

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
MARCH 26, 2013 – 6:00 P.M.  
NEW CITY HALL  
COUNCIL CHAMBERS/AUDITORIUM

Mayor Pro Tem Doug Wells  
Presiding

Also Present:  
Bryan Long, City Manager  
Frank V. Jensen, City Attorney  
Traci Hushbeck, City Clerk

Mayor Pro Tem Wells called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Harold Gaches, First Baptist West, 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  
George Moses, Ward Five  
Richard Zarle, Ward Six  
Stanley Haywood, Ward Seven  
Doug Wells, Ward Eight

ABSENT:

None

AUDIENCE PARTICIPATION:

Tony Burrows, 1206 SW Texas Avenue, stated for the past few months he has been working on a project called “Stop the Violence” working with young individuals to bridge the gap between them and the Lawton Police Department. He started doing programs on a monthly basis at McMahan Auditorium. He stated they invited Cynthia Bailey from Real Housewives of Atlanta to be part of a program. She will take ten underprivileged young ladies and give them a full make over with her hair line. He went to search for a location for the event and he was very hurt by the response he received by being turned down by the Apache Casino Hotel. He was told that it was not something the tribe was interested in doing. When he asked about renting a room he was denied again. He questioned if this was a pattern with other businesses picking and choosing as to whom they will allow to host a function that will benefit the community at large. They do everything they can to provide something positive for young people to do. If everyone closes the door, where will they go?

Irven McGoohan, 3307 Atlanta, stated he owns Splash pools. He stated he and Stan Odom, owner of Stan’s Pools, came here tonight to discuss swimming pools and the water restrictions. He stated he and Mr. Odom do swimming pool construction and service work and get both

residential and commercial pools ready for the summer. They want to know the policy and they would like to know what they need to do.

Wells stated they need to discuss the issue with Jerry Ihler, Public Works Director.

Mr. McGoohan stated they have talked with Mr. Ihler.

Wells stated that is the policy. When it drops down in percentages of water availability everyone is going to be hurting.

Mr. McGoohan stated he cannot go to someone's house and do some work for them and leave their pool empty. He questioned if they cannot fill up hotel pools or the water park.

Moses stated there are two issues here. There is a restriction and these guys are finding it difficult to service or repair pools and fill them or to fill new pools. There needs to be some discussion about our policy and how these guys do their work. There are also nurseries around town that have to keep stock alive. He was hoping that Jerry would get with these guys and see if there is some way this policy can accommodate their problem.

Mr. McGoohan stated the issue is the allowed time that they have to add water to that swimming pool. There could be structure damage if you can't get the water going. The average pool is about 20,000 gallons of water and sometimes they have people ask them to empty their pools and fill them back up and they have been striving not to do that. Sometimes they have to drain one to fix and they can't wait every two or three days to fill it up a little bit, they have to get water in it as fast as they can.

Burk stated he would hope they could sit down and figure out something for commercial businesses.

Mr. McGoohan stated around the country where they are having water shortages, they are issuing permits where they charge \$200 or \$300 more dollars to fill that swimming pool.

Wells stated we are about 50% now, and when we go under 50% it goes to two days a week instead of every other day. When it hits 40% you are not going to be able to put any water in any pool.

Mr. McGoohan questioned even the hotel pools.

Wells stated no pools. He stated our situation gets worse every day we don't get rain. They made an exception where residents could water from 11 am to 3 pm. He stated the warmer it gets the faster it evaporates. People are going to have to decide if they want a pool this year if they can't fill them. He stated Mr. Ihler can get with them to discuss the issue.

Jerry Ihler, Public Works Director, stated there is a Water Conservation Committee that could discuss this issue. They have two members that are no longer on the council. He visited with the Mayor about the vacancies and was told that Councilmembers Morford and Moses were

interested in that issue. In order to make any changes they would have to change the ordinance. He stated once they get to the 40%, that is totally prohibited and even the City of Lawton will not operate their pools at that point.

Wells stated with the two new members the Water Conservation Committee can now meet. He suggested Mr. McGoohan and Mr. Odom attend the next meeting to discuss their issue.

**CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF FEBRUARY 26, MARCH 4 AND MARCH 12, 2013.**

MOVED by Burk SECOND by Haywood to approve the minutes of February 26, March 4 and March 12, 2013. AYE: Morford, Jackson, Bellino-Hall, Burk, Zarle, Haywood, Wells. NAY: None. ABSTAIN: Moses. MOTION CARRIED.

**CONSENT AGENDA**

Moses requested item #3 be discussed separately.

MOVED by Burk SECOND by Zarle to approve the consent agenda with the exception of item #3. AYE: Morford, Jackson, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider a Retainer Agreement for Professional Services with Jim Avance, to provide professional investigative and instructional services to the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
2. Consider accepting the Rehabilitation of Old Lawton High School Phase III Parking Lots (F.A. Project No. STP-116E(177), State Job Piece Number 26406(04)) and placing the Maintenance Bond into effect. Exhibits: Maintenance Bond is on file in City Clerk's Office.
3. Consider approving an application to allow access to a limited access roadway along Quanah Parker Trailway for a proposed entrance into Billingsley Ford located at 8209 NW Quanah Parker Trailway per City Council Policy 8-2. Exhibits: Application, City Council Policy 8-2 and Location Map.

Moses stated in looking at the construction diagram for the cut he was wondering if this was in compliance with the policy we have for these kinds of cuts.

Richard Rogalski, Community Services Director, stated yes, with the addition of the right turn lane. He stated there was a condition that they add the right turn lane per policy.

Moses questioned if it was 300 feet.

Rogalski stated the distance is 340 feet from the center of the intersection to the drive. It lines up with what they have already built.

MOVED by Moses SECOND by Zarle to approve an application to allow access to a limited access roadway along Quanah Parker Trailway for a proposed entrance into Billingsley Ford located at 8209 NW Quanah Parker Trailway per City Council Policy 8-2. AYE: Morford, Jackson, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

4. Consider accepting a professional services agreement with Karol S. Zea of Zea Company, Incorporated for appraisal services, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Professional Services Agreement is on file in the City Clerk's office.
5. Consider accepting a permanent underground utility easement for the improvements to be installed within the Lawton Downtown Center development located at NW 2<sup>nd</sup> Street and West Gore Boulevard. Exhibits: Location Map. Easement on file in City Clerk's Office.
6. Consider approving the construction plans for the sanitary sewer line, waterline, paving and drainage to serve the Lawton Downtown Center development located at NW 2<sup>nd</sup> Street and West Gore Boulevard, subject to conditions. Exhibits: Location Maps.
7. Consider granting a fifty-foot permanent public utility easement within the Elmer Thomas Park property on the east side of NW 2<sup>nd</sup> Street for utility installation associated with the Lawton Downtown Center development. Exhibits: Location Map. Easement on file in City Clerk's Office.
8. Consider approving plans and specifications for the 2012 CIP Mill & Overlay Project (West Gore Blvd between the Lawton Country Club and 67<sup>th</sup> St., #2013-05) and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Engineering Division office.
9. Consider awarding a construction contract to Bowles Construction Company for the Water Infrastructure Improvement Phase 1A (Lee Blvd.) 18" Waterline Project #2006-17. Exhibits: None.
10. Consider awarding (RFPCL13-028) Concession Lease Grandview Sports Complex to Lawton Breakfast Optimist Club of Lawton, OK. Exhibits: Department recommendation and proposal price sheet.
11. Consider extending contract (CL12-034) Cationic Polymer with BASF Corporation of Suffolk, VA. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
12. Consider extending contract (RFPCL12-014) Concession Operations Eastside Community Park with LaSill Optimist Club of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
13. Consider awarding (RFPCL13-024) HDW/SFW Support Agreement to Abtech Support of Carlsbad, CA. Exhibits: Department recommendation, abstract of bids, price sheet.

14. Consider extending contract (CL12-033) Thermoplastic Material & Epoxy Primer/Sealer with Ennis Paint of Ennis, TX. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
15. Consider approving appointments to boards and commissions. Exhibits: None.
16. Consider approval of payroll for the period of March 4-17, 2013.

NEW BUSINESS ITEMS:

17. Hold a public hearing and consider approving a resolution amending the 2030 Land Use Plan from Residential/High Density to Industrial and rescinding Ordinance No. 11-61 which changed the zoning on the property located at the southeast corner of SW 11<sup>th</sup> Street and SW Bishop Road to R-3 (Multiple-Family Dwelling District) zoning classification, thereby returning the property to I-3 (Light Industrial District) zoning classification. Exhibits: Resolution No. 13-\_\_\_, Ordinance No. 13-\_\_\_ and Location Map.

Rogalski stated this request is for 23.965 acres of land located at the southeast corner of SW 11<sup>th</sup> Street and Bishop Road. The City Council adopted Resolution No. 11-120 amending the 2030 Land Use Plan from Industrial to Residential/High Density and Ordinance No. 11-61 changing the zoning from I-3 to R-3 on December 20, 2011. The Lawton Metropolitan Area Airport Authority requested the City Council to reconsider the approval citing multiple-family residential could affect the airport's ability to obtain funding. The City Council thereafter directed staff to initiate the proceedings to rescind the rezoning ordinance and return the property to the I-3 zoning classification.

The zoning of the surrounding area is I-3 to the north and east, I-1 (Restricted Manufacturing and Warehouse District) and R-1 (Single-Family Dwelling District) to the south, and P-F (Public Facilities District) and C-4 (Tourist Commercial District) to the west. The land use of the surrounding area is vacant to the north; church, commercial, and single-family residential to the south; He & I Construction and UPS to the east; and the Lawton-Fort Sill Regional Airport to the west.

On March 14, 2013, the City Planning Commission held a public hearing on this request. No one spoke during the public hearing. The CPC, by a vote of 5 – 0, recommended approval of amending the Land Use Plan to Industrial and rescinding Ordinance No. 11-61 to return the property to I-3 zoning classification. Notice of public hearing was mailed to 36 owners of property within 300 feet of the requested area on February 21, 2013, and proper notice was published in *The Lawton Constitution* on February 24, 2013. Prior to scheduling the public hearing, a letter was sent to the property owner advising him of the City's intention, and the property owner responded that he was in favor of the proposed action.

Haywood confirmed that the owner in Arkansas wanted it back to I-3.

Rogalski stated yes, the owner was in favor of taking it back to I-3.

Haywood stated he thought it was going back to C-3 or C-5 at one time.

Rogalski stated there was some discussion on that, however, the direction they took was to just rescind the zoning, so it is back to I-3 which includes any C-5 use, it just doesn't include any residential use.

Haywood stated they could use it as commercial.

Rogalski stated yes.

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

MOVED by Moses, SECOND by Zarle to adopt **Resolution 13-23**. AYE: Morford, Jackson, Bellino-Hall, Burk, Moses, Zarle, Wells. NAY: Haywood. MOTION CARRIED.

MOVED by Moses, SECOND by Zarle to adopt **Ordinance 13-13**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Morford, Jackson, Bellino-Hall, Burk, Moses, Zarle, Wells. NAY: Haywood. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 13-13

An ordinance rescinding Ordinance No. 11-61 and thereby restoring the zoning classification of the tract of land located at the southeast corner of SW 11<sup>th</sup> Street and Bishop Road to I-3 (Light Industrial District); rescinding the site plan attached as Exhibit A to ordinance No. 11-61; and authorizing changes to be made upon the official zoning map in accordance with this ordinance.

18. Receive Bids for the sale of \$3,300,000 General Obligation Combined Purpose Bonds, Series 2013 and award the sale of the bonds to the lowest bidder. Exhibits: Minutes of bid.

Rick Endicott, Finance Director, stated several weeks ago the council approved going out on ad valorem bond issue. He stated tonight Ben Oglesby, Municipal Finance Services, and Gary Bush are here to discuss the bids that were received.

Ben Oglesby, Municipal Finance Services, Inc., stated this morning at 11 am they received bids on a competitive basis from broker/dealers around the company. (He distributed a summary sheet of three bids received). He stated Robert W. Baird and Company, BOSCO, inc., and PNC Capital Markets were the three bidders. He stated they compare each bidder with gross interest cost to see which was the lowest. Robert W. Baird came in the lowest with the net interest cost of \$ 378,129.40. The interest rate is 1.88% for ten years. Baird has a .4% differential, so they are recommending that council accept the bid by Robert W. Baird and Company.

Wells stated these are ad valorem bonds, not sales tax.

Gary Bush, The Public Finance Law Group, PLLC, stated there are three motions the council needs to pass. The first is to award the bonds to Robert W. Baird as the lowest bidder. He stated these are extremely competitive bids and they should be happy with the 1.88% average they received on the winning bid.

Moses questioned what the heading “Bank Qualified” term meant?

Mr. Bush stated that is a term under the internal revenue code for smaller issuers that don’t expect to issue more than \$10 million in tax exempt bonds per year and that includes the city’s tax exempt bonds as well as the water authority and all other public trusts of the city. You have to sign a certificate with the IRS that you don’t intent to issue any more bonds this year and the determination was that we shouldn’t do that on this bond issue. We can’t make that promise that we won’t borrow some more money before the end of the year.

Wells stated that means that we still have the \$10 million that we could offer tax free.

MOVED by Moses, SECOND by Haywood to award the sale of the bonds to Robert W. Baird and Company. AYE: Morford, Jackson, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

19. Consideration and approval of an ordinance providing for the issuance of General Obligation Combined Purpose Bonds in the sum of \$3,300,000 dollars by the City of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; naming a paying agent and registrar; approving a continuing disclosure agreement; approving the official statement pertaining to the bonds; providing for the levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency. Exhibits: Ordinance 13-\_\_.

Mr. Bush stated this item is an ordinance authorizing the issuance of those bonds.

MOVED by Moses, SECOND by Haywood to adopt **Ordinance 13-14**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 13-14

An ordinance providing for the issuance of general obligation combined purpose bonds in the sum of \$3,300,000 dollars by the city of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; naming a paying agent and registrar; approving a continuing disclosure agreement; approving the official statement pertaining to the bonds; providing for the levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency.

MOVED by Moses, SECOND by Haywood to declare an emergency. AYE: Morford, Jackson, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

20. Discuss and approve the hiring of 20 additional police officers. Exhibits: None.

Jackson stated crime is the issue with this item. We have a serious crime problem in Lawton. Something has to be done and someone has to give police officers and administration the tools to do their job and that is what he is attempting to do here. When you hire additional police officers it cost money. The issue began with meetings he had with lots of people in town. The issues were crime in town and he always asked what he could do to help. The answer was they could use more people on the street. He stated his intention was to never go higher than \$2 on the water bill and after receiving some correct information with benefits added in and with all the necessary equipment per police officer, a \$1.50 was figured to add twelve new police officers. Twelve new police officers at \$53,000 a piece was \$636,000. The City Manager and Finance Director agreed that .50 placed on the rolling stock fund would cover the additional twelve vehicles for these police officers. That is why he is changing the number from twenty to twelve. The concern is that it takes so long to get a police officer on the street and that is why he wanted to start this now. If they start advertising tomorrow, it is almost a year before they are able to get on the street. The more they delay this, the longer it takes. He is asking the council to approve this and give the new police chief and the rest of the officers the tools they need to curb the high crime rate in Lawton.

Burk stated he got on this council five years ago and ran on the platform that we need more police officers and we need to pay the wage they deserve. In five years they have added 21 slots at the police department. In the past ten years they have added 29 positions. He stated they are having issues getting people trained and through the academy. There are not enough people getting into the classes to fill our current needs. We do have a public safety issue but it is more pressing than just the police department. They just voted to put in a new fire station and there are issues with E-911 as well as staffing issues across the board. He agrees that they need to add people as time goes, but adding to the water bill is the wrong place to do this. He believes there is a ½ cent sales tax that will come due in the near future that is currently being used by Lawton Public Schools. He stated it is not guaranteed that it would be used forever as a funding source for LPS. He believes that a ¼ cent of that could be used as a public safety tax and the other ¼ cent could be used for LPS. That ½ cent produces a little over \$400,000 a month at this current rate. That would go a lot further with \$200,000 to be pushed toward public safety, fire, police, E-911, than to stick it on the back of 35,000 water customers. He does not want to add something else to the water bill that will never come off again and this council has fought not to add another fee to that service bill. There are other ways to do this and they need to sit down with LPS and come up with a plan and make this something good for the entire city. He is 100% for adding people but not with this policy.

Moses stated this is a very pressing problem. There are three priorities in the city. One is public safety, and it is not adequate. The second is public works and it is not adequate. Those are the top priorities in his view and everything else comes third. We either have to get money out of everything else and put it in the police department or we have to raise the money right away. This is an urgent problem. They need to get that money right now and get this process started. He is willing to support putting this on the water bill and he feels that most of the citizens will support this also. This is something that is urgent enough and they need to do it now. He fully supports the notion of hiring twelve additional officers and putting the cost of that on the water bill.



Haywood stated to put more people on the street it would take 36-39 police officers. He knows the money is not there and he would like to wait for budget discussions which will start in a month. We don't know how short we will be. He questioned if there is going to be a problem with the budget. He feels they should address this during the budget.

Wells stated we just hired a new City Manager a couple months ago and he feels it is unfair to him to come up and now start talking about something. The \$1.50 is only good for one year. It will raise about \$600,000. Next year once you have them on board you increase that by 10%, so the \$1.50 no longer supports those 12 officers. Every year after that it goes up. The people that don't worry too much about money don't mind the \$2 increase in the water bill. In his ward over 75% of his constituents were calling him saying don't do anything more on my water bill. (He distributed page one of the current budget). He highlighted the general fund projected carry over as of July 1, 2012 and June 30, 2013. It was projected that we would have \$890,000 carry over on July 1, 2012 and \$1.8 million on June 30, 2013. But now that \$890,000 is now a -\$1.7 million. We are starting the year off in the hole in the general fund. That would make the ending balance -\$500,000. Obviously they will try to cut the current budget and reduce the projected deficit, but our water revenue and sales tax is down, somewhere around \$400,000. We are putting the City Manager and Finance Director in a terrible position trying to add money to the budget that we don't have and we can't raise enough money to increase the water bill. He stated Councilmember Burk had a good idea with the ¼ cent public safety sales tax that would end up bringing in a couple million dollars a year. Everything we add to that water bill, those were things that used to come out of the general fund budget and we slowly put them over onto the water bill as a separate charge. We have a lot of citizens in this community that are under \$25,000 of annual income and a couple dollars hurts them. He knows they need to do something, but adding a fee to the water bill is not the way to do it.

Bellino-Hall stated she has had a lot of contact with the citizens in her ward and there are a lot of people out there that cannot afford this on their water bill. She stated Councilmember Burk has come up with an idea that will produce more revenue. A water bill is an easy target for us and we need to look at other sources of revenue. She cannot vote to put this on the water bill. She suggested they go house to house and really look at what is out there behind those doors. Two dollars makes a difference for these people. She supports the sales tax idea because it does not increase anything for the rest of us, it's already there, we will just split it up a little different.

Jackson stated the budget does have problems. In a round about way Councilmember Wells is saying that you are going to see an increase on your utility bill to help balance this budget. There is not enough people to cut enough money to make up the difference from the shortfall that is going to happen in this budget. He stated the \$2 he wants added to the water bill will cover the police officers and the police cars. The 10% that Councilmember Wells is talking about that will cost next year and the next year is not just these police officers, but it is everybody. Don't anybody sit out there and think that your water bill is not going to be raised within the next three months. He stated the sales tax Councilmember Burk is talking about is not up until December 31, 2014. You can't have an election until six or eight months prior to that time. You will be looking at three years before you get an additional police officer on the street. He also cannot support a sales tax that will eventually be sucked up in the general fund and lost forever. He stated this is a passionate issue for him and crime is a real problem. There are people that don't want to come to Lawton or live in Lawton. People are building houses and moving to the surrounding communities because of the

perceived and real crime problem we have in this town. We need to address this now, not three and half years from now.

Haywood stated they need to address jobs for kids in this town from ages 16-21. Crime is from people not having jobs. We want public safety, but if the people want this to happen, they can vote this in.

Zarle stated he is not going to support an increase in the water bill for the budget or for the police department. He stated the new police chief is doing an outstanding job and they need to give him a chance to see what he can do. The police put people away, but then we turn around and let them go in 90 days.

Moses stated they are going to have to deal with the budget problems anyway whether they put it on the water bill or raise taxes, that is a separate issue.

Wells stated the issue is if they add additional fees to the water bill before the brand new City Manager has an opportunity to present a budget and give them a recommendation.

Moses stated we have a crime problem and he is afraid if you sandwich this in to the budgeting process they will end up frittering away a lot of resources on things that are not of the highest priority. The budget problem has to be dealt with and they will deal with it. If they put \$2 on the water bill, the City Manager would deal with it. Hiring more police officers and buying more squad cars is a major step and he does not feel comfortable doing that without seeing a plan of evolution of our police department. It is clear that our police department has not kept pace with the growth of the city. There are other problems there that have to be dealt with and that is going to cost money. This is a major step and he supports this because it is addressing what he considers to be the first priority problem in this city. He does not agree that \$2 is a major burden for anyone in this city. We can't let the percentage of people that can't afford \$2 on their water bill hold the other larger percentage hostage for solving this problem.

Jackson stated he had a face to face meeting with the Police Chief and the Assistant Police Chief and he asked them what tools they needed to help the crime problem in this town. Can you use additional police officers? He stated yes and they have a plan which includes adding police officers over a ten year period of time. That is too long.

Haywood stated it would still take twelve months to get a police officer on the street.

Wells stated they have twenty positions they are trying to fill right now. He stated they received a total of about 200 applications. After background checks, etc. only 36 of the 200 were even qualified. By the time they finished the chief's interview, they may not even end up with 20 qualified candidates. Maybe they need to look at changing the qualifications. He stated the Manager has a terrible budget problem this year and he does not think they should be doing anything until such time as he has a chance to present the budget. He will either come up with a budget that recommends rate increases to cover all the shortfalls and make the budget work, cuts to the number of employees or some combination of both.

Morford stated he feels they need a little more discussion. He has not heard the City Manager or the Police Chief speak on the issue.

Bellino-Hall stated they need to stop looking at the water bill and start looking at how to be more frugal.

Burk stated times are tough and everyone is touched by it. We need a lot of stuff, but he is concerned how we get there. If we have a \$1.7 million deficit, they may have to let people go. That better be a reality to the city. We may have to cut services. He hopes that they do not have to raise the utility bills at all, but they are going to have to make some serious cuts. He knows they need additional officers but he just cannot support putting it on the water bill again.

Moses stated the issue is if they agree they need twelve additional officers. The City Manager can figure out how they need to be funded.

Long stated this is a noble cause and they do understand there is an issue and they need to find a solution. That will take visioning and civic leadership. He feels that this is not the right time for this.

Chief James Smith, Lawton Police Department, stated his main concern from day one has always been public safety and officer safety and how to be utilize the resources that he has. He and the City Manager have had several discussions about what is adequate in terms of the number of officers we have and what is the national average as far as population growth. They are both in agreement that something needs to be done, but how they get to that point is up to the council to decide. He stated yes, they could use more officers, but they will work within the parameters. Crime is rising nationally and they have to use different methods to combat crime.

Wells stated there are people from the audience who wish to speak on this issue.

Michael Dudley, 1006 SW B, stated this is something that has to be fixed, but he is against using the water bill. He suggested they make arrangements for a special election for a one cent sales tax. He feels the public would vote for it. The thing that irks many citizens is something being added to the water bill without being consulted. They would be adding a \$2 tax without a vote of the people. A vast majority of the citizens of Lawton are fed up with that happening.

Mike Underwood, 4634 Meadowbrook Drive, stated Lawton has a terrible image that it is not safe. A vast majority of crime in Lawton is from disadvantaged youth. They call them “gang bangers”. They don’t have an education or skills. They will support themselves through government programs, selling drugs or stealing. A lot of them won’t work. He stated he lives up against the country club and three people have been shot within three blocks of his house. He does not feel safe. He stated this council needs to step up and make a hard decision to pass the \$2 increase in the water rate. Safety of the citizens must come first. We have a gang task for that is overworked and there is not enough of them. The majority of the crime comes from the gangs.

Haywood stated the at risk kids cause the problems. People with a job don't break in your house. Those kids will end up selling drugs because there is no money. If we don't get those social programs, those kids will get in to trouble. We have to find a solution, and the solution is jobs.

Jackson stated there are lots of opportunities for jobs with all the new retail that is going in on 82<sup>nd</sup> Street and 2<sup>nd</sup> Street. Most of the problem is going to be that they don't want to work for \$10 an hour.

Wells stated the City Council has the authority to raise the water rates, but what he is hearing from the community is that we need to get the charter changed that says that no rate increase can go into affect without a vote of the people. That is what Norman does. If they have to raise rates to run the government that is one thing, but they have to be careful how they do this stuff.

Mr. Underwood stated homeowners are moving to Elgin, Cache, and Fletcher because of the school system and crime.

Wells stated he has heard that people move because of the high regulations and the high cost of building in Lawton.

Addie Smith, 1508 SW Jefferson Avenue, stated no one wants their water bill to go up. She suggested a program where people donate money and get a tax break. Maybe that would encourage people. People want something back in return. She could use an extra police officer sitting at her door, but what would an additional 20 or 30 officers do? They can't be there when someone comes to kick in her door.

Haywood stated Mrs. Smith is the president of Lawton View Neighborhood Association watch program. A lot of these people don't live in Lawton View. They come and do their crime in Lawton View and then they go back home. With the programs the Chief is doing, those people are not coming to the area, they are staying in their own area and causing problems.

Mrs. Smith stated those areas are north, east and west. All of the youth are not bad, it is also others that are doing this.

SKE (Would not give name), stated she lives in Fields and Dunning. She stated there are some serious issues in this community. She stated they need to go deeper in their thinking process of reaching out for intelligent insight and understanding and people have a narrow vision as to growth and progress. She can see both points as to whether or not to place the \$2 on the water or not. She questioned how many police officers are currently on the payroll.

Jackson stated there are 163 officers.

Wells stated there are 163 officers, 14 vacancies and six expected retirements.

SKE questioned how many were actually on the street.

Jackson stated there are 107 officers on patrol. When you split them up on their shifts and add in those on vacation, holidays, etc. there are times when there are only 8 officers.

SKE stated you have to have a sense of understanding and benevolence towards the City Manager because he has a lot to look into. They need to give him an opportunity to look into some of these pressing issues.

Bambi Hampton, 5818 NW Kenyon Avenue, stated the crime here has always been bad and is drug related and the absence of jobs. She is for supporting the police and fire departments and she feels they need more. She feels that using the water bill as a scapegoat every time they need something in leaving a bad taste in the mouths of the people in this town. She would like to see this issue tabled and a committee formed to see if there is a better avenue to provide this funding. It is time to step up and give the citizens an opportunity to vote. If council continues to take control of the water bill, they are saying to the public that they are dumb and they don't trust them. She stated no one wants to get their hands dirty to help the youth in this town. She would like to see a community garden established. These kids need to know the pride that comes with work and reaping the benefits. She stated at least with the sales tax option she can control that. You put it on her water bill and she is forced to pay.

Bellino-Hall stated it is all about community.

Ms. Hampton stated there are second, third, fourth generation cocaine, meth abusers and dope dealers. It is not going to change overnight, but you have to intercept the problem.

Rick Flores, Garden Village, stated criminals are getting the upper hand in this city. Police officers are out manned, out gunned and out funded. Officer strength for this city is way below the recommended level for a city this size. It is time to stand up and show the criminals that we will do what it takes to get them out of our city and into our jails. The proposed increase would go directly to funding the police department and the additional revenue will fund several new officers as well as equipment needed to fight our war on crime. He stated \$2 a month is a relatively small amount to pay for a large impact on fighting crime. He stated the new police chief needs our help now, not in two or three years. We cannot achieve a first rate police department with a third rate budget. To debate the cost will only waste time and money and will lead us back to where we are right now.

Wells stated in the papers he distributed it talks about what the average should be for the population of a city our size. In our area it says 1.4 officers per thousand. He stated it was mentioned that we are way under the average. The 2010 census data shows a population of 83,000, not including Fort Sill. We have 183 officers, that means we have an average of 2.2 officers when fully manned which is higher than almost all regions within the whole country for average number of officers per thousand population. Do we need more officers, he is sure we do. The question is how to fund it and he personally feels they should leave it up to the manager to come up with a program.

Jackson stated the newly hired Chief of Police has made a couple of efforts to help things out and has been unable to do them. He is the one that told him that his long range plans were to add an additional 20 officers over a ten year period of time. The citizens are telling him they need more officers on the street. He has provided a funding method to do this with \$2 on the water bill. He stated PSO, Arkla Gas and big oil raise their rates all the time and he bets that the people who are complaining about the \$2 on the water bill never called the Corporation Commission to complain about Arkla Gas raising their rates. Time is of the essence and he believes they cannot wait another three years or six or seven months from now.

MOVED by Jackson, SECOND by Moses to approve the hiring of 20 additional police officers by adding \$1.50 to the base water bill. AYE: Jackson, Moses. NAY: Morford, Bellino-Hall, Burk, Zarle, Haywood. ABSTAIN: Wells. MOTION FAILED.

21. Discuss and approve the purchase of 35 police cruisers. Exhibits: None.

Jackson requested that this item be stricken from the agenda.

22. Consider providing approval for exploring negotiations with Cotton County regarding Emergency Dispatch/911 service and direct the City Manager and City Attorney to work towards the possible terms of an inter-local agreement, if necessary. Exhibits: None.

Jackson stated when he was on the council, he and Randy Warren co-chaired a committee to combine the E-911 and emergency operations system of the City of Lawton and Comanche County with the surrounding areas and surrounding fire departments. They were successful and it got approved. In those negotiations it was determined that they needed an additional facility to house the E-911 operation center and the dispatch center. They lobbied the state legislature until they agreed to give them \$2 million to build the current center out at the Vo-Tech. In requesting that \$2 million, the legislature wanted to start establishing regional 911 centers. He thought it was a great idea for Lawton to become a hub E-911 center. He stated just before he was elected he noticed in the paper that Cotton County was going to a vote of their people to try to pass the fifty cents on cell phone bills to start their E-911 system. He thought this would be an opportunity for Lawton to offer up our help to become a true regional 911 center. He stated the Cotton County Commissioners, the City Clerk from Cotton County and their emergency operations director were invited here for a tour and they were impressed. He was shocked with the article in the paper this morning because he never demanded negotiations start with the folks in Cotton County. He told them that he would have to present an item to the council asking them to allow the City of Lawton to enter into a dialogue with Cotton County to see if what we have to offer is something they would like to participate in. He does not know if it will work because they don't have a lot of money. They have 6,500 citizens at fifty cents per person, that is \$3,250 per month. It takes as much as six people to man a terminal. He feels it would be beneficial to enter into a dialogue with Cotton County to see if we have something to offer them.

Haywood stated he read the paper and the County Commissioner said they may not go with Comanche County. They may go with Tillman or Stephens County. When Councilmember Jackson went there as a councilmember it did not look good. He needed someone else to go with him because when he went out by himself it doesn't look good.

Jackson stated that is why the item was agended tonight, to ask the council's permission. He does not even care if he is on the committee, in fact he does not even want on the committee. He followed protocol which was to agenda the item immediately after the meeting to ask the city council for permission to offer up our services in a dialogue with Cotton County.

Wells stated Cotton County has indicated they don't want a dialogue with us right now, so why would they tell the City Manager he has to start a dialogue with somebody that does not want it. He stated he does have some knowledge in this area and in fact, he is the one who incorporated Fort Sill into the 911 center in 1999. If you are going to have a regional center you almost need the state to give us some funds towards that center or the citizens of Lawton are going to pick up the additional costs because of the consolidation of the county and the city. If the state wants regional they need to augment funding to those centers. They also need to talk with state legislators about limiting legal liability. When you start a regional center you are going to open up things that can possibly cause problems.

Jackson stated all that is the reason he agended the item to follow sensible protocol to ask the city council to enter dialogue to answer those very questions that Councilmember Wells has.

Morford questioned if there was any advantage to going with Cotton County.

Jackson stated they promised those state legislators that we would do all we could to make this a regional E-911 center.

Burk stated they made it clear today in the newspaper that is not what they want to do. When two of their commissioners say they don't even know what we are talking about, then it is time for us to back up and say that they are welcome to come talk to us anytime you like.

MOVED by Jackson, SECOND by Moses to offer dialogue to combine our E-911 systems with Cotton County. AYE: Jackson, Moses. NAY: Morford, Bellino-Hall, Burk, Zarle, Haywood, Wells. MOTION FAILED.

23. Consider an ordinance amending Section 10-16-1604, Article 10-16, Chapter 10, Lawton City Code 2005, pertaining to the Emergency Management Stabilization Arrangement Ordinance, providing for severability, and declaring an emergency. Exhibits: Ordinance 13-\_\_.

Ihler stated the City Council approved the Emergency Management Stabilization Arrangement Ordinance on July 13, 2010, which set forth the purpose and guidelines under which City Council may spend the funds that are allocated into the Emergency Reserve Fund. This ordinance expands the list of qualifying emergencies and events under the Emergency Management Stabilization Arrangement Ordinance to include not only actions required to comply with mandates imposed by new federal and state regulations impacting municipal functions, but pre-existing federal and state regulations as well.

Jackson questioned how the City Manager feels about this ordinance change.

Long stated he and Ihler discussed this item at great length and they do believe it is a justified use of emergency reserve funding. The reason for this item is to open the door for use on the companion item which is listed next on the agenda.

Wells stated by approving this ordinance they are allowing the next item to be either approved or not because there is an ODEQ regulation that says we have to handle tree limbs within a certain period of time.

Moses questioned if there a down side to doing this.

Wells stated yes, they reduce the emergency fund by \$340,000.

MOVED by Moses, SECOND by Haywood to adopt **Ordinance 13-15**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Morford, Bellino-Hall, Burk, Moses, Haywood, Wells. NAY: Jackson, Zarle. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 13-15

An ordinance pertaining to emergency management stabilization amending Section 10-16-1604, Article 10-16, Chapter 10, Lawton City Code, 2005, by declaring that expenditures related to both new and pre-existing federal and state regulations impacting municipal functions may serve as a qualifying event under the city's emergency management stabilization ordinance for purposes of accessing the unappropriated fund balance provided thereby, providing for severability, and declaring an emergency.

24. Consider authorizing the reconstruction and repairs of the Tub Grinder damaged in a fire at the landfill utilizing funds from Emergency Reserve Fund. Exhibits: Memo dated March 1, 2013 from Landfill Superintendent.

Ihler stated on November 8, 2012 the Tub Grinder caught fire while chipping trees and wood debris stockpiled at the landfill. An investigation by the Fire Department could not determine the direct cause of the fire. Heat from the equipment or perhaps a spark from a nail or piece of metal in the debris could have caused the wood chips and saw dust to ignite. The investigation did indicate that no human factors contributed to the ignition of the wood chips. As a result of the fire, the extent of the damages to the Tub Grinder are estimated to be in the \$310,000 range to reconstruct and repair based on a worst case scenario. If the engine or any major assembly is determined to be in good working condition then the repair costs will be reduced by the amount of that item. The City is self insured and the City is responsible for 100% of the repair of the damages. Other options are to purchase a new one for \$750,000. They could rent one at a rate of \$30,500 a month and utilize it three to four months a year. The most prudent option would be to go ahead and make the repair and be back in service with the tub grinder. The landfill is required to process wood debris under the current operating plans approved and regulated by the Oklahoma Department of Environmental Quality (ODEQ). Under the ODEQ Solid Waste Permit effective September 6, 2000, the City must comply with the Salvage and Recycling Plan which states that wood material must be processed a minimum of every six months. Based on



the volume of wood debris received at the landfill, material should probably be processed every four months versus every six months. Staff believes criteria meets the qualifying requirements to be able to utilize the Emergency Reserve Fund for reconstruction/repairs in that it is a regulatory requirement of our ODEQ Solid Waste Permit to process wood debris at a minimum of every six months. It is requested to utilize the Emergency Reserve Fund in the amount of approximately \$340,500 to reconstruct/repair the damaged Tub Grinder and rent a similar machine for a one month period to process the wood and debris collected at the landfill.

Morford questioned if they will obtain insurance.

Wells stated not at this time. Someone will have to look into that.

Ihler stated the human resources department has already contacted some insurance agencies about obtaining insurance on high dollar high risk vehicles and machinery such as this machine as well as ladder fire trucks with the fire department.

Zarle questioned why they could not use those two burners that were used at 67<sup>th</sup> Street.

Ihler stated he has not contacted ODEQ but he is certain they would not allow us to burn the wood debris and tree limbs that come into the landfill on a regular basis. We were allowed to do that when it was a declared emergency by the Governor at that point in time. They would not allow us to burn at a landfill site.

MOVED by Burk, SECOND by Wells to authorize the reconstruction and repairs of the Tub Grinder damaged in a fire at the landfill utilizing funds from Emergency Reserve Fund. AYE: Morford, Bellino-Hall, Burk, Moses, Haywood, Wells. NAY: Jackson, Zarle. MOTION CARRIED.

25. Consider transferring funds from City-at-Large activity to Equipment Maintenance for City wide vehicle maintenance and repairs. Exhibits: None.

Rick Endicott, Finance Director, stated Equipment Maintenance currently has a shortfall estimated for the rest of the year of approximately \$300,000. Staff has been asked to try to find available funds. The city at large account has the comprehensive plan at \$25,000, McMahon pavilions at \$50,000, ballfield renovation at \$140,000 and Elmer Thomas bathrooms at \$50,000 for a total of \$265,000. They did make a transfer of \$30,000 in public works to finish out this month. In order to maintain the regular reduced maintenance they need a funding source. These are the items he was asked to take a look at.

Wells stated a month ago the City Manager came up with some shortages and ways to take care of those shortages for the year. One of those was the emergency fund. It would take amending the ordinance to use the money. He stated we have damaged ourselves so badly with the McMahon Foundation that we would be making a mistake in taking these things off the budget this year. He feels they should amend the ordinance to allow the use of the \$265,000 from the emergency fund. He feels the budget situation is an emergency. He stated the water treatment plant is about \$250,000 short in treating chemicals. They can move some money around, but

some of it may have to be from maintenance accounts from the water treatment or wastewater treatment plants. If we do that we are only causing ourselves more problems next year. He would look at transferring \$265,000 for these items and up to \$250,000 for chemicals from the emergency fund.

Endicott stated we currently do not need the second part of that request.

Wells stated he has heard the reason they don't need it is because they are talking about transferring it from the water treatment plant and not doing some maintenance. He feels they need to do that maintenance rather than not transfer the money.

Burk questioned how they got into this mess. They went from \$1.3 million to a million dollar cut. He questioned who cut the \$365,000 out of the budget and put us in the shortfall. He wants to know who made that decision to cut \$300,000 plus out of that account.

Endicott stated he and the City Manager made that recommendation and the city council approved it.

Burk stated the council approved it without being told that they were taking \$300,000 plus out of the maintenance account.

Endicott stated he respectfully disagrees. He stated Mr. Ihler clearly delineated that we were cutting his budget well over \$300,000.

Moses stated he does remember that.

Wells stated Mr. Ihler did talk about it and they did talk about transferring money later on.

Ihler stated he specifically had two slides that he showed during budget review and he said that he was going to be \$365,000 short and that they would have to come back for a budget adjustment. He also said they were going to be about \$300,000 in the chemical area at the water plant. It was not put back in the budget, it was approved that way.

Long stated the one lesson learned for city staff is that we are going to emphasize those types of issue. This year during the budget process they have prepared impact statements where every department director is showing the council above and beyond what the impact of their department would be should they not be funded at the level they requested.

Wells stated he is going to make this motion because he really feels they should do this so that staff is not put in the position of having to figure out how to make it through the rest of the budget year.

Morford questioned the balance of the emergency fund.

Endicott stated they currently have \$2.1 million and we just spent \$340,000 and this would be another \$510,000.

Moses stated that staff has come forward and recommended these things and he does not know why Councilmember Wells believes it is wise to go against that recommendation and propose this alternative.

Wells stated the staff is recommending taking money from projects that have already been approved.

Moses stated these projects have less priority.

Wells stated the McMahon Foundation has give millions of dollars to the city and every time one of their projects comes up we end up cutting it. He feels they need to take care of those things and not put the burden on the staff to figure out transfers to cover things.

Moses stated that these things could go in his view.

MOVED by Wells, SECOND by Haywood to direct staff to bring back an ordinance amending the emergency fund to allow the transfer of funds in the amount of \$265,000 for equipment maintenance and up to \$250,000 for chemicals for water treatment plant.

SUBSTITUTE MOTION by Zarle, SECOND by Moses to accept staff recommendation as written. AYE: Jackson, Moses, Zarle. NAY: Morford, Bellino-Hall, Burk, Haywood, Wells. MOTION FAILED.

VOTE ON ORIGINAL MOTION: AYE: Morford, Bellino-Hall, Burk, Haywood, Wells. NAY: Jackson, Moses, Zarle. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Wells stated the Mayor has asked him to appoint a committee for bridge beautification because of the rush on the bridge project that ODOT is working on here in the Lawton area. The committee will consist of Albert Johnson, Jr., Bob Robinson, Mary Ann Hankins, Jane Godlove, Bob Ross, Doug Wells, Bob Rose, Brad Burgess and Debra Burch.

Jackson and Burk requested to be on the committee.

Wells stated the meeting will be held on Tuesday, April 2, 2013 at 2:30 p.m. in the 3<sup>rd</sup> Floor conference room at City Hall.

Burk stated he missed the last council meeting because he was attending the National League of Cities for the Military Communities Council. He stated they know about Lawton's connection with Fort Sill and our community involvement. There is major concern of a BRAC closure in 2014-2015. They heard from the Chief of Staff and they have to make sure that they are on point with this committee. He stated congress passed HB 313 which is a bill of public/private coalition that deals with military communities and the surrounding cities. This is a bill that is a big checkmark during BRAC discussions. They believe that this will be a huge player in the

amount of stuff that we do. They need to look at other opportunities to work with Fort Sill and to make sure that they are not hit at the next BRAC. He suggested they look at a committee to look at some of these ideas.

Moses questioned where COL. Hossenlopp has been.

Wells stated the Mayor is going to talk to the CG about this matter. He felt it would be helpful if the Fort Sill liaison was allowed to attend executive session with the council.

Moses stated that would be helpful because there are a lot of questions he would like to ask him about our relationship with Fort Sill.

The Mayor and Council convened in executive session at 8:35 p.m. and reconvened in regular, open session at 9:41 p.m. Roll call reflected all members present.

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

26. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of the Estate of Michael Lernel Davis and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item 26. No action was taken.

27. Pursuant to Section 307(B)(3), Title 25, Oklahoma Statutes, consider convening in executive session to discuss the proposed sale of approximately 50 ½ acres, collectively or by parcel, of City-owned real property in the vicinity of NW 67<sup>th</sup> Street and Rogers Lane, as authorized by Ordinance No. 11-07, and take appropriate action in open session. Exhibits: None.

Jensen read the title of item 27. He stated city staff has received detailed instructions on the terms of a proposed contract for the sale of two parcels of that property. No action was taken.

There being no further business to consider, the meeting adjourned at 9:42 p.m. upon motion, second and roll call vote.

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DOUG WELLS  
MAYOR PRO TEM

ATTEST:

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TRACI HUSHBECK, CITY CLERK