

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
DECEMBER 7, 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 Reverend Paul Ableby, Lawton First Christian 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  
Sean Fortenbaugh, Ward Six  
Onreka Johnson, Ward Seven  
Randy Warren, Ward Eight

ABSENT: Allan Hampton, Ward Five

**REPORTS: MAYOR/CITY COUNCIL:**

Johnson stated there will be a Christmas party for the community on December 18th at the Patterson Center.

Chapman recognized Terry Epperson from public utilities department who worked on a project behind her home. She stated the employees were very respectful.

**AUDIENCE PARTICIPATION: None**

**CONSENT AGENDA:**

MOVED by Warren SECOND by Fortenbaugh to approve the consent agenda as presented.  
AYE: Hankins, Jackson, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None.  
MOTION CARRIED.

1. Consider approval of the minutes of the Lawton City Council regular meeting of November 16, 2021.

2. Consider the following damage claim recommended for approval: Jacqueline Washington in the amount of \$3,800.00 (**Resolution 21-207**).
3. Consider the following damage claims recommended for denial: Amanda Thomas in the amount of \$290.29, and Suki Harvie dba, Ranch Motel in the amount of \$30,000.00.
4. Consider approving an Airport Rescue Plan grant for the Lawton-Ft Sill Regional Airport in the amount of \$ 1,258,311.00 for AIP 3-40-0051-044.
5. Consider approving a resolution amending the City of Lawton FY21-22 budget, as amended, by appropriating \$9,101,411.00 to the Grant Fund for ARPA-approved expenses. (**Resolution 21-208**)
6. Consider approving a Memorandum of Agreement with the Veterans Resource Center.
7. Consider approving a small cell wireless revocable permit with US Cellular for the installation of 8 small cell wireless facilities to be located in various street rights-of-way within the City of Lawton.
8. Consider a request to pay a fee in lieu of onsite stormwater detention for the single-family residential building permit located at 3011 SW 67th Street in the amount of \$440.85.
9. Consider Amendment No 2 to the February 22, 1972, Water Supply Contract with Public Service Company of Oklahoma (PSO) for supplying treated effluent from the City of Lawton Wastewater Treatment Plant and authorize the Mayor and City Clerk to execute the agreement.
10. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on SW Brookline Avenue between SW 61st Street and SW 62nd Street. (**Resolution 21-209**)
11. Consider acknowledging receipt of a permit from the Oklahoma Department of Environmental Quality for the construction of 1,148 linear feet of eight (8) inch PVC pipe for sanitary sewer collection and all appurtenances to serve the Park View Addition, Part 1, Comanche County, Oklahoma.
12. Consider adopting the 2021 City of Lawton Stormwater Management Plan (SWMP).
13. Consider accepting a temporary easement from MPT of Lawton-Lima, LLC, for right-of-way needed for the 2017 Ad Valorem Streets and Roads Program (Residential), Phase II, Project No. EN1707P2 and authorize the Mayor and City Clerk to execute the document.
14. Consider accepting a temporary easement from John B. McLaughlin, a single person, for right-of-way needed for the 2017 Ad Valorem Streets and Roads Program (Residential) Phase II, Project No. EN1707P2 and authorize the Mayor and City Clerk to execute the document

15. Consider accepting a temporary easement from Michelle Beard and Angelika Beard, for right-of-way needed for the 2017 Ad Valorem Streets and Roads Program (Residential), Phase II, Project No. EN1707P2 and authorize the Mayor and City Clerk to execute the document.
16. Consider accepting a temporary easement from Douglas H. Andrews, a single person, for right-of-way needed for the 2017 Ad Valorem Streets and Roads Program (Residential), Phase II, Project No. EN1707P2 and authorize the Mayor and City Clerk to execute the document.
17. Consider accepting a temporary easement from Steven R. Beauchamp and Charlotte E. Beauchamp, husband and wife, for right-of-way needed for the 2017 Ad Valorem Streets and Roads Program (Residential), Phase II, Project No. EN1707P2 and authorize the Mayor and City Clerk to execute the document.
18. Consider accepting a temporary easement from Joshua Beauchamp, a single person, for right-of-way needed for the 2017 Ad Valorem Streets and Roads Program (Residential), Phase II, Project No. EN1707P2 and authorize the Mayor and City Clerk to execute the document.
19. Consider accepting a temporary easement from Kathy L. Jones, a single person, for right-of-way needed for the 2017 Ad Valorem Streets and Roads Program (Residential), Phase II, Project No. EN1707P2 and authorize the Mayor and City Clerk to execute the document.
20. Consider awarding (RFPCL22-019) the Employee Physical/Drug Screen Testing -Section A (Employee Physicals) to the Center for Occupational Health of Lawton, OK. and Section B (Drug/Alcohol Screens) to Allied Laboratories of Lawton, OK.
21. Consider approving appointments to boards and commissions.

**Redistricting Commission**

Indie Michaels  
1421 NW Great Plains Blvd  
Unexpired Term Expires 07/01/30  
(Ward 8 Appointment)

**BUSINESS ITEMS:**

22. Hold a public hearing and to consider an amendment to the 2030 Land Use Plan from Commercial to Industrial and a change of zoning from the C-5 General Commercial District to the I-1 Restricted Manufacturing and Warehouse District zoning classification. The property is located at 1120 SW 38th Street Lawton, OK 73505.

Kameron Good, Planner, stated this request is for Lot 2, Block 1, Lee Commercial Plaza, located at 1120 SW 38th Street Lawton, OK 73505. The proposed use is a gun range. The property owner is Larry Adair. He stated the current land use is commercial and the proposed would be industrial. The City Planning Commission recommended approval on November 9, 2021.

Fortenbaugh stated that this is in Ward 5 and Council Member Hampton relayed to him that he supports this item.

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

MOVED by Fortenbaugh SECOND by Burk to adopt **Resolution 21-210** and **Ordinance 21-32**, waive the reading of the ordinance, read the title only. AYE: Hankins, Jackson, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 21-32

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION FROM THE EXISTING CLASSIFICATION OF C-5 GENERAL COMMERCIAL DISTRICT TO I-1 RESTRICTED MANUFACTURING AND WAREHOUSE 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.

23. Consider receiving a presentation from Halff and Associates on the draft Lawton Parks, Sports & Recreation, Trails and Open Spaces Master Plan, holding a public hearing to receive public comments, and providing comments to be included in the final plan.

Nate Clair, Halff and Associates, presented highlights of the Lawton Parks, Sports & Recreation, Trails and Open Spaces Master Plan.

PUBLIC HEARING OPENED.

Ron Albert, 209 SW Crystal Hills Drive, stated he is the commander of VFW Post 5663 and also a member of the Comanche County Veterans Council. He stated they would like to maintain the military walk around the lake. This has been promised to them.

PUBLIC HEARING CLOSED

Fortenbaugh read a statement from Council Member Hampton requesting that they slow down the process to ensure that this document properly gets screened by the council. He is concerned about lack of council input into this master plan. He stated he is dissatisfied that Woodland Hills Park, which is heavily used, ended up on the list to be eliminated. He feels the council should be more involved because each council member knows their wards and their parks, and the constituents need proper representation.

Burk stated part of him feels that they need to privatize youth sports because we will never have the money and the staff to make it work. All he receives complaints about are regarding youth sports. Across the state most youth sports are privatized. He feels this gives us a good road map and he does not mind the plan. He feels we have too many parks to maintain, and the goal was to get it down to 50-60 parks city-wide. He feels it is a good start, but they have a long way to go before they can accept a plan.

Hankins stated she would like more time to study this plan.

Johnson stated she would like to have more time and she feels they should wait.

Warren stated he feels they need to hold off until the redistricting is finished because he is not sure what parks will end up in what wards. He feels they need to become serious about closing parks because they just cannot afford it. They need to sit down and do a budget for taking care of parks. He would like to wait until January or February.

Johnson stated she would like to see a cost analysis of the splash pads versus bringing the wading pools up the proper condition.

Chapman stated she would like to look at all these budgetary items and see how much money they will have. They will have to face reality here.

Mayor Booker stated that more than 80% of the conversations he has had with citizens has to do with sports fields. That is not in line with what the survey is showing.

Mr. Clair stated the surveys were randomly mailed and the entire survey was available publicly. They received 729 responses.

Mayor Booker stated he feels that youth sports are at the top.

Mr. Clair stated that in their summary, that is a high priority to move forward with additional studies of the sports complexes.

Mayor Booker stated it was challenging to see the maps. He requested that staff print them out on a bigger sheet or digitally make them where they can zoom in.

Warren stated there is no basketball listed in the ranking chart. That is the one thing he gets phone calls about on a weekly basis.

Mayor Booker stated an option to look at is that each ward chooses a park to close. He stated the council wants to wait on this issue until the redistricting is done.

Christine James, Parks and Recreation Director, stated this is just a roadmap and any specific plans or any monies that will be spent will be brought back to the city council for review. This just looks at future plans and where they may want to spend future money.

Dewayne Burk, Deputy City Manager, stated one of the objectives of putting this on the agenda was to receive input on what the council would like to see as far as priority. He stated at some point the council will have to evaluate all the information in order to move forward. They do need a timeframe as to when the council will provide input back regarding specific items the council wants to see changed or addressed in the plan. They will have to bring the final plan back for adoption.

Mayor Booker suggested they look at this over the holidays and discuss it again on January 11<sup>th</sup> with no plan on finalization.

Burk stated this is going to be a longer discussion and he suggested this go on a special council meeting.

24. Consider approving an amended Lease Agreement for the Lawton Farmers Market Institute located at 77 SW 4th Street, adjacent to Shepler Park, and provide direction to staff regarding the possible funding for the reconstruction of additional areas of the existing parking lot north of, and adjacent to, the new Farmers Market Building.

Richard Rogalski, Deputy City Manager, stated as part of the project, a certain amount of the existing parking lot adjacent to Shepler Park was removed and replaced, as necessary to facilitate proper site drainage and access to the vendor bays. Recently, the project architect noted that we may be subject to criticism if we simply pour the new parking up against the current broken concrete drive and entrance from SW 4<sup>th</sup> Street, and if replaced, could be made more efficient such as to provide 8 additional parking spaces. The cost of this additional work is approximately \$90,000. City Council approved Resolution 20-86 and an Agreement For Limited Support with The Lawton Farmers Market Institute. The resolution allocated \$200,000.00 to the Streets Division's Construction, Improvement, and Additions account for the materials associated with the project and the support agreement allocates \$11,700.00 from the Hotel Motel Tax funds to be used to support the operation of the Market, including utilities, weekly cleaning, and building maintenance. It is possible that this work could be funded by the Hotel Motel Economic Development Fund through a modification of the limited support agreement (use of this fund would require a joint resolution by the City Council and the Board of Directors of the Lawton Fort Sill Chamber of Commerce), or by some other means as the City Council may direct. The lease agreement for Lawton Farmers Market was entered into on January 28, 2020. Paragraph 5 states 'LESSEE shall, at its sole cost and expense, make any repairs necessary to the leased premises and any and all structures, facilities, fixtures, or other personal property placed thereof.' Amend the lease agreement to strike the underlined section in this paragraph.

Ratliff stated in addition to the language just mentioned, in paragraph 6 of the lease agreement it talks about the lessor to approve any improvement projects and finally in paragraph 22 of the agreement the governing body of both the City of Lawton and the Farmers Market Institute has to ratify the approve of the amendment.

Burk stated LETA is doing a complete park concept for that area. They are looking at the roadway and there is some concrete that is missing. They are looking at finishing the road on the side of the farmer's market. He stated once the annex building is gone this will be an immense area for downtown. He feels that finishing this road is very important.

Dr. Edward Legako, The Farmer's Market Institute, stated the farmers market will be open at the end of January. They will improve that whole block. He stated if they can get that concrete done now, it can be done and finished.

Mayor Booker stated he did not realize they had put in \$2.6 million in privately donated funds.

He wanted to clarify that the only money the City has put in has been in the parking lot. He stated we were going to have to replace that concrete sooner or later so we might as well do it now and save a good deal of money.

MOVED by Fortenbaugh SECOND by Burk to amend the Lease Agreement between the City of Lawton and the Lawton Farmers Market Institute by striking the word “fixture” from paragraph 5 of said agreement and approve the request for bids to improve the condition of the parking lot pursuant to paragraph 6 with funding coming from the hotel/motel economic development fund. AYE: Hankins, Jackson, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

### **STAFF REPORTS:**

Department Roundup – Legal Department

John Ratliff, City Attorney, presented highlights on the duties of the Legal Department. (Presentation is on file in the City Clerk’s office.)

The Mayor and Council convened in executive session at 3:17 p.m. and reconvened in regular, open session at 3:43 p.m. Roll call reflected all members present.

### **EXECUTIVE SESSION ITEMS:**

25. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of Zatorria Bernard, Individually and as Mother and Next Friend of (A.B), a minor child, and (A.B), a minor child, and (A.B), a minor child v. City of Lawton, CJ-2018-157, and if necessary, take appropriate action in open session.

Ratliff read the title of item #25. No action was taken.

26 Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss an action relating to litigation against the manufacturers and distributors of opioids in an effort to hold them accountable for their marketing practices alleged to have caused public nuisance and monetary damages suffered by municipalities, specifically, the City’s pending litigation as part of In Re: National Prescription Opiate Litigation MDL No. 2804, and if necessary take action in open session.

Ratliff read the title of item #26.

MOVED by Warren SECOND by Jackson to grant the City’s outside counsel authority to dismiss Dr. Abolghasem Rezaei (Defendant Number 34) in plaintiff’s petition from the lawsuit. AYE: Hankins, Jackson, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 3:44 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