MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
SEPTEMBER 24, 2019 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:
Michael Cleghorn, City Manager
Bob Ross, Interim City Attorney
Traci Hushbeck, City Clerk

Mayor Booker called the meeting to order at 6:21 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. Brandon Dollarhite, Centenary United Methodist Church, followed by the Pledge of Allegiance

ROLL CALL

PRESENT:
Mary Ann Hankins, Ward One
Keith Jackson, Ward Two
Caleb Davis, Ward Three
Dwight Tanner, Jr., Ward Five
Sean Fortenbaugh, Ward Six
Onreka Johnson, Ward Seven
Randy Warren, Ward Eight

ABSENT:
Jay Burk, Ward Four

PROCLAMATION FOR LAWTON BUSINESS WOMEN'S WEEK

Mayor Booker proclaimed September 23-29, 2019 as Lawton Business Women's Week

EMPLOYEE SPOTLIGHT PRESENTATION TO LAURA MCCOY – FIRE ADMINISTRATION

The City Manager recognized Laura McCoy for her outstanding performance.

REPORTS: MAYOR/CITY COUNCIL

Mayor Booker presented some economic data for Lawton.

Warren reported that Charles Beller, a former Ward 6 council representative, had passed away. He reminded everyone of the International Festival which will be held this weekend.

Fortenbaugh stated they really need to invest in this community and they need to make Lawton a place where people want to live. He is open to suggestions from everyone. He stated the next Ware on C event will be held on October 3rd.

Tanner stated that hopefully they can get this proposed CIP together and get it out to the citizens to vote on. It will be up to the citizens.

Davis stated the Ward 3 meetings will be held on every Monday night before the council meeting at 1116 SW C Avenue at 6:30 p.m.

Hankins stated she attended the Cops and Kids event and it is important in establishing a relationship with the police officers and the children.

AUDIENCE PARTICIPATION:

Oliver Watson, 6843 NW Willow Springs Drive, stated he would like to talk about increased funding for the juvenile bureau through the proposed CIP. He had worked with juvenile offenders for the past ten years. He has learned that these offenders usually have grown up in single-family homes and usually it is because one parent is in jail. There is also usually an affiliation with gangs or alcohol. Most are way behind in school. In 2015-2016 the office of juvenile affairs received 13,079 new referrals. Comanche has 8.6% of these. He stated 68% of youth in OJA care admit to using illegal drugs in the past and 60% were involved with DHS prior to their arrest. He stated 11% of all arrests in the state were juveniles between the ages of 13-18. Many of these juveniles will end up in DOC custody. If Oklahoma were an independent nation, we would lead the work in incarceration. If we do not address juvenile delinquency, we place residents of Comanche County at risk for being victimized. He stated these men and women who are at risk have potential and if we can reach out and save half of them we develop leaders and taxpayers.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF AUGUST 27 AND SEPTEMBER 10, 2019.

<u>MOVED by Warren SECOND by Hankins</u> to approve the minutes of August 27 and September 10, 2019. AYE: Hankins, Jackson, Davis, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

<u>MOVED by Warren SECOND by Jackson</u> to approve the consent agenda. AYE: Hankins, Jackson, Davis, Tanner, Fortenbaugh, Johnson, Warren. NAY: Jackson. MOTION CARRIED.

1. Consider adopting a resolution approving the joint petition settlement and making payment in the workers' compensation claim of Arthur Griffin. Exhibits: **Resolution 19-82**.

2. Consider approving an Outside Water Sales Contract with Rodney L. and Yvonne R. Dirickson, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office.

3. Consider approving payment of $5,720.00 plus accrued interest to the Internal Revenue Service (IRS) for the undisputed portion of penalties assessed in connection with the IRS's audit of the City's 2016 tax year. Exhibits: None.

4. Consider accepting the Health Literacy grant of $4,000.00 from the Oklahoma Department of Libraries for a community StoryWalk®, and authorizing the Mayor to sign the contract. Exhibits: On file in the City Clerk's office.

5. Consider adopting a resolution amending the City of Lawton FY19-20 budget by increasing Economic Development appropriations by $115,000.00 to cover legal consulting services for industrial development, and to increase the transfer from the 2016 CIP Sales Tax to the Sewer Rehab Fund (Sewer System Construction division) and Sewer Rehab appropriations by $650,000.00 to cover costs for rental pumps, critical equipment repair and assistance in the condition assessment. Exhibits: **Resolution 19-83**.

6. Consider approving a Professional Services Agreement with former City of Lawton (COL) Finance Director Diane Branstetter to provide advice and counsel as needed regarding COL financial and budgeting issues as they relate to the vacated position and the impending start of the new Finance Director during the associated leadership transition of the Finance Department. Exhibits: Professional Services Agreement.

7. Consider re-approving the construction plat for Scissortail Development, Part 2. Exhibits: Plat Map.

8. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures at 1300 Block of SW Texas Avenue. Exhibits: **Resolution 19-84**, Traffic Commission Minutes & Requests.

9. Consider approving Amendment No. 1 to the Employee Leasing Agreement with Garver, LLC for providing professional services to the Department of Public Utilities. Exhibits: Amendment No. 1 to the Employee Leasing Agreement.

10. Consider awarding contract RFPCL19-035 Physical Damage Coverage for Select Vehicles & Heavy Equipment to North American Insurance Agency of Lawton, LLC, dba INSURICA of Lawton. Exhibits: Department Recommendation, Abstract of Bids, Price Sheets/Proposal and Designation of Agent Letter.

11. Consider extending contract (CL19-002) Sludge Lagoon Maintenance to Hodges Farms & Dredging of Lebo, KS for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

NEW BUSINESS ITEMS:

12. Consider approval of a Resolution of the City of Lawton, Oklahoma (the "City") approving and authorizing the incurrence of indebtedness by the Lawton Industrial Development Authority ("LIDA," or the "Authority") by issuing its Sales Tax Revenue Note, Series 2019 (the "Note") in the aggregate principal amount of not to exceed seven million, six hundred forty thousand dollars ($7,640,000) for the financing of certain information technology hardware and software improvements to benefit the City, and paying costs of issuance related thereto; providing that the organizational document creating the Authority is subject to the provisions of the note indenture authorizing the issuance of said Note; approving the award of the sale of said Note on a negotiated basis, the waiver of competitive bidding with respect to the sale of said Note having been authorized at the City meeting of August 27, 2019, and approving the proceedings of the Authority pertaining to the sale of said Note; approving and authorizing a Sales Tax Agreement by and between the City and the Authority pertaining to the year-to-year pledge of certain sales tax revenues; approving and authorizing an amendment to a certain existing sales tax agreement relating to that certain sales tax revenues; and containing other provisions relating thereto. Exhibits: Resolution 19-__.

Tim Wilson, Deputy City Attorney, stated the Lawton Industrial Development Authority (LIDA) was authorized to go and look for potential purchasers for a note to be issued to fund a $7.6 million IT hardware and software improvements. That process has occurred over the past thirty days. To date LIDA met at 3 p.m. and voted on their recommendation to approve the resolution to move forward with issuing a note and some financing for the IT improvements.

Zack Robinson, BOK Financial, stated they received five bids and LIDA voted to award the note to Chase Bank, Option A, which is at a fixed rate of 1.86%. He stated bidders viewed the authority and the City extremely favorably. He stated the local branch in Lawton submitted the bid from BancFirst. Overall this result was extremely strong and will help us get the most out of the project.

Davis questioned the cost over the term on the 1.86%.

Mr. Robinson stated it will be around $450,000.

Wilson stated this would require a two/third majority vote of the council, so they need six affirmative votes.

Davis stated they approved the $7.6 million, but he questioned if it was necessary to borrow all of this money right now.

Gwen Spencer, IT Director, stated the way the project is structured, they will start with certain modules. They are in contract negotiations, but generally they will want us to encumber the entire project. What we are asking for in our contract is that we only pay as we implement, so they have three of the projects to start, but the largest of the projects have already started, which is the body cameras which is $1.375. They have already done the network project which was at $2 million. The remaining money is for the Tyler projects so they will need to finance it.

MOVED by Warren SECOND by Hankins to adopt **Resolution 19-85**. AYE: Hankins, Jackson, Davis, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

13. Consider approving the recommendation from the City Council IT Committee to allocate $2,500,000 from the reappropriated 2016 Capital Improvement Program (CIP) sales tax for technology system maintenance/upgrades for city-wide information technology systems. Exhibits: None.

Spencer presented a power point presentation outlining the infrastructure upgrades and replacement projects. (On file in the City Clerk's office). She stated they asked for $5 million when they went to the council IT committee and they recommended $2.5 million. She stated they will put this in escrow and pay it as the need arises. If they do not pay for maintenance agreements then they do not have an evergreen system, we will back to the same place we were, we don't get the support, and the system becomes worthless. We will lose a lot of sweat equity if we do not pay the maintenance to keep it current.

Mayor Booker stated he feels the council is in support of the maintenance, but he questioned what has to be paid in the next twelve months. He is under the impression that the maintenance fees are not due for a year after the product is installed.

Spencer stated when they go into the project and download the application to our server, that should take 6-9 months. If we do not complete, we still have to pay the maintenance while we are still implementing. If we cannot get something up in a year we still have to pay the maintenance. We are on a fiscal year so they were encouraged to pay the maintenance where it runs from July to June, so once they pull down that first bit of software, they are looking for a maintenance agreement to start in July.

Mayor Booker questioned if it came with one year of maintenance when it starts and it is not included in the price to come with one year.

Spencer stated no, that is the license. We have a license to use the software, to get the support after we have the license is what we call maintenance.

Mayor Booker stated they requested $5 million, what was the time frame that was going to cover in maintenance.

Spencer stated that was going to be for a ten-year period.

Mayor Booker stated that $5 million would last for ten years.

Spencer stated if they put that $5 million in the bank and with interest, it would get them close to ten years.

Mayor Booker stated he typically thinks that maintenance fees are operations, not capital. We are going to the CIP asking for money for maintenance items. He stated at some point doesn't it seem reasonable for us to expect maintenance fees to be operations instead of capital.

Spencer stated she does not see $1.5 million coming into the budget.

Mayor Booker questioned what the $1.5 represents.

Spencer stated she is talking about the major systems that they will be implementing first. They need to find money to put in the budget on July 1st to cover those maintenance fees. These fees could come due as soon as next November.

Mayor Booker questioned what would be due in the next twelve months. He stated they have another request from this pot and he does not want to say no to both. He feels that technology is very important and so is economic development. We do not have the money to do everything right now. He questioned how much staff needed for twelve months.

Spencer stated $1.25 million.

Mayor Booker questioned when that was due.

Spencer stated it is dependent upon the implementation and the contract. They feel they can bring a contract to council next month and that would mean they would start a November implementation. None of these projects will take a year to implement and as soon as they pull down the license, they are ready to go. She is estimating that November of next year those maintenance agreements will be due, so they will have to be in next years' budget.

Davis stated he thought when this came to the IT Committee he thought the total was about $900,000 in yearly maintenance fees. The cost list that was given to the IT committee totaled $903,000, he questioned if that changed.

Spencer stated it is a little more because they added some solutions for such things as animal control and parks. As they put the solutions in place the maintenance fees are growing.

Davis stated we are at $1.25 million now since the IT Committee met. He questioned if that would cover everything.

Spencer stated yes.

Fortenbaugh stated there are IT unfunded needs of over $22 million and that is the big number they need to look at. He supports the $5 million because he knows we need all of this. We also have the CIP discussion floating around, so he suggested they table this issue until they figure out what the CIP can do and what are the economic development needs we have right now.

Mayor Booker stated if they table this until after the CIP vote, it is plenty of time to get it into the budget.

Cleghorn stated we do have time, but it is not open ended.

Mayor Booker stated they want to meet all of our needs.

Warren stated he understands that there are two needs they are trying to fill, but we just passed spending over $7 million for software and now we are wondering if we are going to pay maintenance. If the CIP does not pass and you put this maintenance off, then we will be back in the same situation. He stated the IT committee originally talked about $5 million and he was willing to go down to $2.5 million because the CIP is coming up and it is possible they could address the rest in the CIP. He stated they have to start looking forward and realizing our mistakes from the past. It is going to be expensive every year and every budget will have $1 to $2 million in maintenance for IT. He stated they have spent a lot of time and money to build a system that is going to take care of the City and the citizens of Lawton to provide wonderful things and he feels they need to think seriously when talking about putting it off.

Mayor Booker stated he feels no one wants to put this off, he thinks everyone wants to pay all of this and wants to keep it up.

<u>MOVED by Warren</u> to allocate $2,500,000 from the reappropriated 2016 Capital Improvement Program sales tax for technology system maintenance/upgrades for city-wide information technology systems. **Motion fails due to a lack of a second.**

Fortenbaugh stated that no matter what happens with the proposed CIP, IT staff has to get this $22 million and they have to figure out how to get it. They cannot not pay maintenance agreements.

Tanner questioned if IT needed any of this money within the next 90 days.

Spencer stated no.

<u>MOVED by Fortenbaugh SECOND by Davis</u> to table to January 28, 2020. AYE: Hankins, Jackson, Davis, Tanner, Fortenbaugh, Johnson. NAY: Warren. MOTION CARRIED.

14. Consider approving requests from the Lawton Economic Development Corporation (LEDC) for $6,000,000 to be used as matching funds to improve and extend Goodyear Blvd. from Lee Blvd. to U.S. Hwy 62. and consider approving up to $1,500,000 for improvements to Neal Blvd. and Ard Street from the reappropriated 2016 Capital Improvement Program (CIP) sales tax. Exhibits: None.

Davis requested Brad Cooksey make a presentation regarding this item.

Brad Cooksey, President of Lawton Economic Development Corporation, stated several weeks ago he presented a plan to council based on the results they found through an engineering study. He stated they have prioritized the findings and Phase I was roughly $10 million. Since that time they have made adjustments and revamped that number to $7.5 million. (Mr. Cooksey presented an overview which is on file in the City Clerk's office). He stated the price they have been given for the project is $22.5 million. They feel confident they can get matching funds of $16.5 million. If they come with an investment as a community of $6 million, they feel comfortable in saying they can get matching funds from the state and federal level to get that project done. They will maximize the return on investment on this, they will turn $6 million into $22.5 million and redo Goodyear Boulevard and get our transportation system a way to HW 62/Rogers Lane, which will get them to I-44. Neal and Ard Streets are the streets inside the industrial park. Those streets desperately need repair. These are the top two priorities.

Mayor Booker stated 80% of the trucks would use this because they are trying to get to I-44. Another benefit is that it would take truck traffic off of other city streets, which would increase the life of those streets. He questioned the period from today to get this done.

Mr. Cooksey stated the sooner the better. In order for this project to move forward, they need to have the money in the bank for the matching funds. If they were able to get the $1.5 million, they could get the feasibility study done quickly and get on that project as soon as possible.

Mayor Booker stated the feasibility study is for the Neal and Ard Street project, he questioned if the other project needed a feasibility study.

Mr. Cooksey stated yes, but he was given a ballpark amount and he was not comfortable releasing that number yet.

Mayor Booker stated there is an interest from the Oklahoma Department of Transportation (ODOT) and the federal government to help us on this project. He stated he is trying to get a grip on what needs to happen and when. We only have so much money to go around until that CIP is done.

Jay Earp, Division Seven Engineer from the ODOT, stated before ODOT can commit the federal and state funds for the Goodyear Boulevard extension, the feasibility study needs to be done. It helps develop a programming cost.

Mayor Booker questioned how long it would take to do the feasibility study.

Mr. Earp stated if the Lawton Metropolitan Planning Organization (LMPO) were to use the federal funds they have, they would need to solicit the work and then consultants would submit letters of interest, then a group would need to read all the letters of interest and short list them down to some firms to interview. That would probably take a couple of months. The firm would then nail down the scope and submit their fees and then they would study all those features. He stated you are looking at possibly ten to twelve months.

Mayor Booker questioned when we would apply for federal assistance.

Mr. Earp stated for ODOT to commit to the project the feasibility study will result in a very defined cost of the project.

Mayor Booker stated we are a year away from needing money to obligate, to say we have the money identified and we are going to do it.

Mr. Earp stated yes, after the feasibility study to narrow down the cost.

Tanner questioned if there was an approximate cost of the feasibility study.

Mr. Earp stated it is hard to determine until you get the letters of interest and you read the qualifications from the consultants, and then they submit their fees. The number thrown out at the LMPO meeting today was $100,000.

Tanner stated a priority of LEDC is to revamp the road out at the industrial park and he believes the council is in support of this. He stated they need to know what the cost is first before we actually commit these funds so he is in favor of awarding the funding for the feasibility study. He does not see why we cannot start on the interior streets for Goodyear and the other companies. He would like to go out for the cost of the feasibility study to run the spur over to HW #62 and to award the money for a feasibility study….

Mayor Booker stated the LMPO today voted to start this process and use federal funds to pay for 80% of this, so the process has already begun to get that feasibility study. The City will be required to pay the 20%, but we do not know how much it is so we cannot really act on it yet. He was not aware we would need a feasibility study on Neal and Ard, he just figured we would need some engineering.

George Hennessee, Engineering Director, stated they would usually go out for a RFQ for an engineer and then they would submit their qualifications, they would review those and the engineering selection committee would make a selection of the top three. Council would choose the top firm and authorize him to negotiate a fee. Council would then hire that engineer and they would go to work.

Mayor Booker clarified that the work being done on those streets does require engineering.

Hennessee stated yes.

Mayor Booker questioned what the timetable would be.

Hennessee stated 60 to 90 days.

<u>MOVED by Warren SECOND by Tanner</u> to direct staff to start the engineering process on Neal Blvd. and Ard Street.

Davis questioned why they would direct our engineering staff to do this when they are so backed up on work.

Warren stated they would start the process of getting the documents ready for the council to approve to go out for a RFQ.

Hennessee stated they would prepare an RFQ, submit it to our list of consultants, and review it when those come in.

Fortenbaugh stated the LMPO is going to start a feasibility study on everything from Goodyear Boulevard going to HW #62. At some point in the future, we are going to have kick in our part of that.

Davis questioned if they could include that 20% into this motion.

Mayor Booker stated if the LMPO has that number in 60 days they can bring this back for the request for that obligation. He really does not see why any action should be taken.

Warren stated they could just direct the manager to start that RFQ process because we are not actually spending any money.

Mayor Booker stated we have a motion to direct staff to start an RFQ for engineering for Neal and Ard and we have a second so he feels they need to vote on that motion.

Warren stated he did not know if the rest of the item was to be tabled.

Mayor Booker stated they need to do these projects.

Davis clarified that the motion was to direct staff for the RFQ process for Neal and Ard. This does not address Goodyear Boulevard and the LMPO will come back and council will address it at that time.

VOTE ON MOTION: AYE: Hankins, Jackson, Davis, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

Mayor Booker stated that everyone is interested in doing both of these projects, technology and industrial development, and supporting both of these. He does not know how they will do this if the CIP does not pass.

15. Consider directing staff regarding the adoption of the 2015 editions of the International Codes previously adopted by the State of Oklahoma, specifically the International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, International Fire Code, International Existing Building Code, International Property Maintenance Code and the 2014 edition of the National Electrical Code, all as amended by the Oklahoma Uniform Building Code Commission. Exhibits: Table I - Codes Adopted by Oklahoma Communities.

Richard Rogalski, Community Services Director, 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. Only four cities are still on 2009. They are Lawton, Yukon, Muskogee and Oklahoma City. All the other cities are using 2015 or above. He believes they should adopt the 2015. The 2018 version is already out. He understands that there is an impact on single-family homes. He stated this item is just to direct staff to bring it back to council. He stated that the city council might want to offset some of the increase, which may be $500 - $1,000 per home, and waive some of the fees to try to stimulate new home starts.

Mayor Booker stated there are four to five times as many homes being built outside the city limits and the county than there are in Lawton. That has to do with development costs. The average price of a lot is about $20,000 out in the county. They cannot ignore this challenge. He wants a house that has been inspected, but it apparently does not mean that much to those building out in the county.

Rogalski stated the 2015 code is in effect in the county even though it may not be enforced.

Mayor Booker questioned who inspects it to make sure it is done.

Rogalski stated no one.

Mayor Booker stated he only wants to do this if there is a benefit to it. He stated he understands that this code actually corrects some problems. All we know at this point is that it will add to the price of the house and we already have problems in the city limits. He requested Ron Nance come to the microphone and give his opinion of going to this code.

Ron Nance, local realtor, stated there is a disparency between what it costs to build out in the county versus in the city. Part of that is because of codes. All of those costs add up. The cost of land, the development and the roads in the county is less, plus they build all of utilities to city specs. This just adds a little more to the cost of the home and it does make it harder and buyers just look at the cost of the house. He prefers to build inside the city limits because of the codes, but the reality is that you end up being penalized in many buyers' minds because they do not see any difference between a house in city and one in the county.

Mayor Booker questioned what advice Mr. Nance would give the council.

Mr. Nance stated he can see both sides of the equation. He stated when you look at how depressed housing is inside the city limits and how low prices are, he feels this would be the worst time to saddle the builders with another $1,000. His advice would be not to do this at this point.

Mayor Booker stated from what he understands, this takes care of some problems in the code we have adopted.

Rogalski stated there are some areas where the 2015 code is better than the 2009. There are areas where it does benefit the homebuilder or the commercial resident. He stated they met with builders and there are a few pieces that will cost more.

Davis stated this agenda item is to direct staff to come back to the council and explain all this. He would like to see this come back so they can see the differences and vote on this intelligently.

Tanner stated these international building codes are model codes and most municipalities will amend these codes to fit their needs. Just because we adopt these codes, it does not mean they are gospel, we can amend these codes to fit our particular needs.

MOVED by Davis SECOND by Fortenbaugh to direct staff to come back to the city council with more details on this code. AYE: Hankins, Jackson, Davis, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

16. Consider an ordinance pertaining to Personnel Policies and Procedures amending Section 17-1-6-165, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2015, by clarifying military leave pay and benefit accruals are not to exceed two hundred forty (240) hours in each federal fiscal year; providing for severability, and establishing an effective date. Exhibits: Ordinance 19-__.

Dewayne Burk, Human Resources Director, stated this is to bring our current code into compliance with state statute. This change happened in 2017 and it is one of the revisions he discovered when he came into the human resources department. He stated there will be more updates coming in the future.

Davis questioned if this change went through the Employee Advisory Committee.

Burk stated yes.

Davis questioned if they had any concerns about this particular issue.

Burk stated not that he is aware of.

Cleghorn stated this will just bring us into compliance with state and federal regulations.

MOVED by Warren SECOND by Jackson to adopt **Ordinance 19-19**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage. AYE: Hankins, Jackson, Davis, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 19-19

An ordinance pertaining to personnel policies and procedures, amending Section 17-1-6-165, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2015, by clarifying military leave pay and benefit accruals are not to exceed Two Hundred Forty (240) hours in a federal fiscal year; providing for severability and establishing an effective date of thirty days after passage.

ADDENDUM:

1. Consider approving the second half of penalty payments in the amount of $5,720.00 plus accrued interest to the Internal Revenue Service (IRS) for the undisputed portion of penalties assessed in connection with the IRS's audit of the City's 2016 tax year. Exhibits: None.

W.R. Moon, Assistant City Attorney, stated an addendum is for emergency or urgent items. This represents the second portion of the penalty payment that was assessed as part of the City's 2016 audit. The deadline to actually pay this to the IRS was yesterday, so we have accrued one days' worth of interest, so to prevent the City from wasting money accruing interest on a penalty that we do not dispute that we owe, it was placed on an addendum.

MOVED by Warren SECOND by Jackson to approve the second half of penalty payments in the amount of $5,720.00 plus accrued interest to the Internal Revenue Service (IRS) for the undisputed portion of penalties assessed in connection with the IRS's audit of the City's 2016 tax year. AYE: Hankins, Jackson, Davis, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

STAFF REPORTS

Cleghorn presented the monthly City Manager's report for August 2019. (On file in the City Clerk's office)

The Mayor and Council convened in executive session at 8:10 p.m. and reconvened in regular, open session at 8:36 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

17. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action regarding the 2008 Chevron energy performance contract and amendments related thereto between the City and OpTerra ES (formerly Chevron ES), and now known as Engie Services U.S., and, if necessary, take appropriate action in open session. Exhibits: None.

Ross read the title of item #17. No action was taken.

There being no further business to consider, the meeting adjourned at 8:37 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