

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MARCH 26, 2019 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Jay Burk, Mayor Pro Tem

Also Present:
Michael Cleghorn, City Manager
Frank Jensen, City Attorney
Traci Hushbeck, City Clerk
COL Don A. King, Fort Sill Liaison

Mayor Pro Tem Burk 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 Debbie Pratt, Lawton First Assembly, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Mary Ann Hankins, Ward One
Keith Jackson, Ward Two
Caleb Davis, Ward Three
Jay Burk, Ward Four
Dwight Tanner, Jr., Ward Five
Onreka Johnson, Ward Seven
Randy Warren, Ward Eight

ABSENT:

Mayor Stan Booker
Sean Fortenbaugh, Ward Six

PROCLAMATION FOR ALCOHOL FREE WEEKEND

Mayor Pro Tem Burk proclaimed April 5-7, 2019 as Alcohol Free Weekend in Lawton. The proclamation was signed by Mayor Booker and COL Don King.

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO JANE BRANTLEY

Mayor Pro Tem Burk presented a Certificate of Commendation from the Mayor's Office to Jane Brantley.

PROCLAMATION HONORING CENTERPOINT ENERGY

Mayor Pro Tem Burk presented a proclamation recognizing Centerpoint Energy for their donation of laptops to the City of Lawton and to all their contributions to the community. He presented the proclamation to Cody Dupler, Centerpoint Energy.

AUDIENCE PARTICIPATION:

Michael Collins, 1414 NE 61st Street, stated he is the program coordinator for the National Day of Prayer, which will take place all day in Lawton on May 2, 2019 at City Hall. The National Day of Prayer luncheon will take place at noon on Fort Sill at the Patriot Club. At 2 p.m. they will be forming a chain around the Chamber of Commerce.

Richard Bridgeforth, President of the West Coast Jazz Society, stated they will be bringing jazz concerts and jazz festivals to Lawton. On September 14th the first Women in Jazz festival tour will kick off in Elmer Thomas Park. He stated there will be other events coming up. There will also be a black tie fundraiser dinner on New Years' Eve that will be an annual event. He stated you can visit their website at www.westcoastjazzsociety.net to become a member.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MARCH 12, 2019.

MOVED by Warren SECOND by Jackson to approve the minutes of the Lawton City Council regular meeting of March 12, 2019. AYE: Hankins, Jackson, Davis, Burk, Tanner, Johnson, Warren. NAY: None. MOTION CARRIED.

CONSENT AGENDA

MOVED by Warren SECOND by Jackson to approve the consent agenda. AYE: Hankins, Jackson, Davis, Burk, Tanner, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in making payment on the judgment in the Workers' Compensation case of Therese Sullivan in the Oklahoma Workers' Compensation Commission, Case No. CM-2018-04838K. Exhibits: **Resolution 19-24**.
2. Consider adopting a resolution approving the joint petition settlement and making payment in the workers' compensation claim of Brett Ford. Exhibits: **Resolution 19-25**.
3. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in making payment on the judgment in the Workers' Compensation case of Mark Murphy in the Oklahoma Workers' Compensation Commission, Case No. CM-2015-08027K. Exhibits: **Resolution 19-26**.
4. Consider approving an Outside Water Sales Contract with Stephanie Poemoceah, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office.
5. Consider adopting a resolution authorizing the City Attorney to enter into an economic settlement agreement in the District Court of Comanche County, State of Oklahoma, for the sum of Twenty-Two Thousand and 00/100 Dollars (\$22,000.00) as settlement of the lawsuit styled Crystal Rae Mathiesen v. City of Lawton, Case No CJ-2018-170, and

authorizing the City Attorney to prepare and file said resolution and all appropriate settlement documents for the Court's approval. Exhibits: **Resolution 19-27**.

6. Consider authorizing staff to apply for a grant from Friends of Blue Thumb to be used for 2019 Stormwater Speech Contest awards. Exhibits: Friends of Blue Thumb email inviting volunteers to apply by March 31, 2019 is on file in the City Clerk's Office.
7. Consider endorsing an amendment to the Housing and Community Development Division's policies regarding the Exterior Housing Improvement Program, a program funded by the CDBG federal grant, by increasing the maximum contract amount from \$5,000 to \$10,000.
Exhibits: None.
8. Consider endorsing an amendment to the Housing and Community Development Division's policies regarding the Homeowner Rehabilitation Program, a program funded by the HOME and/or CDBG federal grant, by increasing the maximum contract amount from \$25,000 to \$35,000 and adding a \$5,000 contingency allowance. Exhibits: None.
9. Consider setting the date of May 14, 2019, to hold a public hearing to close the 100 foot wide platted right-of-way of SW A Avenue, between SW 4th Street and SW 5th Street.
Exhibits: Location Map and Survey.
10. Consider approving an agreement and payment of \$1,700.00 to Mr. George Keck for the replacement of a portion of the residential driveway located at 323 NW 62nd Street, which was demolished in the course of completing a city waterline repair. Exhibits: Proposed agreement between the City of Lawton and Mr. Keck.
11. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on SW Washington Avenue. Exhibits: **Resolution 19-28** and Traffic Commission Minutes and Traffic Issue Requests.
12. Consider acknowledging receipt of Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 470 linear feet of 8-inch PVC pipe, 1,420 linear feet of 12-inch PVC pipe for water line distribution and all appurtenances to serve Eisenhower Middle School located at 5702 W Gore Boulevard, in the SE/4 of Section 28, T2N, R12W, Comanche County, Oklahoma. Exhibits: Permit to Construct is on file in the City Clerk's Office
13. Consider awarding contract (CL19-017) Wrecker Service (Car & Light Trucks under 15,000 GVW) to Priest Brothers, Inc., of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet. Exhibits: Permit to Construct is on file in the City Clerk's Office.
14. Consider awarding contract (CL19-019) Cement Kiln Dust to Silver Star Construction Inc. of Moore, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

15. Consider extending contract for (CL17-016) Mowing and Litter Areas G & H, with Area G extension going to Rob's Lawn Care of Cache, OK and Area H extension going to Landscape Partners of Yukon, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
16. Consider approval of payroll for the periods of March 11 - 24, 2019.

NEW BUSINESS ITEMS:

17. Hold a public hearing and consider an ordinance modifying the process for authorizing Uses Permitted on Review and declaring an emergency. Exhibits: Ordinance 19-__.

Richard Rogalski, Community Services Director, stated staff recently became aware that the City's process for Uses Permitted on Review does not meet the requirements of the Oklahoma Statutes. Section 43-113 of Title 11 of the Oklahoma Statutes requires a public hearing to be held by the City Planning Commission (CPC) with a 20-day written notice to property owners within 300 feet of the requested area. The planning commission shall make a recommendation to the City Council, and the City Council shall approve, approve with conditions, or deny the request. Currently there is a 10-day written notice provided to property owners within 300 feet of the requested area, CPC holds a public hearing and either approves, approves with conditions, or denies the request. The CPC decision is final unless the decision is appealed to the City Council. All other public hearings, i.e., rezoning, variance, closing of public ways, and Code amendments, require a public hearing notice to be published in the local newspaper. Even though the State Statutes do not require a notice to be published in the newspaper for Uses Permitted on Review, it is recommended that the requirements be consistent; therefore, the proposed ordinance adds the requirement for a notice to be published at least 15 days prior to the public hearing in addition to the 20-day written notice to property owners within 300 feet of the requested area. The proposed amendment would require two public hearings: a public hearing by the City Planning Commission and a public hearing by the City Council. For each public hearing a notice to property owners within 300 feet of the requested area would be mailed 20 days prior to the public hearing and a notice would be published in the newspaper 15 days prior to the public hearing. The City Planning Commission would make a recommendation on the request to the City Council, and the City Council would make the final decision to approve, approve with conditions, or deny the request. The notice of public hearing process would be identical to the process for a rezoning; therefore, the application fee would need to be the same as the application fee for a rezoning request, which is \$425.00. This fee covers the publication and mailing costs. A resolution to amend the fee schedule is a separate item on the agenda. On March 14, 2019, the City Planning Commission held a public hearing on the proposed ordinance and recommended approval.

Mayor Pro Tem Burk questioned if state was recommending we do this.

Rogalski stated to be in line with state statute, this body has to be the final decision, so it either comes to the council without a public hearing or it can come to the council with a public hearing, and this is written to include a public hearing.

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

Davis questioned why they are declaring this an emergency and he questioned if the only thing they are changing is that this comes before council as a public hearing.

Rogalski stated no, that is in addition to what we are adding as far as the requirements from the state. The state says it has to come to this body as the final decision and we are adding that it will come to this body as a public hearing. They are declaring an emergency so that it will be effective prior to 30 days, so that if someone comes in tomorrow they will get to use this process.

MOVED by Warren SECOND by Jackson to adopt **Ordinance 19-06**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Hankins, Jackson, Davis, Burk, Tanner, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 19-06

An ordinance pertaining to planning and zoning amending section 18-1-1-113, division 18-1-1, article 18-1, chapter 18, Lawton City Code, 2015, by amending the procedure for authorizing uses permitted on review; providing for severability; and declaring an emergency.

18. Consider a resolution amending Appendix A, Schedule of Fees and Charges, modifying the application fee for Uses Permitted on Review. Exhibits: Resolution 19-29.

Rogalski stated as a companion to the previous agenda item to amend the Uses Permitted on Review procedure, this item is a resolution modifying the fee schedule to reflect the increase in publication costs. Staff recommends the fee be the same as a rezoning fee, which is \$425.00, because the notice requirements will be identical. He stated there is an out of pocket cost of \$300 to \$350 for mailing the notices.

MOVED by Jackson SECOND by Hankins to adopt **Resolution 19-29**. AYE: Hankins, Jackson, Davis, Burk, Tanner, Johnson, Warren. NAY: None. MOTION CARRIED.

19. Consider approving a special non-emergency ordinance declaring approximately 2.40 acres of City-owned real property known as Council Heights Park located in the Council Heights Addition nonessential and surplus, authorizing its sale by public auction, authorizing staff to set a minimum reserve price and other conditions, providing for an effective date, making provision for a vote thereon if a valid referendum petition is filed, and authorizing the Mayor and City Clerk to execute all documents necessary therefore. Exhibits: Location Map and Ordinance 19-__.

Jack Hanna, Parks and Recreation Director, stated several council meetings ago the council declared this property as surplus but they did not make this a special non-emergency ordinance because it is over the threshold of \$50,000. The estimated property value from a local real estate broker for this property was \$150,000. The set minimum bid would be \$75,000 but they did not put that out there for auction because they had not done the non-emergency ordinance.

MOVED by Johnson SECOND by Warren to adopt **Ordinance 19-07**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Hankins, Jackson, Davis, Burk, Tanner, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 19-07

A special non-emergency ordinance authorizing the sale by public auction of approximately two and 40/100^{ths} (2.40) acres, more or less, of city-owned real property known as Council Heights park; said property being located in the Council Heights addition of the city of Lawton and is more particularly described hereinafter; which property is hereby declared nonessential and surplus; the value of the property exceeding fifty thousand dollars (\$50,000); providing all potential bidders may make an environmental inspection of said property after receiving permission from the director of parks and recreation; directing city staff to set a minimum bid for the property, to determine the method of public auction, and to establish other conditions of this sale; providing an effective date; making provisions for a vote thereon if a valid referendum petition as required by the Lawton city charter is filed; providing for publication of the full text of this ordinance; and authorizing the mayor and city clerk to execute all documents necessary for conveyance of said property after it is sold by public auction.

20. Consider approving a special non-emergency ordinance declaring approximately 4.00 acres of City-owned real property known as Tomlinson Park located in the Tomlinson Ridge of Tomlinson Addition nonessential and surplus, authorizing its sale by public auction, authorizing staff to set a minimum reserve price, proceed with an administrative rezoning, and other conditions, providing for an effective date, making provision for a vote thereon if a valid referendum petition is filed, and authorizing the Mayor and City Clerk to execute all documents necessary therefore. Exhibits: Location Map and Ordinance 19-__.

Hanna stated this piece of property requires a non-emergency ordinance because it is over the \$50,000 threshold. The estimated property value is \$620,000 and they have set the minimum bid at half the price. They do have some interest in this property through the north adjacent property owner. They are also looking to rezone this piece of property to C-1 zoning.

Warren stated he would like to see us take the proceeds from the sale of these parks and put that money into a fund that can be used to beautify the parks. Those parks were originally dedicated to the city as a beautification effort and he would like to keep that money in the beautification area.

Mayor Pro Tem Burk stated he agrees, this is where it needs to go. Our citizens are so happy with these kinds of improvements.

Hanna stated it would be very beneficial to city staff and to the citizens to help with these projects. Any financial help they can get is a blessing.

Mayor Pro Tem Burk stated you just never have enough money to do all the projects that you want to do.

Davis questioned if it would be appropriate to make a motion to include that the money from the sale of this property go into a specific fund.

Warren stated that he would like to include in a motion that any funds received from the sale of parks go into a fund that is dedicated to the improvement of the parks that we have.

Davis stated the city attorney has stated that he would be more comfortable bringing this back so he would like to see the council postpone this item until the next council meeting.

MOVED by Davis SECOND by Warren to table.

Tanner questioned if they needed to approve this in two separate pieces so that they can get this property on the market.

Hanna stated if this gets approved tonight it will take a little time to get the documents together to post it for surplus along with the other parks that have been approved. It will be between two and three months before they do go to auction with this piece of property.

Tanner suggested they go ahead and approve the sale of the property and in two weeks they can bring something back to council specifying that the funds go to the park that is in this area.

Jensen recommended they take action on this item tonight and give direction to the city staff to bring back an item regarding the sale of parks. This will take a little while to close on this transaction, so he would suggest the council direct staff to bring back a separate item as far as what the council wants the scope to be for the sale of park land and where the proceeds will go.

MOVED by Warren SECOND by Davis to adopt **Ordinance 19-08**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Hankins, Jackson, Davis, Burk, Tanner, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 19-08

A special non-emergency ordinance authorizing the sale by public auction of approximately four (4.00) acres, more or less, of city-owned real property known as Tomlinson park; said property being located in the Tomlinson Ridge of Tomlinson Addition of the city of Lawton and is more particularly described hereinafter; which property is hereby declared nonessential and surplus; the value of the property exceeding fifty thousand dollars (\$50,000); providing all potential bidders may make an environmental inspection of said property after receiving permission from the director of parks and recreation; directing city staff to set a minimum bid for the property, to determine the method of public auction, and to establish other conditions of this sale; providing an effective date; making provisions for a vote thereon if a valid referendum petition as required by the Lawton city charter is filed; providing for publication of the full text of this ordinance; and authorizing the mayor and city clerk to execute all documents necessary for conveyance of said property after it is sold by public auction.

ADDENDUM:

1. Consider authorizing the City Council and Mayor, on behalf of the City, to enter into a Statement of Work Agreement with DRP Global Solutions, LLC to provide technical assistance to review, design, implement and configure a long term, stable, IT network; and authorize the City Council and Mayor to enter into an associated Mutual Non Disclosure Agreement. Exhibits: Statement of Work Agreement with DRP Global Solutions, LLC: Mutual Non Disclosure Agreement with DRP Global Solutions, LLC.

Gwen Spencer, IT Director, stated they are asking for permission to enter into a fixed fee contract to do some work on our infrastructure. They have selected DRP Global Solutions, they have done this work before in a number of places and they have great references.

Mayor Pro Tem Burk stated the IT Committee met and their recommendation was that we approve this agreement.

Jensen stated there are two exhibits listed on the agenda item, one is the scope of work and one is the mutual non disclosure agreement. He stated he does not know what the mutual non disclosure agreement is so the council is not approving that tonight and that needs to be struck. The council is only approving the scope of work and they have taken out the confidentiality clause that was in the scope of work and DRP has agreed to do that.

MOVED by Jackson SECOND by Davis to authorize the City Council and Mayor, on behalf of the City, to enter into a Statement of Work Agreement with DRP Global Solutions, LLC. AYE: Hankins, Jackson, Davis, Burk, Tanner, Johnson, Warren. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Johnson stated on March 30th from 1 p.m. to 3 p.m. at the Patterson Center, Kim Jones will be hosting an ACT science prep workshop which will be free to the public. She stated on March 28th, Citizen Solutions will meet at 5:30 p.m. at Great Plains Technology Center in Building 300.

Clegghorn stated they will be rolling out a few initiatives in the next few months. He stated they will be rolling out a citizens academy, which will be a 14 week program that will start in July that basically educates our citizens on all the workings of the city and they will receive a briefing on how all the departments work. He stated they are also working with GIS which will allow citizens to interface with the city which will allow them to report all kinds of issues. They hope to roll this out in the next few months. He stated they are looking for a catchy name for this program. He stated the budget is on track and the preliminary budget should be available for the council on April 9th. He thanked Centerpoint Energy for their gift of laptops to the City.

Tanner thanked the Lawton Economic Development Corporation for hosting a dinner and breakfast with members of the Governor's staff. He stated it was very encouraging news for this area.

Mayor Pro Tem Burk stated the Lawton Enhancement Trust will host their annual awards event on Friday, April 12th from 6 p.m. to 8 p.m. at the Museum of the Great Plains. He stated an event called Dancing for Children United will be held on April 13th at 6 p.m. at the Apache Casino Hotel and the proceeds will benefit the purchase of an inclusive playground for children with disabilities in Elmer Thomas Park.

Diane Branstetter, Finance Director, presented revenue and expenditure highlights for the period ending February 28, 2019. (On file in the City Clerk's office).

The Mayor and Council convened in executive session at 7:02 p.m. and reconvened in regular, open session at 7:58 p.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 a pending action involving Meers-Saddle Mountain Ranch and its applications before the Oklahoma Water Resources Board regarding Jimmy Creek, and take appropriate action in open session as necessary. Exhibits: None.

Jensen read the title of item #21. No action was taken.

22. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations regarding for a Collective Bargaining Agreement for FY 2019-2020 between the International Association of Fire Fighters (IAFF), Local 1882, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #22. No action was taken.

There being no further business to consider, the meeting adjourned at 7:59 p.m. upon motion, second and roll call vote.

JAY BURK, MAYOR PRO TEM

ATTEST:

TRACI HUSHBECK, CITY CLERK