

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
FEBRUARY 9, 2016 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Jerry Ihler, City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk
COL Glen A. Waters, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:13 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Doug Passmore, First Baptist East, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bob Morford, Ward One
 Keith Jackson, Ward Two
 Jay Burk, Ward Four
 Dwight Tanner, Jr., Ward Five
 Cherry Phillips, Ward Six
 V. Gay McGahee, Ward Seven
 Doug Wells, Ward Eight

ABSENT: Rosemary Bellino-Hall, Ward Three

AUDIENCE PARTICIPATION: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF DECEMBER 15, 2015, JANUARY 26, 2016 AND THE SPECIAL MEETING OF JANUARY 11, 2016.

MOVED by Burk SECOND by Jackson to approve minutes of Lawton City Council regular meetings of December 15, 2015, January 26, 2016 and the special meeting of January 11, 2016. AYE: Morford, Jackson, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Tanner requested item #9 be considered separately.

MOVED by Burk SECOND by Jackson to approve the consent agenda with the exception of item #9. AYE: Morford, Jackson, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in making payment on the judgment in the Workers' Compensation case of Billy Chandler in the Workers' Compensation Court of Existing Claims, Case No. 2012-11585F. Exhibits: **Resolution No. 16-07**.
2. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Roberto Lopez. Exhibits: **Resolution No. 16-08**.
3. Consider approving an Agreement for Professional Services between Dennis E. Foster, M.D., and the City of Lawton to provide expert testimony in the Comanche County District Court Case CJ-2015-401 styled Delia Castillo Ramos and Orlando Ruiz Sosa vs. City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
4. Consider adopting a Resolution supporting and authorizing the City of Lawton to accept a grant approved by the Oklahoma Strategic Military Planning Commission (OSMPC), through the Department of Commerce, in the amount of \$181,746 (\$141,746 to provide enhanced technology and equipment and \$40,000 to be allocated to "Inspired Leadership") for Lawton Public Schools (LPS), and to redistribute funds in the amount of \$683,339 for the Lawton/Ft. Sill Regional Airport Fire Station, and authorize the City Manager to provide the fiduciary oversight necessary to fund these projects as approved. Exhibits: **Resolution No. 16-09** and Letter from the Lawton Airport Authority.
5. Consider approving a request from the Lawton Fort Sill Amateur Radio Club to extend the hours of operation for Elmer Thomas Park overnight past the designated park closing hours of 11:00 pm to 6:00 am for the nights of June 24 and 25, 2016 for a W5KS Field Day Worldwide Radio Contest to be held at the East Pavilion at Elmer Thomas from Noon on June 24, 2016 each night until Noon June 26, 2016. Exhibits: Assembly Permit.
6. Consider approving a Memorandum of Understanding between the City of Lawton, Cameron University, the Museum of the Great Plains, the Institution of the Great Plains, and the Oklahoma Archaeological Survey regarding an excavation at Elmer Thomas Park as an educational and research activity for Cameron Students and Museum/Institute interns, as well as to uncover and preserve further paleontological, osteological, and/or archaeological evidence and/or artifacts, and authorize the Mayor and City Clerk to execute the Memorandum of Understanding. Exhibits: Memorandum of Understanding.
7. Consider approving the proposed Memorandum of Understanding (MOU) between the City of Lawton and Comanche County Health Department (CCHD) to participate in the planning and transport of medication as part of a Mass Immunization/Prophylaxis Strategy (MIPS), and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Memorandum of Understanding (on file with the City Clerk).
8. Consider setting the date of March 22, 2016, to hold a public hearing to close the west 100 feet of the alley between Lots 10-17, in Block 22, of Woods Addition, located north of SW H Avenue, west of Railroad Street. Exhibits: Application, Location Map and Survey.

9. Consider approving the construction plans for an 8-inch waterline and a left turn lane on E. Gore Boulevard to serve McDonald's to be located at the northwest corner of Interstate 44 and E. Gore Boulevard subject to conditions. Exhibits: Location Map.

Tanner stated a citizen called him inquiring about the cost of the project and who is paying for the project.

Richard Rogalski, Community Services Director, stated he believes the cost estimates are about \$70,000. It is about \$20,000 for the water line boring under the road and about \$35,000 or \$40,000 for the left turn bay. These are public improvements that are being provided by a private developer. There was an economic development assistance submittal that came in a few months ago but it has been tabled by LEDA. The project is on KCA land and the sales tax issues were a little strange as to how the return would be and that part is a little muddy. This is a private developer asking the council to approve public improvements on Gore Boulevard.

Tanner questioned if the City was spending any money.

Mayor Fitch stated not at this time.

MOVED by Tanner SECOND by Burk approve the construction plans for an 8-inch waterline and a left turn lane on E. Gore Boulevard to serve McDonald's to be located at the northwest corner of Interstate 44 and E. Gore Boulevard subject to conditions. AYE: Morford, Jackson, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

10. Consider accepting a public access easement for the sidewalk along NW 52nd Street, adjacent to McMahan Tomlinson Skilled Nursing Facility located at 2007 NW 52nd Street. Exhibits: Location Map. Easement is on file in the City Clerk's Office.
11. Consider accepting a permanent easement on Lot 15, Block 1, Stephens Addition, addressed as 2102 NW Atlanta Avenue, from Staci Owens. Exhibits: Location Map. Easement is on file in the City Clerk's Office.
12. Consider adopting Street Light Resolution No. 489 to authorize the removal of street lights at the location listed in the Resolution and substituting them with thirty (30) new metal halide lights on black decorative poles. Exhibits: Street Light Resolution No. 489.
13. Consider extending the contract award period of thirty (30) days to forty five (45) days for the Nine Mile Creek Sewer Line Phase 1 Project #2008-2. Exhibits: None.
14. Consider acknowledging receipt of permit for the construction of sewer line and appurtenances from the Oklahoma Department of Environmental Quality to serve the Nine Mile Creek Sewerline Phase 1 Project #2008-2, City of Lawton, Comanche County, Oklahoma. Exhibits: Permit to Construct dated December 28, 2015 is on file in the City Clerk's Office.

15. Consider awarding a construction contract to T&G Construction Inc. for the 2nd St Improvement Project Phase I (From NW Columbia Ave to NW Ferris Ave, #2014-03). Exhibits: A copy of the agreement is on file in the City Clerk's office.
16. Consider awarding contract (CL16-013) Sodium Hydroxide to primary vendor DPC Industries of Cleburne, TX and secondary vendor FSTI, Inc. of Austin, TX. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
17. Consider awarding contract Purate® to Thornton, Musso & Bellemin, Inc. of Zachary, LA. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet
18. Consider approval of payroll for the period of January 18 - 31, 2016.

NEW BUSINESS ITEMS:

19. Consider establishing a Committee to review and discuss changing the General Employee Pension Plan from its current defined benefit pension plan to a defined contribution plan similar to that of a 401(K) plan for all new hires. Exhibits: None.

Wells stated across the country municipalities, counties and states are getting into trouble with their pension systems because they have become so expensive. The new, young employees are looking for more of a 401k plan because they don't plan on staying somewhere for 30 years, they have a job and move on and want to take their retirement funds with them. Under our current system they are not able to do that unless they have been here for 10 years and are vested. His idea is to have the new employees put in 4% and we match 3% and add an additional percent to the current pension system that will strengthen it and make sure it is viable for all the current employees. Maybe every four years they add 1% up to 6% to 8%. He feels it is time to put together a committee and discuss this issue.

Tanner stated he would like to be a part of this committee. He stated in the last audit this was one of the things that was highlighted and how the retirement fund is underfunded.

Phillips stated she would like to be a part of the committee.

Morford stated he would also like to be on the committee.

Mayor Fitch stated he has Wells, Phillips, Morford and Tanner.

Wells stated if no one objects he would like to be the chairman. He will get a meeting set up.

Bart Hadley, Assistant City Manager, stated he is the chairman of the general employees Pension Trust, and he would request to be involved or someone from the trust.

Wells stated he intends to invite the Pension Trust and the Employee Advisory Committee (EAC) memberships. He stated he would also include the actuary.

MOVED by Wells SECOND by Morford to establish a committee to include Councilmembers Wells, Phillips, Morford and Tanner and memberships from the Pension Trust and EAC to review and discuss changing the General Employee Pension Plan from its current defined benefit pension plan to a defined contribution plan similar to that of a 401(K) plan for all new hires. AYE: Morford, Jackson, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

20. Consider approving an emergency Ordinance adopting regulations regarding persons standing, sitting, or staying on certain public streets, highways, or medians, by amending Lawton City Code, Section 23-1-102 to include definitions for “median”, “street”, and “highway” and amending the definition of “intersection”; amending Section 23-19-1909 (Hitchhiking; soliciting business) by deleting all current wording and replacing it with regulations prohibiting persons from standing, sitting, or staying on certain public streets, highways, or medians and reciting the purposes thereof; by repealing Section 23-19-1913 (Solicitation in roadway and shoulder of roadway—Solicitation limited—Permit requirements and limitation—Penalty) due to inconsistency with the proposed regulations; by repealing Section 7-2-1-205 (Distributing Handbills on Streets, Highways, and Intersections) due to inconsistency with the proposed regulations; providing for severability; and declaring an emergency. Exhibits: Ordinance 16-__.

Burk stated we have an epidemic starting throughout the city of people doing things in medians that have become dangerous with people stepping out in traffic, tapping on windows and people have become scared. The council has received numerous letters and phone calls from people who are concerned with people in the medians. This ordinance does not talk about panhandlers on the sides of the street, but he will be working on that next. They need to take this a little bit at a time, and he knows there will be some groups affected by this change. He has spoken to some firefighters who support the MDA, but they cannot pick and choose who you allow to be in specific locations without pending lawsuits and discrimination type efforts. He has spoken to some leadership in the fire department and have told them he will figure out a way to support helping with the MDA. People come here to shop and they feel that they are being inundated with people with signs, tapping on their windows and walking between their cars. They need to make everyone feel safe. A lot of these people don't even live in Lawton. Many have been offered a job by local businesses, but they declined the offer because they make more money and they don't pay taxes. People that need help don't scam people. That person is not paying any income tax or paying anything if they live in another community and come here to scam people. The number has grown and he is seeing it on medians that are two foot wide and it is a huge problem. He stated the City Attorney can fill in some of this information.

Jensen stated this is not a new version of a panhandling ordinance. The City of Lawton has had a panhandling ordinance since September 2010. A lot of these issues like tapping on windows are illegal and it has nothing to do with what is being proposed tonight. Our panhandling ordinance enacted in 2010 tells you what panhandling is not, what panhandling is and how we regulate that. It says what aggressive panhandling is and we outlawed that altogether. What panhandling is not is the act of passively standing or sitting with a sign or other indication that a donation is being sought without making a verbal request. It is solicitation, not panhandling. Panhandling means any solicitation made in person in which a person requests an immediate donation of money or

other gratuity. You can't engage in panhandling after dark. You can't engage in panhandling in a restroom; at any bus stop; in any public transportation vehicle; in a vehicle which is parked or stopped on a public street or alley; or within twenty (20) feet in any direction from an automatic teller machine or entrance to a bank. Aggressive panhandling means you can't touch the person that you are seeking donations from. You can't seek a donation from a person while such person is standing in line waiting to be admitted to any public or private establishment or event. You can't engage in panhandling by blocking the path of a person being solicited, or the entrance to any building or vehicle, or by following behind, ahead or alongside a person who walks away, or using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled to give a donation. It is aggressive panhandling if you are doing it in a group of two or more persons. You can't panhandle in a residential area or in a place that is open to the public unless you have the permission of the manager or owner of the property. He was asked to look at addressing the unsafe conditions of people being in the paved portions of the streets and on the medians. Tonight you are saying that you cannot be in the paved portions of the street or on the curb for any reason. You also cannot be in a median unless the median is at least 30 feet in width or it has to be at least 200 feet from an intersection. In every other instance except for using a crosswalk or safety zone or doing authorized construction work or responding to an emergency or using land dedicated for use as a public park or using a median that contain benches, except for those limited purposes, this ordinance says it is too unsafe to be in the street.

Burk stated a lot of this was drafted from an ordinance recently enacted by Oklahoma City.

Jensen stated this ordinance is patterned after what Oklahoma City did in December 2015.

Burk stated they went through some legal threats that if they didn't do it across the board.

Jensen stated they said for any purpose as far as the paved portions of the medians because of very strong legal reasons. Right now we have two code sections and one says you can't be on a shoulder or in the street and solicit donations, but we have another section that carves out an exception, which has been there since 1993, where it says if you are a charitable organization you can be in those areas. If it is unsafe for others, it is unsafe for charitable organizations to be there too. We cannot legally pick and choose.

Tanner stated right now it is illegal for someone asking for a donation to stand out in the center median without passing any new ordinance.

Jensen stated with the exception for the charitable organization.

Tanner stated we are doing away with that one exception.

Jensen stated we are doing away with all of it tonight and starting fresh.

Tanner stated the firefighters get a permit, and they have liability insurance to cover them in case something happens, to solicit donations for muscular dystrophy. He thinks they generate around

\$60,000 a year. According to current city ordinance, folks can't stand out in the median with a sign and they can't go into the road. The only thing we are doing is including everybody including charitable organizations.

Jensen stated he is just rewriting this to focus on the paved portion of the areas and that includes things like a curb line. By this ordinance it includes the medians he has described.

Tanner stated right now a person cannot stand legally in the median holding a sign unless it is a charitable organization and they go apply for a permit and they have liability insurance.

Jensen stated that is correct.

Tanner stated all they are doing is taking out a portion of an existing ordinance which says no longer can the firefighters, for example, obtain a permit from the City of Lawton, have liability insurance to allow them to go out and hold the boot up and collect approximately \$60,000 a year for Muscular Dystrophy. People will still be able to hold signs up in the center median if it is wider than 30 feet, if it is less than 30 feet, they just go down 200 feet and still stand in the median. That is not going to stop them from standing along the road way, they can still hold a sign up in the roadway soliciting. Right now it is against city ordinance for them to go out and harass you and tap on the window. All we have to do is enforce the panhandling ordinance we have right now. What we have is a lack of manpower to enforce the ordinance.

Jackson stated this issue has generated many phone calls because people are scared and nervous. He believes the public is demanding that we do something and he is going to support this.

Burk stated this is his first step in addressing the problems we currently have. This is not the only answer, we need to address more of this for the people who are on the side of the roads. This does not solve every issue, but it is a first start. There are other things communities are doing, and we have to address the problem. No one has the officers to stand there and ticket people.

Tanner stated what they are doing is not allowed, it is already in the ordinance. To him it is not an ordinance issue, it is an enforcement issue.

Phillips stated Councilmember Tanner is right about the enforcement, but if she is driving along and sees something, she is going to call. Citizens have to support this and will have to call in to do that. She is not comfortable with the 30 feet, she would rather it be any size median. She would like to know what the penalty is.

Jensen stated in Chapter 33 it references section 1-119 in Chapter 1 of Lawton City Code. That is the general penalty section in the code which allows a fine of up to \$750 and jail time of up to six months.

Phillips questioned if that was with the first offense.

Jensen stated it could be.

Burk stated he hopes that officers can do a sweep and inform them that they cannot be here. He stated the only median he can think of that is more than 30 feet wide is Gore Boulevard.

Phillips stated we also have the medians where they are in the same median but they are different widths.

Jensen stated the distance of 30 feet was selected for a reason. All of this is based upon safety for the pedestrians and safety for the motorists. A lot of our medians are not very wide at all, including Cache Road. It is a safety issue and that is why Oklahoma City chose 30 feet and we are comfortable with that here.

Tanner stated he is willing to support this as long as they identify some funding for the enforcement of this ordinance and the panhandling ordinance we already have on the books.

Wells stated he supports what they are doing. He does not like that firefighters will not be allowed to do the boot drive anymore and he dislikes that the country has turned where community standards no longer mean anything. You have to comply with what some judge in New York says is the law and it goes up to the Supreme Court and they agree and we are doing things where we cannot treat anybody any differently. It is a shame where our country is going on some of this stuff and he is disgusted with the laws in this country.

Chris Jones, Lawton Fire Department, stated he has been the MDA coordinator for the past seven years. He stated they are concerned that this ordinance will negatively impact the amount of money they can raise for MDA.

Daniel York, Executive Director of the Muscular Dystrophy Association, stated he has been through similar situations in Abilene and he helped in Oklahoma City when they passed their ordinance. The only people who are affected that abide by the law are the firefighters. In Abilene they passed this same ordinance two years ago and now they are still there because there aren't enough police to get them off the streets. The firefighters, who submit the proper permits and have the insurance, are not able to go out there because of this ordinance. In Abilene the donations went from \$60,000 down to \$15,000 that first year. It will affect the children they help locally. They do have an insurance policy that covers the City, firefighters and the public if there is an accident. He has been with MDA for ten years and their insurance policy has only been accessed ten times from the 550 fill the boot programs across the country.

Phillips stated in the past it has made her uncomfortable that the firefighters are out in the street going between the cars. It is dangerous.

Mr. York stated they should be back on the sidewalk when the light changes to yellow.

Burk stated they have to be creative in finding ways to raise this money and he does have some ideas. He would like to sit down with the fire department and MDA to look at some ideas. He questioned how much money they raise in Lawton.

Mr. York stated approximately \$35,000.

Burk stated they do not want to hurt what the firefighters and MDA does, but communities are stuck and they need to start somewhere. We are going to stick with the police to enforce this because we are all making sacrifices. They can come up with a solution to raise the money.

Phillips stated she would like to hear from the police chief about enforcement of these ordinances.

Wells stated the problem we get into is not because of what we want to do up here, it is because of the federal government and the Supreme Court rulings. Oklahoma City has already been threatened with a lawsuit by the ACLU if we do anything that only affects the panhandlers and we will be sued by the ACLU and we will lose in court.

Chief James Smith, Lawton Police Department, stated they do actively patrol these areas. He has officers out every day under directives to look. He stated if they are being aggressive they are told to move from the intersection.

Phillips questioned if this ordinance will help the police.

Chief Smith stated it would help, especially with pushing them back. What they want is to be at the intersection because that is where the cars are.

McGahee stated a bigger issue with the panhandling is with people accosting you at your car in front of a store or coming in and going out of a store. She questioned how that is being enforced.

Chief Smith stated the officer has to see it happen. They have had reports of aggressive people at Walmart. When the officer gets there they are usually gone. He stated officers are looking at people who are aggressively soliciting from citizens and motorist.

Wells questioned if the manager from Walmart could call the police and file a complaint.

Chief Smith stated the owner of any business has to grant them permission to be there.

Mayor Fitch stated it is up to the management of the retail operation to not allow that to happen. The police have a lot of responsibility and a lot of things to do and retailers have to take some responsibility to protect their customers in these situations.

Tanner questioned if the police department has the resources to enforce the panhandling ordinance that we already have on the books.

Chief Smith stated they do their best.

Tanner questioned if they could use additional resources to enforce the ordinances on the books.

Chief Smith stated they can always use additional resources.

Tanner stated this is an underfunded issue.

Burk stated the whole police department is an underfunded issue.

Tanner stated if the council is serious about dealing with panhandling, they are going to have to find some funds, give it to the police department to hire some off duty police officers and they will have to hang out at the intersections and catch these folks in the act. They can pass all the ordinances until they are blue in the face, but until they provide funding to enforce these ordinances, it is a bunch of smoke.

Jackson stated it is time to call for a vote. Everyone on the council wants to make sure they are able to accomplish the purpose of the fire department with their collections and they will try to do that. There are some good things they can come together to do.

MOVED by Burk SECOND by Wells to adopt **Ordinance 16-04**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Morford, Jackson, Burk, Phillips, McGahee, Wells. NAY: Tanner. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 16-04

An ordinance pertaining to chapter 23 of the Lawton City Code, 2015, entitled “vehicles and traffic,” to provide regulations regarding persons standing, sitting, or staying on certain public streets, highways, or medians; amending Section 23-1-102, Article 23-1, Chapter 23, to include definitions for “median” and “street or highway” and amending the definition for “intersection”; amending Section 23-19-1909 (hitchhiking; soliciting business), Article 23-19, Chapter 23, by deleting all current wording and replacing it with regulations relating to persons standing, sitting, or staying on certain public streets, highways, or medians and reciting the purposes for such regulations; repealing Section 23-19-1913 (solicitation in roadway and shoulder of roadway – solicitation limited – permit requirements and limitation – penalty), Article 23-19, Chapter 23 in its’ entirety due to inconsistency with the proposed regulations; repealing Section 7-2-1-205 (distributing handbills on streets, highways and intersections), Article 7-2, Chapter 7 in its’ entirety due to inconsistency with the proposed regulations; providing for severability; and declaring an emergency.

Wells suggested the fire fighters look at the July 4th celebration, which will be a big day in the park.

21. Consider an ordinance pertaining to Personnel Policies and Procedures amending Sections 17-1-4-135 and 136, Division 17-1-4, Article 17-1, Chapter 17, Lawton City Code, removing the provision for a step increase after an employee’s initial six months of employment, requiring instead one year of service prior to being eligible for a step increase, deleting obsolete language, providing for severability and establishing an effective date. Exhibits: Ordinance 16-__.

Chase Massie, Human Resources Director, stated currently new hire employees receive a 5% step increase after six months with meritorious performance, then they receive another 5% increase at their one year anniversary. The recommendation is to remove that six month step

increase that will produce a cost savings to the budget as well as being consistent with fire and police pay plans.

Wells questioned if they were on probation the first six months.

Massie stated yes.

Wells stated he usually likes everything the same as the two contracts, but in this case he does not like this because mainly the people they are talking about are lower paid individuals that we are hiring over and over again. These are \$20,000 - \$25,000 a year people. He just does not like this.

Burk stated he agrees. The general employees do not have the backing the other two groups have and he does not know if this is worth what we are trying to do here.

Ihler stated this was a recommendation from the Employee Advisory Committee (EAC) and they did vote to do away with the six month step.

Burk questioned why they would do that.

Ihler stated they realized that the City is going through some tough budget times and that was one of their items they agreed to.

Wells questioned how much this will save.

Massie stated it is difficult to find any employer that will give a 10% raise in the first year. They have built a pay plan front loaded with 5% increases to encourage and help recruitment. He does believe there is potential savings.

Wells stated with the original step increase the employees were hired and while they were on probation they did not pay into the pension fund and at six months when they became permanent they started paying into the pension fund which was 4% so the six month step was put in to give them the 5%. He stated now they get into the pension system sooner.

Massie stated they pay into the pension system after 30 days.

Wells stated he understands why the EAC did what they did, but personally he does not like this. We are talking about people who are making \$8, \$9 an hour. It will not hurt the person making \$70,000 or \$80,000 a year.

Burk stated they talk about positions that they can't fill and now we are going to take away an incentive. He can't imagine this is a huge amount of money. He cannot support this and this will not solve our woes.

Jackson stated the management team is doing their very best to try and balance the budget and they realize we have a problem again this year with the budget. At some point the council needs

to step up and be on their side. He can understand not supporting this, but sometimes they will have to support the staff.

Wells stated he usually supports everything they bring up, but he cannot support this.

Tanner questioned how much money did the six month steps cost the City last year.

Massie stated he did not have that number. He stated this is also an effort to be consistent across the board.

Tanner stated he does not necessarily want to go against the EAC recommendation.

Wells questioned if they were going to give the general employees some benefit like the police and fire got for giving up the 5%.

Massie stated they are working to increase some benefits.

Wells stated with fire we changed the rank structure which gave some raises.

Bart Hadley, Assistant City Manager, stated we basically started firefighters at step B and made them stay at step B for a year. It allowed them to advertise at a much higher rate.

Wells stated the police and fire are both getting it already.

MOVED by Wells SECOND by Burk to deny. AYE: Jackson, Burk, Tanner, Phillips, McGahee, Wells. NAY: Morford. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

COL Waters stated next week Fort Sill will host a transition workshop on Friday from 9:00 to 4:00. He stated Fort Sill will host two concerts this year. Gary Sinise and his Lieutenant Dan band will play on April 23rd.

Wells stated that federal law and Supreme Court rulings have taken all community power away and we have to do everything based on laws that we sometimes don't agree with or we end up with a big lawsuit.

McGahee visited Cosmetic Specialty Labs, who are located in Ward 7 and employ about 50 people. She stated they held a chili cook off and raised funds for United Way. She stated Jennifer Ellis is doing a great job.

Phillips thanked Charles Barnett, who has been working with Fidelity Cable and KSWO to correct the sound on channel 2 for the citizens that watch the council meetings.

Tanner expressed his condolences to Roland Mason's family.

Burk stated he felt the council did a good thing tonight by listening to the concerns of the citizens. This is just a start and they will work harder to make Lawton a safer city. He thanked city management for working so hard to come up with a starting point.

Morford stated he has had a few calls regarding the Zika virus and staff may want to look at spraying this summer.

Ihler stated staff is in the process of purchasing two fogging machines that they will put on the back of trailers. In the past they have used pellets.

Mayor Fitch questioned if we had the new pesticide for this virus.

Ihler stated they will also purchase the correct chemicals.

Burk stated the LETA banquet will be held on February 19th at the Hilton Garden Inn.

The Mayor and Council convened in executive session at 7:25 p.m. and reconvened in regular, open session at 7:48 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

22. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending public nuisance action involving Creekside Lounge, and take appropriate action in open session. Exhibits: August 18, 2010 Public Nuisance Letter with call log, October 27, 2014 Public Nuisance Letter with call log and December 7, 2013 – January 14, 2016 call log.

Jensen read the title of item #22.

(Tanner exited the meeting at 7:49)

MOVED by Jackson, SECOND by Morford to authorize the City Attorney's office to file a public nuisance lawsuit if deemed necessary against the Creekside Lounge on NW Cache Road and to take all action before or in connection with said lawsuit to abate any ongoing public nuisance. AYE: Morford, Jackson, Burk, Phillips, McGahee, Wells. NAY: None. ABSENT: Tanner. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 7:50 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK