

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
NOVEMBER 15, 2011 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Mayor Fred L. Fitch
Presiding

Also Present:
Larry Mitchell, City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk
COL Paul Hossenlopp, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:03 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. Joe Williams, Sr., True Love Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bill Shoemate, Ward One
Michael Tennis, Ward Two
Rosemary Bellino-Hall, Ward Three
Jay Burk, Ward Four
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
Doug Wells, Ward Eight

ABSENT:

Rex Givens, Ward Five

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF OCTOBER 25, 2011.

MOVED by Burk SECOND by Zarle to approve the minutes of Lawton City Council regular meeting of October 25, 2011 AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens. NAY: None. MOTION CARRIED.

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.

MOVED by Haywood SECOND by Givens to approve the consent agenda. AYE: Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Homer and Shirley Taylor in the amount of \$146.75 and Roberta Chippewa and Tom Vang in the amount of \$73.96. Exhibits: Legal Opinions/Recommendations.

2. Consider approving an Outside Water Sales Contract with Arlene Timbo, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office.
3. Consider accepting a bid offer from Joseph Frazier for \$200.00 for an individual tract of land that was declared as surplus on September 13, 2011 located at 1211 SW Georgia Avenue and approve the Contract for Sale and authorize the Mayor and City Clerk to execute the Contract for Sale and Quit Claim Deed. Exhibits: The Contract for Sale and Quit Claim Deed are on file in the City Clerk's office.
4. Acknowledge receipt of election returns of October 11, 2011. Exhibits: Official Certification of Votes from Comanche County Election Board.
5. Consider accepting a grant of \$1,250 from Sisters in Crime "We Love Libraries". Exhibits: Grant agreement on file in the City Clerk's Office.
6. Consider accepting a grant of \$7,500 from the Oklahoma Humanities Council to support the 2012 Oklahoma Chautauqua program. Exhibits: The Oklahoma Humanities Council grant agreement is on file in the City Clerk's Office.
7. Consider accepting a Continuing Education grant of \$115 from the Oklahoma Department of Libraries to pay for hotel fees for one library employee. Exhibits: Contract is on file in the City Clerk's office.
8. Consider approving a credit adjustment to Randy Segler's service account #3186 in the amount of \$1,034.23 for two months' service bills for an undetectable leak on his sprinkler system line at 6704 NW Grayson's Mountain Drive. Exhibits: Repair bill dated 7/29/2011 from L & L Sprinkler Systems.
9. Consider approving a credit adjustment to the Saint Andrew Episcopal Church service account #25758 in the amount of \$755.60 for one month's service bill for an undetectable leak on their sprinkler system line at 1313 SW D Avenue. Exhibits: Repair bill dated 6/2/2011 from Pierce & Sons.
10. Consider approving a credit adjustment to the Village on Lee Retirement Home service account #5220 in the amount of \$1,045.26 for two months' service bills for undetectable leaks on their service line at 6920 SW Lee Boulevard. Invoices from Andy's Plumbing dated 8/4/11, 8/16/11 and 9/19/11.
11. Consider approving a credit adjustment to William Bradley's service account #24494 in the amount of \$761.36 for two months' service bills for undetectable leaks on the customer's service line at 414 NW Ferris Avenue. Exhibits: Invoice from Pippin Brothers dated 8/23/11.
12. Consider adopting a resolution re-inserting the water rates for the category of commercial customers inside the city limits inadvertently omitted from Council Resolution 11-56, as

set forth in Exhibit “A” of this Resolution, and establishing an effective date. Exhibits: Resolution 2011-____ and Exhibit “A”.

13. Consider approving the construction plans for traffic signals and intersection improvements at the new entry road to the Comanche Nation Visitor Center off East Lee Boulevard. Exhibits: Site Plan.
14. Consider adopting a Resolution in support of the Complete Streets Policy for the City of Lawton. Exhibits: Resolution No. 11-____ and LPMO Resolution No. 11-05.
15. Consider approving payment of \$564.00 to Mr. Bruce Jessie for the replacement of a portion of the residential driveway located at 13 NW 59th Street which was demolished in the course of completing a City waterline replacement project. Exhibits: Proposed release agreement between the City of Lawton and Mr. Jessie.
16. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: eastbound SW Stradford Avenue at the “T”-intersection of SW Stradford Avenue and SW 70th Street; southbound NW 34th Street at the “T”-intersection of NW 34th Street and NW Ferris Avenue; northbound NW Pershing Avenue in advance of the intersection with NW Ash Avenue; the north side of NW Lawton Avenue west of NW 15th Street; and on westbound W Gore Boulevard near NW 29th Street. Exhibits: Resolution No. 11-____ and Traffic Commission Minutes and Traffic Issue Requests.
17. Consider adopting Street Light Resolution No. 473 to authorize the removal of street lights at the location listed in the Resolution. Exhibits: Street Light Resolution No. 473.
18. Consider awarding contract (CL12-009) Sodium Hydroxide to DPC Industries, Inc. of Cleburne, TX. Exhibits: Department recommendation, abstract of bids, price sheet.
19. Consider awarding contract (CL12-011) Asphalt Crack Filler Material, Hot Applied Joint Sealer to Paving Maintenance Supply, Inc. of Edmond, OK. Exhibits: Department recommendation, abstract of bids, price sheet.
20. Consider awarding contract (CL12-012) Redi-Mix Concrete to Lawton Transit Mix of Lawton, OK. Exhibits: Department recommendation, abstract of bids, price sheet, specifications M-21.
21. Consider approving appointments to boards and commissions. Exhibits: None.
22. Consider approval of payroll for the periods of October 17 – November 13, 2011.

OLD BUSINESS ITEMS:

23. Discussion regarding Lawton City Code, Section 1-2-205, Schedule of Fees and Charges, relating to the terms and conditions of public use and rental of the new city hall located at 212 SW 9th Street. Exhibits: Community Use of the New City Hall Memorandum, dated September 16, 2011.

NEW BUSINESS ITEMS:

24. Consider adopting a resolution to support an Oklahoma Affordable Housing Tax Credit application by Zimmerman Properties, LLC to the Oklahoma Housing Finance Agency for property located at the northwest corner of NE Rogers Lane and NE Angus Place. Exhibits: Resolution No. 11-____, Location Map and Site Plan.
25. Discuss the possible budget transfer of \$800 from Council Contingency fund to RSVP Division to offset cuts in federal funding. Exhibits: None.
26. Discussion regarding naming public spaces in the New City Hall. Exhibits: None.
27. Consider adopting an ordinance amending Section 17-1-1-102, Division 17-1-1, Article 17-1, Chapter 17, Lawton City Code, 2005; amending Section 17-1-4-143, Division 17-1-4, Article 17-1, Chapter 17, Lawton City Code, 2005; amending Section 17-1-7-174, Division 17-1-7, Article 17-1, Chapter 17, Lawton City Code, 2005; amending Sections 17-2-9-201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218 of Division 17-2-9, Article 17-2, Chapter 17, Lawton City Code, 2005; creating Section 17-2-9-219, Division 17-2-9, Article 17-2, Chapter 17, Lawton City Code, 2005; for the purpose of reconstituting the Employee Advisory Committee; providing for severability and establishing an effective date. Exhibits: Proposed Ordinance 11-____.
28. Consider an ordinance amending Section 16-2-1-204, Division 16-2-1, Article 16-2, Chapter 16, Lawton City Code, 2005, which pertains to domestic abuse, by amending the definition of family or household members, providing for severability, and establishing an effective date. Exhibits: Ordinance 2011-_____.

AUDIENCE PARTICIPATION:

Willie Guest, President of NAACP stated a few days ago they were made aware that they were being forced to reinstate Mr. Palmer back as a policeman with the Lawton Police Department. He stated they have some serious concerns about his reinstatement and his being placed on the street again because some of the behaviors and some of the encounters and they would like to impress upon the council that they are totally in opposition to his reinstatement and allowing him back in to the community as a police officer. They feel they should be able to have confidence in those officers who are armed and have tasers. They need to be able to meet them without concern, animosity or fear of being put upon. They don't want their young people to become antagonized and infuriated in a compromised situation that is already in bad taste. He asked the council as they go into executive session to remember the community and people that he represents are in total disagreement with the rehiring. He stated possibly there is something that can fix this so they can all feel confident that they are doing what is in the best interest for our city.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

The Mayor and Council convened in executive session at 8:11 p.m. and reconvened in regular, open session at 9:26 p.m. Roll call reflected all members present excluding Bellino-Hall.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

29. Pursuant to Section 307B.(1) and (4), Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled The City of Lawton vs. Charles Todd Palmer, FMCS Case No. 11-54136, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #29.

MOVED by Burk SECOND by Tennis to authorize the City Attorney to file a lawsuit in district court to vacate the arbitration decision in City of Lawton vs. IUPA Local 24 and Charles Todd Palmer, to authorize the City Manager to take whatever personnel action he deems appropriate, while the matter is pending with the court. AYE: Shoemate, Tennis, Burk, Haywood, Wells. NAY: Zarle. MOTION CARRIED.

30. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Micor, LLC and if necessary, take appropriate action in open session.

Jensen read the title of item #30.

MOVED by Zarle SECOND by Wells to approve payment in the amount of \$25,000 to Micor, LLC for Damage Claim Number DC-2011-47 and authorize the City Attorney and Mayor to execute the necessary documents to effect payment. AYE: Tennis, Burk, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

31. Pursuant to Section 307B3 and C10, Title 25, Oklahoma Statutes, consider convening in executive session for the purposes of conferring on matters pertaining to economic development, including the purchase/transfer of property, incentive proposals, and financing in connection with the Lawton Downtown Redevelopment Project and other development projects under consideration in the City, and take appropriate action in open session as necessary. Exhibits: None.

Jensen read the title of item #31. No action was taken.

There being no further business to consider, the meeting adjourned at 9:30 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

