



City of Lawton

City Council

Agenda

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

Tuesday, May 28, 2024

2:00 PM

Lawton City Hall
Council Chambers/Auditorium

MEETING CALLED TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

"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."

ROLL CALL

PRESENTATION:

True North Award

PROCLAMATION:

Asian American Pacific Islander Month

REPORTS: MAYOR/CITY COUNCIL

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

CONSENT AGENDA:

The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

1. Consider approving a pending tort claim (recommended for approval) and a resolution authorizing payment for Damion Wagner and W.W. (a minor child) in the amount of \$12,661.27 and authorizing the City Attorney to prepare and file said resolution and all appropriate settlement documents for the Court's approval.

[24-1602](#)

Attachments: [DC-2024-024, Wagner, Damion-Memorandum](#)
[DC-2024-024, Wagner, Damion-Resolution and Warrant of Attorney](#)

2. Consider adopting a Resolution authorizing the Traffic Control measures with the installation of a Speed Table, midblock, at the location of 1300 block of SW Jefferson Ave. [24-1447](#)

Attachments: [Ward 7 Traffic Commission Resolution](#)

3. Consider approving a resolution authorizing and calling for an election in the City of Lawton, State of Oklahoma, for the purpose of setting the dates for the 2024 primary and general municipal elections for the Mayor and designated City Council seats and authorizing the Mayor to issue an election proclamation. [24-1511](#)

Attachments: [ELECTION RESOLUTION 2024 - Wards 1, 2, and Mayor](#)
[PROCLAMATION 2024 - Wards 1, 2, and Mayor](#)

4. Consider and take action approving Amendment No. 6 to the Master Services Agreement with Garver, LLC, in the amount not to exceed \$170,400 for Professional Engineering Services for the 2024 CIPP Liner Project to rehabilitate approximately 13,200 linear feet of 10 to 18-inch sewer mains. [24-1519](#)

Attachments: [Amendment No 6 2024 CIPP](#)
[Exhibit B-2 Scope of Services](#)
[Exhibit B-3 Fee Schedule](#)

5. Consider extending contract (CL23-018), Liquid Aluminum Sulfate a Chemical used to treat water for portable use to Chameleon Industries, Inc. of Mesquite, Tx. [24-1557](#)

Attachments: [CHAMELEON EXTENSION FORM](#)

6. Consider extending contract CL22-045 Thermoplastic Material and Epoxy Primer/Sealer to Ennis Flint, Inc. of Greensboro, NC for an additional year. [24-1594](#)

Attachments: [Department Recommendation Yr 3](#)
[Vendor Ext Form Yr 3](#)

7. Consider awarding contract (CL24-019) Boarding & Securing Abatement to Sunrise Adult & Teen Challenge of Cache, OK [24-1559](#)

Attachments: [CL24-019 Abstract.docx](#)
[CL24-019 Bid Results](#)

8. Consider renewing the retainer agreement with James C. Ferguson of Walker, Ferguson and Ferguson, at a rate of \$140.00 per hour, for the defense of workers' compensation claims and authorize the Mayor and City Clerk to execute the agreement. [24-1582](#)

Attachments: [2024-25 Agreement](#)

9. Consider approving an agreement for professional services between the City of Lawton and Dunlap Codding, P.C. for their expertise in trademark [24-1590](#)

searches and trademark applications and authorize the Mayor and City Clerk to execute the agreement.

Attachments: [DC Engagement Letter 24-25](#)

10. Consider approving an agreement with the Comanche Nation Workforce to participate in the Youth Employment Program, which will aid in hiring and training of recommended candidates from federally recognized tribes for various positions throughout the City of Lawton; and authorize the Mayor and Clerk to execute the agreement. [24-1592](#)

Attachments: [Comanche Nation Workforce Agreement](#)
[Email Verification from Legal](#)

11. Consider renewing a master services retainer agreement for professional engineering services to Traffic Engineering Consultants, Inc. for the purpose of providing full engineering services, specifically including traffic engineering services, for the City of Lawton and authorize the Mayor and City Clerk to execute the contract. [24-1584](#)

Attachments: [2024 COL and TEC Agreement](#)

12. Consider approving Amendment No. 1 and Change Order No.1 with K&R Builders, Inc., on Engineering Project EN2205 - NE 29th Street Drainage Culvert and Appurtenances (M14-4) over Tributary to Wrattan Creek. [24-1589](#)

Attachments: [EN2205 Amendment 1 & Change Order No.1](#)
[Amendment No. 1 & Change Order No.1 - EN2205 - NARRATIVE](#)

13. Consider approving plans and specifications for Project PR2309 - Elmer Thomas Park Aquatic Center and authorizing staff to advertise for bids. [24-1523](#)

14. Consider accepting a permanent easement from The Barrington Family Trust for property located adjacent to 6201 SW 11th Street required for the Wolf Creek Bridge Project # EN2204, approving a revocable permit for the fence, and authorizing the Mayor and City Clerk to execute the documents and payment for the same. [24-1568](#)

Attachments: [Barrington - Executed Easement](#)
[Barrington - Executed Revocable Permit](#)

15. Consider approving and issuing a Revocable Communications Cable Permit to Hilliary Communications to install approximately 1,573 feet (95 rods) of fiber optic cable within the right of way to serve a Verizon cellular tower. [24-1597](#)

Attachments: [Plans - Hilliary - Revocable Communication Cable Permit](#)
[Hilliary \(Revocable Communication Cable Permit\) Signed by Permittee](#)

16. Consider waiving Sections 7-20-1-2002 and 7-20-1-2003 of Lawton City Code to waive the permit requirements and the fees for residential sale for a city-wide garage sale split over two weekends in October 2024. [24-1585](#)

Attachments: [Article 7-20 - RESIDENTIAL SALES](#)

17. Consider a request from Duit Construction to waive the requirements of City Code Section 7-12-2-1250 more particularly number A.3, which states that temporary cement, concrete, or asphalt batching facilities are only allowed in agricultural, commercial and industrial zoning districts by allowing the proposed batch plant related to the West Gore Boulevard Expansion Project to be located at the southeast corner of W Gore Blvd and SW 82nd Street within a R-3 Multiple-Family Dwelling District and R-1 Single-Family Dwelling District; and take appropriate action as deemed necessary. [24-1593](#)

Attachments: [Lawton Letter-Signed](#)
[24103-Plant Layout](#)
[Batch Plant Zoning Map](#)

18. Consider and take action in approving an updated agreement with Republic Paperboard Company LLC, to implement new water, sewer, and solid waste rates with a retroactive effective date of April 1st, 2024. [24-1617](#)

Attachments: [Republic Agreement 04.01.2024](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Rate Schedule](#)

UNFINISHED BUSINESS

19. Consider adopting a resolution declaring the structures located at 1209 SW 23rd Place and 1406 NW Williams Avenue, to be dilapidated pursuant to Section 6-5-1 Lawton City Code, ordering the owner to abate the nuisance, authorizing summary abatement, and authorizing the City Attorney to commence legal action in District Court to abate the nuisance. [24-1490](#)

Attachments: [Exhibit A's](#)
[Resolutions](#)
[Photos of Structures](#)

20. Consider an ordinance pertaining to Crimes and Offenses, amending Section 16-3-1-316, Division 16-3-1, Article 16-3, Chapter 16, Lawton City Code, 2015, relating to trespassing by adding an innkeeper as one who can eject persons from a premise, providing permissible reasons for ejection, providing for severability and establishing an effective date. [24-1603](#)

Attachments: [ORDINANCE No. 24- Trespassing \(final\)](#)

BUSINESS ITEMS:

21. Consider approving a concessionaire lease agreement between the Sunken Bridge Yacht Club, the Lawton Water Authority, and the City of Lawton with said lease to provide for incremental price increases over the life of the agreement, and to provide notice of the city's intention to absorb the campground into the School House Slough campground area upon the expiration of the lease on December 31, 2027. [24-1576](#)

Attachments: [Yacht Club 2024](#)

22. Receive public comments on the usage and allocation of unallocated sales tax revenue projected to be received from July 1, 2023, to June 30, 2024. These unallocated funds are estimated to be \$7,212,430 at June 30, 2024. [24-1598](#)

Attachments: [Resolution of Intent No. 23-75](#)
[2024 Monthly Sales Tax Analysis](#)

23. Consider approving a Resolution, repealing and replacing Resolution No. 2023-75 specifying the revised intent of the Mayor and Council of the City of Lawton, Oklahoma with regard to the replacement of the existing seven-eighths of one percent (7/8%) Capital Improvement/Operational Expenditure Sales Tax and the one and one-quarter percent (1.25%) Capital Improvement Sales Tax with a new sales tax to be levied of two and one-eighth percent (2.125%) as approved by the registered voters of the City of Lawton, Oklahoma at an election held for such purpose on February 11, 2020. [24-1601](#)

Attachments: [4b. FY24 Resolution of Intent adding additional funds - TRACK](#)
[4c. FY24 Resolution of Intent adding additional funds CLEAN](#)

24. Consider approving Ordinance No. 2024-____ relating to taxation; amending the Lawton City Sales Tax Code, Codified as Article 10-2 of Chapter 10 of the Lawton City Code, 2015; by the enactment of an amendment to Paragraph (D) under Section 10-2-205 of the Lawton City Code, 2015; levying and extending an existing excise tax of two and one-eighth percent (2.125%) in addition to all other excise taxes assessed and levied by the City of Lawton, Oklahoma and all other taxing authorities, upon the gross proceeds or gross receipts derived from all sales taxable under the sales tax laws of the State of Oklahoma; providing for extending the term of the existing excise tax from terminating on December 31, 2034, to a new termination date ending December 31, 2040, with the exception of a one percent (1%) existing excise tax which shall be permanent for an indefinite period; providing that the excise tax levied by this amended Paragraph (D) under Section 10-2-205 shall be cumulative to all other excise taxes levied by this Chapter or any other taxing authority; providing for codification; providing an effective date for Sections 1 and 2 of this Ordinance with approval of the Ordinance by City voters required; providing for severability; and requiring the full text to be published. [24-1614](#)

Attachments: [14. 10. 9g. ORDINANCE 2024-____ amending the Sales Tax \(EXECUTION VERSION\)](#)

25. Consider approving a Resolution repealing and replacing Resolution No. 2024-114 specifying the administrative intent of the Mayor and Council of the City of Lawton, Oklahoma with regard to a proposed extension of the term of the existing excise tax of two and one-eighth percent (2.125%), said extension to be considered by the registered voters of the City of Lawton, Oklahoma at an election held for such purpose on August 27, 2024, such two and one-eighth percent (2.125%) sales tax that combined and replaced the [24-1615](#)

existing seven-eighths of one percent (7/8%) capital improvement/operational expenditure sales tax and the one and one-quarter percent (1.25%) capital improvement sales tax as approved by the registered voters of the City of Lawton, Oklahoma at an election held for such purpose on February 11, 2020; providing this Resolution shall become effective upon the passage of Ordinance No. 2024-__ at an election to be held on August 27, 2024.

Attachments: [27j. 24 Resolution of Intent sales tax election - \(EXECUTION VERSION\) - v5.1 \(clean\)](#)

26. Consider approving a Resolution authorizing the Mayor to issue a Proclamation calling a special election submitting Ordinance No. 2024-__ to the registered voters of the City of Lawton, Oklahoma, for their approval or disapproval, which if approved would amend the City Sales Tax Code by extending and levying an existing excise tax of two and one-eighth percent (2.125%) on all sales taxable under the sales tax laws of the State of Oklahoma; providing for extending the term of the existing excise tax from terminating on December 31, 2034 to a new termination date ending December 31, 2040, with the exception of a one percent (1%) existing excise tax which shall be permanent for an indefinite period, effective October 1, 2024; specifying the proposition to be submitted to the voters; providing that the call for the election shall be by Mayoral Proclamation; providing for publication of this Resolution and the Proclamation issued by the Mayor to call the said election; and further providing that the returns thereof shall be canvassed by the County Election Board pursuant to State law and certified to the Mayor and Council. [24-1613](#)

Attachments: [6l. Resolution Calling 2024 CIP Election \(EXECUTION VERSION\)](#)
[5. Election Proclamation 2024 CIP \(EXECUTION VERSION\)](#)

27. Consider approving a Resolution relating to the special election called by the Mayor and Council of the City of Lawton for August 27, 2024, for the purpose of submitting to City voters Ordinance No. 2024-__, levying and extending the term of an existing two and one-eighth percent (2.125%) excise tax from terminating on December 31, 2034 to a new termination date of December 31, 2040, with the exception of a one percent (1.00%) existing tax which shall be permanent for an indefinite period; effective October 1, 2024; setting forth the facts required by Section 13-102 of Title 26 of the Oklahoma Statutes; directing the City Clerk to submit this Resolution to the Secretary of the Comanche County Election Board before June 12, 2024; further directing the City Clerk to forthwith submit a current, certified copy of the Lawton City Charter to said Election Board as required by law and directing the City Clerk to forthwith provide the Comanche County Election Board with a map designating the municipal limits and ward boundaries of the City of Lawton as required by Section 13-107 of Title 26 of the Oklahoma Statutes. [24-1606](#)

Attachments: [9g. Resolution Notifying Calling 2024 Election providing required info \(26 OS 13-102\) - \(EXECUTION VERSION\)](#)

28. Hold a public hearing to receive input from the citizens of Lawton regarding the City of Lawton's proposed budget for fiscal year 2024-2025, and, after due consideration of the City Manager's proposals and citizens' input thereon, provide direction to finalize the budget or take action to approve the budget (with any revisions) by resolution as deemed appropriate. [24-1550](#)

Attachments: [Budget Resolution FY24-25](#)
[Budget Revision #1 FY25](#)

29. Consider holding a public hearing and approving an ordinance pertaining to Control of Signs amending Section 18-9-1-908, Division 18-9-1, Article 18-9, Chapter 18, Lawton City Code, 2015, by increasing the maximum electronic message sign square footage allowed within two hundred feet of an A-1 General Agriculture, A-2 Suburban, R-1 Single-Family Dwelling, R-2 Two-Family Dwelling, R-3 Multiple-Family Dwelling, and R-4 High-Density Apartment zoning district and allowing electronic message centers signs to be building mounted, and allowing for floor amendments if necessary; providing for severability and establishing an effective date. [24-1579](#)

Attachments: [Ord 24-_____ increase EMC sign area allowed](#)
[Notice of Public Hearing](#)
[05.16.2024 CPC Minutes](#)

30. Consider holding a public hearing and approving an ordinance pertaining to Planning and Zoning amending Section 18-12-2-1232, Division 18-12-2, Article 18-12, Chapter 18, Lawton City Code, 2015, by striking number 39 and modifying the language in number 45 of the Mixed Use District-permitted uses, allowing for floor amendments if necessary; providing for severability and establishing an effective date. [24-1580](#)

Attachments: [Ordinance 24-_____ Renewal Plans](#)
[Notice of Public Hearing](#)
[05.16.2024 CPC Minutes](#)

31. Consider holding a public hearing and approving a resolution pertaining to amendment number 5 to the D-6 Urban Renewal Plan, by striking number 39 and modifying the language in number 45 of the Mixed Use District-permitted uses, allowing for floor amendments if necessary and establishing an effective date. [24-1581](#)

Attachments: [Resolution 24- D-6 URP Amendment No 5](#)
[Notice of Public Hearing](#)
[05.16.2024 CPC Minutes](#)

32. Consider holding a public hearing and approving an ordinance pertaining to Planning and Zoning amending Section 18-1-1-106, Division 18-1-1, Article 18-1; Section 18-6-12-624, Division 18-6-12, Article 18-6; and Section 18-6-14-646, Division 18-6-14, Article 18-6 all of Chapter 18, Lawton City Code, 2015 by creating a definition for crematorium and allowing crematoriums to be a use permitted on review within a C-5 General [24-1481](#)

Commercial District and a permitted use within an I-1 Restricted Manufacturing and Warehouse District; providing for severability and establishing an effective date.

Attachments: [Ord 24-](#)
[Public Hearing Notice](#)
[05.16.2024 CPC Minutes](#)

33. Consider holding a public hearing and approving a resolution pertaining to amendment number 3 to the Civic Center Urban Renewal Plan, by striking number 39 and modifying the language in number 45 of the Mixed Use District-permitted uses, allowing for floor amendments if necessary and establishing an effective date. [24-1587](#)

Attachments: [Resolution 24- Civic Center URP Amendment No 3](#)
[Notice of Public Hearing](#)
[05.16.2024 CPC Minutes](#)

34. Consider holding a public hearing and approving a resolution pertaining to amendment number 7 to the Downtown I Urban Renewal Plan, by striking number 39 and modifying the language in number 45 of the Mixed Use District-permitted uses, allowing for floor amendments if necessary and establishing an effective date. [24-1588](#)

Attachments: [Resolution 24- Downtown I URP Amendment No 7](#)
[Notice of Public Hearing](#)
[05.16.2024 CPC Minutes](#)

35. Hold a public hearing and adopt a resolution(s) declaring the structures located at 508 NW 2nd Street, 809 SW 4th Street, 911 W Gore Blvd, 1545 NW 43rd Street, 1702 SW N H Jones Avenue, 1710 SW A Avenue, 1734 SW 12th Street, 2501 SW Sheridan Road (Secondary Structure), 2502 SW I Avenue, 2606 SW G Avenue, 2612 SW G Avenue, to be dilapidated pursuant to Section 6-5-1 Lawton City Code, ordering the owner to abate the nuisance, authorizing summary abatement, and authorizing the City Attorney to commence legal action in District Court to abate the nuisance. [24-1560](#)

Attachments: [Resolutions](#)
[Exhibit A's](#)
[Photos of Structures](#)

36. Consider discussing revoking the Small Cell Wireless Facility Revocable Permit for the facility constructed at or near 7990 NW Micklegate Boulevard also known as CRAN 003E and take action as deemed necessary. [24-1566](#)

Attachments: [Filed Revocable Permit approved 9/12/23](#)
[Approved Plans](#)
[Pictures of Small Cell Wireless Facility](#)

37. Consider approving an Ordinance pertaining to Buildings, Construction and Housing by amending Section 6-1-1-102, Division 6-1-1, Article 6-1, Chapter 6, Lawton City Code 2015, by correcting the code section for the [24-1586](#)

conformance section of the amended 2015 International Building Code, providing for severability and establishing an effective date.

Attachments: [Ordinance No. 24-](#)

38. Consider approving a Second Amendment to the FYE 2024 Agreement for Funding and Limited Support of the FISTA Development Trust Authority, authorizing the Authority to repurpose \$1,000,000.00 originally allocated for HUD grant purposes, allowing it to be used for any grant reimbursement purpose and authorizing the Mayor to execute the Agreement. [24-1570](#)

Attachments: [2nd Amendment](#)

39. Discuss Council Policy 3-5: Elected Officials and Employee Interaction and take action as deemed necessary. [24-1604](#)

Attachments: [03-05 Council Policy - Elected Officials and Employee Interaction](#)

40. Discuss changing the time of regularly scheduled City Council meetings from 2:00PM on the 2nd and 4th Tuesday of every month to 6:00PM on the 2nd and 4th Tuesday of every month and take action as deemed necessary. [24-1608](#)

41. Consider approving a resolution that would increase the amount of assistance in Development Financing included in the Redevelopment Agreement between the City of Lawton, the Lawton Economic Development Authority, the Lawton Fort Sill Economic Development Corporation, and Fisher59 Properties, LLC, with said increase to be based on updated cost estimates for Public Improvements associated with the project. [24-1610](#)

Attachments: [Fisher59 CAP RESOLUTION 24](#)

STAFF REPORTS:

42. Provide City Council with an update on the FY 2023 Audit Process [23-991](#)
43. Receive a report regarding implementation of the traffic signal timing plan created by WSB for the Gore corridor, from 6th Street to Lawrie Tatum Road and take action as deemed necessary. [24-1612](#)

EXECUTIVE SESSION ITEMS:

44. 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. [23-1099](#)
45. Pursuant to 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 Felisha Parker and Laresha Parker as next of kin to Isaac D'Wayne Parker, deceased v. City of Lawton, et al, Case number CIV-24-178-JD, and if necessary, take appropriate action in open session. [24-1595](#)

46. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action with Oklahoma Department of Environmental Quality concerning a Notice of Violation issued by ODEQ to the City on February 14, 2024, in relation to the City of Lawton Municipal Solid Waste Landfill and the FY 2022 and FY 2023 financial assurance mechanism update, local government test, not having been submitted by December 31, 2022 and December 31, 2023, respectively, and, if necessary, take appropriate action in open session. [24-1596](#)

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."