

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
OCTOBER 13, 2020 – 2:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:
Michael Cleghorn, City Manager
Tim Wilson, Interim City Attorney
Traci Hushbeck, City Clerk
COL Rhett A. Taylor, Fort Sill Liaison

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 David Gooding, Lawton Church of the Nazarene, followed by the Pledge of Allegiance

ROLL CALL

PRESENT: Mary Ann Hankins, Ward One
Keith Jackson, Ward Two
Linda Chapman, Ward Three
Jay Burk, Ward Four
Allan Hampton, Ward Five
Sean Fortenbaugh, Ward Six
Onreka Johnson, Ward Seven
Randy Warren, Ward Eight

ABSENT: None

PROCLAMATION FOR WHITE CANE SAFETY DAY

Mayor Booker proclaimed October 15, 2020 as White Cane Safety Day.

PROCLAMATION HONORING MCMAHON FOUNDATION

Mayor Booker recognized the board members in celebration of the 80th anniversary of the McMahon Foundation.

PROCLAMATION FOR NATIONAL CODE COMPLIANCE MONTH

Mayor Booker proclaimed October 2021 as National Code Compliance Month

AUDIENCE PARTICIPATION:

Paul Greene, 806 NW 52nd, stated an employer must withhold income taxes and pay social security on wages paid to an employee. Employers do not have to withhold or pay any taxes on payment to independent contractors. IRS regulations require an employer to withhold income taxes and issue a W-2 to an employee. IRS rules stated that generally any individual that serves as a public officer is an employee of the government for whom he or she serves. Individuals who serve as public officials are government employees, therefore the government entity is responsible for withholding and paying federal income tax. They must also issue a W-2 to public officials. The general revenue code section 304.1c indicates that any elected official of government is an employee. The court generally define “public official” to mean anyone who exercises significant authority pursuant to public laws, this includes any official who administers and enforces public law whether they are public elected the individual or appointed. Regulations from Section 1402 addressing the applicability of the self-employment tax indicate that performance of functions of public office does not constitute a trade or business, therefore holders of public office are not subject to self-employment tax. All other holders of public office paid on a salary basis are excepted from self-employment tax are presumed to be employees. The following indicate that an office is a public office, the municipality or anybody with authority conferred by the legislature creating the office. The office was delegated a portion of the powers of the government body. Legislative authority defined the powers conferred the duties to be discharged by the office. Some examples of public officials include president, vice-president, governor, mayor, a member of a legislative body such as state legislature, city council or school board, a judge, justice of the peace, city attorney, marshal or sheriff, members of advisory boards and committees like boards of education and water boards. Some fee based public officials receive and retain ----- directly from the public, this work is considered self-employment and these individuals are not employees with respect to their work. An official who receives a salary even if it is called “fees” is a common law employee and subject to social security and medicare withholding. Fee based public officials are subject to self-employment tax. So ya’ll are employees of the City of Lawton is its good there is a desk for you to hide under. Thank you.

Chad Hernandez, 216 SW Oxford, Oklahoma medical marijuana authority 310681-5-3.2 subsection 5 persons prohibited from holding a commercial license, a sheriff, deputy sheriff, police officer, prosecuting officer, officer or employee of OMMA or officer or employee of the municipality in which the commercial license is located. Section 310681-1-4 definitions of the OMMA defines an owner as all shareholders owning an interest in a corporate entity and all officers of a corporate entity, all partners of a general partnership, all general partners and all limited partners that own an interest in a limited partnership, all members that own an interest in a limited liability company, all beneficiaries that hold a beneficial interest in a trust of all trustees of a trust, all persons or entities that own interest in a joint venture, all persons or entities that own interest in an association, the owners of any other type of legal entity and any other person holding an interest or convertible note in an entity which owns, operates or manages a licensed medical marijuana facility. Let’s rewind to the September 8th council meeting, by Councilman Burk’s own admission in the September 8th council meeting on the ownership of medical marijuana dispensaries, he fits the definition of “owner” by way of the Oklahoma Medical Marijuana Authority. I have the reference for the Oklahoma Medical Marijuana Authority

license number here. Per OMMA compliance department the license is “owned” by the registered business and all partners and through involvement in ownership of a medical marijuana dispensary, legal business partnership included, in the municipality of Lawton, Oklahoma. Councilman Buk is in violation of OMMA law, outside the boundaries of required registration with the Oklahoma Bureau of Narcotics which places himself and this council in a violation of public trust and ethics. For the sake of transparency, the citizens of Lawton are expecting this council to take appropriate legal action. Lawton City Charter Section C-8-14, conflicts of interest state the council by ordinance or personnel rules may further regulate conflict of interest and ethics of officials and employees of the City. I have hard copies here of the OMMA sections previously referred to as well as the business partnership agreement which includes Councilman Burk. I have these here for you Mr. Wilson.

Mayor Booker stated the council will address item #27 since several people are in attendance for this item.

OLD BUSINESS ITEM:

27. Consider an ordinance pertaining to Offenses and Crimes repealing and reserving Section 16-5-1-546, Division 16-5-1, Article 16-5, Chapter 16, Lawton City Code 2015, eliminating the requirements for the posting of signage and the wearing of face masks in certain instances to help limit the spreading of disease; providing for severability; and declaring an emergency with an immediate effective date; or in the alternative to repealing Section 16-5-1-546, provide staff direction for any other modifications council would like made to the section, if any. Exhibits: Ordinance 20-____.

Mayor Booker stated the wording has been broadened so the council can move forward with whatever the council wants.

Mayor Booker presented information on the status of cases in mask mandated and non-mask mandated municipalities. He stated he would like to proceed by allowing one person from each of the government institutions that wish to address the council. Then they will go to the citizen participation which they will use the previous rule of 15 minutes from each side.

Updates were given by:

Brandie Combs, Public Health Official from the Comanche County Health Department
Dr. Scott Michener, Chief Medical Officer, Comanche County Memorial Hospital
Kevin Hime, Superintendent of Lawton Public Schools
COL Rhett A. Taylor, Fort Sill Liaison

Citizen Commentary:

Mayor Booker stated there will be a 15-minute time limit total. Each speaker will have three minutes.

Paul Greene, 806 NW 52nd Street, raised a point of order. He stated each previous speaker were not time limited.

Mayor Booker stated these were reports from government entities.

Mr. Greene stated he is asking for the same concurrence. He stated a point of order is a procedural request.

Burk stated the point of order is for the council, not a speaker. He stated they are here to listen and asked that everyone be respectful.

Those who spoke against the mask mandate:

Paul Greene, 806 NW 52nd Street
Pam Carter, 2215 NW Hoover Avenue
Kimberly Shea, 293 Lakecrest Drive
Linsey, Park Avenue
Tom Watts, 4831 SE Ellsworth Avenue
Matt Shea, 293 Lakecrest Drive

Those who spoke in favor of the mask mandate:

Dr. Jean Hausheer, 29 NW Burr Oak Drive
Patty Neuwirth, 715 NW Heinzewood Circle
Pastor David Gooding, 1707 NW Lincoln

Mayor Booker stated that is the end of the public comments and now they will have discussion from the council.

Burk stated the mask committee has met and they have gone over a tremendous amount of data. They agreed that the mask mandate is working, and they believe that it will keep businesses and schools open. He stated 92% of the people who have contacted him were in favor of the mask mandate. He stated they are recommending that the council table the mask mandate issue and review it again at the council meeting on January 12, 2021.

MOVED by Burk SECOND by Chapman to table and bring this item back for review on January 12, 2021.

Fortenbaugh stated there is still no exit strategy or any measurement to where we can say that we don't need masks anymore. He would ask the committee to work with staff and look at what point they can do away with the masks.

Warren stated they had talked about a matrix and he would like the committee to look at a seven-day average of less than 50 consecutive cases coupled with a seven-day average of less than six new cases over a four-week period. This would protect the citizens from a blossom as well as a slow increase.

Burk stated he just could not find something that could give us a go and a stop. A lot of businesses can't afford to be closed again. He stated the problem has been figuring out the real number. He invited Warren to come to the next committee meeting.

Ms. Combs stated once vaccines are readily available and they can show that they are effective, then they can start looking at pulling back on these types of ordinances.

Warren stated they cannot have a certain date, but they can look at the number of active cases. That would give them something to work towards.

Hampton stated he agrees that we need an exit strategy, and he believes they need to be unified for the community. He feels someone needs to look at viable criteria.

Chapman stated her constituents have contacted her and 89.2% want to keep the mask requirement and 8% say no.

Hankins stated she has 93.3% in favor of continuing with the mask ordinance.

Warren stated he is running 75% in favor and 25% against. He would support the mask mandate. He would ask that staff put something together for an exit strategy.

Burk stated the committee agrees and they will get with staff to bring back some ideas.

Johnson stated she has received a lot of correspondence and the majority are for the ordinance. She stated she wants people to understand that they are looking out for the public health and safety of our citizens.

VOTE ON MOTION: AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Warren, Hankins. NAY: None. MOTION CARRIED.

Mayor Booker thanked everyone for coming and participating in the process.

REPORTS: MAYOR/CITY COUNCIL:

Hankins stated she and Bill Shoemate have been talking about starting another neighborhood watch for ward one. She asked that those that are interested please contact her.

Chapman stated they had 63 people attend the Meadowbrook Heinze neighborhood meeting.

Hampton stated he is excited about the improvements coming to the tennis courts.

Fortenbaugh recognized the police department for responding to the robberies in his area. He stated they are a professional group.

Johnson stated Ranch Oak and Lawton View have very active neighborhood watch groups.

Warren stated he is willing to help any neighborhood in his ward set up a watch group. He stated he supports the idea of merging the Arts and Humanities Council and the McMahon Auditorium Authority. He stated this will help with having events at the auditorium.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF SEPTEMBER 8 AND SEPTEMBER 22, 2020.

MOVED by Warren SECOND by Jackson to approve the minutes of September 8 and September 22, 2020. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Warren, Hankins. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

MOVED by Jackson SECOND by Burk to approve the consent agenda with the exception of items #6, #7, #8 and #11. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Warren, Hankins. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Kimberly and Donnie Finley in the reduced amount of \$4,500.00. Exhibits: Legal Opinion/Recommendation and **Resolution 20-91**.
2. Consider the following damage claims recommended for denial: Terri S. Black in the amount of \$4,295.17 and Jack Erwin in the amount of \$566.08. Exhibits: Legal Opinion/Recommendation.
3. Consider adopting a resolution approving the joint petition settlement and making payment in the workers' compensation claim of Clinton Kizarr. Exhibits: **Resolution 20-92**.
4. Consider adopting a resolution approving the joint petition settlement and making payment in the workers' compensation claim of Britt Hubbard. Exhibits: **Resolution 20-93**.
5. Consider adopting a resolution approving an intergovernmental cooperative purchasing agreement by and between Sourcewell and the City of Lawton, ratifying any purchases made under a previous membership with Sourcewell (formerly known as National Joint Powers Alliance); and authorize the Mayor and City Clerk to execute the resolution and agreement. Exhibits: **Resolution 20-94** and Sourcewell Agreement.
6. Consider authorizing the Emergency Communications Department to apply for a State of Oklahoma 911 Management Authority Grant and adopting a resolution declaring the Emergency Communications Department will provide matching funds for the Oklahoma State 911 Management Authority Grant as required by the Grant Application. Exhibits: Resolution 20-__ and Xybix Systems, Inc. Quote.

Jessica Carter, Emergency Communications Director, stated if awarded this grant they would have a cost savings of \$173,360. It is an 80/20 grant.

MOVED by Burk SECOND by Warren to authorize the Emergency Communications Department to apply for a State of Oklahoma 911 Management Authority Grant and adopting **Resolution 20-95** declaring the Emergency Communications Department will provide matching funds for the Oklahoma State 911 Management Authority Grant as required by the Grant Application. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Warren, Hankins. NAY: None. MOTION CARRIED.

7. Consider ratifying the City Manager's acceptance of a grant award in the amount of \$73,000.00 from the 2020 Oklahoma Office of Homeland Security Grant Program for a Crime Analyst position. This grant award will be for a two-year period from September 1, 2020 to August 31, 2022. Exhibits: Homeland Security Award Memo and Signature Authorization Homeland Security Grant Program Terms and Conditions (on file with the City Clerk's Office).

Will Hines, Deputy Chief of Police, stated this is an annual grant they have received over the past five years. They received \$73,000 to fund the crime analyst position.

MOVED by Burk SECOND by Jackson to ratify the City Manager's acceptance of a grant award in the amount of \$73,000.00 from the 2020 Oklahoma Office of Homeland Security Grant Program for a Crime Analyst position. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Warren, Hankins. NAY: None. MOTION CARRIED.

8. Consider authorizing the Fire Department to accept the Haz-Mat ID Elite Chemical Identifier from the State Office of Homeland Security as well as all remaining grant funding associated with the purchase, acceptance, and any future equipment awarded to the Lawton Fire Departments Haz-Mat Truck, Technical Rescue Trailer (TRT), auxiliary rescue trailer, and tow vehicle. Exhibits: None.

Fire Chief Raanon Adams, stated this is a continuation of a grant the fire department received in 2007. We serve as a regional response unit for the 17 counties in SW Oklahoma. This piece of equipment goes on the hazmat unit and costs approximately \$45,000 and could not be funded through the normal budget.

MOVED by Burk SECOND by Chapman to authorize the Fire Department to accept the Haz-Mat ID Elite Chemical Identifier from the State Office of Homeland Security as well as all remaining grant funding associated with the purchase, acceptance, and any future equipment awarded to the Lawton Fire Departments Haz-Mat Truck, Technical Rescue Trailer (TRT), auxiliary rescue trailer, and tow vehicle. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Warren, Hankins. NAY: None. MOTION CARRIED.

9. Consider setting the date of November 24, 2020, to hold a public hearing to close a portion of the alley in Block 24, Lawton Original Townsite, located between SW B Avenue and SW C Avenue, SW 1st Street and SW 2nd Street. Exhibits: Location map.

10. Consider accepting the construction of the Emergency Repair Project 11th Street Over Wolf Creek - Project #2020-01 by Logos Construction Co., LLC and placing the Maintenance Bond into effect. Exhibits: Final payment estimate reviewed by Lochner.
11. Consider approving plans and specifications for the 2017 Ad Valorem Street and Roads Program (Residential), Phase I-B – NW Carrol Drive, SW 26th Street, SW Cornell Avenue & NW 36th Street - Project #2017-07 and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Engineering Division Office.

Joe Painter, Engineering Director, stated in 30 days they will open bids and choose a contractor. Next projects are I-A and I-C, which will be advertised in November. They are getting close to finishing out the phase I projects.

MOVED by Warren SECOND by Chapman to approve plans and specifications for the 2017 Ad Valorem Street and Roads Program (Residential), Phase I-B – NW Carrol Drive, SW 26th Street, SW Cornell Avenue & NW 36th Street - Project #2017-07 and authorize staff to advertise for bids. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Warren, Hankins. NAY: None. MOTION CARRIED.

12. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures at: NW 14th Street and NW Lincoln Ave, NE Lake Ave and NE Bell Ave, SW 71st Street and SW Forest Ave, at 412 SW 71st St., SE Ford Ave at SE 45th St and at SE 38th St. Exhibits: **Resolution 20-96**, Traffic Commission Minutes & Requests.
13. Consider adopting Street Light Resolution No. 500 to authorize the installation/removal of streetlights at the location listed in the Resolution. Exhibits: Street Light Resolution No. 500.
14. Consider acknowledging receipt of a Tier 1 permit for the construction of sanitary sewer lines from the Oklahoma Department of Environmental Quality to serve the South Wolf Creek Trunk Expansion #5 and #6 Project, City of Lawton, Comanche County, Oklahoma. Exhibits: None.
15. Consider accepting a temporary easement from Kiera N. Butler, a single person, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
16. Consider accepting a temporary easement from Monte K. Chesnutt, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.

17. Consider accepting a temporary easement from Ernesto Joseph Endaya, a single person, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
18. Consider accepting a temporary easement from Douglas A. & Yeong A. Garrett, husband & wife, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
19. Consider accepting a temporary easement from Reginald D. & Sonya Maddox, husband and wife, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
20. Consider accepting a temporary easement from Donald & Kendra Pauley, husband and wife, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
21. Consider accepting a temporary easement and a permanent easement from Raymond R. Polk & Ruby L. Polk, Trustees of the Raymond R. Polk and Ruby L. Polk Revocable Living Trust dated June 4, 2020, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the documents. Exhibits: Document is on file in the City Clerk's office.
22. Consider accepting a temporary easement from Janet F. Roof, a single person, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
23. Consider accepting a temporary easement from Suzan M. Sabino, a single person, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
24. Consider accepting a temporary easement from Carolyn A. Sanders, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.
25. Consider accepting a temporary easement from Marty & Geri Sheffield, husband and wife, for right of way needed for the 2017 Ad Valorem Streets Phase 1, Project #2017-07 and authorize the Mayor and City Clerk to execute the document. Exhibits: Document is on file in the City Clerk's office.

26. Consider approving appointments to boards and commissions. Exhibits: None.

Lawton Access Board

Dana Young
New Member

City Planning Commission

David Denham
Ward 5 Representative
05/10/23

Lakes and Land Commission

Mark Scott
New Member
Unexpired Term 01/23/22

Donald L. Smith
New Member
Unexpired Term 01/23/22

Mayor's Commission On The Status Of Women

Sara Paape
New Member
Unexpired Term 01/23/2021

NEW BUSINESS ITEMS:

28. Hold a public hearing and consider approving the submission and acceptance of the 2020 Department of Justice Edward Byrne Assistance Grant Local (JAG) by the Lawton Police Department. Exhibits: Interlocal City-Council Edward Byrne Memorial Grant Agreement.

Hines stated this is an annual grant that LPD receives. It is an 80/20 split with Comanche County. This year they were awarded \$61,070. The county will receive \$12,214 and the city will receive \$48,856. He stated they will purchase a server that will help to download and upload the watchdog videos.

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

MOVED by Burk SECOND by Jackson to approve the submission and acceptance of the 2020 Department of Justice Edward Byrne Assistance Grant Local (JAG) by the Lawton Police Department. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

29. Consider approving a Resolution fixing the amount of Street Improvement General Obligation Bonds, Series 2020, to mature each year; fixing the time and place the bonds are to be sold; designating a paying agent/registrar; approving the preliminary official statement and distribution thereof; ratifying and confirming a continuing disclosure agreement; authorizing the clerk to give notice of said sale as required by law and fixing other details of the issue. Exhibits: Proposed Resolution and Notice of Sale. Continuing Disclosure Agreement and Preliminary Official Statement (on file in the City Clerk's Office).

Tim Wilson, Deputy City Attorney, stated this will get the process started to go out for bid for our annual GO bonds.

Chris Gander, BOK, stated in 2017 voters authorized a \$55,300,000 worth of bonds. Those will be issued annually over the course of 10 or 11 years. This is the fourth issuance and with this they will issue \$24,890,000 of that \$55.3 million. This will set the date, time, and place to receive bids. That date is November 10, 2020 at 11 a.m..

MOVED by Burk SECOND by Fortenbaugh to approve **Resolution 20-97**. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

30. Consider Change Order #18 to the contract between Flintco, LLC and the City of Lawton for construction of the Public Safety Facility. Exhibits: Change Order #18 - Public Safety Facility.

Painter stated there are 28 items that are design items that needed to be corrected. Two items are weather delay days and COVID-19 delays.

Burk stated he and Council Member Warren disagree on some weather days and the COVID days.

Painter stated the crews had to be tested.

Warren stated the COVID days are not the fault of the citizens. He does not know if it is worth arguing about.

Burk questioned the move in date.

Painter stated the new completion date would be the first of January.

Burk stated he will make the motion to approve, and they can deal when this when the project is done.

MOVED by Burk SECOND by Warren to approve Change Order #18 to the contract between Flintco, LLC and the City of Lawton for construction of the Public Safety Facility. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

Mayor Booker stated item #31 will be stricken from the agenda.

31. Consider Change Order #19 to the contract between Flintco, LLC and the City of Lawton for construction of the Public Safety Facility. Exhibits: Change Order #19 - Public Safety Facility. **STRICKEN**

32. Consider an ordinance amending Section 12-1-104, Chapter 12, Lawton City Code, 2015, by specifying the grace period for an individual to obtain a food handler permit; providing for severability and establishing an effective date. Exhibits: Ordinance 20-__.

Charlotte Brown, Senior Planner, stated on August 25, 2020 City Council approved an ordinance that moves the Food Handlers certification to the Comanche County Health Department. One of the questions at that meeting was regarding providing a grace period for those individuals to obtain their certification. This ordinance will grant them 30 days from the date of hire to obtain their food handlers certification.

MOVED by Fortenbaugh SECOND by Burk to adopt **Ordinance 20-16**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage
AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 20-16

AN ORDINANCE PERTAINING TO FOOD AND FOOD ESTABLISHMENTS AMENDING SECTION 12-1-104, CHAPTER 12, LAWTON CITY CODE, 2015, SPECIFYING THE GRACE PERIOD FOR AN INDIVIDUAL TO OBTAIN A FOOD HANDLERS PERMIT PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

33. Consider an ordinance amending Personnel Policies and Procedures Section 17-1-6-167, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2015, by compensating terminal leave employees on an hour by hour basis for any time worked while on terminal leave; providing for severability and establishing an effective date. Exhibits: Ordinance 20-__.

Dewayne Burk, Human Resources Director, stated in 2015, City Code was amended to allow the City Manager to request that an employee on terminal leave return to work on a limited basis for transitional purposes. The Code currently reads that the if this option is exercised, "...the employee will receive regular pay for each day the employee returns to work." Terminal leave is currently tracked in hours rather than days and because there are instances when an employee on terminal leave has been needed for less than a full day it is necessary to clarify how those employees are compensated. The proposed amendment would clarify that all employees on terminal leave would be paid as hourly employees in the event they are utilized for limited transitional work which will allow for more consistency in the accurate tracking of said terminal leave. This proposed amendment has been approved by the EAC.

MOVED by Hankins SECOND by Burk to adopt **Ordinance 20-17**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage.
AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 20-17

AN ORDINANCE PERTAINING TO PERSONNEL POLICIES AND PROCEDURES, AMENDING SECTION 17-1-6-167, DIVISION 17-1-6, ARTICLE 17-1, CHAPTER 17, LAWTON CITY CODE, 2015, BY COMPENSATING TERMINAL LEAVE EMPLOYEES ON AN HOUR BY HOUR BASIS FOR ANY TIME WORKED WHILE ON TERMINAL LEAVE; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The Mayor and Council convened in executive session at 4:32 p.m. and reconvened in regular, open session at 5:39 p.m. Roll call reflected all members present.

EXECUTIVE SESSION:

34. Pursuant to Section 307 B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending investigation under Council Policy 3-3 and, if necessary, take action in open session. Exhibits: None.

Wilson read the title of item #34.

MOVED by Burk SECOND by Jackson to direct staff to agenda this item for the council meeting on October 27, 2020 to discuss the investigation further and consider possible disciplinary action. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Johnson, Warren. NAY: Fortenbaugh. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 5:41 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK