

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
NOVEMBER 10, 2020 – 2:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:
Michael Cleghorn, City Manager
Tim Wilson, Interim 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 Charles Barnett, 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

PROCLAMATION FOR PSI UPSILON CHAPTER, OMEGA PSI PHI FRATERNITY, INC.
WEEK (Will be presented at November 24, 2020 meeting)

PROCLAMATION HONORING MAJOR DAVID & MAJOR JOANNA ROBINSON AND
THE SALVATION ARMY

Mayor Booker recognized Majors David and Joanna Robinson and The Salvation Army of Lawton for their many contributions and unselfish commitment to the progress of our community and state.

PROCLAMATION FOR LIME OUT LAWTON IN SUPPORT OF HOMELESS YOUTH

Mayor Booker recognized November as the National Homeless Awareness Month and proclaimed the third week of November as Lime Out Lawton in support of homeless youth in the city of Lawton. He presented the proclamation to Council Member Onreka Johnson.

REPORTS: MAYOR/CITY COUNCIL

Chapman stated the Heinzwood/Meadowbrook neighborhood watch meeting will be Monday, November 24th at 7 p.m. at St. Paul’s United Methodist Church.

Burk reminded citizens to get their tree branches and limbs out to the street to be picked up.

Fortenbaugh suggested citizens can go to the City’s website for clean up options.

Johnson thanked all the organizations across the city for recognizing Homeless Youth Awareness Month. She encouraged everyone to wear lime green the week of November 16th.

Warren encouraged citizens to check the City’s website for updates and to also sign up for Code Red.

Mayor Booker updated the council on the COVID numbers.

Cleghorn reported information on Veteran’s Day

AUDIENCE PARTICIPATION:

Paul Greene, 806 NW 52nd Street, stated he received a call from a FISTA representative who answered all of his questions.

CONSIDER APPROVAL OF MINUTES OF THE LAWTON CITY COUNCIL SPECIAL MEETING OF OCTOBER 20, 2020 AND THE REGULAR MEETING OF OCTOBER 27, 2020.

MOVED by Burk SECOND by Warren to approve the minutes of Lawton City Council special meeting of October 20, 2020 and the regular meeting of October 2, 2020. AYE: Hankins, Jackson, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Chapman requested item #1 be considered separately.

MOVED by Warren SECOND by Hankins to approve the consent agenda with the exception of item #1. AYE: Hankins, Jackson, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider approving the 2021 Notice of Meeting Schedule for Lawton City Council Meetings and Resolution No. 20-__ rescheduling the regularly scheduled meeting in December 2021. Exhibits: 2021 Notice of Meeting Schedule for Lawton City Council; Resolution No. 20-__.

Chapman requested the November meeting date of November 23rd be changed to November 16th.

Paul Greene, 806 NW 52nd Street, stated the scheduled time for the current meetings are 2 p.m. He questioned if the meetings can be moved back to the original time of 6 p.m. He stated the council moved the meetings to 2 p.m. to save money during the COVID element and now everyone is talking about how much more money we are getting than last year.

Mayor Booker stated he thought the council put a time frame on this and he is not sure if that time is up. He stated staff can look that up and it can come back to council for discussion.

MOVED by Chapman SECOND by Burk to approve **Resolution 20-130** amending to include November 16th and delete November 23rd as a regular meeting date. AYE: Hankins, Jackson, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

2. Consider accepting the Lawton Public Library Renovation Project #2017-09 as constructed by Pever Building Company, LLC, and placing the Maintenance Bond into effect. Exhibits: Final Pay Estimate.
3. Consider authorizing staff to prepare and issue a Request for Proposal (RFP) for pavement condition assessment and data collection services. Exhibits: None.
4. Consider accepting a temporary easement from Deborah Kaye MacIntyre, a single person, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
5. Consider accepting a temporary easement from Pavel & Michelle Grepl, husband and wife, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
6. Consider awarding contract (CL21-010) Mobile Sludge Reduction to WBI Inc. of Kingwood, TX. Exhibits: Department Recommendation, Abstract of Bids, Price Sheets.
7. Consider approving appointments to boards and commissions. Exhibits: None.

Pension Trust Commission

James Apple
3502 SE 45th Street
Lawton, OK 73501
11/10/25

Mayor's Commission On The Status Of Women

Christina Woodson
106 SW Elk Creek Loop
Cache, OK 73527
At Large City or County
11/10/22

NEW BUSINESS ITEMS:

8. Receive bids for the sale of the City’s \$4,590,000 General Obligation Bonds, Series 2020, and award the sale of the \$4,590,000 General Obligation Bonds, Series 2020, to the lowest bidder. Exhibits: Bid Tabulation Sheet to be distributed at Council Meeting.

Chris Gander, Bank of Oklahoma, stated they received three bids this morning. The lowest bid was from The Baker Group from Oklahoma City at 1.0694%. He stated that is incredibly low. He stated item #9 is authorizing the issuance of the debt.

Cleghorn stated what we will receive will be less the issuance cost, so we will net around \$4.5 million.

MOVED by Burk SECOND by Fortenbaugh to award the sale of the \$4,590,000 General Obligation Bonds, Series 2020, to The Baker Group. AYE: Hankins, Jackson, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

9. Consideration and approval of an Ordinance providing for the issuance of General Obligation Bonds, Series 2020, in the sum of \$4,590,000 by the City of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of the General Obligation Bonds, Series 2020; providing for registration thereof; approving the Official Statement pertaining to the General Obligation Bonds, Series 2020; providing for the levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency. Exhibits: Ordinance 20-__.

Wilson stated this item will require two votes, one vote to approve the ordinance and a separate vote declaring an emergency.

MOVED by Burk SECOND by Warren to adopt **Ordinance 20-20**, 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 20-20

An ordinance providing for the issuance of General Obligation Bonds in the sum of Four Million Five Hundred Ninety Thousand Dollars (\$4,590,000) Dollars by the City of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; approving the official statement pertaining to the bonds; providing for the levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency.

MOVED by Burk SECOND by Warren to declare an emergency. AYE: Hankins, Jackson, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

10. Consider accepting a Grant from the Oklahoma Development Finance Authority for the Development Finance Authority Public-Private Partner Military Infrastructure Pool (Lawton/Fort Sill P3 Water Resiliency Project) Series 2020 Grant in support of the Lawton/Fort Sill Water Resiliency Project and authorize the Mayor and City Clerk to execute the Agreement between the City of Lawton and the Oklahoma Development Finance Authority. Exhibits: The Funding Agreement and ODOC Determination Letter of Award are on file in the Department of Public Utilities Office.

Richard Rogalski, Deputy City Manager, stated the City of Lawton relies on three surface water reservoirs to meet the water supply needs of the City and its wholesale customers, including Fort Sill. Fort Sill relies solely on the City to supply water for its civilian and military workforce, including residential housing. In recent years, the reliability of the City's water supply has been threatened due to changing climatic conditions in southwest Oklahoma. On December 9, 2014, Lawton City Council approved a contract with Garver, LLC for a feasibility study for development of an alternative water supply study and report. Based on the results of the study, the City decided to implement a new groundwater supply as the recommended approach for diversifying Lawton's water supply portfolio with a drought resilient source. This solution proposes drilling groundwater wells in the southeast section of the City and surrounding area and conveying the groundwater to a centralized treatment facility located at the City's Southeast Water Treatment Plant (SEWTP). The City of Lawton applied for a Department of Defense Grant in June of 2020 to assist in funding the estimated \$42,000,000 groundwater supply construction and implementation project. In August of 2020, the City was awarded \$8,400,000 less administrative fees of approximately \$45,200 to be paid in quarterly installments commencing January 2021 continuing to and including October 2023.

Mayor Booker suggested they consider a position of a grant writer to see if there is more grant money out there. He feels it would pay dividends.

MOVED by Burk SECOND by Warren to accept a grant from the Oklahoma Development Finance Authority. AYE: Hankins, Jackson, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

11. In accordance with §10-16-1604 Section A of the Lawton City Code, 2005, the City Manager is petitioning the council to consider authorizing the use of funds from the Emergency Reserve Fund for the purpose of managing the tree and limb cleanup operations from the October 27, 2020 Ice Storm. Exhibits: Elmer Thomas Park drop off site map.

Cleghorn stated they began the limb collection on Monday, and he encouraged citizens to visit the City's website to look at the pick-up schedule. The ordinance requires the city manager to petition the council to consider authorizing the use of the fund balance committed for the purpose of emergency management stabilization. Staff believes criteria "A", which is responding to any federal, state, or locally declared emergency, meets the qualifying requirements to be able to utilize the Emergency Reserve Fund. If council does authorize the use of the funds, staff is asking for an amount not to exceed \$300,000. He stated this is an educated

estimate because they do not know what the total cost will be. If approved, staff will come back to council with a budget amendment.

Mayor Booker clarified that the Governor has declared an emergency and if we can recover some of these funds from FEMA, that money will go back into the emergency reserve fund.

Burk stated this is exactly why we put money into an emergency fund.

Paul Greene, 806 NW 52nd Street, questioned if mulch was going to be available for citizens to use for the beautification of Lawton.

Cleghorn stated yes, there will be a tub grinder set up in Elmer Thomas Park. It will also be used at the landfill.

Burk stated there is always mulch available at the landfill.

Warren thanked staff for putting this together in a very short time.

MOVED by Burk SECOND by Warren to authorize the use of up to \$300,000 from the Emergency Reserve Fund for the purpose of managing the tree and limb cleanup operations from the October 27, 2020 Ice Storm. AYE: Hankins, Jackson, Chapman, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

12. Consider an ordinance amending Section 6-1-5-182 Chapter 6, Lawton City Code, 2015, by allowing for electrical security fencing to be permitted within the city limits; providing for severability; renumbering and establishing an effective date. Exhibits: Ordinance 20-__, Paragraph 22.108 of the IEC Standard and Figure 102 of the IEC Standard.

Rogalski stated these safety regulations will provide for a higher level of security for the property utilizing it, while also providing for the safety of the general public and emergency personnel. Currently, an electrical fence is only permitted when used on farmlands, provided that the fence is six feet from a street or sidewalk and has a charge of no more than 12 volts. The proposed ordinance will allow for electrical fences to be installed within the C-5 District and all industrial zoning districts with the following provisions: the electrical fencing shall be constructed or installed in conformance with the specifications set forth in International Electrotechnical Commission (IEC) Standard No. 60335-2-76, The electrical fencing shall be at least six feet from any public street right-of-way or sidewalk; the power supply of the electrical fencing shall not exceed 12 volts of direct current. The storage battery is allowed to be charged by a solar panel; the electrical fencing shall be completely surrounded by a non-electrical perimeter fence or wall that is not less than four feet in height; the maximum height of the electric fencing will be eight feet when located within the front yard setback, otherwise the maximum height will be ten feet; the electrical fencing shall be clearly identified with warning signs that read: “Warning- Electric Fence” at regularly spaced intervals not to exceed 50 feet; and the perimeter fence or wall shall be electrically isolated from the electrical fencing. The ordinance also specifies that if the electric fencing is installed as a component of a security/burglar system and installed within a non-electric perimeter fence or wall, it is not

considered a fence when located within the front yard setback as required in Chapter 18 of the Lawton City Code. Security fencing shall have a means of emergency operation approved by the Fire Marshal and the emergency operation shall be maintained at all times.

Burk stated a lot of different cities are using this type of protection for industrial and commercial businesses. It will be good to have an ordinance to know that it is done right and give people an opportunity to be able to store copper and wire outside and not worry.

Warren stated if someone gets to this fence, then that person has already broken into the property and violated that businesses property line and entered into an outside fence. He feels this provides a lot more safety for materials that are owned by the business.

MOVED by Warren SECOND by Chapman to adopt **Ordinance 20-21**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 20-21

An ordinance pertaining to building, construction and housing by amending Section 6-1-5-182, Chapter 6, Lawton City Code, 2015, by amending the regulations for electrical fencing to be permitted within the city limits; providing for severability; renumbering; and establishing an effective date.

13. Consider an ordinance amending Utilities Section 22-2-1-217, Chapter 22, Lawton City Code 2015, by removing the requirement to obtain written approval from the Fire Chief prior to making a temporary connection to a fire hydrant; providing for severability and establishing an effective date. Exhibits: Ordinance 20-__.

Chief Raanon Adams, Lawton Fire Department, stated this will eliminate an unnecessary step in obtaining a temporary water permit for a meter. Historically it was required that the fire department be part of the process. He stated technology has moved way past this and this is antiquated language that is not needed.

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

(Title read by City Attorney)

Ordinance 20-22

An ordinance amending utilities section 22-2-1-217, Chapter 22, Lawton City Code 2015, by removing the requirement to obtain written approval from the Fire Chief prior to making a temporary connection to a fire hydrant; providing for severability and establishing an effective date.

STAFF REPORTS

Cleghorn and Chief Adams reported on the fire department's three new pumper trucks. They will be in service in the next two weeks. The process started in January 2019.

Cleghorn reported that the Finance Director will be leaving the City of Lawton. He stated the parks master plan is moving forward and they will be announcing a new Parks Director in the next few weeks.

Cleghorn briefed the council on Change Order 1 in the amount of \$2,262 for the Library project, which has been completed.

There being no further business to consider, the meeting adjourned at 2:56 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK