

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
OCTOBER 26, 2021 – 2:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:
Michael Cleghorn, City Manager
John Ratliff, 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 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

PRESENTATION: Receive the annual update of the Hotel/Motel tax funded activities for FY 2020-2021 from the Lawton-Fort Sill Chamber of Commerce.

An update was given by Krista Ratliff, President of the Lawton-Fort Sill Chamber of Commerce. (A copy of the presentation is on file in the City Clerk's office)

PROCLAMATION: Extra Mile Day

Mayor Booker proclaimed November 1, 2021 as Extra Mile Day. He along with Councilmembers Johnson, Hankins and Chapman presented proclamations to Barbara Curry, Adrian Davis and Wynona Alberty.

REPORTS: MAYOR/CITY COUNCIL

Burk reported that the Lawton Enhancement Trust Authority has been nominated for an award for Trash Off Day with the Keep Oklahoma Beautiful organization. Their banquet will be held on November 19th.

AUDIENCE PARTICIPATION:

George Keck, 323 NW 62nd Street, discussed the potential 911 Memorial in Elmer Thomas Park.

CONSENT AGENDA:

Mayor Booker stated the Galilee Missionary Baptist Church claim on #2 will be considered separately.

MOVED by Warren SECOND by Hankins to approve the consent agenda with the exception of the Galilee Missionary Baptist Church claim on #2. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider approval of the minutes of the Lawton City Council regular meeting of October 12, 2021.
2. Consider the following damage claims recommended for denial: Galilee Missionary Baptist Church in the amount of \$12,940.00 and Ghulam-Ali Mujtaba in the amount of \$13,400.00.

Greg Gibson, Assistant City Attorney, presented the facts of the claim of Galilee Missionary Baptist Church. He stated staff is recommending denial of the claim.

Wayne Willis, Galilee Missionary Baptist Church, stated in June 2018 the church had their parking lot resurfaced. He stated the trash truck has made ruts in the parking lot. He feels the truck driver should have realized that he was causing damage. He is not sure if the contractor who put in the parking lot obtained a permit, but the City should have enforced the code and inspected the work done.

Fortenbaugh questioned if a permit was obtained by the contractor in 2018.

Gibson stated there was no permit.

Fortenbaugh stated the contractor was the one who was negligent.

Chapman questioned if they had any insurance.

Mr. Willis stated no. He feels that it is the City's responsibility to return the parking lot to its original state because the City should be held accountable.

Warren stated the City is contracted to pick up the dumpster and it is not our decision on where that dumpster is placed. The property owner should have requested that the truck not come back into the parking lot until it was fixed. He feels that at the most, the City would only be responsible for two inches of asphalt and we can't do that because it would not meet code. He feels the only option would be for the council to deny the claim and let it go to district court for a judge to decide.

MOVED by Warren SECOND by Burk to deny the claim of Galilee Missionary Baptist Church in the amount of \$12,940.00. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: Johnson. MOTION CARRIED.

3. Consider the following damage claims recommended for approval: Cristy Pelley in the amount of \$6,316.98 (**Res. 21-198**), Cory and Lori Riley in the amount of \$2,762.57 (**Res. 21-199**) and Max Sasseen on behalf of Charlie and Carla Crutcher in the amount of \$575.00. (**Res. 21-200**)
4. Consider adopting a resolution approving the joint petition settlement and making payments in the workers' compensation claim of Dennis King. **Resolution 21-201**
5. Consider approving Amendment No 1 to the Agreement between the Lawton Economic Development Corporation and the City of Lawton to fund activities designed to encourage, promote and foster economic/industrial development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement.
6. Consider approving Double Back Services to paint an aquatics themed mural on the exterior of the Mattie Beal Municipal Pool building and accepting the Agreement for the Non-Exclusive Use of the Image.
7. Consider approving Double Back Services to recreate the Patterson Center mural and attaching said mural to the exterior of the Patterson Center and accepting the Agreement for the Non-Exclusive Use of the Image.
8. Accept the Annual ADA Report that outlines completed ADA accessibility projects, and work done towards compliance, and the money expended on each project required by the settlement agreement between the City and Joseph Harper and Vivian Wheeler dated 9 December, 2013.
9. Consider accepting the FINRA grant of \$5,000.00 from the FINRA Investor Education Foundation for the purpose of enhancing the personal finance collections of the Lawton Public Library.
10. Consider accepting a Temporary Driveway Easement from Micor Commercial Rentals, L.L.C., an Oklahoma limited Liability Company, of Lawton, Comanche County, State of OK, for right of way needed for the W. Gore Blvd Reconstruction from SW 67th ST to SW 82nd ST, Project No. 2012-08, and authorizing the Mayor and City Clerk to execute the document(s).
11. Consider approving plans and specifications for the Gore Blvd. Waterline and Sewerline Reconstruction - 82nd ST to 67th ST- Project No. EN1208A and authorizing staff to advertise for bids.
12. Consider acknowledging receipt of a permit from the Oklahoma Department of Environmental Quality for the construction of 6 linear feet of six (6) inch PVC pipe for fire line, 153 linear feet of eight (8) inch PVC pipe for water line distribution and all appurtenances to serve the Storage Depot Waterline Extension, Comanche County, Oklahoma.

13. Consider acknowledging receipt of a permit from the Oklahoma Department of Environmental Quality for the construction of 1,275 linear feet of eight (8) inch PVC pipe for water line distribution and all appurtenances for the Waterline Loop to serve Airport Industrial Park Part 2, Comanche County, Oklahoma.
14. Consider extending CL21-010 Mobile Sludge Reduction and Disposal with WBI Inc. of Kingwood, Texas for an additional year.
15. Consider awarding CL22-005 Sludge Lagoon Maintenance Requirements Contract to Hodges Farms and Dredging of Lebo, KS.
16. Consider awarding contract (CL22-009) Mowing & Litter Area 1 to Adult Teen Challenge of Oklahoma.
17. Consider awarding CL22-007 Zinc Orthophosphate Corrosion Inhibitor to Water Tech, Inc. of McAlester, OK.
18. Consider approving appointments to boards and commissions.

CIP

Dwight Tanner- Ward 5
PO Box 2851
Lawton, OK 73502
Term Expires 9/10/2024

Redistricting Commission

Vince Cameron- Ward 5
701 NW Columbia Avenue
Lawton, OK 73507
UT 07/01/2022

Lawton Enhancement Trust Authority (LETA)

Dwight Tanner- Ward 5
PO Box 2851
Lawton, OK 73502
U/T 01/26/2024

Airport Authority

Christi Chambers
1307 NW Elm Avenue
Lawton, OK 73507
Term Expires 12/31/2024

Steve Coleman
612 SW D Avenue
Lawton, OK 73501
Term Expires 12/31/2024

Councilman Allan Hampton
1202 NW Bell Avenue
Lawton, OK 73507
Term Expires 12/31/2024

BUSINESS ITEMS:

19. Receive bids for the sale of the City's \$3,420,000 General Obligation Bonds, Series 2021, and award the sale of the \$3,420,000 General Obligation Bonds, Series 2021, to the lowest bidder.

Cameron Bertelli, Bank of Oklahoma, stated there are two agenda items, one to receive the bids and the second to approve the lowest bidder. There were two bidders, and the winner was The Baker Group with 1.24%, which is a phenomenal rate. He stated this will be a ten year note at 1.24%. He stated they would recommend The Baker Group.

MOVED by Burk SECOND by Chapman to receive bids and approve The Baker Group as low bidder at 1.24%. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

20. Consideration and approval of an Ordinance providing for the issuance of General Obligation Bonds, Series 2021, in the sum of \$3,420,000 by the City of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of the General Obligation Bonds, Series 2021; providing for registration thereof; approving the Official Statement pertaining to the General Obligation Bonds, Series 2021; providing for the levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency.

MOVED by Burk SECOND by Fortenbaugh to adopt **Ordinance 21-28**, waive the reading of the ordinance, read the title only, authorizing the issuance of the City of Lawton's \$3,420,000 General Obligation Bonds, Series 2021, for the contemplated street improvement projects as approved by local voters and to approve an emergency clause. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 21-28

AN ORDINANCE PERTAINING TO FINANCE AND PURCHASING REQUIREMENTS; AMENDING SECTIONS 10-1-101, 10-1-102, 10-1-103, 10-1-105, 10-1-106 AND 10-1-110, ARTICLE 10-1, CHAPTER 10, LAWTON CITY CODE, 2015; BY UPDATING CERTAIN PROVISIONS WITHIN ARTICLE 10-1 OF CHAPTER 10 TO INCLUDE MODIFYING CERTAIN MONETARY LIMITS RELATING TO CONSTRUCTION CONTRACTS; ADDING A DEFINITION FOR "CONSTRUCTION MANAGEMENT TRADE CONTRACT OR SUBCONTRACT"; AMENDING THE DEFINITION OF "PUBLIC CONSTRUCTION CONTRACTS"; AMENDING VARIOUS PROVISIONS RELATING TO PUBLIC CONSTRUCTION CONTRACTS; AMENDING THE PROVISIONS PERTAINING TO

PUBLIC CONSTRUCTION CONTRACT CHANGE ORDERS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

21. Consider acceptance of the HOME Investment Partnerships - American Rescue Plan Grant (HOME-ARP) and authorize the Mayor to sign the approved Home-ARP Grant Agreement.

Gary Brooks, Interim Director of Housing and Community Development, presented information on the HOME Investment Partnerships - American Rescue Plan Grant. He stated the allocation plan template calls for a consultation with all the agencies that serve the area. Their first order of business is to identify those agencies and come up with a way to distribute the funds.

MOVED by Burk SECOND by Chapman to accept the HOME-ARP Grant 2021 and authorize the Mayor and City Clerk to execute two (2) copies of the HOME-ARP Grant Agreement with electronic signatures. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

22. Consider adopting a resolution that declares Aloha Trailer Park located at SW 20th and D Avenue a public nuisance pursuant to Lawton City Code 15-2-201. Also consider directing the City Attorney to bring a nuisance abatement suit against Ms. Jo Ann Porter, the proprietor and owner of Aloha Trailer Park in Comanche County District Court pursuant to 50 Okla.St. Ann. § 17.

Ratliff stated there has been over 20 citations issued totaling \$3,000 in the past several months at this trailer park. He stated the owner, Jo Ann Porter, has been operating without a permit for three years. We have abated the property twice and there has been an individual squatting on the property and Ms. Porter has been unable to evict this person even though she has served an eviction notice. There have been numerous complaints against this individual. They are seeking approval to take this property to district court and compel the owner to make changes or the city can seize the property.

Cory Bowen, Neighborhood Services Supervisor, stated they have received numerous complaints and they need to go a different route to remedy this situation.

Cleghorn stated we have not gotten the results that we need to get, and we need to take more aggressive action.

Hampton stated this property is in his ward and his constituents feel threatened. He has been dealing with neighbors who are panicked, and they need an option to be free of this situation. This is a bad situation and we have tried many options and he is fully supportive of this action.

MOVED by Hampton SECOND by Burk to adopting **Resolution 21-202** declaring Aloha Trailer Park located at SW 20th and D Avenue a public nuisance pursuant and authorize the City Attorney to bring a nuisance abatement suit against Ms. Jo Ann Porter, the proprietor and owner of Aloha Trailer Park in Comanche County District Court pursuant to 50 Okla.St. Ann. § 17.

Jo Ann Porter, 1401 NW Baldwin, stated she went to court and just had two violations on 1401 NW Baldwin. She didn't have anything on that other property. She stated she did not receive any notification on any other violations. She stated she has been down there mowing the grass and picking it up and it is not doing any good. She did have the individual evicted.

VOTE ON MOTION: AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

23. Discuss and consider establishing an express public trust authority for youth sports pursuant to Title 60 Okl.St.Ann. § 176. This authority would assist the beneficiary (City of Lawton Parks & Recreation Department) in administering youth sports programs and managing select athletic facilities.

Brian Henry, 3703 NE Fieldcrest Drive, stated they need to look at moving forward with the management of the youth sports program outside of the City's management structure. He stated they have reached out to other communities and most of them have contracted out with a third party. They oversee in difference capacities so the idea here would be to use a sports authority that could oversee the management of this program and expand it and provide a little flexibility with a group that could run it.

Mayor Booker stated the goal is to reach more children and impact the community and those children and their lives.

Warren stated with this agenda item the council has to direct staff to expend the time to create that authority if that is the decision of the council. He stated he would support this issue.

The members of council expressed their support for this issue.

Dewayne Burk, Deputy City Manager, stated staff has conducted site visits to Moore and Norman and looked at some of their premiere parks and looked at how they operate their staffing, funding and what falls within their parks and recreation department. He stated they are contracting out their youth sports programs. He stated direction has already been given to the new parks and recreation director to start researching this option and they are already looking at what this could look like for the City of Lawton. He requested that staff be allowed to complete this research. He feels this will make our youth sports much more competitive.

Christine James, Parks and Recreation Director, stated she has some great examples to look at and she feels this is a good way moving forward and they are conducting some homework to see how this may work out.

Warren stated he will get calls from citizens who may not support spending money on this program, but it will bring money into this city from the southwest region. This will be a noticeable impact on our tax revenue.

Mr. Henry stated there is also the possibility of receiving grants and scholarship funding from foundations such as Dick's Sporting Goods.

MOVED by Burk SECOND by Fortenbaugh to initiate the process of establishing an express public trust authority for youth sports. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

24. Consider approving an ordinance, including any floor amendments related thereto, pertaining to Finance and Purchasing Requirements; amending Sections 10-1-101, 10-1-102, 10-1-103, 10-1-105, 10-1-106 and 10-1-110, Article 10-1, Chapter 10, Lawton City Code, 2015; by updating certain provisions within Article 10-1 of Chapter 10 to include modifying certain monetary limits relating to construction contracts; adding a definition for “construction management trade contract or subcontract”; amending the definition of “public construction contracts”; amending various provisions relating to public construction contracts; amending the provisions relating to public construction contract change orders; providing for severability and establishing an effective date.

Ratliff stated recently the state legislature passed House Bill 2862, which relates to the Public Competitive Bidding Act of 1974 and, among other things, modified certain monetary limits for public construction contracts, and establishing monetary limits for construction management trade contracts or subcontracts. The proposed ordinance incorporates the applicable amendments from House Bill 2862 into city code, as well as updating other provisions in Chapter 10 dealing with public construction contracts, to include amending a provision relating to public construction contract change order so the provision more closely mirrors state law.

MOVED by Burk SECOND by Warren to adopt **Ordinance 21-29**, 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 21-29

AN ORDINANCE PERTAINING TO FINANCE AND PURCHASING REQUIREMENTS; AMENDING SECTIONS 10-1-101, 10-1-102, 10-1-103, 10-1-105, 10-1-106 AND 10-1-110, ARTICLE 10-1, CHAPTER 10, LAWTON CITY CODE, 2015; BY UPDATING CERTAIN PROVISIONS WITHIN ARTICLE 10-1 OF CHAPTER 10 TO INCLUDE MODIFYING CERTAIN MONETARY LIMITS RELATING TO CONSTRUCTION CONTRACTS; ADDING A DEFINITION FOR “CONSTRUCTION MANAGEMENT TRADE CONTRACT OR SUBCONTRACT”; AMENDING THE DEFINITION OF “PUBLIC CONSTRUCTION CONTRACTS”; AMENDING VARIOUS PROVISIONS RELATING TO PUBLIC CONSTRUCTION CONTRACTS; AMENDING THE PROVISIONS PERTAINING TO PUBLIC CONSTRUCTION CONTRACT CHANGE ORDERS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

STAFF REPORTS:

Department Roundup - Fire Training

Joshua Brown, Training Chief for the Lawton Fire Department, presented information on the Fire

Training Division. (Presentation on file in the City Clerk's office)

Finance Report

Kristin Huntley, Deputy Finance Director, presented revenue and expenditure highlights for the period ending September 30, 2021. (On file in the City Clerk's office).

There being no further business to consider, the meeting adjourned at 4:03 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK