MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
SEPTEMBER 26, 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 Pastor Bob Weger, Bible Baptist Church, 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
Dwight Tanner, Jr., Ward Five (Arrived @ 6:05 p.m.)
Cherry Phillips, Ward Six
V. Gay McGahee, Ward Seven
Doug Wells, Ward Eight

ABSENT: None

PROCLAMATION FOR LAWTON BUSINESS WOMEN'S WEEK

Mayor Fitch proclaimed September 25 – 29, 2017 as Lawton Business Women's Week

AUDIENCE PARTICIPATION:

Buford Rooks, 6410 NW Compass Drive, stated he attended the council meeting two months ago to inquire about the restrooms at Lake Ellsworth that have been closed since the last week of February and he wanted to know when they would be open.

Bart Hadley, Assistant City Manager, stated they hope it will be before the spring season, sometime at the end of this year or the beginning of next year. We are waiting on a grant from the federal government.

Mr. Rooks questioned if they could waive the boathouse fees.

Mayor Fitch stated that would be something that parks and recreation would have to discuss and bring back to the council.

Hadley stated there are working port-a-potties out there that are serviced at the beginning and end of every weekend.

Timothy Loftis, 2704 NW 52nd Street, stated Cache Road has no sidewalks and it is not very bike friendly.

Ihler stated in the past five years the City has started requiring sidewalks as part of development within the community. As there is redevelopment a sidewalk will be installed, but in order to get sidewalks on those older businesses it would have to be part of a capital improvement project. As part of the 2015 sales tax extension there was $1 million allocated to make ADA improvements which does include sidewalks along some of the major arterials. He stated on tonight's agenda there is an item to put in a new sidewalk on Lee Boulevard between 26th and 27th. They are working off of a priority list put together by the ADA committee.

Mr. Loftis stated on 17th Street between Lee Boulevard and G Avenue, the road is torn up.

Ihler stated the project from 17th Street to Lee Boulevard is a potential project to be funded by the $55.3 million ad valorem roadway improvement project. Council will review that list every 2-3 years.

Mr. Loftis stated 52nd Street in that same area has big dips and bumps in the road.

Ihler stated that was also one of the projects put on that same list.

Wells stated on 52nd Street from Gore to the railroad tracks will have a new sidewalk with the new construction going on.

Mr. Loftis stated he is interested in building a park and community center on 52nd Street between Rogers Lane and Quanah Parker and he is currently doing a fundraiser on Go Fund Me.

Jeremy Peterson, 3007 NE Heritage Lane, stated he has a trailer business and he has gone through six trailers rims and tires in nine months because Rogers Lane is horrible from I-44 to Flower Mound. He questioned when this stretch of Rogers Lane will be addressed.

Ihler stated in the 2015 sales tax extension there are funds to match ODOT and provide the design for the first mile from I-44 east into the entry to Garden Village. He stated they did look at the potential of deferring some of that in order to move forward with a different project, but ODOT is scheduled to do the interchange at I-44 and Rogers Lane and they are looking at a November bid letting and that project would start in February or March and that is a year to a year and a half project. Once that project is complete then we would try to move forward with the next phase which would be that mile from I-44 to the access to Garden Village. The second mile from Garden Village to Flower Mound would come sometime after that. That may need to be broken up into a third phase because there are multiple bridges on that project. He stated the completion of this project is 2-4 years out.

Mr. Peterson stated the worst part of that road is that second mile. He questioned if that road will be widened.

Ihler stated yes, the first mile will be five lanes and the second mile will be five lanes except when you transition to the bridge over East Cache Creek, which are four lanes.

Mr. Peterson questioned the status of the widening project on 45th Street. He stated the yards have been torn up and now there is nothing going on.

Ihler stated that was an ODOT matching project and they are administering the project. They awarded the project to a contractor in September and the construction should start after the first of the year.

Mr. Peterson stated he is baffled that this city does not have sidewalks, especially where there are schools. He feels that situations like that should be the number one priority for the city right now.

Jackson stated with regards to the main arterial streets, the City has money available in the bank, but we sit around and wait on ODOT to do their matching funds because we just don’t have enough money to fund a major street by ourselves.

Mr. Peterson questioned the sidewalk issue on these arterial roads.

Ihler stated the older arterials that were constructed ten years ago did not include sidewalks. Any arterials that we are constructing today or in the future will have sidewalks and bike paths.

Wells stated in the 2000’s the council said that any development will now have sidewalks. In older residential areas, as a street is rebuilt, sidewalks will be put in at that time.

Ihler stated when we do residential streets today, we typically do the sidewalk on one side of the street.

Mr. Peterson stated his question about sidewalks is one of safety. It is different depending on where you are at in the city. The issue in front of Eisenhower Middle School is definitely one of safety, and he feels that is as important as a stoplight going up.

Wells stated a sidewalk will be done in the area from Gore to the railroad tracks when the new project is constructed. There will also be a sidewalk going from Gore back to Columbia on 53rd Street.

Burk stated that citizens don’t understand that we are the only state that does not get our money back to decide what streets we do. He stated ODOT decides for us what streets we do and how fast we can get them done. They tell us how much we get back and what our priority is. He has felt that Rogers Lane is a priority because the east side needs accessibility when it floods. That is a $17 million project for phase one and we would never have enough money to do that without getting some of our tax money back. We don't get ad valorem money for everyday operational expenses in the city, it has to come back to us. He stated they need to go to legislators and say we need to change the laws and let us decide what our priorities are and then we can solve these problems.

Ihler stated ODOT does not set the priorities with regards to sidewalks within the city limits, it is only when we get a matching project.

Jackson stated in Comanche County the city of Lawton produces most of the gasoline tax and most all the gasoline tax goes to the county.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF SEPTEMBER 12, 2017.

<u>MOVED by Wells SECOND by McGahee</u> to approve the minutes of the Lawton City Council regular meeting of September 12, 2017. AYE: Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells, Morford. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

Mayor Fitch stated items #3, #5, #6 and #8 will be discussed separately.

<u>MOVED by Wells SECOND by Burk</u> to approve the consent agenda with the exception of items #3, #5, #6 and #8. AYE: Davis, Burk, Tanner, Phillips, McGahee, Wells, Morford, Jackson. NAY: None. MOTION CARRIED.

1. Consider ratifying the City Manager's actions entering into an agreement with Quasar Data Center of Houston, Texas for professional services providing assessment and remediation assistance to the City's IT division. Exhibits: Quasar Professional Services Agreement.

2. Consider approving annual funding for the 4th Annual Freedom Festival set for Saturday, June 30, 2018 in the amount of $65,000 as established in Resolution 14-139. Exhibits: Resolution 14-139.

3. Consider accepting a donation in the amount of $7,500.00 from the Cancer Centers of Southwest Oklahoma, in appreciation for the City's continued support of the Spirit of Survival running and bicycling event. Exhibits: None.

Lane Hooton, Cancer Centers of Southwest Oklahoma, stated this will be the 12th Annual Spirit of Survival and they are grateful for the support from the community. He stated the police department, parks and recreation department and the street department have been a tremendous help to them. He stated this is a small donation to help defray some of the ongoing costs.

MOVED by Wells SECOND by Tanner to accept a donation in the amount of $7,500.00 from the Cancer Centers of Southwest Oklahoma. AYE: Burk, Tanner, Phillips, McGahee, Wells, Morford, Jackson, Davis. NAY: None. MOTION CARRIED.

4. Consider accepting bids offered for two tracts of city-owned land previously declared surplus, authorizing staff to process all documents for and finalize the sale of these two properties, authorizing the Mayor to sign contracts of sale, quit claim deeds and other closing documents. Exhibits: Memorandum from Parks and Recreation Director referencing surplus auction of city-owned real property.

5. Consider authorizing staff to prepare Requests for Proposals for the design of 2017 Ad Valorem Street and Roadway Improvements Bond (Residential) projects within the eight City wards. Exhibits: 2017 Ad Valorem Street and Roadway Improvement Summary, Exhibit "A".

Ihler stated Exhibit A addresses the specific project that will be done. Since this item was put together there have been some additional requests for changes. One is in Ward 3 as a result with the discussions that occurred with the EZ-Go construction on Cornell and 26th Street. Councilmember Davis has asked that they include the reconstruction of Cornell as well as 26th Street. The second change is to Ward 1 and Councilmember Morford would like to lock down the projects to include NW 40th Street from 38th to 39th as well as NW 24th Street from 23rd to Cache Road. Tonight the council is voting to approve these projects and utilize the funding source for the design which will come from residential street funding from the 2016 sales tax. Once we go to construction next year, that funding will come from the ad valorem roadway improvements that were approved in February. It will be somewhere in the $475,000 to $500,000 for design of all of those projects. This will allow staff to go out and receive proposals to hire an engineer to do the design on all of these projects so that they can get them ready when they get next year's funding around the July timeframe.

MOVED by Wells SECOND by Morford to authorize staff to prepare Requests for Proposals for the design of 2017 Ad Valorem Street and Roadway Improvements Bond (Residential) projects within the eight City wards. AYE: Tanner, Phillips, McGahee, Wells, Morford, Jackson, Davis, Burk. NAY: None. MOTION CARRIED.

6. Consider awarding a contract for the Water Line Emergency Replacement Requirement Contract Project 17-3 SSES to WEB Construction, Inc. Exhibits: The bid tabulation and contract is on file in the Field Utilities Maintenance and Construction Department office.

Phillips stated she received many calls where sidewalks, driveways or easements in a resident's yard had been torn up because the City had to replace the sewer or water line. The City got behind on these projects and it may take six months to fix. She stated staff has made some changes so that there will not be that lag time anymore.

Ihler stated there are a couple of requirement contracts that are in place that we started in the past year and there is a requirement contract for street replacement, sidewalk replacement and driveway replacement for waterline replacement projects. They did that because there is such a large back log and it could take from six months to a year to get some of those replaced. With this particular contract we have included the concrete portion of replacing the driveway and replacing the sidewalk. The bids we have received are similar or possibly even less for the concrete replacement. When we do a project with someone to repair some of those backlogs we will have them do the concrete and the driveways and sidewalks along with the water line replacement so they will get done quickly in an effort to try to reduce that backlog. He stated the citizens can also go ahead and retain a contractor to do the work also as long as it is inspected by our group and the cost is not greater than our retainer contract.

MOVED by Phillips SECOND by McGahee to award a contract for the Water Line Emergency Replacement Requirement Contract Project 17-3 SSES to WEB Construction, Inc. AYE: Phillips, McGahee, Wells, Morford, Jackson, Davis, Burk, Tanner. NAY: None. MOTION CARRIED.

7. Consider awarding a construction contract and authorizing the expenditure of 2015 Sales Tax Extension – ADA Compliance Fund for the Priority #1 (located on SW Lee Boulevard between 26th & 27th Street in front of DHS building) Sidewalk Accessibility Project 15-5 SSES Contract to the lowest bidder, Thomas Espinoza, DBA TE Construction Company. Exhibits: The written quotes and tabulations are on file in the Field Utilities Maintenance and Construction Department office.

8. Consider awarding a construction contract to Luckinbill, Inc. for the Section 26 NE Quarter Waterline Project #2017-01 located South of Gore Blvd. & East of Sungate Addition. Exhibits: Bid Tab Sheet and Contract on file in the City Engineer's Office.

Mayor Fitch stated this item should say Section 35 NE instead of Section 26 NE.

Ihler stated that the section that staff identified was incorrect.

MOVED by Wells SECOND by Tanner to award a construction contract to Luckinbill, Inc. for the Section 35 NE Quarter Waterline Project #2017-01 located South of Gore Blvd. & East of Sungate Addition. AYE: McGahee, Wells, Morford, Jackson, Davis, Burk, Tanner, Phillips. NAY: None. MOTION CARRIED.

9. Consider awarding the construction contract for the Lawtonka Dam Gate Rehabilitation Project to Timco Blasting and Coating, Inc. Exhibits: Bid Proposals at W/WW Office.

10. Consider approval of payroll for the periods of September 11 - 24, 2017.

NEW BUSINESS ITEMS:

11. Consider approving a budget resolution to amend the City's Hotel Motel FY 2017-2018 budget to enable reimbursements to be dispersed to the Chamber of Commerce and the Lawton Enhancement Trust Authority, (the Authority), for additional revenues collected above budget during the City's FY 2016-2017 as per the City's approved agreements with both entities in effect during the FY 2016-2017; as well as the approval of the amended

Chamber of Commerce 2017-2018 Hotel Motel budget, as well as the Authority's amended budget for FY 2017-2018, to account for such additional funds. Exhibits: Budget Resolution No. 17-__, Budget Amendment Form FY2017-2018, Lawton Chamber of Commerce amended FY2017-2018 budget, Lawton Enhancement Trust Authority amended FY2017-2018 budget.

Tanner stated this is in our contract that any of these overages go to the Chamber.

Mayor Fitch stated they are to receive 70% and when the money comes in over budget, that overage always went into the reserve rather than being part of the 70% of the total revenue.

Tanner stated if they wanted to make some changes they could do so next year.

<u>MOVED by Tanner SECOND by McGahee</u> to approve **Resolution No. 17-103**.

Davis questioned what they were reimbursing here. What has been spent that they are reimbursing with this money.

Wells stated they allocated them a certain amount in the budget and every month they have to send us a list of all their expenditures with all of the invoices and everything else and that is audited by our accounting department and then reimbursed at that point. They don't get that money up front, it is on a monthly basis based on the expenses they have.

Davis stated they are not actually reimbursing anything, they are imbursing.

Ihler stated the contract stated that we will provide them 70% of the actual collection. We prepared a budget with an estimated amount and we actually collected greater than what was estimated in the hotel/motel tax. We need to pay them 70% of what was actually collected per their contract.

Tanner stated this is part of the contact we have made and next year he would prefer to look into putting this money into our economic development fund to get some shovel ready projects available.

Davis stated in the current contract we are obligated to give 70% of that and why this is on the agenda is because we are proposing to give 100% of the overages collected.

Ihler stated no.

Davis stated we are giving 70% of the overages collected. He stated we are imbursing them, not reimbursing them.

Jackson stated there is an actual council committee that speaks on an annual basis with the Chamber regarding this contract.

VOTE ON MOTION: AYE: Wells, Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee. NAY: None. MOTION CARRIED.

12. Consider providing direction to prepare a memorandum of understanding between the City of Lawton and the Lawton Chapter of the NAACP to promote quality policing, communication and accountability between Lawton Police Department and the citizens of Lawton. Exhibits: None.

Ihler stated several months ago Dr. Luckey submitted a proposal to create a committee that would work with the police department to try to improve the quality of life and promote open communications while working with the police department on community and police issues. He has received two suggestions on this particular item. One suggestion was to table this item because there is a misconception that this is an oversight committee. After meeting with Dr. Luckey and some others, this is not an oversight committee. One suggestion was to work with the council committee that reviewed policing issues from the Fidelis report to promote the open communication between the police and community. The second suggestion he received was to go ahead and have staff work with Dr. Luckey on preparing the MOU along with the council committee.

Tanner stated this is just an initiative by the NAACP, they are not going to be in charge of this, this is going to be a diverse volunteer group to promote cooperation, not only in the black community, but the Hispanic community, the Korean community, all parts of the community. This is not going to be governed by the NAACP. He stated this will open up a line of dialogue and communication in case something comes up with different groups in the community and the NAACP is just initiating this, they are not here to take it over and govern it. This is community oriented policing. This group, if formed, is not about telling the police department how to do their job. This is just about opening up dialogue with different segments of our community in a pro-active way.

<u>MOVED by Tanner SECOND by Phillips</u> to prepare a memorandum of understanding between the City of Lawton and the Lawton Chapter of the NAACP to promote quality policing, communication and accountability between Lawton Police Department and the citizens of Lawton.

Wells stated as chairman of the Fidelis committee he was asked by several people to ask that this be tabled to no later than the second meeting in October, and have the Fidelis committee, which was the public safety committee, to get together and talk with staff, Dr. Luckey and others and find out what it is we are really trying to do. He spoke with Dr. Luckey and he is agreeable to wait until the second meeting in October.

Tanner stated he would withdraw his motion.

<u>MOVED by Wells SECOND by Tanner</u> to table this item to no later than the second meeting in October.

Jackson stated he feels a little uncomfortable about approving an item on the council agenda before an MOU is put together. He supports tabling this item.

Tanner stated they are not approving anything, this is just to let the committee and staff hash out the ideas and make it work out.

Ihler stated that Rosemary Bellino was an original member of the Fidelis committee and they need to fill that vacancy.

Wells stated the other members of the committee are Councilmembers Jackson and Burk. He would recommend Councilmember Davis to fill the vacancy. He stated he will be calling a meeting as soon as possible.

VOTE ON THE MOTION: AYE: Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells, Morford. NAY: None. MOTION CARRIED.

Tanner left the meeting @ 6:55 p.m.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

J.I. Johnson, Finance Director, presented revenue and expenditure highlights for period ending July 31, 2017. (On file in the City Clerk's office).

Wells requested that the council receive the monthly and annual totals on the Lawton Marketplace and the Lawton Town Center. He stated he attended a meeting at Fort Sill and it looks like great things are ahead for Fort Sill. He stated he attended the 63rd annual NAACP banquet on Saturday.

Phillips thanked Mr. Ihler for speaking at a meeting of the Women United for America. She stated Mr. Ihler spoke to them about the city budget.

Mayor Fitch stated there are fantastic things getting ready to happen at Fort Sill and in the Lawton/Fort Sill community. We are going to see some numbers and training increase at Fort Sill which will bring in more support personnel.

The Mayor and Council convened in executive session at 7:07 p.m. and reconvened in regular, open session at 8:01 p.m. Roll call reflected all members present excluding Tanner.

EXECUTIVE SESSION ITEM:

13. 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.

Jensen read the title of item #13. No action was taken.

14. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Jonathan and Kelly Crouse and, if necessary, take appropriate action in open session. Exhibits: None. **THIS ITEM WAS STRICKEN**

15. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations regarding 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 #15.

MOVED by Wells SECOND by Burk to approve a contract with the International Association of Fire Fighters (IAFF), Local 1882 for the FY 2017-2018 and FY 2018-2019 providing for among other things in FY 2017-2018: freezing employee steps, a 2% cost of living increase effective January 29, 2018, increasing starting pay to $41,030.00 effective June 18, 2018, providing a one time public safety incentive of $2,950.00 less all withholdings to eligible employees and for FY 2018-2019: unfreezing employee steps for eligible employees, providing a one time public safety incentive of at least $2,500.00 less all withholdings to eligible employees with a possibility of a reopener to discuss increasing the incentive to $2,950.00 if sufficient public safety sales tax funds are available. AYE: Phillips, McGahee, Wells, Morford, Jackson, Davis, Burk. NAY: None. ABSENT: Tanner. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 8:03 p.m. upon motion, second and roll call vote.

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FRED L. FITCH, MAYOR

ATTEST:
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TRACI HUSHBECK, CITY CLERK