

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
SEPTEMBER 13, 2022 – 2:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Randy Warren, Mayor Pro Tem

Also Present:

Dewayne Burk, Acting City Manager

John Ratliff, City Attorney

Traci Hushbeck, City Clerk

COL James H.B. Peay, IV, Fort Sill Liaison

Mayor Booker called the meeting to order at 2:52 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

Kelly Harris, Ward Two (Left meeting @ 4:00 p.m.)

Linda Chapman, Ward Three

Jay Burk, Ward Four

Allan Hampton, Ward Five

Sean Fortenbaugh, Ward Six

Onreka Johnson, Ward Seven (Left meeting @ 3:25 p.m.)

Randy Warren, Ward Eight

ABSENT:

None

PROCLAMATION:

Hispanic Heritage Month

Mayor Pro Tem Warren proclaimed September 15 – October 15, 2022 as Hispanic Heritage Month

REPORTS: MAYOR/CITY COUNCIL:

Hankins encouraged citizens to attend the public hearings on the parks. She stated the Ward 1 public hearing will be held on September 22nd at 5:30 p.m.

Chapman reported the Meadowbrook Neighborhood Watch will have an ice cream social on September 26th at 7 p.m. She stated the Ward 3 public hearing for the parks will be held on October 6th at 5:30 p.m.

Burk reported the LETA is a finalist for a state award for the Trash Off event.

Mayor Pro Tem Warren stated the Ward 8 public hearing for the parks will be held on October 13th at 5:30 p.m. He stated anyone who is interested in playing in youth sports needs to go to playlawton.com and check out what is available.

Hampton encouraged citizens to visit the Farmers Market.

Fortenbaugh encouraged everyone to study the Hispanic culture.

Johnson stated Cop N Kids picnic will be held on Saturday from 10 a.m. to 1 p.m.

COL Peay reported that Octoberfest will be held on October 30th at Fort Sill.

AUDIENCE PARTICIPATION:

Paul Bowen, former planning commissioner, spoke on behalf of a citizen who had a permit revoked at his residence at 2615 NW Pollard. She stated there was no reason the permit was revoked other than he needed a survey. She requested the council look into the matter.

CONSENT AGENDA:

Mayor Pro Tem Warren stated items #3 (Vargas and Muller claims) will be considered separately. Fortenbaugh requested items #6, #10, #11 be considered separately and item #7 be stricken. Ratliff stated item #9 will be stricken from the agenda.

MOVED by Burk SECOND by Harris to approve the consent agenda with the exception of items #3 (Vargas and Muller claims), #6, #10, #11 and striking items #7 and #9. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider approval of the minutes of the Lawton City Council regular meetings of June 14 and August 23, 2022.
2. Consider the following damage claim recommended for approval: James and D’Lisa Floyd in the reduced amount of \$6,393.38. (**Resolution 22-147**)
3. Consider the following damage claims recommended for denial: Charles Wade in the amount of \$11,016.70, Robert Muller, DDS, dba Muller Family Dentistry in the amount of \$27,144.27, and Luis Vargas in an undetermined amount.

Luis Vargas, claimant, stated he went to Oklahoma City to visit his grandchildren and he became ill and was in the hospital for a long time. His duplex was demolished during his illness.

Chris Hall, Assistant City Attorney, presented information on the claim. He stated the duplex was demolished in accordance with the resolution passed by council.

Fortenbaugh stated this issue has been going on for over a year. He questioned how long Mr. Vargas was in the hospital.

Mr. Vargas stated eight months.

Burk stated Mr. Vargas was sent notice.

MOVED by Burk SECOND by Fortenbaugh to deny the claim of Luis Vargas. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

Hall presented information on the claim.

Chapman questioned if city crews looked for the electrical line in the easement.

Hall stated they did call in to Okie. He stated technically they could have done it without calling in because it was an emergency.

Burk stated a privately installed line will not show up in locates. The water line was located in the city owned easement and you are not supposed to put anything in that easement. There is no way the City can be liable for something they did not know was there.

Fortenbaugh stated he would like to table this item to the next meeting because he has several questions about this claim.

MOVED by Fortenbaugh SECOND by Harris to table the claim of Robert Muller, DDS, dba Muller Family Dentistry in the amount of \$27,144.27. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

4. Consider adopting a resolution approving the joint petition settlement and making payments in the workers' compensation claim of Scotty Preston in the amount of \$61,494.59. **Resolution 22-148**
5. Consider accepting the minimum bid offer of \$900 for surplus land described as Lot 49 and the South 20-feet of Lot 50, in Block 2, Subdivision of Blocks 6, 7, & 8 of Woodhouse Subdivision, and authorizing the mayor to execute documents.
6. Consider amending Council Policy 8-1: Engineering & Architectural Selection Process to authorize the City Manager or their designee to negotiate fees with and supervise engineering/architectural firms that provide services for the City, and to increase the expected fee amount thresholds requiring Council approval of contracts and formal selection processes.

Fortenbaugh stated this item is related to the Council's Engineering Selection Committee and he would like table this item so that the committee can discuss this item with the City Manager and make a recommendation.

MOVED by Fortenbaugh SECOND by Harris to table. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

7. Consider approving an amendment to Council Policy 1-6, Council Rules of Procedure, by adding a three (3) minute time limit for discussions and debates. **STRICKEN**
8. Consider approving a Resolution to increase the petty cash account for Animal Welfare. **Resolution 22-149**
9. Consider accepting a proposal from Hot-Shot Services, LLC. in response to RFPCL23-001 Highland Cemetery Entrance Arch Masonry Restoration in the amount of \$96,500.00, and authorizing the Mayor and City Clerk to execute the contract. **STRICKEN**
10. Consider approving a resolution amending Appendix A, Chapter A-19, Article A-19-7, Schedule of Fees and Charges, Lawton City code, 2015, by including “Court” to the existing athletic field rental fee to allow for rentals of tennis courts or other like courts across the City, and authorizing the Mayor and City Clerk to execute the resolution.

Hampton questioned if this charge was for a reservation for an event or just for people to use.

Christine James, Parks and Recreation Director, stated they receive requests for tournament type events. They request that the court or the field be closed for a tournament.

Hampton clarified that this is for events and they are specific to the use of that location.

James stated they are getting requests for tennis courts so they added the word “courts”. She stated there are no fee increases with this resolution.

MOVED by Hampton SECOND by Burk to approve **Resolution 22-150**. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

11. Consider approving a resolution amending Appendix A, Chapter A-19, Article A-19-7, Schedule of Fees and Charges, Lawton City Code, 2015, by adding additional public facilities that are available for rent and eliminating the fees listed under Elmer Thomas Park/Lake Helen Stage Schedule of Fees and Charges; and authorizing the Mayor and City Clerk to execute the resolution.

Fortenbaugh stated it looks like with this item we will be doing the same and charging for exclusive use.

James stated they have been receiving requests.

MOVED by Fortenbaugh SECOND by Burk to approve **Resolution 22-151**. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

12. Consider approving the record plat for the Re-Plat of Lots 2, 3, & 4, Block 1, Oak Ridge Addition, Part 1B.
13. Consider approving the record plat for Wyatt Acres Addition, Part 19, as recommended by the City Planning Commission on August 25, 2022.
14. Consider approving updated school zone times for Lawton Public Schools.
15. Consider adopting a Resolution authorizing the installation of traffic control measures at the 1600 block of NW 72nd Street and on NW 75th Street at Willow Creek Park.
Resolution 22-152
16. Consider authorizing staff to apply for a grant through the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) for acquisition and demolition of flood prone properties.
17. Consider approving agreement with Sterns, Conrad, and Schmidt Consulting Engineers, Inc. (dba, SCS Engineers) for providing professional engineering services on the Project PW2101 Landfill Cells 6 & 7.
18. Consider accepting two grants from the Oklahoma Water Resources Board from the Oklahoma Water Resources Board FEMA High Hazard Potential Dams (HHPD) Grant FY22 in support of the Lake Lawtonka and Lake Ellsworth Gate Operations Project, authorizing funding from 2019 CIP Water and Sewer funds and authorize the Mayor and City Clerk to execute the Agreements between the City of Lawton and the Oklahoma Water Resources Board.
19. Consider awarding a contract for the Lawton SCADA Improvements Project PU2201 to replace and upgrade the control systems for the two water treatment (SEWTP, MPWTP) plants and Water Distribution to Control Panels USA Inc. in the amount of \$6,112,490.00.
20. Consider approving appointments to boards and commissions.

Museum of the Great Plains Trust Authority

Janice Bell- Trustee Appointee
315 NW 35th Street
Lawton, Oklahoma 73505
UT 05/24/2025

FISTA Trust Authority

Albert Johnson, Jr.- Cameron University Appointee
2800 W Gore Boulevard
Lawton, OK 73505
08/24/2025

Clarence Fortney- Great Plains Technology Center Appointee
4500 SW Lee Boulevard
Lawton, OK 73505
08/24/2025

BUSINESS ITEMS:

21. Consider discussing the status of the repairs needed at the Museum of the Great Plains and provide direction to staff.

Chapman stated she is on the board of the museum and there have been some HVAC and ongoing water leaks. They are having an accreditation group coming in November and she just wanted some updates on the cost of these repairs so they have some kind of a plan.

James stated they are aware of the HVAC issues at the museum but with state statute changing, they are unable at this time to get a good estimate on what it would take to replace. She stated our HVAC contractor is doing what he can to make it work with what we have.

Burk stated it is hard to find equipment and parts, but they must have air conditioning.

James stated the museum is under the blanket city-wide contract and they would have to have the blessing of the City Attorney to go outside that contract.

Burk stated we are not getting it repaired so they need to go out for bids for new equipment.

Hampton stated this is a key place for tourism and it should be a priority.

Bart McClenny, Director of the Museum of the Great Plains, stated most of their units are 26 years old.

Burk stated that is far beyond the life expectancy of a unit. He suggested they come up with a policy on replacing equipment.

Fortenbaugh stated they doubt this will get fixed before the accreditation is done, but perhaps we can assure them that they have identified the funding and they are on top of the situation.

Chapman stated water leaks are also an issue.

Dewayne Burk, Deputy City Manager, stated building maintenance staff was directed to look at the issue and they have found gaps under the window seals and they have patched some holes which is a temporary fix until they can come up with a permanent solution.

Joe Painter, Director of Engineering, stated there was some preliminary discussion about what needed to be done. The windows are leaking and the façade was installed incorrectly and they need to come up with a plan to remove them and fix it once and for all.

Chapman requested staff start on this plan.

Hankins questioned when this first started leaking.

Mr. McClenny stated when the new addition was completed in 1996. He stated he would hate to remove those windows if in fact that is not the problem. He stated with the most recent analysis it appears that some flashing was never installed and they are missing at least three things that were never done.

Hampton suggested staff get a cost estimate and bring that back to council to approve an RFP.

Painter stated the whole system was constructed incorrectly, it is not just the windows that need to be replaced.

Mayor Pro Tem Warren stated needs to bring back an item to council to direct staff to do an RFP.

Burk stated they have sent a message to the city manager to start looking at all the buildings and figure out where we are.

Ratliff stated before they rush to an RFP they need to look at everything and figure out what repairs are required.

22. Consider receiving a presentation from the Oklahoma Department of Wildlife regarding prairie dog colonies; their ecological impact on the community, why healthy populations are important and why non-lethal methods of removal are not effective in some scenarios.

Kurt Kuklinski, Wildlife Diversity and Research Supervisor from the Oklahoma Department of Wildlife, presented information on black-tailed prairie dog control. (Presentation is on file in the City Clerk's office). He stated the City of Lawton has applied for a permit to cull black-tailed prairie dog populations on three city properties. He stated ODWC intends to issue a 90-day permit because they see the validity of the application.

Burk stated this has been an ongoing thing. He stated the state is able to use a different method than what we are allowed to use. He questioned why we cannot use the same chemical as the state.

Mr. Kuklinski stated any treatment chemical is through the Department of Agriculture and he believes the state has a higher level of authority to get their hands on more lethal chemicals. He is not sure how to get that higher applicators license to be able to get access to those kinds of chemicals.

Burk stated they have to do something because they are a nuisance and they are taking over everywhere, but they do not want to do away with all of them.

Mayor Pro Tem Warren questioned how they contain them. They were told that they will only dig to where they can see, so if you plant tall grass they will not go beyond that.

Mr. Kuklinski stated they are dependent on high visibility, but he is not sure about what type of vegetation would be needed.

Mayor Pro Tem Warren stated that just culling them and leaving it the way it is does not work.

Chapman stated this is also a safety issue because there are festivals held in the park.

Hampton questioned if they need some type of program for diseases.

Mr. Kuklinski stated the plague that would infest a colony is not transferrable to humans. The bigger safety concern is the holes and the threat of hurting ankles.

D. Burk stated they are concerned with the fact that the prairie dogs are migrating into other areas such as the school and into private yards. He stated they have a staff member who recently received his certification and will work through this process to help control the population moving forward.

Harris questioned if there is a structure that could be built.

Mr. Kuklinski stated it would be very difficult because they can dig very deep.

23. Consider approving an ordinance and accompanying resolution pertaining to Chapter 7 Business, specifically Article 7-31 Parade and Assemblies, by amending code to reflect the changes made recently in the fee schedule and establish rules and regulations for event permits and assembly permits; providing for severability and establishing an effective date.

James stated the current code states that no one shall use any street, alley, park, or other property owned or controlled by the city for purposes other than what it is specifically designed for without a permit. Staff believe this is too restrictive and is proposing substantial changes to this code. The proposed changes include, only requiring an event or assembly permit for groups of over 25 people. An “Event” is defined as a gathering of 25 or more people congregating, standing or moving on a public street, right-of-way, easement, sidewalk, or city owned or controlled property for recreational, celebratory or entertainment purposes. For an event permit, there are three proposed tiers; Private-Minor (private event up to 100 people); Public Minor (public event up to 500 people); and Public-Major (public event over 500 people). Each tier will have their own regulations and approval process. The application fees for an event permit are currently in code at \$25, \$75 and \$100. The event permit cost will depend on the City service being requested to support the event. Event permits can also be combined with a Public Facility Rental Permit for an additional fee if they would like to rent a public facility such as a pavilion in conjunction with the event.

MOVED by Burk SECOND by Hampton to adopt **Resolution 22-153** and **Ordinance 22-26**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 22-26

AN ORDINANCE PERTAINING TO PARADES AND PUBLIC ASSEMBLIES BY AMENDING SECTIONS 7-31-1-3101 THRU 7-31-1-3112 AND ESTABLISHING SECTIONS 7-31-1-3113 AND 7-31-1-3114, DIVISION 7-31-1, ARTICLE 7-31, CHAPTER 7, LAWTON CITY CODE, 2015, BY AMENDING CODE TO REFLECT THE CHANGES MADE RECENTLY IN THE FEE SCHEDULE AND ESTABLISHING RULES AND REGULATIONS FOR EVENT PERMITS AND ASSEMBLY PERMITS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

24. Consider approving an ordinance amending Section 2-3-5-331, Division 2-3-5, Article 2-3, Chapter 2, Lawton City Code, 2015, as amended, by clarifying duties of the Public Library Board and deleting language referencing a previous board, providing for severability; establishing an effective date and allowing for floor amendments.

Kathy Hines, Acting Library Director, stated this ordinance just makes some language changes in the code.

MOVED by Burk SECOND by Hampton to adopt **Ordinance 22-27**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 22-27

AN ORDINANCE PERTAINING TO POWERS AND DUTIES OF THE LIBRARY BOARD AMENDING SECTION 2-3-5-331, DIVISION 2-3-5, ARTICLE 2-3, CHAPTER 2, LAWTON CITY CODE, 2015, BY CLARIFYING DUTIES OF THE PUBLIC LIBRARY BOARD AND DELETING LANGUAGE REFERENCING A PREVIOUS BOARD; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

STAFF REPORTS:

Receive an update on the FISTA Project

James Taylor, Director of FISTA, presented an update on the FISTA Innovation Park.
(Presentation is on file in the City Clerk's office)

Mayor Pro Tem Warren stated that item #28 will be addressed first in executive session.

The Mayor and Council convened in executive session at 4:24 p.m. and reconvened in regular, open session at 5:47 p.m. Roll call reflected all members present.

EXECUTIVE SESSION:

25. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Nathan Johnson as Municipal Court Judge, and in open session take other action as necessary.

Tim Wilson, Deputy City Attorney, read the title of item #25. No action was taken.

26. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending litigation of Andre Wilson, specifically, the pending litigation in Andre Wilson v. The City of Lawton, Michael Cleghorn, Stan Booker, John Ratliff, Onreka Johnson, Kelea Fisher, Frank Jensen, Neil West, and Michael Jones, CIV-22-716, and, if necessary, take appropriate action in open session.

Wilson read the title of item #26.

MOVED by Fortenbaugh SECOND by Hampton to ratify the city attorney's action to engage the law firm of McAfee & Taft to represent the City and all individuals named in their official capacity in the lawsuit Andre Wilson et. al. vs. City of Lawton et. al., case number CIV-22-716-G, Western District of Oklahoma. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

27. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending action in United States District Court titled City of Lawton v. Engie Services, U.S., Inc. f/k/a OpTerra Energy Services, Inc., CIV-21-455-R, and if necessary, take appropriate action in open session.

Wilson read the title of item #27. No action was taken.

28. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending claim involving Johnson Controls Inc. and, if necessary, take appropriate action in open session.

Wilson read the title of item #25.

MOVED by Burk SECOND by Fortenbaugh to approve a settlement agreement wherein the City agrees to pay \$60,000.00 to resolve all outstanding debts and claims between the parties, and authorize the execution of the settlement agreement; with said payment to be on or before 9/30/22 provided both parties have executed the agreement prior to that date, otherwise payment shall be within 30 days of the date both parties have executed the agreement. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 5:51p.m. upon motion,
Second and roll call vote.

RANDY WARREN, MAYOR PRO TEM

ATTEST:

TRACI HUSHBECK, CITY CLERK