MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 14, 2020 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:
Michael Cleghorn, City Manager
Tim Wilson, Acting City Attorney
Traci Hushbeck, City Clerk

Mayor Booker called the meeting to order at 6:08 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Council Member Linda Chapman, followed by the Pledge of Allegiance

ROLL CALL

PRESENT:
Mary Ann Hankins, Ward One
Keith Jackson, Ward Two
Linda Chapman, Ward Three
Jay Burk, Ward Four
Allan Hampton, Ward Five
Sean Fortenbaugh, Ward Six
Onreka Johnson, Ward Seven
Randy Warren, Ward Eight

ABSENT: None

Mayor Booker stated there are several people in attendance for the addendum, item #1 so he is going to move this item to the top of the agenda.

ADDENDUM:

1. Discuss the status of the COVID-19 Pandemic as it relates to the City of Lawton, to include receiving a presentation from local health officials. Exhibits: None.

Mayor Booker stated he has asked some people to come and speak on this issue. Updates were given from:

Brandie Combs, Public Health Official from the Comanche County Health Department
Dr. Scott Michener, Comanche County Memorial Hospital
Dr. Jean Hausheer
Dr. Daniel Joyce
Dr. Todd Bridges

Dr. Richard Brittingham
Dr. Ed Legako

Mayor Booker appointed a working committee to look at what other communities are doing and work with staff to prepare options for council action. Members include Burk (chair), Hankins and Chapman. Council agreed to hold a special meeting on Friday, June 17th at 2 p.m.

Mayor Booker stated item #2 will be stricken from the agenda.

2. Consider approving an Agreement between the Lawton Economic Development Corporation (LEDC) and the City of Lawton to fund activities by LEDC designed to encourage, promote and foster economic/industrial development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement (with updated performance measures and goals) and Proposed Budget. **STRICKEN**

REPORTS: MAYOR/CITY COUNCIL

Hankins updated the council on the Juvenile Affairs Committee.

Johnson updated the council on the Race Relations Committee.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF JUNE 23, 2020 AND THE SPECIAL MEETING OF JUNE 18, 2020.

MOVED by Burk SECOND by Chapman to approve approval of minutes of Lawton City Council regular meeting of June 23, 2020 and the special meeting of June 18, 2020. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION:

Donald Carol, 716 SW Washington, stated he is representing a business group out of California and they are looking at improving homes in the Ward 7 area. He requested an amendment to the code regarding mobile homes.

Burk suggested Mr. Carol talk with the Deputy City Manager.

CONSENT AGENDA:

Mayor Booker stated they are striking items #4, #8, #9, #10 and #11. He stated they will be discussing item #6. Warren requested item #12 be considered separately.

MOVED by Burk SECOND by Chapman to approve the consent agenda with the exception of items #4, #6, #8, #9, #10, #11 and #12. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider approving a request from the Lawton Enhancement Trust Authority and the Greater Lawton Rotary Club to place American Flags during each of the national flag holidays in the medians along NW Sheridan Road between NW Rogers Lane and NW Cache Road, along NW Cache Road between the I-44 exit and NW Sheridan Road, on NW Sheridan Road in front of Wal-Mart in the landscaped median, and along W Gore Boulevard near the Public Safety Facility. Exhibits: Location Maps.

2. Consider renewing a professional services agreement for financial advisory and consulting services with BOK Financial Securities (BOKFS). Exhibits: Professional services agreement for financial advisory services, on file in the City Clerk's office.

3. Consider approving the annual Cooperative Agreement and an Agreement for Limited Funding between the City of Lawton and the Transit Trust to provide funds for the operation of a public transit system and authorize the Chairman and Secretary to execute the same. Exhibits: Cooperative Agreement and Agreement for Limited Funding are on file in the City Clerk's office.

4. Consider approving a resolution amending Resolution 14-139 to adjust the future hotel/motel tax allocations, commencing with Fiscal Year 2020-2021, and authorize the Mayor and City Clerk to execute the resolution. Exhibits: Resolution 20-__ and Previous Resolution 14-139 (resolution being amended). **STRICKEN**

5. Consider approving an agreement between the City of Lawton and the Marie Detty Youth and Family Service Center, Inc. for the continued operation and management of a program and services for juvenile misdemeanor offenders, and authorize execution of the agreement and any associated documents. Exhibits: Agreement with Marie Detty Youth and Family Service Center, Inc. is on file with the City Clerk's Office.

6. Consider approving the annual agreement between the Center for Creative Living Corporation and the City of Lawton for services to senior citizens in the amount of $15,844.00 and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Center for Creative Living Agreement on file in the City Clerk's Office.

Lorene Miller, Center for Creative Living, thanked the council and the City of Lawton for their generosity. She read notes written by the participants who attend the center.

MOVED by Warren SECOND by Jackson to approve the annual agreement between the Center for Creative Living Corporation and the City of Lawton for services to senior citizens in the amount of $15,844.00. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

7. Consider approving the annual Agreement between Lawton Mobile Meals, Inc. and the City of Lawton for the specific purpose of preserving the health and welfare of homebound elderly and/or disabled citizens of Lawton, Oklahoma in the amount of $48,348.00, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Mobile Meals Agreement on file in the City Clerk's Office.

8. Consider approving an Agreement between The Lawton Farmers Market Institute and the City of Lawton to fund activities by the Authority designed to encourage, promote and foster tourism and economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget. **STRICKEN**

9. Consider approving an Agreement between the Lawton Heritage Association and the City of Lawton to fund activities by the Association designed to encourage, promote and foster tourism in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget. **STRICKEN**

10. Consider approving an Agreement between the Lawton Philharmonic Society, Inc., and the City of Lawton to fund activities by the Society designed to encourage, promote and foster tourism and economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget. **STRICKEN**

11. Consider approving an Agreement between the Museum of the Great Plains Authority and the City of Lawton to fund activities by the Authority designed to encourage, promote and foster tourism and economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget. **STRICKEN**

12. Consider accepting a temporary easement from BeachKat LLC, an Oklahoma limited liability company, 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.

Warren stated he has two streets that are included in the ad valorem program and he believes these two streets are getting ready to go out for bid. He receives inquiries on a daily basis from his constituents regarding projects. He requested that the City Manager put a list together of the status of the current ad valorem projects. He requested this information come to the council at the next meeting.

<u>MOVED by Warren SECOND by Burk</u> to accept a temporary easement from BeachKat LLC, an Oklahoma limited liability company, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

13. Consider accepting a temporary easement from BWT LLC, a Nevada Limited-Liability Company, 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.

14. Consider accepting a temporary easement from Carey Johnson Oil Company, Inc., 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.

15. Consider accepting a temporary easement from J. Larry Fugate, Trustee of the J. Larry Fugate Revocable Trust Dated March 25, 2010, 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.

16. Consider accepting a temporary easement from William & Shirley Griffith, husband & 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.

17. Consider accepting a temporary easement from Pamela S. & Stormy D. Lockwood, wife & husband, 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.

18. Consider accepting a temporary easement from Board of Education of the Independent School District #8, 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.

19. Consider accepting a temporary easement from Scott Royal Smith, Trustee of the 2311 NW 78th Street Trust, a common law trust, 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.

20. Consider approving appointments to boards and commissions. Exhibits: None.

Arts and Humanities Council

Bobbi Machette	David Malone	Victor Leary
New Member	New Member	New Member
06/30/23	06/30/23	06/30/23

Board of Adjustment

Johnny Owens
Existing Member
05/25/23

Lawton Housing Authority

Jesse Cobb
New Member
7/14/23

Museum Of The Great Plains Trust Authority
Dr. Cornel Pewewardy
City of Lawton
New Member
06/30/23

Traffic Commission

Paula Bowen Existing Member 04/26/23	Robert Kelso Existing Member 4/26/23	Hershel Kuydendall Existing Member 4/26/23

Ted Warkentin
Existing Member
7/26/23

NEW BUSINESS ITEMS:

21. Consider an ordinance amending Lawton City Code, 2015, Chapter 2, Article 2-1, Section 2-1-102, pertaining to meetings of the Council, by amending the time of regular meetings from 6:00 PM to 2:00 PM; providing for severability and declaring an effective date. Exhibits: Ordinance 20-___.

Burk stated they have looked at where we could save money without cutting more services or raising utility rates. He asked for some dollar figures on what it costs us to have a meeting at 6 p.m. with staff costs compared to a 2 p.m. meeting. He asked what other cities had day meetings and he was told Oklahoma City, Wichita Falls and Dallas. On average we have 15-20 city staff attend the city council meetings. He stated 25%-33% of these employees are hourly employees, which means they are being paid overtime. Staff estimates that this costs $30,000 a year. The remaining employees in attendance are salaried and most of these employees get comp time for anything over 80 hours. If we paid comp time that would be approximately $60,000. There is also a cost to heat and cool the building. The average cost per year to hold a 6 p.m. meeting is approximately $100,000. He stated we see the same people attend the meetings week after week and they have seen a decline in the number of people attending the meetings. People call their council members to express their displeasure, they don't normally attend the meetings. We finally have a broadcast where everyone can watch the meetings and get all the information they need. He stated he has also talked with some citizens who are afraid to come to night meetings in the winter time when it gets dark early. He has heard from citizens on both sides of the issue. He stated some of our largest employers have evening and night shifts, so they cannot attend the 6 p.m. meetings. He suggested they try a 2 p.m. meeting for a 90 day period.

Wilson stated the charter states that in determining the time of council meetings, the council shall consider the public convenience.

Cleghorn stated the council has gone a long way in providing that access. We have livestreamed meetings and they are also broadcast on television. The platform that we have now will continue to evolve. The video we have now is usually available within 24 hours. He believes that we meet the requirement of providing the access to our citizens.

Warren stated he had three positive comments and three negative comments on this issue. He stated the same people come to all the meetings. If an item is important to someone, they will make an effort to attend, regardless of the time. He stated now it is very common for people to work in the evenings or the night shift.

Hampton stated he had calls for and against, but he would like to see the council try it out.

MOVED by Burk SECOND by Morford to adopt **Ordinance 20-11**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 20-11

An ordinance amending Lawton City Code, 2015, Chapter 2, Article 2-1, Section 2-1-102, pertaining to meetings of the council, by amending the time of regular meetings from 6:00pm to 2:00pm; providing for severability and declaring an effective date of thirty days after passage.

22. Consider approving amendment to Council Policy 1-6 City Council Rules of Procedure by amending the time of regular meetings from 6:00 PM to 2:00 PM, on the second and fourth Tuesdays of each month. Exhibits: Council Policy 1-6 City Council Rules of Procedure.

MOVED by Burk SECOND by Jackson to approve an amendment to Council Policy 1-6 City Council Rules of Procedure by amending the time of regular meetings from 6:00 PM to 2:00 PM, on the second and fourth Tuesdays of each month. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

STAFF REPORTS: None

The Mayor and Council convened in executive session at 8:21 p.m. and reconvened in regular, open session at 8:45 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

23. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending action regarding the 2008 Chevron energy performance contract and amendments related thereto between the City and OpTerra ES (formerly Chevron ES), and now known as Engie Services U.S., to include the July 8th, 2020, mediation between the parties, and, if necessary, take appropriate action in open session. Exhibits: None.

Wilson read the title of item #23.

MOVED by Warren SECOND by Fortenbaugh to move to authorize the City Attorney to commence litigation against Engie and/or Engie Services U.S. Inc. (formerly OpTerra ES and Chevron ES), any other necessary parties to address Engie/OpTerra's ongoing default under the agreement and amendments related thereto, to include but not limited to: (1) Engie's failure to deliver the data network the City contracted to receive, (2) Engie's failure to successfully implement the VOIP telephone solution, (3) Engie's improper charging City for server installation/equipment, and (4) Engie's failure to deliver any guaranteed savings under the third amendment. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 8:48 p.m. upon motion, Second and roll call vote.

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STAN BOOKER, MAYOR

ATTEST:
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TRACI HUSHBECK, CITY CLERK