

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MAY 22, 2018 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

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

Mayor Fitch called the meeting to order at 6:10 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Officer Gerald Nooner, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Keith Jackson, Ward Two
Caleb Davis, Ward Three
Dwight Tanner, Jr., Ward Five
Sean Fortenbaugh, Ward Six
Randy Warren, Ward Eight

ABSENT: Bob Morford, Ward One
Jay Burk, Ward Four
Onreka Johnson, Ward Seven

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO INDIE MICHAELS

Mayor Fitch presented a Certificate of Commendation from the Mayor's Office to Indie Michaels.

PROCLAMATION FOR FLOOD AWARENESS MONTH

Mayor Fitch proclaimed the month of May 2018 as Flood Awareness Month. He presented the proclamation to Larry Wolcott, Public Works Director.

AUDIENCE PARTICIPATION:

Trey Richardson, Representing Kirks EMS Services, stated Kirks EMS has provided quality service to this community for near 50 years. He stated Kirks has increased their coverage by 38% and has invested hundreds of thousands of dollars into new equipment, units and personnel to better cover the city of Lawton. He stated Kirks stands 100% behind the Lawton Fire Department's insistence of keeping these rehab units. It would not be a responsible act for the

City to sell them after only a year. Kirks has spent over 300 hours on fire standbys for free and they don't get reimbursed by anyone. He stated there were some assertions made at the meeting last week about response times and some of those are inaccurate. Chief Burk mentioned there were 52 responses between April 22 and May 5 that response times were more than eleven minutes. Their records show the average response time for the runs that Kirks was responsible for averaged 6.03 minutes. He stated Chief Burk mentioned three instances with unusually long response times. Their records indicate the average was six minutes from receiving notice from E911 and that one additional situation was actually the responsibility of Comanche County Memorial Hospital EMS and not Kirks and it was transferred to them after they stood down on the run. They ended up dealing with the patient along with the Geronimo first responders, not actually Lawton Fire Department. Kirks consistently maintains an average response time well below the national average which is 8 – 14 minutes. Kirks average response time over the last 15,000 runs has been 6.58 minutes as recorded by the Oklahoma State Department of Health's EMS Division. A June 17th poll of Lawton residents shows that 94% of Lawton citizens approve of Lawton's current EMS services. He stated they will be working with the Mayor's task force on EMS and they will be evaluating a blending of 911 dispatch systems. He stated Broken Arrow's EMS system has been used as an example in the discussion about Lawton owning their own ambulance service and the financial ability for it to sustain itself. In reviewing Broken Arrow's budget for the past two years they found that total revenues in FY 2016-2017 were \$5 million, with expenses of \$5.9 million, that was a net loss to the city of \$876,000. This current year shows \$4.3 million in revenues, yet \$6.2 million in expenses. If the Lawton Fire Department receives a transport license for the two trucks currently in stock, they would need 16 personnel to man those vehicles. The labor costs for those two trucks would be more than \$1 million a year. If the Lawton Fire Department was to house one ambulance unit with a transport license in each of its 8 stations, the labor costs would exceed \$4.2 million annually. He stated EMS is not a business that is necessarily profitable for the City of Lawton. He stated that Kirks EMS supports the Lawton Fire Department retaining the two rehab units they currently have, but they oppose the fire department and the City in securing a transport license and owning its own EMS service due to financial and liability issues. If the discussion of ownership of an EMS service continues they request that the City implement a feasibility study on the matter. They have consistently provided quality service to the community at no cost to the City for almost 50 years.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MAY 8, 2018.

MOVED by Jackson SECOND by Warren to approve the minutes of Lawton City Council regular meeting of May 8, 2018. AYE: Jackson, Davis, Tanner, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Davis requested item #3 be considered separately.

MOVED by Jackson SECOND by Fortenbaugh to approve the consent agenda with the exception of item #3. AYE: Jackson, Davis, Tanner, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Danny and Lori El Kouri in the amount of \$3,404.86 (**Res. 18-38**), John Roberts in the amount of \$105.88, and Ok Y. Stoss in the amount of \$150.00. Exhibits: Legal Opinions/Recommendations, Resolution 18-____.
2. Consider the following damage claims recommended for denial: Cosmo Realty on behalf of Amber Gregory-Mills in the amended amount of \$7,296.35, and Lorna Rhodes in the amount of \$420.00. Exhibits: Legal Opinions/Recommendations.
3. Consider approval of an Agreement with Bill Phelps & Associates, LLC, beginning July 1, 2018 through June 30, 2019, for the purpose of providing professional consulting/lobbyist services to the City and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Consultant Agreement.

Davis stated last year he was in opposition to this contract for \$30,000, but he was told that it is needed, and over the past year Mr. Phelps has provided an excellent service to the city council in keeping them up to date on state legislation. Last year he argued that they could just call their senator or representative and be our own lobbyist, but that is not the case. He tried to do that several times this year and a lot of them don't answer the phone, but they will answer the call from Mr. Phelps. He has heard nothing but praise for Mr. Phelps from all of the legislators on both sides of the aisle. He pulled this item just to explain himself because he was so vocal last year against this contract. He appreciates Mr. Phelps service and he does a great job for the City of Lawton.

Warren stated fifteen or twenty years ago there might have been eight to ten items at the legislature that had to do with the operation of the city or something that would adversely affect the citizens of Lawton. He stated there were seventy to eighty bills this year that were negative for us and were things that we didn't want to pass. He feels this is money well spent.

MOVED by Davis SECOND by Warren to approve an agreement with Bill Phelps & Associates, LLC, beginning July 1, 2018 through June 30, 2019. AYE: Jackson, Davis, Tanner, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

4. Consider accepting a \$1,016.52 donation to the Library from the Friends of the Library to be designated for library-related activities. Exhibits: None.
5. Consider adopting a Resolution to grant permission to the Center for Creative Living, 501-C3 not-for-profit organization that caters to senior citizens, to use the Official City of Lawton Seal on the Center for Creative Living official letterhead and other correspondence or print media disseminated from their organization. Exhibits: **Resolution No. 18-39.**

6. Consider adopting a resolution setting the E-911 fee for the period of July 1, 2018, through June 30, 2019. Exhibits: **Resolution No. 18-40**.
7. Consider approving annual contract renewals between the City of Lawton and the following: County Commissioners (Juvenile Detention Center); and Lawton Crime Stoppers, Inc. (funds from sale of property in police custody). Exhibits: Copies of contracts are located in the City Clerk's Office for review.
8. Approve a resolution authorizing the execution and delivery of an equipment lease/purchase agreement with RCB Bank of Pryor OK for the acquisition, purchase, financing and leasing of thirty-three (33) Police Pursuit SUV's and one (1) Police Detective Vehicle from Billingsley Ford of Lawton OK, and authorize the Mayor and City Clerk to execute the lease/purchase agreement and any related documents necessary to the consummation of the transactions contemplated by the lease/purchase agreement. Exhibits: **Resolution No. 18-41**, Department Recommendation, Schedule of Payments and Financing Costs. Equipment Lease Purchase Agreement is on file in City Clerk's office.
9. Consider approving a Memorandum of Agreement between the Comanche County Health Department and the City of Lawton for public health services and authorize the Mayor and City Clerk to execute the document. Exhibits: Memorandum of Agreement.
10. Consider approving an Agreement between the Armed Services YMCA and MOAA Auxiliary and the City of Lawton to fund activities by the Auxiliary designed to encourage, promote and foster tourism in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget.
11. Consider approving an Agreement between the Lawton Philharmonic Society, Inc., and the City of Lawton to fund activities by the Society designed to encourage, promote and foster tourism and economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget.
12. Consider approving an Agreement between the Lawton Community Theatre and the City of Lawton to fund activities by the Theatre designed to encourage, promote and foster tourism in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget.
13. Consider approving an Agreement between the Lawton Heritage Association and the City of Lawton to fund activities by the Association designed to encourage, promote and foster tourism in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget.
14. Consider approving an Agreement between the Museum of the Great Plains Authority and the City of Lawton to fund activities by the Authority designed to encourage, promote and foster tourism and economic development in the City of Lawton, and

- authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget.
15. Consider accepting the waterline, sanitary sewer line, easement and maintenance bond to serve Comanche County Memorial Hospital located at 3401 W. Gore Boulevard. Exhibits: Location Map. Maintenance Bond and Easement are on file in the City Clerk's office.
 16. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: NW 68th Street at Surreywood, NW Maple Drive at 67th Street, and 800 block of SW Douglas Ave. Exhibits: **Resolution No. 18-42**, Traffic Commission Minutes and Traffic Issue Requests.
 17. Consider adopting Street Light Resolution No. 493 to authorize the installation/removal of street lights at the locations listed in the Resolution. Exhibits: Street Light Resolution No. 493.
 18. Consider awarding contract (CL18-031) Thermoplastic Material and Epoxy Primer/Sealer to Ennis Flint, Inc. of Greensboro, NC. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
 19. Consider awarding contract (CL18-032) Heavy Wrecker Service to Checker Wrecker Services of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
 20. Consider extending contract for (RFPCL16-014) Concession Lease for Grandview Sports Complex to Lawton Breakfast Optimist of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
 21. Consider awarding contract (RFPCL18-030) McMahon Park Concession Lease to LaSill Optimist Club of Lawton, OK., consider approving the associated 'Lease and Non Exclusive Concession Operation Agreement', and authorize the Mayor the sign said Operation Agreement. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet, Lease and Non Exclusive Concession Operation Agreement.
 22. Consider approving appointments to boards and commissions. Exhibits: None.

Arts & Humanities Council

Paula Bowen
New Member
06/30/2021

Deidre Onishi
New Member
06/30/2021

Scott Veenhuizen
Existing Term
06/30/2021

Building Development Appeal Board

Barry Ezerski
Existing Member
7/28/20

Joshua Dickson
Existing Member
7/29/20

Ryan Herring
Existing Member
7/26/20

David B Jones
Existing Member
7/26/20

Charlie Wright
Existing Member
7/25/20

Citizens' Committee On Capital Improvement Program (CIP)

Richard McKean
Existing Member
06/27/21

Enhancement Trust Authority

Joshua Coody
Existing Member
06/28/21

Jo Peters
New Member
06/30/21

Museum Of The Great Plains Trust Authority

Paul Fisher
Existing Member
06/30/21

Marcus Wilcoxson
Existing Member
06/30/21

Jesse Cross
Existing Member
6/30/21

Personnel Board

Ray Polk
Existing Member
06/30/24

Employee Pension Trust

Ed Petersen
New Member
06/30/23

23. Consider approval of payroll for the periods of May 7 - 20, 2018.

OLD BUSINESS ITEM:

24. Hold a public hearing and consider an ordinance closing the northern 200 feet of NW Runyon Road, located east of NW Fort Sill Boulevard and south of NW Rogers Lane. Exhibits: Ordinance No. 18-__, Location Map.

Richard Rogalski, Community Services Director, stated this item originally came to council on May 8, 2018 and the public hearing was open but Centerpointe Energy had some issues that needed to be worked out. He stated the request is to close an approximate 200 feet by 60 feet portion of right-of-way on NW Runyon Road. This portion of right-of-way terminates to the east of the intersection of NW Runyon Road and NW Marion Avenue. Our records do not show that a roadway was ever constructed within this right-of-way. The applicant, Carl Gibson, with Storage R Us, owns the property on the east side of this right-of-way and he is in the process of purchasing the land to the north and south of this proposed closure. By closing, and eventually vacating this portion of right-of-way he could expand his storage facility west to NW Marion Avenue. Public Works had two water service lines located within the requested area. The water meters have been relocated to the public right-of-way. PSO does not have utilities within this portion of right-of-way and does not object to this closing. Fidelity, and AT&T have been notified of this request but have not responded. CenterPointe Energy stated they had a gas service line but it has been capped. Dustin Hilliary owns a 60 foot wide strip of land to the east of NW Runyon Road. This strip of land is shown on several maps to be an extension of the Runyon Road right-of-way but a right-of-way dedication does not appear to have been filed. Mr. Hilliary has submitted a letter against this closing, stating it would greatly reduce his options to develop his property. Mr. Gibson has been leasing the strip of land from Mr. Hilliary since 2005. Mr. Gibson has provided a Permanent Access Easement to Mr. Hilliary to guarantee him access to the strip of land. The easement runs from the strip of land to the driveway on the east which connects to the 2-way frontage road along Rogers Lane.

Mayor Fitch stated at the last meeting the council continued the public hearing so they need to reopen the public hearing.

PUBLIC HEARING OPENED.

Carl Gibson, applicant, stated he is here to answer any questions the council may have.

PUBLIC HEARING CLOSED.

MOVED by Jackson SECOND by Warren to adopt **Ordinance 18-15**, waive the reading of the ordinance, read the title only. AYE: Jackson, Davis, Tanner, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 18-15

An ordinance closing the northern 200 feet of NW Runyon Road, located East of NW Fort Sill Boulevard and South of NW Rogers Lane with an effective date of thirty days from today.

NEW BUSINESS ITEMS:

25. Hold a public hearing and consider an ordinance modifying the regulations for carports by deleting the architectural design requirements and increasing the number of carports allowed within the front yards of dwelling units. Exhibits: Ordinance No. 18-___ and Draft CPC Minutes.

Rogalski stated Council Member Davis asked him to loosen some of the regulations because they were somewhat restrictive, but he may have gone a little too far in loosening up the code. He stated that almost all of the zoning code is a balance between the needs of an individual property owner and the needs of the neighborhood or community. There is actually two public hearings before they change this code so that we can make sure we are getting it right. In 2011 the City Council adopted Ordinance No. 11-43 which established architectural design requirements for carports. The newly proposed ordinance would 1) allow carports to be located in the side and rear yards if located at least 3 feet from the interior side property line or 15 feet from the right-of-way on a corner lot, 2) allow two carports within the front yard for each residence, 3) require carports which extend into the front yard setback to be open on all sides except for any portion that abuts the main structure, 4) increase the maximum width of the carport to 30 feet 5) delete the architectural design requirements for carports, and 6) set the maximum height of the carport to be the height of the main structure. The City Planning Commission held a public hearing on the proposed ordinance on May 10, 2018. The CPC discussed the proposed ordinance and voiced several concerns. After completing their discussion, the CPC, by a 6–0 vote, recommended the City Council not adopt the ordinance amending regulations on carports.

Davis stated this is a little more than what he envisioned. This is not exactly what he identified, but staff did an excellent job in making this as loose of an ordinance as possible. He would not support this ordinance as it is written. The main thing is the deleting of the architectural design requirement. He is not supporting these premade car ports and he believes these are dangerous because they are too lightweight. The intent was not for a premade carport, but for a steel carport with a single slope. Currently the code reads that the carport has to harmonize in the architecture and color and the pitch of the roof has to match. That is impossible for a lot of carports and what currently happens when he applies for a permit and there is a situation where it is impossible to build a carport to match the pitch of the roof, the license and permit staff will work with him and let him know that a single slope carport would be the only thing he could really build. What he is trying to do here is make single slope carports, that meet code requirements, to be allowed. He still agrees that these need to be painted metal, he does not want our town to look trashy. He stated the photos taken by Council Member Warren are a good depiction of what he is trying to get at with this and the citizens have indicated that they would not support those temporary premade type things.

Mayor Fitch stated he agrees with what Council Member Warren handed out. Rather than try to sit here and change the ordinance tonight, he would recommend that they continue the public hearing and bring it back to a future council meeting and everyone can work to reconstruct the ordinance to where it is easily understood.

PUBLIC HEARING OPENED.

Joe Bailey, 2723 NE Euclid, stated his number one position is no carports. He stated when he saw the requirement that they have a certain amount of aesthetic appeal he felt that was okay. There have been two built in his neighborhood and one is recessed so you don't even see the carport. The other one is very prominent and is beautifully done, but it is within 15 feet of the curb and he is sure that his neighbors are not able to see the traffic when they back out. He cannot envision a single slope carport that would look anything other than hideous.

Teresa Holbert, 912 NW 20th Street, questioned if there would be no sides on the carports which mean there would be total visibility.

Mr. Bailey stated his neighbor's carport has arches and the footings are about three feet on the side and then he has a middle post. His neighbors have to look around the posts and it blocks their view of oncoming traffic. You can see this thing sticking out from two blocks away.

Ms. Holbert stated she does not have a carport but she does not have a problem with them. She stated it would depend on the neighborhood. She does not feel that restricting them should be an option, she feels they should be allowed.

Rogalski suggested the council continue the public hearing to the June 26, 2018 council meeting.

26. Consider an ordinance pertaining to Refuse amending Section 22-4-1-403, Division 22-4-1, Article 22-4, Chapter 22, Lawton City Code 2015, by requiring refuse to be placed within trash bags with openings securely tied closed prior to placement into garbage containers, providing for severability and establishing an effective date. Exhibits: Ordinance No. 18-__.

Davis stated this ordinance requires some tweaking as well, it was not written exactly as they envisioned. This came through a discussion with the bulk clean up committee and the idea was that grass clippings, tree limbs, bulk trash and heavy items would not need to be bagged. The way this ordinance is written it would require everything to be bagged. He stated citizens don't want loose trash that blows around the city, but how would you bag up a tree limb. He suggested the council postpone this until a future meeting so that they can clear up the language.

MOVED by Davis SECOND by Tanner to table to the June 26, 2018 council meeting. AYE: Jackson, Davis, Tanner, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

27. Consider an ordinance amending Section 23-1-106 allowing portable athletic equipment within the unpaved portion of street rights-of-way on local streets. Exhibits: Ordinance No. 18-__.

Rogalski stated the Lawton City Code prohibits the placement of athletic equipment within any street right-of-way. The proposed ordinance would allow for the temporary placement of athletic equipment within the unpaved area of the rights-of-way of local (neighborhood) streets provided they are not affixed to the ground, do not impede a public sidewalk, and have the permission of abutting property owner(s).

Warren stated this definitely is an issue.

Mayor Fitch stated he can see it being an issue if it is in the street but he can also see it as an issue if it is right on the curb and it is forcing those young people to play in the street.

MOVED by Davis SECOND by Warren to adopt **Ordinance 18-16**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today.

Tanner stated the proposed ordinance states that in order to place one of these basketball goals in these areas you need permission from the abutting property owner, so he is assuming if a neighbor on one side or the other says they don't want it you can't put it up.

Davis stated the way this is written, if I am playing in front of my yard, I am the abutting property owner of the right of way.

Tanner stated we are not having to get permission from our neighbors.

Davis stated the abutting property owner is you.

Tanner stated there could be some sort of disruption to the neighbors, but they can always amend this in the future if this becomes a problem. He thinks the reason this was prompted was because someone got a ticket. They placed their basketball goal on their property, they were told to remove it, they took it off the street but it was still in the right of way so they got a ticket. Maybe we should have used a little more discretion in writing these tickets and we would not have gotten to this point. He is going to go along with this but we may have to possibly amend it in the future if it becomes a problem with the neighbors.

Mayor Fitch stated the problem he has with it is you are forcing the kids out in the street to play.

Tanner stated they are going to do that anyway and that is the responsibility of the guardian.

VOTE ON THE MOTION: AYE: Jackson, Davis, Tanner, Fortenbaugh, Warren. NAY: None.
MOTION CARRIED.

(Title read by City Attorney)

Ordinance 18-16

An ordinance related to vehicles and traffic, amending Section 23-1-106, Article 23-1, Chapter 23, Lawton City Code, 2015, allowing portable athletic equipment within the unpaved portion of street right-of-way of local streets; providing for severability; and establishing an effective date of thirty days from today.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Tanner congratulated the Future Chef's National Winner who was from Lawton.

The Mayor and Council convened in executive session at 7:05 p.m. and reconvened in regular, open session at 7:31p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

28. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2018-2019 between the International Union of Police Associations (IUPA), Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #28. No action was taken.

29. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending workers compensation claim involving Ben Merritt, and, if necessary, take appropriate action in open session. Exhibits: None.

MOVED by Davis SECOND by Warren to approve an agreement required by the MD Anderson Cancer Center of Texas to provide a consultation only with Lawton Firefighter Ben Merritt who desires to seek a second opinion from the Texas facility before receiving treatment from his Oklahoma medical provider and to sign an companion agreement with the City of Lawton accepting responsibility for payment of medical costs billed to the City by MD Anderson that are in excess of what workers compensation benefits payable in the state of Oklahoma would cover if Merritt commits to and receives treatment from MD Anderson beyond a consultation. AYE: Jackson, Davis, Tanner, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 7:33 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK