

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
FEBRUARY 14, 2017 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Jerry Ihler, City Manager
Frank Jensen, City Attorney
Traci Hushbeck, City Clerk
COL Samuel Curtis, 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 Pastor John Helgeson, First Presbyterian 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
Dwight Tanner, Jr., Ward Five
Cherry Phillips, Ward Six
V. Gay McGahee, Ward Seven
Doug Wells, Ward Eight

ABSENT: None

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO
GENE LOVE (STRICKEN)

PRESENTATION OF CIP PROJECT UPDATE

Mayor Fitch stated because of the length of this presentation they will set a date for a special council meeting which will also include an update on economic development.

Ihler stated he has spoken to Dr. Thomas from the Lawton Economic Development Corporation and he is looking at scheduling the meeting next Tuesday at 1:30 p.m. or the following week.

Mayor Fitch suggested the council set this up for Tuesday, February 21st at 1:30 p.m.

Ihler stated there will be two presentations, the CIP update as well as what has been going on with LEDC.

Phillips stated she would not be able to attend at 1:30 p.m.

AUDIENCE PARTICIPATION:

Rocco Bonacci, 3110 NE Shelter Creek, stated he would like to address alternative forms of funding for sidewalks because the City cannot be the only source for funding. He stated we must get the community involved to support alternative funding through businesses, private donors or service organizations. People respond to positive action and that is the way to do it. The council must be proactive and not reactive. He will email the council his plan and he would like to work with the council.

Tanner recognized Boy Scout Troop 100 who were in attendance.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF DECEMBER 13, 2016, JANUARY 24, 2017 AND THE SPECIAL MEETING OF JANUARY 9, 2017.

MOVED by Wells SECOND by Jackson to approve the minutes of Lawton City Council regular meetings of December 13, 2016, January 24, 2017 and the special meeting of January 9, 2017. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Wells requested item #6 be considered separately.

MOVED by Burk SECOND by Wells to approve the consent agenda with the exception of item #6. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Rose and Willie Stallworth in the reduced amount of \$339.62; Kenneth and Renda Owens in the reduced amount of \$1,447.12 (**Res. 17-11**); and, Brigitte Greene in the reduced amount of \$2,363.65 (**Res. 17-12**). Exhibits: Legal Opinions/Recommendations, Resolution 17-____ and Resolution 17-____.
2. Consider adopting a resolution approving the joint petition settlement and making payment in the workers' compensation claim of Curtis Morris. Exhibits: **Resolution 17-13**.
3. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Juan Rodriguez. Exhibits: **Resolution 17-14**.
4. Consider entering into an agreement with Securadyne Systems of Oklahoma City, OK, to update and monitor the security alarm system at City Hall. Exhibits: Written agreement.

5. Consider accepting a \$1,013.05 donation to the Library from the Friends of the Library to be designated for library-related activities and books. Exhibits: None.
6. Consider waiving the permit and inspection fees associated with the remodel of a structure located at the Marie Detty New Directions Women's Shelter for use as a kennel to house the personal pets of shelter residents. Exhibits: None.

Wells stated he does not have a problem with this item, but he thought we were going to set up a committee to look at the fees we are waiving on these permits. He stated we ended up waiving \$250,000 last year.

Ihler stated there is a committee and they have had one or two meetings. They need to get back together and keep this issue moving. He stated the committee is made up of council members Tanner, Phillips and McGahee.

MOVED by Wells SECOND by Burk to approve waiving the permit and inspection fees associated with the remodel of a structure located at the Marie Detty New Directions Women's Shelter. AYE: Morford, Jackson, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. ABSTAIN: Davis. MOTION CARRIED.

7. Consider approving the construction plat for Park Ridge Addition, Part 8, subject to conditions. Exhibits: Plat Map.
8. Consider approving an agreement and payment of \$4,300.00 to Mr. Bob Hadden for the replacement of a portion of the residential driveway located at 405 NW 71st Street, which was demolished in the course of completing a city waterline repair. Exhibits: Proposed agreement between the City of Lawton and Mr. Hadden.
9. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on SW 38th Street near SW Parkridge Blvd. Exhibits: **Resolution No. 17-15**, Traffic Commission Minutes and Traffic Issue Requests.
10. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 315 linear feet of 8-inch PVC sanitary sewer line, 138 linear feet of 12-inch PVC waterline, and all appurtenances to serve Lot 3, Block 3, Lawton Industrial Park, Part 2, located east of Goodyear Boulevard and north of Lee Boulevard, in the NW/4 of Section 31, T2N, R12W, I.M., Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City Clerk's Office.
11. Consider awarding a professional services contract to Traffic Engineering Consultants, Inc. for the purpose of providing traffic engineering services for the City of Lawton and authorize the Mayor and City Clerk to execute the contract. Exhibits: Retainer Agreement for Professional Engineering Services.

12. Consider awarding a construction contract to RJR Enterprises for the Elmer Thomas Park Splashpad Project #2016-01. Exhibits: A copy of the contract is on file in the City Clerk's office.
13. Consider extending contract for Purate to Thornton, Musso and Bellemin, Inc. of Zachary, LA for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
14. Consider terminating contract CL16-032 Nuisance Abatement with Teen Challenge and Thorne Services with an effective date of May 1, 2017. Exhibits: None.
15. Consider approving appointments to boards and commissions. Exhibits: None.

Board of Adjustment

Neil Springborn
5431 NW Cottonwood Drive
Lawton, Oklahoma 73505
1/27/20
Existing Member

Citizens' Committee On Capital Improvement Program (CIP)

Richard McKean
2415 NW 34th Street
Lawton, Oklahoma 73505
Unexpired Term 06/27/18
New Appointment

City Planning Commission

Neil Springborn
5431 NW Cottonwood Drive
Lawton, Oklahoma 73505
1/27/19
Existing Member

Historical Preservation Commission

David Denham
1012 NW Bell Avenue
Lawton, Oklahoma 73507
01/27/19
Existing Member

Parks & Recreation Commission

Ross Hankins
3602 NW Julie Street
Lawton Oklahoma 73507
01/01/19
Existing Member

Angela Bolds
732 NW Heinzwood Circle
Lawton, Oklahoma 73505
01/01/19
Existing Member

Sherene Williams
401 SW Rolling Hills Drive
Lawton, Oklahoma 73505
01/01/19
Existing Member

Pam Garrett
423 NW 56th Street
Lawton, Oklahoma
01/01/19
Existing Member

Traffic Commission

Robert Kelso
2515 NW 38th Place
Lawton, Oklahoma 73505
Unexpired Term 4/26/17
New Appointment

16. Consider approval of payroll for the periods of January 16 – February 12, 2017.

OLD BUSINESS ITEMS:

17. Consider authorizing the use of unencumbered and available 2012 CIP sales tax funds for the East Gore Boulevard/ I-44 Pedestrian Bridge Project #2016-04 State Project TAP3-2988(004) TP, JP No 32988(04). Exhibits: ODOT letter dated October 4, 2016 on file in the City Clerk's Office.

Burk stated he would hope they could table this but he wanted to make sure that they have a little bit of history with where they are and how they got to this point with ODOT. When the first fatality happened the council asked staff to send a letter to ODOT asking for funds for a pedestrian crosswalk or a way for people to safely cross I-44. ODOT responded that they had no funds available.

Ihler stated that he believes they sent two letters, one after the second death and one after the third death.

Burk stated it concerned the council that people were crossing I-44 under that bridge. After the second person was killed councilmember Jackson came to the council and said that there needed to be a fence. Council voted to ask ODOT for a fence, which they agreed to put one on the west side of the road.

Ihler stated they have bid the project and the intent was to put an 8-foot high fence on the west side of the road, and on the east side they are going to install a fence from Gore down to the white rail fence and from Lee north to the white rail fence in front of the Comanche property. They are in discussion with the tribe.

Burk stated at this point we know we are going to get some sort of 8-foot fence. Once they put the fence up people are going to be forced to go to a crossing point at Lee or at Gore. He stated there is an issue of how to get people safely from east to central Lawton. The bridge on Gore is not safe because it is not wide enough. He stated that staff has done everything that the council has asked them to do as far as going back to ODOT because they believe that the fence is not

going to be enough and people will be hurt on all three locations to get into east Lawton. When staff went back to ODOT they came back and said that out of the \$1.3 million estimated project cost, they will do \$700,000.

Ihler stated they sent ODOT two letters and they requested that ODOT consider a pedestrian bridge attached to the south side of the Gore Boulevard bridge. Staff put together three projects that were submitted to ODOT for funding and this was actually the third project listed. When ODOT considered the grant applications from many communities, they came back to us and said that they would like to fund the pedestrian bridge project in the amount of \$700,000 and the total cost was \$1.3 million.

Burk stated he wanted everyone to know how we got to where we were at today. He stated the council asked staff to find some funding to do this project and he was able to come up with some money out of the 2012 CIP.

Ihler stated when they rolled over the 2012 CIP and cut it off they had collected 4 years' worth of funding and then it was stopped in December 2015 and rolled all the remaining projects over into the 2016 CIP and those project that we hadn't started will be funded from the 2016 CIP. They went back and looked at the 2012 and finance came back and provided documentation that said we have about \$1.5 million that is unobligated and that is where he recommended the \$600,000 come from.

Burk stated the council tabled the issue for two weeks to look at any alternative funding sources that could be available. He stated the Lawton Access Board met on January 31st and voted unanimously to support the proposal to construct the pedestrian bridge. He stated a copy of their letter was provided to the council. He stated they did receive some new ideas of possible funding for the project and that is why he is suggesting this item be tabled. He stated Ashley Green, Comanche County Memorial Hospital, came to the Access Board and had some ideas about changing the complete streets ordinance and then applying for some TSET (Tobacco Settlement Enhancement Trust) grants. At this point he is not ready to vote on trying to use money from a different source until they have exhausted every avenue to find a way of funding this project.

Ihler stated that ODOT looked at two alternatives when they were putting together cost estimates. One was to do a complete standalone walking pedestrian bridge about halfway between Gore and Lee and to make that ADA accessible it had to have lengthy ramps or elevators on each side and he thought that estimate was a little over \$3 million. The other alternative was to take the existing bridge on Gore and add a sidewalk to the south side and widening it and making it a walkway to get across and the estimate was \$1.3 million.

Jackson questioned if there were sidewalks to and from the bridge.

Ihler stated they really haven't gotten to that detail yet.

Burk stated he feels they need more research on how to fund this project and if there is a grant to fund this. He stated they are not in a time crunch and he hopes they can put this off long enough

to get a hold of TSET and find out where they need to go from here. Once the fence is built, they will have no options other than to scale an 8-foot fence or get onto that bridge that is 18-inches wide. He feels there are going to be some injuries.

MOVED by Burk SECOND by Phillips to table.

Davis questioned if they are tabling this to end or avoid discussion on this. There are several citizens that would like to discuss this issue.

Mayor Fitch stated they are talking about the fact that they need to explore other avenues of funding and they have until September before they have to start the engineering work. They have until August to seek other funding and they are going to table this issue and they will bring it back if they find the funding.

Davis stated they are cutting off his debate and several other people's debate which is not the purpose of tabling, but if the Mayor is ruling that that is not what they are doing then he yields to the chairman.

Wells stated if there is no other funding available before anything else is done it will still come back to the council. He questioned if they were going to talk to the tribes and other businesses on that side of town to see if they will participate.

Burk stated he actually did talk to the Chairman of the Apache Tribe and they do not have any funds available.

Tanner stated he did talk with staff about other alternatives for funding and he did talk with the Comanche Nation and Apache administrators and these things are still open. He does not think that the citizens are totally against this pedestrian bridge, what he is hearing is that the top priority to use this \$600,000 is for other project across the city. In his opinion, he is not going to allow this \$700,000 from ODOT to just slip by and he is fully confident that they can come up with other alternative resources for financing.

Mayor Fitch stated it may not be the highest priority for work to be done, but they have had loss of life and it is hard to balance the priority. They need to look to see if there are other funds available because it is obvious that these funds that are available could be used for other high priority items.

Tanner stated if they were to pass this tonight using this \$600,000, they would still have the additional problem of bringing sidewalks up to the bridge.

Mayor Fitch stated they will bring this issue back to council prior to August unless they find other funding that is available.

Wells stated they received a letter tonight from the Lawton Access Board which was formed when the City was sued several years ago because of the lack of handicap accessibility throughout the city. The City agreed to a court settlement that we would start working and

spending funds towards sidewalks. A board was set up to include those who filed the lawsuit along with other handicapped members of the community and those members voted unanimously to recommend approval of this project.

Davis stated there has been a motion and a second to table this issue and according to our charter and our rules, we must vote on the tabling without further discussion.

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

NEW BUSINESS ITEMS:

18. Consider an ordinance pertaining to offenses and crimes creating Section 16-1-1-113, Division 16-1-1, Article 16-1, Chapter 16, Lawton City Code, 2015, granting the power to enforce municipal ordinances to Bureau of Indian Affairs or tribal law enforcement officers on tribal fee land, providing for severability, codification, and establishing an effective date. Exhibits: Ordinance 17-__.

W. R. Moon, City Prosecutor, stated this ordinance would grant the power to enforce municipal ordinances to BIA officers or tribal law enforcement officers on land held in fee by federally recognized tribes so long as those officers are CLEET certified. Before beginning any enforcement activity a tribe would be required to meet with the chief of police or his designated representative so that they may establish some standard policies and procedures with regards to enforcement of those ordinances. This would grant concurrent jurisdiction on fee land held by federally recognized tribes to the City of Lawton and that tribe after they had met with the chief of police or his designated representative. This ordinance is similar to HB 2319 that was passed by the Oklahoma State legislature granting state police powers on fee land to federally recognized tribes.

Jensen requested Moon explain the difference between fee land and trust land.

Moon stated tribes hold three types of property, trust land, restricted fee land and fee land. Trust land is held in trust by the U.S Federal Government for the benefit of the tribe. Restricted fee land is fee land that the tribe actually holds the title to but there are restrictions upon transferring it and sometimes upon use. Fee land is land in which the tribe holds both control and ownership of the land, such as parking lots. Trust land is where any gambling activity would take place.

MOVED by Wells SECOND by Jackson to adopt **Ordinance 17-04**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 17-04

An ordinance pertaining to offenses and crimes creating Section 16-1-1-113, Division 16-1-1, Article 16-1, Chapter 16, Lawton City Code, 2015, granting the power to enforce municipal ordinances to Bureau of Indian Affairs or Tribal Law Enforcement Officers on fee land, providing for severability, codification, and establishing an effective date of thirty days from today.

19. Consider approving the action by the Lawton Industrial Development Authority (“LIDA” or the “Authority”), a public trust with the City of Lawton as its sole beneficiary, authorizing the solicitation and receipt of bids on a Sales Tax Revenue Note, Series 2017 (the “Note”) in the aggregate principal amount of not to exceed thirty one million dollars (\$31,000,000) for the financing of certain public safety facilities and paying costs of issuance related thereto; affirming that the organizational document creating the Authority will be subject to the provisions of the Note Indenture authorizing the issuance of said Note upon its final approval; waiving competitive bidding with respect to soliciting the sale of said Note and authorizing the Note to be sold on a negotiated basis; authorizing a Sales Tax Agreement by and between the City and the Authority pertaining to a year-to-year pledge of certain sales tax revenues in connection with soliciting the sale of the Note; and other actions necessary for accomplishing the solicitation and receipt of bids. Exhibits: None.

Ihler stated LIDA met earlier this evening and they approved a similar motion to authorize staff to go ahead and proceed with putting together a bid package and going out for the financial funding for the public safety facility. If they receive approval tonight it will take to the end of the month to put the package together and the financial group will send out the bids. They anticipate asking for those back so that they can come back to council the end of March. If the council approves the bid and the notes then it would close in such a timeframe so that when they open bids and are ready to award a construction project for the public safety facility at that time they would have the money in hand to do so. They hope to award in May for the construction project and if there are any adjustments they would occur in May and June and they would hope to begin construction in mid-July.

Jackson stated he serves on the Lawton Industrial Development Authority and at the meeting there were a few questions about why they had to do this this particular way. This is a legal and necessary funding mechanism set up to finance the public safety facility.

MOVED by Morford SECOND by McGahee to approve the action by LIDA authorizing the solicitation and receipt of bids for the Note in the aggregate principal amount not to exceed \$31,000,000. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

McGahee invited the community and the council to the Soul Food Community Dinner on Saturday at Galilee Missionary Church starting at 12 noon.

Burk stated they were able to close on the intergovernmental support agreement between the City of Lawton and Fort Sill and Lawton Animal Welfare is now running all the calls for Fort Sill. He stated he is a member of the NLC Military Communities Council and intergovernmental support is the number one priority in military communities. This committee speaks for the entire nation of council members and mayors. He is very proud that staff got this done. He stated that January 2017 was a “no kill” month at the animal shelter.

There being no further business to consider, the meeting adjourned at 6:52 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK