

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
OCTOBER 12, 2010 – 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Fred L. Fitch
Presiding

Also Present:
Larry Mitchell, City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk

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: Bill Shoemate, Ward One
Michael Tennis, Ward Two
Jay Burk, Ward Four
Robert Shanklin, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
Doug Wells, Ward Eight

ABSENT: Janice Drewry, Ward Three

PRESENTATION OF OML INNOVATION AWARD FOR 2010.

Mitchell presented Mayor Fitch with the 2010 Oklahoma Municipal League Innovation Award for the regional dispatch center.

AUDIENCE PARTICIPATION: None.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Mayor Fitch stated items #1 and #17 need to be considered separately.

MOVED by Burk, SECOND by Haywood, to approve the consent agenda with the exception of items #1 and #17. AYE: Tennis, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: Juan and Catherine Alcala in the amount of \$122.00, and Clariece Brown and Jack Morgan in the amount of \$5,098.19. Exhibits: Legal Opinions/Recommendations

MOVED by Wells, SECOND by Haywood, to deny the claim of Juan and Catherine Alcala in the amount of \$122.00. AYE: Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis. NAY: None. MOTION CARRIED.

Clariece Brown, 4127 NW Denver Avenue, stated in March the east end of her home was flooded with raw sewage. She called the plumber and they found out it was in the yard behind her and there was no reason for her sewage to back up. City crews were called and they came out and took care of the blockage. She called a company who spent five days cleaning her house. She also paid two students to help her move things out of the home. She paid these two students with cash. She stated her insurance paid for everything except for what she paid out of her pocket. When she filed the claim she was told she could not be reimbursed for any expenses without a receipt. She did not have receipts for what she paid the students.

Mayor Fitch stated the claim was in the amount of \$5,098.19 and it stated that the insurance company paid Ms. Brown \$5,098.19. He questioned why a claim was filed when the insurance company covered this. He questioned how much Ms. Brown was asking for.

Ms. Brown stated she paid the students \$350.00 in cash.

Wells questioned if it was legal to pay a claim without receipts.

Jensen stated he does not have a legal opinion, this is a policy matter. He stated staff requests documentation, but if they don't have it, it is a matter of whether you believe them or not.

MOVED by Burk, SECOND by Tennis, to approve the claim of Clariece Brown and Jack Morgan in the amount of \$350.00. AYE: Burk, Shanklin, Haywood, Wells, Tennis. NAY: Zarle, Shoemate. MOTION CARRIED.

2. Consider the following damage claims recommended for approval: Tules Zavala and Jeffrey Vest in the amount of \$6,198.84 and Virgil Watson in the amount of \$72.91. Exhibits: Legal Opinion/Recommendation
3. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in directing our third party administrator to make payment on the judgment in the Workers' Compensation case of Cody Don Zachary in the Workers' Compensation Court, Case No. 2010-03195A. Exhibits: **Resolution No. 2010-99.**
4. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in directing our third party administrator to make payment on the judgment in the Workers' Compensation case of Kevin Ray Hardzog in the Workers' Compensation Court, Case No. 2010-05896F. Exhibits: **Resolution No. 2010-100.**
5. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in directing our third party administrator to make payment on the judgment in the Workers' Compensation case of Deborah A. Sellers in the Workers' Compensation Court, Case No. 2009-15388F. Exhibits: **Resolution No. 2010-101.**
6. Consider accepting donations for auditorium seats for the City of Lawton new city hall, and dedicate donated funds to the purchase of new auditorium chairs. Exhibits: Flyer for auditorium chairs.
7. Consider approving a Memorandum of Agreement between the Comanche County Health Department and the City of Lawton for public health services and authorize the Mayor and City Clerk to execute the document. Exhibits: Memorandum of Agreement.
8. Consider accepting a permanent and a temporary easement from Wyatt Development Company, Inc. for right of way needed for the NW 82nd Street Sanitary Sewer Project #2010-4, authorizing the Mayor and City Clerk to execute the documents and authorizing the Mayor to sign a thank you letter. Exhibits: Documents are on file in the City Clerk's office
9. Consider accepting a permanent easement from Wyatt Acres Realty Co. for right of way needed for the NW 82nd Street Sanitary Sewer Project #2010-4, authorizing the Mayor and City Clerk to execute the document and authorizing the Mayor to sign a thank you letter. Exhibits: Document is on file in the City Clerk's office
10. Consider accepting a permanent and a temporary easement from Wyatt Development Company, Inc. for right of way needed for the NW 82nd Street Sanitary Sewer Project #2010-4, authorizing the Mayor and City Clerk to execute the documents and authorizing the Mayor to sign a thank you letter. Exhibits: Documents are on file in the City Clerk's office
11. Consider accepting a temporary easement from Wyatt Acres Realty Co. for right of way needed for the NW 82nd Street Sanitary Sewer Project #2010-4, authorizing the Mayor

and City Clerk to execute the document and authorizing the Mayor to sign a thank you letter. Exhibits: Document is on file in the City Clerk's office

12. Consider accepting a permanent and a temporary easement from Michael Todd Wyatt, Mitchell Scott Wyatt, Johnna Kay Parks and Shana Leigh Wyatt Horton for right of way needed for the NW 82nd Street Sanitary Sewer Project #2010-4, authorizing the Mayor and City Clerk to execute the documents and authorizing the Mayor to sign a thank you letter. Exhibits: Documents are on file in the City Clerk's office
13. Consider awarding a professional services contract to Zia Corporation for the purpose of providing environmental engineering services for the City of Lawton and authorize the Mayor and City Clerk to execute the contract. Exhibits: Retainer Agreement for Professional Engineering Services
14. Consider approving the construction plat for Settler's Crossing, subject to conditions. Exhibits: Plat Map
15. Consider acknowledging receipt of Tier I permits from the Oklahoma Department of Environmental Quality for the construction of 260 linear feet of 8-inch C900 PVC waterline and all appurtenances to serve Wyatt Village Addition, Part 2 located west of SW 82nd Street and south of Gore Boulevard in Section 31, T2N, R12W, Comanche County, Oklahoma. Exhibits: Permit to Construct on file in the City Clerk's Office.
16. Consider acknowledging receipt of Tier I permits from the Oklahoma Department of Environmental Quality for the construction of 3,787 linear feet of 10-inch C900 PVC waterline, 1,673 linear feet of 8-inch C900 PVC waterline, 4,860 linear feet of 8-inch DR35 PVC sanitary sewer line, 37 linear feet of 8-inch DIP sanitary sewer line and all appurtenances to serve Rose Creek Addition, Part 1 located on the north side of Bishop Road, one half mile west of SW 38th Street in the SW/4 of Section 3, T1N, R12W, Comanche County, Oklahoma. Exhibits: Permit to Construct on file in the City Clerk's Office.
17. Consider denying the request for traffic control measures on eastbound NW 40th Street near the intersection of NW 38th Street. Exhibits: Resolution No. 10 ____; Traffic Commission Minutes and Traffic Issue Request.

Jerry Ihler, Public Works Director, stated in the commentary the staff has recommended approval of a resolution denying the request. He stated this is an error and there is no passage of a resolution when denying a request. He requested that the City Council just deny the request with no adoption of a resolution.

MOVED by Wells, SECOND by Shoemate, to deny the request for traffic control measures on eastbound NW 40th Street near the intersection of NW 38th Street. AYE: Shanklin, Zarle, Haywood, Wells, Shoemate, Tennis, Burk. NAY: None. MOTION CARRIED.

18. Consider extending contract (CL10-019) Pest Control Services to Advanced Pest & Termite Control of Sterling, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form
19. Consider awarding a contract for (CL11-003) Tracked Dozer to Kirby Smith of Oklahoma City, OK. Exhibits: Department Recommendation, Abstract of Bids
20. Consider awarding a contract for (CL11-004) Financing for Tracked Dozer to Calfirst National Bank of Irvine, Ca. Exhibits: Department Recommendation, Abstract of Bids
21. Consider awarding (CL11-005) Street Sweeper to United Engines of Oklahoma City, Oklahoma. Exhibits: Department Recommendation, Abstract of Bids
22. Consider awarding a contract for (CL11-006) Sodium Hydroxide to Brenntag Southwest

Inc., of Sand Springs, Oklahoma. Exhibits: Department Recommendation, Abstract of Bids.

23. Consider awarding (CL11-007) 20 Ton Bursting Winch to Earth Tool Company of Oconomowoc, WI. Exhibits: Department Recommendation, Abstract of Bids.

24. Consider approving appointments to boards and commissions.

Citizens' Committee On Capital Improvement Program (CIP)

Alvis Kennedy
510 NW 9th Street
Lawton, Oklahoma 73505
10/12/13

Housing Authority

Felix Cruz
726 NW 36th Street
Lawton Oklahoma 73505
10/27/13

Investment Committee

Brian Henry
6425 NW Cache Road
Lawton Oklahoma 73505
Unexpired Term 01/27/13

Lakes & Land Commission

Mike Slavin
#1 Goodyear Blvd.
Lawton, Oklahoma 73505
Unexpired Term 01/23/13

Mayor's Commission On The Status Of Women

Helma Blackburn
Ward 2
2704 NW Hilltop Drive
Lawton Oklahoma 73507
10/10/12

Parks & Recreation Commission

Jack E. Hanna
1109 NW Cherry
Lawton, Oklahoma 73507
09/09/12

Pension Trust Commission

Steve Livingston
15973 SW Lee Blvd.
Cache, Oklahoma 73527
10/24/15

Joe Mercado
1905 SE Skyline Drive
Lawton, Oklahoma 73501
11/01/15

25. Consider approval of payroll for the period of September 20 – October 3, 2010.

NEW BUSINESS ITEMS:

26. Consider accepting the 2010 COPS Hiring Program Grant 2010UMWX0252. Exhibits: Letter of Approval.

Chief Ronnie Smith, Lawton Police Department, stated the City Council approved the application of this grant and they were notified that they have received a grant to fund eight police officers. The amount of the grant is \$1,143,208. This will pay 100% full salary and benefits for three years. The fourth year the City of Lawton will take over at a cost of

approximately \$400,000. Over the past five years they have hired seventeen officers by hiring two or three at a time. He stated if they hire these eight officers they would probably not come on until March or April of next year and with the money from the clothing budget from this year and next year they should be able to outfit all of the officers with uniforms and vests. The only thing they will be short on is radios and they will request those in next years' budget. The radios are approximately \$4,000 - \$4,500 a piece so it will be approximately \$20,000 for five. He stated they have not asked for any units. Right now replacing police units is based on revert. He stated he would look at replacing a couple of cars a year and try to increase their fleet. With the addition of these eight officers they will have increased their department by twenty five officers over the past five years. He stated this shows what progress we can make by doing a little at a time. He stated they have tried to do this with minimum cost to the City as far as equipment and they have tried to absorb the expense in their own budget.

Mayor Fitch questioned if the twenty five that have been hired have replaced those who have quit or retired.

Chief Smith stated this is twenty five additional officers which does not include those who have been replaced for retirement or any other reason. He stated right now he has eight vacancies, so the next academy will have at least sixteen people. He stated his department has gone from 154 to 179 including these additional eight.

Zarle stated out of these eight only three will go onto the street. He stated people are asking why there will not be more police officers on the street.

Chief Smith stated three are going out onto patrol, two will go to the gang task force, which is also on the street, two will go to COP (community oriented policing) and one will work with the courts. He stated really six of the eight officers will really be out on the street.

MOVED by Shanklin, SECOND by Haywood, to accept the 2010 COPS Hiring Program Grant 2010UMWX0252. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Burk, Shanklin. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells stated he received some good information while attending the Oklahoma Municipal League annual conference in Oklahoma City.

Haywood thanked everyone for their prayers with regards to his wife.

Zarle thanked the Wyatt family for their donation of easements for the 82nd Street sewer project.

Mayor Fitch announced that trick or treating activities in this community will be on Saturday, October 30th.

Mitchell distributed a request from the City Attorney to relocate his offices to those offices in old city hall which have been vacated by the Mayor, City Manager, City Clerk and Neighborhood Services Division. He requested that the council members contact him if anyone has any objections. He stated that he and the Assistant City Manager will be attending the ICMA conference next week in San Jose, California. Jerry Ihler will be acting city manager.

Mayor Fitch distributed a copy of the marketing package from Ruhl and Ruhl. He stated there should be signs up this week on 2nd Street at Euclid and also at Gore. He has received a lot of comments about how great downtown is looking. He stated the Spirit of Survival held last weekend in Elmer Thomas Park was a huge success.

The Mayor and Council convened in executive session at 6:38 p.m. and reconvened in regular, open session at 7:15 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

27. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY

2010-2011 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 #27.

MOVED by Burk, SECOND by Haywood, to ratify the appointment of Larry Mitchell as the City's interest arbitrator for an arbitration with IUPA Local 24 to determine the terms of the FY 2010-2011 contract. AYE: Shoemate, Tennis, Burk, Shanklin, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

28. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending public nuisance action involving Gert's Pub and Grub; and if necessary, take appropriate action in open session. Exhibits: Notice of Public Nuisance Letter; Updated Emergency Response List

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

29. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action relating to the cracking of the foundation of the newly constructed Medicine Park Water Treatment Plant Water Storage Tank and if necessary, take appropriate action in open session. Exhibits: None

Jensen read the title of item #29. No action taken on this item.

There being no further business to consider, the meeting adjourned at 7:18 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK