



MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
TUESDAY SEPTEMBER 10, 2024 – 6:00 P.M.
LAWTON CITY HALL
212 SW 9TH STREET
LAWTON, OK 73501
COUNCIL CHAMBERS/AUDITORIUM

Mayor Pro Tem Randy Warren called the meeting to order at 6:11 P.M. Notice of meeting and agenda were posted by the City Clerk's Office as required by law. Invocation was given by Kirk Givens, Dayspring Community Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Kelly Harris, Ward Two
George Gill, Ward Four
Bob Weger, Ward Six
Sherene L Williams, Ward Seven
Randy Warren, Ward Eight

ABSENT:

Stan Booker, Mayor
Mary Ann Hankins, Ward One
Linda Chapman, Ward Three
Allan Hampton, Ward Five

ALSO PRESENT:

Dewayne Burk, Deputy City Manager
John Andrew, City Attorney
Tammy Branstetter, Sr Deputy City Clerk

Mayor Pro Tem Warren requested that business item #28 be considered first, due to the representatives from Floyd Law Firm having to drive back to Oklahoma City this evening.

28. Consideration and action upon a Resolution of the City of Lawton, Oklahoma (the "City"), approving and authorizing the modification of terms regarding a sales tax revenue note Series 2024C (the "Note") to be issued by the Lawton Industrial Development Authority (the "Authority"); and all matters related thereto.

Chris Gander, Financial Advisor with BOK Financial Securities, provided background information on this item. A copy of **Resolution 24-209** of the City of Lawton, Oklahoma (the "City"), approving and authorizing the modification of terms regarding a sales tax revenue note Series 2024C (the "Note") to be issued by the Lawton Industrial Development Authority (the "Authority"); and all matters related thereto may be obtained from the City Clerk's Office

upon request.

Gander said we were here a month ago, and we authorized the issuance of this \$40 million. We were expected to close on September 22nd. Between then and now, Gander said there's been one detail they've been trying to work out with the banks. Ultimately, the banks wanted to be able to reset the rate after 5 years.

Gander said it's still a 10-year amortization. The only modification is that after five years, the loan can be reset, and it's 3% over the then 5-year treasury. Gander said there is a ceiling of 10.5% and a floor of 5.5%.

Gander noted that Council is not authorizing the debt – the debt has already been authorized.

MOVED by Gill SECOND by Williams, to approve **Resolution 24-209**, approving and authorizing the modification of terms regarding a sales tax revenue note Series 2024C (the “Note”) to be issued by the Lawton Industrial Development Authority (the “Authority”); and all matters related thereto. AYE: Warren, Gill, Harris, Weger, Williams. NAY: None. MOTION CARRIED.

PRESENTATION:

1. Receive the annual presentation from the Lawton Enhancement Trust Authority.

Jay Burk, Chairman of the Lawton Enhancement Trust Authority (LETA), gave a presentation of the LETA 2023-2024 Year End Report. A copy of the presentation may be obtained from the City Clerk's Office upon request.

Chairman Burk said we have the Eye Candy Award banquet every year. He said we've started a new thing where the citizens vote for Yard of the Month and Yard of the Year. During the Eye Candy Awards this year, the Dominquez family won the award for Residential Yard of the Year. Chairman Burk said Pat's Washtub won the award for Commercial Business of the Year. Max Sasseen won the Visionary Leader Award. Jeanette Klein won the Rosemary Bellino Award. Chairman Burk said Klein took on the project for the Children United playground in the park. Keith Jackson also won an award at the Eye Candy Gala.

Chairman Burk noted that LETA has started giving out Yard of the Month awards for Halloween and Christmas décor.

Chairman Burk said the Freedom Festival was a big splash this year. He noted that LETA sponsored the drone show, and it was amazing. He said he hopes that LETA will be able to sponsor the drone show again next year.

Chairman Burk said LETA was also able to help with Holiday in the Park by purchasing four vendor houses to be used during Holiday in the Park.

Chairman Burk noted that the City Hall dome lighting project is complete. The lights can be changed to any color that we want. Right now, the lights are set to blue and white.

Chairman Burk said LETA participates in the Fly-A-Flag program, helping display flags across the city.

Chairman Burk said LETA was able to help cover the costs associated with the refurbishment of Miss Lawton photos, as well as storage costs related to the preservation of various city artifacts.

Chairman Burk said LETA has done a lot of things in Elmer Thomas Park, to include the installation of new raised flowerbeds along with the playground.

Chairman Burk said LETA has done landscaping for the following locations: the Lawton Public Library, the Farmer's Market and City Hall. He said the tree lights at City Hall should all be repaired now.

Mayor Pro Tem Warren thanked Chairman Burk for his presentation. He said this is a group that is really out there working to have an effect on Lawton – they make us look good.

REPORTS: MAYOR/COUNCIL

Col Derek Baird, Ft Sill Liaison, said the 9/11 Remembrance Run scheduled to take place tomorrow at Ft Sill is open to the public. The opening ceremony will begin at 0730 hours, and the run will begin at about 0805 hours. Col Baird said they're looking to get about 2,000 participants.

Baird said the final performance by the 77th Army Band will take place on the 20th of September at McMahon Auditorium.

Baird noted that the 9/11 Remembrance Run will start at McNair Hall.

Williams said that Ward 7 will be sponsoring an event on Thursday, September 26th from 10:30 A.M. until 2:30 P.M. at John and Cooks Barbeque, located at 1310 SW 21st Street. Williams also noted that the Center for Creative Living serves free meals every Monday, Wednesday and Friday from 11:30 A.M. – 1:00 P.M., and they're located at 3501 Dr Elsie Hamm Drive. These meals are for people ages 55 and older. Williams said the first 15 people that sign up will receive

a free meal that day. She noted that the Center for Creative Living also has applications for assistance through AMBUCS for disabled persons who may need a free wheelchair ramp added to their home.

Weger thanked staff for the attention they gave to the lights at 52nd Street and Cache Road getting them more in sync to where the traffic flows better. He said it's also great seeing the progress going on with all our sewer lines and water lines. Weger said they had an incident take place at the church last Saturday during the prayer breakfast, and our first responders did an outstanding job.

On behalf of Councilman Hampton, Gill encouraged citizens to attend events at the Farmer's Market. Gill said the road program is doing great. He noted that we just completed the second part of the project around Rogers Lane and Flower Mound Road. The second part of the project includes the area by the railroad tracks near the school. Gill noted that this has been quite a congested area, so he knows there will be a lot of people who will be happy it's done as of today. He noted that we're on schedule to have 40 roads completed by Thanksgiving.

Harris said on October 11th there will be a hamburger fundraiser at the Country Cafe located at SW 26th Street and Lee Boulevard. The money being raised will go to the C Carter Crane Shelter.

Williams noted that 10% of the proceeds raised at the event on Thursday, September 26th at John and Cooks Barbeque will be given back to the Center for Creative Living and AMBUCS.

AUDIENCE PARTICIPATION:

Mayor Pro Tem Warren noted that the only requests to speak are for consent agenda items.

CONSENT AGENDA:

Mayor Pro Tem Warren stated that items #3 and #16 will be pulled from the consent agenda and considered separately.

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

2. Consider approving one (1) damage claim (recommended for approval) and resolution authorizing payment for Victor Fredricks in the amount of \$3,008.44.
3. Consider the following damage claims recommended for denial: Reginald Fisher and

Kelea Fisher in the amount of \$3,928.55, and Gloria Flores in the amount of \$620.00.

Garrett Lam, City Attorney's Office, provided background information on the damage claim received from Reginald Fisher and Kelea Fisher in the amount of \$3,928.55.

Lam said that on June 25th, 2024, the claimant's daughter was driving eastbound on NE Rogers Lane at around 8:20 – 8:30. She allegedly encountered a City of Lawton solid waste collection truck traveling in the opposite direction. When an object allegedly fell off that truck, the claimant's daughter stated that she could not swerve to miss that object, which resulted in her hitting it and causing damage to the driver's side of that vehicle. Several days later, an LPD police report was filed on July 3rd, 2024. Solid Waste Superintendent Jason Mansell did confirm that there were City of Lawton solid waste collection trucks in that area but could not specifically pinpoint a specific time or location that they were in. No one in the department reported losing any objects that day from their trucks or reported any collisions. Lam said the facts are also that when the driver allegedly hit whatever fell off the truck, she didn't stop – she kept driving. No one flagged down the solid waste collection truck driver to notify them that they just lost something from their truck. Evidently, they went back that day to try to retrieve or look for that item, and it was allegedly gone. Lam said no facts that we found through our investigation support recommending this claim for approval. He noted that there is no way for us to verify that this actually happened besides the claimant's packet and information that they've given us. Lam said damages against the city are never going to be presumed, and for that reason, the City Attorney's Office recommended this claim for denial.

Kelea Fisher stated that she is the co-claimant, and she's here to ask the Council to consider approving the claim despite the recommendation from the City Attorney's Office. Ms. Fisher said she has a few points that she would like the Council to consider. The first is the location and the time of where this occurred. It was around 8:30 A.M. on Rogers Lane, so there's going to be commuter traffic, and it's likely going to be heavy.

Ms. Fisher provided Council members with a map of the area for them to look at. She said the object fell off of the truck around NE Tortoise Lane, and her daughter was driving eastbound. Ms. Fisher said as you can see from the map, there was nowhere for her daughter to have legally pulled her vehicle over to search for this object in at least over a half of a mile. Ms. Fisher said she did what was the safest thing to do, which was to drive on to her destination, which was right around the corner at MacArthur High School, where she works, and she called her mom. Ms. Fisher said she did tell her daughter to go back to that area to search for the object, but she told her with strict instructions not to get out of the vehicle. Ms. Fisher said she believes that we can all agree that Rogers Lane is one of the least pedestrian friendly areas in the City of Lawton, so of course she wouldn't tell her daughter to get out of her vehicle to look for an object. She asked the Council to consider from a commonsense standpoint that it was unsafe for a 19-year-old, or any citizen, to get out of their vehicle to look for an object on that roadway.

Ms. Fisher said the second point that she has is more of a legal point. In the memorandum, the City Attorney's Office stated that there was no outside corroborating evidence as one of the reasons for them to deny the claim. She said they've placed a lot of focus on the fact that we could not find the object, but there is outside corroborating evidence. The claims investigator

saw the vehicle and saw the damage to the vehicle and included in the claim as her statement that the damage was consistent with the claimant striking an object. The other corroborating evidence is stated in the claim, which was that there was a solid waste collections truck in the area at the time. The statement in the claim is as follows: “Solid Waste Superintendent Jason Mansell did confirm there was a City of Lawton solid waste collection truck in the area due to bulk pickup that day”. Ms. Fisher said we have no way of knowing the trash routes of the solid waste collection trucks. She said more importantly, they were doing bulk trash pickup, so that makes it more likely than not that there are large objects on the solid waste collections trucks that could fall off, so again, there’s corroborating evidence.

Ms. Fisher said her third point is also a legal point. She said the City Attorney’s Office has pointed out that we don’t have any direct evidence, but this Council has and can approve claims based on what’s called circumstantial evidence, which is evidence that leads to an inference that something either happened or didn’t happen. Ms. Fisher said she has outlined what circumstantial evidence they have. She said she has three Oklahoma Supreme Court cases that state that negligence can be proven by circumstantial evidence. Ms. Fisher said the Council has approved claims in the past based on circumstantial evidence. She said she had a mowing claim that was approved in 2023 where you had a citizen drive by a city mowing crew and a rock or some object flew from the mower and hit and damaged their windshield. Ms. Fisher said that as long as the citizen made a police report (which we did), contemporaneously reported that the incident happened and a city mowing crew could be placed in that area, the city paid the claim, and they never told the claimant to go find the rock that hit their windshield.

Ms. Fisher said the city also pays claims all the time for sewer back up claims based on circumstantial evidence. It’s not uncommon for there to be a blockage in the main and for the public works crew to arrive and find that blockage is no longer there. The city pays claims because the claimant has said there’s damage to their home and based on the history of that line.

Ms. Fisher said that in the memorandum, the City Attorney’s Office cited to a case from 1949 which states that the burden of proving negligence is on the claimant. She said that is correct, and she’s not disputing this case law. However, that does not relieve the City Attorney’s Office of the obligation of conducting a complete investigation. Ms. Fisher said she does not see in the claim about calls for service. She asked if there were any other calls from citizens that were in that area at that time that reported that there was an object on the roadway. Ms. Fisher said she’s not sure if they investigated this or not, it’s just not in the claim. She said it’s also not in the claim if there were any other citizens that called in regarding an accident because they struck the object or struck another vehicle trying to avoid the object. Ms. Fisher said there’s also not in the claim anything related to the employee driving record of this solid waste collections truck driver. City employees have an internal employee driving record. When they get into negligence accidents, they receive points on their employee driving record. Ms. Fisher said she does not see in the claim where that solid waste collections driver was interviewed, nor does she have any information about his or her driving record. She noted that just this afternoon, she pulled nine claims related to the solid waste collections division. They hit mailboxes and cars and have had debris flying off the back of their truck.

Ms. Fisher said she is asking the Council to consider from both a commonsense standpoint and a

legal standpoint that it would be reasonable to pay the claim.

Williams asked for clarification on when the incident happened.

Ms. Fisher said it happened on June 25th.

Williams asked what day the police report was filed.

Ms. Fisher said the police report was filed on July 3rd, and she has an explanation for that. She said she first reached out to Mincie Beamesderfer, Claims Investigator for the City of Lawton, who she worked with for 14 years. Mincie reached out to the Solid Waste Collections Division to confirm that they were, in fact, on a route in that area that day. Ms. Fisher said she was waiting on Mincie to get back with her. She said she was also waiting until her ex-husband, who lives in the City of Lawton and works nights, had the opportunity to contact the police department to make a report.

Lam emphasized that while the Solid Waste Superintendent Jason Mansell did confirm that there were City of Lawton solid waste collections trucks in the area for bulk pickup that day, no one in the department reported losing any objects on trucks or reported any collisions that day. Lam said that's the information we have, and we would still recommend this claim for denial.

MOVED by Gill **SECOND** by Harris to deny the damage claim of Reginald Fisher and Kelea Fisher in the amount of \$3,928.55. AYE: Weger, Harris, Gill, Warren. NAY: Williams.
MOTION CARRIED.

Garrett Lam, City Attorney's Office, provided background information on the damage claim received from Gloria Flores in the amount of \$620.00.

Lam said we are recommending this claim for denial. Ms. Flores alleged that on July 29th, 2024, at approximately 12:30 P.M. she was driving her 2004 Toyota Camary eastbound on Lee Boulevard after leaving Southwestern Hospital and struck a pothole at an unspecified location. When she got home, her vehicle was leaking oil, and she had a mechanic look at it and said that it was in bad condition and her shocks and CV joints were ruined. The mechanic told her that it would be approximately \$200 for parts and labor. Ms. Flores has filed a claim in the amount of \$620.00 and submitted estimates from Faith Above Fear Mobile Mechanic in the amount of \$620.00 for the replacement of both struts and CV axles.

Lam said what the City Attorney's Office is relying on in this one is going to be a notice argument. The city has a responsibility to maintain streets with ordinary and reasonable care, however we can't know about potholes until they're reported. Until that happens, if you're the first person that hits that pothole, sometimes you're just the unlucky one that found it, and then it gets reported and fixed later.

Lam said according to our Street's Department records, in the area of SW Lee Boulevard on August 1st, they made a repair to the westbound lane near KC Distributors and the Foot and

Ankle Clinic. However, no hazards were found in the eastbound lanes. They repaired one portion of the road, but it didn't appear to be the portion of the road she was traveling on.

Lam said that on August 7th, 2024, after receiving notification of this claim, Supervisor David Little was dispatched to recheck the eastbound lanes for potholes. He checked the area from 67th Street to Sheridan Road, and no potholes or hazards were found. They have not received any other complaints regarding potholes in this area. Therefore, based on a notice requirement, the City Attorney's Office is recommending this claim for denial.

Gloria Flores, claimant, said she just moved here a little over two years ago, so she's not real familiar with the streets. Ms. Flores said all she knows is that she came from the hospital that day and was going eastbound. She said she was supposed to turn left on Sheridan but got stuck going right on Sheridan off Lee Boulevard and hit a bunch of potholes. Ms. Flores said she doesn't know where or when this happened. She noted that before she moved here to Lawton, she had her car looked at to make sure everything was okay and that it was in good working condition because it's 20 years old, and it was. Ms. Flores said after that day when she hit the pothole, her car was leaking oil when she got home, so she called her mechanic immediately. The mechanic advised her that it wasn't her oil pan that was leaking, the CV joints were leaking grease. Ms. Flores said a lot of the roads are in bad shape, and almost any street you go down, you're going to hit a pothole somewhere.

MOVED by Harris **SECOND** by Gill to deny the damage claim of Gloria Flores in the amount of \$620.00. AYE: Weger, Harris, Gill, Warren, Williams. NAY: None. MOTION CARRIED.

4. Consider approving renewal of the master services retainer agreement for professional engineering services to WSB for the purpose of providing full engineering services for the City of Lawton and authorize the Mayor and City Clerk to execute the contract.
5. Consider waiving fees for a Sound Amplifying Permit and an Event Permit-Public Major totaling \$125 in support of the Park-o-Treat community Halloween event to be held on October 19, 2024 and direct staff to issue a refund for fees already paid.
6. Consider approving an agreement between the Lawton Heritage Association and the City of Lawton, subject to the Lawton Heritage Association also approving the agreement, to fund activities by the Association designed to encourage, promote and foster tourism and economic development in the City, and authorize the Mayor and City Clerk to execute the agreement.
7. Consider approving an agreement between the Lawton Community Theatre, Inc. and the City of Lawton, subject to the Lawton Community Theatre, Inc. also approving the agreement, to fund activities by the Theatre designed to encourage, promote and foster tourism and economic development in the City, and authorize the Mayor and the City Clerk to execute the agreement.

8. Consider approving an agreement between the Lawton Philharmonic Society, Inc. and the City of Lawton, subject to the Lawton Philharmonic Society, Inc. also approving the agreement, to fund activities by the Society designed to encourage, promote and foster tourism and economic development in the City, and authorize the Mayor and City Clerk to execute the agreement.
9. Consider approving an agreement between the Museum of the Great Plains Authority and the City of Lawton, subject to Museum of the Great Plains Authority also approving the agreement, to fund activities by the Authority designed to encourage, promote and foster tourism and economic development in the City, and authorize the Mayor and City Clerk to execute the agreement.
10. Consider approving an agreement between the Lawton Farmers Market Institute and the City of Lawton, subject to the Lawton Farmers Market Institute also approving the agreement, to fund activities by the Market designed to encourage, promote and foster tourism and economic development in the City, and authorize the Mayor and City Clerk to execute the agreement.
11. Consider approving an agreement between the Lawton Fort Sill City-Wide Juneteenth, Inc. and the City of Lawton, subject to the Lawton Fort Sill City-Wide Juneteenth, Inc. also approving the agreement, to fund activities by Juneteenth designed to encourage, promote and foster tourism and economic development in the City, and authorize the Mayor and the City Clerk to execute the agreement.
12. Consider approving a partnership agreement between the McMahon Auditorium Authority and the City of Lawton, subject to the McMahon Auditorium Authority also approving the agreement and budget, to promote tourism and make renovations and repairs to Arts and Humanities related buildings.
13. Consider approving a utility bill payment plan request by OK Portfolio HoldCo, LLC for two properties in arrears +3 months for the amount of \$70,505.97 impacting 249 apartment units.
14. Consider extending Requirements Contracts CL24-007 Manhole Coating Product to Ace Pipe Cleaning, INC of Kansas City, MO.
15. Consider adopting a resolution authorizing Traffic Control Measures with the installation of a modular Speed Table at the location of 2218 NW 40th Street.
16. Consider approving Change Order No. 2 with ODOT on City Project No. EN1208 Gore

Bldv Reconstruction from 67th St to 82nd St, the Department of Transportation of the State of Oklahoma Project Number JP19144(04), State Job Number STP-116B(059) MS.

Gill said he asked for this item to be pulled so that he could discuss it with the Council. He noted that this particular change order doesn't have all the information that he thinks we need. He said he's talked with Engineering about this, and there were some questions on if these were abandoned, if some of these are going to be abandoned and if it was a contractor's request that this went through ODOT that we do this. Gill said he wanted to know exactly where we stood on this. He noted that this is quite a bit of money for doing something that might be, and probably is in, the current description of work. Gill said he is asking to put this off until the next Council meeting to make the decision at that Council meeting. This way, Engineering can do some research on this. Gill said he feels that there is a good possibility that this could be in the description or work, and, therefore, wouldn't require a change order.

MOVED by Harris **SECOND** by Gill to table this item until the September 24th, 2024, Council meeting. AYE: Weger, Harris, Gill, Warren, Williams. NAY: None. MOTION CARRIED.

17. Consider approving a contract with Greystone Construction Company for salt and sand storage building in the amount not to exceed \$360,000.00.
18. Consider awarding a contract in the amount of \$6,425,000.00 to Stampede Utility Construction LLC, for the construction of Map 39 Waterline Replacement Project PU2408 located south of Gore Blvd. between SW 38th and 52nd Street to rehabilitate waterline services.
19. Consider approving Amendment No. 1 to the Standard Form of Agreement between the City of Lawton and GH2 Architects, LLC. to provide professional architectural and engineering services to design selected schematic design plan on Project PR2310 East Side Park and Lee West Park Improvements.
20. Consider awarding a contract in the amount of \$7,649,317.00 to Southwest Water Works, LLC, for the construction of Map 11 Phase II Waterline Replacement Project PU2313, located South of Lincoln Avenue, North of Cache Road, between Sheridan Road and Ft. Sill Boulevard, to rehabilitate high maintenance waterlines.
21. Consider awarding contract RFPCL25-008 ATM Services for Finance to Oklahoma ATM for these locations: City Hall (1), Lakes HQ (1) and Public Safety Facility locations (2).
22. Consider approving Amendment No. 1 to the Standard Form of Agreement between the City of Lawton and GH2 Architects, LLC to provide professional architectural and engineering services to design selected schematic design plan on Project EN2304 Animal

Welfare Building in the amount \$468,700.00.

23. Consider approving three lease financing proposals for the purchase of three fire department apparatus as designated in the City of Lawton Annual Budget for Fiscal Year 2024-2025 and authorizing the Mayor and/or City Manager to sign these proposals from Lease 2, Inc. and subsequent purchase agreements from Heartland Fire Trucks representing The Sutphen Corporation for three fire department apparatus: 1 aerial ladder unit (Sutphen SPH100 Aerial), 1 pumper truck (Sutphen Engine), and 1 medical response unit (Sutphen Rescue).
24. Consider approving a professional services agreement with the Center for Economic Development Law, to provide the City with legal advice, consultation and representation in the area of economic development and other specific matters, as requested, and authorize the Mayor to execute the Agreement.
25. Consider approving a revocable permit for parking and maneuvering and for the construction of a concrete patio with railing upon utility easements on a tract of land owned by the Busse 3, LLC and addressed as 1415-1423 NW 67th, Lawton, Oklahoma 73505, and authorize the Mayor and City Clerk to execute the permit.
26. Consider accepting a \$ 270,000.00 Federal Aviation Administration (FAA) Grant that will be used to fund a Preliminary Engineering Report (PER) to relocate Taxiway F at Lawton/Fort Sill Regional Airport.

UNFINISHED BUSINESS:

27. Consider waiving Council Policy 1-6 to reconsider an item within 6 months, consider rescinding Resolution No. 24-187, which declared the structure(s) located at 1913 NW Lincoln Avenue a dilapidated structure, and take action as deemed necessary.

Joshua White, Neighborhood Services Supervisor, provided Council with a presentation regarding the structure(s) located at 1913 NW Lincoln Avenue.

White noted that this item was brought to Council at the last meeting, and unfortunately, he gave some wrong information. This item was tabled due to property taxes, not because of the wrongful information on the deed. White apologized about this error. He noted that staff has discovered that if we do tear down the structure, the city is less likely to recover any costs at the county tax sale than if the structure were still there.

White said the current property owner also stated during his comments at the public hearing that he is planning on remodeling the property, but unfortunately, it wouldn't be until around the middle part of 2025.

MOVED by Gill **SECOND** by Williams to table this item until the next Council meeting. AYE: Weger, Harris, Gill, Warren, Williams. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

28. Consideration and action upon a Resolution of the City of Lawton, Oklahoma (the “City”), approving and authorizing the modification of terms regarding a sales tax revenue note Series 2024C (the “Note”) to be issued by the Lawton Industrial Development Authority (the “Authority”); and all matters related thereto.

This item was considered earlier in the meeting.

29. Consider holding a public hearing and approving an ordinance pertaining to Planning and Zoning amending Section 18-1-1-106, Division 18-1-1, Article 18-1 and Section 18-6-16-671, Division 18-6-16, Article 18-6 both of Chapter 18, Lawton City Code, 2015 by creating a definition for blockchain, digital asset, digital asset mining, home digital asset mining, and node; and allowing digital asset mining businesses to be a permitted use within an I-1 Restricted Manufacturing and Warehouse District; providing for severability and establishing an effective date.

Christine James, Planning Director, provided background information on this item. James said back in May, there was a state bill that passed, effective November 1st, that will allow digital asset mining to be permissible, per state statute, in an “I” zoning district. She said staff took this discussion item to the City Planning Commission to get their input regarding what zoning district they would want to see this use in. The Planning Commission suggested it be placed in the “I-3” zoning district. Staff then drafted a code and took it back to them for approval. At which point, the Planning Commission changed their mind and would now like to see it in an “I-1” zoning district. James said the ordinance has been amended accordingly.

James said this will get us ahead of the game for the state statute that goes into effect November 1st.

Harris asked for clarification on why this needs to be placed in an industrial area.

John Andrew, City Attorney, said bitcoin mining involves the solving of advanced mathematical equations. Every time one of these equations gets solved, the person or machine that solves it gets a bitcoin or a piece of a bitcoin. He noted that this process typically generates a lot of heat and electricity. Andrew said the state is recommending that these facilities go in industrial areas for the commercial sized operations.

Mayor Pro Tem Warren said he appreciates the fact that staff is adhering to the True North Statement in getting this done before we have to.

Mayor Pro Tem Warren opened the public hearing.

Seeing no one coming forward to speak, Mayor Pro Tem Warren closed the public hearing.

MOVED by Gill **SECOND** by Harris to approve an ordinance, waive the reading of the ordinance and read the title only, allowing digital asset mining businesses to be a permitted use within an I-1 Restricted Manufacturing and Warehouse District, to include the floor amendment that the use is subject to written clearance from the local electrical provider that there is significant infrastructure in place to safely support the use at their specific location with sufficient reserves for future development of adjacent properties and establish an effective date of November 1, 2024. AYE: Weger, Harris, Gill, Warren, Williams. NAY: None. MOTION CARRIED.

30. Consider holding a public hearing and approving an ordinance pertaining to Planning and Zoning amending Section 18-4-1-411, Division 18-4-1, Article 18-4, Chapter 18, Lawton City Code, 2015 by allowing home digital asset mining as a home occupation; providing for severability and establishing an effective date.

Christine James, Planning Director, provided background information on this item. James said this is a corresponding code – the state statute does allow home digital asset mining as a home occupation up to one megawatt. For reference, James said one megawatt is an average of 600 households, so that is quite a bit of electricity.

James this item went to the City Planning Commission, and the Planning Commission recommended an annual fire marshal inspection be required also to look over fire hazards with extension cords, etc. James said that recommendation has been included in the ordinance.

Harris asked if there was anyone here from PSO to discuss electricity demands.

James said not that I believe, but we did speak with them earlier today about that being a real issue.

Harris said he thought we were pretty close to capacity with PSO. He said he knows this went down a little bit with LED lighting, but he knew that they weren't able to build a new plant here. He asked if we are going to limit the number of applicants that can do this.

James if we do a motion similar to the one that just passed, it will require PSO to bless off on that, stating that there is significant infrastructure to support that use.

Mayor Pro Tem Warren said part of this issue being we don't have a lot of control over this. We're trying to exert as much control as we can, with it written the way the state has written it.

Mayor Pro Tem Warren opened the public hearing.

Seeing no one coming forward to speak, Mayor Pro Tem Warren closed the public hearing.

Moved by Gill **SECOND** by Williams to approve an ordinance, waive the reading of the ordinance and read the title only, allowing home digital asset mining as a home occupation, to include the floor amendment that prior to the issuance of a home occupation registration, that the applicant must provide written clearance from the local electrical provider that there is significant infrastructure in place to safely support the use at their specific location with sufficient reserves for future development of adjacent properties and establish an effective date of November 1, 2024. AYE: Weger, Harris, Gill, Warren, Williams. NAY: None. MOTION CARRIED.

31. Receive a report from Parks and Recreation regarding playground equipment for 9 parks and consider accepting a SPARK Grant from Play&Park Structures in the amount of \$928,544.00 for the purchase of the playground equipment as presented.

Larry Parks, Parks & Recreation Director, gave a presentation regarding playground equipment for 9 parks to be purchased through a SPARK Grant from Play & Park Structures in the amount of \$928,544.00, if accepted. A copy of the presentation may be obtained from the City Clerk's Office upon request.

Parks said the grant deadline for the City of Lawton is October 31, 2024. Parks introduced Heather Harp and explained that she is here to present information regarding the SPARK Grant and to answer any questions the Council may have.

Heather Harp said that the Play & Park Structures SPARK Grant was designed as a nationwide effort to revitalize rundown parks and to vibrant playgrounds, with an emphasis on innovation and inclusivity. Harp said this is actually the first SPARK Grant being awarded. She said the City of Lawton was chosen because of its continued efforts to put focus on inclusive play for the community.

Harris asked Parks if Kid Zone will be a part of this.

Parks said yes.

Parks discussed the status of the Park Improvements Phase I.

Park	Improvement	Status
Wayne Gilley (1)	Playground	By 9/12/24
Panther Park (2)	Playground	Complete
Fred Bently (3)	Playground	Complete
MacArthur (4)	Playground	By 9/26/24
Mattie Beal (5)	Playground	Pending park conceptual plan
Gray Warr (6)	Playground	
George M. Lee (7)	Playground	Complete
McMahon Park (7)	Playground	By 9/26/24
Eva McNally	Playground	By 9/26/24

Parks said we're still waiting on the master plan for Mattie Beal Park. He said as soon as we receive that master plan and we know exactly where to put that play unit, it will go in. Parks noted that the equipment has been purchased and received.

Parks said he would like to note that we did complete the mission with the Town of Walters. With the exception of two small swings, we gave them a small play unit, a medium play unit and one set of small swings. Parks said we are waiting for them to come back to us to receive the last two set of swings from Gray Warr Park.

Parks said staff will continue to make small amenities until the end of the year, adding things like benches, picnic tables, grills and trash cans to the parks.

Parks noted that the splash pad to be installed at Kid Zone at Greer Park is a flow-through system that does not require a lifeguard.

Parks discussed the SPARK Grant savings, which are as follows:

Park	Improvement	Cost
Gooch Acres Park (1)	Playground	\$300,220.17
Skyline East Park (4)	Playground	\$359,205.05
Hunter Hills (6)	Playground (Patriot Opt. 2)	\$265,988.83
Prairie Park (4)	Playground	\$328,658.25
35 th Division (5)	Playground	\$196,237.97
Willow Creek Park (6)	Playground	\$147,774.39
Mocine Park (7)	Playground	\$341,714.46
Lee West Park (8)	Playground	\$494,509.59
	Original Total	\$2,434,308.40

Spark Grant Savings		
	Savings	After Grant
Gooch Acres Park (1)	\$98,585.50	\$201,634.67
Skyline East Park (4)	\$89,577.00	\$269,628.05
Hunter Hills (6)	\$90,817.50	\$175,171.33
Prairie Park (4)	\$93,877.50	\$234,780.75
35 th Division (5)	\$65,160.00	\$131,077.97
Willow Creek Park (6)	\$44,505.00	\$103,269.39
Mocine Park (7)	\$93,155.00	\$248,559.46
Lee West Park (8)	\$112,620.00	\$381,889.59
Totals	Savings- \$688,297.50	We pay- 1,746,010.90

Greer Park and Elmer Thomas Park		
Greer Park (3)	Playground	\$1,422,332.30
Elmer Thomas Park (2)	Amphitheatre/boardwalk	\$\$\$

Greer Park Spark Grant Savings		
	Savings	After Grant
Greer Park (2)	\$240,246.50	We pay- \$1,182,085.84

Total Improvement Costs		
Greer Park	All others	Total
\$1,182,085.84	\$1,746,010.90	We pay- \$2,928,096.70

Gill said this was an excellent presentation, and he's really excited about it. He said he hates to say this, but we probably need to make plans to put a nice-looking sign up at each one of these parks stating, "this is your park, please take care of it".

Harris asked if the price for Kid Zone includes the work that has to be done to the parking lot.

Parks said no, it does not. He said he is looking at this also – that is a CIP project. He's working with Chris Serrano and the engineers to get the parking lot taken care of.

Mayor Pro Tem Warren noted that we've got park repairs and updates going on right now that aren't even listed here, we're got these, and we've got more coming in the future. He said he appreciates this, and he knows the citizens have been looking for something like this for a long time.

MOVED by Gill **SECOND** by Williams to accept the SPARK Grant from Play & Park Structures in the amount of \$928,544.00. AYE: Weger, Harris, Gill, Warren, Williams. NAY: None. MOTION CARRIED.

32. Consider adoption of revised Neighborhood Traffic Calming Policy, adopting as Council Policy 10-05.

Michael Watrous, Public Works Director, provided background information on this item. He said this policy does three major updates to the Neighborhood Traffic Calming Policy:

1. It gives it a Council Policy number, which it doesn't have right now
2. It incorporates discussion from the February 22, 2022, Council meeting into policy
3. It changes responsibility to Public Works from Engineering

MOVED by Williams **SECOND** by Weger to adopt the revised Neighborhood Traffic Calming Policy. AYE: Weger, Harris, Gill, Warren, Williams. NAY: None. MOTION CARRIED.

STAFF REPORTS:

33. Provide City Council with an update on the FY 2023 and FY 2024 Audit Process.

Rebecca Johnson, Finance Director, advised Council that we are still on track. She said we're in the process of completing the audit with 2023 – it's expected on October 1st. The auditors will be on site again in October for FY 2024, which we are early on this year.

Mayor Pro Tem thanked Johnson for her report.

34. Receive a report on the status of the relocation program for prairie dogs within the city of Lawton to wildlife management areas within the state of Oklahoma.

Larry Parks, Parks and Recreation Director, briefed Council on the relocation program for prairie dogs within the City of Lawton to wildlife management areas within the state of Oklahoma.

Parks said in the past, the Council identified a need to relocate a population of prairie dogs residing on municipal park land. This was for various reasons, to include overpopulation, public safety, citizen concern and potential conflicts with upcoming construction. Parks said there are also environmental concerns.

Parks said prairie dogs play a very keystone role when comes to providing fertilized, tilled and aerated soil for graze lands that the elk, bison and cattle need. He said their intent is not to exterminate the prairie dogs, but rather to relocate them.

Parks noted that property damage has been huge when it comes to the prairie dogs at Elmer Thomas Park. He said we lost almost \$50,000 last year, and \$80,000 the prior year in Christmas light displays during Holiday in the Park.

Parks said he did some research on the relocation of prairie dogs here in Lawton. He said he found that we sent about 250 of them to Lubbock in the 1990's, and they're still out there thriving. Parks noted that we have a long history of relocating prairie dogs. Last year, we sent 60-80 of them out to the wildlife refuge, but they did not make it.

Parks said that we want to keep some of the prairie dogs, but we do care about their safety and wellbeing, as well as that of our citizens and the property.

Parks said he will be working with wildlife representative Eric Cowan in relocating the prairie dogs. He said they will be using a suction truck, and they have two water trucks that will be used to force the prairie dogs to the surface. When they get to the surface, they will be placed in cages and moved with the wildlife representative to the wildlife management areas. Parks said one location they will be taken to is Greer County in southwest Oklahoma. Parks said this relocation will be done twice a year in the second weeks of October and November. Parks said prairie dogs will also be relocated to Woodward County and Cimmaron County – we will begin doing this shortly when they tell us they're ready.

Parks noted that the wildlife representative will test the prairie dogs for disease. He noted that active flushing is the best way to relocate them because you don't injure them.

Mayor Pro Tem thanked Parks for his presentation.

Andrew said we passed a couple of ordinances this evening and did not read the titles. He said we need to go back and redo these motions with the reading of the title. He apologized for missing this.

29. Consider holding a public hearing and approving an ordinance pertaining to Planning and Zoning amending Section 18-1-1-106, Division 18-1-1, Article 18-1 and Section 18-6-16-671, Division 18-6-16, Article 18-6 both of Chapter 18, Lawton City Code, 2015 by creating a definition for blockchain, digital asset, digital asset mining, home digital asset mining, and node; and allowing digital asset mining businesses to be a permitted use within an I-1 Restricted Manufacturing and Warehouse District; providing for severability and establishing an effective date.

Andrew read the title of the **Ordinance 24-058** as follows:

AN ORDINANCE PERTAINING TO PLANNING AND ZONING AMENDING SECTION 18-1-1-106, DIVISION 18-1-1, ARTICLE 18-1 AND SECTION 18-6-16-646, DIVISION 18-6-16, ARTICLE 18-6 BOTH OF CHAPTER 18, LAWTON CITY CODE, 2015 BY CREATING A DEFINITION FOR BLOCKCHAIN, DIGITAL ASSET, DIGITAL ASSET MINING, HOME DIGITAL ASSET MINING, AND NODE; AND ALLOWING DIGITAL ASSET MINING BUSINESSES TO BE A PERMITTED USE WITHIN AN I-1 RESTRICTED MANUFACTURING AND WAREHOUSE DISTRICT; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

MOVED by Gill **SECOND** by Harris to approve an ordinance, waive the reading of the ordinance and read the title only, allowing digital asset mining businesses to be a permitted use within an I-1 Restricted Manufacturing and Warehouse District, to include the floor amendment that the use is subject to written clearance from the local electrical provider that there is significant infrastructure in place to safely support the use at their specific location with sufficient reserves for future development of adjacent properties and establish an effective date of November 1, 2024. AYE: Weger, Harris, Gill, Warren, Williams. NAY: None. MOTION CARRIED.

30. Consider holding a public hearing and approving an ordinance pertaining to Planning and Zoning amending Section 18-4-1-411, Division 18-4-1, Article 18-4, Chapter 18, Lawton City Code, 2015 by allowing home digital asset mining as a home occupation; providing for severability and establishing an effective date.

Andrew read the title of the **Ordinance 24-059** as follows:

AN ORDINANCE PERTAINING TO PLANNING AND ZONING AMENDING SECTION 18-4-1-411, DIVISION 18-4-1, ARTICLE 18-4, CHAPTER 18, LAWTON CITY CODE, 2015 BY ALLOWING HOME DIGITAL ASSET MINING AS A HOME OCCUPATION; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

MOVED by Gill **SECOND** by Williams to approve an ordinance, waive the reading of the ordinance and read the title only, allowing home digital asset mining as a home occupation, to include the floor amendment that prior to the issuance of a home occupation registration, that the applicant must provide written clearance from the local electrical provider that there is significant infrastructure in place to safely support the use at their specific location with sufficient reserves for future development of adjacent properties and establish an effective date of November 1, 2024. AYE: Weger, Harris, Gill, Warren, Williams. NAY: None. MOTION CARRIED.

EXECUTIVE SESSION ITEMS:

MOVED by Gill **SECOND** by Weger to convene in executive session. AYE: Weger, Harris, Gill, Warren, Williams. NAY: None. MOTION CARRIED.

The Mayor Pro Tem and Council convened in executive session at 7:28 P.M. and reconvened in regular, open session at 7:51 P.M.

MOVED by Williams **SECOND** by Gill to return to open session. AYE: Weger, Harris, Gill, Warren, Williams. NAY: None. MOTION CARRIED.

35. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending action in the United States District Court for the Western District of Oklahoma titled Andre Wilson vs City of Lawton, et al, CIV-24-853-G, and if necessary, take appropriate action in open session.

Andrew read the title of item #35.

MOVED by Harris **SECOND** by Gill, due to Alan Rosenbaum, Heather Moulton-Skiles, Sandra Carl, Jillian Allison, Manuel Martinez, Michael Albert, Caleb Swinford, Mario Ozuna, Mark Floyd, Mark Mason, Trent Ulrich, Nathan Johnson and Michael Jones having made a request for representation, and upon a finding that these individuals were acting in good faith and in the course of their employment, I move to: (1) authorize the law firm of Collins, Zorn & Wagner to represent these individuals; and (2) approve a contract with said firm for representation at the rate of (a) \$175 per hour for partner attorneys, (b) \$150 per hour for associate attorneys, (c) \$60 per hour for paralegals assisting the firm's attorneys, and (d) \$50 per hour for investigative services, with said contract to be retroactive to August 29, 2024. AYE: Warren, Gill, Harris, Weger, Williams. NAY: None. MOTION CARRIED.

MOVED by Harris **SECOND** by Williams, due to Stan Booker, John Ratliff and John Andrew having made a request for representation, and upon a finding that these individuals were acting in good faith and in the course of their official duties and/or employment, I move to: (1) authorize the law firm of McAfee & Taft to represent these individuals, as well as the City; and (2) approve an addendum to the FY-24-25 McAfee & Taft Agreement to allow for representation of these individuals and the city at the rate set forth in paragraph 9c of the FY-24-25 McAfee & Taft Agreement. AYE: Warren, Gill, Harris, Weger, Williams. NAY: None. MOTION CARRIED.

ADJOURNMENT

MOVED by Gill **SECOND** by Williams, to adjourn the September 10, 2024, meeting. AYE: Warren, Gill, Harris, Weger, Williams. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 7:54 PM.

RANDY WARREN, MAYOR PRO TEM

ATTEST:

TAMMY BRANSTETTER, SR DEPUTY CITY CLERK