MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
NOVEMBER 8, 2022 – 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
COL James H.B. Peay, IV, Fort Sill Liaison

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 Officer Loui Pohawpatchoko, followed by the Pledge of Allegiance given by Comanche Princess Kylie Davidson.

ROLL CALL

PRESENT:
Mary Ann Hankins, Ward One
Kelly Harris, Ward Two (Left meeting @ 3:05 p.m.)
Linda Chapman, Ward Three
Jay Burk, Ward Four
Allan Hampton, Ward Five
Sean Fortenbaugh, Ward Six
Randy Warren, Ward Eight

ABSENT:
Onreka Johnson, Ward Seven

PROCLAMATIONS:

Native American Heritage Month

Mayor Bookers proclaimed November 2022 as Native American Heritage Month. He presented a Robert Petersen buffalo print to chairman/chairwoman of the local tribes.

Veterans Day

Mayor Booker proclaimed November 11, 2022, as Veterans Day locally.

Psi Upsilon Chapter, Omega Psi Phi Fraternity, Inc Week

Mayor Booker proclaimed the week of November 13 – 19, 2022, as Psi Upsilon Chapter, Omega Psi Phi Fraternity, Inc Week.

REPORTS: MAYOR/CITY COUNCIL

Harris encouraged everyone to vote.

Hampton stated he is aware of the safety issues in his ward and he is working on trying to make sure those situations are taken care of.

Warren stated the sidewalk on 53rd is moving quickly.

COL Peay thanked the Mayor and City Manager for attending their strategic planning session last week.

AUDIENCE PARTICIPATION:

Albert Rivas, 25 NW 53rd Street, stated he will be at the LETA meeting tomorrow to present his recommendation for benches and a monument at Shepler Park in dedication of Barbara Curry.

CONSENT AGENDA:

Mayor Booker stated items #3, #17 and #18 will be considered separately.

MOVED by Warren SECOND by Burk to approve the consent agenda with the exception of items #3, #17 and #18. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Alisha Lopez in the reduced amount of $168.53, Kimberly Meyers in the amount of $507.61 **(Res. 22-196)**, Pepper Tree Apartments in the amount of $785.10 **(Res. 22-197)**, and James Toy in the amount of $1,966.15 **(Res. 22-198)**.

2. Consider the following damage claim recommended for denial: Muhammad Ali in the amount of $17,355.00.

3. Consider and approve an amendment to the Insufficient Fire Flow Waiver to restrict its application to residential use only.

Ratliff stated the insufficient fire flow waiver that was approved by council a couple meetings ago allows for development, particularly west of the city of Lawton, where the infrastructure isn't in place to achieve sufficient fire flow. This item is just an administrative clean up to make this waiver only applicable to residential property.

Harris stated there might be some smaller commercial businesses with a warehouse, similar to his, that doesn't have a fire issue and he feels they may be jumping the gun on this and making it too restrictive. He suggested they bring it back with some additional information.

MOVED by Harris to table. (Motion died due to a lack of a second)

Warren stated he feels they can always bring this back in the future if they see a situation where a small commercial building might work.

Harris questioned if they could do this as a use permitted on review with the planning commission.

Charlotte Brown, Action Planning Director, stated if they have a commercial property where this might work, they can bring it back to council on a case-by-case basis.

MOVED by Warren SECOND by Hankins to approve an amendment to the Insufficient Fire Flow Waiver to restrict its application to residential use only. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: Harris. MOTION CARRIED.

4. Consider authorizing Lawton City Mayor to sign grant applications seeking funding for Water and Wastewater projects administered by Oklahoma Water Resources Board.

5. Consider approving a resolution amending the City of Lawton FY22-23 budget, as amended, by appropriating $72,900,000.00 to the Lawton Water Authority Fund for wastewater system improvements funded by a Clean Water State Revolving Fund Loan. **Resolution 22-199**

6. Consider setting the date of December 13, 2022, to hold a public hearing to close a portion of the right-of-way of NW Pershing Drive, adjacent to Lots1 & 20, Block 19, Liberty Heights Addition.

7. Consider setting the date of December 13, 2022, to hold a public hearing to close a utility easement located on Lots 11-14, Block 3, Morford Addition.

8. Consider accepting temporary easements from Allen G. Carter Jr., at 340 SW Boatsman Avenue, Melford and Wilma Davis at 5344 NW Elm Avenue, Matthew and Samantha Crain at 5302 NW Elm Avenue, Alejo and Yanet Jaime at 1816 SW B Avenue, Emily Jeantet at 1428 NW 22nd Street, Scott Nelson at 1621 NW 22nd Street, and Brenton Don Gifford at 4659 SE Brighton Drive, for right-of-way needed for the 2017 Ad Valorem Streets and Roads Program (Residential), Phase II, Project No. EN1707P2 and authorizer the Mayor and City Clerk to execute the documents.

9. Consider approving the record plat for Sheridan Commerce Addition.

10. Consider approving the construction plat for Lawton Marketplace - Phase II subject to the condition listed.

11. Consider acknowledging receipt of a permit from the Oklahoma Department of Environmental Quality for the construction of 4,224 linear feet of eight (8) inch PVC pipe for sanitary sewer collection and all appurtenances to serve the Sanitary Sewer for Rolling Hills Development Part 5, Comanche County, Oklahoma.

12. Consider acknowledging receipt of a permit from the Oklahoma Department of Environmental Quality for the construction of 2,645 linear feet of eight (8) inch PVC pipe, 1,321 linear feet of ten (10) inch PVC pipe for water line distribution, and all appurtenances to serve the Waterline for Rolling Hills Development Part 5, Comanche County, Oklahoma.

13. Consider approving the application and issuing a Revocable Communications Cable Permit to Chickasaw Telecommunications Services Inc. to install approximately 90 feet (5.63 rods) of fiber optic cable within the right of way from 2005 E Gore Blvd to 402 SE Interstate Dr.

14. Consider adopting a Resolution authorizing the installation of traffic control measures on the 1100 block of SW Summit. **Resolution 22-200**

15. Consider awarding a contract for the Lawton WWTP Improvements Phase I Project PU 2103 to Wynn Construction Co., Inc. in the amount of $83,780,054.

16. Consider acknowledging receipt of a permit No. ST000016220545 from ODEQ for the construction of the Lawton WWTP Improvements Phase I Project, City of Lawton, Comanche County, Oklahoma.

17. Consider approving Agreement between City of Lawton and EST, Inc., for the Professional Engineering Services and the Preparation of Contract Documents for Goodyear Boulevard Reconstruction from Lee Boulevard to Cache Road Project, Project No. EN2002B.

Joe Painter, Engineering Director, stated this is phase three of the Lee Boulevard project. They will reconstruct the road from Lee to Cache and they will also work on the drainage of the eastbound on ramp where it floods.

Mayor Booker questioned when the plans will be ready to bid.

Painter stated it is not scheduled just yet. Once they approve the contract they will set the schedule. He stated it will probably take 12 months to design.

Mayor Booker questioned when the next phase of the project, which is 38th to 67th on Lee, will be brought to council.

Painter stated they are working on the capital improvement project budget right now setting when all those projects will be brought to council. He stated that project may have to be broken into smaller projects for budgeting purposes.

Mayor Booker stated with the rate of inflation being so high, we need to get the work done and we don't need to wait. We are over budget on this pedestrian bridge because of delays. He stated the council wants a sense of urgency with this engineering.

Burk stated interest rates keep going up and he questioned if they should go out and get some sort of funding to complete this project. Rates are not going down. It takes us too long and citizens don't pass these projects and expect it to take 15 years to get a project completed.

Fortenbaugh suggested they look at the signage which is directing trucks to go down old Cache Road and maybe direct them to go down Lee Boulevard.

Hampton stated he also feels a sense of urgency on getting these projects done.

Warren stated they need to free up as much money as possible to get the engineering done, so that when they have the ability to borrow funds to do the actual construction, we will be ready. This will save time and money in the long run.

Painter stated that having plans on the shelf will also help if any funding pops up. He stated there is a shelf life on plans, if you get too many then you will end up redoing them.

Mayor Booker stated the council will figure out the money, they just want the plans done.

MOVED by Burk SECOND by Warren to approve an agreement between City of Lawton and EST, Inc., for the Professional Engineering Services and the Preparation of Contract Documents for Goodyear Boulevard Reconstruction from Lee Boulevard to Cache Road Project, Project No. EN2002B. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

18. Consider approving Final Amendment and Change Order No. 3 and accepting the Lee Boulevard, Phase 1 - Pavement Resurfacing from 67th St. to 97th St. Project No. EN2002A as constructed by T&G Construction, Inc. and placing the Maintenance Bond into effect.

Mayor Booker questioned if the change order was a cost or savings.

Painter stated this is the reconciliation of the final bill as they do for every project. This one was under a couple hundred thousand. They were on schedule and under budget.

Harris stated he has spoken to the construction company on this project who expressed concern about the time it took to get paid. He questioned if staff could look at a way to speed up the process.

Burk stated he received the same complaints.

MOVED by Burk SECOND by Hampton to approve a Final Amendment and Change Order No. 3 and accepting the Lee Boulevard, Phase 1 - Pavement Resurfacing from 67th St. to 97th St. Project No. EN2002A as constructed by T&G Construction, Inc. and placing the Maintenance Bond into effect. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

19. Consider approving appointments to boards and commissions.

<u>Mayor's Commission on the Status of Women</u>
Brandi Thomas- Move from "At Large" to Ward 5
203 NW Fort Sill Blvd
Lawton, OK 73501
UT 09/23/2023

BUSINESS ITEMS:

20. Receive bids for the sale of the City's $8,100,000 General Obligation Bonds, Series 2022, and award the sale of the $8,100,000 General Obligation Bonds, Series 2022, to the lowest bidder.

Chris Gander, BOK Financial Services, stated at the last council meeting the council set the date, time, and the place to receive the bids in this next series of GO bonds which was today at 11 a.m. They received four bids. Piper Sandler and Company out of Minneapolis was the low bid at 3.6088%. They are recommending awarding the bid to Piper Sandler. The next item will be to issue the debt.

<u>MOVED by Burk SECOND by Chapman</u> to award the sale of the $8,100,000 General Obligation Bonds, Series 2022, to Piper Sandler and Company. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

21. Consideration and approval of an Ordinance providing for the issuance of General Obligation Bonds, Series 2022, in the sum of $8,100,000 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 2022; providing for registration thereof; approving the Official Statement pertaining to the General Obligation Bonds, Series 2022; 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.

Mr. Gander stated that Stewart England with the Floyd Law Firm is in attendance to answer any questions that are legal in nature.

<u>MOVED by Harris SECOND by Hankins</u> to adopt **Ordinance 22-31**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 22-31

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE SUM OF EIGHT MILLION, ONE HUNDRED THOUSAND DOLLARS ($8,100,000.00) BY THE CITY OF LAWTON, OKLAHOMA, AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION

THEREOF; APPROVING THE OFFICIAL STATEMENT PERTAINING TO THE BONDS; 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.

22. Consider approving a resolution by Lawton City Officials to designate the original Lawton High School building as "Lawton City Hall", and designate the Lawton City Council Chambers/Auditorium within Lawton City Hall as "Wayne Gilley Auditorium", in honor of long-time City of Lawton Mayor and community ambassador William Wayne Gilley.

Ratliff stated the old city hall building that was destroyed in 2019 was named after Wayne Gilley and looking through the research he determined that the naming of that building was directly related to the building that was destroyed, so this building, which is Lawton High School, and was historically registered in 1997, can't be called Wayne Gilley City Hall because this building already has a name. The compromise is that the council could name the auditorium in Mayor Gilley's honor.

Warren stated he received comments from citizens that felt there were others that were as deserving and he suggested that instead of naming the auditorium, they put a monument honoring Mayor Gilley outside the building.

Cleghorn stated on the east side of the building there is a slab of concrete and he suggested they put some kind of granite monument. This would be a solution to other competing interests.

Burk stated they need to make sure that they don't put anything outside of this building that would take away from the significance of the history.

Hampton stated he had a constituent that felt that Minette Page should have some type of recognition in this building as well.

Warren stated they could tie a monument to our sister city monument from the old city hall location. He suggested they try to establish a way to name rooms and building in a general sense.

MOVED by Chapman SECOND by Burk to approve **Resolution 22-201** to designate the original Lawton High School building as "Lawton City Hall", and designate the Lawton City Council Chambers/Auditorium within Lawton City Hall as "Wayne Gilley Auditorium".
AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None.
MOTION CARRIED.

23. Discuss benchmarking important metrics of efficiency and community measures with the largest ten cities in Oklahoma, and consider a proposal for retaining an outside contractor to provide these services. Approve said proposal and authorize the Mayor and City Clerk to execute the necessary documents.

Mayor Booker stated this is something the council has talked about for 3 ½ years and he feels they need to get this completed. He spoken with Scott Hatch who has a good reputation as a local CPA and he can do this for us. He stated the agenda item states they will look at the 10 largest cities, but he suggested they start looking at the 3rd largest city through the 8th. They need to use the metrics of 77,000 citizens because that is how many citizens we actually service. He feels our citizens want us to deliver services as efficiently as possible. He feels it is time for the council to act on this.

Warren stated it is important that we include sales tax numbers.

Mayor Booker suggested some of the metrics they could start with are employees by department, employee turnover, crime stats, city income and expense per capita.

Fortenbaugh stated a few years ago they budgeted for a benchmark person, but he does not believe they ever got that person. They need to look at putting it back. He stated the information needs to be shared with the council, city manager and department heads when it comes in.

Mayor Booker stated they need to publish this in the budget book.

Hampton stated he feels strongly that this report should go directly to the council and mayor.

Burk stated we live in a community that is very transient and we don't have the base like other communities. He stated key performance indicators will show us where we stand against other cities our same size.

Mayor Booker stated there will be a learning curve here but he feels they will get better as we do this every year.

MOVED by Hampton SECOND by Hankins to direct the staff to enter into the proposed agreement with Hatch, Croke & Associates, P.C. for benchmarking services to include, but not limited to, employee counts by department, turnover, crime stats, city income per capita, city expenses per capita budget and CIP and report directly to the Mayor and City Council. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

24. Receive a presentation from staff on Fire Rating of #1 and the possibility of a split rating for unprotected areas, and discuss how this would/could impact the area considered for de-annexation and take any action deemed necessary.

Chief Jared Williams, Lawton Fire Department, presented information on ISO Split Rating. (Presentation is on file in the City Clerk's office)

Mayor Booker stated in order to get all the options on the table, he would suggest some staff members, to include staff from License and Permit, Lawton Fire Department and some from the new council committee, to take a field trip to Oklahoma City or a smaller city like Edmond and visit with their officials.

Fortenbaugh stated that is a good use for that committee. He questioned if the city had any projected purchase of tankers with rolling stock.

Cleghorn stated no.

Warren stated the tankers are a lot of money, but the manning of the tanker is a long-term expense. He stated they are going to have to figure out a way to make it advantageous for developers to put these water lines in.

Hampton stated they need to look at some options.

Mayor Booker stated no action is required for this item.

25. Consider an ordinance pertaining to offenses and crimes amending Sections 16-5-2-221, 16-5-2-222, 16-5-2-223 and 16-5-2-225, all within Division 16-5-2, Article 16-5, Chapter 16 of the Lawton City Code 2015, relating to the prevention of youth access of tobacco by adding the terms nicotine product and vapor product and by increasing the legal age from eighteen (18) to twenty-one (21) amended by state law, providing for severability and establishing an effective date.

Ratliff stated the Prevention of Youth Access to Tobacco Act previously only mentioned tobacco products but amendments have now included the terms nicotine product and vapor product. State law has also increased the legal age from 18 to 21. The proposed changes to Lawton City Code will reflect the changes in State Law. He stated this change will put us in a better position to potentially receive TSET money.

<u>MOVED by Warren SECOND by Hampton</u> to adopt **Ordinance 22-32**, 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 22-32

AN ORDINANCE PERTAINING TO OFFENSES AND CRIMES, AMENDING SECTIONS 16-5-2-221, 16-5-2-222, 16-5-2-223 AND 16-5-2-225, ALL WITHIN DIVISION 16-5-2, ARTICLE 16-5, CHAPTER 16, LAWTON CITY CODE, 2015, RELATING TO THE PREVENTION OF YOUTH ACCESS OF TOBACCO BY ADDING TERMS NICOTINE PRODUCT AND VAPOR PRODUCT AND BY INCREASING THE LEGAL AGE FROM EIGHTEEN (18) TO TWENTY-ONE (21) AS AMENDED BY STATE LAW, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

26. Consider an ordinance pertaining to City contracts and sales amending Section 10-1-122, Article 10-1, Chapter 10 of Lawton City Code 2015, relating to gifts and favors by allowing the City Manager to administratively approve any gift, grant or loan to the City of Lawton under the amount of one thousand dollars ($1,000), providing for severability and establishing an effective date.

Ratliff stated currently, all gifts, grants and loans appear on the City Council agenda for approval. The proposed ordinance change will allow for the City Manager to administratively approve any gift, grant, or loan under $1,000 providing the donor is not seeking any favor, either directly or indirectly, as a result of the gift, grant or loan.

Warren questioned if they could raise the amount to $5,000.

MOVED by Burk SECOND by Chapman to adopt **Ordinance 22-33**, amending the amount to $5,000, 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 22-33

an ordinance pertaining to CITY CONTRACTS AND SALES, AMENDING SECTION 10-1-122, ARTICLE 10-1, CHAPTER 10 OF LAWTON CITY CODE 2015, relating to GIFTS AND FAVORS BY ALLOWING THE CITY MANAGER TO ADMINISTRATIVELY APPROVE ANY GIFT, GRANT OR LOAN TO THE CITY OF LAWTON UNDER THE AMOUNT OF ONE THOUSAND DOLLARS ($5,000), PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

STAFF REPORTS:

Receive Finance Report for the period ending September 2022

Joe Don Dunham, Finance Director, presented revenue and expenditure highlights for the period ending September 30, 2022. (On file in the City Clerk's office).

Chief Williams introduced the new Fire Marshall, Heath Want.

There being no further business to consider, the meeting adjourned at 3:52 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