



City of Lawton

City Council

Agenda

Lawton City Hall
212 SW 9th Street
Lawton, Oklahoma
73501-3944

Tuesday, December 12, 2023

2:00 PM

**Lawton City Hall
Council Chambers/Auditorium**

"Official action can be taken only on items which appear on the agenda. The Council may adopt, approve, ratify, deny, defer, recommend, or continue any agenda item. The Council may also propose and enact floor amendments to any matter presented before them. When more information is needed to act on an item, the Council may refer the matter to the City Manager or the City Attorney. The Council may also refer items to standing committees of the Council or a board, commission, or authority for additional study. Under certain circumstances, items are deferred to a specific later date or stricken from the agenda entirely."

**MEETING CALLED TO ORDER BY MAYOR STAN BOOKER WITH INVOCATION BY
PASTOR ELI GARCIA FOLLOWED BY THE PLEDGE OF ALLEGIANCE**

ROLL CALL

Present: Mary Ann Hankins, Ward 1
Kelly Harris, Ward 2
Linda Chapman, Ward 3
Geroge Gill, Ward 4
Bob Weger, Ward 6
Onreka Johnson, Ward 7
Randy Warren, Ward 8

Absent: Allan Hampton, Ward 5

Also Present: Stanley Booker, Mayor
John Ratliff, City Manager
Tim Wilson, Interim City Attorney
Donalynn Blazek-Scherler, City Clerk
COL James Peay, Fort Sill Liaison

PRESENTATION:

True North Award: Lieutenant Brandon Foss, Fire Department

Employee Spotlight Award: Donald Dawdy, Public Utilities

REPORTS: MAYOR/CITY COUNCIL

Gill reported on the progress of the “10 Wins for the Citizens” project.

COL Peay thanked the community for their continued support of Fort Sill. He noted that many trainees will be headed home for the holidays.

Mayor Booker stated this will be the last scheduled meeting for Councilperson Johnson. He thanked her for her six years of service. Harris, Chapman, Gill, Weger, and Warren all provided thanks and well wishes.

Johnson thanked the Council for their support during her years of service, including a period of time when she lost her vision. She stated she will continue working in the community.

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.

No one appeared to speak.

CONSENT AGENDA:

1. Consider approving two (2) damage claims (recommended for approval) and resolutions authorizing payments for Ricardo Garcia-Segura in the amount of \$1,123.83, and Gwendolyn Baxter in the amount of \$2,185.23.

Attachments: [DC-2023-040-Garcia-Segura, Ricardo-Memorandum](#)
[DC-2023-040, Garcia-Segura, Ricardo-Resolution and Warrant of Attorney](#)
[DC-2023-042, Baxter, Gwendolyn-Memorandum](#)
[DC-2023-042, Baxter, Gwendolyn-Resolution and Warrant of Attorney](#)

2. Consider the following damage claims recommended for denial: Patricia Mickler in the amount of \$3,484.88, and John-Henry Reyes in an uncertain amount.

Attachments: [DC-2023-044, Mickler, Patricia-Memorandum](#)
[DC-2023-045, Reyes, John Henry-Memorandum](#)

Motion by WARREN, Second by Harris, to deny the damage claim of Patricia Mickler in the amount of \$3,484.88. AYE: Hankins, Harris, Chapman, Gill, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

Garret Lam, Assistant City Attorney, presented facts of a claim by John-Henry Reyes regarding a sewer line break. This claim is being recommended for denial due to lack of prior notice. Investigations completed by City Staff show that damages claimed are inconsistent with a sewer line break. The claims investigator also found evidence of a water leak in the bathroom ceiling. A contractor that provided an estimate also stated to the claims investigator that the moisture barrier in the home was old and needed

to be replaced. The contractor also agreed that the damages claimed could not be the result of a sewer line break.

John-Henry Reyes stated he received a call from a neighbor notifying him of a large sewer line break near his home. Because his neighbor's home is slightly more elevated than his, the sewage was running into his property. The neighbor called the water department and a crew was dispatched. A pump was installed, but later broke. Another pump was installed but broke again. Finally, a third pump was installed. All this time, raw sewage was flowing into my house. I had two roommates living with me at the time, and we all noticed the smell of sewage, the floor was starting to buckle, there was mold growing, and cracks in the kitchen ceiling were dripping. My roommates and I moved out due to the sewage making the home uninhabitable. There was raw sewage in my backyard, frontyard, and under the house. The City sent a crew out to disinfect my yard, which tells me there was a possible contamination due to the sewer line break. The contamination was contained, but, unfortunately, they were not able to get under the house to treat it. Due to the mud and sewage under the house, it took the City two to three weeks to repair the sewer line. He is requesting that City Council approve his claim so he can make the necessary repairs to his home and move back in.

Mayor Booker stated he took a special interest in this, so he looked into it. It seems there must have been another water event that caused this damage. There was a problem in the ceiling that couldn't be caused by water underground water. The contractor seemed to think that the ceiling was caused by a problem in the house. The investigators also have a pretty good case that the sewer water never went under the house. There was another event where an extreme amount of water was used in a four-day period; I think it was 4,400 gallons. That's more than your monthly average usage, and it indicates some kind of a leak. What makes you believe that this was caused by the City's sewer leak and not by another kind of leak that would be covered by your homeowner's insurance?

Reyes stated the holes in the ceiling were from a termite inspection prior to when he moved in. Reyes questioned when the high water usage was.

Mayor Booker stated September 8th through September 14th.

Reyes stated he isn't sure what that is, but the damage was beforehand.

Mayor Booker stated it seems to indicate another water event. He then asked Reyes if this has been turned into his insurance company.

Reyes stated yes, but they told him because it was a City sewage line break, the estimated total is about \$5,000.00. The total estimates for the damage was \$22,372.00.

Harris stated he questions the prior notice part of this claim. He lives a block and half from this property, and it is constantly being pumped out for several years.

Mayor Booker stated even if we question the prior notice, does that still mean the damages were caused by the sewer line?

Harris stated no. The sewer would not cause water in the claimant's attic.

Reyes stated he never said that.

Harris stated the inspector noted prior water damage in the ceiling and walls. He asked Reyes if he has any pictures of the sewage under his house.

Reyes stated he couldn't get into his yard to take pictures under the house.

Mayor Booker stated this is tough, and I can tell we are trying to find a way. The problem is, we have a fiduciary responsibility to the citizens of Lawton, and there doesn't appear to be enough evidence that this was caused by a sewer leak. All the evidence points to another water event in that seven-day period. I wish there was a way, but there isn't. Short of new information being presented, I'm not sure we

wouldn't be violating the law to pay this.

Bonnie Guzman stated the leak being discussed was a faucet leaking. That's why we turned the water off; the faucet in the tub was leaking. He also had roommates from August to September that would cause higher usage. This house belonged to her mother, and there was never a prior issue. None of issues were present prior to the sewer leak. The crawlspace is only covered by a board, so it is entirely plausible that water would get under the house very easily. We also had another contractor look at it, and he did provide a statement that he could see and smell sewage under the house.

Mayor Booker asked if this is the same contractor that the claims investigator spoke to.

Lam stated he isn't sure. Four estimates in ranging prices were received. Contractors were called to find out what each estimate covered since the totals varied so much. The water is currently turned off for non-payment, not for high usage. Something else that was claimed is that there were roommates during the high usage, but that can't be true. The letter we received stated the roommates moved out on September 5th. The high usage was detected after the roommates moved out.

Mayor Booker asked how we can determine the water usage.

Lam stated a report was pulled from the water department that shows hourly usage.

Mayor Booker asked if the investigator, homeowner, and possibly even a contractor ever walked through the house together.

Lam stated he wasn't sure who was there when the investigator did her walk through.

Guzman stated she was there.

Lam stated the claims investigators took photos of the inside of the house for the claim, but she did not go under the house.

Warren stated it has to be proven beyond a reasonable doubt that the City was responsible for the damage in order to ask the citizens of Lawton to pay for it. It may be a better option to take this before the district court for a resolution.

Motion by WARREN, Second by GILL, to deny the claim of John-Henry Reyes in an uncertain amount.

Gill stated it appears that the claimant is trying to rebuild their entire house with this money. He would like to see a quote for just the cleanup of the sewage. That would be more reasonable.

Warren stated it might also be possible for the claimant to apply through one of the HOME programs. He suggests getting with staff.

VOTE ON MOTION: AYE: Hankins, Chapman, Gill, Weger, Johnson Warren. NAY: Harris. *Motion Passed.*

3. In accordance with the True North Culture Statement by providing more efficient service to the citizens of Lawton, consider adopting a Resolution authorizing the Traffic Control measures with the installation of a STOP sign at: SW J Avenue west of SW 14th Street.

Attachments: [Traffic RESOLUTION .docx](#)
[TRAFFIC ISSUE REQUEST SW 14th and J Ave Stop Sign Request \(002\).docx](#)

4. Consider and take action approving the plans, specifications and authorize advertisement for construction of PU2308 Map 09 Waterline Rehabilitation Project.

5. In accordance with the True North Culture Statement as it pertains to providing a safe community, consider accepting of a grant in the amount of \$45,000.00 from the Office of Attorney General - State of Oklahoma for the purchase of License Plate Readers.

Attachments: [2024 Safe Oklahoma Grant Program Contract](#)
[Award Letter - Safe Oklahoma Grant](#)
[OMES-FORM-CP-004 \(4\) 32020 \(002\)](#)
[OMES-FORM-CP-021 \(4\) 32020](#)

6. Consider: (1) As per paragraph (A)(4)(a) of City Code Section 10-1-108, extending the contract award period to 120 days from the bid opening date for the 2017 Ad Valorem and Roads Program (Residential), Phase II-A - Project No. EN1707P2A, and (2) awarding the said construction contract to MTZ Construction Inc.

Attachments: [MTZ Contract .pdf](#)
[Bid Tab.pdf](#)
[Mutual Agreement for Contract Time Extension - EN1707P2A.pdf](#)
[Mutual Agreement for Contract Time Extension - EN1707P2A](#)

7. Consider extending contract CL22-015 Pest Control Services to Allstate Termite & Pest Solutions of Shady Point, OK.
8. Consider approving agreement with Cowan Group Engineering, LLC for the Professional Engineering Services and the Preparation of Contract Documents for the 'Street Reconstruction Project: Sheridan Road (1/2 mile south of Bishop Rd. to Lee Blvd), Project No. 2303. This is in accordance with the True North Culture statement by providing a more efficient service to the citizens of Lawton.

Attachments: [Sheridan Road - Bishop to Lee - Cowan Group Engineering](#)
[2023-11-29.doc](#)

Joe Painter, Engineering, stated this is the agreement for doing the design services for Sheridan Road.

Gill stated he doesn't remember having an Engineer Selection Committee Meeting for this.

Painter stated we didn't; we just had an internal meeting with the City Manager's Office, Engineering Department, and Public Works Department. We short listed three companies.

Gill asked who served on that.

Painter stated Dewayne Burk, myself, Shivani Rani, and Cynthia Williams.

Gill stated in order to award contracts, we have to follow Council Policy 8-1. 8-1-4 requires that Councilmembers on that board be a part of the selection process. There was no council representation in this decision.

Motion by GILL, Second by HARRIS, to send this selection to the Engineer Selection Board, along with a review of Council Policy 8-1, and direct staff to report back to Council with a recommendation on this contract. AYE: Hankins, Harris, Chapman, Gill, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

Gill stated this has nothing to do with Cowan. This is just a policy matter that should have been followed

and wasn't. It helps the Council make things more transparent.

9. Consider approving a new lease agreement for tenants leasing space located in the Lake Lawtonka recreational areas to include the area known as the School House Slough for calendar year 2024.

Attachments: [LAWTON LAKES RECREATIONAL AREA LEASE AGREEMENT 2024](#)

Dewayne Burk, Deputy City Manager, stated this item was pulled for a couple of clarifications. We did not include the boathouses on the insurance requirement, and we want boathouses to be included in that. We would also like to change the signatory to the City Manager's Office, unless the Mayor wants to sign.

Mayor stated that can be an administrative function.

Motion by HANKINS, Second by WARREN, to approve a new lease agreement for tenants leasing space located in the Lake Lawtonka recreational areas to include the area known as the School House Slough for calendar year 2024 with a floor amendment to add insurance requirements to boathouses and to change the signatory to the City Manager's Office. AYE: Hankins, Harris, Chapman, Gill, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

10. Consider and take action approving the plans, specifications and authorize advertisement for construction of PU2314 Medicine Park Water Treatment Plant (MPWTP) Filter Underdrain Replacement Project.
11. Consider directing staff to issue a Request for Proposals (RFP) for a comprehensive upgrade of the city's traffic signal control system.

Mayor Booker stated an RFP may not be the right thing to ask for. We plan over the next 6 months to put together a CIP extension to cover some of the things the current CIP does not address. This is something that the citizens regularly comment on. We have no idea how much money to put in the CIP to address this, though. I don't think an RFP is right because you don't want companies to submit proposals when you don't have the money identified and you aren't awarding a contract.

Painter stated this could be brought before the Engineer Selection Committee to decide if we want an outside engineering firm or the City's inhouse team to put something together for this.

Mayor Booker stated he was hoping to do this without spending money. If we hire an outside firm, we're spending money.

Painter stated we have a traffic engineer on retainer.

Ratliff stated I think that's appropriate. We could also establish a working group to look at it internally

to make a recommendation to bring to Council.

Harris stated he would like to be on that working group if possible. He gave several examples of traffic light issues he's noticed throughout the City.

Motion by HARRIS, Second by GILL, to direct staff to find a solution to establish a price for a comprehensive traffic upgrade of the city's traffic signal control system. AYE: Hankins, Harris, Chapman, Gill, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

Wilson stated that item 14 should have been stricken, but was not. He asked for a motion to suspend the rules and reconsider item 14.

Motion by WARREN, Second by HARRIS, to suspend the rules and reconsider Item 14. AYE: Hankins, Harris, Chapman, Gill, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

12. Consider awarding construction contract to K&R Builders for Project EN2205 Construction of NE 29th St. Drainage Culvert and Appurtenances (M14-4) over Tributary to Wratten Creek. This is in accordance with the True North Culture Statement by providing a more efficient service to the citizens of Lawton.

Attachments: [20231129 EN2205 Bid Tabs.pdf](#)
[K & R - Bid Docs.pdf](#)
[Project EN2205 Award Recommendation.pdf](#)
[K & R Builders Contract for Project EN2205.pdf](#)

13. Consider ratifying an MOU between City of Lawton and the International Association of Fire Fighters Local 1882, modifying the Collective Bargaining Agreement for Fiscal Year 2023-2024 and 2024-2025.

Attachments: [Me Too MOU - December 2023 FINAL](#)
[Exhibit A MOU December 2023 July 2024 Salary Schedules](#)

14. Consider approving an amended budget and First Amendment to the Funding and Limited Support Agreement between the City of Lawton and the Lawton Youth Sports Trust Authority for FY 23-24, to expand the use of funding allowing for the lease and/or purchase of real property to be the site of the sports complex.

Attachments: [First Amendment](#)

Wilson stated this was placed on the Council agenda in anticipation of LYSA approving an amended budget and amendment to their support agreement. That did not happen yesterday, so we are not ready to take action. Since Council already approved this, I would suggest a motion to withdraw the previous approval.

Motion by WARREN to withdraw the previous approval of this item.

Ratliff stated Council can alternatively amend this to say the approval is contingent upon LYSA taking action on this at a future meeting and suspend any disbursement of funds until that occurs.

Wilson stated he doesn't recommend that because he has seen additional changes to the document.

Motion by WARREN, Second by GILL, to rescind the previous approval of this item. AYE: Hankins, Harris, Chapman, Gill, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

15. Consider approving appointments to boards and commissions.

Attachments: [Board Appointments- 12.12.23](#)

Motion by WARREN, Second by, to approve the Consent Agenda as presented with the exception of pulling items 2, 8, 9, and 11. AYE: Hankins, Harris, Chapman, Gill, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

BUSINESS ITEMS:

16. Hold a public hearing to consider approving an Ordinance for a change of zoning from the C-1 Local Commercial District to C-5 General Commercial District zoning classification for the property located at 1421 NW 67th Street, Lawton, OK 73505.

Attachments: [Location Map](#)
[Ordinance No. 23- with site plan](#)
[Application](#)
[Analysis](#)
[CPC Mailing Notice](#)
[CPC Newspaper Notice](#)
[Council Mailing Notice](#)
[Council Newspaper Notice](#)
[CPC Minutes 11-16-23](#)

Charlotte Brown, Planning Director, presented information on the property located at 1421 NW 67th Street. This presentation is available in the City Clerk's Office. This zoning change was recommended for approval by the City Planning Commission.

PUBLIC HEARING OPENED.

No one appeared to speak.

PUBLIC HEARING CLOSED.

Motion by GILL, Second by CHAPMAN, to approve the ordinance, waive the reading of the ordinance, and read the title only.

CITY ATTORNEY READ THE TITLE:

AN ORDINANCE CHANGING THE EXISTING ZONING CLASSIFICATION FROM THE C-1 LOCAL COMMERCIAL DISTRICT TO C-5 GENERAL COMMERCIAL DISTRICT ZONING CLASSIFICATION ON THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION ONE (1) HEREOF; APPROVING THE SITE PLAN ATTACHED AS EXHIBIT A; AND AUTHORIZING CHANGES TO BE MADE UPON THE OFFICIAL ZONING MAP IN ACCORDANCE WITH THIS ORDINANCE.

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

17. Hold a public hearing to consider approving an Ordinance for a change of zoning from C-1 Local Commercial District to C-5 General Commercial District zoning classification with conditions for the properties located at 3402 NW Cache Road & 3403 NW Oak Avenue, Lawton, OK 73505.

Attachments: [Council Mailing Notice](#)
[Ordinance No. 23- with site plan](#)
[Location Map](#)
[Application](#)
[Analysis](#)
[CPC Mailing Notice](#)
[CPC Newspaper Notice](#)
[Council Newspaper Notice](#)
[CPC Minutes 11-16-23](#)

Charlotte Brown, Planning Director, presented information on the properties located at 3402 NW Cache Road & 3403 NW Oak Avenue. This presentation is available in the City Clerk's Office. The City Planning Commission recommends approval for the change of zoning from C-1 to C-5 along Cache Road with a stipulation that any egress from 3402 NW Cache Road to 3403 NW Oak Avenue have a speed reduction device between the two properties. CPC recommended denial of the rezoning request from C-1 to C-5 at 3403 NW Oak Avenue.

Mayor Booker asked if the ordinance presented is prepared per CPC's recommendation or per the request received.

Brown stated the ordinance is prepared per CPC's recommendation, so it would only approve the zoning change for lot 1.

Wilson stated the title of the item talks about approval for both requested properties, but looking at the ordinance, Brown is correct; the ordinance only says lot 1.

Mayor Booker asked Wilson to verify before Council votes.

PUBLIC HEARING OPENED.

Dr. Brian Meek, 3410 NW Oak Avenue, spoke against the proposed rezoning citing increased traffic, lowered property values, and that the business would be in front of his house instead of behind his house, like all the other new businesses on Cache Road. He also stated that the C-1 zoning has been in existence for twenty years. He would like to see this area rezoned as R-1 or R-2.

Mayor Booker stated that rezoning would need to go through the City Planning Commission. He asked Dr. Meek to coordinate that with Brown.

Chapman asked Brown to clarify that Lot 10 is recommended for denial.

Brown stated yes, CPC has recommended that the rezoning of Lot 10 be denied.

Wilson asked Brown to verify that the site plan is correct and in alignment with the ordinance. The ordinance adopts the site plan.

Brown stated we will have to change the site plan because it does include Lot 10.

Wilson and Brown both recommended tabling this item until the next meeting to allow for a correction to the site plan.

Motion by HARRIS, Second by CHAPMAN, to continue the public hearing for a change of zoning from C-1 Local Commercial District to C-5 General Commercial District zoning classification with conditions for the properties located at 3402 NW Cache Road & 3403 NW Oak Avenue, Lawton, OK 73505 until January 9, 2024. AYE: Hankins, Harris, Chapman, Gill, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

- 18.** Consider adopting a resolution approving the amended and restated redevelopment agreement by and among the City of Lawton, the Lawton Economic Development Authority, the Comanche County Industrial Development Authority, and Westwin Elements, Inc., and related supporting documents, for the development of a pilot facility and the prospective development of a large-scale refinery in the west side industrial park to refine cobalt, nickel, and other critical elements; approving indebtedness of the Lawton Economic Development Authority in the principal par amount not to exceed \$2,000,000.00 in obligations; waiving competitive bidding on the issuance of the notes issued in connection with obligations; and authorizing other matters relating thereto.

Attachments: [Resolution No. 23-18](#)
[Resolution No. 23-129](#)
[Council Res Approv Westwin Docs -LEDA Indebtedness-12.10.23F](#)

Dan Bachelor, Center of Economic Development Law, stated he has been engaged to work with the City of Lawton and Lawton Economic Development Center regarding Westwin. He noted that the significance of a cobalt and nickel refinery in Lawton. He noted the economic benefits, the national and international significance, and relatively low risk. He stated the agreement presents a pathway forward for the pilot facility, and hopeful, one day, the full-scale facility. He recommended that Council approved the resolution as presented.

Wilson thanked Dan Bachelor and Lisa Hardin for their work on the documents. He also stated LEDA and CCIDA both approved the amended redevelopment agreement. Because the resolution will essentially be authorizing a debt, it will need a $\frac{3}{4}$ majority vote by Council.

Mayor Booker stated no members of the public signed up to speak for this item, but he would like to open the floor to anyone that would like to speak.

Cornelia French, Fletcher, OK, questioned why this type of facility should be built in Lawton. She believes an area with less public would be affected.

Mayor Booker stated he is very proud that they picked Lawton; the Council works very hard to provide jobs in Lawton. He received a call from an environmentalist today that assured him that a permit would not be issued by the Oklahoma Department of Environmental Quality would not be issued until the process had been proven safe.

Motion by WARREN, Second by HARRIS, to approve Resolution 23-195 approving the amended and restated redevelopment agreement by and among the City of Lawton, the Lawton Economic Development Authority, the Comanche County Industrial Development Authority, and Westwin Elements, Inc., and related supporting documents, for the development of a pilot facility and the prospective development of a large-scale refinery in the west side industrial park to refine cobalt, nickel, and other critical elements; approving indebtedness of the Lawton Economic Development Authority in the principal par amount not to exceed \$2,000,000.00 in obligations; waiving competitive bidding on the issuance of the notes issued in connection with obligations; and authorizing other matters relating thereto. AYE: Hankins, Harris, Chapman, Gill, Johnson, Warren. NAY: Weger. *Motion Passed.*

19. Receive schematic design presentation and consider approving Amendment No. 1 to the Standard Form of Agreement between the City of Lawton and C.H. Guernsey and Company to provide professional architectural and engineering services to design selected schematic design plan on Project PR2309 Elmer Thomas Park Aquatics Center. This is in accordance with the True North Culture Statement by providing a more efficient service to the citizens of Lawton.

Attachments: [PR2309 Contract Amendment No. 01.pdf](#)

JD Clark, Senior Architect with C.H. Guernsey, and Kevin McElyea, Aquatic Design Consultants, presented the final schematic design for PR2309 Elmer Thomas Park Aquatics Center. This presentation is available in the City Clerk's Office. Clark explained it is a very tight schedule to open by Memorial Day. McElyea said the schedule is tight, but if we can start construction documents immediately, it should be no problem.

Mayor Booker stated today we only need to approve Amendment Number One to the Standard Form of Agreement between the City of Lawton and C.H. Guernsey and Company to provide professional architectural and engineering services to design selected schematic design plan on Project PR2309 Elmer Thomas Park Aquatics Center.

Motion by WARREN, Second by GILL, to approve Amendment No. 1 to the Standard Form of Agreement between the City of Lawton and C.H. Guernsey and Company to provide professional architectural and engineering services to design selected schematic design plan on Project PR2309 Elmer Thomas Park Aquatics Center.

Warren stated this is an awesome thing to happen. We have never had anything like this in Lawton. He hopes that this can be completed by the deadline of Memorial Day.

Weger asked if the showers can be secured in the off season.

Clark stated yes.

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

20. Consider adopting proposed Council Policy 9-03 creating a system for assigning new tenants to camping vacancies located in the Lake Lawtonka recreational area known as the School House Slough to include the wet slips and dry stall storage spaces located at the city's lakes to include any floor amendments and take action as necessary.

Attachments: [COUNCIL POLICY 9-03](#)

Dewayne Burk, Deputy City Manager, a policy had never been set in place for assigning tenants, especially at the Slough because we haven't operated it before. Because it is now under the City's management, we felt it would be prudent to have a policy in place to provide governance on how we address issues as vacancies become available. This policy covers wet stalls, dry stalls, the boathouses, and the camper trailer/RV spaces. It's a very basic policy: when a vacancy comes up, we would post that space and allow for a time period for individuals to apply for the vacant spot. We would then draw names out of a hat. One thing that Council previously directed was the full rate be applied to new tenants; that is included in the proposed policy. Wet slips and dry stalls would not follow this same process because they are done in a first come, first serve basis. Staff can maintain a list of individuals who contact them regarding a dry stall or a wet slip, and when one comes available, we can call the first on the list.

Mayor Booker stated he believes Council approved a fee schedule, but also directed staff to do a market survey of lakeside lots. Is it correct that it was a very minimal increase for the lakeside lot?

Burk stated nothing increased more than 20% in the fee schedule.

Mayor Booker stated he didn't mean the increase; he meant that it seems that people are willing to pay a

premium for lakeside. He does not want to increase the current lessees, but wants to look at when those lots become available. Mayor Booker used accepting sealed bids for a one time premium on those spaces as an example. He stated there was a black market for those spaces before, and he would like to see this managed to the best of our abilities for the citizens and to provide more lake amenities. Mayor Booker asked Burk his thoughts on this because it isn't addressed in the policy presented.

Burk stated if we receive more than a certain number of applicants for a particular spot, we could then have the interested parties submit a sealed bid with a premium to pay on top of the standard lease amount. That could also help us determine what the fair market value is on those premium spaces. It also stops the black market of people selling their trailers at a high price because of the lot that it is sitting on. It puts it right back in the City's hands.

Gill stated that's not a bad idea. An auction might work as well. The concept that Burk is starting on is a good road to go down.

Burk stated we could tailor this policy to reflect a change in that direction and bring it back. We do need something in place because the leases will change hands in January. We have at least one or two that have expressed a desire to vacate. He would like this policy passed so we have something in place, and he can bring back an amendment in the near future to address how to capture the premiums.

Harris asked if boathouse owners will still be able to remove old boathouses and install new one.

Burk stated boathouses are addressed differently in the policy because a boathouse isn't moveable, per say. Ownership on the boathouse can be transferred. In very rare instances, boathouse owners may demo their boathouse and completely release their space. This policy covers that instance; it gives the City a way to lease that space.

Harris asked if someone buys an old boathouse and then decides to upgrade, do they forfeit their right to the space because they are replacing the boathouse.

Burk stated no sir. They do not.

Warren stated we definitely need to get this in place. He provided a few examples of the black market on spaces at the lake.

Burk stated as part of the policy, the new boathouse owner has to provide a bill of sale. We would then start a new lease. There would have to be a boathouse on the water to transfer the lease.

Harris asked how the City is going to stop people from selling RV's and including their lake space as part of the sale.

Burk stated it is part of the lease agreement that Council approved. We included that the name on the lease has to match the name on the title of the trailer. A copy of the trailer's registration is required to sign the lease.

Motion by GILL, Second by, to approve adopting proposed Council Policy 9-03 creating a system for assigning new tenants to camping vacancies located in the Lake Lawtonka recreational area known as the School House Slough to include the wet slips and dry stall storage spaces located at the city's lakes, and direct staff to bring back an item to address a premium bid process for highly desirable spaces.

AYE: Hankins, Harris, Chapman, Gill, Weger, Johnson, Warren. NAY: None. *Motion Approved.*

21. Consider an ordinance that amends personnel policies and procedures Section 17-1-4-135, Division 17-1-4, Article 17-1, Chapter 17, Lawton City Code, 2015 by adding that if an employee is promoted or an applicant is hired for a position and they are under-qualified for that position, they would have one (1) year to attain the minimum requirements. If they have not attained the minimum requirements by the one (1) year deadline, their pay would not exceed eighty-five percent (85%) of the maximum salary for the position. The City Manager would have the right to grant exceptions. The change would not affect members covered by a Collective Bargaining Agreement and Council appointed positions; providing for severability and establishing an effective date.

Attachments: [85% Pay Restriction Code and Gist](#)

Craig Akard, Human Resources Director, stated we occasionally hire new employees or promote internal applicants to a position they are underqualified for. An example would be if someone was hired for a position that requires a bachelor's degree in business, and they may not have their degree finished yet. This proposal would allow them to be hired, but it places a limit on their salary.

Warren asked if the City is exploring ways to help certify employees in areas that they may need to be educated in.

Ratliff stated we are. We are constantly modifying position descriptions to keep up with the latest trends and reviewing them to make sure that the educational requirements are appropriate for the position.

Motion by WARREN Second by CHAPMAN, to approve Ordinance 23-40, waive the reading of the ordinance, and read the title only.

CITY ATTORNEY READ THE TITLE:

AN ORDINANCE AMENDING PERSONNEL POLICIES AND PROCEDURES SECTION 17-1-4-135, DIVISION 17-1-4, ARTICLE 17-1, CHAPTER 17, LAWTON CITY CODE, 2015 BY ADDING THAT IF AN EMPLOYEE IS PROMOTED OR AN APPLICANT IS HIRED FOR A POSITION AND THEY ARE UNDER-QUALIFIED FOR THAT POSITION, THEY WOULD HAVE ONE (1) YEAR TO ATTAIN THE MINIMUM REQUIREMENTS. IF THEY HAVE NOT ATTAINED THE MINIMUM REQUIREMENTS BY THE ONE (1) YEAR DEADLINE, THEIR PAY WOULD NOT EXCEED EIGHTY-FIVE PERCENT (85%) OF THE MAXIMUM SALARY FOR THE POSITION. THE CITY MANAGER WOULD HAVE THE RIGHT TO GRANT EXCEPTIONS. THE CHANGE WOULD NOT AFFECT MEMBERS COVERED BY A COLLECTIVE BARGAINING AGREEMENT AND COUNCIL APPOINTED POSITIONS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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

22. Consider approving a Professional Services Agreement for Insurance Broker services with Higginbotham, or in the alternative take other action as may be appropriate, including the possible awarding of a professional services agreement to the other vendor submitting a proposal, Insurica, and authorize the Mayor to sign.

Attachments: [Higginbotham Consulting Agreement 2024](#)

Craig Akard, Human Resources Director, stated our current broker contract expires December 31. Our renewals with our current company has expired, so we had to go out for bid. We received proposals from Higginbotham and Insurica. The proposals were reviewed independently by HR staff and the Health and Wellness Committee. Akard went on to describe the benefits of using Higginbotham. The Health and Wellness Committee also voted to recommend Higginbotham.

Megan Loftis, City Attorney's Office, stated she was previously the City's Benefits Coordinator. She spoke on her positive experiences working with Higginbotham and how Higginbotham went above and beyond to assist individual employees.

Mayor Booker stated the issue is there is a policy and ordinance that states we have to give preference to local vendors. The other vendor is headquartered in Oklahoma City, but they also have a local office here. Does the policy apply?

Wilson stated Council Policy 4-2, which is the Purchasing Policy, and we also have Chapter 10 of City

Code. The Purchasing Policy says Council may give preference to local vendors who have submitted bids within 5% of the lowest responsive bidder who is not a local vendor. A local bidder is any person whose primary place of business is within the operating corporate limits of the City. Wilson stated it is a permissive, not a shall.

Dustin Brand and Lindsey Neal, Insurica, stated this is the third time they have submitted a bid with the City. They understand what the City needs. In hearing what Higginbotham has provided, those are the duties of this job. Insurica has a large presence in the municipal marketplace. He went on to explain Insurica's qualifications for this contract.

Mayor Booker asked how many local employees Insurica has.

Neal stated 20 local.

Mayor Booker asked if she was raised in Lawton.

Neal stated yes, she was raised here. She's been a part of the Lawton Insurica Branch for her entire insurance career. She lives in Oklahoma City now, but she is in Lawton frequently.

Gill asked if this is a one-year contract.

Ratliff stated it's a one-year contract with some extensions.

Gill asked how they make their money.

Brand stated we can be compensated through a fixed fee or a commission that's built into the premium. Your contract is a percentage of the annual premium cost.

Mayor Booker asked if Insurica has been the vendor before.

Akard stated not for this, but we do use Insurica for property insurance.

Harris asked how close the bids were.

Akard stated the bids were exactly the same as far as the commissions go. Both proposals charge a 2% commission for the health fee, and standard commission on the ancillary policies.

Neal stated that the contract is for broker services. The insurance policies will stay the same until they come up for renewal in July. We would keep the same commission.

LuAnn Yarberry, Higginbotham, stated Higginbotham has really enjoyed working with the City for many years. Higginbotham is located in both Wichita Falls and Oklahoma City, but she is present anytime the City needs her. She stated this is important to her because of the relationships she has formed with City of Lawton employees.

Charlotte Brown, Chair of the Health and Wellness Committee, spoke about bad experiences with previous brokers. She then spoke on personal experiences dealing with Higginbotham, and spoke positively on the relationship with Higginbotham.

Hankins asked that the \$700,000.00 savings achieved with Higginbotham be explained.

Brian Schein, Higginbotham, explained the savings came from switching from self-insured to BCBS.

Motion by HARRIS, Second by Chapman, to approve a Professional Services Agreement for Insurance Broker services with Insurica, and authorize the Mayor to sign. AYE: Hankins, Harris, Chapman, Gill, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

23. Consider approving Council Policy 1-12, Citizen Social Media Policy, dated December 12, 2023 to replace Council Policy 1-12, Social Media User Policy dated January 24, 2018, including floor amendments.

Attachments: [City of Lawton Citizen Social Media Policy](#)

This item was stricken.

24. Consider approving an amendment to Council Policy 1-6 by including a requirement for agenda items involving expenditures to list the funding source and the funding source balance, after any proposed expenditure, and to state if the expenditure was budgeted.

Attachments: [Council Policy 1-6 12.7.23](#)
[Council Policy 1-6 12.7.23 TRACK](#)

Ratliff stated he placed this item on the agenda because there have been some items come up recently where we'll talk about the item, Council will approve it, and then sort of after the fact, we'll try to figure out funding. This isn't the ideal way to conduct business, especially if the item wasn't budgeted for, so we have to look elsewhere to figure out funding solutions. This change in our Council Policy is a requirement to do that work upfront. Before we discuss the merits of a plan, and there have been a lot of good ideas and plans that we've considered recently, we have to make sure that we can afford it first.

Mayor Booker stated he likes this. He asked if this will make information on the funding categories for the CIP more available.

Ratliff stated there's no reason that information is not available now.

Mayor Booker stated he has an objection to Section G because it gives the City Manager authority over councilmember's agenda items.

Ratliff assured Mayor Booker that was not the intent. That is certainly grounds for a floor amendment to say that authority is over City staff and City departments. The intent was not to deny City Council placing things on the agenda; the intent is only to ensure the work is done upfront.

Mayor Booker stated he is sure that was not the intent.

Harris asked how he finds funding information if he wants to agenda an item.

Ratliff stated you don't. You just have to let the clerk know you want to agenda an item. At that point, we'll look at it, we'll talk to Finance to see if funds are available; if they are, we'll put it on the agenda, and if they're not, we'll let you know.

Motion by HARRIS, Second by WARREN, to approve an amendment to Council Policy 1-6 that provides a requirement for agenda items involving expenditures to list the funding source and the funding source balance, after any proposed expenditure, and to state if the expenditure was budgeted, including a floor amendment to clarify that the City Manager's authority is only over City staff and not over elected officials. AYE: Hankins, Harris, Chapman, Weger, Johnson, Weger. NAY: GILL. *Motion Passed.*

25. Consider approving an Ordinance that amends Section 22-2-1-202, Article 22-2-1, Division 22-2, Chapter 22, Utilities, Lawton City Code, 2015, by clarifying the language that every building and structure meant for human habitation shall be connected to the public water and shall have an active water account, providing for severability, establishing an effective date, and allowing for floor amendments.

Attachments: [Ordinance No. 23-](#)

Charlotte Brown, Planning Director, stated the previous language in this chapter was very unclear. This change is being done in an effort to be transparent and make things easy to understand. This just states that if you are within 200 feet of a main and have a house or a building that is meant to be habitable, then you are required to be connected to the City water.

Mayor Booker stated this is really not a change, but you do say all buildings and structures meant for human habitation.

Brown stated I don't mean an accessory structure, like a shed.

Gill stated he doesn't like the term "human habitation" because it is too general of a term. He provided an example of a warehouse where the City required an owner to put water to that building, even though it will only function as a warehouse. It requires water because people will be inside the building to deliver and store items. He understands the need for a water connection if the warehouse owner were to

decide to have a secretary working in the building, but he believes that is a concern that can be addressed if and when that decision is made. Gill went on to state he opposes new laws, especially regarding something that didn't exist before.

Ratliff stated the circumstance mentioned has been resolved favorably. That circumstance is not the intent. We are open to floor amendments if you think a different term is amenable. He also stated that this is not new; we are cleaning up language that is already in code. He suggested Council look at the current language; if they believe the existing language is clearer, they can take no action on this item. Ratliff stated he would submit that the proposed ordinance is at least understandable, where the current code is not.

Gill stated he agrees that the current code is not sufficient. He would like to table this to have "human habitation" defined to avoid confusion in the future.

Ratliff stated the instance Gill spoke about is what precipitated changing the code. The intent is to avoid those types of scenarios in the future. He believes the issues with "human habitation" can be address with a floor amendment, but he will leave that decision to the Council.

Motion by GILL, Second by WEGER, to send the ordinance back to staff to reword it, including receiving input from any committee staff deems appropriate, and bring the ordinance back to Council.

Chapman asked how this will be enforced.

Brown stated she doesn't have answer right now. She does know that revenue services checks for active water accounts.

Chapman stated she likes this, but the enforcement is a concern.

Brown stated she can add some language for that as well.

Harris asked if the definition of habitation is someone actually living there, or if an existing house that is just currently vacant has to have a water account.

Brown stated that is something she can break down. If there is an existing house that is just vacant, an active water account would not be required.

Harris stated he was just at a property where there was no active water account, but there is a squatter

living there. He sees the need for this.

Mayor Booker stated his opinion is that the word “occupied” needs to be added.

Warren stated “habitation” means living there, not just being there.

VOTE ON MOTION: AYE: Hankins, Harris, Chapman, Gill, Warren, Johnson, Warren. *Motion Approved.*

STAFF REPORTS:

26. Provide City Council with an update on the FY 2022 and FY 2023 Audit Process.

Joe Don Dunham, Finance Director, stated he does not have any additional updates since last week; the 2022 audit has been turned over to the auditors and the 2023 audit is being worked on. He expects to have 2023 completed by June 30th, which is the typical timeframe.

Mayor Booker stated he thought that audit was due by December 31st.

Dunham stated it is due by December 31st, but the year he arrived at the City of Lawton, the audit was presented in June.

Mayor Booker urged that we have got to properly set up or system, staff it, and get the audit done on time. He stated there is no way we can go for any kind of budget award when we aren’t doing them on time. Other cities do it, so why can’t we?

Dunham stated the FY 23-24, the year we are currently in now, will be presented to you by December 31st.

Mayor Booker said Dunham just stated that FY 2022 audit will be completed by June. He asked if two additional people were contracted to work on it, would the timeframe change.

Dunham stated he can’t say. He can’t hire two contractors that are dedicated to the City. We have one contractor hired, and I plan on lobbying for additional staff members at the beginning of the budget year. It is difficult to determine what can get done when too many hands are in the pot. That’s the way to get things messed up. If we have dedicated staff working on the audit, it’s clean. Right now, I have four full time employees working on nothing but the audits. Having two additional accounts hired on as full-time employees would be a benefit. Bringing someone on that we have to train on our system just slows our people down.

Mayor Booker stated that is not what he wanted to hear. He went on to say when he speaks about the audit in public, he is frequently beat up over it. Someone recently told him there is a federal law that

requires municipalities to complete the audit within 270 days of the end of the fiscal year. He asked Dunham if he know anything about that.

Dunham stated that's why we get the letters from the banks.

Mayor Booker stated it is hard for him to believe that we can't find someone or OML can't help us find someone who is experienced in both municipal audits and our system, Munis.

Dunham stated we have hired on the premiere audit consulting company in the state of Oklahoma for municipal governments, Crawford & Associates. They have been around for over thirty years, and in my opinion, the best in what they do.

Mayor Booker asked Ratliff to get with Crawford and Mike Fina of Oklahoma Municipal League (OML) to find a way to accelerate this. Mayor Booker stated he fears that we will only have a small window where we are not behind, and we will be shut down on borrowing again next March. He wants to find a solution to the problem and not reason to not do it.

Gill asked if we are still on schedule for the audit in January. Last Council meeting, Dunham stated it would be done in mid-January.

Dunham stated that is the goal.

Harris stated we keep hearing, "that's the goal" from you and that is very confusing. We need you to do better.

Dunham stated we started this audit under extreme circumstances. I can control how fast my staff gets our part of this done. When the audit is released to consultants and auditors, we have to work on their timetable.

Ratliff stated I think what we can say is we can commit to when we will get our portion done. And we can commit that to the Council. He asked Dunham when that would be.

Dunham stated he can commit to having our portion of the 2023 audit done by the end of March.

Mayor Booker stated you've just sped the timetable up.

Dunham stated no, because we still have to give it to Crawford and Forvis to do their parts.

Mayor Booker stated so their part is going to take six months.

Dunham stated well, we have to send it to them, and they have to schedule to come here and do their onsite reviews. Then it usually takes them six weeks to do their part.

Mayor Booker asked if Dunham accounted for the budget season when he came up with his timeframes.

Dunham stated the employees working on the audit have been removed from all other duties, including the budget. For example, the Deputy Finance Director usually handles the audit and the budget; she has been removed off the budget, and that is now on my plate.

Mayor Booker asked if Dunham has the manpower to take care of the budget.

Dunham stated he believes so.

Ratliff stated he can reach out to the auditors to get a timetable from them. That will give us a better idea of how long it will take them once we get our work done.

EXECUTIVE SESSION ITEMS:

Motion by GILL, Second by CHAPMAN, to adjourn into executive session.

The Council remained in executive session from 4:59PM to 7:02PM. No action was taken in executive session.

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

27. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the status of an ongoing investigation concerning pension calculations, and, if necessary, take appropriate action in open session.

No action was taken.

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

Motion by HANKINS, Second by, to approve a professional services agreement with the law firm Collins, Zorn, and Wagner for their assistance in reviewing the tort claim filed by attorney Robert Wyatt on behalf of Mark Long, with said agreement including- amongst other provisions: 1. An hourly rate of \$175.—for partners, an hourly rate of \$150.00 for associate attorneys, and a \$60.00 hourly rate for paralegals and 2. If requested, Collins Zorn and Wagner, will brief the City Council in executive session on the tort claim. AYE: Hankins, 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 the pending tort claims of YMCA, filed on May 25, 2023 and October 13, 2023, respectively, and if necessary, take appropriate action in open session.

No action was taken.

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

No action was taken.

ADJOURNMENT

Motion by GILL, Second by Hankins, to adjourn the meeting of December 12, 2023. AYE: Hankins, Chapman, Gill, Weger, Johnson, Warren. NAY: None. *Motion Passed.*

There being no further business, the meeting adjourned at 7:06PM.

The City of Lawton encourages participation from all of its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at (580) 581-3305 at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The City may waive the 48 hour rule if interpreters for the deaf (signing) is not the necessary accommodation."