

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MAY 12, 2020 – 6:00 P.M.
VIDEOCONFERENCE

Stan Booker, Mayor (Remote Videoconference)

Also Present:

Michael Cleghorn, City Manager (Remote Videoconference)

Tim Wilson, Deputy City Attorney (Remote Videoconference)

Traci Hushbeck, City Clerk (Remote Videoconference)

Mayor Booker called the meeting to order at 6:07 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Allan Hampton, followed by the Pledge of Allegiance

ROLL CALL

PRESENT:

Mary Ann Hankins, Ward One (Remote Videoconference)

Linda Chapman, Ward Three (Remote Videoconference)

Keith Jackson, Ward Two (Remote Videoconference)

Jay Burk, Ward Four (Remote Videoconference)

Allan Hampton, Ward Five (Remote Videoconference)

Sean Fortenbaugh, Ward Six (Remote Videoconference)

Onreka Johnson, Ward Seven (Remote Videoconference)

Randy Warren, Ward Eight (Remote Videoconference)

ABSENT:

None

REPORTS: MAYOR/CITY COUNCIL:

Johnson stated she would like a consensus from the council to cancel the Juneteenth Celebration

Mayor Booker stated there is a consensus from the council for the cancellation.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF APRIL 28, 2020.

MOVED by Warren SECOND by Hankins to approve the minutes of April 28, 2020. AYE: Johnson, Warren, Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh. NAY: None. MOTION CARRIED.

CONSENT AGENDA

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

1. Consider the following damage claims recommended for approval: Lee Elder in the reduced amount of \$525.00 (**Res. 20-25**), and Steven and Lisa Ranson in the amount of \$2,556.68 (**Res. 20-26**). Exhibits: Legal Opinions/Recommendations, Res. 20-____ and Res. 20-____.
2. Consider accepting the Adult Literacy grant of \$3,044.00 from the Oklahoma Department of Libraries for adult literacy materials and supplies and authorizing the Mayor to sign the contract. Exhibits: Contract is on file in the City Clerk's Office.
3. Consider approving a resolution amending the City of Lawton FY19-20 budget, as amended, by appropriating Eighty-Eight Thousand One Hundred Twenty-Eight and 09/100 Dollars (\$88,128.09) to the City of Lawton Actuated Traffic Signals account. Exhibits: **Resolution No. 20-27**.
4. Consider accepting a temporary easement from Luisa Parra, a single person, for right of way needed for the Ridgecrest Elementary School Sidewalk Project and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
5. Consider accepting a temporary easement from Kay H. Alston, a married person, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
6. Consider accepting a temporary easement from Ivan & Eunna Lai Cho Peralta, husband and wife, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
7. Consider ratifying the action of the City Manager by approving Change Orders No. 1 and 2 to the contract with Clayco Industries, Inc – DBA Ford Roofing & Sheet Metal Co., for replacement of the roof at City Hall under the State Contract DCAM/CAP#19025 – DCS/CAP Project Number R20025-2. Exhibits: Change Order No. 1 and Proposal/Scope of Work and Change Order No. 2 and Proposal/Scope of Work.
8. Consider accepting the WWTP Work Improvements Package No. III project as constructed by Wynn Construction. Exhibits: The Maintenance Bond is on file in the Department of Public Utilities Office.

9. Consider rejecting all bids received for WWTP Belt Press and Gravity Belt Thickener Rehabilitation Project 20-1 due to bid exceeding available funding. Exhibits: The Construction Contract and Bid Tabulation are on file in the Department of Public Utilities Office.

NEW BUSINESS ITEMS:

10. Consider approving a Resolution repealing and replacing Resolution No. 2019-116 specifying the revised intent of the Mayor and Council of the City of Lawton, Oklahoma with regard to the replacement of the existing seven-eighths of one percent (7/8%) Capital Improvement/Operational Expenditure Sales Tax and the one and one-quarter percent (1.25%) Capital Improvement Sales Tax with a new sales tax to be levied of two and one-eighth percent (2.125%) as approved by the registered voters of the City of Lawton, Oklahoma at an election held for such purpose on February 11, 2020. Exhibits: Resolution 20-__.

Mayor Booker stated this action is being requested in an effort to put together a program to help businesses through this coronavirus. This is something he and the Mayor Pro Tem have been working on.

Burk stated they would like use \$250,000 from the fund we have through the CIP. They have been working with a private foundation to hopefully match that so they would have \$500,000 for small businesses in the city of Lawton that were unable to get SBA loans or any type of local assistance. This could help businesses that maybe just need rent help for two or three months. This may save us from losing these small retail businesses and they may be able to get through a month or two of rent. They will have to show that their business is in a decline. They have come up with a matrix that was used in other communities across the state. Local banks will be able to help in evaluating and implementing this program. If they don't do something quickly they will see a downturn in small businesses in this city. Having a matching donor would be amazing. They could have \$5,000 grants that would not have to be paid back. He stated if they raised the \$500,000, that would be 100 local businesses they could help starting right away.

Fortenbaugh questioned what area of the CIP the money is coming from.

Burk stated it would come out of the industrial development fund which had \$29 million.

Fortenbaugh stated in the past, you would have to take it back out to a vote to make any changes to the CIP. Why is this situation different?

Burk stated changes were made to the way we did our CIP because of what has happened in Oklahoma City. They have had full legal advice on how we are able to do this. They have to have 2/3 of the vote of the city council to be able to do this. Normally he would not say this is something they should be doing, but \$250,000 of the \$29 million for investments in our small businesses is probably very minute.

Fortenbaugh questioned that as a small business owner, can he vote for something that he can benefit from.

Mayor Booker stated that no council or the mayor can benefit from any business with the City and this would include this program.

Wilson stated he feels that would be accurate.

Mayor Booker stated he has said that he is not for retail incentives, but he never anticipated the situation we would be in. This is an unusual time we are in.

Johnson questioned how many businesses do we anticipate helping and how do they apply for this grant.

Burk stated they do not have the matrix set up, but they will be working with people from Great Plains Technology Center and local banks will be helping. This will be a community wide effort. Hopefully they will have all the information on our website worked out.

Warren stated they looked at that industrial development money for creating jobs and this is kind of doing the same thing. Many businesses were not able to get a small business loan and they can keep 100 businesses going, that is at least 100 jobs they can keep in Lawton. He feels this is a good use of this money.

Hankins stated this shows good faith toward our small business members. It would help financially and it demonstrates our commitment to helping our small businesses in every way we can.

Chapman questioned when they anticipate getting these matching funds.

Burk stated they are not sure, but they have the possibility of getting a private grant, but the minimum would still be \$250,000. This would be a great return on this money. If this passes then they can really get the ball rolling.

Hampton stated the investment will be beneficial and during this budget time it is important that they shore up as much as they can for the citizens and the small businesses in town. He commends those that worked on this project.

Wilson stated he pulled up the charter and the section that applies here is that any member of the council or of any board, commission, or other plural authority, shall abstain from voting on any matter in which he has a financial or personal interest and may participate in discussion on that matter only to the extent permitted by law.

Mayor Booker stated that by voting on this anybody disqualifies himself from receiving any benefit.

Wilson stated the section says that you shall abstain from voting on any matter in which you have a financial or personal interest.

Mayor Booker stated if you vote on this you will disqualify yourself from partaking in it. His personal opinion is that is the cost of public service and we should not be applying for it anyway.

Fortenbaugh stated he does not agree. Anyone with a small business could benefit from this. That is not the way he interprets this. We should not be moving CIP money around so easily.

MOVED by Warren SECOND by Chapman to approve **Resolution 20-28**. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Johnson, Warren. ABSTAIN: Fortenbaugh NAY: None. MOTION CARRIED.

11. Discuss the status of the 2020 Lawton Fort Sill Freedom Festival, tentatively slated to be held June 27, 2020. Exhibits: None.

Deputy City Manager Bart Hadley stated the Freedom Festival has been a wonderful community event, but this year we are facing obvious challenges. We have an opportunity to parlay this into next year as opposed to trying to do a much scaled down version this year. We have contracts with companies that provide the fireworks as well as the stage and lighting and they have agreed that if we don't do this year's program, they will carry over the money that we have already paid them to next year. There are some projected shortfalls in the hotel/motel tax funding for next year so this would save Freedom Festival next year and free up additional money to potentially help cover the shortfall for some of the others that are funded through tourism dollars. Some additional challenges is that the person that has executed the yearly show is no longer with the company and that creates a lot of angst this year. There is no way they could put on an event in the same manner that they have done in the past, so staff is recommending that we suspend the event for this year and start planning for a better event next year.

Warren stated we are asking everyone to make sacrifices and we need to start here. He feels they need to put it on the back burner and start planning for next year.

Burk stated it makes him sad because this is something the citizens look forward to each year and it has become a big event.

Jackson stated he is totally against this action. He believes they need to be careful about pulling out of this event.

Chapman stated she feels strongly that they need to make this decision to cancel and move forward to next year. They need to think about safety and the cost.

Hankins stated common sense says to not have it this year and try to make it really special next year.

Mayor Booker stated he feels this is their only option.

Hampton stated there are a lot of people involved in the preparation and those people would probably struggle if they did not make a decision on this right now. He supports the cancellation of this event.

MOVED by Chapman SECOND by Warren to cancel the 2020 Lawton Fort Sill Freedom Festival. AYE: Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren, Hankins. NAY: None. MOTION CARRIED.

12. Consider Change Order #15 to the contract between Flintco, LLC and the City of Lawton for construction of the Public Safety Facility. Exhibits: Change Order #15 - Public Safety Facility.

Cleghorn stated recently the council authorized the City Manager to execute change orders not to exceed \$40,000. This change order is in excess of that amount, therefore that is why it was brought to council for approval.

George Hennessee, Engineering Director, stated there are ten items on Change Order #15. He reported to the council the adjustment items which have been identified since the last change order.

Warren stated they requested 40 calendar days in this change order. He is not going to complain about the dollars but he would like to make the motion that we pay the \$50,767 but that we limit it to 29 days.

MOVED by Warren to approve Change Order #15 to the contract between Flintco, LLC but limit the increase in days to 29.

Burk stated he has it down to 28 days and he does not feel we should pay any money for the wood blocking on PCO 107. He would like to deduct the \$2,744 and the total amount would be \$48,023 with 28 days.

Warren stated he would amend his motion.

MOVED by Warren SECOND by Burk to approve Change Order #15 in the amount of \$48,023 and limit the number of days to 28. AYE: Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren, Hankins, Jackson. NAY: None. MOTION CARRIED.

13. Discuss the status of the COVID-19 Pandemic as it relates to the City of Lawton, including the proclamation of civil emergency issued by the Mayor. Exhibits: None.

Mayor Booker presented statistics on the status on the COVID-19 Pandemic. He stated there was a severe spike because of the issues at the Comanche County Detention Center.

Mayor and council continued discussion on this issue. No action was taken.

ADDENDUM:

1. Consider authorizing the City Manager to direct staff to apply for grants related to the COVID-19 pandemic. Exhibits: None.

Cleghorn stated there are potential grants out there that would be available to the City of Lawton. He stated we have been awarded an FTA grant, an FAA grant and a CDBG grant already but we are looking at the department of defense community infrastructure program which would allow us to apply for grant under our Fort Sill partnership and the ability to enhance the quality of life for soldiers. He stated there are some grants we can apply for now with regards to PPE and the expenditures related to that. This gives us the ability to apply for these grants and if we are accepted for these grants they will come back to council for approval or if they require matching funds.

MOVED by Burk SECOND by Warren to authorize the City Manager to direct staff to apply for grants related to the COVID-19 pandemic. AYE: Burk, Hampton, Fortenbaugh, Johnson, Warren, Hankins, Jackson, Chapman. NAY: None. MOTION CARRIED.

STAFF REPORTS

Cleghorn reported that there will be a bill going before the state legislature tomorrow that will allow cities to extend the budget deadline. We are talking about a temporary budget that allows us to get through that first two or three months of the next fiscal year so we can see what the fiscal impact will be related to sales tax and revenue.

The Mayor and Council convened in executive session at 7:06 p.m. and reconvened in regular, open session at 8:04 p.m. Roll call reflected all members present excluding Hankins (who participated in executive session).

EXECUTIVE SESSION ITEMS:

14. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the hiring of a City Attorney, to include the discussing and/or evaluation of particular candidates who have submitted applications for the position, and, if necessary, take appropriate action in open session. Exhibits: None.

Wilson read the title of item #14. No action was taken.

There being no further business to consider, the meeting adjourned at 8:05 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK