

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
MARCH 25, 2014 – 6:00 P.M.  
NEW CITY HALL  
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor  
Presiding

Also Present:  
Bryan Long, City Manager  
Frank V. Jensen, City Attorney  
Traci Hushbeck, City Clerk  
COL Glen A. Waters, Fort Sill Liaison.

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 Pastor Ray Garcia Impact Center of Lawton, 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  
Richard Zarle, Ward Six  
Stanley Haywood, Ward Seven  
Doug Wells, Ward Eight

ABSENT:

None.

PRESENTATION FROM CHILDREN'S ART STUDIO PARTICIPANTS

Billie Whipp, Arts and Humanities Administrator, stated this is the 10<sup>th</sup> year of this program, serving over 700 students in 3<sup>rd</sup> – 6<sup>th</sup> grades. She introduced Sharon Cheatwood, the Arts Coordinator for the program and Scott Smith, Lead Teacher and Program Coordinator.

Two students from the program distributed cards to the council members.

Scott Smith, Program Coordinator, thanked the council for their support of the program.

PROCLAMATION FOR VIETNAM VETERANS AWARENESS DAY

Mayor Fitch proclaimed March 20, 2014 as Vietnam Veterans Awareness Day.

EMPLOYEE SPOTLIGHT PRESENTATION TO MICHELE WINHAM – ENGINEERING  
DIVISION

Mayor Fitch and Bryan Long recognized Michele Winham from the Engineering Division.

**AUDIENCE PARTICIPATION:**

Dick McKean, Northwest Sheridan Neighborhood Watch, stated Lawton Public Schools recently vacated the Professional Development Center on 25<sup>th</sup> Street and they feel it would be a great place to hold community programs. They are worried that LPS will sell to a commercial business or turn the property into apartments. He stated they are in the middle of ground zero in regards to gang activity. He was told by the superintendent of LPS that two churches were interested in this property. He requested the City Council talk to school board members to see if they can work out something that will be mutually acceptable to both sides.

Haywood questioned if the crime rate went down when the Weed and Seed program was in place.

Mr. McKean stated he does not remember the crime being as bad as it is now. The main thing now is that they need the building and they need all the help they can get.

Jackson stated he can remember when he was on the council previously and Mr. McKean came to the council fighting the high crime and the effort for the kids. He stated they do need help in zone one and zone two and they are doing the best they can with grant money. He stated this is not a bad idea to have a facility on the north side of town. The cost is a consideration, but this may be something they need to check into. He suggested the City Manager and Parks and Recreation Director take a look at the building. The school system would have to donate the building.

Haywood stated the kids need jobs, when they don't have anything to do they find things to do.

Mayor Fitch stated he is going to pass this along to the founder of the Might Program. They get the family involved with the youth. He will also visit with Dr. Dunaway. They need to bring all these entities together under one umbrella so they can all go the same direction. It has to be a joint working solution with LPS because they can provide staff. He stated the council will talk about it to see what they can do.

**CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MARCH 11, 2014.**

MOVED by Wells SECOND by Haywood to approve the minutes of Lawton City Council regular meeting of March 11, 2014. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

**CONSENT AGENDA**

MOVED by Wells SECOND by Burk to approve the consent agenda. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Kerry and Elizabeth Huffer in amount of \$139.11, Veronika Hartman in the amount of \$75.00 and Linda Reinwand dba Animal Birth Control Clinic in the amount of \$473.72 (**Res. 14-38**). Exhibits: Legal Opinions/Recommendations and Resolution No. 14-\_\_.
2. Consider the following damage claims recommended for denial: Charles and Shirley Branch in the amount of \$275.00, Mike and Judy Landrum in the amount of \$2,620.38 and Paul Tennison in the amount of \$1,759.00. Exhibits: Legal Opinions/Recommendations.
3. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Eric Weatherly. Exhibits: **Resolution No. 14-39**.
4. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Chelsey Gordon. Exhibits: **Resolution No. 14-40**.
5. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in making payment on the judgment in the Workers' Compensation case of Billy Chandler in the Workers' Compensation Court of Existing Claims, Case No. 2012-11588R. Exhibits: **Resolution No. 14-41**.
6. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of David Gorthy. Exhibits: **Resolution No. 14-42**.
7. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Ismael Cruz. Exhibits: **Resolution No. 14-43**.
8. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Steve Flores. Exhibits: **Resolution No. 14-44**.
9. Consider adopting a resolution setting the E-911 fee for the period of July 1, 2014, through June 30, 2015. Exhibits: **Resolution No. 14-45**.
10. Consider granting a revocable permit for parking and maneuvering in the public right of way along SW Sheridan Road to serve Bishop School located at 2204 SW Bishop Road. Exhibits: Application and Site Plan. Revocable Permit (on file in City Clerk's Office).
11. Consider granting a revocable permit to Bedrock Nursery, Inc. to allow a fence and parking and maneuvering in the public utility easement along the south property line of 1802 NW 67<sup>th</sup> Street. Exhibits: Application and Site Plan. Revocable Permit (on file in City Clerk's Office).

12. Consider approving an engineering agreement with Olsson Associates for the preparation of the NW2<sup>nd</sup> Street Enhancement Plans from Columbia thru Ferris Intersection, Project #2014-03. Exhibits: A copy of the agreement is on file in the City Clerk's office.
13. Consider a settlement agreement, a donation certificate, a consent of owners right of entry and a temporary construction easement and authorizing the Mayor and City Clerk to execute these documents. Exhibits: Location Map. Documents are on file in the City Clerk's Office.
14. Consider accepting an access agreement from The Goodyear Tire & Rubber Company, for access needed for the 112th Street and Lee Blvd Project# 2013-08, authorizing the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
15. Consider approving Change Order #1 to the existing Wastewater Treatment Plant Improvements Project # 2008-11 Work Package No. 2 Contract with Archer Western Contractors, LLC. Exhibits: Change Order # 1 (on file in the City Clerk's office)
16. Consider accepting the Water Infrastructure Improvement Phase 1A (Lee Blvd.) 18" Waterline Project #2006-17 as constructed by Bowles Construction Company and placing the Maintenance Bond into effect. Exhibits: None.
17. Consider accepting a temporary easement from Patrick J. Fox, a single person, for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's Office.
18. Consider accepting two permanent easements and a temporary easement from Independent School District No.8, for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the documents. Exhibits: Location Map. Documents are on file in the City Clerk's Office.
19. Consider accepting a warranty deed and a temporary easement from Parks-Jones Development Co., Inc., for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's Office.
20. Consider accepting a warranty deed and a permanent easement from Jack Van Dyke and Maxine Van Dyke, husband and wife and Mikki Davis FKA Mikki Lynn Thomason and Christopher Davis, wife and husband, for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City

Clerk to execute the documents and authorizing payment for the same. Exhibits:  
Location Map. Documents are on file in the City Clerk's Office.

21. Consider extending contract (CL12-026) Sludge Dewatering Polymer with Polydyne Inc. of Riceboro, GA for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
22. Consider extending contract (CL12-034) Cationic Polymer with BASF of Suffolk, VA for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
23. Consider awarding contract (CL14-024) Direct Fire Melter to Paving Maintenance Supply Inc. of Edmond, OK. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.
24. Consider extending contract (CL12-041) Concrete Repair with A.E. Construction Co. of Lawton, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
25. Consider awarding contract (CL14-026) Palletized Airless Road Marking Machine to Paving Maintenance Supply Inc. of Edmond, OK. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.
26. Consider approving appointments to boards and commissions. Exhibits: None.

**Citizens' Committee On Capital Improvement Program (CIP)**

Don Nelson  
1101 NW 31<sup>st</sup> Street  
Lawton, Oklahoma 73505  
03/25/2017

**Housing Authority**

Terry Jones  
1908 SW 24<sup>th</sup> Street  
Lawton Oklahoma 73505  
04/27/17

**Library Board**

Tom Rine  
1807 NE 29<sup>th</sup> Street  
Lawton Oklahoma 73507  
UT 05/31/15

**Pension Trust Commission**

Jerry Ihler  
City Representative  
103 SW 4<sup>th</sup> Street

Lawton Oklahoma 73501  
04/28/2019

**Traffic Commission**

Randy Somerlott  
3018 NE Lancaster  
Lawton Oklahoma 73507  
04/26/17

Thomas “Tom” Bartlett  
2613 NE Euclid Avenue  
Lawton, Oklahoma 73507  
04/26/17

Barry Ezerski  
2810 NE Scottsdale Circle  
Lawton Oklahoma 73507  
4/26/17

27. Consider approval of payroll for the periods of March 3 - 16, 2014.

**OLD BUSINESS ITEMS:**

28. Consider approving an ordinance pertaining to the adoption of the most recent editions of the International Codes adopted by the State of Oklahoma as amended by the Oklahoma Uniform Building Code Commission by adopting the 2009 editions of the International Building Code, International Property Maintenance Code, International Existing Building Code, and International Fire Code, and the 2011 National Electrical Code by amending Sections 6-1-1-101 through 6-1-1-103, Division 6-1-1, Article 6-1, Sections 6-3-1-301 through 6-3-1-302, Division 6-3-1, Article 6-3, Sections 6-5-1-501 through 6-5-1-505, Division 6-5-1, Sections 6-5-2-221 through 6-5-2-223, Division 6-5-2, Article 6-5, Chapter 6, and Sections 11-2-201, 11-2-208, and 11-2-209, Article 11-2, Chapter 11, Lawton City Code, 2005, providing for severability and establishing an effective date. Exhibits: Ordinance No. 14-\_\_, Adopted International Codes by City, Significant Changes Handout.

Doug Wellhouse, Code Plans Supervisor, stated this item was brought to council two meetings ago and staff was given direction to survey different municipalities and see where they fell in their course of adoption of these codes. Of the top ten municipalities in Oklahoma, Oklahoma City does not have any of the updated codes adopted at this time. Tulsa, Norman and Broken Arrow have adopted the updated codes. We are up to state standards with the some of our codes. This is strictly from commercial side, the residential codes have already been adopted for a little over two years.

Burk stated he is glad to see who was doing what. He still does not agree totally with everything that is in this and he feels we are putting a lot of extra costs on people, but it is beyond our control and the state puts us between a rock and a hard place. He knows that Oklahoma City has not done this yet and it makes it difficult for the trade people that are working there. He feels we are at the point that we have to pass it.

MOVED by Burk SECOND by Morford to adopt **Ordinance 14-05**, waive the reading of the ordinance, read the title only and establishing an effective date of June 1, 2014. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 14-05

An ordinance pertaining to the adoption of the most recent editions of the international codes adopted by the State of Oklahoma as amended by the Oklahoma Uniform Building Code Commission by adopting the 2009 editions of the International Building Code, International Property Maintenance Code, International Existing Building Code, and International Fire Code, and the 2011 edition of the National Electrical Code by amending Sections 6-1-1-101 through 6-1-1-103, Division 6-1-1, Article 6-1, Sections 6-3-1-301 through 6-3-1-302, Division 6-3-1, Article 6-3, Sections 6-5-1-501 through 6-5-1-505, Division 6-5-1, Sections 6-5-2-221 through 6-5-2-223, Division 6-5-2, Article 6-5, Chapter 6, and Sections 11-2-201, 11-2-208, and 11-2-209, Article 11-2, Chapter 11, Lawton City Code, 2005, providing for severability and establishing an effective date of June 1, 2014.

#### NEW BUSINESS ITEMS:

29. Consider and discuss a proposed ordinance granting CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Oklahoma Gas, a non-exclusive franchise to provide gas service to the City of Lawton over the next twenty-five (25) years, and provide direction to staff prior to considering final approval of the ordinance and resolution/proclamation calling the franchise renewal election at the City Council meeting on April 8, 2014. Exhibits: Proposed Ordinance 14-\_\_\_\_.

Scott Meadors, Deputy City Attorney, stated we have an existing 25 year franchise agreement with CenterPoint Energy which was initiated in 1989 when the voters approved that agreement. That agreement is set to expire on October 4, 2014. Last year the negotiations began to establish a new franchise agreement. They tried to blend the existing agreement with some of the things they thought were positive in the 2010 franchise agreement they negotiated with Public Service Company of Oklahoma. CenterPoint has been represented by Mr. Brad Burgess and Keith Marple. He stated they wanted to present the ordinance to the council tonight for discussion and bring it back to the council on April 8<sup>th</sup>. They need to have it approved and a resolution to the election board by April 9<sup>th</sup> if we want to make the June 24<sup>th</sup> election. He stated under section 7 there are subparagraphs F (1) and (2) which deal with contractors that do a lot of work for them installing gas lines. They will put in a requirement to obtain a permit and that they also get inspections on the work upon completion. It is very important because we are responsible for maintaining those right of ways. There have been some problems in the past where contractors have gone out and done excavation and curb cuts and they did not alert the City that they were

there. We are going to set out that process because we have the right to regulate our right of ways through our city code. Another provision he would like to point out is in section 9 which refers to the sale of gas to grantor and that will be a requirement on the part of CenterPoint to provide gas to the City of Lawton to include our facilities and our vehicles which could become increasingly important as our vehicle fleets move to use natural gas and also our LATS buses. The terms and rate will be set forth under an ancillary agreement which has not been put together.

Mayor Fitch questioned if there were any questions or additional input by the council.

Jackson questioned if 25 years was the standard number for franchise agreements.

Meadors stated that was the maximum number of years allowable and it is the customary thing to do. He stated in this agreement they put in an option for the City every five years to take the franchise agreement back to a vote of the people with changes.

Mayor Fitch stated there is no action on this item. Staff will finalize the documents and bring back to council on April 8<sup>th</sup>.

30. In accordance with Section 10-16-1604.C, Division 10-16-1604, Article 10-16, Chapter 10 and Division 10-16-1605, Article 10-16, Chapter 10, Lawton City Code 2005, the City Manager is petitioning the council to consider authorizing the use of the fund balance committed for the purpose of emergency management stabilization to repair foundation damage to the McMahon Memorial Auditorium, City Hall, and Municipal Court buildings in the combined amount of \$160,000.00. Exhibits: None.

Jim Russell, Assistant City Manager, stated they have discovered some foundation issues with three buildings. McMahon Auditorium has already crushed a sewer line, the Municipal Court building is having some foundation issues and sits over a sanitary sewer line and City Hall has foundation issues on the southwest corner which is causing the windows to separate from the building. Staff is requesting that the council approve the use of funding from the emergency stabilization fund to correct these issues. He stated they are pursuing another option with the insurance company if they can prove that the issues were caused by drought conditions but they cannot wait until that process is done without incurring some additional damage.

Burk stated these are major issues and they could affect the surrounding buildings. He hates to have to use this fund but if they do not fix it now, \$160,000 won't touch what they are going to have to repair in sewer lines. He supports this action.

Jackson stated if some of this is recoverable from the insurance claim, he questioned if that money would be refunded back to this fund.

Long stated they are asking for up to \$160,000 and if they can recover funding elsewhere he will make a commitment to put the difference in funding back into this account.

Wells suggested the City of Lawton start watering our foundations like we instruct our citizens to do.

Burk stated most of our facilities do not have a sprinkler system and it will take time, but it can be very costly when it is dry and we have shifting.

MOVED by Burk SECOND by Zarle to authorize the use of the fund balance committed for the purpose of emergency management stabilization to repair foundation damage to the McMahon Memorial Auditorium, City Hall, and Municipal Court buildings in the combined amount of \$160,000.00. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

31. Consider approving an Ordinance pertaining to Demolition Permits amending the regulations to include references to the City's Stormwater Policy regarding soil stabilization and earth change permits by amending Section 6-1-1-118, Division 6-1-1, Article 6-1, Chapter 6, Lawton City Code, 2005, and providing for severability. Exhibits: Ordinance 14-\_\_.

Richard Rogalski, Community Services Director, stated after receiving a complaint about a recent demolition project and the un-stabilized dirt left behind, it was determined that the demolition regulations in City Code need to include cross references to the stormwater regulations. The requirements for the stormwater stabilization that are in chapter 19A are part of the Clean Water Act. It is federal, state and local mandates that stabilize if you use more than an acre. He stated most demolitions don't disturb more than an acre. If a parking lot or something like that was more than an acre of ground that is being torn up, they would actually, by federal law and local code, require an earth change permit. We are just adding these references into the demolition code so that we let people know up front that this is a requirement. There is no extra permit required for less than an acre.

Burk stated when they go out to develop an area they are required to have a stabilization plan and sometimes it is a little ludicrous. He received a couple of phone calls about this and he felt they have to be diligent with the new commercial construction to make sure that the areas around them are being stabilized as well. He feels this is something they need to do to preserve the soil.

Tanner questioned how this will affect this newly acquired dirt hill on 82<sup>nd</sup> Street.

Rogalski stated that development has an active earth change permit. Before they close out that earth change permit they will have to stabilize all of it.

Burk stated some of these places were being torn down and they were left with an empty dirt field. With this permit they will have to do the containment, etc. on anything over one acre.

MOVED by Burk SECOND by Wells to adopt **Ordinance 14-06**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 14-06

An ordinance pertaining to the demolition of buildings and structures, adding requirement to obtain an earth change permit in certain circumstances, adding a requirement to stabilize disturbed land by amending Section 6-1-1-118, Division 6-1-1, Article 6-1, Chapter 6, Building, Construction and Housing, Lawton City Code, 2005, and providing for severability.

32. Consider and accept the Facilities Assessment Report recently undertaken by City staff as part of the ongoing process of assessing and improving program accessibility within the City as required by Title II of the Americans with Disability Act (ADA). Exhibits: ADA Facilities Assessment Report dated March 14, 2014.

Russell stated this is the Facilities Assessment which is the third part of our settlement agreement in processing the ADA Title II requirements. The council has accepted the self evaluation on our programs. This document will cover the building and grounds that the City owns and operates. This summary shows where our deficiency lies where we currently stand, not where we need to be. They will take this information and the self evaluation and when the Lawton Access Board meets on Friday, they will begin looking at this information and comparing that against the standards that we have to meet and they will create a transition plan. The transition plan will show all of these deficiencies and where we should be as the standards dictate and then what the timeline and priorities will be in getting those addressed. This is the last working tool that we need in order to begin work on the transition plan.

MOVED by Wells SECOND by Burk to accept the Facilities Assessment Report. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

#### ADDENDUM:

1. Consider awarding contract (CL14-030) Police Patrol Vehicles, SUV Chief, SUV Patrol to Billingsley Ford of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

MOVED by Burk SECOND by Tanner to award contract (CL14-030) Police Patrol Vehicles, SUV Chief, SUV Patrol to Billingsley Ford of Lawton, OK. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

#### FINANCIAL REPORT

Brooks Mitchell, Finance Director, presented the financial report for the period ending February 28, 2014. (On file in the City Clerk's office)

Tanner requested a copy of the 98 separate funds, what they are for and how much is in each fund.

Long stated some of the funds are active, some are non active, some carry balances and others do not.

Mitchell stated some of these funds have not been active for several years and the fund was never closed out. He stated staff is looking at shrinking the number of funds down so they can account for everything.

Mayor Fitch questioned if they could close these funds out and put the balance into our reserve account.

Long stated some of the founding members who set up these accounts are no longer around. Instead of just closing the account out, they have to go back and get the authority to capture the account and move through the process of administratively shutting it down. In many cases it is very difficult.

Mayor Fitch questioned how many dollars are in these funds.

Long stated it is nominal. Where it costs us money is in ongoing audits and financial reviews.

Mitchell stated he is beginning his evaluation of these accounts and he will bring a recommendation to the City Manager with ones they may be able to move forward on.

Long stated some of these are founded on the basis of federal dollars and we cannot capture federal dollars.

#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

COL Waters stated there will be a meeting tomorrow with representatives from Lawton and surrounding communities to talk about upcoming events in the next quarter in an attempt to make sure that events do not conflict. He stated they will be hosting a job fair on Thursday. On April 25 they will be hosting a heritage weekend which is free to the public.

Haywood stated he has some constituents whose water bill is \$1,400. He stated not many people can afford a \$1,400 water bill. He would like to bring something back to council to help assist some of these people with their bills.

Jackson recognized the “For the City” program and the kids who worked on different projects.

Long stated staff has determined that they do need to move forward with fire hydrant testing within the community. He stated it has been two years since we have exercised our valves and that could make a difference when the fire truck pulls up in front of your house. He stated if every hydrant was running at the flow average rate we would use the equivalent of three days worth of evaporation at Lawtonka throughout the entire testing course.

There being no further business to consider, the meeting adjourned at 7:37 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