

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MARCH 27, 2018 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Jay Burk, Mayor Pro Tem
Presiding

Also Present:
Jerry Ihler, City Manager
Frank Jensen, City Attorney
Traci Hushbeck, City Clerk
COL Samuel Curtis, Fort Sill Liaison

Mayor Pro Tem Burk called the meeting to order at 6:03 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Minister Eric Sharum, University Church of Christ, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bob Morford, Ward One
 Keith Jackson, Ward Two
 Caleb Davis, Ward Three
 Jay Burk, Ward Four
 Dwight Tanner, Jr., Ward Five (Arrived @ 6:07 p.m.)
 Sean Fortenbaugh, Ward Six
 Onreka Johnson, Ward Seven
 Randy Warren, Ward Eight

ABSENT: Mayor Fred L. Fitch

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO STAN BOOKER

Mayor Pro Tem Burk presented a Certificate of Commendation from the Mayor's Office to Stan Booker.

PROCLAMATION FOR NATIONAL SERVICE RECOGNITION DAY

Mayor Pro Tem Burk proclaimed April 3, 2018 as National Service Recognition Day. He presented the proclamation to Karen Flowers, RSVP Administrator.

PROCLAMATION FOR SAFE DIGGING MONTH

Mayor Pro Tem Burk proclaimed April 2018 as Safe Digging Month in the city of Lawton. He presented the proclamation to Keith Marple, Centerpoint Energy, and Rusty Whisenhunt, City of Lawton, who encouraged everyone to call 811 before they dig.

AUDIENCE PARTICIPATION:

Ted Symuleski, 2509 SW Cornell, requested the council look at the income limit for the reduced water bill program and each year they adjust that limit because many participants receive a cost of living increase each year from military, social security, etc.

Mayor Pro Tem Burk stated they will look at that issue.

Timothy Loftis, 2704 NW 52nd Street, requested the council bring a Burlington Coat Factory to Lawton.

Mayor Pro Tem Burk stated they will try to make contact with them.

CONSENT AGENDA:

Fortenbaugh requested item #10 be considered separately.

MOVED by Jackson SECOND by Morford to approve the consent agenda with the exception of item #10. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider setting the date of May 8, 2018, to hold a public hearing to close the northern 200 feet of NW Runyon Road, located east of NW Fort Sill Boulevard and south of NW Rogers Lane. Exhibits: Application and Location Map.
2. Consider approving the construction plat for Aubrey Subdivision, a replat of Lot 6, also known as Block 6, Thompson Subdivision, subject to a condition. Exhibits: Plat Map.
3. Consider approving the record plat for Wyatt Acres Addition, Part 18. Exhibits: Plat Map.
4. Consider approving Change Order No. 1 and accepting the Section 35 NE Quarter Waterline Project #2017-01 as constructed by Luckinbill, Inc. and placing the Maintenance Bond into effect. Exhibits: None.
5. 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.
6. Consider extending contract for (CL17-016) Mowing and Litter Areas G & H, with Area G extension going to Rob's Lawn Care of Cache, OK and Area H extension going to Landscape Partners of Yukon, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

7. Consider extending contract for (CL16-016) Cement Kiln Dust to Silver Star Construction of Moore, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
8. Consider awarding contract (RFPCL18-018) Jail Inmate Phone System to Cen-Tex Pay Telephone Co, Inc. of San Antonio, TX. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
9. Consider extending contract for (CL16-019) Asphalt Crack Filler to Right Pointe Company of DeKalb, IL for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
10. Consider extending contract for (RFPCL16-015) Citywide Hardware / Software Support to Abtech Technologies of Carlsbad, CA for an additional year. Exhibit: Department Recommendation, Contract Extension Form, Price Sheet.

Fortenbaugh stated he researched this company and he is not sure what service they are providing to the City, but they do specialize in disaster recovery and backup and he would like to find out more about what they do for us.

MOVED by Fortenbaugh SECOND by Warren to table this item to allow the IT committee to learn more about this and make a recommendation to council.

Cindy Price, IT Supervisor, stated this contract expires at the end of this month and it is critical to them. She stated they do not perform disaster recovery for us. This is for city wide support of our mainframe so if we have any of the hardware that needs to be replaced, they do that for us. There are very few companies that do this because that is something that is now obsolete. They provide the software support for the mainframe, the operating system and the turbo store which is for the backup for the mainframe. They also provide licensing and they give us a four hour response time. They provide the support for all of the large printers, scanners and plotters.

Fortenbaugh stated they primarily deal with our mainframes.

Price stated the mainframe as well as support for all of the large printers, scanner and plotters within the City.

Fortenbaugh stated he would like to withdraw his original motion.

MOVED by Fortenbaugh SECOND by Jackson to extend the contract for (RFPCL16-015) Citywide Hardware / Software Support to Abtech Technologies of Carlsbad, CA for an additional year. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

11. Consider extending contract for (CL17-018) Footwear (Safety, Athletic & Walking) to Woodward's Occupational Footwear of Cyril, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

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

Park and Recreation Commission

Larry Craig
Mayor's Appointment
New Member
03/27/20

Traffic Commission

Hershel Kuykendal
New Member
UT 04/26/20

13. Consider approval of payroll for the periods of March 12 –25, 2018.

OLD BUSINESS ITEMS:

14. Consider adopting a Resolution to grant permission to the Lawton Economic Development Corporation (LEDC), a 501-C6 not-for-profit corporation supported and led by local business and community leaders, to use the Official City of Lawton Seal in the *Lawton-Fort Sill Economic Review and Forecast* publications that are published annually. Exhibits: Resolution No. 18-__.

MOVED by Jackson SECOND by Morford to approved **Resolution No. 18-16** granting permission to the Lawton Economic Development Corporation to use the Official City of Lawton Seal in the *Lawton-Fort Sill Economic Review and Forecast* publications that are published annually AYE: Morford, Jackson, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: Davis. MOTION CARRIED.

NEW BUSINESS ITEMS:

15. Hold a public hearing and adopt a resolution declaring the structures located at 504 SW Washington Ave, 710 SW Monroe Ave, 808 SW Monroe Ave, and 1312 SW Monroe Avenue 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: Resolutions and exhibits for the property.

Brock Greenhill, Neighborhood Services Supervisor, stated they have only brought four properties to the council tonight but they initially started with twelve properties and three are being voluntarily demolished and two are being remodeled.

504 SW Washington Avenue

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 August 25, 2009. He presented photographs of the property.

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

MOVED by Johnson SECOND by Jackson, to adopt **Resolution 18-17** declaring the structure located at 504 SW Washington Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

710 SW Monroe Avenue

Greenhill reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property burned on December 10, 2017 and has been without utilities since January 6, 2016. He presented photographs of the property.

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

MOVED by Johnson SECOND by Jackson, to adopt **Resolution 18-18** declaring the structure located at 710 SW Monroe Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

808 SW Monroe 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 July 16, 2009. He presented photographs of the property.

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

MOVED by Johnson SECOND by Warren, to adopt **Resolution 18-19** declaring the structure located at 808 SW Monroe Ave to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1312 SW Monroe Avenue

Greenhill reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property burned on April 26, 2017 and has been without utilities since July 19, 2017. He presented photographs of the property.

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

MOVED by Johnson SECOND by Jackson, to adopt **Resolution 18-20** declaring the structure located at 1312 SW Monroe Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

16. Consider approving the construction plat and record plat and accepting a performance surety in lieu of the completed improvements for the Replat of Lot 2, Block 1, Sun Group Development, located approximately ½ mile west of NW 67th Street on the south side of NW Quannah Parker Trailway. Exhibits: Plat Map and CPC minutes.

Richard Rogalski, Community Services Director, stated originally the performance bonds for the record plat were not in their hands when this was placed on the agenda, but they do have them now and there are no issues other than to approve the record plat and construction plat and accept the bonds.

Morford questioned the reason for going with performance, this is not the normal.

Rogalski stated they want the construction plat and the record plat approved tonight, so any public improvements that are necessitated to make that lot whole, which in this case is a small street improvement, small water line improvement and a little bit of sewer line that has to come down there. Those improvements have to be bonded so that if the developer didn't build them and they sold the lot to somebody, the City could guarantee that the lot is made whole by getting those things constructed.

Morford questioned if there was a time limit.

Rogalski stated there is a time limit on the bond amount which is six months, but those bonds can be extended.

MOVED by Morford SECOND by Fortenbaugh to approve the construction plat and record plat and accept a performance surety in lieu of the completed improvements for the Replat of Lot 2, Block 1, Sun Group Development, located approximately ½ mile west of NW 67th Street on the south side of NW Quannah Parker Trailway. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

17. Consider an ordinance amending Sections 23-18-1801 and 23-18-1808 of the Lawton City Code clarifying the rights of bicyclists on sidewalks and repealing Section 23-18-1806 deleting the provision for impoundment and sale of nonregistered bicycles. Exhibits: Ordinance No. 18-__.

Rogalski stated this change is the result of a father calling him asking if it was legal for his son to ride his bicycle on the sidewalk. He stated he could not find it in our code. He stated they put this in the code which would allow you to ride a bicycle on the sidewalk unless it is posted otherwise, and if you yield to pedestrians you basically have the rights of a pedestrian while you are in a crosswalk.

Davis questioned the repealing of the provision for impoundment and sale of nonregistered bicycles.

Rogalski stated while they were looking at the code they saw this section that was left over from some old piece. Sometime in the past you had to register your bicycle in the city of Lawton and

if you did not register it you could get it impounded. There is nothing that impounds a bicycle now so they struck that section.

MOVED by Jackson SECOND by Morford to adopt **Ordinance 18-07**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 18-07

An ordinance amending Sections 23-18-1801 and 23-18-1808, Article 23-18, bicycles, Chapter 23, Lawton City Code, 2015, clarifying the rights of bicyclists on sidewalks; repealing Section 23-18-1806, Article 23-18, Chapter 23, Lawton City Code, 2015, deleting provision for impoundment and sale of nonregistered bicycles; providing for severability and establishing an effective date of thirty days from today.

18. Consider an ordinance creating Section 7-12-1-1210 providing for hours of operation for door to door sales. Exhibits: Ordinance No. 18-__.

Rogalski stated this was the result of another question of how late people are allowed to go door to door. A couple of years ago a council committee and staff rewrote our vendor code and this piece was left out. He stated this is for unsolicited going door to door. If you make an appointment with someone they can show up at that specific time.

Davis state he spoke with a group of citizens about this yesterday and they all felt it was reasonable.

Tanner questioned how many permits we issue on an annual basis for these door to door salesmen.

Rogalski stated he does not have that number.

Tanner stated he does not mind the 9 a.m. to 7 p.m. during the summer hours when it gets dark later, but during the winter hours he does not want people knocking on his door after dark. He would like to revise it to 9 a.m. to 6 p.m.

MOVED by Tanner SECOND by Morford to adopt **Ordinance 18-08** and amend the hours from 9 a.m. to 6 p.m., waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today.

Davis questioned if this covered all door to door activity such as campaigning.

Rogalski stated this is just vending.

SUBSTITUTE MOTION by Davis SECOND by Warren to adopt **Ordinance 18-08** as is, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days

from today. AYE: Jackson, Davis, Burk, Tanner, Johnson, Warren. NAY: Morford, Fortenbaugh. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 18-08

An ordinance creating section 7-12-1-1210, Division 7-12-1, door to door vendors, Article 7-12, Chapter 7, Lawton City Code, 2015, adding hours of operation; providing for severability and establishing an effective date of thirty days from today.

19. Consider an ordinance pertaining to Personnel Policies and Procedures amending Section 17-1-6-163 (F), Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2015 granting regular part time employees not more than (12) twelve hours of bereavement leave per occurrence in the case of the death of an immediate family member, providing for severability, and establishing an effective date. Exhibits: Ordinance No. 18-__.

Ihler stated this item was brought to him by the Employee Advisory Committee. Currently regular part time employees do receive benefits such as vacation and sick leave at a rate half of what a full time employee receives. The code does not allow them to receive the benefit for bereavement, so they are requesting that they receive half the benefit of the full time employee for the bereavement.

MOVED by Warren SECOND by Tanner to adopt **Ordinance 18-09**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 18-09

An ordinance pertaining to personnel policies and procedures, amending Section 17-1-6-163 (f), Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2015, by amending the bereavement leave provision set forth in city code for city employees; providing for severability and declaring an effective date of thirty days from today.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

COL Curtis stated the celebration of the 100th anniversary of Fort Sill Henry Post Army Airfield will be held on April 6th & 7th with several free events. All the information is available on the MWR Fort Sill websites. He stated for people without a post pass they will go in the old gate 2.

Warren stated if you are contacted via email or phone about being a Walmart secret shopper, it is a scam. He stated legitimate secret shopper sites will pay you after you have performed the service.

Tanner recognized Bishop Collins and First Lady Collins with United in Christ Discipleship International who are in charge of National Day of Prayer which will be held on May 3rd.

Davis thanked the 32 people who came out on Tuesday and helped pick up trash down 11th Street. He is constantly surprised by how many people volunteer in this community.

Tanner stated last Tuesday about 30-40 people also showed up in his ward to pick up trash.

Burk stated the Lawton Enhancement Trust Authority banquet will be coming up on April 20th at 6 p.m. at the Museum of the Great Plains. He asked that everyone call the City Clerk's office to RSVP.

Ihler stated on Thursday, March 29th at 7 p.m. the 77th Army Band will perform a free concert at City Hall.

The Mayor and Council convened in executive session at 6:55 p.m. and reconvened in regular, open session at 7:20 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

20. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action involving an Internal Revenue Service tax assessment/ lien imposed on the City, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title to item #20. No action was taken.

There being no further business to consider, the meeting adjourned at 7:21 p.m. upon motion, second and roll call vote.

JAY BURK, MAYOR PRO TEM

ATTEST:

TRACI HUSHBECK, CITY CLERK