

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
APRIL 13, 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 Patrick Duncan, First Baptist West, 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:

Employee Spotlight Awards to Kody Kastner and Bobby Sparks - Solid Waste Disposal Division and Broderick Jackson II - Arts and Humanities Division.

The City Manager recognized Kody Kastner and Bobby Sparks - Solid Waste Disposal Division and Broderick Jackson II - Arts and Humanities Division for their outstanding performance.

PROCLAMATIONS:

Sexual Assault Awareness Month and Denim Day

Mayor Booker proclaimed the month of April as Sexual Assault Awareness Month and April 28, 2021 as Denim Day. He presented the proclamation to staff members from Marie Detty's New Directions Shelter.

Fair Housing Month

Mayor Booker proclaimed the month of April as Fair Housing Month. He presented the proclamation to Jervis Jackson, Veteran's Resource Center and Christine James, Housing and Community Development Administrator.

REPORTS: MAYOR/CITY COUNCIL

Chapman reported that the Heinz-Meadowbrook Neighborhood Watch met for the first time since last October and they had 58 in attendance. She stated two police officers from the gang unit spoke and it was very informative.

Burk reported that Trash Off is scheduled for May 8th. He stated volunteers are still needed. He updated the council on the FISTA project.

Hampton reported that the Cleveland School District Neighborhood Watch will convene on April 26th at 5:30 p.m. They meet on the last Monday of every month.

Johnson stated the Ranch Oak Neighborhood Watch will be convening soon, they are looking for a location to meet. She stated if there is anything that needs to be reported, please contact her and she will forward the information.

Warren stated that some citizens are having problems with the bulk pickup schedule. He requested that they contact their council member or call city staff and they can give them that information. He stated he has seen comments on social media about the trash that is all over Lawton. He requested that people use the ihelplawton site or call their council members to report these problems. The problem will not be solved through social media.

COL Taylor reported that they just transitioned the 911 dispatch center on the installation. He stated this will expedite their response time. He appreciated the City's support during this transition.

AUDIENCE PARTICIPATION: None

CONSENT AGENDA:

Johnson requested item #6 and Fortenbaugh requested item #7 be considered separately. Mayor Booker stated they need to strike #2 from the agenda because of a legal issue.

MOVED by Warren SECOND by Chapman to approve the consent agenda with the exception of items #2, #6 and #7. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider approval of the minutes of the Lawton City Council meeting of February 23, 2021.

2. Consider approving a resolution authorizing performance and allocation of responsibilities for implementation of the Skills Training, Education, Development and Investment (STEDI) Project Plan. **STRICKEN**
3. Consider ratifying the action of the City Manager by accepting the LSTA Webcam/Headphone grant of \$1,926.00 from the Oklahoma Department of Libraries for the purpose of purchasing webcams and headphones for the Lawton Public Library.
4. Consider approving a Professional Services Agreement with Stantec Architecture Inc. for architectural service to include the conceptual design services of a City of Lawton Youth Sports and Recreation Facility.
5. Consider approving the sale of the homes located at 1415 SW E Avenue and 1242 SW 25th Place to the Lawton Housing Authority to use as low income rental properties and authorizing the Mayor and City Clerk to execute all documents necessary to complete the transaction.
6. Consider a modification to the budget included in the Agreement for Funding and Limited Support with the FISTA Development Trust Authority for the 2020-2021 fiscal year and authorize funding from the Hotel-Motel Tax Economic Development Fund to be used for marketing and advertising for the FISTA and mall property.

Burk stated when they purchased the mall promises were made that we would remarket the mall and give a new face to what was Central Mall. The only way to do this is to hire an outside firm. They found a company called Freestyle out of Oklahoma City. They take care of about any major company in Oklahoma. He stated this will be paid for out of the council's economic development fund. He stated we need to look at remarketing Lawton and put a new face on who we are, and it will take a company like this to get it done. He stated they believe this is not just a City of Lawton thing, this is chamber, LEDC, LEDA, FISTA, Cameron University, Great Plains Technology. They want to look at what everyone is doing and make this a complete plan.

Johnson stated she believes that we do have to go through this process to rebrand, but she would like to see the same information that the FISTA board has seen to get an idea of what this marketing firm can do. The budget went from \$11,000 up to \$98,000 and she just wanted to get some information on what we are paying for. She is not against what needs to be done, she just wants more detail.

Burk stated the company is willing to come and give a presentation to the council. He stated this is the beginning, so don't think that \$90,000 is the end all, this is a major undertaking and it will probably be a \$300,000 to \$400,000 project over the next five or six years. They need buy in from all the entities, who all have marketing funds. They have been told by their broker that if something is not done, they will lose tenants in the mall.

Chapman clarified that the FISTA authority will be asking for more money in the coming years from the hotel/motel tax economic development area.

Burk stated he feels this will be a city-wide investment. He stated this money has been set aside for economic development for the council to use each year. He is not sure the fund balance.

Cleghorn stated around \$920,000.

Burk stated this is not coming out of the current hotel/motel budget, this is a completely different fund.

Fortenbaugh stated he is concerned that no one anticipated they would have to spend \$400,000 on marketing expenses associated with the mall. He questioned if this was a recommendation coming out of the hotel/motel council committee. He feels that the committee should be making this recommendation to the council to spend this money. He just needs more information.

Hankins stated she approves the concept, but for her and her constituents to get excited about it she does need some more information.

Hampton stated he supports this project, but this has come up quickly and his constituents have had some questions that he could not answer. He feels that he needs some time also.

Warren stated he did see the presentation and it is an all-encompassing thing, its radio, TV, and print. He feels it might be a good idea for council to see the presentation. He does not feel it needs to go back to the committee because that money has already been placed into that account by the hotel/motel committee as economic development funding, so it is really the decision of the council. He suggested everyone look at the Oklahoma City chamber website and you will see that everything is cohesive. He stated this company has done numerous websites for Oklahoma City.

MOVED by Warren SECOND by Johnson to table to the April 27, 2020 council meeting and provide council with a video presentation. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

7. Consider rejecting all the bids for the 2017 Ad Valorem Street and Roads Program (Residential), Phase I-C - SE 47th Street, Bedford Circle & SW C Ave - Project #2017-07 and authorizing staff to re-advertise the project for bid.

Joe Painter, Engineering Director, stated there was some confusion with the low bidder which was a new bidder and they misunderstood our front-end documents. After discussion with legal staff, they decided the best thing to do would be to reject all the bids, made the front end documents more clear on what they wanted, and then rebid and hopefully clean up the error so there won't be any more confusion.

MOVED by Fortenbaugh SECOND by Hampton to reject all the bids for the 2017 Ad Valorem Street and Roads Program (Residential), Phase I-C - SE 47th Street, Bedford Circle & SW C Ave - Project #2017-07 and authorizing staff to re-advertise the project for bid. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

8. Consider awarding the Lawton Groundwater Well No. 1 Project PU20-01 to the lowest responsible bidder, Layne Christensen Co. of Guthrie, OK.
9. Consider extending contract (CL19-018) Precast Concrete Manholes to Primary Structure of Guthrie, OK for an additional year.
10. Consider extending contract (CL19-025) Cationic Polymer to Chameleon Industries of Corsicana, TX for an additional year.
11. Consider extending contract (CL20-014) GAC Granulated Activated Carbon to Carbon Activated Corp of Compton, CA for an additional year.
12. Consider extending contract (CL20-017) Grassing & Sodding to Green Turf Sod of Lawton, OK for an additional year.
13. Consider approving appointments to boards and commissions.

Parks and Recreation Commission

Angela Rivera -Ward 8 Representative
3432 NW Columbia Avenue
Lawton, OK 73505
UT 01/01/23

NEW BUSINESS ITEMS:

14. Presentation of the financial statements and audit report on the City of Lawton for fiscal year ended June 30, 2020, as presented by BKD, LLP.

Joel Haaser, Managing Director, BKD, LLP, presented the financial statements and audit report for the fiscal year June 30, 2020. (A copy of the audit is on file in the City Clerk's office). He stated they were able to issue an unmodified opinion.

Mayor Booker stated he received the audit when he sat down in his chair and he does not know how he can possibly vote to approve an audit he hasn't had time to look at. He is asking for a motion to table this item and bring it back at the next regularly scheduled meeting.

MOVED by Fortenbaugh SECOND by Johnson to table to the April 27, 2020 council meeting.
AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY:
None. MOTION CARRIED.

Mr. Haaser stated they still need to issue the opinion on the federal awards programs so he can come back and do a presentation on that piece.

15. Hold a public hearing to receive citizen comments, discuss recommendations from the City Planning Commission, and consider approving the Annual Action Plan for FFY 2020 Second Amendment, and authorizing the Mayor and City Clerk to execute all documents necessary to implement the plan and manage the Federal programs.

Christine James, Community Services Director/HCD Administrator, stated last June the council approved the 2020 Annual Action Plan. There was a project in the plan for the Veteran's Resource Center. At that time Lawton Support Services did not have title to the property. Although funding was approved, it was more of a place holder. In January of this year Lawton Support Services obtained title to the property so they are now able to fund the project. HUD is now requiring this item go back to council for approval so that they can move the money.

Mayor Booker stated the Veteran's Resource Center is going to serve a great service to our community.

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

MOVED by Johnson SECOND by Hampton to approve the Annual Action Plan for FFY 2020 Second Amendment. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

16. Discuss preservation issues associated with places in the community of historic and cultural significance.

Hampton stated he has found a document which is a government historical survey of Lawton from inception all the way into the 1990's. He stated we are going to donate the book to the library. He and his wife visited Monterrey and took a tour that was historic in nature and this made him start thinking about what valuable resources we have here in Lawton and what can we showcase to visitors that come for graduations. He feels that some citizens just don't understand the valuable history that we have in this city. He feels there needs to be an inventory of this kind of thing. He stated there are several things that we can capitalize on to try to accentuate and give us more identity of the value of our city and this area we live in. He is putting together a think tank to put together a template using the WPA properties, maybe a historical tour of Lawton: WPA years. Then visitors could come visit, pay a small price for a tour. He feels that as a city, we will need to take charge of this at some point. He saw an article from 2017 where council voted to put four of the WPA parks on the historical overlay, which is a zoning that puts certain limitations.

Richard Rogalski, Deputy City Manager, stated the process for a historical preservation overlay is that you have to gather data about the cultural resource. In this case there were five properties, four parks and Highland Cemetery, which all have WPA artifacts in them. Most of the parks are historic beyond that, some of them were originally platted in 1906 and they are part of Lawton's original foundation.

Hampton stated he was told by Minette Page that there are seven parks that all have WPA fountains.

Rogalski stated to finish up the process there are three public hearings, the first before the Historic Preservation Commission. The public hearing has to be held in person, so they are about ready to move forward with putting these parks on the overlay.

Hampton stated one of the first things he would like the think tank to do is put together an inventory of WPA properties or even properties that are somewhat historical.

Mayor Booker stated if the council approved these parks in 2017, why did it take three years to get to a public hearing.

Rogalski stated they have been waiting on the historical research.

Johnson stated she feels it is very important to move forward with this.

MOVED by Johnson SECOND by Hampton to direct staff to make a list of WPA properties, owned and not owned by the City providing the citizens with an inventory of historical assets and to open all three wading pools to include Harmon, 35th Division and Mocine. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED. (*See discussion before Reports Section)

17. Discuss the status of the 2021 Juneteenth Celebration slated to be held virtually on June 19, 2021.

Johnson stated Juneteenth will be virtual and will be held on June 19, 2021 at 5 p.m. The streaming locations will be via Zoom and the link will be provided. The theme this year will be Managing the Hill We Climb; the theme song is “We Have Come A Long Way”.

Mayor Booker stated he is disappointed that this event is virtual, but it had to be because of the planning process.

Johnson clarified that the decision was made by the Juneteenth Committee and not the council.

18. Discuss the nature of the ownership of property known as Butch Suttle Park and provide direction to staff regarding any interest the City may have on said property.

Rogalski stated Butch Suttle Park is a neighborhood park that is in Sheridan Addition at NW 24th Street and NW Pollard Avenue. Recently, the re-developer of the Apple Run & Deer Park apartment complex to the south of Butch Suttle Park reached out to City staff regarding the possibility of purchasing or leasing all or a portion of the park to install a storm shelter for the complex. As the City has been working for some time to possibly divest the City from the maintenance responsibility of under used and underdeveloped parks, staff researched our ownership of the park property to see if such action was possible. However, in reviewing the records we discovered a serious problem regarding our rights to the property. The plat for this area was recorded with the County Clerk’s office on August 5, 1952. On this plat the area that is now known as Butch Suttle Park, rather than a park dedication, was instead platted as lots and blocks, with the extension of the rights-of-way of NW Pollard Avenue and NW 25th Street. Both Sheridan Addition Part Two and Part Three do show the area as City Park, but staff has researched our records and Comanche County records extensively and can find nothing that formally dedicates this property as a park, even though it was obviously developed as and used as a city park since that time. Staff is now asking for City Council to direct them on how to

proceed with the matter. If Council desires to maintain this property as a city park, staff will contact the heirs of the original developer and ask that they dedicate the property to the City of Lawton. However, if the City Council would rather the re-developer of the Apple Run & Deer Park Apartment Complex attempt to obtain ownership of the property directly from said heirs, than the City would no longer be required to maintain that property and be able to devote those resources elsewhere. It should be noted that the re-developer has stated that, other than the construction of a storm shelter, they are willing to maintain the remaining area as recreation area and install further improvements. Staff has reached out to the heirs of the original developer and discussed the current situation regarding this property and is ready to proceed with implementing the Council's direction.

Mayor Booker stated we would have to file a quit claim deed because we do have a claim on that property and then get them to agree to continue to maintain, with specifications, a park area.

Rogalski stated the city would still have zoning control over this property.

Burk stated the last thing we need is to take care of another park. This is an opportunity for the owner to just deed it over to the developer. Why would we want to have any say so in what happens to that property when we don't even own it. This would really help this community to have this shelter.

Mayor Booker stated he does not want to take it on either, but that neighborhood uses that park and he feels you could have the best of both worlds by getting them to contract that they agree to provide some type of park facility and maintain it in return for us not making a claim on the property, because he does believe we have a legal claim on the property.

Hankins stated this is in ward one and she would have like to have a little more detail, did this go through CPC?

Rogalski stated if we had owned the park it would have gone through the process. In this case we are saying that we don't have ownership or any right to the park. We would have to do some work to obtain a title and staff if questioning if council would like them to take the effort to assert ownership or try to help the developer with the process.

Hampton questioned if we have maintained this property.

Rogalski stated we have maintained it as a public park for 50 years. We just can't find proper dedication language.

Hankins stated water stands on part of the property. She stated we do not need any more parks and it would be nice if that park could be used. She would like to see what we can do with the owner.

Warren stated he likes the way this is headed because the last thing we want to do is to legally take possession of something so we can give it away.

MOVED by Hankins SECOND by Burk to contact the owners and see if they can work out something with the developers. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

*Ratliff stated he would like to go back to agenda item #16. He stated the motion by Council Member Johnson was to direct staff to open wading pools. Since the agenda item says to just discuss preservation issues, we did not give notice to people that we would be discussing wading pools. The Open Meetings Act requires us to give 24 hours advance notice. We need to take that motion off the table

Warren questioned if she could just make a motion to direct staff to bring back a plan.

Cleghorn stated he does not believe that is necessary, we have already made plans to do exactly what Council Member Johnson has requested.

Mayor Booker stated part of the motion was to direct staff to do an inventory of WPA projects, so does that stand? Does that have to come back?

Ratliff stated it does, the only things it says in the agenda item is to discuss preservation issues.

Mayor Booker stated it says provide direction to staff as appropriate.

Ratliff stated he still feels that it does not give adequate notice in terms of the agenda, so he would recommend that we table that as well.

Mayor Booker stated we will bring that back at the next meeting and take definite action.

STAFF REPORTS:

Department Roundup: Community Relations

Tiffany Martinez Vrska, Community Relations Director, updated the council on the duties of the community relations division.

The Mayor and Council convened in executive session at 3:33 p.m. and reconvened in regular, open session at 4:52 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

19. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action with Oklahoma Department of Environmental Quality concerning a Notice of Violation issued by ODEQ to the City on October 3, 2019 including the details of a settlement negotiation meeting which occurred on March 24, 2021, and, if necessary, take appropriate action in open session.

Ratliff read the title of item #19

MOVED by Hampton SECOND by Fortenbaugh to accept the terms of Consent Order 20-214, the negotiated settlement between the City of Lawton and the Oklahoma Department of Environmental Quality (ODEQ) for a \$99,000 cash penalty, \$300,000 deferred penalty tied to the completion of six projects and a supplemental environmental project of no less than \$229,000. AYE: Warren, Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson. NAY: None. MOTION CARRIED.

20. Pursuant to Section 307 B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending conflict of interest investigation under City Code Section 17-2-13-274, and if necessary, take action in open session.

Ratliff read the title of item #20. No action was taken.

There being no further business to consider, the meeting adjourned at 4:54 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK