MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
AUGUST 22, 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 6:00 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 Caleb Davis, Ward Three Keith Jackson, Ward Two Jay Burk, Ward Four (arrived @ 6:45 p.m.) Dwight Tanner, Jr., Ward Five Cherry Phillips, Ward Six V. Gay McGahee, Ward Seven Doug Wells, Ward Eight
ABSENT:	None

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO GLORIA MERCADO

Mayor Fitch presented a Certificate of Commendation from the Mayor's Office to Gloria Mercado.

RECEIVE THE ANNUAL UPDATE OF THE HOTEL/MOTEL TAX FUNDED ACTIVITIES FOR FY 2016-2017 FROM THE LAWTON-FORT SILL CHAMBER OF COMMERCE

Updates were given by Nate Slade, Chairman, and Debra Welch, President of the Lawton-Fort Sill Chamber of Commerce. Dr. Tom Thomas, Director of the Lawton Economic Development Foundation briefed the council on economic development issues. (A copy of the End of the Year Report for 2016-2017 is on file in the City Clerk's office)

AUDIENCE PARTICIPATION:

M. Afzal, President of Lawton Cricket Club, stated he is part of a sponsorship program at the international school at Fort Sill and when people come from other countries they ask if there are cricket facilities in Lawton. He spoke with the park director, Jack Hanna to locate a spot. He agreed to pay for the expenses and the City agreed to do the labor. He thanked everyone for their help and now he can say that the city of Lawton has a cricket ground. He invited everyone to the grand opening on Saturday, August 26th at 10:15 a.m.. The ground is located at 3190 SW Lee.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF JUNE 27, 2017.

<u>MOVED by Wells SECOND by McGahee</u> to approve the minutes of the Lawton City Council regular meeting of June 27, 2017. AYE: Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells, Morford. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

<u>MOVED by Wells SECOND by Burk</u> to approve the consent agenda. AYE: Davis, Burk, Tanner, Phillips, McGahee, Wells, Morford, Jackson. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Angela and Anthony Gibson in the reduced amount of $2,963.85 **(Res. 17-96)**, Clara Sheeran in the reduced amount of $2,087.47 **(Res. 17-97)**, Johnny and Connie Kinder in the reduced amount of $13,236.65 **(Res. 17-98)**, Chris and Dusty Weaver in the reduced amount of $8,846.52 **(Res. 17-99)** and Chris and Dusty Weaver in the reduced amount of $295.00. Exhibits: Legal Opinions/Recommendations, Res. 17-____, Res. 17-____, Res. 17-____, and Res. 17-____.

2. Consider the following damage claim recommended for denial: Benson and Lynda Landrum in the amount of $127.39. Exhibits: Legal Opinion/Recommendation.

3. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in making payment on the judgment in the Workers' Compensation case of Danny Hill in the Workers' Compensation Court of Existing Claims, Case No. 2012-05774A. Exhibits: **Resolution 17-100**.

4. Consider awarding a contract to Accord Systems to handle all Affordable Care Act (ACA) reporting for calendar year 2017 on behalf of the City of Lawton and authorize the Mayor and City Clerk to execute the contract. Exhibits: Accord Customer Agreement.

5. Consider approving an agreement between Fidelity Communications and the City of Lawton for the purpose of converting the existing month-to-month internet service and business telephone service for the City of Lawton Highland Cemetery Office to a two (2) year agreement to maintain the same internet access speed and telephone service already available at the Cemetery office at a reduced cost and authorize the Mayor and City Clerk

to execute the agreement. Exhibits: Internet Service Provider Agreement for Fidelity Communications is on file in the City Clerk's office.

6. Consider approving an agreement between Fidelity Communications and the City of Lawton for the purpose of converting the existing month-to-month internet service at Parks and Recreation Department offices at the Owens Multipurpose Center to a two (2) year agreement at a reduced contract cost and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Internet Service Provider Agreement for Fidelity Communications is on file in the City Clerk's office.
7. Consider approving agreement between Fidelity Communications and the City of Lawton for the purpose of upgrading internet service at the Information Technology Division's computer work room necessary for network staff testing; authorize the Mayor and City Clerk to execute the agreement. Exhibits: Internet Service Provider Agreements for Fidelity Communications are on file in the City Clerk's office.

8. Consider re-approving the Replat of Lots 1-5, Block 6, Saint James Place, Part 1, located between Thornbury Drive and Saint James Place on Wellington Way. Exhibits: Plat Map.

9. Consider re-approving the Replat of Lots 11-13, Block 31, Wyatt Acres, Part 15, located between NW Allison Lane and NW Micklegate Boulevard on NW Taylors Landing. Exhibits: Plat Map.

10. Consider acknowledging receipt of Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 830 linear feet of 8-inch PVC sanitary sewerline and all appurtenances to serve EZ GO #39 located on West Gore Boulevard and SW 26th Street, in the NE/4 of Section 35, T2N, R12W, I.M., Comanche County, Oklahoma. Exhibits: Permit to Construct is on file in the City Clerk's Office.

11. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 1,792 linear feet of 8-inch PVC sanitary sewer line, 1,460 linear feet of 8-inch PVC waterline, and all appurtenances to serve Park Ridge Addition, Part 8, located west of SW 38th Street and south of SW Lee Boulevard, in the NE/4 of Section 3, T1N, R12W, I.M., Comanche County, Oklahoma. Exhibits: Permit to Construct is on file in the City Clerk's Office.

12. Consider acknowledging receipt of a Permit to Construct from the Oklahoma State Department of Environmental Quality for the construction of sanitary sewer lines to the serve the North Wolf Creek Trunk Expansion & Upgrade #4 Project, City of Lawton, Comanche County, Oklahoma. Exhibits: None.

13. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on NE Village Drive, NE Kingsbriar Drive and SW 6th Street. Exhibits: **Resolution 17-101** and Traffic Commission Minutes and Traffic Issue Requests.

14. Consider awarding a construction contract to T&G Construction for the Reconstruction of SE 40th and SE 41st Street with Sidewalk Improvements Project #2015-10 (Asphalt Option). Exhibits: A copy of the contract is on file in the City Clerk's office.

15. Consider approving plans and specifications for the SW Bishop Road Reconstruction Phase 2 Project #2017-02 and authorizing staff to advertise for bids. Exhibits: None.

16. Consider awarding contract for (CL17-032) Emergency Generator Maintenance Contract to Elite Power Services, Inc., of Edmond, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

17. Consider extending contract for (CL17-002) Jail Food and Supplies to Stephenson Wholesale Co. of Durant, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

18. Consider awarding (RFPCL17-025) Cellular Telephone Service to U.S. Cellular of Tulsa, OK. Exhibits: Department recommendation, RFP and proposal packets on file at City Clerk's Office.

19. Consider awarding (RFPCL17-033) Temporary Service Workers to Onin Staffing of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

20. Consider approval of payroll for the periods of July 31- August 13, 2017.

NEW BUSINESS ITEMS:

21. Consider authorizing the use of unencumbered and available 2008 and 2012 CIP sales tax funds, 2015 STE ADA Compliance funds and Fund 35 Bicycle Path/Trailway funds for the East Gore Boulevard/ I-44 Pedestrian Bridge Project #2016-04 State Project TAP3-2988(004) TP, JP No 32988(04). Exhibits: ODOT letter with Awarded Application Status dated October 5, 2016.

Ihler stated in a letter dated October 4, 2016, the Oklahoma Department of Transportation awarded the City of Lawton Transportation Alternative funding for the East Gore Boulevard/ I-44 Pedestrian Bridge. This project is estimated to cost $1,300,000, with ODOT providing $700,000 requiring the City to provide the remaining $600,000 match. On January 24, 2017 and February 14, 2017 this matter was discussed, and a Council Committee was appointed to evaluate funding options to provide the City's $600,000 share for the project. The Council Committee met on August 9, 2017 to discuss the project and various funding alternatives for the City's match. It is recommended that the City's matching funds come from multiple sources in the following amounts:

Fund 35 Bicycle/Trailway …..	$ 200,000
2008 CIP Excess Savings …..	$ 100,000
2012 CIP Excess Savings …..	$ 200,000
2015 STE ADA Compliance ..	$ 100,000
	========
Total City Match ……………	$ 600,000

A review of the 2008 and 2012 CIPs indicate that the revenues collected exceed the expenditures to date, the estimated remaining debt service and the funds needed for the incomplete projects. Several of the projects in these CIP's were successfully bid and awarded in dollar amounts below the engineer estimates to complete the projects. There are, therefore, funds available in the 2008 and 2012 CIP, along with the ADA Compliance and Bicycle Trailway, to provide the $600,000 matching funds required by ODOT for the East Gore Boulevard/I-44 Pedestrian Bridge Project.

Burk stated the committee talked about the project and they are installing the new fencing on I-44. Staff members met with Comanche tribal members and they have agreed to move that temporary light and move that road 750 feet to the east and then they will move both of their roads. That will give people another place to cross the road and come back to the pedestrian crossway on the south side of the bridge. They have talked about helping us get connectivity between that light access area all the way up to the pedestrian bridge. They see all kinds of people going across that bridge which was never designed for pedestrian traffic. He stated they also talked with ODOT about lighting the area. He is thankful that ODOT has come up with $700,000 to help us figure out a way for safe access. Once the fences go up a person would have to climb that fence to get across.

Ihler stated that Comanche tribal members have hired a design engineer to do the design to move Laurie Tatum road to tie in about 750 feet east of the existing road as well as putting in a new traffic light at that location which would be an access point for the casino/hotel.

Burk stated they are willing to fund this project. He stated staff has done a great job in finding the funds to help with this project.

Phillips stated her ward is far west of this bridge, but she has heard from bicyclists that would like to use the bridge, but it is too dangerous. She has also heard that workers use this bridge to come and go from work and she drove over in the morning and the evening and did witness a lot of people walking on the bridge. She stated we have had three deaths crossing that highway and we don't need those kinds of fatalities. She stated she has many nice wide sidewalks in her ward and every ward needs different things. She is having a hard time with this decision.

Tanner stated we need this sidewalk going across Gore. It will be ADA compliant. He feels staff did a great job in identifying the funding for the match and the committee did a great job in working with the Comanche tribe. He feels this is a great proposal.

McGahee stated it is necessary to get from the east side to the west side and she feels this is a good project. She is just concerned that we are pulling money from other sources and she just needs to know if this is a legitimate way to fund this.

Ihler stated $300,000 is coming from bicycle/trailway funding and ADA compliance funding. Certainly that is legitimate and qualifies for this project. The funds from the 2008 and 2012 CIP are from excess savings and council can use those funds for this type of project. The funding is in those programs for the remaining projects that are still under construction. We have the funds available for any debt service that we have incurred over the life of those CIPs.

Jensen stated those are truly excess funds if they are not needed for those two CIPs. We were able to complete some projects below the engineer's estimate and that is why we have excess funds.

McGahee questioned who was on the council committee.

Ihler stated Burk, Tanner, Davis and Jackson.

Davis stated originally he was against this bridge because he did not feel it was a high priority. He still does not feel it is the highest priority, but some other things have changed regarding this plan. Originally the plan was just the bridge, there was no connectivity. He applauds Iher and Burk with working with the tribes. They are not paying for the pedestrian bridge, but what they are contributing far exceeds the cost of the pedestrian bridge. In the long run, the deal is good. He stated we transferred funds a couple months age into these two CIPs and now we are transferring funds again.

Ihler stated we transferred funds from roadway projects that were complete to be able to fund 52nd from Gore to the railroad tracks. He stated they transferred $450,000 from 2nd Street which has been completed There was $1.2 million transferred from SE 45th Street. We had about $1.2 remaining after we had done everything we were required to do so we transferred that money.

Wells stated several months ago we transferred some money to cover the indebtedness because somehow we had overspent 2008 and 2012. That is what Council Member Davis is referring to.

Ihler stated we did transfer funds from the 2012 to the 2005 and 2008 to cover the indebtedness. He stated we still have savings in the 2012 and 2008.

Davis stated the 2008 is not actually from savings because we transferred the $3.34 million to cover the shortfall.

Ihler stated that is correct, it came from the 2012.

Davis questioned if there were any projects in the 2008 or 2012 that were deferred.

Ihler stated he does not believe so.

Davis read a letter from Terese Walker, who was a constituent of Council Member Davis. She requested that the council not approve this item. He does feel that this is not a top priority, but he does like that there is a complete plan and the tribe is involved.

Rocco Bonacci, 3110 Shelter Creek Drive, stated he is concerned with the depletion of the ADA money and he felt that it could be better used on Sheridan Road, but he gives the committee credit for working with the Comanche tribe. He stated they have raised $63,000 for the sidewalk at the veteran's center and there is opportunity on the east side to privately fund the side walks and he would like to help and get other groups involved.

MOVED by Tanner SECOND by Burk to authorize the use of unencumbered and available 2008 and 2012 CIP sales tax funds, 2015 STE ADA Compliance funds and Fund 35 Bicycle Path/Trailway funds for the East Gore Boulevard/ I-44 Pedestrian Bridge Project #2016-04 State Project TAP3-2988(004) TP, JP No 32988(04). AYE: Burk, Tanner, Phillips, McGahee, Wells, Morford, Jackson, Davis. NAY: None. MOTION CARRIED.

22. Consider awarding a construction contract for the City of Lawton Public Safety Facility at the intersection of Railroad Street and Gore Boulevard to the lowest responsive bidder Flintco, LLC of Oklahoma City, Oklahoma. Exhibits: Public Safety Facility Bid Tab Summary with Selected Alternates, Proposed Funding Analysis. Bid Tabulation Summary on file at City Engineer's Office.

Ihler stated as part of 2015 sales tax extension, the top priority of the community was to design and construct a new public safety facility. They hired Dewberry Architects of Tulsa and they been working on the design for the past two years. In June, plans and specifications were approved and they went out to bid for the construction of the facility. They received six bids from contractors and the lowest responsive bid came in from Flintco LLC of Oklahoma City. Their bid was $33, 765,447. As they went through the program and established funding for this project they had set up and programmed approximately $37 million for this particular project and that included the design, the fixtures, furniture and equipment (FF&E), and IT data and testing that is required during the construction. It included the construction cost, interest for the financing and funds for roadway improvements. The design cost for the project was approximately $3 million, FF&E is $2 million, bid is $33.7 million, the financing cost is $3.1 million. The actual cost is approximately $41,939,608 as it relates to when they would include the $2 million for FF&E that we don't necessarily need to award this project, but it is important to set aside the funds and have them available once the project is complete. We are about $4.9 million short as far a program funding and project cost. He stated in 2014 when they were putting together the CIP program and they were talking about construction of a public safety facility, staff didn't have any experience so Chief Smith and Chief Burk attended a conference that was set up for public safety facilities and it was put on by architects that do public safety facilities. One of the presenters from Kansas City helped up look at what kind of money we should set forward as far as programming for this type of facility. The number suggested was $36 million and we programmed $37 million, but since the three years have passed the cost of materials are a little higher than anticipated and some things have occurred as it relates to seismic activity in the state and what you have to do to design and build different structures for different seismic areas. We are about $4.9 million short and to make up the difference in the construction bids they were received as well as the $2 million for the FF&E. They are recommending that some projects be deferred at this point. There was $200,000 for the police station demo and they are recommending reducing that by $100,000. The other four areas that were part of the sales tax extension they recommend, some projects have already been completed from the parks and recreation department and they have a current balance of $1.7 million and they are recommending they reduce that amount and defer $675,000. There is $800,000 in the library and they are recommending deferring $350,000 and the other two projects they have $4.5 million remaining in each of those and they are recommending deferring $1.85 million from each of those two projects and that makes up the difference of the $4.9 shortfall. Those two street projects are West Gore and Rogers Lane. Although street projects are our highest priority, essentially those are joint projects with ODOT and our share is the $4.5 million which includes the design, right of way acquisition and our share of the construction. One reason we recommend those two projects is that we are still leaving $2.6 million in there which allows us to continue with the design. We are in the process of doing the environmental assessment on both projects, so we are able to continue that process on both projects until ODOT comes to us and says they are ready to move forward with their share of funding. Realistically, on Rogers Lane we have to acquire some right of way and history has shown that it takes a little longer than normal when dealing with the BIA and KCA. He also does not think that ODOT will say they have funding for both of these projects, and it is available now. If we were fortunate where ODOT came to us and say they had funding to move forward with these projects, we also have the funding source form the ad valorem street improvements, that is what it is set up for, and the council has flexibility to determine priority as to which projects they want to do with that money. To award the construction project we are $2.7 million short, and this is how we identify moving forward to be able to award this project. The other alternative that council could consider is to reject bids and direct the architect to redesign the current project and try to trim it down to get within the program budget. History has shown that when you go forward and do that and go out for a second bid, very rarely do you receive lower bids than what you received in the first bidding of the original project. In speaking to some of the contractors, there are several projects that are going to be bidding in Oklahoma over the next six to eight months and these are the same contractors that will be bidding on these projects. He stated cost of labor and materials could increase from 5% to 10% over the next year. If we went in and tries to cut the existing project down $5 million you would probably be cutting $6 million to save the $5 million. There would also be a fee for the design engineer and the architect to redesign, with a time frame of six to eight months before we can actually bid it again. Staff is recommending that we go ahead and award the project at this point for the $33,765,447 and that would be in the best interest of the community. He stated over the past year staff have been trimming and cutting trying to get to the budget and unfortunately we just weren't able to get there.

Phillips stated she feels very strongly about the W. Gore project from 67th to 82nd which is the worst street in the ward. She questioned what would happen if ODOT called and said they were ready to fund this, but we had taken that money out.

Ihler stated they could look at if they were able to do the E. Rogers Lane project at this point in time and if we have the funding and ODOT has the funding to be able to do that construction at that time and be able to fund both of those projects at the same time, then we would look at the ad valorem street improvement projects and the funding that part of that $55.3 million dollars and that these two projects would have priority and that we should fund them from that money.

Jackson stated he feels assured that if it came down to it they could pull money out of that $55 million bond issue as a priority item. He is willing to take that risk to get this public safety facility off the ground.

Phillips stated she feels very strongly about this small strip that needs fixing. It is upsetting that the City has put aside that money and yet we haven't received the money from the state. It has been a long time.

Mayor Fitch stated the state budget is in worse shape than the City's. The likelihood of both these projects being ready to go are very slim.

Burk stated on the eastside that is the only way they will be able to get out if they have flooding issues. He has been reassured that this other funding is available, and he has been working on this project for almost 10 years. We can set aside that money until we are ready to fund it but these road projects take forever to become reality and especially the big ones. He feels they are doing everything they can to get to get every road project done as quickly as they can. He feels this $55 million is another option, but until ODOT says they have money available he does not know what else they do.

Phillips questioned what has been started with the W. Gore project.

Ihler stated our engineers are designing the project right now. ODOT is working on the environmental assessment for that particular mile so they are moving forward.

Tanner questioned where we are deferring some of these projects and saving about $5 million, if we add that back into what we already have is that going to help us with buying the FF&E and the IT data.

Ihler stated yes, what they have shown as far as deferring the projects, that will also address and take care of the FF&E once the project is complete. That is part of that $4.9 million.
Tanner stated he is just not ready to decide at this point since we are so far out of budget, he will need a little more time to think about it.

Davis stated they mentioned the $55 million road bond issue, you can stack anything you want to on this, but the bottom line is that some projects are going to be deferred and hoping and guessing what the state will do is a very dangerous assumption and practice to make. We are $5 million over budget and that has to come from somewhere. The people of this city voted on this CIP and he does not understand the thinking that we as council sit back and say that we are going to decide what is more important because we couldn't come up with a design to stay within budget and so we are going to defer certain projects and we are going to usurp the authority they expressed at the ballot box because we happen to control council. He is not familiar with the changes that have been made that increased the cost of construction due to seismic activity in the last two years. He would like to get with Mr. Ihler and see what costs have gone up so substantially. Coming from the construction industry, he is not familiar with that raising our costs a substantial amount. He stated Mr. Ihler stated that cost of construction would go up 5% to 10%, but our cost of construction for things like this and the cost that the City has received on bids for road construction has been flat for some time. The cost of construction going up in six months by 10% is not realistic in the construction industry.

Ihler stated he said 5% to 10% in one year.

Davis stated in one year 10% is not realistic. Six to eight months with a new design, he does not believe that is accurate either. When this went to the ballot box we weren't talking about a public safety facility, Mr. Ihler stated the number one concern was building a public safety facility, that really was not the number one concern. They weren't even talking about an actual public safety facility at that time, they were talking about addressing individual needs individually. The fire station being added on to the public safety facility is something that developed over quite a bit of time and the verbiage isn't even in the ballot to build a new fire station over there, that was addressed at council last year where we are accepting a legal opinion that we can do that and that may be right, but the ballot doesn't state that, the ballot talks about refurbishing and adding on to the existing fire station. The bottom line is the citizens told us what they wanted, we are $5 million over budget and it is wrong in his opinion for us to usurp their authority and defer projects and that is what we are doing. If we take it out of the $55 million road bond then we are going to defer projects that are in the $55 million road bond. In the comment section it talks about once we've started construction we will work to find changes that could result in savings, but construction work is the exact opposite. Change orders are going to be made on this. He spoke to one of the contractors that bid on this project and we are not going to find anymore savings and police and fire have already cut to accommodate the budget. It already not what they wanted and then we are going to go in the middle of construction and try to cut more corners. This is not a good plan and it is $5 million over budget and we are telling the people that we are deferring the projects they voted on. He would implore council to postpone this for 30 days and look at a plan more like the original plan where we are addressing the fire station individually and getting them what they need and a different plan with the police and address their needs. He is suggesting they look at some alternate plans that have been developed over the past few months that could come in at $24 million to $26 million. And if in 30 days they find that everything he has said is ludicrous, then he will vote for it. He just does not think this is the option to take.

Jackson stated this council would never think anything Council Member Davis says is ludicrous, because he feels he does make some good points. He would like to correct one thing, on the actual ballot that they did develop this project list, it was a public safety facility that was voted on by the public and passed by over 80% of the population. The public safety facility did include the police station, municipal court and the jail facility. They knew there was no money in the bank to build a new police station, so they had to make a project list, to fund it and build it. The emphasis on this particular sales tax was public safety and $69 million was dedicated to public safety facility, 18 new police officers, 12 new firefighters as well as outfitting them with vehicles. He understands Council Member Davis' concerns and he agrees with a couple of them. No one likes to hear that we are $5 million over budget, but he is concerned if they reject these bids now and have to come back, the longer they wait it will continue to add cost to the project.

Wells stated he was on the committee and they were asking what everyone needed, and the committee developed a package to supply the funding for that, they didn't design the public safety facility, they came up with a way to get the money to do it. He relied on the chiefs telling them what they needed along with management and putting it together in a package. He has never seen a project that the City has worked on that did not come in normally over what was projected. With the SE water treatment plant, they projected $20 million, and it cost $30. They had to defer some projects then. That is not unusual when you are working four or five years out and trying to put costs together. He stated the committee put together a financial package to do what they were being asked to by staff and the chiefs.

Tanner stated we are deferring these projects like in recreation improvements, what exactly we would be deferring.

Ihler stated in the library there was $800,000 for library rehab at the main and branch locations, we wanted to upgrade the restrooms and lobby areas, new furniture, upgrade technology. We were looking at the HVAC and the chiller. Fortunately, we have been able to do some of those things through the Opterra project. With regards to parks and recreation, it would be dealing with some playground and fitness equipment, some outdoor walking paths, and walking trail lighting. Some of the walking trail lighting in Elmer Thomas Park I think we will be able to do with the Opterra project. They can do some of these and then restore some of the existing sports facilities.

Tanner stated some of these other projects he could see deferring but like with the library it would upset some of his family members. He wanted to possibly look at some other options. He does not want to vote on this today.

Ihler stated our bid document and our bids good for 30 days from the date of the bid opening and we are close to being there.

Tanner questioned how much time we had left.

Ihler stated the City Engineer stated we opened bids three weeks ago, so we are at 21 days now. The bid is good for 30 days.

Burk stated there is nothing on this list he wants to cut. He worked to make sure that they had stuff on the ballot for quality of life and things for people to do. Staff knows he does not like postponing $675,000. When they sat down to write the public safety tax and this plan it was because police and fire came to him about the conditions they work in, the vehicles they drive and the shortage of officers. He and Council Members Jackson and Wells started looking at a plan and looked throughout the entire state at what everyone else did to come up with capital improvement projects for public safety. He started making phone calls to those city managers about their public safety tax. He is concerned about postponing this for 30 days because if we are at 21 days and at 30 days the bids become void, he is in a pickle and he feels no one deserves to work in that facility that we have them working in now and he does not know if waiting six or eight months makes that any better. He stated the citizens voted 80% to do this and that is what they expect us to do.

Phillips stated she is aware that without that ODOT funding she can’t get that road fixed because we don’t have the money which is discouraging.

Tanner stated there is no doubt in his mind that we are going to get a new police station and we are going to get a new fire station. But when you are deferring all these other projects that the citizens voted for he is not really sure that is the way to get this specific police station and this specific fire station and he doesn’t like to be pressured into spending $5 million, he likes to think about things a little bit. It is not his money, it belongs to the citizens. He just wanted a little more time, even if we have to call a special meeting seven days from now. He does want to have a little more time to think about it and he would like to see some alternatives. He cannot vote for deferring improvements at the library.

Phillips questioned what they would do at the meeting.

Tanner stated it is not what we would do at the meeting it is what we do before we get to the meeting. We get with staff and do a little brainstorming and maybe come up with a few alternatives to be presented at this meeting and at that point we can vote it up or down.

McGahee stated at this point it is a matter of if we want a public safety facility and the citizens have spoken. The police need to be out of the building they are in. She is against cutting projects, but she does not know if there is another way of getting it done. If ODOT calls in on one of the projects we actually have the full amount for one of the projects with the money remaining. It is a hard decision, but the public did ask for a public safety facility and public safety is the number one concern of the citizens. She questioned if it was the council's decision to determine whether or not they are willing to spend that additional amount of money to fund this project.

Jensen stated the state laws says that you can do either or general purposes for a sales tax. If you choose to do limited purposes, like specific projects, then your goal is to try to complete as many of those specific projects as the voters approved. But the ballot language everyone keeps talking about starts out like this because you can never predict whether you will have extra money or excess funds or you are not going to have enough. It says "It is hereby declared to be the purpose of this article to provide revenue for funding capital improvements and operational expenditures, as established by the governing body of the city from time to time, to include the following projects and expenditures to the extent legal and practical as funding generated by the tax renewed and extended by this article allows". You are bound by state law to try to complete every project on there but you may not be able to and that is what that language recognizes. You could have an illegal project like we had years where a landfill sale was going to be illegal to construct because we couldn't get a permit, so we had to scrap it. You could also have a project like we had on Gore Boulevard from 67th to 82nd where it became impractical because we didn't get the money at that point in time that we needed it. That is what that language is designed to address. The issue with the fire station being on the ballot, and it was on the ballot as a separate facility to improve the current fire station headquarters and expand it, the information he started receiving from city staff stating that it is going to be impractical to pour money into that facility and make it a real fire station headquarters. If the council is convinced that was the case, and they were at that point in time, that it was impractical to try to expand and remodel that current headquarters, that is why his legal opinion, pursuant to this language, that we could combine the facilities. You need to try to do these facilities, you cannot breach the trust of the voters.

Jackson stated this was something they did not enter on a 30-day period. They studied this project list for about 7 months and explored all the options they could, and he feels they put together a really good package.

MOVED by Morford SECOND by Jackson to award a construction contract in the amount of $33,765,447 to Flintco, LLC of Oklahoma City for the City of Lawton Public Safety Facility.

Davis stated if the question is being called for they have to have a 2/3 vote to stop debate and he is not finished with the debate part of this.

Mayor Fitch questioned if he wanted to call for a vote to stop the debate.

Davis stated he does not, but Mr. Morford made a motion when we were in the middle of debate. He will retract that and just make a substitute motion to definitely postpone the vote on this project, and that is not cancelling the project or rejecting the bid, but definitely postponing the project and call for a special council meeting.

Tanner questioned if that would be seven days from now.

Davis stated he guarantees that with a simple phone call the construction company will add 15, 20, 30-day extension. It is done all the time and is very common.

SUBSTITUTE MOTION by Davis SECOND by Tanner to definitely postpone the vote on this project for seven days.

Mayor Fitch stated staff has look at this and they have looked at every corner there is and he feels they have come up with very good plan. He does not see how another 7 days is going to change all the work and research Mr. Ihler and staff has done.

Davis stated the police will get a new facility and this is a two-year project. The police have already evacuated one of their floors and something will have to be done there regardless of this project. If they vote this project in now, it is not going to do anything for the current position that the police department is in. He stated 80% of the voters voted for this, they didn't just vote on the public safety facility, they voted on all these projects including the projects that we are now telling them that we are going to defer. Mr. Jensen stated it is our legal obligation to do everything in our power to complete all that is on this list. This current design and plan may not be able to come under budget, but he has gone through it with one of the contractors that bid on this, a completely separate idea with not putting it all in one conglomerate, and again it was not the idea from the outset. The fire station was to be refurbished and the engineers thought with what they were doing at that time, it was not practical. With the building of fire station #8, one of the trucks that was housed at fire station #1 is no longer there, there is only a need for one bay being built and there is no need to acquire land to the east of that fire station, the land that the city already owns is sufficient to build on. He would like for the council to look at the plan that one of these contractors came up with that would come in at a substantial savings and it ensures that we are performing our legal obligation of making sure that there is no way that we can fund all these projects. The citizens voted on the entire ballot and it is our obligation to make sure that their vote counts.

Mayor Fitch stated the substitute motion on the floor is to delay this for 7 days and try to figure out other ways to do it.

Phillips questioned if it was other ways to build it.

Mayor Fitch stated other ways to come up with the $5 million.

Davis stated this is incorrect, that is not his motion. He is against spending an extra $5 million and deferring projects. He is against going over budget. There is another plan that he has been through with one of the contractors, police and fire, and it doesn't take 30 minutes to go over. He would like council to look at it and it would come in under budget.

Jackson questioned the exact motion.

Mayor Fitch stated he can put a motion up to not accept this item, period.

Jackson requested that Davis restate the motion.

SUBSTITUTE MOTION by Davis SECOND by Tanner to definitely postpone this item for seven days.

Tanner stated the purpose for making this motion was to present alternative ideas.

McGahee questioned if this alternative idea could be discussed now.

Davis stated he would like to have the contractor and a couple others to be present to include both chiefs.
Mayor Fitch questioned if this contractor submitted a bid on the original project.

Davis stated it was one of the contractors involved in this project.

Mayor Fitch questioned where we were legally in delaying this and then listening to a non low bidder.

Jensen stated they are not going to listen to somebody representing a bid, they will be listening to an alternate plan apparently, he does not know what the situation is exactly.

Davis stated this was a contractor involved in this, this was not involved in this project. This was a contractor that is sick and tired of working and doing projects in the city of Lawton because of the bologna that he had to deal with and turned down bidding this project and is not interested in submitting a bid on this project but is a professional that can handle the scope of work of this project.

Mayor Fitch questioned who this contractor is.

Davis stated he is not at liberty to say that right now.

Mayor Fitch stated why we don't be transparent.

Tanner stated he feels we can postpone this for 7 days.

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

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

23. Consider repealing Council Policy 10-3 pertaining to the Collection of Fees at the Sanitary Landfill, immediately. Exhibits: Council Policy 10-3.

Jensen stated the two items that follow this policy on landfill fees, an ordinance and resolution, he previously recommended that we don't need a council policy on landfill fees, it can be interpreted as conflicting with what our ordinance says. He stated this should all go into an ordinance and not a separate document.

MOVED by Tanner SECOND by Wells to repeal Council Policy 10-3 pertaining to the Collection of Fees at the Sanitary Landfill, immediately. AYE: McGahee, Wells, Morford, Jackson, Davis, Burk, Tanner, Phillips. NAY: None. MOTION CARRIED.

24. Consider an ordinance pertaining to Refuse Fees and Charges amending Section 22-1-4-144, Division 22-1-4, Article 22-1, Chapter 22, Lawton City Code 2015, by authorizing a gate fee for all deliveries to the City landfill to be deposited in a special account, establishing an allowable number of residential solid waste deliveries to the City landfill at no additional charge, providing for severability and establishing an effective date. Exhibits: Ordinance 17-__.

Jensen distributed an amended ordinance. He stated several strike out and underlines were omitted.

Larry Wolcott, Public Works Director, stated at the June 13, 2017 meeting, Council established a landfill committee to discuss Council Policy 10-3 in an effort to eliminate conflicting provisions in the policy and City Code, along with clearly specifying the criteria under which disposal of residential solid waste at the City's landfill at no charge, will and will not be permitted to address misuse. The committee is also proposing a nominal gate fee of $1 for all deliveries to the landfill, including by residential customers, to be deposited in a special account for infrastructure improvements in each Councilmember's ward. Based upon the committee's recommendations, this ordinance amends City Code by authorizing a gate fee for all deliveries, designating several six (6) annual solid waste deliveries that can be accepted at no charge (other than the gate fee) per active utility account for Lawton residents and owners of multifamily apartment complexes. Subsequent deliveries following the initial six (6) will be assessed at the standard rate, currently $35.00 per load, per ton. It also requires the residents that are hauling the waste to present a copy of their active utility bill showing a charge for refuse service along with a driver's license matching the account holder's name or address.

Morford questioned how they are free trips if we charge them $1.

Wolcott stated the only fee charged would be the $1 charge. There would be no tipping fee associated with their waste.

Tanner stated there has been a problem with fraudulent dumpers at the landfill disguising themselves as residents when they were actually contractors. Giving the residents six free deliveries will limit this activity. The 50% of residents don't even use the landfill. The gate fee of $1 is a reasonable fee. It will not go into the general fund, it will be distributed evenly between the council wards to be spent on repairs in the wards and 10% of the gate fee will go o Lawton Enhancement Trust Authority (LETA) for landscaping improvements.

Morford questioned how many people go through the landfill a day.

Tanner stated approximately 350 people a day.

Wells stated there are commercial haulers that deliver large amounts to the landfill.

Wolcott stated the large commercial haulers are 2,000 tons a month.

Wells stated we are going to charge them $1 per truck when they are already giving us $100,000 a year. He feels this is strange that they would have to pay a gate fee.

Tanner stated after a certain amount of tonnage they pay less than citizens. We are giving them a break already.

Phillips questioned how much this would be.

Wolcott stated it would generate approximately $65,000 per year.

Burk stated some commercial haulers are spending hundreds of thousands of dollars in our landfill and have they been included in this plan.

Wolcott stated no, this just came from the council committee.

Wells stated he is against the $1 for residents. They spend enough on their water bill and he is against adding anything else.

Jackson stated there is a problem with people cheating the system at the landfill and the committee had a tough job in figuring something out. He is going to support this.

Wells stated the problem needs to be solved but he is against the fee.

Tanner stated this nominal fee is going back into the community for repairs in the wards and will allow LETA to continue to maintain the landscaping that leads to the landfill.

Davis stated this a point of use charge and citizens are sick and tired of us going up on the water bill. We lack collection and point of use. These funds will be used to address infrastructure problems. This is a citizen friendly policy.

Wells stated he does not feel it will raise that much money.

Tanner stated the funds will be used to make infrastructure improvements in each ward. Council members will determine what improvements will be made.

McGahee questioned if $1 will even cover administrative fees. She feels this is a good plan.

MOVED by Jackson SECOND by Tanner to adopt **Ordinance 17-27**, waive the reading of the ordinance, read the title only and establishing an effective date of January 1, 2018. AYE: Wells, Jackson, Davis, Burk, Tanner, Phillips, McGahee. NAY: Morford. MOTION CARRIED.

(Title read by City Attorney) Ordinance 17-27

An ordinance pertaining to refuse fees and charges amending Section 22-1-4-144, Division 22-1-4, Article 22-1, Chapter 22, Lawton City Code 2015, by authorizing a gate fee for all deliveries to the city landfill, establishing an allowable number of residential solid waste deliveries to the city landfill at no additional charge upon presentation of a residential utility bill and corresponding driver's license, providing for severability and establishing an effective date of January 1, 2018.

25. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, by authorizing a gate fee, establishing an allowable number of residential solid waste deliveries to the City landfill at no charge (other than the gate fee), and establishing an effective date. Exhibits: Resolution 17-__.

MOVED by Jackson SECOND by Tanner to adopt **Resolution 17-102**. AYE: Jackson, Davis, Burk, Tanner, Phillips, McGahee. NAY: Morford, Wells. MOTION CARRIED.

26. Considering approving an ordinance pertaining to hunting amending Section 19-4-412, Article 19-4, and Section 19-6-603, Article 19-6, Chapter 19, Lawton City Code, 2015, by changing the authorized hunting period at Lake Ellsworth and prohibiting the operation of land recreational vehicles during the same; providing for severability; and establishing an effective date. Exhibits: Ordinance 17-__.

Jack Hanna, Parks and Recreation Director, stated there is some language that needs to be changed.

Jensen stated between the two co-sections that are being recommended for change under 19-4-412 they would also strike the word "the last Saturday in" and it would read "is permitted only from October 1 through January 15 of each year".

Hanna stated this make hunting at both lakes parallel with each other.

MOVED by Burk SECOND by Jackson to adopt **Ordinance 17-28** as amended, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Jackson, Davis, Burk, Phillips, McGahee, Morford. NAY: None. ABSENT: Wells, Tanner. MOTION CARRIED.

(Title read by City Attorney) Ordinance 17-28

An ordinance pertaining to hunting amending Section 19-4-412, Article 19-4, and Section 19-6-603, Article 19-6, Chapter 19, Lawton City Code, 2015, by changing the authorized hunting period at Lake Ellsworth and prohibiting the operation of land recreational vehicles during the same; providing for severability; and establishing an effective date.

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Phillips stated she attended two women's events last week.

Tanner stated the NAACP hosted a community trust pact which was very successful.

Mayor Fitch stated the Alzheimer's walk will be Saturday at 8 a.m. at Elmer Thomas Park.

The Mayor and Council convened in executive session at 8:54 p.m. and reconvened in regular, open session at 10:04 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEM:

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

Jensen read the title of item #27. No action was taken.

28. 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 Jerry D. Rushing and April M. Rushing, husband and wife vs. City of Lawton and the Lawton Water Authority, CJ-2017-491, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #28. No action was taken.

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

This item was stricken.

30. 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 #30. No action was taken.

31. 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 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 #31. No action was taken.

There being no further business to consider, the meeting adjourned at 10:05 p.m. upon motion, second and roll call vote.

____
FRED L. FITCH, MAYOR

ATTEST:
____
TRACI HUSHBECK, CITY CLERK