

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MAY 10, 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 2:45 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. James Gorham, New Zion Missionary Baptist Church, followed by the Pledge of Allegiance.

Posting of Colors - MacArthur ROTC

ROLL CALL

PRESENT: Mary Ann Hankins, Ward One
Kelly Harris, Ward Two
Linda Chapman, Ward Three
Jay Burk, Ward Four
Randy Warren, Ward Eight

ABSENT: Allan Hampton, Ward Five
Sean Fortenbaugh, Ward Six
Onreka Johnson, Ward Seven

PROCLAMATIONS:

Presentation of Outstanding Citizen of the Month to Summer Hurley-Jacks

Mayor Booker presented a Certificate of Commendation from the Mayor's Office to Summer Hurley-Jacks

Asian American and Pacific Islander Heritage Month

Mayor Booker declared May 2022 as Asian American and Pacific Islander Heritage Month

National Public Works Week

Mayor Booker recognized National Public Works Week. He presented the proclamation to public works staff.

Flood Awareness Month

Mayor Booker declared May 2022 as Flood Awareness Month. He presented the proclamation to City staff.

National Police Week

Mayor Booker declared the week of May 2022 as National Police Week. He presented the proclamation to Chief James Smith.

REPORTS: MAYOR/CITY COUNCIL:

Burk thanked all the volunteers who worked at Trash Off.

AUDIENCE PARTICIPATION: None

CONSENT AGENDA:

Mayor Booker stated item #5 will be considered separately and items #10 and #12 will be stricken from the agenda.

MOVED by Warren SECOND by Burk to approve the consent agenda with the exception of item #5 and striking items #10 and #12. AYE: Hankins, Harris, Chapman, Burk, Warren. NAY: None. MOTION CARRIED.

1. Consider approval of the minutes of the Lawton City Council regular meetings of April 12 and April 26, 2022.
2. Consider approving the professional services agreement between the City of Lawton and Collins, Zorn & Wagner, PLLC, for actions brought pursuant to 42 U.S.C. §§ 1983, et seq, and authorize the Mayor and City Clerk to execute the Agreement.
3. Consider approval of an Assignment and Assumption of Leases between the City of Lawton and the FISTA Development Trust Authority effective on the date of the Lease Agreement between the City and Trust for the Lawton Central Plaza property (formerly known as the Central Mall), wherein the City is Assignor and the Trust is Assignee enabling the Trust to administer, observe, perform, fulfill and be bound by all the terms, covenants, conditions and obligations of the lessor under the existing retail leases which arose and accrue as of the date of the Lease Agreement between the City and Trust, and authorize the Mayor to execute the Assignment.
4. Consider authorizing the purchase of 140 Taser 7's in the amount of \$469,224.00 for the purpose of replacing the Lawton Police Departments obsolete Taser X26 models.
5. Consider revising the hours of operation for the Owen's Multipurpose Center, H.C. King Center, and Patterson Center to allow for increased public participation.

Christine James, Parks and Recreation Director, stated the agenda item states the effective date is May 31st, but because of staffing shortages they will not be able to start the Saturday openings until later in the summer.

MOVED by Burk SECOND by Warren to approve revising the hours of operation for the Owen's Multipurpose Center, H.C. King Center, and Patterson Center. AYE: Hankins, Harris, Chapman, Burk, Warren. NAY: None. MOTION CARRIED.

6. Consider establishing the City's Aquatics facilities operation hours for the 2022 season.
7. Consider approving a professional services proposal from Water Technology Inc. (WTI) to perform an evaluation of the city's wading pools for the purpose of providing a cost analysis on the feasibility of repairing and/or restoring the City's wading pools versus replacing them with splash pads and authorizing the Mayor to execute the document.
8. Consider a request to pay a fee in lieu of onsite stormwater detention for the single-family residential building permit located at 7002 SW Bishop Road in the amount of \$553.75.
9. Consider authorizing the filing of a Programmatic Application to the Oklahoma Water Resources Board (OWRB) requesting financial assistance via a Clean Water State Revolving Fund (CWSRF) loan to comply with an Oklahoma Department of Environmental Quality (DEQ) consent order in the amount of up to approximately \$45 million.
10. Consider and take action with respect to a resolution of the City of Lawton, Oklahoma (the "City") approving action taken by the Lawton Water Authority (the "Authority") authorizing issuance, sale and delivery of a promissory note or notes in one or more series of the Authority to the Oklahoma Water Resources Board (OWRB) in the total aggregate principal amount of not to exceed \$45 million; ratifying and confirming a lease agreement, as amended pertaining to certain water, sanitary sewer, and refuse systems; and containing other provisions related thereto. **STRICKEN**
11. Consider authorizing the filing of a Programmatic Application to the Oklahoma Department of Environmental Quality (ODEQ) requesting financial assistance through a Drinking Water State Revolving Fund (DWSRF) loan to complete certain Water system improvements in the amount of up to approximately \$33 million.
12. Consider and take action with respect to a resolution of the City of Lawton, Oklahoma (the "City") approving action taken by the Lawton Water Authority (the "Authority") authorizing issuance, sale and delivery of a promissory note or notes in one or more series of the Authority to the Oklahoma Department of Environmental Quality (ODEQ) in the total aggregate principal amount of not to exceed \$33 million; ratifying and confirming a lease agreement, as amended pertaining to certain water, sanitary sewer, and refuse systems; and containing other provisions related thereto. **STRICKEN**
13. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures at NW 45th Street at Santa Fe Avenue, NW 38th Street at Learning Tree Academy, 1908 NW 38th Street, NW Blackstone Trail at NW Newgate Drive, NW Maple Avenue at NW 65th Street, McMahon Dog Park and SW Wolf Street at the Lawton Cricket Ground.

14. Consider approving Agreement between City of Lawton and CMS Willowbrook, Inc. for Construction Manager at Risk (CMAR) Services for the Project EN2004A City Hall Renovation.
15. Consider approving Agreement between City of Lawton and CDBL, Inc. for Construction Manager at Risk (CMAR) Services for the Project EN2108P1 McMahon Auditorium and Renovation, Phase 1.
16. Approve Change Order No 1 to CL20-022 Rock Hauling with only the primary vendor, Spence Transportation of Elgin, Oklahoma.
17. Consider awarding (RFPCL22-026) City Wide Hardware Software Contract to The Jasper Group International of Delray Beach, Florida.
18. Consider approving appointments to boards and commissions.

Mayor's Commission on the Status of Women

Indie Michaels- Ward 6 New Appointment
1421 NW Great Plains Blvd
Lawton, OK 73505
UT 11/16/2023

Museum of the Great Plains Authority (MGPA)

Joanne Gaasbeck- Mayor's Reappointment
612 NW Micklegate
Lawton, OK 73505
06/30/2025

Parks and Rec Commission

Terry Brierton- Ward 2 Reappointment
1314 NW Maple Avenue
Lawton, OK 73507
01/01/2024

UNFINISHED BUSINESS ITEMS:

19. Consider awarding contract (RFPCL22-039) Concession Lease - Grandview Sports Complex and the associated 'Lease and Non-Exclusive Concession Operation Agreement', to Lasill Optimist Club of Lawton, OK, for a one-year term.

Keith Neitzke, Leisure Services Administrator, stated they clarified everything in the contracts, and they now reflect the 23% except for item #22 which reflects 22%.

MOVED by Harris SECOND by Chapman to award contract (RFPCL22-039) Concession Lease - Grandview Sports Complex and the associated 'Lease and Non-Exclusive Concession Operation Agreement', to Lasill Optimist Club of Lawton, OK. AYE: Hankins, Harris, Chapman, Burk, Warren. NAY: None. MOTION CARRIED.

20. Consider awarding contract (RFPCL22-040) Concession Lease -Ahlshlager Park and the associated ‘Lease and Non-Exclusive Concession Operation Agreement’, to LaSill Optimist Club of Lawton OK, for a one-year term.

MOVED by Harris SECOND by Warren to award contract (RFPCL22-040) Concession Lease -Ahlshlager Park and the associated ‘Lease and Non-Exclusive Concession Operation Agreement’, to LaSill Optimist Club of Lawton OK. AYE: Hankins, Harris, Chapman, Burk, Warren. NAY: None. MOTION CARRIED.

21. Consider awarding contract (RFPCL22-041) Concession Lease - Eastside Park and the associated ‘Lease and Non-Exclusive Concession Operation Agreement’, to LaSill Optimist Club of Lawton OK, for a one-year term.

MOVED by Harris SECOND by Burk to award contract (RFPCL22-041) Concession Lease - Eastside Park and the associated ‘Lease and Non-Exclusive Concession Operation Agreement’, to LaSill Optimist Club of Lawton OK. AYE: Hankins, Harris, Chapman, Burk, Warren. NAY: None. MOTION CARRIED.

22. Consider extending (RFPCL21-021) Concession Lease McMahon Park to LaSill Optimist Club of Lawton, OK and authorize the City Council and Mayor to enter into a Concession Lease Agreement for same.

MOVED by Harris SECOND by Hankins to extend (RFPCL21-021) Concession Lease McMahon Park to LaSill Optimist Club of Lawton, OK. AYE: Hankins, Harris, Chapman, Burk, Warren. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

23. Discuss the process of the possible de-annexation of property lying west of SW 67th Street and south of SW Bishop Road and provide staff with further direction, as necessary.

Cleghorn stated this item is to get clarification on if the area should be de-annexed or only for those property owners who wish to be de-annexed. Should staff proceed as a whole or with spot de-annexation. He stated citizens have called with questions.

Mayor Booker stated if we de-annex part, wouldn’t the ones remaining want us to put in the water line that we can’t justify for all of them?

Cleghorn stated yes.

Mayor Booker questioned if staff has met with citizens to discuss the potential of an improvement district or any other options.

Cleghorn stated staff first needs clarification if this is a one or all situation, then they can look at meeting with citizens.

Burk stated for some citizens this has been going on for a long time and this is becoming an issue for them. He feels you either do it for all or don't do any of it and he feels they need to de-annex it all.

Cleghorn stated they just needed to seek clarification and he feels they have that now.

Harris questioned if it was even possible to de-annex certain lots and not others.

Cleghorn stated he does not think so, but he feels it would not be practical.

Warren stated this causes a situation where you skirt around the development of a subdivision which is the opposite of what we want to do. If someone want to put in a subdivision they need to follow the same rules as far as putting in the infrastructure at their own cost and then attaching it to the City's infrastructure. If they carve out a small section, that still does not solve the fire flow problem. He fees they need to de-annex the whole thing.

Janet Smith, Community Services Director, stated staff needed some direction from the council as to whether they needed to have a community meeting and invite those residents to come and inform us as to whether they want to be part of the de-annexation.

Burk stated he does not have a problem with having a meeting, but he is not sure they have much choice because of the fact that we are not willing to put in the water line at that cost. He stated the citizens would have the option of an improvement district.

Warren stated he would request that staff put together the proper people, choose a location, and provide information to citizens that are interested in an improvement district.

Cleghorn stated he is hearing that there is a consensus to recommend staff move forward with this discussion item and present the improvement district recommendations or conditions, if that were to occur, and bring that response back to council after that meeting has occurred and update council on those proceedings.

Harris stated he received several calls from developers who feels it would not be fair for the City to put this in when they had to pay when they put in developments.

STAFF REPORTS:

James stated an evaluation and bid was submitted to repair the arch at Highland Cemetery in an amount of \$114,732. She stated they are currently working on an RFP to go out for bids.

Cleghorn recognized Shivani Rani, Engineering Department, for receiving her Professional Engineer designation. He also recognized Craig Akard, Human Resources Director, for receiving his Professional Human Resources Manager designation.

The Mayor and Council convened in executive session at 3:24 p.m. and reconvened in regular, open session at 4:57 p.m. Roll call reflected all members present.

EXECUTIVE SESSION:

24. Pursuant to Section 307C.11, Title 25, Oklahoma Statutes, consider convening in executive session to receive a presentation from the Lawton Economic Development Corporation and discuss the status of ongoing matters pertaining to economic development projects, the public disclosure of which would interfere with the development of products or services and/or violate the confidentiality of the business/businesses, and, if necessary, take appropriate action in open session.

Ratliff read the title of item #24. No action was taken.

25. Pursuant to Section 307B.3, Title 25, Oklahoma Statute, consider convening in executive session to discuss property appraisal of Lawton Public Schools land for a potential trade and, if necessary, take appropriate action in open session.

Ratliff read the title of item #25.

MOVED by Burk SECOND by Chapman to authorize staff to work with Lawton Public Schools to facilitate a land transfer of certain real property and park land from City of Lawton to Lawton Public Schools and from Lawton Public Schools to City of Lawton with staff to bring back to council the final title transferring documents for council approval. AYE: Hankins, Harris, Chapman, Burk, Warren. NAY: None. MOTION CARRIED.

26. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending claim regarding Stantec Architecture, Inc., and if necessary, take appropriate action in open session.

Ratliff read the title of item #26.

MOVED by Hankins SECOND by Harris to direct city staff to withhold payment for the last invoice issues by Stantec Architecture, Inc. to the City and dispute charges through the appropriate dispute resolution mechanism in accordance with the contract between the parties. AYE: Hankins, Harris, Chapman, Burk, Warren. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 5:00 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK