

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MAY 23, 2017 – 6:00 P.M.
LAWTON 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 6:05 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Father Bryan Bittner, Blessed Sacrament Catholic 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

Chief James Smith, Lawton Police Department, presented a lifesaving award to correctional officers Nicholas Nicosia, Tika Fisher and Terry Sellers.

Mayor Fitch stated they will move item #14 to the front of the agenda.

14. Consider accepting the annual audit report on the City of Lawton for the year ended June 30, 2016, as presented by BKD, LLP. Exhibits: None.

Chad Moore, BKD CPA's and Advisors, presented the audit for the fiscal year June 30, 2016. (A copy of the audit is on file in the City Clerk's office). He stated they were able to issue an unqualified or unmodified opinion, which is equivalent to a clean opinion.

MOVED by Wells SECOND by McGahee to accept the annual audit report on the City of Lawton for the year ended June 30, 2016, as presented by BKD, LLP. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF APRIL 11 AND MAY 9, 2017.

MOVED by Jackson SECOND by Phillips to approve the minutes of April 11 and May 9, 2017. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Morford requested item #4 be considered separately.

MOVED by Burk SECOND by Jackson to approve the consent agenda with the exception of item #4. AYE: Morford, Jackson, Davis, 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 Eugene McCracken in the Workers' Compensation Court of Existing Claims, Case No. 2012-08950J. Exhibits: Resolution No. 2017-__.
2. Consider accepting a \$546.00 donation to the Library from the Friends of the Library to be designated for library-related activities and books. Exhibits: None.
3. Consider termination of concession operation agreement, RFPCL14-003, Management of Land Recreation Vehicle Park – Lake Ellsworth, retrieve control of property requiring restoration of the motocross area to previous state and pursue collection of remaining balance of fees owed by current concessionaire for default of the agreement. Exhibits: Lafferty Motorsports LLC, request to terminate.
4. Consider granting a driveway access easement across city-owned property south of Lake Ellsworth from U.S. Highway 277 to the property owned by John Magness and authorize the Mayor to sign the easement document. Exhibits: Easement with Aerial Map and Legal Description.

Morford stated he went out and looked at the property and there is a section line with a right of way on it and he wondered why they didn't put the section line road down to his house and leave the easement off that we are granting. Why are we moving over about 300 feet and granting an easement where there already is one down the section lines.

Ihler stated the Oklahoma Department of Transportation (ODOT) had a batch plant out there to do some tests several years back and there is an asphalt hard surface that the property owner uses as his driveway access off the highway. When the city purchased the property for Lake Ellsworth the section line road veers off on that triangular piece of property and that is where the existing road is that they utilize. That which veers off is 100% city property and it is not a

section line road. The easement that we did provide basically takes in that asphalt portion that was provided by ODOT.

Morford stated he does not see a reason to give an easement if there already is one on the section line.

Steven Greb, Assistant City Attorney, stated there is not an easement right now. There was a section line road there until the late 1950's and in the 1950's ODOT offset that road because of some drainage issues. When they moved it there was never a re-establishment of a section line road or a public road where that offset. People continued to use it but it was never formally designated and the county commissioners have abandoned that road and they no longer maintain it.

Morford stated it is still an easement.

Greb stated it is an easement until it is abandoned.

Davis stated he has gone out to this property and one of the things this does is to alleviate the city from having to maintain this road that the county is not willing to reopen. This gives this property owner the responsibility of maintaining this easement to his home. We will get rid of a big headache by giving him this easement and the responsibility of maintaining the access to his house.

MOVED by Davis SECOND by Tanner to grant a driveway access easement across city-owned property south of Lake Ellsworth from U.S. Highway 277 to the property owned by John Magness and authorize the Mayor to sign the easement document. AYE: Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: Morford. MOTION CARRIED.

5. Consider approving a professional services agreement with Dan Wigington for appraisal services, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Agreement is on file in the City Clerk's office.
6. Consider accepting a permanent easement from Sun Tok Wilkins and Curtis S. Larson, wife and husband, for right of way located near SW Lee Blvd and SW 27th street needed for the Accessibility Project Priority #1, Project #15-5SSES, and authorize the Mayor and City Clerk to execute the document. Exhibits: Location Map- Attached as Exhibit A. Document is on file in the City Clerk's office.
7. Consider authorizing the City of Lawton's participation in the Soldier for Life-Transition Assistance Program and authorize the City Engineer to execute a Memorandum of Understanding allowing 1LT Haefeli to serve as an intern in the City of Lawton Engineering Department pursuant to said program. Exhibits: Haefeli Resume, DOD Instruction, and Internship MOU on file at City Clerk's Office.

8. Consider extending contract for (RFPCL15-047) Concession Operations Ahshlager Park to Lawton Evening Optimist of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
9. Consider extending contract for (RFPCL16-014) Concession Lease for Grandview Sports Complex to Lawton Breakfast Optimist of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
10. Consider extending contract for (CL15-040) Thermoplastic Material Epoxy Primer/Sealer to Ennis Paint, Inc. of Thomasville, NC for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
11. Consider approval of payroll for the periods of May 8 - 21, 2017.

NEW BUSINESS ITEMS:

12. Hold a public hearing and consider an ordinance closing a portion of SW 15th Street, located between Blocks 4 and 5, Waldman Addition, from the north right-of-way line of SW G Avenue to the south right-of-way line of the Stillwater Central Railroad and accept a public utility easement. Exhibits: Ordinance No. 17-____, Location Map. Utility Easement on file in the City Clerk's Office.

Debbie Dollarhite, Sr. Planner, stated on April 11, 2017, Council set a date of May 23, 2017, to hold the public hearing for this proposed closure. This request is to close an approximately 80 feet by 50 feet portion of SW 15th Street, located north of SW G Avenue and south of the Stillwater Central Railroad, between Blocks 4 and 5, Waldman Addition. The applicant, Ken Wilkerson, owns the property on both sides of this portion of SW 15th Street, and has requested this closure in order for him to install a security fence. SW 15th Street does not extend north across the railroad tracks to SW F Avenue. Public Works has an active waterline in this portion of right-of-way and a public utility easement has been submitted by the applicant. CenterPoint Energy does not have any utilities located within this portion of the street and does not object to this closing. Fidelity, AT&T, and PSO have been notified of this request but have not responded. A notice of public hearing was mailed to 28 property owners within 300 feet of the requested area on April 20, 2017, and was published in *The Lawton Constitution* on May 11, 2017. No objections to closing this portion of the street right-of-way have been received by area property owners.

Wells questioned if Mr. Wilkerson would be responsible for putting it back as it was if we were to have to go into that easement.

Dollarhite stated the easement allows us the right to go in there and maintain that water line.

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

MOVED by Tanner **SECOND** by Burk to adopt **Ordinance 17-18**, 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 17-18

An ordinance closing a portion of SW 15th Street, between blocks 4 and 5, Waldman Addition with an effective date of thirty days from today.

13. Consider conducting a public hearing to receive input from the citizens of Lawton regarding the City of Lawton's proposed budget for Fiscal Year 2017-2018, and, after due consideration of the City Manager's proposals and citizens' input thereon, provide direction to finalize the budget or take action to approve the budget (with any revisions) by Resolution as deemed appropriate. Exhibits: Budget Resolution No. 17 - ___. FY2017-2018 Preliminary Budget on file in the City Clerk's office and previously distributed to Council.

Ihler stated after the first preliminary budget there was an estimated carryover of \$95,109. There were some items they looked at and more accurate estimates on some sales tax revenue at the Lawton Town Center and they added additional funds and there was a correction of personnel expenditures and the end result was increased income into the budget and they went ahead and added some funds to the city at large account for repair and maintenance, professional services and other expenses. At the end of the last workshop there was \$639,218 as a result of putting those funds in the city at large in the 200 accounts. After that workshop he was directed to go back and look at an alternative of removing the 2.2% CPI increase. That 2.2% resulted in \$736,000 and when that is removed from the budget that leaves us with a shortfall. They would remove those 200 account items and they would remove some capital expenditures and that would leave us \$96,782 short of having a balanced budget. They are basically looking at getting into services and they have proposed a \$33,182 decrease from the street, repair and maintenance account, closing the branch library on W. Cache Road and reducing the hours at the landfill on Saturdays, instead of 8 – 5, it may go to 10 – 2. They are also looking at closing the three wading pools which would provide a savings of \$33,850. The folks that use those wading pools could go to the new spray park at Elmer Thomas Park. This would give them the reduction of \$96,782 which would give us a balanced budget.

Mayor Fitch stated if they don't do the 2.2% increase they will have to take these items out of the budget in order to balance the budget.

Davis stated these are items the City Manager is recommending, these are not the only items that can be cut.

Ihler stated this is what they are recommending.

Phillips stated on decreasing the streets, is there an assumption here that because we are allocating additional dollars to each ward that we won't have as many improvements.

Ihler stated it is still approximately a \$200,000 increase over what we had last year.

Phillips questioned if this means we have no carry over.

Ihler stated that is correct.

Burk stated it seems we always cut things that have to do with quality of life because those are the easy hits. He questioned how many people go to the branch library

Ihler stated approximately 1,000 customers a year.

Burk stated it bothers him to have to take money out of street repairs because they get more complaints about the streets. The wading pools may be the only free enjoyment some kids may get. Not everyone can get to Elmer Thomas Park. He feels they are taking away from the quality of life that our citizens are used to. He cannot agree with changing the times at the landfill because some people are only off on Saturday and Sunday. He cannot support any of these cuts.

Phillips questioned the condition of these wading pools.

Ihler stated all three will be ready. The condition of the 35th Street Division wading pool is being repaired and will be ready to open.

Tanner thanked Ihler for coming back with plan B in case the 2.2% increase did not get enough votes. He stated with these cuts the children are the ones that will suffer.

Ihler stated these wading pools are close to other spray parks.

Tanner stated these cuts really punish ward 5.

Phillips questioned if they had numbers on the use of the landfill on Saturdays.

Ihler stated he does not know the number of deliveries to the landfill on Saturday. He does know that the revenue on Saturdays was around \$2,500 per day and the cost is about \$1,100.

Phillips questioned how that compared to other days of the week.

Ihler stated he did not have those numbers.

Ihler stated they still needed to provide service to the landfill and they are looking at 10 a.m. to 2 p.m. as an alternative. There are also commercial haulers that pick up on Saturdays and they are out there by noon or 1 p.m.

Tanner stated without the 2.2% increase in the utility rate we are \$96,782 short.

Ihler stated that also removes the money from the city at large accounts and reduced the capital outlay by \$120,000.

Tanner stated we are \$97,000 away from having a balanced budget removing all those things and not doing the 2.2 % water increase.

Ihler stated that is correct.

Tanner stated when doing this budget they are projecting not only the cost but also what the annual revenue would be. It seems to him that it would be a minuscule amount if they were to project our revenue slightly higher and we would have a balanced budget without cutting all these services. This is not rocket science, we are doing estimates.

Burk stated there is history with this and we know pretty much what our revenue will be year to year. With a wet season water sales will be down and we will come in short and that is one of the two revenue sources we have. Not projecting a correct number....you're going to go out of business.

Tanner stated when you have a \$90 million budget, \$97,000 should be pretty easy to ...

Ihler stated the audit showed that we were \$500,000 short in our projection last year and the year before that we were short much greater than that because of the shortage in the amount of water revenue.

Tanner stated that is why staff is very conservative in their revenue projections.

Ihler stated he thought they were very conservative last year too.

Wells stated in 2003 the council asked the city manager to do the same thing and he did that and when it didn't pan out he was terminated. You just don't make revenue up out of thin air, you project what you think you will get.

Burk stated a few years ago they projected a large amount of money as a carry over and it didn't happen and they had to go back to departments to cut to the bare bones. You take a chance when you have a disaster that you can't predict. The citizens of Lawton suffered because of poor judgement on their part.

Tanner stated these numbers are orchestrated to where it is funneling the council to make a decision like they can't do this unless they add 2.2% to the water bill.

Jackson stated this is from an educated finance department and from a city manager and his team and he feels this is hinging on voodoo economics. He requested the mayor call for the public hearing.

Wells stated city management did in fact give them a balanced budget with the original budget after cutting 7 employees this year and cutting 53 positions over the past four years. There are no employee increases this year and city management has done everything they can do to keep this budget down within expected revenue, but it did include the 2.2% increase. He has been told that comments he and Councilmember McGahee made at the budget workshop were just scare tactics. He has been around Lawton 40 years and every 4 to 6 years there has been a large rate increase because we don't do small ones once in a while. The cost to do business in the city goes up too and we have got to take that into consideration when they are looking at the budget. He feels management did a great job presenting them with a budget that was balanced on the backs on the employees and on the back of positions that will be cut. It is no scare tactic.

Davis stated he is the one that said that very publicly and he was referring to the last council meeting when the statement was made that if we don't raise it 2.2% in two years we may have to raise it by 30% or 40%. That is a scare tactic, raising it 2.2% is not going to save us if we don't do that or if we do it, from having to raise it 30% or 40% in two years. In the last year and this year we have added two administrative positions that he has been opposed to that total over \$160,000. These are just proposed cuts in a \$100 million budget. There could be limitless possibilities of minor cuts that they could make to make up this difference. He is opposed to the proposed cuts but there are other cuts he is not opposed to in order to balance this budget.

PUBLIC HEARING OPENED.

Jerry Wertz, 150 NW 36th Street, stated he is opposed to the 2.2% water increase because he sees that we have some fat that can be cut in this budget. He questioned if the \$96,000 negative is without the 2.2%.

Mayor Fitch stated yes.

Mr. Wertz questioned how much surplus would we have with the 2.2%.

Mayor Fitch stated approximately \$676,000 and it allows them to put monies back into areas that had been cut.

Mr. Wertz stated he would hate to see the wading pools get cut.

Tom Leon, 2307 NW Redwood Lane, stated he disagrees with reducing the funding for streets. There are a lot of potholes out there. He questioned why they leave the library open for only 1,000 customers. He stated there are people doing their jobs on Saturdays and they need the landfill. They are only talking about \$9,000. He cannot believe that the little swimming pool costs \$33,850, if it costs that much then something is wrong. They are only open six months out of the year.

Ihler stated the \$33,000 is for three swimming pools not one.

Jackson stated he understands Mr. Leon's concern, but the city has to have employees out there.

Mr. Leon stated he does not need a lecture, he has been there before. He is asking the city manager how much it is for six months.

Ihler stated the cost is personnel for 105 days, 7 hours a day, we pay Express Services \$14.23 per hour. That comes out to about \$10,500 for each location. The pool chemicals was about \$2,500 for a total of \$33,800.

Hershel Kuykendall, 215 SW H Avenue, stated he agrees with Councilmember Tanner and that it is ironic that all these numbers fit the budget to equal zero. He stated the revenues at the landfill were at \$2,750 and the cost of operation was \$1,100, so they are making \$1,600 a day. Why would you cut hours on a profitable day.

Ihler stated he was told that in the early and latter part of the day they do not get a lot of people coming out to the landfill.

Mr. Kuykendall stated that is ridiculous to cut a profitable day. He stated with regards to the pools and cutting services to the children and the elderly, there are other places to make these cuts.

Miguel Abesob, NW Bessie Street, questioned is there will be a domino effect with our residents. He has had difficulty with the economics of Lawton as well as those on a fixed budget and they are looking at pending cuts at the federal and state level. He questioned if the city manager has considered if the residents can adjust their budgets to the 2.2% increase.

Ihler stated they have cut more than \$5 million to be able to provide the services that are provided in this budget. That includes cutting positions and eliminating step increases for the employees. They continue to ask employees to do more with less. Chemical costs have increased 17% in the past year. They want to provide the same level of service but they have gotten to the point where so many cuts have been made in the number of personnel that they are now getting into the services.

McGahee stated there is not a ward that does not have citizens that live on a fixed income. They are all concerned about the citizens throughout the community who may have some issues with income. She appreciates citizens who come in and give their opinion.

PUBLIC HEARING CLOSED.

Wells requested the city manager explain the amount of the rate increase.

Ihler stated for the minimum 2,000 gallons the minimum base bill would increase \$1/month, for the average household who uses 6,000 gallons it would increase \$1.44/month.

Wells stated that cities around us, Duncan, Altus and Wichita Falls are all going up in their water rates and they are going up significantly. Ours is a small increase. In 2006 the rate increase was 30%, in 2011 it was 25%. What happens when you don't do the CPI small increase, after four or five years you end up having to do a big increase.

Davis stated he has the list from 2010 of all the increases in the water rates and he is not sure why these numbers are not jiving with the numbers Councilmember Wells just mentioned. He stated they are working on a possible proposal to come before the city council to close the loophole of contractors that are dumping for free when they should be charged. The projections on that service are about \$360,000 of revenue that we are not getting because the water bill is being misused in order to dump for free. He stated if this was passed by council to close that loophole and the projections would go up by \$360,000 and that would close the \$96,782 gap and give us an increase.

Ihler stated he is not going to say that is correct because the \$360,000, he is making the assumption that all 25,000 that are coming forward are not free. He does not have all those numbers.

Davis stated the assumption is that half of the 25,000 free dumps last year were illegitimately used and that is with the current minimum fee being 90% of those dumps and 10% being at about a \$50 rate of the half. That also is a very conservative estimate. He stated if that is true, it would go into effect for this budget.

Ihler stated if all those assumptions are true and the numbers are correct and that when into effect at the beginning of the year then it would make up the \$96,000 difference.

Davis stated that it would also provide some contingency.

Phillips stated she has received no phone calls or emails against this increase so she is glad for those who came to comment. She is concerned if there is no carry over. If disasters continue to happen, what will they do? She wanted to remind citizens that there are two free picks up at their homes and that may cut down on the trips to the landfill. She stated the branch library is in her ward and she would like a comparison of how many people go to the branch library as compared to the downtown library.

Ihler stated he does not have those numbers.

Kristen Herr, Library Director, stated they reduced the branch library hours last summer from 25 hours a week to 15 hours a week as a way to control costs. The attendance did decrease slightly but the per hour usage increased because the reduced time made it a more concentrated use. They are actually busier at the branch now than they were a year ago. The numbers at the main library are at approximately 250,000.

MOVED by Morford SECOND by Wells to adopt **Resolution No. 17-65** approving the budget for Fiscal Year 2017-2018 to include a 2.2% increase to the utility bill.

McGahee stated she is also concerned about the pool that will be closed in ward 7 and the reduction in street repairs. She has not received any calls against the increase in the utility bill. She has talked with citizens and some are against it and some understand the need for the increase. She understands that there are low income citizens that are struggling to make ends meet. She stated there is a program at the City of Lawton where disabled and low income or

elderly and low income can receive a reduced rate on their bill if you make below \$25,000. She stated they may want to consider raising that amount. She stated at one of the budget meetings they talked about doing half of the 2.2% and increasing the rates by 1.1%. She questioned how much revenue that would bring in.

Burk stated he wants us to have a carry over and he wants the increase to be as minimal as possible. He would support a 1.1% which would give us a \$300,000 carry over.

SUBSTITUTE MOTION by Burk SECOND by McGahee to adopt **Resolution No. 17-65** approving the budget for Fiscal Year 2017-2018 to include a 1.1% increase to the utility bill.

Tanner clarified that the substitute motion does not include any of the cuts in plan B which decreased the street budget, closed the library, reduced landfill hours and closed the wading pools.

Ihler stated with a 1.1% increase that would get the carry over to \$368,000 and that would come from those 200 accounts which had \$518,719, so it would be that minus the \$368,000.

Wells stated you do away with the cuts and out of that \$368,000 you just reduce the amounts in those 200 accounts.

Phillips stated if they approve the 1.1% this year she wants everyone to understand that they may have to go over this again next year. She cannot see the revenues picking up.

Mayor Fitch stated they may have to come back before next year.

Jackson stated with his business he does not want to see an increase in the water rates. With the huge water bills he gets, the 2.2% is going to be a huge impact. He stated every dime of the utility rate increase remains here in this community to support services. His phone rings a lot from citizens requesting services and we try to answer them and it costs money. This community demands services and they deserve it and everything they do is inflationary. Every dime of this increase is going to stay in this community. He stated that Centerpointe Energy and American Electric Power are going to ask for rate hikes very soon and they are looking at a \$6 - \$12 increase per residence. That money is not going to stay in Lawton, Oklahoma and provide services in this community. The council have laid off employee after employee and done everything over the past few years to try and balance this budget. This 1.1% increase is simply going to keep us at a standstill. This is a no growth budget.

Davis stated in the budget workshop it was said that we haven't laid off employees for almost 15 years other than attrition.

Ihler stated they did lay off three people but it was further back than 15 years. They have not laid anyone off, but in the past 5 years they have cut 50 some positions. They were vacant positions, no one lost their job.

Jackson stated in his opinion, if they don't fill a position they are laying off a position. We lose people that are providing services to this community.

Davis stated there were no actual layoffs in order to get the budget in line.

Ihler stated no.

Davis stated some of these positions that were cut actually go away such as the auto parts person. That position is not being refilled because there is no need for that position.

Ihler stated they will contract that position out.

Davis stated his point is that sometimes the need for the position goes away as well. It is not a lay off.

Ihler stated we are still paying for the service.

Mayor Fitch stated staff has worked tremendously on this budget and they have been able to fill in some big gaps with a modest 2.2% increase. That is not accomplishing everything we need to do because we have already cut a tremendous amount in other categories. He stated whenever you get behind it is hard to catch up and the 2.2%, which is \$1.44 for the average consumer, is not much money. He is for the 2.2% and he does get an opportunity to vote on this.

(SUBSTITUTE MOTION by Burk SECOND by McGahee to adopt Resolution No. 17-65 approving the budget for Fiscal Year 2017-2018 to include a 1.1% increase to the utility bill.)

VOTE ON SUBSTITUTE MOTION: AYE: Burk, McGahee, Phillips. NAY: Morford, Jackson, Davis, Tanner, Wells, Fitch. MOTION FAILED.

(MOVED by Morford SECOND by Wells to adopt Resolution No. 17-65 approving the budget for Fiscal Year 2017-2018 to include a 2.2% increase to the utility bill.)

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

14. Consider accepting the annual audit report on the City of Lawton for the year ended June 30, 2016, as presented by BKD, LLP. Exhibits: None. **(Addressed at the beginning of the meeting)**
15. Consider approving an amendment to Council Policy No. 1-6, City Council Rules of Procedure, amending the provision on appointment of council committees, by providing for the election of a chairman, establishing record keeping of the formation of the committee and meetings, establishing requirements to report to the City Council, along with other committee protocols, and establishing an effective date. Exhibits: Proposed Amendment to Council Policy 1-6.

Davis stated a few meetings ago they talked about forming and committee and did not end up forming that committee and several people told him that there are so many committee that we don't have any idea how many committees we have. He stated there is a list of nine committees and there is no mechanism of keeping track of these committees and we don't know when they meet and they don't report back to council. He stated this policy provides for a more organized, transparent method for the citizens. The committees would report a minimum of every 90 days to the council and citizens on their findings and the council would vote on whether or not the committee should be closed so there is an official record of the committees.

Tanner stated the proposed changes would be beneficial.

Wells stated there are some standing committees that only meet when necessary. No committee has the authority to make any decisions on anything, all they can do is make a recommendation to the council. They will have to figure out what they will do with these standing committees.

Mayor Fitch stated they have an overkill based on some of these committees functions on an annual or semi-annual basis. They have to have something in this policy to address this. He suggested they bring this back at a later date.

Davis stated the list of nine committees that he received from the city clerk are not the committee meetings that Councilmember Wells is speaking of. He stated this is the purpose of this because there doesn't seem to be a clear record of exactly what committees we have and how many there are. If a committee doesn't meet within 90 days then they would just update council that there was no reason to conduct business. That way the citizens keep up to date that the committee is active and they know who is on the committee.

Mayor Fitch questioned if this would be an item on the agenda or would it be addressed during the report section of the agenda.

Davis stated he would like to see it on the agenda so that the citizens would be able to see it.

Mayor Fitch questioned if that was addressed in the policy changes.

Jensen stated the plan would be to place the items on the agenda.

Davis stated the purpose of this is to keep the citizens informed and if it is on the agenda and nothing has been done, the chairman would just report that nothing has been done. At that point everyone is up to date for the next 90 days.

Phillips questioned if this was a written or verbal report.

Davis stated this would be a verbal report.

Jensen stated they would start from day one moving forward with a gathering of all the committees and getting everything organized to figure out what to start tracking. They could have one agenda item to make report. If a committee is ready to make a recommendation for the

council to take action on, they will carve that out as a possible action item. If it just a report, they may have six or seven committees listed on an agenda item and each can make a report.

Mayor Fitch questioned if all the committees would be on and each would have time to say they haven't done anything.

Jensen stated if we start with day one and are tracking all of them properly then we would have however many we have right now. He does not know what the number is. They will all be on there 90 days from a date this goes into effect.

McGahee questioned if the city clerk is expected to be at all these meetings.

Jensen stated the committee meetings that are being held are not open meetings and don't require the city clerk's attendance to take minutes of the meeting unless the city council delegates, to a committee, final decision making authority, which hasn't happened during his time, or they empower them to spend some money in some fashion. Without those two criteria being met, no open meeting is required and no minutes are required. It is simply the committee getting together and hashing out their work and deciding when to make a recommendation to the council.

MOVED by Davis SECOND by Tanner to approve an amendment to Council Policy No. 1-6.
AYE: Davis, Tanner, Phillips, McGahee. NAY: Morford, Jackson, Burk, Wells, Fitch.
MOTION FAILED.

16. Consider declaring as nonessential and surplus 3.26 acres of City-owned real property near Lake Ellsworth and located in the Southwest corner of the Southwest Quarter of Section 26 of Township Four North, Range Eleven West, of the Indian Meridian, Comanche County, Oklahoma, authorize the public auction of the property, direct staff to set a minimum reserve price, to determine the method of public auction and to establish other conditions of sale. Exhibits: Aerial Map with Legal Description.

Jack Hanna, Parks and Recreation Director, stated this is the piece of property located on 277 and Happy Hollow Road and we are looking to surplus and sell. A broker gave his opinion on the estimated value of this property which was \$16,000 - \$20,000. He stated the council will need to set a minimum bid.

Jensen questioned if there was a recommendation for a minimum bid and a recommendation for the manner of sale.

Hanna stated they are looking at setting the minimum bid at \$8,500 and selling at auction.

MOVED by Morford SECOND by McGahee to declare as nonessential and surplus 3.26 acres of City-owned real property near Lake Ellsworth and located in the Southwest corner of the Southwest Quarter of Section 26 of Township Four North, Range Eleven West, of the Indian Meridian, Comanche County, Oklahoma, and authorize the public auction of the property and set

the minimum bid at \$10,000. AYE: Morford, Jackson, Davis, Phillips, McGahee, Wells. NAY: None. ABSENT: Tanner, Burk. MOTION CARRIED.

17. Consider approving a special non-emergency ordinance authorizing the sale by public auction of approximately 3 ½ acres of City-owned real property known as Airport Park located North and West of U.S. Highway 281 and South and East of the intersection of SW 3rd Street and Jefferson Avenue, direct staff to set a minimum reserve price, to determine the method of public auction and to establish other conditions, provide for an effective date and make provision for vote thereon if a valid referendum petition is filed, waive the reading of the ordinance and read the title only, authorize staff to seek quit claim deed from LURA, and authorize the Mayor and City Clerk to execute all documents necessary therefore. Exhibits: Special Non-Emergency Ordinance.

Hanna stated the broker estimated this property would be in the \$75,000 range. They are looking at a minimum bid of \$37,500.

MOVED by Wells SECOND by Burk to adopt **Ordinance 17-19** authorizing the sale by public auction of approximately 3 ½ acres of City-owned real property known as Airport Park located North and West of U.S. Highway 281 and South and East of the intersection of SW 3rd Street and Jefferson Avenue, authorize the public auction of the property and set the minimum bid at \$50,000. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 17-19

A special non-emergency ordinance authorizing the sale by public auction of approximately three-and-one-half (3½) acres, more or less, of city-owned real property known as Airport Park which is hereby declared nonessential and surplus, said land being located north and west of U.S.. Highway 281 and South and East of the intersection of SW 3rd Street and Jefferson avenue, the value of the property exceeding fifty thousand dollars (\$50,000), said land being legally described hereinafter; providing all potential bidders may make an environmental inspection of said property after receiving permission from the real property administrator; directing city staff to set a minimum bid for the property, to determine the method of public auction, and to establish other conditions of this sale; providing an effective date and making provisions for a vote thereon if a valid referendum petition as required by the Lawton city charter is filed; providing for publication of the full text of this ordinance; and authorizing the mayor and city clerk to execute all documents necessary for conveyance of said property after it is sold by public auction.

18. Consider an appeal of the Notice and Administrative Order dated April 11, 2017 for the property located 715 SW McKinley Avenue. Exhibits: Copy of the Violation Notice, copy of the Notice & Administrative Order and a copy of Gerald Bateman's appeal letter.

Joshua Leach, Neighborhood Services Supervisor, stated this notice was posted on April 4, 2017 and the notice was mailed on April 11, 2017. The homeowner scheduled a bulk pick up on April 24, 2017. (Leach presented photographs of the property). After the appeal was filed there were

no further actions taken on the property, they just monitored the property. The property owner has cleaned up some of the debris voluntarily. He stated the property owner who filed the appeal is not in attendance.

Phillips questioned if someone was living at the property.

Leach stated yes, the property owner. He filed the appeal because he felt the administrative order was unfair.

Phillips questioned what the property owner wanted the council to do.

Leach stated that initially he requested more time to clean up the property and staff gave him until the middle of May to clean the property up which he has mostly complied with except for the tall grass and weeds and a vehicle parked in the yard and especially the carport. The main problem is the junk and debris located in the carport.

Phillips questioned if there were utilities to the home.

Leach stated yes.

Phillips questioned if he had made any improvements.

Leach stated he has taken down a fence and he cleaned up a lot of junk and debris. He stated they gave him all the time he needed but he still filed the appeal, he is not sure why.

Wells questioned if the property owner was here to speak.

Leach stated no. He demanded a hearing and failed to show up.

Tanner stated in the property owners appeal he stated he is disabled and only has a social security check. He stated it needs work but he feels for the guy. If someone is living on the property he cannot vote to tear it down.

Leach stated they sent him a letter by certified mail and he even called him yesterday to remind him of this hearing.

Wells questioned if this property was on the D&D list.

Leach stated no, he just received an administrative order.

Mayor Fitch questioned if the council denied the appeal, what would be the action of staff.

Leach stated they would follow through on the abatement process as normal. They would clean the property up and get it mowed, just like any other property they deal with.

Davis stated the property owner has said he does not have the money to pay so then our bill will not be paid and it will go to the taxes on the property which he will not be able to pay. Eventually he will lose his property over this.

Leach stated he did make substantial progress with cleaning up the property and he does mow regularly on the interior part of the property.

Davis questioned if he was opposed to tearing down the carport.

Leach stated he told staff that he would support tearing down the carport, he just doesn't have the money.

Tanner stated he wants to comply he just has a lack of resources. He is basically asking the council to give him more time to meet the requirements.

Leach stated they are not going to move on the carport at this time. He mows the other part of his property so staff feels that he can mow the rest of the property.

McGahee questioned what the council needs to do today.

Tony Griffith, Administrative Services Director, stated he is appealing the order. They have tried to work with him to give him an extension. The carport has to come before the council because it is a D&D structure. He offered the property owner a 60 day extension to get this done but he refused and he insisted that this be brought before the council. He is appealing the administrative order which gives him notice to take care of the violations. If the council approves his appeal then staff has to restart the process. If the council denies the appeal, which is what staff is recommending, then if the property owner fails to address the violations, then staff can move forward in mowing the grass or writing citations.

McGahee questioned if the property owner was aware his appeal was on the agenda tonight.

Griffith stated yes. He personally called him two days ago.

Phillips questioned if he had transportation and can he drive.

Griffith stated yes.

Tanner stated he feels that the property owner just doesn't understand the process.

Leach stated they have explained to him that they have the legal right to come on the property to do abatements. All the photos were taken from the street on the public right of way.

Davis questioned if we had the right to go on someone's property in this situation when we are just taking pictures and looking.

Jensen stated yes.

Davis questioned if we can just jump the fence and check it out.

Jensen stated staff is going out there as code enforcement officers. They are not going to go inside someone's house that's occupied, but they are going through a gate if they need to check out the condition of the property.

Davis questioned if they had to notify the property owner.

Jensen stated they do make an attempt to notify the property owner, but if they can't get a hold of them they are not going to be prevented from doing their job.

Leach stated they never entered this property, all the pictures were taken from the public right of way.

Phillips stated if they deny the appeal, then staff will start the process of mowing the grass and cleaning up the area.

Leach stated yes, but the carport is a separate issue.

Burk stated if I am his neighbor I would be very happy that the city will clean up this property. He is concerned that this is one where we will have to mow on a continuous basis because he will not have the money. He feels staff has done everything they can to give him an opportunity to clean it up.

McGahee requested staff give her some time to see if she can get the property owner some assistance.

Leach stated yes.

MOVED by Morford SECOND by McGahee to deny the appeal of the Notice and Administrative Order dated April 11, 2017 for the property located 715 SW McKinley Avenue. AYE: Morford, Jackson, Burk, Phillips, McGahee, Wells. NAY: Davis, Tanner. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

McGahee invited ward 7 citizens to a town hall meeting on Thursday at 6:30 p.m. at Great Plains Technology Center.

Phillips stated she attended the Armed Forces Day parade and it was spectacular.

Tanner stated the Lawton Police Department Junior Citizens Police Academy will be held June 26 – 30 at the Greater Galilee Church and July 17-21 at the Impact Center. The program is available for teenagers who live or work in the Lawton community and are between the ages of 13 and 17 years old. He stated the police department will hold their annual poker run event on

June 24, 2017. He stated the Lawton Soccer Club will host a fundraiser on Friday, September 8, 2017 at McMahon Auditorium.

Davis stated the second ward 3 meeting will be held May 30th at 6:30 at City Hall to decide the road selection. He stated he would like to have the help of the council in providing more transparency with these committee meetings to the citizens. He is not sure why this agenda item failed tonight, but he would like help in tracking these committees and having a reporting mechanism so citizens can know what these committees are doing.

Ihler reminded council that city offices will be closed on Friday. The general employees will be taking a furlough day.

The Mayor and Council convened in executive session at 8:18 p.m. and reconvened in regular, open session at 9:12 p.m. Roll call reflected all members present excluding Davis, Tanner and Wells.

EXECUTIVE SESSION ITEMS:

19. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations regarding for a Collective Bargaining Agreement for FY 2017-2018 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 #19.

MOVED by Burk SECOND by Jackson until the City and IAFF Local 1882 are able to reach an agreement for FY 2017-2018 contract, I move to adopt **Resolution 17-66** extending the current collection bargaining agreement into FY 2017-2018 with the exception of: (1) the current health insurance provisions in Article 12 of the parties' CBA, which shall be replaced with new health insurance provisions recently agreed to by the Local; (2) employee step/merit increases, shall be frozen until the issue can be resolved through the collective bargaining process; (3) the public safety sales tax incentive, which shall be suspended until the issue can be resolved through the collective bargaining process; and (4) the payment for unused sick leave, shall also be suspended until the issue can be resolved through the collective bargaining process. I move to authorize the City to enter into a temporary memorandum of understanding with Local 1882 wherein the Local agrees to this limited extension of their CBA and the adoption of new health insurance provisions, effective July 1, 2017. AYE: Morford, Jackson, Burk, Phillips, McGahee. NAY: None. MOTION CARRIED.

20. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2017-2018 between the International Union of Police Associations (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 #20.

(Wells, Tanner and Davis entered the meeting)

MOVED by Wells SECOND by McGahee until the City and IUPA Local 24 are able to reach an agreement for FY 2017-2018 contract, I move to adopt **Resolution 17-67** extending the current collective bargaining agreement into Fiscal Year 2017-2018, with the exception of: (1) the current health insurance provisions in Article 9 of the parties' CBA, which shall be replaced with new health insurance provisions recently agreed to by the Local; (2) employee step/merit increases, which shall be frozen until the issue can be resolved through the collective bargaining process; (3) public safety sales tax longevity pay, which shall be suspended until the issue can be resolved through the collective bargaining process; and (4) the payment for unused sick leave, which shall also be suspended until the issue can be resolved through the collective bargaining process. I move to authorize the City to enter into a temporary memorandum of understanding with Local 24 wherein the Local agrees to this limited extension of their CBA and the adoption of new health insurance provisions, effective July 1, 2017.) AYE: Morford, Jackson, Burk, Tanner, Phillips, McGahee, Wells. NAY: Davis. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:18 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK