

Draft – Not Yet Approved

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 13, 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 2:11 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Tony Christie, First Baptist Church, followed by the Pledge of Allegiance

ROLL CALL

PRESENT: Mary Ann Hankins, Ward One
Keith Jackson, Ward Two
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: None

Mayor Booker stated the council will address executive session items.

The Mayor and Council convened in executive session at 2:14 p.m. and reconvened in regular, open session at 3:35 p.m. Roll call reflected all members present.

EXECUTIVE SESSION;

27. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending conflict of interest investigation under City Code Section 17-2-13-274, and if necessary, take action in open session.

Ratliff read the title of item #27.

MOVED by Hampton SECOND by Hankins to close this investigation and discharge the investigating officers. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

28. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss an action relating to litigation against the manufacturers and distributors of opioids in an effort to hold them accountable for their marketing practices alleged to have caused public nuisance and monetary damages suffered by municipalities, and if necessary take action in open session with regard to a claim asserted by the City of Lawton as deemed appropriate. Specifically, discuss the City's pending litigation as part of the In Re: National Prescription Opiate Litigation MDL No. 2804, including the impact of the following subsequent bankruptcy filings: Case No. 19-23649, Chapter 11, filed in the U.S. Bankruptcy Court Southern District of New York, styled In Re: Purdue Pharma L.P., et al., Debtors, on the City's litigation; and Case No. 20-12522, Chapter 11, filed in the United States Bankruptcy Court for the District of Delaware, styled In Re: Mallinckrodt PLC, et al., Debtors, on the City's litigation; and if necessary, take action in open session.

Ratliff read the title of item #28.

MOVED by Hampton SECOND by Hankins concerning the Chapter 11 Bankruptcy styled In Purdue Pharma L.P., Case No. 19-23649, move to direct our attorneys to vote on behalf of the City of Lawton for the approval of the proposed Chapter 11 Bankruptcy plan. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

MOVED by Hampton SECOND by Hankins concerning the Chapter 11 Bankruptcy styled In Re: Mallinckrodt PLC, Case No. 20-12522, I move to direct out attornies to hold off canting any ballot to either approve or reject the proposed Chapter 11 Bankruptcy plan until further information can be presented to the council. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL: None

AUDIENCE PARTICIPATION:

Lisa Sullivan, 1316 SW Pennsylvania, spoke against the once a week trash service.
Sherene Williams, 6314 SW Red Oak Road, spoke against the once a week trash service.
Vicki Donnelly, 6809 SW Oakley, spoke against the once a week trash service.

CONSENT AGENDA:

Mayor Booker stated they will consider items #5, #9 and #17 separately. He stated #8 will be stricken from the agenda.

MOVED by Warren SECOND by Hankins to approve the consent agenda with the exception of items #5, #9 and #17 and striking #8. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider approval of the minutes of the Lawton City Council regular meeting of June 22, 2021.
2. Consider the following damage claims recommended for approval: Alvin and Lisa Jones in the amount of \$1,040.00, Johnsie Goodwin in the amount of \$2,781.00, and Service Masters in the amount of \$715.90.
3. Consider renewing the professional services agreement between the City of Lawton, LEDA, and Center for Economic Development Law, and authorize the Mayor and City Clerk to execute the Agreement
4. Consider approving an Agreement for Limited Support between the Museum of the Great Plains Trust Authority and the City of Lawton to fund the continued operation of the Museum, and authorize the Mayor and City Clerk to execute the Agreement
5. Consider approving an Agreement for Funding and Limited Support between the Fires Innovation Science and Technology Accelerator (FISTA) Development Trust Authority and the City of Lawton to fund the operation, management, administration, maintenance and equipping of FISTA facilities during the 2021-2022 fiscal year to encourage economic/industrial development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement.

MOVED by Hankins SECOND by Hampton to approve an Agreement for Funding and Limited Support between the Fires Innovation Science and Technology Accelerator (FISTA) Development Trust Authority and the City of Lawton to fund the operation, management, administration, maintenance and equipping of FISTA facilities during the 2021-2022 fiscal year to encourage economic/industrial development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

6. Consider approving the annual Cooperative Agreement and an Agreement for Limited Funding between the City of Lawton and the City Transit Trust to provide funds for the operation of a public transit system and authorize the Mayor and City Clerk to execute the same
7. Consider accepting the Greer Park Tennis Courts Light System Replacement Project 21-01 as constructed by Third Generation Electrical, Inc of Tulsa, Oklahoma and placing the Maintenance Bond into effect
8. Consider amending the City of Lawton FY21-22 budget by appropriating \$23,800.00 to the Cemetery Division from the Cemetery Care Fund for the repair and restoration of the City Highland Cemetery Arch, installation of removable bollards for use during funeral processions and special events, and upgrades to the southern gate for primary vehicular access. **STRICKEN**
9. Consider approving an Option and Lease Agreement between New Cingular Wireless PCS, LLC, which conducts business as AT&T Mobility and the City of Lawton and allow construction of a cell tower in Bentley Park.

MOVED by Chapman SECOND by Burk to approve an Option and Lease Agreement between New Cingular Wireless PCS, LLC, which conducts business as AT&T Mobility and the City of Lawton and allow construction of a cell tower in Bentley Park. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

10. Consider approving the use of 2015 CIP funds (Park Improvements) to pay for various park improvement projects to include deck furniture/equipment, internet connectivity, security cameras/monitoring equipment, and lighting for skatepark, directing staff to execute contracts/purchase orders for the same not to exceed the estimated \$109,800.
11. Consider setting the date of August 10, 2021, to hold a public hearing to close a sanitary sewer easement located in Lot 3, Block 1, Lawton Airport Industrial, located adjacent to SW Rex Madeira Road.
12. Consider approving the vacation of the record plat for Alan's Subdivision, a Replat of Lots 7R, 8R, and 9R, a Replat of Block 18, Less and Except Lots 5 and 6, Eastlake Addition, Part 3A.
13. Consider approving the construction plat for Oak Ridge Addition, Part 2A, subject to conditions.
14. Consider approving the record plat for Park View Addition, Part 1, and accepting a performance surety in lieu of the completed sanitary sewer improvements.
15. Consider approving the record plat for the Replat of Lot 5, Less the west 2.04 feet of the south 75 feet, and Lot 6, Block 1, Cache Road Business Park Addition.
16. Consider accepting a public access easement for the sidewalk constructed along Sheridan Road, adjacent to Panera Bread located at 821 NW Sheridan Road.
17. Consider award of construction contract to A-Tech Paving for the 2017 Ad Valorem Street and Roads Program (Residential), Phase I-C - SE 47th Street, Bedford Circle & SW C Ave - Project #2017-07.

MOVED by Burk SECOND by Hampton to award of construction contract to A-Tech Paving for the 2017 Ad Valorem Street and Roads Program (Residential), Phase I-C - SE 47th Street, Bedford Circle & SW C Ave - Project #2017-07. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

OLD BUSINESS ITEM:

18. 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 consider the continuation or discontinuation of the Council Hotel/Motel Tax Committee and authorize the Mayor and City Clerk to execute the

resolution.

MOVED by Fortenbaugh SECOND by Warren to approve **Resolution 21-128** amending Resolution 20-59 to adjust the future Hotel/Motel Tax allocations, commencing with Fiscal Year 2021-2022, and approved the discontinuation of the Council Hotel/Motel Tax Committee. AYE: Hankins, Jackson, Chapman, Hampton, Fortenbaugh, Johnson, Warren. NAY: Burk. MOTION CARRIED.

BUSINESS ITEMS:

19. Consider approving a resolution amending the City of Lawton FY21-22 budget, as amended, by increasing FY21-22 Hotel/Motel revenue projections by \$420,000.00, and by appropriating \$420,000.00 to the Hotel/Motel Fund's Professional Services account for the purpose of supporting certain economic development and tourism activities within the community.

MOVED by Burk SECOND by Hankins to approve **Resolution 21-127** amending the City of Lawton FY21-22 budget, as amended, by increasing FY21-22 Hotel/Motel revenue projections by \$420,000.00, and by appropriating \$420,000.00 to the Hotel/Motel Fund's Professional Services account for the purpose of supporting certain economic development and tourism activities within the community. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

20. Hold a public hearing and consider an amendment to Chapter 18, Lawton City Code, 2015, that amends Sections 18-1-1-106 and Section 18-4-1-418, Chapter 18, Lawton City Code, 2015, by modifying the definition of "townhouse" and providing for severability.

