MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
AUGUST 8, 2023 – 2:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:
John Ratliff, Acting City Manager
Tim Wilson, Acting City Attorney
Traci Hushbeck, City Clerk
COL James H.B. Peay, IV, Fort Sill Liaison

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 Minister Matt McGee, First Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:
Mary Ann Hankins, Ward One
Kelly Harris, Ward Two (arrived @ 2:25 p.m.)
Linda Chapman, Ward Three
George Gill, Ward Four
Allan Hampton, Ward Five
Bob Weger, Ward Six
Onreka Johnson, Ward Seven
Randy Warren, Ward Eight

ABSENT: None

REPORTS: MAYOR/CITY COUNCIL:

Chapman recognized the 911 response team and the Lawton Police for their professionalism during a recent call to her home.

Weger recognized the Interim City Manager and his staff for his help with some ward issues.

Johnson stated that they will be starting the youth city council program again. The application process will open up on August 22 and will close on September 26.

COL Peay expressed his appreciation for the community welcoming the families that have joined the community this summer. He acknowledged the great relationship they have with the Lawton Fire Department and the surrounding counties.

Mayor Booker stated he appreciated Major General Brooks coming and speaking at the Lawton Birthday celebration.

AUDIENCE PARTICIPATION:

David Tyler, 501 SW 77th Street, stated the lot at 4th and A has plenty of room for the LATS transfer station. They have said it is too small since 2019, which is a lie. His concern is the safety of those people who ride that bus.

CONSENT AGENDA:

Mayor Booker stated Item #13 will be stricken from the agenda.

MOVED by Warren SECOND by Gill to approve the consent agenda with the exception of item #13 AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Approved minutes of the of April 11 and July 25, 2023.

2. Consider waiving landfill gate and brushwood fees per load in whole or in part pursuant to the published fee schedule A-22-144, Lawton City Code 2015 for the Lawton Country Club.

3. Consider approving a resolution amending the City of Lawton FY 2023-2024 budget by appropriating $32,494,467.23 to the Lawton Water Authority Fund for projects funded by Clean Water and Drinking Water State Revolving Fund loans, and up to $3,000,000.00 to the Capital Improvement Projects Fund for projects within said fund. **Resolution 23-126**

4. Consider approving a resolution amending the City of Lawton FY 2023-2024 budget, as amended, by appropriating $9,020.00 to the Information Technology Services Division's Computer Supplies account. **Resolution 23-127**

5. Consider accepting the minimum bid offer of $900 for surplus land described as Lots 9 and 10, Block 115, Lawton View Addition, and authorizing the Mayor and City Clerk to execute the contract for sale, quit claim deed and any other documents necessary to effectuate the sale.

6. Consider approving a Second Amendment to Sublease Agreement with T-Mobile Central LLC, for the antenna on top of the city's water tower located at 3510 NW Roger's Lane and authorizing the Mayor to execute agreement.

7. Consider releasing a temporary easement for the Woodland Arms Apartments located at 2107 NW 38th Street from 2003 that was needed for the NW 38th Street project and authorizing the Mayor and City Clerk to execute the document.

8. Consider adopting a Resolution authorizing the installation of traffic control measures on NE Kingsbriar Drive between NE Cache Road and NE Cypress Lane. **Resolution 23-128**

9. Consider granting a Revocable Permit for a retaining wall and fence encroaching on the right-of-way of SW B Ave, north of Comanche Nation Child Care Center located at 206 SW 8th St.

10. Consider and take action approving the plans, specification and authorize advertisement of the 2023 CIPP Liner Project Sanitary Sewer PU2207, the Sub -Basin 104 PU1410, the Sub-basin 105 PU1414, and the Sub-basin 106 Sewer Line Rehabilitation Project PU1306.

11. Consider approving Change Order No. 2 for Project EN2107 On-Call Citywide Sidewalks amending the contract to include the new bid items to the existing contract with the contractor not-to-exceed the contract price of $2,000,000.

12. Consider and take action approving the plans, specification and authorize advertisement of the Meadowbrook Waterline Replacement Project PU2204 located along Meadowbrook from 38th to 53rd street and 67th Street Waterline Project PU2211, located along 67th street from Bishop to South of Combs.

13. Consider awarding contract (CL23-038) Grassing & Sodding to Green Turf Sod of Lawton, OK for Options 3a, 3b and 4a. **STRICKEN**

14. Consider approving appointments to boards and commissions.

BUSINESS:

15. Receive a presentation from the Uninsured Vehicle Enforcement Diversion (UVED) Program Director. Council will consider whether to participate in the program and approve camera installation at three separate locations. Council is further empowered to take any other action relating to UVED program participation or support it deems appropriate.

Amanda Couch, UVED Program Director/Prosecutor, District Attorneys Council, presented information on the program. (Presentation is on file in the City Clerk’s office)

Warren stated this is a really good program. He would not object if they needed a couple more.

Hampton stated the one camera we have in Lawton has been very effective.

COL Peay questioned how this would work with out of state licenses.

Ms. Couch stated their cameras only recognize Oklahoma license plates.

Johnson requested Ms. Couch give a timeline of what happens.

Ms. Couch stated the notices go out in a week and then there is a 30-day timeline to respond. After 90 days you are subject to receiving another notice.

<u>MOVED by Warren SECOND by Hampton</u> to approve the installation of the three UVED cameras at the recommended. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

16. Receive an update on the status of the street repairs on W. Gore Blvd from 67th Street to 82nd Street and give direction to staff as necessary.

Joe Painter, Engineering Director, presented an update on the project. He stated it will be the first of next year before ODOT will let it out for construction.

Weger questioned who was responsible for maintaining the gravel. His constituents have called saying they have to travel through the neighborhood which is putting more stress on other streets because you cannot drive over 5 mph on that gravel.

Painter stated the City is responsible. Staff will work with the utility companies to get them finished up so they can get it all cleaned up. There should be a drivable surface in place.

Mayor Booker requested crews go out and smooth out that gravel.

No action was taken.

17. Discuss the potential transfer of management of the City's aquatics programs and facilities to the Lawton Youth Sports Trust Authority (LYSA) and take action as deemed necessary.

Warren stated this item is to direct staff to work with the youth sports authority to determine if this is something we can do. He has been so happy with how the authority has taken off and the way it has been overseen. He stated that this will give the authority the ability to oversee any installation of any aquatics in any of the parks.

<u>MOVED by Warren SECOND by Harris</u> to direct the City Manager to allow discussions with the youth sports authority. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

18. Consider the creation of an Ad Hoc Committee on Streets for the purpose of reviewing the Pavement Assessment Study, maintaining oversight of ad valorem street projects, creating an 8-year plan for street improvements, communicating the plan with citizens, and discussing any other street issues as they arise.

Painter stated this would be a great help to the engineering department.

Mayor Booker stated the pavement assessment study stated we needed $30 million per year just to stay even. He stated we cannot replace all the roads that need to be replaced, there has to be improvement processes. He would like to 1) appoint an ad hoc committee on streets to set the priorities for the new ad valorem program, with the critical bridges being first and the rest to be prioritized and communicated to the citizens, 2) take a look at ODOT's maintenance and improvement program and build a policy with the help of our staff and possibly an outside engineering firm, 3) to set priorities for road replacement and improvement and 4) come up with a plan (for some number of years) to get us to a place that we can be proud and the cost to get there. We tripled the funds for our materials budget, from $1.5 million to $ 4.5 million and that will do a lot of overlays. He would like to have a motion for the ad hoc council committee on streets with Council Members George Gill as chairman, Allan Hampton and Kelly Harris.

Warren stated they could fix a street in each ward every three years. Until we get to a point where we can maintain, repair, and replace, we will get behind and we just cannot catch up and that is the situation we are in now. Like the MAPS program in Oklahoma City, they listed it all out and they just checked it off. That is what you show the citizens at the end of the program. He feels this is the only plan to get us where we need to be.

Hankins stated we had an extensive assessment, so we have already started.

Mayor Booker stated yes, this will just get the council involved in setting priorities and develop an overall strategy.

Hankins suggested they place this on the website to keep citizens informed.

Gill stated there is a misunderstanding in that not every street needs to be torn up. There are a lot of streets that can be resurfaced to get another seven to ten plus years. We have to develop a maintenance program. We need to 1) set priorities for the ad valorem tax, 2) look at ODOT maintenance and improvement program and build a policy around this and 3) set priorities for replacement and improvements. He developed a mission statement which states "we are in the business of water drainage, our focus is to address water drainage obstacles on a daily basis and instill a maintenance and improvement mentality, and prioritizing cost-effective repairing and life extending measures over replacing the roads".

Harris stated we can have a nice city, but someone is going to have to pay the bill. We need to invest in our community.

Hampton stated it is good to be working with city staff and looking at long term maintenance.

Gill stated this is an 8-10 year program.

Mayor Booker stated we will move forward over the next decade.

MOVED by Warren SECOND by Hampton to approve the creation of an Ad Hoc Committee on Streets and appointing Council Members Gill (Chair), Hampton and Harris. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

19. Discuss the reasons for the delay in completing the FY 2021-2022 audit and direct the City Manager to prioritize its completion as the top priority, utilizing outside resources if necessary for efficiency, and provide a status update every 30 days or until completion.

Warren stated part of the problem is that we have never gotten even, we are always working from behind. We need to get caught up because then it is a lot easier to get things done in the time required.

Mayor Booker suggested a policy that says that if you are not going to have it done on time, notify the council 60 days ahead so we can authorize extra help to get it done on time.

Chapman questioned if we were having difficulty getting information from the different authorities.

Joe Don Dunham, Finance Director, stated they have had that difficulty in the past, but not for this audit.

MOVED by Warren SECOND by Hankins to direct the City Manager to make the completion of the FY 2021-2022 audit the top priority through any means necessary, including the use of outside resources, in accordance with the True North Culture Statement by doing so efficiently, transparently, and making no excuses and direct staff to create a policy to notify the council 60 days ahead of time if we are not going to meet the statutory deadline. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

20. Receive a report from the City Manager on the status of the True North Statement implementation and to provide the City Council and opportunity to give further direction and support as needed.

Ratliff reported on the status of the True North Statement implementation. (Presentation is on file in the City Clerk's office)

Mayor Booker stated he would like to see some posters made.

Ratliff stated they will post signs around city hall.

Harris questioned how they reach every employee.

Ratliff stated the best way is to show in what we do as a governing body and daily actions and how you interact with staff members.

Hankins stated citizens can also help by cooperating and taking personal responsibility for things, that is prevention.

No action was taken.

Council recessed from 3:17 p.m. to 3:26 p.m.

21. Discuss a plan to install security cameras in City parks and direct staff to issue an RFP.

Judy Franco, IT Director, presented information on the agenda item. (Presentation is on file in the City Clerk's office)

Mayor Booker stated these are estimates, we would have to put out an RFP.

Franco stated yes, she would need to get a quote from vendors and they will need to inspect the placements because of electricity and the shape of the poles.

Mayor Booker questioned who would monitor these cameras.

Franco stated dispatch.

Mayor Booker questioned if they would be triggered with motion detectors.

Dewayne Burk, Deputy City Manager, stated they could set something up where notifications would begin at 11 p.m., when the park closes. He stated they asked staff to prioritize the main parks and he suggested they get with the experts and let them evaluate the parks and bring back proposals on how to provide the best coverage and match up the equipment with our IT department to see what is compatible.

Harris stated he would like us to include cameras in the cemetery into this package.

Chapman stated they also need to include the cost of maintenance and upkeep.

MOVED by Hampton SECOND by Hankins to issue an RFP to evaluate the parks and the cemetery and bring us a proposal as to what will provide the best coverage as well as match up the equipment with our IT department. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

22. Discuss the need for an amphitheater in Elmer Thomas Park, and direct staff to issue a Request for Proposals (RFP) for the design and building of said amphitheater.

Warren stated several years ago we built a base for an amphitheater in Elmer Thomas Park and he feels it is time to finish this project. He suggested they hire someone that will give them some different options to make that stage more useable.

Mayor Booker stated they will need to deal with the water feature that runs through it. At some point there needs to be some guidelines on what we are looking for.

Gill stated he would like for staff to put together a preliminary design which could be grass seating, concrete or even benches. He would estimate it would need to be able to accommodate 200-250 people. He stated this would be a design build and there are capable contractors in the area that could do a design and build project.

MOVED by Gill SECOND by Harris to go out for a request for proposal on a design build basis and supply preliminary drawings showing the area and make some alternates for both the structures and the seating.

Jason Poudrier, Arts and Humanities Administrator, stated there is no way to fence off the area to sell tickets to events.

Burk stated there is an area in the park that could be utilized for larger events and it would be securable. Staff would recommend a plan for the existing amphitheater and to maintain a green area and constructing a stage.

Gill stated his motion was for a small amphitheater to have art programs and small events with minimal cost. It would be a whole different program to hold concerts and sell tickets.

Poudrier stated the Shepler Park master plan provides for a smaller amphitheater that accommodates 200-250 people. The amphitheater in Elmer Thomas Park is conducive for 1,000 plus people.

Gill stated he is not looking at Shepler Park, he is looking at Elmer Thomas Park with seating for just 250.

Harris stated that area in Elmer Thomas Park is perfect for larger events with Shepler Park for small events. It is the best of both worlds.

Poudrier clarified that the motion would be for the amphitheater in Elmer Thomas Park to be finished out with seating for 200-250 with the lawn being extended to seat 1,000 plus.

Hampton stated we can use more than one amphitheater.

Chapman stated she would like some clarification on the water feature in the middle, is that not a drainage area?

Mayor Booker stated that can all go underground.

Harris questioned how much we paid for the super structure for the Freedom Festival.

Poudrier stated for the framing and speakers we paid $15,000.

Harris stated we will save that every year.

Poudrier stated we would have to pay for speakers, but it would save us around $5,000.

VOTE ON THE MOTION: AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

23. Consider directing staff to proceed with the planning and engineering work for the construction of a sidewalk around Lake Helen and establish a timeline of having a sidewalk open for foot traffic no later than April 1, 2024.

Mayor Booker stated he would like to move forward on this project.

Painter stated they were unable to get a grant for this project, but they can add this project to the sidewalk list and use our contractor that has been installing sidewalks all over town. He stated because of the grant application, they already have detailed plans to get started.

MOVED by Gill SECOND by Hampton to direct staff to proceed with the planning and engineering work for the construction of a sidewalk around Lake Helen and establish a timeline of having a sidewalk open for foot traffic no later than April 1, 2024. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

Mayor Booker stated agenda items #24 and #25 will be stricken from the agenda.

24. In accordance with the Truth North Culture Statement, consider approving an ordinance to waive all previously required permits for fundraising activities and entrepreneurial ventures by children and take action as deemed necessary. **STRICKEN**

25. Consider approving an amended term sheet with Westwin Elements, Inc and take action as deemed necessary. **STRICKEN**

STAFF REPORTS:

26. Receive a report on the implementation of Council Policy 1-13, "Access Policy", and take action as deemed necessary.

Ratliff briefed the council on the implementation of Council Policy 1-13. He stated we do not want to make city hall a place where citizens do not feel welcome, but we also want to protect our citizens. Staff will work to get the right balance between openness and transparency and security. He feels we are at a good spot.

27. Receive an update on no-cost and low-cost family friendly activities and the status of the indoor park at Central Plaza and take action as deemed necessary.

Poudrier briefed the council on the indoor park at Central Plaza. (Presentation is on file in the City Clerk's office)

Mayor Booker questioned if staff has visited with FISTA representatives.

Poudrier stated he has and this is space that is available.

Mayor Booker stated it is important that we work with the FISTA. He suggested staff come up with other ideas such as miniature golf. He stated the initial cost is $96,000 and if FISTA did not like the placement, it could be moved. He questioned if we have to bid this out.

Poudrier stated yes. He estimated it would take approximately 60 days to get bids in.

MOVED by Harris SECOND by Chapman to go out for bids and move forward subject to FISTA's approval and further direct staff to continue developing the indoor park idea. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

28. FY 2022 - 2023 Annual Financial Report

Dunham presented the annual finance report for FY 2022-2023. (On file in the City Clerk's office).

The Mayor and Council convened in executive session at 4:35 p.m. and reconvened in regular, open session at 5:00 p.m. Roll call reflected all members excluding Harris, who left before executive session.

EXECUTIVE SESSION:

29. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending action in the United States District Court for the Western District of Oklahoma titled Kent Jackson, as personal representative of the Estate of Israel Williams vs. City of Lawton, et al, CIV-23-284-G, and if necessary, take appropriate action in open session.

Wilson read the title of item #29.

MOVED by Hampton SECOND by Weger due to the law firm Goolsby, Proctor & Heefner having a staffing change and needing to withdraw from the case, I move to approve a retainer agreement with the law firm Pierce, Couch, Hendrickson, Baysinger & Green for attorney Robert Lafferrandre and other members of the firm as authorized by the city attorney to represent current/former city employees: (1) Timothy Scanlon, (2) Natascha Bates, (3) Wyatt Carter, (4) Jeremy Kinman, (5) Ronnie Watkins, (6) Cassidy Stavely, (7) Stephen Schwender, (8) Tika Fisher, (9) Ian Druce, (10) Deluse Allen, as well as (11) any other individual not specifically named in the Amened Petition or Second Amended Complaint but added later to the suit who otherwise submits a request for representation, meets the requirements for representation, and is subsequently approved by council for representation. AYE: Hankins, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

30. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending action in United States District Court for the Western District of Oklahoma titled Linda Towne and Jeffery Temple vs. City of Lawton, Case No. CIV-23-251 and if necessary, take appropriate action in open session.

Wilson read the title of item #30. No action was taken.

There being no further business to consider, the meeting adjourned at 5:03 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