

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
FEBRUARY 11, 2014 – 6:00 P.M.  
NEW CITY HALL  
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor  
Presiding

Also Present:  
Bryan Long, City Manager  
Frank V. Jensen, City Attorney  
Traci Hushbeck, City Clerk  
COL Glen A. Waters, 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 Pastor John Dunaway, Abundant Life Christian Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bob Morford, Ward One  
Keith Jackson, Ward Two  
Rosemary Bellino-Hall, Ward Three  
Jay Burk, Ward Four  
Dwight Tanner, Jr., Ward Five  
Richard Zarle, Ward Six  
Stanley Haywood, Ward Seven  
Doug Wells, Ward Eight

ABSENT:

None.

PRESENTATION OF OKLAHOMA MUNICIPAL LEAGUE HONOR ROLL OF SERVICE

Mayor Fitch and Bryan Long, City Manager, presented certificates and 25 year service pins to City of Lawton employees.

RECOGNITION OF MEMBERS OF LAWTON FIRE DEPARTMENT TECHNICAL RESCUE TEAM

Chief Dewayne Burk, Lawton Fire Department, stated he received a letter from the Medicine Park police department recognizing the members of the rescue team for a rescue effort at the wildlife refuge. He presented the members with the Unit Citation Award.

AUDIENCE PARTICIPATION: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF JANUARY 14, 2014.

MOVED by Burk SECOND by Jackson, to approve the minutes of January 14, 2014. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

#### CONSENT AGENDA

Mayor Fitch stated item #1 will be stricken from the agenda. Jackson requested items #3 and #8 be considered separately.

MOVED by Burk SECOND by Morford, to approve the consent agenda with the exception of items #1, #3 and #8. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider and accept the Self-Evaluation Report recently undertaken by City staff as part of the ongoing process of assessing and improving program accessibility within the City as required by Title II of the Americans with Disability Act (ADA). Exhibits: Self-evaluation Report will be distributed to Council prior to meeting. **STRICKEN**
2. Consider revised Blue Cross and Blue Shield Benefit Program Application (BPA) and Account Structure. Exhibits: Revised Benefit Program Application (BPA) and Account Structure.
3. Consider and approve for City Manager to meet with the appointed officials of Lawton Public Schools to discuss the impending ½ cent sales tax initiative. Exhibits: None.

Jackson stated he feels this item is such an important issue to the city, the city council and LPS and he would much rather three or four council members meet initially before they ask the City Manager to approach LPS. There are issues to be discussed.

Mayor questioned if Councilmember Jackson would like to make that motion.

MOVED by Jackson SECOND by Morford, to appoint a council committee with the City Manager.

Mayor Fitch stated there was a memo that went out in regards to this item and several council members have responded and there were more who wanted to be on the committee than allowed.

Long stated the council needs to determine who will be involved. He stated a majority of the council wanted to be involved. He recommended that Dr. Deighan and the president of the school board attend as well as himself and the Mayor and then select two councilmembers.

Mayor Fitch appointed Councilmembers Jackson and Morford to the committee.

MOVED by Jackson to appoint a committee made up of the Mayor, City Manager and Councilmembers Jackson and Morford.

Burk stated there are members of this council that want to be in charge of everything, but it angers him that some of them have worked on the ½ cent sales tax for years and they are not even going to be on this committee. He realizes this is a beginning point, but he and Councilmember Wells, Haywood and others have been on the council since the beginning. He feels they need to make sure this is the representation they want. There has to be some people on there with history of where they have been and where they are going.

Mayor Fitch stated this committee will meet with Dr. Deighan and the school board president one time and lay out the agenda of how this will be structured. There will probably be nothing in detail in regards to the ½ cent sales tax. They will then have joint meetings that will be open to the public and they will be held with the entire school board and the entire council.

Jackson stated they are allowed to have three council members on this committee, so he would amend his motion to add one additional council member. In his own defense he does not believe there is anybody here that has as much history on the city council as he does. He stated they could add Burk or Wells to the committee.

Mayor Fitch stated this would be just to get the guidelines set, there would be nothing coming out of this meeting other than determining when they will start meeting.

Wells questioned what guidelines.

Haywood stated he has more years than anyone on the council and he is the one who fought for LPS and he was told not to vote because they thought he had a conflict of interest. He stated Lawton was the first city in the state to get the sale tax for the school district. He does not want to be on this committee and he knows how he will vote.

Wells stated if there is not going to be any discussion about what they are going to do, then the whole city council should have a special meeting with the school board and they should all sit down and find out what everyone's position is rather than three or four member going over and talking to them to lay out guidelines of that meeting.

Mayor Fitch suggested that Dr. Deighan and the City Manager set up the schedule of events and then inform the council.

Jackson stated he would withdraw his original motions.

MOVED by Wells SECOND by Burk, to request the City Manager contact Lawton Public Schools officials and coordinate meetings with council and school board members. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

4. Consider transferring Rolling Stock Funding from Fire Department Budget to the Police Department Budget. Exhibits: None.

5. Consider approving the waiving of special assistance and property usage fees in the amount of \$4,315.00 as set out in accordance with Chapter 7-31-3101 -3112 of the Lawton City Code and Council Policy 9-2 Parade and Assembly Policy for support of the Black Beaver District Cub Scout Day Camp to be held June 1 thru 6, 2014 at Elmer Thomas Park. Exhibits: City Assistance and Property Requested Attachment.
6. Consider granting a termination and release of the temporary easements within a portion of the Lawton Town Center project area. Exhibits: Notice of Termination and Release of Temporary Easement and Copy of Ordinance No. 11-04.
7. Consider acknowledging receipt of Tier I permits from the Oklahoma Department of Environmental Quality for the construction of 4,427 linear feet of 8-inch waterline, 1,323 linear feet of 10-inch waterline, 2,947 linear feet of 12-inch sanitary sewer line, 4,355 linear feet of 8-inch sanitary sewer line, and all appurtenances to serve Eastlake Addition, Part 3B, located north of Cache Road and west of NE 45th Street in the SE/4 of Section 22, T2N, R11W, Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City Clerk's Office
8. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: NE Angus Place between NE Rogers Lane and NE Angus Road; and at the intersection of NW Cache Road and NW Hunter Road. Exhibits: Resolution 14-\_\_, Traffic Commission Minutes and Traffic Issue Requests.

Jackson stated this is in his ward and it has been an ongoing situation in front of Pioneer Park School. The road directly to the west is called Angus Place and there have been complaints from parents of the school kids that this is a dangerous situation when kids are leaving school. He would like to make a compromise and only have this in effect during school days. The entire situation is solved in a matter of fifteen minutes between 3:30 and 3:45 and then traffic is cleared.

Jerry Ihler, Public Works Director, stated they are not recommending one way. The resolution is to put no parking on the west side. They met with school officials and they worked out a compromise in that they keep it two way and just put no parking on the west side. Lawton Public Schools agreed to let students out in increments. The students who ride the bus would be picked up on the east side of the school and ten minutes later students that get picked up by parents would be picked up on the east side also and then ten minutes later they would release the students that are walking.

Jackson stated if you restrict parking on the west side you only flow of traffic will be one way, north.

Ihler stated residents can still go south on the side where there is no parking. Because there are no parked cars, they will have two lanes to travel, the center lane and the right side.

Jackson stated he is in favor of this and he would like to watch this for a while and see what happens.

MOVED by Jackson SECOND by Burk, to adopt **Resolution 14-16** authorizing the installation and/or removal of traffic control measures on: NE Angus Place between NE Rogers Lane and NE Angus Road; and at the intersection of NW Cache Road and NW Hunter Road. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

9. Consider accepting bids and awarding a construction contract to T&G Construction, Inc. for the Goodyear Tire Industrial Access Road (Pavement Portion Only) State Aid Project No. 216E(008) Job Piece No. 29428(04). Exhibits: A copy of the contract is on file in the City Clerk's office.
10. Consider accepting a warranty deed and a temporary easement from Carey Johnson Oil Company Inc. for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.
11. Consider accepting a permanent easement and a temporary easement from Benjiman R. Allison, Trustee of the Allison Living Trust dated December 9, 1998, Joyce Gentry, Trustee of the Gentry Family Revocable Trust dated September 5, 2012, Cindy and Bruce Meek, wife and husband and Greg Allison, a single person for right of way needed for the Nine Mile Creek Sanitary Sewer Interceptor Project#2008-2, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.
12. Consider approving a cooperative agreement between the City of Lawton and the Comanche County, OK for the Phase 2 improvements to 112<sup>th</sup> Street from 1.1 miles north of the railroad right of way to Cache Road, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Agreement between the City of Lawton and Comanche County is on file in the City Clerk's office.
13. Consider adopting a resolution and authorizing the Mayor and City Clerk to execute a Right of Way, Public Utility and Encroachment Agreement as associated with Interchange Improvements located at US 62 and I-44 designated as Federal Aid Project NHPPY-216N, State Job Number 27050(04) which consists of US-62 at I-44 Interchange improvements in Lawton OK. Exhibits: **Resolution No. 14-17**. Right of Way, Public Utility and Encroachment Agreement is on file in the City Clerk's office.
14. Consider extending contract (RFPCL13-024) HDW/SFW Support Agreement to Abtech Support of Carlsbad, CA. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.
15. Consider extending contract (CL12-025) Soft Body Concealable Armor (Ballistic) to Special Ops Uniforms of Oklahoma City, OK. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.

16. Consider extending contract (RFPCL12-014) Concession Operations, Eastside Community Park to LaSill Optimist Club of Lawton, OK. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
17. Consider extending contract (CL13-025) Sodium Hydroxide to FSTI, Inc of Austin, TX. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
18. Consider extending contract (CL12-029) Water Line Fitting & Valves, Items 2-23 to HD Supply Waterworks of Owasso, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
19. Consider approving appointments to boards and commissions. Exhibits: None.
20. Consider approval of payroll for the periods of January 20 – February 2, 2014.

NEW BUSINESS ITEMS:

21. Hold a public hearing and adopt a resolution declaring the structures located at: 1013 SW Railroad Street (**Stricken**) 1710 NW Taft Avenue; 1809 NW 13<sup>th</sup> Street; 2123 NW Arlington Avenue (**Stricken**); 2202 NW Pollard Avenue (**Stricken**); 2206 NW Pollard Avenue (**Stricken**); and 2234 NW Williams Avenue to be dilapidated pursuant to Lawton City Code 6-5-1, ordering the owner(s) to abate the nuisance, authorizing summary abatement, and authorizing the City Attorney to commence legal action in district court to abate the nuisance. Exhibits: Seven Resolutions.

1710 NW Taft Avenue

Anthony Griffith, 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 August 2010. Griffith presented photographs of the property.

Zarle questioned if the owner was local.

Griffith stated the owner is deceased. He stated the only heir they can find is incarcerated.

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

MOVED by Jackson SECOND by Morford, to adopt **Resolution 14-18** declaring the structure located at 1710 NW Taft Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1809 NW 13<sup>th</sup> Street

Griffith 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 2006. Griffith 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 14-19** declaring the structure located at 1809 NW 13<sup>th</sup> Street to be a dilapidated public nuisance. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

2234 NW Williams Avenue

Griffith 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 June 2009. Griffith presented photographs of the property.

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

Tanner questioned if staff contacted the owner and did they get a response.

Griffith stated they posted the property and they sent out an initial certified mail.

Tanner questioned if the owner came forward and said they wanted to repair the property.

Griffith stated they received no response.

Tanner stated all these properties they are voting on are people who we have contacted but they did not respond.

Griffith stated in some instances the people received the mail, but none of them came forward.

Tanner clarified that those stricken from this list have agreed to demolish or repair their structures.

Griffith stated there is an incentive for people to come forward before the council declares the property dilapidated. After the council declares the property dilapidated they are no longer entitled to a 50% discount in tipping fees.

Tanner stated a lot of citizens who receive letters can come talk to staff and may receive more time to clean up their property. Staff really works with people. He has always had a positive experience with neighborhood service staff.

Griffith stated they work with any reasonable request.

Tanner stated they are enforcing these code rather stringently in zone one and zone two to help clean up crime in the neighborhood. A lot of these neighborhoods are lower income and some of these citizens may not have any form of transportation to take the larger bulky items to the landfill. He requested that they help these citizens out by letting them call the city to request help in getting these items picked up.

Jackson stated twice a year they allow people to set their bulky debris out by the curb.

Mayor Fitch stated they are talking about two different items here. He stated they need to stay focused on the dilapidation items.

MOVED by Morford **SECOND** by Jackson, to adopt **Resolution 14-20** declaring the structure located at 2234 NW Williams Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

22. Consider approving an ordinance repealing Section 2-3-2-315 of the Lawton City Code which designated the Municipal Planning Commission as the Metropolitan Planning Organization. Exhibits: Ordinance 14-\_\_.

Rogalski stated the new transportation bill, Moving Ahead for Progress in the 21<sup>st</sup> Century, requires the membership of the Metropolitan Planning Organization to include elected officials, officials of public agencies that administer or operate major modes of transportation, and appropriate State officials. Effective November 1, 2013 the Transportation Policy Board was redesignated as the Metropolitan Planning Organization for the Lawton Metropolitan Area. Section 2-3-2-315 of the City Code states that the municipal planning commission is designated as the Metropolitan Planning Organization responsible for transportation planning for the Lawton Metropolitan Area. Due to the redesignation of the Metropolitan Planning Organization, Section 2-3-2-315 of the City Code must be repealed.

MOVED by Wells, **SECOND** by Burk to adopt **Ordinance 14-04**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 14-04

An ordinance pertaining to administration, repealing Section 2-3-2-315 of the Lawton City Code, 2005, which designated the Municipal Planning Commission as the Metropolitan Planning Organization for the Lawton metropolitan area.

#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood stated that Lawton does not have up to date schools and he would like the school system to be in good shape and it is important that Lawton has a good school district. When you go to a city, the first thing you look at is the schools. He stated he never wants to be on a committee that deals with the schools, but he suggested that other council member be on these

committees, two or three people do not need to be on every committee, they need to spread this out. You cannot learn if you don't get some experience.

Bellino-Hall stated they are working on an ordinance regarding no tobacco products on city property. The Fit Kids Coalition has an opportunity to get a \$160,000 grant if we can certify ourselves as a healthy city. She hoped it would be coming to the council in the future.

The Mayor and Council convened in executive session at 6:56 p.m. and reconvened in regular, open session at 7:53 p.m. Roll call reflected all members present.

**BUSINESS ITEMS: EXECUTIVE SESSION ITEMS**

23. Pursuant to Sections 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the purchase of real property as one option, among others, for the proposed expansion of Fire Station #1 (a.k.a. Central Fire Station), and take appropriate action in open session. Exhibits: None.

Jensen read the title of item #23. No action was taken.

24. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2014-2015 between the Police Union, IUPA Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #24.

MOVED by Wells SECOND by Jackson for the fiscal year 2014-2015 labor negotiations with IUPA Local 24, move to appoint Jim Russell as the City's chief negotiator; further I move to appoint Chief's Smith and/or Assistant Chief Apple to the primary negotiating team and Tim Wilson and/or Kelea Fisher from the City Attorney's office shall be present to provide legal assistance, and Bryan Long and Brooks Mitchell will serve as alternate team members; further, the City's chief negotiator will attend labor negotiation meetings and be responsible for reporting the status of ongoing negotiations to the city council as developments occur. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

25. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Traci L. Hushbeck as City Clerk, and in open session take other action as necessary. Exhibits: None.

Mayor Fitch read the title of item #25. No action was taken.

There being no further business to consider, the meeting adjourned at 7:56 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