back and take the \$1 off the water bill. He does not know how we got from 23 to only 8. If he had seen this prior to now he would have talked about prior to this. That is \$750,000.

Ihler stated there were the add backs such as public works administration. We eliminated that division as a whole and created new positions.

Wells stated they were not part of the original cuts they were going to do. They originally said there was 23 vacancies and 25 lay offs. Those people were not part of the 23.

Brooks Mitchell, Finance Director, stated the 23 were the net positions that were going to be cut and then staff was directed by council to go back and look at not laying off any positions that were filled at the time.

Wells stated that was the 25. They originally came in with 48 people who were losing their job. There were 23 positions that they said to go ahead and cut.

Mitchell stated as they went through the process there was a time lag between the information they got when they were putting the budget together and what had happened in the interim. Some of those positions ended up being filled. Then there were a couple positions that were double counted as far as being vacant. They worked with HR over the past few days to get all that reconciled and he thought it was going to be more than 8 positions but that is where it is right now. They will continue to look for savings in personnel costs.

Ihler stated they will immediately start looking at the positions that they previously looked at as part of the budget process. They will look at all the vacant positions and will be giving priority with regards to what positions have the least impact to each division and they will be looking at whether or not they will be filling those vacancies. They have approximately 20 vacancies that are vacant but as they went through the process earlier there were positions that the impact of losing those positions was detrimental to the division so they did not remove those positions. They have those identified positions and they will be looking at each one and will not be filling those that have the least amount of impact.

Wells stated he would like to see the total 23 cut positions that were presented to the council in the preliminary budget and the funds for those other 15 be used to fund this \$1. You can't come in one month and say you are going to cut 23 and then come back later and say that you are going to add 15 and come out with only an 8 position difference. If you tell them you are going to cut 23 and the council agrees to that, then that should be what is cut. He will make the motion but he hopes staff will come up and find the money in those positions to cover that \$1 and they can come back and delete it.

Burk stated he is not willing to vote for this because it is too confusing.

Wells stated they don't have time to get the budget together and that is the problem.

Burk suggested they figure out what the real number is and do they need the \$1 or do they not need the \$1 and then they get the budget together and make it happen. He is confused about the numbers. It was his understanding there were positions that would not be filled and now they learn some of those positions were filled. He knows we have been in an area of complete turnover and he can understand why there is confusion. They just need to figure out where they are at.

Wells stated the 23 was the number that they were told was going to be cut and that is the number they agreed to. He finds it difficult to turn around and say we are only doing 8 and adding 15.

Mitchell stated they found out that with the 23 to be cut, they didn't realize all those were filled at the time. Those positions were vacant but they became filled during the process. It was his understanding from the council that they are not to cut a filled position, so that took some of those positions off the table.

Wells questioned who gave the authority to fill those positions. He understood the City Manager put a hiring freeze on and there was no filling positions without his okay, so who all the sudden started filling positions?

Mitchell stated there were several positions that were in the works at the time and with regards to the freeze, he is unsure what the cut off date was.

Tanner stated the first proposal had a lot of layoffs and the council consensus was that they were not laying off anyone, but they were not going to fill these vacant positions. In the meantime those positions became filled and so staff was still following council directions by not laying off anyone.

Mitchell stated when they went through the process if it was a filled position they were not laid off. Some positions were slated to be cut but they found out that the position had been filled in the interim so they did not touch it.

Phillips stated this is an important issue and she feels they need more clarification because salaries are our largest expense.

Jackson stated they can make a motion to approve the budget tonight and the budget can be amended at any time.

Wells stated he does not feel that two weeks is enough time to get this straightened out. He suggested they go ahead and approve this with the guidance that staff should be able to find the positions to come up with that \$400,000 and not have this \$1 increase.

Ihler stated they will go ahead and look at all those positions that are vacant and how they are going to move forward. When they get to that number they will bring it back to council to remove the \$1.

MOVED by Wells SECOND by Phillips to approve **Resolution 15-51** amending Sections 22-102, 22-141 and 22-142, Article A-22-1, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, as amended, by increasing the base rate for refuse collection by \$1.00 as approved by the Lawton Water Authority and establishing an effective date. AYE: Morford, Jackson, Phillips, Haywood, Wells. NAY: Bellino-Hall, Burk, Tanner. MOTION CARRIED.

NEW BUSINESS ITEMS:

22. Consider reviewing and approving the City of Lawton Fiscal Year 2015-2016 budget and approving a resolution adopting the FY 2015-2016 City of Lawton budget. Exhibits: Resolution 15-__ will be distributed at the meeting.

MOVED by Wells SECOND by Jackson to approve **Resolution 15-50** approving the City of Lawton Fiscal Year 2015-2016 budget. AYE: Morford, Jackson, Phillips, Haywood, Wells, Fitch. NAY: Bellino-Hall, Burk, Tanner. MOTION CARRIED.

FINANCE REPORT

Brooks Mitchell, Finance Director, presented revenue and expenditure highlights for period ending April 30, 2015. (On file in the City Clerk's office).

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

COL Waters thanked the police and emergency services for their assistance in the recovery of a lost soldier. He announced the Fort Sill summer concert will take place on June 27th with gates opening at 6:30 p.m.

Phillips stated she recently visited Portland, Oregon and they have recycling down to a fine tune and she has brought pictures of their trash bins that look wonderful. She hopes that we can go to a recycling program in the future.

Tanner stated last Saturday the Fit Kids Coalition and the City of Lawton hosted an event called Open Streets and it was an amazing success.

Bellino-Hall stated we need to keep looking at a recycling program. She cannot believe we spend \$6 million every ten years to dig a couple holes at the landfill. That money would fix a lot of roads in this community.

The Mayor and Council convened in executive session at 7:28 p.m. and reconvened in regular, open session at 8:00 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

23. 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.

Jensen read the title of item #23. No action was taken.

24. 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 International Association of Fire Fighters (IAFF), Local 1882, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #24.

MOVED by Wells SECOND by Bellino-Hall that until the City of Lawton and IAFF Local 1882 are able to reach an agreement for a Fiscal Year 2015-2016 contract, I move to adopt **Resolution 15-52** extending the current collective bargaining agreement into Fiscal Year 2015-2016, with the exception of employee step/merit increases, which shall be frozen for all members of the local except probationary employees, effective July 1, 2015, and remain frozen until the issue can be resolved through the collective bargaining process. Furthermore, I move to authorize the City to enter into a temporary memorandum of understanding with Local 1882 authorizing a 10% increase in health plan premiums, effective June 26, 2015. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

25. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the Employment Agreement of Frank V. Jensen as City Attorney, and in open session take action as necessary.

Mayor Fitch read the title of item #25.

MOVED by Phillips SECOND by Wells to move to amend the employment agreement of the City Attorney, by adding a provision that has been included in the City Manager's agreement to buy down the accrued sick leave hours in excess of 576 hours accumulated by the City Attorney. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells, Fitch. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 8:03 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK