MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JANUARY 25, 2022 – 2:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:
Michael Cleghorn, City Manager
John Ratliff, City Attorney
Traci Hushbeck, City Clerk

Mayor Booker called the meeting to order at 2:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Michaela Drain, Centenary United Methodist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:
Mary Ann Hankins, Ward One
Kelly Harris, Ward Two
Linda Chapman, Ward Three
Jay Burk, Ward Four (arrived @ 2:52 p.m.)
Allan Hampton, Ward Five
Sean Fortenbaugh, Ward Six
Onreka Johnson, Ward Seven
Randy Warren, Ward Eight

ABSENT: None

REPORTS: MAYOR/CITY COUNCIL:

Chapman thanked Mayor Booker for speaking at her neighborhood watch meeting last night. She stated those in attendance felt very good about all the positive information that was reported.

Mayor Booker stated he appreciates the fast response he received from using the ihelp portal.

AUDIENCE PARTICIPATION:

Steven Richard Logsdon, 7813 NW Lawton Avenue, requested the city inspect the sidewalks in his neighborhood of Gray War. He stated they have become dangerous.

Robert Sobelski, 4813 NW Cheryl Boulevard, stated he is concerned about the sports complex considered for Elmer Thomas Park. He stated it will negatively impact the park. There are other areas that should be considered.

Larry Neal, 325 NW Ridgeview Way, invited everyone to the ribbon cutting for the new Farmer's Market which will be held on Friday, February 4th. The first farmer's market will be held on Saturday, February 5th.

Kevin McKippon, 2121 NW Lake Avenue, stated he would like to challenge an ordinance, but he cannot do that in 3 minutes. He stated he fills plastic water jugs at a dispensary at Walmart and it has been shut down due to COVID.

CONSENT AGENDA:

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

1. Consider accepting a donation of five hundred dollars ($500.00) by an anonymous donor for the Lawton Police Department as an appreciation to the department and officers for all they do for the community.

2. Consider accepting a donation of one thousand two hundred dollars ($1,200.00) by Kuon Sook Dorschler for the Lawton Police Department as an appreciation to the department and officers for all they do for the community

3. Consider authorizing staff to apply for a grant from Oklahoma Department of Environmental Quality to be used for the purchase of waste management equipment.

4. Consider approving a resolution amending the City of Lawton FY21-22 budget, as amended, by appropriating $9,771.48 received from GEICO Casualty Co. to the Electronic Maintenance Division's Repair and Maintenance account for the repair of a traffic signal pole at 67th and Cache Road. **Resolution 22-45**

5. Consider a Resolution ratifying the assignment of CenterPoint Energy Resources Corp's (doing business as CenterPoint Energy Oklahoma Gas) natural gas transport, sales and distribution franchise to Summit Utilities Oklahoma, Inc., purchaser of CenterPoint's natural gas utility business and assets. **Resolution 22-46**

6. Consider approving the selection of CDBL, Inc. for Construction Manager at Risk (CMAR) Services for the 'McMahon Auditorium and Renovation Phase 1 Project, Project No. EN2108P1'.

7. Consider approving the selection of CMSWillowbrook, Inc. for Construction Manager at Risk (CMAR) Services for the City Hall Renovation Project, Project No. EN2004A.

8. Consider award of construction contract to MTZ Construction, Inc. for the Larrance Street Drainage Improvements (S.W. B Ave to S.W. D Ave) - Project No. EN1406A.

9. Consider award of construction contract to Charlie's Backhoe Demolition & Septic, LLC, for the Gore Blvd. Waterline and Sewerline Reconstruction - 82nd ST to 67th ST- Project No. EN1208A.

10. Consider awarding contract (CL22-022) Sludge Dewatering Polymer for Item No 1 to Polydyne, Inc. of Riceboro, GA and Item Nos. 2a, 2b and 2c to Thornton, Musso, and Bellemin of Columbia, TN as the primary vendor and to Polydyne, Inc. of Riceboro, GA as the secondary vendor.

11. Consider extending the contract (RFPCL20-010) Maintenance of Public Grounds with Bedrock Nursery of Lawton, OK for an additional year.

UNFINISHED BUSINESS:

12. Consider a request to pay a fee in lieu of stormwater detention for a commercial building permit located at 1700 NW Ft. Sill Blvd. in the amount of $20.00.

Mayor Booker stated that Council Member Harris will recuse himself from this vote.

MOVED by Warren SECOND by Hampton to approve a request to pay a fee in lieu of stormwater detention for a commercial building permit located at 1700 NW Ft. Sill Blvd. in the amount of $20.00. AYE: Hankins, Chapman, Hampton, Fortenbaugh, Johnson, Warren. ABSTAIN: Harris. NAY: None. MOTION CARRIED.

13. Consider approving an amendment to the Agreement for Funding and Limited Support for the FISTA Development Trust Authority for the 2021-2022 fiscal year to provide an additional $2.0 million to be used for the renovation of the space formerly known as the "Sears Building" to prepare the space for DoD contractors and other industrial development tenants.

Mark Brace, FISTA Development Trust Authority, stated the board provided information to the council over the past two weeks.

Fortenbaugh thank the FISTA board for talking to the council and answering all their questions.

Harris stated he has spent the last two weeks learning about this project and this is an opportunity to have a transformation of downtown Lawton.

MOVED by Hampton SECOND by Johnson to approve an amendment to the Agreement for Funding and Limited Support for the FISTA Development Trust Authority for the 2021-2022 fiscal year to provide an additional $2.0 million to be used for the renovation of the space formerly known as the "Sears Building" to prepare the space for DoD contractors and other industrial development tenants. AYE: Hankins, Harris, Chapman, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

14. Consider an ordinance pertaining to refuse procedures, amending Section 22-1-4-141, Division 22-1-1, Article 22-1, Chapter 22 and Sections 22-4-1-401, 22-4-1-403, 22-4-1-404, 22-4-1-405, 22-4-1-406, 22-4-1-407, 22-4-1-410, 22-4-1-412, and 22-4-1-415, Division 22-4-1, Article 22-4, Chapter 22, Lawton City Code 2015, revising and adding definitions and revising procedures for the collection and disposal of refuse, trash, and Bulky Waste, providing for severability and establishing an effective date.

Larry Wolcott, Public Works Director, updated the council on this item.

David Tyler, 501 SW 77th, stated the City cut 40 pick-ups a year. There are people that cannot afford an extra garbage can. People should be able to get one if they need it. Now they are talking about fining people for keeping their garbage can out too long. He would like to see some common sense and make it from 7 a.m. the day before until 7 p.m. the following day.

Johnson clarified they tabled this item so that they could educate the public and so that staff could clean up language in the ordinance.

Wolcott stated the new language reflects the operations they are currently performing. They did change the language to change the time to bring in your cart from 8 p.m. of pick-up day to 8 a.m. the following day.

Mayor Booker stated he received a list of all of the advertisements that were done, but he did not see any television or information for the newspaper. He stated the posts are very good, but he is questioning how we are reaching people and if we are being successful in our attempt to reach the 32,000 account holders.

Kaley Patterson, Communications and Marketing Manager, stated they did send out information in the water bills. She stated they get more reach when people share the content of the posts. She stated that she only included content that we produced, not what was produced through the television stations.

Fortenbaugh stated he never received any of these, that is just not where he goes for information. He stated he has had many calls from people who didn’t know anything. He does not know what the answer is.

Johnson suggested some kind of poster or some kind of QR code.

Patterson stated they did send something out to all account holders that had a QR code. She stated they would have received it twice.

Johnson stated she does not open her water bill. She suggested a sticker on the trash can with a QR code or has some information.

Patterson stated solid waste would have to fund those stickers.

Hampton stated they need to find a way to communicate with everyone in town. He suggested they need to give a warning and no more money needs to be put on the water bill. He has not seen any of the educational material.

Harris stated they have an obligation to get out as much information as possible. Solid waste pick up is one of the primary services of a municipality and he feels that they need to give a second can to anyone that needs it. This makes us sound vindictive and petty. He hopes we find another way. He does not support placing additional fines on something we created.

Warren stated we have been talking about the rules for the past six months. He has received more calls about trash blowing into other peoples' yards because trash in not bagged and the lids are not closed. They are not going to raise everyone's utility bill because of these issues. The individuals who do not follow the rules are the ones who will have to pay. He feels they have done a good job getting the information out there and we won't stop putting it out there.

<u>MOVED by Warren SECOND by Hankins</u> to adopt the Ordinance, waive the reading of the ordinance and read the title only.

Chapman questioned if they would receive a warning first.

Wolcott stated they will distribute a card indicating what they are doing incorrectly. They plan on providing these at least twice before applying a service fee. They don't have the manpower to ensure 100% compliance in the beginning, they will be lucky to have 20% compliance.

Hankins stated some of this is common sense and she feels that the council and staff want to just help the citizens and the fines are an educational tool.

Warrens stated each truck picks up 1,100 houses and takes about 7 ½ hours. This will just keep everything moving and keep the price of refuse pick up from going up.

Johnson stated she has seen drivers get out and pick up trash around the sides. Everyone has to take responsibility for trash blowing around and it has to be a collaboration between citizens and the City. She suggested they look at some things to help the elderly.

Cleghorn stated they pick up well over 7,000 cans per day for four days a week. They provide curb side service for free to those that are disabled.

Fortenbaugh stated he cannot support putting fines and fees on the citizens. There has to be education and have them comply with the rules. He stated the language about the disabled is vague and the time limits are too aggressive. There are too many penalties for the citizens.

Harris stated we want to pick up the bulk waste, but citizens need to pay attention where they put it and not put it under the power lines.

Mayor Booker stated he wishes they would enforce what is already on the books, which is bag and tie which is why we see a lot of litter around. He is not aware of any tickets or warnings for this issue. He was also made aware that we are still behind on bulk pick up. He would like to ask the city manager to look at that schedule and maybe move it to Monday.

VOTE ON MOTION: AYE: Hankins, Chapman, Burk, Warren. NAY: Harris, Hampton, Fortenbaugh, Johnson, Booker. MOTION FAILED.

BUSINESS ITEMS:

15. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, removing the optional house-side residential cart collection fee for non-disabled, establishing fees for refuse cart relocation, premium cart collection, overloaded cart collection, short-term container service, premium bulky waste collection, and excess residential bulky waste collection, and establishing an effective date.

Wolcott stated without the passage of item #14 this item is invalid.

Warren stated since item #14 did not pass, that means there are no rules for trash.

Mayor Booker stated the previous ordinance would still be in place.

Wolcott stated the existing ordinance is still in place, but it refers to practices that occurred prior to 2007. Those rules have nothing to do with how we are operating today.

<u>MOVED by Warren SECOND by Fortenbaugh</u> to strike. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

16. Consider accepting a proposal and agreement with Preservation and Design Studio for the evaluation and preparation of a biddable scope of work for the repair of the Highland Cemetery Entrance Arch for an amount not to exceed $20,000.00, authorize the Mayor and City Clerk to execute the agreement, and amend the City of Lawton FY21-22 budget, as amended, by appropriating up to $75,000.00 to the Cemetery Care Fund's Repair and Maintenance account for the repairs.

Christine James, Parks and Recreation Director, stated staff reached out to a company that could give us a historical evaluation of the cemetery arch. She stated the proposal amount is almost $12,000, which does not include the structural engineering analysis which may be needed and that is why she limited it to $20,000. This company will evaluate the arch and gather documents that they can then bid out to contractors for the actual repairs.

Harris questioned why they were appropriating up to $75,000.

James stated that amount would also include the repairs. This way they will move all the money once and then they can move forward with the repairs and won't have to come back to council.

Hampton questioned if they would also submit a bid.

James stated that is not her understanding.

Richard Rogalski, Deputy City Manager, stated this evaluation will ensure that the contractor will repair the arch correctly. He is not sure that this company will not bid the construction contract, but this is a professional service to give us documents that we will use to later bid the project out.

Hampton stated there is a cultural preservation committee under LETA that deals with properties that the City owns. He feels they are setting a precedent with how we are dealing with historical properties. He does not have a problem with this proposal except that he feels this is an extra step not to ask them to bid.

James stated at one time there were bids brought to council and staff was asked to do more research.

Hampton stated he would like to send this item to the cultural preservation committee and have them look at this because they have professional eyes when it comes to restoration, and then bring it back to council.

MOVED by Hampton SECOND by Fortenbaugh to send this item to the cultural preservation committee to review and bring back to council at the next meeting.

Dewayne Burk, Deputy City Manager, stated the purpose of this agreement is to identify the proper method of moving forward. He does not know if this committee will have the specialized expertise to be able to tell us how to fix this. He would like to get the plan in place and identify what we need to do and then take that to the committee before they move forward with a contract. He does not want to delay the project any further.

Burk stated we need someone to give them a structural design and that committee will not have that expertise. He stated they have been working on this for a long time and it is an eyesore. He recommended they go with this agreement because they need to be able to tell people what they are bidding on and he does not feel this committee can do this.

Rogalski stated this company is an expert on historic preservation who will hire a structural engineer to make sure it is right.

Hampton stated there are engineers on that committee and curators and they are more in touch with SHPO and how things are preserved, and he wants them involved. He likes the idea of using this company, but he wants to include other entities in the city that are more historically minded.

Warren stated it adds another step to send it to this committee and they will not be able to address the engineering of this project. You have to weigh the engineering part and the historical part, and this company can do both. He feels the best path is to send it to this company and let them do their engineering and then take it to the committee. It can always be sent back to the company if the committee has a problem with something.

D. Burk stated the City Planning Commission was briefed on this project.

Hankins questioned if the $75,000 included the road.

James stated it would just be the arch.

Chapman stated she feels they need go with this proposal and then take it to the committee for evaluation.

<u>SUBSTITUE MOTION by Harris SECOND by Burk</u> to accept a proposal and agreement with Preservation and Design Studio for the evaluation and preparation of a biddable scope of work for the repair of the Highland Cemetery Entrance Arch for an amount not to exceed $20,000.00, authorize the Mayor and City Clerk to execute the agreement, and amend the City of Lawton FY21-22 budget, as amended, by appropriating up to $75,000.00 to the Cemetery Care Fund's Repair and Maintenance account for the repairs. AYE: Hankins, Harris, Chapman, Burk, Fortenbaugh, Warren. NAY: Hampton, Johnson. MOTION CARRIED.

17. Discuss water main installation along SW 67th Street south of SW Bishop Road and direct staff as necessary.

Rogalski stated that he does not have a good recommendation for this item. He briefed the council on the issue.

Rusty Whisenhunt, Public Utilities Director, briefed the council on the construction alternatives.

Rogalski stated there are a number of people who are interested in building on this land.

Ruth Merriweather, 3405 SW 67th Street, stated she purchased 10 acres in July. She has hired a builder and applied for a water meter which was approved. When she applied for a permit in November she received a letter saying it was denied because of water flow. She stated she has $70,000 invested and she cannot build. She stated there are homes in the area that have been there since the 80's and they are selling land, which the City knows about. She requested the City fix the problem or put her out of the city limits so she can build what she wants.

Rogalski stated they can de-annex or they can just build at least a 12-inch line and open up the area for development. He stated they could also look at an improvement district.

Mayor Booker stated if a developer came in to develop this area we would require the developer to put in the lines.

Burk stated he understands why Ms. Merriweather is upset after she was allowed to purchase a meter and then was denied because we could not provide what was needed. This is our problem, and we need to put that 12-inch line in.

Mayor Booker stated the 2020 CIP has funding for water and sewer.

Burk stated the 12-inch line has to be our goal so that area can be developed.

MOVED by Burk SECOND by Fortenbaugh to approve option #1.

OPTION #1:
1. The Director of Public Utilities has stated that it will take a minimum of a 12-inch water main to replace the 6-inch for the full mile section between SW Bishop Road and SW Coombs Road for it to provide the required fire flow. The construction of the 12-inch line along 67th Street will only provide fire protection to structures within 300 feet of 67th Street. To provide protection into the adjacent property over 300 feet from 67th Street, an 8-inch loop will be required to be built to the areas requiring the fire protection. An easement will be required for the 8-inch loop to be constructed. The cost of the installation of the 12-inch main is approximately $528,000. The water main will need to be replaced immediately as the existing lines do not meet City Standards.

Johnson questioned what additional costs we would have if we built this.

Whisenhunt state we would have the loss of approximately $1 million a week, but it does provide fire flow and fire protection.   This only covers that 300 foot.

Johnson questioned who was responsible for informing the potential buyers that there is an issue.

Whisenhunt stated we don’t get involved in the transfer of that title if it does not require a lot split or plat. We don’t know what is happening.

Warren stated we do want it to be developed. In a normal development you have a plat, and you know how many houses will be there and you can calculate that out by water meter and how much the city will recoup if we are charging the proper amount for water. All of the options are expensive, and we will end up with a lot less water meters with these 10-acre sections. He would like to see a breakdown of how many meters we might see in the annexed area if it stays with 10-acre lots. He does not know if this is cost effective.

Burk stated there are existing homes there that do not have adequate fire flow.

Michael Wright, Lawton Fire Marshall, stated the homes built prior to annexation were grandfathered in without fire flows.

Burk stated this is in the city limits and it is our job to provide fire protection. If we have not done that, what is our legal liability.

Wright stated there is an existing non-conforming status and that is a legal status you have that you met the code at the time it was built and unless you make any modifications, you are compliant. That is the status of these existing homes.

Burk questioned if we have enough fire flow to take care of one of these homes if there was a fire.

Wright stated they would have to call in additional resources.

Mayor Booker questioned if there was an option to allow those people to build in that area and they sign something understanding there is not qualified fire flow until they as a group get together and put it in.

Wright stated he does not have the authority to waive life safety requirements and the City would take liability in doing that.

Johnson questioned how they would educate people who want to buy out there.

Janet Smith, Planning Director, stated a real estate agent should be able to advise whoever is purchasing property on what fire flow is available out there. She stated if we are not going to supply the infrastructure they need, we should not tie their hands and let them pursue other areas. She suggested they have more discussion with the property owners.

Mayor Booker questioned if we, as a body, could allow some of these fringe areas to proceed without requiring that line to be brought up to code.

Wright stated the code we enforce is adopted by the state and individual municipalities can have ordinances that can be stricter, but not less than the state requirement.

Chief Williams stated if they allow people to build it could have an adverse effect on our overall ISO rating.

Harris questioned the amount of losing 52 million gallons.

Cleghorn stated $150,000 to $200,000 a year in lost revenue.

Harris questioned if we could use ARPA money to build this.

Whisenhunt stated there are 48 ten-acre tracts.

Cleghorn questioned how many perpendicular lines we could run off that 12-inch line and supply adequate fire flow to how many number of houses. The line runs parallel to 67th Street. How many 8-inch or 6-inch lines can we run and still meet fire flow requirements.

Whisenhunt stated if you looped that 8-inch back you could develop that entire section.

Ratliff stated if the buyers are seeking commercial lending, the lender should inform them that there is not proper fire flow. That would be exempted out if they were purchasing title insurance.

Warren stated he would like to table this and have staff bring back the cost of a 12-inch line south with an 8-inch loop.

Rogalski stated there are a number of ways to look at a loop. There are options they can look at for different plans and different costs.

SUBSTITUTE MOTION by Warren SECOND by Harris to direct staff to bring back the options of extending that main down 67th south for a mile and then doing the proper looping to keep from having to flush it. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

Whisenhunt stated the cost of that 8-inch loop to go over to the half mile and back would be approximately another $800,000, for a total of $1.3 million.

18. Consider approving the terms and form of a proposed amendment to the existing Lease-Purchase Agreements to provide for a partial repayment of the same from funds held in the impact fee account and authorize staff to send a letter informing the parties to said Lease-Purchase Agreements of the amendment terms and process, requiring a response to the same by February 28, 2022, as a condition of participation.

Rogalski stated on May 25, 2021, the City Council directed staff to create a process to amend, settle, and close-out the remaining lease-purchase agreements made between the City of Lawton and the six private developers for water and sewer infrastructure improvements. In 2005 the City Council approved an ordinance creating the lease-purchase and impact fee process to help fund infrastructure improvements associated with private development. Between 2007 and 2013 the City entered into eight lease-purchase agreements with six private developers for water and sewer infrastructure improvements. All but one of those agreements were associated with single family residential development projects. The basic structure of these agreements was that a private developer would pay all the cost to install a primary water or sewer line and over the next twenty-five years, all of the impact fees collected within a specified area served by said water or sewer main would be reimbursed to the developer, up to the cost of his investment. In June of 2017, in response to a sharp downturn in the housing market, the City Council approved a resolution setting all the impact fee amounts to $0, effectively ending the process. While the agreements originally totaled $1,182,230, payments totaling $357,300 were made to the Lessors in accordance with the terms of the agreements, leaving a balance of $824,930. Prior to June of 2017 the City collected impact fees for water and sewer service connections that were not within the Defined Service Area of a Lease-Purchase Agreement, and therefore not obligated to be remitted in accordance with said agreements. These impact fee collections were deposited in a special account within the City of Lawton ("impact fee account"), with said account having a remaining balance of $710,012. Since the total remaining unpaid balance of the Lease-Purchase Agreements exceeds the remaining balance within the impact fee account, only 86% of the total remaining unpaid balance of the Lease-Purchase Agreements may be funded by said account. The proposed amendment process would provide that the Lessor (the developer) and Lessee (the City) would agree to amend the Lease-Purchase Agreement(s) to provide for a partial repayment of the remaining balance with funds from the impact fee account. The terms of the amendment would provide that on an annual basis, occurring on or about March 1 of each year, commencing on March 1 , 2022, and continuing until March 1, 2025, the City of Lawton will remit the sum of $10,000, or a lessor amount if the remaining unreimbursed balance of the amended agreement is less than $10,000, for each Certificate of Occupancy issued for an individual single-family residence within the residential subdivision projects associated with the Original Agreement(s). Lessor would agree that they would not be entitled to any moneys greater than that amount set forth in the amended agreement, with any such amount to be remitted pursuant to the terms of the amendment, regardless of the original principal amount of the Lease-Purchase Agreement(s), or any interest applied thereon. The six private developers that are party to the eight Lease-Purchase Agreements would be notified per the attached draft letter, of the availability and proposed terms of this amendment process, with the requirement that they respond regarding their desire to participate in the amendment process in writing prior to February 28, 2022. Following this notification, final amendments for all the responding Lease-Purchase Agreement holders would be brought to the City Council for approval.

MOVED by Burk SECOND by Hampton to approve the terms and form of a proposed amendment to the existing Lease-Purchase Agreements to provide for a partial repayment of the same from funds held in the impact fee account and authorize staff to send a letter informing the parties to said Lease-Purchase Agreements of the amendment terms and process, requiring a response to the same by February 28, 2022, as a condition of participation. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

STAFF REPORTS:

Cleghorn recognized Susan Schlecht, Financial Services, who achieved her Certified Government Financial Manager certification.

Cleghorn recognized Joe Don Dunham, the new Finance Director.

Cleghorn congratulated Jared Williams for being selected as the next Fire Chief.

19. Receive a report on the Ad Valorem Streets and Roads Project

Joe Painter, Engineering Director, briefed the council on ad valorem and road projects.

Johnson questioned how many miles of road we are responsible for.

Cleghorn stated there are 1,860 lane miles of road in the city.

Mayor requested a future update on the $10 million road maintenance funds from the CIP.

20 Summary of current Novak implementation

Cleghorn updated the council on the status of the Novak report implementations.

Kristin Huntley, Finance Director, presented revenue and expenditure highlights for the period ending December 31, 2021. (On file in the City Clerk’s office).

The Mayor and Council convened in executive session at 4:29 p.m. and reconvened in regular, open session at 5:29 p.m. Roll call reflected all members present.

EXECUTIVE SESSION:

21. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending claim of CINTAS Corporation, and if necessary, take appropriate action in open session.

Ratliff read the title of item #21. No action was taken.

22. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending action in United States District Court titled City of Lawton v. Engie Services, U.S., Inc. f/k/a OpTerra Energy Services, Inc., CIV-21-455-R, and if necessary, take appropriate action in open session.

Ratliff read the title of item #22.

MOVED by Burk SECOND by Warren to approve a Professional Services Agreement between the City of Lawton and Ayman Omar of NetworkElites for the purpose of assisting City's legal counsel in evaluating the facts related to the case, to include the areas involving the data network and the VIOP phone system and if required, prepare to report and testify concerning the same. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

23. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case styled City of Lawton vs. Darryl D. Dunn; Christine J. Downs; United States Postal Service; McDonald's USA, LLC, successor by merger to System Capital Real Property Corp.; Family Video Movie Club, Inc.; BancFirst, successor by merger to Security Bank & Trust Co.; and KRSB, LLC, entered in Case No. CJ-2021-473, in the District Court of Comanche County, State of Oklahoma, and, if necessary, take appropriate action in open session.

Ratliff read the title of item #23.

MOVED by Warren SECOND by Chapman to approve the settlement offer from Mr. Dunn and Mrs. Downs to repair the private drive and for the City to accept a quit claim deed from the Dunn's and Downs and as part of this settlement offer, Christine J. Downs and Darryl D. Dunn will pay no more than $7,900. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

24. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Nathan Johnson as Municipal Court Judge, and in open session take other action as necessary.

Ratliff read the title of item #24. No action was taken.

There being no further business to consider, the meeting adjourned at 5:32 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