

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MARCH 11, 2014 – 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

Mayor Fitch called the meeting to order at 6:03 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Earl Jenkins, Crystal Hills Freewill Baptist, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bob Morford, Ward One
Keith Jackson, Ward Two
Rosemary Bellino-Hall, Ward Three
Jay Burk, Ward Four
Dwight Tanner, Jr., Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
Doug Wells, Ward Eight

ABSENT:

None.

PROCLAMATION FOR AMERICAN RED CROSS MONTH

Mayor Fitch proclaimed March 2014 as American Red Cross Month.

PROCLAMATION FOR MULTIPLE SCLEROSIS EDUCATION AND AWARENESS MONTH

Mayor Fitch proclaimed March 2014 as Multiple Sclerosis Education and Awareness Month.

PRESENTATION OF AWARDS FROM THE OKLAHOMA ASPHALT PAVEMENT ASSOCIATION

Jerry Ihler, Public Works Director, presented an award from the Oklahoma Asphalt Pavement Association recognizing the City of Lawton for two awards for the Cache Road Mill and Overlay project from NW 52nd Street to Hunter Boulevard. One award was for the design of the project and one was for the construction supervision. He recognized Joon Lee, the design engineer, and Terry Graven, the construction inspector. He also recognized T&G Construction, the local contractor.

Mayor Fitch recognized the members of the 2014 Leadership Lawton Class who were in attendance.

AUDIENCE PARTICIPATION: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF FEBRUARY 25, 2014.

MOVED by Burk SECOND by Zarle to approve the minutes of Lawton City Council regular meeting of February 25, 2014. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

MOVED by Burk SECOND by Jackson to approve the consent agenda. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Southwestern Bell Telephone dba AT&T Oklahoma in the amount of \$484.14. Exhibits: Legal Opinion/Recommendation and **Resolution No. 14-31**.
2. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Clint Blevins. Exhibits: **Resolution No. 14-32**.
3. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Tonya Criger. Exhibits: **Resolution No. 14-33**.
4. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Charles Miller. Exhibits: **Resolution No. 14-34**.
5. 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 Russell LaFrance in the Workers' Compensation Court of Existing Claims, Case No. 2013-03690F. Exhibits: **Resolution No. 14-35**.
6. 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 Chris Alford in the Workers' Compensation Court of Existing Claims, Case No. 2013-05315Y. Exhibits: **Resolution No. 14-36**.
7. Consider authorizing Emergency Communications to change items on their capital outlay request on the 2013-2014 budget. Exhibits: Quotes from PSSI.

8. Consider accepting a Deed of Dedication from Lawton Economic Development Authority to reopen NW Ferris Avenue, north of the Lawton Town Center project area. Exhibits: Location Map. Deed of Dedication document on file in the City Clerk's Office.
9. Consider accepting a permanent utility easement for the public improvement located within Lot 1, Block 1, Lawton Downtown Center, Part 2. Exhibits: Location Map. Easements on file in City Clerk's Office.
10. Consider authorizing a new contract with Skulls Unlimited for the continued purchase and removal of all euthanized animal carcasses from the City of Lawton Animal Welfare Division; authorize the Mayor and City Clerk to execute the new contract and authorize the revenues from the contract to be placed in Fund 42. Exhibits: Agreement (on file with the City Clerk).
11. Consider approving a one-month electronic advertising agreement in the amount of \$573.75 with Arrow Sign Company to provide stormwater quality public education on an electronic advertising billboard at the intersection of NW Sheridan and Cache Road. Exhibits: Arrow Sign Company electronic advertising agreement.
12. Consider accepting a warranty deed and a temporary easement from Terry L. Gilbee and Melanie D. Gilbee, husband and wife, for right of way needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.
13. Consider accepting a warranty deed and a temporary easement from Ricky Sellers and Rebeka Sellers, husband and wife, for right of way needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.
14. Consider accepting a temporary easement from Barry A. Walker and Michele Leigh Walker, husband and wife, for right of way needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.
15. Consider accepting a permanent easement from Shirley Dunn, a single person, for right of way needed for the Nine Mile Creek Sanitary Sewer Interceptor Project#2008-2, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.
16. Consider accepting a permanent sewerline easement and a temporary sewerline easement from William Paul and Jenny Ann Loveless, husband and wife, for right of way needed for the Nine Mile Creek Sanitary Sewer Interceptor Project#2008-2, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.

17. Consider accepting a permanent sewerline easement and a temporary sewerline easement from Teresa E. Kelman and Keith Kelman Trustees of the Teresa E. Kelman Revocable Trust dated March 5, 1996 for right of way needed for the Nine Mile Creek Sanitary Sewer Interceptor Project#2008-2, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.
18. Consider accepting a permanent easement and two temporary easements from R.K. McDonald Holdings, LLC for right of way needed for the Nine Mile Creek Sanitary Sewer Interceptor Project#2008-2, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.
19. Consider extending contract (CL12-033) Thermoplastic Material & Epoxy Primer/Sealer with Ennis Paint of Ennis, TX for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
20. Consider awarding contract (CL14-021) Precast Concrete Manholes to Primary Structure Inc of Guthrie, Ok. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.
21. Consider extending contract (CL13-029) Asphalt Crack Filler Material to Right Pointe Company of DeKalb, IL for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
22. Consider extending contract (CL13-032) Mowing & Litter Areas Rogers Lane from I-44 to Hwy 62 on Ramp; Water Treatment Plant Sludge Lagoons & Lake Ellsworth to Teen Challenge of Cache, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
23. Consider awarding contract (CL14-020) Grassing and Sodding (Items 1, 2, 3 [option 2] and 4) to Eastside Sod Farm of Lawton, Ok. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.
24. Consider awarding contract (CL14-020) Grassing and Sodding (Items [option 1] & 5) to Green Turf Sod of Lawton, Ok. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.
25. Consider extending contract (CL12-027) Tire Recapping to Southern Tire Mart of Gainesville, TX for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
26. Consider approving appointments to boards and commissions. Exhibits: None.

27. Consider approval of payroll for the periods of February 17 – March 2, 2014.

Arts & Humanities Council

Scott Veenhuizen
6503 SW Oakcliff Avenue
Lawton, Oklahoma 73505
Unexpired Term 06/30/15

Cemetery Board

Robert Williams
1006 Alta Lane
Lawton, Oklahoma
3/28/2020

Citizens' Committee On Capital Improvement Program (CIP)

Carl Dentler
6712 SW Driftwood Drive
Lawton, Oklahoma 73505
Unexpired Term 08/11/15

Industrial Development Authority

Onreka Givens
633 SW Arbuckle Avenue
Lawton, Oklahoma 73501
Unexpired Term 05/25/14

NEW BUSINESS ITEMS:

28. Discuss Council Policy No. 1-8, regarding commercial advertising on real or personal property in which the City of Lawton has a property interest and take appropriate action as necessary. Exhibits: Draft Policy.

Richard Rogalski, Community Services Director, stated in 2011 the City of Lawton in connection with the Fits Kids of Southwest Oklahoma Coalition, applied for and received “bronze” status as a Certified Healthy Community. Along with this distinction, the Tobacco Settlement Endowment Trust awarded the City a \$15,000 incentive grant, which was used to install bollard lighting along the walkways in Elmer Thomas Park. In the current offering, the incentive grant available for “bronze” status has been raised to \$25,000, which allows the City to apply for an additional \$10,000 for that status. Beyond that, there is an additional \$50,000 grant available for achieving “silver” status, and an additional \$100,000 available for “gold”. Working with Fit Kids and reviewing the criteria for each level, there are really only three major hurdles (one for each level) to obtain gold status. The City would need an ordinance prohibiting smoking both indoors and outdoors on all City property to re-achieve the bronze level; a policy against the advertising of alcohol, tobacco and vapor products in connection with City sponsored events to achieve silver status; and an ordinance prohibiting all tobacco use, both indoors and

outdoors, on all City property to achieve the gold level. The ordinances regarding tobacco use are being currently drafted for future Council consideration. The proposed amendments to Policy No. 1-8, City Council Advertising Policy would effectively prohibit the advertising of alcohol, tobacco and vapor products in connection with City sponsored events. This provision does not prohibit the sale or consumption of alcohol or the listing of vendors in announcements of a City sponsored events, or the use of way-finding/directional signage or other signage at the point of sale/consumption. This amendment has been discussed with those bodies that manage the Arts for All and International Festivals, as this policy would directly affect some of their sponsors. The effective date of the amended policy has been set as June 1, 2014, so that it would not affect upcoming events where sponsorship is already in progress.

Wells questioned how much this will cost the Arts for All Festival next year with their advertising in their brochure.

Rogalski stated there will be some affect, they are not sure how much. The vending can still happen but he does not believe they know the answer to how much this will cost. They did present this to the groups that run the festivals.

MOVED by Wells SECOND by Bellino to adopt Council Policy No. 1-8. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

29. Consider a request for honorary designation of that portion of SW 11th Street from W Gore Boulevard to SW Airport Drive as “Hero’s Boulevard” in preparation for the 50th anniversary of the Lawton/Fort Sill Armed Forces Day parade. Exhibits: Section 2-5-1-502, Lawton City Code.

Rogalski stated that May 17th will be the 50th anniversary of the Lawton/Fort Sill Armed Forces Day parade, and the Lawton/Fort Sill Armed Forces Day Planning Committee would like to conduct a small ceremony dedicating that portion of SW 11th Street from W Gore Boulevard to SW Airport Drive as “Hero’s Boulevard”, in honor of all those men and women who utilized the stretch of 11th Street on their way to war.

Haywood stated that is actually Kings Road, not Airport Drive.

Rogalski stated Ordinance No. 07-64 was adopted on November 27, 2007, adding Section 2-5-1-502 of the City Code which sets out the provisions for honorary designation of streets; however, this section specifically states “Major arterial streets, section-line roads, or streets with a consistent name through the city are not subject to honorary designation.” Southwest 11th Street is a principal arterial and a section line road. He questioned if the council would like staff to change the code and bring this back for approval. He stated he can create a fairly narrow opening for certain things that council wants to consider, but they do not want to be flooded with a lot of requests.

Mayor Fitch stated basically this does not change the name of the road. All of the residents and businesses along 11th Street will not change any documentation regarding the location of their business. This will be a sign that will be mounted on the top side of the street lights and it will be an honorary designation of “Hero’s Boulevard”. He stated there are other honorary designations in town like Rogers Lane and I-44.

Wells stated this is a very nice tribute to the soldiers, veterans and Fort Sill.

Haywood questioned why they were just going from Kings Road to Gore. He suggested they go all the way to Fort Sill.

Rogalski stated that was the request.

Tanner stated this request was brought forth by Mr. Beemer, who is the chairman of the committee. He questioned if Mr. Beemer was opposed to extending the designation.

Mr. Beemer stated no. He stated they requested 11th and Gore because that is where the reviewing stand will be during the parade.

Mayor Fitch stated these signs will hang there forever so he feels they should go all the way to Fort Sill.

Jackson questioned if these signs would be on every intersection.

Rogalski stated they felt that if they bring this code back they would specify that they put the signs only on the signalized intersections.

Mayor Fitch stated there would be a sign at the airport northbound and then one at Lee Boulevard, Gore Boulevard and Ferris.

Rogalski stated it would go at any intersection with a signal arm, which would include D Avenue and C Avenue.

Burk stated he feels they should put the signs at every signal light. This is a great policy and he feels the designation is a huge honor.

Haywood stated this request would include seven lights.

MOVED by Wells SECOND by Burk to direct staff to prepare the necessary ordinance and resolution for honorary designation of that portion of SW 11th Street from Fort Sill to Kings Road as “Hero’s Boulevard” in preparation for the 50th anniversary of the Lawton/Fort Sill Armed Forces Day parade. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Burk stated he was approached by the chairman of the Employee Advisory Committee regarding the employee of the month designation. In the past there was a fund set up so they could purchase gift cards for the employee of the month. He feels the employees would appreciate it if they could do something. He is willing to donate the first \$100 to go into the account. He feels they need to set up an account and go city wide and talk to a lot of the businesses in town about helping buy discounted gift cards, etc. He wanted to bring this to the council so they could come up with a plan.

Mayor Fitch stated at Fort Sill there are awards given to soldiers such as gift cards. When you have outstanding employees it is great to be recognized but it would be nice to have a little something more. He feels they should look into this suggestion.

Wells stated it used to be that employees would get a nights lodging at a local hotel or some of the restaurants would give free meals for the family. A lot of this was donated. He feels they need to do something like this.

Tanner stated he attended the Salvation Army Boys and Girls Club Adopt a Child ceremony last week and the guest speaker was Chief James Smith. He stated the organization helps the youth in the community that struggle financially and he encouraged everyone to adopt one of the children and help them out.

Mayor Fitch stated he was in Oklahoma City last week and they are following two bills that are very important to the city of Lawton. He feels they are in good shape on both bills and there will be some good things to report coming out of the legislature this year for the city of Lawton.

The Mayor and Council convened in executive session at 6:45 p.m. and reconvened in regular, open session at 8:35 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

30. 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 Kerry Fryer-Price vs. City of Lawton, CJ-2012-278, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #30.

MOVED by Burk SECOND by Wells to adopt **Resolution 14-37** authorizing the City Attorney to enter into an economic settlement agreement in the District Court of Comanche County, State of Oklahoma, for the sum of \$14,000 as a settlement for the lawsuit styled Kerry A. Fryer-Price, next of kin of Ian A. Fryer, deceased vs. City of Lawton, CJ-2012-278, and directing the City Attorney to prepare and file a journal entry incorporating said resolution and settlement agreement for the courts approval. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

31. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2014-2015 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 #31. No action was taken.

32. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending claim relating to the City of Lawton Hotel Tax and the Apache Casino Hotel, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #32.

MOVED by Haywood SECOND by Bellino-Hall to appoint Councilmembers Zarle and Burk as City Council representatives to handle the negotiations of that claim. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

33. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Bryan Long as City Manager, and in open session take other action as necessary.

Mayor Fitch read the title of item #33. No action was taken.

There being no further business to consider, the meeting adjourned at 8:39 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK