

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
DECEMBER 8, 2015 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Doug Wells, Mayor Pro Tem
Presiding

Also Present:
Jerry Ihler, City Manager
Tim Wilson, Acting City Attorney
Traci Hushbeck, City Clerk

Mayor Pro Tem Wells Mayor Pro Tem Wells called the meeting to order at 6:25 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Charles Barnett, 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 WORLDWIDE CANDLELIGHTING DAY

Mayor Pro Tem Wells proclaimed the second Sunday of December 2015 as Worldwide Candlelight Day in Lawton and Fort Sill.

PRESENTATION OF OKLAHOMA MUNICIPAL LEAGUE HONOR ROLL OF SERVICE

Jerry Ihler, City Manager, presented certificates and 25 year service pins to Russell Matheson, Lawton Fire Department, Ray Collins, Lawton Fire Department and Michael Hawkins, Stormwater Management.

AUDIENCE PARTICIPATION: None

CONSENT AGENDA

Mayor Pro Tem Wells stated they will strike item #2 and pull item #13 for discussion. He stated item #5 requires six affirmative votes so if there are three members of the council who will not be voting yes for the consent agenda he will need to pull item #5.

MOVED by Jackson, SECOND by Burk to approve the consent agenda with the exception of items #2 and #13. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Ray and Bertha Jude in the reduced amount of \$50.00, Prudencio Quezada in the reduced amount of \$744.19 (**Res. 15-92**) and Southwestern Bell Telephone, dba AT&T Oklahoma in the amount of \$6,212.80 (**Res. 15-93**). Exhibits: Legal Opinion/Recommendation, Resolution 15-____ and Resolution 15-____.
2. Consider the following damage claims recommended for denial: Chu Pae, through his attorney Richard Morrisette in the amount of \$1,500,000.00, Bob and Paula Chambers in the amount of \$35,557.48 and Cool-it, Inc., dba Bob Chambers Heat and Air in the amount of \$30,435.63. Exhibits: Legal Opinions/Recommendations. **STRICKEN**
3. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Edward Northern. Exhibits: **Resolution 15-94**.
4. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Keith Richardson. Exhibits: **Resolution 15-95**.
5. Discussion, if necessary, and possible action with respect to a Resolution of the City of Lawton, Oklahoma (the "City") approving the incurrence of indebtedness by the Lawton Water Authority (the "Authority") issuing its Sales Tax Revenue Note, Series 2015 (the "Note"); providing that the organizational document creating the Authority is subject to the provisions of the note indenture authorizing the issuance of said Note; waiving competitive bidding with respect to the sale of said Note and approving the proceedings of the Authority pertaining to the sale of said note; approving and authorizing a Sales Tax Agreement by and between the City and the Authority pertaining to the year-to-year pledge of certain sales tax revenues; and containing other provisions relating thereto. Exhibits: Proposed **Resolution 15-96**.
6. Consider adopting a Resolution in Support of the Goodyear Tire & Rubber Company for their contributions to our community and supporting the future growth in the City of Lawton, and authorize the Mayor Pro Tem Wells and City Clerk to execute. Exhibits: **Resolution 15-97**.
7. Consider approving the 2016 Notice of Meeting Schedule for Lawton City Council Meetings and Resolution 15-____ rescheduling the regularly scheduled meeting in

December 2016. Exhibits: 2016 Notice of Meeting Schedule for Lawton City Council;
Resolution 15-98.

8. Acknowledge receipt of election returns of November 10, 2015. Exhibits: Official Certification of Votes from Comanche County Election Board.
9. Consider accepting a \$500.00 donation to the Library from the Friends of the Library to be designated for library-related activities. Exhibits: None.
10. Consider retiring Lawton Police Department's K-9 Timmy from service. Exhibits: Letter from Dr. Robert Bower, DVM.
11. Consider approving an amendment to the existing agreement between Lawton Public Schools (LPS) and the City of Lawton for the purpose of mutually sharing respective facilities for the benefit of each other and the citizens of Lawton. Exhibits: First Amendment to Agreement.
12. Consider approving an agreement between Fidelity Communications and the City of Lawton for the purpose of providing public internet service and business telephone service for the City of Lawton Highland Cemetery Office. Exhibits: Internet and Business Phone Service Provider Agreement for Fidelity Communications.
13. Consider awarding a construction contract to LaForge and Budd Construction Co. Inc. for the 2nd St Improvement Project Phase I (From NW Columbia Ave to NW Ferris Ave, #2014-03). Exhibits: A copy of the agreement is on file in the City Clerk's office.

Jackson stated the engineers estimate from an outside firm estimated that project to be \$2.9 million and the two bidders are coming in at 30% higher than the engineers estimate and that is unacceptable to the taxpayers in the city of Lawton. He feels these bids should be rejected and the project should be rebid.

Mayor Pro Tem Wells stated the original construction on 2nd street from Columbia to Gore Boulevard was approximately \$2.6 million and from Gore to C Avenue was approximately \$2.8 million. He stated \$2.9 million should have been a fairly good estimate and he does not know why the bids came in so high.

George Hennessee, City Engineer, stated there are some things that we did on this project that were not done on the first two. He stated they demanded that the work be done under traffic which means they would do the work one half at a time and that does increase the cost of the project and it also increases the time requirement for the project. He stated they have also restricted the time because of the holiday season. Because they have increased the work load and decreased the time, the contractor had to increase their bid.

Burk stated before we were not that strict on what we were asking them to do. We need to keep those roads open so that businesses can generate the sales tax.

MOVED by Jackson SECOND by Tanner to reject the bids and seek a rebid.

Morford questioned if we would leave the time limits on or will it change.

Mayor Pro Tem Wells stated the holiday season will be over by the time the bids are back. The project time was 270 days to complete and the big thing was not to start work before Christmas and they will still have to keep the roads open once they start the project.

Ihler stated it is actually 210 days for this project so they can be done before the holiday shopping season next year. Because of time constraints they will probably go back out with the same 210 days with similar conditions. With the rebid they may get a little better competition and more people may bid the project. There will still be the same constraints as provided on this particular project. They may be able to award the bid the first meeting in February.

Phillips questioned if the staff was comfortable with the \$2.9 million.

Ihler stated that the staff believes that the engineers estimate was a little low.

Hennessee stated they are trying to take into consideration the increased workload because of working under traffic.

Burk questioned what our estimate would have been.

Hennessee stated staff did not do an estimate. They did go through the bids that came in and the estimate that was provided to them and the consultant bracketed the two bids which bounced back and forth and they probably bid in some liquidated damages.

Burk stated that 210 days is very tight.

Hennessee stated they did expand the project to include some of Ferris Avenue and the north end of 2nd Street. It is a little different project than what we have had before.

Phillips questioned if LaForge and T&G will receive a new request for bid.

Hennessee stated they have a list of bidders for roadway projects and they will extend it out to all those bidders.

Burk stated if they closed that road down they would probably get to that engineers estimate and get that number down, but with the limited 210 days you have to figure in liquidated damages. This is the final phase to getting this beautified.

SUBSTITUTE MOTION by Burk SECOND by Bellino-Hall to award a construction contract to LaForge and Budd Construction Co. Inc. for the 2nd St Improvement Project Phase I (From NW Columbia Ave to NW Ferris Ave, #2014-03).

Jackson stated he disagrees. This estimate is coming in at a million dollars over the cost and is almost 30% over the engineers estimate. He was here when the council awarded the first bid and they did keep all the streets and roads open. He feels this is too much money on the table for the taxpayer to have to absorb and he feels a rebid would save the taxpayers some money.

Tanner stated he agrees. They just turned down a \$27,000 proposal to rewrap these buses and we are talking about saving the citizens money and now we are talking about a million dollars, but it is okay to spend that.

Burk stated this is a totally different thing.

VOTE ON SUBSTITUTE MOTION: AYE: Bellino-Hall, Burk, Phillips, Wells. NAY: Morford, Jackson, Tanner, McGahee. MOTION FAILED.

VOTE ON ORIGINAL MOTION: AYE: Morford, Jackson, Tanner, Phillips, McGahee, Wells. NAY: Bellino-Hall, Burk. MOTION CARRIED.

14. Consider approving plans and specifications for the Nine Mile Creek Sewer Line Phase 1 Project #2008-2 and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Engineering Department office.
15. Consider designating two City of Lawton owned 2000 model Ford Crown-Victoria police vehicles, VIN 2FAP71W4YX175906 and VIN 2FAP71WOYX175899, as surplus and authorize the sale of these units for \$400.00 each to the Cotton County Sherriff's Office, for a total cost of \$800.00. Exhibits: None.
16. Consider approval of payroll for the period of November 23 – December 6, 2015.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Bellino-Hall stated that the Citizens Police Academy will start in January and she encouraged everyone to sign up.

McGahee stated she had a good meet and greet after Thanksgiving and it was very productive and she is looking forward to meeting more citizens of Ward 7 and from the city of Lawton.

Phillips stated she has attended the Citizens Police Academy and it is worth every hour. She stated the 77th Army Band are playing during the holiday season and she encouraged everyone to attend a performance.

Tanner stated he attended the noon day bible study at the Lawton Christian Center.

Mayor Pro Tem Wells reminded the council that the next meeting will be December 15th.

Burk stated they are all proud to be known as having a no kill shelter for the month of November 2015. He stated it was 96.61%. He hopes they can do this monthly and that should be the goal.

He stated the shelter is now a place we can be proud of. Everyone should be proud of the work that has been done in Lawton.

Mayor Pro Tem Wells stated that he had to make an emergency appointment to the Personnel Board yesterday because one of the board members had to reclude himself because of his friendship with the person who filed the grievance. That is one of the times that the Mayor can make an appointment without council approval. He asked the City Clerk to call John Purcell who agreed to serve on the board for that one hearing. He stated on December 10th at 7:00 p.m. Army Band will be playing at the McMahon Auditorium. He stated on December 11th the Mattie Beal Home will be having an open house between 5:30 p.m. and 7:30 p.m. He stated on December 12th at 8:00 p.m. is the Messiah performance at McMahon Auditorium.

The Mayor Pro Tem and Council convened in executive session at 6:57 p.m. and reconvened in regular, open session at 7:01 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

17. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2015-2016 between the Police Union, IUPA Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Wilson read the title of item #17.

MOVED by Burk, SECOND by Jackson to approve a contract with the police union for FY 2015-2016 providing for among other things 1) increasing starting pay for new hires to \$36,545.60, 2) providing for a \$2,500 public safety sales tax longevity benefit for eligible officers and 3) adopting a provision of the City's 2014 tobacco and vapor free ordinance. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 7:03 p.m. upon motion, second and roll call vote.

DOUG WELLS
MAYOR PRO TEM WELLS

ATTEST:

TRACI HUSHBECK, CITY CLERK