MINUTES
STREETS AND BRIDGES COMMITTEE
SPECIAL MEETING
MARCH 6, 2024 – 2:00 P.M.
Lawton City Hall
City Attorney's Conference Room
212 SW 9th Street
Lawton, Oklahoma 73501

Chairman Gill called the meeting to order at 2:00 P.M. All required notices and agendas were posted in compliance with state law.

ROLL CALL

Present: Gill
Hampton

Absent: Harris

Also Present: Kobe Humble, City Clerk's Office; John Ratliff, City Manager; Cliff Haggenmiller, Streets Director; Joe Painter, Engineering; Chris Serrano, EST; Brent Frank, EST; Kim McConnell, Lawton Constitution; Michael Milich, Citizen (6810 SW Woodstock Ave); Aaron Sargent, Citizen (6812 SW Woodstock Ave); Cindy Augustine, Legal Department

INTRODUCTION OF GUESTS

Chairman Gill noted that some citizens wished to present and invited them to introduce themselves.

Michael Milich – 6810 SW Woodstock Ave

Aaron Sargent – 6812 SW Woodstock Ave

BUSINESS ITEMS

***Started with Business Item #4.**

1. **Review and evaluate proposals received for the 30 streets outlined in the "On Target, On Time" priority list and make a recommendation to City Council.**

Chairman Gill explained that he plans to request a motion to accept the bids and have them presented to the City Council next Tuesday.

The committee discussed the process for accepting bids, outlined the steps for moving forward, and delved into further details regarding the contract.

Serrano gave a presentation on the bids, explaining the details of each submission and highlighting the lowest bidder, T&G, who came in 20% below the engineer's estimate.

Motion by **HAMPTON,** Seconded by **GILL**, to accept the 30 streets by T&G and recommend to the City Council to approve the contract. AYE: Gill, Hampton. NAY: None. *Motion Passed.*

2. **Receive an update on the progress, status, and projected timelines for the following projects and take any action as deemed necessary:**

    a. **38th Street from Gore Boulevard to Lee Boulevard**
    b. **Goodyear Boulevard**
    c. **Wolf Creek Bridge on South 11th Street**

The committee engaged in a discussion regarding the progress, current status, and projected timelines of the projects.

NO ACTION TAKEN.

3. **Consider using a third party for right-of-way acquisitions and make a recommendation to City Council.**

Chairman Gill expressed a desire for more flexibility in handling projects, particularly when it comes to buyouts and right-of-ways. He proposed the option of working with a third-party company that specializes in these areas. These companies would handle all aspects of the project, including organizing, pricing, and settling matters, and then bring the finalized work to the legal department for completion. Gill emphasized that this suggestion was not a reflection of Augustine's performance, as she is doing her job well. Rather, it was about providing additional support, when necessary, similar to what was done in the planning department. He inquired whether this was a contract that the committee already had in place.

Ratliff responded that he is unsure if such an arrangement exists, and he is uncertain whether it falls under EST's agreement or not.

Serrano stated that he does not believe this is covered under the agreement.

Ratliff stated that if this is the direction the Council wishes to pursue, it would need to be brought to the Council for approval, unless there is an existing agreement that he is unaware of.

Painter noted that Smith Roberts has been used by the engineering department in the past for all ODOT projects. They are currently working as a subcontractor to WSB on the US-62 Interchange. He explained that Smith Roberts handles all ODOT right-of-way acquisitions due to the involvement of federal funds and the complexity of the process. He added that the company has successfully completed the Gore, US-62, and Pedestrian Bridge projects.

Hampton asked if Smith Roberts is typically efficient in their work, acknowledging the pressure on council members to address constituent concerns and get the roads completed in a timely manner.

Painter suggested that the committee could issue a Request for Proposals (RFP), review the responses, and hire an on-call service to handle the work.

Ratliff stated that he does not believe the issue is about getting the work done, but rather about delays caused by holdouts. He explained that a third-party vendor might be able to expedite the condemnation process, but he doesn't think they would have any better luck resolving the broader issue.

Chairman Gill stated that he and EST have been discussing this matter, noting that it has been an ongoing issue. He mentioned that the situation is reaching a standstill.

The committee continued to discuss the situation in further detail.

Chairman Gill stated that he would entertain a motion to proceed with presenting this to the Council to establish a third party.

Ratliff noted that the budget for legal professional services is nearly depleted, which would require sourcing funds from other areas within the City. He expressed reservations about this approach, stating that the matter is not overly complex and does not, in his opinion, warrant the involvement of a third party. He emphasized that the Legal Department already has the personnel capable of handling it internally.

Chairman Gill clarified that the intention is not to proceed with it at this time but to have a policy in place as a contingency. This would allow for action if any issues arise. He emphasized that, if necessary, the matter would be discussed with the City Manager beforehand.

Ratliff stated that the City would reach out to one of the law firms with which it already has professional services agreements. He mentioned that McAfee and Taft likely has someone with the necessary expertise, and Collins, Zorn, and Wagner has a real property specialist who could handle the matter. He expressed confidence that there is no need to establish a new professional services agreement, suggesting instead that the focus should be on identifying the right expertise within existing agreements and compensating them for the work performed.

Chairman Gill clarified that this is merely a request for proposals, not a binding commitment to hire anyone. He emphasized that the process would involve reviewing the submitted proposals. Additionally, he noted that McAfee and Taft would most certainly not be inexpensive.

Ratliff responded by stating that, since this falls under a professional services agreement, there is no requirement to go through a bidding process, which would expedite the procedure. He also pointed out that such work would typically be handled by law firms with expertise in this area, and the City may already have an agreement with a firm that specializes in this, further streamlining the process.

Chairman Gill suggested reaching out to McAfee and Taft to gather information on their services and offerings. In the meantime, he proposed contacting a few specialty companies that handle this type of work to understand their pricing structures. He stated that the comparisons would be reviewed, and he would bring back a motion at a later time to engage a third party if it becomes necessary.

NO ACTION TAKEN.

4. **Discuss a water drainage issue on Woodstock Avenue and take action as deemed necessary.**

Michael Milich explained that his neighborhood has been experiencing an ongoing water issue affecting properties at 6814, 6812, and 6810 Woodstock Avenue. He attributed the problem to drainage concerns, which the residents have been dealing with for approximately 2 ½ years. Milich noted that they have been collaborating with Haggenmiller for some time and have taken several measures to address and resolve the issue.

Milich highlighted the challenges residents face due to the water issue. During colder months, frozen water prevents them from checking their mail, while in the summer, algae accumulates and must be shoveled every few days. He also recounted an unrelated incident when Cynthia Williams, Deputy Director of Public Works, noticed the problem during a site visit and contacted Water Distribution to investigate a possible water main leak. However, no leaks were found. Milich emphasized that the source of the water remains unknown. He questioned whether the issue might be caused by groundwater and asked if this is something he and his neighbors will have to endure permanently.

Milich stated that they have taken matters into their own hands and tried several different approaches to resolve the issue.

Chairman Gill stated that he had spoken with Rusty Whisenhunt, who believes the issue is caused by underground water. Gill explained that, according to Whisenhunt, all bond funds originally set aside by the developer for this addition have been exhausted, leaving no remaining bond money. He emphasized that this matter would need to be discussed with the legal department to determine what actions are possible. Gill noted that since funding must come from an alternative source, a legal process would likely be required to secure those funds. He added that while the Streets and Bridges department can certainly address and discuss the issue, the timeline for resolving it will depend on various factors.

Joe Painter shared that he also spoke with Rusty Whisenhunt, who regretted being unable to attend the meeting. According to Whisenhunt, he is 99.9% confident that the issue is not related to a waterline leak, although he plans to verify this one more time. Painter stated that he believes the problem is caused by groundwater.

Milich stated that after 2 ½ years, the issue appears to be worsening, making the area increasingly unusable, particularly during the summer months due to the persistent algae buildup.

Painter acknowledged that the issue could still potentially be a waterline leak and urged everyone to remain hopeful, as such a problem could be resolved. He noted that there have been instances in the past where issues initially thought to be caused by groundwater were ultimately traced back to waterline leaks.

Ratliff inquired if the area being discussed is located where the Arbuckle Aquifer is situated.

Painter clarified that the water in question would not be from the Arbuckle Aquifer.

Chairman Gill explained that this subdivision has a history of significant groundwater issues, which is why all the bond money allocated for the area has already been spent.

The committee proceeded with further discussion on the issue.

Chairman Gill stated that the committee is unable to provide an immediate answer to the issue but will take the necessary steps by consulting with the legal, engineering, and streets departments. He assured that they would work to provide a resolution within 30 days.

NO ACTION TAKEN.

Motion by **HAMPTON,** Seconded by **GILL**, to adjourn the meeting. AYE: Gill, Hampton. NAY: None. *Motion Passed.*

There being no further business, the meeting adjourned at 3:06 P.M.