



City of Lawton

City Council

Agenda

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

Tuesday, December 13, 2022

2:00 PM

**Lawton City Hall
Council Chambers/Auditorium**

"Official action can be taken only on items which appear on the agenda. The Council may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When more information is needed to act on an item, the Council may refer the matter to the City Manager or the City Attorney. The Council may also refer items to standing committees of the Council or a board, commission, or authority for additional study. Under certain circumstances, items are deferred to a specific later date or stricken from the agenda entirely."

MEETING CALLED TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION:

Employee Spotlight Award to Kristina Rorrer - Emergency Communications

REPORTS: MAYOR/CITY COUNCIL

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

CONSENT AGENDA:

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

1. Consider the following damage claim recommended for denial: Eduardo Vargas in the amount of \$2,200.00. **[22-886](#)**

Attachments: [DC-2022-045, Vargas, Claim Memorandum](#)

2. Consider approving a Settlement Agreement and Release in the pending action in United States District Court titled City of Lawton v. Engie Services, U.S., Inc. f/k/a OpTerra Energy Services, Inc., CIV-21-455-R and authorize the Mayor and City Clerk to execute the same. **[22-894](#)**

Attachments: [2022 11 02 Settlement Agreement City of Lawton \(ENGIE 11-28-22\) tw12.2](#)

3. Consider approving the placement of a memorial honoring those who lost their lives in the September 11th, 2001, terrorist attack at the Public Safety Center. [22-871](#)
- Attachments:** [CPC Minutes June 16, 2022](#)
[9.11 Memorial Schematic](#)
4. Consider approving the acceptance of a reimbursement grant in the amount of \$50,873.82 from the State of Oklahoma - Office of Homeland Security for Interoperable Communications - Repeater Project. [22-888](#)
- Attachments:** [Homeland Security Grant - Sub-grantee Award Doc \(Schedule B\)](#)
[Homeland Security Grant - Award Memo \(Schedule A\)](#)
5. Consider approving a Memorandum of Agreement between LEDA, The City of Lawton, and LURA regarding the transfer of two tracts of land located at 910 SW B Avenue and 909 SW C Avenue owned by LEDA, to the City of Lawton, in exchange for waiver of the obligation of LURA for landfill fees incurred on behalf of LEDA and authorize the Mayor and City Clerk to execute all necessary documents for the transfer of the property. [22-845](#)
- Attachments:** [Memo of Agreement](#)
[Warranty Deed - LEDA to COL](#)
[LURA Landfill Bill](#)
6. Authorize the Mayor to sign a contract with Oklahoma Human Services for the Low-Income Household Water Assistance Program (LIHWAP). [22-885](#)
- Attachments:** [lihwap CONTRACT - tw 12.2.22 revision to include reference to Open Records Act.docx](#)
[updated LIHWAP Communication.pdf](#)
7. Consider approving a resolution amending the City of Lawton FY22-23 budget by appropriating \$180,000 from CIP 2019 for ITS Improvement Projects. [22-800](#)
- Attachments:** [12.13.22 IT Projects Resolution - Item 22-800](#)
8. Consider approving the resolution declaring the eligibility of the City of Lawton to apply to the Oklahoma Department of Transportation for use of Transportation Alternatives Program Funds set forth by IIJA for the East Gore Blvd. Sidewalk Project and authorizing the Mayor to sign the resolution. [22-862](#)
- Attachments:** [RESOLUTION OF PROJECT SPONSORSHIP - East Gore Sidewalk.pdf](#)

9. Consider approving the resolution declaring the eligibility of the City of Lawton to apply to the Oklahoma Department of Transportation for use of Transportation Alternatives Program Funds set forth by IIJA for the East Gore Blvd Bikepath Project and authorizing the Mayor to sign the resolution. [22-863](#)

Attachments: [RESOLUTION OF PROJECT SPONSORSHIP - East Gore Bikepath-revised.pdf](#)

10. Consider approving the resolution declaring the eligibility of the City of Lawton to apply to the Oklahoma Department of Transportation for use of Transportation Alternatives Program Funds set forth by IIJA for the Lake Helen Trail Project and authorizing the Mayor to sign the resolution. [22-864](#)

Attachments: [RESOLUTION OF PROJECT SPONSORSHIP - Lake Helen Trail.pdf](#)

11. Consider approving plans and specifications for the Cache Road Waterline Replacement Projects PU2202 and PU2203 and authorizing staff to advertise for bids. [22-872](#)

12. Consider acknowledging receipt of a permit WL000016220806 for the construction of the Cache Road Water Line Replacement Projects from Oklahoma Department of Environmental Quality. [22-873](#)

13. Consider accepting the Elmer Thomas Park Electrical Project (PR2301) Phases 3 and 5 as constructed by Lee Construction & Maintenance Company dba LMC Corporation of Houston, TX. And place Maintenance Bond in effect. [22-889](#)

14. Consider extending contract CL22-015 Pest Control Services to Allstate Termite & Pest Solutions of Shady Point, OK. [22-830](#)

Attachments: [Dept Memo Recommendation](#)
[Vendor Extension Form](#)
[Specs & Price Sheet -Pest Control 10.14.21](#)
[CL22-015 PEST CONTROL SERVICES PRICE BID](#)

UNFINISHED BUSINESS:

15. Hold a public hearing and adopt a resolution declaring the structures located at 2004 NW Smith Avenue, to be dilapidated pursuant to Section 6-5-1 Lawton City Code, ordering the owner to abate the nuisance, authorizing summary abatement, and authorizing the City Attorney to commence legal action in District Court to abate the nuisance. [22-821](#)

Attachments: [Exhibit A](#)
[Resolution](#)

16. Receive a presentation concerning the outside water rates and how they compare to inside water rates and consider adopting the revised Council Policy 5-2 and approving a resolution lifting the moratorium on water sales outside of the city limits, effective immediately. ..body
INITIATOR: City Council 22-901

STAFF INFORMATION SOURCE: Joe Don Dunham, Finance Director
Cynthia Augustine, Real Property
Administrator

BACKGROUND: During the November 15, 2022, City Council meeting, staff was asked to prepare an analysis on the outside water rate fees and the inside water rate fees. This agenda item will make that analysis and presentation.

On June 23, 2020, City Council approved Resolution 20-51, placing a temporary moratorium on water sales outside of the city limits to allow for review and analysis of the current codes, policies, and procedures surrounding outside water sales. Water service outside city limits is authorized by Section 22-2-3-321 of the Lawton City Code.

Staff has met with the Water Conservation Committee several times to review and update City Council Policy 5-2. The committee was very concerned that the current policy inadvertently promoted urban sprawl and unplanned/unsustainable development and that this could have a long-term negative impact on growth and property values in our community. As such, this revised policy only allows for the sale of treated water to individuals outside city limits if they are adjacent to or abut a public water main. Multi-users and subdivisions outside city limits would generally be required to annex into the city limits prior to development. Water associations with existing agreements would continue to receive water, and to expand in accordance with said agreement and applicable City Code, but any expansion would be considered on a case-by-case basis. There would be a limited appeal process available to those not meeting this policy.

Building permits and inspections will continue to be required for new construction outside city limits if treated water is purchased from the City of Lawton. In addition, the legal department will be reviewing and updating any current water agreements to include this and other applicable provisions of Division 22-2-3 of Lawton City Code.

EXHIBIT: Revised Council Policy 5-2
Resolution No. 22-____

KEY ISSUES: Concerns the customers who are purchasing water outside the city limits of Lawton are not paying a rate that is equitable to what the

customers who are inside the city limits.

FUNDING SOURCE: None

STAFF RECOMMENDED COUNCIL ACTION: Adopt the revised Council Policy 5-2 and approve a resolution lifting the moratorium on water sales outside of the city limits.

Attachments: Revised Council Policy 5-2
Resolution 22-_____

BUSINESS ITEMS:

17. Hold a public hearing and adopt a resolution declaring the structures located at 122 NE Angus Avenue, 407 NW 16th Street aka 1516 NW Dearborn Avenue, 510 SW Monroe Avenue, 1103 SW 9th Street, 1510 SW Texas Avenue, 1612 SW Douglas Avenue, 1812 SW A Avenue, 2422 SW Washington Avenue, to be dilapidated pursuant to Section 6-5-1 Lawton City Code, ordering the owner to abate the nuisance, authorizing summary abatement, and authorizing the City Attorney to commence legal action in District Court to abate the nuisance. [22-705](#)

Attachments: [Exhibits A](#)
[Resolutions](#)

18. Hold a public hearing to consider closing a portion of the right-of-way of NW Pershing Drive, adjacent to Lots 1 & 20, Block 19, Liberty Heights Addition. [22-860](#)

Attachments: [Ordinance No. 22-](#)
[Plat \(Lots 1 & 20 Blk 19 Liberty Heights\)\(Close ROW\) 2022-1018](#)
[Survey - Part of Blk 19 \(Lots 1 & 20 Blk 19 Liberty Heights\)\(Close ROW\)](#)
[2022-1018](#)
[Notice Closing \(Lots 1 & 20 Blk 19 Liberty Heights\)\(Close ROW\)](#)
[2022-1111 EXECUTED](#)
[Newspaper Notice Closing \(Lots 1 & 20 Blk 19 Liberty Heights\)\(Close](#)
[ROW\) 2022-1111 EXECUTED](#)

19. Hold a public hearing to consider closing a utility easement located on Lots 11-14, Block 3, Morford Addition. [22-884](#)

Attachments: [Ordinance No. 22-](#)
[Location Map \(Lots 11-14 Blk 3 Morford Addition\)\(2202 NW Ferris Ave\)](#)
[2022-1028](#)
[Notice Closing \(easement\)\(2202 NW Ferris Ave 2022-1111 EXECUTED](#)
[Newspaper Notice Closing \(easement\)\(2202 NW Ferris Ave\) 2022-1111](#)

20. Consider approving an amendment to Council Policy 1-6, Council Rules of Procedure, by establishing requirements on items that are tabled indefinitely and items that require staff research. [22-828](#)
Attachments: [Council Policy 1-6](#)
21. Direct staff to determine the necessity and efficiency of the two Deputy City Manager positions, one of which is currently vacant. Further direct the City Manager to leave the vacant position open until such time as Council considers whether having two Deputy City Managers is feasible in light of current budgetary constraints [22-896](#)
22. Discuss the idea of a “Bag & Tie” Campaign and direct staff accordingly. [22-827](#)
Attachments: [Bag & Tie Campaign Presentation 112922](#)
23. Discuss the funding source for demolition of the burnt nursing home located at 1301 NW Andrews Avenue and take action as Council directs and deems appropriate. [22-843](#)
Attachments: [EAI Letter](#)
24. Consider accepting a donation of underground fiber optics within Elmer Thomas Park from Hilliary Communications in the approximate amount of \$40,000.00. [22-836](#)
25. Consider amending previous direction from Council and direct staff to offer current School House Slough tenants an annual lease beginning January 1, 2023, instead of the previously recommended four-month lease. [22-905](#)
26. Consider discussing the potential dissolution of the existing lease agreement between the City of Lawton and the Armed Services YMCA (ASYMCA) concerning the property and facility located at 900 NW Cache Road adjacent to Lawton Public School’s Central Middle School and direct staff to take appropriate action. [22-877](#)
Attachments: [Armed Services YMCA Lease Agreement](#)
27. Consider directing staff to research the possibility of implementing an administrative process for declaring structures dilapidated as provided in 11 OS 22-112.B. [22-826](#)
Attachments: [11 OS 22-112 Condemnation of Dilapidated Buildings](#)
[Dilapidated Process - Survey of Cities](#)
28. Receive a project update and consider approving plans and specifications for the Project EN2004A City Hall Renovation Main Building Package and authorizing staff to advertise for bids. [22-878](#)

STAFF REPORTS:

29. Receive an update on the FISTA Project.

[22-775](#)

EXECUTIVE SESSION ITEMS:

30. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending action in Oklahoma County District Court titled State of Oklahoma, ex rel The Department of Transportation vs. Gills Waste Oil, LLC, Virgil Brooks, and Scottsdale Insurance Company and Gill's Waste Oil, LLC vs City of Lawton, CV-2020-2134, and if necessary, take appropriate action in open session.

[22-874](#)

31. Pursuant to Section 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the purchase of real property located at 911 SW C Avenue, and if necessary, take appropriate action in open session.

[22-875](#)

ADJOURNMENT

"The City of Lawton encourages participation from all of its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at (580) 581-3305 at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The City may waive the 48-hour rule if interpreters for the deaf (signing) is not the necessary accommodation."