MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
DECEMBER 19, 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 6:08 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. Keith Miles, Central Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:
Bob Morford, Ward One
Caleb Davis, Ward Three
Dwight Tanner, Jr., Ward Five
Cherry Phillips, Ward Six
V. Gay McGahee, Ward Seven

ABSENT:
Keith Jackson, Ward Two
Jay Burk, Ward Four
Doug Wells, Ward Eight

Mayor Fitch made presentations to outgoing Council Members Phillips and McGahee.

AUDIENCE PARTICIPATION: None

CONSENT AGENDA:

Mayor Fitch stated items #4 and #8 will be stricken from the agenda and items #1 (Eisenhower Village Association claim) and item #5 be considered separately. Davis request items #7, #9, #11 and #15 and Tanner requested item #6 be considered separately

MOVED by McGahee SECOND by Morford to approve the consent agenda with the exception of items #1 (Eisenhower Village Association claim) #4, #5, #6, #7, #8, #9, #11 and #15. AYE: Morford, Davis, Tanner, Phillips, McGahee. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Egbert Williams, on behalf of Eisenhower Village Association in the amount of $856.00, and Justin Kapinus and Nicole Ferguson in the amount of $2,498.65 (**Res. 17-132**). Exhibits: Legal Opinion/Recommendation**,** Res. 17-___ and Res. 17-___.

Linda Troop, Vice President of the Eisenhower Village Association, 7013 SW Winchester, stated there was no reason for the city truck to be on their parking lot because there was no cart to be picked up. The reason for the denial was that photos showed cracks in the asphalt that existed prior to the city truck entering the parking lot. She stated they do not believe that conclusion can be reached. She stated they are not trying to be difficult and they just didn't understand why the City just didn't want to fix the problem. They were told to get estimates, one was for $1,700 and one for $2,000, and they have requested the lesser estimate. Now the City says they will depreciate it by 50% and pay them $856. They are requesting that the City up the percentage to 75%.

Kelea Fisher, Deputy City Attorney, stated she is recommending the approval of the claim in the reduced amount. Based on the information provided to her, the parking lot was over 36 years old and there was no record of any maintenance or upkeep on the parking lot. The workers on the scene stated there appeared to be preexisting damage to the area. Case law stated that the purpose of damages is to make the party whole and to make them whole is not to put them in a better position than they were prior to the negligence, it is to put them back in the same position.

Phillips questioned if this parking lot is used by a lot of different trucks.

Fisher stated city employees have said they have seen other trucks but the homeowners association stated they have never seen trucks in the area.

Ms. Troop stated there was no reason for the truck to drive in the parking lot, the cart is on the curb.

Phillips questioned if the driver was questioned.

Fisher stated yes, he stated he pulled into the parking lot to empty the trash can which was near the pool house. It has been established that he was in the parking lot.

Davis questioned how they proposed to make this whole for $800.

Fisher stated making them whole is putting them back in the same position they were in. They have repaired the damages in the full amount of $1,700 and her position would be to give them a new portion of a parking lot and that is where the depreciation come in, to depreciates at what it was actually worth prior to the damage and 50% percentage is typical when you have property that is over 10 years old.

Davis stated there is no way this can be repaired or made whole to where cars can drive on it for $800. There is no other way to make these folks whole other than to pay for the damage. He would like to see the council pay for the damages to the parking lot. There is no way to depreciate asphalt.

Tanner questioned if there was a sign posted saying trucks are off limits.

Ms. Troop stated there is a sign saying private property.

Tanner stated when someone has an accident, adjusters never adjust up, they always adjust down. Staff has adjusted it down due to the age of the parking lot. He stated he would not have a problem paying 70%.

Fisher stated that 70% would be $1,198.40.

MOVED by Tanner SECOND by Davis to approve **Resolution 17-133** approving the damage claim of Eisenhower Village Association in the amount of $1,198.40. AYE: Davis, Tanner, Phillips, McGahee. NAY: Morford. MOTION FAILED (Resolution requires five affirmative votes).

2. Consider the following damage claim recommended for denial: Parks Jones Realty, on behalf of Judy and Jonathan Steenland in the amount of $325.00. Exhibits: Legal Opinion/Recommendation.

3. Consider designating the City's Human Resource Director (Warren Wick) to serve as the authorized agent of the City in matters pertaining to the defined contribution retirement plan for eligible employees hired on or after July 1, 2017, and authorize the Mayor and City Clerk to execute the Authorized Agent Notification Form. Exhibits: OMRF Authorized Agent Notification Form.

4. Consider approving an agreement between the Lawton Evening Optimist Soccer Association (LEOSA) and the City of Lawton for the cooperative effort to make a first-class soccer complex available to the citizens of Lawton and promote youth soccer in Southwest Oklahoma. Exhibits: Lawton Evening Optimist Soccer Association contract. **STRICKEN**

5. Consider approving entering into a Purchase Agreement with Utility Technology Services, Inc. which includes Software as a Service (SaaS) and applicable Sensus services to allow City of Lawton access and capabilities of their current Sensus Flexnet Meter Reading System, and entering into an associated Advanced Metering Infrastructure (AMI) Agreement with Sensus USA, Inc. for same. Exhibits: Purchase Agreement with Utility Technology Services, Inc. and Advanced Metering Infrastructure (AMI) Agreement with Sensus USA, Inc., Sole Source Information is on file in the City Clerk's office.

J.I. Johnson, Finance Director, stated the City reads the water meters remotely and they utilize the software provided by Sensus. Sensus is considered a sole source vendor and approval of this contract will allow us to continue to read our water meters from a remote location.

Jensen stated the reason this item was pulled was to clean up the agenda item itself.

Ihler stated there are two areas of revision on the agenda item. (A modified agenda item was previously distributed to the council.) The last two lines on the recommended council action says to make an initial payment in the amount of $86,130 from appropriated funds and to enter into an Advanced Metering Infrastructure Agreement with Sensus USA, Inc. He stated we can only commit ourselves to each individual years funding in the budget and not into next year unless funding is available, so they added a sentence in the second to the last paragraph, effective date of purchase agreement is subject to availability and appropriation of funds.

Mayor Fitch stated the council cannot extend the obligation of the council more than one year at a time. Each payment will have to be approved each year.

Davis questioned what would happen if the next council does not approve those payments. He questioned if we were buying software with this.

Johnson stated we already have the software this is just to continue to use the software.

Davis stated we have quite a few units that break every year and most of the time the City gets stuck with the bill on replacing those. He questioned how much each unit cost.

Mardi Repasy, Revenue Services Supervisor, stated a residential meter costs about $200.

Davis stated he is talking about the unit the GPS reads.

Repasy stated $125.

Davis questioned how many break each year that the city has to pay for.

Repasy stated if the customer runs over it with a lawnmower then the customer is charged.

Davis stated he was told there were several that the City pays for. He questioned how many the City has paid for over the past year.

Repasy stated she did not know.

Davis questioned the length of this agreement.

Ihler stated this agreement is initially the first year payment with four additional years at $50,000. If they choose to continue, the option is for five additional years with a 5% increase each year. He feels they should stay with the automated reading system at least through the life of the meters and the meters were purchased seven years ago.

Tanner questioned if this was an upgrade.

Repasy stated this is the same system but it is newer technology.

Tanner stated he is a member of the water conservation committee and they were looking into a system called AquaHawk which would monitor usage and notify us if your meter was using excessive water.

Repasy stated that staff is continuously looking into options and hopes to bring something to the council in the future.

Tanner questioned when the current agreement runs out.

Repasy stated it has already run out.

Davis stated the total cost of this is $57,000 a year.

Ihler stated the first year was the $86,000 and $50,000 in four subsequent years.

Davis stated by going to this we were able to eliminate three positions. He requested that staff get him information on the number of units that break every year.

MOVED by Tanner SECOND by McGahee to approve entering into a Purchase Agreement with Utility Technology Services, Inc. which includes Software as a Service and applicable Sensus services to allow City of Lawton access and capabilities of their current Sensus Flexnet Meter Reading System, and entering into an associated Advanced Metering Infrastructure Agreement with Sensus USA, Inc. for same. AYE: Morford, Davis, Tanner, Phillips, McGahee. NAY: None. MOTION CARRIED.

6. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, to implement changes in City Hall Rental Fees as set forth in Exhibit A of the Resolution, and establishing an effective date. Exhibits: Rental/Lease costs/fees comparisons, Long term maintenance, replacement, operational cost comparisons and Resolution 17-__ with Exhibit A.

Tanner stated he is in full agreement for us to cover our costs, but he would like to keep the cost of the events as low as possible. He stated on this event we are not increasing the rental rate, we are eliminating the discount that the non profits are receiving, which is 50% off.

Bart Hadley, Assistant City Manager, stated they have proposed to keep the actual fees the same and they actually reduced one. They are recommending that they do away with having two sets of fees and the reason is that there was no definition given a non profit and the vast majority of all rentals have been booked under the nonprofit fees. He stated he believes they will be able to increase the revenue by doing away with the nonprofit and everyone will fall under the same category.

Tanner stated one of his biggest issues is the increase in our labor costs which don't include if you come in during the working hours at city hall, these are all overtime hours. When people rent the facilities after 5 p.m. we don't have a charge for that and we probably need to add that because it will possibly increase the overtime for city staff.

Hadley stated he would recommend adding an evening rate and define that at 5 p.m. to 11 p.m. Monday through Thursday and that would be the base rate plus the deposit rate plus $75.

Tanner stated there is a breakdown of overtime costs for 2015, 2016 and 2017. In 2015 there were 34 events, 10 were unpaid. He questioned a typical unpaid events.

Ihler stated anything that has to do with Lawton Public Schools and any City sponsored event. Tanner stated some of these events do cost the City in overtime.

Hadley stated they do have a salaried position that is the primary person to be there after hours. He has a flexible schedule and we assign him to work to cover these events and then give him equivalent time off during the work week. There is no actual additional cost in overtime expenses for that position.

Tanner stated in 2015 we had $7,200 in overtime expenses and we had 34 events. He stated it is costing us an average of $214/hour an event. In 2016 it went up to $335/hour in overtime pay and in 2017 it has jumped up to $450/hour that we are paying in overtime expenses. He does not know if we will even break even.

Hadley stated if you take it by the hours worked they are working a lot more hours.

Tanner questioned who would show up to work these overtime events.

Hadley stated typically there is one primary, our building manager, and the custodian.

Tanner stated these people pay a cleaning deposit and they are supposed to be cleaning up after themselves and if they don't we will pay the custodian to clean this up and if it takes longer than what they paid for on the deposit we will bill that to them.

Hadley stated we did not use a custodian in previous years, but in 2017 for the larger events the custodian will come in and help with the setup and go home and come back at the end of the event to help with the clean up.

Tanner questioned if we keep the cleaning deposit in those instances.

Hadley stated we refund the deposit.

Tanner questioned what the purpose of having a cleaning deposit is if we have our employees come in and clean up after them.

Hadley stated she comes in to assist and make sure things are done to the proper standard.

Tanner stated in 2017 it is costing us $450/hour to pay this custodian to come in.

Hadley stated that money includes the cost of the salary for the building manager, it is not actual additional overtime cost, it is personnel cost.

Tanner stated it says it includes the building manager hourly overtime estimate. If the building manager is on salary he doesn't get overtime.

Mayor Fitch stated he does not get overtime but if he works 80 hours that week, he is entitled to 40 hours in the future of time off and he is paid for it.

Tanner stated before we hired a building manager we were just paying city employees to show up and set up tables, etc. The idea was to create a position to handle these events to put more of a handle on the cost, that way we are not paying these overtime hours to the city employees. Now we have this salaried position plus we have the overtime employees coming in and cleaning it up. Something is not working.

Hadley stated it is working very well. We have done a great job of keeping the building up.

Tanner stated he is talking about saving money. It costs us $450 in 2017 in overtime for a custodian.

Hadley stated we are not spending $450 per event in overtime. That includes the salary of the salaried employee. There is maybe an hour or two in the morning or an hour or two at the end of the event in overtime, and some events we have no overtime.

Tanner stated we need to get a better handle on our labor costs for these events because we are not even breaking even.

<u>MOVED by Tanner SECOND by Phillips</u> to approve **Resolution 17-133** amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, to implement changes in City Hall Rental Fees as set forth in Exhibit A of the Resolution, and establishing an effective date. AYE: Morford, Davis, Tanner, Phillips, McGahee. NAY: None. MOTION CARRIED.

7. Consider authorizing Housing & Community Development Division (HCD) to look at the feasibility of providing assistance towards the rehabilitation of the "Old Dunbar School" with Community Development Block Grant funds. Exhibits: None.

Davis questioned the wording of this item. If approved, this does not provide authorization as written, but provides authorization for HCD to look into providing assistance but does not authorize them to provide assistance.

Anthony Griffith, Director of Administrative Services, stated that is correct. All they are looking at is the feasibility of if they could do this and do they qualify. All those questions need to be answered but it takes up staff time and they are asking for council approval to set aside that time for staff to look at the project. If they look at the project and think it is feasible, then they will come back to council for approval.

Davis stated there has not been any real progress made on this project for some time. He questioned what stage of development this organization is in.

Griffith stated there has been a new set of owners, Unified Lawton Grows Lawton, Inc., which is a nonprofit organization with board members that seem to be credible. They approached him about assistance with CDBG funds. They intend to turn that into an after hour educational facility. They have an estimated cost of $1.6 million for the entire project. There is not that much in CDBG funding. The building has been vacant and in a state of disrepair for many years and eventually the City will have to do something, either take it down or see what type of assistance we can provide to make it a viable building. He stated all they are talking about is asking for staff time to see if it is feasible.

Davis questioned how much staff time it will take.

Griffith stated he is not sure. The projects they are committed to will take priority over this.

Davis questioned how long this organization has owned the property.

McGahee stated Unified Lawton Grows Lawton has owned this property for about three or four years.

Davis questioned if this is the first step this organization is taking on doing something about this. Have they raised funds? Are they at the stage where we can commit the citizens tax dollars to take the City's staff and provide them with assistance.

McGahee stated this property has been a blight in the community for a long time. She stated they have done quite a bit of work inside the building, but then the person that was in charge moved away and they needed to reorganize. She is working with that group to move this project forward and they will do something to make that property something that the city of Lawton can be proud of. There have been times when different organizations have taken on this project and they did not follow through, but she does intent to see that this project moves forward. They realize that whatever funding that staff may be able to find will not complete the project.

Davis stated this agenda item is to look into the feasibility of providing assistance. If there is some assistance that staff feels they are eligible for, then staff will come to council for approval to move forward.

Griffith stated if there are funds available and they qualify and the project if feasible then it will come back to council for approval. All the council would approve tonight is for staff to look at possible funding, this does not commit any funding. He stated several years ago Dunbar received CDBG funding which was used to clean up asbestos.

Davis stated he does not want to see us continue to kick the can down the road and have staff involved and keep getting this answer that they are working on it. It is a terrible blight in the community and something needs to be done.

<u>MOVED by McGahee SECOND by Phillips</u> to authorize Housing & Community Development Division (HCD) to look at the feasibility of providing assistance towards the rehabilitation of the "Old Dunbar School" with Community Development Block Grant funds. AYE: Morford, Tanner, Phillips, McGahee. NAY: Davis. MOTION CARRIED.

8. Consider adopting a resolution to support an Oklahoma Affordable Housing Tax Credit application by Cornerstone Associates LLC (Cornerstone), to the Oklahoma Housing Finance Agency for the proposed Legacy Senior residence apartment complex to be located at the southeast corner of East Gore and 45th Street. Exhibits: Resolution 17-__ and Location Map. **STRICKEN**

9. Consider approving Amendment No. 3 to the December 9, 2014 contract with Garver, LLC, which will add professional and technical services for additional hydrological and geophysical exploration survey, processing of the data, providing required easement related documents, drilling of test holes, estimation of well yield, performance of treatability study, evaluation of conveyance alignment, preparation of engineering report for ODEQ, and conceptual design for the treatment process. Exhibits: Amendment to the Agreement.

Davis questioned how much money we have spent on this item so far.

Afsaneh Jabbar, Director of Water/Wastewater, stated the original contract was $709,000, and amendment No. 1 was $33,000 but $16,000 was returned, amendment No. 2 was $1.5 million and $330,000 will be returned.

Davis stated this is all funding from the CIP.

Jabbar stated yes, the voters approved $64 million.

Davis stated the only money we have spent on the water study is with these three amendments with Garver.

Jabbar stated that is correct.

Davis questioned how long this amendment will last.

Jabbar stated the schedule indicates 45 days for review, 30 days for field study, 8-10 weeks for drilling the wells, 90 days after that for the water quality study and 120 days for samples to be analyzed. She stated there also may be some actions from the City.

Tanner stated the reason we want to extend this feasibility study is because we are trying to find a better location for these water wells.

Jabbar stated this groundwater has never been studied before and we started the study in an attempt to find where the water is and the quality of the water.

Phillips stated our goal was 10 million gallons.

Jabbar stated they found 7.2 million gallons, but 1.2 million of that is not really suitable, so basically we have 6 million.

Phillips stated the 10 million is something we can work with and make potable water.

Jabbar stated that is correct.
MOVED by McGahee SECOND by Phillips to approve Amendment No. 3 to the December 9, 2014 contract with Garver, LLC, AYE: Morford, Tanner, Phillips, McGahee. NAY: Davis. MOTION CARRIED.

10. Consider awarding a construction contract to T&G Construction, Inc. for the SW Bishop Road Reconstruction Phase 2 Project #2017-02. Exhibits: Contract on file in the City Clerk's Office.

11. Consider approving the record plat for Eastlake Addition, Part 3B, and accepting the improvements, an escrow agreement in lieu of minor incomplete improvements, easements outside of the platted area, and maintenance bonds. Exhibits: Plat Map, Maintenance Bonds, Easements and Escrow Agreement are on file in the City Clerk's Office.

Davis stated the developer has submitted an escrow agreement in the amount of $66,375 for the sidewalks. He questioned if the sidewalks would be put in.

Richard Rogalski, Community Services Director, stated there were sidewalks required as part of this subdivision and those have not been installed yet. Our code provides for an assurity which in this case is an escrow in lieu of putting them in ahead of time. This is a guarantee that the sidewalks will be put in and if he does not put them in we would take ownership of this money and put them in ourselves.

MOVED by Davis SECOND by Morford to approve the record plat for Eastlake Addition, Part 3B, and accept the improvements, an escrow agreement in lieu of minor incomplete improvements, easements outside of the platted area, and maintenance bonds, AYE: Morford, Davis, Tanner, Phillips, McGahee. NAY: None. MOTION CARRIED.

12. Consider extending the current contract (RFPCL15-027) Copier Contract to Bennett Office Equipment of Lawton, OK for an additional three (3) months, ending March 31, 2018 to allow for the transition to a new copier contractor. Exhibits: Department Recommendation, Contract Extension Form including Exhibits.

13. Consider approving entering into a citywide Copier Contract (RFPCL18-009) with High Tech Office Systems which includes leasing 43 machines at a base monthly lease rate of $5,311.88, a per copy charge ($0.005 per B/W, $0.05 per Color), and an associated service agreement. Exhibits: Department Recommendation. Cost per Image/Base Cost Lease Agreement and Service Agreement are on file in the City Clerk's Office and in the Finance Department.

14. Consider extending contract (RFPCL16-001) Fire Records Management Information System to Emergency Reporting of Bellingham, WA for an additional six (6) months, ending June 30, 2018. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

15. Consider awarding contract (RFPCL18-011) VHF Radio System and Components in the amount of $47,884.39 to J and G Two Way of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

Davis stated the system we have now is a 800 MHz system and he has been told that is not a reliable system and it goes down often and that is the reason we need to go the 400's which are less expensive to buy and maintain.

Raanon Adams, Deputy Fire Chief, stated these current radios are 10-12 years old. Funding is one issue and reliability is the second issue. At times when they need the radios the most they cannot always depend on them. They are looking to make this their back up system and by going to the VHF system it will be something internal and will be their own system that they maintain and program.

Davis stated they are not going back to the old system.

Adams stated no. They do not have the funding to get the digital or move to the B25 systems.

Morford stated he understood that when the 800 was set up it could communicate within other branches. He questioned if there was any reason we needed to do that.

Adams stated they rely on mutual aid and there is a degree of inoperability that we would lose by going to our own system. The funding for this system has not been replaced and it becomes an issue from a budgeting standpoint to maintain the system we currently have.

Morford stated this will cut the cost tremendously.

Tanner stated the last thing we need is to have an emergency and the radios not work. He also likes that we are using a local vendor.

<u>MOVED by Tanner SECOND by McGahee</u> to awarding contract (RFPCL18-011) VHF Radio System and Components in the amount of $47,884.39 to J and G Two Way of Lawton, OK. AYE: Morford, Davis, Tanner, Phillips, McGahee. NAY: None. MOTION CARRIED.

16. Consider approval of payroll for the period of December 4 - 18, 2017.

NEW BUSINESS ITEMS:

17. Hold a public hearing and consider a resolution amending the Land Use Plan from Industrial to Public Facilities, an ordinance changing the zoning from I-3 Light Industrial District and I-4 Heavy Industrial District to P-F Public Facilities District, and an

amendment to the setback for property located at #1 South Railroad Street. Exhibits: Resolution 17-__, Ordinance 17-__, Location Map and Site Plan.

Rogalski stated this request is for a 10.35 acre tract of land located between East Gore Boulevard and SW D Avenue and between South Railroad Street and SE Larrance Street. The property owner and applicant is the City of Lawton. The proposed use is the public safety complex to include a fire station, police station, jail, and municipal court. The zoning of the surrounding area is Mixed Use District of the D-6 Urban Renewal Plan to the north, I-3 to the south and east, and Commercial Central Subdistrict of the Downtown Overlay District and Central Business District to the west. The land use of the surrounding area is Lawton Public Schools Professional Development Center to the north, Comanche Home Center to the south, Ken Hall Brick and Larrance Steel to the east, and PSO and vacant to the west. The setback requirement from Larrance Street is 25 feet. The site plan indicates the proposed jail portion of the building would set approximately 7 feet from the property line along Larrance Street. Section 18-5-7-577 of the Lawton City Code authorizes the City Council, after receiving a recommendation from the CPC, to amend the yard requirements in the P-F District. Other buildings in this area sit very close to the property line.

Rogalski stated the City Planning Commission (CPC) held a public hearing on December 14, 2017. The recommendation of the CPC was to approve this rezoning as well as the reduced setback. CPC also approved a Use Permitted on Review for the operation of a jail at this location. The required number of parking spaces for the proposed 79,372 square foot building is 146 based on the parking requirement calculation within the Fairmont District, which allows a 40 percent reduction in the number of required parking spaces. The number of parking spaces shown on the site plan is 320. Because the tract is greater than five acres and does not abut residential uses or R-1 District, the site plan is not binding on the approval of the request and will not be part of the ordinance; however, the site plan is binding for the Use Permitted on Review for the jail. Notice of public hearing was mailed on November 24, 2017, to 29 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on November 28, 2017. No calls or letters either for or against the request have been received.

Phillips questioned if this facility is all going to be zoned the same.

Rogalski stated that is the idea to take this property, which has multiple zonings, and put it all as Public Facilities District. He does not know of any City owned property that is not zoned Public Facilities District.

Davis stated under the current zoning we could not have a jail in that public safety facility.

Rogalski stated the majority of the jail is in the I-4 category which allows any use under the residential, by residential he means someone living there like a house or apartment. Those uses are not residential so actually those are allowed.

Davis questioned if the fire station would be permitted.

Rogalski stated with the current zoning the fire station would not be permitted use on that north end.

Davis questioned if that applied with the jail.

Rogalski state most of the jail is in I-4 and I-4 allows everything. It is only a use permitted on review if you downzone to P-F.

Davis questioned if everything can be built on this the way it is currently zoned except the fire station.

Rogalski stated yes.

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

<u>MOVED by McGahee SECOND by Phillips</u> to adopt **Ordinance 17-32**, waive the reading of the ordinance, read the title only. AYE: Morford, Tanner, Phillips, McGahee. NAY: Davis. MOTION FAILED.

(Title read by City Attorney) Ordinance 17-32

An ordinance changing the zoning classification from the existing classification of I-3 Light Industrial District and I-4 Heavy Industrial District to P-F Public Facilities District zoning classification on the tract of land which is hereinafter more particularly described in sections one (1) and two (2) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

<u>MOVED by McGahee SECOND by Phillips</u> to adopt **Resolution 17-134**. AYE: Morford, Tanner, Phillips, McGahee. NAY: Davis. MOTION FAILED.

18. Consider approving a resolution in recognition of Indigenous Peoples' Day on the Friday after Thanksgiving each year. Exhibits: Resolution No. 17-__.

Morford stated they have had a request to recognize indigenous people and it was suggested that it be on Columbus Day, but he would hate to change history. He did some research and some of the states recognize Indigenous People Day on the Friday after Thanksgiving. He stated Dr. Pewewardy had previously spoken to the council about this issue but he is out of town and could not be in attendance.

<u>MOVED by Morford SECOND by McGahee</u> to approve **Resolution 17-134** in recognition of Indigenous Peoples' Day on the Friday after Thanksgiving each year.

Tanner stated he thought this had already been worked out but there are many people in attendance tonight that are not in support of this resolution. He questioned if those in attendance would prefer to amend the resolution at a late date or table it. He stated they are better off getting it passed and then amend it at a later time.

McGahee stated she was under the impression that it had already been worked out.

Morford stated he and Dr. Pewewardy talked and this is what he recommended.

Nicona Pewewardy, stated she cannot speak for the indigenous people here today but she understood was that when Dr. Pewewardy spoke with the city manager he requested this be postponed until after the first of the year. She stated the original resolution presented to the city council said October 9, 2017. She stated Dr. Pewewardy's original wish was for it to be in October.

Tanner stated he does not object if the indigenous people want to have recognition of Columbus Day. He stated they cannot do away with Columbus Day, but he is not opposed if they want to be recognized on Columbus Day.

SUBSTITUTE MOTION by Tanner SECOND by McGahee to adopt **Resolution 17-134** recognizing Indigenous Peoples' Day on the same day as Columbus Day. AYE: Tanner, Phillips, McGahee. NAY: Morford, Davis. MOTION FAILED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Mayor Fitch requested that everyone keep Council Member Keith Jackson and his family in their prayers.

Tanner thanked Council Members Phillips and McGahee for their service.

Phillips thanked those who elected her three years ago and she had enjoyed learning how this city functions every day. She has great admiration for city staff.

McGahee stated she has truly enjoyed serving the city as a council member and she does intend to continue to serve this city as she had over the years. She stated the citizen's voices are being heard and staff is taking note of what is happening and they are moving forward.

The Mayor and Council convened in executive session at 7:57 p.m. and reconvened in regular, open session at 8:47 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

19. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of Jerry Ihler, City Manager, and if necessary, take appropriate action in open session. Exhibits: None.

Mayor Fitch read the title of item #19.

MOVED McGahee SECOND by Phillips to approve the following amendments to the City Manager's contract: 1) add the recently created category of historical sick leave to list of payouts in Section 3, Paragraph 3.01 termination and 3.02 resignation, 2) amend Section 4, Paragraph E payment for historical leave by changing the time of payment from during the second pay period beginning in December 2016 and each December thereafter to not before September 1 and no later than December 31 during 2017 and each year thereafter and by reducing the number of hours paid from 450 hours each year to 400 hours each year and 3) amend Section 4 Paragraph a by adding the City Manager shall receive the same 2% cost of living adjustment with the same effective date of January 29, 2018 as general and fire department employees will receive on the same effective date. AYE: Morford, Phillips, McGahee. NAY: Tanner, Davis. MOTION CARRIED.

20. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the Employment Agreement of Frank V. Jensen as City Attorney, and in open session take action as necessary. Exhibits: None.

Mayor Fitch read the title of item #20.

<u>MOVED by Tanner SECOND by McGahee</u> to amend Paragraph 3.01 termination and 3.02 resignation of the City Attorney's agreement by adding the recently created category of accrued historical sick leave to payouts the City Attorney shall be eligible to receive upon separation from the employment with the City. AYE: Morford, Davis, Tanner, Phillips, McGahee. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 8:50 p.m. upon motion, second and roll call vote.

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FRED L. FITCH, MAYOR

ATTEST:
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TRACI HUSHBECK, CITY CLERK