MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JUNE 27, 2017 – 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 7:06 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT:
Bob Morford, Ward One
Keith Jackson, Ward Two
Caleb Davis, Ward Three
Jay Burk, Ward Four
Dwight Tanner, Jr., Ward Five
Cherry Phillips, Ward Six
V. Gay McGahee, Ward Seven
Doug Wells, Ward Eight

ABSENT: None

AUDIENCE PARTICIPATION:

James Gillian, 306 SW 79th, stated there is a lot of high grass out at the Lakes. At Lake Lawtonka there is four feet high grass in front of some of the boathouses. He stated the renter should be maintaining this. He stated on the north side of the lake there are all kinds of debris.

Mayor Fitch stated when he owned a boathouse it was his responsibility to mow from the water to the road. He does believe it is the responsibility of the boathouse owner.

Mr. Gillian questioned why the city does not issue citations and make them clean it up.

Ihler stated he spoke with the parks and recreation director and he will be addressing this with his staff.

Mr. Gillian stated at Blys Pointe there are 20 acres and the city does not even mow it now. There is eight foot tall grass. There are also abandoned cars out there.

Mayor Fitch requested Mr. Gillian provide these addresses to neighborhood services.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MAY 23, 2017.

MOVED by Wells SECOND by Jackson to approve the minutes of the Lawton City Council meeting of May 23, 2017. AYE: Morford, Jackson, Davis, Burk, McGahee, Phillips, Wells. NAY: None. ABSENT: Tanner. MOTION CARRIED.

CONSENT AGENDA

Mayor Fitch stated items #11, #13, #14 and #16 will be considered separately. Wells requested items #10 and #28 and Davis requested items #15, #24 and #29 be considered separately.

MOVED by Burk SECOND by Wells to approve the consent agenda with the exception of items #10, #11, #13, #14, #15, #16, #24, #28 and #29. AYE: Morford, Jackson, Davis, Burk, Tanner, McGahee, Phillips, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Wipyo Hong, on behalf of Korean First Baptist Church in the reduced amount of $12,396.23 **(Res. 17-74)**, Yong Burleson in the reduced amount of $33.59, George and Lilliana Shell in the reduced amount of $107.35, and Rev. Bobby and Gloria Jones in the reduced amount of $25,000.00 **(Res. 17-75)**. Exhibits: Legal Opinions/Recommendations**,** Resolution 17-___ and Resolution 17-___.

2. Consider adopting a resolution authorizing the City Attorney to enter into an economic settlement agreement for the sum of two-thousand dollars and 00/100 ($2,000.00) in the District Court of Comanche County case styled Shayne Hayden v. City of Lawton, Case No. CJ-2005-650, and directing the City Attorney to prepare and file a journal entry incorporating said resolution and settlement agreement for the Court's approval. Exhibits: **Resolution 17-76**.

3. Consider renewing the professional services agreement between the City of Lawton and Clay Hillis, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional & Legal Services

4. Consider renewing the professional services agreement with John C. Mackey, for various matters involving real property, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.

5. Consider renewing the professional services agreement between the City of Lawton and Clay Hillis, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional & Legal Services.

6. Consider renewing the professional services agreement with McAfee & Taft for legal services related to the City's pension system, employment / labor related services and

other areas as requested by the City, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Retainer Agreement for Professional & Legal Services on file in City Clerk's Office

7. Consider authorizing staff to transfer funds from the 2015 Public Safety and Capital Improvement / Operational Expenditures Sales Tax to reimburse the city's general fund for: (1) benefits provided to uniform members of the city's police and fire departments during FY-16-17, (2) the cost of hiring and equipping additional public safety personnel, and (3) the cost of purchasing five police cars. Exhibits: None.

8. Consider approving the annual Cooperative Agreement and an Agreement for Limited Funding between the City of Lawton and the Transit Trust to provide funds for the operation of a public transit system and authorize the Chairman and Secretary to execute the same. Exhibits: Cooperative Agreement and Limited Funding Agreement are on file in the City Clerk's office.

9. Consider authorizing the Mayor, as the City's representative on the consortium of local elected officials of the South Central Oklahoma Workforce Development Area, to execute a new consortium agreement that: (1) appoints a new Chief Local Elected Official to the South Central Oklahoma Workforce Board to replace a retiring board member, and (2) modifies language to state that one county commissioner from each member county shall be elected to the board. Exhibits: Proposed Consortium Agreement.

10. Consider approving annual contract renewals between the City of Lawton and the following: County Commissioners (Juvenile Detention Center); and Lawton Crimestoppers, Inc. (Funds from sale of property in police custody). Exhibits: Copies of contracts are located in the City Clerk's Office for review.

Wells stated he pulled this because he was curious because there is no information about the cost of the contract.

Ihler stated he believes it is approximately $93,000.

Wells questioned for both.

Ihler stated that is for the juvenile detention center. He cannot recall the amount on the Lawton Crimestoppers contract.

Wells stated usually the amount is listed on the agenda item. He requested that be done in the future.

<u>MOVED by Wells SECOND by Burk</u> to approve annual contract renewals between the City of Lawton and the County Commissioners (Juvenile Detention Center) and Lawton Crimestoppers, Inc. AYE: Morford, Jackson, Davis, Burk, Tanner, McGahee, Phillips, Wells. NAY: None. MOTION CARRIED.

11. Consider approving an Agreement for Limited Services between the Lawton Enhancement Trust Authority (LETA) and the City of Lawton to fund activities by LETA designed to encourage, promote and foster economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Agreement for Limited Services and LETA 2017/2018 Final Budget.

Mayor Fitch state this item was pulled because there has to be an abstention by Councilmembers Burk and Morford.

Tanner questioned if LETA comes before council to give them an annual overview of their activities.

Burk stated he reports to the council as things come up. They really don't have an annual report, but they could if council prefers.

Tanner stated that was part of the contract.

Morford stated the annual banquet is really an annual report.

<u>MOVED by Wells SECOND by Burk</u> to approve an agreement for Limited Services between the Lawton Enhancement Trust Authority (LETA) and the City of Lawton to fund activities by LETA designed to encourage, promote and foster economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the agreement. AYE: Jackson, Tanner, McGahee, Phillips, Wells. NAY: Davis. ABSTAIN: Burk, Morford. MOTION CARRIED.

12. 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.

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.

Mayor Fitch stated Councilmember McGahee is a member of the Lawton Heritage Association and will be abstaining from this vote.

<u>MOVED by Burk SECOND by Wells</u> to approve 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 AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, Wells. NAY: None. ABSTAIN: McGahee. MOTION CARRIED.

14. 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.

Mayor Fitch stated Councilmember Phillips is a member of the Lawton Philharmonic Society board and will be abstaining from this vote.

MOVED by Burk SECOND by McGahee to approve 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. AYE: Morford, Jackson, Davis, Burk, Tanner, McGahee, Wells. NAY: None. ABSTAIN: Phillips. MOTION CARRIED.

15. 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.

Davis stated items #14 and #16 specify that these funds come from the hotel/motel tax and this item does not specify that. He questioned if that is where these funds come from.

Ihler stated yes.

Mayor Fitch stated Councilmember Burk is a member of the Lawton Community Theatre board and will be abstaining from this vote.

MOVED by Davis SECOND by Wells to approve an agreement between the Lawton Community Theatre, 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. AYE: Morford, Jackson, Davis, Tanner, Phillips, McGahee, Wells. NAY: None. ABSTAIN: Burk. MOTION CARRIED.

16. 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.

Mayor Fitch stated Councilmembers Wells and Morford are members of the Museum of the Great Plains Authority and will be abstaining from this vote.

MOVED by Burk SECOND by Jackson to approve 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.

Davis questioned what the $50,000 is doing for the museum.

Wells stated they have a total budget of $700,000 to $800,000 and it will help fund activities at the museum, salaries of employees, exhibits, supplies, insurance, etc. This is operating funds.

Davis questioned if they provided a breakdown.

Wells stated yes, they did submit a budget.

Tanner stated the museum use to allow the citizens of Lawton and Comanche County to visit the museum on Sundays at no charge. He questioned if they are still doing that.

Morford stated they could not afford to continue to do that.

Tanner stated it would be nice if they would consider reinstituting that since we are giving them $50,000.

Morford stated the city actually gives them $550,000.

Tanner stated they definitely need to reinstitute that free Sunday policy.

Wells stated in the 1990's the museum was an activity of the city and due to some things going on it was decided that they would separate from the city but the city has an agreement. Back then it was $400,000 in perpetuity, but since then it has been raised to $500,000. He stated that he and Councilmember Morford will talk with the board about possibly opening Sunday back up.

<u>VOTE ON THE MOTION</u>: AYE: Jackson, Burk, Tanner, Phillips, McGahee. NAY: Davis. ABSTAIN: Morford, Wells. MOTION CARRIED.

17. Consider terminating an agreement between the City of Lawton and the Southwest 67th Street Water Association, as requested by the Association. Exhibits: Letter requesting termination.

18. Consider awarding the contract to provide the City's Employee Accidental Death Insurance to Zurich American Insurance Co. of Dallas, TX, by authorizing the Mayor and City Clerk to execute the contract. Exhibits: Zurich Policy Application.

19. Consider approving resolution 2017-___ amending Appendix A, Schedule of Fees and Charges, Lawton City Code, as amended, by increasing the interlibrary loan fee and establishing an effective date. Exhibits: **Resolution 17-77**.

20. Consider approving $100 petty cash fund for the exchange of money during normal hours of operation for the Parks & Recreation Department Municipal Pool. Exhibits: None.

21. Consider awarding fifty thousand dollars ($50,000.00) of Community Development Block Grant (CDBG) funds towards the cost of H.C. King Center floor project, further authorizing the Director, Parks & Recreation and the Assistant Director, HCD to execute the Memorandum of Understanding. Exhibits: Memorandum of Understanding.

22. Consider awarding seven thousand dollars ($7,000.00) of Community Development Block Grant (CDBG) funds towards the cost of Liberty Lake Pump Project, further authorizing the Director, Parks & Recreation and the Assistant Director, HCD to execute the Memorandum of Understanding. Exhibits: Memorandum of Understanding.

23. Consider accepting the waterline, sanitary sewer line, easements and maintenance bond to serve the Great Plains Technology Center Business Incubator Facility located at 1601 SW Park Ridge Boulevard. Exhibits: Location Map. Maintenance Bond and Easements are on file in the City Clerk's office.

24. Consider approving plans and specifications for the Public Safety Facility Project #2014-06 and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Engineering Department office.

Davis stated the agenda item states that the plans and specifications are on file in the engineering department office. He questioned why they are not presented tonight.

Ihler stated there are about 300 pages.

Davis stated this is a $31 million project.

Ihler stated everyone was certainly welcome to come to engineering and review them prior to this meeting.

Davis stated he would like to see us make a better effort than this for the citizen's sake. They are voting on a $31 million dollar structure.

Morford stated they went through all this six months ago.

Davis stated this vote obviously was not taken then. This is a vote for the final plans.

George Hennessee, City Engineer, stated they generally provide the plans to the contractor on a DVD because of the volume of the plans and specifications.

Davis questioned why staff couldn't have come up with an abridged version of that plan before they take a vote on a $31 million project to explain to the citizens.

Mayor Fitch stated the plans are on file and they can come and see them.

Davis stated he would like for staff to make a little more effort than just say that the plans and specifications are on file in the engineering department.

Hennessee stated they have had four presentations by the developer of the plans to explain what they are doing and why they are doing it. It has been publicized as to what they are trying to do.

Davis questioned how many beds will there be.

Phillips stated the people voted for this.

Davis stated they did not vote for this specific plan, in fact, there are many that feel that they didn't vote for this.

Tanner questioned what exactly Councilmember Davis is seeking here. He stated before he was on the council the architect came and gave a presentation before the council.

Davis stated he attended that meeting before he was on council. His question is why there is not a presentation tonight when they are actually voting.

Mayor Fitch stated there are 300 pages of plans and you can't hold a public hearing on that.

Davis stated he is not going to vote for this at this time without providing any sort of …

Mayor Fitch questioned the desire of the council.

Tanner stated they are just sending this out to advertise for bids and they are not approving anything at this point other than sending the plans that we have out for bids.

MOVED by Burk SECOND by Jackson to approve plans and specifications for the Public Safety Facility Project #2014-06 and authorizing staff to advertise for bids. AYE: Morford, Jackson, Burk, Tanner, Phillips, McGahee, Wells. NAY: Davis. MOTION CARRIED.

25. Consider approving plans and specifications for the SE 40th Street (Elmhurst Ln. to 909 SE 40th) and SE 41st Street (Elmhurst Ln. to Bedford Dr.) Reconstruction Project authorizing staff to advertise for bids. Exhibits: Construction plans and specifications are on file in the City Engineers office.

26. Consider approving agreements for refuse disposal with the following entities, and authorize the Mayor and City Clerk to execute the Agreements: Town of Indiahoma, Multiple Community Services Authority and Town of Temple. Exhibits: Agreements (On file with the City Clerk).

27. Consider approving a Master Services Agreement with Hillary Communications, LLC.(HCL), for the purpose of providing high speed internet to Medicine Park Water Treatment Plant and the Lakes Patrol, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Master Services Agreement is on file in the City Clerk's office.

28. Consider extending contract for (CL15-042) Concrete Repair to Allison Excavation of Lawton, OK and Alfred Espinoza dba AE Construction of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

Wells questioned if this was the contract for the people to do driveways and sidewalks that have been torn up by water leaks.

Ihler stated yes.

Wells questioned if we had some funds so that they can start working on them and we can get the list down.

Ihler stated yes.

Morford stated they need to let the citizens know that they can do this on their own and the city will reimburse them an amount.

MOVED by Wells SECOND by Jackson to extend contract for (CL15-042) Concrete Repair to Allison Excavation of Lawton, OK and Alfred Espinoza dba AE Construction of Lawton, OK for an additional year. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

29. Consider awarding contract for (RFPCL17-024) Ambulance Body and Remount to Southwest Ambulance Sales of Kennedale, TX. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

Davis questioned if this was the ambulance that will be housed at a fire station.

Chief Dewayne Burk, Lawton Fire Department, stated yes.

Davis questioned what fire station this will be housed.

Burk stated it will either be at station #8 or station #1.

Davis questioned if this was the only unit that we have plans to add to the fire department.

Burk stated they have one right now and this will be a second.

Davis questioned where the one we have now is housed.

Burk stated station #1.

Davis questioned if there are plans to add more.

Burk stated that is a council decision, but they don't have any plans at this time.
Davis questioned if these ambulances will be responding only to active fire calls.

Burk stated they will be responding to all fire calls. They will have to utilize crews from the secondary ladder truck. Once they get a transport license that will allow them to transport personnel and will also provide mutual aid to the ambulance services in town whenever they are at zero status.

Davis stated aside from responding to fire calls, they will be responding to other emergency calls.

Burk stated when station #8 goes on line they will not be staffed full time. They will be utilizing shared personnel on the ladder trucks until they get an opportunity to increase staff on a full time basis.

Mayor Fitch stated there are times when ambulances are not available within the community and our first responders are the only responders and that is when they will be utilized.

Davis stated there is some fear with the ambulance companies of the fire department taking over the ambulance service and running them out of business. He stated originally the plan was sold as a plan to respond to active fires in order to take care of our firefighters and for a safety measure for our fire personnel. It is moving into a plan to where not only will they respond to active fire calls, but also to other emergency calls when they are at zero status. He questioned what keeps the policy at zero status and keeps the fire department from saying that they are not at zero status but this is a good call for us and we will take it.

Burk stated that is a council policy issue as far as with regard to what they respond on. They cannot legally transport patients without a transport license. Even once they get to the point where they get approval from council to seek that transport license, they would have to have a mechanism to be able to bill and arrange that process. At this point in time that decision has not been made.

Wells stated that is not even a fire call. If 911 dispatch and Kirk's and Memorial say they have no ambulances available, they are the one that would know it is at zero status and if an emergency call came in that required an ambulance then they would be the one that would make the decision to send the fire department.

Davis stated he understands the dispatch process, but his question is that we are planning on bringing people on line and training them to do transports.

Burk stated right now the basic level of service for us is the basic EMT and now you just moved to advanced EMT. He has met with both ambulance companies and explained the entire process and each of them seem fine with it. They did express concern about our intentions and he explained that our intention is to provide rehab services on the ground and to be able to pick up calls that the other services can't make when they are at zero status. We have trained certified personnel that could transport that patient if they had the capability of doing that. This gives us the ability to assist them through a mutual aid agreement and back them up whenever they don't have ambulances available. That provides the highest level of security to the community as far as our ability to provide service. This gives us one additional tool in our tool box to provide the highest level of service.

Davis stated in order for dispatch to contact the fire department when the other two ambulance services are not at zero status, that would require council action.

Jackson stated council would establish the policy.

Burk stated this is a policy issue that would more than likely have council's involvement. They would have to have an ordinance in order to bill. They could run calls and transport patients, and you would want to be able to bill for those calls at some point. This is something they are looking at right now, but until that time it comes to council they don't have a transport license and they don't have an ordinance. Both of those things require council approval.

Wells stated the council would also approve the mutual aid agreements with both of the ambulance companies.

Tanner stated the fire department is gearing up as a supplemental support ambulance service to assist the first responders as needed in emergency situations. As we move along, they could gain the capacity if we have some other ambulance services that aren't able to provide the service here locally. At that point the fire department ambulance could be dispatched and they would need an avenue to bill for that service. The fire department has no intention of trying to run any local ambulance service out of business.

Burk stated right now they are supplementing both ambulance companies in this community because they run all emergency medical calls and they are there and they typically assess and treat a patient prior to the ambulance service. All this does is allow them to come in when needed and get a rig there quicker and get that patient transported quicker.

MOVED by Morford SECOND by Phillips to awarding contract for (RFPCL17-024) Ambulance Body and Remount to Southwest Ambulance Sales of Kennedale, TX. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

30. Consider extending contract for (RFPCL12-028) Cellular Phone Service to US Cellular of Tulsa, OK for one month until July 31, 2017. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

31. Consider awarding contract for Fire Alarm Monitoring to Sooner Security Service. Exhibits: Copy of contract.

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

Cemetery Board
Emilio Toro Perez
Unexpired Term 5/26/2022
New Member

Mayor's Commission On The Status Of Women
Sara Woods
At Large City or County
New Member
06/27/19

Traffic Commission
Ted Warkentin
New Member
07/26/20

33. Consider approval of payroll for the periods of June 5 - 18, 2017.

OLD BUSINESS ITEMS:

34. Consider awarding contract for (CL17-026) Mowing and Litter Areas M and O to Mow-N-Go of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

Jack Hanna, Parks and Recreation Director, stated this was discussed at the last council meeting. He stated he and the city manager went through the contract and staff's recommendation is still to go with Mow-N-Go.

Loren Shreffler, Executive Director for Teen Challenge, stated they have been mowing for the City of Lawton for over eleven years and have a great cause behind what they do. They are a Lawton business and ministry and they would like to have this contract. They have more mowing capability than they have ever had and they have hired a new staff member that is over lawn care and they have spent a lot of money investing in new mowers, eight weed eaters on the ground at all times and they have 54 students that are able to remove litter from Lawton's roads. He requested that the council consider all these variables as they have served the City of Lawton for that many years.

Jeff Elbert, Assistant Director, Living Life Community Center, stated he is here representing Mow-N-Go. He stated he is not here to compete with Teen Challenge, but they do the exact same thing. They are in the business of homelessness alleviation. They are teamed up with Taliaferro right now on a prison recovery and release program where they house convicted felons to help them get back on their feet and the also have an addiction alleviation program. He understands that Teen Challenge has more than one contract with the City of Lawton and although they might not have as much equipment as Teen Challenge, they do have the equipment to take care of these areas. This is not a competition between two Christian organizations, but they do need this contract to continue serving this community.

Tanner questioned if they give them the contract will they do a good job.

Mr. Elbert stated absolutely. He stated the Mow-N-Go program is for self-sustainability because they can no longer depend on grants and donors so they put together this company to support their not for profit organization.

Tanner stated he will go along with the staff's recommendation.

MOVED by Tanner SECOND by Phillips to award contract for (CL17-026) Mowing and Litter Areas M and O to Mow-N-Go of Lawton, OK. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

NEW BUSINESS ITEMS:

35. Consider approving a one year extension of the professional services agreement with the Retail Coach, LLC. Exhibits: Proposed Extension Agreement.

Aaron Farmer, The Retail Coach, updated the council on the retail recruitment process and market analysis process they have been working on. (The presentation is on file in the City Clerk's office).

MOVED by Wells SECOND by Phillips to approve a one year extension of the professional services agreement with the Retail Coach, LLC. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

36. Consider approving an ordinance amending the employee retirement system, defined contribution plan for the City of Lawton, Oklahoma; providing retirement benefits for eligible employees of the City of Lawton; pertaining to the definition of compensation; providing for repealer and severability; and declaring an emergency with a July 1, 2017 effective date. Exhibits: Ordinance 17-__.

Chase Massie, Human Resources Director, stated this item is simply changing the definition of compensation with regards to the item the council approved in April with the new pension system. When they initially put this together they had overtime as a pensionable item and it is currently not a pensionable item in the current pension system and GEMS will not let us do that so it is just taking that off.

MOVED by Burk SECOND by Jackson to adopt **Ordinance 17-22**, 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, Wells. NAY: Phillips, McGahee. MOTION CARRIED.

(Title read by City Attorney) Ordinance 17-22

An ordinance amending the employee retirement system, defined contribution plan for the city of Lawton, Oklahoma; providing retirement benefits for eligible employees of the city of Lawton, Oklahoma; pertaining to the definition of compensation; providing for repealer and severability; and declaring an emergency with a July 1, 2017 effective date.

37. Hold a public hearing and consider an ordinance closing the 16-foot alley in Block 2, Caldwell's Subdivision of Blocks 5, 6, & 7 of Highland Addition, located between SW 26th Street and SW 27th Street, W Gore Boulevard and SW Cornell Avenue. Exhibits: Ordinance 17-__ and Location Map.

Richard Rogalski, Community Services Director, stated on May 9, 2017, council voted to hold a public hearing on a request to close the 16-foot alley in Block 2, Caldwell's Subdivision of Blocks 5, 6, & 7 of Highland Addition, located between SW 26th Street and SW 27th Street, W Gore Boulevard and SW Cornell Avenue. The applicant, Carey Johnson Oil Company, owns property on both sides of the alley and has requested to close this alley to public traffic in order to develop his property. Mr. Johnson proposes to vacate the alley after the utilities have been relocated. The developer has been coordinating the relocation of the existing utilities with Public Works and all utility companies. The closing ordinance states that a vacation of the alley will not occur until all utilities have been relocated and the new public sewer has been accepted by city council. He stated now the council is just closing the alley and then the utilities will get moved and then we would not contest the vacation of the alley. He stated notice of public hearing was mailed to 48 property owners within 300 feet of the requested area on May 25, 2017, and notice was published in *The Lawton Constitution* on June 11, 2017. No objections to the closing of the alley have been received by area property owners.

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

MOVED by Burk SECOND by Jackson to adopt **Ordinance 17-23**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 17-23

An ordinance closing the alley in block 2, Caldwell's Subdivision of blocks 5, 6, & 7 of Highland Addition of the city of Lawton with an effective date of thirty days from today.

38. Hold a public hearing and adopt a resolution declaring the structures located at 901 SW 4th Street, 903 SW 4th Street, 1311 SW Bishop Road, 1511 SW A Avenue, 1602 NW Floyd Avenue, 1713 NW Ferris Avenue, 2005 SW Garfield Avenue, 2220 NW Pollard Avenue, 5632 NW Beechwood Drive and 1607 NW Lawton Avenue to be dilapidated and a public nuisance, 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 each property.

Mayor Fitch stated 2220 NW Pollard will be stricken from the agenda.

901 SW 4th Street

Joshua Leach, 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 May 2016. Leach presented photographs of the property

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

McGahee thanked staff for taking care of this situation with the citizens whose property was stolen.

MOVED by McGahee SECOND by Phillips to adopt **Resolution 17-78** declaring the structure located at 901 SW 4th Street to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

903 SW 4th Street

Leach 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 2007. Leach presented photographs of the property

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

MOVED by McGahee SECOND by Burk, to adopt **Resolution 17-79** declaring the structure located at 903 SW 4th Street to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1311 SW Bishop Road

Leach reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has no record of city utilities. Leach presented photographs of the property

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

MOVED by McGahee SECOND by Wells, to adopt **Resolution 17-80** declaring the structure located at 1311 SW Bishop Road to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1511 SW A Avenue

Leach 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 November 2005. Leach presented photographs of the property

PUBLIC HEARING OPENED.

John F. White, property owner, stated this is his parent’s house and he is starting to work on it. He stated people have been living in it.

Mayor Fitch questioned if Mr. White has obtained a permit to start working on this property.

Mr. White stated his name is on the deed so he doesn't think he needs a permit just to do a little painting.

Mayor Fitch stated yes he does.

Phillips questioned if anyone was living in the house or if the utilities were on in the house.

Mayor Fitch stated the utilities have not been on since 2005.

Tanner questioned if it has been since 2005 since Mr. White's parents have lived there.

Mr. White stated it has been a good six or seven years since it has been rented.

Tanner stated there have been numerous complaints filed on this property. Mr. White has options if this property is placed on the D&D list. He stated he will have the opportunity to pull a permit and go in and get the place cleaned up and city staff will work with him and make the process as easy as they possibly can. He stated they are forced to do something because of the complaints.

PUBLIC HEARING CLOSED.

MOVED by Tanner SECOND by McGahee, to adopt **Resolution 17-81** declaring the structure located at 1511 SW A Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, 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. He stated the property has been without utilities since August 2013. 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 Morford, to adopt **Resolution 17-82** declaring the structure located at 1602 NW Floyd Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1713 NW Ferris Avenue

Leach reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the utilities are active but only for trash. 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 Morford, to adopt **Resolution 17-83** declaring the structure located at 1713 NW Ferris Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

2005 SW Garfield Avenue

Leach 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 2015. Leach presented photographs of the property

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

MOVED by McGahee SECOND by Burk, to adopt **Resolution 17-84** declaring the structure located at 2005 SW Garfield Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

5632 NW Beechwood Drive

Leach 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 November 2016. Leach presented photographs of the property

PUBLIC HEARING OPENED.

Sharon Sutherlin, property owner, stated she owns the property and she is embarrassed that she let this property get in this condition. She wants to keep this house and bring it up to code. She has been talking to contractors and she does have the money to fix this house. Part of her problem is that she does not know which contractor to use because she is not knowledgeable of the building industry. She is asking the council to give her the time to fix it up.

Phillips questioned if Ms. Sutherlin plans to live in the house.

Ms. Sutherlin stated she plans to live in the house when she gets all the repairs done.

Jackson stated the council is on Ms. Sutherlin's side and they don't just look to tear down houses, but sometime they have to nudge people to get their house fixed up because there are neighbors calling to complain and it is a health hazard. He stated they will allow Ms. Sutherlin to pull a remodel permit and start to work.

Wells stated Ms. Sutherlin will have 30 days to get something started and 90 days to complete, but if she is working on it they will extend that time.

Ms. Sutherlin stated she wished she had someone to advise her on who is a reliable contractor.

Wells suggested she look at homeadvisor.com. He stated the license and permit center will give her a list of what it will take to get it up to code.

Davis stated when the council puts properties on the D&D list it is not going down and getting a remodeling permit. It is nowhere near the same thing as getting a remodeling permit if you are not on the D&D list. It is an entirely different level of headache when you remodel a property that has been put on the D&D list. He stated the permit is more expensive and what you can be required to bring up to code is more expensive.

Tanner stated the process is more rigorous. He stated this is a brick house and it looks like the wood trim will have to be replaced.

Burk stated staff can help you find licensed contractors that are licensed with the City. He stated she needs to do it right and have all the inspections done. He suggested she hire a general contractor that can hire other contractors for the other jobs.

Wells suggested they not put this on the D&D list for 90 days and if Ms. Sutherlin is making improvements on the property it won't come back.

Ms. Sutherlin stated she is ready to find a contractor and she has hired someone to clean up the yard.

Jackson stated he would like to see a guaranteed follow up in the 90 days.

PUBLIC HEARING CLOSED.

MOVED by Wells SECOND by McGahee to delay putting this property on the D&D list for 90 days. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1607 NW Lawton Avenue

Leach 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 December 2016. Leach presented photographs of the property

PUBLIC HEARING OPENED.

Bobby Cross, property owner, stated he plans on tearing the structure down but he does not have the funds right now because he is closing on another house and he does not know what his finances are right now.

Jackson stated that the neighbors have complained and there is a crime problem with these dilapidated houses. He stated if they put this on the D&D list Mr. Cross will need to pull a remodel permit and staff will work with him. He suggested Mr. Cross work with Leach regarding his plans for demolition. He stated if Mr. Cross does the demotion himself there are reduced costs at the landfill.

Tanner stated if Mr. Cross does not have the money to do the demolition the City will tear it down and they get the cheapest bids they possibly can, they file a lien at the courthouse and he will just pay that lien off.

PUBLIC HEARING CLOSED.

MOVED by Jackson SECOND by Morford, to adopt **Resolution 17-85** declaring the structure located at 1607 NW Lawton Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

J.I. Johnson, Finance Director, presented revenue and expenditure highlights for period ending May 2017. (On file in the City Clerk's office).

Wells stated he has had a couple calls about city property across from Anne's Country Kitchen and the grass is eight feet high. He requested staff give council an update on the leaking gate at the dam.

Ihler stated the consultant is putting together the plans and specifications at Lake Ellsworth for the spillway and at the second meeting in July staff will have an agenda item to approve the plans and specifications and ask council to approve going out for bid to repair the two gates that are inoperable and replace the seal at Lake Lawtonka.

McGahee stated yesterday she attended the opening of Fire Station #8 and she is so glad we finally got it open. She stated there will be a Ward 7 town hall meeting on June 29th at 6:30 p.m. at Friendship Missionary Baptist Church.

Phillips stated she also attended the opening of Station #8. She will also be attending the Freedom Festival on Saturday.

Tanner stated he is looking forward to the Freedom Festival but some kids like to pop their own firecrackers and it would be nice if they could open up the Lake again.

Burk stated they have worked very hard and the splash pad is near completion and they are planning on a grand opening on July 8th at 10 a.m.

Jackson encouraged everyone to come out to the Freedom Festival on Saturday. There will be a lot going on during the day and at 9 p.m. the program will start and the fireworks will start at 9:30 p.m. This will be the largest fireworks display in Oklahoma and North Texas.

There being no further business to consider, the meeting adjourned at 9:04 p.m. upon motion, second and roll call vote.

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FRED L. FITCH, MAYOR

ATTEST:

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TRACI HUSHBECK, CITY CLERK