

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MARCH 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
COL Rhett A. Taylor, Fort Sill Liaison

Mayor Booker called the meeting to order at 2:05 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. Robert Weger, Bible 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
Allan Hampton, Ward Five
Sean Fortenbaugh, Ward Six
Onreka Johnson, Ward Seven (Left @ 2:41 p.m.)
Randy Warren, Ward Eight

ABSENT:

None

REPORTS: MAYOR/CITY COUNCIL

Chapman stated the Meadowbrook Heinze Neighborhood Watch meeting will be this Monday at 7 p.m. at St. Paul's United Methodist Church. Detective Dye will be the speaker.

Johnson stated there will be an open house at Owens Multipurpose Center on March 25th. Organizations that provide services to the community will be in attendance.

PROCLAMATIONS:

Outstanding Citizens of the Month to Donna Campos Barahona

Mayor Booker presented a Certificate of Commendation from the Mayor's Office to Donna Campos Barahona

American Red Cross Month

Mayor Booker proclaimed March 2022 as American Red Cross Month.

AUDIENCE PARTICIPATION:

Debra Johnson, 6927 NW Maple Drive, reported on community events to include events at the neighborhood level and Trails Fest which will be held on June 17-18, 2022.

Joe Bailey, 2723 NE Euclid, stated it is essential for people who ride the bus to be able to visit businesses downtown as well as the library and putting the transfer station away from the center of town is a bad idea. He stated the sports complex does not belong in Elmer Thomas Park.

CONSENT AGENDA:

Mayor Booker stated item #9 will be considered separately.

MOVED by Warren SECOND by Chapman to approve the consent agenda with the exception of item #9. AYE: Hankins, 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 March 8, 2022.
2. Consider approving a resolution amending the City of Lawton FY21-22 budget, as amended, by appropriating \$60,113.84 to the Equipment Maintenance Division's Petroleum Products account to alleviate the expected shortfall due to increased fuel costs. **Resolution 22-73**
3. Consider authorizing the Fire Department to accept rope rescue equipment and two Minirae calibration kits from the State Office of Homeland Security Grant Program.
4. Consider directing staff to evaluate the potential financial benefits of further amending the Lawton Downtown Economic Development Project Plan, which established TIF Districts 1 and 2, to further assist with funding long term economic development activities within the downtown area, including the Central Plaza (formerly the Central Mall) and the FISTA Innovation Park.
5. Consider authorizing the Mayor and City Clerk to execute a TEFRA approval form in connection with the issuance of the Airport Revenue Note, Series 2022.
6. Consider approving Amendment No. 1 to the November 16, 2021, agreement with Jacobs Engineering for additional design services related to the Cache Road Waterline Replacement Project PU2107.
7. Consider approving Amendment No. 1 to Lease-Purchase Agreement for Eastlake Addition, Sewer No.1, with 227 Group, LLC., and authorize the Mayor to execute the agreement.

8. Consider approving Amendment No. 1 to Lease-Purchase Agreement for Oak Pointe Addition, Sewer and Water, No.1, and Oak Ridge Addition, Water No.1, with Brentwood Development, Inc., and authorize the Mayor to execute the agreement.
9. Consider granting a Limited Access Easement to FTG Brown, LLC. for a driveway and water service line across city owned property adjacent to 1010 S Railroad Street and authorize the mayor to execute the easement.

Ratliff stated the agenda included a map of the location of the proposed driveway which excluded the location of a water service line. He has given a revised map to the City Clerk.

MOVED by Burk SECOND by Hampton to approve granting a Limited Access Easement to FTG Brown, LLC. for a driveway and water service line across city owned property adjacent to 1010 S Railroad Street. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

10. Consider awarding the proposal for RFPCL22-032 Landfill Compactor Financing Lease-Purchase Agreement to Arvest Bank of Lawton, Oklahoma.
11. Consider awarding contract CL22-014, Landfill Compactor, to Al-Jon by C&C MFG, LLC in the amount of \$942,823.00.
12. Consider extending CL21-016 Electric Services at the Wastewater Treatment Plant for an additional year to only one of the original three vendors, Patco Electrical Services of Oklahoma City, OK.
13. Consider extending the contract (CL-21-019) Maintenance of Public Grounds with Lawn Wizards of Lawton, Ok for an additional year.
14. Consider approving appointments to boards and commissions.

Historical Preservation Committee

Ryan Studebaker
2512 NE Kingsbriar Avenue
Lawton, OK 73507
01/27/2024

Mayor's Commission on the Status of Women

Dana Parrish- Ward 4
1018 SE Alta Lane
Lawton, OK 73501
03/10/2024

Parks & Recreation Commission

Jason Wells
3707 NE East Lake
Lawton, OK 73507
01/01/2024

Race Relations Commission

Alexandra Kalldin
6913 SW Fenwick Ave
Lawton, OK 73505
02/23/2025

Youth and Family Affairs Committee (YFAC)

Davison Virgil
132 Berkshire Way
Lawton, OK 73501
03/09/2025

BUSINESS ITEMS:

15. Receive an update on the status of the professional services agreement with Stantec Architecture Inc. for the City of Lawton's Youth Sports and Recreation Facility; and consider directing staff to terminate said agreement and to develop and evaluate potential options for the Sports Facility project to be brought back to council for consideration.

Dewayne Burk, Deputy City Manager, updated the council on the status of the Youth Sports and Recreation Facility. He stated they have been unsuccessful in obtaining a favorable agreement with Stantec Architecture. He stated Stantec proposed a standard AIA contract and city staff could not come to terms with some of the verbiage. They have basically reached an impasse. He stated it was originally a \$12 million project with \$8 million from CIP funding and \$4 million raised through fundraising. He stated now they are looking at a budget of \$20 million to \$24 million. Today they are asking council to direct staff to send notice to terminate this agreement, which will give staff the opportunity to go back and meet with the steering committee to look at some potential ideas to help this project move forward. He feels they have a good plan in place.

Chapman stated she has read that the architecture firm did not want to work with the City.

D. Burk stated he had not heard that, but there were multiple issues and they felt they could not get a favorable agreement.

Chapman stated she just wanted to clear up all the misinformation.

Burk stated they need this project to move forward but they never thought it would be in the \$20 million range. He suggested they set a limit on how much we will spend when awarding a contract.

D. Burk stated the prices of material has gone out of sight and there is no way you can get the kind of facility this community wants to see for that amount of money. They want to go back and look at other potential options on how they can make this work. They need to regroup and come up with a better plan.

Hampton stated they need to get this moving as quickly as possible.

Cleghorn stated Stantec was very professional in dealing with our engineering staff, but they just could not see eye to eye on how the contract was structured. It was a very professional process.

Hampton stated they do have to represent the citizens because they do have a voice. They just want to make sure there is some clarity in what they were thinking.

Warren stated this will give us a chance to look at everything and this does not change the intention of the Youth Sports Committee Authority. This is an ongoing effort, and that activity is still going forward. He hopes that staff, along with the citizens, can bring back some ideas.

Mayor Booker stated we did not ask anything of Stantec that we don't ask of any other architect that we deal with.

D. Burk stated we do not have a standardized contract and we are working on that right now. The AIA's type of contract heavily favors the architect.

Harris questioned if we visited other cities and looked at the cost of similar facilities.

Brian Henry, Chairman of the Lawton Youth Sports Committee, stated they did look at other facilities. He stated they started this eight years ago and the numbers have changed. Norman is looking at a similar project in the amount of \$36 million.

MOVED by Hankins SECOND by Harris to direct staff to terminate the professional services agreement with Stantec Architecture Inc. and to develop and evaluate potential options for the Sports Facility project to be brought back to council for consideration. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

16. Consider approving an ordinance amending the employee retirement system, defined contribution plan for the City of Lawton, Oklahoma by adopting a revised and restated retirement plan; providing retirement benefits for eligible employees of the City of Lawton, Oklahoma; providing for purpose and organization; providing for definitions; providing for eligibility and participation; providing for non-alienation of benefits; providing for employer and employee contributions; providing for accounting, allocation, and valuation; providing benefits; providing for required notice; providing for amendments and termination; providing for transfer to and from other plans; creating a retirement committee and providing for powers, duties, and rights of retirement committee; providing for payment of certain obligations; providing for duration and payment of expenses; providing for effective date; providing for vesting schedules; providing for a fund to finance the system to be pooled with other incorporated cities, towns and their agencies and instrumentalities for purposes of administration, management, and investment as part of the Oklahoma Municipal Retirement Fund; providing for payment of all contributions under the system to the Oklahoma Municipal Retirement Fund for management and investment; providing for repealer and severability; adopting those amendments mandated by the Internal Revenue Code; and declaring an emergency; and authorize the execution of said ordinance, to include the attached joinder agreement and any other documents authorized by the ordinance, as necessary.

Craig Akard, Human Resources Director, stated OkMRF's Defined Contribution Master Plan and Joinder Agreement were recently amended and restated and approved by the Internal Revenue Services (IRS). OkMRF, as our defined contribution plan provider, must follow a six-year filing cycle for preapproved plans in order to retain plan qualification and obtain a determination letter from the IRS. Upon approval by the IRS, it requires the OkMRF Board and each participating member to formally adopt these new documents containing the updated plan language. The OkMRF Board of Trustees approved the Amended and Restated Defined Contribution Master Plan and Joinder Agreement at its December 2021 board meeting. OkMRF is now requesting the City Council approve the proposed ordinance, which includes Exhibit "A" the Oklahoma Municipal Retirement Fund Master Defined Contribution Plan Joinder Agreement and as Exhibit "B" the Oklahoma Municipal Retirement Fund Master Defined Contribution Plan.

MOVED by Burk SECOND by Hampton to adopt **Ordinance 22-10**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 22-10

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE CITY OF LAWTON, OKLAHOMA BY ADOPTING A REVISED AND RESTATED RETIREMENT PLAN; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF LAWTON, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR NON-ALIENATION OF BENEFITS; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A RETIREMENT COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES, TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENT AS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR REPEALER AND SEVERABILITY; ADOPTING THOSE AMENDMENTS MANDATED BY THE INTERNAL REVENUE CODE; AND DECLARING AN EMERGENCY.

17. Consider approving an ordinance pertaining to personnel policies and procedures, including any floor amendments that may be made thereto, amending Sections 17-1-1-102, 17-1-1-137 and 17-1-1-137.2 of Divisions 17-1-1 & 17-1-4, Article 17-1, Chapter 17, Lawton City Code, 2015, by redefining "Introductory Period" and "Introductory Status," addressing the

relationship between introductory periods and employee transfers, including as to rescinding promotions and voluntary demotions; providing for severability and providing an effective date.

Akard stated the proposed ordinance redefines “Introductory Period” and “Introductory Status” to be that period of time while a new employee has been employed by the City of Lawton for less than twelve total months from their date of hire, or when current employees who have been employed by the City of Lawton for over one year but less than ten years, have been demoted or transferred to another position (excluding promotions), the twelve month period after the employee accepts the new position. The amendment also provides that employees who accepting a voluntary demotion shall be placed in an introductory status for twelve months commencing on the date of demotion unless the affected employee has more than ten years of total service with the city. For employees who are promoted, the amendment gives the city manager authority to involuntarily rescind a promotion within the first six months. The amendment provides that employees so removed from a promoted position within the first six months, either voluntarily or involuntarily, will be restored to the employee’s former position or a similar position, and if that employee was in a probationary status in their former position prior to being promoted, that probationary status will continue for the remainder of its original probationary term.

MOVED by Warren SECOND by Harris to adopt **Ordinance 22-11**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 22-11

AN ORDINANCE PERTAINING TO PERSONNEL POLICIES AND PROCEDURES, AMENDING SECTIONS 17-1-1-102, 17-1-1-137, 17-1-1-137.2 OF DIVISIONS 17-1-1 & 17-1-4, ARTICLE 17-1, CHAPTER 17, LAWTON CITY CODE, 2015, BY REDEFINING “INTRODUCTORY PERIOD” AND “INTRODUCTORY STATUS,” ADDRESSING THE RELATIONSHIP BETWEEN INTRODUCTORY PERIODS AND EMPLOYEE TRANSFERS, INCLUDING AS TO RESCINDING PROMOTIONS AND VOLUNTARY DEMOTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

18. Consider amending an ordinance to littering-dumping trash-penalties, 16-3-1-321 Chapter 16, Lawton City Code, 2015, updating language to reflect state statute and updating penalties, providing for severability; and establishing an effective date.

Janet Smith, Community Services Director, stated this change will standardize and update our language to reflect state law and give more flexibility on sentencing with regards to littering.

Mayor Booker questioned if this was littering or trash and debris from businesses.

Smith stated it is both. It would be for homeowners as well as businesses.

Mayor Booker stated he is glad we are doing this, and he can see the impact.

Harris questioned if the flaming or glowing substance was referring to cigarette butts.

Ratliff stated that would include cigarette butts or vaping products.

Harris questioned if chains dragging would be included.

Ratliff stated he supposed that would work.

Hampton questioned when this would go into effect.

Ratliff stated 30 days.

Burk stated LETA is working on this issue, and it is unbelievable how much trash is picked up in this city. He stated we need help on the cigarette butt issue and hopefully this will help.

Fortenbaugh stated he is concerned that this is difficult to enforce. He stated with this new one it goes from \$750 to \$300 for non-flammable. He questioned why this penalty was lowered.

Ratliff stated they wanted to give the prosecutor the ability to negotiate.

Warren stated he wanted to make sure that apartment managers understand that this applies to them when they have a dumpster that becomes over full and there is trash laying out in the parking lot.

Cleghorn stated this ordinance will address those concerns.

Harris questioned if there is any way to give relief to some property owners who get trash dumped on their property by others.

Smith stated she is confident that our code enforcement officers are compassionate, and they speak with her before they issue citations if they feel it will be problematic. They work with the residents to be sure that staff understands the circumstances.

Harris questioned if we could send out one of our trucks to clean it up.

Smith stated that would have to be approved by the City Manager.

Mayor Booker stated we are getting blowing trash in neighborhoods because people are not bagging their trash, and this could apply to them. He questioned if we have started the sticker program to remind people of the rules.

Smith stated there have been education campaigns.

MOVED by Burk **SECOND** by Hampton to adopt **Ordinance 22-12**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 22-12

AN ORDINANCE PERTAINING TO LITTERING-DUMPING TRASH-PENALTIES, 16-3-1-321 CHAPTER 16, LAWTON CITY CODE, 2015, UPDATING LANGUAGE TO REFLECT STATE STATUTE AND UPDATING PENALTIES, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

STAFF REPORTS:

Receive a report for a Corridor Pavement Evaluation Study by EST., Inc. of the SW Lee Boulevard from SW 97th ST to I-44 and SW Goodyear Boulevard from SW Lee Boulevard to NW Cache Road, Project No. EN2002 - Amanda Newberry, EST, Inc. (On file in the City Clerk's Office)

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

Update on Utility Billing Transition - Al Doctor, Deputy IT Director

Update on the FY 2023 Budget Process – Joe Don Dunham, Finance Director

The Mayor and Council convened in executive session at 4:00 p.m. and reconvened in regular, open session at 4:45 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

19. 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 #19.

MOVED by Harris **SECOND** by Warren to approve a first amendment to the retainer agreement for professional services between the City of Lawton and the law firm Rupert, Steiner and Morgan, said amendment: (1) authorizing partner Geren Steiner to enter an appearance in the litigation at the rate of \$200 per hour; and (2) clarifying that work done by paralegals/legal assistant from the firm will be at the rate of \$5.00 per hour with the City to get a credit for any such paralegal/legal assistant work billed to date in excess of this hourly rate. the consent agenda with the exception of items #5, #8 and #11 and striking #3. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

MOVED by Harris SECOND by Warren to approve a professional services agreement with Gwendolyn Spencer at the rate of \$80 per hour. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

20. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the status of an ongoing investigation concerning pension calculations, and if necessary, take appropriate action in open session.

Ratliff read the title of item #20.

MOVED by Burk SECOND by Warren to reject the pension board's January 27, 2022, recommendation to adopt an ordinance amending prospectively the definition of "average final monthly compensation", and instead instruct staff to continue with the direction council previously gave in its September 28, 202 motion. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 4:46 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK