

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 24, 2018 – 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

Mayor Fitch called the meeting to order at 6:06 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Charles Barnett, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bob Morford, Ward One
 Keith Jackson, Ward Two
 Jay Burk, Ward Four
 Sean Fortenbaugh, Ward Six
 Onreka Johnson, Ward Seven
 Randy Warren, Ward Eight

ABSENT: Caleb Davis, Ward Three
 Dwight Tanner, Jr., Ward Five

PROCLAMATION HONORING DR. JACK SPENCER

Mayor Fitch presented a proclamation recognizing Dr. Jack Spencer.

PROCLAMATION FOR NATIONAL KOREAN WAR VETERANS ARMISTICE DAY

Mayor Fitch proclaimed July 27, 2018 as National Korean War Veterans Armistice Day. He presented the proclamation to members of the Korean War Veterans Chapter 319.

EMPLOYEE SPOTLIGHT PRESENTATION TO MICHAEL WILHELMS – STREET
DIVISION **(STRICKEN)**

AUDIENCE PARTICIPATION: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR
MEETINGS OF JUNE 26 AND JULY 10, 2018.

MOVED by Burk SECOND by Warren to approve the minutes of Lawton City Council regular meetings of June 26 and July 10, 2018. AYE: Morford, Jackson, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

CONSENT AGENDA

MOVED by Warren SECOND by Burk to approve the consent agenda. AYE: Morford, Jackson, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider approving an Agreement for Professional Services between Dan L. Wigington Co. and the City of Lawton to provide professional real estate appraisal expertise related to Western District of Oklahoma, Case CIV-16-1198 M, Pae v. City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Retainer Agreement for Professional & Legal Services.
2. Consider approving an Agreement for Professional Services between Dan L. Wigington Co. and the City of Lawton to provide professional real estate appraisal expertise related to Comanche County District Court, Case CJ-2017-491, Rushing v. City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Retainer Agreement for Professional & Legal Services.
3. Consider approving the annual agreement between 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 in the amount of \$48,348.00, and authorize the Mayor and City Clerk to execute the agreement. Exhibit: Mobile Meals Agreement on file in the City Clerk's office.
4. Consider approving the renewal of the annual agreement between the Senior Center for Creative Living Corporation and the City of Lawton for services to senior citizens in the annual amount of \$15,844.00 and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Senior Center for Creative Living Agreement on file in the City Clerk's office.
5. Consider approving the Proposed Cooperative Program and Memorandum Agreement between the Oklahoma Water Resources Board, the U.S. Geological Survey and the City of Lawton and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Proposed Cooperative Program and Memorandum Agreement (on file with the City Clerk)
6. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: SW 5th Street at the YMCA, 5 SW 5th Street, NW DeBracy Ave. at Lady Marna Ave., NE Cimarron Trail at Pioneer Blvd. and West Gore Blvd. at 6601 West Gore. Exhibits: **Resolution No. 18-56**, Traffic Commission Minutes and Traffic Issue Requests.
7. Consider extending contract for (CL17-032) Emergency Generator Maintenance to Elite Power Services Inc. of Edmond, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

8. Consider awarding contract (RFPCL18-044) McMahon Memorial Auditorium Drainage Project to Joe's Backhoe Service, LLC of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet
9. Consider approval of payroll for the period of July 2 - 15, 2018.

NEW BUSINESS ITEMS:

10. Receive bids for the sale of the \$11,000,000 General Obligation Bonds, Series 2018, and award the sale of the \$11,000,000 General Obligation Bonds, Series 2018, to the lowest bidder. Exhibits: Bid Tabulation Sheet to be distributed at the Meeting.

Ihler stated on February 14, 2017, the voters approved a street improvement CIP in the amount of \$55,300,000 to be funded by ad valorem taxes. This agenda item will award the sale of the second year of the bonds for issuance in the amount of \$11 million. Today at 11 a.m. they received bids from various entities.

Chris Gander, BOK Financial Services, stated on June 12, 2018, the council gave them authorization to go out and solicit bids which were opened today at 11 a.m. They received five different bids. (He distributed a listing of bidders which is on file in the City Clerk's Office). The lowest bid was from Citigroup Global Markets, Inc. at a rate of 2.46%. He recommended that council award to the lowest bidder, Citigroup Global Markets.

MOVED by Burk SECOND by Jackson to award the sale of the \$11,000,000 General Obligation Bonds, Series 2018, to Citigroup Global Markets, Inc. AYE: Morford, Jackson, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

11. Consideration and approval of an Ordinance providing for the issuance of General Obligation Bonds, Series 2018, in the sum of \$11,000,000 by the City of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of the General Obligation Bonds, Series 2018; designating a paying agent/registrar; providing for registration thereof; approving a continuing disclosure agreement; approving the Official Statement pertaining to the General Obligation Bonds, Series 2018; providing for the levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency. Exhibits: Ordinance No. 18-__

Mr. Gander stated this item will authorize the issuance of the bonds and to execute the documents.

MOVED by Burk SECOND Jackson to adopt **Ordinance 18-20**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.
CARRIED.

(Title read by City Attorney)

Ordinance 18-20

An ordinance providing for the issuance of general Obligation Bonds in the sum of Eleven Million Dollars (\$11,000,000) by the City of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; naming a paying agent and registrar; approving a continuing disclosure agreement; approving the official statement pertaining to the bonds; providing for the levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency for an immediate effective date.

Jensen stated a second vote is needed to approve the emergency clause.

MOVED by Burk SECOND Jackson to approve the emergency clause. AYE: Morford, Jackson, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.
CARRIED.

12. Hold a public hearing and consider an ordinance closing the 12.5 foot sidewalk easement on the west side of Lot 5 and the 12.5 foot sidewalk easement on the east side of Lot 6, Block 16, Eastlake Addition, Part 3A, located north of NE Cache Road and west of NE 45th Street. Exhibits: Ordinance No. 18-__ and Location Map.

Richard Rogalski, Community Services Director, stated the developer has requested to close the sidewalk easements in order to prevent future potential title issues on Lots 5 & 6. It is not readily apparent from the dedication language on the record plat that the sidewalk easements are private, as originally intended by the developer. The sidewalk easements were not a requirement of the City of Lawton and were to be installed and maintained by the developer. The sidewalks were never installed. Public Works, PSO, Fidelity, CenterPoint, and AT&T have been notified of this closing and do not have any objections. A notice of public hearing was mailed to 19 property owners within 300 feet of the requested area on June 21, 2018, and was published in *The Lawton Constitution* on July 10, 2018. No objections to this closing have been received by area property owners.

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

MOVED by Burk SECOND by Morford to adopt **Ordinance 18-21**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Morford, Jackson, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.
CARRIED.

(Title read by City Attorney)

Ordinance 18-21

An ordinance closing a 25 foot wide sidewalk easement in block 16, of Eastlake Addition, Part 3A with an effective date of thirty days from today.

13. Consider amending Section 19-4-411, Article 19-4, Chapter 19, Lawton City Code, 2015, regarding the City of Lawton Controlled Elk Hunt permit drawing by establishing both a non-refundable administrative application fee; providing for voiding the application related to any dishonored check and other causes; designating the administrative application fees be deposited within the Lakes Division budget for improvements at the city lakes; providing for severability and declaring an effective date. Exhibits: Ordinance No. 18-___. **STRICKEN**
14. Consider adopting a Resolution amending Article A-19-4, Appendix A, Fees and Charges, Lawton City Code, 2015, regarding the City of Lawton Controlled Elk Hunting Permits by establishing a non-refundable administrative application fee related to the elk hunting permit drawing. Exhibits: Resolution No. 18-___ and Exhibit “A” for Res No. 18-___. **STRICKEN**
15. Consider providing direction to staff regarding whether to begin meeting with representatives of the Town of Medicine Park, OK, to potentially allow City of Lawton property at the Lakes Division Headquarters area on Highway 58, near Lake Lawtonka, to be used to construct and operate a Medicine Park Volunteer Fire Department Fire Station. Exhibits: Proposed Fire Station Site Map and E-mail from Medicine Park Mayor Jennifer Ellis.

Bart Hadley, Assistant City Manager, stated they have received a request from the Town of Medicine Park and the Medicine Park Volunteer Fire Department to consider partnering with them and leasing land at a very low price to build a new Medicine Park fire station on the City Lakes Headquarters property. City staff believes that this could be mutually beneficial to both Medicine Park and the City of Lawton. Before moving forward with any details, staff wanted to know if this is something that the council would be interested in. This particular item is just requesting permission to enter into talks with representatives from Medicine Park. An agenda item would be brought back to council at a later date.

MOVED by Burk SECOND by Morford to direct staff to begin meeting with representatives of the Town of Medicine Park, OK, to potentially allow City of Lawton property at the Lakes Division Headquarters area on Highway 58, near Lake Lawtonka, to be used to construct and operate a Medicine Park Volunteer Fire Department Fire Station. AYE: Morford, Jackson, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.
CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Warren stated there is a group called School of Athens and they have joined forces with Touching Lives Compassionately to do a backpack school provision program to give children the ability to go to school with some supplies. He stated the president of School of Athens is Michael McGill and you can donate to them via pay pal or you can donate at any of the Arvest Banks in town. They currently have \$300, but they need \$600 to start the school year off.

Fortenbaugh stated there is a lot going on at the Lawton Airport. Construction has started on a new fire station and there will be a huge renovation of the terminal. He feels this will benefit the community.

Mayor Fitch stated the City of Lawton's 117th Birthday celebration will be held next Thursday, August 2nd at 5:30 p.m. at City Hall. He stated the Mayor's Award of Excellence will honor the memory of the late Raymond McAllister.

Ihler presented revenue and expenditure highlights for period ending June 30, 2018. (On file in the City Clerk's office).

EXECUTIVE SESSION ITEMS:

16. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of Zatorria Bernard, et al. vs. City of Lawton, CJ-2018-157, and if necessary, take appropriate action in open session. Exhibits: None. **STRICKEN**

There being no further business to consider, the meeting adjourned at 6:40 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK