

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
FEBRUARY 10, 2015 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Bryan Long, 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 6:04 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Reverend John C. Thompson, 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
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
Doug Wells, Ward Eight

ABSENT:

Rosemary Bellino-Hall, Ward Three

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO DAN TUCKER

Mayor Fitch presented a Certificate of Commendation from the Mayor's Office to Dan Tucker.

EMPLOYEE SPOTLIGHT PRESENTATION TO JACKIE HUNTER – SOLID WASTE COLLECTION DIVISION

The City Manager and Mayor recognized Jackie Hunter for his outstanding performance.

PRESENTATION OF THE AWARD RECEIVED FROM OKLAHOMA STATE DEPARTMENT OF HEALTH FOR THE CITY OF LAWTON ACHIEVING THE EXCELLENCE LEVEL AS A CERTIFIED HEALTHY COMMUNITY. (TABLED TO FEBRUARY 24TH MEETING)

STATE OF THE CITY ADDRESS – MAYOR FRED FITCH

Mayor Fitch read highlights from the State of the City speech. The entire speech is posted on the website and on file in the City Clerks Office.

AUDIENCE PARTICIPATION:

David Goodin, 1107 SW Pecan Road, stated he spoke with the traffic engineer about the speed limit south of Bishop to the city limits. There is a four lane highway that is 45 mph that runs into a narrow blacktop two land road that is 55 mph. There is not much traffic on that road and he would like to see it all go to 55 mph. His second issue is with trash. On a regular basis there will be several trash trucks and a lot of men to pick up trash. Why don't we stop that and put a man out at the city dump and make them control their trash truck before they get there so that he does not have to look at it on his way home every day. He stated several months ago he talked to the water department supervisor because there is a leak at 40th & Elm, behind Home Depot and it has been leaking for years. He was told nothing could be done and he does not believe that is true.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF OCTOBER 28, 2014 AND JANUARY 13, 2015.

MOVED by Wells SECOND by Jackson to approve the minutes of October 28, 2014 and January 13, 2015. AYE: Morford, Jackson, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Fitch stated item #18 will be stricken from the agenda.

MOVED by Burk SECOND by Morford to approve the consent agenda with the exception of item #18. AYE: Morford, Jackson, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Peggy Reavis in the amount of \$360.00 and Harriet Ritter in the amount of \$35.00. Exhibits: Legal Opinion/Recommendation.
2. Consider the following damage claim recommended for denial: Kathleen Weske in the amount of \$194.29. Exhibits: Legal Opinion/Recommendation.
3. 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 Vernon Young in the Workers' Compensation Court of Existing Claims, Case No. 2013-04841K. Exhibits: **Resolution No. 15-15.**

4. 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 Bobby Dodd in the Workers' Compensation Court of Existing Claims, Case No. 2014-01000K. Exhibits: **Resolution No. 15-16.**
5. Consider amending contract with Arledge & Associates to restate Single Audit Report for June 30, 2012. Exhibits: None.
6. Consider adopting a Resolution supporting the Lawton Public School District Application to become officially recognized as the primary community partner in implementing the nationally recognized Science, Technology, Engineering and Mathematics (STEM) curriculum within the City of Lawton. Exhibits: **Resolution No. 15-17.**
7. Consider a request from Trevor Whitworth to waive all fees and contractor's license requirements associated with the building permit to construct a fence at Holy Cross Lutheran Church located at 2105 NW 38th Street. Exhibits: Request letter from Trevor Whitworth.
8. Consider accepting the reimbursement check of \$4,758.19 from the Fire Management Assistance Grant (FMAG), and approving the deposit of these funds into the Lawton Fire Operations repair and maintenance account (001-1195-000-00-02110000). Exhibits: None.
9. Consider approving Change Order No.2 to the existing Wastewater Treatment Plant Improvements Project # 2008-11 Work Package No. 2 Contract with Archer Western Contractors, LLC. Exhibits: Change Order # 2 (on file in the City Clerk's office)
10. Consider approving Resolution Number 2015-___ approving filing of a grant for federal assistance from the Department of Interior, Bureau of Reclamation, Policy and Administration for Federal Fiscal Year 2015, approving the application and authorizing the Mayor and City Clerk to execute the same. Exhibits: **Resolution Number 2015-18.**
11. Consider adopting Street Light Resolution No. 487 to authorize the installation/removal of street lights at the location listed in the Resolution. Exhibits: Street Light Resolution No. 487
12. Consider approving Change Order No. 2 for the Animal Welfare Building Project #2011-1. Exhibits: Change order #2 is on file in the City Clerk's Office.
13. Consider accepting two permanent easements and two temporary easements from Wichita Holding Corporation, an Oklahoma Corporation for right of way needed for the South Wolf Creek Trunk Expansion #3 Project #14-2SSES authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Location Maps. Documents are on file in the City Clerk's office

14. Consider accepting a warranty deed from Ollie I. File, a single person, for right of way needed for the SW 52nd Street Project# 2012-4, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Documents are on file in the City Clerk's office.
15. Consider accepting a warranty deed from Gertrude E. Franklin, a single person, for right of way needed for the SW 52nd Street Project# 2012-4, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Documents are on file in the City Clerk's office.
16. Consider accepting a warranty deed from Emanouel E. Lagoutaris, a single person, for right of way needed for the SW 52nd Street Project# 2012-4, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Documents are on file in the City Clerk's office.
17. Consider accepting a temporary easement from Charley Wright aka Charles A. Wright and Ellen Wright, husband and wife, for right of way needed for the SW 52nd Street Project# 2012-4, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Documents are on file in the City Clerk's office.
18. Consider awarding contract (CL15-022) Laboratory Services for Toxic Pollutants to Accurate Environmental Labs of Stillwater, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet. **STRICKEN**
19. Consider awarding contract (RFPCL15-023) Jail Inmate Phone System to Legacy Inmate Communications, Cypress, CA. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
20. Consider approving appointments to boards and commissions. Exhibits: None.

Cemetery Board

Gerald W. Gragg, II
SW Sheridan Road
Lawton Oklahoma 73505
UE Term 3/28/18

Historical Preservation Commission

Richard Smith – License Architect
1207 Lake Avenue
Lawton, Oklahoma 73507
3/12/15

Lakes & Land Commission

Donald Ryans
7616 NW Tonbridge Place
Lawton, Oklahoma 73505
2/10/18

Lawton Enhancement Trust Authority

Michael Tennis
Ward 2
1710 NW Cherry Avenue
Lawton, Oklahoma 73501
Unexpired Term 6/30/17

Leslie Powell Foundation

Kerry Sweeney
2608 NW Lake Front Drive
Lawton, Oklahoma 73505

Mayor's Commission On The Status Of Women

Julie S. Young
At Large City Limits
4522 NE Highlander Circle
Lawton, Oklahoma 73507
03/12/17

Pension Trust

Bart Hadley
212 SW 9th Street
Lawton, Oklahoma 73501
Unexpired Term 4/28/2019

Personnel Board

Tom Bell
4623 NE Dearborn
Lawton, Oklahoma 73507
Unexpired Term 06/30/20

21. Consider approval of payroll for the period of January 19 – February 1, 2015.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

COL Waters stated the Visitor Control Center is open 24/7. He stated the post veterinarian will attend the meetings regarding the animal welfare issue. He was at the state capitol yesterday working on two bills with legislators. One deals with military children who attend high school and the issue of the requirement to take the history class at each state. If that is lifted it will free up to student to compete for those AP and college type classes. They also worked on legislation

when student are in-processed in the school, they identify themselves as military members which will allow them to use federal funding which will bring money to the schools. He stated they will identify a date in March where they will bring parents through the Freedom Elementary School and they will put out an invite to the council.

Wells stated with the Employee Spotlight Award he did not see anything being awarded as far as gifts. He hopes staff will stay on top of that and get something done. With relation to item #18, we have a procedure that says if a vendor does certain things on engineering projects they are not allowed to bid on new projects. With the one tonight there was a problem with a couple vendors but it was 5, 6, 7 years ago and we are still holding that against them, which may be valid. It seems we should have a time frame where they can't receive bid packets and bid but we check on their service to see if it has improved.

Tanner stated he was invited to say a few words on behalf of the City to Parker Point Girls Home. These ladies are going around in the community and despite them being in a needy situation they are still reaching out and volunteering to do activities at the animal shelter, cleaning up creeks and helping lower income people. This event was put together by Unity Lawton and it was hosted at Marie Detty.

Burk stated the LETA annual celebration will be held on Friday, February 20th at the convention center. They will spotlight highlights from Lawton in the past year. He requested they call the City Clerks office to make reservations. He stated this is the first senior class for Lawton Enhancement Trust Authority Youth Advisory Council and they will do something special for them.

Jackson stated he would like to publicly express his condolences to Councilmember Tanner on the loss of his mother.

The Mayor and Council convened in executive session at 6:58 p.m. and reconvened in regular, open session at 8:55 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEM:

22. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of Ollie Price vs. City of Lawton, CV-2012-165, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #22.

MOVED by Wells SECOND by Jackson that the Lawton City Council authorize the City Attorney to prepare and file a journal entry with the terms of the settlement agreement discussed with the council in executive session, in the lawsuit styled Ollie Price vs. City of Lawton, CV-2012-165 in the District Court in and for Comanche County, State of Oklahoma. The terms of the settlement shall include accepting receipt of \$1,000 in exchange for the City giving a quitclaim deed for the disputed land, the quitclaim deed reserving to the City a perpetual

easement for the Lake Ellsworth to Lake Lawtonka water pipeline, and the parties paying their own costs, expert witness fees and attorney fees as a just and reasonable settlement of disputed claims. AYE: Morford, Jackson, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

23. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending claim by Anthony Properties concerning the land purchased near NW 67th Street and Rogers Lane for development, and if necessary, take appropriate action in open session. Exhibits: None.

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

24. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2015-2016 between the International Association of Fire Fighters (IAFF), Local 1882, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #24.

MOVED by Wells SECOND by Haywood for the fiscal year 2015-2016 negotiations with IAFF Local 1882 appoint Tim Wilson as the City's chief negotiator and further move to appoint Jim Russell and Assistant Chief Adams to the negotiating team with Kelea Fisher, Bryan Long and Chief Burk to serve as alternate members. AYE: Morford, Jackson, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

25. Pursuant to Sections 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the proposed land acquisition for the purpose of expanding, improving and remodeling Central Fire Station (AKA Fire Station #1) and construction/expansion of a new jail facility in the downtown area of Lawton and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #25, no action was taken.

26. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending grievance from the International Association of Fire Fighters (IAFF), Local 1882 over the recently enacted tobacco free ordinance and take action in open session, if necessary. Exhibits: Union Grievance.

Jensen read the title of item #26, no action was taken.

27. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2015-2016 between the Police Union, IUPA Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #27, no action was taken.

28. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Traci L. Hushbeck as City Clerk, and in open session take other action as necessary.

Mayor Fitch read the title of item #28.

Wells stated that Ms. Hushbeck has done an outstanding job.

MOVED by Jackson SECOND by Wells to approve a contract with Traci L. Hushbeck to include a 3% pay increase. AYE: Morford, Jackson, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

29. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending investigation by the Oklahoma State Board of Veterinary Medical Examiners concerning the Lawton Animal Shelter, and if necessary, take appropriate action in open session. Exhibits: None. **STRICKEN**

There being no further business to consider, the meeting adjourned at 9:00 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK