

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
DECEMBER 6, 2022 – 2:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:

Dewayne Burk, Deputy City Manager

John Ratliff, City Attorney

Donalynn Blazek-Scherler, Sr. Deputy 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 John Hiller, Centenary United Methodist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Mary Ann Hankins, Ward One

Kelly Harris, Ward Two

Linda Chapman, Ward Three

Jay Burk, Ward Four

Sean Fortenbaugh, Ward Six

Onreka Johnson, Ward Seven

Randy Warren, Ward Eight

ABSENT:

Allan Hampton, Ward Five

PROCLAMATIONS:

Homeless Youth Awareness Month

Mayor Booker proclaimed the month of December 2022 as Homelessness Awareness Month.

Outstanding Citizen of the Month to Santa Claus

Mayor Booker presented a Certificate of Commendation from the Mayor's Office to Santa Claus.

Council recessed the meeting at 2:24 p.m.

Council reconvened the meeting at 3:55 p.m.

REPORTS: MAYOR/CITY COUNCIL:

Warren stated he contacted Wayne Gilley's last surviving daughter and she does plan on attending the dedication when it is scheduled.

Mayor Booker stated he continues to get comments on the channel 2 access and he stated they need to deal with that issue. He stated this is part of the franchise agreement.

AUDIENCE PARTICIPATION:

Max Sasseen, Chairman of the McMahon Auditorium Authority, updated the council on a \$20,000 grant they received from the National Endowment of the Arts. He stated Lawton was selected to host the 2023 Oklahoma Arts Conference which will be held in October.

CONSENT AGENDA:

Mayor Booker stated they will strike item #19 and item #6 will be considered separately.

MOVED by Warren SECOND by Burk to approve the consent agenda with the exception of item #6. AYE: Hankins, Harris, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider approval of the minutes of the Lawton City Council regular meetings of November 8 and November 15, 2022.
2. Consider approving the 2023 Notice of Meeting Schedule for Lawton City Council Meetings and approve a resolution rescheduling the regularly scheduled meetings in November and December 2023. **Resolution 22-213**
3. Consider authorizing the Mayor and City Clerk to execute a release in connection with a settlement in the amount of \$15,000.00 with Root Insurance Company for damages to power utility box, which was struck by J.L (a minor) on August 26, 2021, at NW Sheridan Road and NW Rogers Lane.
4. Consider approving Task Order #1 with Halff Associates for the development of a Lawton Aquatics Master Plan in the amount of \$50,500.00.
5. Consider approving Task Order #2 with Halff Associates for the revision of the Elmer Thomas Master Plan to include an aquatics facility within the park in the amount of \$14,000.00.
6. Consider approving the location of the all-inclusive playground to be located in Elmer Thomas Park.

Sasseen updated the council on the all-inclusive playground.

MOVED by Harris SECOND by Burk to approve the location of the all-inclusive playground to be located in Elmer Thomas Park. AYE: Hankins, Harris, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

7. Consider and take appropriate action with respect to a resolution of the City of Lawton, Oklahoma (the “City”) authorizing application for American Rescue Plan Act (ARPA) from the Oklahoma Water Resources Board (OWRB) for the rehabilitation of Lake Ellsworth Spillway and authorize the Mayor and City Clerk to execute said documents. **Resolution 22-214**

8. Consider and take appropriate action with respect to a resolution of the City of Lawton, Oklahoma (the “City”) authorizing application for High Hazard Dam (HHD) grants from the Oklahoma Water Resources Board (OWRB) for the rehabilitation of Lake Ellsworth Spillway and authorize the Mayor and City Clerk to execute said documents. **Resolution 22-215**
9. Consider and take appropriate action with respect to a resolution of the City of Lawton, Oklahoma (the “City”) authorizing application for Water and Wastewater ARPA Grant from the Oklahoma Water Resources Board (OWRB) for the rehabilitation water mains, wastewater mains and Southeast Water Treatment Plant (SEWTP) Sludge handling facility and authorize the Mayor and City Clerk to execute said documents. **Resolution 22-216**
10. Consider renewing a master services retainer agreement with CEC Corporation for the purpose of providing full engineering services to the City of Lawton and authorize the Mayor and City Clerk to execute the agreement.
11. Consider approving Amendment No. 2 with MA+ Architecture, LLC on Project EN2004A City Hall Renovation funded through LETA in the amount \$5,080.
12. Consider approving Amendment No. 3 with MA+ Architecture, LLC on Project EN2004A City Hall Renovation in the amount \$36,900.
13. Consider extending contract RFPCL22-008 Banking Services with Liberty National Bank.
14. Consider approving appointments to boards and commissions.

Building Development Appeals Board

Barbara Ellis- Mayoral Reappointment
17 SW 50th Street
Lawton, OK 73505
01/26/2025

City Planning Commission

Allen Smith- Ward 4 Appointment
3901 NE Water Edge Drive
Lawton, OK 73507
12/6/2025

Historical Preservation Committee

Dr. Suzanne Crawford- Mayoral Reappointment
3320 NW Atlanta Avenue
Lawton, OK 73505
12/14/2024

Mayor’s Commission on the Status of Women

Dani Blackburn- Mayoral Reappointment
4408 SW Mesquite Drive
Lawton, OK 73505
1/23/2025

Christina Woodson- Mayoral Reappointment
106 SW Elk Creek Loop
Cache, OK 73527
11/10/2024

Pension Trust

Richard Rogalski- Mayoral Appointment
2604 SE 60th Street
Lawton, OK 73507
12/6/2027

Pension Trust

Paul Ellwanger- Mayoral Reappointment
3501 NW Arlington Avenue
Lawton, OK 73505
11/26/2027

Mayor Booker stated the council will address the staff report.

STAFF REPORTS:

Update on City Hall Project - Joseph Painter, Director of Engineering

Joe Painter, Director of Engineering, updated the council on a change order for the City Hall Project. He stated a full update will be given at the next council meeting.

UNFINISHED BUSINESS:

15. Consider the following damage claim recommended for denial: Robert Muller in the amount of \$27,144.27.

Ratliff stated this item was tabled on September 13th and staff is still recommending denial of this claim. City employees responded under emergency conditions and they addressed the water main breakage. Staff had no notice of the electrical lead and they called locates prior to digging, which they are not required to do under emergency circumstances. He stated there is no evidence to show that the crews damaged the asphalt parking lot.

Chapman stated she has a problem thinking the boulders caused the water break because they have been there a long time. If the utilities were marked, why was an electrical line severed.

Ratliff stated crews had no notice the electrical line was there, it was not noted on the permit.

Chapman stated that the lines were marked.

Rusty Whisenhunt, Public Utilities Director, stated they only mark public lines and this electrical line was private.

Fortenbaugh stated city workers did what they had to do to fix the break. He stated the water did damage the parking lot and he feels they should pay to repair the parking lot.

MOVED by Fortenbaugh SECOND by Chapman to approve **Resolution 22-217** approving the damage claim of Robert Muller in the amount of \$14,763.00. AYE: Hankins, Harris, Chapman, Fortenbaugh, Johnson, Warren. NAY: Burk. MOTION CARRIED.

BUSINESS ITEMS:

16. Hold a public hearing and consider an ordinance annexing approximately 160 acres of land into the corporate limits of the City of Lawton, in the general vicinity of SW Bishop Road and 112th Street, located in the Southwest Quarter of Section 1, Township 1 North, Range 13 West, I.M., Comanche County, Oklahoma, classifying the land as Temporary I-4 (Heavy Industrial District) zoning classification, and declaring an emergency.

Ratliff stated this is 160 acres that is part of the overall land grant for project Blue Braveheart. He stated the redevelopment agreement will be at the next meeting. Part of that tentative redevelopment agreement is that there will be a conveyance of land as an incentive for that project locating here. This 160 acres is outside the city limits and that is why they are proposing it be annexed and eventually there will be an extension of services to that area.

Mayor Booker stated as well as a TIF amendment plan.

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

MOVED by Burk SECOND by Warren to adopt **Ordinance 22-34**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Hankins, Harris, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 22-34

AN ORDINANCE PROVIDING FOR THE ATTACHMENT OF THE SOUTHWEST QUARTER OF SECTION 1, T1N, R13W, INTO THE CORPORATE LIMITS OF THE CITY OF LAWTON, COMANCHE COUNTY, OKLAHOMA, CLASSIFYING SAID TRACT AS “TEMPORARY” I-4 (HEAVY INDUSTRIAL DISTRICT) ZONING CLASSIFICATION FOR A PERIOD NOT EXCEEDING ONE (1) YEAR, AND DECLARING AN EMERGENCY.

17. Hold a public hearing to consider an Ordinance for a change of zoning from the R-1 Single-Family Dwelling District to the C-1 Local Commercial District zoning classification and a Resolution for a change to the 2030 Land Use Plan from Professional Office/Transition to Commercial for the property located at 3315-3321 NW Cache Road, Lawton, OK 73505.

Kameron Good, Planner II, briefed the council on the application request.

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

MOVED by Hankins SECOND by Harris to adopt **Ordinance 22-35** waive the reading of the ordinance, read the title only, changing the zoning from the R-1 Single-Family Dwelling District to the C-1 Local Commercial District zoning classification and **Resolution 22-218** changing the 2030 Land Use Plan from Professional Office/Transition to Commercial for the property located at 3315-3321 NW Cache Road. AYE: Hankins, Harris, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 22-35

AN ORDINANCE CHANGING THE EXISTING ZONING CLASSIFICATION FROM THE R-1 SINGLE-FAMILY DWELLING DISTRICT TO THE C-1 LOCAL 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. Hold a public hearing to consider an Ordinance for a change of zoning from the A-1 General Agricultural District to the R-1 Single-Family Dwelling District zoning classification for the property located at 3510 NE Cache Road, Lawton, OK 73505.

Good briefed the council on the rezoning application request.

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

MOVED by Burk SECOND by Chapman to adopt **Ordinance 22-36**, waive the reading of the ordinance, read the title only. AYE: Hankins, Harris, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 22-36

AN ORDINANCE CHANGING THE EXISTING ZONING CLASSIFICATION FROM THE A-1 GENERAL AGRICULTURAL DISTRICT TO THE R-1 SINGLE-FAMILY DWELLING 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.

19. Consider accepting a donation of underground fiber optics within Elmer Thomas Park from Hilliary Communications in the approximate amount of \$40,000.00. **STRICKEN**

20. Consider hearing a presentation from Halff Associates regarding the status of the Lakes Master Plan.

Scott Barnett, Lenny Hughes and James Hazzard, Halff Associates, presented information on the status of the lakes master plan. (Presentation is on file in the City Clerk's office) **NO ACTION WAS TAKEN**

21. Discuss establishing a Strategic Plan committee as permitted by Lawton City Charter.

Mayor Booker stated that the charter states that the Mayor shall have the authority to convene a citizens committee to review proposed revisions to the strategic plan. He stated the strategic plan that was developed in 2009 was presented all at once in a 3-inch binder. He stated once they establish the committee the first thing they will look at is what the citizens want for the vision, the mission and the core values and they will present that as one item. Then they will move on to other areas a little at a time. The plan is to engage citizens as much as possible, potentially on line.

MOVED by Warren SECOND by Fortenbaugh to establish a Strategic Plan committee as permitted by Lawton City Charter. AYE: Hankins, Harris, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

22. Consider reallocating \$9,425,340 of ARPA Revenue Replacement funds and passing Resolution 22-_____ a budget amendment from FY 2023 unallocated 2019 Propel CIP funds in the amount of \$574,660 for an incentive payment of \$10,000,000 to Project Blue Braveheart.

Joe Don Dunham, Finance Director, stated they have looked at several ways to pay this incentive and it will need to be paid next week. Staff is recommending they use the balance of the ARPA funds and a small portion of the CIP to pay this incentive.

Mayor Booker stated to borrow money for an incentive is at a higher interest rate than to borrow for a public construction contract. He stated he has wanted to protect the ARPA money for the sports facility, but this does qualify for that money and it makes sense because it will save the City money. He stated he feels they need to direct staff to bring back the amendment that goes with the CIP and the sports complex.

Dunham stated they have a resolution in the works to take care of the reallocation with the CIP.

MOVED by Warren SECOND by Hankins to accept the proposal outlined for reallocating \$9,425,340 of ARPA Revenue Replacement funds and adopting **Resolution 22-219** a budget amendment from FY 2023 unallocated 2019 Propel CIP funds in the amount of \$574,660 for an incentive payment of \$10,000,000 to Project Blue Braveheart. AYE: Hankins, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: Harris. MOTION CARRIED.

23. Consider 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 amending the amount required for a water service deposit to a set amount of One Hundred and Fifty Dollars (\$150.00) and by adding language to accept letters of credit for commercial/industrial customers, providing for severability and establishing an effective date.

Dunham stated this ordinance sets the deposit rate at \$150 and adds language to accept letters of credit from a banking institution. It allows our business community to put up a line of credit that

we could draw on should they not make their utility bill. It is a friendlier business circumstance for the businesses that want to utilize it now.

Ratliff stated this is in lieu of a cash deposit.

Mayor Booker stated that anyone that comes in for a residential account has to put up \$150. He questioned if the 150% is just from the amount of water service.

Dunham stated it is from the utility bill.

Mayor Booker stated this refers to water, not utilities. Water is just a portion of the bill. He would like to know what the average utility deposit is right now. Some people might have trouble coming up with \$150 to turn on their water.

Dunham stated there are people now that have trouble coming up with the 150%, but they can set it up to pay out over time.

Mayor Booker questioned how many more people this will affect.

Dunham stated the way they calculate the deposit now, it should not affect any additional people.

Harris questioned what the amount of the smallest utility bill.

Dunham stated around \$100.

Burk stated he is concerned about those people that are renters who cannot come up with \$150, which seems high to him. He is also concerned about this letter of credit and that the banks will bail on them after a while.

Mayor Booker stated he supports the letter of credit, but he is concerned that they don't have enough information to make a decision on the individual deposit of \$150. He requested they table this until the December 13th meeting.

Ratliff suggested they table to the January 10th meeting.

Johnson stated this is specifically for the water bill, not the entire utility bill. She feels they need to look at this because \$150 is a lot for some people and they need to consider that.

Dunham stated when someone leaves us without paying their bill, they leave us with the entire bill, not just the water bill and typically they are two months into us before we cut off their account, which means they owe the City approximately \$250. He stated if they have a good pay history, they get their utilities turned on at no cost.

Mayor Booker stated the ordinance says "water service", so it may need some clean up. He stated he would like additional information on how good pay history can impact that.

Warren stated he would also like a two-year accounting of lost bills that were not paid.

Dunham questioned if they would just like a lump sum number?

Warren stated numbers of accounts and amounts.

Johnson stated maybe they need to look at trying to catch these delinquent accounts before they are two months out.

MOVED by Warren SECOND by Johnson to table to January 10, 2023, and direct staff to bring back additional information. AYE: Hankins, Harris, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 5:20 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK