Lawton City Hall

212 SW 9th Street
Lawton, Oklahoma

73501-3944

City of Lawton

City Council
MINUTES

Tuesday, October 24, 2023 **2:00 PM** **Lawton City Hall Council Chambers/Auditorium**

MEETING CALLED TO ORDER BY MAYOR WITH INVOCATION BY PASTOR TROY TAYLOR FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

ROLL CALL

PRESENT: Mary Ann Hankins, Ward 1
Kelly Harris, Ward 2
Linda Chapman, Ward 3
George Gill, Ward 4
Allan Hampton, Ward 5
Bob Weger, Ward 6
Onreka Johnson, Ward 7,
Randy Warren, Ward 8

ABSENT: None

ALSO PRESENT: Mayor Stanley Booker
John Ratliff, City Manager,
Timothy Wilson, Interim City Attorney
COL James Peay, Fort Sill Liaison
Donalynn Blazek-Scherler, City Clerk

PRESENTATION:

Introduction of New Parks & Recreation Director, Ret CSM Larry Parks

Annual Report from Lawton Economic Development Corporation (LEDC)

PROCLAMATION:

September Citizen of the Month- Tony Washington

October Citizen of the Month- Ronda Norrell

Homeless Youth Awareness Month

REPORTS: MAYOR/CITY COUNCIL

COL Peay spoke on retention and transition efforts at Fort Sill.
Warren spoke on a flooding issue on 2nd Street. A citizen suggested painting a mural in that area to show the depth of flooding.
Johnson stated gospel artist Wes Morgan will be in concert at Bethlehem Baptist Church along with Pastor Charles Ellington.
Weger commended City Staff for the work that is being done and their positive attitude.
Hampton commented positively on the Farmer's Market. He also commented on the success of the Streets and Bridges Committee.
Chapman thanked Chief Smith for providing Sgt Demmitt for Neighborhood Watch Meetings.
Harris reminded everyone to treat or treat safely. He also reminded the Council about the Fort Sill Thanksgiving Feeding.
Hankins thanked the ministers that pray before the meeting that pray for wisdom for the Council.

AUDIENCE PARTICIPATION: Anyone having an item of business to present to the City Council that does not appear on the agenda please come forward at this time.

Gary Arnold, 2314 NW 76th Street, spoke on presenting a healthy and aesthetic community to possible companies looking at developing in Lawton. He would like to see more of a focus on the central portion of Lawton.

Norma Reinchen, 2301 NW 47th Street, spoke on squatters in a burnt-out structure in her neighborhood. She asked that something be done with 2304 NW 47th Street.

Allan Farris, 908 SW 3rd Street, asked to speak about the pool at Mattie Beal Park. Mayor Booker informed him that item is on the agenda, so he must wait until that item is discussed to speak.

Mike Dixon, Edmond, OK, spoke on the importance of economic development, highlighting Wyatt Capital, a Native American owned company that brings business development to tribal lands and non-tribal communities.

Ted Symuleski, 2509 SW Cornell Ave, asked City Council to purchase wreaths for Wreaths Across America.

Mayor Booker thanked Traci Hushbeck for her twenty-two years of service with the City of Lawton. Hushbeck has been the City Clerk for nineteen years. Council provided positive comments to Hushbeck about her years of service.

CONSENT AGENDA:

1. Consider approval of the minutes of the Lawton City Council special meeting **23-950**

of September 7, and the regular meeting of October 10, 2023.

Attachments: 10Oct23
07Sept23

2. Consider approving two (2) damage claims (recommended for approval) and resolutions authorizing payments for Ronald Williams (RESOLUTION 23-158) in the amount of $2,244.46, and AEP (American Electric Power) (RESOLUTION 23-159) in the amount of $6,846.00. **23-938**

Attachments: Williams, Ronald - Memorandum
Williams, Ronald - Resolution and Warrant of Attorney
AEP - Memorandum
AEP - Resolution and Warrant of Attorney

3. Consider the following damage claim recommended for denial: Last Frontier Council, Boy Scouts of America in an unstated amount. **23-942**

Attachments: Last Frontier, Boy Scouts of America - Memorandum

Garrett Lam, Assistant City Attorney, presented the facts of the case. He noted the reasons for denial, including a failure to meet notice requirements.

Carl Hankey, Director of Support Service for the Last Frontier Council, stated this is the third time the sewer backup has happened. He noted that the City was not notified for the first two backups because they wanted to maintain a good relationship with the City. An aid request is being made to bring the line up to code and to install a backflow preventor. He offered to provide quotes for this work.

Mayor Booker stated he doesn't believe bringing the line to code and installing a backflow preventor can be discussed because the agenda item is only in regard to a damage claim.

Wilson stated the City was not informed of previous issues, meaning that the required notice was not met. Wilson also stated the claim is not for a specific amount. Under statutory requirements, a specific amount must be listed. For those legal reasons, Wilson requests that the City Council deny this claim.

Gill questioned who owned the property. He believes the City owns the land but not the building.

Hankey stated the agreement they have is with the City of Lawton.

Gill stated he would like research done on who owns the building. It does not affect the damage claim, but whoever built the building is responsible for the sewer line.

Mayor Booker stated the notice we are looking for is a notice that there is an issue with the City's sewer main.

Lam stated the City looked back three years and there was no notification of an issue with the City's sewer main.

Mayor Booker stated he was under the impression that the City inspected the line after the notification for this claim was provided and there was no blockage.

Lam stated that is his understanding as well; Wastewater Services for the City of Lawton checked the main and found no blockages.

Rusty Whisenhunt, Public Utilities Director, stated the damage claim was the first notification received for a possible sewer blockage. The mains downstream from the location in question were replaced last year. The location is upstream from where those replacements took place. Any blockage in question would be on the private sewer line, not the City's main.

Mayor Booker stated there is no blockage in the City's main that caused the damage in an undeclared amount. There is a request to fix the private line that is on City property, which can be discussed with he City Manager.

Harris stated he was informed that the claimant is willing to drop the claim because notice requirements were not met, but they would like to pursue the repairs to the private line, which is not germane to the agenda item.

Motion by HARRIS, seconded by HAMPTON, to deny the claim. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

4. Consider approving plans and specifications for Project EN2205 Construction of 29th St Drainage Culvert and Appurtenances (M14-4) over Tributary to Wratten Creek and authorize staff to advertise for bids. This is in accordance with the True North Culture Statement by providing a more efficient service to the citizens of Lawton. **23-939**

Attachments: 01 20231013 EN2205 - NE 29th Street - Spec Book.pdf

5. Consider accepting the as built drawings and maintenance bond for 903 linear feet of eight (8) inch waterline and a fire hydrant to serve a commercial warehouse building for K & D Construction located at 119 NE 20th Street and acknowledging receipt of a permit from the Oklahoma Department of Environmental Quality. **23-953**

Attachments: OFFSITE WATER LINE PLAN RECORD SET
Maintenance Bond
ODEQ permit WL000016220850

6. Consider and take action awarding a contract for construction of the 2023 CIPP Liner Project PU2307 to SAK Construction, LLC, of O'Fallon, Missouri, to construct a liner rehabilitation approximately 15,000 feet of sanitary sewer line (15" to 30" in diameter) to continue to strive towards our efforts of a Safe Community as put forth in the "True North Culture Statement". **23-905**

Attachments: 2023 CIPP Liner Recommendation of Award_signed
CIPP Bid Tab
PU2307 CIPP Contract Document

7. Consider extending contract (CL23-020) Sodium Hypochlorite to Brenntag Southwest, Inc. of Lancaster Texas. **23-920**

Attachments: Vendor Extension Form-signed
Dept. Extension Memo
Award Letter + CL23-020 Sodium Hypochlorite

8. Consider extending contract CL23-005 Nuisance Abatement to BT Lawn Maintenance of Lawton, OK. **23-929**

Attachments: Dept Recommendation- Extension
CL23-005 Award Letter + Contract
Vendor Extension Form-Signed
Vendor Extension Form1

9. Consider approving the Change Order No. 11 and accepting the Project EN1707P1A 2017 Ad Valorem Street and Roads Program (Residential), Phase I-A - 40th Street & 24th Street as constructed by A.E. Construction, LLC and placing the Maintenance Bond into effect. This is in accordance with the True North Culture Statement by providing a more efficient service to the citizens of Lawton. **STRICKEN** **23-933**

Attachments: Change Order No. 11 - FINAL Change Order_ Phase I-A.pdf
Pay App No. 17 R1 - Phase I-A - Project EN1707 - Engineer Signed.pdf
Contractors Release & Payment Certificate.pdf
Subcontractor Lien waiver.pdf

10. Consider approving an Agreement between the Lawton Enhancement Trust Authority and the City of Lawton, subject to approval by the Authority, to fund activities designed to encourage, promote and foster economic development in the City of Lawton and authorize the Mayor and City Clerk to execute the Agreement. **23-923**

Attachments: LETA Agreement with Budget

11. Consider approving an Agreement between City of Lawton and The Oklahoma Development Finance Authority, for funding for Goodyear Boulevard Reconstruction from Lee Boulevard to Cache Road, Project No. EN2002B, which is in accordance with the True North Culture Statement by providing a more efficient service to the citizens of Lawton. **23-932**

Attachments: City of Lawton Funding Agreement.pdf

12. Consider approving an Agreement between the McMahon Auditorium Authority and the City of Lawton, subject to approval by the Authority, to fund tourism and Arts and Humanities activities and authorize the Mayor and City Clerk to execute the Agreement. **23-945**

Attachments: MAA Support Agreement and Attachment

13. Consider granting a revocable permit for parking and maneuvering on a portion of the City's utility easement located on the Northwest side of Cache Road Square for US COC of Greater Oklahoma, LLC (US Cellular) to access their cell tower. **23-934**

Attachments: Revocable Permit
Application
Site Plan

14. Consider approving a request from the United Way of Southwest Oklahoma to waive permit requirements and the permitting fee in the amount of $57.50, and allow a temporary campaign banner to be placed on City right-of-way and take action as necessary. **23-940**

15. Consider approving the record plat for Bulldog Subdivision located at 7210 NW Cache Road. **23-944**

Attachments: RECORD PLAT
Easement Document
CPC Minutes 08.24.23

16. Consider approving the filing of a Claim form in the Class Action lawsuit In re: Local TV Advertising Antitrust Litigation, case # 18-C-06785 (Northern District of Illinois), in which several national media broadcasters have been accused of a "price fixing" conspiracy between January 1, 2014 and December 31, 2018. **23-967**

Attachments: TV Advertising Antitrust Class Action

Motion by WARREN, second by HARRIS, to approve the consent agenda as presented with the exception of striking item nine and pulling item three. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

UNFINISHED BUSINESS:

17. Discuss the future of Central Fire Station and the Ad Valorem CIP funds currently dedicated toward the renovation of the station and direct staff or take any action arising from the discussion. **23-824**

Wilson stated this item was brought to Council several months ago at the request of Councilmember Warren. We had in our Ad Valorem $700,000.00 earmarked for use in Central Fire Station. At the time of the original discussion, there was a motion made to get an opinion from our bond counsel regarding how this money can be used for Central Fire Station. David Floyd is present today to provide that information.

Floyd stated we are talking about the 2011 General Obligation Bond Election that was held in the City of Lawton. There were several propositions, but we are specifically talking about proposition number two. Proposition number two had two items on it. It was a $3.9 million total question with $3.2 million to go to the construction of a new fire station in Southwest Lawton. $700,000.00 was to be used for the expansion of Central Fire Station. The $3.2 million was spent in accordance with the bond documents and it is not in question. The bonds that were issued are all paid off, so there is no outstanding bond debt. However, the loan proceeds are sitting in a bank account. Because of the way that Oklahoma bonds are issued, you are limited by the Bond Issue Proceeds Act and the actual ballot language. All available information has been reviewed to make a determination on how the funds can be spent. Expansion is not a legal term, so we had to look at how the voters would interpret that. The discussion in 2011 was the expansion of an apparatus bay to handle additional vehicles going in and out of Central Fire Station. After the election, engineers determined it would not be feasible to use the money in that manner. We had to determine if the voters' understanding of expansion, if that means an expansion of services or of the physical location, and their interpretation of fire station. Those funds have to be spent on what the public reasonably expected in 2011, which was the expansion of an apparatus bay. Also, Central Fire Station was named in the ballot several times, so the funds cannot be used at any other location. We do not advise that the funds be used for any sort of administrative offices as discussed previously.

Wilson asked, based on the analysis, what would be the options for the money.

Floyd stated the options are to use the funds for the intended project or deposit the money into the sinking fund for repayment of obligation fund debt. Floyd has spoken to Chris Gander, who has advised the second option would reduce the annual level for one year by approximately $1.43 million.

Motion by WARREN, Second by GILL , to apply the $700,000.00 bond proceeds originally allocated to Central Fire Station to the sinking fund.

Warren stated he makes this motion only because there is no way to spend the funds to add additional fire protection to the citizens.

Mayor Booker stated this motion is in alignment with the True North Culture Statement by providing transparency and accountable decision-making.

Hampton stated he would like to have future discussions regarding the renovations of Town Hall and becoming a designated historical city.

Gill stated Central Fire Station is on the National Register of Historic Places, so that's another option to look at.

Johnson asked Floyd to explain the sinking fund and any issues that might arise from not moving the money to the sinking fund.

Floyd explained the sinking fund and tax implications that may arise from not moving the money.

VOTE ON MOTION: AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren.

NAY: None. *Motion Passed.*

Mayor Booker asked Jared Williams, Fire Chief, how much money was spent on plans that were to be paid out of the Ad Valorem fund.

Chief Williams stated it was approximately $100,000.00. There is currently an email chain going to discuss how to pay for that. Williams went on to explain the necessity of Central Fire Station and plans to come back to request the necessary money in the right way.

Hampton brought up the idea of turning Central Fire Station into a museum.

Williams stated that a display area may be feasible in the future, but there is a necessity to keep Central Fire Station operational, so there will not be enough space for a fully operational museum.

18. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, increasing the fee for uncovered/unsecured loads, establishing an effective date, and allowing floor amendments along with discussing other methods to improve compliance with Lawton City Code requirements to cover and secure all transported refuse and direct staff as deemed necessary. **23-936**

Attachments: 10.10.23 Solid Waste Fees Uncovered Resolution

Larry Wolcott, Public Works Director, stated this was discussed at the previous Council meeting. The current rate is $28.75, and the proposed Resolution would set the fee at $100.00 for residential loads and $200.00 for commercial loads. We have also looked at our peer cities for comparison; Enid is the only other city that operates their own landfill, and their rate is set at $20.00. Given this, staff's recommendation is to leave the commercial fee but to cap the residential fee at $50.00. The agenda item background also mentions an environmental compliance officer and a public education campaign. There is a grant available to put the compliance officer in place at the landfill next fiscal year. We are looking to use CIP funds to put that position into place this year. We will work with Caitlin on a public education campaign and look at the use of billboards along 11th Street to advertise the tarp requirements.

Motion by WARREN, Second by GILL , to approve Resolution 23-160 with a floor amendment to change the residential fee to $50.00 instead of $100.00. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

BUSINESS ITEMS:

19. Hold a public hearing and consider approving an Ordinance for a request to amend the binding site plan for property located at 1050 NW 38th Street, Lawton, OK 73505. **23-954**

Attachments: Ordinance No. 23-
CPC Minutes 9 28 23
Location Map
Site Plan
Letter - Amendment Request

Cameron Good presented the binding site plan and requested amendments.

PUBLIC HEARING OPENED.
Brett Hogan, 2804 37th Street, Oklahoma City, stated he is the owner and one of the developers if anyone has questions.
PUBLIC HEARING CLOSED.

Motion by HARRIS, Second by GILL, to approve Ordinance 23-44, waive the reading of the ordinance, and read the title only.

City Attorney read the Title: Ordinance 23-44
AN ORDINANCE APPROVING THE BINDING SITE PLAN ATTACHED AS EXHIBIT A; ON THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION ONE (1) HEREOF.

VOTE ON MOTION: AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

Mayor Booker asked to recess the meeting in order to conduct the Water Authority Meeting he forgot to have before the Council Meeting started. The meeting would be recessed until the adjournment of the Water Authority Meeting.

Motion by GILL, Seconded by Johnson, to recess until the adjournment of the Water Authority Meeting. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

Motion by GILL, Seconded by HAMPTON, to return from recess. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

20. Consideration and action upon Resolution of the City of Lawton, Oklahoma (the "City") authorizing and approving the incurring of indebtedness by the trustees of the Lawton Water Authority (herein the "Authority") to be accomplished by the issuance of its Utilities Revenue Note, Series 2023 or **23-961**

other evidences of indebtedness in one or more series on a tax-exempt or taxable basis, at a premium or discount, in the aggregate principal par amount of not to exceed Two Million, Nine Hundred Eighty-Five Thousand Dollars ($2,985,000) (herein the "Note") for the purpose of financing all or a portion of the cost of the acquisition and improving of certain capital improvements in the operation of the water system that provides recreational benefit to the citizens of the City; and pay costs of issuance related thereto; providing that the organizational document creating the Authority is subject to the provisions of the Indenture authorizing the issuance of said Note; approving the award of the sale of said Note on a negotiated basis, approving the waiver of competitive bidding with respect to the sale of said Note; and all matters related thereto, including execution of all related documents thereto; and declaring an emergency.

Attachments: 5. City Council Resolution Authorizing Indebtedness - Final

Wilson stated this is a companion item to what the Water Authority just approved. It is essentially the City as the beneficiary ratifying the actions of the Water Authority to incur indebtedness. This requires a super majority vote.

Motion by WARREN, Second by GILL, to approve Resolution 23-161. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

21. Provide a presentation and update on current Engineering Department Road Projects that are in accordance with the True North Culture Statement by providing a more efficient service to the citizens of Lawton and take action as deemed necessary. **23-928**

Joseph Painter, Director of Engineering, presented current Engineering Department road and sidewalk projects. This presentation is available in the City Clerk's Office.

Mayor Booker emphasized the importance of not delaying the Rehab project of Lee Blvd. He asked that the Streets and Bridges Committee stay on top of this and that the City Manager arrange the budget as necessary to prevent delays.

Mayor Booker requested a press release with videos be done over the completed ad valorem projects.

22. Receive a report and discuss firefighter retention issues and take action as deemed necessary. **23-964**

Attachments: LFD Manning Issues

Fire Chief Williams stated we are currently facing a manning crisis in the fire department. Williams went on the present details on recruitment and retention of firefighters. This presentation is available in the City Clerk's Office. Williams stated his request is for City Council to re-open negotiation for FY24-25.

Mayor Booker noted the pay difference between Lawton and Edmond. He stated he believes everyone wants to pay our firefighters fairly, but we have to determine where that increase would come from.

Williams stated he has not come up with any funding sources. He noted the difference between the number of fires between Lawton and Edmond and that his team works very hard with fewer resources.

Warren stated he's survived several negotiations, but we never seem to come up with an adequate solution. He believes it is more than just pay, but doesn't know how Edmond is able to pay their firefighters more.

Motion by WARREN, Second by GILL , to direct staff to go out for an RFP or RFQ to find an entity that can do an exhaustive study of the Lawton Fire Department in an effort to find efficiencies, savings, and evaluate the best long term plan that results in the ability to pay our firefighters a competitive wage and benefit package that is comparable to our peer cities without raising taxes unduly for the citizens, including the possibility of providing an ambulance service.

Harris asked the average pay for Lawton firefighters and for firefighters from the six peer cities.

Williams stated he does not have that number available right now, but he can get that information.

Harris asked about the number of fire stations in the 6 peer cities.

Williams gave information on Edmond and Norman, both of which are seeing rapid growth and conducting manning studies. He believes if Lawton waits to see what these two cities do, Lawton will lose a vast majority of its firefighters to them because of the opportunities they will provide.

Harris asked what percentage of calls are for fires.

Williams stated they respond to 3% of the calls for fires.

Harris stated he believes firefighters are the first on scene for most calls be several minutes.

Williams stated they are working with EMS to determine their response times. The average response time for Lawton Fired Department is three to four minutes. Depending on location, that is three to eight minutes before EMS arrives.

Harris stated the fire department uses all their equipment prior to EMS arriving to stabilize the patient for transport, and none of the cost for the is recouped. He agrees that we should look at providing the ambulance services as recommended by Warren.

Williams stated that is a possible revenue stream. He doesn't believe the staffing level is available currently to take on EMS. He has visited with both local ambulance services and believes the best path forward would be a mutual aid agreement.

Hankins asked if the peer cities have a larger tax base.

Mayor Booker explained that they actually have a lower tax base per capita.

Warren stated all these discussions should be included as part of the proposed study.

VOTE ON MOTION: AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

23. Per the recommendation of the Streets & Bridges Council Committee, consider approving a list of thirteen street repair candidates for milling and overlaying to be included in the "Ten Wins for the Citizens, On Target On Time" project, including any floor amendments, and take action as deemed necessary. **23-966**

Attachments: Priority List #2

Gill reviewed the status of the Ten Wins for the Citizens Project. Thirteen additional streets have been selected, which are named in a document attached to the agenda. He reminded everyone that these are strictly mill and overlay projects that are being done in addition to normal repairs, ad valorem projects, and CIP projects.

Motion by GILL, Second by HAMPTON, to approve a list of thirteen street repair candidates for milling and overlaying to be included in the "Ten Wins for the Citizens, On Target On Time" project.

Harris asked if Ferris needed to be amended because part of it is concrete.

Gill stated this was discussed, and the plan is just do the asphalt portion. Cliff Haggenmiller with the Streets Division will look at doing the concrete portion.

Chapman asked if the streets were not selected are kept on a list for consideration later on.

Gill stated yes. Streets have several options for repair so we look at all the options and prioritize.

Hampton stated we make sure we select roads from every ward.

Chapman asked that the list include which ward each street is in for public knowledge.

VOTE ON MOTION: AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

24. Discuss water recreation in the City of Lawton as it pertains to an environment for citizens to thrive, including a discussion on the municipal pool location, splash pads in multiple locations, and directing staff to initiate the bidding process for a splash pad design-build(s) with a time frame on when to go out for bid, and take any other action deemed necessary. **23-958**

Warren stated there is a problem with the municipal pool that will take time to fix. This leave a large group of citizens that are not being served. He believes the best option would be to put a splash pad a little bit North and East of the current pool. It's a short-term solution while Councilman Hampton works through SHPO to get the pool fixed. He would like to see this done by May 1st.He also wants to expand this to include a spray park in East Side Park and to build the previously discussed spray park in Lee West. Lee West will also need additional parking.

Johnson requested that the spray park in Ranch Oak also be expanded.

Weger agreed that the splash pads are a great short-term solution.

Allan Ferris, 908 SW 3rd Street, requested that Mattie Beal Pool be open Memorial Day weekend through Labor Day weekend this coming year.

Mitch Dooley, Deputy Director of Parks and Recreation, stated staff is still working diligently to figure out the issues with the pool. The pressure testing revealed two massive leaks in the plumbing that will have a large effect on the operation of the pool. He appreciates the consideration of splash pads as an interim measure.

Motion by WARREN, second by HAMPTON, to direct staff to put out an RFP for the design-build of a 3 spray park/ splash pad package, each having the same design. That design should allow for operation without attendants or lifeguards or fencing, using bollards as perimeter security and two or three button timers to activate different areas of each pad in order to conserve water. These spray parks or pads are to be located in Mattie Beal Park, East and North of the current municipal pool parking lot, Eastside Park, and Lee West Park. Also include in this package, at the request of Councilwoman Johnson, any repairs or rehab needed to bring the Clement Washington spray park, located in the George M Lee Park, to a new condition for long term use. Also direct the city manager to determine if any in-house construction or outside bid is more appropriate to build the first phase of parking to serve the Lee West splash pad and thunder basketball court and to cause that to occur. Direct staff to have camera systems bid, purchased, and installed at those splash pads that would be passively monitored by the parks and recreation department and dispatch. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

STAFF REPORTS:

25. Receive a report from Public Works regarding use of Propel CIP beautification funds for the bulky waste program, litter abatement, and mowing. **23-925**

Attachments: Propel CIP Beutification Costs FY 23 24 v.2.pdf

Larry Wolcott presented a plan to use CIP funds for litter abatement, bulky waste, and mowing. This presentation is available in the City Clerk's Office.

Harris asked if the additional staff would replace contractors.

Wolcott stated no, they would be supplemental for mowing and workers for new bulky waste trucks.

26. Receive a report regarding the most common questions and concerns raised by citizens. **23-951**

Attachments: Common Questions and Concerns

Dewayne Burk, Deputy City Manager presented the most common questions and concerns raised by citizens and where to find the answers. This presentation is available in the City Clerk's Office.

Warren asked if the city website has a frequently asked questions page.

Burk stated yes, but he thinks it could use a little more work. He would like to have the presentation given today connected to the website.

Mayor Booker expressed a desire to have one department advocate for citizens, so they have one place to call.

27. Provide City Council with an update on the FY 2022 Audit Process. **23-952**

Joe Don Dunham, Finance Director, stated we are two weeks out from turning over the trial balance for FY22 to third party contractors. From there, it will go to FORVIS to finalize and present. He is still pushing for a December 31 timeframe, but it may be January.

For 2023, some staff have been moved over to start working on reconciliation.

Auditors have been onsite for two weeks and they have been invited to say where they are at.

Theron Meril, FORVIS, stated everything has gone smoothly. He reviewed the single audits they are reviewing now. If the trial balance is received in the next two weeks, the audit can be completed by the end of the year.

Dunham stated the trial balance still has to be turned over to Crawford and Associates and Dean Actuarial, so those could both be challenges. He has been in contact to communicate the importance of getting this done quickly.

Mayor Booker asked if the next step is Council accepting the audit.

Meril stated they will turn the audit over to the state.

Mayor Booker asked if this will be brought to Council on January 9th.

Dunham stated that is the goal, but he can’t promise that.

Mayor Booker asked Dunham if he has all the tools he needs to get this done.

Dunham stated yes, we have contracted accountants to help.

Ratliff asked Dunham to explain to the Council what a trial balance is.

Dunham stated a trial balance is basically just the financial documents for the City of Lawton. It shows our assets, liabilities, equities, revenues, and expenditures. It should show that all assets and liabilities are equal.

Motion by GILL, Second by CHAPMAN, to enter into executive session. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

Council remained in executive session from 5:35 PM to 8:30PM.

Motion by GILL, Second by HARRIS, to return from executive session. AYE: Hankins, Harris, Chapman, Gill, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

EXECUTIVE SESSION ITEMS:

Motion by GILL, Second by CHAPMAN, to enter into executive session. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

Council remained in executive session from 5:35 PM to 8:30PM.

Motion by GILL, Second by HARRIS, to return from executive session. AYE: Hankins, Harris, Chapman, Gill, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

28. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending action in United States District Court for the Western District of Oklahoma titled Linda Towne and Jeffery Temple vs. City of Lawton, Case No. CIV-23-251, and, if necessary, take appropriate action in open session. **23-916**

Motion by WARREN, Second by HARRIS , to approve Resolution 23-162 authorizing the attorneys retained by the city to enter into an economic settlement agreement for the sum of $77,500.00 as settlement of the lawsuit styled: LINDA TOWNE AND JEFFREY TEMPLE V. THE CITY OF LAWTON, CASE NO. CIV-23-251-J and directing the attorneys retained by the city to prepare and file appropriate documents to effectuate settlement, including a journal entry incorporating said settlement agreement for the court's approval; further directing the attorneys retained by the city and mayor to sign the settlement documents as necessary; and placing said judgement on the sinking fund. The specifics of said settlement to include $77,500.00 with the payment to include all attorney's fees, cost, and prejudgment interest as an economic settlement with Linda Towne and Jeffrey Temple's disputed claims. Said sum to be distributed as follows: $39,280.54 to be paid to Towne; $6,931.86 to be paid to Temple; and $31,287.60 to be paid to Towne/Temple's attorneys, Glass and Taber LLP as attorney's fees cost in the case. The proposed settlement shall include a release of liability from the plaintiffs to the City. Three of the attorneys retained by the City are authorized and directed to prepare and file all necessary documents to effectuate the resolution of this case, and including a stipulated judgement incorporating the terms of the proposed settlement agreement. The attorneys for the City and the Mayor are authorized and directed to sign the settlement documents as necessary. The cost for making payment shall be placed on the tax rolls. AYE: Hankins, Harris, Chapman, Gill, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

29. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss an action relating to litigation against Settling Defendants and other defendants, which actions are currently pending in the multi-district litigation styled, In Re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2:18-mn-2873 (D.S.C.) (the "MDL") and Case No. 2:23-cv-03230, to resolve claims relating to PFAS contamination of Public Water Systems, and if necessary, take action in open session. **23-935**

Motion by WARREN, Second by JOHNSON , to approve a legal representation agreement between the

City of Lawton and the law firm of McAfee & Taft and Fulmer Sill for said attorneys to represent the city in an action against certain manufacturers of PFAS and aqueous film-forming foams for any damaged incurred by the City for the manufacturing, marketing, or distribution of said material. The specifics of the agreement to include, among other things, in the case of recovery, the attorneys under this agreement will recover costs as defined in the agreement and a sum equal to twenty-five percent of the recovery if the case is settled prior to an empanelment of a jury. If the case is settled after the empanelment of a jury or a judgement in favor of the City is obtained, attorneys will receive costs as defined in the agreement and a sum equal to thirty percent of the recovery. Authorize the Mayor to execute said agreement and authorize attorneys to file any documents they deem necessary to protect the City's interests. AYE: Hankins, Harris, Chapman, Gill, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

30. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss litigation in the case Cintas Corp. No. 2 v. City of Lawton, CJ-2022-598, and, if necessary, take appropriate action in open session. **23-946**

Motion by HARRIS, Second by GILL , to approve the settlement agreement in release and settlement of the case Cintas Corp. No. 2 v. City of Lawton, in which the settlement resolves all claims of both parties of upon the City's purchase of $50,000.00 worth of textile, clothing, and/or supplies or equipment prior to May 1, 2024, and authorize the Mayor to execute any necessary documents. AYE: Hankins, Harris, Chapman, Gill, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

31. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending claim of School House Slough Inc., and, if necessary, take appropriate action in open session. **23-957**

This item was stricken from the agenda.

32. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of John Ratliff as Acting City Manager, and in open session take other action as necessary. **23-960**

No action was taken.

33. 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. **23-959**

Motion by WARREN, Second by GILL, to employ John Ratliff as the full time City Manager at a yearly pay of $210,000.00, a $12,000.00 interim pay for the time he was acting City Manager, and a severance package that includes retaining his current retirement, issuance of a City vehicle for official and limited personal use, and his vacation and leave are to be unchanged. The City will pay his bar and any listed association dues. AYE: Hankins, Harris, Chapman, Gill, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

ADJOURNMENT

Motion by HARRIS, Seconded by CHAPMAN, to adjourn the meeting.

There being no further business, the meeting adjourned at 8:39PM.