MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MARCH 28, 2023 – 2:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor	Also Present: John Ratliff, Acting City Manager Tim Wilson, Acting City Attorney Traci Hushbeck, City Clerk

Mayor Booker called the meeting to order at 2:04 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Terry Marsh, Carriage Hills Christian Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:	Mary Ann Hankins, Ward One Kelly Harris, Ward Two Linda Chapman, Ward Three George Gill, Ward Four Onreka Johnson, Ward Seven (arrived at 2:11 p.m.) Randy Warren, Ward Eight
ABSENT:	Allan Hampton, Ward Five (Vacant, Ward Six)

PRESENTATIONS:

Presentation to Bobby Whitson, who served as the International Festival Committee Chairman from 2003-2022

Jason Poudrier, Arts and Humanities Administrator, honored Bobby Whitson for her two decades of service to the International Festival and the city of Lawton.

Presentation of a Mayoral Citation to Lexie Walker, who is currently the only female Chief Meteorologist in Oklahoma

Mayor Booker presented a Mayoral Citation to Lexie Walker recognizing her as a role model to women and girls across Oklahoma.

PROCLAMATIONS:

Mayor Booker presented the following proclamations:

Developmental Disabilities Awareness Month

The Week of the Young Child
Citizen of the Month to Jerry Nottingham

REPORTS: MAYOR/CITY COUNCIL:

Comments were made regarding the hard work and dedication by former Council Member Fortenbaugh who resigned from office on March 27, 2023.

Harris announced that June 3rd will be the employee picnic, hosted by the Employee Advisory Committee.

AUDIENCE PARTICIPATION:

Dave Goodin, 1107 SW Pecan Road, spoke about the amount trash on the road to the landfill. He stated no one is enforcing the tarping law.

Theodore Philpott, 2302 NW 32nd, commented on the trash service and the cost of the utility bill.

Lance Rippy, 6115 NW Euclid, spoke about his home being placed on the D&D lists.

Aquarian Yarborough, 8218 SW Sun Valley, stated he did not appreciate that a police officer was moved to the front of the auditorium and he requested that it stop.

CONSENT AGENDA:

Mayor Booker stated items #9 and #11 will be considered separately.

<u>MOVED by Warren SECOND by Gill</u> to approve the consent agenda with the exception of items #9 and #11. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider approval of the minutes of the Lawton City Council regular meeting of February 28 and the special meeting of March 23, 2023.

2. Consider the following damage claim recommended for approval: Rafael Lopez Torres in the amount of $1,408.67 **(Resolution 23-41)**.

3. Consider the following damage claims recommended for denial: Yesenia Garcia in the amount of $302.82, and Rene Avila in the amount of $189.00.

4. Consider approving an amendment to Council Policy 1-6, Council Rules of Procedure, by establishing requirements on agenda items submitted by City staff, clarifying the City Manager’s role in staff submitted agenda items, and updating the required format of agenda items being submitted.

5. Consider approving an amendment to the lease agreement between the City of Lawton and the Lawton Fort Sill Arts Council regarding the property and facility located at 1701 NW Ferris Avenue, and authorizing the Mayor and City Clerk to execute the amendment.

6. Consider approving the Record Plat for Rolling Hills Part 5A, accepting the performance bond for minor incomplete improvements, accepting the public water and sanitary sewer improvements, accepting the maintenance bond public improvements, and accepting the easements outside the platted boundary.

7. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures at St. Mary's Catholic School, 12 SW 7th Street, Eisenhower Neighborhood Pool/Park at SW Drakestone and SW Chaucer Avenues, and at NW 38th Street and Rogers Lane. **(Resolution 23-42)**

8. Consider approving Amendment No. 2 to the November 16, 2021, agreement with Jacobs Engineering for additional services during construction related for the Cache Road Waterline Replacement Projects in the amount of $450,000.

9. Consider approving plans and specifications for the 2017 Ad Valorem Street and Roads Program (Residential), Phase II-B - Project No. EN1707P2B and authorizing staff to advertise for bids.

Joe Painter, Engineering Director, updated the council on Phase II. He stated bids should open on April 26.

<u>MOVED by Warren SECOND by Gill</u> to approve the consent agenda with the exception of items #9 and #11. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

10. Consider accepting Parking Lot (Earthwork, Paving and Walks and Landscape) portion of the Project EN2004A City-Hall Renovation Amendment No. 1 (GMP No.1) as complete and releasing retainage for same as per OS Title 61 § 226.C in the amount $17,689.43 and placing the Maintenance Bond into effect.

11. Consider awarding contract (CL23-016) Mowing and Litter Control to the lowest and most responsible bidders.

Christine James, Parks and Recreation Director, reported they received two bids for areas 1, 2, 3 and 4. They did not receive any bids for areas 5 and 6. She stated with additional employees and equipment they feel they could do this cheaper in house.

Mayor Booker questioned if the cost is broken down. He suggested they table this and bring it back later with a presentation so they can understand it better.

Warren requested this item come back with a true cost benefit analysis with real numbers.

MOVED by Harris SECOND by Warren to table. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

UNFINISHED BUSINESS:

12. Consider directing staff to demo the city owned property located at 911 SW C Avenue.

Cindy Augustine, Real Property Coordinator, stated on January 24, 2023, City Council approved the contract for sale of real estate with John Steven Williams for the purchase of property located at 911 SW C Avenue in the amount of $30,000. The transaction was completed on March 1, 2023. She stated staff is asking council to demo the building for future expansion of the parking lot.

MOVED by Hankins SECOND by Harris to direct staff to demo the city owned property located at 911 SW C Avenue. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

13. Receive a notification of the approval of the Change Order No. 3 by the City Manager for the Gore Blvd. Waterline and Sewerline Reconstruction - 82nd ST to 67th ST- Project No. EN1208A.

Painter reported the information on the change order.

MOVED by Warren SECOND by Harris to approve Change Order No. 3 by the City Manager for the Gore Blvd. Waterline and Sewerline Reconstruction - 82nd ST to 67th ST- Project No. EN1208A. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

14. Consider recommendations to improve the function of the Traffic Commission and direct staff as deemed necessary.

Larry Wolcott, Public Works Director, reported on staff recommendations to meet the goal of improving the functions of the Traffic Commission.

Painter stated we need to be contracting for traffic engineering services.

Wolcott stated they do not have funds set aside for this specific type of engineering.

MOVED by Harris SECOND by Chapman to accept the recommendations. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

15. Discuss the existing traffic signal at the intersection of East Gore Boulevard and Lawrie Tatum Road (KCA Veterans Road) and the Comanche Casino/Best Western/Montego Bay Apartments driveway entrance and direct staff as deemed appropriate.

Steve Hofener, Traffic Engineering Consultants, Inc., spoke to the council about coordination of traffic signals at intersections along Gore Boulevard. He stated they are in the process of completing a report that will be submitted to staff within the next week that will include the different alternatives for Gore Boulevard.

Gill questioned if there is a way to get those three lights together some way where traffic is not stacked up. Will this be included in the report.

Mr. Hofener stated there is a way of doing that, but it will require some changes in those particular intersections.

Gill stated one method would be to get rid of that light and build a median. He questioned if the cost would be minimal.

Mr. Hofener stated it would not be a huge item.

Harris stated there was a possibility of closing the intersection and making all the casino traffic enter through Lee Boulevard.

Mr. Hofener stated that is an option and the report will show all the alternatives and the traffic impacts of each option.

Mayor Booker stated he feels that closing the intersection or directing traffic to Lee Boulevard is not the answer. He feels the answer is coordinating the three lights.

MOVED by Gill SECOND by Harris to direct staff to continue. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

16. Hold a public hearing to receive citizen comments on the FFY 2021 COL HOME-ARP Allocation Plan. Consider reviewing and approving the FFY 2021 COL HOME-ARP Draft Allocation Plan submitted through the Housing & Community Development (HCD) Office and authorize the Mayor to sign the required documents.

Gary Brooks, Housing & Community Development Administrator, reported on the HOME-ARP Allocation Plan.

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

MOVED by Johnson SECOND by Warren to approve the FFY 2021 COL HOME-ARP Allocation Plan. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

Council recessed at 3:14 p.m. and reconvened in at 3:20 p.m. with all members present.

17. Hold a public hearing and adopt a resolution declaring the structures located at 337 SW 71st Street, 713 SW A Avenue, 760 NW 16th Street, 1306 SW 6th Street, 1705 NW Lindy Avenue, 1707 NW Baldwin Avenue, 1814 NW Lawton Avenue, 1818 NW Pollard Avenue, 2105 NW Bessie Avenue, 2205 NW Pollard Avenue, 2311 SW Cornell Avenue, 2603 SW I Avenue, to be dilapidated pursuant to Section 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.

337 SW 71st Street

Jon Jernigan, Neighborhood Services Supervisor reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities have been inactive since 2021.

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

MOVED by Warren SECOND by Gill, to approve **Resolution 23-43** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

713 SW A Avenue

Jernigan reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities are inactive.

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

MOVED by Warren SECOND by Johnson, to approve **Resolution 23-44** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

760 NW 16th Street

Jernigan reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities have been inactive since 2021.

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

MOVED by Harris SECOND by Chapman, to approve **Resolution 23-45** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

1306 SW 6th Street

Jernigan reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities have been inactive since February 8, 2023.

Mayor Booker questioned how a property that has just burned get on the list.

Jernigan stated it is fire damaged and staff deems that as dangerous.

Mayor Booker stated in the Oklahoma City code, those can be administratively declared a nuisance. He suggested that information be in a presentation at the next council meeting.

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

MOVED by Johnson SECOND by Warren, to approve **Resolution 23-46** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

1705 NW Lindy Avenue

Jernigan reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities have been inactive since 2019.

PUBLIC HEARING OPENED.

Jerry Williams, 852 Landmark Circle, stated the utilities have been on since 2019. He has had a lot of break ins and have kept in boarded up. He has not acquired a permit.

PUBLIC HEARING CLOSED.

MOVED by Harris SECOND by Chapman, to approve **Resolution 23-47** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

1707 NW Baldwin Avenue

Jernigan reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities have been inactive since 2015.

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

MOVED by Harris SECOND by Gill, to approve **Resolution 23-48** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

1814 NW Lawton Avenue

Jernigan reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities have been inactive since 2020.

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

MOVED by Harris SECOND by Chapman, to approve **Resolution 23-49** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

1818 NW Pollard Avenue

Jernigan reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities have been inactive since 2011.

PUBLIC HEARING OPENED.

Antwon Bray, Bray Investments, questioned if the City has a program where they sell properties to investors.

Mayor Booker stated no, you would have to contact the property owner. It will remain on the D&D list and he would have to follow the procedure of getting a permit, just like the current owner.

PUBLIC HEARING CLOSED.

MOVED by Harris SECOND by Chapman, to approve **Resolution 23-50** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

2105 NW Bessie Avenue

Jernigan reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities have been inactive since 2015.

PUBLIC HEARING OPENED.

Antwon Bray, Bray Investments, stated they acquired this property in November and they did not know it was on the D&D list. He stated they plan on fixing the home next month and it does have the utilities on. They have several properties in Lawton.

Mayor Booker questioned when they turned on the utilities.

Mr. Bray stated 35 days ago.

Mayor Booker questioned when the notice was sent.

Jernigan stated the notice was sent on March 14, 2023.

Mr. Bray stated he did not get the notice.

Wilson stated that we follow state law on the process of notices.

Ratliff stated if the utilities are on, he feels that they should not put this on the D&D list.

Mayor Booker suggested they continue the public hearing for 30 days.

Jernigan stated they did sent notice to Bray Investments on March 14, 2023.

Johnson questioned how they can solve this confusion.

Jernigan stated the liens should show up at the county treasurers office at the time of purchase.

<u>MOVED by Gill SECOND by Chapman</u>, to continue public hearing to April 25, 2023. AYE: Hankins, Chapman, Gill, Johnson. NAY: Warren, Harris. MOTION CARRIED.

<u>2205 NW Pollard Avenue</u>

Jernigan reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities have been inactive since March 15, 2023.

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

<u>MOVED by Harris SECOND by Chapman</u>, to approve **Resolution 23-51** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

<u>2311 SW Cornell Avenue</u>

Jernigan reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities are inactive.

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

<u>MOVED by Chapman SECOND by Harris</u>, to approve **Resolution 23-52** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

<u>2603 SW I Avenue</u>

Jernigan reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities have been inactive since 2022.

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

<u>MOVED by Harris SECOND by Chapman</u>, to approve **Resolution 23-53** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

Mayor Booker stated he failed to announce that they are striking items #24 and #26.

18. Receive an update for the Main Building Package Cost on Project EN2004A City Hall Renovation.

Scott Vaugh, Project Manager, stated they opened bids on February 8, 2023, and they have been working with CMS Willowbrook to evaluate the bids

Hilary Peters and Eric Williams, CMS Willowbrook, presented an update on the project.

George Gill stated he would like to meet with the construction manager to look at some of the line items because it seems pretty high and they could look at who bids and who they could get to bid it.

Mayor Booker stated he is worried about the total cost. He questioned if they had gone through the process to see if there was something we really do not need.

Ms. Peters stated they have reached out to some of their contractors to get back some value engineering items that may not be necessary for the project.

19. Discuss and receive input from citizens on the allocation of $6,005,504 in the CIP 2019 Sales Tax Funds (Propel) over the annual estimate of $23,500,000.

Joe Don Dunham, Finance Director, stated Resolution No. 23-59 requires City Council to consider funds which are expected to be received over $23,500,000 to be allocated after receiving citizen input at no less than two open meetings of the Council. The City currently expects to receive $6,005,504 more than the Propel 2019 estimate of $23,500,000 which is outlined in Resolution No. 23-59. Staff is recommending these funds be used to complete the City Hall build out project.

Mayor Booker stated they have to go back to 2015 and find out what the overage or underage was from the very beginning.

Dunham stated that is what the auditors are looking at.

Mayor Booker questioned why they are bringing this part to the council instead of the entire audit.

Dunham stated they need to get the process started to meet the requirements of the two meetings.

Mayor Booker stated the overage will go toward these inflationary costs, but any time they deal with the CIP they need to make sure that we are above reproach. He would feel better if we did a little more advertisement and had two meetings and let the public know what is going on.

Ratliff questioned how much notice to give the public.

Mayor Booker stated if we have a special meeting next week and as soon as they know the meeting is there he would like to have the notice out and we can let the public know it will happen at the next regular scheduled meeting as well.

Harris questioned if the council would have input on other projects.

Mayor Booker stated yes and he hopes they will have an estimate of what that overage is going to be if they have a meeting next Tuesday. He questioned if staff could get an estimate of what that 2015 to current is overage in CIP income.

Chapman is concerned about how they will get this information out to the public.

Ratliff stated they will do everything they usually do for a public hearing as well as public service announcements. He stated they can receive input from citizens at this meeting.

John O’Brian, District One Comanche County Commissioner, stated he is requesting that they help the outside water associations with their deficiencies.

Mayor Booker stated this request would have to come through the Outside Water Sales Council Committee. He suggested he contact Council Member Hampton who is the chairman.

20. Consider receiving a presentation on the water and sewer line construction needs and authorize staff to send request for qualification (RFQ) for Engineering Design Services and authorize staff to seek potential loans to support the project funding using the unobligated ½ cent 2019 Propel Water and Sewer designated funds as the repayment means of the 30-year loans

Rusty Whisenhunt, Public Utilities Director, presented information on the condition of our water and wastewater system in Lawton. (Presentation is on file in the City Clerk's office). He stated in the 2019 Propel CIP, there was a half cent set aside for public safety, emergency fund and water/sewer infrastructure improvements. They have obligated some of those funds for projects, but that still leaves $218 million of unobligated funds over that 30-year period. That is $109 million for water and $109 million for sewer. That will amount to 100 miles of water lines and 100 miles of sewer lines to be replaced. This would give them a systematic approach to start improving the water and sewer system that is not currently being addressed. This is over a ten-year period with $8 - $16 million a year, depending on how many projects they can get designed and bid out. The debt service for the $80 million is $99 million, still leaving $10 million of unobligated funds. If they do the $80 in multiple loans and take those loans to the water resources board or the ODEQ for approval, we are eligible for $1 of debt forgiveness if we do it for June, July or August. They would take that $80 million and break that up into where we would be borrowing money over different years which would give us the eligibility for $1 million a year. This gives us an opportunity to start right now doing a minimum of $8 million a year of water line replacements. Over a 5-7 year time period we can get 100 miles of water and 100 miles of sewer lines replaced.

Mayor Booker clarified we are using multiple engineering firms.

Whisenhunt stated they will send out RFQ's and qualify multiple firms to do the design.

Mayor booker questioned why not a seven-year plan instead of ten.

Whisenhunt stated the goal is to accomplish it in seven years.

Mayor Booker stated if the opportunity was there and the engineering was done, you could accelerate it without council approval.

Whisenhunt stated yes.

Gill stated that would all go out for bids.

Mayor Booker thanked staff for this plan. This is the best understanding he has seen on how to use debt and how money works. He questioned the plan for keeping up with the breaks.

Whisenhunt stated they are going to attack the areas that are breaking and continuing to break and that will reduce that number of breaks by 300, out of 500, in that first year. This will free up the crews to work on smaller leak repairs.

MOVED by Warren SECOND by Harris, to authorize staff the send out Request for Qualification (RFQ) for Design Services and direct staff to seek a loan mechanism and bring to the Lawton Water Authority and City Council for a 30-year loan for water line design/construction and a 30-year loan for sewer line design/construction. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

21. Consider directing staff to look at options to increase low-cost and no-cost family-friendly activities sponsored by the City of Lawton, and take any action deemed necessary.

Dr. Krista Ratliff, President and CEO of Lawton Fort Sill Chamber of Commerce, spoke on the need for increased activities for families in the community.

Mayor Booker stated this item is just asking staff to look at what kinds of programs they could come up with if they had the extra funding.

MOVED by Johnson SECOND by Warren, to direct staff to look at options to increase low-cost and no-cost family-friendly activities sponsored by the City of Lawton. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

22. Consider approving a resolution amending the City of Lawton FY 2022-2023 budget, as amended, by appropriating $1,017,335 to the General Fund for the purpose of applying the settlement funds (less attorney fees) from the Engie litigation and the remaining escrow funds towards the principal of the lease.

Wilson stated a budget amendment is needed to allocate $1,017,335 to the General Fund for the principal payment of the lease.

MOVED by Warren SECOND by Gill, to approve **Resolution 23-54** amending the City of Lawton FY 2022-2023 budget, as amended, by appropriating $1,017,335 to the General Fund for the purpose of applying the settlement funds (less attorney fees) from the Engie litigation and the remaining escrow funds towards the principal of the lease. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

23. Subject to the approval of a companion budget amendment, consider approving an Amendment Number 4 to the Equipment Lease/Purchase Agreement Banc of America Public Capital Corp. for the purpose of applying the settlement funds [less attorney fees] from the Engie litigation and the remaining escrow funds towards the principal of the lease, thereby reducing the payment term and will causing the lease to be satisfied on November 15, 2027, i.e. approximately 57 months early from the original August 15, 2032 final payment date; amending the definition of equipment; acknowledging acceptance of the equipment for purposes of financing the same under the agreement, authorizing the Mayor to execute Amendment No. 4 and any other documents necessary to effectuate the Amendment.

Wilson stated the proposed amendment applies the $700,000 and $317,335 to the Tax-Exempt Principal Portion due under the agreement as of April 15, 2023. This prepayment will cause the lease to be satisfied on November 15, 2027, approximately 57 months early from the original

August 15, 2032 final payment date. The proposed amendment also amends the definition of equipment and acknowledges acceptance of the equipment for purposes of financing the same under the agreement.

MOVED by Warren SECOND by Harris, to approve Amendment Number 4 to the Equipment Lease/Purchase Agreement Banc of America Public Capital Corp. for the purpose of applying the settlement funds [less attorney fees] from the Engie litigation and the remaining escrow funds towards the principal of the lease, thereby reducing the payment term and will causing the lease to be satisfied on November 15, 2027, i.e. approximately 57 months early from the original August 15, 2032 final payment date; amending the definition of equipment; acknowledging acceptance of the equipment for purposes of financing the same under the agreement, authorizing the Mayor to execute Amendment No. 4 and any other documents necessary to effectuate the Amendment. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

24. Consider updating the Urban Renewal Plans for the City of Lawton and direct staff as necessary. **STRICKEN**

25. Consider approving a conceptual plan for the south City Hall lawn to address the drainage and erosion problems, and authorizing the staff to execute the project.

Christine James, Parks and Recreation Director, briefed the council on a conceptual plan for the south lawn at City Hall. She stated this will handle the water and run off from the building. Estimates are $29,000, but she feels this can be done in house for up to $10,000 and they can get started in two weeks and will be completed in two weeks.

Cynthia Williams, Deputy Public Works Director, presented the conceptual plan (on file in the City Clerk's office).

MOVED by Warren SECOND by Gill, to approve a conceptual plan for the south City Hall lawn to address the drainage and erosion problems, and authorized staff to execute the project. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

26. Consider receiving a report on the current status of the municipal pool and wading pools and giving staff direction for the 2023 summer season. **STRICKEN**

STAFF REPORTS: None

The Mayor and Council convened in executive session at 5:00 p.m. and reconvened in regular, open session at 6:45 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

27. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss an action relating to litigation against the manufacturers, distributors and retailers 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, to include considering approving settlements with: (1) Walgreens, (2) CVS, (3) Walmart, (4) Allergan and (5) Teva, and if necessary, take action in open session.

Wilson read the title of item #27.

MOVED by Warren SECOND by Gill, to adopt **Resolution 23-55** to approve participation in the Allergan Settlement Agreement, and in doing so: (a) authorize the mayor, or the mayor's designee, the execute the subdivision participation and release form contained in the Allergan Settlement Agreement as Exhibit K (including executing such Participation Form electronically or in paper form), (b) agree to the terms set forth in the participation form, including dismissal with prejudice of the City's claims against Allergan, (c) approving the Allergan State-Subdivision Agreement, and further ratifying the actions of its legal counsel in executing documents necessary to the City to participate in the Allergan State-Subdivision Agreement and the Allergan Settlement Agreement, (d) approving the Allergan State Back-Stop Agreement, and further ratifying the actions of its legal counsel in executing documents necessary for the City to participate in the Allergan State Back-Stop Agreement and the Allergan Settlement Agreement, (e) authorize the mayor and legal counsel to take all actions required by the Allergan Settlement Agreement, and the other agreements related to the Allergan Settlement Agreement, including executing any documents required to finalize participation of the City in the Allergan Settlement Agreement. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

MOVED by Warren SECOND by Gill, to adopt a **Resolution 23-56** to approve participation in the CVS Settlement Agreement, and in doing so: (a) authorize the mayor, or the mayor's designee, to execute the subdivision participation and release form contained in the CVS Settlement Agreement as Exhibit K (including executing such Participation Form electronically or in paper form), (b) agree to the terms set forth in the participation form, including dismissal with prejudice of the City's claims against CVS, (c) approving the retailer state-subdivision agreement, and further ratifying the actions of legal counsel in executing documents necessary for the City to participate in the retailer state-subdivision agreement and the CVS settlement agreement, (d) approving the CVS state back-stop agreement, and further ratifying the actions of its legal counsel in executing documents necessary for the City to participate in the CVS state back-stop agreement and CVS settlement agreement, (e) authorize the mayor and legal counsel to take all actions required by the CVS settlement agreement, and the other agreements related to the CVS settlement agreement, including executing any documents required to finalize participation of the City in the CVS settlement agreement. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

MOVED by Warren SECOND by Harris, to adopt **Resolution 23-57** to approve participation in the Teva Settlement Agreement, and in doing so: (a) authorize the mayor, or the mayor's designee, to execute the subdivision participation and release form contained in the Teva Settlement Agreement as Exhibit K (including executing such participation form electronically or in paper form), (b) agree to the terms set forth in the participation form, including dismissal with prejudice of the City's claims against Teva, (c) approving the Teva state-subdivision agreement, and further ratifying the actions of legal counsel in executing documents necessary for the City to participate in the Teva state-subdivision agreement and the Teva Settlement Agreement, (d) approving the Teva state back-stop agreement, and further ratifying the actions of its legal counsel in executing documents necessary for the City to participate in the Teva state back-stop agreement and the Teva settlement agreement, (e) authorize the mayor and legal counsel to take all actions required by the Teva settlement agreement, and other agreements related to the Teva settlement agreement, including executing any documents required to finalize participation in the Teva settlement agreement. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

<u>MOVED by Warren SECOND by Gill</u>, to adopt **Resolution 23-58** to approve participation in the Walgreens Settlement Agreement, and in doing so: (a) authorize the mayor, or the mayor's designee, to execute the subdivision participation and release form contained in the Walgreens settlement agreement as Exhibit K (including executing such participation form electronically or in paper form), (b) agree to the terms set forth in the participation form, including dismissal with prejudice of the City's claims against Walgreens, (c) approving the Walgreens retailer state-subdivision agreement, and further ratifying the actions of legal counsel in executing documents necessary for the City to participate in the retailer state-subdivision agreement and the Walgreens settlement agreement, (d) approving the Walgreens and Walmart state back-stop agreement, and further ratifying the actions of its legal counsel in executing documents necessary for the City to participate in the Walgreens and Walmart state back-stop agreements and the Walgreens settlement agreement, (e) authorize the mayor and legal counsel to take all actions required by the Walgreens settlement agreement, and other agreements related to the Walgreens settlement agreement, including executing any documents required to finalize participation in the Walgreens settlement agreement. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

<u>MOVED by Warren SECOND by Chapman</u>, to adopt **Resolution 23-59** to approve participation in the Walmart Settlement Agreement, and in doing so: (a) authorize the mayor, or the mayor's designee, to execute the subdivision participation and release form contained in the Walmart settlement agreement as Exhibit K (including executing such participation form electronically or in paper form), (b) agree to the terms set forth in the participation form, including dismissal with prejudice of the City's claims against Walmart, (c) approving the retailer state-subdivision agreement, and further ratifying the actions of legal counsel in executing documents necessary for the City to participate in the retailer state-subdivision agreement and the Walmart Settlement Agreement, (d) approving the Walgreens and Walmart state back-stop agreement, and further ratifying the actions of its legal counsel in executing documents necessary for the City to participate in the Walgreens and Walmart state back-stop agreements and the Walmart settlement agreement, (e) authorize the mayor and legal counsel to take all actions required by the Walmart settlement agreement, and other agreements related to the Walmart settlement agreement, including executing any documents required to finalize participation in the Walmart settlement agreement. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

28. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending action in Comanche County District Court titled Kent Williams as Personal Representative of the Estate of Israel Williams vs City of Lawton, et al,

CJ-2022-613, and if necessary, take appropriate action in open session.

Wilson read the title of item #28.

MOVED by Hankins SECOND by Gill, concerning the lawsuit Kent Williams as Personal Representative of the Estate of Israel Williams vs. City of Lawton et. al., Case No. CJ-2022-613, upon finding the individuals named as defendants in the aforementioned suit were acting in good faith and in the course of their employment, I move that the City: 1) Retain the firm Collins, Zorn & Wagner to represent (a) the City of Lawton, (b) Chief Smith [in his official and individual capacity], and (c) anyone else so named in their official capacity in the above reference suit not otherwise represented in their official capacity by another firm; 2) Retain the firm Rosenstein, Fist & Ringold to represent Terry Sellers in his official and individual capacity; 3) Retain the firm Goolsby, Proctor & Heefner to represent Timothy Scanlon, Natascha Bates, Wyatt Carter, Jeremy Kinman, Ronnie Watkins, Cassidy Stavely, Stephen Schwender, Tika Fisher, Ian Druce, Anthony Giles, Jerome Payton and Deluse Allen; and 4) Authorize the City Attorney, as he deems appropriate, to enter into and/or authorize the City's outside counsel from Collins, Zorn and Wagner to enter into a Joint Defense and Confidentiality Agreement with any and all of the other firms mentioned in this motion representing defendants in this action. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: None. MOTION CARRIED.

29. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss particular candidates who have submitted applications for the position of city manager, and, if necessary, take appropriate action in open session.

Wilson read the title of item #29. No action was taken.

30. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations with International Union of Police Associations (IUPA), Local 24, and the City of Lawton, to include discussions concerning a possible amendment to the parties' Fiscal Year 2023-2024 collective bargaining agreement, and, if necessary, take appropriate action in open session.

Wilson read the title of item #30. No action was taken.

31. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations with International Association of Fire Fighters (IAFF), Local 1882, and the City of Lawton, to include discussions concerning a possible amendment to the parties' Fiscal Year 2023-2024 collective bargaining agreement, and, if necessary, take appropriate action in open session.

Wilson read the title of item #29. No action was taken.

There being no further business to consider, the meeting adjourned at 6:57 p.m. upon motion, Second and roll call vote.

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STAN BOOKER, MAYOR PRO TEM

ATTEST:

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TRACI HUSHBECK, CITY CLERK