

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
APRIL 22, 2014 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Doug Wells, Mayor Pro Tem
Presiding

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

Mayor Pro Tem Wells called the meeting to order at 6:02 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Eric Sharum, University Church of Christ, 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 AIR QUALITY AWARENESS WEEK

Mayor Pro Tem Wells declared April 22 – May 2, 2014 as Air Quality Awareness Week. He presented the proclamation to Jonathan Stone, Planning Division.

PROCLAMATION FOR FLOOD AWARENESS MONTH

Mayor Pro Tem Wells declared May 2014 as Flood Awareness Month. He presented the proclamation to Jerry Ihler, Public Works Director.

AUDIENCE PARTICIPATION:

Dwayne Hall, 710 NW Euclid, invited the City Council to the Lawton-Fort Sill National Day of Prayer Community Prayer Breakfast which will be held on May 1, 2014 at 6:30 a.m. in the banquet hall of City Hall. He stated there will also be a noon day program from 12 noon to 1:00 p.m. and an evening program from 6:00 p.m. to 8:00 p.m.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR
MEETING OF APRIL 8, 2014.

MOVED by Jackson SECOND by Morford to approve the minutes of Lawton City Council regular meeting of April 8, 2014. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Pro Tem Wells stated items #2, #19 and #20 need to be considered separately.

MOVED by Burk SECOND by Jackson to approve the consent agenda with the exception of items #2, #19 and #20. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Dorina Dalston, dba Dalston Mini Storage in the amount of \$962.00. Exhibits: Legal Opinion/Recommendation and **Resolution No. 14-49**.
2. Consider the following damage claims recommended for denial: Diana Johnson in the amount of \$584.13; Apache Casino Hotel in the amount of \$2,596.54; Clement and Moniqua Smiley in the amount of \$150.00; and Tony Ferrante in the amount of \$50,000.00. Exhibits: Legal Opinions/Recommendations.

Mayor Pro Tem Wells stated that Diana Johnson has asked to speak regarding her claim.

Tanner stated he has spoken to Ms. Johnson and they are going to remedy her issues through a different avenue.

MOVED by Tanner SECOND by Burk to deny the damage claims of Diana Johnson in the amount of \$584.13; Apache Casino Hotel in the amount of \$2,596.54; Clement and Moniqua Smiley in the amount of \$150.00; and Tony Ferrante in the amount of \$50,000.00. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

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 Michael Kelley in the Workers' Compensation Court of Existing Claims, Case No. 2013-00029L. Exhibits: **Resolution No. 14-50**.
4. Consider accepting the reimbursement check of \$14,219.37 from the Fire Management Assistance Grant (FMAG), and approving the deposit of these funds into the Lawton Fire Operations professional and technical service account (001-1195-000-00-02310000) and Lawton Fire Operations capital outlay account (001-1195-000-00-03120000). Exhibits: None.

5. Consider accepting the reimbursement check of \$1,092.56 from the City of Walters, and approving the deposit of these funds into the Lawton Fire Operations professional and technical service account (001-1195-000-00-02310000). Exhibits: None.
6. Consider approval of the deposit and appropriation of meter scrap proceeds. Exhibits: None.
7. Consider allowing the Parks & Recreation Department to individually Co-sponsor with the Lawton/Fort Sill Chamber of Commerce, Sam's Club, Comanche Home Center, Silent War Foundation, Lawton Armature Softball Association (LASA) and Lawton Athletic Foundation a series of softball/baseball tournaments for the year 2014. Exhibits: Tournament List.
8. Consider approving the appropriation of public nuisance abatement funds being collected by the City Clerk's office and the Comanche County Treasurer's office into account 035-0097-000-00-02311099 to be further used for abatement and demolition expenditures. Exhibits: None.
9. Consider setting the date of May 27, 2014, to hold a public hearing to close the alley between Lots 1-5 and 6-12, Block 116, Trest's Subdivision, a replat of Lawton Heights Addition, located north of NW Cache Road behind Traders Market & Furniture Company addressed as 1511 NW Cache Road. Exhibits: Application, Location Map and Council Policy 5-1.
10. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on Eastbound and westbound SW Washington Avenue at the intersection of SW 3rd Street. Exhibits: **Resolution No. 14-51**, Traffic Commission Minutes and Traffic Issue Requests.
11. Consider accepting a temporary easement from Andrew Higgins and Kanchana Higgins, 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. Document is on file in the City Clerk's office.
12. Consider accepting a warranty deed from Doris Jo Auld, Trustee of the Doris Jo Auld Family Trust, 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. Document is on file in the City Clerk's office.
13. Consider rejecting all bids on (CL14-035) Removal/Disposal of Sludge and authorize re-advertisement. Exhibits: Department Recommendation, Abstract of Bids.

14. Consider awarding contract (CL14-028) Portable Confined Space Retrieval System to Border Construction Specialties of Phoenix, AZ. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
15. Consider awarding contract (CL14-033) Footwear (Safety, Athletic, Walking) Items 1A through 1D to Woodward's of Cyril, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
16. Consider awarding contract (CL14-033) Footwear (Safety, Athletic, Walking) Items 1E through 4C to Ausley's Law Enforcement of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
17. Consider awarding contract (CL14-032) Delinquent Library Accounts Collection to Unique Management Services Inc of Jeffersonville, IN. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
18. Consider awarding contract (CL14-027) Zetron Alerting System to Lawton Communications of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
19. Consider rejecting all bids on contract (CL14-034) Crawler Dozer and authorize re-advertisement. Exhibits: Department Recommendation, Abstract of Bids.

Jerry Ihler, Public Works Director, stated the original recommendation was to reject the bids and go out to readvertise so that everyone would have the opportunity to bid the 26" track. He distributed a copy of the bid tab sheet. He stated they received three bids that bid an 18" track width on a dozer crawler and one vendor submitted an alternative bid on a 26" track. After reviewing the cost of the 26" and the benefit they would receive from the extra width, staff would recommend that they award the contract to the vendor with the 26" track. He stated after talking with the City Attorney it was determined that the council can award this contract and that everyone had the opportunity to bid the 26" track. The cost difference is \$2,400 from the second low bid and \$3,500 from the low bidder. This alternative option would provide better service for the city.

MOVED by Jackson SECOND by Burk to award contract (CL14-034) Crawler Dozer to Warren Cat of Oklahoma City, OK for the alternative bid for the 26" track. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

20. Consider approving appointments to boards and commissions. Exhibits: None.

Jensen stated there is an issue over residency with Albert Johnson, Jr. because the trust indenture of the Lawton Industrial Development Authority requires members to live in the Lawton city limits.

Haywood stated there are others that serve on these committees that also do not live in the city limits.

Jensen stated they may be part of a trust, board or commission created by city code or state statute. They are all different, but this one specifically says you have to live in city limits. Mr. Johnson understands the circumstances and staff is going to try and rectify the situation.

MOVED by Jackson SECOND by Burk to approve the appointments to boards and commissions with the exception of Albert Johnson, Jr. to the Lawton Industrial Development Authority. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

Board of Adjustment

Johnny Owens
PO Box 181
Lawton, Oklahoma 73502
05/25/17

City Planning Commission (CPC)

David Denham
1012 NW Bell
Lawton, Oklahoma 73507
05/10/17

Industrial Development Authority

Randy Warren
6513 NW Columbia
Lawton Oklahoma 73505
05/25/19

Stanley Haywood
3320 SW Salinas Drive
Lawton Oklahoma 73501
05/25/19

Library Board

Frantzie Couch
56 Lakeview Circle
Lawton Oklahoma 73507
05/31/16

Eunice Edison
2308 NW 47th Street
Lawton, Oklahoma 73503
5/31/16

21. Consider approval of payroll for the periods of March 31 – April 13, 2014.

NEW BUSINESS ITEMS:

22. Hold a public hearing, receive input from citizens, approve the FFY 2014 Consolidated One-Year Action Plan, pass Resolution 14-__ authorizing the execution of the plan, and authorize the Mayor and City Clerk to execute the implementing documents necessary to implement the Consolidated One-Year Action Plan for FFY 2014. Exhibits: Resolution 14-___. A copy of the Consolidated One-Year Action Plan for FFY 2014 (Draft) is on file at the City Clerk's Office.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

Tim Libby, Assistant Director of Housing/Community Development, stated it is that time of year to present to the council their consolidated one year action plan and the forecast as they look at establishing new top ten priorities for the five year plan. He stated they will be sending out surveys and holding public hearings and then bringing those recommendations to the City Planning Commission and then to the Council.

Libby presented a series of slides with regards to funding recommendations. (On file in the City Clerk's Office).

Mayor Pro Tem Wells stated there basically has not been any changes except for the addition of funding for Family Promise of Lawton and the support for the LETA Paint the City project.

Libby stated that is correct.

MOVED by Haywood SECOND by Burk to adopt **Resolution No. 14-52** authorizing the Filing of the Consolidated One-Year Action Plan for FFY 2014, and authorize the Mayor and City Clerk to execute the documents necessary to implement the CDBG and HOME programs. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

23. Consider an ordinance pertaining to offenses and crimes amending Section 16-4-4-452, Division 16-4-4, Article 16-4, Chapter 16, Lawton City Code, 2005, by removing spring-type knives from the list of prohibited weapons to carry, providing for severability, and establishing an effective date. Exhibits: Ordinance 14-__.

Jensen stated the State of Oklahoma passed a law last year on the unlawful carry of weapons and they deleted a spring type knife from the list of prohibited weapons. Our code section is identical to state statute so staff has recommended taking out a spring type knife as no longer being prohibited, just like the State of Oklahoma.

Mayor Pro Tem Wells confirmed that they are not taking out switchblades and other weapons that are considered extremely dangerous.

MOVED by Jackson SECOND by Burk to adopt **Ordinance 14-10**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 14-10

An ordinance pertaining to offenses and crimes amending Section 16-4-4-452, Division 16-4-4, Article 16-4, Chapter 16, Lawton City Code, 2005, by removing spring-type knives from list of prohibited weapons to carry, providing for severability, and establishing an effective date of May 22, 2014.

24. Consider an ordinance pertaining to City Contracts and Sales amending Section 10-1-101 and Section 10-1-103, Article 10-1, Chapter 10, Lawton City Code, 2005, by increasing the contract amounts that require formal competitive bidding and award by the City Council, providing for severability and establishing an effective date. Exhibits: Ordinance 14-__.

Scott Meadors, Deputy City Attorney, stated the Oklahoma legislature amended the Public Competitive Bidding Act of 1974 and it now requires that contracts for public improvements in excess of \$50,000 have to follow the procedures set forth therein. Previously this amount was \$25,000. This ordinance will amend City Code to state that city contracts for public improvements in excess of \$50,000 must adhere to the requirements of the Public Competitive Bidding Act as well. This ordinance also amends City Code by allowing all other city contracts below \$50,000 to be awarded pursuant to a purchasing policy maintained by the City Manager. The minimum amount for other city contracts before formal bids are required is currently \$13,000 for budgeted supplies, materials, equipment and services, including data processing equipment and software, and \$40,000 for integral components such as automotive parts, motor fuels, lubricants, hydraulic fluids, propane gas, asphalt and thirteen thousand road oils.

Burk stated he feels that going up to \$50,000 is perfect for running everyday business throughout the city because they will not have to go through the hoops to even get a bid out which takes 30 days or longer.

MOVED by Burk SECOND by Haywood to adopt **Ordinance 14-11**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 14-11

An ordinance pertaining to city contracts and sales amending Section 10-1-101 and Section 10-1-103, Article 10-1, Chapter 10, Lawton City Code, 2005, by increasing the contract amounts associated with the city's formal competitive bidding requirements, providing for severability, and establishing an effective date.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Brooks Mitchell, Finance Director, presented the financial report for the period ending March 30, 2014. (On file in the City Clerk's office)

Jackson clarified that our collected amount is not meeting our budgeted amount.

Mitchell stated our collections are ahead of our budgeted amount, but our budgeted amount is less than what is has been in previous years.

Jackson stated we are still on caution phase.

Mayor Pro Tem Wells stated we are ahead of budgeted amount in sales tax, but in water revenue we are below budgeted amount. Overall for the City as a whole, we are just slightly above budgeted amount.

Mitchell stated no, if you take the two together we are behind, but we are \$850,000 below budget.

Mayor Pro Tem Wells stated we are below the budgeted amount this year which was a budget amount that was less than last year to start with.

Mitchell stated that is correct. While we have some positive news on the sales tax side the water revenue side is what is really problematic.

COL Waters stated he will announce the opening date of Freedom Elementary once they get the date based on construction completion. He encouraged everyone to bring their recycled products on to post. He stated the Western Heritage Weekend will begin on Friday at 6:00 p.m. He stated the Fort Sill garage sale will be held on Saturday, May 10th and on Sunday, which is Mother's Day, the Patriot Club will be hosting brunch and there will also be a polo match held.

Haywood stated the Patterson Neighborhood Association had a meeting on Thursday and he thanked city staff for participating.

Tanner stated he has received several calls regarding the restriction of truck traffic on 2nd Street. He feels the Traffic Commission should look at this issue a little more. He stated he attended the Lawton Police Department Annual Award Ceremony, the Herth Project Groundbreaking ceremony, and the RSVP advisory council.

Morford reminded everyone to sign up for weather alerts on the City of Lawton website. He also reminded everyone to register their storm shelters.

Jackson stated he has received a number of calls regarding the Dew Drop Inn. He asked the City Attorney if they can start the process to declare this bar a public nuisance with a goal of getting this out of Ward 2. He was notified that the letter is waiting on the City Manager's signature.

Bellino-Hall stated this is Trash Off weekend starting with Fresh Paint Friday. They are painting 28 homes. On Saturday the Trash Off will be held at McMahon Auditorium from 8:00 a.m. to 3:00 p.m.

Burk thanked Tony Griffith, Neighborhood Services Supervisor, for coordinating Fresh Paint Friday as well as the 500 plus soldiers from Fort Sill who will be volunteering that day. He stated they had a \$20,000 goal to buy supplies for the day and it is fully funded at this point. They plan to have this event annually. He stated that if anyone has an area that needs to be cleaned up they should contact city staff.

Long reminded citizens that we are under stage two mandatory water restrictions. The resolution is posted on our website.

The Mayor and Council convened in executive session at 7:06 p.m. and reconvened in regular, open session at 8:19 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

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

Jensen read the title of item #25.

MOVED by Tanner SECOND by Haywood that the City of Lawton adopt **Resolution 14-53** authorizing the City Attorney to settle the claim of the Town of Medicine Park in the amount of \$7,016.69 as an economic settlement with no admission of liability and execute any and all documents necessary to effectuate said settlement. AYE: Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: Morford. MOTION CARRIED.

26. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending claim or action pertaining to city-owned property under lease located at 215 SE Larrance, and take appropriate action in open session as necessary. Exhibits: None.

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

27. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in the Western District of Oklahoma of Robert Puccino, Jr. and Ronald Smith Sr. vs. City of Lawton, et al., 13-CV-0238-R, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #27.

MOVED by Burk SECOND by Tanner to approve **Resolution 14-54** authorizing the attorneys retained to represent the City and individually-named defendants in the lawsuit styled: Robert Puccino, Jr. and Ronald Smith, Sr. v. City of Lawton, et al., Case No. 13-CV-0238-R, to enter into an economic settlement of the lawsuit wherein plaintiff Puccino will receive the amount of \$100,000.00 payable in four (4) installments of \$25,000.00 per year, plus an attorney's fee; and plaintiff Smith will be permitted to receive a retirement pension from the City by the City paying into the pension fund the sum of \$75,099.00 on behalf of Smith as the employer and employee's contributions necessary to make Smith eligible to receive a City pension, plus an attorney's fee, all as set forth in the Resolution, and to be memorialized in the Settlement Agreement. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Haywood, Wells. NAY: Zarle. MOTION CARRIED.

28. 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 #28. No action was taken.

There being no further business to consider, the meeting adjourned at 8:23 p.m. upon motion, second and roll call vote.

DOUGLAS A. WELLS
MAYOR PRO TEM

ATTEST:

TRACI HUSHBECK, CITY CLERK