

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JANUARY 8, 2019 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor

Also Present:

Jerry Ihler, City Manager
Frank Jensen, City Attorney
Traci Hushbeck, City Clerk

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 Tony Christie, First Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bob Morford, Ward One
Keith Jackson, Ward Two
Caleb Davis, Ward Three
Jay Burk, Ward Four (arrived @ 6:20 p.m.)
Dwight Tanner, Jr., Ward Five
Sean Fortenbaugh, Ward Six
Onreka Johnson, Ward Seven
Randy Warren, Ward Eight

ABSENT:

None

PRESENTATION OF A PROCLAMATION FOR HUMAN TRAFICKING AWARENESS MONTH

Mayor Fitch proclaimed January 2019 as Human Trafficking Awareness Month. He presented the proclamation to Cindy Evans, President of the Red Cord Program. Ms. Evans stated their Gala will be held on January 26th at the Hilton.

PRESENTATION FROM OKLAHOMA STATE REPRESENTATIVE DANIEL PAE

Representative Pae presented citations from the State of Oklahoma to Mayor Fitch, Council Member Morford and City Manager Jerry Ihler.

AUDIENCE PARTICIPATION: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR
MEETING OF DECEMBER 11, 2018.

MOVED by Jackson SECOND by Davis to approve the minutes of Lawton City Council regular meeting of December 11, 2018. AYE: Morford, Jackson, Davis, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Fitch stated item #13 will be considered separately.

MOVED by Warren SECOND by Morford to approve the consent agenda with the exception of item #13. AYE: Morford, Jackson, Davis, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for denial: Leonard, Tonda J. in the amount of \$881.18. Exhibits: Legal Opinion Recommendation.
2. Consider adopting a resolution approving the joint petition settlement and making payment in the workers' compensation claim of Robert Puccino. Exhibits: **Resolution 19-01.**
3. Consider adopting a resolution approving the joint petition settlement and making payment in the workers' compensation claim of Landon Hardin. Exhibits: **Resolution 19-02.**
4. Consider approving an amendment to Exhibit SF-7 of the Sinking Fund Schedules in the FY18-19 budget book to reflect the actual levy of ad valorem taxes. Exhibits: Amended Exhibit SF-7 of the Sinking Fund Schedules.
5. Consider accepting State Aid for Libraries Grant of \$37,350.00 from the Oklahoma Department of Libraries for FY2018-2019. Exhibits: On file in City Clerk's Office.
6. Consider approving a Settlement Agreement and Consent Order with the Oklahoma Department of Agriculture, Food, and Forestry and authorizing payment of an administrative penalty of Two Thousand Five Hundred Dollars (\$2,500.00) related to the Notice of Violation resulting from the Department's inspection of the City's 2017 prairie dog management practices, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Settlement Agreement and Consent Order.
7. Consider approving the construction plans for an 8-inch sanitary sewer line to serve the proposed Braum's Restaurant to be located on the east side of NW Sheridan Road, between NW Lake Avenue and NW Arlington Avenue, subject to the conditions listed. Exhibits: Location Map.

8. Consider approving the construction plans for an 8-inch waterline and a 12-inch waterline to serve Eisenhower Middle School located at 5502 W Gore Boulevard, subject to the conditions listed. Exhibits: Location Map.
9. Consider adopting Street Light Resolution No. 497 to authorize the installation/removal of street lights at the locations listed in the Resolution. Exhibits: Street Light Resolution No. 497.
10. Consider awarding a construction contract to MTZ Construction Inc. for the Larrance Street Reconstruction – Gore Blvd. to “D” Ave. & Gore Blvd. and Railroad St. Intersection Improvements Project #2014-06. Exhibits: Contract on File in the City Clerks office.
11. Consider awarding the 2018 Boring Project 18-5 SSES Contract to Matthews Trenching and authorizing the expenditure of Sewer Rehabilitation Program Funds. Exhibits: The Construction Contract and Bid Tabulations are on file in the Sewer System Technical Division’s Office.
12. Consider extending contract (CL18-016) 12,000 LF 48” Closed Profile PVC PS46 Pipe (ASTM F1803) to Ferguson Waterworks of Oklahoma City, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
13. Consider awarding contract (CL19-015) Large Diameter PS46 Closed Profile PVC Pipe to Ferguson Waterworks of Oklahoma City, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheets.

Stephen Higgins, Advanced Drainage Systems, Inc., (ADS) stated he is asking the council to consider postponing or awarding the bid number CL 19-015 to Winwater Works out of Oklahoma City with the sanitized pipe which was the apparent low bid. ADS is a publicly traded company valued at \$1.4 billion and they have been in business since 1966 and they are considered the largest manufacturer in the world of polyethylene and polypropylene pipe products. Oklahoma City Winwater has been in business in Oklahoma since 1998 and they have had numerous successful contracts with the City of Lawton to date with zero product issues. The product we are discussing today is ADS sanitite pipe. It has been used in the market for over 10 years and to date they have sold over \$21 million feet of polypropylene pipe in the U.S. with 1.6 million feet of that being HP sanitite. They have numerous successful projects in Oklahoma ranging from 12 to 60 inch and depths up to 17 feet of bury on that product. The only difference with ADS sanitite and the product that was specified is the material it is made out of. ADS sanitite is made from a polypropylene resin as opposed to the Diamond Pro-21 which is PVC resilient. They are held to all of the same standards through the ASTM Council. To date, the only project in Oklahoma that they have had issues with sanitite has been in Owasso and that was in 2010. The issue on that project was fixed and that line is still in service today and working successfully. ADS has worked with the City of Lawton for a number of years. They have successfully installed thousands of feet of storm sewer pipe throughout the city on private, tribal and projects on Fort Sill. The only issue they are aware of to date is a failure they had with their HDP project which is an entirely different resilient back in 2001. They have been on several contracts in the past offering cost savings anywhere from \$250,000 up to \$700,000 and

they have, on numerous occasions, offered to give the City of Lawton 500 feet of pipe to be installed at no cost so they could do a self evaluation on the project and to date they have not ever been taken up on that offer. He stated considering the limited number of actual failures of the product nationwide and the fact that they are held to the same exact standards as the PVC product that is currently used and specified, he is asking that the council consider the cost savings of the \$267,000 that was offered on the bid and consider awarding it to Winwater Works out of Oklahoma City.

Ihler stated they had a similar request back in 2015 when we had a large project that was on the west side of town. Basically the line went from 71st Street all the way back west to service the new development that was put in on the west side. At that time they did an analysis and staff was able to determine that even though the piping is held to the same standard, it required that the trenches were a little bit wider, it required additional trench width which then required additional rock bedding. The analysis of the width of requirements and the additional bedding and backfill added about \$7 a foot to the pipe. The sewer rehab crew was able to put in about 500 feet per week and looking at the requirements for lab testing that was required to be performed joint to joint on density test, that would slow the process down to where they could only get about 350 feet per week which then the analysis showed that would cost us about \$5,300 per day and equated to about \$23.08 per foot. When you added all of the testing increases and the compaction, the overall cost of the pipe was cheaper but the overall installation cost was actually greater than what it was to use the PVC pipe. In addition they did do some reference checks, in 2015 they had four reference checks and two of them actually had failures and two of them had positive things to say about the pipe material. He cannot recall how it was addressed with the request to put in some test pipe, but he does not think it was essentially the City that said no we don't want it. It was a discussion of how they would make it happen and neither party was able to make that happen. The bottom line is that the overall cost when they did that analysis was that it was going to cost us more. The pipe itself was cheaper but the overall installation was more, so they would recommend that they award to lowest responsive bidder that met the specification requirements that we put out.

George Hennessee, City Engineer, stated he had a couple of conversations with ADS representatives since that report was issued and we offered to put in a test section of about 400 feet in an area that we can monitor and we can bypass pump if there are issues. He was told at that time they would give us a couple of joints which is about 40 feet of pipe. He requested that the pipe go from manhole to manhole so we had a true test and we have not had a response to that request.

Davis stated on the wider trenches, he questioned the exact trench size for the polypropylene versus the ADS pipe.

Hennessee stated the polypropylene would have been a foot wider for the 36" than what we would use for the 24"-36" PVC and the 48" would have to be two feet wider, which means we would have additional bedding material requirements and testing requirements.

Davis stated the pipe we are putting in now does not require a density test, but this pipe does?

Hennessee stated with the pipe we use now you can slice it and shovel it in and get compaction with the material. Also we do not have to cover the pipe completely, we can just cover the hunch of the pipe down and then use sled material for the upper portion of it.

Davis questioned if we have had any failures in the pipe we use now.

Hennessee stated he is not aware of any.

Davis questioned how much of the 3 foot versus the 4 foot trenches are they talking about with this bid. How many feet of 3 foot and how many feet of 4 foot?

Hennessee stated he did not prepare the bid, Rusty Whisenhunt did and he is ill tonight. He does not know the exact quantities they bid at this time. This is a demand contract and so it is not a set number, it is as we need it, we can order it.

Davis stated the price that is fixed is what Mr. Ihler just gave us as far as the wider trenching because of the backfill would be \$7 per foot. He is wondering how we got to that number.

Hennessee stated it was based on the 6-inch layered requirement and the testing of each of those layers and the trench width.

Davis stated you have 3 foot pipe and 4 foot pipe. One requires one foot wider, the other one is twice as much because it requires to be two feet wider. How did we come to \$7 a foot if we don't know how much of 3 foot we have and how much of 4 foot that we have.

Hennessee stated we based that on a per foot cost.

Davis questioned for the 3 foot or the 4 foot.

Ihler stated the \$7 per foot was on the 48 and the \$4.15 was on the 36. This analysis and the prices were based on 2015 dollars because that is when this analysis was done. They did not sit down and do an analysis on the current project. With the other cost with the delay they were able to convert, not including the pipe material, but including the payroll, fuel and maintenance, etc. it was approximately \$2,300 per day which equated to \$23.08 per foot.

Davis stated the \$23.08 per foot was because of the density testing and the process. He requested Ihler walk him through that process.

Ihler stated his understanding is that they had to go ahead and do specific density compaction that required 90% and 95% and in order for it to be guaranteed that we would get the warranty on the pipe, they had that testing requirement. It was the timeframe that it took to do that, provide the compaction machine, the knifing and pushing down with the bell of the bucket, and being required to provide compaction with a compacting machine of some sort and the time to get the testing, that cost was about \$5,300 per day back in 2015. When they looked at that they were basically able to do 500 foot per week for that size pipe and based on their estimates to do

all that compaction and the time it took in the testing, they could only do about 350 a week and it was that additional time and effort.

Davis questioned Mr. Higgins if this was true that the density test is 90% - 95% to get the warranty on the pipe.

Mr. Higgins stated it is the same density test that is required for both products. Their backfill requirement is the same, sometimes cities will choose to only backfill the product to the honch of the pipe and if you are doing that you are actually not even installing it per the ASTM recommendations, so if something happens to that pipe and it fails and Diamond Plastics comes back and sees that there is no rock above stream line then that pipe is also not going to be covered under any type of warranty.

Davis stated he has a plethora of questions and he requested that the council table this so he can get some of these questions answered. He knows we want to provide the citizens with the highest quality but the difference in the bid is \$267,000 and there are quite a bit of variables here. He suggested they table this item to see if this might be a better route to go.

Tanner questioned if this was going to cause any delays.

Ihler stated if the council is asking for a two week delay then he does not see it would cause any delay.

Morford stated on the test line, staff asked for 400 feet, but he questioned why they only received 40 feet.

Mr. Higgins stated they actually offered 500 feet if they could provide them the test location and allow them to review it. All of the products they put in the ground they like to review to make sure they are going to be installed in accordance to how they recommend and manufacture them. As opposed to the 40 feet that they said they would give and was never received, he stated if you go to the City maintenance yard that pipe is on the ground and was delivered and has been there since 2015.

Morford questioned if that was 40 feet or 400 feet.

Mr. Higgins stated they gave the City 80 feet initially just to go and run it over with a bulldozer if they wanted or take a baseball bat to it to test the durability or install it to test the pipe's fitness, but nothing was ever done with it.

Hennessee stated they did identify an area west of the airport that they can monitor easily. They can pump around if there is a problem with the pipe system. It is an ideal location for a test section so they requested enough pipe to go from manhole to manhole and that is the test they wanted to run.

Morford stated he does not understand why they didn't go with that.

Mr. Higgins stated he is not aware that they ever received any information on that test project request.

Tanner stated it looks like we sent out the bid for a specified pipe and Mr. Higgins company bid the specified pipe and then they went ahead and bid for an alternative pipe.

Mr. Higgins stated it is not his company, but one of the distributors in Oklahoma City, Winwater, who wanted to bid their products.

Tanner stated it is the same name and phone numbers.

Mr. Higgins stated the bid tab should say Oklahoma City Winwater.

Tanner stated they bid the specified pipe and the next bid is the pipe we are discussing, which is a little less costly as far as upfront cost. The city staff is claiming that we pay less cost upfront but the installation cost is more. That is the reason that the council, in 2015, went ahead and went with city staff's recommendation. He is more than willing to table this for two weeks to see if we can save some money.

Mr. Higgins stated if you are installing it per the ASTM recommendation...

Tanner stated it just looks like you bid twice, once for the specified pipe and one for something you just wanted to throw in so you could come up here and address the council to say that you are going to save us a bunch of money. It is the same argument you had in 2015. It is the same argument that city staff had, it is cheaper up front but it cost more to install it.

MOVED by Davis SECOND by Tanner to table for two weeks. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

14. Consider awarding contract (CL19-016) Electro Fusion Polyethylene Pipe Fittings, items 1, 3, 6 & 8 to Core & Main of Owasso, OK, and items 2, 4, 5, & 7 to Pioneer Supply LLC of Moore, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

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

Building Review Committee

Chris Boyd
New Member

City Planning Commission (CPC)

Paula Bowen
Existing Member
1/11/22

Neil Springborn
Existing Member
1/27/2022

Historical Preservation Commission

John Jones
Existing Member
01/27/2021

Bob Ross
Existing Member
01/11/2021

David Denham
CPC Representative
Existing Member
01/27/2021

Lakes and Land Commission

Mike Slavin
Existing Member
01/23/2022

Mayor's Commission On The Status Of Women

Luanne J Gallagher
Existing Member
Ft. Sill Representative
01/23/2021

BJ South
Existing Member
At Large City Limits
01/23/2021

Jennifer Fortenbaugh
New Member
Ward 6
Unexpired Term 9/22/2019

Park and Recreation Commission

Jacobi Crowley
Ward 5
Existing Member
01/01/2021

William (Bill) Copeland
Ward 8
New Member
Unexpired Term 01/01/2021

16. Consider approval of payroll for the periods of December 17 – 30, 2018.

Presentations were made to Mayor Fitch and Councilmember Morford.

NEW BUSINESS ITEMS:

17. Consider approving a lease option with Cornerstone Associates, LLC, for a portion of O.H. Arnold Park, for the development of an affordable senior housing project, with said option being contingent upon the award of Affordable Housing Tax Credits offered by the Oklahoma Housing Finance Agency for the project, authorizing the Mayor to execute the option, and directing that the proceeds from said lease be used for maintenance and improvements within O.H. Arnold Park and the Patterson Center. Exhibits: Conceptual Site Plans.

Richard Rogalski, Community Services Director, stated at the December 11th City Council meeting, staff was directed to move forward with working out the details of a possible agreement for this project. There was a request to potentially develop some senior housing on a portion of this park. The developer, Cornerstone Associates, laid out different ideas but it is not set in stone. What is before council tonight is an option to lease this property. These terms would be

set and all of the rest of the language would be worked out and brought back to council for the final lease. The option is for a 4-acre parcel within the park. The exact location would have to be worked out and that would be set at the time of a final lease. The lease term would be for 50 years. This project would be important only if we could use those revenues to benefit that park and provide an influx of funding for the neighborhood. The initial installment would be \$100,000 and this would help the city to reconstruct those elements in the park and make improvements. The residents have requested the paving of the walkway and to add some lighting. The actual payment thereafter would be \$16,349. That amount is based on the total land value of up to 4-acres being \$400,000 and the remaining \$300,000 would be amortized over 50 years at an interest rate of 5% and that gives you \$16,349 a year. This option is contingent upon Cornerstone actually getting the Affordable Housing Tax Credits offered by the Oklahoma Housing Finance Agency. This option would expire on June 30, 2019. He stated the final lease would be contingent on approval by the city council.

Johnson stated she feels this is a really good thing for this area. One of the main questions from the residents was how it would benefit them and this is going to benefit this park which is highly used.

MOVED by Burk SECOND by Morford to approve a lease option with Cornerstone Associates, LLC, for a portion of O.H. Arnold Park, for the development of an affordable senior housing project, with said option being contingent upon the award of Affordable Housing Tax Credits offered by the Oklahoma Housing Finance Agency for the project, authorizing the Mayor to execute the option, and directing that the proceeds from said lease be used for maintenance and improvements within O.H. Arnold Park and the Patterson Center.

Davis stated he is thankful for anyone who wants to develop in the city of Lawton. He stated the majority of the apartment owners have contact him concerned about this item. Across the board they are at 65% occupied. There is a concern that this would further deplete the people in their apartments and cause there to be run down apartments and forcing them to close some apartments and then we have another vacant building. At 65% they are not making enough money to maintain their buildings. If they drop below that, that is their cut off of considering shutting the doors. This is a tough situation for him but he understands their concerns. He stated last time they discussed this project, Mr. Rogalski stated there was a need for this type of housing. He was told by Mr. Rogalski that this data may be as much as 10 years old. He questioned if staff had any update.

Rogalski stated he has seen the marketing analysis that Cornerstone used to decide if this was a good place for this project. It does show that there is some need and the crossover would be minimal. They are looking at a very specific tenant base and it is not open to everyone. This is a narrow window and it is 42 units. He does believe there is a need for quality and there is an issue with some of our rental property not being of the quality we want. This is a good opportunity for that neighborhood.

Davis stated we all want to see development in this city but the concern here is that it is also their responsibility to make sure that as we develop we are not creating vacancies and empty buildings and creating eyesores. He was contacted by several of these apartment owners that had this concern and he assured them he would pass along these concerns to the council.

Johnson stated this is a specific population that will going into this apartments complex. She deals with trying to get people housed almost on a daily basis and it is not that there is a lack of people that need housing, but there are some eligibility requirements and hurdles that are causing some of the buildings to not be up to capacity. She does not think this is going to cause a problem or affect whether or not they are going to get above that 65% or not and she does not think that the issue here is that we are building something where there is no need. Some of the people are not getting into these apartments because they are having challenges with eligibility.

Tanner stated he had some apartment owners contact him and he understands their plight but this has more to do with affordable and quality housing and it is going to benefit that segment of our population. For years they have talked about the difficulty of maintaining all of the parks we have and now here is a way for a developer to take over part of the park and pay us money on an annual basis. He feels they need to vote for this.

VOTE ON MOTION: AYE: Morford, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: Davis, Jackson. MOTION CARRIED.

18. Consider directing staff to implement procedures necessary to begin accepting donations for Marie Detty Youth & Family Service Center, Inc. from City utility customers and to forward any such donations collected to Marie Detty Youth & Family Service Center, Inc., for youth housing shelter services. Exhibits: None.

Bart Hadley, Assistant City Manager, stated council members have been approached about the possibility of the City collecting donations for Marie Detty through our utility services area where people pay their utility bills and potentially to be able to do this on line through their automatic withdrawals from their account. Staff has met to see how this can be done and it can be done but it will take some work and some effort, so prior to actually conducting that work and that effort they thought it was prudent to bring this to council to see if council was in favor of this and if they wanted to direct staff to develop these procedures.

Tanner stated that Marie Detty does a wonderful job in the community, but once they open this up to this charitable organization we will have other non profits in the community come forward and say what about me, and they will want the City to collect funds for them. He feels they should form a committee to look into this. If he is going to allow the City to collect donations for one nonprofit, then he cannot exclude other non profits in the community. That is the only opposition he has to this idea. He does not think that we have the resources at this time, especially in the IT area, to accommodate this request, he feels it will be way too costly.

Fortenbaugh stated he and Councilmember Johnson proposed this and he would like to talk about this item.

Johnson stated she does understand that this may open up a situation. In 2017-2018 school year there were 826 homeless children and youth in our city. As of August 2018, there were 564. As of January 8th there were 623. Of that 623, 357 were in elementary, 202 in secondary schools and 64 unaccompanied. We have a challenge in our community and this is an opportunity for the City to get involved and try to reduce that number. She stated Mr. Brown is here to describe the program so they can understand why they are trying to do this.

Mike Brown, 8225 Stonebridge, stated this project has been ongoing for over 18 months. The idea of this funding is more than ten years old, it is as old as the Lawton Enhancement Trust Authority (LETA). When he was the chairman of the chamber the LETA came about and they were looking at ways to fund that and one of those ways was a creative idea to allow people to donate money. They looked at the idea of funding to solve this specific challenge. He stated they started with an idea brought about by the S212 program and they are calling this the Velocity Project. It is about people giving of their own money on their water bill so that they can collect that money. It will take them \$300,000 to \$400,000 a year to set up the S212 program which will allow them to take care of our homeless children. He stated his son, Spencer, will explain what the S212 program is all about. He understands what Councilmember Tanner is saying, there are lots of other non profits that need money but they did not come up with this idea. He questioned how can they not solve this challenge and it takes money. Working together they can send a message that we care about kids in Lawton, Oklahoma and they will not allow anyone to not have a place to stay tonight. It will not be that they just check off a deal on their water bill, they will have a contract that says that they can tag \$100 on their water bill and they will pay it until they say to stop. They have approached businesses with this idea and there are many that are willing to put money on their water bill. They will all do this voluntarily.

Tanner stated he likes the program and he is for helping homeless children. His issue is that if the City starts allowing one nonprofit, then we will have to open it up for all non profits. He stated there is enough to do at the city level as it is and all these additional burdens may not seem like much, but he can see a lot of additional work in collecting this money.

Mr. Brown stated he runs a business and if they are collecting \$30,000 a month and \$3,000 of that has to pay someone to help take care of that money, they still have \$27,000 that is available to take care of homeless kids. There are lots of worthy causes, but their passion is that there is not one much more worthy than this one. He questioned if the council is willing to do something different that is a win/win. The money will go through Marie Detty and there will be a sub-board, the S212 board, that will help run the money.

Spencer Brown, Cameron University, stated within the past two years he started his own nonprofit organization called S-212 which focuses on homeless kids in Lawton Public Schools under the age of 18 who don't have any shelter to go to without parental guidance or a legal guardian signing them in to these shelters that are already established in town. There are 825 homeless students total, 64 in high school and currently the reason they are proposing the Velocity Project is they are trying to get under the Marie Detty board and they have to have a steady stream of financials to show them that can withstand multiple years. They do not want to invest in a project that will not be here for long term. The long term goal is to end youth homelessness in Lawton, Oklahoma. They already have a house that is being donated by Gervis

Jackson. It will be able to house four boys and four girls from Lawton Public Schools and the money from the Velocity Project will be used to show the Marie Detty board that they can provide funding for years and provide a 24/7 counselor for the kids in the house. They will also use the funds to remodel the home.

Fortenbaugh stated there are 64 young people that may have a place to stay tonight, but they don't know where they will be tomorrow. This is an exclusive arrangement with Marie Detty and he is not concerned about other non profits. This has a particular purpose and we need a system set up where citizens and businesses can subscribe to donate on a regular basis and they can terminate at any time. He is not worried about other charities right now, this is about homeless youth.

Burk stated they did try to raise funds on the water bill for LETA, but the most they ever got was about \$300 a year. It didn't really work for them. One of the things they found over time was that there were a lot of people that do automatic payments and so they never see a water bill. He questioned why there couldn't be a specific site that they could actually go to and check off how much they want towards this, a go fund me type that would be better. He questioned if anyone has looked at other avenues. He is a huge proponent for kids and he wants this to be a win. He wonders if they will get what they want from checking the water bill.

Spencer stated the websites that you see will often get a portion of what is raised, so you may only get 30% or 40%. He stated that Arvest Bank has told him and his dad personally that they will put \$100 on each meter, so that is \$800 every month.

Burk questioned if they have thought of putting up their own website and their own way to draw people to what they are about. The City is not going to be able to do that. You have to sell it to the people.

Mr. Brown stated there is a marketing program out there that they have not fully developed. He stated they have talked to several businesses and convenience is a big deal. The water bill is the most obvious and convenient way to do this, plus a partnership is created, they would be working with a City entity. It is about passion, there are a lot of young kids that are involved with Spencer that are active and that know there are homeless kids and understand what it is about and would love to help. When this community sees a really good plan that has passion behind it that is about helping solve this kind of a challenge, this community will rise to the occasion.

Burk stated they ran into a problem when people didn't pay their bill and they had made a commitment that they would put \$5 each month and then they didn't have the money to do that and then how do we collect it. For staff it became a mess. He wants to make sure that staff is in agreement that we can do this.

Mr. Brown stated that they would figure this out.

Tanner stated he supports helping homeless children in our community. If it is the consensus of the council to let this nonprofit solicit on the water bill, then he is more than willing to vote yes, but if the next nonprofit comes up he is not going to exclude them, so he will vote yes for them.

He does not know that this is what the city government is designed to get into and Councilmember Burk has already described some of the issues they ran into with LETA. He feels this is something they really need to think about a little more thoroughly.

Johnson stated that this may sound difficult but they just need to try. This would open the door to provide opportunities and bridge the gap between the city government and our community. She stated they do need to look at more specifics, but she feels they need to try. All they can do is fail or succeed, and she would like to look into this as a pilot project. Some people are probably questioning if these kids are all truly homeless. When you are out in the streets, in a hotel or doubled up with families, you are homeless. You don't necessarily have to be out in the streets, but we have kids that are out in the streets and are being caught up in sex trafficking because they are staying in places they shouldn't stay in. She stated there are other non profits that address housing, but this is unique. This is something that we haven't had in this community with this population of children that are in school 18 and below. A lot of these kids don't know where they are going to lay their head the next day but yet they go to school. A lot of them don't have any place to keep their things and they get stolen. It is time for us to step up and see what we can do. We may have had some things fail in the past in different areas and if we can't get past that hurdle at least we can say we tried.

Morford stated there is no question about the cause, but has anyone talked to revenue services or are we just springing this on them.

Hadley stated they did have a meeting with finance, revenue services, IT and those that would be involved in trying to develop a solution to this situation. They have developed a way that they can make this happen but it will take some effort and staff time so prior to putting in that effort they wanted to make sure that council felt that this was something that the City wanted to get into. He stated the method would be that we would ask citizens to fill out a form that allows us to add a particular amount to their water bill. When we get the bill we would divide the money up.

Tanner questioned if city staff was prepared to go through the same process for other non profits who may want to have the same ability to be placed on the water bill and that is his major issue. It is not that he is against the homeless, it is just that the City of Lawton would be getting into the business of soliciting for these non profits. If they do this tonight for Marie Detty then another nonprofit says they would like the same ability, could we deny those folks and not withstand some type of legal challenge.

Jensen stated he expressed his opinion to Council Members Johnson and Fortenbaugh. They are not all the same, he was advised that this program is for children under 18 and more importantly, it is for kids that are in school. That is a big distinguishing factor because kids that are not in school get in trouble. This is very analogous to what we already do with Marie Detty in that we still provide \$70,000 of city funds for an intervention center for kids that get in trouble at the misdemeanor level. It used to be called a community intervention center until the state bailed out. Somehow Marie Detty still operates an intervention center on \$70,000 out of the shelter facility. They are keeping those kids out of the lobby of the police department where we can't sit and babysit them. In one scenario you have kids at the misdemeanor level that are being brought

by the police to that facility that Marie Detty operates and this is very analogous to that same kind of a program. Not every charitable organization can come forward and say they are going to be doing something like that. Unless they are in a very similar type circumstance, he feels we have a very strong legal defense to somebody that says they have a right to do this too.

Davis stated they all want to help the youth. When he first heard the number of how many homeless youth there were he was shocked because when you think of someone that is homeless you think they are on the street and they don't have somewhere to stay. He questioned the exact definition that the government uses when they collect the information to come up with 825 kids in our community that are homeless.

Johnson stated the overall definition is that any youth that does not have a permanent home, they can be doubled up families, and they can be living in hotels, vehicles or out on the street. We have some people that have the opinion that if they are living with someone else, that they are sheltered. But they do not know if they are going to be able to stay there the next day. If you are in a position when you don't know where you are going to be, that is a state of homelessness.

Davis stated the definition is that any youth that does not have a permanent home is considered homeless. According to that definition, he has been homeless probably three years of his adult life. We will never stomp out this 825 homeless because some of those situations are not considered permanent. He knows some of them that are considered homeless that are with a friend and that is going to be the long term situation because of incarceration and it is a stable situation although it is not considered permanent or they are with a grandparent that is a stable situation but is not considered permanent. There is a distinction in his mind between true homelessness and what the government, for funding purposes, allows us to classify homelessness in order to collect more money. This is a point that needs to be made, there are not 825 children in our community that are sleeping on the street tonight. In his mind homelessness means just that, you think of someone on the street and that is not the case with all 825. He questioned how many there are.

Mr. Brown stated there are about 250 that they can define that are actually homeless as in what they would define as homeless. The mission is that if there is one that is too many.

Davis stated if they did this plan and solved the problem for 250 truly homeless, then Mr. Brown would come to him the next day and say there is 575 homeless children still in Lawton. That is his point, according to that data we can't ever fix the problem of true homelessness. The statistic that you use scares people because you think of 825 kids sleeping out on the street. He stated there are really 250 that are truly what most people would consider homeless. He questioned what percentage Marie Detty uses for overhead and administrative costs.

Mr. Brown stated none on this program.

Davis stated he is all for doing something about this and he likes this concept to an extent. Whether it is legal or not is not the question, to him it is whether it is fair or not. There are over 30 non profits in Lawton and all of them have a great passion and cause.

Spencer questioned how many have come to council.

Davis stated obviously this is Mr. Brown's plan and that does not mean that every one of them is not going to tag onto it. When they come before this council are we going to tell them no just because it wasn't their idea? He does not think the majority of this council would do that. As soon as this gets out others are going to be asking for there to be 30 checkmarks on our water bill and staff time is going to skyrocket. He is all on board to do something different, but he does not think they have enough detail on what it is going to cost the staff and he does not feel it has been thought out well enough. He stated that Council Member Fortenbaugh said he was not concerned with the other non profits, but he is and they have the right to come up here and ask that they be put on this too, whether it was their idea or not. He is asking that the council postpone this issue and look into it a little bit more and see if there is something they can do that is different. He has an idea that possibly may be a good compromise.

MOVED by Davis SECOND by Tanner to table.

SUBSTITUTE MOTION by Fortenbaugh SECOND by Johnson to approve as written.

Johnson stated she understands that there are going to be other organizations that will ask for this, but we have to start somewhere and say that we should step up to the plate, as a city, and try to support some of the non profits here. He understands that the 825 is scary, and as someone who works with these families and children, you don't know where you are going to sleep the next day, just because you are staying at a grandparent, it is scary to them too. There is the number of 64 young people in school right now that have no parent or guardian. We still have to address this and if there are other organizations that want to be a part of this, they have to start somewhere and set the system up.

Davis stated he does not believe in setting goals that you cannot obtain. If you define homelessness the way the government defines it, it is an endless goal because it is impossible. He would like to see them establish our definition and set a goal that we can actually end the problem. He would like to see us step back and set a different parameter instead of attacking a goal that can never be reached.

Johnson stated they do need to set parameters and that should fall on the organization that is taking on this challenge. Our responsibility is to say that we will work with you and determine what we can do as a council to join and help and opening up the doors for other organizations.

Warren stated he is concerned about the financial end of it. In his years on council he has heard many times that things will take some work by staff. That means it is going to cost some money because if we are not going to hire somebody to do this, which we are not, then it will take time away from something else that somebody has been doing already. He would like to know what that scalability is on the cost to the City to get the function performed.

Mayor Fitch stated the description on the agenda should be changed to let staff investigate and come up with a lot of things. He feels you have to be a 501.C3, you need to show tax returns, you need to have an audit and an accomplishment of what you have done with the proceeds that

have been generated through something like this. Some non profits would not apply because they could not provide all that information. He feels they need to get a lot of questions answered before this comes back.

Fortenbaugh stated that is what they are asking for. No money is going to flow because of a decision tonight.

Burk stated if they vote on the substitute motion it is an up or down vote. If it fails, it fails. He would much rather see them table this until they can get all these questions answered. He does not want to see this die.

Davis stated once the substitute motion is voted on it will revert to the original motion. This wording could not come back to council if they vote this down, but they could postpone this concept and come up with a different wording that could come back to council.

VOTION ON SUBSTITUTE MOTION: AYE: None. NAY: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. MOTION FAILED.

VOTE ON ORIGINAL MOTION: AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Warren stated that if a citizen is interested in serving on a board they need to contact their council member. He would love to have a list of people to choose from when there are vacancies.

Johnson stated on Saturday, January 19th at Cameron University, Team Work Makes the Dream Work event will be held from 1 p.m. to 3 p.m. There will be a concert benefitting homelessness at Cameron University Theater at 6 p.m.

Tanner thanked Mayor Fitch for his service.

Burk stated he is excited to work with the new Mayor and council member, but he will miss the leadership from Mayor Fitch and Council Member Morford.

Davis stated there are many citizens who are very appreciative of the work by Mayor Fitch and he thanked him for his service to this city.

Jackson thanked the Mayor for his service.

Ihler thanked all the department heads and the employees for the work they do to provide the services to this community.

Mayor Fitch stated it has been an honor to work with Mr. Ihler. He has done a wonderful job.

The Mayor and Council convened in executive session at 7:56 p.m. and reconvened in regular, open session at 9:05 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

19. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Nathan M. Johnson as Municipal Judge, and in open session take other action as necessary. Exhibits: None.

Mayor Fitch read the title of item #19.

MOVED by Burk SECOND by Davis to approve a two year contract with a pay increase of 2.5%. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

20. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to consider the appointment of an Acting City Manager, and take action in open session if deemed necessary. Exhibits: None.

Jensen read the title of item #20.

MOVED by Tanner SECOND by Morford to appoint Bart Hadley as acting city manager and during the interim a 10% pay increase. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

21. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to evaluate and discuss particular candidates who have submitted applications for the position of city manager, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #21.

MOVED by Tanner SECOND by Burk to appoint Michael Cleghorn as the new city manager of the City of Lawton effective on or about February 11, 2019 and authorize the Mayor and the City Clerk to execute an employment agreement with a salary of \$145,000 per year, a contribution by the City to the City's pension system of 3.5% and an additional matching pension contribution to ICMA not to exceed \$12,500 per year, severance pay of 6 months if termination is without cause and no severance pay if termination is with cause, a credit of two weeks vacation leave upon commencement of employment, a relocation expense allowance of up to \$10,000 and other benefits received by general employees as set forth in Chapter 17 of the City Code. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren, Fitch. NAY: None. MOTION CARRIED.

22. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2018-2019 between the International Union of Police Associations (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 #22.

MOVED by Burk SECOND by Davis to ratify the appointment of Deputy City Attorney Kelea Fisher to serve as the City's interest arbitrator in the upcoming arbitration between the Union of Police Associations (IUPA), Local 24, and the City of Lawton for the selection of FY 2018-2019 contract.

Davis stated this motion is for interest arbitration but we are still trying to negotiate with the police union and he wants to clearly state that this city council has made an offer and we look forward to the good faith negotiations with the police union to come back to us with something.

Mayor Fitch stated that offer was made in December

Davis stated it was made before Christmas and we look forward to seeing their counter offer.

VOTE ON MOTION: AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:10 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK