

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 25, 2017 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

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

Mayor Fitch called the meeting to order at 6:02 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Bob Weger, Bible Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bob Morford, Ward One
Caleb Davis, 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:

Keith Jackson, Ward Two

PRESENTATION OF CERTIFICATES TO PARTICIPANTS IN THE CITY OF LAWTON
SUMMER INTERN PROGRAM

Ihler presented certificates to nine students who participated in the 2017 City of Lawton summer intern program.

EMPLOYEE SPOTLIGHT PRESENTATION TO ROBERT CAMP – SEWER
CONSTRUCTION DIVISION

The City Manager recognized Robert Camp for his outstanding performance.

PRESENTATION OF CERTIFICATE OF APPRECIATION TO ST. MARY'S CATHOLIC
SCHOOL

Mayor Fitch presented a Certificate of Appreciation to Nancy Post, St. Mary's Catholic School, and her 4th and 5th grade students for their help with the design of the new splash pad.

AUDIENCE PARTICIPATION:

Buford Rooks, 6410 Compass Drive, stated in February the city locked the bathrooms at Lake Ellsworth at Ralph's Resort. He was told that by July 4th they would have new bathrooms and nothing has been done. He stated eight weeks ago the council passed it and nothing has been done.

Tanner stated Mr. Rooks called him and he contacted the parks and recreation department and he was told that the city is trying to get some additional funding from the state and we are developing a plan to acquire this funding.

Mr. Rooks stated he talked to someone from the Oklahoma Wildlife Department and he said that they are funding 75% of the cost and the city has to present a plan to the wildlife department and then the city has to build the building and after it is completed the wildlife department will reimburse 75% of the cost.

Jack Hanna, Parks and Recreation Director, stated they closed the restrooms in February because they have had collapsed walls and sewer line breaks, but they do have porta potties out there. The money for this project was set aside in capital outlay from 2016 and they are leveraging that money with a grant from Oklahoma Fish and Wildlife. If they do or do not receive the grant there will be restrooms built out there but right now they are trying to see what the Oklahoma Fish and Wildlife is going to do. With that grant a new dock will also be placed at Ralph's Resort along with ADA parking and boating access. It is a big project but if they do get this grant it will be a huge impact for that area. He stated there is a little hang up at the state level and he was told they would find out within three months.

Wells stated he also talked with Mr. Rooks and he did check into it also. The problem with the grant is that if we build the restrooms prior to getting the grant, they won't cover the 75%, we have to have their approval before we can start it.

Hanna stated we cannot start any kind of construction and if we do, whatever is being spent we will not be reimbursed or that money will not count towards the grant.

Wells stated apparently they were only emptying the porta potties once a week and he asked about trying to get that done twice a week.

Hanna stated that has started.

Phillips questioned if there is a plan B if the grant does not come through.

Hanna stated if they don't give us the grant, we have money already carried over from 2016 capital outlay to build a new restroom. Staff is just trying to leverage that money to get more amenities added to that area for our patrons that use the lake.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF JUNE 13 AND JULY 11, 2017.

Tanner stated he would like to go over some things in the July 11th minutes. There was an item entitled “Consider approving an Agreement for Limited Services between the Museum of the Great Plains Authority and the City of Lawton to fund the continued operation of the Museum, and authorize the Mayor and City Clerk to execute the Agreement.” The minutes stated “Tanner stated he wants to add an additional service to this agreement. He will make a motion that the council approve this agreement contingent on the museum allowing the citizens of Lawton free entry once monthly. The museum can choose the day. MOVED by Tanner SECOND by Davis to approve contingent that they allow the citizens of Lawton at least one free visit to the museum monthly”. He stated these minutes were recorded accurately.

MOVED by Wells SECOND by Phillips to approve minutes of Lawton City Council regular meetings of June 13 and July 11, 2017 . AYE: Morford, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Fitch stated item #16 will be stricken. Phillips requested item #12 be discussed separately.

MOVED by Burk SECOND by Phillips to approve the consent agenda with the exception of items #12 and #16. AYE: Morford, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for denial: Tom and Roberta Vang in the amount of \$930.10. Exhibits: Legal Opinion/Recommendation.
2. Consider adopting a resolution approving the joint petition settlement and making payment in the workers’ compensation claim of Antonio Phillips. Exhibits: **Resolution 17-88**.
3. Consider adopting a resolution approving the joint petition settlements and making payments in the workers’ compensation claims of Cody Zachary. Exhibits: **Resolution 17-89**.
4. Consider renewing a professional services agreement retaining the law firm of Hawkins, Delafield & Wood LLP as Disclosure Counsel in connection with the issuance of the City’s General Obligation and other Bonds that must comply with applicable municipal securities regulations including continuing disclosure requirements regarding the City’s financial statements and annual financial information/operating data relating to each Bond Issue. Exhibits: Letter of Engagement from Hawkins, Delafield & Wood (on file in City Clerk’s Office).

5. Consider renewing a professional services agreement for financial advisory and consulting services with BOK Financial Securities (BOKFS). Exhibits: Professional services agreement for financial advisory services, on file in the City Clerk's office.
6. Consider approving contracts with Wilmari Ruiz of Enye Media (Tequila Azul) and Kricket Rhoads Connywerdy (Oklahoma Fancy Dancers) performers at the 2017 International Festival and authorize the Mayor and City Clerk to execute the agreements. Exhibits: Contracts on file in City Clerk's office.
7. Consider approving contract with Journey Productions for technical support services for the 2017 International Festival for September 18 - 25, 2017. Exhibits: Contract on file in City Clerk's office.
8. Consider approving amended annual contract renewal between the City of Lawton and the following: County Commissioners (Juvenile Detention Center). Exhibits: Copy of the contract is located in the City Clerk's Office for review.
9. Consider approving the construction plat, granting a variance to Section 21-2-207B, of the Lawton City Code to vary the term of the performance bond, accepting a performance surety in lieu of the completed improvements, and approving the record plat for Lawton Marketplace, Part 3, located on the northwest corner of NW Cache Road and NW 82nd Street. Exhibits: Plat Map. Performance Bond is on file in the City Clerk's Office.
10. Consider approving an agreement between Fidelity Communications and the City of Lawton for the purpose of upgrading internet service at Lawton City Hall required for increasing public Wi-Fi access speeds, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Internet Service Provider Agreement for Fidelity Communications is on file in the City Clerk's office.
11. Consider approving agreement between Fidelity Communications and the City of Lawton for the purpose of providing public internet service for Genuine Parts Company, dba NAPA Auto Parts, at the Equipment Maintenance facility, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Internet Service Provider Agreements for Fidelity Communications are on file in the City Clerk's office.
12. Consider approving an agreement and payment of \$1,224.00 to Mr. Andrew Douglas for the replacement of a portion of sidewalk located at 113 SW 74th Street, which was demolished in the course of completing a city waterline repair. Exhibits: Proposed agreement between the City of Lawton and Mr. Douglas.

Phillips stated she wanted to remind the citizens of what a great program this is when you have a water break in your yard and the city comes out to fix it and then it may be a long time before they can get back to replace dirt or concrete. She requested the city manager explain the program.

Ihler stated there is a backlog so they started a program where citizens could call out the street supervisor who would look at the project if their sidewalk or driveway needed replacement as a result of a waterline break. They would agree upon the area that would be replaced and then the homeowner could then go ahead and get a contractor to come out and do the work and then call the city for an inspection and then the city would cut a check to the homeowner. It typically takes 2-3 weeks to get a check from the city which is funded through the street division's repair and maintenance budget.

MOVED by Phillips SECOND by McGahee to approve an agreement and payment of \$1,224.00 to Mr. Andrew Douglas for the replacement of a portion of sidewalk located at 113 SW 74th Street, which was demolished in the course of completing a city waterline repair. AYE: Morford, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

13. Consider approving plans and specifications for the Section 26 NE Quarter Waterline Project #2017-01, located south of Gore Blvd. and east of Sun Gate Addition, and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Engineering Department office.
14. Consider acknowledging receipt of a permit for the construction of a waterline and appurtenances from the Oklahoma Department of Environmental Quality to serve the Section 26 NE Quarter Waterline Project #2017-01, City of Lawton, Comanche County, Oklahoma, located south of Gore Blvd. and east of Sun Gate Addition. Exhibits: Permit to Construct dated June 7, 2017 is on file in the City Clerk's office.
15. Consider extending contract for (RFPCL12-028) Cellular Phone Service to US Cellular of Tulsa, OK for one month until August 31, 2017. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet on file in the City Clerk's Office.
16. Consider awarding (RFPCL17-025) Cellular Telephone Service to U.S. Cellular of Tulsa, OK. Exhibits: Department Recommendation, RFP and proposal packet on file in the City Clerk's Office. **THIS ITEM WAS STRICKEN FROM THE AGENDA.**
17. Consider awarding contract for Liquid Oxygen to Matheson Tri-Gas Inc., of Irving, TX. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
18. Consider extending contract for (RFPCL16-034) Banking Services to IBC Bank of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
19. Consider extending contract for (CL16-026) Large Precast Manholes to Primary Structure of Guthrie, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
20. Consider approval of payroll for the periods of July 3-16, 2017.

OLD BUSINESS ITEM:

21. Consider approving an Agreement for Limited Services between the Museum of the Great Plains Authority and the City of Lawton to fund the continued operation of the Museum, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement.

Mayor Fitch stated this was tabled from the July 11th council meeting and has caused quite a stir within the community. He received two letters addressed to the Mayor and City Council which was put in each city councilmembers mailbox. One letter was from the McMahon Foundation and one from the Terry K. Bell Charitable Trust. (Mayor Fitch read both letters which are on file in the City Clerk's office.) He stated the \$500,000 has already been budgeted and approved for the fiscal year for the operation and the services that the museum provides to this community and to Southwest Oklahoma. He reminded everyone that this museum was rated the number one museum in Oklahoma this year. The museum state board will be holding its annual convention in Lawton this fall and will spotlight the Museum of the Great Plains. The museum received \$4.2 million from the Reynolds Foundation and Mrs. Bell worked relentlessly for 90 days to come up with \$900,000 from this community to make this possible. He stated it is a spotlight for quality of life in this community and it is not to be overlooked or neglected. An agreement was made years ago when the McMahon Foundation built this facility and they have made millions of dollars available for additions to this facility and the city would fund the operation of the facility. We have done it since 1961 and it needs to continue.

Tanner stated he is the one that may have started this firestorm. What was discussed in the last council meeting had nothing to do with funding the museum. He is 100% for funding the museum. All he was doing was negotiating what he thought was his responsibility, as a representative of ward 5, a little better deal for the citizens of Lawton. He tagged on what he considered a small stipulation to allow the citizens of Lawton access, once a month, to the museum on a day of their choice. Councilmember Davis seconded that motion and he thinks they were trying to get the funding to the museum and he just added a little stipulation and he was doing a little arm twisting to get this vote through and sending it back to the board of directors and they could have said they didn't want it or they could have provided a different counter offer. That is all he was trying to do. He is for funding the museum, he joined the museum the following day and he went and volunteered one Sunday a month. He wanted to put his money and his time where his mouth was. He attended the special board meeting they had on Monday and expressed his views and it was an uncomfortable situation for him. He feels that a lot of the board members were open minded to what he had to say. The board of directors bring such a tremendous amount of assets, you had professional people and family people there. The City of Lawton couldn't afford to pay the group of people that are running the museum. If the City of Lawton were to take back the museum it would cost us three or four times as much as what we are giving the museum. He hoped they would come to an agreement but he feels this is cause for a higher caliber of negotiator.

MOVED by Tanner SECOND by Davis to approve the service agreement in the amount of \$500,000 with the Museum of the Great Plains Trust Authority with the additional provision included in the agreement requiring the City Manager to meet with the museum director, trustees and negotiate a specified number of days per year as days of free admission to the facility and to report the results of negotiations to the city council.

McGahee clarified that the negotiations could be any number of days.

Tanner stated he is not telling the board of directors what to do, which was basically the motion he made at the last meeting. This would send the city manager to talk with the museum director and trustees to try to negotiate some free days for the citizens of Lawton.

Burk stated people move to communities because of a balance of schools, roads, quality of life and crime rates. We have worked so hard on all these issues and we have done a lot of things to have a good quality of life. He stated Mrs. Bell worked hard to make sure that this museum was right and he is a little appalled that we even considered telling this board how to do their business. He believes that the council has the authority to supply the funds as was requested by the museum and to allow their board to make the best decisions for the museum.

SUBSTITUTE MOTION by Burk SECOND by Morford to approve an Agreement for Limited Services between the Museum of the Great Plains Authority and the City of Lawton to fund the continued operation of the Museum, and authorize the Mayor and City Clerk to execute the Agreement.

Mayor Fitch stated the Museum is a separate board and trust from the City of Lawton. The council hears what their recommendations are and acts on those. Council does not tell them how to run the museum, that is the way it is structured within this community and the agreement between the City and the museum.

Tanner stated at the last meeting, Councilmembers Morford and Wells were abstaining from voting or participating on this particular item because of a conflict of interest. He does not have a problem with Councilmembers Morford and Wells participating because they have been participating in this vote ever since he has been on the council so he found it kind of odd that they weren't participating last time. He stated Councilmember Morford has seconded Councilmember Burk's motion.

Mayor Fitch stated that is Councilmember Morford's decision to make.

Wells stated he is the one that asked this to be tabled at the last meeting and there was no vote so they did not abstain from anything. He was appointed by the council as the council representative for the museum board. He fully supports the museum and they do a fantastic job. It has been suggested that he abstain from voting, he is not going to listen to that suggestion and he will be voting on this item. He does not think there is any conflict of interest and he does not think the residents of ward 8 should lose a vote on the council because the council has asked him to serve on a board. He intends to vote on this item.

Davis requested the Mayor restate the substitute motion.

Mayor Fitch stated the substitute motion by Councilmember Burk was to fund the museum, the \$500,000, as so stated in the agenda for the limited services between the museum and the City of Lawton and for the continued operation of the museum. That money is already approved in the budget of which two people did not vote for the budget, but it has been approved in the budget.

Davis stated the budget was a 5-4 vote.

Mayor Fitch stated that the second part is that there is no direction from this council to the museum staff or board as to how they run that museum and how many days they want to give and how many days they don't want to give.

Davis requested that the Mayor read the substitute motion that they are voting on clearly and stick to that so he can understand what he is voting on.

Mayor Fitch stated the substitute motion is to approve the \$500,000 that is already in the budget to go to the museum for the services they provide and cover their costs, expenses and overhead and then not meddle in the business as far as days free or days not free.

Davis stated he understands that the museum's position currently is that they are not allowing free days. It has just been a couple years that we have not allowed free days and arguments were made last council meeting about the free days hurting membership and memberships were increased by almost four times when they stopped the free day a week. There is a precedent for council being friendlier to the citizens or allowing the museum to be friendlier to the citizens as far as those who cannot use the museum because they don't have the money to pay. The original motion last council meeting, he wants to be clear on this, especially after the two letters were written, he is unclear as to who the two council members are that are trying to defund the museum. He did not have any conversations about the defunding of the museum.

Burk stated there has been talk recently about using some of this money to fund a road.

Wells requested a point of order, he believes that under Roberts Rules of Order, that if a substitute motion is made it is supposed to be voted on without discussion.

VOTE ON SUBSTITUTE MOTION: AYE: Morford, Burk, Phillips, McGahee, Wells. NAY: Davis, Tanner. MOTION CARRIED.

McGahee questioned if the board is not willing to consider some free days.

Mayor Fitch stated that question does not need to be addressed at this point.

McGahee questioned for the sake of the citizens, is this something they will consider doing as they go back. It would be nice to know if the board would consider this, even if it is every other month for the youth, age 3-12, a free day for kids. It is something to consider so that parents could go in and take their children without the cost of the entire family having to pay. The worst thing that can happen is you would have young people going to the museum and getting culturally enriched.

Mayor Fitch stated they ran 7,000 students through that museum during the year.

NEW BUSINESS ITEM:

22. Consider award of construction contract for the widening of SW 52nd Street from the Stillwater Central Railroad north to Gore Boulevard to the lowest responsive bidder T & G Construction of Lawton OK. Exhibits: Construction Contract and Bid Tabulation Sheet.

Ihler stated as part of the 2012 CIP we had a little over \$4.5 million for the reconstruction of SW 52nd Street from Gore Boulevard South to the railroad tracks. They did that project for a three lane reconstruction because of limited funding and the bids came in with T&G construction being the lowest responsive bidder at \$6,144,226.72. (He distributed a summary of funding available for this project.) After doing the design work in the 2012 CIP there is \$3.95 million available and there is also savings of \$440,000 from the NW 2nd Street reconstruction project. He stated even doing all that we are still short about \$660,000. Staff has provided three options. Option one is paying the full \$660,000 from ad valorem property tax roadway improvements, option two would be \$300,000 from ad valorem and \$360,000 from the 2015 sales tax extension from sidewalk funds and option three would be to remove the \$250,000 for the sidewalk project and use the \$410,000 from ad valorem. All three options recommend that you take a portion from the ad valorem street improvements in order to move forward with this project. They really can't move forward at this time without one of these options.

MOVED by Wells SECOND by Burk to award the construction contract for the widening of SW 52nd Street from the Stillwater Central Railroad north to Gore Boulevard to the lowest responsive bidder T & G Construction of Lawton OK using option one. AYE: Morford, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

ADDENDUM:

1. Consider approving a professional services agreement with Oklahoma Natural Environmental Specialists to evaluate and perform remediation services as necessary to address environmental hazards at the Lawton Police Department. Exhibits: Professional Services Agreement on file in the City Clerk's Office.

Bart Hadley, Assistant City Manager, stated last Thursday morning they received a report from Environmental Specialists, who were hired to come in and do an assessment in the area of the basement of the police station. Upon receiving that report last Thursday morning, he called for a meeting with police administration and the Human Resources Director. They met at 1 p.m. and discussed the report and went through the entire basement to see what the options were. They then met with the City Attorney and called Environmental Specialists and talked to their expert about their recommendations. He stated by 4 p.m. they had gone back over to the police station and decided to pull all the employees that were in that area of the basement and sealed off the office in question. He stated there was a spot of black mold on a ceiling tile in a storage room behind a particular office. They met with the specialist last night and they went through the report and they are recommending that they go ahead and do an assessment of the rest of the

basement to ensure that it is safe. If this contract is approved tonight, they will start the assessment at 9 a.m. tomorrow morning so they can get it done as quickly as possible and take whatever actions are necessary based on the results.

Phillips stated she does not have any problem with approving this contract to get something started, but she is concerned about the condition of the entire building. She stated some employees are concerned about their health.

Hadley stated he is too.

Phillips stated it is going to be at least two years before they can get them into the new building and that is a long time to sit in a building that is messed up.

Mayor Fitch stated they need to get started on this and then come back with a recommendation with doing some remediation of some sort. Then we will have a clear picture on the entire building.

Phillips stated it is not just mold.

Mayor Fitch stated they will be testing for all the things that could possibly be wrong. Then we will be faced with what we do until we can get them in the new police station. The logical thing to do would be to go in and remediate everything within that building, so we will have a clean police station for them to operate in for the next two years until they move to the new facility.

Phillips stated she wished we had a building we could move them into.

Mayor Fitch stated moving the officers is not the problem, the problem is moving the jail.

Wells stated he has asked the city manager to look at the situation if we had to close that building down. This agreement will look at the whole building, but if necessary, we have to have a plan in place if something happens.

Ihler stated they have started looking at options of where they could move people. They have discussed three or four different options.

Wells stated they need to look at the whole building.

Ihler stated they are looking at the whole building, but the initial plan would be to move folks out of the basement during the testing.

MOVED by Wells SECOND by McGahee to approve a professional services agreement with Oklahoma Natural Environmental Specialists to evaluate and perform remediation services as necessary to address environmental hazards at the Lawton Police Department. AYE: Morford, Davis, 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 the fiscal year ending June 30, 2017. (On file in the City Clerk's office).

There being no further business to consider, the meeting adjourned at 7:14 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK