

L MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MAY 30, 2019 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:

Michael Cleghorn, City Manager

Tim Wilson, Acting City Attorney

Traci Hushbeck, City Clerk

Mayor Booker stated they will not be holding the City Transit tonight.

Mayor Booker reconvened the City Council meeting of May 28, 2019 at 6:00 p.m.

Invocation was given by Charles Barnett, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Mary Ann Hankins, Ward One

Keith Jackson, Ward Two

Caleb Davis, Ward Three

Jay Burk, Ward Four (arrived @ 6:17 p.m.)

Sean Fortenbaugh, Ward Six

Onreka Johnson, Ward Seven

Randy Warren, Ward Eight

ABSENT:

Dwight Tanner, Jr., Ward Five

Mayor Booker stated at the Council Meeting on May 28, 2019 they continued the public hearing on item #10.

10. Hold a public hearing to receive input from the citizens of Lawton regarding the City of Lawton's proposed budget for Fiscal Year 2019-2020, and, after due consideration of the City Manager's proposals and citizens' input thereon, provide direction to finalize the budget or take action to approve the budget (with any revisions) by Resolution as deemed appropriate. Exhibits: FY 2019-2020 Preliminary Budget on file in the City Clerk's office and previously distributed to Council. Budget Resolution No. 19-__.

Mayor Booker reconvened the public hearing to receive input from citizens regarding the budget.

PUBLIC HEARING OPENED

Dick McKean, 2415 NW 34th Street, stated he is concerned about the hotel/motel fund and the fact that 70% of it ends up going to the chamber of commerce and the question is why. If we

don't have a balanced budget and we have to make up the slack, instead of reducing the amount of dollars that we have going to the chamber, we just give it to the citizens. When you look in the budget book, it is the residents of Lawton with an arrow down to the council. It doesn't work that way because when push comes to shove between taking money away from the chamber, the citizens always lose. They need to start treating people equally so that when things get tight, then everyone shares. The chamber hasn't felt any pain in a long time. Most citizens are not aware of the 70% rule and the council goes up to 70% every time and the question is why. He stated that when you give the chamber \$800,000, they take \$200,000 plus for operating expenses. That is charging 25% in fees. He stated in 2017 we had a drop in sales tax, and if you are paying someone who is supposed to be cranking up the economy and your sales tax is not moving, there is something wrong there. There needs to be some oversight. Every year there is a change in your water bill and it is an automated thing now, there is no discussion like there was last year. He has a problem with the city using the consumer price index as opposed to a governmental price index. He stated they need to get something going and if they need to take the money away from the chamber so be it. You should be able to go straight to LETA rather than paying the chamber \$200,000.

PUBLIC HEARING CLOSED

Davis stated he spoke with the city manager earlier about the funding of these event like Arts for All and things like this. The amount for in kind services that it is costing the City is about \$200,000 year. The most recent thing added was the Ware on C event and that is about \$12,000 a year. Departments that are tasked with helping to set up and tear down are the departments that he personally gets a lot of complaints about the things they are not able to do. He stated the people that mow our property, stripe the roads and paint the crosswalks are the people that are tasked with helping these events. The funding for these events should come from the hotel/motel tax, because the function of that is for tourism and economic development. It is hard to expect the city employees to be able to do their jobs when we are constantly pulling them off their job. We have to address this in some way and it is costing \$200,000 a year to put on these events and he feels that money should come from the hotel/motel tax and that the city employees should be allowed to stay on their jobs.

Mayor Booker stated he looked at this report and noticed that three of these events that amounted to \$105,000 were City of Lawton events, the Freedom Festival, International Festival and Holiday in the Park. He questioned how we would handle those events.

Davis stated those are tourism functions. Years ago the citizens voted this hotel/motel tax in and he does not think they were voting to take people off of their jobs to put on these events and then 70% of that money from the hotel/motel tax goes to the chamber of commerce. If that money goes to the chamber then they should support these events with that money or the City should keep that money and support those events. Something needs to be done about this \$200,000 so we can do the basic simple things of a municipality.

Fortenbaugh questioned what Council Member Davis was suggesting. Should they change the budget tonight?

Davis stated he is not ready to pass the budget as it is tonight. He just had this conversation today with the city manager and just got these numbers together. He stated legal is currently working on a contract with the chamber with a divide between LEDC and the chamber. The purpose of the hotel/motel tax is for tourism and economic development and if you look at the chamber budget you will see how much money is spent on salary costs. They break it out into multiple line items and there is over \$200,000 a year in costs for salaries. He hasn't talked to a constituent yet that felt like that was what that money was for. Just taking away the money the chamber spends on salaries would fund the \$200,000 for the City of Lawton so our employees can keep doing their jobs. He stated the chamber of commerce is a private business that should pay for their own salaries. That money should go to economic development and tourism. He suggested they fully fund these events with that money and not at a cost to the city.

Fortenbaugh stated they get reports from the chamber every month regarding what they are doing and they give them metrics on what they are accomplishing. He stated he does not know what is going towards personnel costs, but if you take it away, they will not be able to operate and then we will not get any tourism or economic development.

Mayor Booker stated if they took an amount equal to the wages out of that, the chamber has dedicated employees working on tourism and if we took that money away from them how would the chamber do their job.

Davis stated that money was never intended to provide a job for someone who works for the chamber of commerce. That money is for economic development and tourism. The data they get from the chamber, and he admits they do a good job, but that doesn't mean that money should be paying for salaries. The assumption is with the numbers that they give is that without the chamber of commerce there would be zero heads in zero beds and they all know that is not the way it is. They don't know if there would even be a decline if they took this money away because the tourism here is really based on Fort Sill. It is people coming to Fort Sill to see their loved ones graduate. That is where the numbers come from. The tourism we have is going to be here as long as Fort Sill is graduating people and to allow any entity to take \$200,000 of the citizen's money, especially since the citizens are not getting their parks mowed or streets striped. They need to look at the condition of the streets in this city. The money that is being used on salaries is misused. He stated he is open to other options to pay this \$200,000, but this is something that has been talked about by his constituents since he has been on council.

Mayor Booker stated if you take this money away, who is going to do the work on tourism. He stated the money is being split between the chamber and LEDC, he questioned if Council Member Davis had a problem paying for wages at LEDC, because the biggest portion of their budget is wages because there is work associated with administering.

Davis stated LEDC is a completely different function from what the chamber is doing. The City hires a lobbyist, engineering and attorneys and that is the same as LEDC. When you are hiring an economic development professional you are hiring that persons services.

Mayor Booker stated how is that not the same with tourism.

Davis stated the money for tourism and economic development is to support those functions. Those functions are already here and we don't need to pay anyone to bring those functions here. These festivals and activities are already here and we just need to support them with the funding that the citizens approved through the hotel/motel tax. It doesn't require paying someone's salary to go find things and bring them in. Let's support these functions and have the proper personnel to set it up and tear it down and clean up and also keep our lawn mowed.

Mayor Booker stated he agrees they need to address the \$200,000. He requested chamber staff come forward to talk about how the tourism money is spent.

Brenda Ragland Spencer, President of Lawton Fort Sill Chamber of Commerce, stated on the five-year trend on hotel/motel tax you will see a steady increase. The growth for this community in revenue has been in hotel/motel tax and tourism to the tune of \$200 million and this is based on the growth in the hotel/motel industry. Each report they have done there has been a growth in revenue and it directly correlates back to hotel/motel. When they get the funding to support military affairs as the convention and visitor bureau, there are two employees that have their full time labor to that. Although 100,000 visit the community to see their son or daughter graduate from Fort Sill, this is not where this money goes to. They have 35 events that they submitted proposals and they present the proposals and staff works that. Without the revenue for the labor they would not be submitting those packets for groups to come here. There is a percentage for the oversight and accounting for what they do with that. With regards to the \$200,000 that goes for supporting Ware on C, Arts for All, those are not chamber events even though they may help market those events. When the hotel motel tax comes in, and say for this year it is \$1.4 million that is budgeted, the chamber does not get the lion's share of that, there is also money that goes to other activities. When they do Ware on C there is a city cost for reimbursement, so they may want to look at if those private organizations are paying back any money to the city. But then you have to look at if that will make it unattainable for them because every one of those events brings in an influx of revenue into this community. They want to continue to work to get these events and they need staff to make those professional proposals. Year to date they are at 35 and they have already generated \$2.7 million in return tax revenue to this community. If they take away the people, those groups won't come here.

Davis questioned the total amount spent out of the hotel/motel tax for employment.

Spencer stated they have two full time employees plus benefits plus a percentage in marketing and advertising. They are looking at a \$30,000 a year employee and you are paying 50% of that cost through hotel/motel.

Davis stated he thought the total employment cost was over \$200,000. He questioned if that was close.

Spencer stated it is approximately \$174,000 a year and that includes their full employee benefits. She stated with 35 events and a \$2.7 million return on investment, those employees have certainly earned their wages.

Davis questioned the amount the chamber received from hotel/motel last year.

Spencer stated that information was submitted.

Burk stated the \$174,000 is the salaries the hotel/motel pays, that is not the total number.

Mayor Booker questioned if the \$2.7 million was an annualized number or for so many months.

Spencer stated that \$2.7 million is what they are tracking right now. They have paid some of this forward and those events are yet to come, so it is a positive number.

Mayor Booker stated they are measuring the money they have paid for events that haven't come yet. He questioned how the city manager handled paying out that \$200,000 in the budget.

Clegghorn stated the money is incurred through in kind services and they handle it the best way they can in the budget. In the upcoming budget, to address some of the street issues, they have moved some of the workload from the streets division to field utilities, but these workers are not available to do their work when they are doing certain events.

Mayor Booker stated they need to do something about this. He questioned if the city manager took into account this many events at a cost of \$200,000 to the budget.

Clegghorn stated it was already built in to the budget so they didn't really consider the issue.

Mayor Booker questioned if it is going to cause a problem next year that they were not planning on.

Bart Hadley, Deputy City Manager, stated in the past they have included this in the budget.

Mayor Booker stated they still need to come up with a solution. Half of the money is going to Freedom Festival, International Festival and Holiday in the Park which are City of Lawton events.

Hadley stated Freedom Festival certainly is, but others are co-sponsored and they have committees that raise money to assist with those events.

Davis stated if we leave it the way it is, once again we will have another year where we are pulling people off their jobs. We are not going to have the manpower to do the jobs that need to be done. The additional money won't give us additional time but it would allow us to hire personnel to either set up and shut down these events or do the mowing, striping, etc. Number wise it will not affect our budget, but we will be getting more complaints because the city's properties are not being mowed. He stated they have to do something to address the striping issue and the mowing issue.

Burk stated he feels that we have to do some of these events because it is our responsibility as a city. These small organizations work on volunteers and they make it on pennies. That tourism money puts people in our city and he feels they need to find a way to properly fund the events

that are costing us a lot of money to help co-sponsor. He stated the council needs to come up with a plan and put money into the budget to cover these events properly. These events are economic development and this is part of what we are supposed to do as a city. He agrees that this is becoming a burden to city staff and we not getting the everyday jobs done in a fashionable time, but he feels they need to come up with a plan to fix this and he does not feel that taking away money from hotel/motel is the answer.

Davis stated the chamber does a good job, but his concern is how much money does it cost us to spend this money. He would like to know how much the chamber gets and how much they spend spending that money. The \$174,000 is a rough estimate, he thinks it is about \$200,000. It costs us \$200,000 in order to spend \$300,000. Is the chamber efficiently using that money that was never intended to go to salaries. If not, does the city use that money to hire our own personnel to support these functions. We are not going to ask volunteers to start paying for these functions but we are going to support them with the hotel/motel tax like they were intended to be supported. He wants to support tourism but he does not want it to cost us money in administrative or employments costs if it doesn't need to.

Mayor Booker stated he does not know how the chamber can do this without employees.

Davis stated that goes to the cost. Does it cost \$200,000 to spend the portion of money they are spending. Does it cost \$200,000 in employee cost?

Mayor Booker stated they need to look at some things.

Burk stated in any business if he can invest \$200,000 and get a \$2.7 million return, he would do it tomorrow. They are getting it on the back end through sales tax. They need to budget for the things we need done and they shouldn't go after hotel/motel tourism money to try and fix this problem.

Jackson stated that since the hotel/motel funding has become some great income, everyone wants their finger in the pie.

Johnson stated they had this same conversation last year at the last minute and she feels if they are going to make changes they need to be talking about it now. If they are going to make some changes they need to have all the information in front of them. What would they do with the \$174,000, are they going to hire someone or are they going to put it in the parks and recreation budget? They need to be more strategic about what they are going to do and not wait until the last minutes.

Davis stated he feels these issues could be addressed during a committee meeting and this is the only time this is on the agenda.

Burk stated the hotel/motel committee had a great meeting the other day with the chamber and he felt they made a lot of headway. He is going to make the motion that they approve this budget.

MOVED by Burk SECOND by Jackson to approve **Resolution 19-48** approving the proposed budget for Fiscal Year 2019-2020. AYE: Hankins, Jackson, Burk, Fortenbaugh, Johnson, Warren. NAY: Davis. MOTION CARRIED.

Mayor Booker stated they would go back to the beginning of the agenda.

REPORTS: MAYOR/CITY COUNCIL

Mayor Booker stated they need to fill three vacancies on the committee to look at the new LATS transfer station. He stated Council Member Tanner is already a member. He asked for volunteers.

Burk, Hankins and Davis volunteered.

Johnson stated on June 6th she will be having a council coffee and cops at the McDonald's at Lee and 11th from 4:30 p.m. to 6:00 p.m.

Jackson stated the Freedom Festival event will be held on June 29th.

AUDIENCE PARTICIPATION: None.

CONSENT AGENDA:

Mayor Booker stated the Farrow claim on item #1 will be stricken.

MOVED by Burk SECOND by Fortenbaugh to approve the consent agenda with the exception of the Farrow claim on item #1. AYE: Hankins, Jackson, Davis, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Donna Caldwell in the amount of \$882.84 (**Res. 19-46**), LaQuita Murray in the amount of \$917.74 (**Res. 19-47**), Kamonikah Farrow in the amount of \$947.00 (**Stricken**). Exhibits: Legal Opinion/Recommendation, Resolution 19-____, Resolution -____, and Resolution 19-____.
2. Consider approving a waiver of special assistance and property usage fees in the amount of approximately \$757.00 in support of a Teach for America Welcome Dinner, hosted by the Helping Women Win nonprofit organization in collaboration with the City of Lawton. Exhibits: None.
3. Consider approval of an Agreement with Bill Phelps & Associates, LLC, beginning July 1, 2019 through June 30, 2020, for the purpose of providing professional consulting/lobbyist services to the City and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Consultant Agreement.

4. Consider extending the contract with Delta Dental of Oklahoma, per the recommendation of the Health Plan Review Committee, for the purpose of providing Dental insurance to eligible City of Lawton employees and those eligible retirees for an additional year, as authorized by the contract. Exhibits: Delta Dental of Oklahoma Agreement.
5. Per the recommendation of the Health Plan Review Committee, consider extending the current contract with Health Care Highways (HCH) for the purpose of providing health care insurance coverage to include an amendment reflecting an increase to the stop loss premium rates for eligible City of Lawton employees and those eligible retirees under age 65 for an additional year, as authorized by the contract. Exhibits: Contract is on File in the City Clerk's Office w/amendment.
6. Consider approving a contract revision with Companion Life Insurance Company/SummitRe for the purpose of providing stop loss insurance coverage under the existing agreement with Health Care Highways for City of Lawton health insurance which includes an increase to the stop loss premium rates for one year beginning July 1st, 2019. Exhibits: Companion Life Insurance Co.-SummitRe cover letter, Application/Agreement, and Premium Statement.
7. Consider awarding contract (CL19-028) Aluminum Sulfate to Chameleon Industries, Inc. of Mesquite, TX. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
8. Consider approval of payroll for the periods of May 6 - 19, 2019.

NEW BUSINESS ITEMS:

Mayor Booker stated they will be striking item #9 because they did not open the public hearing at the last council meeting because they did not have a quorum for that item.

9. Hold a public hearing and consider a resolution amending the Land Use Plan from Residential/Low Density to Commercial, an ordinance changing the zoning from R-2 Two-Family Dwelling District to C-1 Local Commercial District, and a Use Permitted on Review for an automated teller machine on property located at 507 NW Fort Sill Boulevard. Exhibits: Resolution No. 19-__, Ordinance No. 19-__ with Site Plan, Location Map, Application and Draft CPC Minutes. **STRICKEN**
11. Consider adopting a resolution amending the City of Lawton FY 18-19 budget, as amended, by appropriating \$60,350.98, plus any accrued interest, from the Guaranteed Loan Investment Account into the CDBG Section 108 Note Payable account (Acct. # 006-0528-P19-00-0400N249). Exhibits: Resolution No. 19-__.

Richard Rogalski, Community Services Director, stated they found an additional \$60,350.98 that was left in the bank account from the original Section 108 loan. This item just adds that money to the city budget so they can spend it to make the payments.

MOVED by Burk **SECOND** by Warren to approve **Resolution No. 19-49** amending the City of Lawton FY 18-19 budget, as amended, by appropriating \$60,350.98, plus any accrued interest, from the Guaranteed Loan Investment Account into the CDBG Section 108 Note Payable account (Acct. # 006-0528-P19-00-0400N249). AYE: Hankins, Jackson, Davis, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

12. Consider approving Change Order No. 2 to the Wynn Construction Co., Inc., Contract for the Wastewater Treatment Improvements Work Package III Project 2008-11. Exhibits: Change Order No. 2.

Rusty Whisenhunt, Field Utilities Director, stated Change Order No. 2 is additional repairs that are needed on the center bar screen. The council approved a change order on December 11th for part of the repair parts and after they started putting things together and putting the shafts back in the correct locations they realized that the chain, which is approximately 30 feet long and 5 feet wide, had stretched to the point that it cannot be reused. The majority of the cost is the chain and the parts associated with the chain on the bar screen. They are also requesting additional days for change order #1 that were not addressed to start with along with the days for change order #2, which will give a total request of 222 days. The total cost for this change order is \$69,627.91.

MOVED by Burk **SECOND** by Jackson to approve Change Order No. 2 to the Wynn Construction Co., Inc., Contract for the Wastewater Treatment Improvements Work Package III Project 2008-11. AYE: Hankins, Jackson, Davis, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

13. Consider awarding (RFPCL19-029) Concession Lease Ahlshlager Park to LaSill Optimist Club of Lawton, OK, and authorize the City Council and Mayor to enter into a Concession Lease Agreement for same. Exhibits: Department Recommendation, Abstract of Bids, Proposal Price Sheet. Concession Lease Agreement is on file in the City Clerk's Office.

MOVED by Warren **SECOND** by Burk to award (RFPCL19-029) Concession Lease Ahlshlager Park to LaSill Optimist Club of Lawton, OK. AYE: Hankins, Jackson, Davis, Burk, Fortenbaugh, Warren. NAY: None. ABSTAIN: Johnson. MOTION CARRIED.

14. Consider an ordinance pertaining to Vehicles and Traffic, reusing reserved Section 23-16-1601, Article 23-16, Chapter 23, Lawton City Code, 2015, by renaming the section "Causing An Accident While Driving Without A Valid Driver's License – Penalties"; creating and defining the offense of Causing An Accident While Driving Without A Valid Driver's License, prescribing penalties for violations, providing for severability and declaring an effective date. Exhibits: Ordinance 19-__.

Wilson stated there is a state law that allows for this to be charged criminally in state court but we do not have something similar in our city code. With this ordinance, when there is an accident and someone does not have a driver's license or it has been suspended or revoked and

they knew it was suspended or revoked, we can charge them with this crime in city court. The fine would be up to 60 days in the city jail and/or up to \$750 fine.

Davis stated it says for cancelled, denied, suspended or revoked, he questioned if that was excluding someone that has passed the timeline on getting their license renewed or is that what a “cancelled” driver’s license is.

Wilson stated he is not sure if they voluntarily cancel it.

Davis stated he would hate for someone to go to jail for 60 days because they forgot to renew their driver’s license and got in a fender bender.

Wilson stated the discretion would be up to the courts on sentencing. If they knew their license had been suspended or revoked they could be found guilty of this charge.

MOVED by Burk SECOND by Warren to adopt **Ordinance 19-11**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage. AYE: Hankins, Jackson, Burk, Fortenbaugh, Johnson, Warren. NAY: Davis. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 19-11

An ordinance pertaining to vehicles and traffic, reusing reserved Section 23-16-1601, Article 23-16, Chapter 23, Lawton City Code, 2015, by renaming the section “causing an accident while driving without a valid driver’s license – penalties”; creating and defining the offense of causing an accident while driving without a valid driver’s license, prescribing penalties for violations, providing severability and declaring an effective date of thirty days after passage.

15. Consider an ordinance pertaining to the Regular Employee Retirement System, amending Section 17-3-4-333, Division 17-3-4, Article 17-3, Chapter 17, Lawton City Code, 2015, by modifying the definition of “Earnings” to include the contractually mandated buy backs / buy downs of contract members’ historical sick leave since December 1, 2016; providing for severability and establishing an effective date. Exhibits: Ordinance 19-__.

Hadley stated this is clean up language to correspond with the intention of some of the contract employees. The previous city manager and the current city attorney both had areas in their contract that would allow for sick leave buy down that would be pensionable. Currently you can either take your sick leave as terminal leave, which is pensionable, or if it is bought back in those contracts it would be allowed to be pensionable as well. He stated our pension attorney recommended that we change our code to insure that it is listed specifically that way.

MOVED by Burk SECOND by Jackson to adopt **Ordinance 19-12**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage. AYE: Hankins, Jackson, Davis, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 19-12

An ordinance pertaining to the regular employee retirement system, amending Section 17-3-4-333, Division 17-3-4, Article 17-3, Chapter 17, Lawton City Code, 2015, modifying the definition of “earnings” to include the contractually mandated buy backs / buy downs of contract members’ historical sick leave since December 1, 2016; providing for severability and establishing an effective date of thirty days after passage.

The Mayor and Council convened in executive session at 7:10 p.m. and reconvened in regular, open session at 7:34 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

16. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations regarding for a Collective Bargaining Agreement for FY 2019-2020 between the International Association of Fire Fighters (IAFF), Local 1882, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Wilson read the title of item #16. No action was taken.

There being no further business to consider, the meeting adjourned at 7:37 p.m. upon motion, second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK