

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
MARCH 12, 2019 – 6:00 P.M.  
LAWTON CITY HALL  
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:  
Michael Cleghorn, City Manager  
Frank Jensen, City Attorney  
Traci Hushbeck, City Clerk

Mayor Booker 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 Michael Logan, Galilee Missionary Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Mary Ann Hankins, Ward One  
Keith Jackson, Ward Two  
Caleb Davis, Ward Three (attended Executive Session)  
Dwight Tanner, Jr., Ward Five  
Sean Fortenbaugh, Ward Six  
Onreka Johnson, Ward Seven  
Randy Warren, Ward Eight

ABSENT: Jay Burk, Ward Four

EMPLOYEE SPOTLIGHT PRESENTATION TO DAVID CAMPBELL – PARKS AND RECREATION DEPARTMENT

The City Manager recognized David Campbell from the Parks and Recreation department for his outstanding performance.

UPDATE FROM THE LAWTON FORT SILL CHAMBER OF COMMERCE

Brenda Spencer Ragland, President and CEO of the Lawton Fort Sill Chamber of Commerce, updated the council on chamber activities.

AUDIENCE PARTICIPATION: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF FEBRUARY 12, 2019.

MOVED by Jackson SECOND by Hankins to approve the minutes of the Lawton City Council regular meeting of February 12, 2019. AYE: Hankins, Jackson, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

## CONSENT AGENDA

Mayor Fitch stated there is a request to speak by William Thompson regarding the denial of his claim on item #2.

MOVED by Warren SECOND by Fortenbaugh to approve the consent agenda with the exception of the William Thompson claim in item #2. AYE: Hankins, Jackson, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Lawrence Gee in the amount of \$900.00 (**Res. 19-14**), Johnsie Goodwin in the amount of \$164.00, Billy and Melissa Dean in the amount of \$2,061.80 (**Res. 19-15**) and Christopher and Charleigh Cole in the amount of \$1,804.80 (**Res. 19-16**). Exhibits: Legal Opinion/Recommendation, Resolution No. 19-\_\_\_\_, Resolution No. 19-\_\_\_\_, Resolution No. 19-\_\_\_\_.
2. Consider the following damage claims recommended for denial: William Thompson in the amount of \$905.75, Sharon and Jack Powers in the amount of \$500.00, and John Hale in the amount of \$750.00. Exhibits: Legal Opinion/Recommendation.

W.R. Moon, Assistant City Attorney, stated the claimant alleges that on October 8, 2018, he was passing through the parking lot of Wendy's located at 1930 NW Cache Road and upon exiting the parking lot into the alleyway that passes behind the establishment he struck a pothole which caused damage to his vehicle. This pothole had not previously been reported to the City of Lawton and the claimant did not report it to the City. The claimant did not make his claim with the City until January 4, 2019 at which time he stated that he believed his accident to have happened sometime around the holidays. Later on he was able to clarify the date of October 8, 2018 as the actual date of his accident. At the time he made his claim, the claimant provided a receipt for repairs on October 9, 2018 for \$246.31 as well as an estimate for an additional repair that he would have conducted and obtained this estimate on January 9, 2018 in the amount of \$659.44. In claims involving potholes, the City is held to a reasonable objective person standard meaning either the City had actual notice, which in this case it did not because we had never been notified of the pothole or it was under constructive notice, meaning that the pothole had existed for such an extended period of time that the City is presumed to have notice of it. Because the claimant failed to report the accident for over two months, the City was denied the ability to inspect the condition of the pothole at the actual time of the accident. The burden is always on the plaintiff to prove their case and he does not feel that paying this claim is warranted.

William Thompson, 403 NW Columbia, stated he did not report the pothole immediately because he was not aware that he had to contact the police and file a report. He was actually told by a city employee that if he got a couple of estimates and turned them in that the City might

help. He is on social security disability and all he could do was to repair the shock tower on the driver's side. He stated he did take it to be looked at the next day and the guy was able to do a rebuild on it instead of a shock tower because he would not have been able to afford it. He would like to make sure his vehicle is safe and to at least be reimbursed for what he has spent. He did turn in the lowest estimate.

Tanner questioned if Mr. Thompson had full coverage insurance.

Mr. Thompson stated he only has liability.

Tanner stated the issue he sees is the time frame and it has taken too long. He wished he would have brought it forward in a timelier manner. He stated this is the citizen's money.

Mr. Thompson questioned if it would be possible to get a reimbursement on what he had already spent.

Tanner stated his motion would be to deny the claim.

MOVED by Tanner SECOND by Warren to deny the claim of William Thompson in the amount of \$905.75. AYE: Hankins, Jackson, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

3. 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 Brad Milam in the Oklahoma Workers' Compensation Commission, Case No. CM-2018-01184 A. Exhibits: **Resolution 19-17**.
4. Consider accepting a donation of 220 ruggedized laptops and 144 mounts to the City of Lawton from Centerpoint Energy to be used for City business and services. Exhibits: None.
5. Consider accepting bids offered for one tract of city-owned land previously declared surplus, authorizing staff to process all documents for and finalize the sale of this one property, authorizing the Mayor and City Clerk to sign contracts of sale, quit claim deeds and other closing documents. Exhibits: Memorandum from Parks and Recreation Director referencing surplus auction of city-owned real property.
6. Consider approving the record plat for Eastlake Villas, a Replat of Block 9, Eastlake Addition, Part 2. Exhibits: Plat Map.
7. Consider approving the record plat for Replat of Block 18, Less and Except Lots 5 and 6, Eastlake Addition, Part 3A. Exhibits: Plat Map.

8. Consider approving agreement Amendment #1 to the 2017 Ad Valorem Street and Roads Program (Residential), Phase 1, Project #2017-07 with Freese and Nichols, Inc. for engineering services by adding the design of Phase 2 of the 2017 Residential Ad Valorem Street and Roads Program. Exhibits: Amendment #1 to the Agreement, Exhibit 'A' with Project Locations and Design Fees by Ward, Exhibit 'F' with Basic Services – Lump Sum Fees.
9. Consider acknowledging receipt of Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 43 linear feet of 6-inch PVC pipe for water line distribution and all appurtenances to serve Edison Elementary School located at 5801 NW Columbia Avenue, in the SE/4 of Section 28, T2N, R12W, Comanche County, Oklahoma. Exhibits: Permit to Construct is on file in the City Clerk's Office.
10. Consider awarding a requirements unit price contract for the Sanitary Sewer Emergency Line Replacement Requirement Contract 18-7 SSES to Evans & Associates Utility Services, Inc. for the open trench portion and to Horseshoe Construction, Inc. for the pipe bursting portion to be utilized for emergency repair and replacement of sewer lines. Exhibits: Bid Tabulations. The Construction Contract is on file in the Sewer System Technical Division's Office.
11. Consider extending contract for (CL17-013) Sodding & Grassing to Green Turf Sod, Lawton OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
12. Consider approval of payroll for the periods of February 25- March 10, 2019.

NEW BUSINESS ITEMS:

13. Hold a public hearing and adopt a resolution declaring the structures located at 512 NW Greenmeadow Dr, 803 SW "H" Ave, 1516 SW "C" Ave, 1609 NW Baldwin Ave, 1718 NW Smith Ave, and 1914 NW Cherry Ave to be dilapidated pursuant to Section 6-5-1 Lawton City Code, ordering the owner 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 and exhibits for the property.

512 NW Greenmeadow Drive

Brock Greenhill, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since March 29, 2012. Greenhill presented photographs of the property.

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

MOVED by Jackson SECOND by Warren, to adopt **Resolution 19-18** declaring the structure located at 512 NW Greenmeadow Drive to be a dilapidated public nuisance. AYE: Hankins, Jackson, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

803 SW “H” Ave

Greenhill reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since May 2010. He stated there was a fire at this property on November 13, 2014. The City has secured the property three times in the past six months. Greenhill presented photographs of the property.

PUBLIC HEARING OPENED.

Barbara Reynolds, 803 SW H Avenue, stated this house has been in her family for 45 years and ever since the fire, which ended up killing her mother, they have gone through and sealed it up but it keeps getting broken into. She is trying to come up with the money to fix it. She stated the interior and exterior walls are made of brick so the house is a sturdy structure. This house was built in the 1800's so it has been a part of Lawton history and she would like to fix it up and move back into it, but she is not sure when she will be able to do that. She requested that the council give her a year and if at the end of the year she has not been able to do what needs to be done she will give it to the City.

Tanner stated Ms. Reynolds has three options, she can get a demotion permit and get half off at the landfill, she can get a remodeling permit, but that has time constraints.

Ms. Reynolds stated she already has the paperwork for the permit so when she reaches that stage she will be ready to get the permit.

Tanner questioned if her relatives had any insurance on the property.

Ms. Reynolds stated no, the insurance had been cancelled.

Tanner stated the third option is what they are doing here before the council. This is happening because the neighbors have complained of people breaking in and living in the home. He personally would like to give her another year, but if she does not have the money to repair it he does not see this happening. Even if they were to put it on the D&D list she would still have some recourse to come in and try to do some repairs.

Johnson stated if this was put on the D&D list, Ms. Reynolds would have the opportunity to come and speak to Mr. Greenhill and see what she can do.

Greenhill stated his office is always willing to work with any citizen even after the process begins to accomplish the goals that best serves the City and the citizens. The City likes to have remodeled habitable houses. He stated they also need to keep in mind the concerns of the neighborhood.

PUBLIC HEARING CLOSED.

Fortenbaugh questioned if this property has been to the council before.

Greenhill stated no.

Fortenbaugh questioned how the process would work.

Greenhill stated as soon as it is put on the D&D list, there are two options. One is to pull a permit to demolish the structure and the other is to pull a permit to rehab the structure.

Fortenbaugh questioned the time line if she pulls a remodel permit.

Greenhill stated it is typically 30 days but with the extensive remodel that would need to happen, they could show grace and find some areas where they can extend that, but you hesitate to do that indefinitely because they need to see some progress.

Hankins questioned if there was any opportunity with the historic value of this home.

Greenhill stated he is not sure if Ms. Reynolds has pursued those options.

Johnson stated she will get together with Ms. Reynolds and help her through this process.

MOVED by Warren SECOND by Jackson, to adopt **Resolution 19-19** declaring the structure located at 803 SW “H” Ave to be a dilapidated public nuisance. AYE: Hankins, Jackson, Fortenbaugh, Johnson, Warren. NAY: Tanner. MOTION CARRIED.

#### 1516 SW “C” Ave

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

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

MOVED by Tanner SECOND by Jackson, to adopt **Resolution 19-20** declaring the structure located at 1516 SW “C” Ave to be a dilapidated public nuisance. AYE: Hankins, Jackson, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

#### 1609 NW Baldwin Ave

Greenhill reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since October 4, 2015. Greenhill presented photographs of the property

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

MOVED by Jackson SECOND by Hankins, to adopt **Resolution 19-21** declaring the structure located at 1609 NW Baldwin Ave to be a dilapidated public nuisance. AYE: Hankins, Jackson, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1718 NW Smith Ave

Greenhill reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2004. Greenhill presented photographs of the property

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

MOVED by Jackson SECOND by Warren, to adopt **Resolution 19-22** declaring the structure located at 1718 NW Smith Ave to be a dilapidated public nuisance. AYE: Hankins, Jackson, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1914 NW Cherry Ave

Greenhill reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2006. Greenhill presented photographs of the property

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

MOVED by Jackson SECOND by Hankins, to adopt **Resolution 19-23** declaring the structure located at 1914 NW Cherry Ave to be a dilapidated public nuisance. AYE: Hankins, Jackson, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

Jackson thanked the Neighborhood Services staff for placing these properties on the agenda. When he was campaigning this was the number one issue among his constituents in those neighborhoods.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Johnson stated her monthly ward meeting will be held on March 28<sup>th</sup> at 5:30 p.m. at Great Plains Technology Center in Building 300.

Fortenbaugh stated he received calls regarding the Ware on C event which will be back on April 4<sup>th</sup> at 5:30 p.m. He has received several calls about potholes and it is very important that people report those to the City. He stated the City can fix them quickly if they know about them.

Tanner stated when it is wet and the bigger trucks go out to the landfill, he was told they used to use a bad weather pad. He has passed this along to the city manager and the public works director. He wished his daughter, Sage Charity, a happy 9<sup>th</sup> birthday.

Clegghorn stated a the previous meeting staff came before council to request the ability to apply for a SAFER grant and Chief Burk is here to provide the council with some updated information on that grant.

Chief Dewayne Burk, Lawton Fire Department, stated given the amount of staff time that it will take to sufficiently apply for this grant and to give them a competitive change he does not feel comfortable submitting the grant. He asked the city manager if he would have a problem with them withdrawing the request to submit for the grant this year.

Clegghorn stated it is his recommendation that we withdraw from the SAFER grant process and they can bring it back as a council item or they can leave it here.

Jensen stated the council took official action to authorize the submission of the grant application. The deadline is before the next council meeting. He stated it can be placed on the next agenda or if the council does not want to see it again, that is their prerogative. Staff just wanted to inform the council that they would not be taking any action on what the council had authorized.

Tanner stated he is disappointed because he likes the idea of applying for grants that would pay for 75% of these firefighter's salaries, but city management is in charge of how we need to do things so he will go along with the recommendation of city management.

Jensen stated the council cannot take any official action tonight, but staff can bring it back to discuss it next time, but it has become a moot point because we are out of time.

Mayor Booker stated the deadline would have passed at the next council meeting, so he recommended they just let this issue die.

Mayor Booker stated he invited representatives from the Oklahoma Housing Finance Agency to come to Lawton because he wanted us all to understand all of the resources they have. They will be in Lawton on April 17<sup>th</sup> in the morning and they will do a presentation on all of the resources they have and how we might utilize them. He stated Dr. Morford was on the IT Committee and he needs a volunteer to replace him.

Warren volunteered to fill this position.

Mayor Booker announced that the Crimestopper's Moonlight Walk will be held on April 12<sup>th</sup> from 6 p.m. to 9 p.m. at Elmer Thomas Park. He stated he will be partnering with Crimestopper's on a Mayor's initiative to raise awareness about crime prevention.

The Mayor and Council convened in executive session at 6:55 p.m. and reconvened in regular, open session at 7:42 p.m. Roll call reflected all members present including Davis.

#### EXECUTIVE SESSION ITEMS:

14. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action/claim involving A.E. Construction Co. and liquidated damages, and take appropriate action in open session as necessary. Exhibits: None.

Jensen read the title of item #14.

MOVED by Tanner SECOND by Davis, to authorize a Settlement Agreement for the construction of a pedestrian bridge (valued at \$117,000) and 8,000 square feet of sidewalk (valued at \$64,000) in settlement of the contemplated lawsuit against A.E. Construction Co. as and for liquidated damages due and owing to the City of Lawton in connection with the construction of the 2012 CIP Local Street Reconstruction Project #2012-12, Phase I and Phase II, and as part of said Settlement Agreement, remove A.E. Construction Co. from the list of contractors banned from bidding on City projects. I further move to authorize the Mayor to execute said Settlement Agreement upon approval of its terms by the City Attorney along with a release of liability in favor of A.E. Construction Co. upon receipt of a mutual release in favor of the City. AYE: Hankins, Jackson, Davis, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

15. 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 Crystal Mathiesen vs. City of Lawton, CJ-2018-170, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #15. No action was taken.

16. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations regarding for a Collective Bargaining Agreement for FY 2019-2020 between the International Association of Fire Fighters (IAFF), Local 1882, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #16. No action was taken.

There being no further business to consider, the meeting adjourned at 7:45 p.m. upon motion, second and roll call vote.

---

STAN BOOKER, MAYOR

ATTEST:

---

TRACI HUSHBECK, CITY CLERK