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

City of Lawton

City Council
MINUTES

Tuesday, January 9, 2024 **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 WITH INVOCATION AND 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
Sherene L. Williams, Ward 7
Randy Warren, Ward 8

ALSO PRESENT:
Stanley Booker, Mayor
John Ratliff, City Manager
Tim Wilson, Interim City Attorney
Donalynn Blazek-Scherler, City Clerk

PRESENTATION:

City Manager Recognition to Chief Seratte

True North Award to Yolanda Allen

Certificate of Appreciation to Arvest Bank

Mayoral Citation to John Jones

Recognition to Chief James Smith, Lawton Police Department

PROCLAMATION:

December Citizen of the Month to Choctaw Honor Guard

MAYORAL NEW YEAR 2024 ADDRESS

REPORTS: MAYOR/CITY COUNCIL

Councilman Hampton brought up the topic of the Farmer's Market.

Councilman Gill announced the completion of construction on 6th Street. While there is still much work ahead, efforts are ongoing daily to fulfill their commitment to "More in Twenty Four."

Councilwoman Chapman voiced her concern about the numerous Facebook posts highlighting lost dogs and cats, urging everyone to stay vigilant and mindful of this ongoing issue.

Councilman Harris informed the residents of Ward 2 about plans for a Ward-Wide meeting scheduled for February.

Councilwoman Hankins commended the City of Lawton employees for their exceptional leadership and dedication to hard work.

Councilwoman Williams announced a meeting with Ward 7 constituents on January 18th at the Leslie Powell Gallery from 5:30 PM to 8:30 PM, with refreshments provided.

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. The Mayor and Council will receive comments from audience members. Council may recommend to the individual or group as to what action they should take, i.e., refer the situation to a particular department or person at the city offices. Each speaker will have a 3-minute time limit, each topic will have a 9-minute time limit, and Audience Participation will be limited to 30-minutes in total.

Greg Smith, of 108 SW I Ave, expressed concerns about the departments involved in implementing flood zone changes that occurred a few years ago. He provided a list of addresses that were removed from the flood zones and noted that a letter of content was supposed to be filed regarding these changes. However, he stated that no one has been able to provide him with this letter. Additionally, he raised concerns about the exclusion of felons from the Citizens Police Academy.

CONSENT AGENDA:

Mayor Booker announced that items #3, #4, #12, and #14 would be stricken from the consent agenda. He also noted that item #28 under Staff Reports would be stricken.

MOVED by Warren SECOND by Harris to approve the consent agenda as presented with exception of the striking of items #3, #4, #12, and #14. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. MOTION CARRIED.

1. Consider approving two (2) damage claims (recommended for approval) and a resolution authorizing payment for Marie Detty Family Services in the amount of $2,392.89, and Janet Bullard in the amount of $89.31.
2. Consider the following damage claim recommended for denial: Austin Brooks in the amount of $1,311.41.
3. Consider approving modification to the agreement between the City of Lawton (City) and the Oklahoma Department of Transportation (ODOT) Project Number TAP3-2988(004) TP, State Job Number 32988(04)(05), City of Lawton Project Number EN1604, Pedestrian Bridge on East Gore Blvd over I-44. **STRICKEN**
4. Consider and take action awarding a contract in the amount of $9,223,500.00 to Associated Environmental Industries, Corp. for the construction of the Groundwater Supply Well Installation 2023 Project PU2301. **STRICKEN**
5. Consider extending the contract (RFPCL20-010) Maintenance of Public Grounds with Bedrock Nursery of Lawton, OK for an additional year.
6. Consider extending contract (CL22-022) Sludge Dewatering Polymer to Thornton, Musso, and Bellemin of Columbia, TN as the primary vendor and to Polydyne, Inc. of Riceboro, GA as the secondary vendor.
7. Consider extending contract (CL23-010) Sodium Hydroxide with Petra Chemical Company, LLC.
8. Consider extending contract (CL23-011) Cationic Polymer with Polydyne, Inc
9. Consider awarding Contract (CL24-009) Nuisance Abatement to Sunrise Adult and Teen Challenge of Oklahoma.
10. 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; issuing final payment to contractor in the amount

of $86,950.02 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

11. Consider and take action in authorizing expenditure of funds for purchase of materials, design contract amount, permit fees for the Industrial Water Main Extension Phase I Project PU2306, and the Phase II Design cost in the total amount of $2,052,167.61.

12. Consider approving a resolution amending the City of Lawton FY 23-24 budget, as amended, by appropriating One Million and 00/100 Dollars ($1,000,000.00) from Hotel Tax fund to FISTA for an economic development incentive to R4 Technologies, and One Million One Hundred Three Thousand Three and 75/100 Dollars ($1,103,003.75) for FISTA operations and insurance, One Million Five Hundred Twenty-Five Thousand and Three Hundred Fifty 00/100 Dollars ($1,525,350.00) to the Parks CIP Project for the purpose of Parks improvements as approved during the November 14th City Council Meeting, Seven Hundred Fifty Thousand and 00/100 Dollars ($750,000.00) for CIP ADA Sidewalk repairs, Seven Million Four Hundred Fourteen Thousand Three Hundred Twenty Nine and 94/100 Dollars ($7,414,329.94) for the purpose of Industrial Infrastructure construct to benefit WestWin Technologies, One Million 00/100 Dollars (1,000,000.00) to pay industrial development incentive from the Economic Development Project of the CIP Fund, Two Million Nine Hundred Forty Thousand and 00/1000 Dollars ($2,940,000.00) to provide funds for the acquisition and improvements in the operation of the water system that provides recreational benefit at Schoolhouse Slough, and Twenty-Seven Million Nine Hundred Seventy-Two Thousand, Six Hundred Seven and 00/100 Dollars ($27,972,607.00) to be transferred from the General Fund to the CIP Fund to start projects which were approved. **STRICKEN**

13. Consider waiving the $1,082.15 Use Permitted on Review application and notice fees for the Non-profit MIGHT Community Development and Resource Center located at 714 SW 45th Street Lawton, OK 73505.

14. Consider approving the record Replat for Lot 2, Block 1, Fire View Addition. **STRICKEN**

15. Consider approving the record plat, the as built drawings for off-site public improvements, and accepting the maintenance bonds for Replat Lot 2, Block 1 of Sun Group Development.

16. Consider approving the Second Amendment to the Lease, Easement and Landfill Gas Rights Agreement with Comanche Renewables, LLC and authorizing execution of the Second Amendment.

17. Consider approving an Amendment to the Easement Agreement with Comanche Renewables, LLC for installation and maintenance of landfill gas pipeline and equipment and authorizing execution of the Amendment.

18. Consider approving a Memorandum of Lease, Easement and Landfill Gas Rights Agreement with Comanche Renewables, LLC and authorizing the execution of the Memorandum.

19. Consider approving the Annual ADA Report that outlines completed ADA accessibility projects, work done towards compliance, and the money expended on each project as required by the settlement agreement reached in the case of Joseph Harper and Vivian Wheeler vs City of Lawton, Case No. CIV-12-841-F.

20. Consider approving appointments to boards and commissions.

UNFINISHED BUSINESS:

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

Kameron Good, Senior Planner, explained that this item had been presented to the council previously on December 12th but was tabled for further review because the site plan attached to the ordinance did not align with the CPC's recommendation for approval. He clarified that the revised site plan now shows no access to the lot located on NW Oak Avenue and only depicts the building to be constructed on Lot 1. The updated site plan is available upon request at the City Clerk's Office.

Good confirmed that proper notice of the meeting was posted in the Lawton Constitution on October 31st and November 24th. He also mentioned that during the December 12th council meeting, the public hearing had been continued to today's session.

Ratliff inquired about the basis for the CPC's recommendation of denial.

Good explained that since the proposal is for an apartment, which is already allowed under the C-1 zoning, there is no need to rezone the property to C-5.

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

MOVED by Gill SECOND by Chapman to accept the recommendation from the CPC and adopt the **Ordinance 24-001**, waive the reading of the ordinance and read the title only. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. MOTION CARRIED.

22. Hold a public hearing and consider approving an Ordinance to close a public access easement for the Elmer Thomas Connector bike route crossing Lawton Public Schools property located approximately at 753 NW Fort Sill Blvd and select an alternate route for the Elmer Thomas Connector bike route.

Good explained that this item had previously been brought before the council to discuss an alternative route for the Elmer Thomas connector. Lawton Public Schools has applied for a building permit to fence off the property surrounding the Shoemaker Center and the middle school. Currently, an easement exists allowing the City of Lawton access across the middle of the property. The public hearing today is to address the proposed closure of that easement.

This item is listed under unfinished business because an alternative route for the connector has yet to be finalized. The existing route runs from Elmer Thomas, through the property, and crosses Fort Sill Blvd via a designated crosswalk. Good also presented the proposed new route, which is on file and available for review upon request at the City Clerk's Office.

Good stated that this item was presented to the Streets & Bridges Committee, which recommended Route A. This proposed route would extend north to Cache Road, pass in front of the middle school, and then reconnect with the existing path.

Good noted that the council had previously waived the associated fees for this matter. On November 7th, ODOT sent a letter requiring the selection of an alternative route along with a designated detour during its construction. The LMPO designated an alternative route that would extend down Dearborn Ave off Ferris and connect to the existing path south of Elmer Thomas Park.

He explained that while the council had initially set the public hearing for December 12th during the November 7th meeting, staff failed to send proper notice to the affected property owners, leading to the hearing being rescheduled for today. Good also mentioned that no phone calls, either in support of or opposition to the closure, had been received.

Mayor Booker sought clarification on whether the council needs to choose between Route A and Route B. He also inquired if it has been determined who will be covering the costs associated with this project.

Good stated that it has not yet been determined who will cover the costs associated with this project.

Ratliff noted that this is a non-budgeted expense.

Mayor Booker stated that, if he understood correctly, the Streets & Bridges Committee selected Route A and that the funding could come from either the marijuana sidewalk funds or the CIP sidewalk funds.

Good explained that implementing Route A would require an additional 270 feet of 10-foot-wide sidewalk on the west side of the middle school. The route would then utilize the existing driveway, followed by widening an existing 5-foot-wide sidewalk to 10 feet for approximately 190 linear feet.

Mayor Booker requested to be provided with the total dollar amount for the project.

Good stated that the estimated cost for Route A is $34,492.50.

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

MOVED by Gill SECOND by Harris to close the public access as outlined in the provided drawing, accept alternative Route A for the bike route, fund it using marijuana funds, approve **Ordinance 24-002**, waive the reading of the ordinance, and read the title only. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. MOTION CARRIED.

23. Provide City Council with an update on the Elmer Thomas Park Amphitheater and Boardwalk construction, discuss funding, and direct staff to move forward on the drafting of a contract.

Sneha Dongre, Associate Civil Engineer, provided an update, stating that they are currently in the process of drafting an agreement with Gurnsey. The total cost for initial design services, which will include the preliminary design report for both the amphitheater and boardwalk design, is estimated to be around $40,000.00.

MOVED by Harris SECOND by Hampton to direct staff to move forward with the contract and the designs.

Ratliff stated that the funding source for the project needs to be discussed in order to follow the agenda item.

Mayor Booker stated that, to his knowledge, this would be a CIP item and asked if Harris would like to include that in his motion.

MOVED by Harris SECOND by Hampton to direct staff to move forward with the contract and designs for the amphitheater and boardwalk at Elmer Thomas Park, with the identified funding source to be CIP funds. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

24. Receive a report on the status of aquatic facilities to include the municipal pool, wading pools, and splash pads, and consider repairs at the municipal pool to include scopes of work from three separate professional pool companies and take action as necessary.

Mitchell Dooley, Parks & Rec Deputy Director, presented a report on the status of the aquatic facilities, including the municipal pool, wading pools, and splash pads. A copy of the presentation is available upon request from the City Clerk's Office.

Mayor Booker stated that three inches does not seem like much on a pool of that size and asked if it is causing any issues.

Dooley confirmed that the three-inch difference in water level between the deep and shallow ends of the pool is indeed causing operational issues. He explained that the pool features a gutter system around its perimeter that draws water off the surface and directs it to the filtration system. The imbalance in water levels disrupts this process and creates problems with the main drains and deep-end return lines.

He also noted that the sinking of the deep end is the primary cause of these issues and has led to significant structural and operational challenges. In discussions with multiple pool professionals, Dooley inquired whether leveling the pool was a viable option. However, they unanimously advised against it, citing that leveling a pool of this size risks cracking the pool shell, which would result in catastrophic structural failure.

Mayor Booker stated that it seems the $114,000 investment would not resolve the underlying issue, as the pool would remain unlevel and continue to have problems. He questioned whether it is feasible to live with the current situation.

Dooley stated that, at least for a time, the repairs could allow the pool to remain operational. However, he cautioned that there are no guarantees on how long the repairs would last given the unlevel condition of the pool. He estimated that with a full replumb of the pool system, it could provide 1 to 10 years of service, though this would ultimately depend on how much the ground shifts after the repairs are completed.

Mayor Booker noted that the alternative would be constructing a new pool, which, according to Gurnsey, was estimated to cost approximately $1 million for a lap pool or $750,000. He asked Councilman Warren if he recalled the specific costs.

Warren stated his belief that a lap pool would cost approximately $1 million, while constructing a pool similar to the existing one would cost around $4 million.

Dooley stated that, as a general rule of thumb, the cost of constructing a new pool would be approximately $350 per square foot of surface area, for reference.

Mayor Booker asked for the square footage of the pool.

Dooley mentioned that while he is unsure of the exact square footage of the current pool, he noted that it has a total volume of 156,000 gallons.

Mayor Booker mentioned that, to his knowledge, staff had been directed to solicit bids for the construction of three splash pads to be completed and operational by Memorial Day. He inquired about the current status of that project.

Dooley stated that the council has adopted the contract with GH2 for the design and construction documents to move the splash pad project forward. He then asked Dongre to provide further details.

Dongre stated that they are currently working with GH2 to finalize agreements for the splash pads and wading pools.

Mayor Booker expressed concern that they are nearing the time limit to have the splash pads open by Memorial Day and asked if that goal will be achievable.

Dongre stated that while she cannot guarantee it, working with GH2, they will make it their goal to have the splash pads completed by Memorial Day.

Mayor Booker acknowledged the issue and shifted the focus back to the pools. He then asked Councilman Gill if he had a question.

Gill mentioned that regarding the unlevel pool, he assumes the primary issue is the skimmers struggling to maintain proper water flow. He pointed out that the only significant difference between a level and unlevel pool would be the plumbing. He then asked if any calculations had been made on the water flow, specifically the volume of gallons per minute.

Dooley explained that the state does not regulate the balance between the gutters and the main drain, but they do require that the pool meet a specific turnover rate. For a public pool, the water must be fully turned over at least once every eight hours.

The council continued to discuss the matter in further detail, exploring the various issues related to the pool's condition, the required repairs, and potential solutions.

Wilson noted that while reviewing the presentation, one of the proposals involves contracting with West Moreland Pools for a total of $114,115, which exceeds the $100,000 limit set under the Oklahoma Competitive Bidding Act. This would therefore require the project to go through a formal bidding process.

Hampton expressed his excitement about the progress being made toward providing citizens with a place to go during the hot summers. He stated that, contrary to other opinions, he doesn't believe the focus should be solely on the cost ratio but rather on fulfilling the city's responsibility to provide a service that meets the needs of citizens who are unable to provide such amenities for themselves. Hampton also mentioned that he believes there may be potential funding opportunities through grants.

Williams requested further details regarding the type and location of the pools.

Warren concurred with Councilman Hampton's goal of opening the pool by the start of summer. He suggested that constructing a lap pool at one of the centers would be a more financially prudent choice for the City. Warren emphasized that while repairs can extend the life of a pool temporarily, there comes a point where the cost outweighs the benefits, making replacement the more viable option.

Mayor Booker sought clarification on Councilman Warren's proposal regarding the construction of a new pool. He asked whether Warren envisioned filling in the current pool and building a new one at a different location or reconstructing the existing pool on the same site.

Warren clarified his position on the construction of a new pool, providing further details on his proposed approach.

Chapman expressed her appreciation for the plan to clean up the wading pools for use but voiced concerns about the long-term maintenance strategy for these facilities. She also commended the effort to engage local businesses in the repair work. Chapman noted, however, that the City seems to be in a constant cycle of playing catch-up with the upkeep of its existing pools.

Dooley emphasized that implementing a programmed budget maintenance plan is essential to ensure that funds are allocated for each facility moving forward.

Hampton highlighted the importance of SHPO and the funding it will provide for the pools. He stressed that the City must prioritize the preservation and maintenance of its historical properties as part of its long-term planning efforts.

<u>MOVED by Harris SECOND by Hampton</u> to proceed with the following actions: perform necessary maintenance to re-open the existing splash pads and wading pools, initiate planning for new splash pads, and move forward with plans for a replacement municipal pool to be located on the southside.

Hampton proposed an amendment to include continued exploration of sleeving options for the tubes at the splash pads.

Harris accepted Hampton's amendment and further revised his motion to include exploring the possibility of converting the splash pads to a flow-through system.

Mayor Booker requested adding to the motion a directive for the City Manager to collaborate with staff to ensure the City Council's goal of reopening the pools by Memorial Day is achieved or to provide an explanation if this cannot be accomplished.

<u>MOVED by Harris SECOND by Hampton</u> to proceed with the following actions: perform necessary maintenance to re-open the existing splash pads and wading pools, initiate planning for new splash pads, move forward with plans for a replacement municipal pool to be located on the southside, and amend the motion to include continued exploration of sleeving options for the tubes at the splash pads, the possibility of converting the splash pads to a flow-through system, and directing the City Manager to collaborate with staff to ensure the City Council's goal of reopening the pools by Memorial Day is

achieved or to provide an explanation if this cannot be accomplished. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. MOTION CARRIED.

25. Hold a public hearing to consider approving a Resolution for a request for an amendment to the 2030 Land Use Plan from Public Facility to Commercial, and an Ordinance for a change of zoning from the P-F Public Facilities District & R-3 Multiple-Family Dwelling District to C-5 General Commercial District zoning classification for the property located at 6725 NW Atlanta Avenue, Lawton, OK 73505.

Good provided the Council with a location map of the property, which is available for request from the City Clerk's Office. He explained that the property was previously used by Public Utilities as a lay yard and warehouse, then by AT&T, and has been vacant for the past five years. The proposed use for the property is an automotive repair service. Good also presented the site plan, existing zoning map, existing land use map, and proposed land use map, all of which can be obtained from the City Clerk's Office upon request.

He noted that this item was reviewed by the CPC on September 14, 2023, where additional information was requested. It was brought back on October 12, 2023, and a motion was made to recommend approval of the proposed changes. The applicant later withdrew the item and reapplied with a new deed that included a small portion of the property zoned R-3. The original application only covered the portion zoned P-F. As a result, the entire proposed zoning would now be C-5.

Mayor Booker inquired whether all of these details had been presented to the CPC.

Good confirmed that all of the details were presented to the CPC on November 16, 2023, and their recommendation was to approve the proposed changes.

Warren asked whether the City of Lawton had leased this property in the past.

Good stated yes, to AT&T.

Warren asked if the City of Lawton is the owner of the property.

Good stated no, the property owner is Tanwood, LLC.

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

<u>MOVED by Warren SECOND by Harris</u> to approve **Resolution 24-002** for a request for an amendment to the 2030 Land Use Plan from Public Facility to Commercial. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. MOTION CARRIED.

<u>MOVED by Gill SECOND by Warren</u> to approve **Ordinance 24-003** for a change of zoning from the P F Public Facilities District & R 3 Multiple Family Dwelling District to C 5 General Commercial District zoning classification for the property located at 6725 NW Atlanta Avenue, Lawton, OK 73505, waive the reading of the ordinance and read the title only. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. MOTION CARRIED.

26. Per the recommendation of the Streets and Bridges Council Committee, consider approving an amendment to the " On Target, On Time" priority list and authorize staff to advertise the King Road Project for bid.

Councilman Gill stated that this road will be incorporated with the "Ten Wins" for the citizens of Lawton. He highlighted the urgency of preparing King Road for bidding as soon as possible to ensure its readiness in conjunction with the completion of the new airport remodeling project. However, due to ongoing construction conflicts, the project is not yet ready for the bidding process. Councilman Gill requested that the Council approve the inclusion of King Road in the project list to facilitate progress.

MOVED by Gill SECOND by Hampton to approve adding King Road to the "On Target, On Time" List.

Councilman Hampton proposed an amendment to prioritize King Road by advancing its position on the project list.

Gill clarified that King Road is already designated as a priority.

Donalynn Blazek-Scherler, City Clerk, clarified that King Road is already included on the project list. This agenda item specifically seeks to elevate King Road's position, designating it as a higher priority.

The Council engaged in further discussions to clarify the agenda item and ultimately decided to move forward with a motion to fully incorporate King Road into the project list and designate it as a priority.

MOVED by Gill SECOND by Hampton to approve adding King Road in full as a priority on the "On Target, On Time" list. No action taken on authorizing bids. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. MOTION CARRIED.

27. Consider approving an Ordinance that amends Section 12-1-104, Article 12-1, Chapter 12, Food & Food Establishments, Lawton City Code, 2015; by stating that food employees can attend a class provided by the health department or an American National Standards Institute (ANSI) certified online class in order to obtain their food handlers permit with the City, by removing the references to the health department taking the applications for food handlers permits and stating that the applications shall be handled through the building division, providing for severability and establishing an effective date.

Community Services Director Charlotte Brown explained that under the current city code, food handler permits are required for employees working in food establishments. For several years, existing contracts have allowed the Health Department to conduct the classes, process the fees, and remit 50% of the proceeds to the city. However, after discussions, the Health Department expressed that they no longer wish to manage the fee collection process.

To address this, they proposed a change to the city code. Under the new arrangement, the Health Department will continue offering a free food handler class, but citizens will apply for their permits online through the city. This updated process will streamline operations and ensure that all collected fees remain with the city instead of being split.

MOVED by Harris SECOND by Gill to approve **Ordinance 24-004** that amends Section 12 1 104, Article 12 1, Chapter 12,Food & Food Establishments, Lawton City Code, 2015, waive the reading of the ordinance and read the title only. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. MOTION CARRIED.

28. Consider approving an ordinance pertaining to General Provisions, amending Section 1-1-120, Article 17-1, Chapter 17, Lawton City Code, 2015 by retitling the section to include City logos and establishing that City of Lawton trademarked images require approval of City Council for external use, including any floor amendments, and take action as deemed necessary. **STRICKEN**

STAFF REPORTS:

29. Receive a report from Public Works regarding the bulky waste collection program.

Cynthia Williams from Public Works provided a presentation on the bulky waste collection program. The presentation is available upon request from the City Clerk's Office.

Mayor Booker expressed enthusiasm for the trailer-mounted litter vacuum and inquired about its expected delivery timeline.

Williams explained that the grant application has been submitted, with the application period closing at the end of February. Notification of the grant's approval is expected by May, and if awarded, funds will be available through the DEQ starting July 1st.

Mayor Booker inquired whether warnings or citations were issued to the 479 non-compliant citizens.

Williams explained that the process involves two key components. First, door tags are issued when waste is either placed in the wrong location or consists of improper materials. These tags notify residents to remove the waste. If the waste remains unaddressed, the issue is reported to the Neighborhood Services Department. Secondly, the department also receives reports from residents who drive through the area and report instances of non-compliance, such as waste set out at the wrong time or of an incorrect type. These reports are then forwarded to Neighborhood Services for further action.

Mayor Booker requested clarification regarding the time frame for the bulk pickup.

Williams explained that the goal is to Monday, Tuesday, and Wednesday. If they are unable to complete the work during those days, efforts will continue on Thursday and Friday, and, if necessary, extend into Saturday. The objective is to ensure that each area is fully addressed within one week.

Mayor Booker inquired about the increase in the volume of bulky waste collected in 2023 compared to 2022.

Williams responded that 600,000 more pounds of bulky waste were collected in 2023 compared to 2022.

Mayor Booker commended Williams and her department for their significant efforts and accomplishments in advancing the Clean City, Clean Culture initiative.

Chapman suggested including a copy of the yearly schedule with the utility bills mailed to residents, ensuring accessibility for those who do not use social media.

Williams responded that she is uncertain whether attachments can be included with utility bill mailouts but assured that she would look into the possibility. She added that if attachments are not feasible, they could include a link to the schedule on the website in the utility bills.

Chapman voiced concerns about residents who may not have access to a computer to view the online version of the schedule.

Warren suggested the possibility of combining notifications with other mailings, such as those related to drainage maintenance. He also inquired about the cost of the trailer-mounted litter vacuum.

Williams stated that the trailer-mounted litter vacuum they are considering costs $30,000, and the DEQ grant offers a 75-25 matching funding structure.

Mayor Booker sought clarification on whether the DEQ grant covers 75% or 25% of the cost.

Williams clarified that the DEQ grant covers 75% of the cost, with the remaining 25% to be covered by City funds.

Warren expressed his support for purchasing the trailer-mounted litter vacuum as soon as possible, provided the funds are available.

Mayor Booker expressed confidence that the trailer-mounted litter vacuum would likely qualify for funding under the beautification bulk waste allocation in the CIP. He requested that a determination be made and brought back for confirmation, as he would be eager to acquire one as soon as possible.

Mayor Booker mentioned that this is not an action item at the moment but assumed it would be brought back on the agenda next week, contingent on confirming the qualification for funding.

Councilman Harris expressed concern about the disconnect between the complaint filing process and the response time from the Neighborhood Services Department, emphasizing the need for quicker action once a complaint is submitted.

A representative from the Utility Services Department stated that they would have no issue collaborating with Solid Waste to distribute a mailer, ensuring that all citizens are informed.

Councilwoman Williams inquired about the amount of money the city received from the 479 non-compliant citizens.

Cynthia Williams stated that she was unaware of the amount, as the data regarding the payments from the 479 non-compliant citizens was not provided when requested.

Councilwoman Williams requested that the data regarding the amount of money received from the 479 non-compliant citizens be provided at a later date.

Warren mentioned that he vaguely remembered that when the fee schedule was established, the fee for out-of-cycle pickup was set at approximately the same cost as sending a truck to collect the waste. As a result, he pointed out that the city isn't generating much revenue from these fees.

30. Presentation over new Online Deposit/Account Start-Up Service

Lauren, the Utility Services Office Supervisor, gave a presentation on the new online deposit and account start-up service, which is available upon request at the City Clerk's Office.

Mayor Booker expressed his pride in the City's progress in implementing the new online deposit and account start-up service. He noted that it appears many unnecessary steps have been eliminated, simplifying the process and focusing only on what is truly needed to open a new account.

Lauren confirmed that the department is working hard to streamline the process for citizens. She also mentioned that, while the new online service is available, citizens can still visit in person to set up their accounts if they prefer.

The discussion continued with further details about the process for the new online account setup, focusing on how it works, the steps involved, and any additional features or benefits for citizens using the service.

31. Provide City Council with an update on the FY 2022 & FY 2023 Audit Process.

Joe Don Dunham, the Finance Director, stated that he would be briefing the council on two audits. The first is the June 30, 2022 audit, which is significantly delinquent, and the second is the June 30, 2023 audit, which has passed the submission deadline but is not as severely delayed as the 2022 audit.

Dunham explained that for the 2022 audit, his staff has completed all necessary paperwork, reconciliations, and entry corrections since December. The audit has been submitted to the financial consultants, who are working on compiling the data to align the city's accounting practices with generally accepted accounting principles (GAAP). While they had anticipated the audit would be completed by now, the consultants have encountered delays due to challenges in loading data into their reporting software, caused by the city's full system conversion during 2022. Dunham mentioned that the consultants could not provide an estimated completion time but noted he has another meeting with them on Thursday, where they plan to establish a more definitive timeline.

Mayor Booker asked if the consultants had provided any indication of a new completion date for the audit.

Dunham responded that, unfortunately, the consultants had not provided a new date yet but assured him they would have that information by the 11th.

Gill questioned which audit would not be completed. Gill asked which of the two audits—the June 30, 2022 audit or the June 30, 2023 audit—would not be completed.

Dunham stated that the June 30, 2022 audit will not be completed by the 23rd of this month, as originally anticipated.

Gill asked for the new anticipated completion date for the June 30, 2022 audit.

Dunham stated that he will not have a new anticipated completion date until his next meeting with the consultants.

Harris sought clarification on whether the changes made to the city's system were not deemed acceptable for the external audit.

Dunham clarified that the changes made to the city's system are not unacceptable. Instead, the consultants are having to adjust their system to accommodate the changes made by the city.

Harris asked if the system the city was using prior to the conversion had been functioning properly.

Dunham explained that he did not work with the previous system, so he cannot provide detailed information on how it functioned. However, to his understanding, the system was not fully implemented and did not meet the required standards.

Harris asked if the city will face similar delays for the next year's audit, and whether the changes the consultants are making will allow them to receive the new information on time without further delays.

Dunham confirmed that the changes the consultants are making now will carry over into the 2023 audit, which should help prevent further delays.

Councilman Weger expressed his appreciation for the efforts on the matter and raised a question about previous auditors who had reported that everything was in good shape up to that point. He asked why, if the auditors were able to review the data then, they are now encountering issues with it.

Dunham explained that the difference lies between the auditors and the financial consultants, as they are two separate firms. The financial consultants take the city's reports and format them into a way that the auditors can understand. The auditors then prepare their final report, which is presented to the council. He clarified that when the auditors previously appeared before the council, they were only conducting fieldwork and had not yet delved into the detailed data, which is why they did not encounter the current issues.

Dunham stated that for the 2023 audit, his staff is currently handling all of the fieldwork to prepare the necessary information for submission to the financial consultants. He has directed his staff to complete this by February 29th, after which the data can be submitted to the consultants, giving them sufficient time to prepare the audit. The target completion date for the 2023 audit will be June 30, 2024.

Mayor Booker was under the impression that the target date for the 2023 audit had been moved to March 31, 2024, and that the City Manager had agreed to contact Frank Crawford to explore the possibility of bringing in additional help to expedite the process. He asked for an update on the status of that plan.

Dunham stated that they had reached out to Frank Crawford, but his response was that due to the complexity of the city's audit, they could not assign junior staff to assist. Only senior staff would be available, but they are currently assigned to other cities. Dunham mentioned that he has 11 of his own staff working on various parts of the audit, along with one outside consultant and the senior financial consultant who is helping whenever she is available.

Mayor Booker expressed that while he is glad the audit is expected to be completed by February 29th, he is concerned about it taking an additional four months to finalize and submit the audit.

Dunham stated that he does not believe it should take the full four months, but he wanted to set that expectation with the council to allow for the possibility of an early completion. He explained that both the financial consultants and the auditors will have a significant amount of work to complete, which will require careful scheduling and coordination.

Mayor Booker requested that Dunham notify him as soon as he is contacted on the 11th with the updated target date for the audit.

EXECUTIVE SESSION ITEMS:

The Mayor and Council convened in executive session at 5:01 PM and reconvened in regular, open session at 6:13 PM. Roll call reflected all members.

32. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending tort claim of Isacc D'Wayne Shaffer-Parker aka Isaac D'Waynehe Shaffer-Parker by and through his next of kin, Felisha Parker and Laresha Parker, and if necessary, take appropriate action in open session. **NO ACTION NECESSARY.**

33. 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 NECESSARY.**

34. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending litigation of Rashawn Wilson, specifically, the pending litigation in Rashawn Wilson v. City of Lawton, John Ratliff official capacity, Timothy Wilson official capacity, Richard Franz personal and official capacity, Nicholas Flores personal and official capacity, Patrick Bellamy personal and official capacity, and Brandon Becker personal and official capacity, CIV-23-1165-R, and, if necessary, take appropriate action in open session.

MOVED by Hankins SECOND by Harris to approve retaining the law firm of McAfee & Taft to represent the City and to the extent individuals are sued in their official capacity, represent those individuals in their official capacity with said representation to be per the terms of the city's current fiscal year 2023-2024 professional services agreement with McAfee & Taft and to approve a consulting agreement with the law firm Collins, Zorn, & Wagner to provide consultation with the City Attorney and the city's attorney of record in the case from McAfee & Taft with said consultation to include but not necessarily be limited to the 42 USC Section 1983 allegations raised in the complaint, the rate for said consultation to be $175 per hour for CZW Partner Attorneys, $150 per hour for CZW Associate Attorney's, and $60 per hour for CZW Paralegals and further move to authorize the representation by McAfee & Taft and consultation by Collins, Zorn, & Wagner to be retroactive to December 21, 2023. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. MOTION CARRIED.

MOVED by Hankins SECOND by Harris to ADJOURN THE MEETING OF January 9, 2024. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. MOTION CARRIED.

There being no further business, the meeting adjourned at 6:17 PM.

ADJOURNMENT

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."