

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
JULY 12, 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 James H.B. Peay, IV

Mayor Booker called the meeting to order at 2:11 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Gordon Brooks, First Church of God, followed by the Pledge of Allegiance.

**ROLL CALL**

**PRESENT:** Mary Ann Hankins, Ward One  
Kelly Harris, Ward Two  
Allan Hampton, Ward Five  
Sean Fortenbaugh, Ward Six  
Onreka Johnson, Ward Seven

**ABSENT:** Linda Chapman, Ward Three  
Jay Burk, Ward Four  
Randy Warren, Ward Eight

**PRESENTATION:**

Cleghorn recognized the Arts and Humanities staff for participating in the Freedom Festival.

Cleghorn congratulated Chief James Smith who has been selected as the President of the Oklahoma Association of Police Chiefs Board.

**REPORTS: MAYOR/CITY COUNCIL:**

Harris recognized staff for their work on the Freedom Festival.

Hampton stated he was impressed by the attendance at the Tomato Festival.

**AUDIENCE PARTICIPATION:**

Betsy Battee, 1001 SE 45<sup>th</sup> Street, stated she is a daycare home provider. She requested the city change the policy which would allow daycares to allow twelve children instead of seven.

Edward Jensen, 4923 SE Churchill Way, requested that the streetlights connected to the traffic lights be fixed. He also does not like the curbs at all the exits and entrances to the interstate off Gore. The curbs come out to the street. The bushes need to be cut on the welcome sign on Highway #7.

Tom Milan, P.O. Box 874, Duncan, stated he would like to address the specification issue for the Highland Cemetery.

Mayor Booker stated that item is on the agenda.

**CONSENT AGENDA:**

Mayor Booker stated items #5, #6, #7 and #9 will be considered separately. Items #14, #15, #16 and #18 will be stricken off the business and executive session items.

MOVED by Fortenbaugh SECOND by Harris to approve the consent agenda with the exception of items #5, #6, #7 and #9. AYE: Hankins, Harris, Hampton, Fortenbaugh, Johnson. NAY: None. MOTION CARRIED.

1. Consider approval of the minutes of the Lawton City Council regular meeting of June 28, 2022.
2. Consider approving an agreement for professional services between the City of Lawton and Dunlap Coddling, P.C. for their expertise in trademark searches and trademark applications and authorize the Mayor and City Clerk to execute the agreement.
3. Consider approving a memorandum of understanding with the Board of County Commissioners of Comanche County, Oklahoma, authorizing the Lawton Police Department to assist with the transportation of Comanche County Regional Juvenile Detention Center residents in the event an emergency situation renders the detention center unable to sustain operations and necessitates the relocation of its base of operations.
4. Consider ratifying the action of the City Manager by accepting the Oklahoma Heritage Preservation grant of \$20,000.00 from the Oklahoma Historical Society for the digitization of microfilm and the \$2,000.00 matching funds from the Southwest Oklahoma Genealogical Society.
5. Consider approving a Resolution to amend the Downtown - I Urban Renewal Plan modifying existing language in permitted land uses and add the Uses Permitted On Review process in the Commercial Central District and the Mixed-Use District.

Janet Smith, Community Services Director, stated items 5, 6 and 7 were presented through the Lawton Urban Renewal Authority.

Fortenbaugh requested Smith report the changes.

Smith reported on the additions.

Fortenbaugh questioned where the LATS facility will be.

Smith stated the sub-committee is proposing that the transfer station be on Railroad between A and B Avenues, but it has not been formally adopted by the City Transit Trust.

MOVED by Fortenbaugh SECOND by Hampton to approve **Resolution 22-94** to amend the Downtown - I Urban Renewal Plan modifying existing language in permitted land uses and add the Uses Permitted on Review process in the Commercial Central District and the Mixed-Use District. AYE: Hankins, Harris, Hampton, Fortenbaugh, Johnson. NAY: None. MOTION CARRIED.

6. Consider approving a Resolution to amend the D-6 Urban Renewal Plan modifying existing language in permitted land uses and adding the Uses Permitted on Review process in the Commercial Central District and the Mixed-Use District.

MOVED by Fortenbaugh SECOND by Hampton to approve **Resolution 22-95** to amend the D-6 Urban Renewal Plan modifying existing language in permitted land uses and adding the Uses Permitted on Review process in the Commercial Central District and the Mixed-Use District. AYE: Hankins, Harris, Hampton, Fortenbaugh, Johnson. NAY: None. MOTION CARRIED.

7. Consider approving a Resolution to amend the Civic Center Urban Renewal Plan modifying existing language in permitted land uses and adding the Uses Permitted on Review process in the Mixed-Use District.

MOVED by Fortenbaugh SECOND by Hankins to approve **Resolution 22-96** to amend the Civic Center Urban Renewal Plan modifying existing language in permitted land uses and adding the Uses Permitted on Review process in the Mixed-Use District. AYE: Hankins, Harris, Hampton, Fortenbaugh, Johnson. NAY: None. MOTION CARRIED.

8. Consider acknowledging receipt of proposed Addendum A to Consent Order 20-214 from the Oklahoma Department of Environmental Quality (ODEQ) and authorize the Mayor to execute the document.
9. Consider rejecting the bids received for RFPCL22-048 Highland Cemetery Entrance Arch Masonry Restoration and authorizing staff to re-bid.

Dewayne Burk, Deputy City Manager, stated they solicited bids for RFPCL22-048 Highland Cemetery Entrance Arch Masonry Restoration, which resulted in three responsive bidders and 1 no bid. Bids were received and opened on June 14, 2022. It is the department's request that all bids received on June 14, 2022, be rejected due to none of the bids received meeting the minimum standards in the bid specifications. He stated Mr. Milan submitted the three bids under three different companies. He is in attendance and wishes to speak on the bids.

Tom Milan, P.O. Box 874, Duncan, stated he has the qualifications as far as the stone masons to do the quality of work that is required. The limiting factor is that they have not done historical work in the past three years. He stated they have over 100 years of experience within the two master masons they have.

Mayor Booker questioned the last time they did historical work.

Mr. Milan stated they worked on the state capitol in the 1990's and the main street project in Duncan.

Hampton stated Mathew Pearce of the National Registration of Historical Places with SHIPPO in Oklahoma City is working on getting us registered as a designated historical city. He will be coming to Lawton in August to do an inventory of all the WPA and historical properties the city owns.

Mr. Milan stated he has no problem with trying to get approved through the historical society. He stated they have been exploring this possibility and think they have found two places where the original stone was quarried.

Ratliff stated that state law is expansive on this point, and we do not need a justification to throw out the bids. It is completely within the discretion of the council to throw them out and start all over again without any reason.

D. Burk stated if they modified any of the specifications they would need to go back out to bid to allow any other companies to bid that did not originally. They would need direction if the council would choose to modify any specifications.

MOVED by Hampton, SECOND by Fortenbaugh to reject the bids received for RFPCL22-048 Highland Cemetery Entrance Arch Masonry Restoration and authorize staff to re-bid. AYE: Hankins, Harris, Hampton, Fortenbaugh, Johnson. NAY: None. MOTION CARRIED.

10. Consider awarding CL22-050 Precast Concrete Manholes (Large) to Primary Structure of Guthrie, OK.

#### BUSINESS ITEMS:

11. Hold a public hearing and consider an amendment to Lawton Municipal Code, 2015, Sections 18-12-2-1232 and 18-12-3-1243, Chapter 18, pertaining to the Downtown Lawton Overlay District; modifying existing permitted uses, adding uses for state licensed day care center and multi-modal transportation; adding the Uses Permitted On Review process; providing for severability; allowing floor amendments.

Smith stated this is the ordinance that will put everything in line with the resolutions that were previously approved for the URP. She reviewed the changes with the council. She stated at the

June 16<sup>th</sup> City Planning Commission meeting, the CPC recommended that they bring the Lawton Urban Renewal Authority back into the process and present some of these uses to LURA.

Hampton stated this is consolidating language so that as we further develop that area we will not run into some of the problems we have had in the past.

Harris questioned if this would allow the car wash.

Smith stated no, they did not specifically allow for a car wash. They did offer that alternative to LURA, and they decided not to allow it specifically, but instead they recommended it as a use permitted on review.

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

MOVED by Harris SECOND by Fortenbaugh to adopt **Ordinance 22-19**, waive the reading of the ordinance, read the title only. AYE: Hankins, Harris, Hampton, Fortenbaugh, Johnson. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 22-19

AN ORDINANCE PERTAINING TO THE DOWNTOWN LAWTON OVERLAY DISTRICT AMENDING SECTIONS 18-12-2-1232 AND 18-12-3-1243, CHAPTER 18, LAWTON CITY CODE, 2015, MODIFYING EXISTING PERMITTED USES; ADDING USES FOR STATE LICENSED DAY CARE CENTER AND MULTI-MODAL TRANSPORTATION; ADDING USES PERMITTED ON REVIEW; PROVIDING FOR RENUMBERING; PROVIDING FOR SEVERABILITY.

12. Receive a presentation and consider approving a conceptual design for the reconstruction of Shepler Park, as prepared by Kimley-Horn and Associates, and commissioned by the Lawton Enhancement Trust Authority.

Richard Rogalski, Deputy City Manager, stated the demolition of the old Wayne Gilley City Hall left a large open space in Lawton's downtown for an outdoor event venue that could capitalize and expand on the success of the annual Arts-for-All Festival held in Shepler Park. In 2017 the Lawton Enhancement Trust Authority (LETA) approved a conceptual design for a Downtown Event Park on the former Wayne Gilley City Hall/Shepler Park property. A building/venue for the Lawton Farmers Market was included in the overall concept. Construction of the market was completed in February of this year. With the new focus on that area, it was noted that over the years, the hardscape and other amenities at Shepler Park had greatly deteriorated and were in dire need of reconstruction. In addition, the existing gradient of the park makes access to the park difficult for those with mobility challenges. In June of 2021, LETA retained Kimley-Horn and Associates to develop a more detailed concept for Shepler Park, as the next phase of the overall redevelopment of the downtown event park project. A stakeholders group consisting of representatives from LETA, the YMCA, the Farmers Market Institute, the Arts-for-All committee, First Baptist Church, the Lawton Public Library, and the Woman that Vote committee was organized to guide the preparation of the concept plan. Over the course of

several meetings to direct and review concepts, the Final Concept was created. The estimated cost of this concept for restoration of Shepler Park is \$1.9 million.

Darran Scott, Kimley-Horn, presented the conceptual design for the reconstruction of Shepler Park. (On file in the City Clerk's office)

Rogalski stated this event space will help revitalize our downtown. He stated staff is asking the council to adopt the concept which will start the process of raising funds. He stated this is how the Farmer's Market was built.

Mayor Booker stated the concept is beautiful and it is about time to start making nicer parks. He clarified they are being asked to accept the final concept, they are not being asked to go out for bids. He questioned the process of fundraising.

Rogalski stated they will start looking for grants. They needed a concept, a cost, and for the governing body to approve.

Mayor Booker questioned how the old concept, that included the old post office being torn down, fit in to this concept. Is there still a plan.

Rogalski stated phase one is farmer's market, phase two is Shepler Park and phase three would be that southern part, after the building is torn down. He stated the original concept showed an event venue.

Harris questioned how much extra load this puts on our parks maintenance staff. How do you justify this extra cost.

Rogalski stated they are already maintaining Shepler Park, but with more activity there will be a marginal increase.

Hankins stated it is getting crowded at the Farmer's Market event on Tuesday and she can see where this would be very beneficial.

Hampton stated with the building in the area taken down, there will be more empty space. He stated that citizens are starting to enjoy the fact that we are developing other areas and that there are other things going on outside of Elmer Thomas Park. He stated we will replace things as we go to plan this out and eventually there will be a venue downtown for the citizens to enjoy. He hopes it will build out even further than the Shepler Park area.

MOVED by Hankins SECOND by Harris to approve a conceptual design (labeled final) for the reconstruction of Shepler Park, as prepared by Kimley-Horn and Associates. AYE: Hankins, Harris, Hampton, Fortenbaugh, Johnson. NAY: None. MOTION CARRIED.

13. Consider accepting and approving the transfer of Lawton Public Schools owned parkland to the City of Lawton located adjacent to Willow Creek Park, Lee West Park, Gray-Warr Park, and MacArthur Park in exchange for the transfer of portions of City of Lawton owned parkland located in Allan-A-Dale Park, Grandview Park, Almor West Park, and Woodland Hills Park, and authorizing the Mayor and City Clerk to execute deeds.

D. Burk stated on May 10, 2022, City Council directed staff to work with Lawton Public Schools on a parkland exchange. It is proposed that Lawton Public Schools transfers their portion of MacArthur Park, Gray-Warr Park, Lee West Park, and Willow Creek Park, totaling 19 acres, to the City of Lawton. The City of Lawton proposes to transfer a portion of Woodland Hills Park, Almor West Park, Grandview Park, and Allan-A-Dale Park to Lawton Public Schools, totaling 18.2 acres. He stated this has been approved the school board and the deeds are ready to go.

Fortenbaugh stated he met with staff who explained all the data. He stated having that 10-minute meeting, he can sit here and understand this item and support it. He feels that more items should be like this where the council gets an update ahead of time.

MOVED by Fortenbaugh SECOND by Harris to accept the transfer of Lawton Public Schools owned parkland to the City of Lawton located adjacent to Willow Creek Park, Lee West Park, Gray-Warr Park, and MacArthur Park in exchange for the transfer of portions of City of Lawton owned parkland located in Allan-A-Dale Park, Grandview Park, Almor West Park, and Woodland Hills Park, and authorize the Mayor and City Clerk to execute deeds. AYE: Hankins, Harris, Hampton, Fortenbaugh, Johnson. NAY: None. MOTION CARRIED.

14. Discuss declaring tracts of land as surplus property, setting a minimum bid for the purchase price, and authorizing sale by public auction, and if necessary, take appropriate action in open session. **STRICKEN**
15. Consider adopting the revised Council Policy 5-2, Sale of treated water outside the municipal limits to individuals and multi-water users. **STRICKEN**
16. Consider approving a resolution lifting the moratorium on water sales outside of the city limits. **STRICKEN**

#### STAFF REPORTS:

##### Receive Finance Report:

Joe Don Dunham, Finance Director, presented revenue and expenditure highlights for the period ending May 31, 2022. (On file in the City Clerk's office).

##### Receive update on the Stormwater Master Plan:

Larry Wolcott, Director of Public Works, presented a summary on the Stormwater Master Plan. (On file in the City Clerk's office).

Cleghorn updated the council on the STEM camp. He stated that we have been invited to participate in a video spotlight of the Lawton/Fort Sill community for the International City Managers Association. He stated the cost is \$23,000.

EXECUTIVE SESSION:

17. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Kent Jackson and, if necessary, take appropriate action in open session. **STRICKEN**
18. Pursuant to Section 307B.4, Title 25, Oklahoma statutes, consider convening in executive session to discuss the pending claims of Linda Towne and Jeffery Temple with the US Equal Employment Opportunity Commission against the City of Lawton, EEOC 564-2022-00737 and EEOC 564-2022-00660, to include the upcoming mediation of said claims, and if necessary, take appropriate action in open session. **STRICKEN**

There being no further business to consider, the meeting adjourned at 3:45 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