

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
FEBRUARY 22, 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

Mayor Booker called the meeting to order at 2:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Jared Burns, Central Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Mary Ann Hankins, Ward One
Kelly Harris, Ward Two
Linda Chapman, Ward Three
Jay Burk, Ward Four
Sean Fortenbaugh, Ward Six
Onreka Johnson, Ward Seven
Randy Warren, Ward Eight

ABSENT: Allan Hampton, Ward Five

PROCLAMATIONS: Presentation of Citizens of the Month to Oklahoma Dental Hygienists' Association and Delta Dental of Oklahoma Foundation.

Mayor Booker presented a Certificate of Commendation from the Mayor's Office to members of the Oklahoma Dental Hygienists' Association and Delta Dental of Oklahoma Foundation.

PRESENTATION: Oklahoma Municipal League Service Awards

Michael Cleghorn, City Manager, presented certificates and 25-year service pins to City of Lawton employees Robert Howard, Virgil Todd (both Solid Waste Collections) and Thierry Schroeder (Public Utilities).

STAFF REPORTS:

Joe Don Dunham, Finance Director, presented revenue and expenditure highlights for the period ending January 31, 2022. (On file in the City Clerk's office).

REPORTS: MAYOR/CITY COUNCIL:

Johnson stated there will be a special guest speaker at the Chamber for Black History Month. She stated he will provide information on restoration for land.

Burk reported on FISTA activities for January.

Chapman thanked city employees who will be working during the upcoming bad weather days.

Hankins extended an invitation for those new constituents that are now in her ward due to the redistricting, to please call her if they have any issues.

AUDIENCE PARTICIPATION:

Shane Whitlock, 304 SW 20th Street, spoke to the council regarding problems with a resident at the Aloha Trailer Park.

CONSENT AGENDA:

Mayor Booker stated item #9 will be considered separately and item #2 will be stricken from the agenda.

MOVED by Warren SECOND by Burk to approve the consent agenda with the exception of items #9 and striking #2. AYE: Hankins, Harris, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider approval of the minutes of the Lawton City Council regular meeting of February 8, 2022.
2. Consider accepting the Lawton Parks, Sports and Recreation, Trails and Open Spaces Master Plan, including any floor amendments. **STRICKEN**
3. Consider approving an amended Council Policy 4-5, which includes rescinding the previous policy, renaming of the policy to “Parameters for evaluating, requesting and determining whether certain public construction contracts, or construction management trade contracts or subcontracts qualify for a local bidder preference” and providing parameters for a local bid preference in certain qualifying instances for public construction contracts, construction management trade contracts or subcontracts.
4. Consider a resolution approving the incurrence of indebtedness by the Lawton Metropolitan Area Airport Authority (the “Authority”) issuing its Revenue Note, Series 2022 (AMT), or as further designated (the “Note”), providing that the organizational document creating the Authority is subject to the provisions of the indenture, authorizing the issuance of said Note, waiving competitive bidding with respect to the sale of said Note and approving the proceedings of the Authority pertaining to the sale of said Note; ratifying and confirming a lease agreement, as amended, by and between the Authority and the City of Lawton, Oklahoma, pertaining to certain airport facilities; and containing other provisions relating thereto. **Resolution 22-53**

5. Consider approving the usage of project funds for the payment of on-call inspection services.
6. Consider accepting a temporary easements from John Peters and Carolyn Peters at 5330 NW Elm Avenue, Muhammad Abdul Malik Ali at 5326 NW Elm Avenue, Tai Bostick and Quincy Bostick at 507 SW Coral Avenue, Joe Galloway and Shirley Galloway at 7202 NW Taylor Avenue, and Enrique Munoz and Carmella Mazzola at 1907 SW 43rd Street, for right-of-way needed for the 2017 Ad Valorem Streets and Roads Program (Residential), Phase II, Project No. EN1707P2 and authorize the Mayor and City Clerk to execute the documents.
7. Consider awarding (RFPCL22-016) Printing, Copying and Maintenance Services to High Tech Office Systems of Lawton, Oklahoma.
8. Consider awarding CL22-028 Cationic Polymer to Hawkins Inc. of Roseville, MN.
9. Consider awarding RFPCL22-021 Fire Service Cost Recovery Billing and Collection to Fire Recovery USA.

Chief Jared Williams, Lawton Fire Department, updated the council on the cost recovery program. He stated although this was not the lowest vendor and they do charge a higher fee for collection, it is a better deal for the citizens because they have been with this vendor for the past seven years and they have had a 97% collection rate. The lowest vendor only has a 40% - 70% collection rate.

MOVED by Warren SECOND by Chapman to award RFPCL22-021 Fire Service Cost Recovery Billing and Collection to Fire Recovery USA. AYE: Hankins, Harris, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

10. Consider awarding CL22-027 Precast Concrete Manholes to Primary Structure, Inc. of Guthrie, OK
11. Consider approving appointments to boards and commissions.

LMPO

Council Member Allan Hampton
1202 NW Bell Avenue
Lawton, OK 73507
Council Term

City Planning Commission (CPC)

Michael Logan
625 SW Arbuckle Ave
Lawton, OK 73501
02/22/2025

BUSINESS ITEMS:

12. Hold a public hearing and consider a request for a Use Permitted on Review to allow an indoor medical marijuana grow facility in the F - Floodplain District zoning classification that is located less than 1,000 feet from a non-agricultural or flood zone. The request is located at 1614 SE Sharps Lane, Lawton, OK 73501.

Kameron Good, Planner I, reported information on the request.

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

MOVED by Warren SECOND by Fortenbaugh to approve a request for a Use Permitted on Review to allow an indoor medical marijuana grow facility in the F - Floodplain District zoning classification that is located at 1614 SE Sharps Lane. AYE: Hankins, Harris, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

13. Discuss duties of the Lawton Traffic Commission and direct any desired functional changes.

Larry Wolcott, Public Works Director, stated during the December 7, 2021, City Council meeting, the need and duties of the Lawton Traffic Commission were questioned. Part of this discussion was the process of approval and installation of speed tables as stated in the current Neighborhood Traffic Calming Policy. This policy contains specific criteria for installation of traffic calming devices and was approved by the Traffic Commission on July 16, 2020, and subsequently approved by City Council on August 11, 2020, with Resolution No. 20-71. The Traffic Commission is established under Lawton City Code 2-3-4-326 and has the duties to coordinate traffic reports, receive complaints having to do with traffic matters, and recommend to the council and to the city traffic engineer, chief of police and other city officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.

Warren stated his issue with this item is the installation of speed tables. He feels the criteria need to change or they need a short cut to council. He feels they need to make it easier to place these speed tables. He suggested they ask staff to bring back less restrictive rules and possibly look at having money in each budget to do a couple roads in each ward.

Chapman stated she has many calls requesting speed tables and she has to explain that there are only one set per ward. It is her understanding that there are 200 bolts that are used to secure these temporary speed tables and when they are removed the street has to be repaired.

Wolcott stated the holes are filled with epoxy.

Chapman stated everyone is getting complaints about speeding.

Burk stated a lot of communities are putting in asphalt tables that are permanent. He stated they only have eight sets and that is not enough. They really need to address this issue.

Wolcott stated the temporary tables are \$6,000 - \$7,000 and the asphalt units would be \$5,000. The asphalt would be permanent.

Mayor Booker questioned if staff has put in any permanent speed tables after moving the temporary ones out and do we have a policy for permanent speed tables.

Wolcott stated no. He stated the traffic calming policy would apply to both permanent and temporary.

Mayor Booker suggested that a council person work directly with staff and if there is a reason why a speed table should not go there then staff can discuss it with the council member.

Wolcott stated it is at the council's discretion.

Burk stated in most cases the speed tables will not be moved. He feels the permanent tables are the answer and they need to start building them today. They need to start setting aside some money. He feels it should be up to the council and he does not feel the traffic commission has to approve it.

Harris stated he served on the traffic commission for many years and during that time speed bumps were not the preferred method of controlling speed. He questioned if the attitude has changed.

Wolcott stated this issue was brought up by council in 2020 and prior to that they did not install speed tables.

Harris stated as he recalled, it was because there was a chance the city would be held liable if there was some damage.

Wolcott stated a lot of communities do not have them for that reason.

Harris stated they need to modernize the traffic control system. He also feels they need to change the parameters.

Fortenbaugh stated it is a good policy, but he is concerned about the requirements to qualify for a speed table. He feels having permanent tables is a good idea. He feels that if they upgrade the lights so they can move everyone along, they won't be cutting through the neighborhoods.

Johnson stated the question is if the council can work directly with staff to establish where these will go and not have to go through the traffic commission.

Wolcott stated there is nothing to stop council from directly having a speed table installed at their discretion.

Warren stated the permanent speed table is the way to go and they should put up the temporary ones and use those in areas where they are detouring traffic from an arterial through a neighborhood because of construction.

Cleghorn stated when council works with staff they need to consider that these are permanent. He stated they could probably fund one or two per ward each year. He stated they do not want to put these in arterials or heavy traffic areas because of possibility of damaging emergency vehicles.

MOVED by Warren SECOND by Fortenbaugh to direct the city manager to provide in each budget, the proper funding to install permanent speed tables, two per ward, in each years' budget, subject to available funding.

Harris questioned if Council Member Warren would amend his budget to include “temporary or permanent”.

Warren stated if they install permanent, it will make them more mindful of where they are placed. There is a lot of money involved.

VOTE ON MOTION: AYE: Hankins, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: Harris. MOTION CARRIED.

14. Consider a Resolution approving the trust indenture creating the Lawton Youth Sports Authority; providing for appointment of the initial trustees; setting forth the purposes of the trust, the trust estate, and powers of the trustees; authorizing the acceptance of the beneficial interest of the trust by the beneficiary, the City of Lawton; making any floor amendments Council deems necessary; and authorizing the execution of the trust indenture as appropriate.

Ratliff stated subject to this document being approved, the sports authority will be able to begin functioning.

Burk stated this is the right way to do this. His only concern is how they are appointed. He stated usually they are spread out in different organizations. He suggested they set out how those people are appointed. As positions become vacant they are re-appointed by those that are left on the trust. It then becomes political. He suggested the Mayor still appoints two people, but not council members, the chamber appoint a member, one from parks and recreation commission, a couple members from Lawton Public Schools, and two members from council, appointed by council. He believes those positions should be filled equitable and that no one would have control of the situation. He feels that the members should be picked by groups, rather than 8 picking who the replacement would be.

Mayor Booker stated the idea is to keep people that are engaged in the sports programs. He stated all the group does is nominate, the council appoints members. The technical or advisory committee is where they would put people from LPS, Cameron or the chamber that they want to work with, and they would constantly be involved.

Brian Henry stated they tried to spread out expertise and made sure they had people who had kids in that range that would be participating. He feels they have a broad range of members. The council would have the final say so.

Burk stated he has never seen a trust put together this way.

MOVED by Chapman SECOND by Warren to approve **Resolution 22-54** approving the trust indenture creating the Lawton Youth Sports Authority; providing for appointment of the initial trustees; setting forth the purposes of the trust, the trust estate, and powers of the trustees; authorizing the acceptance of the beneficial interest of the trust by the beneficiary, the City of Lawton; making any floor amendments Council deems necessary; and authorizing the execution of the trust indenture as appropriate. AYE: Hankins, Harris, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

15. Consider approving Change Order No. 21 to the contract between Flintco, LLC and the City of Lawton and accepting the construction of the Public Safety Facility Project EN1406 and putting the maintenance bond into effect.

Joe Painter, Engineering Director, stated this is the final change order for the public safety center. This will be the last payment to the contractor and will close out the project.

MOVED by Burk SECOND by Warren to approve Change Order No. 21 to the contract between Flintco, LLC and the City of Lawton and accepting the construction of the Public Safety Facility Project EN1406 and putting the maintenance bond into effect. AYE: Hankins, Harris, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

STAFF REPORT:

Christine James, Parks and Recreation Director, updated the council on the cemetery arch evaluation. She stated the current company cannot fulfill their agreement and she will move forward as quick as possible in finding another company.

The Mayor and Council convened in executive session at 2:58 p.m. and reconvened in regular, open session at 3:59 p.m. Roll call reflected all members present excluding Mayor Booker who left the meeting at 2:58 p.m.

EXECUTIVE SESSION ITEMS:

16. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss an action relating to litigation against the manufacturers and distributors of opioids in an effort to hold them accountable for their marketing practices alleged to have caused public nuisance and monetary damages suffered by municipalities, specifically, the City's pending litigation as part of In Re: National Prescription Opiate Litigation MDL No. 2804, and if necessary take action in open session.

Ratliff read the title of item #16. No action was taken.

17. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case styled City of Lawton vs. Darryl D. Dunn; Christine J. Downs; United States Postal Service; McDonald's USA, LLC, successor by merger to System Capital Real Property Corp.; Family Video Movie Club, Inc.; BancFirst, successor by merger to Security Bank & Trust Co.; and KRSB, LLC, entered in Case No. CJ-2021-473, in the District Court of Comanche County, State of Oklahoma, and, if necessary, take appropriate action in open session.

Ratliff read the title of item #17.

MOVED by Fortenbaugh SECOND by Burk to accept a cash settlement offer from the Dunns', pay the back taxes to the county treasurer and accept a quit claim deed from the Dunns' for the property in question. AYE: Hankins, Harris, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

18. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Traci Hushbeck as City Clerk, and in open session take other action as necessary.

Ratliff read the title of item #18.

MOVED by Burk SECOND by Chapman to approve a 5% pay increase for Traci Hushbeck, City Clerk. AYE: Hankins, Harris, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 4:01 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK