

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
NOVEMBER 8, 2016 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Bart Hadley, Acting City Manager
Frank V. 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 Terry Marsh, Carriage Hills Christian Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bob Morford, Ward One
Keith Jackson, Ward Two
Rosemary Bellino-Hall, Ward Three
Jay Burk, Ward Four
Dwight Tanner, Jr., Ward Five
Cherry Phillips, Ward Six
V. Gay McGahee, Ward Seven
Doug Wells, Ward Eight

ABSENT:

None

PROCLAMATION FOR PSI UPSILON CHAPTER, OMEGA PSI PHI FRATERNITY, INC.
WEEK

Mayor Fitch proclaimed the week of November 13-19, 2016 as Psi Upsilon Chapter, Omega Psi Phi Fraternity, Inc. Week and November 17, 2016 as Psi Upsilon Chapter, Omega Psi Phi Fraternity, Inc. Day. He presented the proclamation to Gene Deloach, President of Psi Upsilon Chapter, Omega Psi Phi Fraternity and Mike Forrest, the keeper of records and seals.

PROCLAMATION FOR NATIONAL FAMILY CAREGIVERS MONTH

Mayor Fitch proclaimed the month of November as National Family Caregivers Month. He presented the proclamation to Jenny [Breedon](#).

AUDIENCE PARTICIPATION: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR
MEETING OF OCTOBER 25, 2016.

MOVED by Wells SECOND by McGahee to approve the minutes of Lawton City Council regular meeting of October 25, 2016. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Jackson stated he was called earlier today about a home at 1502 Bishop Road and he was told the property owner was going to be here tonight to discuss the denial of the claim but it appears she is not here so he will not pull item #2.

Phillips requested item #1 be pulled for discussion.

MOVED by Burk SECOND by Jackson to approve the consent agenda with the exception of item #1. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Invitational Apartments in the amount of \$1,200.00. Exhibits: Legal Opinions/Recommendations, Resolution No. 16-__.

Phillips stated she pulled this item at the request of staff.

Afsaneh Jabbar, Director of WWTP/WTP, stated when her staff provided information to the City Attorney's office they forgot to mention an important point. At this apartment complex water feeds the boiler and the boiler feeds the heating unit. In February when the water line broke they attempted to turn the water off so they could find the location of the leak but the maintenance man at the apartment complex declined to shut the water off. Therefore they identified the location of the leak based on where the water was going and they did not have opportunity to isolate the problem. Based on the request by the apartment complex not to shut the water off they diagnosed the problem with half the information.

Phillips questioned if that information changes the recommendation.

Jabbar stated if they would have shut the water off to the building then they might have seen the water flowing at that point.

Kelea Fisher, Assistant City Attorney, stated their recommendation was based on the information they received from Ms. Jabbar's office and the basis of that recommendation was that we originally told the apartment complex that the water leak was on their side. They hired a plumber and paid the \$1,200 and then the plumber determined the leak was still continuing so staff went out and rectified the situation and after that the leak stopped. There was nothing done by Ms. Jabbar's department to confirm with the apartment complex that the plumber actually came back in after that time to fix their side of the line. It would have changed her recommendation if she had known, but they did not receive that information.

Jensen questioned if Ms. Fisher had heard that information prior to tonight.

Fisher stated she did hear this in passing two or three days ago and Ms. Jabbar told her she was going to try and confirm this information and this is the first that she heard that she actually confirmed it.

Jensen stated his staff needs to hear about information like that before it comes to the council.

Jackson questioned if they need to reconsider this item.

Wells stated it was still on the city side. Do they have a policy about shutting off heat in the middle of winter?

Jensen recommended they table this item and find out all the information before the next council meeting and go from there.

MOVED by Jackson SECOND by Morford to table. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

2. Consider the following damage claim recommended for denial: Thelma and John Pendley in the amount of \$69,000.00. Exhibits: Legal Opinion/Recommendation.
3. Consider approving an Outside Water Sales Contract with Shawn Owen, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office.
4. Consider approving an amendment to the professional services agreement with John C. Mackey Jr., to add duties of an independent investigator, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Amended Agreement for Professional & Legal Services on file in City Clerk's Office.
5. Consider authorizing NFP, the City's insurance broker, to prepare a Request for Proposal (RFP) for an online benefit administration system that will provide a private exchange model allowing City of Lawton employees to choose their insurance plans. Exhibits: None.
6. Consider amending the Community Development Block Grant Fund FY 2016-2017 budget. Exhibits: U.S. Department of Housing & Urban Development Award letter and Funding Allocation Summary.
7. Consider adopting a resolution authorizing the installation and/or removal of traffic control measures on NE 43rd at Cache Road and on Mossy Oak Drive at NE 45th and East Gore Blvd at Albert Johnson Sr. Avenue. Exhibits: **Resolution 16-81**, Traffic Commission Minutes and Traffic Issue Requests.
8. Consider accepting a grant from the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) in the amount of \$89,611.20 for acquisition and demolition of flood-prone properties located at 906 SW 9th, 908 SW 9th, and 810 SW I Ave. Exhibits: Grant award letter, Hazard Mitigation Assistance Grant Agreement.

9. Consider approving an agreement and payment of \$1,800.00 to Mr. Robert Arbuckle for the replacement of a portion of the residential driveway located at 6819 NW Crestwood Dr., which was demolished in the course of completing a city waterline repair. Exhibits: Proposed agreement between the City of Lawton and Mr. Arbuckle.
10. Consider adopting the 2016 City of Lawton Stormwater Management Plan (SWMP). Exhibits: Stormwater Management Plan on file in the City Clerk's Office.
11. Consider approving plans and specifications for the Elmer Thomas Park Splash Pad Project, Project No. 2016-01 and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Engineering Department office.
12. Consider approving appointments to boards and commissions. Exhibits: None

Airport Authority

Ed Peterson
8231 NW Stonebridge
Lawton, Oklahoma 73505
12/31/2019

Sam Firman
709 SW B Avenue
Lawton, Oklahoma 73501
12/31/2019

Citizens' Committee On Capital Improvement Program (CIP)

Rick Flores
2316 NE Garden Lane
Lawton, Oklahoma 73507
11/08/19

City Planning Commission

David Davison
3721 NE Eastlake Drive
Lawton, Oklahoma 73507
12/14/2019

Historical Preservation Commission

Dr. Suzanne Crawford
Professional Historian
3320 Atlanta
Lawton, Oklahoma 73505
12/14/18

13. Consider approval of payroll for the periods of November 8 – November 7, 2016.

NEW BUSINESS ITEMS:

14. Consider an ordinance amending Section 10-4-402, Article 10-4, Chapter 10, Lawton City Code, 2015, relating to the disposition of personal property in the possession of the Chief of Police, by amending the notice requirements for potential property owners to match those required by state law; providing for severability and establishing an effective date. Exhibits: Ordinance 16-__.

Fisher stated this ordinance pertains to the process that the chief of police is required to undergo in order to dispose of property that comes into his possession. The amendment would simply change that process by changing the notice requirements to meet those that are set by state statute.

MOVED by Burk SECOND by Jackson to adopt **Ordinance 16-29**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 16-29

An ordinance amending Section 10-4-402, Article 10-4, Chapter 10, Lawton City Code, 2015, relating to the disposition of personal property in the possession of the chief of police, by amending the notice requirements for potential property owners to match those required by state law, providing for severability, and establishing an effective date of thirty days from today.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Mayor Fitch requested COL Curtis give some additional clarification on the passes to get into Fort Sill. He stated some of the passes are expiring and he questioned if they are going to be able to be renewed even if they don't have the valid driver's license.

COL Curtis stated the driver's license will still be accepted through the 9th of January. If there is an existing pass on Fort Sill with the drivers license, even though it is not within compliance of the real ID act, they can renew their pass at that point prior to January 9th. He stated if someone went in on January 2nd and renewed their yearly pass with their Oklahoma driver's license, the pass would be good for a year.

Mayor Fitch stated his pass expires in March, so he needs to go in prior to January 9th and get it renewed.

COL Curtis stated yes. He stated they are working with other military installations on a list of alternate documents since a lot of people don't have a passport.

Wells stated there has been a lot of talk about the audit and us being so far behind. He stated we are actually only 10 months late. He stated it was due to be presented tonight for 2015 but it has been moved to next council meeting and at that point our audits will be up to date. He stated our

local election has gotten as nasty as the national election. There has been an allegation that the council used \$27 million from the general employee retirement fund to back the loan on 2nd Street and that is absolutely false. The employees retirement system is in a trust and cannot be touched by the council. He stated six years ago the council, by a vote of 6-2, approved to make the City basically the co-signer for the note for 2nd Street and had they not done that then those shops would not be down on 2nd street. The allegations that we are using any city funds to pay that note are false. The sales tax, state match and the property taxes have handled the note payments up to this point and should continue to do so and there will be no city money expended for 2nd Street unless sometime in the future that were to go under and then the city would pick up the obligation for that debt.

Mayor Fitch stated that is correct and we have started reducing the principle. One was made in September and we will make another interest only payment in March with another interest and principle due in September of next year. We are on track and these items have been circulated in the community and they are totally false.

Wells stated when someone is running against a council member and you make allegations that broad, which reflects on all 8 council members, please have your facts straight. He can assure the citizens that not one penny of money is missing from the city and there is no money being expended illegally or outside of the normal channels. He stated the council is very honest.

McGahee stated on behalf of Veteran's Day she thanked those who have served.

Phillips stated she attended the groundbreaking for the GOSPARQ CNG facility. She also attended the seminar sponsored by the rotary club which was very well attended and the Arts for All gala. She stated it was a very positive week for Lawton.

Wells stated there was also an ad in the paper regarding recycling and Snow Peak. The letter from Snow Peak is misleading. He stated they worked with the company for 18 months and a couple council members and staff went to Montgomery, Alabama and looked at the company they were partnering with and they had a great operation and then we found we didn't have enough tonnage for them to do the job so they weren't interested. Six months later they closed the plant down because there was no market for recycling products anymore. The council committee kept looking at it and they could make a recommendation to start recycling and charge every citizen \$7 a month or they could do a voluntary program and see if there was interest. The council opted for a voluntary program and if we could get 5,000 we could offer recycling but we ended up with around 1,300 – 1,500 people sign up so they did not start the program. Council is still looking at recycling but there is not much market and he feels the council did the right thing on recycling and not forcing something the citizens didn't want and have to pay additional money for.

Mayor Fitch stated the broker involved with Snow Peak had a lot of untruths and the thing was a mess.

McGahee stated Lawton Animal Welfare is offering a free rabies clinic on November 19th from 10:00 a.m. to 2:00 p.m.

Tanner stated the Live 2 Lead seminar was a packed house with many city employees attending. He stated he attended the Arts for All gala. He stated the Ambucs pancake event was well attended and the Armed Forces YMCA will hold their chicken/fish dinner event at the end of this week.

Burk stated he doesn't know of any council member who benefits from sitting on city council where it helps their business. There are a lot of things that have come out over the past few days that have been bothersome to him, his family and friends and members of the council. Things were said that were just untrue. He does this because he loves this city and representing the citizens of Lawton and there is not a single person on this council that does not feel the same way. He thanked everyone for their support.

Bellino-Hall stated they do not do this for financial gain or popularity in the community. She does it because she loves this city and wants to make it a better place to live.

Jackson congratulated the future winners and he hopes everyone can move on and unify the country, state and city of Lawton.

Hadley stated LATS will offer all active duty and retired service members free bus rides on Veteran's Day.

Burk stated Animal Welfare had a success rate of 69% in October. He stated the animal shelter has become a wonderful place due to the hard work of many organizations and people.

There being no further business to consider, the meeting adjourned at 6:42 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK