

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 26, 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

Mayor Booker called the meeting to order at 2:09 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Jeff Elbert, Cameron Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Mary Ann Hankins, Ward One
Kelly Harris, Ward Two (Arrived @ 2:20 p.m.)
Linda Chapman, Ward Three
Jay Burk, Ward Four
Allan Hampton, Ward Five
Onreka Johnson, Ward Seven (Left @ 3 p.m.)
Randy Warren, Ward Eight

ABSENT:

Sean Fortenbaugh, Ward Six

PRESENTATION:

Commendation of Neighborhood Services Division for exemplary work by Supervisor Corey Bowen, Code Compliance Officers, Abatement Process Administrators, and Administrative Staff.

Cleghorn recognized the Neighborhood Services Division staff.

REPORTS: MAYOR/CITY COUNCIL

Mayor Booker reported the Lawton Birthday Celebration will be held on August 4th.

Harris stated for his constituents at Mission Village, they are looking at getting the security issues fixed at the cemetery. He stated they have fixed the primary leak at 14th and Logan.

Burk reported on FISTA activities.

Hampton thanked staff for the update on the road program.

Johnson stated The Greenwood Project will be on display at the mall. She stated Ranch Oak Association will hold their meeting on August 9th at 6 p.m.

Warren stated he hopes that citizens will pass along compliments to all the city employees because most employees don't hear those compliments, just complaints.

AUDIENCE PARTICIPATION:

Willie Carter, 6221 Bishop Road, encouraged the council to drive from Sheridan and Lee and go south to Bishop. He stated this is the worst stretch of road in Lawton.

CONSENT AGENDA:

MOVED by Warren SECOND by Burk to approve the consent agenda. AYE: Hankins, Harris, Chapman, Burk, Hampton, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Approved the minutes of the Lawton City Council regular meeting of July 12, 2022.
2. Consider the following damage claim recommended for approval: Michael Finley in the amount of \$82.02.
3. Consider approving a resolution amending Resolution 22-92 and establishing a revised annual funding allocation for Hotel/Motel Tax Collections received by the City of Lawton.
Resolution 22-97
4. Consider approving an Agreement between The Lawton Farmers Market Institute and the City of Lawton to fund activities by the Institute designed to encourage, promote and foster tourism and economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement.
5. Consider approving an Agreement between the Lawton Philharmonic Society, Inc., and the City of Lawton to fund activities by the Society designed to encourage, promote and foster tourism and economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement.
6. Consider approving an Agreement between the Lawton Community Theatre and the City of Lawton to fund activities by the Theatre designed to encourage, promote and foster tourism in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement.
7. Consider approving an Agreement between the Lawton Heritage Association and the City of Lawton to fund activities by the Association designed to encourage, promote and foster tourism in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement
8. Consider approving an Agreement between the Museum of the Great Plains Authority and the City of Lawton to fund activities by the Authority designed to encourage, promote and foster tourism and economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement.

9. Consider accepting the Elmer Thomas Park Lighting Improvement Project (PR2101) Phases I and II as constructed by Lee Construction & Maintenance Company dba LMC Corporation of Houston, TX.
10. Consider authorizing the use of 2019 CIP funding in an amount not to exceed \$400,000.00 for the installation of electrical improvements in Elmer Thomas Park to support concerts at the amphitheater stage area and additional lighting for the annual Holiday in the Park event.
11. Consider accepting the improvements recently completed by Lawton Boat Club upon property they lease from the Lawton Water Authority and the City of Lawton.
12. Consider declaring the land described as Lot 49 and the South 20 feet of Lot 50, Block 2, in the Subdivision of Blocks 6, 7, & 8 of Woodhouse Subdivision, as surplus property, authorizing sale by public auction, and setting a minimum bid of \$900 for the purchase price of the entire tract.
13. Consider approving a memorandum of understanding between the Cyril Police Department and the City of Lawton for the utilization of the Lawton Police Department's Training Facility to train new Cyril Police Officers in the Council of Law Enforcement and Training's Basic Academy (CLEET).
14. Consider rescinding the Franchise Agreement between the City of Lawton and Dobson Technologies.
15. Consider approving a Revocable Communications Cable Permit with Dobson Fiber for Phase 1 Zone 2 for 4,225 rods of fiber-optic cable and waive the construction fee and annual fees due as part of this permit.
16. Consider approving a Revocable Communications Cable Permit with Dobson Fiber for Phase 1 Zone 3 for 3,958 rods of fiber-optic cable and waive the construction fee and annual fees as part of this permit.
17. Consider approving a Right of Way Access Agreement between the City of Lawton and Dobson Technologies, Inc.
18. Consider approving Amendment No. 1 and Change Order No.1 for AE Construction, LLC on Project EN1707P1 2017 Ad Valorem Street and Roads Program (Residential) Phase I-A NW 40th Street and NW 24th Street.
19. Consider approving amendment No. 2 and amendment no. 3 to the contract for Right-Of-Way Acquisition Services - West Gore Blvd. (82nd St to 67th St) Project No. EN1208
20. Consider extending RFPCL20-023 Merchant Services to Tyler Technologies, Inc. of Yarmouth, ME for an additional year.

21. Consider awarding contract CL22-051 Redi-Mix Concrete to Bid #1, Southwest Ready Mix of Lawton, OK (primary), and Bid #2 Lawton Transit Mix of Lawton, OK (secondary).
22. Consider approving appointments to boards and commissions.

FISTA Development Trust Authority

Jay Burk- Mayoral Appointment
1415 NE Independence Avenue
Lawton, OK 73507
08/24/2025

BUSINESS ITEMS:

23. Receive a presentation and consider accepting the financial statements and audit report on the City of Lawton for fiscal year ended June 30, 2021, as presented by FORVIS, LLP (formerly BKD, LLP).

Cynthia Burns, Auditor for FORVIS, LLP, presented the audit to the council. She stated the City of Lawton has received an unmodified opinion. (The audit is on file in the City Clerk's office)

Mayor Booker stated it doesn't appear that there are areas of concern, and the citizens should be confident in the way that the City is doing business.

MOVED by Burk SECOND by Warren to accept the financial statements and audit report on the City of Lawton for fiscal year ended June 30, 2021. AYE: Hankins, Harris, Chapman, Burk, Hampton, Johnson, Warren. NAY: None. MOTION CARRIED.

24. Consider receiving a presentation from Water Technology, Inc. (WTI) regarding their evaluation of the City of Lawton's wading pools, and if necessary, making a recommendation to staff on next steps.

Robbie Hazelbaker, Project Director for Water Technology, Inc., presented an evaluation report on the City's wading pools. (Presentation is on file in the City Clerk's office)

Harris questioned who the primary users of pools were.

Mr. Hazelbaker stated they are used by all ages.

Hampton stated most of these wading pools are in his ward. He questioned if WTI did historical evaluations and does WTI build splash pad as well as other aquatic features.

Mr. Hazelbaker stated they do build splash pads.

Burk stated when they built the splash pad in Elmer Thomas Park they did not plan ahead, so Lawton Enhancement Trust Authority (LETA) came in and installed shades, tables and landscaping. He feels they need to increase the time the splash pad is open. He stated the

proposed stage in Shepler Park will also turn into a splash pad. He feels that wading pools are too much to maintain, and they are dangerous for small children. He is not surprised that people are not using our wading pools and main pool because they are not well maintained. We have always had major problems with our main pool. No one wants to get rid of pools, but no one wants to spend the money to replace those pools.

Cleghorn stated the ratio of people that visit the splash pad versus the pool is 12-1.

Dewayne Burk, Deputy City Manager, stated staff is aware of the condition of all our facilities and this report was not a surprise. He stated as they move forward with the Elmer Thomas Master Plan, they are looking to put together a conceptual design for a water park to expand the existing splash pad and incorporate some of the things that were discussed in this report. They are already looking at expanding the playground and it really fits in that area to bring it together. He stated Halff and Associates are working on the Elmer Thomas Master Plan, and they will be bringing it back to council at a later date.

Mayor Booker questioned if there was any recommendation for an aquatics master plan.

Burk stated there is not an aquatics master plan in the process. Based on the condition of the wading pools, he would hate to remove them without replacing them with something else. Staff would recommend that they replace the wading pools with a smaller splash pads. He would hate to take that amenity away from those neighborhoods.

Mayor Booker questioned if there was anything in the big master plan concerning overall aquatic needs.

D. Burk stated in the survey there was significant interest in improving the aquatics across the city. He did not realize it was a pool for every 30,000 people. There was some discussion in the master plan about improving our aquatics.

Burk stated the splash pad in Elmer Thomas Park is designed to be doubled at some point. The plumbing is there. He stated they can fix up the other splash pads with shade structures and decorative gates.

Harris questioned if they took into consideration the pool at the YMCA and Cameron when they looked at the numbers.

Mr. Hazelbaker stated yes, although he did not get to see the YMCA. He stated there is also pools on base at Fort Sill.

Harris stated there are two water facilities on base.

Mr. Hazelbaker stated he is working on a pool in Colorado with Kiwanis, so they might look at partnerships.

D. Burk requested the cost if they replace the wading pools with splash pads.

Mr. Hazelbaker stated they would have to look at the ground to make sure it doesn't move and consider a flow through system. He stated they are looking at \$50,000 to remove the old one and spend \$225,000 to \$300,000, but you could use floor sprays and knock the cost down.

Warren stated the structure on those wading pools needs to stay, but there is nothing that says that structure has to be a wading pool. It could easily be a butterfly garden or something of that nature. It is extremely expensive to repair them and make them usable as well as make them ADA accessible. Once you change them they are not period pieces anymore. They should think about reusing them as something else and building a splash pad or some other type of facility in that same area.

COL Peay stated they have three community centers with pools that are heavily used. He knows of one splash pad. He feels the Lawton community would really enjoy more facilities.

Mayor Booker stated those facilities on Fort Sill are open to the residents of Fort Sill and military related residents of the area.

COL Peay stated the three community centers are open to residents on Fort Sill.

Mayor Booker stated we need to keep in mind that there are 77,000 people in the city limits that are not on Fort Sill, but some do have Fort Sill privileges, so using 93,000 is not the number when we are calculating what we need, so we don't get overwhelmed with a need that Fort Sill is supplying to a part of our population.

D. Burk stated we are at the point where we need to decide on what we are going to do with these facilities and just to repair Maddie Beal Park will be in excess of \$1 million, whereas to construct a new one would cost \$1.8 to \$2 million. He felt it was important to bring to council the big picture of what staff is dealing with. It feels that they are putting good money after bad.

Mayor Booker stated it sounds like an aquatics master plan is needed.

Cleghorn stated staff just needs direction from the council along with funding and they can make it happen.

Hampton stated he has been working to preserve some of our historical properties and if those wading pools are not deemed historical then they can tear them out, but he feels it is prudent to allow the state historical society to come down in August and inventory and evaluate these pools. He stated they keep bringing this issue up every year and they just need to decide. He stated the citizens in his ward like those pools. He does not oppose a splash pad for the area, but why does it have to be "tear those out". He feels they are discussing that option a little premature. Let OKSHPO come down and evaluate our historical properties because we don't want to look in retrospect and say we should have done something before. This presentation was fantastic, and he feels the parks master plan should go on, but he does think we should let them come down and evaluate and inventory and look at those wading pools. If we become an historically designated city, with that we would be able to get outside money coming into our city from the

federal and state level to preserve the historical properties that are in our city. That would take care of all those costs. He feels they need to give this issue a month.

MOVED by Hampton SECOND by Burk to table this item until OKSHPO has an opportunity to come and inventory the property and issue a report and direct staff to work and accommodate OKSHPO's process.

Warren stated he does not think we should ever tear those pools out, but he feels they will end up being repurposed. He questioned if it would come to council before anything is placed on the national historic register. He has a problem with doing that if it is not clear as to what we have to do with the property.

Hampton stated their purpose is to make a recommendation. He feels they need to be patient enough to allow some actual studies to be done on those pools.

Chapman questioned how long it will take to get a report from OKSHPO.

Hampton stated they have said that we qualify for that designation, and they are going to be telling us what the next steps are. Once we get that designation and they come down for the inventory, they will give us options on what we can do and the monies that are available.

Mayor Booker stated he likes the idea of understanding what we need to do city wide with the conceptual plan for Shepler Park, with what we have for Lee West, as soon as they get one for Elmer Thomas Park and if they get an aquatics master plan, he feels they will be ready to make some decisions by the first of the year. He questioned when they will receive the Elmer Thomas Master Plan.

Cleghorn stated they do not have a date, but they can contact Halff and Associates.

Mayor Booker stated they need to tell them that the council wants to make a decision by the first of the year and they are ready to move on all of these. He would like to discuss what they need to do aquatics wise in the city, considering the services that are available on Fort Sill to many of our citizens.

Burk stated they need to look at what people want. If everyone wants to just go to Elmer Thomas Park, then everything should go there. He feels they need to have things on the east side and the west side so people can go to things closer to their home. He stated Lee West Park and Eastside Park would be great places for splash pads. He does not want this to drag on forever.

Mayor Booker stated that the motion just slows down any action on the wading pools, it doesn't keep them from doing other things associated with aquatics.

Burk suggested they amend the motion to just talk about the wading pools, and then they can move on and start working on the other issues.

Warren suggested they table for 90 days which will give them time to get the report in from the state and staff can check on the amount of time needed for an aquatic study.

D. Burk stated they can put together an aquatics master plan and incorporate the state's report and bring back one plan. He stated they would have to reach out to Halff or WTI and they would be the ones we would rely on to establish what that will look like. It would go through the process like all the other plans and staff would bring back an all-encompassing plan of what it looks like.

Mayor Booker questioned if they could have this by late fall.

Mr. Hazelbaker stated they could have something by the end of November.

Hampton stated he does not want all this historical stuff lost in the mix. He questioned if WTI had contacts with OKSHPO.

Mr. Hazelbaker stated no.

Hampton stated OKSHPO will need to do the evaluation, not WTI. We have to set ourselves up as a designated city first, that agreement is with the City.

Burk stated he feels they need to separate the two things and move forward and try to get a plan together by November.

Mayor Booker stated the motion tables any action with the wading pools and directs staff to work with OKSHPO and if someone will tag on to direct staff to move forward with an aquatics plan.

Hampton stated he will amend his motion.

Harris questioned if it is possible to have splash pads done by next summer.

Mr. Hazelbaker stated it would be possible. The biggest problem is getting product right now.

Harris questioned if there would be any repurposing or recycling if these wading pools turn out to be historical.

Mr. Hazelbaker stated they won't know exactly until they visit with staff.

Hankins stated if the wading pools are a safety issue, then no matter who dedicated them, she does not think you want children using the pools if they are not appropriately safe.

Hampton stated they can be repaired, but it will be very costly.

MOVED by Hampton SECOND by Burk to table the items associated with the wading pools, direct staff to work with OKSHPO and direct staff to work towards a master plan for aquatics. AYE: Hankins, Harris, Chapman, Burk, Hampton, Warren. NAY: None. MOTION CARRIED.

25. Consider a request to waive requirements for permits and fees for residential (garage) sale permits for City-wide Garage sales scheduled for the month of July 2022 and allow the residences to hold the residential sale for up to 5 days, in order to promote citizen participation in the event.

Janet Smith, Community Services Director, stated License & Permits staff has had a request to waive the residential Garage Sale permit fee for two City-wide Garage Sales, being promoted by the Facebook group called “The Lawton Grapevine”. The dates planned are July 20-24 for the East side of Lawton and July 27-31 for the West side of Lawton. The permit fee set by ordinance is \$5.75 per residence and states that each residential sale be no more than 3 days and does not exceed 4 times a year with a minimum of 30 days between sales. She stated they received the notice after everything was planned, and staff offered to bring the request to the council to consider waiving the permit. She stated they have had several citizens come in and get their permit, but there is another event scheduled for next week.

Mayor Booker stated the agenda item states that staff is recommending approval.

Smith stated it is up to the council.

MOVED by Burk SECOND by Harris to waive requirements for permits and fees for residential (garage) sale permits for City-wide Garage sales scheduled for the month of July 2022 and allow the residences to hold the residential sale for up to 5 days.

Warren stated we can’t tell people that they don’t have to pay sales tax because as he understands it, you have to pay taxes on garage sale profits. We do not have the ability to forgive that.

Smith stated there is a state law that does require sales tax, however, tax attorneys have said that if you sell something at a loss, no sales tax is due. There is a sales tax form that goes along with the permit so you can report sales tax back to us.

Ratliff stated he is not going to issue any legal advice on that topic.

Hankins questioned how this will work.

Krista Ratliff, Lawton-Fort Sill Chamber of Commerce, stated there is a system set up at the chamber with a data base of the participating addresses. She stated they are advertising through social media and other outlets.

Cleghorn stated he does not want to see a lot of left-over material being set out on the curb. They need to time this next year where the bulk pick up is scheduled for the following week. He also felt that three-day allowance was enough.

VOTE ON MOTION: AYE: Hankins, Harris, Chapman, Burk, Hampton, Warren. NAY: None.
MOTION CARRIED.

26. Consider discussing the upkeep and routine maintenance of City parks and making a recommendation to staff regarding the Adopt-A-Park program and the outsourcing of park maintenance.

D. Burk updated the council on park maintenance and the challenges they are facing with respect to maintaining the parks. He stated the addition of ten park employees would be a drastic improvement.

Mayor Booker questioned why they would not want to implement an Adopt-A-Park program.

Burk stated that LETA came up with the local Adopt-A-Park program and the problem they ran into was that the City did not back the program and did not take care of our part.

D. Burk stated they are currently taking inventory and making corrections.

Hampton suggested they offer incentives to citizens.

Warren stated he supports the program.

Christine James, Parks and Recreation Director, stated they are having a company come in to evaluate the playground equipment. They are looking at a buyback program.

Mayor Booker questioned if adding ten employees would change the budget that was recently approved.

Cleghorn stated no, he will have to find ten positions in the current budget. Ten additional employees would be approximately \$500,000.

Hampton questioned the possibility of outsourcing the grass cutting.

Cleghorn stated traditionally right of way maintenance is not done by parks and recreation, it is done by streets, who does not have enough personnel. He stated they tackle this problem with a combination of personnel and outsourcing. He stated all the mowing being outsourced is close to \$900,000.

Burk stated economic and industrial development comes with beautification. He stated we are going to have to pay the money to get this done. He stated sometimes it costs us more to employ a person and we need to look at all of that. These companies bring their own equipment, and we don't have to maintain it. He feels it is a much cleaner deal to have a private contractor and it works.

Warren stated he supports hiring contractors, but it is difficult if you have to start doing it again because you will have no equipment.

Mayor Booker questioned how long it will be before staff brings back recommendations on trimming down our park properties.

D. Burk stated they plan on hosting public meetings in August for citizens to come and talk about their parks. He stated because of code we ended up with some property that was not suitable for a park. He feels that staff will have something ready this fall.

Burk suggested staff bring some of this back to LETA and get some signage out.

MOVED by Chapman SECOND by Harris to direct staff to establish a plan to identify park areas where maintenance can be outsourced, reestablish the Adopt-A-Park program, add up to ten additional park maintenance personnel and identify parks that can be repurposed in order to reduce the number of acres the city maintains. AYE: Hankins, Harris, Chapman, Burk, Hampton, Warren. NAY: None. MOTION CARRIED.

27. Discuss the idea of a “Do Not Litter” and “Bag & Tie” campaign and directing staff accordingly.

Chapman stated it is important for the City to promote beautification and have some type of a public relations campaign to remind people to not litter and bag and tie. She feels this would be a good start and there is money in the CIP for beautification.

Mayor Booker stated if staff moves quickly on this they can have it implemented by winter which is when we see all the blowing litter. Reminding people to have pride in their community is important.

MOVED by Chapman SECOND by Warren to direct staff to bring back a proposal to start a public relations campaign on “Do Not Litter” and “Bag & Tie. AYE: Hankins, Harris, Chapman, Burk, Hampton, Warren. NAY: None. MOTION CARRIED.

28. Consider approving an ordinance, including any floor amendments related thereto, pertaining to Personnel Policies and Procedures; amending Section 17-3-4-351, Division 17-3-4, Article 17-3, Chapter 17, Lawton City Code, 2015 by amending the provisions pertaining to reemployment of retirees in the retirement system set forth in Division 17-3-4 to remove certain restrictions concerning the reemployment of retirees and clarify that no deductions for retirement contributions to this retirement system shall be made from the compensation received by such retiree with respect to their reemployment; providing for severability and establishing an effective date.

Craig Akard, Human Resources Director, stated the proposed amendment clarifies that retirees from the retirement system set forth in Division 17-3-4 of City Code Chapter 17 who are eligible for reemployment with the City shall have no deductions for retirement contributions to the Division 17-3-4 retirement system made from the compensation they receive with respect to their reemployment. The amendment also removes certain restrictions concerning the reemployment of retirees.

Warren clarified that retirees could come back, and we will not contribute to their retirement with the new wages.

Akard stated they cannot use their new wages for their old retirement pension system pay into their new system. They have to join the new retirement system.

MOVED by Warren SECOND by Harris to adopt **Ordinance 22-20**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage AYE: Hankins, Harris, Chapman, Burk, Hampton, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 22-20

AN ORDINANCE AMENDING PERSONNEL POLICIES AND PROCEDURES SECTION 17-3-4-351, DIVISION 17-3-4, ARTICLE 17-3, CHAPTER 17, LAWTON CITY CODE, 2015 BY AMENDING THE PROVISIONS PERTAINING TO REEMPLOYMENT OF RETIREES IN THE RETIREMENT SYSTEM TO REMOVE CERTAIN RESTRICTIONS CONCERNING THE REEMPLOYMENT OF RETIREES AND CLARIFY THAT NO DEDUCTIONS FOR RETIREMENT CONTRIBUTIONS TO THIS RETIREMENT SYSTEM SHALL BE MADE FROM THE COMPENSATION RECEIVED BY SUCH RETIREE WITH RESPECT TO THEIR REEMPLOYMENT, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

STAFF REPORTS:

Janet Smith, Community Services Director, reported on the approved funding from the Oklahoma Department of Transportation to be used by the Lawton Metropolitan Planning Organization to update the 2030 Land Use Plan to the 2050 Land Use Plan.

The Mayor and Council convened in executive session at 4:15 p.m. and reconvened in regular, open session at 4:48 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

29. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Kent Jackson, personal representative of the Estate of Israel Williams and, if necessary, take appropriate action in open session.

MOVED by Burk SECOND by Warren to direct the city attorney to enter into negotiations to see if a settlement can be reached with the understanding that any tentative settlement will be brought back to council for ratification. AYE: Hankins, Harris, Chapman, Burk, Hampton, Warren. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 4:49 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK