

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MAY 26, 2020 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:
Michael Cleghorn, City Manager
Tim Wilson, Deputy City Attorney
Traci Hushbeck, City Clerk

Mayor Booker called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Charles Barnett, followed by the Pledge of Allegiance

ROLL CALL

PRESENT:

Mary Ann Hankins, Ward One
Linda Chapman, Ward Three
Keith Jackson, Ward Two
Jay Burk, Ward Four
Allan Hampton, Ward Five
Sean Fortenbaugh, Ward Six
Onreka Johnson, Ward Seven
Randy Warren, Ward Eight

ABSENT: None

REPORTS: MAYOR/CITY COUNCIL:

Mayor Booker reported that the national average for self-reporting on the census is 60% and we are at 46%.

CONSENT AGENDA

Mayor Booker stated item #3 will be stricken from the agenda.

MOVED by Burk SECOND by Warren to approve the consent agenda with the exception of item #3. AYE: Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren, Hankins. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Bessie R. Karty in the reduced amount of \$2,031.54 (**Res. 20-29**), and Beatrice Winfrey in the reduced amount of \$477.06 (**Res. 20-30**). Exhibits: Legal Opinions/Recommendations, Res. 20-___ and Res. 20-___.

2. Consider the following damage claim recommended for denial: Hertz Dollar Thrifty Car Rental, Claims Center in the amount of \$858.48. Exhibits: Legal Opinions/Recommendations.
3. Consider approving an Outside Water Sales Contract with Marco and Ashley Gagliardi and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office. **STRICKEN**
4. Consider accepting a donation from Flintco, LLC, and approving a resolution amending the City of Lawton FY19-20 budget, as amended, by appropriating Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) to the City of Lawton At-Large, Supplies, Tools, Equipment account. Exhibits: **Resolution 20-31**.
5. Consider approving annual contract renewal between the City of Lawton and the following: Lawton CrimeStoppers, Inc. Exhibits: A copy of the contract is located in the City Clerk's Office for review.
6. Consider approving annual contract renewal between the City of Lawton and the following: Comanche County – County Commissioners (Juvenile Detention Center). Exhibits: A copy of the contract is located in the City Clerk's Office for review.
7. Consider accepting a permanent easement from Board of Education of the Independent School District #8, for right of way needed for the SW 52nd Street Project# 2012-4, authorizing the Mayor and City Clerk to execute the document. Exhibits: Location Map. Document is on file in the City Clerk's office.
8. Consider accepting a temporary easement from Michael M. Crage Jr., a single person, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
9. Consider accepting a temporary easement from David C. & Margarette J. Dugan, husband & wife, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
10. Consider accepting a temporary easement from Clinton Gee, a single person, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
11. Consider extending contract (RFPCL18-029) Bulk Fuel Delivery to Glenn Oil Company, LLC of Lawton OK (Primary Contractor) and Carey Johnson Oil Company of Lawton, OK (Secondary Contractor & Lakes locations) for an additional year. Exhibits: Department Recommendation, Contract Extension Forms, Price Sheets.

NEW BUSINESS ITEMS:

12. Hold a public hearing to receive input from the citizens of Lawton regarding the City of Lawton's proposed budget for Fiscal Year 2020-2021, 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. Exhibits: FY 2020-2021 Preliminary Budget on file in the City Clerk's office and previously distributed to Council. Budget Resolution 20-__.

Cleghorn stated this budget includes a 1.7% utility rate increase for water, sewer and refuse authorized by Resolution 02-97 over a 12 month period for CPI adjustment. It also includes savings equivalent for 12 furlough days, or one per month for all city employee groups, but it also includes merit increases. This includes the continuation of hiring freezes. That will take us from 867 employees to 841 authorized positions for next year. It includes suspension of capital outlay and rolling stock purchases. Although we are only planning on spending for police and solid waste department, those lease purchases, that money will be saved in case we need it for some other purpose but it will not be spent, it will be a place holder. This budget is about 10% lower than it was last year, it is \$89,410,087 versus the previous years' budget of \$99,132,616. This is a place holder because we do not know what sales tax will do and sales tax for that months' revenue lags behind for 6 – 8 weeks. This place holder budget allows us to put a budget in place and we will have to adjust it throughout the fiscal year.

Burk complimented staff on putting this budget together and the council has had time to look at it. He has some concerns with raising the utility rates by 1.7% because we have citizens that have been out of work and businesses that have been closed and have no recourse in getting back their revenue source. Most of them are just now getting back on their feet. He stated 1.7% is difficult for someone who is struggling to make it today in Lawton. He suggested staff take out the 1.7% increase, which would be the \$600,000. This would also take away the \$500,000 carryover.

Cleghorn stated the carryover would be in the negative and they would have to look at some other savings and since the majority of the budget is personnel related that could mean additional furlough days and/or layoffs related to certain positions to make up that money. The CPI would generate \$607,000 and the estimated ending budget balance was \$525,492, so they are looking at roughly in the \$75,000 to \$80,000 range.

Burk stated he feels there are some positions that are open now that need to be eliminated from the budget. We have to get lean and we have to be part of the solution. He has a hard time believing that the CPI is where it is at because of where we are at with our world today. He is not sure we are using a "today" number. Now is not the time to increase people's utility rates.

Cleghorn stated if we do not implement the CPI, then the next CPI could be double of what we are looking at today.

Burk stated it could be that we have to forego it again. He feels that deleting that carryover and foregoing that 1.7% is just good business. It is good business for us to tell our citizens that you

can get caught up on your utility bills and we will work with you. We need to be a friendly place where people want to live. That is where he is at.

Cleghorn stated the council has the option to adopt the budget tonight after the public hearing and it could be an amendment on the floor and they could go back and make those adjustments.

Fortenbaugh questioned what will be the cost to provide water next year.

Cleghorn stated he can get that number, but that is what the CPI generally will cover. It is the increased cost of petroleum, shipping and various things to get the product to us so we can treat the water. Generally the CPI will cover operating costs. They need to go back and perform an analysis of our cost to produce water.

Fortenbaugh stated he supports not raising the water bill but in order to pass this budget he would like to see how we would get there if we don't pass the 1.7%.

Cleghorn stated the CPI is 12 months in arrears so we are lagging behind if we don't implement it. It is his job to present the facts.

Johnson questioned if they could do a combination of both to see what they eliminate and then maybe increase a lesser amount.

Cleghorn stated they would have to go to personnel since it is 80% of the budget. They would have to go back and look at cutting additional positions. They already have 12 furlough days built into the budget now.

Warren stated it frightens him to have a zero carryover. If we don't have a carryover and something does happen, we don't have any wiggle room at all, we pay bills with that carryover. He suggested they cut the CPI in half and then look at other cuts. We have no idea what will happen this year.

Burk questioned the amount of the emergency fund.

Cleghorn stated approximately \$2.7 million.

Burk stated he does believe that we can make it. This is a place holder budget anyway and if we don't raise it by 1.7% and we get four or five months down the road and it is worse than we thought we are going to have to cut more anyway or dip into the emergency fund. We aren't going to have a choice. He is hoping that it will not be as bad as it seems. We are putting the burden on the citizens who have already been laid off or on unemployment at best.

Warren stated if we don't raise it, he would like to see what personnel we are not going to hire. We need to be able to tell the citizens why something didn't get done because we had to make cuts in order to cut the CPI out of the budget.

Burk stated he just wants the council to look at this in order to try and not raise utility rates, at least for this year. If we do that, we have done the best we can and if we can't find positions to cut, then we have looked at everything.

Cleghorn stated they have painstakingly looked at everything to make sure they are covering everything. By law, they have to adopt a budget seven days prior to the beginning of the budget year.

Johnson questioned if they had a range of the average cost of the increase on the utility bill.

Cleghorn stated on a 2,000 gallon bill it would be 85 cents, on a 3,000 gallon bill it would be 95 cents and on a 5,000 gallon bill it would be \$1.15. It would be 60 cents on the discounted rate. That would be the increase per month.

Burk questioned if it affects the entire water bill.

Cleghorn stated it affects water, refuse and sewer.

Burk stated that all includes the 85 cents.

Cleghorn stated that is correct.

Warren stated if we don't raise it this year, which he is fine with, we will have to double it next year or in three years. We are not just going to be able to not do it and everything is going to be okay, at some point we are going to have to pay the piper.

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

Mayor Booker questioned if the council would like to move on this or come back at the June meeting.

Warren stated he would like to wait two weeks to see some numbers and actually see what positions would be cut.

Hankins stated we all have to take our hit on the utility bill. She understands that there are a lot of people hurting right now but someone will have to take up the slack, whether that is the City or other individuals. If we don't do this now, it may be more next time. She stated sometimes the CPI is a little hard for citizens to understand.

Cleghorn stated the last possible day to submit the budget would be June 24th, so the June 23rd meeting would be the last time to approve the budget, without a special council meeting.

Mayor Booker recommended this item come back to council at the June 9th meeting.

MOVED by Burk SECOND by Warren to continue the budget discussion to June 9th meeting. AYE: Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren, Hankins, Jackson. NAY: None. MOTION CARRIED.

13. Consider the creation of a council committee to review, and with the assistance of staff, make recommendations to the city council for future amendments to Lawton City Code Chapter 8 “Civil Defense.” Exhibits: None.

Fortenbaugh stated he is recommending that we create a committee of three or four council members with the intent of looking at Chapter 8 Civil Defense section. It does not cover a pandemic and we never knew what to do until it happened. He would like to volunteer to be on the committee and to go through and look at ways to improve the transition the next time we have a long emergency.

MOVED by Fortenbaugh SECOND by Jackson to form a committee to review, and with the assistance of staff, make recommendations to the city council for future amendments to Lawton City Code Chapter 8 “Civil Defense.”.

Johnson questioned if this committee would also look at the processes that happened before and keeping an account of that.

Fortenbaugh stated they need to look at what happened before and also look at other cities in Oklahoma and see how they handled it.

Warren stated when the council votes on this item they need to think about the council being included in deciding what happens on a day to day basis during a long emergency. We could have a large tornado and that could be a multiple week issue. He does not think we would be able to get a quorum of council people to show up on a regular basis during the middle of an emergency. Is that something that the council is willing to do because that is one of the changes that would be involved because that is where this is coming from. You would have to have a quorum of council people show up for each one of those or you wouldn't be able to have a meeting.

Johnson stated the item is just to review. The suggestions will come back to council and they can vote on everything, whether they agree with it or not.

Warren stated that is why they need to think about if they want a council committee and staff to jump through those hoops and then no one is willing to do it, then it has been a waste.

Hampton stated he felt that during this pandemic it was even difficult to add another person. During an emergency situation it is imperative that decisions be made very quickly which is what happened and he feels this should be headed up by just one person. He is not against taking a look at chapter 8 but he thinks that on the fly, the Mayor, Mayor Pro Tem and staff did a wonderful job on making decisions for our area.

Fortenbaugh stated the purpose of the committee is not to say what we did was wrong, but there was virtually no mechanism at all for the rest of the council to know what was going on. His constituents were asking him what was going on and he did not know. He feels they need a policy that covers the way the council is informed. They don't have to make all the decisions, but he does disagree that all decisions have to be made quickly. A meeting can be called within 48 hours for a routine decision. He is not saying that the council has to meet every day for two hours because of the emergency.

Hampton stated he was in contact with the Mayor and Mayor Pro Tem who gave him a quick answer to questions asked by his constituents. Most of the time it was right away.

Hankins stated the minutes she received from the emergency team really helped. When she had a question she could refer to those minutes or call the City Manager's office. She felt the process went well.

Johnson suggested they submit suggestions to the City Manager on what they think went well and what could improve the process. She also sees a benefit of having a committee to help to look at what was done and how it will be laid out.

VOTE ON MOTION: AYE: Fortenbaugh, Johnson. NAY: Burk, Hampton, Warren, Hankins, Jackson, Chapman. MOTION FAILED.

14. Discuss the status of the 2020 Juneteenth Celebration slated to be held on June 20, 2020. Exhibits: None.

Johnson stated the council discussed this at the last meeting, but she wanted to agenda this so there would be some clarity. The Juneteenth Committee have decided not to have Juneteenth this year based on the pandemic. This is a sponsored event by the City of Lawton and in line with the other events being cancelled the committee decided to cancel this as well.

Hampton stated this was an event for the whole community and he feels it is important to remember celebrations like this because it is a part of America. He is saddened that this event will not happen this year but was assured that it would be back next year.

MOVED by Johnson SECOND by Hampton to officially cancel the 2020 Juneteenth Celebration. AYE: Hampton, Fortenbaugh, Johnson, Warren, Hankins, Jackson, Chapman, Burk. NAY: None. MOTION CARRIED.

15. Discuss the status of the COVID-19 Pandemic as it relates to the City of Lawton, including the proclamation of civil emergency issued by the Mayor. Exhibits: None.

Mayor Booker presented statistics on the status on the COVID-19 Pandemic. He stated they allowed the Civil Emergency Proclamation to expire as of May 20, 2020.

STAFF REPORTS

Richard Rogalski, Deputy City Manager, distributed a draft letter that will be sent to all of the citizens who have past due utility accounts notifying them that the Utility Services Division will resume disconnecting water services for non-payment on June 8, 2020. (On file in the City Clerk's Office). He stated there is funding assistance through the CARES Act.

Kara Haynes, Finance Director, presented revenue and expenditure highlights for the period ending April 30, 2020. (On file in the City Clerk's office).

The Mayor and Council convened in executive session at 6:59 p.m. and reconvened in regular, open session at 7:27 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

16. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the mediation scheduled for July 8, 2020, regarding the 2008 Chevron energy performance contract and amendments related thereto between the City and OpTerra ES (formerly Chevron ES), and now known as Engie Services U.S., and, if necessary, take appropriate action in open session. Exhibits: None.

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

17. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2020-2021 between the International Union of Police Associations (IUPA), Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Wilson read the title of item #17. He stated the proposed contract with the police union would include in the fourth quarter of next year a possibility for them to ask to reopen the contract if there is additional public safety sales tax money determined to be available in next years' budget.

MOVED by Warren SECOND by Jackson subject to IUPA Local 24 executing a proposed contract for Fiscal Year 2020-2021 between the City of Lawton and Local 24 immediately following the adjournment of tonight's meeting, I move to approve such a Fiscal Year 2020-2021 collective bargaining agreement between the City of Lawton and IUPA Local 24, providing for among other things: 1) Merit step increases for eligible officers, and 2) The Local agreeing to the City's Blue Cross / Blue Shield health insurance plan for FY-20-21; And Subject to Local 24 reaching an agreement with the City for Fiscal Year 2020-2021 and executing the same immediately following tonight's meeting, move to approve a memorandum of understanding with Local 24 providing for a public safety sales tax early signing bonus for eligible officers, payable on or before June 12, 2020, as set forth in the MOU. AYE: Warren, Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 7:31 p.m. upon motion,
Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK