

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 10, 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 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Brock Greenhill, 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
 Sean Fortenbaugh, Ward Six
 Onreka Johnson, Ward Seven (arrived @ 6:06 p.m.)
 Randy Warren, Ward Eight

ABSENT: None

AUDIENCE PARTICIPATION: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF APRIL 24 AND JUNE 12, 2018.

MOVED by Jackson SECOND by Warren to approve the minutes of Lawton City Council regular meetings of April 24 and June 12, 2018. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Fitch stated item #10 will be considered separately.

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

1. Consider the following damage claims recommended for approval: Jacquelyn Moore and Victoria Rose Willis in the amount of \$4,407.43 (**Res. 18-49**), and Southwestern Bell Telephone d/b/a, AT&T Oklahoma in the amount of \$6,110.78 (**Res. 18-50**). Exhibits: Legal Opinions/Recommendations, Resolution 18-____ and Resolution 18-____.
2. Consider approving an Agreement for Professional Services between Jeff Eiser and the City of Lawton to provide jail operation and administration expertise related to pending litigation, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
3. Consider accepting an engagement letter for technical accounting and consulting services with Crawford & Associates, P.C. Exhibits: Engagement Letter with Crawford & Associates, P.C.
4. Consider approving an agreement between the City of Lawton and the Marie Detty Youth and Family Service Center, Inc. for the continued operation and management of a program and services for juvenile misdemeanor offenders, and authorize execution of the agreement and any associated documents. Exhibits: Agreement with Marie Detty Youth and Family Service Center, Inc. is on file with the City Clerk's Office.
5. Consider approving an Agreement for Limited Services between the Museum of the Great Plains Trust Authority and the City of Lawton to fund the continued operation of the Museum, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Budget.
6. Consider approving the record plat for Lone Star Addition. Exhibits: Plat Map.
7. Consider awarding a professional services contract to EST, Inc. for the purpose of providing full engineering services for the City of Lawton and authorize the Mayor and City Clerk to execute the contract. Exhibits: Retainer Agreement for Professional Engineering Services.
8. Consider accepting a grant in the amount of \$200 from Friends of Blue Thumb for the 2018 Stormwater Speech Contest awards and authorize funds to be deposited into Stormwater Management Division's 201 account. Exhibits: Award letter from Friends of Blue Thumb.
9. Consider adopting Street Light Resolution No. 495 to authorize the installation/removal of street lights at the locations listed in the Resolution. Exhibits: Street Light Resolution No. 495.
10. Consider ratifying the action of City Staff and approving Change Order No. 1 to Fire Station #8 - Project # 2013-11 located on Bishop Rd between 57th Street and 67th Street to account for modifications to the contract with The Ross Group Construction Corp., and authorizing the Mayor and City Clerk to sign Change Order No. 1 for these services. Exhibits: Change Order No. 1.

Ihler stated on page three of the change order there is an item that was outstanding and staff was discussing with the contractor. It states that the contractors change order request for approximately \$7,400 plus pro-ratio of labor to extend a concrete face block wall up to the roof, that was an item that they could not agree on at the time the agenda was being put together. The contractor indicated that they would like to reserve the ability to still continue to work on coming together and discussing that item further. Since the agenda was printed, they have worked with them and found additional information in the project files that addressed that particular item. The staff member that was the project manager is no longer with the City of Lawton and Mr. Hennessee, the City Engineer, was able to find documentation from our architect that we did work out an agreement and worked out the change order amount to add that. A revised change order was distributed that addressed that \$7,434 item and there was an additional prorated for labor and man hours for \$2,626. Both parties agree with the revised change order. There should be an additional \$10,060 added to this change order. That makes the total amount of the change order, the difference is \$89,497 for this particular change order which increases the contract amount to \$6,046,497. He requested the council approve the change order with those modifications.

MOVED by Jackson SECOND by Morford to ratify the action of City Staff and approve Change Order No. 1 to Fire Station #8 - Project # 2013-11 located on Bishop Rd between 57th Street and 67th Street to account for modifications to the contract with The Ross Group Construction Corp., and authorize the Mayor and City Clerk to sign Change Order No. 1 for these services. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

11. Consider ratifying the administrative approval of staff for Change Orders to Landfill Maintenance Building - Project # 2008-06 located south of the existing landfill building. Exhibits: Change Orders 1 through 4.
12. Consider extending contract for (CL16-026) Large Precast Manholes to Primary Structure of Guthrie, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
13. Consider awarding contract (CL18-041) Sodium Hypochlorite to FSTI Inc. of Austin, TX. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
14. Consider awarding contract (CL18-042) Concrete Repair to TE Construction of Lawton OK (Primary), A.E. Construction of Lawton OK (Secondary), and Allison Excavation of Cache (Tertiary). Exhibits: Department Recommendation, Abstract, Price Sheets.
15. Consider awarding Contract (CL18-043) Waterline Fittings and Valves for Items Nos. 3, 11, 12, 14, 20, 22, and 23 to Core & Main LP of Owasso, OK; for Items Nos. 1, 2, 4, 10, and 19 to Oklahoma Contractor Supply of Oklahoma City, OK; for Items Nos. 5, 6, 7, 8, 9, 17, and 21 to Ferguson Waterworks of Oklahoma City, OK; and for Items Nos. 13, 15, 16, and 18 to American Waterworks Supply Inc. of Norman OK. Exhibits: Department Recommendation and Abstract of Bids. Price Sheets are on file in the City Clerk's office.

16. Consider awarding the contract for Sludge Dewatering Polymer to Polydyne Inc., of Riceboro, GA. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
17. Consider extending contract for (RFPCL17-025) Cellular Telephone Service to U.S. Cellular of Tulsa, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
18. Consider approval of payroll for the periods of June 18 – July 1, 2018.

OLD BUSINESS ITEMS:

19. Consider approving plans and specifications for the SE Larrance Street and the Gore Blvd Intersection at Railroad Street construction and authorize staff to advertise for bids. Exhibits: Plans and specifications are on file in the Engineering Department office.

George Hennessee, City Engineer, distributed a copy of his presentation (on file in the City Clerk's office) which included maps of the Larrance Tank crane. He stated the crane is extending out into the existing Larrance right of way. The encroachment is approximately 50 feet in width and 25 feet encroaching into the right of way. This is a steel frame overhead crane used to unload semi trucks. The current situation is that the trucks come from the south and make an S curve and then get under the crane and exit to the north. In order to gently get in there and have a safe maneuvering area, it would be recommended that they use the same length of ingress that they have for egress. That would provide them with a gentle entrance and a gentle exit and it would also provide for safe entrance into the roadway so there is little conflict with traffic. Currently Larrance Road has little traffic but when they put in the new building they expect traffic will increase significantly. He stated there are about 32 parking spaces that will be impacted. He stated if they use the method that is currently being utilized by LarranceTank they could salvage the 12 parking spaces on the south side but we would need to provide him with a 40 foot drive. That would be the preference of Mr. Miller, who is the owner of Larrance Tank.

Davis stated after speaking to Mr. Miller, the plan he wants is not the S type plan, but the plan which eliminated those parking spots and allowed for a longer angled entrance and exit.

Hennessee stated that would be a safer plan but it does eliminate the 12 spaces to the south and that does not take into consideration the drive that he needs.

Morford stated it looks like there is a road around back and on the other side of the crane.

Hennessee stated the crane does extend over a passage way and that could be an option Mr. Miller could exercise should council decide that they want to eliminate the crane encroachment.

Morford stated the traffic will increase greatly and this looks like it would be safer to go around the other way.

Davis stated he and several council members went out and walked the property with Mr. Miller and it is next to impossible to drive a regular size truck through that area and the way his operation works, using that east end would not be an option.

Tanner questioned how often the crane mechanism is used.
Davis stated Mr. Miller is here to answer questions.

Warren stated that driving that eighteen wheeler through that maze inside is not a functional way of doing it. He likes the sloped idea the best because he would be concerned about damage to the roadway and you would have an eighteen wheeler that is taking those sharp turns to get in and out and if they do that sloped idea we will lose some parking, but he would rather lose some parking than have continual ruts in the roads where those eighteen wheelers are pushing asphalt up or tearing up the concrete.

Hennessee stated our design engineer indicated that if we go to the first option, there is between 18 and 26 sheets of the plan that have to be changed so there will be a delay in awarding the contract.

Mayor Fitch questioned if that was a utility pole to the south of the crane and wouldn't that have to be moved.

Hennessee stated they have an island which will receive that pole. That can be adjusted depending on preference but that is what they had agreed upon with PSO.

Dale Miller, owner of Larrance Tank, stated they fabricate the steel in the plant and then they move it out for shipping. They cannot get a semi truck through the inside because it is 8 ½ - 9 feet wide, so there is just no room to maneuver a semi through there. He stated they have spent hundreds of thousands of dollars reviving this place and cleaning it all up. As a concession to the City, they would like to invest money in cleaning and painting the side of the building as well as installing a new sheet metal fence that will coordinate with the new facility. That is one reason the felt like they wanted to buy this place, so they could clean it up and revive it and they know the public safety center will be a nice facility. He would rather spend the money on beautification and helping the neighborhood rather than fighting and arguing in court over a driveway.

Mayor Fitch questioned if Mr. Miller would pave the road or leave it gravel.

Mr. Miller stated what they did in the back was bring in asphalt millings and packed it down. They would make it a hard surface.

Mayor Fitch questioned if they could make the fencing and the hard surface part of the agreement.

Mr. Miller stated yes.

Morford stated it worries him with the increase in traffic. He questioned how much they have used it.

Tanner questioned how many time they use this crane in a week or a month.

Mr. Miller stated it depends on how many projects they have. They bring in at least one truck load a week and sometimes it is up to three.

Fortenbaugh questioned how long the crane has been there.

Mr. Miller stated that actual bridge crane is a 1948 model.

Hennessee stated it is his understanding that this crane was built as a rail facility, there was a spur line that came from the east and back into this facility and allowed the off loading of the rail cars throughout the entire crane system. After the spur was abandoned it was converted to the trucks.

Fortenbaugh stated he would prefer the safer slanted approach, but if they eliminate those parking spaces, will they still have adequate parking for the facility?

Hennessee stated the parking count was initially designed considering the fire administration building, but after that was eliminated due to the budgetary constraints, they did not remove those parking stalls, so they are not necessarily required for code compliance.

Burk stated he appreciates Mr. Miller wanting to be a good neighbor and they definitely want to clean that area up.

Tanner questioned if the design plan will be brought back for council to approve.

Ihler stated they can do that but it would be a little bit quicker if the council would approve the concept and have staff incorporate this concept into the plans and go out to advertise to bid.

MOVED by Davis SECOND by Burk to approve plans and specifications for the SE Larrance Street and the Gore Blvd Intersection at Railroad Street construction and authorize staff to advertise for bids. AYE: Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: Morford. MOTION CARRIED.

NEW BUSINESS ITEMS:

20. Hold a public hearing and adopt a resolution declaring the structures located at 205 SW 23rd Place, 1204 NW Williams Ave, 1309 NW Dearborn Ave, 1510 SW Oklahoma Ave, 1516 SW “C” Ave, 1609 NW Baldwin 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.

205 SW 23rd Place

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 December 2015. Greenhill presented photographs of the property.

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

MOVED by Davis SECOND by Burk, to adopt **Resolution 18-51** declaring the structure located at 205 SW 23rd Place to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1204 NW Williams 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 April 2011. 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 Morford, to adopt **Resolution 18-52** declaring the structure located at 1204 NW Williams Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1309 NW Dearborn 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 March 2014. 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 Davis, to adopt **Resolution 18-53** declaring the structure located at 1309 NW Dearborn Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1510 SW Oklahoma 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 August 2015. Greenhill 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 18-54** declaring the structure located at 1510 SW Oklahoma Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. 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. He stated the property has been without utilities since October 2013. 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 Burk, to adopt **Resolution 18-55** declaring the structure located at 1516 SW “C” Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

COL Curtis stated this is his final council meeting. He stated they will be leaving later this month.

Mayor Fitch stated COL Curtis has been an outstanding Garrison Commander.

Tanner stated the YMCA will be hosting a fundraiser for the Miracle League Field.

Burk stated everyone has been getting complaints about high grass and everyone is working to try and keep Lawton cleaned up. He stated that citizens need to help in keeping everything looking good. He would like Neighborhood Services to be able to focus on houses and buildings that are boarded up. Business owners need to do something with their properties. He stated council members need to let Neighborhood Services know if there is an issue in their ward.

Ihler presented revenue and expenditure highlights for period ending May 31, 2018. (On file in the City Clerk’s office).

The Mayor and Council convened in executive session at 6:54 p.m. and reconvened in regular, open session at 7:40p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

21. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss filing a foreclosure law suit, in the Comanche County District Court to be styled the *City of Lawton v. Jeffrey L. Helm, et al.* Exhibits: None.

Jensen read the title of item #21.

MOVED by Warren SECOND by Morford, to authorize the City Attorney to initiate, prosecute a public nuisance and foreclosure suit against Jeffrey L. Helm and the real property located at 513 NW 60th Street, Lawton, OK for all sums now due plus interest in connection with six abatements of tall grass and weeds. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

22. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the Employment Agreement of Frank V. Jensen as City Attorney, and in open session take action as necessary. Exhibits: None.

Mayor Fitch read the title of item #22.

MOVED by Davis SECOND by Burk, to amend the outside employment provision of the City Attorney's employment agreement to permit him to provide estate planning services to clients in private practice outside the office and normal working hours. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

23. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of Jerry Ihler, City Manager, and if necessary, take appropriate action in open session. Exhibits: None.

Mayor Fitch read the title of item #23.

MOVED by Burk SECOND by Morford, to approve a one year extension to his current contract with no changes. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 7:43 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK