

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
NOVEMBER 12, 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
COL Don A. King, Fort Sill Liaison

Mayor Booker called the meeting to order at 6:05 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Gordon Brooks, First Church of God, followed by the Pledge of Allegiance

ROLL CALL

PRESENT:

Mary Ann Hankins, Ward One
Keith Jackson, Ward Two
Caleb Davis, Ward Three (arrived @ 6:28 p.m.)
Jay Burk, Ward Four
Dwight Tanner, Jr., Ward Five
Sean Fortenbaugh, Ward Six
Onreka Johnson, Ward Seven
Randy Warren, Ward Eight

ABSENT:

None

PROCLAMATION FOR PSI UPSILON CHAPTER, OMEGA PSI PHI FRATERNITY, INC.
WEEK

Mayor Booker proclaimed the week of November 11 – 17, 2019 as Psi Upsilon Chapter, Omega Psi Phi Fraternity, Inc. Week, with Sunday, November 17, 2019 as Psi Upsilon Chapter, Omega Psi Phi Fraternity, Inc. Day.

PROCLAMATION FOR NATIONAL HOMELESS YOUTH AWARENESS MONTH

Mayor Booker proclaimed the month of November, 2019 as Homeless Youth Awareness Month. He presented the proclamation to Council Member Onreka Johnson and Kim Jones.

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO ASHLEY
GHRAYYEB

Mayor Booker presented a Certificate of Commendation from the Mayor's Office to Ashley Ghrayyeb.

EMPLOYEE SPOTLIGHT PRESENTATION TO ASHLIE KILPATRICK – EMERGENCY COMMUNICATIONS

The City Manager recognized Ashlie Kilpatrick, Emergency Communications Department for her outstanding performance.

REPORT ON THE 2019 INTERNATIONAL FESTIVAL – BILLIE WHIPP

Billie A. Whipp, Administrator, Arts & Humanities Division, briefed the council on the 2019 International Festival.

REPORTS: MAYOR/CITY COUNCIL

Mayor Booker stated today there was a panel discussion to talk about crime and community, what kept coming up was neighborhood relationships, and how the neighborhood and the family have declined causing crime. He stated if we want to get a grip on crime, we need to get a grip on rebuilding our neighborhoods.

Warren thanked Arts and Humanities staff for their hard work on the International Festival.

Johnson stated on November 21st at 5:30 p.m. she will be having her Citizens with Solutions meeting. The location is to be determined.

Fortenbaugh reminded citizens that there is a CIP tracking page on our website.

Burk stated he is excited about the new technology that is coming to the City of Lawton. It will increase our efficiency and help the public find things on line instead of coming to city hall.

AUDIENCE PARTICIPATION: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF OCTOBER 8 AND OCTOBER 22, 2019 AND THE SPECIAL MEETING OF OCTOBER 15, 2019.

MOVED by Burk SECOND by Davis to approve the minutes of council regular meetings of October 8 and October 22, 2019 and the special meeting of October 15, 2019. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

Mayor Booker stated he has a request to speak from Greg Cousins on the Wynn claim on item #2. Warren requested item #18 be considered separately.

MOVED by Warren SECOND by Burk to approve the consent agenda with the exception of item #2 (Wynn claim) and item #18. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: Jackson. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Tonita Daniels in the amount of \$3,553.15. Exhibits: **Resolution No. 19-99**, Legal Opinion/Recommendation.
2. Consider the following damage claims recommended for denial: Delores Wynn in the amount of \$6,890.00, Patrick and Laura Latham in the amount of \$938.84, and Dewayne Simpson in the amount of \$2,265.94. Exhibits: Legal Opinions/Recommendations.

Kelea Fisher, Deputy City Attorney, stated Delores Wynn alleges that on April 16th and 17th of this year city employees were working on water lines on her street and during the process the water was turned off temporarily and when the water was turned back on her water pressure was low and when she checked in her backyard she noticed that her storm shelter was lifted from the ground and the hole was full of water. She is alleging that the City's work on the water line caused this to occur and she is seeking \$6,890 to remove and reset the storm shelter. The investigation revealed that on April 15th of this year the City's water distribution division was in the area repairing a leak at the fire hydrant, which is located at 6202 NW Cheyenne Drive, four houses down from Ms. Wynn's property. We were not working on the water line the time she alleges we were. The fire hydrant is uphill from Ms. Wynn's property so the water would have had to leaked past four houses and into her back yard to have caused the ground to be saturated enough to cause the storm shelter to lift. There is no evidence that this occurred. What is plausible is that directly to the east of the property is a storage facility that had a clogged drainage system that was funneling water into her backyard. In 2007, Ms. Wynn filed a similar claim with the City alleging that the same storage facility was being redeveloped and it was causing water to run off into her backyard and to even flood her house. That condition lasted for nine years and the files indicated that the City fought with the storage facility to get the facility to properly install a drainage system and we even threatened to terminate the utilities to this facility and we were sued in district court as a result. Eventually the facility's drainage system passed inspection and was properly installed. The City denied Ms. Wynn's claim in 2007 because the City was not responsible for the construction, maintenance or inspection of that drainage system. Recently when the claims investigator and water distribution superintendent went out to the house to inspect the storm shelter, they found the storage facility's drainage system was clogged. This was causing water to funnel into Ms. Wynn's backyard again. It is her opinion that a number of factors caused the storm shelter to lift from the ground. On April 14th the day before it lifted, the city received almost 4 inches of rain and that rain was funneling directly into her backyard due to the clogged drainage system. That storm shelter was installed in 1979 and it has never been inspected. They cannot show that it was at the fault of the City, but it was at the fault of the storage facility. Her recommendation is to deny the claim.

Greg Cousin, 4001 NW Ozmun, stated 6208 Cheyenne Drive is his mothers' address. The City granted a permit for the people who own the storage facility to build a wall, which is about 100 yards long and 15 feet high, and it is directly in the back of his mothers' backyard. There are spouts at the top of the facility and water flows into the backyard. It has been doing this since

2017. After 45 years, the storm shelter is just sitting up and there has to be a cause. If the city issued a permit for that wall, it is not their fault.

Fisher stated she was not aware that their issue is with the permit process. Under the governmental tort claims act the City has an exemption for licensing, permitting and those types of functions. The City is exempt from liability.

Mr. Cousin stated the City is responsible if they issued the permit.

Delores Wynn, claimant, stated the City was working on the streets during that time and when they finished the cellar just popped out of the ground. She does not know what caused it but it was denied and she would like to know why.

Mayor Booker stated the Deputy City Attorney explained why they are recommending denial.

Warren stated the legal recourse is not with the City. The City has done everything they can do to alleviate the problems. He suggested they speak with the owners of the storage facility.

MOVED by Warren SECOND by Hankins to deny the claim of Delores Wynn in the amount of \$6,890.00. AYE: Hankins, Jackson, Tanner, Fortenbaugh, Johnson, Warren. NAY: Davis, Burk. MOTION CARRIED.

3. Consider adopting a resolution approving the joint petition settlement and making payment in the workers' compensation claim of Dagan Collins. Exhibits: **Resolution No. 19-100.**
4. Consider approving the waiving of one day fishing and boat usage fees in the amount of \$440 on November 16, 2019 at Lake Ellsworth for Rods 4 Warriors veteran's fishing derby, Chapter A-19-3- Fishing-19-303 and Chapter A -19-2-Water sports and boating-19-245 of the Lawton City Code. Exhibits: None.
5. Consider accepting a \$8,085.00 donation to the Library from the Friends of the Library to be designated for library-related activities and library materials. Exhibits: None.
6. Consider approving the funding for the 6th Annual City of Lawton/Ft. Sill Freedom Festival, set for Saturday, June 27th, 2020, in the amount of \$65,000.00 as established in Resolution 14-139. Exhibits: Resolution 14-139.
7. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, to implement changes in the City Hall Rental Fees by incorporating rental options for City Hall grounds, as set forth in Exhibit A and establishing an effective date. Exhibits: **Resolution No. 19-101**, Exhibit A: Proposed addition to Appendix A-19-702 of the Lawton City Hall Schedule of Fees

8. Consider accepting a proposal from Carahsoft, Incorporated for Granicus hardware and software solution to eliminate manual workloads, authorize customization of approval sequences, allow City Staff to boost transparency by pushing agendas to the City's web page and permit video streaming of City meetings. Exhibits: Proposal from Carahsoft Incorporated for hardware, software, and implementation services.
9. Consider accepting a proposal from Routeware, Incorporated for hardware and software for route optimization, service verification and operational analytics to assist with solid waste sustainability goals, service improvements for residents and a reduction in operational cost; and authorize the City Council and Mayor to enter into a Hardware, Software and Services Agreement on behalf of the City for same. Exhibits: Proposal from Routeware Incorporated for hardware, software, and implementation services.
10. Consider accepting a proposal from Tyler Technologies, Incorporated for software and services to replace our existing city-wide application systems and authorize the City Council and Mayor to enter into a Software Systems Procurement and Installation Agreement on behalf of the City for same. Exhibits: Proposal from Tyler Technologies Incorporated for hardware, software and implementation services is on file in the City Clerk's Office.
11. Per the recommendation of the Health Plan Review Committee, consider extending the current contract with BlueCross BlueShield of Oklahoma (BCBS) for the purpose of providing health care insurance coverage for City of Lawton Retirees over the age of 65 for an additional year, as authorized by the contract. Exhibits: Contract is on File in the City Clerk's Office.
12. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures at NW Goodyear Blvd at Cache Road and NW 40th Street near NW Cache Road. Exhibits: **Resolution No. 19-102** and Traffic Commission Minutes & Requests.
13. Consider adopting a Resolution authorizing the installation of traffic control measures at NW 27th Street, between NW 26th Street and NW 25th Street, NW 75th Street at Willow Creek Park, NW Atlanta Avenue between NW 31st Street and NW 33rd Street, NW Glenn between NW 57th Street and NW 58th Street. Exhibits: **Resolution No. 19-103**.
14. Consider approving Amendment No. 5 to the December 9, 2014 contract with Garver, LLC, which will amend the scope of service to include updating and preparing the City of Lawton's Risk and Resiliency Assessment (R&R) and Emergency Response Plan (ERP) mandated by the Environmental Protection Agency (EPA) through the America's Water Infrastructure Act of 2018 (AWIA). Exhibits: Amendment to the Agreement.
15. Consider award of a design contract to EST for the design of Rehabilitation of Neal Blvd and Ard Street in the SW Lawton Industrial Park. Exhibits: Engineering Proposal on file in the City Clerk's Office.

16. Consider accepting construction of the Replacement of Sodium Hypochlorite Tanks, Project No. 2017-05 at the Medicine Park Water Treatment Plant constructed by Young Contracting, LLC and placing the maintenance bond into effect. Exhibits: None.
17. Consider awarding a construction contract to Traffic & Lighting Systems, LLC. for the Cache Road & Flower Mound Road Traffic Signal Project #2019-02. Exhibits: Bid Tab Sheet and Contract on file in the City Engineer's Office.
18. Consider awarding contract for (CL20-003) Nuisance Abatement to Adult & Teen Challenge of Oklahoma of Cache, OK; Rob's Lawn Care of Cache, OK; Joe's Backhoe Service LLC of Lawton, OK; and Simple Green of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheets.

Warren questioned if we always award it to different companies for different amounts of money.

Will Hines, Neighborhood Services Supervisor, stated they go out for bids and the companies actually bid their contract for an hourly rate and as long as they meet the criteria, they go for the lowest bid.

Warren stated this does not make any sense. He stated they should award it to the low bidder and if the low bidder cannot provide the services we want then we should not have awarded it to begin with or we should pay everyone the same amount.

Burk stated our biggest problem is that one contractor cannot handle the load and we get behind. There is a huge discrepancy between \$24 and \$59, but you must have multiple contractors.

Warren stated he wants that \$24 guy working every day all day long.

Richard Rogalski, Community Services Director, stated it is going to be by lowest bid in order that you bid. They will start with the cheapest bid and will work the \$24 guy as much as possible. The other bids were very comparable to what we have had in the past several years. The lowest bid is pretty low and he may not be able to make it.

Warren stated he is not sure if they understood the bidding process or what we were going to require. He does not want to get a phone call from the low bidder saying he is not getting any work.

Burk stated he would like to see a base number. At \$24 you are not going to make any money. He wants to make sure the \$24 guy knows what he is getting into.

Rogalski stated that if he cannot make it work he can bow out.

Davis questioned if he understands that we tell him how many hours it will take.

Hines stated they held a pre-bid conference and three of the four bidders attended. He has talked to the low bidder on the phone to make sure he knows what is required.

Davis stated when we turn in a work order to the contract how long does he have to get it knocked out.

Hines stated seven days to get it turned in.

MOVED by Warren SECOND by Burk to award the contract for (CL20-003) Nuisance Abatement to Adult & Teen Challenge of Oklahoma of Cache, OK; Rob's Lawn Care of Cache, OK; Joe's Backhoe Service LLC of Lawton, OK; and Simple Green of Lawton, OK. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

19. Consider extending contract for (RFPCL18-009) Copier Contract to High Tech Office Systems of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheets/Agreements/addendums.
20. Consider extending contract (RFPCL19-006) Rental or Lease Work Clothing to Unifirst of Wichita Falls, TX for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

OLD BUSINESS:

21. Consider approving plans and specifications for the 2017 Ad Valorem Street and Roads Program (Residential), Phase 1 Project #2017-07 and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Engineering Division Office.

George Hennessee, City Engineer, stated at the last meeting they had proposed to put the advertisement out for the 2017 ad valorem roadway project for residential. They were charged with breaking the project into smaller groups and those groups were to be in the \$1 million to \$1.5 million range. His staff and the consultant has worked diligently on this. (He distributed a list of the grouping of the projects). He stated the consultant is concerned that he has to deal with five different contractors. The plans are developed and the designs are completed, but they have to separate out all the pay items and come up with new front-end documents and award five separate contracts. Because they do not have right of ways his anticipation is that when they acquire right of ways on one project they can award that project and not delay by waiting on the right of way of the remaining projects. The people want the projects the worst and will work with them on the right of ways will get their project bid initially. If his consultant can work three or four of these projects at a time, and make one trip to do inspections, he can reduce his fee that he would like to have for a modification to his contract. They did the initial breakdown based on the cost of the project versus the total cost and that puts additional fees the consultant wants at about \$10,000 to \$11,000 per ward. They are looking at \$86,056.01 for modification to his contract. He questioned if this is what the council wants to do and if he has permission to negotiate an amendment to the consultants' contract.

Davis stated this is exactly what he had in mind. The only concern he has is a way to bid these to where one contractor cannot get all five of these projects and then just stack them up one on top of another. He questioned if there was a way to address this.

Hennessee stated he does not think they have a means to preclude a contractor from bidding on additional work.

Davis questioned if they could bid these out to be done within a certain time frame, like saying that all of these jobs have to be done within April and September of one year. That way we are not precluding him, but he would preclude himself because he knows he cannot get all of that done in that time period. It would force other contractors to take on that work and have multiple contractors working on multiple jobs at the same time.

Hennessee stated because of the way he anticipates they could stage it by getting the right of way on one particular area first and bidding that particular area. It would be difficult to bid that area and have another area have a delay because someone is reluctant to grant or negotiate right of way. It would be difficult.

Davis questioned if there is a timeline when they get the notice to proceed for them to get started on the job.

Hennessee stated when they take bids they bring them to council and council gives them permission to award the contract. Shortly after that, usually a week, they have a pre-construction conference and at that conference they discuss the timing. There is not a hard date for notice to proceed.

Burk stated that this gives other contractors an opportunity to bid, it is not just in one big bid where only larger contractors can bid. Smaller contractors can compete. He stated they have never done it this way before and this gives us another avenue.

MOVED by Burk SECOND by Warren to approve plans and specifications for the 2017 Ad Valorem Street and Roads Program (Residential), Phase 1 Project #2017-07 and authorizing staff to advertise for bids. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

Mayor Booker stated items #26 and #27 will be addressed because our financial advisor and bond counsel are in attendance.

NEW BUSINESS:

26. Receive bids for the sale of the City's \$6,300,000 General Obligation Bonds, Series 2019, and award the sale of the \$6,300,000 General Obligation Bonds, Series 2019, to the lowest bidder. Exhibits: Bid Tabulation Sheet to be distributed at Council meeting.

Chris Gander, BOK Securities, stated council previously set the date and time to open the bids which was today at 11 a.m. He stated the low bid was Robert W. Baird at 1.8495% on a 10-year borrowing. He stated they are recommending approval of this bid. He stated this is the third issue from the 2017 bond election, which will leave a balance of \$35 million, which they will issue once a year over the next seven to eight years.

MOVED by Burk SECOND by Warren to award the sale of the \$6,300,000 General Obligation Bonds, Series 2019, to Robert W. Baird. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

27. Consideration and approval of an Ordinance providing for the issuance of General Obligation Bonds, Series 2019, in the sum of \$6,300,000 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 2019; providing for registration thereof; approving the Official Statement pertaining to the General Obligation Bonds, Series 2019; 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 19-__.

Mr. Gander stated this is just the official authorization to issue the debt.

Mayor Booker stated this item will take two votes, one for the approval and one for the emergency clause.

MOVED by Burk SECOND by Warren to adopt **Ordinance 19-24**, waive the reading of the ordinance, read the title only. AYE: Hankins, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: Jackson. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 19-24

An ordinance providing for the issuance of general obligation bonds in the sum of six million three hundred thousand dollars (\$6,300,000) 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 approve the emergency clause. AYE: Hankins, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: Jackson. MOTION CARRIED.

22. Hold a public hearing and adopt a resolution declaring the structures located at 1328 SW Monroe Avenue (**Res 19-104**), 1213 SW “J” Avenue (**Res 19-105**) 504 SW Washington Avenue (**Res 19-106**), 1718 NW Smith Avenue (**Res 19-107**), 1604 NW Floyd Avenue (**Res 19-108**), 512 NW Greenmeadow Drive (**Res 19-109**), and 520 SW Sheridan Road (**Res 19-110**) to be dilapidated pursuant to Division 6-5-1, Lawton City Code, ordering the owner to abate the nuisance, authorizing summary abatement, and authorizing the City Attorney to commence legal action in District Court to abate the nuisance. Exhibits: Resolution and exhibits for each property.

1328 SW Monroe Avenue

Hines reported the numerous violations of city code existing on the property, which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2002. Hines presented photographs of the property.

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

MOVED by Johnson SECOND by Warren, to adopt **Resolution 19-104** declaring the structure located at 1328 SW Monroe Avenue to be a dilapidated public nuisance. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1213 SW “J” Avenue

Hines reported the numerous violations of city code existing on the property, which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2015. Hines presented photographs of the property.

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

MOVED by Tanner SECOND by Burk, to adopt **Resolution 19-105** declaring the structure located at 1213 SW “J” Avenue to be a dilapidated public nuisance. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

504 SW Washington Avenue

Hines reported the numerous violations of city code existing on the property, which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2009. Hines presented photographs of the property.

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

MOVED by Johnson SECOND by Warren, to adopt **Resolution 19-106** declaring the structure located at 504 SW Washington Avenue to be a dilapidated public nuisance. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1718 NW Smith Avenue

Hines reported the numerous violations of city code existing on the property, which are documented, on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2004. Hines presented photographs of the property.

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

MOVED by Jackson SECOND by Burk, to adopt **Resolution 19-107** declaring the structure located at 1718 NW Smith Avenue to be a dilapidated public nuisance. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1604 NW Floyd Avenue

Hines reported the numerous violations of city code existing on the property, which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2009. Hines presented photographs of the property.
PUBLIC HEARING OPENED.

Chris Terrell, 2326 SW Tulane, Aaron Reem, 2806 NW 21st Place and Kerry Stem, 5908 NW Williams Avenue.

Mr. Terrell stated they are currently working on repairing the siding and installing insulation and drywall inside the building. They had replaced some of the glass in the windows but it has been broken. They are working towards pulling the permits for the insulation. Ms. Reem stated she was under the impression that a permit was not needed if it was basic maintenance. They will work on the outside last because the windows keep getting broken. Ms. Stem stated she has purchased all four properties. One property is on the market, they tore down another, one is being rented out and they are working on 1604.

Burk stated all they will have to do is get the permits and inspections but if this is placed on the D&D list, it will not preclude them from continuing to work on the property. Staff will extend the time as long as progress is being made.

Ms. Reem stated she has taken care of every notice she has received. She questioned how long she had to pull the permit.

Burk stated thirty days.

Tanner stated once this structure is put on the D&D list, the cost to remodel is going to jump tremendously. He questioned how much time they needed.

Ms. Reem stated they would like to have it occupied by next summer. She questioned how they keep this property off the D&D list.

Burk stated they are going to have to have it all inspected anyway.

Davis stated the council will probably go along with whatever the council member in that ward would like to do.

PUBLIC HEARING CLOSED.

MOVED by Jackson SECOND by Burk, to adopt **Resolution 19-108** declaring the structure located at 1604 NW Floyd Avenue to be a dilapidated public nuisance. AYE: Hankins, Jackson, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: Davis. MOTION CARRIED.

512 NW Greenmeadow Drive

Hines reported the numerous violations of city code existing on the property, which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2012. Hines presented photographs of the property

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

MOVED by Jackson SECOND by Burk, to adopt **Resolution 19-109** declaring the structure located at 512 NW Greenmeadow Drive to be a dilapidated public nuisance. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

520 SW Sheridan Road

Hines reported the numerous violations of city code existing on the property, which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2017. Hines presented photographs of the property.

Tanner stated this is a building where the council gave the owner an extension to go in and do the repairs, but they have not done so.

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

MOVED by Tanner SECOND by Warren, to adopt **Resolution 19-110** declaring the structure located at 520 SW Sheridan Road to be a dilapidated public nuisance. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

23. Hold a public hearing and consider an ordinance to close the alley in Block 21, of Woods Addition, located between SW 1st Street and SW 2nd Street and SW H Avenue and SW G Avenue, and accept public utility easements. Exhibits: Ordinance No. 19-__ and Location Map. Utility Easements are on file in the City Clerk's Office.

Rogalski stated on October 8, 2019, Council set a date of November 12, 2019, to hold the public hearing for this proposed closure. The request is to close the 20-foot wide alley in Block 21, of Woods Addition. The applicant, Chapman Construction Company, Inc., is the owner of all of the lots on the north side of the alley and Lots 17 – 20 on the southwest end of the block. Lots 21 – 32 are owned by CenterPoint Energy Company. This alley has been fenced off and has not been used for public traffic in over thirty years but it was never officially closed. Chapman Construction and CenterPoint Energy have provided public utility easements in order to ensure maintenance of the existing utilities located within the alley. PSO, Fidelity, AT&T, CenterPoint Energy, and City of Lawton have been notified of this request and have no objections as long as public utility easements are obtained.

PUBLIC HEARING OPENED.

John Mackie, attorney for applicant, stated urban renewal had this property in the 70's and some of the alleys were closed but some were not. This property is now under contract and they are in the process of trying to get the title straight.

PUBLIC HEARING CLOSED.

MOVED by Johnson SECOND by Fortenbaugh to adopt **Ordinance 19-23**, waive the reading of the ordinance, read the title only. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 19-23

AN ORDINANCE CLOSING THE 20-FOOT ALLEY IN BLOCK 21, WOODS ADDITION.

24. Discuss and consider the Job Description for the position of City Attorney, the recruiting process to fill that open position, including the RFP submitted by Colin Baeziger & Associates executive search firm and take appropriate action as a necessary. Exhibits: The City Attorney Job Description. Colin Baeziger & Associates Fee Proposal, Colin Baeziger & Associates Service Proposal, Volume I and Colin Baeziger & Associates Appendices, Volume II are on file in the City Clerks's Office.

Dewayne Burk, Human Resources Director, stated staff prepared the RFP as directed by council. It was sent to five firms as well as advertised locally. They did received one proposal from Baeziger and Associates, a Florida based firm. Their proposal is consistent with what they have seen from the previous firm who performed the City Manager search. The pricing is \$26,500. The cost includes everything except for bringing finalist in for interviews and any other costs associate with travel.

MOVED by Burk SECOND by Jackson to approve a contract with Colin Baeziger and Associates. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

25. Continue discussion of the proposed extension of the 2015 and 2016 Sales Tax Capital Improvement/Operational Expenditure Programs (CIPs), as amended, to include completion of incomplete projects/expenditures from the 2015 and 2016 CIPs, along with new projects and expenditures; provide any final direction to City staff on the projects, expenditures and associated dollar amounts as applicable to be included in the extension enabling preparation and timely filing of the legal documents with the Comanche County Election Board necessary to call and hold an election for such purpose; receive an update on the expected timing of final preparation of the documents; and take action as necessary. Exhibits: None.

Mayor Booker stated by Thursday the council should have the documents to start reading and make sure that the council approves of them for the next meeting where hopefully the council will be taking a vote to send this to the voters in February. The reason it took so long is because the supreme court issued a ruling on the Oklahoma City CIP and the bond council had to take extra time to make sure they had followed everything in that ruling because they made changes on the way things had to be done. He stated no action is necessary.

28. Consider approving an ordinance amending Article 2 of Chapter 10, Section 10-2-205, of the City Code relating to the purpose of revenues of the General Sales Tax by adding paragraph C specifying general sales tax collected from the sale of medical marijuana and medical marijuana products sold pursuant to a State of Oklahoma license shall be used to capture this money and be able to use it for a specified fund that we fund the repair of existing sidewalks and construction of new sidewalks in accordance with a master plan approved by the City Council for such repairs and construction adjacent to arterial streets throughout the City. Exhibits: Exhibits: Ordinance 19-__.

Burk stated this is a new tax and something that has never been collected before by the city. He does not feel that it is taking away any other sales tax. He stated we collect 4 1/8th of a cent for the city's portion of the sales tax. He stated 2 1/8th of that money goes to CIP projects, which no one can touch. This leaves us 2 % of the city sales tax. Of that portion we can break out what is medical marijuana tax and be able to say that city's portion, that 2%, not the actual 7% medical marijuana tax, we were able to bring that out. He stated he and Council Member Davis met with staff and this number started out at zero and grew to \$1,000 for one month. The last number he had was for April and the total amount was \$50,000. He stated 2 1/8th goes away for the CIP so that leaves the 2 %. It is not a huge amount of money, but he believes it will grow. He stated this will provide a funding mechanism to be able to go out and work on streets and sidewalks. He stated once it goes into the general fund it will be gone and we will never get it back. There are many areas where we can build sidewalks with this money and make it safer for our community. He stated he would like to amend this ordinance to state that this money will be put into an account of the Lawton Enhancement Trust Authority (LETA). This way they can use this money to get small contracts and let that contract right away and get those jobs done. No one wants to wait a year to get these projects done and this is a great way to have a funding mechanism from now on

Tanner stated he supports this idea. He stated he thought that the calculations for the proceeds from this tax had already been calculated in this years' budget. He questioned if they are going to wait and implement this into next years' budget.

Burk stated he wants to start it now. He stated he knows that they did not figure in the medical marijuana tax because when they were putting this together it was only \$1,000 a month, so they probably put in \$15,000, so this is not going to hurt the budget.

Tanner questioned if someone could figure out that amount and then they could just leave that in this years' budget and then capture anything above that.

Davis stated he asked staff if their projections would have been any different if we did not have the medical marijuana tax and they told him no. Staff did not identify any amount they were projecting for the medical marijuana sales tax to generate.

Bart Hadley, Deputy City Manager, stated they have no way of pulling out any particular type of sales tax. They did an overall projection and his only concern would be is that the projections they did make look pretty good without the medical marijuana tax, but no one is sure what the next six months will bring. He does have some concern about pulling that money out before we know if we can meet our revenue projections.

Mayor Booker questioned if we were above those projections now.

Hadley stated yes. He stated we do not really know what the medical marijuana tax is. He stated none of these are pulled out by category. They don't know much is sold for groceries as opposed to home goods, clothing or medical marijuana, they just know how much they get in sales tax. He stated because we do audits, we are able to look at what individual businesses pay in. He stated the vast majority of what medical marijuana dispensaries bring in with revenue and sales tax is for marijuana products, but they do sell other items.

Tanner clarified that the Oklahoma Tax Commission just sends the City a report saying how much sales tax was generated for all sales and it does not specify.

Burk stated it does specify because they pulled that information out. He saw the numbers exactly for marijuana taxes because Diane Branstetter found the numbers and gave to him. He stated 99% of the money accumulated from that marijuana tax is coming from medical marijuana.

Hadley stated at this point we do not have the ability to distinguish that, the easiest way to do this is to take all the tax generated by the dispensaries.

Burk stated he does not know where Diane got the number but she gave him numbers for every month. There has to be a way that staff can also find these numbers.

Kara Haynes, Finance Director, stated it is an estimate. She stated the Oklahoma Tax Commission is struggling to be able to delineate it out. They are finding that reporting for dispensaries are under a number of industry codes, so there are shops filing under pharmacy, drug and food supplements, so there are multiple industries that are being reported under. When those reports come in they are not being able to decipher exactly what is being taken in.

Burk stated he does not think that is right because he pays two taxes a month, one is medical marijuana, which is 7% and a tax he pays which is 9%. He has to go to Bancfirst and pay this. There is no way the Oklahoma Tax Commission can say that they do not know exactly what they get, because he has to fill out two separate forms. He feels we need to research this better.

Haynes stated it is an estimate so she cannot say that this is exactly what we are getting each month. She does not want to give out something other than a solid number. She stated they are

not able to pull an all exclusive list of all the dispensaries in the area, they are pulling from multiple sources right now and there are multiple factors going into making this estimate that are fuzzy and she cannot get a 100% good number.

Burk stated there has to be an easy way to figure this out. He stated Diane came up with an exact number down to the penny. Several years ago, we asked the tax commission to find out if they were collecting the right amount of tax upon their sales and many places were not and the tax commission got after them and we started seeing the sales numbers go up. He does not want to go back and get any money that has already been collected because it is already in the general fund. He stated this ordinance will go into effect in thirty days so that would leave six months of the sales tax that would be collected from medical marijuana.

Davis stated that he knows the city manager and the assistant city manager want to keep this money in the general fund. It is the duty of the council to respond to the citizens and what their needs are. He stated they know that they can go by an estimate that city staff is comfortable with. The goal is giving the majority of this money to sidewalks because that is what the citizens want and deserve. He has a motion to make as amended.

MOVED by Davis SECOND by Burk to approve an ordinance amending article 2 of chapter 10, section 10-2-205, of the city code relating to the purpose of revenues of the general sales tax by adding paragraph c specifying an estimate by city staff of the general sales tax collected from the sale of medical marijuana and medical marijuana products sold pursuant to a state of Oklahoma license shall be used to fund a LETA fund for the repair of existing sidewalks and construction of new sidewalks in accordance with a master plan presented by LETA and approved by the city council for such repairs as deemed appropriate.

Hadley stated this amendment will make it much easier and make staff feel much more comfortable with this. He stated in the sidewalk portion it talks about repair and/or new sidewalks and he requested that the word repair be changed to replace, in case one is damaged and they need to replace the sidewalk. There is a code conflict in another area of the code regarding who is responsible for repairs of some sidewalks.

Davis stated the code says that all owners, occupants and users of real property abutting upon streets in the city at their own cost and expense shall maintain and keep the sidewalks and paving laid there on bordering their property. He stated they just need to direct city staff to make this work legally and he feels that can be handled by direction. He stated they are going to have to deal with this ordinance later.

Ross stated they cannot just amend the title, they have to amend the actual ordinance before they can vote on it.

Davis stated this is a separate ordinance and Mr. Hadley was just letting them know. This just came up that there is a possible conflict when they run into an existing sidewalk and currently they would have to stop and tell the owner that they would have to repair that section because according to our code the owner is responsible. That makes no sense. This is a separate ordinance that they will be dealing with next council meeting.

Clegghorn stated that is a separate item so that in the future they do not run into a conflict between an existing ordinance and the proposed ordinance.

Burk stated they can bring it back at the next meeting so they can get it fixed.

Ross stated they need to have an understanding of what the amendment to the ordinance is.

Davis stated he read the amendment to this ordinance.

Ross stated Councilmember Davis amended the title, he does not understand what the amendment to the ordinance is and he does not think they can vote on the ordinance until it is amended the way that Council Member Davis wants it to be.

Davis stated they amended paragraph C in the ordinance. That is what they are amending.

Warren stated that what we are trying to get at is that we published an ordinance that people have seen on line that this was going to be changed to a certain way and now we are amending it on the fly.

Burk stated they have done it this way since he has been here. They make amendments on the floor and any amendment they make on the floor just goes into part of what they are doing. He stated that is why he read out every single part of it. The legal ease of it, reading it out, that is on the city attorney, that is what we pay him for.

Ross stated you are paying me to tell you that we are not doing this right.

Burk stated for twelve years we have not been doing this right.

Ross stated we need to put in paragraph C to read exactly how you want paragraph C to be worded.

Davis stated they have a motion and a second so they should not have had any other discussion beyond that.

Mayor Booker stated you can have discussion after a motion.

Davis stated they have to take a vote on that, but if the attorney is saying that we cannot legally vote on that, if you give him 60 seconds he will take what he just read and put that into section C.

Tanner stated that Mr. Hadley had mentioned that the repair of existing sidewalks to possibly add or delete a word to repair and/or replace.

Clegghorn stated they are suggesting that they move the word “repair” and replace it with the word “replace”.

Davis read the following:

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

Section 1. Section 10-2-205 is hereby amended to read as follows:

10-2-205 – Purpose of revenues—Disposition of proceeds.

C. All taxes collected under the provisions of this Article 10-2 for the sale of medical marijuana and medical marijuana products sold pursuant to a license recommended by an Oklahoma Board certified physician shall be deposited in a separate LETA account, and used to fund the repair of existing sidewalks and construction of new sidewalks in accordance with a plan presented by LETA and approved by the City Council for such repairs and construction as deemed appropriate throughout the City.

Burk stated this would be on arterial streets.

Mayor Booker stated he needs to read to the end.

Davis stated he did read to the end, that was part of his amendment. He cut out what he wanted to cut out as he made that amendment. He cut out “adjacent to arterial streets” on purpose.

Davis continued to read the remainder of the ordinance:

Section 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 3. Effective Date. The provisions of this ordinance shall become effective thirty (30) days after the date of passage of the ordinance.

Mayor Booker stated there is a motion and a second and he requested everyone to please vote.

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

29. Consider an ordinance pertaining to Camping and Boathouse Regulations, amending Section 19-1-111, Article 19-1, Chapter 19, Lawton City Code, 2015, by adding language to further define camping regulations at Lakes Ellsworth and Lawtonka, providing for severability and establishing an effective date. Exhibits: Exhibits: Ordinance 19-__.

Jack Hanna, Parks and Recreation Director, stated in July the Lakes and Lands Commission met to discuss the camping ordinance at both lakes and also how they reserve locations. This ordinance will rectify some problems they have at both lakes. How you hold a spot is defined in this ordinance by having to have a camper, van, truck with a camper shell. Previously they have

had people hold spots with tents and lawn chairs. Right now there are 42 camping spots and they have a rotation, which is not regulated by the City of Lawton, and groups of people are on a rotation list where they spend their 14 days and then move to another location. This ordinance has a 14-day camping spot, after 14 days you have to move from that spot and leave that site. You can go to another spot in another location. After the 14 days you may come back to that location if there is a spot. A person cannot spend 60-180 days in one campground area. Many people from across the state and out of state come to our lakes and cannot find a spot because of this current rotation cycle.

Fortenbaugh stated he spends a lot of time at the lake, essentially this group of people move in in the spring, and we are their landlords until October or November. It should be fair access to everyone. He feels that staff did a great job coming up with a solution that will make it fair and equitable for everyone.

MOVED by Fortenbaugh SECOND by Hankins to adopt **Ordinance 19-26**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage
AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None.
MOTION CARRIED.

(Title read by City Attorney)

Ordinance 19-26

An ordinance pertaining to amending regulation to further define camping requirements at the city lakes Ellsworth and Lawtonka amending Section 19-1-111, Article(s) 1-111, C-1, C-3 and C-8, Chapter 1, Lawton City Code, 2015, providing for severability, and establishing and effective date.

30. Consider an ordinance pertaining to Personnel Policies and Procedures amending Section 17-1-3-124, Division 17-1-3, Article 17-1, Chapter 17, Lawton City Code, 2015, by adding language allowing the City Manager to grant vacation leave at time of hire as part of the benefit package in order to entice job acceptance for executive level positions; providing for severability and declaring an emergency. Exhibits: Exhibits: Ordinance 19-____.

Dewayne Burk, Human Resources Director, stated this change will give the City Manager the ability to be more competitive in the marketplace when recruiting executive positions. This would allow the Manager to offer, as part of the compensation package, up to 80 hours. If they left before the end of the first year they could not be paid out for those hours.

Burk questioned the definition of executive level.

D. Burk stated those would be directors, deputy directors, assistant directors and higher-level people who have advanced degrees.

Davis clarified that it gives the City Manager permission to grant vacation leave at the time of hire. He stated that someone could come on board full time on January 1st and then immediately take two weeks of vacation.

Hadley stated the City Manager could grant vacation immediately but that probably would not happen. This does allow someone to have some vacation days on the books in case something does happen. Vacation has to be approved by the City Manager.

Burk stated they are always giving everything to the executive staff but they never give anything to the backhoe guy that fixes the broken water line in the middle of the night.

D. Burk stated they must complete an introductory period before they are given leave. They do receive flex days which are prorated from the time they are hired so they do have the ability to take time off.

Hadley stated it is difficult to bring someone in when they do not get any vacation days the first six months. That is not a big problem when you have entry-level positions. For someone who has been in the industry and maybe worked in a municipality or worked as an engineer for 20-30 years that is sometimes more important than the salary.

D. Burk stated sometimes it is difficult to recruit people on that level, you need to have other ways to entice and bring those people in here. He stated they called around to other cities and most of them had some flexibility for the manager.

MOVED by Burk SECOND by Jackson to adopt **Ordinance 19-27**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(The City Attorney read the full ordinance)

MOVED by Burk SECOND by Davis to approve the emergency clause. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

31. Consider an ordinance amending Personnel Policies and Procedures Section 17-1-6-163, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2015, by providing that an employee's designated beneficiary shall be paid for all unused sick leave (historical and new) at the employee's hourly rate of pay upon the death of the employee; providing for severability, and establishing an effective date. Exhibits: Exhibits: Ordinance 19-__.

Dewayne Burk stated this proposal was brought forth by the Employee Advisory Committee. Both fire and police have language in their contracts similar to this ordinance and this will bring consistency across all three employee groups.

MOVED by Warren SECOND by Davis to adopt **Ordinance 19-28**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 19-28

An ordinance amending personnel policies and procedures Section 17-1-6-163, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2015, by providing payment of all unused sick leave at the employee's hourly rate of pay to an employee's designated beneficiary upon the death of the employee; providing for severability and establishing an effective date.

ADDENDUM:

1. Consider receiving an update from the Mayor on the progress of the Tax Increment Financing (TIF) District Review Committee in its role of making findings and recommendations to the City Council regarding a proposed Project Plan and establishing one or more TIF Districts in the Westside Industrial Park and Airport Industrial Park pursuant to the State of Oklahoma Local Development Act, and provide direction as deemed necessary.

Davis stated this item was not meant to be a discussion item it is just to receive an update from the Mayor.

Mayor Booker presented a power point presentation (on file in City Clerk's office). He stated last week the advisory committee discussed another proposal. The alternative proposal was brought by County Commissioner Alvin Cargill and was to split the income from the TIF with 25% of income going to the taxing entities for their operational money and 75% going to the TIF. The proposal is 25% of net revenue without regard to net benefit. Net benefit is important because of the school funding formula that equalizes funds to schools. In order for the schools to get an equal net benefit it would cost the TIF less, therefore more would be available for the TIF project of infrastructure and incentives. The net benefit would still be 25% of operational revenue. What was discussed was 25% of actual income and the challenge is that it would give the schools a 253% net benefit because of the school formula. This plan also took out any STEM grants for future workforce development. Each entity sees this through their eyes and their needs. The challenge for the council is what is the best division that gives us a community solution. Companies want to locate where communities work together.

Davis stated the alternate plan of 25% would actually give Cache a net increase of not just what they are getting now but an addition 2.5 times.

Mayor Booker stated when the money goes in the TIF and it is made in a grant to the taxing entities, it does not go against the school formula. The school still gets money from every child from the school formula. For every \$6 you raise locally, the state takes \$5 away, which is an equalization formula that is designed to try and equalize schools and their operating funds so that a rich school district cannot put more money in. It takes about 14.5% and 1/5th of that given to the schools, they would still get the other \$5 from the state and the formula.

Davis stated that plan sounds like a rip off for the citizens of Lawton and he is surprised it was even presented. The Lawton citizens do not want Cache to be the beneficiary of all that money. With this plan they would get an additional 263%.

Mayor Booker stated that he does not believe Commissioner Cargill understood the 253% and the way that works.

Davis stated that is an unfair deal. Originally, he was on board with 100% to the TIF but he understands the importance of STEM education and developing our workforce. It would allow all the school districts to benefit. He wanted the council to discuss this and direct the Mayor to bring a recommendation to the advisory committee.

Mayor Booker stated the advisory committee evaluates the plans presented and they vote up or down on each plan. Then they can make recommendations.

Burk stated he wants us to be a team player but Lawton has to come up with the money and we are taking the risk. He believes the STEM program has to be the number one thing they do. They have got to make this equitable and make sure everyone wins. He hopes that there are some other proposals that come forward. They have got to look out for Lawton and our students.

Tanner stated we have come up with a plan to present a CIP to the citizens that would generate roughly \$30 million to invest in industrial development. Now we have come up with a plan to create this TIF to address the needs of existing industries. He would like to recommend that the advisory committee take an up or down vote on the original plan where 100% of funds go towards the TIF. He would also like the committee to have an up or down vote on the 25% net benefit and for STEM grants to go in place from day one.

Warren stated if Lawton is to continue we have to grow and in order to grow we have to have jobs and the TIF is the only way to make that happen. He is terrified that the existing industries will have needs in the future, we will have no money to do that, and they will go somewhere else. He feels the fairest way would be an up and down vote on the 25% net and let that go to STEM and workforce.

Hankins stated she agrees that is it important that we grow so that the other areas can grow too. Companies want to see a fluid relationship in the county and they need to make sure that we have the growth we need to continue.

Burk stated he agrees with the recommendation that the committee vote on the 25% with the STEM.

Mayor Booker stated Council Member Tanner's recommendation was to vote first on the original proposal of 100%.

Tanner stated the TIF committee will vote these proposals up or down and then they send them to the council. We need as many options as we can get. He would like the committee to have an up or down vote on the original proposal where 100% goes into the TIF and an up or down vote on the 25% net benefit and for STEM grants to go into effect from day one.

Mayor Booker stated the City Attorney says that this item is not written to where the council may make a motion.

Burk stated they are giving Mayor Booker direction on what the council wants to happen at the next advisory committee meeting.

Mayor Booker stated he needs consensus. He stated the council wants an up or down vote on the original and an up or down vote on the 25% net benefit plus STEM grants in place from day one. He stated the committee will still give a recommendation.

(Council members agreed with the recommendation to the advisory committee)

STAFF REPORTS

Cleghorn stated he will email the City Managers report and will post it on the website.

The Mayor and Council convened in executive session at 9:15 p.m. and reconvened in regular, open session at 10:05 p.m. Roll call reflected all members present excluding Tanner who did not attend executive session.

EXECUTIVE SESSION ITEMS:

32. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss an action relating to litigation against the manufacturers and distributors of opioids in an effort to hold them accountable for their marketing practices alleged to have caused public nuisance and monetary damages suffered by municipalities, and take action in open session with regard to a claim asserted by the City of Lawton as deemed appropriate. Specifically, regarding the City's decision to join the Multi-District litigation negotiating class or to continue to pursue its own independent litigation. Exhibits: None.

Ross read the title of item #32.

MOVED by Davis SECOND by Burk to direct the City Attorney to continue to pursue the City's own independent litigation against the manufacturers and distributors of opioids and not to enter into the Multi-District litigation negotiating class and further move to authorize the Mayor to execute all necessary documents to accomplish the aforementioned goal of not entering into the Multi-District litigation negotiating class. AYE: Hankins, Jackson, Davis, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

33. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations regarding for a Collective Bargaining Agreement for FY 2019-2020 between the International Association of Fire Fighters (IAFF), Local 1882, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Ross read the title of item #33. No action was taken.

34. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2020-2021 between the International Union of Police Associations (IUPA), Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Ross read the title of item #34. No action was taken.

There being no further business to consider, the meeting adjourned at 10:08 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK