

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
SEPTEMBER 22, 2020 – 2:00 P.M.  
LAWTON CITY HALL  
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:  
Michael Cleghorn, City Manager  
Tim Wilson, Interim City Attorney  
Traci Hushbeck, City Clerk  
COL Rhett A. Taylor, Fort Sill Liaison

Mayor Booker called the meeting to order at 2:05 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Don Barnes, Lawton First Assembly, 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

EMPLOYEE SPOTLIGHT PRESENTATION TO BETH PETRICH – PUBLIC UTILITIES DEPARTMENT

The City Manager recognized Beth Petrich for her outstanding performance.

EMPLOYEE RECOGNITION PRESENTATION TO DAVID HASTINGS AND JOHN SANTOS – PUBLIC UTILITIES DEPARTMENT

The City Manager recognized David Hastings and John Santos for their outstanding performance.

RECEIVE THE ANNUAL UPDATE OF THE HOTEL/MOTEL TAX FUNDED ACTIVITIES FOR FY 2019-2020 FROM THE LAWTON ECONOMIC DEVELOPMENT CORPORATION

An update was given by Brad Cooksey, President of the Lawton-Fort Sill Economic Development Corporation who briefed the council on economic development issues. (A copy of the presentation is on file in the City Clerk's office)

AUDIENCE PARTICIPATION: None

#### REPORTS: MAYOR/CITY COUNCIL

Chapman stated the next Heinzwood/Meadowbrook neighborhood watch meeting is scheduled for Monday, September 28 at 7 p.m. at St. Paul's United Methodist Church.

Burk stated there is a rumor going around that this council has defunded the police department and he wants to make a statement so that it is heard by everyone in the community. Never has this council ever voted to defund the police department or anything to do with public safety. It has never happened, and it will never happen as long as he is here. He stated the council supports public safety, there is a public safety tax that citizens supported by approving the permanent continuation in the recent CIP election. He stated there is a group out there trying to start a dialogue about defunding of public safety and he wants everyone to know it is blatant lie. We have a budget that is going to be looked at the first of the year because of COVID we buckled down to make sure we had enough sales tax to pay our bills and if we are in pretty good shape the council will look at funding levels. He does not mind things getting out in the public, but not when they are absolutely not true.

Hampton updated the council on the potential of bringing families into Lawton for tennis tournaments once the tennis courts are redone.

Johnson stated this Saturday at the Patterson Center between 9 a.m. and 1 p.m. there will be some organizations hosting a Rock to Vote event to register voters and help with the completion of the census.

Warren requested his constituents contact him if they are interested in forming a neighborhood watch program.

Mayor Booker stated that there is so much positive happening in this city.

#### CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF AUGUST 11, 2020.

MOVED by Burk SECOND by Chapman to approve the minutes of Lawton City Council regular meeting of August 11, 2020. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

#### CONSENT AGENDA

Mayor Booker stated items #1, #14 and #15 will be considered separately.

MOVED by Warren SECOND by Hankins to approve the consent agenda with the exception of items #1, #14 and #15. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Robert Fogel and Naomi Donnelly in the reduced amount of \$100.00. Exhibits: Legal Opinion/Recommendation.

Kelea Fisher, Deputy City Attorney, briefed the council on the facts of the claim for the sewer backup. The claim was filed in the amount of \$7,690.02. Staff has recommended approval of the claim in the amount of \$100.00.

Robert Fogel, claimant, stated he is not requesting that total amount. The only thing he wants done is to get his shower fixed, the tile fixed and sections of the wall with water damage. He is not trying to make money, all he wants fixed is what was damaged when the City's sewer line collapsed. Out of the \$7,690.02, he feels the City is responsible for about \$3,000 or \$4,000. He stated the \$100 is just a slap in the face.

Burk questioned why Mr. Fogel did not let the City come in and take pictures when this occurred.

Mr. Fogel stated he played phone tag with city staff for a month and a half and then he stopped receiving phone calls.

Warren stated if the council does not approve this claim Mr. Fogel has the opportunity to file in district court.

Chapman suggest Mr. Fogel come back with an adjusted amount that will fix what he is claiming the City damaged.

Wilson stated the claimant has submitted a claim for a certain amount but the council can always make a motion for staff to reevaluate the claim.

Hankins requested that the council hear from staff that went out on the call.

Minci Beamesderfer, claims investigator, summarized her visit to the home. She stated there was a lot of mold and mildew. She stated this has happened slowly over a period of time and this was not a one event sewer backup. (She distributed photos which are on file in the City Clerk's office).

Hampton clarified that there were two backups, one was our line and the other was the owners.

Fisher stated the one in 2019 was an obstruction in the City's line. The one in February 2020 was in Mr. Fogel's service line.

Mr. Fogel stated he is not making any claim on the second sewer backup.

Burk stated it would be much easier to approve an amount if there were some pictures to prove the claim. He does believe the recourse for Mr. Fogel is at the district court level.

Chapman stated she wishes Mr. Fogel had presented a reasonable amount for his claim.

Mr. Fogel stated he didn't think to bring a different estimate. He stated staff was deducting the number from his claim.

Beamesderfer stated she does not change numbers on damage claims. She stated Mr. Fogel could resubmit the claim.

Burk questioned if Mr. Fogel would be willing to resubmit the claim and bring back the number he really wants the council to consider.

Mr. Fogel stated he does not have a problem with pulling items off the original claim. He apologized that he did not take photos of the first backup.

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

2. Consider adopting a resolution approving the joint petition settlement and making payments in the workers' compensation claim of Richard Wallace. Exhibits: **Resolution 20-88.**
3. Consider approving an updated 2020 version of Council Policy 1-06, Council Rules of Procedure to implement changes to bring Council Policy 1-06 up to date, including the August 11, 2020 amendment to the audience participation section adding a thirty-minute time restriction. Exhibits: Proposed Updated Council Policy 1-06.
4. Consider accepting the Citizenship Corner Literacy grant of \$3,999.00 from the Oklahoma Department of Libraries for citizenship materials, supplies, and classes, and authorizing the Mayor to sign the contract. Exhibits: On file in the City Clerk's office.
5. Consider accepting the Health Literacy grant of \$9,000.00 from the Oklahoma Department of Libraries for two community StoryWalks®, and authorizing the Mayor to sign the contract. Exhibits: On file in the City Clerk's office.
6. Consider approving a resolution amending the City of Lawton FY20-21 budget, as amended, by appropriating a \$3,999.00 grant to the Library from the Oklahoma Department of Libraries for citizenship literacy and a \$9,000.00 grant to the Library from the Oklahoma Department of Libraries for health literacy. Exhibits: **Resolution 20-89.**
7. Consider authorizing staff to apply for a grant from the Oklahoma Department of Environmental Quality for the Oklahoma VW Settlement On-Road Program. Exhibits: Oklahoma VW Settlement On-Road Program Summary.

8. Consider adopting a resolution approving an intergovernmental cooperative purchasing agreement by and between The National Cooperative Purchasing Alliance (NCPA) and the City of Lawton, and authorize the Mayor and City Clerk to execute the resolution and agreement. Exhibits: **Resolution 20-90** and NCPA Master Intergovernmental Cooperative Purchasing Agreement.
9. Consider accepting a temporary easement from Joe Briley, a single person, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
10. Consider accepting a temporary easement from Michael C. Brown, a single person, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
11. Consider accepting a temporary easement from Marathon Capital LLC, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
12. Consider accepting a temporary easement from Barbara A. Searce, Trustee of the Barbara A. Searce Revocable Living Trust, Dated July 6, 2001, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
13. Consider accepting a temporary easement from Henry Joseph Zelek III, a single person, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
14. Consider award of construction contract to MTZ Construction, Inc., for the 2017 Ad Valorem Street and Roads Program (Residential), Phase I-D -NW 78<sup>th</sup> Street and SW Oakcliff Avenue - Project #2017-07. Exhibits: Contract and Bid Tabulation.

Joe Painter, Engineering Director, stated bids were opened on Phase I-D and MTZ was the low bidder at \$2,006,635.66. Staff is recommending they award this bid. He stated I-D was NW 78<sup>th</sup> Street and SW Oakcliff Avenue. He stated 78<sup>th</sup> Street is in Ward 6 and SW Oakcliff is in Ward 8.

Fortenbaugh stated 78<sup>th</sup> Street is one of the worst streets on that side of town. Voters approved this about three years ago. He stated this will be a brand new road with sidewalks. He is very happy to see this project started.

Warren stated the citizens in Lee West have been waiting for this project for a long time. He stated we are putting some processes in place that will speed up this process. He questioned when construction will begin.

Painter stated the prework meetings will start this week and the notice to proceed will be within the next two weeks.

MOVED by Warren SECOND by Fortenbaugh to award a construction contract to MTZ Construction, Inc., for the 2017 Ad Valorem Street and Roads Program (Residential), Phase I-D - NW 78<sup>th</sup> Street and SW Oakcliff Avenue - Project #2017-07. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

15. Consider award of construction contract to AE Construction, LLC for the 2017 Ad Valorem Street and Roads Program (Residential), Phase I-E -SW 7<sup>th</sup> Street - Project #2017-07. Exhibits: Contract and Bid Tabulation.

Painter stated this is a continuation of the ad valorem projects. He stated I-E is in Ward 7 and the low bidder is AE Construction at \$1,048,476.30.

Johnson stated they are excited about this project. She reminded everyone that there are other projects that are coming along.

Mayor Booker stated there are \$17 million worth of projects from the 2017 Ad Valorem that are currently in engineering and this is part of the acceleration program that has been started by city leadership.

MOVED by Johnson SECOND by Hankins to award a construction contract to AE Construction, LLC for the 2017 Ad Valorem Street and Roads Program (Residential), Phase I-E -SW 7<sup>th</sup> Street - Project #2017-07. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

Painter stated they have all the easements in for project I-B, which is in Ward 3, and it will be on the next council agenda to approve the construction plans. They will open bids in November. They should start advertising for I-A in December.

16. Consider extending contract (RFPCL16-034) Banking Services to IBC Bank of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
17. Consider extending contract RFPCL19-035 Physical Damage Coverage for Select Vehicles & Heavy Equipment to North American Insurance Agency of Lawton, LLC, dba INSURICA of Lawton. Exhibits: Department Recommendation, Contract Extension Forms, Price Sheets/Proposal Designation of Agent Letter.

18. Consider extending contract (CL19-002) Sludge Lagoon Maintenance to Hodges Farms & Dredging of Lebo, KS for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
19. Consider rescinding contract (CL21-001) Liquid Oxygen to Airgas USA, LLC of Tulsa, OK. Exhibits: Department Recommendation, Price Sheet.
20. Consider awarding (CL21-005) Agricultural Leases for the Lawton Water Authority Properties to named parties on attached memorandum from the City Attorney's Office, with each award contingent upon the lessee executing a timely lease with the City. Exhibits: Department Recommendation.
21. Consider approving appointments to boards and commissions. Exhibits: None.

**Mayor's Commission On The Status Of Women**

Ka'Tavia West

New Member

Unexpired Term 01/23/2021

**Redistricting Committee**

Craig Jensen

Ward 3 Representative

New Member

09/22/2025

**NEW BUSINESS ITEMS:**

22. Consider awarding a professional services contract to Halff Associates, Inc. to develop a comprehensive city-wide Lawton Parks, Sports & Recreation, Trails and Open Space Master Plan for the City of Lawton. Exhibits: Agreement, fee schedule and scope of services are on file in the City Clerk's office.

Bart Hadley, Deputy City Manager, stated they have received five proposals and interviewed three and ultimately decided on Halff Associates. The initial scope of services they provided included the lakes, but based on the feedback from the council they have removed that portion. This scope of services is focused just on parks in the city of Lawton.

Burk stated the funding from this CIP is just taking this to a whole new level and he is so excited about this project.

Hadley stated the overall cost for the master plan is \$208,972.

Mayor Booker stated this is so important because this parks master plan is the beginning steps in the transformation of our community.

MOVED by Burk SECOND by Warren to award a professional services contract to Halff Associates, Inc. to develop a comprehensive city-wide Lawton Parks, Sports & Recreation, Trails and Open Space Master Plan for the City of Lawton. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

23. Consider an ordinance amending Personnel Policies and Procedures Section 17-1-6-163, Chapter 17, Lawton City Code, 2015, by allowing employees with on the job injury follow up appointments the opportunity to receive prior approval for more than four (4) hours leave in one (1) workday; removing the restriction that follow up appointments not be made on the last day of a work week; correcting the alphabetization in the section; providing for severability and establishing an effective date. Exhibits: Ordinance 20-\_\_\_\_.

Dewayne Burk, Human Resources Director, stated it was brought to the attention of the Human Resources Department, through the Employee Advisory Committee, that there are some instances when it is beneficial to schedule multiple follow up appointments on the same day, particularly out of town appointments. However, current language deters that from occurring due to only allowing four hours per workday. This amendment would allow the employee to seek approval for additional time during such circumstances. The proposed amendment would also allow appointments to be scheduled on any day of the week and corrects the alphabetization of the section. The proposed amendment has been approved by the EAC.

MOVED by Warren SECOND by Chapman to adopt **Ordinance 20-15**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 20-15

An ordinance amending personnel policies and procedures Section 17-1-6-163, Chapter 17, Lawton City Code 2015, by allowing employees with on the job injury follow up appointments the opportunity to receive prior approval for more than four hours leave in one workday; removing the restriction that follow up appointments not be made on the last day of a work week; correcting alphabetization in the section; providing for severability and declaring an effective date of thirty days after passage.

## STAFF REPORTS

Kara Haynes, Finance Director, presented revenue and expenditure highlights for the period ending August 31, 2020. (On file in the City Clerk's office).

The Mayor and Council convened in executive session at 3:20 p.m. and reconvened in regular, open session at 5:24 p.m. Roll call reflected all members present.

EXECUTIVE SESSION:

24. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action regarding the City of Geronimo Agreement for Wastewater Treatment Services, and if necessary, take appropriate action in open session. Exhibits: None.

Wilson read the title of item #24.

MOVED by Fortenbaugh SECOND by Warren to accept \$25,000 from the Town of Geronimo, Oklahoma, as and for settlement of an outstanding balance due through May 20, 2020, to the City of Lawton under an agreement for wastewater treatment services and authorize the Mayor, City Clerk, and City Attorney to execute any documents necessary to effectuate the settlement. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

25. Pursuant to Section 307C.11, Title 25, Oklahoma Statutes, consider convening in executive session for purpose of conferring on matters pertaining to economic development, the public disclosure of which would violate the confidentiality of prospective business entities, and if necessary, take appropriate action in open session. Exhibits: None.

Wilson read the title of item #25. No action was taken.

26. Pursuant to Section 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session for purpose of discussing the possible purchase or appraisal of real property, and if necessary, take appropriate action in open session. Exhibits: None.

Wilson read the title of item #26.

MOVED by Burk SECOND by Warren to approve an agreement with Central Mall Lawton Realty Holding LLC for the City to lease the portion of Central Mall previously operated as a Sear's department store as more specifically identified in the lease, said lease being subject to the terms and conditions set forth therein, to include but not be limited to: 1) Upon making a determination that the HVAC system is in good condition and working order, the City shall take and accept the premises in its "As Is" condition; 2) Until the HVAC system is determined to be in good and working order and the City accepts the premises, no rent will be due; 3) The term of the lease shall be from its effective date until either; (a) a closing date, as defined in a potential future purchase agreement between Landlord and City, or (b) December 31, 2030 with one option to renew for an additional 10 years; 4) The rent under the lease shall be \$28,533.11 per month. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

27. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending investigation under Council Policy 3-3. Exhibits: None.

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

There being no further business to consider, the meeting adjourned at 5:27 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