

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
NOVEMBER 3, 2009 – 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr.
Presiding

Also Present:
Larry Mitchell, City Manager
Tim Wilson, Acting City Attorney
Traci Hushbeck, City Clerk

Mayor Purcell called the meeting to order at 6:02 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Wendell Buck, Lawton First Church of the Nazarene, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bill Shoemate, Ward One
James Hanna, Ward Two
Janice Drewry, Ward Three
Jay Burk, Ward Four
Robert Shanklin, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
Doug Wells, Ward Eight

ABSENT: None.

AUDIENCE PARTICIPATION:

Dan Tucker, 6919 Beta, thanked the City Council and all of those who participate in community service. He especially thanked Mayor Purcell for his service as Mayor, Councilmember and as an interested citizen of Lawton.

Bob Horn, Horn Sanitation and Recycling, 218 SE H Avenue, stated three years ago he agreed to help the Citizens of Lawton with a recycling program since Fort Sill was pulling out of the recycling in the city limits. He stated he was the only bidder on a proposal that he helped write. Now there is another company who has come into Lawton and started putting out recycling centers at different places in town. He has also put fencing around his center and the others have not.

Mitchell stated he would be happy to meet with Mr. Horn and discuss this issue.

Hanna stated there are recycling bins all over town.

Shoemate questioned if someone has contracted with Lawton Public Schools because he has seen some at various schools.

Mr. Horn stated he has also seen stacks sitting beside these other bins. He has attended a Lawton Beautiful meeting where this issue was addressed. He stated since he is local, they always make trips by his recycling centers to try to keep them as empty as they can.

Mayor Purcell requested the City Attorney look into this issue. He questioned if another firm could contract with Lawton Public Schools without a permit.

Wells suggested they also determine if fencing is required.

Burk stated he really appreciates what Mr. Horn is doing and it is really making a difference around town.

Richard Arellanez, 1615 NW Kingsbury, stated he has had a severe plumbing problem at his residence. The problem is that he has 60 year old concrete sewage lines. He has had plumbers come out several times to run a snake but he has found out there is a break in the line where there

is a 90 degree angle that drops down into the sewer main. He had a new clean out installed by the main and after spending \$1,300 the problem is still not corrected due to fact that the street has to be cut and a hole has to be dug down 12 feet where the junction hooks into the main. The first quote was \$5,800, the second was \$4,200 and the third was \$3,800. The high cost is associated with the cutting of the street, the digging of the hole, the carting away of the material and the replacement of the dirt, gravel and concrete in the street. The main line extends a quarter of the width out in the street. He stated the plumbers will accept a payment plan and he questioned if the City of Lawton can do this work and the fees associated with the job be added to his water bill and he pay out over time. He has been working with Solid Plumbing for over a month to try and resolve this issue. His plumber told him that Lawton is the only municipality in Oklahoma that charges the homeowner for cutting into the street. He stated he also has to use a licensed plumber, therefore, he cannot do the work himself. The plumber told him that the code says that the homeowners responsibility stems from the foundation of the home to where the line touches the city main. There is no way that he can correct this problem himself and he is forced to pay a plumbing company anywhere from \$3,200 to \$5,800 just to go in and cut the street and remove the materials. And any time the city inspector comes out to inspect the work there is another fee involved and the homeowner is charged that fee. He requested that the City of Lawton do this work and then let the homeowner reimburse the City.

Shanklin stated he does not know how many of these lines we have, but it is just out of sight out of mind. He stated just patching Mr. Arellanez will not solve the problem. He stated in a bunch of these places the concrete is just gone.

Jerry Ihler, Public Works Director, stated they are talking about a private service line that goes from the house to the main. He stated it sounds like the main is moving fine and it probably has been replaced. He stated there would have to be a change in policy and ordinance if we are going to get in the business of replacing and repairing private service lines.

Wilson stated if city crews start working on private service lines there would be liability issues.

Ihler stated the City Council would probably also receive a lot of calls from plumbers if we are going to get in that business.

Wells questioned if back in the 1950's we put sewer mains under the streets or were the streets paved over later?

Shanklin stated the streets were probably paved over later, those streets were nothing but dirt in the 1940's and 1950's.

Ihler stated it depends on the policies of different municipalities, but even today they put sewer mains in streets because of accessibility.

Haywood stated he did not think the homeowner could dig in the street.

Ihler stated if there is a problem on that private service line, our responsibility ends at the main.

Haywood stated he believed this had changed in the newer areas.

Ihler stated they had looked at a policy change where they relocate sewer lines from the back of the house to the front of the house. This is something they do in some areas and in some areas they still locate in the back. It is really left up to the developer as to where he wants to place the mains. It is an increased cost for the developer to put it in the street because of the backfill. The City's responsibility ends at the main. If a sewer main is at the street and the service line needs to be maintained or repaired, a private plumber does that work. If there is a collapse on the main itself, they will get involved.

Haywood stated he thought that the homeowner would no longer have to dig under the street and that city crews would do the digging.

Ihler stated that was one of the proposals that a couple of developers had brought forward. Would the City take over the responsibility of the service line if they put those lines in the streets. He stated the City did not take on that responsibility.

Haywood stated he thought we were going to make sure they were in the street in the newer neighborhoods.

Ihler stated if the City sewer main is the problem that needs repair then we will dig that up and repair that, but not the service line from the house to the main.

Haywood stated in his ward there is no way that those residents can afford to dig under the street.

Shanklin questioned if we still had miles of concrete pipe.

Ihler stated somewhere in the neighborhood of 80% was either concrete pipe or clay tile pipe. He stated with regards to the sewer rehab program, by the time they are done with the 21 year program they are only going to have touched 20% of our system.

Mr. Arellanez stated that ever since the clean out has been installed, the problem of the water seeping in to his crawlspace has stopped. Now the water is seeping out of the clean out by the road. They have rationed how often they shower, wash clothes and flush the toilet because it ends up in the yard. He is not asking for a handout, he is more than willing to pay for the services on a monthly installment.

Haywood questioned if he may qualify for Community Development Block Grant funding.

Mr. Arellanez stated he has inquired with city staff but has not heard back from them.

Mitchell questioned if Mr. Arellanez had spoken with his mortgage company about a home improvement loan.

Mr. Arellanez stated he had, but he would have to apply for a minimum of \$20,000 and he sees no point in doing that.

Shanklin questioned what the solution was.

Mitchell stated the solution is that Mr. Arellanez set up a payment agreement with his plumber.

Mr. Arellanez stated he has tried that and his plumber just laughed.

Shanklin stated he is to the point where they may move him out because of the sanitation requirements.

Burk stated he would give Mr. Arellanez his number and he knows a few bankers and maybe they can work something out.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Shoemate requested item #11 be considered separately.

MOVED by Drewry, SECOND by Haywood, to approve the Consent Agenda with the exception of item #11. AYE: Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate. NAY: None. ABSENT: Hanna. MOTION CARRIED.

1. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in directing our third party administrator to make payment on the judgment in the Workers' Compensation case of Ruben Delgado in the Workers' Compensation Court, Case No. 2009-02131J. Exhibits: **Resolution No. 2009-111.**
2. Consider adopting a resolution ratifying the actions of the City Attorney in filing and making payment of the judgment in the Workers' Compensation case of Jack Crabtree in the Workers' Compensation Court, Case No. 2009-03826K. Exhibits: **Resolution No. 2009-112.**

3. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in directing our third party administrator to make payment on the judgment in the Workers' Compensation case of Robert Bay in the Workers' Compensation Court, Case No. 2009-04509I. Exhibits: **Resolution No. 2009-113**.
4. Consider approving the Second Amendment to the Trust Indenture of the Lawton Metropolitan Area Airport Authority, and authorize the Mayor and City Clerk to execute the Second Amendment. Exhibits: Second Amendment to Trust Indenture of the Lawton Metropolitan Area Airport Authority.
5. Consider authorizing a Resolution of Necessity for real property acquisition for the South Wolf Creek Trunk Expansion #1 Project # 07-2SSES. Exhibits: **Resolution 09-114** and Location map.
6. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 280 linear feet of 10-inch PVC water line and all appurtenances to serve the New Light Church located at 5901 SW Lee Boulevard in the SE/4 of Section 33, T2N, R12W, I.M., Comanche County, Oklahoma. Exhibits: Permit to Construct on file in the City Clerk's Office.
7. Consider awarding the contract (CL10-015) Landfill Compactor from Aljon Manufacturing, LLC of Ottumwa, IA. Exhibits: Department Recommendation, Price Sheet.
8. Consider awarding the contract (CL10-017) Tire Recapping from A-Z Tire & Battery of Amarillo, TX. Exhibits: Department Recommendation, Price Sheet.
9. Consider extending the contract (CL09-017) Heavy Equipment Service & Parts from C.L Boyd of Oklahoma City, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
10. Consider extending the contract (CL09-016) Portable Litter Fence from Metta Technologies of Toledo, Oh. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
11. Consider awarding the contract (CL10-016) Asphalt Pot Hole Patcher from Bergkamp, Inc from Waco, TX. Exhibits: Department Recommendation, Price Sheet.

Shoemate questioned if the trade in on bidder #1 was actually \$40,000 because the other bidders listed the trade in as \$2,000.

Ihler stated it is \$40,000 and obviously this company had someone who was interested in purchasing that piece of equipment. This is the one staff has recommended.

MOVED by Shoemate, SECOND by Zarle, to award the contract (CL10-016) Asphalt Pot Hole Patcher from Bergkamp, Inc from Waco, TX. AYE: Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate. NAY: None. ABSENT: Hanna. MOTION CARRIED.

12. Consider approval of payroll for the period of October 19 – November 1, 2009.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Shanklin stated his water bills are considerably cheaper now that the new meters have been in there three or four months. He questioned if this made any sense.

Ihler stated it makes sense that the water bills and the usage would be less as they get into the dormant months.

Shanklin stated these are rentals and they should stay the same year round. He is concerned that we are projecting these revenues on that first three or four months of the entire year. If so, we are going to come up short.

Rick Endicott, Finance Director, stated that is not how we project water revenues. He stated the best way to look at each account is to come in and look at the graphs that measure the usage and how the water flows. Every account is different.

Haywood questioned who was doing the billing.

Endicott stated we contracted with a company out of Louisiana to send those bills out.

Haywood stated he is so happy that the water is flowing down Numu Creek. Those on 11th and 2nd Streets should be able to open some businesses without getting flooded.

Ihler stated they did not remove any areas from the flood plain. On Railroad Street it will allow more water to pass through that area.

Haywood stated the problem was between Railroad and Lee.

Ihler stated through CIP money they have improved that area.

Wells questioned if there was an ordinance regarding the landfill that if someone pulls in with a non-covered load they could be fined.

Mitchell stated yes.

Ihler stated there is an ordinance that if you come out with an unsecured load you pay double the regular rate.

Wells stated if someone comes out with a trailer load of shingles and there is rope on the top, is that considered secure? He stated if you go out on 11th Street behind some of these trailers hauling shingles and flashing from all of these roofing projects, debris is just flying out.

Ihler stated if they can see it flying out it would be considered unsecured.

Wells stated it is terrible out there and it is because people are not covering these loads and it is just blowing.

Ihler stated the ordinance says “secured” not covered, but they are not going to see if things are flying out on 11th Street.

Wells suggested that a police officer patrol that area every once in a while.

Haywood questioned if they still pick up that area once a week.

Ihler stated yes, the collection crews pick up 11th Street once a week.

Haywood stated this town is much cleaner and the crews are doing a great job.

Wells stated he spoke with Bryan Long, Assistant City Manager, regarding his inquiry about compressed natural gas at the last meeting. He questioned if they could use the grant money they had for the wind turbine project.

Mitchell stated they are still working on that grant but that could be a good alternative.

Wells stated they had received a report from staff regarding a water leak and he questioned if IS could write a program that looked at data files and if staff sees usage in the overnight timeframe they could flag that account and notify those users that they may have a leak.

Mitchell stated he does not know if they could call account holders in advance, but they could probably catch them over time.

Endicott stated they are actually doing some of this now, but they don’t have the personnel to sit down and monitor each account. If they read the meter and the consumption seems to be too high, they do try to notify the account holder. The problem is that a lot of people have sprinkler

systems that run at night and it is a matter of how they would judge that. Right now they base this on their average consumption.

Wells stated if usage is showing up every single hour something is probably running. He stated they need to look at something that will help those citizens who are getting in trouble due to the economy.

Endicott stated staff will help out those citizens and work with them on a payment plan.

Wells requested an item be put on the agenda for the next meeting to discuss impact fees on both water and sewer systems.

Mayor Purcell congratulated Councilmember Shoemate on his re-election.

The Mayor and Council convened in executive session at 6:58 p.m. and reconvened in regular, open session at 7:05 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

13. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Antonio Jones and if necessary, take appropriate action in open session. Exhibits: None.

Wilson read the title of item #13. No action is necessary.

Mayor Purcell stated the official swearing in of the new Municipal Court Judge will be Friday, November 6th at 3:00 p.m.

There being no further business to consider, the meeting adjourned at 7:06 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK