

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 14, 2015 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Doug Wells, Mayor Pro Tem
Presiding

Also Present:
Jerry Ihler, 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 Pastor Lonnie Hanson, New Rock Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bob Morford, Ward One
Keith Jackson, Ward Two
Jay Burk, Ward Four
Dwight Tanner, Jr., Ward Five
Cherry Phillips, Ward Six
Stanley Haywood, Ward Seven
Doug Wells, Ward Eight

ABSENT:

Rosemary Bellino-Hall, Ward Three

AUDIENCE PARTICIPATION:

Allen Faries, 908 SW 3rd Street, stated he is the Director of Music at the First Presbyterian Church. On Wednesday, June 24th the church hosted a festival and a man broke into the area where the ladies had their purses and stole wallets and phones. They contacted the police but they would not respond. The musician tracked down the thief and had him in site with GPS and called the police again and the police would still not respond. They finally went to the police department and filed a report. They left Lawton feeling that the police did not take their plight very seriously. These musicians came to Lawton on their own dime and received no money. He called the Police Chief and was assured someone would return his call but no one has called him back. He tried to call his city councilor but his mailbox was full. He sent an email to all members of the council but no one has responded. The church has reimbursed the ladies for their loss. He has done all that he knows to do.

Wells stated he had not received an email.

Mr. Faries stated he got the emails off the City of Lawton website.

Wells stated he always returns calls and emails. He requested Chief Smith get in touch with Mr. Faries to find out what the problem was and then let the City Manager and council know.

Mr. Faries stated that Chief Smith did contact their pastor. But he would have liked to receive a call since he was told someone would get back with him.

Burk stated he did not receive the email, but he is concerned that the police did not respond and he would like to know why.

Chief James Smith, Lawton Police Department, stated on that evening they had a very large volume of calls and all their cars were backed up because of a critical incident. He stated Mr. Faries did call his office and was told he would call him back. He has two numbers and he did call the pastor and talk with him about the issue and he thought the pastor would give Mr. Faries a call back.

Phillips questioned if we had any kind of plan for this type of circumstance.

Chief Smith stated that unfortunately this happens a lot. He stated yesterday they had an incident with four juveniles that tied up six of his officers and four detectives. They had to call in people for overtime just to field the calls they were getting while they were working this case.

Phillips questioned if there was some process to put into place to avoid this from happening.

Chief Smith stated the calls are prioritized. The only remedy is to put more officers on the street.

Phillips questioned if there was another place a call like this could go where it might get a response.

Chief Smith stated no.

Wells stated there are only so many officers available and the calls are prioritized by dispatch based on the type of call it is. They have asked for more officers and the 2014 CIP will fund the hiring of 18 new officers. It is a slow process even though we have been running two academies every year.

Chief Smith stated they are running two academies but once they start an academy it will take a year before those officers can hit the street.

Wells stated that they apologize but they wished they had more officers on the street to handle this call.

Tanner stated if he could get the names and addresses of the musicians who came to town he would be happy to write them a letter of apology.

Wilma Smith, 117 Dunlap Street, stated her daughter, who is overseas, left her car at her house. She was told by city staff she needed to put new tires on the car because they were all flat, so she had her son buy new tires for the car. She then received two more letters in the mail telling her something else was wrong. She spoke with city staff and she was told the fender had a bump in it and it needed to be taken care of. She questioned why city staff did not knock on her door and tell her this instead of sending a letter. She cannot keep paying for repairs on this car. She is trying to sell the car.

Wells stated the City Manager will look into the situation and get back with Ms. Smith.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR
MEETINGS OF JUNE 9 AND JUNE 23, 2015.

MOVED by Phillips SECOND by Tanner to approve the minutes of June 9 and June 23, 2015.
AYE: Morford, Jackson, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION
CARRIED.

CONSENT AGENDA

Wells stated on item #1, they need to discuss the Melinda Jones-Baldwin and Paula Baldwin claim. He stated item #19 will need to be discussed separately and there is a correction on item #12 with regards to a budget amendment form and the account numbers were corrected.

MOVED by Burk SECOND by Morford to approve the consent agenda with the exception of items #1 (Baldwin claim), #19 and correction on the budget amendment form on item #12.
AYE: Morford, Jackson, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION
CARRIED.

1. Consider the following damage claims recommended for approval: Randoll and Gabriela Dismuke in the reduced amount of \$5,784.44 (**Res. 15-60**) and Melinda Jones-Baldwin and Paula Baldwin in the reduced amount of \$30,720.49. Exhibits: Legal Opinions/Recommendations, Resolution No. 15-____ and Resolution No. 15-____.

Jackson stated he is actually the one who asked to pull this item. What has happened to these people is atrocious. They had a sewer back up in their house on two different occasions and it completely destroyed their home. The amount the City has offered is ridiculous and he would like Ms. Baldwin to state her case. She has a booklet of photos that he would like the council to look at.

Wells stated under state law we are limited to a \$25,000 tort claim.

Melinda Jones-Baldwin, 301 NE Skyline Circle, stated on May 5th she came home and had both bathrooms flooded which was minimal compared to the backup they had on the 7th. They were lucky enough to have family to stay with. She is thankful that their claim is approved but the offer does not even cover the damages to their home much less furniture. They have spent \$29,000 and they still owe contractors \$20,000. They have borrowed money that they really

need to pay back. She requested the council reconsider the offer. She has four different sheets from when city crews came out and the workers were great and they managed to get it flowing all four times. They finally had caps put on where they removed the toilets to clean it up after the first occurrence. It has been devastating financially and it has been a slow process putting this back together. They still have outstanding bills to pay.

Jackson requested the City Attorney explain if there is any opportunity at all for additional compensation for this damage.

Jensen distributed a provision from the state statute. They have been here before with claims that well exceeded the amount of \$25,000 in property damage. There is no question that they suffered a horrible loss and there is no question about liability, but the state statutes says that the total liability of the state and its political subdivisions, which includes counties, cities and towns, on claims where the scope of the governmental tort claims act shall not exceed \$25,000 for any claim for loss of property arising out of a single act, accident or occurrence. They cannot legally recommend more than \$25,000 for this second claim for property damage, but staff did include some incidentals that were not property damage and that is why they are at the amount of \$30,000.

COL Waters questioned if these damages were associated with the flood.

Ihler stated yes, because of the heavy rains the sewer backs up. He cannot specifically say that it was the 5th or the 7th, but his understanding is that we had 60 some backups during that time frame.

COL Waters questioned if Ms. Baldwin could use HUD or FEMA assets to take care of this.

Ihler stated she could try to submit to FEMA.

COL Waters questioned if Ms. Baldwin had submitted a claim because of flood damage.

Ms. Baldwin stated their application was denied because this was a sewer backup.

COL Waters suggested city staff help her express that this was tied to the flood damage and she may be able to resubmit to HUD or FEMA.

Jackson suggested the City Manager assign staff to look into this because of the numbers we had across the city.

Wells stated that even though Ms. Baldwin signed paperwork related to this claim, she also has the right to go to district court where they can award more money for the damages. She stated that maybe her attorney gave her some bad advice.

Jensen stated when Ms. Baldwin left their office she went to see an attorney and he understands that she came back to their office and signed the paperwork. It is fine if she does not want to honor that signature and go to district court. They cannot sit up here and say that the judge can award more money unless he thinks that this law is invalid.

Tanner questioned what was the amount if the city council was to approve something that went against state statute and they went through a taxpayer lawsuit and they lost.

Wells stated it is triple damages. If they approve anything above the \$25,000 and a taxpayer decides to sue them and the council is found guilty, they can be made to repay individually as councilmembers, the \$25,000 plus three times the damages.

Jackson stated he feels they need to work with management to have some evidence to show that the flood helped cause the backup and she can go back through FEMA.

Ihler stated history has shown that FEMA has not approved sewer backups as it relates to the floods. Because we had so many this particular time, they did say we should submit all the information that we have at the various locations and they would make a determination as to whether or not they will approve.

Tanner questioned if Ms. Baldwin has insurance.

Ms. Baldwin stated the maximum their policy paid was \$5,000 per occurrence, so they were paid \$10,000.

Tanner questioned if she would qualify for \$25,000 per occurrence.

Wells stated no, the first one did not count because we had no notification.

Jackson questioned if Ms. Baldwin now has a backup preventer.

Ms. Baldwin stated yes.

Jackson stated he just cannot vote to approve this claim for that amount of money. He does not think it is fair. He understands the state statute, but it is still not right.

Burk stated it is not right, but he does not know what recourses there are unless FEMA will help. He stated if Ms. Baldwin does not want to take this claim they can turn this down, but this may be all she will get.

Phillips questioned if they could delay this item.

Jensen stated they could delay it but they have no more information to offer the council.

Wells questioned if Ms. Baldwin would like to delay the motion or accept what we have and work with staff to see if they can get any additional funds.

Ms. Baldwin stated they will accept the offer.

MOVED by Burk SECOND by Morford to approve **Resolution 15-61** approving the damage claim of Melinda Jones-Baldwin and Paula Baldwin in the reduced amount of \$30,720.49. AYE: Morford, Jackson, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

2. Consider the following damage claims recommended for denial: Leah Rao in the amount of \$111.87 and Lou Gallegos in the amount of \$1,526.89. Exhibits: Legal Opinions/Recommendations.
3. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Willie Whisenhunt. Exhibits: **Resolution No. 15-62.**
4. Consider authorizing the City Attorney to accept the sum of Six Thousand Five Hundred and 00/100 Dollars (\$6,500.00) as settlement of the City's subrogation interest in the personal injury case of Jerry Shively. Exhibits: None.
5. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and McAfee & Taft and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional & Legal Services on file in City Clerk's Office.
6. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and John C. Mackey, Jr., and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional & Legal Services on file in City Clerk's Office.
7. Consider renewing the professional services agreement with Mackey Law Firm, to provide professional property research 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.
8. Consider renewing the professional services agreement with John C. Mackey, for various matters involving real property, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
9. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and John C. Mackey, Jr., and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
10. Consider approving an Outside Water Sales Contract with RRC Power & Energy, LLC, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office.

11. Consider a resolution amending Sections 22-111 and 22-112, Article A-22-1, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, implementing a \$1.00 increase in the Waurika assessment for water/storage rights and improvements as approved by the Lawton Water Authority and establishing an effective date. Exhibits: **Resolution No. 15-63**, Exhibit A - Sections 22-111 and 22-112, Article A-22-1, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005.
12. Consider reviewing and approving the Amended City of Lawton Fiscal Year 2014-2015 budget and approving a resolution adopting the Amended FY 2014-2015 City of Lawton budget. Exhibits: Amended Budget Resolution No. 15-__ and Filing Forms for State Auditor and Inspector.
13. Consider authorizing the contract with Fidelity Communications for telephone services at the branch library. Exhibits: Contract.
14. Consider authorizing the contract with Fidelity Communications for public internet services at the branch library. Exhibits: Contract.
15. Consider authorizing the contract with Fidelity Communications for staff internet services at the branch library. Exhibits: Contract.
16. Consider accepting \$9,500 from the Airport Trust for matching funds to repair the exhaust removal system at Fire Station 2. Exhibits: None.
17. Consider accepting the maintenance bonds, waterline, and turn lane to serve the Armed Services YMCA located at 900 NW Cache Road. Exhibits: Location Map. Maintenance Bonds are on file in the City Clerk's Office.
18. Consider awarding a construction contract to Alfred Espinoza dba A.E. Construction Co. for the 2012 CIP Local Street Reconstruction Phase I Project #2012-11. Exhibits: List of Phase I Projects and a copy of the contract is on file in the City Clerk's office.
19. Consider terminating contract (CL12-045) Recycling Center Operation with Horn Sanitation, Inc., of Lawton, OK effective August 15, 2015. Exhibits: None.

Wells stated Mr. Helgeson has requested to speak on this item.

John Helgeson, 410 SW 80th Street, stated he is curious what will happen if the council cancels this contract. Will there be any recycling at all?

Burk stated the goal is to do something different, even if it is at the landfill or somewhere else. They are having such issues with keeping these things cleaned up. Everyone around those sites complain about the trash.

Mr. Helgeson stated he is concerned that they will have no options.

Burk stated they hope to come up with something at a different location that is not around homes. They are looking at going back out with an RFP for curbside recycling. They believe it is best to cancel this contract and to focus their efforts on getting a curbside recycling program.

Mr. Helgeson questioned the time frame for this.

Ihler stated they should have an item on the next agenda to approve and authorize staff to send out an RFP for either a mixed waste recycling facility or a single stream recycle facility which would possibly include curbside pickup.

Wells stated they have a council committee who worked 2 ½ years with a company that would have provided a mixed waste facility and in the end they could not come up with the financing. They will try to go back and find another company.

COL Waters stated that Fort Sill has a recycling center.

MOVED by Burk SECOND by Tanner to terminate contract (CL12-045) Recycling Center Operation with Horn Sanitation, Inc., of Lawton, OK effective August 15, 2015. AYE: Morford, Jackson, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

20. Consider extending contract (CL15-010) Manhole Coating Products to Lewis Concrete Restoration of Buda, TX for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
21. Consider awarding Contract (CL15-043) for water line fittings and valves for Items Nos. 3, 5, 9, 10, 11, 14, 19, 20, 21, 22, and 23 to HD Supply Waterworks, LTD of Owasso, OK; for Items Nos. 4, 6, 7, 8, 13, and 15 to Ferguson Waterworks of Oklahoma City, OK; and for Items Nos. 1, 2, 12, 16, 17, and 18 to Oklahoma Contractor Supply of Oklahoma City, OK. Exhibits: Department Recommendation, Abstract of Bids.
22. Consider extending contract (CL15-009) Degreaser to Mid-American Research Corp. of Windthorst, TX for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
23. Consider extending contract (RFPCL13-044) Annual Audit – City Retirement Fund to Finley & Cook, PLLC of Shawnee, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
24. Consider extending contract (CL15-008) Testing Services to Standard Testing and Engineering Co. of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
25. Consider approving appointments to boards and commissions. Exhibits: None.

Arts and Humanities Council

David Fennema
7311 NW Crestwood Drive
Lawton, Oklahoma 73505
06/30/17

Linda Butemeyer
1608 NW 34th Street
Lawton, Oklahoma 73505
6/30/17

Citizens Committee On Capital Improvement Program (CIP)

Carl Dentler
6712 SW Driftwood Drive
Lawton, Oklahoma 73505
8/11/18

Housing Authority

James Crew
1401 A Wisconsin
Lawton Oklahoma 73501
08/24/18

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Housing Authority

James Crew
1401 A Wisconsin
Lawton Oklahoma 73501
08/24/18

Industrial Development Authority

Michael Tennis
1710 NW Cherry Avenue
Lawton, Oklahoma 73501
08/24/20

Redistricting Commission

Pat Henry
CPC Member
2601 NW Lake Ridge Drive
Lawton Oklahoma 73505
7/01/20

26. Consider approval of payroll for the periods of June 22 – July 5, 2015.

NEW BUSINESS ITEMS:

27. Consider authorizing application of the 2015 Department of Justice Edward Byrnes Assistance Grant Local (JAG) and hold a Public Hearing reference to the same.
Exhibits: None.

Chief James Apple, Assistant Police Chief, stated the 2015 Byrnes Grant application does require a public hearing. The grant is in the amount of \$73,370 and it is an 80/20 split with the Comanche County Sheriff's Department. The City's portion will be \$58,696 and the county portion will be \$14,674. The County Commission approved their portion of the grant on July 6th.

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

MOVED by Tanner SECOND by Jackson to authorize application of the 2015 Department of Justice Edward Byrnes Assistance Grant Local. AYE: Morford, Jackson, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

28. Consider an ordinance pertaining to animals amending Section 5-2-202 and Section 5-2-204, Article 5-2 and Section 5-6-601, Article 5-6, Chapter 5, Lawton City Code, 2005, by authorizing an increase to the amount of liability insurance required for dangerous or potentially dangerous dogs, providing for severability, and establishing an effective date.
Exhibits: Ordinance 15-__.

Jackson stated there are a couple of people in the audience that would like to speak on this issue.

Tanner stated this is an amendment to an existing ordinance which deals with preventative measures for dangerous and potentially dangerous animals. If you have an animal that has met certain criteria and been deemed dangerous or potentially dangerous you have to take extra precaution to confine these animals and you are required to get some liability insurance in case the animal gets loose and harms someone or kills someone. He is asking to increase the liability amount from \$50,000 to \$100,000.

Ruth Dishman, 735 NW Heinzwood Circle, thanked the council for addressing this issue and thanked them for changing this to a significant amount that one needs in order to own a pit bull. They were bred for blood sport and they are associated with criminal activities. They are terrible dogs and there is no guarantee they will not get out and attack.

Lisa Barnes, 511 NW Fairway Villas Drive, stated an incident took place at her home last Saturday when a pit bull came into their yard and jumped on her husband and attacked their dog. This is the fourth different pit bull that has come into her front yard. She called 911 and the police came and called animal control. She is not sure her dog will recover. The Army has outlawed pit bulls on military bases and those who choose to own them will live in town. She feels that Lawton has a high population of pit bull dogs. She feels owners need to have as much liability insurance as possible. She would like to see an ordinance where there is a moratorium

on the breed and give five years advance notice to people. There should not be pit bull dogs in the city limits.

Wells stated this ordinance is non-breed specific.

Tanner stated this could be for any type of animal.

Wells stated a lot of people have the misconception that our ordinance is a one bite ordinance, but that is not correct. Our ordinance gives the animal control staff the right to declare a dog dangerous without the dog attacking someone.

Phillips suggested the preventative measure be put in the newspaper and on the website so the public understands that this is not just pit bulls.

Ihler stated he would like to have an article that will bring forward the preventative measures that we have in that section of the code so that citizens know that they can call us if they have a concern about an animal in their neighborhood.

Morford stated he would like to amend this ordinance and make it \$1 million liability.

Burk stated he feels the animal committee needs to get together and look at that section of the code and see what they need to do.

Jackson stated this issue was brought up due to the horrible death of a 3-year old who was killed by a pit bull. He knows they can't be breed specific, but when it happens to someone you know you just have to do something about it. He does support Councilmember Morford's amendment, but they also need to make sure that someone is notified if that policy is cancelled.

Phillips stated the article Ms. Dishman handed out does talk about the military installations that do not allow pit bulls. She will pass this information along to committee members.

MOVED by Morford SECOND by Tanner to adopt **Ordinance 15-16**, and amend the amount of liability insurance from \$50,000 to \$1 million, waive the reading of the ordinance, read the title only and establishing an effective date of 30 days from today. AYE: Morford, Jackson, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 15-16

An ordinance pertaining to animals amending Section 5-2-202 and Section 5-2-204, Article 5-2 and Section 5-6-601, Article 5-6, Chapter 5, Lawton City Code, 2005, by authorizing an increase to the amount of liability insurance required for dangerous or potentially dangerous dogs, providing for severability, and establishing an effective date.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

COL Waters stated there will be a deployment ceremony at 10 a.m. tomorrow. On Friday they change out the Chief of Staff at 4:30 p.m. He stated they have adjusted their hours at the Business Control Center and it is now open from 5:00 a.m. to 9:00 p.m. To get a pass outside of those hours you can go through Bentley Gate on Sheridan Road.

Wells stated it is very important to go to these ceremonies so they have the support of the community.

Tanner stated that Lawton is truly blessed in that Fort Sill has managed to gain troops instead of being cut.

Jackson thanked the city council for stepping up and believing in his idea of moving forward with a July 4th celebration and giving something back to this community. He stated the hotel/motel tax was used solely for the fireworks and the production company. It cost them about \$130,000 to put this event on. The additional money was raised through business partners. He thanked the Comanche tribe who stepped forward and became a partner. He thanked Billie Whipp who was the go to person. They are already meeting about next years' event and working with some partners and sponsors.

Ihler stated they have received complaints over time that people were not able to hear council members talking while they were watching the meeting on TV. He spoke with Fidelity and they have asked if the council members would be willing to wear a lapel microphone and if so, they would provide them. He stated the council has said they want the type that they are able to turn off and on. Fidelity will not be able to budget for the microphones until 2016.

Phillips questioned if they were looking at making each microphone a separate channel. She understands that is part of the problem.

Ihler stated they felt that people were unable to hear them because council members don't always speak directly into the microphone.

Jackson stated the most important thing they have for the future is the 2016 CIP which comes up on August 11th. They need the support to promote and pass this sales tax extension to help with the water situation.

Wells stated it is an extremely important vote. It will not raise sales tax and all projects from the 2012 CIP will be completed if the 2016 CIP is approved. A report on alternative water sources will come out in September and if this CIP sales tax is not approved it will be three years until we have any funds to implement any portion of that report, and by that time the report will be obsolete and will have been a terrible waste of \$800,000. We need to prepare for a future drought and we have to insure that we have a water supply for the citizens of Lawton. Under the new concepts of the Department of Defense, water reliability at their bases is a big issue.

Wells stated they were all pleased with the announcement from the Department of the Army regarding Fort Sill. He stated with Fort Sill having both the ADA and the field artillery and it has made an impression on the Department of the Army level and they see the value of what Fort Sill is doing. He thanked the Lawton Fort Sill Chamber and Mayor Fitch for all their efforts.

Haywood recognized the Something Serious group, who were in attendance. The group works with Lawton youth.

The Mayor Pro Tem and Council convened in executive session at 7:30 p.m. and reconvened in regular, open session at 8:59 p.m. Roll call reflected all members present excluding Burk.

EXECUTIVE SESSION ITEMS:

29. 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 of item #29.

MOVED by Jackson SECOND by Morford until the City and IUPA Local 24 are able to reach an agreement for fiscal year 2015-2016 contract, I move to adopt **Resolution 15-65** extending the current collective bargaining agreement into fiscal year 2015-2016 with the exception of 1) employee step merit increase which shall be frozen for all members of the local except probationary employees effective July 1, 2015 and remain frozen until the issue can be resolved through the collective bargaining process and 2) effective July 24, 2015 health plan premiums will increase an additional 10% over and above the 10% increase that went into effect on October 2014. AYE: Morford, Jackson, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

30. 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 of item #30. No action was taken.

31. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending grievance from the International Union of Police Associations (IUPA), AFL-CIO, Local 24 regarding a recent promotion in the police department, and take action in open session, if necessary. Exhibits: None.

Jensen read the title of item #31. No action was taken.

32. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending nuisance action involving Apple Run / Deer Park Apartments, and take appropriate action in open session. Exhibits: None.

Jensen read the title of item #32. No action was taken.

33. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in United States District Court of Gabriel Nieves and Megan Lynn Jones vs. City of Lawton, and six police/correctional officers, CIV-15-614-W, and if necessary, take appropriate action in open session. Exhibits: None.

MOVED by Tanner SECOND by Haywood, to retain Clay Hillis to represent officers sued in their individual capacities in the federal lawsuit Gabriel Nieves and Megan Lynn Jones vs. City of Lawton and authorize the Mayor and City Clerk to execute a retainer agreement at the rate of \$125 per hour. AYE: Morford, Jackson, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:03 p.m. upon motion, second and roll call vote.

DOUG WELLS, MAYOR PRO TEM

ATTEST:

TRACI HUSHBECK, CITY CLERK