City of Lawton

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

City Council
MINUTES

Tuesday, July 9, 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

PRESENT:	**Mary Ann Hankins, Ward 1**
	Kelly Harris, Ward 2
	Linda Chapman, Ward 3
	George Gill, Ward 4
	Bob Weger, Ward 6
	Sherene L. Williams, Ward 7
ABSENT:	**Allan Hampton, Ward 5**
	Randy Warren, Ward 8
ALSO PRESENT:	**Stanley Booker, Mayor**
	John Ratliff, City Manager
	John Andrew, City Attorney
	Donalynn Blazek-Scherler, City Cler

PRESENTATION:

True North Employee Award- Jason Poudrier, Arts & Humanities

REPORTS: MAYOR/CITY COUNCIL
Hankins reminded citizens to bag and tie their trash.

Harris spoke on the success of Freedom Festival and thanked staff for all their hard work. He also welcomed the new City Attorney, John Andrew and gave praise to City Manager John Ratliff.

Chapman stated Fred Bentley Playground is getting new playground equipment and thanked the Parks and Rec staff for this addition.

Gill stated the last phase of the 40 Wins for the Citizens project will be starting in the next 2 to 3 weeks, which is ahead of schedule. He also complimented the band from Fort Sill that played at Freedom Fest.

Weger gave praise to the Public Utilities Department for their work on a large water main break that affected the industrial park.

Williams stated the volunteer project to paint houses in Ward 7 will begin this Saturday at 7:00AM. She also spoke about a poverty simulation that she attended recently and thanked the Parks and Rec Department for the new playground equipment in Ranch Oaks.

Mayor Booker echoed Williams sentiments on the poverty simulation and stated he was able to attend this event in the past. He believes it made him a better mayor.

*Item 25 was pulled for consideration prior to audience participation.

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.

David Tyler, 507 SW 77th Street, spoke on issues with prairie dogs. He commended the Parks and Recreation Department for their quick action to mitigate prairie dogs destroying the athletic fields at Lawton High School.

Mayor Booker requested a report at the next Council meeting regarding the relocation of prairie dogs.

Robert Radcliff, 4427 SW Parkway Drive, spoke against the approval of the amendments to Council Policy 1-6. He stated that the decisions of the City Council have an impact on non-residence who lives slightly outside of the city limits. Radliff also stated he has been emailing with the City Manager about Westwin Elements. The City Manager has provided responses and Radliff has been verifying the information he received. He stated the information was bogus and some were outright lies, but he is not calling the City Manager a liar.

Mayor Booker interrupted and stated that wild accusations will not be tolerated without documentation of specific instances.

Radliff stated he was not making wild accusations and he was not allowed to finish speaking. He stated he called the hospital because he was told Comanche County Memorial Hospital had been contacted to be provided information for medical workers. When he called, no one at the hospital knew what he was talking about. Radliff stated that is prove that he isn't giving wild accusations and doesn't appreciate the mayor stopping him.

Mayor Booker stated he has that right but would like to continue. He asked that Radliff continue to give backups to his accusations.

Radliff stated he is accusing Westwin, not the City of Lawton. He went on to talk about containment procedure and the watershed.

CONSENT AGENDA:

1. Consider accepting permanent easements from Bentley Investments and LaDonna McKinzie for the SW 38th Street Waterline Project # EN2102A and authorizing the Mayor and City Clerk to execute the documents and payments for the same. **24-1659**

   Attachments: Bentley Investment Easement
   McKinzie Easement

2. Consider accepting a permanent utility easement from Mattie L. Boyles 1999 Trust for the South Wolf Creek sanitary sewer main installation, as part of Project No. 18-ISSES, and authorizing the Mayor and City Clerk to execute document. **24-1727**

   Attachments: Mattie Boyles Trust - Perm Ease

3. Consider approving a resolution requesting Oklahoma Municipal League to support legislation regarding changes to Oklahoma State Statute 68-3113 and Oklahoma State Statute 68-3131 for the 2025 Oklahoma Legislative Session. **24-1743**

   Attachments: Res. Supporting Changes to 68-3113 and 68-331
   Legislative Proposal-Tax Sale

4. Consider approving a resolution requesting Oklahoma Municipal League to support legislation regarding changes to Title 51 Oklahoma State Statutes 24A.1 through 24A.33, the Oklahoma Open Records Act, for the 2025 Oklahoma Legislative Session. **24-1744**

   Attachments: Res. Supporting Changes to Title 51

5. Consider extending the engineering agreement with Stearns, Conrad and Schmidt Consulting Engineers, Inc. d/b/a SCS Field Services for professional engineering services for operations, monitoring, and maintenance of the Landfill Gas Collection & Control System. **24-1724**

   Attachments: Stearns Conrad & Schmidt - Landfill Gas

6. Consider extending contract CL23-039, Redi-Mix Concrete to Southwest Ready Mix of Lawton, Ok (Primary) and Dolese Bros. Co, Oklahoma City, Ok (Secondary) **24-1720**

Attachments: Dept. Memo to Extend Yr 2
Dolese - Extension - signed
SW Ready Mix- Extension-signed

7. Consider extending contract (CL23-038) Grassing & Sodding to Garden Depot of Lawton, OK for Options 3a, 3b and 4a. **24-1725**

Attachments: Dept. Recommendation Yr 2
Garden Depot Ext Form Yr 2

8. Consider extending contract CL22-042 Concrete Repair to A.E. Construction of Lawton, Ok (primary), TE Construction of Lawton, Ok (secondary), and MTZ Construction of Oklahoma City, Ok (tertiary). **24-1726**

Attachments: Dept. Recommendation Yr 3
Signed Vendor Extension Letter & Form - MTZ
Signed Vendor Extension Letter & Form - AE
Signed Vendor Extension Letter & Form - TE
Original Contract CL22-042

9. Consider extending contract for (CL23-040) Emergency Generator Maintenance Contract to Elite Power Services, Inc., of Edmond, OK. **24-1728**

Attachments: Dept. Recommendation Yr 2
Vendor Extension Memo Form-Signed

10. Consider extending contract (CL23-027) Wrecker Service (Car & Light Trucks under 15,000 GVW) to Priest Brothers, Inc. of Lawton, Ok. **24-1729**

Attachments: Dept. Recommendation Yr. 2
Priest Extension Form Year 2

11. Consider acknowledging receipt of permit number WW000016240057 for the construction of PU2301 Groundwater Supply Well Installation 2023 from the Oklahoma Department of Environmental Quality. **24-1715**

Attachments: DEQ Permit WW000016240057

12. Consider approving the construction plat for West Hills Part 2, subject to conditions and take appropriate action as deemed necessary. **24-1737**

Attachments: West Hills Part 2 - Construction Plat
Paving Layout
Sanitary Sewer Layout
Water Line Layout
06.27.2024 CPC Minutes

13. Consider approving construction plans for an offsite improvement modifying the traffic control system to serve property located at 151 NW Sheridan and take appropriate action as deemed necessary. **24-1741**

Attachments: TrafficImprovements_Plans

14. Consider approving the Record Plat for Lawton Marketplace - Phase IV and take appropriate action as deemed necessary. **24-1740**

Attachments: Lawton Marketplace Phase IV - Record Plat
07.02.2024 Special CPC Minutes

15. Consider installing panhandling signs at the intersection of SW 11th Street and SW Lee Boulevard and the intersection of SW 38th Street and Lee Boulevard and take action as deemed necessary. **24-1742**

16. Consider waiving City Code Section 10-4-406 in order to release a dilapidated barn style wet slip structure that was recently removed from the School House Slough marina to Mad Cowboy Metal Works LLC company for offsite disposal in lieu of obligating city funds, staff time, and hauling expenses to the city's land fill. **24-1745**

Attachments: Wet Slip Photos

17. Consider approving appointments to boards and commissions. **24-1738**

Attachments: Board Appointments- 07.09.24

Motion by WEGER, Second by WILLIAMS, to approve the consent agenda as presented. AYE: HANKINS, HARRIS, CHAPMAN, GILL, WEGER, WILLIAMS. NAY: NONE. ***Motion Passed.***

UNFINISHED BUSINESS

18. Continue the public hearing and consider adopting a resolution declaring the structures located at 1614 SW Jefferson 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. **24-1396**

Attachments: Resolution No. 24-___
Exhibit A
Photos of the property

Josh White, Neighborhood Services, presented the code violations at 1614 SW Jefferson Avenue and noted that the public hearing was continued to today.

PUBLIC HEARING OPENED AND CLOSED WITH NO COMMENTS.

Hankins asked if this one was previously declared dilapidated.

White stated it has not been declared; it was just tabled at the previous meeting.

Mayor Booker asked if Williams requested that this property be tabled back in March.

Williams stated she believes it was tabled at the request of Ratliff. The property was previously used for meetings of the NAACP, but she noted she has not seen any improvements to the property in the last 90 days.

Motion by WILLIAMS, Second by HARRIS , to approve a resolution declaring the structure on the property to be a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: HANKINS, HARRIS, CHAPMAN, GILL, WEGER, WILLIAMS, NAY: NONE. ***Motion Passed.***

Mayor Booker stated that someone requested to speak on Item 15, which was approved with the consent agenda. He would like to allow that individual an opportunity to speak at this time.

Caysa Whitely, 7902 NW Echo Road, stated she no longer wishes to speak since it was already voted on.

19. Consider approving an ordinance establishing the number of parking spaces required for stadiums, sports fields and arenas, with and without fixed seating, and allowing for floor amendments if necessary. **24-1731**

Attachments: Ordinance 24-
Ordinance 24- clean version
Newspaper Notice CPC & Council
06.13.2024 CPC Minutes
Peer city calcs

Christine James, Planning Department, stated this item was previously presented to Council on June 25th. It had a 4 to 1 vote and because it is an ordinance, it requires five votes. The ordinance establishes a requirement for the number of parking spaces for stadiums, sports fields, and arenas.

Gill asked what the requirement is.

James stated the recommendation is 1.3. The peer cities range drastically on this requirement.

Gill noted that it is 2024 and this regulation hasn't been needed in the past. He asked why this is being brought up now.

James stated most of the fields are built by the City and are built to what we see fit. This is the first time she has seen a private entity build a sports field.

Gill stated it wasn't a problem before. He asked if the peer cities have this requirement because to his knowledge, Norman didn't have this requirement in the past.

James stated some peer cities have a requirement and some don't. This consideration came from a re-zoning request. Council directed staff to bring back a code establishing the requirements.

Mayor Booker asked how staff arrived at the requirement of 1.3 per player on the field. He looked at the peer cities and some of them base requirements on an indoor facility by using square footage. He questioned why we are using per player.

James stated a lot of the peer cities don't have a requirement and are in the same situation as Lawton because the municipalities built the fields. She noted some cities base the requirement on occupancy load, but that is difficult to determine on an outdoor facility. Staff decided to do the requirement by player because it is a constant. 1.3 was determined because each player will have at least one car for parents. She noted she has been a soccer mom and would personally suggest 2 or 3 per player because that is more realistic.

Gill asked how this will be enforced with grass fields and if the spaces would have to be chalked out.

James explained it is determined by the sport being played. For example, we know that a soccer game will have 22 players on the field.

Gill asked if the spaces will be required to be marked on a grass field.

James stated per code, the parking spaces will have to be a solid sealed surface.

Gill stated he has seen other fields with grass parking.

James stated per code, a solid sealed surface is required.

Gill stated this is what leads to his objection of this requirement. He prefers less governmental interference. He's afraid that approval of this will lead to some having to pave a parking lot when they don't have the funds to do so.

Harris stated this came through as a request regarding a vacant grass lot off of 38th Street on J Avenue. A neighbor came forward with concerns that people would park on the street and block their driveway. Because of this, the owner put in a re-zoning request to put in a soccer field. We're now saying they have to put in 29 parking spaces.

James corrected Harris by stating the requirement is 57 now. Code currently requires a hard surface, but applicants can always apply for a variance.

Harris asked if gravel is a hard surface.

James stated no, it has to be asphalt or concrete.

Harris stated he drove by and agrees that if there isn't a requirement for a parking lot, the whole neighborhood will be blocked. He is in favor of this ordinance.

Mayor Booker noted again that this is a difficulty we haven't faced in the past. He asked if we are putting too much on the applicant and if there was an attempt made to meet at a happy medium.

James stated the applicant has provided a revised site plan that shows they can meet the requirements with room to spare.

Gill provided examples of existing fields that do not have a paved parking lot. He stated kids will lose places to play if we require individuals to pave a 55-space parking lot. He stated it is not cheap to lay that much asphalt or concrete, and we will put these people out of business. He believes the proper course of action to deal with people parking illegal is to have the police start issuing tickets.

Mayor Booker noted that a field like the Big Green would require a very large, paved parking lot, even though several of the fields are never used. He stated this requirement may prevent the building of similar fields in the future and takes away an opportunity for kids to play soccer because that is sport that the City of Lawton doesn't offer. He has mixed emotions on the proposed ordinance.

James stated they could apply for a variance to this requirement through the Board of Adjustments.

Mayor Booker asked if the applicant at hand is eligible to apply for this variance.

James stated yes.

Gill continued to state his opposition by saying that we will preclude business from coming in and providing soccer to kids by approving this ordinance.

Harris asked if existing fields would be grandfathered in.

James stated yes.

Mayor Booker stated that existing fields is not being question. The concern is for new facilities.

<u>Motion by HARRIS</u>, to approve the ordinance, waive the reading of the ordinance, and read the title only. ***The motion died for lack of a second.***

No additional motions were made, and no action was taken.

Mayor Booker asked what the next step is since no action was taken.

James stated the re-zoning request will be presented to City Council in August. The re-zoning was put on hold when Council requested that this ordinance be presented. Because it did not pass, the re-zoning can move forward after notice is given.

BUSINESS ITEMS:

20. Receive a request for the Lawton/Fort Sill Chamber of Commerce regarding the allocation of the City's FY 2025 Hotel/Motel Tax Fund and take action as deemed necessary. **24-1712**

John Michael Montgomery, President of Lawton/Fort Sill Chamber of Commerce, appeared to present.

Mayor Booker asked if Montgomery was making a request or just doing a presentation.

Montgomery stated he is prepared to only provide a presentation. Discussion on the funding have already taken place and a budget has been decided.

Mayor Booker asked if Montgomery is in agreement with the number proposed by the City Manager.

Montgomery stated yes, sir.

Montgomery went on the present the Lawton/Fort Sill Chamber of Commerce's 2023-2024 Annual Report. This report is available in the City Clerk's Office.

Mayor Booker asked how the number of events sponsored by the Chamber compares to previous years.

Montgomery stated he believes this year's number is similar to previous years. It may be 3 or 4 less. Part of that decline is attributed to larger and larger requests. He gave a few examples of this, including Juneteenth and the FIRES event.

Mayor Booker asked if the Placer software is being used to publish information or benchmark.

Montgomery stated it is not currently, but it could be.

Hankins asked what the Chamber did to support Freedom Fest.

Montgomery said a majority of the support came from the City of Lawton. He believes the Chamber was offered to sponsor, but he would have to review how much was actually provided. It would have been primarily financial support.

Hankins stated that she's noticed that the billboard on Gore Blvd is still advertising the Armed Forces Day Parade.

Montgomery stated he will look into that.

Harris asked how information on visitors is gathered.

Montgomery stated he would have to ask the company that does it for specifics, but things like the state visitors are from comes from their license plate. It's pretty high-tech stuff.

Gill stated he can see that the Chamber is requesting $850,000 in support on the next agenda item, but some of the slides shown during this item showed $909,000.

Montgomery explained that the $850,000 is the base requested. The difference is in special events.

Gill noted that the original ask was $814,000.00, so the Chamber is looking at a difference of almost $80,000.

Montgomery said that $814,000 is too low.

Ratliff stated we are solid on the numbers from last year, so that won't be changing.

Montgomery explained that part of the expectation of the Chamber is to raise some of the funds through sponsorships. That would include events like the Wichita Mountain Classic.

Williams asked what the special events are.

Montgomery stated special events revenue would be things like sponsorship for Armed Forces Day or the DC Fly-In.

Harris asked how much revenue is generated through the hotel/motel tax per night, per room.

Ratliff stated that 7% is the taxing rate.

Mayor Booker stated great job turning Juneteenth into a weekend long event and having the first annual barbecue contest. It was very successful, and the Chamber made it work.

21. Receive and discuss funding recommendations concerning the City's Hotel/Motel Tax Fund, and receive direction to adopt, modify or revise said recommendations concerning City Manager's FY 2025 hotel/motel tax recommended expenditure list. **24-1658**

Attachments: Copy of Hotel Motel Allocation FY25 - RR Changes

Rebecca Johnson, Finance, presented the recommendation for hotel/motel allocation for FY 2025. This recommendation list is available in the City Clerk's Office. She noted a $200,000 increase from the previous year, but there has been full participation from the recipients. She believes this is a good recommendation.

Harris raised a concern that $100,000 is not enough for Freedom Fest given that the drone show costs additional money.

Ratliff stated it can be adjusted, but it is a zero-sum game, meaning that money would have to be taken from someone else. He noted that the museum may stand out because they increased by $20,000. He noted that was done very intentionally after many years of neglect.

Mayor Booker stated he believes it would be appropriate to discuss why there are so many issues with lack of funding and how it relates to AirBnB.

Ratliff stated he doesn't believe the decrease in funding is related to short-term rental issues, but he does believe it is a large part of it. In his opinion, when the ordinance for that was passed backed in 2021, there was not a sufficient amount of enforcement mechanisms in the law. He noted that, while he doesn't suggest we do this, Norman can throw people in jail for not paying the short-term rental tax. Other peer cities impose a very heft fine. Our ordinance doesn't have that; the most severe action we can take is to turn off water. We may need to make a revision to that. In addition, we've been relying on short-term rental operators to self-report. It's having some success, as we've collected about $54,000 this past year from short-term rental operators, and that is far more than we've ever captured. He still believes that is a very small fraction of what is out there. There are roughly 100 operators registered but, based on some of the software and internet-scraping techniques that have been used, there are about 400 operators out there. Ratliff presented several options to assist in mitigating this loss of revenue, such as using a different software to track operators, increasing the severity of punishment for noncompliance, and pursuing legal actions against some of the franchise operators, like AirBnB and Vrbo, who refuse to collect the tax. Staff will be bringing recommendations to Council in the near future.

Mayor Booker said he would like to give that some priority. We have been talking about this issue for three years, and it's too easy to put it off until the new year, when we are deep into the budget. He would like take action on it as soon as possible.

Motion by CHAPMAN, Second by WEGER, to approve the FY25 hotel/motel allocation as presented and direct staff to prepare a resolution finalizing the funding allocation and all associated contracts and documents funded by the FY 25 hotel/motel tax distribution.

Gill asked if Council is voting on the "proposed" or "requested" list.

Ratliff stated it is the proposed list. The proposed list is staff's recommendation based on our projection.

VOTE ON MOTION: AYE: HANKINS, HARRIS, CHAPMAN, GILL, WEGER, WILLIAMS. NAY: NONE. ***Motion Passed.***

22. Consider whether to approve the property owner to continue remodeling the structure located at 337 SW 71st Street per Section 6-1-1-108 Section D that states after 180 days the property will go back to City council for specific authorization by the Council. **24-1721**

Attachments: 07.09.24Permit

Josh White, Neighborhood Services, noted that the property was declared dilapidated in March of 2023. Since that time, the roof has been replaced, new windows have been installed, and new framing has been installed. Staff recommends allowing the property owner an additional six months.

Motion by GILL, Second by WILLIAMS, to approve the property owner to continue remodeling the structure located at 337 SW 71st Street for an additional six months. AYE: HANKINS, HARRIS, CHAPMAN, GILL, WEGER, WILLIAMS. NAY: NONE. ***Motion Passed.***

23. Consider directing staff to accept or reject bid on Project PR2309 Elmer Thomas Park Aquatic Center and take action as deemed necessary. **24-1735**

Attachments: 70480-004 - CN#002 (2)
Miller-Tippens Construction Company-PR2309 Aquatic Center Bid Tab 070124

Sneha Dongre- Engineering, JD Clark- Guernsey, Scott Vaughn, Sam, Miller-Tippens Construction, and Larry Parks- Parks and Recreation, presented on this item.

Vaughn noted the importance of Elmer Thomas Park to the community and the importance of the addition of an aquatics center to that space. Only one bid was received, and it was $2 million over the architect's estimate. Vaughn went on to say that under normal circumstances, he would advise rejecting the lone bid, but JD Clark with Guernsey, who is the architect on the project, makes some salient points before a decision is made.

Clark stated when Guernsey was hired in October, a point was made that it was a priority that the facility be open by May 2025. That means that construction must start by the beginning of August according to Miller-Tippens. If we choose to rebid this project, that deadline would not be met. That is the primary reason why we recommend accepting this bid. Clark explained that they reached out to twelve contractors for this project, five showed up to the pre-bid conference, but Miller-Tippens was the only bidder. He stated Miller-Tippens was great through the bid process and Guernsey has a good working relationship with them. There's also no guarantee you would get a lower price if you re-bid.

Gill asked if any feedback was received on why we only had one bid.

Clark stated the overwhelming feedback from the 12 contractors they contacted was an interest in using a construction manager. The City of Lawton had indicated they weren't interested in using a construction manager, and by that time, it would have delayed to project to go that route. Timberland backed out about a week beforehand stating they were too busy. CDBL stated they didn't have the capacity to do this project. It's great for them that they are too busy, but it's not great for us.

Gill stated it is a specialized type of construction. Construction management does change much, it just means any type of general contractor can do it. He was just curious if any other issues were brought up and it might be worth it to ask the single bidder since he seemed okay with it.

Sam, Miller-Tippens, stated he didn't have any issues with it.

Gill stated it's pretty basic from a construction standpoint. Concrete prices probably aren't going to go up a whole lot over the next year. His concern is the amount of the bid, not because it wasn't a fair bid, but it puts the project overbudget.

Weger stated the bidder expressed some concerns, including the $2,000 per day fee for not meeting the deadline. He asked to the bidder to expound on his concerns.

Sam stated the liquidated damages was a big concern on bid day. When putting the bid together on bid day, there is a lot going on, and we worry about our risk. After the fact, our team looked at it. There is an alternate for the lazy river that we added 120 days for because we were worried at the time. Since then, our team decided we can do the lazy river and not need the extra days. That made us more comfortable with the liquidated damages.

Weger stated the bid also indicated that Miller-Tippens will try to lower costs and save money where they can. He asked what areas they plan to do that in.

Same stated one area that he immediately identified was the dirt work under the building pad. The technical report was too conservative in his opinion. We haven't' had a chance to work with the architect on specific items we could pull, but there are some things.

Clark stated we have done value engineering in the past. We will sit down with a list to determine if those cost saving are worth a decrease in quality and then bring that information ack to the City.

Weger noted that change orders come in on projects, not because of us, but because of things that come up from third parties. He went on to explain that these issues sometimes cause a change in vendor.

Sam noted that a prominent amount of the work that Miller-Tippens does is construction manager at risk. This project just piqued their interest. We will run this like it is a construction manager at risk job where we value everyone as a team and the end goal is to deliver a product to the City at the best price we can.

Gill noted the importance of this project for the citizens of Lawton. He stated we are out of budget, and we are responsible for the dollars that are spent. He would like to see the architect get with the only bidder and go through all the questions and concerns that the bidder might have. He stated he has done this a few times and would be happy to be involved. He spoke about looking at the soils and treatment needed, and offered that there could be some cost savings through that process. There is a whole list of things that could be looked at to save cost, and it could be done quickly. We could bring it back at the next Council meeting. We could also do a workshop with one of the committees to get the price a little more agreeable.

Clark reiterated the importance of starting construction in August, which means we need to be under contract in July. We are actually expected to see submittals in the next week or two. It would be great to get the value engineering done before we are under contractor, but we are asking in good faith that we will save money wherever we can.

Gill stated he is only one vote, but if this is voted down today, it's dead. If we miss it by a week or two, it's not a big deal. If we don't see fit to do this because of the money, it means we've lost the whole program. He believes it is important for everyone to sit down and get it figured out. He understands that this will require everyone to wait until the appropriate time for Council meetings, but is it feasible. There is another Council meeting this month.

Mayor Booker noted that he would be willing to call a special meeting if needed because this a very important project for the community. He stated there might be a bit of an issue with the funding that could cause an issue with awarding the contract tonight. It is his understanding that we do not have the funds designated to award the contract.

Ratliff stated we do not have all of the funds identified.

Mayor Booker asked if enough funds are identified to do the pool and do the project in two pieces.

Ratliff asked if he means to not include the lazy river and some of the other amenities.

Mayor Booker stated his intent would be to include the lazy river, but to approve the pool tonight and then approve the lazy river in a few weeks. That should give us enough time to identify the funding, and they wouldn't start on the lazy river until they are close to finished with the pool anyway.

Linda Neal stated she serves as a commissioner on the Parks and Rec Committee; however, she is speaking as private citizen. She doesn't believe her input is needed after listening to the discussion, but she does want to reiterate the importance of the aquatics center. She stated we have been so disturbed by not being able to have a municipal pool for the citizens. She went on to explain that in traveling the state, she hears that Lawton lacks quality of life. While great strides have been made recently to improve this, the aquatics center is the impetus to stirring up some excitement that the community desperately needs. Neal noted that 14,000 residents are currently using splashpads and wading pools and believe the aquatics center would attract even greater numbers than that both within and from outside of the community. She understands the importance of staying in budget but pushed that the timeline of the aquatics center is vital.

Mayor Booker asked that if the contract is awarded today, is it still possible for Guernsey and Miller-Tippens to get together and look for cost savings.

Clark stated yes, that is our next step.

Mayor Booker stated the City Manager is telling me we have the funds available to do the pool.

Ratliff stated we have $5 million earmarked in the CIP for this.

Mayor Booker stated the pool is $12 million and it sounds like we can't do this until we have a resolution for the overage funds to be used on this project.

Ratliff said yes, unless you want to scale the project back.

Mayor Booker stated he doesn't want to scale it back because Altus is doing a swimming pool for their 5,000 citizens and spending $6 million; that's $12,000 per citizen. If we spend $12,000 per citizen at the 77,000 that live offpost, that would be $92 million. He doesn't want to scale back, but it sounds like we have a little problem in that we need to reallocate overage funds before we can award the contract. Then the question comes into play if we have the loan in place to take care of it.

Ratliff stated we did some stuff on the loan today, so it is actively being worked. The senior loan committee for the bank consortium is meeting on Friday, so we should know relatively soon what will transpire there, but he believes it is prudent to wait.

Mayor Booker asked if the appropriate motion to make is to direct staff to get this done as soon as possible, including at a special meeting.

Ratliff stated to bring it back at a special meeting or on the 23rd.

Motion by CHAPMAN, Second by HARRIS, to direct staff to get all matters addressed to award the aquatics center contract as soon as possible and bring it back at either a special meeting or at the regularly scheduled meeting on July 23rd. AYE: HANKINS, HARRIS, CHAPMAN, GILL, HAMPTON, WEGER, WILLIAMS. NAY: NONE. ***Motion Passed.***

Vaughn stated we will be able to get the value engineering done and bring it back by the 23rd.

Mayor Booker stated is he willing to schedule a special meeting because he considers this to be an extremely important community decision.

24. Consider an ordinance pertaining to Vehicles and Traffic, amending Section 23-18-1803, Article 23-18, Chapter 23, Lawton City Code, 2015, by adding language related to bicycles approaching stop signs, providing for severability, and establish an effective date. **24-1713**

Attachments: Ordinance No. 24- Bicycle

Andrew stated this was identified as part of a review of City Code by the City Prosecutor, Alan Rosenbaum. This change will make Code reflective of State Statute. It simply adds that bicycles have to abide by traffic control devices.

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

The City Attorney Read the Title: Ordinance 24-050
AN ORDINANCE PERTAINING VEHICLES AND TRAFFIC, AMENDING SECTION 23-18-1803, ARTICLE 23-18, CHAPTER 23, LAWTON CITY CODE, 2015, PERTAINING TO OBEDIENCE TO TRAFFIC CONTROL DEVICES BY ADDING LANGUAGE RELATED TO BICYCLES APPROACHING STOP SIGNS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

VOTE ON MOTION: AYE: HANKINS, HARRIS, CHAPMAN, GILL, HAMPTON, WEGER, WILLIAMS. NAY: NONE. ***Motion Passed.***

25. Consider approving an amendment to Council Policy 1-6 Council Rules of **24-1722**

Procedure, updating the meeting time, requiring those who wish to speak during audience participation to be residents of the City of Lawton and requiring submission of a request to speak form, establishing limits during audience participation for those who have been removed, clarifies audience members may be called upon during a public hearing, and provides updated formatting of the Policy.

Attachments: POLICY 1-6 CLEAN 7.1
POLICY 1-6 TRACK 7.1

Andrew explained the following changes to Council Policy 1-6: the listed meeting time was changed to 6:00PM, audience participation will be limited to residents of the City of Lawton due to the time constraint of 9 minutes per topic, the addition of a 90-day bar for members of the audience who have been removed for disruptive behavior, and updates to the formatting of the policy. Overall, Andrew stated this brings the City of Lawton in line with what other cities are doing. He also noted that if someone from out of town is advocating for a Lawton citizen, it would be at the Mayor's discretion on if they are allowed to speak.

Mayor Booker asked for clarification on who would be considered acceptable to advocate on someone's behalf other than an attorney.

Andrew stated Mr. Washington is the only individual he is aware of that advocates for citizens who is a paralegal and not an attorney. He suggested it should be determined on a case-by-case basis.

Mayor Booker pointed out that some non-residents are affected by decisions of the City Council and offered that non-residence can still contact the City Council via email or by letter. He suggested a floor amendment be made to add that information to the policy.

Motion by HANKINS, Second by HARRIS, to approve the proposed amendment to Council Policy 1-6 Council Rules of Procedure including a floor amendment to add that non-residence can contact City Council members via email or by letter.

Harris questioned if the residency requirement would also apply to individuals speaking during a public hearing.

Andrew stated these changes only apply to audience participation; Non-residence will still be able to speak during public hearings.

VOTE ON MOTION: AYE: HANKINS, HARRIS, CHAPMAN, GILL, WEGER, WILLIAMS. NAY: NONE ***Motion Passed.***

26. Consider approving an amendment to Council Policy 4-1 Preliminary Budget Deadline and other Budget Guidance, by including a provision that establishes financial support will only be provided to one Juneteenth Committee, exclusively the Lawton Fort Sill City Wide Juneteenth Committee. **24-1732**

Attachments: Council Policy 4-1 CLEAN
Council Policy 4-1 TRACK

Ratliff stated this is just a memorialization of the intent that the Council has already expressed, which is to support one Juneteenth celebration. If you recall, in the last couple of years, we've had competing requests from various organizations. This makes it clear for the time being that the only organization that the Council will financially support with respect to Juneteenth will be the Lawton/Fort Sill Citywide Juneteenth Committee.

Mayor Booker asked if financial support also includes facility support, because he believes it does.

Ratliff stated this is budget guidance, and that is not what he envisioned when he amended the policy. There's nothing that says we can't add that language later.

Mayor Booker stated as long as we continue to do anything, we continue to keep the divide apart and it continues to be on us. When the motion is made, I would like for it to include any support.

Motion by HANKINS, Second by WILLIAMS, to approve the amendment to Council Policy 4-1 Preliminary Budget Deadline and other Budget Guidance with a floor amendment to include any type of support. AYE: HANKINS, HARRIS, CHAPMAN, GILL, HAMTON, WEGER, WILLIAMS. NAY: NONE. ***Motion Passed.***

STAFF REPORTS:

27. Brief the Council on the contract between the Emergency Communications Department and the County Commissioners of Comanche County. **24-1734**

Jessica Carter, Emergency Communications, gave an overview of the Consolidation Agreement between the City of Lawton and Comanche County Board of Commissioners. This presentation is available in the City Clerk's Office.

Mayor Booker asked if the point is that, while we have an 80/20 funding split, it all revolves around time spent. He noted that on the Operations slide, under Radio, the County shows as 35.4%.

Carter stated that is a metric that she wanted to highlight because it is greater than the 20%. It is just a radio metric, but it is based on minutes. We spent 641,414 minutes on the radio in calendar year 2023. Of that, for the County, it was over 227,000 minutes.

Mayor Booker stated this isn't an action item, but questioned if Carter would like an agenda item later that will allow to Council to direct the City Manager to get with the County Commissioners on the disparity or what.

Ratliff stated that may be helpful, but the other things that Carter hit on that is really disappointing is that we have Tyler New World (previously known as Crew Force for the Fire Department and Shield Force for the Fire Department). We've already paid for the subscription of that software, and we were willing to extend to all of the fire departments and police departments within the county licenses for the software so we could all be on the same operating picture. It would allow us to provide better emergency services to our citizens. Although the County has ARPA money available to pay for these licenses, they are not willing to do that. From my vantage point of seeing these services provided outside of the City, it is pretty hard to justify.

Mayor Booker agreed that it is very hard to justify. He asked if Ratliff wants an action item on the next agenda to get the support of the Council.

Ratliff stated he does.

Hampton asked to clarify if the taxpayers of Lawton are supporting all the small towns around us in Comanche County at a rate higher than 20%.

Carter stated yes, we support the Comanche County Sheriff's Department, Cache, Chattanooga, Elgin, Fletcher, Geronimo, Medicine Park, and Sterling.

Hampton this not only affects efficiency but also the safety of citizens and first responders.

Carter stated yes, and pointed out that it is a very dated agreement that doesn't talk about technological advances. She stated we are constantly looking at ways to improve and be more efficient, faster, and doing everything we can for the citizens.

Gill asked if each individual city was contacted and declined the license, or if it was just the County Sheriff's Office.

Carter stated our agreement is only with the Board of the County Commissioners. We do have some interested parties, but when you break out the cost per license, most of them simply cannot afford to do it. The newest contract is approximately $177,000.

Harris asked what would happen to these agencies if we didn't have this agreement.

Carter stated she would have to get a legal opinion. Previously, she was told that if the County wanted to break away, there could be an injunction on that. The agreement today requires a 90-day notice, but that is not something she would recommend. The services we provide far exceed what our neighboring agencies are doing. We are one of two 911 Centers in the state that trains our staff to a very, very high level. We don't just certify them in a basic telecommunicator course; we also certify them in international recognized protocols for police, fire, and EMS. The things that we are doing just aren't comparable to other agencies. I like to say we are one of the best, if not the best, in the State of Oklahoma.

Mayor Booker stated that is our goal.

Chief Jared Williams, Fire Department, stated that breaking apart would only make things worse. It would be even more disjointed for the safety of the responders. It's already enough that we are not on the same technology, but if we separate dispatch centers, it would be worse for our citizens and our responders.

Mayor Booker stated go ahead and add an item to the next agenda, but you might as well go ahead and initiate that because they are going to hear about it before the sun sets anyway. It will be clear that the Council is behind you in that discussion.

28. Provide City Council with an update on the FY 2024 Audit Process. **23-991**

Rebecca Johnson, Finance, reported that we are on track for the target date of handing over our trial balance for the 2023 audit to the next step of auditors on August 1st. She stated that is seventeen working days from today.

Mayor Booker asked what happens after the trial balance is handed over on August 1.

Johnson stated Crawford and Associates will do the financials and hand them over to Forvis. She believes that will be done within two weeks. After, Forvis will come onsite at the end of August to have a week worth of drilling us to hopefully have their audit complete by October 1.

Mayor Booker asked if Johnson thinks the audit will be turned over to the state on October 1.

Johnson stated that is correct. She also stated the fiscal year 2024 ended June 30th, and we are on track. We have a signed agreement with our auditors to begin that audit on October 1. If we complete 2023 as fashioned, we are on time for 2024. She noted that staff is working overtime, double time, backwards, and upside-down time to see that this happens. She asked that staff receives all of the recognition for doing that.

EXECUTIVE SESSION ITEMS:

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

The Council remained in executive session from 3:57PM to 4:55PM. No action was taken in executive session.

Motion by GILL, Second by HAMPTON, to return from executive session. AYE; HANKINS HARRIS, CHAPMAN, GILL, HAMPTON, WEGER, WILLIAMS NAY: NONE. ***Motion passed.***

29. 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**

No action taken.

30. 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. **24-1733**

Motion by HAMPTON, Second by WEGER, to authorize the City to enter into a consent order with the

Oklahoma Department of Environmental Quality:
1. Requiring the City to establish and submit to DEQ an alternative financial assurance mechanism in the amount of the currently approved cost estimate approved on April 18, 2024 no later than October 31, 2024.
2. Assessing a penalty of $1,400 with DEQ agreeing to defer payment pending the City's timely completion of the task by October 31, 2024 due date.
3. Providing that in the event that the City does not complete the task by the due date, the City shall also pay stipulated penalties in the amount of $500 per day on each day of noncompliance following the October 31, 2024 due date.

VOTE ON MOTION: AYE: HANKINS, HARRIS, CHAPMAN, GILL, HAMPTON, WEGER, WILLIAMS. NAY: NONE. ***Motion Passed.***

ADJOURNMENT

Motion by WEGER, Second by HAMPTON, to adjourn the meeting of July 9, 2024. AYE: HANKINS, HARRIS, CHAPMAN, GILL, HAMPTON, WEGER, WILLIAMS, WARREN. NAY: NONE. ***Motion Passed.***

There being no further business, the meeting adjourned at 4:57PM.