

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JANUARY 22, 2019 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:

Bart Hadley, Acting City Manager

Frank Jensen, City Attorney

Traci Hushbeck, City Clerk

Mayor Booker called the meeting to order at 6:08 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Harold Gaches, First Baptist West, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Mary Ann Hankins, Ward One

Keith Jackson, Ward Two

Caleb Davis, Ward Three

Jay Burk, Ward Four

Dwight Tanner, Jr., Ward Five

Sean Fortenbaugh, Ward Six

Onreka Johnson, Ward Seven

Randy Warren, Ward Eight

ABSENT:

None

AUDIENCE PARTICIPATION:

Brenda Spencer Ragland, President and CEO of the Lawton Fort Sill Chamber of Commerce, updated the council on chamber activities.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF DECEMBER 18, 2018 AND THE SPECIAL MEETINGS OF DECEMBER 4, 2018 AND JANUARY 4, 2019.

MOVED by Burk SECOND by Jackson to approve the minutes of Lawton City Council regular meeting of December 18, 2018 and the special meetings of December 4, 2018 and January 4, 2019. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Hankins requested item #2 be considered separately.

MOVED by Burk SECOND by Jackson to approve the consent agenda with the exception of item #2. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Jacqueline Washington in the amount of \$3,876.84. Exhibits: Legal Opinion/Recommendation and **Resolution 19-03**.
2. Consider authorizing the Mayor to execute a letter of support on behalf of the City of Lawton for the proposed redevelopment of the Apple Run and Deer Park Apartments, including in the letter an acknowledgement of the continued need for affordable housing in the City of Lawton. Exhibits: Proposed letter of support and Resolutions No. 14-157 and 14-158.

Hankins stated she feels that they need to clarify this item. The residents of Ward One were surprised to see the headlines that Apple Run and Deer Park Apartments were up for historical preservation and she feels they need some clarification because if they have an improved area and attractive apartments that would be great, but the history has not been like that and people need to know what it is going to be like.

Tim Wilson, Deputy City Attorney, stated the apartment complexes have been an issue for some time and it has been a problem before his office got involved in 2014 when there was a crime issue. The council authorized staff to work with the owners but if they were unsuccessful they could begin litigation to address the issue. If became clear that it was not just a crime issue, it was the blight of the apartment complexes. The current property owners did very little and that went on for about a year and then they tried to sell the property. HUD got involved and they started looking at some potential options for buyers who could take the property and renovate it. A group from California started looking at it but the deal fell through. Now there is a group out of Kansas City, MRE Capital, and they are working with HUD to acquire tax credits. They are working to acquire the property and go through revitalization.

Jake Mooney, MRE Capital, stated they are not the current owners. They develop properties in Kansas, Missouri, Arkansas, Alabama and Texas and about half of their 22 properties are historic. They have been working on this property for a year and a half and they got everything passed through the National Park Service and they are doing this because it will bring in an additional \$6 million in funding to the development. They are putting in \$14 million into the property and the total project cost is approximately \$20 million. This historic component was at their request. All the other tax credits have been awarded and they have already had their preconstruction meeting with the subcontractors with contracts ready to sign. They are literally waiting for the federal government to open back up and as soon as they do they should be about 30 days out from actually starting construction.

Hadley stated staff received calls from the community about the story on the historical registry for this and getting this on the historical registry allows them to get additional tax credits that make this a more viable project. We have a company that is interested in coming in and

upgrading and making improvements in that area and the fact that it is on the historical registry actually helps make this project more viable.

Hankins stated she feels they are all on the same page especially in that area and she just wanted the citizens to understand what was going on. She stated it will be very important to have good management.

Mr. Mooney stated they will be the owner for at least the next fifteen years. They have never sold anything that they have developed, so they are invested for the long term.

Mayor Booker questioned if this was through the Oklahoma Housing Finance Agency.

Mr. Mooney stated yes, it is a combination of OHFA tax credits, National Park Service tax credits and HUD financing.

Mayor Booker questioned if there was a chance they would not be awarded the tax credits.

Mr. Mooney stated they have already been awarded. They are simply waiting for HUD to reopen and to finish the paperwork.

MOVED by Hankins SECOND by Burk to authorize the Mayor to execute a letter of support on behalf of the City of Lawton for the proposed redevelopment of the Apple Run and Deer Park Apartments, including in the letter an acknowledgement of the continued need for affordable housing in the City of Lawton. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

3. Consider approving a deed of dedication for public street, utilities and sidewalk related to the SW 52nd Street Project# 2012-4 and the property located at 15 NW 53rd Street, authorizing the Mayor and City Clerk to execute the document. Exhibits: Location map. Document is on file in the City Clerk's office.
4. Consider approval of payroll for the periods of December 31 – January 13, 2019.

OLD BUSINESS ITEMS:

5. 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.

Rusty Whisenhunt, Director of Field Utilities, stated this is a requirement contract on as needed basis to buy material in case they have an emergency collapse. They do not have any intention of using this contract in this coming year unless they have an emergency situation. The sewer rehab program was created to save money and they want to use a product that can save money. Saving money includes the cost of the pipe, cost of installation and the long term durability of the product. Through the quotes and communications with ADS, they are confident that their pipe cost is less through the quotes they received, but their quote did not meet the specification.

The problem is that we don't have the experience with the installation of this pipe and in research of the pipe, some of the concerns we have make us want to test the pipe. In 2015 we could not come to an agreement with ADS for them to provide us with some free pipe to test. At this time they have met with ADS and for us to put out to quote the purchase of pipe to replace two or three segments of line to give us the opportunity to test what it takes to install the pipe to meet ADS's installation requirements to see what kind of durability it has. We are only going to determine the short term durability, long term durability is something we do not have the information on. We can install it at a minimal cost because otherwise we would have to estimate what it would take to install it. After meeting with ADS they feel that they need to do some test segments and use the product and install it with their people available to visit with us and look at how we are installing it and make recommendations and make sure we produce a product that will last a lifetime. This is a requirements contract and they have no intention of exercising this contract unless they have a main collapse and then he will need to place a phone call to get pipe starting to be delivered in a short time period. They will only buy enough pipe to take care of that emergency repair.

Burk questioned if the other company if providing the pipe for us to test.

Whisenhunt stated no, we will receive quotes to buy the pipe.

Mayor Booker questioned if it was customary for a company to give you pipe to test.

Whisenhunt stated in the past they have had other companies provide pipe free of charge for us to install segments on water and sewer to test to see if it would function for us.

Mayor Booker stated we have installed some of this pipe in the past and have had a failure.

Whisenhunt stated developers have installed pipe manufactured by ADS, not the same pipe, and it has failed.

Mayor Booker questioned how many failures we have had with PVC pipe.

Whisenhunt stated we have over 200,000 feet of that pipe in place and going back to 1992, we have not had any failures other than a directional floor company drilling causing a failure.

Tanner stated at the last meeting the sales rep from this company stated that his company had volunteered to donate some pipe for the city to do a test run and he said he had run into some difficulty with city staff. He stated he would be willing to donate some of this pipe so that we could test it out. Now staff is recommending that we send out a bid at a cost to the city. He would prefer they donate the pipe.

Whisenhunt stated they would prefer it be donated, but in the meeting they had last week they communicated that they could not afford to donate the pipe.

Tanner stated he should not have said that they would and he personally will hold him to his comments.

Whisenhunt stated in 2015 they requested the pipe and ADS indicated they made that offer, but staff was not aware that offer was made in 2015. They did give staff two sticks of the pipe but it was not enough to do any line construction.

Stephen Higgins, Advanced Drainage Systems, Inc. (ADS), stated in 2015 they had made an offer to work with the City of Lawton and give them a section of pipe to test, but in doing so they wanted assurance that they would be able to have a reasonable review period once that pipe was installed and once it was installed and reviewed and tested they would have a full written approval by the City of Lawton and that was something that they could never agree upon. That is why the offer was never extended in 2015 and the reason they are not currently offering that is because with the research that has been done on the product and the acceptance of the product they have in other markets and the current approvals they have, they don't feel that they are in a position where they need to give \$20,000 - \$30,000 worth of pipe away when they are offering a cost savings of \$260,000 on a performance contract.

Tanner stated the city staff are the professionals and they recommend to council what pipe they need. They send out the specs and ADS has two different aspects, one part of the company bid the spec price and the other they bid the pipe that was not the spec. Staff has informed the council that the pipe is cheaper but it cost more as far as labor installation to install it and that is the reason they are recommending to go with the other pipe.

Davis stated he had a couple meetings with city staff and ADS and unfortunately what city staff told the council at the last meeting was not true. They were told that to dig the 36" pipe you had to dig the trench a foot wider and to install 48" pipe you had to dig it two feet wider. They looked it up at the meeting and it turns out that is incorrect. The trench size is the same regardless if they are using PVC diamond pipe or the poly propylene pipe. The second thing they were told was that it was \$7.08 a foot more because of the backfill. At the last council meeting city staff told them you had to get a compaction test before you could cover the pipe. That is also incorrect. The way we currently install the pipe is the exact same method that meets the specifications for warranty by this company. It is a universal standard on installing pipe, whether you are installing PVC or polypropylene, and that is to provide a 6" gravel bed, haunch it and fill it up about 6-12" above the top of the pipe. That additional cost is an incorrect number, it would not be any additional cost on the backfill. This pipe is used exclusively in St. Louis, Chicago, Cincinnati and cities that do far more pipe than we do. The idea that we here in Lawton, Oklahoma need to be given pipe that has been thoroughly tested and they are the largest corrugated pipe manufacturer in the world, so the idea that we need to test their pipe, we are not a lab, we wouldn't even know how to do that. The only question that remains is the installation process of the pipe. He stated in the meeting they talked about finding a section of sanitary pipe from manhole to manhole that needed to be replaced, buy that pipe from ADS and their tech guys would come down and walk us through the installation process and if the process was about the same or shorter or longer, then we would have legitimate figures to know whether or not it was more expensive to install their pipe or not. He stated tonight this contract is for emergencies only so staff has a contract that had already been approved so that staff can get pipe on the ground immediately. He would make that motion with an amendment that this is for emergency purposes only, not to be used for new projects.

Tanner stated it was not his idea that Mr. Higgins's company donate free pipe to the City of Lawton, this was the company's idea. If they are going to offer the free pipe he does not know why we would not accept it. Now he is taking back that offer.

Davis stated the offer was not a clear offer but something was workable. If we were a private company, a manufacturer like ADS would come in and donate 200 feet of pipe on the contingency that if you put this in and it works for you and they prove that the cost is less, then you would award them the contract. We cannot do that as the city council because once we know it works for us we still have to abide by state law and send it out to bid. Mr. Higgins is not going back on his word by any means. They did give us a couple pieces of pipe but they give pipe on the contingency that we will award the contract and city staff legally can't do that.

Whisenhunt stated what they were reading and interpreting from the past was that they were requiring hand compaction in six inch lifts. They have clarified that is not what they are going to require if we use that #57 class one backfill. We need to determine if we can get a place that meets the requirements and get the pipe in place to where it will pass a manhole test and pass the pressure testing to meet the needs of our sewer system. Until we actually do this all we can do is estimate and we need to be conservative.

Burk stated he would like ADS to provide us with one area of pipe and if we find that it saves a lot of money it will be a good investment. If ADS can give us that section from manhole to manhole so we can actually look at it, he does believe that a company this size can provide us with the pipe so that we can feel comfortable with the installation and comfortable that it is going to work. He believes that if that can happen this council will come back and try to go with this pipe for new projects. When you tell us you are going to give us some pipe it can't be just one stick. If you can save us money we will work with you because ultimately that is taxpayers money we are trying to save.

Mr. Higgins stated that is not a decision he can make. Since 2015 they have become a publicly traded company and there are certain things they can and cannot do so he will have to speak to his boss and get his feedback.

Hadley stated the information that staff gave at the last meeting was from a report from the previous time. The information about the size of the trench was based on the information they looked up back at that time. They were not expecting this item to become a controversial issue.

Davis stated the good news is that the trenches don't have to be wider and it is not going to cost more money. It does irritate him when the council gets information that is ten years old and is no longer accurate and whether they think it is going to be controversial or not, that is aggravating and he knows his earlier comments were rather harsh.

Hadley stated that Mr. Higgins just verified that although it is much less than was given at the last council meeting, they are required to be about three inches wider.

Mr. Higgins stated that is depending on the size and also taking into consideration where you are actually measuring the PVC pipe from. In some instances it will be exactly the same and some it might be 2-3 inches wider.

MOVED by Davis SECOND by Warren to award contract (CL19-015) Large Diameter PS46 Closed Profile PVC Pipe to Ferguson Waterworks of Oklahoma City, OK to be used for emergency purposes only. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

NEW BUSINESS ITEMS:

6. Hold a public hearing and consider an amendment to the binding site plan for property located at 1614 NW 67th Street. Exhibits: Ordinance 19-__ with Amended Site Plan, Location Map and Application.

Richard Rogalski, Community Services Director, stated on May 27, 2014, the City Council approved Ordinance No. 14-17 which rezoned three tracts of land located on the west side of NW 67th Street approximately one-quarter mile north of Cache Road to C-1 Local Commercial District zoning classification. The site plan approved with that rezoning showed only the existing three single-family homes, and the property owners were advised that when the property was ready to be developed for commercial use, an amended binding site plan would be required. This request is for an approximately 4 acre tract which is the northernmost tract included in the 2014 request. The site plan for the remaining area will remain unchanged. Section 18-1-1-114.1 provides that if a binding site plan is changed significantly, the revised site plan shall follow the same process as a rezoning request. The proposed use is a bank. On January 10, 2019, the City Planning Commission held a public hearing on the request to amend the binding site plan and the request for a Use Permitted on Review for the operation of a bank in C-1 at this location. The CPC recommended approval of amending the binding site plan to the City Council and approved the Use Permitted on Review for the operation of a bank on this property subject to the site plan being revised to close the existing curb cut that is not proposed to be used with this development.

PUBLIC HEARING OPENED.

Henry Southwick, 1717 NW 70th Street, stated his property is directly behind this lot. He stated this is going to block the sun from his backyard. He questioned how long the project will be going on because it will be an eyesore for all the residents.

Burk questioned if Mr. Southwick was concerned about the project or the length of construction.

Mr. Southwick stated he is concerned about everything.

Rogalski stated there is opaque screening and this is a very good distance in terms of the setback.

Roger McFarland, from New Ground which is a design build firm specializing in financial institutions and working in Oklahoma, stated their client wishes to build a financial institution on the property. The site plan meets all the codes of the City of Lawton and they have also put a

voluntary limit on the amount of area they will build in any future phase. Their setbacks are larger than required for the building. This is a two phase project, the second phase will be used by the original builder. Phase two is solely for their business expansion. All of the parking that is on the far left, that entire bay, will not be built for 15 years. They are building all the required barriers between the residential and their property.

PUBLIC HEARING CLOSED.

MOVED by Burk SECOND by Davis to adopt **Ordinance 19-01**, waive the reading of the ordinance, read the title only. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 19-01

An ordinance amending ordinance No. 14-17 which changed the zoning classification to C-1 Local Commercial District on the tract of land which is hereinafter more particularly described in section one (1) hereof and approving the revised site plan attached as Exhibit A.

7. Consider providing direction to City Staff regarding Council's desire for the future of the Municipal Jail, and specifically whether the Jail should remain as a division of the Police Department or instead be separated and become a City Department of its own. Exhibits: None.

Warren stated there is no action to be taken on this item tonight, basically the only action would be for the council to direct staff to do something within this item. The council is not going to vote on changing anything tonight. He stated they have talked in committees about how they can begin to limit the number of prisoners that we take into our jail. He would like to see the council direct staff to include the police chief or his representative, the judge, the court clerk and someone from the city manager's office, to get together and come up with some ideas on what we can do to limit the number of prisoners. We are getting ready to have a 120 bed facility and if we are not careful it will be full and we will be in the same situation we are in now. The second part of this item is to determine if we want the jail facility to be run under the police department, the way it is now. He does not have a problem with the way it is being run now except that this is not a function of the police department. The function of the police department is interaction with the citizens of Lawton, apprehension of individuals who have broken the law and things of that nature. The function of a correctional officer is to hold prisoners and to control them after the police have arrested them and/or the judge has incarcerated them. This becomes a secondary operation of the police department and the attention is divided. Staff needs to be the one to bring this back and let the council know what is the functional way to make that happen and if they think it is financially feasible. This will help us to train because currently our training is mixed and they should train separately because the two are completely different. They also need to look at becoming a member of an association that will provide us with accreditation not only the facility, but the correctional officers that are working there. This would allow us to participate in special training and workshops. He feels that if they move it out from under the police department this will allow a more focused attention that will be needed for the new facility that will now be required to follow all state and federal correction statutes and

directions. They need to look at how we are doing things and determine if we need to change. He would like council to direct staff to look at this and find out what it will cost and to look into joining an association to become accredited.

Burk stated he would support this item. He stated this is something they have talked about in the public safety facility committee and there are things they need to look at to run the jail more efficiently and to be more effective.

MOVED by Warren SECOND by Burk to direct staff to move forward with looking into this issue to determine cost and to look into joining an association to become accredited. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

8. Consider Change Order #8 to the contract between Flintco, LLC and the City of Lawton for construction of the Public Safety Facility. Exhibits: Change Order #8 - Public Safety Facility.

George Hennessee, City Engineer, stated the public safety was bid and when construction began there were some unknown issues that came about. The design firm designed the piers at the 30 foot depth and many of them are exceeding that depth and we have a tentative budget number of about \$173,000 over the bid amount. In order to recover that we have asked the contractor to come up with some cost savings items that will maintain the function of the facility but not be absolutely necessary. The first of the list is deleting floor logos, which were to be constructed out of tile and embedded in the floor. They were logos of the fire and police emblems and the City of Lawton seal. By deleting these items they can save \$4,300. The next item is deleting the certification of the millwork, which would be all the woodwork. By eliminating the quality certification we can save \$7,500. The next item is to delete the interior build out of the support building. They initially designed the support building to be a storage warehouse for files and it evolved into a more complex project. With this change order they would build the exterior walls, build the exterior infrastructure but they would not build the interior walls of the facility. They would have a small bathroom built into it but the remainder of the interior walls would be eliminated as well as the lighting, suspended ceiling and all the interior function. It can be built in later as funds become available but this would be a \$98,807 savings. In the design there was a support beam that was required for the mezzanine area, in order to eliminate that support beam they wanted to put in an added support beam for the long span and that beam will cost \$4,054. They did have some additional weather days and they are recommending awarding of those days. They have a detention pond on the south side of D Avenue and that pond had a trailway on the west side that would have lighting and irrigation and plantings and by eliminating that trailway they could save \$39,600. The trailway was in addition to a sidewalk that would be built on Larrance Road, so there would still be a pedestrian way it just would not go around the detention pond. They did realize that in area A and B they had some areas that needed fire protection between the fire wall so there is an added cost to provide that fire wall system of about \$2,795. On the initial bid they had a patio system on the 2nd floor that allowed for access to a patio area and it had paving stones to protect the roofing material and it had a door and railing. They can eliminate that patio system and save \$27,770. With all this they can realize a savings of \$177,987 but they need to increase the cost by \$6,848 to cover the beam support and the fire

rated wall, so that leaves a savings of \$171,138. Their intention is to put that \$171,138 into the contingency account which has currently been depleted and this will get us on our way to cover the cost of the pier overrun.

Burk stated he does not like this. We are spending millions of dollars on a building and they are being asked to cut out the stuff that makes this nice and presentable to the community. We are taking out the landscaping and the sidewalk part that was designed to make it look different. There is so much in here, the lighting and the irrigation requirements. He does not know how important the millwork is and that might be something he could consider, but he just can't agree with these cuts.

Hennessee stated the deletion of the sidewalk is not around the building, it is around the detention pond that services the building.

Burk stated he understands that, but it is going to be a building that this community can be proud of and we are deleting the things that make us proud. We can find ways to fix this and this is not the way to do it.

Hennessee stated when they began the development of the project it was to have a building that would last for 50 years and provide the community with a facility that is a 50 year facility. The intent was never to build that 50 year facility, that is why we have a single pod instead of three pods in the jail. We wanted to build a facility that could be expanded to accommodate the 50 year facility. We are looking at a \$175,000 overrun on the piers and he would like to recover that so that we don't have to go to a change order to cover those overruns.

Davis stated he agrees with Council Member Burk and he was not for us spending this much money on a public safety facility, but the council passed that and now we are spending about \$40 million on a public safety facility and then we are going to not put in an irrigation system, not put in the sidewalk, the associated lights and landscaping. We can still pay for the piers, it's just that the change orders have to come before the council to be approved. If this money goes into the contingency fund then the council will never see it, the city staff pays for it. If there is a need for a change order they need to see it and decide whether to approve it or not. This is not how you save costs, they want it to be beautiful and be usable. The only thing he can agree with on this is the possible deletion of the interior build out of the support building and the millwork not being certified. He thinks this is the wrong direction because funds are tight and if they think they will finish that patio in a few years we are kidding ourselves. We need to complete the project because that is what the citizens paid for and that is what the council passed. It is not the time to put money in a contingency fund so it doesn't have council oversight and to delete all the pretty parts.

Hennessee stated the secondary support building does have more function than just file cabinet storage. As the project evolved the CID folks moved into that facility as well as the motorcycle unit. There will be active operations in that building. It is not that they don't want to do this, it is that they feel they can save some money by not completing it at this time.

Warren stated we are trying to build a \$50 million facility with \$40 million and that is just not going to happen. The people have got to have something that looks decent. He hears the same arguments that when we build something we do it halfway and the reason we do that is because we back into the numbers. We need to find out how much stuff costs and then go to the people and ask them if they want it and if it passes we build it and if it doesn't we won't. Building stuff because we can that doesn't accomplish what we want is not making Lawton a better place. He agrees with holding off on the build out and the certification.

Jensen stated the last change order the council did was not approved because it did not comply with the statute, he thinks it was around \$175,000, that is still out there. Whether you accomplish paying that by doing this or some other fashion is up to the council. It is still out there and it is going to be coming back but they are trying to finalize what the amount will be.

Hennessee stated they have a preliminary pier report and that report gave them the budgetary number in the \$176,000 range. We don't have the final pier reports. As they are building the grey beams they are re-excavating the piers. At the time they re-excavate the piers they are doing a final certification of that pier and then they are building the pier caps and putting in the grey beams and starting on the walls. Until they get that last grey beam pier excavated, they can't do the final report. They may have the final report in about 60 days.

Jensen stated once we have the final report that change order will come back and his opinion is not going to change. They are all resolved except for that last big one. He believes that a big part of what we are talking about here is an attempt to try to address that because if it can be covered by a contingency amount then it is not an increase to the contract price and if it is not an increase to the contract price then it is not a change order. We can't do another change order that will substitute for the one that has already been done not in compliance with the statute. We have to deal with it the way it is. Whether they pay for it out of a required change order that has to comply with the statute or they still have contingency money left, it still has to come back before the council, they can't hide that. We will end up paying this in some fashion or we will fight a battle with the contractor.

Burk stated there are a few things on here he can agree to include the weather days, the mill stuff and maybe the interior build out of the support building, but he cannot agree with the rest of it. We are not doing the right thing and he wants to deny this change order.

Jensen questioned if they want to table this and bring it back in a revised fashion.

Burk stated he would rather deny it and let staff come back with a whole different look because there is nothing he likes about this.

Tanner questioned who would be using the loft and what is the purpose. Is it accessible to the public?

Hennessee stated it is on the east side of the building on the 2nd floor by the police officers area. There are very few public areas that are accessible to the general public.

Tanner stated he is concerned about the logos and he would like to keep those. He agrees with doing away with the millwork and the interior build out. He stated they don't have to put this money in the contingency fund.

Hennessee stated the intent was to put this in the contingency fund but the expenditures would come through council.

Hadley stated the council has made the position clear, but would they consider deducting item #8, the roof pavers and railing in loft.

Tanner stated he would like to look at the plans again. We are spending so much money and they want to the finished product to look nice.

Davis stated his position is absolutely not. We are building a \$40 facility and the last thing he wants is for our employees to look out on that area and say that the City of Lawton never got that done. We are trying to nickel and dime this thing and take away some amenities that increase the quality of the work environment. He is not for saving a few thousand dollars and taking it away from our employees.

MOVED by Burk SECOND by Davis to deny. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

9. Consider approving Change Order No.1 to the construction contract with Young Contracting LLC for replacement of Sodium Hypochlorite tanks at the Medicine Park Water Treatment Plant (MPWTP). Exhibits: Change Order No. 1.

Afsaneh Jabbar, Director of Water/Wastewater, stated the amount of the change order is \$21,336.97 and that is because of the seismic evaluation they did after the project had already been awarded. They have encountered the same kind of issue in a couple of other projects. When they applied a new seismic loading for the anchor design, it exceeded the capacity of the pedestal so they had to change the size of the tank making it smaller in diameter and taller to be able to have larger distance from the edge to be able to compensate for the additional load that was being applied.

MOVED by Burk SECOND by Davis to approve Change Order No.1 to the construction contract with Young Contracting LLC for replacement of Sodium Hypochlorite tanks at the Medicine Park Water Treatment Plant (MPWTP). AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Diane Branstetter, Finance Director, presented revenue and expenditure highlights for the period ending December 31, 2018. (On file in the City Clerk's office).

Col King stated on February 1st they will be implementing the trusted traveler program which is a pilot for Fort Sill. If you are an ID card holder who is 16 and older, you can sponsor up to 14

individuals in your vehicle to come onto Fort Sill between the hours of 5 a.m. to 10 p.m. They will do this for six months and then reevaluate the program.

Johnson stated she will be holding a Ward 7 meeting on January 31st at the Patterson Center.

Tanner stated he has received two calls this week from someone disguising themselves as the electric company saying he will be cut off in 30 minutes. It is just someone trying to obtain personal information. He stated he received the same type of call from someone saying they were from Microsoft.

Davis stated there are Ward 3 community meetings at 6 p.m. on the Monday night before every council meeting. He invited citizens to attend. They are held at the firefighters union building, 1116 SW C Avenue.

Hadley stated Bill Phelps, our legislative liaison, will be here on January 31st to meet with council members. He will be here for a morning and afternoon session.

Mayor Booker stated since 2012 we have added over 750,000 square feet of retail to our market, but today we have 550,000 square feet that is vacant. This is something we need to know when people come before the council asking for funds to build more retail. He thanked city staff for all their assistance during his first week in office.

The Mayor and Council convened in executive session at 7:59 p.m. and reconvened in regular, open session at 8:28 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

10. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the damage claim of Richard Short and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title to item #10. No action was taken.

11. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations regarding for a Collective Bargaining Agreement for FY 2019-2020 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 to item #11.

MOVED by Burk SECOND by Davis for FY 2019-2020 negotiation with the IAFF, Local 1882, move to appoint Tim Wilson as the City's chief negotiator and further move to appoint Bart Hadley, Warren Wick and Chief Dewayne Burk to the City's negotiating team with Deputy Chief Raanon Adams to serve as the alternate member. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

12. 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 to item #12. No action was taken.

There being no further business to consider, the meeting adjourned at 8:32 p.m. upon motion, second and roll call vote.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK