

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JANUARY 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
COL Rhett A. Taylor, 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 Pastor Jarrett Wright, Lawton-Fort Sill First United Pentecostal Church, 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 OF PROCLAMATION HONORING JOHN MACKEY

Mayor Booker presented the proclamation to Megan Mackey Pool.

PRESENTATION BY CENTERPOINTE ENERGY

Tim Teal, Damage Prevention Coordinator for Centerpointe Energy presented a Safe Digging Award to Rusty Whisenhunt, Director of Public Utilities.

REPORTS: MAYOR/CITY COUNCIL

COL Taylor stated the vaccinations are slowly coming into the installation and they are getting a lot of their front-line workers vaccinated. Now they are working on their civilians and contractors which will relieve some pressure.

Burk reported that the new median project by LETA on Sheridan Road has been completed. He stated they felt it was important to spruce up the area around that main entrance into Fort Sill.

Hankins reported that Bill Shoemate has started a neighborhood watch for ward one. They will meet the second Monday of the month at Holy Cross Lutheran Church.

Mayor Booker stated that he is very proud of the Comanche County Health Department and the rate at which they are getting the vaccines distributed. He encouraged everyone that can to take the vaccine. He also encouraged citizens to vote yes on February 9th for the Hotel/Motel Tax.

AUDIENCE PARTICIPATION:

Michael Milich, Sr., 6810 SW Woodstock, commented on the condition of Bishop Road. The road was ripped up and they are left with a gravel road. The quality of life for the residents has diminished and he does not feel it is right for the road to be left in that condition.

Mayor Booker stated staff can update Mr. Milich on the status of that road.

Ron Nance, 1 SW 11th Street Suite 210, stated that he can verify that everyone in that neighborhood are enduring some trying times and anything that can be done would be appreciated.

CONDUCT ELECTION OF MAYOR PRO TEM

MOVED by Hampton SECOND by Warren to nominate Jay Burk. AYE: Jackson, Chapman, Hampton, Fortenbaugh, Johnson, Warren, Hankins. NAY: Burk. MOTION CARRIED.

CONSENT AGENDA:

Mayor Booker stated items #4 and #7 will be considered separately.

MOVED by Warren SECOND by Chapman to approve the consent agenda with the exception of items #4 and #7. AYE: Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren, Hankins, Jackson. NAY: None. MOTION CARRIED.

1. Consider approval of the Lawton City Council meeting minutes of January 11 and January 12, 2021.
2. Consider accepting a donation of one thousand dollars (\$1000.00) by Lawton New Light United Methodist Church for the Lawton Police Department as an appreciation to the department for all the officers do each day.
3. Consider adopting a resolution amending the City of Lawton FY 20-21 budget, as amended, by transferring \$1,500,000.00 from the 2019 Capital Improvement Fund to the Sewer Rehab Fund (Sewer System Construction Division) to cover costs for critical equipment repair and replacement at the Wastewater Treatment Plant.

4. Consider approving plans and specifications for the 2017 Ad Valorem Street and Roads Program (Residential), Phase I-C - SE 47th Street, SE Bedford Circle, and SW C Avenue - Project #2017-07, and authorizing staff to advertise for bids.

Joe Painter, Engineering Director, stated this is the fourth ad valorem project and it is in wards 4 and 5 and they will start advertising tomorrow.

Hampton thanked City Management for working diligently to keep projects moving forward and for being proactive and progressive in these trying times.

Mayor Booker stated it is exciting to have all these projects going on.

MOVED by Burk SECOND by Hampton to approve plans and specifications for the 2017 Ad Valorem Street and Roads Program (Residential), Phase I-C - SE 47th Street, SE Bedford Circle, and SW C Avenue - Project #2017-07, and authorize staff to advertise for bids. AYE: Burk, Hampton, Fortenbaugh, Johnson, Warren, Hankins, Jackson, Chapman. NAY: None. MOTION CARRIED.

5. Consider extending contract (CL19-016) Electro Fusion Polyethylene Pipe Fittings (Items 1, 3, 6 & 8) to Core & Main LP of Owasso, OK for an additional year.
6. Consider extending contract (CL20-007) Fluorosilicic Acid with Univar Solutions USA, Inc. of Kent, WA for an additional year.
7. Consider awarding contract for (RFPCL21-015) Resurfacing/Renovation of Tennis Courts to Merritt Tennis and Track Systems of Oklahoma City, Oklahoma.

Jeff Temple, Parks and Recreation Director, updated the council on the improvements to tennis courts at Greer Park and 35th Division Park. They have invited some tournaments to come in which will be in the April timeframe.

Hampton stated at least one tournament has been brought to Lawton and he thanked city staff for their commitment to youth sports.

MOVED by Burk SECOND by Hampton to award contract for (RFPCL21-015) Resurfacing/Renovation of Tennis Courts to Merritt Tennis and Track Systems of Oklahoma City, Oklahoma. AYE: Hampton, Fortenbaugh, Johnson, Warren, Hankins, Jackson, Chapman, Burk. NAY: None. MOTION CARRIED.

8. Consider extending the contract (RFPCL20-010) Maintenance of Public Grounds with Bedrock Nursery of Lawton OK for an additional year.

9. Consider approving appointments to boards and commissions.

Parks & Recreation Commission

Zachary Rumble-Ward 8 Representative
409 NW Compass
Lawton, OK 73505
1/1/23

Waurika Lake Master Conservancy District

Steve Coleman
612 SW D Ave
Lawton, OK 73501
UT 2/6/22

Building Development Appeal Board

Barbara Ellis-Residential Homeowner
17 SW 50th St
Lawton, OK 73505
1/26/23

Historical Preservation Commission

Deborah Jones-CPC Representative
2920 NW Templeton Terrace
Lawton, OK 73505
1/27/23

John Jones-Licensed Real Estate Broker
4301 NW Cache Road
Lawton, OK 73505
1/27/23

Dr. Suzanne Crawford-Professional Historian
3320 NW Atlanta
Lawton, OK 73505
12/14/22

McMahon Auditorium Authority

Paul Ellwanger
3501 NW Arlington Avenue
Lawton, OK 73505

Building Material Review Committee

Darren Medders-CPC Representative
7512 NW Stonegate Drive
Lawton, OK 73505

Lakes & Lands Commission

Austin Rabon
802 SW C Avenue
Lawton, OK 73501
UT 8/10/22

Lawton Enhancement Trust Authority

Katy Seeley-Ward 4 Representative
3004 NE Heritage Lane
Lawton, OK 73507
UT 6/28/21

Dwight Tanner-Ward 5 Representative
1001 NW Bell Ave
Lawton, OK 73507
1/26/24

City Planning Commission

John Jones – Mayor’s Appointment
4301 NW Cache Road
Lawton, Oklahoma 73505
1/11/24

Shelli Fox – Ward 2 Representative
1716 NW Williams Avenue
Lawton, Oklahoma 73507
1/26/24

Lawton Urban Renewal Authority

Joe Abshire – Mayor’s Appointment
611 NW Allison Lane
Lawton, Oklahoma 73505
7/31/23

Jacob Brox – Mayor’s Appointment
P.O. Box 1646
Lawton, Oklahoma 73502
7/31/23

Traffic Commission

David Means
PO Box 665
Lawton Oklahoma 73502
2/10/24

NEW BUSINESS ITEMS:

10. Hold a public hearing and consider a Use Permitted on Review for the operation of a medical marijuana processing facility in conjunction with a medical marijuana dispensary in C-5 General Commercial District located at 2617 NW Cache Road.

Richard Rogalski, Deputy City Manager, stated the applicant has requested that the public hearing be continued to the February 23, 2021 council meeting

PUBLIC HEARING OPENED. No one appeared to speak

MOVED by Hankins SECOND by Warren to continue the public hearing to February 23, 2021.
AYE: Fortenbaugh, Johnson, Warren, Hankins, Jackson, Chapman, Burk, Hampton. NAY:
None. MOTION CARRIED.

11. Consider an ordinance amending Sections 6-1-1-101 through 6-1-1-106, 6-2-1-201 through 6-2-1-203, 6-2-1-214, 6-2-1-215, 6-3-1-301, 6-3-1-302, 6-4-1-401 through 6-4-1-403, 6-4-1-406 through 6-4-1-408, 6-5-1-501 through 6-5-1-505, 6-5-2-221 through 6-5-2-223, Chapter 6, 11-2-201, 11-2-208, 11-2-209 and 11-2-216, Chapter 11, Lawton City Code, 2015 to adopt the amended 2015 International Building Code, the 2015 International Residential Code, the 2015 International Mechanical Code, the 2015 Plumbing Code, the 2015 International Fuel Gas Code, the 2015 International Property Maintenance Code, the 2015 International Existing Building Code, the 2015 International Fire Code and the 2014 National Electrical Code as required by state statute and the Oklahoma Uniform Building Code Commission guidelines, providing for renumbering and severability and establishing an effective date.

Rogalski stated the Oklahoma Uniform Building Code Commission (OUBCC) adopted the 2015 International Residential Code with amendments on November 1, 2016. The 2015 International Codes and the 2014 National Electrical Code for commercial buildings were adopted with amendments and have been in effect since November 2, 2015. Staff brought the adoption of the 2015 International Codes and the 2014 National Electrical Code to the Building Development Appeals Board for review and approval on May 12, 2016. The Southwest Oklahoma Homebuilder's Association also reviewed the codes and discussed the modification in 2016. Staff prepared an ordinance and brought it to City Council on May 9, 2017, but the item was removed from the agenda due to remaining uncertainty regarding the impact the new code would have on the cost of construction. Since this time, other cities have adopted these codes (see attached table) with Shawnee going as far as to adopt the 2018 version. Currently Oklahoma City, Ardmore, Broken Arrow, Duncan, Edmond, Enid, Midwest City, Moore, Norman, Owasso, Ponca City, Stillwater and Tulsa have adopted the 2015 International Codes and the 2014 National Electric Code. The state requires that all governmental entities adopt the same codes and amendments in order to establish minimum statewide codes affecting or relating to the building environment for the protection of life and property, assuring public health, safety and welfare. On August 11, 2020, City staff brought an item to Council to ask for direction to move forward with the adoption of the above listed codes. Council directed staff to draft the ordinance

to adopt the state required codes as amended by the OUBCC. This is the ordinance that will adopt the required codes. The effective date is April 1, 2021, in order to give staff time to notify the contractors and supply houses in the area of the changes.

Burk stated when this came before council, he felt that we had not vetted out all the changes and all the things that were going to cost people money. He is not sure he is ready to pass this, but he knows this will have to happen because the state will require it. These code changes are very hard to understand and he would like to see us come up with a list showing the impact to those who are in the trades and what does it mean to the cost of the job. This just makes everyone uncomfortable. It would make everyone feel more comfortable if they knew what the main issues are going to be.

Rogalski stated previously when we went through this process, we had meetings with contractors from every trade.

Burk suggested staff schedule one of those meetings to discuss what we like and don't like. He just wants us to be fair.

Warren stated he would like to see a list of things and how it will affect builders, contractors, and citizens. Not just in their pocket, but what they stand to gain from adopting these codes.

Hampton stated he agrees that there needs to be further discussion. He stated this has been a trying time economically for our community and he feels that the timing of these changes needs to be considered because these changes could affect people's pocketbooks as well as how they function every day. They need to look at the implications on an emotional and psychological change that will impact our community.

Ron Nance, representing residential home builders, stated these are hard economic times and their prices have gone crazy. (He distributed a letter from Phil Kennedy, Comanche Home Center). He stated the products they buy from Comanche Lumber have gone up 50% since the beginning of COVID. That is \$20,000 to \$30,000 for lumber, roofing and windows and doors on every single home. It is extremely important that we keep every advantage that we can because anything that happens that is negative will reduce the number of homes being built in Lawton. He requested this issue be put on hold indefinitely because the timing of this is not good and they were caught off guard with this item. You can continue with a particular code for a long time and a city can go through the codes and take out what is not appropriate for that community. When they build less houses, it stops the economic engine that supports the community.

Mayor Booker stated they need to find a way to promote more development in the city limits. He stated they need to talk about the details of the changes, how will not doing something impact the citizens and how to promote more development in the city.

Burk stated he feels it is important to put a committee together and get everyone together and have some discussion. There will be a point where the state tells us we don't have an option, or we won't get any help from the state. He feels they need to put this on hold until we can have some meetings to discuss this line item by line item.

Alan Smith, 3901 NE Water Edge Drive, stated this will affect appraisals when you are dealing with \$20,000 to \$30,000.

Rogalski stated we do not force people to stay in the 2009 codes. Contractors currently come into town and build under the 2015 and 2018 codes and we do review under those codes.

Warren clarified that this would be a Mayor's committee.

Mayor Booker stated he would work on that separately.

MOVED by Burk SECOND by Warren to table this item indefinitely and set up a committee to meet with contractors and developers. AYE: Johnson, Warren, Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh. NAY: None. MOTION CARRIED.

STAFF REPORTS:

Cleghorn reported that he did approve a change order in the amount of \$34,000 for the Public Safety Center.

Jason Mansel, Supervisor of Solid Waste Collections and Disposal updated the council on their daily operations. He reviewed the implementation of a once a week residential cart collection program which will begin on April 5, 2021 and the once a month bulk collection program. He stated they have started receiving the additional equipment needed for these programs and they have prepared the maps and calendars for the residents.

Burk questioned if they have enough carts for those who will require two carts.

Mansel stated yes, they have plenty of carts in stock.

Mayor Booker requested Mansel to update the council on the camera equipment in the trucks.

Mansel briefed the council on the Routeware Systems software which they are currently utilizing in each truck. They should have it fully implemented in six weeks.

Hankins stated that citizens need to be reminded to bag their trash.

Johnson questioned the cost of an additional cart.

Mansel stated it is \$5.20 per month for an additional cart.

Warren complimented staff for the limb pick up after the ice storm.

Painter updated the council on the status of the ad valorem street projects.

Temple updated the council on the Parks Master Plan.

Kara Haynes, Finance Director, presented revenue and expenditure highlights for the period ending December 31, 2020. (On file in the City Clerk's office).

The Mayor and Council convened in executive session at 3:21 p.m. and reconvened in regular, open session at 4:52 p.m. Roll call reflected all members present excluding Johnson who left the meeting at 4:45 p.m.

EXECUTIVE SESSION ITEMS:

12. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Nathan M. Johnson as Municipal Judge, and in open session take other action as necessary.

Ratliff read the title of item #12.

MOVED by Burk SECOND by Warren to approve a two-year contract with a 5% pay increase. AYE: Chapman, Burk, Hampton, Fortenbaugh, Warren, Hankins, Booker. ABSENT: Jackson. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 4:56 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK