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

City of Lawton

City Council
Agenda

Tuesday, May 28, 2024 **2:00 PM** **Lawton City Hall Council Chambers/Auditorium**

MEETING CALLED TO ORDER BY MAYOR STAN BOOKER WITH INVOCATION LED BY PASTOR LARRY FAAJITA, FOLLOWED BY THE PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: Mary Ann Hankins, Ward 1
Kelly Harris, Ward 2
Linda Chapman, Ward 3
George Gill, Ward 4
Allan Hampton, Ward 5
Bob Weger, Ward 6
Sherene L. Williams, Ward 7
Randy Warren, Ward 8

Absent:

Also Present: Stanley Booker, Mayor
John Ratliff, City Manager
John Andrew, City Attorney
Donalynn Blazek-Scherler, City Clerk

PRESENTATION:
True North Award- Linda Lake, Head Chemist- Wastewater Treatment
Lifetime Achievement Award- Rusty Whisenhunt, Public Utilities

PROCLAMATION:
Asian American Pacific Islander Month

REPORTS: MAYOR/CITY COUNCIL

Williams provided a reminder about the ribbon cutting at the airport.

Weger spoke about the cultural diversity of Lawton.

Hampton promoted the Farmers Market and Open Streets.

Gill provided an update on the "10 Wins for the Citizens" street project.

Chapman provided a reminder to the Country Club Heights Neighborhood Watch Program of their upcoming meeting.

Harris commented on the success of the street work.

Hankins spoke about the cultural diversity shown at the City Council Meetings.

Williams provided a reminder of the Juneteenth Celebration at City Hall and reported on completed street work in Ward 7.

Harris reminded everyone about Freedom Fest.

AUDIENCE PARTICIPATION: Anyone having an item of business to present to the City Council that does not appear on the agenda please come forward at this time. The Mayor and Council will receive comments from audience members. Council may recommend to the individual or group as to what action they should take, i.e., refer the situation to a particular department or person at the city offices. Each speaker will have a 3-minute time limit, each topic will have a 9-minute time limit, and Audience Participation will be limited to 30-minutes in total.

Carrie Thomas, 6215 NW 36th Street, Bethany, OK, spoke against Westwin Elements.

Michael Washington, 3520 NW 50th Street, Oklahoma City, OK, spoke about a civil issue regarding Mr. Sterling Bailey.

CONSENT AGENDA:

1. Consider approving a pending tort claim (recommended for approval) and a resolution authorizing payment for Damion Wagner and W.W. (a minor child) in the amount of $12,661.27 and authorizing the City Attorney to prepare and file said resolution and all appropriate settlement documents for the Court's approval.

Attachments: DC-2024-024, Wagner, Damion-Memorandum
DC-2024-024, Wagner, Damion-Resolution and Warrant of Attorney

2. Consider adopting a Resolution authorizing the Traffic Control measures with the installation of a Speed Table, midblock, at the location of 1300 block of SW Jefferson Ave.

Attachments: Ward 7 Traffic Commission Resolution

Blazek-Scherler stated it was pointed out to her that the address in the agenda item title and the address in the resolution are not the same. To correct, the resolution can be approved with a floor amendment to correct the address.

Motion by GILL, Second by HAMPTON, to approve the resolution with a floor amendment to correct the address in the resolution to say "midblock, at the location of 1300 block of SW Jefferson Avenue". AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

3. Consider approving a resolution authorizing and calling for an election in the City of Lawton, State of Oklahoma, for the purpose of setting the dates for the 2024 primary and general municipal elections for the Mayor and designated City Council seats and authorizing the Mayor to issue an election proclamation.

Attachments: ELECTION RESOLUTION 2024 - Wards 1, 2, and Mayor
PROCLAMATION 2024 - Wards 1, 2, and Mayor

4. Consider and take action approving Amendment No. 6 to the Master Services Agreement with Garver, LLC, in the amount not to exceed $170,400 for Professional Engineering Services for the 2024 CIPP Liner Project to rehabilitate approximately 13,200 linear feet of 10 to 18-inch sewer mains.

Attachments: Amendment No 6 2024 CIPP
Exhibit B-2 Scope of Services
Exhibit B-3 Fee Schedule

5. Consider extending contract (CL23-018), Liquid Aluminum Sulfate a Chemical used to treat water for portable use to Chameleon Industries, Inc. of Mesquite, Tx.

Attachments: CHAMELEON EXTENSION FORM

6. Consider extending contract CL22-045 Thermoplastic Material and Epoxy Primer/Sealer to Ennis Flint, Inc. of Greensboro, NC for an additional year.

Attachments: Department Recommendation Yr 3
Vendor Ext Form Yr 3

7. Consider awarding contract (CL24-019) Boarding & Securing Abatement to Sunrise Adult & Teen Challenge of Cache, OK

Attachments: CL24-019 Abstract.docx
CL24-019 Bid Results

8. Consider renewing the retainer agreement with James C. Ferguson of Walker, Ferguson and Ferguson, at a rate of $140.00 per hour, for the defense of workers' compensation claims and authorize the Mayor and City Clerk to execute the agreement.

   Attachments: 2024-25 Agreement

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

   Attachments: DC Engagement Letter 24-25

10. Consider approving an agreement with the Comanche Nation Workforce to participate in the Youth Employment Program, which will aid in hiring and training of recommended candidates from federally recognized tribes for various positions throughout the City of Lawton; and authorize the Mayor and Clerk to execute the agreement.

    Attachments: Comanche Nation Workforce Agreement
    Email Verification from Legal

11. Consider renewing a master services retainer agreement for professional engineering services to Traffic Engineering Consultants, Inc. for the purpose of providing full engineering services, specifically including traffic engineering services, for the City of Lawton and authorize the Mayor and City Clerk to execute the contract.

    Attachments: 2024 COL and TEC Agreement

12. Consider approving Amendment No. 1 and Change Order No.1 with K&R Builders, Inc., on Engineering Project EN2205 - NE 29th Street Drainage Culvert and Appurtenances (M14-4) over Tributary to Wrattan Creek.

    Attachments: EN2205 Amendment 1 & Change Order No.1
    Amendment No. 1 & Change Order No.1 - EN2205 - NARRATIVE

13. Consider approving plans and specifications for Project PR2309 - Elmer Thomas Park Aquatic Center and authorizing staff to advertise for bids.

Gill stated the prices were high, and we would like to look at taking the lazy river out.

A representative from Guernsey stated the lazy river is an alternate in the bid package.

Motion by GILL, Second by Weger, to approve the plans and specifications for Project PR2309- Elmer Thomas Park Aquatic Center and authorize staff to advertise for bids. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

14. Consider accepting a permanent easement from The Barrington Family Trust for property located adjacent to 6201 SW 11th Street required for the Wolf Creek Bridge Project # EN2204, approving a revocable permit for the fence, and authorizing the Mayor and City Clerk to execute the documents and payment for the same.

Attachments: Barrington - Executed Easement
Barrington - Executed Revocable Permit

15. Consider approving and issuing a Revocable Communications Cable Permit to Hilliary Communications to install approximately 1,573 feet (95 rods) of fiber optic cable within the right of way to serve a Verizon cellular tower.

Attachments: Plans - Hilliary - Revocable Communication Cable Permit
Hilliary (Revocable Communication Cable Permit) Signed by Permittee

16. Consider waiving Sections 7-20-1-2002 and 7-20-1-2003 of Lawton City Code to waive the permit requirements and the fees for residential sale for a city-wide garage sale split over two weekends in October 2024.

Attachments: Article 7-20 - RESIDENTIAL SALES

17. Consider a request from Duit Construction to waive the requirements of City Code Section 7-12-2-1250 more particularly number A.3, which states that temporary cement, concrete, or asphalt batching facilities are only allowed in agricultural, commercial and industrial zoning districts by allowing the proposed batch plant related to the West Gore Boulevard Expansion Project to be located at the southeast corner of W Gore Blvd and SW 82nd Street within a R-3 Multiple-Family Dwelling District and R-1 Single-Family Dwelling District; and take appropriate action as deemed necessary.

Attachments: Lawton Letter-Signed
24103-Plant Layout
Batch Plant Zoning Map

18. Consider and take action in approving an updated agreement with Republic Paperboard Company LLC, to implement new water, sewer, and solid waste rates with a retroactive effective date of April 1st, 2024.

Attachments: Republic Agreement 04.01.2024
Exhibit A - Legal Description
Exhibit B - Rate Schedule

Motion by WARREN, Second by WILLIAMS, to approve the consent agenda as presented with the exception of pulling Items 2 and 13. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

UNFINISHED BUSINESS

19. Consider adopting a resolution declaring the structures located at 1209 SW 23rd Place and 1406 NW Williams 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.

Attachments: Exhibit A's
Resolutions
Photos of Structures

1209 SW 23rd Place

Josh White, Neighborhood Services, reported on the code violations for this property. The public hearing for this property was previously held, but the item was tabled pending sale of the property.

Motion by HAMPTON, Second by GILL, to approve a resolution declaring the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

1406 NW Williams Avenue

Josh White, Neighborhood Services, reported on the code violations for this property. The public hearing for this property was previously held, but the item was tabled because the property was in probate. Greg Gibson, Assistant City Attorney, has been in contact with one of the property owners and has been advised that she has transferred her interest in the property.

Motion by HARRIS, Second by WILLIAMS, to declare the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

20. Consider an ordinance pertaining to Crimes and Offenses, amending Section 16-3-1-316, Division 16-3-1, Article 16-3, Chapter 16, Lawton City Code, 2015, relating to trespassing by adding an innkeeper as one who can eject persons from a premise, providing permissible reasons for ejection, providing for severability and establishing an effective date.

Attachments: ORDINANCE No. 24- Trespassing (final)

Wilson stated this item was discussed at the last Council meeting and comes from our Prosecutor's Office. As the title says, it allows for an innkeeper to eject people from a premises including a list of reasons. It was requested at the last meeting that "by any means" be added to the reason of intoxication, so that has been done.

Motion by WARREN, Second by HARRIS, to approve Ordinance 24-035, waiving the reading of the ordinance, and read the title only.

The City Attorney Read the Title:

AN ORDINANCE PERTAINING TO OFFENSES AND CRIMES, AMENDING SECTION 16-3-316, DIVISION 16-3-1, ARTICLE 16-3, CHAPTER 16, LAWTON CITY CODE, 2015, RELATING TO TRESPASSING BY ADDING AN INNKEEPER AS ONE WHO CAN EJECT PERSONS FROM A PREMISE, PROVIDING PERMISSIBLE REASONS FOR EJECTION, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

VOTE ON MOTION: AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

BUSINESS ITEMS:

21. Consider approving a concessionaire lease agreement between the Sunken Bridge Yacht Club, the Lawton Water Authority, and the City of Lawton with said lease to provide for incremental price increases over the life of the agreement, and to provide notice of the city's intention to absorb the campground into the School House Slough campground area upon the expiration of the lease on December 31, 2027.

Attachments: Yacht Club 2024

Mayor Booker stated this is what was previously approved by the Water Authority.

Motion by GILL, Second by WILLIAMS, to approve a concessionaire lease agreement between the Sunken Bridge Yacht Club, the Lawton Water Authority, and the City of Lawton with said lease to provide for incremental price increases over the life of the agreement, and to provide notice of the city's intention to absorb the campground into the School House Slough campground area upon the expiration of the lease on December 31, 2027. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

22. Receive public comments on the usage and allocation of unallocated sales tax revenue projected to be received from July 1, 2023, to June 30, 2024. These unallocated funds are estimated to be $7,212,430 at June 30, 2024.

Attachments: Resolution of Intent No. 23-75
2024 Monthly Sales Tax Analysis

Kristin Huntley, Deputy Finance Director, stated the resolution of intent requires two open meetings regarding the allocation of these additional revenues. This is the second of the two meetings.

Mayor Booker explained that these funds are caused by inflation and need to be allocated. No new projects will be considered.

The floor was opened to public comments, but no one came forward to speak.

23. Consider approving a Resolution, repealing and replacing Resolution No. 2023-75 specifying the revised intent of the Mayor and Council of the City of Lawton, Oklahoma with regard to the replacement of the existing seven-eighths of one percent (7/8%) Capital Improvement/Operational Expenditure Sales Tax and the one and one-quarter percent (1.25%) Capital Improvement Sales Tax with a new sales tax to be levied of two and one-eighth percent (2.125%) as approved by the registered voters of the City of Lawton, Oklahoma at an election held for such purpose on February 11, 2020.

Attachments: 4b. FY24 Resolution of Intent adding additional funds - TRACK
4c. FY24 Resolution of Intent adding additional funds CLEAN

Timothy Wilson, Deputy City Attorney, explained that resolutions of intent are passed to express the intent of the Mayor and Council regarding CIP Sales Tax. The resolutions are amended from time to time, with the most recent amendment being done through Resolution 23-75 in May 2023. We did that because Finance found that we had inflationary funds coming in last year. The requirement is two open meetings, and then Council can allocate the funds as they deem appropriate. We have the same thing happening today, as indicated in the previous agenda item. The proposed resolution would allocate $2,027,393.00 toward the continuation of the renovation of City Hall and $5,185,037.00 to Parks and Recreation. We also provided language to remove the cap of $8 million of public funds that can be used for the sports complex, which may have been prematurely. We are also corrected an inadvertent omission in Resolution 20-28 that removed a reference from the original resolution of intent that allocated an estimated $2.5 million for improvements to the LATS System. That needs to be put back in. We also need to fix that language, so it is not limited to just buses.

Mayor Booker stated the cap for the sports complex is part of PROPEL 2040. We have resisting changing the resolution of intent for anything except for housekeeping and inflationary funds in order to remain fully transparent and keeping with what the citizens voted for. He believes removing the cap on the sports complex was an error, so the resolution should be approved with that taken out.

Motion by WARREN, Second by HAMPTON, to approve Resolution 24-114 including a floor amendment to remove any reference to removing the cap on the sports complex.

Wilson asked to clarify that the cap on the sports complex will remain, to which Mayor Booker affirmed.

Harris asked for an additional explanation of the money for LATS.

Wilson stated money was allocated for LATS in the original resolution of intent, but that section was removed in Resolution 20-28. The money is still available, but the intent was removed from the resolution by mistake. It looks like there was also an error in the original resolution of intent because it talks about LATS improvements “including but limited to buses”. It really should say, “including but not limited to”.

Harris asked if this is money that was approved for the transfer station.

Wilson stated he believes some of it may be used for the transfer station.

Mayor Booker stated this is just housekeeping. We have all believed that $2.5 million was available for LATS in the CIP.

Harris stated he must have misunderstood because he thought that none of the CIP money could be used for buses, so that’s why grant options were being explored on the buses.

VOTE ON MOTION: AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

Mayor Booker stated that 24, 25, 26, and 27 all have to do with the CIP. We are going to jump to 25 because we are not going to be able to pass these tonight. There are a few changes coming up, so we need a little extra time to get it right. We will have a Special Meeting at 2:00PM. I’ll read the item and discuss so there is full transparency on what we are doing.

24. Consider approving Ordinance No. 2024-___ relating to taxation; amending the Lawton City Sales Tax Code, Codified as Article 10-2 of Chapter 10 of the Lawton City Code, 2015; by the enactment of an amendment to Paragraph (D) under Section 10-2-205 of the Lawton City Code, 2015; levying and extending an existing excise tax of two and one-eighth percent (2.125%) in addition to all other excise taxes assessed and levied by the City of Lawton, Oklahoma and all other taxing authorities, upon the gross proceeds or gross receipts derived from all sales taxable under the sales tax laws of the State of Oklahoma; providing for extending the term of the existing excise tax from terminating on December 31, 2034, to a new termination date ending December 31, 2040, with the exception of a one percent (1%) existing excise tax which shall be permanent for an indefinite period; providing that the excise tax levied by this amended Paragraph (D) under Section 10-2-205 shall be cumulative to all other excise taxes levied by this Chapter or any other taxing authority; providing for codification; providing an effective date for Sections 1 and 2 of this Ordinance with approval of the Ordinance by City voters required; providing for severability; and requiring the full text to be published.

Attachments: 14. 10. 9g. ORDINANCE 2024-_____amending the Sales Tax **(EXECUTION VERSION)**

STRICKEN.

25. Consider approving a Resolution repealing and replacing Resolution No. 2024-114 specifying the administrative intent of the Mayor and Council of the City of Lawton, Oklahoma with regard to a proposed extension of the term of the existing excise tax of two and one-eighth percent (2.125%), said extension to be considered by the registered voters of the City of Lawton, Oklahoma at an election held for such purpose on August 27, 2024, such two and one-eighth percent (2.125%) sales tax that combined and replaced the existing seven-eighths of one percent (7/8%) capital improvement/operational expenditure sales tax and the one and one-quarter percent (1.25%) capital improvement sales tax as approved by the registered voters of the City of Lawton, Oklahoma at an election held for such purpose on February 11, 2020; providing this Resolution shall become effective upon the passage of Ordinance No. 2024-__ at an election to be held on August 27, 2024.

Attachments: 27j. 24 Resolution of Intent sales tax election - (EXECUTION **VERSION) - v5.1 (clean)**

Mayor Booker stated there are some changes that need to be discussed. I believe the public safety wage support out of the ½ designated was discussed at the last Council meeting. Another thing we need to deal with is the lake buildings.

Larry Parks, Parks and Recreation Director, stated we are asking to add an item to the CIP PROPEL for the Lake Headquarters at Lake Lawtonka.

Gill stated he took a trip to the Lake Headquarters Building along with Councilman Harris and Councilman Hampton. They met City Manager John Ratliff, Parks & Rec Director Larry Parks, and several other individuals there. It was decided that the current building has long exceeded its useful life, so it needs to be demolished. Given what the building will be used for, we came up with a square footage of 1200 square feet. Using comparables to determine price per square foot, we determined $250,000.00 would be needed to rebuild this on City owned land.

Hampton commented on the poor state of the building and revenue potential at the lake.

Harris commented on the inefficient layout of the current building. He believes it can be done at a lower cost than the original proposal. He would like to suggest adding a few bathrooms.

Warren asked where the building is located, to which Ratliff replied it is right across the street from Lake Lawtonka.

Warren asked if the demolition of Robinson's Landing and the demolition of the old headquarters at Lake Ellsworth could be included in this.

Motion by WARREN, Second by GILL, to designate $350,000.00 in PROPEL 2040 for lakes buildings demolitions and renovations, with any additional funds being used for lake police patrol on the water.

Ratliff asked if the $350,000.00 would also include the demolition of the Lake Lawtonka Headquarters.

Gill stated yes, but it wouldn't include restrooms for the general public. Those would need to be done with profits from the lakes.

Mayor Booker stated it would include the demolition and rebuild of the Lake Lawtonka Headquarters, the demolition of the building at Robinson's Landing, and the demolition of the old Lake Ellsworth Headquarters.

Warren stated he thinks we should make it $400,000.00. If there is anything left over, Council can vote on where it goes as long as it is pertaining to the lakes.

Warren amended his motion to $400,000.00 instead of $350,000.00.

Gill stated when you put $400,000.00 out there, it becomes the budget that contractor will look at.

Gill accepted the amendment to change the amount to $400,000.00.

VOTE ON MOTION: AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren.

Mayor Booker stated the McMahon Auditorium Authority asked that all their projects into one item, and they would present a plan later. They don't want to do as much work on the Armory up front because they want to finish McMahon Auditorium. They will present a plan with numbers for this, and a plan for PROPEL 2045. He believes that can be done by consensus as long as there are no objections.

No objections were stated.

Mayor Booker stated another thing that he is not seeing but should be added is an Annual Management Review. This would require staff to bring a report on what money actually came in versus what was budgeted. Then we can decide if we are ahead of the game or behind the game. This helps to build a plan for future Councils.

Wilson stated it is on Page 3 in the second paragraph. It requires a report by March 15th.

Warren asked if the report can also include project statuses, to which Mayor Booker agreed.

Mayor Booker asked that a category be added for contingency on everything except for the ¼ cent for roads and ¼ cent for parks. No new projects can be added from the contingency fund.

Warren stated the portion being added that says no new projects can be started using the contingency category also needs to say that any unexpended funds still to need to be added to the listed categories. If we don't add that in there, the money will be left sitting there with no way to spend it.

Mayor Booker stated that needs to align with Section D.4.

26. Consider approving a Resolution authorizing the Mayor to issue a Proclamation calling a special election submitting Ordinance No. 2024-___ to the registered voters of the City of Lawton, Oklahoma, for their approval or disapproval, which if approved would amend the City Sales Tax Code by extending and levying an existing excise tax of two and one-eighth percent (2.125%) on all sales taxable under the sales tax laws of the State of Oklahoma; providing for extending the term of the existing excise tax from terminating on December 31, 2034 to a new termination date ending December 31, 2040, with the exception of a one percent (1%) existing excise tax which shall be permanent for an indefinite period, effective October 1, 2024; specifying the proposition to be submitted to the voters; providing that the call for the election shall be by Mayoral Proclamation; providing for publication of this Resolution and the Proclamation issued by the Mayor to call the said election; and further providing that the returns thereof shall be canvassed by the County Election Board pursuant to State law and certified to the Mayor and Council.

Attachments: 6l. Resolution Calling 2024 CIP Election (EXECUTION VERSION)
5. Election Proclamation 2024 CIP (EXECUTION VERSION)

STRICKEN.

27. Consider approving a Resolution relating to the special election called by the Mayor and Council of the City of Lawton for August 27, 2024, for the purpose of submitting to City voters Ordinance No. 2024-____, levying and extending the term of an existing two and one-eighth percent (2.125%) excise tax from terminating on December 31, 2034 to a new termination date of December 31, 2040, with the exception of a one percent (1.00%) existing tax which shall be permanent for an indefinite period; effective October 1, 2024; setting forth the facts required by Section 13-102 of Title 26 of the Oklahoma Statutes; directing the City Clerk to submit this Resolution to the Secretary of the Comanche County Election Board before June 12, 2024; further directing the City Clerk to forthwith submit a current, certified copy of the Lawton City Charter to said Election Board as required by law and directing the City Clerk to forthwith provide the Comanche County Election Board with a map designating the municipal limits and ward boundaries of the City of Lawton as required by Section 13-107 of Title 26 of the Oklahoma Statutes.

Attachments: 9g. Resolution Notifying Calling 2024 Election providing required info
(26 OS 13-102) - (EXECUTION VERSION)

STRICKEN.

28. Hold a public hearing to receive input from the citizens of Lawton regarding the City of Lawton's proposed budget for fiscal year 2024-2025, and, after due consideration of the City Manager's proposals and citizens' input thereon, provide direction to finalize the budget or take action to approve the budget (with any revisions) by resolution as deemed appropriate.

Attachments: Budget Resolution FY24-25
Budget Revision #1 FY25

Kristin Huntley, Deputy Finance Director, provided the most recent version of the proposed budget. Revisions from the last version include the effects of a CPI increase on an average water bill and revenue.

Mayor Booker asked if Ratliff could do without a CPI this year.

Ratliff stated yes and referred to recent increases that help offset the budget.

Mayor Booker commended Ratliff on being able to proceed without an increase to the CPI and credited him for instilling efficient practices into the City of Lawton.

By consensus, the Council agreed that the budget should be approved without an increase to the CPI.

Warren echoed Mayor Booker comments to the City Manager. He stated this shows the citizens that the increase is only asked for when needed.

Motion by WARREN, Second by CHAPMAN, to direct staff to bring back a budget resolution that does not include an increase to the CPI. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Approved.*

Rusty Whisenhunt, Public Utilities Director, presented a fee comparison on a 6,000-gallon water bill with peer cities. The comparison showed that Lawton and Norman are comparable in cost, with all other cities being higher. Norman is unique in that an increase requires a vote of the people. Whisenhunt noted that Lawton is providing utilities at the lowest rate in the state, and that money has to be put in to maintain our water and sewer systems.

Council continued to discuss how to fund water and sewer infrastructure in future years.

Huntley went on to present peer city comparisons on fund balances and additional revisions made to the proposed budget that were previously requested by Council.

Hampton commented on the City's progress towards becoming the most efficient city in the state. He questioned that there may be some duplication of services in Engineering that need to be addressed.

Motion by HAMPTON, Second by HANKINS, to table the proposed budget and direct staff to bring back a report regarding the duplication of services in the Engineering Department.

Mayor Booker asked if that can be done at the upcoming special meeting, and Ratliff stated yes.

Ratliff asked if Hampton is requesting a presentation on the efficiencies and operation of the City's Engineering Department in comparison to our vendors, to which Hampton confirmed that is what he is requesting.

VOTE ON MOTION: AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Approved.*

PUBLIC HEARING REGARDING THE BUDGET OPENED.

A citizen asked if there is anything in the budget to address litter.

Mayor Booker stated yes and talked about a litter vacuum that will be purchased.

PUBLIC HEARING CLOSED.

Mayor Booker stated the approval of the budget will be handled at the upcoming special meeting.

29. Consider holding a public hearing and approving an ordinance pertaining to Control of Signs amending Section 18-9-1-908, Division 18-9-1, Article 18-9, Chapter 18, Lawton City Code, 2015, by increasing the maximum electronic message sign square footage allowed within two hundred feet of an A-1 General Agriculture, A-2 Suburban, R-1 Single-Family Dwelling, R-2 Two-Family Dwelling, R-3 Multiple-Family Dwelling, and R-4 High-Density Apartment zoning district and allowing electronic message centers signs to be building mounted, and allowing for floor amendments if necessary; providing for severability and establishing an effective date.

Attachments: Ord 24-____ increase EMC sign area allowed
Notice of Public Hearing
05.16.2024 CPC Minutes

Christine James, Planning Director, stated this item has gone through the Board of Adjustment and City Planning Commission before being presented to Council. Over the last eight months, the Board of Adjustment has reviewed at least six variances regarding the size of electronic message centers. Every variance that the Board of Adjustment hears is approved, so it was determined that a change in code may be required. The proposed ordinance allows for 65 square foot message centers within 200 hundred feet of the listed zoning districts. The current restriction is 25 square feet.

PUBLIC HEARING OPENED.
No one appeared to speak.
PUBLIC HEARING CLOSED.

Motion by GILL, Second by WILLIAMS, to approve Ordinance 24-036, waive the reading of the ordinance, and read the title only.

The City Attorney Read the Title:

AN ORDINANCE AMENDING ELECTRONIC MESSAGE CENTER SIGNS SECTION 18-9-1-908, DIVISION 18-9-1, ARTICLE 18-9, CHAPTER 18, LAWTON CITY CODE, 2015 BY INCREASING THE MAXIMUM SIGN SQUARE FOOTAGE ALLOWED WITHIN TWO HUNDRED FEET OF AN A-1 GENERAL AGRICULTURE, A-2 SUBURBAN, R-1 SINGLE-FAMILY DWELLING, R-2 TWO-FAMILY DWELLING, R-3 MULTIPLE-FAMILY DWELLING, AND R-4 HIGH-DENSITY APARTMENT ZONING DISTRICT AND ALLOWING ELECTRONIC MESSAGE CENTERS SIGNS TO BE BUILDING MOUNTED; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

Warren stated if this changes any rules regarding advertising.

James stated no, this only affects the size of electronic message centers.

Warren stated the Board of Adjustment only approves variances to the Code that the City Council approves. It is a step backwards for the Board of Adjustment to approve all the variances presented to them and then suggest changes to Code.

Mayor Booker stated he understands, but times are changing with modern technology.

James also noted that code has a dimming requirement.

Gill stated the Council inherits codes that have existed for a long time. He supports making changes to code when needed.

VOTE ON MOTION: AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

30. Consider holding a public hearing and approving an ordinance pertaining to Planning and Zoning amending Section 18-12-2-1232, Division 18-12-2, Article 18-12, Chapter 18, Lawton City Code, 2015, by striking number 39 and modifying the language in number 45 of the Mixed Use District-permitted uses, allowing for floor amendments if necessary; providing for severability and establishing an effective date.

Attachments: Ordinance 24-____ Renewal Plans
Notice of Public Hearing
05.16.2024 CPC Minutes

Christine James, Planning Director, stated this ordinance changes City Code and the following three resolutions change the plan document.

Kameron Good, Senior Planner, stated on January 16, 2024, the Lawton Urban Renewal Authority requested this code be looked at and brought back to them. It was presented to them on February 20, 2024. LURA recommended the proposed changes. A public hearing was held at the City Planning Commission on May 16, 2024, and they also recommended approval of this code change. The code change would strike "Retail Sales and Services" in Number 39, and modifying Number 45 to say, "the Lawton Urban Renewal Authority" instead of "the City Planning Commission". Notice was sent out for the Public Hearing today, and no phone calls were received for or against this.

Harris asked the purpose of this change.

Good stated an item came in front of LURA where they recommended denial. The item went through the Use Permitted on Review Process, which then went to the City Planning Commission, who allowed it to be a permitted use. LURA asked for this change because they felt that the Urban Renewal Plan, which is governed by LURA, should be the document that says whether a not a use is permitted. The "Retail Sales and Services" was a very broad term that LURA didn't think was necessary. It was argued that the item at hand fit under "Retail Sales and Services" due to his broad scope.

Harris asked for an example.

Good stated if a business wanted to go into the Downtown Urban Renewal Area that wasn't specifically listed in the Urban Renewal Plan, they would fall under Item 45. The use would then be reviewed by the Lawton Urban Renewal Authority instead of the City Planning Commission.

PUBLIC HEARING OPENED.
No one appeared to speak.
PUBLIC HEARING CLOSED.

Mayor Booker stated a previous staff member brought several changes to Council that they were unaware of what all changes were included; Council was not informed that they were changing the review process to no review, and that LURA was the final say. That was all brought to light during discussions of a carwash downtown. We ended up with an appointed body that can say, and the Council can't do anything about it. We have that same situation with the Board of Adjustment, but that is a statutory board that provides relief through the District Court. He either wants to understand this better or go back and rescind the ordinances to put everything back to how it was. Mayor Booker stated he is not satisfied that ultimate authority needs to lie with LURA.

Warren stated that no one should have entire authority except the City Council because they are the only group voted in by the citizens.

Gill stated he sits on Council to promote free enterprise. Rights of citizens should not be taken away by a group of individuals that were not elected.

Hampton stated the final say is with the citizens, and the City Council is the voice of those people.

James stated that staff can draft a code change to make Council the appeal body for LURA. She believes that has been done in the past, but the authority denied it.

Mayor Booker stated he doesn't believe that is necessary. He thinks we just need to rescind what we passed in July of 2022 that changes all of this.

Charlotte Brown, Community Services, stated this change happened before her time, but the intention was to give a pathway for appeals. Previously, there was no appeal process after something had been denied.

Mayor Booker stated the code said if LURA approved it went to CPC; if LURA denied, the item died. Somebody found a way around that in Code to allow this to be heard by CPC.

<u>Motion by GILL, Second by WARREN</u>, to table this item and direct the City Attorney to give Council a legal opinion on what would happen if we rescinded the resolutions we passed in July 2022, and if that is a dead end, to guide Council through the process of how to restore what we had. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

31. Consider holding a public hearing and approving a resolution pertaining to amendment number 5 to the D-6 Urban Renewal Plan, by striking number 39 and modifying the language in number 45 of the Mixed Use District-permitted uses, allowing for floor amendments if necessary and establishing an effective date.

<u>Attachments</u>: Resolution 24- D-6 URP Amendment No 5
Notice of Public Hearing
05.16.2024 CPC Minutes

PUBLIC HEARING OPENED.
No one appeared to speak.
PUBLIC HEARING CLOSED.

Mayor Booker stated he believes the Downtown Urban Renewal Plan needs to be looked at because it is thirty years old and it isn't working. He would like the City Attorney to find out how to make LURA review the plan.

Motion by GILL, Second by CHAPMAN, to table this item pending further guidance.

Brown stated the urban renewal plan expires in 2030, and then it has to go back out to a vote of the people to extend it.

VOTE ON MOTION: AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

32. 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; Section 18-6-12-624, Division 18-6-12, Article 18-6; and Section 18-6-14-646, Division 18-6-14, Article 18-6 all of Chapter 18, Lawton City Code, 2015 by creating a definition for crematorium and allowing crematoriums to be a use permitted on review within a C-5 General Commercial District and a permitted use within an I-1 Restricted Manufacturing and Warehouse District; providing for severability and establishing an effective date.

Attachments: Ord 24-_____
Public Hearing Notice
05.16.2024 CPC Minutes

Christine James, Planning Director, stated crematoriums as a stand-alone was not listed as a permitted use in any zoning district or as a use permitted on review. They were in code as an accessory use to a funeral home. The accessory use would be unchanged, but the proposed ordinance does address stand-alone crematoriums. CPC provided a recommendation that crematoriums could be a permitted use in I-1 Restricted Manufacturing and Warehouse Districts and a use permitted on review in a C-5 General Commercial District.

Jeremy Petersen, 3007 NE Heritage Lane, stated he previously used a pet crematorium that has since gone out of business. He owns a grooming business and one of his clients' dogs passed away. When that happened, he had nowhere to guide this military family for cremation services for their pet. The dog was taken to a facility in Moore. Veterinarians in town currently send their euthanized animals to other cities for cremation. One vet spent $6,000.00 for cremation services to a facility in Moore, when that money could stay local. This also causes a delay in closure for pet owners. This is a void he is looking to close in the community and believes that, if allowed, he would eventually have more business than he could handle.

Chapman asked if a location for the proposed business has been selected.

Petersen stated he has a building under contract at 11th and D pending the City's approval of the use. There is enough room for a pet funeral home if that is desirable.

Warren asked if that definition would include both humans and animals, to which James replied yes. Warren then asked if "alkaline hydrolysis" could also be added to the definition. This alternative method of cremation was approved by the State of Oklahoma in 2021. It is liquid oriented instead of fire oriented.

Motion by WARREN, Second by HAMPTON, to approve Ordinance 24-037, including a floor amendment to add “alkaline hydrolysis” to the definition of cremation, waive the reading of the ordinance, and read the title only.

Blazek-Scherler stated the public hearing has not been conducted.

PUBLIC HEARING OPENED.
No one appeared to speak.
PUBLIC HEARING CLOSED.

The City Attorney Read the Title:

AN ORDINANCE PERTAINING TO PLANNING AND ZONING AMENDING SECTION 18-1-1-106, DIVISION 18-1-1, ARTICLE 18-1; SECTION 18-6-12-624, DIVISION 18-6-12, ARTICLE 18-6; AND SECTION 18-6-14-646, DIVISION 18-6-14, ARTICLE 18-6 ALL OF CHAPTER 18, LAWTON CITY CODE, 2015 BY CREATING A DEFINITION FOR CREMATORIUM AND ALLOWING CREMATORIUMS TO BE A USE PERMITTED ON REVIEW WITHIN A C-5 GENERAL COMMERCIAL DISTRICT AND A PERMITTED USE WITHIN AN 1-1 RESTRICTED MANUFACTURING AND WAREHOUSE DISTRICT; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

VOTE ON MOTION: AYE: Hankins, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. ABSTAIN: Harris (on the grounds of a conflict of interest). *Motion Passed.*

33. Consider holding a public hearing and approving a resolution pertaining to amendment number 3 to the Civic Center Urban Renewal Plan, by striking number 39 and modifying the language in number 45 of the Mixed Use District-permitted uses, allowing for floor amendments if necessary and establishing an effective date.

Attachments: Resolution 24- Civic Center URP Amendment No 3
Notice of Public Hearing
05.16.2024 CPC Minutes

PUBLIC HEARING OPENED.
No one appeared to speak.
PUBLIC HEARING CLOSED.

Motion by WARREN, Second by WILLIAMS, to table this item pending further guidance.

VOTE ON MOTION: AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

34. Consider holding a public hearing and approving a resolution pertaining to amendment number 7 to the Downtown I Urban Renewal Plan, by striking number 39 and modifying the language in number 45 of the Mixed Use District-permitted uses, allowing for floor amendments if necessary and establishing an effective date.

Attachments: Resolution 24- Downtown I URP Amendment No 7
Notice of Public Hearing
05.16.2024 CPC Minutes

PUBLIC HEARING OPENED.
No one appeared to speak.
PUBLIC HEARING CLOSED.

Motion by WARREN, Second by WILLIAMS, to table this item pending further guidance.

VOTE ON MOTION: AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

35. Hold a public hearing and adopt a resolution(s) declaring the structures located at 508 NW 2nd Street, 809 SW 4th Street, 911 W Gore Blvd, 1545 NW 43rd Street, 1702 SW N H Jones Avenue, 1710 SW A Avenue, 1734 SW 12th Street, 2501 SW Sheridan Road (Secondary Structure), 2502 SW I Avenue, 2606 SW G Avenue, 2612 SW G 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.

Attachments: Resolutions
Exhibit A's
Photos of Structures

508 NW 2nd Street
Josh White, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. White presented photographs of the property. No active water was found. This property was originally presented to Council in August 2022.

Ratliff stated this property was added to the D&D list previously, but by policy, we have two years to demo the property after Council approves. We are coming close to that two-year deadline, so this is being brought back to Council to reconsider.

Mayor Booker asked why it wasn't torn down.

White stated he doesn't know that answer to that; it was simply brought to his attention that it was nearing the two-year mark. Because it is a commercial property, asbestos testing will be required, and with the state being behind on that, it could take longer than usual.

PUBLIC HEARING OPENED.

No one appeared to speak.
PUBLIC HEARING CLOSED.

Motion by HAMPTON, Second by WEGER, to declare the structure on this property a dilapidated public nuisance and authorize abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

809 SW 4th Street
Josh White, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. White presented photographs of the property. Inactive utilities since 2016.

PUBLIC HEARING OPENED.
No one appeared to speak.
PUBLIC HEARING CLOSED.

Motion by HAMPTON, Second by WILLIAMS, to declare the structure on this property a dilapidated public nuisance and authorize abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

911 W Gore Blvd
Josh White, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. White presented photographs of the property. Inactive utilities since 2014.

PUBLIC HEARING OPENED.
Luis Travino, 1642 NW 27th Street, stated he is trying to fix up the property. He's purchased new windows and has already put a new roof on it.

Mayor Booker explained the D&D process, timelines, and remodel permits.

Hankins expressed the importance of the owner staying in contact with Neighborhood Services.

PUBLIC HEARING CLOSED.

Motion by HAMPTON, Second by WILLIAMS, to declare the structure on this property a dilapidated public nuisance and authorize abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

1545 NW 43rd Street
Josh White, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. White presented photographs of the property. Inactive utilities since 2022.

PUBLIC HEARING OPENED.
Kristine Moore stated she is the owner's property manager. She had not seen this property until the owner sent her the notice for the public hearing. She is working with the owner to obtain a roofer and understand the process
PUBLIC HEARING CLOSED.

<u>Motion by HANKINS, Second by HARRIS</u>, to declare the structure on this property a dilapidated public nuisance and authorize abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

<u>1702 SW N H Jones Avenue</u>
Josh White, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. White presented photographs of the property. No water account was found. This is the old Dunbar School, which was declared by Council in January 2022. The two-year period has passed, but the bidding for the asbestos testing has been completed, so this is being brought back to Council because it is ready for demolition.

PUBLIC HEARING OPENED.
No one appeared to speak.
PUBLIC HEARING CLOSED.

Chapman noted that her first job in Lawton was as a substitute teacher at Dunbar.

Gill asked what the bid was on the asbestos testing.

White stated it was $11,500.00. After the testing comes back, they will give us a price for the demolition.

Hampton asked for an update when quotes come back. This is a historic building that is especially important to the black community.

Ratliff stated this was initially delayed because some historic preservation overtures were made, but nothing came to fruition. There was a concerted effort to save it.

Hampton asked about the owner.

Brown stated it is privately owned, but she will have to go back and see who it is.

Hampton stated he will bring this to the Cultural Preservation Committee to find funding to clean it up. He would be remiss to not try to look into it.

Williams stated it is a non-profit organization that owns it. This is the first school that she attended and she will have a difficult time putting it on the D&D list.

<u>Motion by HARRIS, Second by WARREN</u>, to declare the structure on this property a dilapidated public nuisance and authorize abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

<u>1710 SW A Avenue</u>
Josh White, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. White presented photographs of the property. Inactive utilities since 2019. There are also fires dates of March 19, 2023 and November 19, 2023.

PUBLIC HEARING OPENED.
No one appeared to speak.
PUBLIC HEARING CLOSED.

Motion by HAMPTON, Second by WILLIAMS, to declare the structure on this property a dilapidated public nuisance and authorize abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

1734 SW 12th Street
Josh White, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. White presented photographs of the property. No water account was found.

PUBLIC HEARING OPENED.
Aviva Harvey, representing Salt of the Earth Ministries, stated the property was just given to them. The pastor has informed her that some work has been done to fix the property up.

Williams asked what the intent is for the property.

Harvey stated it will be fixed up and added to the ministry's rental properties. It could also be used for temporary assistance.

Mayor Booker explained the process for D&D.

PUBLIC HEARING CLOSED.

Motion by WILLIAMS, Second by WEGER, to declare the structure on this property a dilapidated public nuisance and authorize abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams. NAY: None. *Motion Passed.*

2501 SW Sheridan Road (Secondary Structure)
Josh White, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the secondary structure on the property which are documented on the Property Maintenance Evaluation Sheet. White presented photographs of the secondary structure. Inactive utilities since 2010.

PUBLIC HEARING OPENED.
Karen Prestige, 2321 SW Texas Avenue, stated this is on her property. She was surprised to get the notice of hearing because she had already been in contact with a contractor to fix the structure. It is only used for storage at this point. The rest of the 50-acre property is well maintained.

PUBLIC HEARING CLOSED.

Motion by WILLIAMS, Second by WARREN, to declare the structure on this property a dilapidated public nuisance and authorize abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

2502 SW I Avenue

Josh White, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. White presented photographs of the property. Inactive utilities since 2012.

PUBLIC HEARING OPENED.
No one appeared to speak.
PUBLIC HEARING CLOSED.

Motion by HAMPTON, Second by HARRIS, to declare the structure on this property a dilapidated public nuisance and authorize abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

2606 SW G Avenue
Josh White, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. White presented photographs of the property. Inactive utilities since 2013.

PUBLIC HEARING OPENED.
David Preston, 162 36th Street, stated the yard is in good shape. The plan is for the owner to demolish it themselves.

Mayor Booker stated there is a cost savings if the owner demolishes it himself. There is also a discount at the landfill.
PUBLIC HEARING CLOSED.

Motion by HAMPTON, Second by GILL, to declare the structure on this property a dilapidated public nuisance and authorize abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

2612 SW G Avenue
Josh White, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. White presented photographs of the property. Inactive utilities since 2009.

PUBLIC HEARING OPENED.
Vermonda Bruno stated the address listed is incorrect. The correct address is 2612 ½; the house next door is 2612.

Ratliff stated he would ask to table this item until the next meeting because that is insufficient notice if the address is incorrect.

White stated that legal advised that 2612 without the ½ was fine because that is what the County records show as well.

Ratliff asked if there is another property addressed as 2612.

Bruno stated yes.

Ratliff stated if there is a 2612, then we need to move it.

PUBLIC HEARING CLOSED.

No action was taken due to the incorrect address.

36. Continue discussing revoking the Small Cell Wireless Facility Revocable Permit for the facility constructed at or near 7990 NW Micklegate Boulevard also known as CRAN 003E and take action as deemed necessary.

Attachments: Filed Revocable Permit approved 9/12/23
Approved Plans
Pictures of Small Cell Wireless Facility
Release of Small Cell Facility Revocable Permit
US Cellular response to CRAN 019D

Charlotte Brown, Community Services Director, stated that Council approved the revocable permit that allowed this structure to be constructed in September of 2023. The structure met all requirements when the permit was approved. Upon receiving several complaints from nearby citizens, a city inspector was sent to check the location of the structure. According to the inspector, the structure is 3 feet West and 22 inches North of where it was approved on the plans. Public Utilities was not informed when the poles were going to be installed. US Cellular advised the City that all 26 poles were installed by April 23rd. That was supposed to be coordinated with the City. Code also requires liability insurance be provided, and we have yet to receive that proof of insurance. Staff's recommendation is to revoke the permit. Staff is currently working with US Cellular to see if there is another location that will work.

Sean Holcomb, US Cellular, stated US Cellular' s goal is to provide the best service to all of Oklahoma. US Cellular has followed every requirement of the FCC, the State of Oklahoma, and the City of Lawton to ensure that the facilities are placed in the right-of-way and all rules are followed accordingly. The items he was just informed of will be addressed. It is US Cellular' s intent to follow all the rules in the City of Lawton. Moving the small cell facility is a possibility, but it requires that we go through the entire process again, which extends service out nine months to a year.

Mayor Booker stated so you acknowledge that you did not follow to specifications, but you are requesting that we do not revoke the permit.

Holcomb stated that not following specifications was new to him. He would need to check on that.

Mayor Booker asked for clarification that US Cellular was not aware of those omissions, to which Holcomb stated he was unaware.

Brown stated they were very aware of all of the requirements.

Mayor Booker asked if this is the first facility US Cellular has installed and if the others met the City's requirements.

Brown stated it is the first one here; staff needs to check the other facilities to verify if requirements were met.

Patty Anderson, 7921 NW Folkstone, stated she is the owner of the property that the pole is on the easement and would like the facility to be taken down immediately. Her HOA bylaws require that all utilities be underground, the pole is an eyesore that devalues property, it is sitting directly on top of her gas line, and it is 5 millimeters from her fence. There is also a plan to place a transformer on the easement. She would like the pole moved to another location.

Andrew asked if the easement has been checked to see if there is a requirement for utilities to be underground.

Brown stated it is a general utility easement with no underground requirements. That requirement may be in the property owner's restrictive convenance.

Andrew stated that he would like for the Council to be aware that T-Mobile has made a $4.4 billion purchase offer to US Cellular.

Weger stated some citizens were not privy to the information regarding the installation of this facility, so that should be considered.

Brown stated some amendments are needed to the ordinance that governs this. One of the changes is a requirement to notify property owners.

Gill asked how they missed where it was supposed to be. He thinks this may be a poor location for a facility like this.

Harris asked how the location is decided.

Brown stated US Cellular provided us options. We then checked to make sure it wasn't on top of any of our utilities. The structure has to be across the street from water mains, at least 5 to 10 feet away from a sewer main, away from storm sewers, off the sidewalks a certain distance, and they cannot be located on arterials. Our preference was that they co-locate on PSO poles, but there were some issues with PSO allowing them to do that.

Harris asked if those requirements limit the location options.

Brown stated yes; we went through 30 to 40 locations when the process started in 2021.

Harris asked if the towers were for 5G coverage, to which Brown stated yes.

Mayor Booker acknowledged the importance of 5G coverage and asked if staff is assisting to find locations in parks and other areas that are not by houses.

Warren asked if the towers are put in the middle of easements.

Brown stated they are pretty close to the center, but not quite.

Warren explained that the poles have to be close to each other because they function like a relay. He questioned where this concern was when the pole was installed by Cache Road Square. He continued to question why the facility is so close to the fence.

Brown stated it is possible that the fence is not on the property line, but she can't state that for certain.

Ratliff offered that the easement is very narrow.

Mayor Booker stated that the recommendation is to revoke the permit. We all know that we need to work to have 5G, and that will create a few challenges and conflicts along the way.

Hampton stated there was another cell company that camouflaged their pole to look like a tree.

Brown stated she is familiar with the pole being referenced. This pole has a cabinet to house the equipment instead of poles sticking out.

<u>Motion by WEGER, Second by WILLIAMS</u>, to revoke the Small Cell Wireless Facility Revocable Permit for the facility constructed at or near 7990 NW Micklegate Boulevard also known as CRAN 003E.

<u>Substitute Motion by WARREN, Second by HARRIS</u>, to table this item and direct staff to find a solution. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

37. Consider approving an Ordinance pertaining to Buildings, Construction and Housing by amending Section 6-1-1-102, Division 6-1-1, Article 6-1, Chapter 6, Lawton City Code 2015, by correcting the code section for the conformance section of the amended 2015 International Building Code, providing for severability and establishing an effective date.

<u>Attachments</u>: Ordinance No. 24-_____

Charlotte Brown, Community Services, stated this is just a housekeeping item to correct a numbering error.

<u>Motion by GILL, Second by Hampton</u>, to approve Ordinance 24-038, waive the reading of the ordinance, and waive the title only.

The City Attorney Read the Title:
AN ORDINANCE PERTAINING TO BUILDINGS, CONSTRUCTION AND HOUSING BY AMENDING SECTION 6-1-1-102, DIVISION 6-1-1, ARTICLE 6-1, CHAPTER 6, LAWTON CITY CODE, 2015; BY CORRECTING THE CODE SECTION FOR THE CONFORMANCE SECTION OF THE AMENDED 2015 INTERNATIONAL BUILDING CODE, PROVIDING FOR SEVERABILITY

AND ESTABLISHING AN EFFECTIVE DATE.

VOTE ON MOTION: AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

38. Consider approving a Second Amendment to the FYE 2024 Agreement for Funding and Limited Support of the FISTA Development Trust Authority, authorizing the Authority to repurpose $1,000,000.00 originally allocated for HUD grant purposes, allowing it to be used for any grant reimbursement purpose and authorizing the Mayor to execute the Agreement.

Attachments: 2nd Amendment

Dewayne Burk, Deputy City Manager, stated last year we did an amendment to allocate a million dollars for a HUD Grant. FISTA has requested that the funding be made available as long as grant funding continues to be awarded.

Mayor Booker stated he wasn't aware that the HUD grant money had been used and repaid.

Dr. Krista Ratliff, CEO and President of FISTA, stated that $880,000.00 has been used for state-of-the-art technology for convention center and public space. The remainder is still sitting in escrow. Dr. Ratliff went on to explain the details of the previous agreement. She stated FISTA will be receiving over $30 million in grants over the next year that are primarily reimbursement based. It is much easier to keep the $1 million in escrow to be used over and over instead of coming back to Council for each grant.

Motion by WARREN, Second by GILL, to approve a Second Amendment to the FYE 2024 Agreement for Funding and Limited Support of the FISTA Development Trust Authority, authorizing the Authority to repurpose $1,000,000.00 originally allocated for HUD grant purposes, allowing it to be used for any grant reimbursement purpose and authorizing the Mayor to execute the Agreement. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

39. Discuss Council Policy 3-5: Elected Officials and Employee Interaction and take action as deemed necessary.

Attachments: 03-05 Council Policy - Elected Officials and Employee Interaction

Mayor Booker emphasized the strong relationship between the City Manager and elected officials, highlighting the mutual respect that exists and the unique opportunity to set a positive example for the state. However, he expressed concern about instances where some elected officials bypass the City Manager and go directly to department directors, excluding the manager from the process. Mayor Booker shared that he avoids this by ensuring all his communications either go through the City Manager or include the manager in correspondence, refraining from giving direct instructions to staff. Councilman Warren underscored this point, stating that in all his years working with the City, he has never reached out directly to a department director. He explained that such actions create awkward and unfair situations for both the employee and the City Manager, who is ultimately responsible for the City's operations. Warren noted that bypassing the City Manager not only disrupts the chain of command but also wastes time as the manager has to track down issues relayed directly to staff. He encouraged everyone to simply email the City Manager with concerns, streamlining communication and respecting the established process.

Ratliff explained that when Council members go directly to staff, it can create significant challenges. Employees often feel uncomfortable and may comply with the councilmember's request, even if it conflicts with the direction he has already provided. This can lead to inefficiencies and, at times, wasted time and resources. He acknowledged that the Council is very active and deeply involved in the day-to-day operations of the government, which brings many positives. However, he emphasized that for the government to operate efficiently, it is essential for Council members to refrain from bypassing the established chain of command by going directly to department heads.

Hampton stated he fully understand that Ratliff is in charge of the employees and requested that Ratliff let him know if he is ever out of line.

Mayor Booker stated that is an excellent point. He has given Ratliff permission to tell him when he is wrong, and that is very important.

Warren stated the most important thing is that it is a violation of Charter to go around the City Manager.

Mayor Booker requested that the City Attorney update the Council Policy to include the Council Liaison and Clerk in Section 2.

In closing, Mayor Booker asked that Councilmembers stop fighting over the microphone at Council meetings.

40. Discuss changing the time of regularly scheduled City Council meetings from 2:00PM on the 2nd and 4th Tuesday of every month to 6:00PM on the 2nd and 4th Tuesday of every month and take action as deemed necessary.

Warren stated this should be done due some members of the public saying things are being done in secret at 2:00PM. He also stated that there are a lot of people that have the opposite problem and are unable to attend 6:00PM meetings. He would like to try doing 6:00 meetings to see if more public attends. If it doesn't seem to make a difference in attendance after a year, we can switch back. Warren went on to explain the reason that meetings were changed to 2:00PM, including staff's required attendance. He would like to see more people show up, but he doesn't think they will.

Mayor Booker stated for him this is about opening up for people who are interested in running for office. He also stated Oklahoma City does meetings at 8:30AM.

Chapman pointed out that the meeting would go very late into the night. She also expressed concerned over the cost to pay overtime and the staff that would miss time at home with their families. She stated she is opposed to moving to 6:00PM.

Ratliff stated he understands the concerns regarding public attendance and opening up an opportunity for more people to run for office, but he wants to make sure he is advocating for staff. He also brought up that recent public hearings that started at 6:00PM didn't garner more attendance than a 2:00PM Council meeting. He believes a majority of the complaints are just people looking for a reason to complain.

Mayor Booker stated the Charter states to consider the convenience of the public; it does not say to consider ourselves or the staff. If we apply the True North Statement, we have to consider the convenience of the citizens. Mayor Booker stated he will be there whenever the meetings are.

Hampton asked Blazek-Scherler how many special meetings were held last year.

Blazek-Scherler stated there were twenty-one special meetings in 2023.

Hampton stated he believes the agenda item only addresses regular meetings, but pointed out that we were very close to have 4 meetings a month. He also believes that people attend the meetings for the things they are interested in, and then they leave. There is usually no one still there once Council comes out of executive session. Hampton also stated that a majority of the staff that are required to be at council meetings are salaried. That means that overtime isn't paid, but those staff members get nothing extra for being there. In closing, Hampton stated the meetings are livestreamed on Facebook. He leans towards thinking of the staff.

Williams stated she is flexible for herself, but she has heard complaints about the 2:00PM meetings. She has noticed that the 6:00PM public hearings weren't especially active. She suggested doing a six-month trial instead of one year.

<u>Motion by WARREN,</u> to move the meeting to 6:00PM for six months, re-evaluate after six months, and direct the City Manager to figure out an equitable pay incentive for employees that are required to be present.

Ratliff asked when this would become effective. He stated he doesn't believe it could happen before January due to notice requirements.

Warren stated, "works for me".

<u>Motion Seconded by HAMPTON.</u>

Gill stated it is currently 6:30. The place is really full, isn't it?

VOTE ON MOTION: AYE: Weger, Williams, Warren, Hankins NAY: Harris, Chapman, Gill, Hampton. The tie was broken by an affirmative vote by Mayor Booker. *MOTION PASSED.*

41. Consider approving a resolution that would increase the amount of assistance in Development Financing included in the Redevelopment Agreement between the City of Lawton, the Lawton Economic Development Authority, the Lawton Fort Sill Economic Development Corporation, and Fisher59 Properties, LLC, with said increase to be based on updated cost estimates for Public Improvements associated with the project.

<u>Attachments</u>: Fisher59 CAP RESOLUTION 24

STRICKEN.

STAFF REPORTS:

42. Provide City Council with an update on the FY 2023 Audit Process.
Kristin Huntley, Deputy Finance Director, stated we are still 99% done with capital assets, 80% done with the grant schedule, and are currently reconciling cash. We are gathering documents for the pension audit.

Mayor Booker asked if FY 2022 is completed and turned into the state.

Huntley stated it is not turned into the state yet because we are still awaiting our single audit. It should have been completed this week, but their office was hit be a tornado over the weekend.

Mayor Booker asked if Huntley can guarantee that it will be submitted by next week.

Huntley stated she cannot; the auditor is in Rogers, AR and they are dealing with tornado damage. They currently don't have electricity, so it will depend on a lot of things.

Mayor Booker asked when the FY 2023 audit would be turned into the state.

Huntley stated we are hoping to have a trial balance to Crawford & Associates by sometime in August. It will be January or February of next calendar year before it is submitted to the state.

Mayor Booker asked when the 2024 audit will be completed and turned into the state.

Huntley stated she can't give a good answer this far out.

Mayor Booker stated it is frustrating for everything else to be going so good, but then there is this black cloud that is the audit hanging over us. He asked if the City Manager can do anything to speed this up. He can't believe that additional resources aren't available.

Ratliff stated the inquiries for help that we have been so far haven't gone anywhere, but we can cast a wider net.

Mayor Booker stated he understands inherited messes, so his intention is not to beat anybody up over this. He just wants to get it done.

43. Receive a report regarding implementation of the traffic signal timing plan created by WSB for the Gore corridor, from 6th Street to Lawrie Tatum Road and take action as deemed necessary.

Larry Wolcott, Public Works Director, stated that staff have installed no left turn signs for both East and West bound traffic on Gore Blvd at Railroad as directed. This will allow traffic signal timing to be adjusted so both direction can run concurrently. Another part of the direction was to synchronize the lights and bring back a video report. In order to reprogram the controls for that corridor, we need a traffic signal timing plan. He reached out to WSB to see if they had a plan as part of their study of that corridor. The did have a timing plan, but it was more of a planning document. They would need to create an operational plan based on traffic volumes. They would need to implement that so we can operate our controllers.

A four-minute video was shown of the current signal operations. This video is available in the City Clerk's Office.

Wolcott stated a new timing plan needs to be created that combines the Eastbound and Westbound movements at Railroad and makes other adjustments as necessary. The City has two main option: a contract with TEC and a contract with WSB. WSB most recently worked with the traffic control study, so they were selected to be involved. They have submitted a proposal for about $92,000.00. That money is not currently budgeted.

WSB presented their proposal and costs associated with the implementation of a new traffic signal timing plan.

Mayor Booker stated he doesn't understand why the cost is so high. He was told we had the equipment, but now we don't have the computer equipment.

WSB sated the cost does not include equipment. The cost does include implementing the timing, assisting staff with fine-tuning, and a virtual representation of the new timing to present to Council. He also stated concerns regarding the traffic flow patterns once school starts, which may require further adjustments.

Mayor Booker asked if we implement this and then continue going West, will the new timing still work.

WSB advised doing the entirety of Gore Blvd all at once. He would also include the crossroads.

<u>Motion by HARRIS, Second by GILL</u>, to direct the City Manager to come back with a plan to fund this project.

Warren stated that everything that we do on Gore Blvd will affect other major roadways, such as Sheridan Rd, Cache Rd, 11th Street, and Lee Blvd. He would like for staff to bring back a plan that includes everything so that we can budget for everything in the future.

Mayor Booker stated we have to figure out if we have the equipment to do that.

Hampton stated there is only three ways to get from one side of town to the other. The plan needs to address alleviating some of the pressure by working in segments.

Harris asked if it is better to focus on Gore Blvd and adjust the North/South roads separately or to look at the entire picture.

WSB explained that they need to coordinate Gore Blvd and the major streets that cross Gore.

Gill stated that we do not have to equipment to do a full overhaul, so that would be a major cost to do everything.

Wolcott stated when you are looking at doing this Citywide, there would be some equipment upgrades needed to track time. Right now, all of Cache Road is set on 100 second cycles all day every day. If you want to start setting time of day plans, an equipment upgrade is necessary. The corridor on Gore is already equipped to do this, so we can do that one.

Gill asked what all the corridor encompasses.

WSB stated it is from 7th to Lawrie Tatum.

Mayor Booker stated he is confused: is WSB saying we can just do the Gore Blvd corridor or that the entire City needs to be done at once.

WSB stated they have only submitted the Gore Blvd corridor for the Council to consider at this time, but they would recommend also doing the major crossroads at the same time.

Chris Serrano, WSB, stated it would be in the City's best interest to do the overall corridor.

Mayor Booker stated so the entire Gore Blvd Corridor and not the entire City, which is the motion.

Warren expressed concerns of vehicles stopping at the flashing yellow light at 4th Street. He explained that vehicles incorrectly stopping at the flashing yellow causes confusion for the people who are correctly stopping at the flashing red. The cars with the flashing red then proceed without acknowledging the outside lane that didn't stop, and it is going to cause an accident.

Chapman asked when that stoplight can be removed.

Wolcott stated the Engineering Department has a plan together and a resolution needs to be brought to Council to allow for the removal of the stoplight.

VOTE ON MOTION: AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

Chapman expressed that she would like to have a resolution for the removal of the traffic light presented to the Council.

Ratliff suggested the that be presented to the Traffic Commission first.

Mayor Booker asked if that could be done before the next Council Meeting, and Ratliff affirmed that it could be.

Mayor Booker said let's do that.

EXECUTIVE SESSION ITEMS:

Motion by GILL, Second by HARRIS, to enter into executive session. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

The City Council remained in executive session from 6:39PM to 7:24PM. No action was taken in *executive session.*

Motion by GILL, Second by WARREN, to return from executive session. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passesd.*

44. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of John Ratliff as City Manager, and in open session take other action as necessary.

No action taken.

45. Pursuant to 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending action in the United Stated District Court for the Western District of Oklahoma titled Felisha Parker and Laresha Parker as next of kin to Isaac D'Wayne Parker, deceased v. City of Lawton, et al, Case number CIV-24-178-JD, and if necessary, take appropriate action in open session.

No action taken.

46. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action with Oklahoma Department of Environmental Quality concerning a Notice of Violation issued by ODEQ to the City on February 14, 2024, in relation to the City of Lawton Municipal Solid Waste Landfill and the FY 2022 and FY 2023 financial assurance mechanism update, local government test, not having been submitted by December 31, 2022 and December 31, 2023, respectively, and, if necessary, take appropriate action in open session.

No action taken.

ADJOURNMENT

Motion by GILL, Second by HAMPTON, to adjourn the meeting of May 28, 2024. AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, Warren. NAY: None. *Motion Passed.*

There being no further business, the meeting adjourned at 7:37PM.

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."