

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
NOVEMBER 14, 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

Mayor Fitch called the meeting to order at 6:11 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT: Bob Morford, Ward One
 Keith Jackson, Ward Two
 Caleb Davis, Ward Three
 Jay Burk, Ward Four
 Dwight Tanner, Jr., Ward Five
 Cherry Phillips, Ward Six
 V. Gay McGahee, Ward Seven

ABSENT: Doug Wells, Ward Eight

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO ROBERT PETERSEN

Mayor Fitch presented a Certificate of Commendation from the Mayor's Office to Robert Petersen.

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

Mayor Fitch proclaimed the week of November 12 – 18, 2017 as Psi Upsilon Chapter, Omega Psi Phi Fraternity, Inc. Week with Friday, November 17, 2017 as Psi Upsilon Chapter, Omega Psi Phi Fraternity, Inc. Day.

PROCLAMATION FOR NATIONAL HOSPICE & PALLIATIVE CARE MONTH

Mayor Fitch proclaimed November 2017 as Hospice and Palliative Care Month

EMPLOYEE SPOTLIGHT PRESENTATION TO DWAYNE ECKART – IT DIVISION

The City Manager and Mayor recognized Dwayne Eckart, IT Division for his outstanding performance.

AUDIENCE PARTICIPATION: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF AUGUST 8, 2017.

MOVED by Jackson SECOND by McGahee to approve the minutes of the Lawton City Council regular meeting of August 8, 2017. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

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

1. Consider the following damage claims recommended for approval: John and Frances LaSorsa in the amount of \$238.95, Tracy Poafpybitty in the reduced amount of \$991.91 (**Res. 17-122**), and Edna McDonald in the reduced amount of \$10,000.00 (**Res. 17-123**). Exhibits: Legal Opinions/Recommendations, Resolution 17-____ and Resolution 17-____.
2. Consider approving an Amended Outside Water Sales Contract for Oscar A. Sarinana, and authorize the Mayor and City Clerk to execute the Amended Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office.
3. Consider accepting a \$4,500.00 donation to the Library from the Friends of the Library to be designated for library-related activities. Exhibits: None.
4. Consider accepting a donation of 20 smoke detectors from the Lawton Academy of Arts and Sciences and authorize the fire department to distribute them to residents as the fire department deems appropriate. Exhibits: None.
5. Consider accepting a grant for the Lawton Police Department from the Lawton Community Foundation for the City of Lawton (Police) Succession Planning and Training in the amount of five thousand dollars (\$5,000). Exhibits: Copy of the award letter is on file in the City Clerk's Office.
6. Consider approving the 2018 Notice of Meeting Schedule for Lawton City Council Meetings and Resolution 17-____ rescheduling the regularly scheduled meeting in December 2018. Exhibits: **Resolution 17-124** and 2018 Notice of Meeting Schedule for Lawton City Council.
7. Consider approving a lease agreement between Goodwill Industries of Southwest Oklahoma, Inc. and the City of Lawton for the land and building located at 1203 SW Lee Boulevard, Lawton, Oklahoma, for the purpose of providing a program of rehabilitation and job training for handicapped persons of Southwest Oklahoma and authorize the Mayor to sign. Exhibits: Lease Agreement and proof of insurance is on file in the City Clerk's Office.

8. Consider approving an agreement between the Board of Education of Lawton Public Schools for and on behalf of Lawton Senior High School (LHS), a Lawton Public School facility, 601 NW Fort Sill Blvd, Lawton, OK; and City of Lawton for use of the McMahon Memorial Auditorium (MMA), located at 801 NW Ferris Ave, as an evacuation site for Lawton Senior High School. Exhibits: Memorandum of Agreement.
9. Consider approving the proposed Memorandum of Understanding (MOU) and Memorandum of Agreement (MOA) between the City of Lawton and Comanche County Health Department (CCHD) to participate in the planning and transport of medication as part of a Mass Immunization/Prophylaxis Strategy (MIPS), and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Memorandum of Understanding & Memorandum of Agreement (on file with the City Clerk).
10. Consider accepting a temporary easement from Michael Anthony Properties, Inc., for right of way located at 2 NW 53rd Street needed for the SW 52nd Street Project# 2012-4, authorizing the Mayor and City Clerk to execute the document. Exhibits: Location Map-Attached as Exhibit A. Document is on file in the City Clerk's office.
11. Consider acknowledging receipt of Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 62 linear feet of 8-inch PVC waterline and all appurtenances to serve Freeman Veterinary Clinic located at 1702 NW Ferris Avenue, in the SW/4 of Section 25, T2N, R12W, Comanche County, Oklahoma. Exhibits: Permit to Construct is on file in the City Clerk's Office.
12. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on 40th at NW Elm and Cache Road at NW 82nd. Exhibits: **Resolution No. 17-125** and Traffic Commission Minutes and Traffic Issue Requests.
13. Consider approving plans and specifications for the 2017 CIPP Liner Project 17-5 SSES, authorizing the expenditure of Sewer Rehabilitation Program Funds and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Field Utilities Department office.
14. Consider approving Contract Amendment 1 to Garver Engineering's contract to design SW 52nd Street from Stillwater Central Railway to Gore Boulevard. Exhibits: Contract Amendment 1.
15. Consider extending contract (CL16-002) Patching Material to Quadex LLC of Houston, TX for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
16. Consider extending contract for (CL15-057) Pest Control Program to Texoma Pest Management of Wichita Fall, TX for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
17. Consider awarding contract for Liquid Ammonium Sulfate to Chemtrade Chemicals US LLC of Parsippany, NJ. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

18. Consider awarding contract (RFPCL18-003) to Sports Unlimited, Inc., of Stillwater, OK for the replacement of the gym floor at the H. C. King Center. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
19. Consider approving appointments to boards and commissions. Exhibits: None.

City Planning Commission (CPC)

Ron Jarvis
Ward 1
Existing Member
12/14/20

Charles Hargrove
Ward 2
Existing Member
12/14/20

Housing Authority

Linda Bentley
Existing Member
11/26/20

Mayor's Commission On The Status of Women

Yvonne Moore
Ward 1
Existing Member
12/17/19

Toni Streetman Walker
At Large City
New Member
11/14/2019

Teresa Abram
At Large City Limits
New Member
11/14/19

Lakes and Land Commission

J.C. Grayson
New Member
10/24/20

Pension Trust Commission

Paul Ellwanger
Exist Member

20. Consider approval of payroll for the period of October 23 – November 6, 2017.

NEW BUSINESS ITEMS:

21. Consider the Consolidated Annual Performance and Evaluation Report (CAPER) for Federal Fiscal Year (FFY) 2016, receive a briefing on the CAPER, hold a public hearing to receive input from citizens, and approve the report for submission to HUD, and authorize the Mayor to sign the approved CAPER. Exhibits: None. (The CAPER is on file in the City Clerk's Office.)

Anthony Griffith, Director of Housing and Community Development, reported on the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Programs' activities and accomplishments during the previous program year. A briefing was presented by Griffith. (on file in City Clerk's office).

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

MOVED by McGahee, SECOND by Phillips to approve the CAPER for FFY 2016 and approve the report for submission to HUD, and authorize the Mayor to sign the approved CAPER. AYE: Davis, Burk, Tanner, Phillips, McGahee, Morford, Jackson. NAY: None. MOTION CARRIED.

22. Hold a public hearing and consider an ordinance amending Sections 18-4-1-411, 18-9-1-902, 18-9-1-905, 18-9-1-906, 18-9-1-907, 18-9-1-908, 18-9-1-909, 18-9-1-921, 18-9-1-928, and 18-8-1-934 and creating Section 18-9-1-910, Chapter 18, Lawton City Code, 2015, amending the definitions, exceptions, and regulations for signs. Exhibits: Ordinance 17-__.

Jackson stated several members of the council would like to table this item until the next council meeting.

Ihler stated the notice of public hearing has been published and some people may be in attendance as a result of that notice and he suggested they open the public hearing and receive comments.

Jackson stated they could take that information and apply it to the next council meeting.

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

MOVED by Jackson, SECOND by Tanner to continue the public hearing and table this item to the November 28, 2017 meeting. AYE: Burk, Tanner, Phillips, McGahee, Morford, Jackson, Davis. NAY: None. MOTION CARRIED.

23. Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, to amend the fees associated with on-premise temporary signs. Exhibits: Resolution 17-__.

MOVED by Burk, SECOND by Tanner to table this item to the November 28, 2017 meeting. AYE: Tanner, Phillips, McGahee, Morford, Jackson, Davis, Burk. NAY: None. MOTION CARRIED.

24. Accept the Annual ADA Report which outlines completed ADA accessibility projects, work done towards compliance, and the money expended on each project as required. Exhibits: 2016-2017 ADA Compliance Report and ADA Executive Summary.

Rusty Whisenhunt, Director of Field Utilities, presented the annual ADA report as a result of the efforts in complying with the settlement agreement and thus far all directives that have been stipulated in the agreement to be completed by this date have been satisfied. The board reviews and prioritizes complaints and suggestions as they come to the board and take action accordingly. (Whisenhunt reviewed projects with the council which is on file in the City Clerk's office).

MOVED by Morford, SECOND by Burk to accept the Annual ADA Report that outlines completed ADA accessibility projects, and work done towards compliance, and the money expended on each project as required . AYE: Phillips, McGahee, Morford, Jackson, Davis, Burk, Tanner. NAY: None. MOTION CARRIED.

25. Discuss and direct staff as to whether or not the City Council wants to proceed with the application process for the acquisition of the former Armed Services YMCA property for use as a recreational learning center. Exhibits: None.

Jack Hanna, Parks and Recreation Director, stated the City of Lawton has the opportunity to acquire a facility that can enhance parks and recreation. On October 6, 2017 the Mayor's office received notice that the Armed Forces YMCA will be surplus and staff had the opportunity several days later to visit the facility to see if we could actually use the building. He is proposing that they make a recreational learning center, which is not a traditional center, but a learning center where they will have a computer lab, arts and crafts room, children's theater and things of that nature. This would be right across the street from the LATS transfer center and students currently have free riding passes all year long. He stated the parks and recreation department can branch out and service kids from all over town, not just those who live around the rec centers. He is recommending that the city council allow staff to fill out the application to see if this project qualifies with the U.S. government as a community facility. He stated they are excited about the potential to expand the parks and recreation department and expand their program area.

Burk stated he thinks this is a great idea. He stated they will have transportation right there as well as a great area for kids to play as well as the library right there. Everything just seems to fit for this location. He stated if they get this he will be beating on doors for support from local businesses and he feels that pushing this forward will be one of the best things we could do for our community.

Tanner stated he feels this is an excellent idea but he questioned how we would pay for this. He questioned if we could get some grant funding.

Hanna stated there would be several ways to acquire the building which is to purchase it outright, maybe even for \$1, but we just don't know where we will qualify.

Tanner stated if we submit this application we are not obligating ourselves to buy this.

Hanna stated that is correct. There is no cost involved in the application process, it is just to see if we can qualify and then it will take 18 months to two years before we can actually acquire the property.

Burk stated there is no reason we shouldn't move forward and see what it will take.

MOVED by Burk, SECOND by Tanner to direct staff to proceed with the application process for the acquisition of the former Armed Services YMCA property for use as a recreational learning center.

Phillips stated she understands that there are other people in the community who are interested in this building and she feels they should have a chance to speak.

Jackson stated they have the same opportunity to go through the application process and he does not know how the council can influence that one way or another. He reminded the council that they did leave the downtown facility to go to the facility over on Cache Road, which by the way, the city council gave them.

Jervis Jackson, Lawton Support Services, stated they have been working on a project involving the Armed Services YMCA for the past two years. Five years ago they identified a problem with homeless veterans within the community. They partnered with the local chapter of the AUSA, Fort Sill and the community at large to try to develop a strategy to eliminate the homelessness among our veterans in Lawton and the surrounding areas. They called it the I Count campaign. He stated they got out on the streets and conducted a count and in 2012 they identified 106 homeless veterans. Over the years they have significantly reduced that number. He stated they recently completed the Homeless Veteran Standown for the fourth year where they identify veterans in the community and connect them with services and resources to better their situation. The third part of this strategy is to provide permanent housing. They were able to secure veterans administration supported housing vouchers. During the last count they counted 19 homeless veterans in the city of Lawton which is an 80% reduction. They have been recognized on the state and national level and they are promoting this I Count concept on a national level. He stated the final element of this strategy is to develop a veteran's safe haven and they are proposing to use the Armed Services YMCA for this project. They have been working with Fort Sill, AUSA, Veteran's Administration and they are at the point where they are finalizing the design and putting together the packet to submit next week.

Tanner questioned what Mr. Jackson thought their chances would be to acquire this building.

Mr. Jackson stated the priority began with a 30 day window where it was offered up to any federal entity that was interested in the property and that 30 day window came and went with no interest. The next category is for McKinney Vento projects, which are homeless projects, and they would qualify for that category. In the process they would have priority at this point even if an application is submitted by the City of Lawton because they are a McKinney Vento project. He hoped that they would be able to come together and support the project they have been diligently working on for the past couple of years.

Phillips questioned if there were any others interested in this building.

Mr. Jackson stated he is not aware of any other entity that has shown any interest.

Tanner questioned the time frame for the application for the City of Lawton.

Ihler stated the only time frame he knew of was the 30 day window to submit a letter of interest and staff has already submitted that letter. The process could take anywhere from a year to 18 months, but they are looking at a couple of months to submit the application.

Tanner stated he did not realize the City of Lawton was even interested in this facility until he read the agenda.

Ihler stated when staff was notified it was a week or two later before they could even go look at the facility to see if it was something they could utilize. By that time they had to submit the letter of interest just to keep the process open so they could come to council to determine if council wanted staff to proceed with an application.

Tanner stated there is no timeframe in submitting the application.

Richard Rogalski, Community Services Director, stated there is no set time frame but we have to keep the process moving.

Tanner questioned how long the City could postpone their application.

Jackson questioned why we would postpone our application.

Rogalski stated we would need to keep working on the process.

Tanner stated he has two issues. He just found out last Thursday that the City is interested in the property and he is concerned about where we will come up with the money to put this youth center in. He also did not know that Lawton Support Services was interested in this property.

Rogalski stated this item is just to move forward with completing the application. This would come back to council before the application is submitted and at that point all the questions should be answered.

Tanner questioned if that area is zoned for a homeless shelter.

Rogalski stated it is in the downtown overlay district and he does believe that area is for mixed use but he does not know if it meets the zoning for a homeless shelter.

Tanner stated he needs more time to think about this and he would like to table this until the next meeting.

Mayor Fitch stated all they would be doing is giving staff permission to start putting something together.

Tanner stated right now is not the time for him to absorb all this. He would like to discuss this with city staff. He would like to withdraw his second on the original motion and make a substitute motion.

SUBSTITUTE MOTION by Tanner, to table to this item.

Mayor Fitch stated if Mr. Tanner withdraws his second, then we don't need a substitute motion. He would now need a second to Burk's original motion.

MOVED by Burk, SECOND by Jackson to direct staff to proceed with the application process for the acquisition of the former Armed Services YMCA property for use as a recreational learning center.

Burk stated it is not a bad thing that two entities want this building because we need both facilities.

Mayor Fitch stated the federal authorities will make this decision.

McGahee stated even if we submit an application we can still have dialogue with Lawton Housing Authority.

Davis confirmed that this will be brought back to council before it is submitted.

Mayor Fitch stated yes.

Davis stated he has a lot of questions as well but they cannot even be answered until they get to this next phase. He is going to support this so that staff can tell him how they plan on funding this and he can ask questions at that point.

Tanner stated he would still make the motion to postpone this until the next regular council meeting.

SUBSTITUTE MOTION by Tanner, to table to this item. (MOTION DIED DUE TO LACK OF A SECOND)

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

26. Consider an ordinance pertaining to offenses and crimes amending Section 16-5-1-502, Division 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 2015, by expanding the city code regarding the possession of marijuana to include all controlled dangerous substances, providing for severability, and establishing an effective date. Exhibits: Ordinance 17-__.

W. R. Moon, Assistant City Attorney, stated Oklahoma voters recently passed State Question 780 making simple possession of all controlled dangerous substances a misdemeanor offense. The proposed changes to municipal code expand Section 16-5-1-502 to make it illegal to possess all controlled dangerous substances within the City of Lawton.

MOVED by Burk SECOND by McGahee to adopt **Ordinance 17-30**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Davis, Burk, Tanner, Phillips, McGahee, Morford, Jackson. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 17-30

An ordinance pertaining to offenses and crimes amending Section 16-5-1-502, Division 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 2015, by expanding the city code regarding the possession of marijuana to include all controlled dangerous substances, providing for severability, and establishing an effective date of thirty days from today.

27. Consider an ordinance pertaining to offenses and crimes amending Section 23-1-103, Article 23-1, Chapter 23, Lawton City Code, 2015, to allow for the utilization of the online insurance verification system and security verification forms in an electronic format, providing for severability, codification, and establishing an effective date.
Exhibits: Ordinance 17-__.

Moon stated the Oklahoma legislature recently adopted House Bill 2473 amending several of the State's statutes dealing with the Compulsory Insurance Law. Specifically, it allows an officer to verify a motorist's liability insurance by utilizing the State's online verification system. The bill also explicitly authorizes the insurance commissioner to approve security verifications in electronic and paper format. This ordinance will make Lawton City Code conform to the state law.

Morford questioned why it says an officer "may" instead of "shall" issue a citation.

Moon stated it was a mandatory requirement for that officer to use that verification system and it might put an officer in a situation where if they weren't able to they would then be violating the requirements of the ordinance.

MOVED by Burk SECOND by Jackson to adopt **Ordinance 17-31**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Burk, Tanner, Phillips, McGahee, Morford, Jackson, Davis. NAY: None. MOTION CARRIED.
(Title read by City Attorney)

Ordinance 17-31

An ordinance pertaining to offenses and crimes amending Section 23-1-103, Article 23-1, Chapter 23, Lawton City Code, 2015, to allow for the utilization of the online insurance verification system and security verification forms in an electronic format as recently amended in state law, providing for severability, codification, and establishing an effective date of thirty days from today.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

There were no reports.

The Mayor and Council convened in executive session at 7:32 p.m. and reconvened in regular, open session at 8:25 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEM:

28. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations 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 #28.

MOVED by Tanner SECOND by Burk to approve Resolution 17-126 amending Resolution 17-67 by reinstating the provisions with the payment of unused sick leave as set forth in Article 17.3 of the fiscal year 2016-2017 collective bargaining agreement between the City of Lawton and the International Union of Police Associations Local 24 and extend those sick leave provisions for the period of July 1, 2017 through June 30, 2018 or until such time as the parties reach a contract agreement for fiscal year 2017-2018 and further more move to authorize the Mayor to execute any amendment necessary to the May 2017 temporary memorandum of understanding with the IUPA Local 24 to effectuate the terms of the proposed resolution. AYE: Davis, Burk, Tanner, Phillips, McGahee. NAY: Morford, Jackson. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 8:27 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK