

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JUNE 8, 2021 – 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 2:06 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Ahren Reiter, Holy Cross Lutheran Church, followed by the Pledge of Allegiance

ROLL CALL

PRESENT:

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

ABSENT:

Keith Jackson, Ward Two

PROCLAMATIONS:

JUNETEENTH

Mayor Booker recognized June 19, 2021 as Juneteenth. He presented the proclamation to Pastor Charles Webber.

REPORTS: MAYOR/CITY COUNCIL

Johnson thanked the parents who brought their children to the HC King Center for the Summer Reading Program.

Hampton thanked all that were involved in getting the wading pools open and the tennis courts refurbished.

Burk stated the Wichita Mountains Historical Drama Association is back up and working again and LETA has teamed up with them to raise money for an amphitheater for outdoor events.

AUDIENCE PARTICIPATION (Mayor Booker did not announce Audience Participation)

CONSENT AGENDA:

Mayor Booker stated items #7, #23 and #24 will be considered separately.

MOVED by Warren **SECOND** by Johnson to approve the consent agenda with the exception of items #7, #23 and #24. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Patsy Wetmore in the amount of \$2,817.36 (**Res. 21-113**).
2. Consider renewing the professional services agreement with James C. Ferguson of Walker, Ferguson and Ferguson for the defense of Workers' Compensation claims and authorize the Mayor and City Clerk to execute the Agreement.
3. Consider renewing a professional services agreement for bond counsel services with the Floyd Law Firm, P.C., of Norman, OK.
4. Consider renewing a professional services agreement retaining the law firm of Hawkins, Delafield & Wood LLP as Disclosure Counsel in connection with the issuance of the City's General Obligation and other Bonds that must comply with applicable municipal securities regulations including continuing disclosure requirements regarding the City's financial statements and annual financial information/operating data relating to each Bond Issue.
5. Consider approving an Agreement for Professional Services between Jeff Eiser and the City of Lawton to provide jail operation and administration expertise related to pending litigation, and authorize the Mayor and City Clerk to execute the Agreement.
6. Consider renewing the professional services agreement with McAfee & Taft for legal services related to the City's pension system, employment / labor related services, and other areas as requested by the City, including provisions for environmental / water law representation, and authorize the Mayor and City Clerk to execute the Agreement.
7. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, to implement increases in water, sewer, refuse, and landfill rates, as set forth in Exhibit "A" of the Resolution, subject to approval by the Lawton Water Authority, and establishing an effective date.

Mayor Booker stated there is an amended exhibit for this item.

MOVED by Warren **SECOND** by Hankins to approve **Resolution 21-114** amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, to implement increases in water,

sewer, refuse, and landfill rates, as set forth in Exhibit “A” of the Resolution. AYE: Hankins, Chapman, Hampton, Fortenbaugh, Warren. NAY: Burk, Johnson. MOTION CARRIED.

8. Consider authorizing the Mayor and City Manager to work with the Superintendent of Lawton Public Schools and the Center for Economic Development Law to research ways to promote residential development within the City of Lawton.
9. Consider approving annual contract renewal between the City of Lawton and the Lawton CrimeStoppers, Inc.
10. Consider approving Amendment # 1 to the Agreement for Professional Services between the City of Lawton and Halff Associates, Inc., for the Parks, Sports & Recreation, Trails and Open Space Master Plan project and authorize the Mayor to execute the amendment.
11. Consider approving annual contract renewal between the City of Lawton and Comanche County - County Commissioners (Juvenile Detention Center).
12. Consider approving the annual Children’s Emergency Resource Center agreement between the City of Lawton and the Marie Detty Youth and Family Services Center, Inc.
13. Consider approving a resolution repealing Resolution 03-96, closing certain City of Lawton funds that are no longer needed, authorizing the transfer of the fund balances, and establishing an effective date. **Resolution 21-115**
14. Consider approving a resolution repealing Resolution 82-73, Resolution 94-98, Resolution 97-90, Resolution 98-206, Resolution 99-75, Resolution 06-34, Resolution 07-44, Resolution 08-160, and Resolution 11-111, authorizing the transfer of the fund balances, and establishing an effective date. **Resolution 21-116**
15. Consider approving a resolution amending Resolution 99-62, which created certain City of Lawton funds that are no longer needed or can be combined with other funds, authorizing the transfer of the fund balances, and establishing an effective date. **Resolution 21-117**
16. Consider approving a resolution establishing the City of Lawton Special Revenue Fund and repealing Resolution 97-126, Resolution 01-136, Resolution 06-189, and Resolution 10-27, authorizing the transfer of the fund balances, and establishing an effective date. **Resolution 21-118**
17. Consider approving a resolution repealing Resolution 89-88, closing certain City of Lawton funds that are no longer needed, authorizing the transfer of the fund balances, and establishing an effective date. **Resolution 21-119**
18. Consider approving a resolution establishing the City of Lawton Grant Fund and repealing Resolution 74-112, Resolution 78-146, Resolution 97-140, and Resolution 03-174, which created certain City of Lawton funds which can be combined within the

newly created Grant Fund, authorizing the transfer of the fund balances, and establishing an effective date. **Resolution 21-120**

19. Consider approving an amendment to an Agreement between the Lawton Fort Sill Chamber of Commerce and the City of Lawton, increasing funding by \$100,042 for activities designed to encourage, promote and foster tourism, including elements of economic development related thereto in the City of Lawton, and authorize the Mayor and City Clerk to execute the amendment
20. Consider approving a revocable permit for parking and maneuvering in the public right-of-way along NW 6th Street and NW Arlington Avenue for a parking lot to serve Bethlehem Baptist Church located at 602 NW Arlington Avenue.
21. Consider approving contract with C.H. Guernsey & Co. to provide professional architectural services for Phase 1 McMahon Auditorium Addition and Renovation Project 2015-02B in the amount of \$328,950.
22. Consider awarding a contract for the Lawton Groundwater Supply - Treatment Pilot Project # PU 20-02 to Worth Hydrochem of Oklahoma, Inc. in the amount of \$305,000.
23. Consider awarding a contract for the Lawton WWTP Improvements Project #1 PU 21-02 to Wynn Construction Co., Inc. in the amount of \$4,960,000.

Rusty Whisenhunt, Public Utilities Director, stated this is the first of the projects for the wastewater treatment plant upgrade. It is an equipment replacement project. This is part of the agreement with ODEQ and we had until July 1st to get this project awarded. He stated there were three bidders on the project. The low bid, Wynn Construction, came in almost \$2 million under the engineers estimate. Wynn is also hiring some local contractors and has knowledge of our plant.

Mary Elizabeth Mach, Garver Engineering, stated they went line item by line item through Wynn's bid and they have a lot of confidence in their numbers. They have worked with Wynn on several projects and they will be committed to doing a good job.

MOVED by Burk SECOND by Warren to award a contract for the Lawton WWTP Improvements Project #1 PU 21-02 to Wynn Construction Co., Inc. in the amount of \$4,960,000. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

24. Consider awarding the contract RPFCL21-027 for City of Lawton property insurance to North American Insurance Agency of Lawton, LLC DBA Insurica of Lawton underwritten by OMAG.

Aaron Bogie, LBV Insurance, stated they were one of two agencies who participated in this RFP process. They were unable to submit a competitive bid because agencies were only given 11 working days to complete their bid and it is difficult to quote such a large policy in such a short

amount of time. He stated the upper hand goes to the incumbent agency, who would have all the property details and they have the ability to flood all other carriers with quote requests in attempt to block the market even before the RFP was released for bid. He stated this policy is expensive and they feel that the citizens of Lawton and the city council are at a disadvantage when it comes to this process. He stated they would like to see future RFP's that involve insurance for local companies to compete with and that they all have an opportunity to bid on some of these things.

Mayor Booker questioned if Mr. Bogie would like to protest this item.

Mr. Bogie stated no, he would just like it to be easier in the future for others to compete in the insurance bids.

Mayor Booker clarified that Mr. Bogie would like the council to direct the staff to look into this and make sure that we have an open process.

MOVED by Warren SECOND by Burk to award the contract RPFCL21-027 for City of Lawton property insurance to North American Insurance Agency of Lawton, LLC DBA Insurica of Lawton underwritten by OMAG. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson. NAY: Warren. MOTION CARRIED.

25. Consider awarding contract (CL21-023) Bulk Fuel for Public Works site to Glenn Oil Company, LLC (primary), Carey Johnson Oil Company Inc. (secondary), and Petroleum Traders Corporation (tertiary); for Lakes Lawtonka and Ellsworth sites to Carey Johnson Oil Company, Inc. (primary), Glenn Oil Company, LLC (secondary), and Petroleum Traders Corporation (tertiary); for Landfill, Medicine Park Water Treatment Plant, Wastewater Treatment Plant, and all emergency generator sites to Glenn Oil Company, LLC (primary) and Petroleum Traders Corporation (secondary).

26. Consider approving appointments to boards and commissions.

Race Relations Commission

Larry Fajita
4029-A NW Ozmun
Lawton, OK 73505
580-647-8892
Unexpired Term 2/23/2022

Mary Fountain
1210 NW Logan Avenue
Lawton OK, 73507
1-year term

Greg Keck
323 NW 62nd Street
Lawton, OK 73505
580-458-2970
george.keck@yahoo.com

1-year term
Amanda Nunez
4921 SE Churchill Way
Lawton, OK 73501
1-year term

Remove:

Regina High-Hampton - 1-year term
Michael Williams - 1-year term

OLD BUSINESS:

27. Consider authorizing the use of 2015 CIP funding in the amount of \$105,168.00 for the replacement of the Collier's Landing boat dock and; upon completion of the project, authorize the Mayor to accept and execute a reimbursement grant from the Oklahoma Department of Wildlife Conservation in the amount of \$78,876.00 with said reimbursement to be credited back to the 2015 CIP fund.

Jeffery Temple, Parks and Recreation Director, stated this item was tabled at the last meeting and council had asked for clarification on the funding and the exact amount that would be reimbursed.

MOVED by Warren SECOND by Fortenbaugh to authorize the use of 2015 CIP funding in the amount of \$105,168.00 for the replacement of the Collier's Landing boat dock and; upon completion of the project, authorize the Mayor to accept and execute a reimbursement grant from the Oklahoma Department of Wildlife Conservation in the amount of \$78,876.00 with said reimbursement to be credited back to the 2015 CIP fund. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. MOTION CARRIED.

28. Consider a resolution amending Article A-19-1, Chapter A-19, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, as amended, by increasing campground related fees at Lake Ellsworth and Lake Lawtonka Recreation Parks.

Temple stated this was tabled and staff has separated it out between park fees and camping fees, and this essentially brings the campground rates more in line with other state and county parks.

Fortenbaugh stated Mr. Temple has a good plan to upgrade our lakes, campgrounds and all the facilities out there. He stated that area is run down, and we have not invested a lot into it and his vision is to capture some of the money with some modest increases and start investing back into the area. He fully supports this.

Warren stated those funds will be staying at the lake in which they are received. He stated he hopes they can find some other funds in the future, but in the meantime they need to do what they can with funding from use fees.

Mayor Booker stated this item is a little different than the last meeting. He did not see the self-administered fee box.

Temple stated they wanted to separate those out so they could get the campground fees instituted as quickly as possible. They would like to install the kiosks after the summer so they would have time to work out the bugs and get exact pricing on the kiosks.

Mayor Booker questioned if the fees would go into effect July 1st.

Temple stated yes.

Hampton questioned if there was a time frame for improvements.

Temple stated the campground fees are a small part. The larger piece will be the park fees. That won't be in effect, in terms of more revenue, until next spring. Once they get all those numbers in they will have a plan.

Cleghorn stated staff has discussed how best to service the road out at Lawtonka. He stated they will bring an item to council to see how they would like to proceed.

MOVED by Fortenbaugh SECOND by Hampton to approve **Resolution 21-121** amending Appendix A, Schedule of Fees and Charges, increasing campground related fees at Lake Ellsworth and Lake Lawtonka Recreation Parks. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. MOTION CARRIED.

BUSINESS:

- 29 Consider approving a resolution amending Resolution 20-59 to adjust the future Hotel/Motel Tax allocations, commencing with Fiscal Year 2021-2022, (with any revisions and/or floor amendments) as deemed appropriate, and authorize the Mayor and City Clerk to execute the resolution.

Cleghorn presented the council committee final proposal for hotel/motel tax for Year 2021-2022. (On file in the City Clerk's office).

Burk stated that without this money a lot of these organizations would not make it, so they believe that the tourism money is where it needs to be.

Ron Nance, 6319 SW Oakmont, Chairman of Lawton Economic Development Corporation, addressed the lack of any percentage of hotel/motel funding for LEDC. He stated historically they have received approximately \$313,000 a year. He stated they have historically been funded at 10% of most economic development corporations their size. He stated they receive 1/3 of what Duncan is getting. He requested they continue to receive hotel/motel funding in the amount they have received in the past.

Mayor Booker stated he is concerned that this proposal does not have funding for LEDC. He stated we are seeing tremendous activity. He stated to fund LECD completely out of the CIP creates challenges because the CIP added \$29 million for industrial development and the mall has \$18 million of that tied up in a note, which will eventually be paid off and the fund will be available again. He understood that they are also coming with a request for an additional \$2.3 million or \$2.7 million more for a remodel. He stated they also have two miles at Goodyear and the Goodyear extension, and that money will eventually get reimbursed by the TIF. He feels they need to figure out how to get LEDC back in this hotel/motel budget so they are not taxing the limits on this CIP.

Cleghorn stated the council's hotel/motel economic fund was \$925,000 and they expect it to be over \$1.1 million at the end of the fiscal year. He stated they could use this fund to supplement the LEDC's budget.

Mayor Booker stated he is not in favor of that suggestion.

Burk stated LEDC was not funded correctly for years. There are some things that the chamber is really trying to get done through tourism and the visitors bureau. He stated we need to find a full-time funding source that will fund LEDC the way they need to be funded. He stated the \$300,000 is nowhere near what they need to operate. He feels the hotel/motel funding is a small amount to have to break up between so many categories.

Fortenbaugh questioned if the committee expressed their reasoning for cutting out LEDC.

Cleghorn stated he did not recall any discussion.

Fortenbaugh questioned the percentages from previous years.

Cleghorn stated the chamber received \$527,000 and LEDC received \$313,000 in the year prior to COVID.

Burk stated there is 60/40 split and the 60% was split between the chamber and LEDC.

Warren stated the CIP funding was a stop gap for this year and he hopes they all can sit down and figure out in this next year how they are going to make all this happen. They are basically always going to have these same entities unless council decides to delete some of them. He hoped that they could supplement it with CIP funds this time around and then sit down and hammer it out.

Fortenbaugh state he is against taking money from the economic development fund, but he feels they need to continue doing what they are doing and make a measured approach to how they are going to change up the distribution instead of just cutting someone out.

Hampton requested a little more time and he suggested they table this item.

Mayor Booker stated he did not believe this has to be taken care of today.

MOVED by Hampton SECOND by Johnson to table to June 22, 2021. AYE: Hankins, Chapman, Hampton, Fortenbaugh, Johnson, Warren. NAY: Burk. MOTION CARRIED.

- 30 Hold a public hearing and consider a resolution amending the Land Use Plan from Residential/Public Facility, an ordinance changing the zoning from R-2 Two Family Dwelling District to P-F Public Facilities District zoning classification, a Use Permitted on Review for a church located in P-F Public Facilities District zoning classification, and an amendment to the front yard setback on property located at 516 NW Arlington Avenue.

Rogalski stated this request is for Lot 8, Block 61, North Addition, and measures approximately 50 feet by 150 feet. The proposed use is parking area and an accessory structure associated with Bethlehem Baptist Church. The applicant, Leonard Robertson, is the Chairman for Bethlehem Baptist Church Incorporated and has signed the application. The zoning of the surrounding area is R-2 Two Family Dwelling District to the north, east, and west, R-4 High Density Apartment District to the south and C-1 Local Commercial District to the south-west. The land use of the surrounding area is Bethlehem Baptist Church to the west, a bank atm to the south-west, and single-family residential to the north, east, and south. As shown on the site plan submitted with the application, Bethlehem Baptist Church proposes to expand their parking area and construct a garage to store the church van. Section 18-5-7-572 of the Lawton City Code lists Uses Permitted on Review in P-F, and a church is a Use Permitted on Review. The parking lot and garage would be an accessory use associated with a church in P-F. The developer has included the required tree screen between this tract and the R-2 property to the east. On May 27, 2021, the City Planning Commission held a public hearing on the rezoning request and the request for a Use Permitted on Review for the parking lot and accessory structure associated with a church in P-F. The CPC voted to recommend approval to the City Council with the conditions that the screening fence on the easterly property line be a minimum of 8 feet in height, and that the exterior treatment of the garage building should harmonize with the main church building and not include any exposed metal paneling. Notice of public hearing was mailed to 30 owners of property within 300 feet of the requested area on May 7, 2021, and proper notice was published in *The Lawton Constitution* on May 12, 2021.

Warren questioned if the utility companies had any objections

Rogalski stated the utilities are further out in the road

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

MOVED by Warren SECOND by Johnson to approve. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

31. Consider receiving the Conceptual Design and Engineering Report on the Wastewater Treatment Plant as prepared by Garver, LLC, and authorizing staff to submit the report to the Oklahoma Department of Environmental Quality.

Whisenhunt stated in December the council approved an amendment to Garver's contract to prepare an engineering report on the wastewater treatment plant. The plant is currently under a

consent order for improvements to the facility. Garver was tasked to provide an engineering report for alternatives including upgrading the existing facility, looking at using part of the existing facility with new facilities and then building a totally new facility. Another task Garver looked at was how to alleviate plant flooding. The phase one is to be funded by the SRF loan we obtained from OWRB in the amount of \$47 million. Phases two and three are not currently funded. Phase two would be funded 5-7 years down the road with the potential of an additional OWRB loan. Phase three is 12-13 years down the road and could possibly be funded by the next CIP. This plan will give us 50 years and alleviate the flooding.

Mary Elizabeth Mach, Garver Engineering, presented the engineering report. (On file in the City Clerk's office)

MOVED by Warren SECOND by Burk to authorize staff to submit the report to the Oklahoma Department of Environmental Quality. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. MOTION CARRIED.

Ratliff stated regarding item #28, the resolution will go into effect on July 8, 2021. He stated there was a comment made that it would be effective July 1, 2021, which is incorrect.

32. Consider directing staff to review current properties that are sometimes shared with the Lawton Public Schools and evaluate opportunities to maximize the community benefit of said properties, to include possible exchange of property ownership.

Temple stated there are several parks and plots of land that we share with Lawton Public Schools. He stated they would like to have the authority to go back and review those plots and be sure they are titled appropriately with each entity.

MOVED by Burk SECOND by Warren to authorize staff to review current properties that are sometimes shared with the Lawton Public Schools and evaluate opportunities to maximize the community benefit of said properties, to include possible exchange of property ownership
AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. MOTION CARRIED.

STAFF REPORTS:

Cleghorn introduced Jason Poudrier, the new Arts and Humanities Supervisor.

Rogalski presented information on the traffic study for the synchronization of the traffic signals on Gore Boulevard between 6th Street and I-44.

Department Roundup - Street and Traffic Control

Cliff Haggemiller, Streets & Traffic Control Superintendent presented information on the Street and Traffic Control Divisions. (Presentation on file in the City Clerk's Office)

The Mayor and Council convened in executive session at 3:54 p.m. and reconvened in regular, open session at 5:21 p.m. Roll call reflected all members present.

EXECUTIVE SESSION:

33. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2021-2022 between the International Union of Police Associations (IUPA), Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session.

Ratliff read the title of item #33. No action was taken.

34. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending tort claim of Gills Waste Oil, LLC, Virgil Brooks, and Scottsdale Insurance Company, and if necessary, take appropriate action in open session.

Ratliff read the title of item #34. No action was taken.

35. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of Hillary Media Group, LLC, dba Southwest Ledger v. The City of Lawton, Oklahoma, an Oklahoma Municipal Corporation, and Jay Burk, in his official capacity as a Member of the City Council of Lawton, Oklahoma, CV-2021-111, and if necessary, take appropriate action in open session.

Ratliff read the title of item #35. No action was taken.

36. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of John Ratliff as City Attorney, and in open session take other action as necessary.

Ratliff read the title of item #36. No action was taken.

There being no further business to consider, the meeting adjourned at 5:23 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK