

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
OCTOBER 11, 2022 – 2:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:
Michael Cleghorn, City Manager
Tim Wilson, Deputy City Attorney
Traci Hushbeck, City Clerk
Dr. Julia Sibilla, Fort Sill

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 Reverend Paul Appleby, First Christian Community Church, followed by the Pledge of Allegiance in Comanche language given by Kimora Komahcheet.

ROLL CALL

PRESENT: Mary Ann Hankins, Ward One
Kelly Harris, Ward Two
Linda Chapman, Ward Three
Allan Hampton, Ward Five
Onreka Johnson, Ward Seven
Randy Warren, Ward Eight

ABSENT: Jay Burk, Ward Four
Sean Fortenbaugh, Ward Six

PRESENTATIONS:

Recognition of Lawton Police Department Records Manager Michaela Wahome (US Citizenship)

Cleghorn recognized Michaela Wahome who was recently sworn in as a U.S. citizen.

Annual Report from 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)

PROCLAMATIONS:

White Cane Day

Mayor Booker proclaimed October 15th as White Cane Safety Day

Domestic Violence Awareness

Mayor Booker proclaimed October 2022 as Domestic Violence Awareness Month

Month Red Ribbon Week

Mayor Booker proclaimed October 23 – 31, 2022 as Red Ribbon Week

REPORTS: MAYOR/CITY COUNCIL

Mayor Booker stated on November 16th from 1 p.m. to 5 p.m. in the banquet hall, there will be a forum on homelessness.

Hampton reported that the Ward 5 public hearing for the parks will be held on October 20th at 5:30 p.m.

Johnson reported that the Ward 7 public hearing for the parks will be held on October 27th at 5:30 p.m. and the Ranch Oak Association will be meeting tonight.

Warren reported that the Ward 8 public hearing for the parks will be held on October 13th at 5:30 p.m. He encouraged everyone to slow down at traffic lights.

Dr. Julia Sibilla, Civilian Deputy to the Garrison Commander at Fort Sill, stated the Domestic Violence Walk will be held on Fort Sill this Friday at 6:30 a.m.

AUDIENCE PARTICIPATION:

Patty Neuwirth, representing Lawton Philharmonic, reported on a fundraising project.

David Tyler, 501 SW 77th Street, stated there are answers that need to be made regarding the transfer center. There is no good reason not to put it at 4th & A. They need to look after the less fortunate and the City should not be buying property. He feels the public deserves to know.

CONSENT AGENDA:

Mayor Booker stated items #4 and #13 will be considered separately.

MOVED by Warren SECOND by Chapman to approve the consent agenda with the exception of items #4 and #13. AYE: Hankins, Harris, Chapman, Hampton, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider approval of the minutes of the Lawton City Council regular meetings of September 13 and September 27, 2022.

2. Consider the following damage claims recommended for approval: Frank Walker, on behalf of YMCA in the amount of \$25,000.00 (**Res. 22-172**), Kathryn M. Newport, M.D. in the amount of \$1,268.82 (**Res. 22-173**), Southwestern Bell Telephone, dba, AT&T Oklahoma in the amount of \$547.16 (**Res. 22-174**), Justin and Bailey Dillon in the amount of \$174.40, and Grady Greene in the amount of \$3,061.69 (**Res. 22-175**).
3. Consider adopting a resolution approving the joint petition settlement and making payments in the amount of \$22,032.00 in the workers' compensation claim of Johnny Dodd. **Resolution 22-176**.
4. Consider approving an amendment to Council Policy 1-6, Council Rules of Procedure, by adding a three (3) minute time limit for each time a council member is recognized by the presiding officer and limiting the use of all electronic devices at the dais during council meetings.

Mayor Booker stated he supports this policy, but the issue is that if the council is in a Q&A, it could last more than three minutes. He also feels that the presiding officer needs some discretion to allow the discussion to last a little longer.

Wilson recommended they direct staff to bring this item back to council because the agenda item does not consider floor amendments.

Mayor Booker stated he does not see why they cannot make floor amendments, but they can table if the council wishes.

Wilson stated the Oklahoma Supreme Court ruled that by not having a provision in the title that allows for floor amendments in the agenda item it is a violation of the open meetings act.

Cleghorn stated there is a statement at the top of the agenda that states the council may amend any agenda item.

Warren stated they can change this at any time.

Mayor Booker clarified that if you are making a speech, this is limiting the amount of time. You can talk for three minutes, but then you have to yield the floor to the other council members.

Harris requested clarification on the term electronic devices.

Wilson stated they added that language because the act of using a cell phone to communicate with other council members or the public during a council meeting would be a violation of the open meetings act.

Warren stated this does not have an effect on anything other than city business.

MOVED by Warren SECOND by Hankins to approve amendments to Council Policy 1-6, Council Rules of Procedure. AYE: Hankins, Harris, Chapman, Hampton, Johnson, Warren. NAY: None. MOTION CARRIED.

5. Consider approving a change order titled “Change Order No. 1 to ESC (Phase 1) to the original 2008 Energy Services Contract between the City of Lawton and the Chevron Energy Solutions Company [contract now assigned to Engie Services, U.S. Inc.] to terminate the annual testing of water meter accuracy for Years 12 through 15, and thereby reduce the annual measurement and verification fees for those remaining years; and authorize the execution of the proposed change order.
6. Consider accepting a donation of two patio umbrellas and stands from Girl Scout Troop 21 worth approximately \$200.00 in total.
7. Consider a request from Holiday in the Park to paint an angel wing mural on the side of the east pavilion within Elmer Thomas Park.
8. Consider a request from Holiday in the Park to paint a Sponge Bob mural on the side of the east pavilion within Elmer Thomas Park.
9. Consider a request from Holiday in the Park to install a secure concrete base for the “LOVE” sign/display within Elmer Thomas Park.
10. Approve a resolution authorizing the execution and delivery of an equipment lease/purchase agreement with Arvest Equipment Finance, a division of Arvest Bank for the acquisition, lease purchase, and leasing of certain equipment for the public benefit, ratifying all action taken pursuant to the approval of the city council on March 22, 2022, authorizing the execution and delivery of documents required in connection therewith, and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by the resolution.
Resolution 22-177.
11. Consider approving the record plat for Eastlake Addition 3A- Sharps Replat.
12. Consider approving a First Amendment to the Lease, Easement and Landfill Gas Rights Agreement with Comanche Renewables, LLC and authorizing the execution of the First Amendment.
13. Consider approving an Insufficient Fire Flow Agreement waiver that would allow building permits to be issued in areas inside Lawton City Limits that may have insufficient water pressure to protect property against fires. Additionally, discuss how this waiver and lower fire ratings may affect the annexation process in the future and de-annexation in general.

Mayor Booker stated this item will be addressed after item #21.

14. Consider approving construction plans for an 8-inch waterline and fire hydrant to serve the property located at 119 NE 20th Street, subject to conditions listed and recommended by the City Planning Commission on September 15, 2022.
15. Consider extending the contracts with BlueCross BlueShield (BCBS) for the purpose of providing health care insurance coverage for City of Lawton retirees over the age of 65 for an additional year, as authorized by the contract.

16. Consider extending contract CL22-017 Nuisance Abatement to Adult Teen Challenge of OK.

BUSINESS ITEMS:

17. Hold a public hearing to consider a change of zoning from the R-3 Multiple-Family Dwelling District to the C-5 General Commercial District zoning classification, subject to the conditions of adding the required tree buffer and opaque screening for the property located at 1503 NW Sheridan Road, Lawton, OK 73505.

Kameron Good, Planner II, presented information on the rezoning. (Presentation is on file in the City Clerk's office)

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

MOVED by Warren SECOND by Chapman to adopt **Ordinance 22-29**, waive the reading of the ordinance, read the title only. AYE: Hankins, Chapman, Hampton, Johnson, Warren.

ABSTAIN: Harris. NAY: None. MOTION CARRIED. (Harris abstained because he owns land which abuts this property)

(Title read by City Attorney)

Ordinance 22-29

AN ORDINANCE CHANGING THE EXISTING ZONING CLASSIFICATION FROM R-3 MULTIPLE-FAMILY DWELLING DISTRICT TO THE C-5 GENERAL COMMERCIAL DISTRICT ZONING CLASSIFICATION ON THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION ONE (1) HEREOF; AUTHORIZING CHANGES TO BE MADE UPON THE OFFICIAL ZONING MAP IN ACCORDANCE WITH THIS ORDINANCE.

18. Consider accepting a proposal from EverSash LP DBA Old Home Rescue in response to RFPCL23-001 Highland Cemetery Entrance Arch Masonry Restoration in the amount of \$139,058.20, and authorizing the Mayor and City Clerk to execute the contract.

Christine James, Parks and Recreation Director, stated this item failed at the last council meeting. She stated they received four bids, three from the same owner of three companies and one from EverSash. EverSash has done more recent work than the others.

Morgan Reinart, Old Home Rescue, briefed the council on their process.

MOVED by Hampton SECOND by Harris to accept a proposal from EverSash LP DBA Old Home Rescue in response to RFPCL23-001 Highland Cemetery Entrance Arch Masonry Restoration in the amount of \$139,058.20. AYE: Hankins, Harris, Chapman, Hampton, Johnson, Warren. NAY: None. MOTION CARRIED.

19. Consider approving a resolution amending the City of Lawton FY22-23 budget, as amended, by appropriating \$39,058.20 to the Cemetery Care Fund's Repair and Maintenance account for the repair and restoration of the Highland Cemetery Arch.

James stated this is a companion to item #18. They originally allocated \$100,000 for the repairs and now they will have to appropriate an additional \$40,000 for the repairs of the arch.

Harris stated the bid states that if we provided certain things like construction fencing and a dumpster, we could save some money.

James stated they do not have those materials readily available.

Harris stated that we could probably provide a dumpster.

MOVED by Hampton **SECOND by Harris** to approve **Resolution 22-178** amending the City of Lawton FY22-23 budget, by appropriating \$39,058.20 to the Cemetery Care Fund's Repair and Maintenance account. AYE: Hankins, Harris, Chapman, Hampton, Johnson, Warren. NAY: None. MOTION CARRIED.

20. Consider directing staff to prepare and offer current lake tenants residing in School House Slough, Inc. as lessees an option to extend their leases via lease extension with the City of Lawton beginning January 1st, 2023.

Dewayne Burk, Deputy City Attorney, stated this will allow staff to put together a lease agreement for those existing tenants that are currently residing in the School House Slough area. The concessionaire lease will be expiring on December 31, 2022, and they are waiting on the conclusion of Lakes Master Plan so they can identify the plans moving forward. This lease will be offered to those tenants during the interim.

Mayor Booker questioned if this would be a one-year lease.

Burk stated it would be at least four to six months with an option to extend if we are still going through the process.

Harris questioned if the rates will be increased.

Burk stated they will extend their current lease.

Hampton questioned if this was for boat houses.

Burk stated this is mainly open campgrounds around the concession area at School House Slough.

MOVED by Warren **SECOND by Hampton** to direct staff to prepare and offer current lake tenants residing in School House Slough, Inc. as lessees an option to extend their leases via lease extension with the City of Lawton beginning January 1, 2023. AYE: Hankins, Harris, Chapman, Hampton, Johnson, Warren. NAY: None. MOTION CARRIED.

21. Receive an update on the internal processes and procedures of the Planning/License & Permit Division. Further discuss consideration factors and timelines associated with the issuance of various permits and licenses. Direct staff to take action as Council deems appropriate.

Janet Smith, Community Services Director, provided an update and memo detailing the productivity of Planning, License and Permits and Inspection Services. (On file in the City Clerk's office)

Mayor Booker stated the real goal is to find a way to “yes” without the elected officials getting involved. He questioned how we compare to other cities with staff, because it is his impression that we don't have enough people. He questioned how many plans other cities review and how long does it take them to respond and do they have a backup plan if someone is out.

Smith stated they are working on an electronic submission portal, which will take another year. Currently they input everything by hand. She stated they need to build in some additional staffing to include two additional administrative staff. She stated they have received compliments on our GIS program. She stated they have third party inspections when someone is out, but it costs the City more.

Mayor Booker requested staff check out the possibility of video inspections. He questioned the vision for this department.

Smith stated she would like to see us offer what the larger communities offer. Our customers and staff need more electronic services.

Mayor Booker stated he feels we are making progress.

Hampton stated we only get better when we evaluate ourselves and he is excited that there is some effort being put into making it easier to build in Lawton.

13. Consider approving an Insufficient Fire Flow Agreement waiver that would allow building permits to be issued in areas inside Lawton City Limits that may have insufficient water pressure to protect property against fires. Additionally, discuss how this waiver and lower fire ratings may affect the annexation process in the future and de-annexation in general.

Chief Jared Williams, Lawton Fire Department, stated they looked at creating a waiver for citizens to be able to sign in the interim where we don't have sufficient fire flow today, but we are working towards that. This will give them the ability to come in and start the process in the interim until we get the water line put in.

Mayor Booker stated during the meeting a couple weeks ago there was a resident that inquired and they were going to have to have three fire hydrants. He questioned if this would allow them to build on their property.

Rusty Whisenhunt, Public Utilities Director, stated this would allow them to build without the fire hydrants being installed and to acknowledge that they would not have fire protection for their facilities. This waiver will be filed with the deed.

Mayor Booker stated there are other areas in the city that do not have adequate protection and this would allow people to build in those areas. He stated they also discussed the possibility of a split rating like Oklahoma City has. He feels like we need to brief the council so they understand how it may apply to the area of de-annexation and the \$800,000 we are spending on that line.

Chief Williams stated they support this waiver, but they cannot do their job without water. This is good for the citizens, but it will put lives in danger.

Mayor Booker stated this may be the reason we have pushed so much development outside of the city limits. We have to have a business model that will promote development in the city limits.

Chapman questioned what would happen if they don't sign the waiver.

Chief Williams stated they would not get a building permit.

Hampton clarified that they are discussing that area with the ten acre lots.

Cleghorn state that is correct, but this will be applicable to other areas.

Johnson questioned if this would have been an option the first time they were addressing this issue.

Cleghorn stated they were unaware that this option was available until the staff dug into the code and found this option.

MOVED by Chapman SECOND by Warren to approve an Insufficient Fire Flow Agreement waiver that would allow building permits to be issued in areas inside Lawton City Limits that may have insufficient water pressure to protect property against fires. AYE: Hankins, Harris, Chapman, Hampton, Johnson, Warren. NAY: None. MOTION CARRIED.

STAFF REPORTS: None

The Mayor and Council convened in executive session at 4:06 p.m. and reconvened in regular, open session at 5:16 p.m. Roll call reflected all members present.

EXECUTIVE SESSION:

22. 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 #22.

MOVED by Hankins SECOND by Harris to appoint Councilperson Warren to be the city council's representative to evaluate settlement offers from Engie and authorize counter offers as he deems appropriate from this point forward through the conclusion of trail, subject to the understanding that any tentative settlement agreement will require final ratification by the city council in order to become effective. AYE: Hankins, Harris, Chapman, Hampton, Johnson, Warren. NAY: None. MOTION CARRIED.

23. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the resignation of Fire Marshal Michael J. Wright, and if necessary, take action in open session.

Wilson read the title of item #28. No action was taken.

There being no further business to consider, the meeting adjourned at 5:17 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK