

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
OCTOBER 25, 2016 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Jerry Ihler, City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk

Mayor Fitch called the meeting to order at 6:16 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Byron Elmore, Calvary Assembly of God, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bob Morford, Ward One
Keith Jackson, Ward Two
Rosemary Bellino-Hall, Ward Three
Jay Burk, Ward Four
Dwight Tanner, Jr., Ward Five
Cherry Phillips, Ward Six
V. Gay McGahee, Ward Seven
Doug Wells, Ward Eight

ABSENT:

None

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO
AMY EWING-HOLMSTROM

Mayor Fitch presented a Certificate of Commendation from the Mayor's Office to Amy Ewing-Holmstrom

EMPLOYEE SPOTLIGHT PRESENTATION TO JAMES WIRT & VIRGIL TODD – SOLID
WASTE COLLECTION DIVISION

The City Manager and Mayor recognized James Wirt and Virgil Todd, Solid Waste Collection Division, for their outstanding performance.

PRESENTATION BY THE RETAIL COACH

Aaron Farmer, The Retail Coach, presented a power point presentation updating the council on retail economic development. (The presentation is on file in the City Clerk's office).

Tanner questioned the plans for helping existing retailers in the community. He stated many businesses have gone out and he questioned what was going on.

Mr. Farmer stated the retail industry is involving. With internet sales, many retailers are having trouble figuring out how to compete. New retailers are popping up every day and restaurants are leading the charge. A lot of national retailers and restaurants are shrinking the size of their stores and that will bode well for Lawton. The retail industry as a whole is still good. As far as working with local businesses, they met with the Chamber board a month ago and they made all this data available to the local businesses. He stated they may look at holding a training event to get this information in front of the local businesses to see how they can help.

Mayor Fitch stated this data could reshape and redesign their mode and way of doing business within the community.

AUDIENCE PARTICIPATION:

Timothy Loftis, 2704 NW 52nd Street, stated he would like to present an idea of a community park in the area of 52nd Street between Quannah Parker and Rogers Lane. He has developed an idea of putting a community center and a park in that area. There are two apartment complexes and a nice size neighborhood on both sides of the street. He was hoping he could get the Chamber of Commerce and the Boys and Girls Club interested in investing in this project. He would also like to put retail advertisement on the property.

Wells stated at one point it was school land and it still may be. They may have agreed to put it up for sale and that is why the price is so high.

Mr. Loftis stated he would like to talk with the Chamber of Commerce and the Boys and Girls Club about putting together a development. They could get sponsorships from the City of Lawton and the Chamber of Commerce. He also has several fundraisers and community activities that will be going on.

Tanner stated he agrees with the idea and he feels the Chamber of Commerce and the Boys and Girls would be happy to meet with him. He just needs to contact them.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF OCTOBER 11, 2016.

MOVED by Wells SECOND by Burk to approve the minutes of Lawton City Council regular meeting of October 11, 2016. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Fitch stated a citizen has requested to speak on item #2. Ihler stated item #13 needs to be pulled to correct some numbers. Wells requested the Sims claim on item #1 be pulled for discussion.

MOVED by Burk SECOND by Jackson to approve the consent agenda with the exception of item #1 (Sims claim), items #2 and #13. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Nina Tucker in the reduced amount of \$1,042.74 (**Res. 16-77**) and LyRonda and Garrett Sims in the reduced amount of \$510.50 (**Res. 16-78**). Exhibits: Legal Opinions/Recommendations Res. 16-____, Res. 16-____.

Wells stated he would like to ask the council for their support in asking staff to come up with a recommendation for the older streets in Lawton to change them to one side only parking. With the size of emergency vehicles going down the street and people parking on both sides of the street and drivers have to watch both sides of the street. In this case they hit a mirror on a vehicle. He has heard of cases where they have had to back up and go around a different way because they could not get through in an area. He feels they just need to look at this issue and he hopes that council would support directing staff to come up with a recommendation.

Morford stated he would support this idea because he has problems in his area.

MOVED by Wells SECOND by Morford to approve the claim of LyRonda and Garrett Sims in the reduced amount of \$510.50 (**Res. 16-78**). AYE: Morford, Jackson, Bellino-Hall, Tanner, Phillips, McGahee, Wells. ABSENT: Burk. NAY: None. MOTION CARRIED.

2. Consider the following damage claim recommended for denial: Kimberly and John McKay in the amount of \$199.28. Exhibits: Legal Opinions/Recommendation.

Mayor Fitch stated the McKay's requested to speak but are not in attendance.

MOVED by Wells SECOND by Morford to deny the damage claim of Kimberly and John McKay in the amount of \$199.28. AYE: Morford, Jackson, Bellino-Hall, Tanner, Phillips, McGahee, Wells. ABSENT: Burk. NAY: None. MOTION CARRIED.

3. Consider accepting a professional services agreement for financial advisory and consulting services with BOK Financial Securities (BOKFS). Exhibits: Professional services agreement for financial advisory services, on file in the City Clerk's office.
4. Consider approving a professional services agreement for bond counsel services with the Floyd Law Firm, P.C., of Norman, OK. Exhibits: Floyd Law Firm, P.C. Proposed Professional Services Agreement.
5. Consider accepting a grant of \$109,000.00 and entering into a grant agreement with the Oklahoma Highway Safety Office to target and reduce the number of alcohol-related crashes and fatality accidents within the City of Lawton. Exhibits: A copy of the grant agreement summary is on file in the City Clerk's office.

6. Accept the Annual ADA Report that outlines completed ADA accessibility projects, and work done towards compliance, and the money expended on each project required by the settlement agreement between the City and Joseph Harper and Vivian Wheeler dated 9 December, 2013. Exhibits: 2015-2016 ADA Compliance Report and ADA Executive Summary.
7. Consider accepting the reimbursement check of \$5,822.81 from Custom Apparatus Concepts II, Inc. for the purpose of purchasing the specified radio package, and approving the deposit of these funds into the Lawton Fire Operations supply, tools and equipment account (001-1195-000-00-02010000) for said purpose. Exhibits: None.
8. Consider ratifying the action of the City Manager giving notice to Keleher Outdoor Advertising terminating its continued possession for signboard purposes and demanding surrender to the City of certain city-owned property needed for the proposed public safety facility located south of Gore Boulevard between Railroad Street and Larrance Avenue. Exhibits: Letter to Keleher Outdoor Advertising.
9. Consider ratifying the action of the City Manager giving notice to Tag Outdoor Advertising terminating its continued possession for signboard purposes and demanding surrender to the City of certain city-owned property needed for the proposed public safety facility located south of Gore Boulevard between Railroad Street and Larrance Avenue. Exhibits: Letter to Tag Outdoor Advertising.
10. Consider accepting a warranty deed and seven temporary easements from Board of Education of the Independent School District #8, for right of way needed for the SW 52nd Street Project# 2012-4, authorizing the Mayor and City Clerk to execute the documents. Exhibits: Location Maps. Documents are on file in the City Clerk's office.
11. Consider accepting a permanent easement and a temporary easement from Ronald Orr and Amber Schomaker, husband and wife, for right of way needed for the Pat Henry Elementary School, Safe Routes to School Project# 2013-09, authorizing the Mayor and City Clerk to execute the documents. Exhibits: Location Maps. Documents are on file in the City Clerk's office.
12. Consider accepting three permanent easements (DACA56-2-16-007, DACA56-2-16-008 and DACA56-2-16-009) from The Secretary of the Army acting by and through the Chief, Real Estate Division, U.S. Army Corps of Engineers, Tulsa District, for right of way needed to operate and maintain a 24 inch water line located on Fort Sill Military Reservation, authorizing the Mayor and City Clerk to execute the documents. Exhibits: Documents are on file in the City Clerk's office.
13. Consider awarding a contract for the East Gore Boulevard Accessible Sidewalk Project SSES 16-3 Phase 1 and Phase 2 to Alfred Espinoza dba A E Construction Company in the amount of \$139,975. Exhibits: The Construction Contract and Bid Tabulations are on file in the Sewer System Technical Division's Office.

Ihler stated the amount listed in the agenda title is actually the engineer's estimate. The low bid from A E Construction was actually \$142,635, so they need to award the contract in that dollar amount. The second number to be corrected is in the funding source under the LETA Sidewalk Fee in Lieu Funds current balance. The current balance is \$14,964.36. He stated staff still recommends the low bidder, A E Construction.

Tanner clarified that the majority of this money cannot be spent on any other project other than ADA improvements. They are not spending money out of the general fund. The ADA committee approved this. The sidewalk in lieu of funding can only be spent on sidewalks. They have also received private donations. He feels this is a really good idea.

Burk stated he was able to secure \$58,000 in private funding and they have begun the process of selling engraved bricks. They are 4" x 8" bricks and are \$100 each. He stated Lawton Enhancement Trust Authority will set up a fund for this sidewalk and every dollar from the sale of the bricks will go back into the ADA account and he believes they will not spend a dollar of the ADA money. Within the next week to two weeks they will have flyers available. He stated his goal is to replace several sections of the sidewalk on the east side of the veteran's center and replace those with bricks.

MOVED by Morford SECOND by Burk to award a contract for the East Gore Boulevard Accessible Sidewalk Project SSES 16-3 Phase 1 and Phase 2 to Alfred Espinoza dba A E Construction Company in the amount of \$142,635. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

14. Consider approving contract Amendment #1 with Howie Construction Services for additional Inspection services for the Industrial Elevated Tank and the East Elevated Tank Repainting Project, Project #2015-05. Exhibits: Amendment #1 to Agreement.
15. Consider approving four agreements between Fidelity Communications and the City of Lawton for the purpose of providing Cable Modem Internet (CMI) service at the City Hall Atrium, the Police Department, the Animal Welfare Facility, and at the Municipal Court for the purpose of providing secure Automated Teller Machines (ATM) service as a convenience to the public. Exhibits: Proposed Internet Service Provider Agreements with Fidelity Communications are on file in the City Clerk's office.
16. Consider approving specifications for a CNG defueling/refueling trailer to provide support for current and future City CNG vehicles and authorize seeking bids from manufacturers/dealers to provide the CNG defueling/refueling trailer. Exhibits: CNG Defueling/Refueling Trailer specifications are on file in the Equipment Maintenance division supervisor's Office.
17. Consider extending contract (CL16-005) Redi-Mix Concrete, primary vendor Bid #1 to Lawton Transit Mix Inc. of Lawton, OK and secondary vendor Bid #2 to Southwest Ready Mix of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

18. Consider approving the transfer of Airgas USA, LLC of Tulsa, OK Requirement Contract to Matheson Tri-Gas, Inc. of Dallas, TX. Exhibits: Letter of Notice of Assignment of Contract from Airgas USA, LLC. to Matheson Tri-Gas, Inc.
19. Consider extending contract (CL16-003) Manhole Lining Material (items #1 and #2) to Quadex, Inc. of North Little Rock, AR. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
20. Consider extending contract (RFPCL15-012) Collection of Overdue Utility Bills to Glass Mountain Capital of Schaumburg, IL. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
21. Consider approving appointments to boards and commissions. Exhibits: None

Mayor’s Commission On The Status Of Women

Kathy L Banks-Monroe
21 NW Shelter Lake Drive
Lawton, Oklahoma 73505
Unexpired Term 9/10/2017

Debra Antley
1501 SW 69th Street
Lawton, Oklahoma 73505
Unexpired Term 6/28/2017

22. Consider approval of payroll for the periods of October 10 – 23, 2016.

NEW BUSINESS ITEMS:

23. Hold a public hearing and adopt a resolution declaring the structures located at 912 SW D Ave and 1309 NW Dearborn Ave to be dilapidated pursuant to Lawton City Code 6-5-1; ordering the owner(s) to abate the nuisance; authorizing summary abatement; and authorizing the City Attorney to commence legal action in district court to abate the nuisance. Exhibits: Resolution No 16_____ and Resolution No 16_____.

912 SW D Avenue

Joshua Leach, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. Leach presented photographs of the property

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

1309 NW Dearborn Ave

Leach reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. Leach presented photographs of the property

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

Jackson stated he has been so disappointed because it has been over two years since a piece of property has come before the council. Many should have been dealt with a long time ago. There are properties all over town like this and we need these houses taken care of now. He has neighbors bringing him lists of properties in his ward alone. If staff needs more help, then get more help so we can get this taken care of.

Burk stated there is money to take care of this.

Ihler stated there is \$150,000 in this year's budget to move forward. He has discussed this with staff and the council will see more properties move forward each month.

Burk stated as he has walked lately he has come across houses and the neighbors have called the City and no one has done anything. We have to do a better job and be more proactive, not waiting until a council member or a citizen calls.

Tanner stated he tries to work with the property owners personally and give them options. He would prefer the homeowner take action and get a demolition permit and we give them half off at the landfill. That way we don't have to tap into this city fund. He will make the motion to declare both of these properties dilapidated, but he would like to have the option of talking to these property owners and let them know that they can still get a demolition permit and tear this down yourself.

MOVED by Tanner SECOND by Morford, to adopt **Resolution 16-79** declaring the structure located at 912 SW D Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

MOVED by Tanner SECOND by Morford, to adopt **Resolution 16-80** declaring the structure located at 1309 NW Dearborn Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

Phillips stated she would like for staff to run through the citation procedure and explain what the citizen can do.

Mayor Fitch questioned if there was something posted on the website where citizens can obtain information on dilapidated structures.

Leach stated there will be on the new website. It will outline the procedures and state law.

Wells stated the citizen will get a certified letter that will tell them what they can do.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells stated there was a grand opening at Cameron University today for their psychology clinic at the corner of Sheridan and Ferris. They will offer free counseling services to families and individuals that might have mental health problems.

McGahee stated she also attended the opening of the clinic. She stated it will not only help the Lawton community, but the students will also get that needed supervision and training through the clinic. She applauded Cameron University for moving forward with this project. She stated October is also mental health awareness month.

Phillips encouraged citizens to go to the election board to get a sample ballot.

Tanner stated the Open Streets event will be held on Saturday, October 29th from 10 a.m. to 2 p.m. He stated C Avenue will be closed from 2nd Street to 5th Street.

Burk stated the home being built for Operation Finally Home is coming along and he encouraged everyone to donate to the organization. He encouraged everyone to attend the Open Streets event.

Bellino-Hall stated they did very well at the fundraiser for the free clinic. She stated they are going to have a capital campaign in the near future and they will try to provide free dental and free eye care.

Ihler reminded the council of the special meeting on Wednesday, November 2nd at 1:30 p.m. to meet with OpTerra.

Mayor Fitch stated he will be out of town for the special meeting. He requested council look at the vacancies for boards and commissions and make some recommendations to get the vacancies filled.

J.I. Johnson, Finance Director, presented revenue and expenditure highlights for period ending September 30, 2016. (On file in the City Clerk's office).

Wells questioned if Johnson found out if we get a separate check for the sales tax exempt weekend.

Johnson stated he spoke with his contact at the Oklahoma Tax Commission and for the tax free weekend every municipality in Oklahoma does get a refund/rebate from OTC of our share of the state's entire sales. This is based off of historical sales. It may or may not come close to what was actually lost.

Wells questioned when we get the rebate.

Johnson stated it is paid in October and is included with our other remittance.

Wells stated it would be included in the report they received today.

Johnson stated he believes it is in there. He stated a year or two ago the amount estimated for us was in the \$70,000 range. It is very close to the amount of our negative variance.

The Mayor and Council convened in executive session at 7:38 p.m. and reconvened in regular, open session at 7:46 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

24. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of Chu H. Pae vs. City of Lawton, CJ-2016-610, and if necessary, take appropriate action in open session.

Jensen read the title of item #24. No action was taken.

There being no further business to consider, the meeting adjourned at 7:47 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK