MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MAY 24, 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 2:15 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:
Mary Ann Hankins, Ward One
Kelly Harris, Ward Two
Linda Chapman, Ward Three
Allan Hampton, Ward Five
Sean Fortenbaugh, Ward Six
Onreka Johnson, Ward Seven
Randy Warren, Ward Eight

ABSENT: Jay Burk, Ward Four

PRESENTATIONS:

Certificate of Recognition to Joshua Jenkins

Mayor Booker presented a Certificate of Recognition from the Mayor's Office to Joshua Jenkins.

REPORTS: MAYOR/CITY COUNCIL:

Harris encouraged everyone to attend the Freedom Fest activities.

Chapman stated the Meadowbrook-Heinze Neighborhood Watch met last night and received an update on the FISTA project by James Taylor.

Hampton stated the Farmer Market will host food trucks on May 31st with an evening farmers market. He recognized public safety employees for the way they handled a fire in his ward.

Johnson stated the Ranch Oak Association is going to host the 2nd annual memorial event on Saturday.

AUDIENCE PARTICIPATION: None

CONSENT AGENDA:

Mayor Booker stated items #2 (Tadlock claim), #7, #9 and #17 will be considered separately and items #5 and #6 will be stricken from the agenda.

MOVED by Warren SECOND by Hankins to approve the consent agenda with the exception of items #2 (Tadlock claim), #7, #9 and #17 and striking items #5 and #6. AYE: Hankins, Harris, Chapman, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider approval of the minutes of the Lawton City Council regular meeting of May 10, 2022.

2. Consider the following damage claims recommended for denial: Laura McGrath, River Ranch Property Management on behalf of Erwin Acres, LLC. in the amount of $8,500.00 and Walter Tadlock, in the amount of $1,329.69.

Chris Hall, Assistant City Attorney, briefed the council on the facts of the claim of Walter Tadlock. He is recommending denial because under state statute, title 51, the government tort claims act, a municipality's police department is not held liable for the method of providing police, law enforcement or fire protection.

Walter Tadlock, 705 SW 49th, stated his patio door was shattered and it cost him $1,329. He had to come up with that money in a hurry and he had to borrow most of it, and he has to pay all these people back. He requested the council consider his side.

Warren stated he does not think there is a single person that does not want to pay this. In his heart he feels they owe it but because of state statute, if they were to pay this, it would open them up to other instances of this happening and that would be a bad thing. He stated it is possible that each person on the council could be liable for a taxpayers lawsuit for paying a claim that is not payable under state statute, which would be three times the amount, so you are talking $4,000 apiece. It opens the door for a lot of lawsuits.

MOVED by Warren SECOND by Hankins to deny the claim of Walter Tadlock, in the amount of $1,329.69. AYE: Hankins, Chapman, Hampton, Fortenbaugh, Johnson, Warren. NAY: Harris. MOTION CARRIED.

3. Consider adopting a resolution approving the Joint Petition Settlement and making payments in the workers' compensation claim of retiree Bobby Cooper. **Resolution 22-84**

4. Consider renewing a professional services agreement for bond counsel services with Floyd Law Firm, P.C., of Norman, OK.

5. Consider approving the annual Agreement between Lawton Mobile Meals, Inc. and the City of Lawton for the specific purpose of preserving the health and welfare of homebound elderly and/or disabled citizens of Lawton, Oklahoma in the amount of $48,348.00, and authorize the Mayor and City Clerk to execute the Agreement. **STRICKEN**

6. Consider approving the annual agreement between the Center for Creative Living Corporation and the City of Lawton for services to senior citizens in the amount of $15,844.00 and authorize the Mayor and City Clerk to execute the agreement. **STRICKEN**

7. Consider awarding a professional services contract to Halff Associates, Inc. to develop an Elmer Thomas Park Conceptual Park Plan, and authorizing the Mayor and City Clerk to execute the agreement.

Hampton requested a briefing on this item.

Christine James, Parks and Recreation Director, stated the Parks, Sports & Recreation, Trails and Open Space Master Plan was developed and approved by the City Council on March 8, 2022. This plan will serve as a guide over the next ten to fifteen years on the direction of improvements for the parks and other city recreational facilities. One of the next steps after approving the overall parks master plan, is to concentrate on improvements/changes to individual parks. Elmer Thomas Park is defined as a regional park because of its size and should be looked at as a destination for the citizens of Lawton and surrounding communities. This professional services agreement would allow Halff Associates, Inc. to develop a comprehensive conceptual plan for Elmer Thomas Park that includes elements requested by the community. Halff Associates, Inc., along with staff, plan to have various platforms to allow community input from citizens on what improvements or elements they would like to see within the park. Once public input is gathered, Halff will develop an overall conceptional plan for Elmer Thomas Park. Cost of development of the conceptual plan is estimated to be $75K. After approval of the conceptual plan, then individual improvements can start being made and/or constructed based on guidance from the conceptual plan.

Harris stated years ago he saw a plan for Elmer Thomas Park. He questioned if this lines up with that plan.

James stated there is an older plan, but she cannot find where it ever went to council. She stated the consultant is aware of this plan.

Harris questioned if they should look at the older plan first before they spend this money.

Warren stated this plan has been a moving target and this would provide each council with a target for the future.

Cleghorn stated there are two older plans for the park. Staff is recommending a plan for all the parks that is voted on and approved by this body. Each improvement in excess of a certain amount of money would have to come back to council.

Mayor Booker stated several council members did not feel they were included enough in the community meetings. He suggested they post all these meeting in a way so that council members can attend and take part.

Dewayne Burk, Deputy City Manager, stated they plan on holding several meetings and council involvement will be critical. They will put together three different concepts and bring those back to council.

MOVED by Hampton SECOND by Fortenbaugh to award a professional services contract to Halff Associates, Inc. to develop an Elmer Thomas Park Conceptual Park Plan. AYE: Hankins, Chapman, Hampton, Fortenbaugh, Johnson, Warren. NAY: Harris. MOTION CARRIED.

8. Consider approving an Agreement between the McMahon Auditorium Authority, a public trust, and the City of Lawton for the remainder of this fiscal year to fund: (1) up to \$20,833.00 for Arts and Humanities programs and activities from the 2.125% excise tax approved by the voters on February 11, 2020, and (2) up to \$12,150.00 from hotel/motel tax revenue for the purpose of supporting tourism through Arts and Humanities programs and activities in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement.

9. Consider authorizing ARPA funds in the amount of \$65,436.00 for the purpose of replacing the inoperable mobile breathing air compressor on the Fire Department's heavy rescue unit and an additional \$476,931.94 for the purchase of new SCBAs and equipment to upgrade current SCBAs to the newest standard.

Fire Chief Jared Williams stated the Lawton Fire Department utilizes a heavy rescue truck to deliver personnel and equipment to all structure fires in the City of Lawton. This unit also serves as the department's mobile compressed breathing air unit. The mobile compressor allows self-contained breathing apparatus (SCBA) utilized by firefighters on scene to be filled while at structure fires. This provides the ability for zero down time to fill SCBA cylinders, to continue to work on incidents that require long scene times, and for the personnel and apparatus to be immediately available for response after departure from a scene. SCBAs are an invaluable piece of our firefighting equipment and having a mobile compressor is essential to meeting the department's mission. The mobile compressor currently on Squad 4 was purchased in 2011 and manufactured by SCOTT. Currently the compressor is inoperable and part availability is limited since the compressor is now obsolete. The identified replacement unit is available via state contract thereby meeting the city's purchasing requirements. In addition, the majority of the Fire Department's current SCBA inventory is no longer supported due to the fact that those models are no longer being made. The SCBA is a critical tool that allows firefighters to perform interior operations that are crucial to the successful mitigation of hazardous environments, including, but not limited to: rescue and removal, offensive fire attack, and ventilation. The approval of this purchase would allow the Fire Department to comply with National Fire Protection Association (NFPA) standards 1852 and 1981. This equipment is also available through the state contract. The purchasing price includes special pricing from SCOTT for being a long-time customer (savings of \$43,268.01) as well as a trade in on out of date and obsolete equipment (savings of \$11,410.73).

Mayor Booker stated in December he received an email that we were putting together a plan that divided out in different categories how the ARPA money might be divided. He stated this was supposed to come to council to discuss a plan and get council input. He does not remember that happening. He stated a couple meeting ago there was another request for ARPA funding. He stated there are three times as many requests for ARPA as we have money. He questioned if the council was going to look at a master plan and the council have input on what does not get funded.

Cleghorn stated they are following the guidance of the council and they can put together a plan. He stated they can delay this item if the council wishes.

Mayor Booker stated he fears that the extra money might be needed for the sports complex.

Hampton questioned if there was a deadline in spending the ARPA money.

Cleghorn stated the money has to be obligated by December 31, 2024 and spent by December 31, 2026.

Fortenbaugh questioned if they need to purchase this equipment before the price goes up.

Chief Williams stated this is a 30-day quote. He stated they are at a point where they are unable to maintain and purchase parts. He stated they are trying to scale this down as much as they can to get the minimum number and keep us in compliance.

Warren stated he does not know if they want to wait, because they basically have to do it. At some point they will have to do this and if they wait outside that 30-day window, it will probably go up at least 5% to 10%. He requested that staff bring back a plan for the remainder of the funds.

MOVED by Warren SECOND by Harris to authorize ARPA funds in the amount of $65,436.00 for the purpose of replacing the inoperable mobile breathing air compressor on the Fire Department's heavy rescue unit and an additional $476,931.94 for the purchase of new SCBAs and equipment to upgrade current SCBAs to the newest standard. AYE: Hankins, Harris, Chapman, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

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. **Resolution 22-85**

11. 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. **Resolution 22-86**

12. Consider ratifying the action of the City Manager by accepting the 2022 Continuing Education Conference grants in the amount of $2,285.82 from the Oklahoma Department of Libraries for the purpose of three library employees to attend the Oklahoma Library Association conference.

13. Consider accepting approximately 1,275 linear feet of eight (8) inch water line, four (4) fire hydrants, and utility easement at 1310 SW Rex Madeira Road, accepting maintenance bond for said improvements, and granting a revocable permit for parking and maneuvering in the utility easement.

14. Consider accepting temporary easements from Adrian Mack at 509 SW Coral Avenue, Gerardo and Maria Rosendo at 7212 NW Taylor Avenue, Sharon and Howard Smith at 1908 SW 43rd Street, Luwana John, IRA, at 5328 NW Elm Avenue, Michelle Robinson at 5320 NW Elm Avenue, Matthew and Sara McLaughlin at 5331 NW Elm Avenue, Robert Sinner and Rebecca Klein at 6132 NW Euclid Avenue, Hortencia Lopez at 6131 NW Euclid Avenue, Reyna Aguayo at 6128 NW Euclid Avenue, Marcelene Gonzales at 207 SW 19th Street, George and Paula Carson at 1815 SW B Avenue, Clarence Prophet at 406 SW 20th Street, Holly and James Ivey at 1448 NW 22nd Street, RKLB Enterprises, LLC. at 1703 SE Indiana Avenue, Sydia Bates at 1707 SE Indiana Avenue, and Crystal Sky Santos at 1713 SE Indiana Avenue, for right-of-way needed for the 2017 Ad Valorem Streets and Roads Program (Residential), Phase II, Project No. EN1707P2 and authorizer the Mayor and City Clerk to execute the documents.

15. Consider acknowledging issuance of permits for the construction of waterline and appurtenances from the Oklahoma Department of Environmental Quality to serve Gore Blvd. from 82nd St. to 67th St. - Gore Blvd. Waterline & Sewerline Reconstruction Project No. EN1208A

16. Consider approving an engineering agreement with Stearns, Conrad and Schmidt Consulting Engineers, Inc. d/b/a SCS Field Services for professional environmental engineering services for operations, monitoring, and maintenance of the Landfill Gas Collection & Control System.

17. Consider approving Amendment No. 1 and accepting the Pavement Reconstruction & Rehabilitation - Intersection of Neal Boulevard and Ard Street - Project No. EN1904 as constructed by T&G Construction Inc. and placing the Maintenance Bond into effect.

Cleghorn stated this item is to accept the pavement reconstruction and rehabilitation of the intersection of Neal Boulevard and Ard Street. This will place the maintenance bond into effect for two years.

Mayor Booker stated this item was pulled to highlight all the great things that are going on in the city.

Warren stated the citizens need to know what a great job the staff and contractors are doing on the streets in Lawton.

MOVED by Warren SECOND by Chapman to approve Amendment No. 1 and accept the Pavement Reconstruction & Rehabilitation - Intersection of Neal Boulevard and Ard Street - Project No. EN1904 as constructed by T&G Construction Inc. and placing the Maintenance Bond into effect. AYE: Hankins, Chapman, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. ABSENT: Harris. MOTION CARRIED.

18. Consider authorizing the City Council and Mayor to enter into a required 3-Year Microsoft Enterprise Agreement which allows continued use of our current O365 Electronic Mail Service, and accept an updated pricing proposal from SHI to purchase O365 Electronic Mail and Productivity Software as a Service (SaaS), and authorize the execution of all appropriate documents.

19. Consider approving Digi Security Systems to install twenty-two additional security access card readers at doors in the Public Safety Center, which are currently accessed via traditional key locks.

20. Consider awarding contract CL22-042 Concrete Repair to A.E. Construction of Lawton, Ok (primary), TE Construction of Lawton, Ok (secondary), Allison Excavation of Cache, Ok (tertiary), and MTZ Construction of Oklahoma City, Ok (quaternary).

21. Consider rejecting the bid received for CL22-038 Sodium Hypochlorite and authorizing staff to re-advertise once market conditions stabilize.

22. Consider extending contract RFPCL21-028 for Temporary Employment Services to Philtek Staffing, LLC, for an additional year, beginning September 1, 2022 and ending August 31, 2023.

23. Consider awarding contract RFPCL22-033 to Genuine Parts Company, d/b/a as NAPA Integrated Business Systems (IBS), for the purpose of providing on-site repair parts management for City vehicles and equipment.

24. Consider approving appointments to boards and commissions.

Library Board
Fermin (Papo) Viruet
3817 NW Arlington Avenue
Lawton, OK 73505
UT 5/31/2023

Mayor's Commission on the Status of Women
Sara Paape- Ward 2
916 NE Pheasant Lane
Lawton, OK 73507
1/23/2023

Jean Bewley Petersen- At Large
8231 NW Stonebridge Court
Lawton, OK 73505
5/24/2024

Danielle Brewer- At Large
7705 Wyatt Lake Dr
Lawton, OK 73505
UT 2/8/2024

Melody Scott- Ward 1
2406 NW Crosby Park Blvd
Lawton, OK 73505
05/24/2024

Parks and Rec Commission
Bill Stamps- Mayor's Appt
6911 Silver Creek Circle
Lawton, OK 73505
UT 1/1/2024

Personnel Board
Don Ward
1701 NW Horton Blvd
Lawton, OK 73505
UT 7/28/2026

Museum of the Great Plains
Jill Ryans
7613 NW Tonbridge
Lawton, OK 73505
7/1/2025

Ellouise Love
708 SW Sedalia Ave
Lawton, OK 73501
6/30/2025

Yvonne Landmark
606 NE Flowermound Rd
Lawton, OK 73507
5/24/2025

Eva Yahquo-Williams
169 Landon Ln
Lawton, OK 73507
5/24/2025

Joe Williams
103 SW 50th St
Lawton, OK 73505
5/24/2025

Victoria Zelbst
311 NW Comanche Dr
Lawton, OK 73508
5/24/2025

Lake & Land Commission
Kade McClure
136 NW 36th St
Lawton, OK 73505
5/24/2025

BUSINESS ITEMS:

25. Hold a public hearing to receive input from the citizens of Lawton regarding the City of Lawton's proposed budget for Fiscal Year 2022-2023, and, after due consideration of the City Manager's proposals and citizens' input thereon, provide direction to finalize the budget or take action to approve the budget (with any revisions) by Resolution as deemed appropriate.

Cleghorn recognized staff for their work on the budget. He stated he has asked the finance director to strive for us to be a GFOA recognized city. He stated there are only three cities in Oklahoma that have received this award. This recognizes transparency in governmental budgeting.

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

Warren stated he felt the budget process went well this year.

Hampton stated he has constituents that are financially challenged but he knows the budget has to go forward.

Johnson stated she understands that at some point we must do a significant increase since it has not been done in the past, but there are a lot of residents that have expressed the hardship that this will bring upon them.

Chapman stated they way our country is, there is very little choice but to raise these rates.

Hankins stated everything costs more now and it is not surprising that the City is paying a higher prices for everything. She encouraged the public to come and listen to the budget process next year.

Mayor Booker stated at one point they were given options on percentages on the utility bill and there was discussion directing staff to raise the fees instead. He questioned what exactly they were voting on.

Cleghorn stated this budget, per council direction at the last meeting, has a 15% increase in fees which includes utility fees. The fee schedule will be brought to council for approval at the first meeting in June.

Harris questioned what affect it would have on the budget if they did not approve the 15% utility fee increase.

Cleghorn stated it would have a huge affect on the budget. They would have to go back and re-evaluate everything that has been looked at.

Fortenbaugh stated with the 15% we do not go into the negative, which would happen with all the other plans.

<u>MOVED by Fortenbaugh SECOND by Harris</u> to approve **Resolution 22-87** approving the budget for Fiscal Year 2022-2023. AYE: Hankins, Harris, Chapman, Fortenbaugh, Warren, Booker. NAY: Hampton, Johnson. MOTION CARRIED.

(Johnson left the meeting @ 3:10 p.m.)

26. Receive a briefing from the City Manager and discuss the funding (e.g. Marijuana Tax and CIP) of various sidewalk projects that are underway throughout the City. The City Manager is also directed to provide an update and discuss the status of future sidewalk projects and projected timelines for commencement and/or completion of those projects. Additionally, the City Manager should discuss applicable policies and/or ordinances associated with sidewalk construction. Direct staff as necessary and take action as required.

Mike Jones, ADA Coordinator, presented a sidewalk briefing. (On file in the City Clerk's office)

Cleghorn stated the process is that it goes to the Accessibility Board, then it is presented to the Lawton Enhancement Trust Authority (LETA) and then to council after LETA reviews.

Chapman questioned if 53rd on Gore, north to Cache Road was considered at all as far as an arterial movement to Eisenhower Schools.

Jones stated there was a project for a pedestrian bridge that was going to serve that area. That may not be a viable project because the bridge does not account for the full width of that channel. He stated they should study that area.

Warren stated they need to focus on projects that serve the most people and he feels that Eisenhower High School and Middle School are the most underserved sidewalks in the city. He agrees that 53rd Street from Gore to Cache Road is really utilized, and he would be willing to trade 52nd to 38th for Gore to Cache Road.

Chapman stated if you live within a mile of the schools, you either walk or get a ride. There is no bus service.

Mayor Booker stated since they started the Sheridan Road project he has had calls asking why the school wasn't the priority, in particular Eisenhower west. He thought schools were the priority and he is not sure how we got Sheridan Road in front of the schools. He is sure it was part of the process. The number one street he has heard about is Eisenhower west of 67th.

Harris stated he feels that part of 53rd street should be prioritized ahead.

Hankins stated she is pro-sidewalk and for the beautification of Lawton. If LETA does not have that money then sidewalks will still happen. If the marijuana money does not go to LETA, that does not mean that sidewalks will go away. She questioned if the process was longer because it goes to LETA first.

Richard Rogalski, Deputy City Manager, stated the plan has to be approved by city council. LETA cannot spend a penny on sidewalks unless it is the plan approved by council. The benefit of having LETA involved in the process is that you have one more set of eyes thinking about options. The council can look at the projects that the Access Board feels are important and the projects that LETA feels are important.

Hankins stated those committee members are appointed by wards and they don't see the big picture like the council does. She feels this is a lot of money to give to a committee, and she is on the LETA board.

Cleghorn stated this is a council preference. Staff is going to get sidewalks built, but it just depends on what sidewalks council wants and the process to get to that list of sidewalks.

Fortenbaugh stated that by giving the money to LETA, they are just adding an additional step in the process, and it just convolutes everything. Whatever they did, they ended up with a sidewalk on Sheridan Road as the top priority. He does not think that was the council's top priority. He would like to see this under the purview of the City Manager, who has a decision matrix he uses to determine the priorities. He feels the Access Board needs help determining where to spend their money on the things they want. He feels that LETA is just an extra step and they don't usually give trust authorities money and let them do whatever they want with it.

Warren stated the council did make the decision about the sidewalk on Sheridan Road, but they were not given any other option, and that is where the problem is. The council represents the citizens, and they should be the ones to set the agenda for which sidewalks get done and when.

Hampton stated they have finally started to get these sidewalks done and he wants the sidewalks to continue at the speed they are going. This is important.

Hankins stated this was a hard decision for her since she is on the LETA board and she feels this is the right thing to do.

MOVED by Fortenbaugh SECOND by Warren to bring all sidewalk projects under the direction and supervision of the City Manager to include all funds resourced for sidewalks, discontinue the payment of marijuana sales tax to LETA and recoup all existing sidewalk funds already paid to LETA and bring them back to the City Manager. Direct the City Manager to work with the council on all sidewalk processes from planning to final approval. AYE: Hankins, Harris, Chapman, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

STAFF REPORT:

UPDATE ON GIS CAPABILITIES

Judy Franco, GIS Supervisor, Angela Suffia, and Kristy Shannon presented an update on the department.

FINANCE REPORT
Joe Don Dunham, Finance Director, presented revenue and expenditure highlights for the period ending April 30, 2022. (On file in the City Clerk's office).

(Johnson returned to the meeting @ 4:00 p.m.)

The Mayor and Council convened in executive session at 4:01 p.m. and reconvened in regular, open session at 4:11 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

27. 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 #27.

MOVED by Hampton SECOND by Fortenbaugh to authorize the City Attorney to settle the City's pending claim against Stantec for $84, 999.99 in exchange for the REVIT BIM model and final discharge for the City's debt. AYE: Hankins, Harris, Chapman, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 4:12 p.m. upon motion, Second and roll call vote.

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STAN BOOKER, MAYOR

ATTEST:
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TRACI HUSHBECK, CITY CLERK