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

MOVED by Warren SECOND by Hankins to adopt **Ordinance 21-15**, waive the reading of the ordinance, read the title only. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 21-15

AN ORDINANCE PERTAINING TO ZONING AMENDING SECTION 18-1-1-106 AND SECTION 18-4-1-418, CHAPTER 18, LAWTON CITY CODE, 2015, BY MODIFYING THE DEFINITION OF TOWNHOUSE; AND PROVIDING FOR SEVERABILITY.

21. Hold a public hearing and consider a request for a Use Permitted on Review for a church located in P-F Public Facilities District zoning classification on property located at 2713 NW 22nd Street.

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

MOVED by Hankins SECOND by Hampton to approve a request for a Use Permitted on Review for a church located in P-F Public Facilities District zoning classification on property located at 2713 NW 22nd Street. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

22. Hold a public hearing and consider approving an ordinance changing the zoning from C-1 Local Commercial District to C-5 General Commercial District zoning classification on property located at 3408 NW Cache Road.

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

MOVED by Warren SECOND by Fortenbaugh to adopt **Ordinance 21-16**, waive the reading of the ordinance, read the title only. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 21-16

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION FROM THE EXISTING CLASSIFICATION OF C-1 LOCAL COMMERCIAL DISTRICT TO C-5 GENERAL COMMERCIAL DISTRICT ON THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION ONE (1) HEREOF; APPROVING THE SITE PLAN ATTACHED AS EXHIBIT A; AND AUTHORIZING CHANGES TO BE MADE UPON THE OFFICIAL ZONING MAP IN ACCORDANCE WITH THIS ORDINANCE.

23. Receive presentation regarding schematic design for the City Hall Renovation Project No. 2020-04A, and consider approving the schematic design - with or without amendments from the floor as may be necessary.

MOVED by Burk SECOND by Warren to approve the schematic design for the City Hall Renovation Project No. 2020-04A. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

24. Consider an ordinance pertaining to Hauling Refuse amending Section 22-4-1-408, Division 22-4-1, Article 22-4, Chapter 22, Lawton City Code 2015, by requiring all refuse being transported on any roadway within the City of Lawton to be secured and covered, providing for severability and establishing an effective date.

MOVED by Burk SECOND by Warren to adopt **Ordinance 21-17**, waive the reading of the ordinance, read the title only and establishing an effective date of ninety days after passage AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 21-17

AN ORDINANCE PERTAINING TO HAULING REFUSE AMENDING SECTION 22-4-1-408, DIVISION 22-4-1, ARTICLE 22-4, CHAPTER 22, LAWTON CITY CODE 2015, BY

REQUIRING ALL REFUSE BEING TRANSPORTED ON ANY ROADWAY WITHIN THE CITY OF LAWTON TO BE SECURED AND COVERED, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

25. Consider an ordinance pertaining to refuse procedures, amending Section 22-1-4-141, Division 22-1-1, Article 22-1, Chapter 22 and Sections 22-4-1-401, 22-4-1-403, 22-4-1-404, 22-4-1-405, 22-4-1-406, 22-4-1-407, 22-4-1-410, 22-4-1-412, and 22-4-1-415, Division 22-4-1, Article 22-4, Chapter 22, Lawton City Code 2015, revising and adding definitions and revising procedures for the collection and disposal of refuse, trash, and Bulky Waste, providing for severability and establishing an effective date.

MOVED by Warren **SECOND** by Chapman to adopt **Ordinance 21-18**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage

SUBSTITUTE MOTION by Fortenbaugh **SECOND** by Johnson to table for six months. AYE: Jackson, Hampton, Fortenbaugh, Johnson, Booker. NAY: Hankins, Chapman, Burk, Warren. MOTION CARRIED.

26. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, removing the optional house-side residential cart collection fee for non-disabled, establishing fees for refuse cart relocation, premium cart collection, overloaded cart collection, short-term container service, premium bulky waste collection, and excess residential bulky waste collection, and establishing an effective date. **STRICKEN**

STAFF REPORTS:

**Department Roundup - Library
Finance Report**

There being no further business to consider, the meeting adjourned at 6:06 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK