

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
DECEMBER 13, 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
COL Samuel Curtis, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:04 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. Charles Whitlow, Union Baptist Church, 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 (Arrived @ 6:23 p.m.)
Dwight Tanner, Jr., Ward Five
Cherry Phillips, Ward Six
V. Gay McGahee, Ward Seven
Doug Wells, Ward Eight

ABSENT: None

Mayor Fitch presented Council Member Rosemary Bellino-Hall with a memento and thanked her for her service on the council.

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO
MARSHA THOMAS

Mayor Fitch presented a Certificate of Commendation from the Mayor's Office to Marsha Thomas.

PRESENTATION OF SPIRIT OF SURVIVAL REPORT BY LANE HOOTON

Lane Hooton, Chief Operating Officer at Cancer Centers of Southwest Oklahoma, updated the council on this years' Spirit of Survival event.

AUDIENCE PARTICIPATION: None

CONSENT AGENDA

Jackson requested items #6 and #15 be considered separately.

MOVED by Wells SECOND by Morford to approve the consent agenda with the exception of items #6 and #15. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Shane Jensen. Exhibits: **Res. 16-88.**
2. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Shane Jensen. Exhibits: **Res. 16-89.**
3. Consider authorizing the conveyance of a Quit Claim Deed needed to quiet title to a previous city-owned property located at 1513 NW Andrews and authorize the Mayor and City Clerk to execute the Quit Claim Deed. Exhibits: None.
4. Consider approving the 2017 Notice of Meeting Schedule for Lawton City Council Meetings and Resolution 16-___ rescheduling the regularly scheduled meeting in December 2017. Exhibits: 2017 Notice of Meeting Schedule for Lawton City Council; **Res. 16-90.**
5. Acknowledge receipt of election returns of November 8, 2016. Exhibits: Official Certification of Votes from Comanche County Election Board.
6. Consider approving Amendment No. 1 to the October 27, 2015 agreement with Dewberry for professional engineering design services for the Public Safety Building, to amend the agreement to include the design of Larrance Avenue from Gore Boulevard to D Avenue, adjacent to the Public Safety Facility. Exhibits: Amendment to the agreement is on file in the City Clerk's office.

Jackson stated he did not recall Larrance Avenue ever being included in the discussion phase of the expenses of the public safety facility. He does not want the construction of a street to take away the finances of our building. He was involved in the day to day negotiations on building this facility and Larrance Avenue was never included in any discussion.

Ihler stated the funding is not part of the \$31 million that is identified for the project. As they went through the design process, we need some off street parking to meet all the requirements for parking for the police and fire and we need to make improvements to Larrance Avenue.

Jackson questioned where the money was coming from.

Ihler stated we had received a reimbursement check from ODOT that will help will pay for part of it.

Tanner questioned the amount of the refund check from ODOT.

Ihler stated approximately \$950,000.

Jackson stated he does not like things sneaking up on the council and this is one that was not discussed ahead of time and he has a problem with that.

Ihler stated they were not trying to keep anything a secret, but as they became involved with doing the building and the functions...

Jackson stated that public safety facility has been the topic of conversation around the community for a long time and they are being pressed daily as to why bids are not ready to go and now we are having the discussion of an additional project and it causes him concern.

Ihler stated this project will not be bid with the public safety facility, it will be bid as they are going through the construction process as a separate project.

Mayor Fitch stated the money from the public safety facility is not going towards this road construction.

Tanner requested clarification that we are using the money reimbursed from ODOT.

Ihler stated we are using the money that ODOT is refunding to us.

Jackson stated he is okay with that part, he just has a hard time with it being a secret.

Ihler stated we will also be doing some things with the intersection of Gore Boulevard. A traffic signal will be installed in order to get the fire trucks in and out. That was always part of the concept, we just did not include it in the construction part of the public safety facility.

Jackson questioned if they needed to discuss that issue now.

George Hennesee, City Engineer, stated it is ongoing, there was a traffic study done to make sure that a traffic signal is warranted. It is warranted because of the exiting of the fire and police equipment and there is a requirement for a light there.

Jackson questioned where that funding would come from.

Ihler stated that was in the original RFP.

Burk stated they knew the fire trucks would have to get in and out and they knew they would need an access point and they knew it was a possibility that they would need additional parking. What a better way to use those funds that we are already going to be reimbursed by ODOT, so it does not come out of the funds for the public safety facility.

Jackson stated he is on board with this, he just does not like surprises.

Burk stated he does remember talking about the signal light at Gore, and they thought that they might need some more parking.

MOVED by Jackson SECOND by Burk to approve Amendment No. 1 to the October 27, 2015 agreement with Dewberry for professional engineering design services for the Public Safety Building, to amend the agreement to include the design of Larrance Avenue from Gore Boulevard to D Avenue, adjacent to the Public Safety Facility. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

7. Consider granting a warranty deed to Pablo P. & Melanie A. Sanchez, husband & wife, as compensation for the taking of their driveway needed for the SW 52nd Street Project# 2012-4, authorizing the Mayor and City Clerk to execute the document. Exhibits: Location map. Document is on file in the City Clerk's office.
8. Consider approving an Agreement amending the existing Agreement between the City of Lawton and the Marie Detty Youth and Family Service Center, Inc. for the continued operation and management of a program and services for juvenile misdemeanor offenders previously provided at the Community Intervention Center in Lawton, but with the impact of state budget cuts now to be provided at the Marie Detty Juvenile Shelter, and authorize execution of the Agreement. Exhibits: Amended Agreement on file in the City Clerk's office.
9. Consider approving and authorizing the Mayor and City Clerk to execute a services agreement with Business Information Group, Inc., for the purpose of providing required FBI background checks for Retired and Senior Volunteer Program (RSVP) program staff. Exhibits: Services Agreement
10. Consider extending the contract for Consultant Brokerage services concerning employee benefits to National Financial Partners Corporate Benefits (NFP), of Oklahoma City, OK. Exhibits: Original Consulting Agreement.
11. Consider terminating contract CL16-032 Nuisance Abatement with Southwest Mortgage Field of Lawton, OK. Exhibits: Department Recommendation, contract requirements.
12. Consider extending contract (RFPCL16-001) Fire Records Management Information System to Reporting Systems Inc. (RSI) of Bellingham, WA for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
13. Consider extending contract (CL15-057) Pest Control Services to Texoma Pest Management of Wichita Falls, TX for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
14. Consider extending contract for Liquid Ammonium Sulfate to Chemtrade Chemicals US, LLC of Parsippany, NJ for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

15. Consider awarding (CL17-005) Trailer, CNG Fueling and Defueling to Luxfer-GTM Technologies, LLC of San Francisco, CA. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

Jackson stated CNG has been a topic of conversation since he came back on the council and he is still concerned that we are not including our buses on the CNG fueling program. He understands that there is a problem with the set up at the facility but this trailer would take care of these concerns. He does not understand why we can't do CNG fueling with our buses. He feels they were misled by the requirements that were needed at our bus fueling facility and he feels it still could be done.

Phillips questioned how we would cover the cost of the buses.

Mayor Fitch stated they talked about this several meetings ago and it was explained that the buses that were already on order could not change their production scheduling or they would be put in line again and with the buses we were purchasing it would have put them so far out that we would have been out of the bus business for a year. That is just how it had to go and we will catch them on the next bus round, but meanwhile we are purchasing CNG trucks and equipment.

Tanner stated he understood it was a maintenance issue.

Mayor Fitch stated people would have to be trained and parts would have to be brought in to inventory and that was going to be very costly and we did not have the money.

MOVED by Jackson SECOND by Phillips to awarding (CL17-005) Trailer, CNG Fueling and Defueling to Luxfer-GTM Technologies, LLC of San Francisco, CA. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

16. Consider approving appointments to boards and commissions. Exhibits: None.

Airport Authority

Steve Gilkeson
27 NW Sandy Trail Lane
Lawton, Oklahoma 73505
New Term 12/31/19

Board of Adjustment

Jessie Cross
6302 SW Oakmont
Lawton, Oklahoma 73505
Unexpired Term 05/25/19
New Appointment

Lakes and Land Commission

Sean Fortenbaugh
817 NW Thornbury
Lawton, Oklahoma 73505
New Appointment
12/09/2019

NEW BUSINESS ITEMS:

17. Hold a public hearing and consider issuing a Certificate of Public Convenience and Necessity for a new cab company to be named 580 Express. Exhibits: Application with Required Submittal Documents and Notice of Public Hearing.

Richard Rogalski, Community Services Director, stated on October 20, 2016, the License and Permits Division received an application from Ronald Tyler to request a Certificate of Public Convenience and Necessity for a new cab company to be named 580 Express. Mr. Tyler is asking for five vehicles to be on the Certificate of Necessity and Convenience, however, he is the only one that will be driving at this time. Pursuant to Division 7-24-2, Lawton City Code, the City Council shall conduct a public hearing to determine if there is a need to allow an additional taxicab company to operate within the City of Lawton. Per said section, four questions are given to help the City Council determine whether an additional taxicab company is needed within the city.

1) What is the current number of taxicabs already in service? The City of Lawton currently has two taxicab companies licensed; People's Cab, with 17 vehicles (only 14 vehicles are currently licensed and operating), and Americab, with 25 vehicles (only 18 vehicles are currently licensed and operating). In addition to the listed taxicab companies, the Lawton Area Transit System, which has been operating since April 2002, provides public transportation within the community.

2) Is the existing transportation adequate to meet the public need? With the closure of two previously approved cab companies within Lawton, there are 17 fewer cabs operating within the community than there were five years ago. According to online research, the percentage of non-vehicle households in Lawton is 8%. For comparison, Oklahoma City has 7.2%, Norman 4.9%, Altus 5.1% and the State of Oklahoma as a whole is 5.7%. Based on the high percentage of non-vehicle households and the fact that there are fewer cabs operating than in the past, the City of Lawton should be able to support an additional cab company.

3) What is the probable effect of the increased service on local traffic conditions? The addition of five vehicles would not have a deleterious effect on local traffic conditions.

4) What is the character, experience and responsibility of the applicant? 580 Express will be a new startup company. The proprietor for 580 Express, Ronald Tyler, has over 30 years of professional safe mode of passenger transportation experience with the US Army, Federal Government and Lawton/Fort Sill companies via ground, air, rail and waterway. Letters of reference state that he is an excellent driver and is very professional when dealing with his clients. The financial statements provided show that he appears to have the financial stability that would be needed to grow this business.

Rogalski stated that staff has recommended to approve this request following the public hearing.

Phillips questioned how many of these non-vehicle households in Lawton ride the bus.

Rogalski stated they have statistics on how many riders they have, but buses are not door to door and the bus only operates during certain time periods. They hear that there are long waits for the cabs and this shows that our service is not as adequate as we would hope.

PUBLIC HEARING OPENED.

Ronald Tyler, applicant and owner of 580 Express, stated he is starting his business as a shuttle service and he has a 24-passenger bus and a 15-passenger van. His addition of a transportation company is vital to the community.

Phillips stated she has a clientele that has tried to use cabs in the past and the complaints have been about timeliness of the cab coming and picking them up and taking them back. She stated that is not acceptable and if we have cab service available it needs to come in a timely fashion. She questioned if 580 Express was more of a shuttle service.

Mr. Tyler stated he is starting as a shuttle service.

McGahee questioned the difference between a shuttle service and a cab service.

Mr. Tyler stated the shuttle service is more for transporting groups like for weddings, funerals, reunions and shuttling from hotels.

Jensen stated this is an application for a taxi cab service and there is a definition of taxi cab in the code that they are relying upon that says ten persons or less. He stated they seem to be changing gears here as far as what the application is for.

Rogalski stated they do not have a definition in the code for shuttle vans and it was staff's understanding that he just wanted to operate a taxi cab service and what he is saying about a shuttle service is very similar to a taxi cab service.

Jensen stated that under the code sections that we are proceeding under right now, we have a definition of a taxi cab that states "any motor vehicle for hire designed to carry 10 persons or less". That is not an application for a shuttle service and it does not fit the definition of a taxi cab. He is not saying that this can't be worked out but we are proceeding under a code scenario and that definition is in there for a reason. He feels we need to look at this further and figure out what he is actually applying for.

Burk stated he feels this needs to be a separate application because he will not be running a taxi service.

Mr. Tyler stated he went to the City and asked what he needed and he was told he needed a taxi service application.

Wells stated Mr. Tyler will be able to get this, it will just need to be handled differently and they will need to establish the definition of a shuttle service. He recommended this be tabled for no more than two meetings and brought back for discussion.

Rogalski stated that our taxi ordinance is pretty antiquated and he will look at the definitions and how different types of services will apply.

Wells requested he get this issue taken care of first and then they can do a major modification of the entire ordinance later.

Terry Jones, People's Cab Company, stated he knows we need more cabs here, but they need to follow the regulations that are already on the books. He stated the regulations have not been changed for years and they are not enforced. He suggested they change some of the rules and make everyone follow the same rules and regulations. He is playing by the rules and he does not like this good ole boy system and he wants the city to fix the problem the best they can.

Jackson stated no one is playing the good ole boy system. They all know the code is antiquated and he feels the necessary people will be working on it.

PUBLIC HEARING CLOSED.

MOVED by Wells SECOND by Burk to table this item for no more than two meetings. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

18. Consider an ordinance pertaining to offenses and crimes amending Section 16-3-1-301 and Section 16-3-1-302, all within Division 16-3-1, Article 16-3, Chapter 16, Lawton City Code, 2015, by increasing the maximum threshold dollar amount for Petit Larceny, 16-3-1-301, and Larceny by False Pretense, 16-3-1-302, from five hundred dollars (\$500.00) to one thousand dollars (\$1,000.00) as recently amended in state law, providing for severability, and establishing an effective date. Exhibits: Ordinance 16-__.

W. R. Moon, City Prosecutor, stated the proposed amendments deal with changes to 16-3-1-301, Petit Larceny and 16-3-1-302 Larceny by False Pretense. Recently passed State Question 780 raised the dollar amount threshold for determining whether or not certain property crimes are considered misdemeanors or felonies from \$500.00 to anything under 1,000.00. The proposed changes to Petit Larceny and Larceny by False Pretense correct a dollar amount gap in the Lawton City Code and mirror state law changes allowing these crimes to be prosecuted under \$1,000.00 at the municipal level.

Jackson questioned where we were at with our court of record issue.

Jensen stated they have not met on the issue yet. He stated the council has asked for some costing information.

Bart Hadley, Assistant City Manager, stated they do not have that costing information yet. He stated it will be part of the budget.

Wells stated this will raise the misdemeanor limit to \$999.

Moon stated up to \$1,000.

Wells questioned if this will increase the local jail population since the prosecutor's office will be handling more of the cases.

Moon stated it might, but most of the time they are not offenses that are jail, they are fines and costs. Now they prosecute everything up to \$500 and this would leave a gap where we would not be able to prosecute people who had committed a more serious crime.

Wells stated a lot of time you try them and they get a fine and they can't pay the fine so they go to jail to serve out their time at \$80 day. There is a possibility that this could increase our city jail population, which we haven't allocated for in our new jail system.

Phillips questioned if we had to meet the state law.

Moon stated we do not, but it would be counter intuitive of us as a city to go ahead and prosecute the less serious property crimes and then be unable to deal with more serious property crimes. This makes more sense and brings us in line with state law, even though we are not required to.

MOVED by Wells SECOND by McGahee to adopt **Ordinance 16-34**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 16-34

An ordinance pertaining to offenses and crimes amending Section 16-3-1-301 and Section 16-3-1-302, both within Division 16-3-1, Article 16-3, Chapter 16, Lawton City Code, 2015, by increasing the maximum threshold dollar amount for petit larceny, 16-3-1-301, and larceny by false pretense, 16-3-1-302, from \$500.00 to \$1,000.00 as recently amended in state law, providing for severability, and establishing an effective date.

19. Consider an ordinance pertaining to Trap-Neuter-Return program amending Sections 5-1-101, and 103, Article 5-1, Chapter 5, Lawton City Code, 2015, by allowing for registration of an animal rescue group with animal welfare to trap, neuter, and return feral cats into a cat colony, providing for severability and establishing an effective date.
Exhibit: Ordinance 16-__.

Russell Anderson, Animal Welfare Supervisor, stated this program about Trap-Neuter-Return (TNR) is taking a different look at cats. He has held two public hearings with the public. (Anderson presented a series of slides which are available in the City Clerk's office).

Burk stated he would like to reassure the public that when the city gets a call, they will still pick them up. There is definitely a need for this program and he supports it 100%.

Phillips questioned if we currently have the services needed to support this program.

Anderson stated they started Fix Lawton for their free spay and neuter clinic. Fix Lawton is becoming a 501.3c and they should be ready to go next year.

Tanner questioned the cost to the City of Lawton.

Anderson stated there will be no more cost than what they are doing today. He stated there will be no difference as far as manpower. He stated they are doing this under the barn cat program.

Wells questioned if these were voluntary veterinarians fixing these cats.

Anderson stated it is the same veterinarians that have been with Fix Lawton since the beginning.

MOVED by Wells SECOND by Burk to adopt **Ordinance 16-35**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today.
AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None.
MOTION CARRIED.

(Title read by City Attorney)

Ordinance 16-35

An ordinance pertaining to trap-neuter-return program, amending Sections 5-1-101, 103, Article 5-1, Chapter 5, Lawton City Code, 2015, by including provisions for such a program, providing for severability and establishing an effective date.

20. Hold a public hearing and adopt a resolution declaring the structures located at: 1126 NW Maple Avenue; 1318 NW Williams Avenue; 1602 NW Floyd Avenue; 1305 NW Dearborn Avenue; 1306 NW Taft Avenue; and 716 SW Jefferson Avenue 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: Six Resolutions.

1126 NW Maple 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.

Robert Potter, property owner, stated he is in the process of remodeling the home. He stated he has repaired those things listed on the notices he has received and not one citation has been issued. He has sat down with Neighborhood Services staff and gone through a checklist and he has corrected those issues. He has made a great amount of progress on the home.

Bellino-Hall questioned if the house was occupied and the utilities were turned on.

Mr. Potter stated yes.

Bellino-Hall questioned how long he had owned the property.

Mr. Potter stated a month.

Burk stated if the council decides to put this on the D&D list then Mr. Potter has time to get all the necessary repairs done and staff will provide that list to bring the property up to current codes. He stated he must clean up the junk because no one wants to live next door to junk. If Mr. Potter gets a permit and shows progress in the 30 days then over time it will come off the list. His does not mean we will be tearing down the home tomorrow, but Mr. Potter must show progress and meet certain timeframes.

Morford questioned if Mr. Potter had a building permit now.

Mr. Potter stated he has not done anything yet that requires a permit.

Jackson stated this house has been a problem for at least four years. He stated there is a couple in attendance that lives next door to the property and they would like to speak.

Elijah Morlett, 1124 NW Maple, stated over the past two years police officers have been to the property for a range of issues such as burglary, domestic issues, drug use, loose animals and smoke with foul smells. They have experienced roaches, fires, human waste and animal feces. He stated these things were conducted by people who frequent the property. When the City declared the property dilapidated the owner has attempted to address these issues as well as hammering and shouting past midnight. He stated he and their fellow neighbors are requesting that the council force the owner to adhere to a strict guidance and they request that the work done on the house be done during daylight hours.

Jackson stated this has been an ongoing situation and this is a nice neighborhood and the residents don't deserve this.

Phillips questioned if Mr. Potter has completed the list given to him by staff.

Leach stated he has completed a few and they have asked him to get a permit so that the inspectors can look at the entire facility.

Mr. Potter stated he has completed all the items on the checklist because there were no citations issued but staff told him it was up to the council to make the decision.

Phillips questioned if the property was occupied before Mr. Potter became the owner.

Mr. Potter stated the house has been in his family since 1941 and he inherited it when all his family members passed away.

Tanner stated this property is a blight to the community and he has appeared before council and taken care of dilapidated properties and it can be done.

Mayor Fitch stated Mr. Potter will have 30 days to get a building permit and then about 90 days to get it done.

Wells stated if Mr. Potter is making adequate progress then staff can extend it past the 90 period.

PUBLIC HEARING CLOSED.

Jackson stated he does not look to tear down people's homes on purpose, but when a home is in the condition of this house, something needs to be done. He suggested that Mr. Potter get the permit and get to work and make significant changes.

MOVED by Jackson SECOND by Burk, to adopt **Resolution 16-91** declaring the structure located at 1126 NW Maple Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1318 NW Williams Avenue

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.

MOVED by Jackson SECOND by Burk, to adopt **Resolution 16-92** declaring the structure located at 1318 NW Williams Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1602 NW Floyd Avenue

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.

Jackson stated that staff has had no response from the owner and it is basically abandoned.

Wells questioned if staff went into these homes.

Leach stated yes if it is available.

Wells stated they use to have pictures of the interior.

PUBLIC HEARING OPENED.

Edward Hilliary, Broker Associate with Re/Max Professionals, stated Ms. Ray owns four properties together and her daughter has contacted Re/Max to sell the houses. Ms. Ray is living in Missouri and has not seen the properties in a while. He is requesting that the home stay off

the D&D list so that he can attempt to sell the property. He stated it has been vandalized but it is a sound house and it just needs someone to get in there and do some work. They are going to try and sell all four together.

Mayor Fitch questioned how long it has been on the market.

Mr. Hilliary stated it is not on the market yet. He is trying to keep the negative stigma off the house so he can get a fair price.

Jackson questioned what a normal time frame would be to sell the house.

Mr. Hilliary stated 90 days.

Phillips questioned if he had a brokers contract.

Mr. Hilliary stated the contract has not been signed, but they are trying to set the prices for all the homes and preparing a market analysis.

PUBLIC HEARING CLOSED.

Tanner questioned if this house had fire damage.

Leach stated yes. He was told by the fire department that there is damage to the interior.

Jackson stated he is usually pretty tough on these dilapidated houses but he would hate to take a property off the tax rolls and this house looks like a sound structure. He recommended they give the owners 90 days to sell this home. He does want it brought back in 90 days for reconsideration.

Tanner stated in the mean time they need to keep it boarded up and the grass mowed.

MOVED by Jackson SECOND by Phillips to table for 90 days. AYE: Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: Morford. MOTION CARRIED.

1305 NW Dearborn Avenue

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.

MOVED by Tanner SECOND by Burk, to adopt **Resolution 16-93** declaring the structure located at 1305 NW Dearborn Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1306 NW Taft Avenue

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.

MOVED by Jackson SECOND by Burk, to adopt **Resolution 16-94** declaring the structure located at 1306 NW Taft Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

716 SW Jefferson Avenue

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.

Lisa Howard, stated she lives next door to this property and she is requesting that this house be placed on the list. She stated it is a safety hazard and she should not have to live like that. The police have been to the property several times. She has paid to have the grass mowed. She stated either the home owner cannot fix it or won't fix it and it needs to come down.

Donald Carroll, 716 Washington, stated he mows the property and there is drug activity and homeless people living in the property. The house has roaches, rats and snakes. He is requesting that the home be demolished as soon as possible.

Leach stated this is an Indian held trust property by the KCA and their council has requested that it come to the Lawton City Council for determination and then he can take it to their council so they can authorize the destruction of this property.

Jackson stated this will just delay the situation.

Wells stated they have no choice. We cannot legally tear down property on Indian trust land. He had one in his ward and once the City put it on the demolition list then the Comanche tribe tore it down.

Jensen stated our building codes do not apply to trust land property, but if you have a situation where it gets to the point where this is such a hazard to the community, he recommends that it be put on the list and if they won't take action we will have to deal with it.

PUBLIC HEARING CLOSED.

MOVED by McGahee SECOND by Wells, to adopt **Resolution 16-95** declaring the structure located at 716 SW Jefferson Avenue to be a dilapidated public nuisance. AYE: Morford,

Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells stated there will be a homecoming ceremony at 4 a.m. the next morning at Rheinhardt Gym at Fort Sill.

Phillips stated she spoke at the Lions Club last week and the major topic was streets.

Bellino-Hall stated it has been an honor and a privilege to serve on this council.

Ihler stated there will be a public hearing for the street projects at the first meeting in January.

J.I. Johnson, Finance Director, presented revenue and expenditure highlights for period ending October 31, 2016. (On file in the City Clerk's office).

The Mayor and Council convened in executive session at 8:08 p.m. and reconvened in regular, open session at 9:05 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

ADDENDUM:

1. 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 Delia Castillo Ramos and Orlando Ruiz Sosa vs. City of Lawton, CJ-2015-401, and if necessary, take appropriate action in open session.

Mayor Fitch read the title of the addendum.

MOVED by Wells SECOND by Burk to adopt **Resolution 16-96** authorizing the City Attorney to enter into an economic settlement agreement in the District Court of Comanche County, State of Oklahoma, for the sum of Fifty Thousand and no/100 (\$50,000.00) as settlement of the lawsuit Castillo Ramos and Orlando Ruiz Sosa vs. City of Lawton, CJ-2015-401 and direct the City Attorney to prepare a file a journal entry incorporating said resolution and settlement agreement for the courts approval. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

21. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending arbitration involving the electric utility relocation costs associated with the Lawton Downtown Redevelopment Project within Tax Increment Financing District No. 2, and in open session consider and take action on a proposed settlement of the costs disputed by the City & LEDA as not reasonable and prudent.

Jensen read the title of the item #21.

MOVED by Burk SECOND by McGahee to approve a settlement agreement previously also approved by the Lawton Economic Development Authority (LEDA) in which Public Service Company of Oklahoma will be paid by LEDA the sum of \$495,000 as full and final payment of two remaining unpaid invoices totaling \$1,142,742.39 for the electric utility relocation costs associated with the Lawton Downtown Redevelopment Project within tax increment financing district No. 2 and authorize the Mayor and City Clerk to execute the agreement. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

23. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of Jerry Ihler, City Manager, and if necessary, take appropriate action in open session.

Jensen read the title of the item #23.

MOVED by Burk SECOND by Jackson to amend the City Manager's contract in the provision under gross salary and benefits for payment of excess sick leave from the hours of 200 sick leave hours beginning in December 2016 to 450 sick leave hours to be bought down and the buy down on the sick leave hours will be considered pensionable. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

22. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the Employment Agreement of Frank V. Jensen as City Attorney, and in open session take action as necessary.

Mayor Fitch read the title of item #22.

Wells stated it was a consensus of the council that Mr. Jensen is doing an outstanding job.

MOVED by Wells SECOND by Burk to approve a 2.5% increase and also have in his contract the buy down on the sick leave hours will be considered pensionable. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:11 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK