

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
OCTOBER 25, 2022 – 2:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:
Michael Cleghorn, City Manager
John Ratliff, City Attorney
Traci Hushbeck, City Clerk
COL James H.B. Peay, IV, Fort Sill Liaison

Mayor Booker called the meeting to order at 2:27 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 Allan Hampton, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Kelly Harris, Ward Two
Linda Chapman, Ward Three
Jay Burk, Ward Four (Left meeting @ 5:10 p.m.)
Allan Hampton, Ward Five
Sean Fortenbaugh, Ward Six
Onreka Johnson, Ward Seven
Randy Warren, Ward Eight

ABSENT:

Mary Ann Hankins, Ward One

PRESENTATIONS:

Recognition of Lawton Police Department Assistant Chief Eric Carter (FBI National Academy)
Presentation from Cameron University's Governmental Accounting Class
Annual Report from Lawton-Fort Sill Chamber of Commerce

PROCLAMATION:

Outstanding Citizen of the Month to Bernita Taylor

REPORTS: MAYOR/CITY COUNCIL:

AUDIENCE PARTICIPATION:

Michael Sneed, 1418 NW Logan, reported there are three burned out facilities in his area in Ward 2. They need to be torn down.

CONSENT AGENDA:

Mayor Booker stated that agenda items #9, #13 and #14 will be considered separately.

MOVED by Warren SECOND by Chapman to approve the consent agenda with the exception of items #9, #13 and #14. AYE: Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider approval of the minutes of the Lawton City Council regular meeting of October 11, 2022.
2. Consider the following damage claim recommended for approval: Alvin and Lisa Jones in the reduced amount of \$3,102.91 **(Resolution 22-179)**.
3. Consider the following damage claim recommended for denial: Southwestern Bell Telephone Company, dba AT&T Oklahoma in the amount of \$5,109.69.
4. Consider adopting a resolution approving the compromise settlement in the amount of \$25,000.00 and making payment in the workers' compensation claim of Jed Fox. **(Resolution 22-180)**
5. Consider adopting a resolution approving the joint petition settlement in the amount of \$17,325.00 and making payments in the workers' compensation claim of Daniel Kayser. **(Resolution 22-181)**
6. Consider establishing a council committee of no more than four council members consisting of Councilpersons Randy Warren as chairperson, Sean Fortenbaugh, Kelly Harris and Jay Burk for the purpose of examining the City's licensing and inspecting process - to include but not limited to issues related to the City's fire code, with said committee to meet at least quarterly and make recommendations as necessary to the council on its findings.
7. Consider extending the Professional Services Contract for Consultant Brokerage services concerning employee benefits to Higginbotham Insurance Agency.
8. Consider approving an agreement for professional services between the City of Lawton and Rivas Law Firm for his expertise in business and corporate law to work with the City of Lawton on legal matters in relation to the development of the Youth Sports Complex and authorize the Mayor and City Clerk to execute the Agreement.
9. Accept the Annual ADA Report that outlines completed ADA accessibility projects, and work done towards compliance, and the money expended on each project required by the settlement agreement between the City and Joseph Harper and Vivian Wheeler dated December 9, 2013.

10. Consider approving an agreement with City of Walters to provide services by the Lawton Animal Welfare Division to receive animals for the purpose of adoption, re-homing, sending to rescue, euthanasia, or other means of disposal.
11. Consider approving a resolution amending the City of Lawton FY22-23 budget, as amended, by appropriating \$9,582.24 from the General Fund to the Police Uniform Division's Maintenance Material-Motive Equipment account. **(Resolution 22-182)**
12. Consider approving a resolution amending the City of Lawton FY22-23 budget, as amended, by appropriating \$6,550.00 to the Lake's Division Repair and Maintenance account from the administrative application fees earned through the recent elk hunt drawing. **(Resolution 22-183)**
13. Consider accepting a donation of two gift baskets from Raising Cane's Chicken Fingers, Lawton, in the amount of \$100 each for a total of \$200.

MOVED by Burk SECOND by Warren to accept a donation of two gift baskets from Raising Cane's Chicken Fingers, Lawton, in the amount of \$100 each for a total of \$200. AYE: Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

14. Consider accepting a donation of three (3) "Family of 4 Packs" from OKC Incredible Pizza in the amount of \$120 each for a total of \$360.

MOVED by Harris SECOND by Burk to accept a donation of three (3) "Family of 4 Packs" from OKC Incredible Pizza in the amount of \$120 each for a total of \$360. AYE: Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

15. Consider approving a resolution amending the City of Lawton FY22-23 budget, as amended, by appropriating \$25,000.00 received from the Comanche County Commissioners to the Library Department's Library Books account for library-related purchases. **(Resolution 22-184)**
16. Consider approving Change Order No. 2 with A.E. Construction, LLC on Project EN1707P1 2017 Ad Valorem Street and Roads Program (Residential) Phase I-A NW 40th Street and NW 24th Street.
17. Consider extending contract RFPCL22-019 Employee Physicals-Drug Testing to Allied Lab, Inc. and Comanche County Healthcare Authority, MMG Occupational Medicine.
18. Consider awarding CL23-005 Nuisance Abatement to B & T Lawn Maintenance.
19. Consider extending contract RFPCL22-012 Rental or Lease Work Clothing to UniFirst Corp. of Wichita Falls, TX.
20. Consider approving appointments to boards and commissions.

BUSINESS ITEMS:

21. Hold a public hearing and adopt a resolution declaring the structures located at 59 SW 49th Street, 712 SW G Avenue, 720 SW 46th Street, 803 SW H Avenue, 908 SW I Avenue, 1145 NW Oak Avenue, 1510 SW Oklahoma Avenue, 1511 SW Douglas Avenue, 1710 SW D Avenue, 1807 SW C Avenue, to be dilapidated pursuant to Section 6-5-1 Lawton City Code, ordering the owner to abate the nuisance, authorizing summary abatement, and authorizing the City Attorney to commence legal action in District Court to abate the nuisance.

59 SW 49th Street,

Teri Bayones, Acting Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Bayones presented photographs of the property. Utilities are inactive.

PUBLIC HEARING OPENED.

Larry Oliver, property owner, stated the damage has been removed and he is working on remodeling the property and he requested additional time.

PUBLIC HEARING CLOSED.

MOVED by Chapman SECOND by Burk, to approve **Resolution 22-185** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

712 SW G Avenue

Bayones reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Bayones presented photographs of the property. Utilities are inactive.

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

MOVED by Hampton SECOND by Warren, to approve **Resolution 22-186** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

720 SW 46th Street

Bayones reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Bayones presented photographs of the property. Utilities are active.

PUBLIC HEARING OPENED.

E.J. Buckholts, representing Arvest Bank, stated they have retained a contractor to rehab the property.

Eric Wiley, property owner, stated they are fixing the home but it keep getting vandalized.

PUBLIC HEARING CLOSED.

MOVED by Chapman SECOND by Burk, to approve **Resolution 22-187** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

803 SW H Avenue

Bayones reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Bayones presented photographs of the property. Utilities are active.

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

MOVED by Hampton SECOND by Fortenbaugh, to approve **Resolution 22-188** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

908 SW I Avenue

Bayones reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Bayones presented photographs of the property. Utilities are inactive.

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

MOVED by Hampton SECOND by Chapman, to approve **Resolution 22-189** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

145 NW Oak Avenue

Bayones reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Bayones presented photographs of the property. Utilities are inactive.

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

MOVED by Hampton SECOND by Warren, to approve **Resolution 22-190** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1510 SW Oklahoma Avenue

Bayones reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Bayones presented photographs of the property. Utilities are inactive.

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

MOVED by Johnson SECOND by Hampton, to approve **Resolution 22-191** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1511 SW Douglas Avenue

Bayones reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Bayones presented photographs of the property. Utilities are inactive.

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

MOVED by Johnson SECOND by Burk, to approve **Resolution 22-192** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1710 SW D Avenue

Bayones reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Bayones presented photographs of the property. Utilities are inactive.

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

MOVED by Hampton SECOND by Warren, to approve **Resolution 22-193** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1807 SW C Avenue

Bayones reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Bayones presented photographs of the property. Utilities are inactive.

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

MOVED by Hampton SECOND by Chapman, to approve **Resolution 22-194** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

22. Consider approving a Resolution fixing the amount of General Obligation Bonds, Series 2022, to mature each year; fixing the time and place the bonds are to be sold; designating a paying agent/registrar; approving the preliminary official statement and distribution thereof; ratifying and confirming a continuing disclosure agreement; authorizing the clerk to give notice of said sale as required by law and fixing other details of the issue.

MOVED by Fortenbaugh SECOND by Warren, to approve **Resolution 22-195**. AYE: Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

23. Receive an update from the Holiday in the Park Committee re: Elmer Thomas Park decorations with discussion and provide direction to staff if desired.

No action taken.

24. Receive a briefing from the Municipal Judge, Nathan Johnson on Municipal Court and the possibility of becoming a court of record, discuss the same, and take action as deemed appropriate by the council.

MOVED by Warren SECOND by Fortenbaugh, to direct staff to put out an RFP to gather information for the outcome of arrests along with discussion with staff as to what staff's opinion is on what would help to lower crime where it affects the citizens of Lawton. AYE: Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

25. Consider an ordinance pertaining to honorary designation of streets, amending Section 2-5-1-502, Division 2-5-1, Article 2-5, Chapter 2, Lawton City Code 2015, revising and adding language for honorary designation of streets and establishing an effective date.

MOVED by Burk SECOND by Warren to adopt **Ordinance 22-30**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage AYE: Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: Harris. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 22-30

AN ORDANANCE PERTAINING TO HONORARY DESIGNATION OF STREETS AMENDING SECTION 2-5-1-502, DIVISION 2-5-1, ARTICLE 2-5, CHAPTER 2, LAWTON CITY CODE 2015, BY CREATING A UNIFORM SIGN AND PLACEMENT STANDARD, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The Mayor and Council convened in executive session at 5:28 p.m. and reconvened in regular, open session at 7:42 p.m. Roll call reflected all members present excluding Burk.

EXECUTIVE SESSION:

26. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending action in United States District Court titled City of Lawton v. Engie Services, U.S., Inc. f/k/a OpTerra Energy Services, Inc., CIV-21-455-R, and if necessary, take appropriate action in open session.

Ratliff read the title of item #26.

MOVED by Warren SECOND by Harris to approve a settlement where Engie agrees to pay the City \$875,000 as full settlement of all claims in Case CIV-21-455; and Engie and the City agree to execute mutual releases and dismissals with prejudice of their claims; and I further move as part of this motion to authorize the execution of any documents necessary to effectuate the settlement. AYE: Harris, Chapman, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

ADDENDUM:

1. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the employment and discharge [i.e. probationary release] of Community Services Director Janet Smith, to include allegations raised by Smith as a result of her probationary release.

Ratliff read the title of the addendum. No action was taken.

There being no further business to consider, the meeting adjourned at 7:44 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK