MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JUNE 27, 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 2:22 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Jeff Elbert, Cameron Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:	Mary Ann Hankins, Ward One Kelly Harris, Ward Two George Gill, Ward Four Allan Hampton, Ward Five Bob Weger, Ward Six Onreka Johnson, Ward Seven
ABSENT:	Linda Chapman, Ward Three Randy Warren, Ward Eight

PRESENTATION:

Citizen of the Month to Desirae Schneider

Mayor Booker presented a Certificate of Commendation from the Mayor's Office to Desirae Schneider.

REPORTS: MAYOR/CITY COUNCIL:

Harris encouraged everyone to attend FreedomFest on September 30th and July 1st.

Hampton encouraged everyone to attend the Farmers Market.

AUDIENCE PARTICIPATION:

Jake Phipps, 176631 N. 2810 Rd, Duncan, expressed concerns with his experience with the License and Permit division when he attempted to get a door-to-door permit. He stated this was more extensive than any other city he has worked in the state of Oklahoma. He feels they were singled out.

Mayor Booker stated the City Manager would connect with Mr. Phipps.

Aquarion Yarborough, 1510 SW Washington, announced that he will be running for the Ward 7 council seat. He stated the citizens are hurting and the citizens run the city.

Marsha Cronk, 5668 SW Indiahoma Road, Indiahoma, representing Comanche County Pet Resource Foundation, stated they need to get a handle on the stray animal problem. She encouraged the council to develop a task force and develop volunteer programs. She suggested the council put $500,000 into the shelter to fix the facility.

Rondell Terry, 535 Urban Circle, Fort Sill, commented on the importance of non-profits and the importance of citizens working together.

CONSENT AGENDA:

Mayor Booker stated items #2, #12 and #13 will be considered separately. Items #37 and #38 will be stricken from the agenda.

<u>MOVED by Gill SECOND by Hampton</u> to approve the consent agenda with the exception of items #2, #12, #13, #37 and #38. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider approval of the minutes of the Lawton City Council regular meeting of June 13 and the special meeting of June 22, 2023.

2. Consider the following damage claims recommended for denial: Jodyann Williams in the amount of $5,850.00 and Randon and Rebecca Wentzher in the amount of $1,524.00.

Mayor Booker stated that someone has requested to speak on the Wentzher claim.

<u>MOVED by Gill SECOND by Hampton</u> to deny the damage claim of Jodyann Williams in the amount of $5,850.00. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

Greg Gibson, Assistant City Attorney, presented information on the claim. He stated staff has recommended denial of this claim.

Rebecca Wentzher, claimant, stated there are inaccuracies in the report and she requested the issue be reassessed.

Mayor Booker stated that staff is claiming the City is not negligent.

Gill stated normally a utility easement is on personal property and it is dedicated as an easement. The City is not responsible for private property.

Gibson stated code says you cannot place a fence on a utility easement unless you obtain an administrative permit and the fact the weather blew down the tree is not any negligence on the City's part.

Wilson stated the claim is in a drainage easement, not a utility easement.

Gill stated the City is still not responsible.

Mayor Booker stated the City would have to be negligent.

MOVED by Hankins SECOND by Hampton to deny the damage claim Randon and Rebecca Wentzher in the amount of $1,524.00. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

3. Consider approving the First Amended Agreement for professional services between the City of Lawton and Collins, Zorn & Wagner, PLLC ("CZW") to represent the City and employees named in their official and individual capacities in the pending case of Kent Jackson as Personal Representative of the Estate of Israel Williams vs City of Lawton, et al, CIV-23-284-G and authorize the Mayor and City Clerk to execute the Agreement.

4. Consider approving an agreement for professional services between the City of Lawton and Farzaneh & Patel, PLLC for their expertise with immigration law relating to employment visas for select City of Lawton employees and authorize the Mayor and City Clerk to execute the Agreement.

5. Consider approving an agreement for professional services between the City of Lawton and Dunlap Codding, P.C. for their expertise in trademark searches and trademark applications and authorize the Mayor and City Clerk to execute the agreement.

6. Consider renewing a professional services agreement for bond counsel services with Floyd & Driver Law Firm, PLLC, of Norman, OK.

7. Consider renewing the professional services agreement with James C. Ferguson of Walker, Ferguson and Ferguson for the defense of Workers' Compensation claims, and authorize the Mayor and City Clerk to execute the Agreement.

8. Consider renewing a professional services agreement retaining the law firm of Hawkins, Delafield & Wood LLP as Disclosure Counsel in connection with the issuance of the City's General Obligation and other Bonds that must comply with applicable municipal securities regulations including continuing disclosure requirements regarding the City's financial statements and annual financial information/operating data relating to each Bond Issue.

9. 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 a primary and general municipal election to fill the unexpired term of the Ward 6 Council Member and authorizing the Mayor to issue an election proclamation. **Resolution 23-95**

10. 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 2023 primary and general municipal elections for designated City Council seats and authorizing the Mayor to issue an election proclamation. **Resolution 23-96**

11. Consider rejecting grant funds from the Corporation for National and Community Service in the amount of $37,500.00, discontinuing the City of Lawton's Retired and Senior Volunteer Program, and authorizing the Mayor and City Clerk to execute any documentation necessary. **TABLED (See motion to reconsider after last business item)**

12. Consider approving a Project Funding Agreement with the Skills for Life Foundation, subject to the Skills for Life Foundation also approving the agreement, and once the agreement is approved by both parties, allocate to the Skills for Life Foundation an amount up to $89,000.00 from the PROPEL CIP in accordance with the intent of Resolution 23-75, Section C.5 to provide funding for youth programs, as recommended by the Youth and Family Affairs Committee.

Johnson stated she will be abstaining from item #12 because she volunteers for this organization.

<u>MOVED by Hampton SECOND by Hankins</u> to approve a Project Funding Agreement with the Skills for Life Foundation, subject to the Skills for Life Foundation also approving the agreement, and once the agreement is approved by both parties, allocate to the Skills for Life Foundation an amount up to $89,000.00 from the PROPEL CIP. AYE: Hankins, Harris, Gill, Hampton, Weger. NAY: None. ABSTAIN: Johnson. MOTION CARRIED.

13. Consider approving a Project Funding Agreement with The Tulsa Greenwood STEM and Entrepreneurship Program, subject to The Tulsa Greenwood STEM and Entrepreneurship Program also approving the agreement, and once the agreement is approved by both parties, allocate to The Tulsa Greenwood STEM and Entrepreneurship Program an amount up to $95,640.20 from the PROPEL CIP in accordance with the intent of Resolution 23-75, Section C.5 to provide funding for youth programs, as recommended by the Youth and Family Affairs Committee.

Johnson stated she will be abstaining from item #13 because she volunteers for this organization.

<u>MOVED by Hampton SECOND by Gill</u> to approve a Project Funding Agreement with The Tulsa Greenwood STEM and Entrepreneurship Program, subject to The Tulsa Greenwood STEM and Entrepreneurship Program also approving the agreement, and once the agreement is approved by both parties, allocate to The Tulsa Greenwood STEM and Entrepreneurship Program an amount up to $95,640.20 from the PROPEL CIP. AYE: Hankins, Harris, Gill, Hampton, Weger. NAY: None. ABSTAIN: Johnson. MOTION CARRIED.

14. Consider approving a Project Funding Agreement with MIGHT Community Development and Resource Center (MIGHT CDRC), subject to MIGHT CDRC also approving the agreement, and once the agreement is approved by both parties, allocate to MIGHT CDRC an amount up to $35,000.00 from the PROPEL CIP in accordance with the intent of

Resolution 23-75, Section C.5 to provide funding for youth programs, previously recommended by the Youth and Family Affairs Committee with two subsequent modifications.

15. Consider authorizing the Interim City Manager to enter into negotiations with the Chief of Police for a long-term employment contract.

16. Consider renewing the professional services agreement between the City of Lawton, LEDA, and Center for Economic Development Law, and authorize the Mayor and City Clerk to execute the Agreement.

17. Consider approving a Second Amendment to the Amended and Restated Declaration of Trust of the McMahon Auditorium Authority and authorizing the execution of the Second Amendment.

18. Consider accepting the Improving Access to Collection re-grant through the Oklahoma Historical Records Advisory Board of $3,000.00 from the Oklahoma Department of Library for the purpose of digitizing 300 images for inclusion in a Lawton Public Library partner page on the Gateway to Oklahoma History website and authorizing the City Manager to sign the contract.

19. Consider accepting a grant of $25,000.00 from the University of North Texas Health ScienceCenter at Fort Worth, the subaward administrator of the National Network of Libraries in Medicine (NNLM) Healthy Information Outreach grant for the Lawton Public Library for a portable food demonstration cart and community health classes, and authorizing the City Manager to sign.

20. Consider accepting a technology replacement/enhancement community impact gift up to $408,116.00 to the Library from the Friends of the Library to be designated for technology-related equipment and services.

21. Consider accepting an additional $11,000.00 for the Adult Online High School Grant from the Oklahoma Department of Library for the purpose of facilitating adults to complete their high school diplomas, and ratifying the actions of the Interim City Manager.

22. Consider approving the annual agreement between the Center for Creative Living Corporation and the City of Lawton for services to senior citizens in the amount of $15,844.00 and authorize the Mayor and City Clerk to execute the agreement.

23. Consider approving the annual agreement between Lawton Mobile Meals, Inc. and the City of Lawton for the specific purpose of preserving the health and welfare of homebound elderly and/or disabled citizens of Lawton, Oklahoma in the amount of $48,348.00, and authorize the Mayor and City Clerk to execute the agreement.

24. Consider approving a resolution amending Appendix A, Chapter A-19, Article A-19-7, Schedule of Fees and Charges, Lawton City Code, 2015, as amended, by removing outdoor athletic field rental fees except for the Greer Park tennis courts. **Resolution 23-97**

25. Rescind the Resolution No 23-76 that was approved on May 16th and Consider and take action with respect to approve the new resolution of the City of Lawton, Oklahoma (the "City") approving action taken by the Lawton Water Authority (the "Authority") by ratifying and authorizing the action of the Authority in filing of programmatic applications for financial assistance through loan programs of the Oklahoma Water Resources Board; and authorizing the issuance, sale and delivery of a promissory notes or notes in one or more series of the Authority to the Oklahoma Water Resources Board in the total aggregate principal amount of not to exceed $80 million for financial assistance through the Clean Water SRF Loan; pledging revenues, ratifying and confirming a lease agreement, as amended pertaining to certain water, sanitary sewer, and refuse systems; and containing other provisions related thereto. **Resolution 23-98**

26. Rescind the Resolution No 23-77 that was approved on May 16th and Consider and take action with respect to approve the new resolution of the City of Lawton, Oklahoma (the "City") approving action taken by the Lawton Water Authority (the "Authority") by ratifying and authorizing the action of the Authority in filing of programmatic applications with Oklahoma Department of Environmental Quality for financial assistance through loan programs of the Oklahoma Water Resources Board; and authorizing the issuance, sale and delivery of a promissory notes or notes in one or more series of the Authority to the Oklahoma Water Resources Board in the total aggregate principal amount of not to exceed $80 million for financial assistance through the Drinking Water SRF Loan; pledging revenues, ratifying and confirming a lease agreement, as amended pertaining to certain water, sanitary sewer, and refuse systems; and containing other provisions related thereto. **Resolution 23-99**

27. Rescind the Resolution No 23-78 that was approved on May 16th, and consider and take action with respect to a resolution of the City of Lawton, Oklahoma (the "City") approving action taken by the Lawton Water Authority (the "Authority") by ratifying and authorizing the action of the Authority in filing of a programmatic applications with Oklahoma Water Resources Board for financial assistance through Financial Assistance Program (FAP) loan programs of the Oklahoma Water Resources Board; and authorizing the issuance, sale and delivery of a promissory notes or notes in one or more series of the Authority to the Oklahoma Water Resources Board in the total aggregate principal amount of not to exceed $50 million for financial assistance through the Financial Assistance Program (FAP) Loan; approving the pledging revenues, ratifying and confirming a lease agreement, as amended pertaining to certain water, sanitary sewer, and refuse systems; and containing other provisions related thereto. **Resolution 23-100**

28. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization for metropolitan transportation planning for Fiscal Year 2024.

29. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization for Congestion Mitigation and Air Quality programs and projects during Fiscal Year 2024.

30. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization for transit planning for Fiscal Year 2024.

31. Consider endorsing the Fiscal Year 2024 Unified Planning Work Program for the Lawton Metropolitan Transportation Planning Process.

32. Consider ratifying the actions of the Lawton Water Authority by extending contract RFPCL18-048 RV Park & Campground - Lake Ellsworth with Amy Sims dba Minnow Marina at Fisherman's Cove as designated in the lease agreement for an additional twelve (12) months and authorizing the Mayor and City Clerk to execute the required documents.

33. Consider approving a lease agreement between the City of Lawton and the Lawton Youth Sports Trust Authority for the ball fields at Eastside Park, McMahon Park, and Miracle Field within Elmer Thomas Park, and authorizing the Mayor and City Clerk to execute the agreement.

34. Consider approving a sublease agreement between the City of Lawton and the Lawton Youth Sports Trust Authority for four ball fields at Ahlschlager Park and authorizing the Mayor and City Clerk to execute the agreement.

35. Consider granting a Revocable Permit for the construction of a chain-link fence located in the right-of-way at 315 SW 52nd Street, otherwise known as Eisenhower Elementary School, and authorize the mayor and city clerk to sign and execute the document..

36. Consider granting a Revocable Permit for the construction of a chain-link fence located in the drainage easement at 405 NW Woodland Drive, otherwise known as Woodland Hills Elementary School, and authorize the mayor and city clerk to sign and execute the document.

37. Consider waiving City Code that requires the alley to be paved, and vary the dimensions of the heavy duty concrete requirements for a refuse container for property located at 512 SW Lee Boulevard and take action as deemed necessary. **STRICKEN**

38. Consider waiving Lawton City Code in regards to the heavy duty concrete requirement for a refuse container, the requirement for the dumpster enclosure, and the City engineering standards in regards to refuse screening for property located at 1320 NW Homestead Drive and take action as necessary. **STRICKEN**

39. Consider issuing a Small Cell Wireless Facility Revocable Permit for small cell wireless facilities located in the rights-of-way as noted in Exhibit A and authorize the Mayor and the City Clerk to sign the documents.

40. Consider and approving a contract with Garver, LLC, which will authorize a contract to move forward with the Wastewater Treatment Plant (WWTP) Improvement Phase II design that includes the Southeast Water Treatment Plant (SEWTP) Sludge handling design that currently goes to WWTP.

41. Consider and take action on approving the Master Services Agreement with Garver, LLC for the Professional Engineering Services for water, wastewater system, stormwater and other Public Utilities Improvements.

42. Consider and take action on approving the Master Services Agreement with Jacobs Engineering Group Inc. for the Professional Engineering Services for water, wastewater system, dam improvements and other Public Utility Improvements.

43. Consider and take action on approving the Master Services Agreement with Freese and Nichols Inc. for the Professional Engineering Services for water, wastewater system, stormwater, and other Public Utilities improvements.

44. Consider approving professional services contract in the amount of $18,600.00 with C.H. Guernsey and Company for the initial services report phase on Project EN2306 Public Safety Center Security Fence.

45. Consider approving professional services contract in the amount of $15,810.00 with C.H. Guernsey & Company for the initial services report phase of the Project PR2402 Museum of the Great Plains Infiltration Mitigation.

46. Consider approving Amendment No. 2 to the Street Reconstruction Project, SW 38th ST from SW Bishop Rd to W Gore Blvd, Project No. EN2102, with EST., Inc. for professional services for the design of a new water main along SW 38th St between SW Bishop Rd. and W Gore Blvd.

47. Consider awarding contract (RFPCL 23-036) HVAC Services to T&M Solutions, LLC for Building Groups #1-#5, and authorizing the Mayor and City Clerk to execute the contract.

48. Consider extending contract RFPCL21-030 Inmate Technology Services; Pay Telephone, Tablet & Video Installation with Prodigy Solutions, Inc. for an additional year.

49. Consider extending contract CL22-044 Waterline Fittings and Valves to Core and Main of Owasso, OK for an additional year.

50. Consider awarding contract (RFPCL23-031) for Workers' Compensation Administration Service to United Safety and Claims, Inc. of Tulsa, OK, and take action as necessary.

51. Consider awarding contract (RFPCL23-032) for Temporary Employment Services to Express Employment Professionals.

UNFINISHED BUSINESS:

52. 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 become 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, stated staff was directed to survey the six cities and get job descriptions and qualifications for the positions we have in the executive level. He stated he has attached the spreadsheet to the agenda.

Mayor Booker stated he only saw four of the six along with Wichita Falls, which was not one of the six. He questioned when staff could have that additional information.

Akard stated they understood that these were the six cities they were asked to look at from direction at the June 13th meeting.

Hampton stated his motion was to include Enid and Norman.

Akard stated Enid was not in the original survey. He stated that Norman has not sent them any information.

Mayor Booker stated the spreadsheet did not come through very well and it is very difficult to read. He did not see Enid and Norman in the comparison. He suggested staff email the information.

<u>MOVED by Gill SECOND by Hampton</u> to table this item and have staff prepare the six cities we use including Enid and Norman and bring back at an appropriate time. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

53. Consider approving an ordinance authorizing the calling and holding of a special election on September 12, 2023, in the City of Lawton, State of Oklahoma, for the purpose of issuing general obligation bonds in the amount of Sixty Million Dollars ($60,000,000) in one or more series in order to fund construction, reconstruction, improvements or repairs to be made to the City's streets and roadways and bridges including right of way acquisition, and including purchasing or constructing or repairing City utilities under and adjacent to such streets and roadways and bridges, such utilities to be owned exclusively by said City as deemed appropriate and prioritized by the City Council from time to time; providing for severability; declaring an emergency; requiring the full text to be published; approving the Special Election Proclamation; and take action as necessary.

Wilson stated this ordinance will call a special election for the issuance of a 2023 series bond in the amount of approximately $60 million. He stated as of yesterday there was some change in the language and he requested that council not take action today because of that change. The amended language will allow them to access the bond money quicker without changing the mil rate.

Chris Gander, BOKFS, Inc., presented information on the schedule of the GO bonds. He stated this item will be brought back to council on July 11th.

Harris questioned if this is an additional tax.

Wilson stated this is a new tax, but they will do their best with approximation to make sure the mil rate stays steady as possible, to minimize the impact. But it is a new issuance.

Gander stated this will be a sales tax extension with new projects. They have been targeting 11 mils and they will continue to target 11 mils, just for a longer period.

Harris stated they are not raising the tax rate.

Weger stated the $60 million is for street projects and bridges.

Joe Painter, Director of Engineering, stated it is for specific roadway projects and specific bridges.

Weger questioned if these were existing projects. His constituents are concerned about starting new projects before the existing projects are completed.

Wilson stated the language is written to give broad authority and it will be at the council's discretion in choosing the projects.

Mayor Booker stated the council has made it clear that all the projects that were promised in the last ad valorem needs to be done. He stated we are going to have to make efforts in our budget and the sales tax PROPEL, and this is what we can do now without raising the millage rate and affecting the citizens.

No action was taken.

54. Hold a public hearing and consider approving an Ordinance to close the alley between Lots 1-7 and 16-22, Block 6, Beal Addition, located to the west of Lincoln Elementary School at 601 SW Park Avenue.

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

Gill stated this will help LPS and is something they really need.

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

Hampton stated he is in full support of making this less dangerous for the children.

MOVED by Hankins SECOND by Hampton to adopt **Ordinance 23-21**, waive the reading of the ordinance, read the title only. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 23-21

AN ORDINANCE CLOSING THE 394-FOOT ALLEY IN BLOCK 6, BEAL ADDITION.

55. Hold a public hearing and consider approving an Ordinance to close a portion of a public right-of-way approximately 3.8 feet wide by 45.3 feet long on the north side of Lot 7, Block 6, Turnpike Industrial Park Part 6, on the south side of SE F Avenue between SE Simpson Street and SE Wallock Street.

Good presented information on the agenda item.

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

MOVED by Harris SECOND by Hankins to adopt **Ordinance 23-22**, waive the reading of the ordinance, read the title only. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 23-22

AN ORDINANCE CLOSING 46 FEET OF RIGHT-OF-WAY TO THE NORTH OF LOT 7, BLOCK 6, TURNPIKE INDUSTRIAL PARK PART 6.

56. Hold a public hearing and consider approving an Ordinance to closing the alley between Lots 12-16 and 17-21, Block 111 and Lots 1-5 and 28-32, Block 112, Lawton View Addition between SW Oklahoma Avenue and SW Texas Avenue.

Good presented information on the agenda item.

PUBLIC HEARING OPENED.

Sheila Turrentine, 1005 S. Lake Drive, DeSoto, TX. Stated she is speaking about block 105, lots 21 and 22. She stated her father intended to build on that land. She is opposed to this request.

Good stated they are talking about blocks 111 and 112. He stated she received the letter because she is within 300 feet of the closure.

Mayor Booker questioned if that removed the objection.

Gill questioned how they would service the garbage pickup.

Good stated it will be replatted into six new lots.

PUBLIC HEARING CLOSED.

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

(Title read by City Attorney) Ordinance 23-23

AN ORDINANCE CLOSING APPROXIAMTELY 124.6 FEET BY 16 FEET OF ALLEYWAYS IN BLOCK 111 AND BLOCK 112 OF LAWTON VIEW ADDITION.

57. Hold a public hearing and adopt a resolution declaring the structures located at 1005 SW 9th Street, 1708 SW B Avenue, 1710 SW A Avenue (STRICKEN), 1710 SW B Avenue, 1714 SW B Avenue, 1810 SW B Avenue, 1814 SW A Avenue, 2008 SW A Avenue, 2106 NW Bessie Avenue, 2410 SW A Avenue, 2615 SW A 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.

1005 SW 9th Street

Jon Jernigan, Neighborhood Services Supervisor reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities have been inactive since 2018.

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

MOVED by Hampton SECOND by Gill, to approve **Resolution 23-101** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

1708 SW B Avenue

Jernigan reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities have been inactive since 2021.

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

MOVED by Hampton SECOND by Gill, to approve **Resolution 23-102** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

1710 SW B Avenue

Jernigan reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities have been inactive since 2022.

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

MOVED by Hampton SECOND by Gill, to approve **Resolution 23-103** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

1714 SW B Avenue

Jernigan reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities are inactive.

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

MOVED by Hampton SECOND by Gill, to approve **Resolution 23-104** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. Gill. MOTION CARRIED.

1810 SW B Avenue

Jernigan reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities have been inactive since 2018.

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

MOVED by Hampton SECOND by Gill, to approve **Resolution 23-105** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

1814 SW A Avenue

Jernigan reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities have been inactive since 2016.

PUBLIC HEARING OPENED.

Erin Cox, 2710 NW Marion Avenue, stated she is the property owner and she is in the process of working on the property. She stated she never received a mailed notice and she requested this property not be place on the D&D list.

PUBLIC HEARING CLOSED.

MOVED by Hampton SECOND by Gill, to approve **Resolution 23-106** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

2008 SW A Avenue

Jernigan reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities have been inactive since 2017.

PUBLIC HEARING OPENED.

Isador Jordan, 2304 SW 35th, stated he is representing Milton Knight, the owner of the property. He stated they are working on the property and have boarded up all the openings. The plan is to get the home up and running. They requested the property not be placed on the D&D list.

Mayor Booker questioned if he had a permit.

Mr. Jordan stated yes. (Staff stated he did not have a permit)

PUBLIC HEARING CLOSED.

MOVED by Hampton SECOND by Gill, to approve **Resolution 23-107** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None MOTION CARRIED.

2106 NW Bessie Avenue

Jernigan reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities have been inactive since 2020.

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

MOVED by Hankins SECOND by Harris, to approve **Resolution 23-108** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

2410 SW A Avenue

Jernigan reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities have been inactive since 2012.

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

MOVED by Harris SECOND by Gill, to approve **Resolution 23-109** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

2615 SW A Avenue,

Jernigan reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Jernigan presented photographs of the property. Utilities have been inactive since 2013.

PUBLIC HEARING OPENED.

Mike Sutherland, 1015 SW Garfield, stated he is the property owner. He stated they keep everything in a stately manner. The have just finished paying off the home and now they plan on making the property somewhere where someone can call home. They understand they have to obtain permits for certain things and they plan on moving forward.

PUBLIC HEARING CLOSED.

MOVED by Harris SECOND by Gill, to approve **Resolution 23-110** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

(Council recessed from 4:10 p.m. to 4:20 p.m.)

58. Receive a presentation and consider approving a request for funding in the amount of $75,000 and direct staff to approve departmental assistance to support the extension of the Elmer Thomas Park Playground, which is specifically designed for special needs children.

Max Sasseen, reported on the progress of the playground expansion. He stated the proposal would be to work with the city manager and city departments to assist in the playground effort and the second request is $75,000 in direct funding.

MOVED by Gill SECOND by Harris, to approve a request for funding in the amount of $75,000 and direct staff to approve departmental assistance to support the extension of the Elmer Thomas Park Playground. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

59. Discuss and consider establishing an express public trust authority for lake operations pursuant to Title 60 Okla.St.Ann. § 176. This authority would assist the beneficiary (City of Lawton) in the recreational management and operations of Lake Lawtonka and Lake Ellsworth.

Mark Scott, Chairman of the Lakes and Land Commission, requested the development of a lakes trust authority to manage the ongoing recreational operations and projects at Lake Lawtonka and Lake Ellsworth. They hope that a trust authority will accomplish two main goals: 1) to provide direct oversite and management for the recreational operations and projects at both lakes and 2) create an avenue by which the revenues generated by those recreational activities are reinvested in the lake properties and projects. They would like council to authorize the commission to work with parks and recreation, the city manager and the city attorney to draft the document and bring it back to council.

Gill stated that this is already under the Lawton Water Authority. He questioned if there would be two authorities over the same thing.

Mr. Scott stated he would propose that they carve out some of that from the LWA and put those powers with the Lakes authority to manage the leases of the recreational areas.

Gill stated they would really have to look at the legalities of all this.

Ratliff stated the LWA can vote to amend their trust indenture so it is possible from a legal perspective.

Mayor Booker stated the next item is really a companion item and he does not see how they can really make a decision until they understand the interest in the RFP's. He suggested the motion would be to put together an outline of what has to happen to make it all work instead of doing all the work why we are shorthanded.

Harris questioned the advantages of creating this trust.

Mr. Scott stated if would offer them the ability to be more nimble with decision making at the lakes and take a lot of the direct management and put that in a group that is already invested in the lakes. He stated the members of the Lakes and Land Commission would be great members of that trust authority if council decided to go in that direction.

Mayor Booker stated there is a good template in the Youth Sports Authority.

MOVED by Harris SECOND by Johnson, to direct staff to put together the template of how this would work. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

60. Consider approving the draft Request for Proposal (RFP) for the management and operation of Schoolhouse Slough at Lake Lawtonka, including any floor amendments, and directing staff to move forward with advertising said RFP.

Christine James, Parks and Recreation Director, stated as of this morning she has 17 entities that are interested in providing a proposal.

Mr. Scott stated that this is something that the proposed authority could take up.

Mayor Booker questioned if this RFP went before the Lakes and Land Commission.

Mr. Scott stated no.

Gill stated they are going to have to explain to those that submit proposals regarding what kind of money they are talking about and the conditions. He stated the RFP looks good but he is not excited about trying to get involved in another trust authority and getting that worked out and then make this part of that, he does not feel they have that kind of time.

MOVED by Gill to approve the Request for Proposal along with the disclosure of the appraisals of School House Slough.

Wilson stated that language is included in the RFP so that the potential new bidders know exactly what their obligations are.

Gill said there are people out there that have no idea it is that kind of money. We need to let these people know up front. We can disclose that when they make application.

MOVED by Gill SECOND by Harris, to approve the Request for Proposal along with the disclosure of the appraisals of School House Slough. When they request this proposal and at that time they will be made of aware of the two appraisals.

James stated they are looking at having the proposals back August 15th. She questioned if that was enough time.

Gill stated he feels that is enough time.

VOTE ON MOTION: AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

61. Consider approving an Ordinance amending Sections 7-12-1-1201, 7-12-1-1202, 7-12-1-1203, 7-12-1-1205, 7-12-1-1209, 7-12-1-1210 and 7-12-1-1217, Article 7-12-1, Division 7-12, Chapter 7, Business, Lawton City Code, 2015, by clarifying the definition of store front, clarifying that all persons who want to go door-to-door within Lawton shall have a permit, setting the fee as a per person instead of per business, setting forth the hearing process if a door-to-door permit is revoked, adding the requirement for a background check for all individuals going door-to-door, except minors, and setting an exception for the placement of handbills or leaflets on automobiles in public parking lots not to be considered a door-to-door or itinerant vendor activity, providing for severability, establishing an effective date and allowing for floor amendments.

Charlotte Brown, Community Services Director, presented information on the agenda item.

Mayor Booker requested Brown go over the exceptions. He wants clarification on churches or religious organizations and children.

Brown reported the exceptions from Section 7. She stated children are not currently exempt, but she can add that exemption.

Gill questioned if, for example, if every person from a roofing company who goes door to door will have to have a permit. If a person works for a business they should be covered under that business.

Mayor Booker stated once that relationship is established, they are no longer door to door.

Gill stated they are talking about companies that have employees that will need to go out and we are saying that each one of those employees are required to have a permit.

Brown stated yes. Norman requires that each person going door to door to have a permit.

Gill questioned if the fee is established.

Brown stated door to door permits per individual for a year are $57.54, 30 day is $11.50.

Harris questioned who pays for the background checks.

Brown stated the individual or the business. Norman requires an OSBI background check.

Mayor Booker stated he does not believe you can get an OSBI background check in 30 days, when the ordinance will go into effect.

Harris stated he would like to approve this as an emergency ordinance, to deal with all the vendors out there now.

Ratliff stated they can bring in other types of background checks.

Mayor Booker stated he is concerned that they cannot get a background check in 30 days.

Craig Akard, Human Resources Director, stated they go through OSBI and it take approximately three days to get a background check.

Weger state he does not like the language of “religion” being included. He stated churches don’t go around knocking on doors and including them in there is setting a problem for the future and he would like to look long term, not short term.

Wilson stated the ordinance currently exempts religious organizations from this requirement to get a permit.

Weger stated he wants the word “religious” taken out.

Wilson stated that would take them out of the exemption and would make it a requirement that they pull a permit.

Mayor Booker stated Council Member Weger wants no mention of religious organizations.

Brown stated they would remove the word “religious” from Section 7-12-1-1202(C).

Mayor Booker clarified that council members can still go door to door, they just can’t solicit money.

Brown questioned the age of children in the exemption section.

Hampton suggested high school age.

Mayor Booker suggested minors.

Brown stated 18 or still enrolled in high school.

Wilson suggested they send this back to staff to make the modifications and bring it back at the next meeting with an emergency clause.

Ratliff stated the council may make floor amendments.

Mayor Booker stated if they make this an emergency, how will they communicate to all of the citizens.

Ratliff stated he would not recommend they put this ordinance in under emergency recommendations, but they can make floor amendments.

Gill stated he would like to hear the definition of “store front”.

Brown stated "Storefront" means a business office, store or other permanent building regularly open to the public where individuals may inquire about said business or organization during posted hours. This includes internet-based businesses and home occupation businesses that provide proof of residency in the city limits of Lawton. (Proof of residency is a utility bill within thirty (30) days of application).

Gill stated when a roofing company has a store front and you want a price on the roof they are going to have to send someone out to measure it. Is that individual going to have to get a permit?

Mayor Booker stated that relationship exists. He suggested that they put under exceptions, “anything where a relationship exists”. Once you made a phone call, a relationship exists.

Brown stated that is already an exemption. It states, “delivery of items ordered or services requested by an individual resident shall not be considered activities of a door-to-door vendor or itinerant vendor.”

Harris stated the issue with the word “religious” also exists under Section 7-12-1-1201(A1c).

Brown stated she will take the word out of everything.

MOVED by Hampton SECOND by Gill to adopt **Ordinance 23-24**, waive the reading of the ordinance, read the title only with amendments to remove the term religious and exempt children under 18 or still enrolled in high school. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 23-24

AN ORDINANCE AMENDING SECTIONS 7-12-1-1201, 7-12-1-1202, 7-12-1-1203, 7-12-1-1205, 7-12-1-1209 7-12-1-1210, AND 7-12-1-1217, ARTICLE 7-12-1, DIVISION 7-12, CHAPTER 7, BUSINESS, LAWTON CITY CODE, 2015; BY ADDING LANGUAGE TO CLARIFY THE DEFINITION OF STORE FRONT, CLARIFYING THAT ALL PERSONS WHO WANT TO GO DOOR-TO-DOOR WITHIN LAWTON SHALL HAVE A PERMIT, SETTING THE FEE AS A PER PERSON INSTEAD OF PER BUSINESS, SETTING FORTH THE HEARING PROCESS IF A DOOR-TO-DOOR PERMIT IS REVOKED, REQUIRING A BACKGROUND CHECK FOR ALL INDIVIDUALS GOING DOOR-TO-DOOR EXCEPT MINORS, CLARIFYING THE TIMES THAT THE DOOR-TO-DOOR VENDORS ARE PERMITTED TO OPERATE, AND SETTING AN EXCEPTION FOR THE PLACEMENT OF HANDBILLS OR LEAFLETS ON AUTOMOBILES IN PUBLIC PARKING LOTS NOT TO BE CONSIDERED A DOOR-TO-DOOR OR ITINERANT VENDOR ACTIVITY, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

62. Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, pertaining to Chapter 7, Business, by amending Article A-7-12 Door-to-Door Vendors.

MOVED by Harris SECOND by Gill to approve **Resolution 23-111**. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

Mayor Booker stated he made an error and intended to pull item #11. He would like a motion to reconsider this item.

MOVED by Gill SECOND by Hampton to reconsider item #11. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

11. Consider rejecting grant funds from the Corporation for National and Community Service in the amount of $37,500.00, discontinuing the City of Lawton's Retired and Senior Volunteer Program, and authorizing the Mayor and City Clerk to execute any documentation necessary.

Ratliff stated the staff member who was going to speak on this item has already left so he suggested the council table this item and bring it back at the next meeting.

James presented information on the agenda item.

Mayor Booker questioned why council was not notified of the desire the end this program until the last minute.

James stated the staff person has taken another job and she brought some things to light with her exit.

Hankins stated this could go to another agency.

Hampton stated there may be options the council can look at.

James stated this senior corp of RSVP is the only one in the state that is ran by a municipality. Others are run by other agencies.

Mayor Booker stated he has a problem with dropping it so abruptly without trying to transition to another organization.

MOVED by Hankins SECOND by Hampton to table. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

STAFF REPORTS:

Short Term Rentals: Overview of Process – Judy Franco, IT Director (STRICKEN)

The Mayor and Council convened in executive session at 5:20 p.m. and reconvened in regular, open session at 6:48 p.m. Roll call reflected all members present.

EXECUTIVE SESSION:

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

Wilson read the title of item #63. No action was taken.

64. Pursuant to Section 3007B.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 vs. City of Lawton, et al, CIV-23-284-G, and if necessary, take appropriate action in open session.

Wilson read the title of item #64.

MOVED by Harris SECOND by Gill, due to defendant Deluse Allen having made a written request to the City for representation and upon finding that Allen was acting in good faith and in the course of his employment, I move that the City provide representation to Allen by authorizing the firm of Goolsby, Proctor and Heefner to represent Allen. AYE: Hankins, Harris, Gill, Hampton, Weger, Johnson. NAY: None. MOTION CARRIED.

65. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss litigation in the case State of Oklahoma (ODOT) v. Gill's Waste Oil LLC v. The City of Lawton, CV-2020-2134 (Oklahoma County), and, if necessary, take appropriate action in open session.

Wilson read the title of item #65. No action was taken.

66. 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 of item #66. No action was taken.

There being no further business to consider, the meeting adjourned at 6:51 p.m. upon motion, Second and roll call vote.

____
STAN BOOKER, MAYOR

ATTEST:
____
TRACI HUSHBECK, CITY CLERK