

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
AUGUST 9, 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
COL James H.B. Peay, IV

Mayor Booker called the meeting to order at 2:09 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Tony Christie, First Baptist 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
Allan Hampton, Ward Five
Sean Fortenbaugh, Ward Six
Onreka Johnson, Ward Seven (Arrived @ 2:55 p.m.)
Randy Warren, Ward Eight

ABSENT: None

REPORTS: MAYOR/CITY COUNCIL

Harris stated the various Ambucs clubs built a wheelchair ramp for a Ward 3 constituent this past weekend.

Chapman stated on Saturday she and the Mayor will be judging Picklefest at the Farmers Market.

Hampton thanked staff for putting on the Lawton Birthday event.

Fortenbaugh stated he is very glad that the Farmer's Market is a success.

Warren thanked the crew installing the sidewalk on Gore from 53rd to 67th. He expects it to be done in the next two or three weeks.

Mayor Booker thanked the Arts and Humanities staff for their work on all the events.

AUDIENCE PARTICIPATION: None

CONSENT AGENDA:

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

1. Consider approval of the minutes of the Lawton City Council regular meeting of July 26, 2022.
2. Consider the following damage claim recommended for approval: Brandi and Kyle Christensen in the reduced amount of \$14,232.13. **(Resolution 22-98)**
3. Consider the following damage claim recommended for denial: Roberta Vowell on behalf of McArthur Park Townhouse Association in the amount of \$60.00.
4. Consider adopting a resolution approving the joint petition settlement and making payment in the worker's compensation claim of former employee, Stephanie Crawford. **(Resolution 22-99)**
5. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of former employee, Stephanie Crawford. **(Resolution 22-100)**
6. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in making payment on the judgment in the Workers' Compensation case of Matthew McKinney in the Oklahoma Workers' Compensation Commission, Case No. CM3-2019-04511A. **(Resolution 22-101)**
7. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in making payment on the judgment in the Workers' Compensation case of Matthew McKinney in the Oklahoma Workers' Compensation Commission, Case No. CM3-2019-04512H and CM3-2019-04511A. **(Resolution 22-102)**
8. Consider renewing an agreement with Floyd & Driver, PLLC to assist the City with regulatory requirements associated with funding received in connection with the American Rescue Plan Act of 2021 and authorize the execution of the agreement.
9. Consider approving an Agreement between the Lawton Fort Sill Chamber of Commerce and the City of Lawton, to include any floor amendments that may be made thereto, to fund activities by the Chamber designed to encourage, promote and foster tourism, including elements of economic development related thereto in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement.
10. Consider approving an Agreement between the Lawton Economic Development Corporation and the City of Lawton to fund activities designed to encourage, promote and foster economic/industrial development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement.

11. Considering approving a resolution amending Appendix A, Chapter A-19, Article A-19-7, Schedule of Fees and Charges, Lawton City Code, 2015, by adding adult softball registration fees, increasing the rental fees for athletic field rentals and reorganizing and simplifying said athletic field rental fees within the fee schedule, and authorizing the Mayor and City Clerk to execute the resolution. **(Resolution 22-103)**
12. Consider approving the revised and updated FY 2023 Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization for metropolitan transportation planning, noting the increase in budgeted funds as approved by the Oklahoma Department of Transportation (ODOT).
13. Consider approving a resolution amending the City of Lawton FY22-23 budget by appropriating up to \$1,547,164.13 to Engineering's Special Revenue Fund Construction, Improvements and Additions account to fund the replacement of existing sidewalks and construction of new sidewalks throughout the City. **(Resolution 22-104)**
14. Consider approving an agreement between the City of Lawton and the Department of Transportation of the State of Oklahoma Project Number TAP3-2988(004) TP, State Job Number 32988(04)(05), which consists of Pedestrian/Bike improvements for the City Project Number EN1604 East Gore Blvd/I-44 Pedestrian Bridge.
15. Consider authorizing staff to issue a letter of intent to cancel CL22-028 Cationic Polymer contract with Hawkins, Inc. due to product incompatibility with current treatment plant infrastructure and authorize staff to rebid the contract.
16. Consider awarding CL22-052 Manhole Coating Product to Pipeline Video Inspection, LLC of Scottsdale, AZ.
17. Consider approving appointments to boards and commissions.

Building Development Appeals Board

Barry Ezerski, Real Estate Agent-
Mayoral Appointment
3908 NW Elm Avenue
Lawton, OK 73507
07/28/2024

Mark Mitchell, Fire Protection-
Mayoral Appointment
7137 NW Ash Avenue
Lawton, OK 73505
01/9/2024

Bryan Jones, Electrical Contractor
Mayoral Appointment
2106 SW Monroe Avenue

Lawton, OK 73501
7/26/2024

Lake and Land Commission

Austin Rabon
Mayoral Appointment
802 SW C Avenue
Lawton, OK 73501
8/10/2025

BUSINESS ITEMS:

18. Consider accepting the FY 2021 Performer, a financial statement analysis report of the City of Lawton, as presented by Frank Crawford of Crawford and Associates.

Frank Crawford, Crawford and Associates, presented the FY 2021 Performer. (On file in the City Clerk's office)

Mayor Booker asked Mr. Crawford to summarize the financial health of the City.

Mr. Crawford stated the financial health of the City is very good and is at its highest level it has been at for several years.

MOVED by Warren SECOND by Burk to Accept the FY 2021 Performer report as presented. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

Mayor Booker stated item #23 will be stricken from the agenda.

19. Consider naming the drive that leads to Eastside Park "Keith Jackson Parkway" after former Councilmember Keith Jackson in honor of his work with youth sports and his years serving on City Council.

MOVED by Burk SECOND by Harris to authorize the naming of the entrance drive of the Eastside Park as "Keith Jackson Parkway" in honor of former longtime Councilman Keith Jackson for his dedication and service to the City of Lawton and to the city's youth sports programs and direct staff to bring a resolution back to council at the next council meeting. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

20. Consider approving an Agreement for Funding and Limited Support between the Fires Innovation Science and Technology Accelerator (FISTA) Development Trust Authority and the City of Lawton to fund the operation, management, administration, maintenance and equipping of FISTA facilities during the 2022-2023 fiscal year to encourage economic/industrial development in the City of Lawton and authorize the Mayor and City Clerk to execute the Agreement.

Clarence Fortney, Chairman of FISTA, presented the FISTA Phase 1 Progress Update (on file in the City Clerk's office).

Burk stated this just proves that everything they have been working for is finally coming to fruition.

Mayor Booker stated that high tech jobs like these produces five more service jobs in the community.

Warren stated he believes that technology is where everything is focused, and this will provide jobs for the future.

Hampton stated the downtown area is important and this will add to revitalizing that area.

Chapman thanked everyone who is working so diligently on this project because this is our future.

Harris stated there are new tenants coming in and the plaza is still financially viable.

Mayor Booker questioned if staff was fine with the audit remaining an administrative function.

Cleghorn stated he felt the 30-day extension was a reasonable request and it still allows them to put all the documents together at the end for the cumulative audit and reach the end of the year deadline.

MOVED by Burk SECOND by Warren to approve an Agreement for Funding and Limited Support between the Fires Innovation Science and Technology Accelerator (FISTA) Development Trust Authority and the City of Lawton to fund the operation, management, administration, maintenance and equipping of FISTA facilities during the 2022-2023 fiscal year. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

21. Consideration of approval for the Draft of the FFY 2022 Annual Action Plan (AAP) with an amendment to the 5-year Consolidated Plan (CONPLAN), acceptance of recommended amounts for Public Service Organization (PSO) Funding Request Applications, and revisions to Housing and Urban Development (HUD) funded programs submitted through the Housing & Community Development (HCD) office of the City.

Janet Smith, Community Services Director, stated staff is asking for council to approve the draft so they can begin to have meetings with the public and to approve a change in language that was restrictive on participants. She stated staff has also allocated \$100,000 from this federal funding to go towards the LATS bus stops.

Gary Brooks, Administrator of Housing & Community Development, presented information on the item. (Presentation is on file in the City Clerk's office)

Burk questioned if there were any new applicants.

Brooks stated no.

Chapman stated every one of these organizations do good things in the community.

Mayor Booker stated the bus stop money is \$100,000, sidewalk money is \$160,000 and sewer reconstruction is \$160,000. He questioned where it was represented in current year allocation.

Brooks stated both amounts last year for sidewalks and sewer reconstruction were \$200,000 and none of it was spent. That money has been on the books for several years and that is why he took \$40,000 from each for the bus stops.

Mayor Booker questioned if the money can be moved to another category.

Brooks stated yes.

Mayor Booker questioned the Section 108 CDBG.

Brooks stated that is the 2nd Street loan. It is his understanding that when the balance goes below \$500,000 the payments will no longer be made out of this funding.

Burk stated all funding for sidewalks and sewer reconstruction has to be used in underprivileged areas. That is what this money is for, and they should not have any carry over money.

Brooks stated they need to be doing four rehabs a year.

Johnson stated she would like to see a couple of sidewalks projects in the Lawton View area. She stated this is the best and most collaborative effort she has seen in distributing this funding.

Hankins stated that we really need to watch and not duplicate services.

Hampton stated last year they discussed that they wanted to try to not be subsidizing organizations and encourage them to look for other funding sources so that they can spread this funding out.

Johnson questioned what was the struggle in finding applicants for the first-time home buyer and rehab programs.

Brooks stated the \$5,000 in assets was causing a lot of people to not be approved and now since that language has changed he hopes they can get more people approved.

Warren stated he still has an issue that we are still giving the money to the same people every year. Last year he suggested that they have a limit on the number of years an agency can participate. He suggested next year they have an undistributed account and split the money

between nine instead of eight and that way you have funds available if an entity that has never applied before come forward with a program that is not already out there.

Mayor Booker questioned if the 15% PSO money can be carried over.

Brooks stated no.

Mayor Booker suggested they direct staff to come back with a plan for limited years and to include others.

Cleghorn stated there are older sections of town that could be appropriate for the sewer reconstruction funds and he believes some funds were requested. He questioned what process it takes to approve those funds. He questioned if an environmental study has to be done.

Brooks stated they do an environmental study on every project.

Cleghorn stated they could use this money for sewer reconstruction in older parts of town.

Hankins stated that if it is good program, why would we not continue to fund them.

Warren stated he feels that it would be more effective if we looked at concentration of services within groups. He stated they could reallocate funding at the end of the year.

MOVED by Warren SECOND by Burk to approve the Draft of the FFY 2022 Action Plan with an amendment to the 5-year Consolidated Plan, accepting the City Planning Commission funding recommendations for PSO applicants, accepting revisions to the City's Policy Manual for HUD funded programs and direct staff to come back with a plan for limited years and to include others. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

22. Receive an update on the Elmer Thomas Park & Lakes master plans along with discussion on any park items, receiving input from council, and give direction and guidance as deemed necessary.

Nate Clair, Halff and Associates, presented an update on the master plans for Elmer Thomas Park and the lakes.

Dewayne Burk, Deputy City Manager, stated he has been directed to start a list of all the different park facilities and they will bring that list back to council to establish prioritization. He questioned if the council would like to do this at a special meeting. They could schedule this to correspond with the end of the public input meetings.

Mayor Booker questioned the status of a grant to do the sidewalk around Lake Helen.

D. Burk stated they did not receive that TSET grant. He stated it will be a piece of the Elmer Thomas master plan and they will be able to fund some of these projects through the CIP.

Chapman stated they need to build upon this plan for Elmer Thomas Park.

D. Burk stated the installation of the infrastructure for the additional electrical will be instrumental in developing that park and making it a destination.

Burk stated they also need to remember East Side Park and Lee West Park as being a destination with smaller splash pads. There are a lot of people who would like to have something on the east and west side of town. He stated some of that CDBG money could be used for projects in Elmer Thomas Park.

Warren stated it would be interesting to look at building a parkway along 5th Street between the plaza, the 35th division park and Elmer Thomas Park, and putting sidewalks on both sides of the street.

Burk stated that is a great idea and a way to connect everything.

D. Burk stated they are looking at connecting the library courtyard to Shepler Park and then make that connection to bring it all together.

Chapman stated she is concerned about the location of the sports complex in Elmer Thomas Park. She is for the complex, but she has had so many calls over the past few months from people who are not settled on that location. She stated they were elected to listen to the citizens, and she feels this may be one item where they need to step back and look at how they can make all of this work.

Mayor Booker questioned if she wanted them to develop the conceptual drawing and plan without the sports complex.

Chapman stated yes.

Mayor Booker stated he also believes they have moved past that point, and they need to look for something else. He questioned if the council was ready to move away from that location. He feels that it added a lot of expense, and he is ready to start thinking about another location.

Fortenbaugh stated he and Council Member Warren are members of the Sports Authority and they are not married to that location, and they never were. Some new information will come out next week about plans for the Sports Authority and who they will hire to help them with recommendations on what we want and where we can put it.

Warren stated the cost is a factor and he feels there will be public meetings at some point about this issue.

D. Burk stated that staff anticipated that this subject would come up and he feels the public input portion of this master plan would be a great opportunity to discuss options.

Cleghorn stated with the master plan, they will gather information and put together a preliminary design and at some point the council will review and public hearings will be held before they formalize the final plan. The process is intended to go slow.

Hampton stated they need to remember that people fish at Liberty Lake and Lake Helen.

Harris stated there might be a more suitable location in the park. He feels that is our premier park and that is where the premier recreation center should be located.

Mayor Booker questioned when the plans will be coming back to council.

Mr. Claire stated the plan for Elmer Thomas Park will be approximately a three-month process, so they are looking at early November, and with the Lakes plan they are looking at late fall.

Mayor Booker questioned if they are looking at aquatics.

Mr. Claire stated they are working on a concept plan for the water park in Elmer Thomas Park.

Mayor Booker stated they are wanting an aquatics master plan.

Mr. Claire stated he could not give a date for an aquatics master plan. He will work with WTI on a scope of work and proposal and that will determine the timeline.

D. Burk stated they have asked Halff to expedite a potential concept on the Elmer Thomas water park.

23. Consider authorizing the City Manager to use previously approved American Rescue Plan Act funding to offer a back to work incentive for new hires up to \$7,500.00 depending on the position, difficulty of the position to fill, or length of time to fill an empty position.

STRICKEN

STAFF REPORTS:

Receive an update on CIP Projects from Director of Engineering

Joe Painter, Engineering Director, presented an update on CIP projects. (On file in the City Clerk's office)

Mayor Booker stated under the bridge projects staff has Propel as the funding source and the challenge with putting these bridges in Propel is that we promised people Lee Boulevard, Goodyear Boulevard and that extension, and we have to do what we promised people. He stated it is another thing if we are going to fund the engineering to get a good estimate, but he can't see how we could expect Propel to fund these bridges.

Painter stated there are a lot of different grants and funds out there and there has to be some bridge money out there. It is important to have your plans ready when you apply for funding, and they need to get the plans on the shelf.

Mayor Booker questioned when they will be ready to bid Gore.

Painter stated it will be well into next year. They have had issues with the consultant and are waiting on AT&T to relocate some utilities.

Mayor Booker questioned if they have the plans complete.

Painter stated they are 99% complete, they need one more plan in hand with ODOT.

Mayor Booker questioned when the pavement assessment would be complete.

Cleghorn stated they just finished gathering the data and now it will take some time to create a report.

Mayor Booker questioned the timeline for Goodyear extension.

Painter stated at least one year for plans and right of way.

Burk questioned the bridge on the east side.

Painter stated it will not be a big project, about a half million, and he is hoping they will find funding when they have the plans in hand.

The Mayor and Council convened in executive session at 3:58 p.m. and reconvened in regular, open session at 4:37 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

24. 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, specifically, the City's pending litigation in City of Lawton v. Purdue Pharma Inc., et al, CIV-19-78 as part of In Re: National Prescription Opiate Litigation MDL No. 2804, to include a discussion and consideration for approval a potential settlement with distributors Cardinal Health, McKesson Corporation and AmerisourceBergen Corporation, and if necessary take action in open session that may include the approval of one or more resolutions and/or other documents related to any such settlement.

Ratliff read the title of item #24.

MOVED by Burk SECOND by Fortenbaugh to adopt **Resolution 22-105** to approve participation in the Distributors Oklahoma Settlement Agreement for the purpose of the City resolving its claims against certain pharmaceutical distributors McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen, and in doing so Move 1) Authorize the Mayor to execute the Settlement Participation Form contained in the Distributors Oklahoma Settlement Agreement as Exhibit G, 2) Approve participation in the Memorandum of Understanding Regarding Certain Opioid Litigation Proceeds with the State of Oklahoma [also known as the “sharing agreement”] and Addendum to Sharing Agreement Regarding Certain Opioid Litigation Proceeds, and further ratify its prior actions of legal counsel in executing documents necessary for the City to participate in the Distributors Oklahoma Settlement Agreement, the Sharing Agreement, and the Addendum to the Sharing Agreement, 3) Authorize the Mayor and legal counsel to take all actions required by the Distributors Oklahoma Settlement Agreement, the Sharing Agreement and Addendum to the Sharing Agreement to effectuate the Distributors Oklahoma Settlement Agreement for the benefit of the City, including executing any documents required to finalize the participation of the City in the Distributors Oklahoma Settlement Agreement, the Sharing Agreement, and the Amendment to the Sharing Agreement, and 4) Authorize the execution of the resolution. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

25. 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, specifically, the City’s pending litigation in City of Lawton v. Purdue Pharma Inc., et al, CIV-19-78 as part of In Re: National Prescription Opiate Litigation MDL No. 2804, to include a discussion and consideration for approval a potential settlement with Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (collectively “Janssen”), and if necessary take action in open session that may include the approval one or more resolutions and/or other documents related to any such settlement.

Ratliff read the title of item #25.

MOVED by Warren SECOND by Burk to adopt **Resolution 22-106** to approve participation in the Janssen Oklahoma Subdivision Opioid Settlement Agreement for the purpose of the City resolving its claims against certain pharmaceutical manufacturers / distributors Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (collectively “Janssen”), and in doing so: 1) Authorize the Mayor to execute the Settlement Participation Form contained in the Janssen Oklahoma Subdivision Opioid Settlement Agreement as Exhibit C, and 2) Authorize legal counsel to take all actions required by Exhibit C and the Janssen Oklahoma Subdivision Opioid Settlement Agreement to effectuate the Janssen Oklahoma Subdivision Opioid Settlement Agreement for the benefit of the City, and 3) Authorize the execution of the resolution. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

26. 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, specifically, the City's pending litigation in City of Lawton v. Purdue Pharma Inc., et al, CIV-19-78 as part of In Re: National Prescription Opiate Litigation MDL No. 2804, to include a discussion and consideration for approval a potential settlement with Mallinckrodt PLC & Mallinckrodt LLC, and if necessary take action in open session that may include the approval one or more resolutions and/or other documents related to any such settlement.

Ratliff read the title of item #26. No action was taken.

There being no further business to consider, the meeting adjourned at 4:39 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK