

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
AUGUST 11, 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 6:11 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Charles Barnett, 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
---------	------

PROCLAMATION SUPPORTING THE AMERICAN RED CROSS

Mayor Booker presented a proclamation to staff members of the American Red Cross in support of their humanitarian missions.

Johnson encouraged citizens to contact the American Red Cross and serve as a volunteer.

REPORTS: MAYOR/CITY COUNCIL

Chapman stated the Heinzwood/Meadowbrook area is starting a neighborhood watch and the first meeting will be Monday, August 24th at 7 p.m. at St. Paul's United Methodist Church.

Warren reminded citizens to sign up for Code Red so that the City can contact you during emergencies.

Mayor Booker stated the council rules allow him to pull an item forward in the agenda that is important to the audience. He stated he will pull the addendum items forward.

ADDENDUM:

1. Consider an ordinance pertaining to Offenses and Crimes, repealing and reserving Section 16-5-1-546, Division 16-5-1, Article 16-5, Chapter 16, Lawton City Code 2015, eliminating the requirements for the posting of signage and the wearing of face masks in certain instances to help limit the spreading of disease; providing for severability; and declaring an emergency with an immediate effective date. Exhibits: Ordinance 20-____.

Mayor Booker stated they will need to set some time limits. The Lawton Public Schools Superintendent has asked to make a presentation. He stated he needs some guidance from the council as to the amount of time they want to allow for public discussion.

Hankins stated they want to hear from as many people as they can but they have time limits. She suggested 30 minutes total.

Warren stated he does not have a problem letting each side decide if they want to give the 15 minutes to one person or divide it up.

MOVED by Warren SECOND by Burk to provide each side with 15 minutes to be used as they see fit. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

Kevin Hime, Superintendent of Lawton Public Schools and Patty Neuwirth, member of the School Board Association, updated the council on their policy. Experts have told them that if they want to safely open schools they are going to have to require masks.

Hampton questioned when school starts.

Mr. Hime stated August 21st.

Mayor Booker questioned how it would affect Lawton Public Schools if the mask ordinance was repealed.

Mr. Hime stated it is easier for them to enforce their policies if they are city wide. It is better for the community if LPS and the City of Lawton are on the same page.

Ms. Neuwirth requested the City of Lawton partner with LPS to keep everyone safe.

Mayor Booker stated they will start with those who are in favor of repealing the ordinance.

Those who spoke in favor of repealing the ordinance were:

Ahsha Morin, 605 SW E Avenue, Lawton, OK
Chad Hernandez, 7216 SW Oxford Avenue, Lawton, OK
Dusty Deevers, Elgin, OK
Angela Schertle, 15 NW Winding Creek Road, Lawton, OK

Those who spoke in favor of keeping the ordinance in place were:

Dr. Jean Hausheer, Lawton, OK
Debra Johnson, SW Oklahoma County Health Departments
Bob Ross, Lawton, OK
Dr. Daniel Joyce, 5 NW Burrow Drive, Lawton, OK

Mayor Booker stated he will now open discussion up for the council.

Burk stated he has to depend on experts to tell him what is going on. He put this item on the agenda because he felt there needed to be a discussion about determining an end date and when can they get to a point where they can lift the mandate and do something different. He feels that most of the citizens are complying but he dislikes that there are businesses out there that are having to enforce this. He is also worried about schools opening up. He stated that over 80% of the calls he received, people wanted to still wear a mask. Our goal is to keep Lawton open and to never have to go back to March or April when it so terrible on our community. We are at a point where they have to discuss an end date. His initial thought was that the end date would happen when the Governor's order would end and that would have been August 6th, but the Governor just keeps extending it. It has been put on the backs of every community to try to figure it out. He suggested the council look at this on a regular basis to determine when this can be lifted.

Chapman stated she started calling businesses to see how this was affecting them. She stated overall, they were appreciative of the mandate. She did not get any negative remarks from these businesses and they are the ones out there working with customers, clients and patients. She received 168 messages from constituents and 93% were encouraging her to keep the mandate in place. It has been tough for her to read some of the comments from citizens who are against the mandate. Everyone has an opinion but this is not a political issue, this is a public health issue to keep businesses open and to keep the public safe.

Hankins stated every local business she contacted had nothing but positive things to say about the mask mandate. They want to make sure they don't have to shut down the city again.

Hampton stated he feels very strong about civil liberties. He stated our businesses were economically devastated and each side wants to blame the other. The task at hand is to make it through this and care about each other. He stated he has really vacillated on this issue but he has to look at what is the most important thing that needs to happen for all of us to survive this. He feels that we need to look at this at least a couple more weeks to see how the children are going to do since things are in motion already with the school board. He feels they do need an ending

date, a date when the council revisits the issue and decides what to do next. He feels there is common ground in all of this and they need to make sure that the money is flowing into this community. There seemed to be more people out and running around after the mandate was in place. He does think that there needs to be some type of ending date and he is really concerned with working things out with the school system so that we can get those kids in some direction.

Fortenbaugh stated his issue has to do with personal liberty and the fact that we have a very low infection rate here. We really don't have an exit strategy to get out of this and a way of figuring out when it will be okay. We continue to hurt our town and hurt our businesses and take away revenue to the city. Part of the problem is that there is so much conflicting data out there. The data they received tonight is based on all of the counties in Oklahoma and that is worthless to him and he feels that he is being manipulated. He is also against the police enforcing this because they do not have time to do it. He is not sure why this issue came back tonight.

Johnson stated she does not make decisions based on fear, bullying or someone forcing her to make the decision. It is based on information for wearing a mask and against wearing a mask. She does believe in personal responsibility. She has received more support for wearing a mask. Everyone has a right to voice their own opinion, whether it is respectful or disrespectful to the person they are presenting it to. She stated they depend on information given to them by the experts. At the end of the day her intention is to make sure that she does everything that she can do with the power and information that is given to her to make the right decision for the greater good. Everyone's opinion will be taken into consideration. She agrees that we do need an exit strategy and we need to partner with organizations such as Red Cord and those in the mental health field to find a solution to these issues. They need to focus on getting people help.

Warren stated approximately 75% of the messages he received were in favor of wearing masks. He stated what they did is working. He does not think they should tie a date to this, but he feels it should be tied to numbers. They need to get together with the medical community and the health department to look at a number scheme and then they would write an ordinance, much like the water conservation ordinance, that says if they get below a certain amount they do one thing and if they get above a certain amount they do something else. They don't need to be meeting every two weeks changing the rules. They need to come up with an ordinance that creates a formula. He feels they are making a mistake if they pick a date.

Wilson stated that would be a challenging ordinance to write. He would have some concerns with something that would just say that when you get to a certain rate in the county it would automatically end.

Jackson stated the council has personal responsibility to make the right decision at the right time and to keep this mandate in place as long as we can and keep out of trouble. He feels they are on the right track.

Mayor Booker stated he feels that there will be a change in the State's response that will impact us. He has heard a suggestion of an end date based on numbers and performance. He stated that Fort Sill has had a significant decline and they believe it has been directly related to the mask mandate. He personally believes that masking works and he understands the challenges. He

stated the ordinance is not perfect, but throwing the baby out with the bathwater is not the solution. He understands that some people do not believe the numbers, but he got the numbers from our local health department. He feels that the proactive measures have worked to save lives and keep Lawton open. He stated the way the agenda item is written they cannot amend the ordinance, all they can do is repeal it.

Burk stated he feels that they need some of the health professionals to help them come up with a scale if that is the way they are going. He stated he would like to postpone this item until the first meeting in October.

Fortenbaugh stated that seems like a long time when we don't have any way to measure success or failure here.

Burk stated this would give them time to come up with a plan for some sort of measuring device but it will also help us with school starting and we can see where that will put us. At that point maybe they can do away with the ordinance and do something different. He would be willing to sit on a committee to work on a plan.

Mayor Booker stated the way the agenda item is written they cannot amend anything. They would need an agenda item allowing for amendments and that would include putting an end date or performance measures in. Delaying this does not mean they have to wait until then to take action.

Cleghorn stated his office would be happy to work with legal and the council committee to come up with a program that will meet council's desire to get to a resolution that is satisfactory to everyone.

MOVED by Burk SECOND by Warren to postpone any action on this item until the first meeting in October. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

2. Consider a resolution titled "KEEP LAWTON OPEN" encouraging the wearing of face coverings over the nose and mouth and further encouraging frequent hand washing; physical distancing; covering of the nose and mouth while coughing and/or sneezing; cleaning and disinfection of frequently touched surfaces; and individual daily health monitoring as currently recommended by the Centers for Disease Control and Prevention (CDC) to help prevent the spreading of disease and to support the ultimate goals of: (1) keeping the public healthy and (2) keeping businesses within the City of Lawton open; and further encouraging the public to follow future amended CDC guidelines as necessary to help prevent the spread of disease. Exhibits: Resolution 20-____.
STRICKEN
3. Consider amending Council Policy 1-06 "City Council Rules of Procedure" to make amendments to the provisions therein pertaining to audience participation and take action, if necessary. Exhibits: None.

Mayor Booker stated the purpose of audience participation is to receive input from citizens on items that either need to be taken care of or put on a later agenda so that discussion may occur. Audience participation is not designed for participation. He stated since he has been here we have only had one time when we have had a 30 minute audience participation and that was at the last meeting when they allowed ten speakers to speak on one item. The rules clearly state that he should have cut that off at three speakers. Three people on one topic. This is not designed for many people to come and speak on something that is not on the agenda. If that many people want to speak about something they need to get with a council member and get the item on the agenda. He is recommending that they take action and limit the audience participation to either 20 or 30 minutes. Audience participation is not for engagement as the council is forbidden to discuss anything that is not on the agenda.

Chad Hernandez, 7216 SW Oxford Avenue, questioned the reason for changing the policy.

Mayor Booker stated it is all about control of the meeting time and taking care of the city's business.

Mr. Hernandez questioned if the legal department was going to check to make sure it is compatible with the Oklahoma Open Meetings Act.

Mayor Booker stated yes.

Warren stated he likes this recommendation because of the communication aspect of it. He stated all they can do is listen to the comments, the council cannot have a discussion about the issue. If the citizen will just call their council member, then they can agenda that item and the public can come and everyone can have an open conversation.

Fortenbaugh stated only three subjects can be discussed at any one meeting. How will they decide on the three most important subjects to discuss during audience participation. Also, he does not like the three minute rule. He feels that any citizen should be able to come in here at any time and address the council, as long as they do it in a positive, non-aggressive way. How do you figure out what three subjects or what three people get to talk.

Hankins stated a lot of issues could be resolved before a citizen gets here if they would just contact and work with their council member.

Johnson stated that this does not mean that at any point in time a citizen cannot go to a council member to discuss anything they wish to discuss and this give the opportunity for dialogue.

MOVED by Warren SECOND by Jackson to amending Council Policy 1-06 "City Council Rules of Procedure" to limit the total time for audience participation to 30 minutes on any one agenda. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Johnson, Warren. NAY: Fortenbaugh. MOTION CARRIED.

Burk left the meeting at 8:09 p.m.

AUDIENCE PARTICIPATION:

Mathew Shea, 293 Lakecrest Drive, Lawton, OK, spoke against the mask mandate and communism infiltrating the community.

Mayor Booker stated the mask mandate was an item on the agenda and should not be discussed during audience participation.

Frank Myers, 707 NW 32nd Street, Lawton, OK, invited the city council to participate in three United Way community conversations starting on August 29th at 1 p.m. at the Owens Multipurpose center. He stated they can schedule the council member to attend one of the three meetings.

Kandi Roeske, 2312 NW Crosby Park Blvd, Lawton, OK, stated she wanted to apologize because the founders of the anti-mask mandate are not about being ugly. She suggested that businesses be allowed to put up signs expressing where they stand on the mask issue and let the businesses set the parameters for what they want their customers to do. She would like to see the council promote health in general for our community.

Patricia Carpenter, 516 NW Morford Drive, Lawton, OK, stated we are a constitutional republic and the choice has to be with the people. She stated there is too much conflicting data and this needs to be a personal choice.

Loralee Hunter, 4815 NW Floyd, Lawton, OK, stated everyone should know the facts and do what is best based on truth. Opinions should never make decisions.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF JULY 14, 2020.

MOVED by Warren SECOND by Jackson to approve approval of minutes of Lawton City Council regular meeting of July 14, 2020. AYE: Hankins, Jackson, Chapman, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Booker stated items #4 and #9 will be stricken from the agenda.

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

1. Consider adopting a resolution approving the joint petition settlement and making payment in the workers' compensation claim of Ramon Ortega. Exhibits: **Resolution 20-69.**

2. Consider adopting a resolution casting a vote for Trustee of the Oklahoma Municipal Retirement Fund (OMRF) to fill the expiring term of the Trustee representing District 7 and authorizing the Human Resources Director to file the executed resolution as the official ballot for the City's vote. Exhibits: **Resolution 20-70**.
3. Consider the use of Cost Recovery funds for the purchase of rescue equipment. Exhibits: None.
4. Consider the purchase of Target Solutions virtual training platform. Exhibits: Target Solutions Learning agreement. Target Solutions 'Soul Source' information on file in the City Clerk's Office. **STRICKEN**
5. Consider joining the Overdose Detection Mapping Application Program (ODMAP) for opioid related overdose tracking. Exhibits: Overdose Detection Mapping Application.
6. Consider authorizing the Mayor and City Clerk to execute the FY-2021 Memorandum Agreement between the City of Lawton, the Oklahoma Water Resources Board and the U.S. Geological Survey. Exhibits: The Memorandum of Agreement is on file in the Department of Public Utilities Office.
7. Consider awarding a professional services contract to CEC Corporation for the purpose of providing full engineering services for the City of Lawton and authorize the Mayor and City Clerk to execute the contract. Exhibits: Master Services Retainer Agreement for Professional Engineering Services.
8. Consider approving contract Amendment #2 with C.H. Guernsey & Co. for additional engineering services at McMahon Auditorium for HVAC, ADA, and Landscape Assessment. Exhibits: Amendment #2 to Agreement.
9. Consider authorizing staff to work with the appropriate trust authority to secure financing for vehicles and equipment needed to implement the bulk trash pickup program as part of the approved 2019 Capital Improvement/Operational Expenditures Sales Tax. Exhibits: None. **STRICKEN**
10. Consider approving a resolution adopting a Neighborhood Traffic Calming Policy and authorizing the future installation of traffic signals by a private developer at the intersection of NW 50th Street and Cache Road in accordance with the Traffic Impact Study. Exhibits: **Resolution 20-71**, Traffic Commission Minutes & Requests and Neighborhood Traffic Calming Policy.
11. Consider accepting a temporary easement from Daniel Redman, a single 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.

12. Consider accepting a temporary easement from Yong Cha Tuetkin, a single 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.
13. Consider accepting a public access easement for a portion of sidewalk constructed during a remodel of the property located at 2301 NW Cache Road owned by Chick-fil-A, Inc. Exhibits: Location Map. Easement is on file in the City Clerk's Office.
14. Consider granting a Limited Access Easement to David and Sharla McCall for City owned property adjacent to 327 S Brookdale Road in Edgewater Park South Addition, by Lake Ellsworth. Exhibits: Survey and Limited Access Easement.
15. Consider awarding (RFPCL20-023) Merchant Services to Tyler Technologies, Inc. of Yarmouth, ME. Exhibits: Department Recommendation, Agreement, Price Sheet.
16. Consider approving appointments to boards and commissions.

City Planning Commission

Debra Jones

Existing

07/26/23

Lawton Enhancement Trust Authority

Jay Burk

Existing – Comanche County Representative

06/30/23

Barry Ezerski

Existing – Chamber of Commerce Representative

06/30/23

NEW BUSINESS ITEMS:

17. Consider directing staff to draft an ordinance to adopt the 2015 editions of International Code Council codes and the 2014 National Electrical Code as adopted by the Oklahoma Uniform Building Code Commission. Exhibits: Table I – Codes Adopted by Oklahoma Communities.

Richard Rogalski, Deputy City Manager, stated this item previously came to council who requested we wait until a few more cities adopt the 2015 code. He stated Lawton and Yukon are still in 2009 and the rest of the cities are in 2015 or 2018. He stated this item is just to poll the council to see if they are ready for staff to bring something back to adopt these codes.

MOVED by Warren SECOND by Fortenbaugh to direct staff to draft a code change adopting the 2015 editions of International Code Council codes and the 2014 National Electrical Code as adopted by the Oklahoma Uniform Building Code Commission. AYE: Hankins, Jackson, Chapman, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

Mayor Booker stated item #18 will be stricken.

18. Consider approving Council Policy 1-13: Scope of Responsibilities & Code of Conduct – adapted from A Best Practices Handbook for Oklahoma Municipalities, created/produced by Municipal Consultants & OMAG – and making the policy effective immediately. Exhibits: Council Policy 1-13: Scope of Responsibilities & Code of Conduct.
STRICKEN

STAFF REPORTS

Rogalski briefed the council on the Public Safety Facility Change Order #4.

The Mayor and Council convened in executive session at 8:36 p.m. and reconvened in regular, open session at 9:36 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

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

Wilson read the title of item #19. No action was taken.

There being no further business to consider, the meeting adjourned at 9:37 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK