

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 11, 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

Tammy Branstetter, Acting City Clerk

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

Mayor Booker called the meeting to order at 2:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dwayne Hall, Executive Director, Get the Word Out, Inc., followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Mary Ann Hankins, Ward One

Kelly Harris, Ward Two*

Linda Chapman, Ward Three

George Gill, Ward Four

Allan Hampton, Ward Five

Bob Weger, Ward Six

Randy Warren, Ward Eight

ABSENT:

Onreka Johnson, Ward Seven

*arrived at 2:10 p.m.

REPORTS: MAYOR/CITY COUNCIL:

Mayor Booker said the Freedom Festival was a great time, and the weather was beautiful. He said it was nice to see two days' worth of events. Mayor Booker thanked Jason Poudrier and his staff with the Arts and Humanities Division for all their hard work in planning and executing the events. He also thanked all the other City staff who dedicated their time and energy towards making the event a success.

Hampton said the annual Tomato Festival that took place at the Lawton Farmer's Market was also a success. He said the Farmer's Market is still hosting their Food Truck Tuesday event, which takes place from 4:00 p.m. – 7:00 p.m. every Tuesday evening. Hampton said the Farmer's Market is open from 8:00 a.m. – 1:00 p.m. every Saturday. Fresh produce and a variety of arts and crafts can be purchased at the Farmer's Market.

Chapman thanked all City employees who have been dealing with the cleanup from the recent wind and hail storm.

Hankins said she has also seen numerous City crews clearing out tree limbs and debris from the storm. She thanked staff for working hard to get this done.

AUDIENCE PARTICIPATION:

Pastor Hall, 831 N State Highway 65, said he is here on behalf of the Juneteenth Coordinator, Bishop Dunaway. Mr. Hall said the Juneteenth Committee would like to thank City staff for all their help and support regarding the Juneteenth events last month.

Joe Bailey, 2723 NE Euclid Avenue, said he would like to see more LATS bus stops on either side of SW C Avenue in the downtown Lawton area. He said it would also be nice to add some sort of shelter for bus riders. He noted that there appears to be room for a shelter on C Avenue between SW 3rd Street and SW 4th Street.

David Tyler, 501 SW 77th Street, expressed opposition to money being spent on an appraisal of property regarding potential sites for the LATS Transfer Center. He said he would like to see the Transfer Center be built on property that the City already owns. Mr. Tyler said that placing the Transfer Center at the intersection of 12th Street and Gore Boulevard would cause traffic congestion, and more money would have to be spent to level the property prior to placing a building on it. He noted that the ground is already level where the old police station used to stand at the intersection of 4th Street and A Avenue - the City would save both time and money if they went with this site. Mr. Tyler said he rides the bus frequently, and he's spoken to other citizens who frequently ride the bus regarding a potential site for new Transfer Center. He said many of the bus riders seem to be in support of placing the Transfer Center at the intersection of SW 4th Street and SW A Avenue.

JR Warren, 2418 NW 80th Street, said he would like to see improvements made to the park on NW 80th Street. Currently, the park is just an empty field. He said he would like to see a pavilion, swing sets and other various playground equipment be placed in this park for the kids in the neighborhood.

Mayor Booker encouraged Mr. Warren to get in contact with Councilman Weger - this park is in his Ward.

CONSENT AGENDA:

Mayor Booker stated item #1 and #3 will be considered separately. Item #16 will be stricken from the agenda.

MOVED by Warren SECOND by Hampton to approve the consent agenda with the exception of items #1 and #3, and striking #16. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Warren. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for denial: Rachel and Kyle Johnson in an unstated amount.

Greg Gibson, Deputy City Attorney, said Rachel and Kyle Johnson alleged that on March 19, 2020 they were parked off the roadway on SW Douglas Avenue east of SW 11th Street. Rachel Johnson was bent over, reaching into the trunk when a City of Lawton wastewater collections employee stopped to check on them and struck their vehicle. The City is not denying this accident occurred. The claim was submitted to the City on April 18th, 2023. Gibson said the Governmental TORT Claims Act states in Title 51, Section 156, that a claim may be forever barred if the notice of claim was not submitted within a year of the incident's occurrence. For this reason, staff is recommending denial.

Wilson clarified that the event took place on March 19, 2022. He asked Gibson if this would change his analysis of the claim.

Gibson said he misspoke – the accident did occur on March 19, 2022. However, it would not change his analysis.

Joey Rymer, 607 SW Roosevelt Avenue, spoke on behalf of Rachel Johnson, claimant. She said they were not familiar with the TORT Claim Act that Gibson referred to. Ms. Rymer said they called the City of Lawton to ask how long they had to file a claim. She said staff told her they had two years to file the claim. Ms. Rymer said they experienced several deaths in the family and other life events shortly after the traffic incident, which prevented them from filing the claim in a timely manner.

Ms. Johnson said the City employee almost struck her with his vehicle, and he started to drive off after crashing into her car. Ms. Johnson said the employee turned around and came back after she took a picture of his license plate. Ms. Johnson said the employee tried claiming that he did not hit her vehicle, but the police officer that was dispatched to the accident stated it was clear that Ms. Johnson's vehicle had been struck.

Ms. Rymer said the vehicle is a complete loss. She said the side panel was completely ripped off.

Mayor Booker asked Gibson to clarify the date of the incident as well as the date the claim was filed.

Gibson said the accident occurred on March 19, 2022, and the claim was submitted on April 18, 2023.

Mayor Booker said the claimant missed the deadline by one month. He asked Gibson if the law includes any sort of provisions that allow for a time extension in filing a claim.

Gibson said the Statute states the following: "...Claims against the state or a political subdivision are to be presented within one (1) year of the date the loss occurs. A claim against the state or a political subdivision shall be forever barred unless notice thereof is presented within one (1) year after the loss occurs."

Mayor Booker asked what the Council's options are.

Wilson said legally, the claim is now barred. Upon denial from the City, the claimant could file a suit against the City in district court.

MOVED by Warren SECOND by Hankins to deny the claim. AYE: Hankins, Chapman, Gill, Hampton, Weger, Warren. NAY: Harris. MOTION CARRIED.

2. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015 pertaining to Chapter 19, Recreation by amending Article A-19-7 Miscellaneous Provisions to remove language stating that Lawton Public Schools is to receive priority placement and waived fees when renting rooms at City Hall. **(Resolution 23-112)**
3. Consider approving the annual Cooperative Agreement and an Agreement for Limited Funding between the City of Lawton and the Transit Trust to provide funds for the operation of a public transit system and authorize the Mayor and City Clerk to execute the same.

Charlotte Brown, Planning Director, said these are annual agreements for LATS between the Transit Trust and the City Council. She said there is also an item on the Transit Trust agenda to consider approving these agreements.

MOVED by Gill SECOND by Harris to approve the annual Cooperative Agreement and an Agreement for Limited Funding between the City of Lawton and the Transit Trust, subject to approval from the Transit Trust. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Warren. NAY: None. MOTION CARRIED.

4. Consider approving an Agreement for Limited Services between the Mayor's Commission on the Status of Women and the City of Lawton to fund activities designed to identify and assist with issues specifically related to women and authorize the Mayor and City Clerk to execute the Agreement.
5. Consider approving a Sale of Water Outside City Limits Contract with Kevin and Lyna Neal for property located at 3447 SE Flower Mound Road and authorize the Mayor and City Clerk to execute the contract.
6. Consider approving Amendment #1 to the Professional Services Agreement with Halff Associates for the development of the Master Plan for the Lakes Lawtonka and Ellsworth Recreation Areas in the amount of \$3,800.00 and authorizing the Mayor and City Clerk to execute the document.
7. Consider approving an Easement Agreement with Comanche Renewables, LLC for installation and maintenance of landfill gas pipelines and equipment at the City of Lawton Landfill.
8. Consider approving appointments to boards and commissions.

Mayor's Commission on the Status of Women

Kristen Ward- Mayoral At Large: City or County
1148 NW Paint Road
Cache, OK 73527
06/27/2025

UNFINISHED BUSINESS:

9. Consider rejecting grant funds from AmeriCorps in the amount of \$37,500.00 but retaining the City of Lawton's Retired and Senior Volunteer Program (RSVP) as a recognition only program, and authorizing the Mayor and City Clerk to execute any documentation necessary.

Mayor Booker asked if this is the same agenda item Council has seen at previous meetings.

Christine James, Parks and Recreation Director, said she has made some modifications to the agenda item.

Mayor Booker noted that in the past, staff was recommending completely doing away with the program. However, it appears that staff is now recommending to keep the program but reject the grant.

James said that is correct. Staff wishes to reject the grant, but keep part of the division open as a recognition program. She said the division's budget would be reduced accordingly.

Jessica Musselman, Administrative Assistant III for Parks & Recreation and former RSVP Administrator, said it is her recommendation that the City relinquish the grant funds from AmeriCorps Seniors. However, the City would retain a volunteer recognition program for the senior volunteers within the community.

Mayor Booker asked for clarification as to why staff is recommending rejecting the grant.

Musselman said her concerns with the grant surround the terms and restrictions placed on the program. She said the terms and conditions state that one staff member must 100% serve the grant. Therefore, the RSVP Administrator would not be able to assist with any other programs within the City. She also noted that the grant is specifically for volunteers age 55 and older. Musselman said there is a huge volunteer base within the community under the age of 55. Her concern is that the City has not been focusing on the younger demographics when it comes to volunteering. She said relinquishing the grant would open the program up to more possibilities and more volunteers.

Musselman said she also has issues with the reporting that is required for the grant. She noted that participation in the RSVP program has gone down by 66 volunteers since Covid-19 hit. This is largely due to senior susceptibility of the virus.

Hankins asked if the RSVP program is under the umbrella of AmeriCorps. She said it's her understanding that AmeriCorps can use younger volunteers.

Musselman said the funding group used to be called the Corporation for National and Community Service. This organization rebranded in September of 2021 under the new name of AmeriCorps. Under AmeriCorps, there are other entities such as AmeriCorps State, AmeriCorps VISTA and AmeriCorps Seniors. Each of these entities have their own grant opportunities. Grant restrictions and requirements are tailored to fit each entity. Musselman said AmeriCorps Senior has three partnering programs – the RSVP program, the Foster Grandparents program and the Senior Companion program.

Harris asked how the grant money has previously been spent.

Musselman said a portion of the grant money went to salary and wages. The RSVP Administrator's salary was split between city funds and federal funds. If the position is funded solely with federal funds, you cannot solicit donations. This is why the salary was split. The grant funds have been used for recognition (e.g. banquets, service acts and/or promotional items).

Harris asked Musselman how she proposes replacing the money.

Musselman said the City is responsible to match funding at 30%. She said staff can use City funding to run the volunteer recognition program. Musselman said she served as the RSVP Administrator for five years, and in her experience she's been able to throw a lavish banquet for up to 100 guests with only \$1,300. With the addition of door prizes and awards for the volunteers to take home, a banquet could be done with approximately \$2,500. Musselman said staff is requesting \$7,000 in annual funding. This would cover the cost of two volunteer recognition banquets, as well as postage for the invitations.

James clarified that in the past, the City's required matching funds have been around \$42,500. The majority of this money was used for salary funding. She said staff is now requesting that this funding be reduced to \$7,000.

Mayor Booker said he believes the RSVP program is well liked. He said Lawton is the only City that runs the program with this level of involvement, and it's probably time for the City to step down. However, he said he has an issue with stopping it abruptly. Mayor Booker suggested that staff continue the program for one year and put the community on notice that the City will no longer be handling the program. He also suggested that staff encourage other nonprofit organizations that run the RSVP program in other cities to pick up this program within the Lawton community.

James said essentially the only things the RSVP program would not cover with the new proposal are mileage reimbursement and insurance.

Mayor Booker asked for input from the City Manager.

Ratliff said he supports not accepting the federal grant because in the long run it will save money. He said the City has other things they should be focusing their resources on. However,

staff can continue the program as is for one more year if that is the desire of the Council.

Hampton said he has previously served as the chairman of the RSVP board. He said he stepped down when he joined Council because he thought there might be a conflict of interest. He said he appreciates Musselman's service and dedication to the program. Hampton said he does think it's important to provide these sorts of service opportunities for seniors within our community. It provides a way for them to get out and be active. However, he said supports seeking out nonprofit organizations to take over running this program. Hampton said he is concerned that if staff begins rejecting the grant now, they might have trouble obtaining the grant later down the road (if that is something they wish to pick back up).

James said staff has been in contact with local agencies about the possibility of picking up the grant to run the program, and several of them have expressed interest. She said the City must relinquish the grant before it can be rebid to a different organization. She said staff would continue to keep a list of volunteer opportunities to share with citizens who may be interested in volunteering. They will also continue to keep a database of seniors within the community as well as provide volunteer recognition.

Hampton asked James to clarify what she means by recognition.

James said staff would continue having two service award banquets per year.

Hampton asked how these banquets would be funded.

James said the banquets would be paid for out of the \$7,000 provided by the City, and the \$7,000 would come out of the City's general fund. The position of RSVP Administrator would no longer be funded. An administrative assistant for Parks & Rec would take over maintaining the database of volunteers as well as service recognition for these volunteers.

Warren said he agrees with the idea of having a civic organization take over the program so the City can focus on other things. However, he also feels we should proceed with the program for one year and put everything in place for another organization to take over next year.

Mayor Booker asked what the deadline is for accepting or denying the grant.

James said the new date was July 1st. Staff has not spent any of the grant money yet. If the funds were to be spent, the City would have to pay them back if they decide to discontinue participating.

Harris asked if staff has already accepted the grant for this year.

James said the grant has been offered to the City, but it's not been formally accepted yet.

Harris said he agrees that the City should accept the grant this year and then make plans for another organization to take over next year.

Mayor Booker said he'd like to see an agenda item that puts forth a Council Policy requiring more advanced notification to end programs. He noted there was also late notice given about the issue with the municipal pools.

MOVED by Warren SECOND by Harris to accept the grant for FY 2023-2024 and have staff notify all involved entities that as of June 30th, 2024 the City will no longer continue the program. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Warren. NAY: None. MOTION CARRIED.

10. 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) peer cities as directed by City Council. The new pay scale will become effective on a date approved by Council and will repeal all previous Executive Level Pay Scales. Council will take action as deemed necessary to include any floor amendments.

Craig Akard, HR Director, provided a spreadsheet to Council reflecting job salaries and job descriptions of executive level positions for the following peer cities: Enid, Broken Arrow, Edmond, Midwest City, Moore and Norman. A copy of this spreadsheet can be obtained from the City Clerk's office upon request.

Akard said the last few columns on the spreadsheet reflect the average of these peer cities. The very last column reflects the difference between the average executive level salaries for the peer cities and the average executive level salaries for the City of Lawton.

Mayor Booker noted that the last line of "qualifications" on most job descriptions for City of Lawton executive level positions, except for City Manager, state ... "or a combination of education and experience". He asked when this verbiage was added and what purpose it serves.

Akard said job descriptions were most recently updated in 2020 and 2021. Department directors were responsible for updating the job descriptions of their employees.

Mayor Booker asked Akard if job descriptions and requirements are typically handled by staff, without seeking input from Council.

Akard said that is correct, except for the four positions hired by Council.

Hampton noted that some of the data on the spreadsheet for other cities says "N/A". He asked what that meant. Hampton also said he'd like to see more data gathered before Council moves forward with their decision. He said the Council could have the item retroactively approved once they have all the information they need to vote.

Chapman noted that the column on the far right of the spreadsheet under "averages" has several

fields with negative numbers. She asked what this indicates.

Akard said these numbers reflect the difference between the average of the City's current pay scale and the average pay scale for the six peer cities.

Mayor Booker noted that Hampton also completed a spreadsheet with all the data from the six peer cities. This spreadsheet was passed out to Council before the meeting, and a copy of the spreadsheet can be obtained from the City Clerk's office upon request.

Mayor Booker said the spreadsheet provided by Hampton was easier to read, and the data seems to reflect that the City of Lawton has more directors and deputy directors than other cities have. He said the implication is that if the City has the right organizational system with fewer directors and deputy directors, the City would be able to increase the salary for director positions. Mayor Booker said the problem is that Council has yet to be certain they've obtained all the data from the peer cities, and it seems like more questions ensue each time this item is brought to Council. He recommended that Council create an ad hawk committee to discuss matters of employment for the City and appoint Hampton, Gill and Weger to serve on the committee. He said this committee can meet multiple times a week if needed to get this matter resolved.

Warren noted that several of the fields for peer city salaries are incomplete. He said he does not believe the Council can accomplish anything from looking at averages that include these empty fields. This is an issue the committee can address.

MOVED by Harris SECOND by Warren to create an ad hawk committee to discuss matters of employment for the City of Lawton, and appoint Hampton, Gill and Weger to serve on the committee. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Warren. NAY: None. MOTION CARRIED.

BUSINESS:

11. 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, said projects as deemed appropriate and prioritized by the City Council from time to time with or without the use of other funds; or in the alternative acquire all or a distinct portion thereof by lease purchase arrangement; providing for severability; declaring an emergency; and requiring the full text to be published and take action as necessary. Exhibits: Ordinance No. 23-25 and Election Proclamation.

Wilson said part of this item was considered at the last Council meeting, and no action was taken because staff needed to add language regarding lease purchase agreements. Language has also been added to the ordinance listing specific projects for bridge and roadway construction and/or

reconstruction.

Wilson said Chris Gander, Bank of Oklahoma, and Lynne Driver, Floyd Law Firm, will entertain questions from Council. Wilson noted that this ordinance would have to be approved today – the election proclamation must be submitted to the Comanche County Election Board no later than Thursday for this item to be addressed during the next election day, which is September 12th. Gander said the transcripts that Driver puts together when they review each bond issue goes to the Attorney General’s office for review.

Mayor Booker said this is something the City needs to do, as the report from the recent pavement study indicated the City should be spending approximately \$30 million a year on roadway improvement.

Gill clarified that this would be a continuation of taxes the City is already collecting. He said the City’s infrastructure is poor in several areas, and it needs to be addressed.

Gander said that is correct. He said there are currently three years of bond issues that the City is authorized to continue. The City would still collect the same amount of taxes they are collecting now – the current tax levy would just be extended for a period of years.

Wilson noted that the continuation of these taxes will go to a vote of the people, and it has to pass to be implemented. He said because this ordinance involves money and it’s declaring an emergency, the emergency clause must also be read and voted upon separately.

MOVED by Harris SECOND by Chapman to adopt **Ordinance 23-25** and read the full ordinance. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Warren. NAY: None. MOTION CARRIED.

(Ordinance read by City Attorney)

Ordinance 23-25

AN ORDINANCE AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF LAWTON, OKLAHOMA (THE “CITY”) ON SEPTEMBER 12, 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY THE QUESTION OF THE APPROVAL OR REJECTION OF ORDINANCE NO 23-25 OF THE CITY RELATING TO THE ISSUANCE OF THE GENERAL OBLIGATION BONDS OF SAID CITY 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, SAID PROJECTS AS DEEMED APPROPRIATE AND PRIORITIZED BY THE CITY COUNCIL FROM TIME TO TIME WITH OR WITHOUT THE USE OF OTHER FUNDS; OR IN THE ALTERNATIVE ACQUIRE ALL OR A DISTINCT PORTION THEREOF BY LEASE PURCHASE ARRANGEMENT; AND LEVYING AND COLLECTING AN ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY FOR THE PAYMENT OF THE INTEREST AND PRINCIPAL ON SAID BONDS; AND DECLARING AN EMERGENCY.

WHEREAS, it is deemed advisable by the City of Lawton, State of Oklahoma, for the public health, welfare, safety, and continued economic development of the City that the City construct, reconstruct, improve or repair 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, said projects as deemed appropriate and prioritized by the City Council from time to time with or without the use of other funds; or in the alternative acquire all or a distinct portion thereof by lease purchase arrangement; and

WHEREAS, the estimated amount necessary to construct, reconstruct, improve, or repair the streets and roadways and bridges including right of way acquisition for said purpose, 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, said projects as deemed appropriate and prioritized by the City Council from time to time with or without the use of other funds, which is to be funded with general obligation bonds payable from ad valorem taxes, is Sixty Million Dollars (\$60,000,000), and the funds are not available in the treasury for such purpose, and the power is granted to said City by Section 27 of Article X of the Constitution and laws of the State of Oklahoma, to issue bonds to provide funds for such purpose, provided the same be authorized by the registered and qualified voters thereof, voting at an election held for such purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAWTON, STATE OF OKLAHOMA:

SECTION 1. That the Mayor of said City be and is hereby authorized and directed to call for a special election to be held in said City on the 12th day of September, 2023, whereupon the following proposition shall be submitted to the qualified electors of the City for their approval or rejection:

PROPOSITION

Shall the City of Lawton, State of Oklahoma, incur an indebtedness by issuing its 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, said projects as deemed appropriate and prioritized by the City's governing body from time to time, with or without the use of other funds; or in the alternative acquire all or a distinct portion thereof by lease purchase arrangement; and levy and collect a tax payable annually, in addition to all other taxes, upon all the taxable property in said City sufficient to pay the interest on said bonds as it falls due and also to constitute a sinking fund for the payment of the principal thereof when due, said bonds to bear interest at the rate not to exceed ten per centum (10%) per annum, payable semiannually and to become due within Twenty-Five years (25) years from their date?

☐

FOR THE ABOVE PROPOSITION

☐

AGAINST THE ABOVE PROPOSITION

SECTION 2. The specific projects for which one hundred percent (100%) of the proceeds of the aforesaid Sixty Million Dollars (\$60,000,000) street and roadway and bridges improvement general obligation ad valorem-backed bonds shall be expended, and the estimated dollar amount of proceeds to be spent on such projects shall be as follows:

Project A:

Constructing, reconstructing, improving, or repairing the City's streets and roadways including right of way acquisition, and including purchasing or constructing or repairing City utilities under and adjacent to such streets and roadways, such utilities to be owned exclusively by said City, including but not limited to the following streets and roadways:

1. Ferris Avenue (0.8 miles Ft. Sill Blvd to NW 2nd Street)
2. SW 52nd Street (0.45 miles Lee Blvd to Railroad Tracks)
3. Cache Road (1.0 Mile 67th Street to 82nd Street)
4. SW 11th Street (1.0 Mile Gove Blvd to Lee Blvd)
5. Ft. Sill Blvd (1.5 Miles Ferris Avenue to Rogers Lane)

Project A Total: \$37,000,000

Project B:

Constructing, reconstructing, improving, or repairing the City's bridges including right of way acquisition, and including purchasing or constructing or repairing City utilities under and adjacent to such bridges, such utilities to be owned exclusively by said City, including but not limited to the following bridges:

1. Replace 11th St Bridges (Located on 11th Street, South of I-44) (M94-2 & M94-3)
2. Rehabilitate Cache Rd Bridges (Located on Cache Road West of 38th Street) (M09-1 & M09-2)
3. Rehabilitate East Cache Creek Bridge (Located on Gore Blvd) (M23-1)
4. Rehabilitate East Cache Creek Bridge (Located on Gore Blvd) (M23-2)
5. Replace Wolf Creek Bridge (Located on 44th St) (M28-1)
6. Rehabilitate Numu Creek Bridge (Located on Park Ave) (M41-4)
7. Rehabilitate Numu Creek Bridge (Located on 17th St) (M41-2)
8. Rehabilitate Numu Creek Bridge (Located on 9th St) (M42-3)
9. Replace Wolf Creek Bridge (Located on 11th St) (M94-1)
10. Rehabilitate/Replace Numu Creek Bridge (Located on Sheridan Rd) (M40-1)
11. Replace Numu Creek Bridge (Located on 13th St) (M41-1)
12. Rehabilitate Numu Creek Bridge (Located on Lee Blvd) (M42-2)
13. Rehabilitate West Fork Wolf Creek Bridge (Located on Quanah Parker Trail) (M06-1)

Project B Total: \$23,000,000

SECTION 3. That such call for said election be by proclamation, signed by the Mayor and attested by the Acting City Clerk, setting forth the proposition to be voted upon and the hours of opening and closing the polls; and that the ballot shall set forth the proposition to be voted upon substantially as set out in Section 1 hereof; and that the returns of said election shall be made to and canvassed by the Comanche County Election Board.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion of this Ordinance.

MOVED by Gill SECOND by Warren to approve the emergency and read the emergency clause. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Warren. NAY: None. MOTION CARRIED.

(Emergency clause read by City Attorney)

SECTION 5 of Ordinance 23-25

SECTION 5. Whereas, it being immediately necessary for the preservation of the peace, health, and safety of the City of Lawton, Oklahoma, and the inhabitants of said City being without adequate streets and roadways and bridges, it is deemed and hereby declared necessary for the preservation of the public health, peace, and safety that this Ordinance shall become operative immediately; wherefore an emergency is hereby declared to exist by reason whereby this Ordinance shall be in full force and effect immediately from and after its passage and approval as provided by law.

12. Consider approving the First Amendment to the Fires Innovation Science and Technology Accelerator (FISTA) Trust Indenture by increasing the number of Trustees from 9 to 11, permitting no more than 3 Trustees to reside outside the City of Lawton, but within Comanche County, Oklahoma, and changing the title of Director to President & Chief Executive Officer and authorize the Mayor and City Clerk to execute the acceptance of beneficial interest in support of the first amendment.

Krista Ratliff, President and CEO of the FISTA, presented information on the amendment.

Mayor Booker asked if this would allow Clarence Fortney to continue to serve as a Trustee.

Ratliff said yes – Fortney will continue to serve.

Mayor Booker expressed appreciation for Fortney’s continuing service.

MOVED by Warren SECOND by Harris to approve the First Amendment to the Fires Innovation Science and Technology Accelerator (FISTA) Trust Indenture. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Warren. NAY: None. MOTION CARRIED.

Warren left the meeting at 3:20 p.m. to attend a FISTA meeting.

Mayor Booker recessed the meeting at 3:20 p.m. to allow for the execution of election documents. The meeting was reconvened at 3:33 p.m.

13. Hold a public hearing and adopt a resolution declaring the structures located at 4741 NW Motif Manor Blvd., 4751 NW Motif Manor Blvd., 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. **(Resolution 23-113 & Resolution 23-114)**

4741 NW Motif Manor Blvd – Candlewood Apartments

Charlotte Brown, Community Services Director, reported the numerous violations of City Code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Brown presented photographs of the property. She said this property suffered significant damage during the severe wind and hail storm that occurred on June 15, 2023, to include the roof blowing off of the building(s).

Brown said the chief building official and chief inspector met with the property managers the Saturday after the storm hit. The property managers invited them into the units to take photos. The ceiling is collapsed in a few of the units, and there is significant water damage along with mold.

Mayor Booker asked if any of the damage existed prior to the storm hitting.

Brown said there is a combination of existing damage and new damage from the storm. She said these properties have been blighted for some time, but the roof blowing off of the building now makes them inhabitable.

Mayor Booker asked if staff has made contact with the property owner.

Brown said staff has had contact with the owner's attorney. The attorney said the property owner plans to remodel – they've been in contact with an engineering firm out of Altus.

Hampton asked how many units are on the property and how many of these units have damage.

Brown said there are 32 units between the two buildings, but not all of them are damaged.

PUBLIC HEARING OPENED.

Regina Owens, 1604 NW 24th Street, introduced herself as the property manager for the Candlewood Apartments. She said building 5 has 16 units, and 14 of these units were occupied when the storm hit. Owens asked that the City give them time to obtain permits and complete the remodel. Ms. Owens said they understand building 5 is a loss. Building 4 still has a roof, but the roof needs replacing. Two of the units in building 4 received water

damage. She said her staff has done some cleanup since the storm, but there is still more work to be done.

Chapman inquired about a timeline for getting started with the remodel.

Ms. Owens said the property owners would like to get started on the remodel as soon as possible. She noted that the property owners are from California. They bought the property last October.

Gill asked if any of the units are occupied currently.

Ms. Owens said they have evacuated both buildings as a precaution. Water damage has caused electrical issues. However, their goal is to get the electric meters for building 4 inspected soon so the electricity can be turned back on. She noted that several tenants still have personal belongings in building 4.

Gill asked if the engineer out of Altus is certified with the State of Oklahoma. He asked when the engineer's report would be completed and submitted to staff for review.

Ms. Owens said the engineer is certified. The report has been completed, and the engineer said he would submit the report to the City of Lawton.

Mayor Booker asked if the property is insured.

Ms. Owens said there is insurance in place, but she's not sure if the property owners plan on filing a claim.

Mayor Booker clarified that if Council declares this property dilapidated, it will not be demolished if the proper permits are obtained and there is an ongoing effort to get the buildings up to code. Once a permit is obtained, proof of improvement to the property must be provided on a monthly basis. The property owner has 30 business days to obtain a permit.

Gill asked that the engineer submit all specs and drawings to License & Permits so the City may see when progress has been made.

Chapman asked that the properties be cleaned up as soon as possible because there are so many homes in this area. She said this property is within her Ward, and she's received multiple complaints from nearby residents regarding the apartments.

Ms. Owens said her property has been completely cleaned up. The cleanup is needed next door at the Copper Ridge Apartments. She said there has been an issue recently with staff from Copper Ridge placing trash in their dumpsters.

PUBLIC HEARING CLOSED.

Gill asked if these two apartment complexes are divided up in such a way that work can be done on them separately.

Brown said yes. She also noted that while her staff has spoken to the engineer from Altus, he has yet to submit his report to the City.

MOVED by Chapman SECOND by Gill to approve **Resolution 23-113** 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, Chapman, Gill, Hampton, Weger. NAY: None. MOTION CARRIED.

4751 NW Motif Manor Blvd – Copper Ridge Apartments

Brown reported the numerous violations of City Code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Brown presented photographs of the property. This property also suffered damage from the storm on June 15, 2023. There is significant roof damage, to include the roof completely coming off one of the buildings. These buildings suffered significant water damage, which has created electrical and potentially some structural damage. A fire that occurred on February 7th has caused significant damage to building A.

Gill asked if the property was secured or blocked off after the fire that occurred on February 7th.

Brown said to her knowledge, the building has yet to be secured.

PUBLIC HEARING OPENED.

Jasmine Jackson, 9305 South Winston Way, Oklahoma City, introduced herself as the assistant regional manager for the Copper Ridge Apartments. Jackson said she has been working with the property owner, and they've received multiple bids for rehabilitation of their buildings, to include bids to repair the burned building and roof replacement. She said the construction manager for this property could not attend the Council meeting because he is on site collecting additional bids for work that needs to be done. Ms. Jackson said a fence has been approved to use in securing the parameter around the burned building. She explained that they had to evacuate all tenants from the building before securing the property.

Mayor Booker asked Ms. Jackson if they've obtained a permit for the work they desire to do.

Ms. Jackson said she's unsure – she would have to ask the construction manager. However, she does believe the construction manager has at least spoken to Ray Howard with License and Permits over the phone.

Mayor Booker asked Ray Howard, Chief Building Official, if there is an active permit or application to obtain a permit for this property.

Howard said not that he is aware of. He said it was his understanding after speaking with the construction manager that their plan is to obtain all bids and then apply for a permit.

Mayor Booker asked Ms. Jackson where the property owners live.

Ms. Jackson said the property owner lives in Colorado.

Mayor Booker reiterated that if Council declares this property dilapidated, it will not be demolished if the proper permits are obtained and there is an ongoing effort to get the buildings up to code. Once a permit is obtained, proof of improvement to the property must be provided on a monthly basis. The property owner has 30 business days to obtain a permit.

PUBLIC HEARING CLOSED

Chapman said properties left in this condition are vulnerable to vagrants and pose a safety threat for kids walking through the area. She said it's upsetting to her that the property has not been secured since the fire that occurred in February.

MOVED by Chapman SECOND by Harris to approve **Resolution 23-114** 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, Chapman, Gill, Hampton, Weger. NAY: None. MOTION CARRIED.

14. Hold a public hearing and consider approving an Ordinance to amend the binding site plan for property located at 119 NE 20th St, Lawton, OK 73507. (**Ordinance 23-26**)

Kameron Good, Senior Planner, presented information on the agenda item. He said the property is 582 feet from the nearest platted residential lot to the north, and 772 feet from the nearest platted residential lot to the east. The property is currently zoned I-3. The property is 16.4 acres in totality. Ten acres of this property is currently being used as a laydown yard for PSO. The amended binding site plan would allow for the expansion of the laydown yard onto the remaining 6.4 acres of unused property. The surrounding zoning is R-3 to the east, F (tribal land) to the north, I-3 to the west, and both I-3 and I-4 to the south. The Planning Commission held a public hearing regarding this item on May 25th. Both staff and the Planning Commission are recommending approval of this item.

PUBLIC HEARING OPENED.

Chase Bridgeforth, property owner, said the property is already zoned appropriately for the intended use. He advised his company has spent approximately \$1.3 million developing this site. They have also maintained the property, ensuring the grass gets mowed.

PUBLIC HEARING CLOSED.

Good clarified that because this a binding site plan, any future changes to the site plan would require Council approval.

Gill said the property owners have kept the site very clean. All they wish to do is expand their

current operation by adding gravel to the 6.4 acres of unused property.

MOVED by Gill SECOND by Hankins to adopt **Ordinance 23-26**, waive the reading of the ordinance, read the title only. AYE: Hankins, Chapman, Gill, Hampton, Weger. NAY: Harris. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 23-26

AN ORDINANCE APPROVING THE BINDING SITE PLAN ATTACHED AS EXHIBIT A; ON THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION ONE (1) HEREOF.

15. 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.

Good presented information on the agenda item. He said this request was brought to staff by Comanche County Memorial Hospital. The hospital has built a new clinic on this property. During the inspection process, staff discovered that the alleyway south of the property is being utilized as both a secondary egress for the primary parking lot and a primary egress for the secondary parking lot. City Code requires the alleyway to be paved. Good said the hospital does not want to pave the dumpster area for financial reasons and because they would be covering utilities. The dumpster enclosure currently has 20 feet of heavy duty paving. The current zoning for this property is C-5. Staff is recommending this request be denied and that the site be constructed up to City Code and engineering standards.

Gill asked that the property owner close access to the primary parking from the alleyway and request a variance from the Board of Adjustment to leave the secondary parking lot as gravel.

MOVED by Gill SECOND by Harris to deny the request to waive the heavy-duty concrete requirements and take no action on the request to waive City Code that requires the alley to be paved. AYE: Hankins, Chapman, Gill, Hampton, Weger, Harris. NAY: None. MOTION CARRIED.

16. 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**

17. Consider and take action approving Change Order 1, accepting project in the reduced amount of \$133,475 comprised of unused allowances in amount of \$108,475 and project delays in amount of \$25,000 and placing Maintenance Bond into effect, for the Lawton Groundwater Well No. 1 Project PU20-01 for a final contact amount of \$1,092,455 with Layne Christensen Co.

Rusty Whisenhunt, Director of Public Utilities, presented background information on this item.

He clarified that this is for the existing water well on the east side of town. This well produces \$1.2 million gallons of water a day.

MOVED by Hampton SECOND by Harris to approve Change Order 1 for the Lawton Groundwater Well No. 1 Project PU20-01. AYE: Hankins, Chapman, Gill, Hampton, Weger, Harris. NAY: None. MOTION CARRIED.

18. Consider ratifying the decision of the City Manager by approving a No Cost Space Agreement with the U.S. Small Business Administration Office of Disaster Recovery and Resilience to use space within the Owens Multipurpose Center located at 1405 SW 11th Street and waive the rental fees as listed in section 19-702 of the fee schedule.

Ratliff provided additional information regarding this agenda item. He said staff from the Small Business Administration Office will be working at the Owens Center to help eligible citizens apply for small business loans. Ratliff said Administrative Policy 9-4 gives the City Manager authority to waive the rental fees, but he wanted to obtain blessing from the Council.

MOVED by Chapman SECOND by Harris to ratify the decision of the City Manager and approve a No Cost Space Agreement with the U.S. Small Business Administration Office of Disaster Recovery and Resilience. AYE: Hankins, Chapman, Gill, Hampton, Weger, Harris. NAY: None. MOTION CARRIED.

19. Discuss staff's recommendation list of parklands to be repurposed and consider declaring said parklands as surplus property and direct staff to begin required process for placing surplus property for sale at a future public auction.

James said in March of 2022 Council approved the Master Plan done by Halff and Associates for Lawton parks, sports, recreation, trails and open spaces. It was recommended that staff consider reducing the City's park acreage due to staffing shortages. The National Recreation and Park Association has recommended there be 8.2 full time staff members for every 10,000 residents. Lawton's population indicates there should be 63 employees for Parks and Rec. Currently, the City of Lawton has 34 employees, which is only 3.6 full time workers for every 10,000 residents. James said there's a total of 19 employees dedicated to park maintenance only. It's been recommended that staff reduce their park acreage by 80 acres. However, the goal of this process is to eliminate 100 acres. James said she and her staff have been working a little over a year to develop a list of parkland properties to be considered for surplus. Several public meetings were held to solicit community feedback. James gave a presentation outlining 52.4 acres of parkland to be considered for declaring surplus. This presentation can be obtained from the City Clerk's office upon request.

James said the TSET Healthy Living Program of Lawton has expressed interest acquiring Baltimore Park, Atlanta Park and 33rd Street Park if they become available. They are interested in developing community gardens at these locations. James said once these properties are declared surplus, Council would set a minimum bid and auction date. All bids would be considered by Council for approval.

Mayor Booker clarified that if any of these parks are declared surplus and auctioned off, the new property owner would assume the maintenance of the property.

James said the goal is to sell these properties to various interested organizations. However, James said the City could also lease out these parks as well as utilize the Adopt a Park program to cover maintenance for parks which remain in the City's possession. She noted that the City would still maintain their utility easements for all parks sold at auction.

James noted that the City has faced issues with vagrants at Harold Park. Drainage maintenance recently removed several dumpsters of trash from the property. Staff's recommendation is to eliminate the possibility of this property remaining a park. This property has a reversionary clause which states it would go back to the developer.

With regards to the reversionary clause, Mayor Booker asked if the developer would be legally required to accept the property.

Wilson said he will have to look into this.

Hankins inquired about the administrative process that takes place when a park is given away. She said the recipient of Butch Suttle Park was never notified when they were gifted the property. She asked if staff will adequately correspond with the recipient.

James said her staff primarily deals with the actual property owner. She's unsure if the property manager is then notified. She noted there were property title issues with Butch Suttle Park.

James said staff is recommending Stephens Park be reduced in size, with most of it being turned into drainage. One of the adjacent property owners has expressed interest with acquiring property at this location. This property owner already has encroachment onto the City's parkland.

Mayor Booker inquired about the criteria used to decide which parks to close. He's wondering why staff has recommended removal of certain parks that are the only ones in the neighborhood.

James said the original list of parks to consider closing came from the Master Plan provided by Halff & Associates. Staff refined this list after obtaining feedback from both the public and Council members.

James said there is a potential buyer for Francis Curt Park. Staff's recommendation is to declare this property surplus so the interested buyer can submit a bid.

Mayor Booker noted that potential buyer for Francis Curt Park is Abundant Life Church. He said they're worried someone else will bid on this property. Mayor Booker also noted that this is the only park in the neighborhood. He asked how the City would be able to justify getting rid of this park. It doesn't seem fair for the families in the area.

James said staff can remove Francis Curt Park from their list if that is Council's recommendation.

Harris said he's spent a fair amount of time in this area. He noted that Francis Curt Park has great public access. He recommends staff remove this park from the list.

Dwayne Burk, Deputy City Manager, said Francis Curt Park is a 4.2-acre property. Staff's recommendation is to eliminate 3 acres of the property, but keep the park and playground equipment on the remaining 1.2 acres.

Harris said the parks in Turtle Creek and Garden Village appear to be totally unusable in his opinion. Much of the playground equipment in Turtle Creek has been damaged. He asked why staff is recommending the City keep these two parks.

James said the City is tied to these parks due to dedication language. Staff has removed some of the damaged equipment from the park in Turtle Creek. There have been ongoing issues with flooding at this park.

Harris recommended that staff close off access to the park in Turtle Creek.

James said the MIGHT organization is interested in obtaining 33rd Street Park to expand their services within the City of Lawton. Staff's recommendation is to declare the property surplus.

Mayor Booker said he's also visited with the MIGHT organization. They wish to use the property to house homeless students. However, this is another neighborhood in which there is only one park. The MIGHT organization said they would be interested in entering into a long-term lease for this property. Mayor Booker said this could be done if the land were released to an Authority.

Chapman said she's spoken to representatives from the MIGHT organization, and they advised 33rd Street Park is rarely utilized. The playground equipment is haphazard, and the parkland sits on top of a hill. However, she's unsure if it would be better for the City to lease this property to MIGHT or keep it as a park for the nearby residents to use.

Mayor Booker said the community faces a problem with homeless students. He believes leasing the property out to MIGHT would greatly serve our citizens.

Warren asked if the City could legally bid these properties with a requirement that the property be used for non-profit activities.

Ratliff said generally speaking, the owner has the authority to place deed restrictions on the property. However if the city declares the property surplus and sells it at auction, it seems counterintuitive for the City to place restrictions on the property. Ratliff also noted he's unsure if it would be legal for the City to do such a thing. He said he will do some research and report his findings to Council.

Harris said the solution might be for the city to lease these properties out at their discretion

rather than declaring them surplus and auctioning them off.

Chapman said she agrees this may be the option, but she'd want assurance that these leases will be kept.

Mayor Booker clarified that the City would place the properties in an Authority. Authorities can enter into 50 year leases, whereas leases with the City have only 1 year terms. He asked for input from the City Attorney.

Wilson said staff would have to research which parks can be leased out legally.

Ratliff noted that many of the City's leases go through the competitive bidding process. However, the process might be a little different if the property is placed in an Authority. Ratliff said it's possible that the City could enter into a lease that is longer than one year. Some of the City's agricultural leases are 5 year leases.

James said Sungate Park also has a reversionary clause and would go back to the developer if declared surplus. Currently, there is no access to this park. The property is an open field with no playground equipment on it.

James said the Lawton Housing Authority has been maintaining B. O. Davis Park. Staff's recommendation is to lease this property to the Housing Authority so they can continue maintaining it.

James said Wilson Park is broken up into four different sections. Staff recommends retaining the north section of this park, as it contains a basketball goal and playground equipment. The rest of the property can be declared surplus. This property also has a reversionary clause.

Hampton noted that the volleyball courts at Wilson Park are utilized by daycares. He asked for the duration in which citizens or organizations can Adopt a Park.

James said parks can be adopted for one year.

Hampton asked if staff could increase the duration.

James said staff can change the duration at the discretion of the Council.

James said staff is proposing that the playground equipment currently located at Park Ridge Park be moved over to Waterstone Park. The City cannot declare Waterstone Park as surplus due to restrictive language.

Mayor Booker requested staff facilitate more discussion with the organizations interested in leasing out parkland and determine the best way to move forward. He noted Sungate Park will be pulled from the list. He recommended each Council person make a motion regarding what to do with the remaining park(s) within their Wards.

Warren returned to the meeting at 4:19 p.m.

MOVED by Hankins SECOND by Chapman to declare the listed parks within Ward 1 as surplus and direct staff to begin the required process for placing surplus property for sale at a future public auction. AYE: Hankins, Chapman, Gill, Hampton, Weger, Harris, Warren. NAY: None. MOTION CARRIED.

MOVED by Harris SECOND by Hampton to declare Military Park and Carroll Park as surplus and direct staff to begin the required process for placing surplus property for sale at a future public auction. AYE: Hankins, Chapman, Gill, Hampton, Weger, Harris, Warren. NAY: None. MOTION CARRIED.

MOVED by Chapman SECOND by Harris to declare 33rd Street Park as surplus and direct staff to begin the required process for placing surplus property for sale at a future public auction. AYE: Hankins, Chapman, Gill, Hampton, Weger, Harris, Warren. NAY: None. MOTION CARRIED.

MOVED by Hampton SECOND by Harris to declare B. O. Davis Park as surplus and direct staff to begin the required process for placing surplus property for sale at a future public auction. AYE: Hankins, Chapman, Gill, Hampton, Weger, Harris, Warren. NAY: None. MOTION CARRIED.

MOVED by Weger SECOND by Chapman to declare Great Plains Park as surplus and direct staff to begin the required process for placing surplus property for sale at a future public auction. AYE: Hankins, Chapman, Gill, Hampton, Weger, Harris, Warren. NAY: None. MOTION CARRIED.

20. Consider receiving an update on the current status of the municipal pool and giving staff direction as necessary.

Mitchell Dooley, Parks and Recreation Deputy Director, briefed Council on the current status of the municipal pool. During a meeting back in April, Council directed staff to open the municipal pool if at all possible. Dooley said that staff first focused on tackling smaller issues such as excess debris, dirt and sand. Staff checked the laterals in the filtration system to see if any of them had been broken. This would cause sand to be blown into the pool anytime the filter is turned on. Staff replaced the filtering sand, but the laterals were all in good condition. However, excess sand and debris still filtered into the pool once they began their operation. It was later determined that the laterals in the filtration system had nothing to do with the issue. The filter was operating well within its tolerances. As the season progressed, staff encountered turbidity issues with the water in the pool. Staff attempted to correct the chemical imbalance, but ultimately the decision was made to close the pool as a safety precaution. Dooley said staff has also encountered issues with the pump. Staff has contacted 12 professional pool companies regarding these issues. Most of these companies advised staff that they do not work on commercial systems. However, Sunbelt Pools (Edmond, OK), Splash Pools and Stan's Pools all work on commercial systems. Staff invited these three companies to evaluate the municipal pool. All three companies agreed that the issues probably stem from a break in the return lines

under the concrete between the pool and the filter itself. Every time the filter is turned on, dirt and debris from underneath the concrete washes up and filters into the pool. Dooley said there is likely a void underneath the concrete. The deep end of the pool appears to be more settled than the rest of the pool. This void could potentially lead to cracks within the foundation of the pool. Dooley stressed that these issues are progressively getting worse. Staff scoped the return line with a camera and did not find any issues for the first 40 feet, but they were unable to get the scope to go beyond 40 feet. At this point, the only other option there is to evaluate the extent of the breakage is to do pressure testing. However, staff is concerned pressure testing may cause further damage by breaking weak portions of line. Staff has found three companies that perform pressure testing: Sunbelt Pools, Westmoreland Pools (out of Wichita Falls, TX) and American Leak Detection (Wichita Falls, TX). Sunbelt Pools has provided an initial estimate of approximately \$35,000. American Leak Detection advised they would charge the City \$633 for the first two hours of work and \$250 per hour thereafter. They estimated the work would take 1-2 days. Dooley said staff is still waiting on an initial evaluation from Westmoreland Pools. Unfortunately, none of these companies will be able to fix the problem before the season is over.

Warren asked when the pool was built.

Dooley said the pool was built in 1967.

Considering the age of the pool, Warren explained that at some point the City will probably need to build a new one. Otherwise, the City may continue to lose money attempting to fix the current pool.

James noted there is money set aside in this year's CIP budget to obtain construction drawings for the aquatic pool center in Elmer Thomas Park. There is also money set aside to begin construction during fiscal year 2024-2025.

Hampton suggested staff look into obtaining a grant from the State Historic Preservation Office (SHPO). He received an email from the SHPO advising it's possible the pool would qualify as a historical project. Hampton said he has a meeting scheduled with SHPO to discuss this matter, and he will report the results of this meeting to the Council.

Dooley noted that the pool companies they've corresponded with have all said the pool is fixable, given the appropriate time and money to complete the repairs. He said both splash pads and the wading pool at 35th Division Park are currently open for citizens.

Warren asked if it would be possible to use an external filter on the municipal pool.

Dooley said the pool is 156,000 gallons in size. The filtration system would have to operate at a level of 325 gallons per minute to meet the Health Department's minimum requirement. However, the pump isn't the issue. The problem is the break in the concrete underneath the pool.

Mayor Booker recessed the meeting at 5:22 p.m. for a seven-minute break. The meeting was reconvened at 5:29 p.m.

21. Discuss the City of Lawton’s Culture Statement, consider approving the adoption of the “True North Statement”, including any floor amendments, as the City of Lawton’s official culture statement, and consider directing the City Manager to proactively instill this culture into the City of Lawton Organization.

Mayor Booker gave a presentation on the True North Statement. This presentation may be obtained from the City Clerk’s Office upon request.

Mayor Booker said there have been some differences in understanding between the elected officials and staff, and the City needs to take responsibility for this. The City of Lawton has a little over 800 employees. Mayor Booker said he’s convinced the City has the employees they need to reach their destination. He said it is Council’s duty to establish the destination in which the City wishes to go. The City Council sets goals and objectives for the organization, and staff helps to carry out these goals. If Council and staff are not aligned, it creates tension. Mayor Booker said it’s easy to lose sight of the reason in which Council and staff exist - to serve the citizens of Lawton. Mayor Booker said the True North Statement is a leadership principle designed to keep us focused as an organization.

Mayor Booker noted that this Cultural Statement would serve as a starting point for the City of Lawton. If the proposed Culture Statement is acceptable to the Council as a starting point, changes can be made in the future as deemed necessary.

Mayor Booker emphasized that it is critical for the City to adopt a sense of urgency so we may efficiently serve the citizens. The proposed Cultural Statement states the following: “We exist solely to serve the citizen. We seek to efficiently provide the opportunity for our citizens and visitors to thrive. We’re committed to being a safe community that is known for providing world-class customer service and being open business. Our destination is excellence.” The True Culture Statement goes on to define several terms, to include the following:

- **The Citizen:** “Everything that we do is for the Citizen. EVERYTHING”.
- **Efficiency:** “We embrace the venture of benchmarking against our peer cities, with transparency. We will deliver all services with efficiency”.
- **Safe Community:** “We will be relentless in our efforts to provide a safe environment for our citizens to thrive”.
- **World Class Customer Service:** “We will work to continuously improve the citizen experience in both doing business with the City of Lawton, and the quality of life”.
- **Open for Business:** “We will build a culture that lets the world know that Lawton is business friendly and business progressive”.
- **Our Pursuit of Excellence:** “In our Pursuit of Excellence, we seek to set the standard for the State. We will not make excuses or ‘settle for’ as we continuously improve”.

Warren said these statements reflect the way he’s always viewed the role of a Councilperson. He said its true that everything we do is, and should be, for the citizens. Warren said the Council needs to keep this in mind when considering and voting on agenda items. The decisions made by Council should be for the greater good of the community as a whole, not just a select few people.

Each citizen deserves an equal footing within the community.

Weger said the Culture Statement reminds him of words Jesus spoke - “The greatest among you is servant of all”. To be a servant is to esteem others better than yourself. He said he supports adopting the Culture Statement.

Hampton read the definition of a True North Culture Statement – “A True North Culture Statement articulates your organization’s purpose and guides every decision. It gives the right direction an organization should follow to achieve a strategic plan”. Hampton emphasized the importance of being a professional and having a purpose. The purpose of Council and staff is to make the citizens’ lives better. He said this Culture Statement outlines this purpose and sets the foundation for the future.

Gill said serving on the Council is a both an honor and a big responsibility. Council’s responsibility is to represent the citizens of Lawton. There is a huge need for openness, transparency and world class service within our organization. He said the True North Statement is a fabulous statement, and it’s the direction we need to be going in. He emphasized that we need to be offering world-class service for the citizens of Lawton.

Chapman said Council and staff should act as role models for the new standards set forth in the True North Culture Statement. Furthermore, each department head needs to set the standard for their employees. She believes in the proposed Culture Statement, and everyone must work together to achieve this standard.

Harris said it’s been an honor to serve on Council for the past year and a half. He said Council and staff need help from citizens to make Lawton a city of excellence. Harris said he loves our community and is proud to be a part of it. He supports the True North Culture Statement.

Hankins said serving the citizens of Lawton is her favorite part of serving on Council. Hankins emphasized the importance of Council and staff working together to achieve the goals and objectives described in the Culture Statement.

Warren stressed the importance of incorporating change as the City moves forward. Doing things a certain way solely because “we’ve always done it that way” is no longer acceptable. If the City wishes to grow, they must be willing to change to adapt to the current needs of the citizens.

MOVED by Gill SECOND by Warren to accept the True North Culture Statement as Council Policy, to be numbered as the first Council Policy and to remain as the first Council Policy, and direct the City Manager to bring a plan back to the Council within two Council meetings as to how he plans to proactively instill this culture into the City of Lawton, to include promotional plans and materials addressed to both staff and citizens. AYE: Hankins, Chapman, Gill, Hampton, Weger, Harris, Warren. NAY: None. MOTION CARRIED.

Mayor Booker said this Culture Statement should guide every decision that is made in the City of Lawton.

22. Per the recommendation of the Processes Oversight Committee, consider creating Council Policy 6-1 establishing an “Open for Business” policy, requiring all administrative rules, policies, directives, and the like that pertain to the building code and that exceeds the authority granted by city code or council policy that were previously in effect to cease until they are incorporated into Council Policy or Code, creating rules on code interpretation, and creating a grading system for contractors and take action as deemed necessary, including any floor amendments.

Mayor Booker said this policy has been both vetted and approved by the Processes Oversight Committee. Council collaborated with staff in articulating this policy. Currently, administrative rules have the force of law with regards to building code. The “Open for Business” policy states that any proposed policy pertaining to building code would have to be brought before City Council for approval before it can be adopted and/or enforced. This policy also provides that all permits be issued within 30 days, or a report must be given to Council explaining the reason for delay. Mayor Booker thanked staff for embracing this policy. He said it’s a policy that will drive results towards our True North Culture Statement.

Ratliff said the fire marshal has a few comments on this policy that may need to be incorporated as floor amendments.

Mayor Booker noted there are two current administrative policies posted under Section 6 that need to remain in effect until they can be brought back to Council for consideration as Council Policy.

Brandon “Heath” Want, City of Lawton Fire Marshal, said staff uses the International Fire Code and not the National Fire Code. He also suggested having this policy apply to all the codes that the City adopts under the International Code Council. He recommends that Council Policy 6-1 specify adopting the International Code Council codes “as modified by the Oklahoma Uniform Building Code Commission as set forth in Title 748 Chapter 15”.

MOVED by Gill SECOND by Hampton to accept Council Policy 6-1 establishing an “Open for Business” policy, allowing for the two current administrative policies under Section 6 regarding swimming pools and dumping sites to remain in full force until they are brought back as a council policy, adding language clarifying that all administrative rules, policies, directives, and the like that pertain to any of the adopted International Code Council codes are to be voted upon by Council and all codes provided by the International Code Council and adopted by the City of Lawton will be adopted as modified by the Oklahoma Uniform Building Code Commission as set forth in Title 748 Chapter 15. AYE: Hankins, Chapman, Gill, Hampton, Weger, Harris, Warren. NAY: None. MOTION CARRIED.

23. Per the recommendation of the Processes Oversight Committee, consider directing staff to bring a report to the next regular Council meeting regarding information on current rules, directives, policies, and building code expansions, written and unwritten, number of permits, inspections, trade licenses, and certificates of occupancy, average and maximum times to issue permits, a briefing on staffing of the license and permits department, current outsourcing utilized and other possibly areas that could be outsourced, and any other items

the Council deems appropriate, and take any necessary action.

Mayor Booker said this report will be used as benchmarking tool to see how the City of Lawton is doing in comparison to other cities such as Norman.

MOVED by Gill SECOND by Harris to direct staff to bring a report to the next regular Council meeting regarding information on current rules, directives, policies, and building code expansions, written and unwritten, number of permits, inspections, trade licenses, and certificates of occupancy, average and maximum times to issue permits, a briefing on staffing of the license and permits department, current outsourcing utilized and other possibly areas that could be outsourced, and any other items the Council deems appropriate; direct the City Manager to clear up the backlog using outside sources if necessary, including outside hourly engineering contract sources; and direct staff to figure out what the problem is and report a solution to Council within 60 days. AYE: Hankins, Chapman, Gill, Hampton, Weger, Harris, Warren. NAY: None. MOTION CARRIED.

24. In accordance with the recommendation from the Processes Oversight Committee, consider adopting an ordinance, along with any relevant floor amendments, amending Building, Construction, and Housing Section 6-1-1-101, Division 6-1-1, Article 6-1, Chapter 6 of the Lawton City Code, 2015, relating to amendments to the International Building Code, 2015 Edition by appointing the City Manager as the “Code Official”, allowing for the Code Official to appoint Deputy Code Official(s), establishing the duties and powers of the Code Official, establishing rules for conformance, providing for severability, and establishing an effective date. (**Ordinance 23-27**)

Mayor Booker asked staff if this ordinance has been reviewed by the fire marshal.

Brown said the fire marshal’s code requirements are found in Chapter 11. This ordinance does not affect code(s) governed by the fire marshal.

Chapman asked if there are enough code enforcement officers employed with the City to be able to implement this ordinance.

Mayor Booker noted that this ordinance allows the City to hire outside agencies for help.

MOVED by Warren SECOND by Harris to adopt **Ordinance 23-27**, waive the reading of the ordinance, read the title only. AYE: Hankins, Chapman, Gill, Hampton, Weger, Harris, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 23-27

AN ORDINANCE PERTAINING TO BUILDINGS, CONSTRUCTION AND HOUSING, AMENDING SECTION 6-1-1-101, DIVISION 6-1-1, ARTICLE 6-1, CHAPTER 6, LAWTON CITY CODE, 2015; RELATING TO AMENDMENTS TO THE INTERNATIONAL BUILDING CODE, 2015 EDITION, APPOINTING THE CITY MANAGER AS THE “CODE OFFICIAL”, ALLOWING FOR THE CODE OFFICIAL TO APPOINT DEPUTY CODE

OFFICIAL(S), ESTABLISHING THE DUTIES AND POWERS OF THE CODE OFFICIAL, ESTABLISHING RULES FOR CONFORMANCE, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

25. Receive an update from the Acting City Attorney regarding the requirements under Section C-2-10 of the City Charter for an election following appointment of Councilperson Weger to the Ward 6 council seat following the resignation of Councilperson Fortenbaugh.

Wilson said that Council passed two resolutions at the last Council meeting – one was to set an election date to fill the unexpired term of Ward 6, and the other was to set an election date to fill the expired terms of Ward 6, Ward 7 and Ward 8. The election date for both of these resolutions is September 12th (with a runoff date set for November 14). Staff has since been advised by the State Election Board that these two elections cannot coexist. Wilson said he spoke with Rusty Clark, a representative with the State Election Board, who explained that the State’s voting system will not allow for more than one election to be held for the same Ward at the same time. September 12th is the only election date left before the unexpired term for Ward 6 expires. Because of this, the September 12th Ward 6 election must be for its subsequent term (which begins in January 2024).

Wilson said staff turned to the City Charter for direction in filling Fortenbaugh’s unexpired term after he stepped down from office last spring. The City Charter states that “the Council by majority vote of its remaining members shall fill by appointment vacancies in the office of Mayor and its membership until successors are elected for the unexpired term of the office at the next possible municipal election”. This is how Weger was appointed to Ward 6.

STAFF REPORTS:

Judy Franco, IT Director, presented a report on the short-term rental process. She said staff will send notices out to all noncompliant property owners on August 7th. This notice will give them 30 days to become compliant. Another notice granting an additional 30 days will be mailed out August 18th. Property owners will be charged a \$750 fine if they fail to gain compliance. Currently, there are 416 short-term rentals that are noncompliant.

The Mayor and Council convened in executive session at 6:18 p.m. and reconvened in regular, open session at 7:32 p.m. Roll call reflected all members present.

EXECUTIVE SESSION:

26. Pursuant to Section 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss an appraisal of the Chandler Creek property at Lake Ellsworth, and, if necessary, take appropriate action in open session.

MOVED by Warren SECOND by Harris to direct the City Manager to resolve a boundary dispute between the City of Lawton and the Zimmerman/Green family by entering into a long-term lease agreement which will allow the Zimmerman/Green family to erect a fence that is mutually beneficial to both them and the City of Lawton - the fence will help the City protect the

reservoir. AYE: Hankins, Chapman, Gill, Hampton, Weger, Harris, Warren. NAY: None.
MOTION CARRIED.

27. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Latasha Neal, and if necessary, take appropriate action in open session.

Tim Wilson, Acting City Attorney, read the title of item #27. No action was taken.

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

Tim Wilson, Acting City Attorney, read the title of item #28. No action was taken.

There being no further business to consider, the meeting adjourned at 7:35 p.m. upon motion, second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TAMMY BRANSTETTER, ACTING CITY CLERK