

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
JUNE 23, 2015 – 6:00 P.M.  
NEW CITY HALL  
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor  
Presiding

Also Present:  
Jerry Ihler, Acting City Manager  
Frank V. Jensen, City Attorney  
Traci Hushbeck, City Clerk

Mayor Fitch called the meeting to order at 6:07 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. Joe Williams, Sr., True Love Apostolic Church, 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  
Cherry Phillips, Ward Six  
Stanley Haywood, Ward Seven  
Doug Wells, Ward Eight

ABSENT:

None

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO LORENE MILLER

Mayor Fitch presented a Certificate of Commendation from the Mayor's Office to Lorene Miller.

PROCLAMATION FOR CYTOMEGALOVIRUS AWARENESS MONTH

Mayor Fitch proclaimed the month of June 2015 as Cytomegalovirus Awareness Month. He presented the proclamation to Cara Gluck, Healthcare CMV Awareness.

AUDIENCE PARTICIPATION:

Zachary McGrew, 1436 NW 23<sup>rd</sup> Street, stated he is the new Executive Director of Lawton Philharmonic Orchestra and he thanked the City of Lawton for the generous contribution to LPO in fiscal year 2014. This funding allowed LPO to continue its mission of providing Southwest Oklahoma with the world's greatest orchestral music performed by world class musicians. He reported on events during the year.

Carol Gardner, 2306 NW 72<sup>nd</sup>, thanked the council for their support for the Charlie Christian Music Festival in May. She also thanked the council for their support of the Lawton Arts and Humanities Council. She is the incoming chairman and is appreciative of all the support given in the past and future. She also thanked the community for the support of the event called The Longest Day, which benefits Alzheimers.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MAY 12, 2015.

MOVED by Wells SECOND by Jackson to approve the minutes of May 12, 2015. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Fitch stated items #10, #11, #12, #13 and #14 will be stricken from the agenda. He stated item #2 will be discussed separately. Phillips stated she would like item #33 discussed separately.

MOVED by Jackson SECOND by Wells to approve the consent agenda with the exception of items #2, #10, #11, #12, #13, #14 and #33. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Cynthia Dodd in the amount of \$1,173.17 ( **Res. 15-53**) and Mitchell Stafford in the amount of \$2,813.96 ( **Res. 15-54**). Exhibits: Legal Opinions/Recommendations, Resolution No. 15-\_\_\_\_ and Resolution No. 15-\_\_\_\_.
2. Consider the following damage claim recommended for denial: John Davis in the amount of \$1,490.00. Exhibits: Legal Opinion/Recommendation.

John Davis, 1401 SW Wisconsin Avenue, stated he cannot afford an attorney and he is a disabled veteran living on a very small pension. He feels there should be a sign at the t-road where he hit the curb and he would like the chance to present his case.

Kelea Fisher, Assistant City Attorney, stated staff has recommended denial of this claim. Mr. Davis claims he had an accident at the intersection of SW 14<sup>th</sup> Street and SW Pennsylvania because there was no traffic sign posted. She stated the basis for denial is that the Oklahoma Governmental Tort Claims Act governs the tort claims that are filed and there is a very clear exemption that is called a discretionary function exemption. The Oklahoma Supreme Court has held, at least since 1985, the decision by a city of whether or not to place a traffic sign within the city is discretionary and we would be exempt from liability for any claim that is based upon that theory of liability. Once we do place the stop sign there, then liability may arise after that because we have now made the decision. Her recommendation remains the same.

Wells stated if the City Council approves a claim that we are not supposed to pay, they can be sued for triple damages. In this case there is not a sign and the traffic engineer says there is no need for a sign and state law says they should not pay it so he is recommending denial.

Haywood stated for the vehicles coming on 14<sup>th</sup> Street going south, the vehicles on Pennsylvania would have the right of way. He stated we did change some things on 17<sup>th</sup> Street because people were doing the same thing going down 17<sup>th</sup> Street from those other arterial roads, so we put a stop sign on each one of those roads. He stated he may go back and try to get a sign at that particular street.

MOVED by Wells SECOND by Haywood to deny the damage claim of John Davis in the amount of \$1,490.00. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

3. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Lantus Stevenson. Exhibits: **Resolution 15-55.**
4. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Eric Tienter. Exhibits: **Resolution 15-56.**
5. Consider renewal of the Retainer Agreement for Professional Services with Jim Avance, to provide professional investigative services to the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
6. Consider renewing the Retainer Agreement for Professional and Legal Services with Tom A. Frailey to serve as legal advisor to the Personnel Board on an "as needed" basis when the City Attorney has a conflict of interest, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional and Legal Services on file in the City Clerk's Office.
7. Consider renewing the Retainer Agreement for Professional and Legal Services between the City of Lawton and Clay Hillis and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional and Legal Services on file in City Clerk's Office.
8. Consider renewing the professional services agreement with James C. Ferguson of Walker, Ferguson and Ferguson for the defense of Workers' Compensation claims. Exhibits: Retainer Agreement for Professional & Legal Services on file in the City Clerk's Office.

9. Consider a resolution repealing Resolution 15-51 and amending Sections 22-102, 22-141 and 22-142, Article A-22-1, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, by repealing the \$1.00 increase of the base rate for refuse collection and establishing an effective date. Exhibits: **Resolution 15-57**, Lawton City Council Resolution No. 15-51, Lawton Water Authority Resolution No. 15-06, Exhibit A - Sections 22-102, 22-141 and 22-142, Article A-22-1, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005.
10. Consider amending the Pumping Fee Fund FY 2014-2015 budget. Exhibits: State Auditor Pumping Fee Fund budget amendment forms. **STRICKEN**
11. Consider amending the Fire Department FY 2014-2015 budget. Exhibits: State Auditor Fire Department Fund budget amendment forms. **STRICKEN**
12. Consider amending the General Fund FY 2014-2015 budget. Exhibits: State Auditor General Fund budget amendment forms. **STRICKEN**
13. Consider amending the TIF Fund FY 2014-2015 budget. Exhibits: State Auditor TIF Fund budget amendment forms. **STRICKEN**
14. Consider amending the Hotel Motel Fund FY 2014-2015 budget. Exhibits: State Auditor Hotel Motel Fund budget amendment forms. **STRICKEN**
15. Consider approving an Agreement between the Lawton Fort Sill Chamber of Commerce, the City of Lawton, and the Lawton Economic Development Authority to fund activities by the Chamber designed to encourage, promote and foster tourism, economic and industrial development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement (with updated performance measures and goals) and Proposed Budget.
16. Consider approving an Agreement for Limited Services between the Museum of the Great Plains Authority and the City of Lawton to fund the continued operation of the Museum, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement.
17. Consider approving an Agreement between the Museum of the Great Plains Authority and the City of Lawton to fund activities by the Authority designed to encourage, promote and foster tourism and economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget.
18. Consider approving a renewal Agreement between the City of Lawton and the Marie Detty Youth and Family Service Center, Inc. for the continued operation and management of the Community Intervention Center in Lawton and authorize execution of the renewal Agreement and any associated documents. Exhibits: Agreement with Marie Detty Youth and Family Service Center, Inc. is on file in the City Clerks Office.

19. Consider approving the renewal of the annual agreement between the Center for Creative Living Corporation and the City of Lawton for services to senior citizens. Exhibits: Center for Creative Living Agreement is on file in the City Clerk's office.
20. Consider approving the annual agreement between the Lawton Mobile Meals, Inc and the City of Lawton for the specific purpose of preserving the health and welfare of homebound elderly and/or disabled citizens of Lawton, Oklahoma. Exhibits: Mobile Meals Agreement is on file in the City Clerk's office.
21. Consider accepting \$20,396.00 in Fiscal Year 2015-2016 State contract funds from Oklahoma Department of Human Services, Aging Services (OKDHS AS) for the Retired and Senior Volunteer Program (RSVP). Exhibits: Contract between OKDHS and City of Lawton and Certification for Contract is on file in the City Clerk's office.
22. Consider approving the extension of the Ahlshlager Park contract between the City of Lawton, Oklahoma, a municipal corporation and The Board of County Commissioners of Comanche County, Oklahoma for an additional one (1) year. Exhibits: Contract Extension Form.
23. Consider accepting donation of funds by Lawton Police Department Citizen's Police Academy Alumni Association for the Lawton Police Department to aid in purchasing bicycles, equipment and/or uniforms for the bicycle team. Exhibits: None.
24. Consider approving annual contract renewals between the City of Lawton and the following: County Commissioners (Juvenile Detention Center); J. Roy Dunning (Children's Shelter); and Lawton Crimestoppers, Inc. (Funds from sale of property in police custody). Exhibits: Copies of contracts are located in the City Clerk's Office for review
25. Consider entering into a professional services agreement with PROFICIA LLC, for consultation services (to be conducted by Tom Daxon, a member of PROFICA LLC) regarding the analysis of General Fund operations, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
26. Consider authorizing contract with Apache to provide services by the Animal Welfare Division to receive animals for the purpose of re-homing, euthanization, or other means of disposal. Exhibits: Agreement.
27. Consider authorizing contract with Cache to provide services by the Animal Welfare Division to receive animals for the purpose of re-homing, euthanization, or other means of disposal. Exhibits: Agreement.
28. Consider authorizing contract with Chattanooga to provide services by the Animal Welfare Division to receive animals for the purpose of re-homing, euthanization, or other means of disposal. Exhibits: Agreement.

29. Consider authorizing contract with Geronimo to provide services by the Animal Welfare Division to receive animals for the purpose of re-homing, euthanization, or other means of disposal. Exhibits: Agreement.
30. Consider authorizing contract with Grandfield to provide services by the Animal Welfare Division to receive animals for the purpose of re-homing, euthanization, or other means of disposal. Exhibits: Agreement.
31. Consider accepting the Deed of Dedication for an additional 27 feet of right-of-way along SE Flower Mound Road, at approximately 1700 SE Flower Mound Road, from Waterstone Properties, LLC. Exhibits: Location Map. Deed of Dedication on file in City Clerk's Office.
32. Consider renewing the revocable permit with Indian Nations Fiberoptics, Inc., for approximately 3,753 rods of fiberoptic cable located in various street rights-of-ways. Exhibits: General Location Map. Revocable Permit is on file in City Clerk's Office.
33. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: Eastbound SW Cambridge Avenue near SW Oxford Drive; eastbound SW Greenwich Drive near SW Oxford Drive; and on eastbound and westbound NW Cache Road between NW 67<sup>th</sup> Street and NW 82<sup>nd</sup> Street. Exhibits: Resolution No. 15-\_\_ and Traffic Commission Minutes and Traffic Issue Requests.

Phillips stated she brought this issue to staff. She received phone calls from her constituents who were concerned about the danger on Cache Road between 67<sup>th</sup> and 82<sup>nd</sup> Street. The number of vehicles has increased because of the additional restaurants that have been built and there is no left turn lane. Until we can find the funding to put in a turn lane in that section, we need to do something, and that is why she is recommending that we reduce that speed limit to 35 mph and hopefully slow that traffic down.

MOVED by Phillips SECOND by Wells to approve **Resolution No. 15-58** AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

34. Consider approving an engineering agreement with Stearns, Conrad and Schmidt Consulting Engineers, Inc. d/b/a SCS Engineers for professional environmental engineering services for operations, monitoring, and maintenance of the Landfill Gas Collection & Control System. Exhibits: A copy of the agreement is on file in the City Clerk's office.
35. Consider accepting a warranty deed and a temporary easement from Cindy A. Perdue, a single person for right of way needed for the SE 45<sup>th</sup> 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.

36. Consider approving agreements for refuse disposal with the following entities, and authorize the Mayor and City Clerk to execute the Agreements: Town of Indianoma, Multiple Community Services Authority and Town of Temple. Exhibits: Agreements are on file with the City Clerk.
37. Consider awarding the contract for FY-14-15 and FY-15-16 to continue providing the City's Employee Accidental Death Insurance to Zurich American Insurance Co. of Dallas, TX, including ratifying payment of the FY-14-15 premium by authorizing an effective date of July 1, 2014 thru June 30<sup>th</sup>, 2016. Exhibits: Department Recommendation, 2015 Market Study, AD&D Comparison with Hartford, MetLife's Policy is on file in the City Clerk's office.
38. Consider awarding an extension for the Group Health and Dental Plan Administration Services and Reinsurance Stop Loss to Blue Cross and Blue Shield of Oklahoma for an additional year. Exhibits: Administrative Guarantees (July 1, 2013 – June 30, 2016), Renewal Addendum to Benefit Program Application (ASO BPA), Dental Program Description and Exhibit to the Stop Loss for an Additional year is on file in the City Clerk's office.
39. Consider awarding contract (RFPCL15-046) Concession Operation Eastside Park to LaSill Optimist Club of Lawton, OK. Exhibits: Department Recommendation, Price Sheet.
40. Consider extending contract (RFPCL12-028) Cellular Telephone Services to U.S. Cellular of Tulsa, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
41. Consider awarding contract (RFPCL15-047) Concession Operation at Ahlshlager Park to Lawton Evening Optimist of Lawton, OK. Exhibits: Department Recommendation, Price Sheet.
42. Consider extending contract (CL15-002) Liquid Oxygen to Airgas USA, LLC of Tulsa, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
43. Consider awarding contract (CL15-044) Soft Body Armor (Concealable) Ballistic Vests to Special Ops Uniforms of Oklahoma City, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
44. Consider approving appointments to boards and commissions. Exhibits: None.

**Building Development Appeal Board**

Joe Tate

Fire Protection

307 NE 48<sup>th</sup> Street

Lawton, Oklahoma 73507

07/26/17

**Parks & Recreation Commission**

Anthony Cox  
Mayor's Appointment  
7203 NW Willow Place  
Lawton, Oklahoma 73505  
01/01/2016

**Urban Renewal Authority**

John Purcell  
3006 NE Muse Circle  
Lawton Oklahoma 73507  
07/31/18

Dr. Ernest E Sheppard  
2604 NW Lake Front Drive  
Lawton, Oklahoma 73505  
7/31/18

45. Consider approval of payroll for the periods of June 8-21, 2015.

**NEW BUSINESS ITEMS:**

46. Hold a public hearing and consider an ordinance changing the zoning from CBD (Central Business District) to CBD (Central Business District) with an HP (Historical Preservation Overlay District) zoning classification on property located at 623 SW D Avenue. Exhibits: Ordinance No. 15-\_\_ with Design Guidelines, Location Map, Application and CPC Minutes.

Richard Rogalski, Community Services Director, stated this request is to place Historical Preservation Overlay District on the Central Fire Station located on Lots 19-21, Block 38, Original Townsite (623 SW D Avenue). The purpose of the HP overlay zone is recognizing the historical value of the look and architecture of the property and to try to preserve it. There are guidelines that would be adopted along with this overlay prepared by the Historic Preservation Commission which sets out the kinds of things you are supposed to do when dealing with a historic structure. There would be an approval process for any modifications to the structure through the commission. It does not say you can't improve it or modernize it, you just have to be careful to preserve the nature of the structure. The letter describing the basis for designation within the HP Overlay District, which was included in the application, addresses the ways in which this request includes both the Historical/Cultural and Architectural/Engineering significance.

Rogalski stated the zoning of the surrounding area is Central Business District. The land use of the surrounding area is funeral home and commercial to the north, offices and Leslie Powell Gallery to the south, vacant office building to the east, and vacant to the west. This property is located in the Mixed Use District of the Downtown I Urban Renewal Plan, but is not currently included in the Downtown Lawton Overlay District. The current use of these lots is Central Fire Station. The proposed design guidelines to be used for review of certificates of appropriateness are the Lawton Historic Preservation Overlay District Standard Regulations/Guidelines established by the Historical Preservation Commission. In accordance with Article 18-10, Historical Preservation Overlay District, of the Lawton City Code, the Historical Preservation

Commission held a public hearing on the request on April 29, 2015. The Historical Preservation Commission determined that the designation would be in compliance with the plan for the downtown area, and therefore recommended approval of the request to place HP Overlay District on property located at 623 SW D Avenue, recommended the use of the property to be the uses permitted in the Mixed Use District of the Downtown I Urban Renewal Plan, and that all other regulations pertaining to zoning be those of the underlying zoning district would apply. On May 28, 2015, the City Planning Commission held a public hearing on this request and by a vote of 8 – 0, recommended approval to the City Council.

PUBLIC HEARING OPENED.

Minette Page, on behalf of Lawton Heritage Association, thanked the council for letting them bring this item to council. She introduced the committee members. They felt this was an important piece of history and that is why they wanted to save it.

PUBLIC HEARING CLOSED.

MOVED by Morford SECOND by Wells to adopt **Ordinance 15-15**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 15-15

An ordinance changing the zoning classification from the existing classification of CBD (Central Business District) to CBD (Central Business District) with an HP (Historical Preservation Overlay District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

47. Consider amending FY 2015-2016 budget to reflect reduced revenue and expense amounts. Exhibits: Schedule of Adjustments.

Brooks Mitchell, Finance Director, stated as was requested at the last council meeting with the proposal to reduce the \$1 increase in revenues, budget adjustments have to be made. He stated with additional position reductions of \$140,000, reimbursement from the 2005 CIP of \$135,125 and some capital outlay reductions of \$160,000 leaves us with a projected ending balance for FY 2016 of \$295,916.

MOVED by Wells SECOND by Phillips to adopt **Resolution 15-59** amending FY 2015-2016 budget to reflect reduced revenue and expense amounts.

Tanner stated he would like to make an amendment to this. He spoke with Mr. Ihler and asked him how many personnel in the city goes around and repairs the potholes and we only have one dedicated person for that function.

Ihler stated there is one pot hole patch truck and one individual operates it.

Tanner stated he would like to keep the solid waste collection position in the budget and transfer that position to the streets division dedicated to repairing these potholes.

SUBSTITUTE MOTION by Tanner to keep the \$33,258 in the budget and transfer that position to the streets division for personnel that is dedicated to repairing potholes.

Mayor Fitch stated they would be increasing the budget by \$33,000.

Tanner stated yes, he is asking to leave this in the budget. They would take the \$33,258 from the projected ending balance.

Wells stated there are usually 3-4 people out doing this. They find other workers to go out and help them. They do not need to add any more to the budget.

Tanner stated he discussed this with Mr. Ihler and asked him specifically how many people were dedicated to just repairing potholes and he informed him we just had one.

Ihler stated he said there was one person attached to the pothole patch truck that does a hot patch. When we have rainy events they assign additional equipment operators that go out on a flatbed truck that is filled with cold lay asphalt. He stated they may want to monitor the budget and see how the revenues are and as they get to the fall they may try to add a position at that time.

Tanner stated he feels it is \$33,000 well spent to have an additional full time person to go throughout the city and repair potholes.

Bellino-Hall questioned if we only had one truck that does this.

Ihler stated we just have one hot patch pothole truck. If we add an additional person that we want to dedicate with a hot patch truck then we would need to go ahead and budget for an additional truck.

Tanner stated until we get the truck we could go ahead and have this person do some cold patching.

Wells stated we have crews to do that.

Tanner stated that is in an emergency situation.

Substitute motion died due to lack of a second.

VOTE ON ORIGINAL MOTION: AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

## FINANCE REPORT

Mitchell presented revenue and expenditure highlights for period ending May 31, 2015. (On file in the City Clerk's office).

Mayor Fitch stated expenditures are coming in less than we budgeted so that is a plus even though some of our revenue is not up to where we want it to be.

Mitchell stated they expect to collect a third of the water revenue in the first quarter of the new fiscal year. If there are other budgetary things they need to address, the end of September or first of October would be the time to come back to council.

Wells questioned when the audit will be completed for last year.

Mitchell stated the auditors will be back here Thursday and Friday and they are wrapping it up with some final questions. Hopefully they will have the audit report in the next two or three weeks.

Wells questioned if we were moving things up next year so it will not be so late.

Mitchell stated by the time we contracted with the auditing firm we have now, their fall schedule had been filled. The bills are to be paid by August 1<sup>st</sup> and they will close those out so we can get our books closed faster and then we will have the auditor scheduled here this fall, hopefully the first part of October, with the goal to have the 2015 audit either in December or January.

Phillips stated she would like to thank Mr. Mitchell and his staff for all the work they have done. This budget has been tough and they have done a yeoman's job.

Jackson stated he has been on the council for a long time and he believes the past two years have been the most challenging budgets they have every had to be a part of. He congratulated city staff for continuing to provide the services the public has demanded with a lot less. He commended Mr. Mitchell and his staff for keeping the numbers together so the administration knows where they are at.

#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Tanner stated a former council member, Jim Branscum, passed away a few weeks ago.

Burk stated he is proud of all the citizens who are trying to catch up on their mowing. He is concerned about new construction and remodel construction dumpsters throughout the city. They are overflowing and blowing into the streets and neighborhoods, especially along Cache Road. He assumed we had ordinances in place that made them put enclosures around their dumpsters. They need to address this issue and figure out what they need to do. He is also concerned about our mowing contracts. When he first got here the city mowed everything, and he fought to get private mowing crews to mow right of ways. Now our contractors are not doing quality work. If we are paying them they need to do a good job. They also need to weed eat along the street edge instead of allowing the grass to grow in the street. If they mow grass into the street they need to blow it or pick it up. He will not support keeping these mowing contracts if we can't fix this. They need to stay on top of the supervision of these contracts.

Tanner stated he agrees with councilmember Burk and the trucks that are carrying these trash containers around are not helping with the potholes in our community and it is very difficult for the one employee we have that is dedicated to repairing those potholes to keep up.

Bellino-Hall stated the appearance of a city is a reflection of who we are. If we pay for these mowing contracts we need to make sure they are doing the job correctly. She travels on Lee Boulevard every day and they are not even picking up the trash in the median, they just mow around it and leave all the cuttings in the street. We need to be on top of it.

Jackson stated it has almost been a year since a citizens and council committee has been working on the 4<sup>th</sup> of July Freedom Festival. He was disturbed that a town the size of Lawton did not have anything since we banned the sale of fireworks in the city limits and at our lakes. They have something organized that the public will be excited about. He stated the council has received their special invitations. He thanked Billie Whipp and Jim Russell for being part of this team as well as Council members Wells, Morford and Bellino-Hall. He stated the animal shelter will have an adoption program from 8 a.m. to noon, at 10 a.m. they will have a car show, at 11:30 a.m. local talent will begin playing live and will play up until 8 p.m. when the 77<sup>th</sup> Army Band orchestra will begin playing for about two hours. They will have some speakers around 9 p.m. and the fireworks display will start at 9:30 p.m.

Wells stated there will be food vendors there and things for kids to do. There will be activities all day. The fireworks will be a 29 minute show.

Jackson stated the fireworks company is top notch and they have designed some fireworks specifically for us and the lake.

Wells stated the private business sponsors were Comanche Nation, Apache Casino, Arvest Bank, Southwest Sales, Lawton Enhancement Trust Authority, Liberty National Bank, Jody Maples, Insight Realty and City National Bank.

Morford stated this is the start of a tradition.

Ihler stated he just received a message from Dave Taylor at the Waurika Master Conservancy District. They opened bids today on the Waurika project and they were pleased with the bids and they are looking at approximately a \$9 million loan. He will get the information to the council tomorrow.

Wells stated when a council member wants to add a position they need to figure out how to pay for that position, whether it be putting a quarter on the water bill, not just cutting money out of someplace else.

Burk stated he went by 38<sup>th</sup> Street ball park last Friday and that ball park looks amazing. It is the best it has ever looked. He congratulated Jack Hanna and his staff for doing such a great job.

The Mayor and Council convened in executive session at 7:10 p.m. and reconvened in regular, open session at 8:44 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

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

Jensen read the title to item #48. No action was taken.

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

Jensen read the title to item #49. No action was taken.

50. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the Acting City Manager and appointment of a City Manager, and take action in open session if deemed necessary. Exhibits: None.

Mayor Fitch read the title to item #50.

MOVED by Jackson SECOND by Burk to appoint the Acting City Manager, Jerry Ihler, as City Manager for an indefinite term with an annual salary of \$160,516, severance pay at the event of termination for three months, vacation and sick leave the same as general employees, but including a buy down provision of unused vacation leave in excess of 280 hours and unused sick leave in excess of 576 hours, certain conferences and memberships for city managers and engineers and all of the benefits the same as general employees to include the right to revert back to the assistant city manager position if terminated as city manager, subject to the annual review of the Lawton City Council. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells, Fitch. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 8:47 p.m. upon motion, second and roll call vote.

\_\_\_\_\_  
FRED L. FITCH, MAYOR

ATTEST:

\_\_\_\_\_  
TRACI HUSHBECK, CITY CLERK