

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
SEPTEMBER 12, 2023 – 2:00 P.M.  
LAWTON CITY HALL  
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:

John Ratliff, Acting City Manager

Tim Wilson, Acting City Attorney

Traci Hushbeck, City Clerk

COL James H.B. Peay, IV, Fort Sill Liaison

Mayor Booker called the meeting to order at 2:04 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Minister Dewayne Hall, Get the Word Out Inc., followed by the Pledge of Allegiance.

**ROLL CALL**

**PRESENT:**

Mary Ann Hankins, Ward One

Kelly Harris, Ward Two (arrived @ 2:16 p.m.)

Linda Chapman, Ward Three

George Gill, Ward Four

Allan Hampton, Ward Five

Bob Weger, Ward Six

Onreka Johnson, Ward Seven

Randy Warren, Ward Eight

**ABSENT:**

None

**PRESENTATION:**

**Presentation of the North Star Award**

Ratliff presented the North Star Award to Rusty Whisenhunt, Public Utilities Director

**PROCLAMATION:**

**Hispanic Heritage Month**

Mayor Booker proclaimed September 15 – October 15, 2023 as Hispanic Heritage Month. He presented the proclamation to members of the Race Relations Committee.

**REPORTS: MAYOR/CITY COUNCIL:**

Harris commended the LPD for hosting the Cops and Kids picnic last Saturday.

Hampton stated the Arts and Humanities Division are working on a project putting together a list of art artifacts.

Weger commended the friendliness of our city staff.

Johnson commended the members of the Race Relations Committee who put together the proclamation today.

Mayor Booker commended staff for their involvement in the whirlwind tour.

#### **AUDIENCE PARTICIPATION:**

Gregory Allen Smith, 108 SW I Avenue, requested authorization to work on cars in his back yard and to park on the grass.

Ratliff requested Mr. Smith contact him.

Justine Howard, 2215 NW Pollard, presented information regarding the arrest of her brother, Robert Charles Roberts. She suggested the police taser policy be re-evaluated.

#### **CONSENT AGENDA:**

Mayor Booker stated Item #14 will be stricken from the agenda and items #3, #9 and #12 will be considered separately.

MOVED by Warren SECOND by Gill to approve the consent agenda with the exception of items #3, #9, #12 and #14. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider approval of the minutes of the Lawton City Council regular meeting of May 9, 2023.
2. Consider approving the damage claim (recommended for approval) and resolution authorizing payment for Jimmie Butemeyer in the amount of \$680.33. **Resolution 23-147**
3. Consider adopting a resolution approving the joint petition settlement in the amount of \$8,910.00 and making payment in the workers' compensation claim of Ramon Ortega.

Hampton stated he will abstain from voting because he is familiar with Mr. Ortega.

MOVED by Warren SECOND by Gill to approve **Resolution 23-148** approving the joint petition settlement in the amount of \$8,910.00 and making payment in the workers' compensation claim of Ramon Ortega AYE: Hankins, Harris, Chapman, Gill, Weger, Johnson, Warren. NAY: None. ABSTAIN: Hampton. MOTION CARRIED.

4. Consider approving an Agreement between the Museum of the Great Plains Authority and the City of Lawton, subject to Museum of the Great Plains Authority also approving the Agreement, to fund activities by the Authority designed to encourage, promote and foster tourism and economic development in the City, and authorize the Mayor and City Clerk to execute the Agreement.
5. In accordance with the True North Culture Statement, by providing opportunities for citizens and delivering with transparency, consider approving an Agreement between the Lawton Farmers Market Institute and the City of Lawton, subject to the Lawton Farmers Market Institute also approving the Agreement, to fund activities by the Market designed to encourage, promote and foster tourism and economic development in the City, and authorize the Mayor and City Clerk to execute the Agreement.
6. In accordance with the True North Culture Statement, by providing opportunities for citizens and delivery with transparency, consider approving an Agreement between the Lawton Heritage Association and the City of Lawton, subject to the Lawton Heritage Association also approving the Agreement, to fund activities by the Association designed to encourage, promote and foster tourism and economic development in the City, and authorize the Mayor and City Clerk to execute the Agreement.
7. In accordance with the True North Culture Statement, by delivering with transparency and providing opportunity for the citizens, consider approving an Agreement between the Lawton Philharmonic Society, Inc. and the City of Lawton, subject to the Lawton Philharmonic Society, Inc. also approving the agreement, to fund activities by the Society designed to encourage, promote and foster tourism and economic development in the City, and authorize the Mayor and City Clerk to execute the Agreement.
8. In accordance with the True North Culture Statement, by delivering with transparency and providing opportunities for citizens, consider approving an Agreement between the Lawton Community Theatre, Inc. and the City of Lawton, subject to the Lawton Community Theatre, Inc. also approving the Agreement, to fund activities by the Theatre designed to encourage, promote and foster tourism and economic development in the City, and authorize the Mayor and the City Clerk to execute the Agreement.
9. Consider referring the evaluation of the Request for Proposals (RFP) pertaining to the management and operation of Schoolhouse Slough located at Lake Lawtonka to the Lawton Water Authority to include any necessary action as it pertains to the acceptance, approval and/or rejection of said proposals.

Wilson stated this item will refer this matter to the Lawton Water Authority for a future meeting.

MOVED by Gill SECOND by Hankins to refer the evaluation of the Request for Proposals (RFP) pertaining to the management and operation of Schoolhouse Slough located at Lake Lawtonka to the Lawton Water Authority. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

10. Consider accepting a donation of twenty thousand dollars (\$20,000.00) from The Arvest Foundation to support the Lawton Police Department in their quest to achieve a Safe Community as prescribed by the city's True North culture statement by providing funding for executive level training and the purchase of first aid kits for officers.
11. Consider approving the State-Local Disaster Assistance Agreement for Emergency and Major Disasters with the Oklahoma Department of Emergency Management for DR-4721 Severe Storms, Straight-line Winds, and Tornadoes and authorizing the Mayor to execute the agreement.
12. Consider granting a long-term ground lease agreement to Cody and Shelby Zimmerman to allow exclusive ingress and egress, over and across the city owned property located south of 359 NW Cherry Road, located on the west side of US Highway 62, by Chandler Creek and Lake Ellsworth, in the Northeast Quarter of Section 19, Township 4 North, Range 11 West of the I.M., Comanche County, Oklahoma.

Wilson presented information on the agenda item.

MOVED by Gill SECOND by Chapman contingent upon the approval of the Lawton Water Authority, grant a long-term ground lease agreement to Cody and Shelby Zimmerman to. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

13. Consider adopting a Resolution authorizing the installation of traffic control measures at: 1908 NW Lindy Ave. **Resolution 23-149**
14. Consider acceptance of Project EN2301 Demolition of Nursing Home located at 1301 NW Andrews Ave as complete. **STRICKEN**
15. Consider approving the Final Amendment and accepting the W. Gore Boulevard Waterline and Sewerline Reconstruction from 82nd St.to 67th St.-Project No. EN1208A and placing the Maintenance Bond into effect.
16. Consider a request to pay a fee in lieu of onsite stormwater detention for the single-family residential building permit located at 3405 SW 67th Street in the amount of \$531.60.
17. Consider issuing a Small Cell Wireless Facility Revocable Permit for small cell wireless facilities located in the public rights-of-way as noted in Exhibit A and authorize the Mayor and the City Clerk to execute the documents in accordance with doing everything for the citizens of Lawton with the True North Culture Statement.
18. Consider accepting a temporary easement from Crossroads at Westchester, located at 7100 W. Gore Boulevard, that is required for the reconstruction of W. Gore Boulevard Project and authorizing the Mayor and City Clerk to execute the document.

19. Consider accepting a permanent utility easement from Tanwood III, LLC. for a new water main project located adjacent to 6735 NW Atlanta Avenue and authorizing the Mayor and City Clerk to execute the document.
20. Consider accepting 1,148 linear feet of eight (8) inch sanitary sewer line, releasing the performance surety bond in the amount of \$85,000.00 and accepting the maintenance bond to serve Park View Addition, Part 1.
21. Consider approving an agreement between the City of Lawton and the Department of Transportation of the State of Oklahoma Project Number J3-8021(004) TP, State Job Number 38021(04)(05), which consists of enhancement of sidewalks on E. Gore Blvd from Flower Mound Rd. to 51st St.
22. Consider approving the Final Amendment and accepting the Demolition of Old Police Station and Jail Project, Project No. EN2105 and placing the Maintenance Bond into effect.
23. Consider approving a resolution amending the City of Lawton FY 2023-2024 budget, as amended, by appropriating \$3,084,814.18 to the Capital Improvements Project Fund/PROPEL. **Resolution 23-150**
24. Consider approving Modification Agreement Number 1 to the Master Services Retainer Agreement between City of Lawton and EST, Inc. dated June 14, 2022, to develop and implement a road/street maintenance program including prioritization and synchronization of City maintenance and public construction projects, and take action as deemed necessary.
25. Consider approving Amendment No. 1 to the Professional Services agreement between C.H. Guernsey & Company and the City of Lawton for Project No. PR2402-Museum of the Great Plains Infiltration Mitigation, to provide additional mechanical and electrical equipment evaluation services.
26. Consider accepting permanent utility and access easements from Lee Whitley, Black Dog Properties, LLC., and Scott & Jumok Bottoms Trust for the Cache Road water main and sidewalk project, authorizing the Mayor and City Clerk to execute the documents, and payments for the same.
27. Consider and take action on awarding a contract (CL24-003) Sludge Lagoon Maintenance to Hodges Farms and Dredging LLC. for cleaning / dredging the water treatment plant lagoons in order to continue compliance with DEQ OPDES Permit for the Medicine Park Water Treatment Plant (MPWTP) and Southeast Water Treatment Plant (SEWTP). The Sludge Lagoon Maintenance is essential for the MPWTP and SEWTP operations which provides for drinking water for the health and welfare of the citizens of Lawton in meeting the “True North Culture Statement”.
28. Consider awarding contract RFPCL24-001 ATM Services to Oklahoma ATM.
29. Consider rejecting all bids for CL23-042 Footwear (Safety, Athletic, and Walking).

30. Consider approving a service agreement with KONE Elevator Services for the three (3) elevators at the Public Safety Building. This will be an annual expense.
31. Consider awarding contract (CL23-034) Nuisance Abatement to Seeley Services and to American Made Cleaning & Restoration Svc.

**UNFINISHED BUSINESS:**

32. Per the recommendation of the Employment Matters Committee, consider approving a resolution amending the current pay scale for Executive Level positions by increasing the minimum hourly rate and maximum hourly rate for each executive level, and any adjustments to the Executive Levels, consistent with the recent Compensation and Classification Analysis recommendations and subsequent information gathered on job descriptions and qualifications from a group of six (6) cities as directed by City Council. The new pay scale will be retroactively effective July 1, 2023, and will repeal all previous Executive Level Pay Scales. Council will take action as deemed necessary to include any floor amendments.

Craig Akard, Human Resources Director, presented information on the agenda item.

Hampton stated the council committee came to an agreement that the pay increases will be retroactive to July 1, 2023, and these will put us in line with the rest of the cities in Oklahoma as they look to fill positions.

MOVED by Hampton SECOND by Gill to approve **Resolution 23-151**. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

**BUSINESS:**

33. In accordance with the True North Culture Statement in that we do everything for the citizens, consider holding a public hearing and consider approving an Ordinance pertaining to special requirements when abutting residential districts by amending Section 18-6-16-678, Division 18-6-16, Division 18-6, Chapter 18, Lawton City Code, 2015, by modifying the special screening requirement for the I-3 light industrial district, providing for severability, establishing an effective date and allowing floor amendments.

Kameron Good, Senior Planner, presented information on the agenda item.

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

MOVED by Gill SECOND by Warren to adopt **Ordinance 23-37**, waive the reading of the ordinance, read the title only. AYE: Hankins, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: Harris. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 23-37

AN ORDINANCE PERTAINING TO SPECIAL REQUIREMENTS WHEN ABUTTING RESIDENTIAL DISTRICTS, BY AMENDING SECTION 18-6-16-678, DIVISION 18-6-16, ARTICLE 18-6, CHAPTER 18, LAWTON CITY CODE, 2015, BY MODIFYING THE SPECIAL SCREENING REQUIREMENT FOR THE I-3 LIGHT INDUSTRIAL DISTRICT, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

34. Receive a report from WTI on options for future aquatics facilities and direct staff as deemed necessary.

Robbie Hazelbaker, Project Director for Water Technology, Inc., presented information on future aquatics facilities. (Presentation is on file in the City Clerk's office)

Warren questioned if WTI has any options for an indoor/outdoor pool.

Hazelbaker stated yes. He stated it is expensive and is usually located at a recreation center.

Warren requested Hazelbaker send him some information on the indoor/outdoor option. He feels they also need to look at tournament swims.

Johnson questioned if they looked at the cost of refurbishing the existing pool.

Hazelbaker stated that pool is not level and they looked at \$1.3 million to get the pool right.

Johnson stated she would like to look at options to maintain something in that area.

Dooley stated that the area around the Owens Center is in need of an aquatics option and if the current municipal pool ends up not being a feasible project, the addition of some lap lanes in that neighborhood might be an acceptable alternative.

Hampton stated the funding is a big thing, and the Cultural Preservation Committee along with SHPO has found that there is significant historical value in that pool and they are trying to obtain grants to do something with that pool. They would like to work with parks staff on this option. There needs to be options for economically challenged families.

Mayor Booker questioned the construction time.

Hazelbaker stated an RFQ would take 4 weeks, 4 ½ to 5 months to do the complete design and the build would be approximately 8 – 12 months. He stated we would be open in May 2025.

Mayor Booker questioned if Hazelbaker would give the council a timeline to be open in April 2025.

Joe Painter, Engineering Director, stated we have not actually selected a consultant to start the work, so it is a little unfair because WTI could be interviewing and the timeline would be part of the process.

Hazelbaker stated other consultants would probably have the same timeline as WTI.

Mayor Booker stated they need to make this decision quickly if they want to be open for 2025. He questioned what they need to do today.

Painter stated they need to get a consultant on board ASAP.

MOVED by Warren SECOND by Harris to direct staff to do an invitation where they will put together an interview committee and invite consultants to do a presentation and do this with a sense of urgency. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

35. Consider an amendment to the True North Culture Statement to include “Transparency and Trust” as a key component on the statement and to clarify terms under “Our Pursuit of Excellence” and take action as deemed necessary.

Mayor Booker stated they would like to add the word “transparency”. He stated the citizens like that aggressive transparency and he feels this builds trust.

MOVED by Gill SECOND by Warren to approve the amended True North Culture Statement as presented.

Harris stated he hears that we are not communicating with the citizens, so he would like to include that we will do a better job communicating.

Mayor Booker stated he likes that and he suggested they bring this back at the next meeting.

SUBSTITUTE MOTION by Harris, SECOND by Warren to table to the September 26<sup>th</sup> meeting. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

36. Consider and take action with respect to an inducement resolution of the City of Lawton, Oklahoma (the “City”), declaring its official intent to approve the incurring of indebtedness by one or more of the public trusts of which the City is the beneficiary in one or more series of bonds, notes, or other evidences of indebtedness to finance all or a portion of the cost of the acquisition, construction, equipping, renovating, and improving of certain capital improvement projects to be located within the City as deemed necessary; and containing other provisions relating thereto.

Joe Don Dunham, Finance Director, presented information on the agenda item. He stated there are four capital improvement projects that are designed and ready for bid. We need to secure funding for these projects. They are the widening of W. Gore Boulevard from 67th Street to

82nd Street (EN1208), Goodyear Boulevard Reconstruction from Lee Boulevard to Cache Road (approximately 2 miles; EN2002B), Phase 1 McMahon Auditorium Addition and Renovation (EN2108P1), and the construction of Landfill Cells 6 & 7 (PW2101). These projects have an estimated total cost to construct of \$30,000,000.

Ratliff stated since this is an instrument of indebtedness, this will require a super majority vote.

MOVED by Warren SECOND by Chapman to approve **Resolution 23-152**. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

37. In accordance with the True North Statement of providing world class customer service to our citizens, discuss LPD's support of funeral processions as a general matter. Further discuss a proposed plan of action that addresses issues that have impeded police support of funeral processions in the past. Consider whether to approve said policy and adopt any floor amendments council deems appropriate.

Ratliff presented information on this agenda item. He stated a meeting was held last week with all the local funeral homes, the police chief and council member Gill. He stated they agreed that the officers would support during off duty hours and get paid a fee. The issue came down to who would cover physical liability if the officers were injured during the funeral procession. He stated in the past we have required the private organization to provide the insurance.

Gill stated he had suggested the funeral homes check with their insurance carriers since they have workman's compensation already in place. He has not heard back.

Mayor Booker clarified that the only concern is who is covering the insurance if the officer is injured.

Linda Newsome, 3103 NE Heritage Drive, representing Lawton Ritter-Gray Funeral Home, stated they are not in agreement with paying for escorts. She will have to pass the cost along to the families. She questioned if there were enough officers off duty to accommodate the request.

Amber Woommavovah, 6210 NW Cache Road, representing Winnery-Huddleston Funeral Home, stated she is fully supportive of compensating these police officers for their time. She stated every large municipality pays for their escorts. She stated if the families do not want to pay for an escort they can meet at the cemetery. She stated everyone has an issue with the insurance. She stated the officers are still providing a service to the community and she feels they should be covered by the City.

Chris Rabon, 1106 NW Laird, representing Becker-Rabon Funeral Home, stated the Sentinel program provided a great service to the community, but they have seen that program diminish over the past few years. He questioned if insurance is provided under the Sentinel program.

Wilson stated they are volunteers, not city employees, so they are not covered by any type of workers compensation. If the police car is damaged, the City would absorb that cost.

Ratliff state it is unfair to put the burden of insuring them on the back of the taxpayers.

Rabon stated several years ago they policy was changed where the funeral homes would call dispatch the evening prior to the funeral service. If the City could provide an escort, one would be available. Sometimes they are not able to be there and they proceed to the cemetery. He stated in 2021 he requested 255 escorts and 2022 he requested 181 and this year the number is on track for 200 escorts. That means there are 400-600 escorts requested every year. You multiply that number by \$125 and the City's recommendation of having two escorts every funeral and you wind up with a number of \$92,000 that you are adding to the cost of funerals in the community.

Ms. Woommavovah stated that Lawton is unique in that we are located near a military installation and half of their services go to Fort Sill National Cemetery in Elgin. She stated the least we can do is to provide them with a police escort to their final resting place. It is important to her that we provide this for our veterans. She would rather just go back to the way it has been and she suggested they prioritize escorts for the veterans.

Harris questioned if there are enough off duty officers to provide this service.

Chief James Smith, Lawton Police Department, stated they have 9-12 officers willing to participate.

Harris stated he feels that to provide this escort is the right thing to do.

Weger stated they are putting the burden on the deceased, which is a taxpayer. He stated it has to come back to customer service and looking at efficiency, and he is not sure this is the solution. They need to find something that works for all parties involved.

Hampton stated for safety reasons, he feels we need to provide escorts for every funeral.

Johnson stated she is hearing that we need to provide as many escorts as we can and if we can find some type of funding for the Sentinel program, we may be able to get more participation. She suggested that those providing the service could be reimbursed for the insurance issue. It is important to have safe processionalists. Perhaps this needs to go back to the committee to look at some of these suggestions.

Hankins stated she would like to continue with escorts.

MOVED by Harris to continue to provide the escort service.

Mayor Booker stated he would like to have clarification of the current policy.

Ratliff stated the officers are paid by the City and we provide all the equipment and they are covered under our workers compensation.

Mayor Booker clarified that we provide as many as possible, subject to higher priority calls. He questioned if the motion was to continue that policy.

Harris stated no. His motion is that we use off duty officers.

Wilson stated they need clarification on the motion. The motion is to use off duty officers and the City to pay for it, that would make them on duty. This would be some type of incentive program rather than the regular staff on duty. When they are doing the service they are on duty.

Harris stated that was his intent, that they would be working for the City and providing the service and he guessed it would be overtime and we would have to adjust the budget to include that figure. Wilson suggested the council to direct staff to develop a policy instead of going into effect right now. There are issues they will have to look at as far as collective bargaining.

Chapman questioned how many accidents we have had when they are escorting.

Chief Smith stated there have been a few, but he does not have specific numbers.

Chapman questioned if the funeral directors have researched the cost for the insurance for the off duty drivers.

Christian Corl, 244 NE Eagle Road, representing Winery-Huddleston Funeral Home, stated their insurance covers workers comp on 10-99 employees so it would not cost them anything on their insurance.

Warren stated they are just voting to bring back this horrible idea. If they are talking about police officers working overtime that will not work because the next thing they will need to be on call and that is even more money. They are just voting on bringing back a plan.

Mayor Booker stated they are voting on a plan to use off duty officers that would cost time and a half and checking into the bargaining agreement and see what that would cost.

Wilson stated they could also make a substitute motion to table this and have staff bring back more options.

Gill stated there is no sense in doing this with off duty police officers. They will be short on officers as well as volunteers.

MOVED by Gill SECOND by Chapman to just continue the program with on duty officers.  
AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None.  
MOTION CARRIED.

38. In accordance with the True North Culture Statement, by seeking to provide a safe environment and opportunities for our children to thrive, consider an ordinance pertaining to Recreation, amending Section 19-3-311, Article 19-3, Chapter 19, Lawton City Code 2015, by prohibiting use of throw nets in Lake Helen and Liberty Lake, providing for severability and establishing an effective date.

Mitch Dooley, Acting Parks and Recreation Director, presented information on the agenda item.

Hampton questioned if staff was going to put up signage.

Dooley stated yes.

MOVED by Warren SECOND by Gill to adopt **Ordinance 23-38**, waive the reading of the ordinance, read the title only. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 23-38

AN ORDINANCE PERTAINING TO RECREATION, AMENDING SECTION 19-3-311, ARTICLE 19-3, CHAPTER 19, LAWTON CITY CODE 2015, BY PROHIBITING USE OF THROW NETS IN LAKE HELEN AND LIBERTY LAKE, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

39. In accordance with the True North Culture Statement of doing everything for the citizens, consider an ordinance pertaining to Personnel Policies and Procedures, amending Section 17-1-4-138, Division, 17-1-4, Article 17-1, Chapter 17, Lawton City Code 2015, by clarifying rate of pay for shift differential, clarifying when a qualifying shift employee will receive shift differential pay, providing for severability and establishing an effective date.

Akard presented information on the agenda item.

MOVED by Warren SECOND by Hampton to adopt **Ordinance 23-39**, waive the reading of the ordinance, read the title only. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 23-39

AN ORDINANCE PERTAINING TO PERSONNEL POLICIES AND PROCEDURES, AMENDING SECTION 17-1-4-138, DIVISION 17-1-4, ARTICLE 17-1, CHAPTER 17, LAWTON CITY CODE 2015, BY CLARIFYING RATE OF PAY FOR SHIFT DIFFERENTIAL, CLARIFYING WHEN A QUALIFYING SHIFT EMPLOYEE WILL RECEIVE SHIFT DIFFERENTIAL PAY, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

Council recessed from 4:25 p.m. to 4:33 p.m.

#### **STAFF REPORTS:**

40. Receive a report on the status of the HVAC systems at the HC King, Patterson and Owens Community Centers and direct staff as deemed necessary.

Dooley presented information on the community centers.

Tom Milam, Air Solutions, updated the council about the status of the equipment at the recreation centers.

Mayor Booker requested a list of all the air conditioners, owned by the City, sorted by age and the cost to replace these.

41. Receive a staff report from Brent Baggett, Deputy Fire Chief regarding a new City of Lawton Severe Weather administrative policy.

Baggett presented information on the policy which will protect employees during severe weather events. (Presentation is on file in the City Clerk's office).

42. Report on Utility Services Operations.

Loren Smith, Utility Billing Supervisor, reported on the utility services department.

43. Receive a report on the status of the FY2022 Audit.

Dunham updated the council on the status of the FY 2022 audit.

The Mayor and Council convened in executive session at 5:03 p.m. and reconvened in regular, open session at 6:16 p.m. Roll call reflected all members excluding Harris, who left during executive session.

#### **EXECUTIVE SESSION ITEMS:**

44. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending action in the United States District Court for the Western District of Oklahoma titled Kent Jackson, as Personal Representative of the Estate of Israel Williams v. City of Lawton, et al, Case No. 5:23-cv-00284-G, and if necessary, take appropriate action in open session.

Wilson read the title of item #44.

MOVED by Hampton SECOND by Warren to authorize the City Attorney or the City's outside council from Collins, Zorn and Wagner to either amend any current joint defense and confidentiality agreement currently in effect or to enter into a new joint defense and confidentiality agreement with the current defense firms in this case as necessary for the purpose of adding the law firm Pierce, Couch Hendrickson, Basinger and Green to any joint defense and confidentiality agreement necessary for the defense of this case. AYE: Hankins, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

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

Wilson read the title to item #45.

MOVED by Weger SECOND by Warren move to authorize the moving forward with identifying funding for the possible purchase of certain improvements made into the lease between the Lawton Water Authority and School House Slough, Inc. said purchase price of \$2.875 million representing the average of three appraisals will be the understanding that any purchases that may occur will be subject to the findings of a pending environmental analysis of the onsite fuel system. AYE: Hankins, Chapman, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

46. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss possible candidates for the position of City Clerk, and, if necessary, take appropriate action in open session.

Wilson read the title to item #46. No action was taken.

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

Wilson read the title to item #47. No action was taken.

There being no further business to consider, the meeting adjourned at 6:19 p.m. upon motion, Second and roll call vote.

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STAN BOOKER, MAYOR

ATTEST:

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TRACI HUSHBECK, CITY CLERK