

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
OCTOBER 10, 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

Mayor Booker called the meeting to order at 2:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Comanche Chairman Mark Woommavovah, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Mary Ann Hankins, Ward One

Kelly Harris, Ward Two

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

PRESENTATION:

Spotlight Award to Marlon Johnson, Solid Waste Collection

Ratliff presented the Spotlight Award to Marlon Johnson

Citizen of the Month - Tony Washington (Stricken)

Presentation of the North Star Award

Ratliff presented the North Star Award to Reagan Williams, Arts and Humanities Division

Mayor Booker recognized Mike Hawkins who received the 2023 Special Recognition Award from the Oklahoma Floodplain Managers Association.

PROCLAMATIONS:

White Cane Day

Mayor Booker proclaimed October 15, 2023, as White Cane Safety Day.

REPORTS: MAYOR/CITY COUNCIL:

Harris encouraged everyone to support the United Way campaign.

Johnson stated that the Marie Detty Walk will be held at 6 p.m. today at Elmer Thomas Park.

AUDIENCE PARTICIPATION:

Cartessa Smith, 610 SW 52nd Street, spoke about the malicious actions of a woman. She stated it is time to take her power away and focus on the people who want to be heard. She looks forward to her and her children's future in Lawton.

Jason Poudrier, Arts and Humanities Administrator, reported that the Oklahoma State Arts Conference will be held in Lawton next week. As part of the conference there will be a production of Forever Motown.

Gary Arnold, 2314 NW 76th Street, stated he would like to work on a mentorship program in the next six months. He will bring a business plan to the council for consideration.

CONSENT AGENDA:

Mayor Booker stated item #8 will be stricken and item #6 will be considered separately.

MOVED by Warren SECOND by Hampton to approve the consent agenda with the exception of items #6 and striking #8. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren NAY: None. MOTION CARRIED.

1. Consider approval of the minutes of the Lawton City Council regular meeting of September 26, 2023.
2. Consider adopting a resolution approving the joint petition settlement in the amount of \$50,960.00 and making payment in the workers' compensation claim of Steven Thornton.
Resolution 23-156
3. In accordance with the True North Culture Statement in that we do everything for the citizens, consider accepting the Health Literacy grant of \$9,000.00 from the Oklahoma Department of Libraries for four (4) bicycle repair stations and authorizing the Mayor to sign the contract, terms and conditions, and claim form.
4. In accordance with the True North Culture Statement, that we do everything for the citizens, ask the Council to consider sponsoring Grandeur of Grace's and Quest of Oklahoma's ESG Grants awarded by the Oklahoma Department of Commerce/Office of Community Development, and authorize the Mayor, as the certifying officer, to execute all necessary documents.

5. Consider approving an employment agreement between the City of Lawton and Donalynn Blazek-Scherler for the position of City Clerk, to include any floor amendments, and authorize the Mayor and Deputy City Clerk to execute the agreement.
6. Considering approving a request to enter into a memorandum of understanding with the Oklahoma Bureau of Narcotics (OBN) and the City of Lawton authorizing the sharing of utility account files to be used when the records are relevant and material to an ongoing investigation.

Judy Franco, IT Director, stated we are just telling them who is at a specific address and if it is an active account. This is for any ongoing investigations they may have.

Mayor Booker stated he would like to have a media release explaining this in further detail.

MOVED by Warren SECOND by Chapman to approve the Memorandum of Understanding between the City of Lawton and Oklahoma Bureau of Narcotics. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

7. In accordance with the True North Culture Statement as it pertains to providing a safe community, consider accepting a grant on behalf of the Lawton Police Department in the amount of \$104,000 from the Oklahoma Highway Safety Office for the purpose of providing additional traffic enforcement measures in areas identified as higher risk for injury collisions and ratify the Mayor's execution of the grant document.
8. Consider approving a Memorandum of Understanding between the City of Lawton and IAFF Local 1882 modifying the enforcement of Section 4 of Addendum A of the current collective bargaining agreement for Fiscal Year 2023-24 in accordance with the true North culture statement as it pertains to open communication, transparency in our actions, and accountable decision making. **STRICKEN**
9. In accordance with the True North Culture concerning Transparency, consider approving a resolution amending the City of Lawton FY 23-24 Budget, as amended, by approving \$10,075.00 to the Lake's Division Repair and Maintenance account from the administrative application fees earned through the recent elk hunt drawing and \$536,903.97 to departmental budgets for Repair and Maintenance from insurance proceeds from the June 15, 2023, Hail Storm. **Resolution 23-157**
10. Consider adopting **Street Light Resolution No. 506** to authorize the installation of a streetlight at the location listed in the Resolution.
11. In accordance with the True North Culture Statement, by providing a more efficient service to the citizens of Lawton, consider acknowledging issuance of permits for the construction of waterline and all appurtenances from the Oklahoma Department of Environmental Quality to serve the locations at NW 51st St, NW Euclid Ave., Boyles Landing Rd., NW 63rd St., NW 77th St., NW Elm Ave., NW Taylor Ave., SW 43rd St., and SW Coral Ave. - 2017 Ad Valorem Street and Roads Program (Residential) Phase II-A, Project EN1707P2A.

12. Consider and take action approving Amendment No. 2 to the Master Services Agreement with Garver, LLC for Professional Engineering Services identified in Work Package #2 for the 2023 Water and Sewer System Rehabilitation Program, which is required in order to meet the Safe Community standard set forth in the “True North Culture Statement”.
13. Consider and take action on approving Amendment Number 4 to the Master Services Agreement with Jacobs Engineering Group, INC. for Professional Engineering services to perform the designs for replacement of the Filter Underdrain system in filter number 4 at the Medicine Park Water Treatment Plant (MPWTP). The filter number 4 at the MPWTP is unable to effectively and efficiently produce drinking water for the citizens of Lawton, which is required in order to meet the Safe Community standard set forth in the “True North Culture Statement”.
14. Consider approving Amendment No. 1 to the Standard Form of Agreement between the City of Lawton and Infrastructure Management Services, LP (formerly Infrastructure Management Services, LLC) for project EN2103 Pavement Management Plan for identification of segmented roads that have crack sealing.
15. Consider extending contract CL22-013 Manhole Rings and Covers to Core and Main, LP of Owasso, OK.
16. Consider and take action in awarding CL24-002 Precast Concrete Manholes (Small) to Primary Structure INC. of Guthrie, OK. The Precast Concrete Manholes (small) are essential for the ability to replace and repair sewer lines, which promotes efficiency and safety for the citizens of Lawton in meeting the “True North Culture Statement.”
17. Consider and take action in awarding CL24-005 Precast Concrete Manholes (Large) to Ferguson Enterprises LLC of Oklahoma City, OK. The Precast Concrete Manholes (Large) are essential for the ability to replace and repair sewer lines, which promotes efficiency and safety for the citizens of Lawton in meeting the “True North Culture Statement”.
18. Consider extending contract RFPCL22-019 Employee Physicals-Drug Testing to Allied Lab, Inc. and Comanche County Healthcare Authority, MMG Occupational Medicine.

UNFINISHED BUSINESS:

19. In accordance with the True North Culture Statement to build a safer community for the citizens of Lawton, hold a public hearing and adopt a resolution declaring the structures located at 1801 SW E Avenue aka 409 and 411 SW 18th Street to be dilapidated pursuant to Section 6-5-1 Lawton City Code, ordering the owner to abate the nuisance, authorizing summary abatement, and authorizing the City Attorney to commence legal action in District Court to abate the nuisance.

Jon Jernigan, Neighborhood Services Supervisor, stated that staff is recommending that no action be taken on this item.

20. Per the recommendation of the Streets & Bridges Council Committee, consider approving a list of ten street repair candidates for milling and overlaying to be included in the “Ten Wins for the Citizens, On Target On Time” project, including any floor amendments, authorize the advertisement of bids, and take action as deemed necessary.

Council Member George Gill, who is the chairman of the Streets and Bridges Council Committee, briefed the council on the program.

Chris Serrano, Municipal Director, EST Engineering, presented the list of proposed street repairs, as recommended by EST. (Presentation is on file in the City Clerk’s office). He stated their goal is to have a recommendation for contract approval the first week of November.

Mayor Booker questioned how long we are giving the contractor.

Mr. Serrano stated they are giving them an estimated 60 days to complete the work.

Chapman clarified that every ward has a street on this list.

Gill stated that a list of 31 roads were presented to the committee by EST and engineering staff and they took the ones in order and that is where these are coming from. He stated that we are still working on projects that were already scheduled.

Mayor Booker stated he expects no less than 30 more jobs, 40 total, to be completed by Thanksgiving of 2024. He stated a minimum of 30 more will be due in January.

MOVED by Gill SECOND by Chapman to approve the list of ten street repair candidates for milling and overlaying to be included in the “Ten Wins for the Citizens, On Target On Time” project and authorize the advertisement of bids. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren NAY: None. MOTION CARRIED.

21. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, increasing the fee for uncovered/unsecured loads, establishing an effective date, and allowing floor amendments.

Larry Wolcott, Public Works Director, presented information on this item. He stated the current fee is set \$28.75 and this resolution would increase that fee to \$100 for residential and \$200 for commercial. He stated that staff is concerned that this will result in illegal dumping.

Mayor Booker stated not long ago a citizen was killed by something flying off an unsecured load. He questioned how to control unsecured loads creating danger for our citizens and the continued problem of trash along 11th Street, in which we are spending \$100,000. He questioned what would be the solution to this problem.

Wolcott stated he would like to have an environmental compliance officer that is on duty that can investigate illegal dumping and monitor these uncovered loads while they are in process. Being able to site someone while they are transporting the unsecure load is a more proactive approach.

Right now it is up to the Lawton Police Department. He stated ODEQ has a grant opening in December that provides up to \$50,000 for an environmental compliance officer to deal with these types of issues.

Mayor Booker stated we need to apply for that grant, but we already have the mechanism we need for the police to write a ticket and the fine is up to the judge, who can go up to \$750.

Warren stated we need to figure out how to enforce this on the street. He sees unsecured loads every day. He suggested we do some education and establish appropriate fines.

Johnson stated a lot of the dumping happens overnight and she does not know if a change in the rates will help.

Hampton stated there needs to be some education within the community.

Hankins suggested that officers could work on this issue.

Wolcott stated that having an environment enforcement officer would be a huge step in policing uncovered loads and illegal dumping.

Harris suggested they help property owners mitigate the problem of illegal dumping on their property.

Chief James Smith, Lawton Police Department, stated there has been enforcement on 11th Street to try to abate the littering. They go out on Friday and Saturday mornings from time.

Harris questioned if there was some technology that could read license plates on these unsecured loads.

Chief Smith stated they are looking at some software to place at strategic locations around town.

Warren stated he is not sure we can issue citations off electronic means. We need to have someone look into that. He felt that education along with law enforcement is probably the answer.

Mayor Booker suggested we let the police know this is a priority to the citizens and ask that they keep an eye open. He questioned if they were going to increase the fees or ask staff to bring back other options at the next council meeting.

Hampton suggested we gather information and have a list of those violators.

Ratliff stated he would recommend to direct staff to bring this back at the next meeting to present more options.

MOVED by Warren SECOND by Hankins to direct staff to bring this item back in two weeks with different options and apply for the ODEQ when it is available. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren NAY: None. MOTION CARRIED.

22. In accordance with the True North Culture Statement concerning Transparency and Trust, consider having two Public Hearings on the allocation of excess Propel 2019 Sales Tax Funds in the amount of \$3,500,000.

Joe Don Dunham, Finance Director, stated they would like to schedule two public meetings to discuss the allocation of the money.

Mayor Booker questioned if they could delay this until they put all of the overages and underages together and take care of this at one time from 2014 to now, will it keep us from doing something and can staff have it ready to bring back at the next meeting. He stated we cannot go to public hearings until we know the amount of money we are talking about.

Dunham stated he would need to talk to our bond attorney.

Mayor Booker stated this is not excess, it is inflationary money. He would like the council to put this off for two weeks, get the number on the total of overages and do this one time and get it caught up to the end of 23-24.

MOVED by Gill SECOND by Weger to direct staff to bring this item back in two weeks with a total of overages. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

23. Receive an update from the Building Division regarding the backlog of permits and provide direction as necessary.

Charlotte Brown, Community Services Director, presented an update on backlog of permits from the Building Division.

Mayor Booker questioned if this was the stop gap we needed. He feels that this needs to be evaluated as a possible solution during the peaks in permitting.

No action was taken by the council.

24. In accordance with the True North Culture Statement in Transparency, Trust, Efficiency, and Providing World Class Customer Service, consider approving an Ordinance modifying Section 22-1-2-115, Division 22-1-2, Chapter 22, Lawton City Code 2015 relating to water fees and charges by adding the forms of payment accepted for deposits, providing for severability, and establishing an effective date.

Dunham presented information on the ordinance.

Mayor Booker stated that now someone can set up a water account without being present and it can all be handled online.

Chapman questioned if this was only for the utility department.

Dunham stated yes.

Mayor Booker suggested a future council agenda item to discuss taking credit cards within all city departments.

MOVED by Harris SECOND by Hampton to adopt **Ordinance 23-43**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 23-43

AN ORDINANCE PERTAINING TO UTILITIES AMENDING SECTION 22-1-2-115, DIVISION 22-1-2, ARTICLE 22-1, CHAPTER 22, LAWTON CITY CODE 2015, RELATING TO WATER FEES AND CHARGES BY ADDING THE FORMS OF PAYMENT ACCEPTED FOR DEPOSITS, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

25. Receive a report from the Police Department regarding police responses and processes and take action as deemed necessary.

Chief Smith presented a report on what the police department are doing to assist citizens and increase their communication. (Presentation is on file in the City Clerk's office)

Mayor Booker stated there is technology that we are not using and he feels we need to explore that issue. He questioned if neighborhood watches are effective.

Chief Smith stated yes, they are effective in alerting the neighborhood about issues that are going on.

Mayor Booker stated he would like to see us expand neighborhood watch programs. He requested an agenda item to discuss this issue.

Warren questioned if we had a listing of the outcome of the calls that go through dispatch. We need to know why we have so many more calls than our peer cities.

Rick Franz, Deputy Director of Emergency Communications, stated they do track information, but it is not always 100% accurate.

Warren suggested staff look at meshing it all together to see the outcome of these calls.

Chapman requested that the Chief give them detailed reports on their immediate areas.

STAFF REPORT:

26. In accordance with the True North Culture Statement that we are transparent for the citizens, provide a presentation of 1st Quarter Financials for the Budget Year 2023 -2024 and provide an update on the FY 2022 Audit process.

Dunham presented information on the 1st quarter financials. (Presentation is on file in the City Clerk's office)

The Mayor and Council convened in executive session at 4:47 p.m. and reconvened in regular, open session at 6:06 p.m. Roll call reflected all members present excluding Johnson who left the meeting at 5:14 p.m.

EXECUTIVE SESSION:

27. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending action in the United 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 in open session.

Wilson read the title of item #27.

MOVED by Warren SECOND by Hampton due to a potential conflict of interest between defendants, move to approve a retainer agreement with the law firm of Steidley & Neal PLLC to represent defendant Natascha Bates with Sean McKelvey to be lead attorney in Bates' defense at a rate of \$175 per hour, with an associate attorney assisting being compensated at \$150 per hour and any paralegals assisting being compensated at \$60 per hour. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Warren. NAY: None. MOTION CARRIED.

28. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending claim of School House Slough Inc., and, if necessary, take appropriate action in open session.

Wilson read the title of item #28.

MOVED by Gill SECOND by Hankins in light of the report showing no contamination, move to authorize staff to continue with their efforts to identify funding for the possible purchase of certain improvements made under the lease between the Lawton water authority and the school house slough inc. Said purchase price to be \$2,875,000 representing the average of the three appraisals. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Warren. NAY: None. MOTION CARRIED.

29. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of John Ratliff as Acting City Manager, and in open session take other action as necessary.

Wilson read the title of item #29. No action was taken.

There being no further business to consider, the meeting adjourned at 6:09 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK