

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
AUGUST 26, 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

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 Harley Davidson, Western Hills Church of Christ, 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 (arrived @ 6:08 p.m.)  
Dwight Tanner, Jr., Ward Five  
Richard Zarle, Ward Six  
Stanley Haywood, Ward Seven  
Doug Wells, Ward Eight

ABSENT: None

Mayor Fitch announced that item #15 has been stricken from the agenda. The applicant has withdrawn the application for rezoning.

PRESENTATION OF LIFE SAVING AWARDS TO SERGEANT ROBERT WITTEN AND  
POLICE OFFICER BRITTANY SCHULTE

Mayor Fitch and Chief James Smith presented Sergeant Robert Witten and Officer Brittany Schulte with the Life Saving Award.

EMPLOYEE SPOTLIGHT PRESENTATION TO TRACY FIFE, COLT DARNELL, DONALD  
DAWDY, ARTHUR GRIFFIN, ROBERT CAMP, JR. AND JEREMIAH BARKSDALE –  
SEWER SYSTEM CONSTRUCTION DIVISION

The City Manager and Mayor recognized Sewer System Construction Staff for their outstanding performance.

**AUDIENCE PARTICIPATION:**

Dan Tucker, 6919 SW Beta, thanked the City Council for governing this city. He stated it takes time and skill and he thanked them for the time they put into helping govern this city.

Tristan Wright thanked the city for their support for the 2<sup>nd</sup> Annual Project X Unity Festival. He thanked the sponsors, performers and vendors of the event. He stated approximately 1,100 people attended the event at the skate park on 38<sup>th</sup>. He presented a check in the amount of \$1,540 to Councilmember Bellino-Hall for Lawton Enhancement Trust Authority.

Bellino-Hall thanked everyone for their hard work and stated the new skate park will become a reality.

Morris Smith stated his mother, Wilma Smith, contributes to the community all the time. She has a program called “Granny Cares” where she gives out clothes, toys and school items.

Wilma Smith, 117 NE Dunlop, stated her son was stopped by police one morning while taking her to work. Her son was arrested and she feels things are not being handled right. There is nothing out there for the youth to do. She requested the police leave her son alone.

Mr. Smith stated he was raised in Lawton. What has happened to him was over a bad ticket and when he was stopped it was profiling because of the type of car. He filed a complaint because of the rudeness towards his mother by the officer. He is looking for closure. It is a bad ticket because there was no stop sign at that intersection. The police arrested him at his job just to show they had that authority to do so. It cost him his job and his dignity. He is in fear as a black male American that he may get killed or thrown in jail for nothing. He spent six nights in jail for this bad ticket. He has spoken with the City Manager and Chief Smith, but it has been months, since November 2013. He just needs this closure. He cannot make anyone apologize, but he can make them uphold his constitutional rights. He is going to let everyone know his story.

Mayor Fitch thanked Mr. Smith for coming to council. He stated this issue has been resolved in regards to a letter dated May 19, 2014. He stated the closure has been addressed.

Mr. Smith stated there are other complaints that have not been resolved.

**CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF JULY 22, 2014.**

**MOVED by Jackson SECOND by Zarle to approve the minutes of Lawton City Council regular meeting of July 22, 2014. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.**

CONSENT AGENDA

MOVED by Burk SECOND by Haywood to approve the consent agenda. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider approving a resolution re-establishing the Capital Improvement Fund of the City of Lawton, originally established by Resolution 78-82, and clarifying that the Finance Director is authorized to transfer money from the Fund as necessary to fund or supplement the funding of authorized capital improvement expenditures and establishing an effective date. Exhibits: **Resolution 14-108** and Resolution 78-82.
2. Consider approving a modification to the Blanket Purchase Agreement (BPA) for the rental of the McMahon Memorial Auditorium for 434<sup>th</sup> Brigade IET/AIT rehearsals and graduation ceremonies, Fort Sill, Oklahoma, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Modification of contract on file in City Clerk's Office.
3. Consider adopting a Resolution of Necessity for real property acquisition for the South Wolf Creek Trunk Expansion #3 Project# 14-2SSES and North Wolf Creek Trunk Expansion #1 Project# 14-4SSES. Exhibits: Location Map and Resolution 14-\_\_\_\_. **Resolution 14-109** with Exhibit "A" is on file in the Engineering Division Office.
4. Consider accepting three permanent easements and three temporary easements from Darrell W. & Connie J. Jones, husband & wife, 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 Maps. Documents are on file in the City Clerk's office.
5. Consider approving plans and specifications for the 2012 CIP Street Mill & Overlay Project (NW Fort Sill Blvd from W Gore Blvd to NW Ferris Ave, #2014-4) and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Engineering Division office.
6. Consider adopting Street Light Resolution No. 485 to authorize the installation/removal of street lights at the location listed in the Resolution. Exhibits: Street Light Resolution No. 485.
7. Consider awarding contract (CL14-056) Manhole Rings & Covers to Pioneer Supply, LLC of Moore, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
8. Consider awarding contract (CL15-002) Liquid Oxygen to Airgas USA, LLC of Tulsa, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

9. Consider extending contract (CL14-005) Nuisance Abatement to Teen Challenge of Oklahoma of Cache, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
10. Consider extending contract (CL14-005) Nuisance Abatement to Lawn Wizards of Lawton, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
11. Consider awarding contract (CL15-003) Sulfuric Acid to Southwest Chemical Services, Inc. of McAlester, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
12. Consider approving appointments to boards and commissions. Exhibits: None.

**Building Development Appeal Board**

Arthur Patrick  
Commercial Contractor  
6210 NW Oak Avenue  
Lawton, Oklahoma 73505  
09/14/2016

Dan Tucker  
Residential Homeowner  
6916 SW Beta Avenue  
Lawton, Oklahoma 73505  
9/14/2016

Mark Pippin  
Mechanical Contractor  
PO Box 2707  
Lawton, Oklahoma 73502  
09/14/2016

**Mayor's Commission On The Status Of Women**

Cristi R Cardenas  
Ft. Sill Representative  
426 S Chickasha Road  
Ft. Sill Oklahoma 73503  
09/12/16

Nicole Bucher  
At Large City Limit  
1106 NW Bell Avenue  
Lawton Oklahoma 73501  
Unexpired Term 06/11/15

13. Consider approval of payroll for the period of August 4-17, 2014.

**OLD BUSINESS ITEMS:**

14. Continue a public hearing and consider an ordinance closing the west 110 feet of NW Williams Avenue between Blocks 35 and 36, Military Addition, located on the west side of NW 20<sup>th</sup> Street between NW Lincoln Avenue and NW Smith Avenue. Exhibits: Ordinance No. 14-\_\_ and Location Map.

Richard Rogalski, Community Services Director, stated this item was continued from the last council meeting because there was an issue with a closure of a right of way. Councilmember Jackson and city staff met with the individual who had some concerns and those concerns have been taken care of.

Tanner questioned if the matter of the individual flushing his sewer line has been resolved.

Rogalski stated yes, they could not access the sewer from this road anyway.

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

MOVED by Jackson SECOND by Morford to adopt **Ordinance 14-25**, 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 14-25

An ordinance closing the west 110 feet of NW Williams Avenue in block 35 Military Addition with an effective date of thirty days from today.

NEW BUSINESS ITEMS:

15. Hold a public hearing and consider an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification located at 3615 West Gore Boulevard. Exhibits: Ordinance No. 14-\_\_ with Binding Site Plan (as recommended by CPC), Location Map, Application and CPC Minutes.

**STRICKEN**

16. Discuss and consider adopting a Resolution lifting the moratorium on City Council Policy No. 6-4 which provides that a process for cost sharing with the City of Lawton for new fire hydrant installation and/or public water main improvements that are required for public safety and to meet current development standards in areas with existing commercial development. Exhibits: Copy of Council Policy No. 6-4 and Copy of Resolution 14-\_\_.

Rogalski stated the moratorium was originally placed on this policy approximately a year ago because the funding ran out. Since that time additional funding has been located and now the moratorium can be lifted and the policy put back into place.

Mayor Fitch stated the funding was found in the 2005 CIP.

Rogalski stated even though this is an older funding source, the money was used on a water project and then the money was reimbursed.

MOVED by Burk SECOND by Jackson to adopt **Resolution 14-110**. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

17. Consider adopting an ordinance granting to Fidelity Cablevision, Inc. a fifteen (15) year, nonexclusive franchise with the right to construct and maintain a cable system in, across, upon, and under the public rights-of-way and other public property in the City and the right to operate and provide cable services through the cable system for the benefit of the City's inhabitants and the public generally. Exhibits: Ordinance 14-\_\_.

Steven Greb, Assistant City Attorney, stated this is a follow up item from the last meeting where they held a public hearing to discuss the proposed ordinance that would provide a franchise agreement with Fidelity Cablevision. If approved, Fidelity Cablevision will formally accept the franchise and be bound by the terms of this ordinance. There were no significant changes made to the ordinance that was presented to council at the last meeting.

Jackson stated he had the biggest complaint about the quality of service by Fidelity and after reading the ordinance regarding this franchise agreement, he is satisfied that they can make Fidelity uphold their quality of service by Section 10-11-1107 of the ordinance.

Tanner stated he has had similar complaints.

MOVED by Jackson SECOND by Haywood to adopt **Ordinance 14-26**, 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 14-26

An ordinance repealing Article 11, Chapter 10, Lawton City Code in its entirety and creating a new ordinance granting to Fidelity Cablevision, Inc. a fifteen (15) year, nonexclusive franchise with the right to construct and maintain a cable system in, across, upon and under the public rights-of-way and other public property in the city of Lawton, Oklahoma, Comanche, County, Oklahoma, and the right to operate and provide cable services through the cable system for the benefit of the city's inhabitants and the public generally; providing for assignment; providing for reasonable rules to be imposed by the city; providing for indemnification to the city; providing for assessment of reasonable rates and delivery of quality cable service; imposing a franchise fee; providing for acceptance and an effective date; providing for repeal of the existing franchise; and providing for severability and codification.

FINANCE REPORT (STRICKEN)

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

COL Waters stated that tomorrow will be their anti-terrorist exercise on Fort Sill. A lot of agencies from Lawton and Oklahoma City will be involved. He stated on Saturday, September 20, 2014 they will host the Buffalo Soldier Cook Out. On Monday, September 22, 2014 they will host the soldiers show at 6:00 p.m. at the polo field, with a rain date of Tuesday, September 23, 2014.

Tanner stated he, Councilmember Wells and city staff have been brainstorming on some ideas to alleviate the issue of the flushing of the water going on around town.

Mayor Fitch thanked KSWO who has done a great job in reporting the various projects on the sales tax extension ballot. He thanked the Lawton Constitution for doing an excellent job in explaining all the items. He thanked city staff and Lawton firefighters for getting the message out.

There being no further business to consider, the meeting adjourned at 6:49 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