

City of Lawton

City Council MINUTES

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

Thursday, May 18, 2023

2:00 PM

**Lawton City Hall
Council Chambers/Auditorium**

Mayor Booker called to reconvene the meeting after continuing the May 16, 2023. The meeting was called to order at 2:10 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Mary Ann Hankins, Ward 1
Kelly Harris, Ward 2
Linda Chapman, Ward 3
Allan Hampton, Ward 5
Bob Weger, Ward 6

ABSENT: George Gill, Ward 4
Sherene L. Williams, Ward 7

ALSO PRESENT: Stanley Booker, Mayor
John Ratliff, Acting City Manager
Timothy Wilson, Interim City Attorney
Traci Hushbeck, City Clerk

BUSINESS ITEMS:

1. Consider the FY 2024 City of Lawton proposed capital improvement and outlay budget and presentation and take appropriate action if necessary, to include making amendments to the capital improvement and outlay budget to be incorporated in the final budget and budget book presentation that council considers. **23-444**

Joe Don Dunham, Finance, presented the proposed capital improvement and outlay budget. This report is available in the City Clerk's Office.

Mayor Booker asked how Emergency Communications has self-funding.

Dunham stated is from the cell phone money we get that goes directly towards E911 services.

Ratliff stated there is a fee that we charge that is part of a cell phone bill. That is what pays for that.

Under the Enterprise section, Mayor Booker stated you have \$583,000.00 for an intact center under Animal Welfare.

Dunham stated we've had an animal intact center budgeted for a few years but haven't had a chance to do that.

Chief James Smith, Lawton Police Department, confirmed that this has been budgeted in the past but hasn't happened. He stated we have a needs assessment that is about to be done.

Mayor Booker asked if this had been brought to Council before because he doesn't remember it.

Joe Painter, Engineering, stated we've just interviewed and short-listed architecture firms who specialize in animal welfare shelters to do a report and analysis on what they need done immediately and long term.

Mayor Booker asked again if this had been to Council.

Dunham stated the money has been part of the budget before, but he doesn't know if an item specifically for this has been brought to Council.

Mayor Booker stated it was probably presented in something like the budget and questions weren't asked.

Dunham stated that's probably right. It was approved in the current budget.

Mayor Booker stated he would be agendaing an item to understand the animal welfare budget and the impact of incoming dogs from outside city limits. Surely to spend the money it has to come back before Council.

Dunham stated that is correct.

Mayor Booker stated studying it is fine. That will give the Council time to understand the situation with dogs outside city limits.

Dunham stated this is just allocating dollars towards that project; it isn't expending any dollars. To spend anything that this amount, it will have to come back before Council for approval.

Mayor Booker asked if anything else was carry over from a previous year. Specifically, he pointed out the Patterson Center.

Christine James, Parks and Recreation, stated that is carry over from the current year. Bids were put out for this project, but that came back much higher than expected. She is working to re-evaluate to make the price lower.

Mayor Booker stated that is good. He is glad to see us putting money into our buildings.

Harris stated that the back fence at Highland Cemetery has repeatedly been cut, and he believes the resolution is to put a rot iron fence, similar to the fence out front. He asked what the current balance is in the cemetery care fund.

Dunham stated he doesn't know of the top of his head, but he can find out and let Councilman Harris know.

Harris stated he has worked with the Deputy City Manager on this and believes the fence will be about \$150,000.00. He was also told that we have a video surveillance system at the cemetery, but he doesn't know if it is functional or not. He would like to increase security at the cemetery.

Mayor Booker asked if that is limited to the cemetery care fund.

Dunham stated the cemetery care fund is limited to the cemetery.

Mayor Booker stated he meant just the opposite. Council is not limited to funding this from the cemetery care fund.

Harris stated correct, but he would like to see if the money is available in the cemetery care fund before taking money from another part of the budget.

Kristin Huntley, Finance, stated this would zero out the cemetery care fund.

Mayor Booker stated if we are going to do a fence or security, it would have to come from another fund. He sees merit in doing this but needs the City Manager or Dunham to weigh in on where that money would come from.

Dunham stated his initial thought is that he would have to increase the amount of money in the general fund by the amount needed to do this project.

Mayor Booker stated he suggests that Harris agendas an item to go out for bids for the fence and security to get a cost.

Dunham stated we may already have a bid, but we just need to get updated quotes.

Mayor Booker stated we increased the budget for streets in the General Fund Budget. He wants to make sure that we have all the equipment and materials we need to get the streets done.

Larry Wolcott, Public Works, stated the amount of work they can get done on the streets will be dictated by the labor that is available as well as equipment. On top of that, we will be using contractors primarily with the additional funds for street repairs.

Mayor Booker asked if the \$3 million is allocated properly to use contractors.

Wolcott stated yes.

Mayor Booker questioned the \$12 million price of the Gore Blvd from 67th to 82nd project. He stated that is \$3 million a lane mile. Are you serious?

Painter stated yes, that's where we are at now. It's a five-lane road. Prices have skyrocketed, but we did get more money from ODOT.

Joe Painter, Engineering, and Rusty Whisenhunt, Public Utilities, received the list of projects in the presentation.

Hampton asked if there is a list of specific streets that will be done.

Painter stated yes, he will send it out.

Mayor Booker noted that ADA compliant sidewalks are in the proposed budget. He stated that \$600,000.00 is a little expensive for one year.

Painter stated we spent \$1 million on sidewalks last year.

Mayor Booker asked if they were all ADA sidewalks.

Painter stated all sidewalks are ADA sidewalks.

Mayor Booker stated he believes that Painter is misinterpreting the PROPEL fund. There is a separate account for just regular sidewalks.

Painter stated we are just using the rest of the \$600,000.00 in PROPEL to build on the required \$1 million.

Mayor Booker stated just because an ADA sidewalk is ADA compliant does not mean it qualifies for that million.

Dunham stated there is \$5 million in PROPEL for sidewalks.

Mayor Booker stated I agree.

Dunham stated we also have "repair of existing sidewalks and installation of new sidewalks and other improvements within the City for removal of barriers faced by the disabled as required by lawsuit. The staff estimates that at \$1 million". That's available over the life of the tax.

Mayor Booker stated if you want to fix ADA situations across the City, there are plenty; but limit this money to necessary ADA. Not only do you have \$5 million in the CIP for the sidewalk, even though it may be ADA compliant, it is not any different than any other sidewalk. All sidewalks we build are ADA compliant, but I don't think that is the spirit of A.5 in the Resolution of Intent. I think the spirit of A.5 is specifically repairing or taking care of barriers to disabled individuals. You've got another \$5 million to build just a sidewalk.

Harris asked if part of the lawsuit was lack of sidewalks.

Whisenhunt explained that the ADA lawsuit that is referenced was because we had barriers to ADA in every facility we had, and we had not maintained our transition plan. A committee was formed, and a transition plan was developed. The transition plan identified and prioritized a number of

sidewalks that needed to be designed and installed. There was also an opportunity for citizens to make a request to that committee to have a barrier removed. The \$600,000.00 was identified to address the transition plan and requests from the public that were approved by the committee.

Harris stated he remembered seeing the price for the ramps while looking at the Cache Road Waterline Project. It was a very large sum of money.

Whisenhunt said it is very expensive, especially on arterial roads where the sidewalks are 6-feet wide. The current price is about \$10.00 per square foot for sidewalk construction. But again, this money was identified for citizens' requests for barrier removals for anything from access to parks and playground to access to City facilities. It also identified for the prioritized list in the transition plan.

Harris asked if there has been any progress made in the transition plan.

Whisenhunt stated compared to where we were, we have made significant progress.

Mayor Booker stated he would like to see the transition plan.

Whisenhunt stated that Mike Jones is the ADA Coordinator and can provide the transition plan.

Warren stated he would like to direct staff to bring back a policy that gives citizens one year to request the removal of a barrier. We've done a really great job of meeting our goals, so if at the end of the year, we don't have any request, we can roll that money into an ADA sidewalk fund.

Mayor Booker stated maybe we can get a policy that says that and a report for us to understand the transition plan.

Mayor Booker stated the two bridges on the next page bother him. As much as they need to be done, they weren't in PROPEL. If we do it out of PROPEL, we may not have the money we promised the citizens that PROPEL was for. I think we need to go back to the citizens and ask them to use ad valorem for the two bridges on Cache Road and two bridges going to the landfill. That's what ad valorem is for. If we use PROPEL, we won't be able to do the street projects we promised.

Dewayne Burk, Deputy City Manager, stated he looked into the definition of streets, and bridges are considered streets .

Mayor Booker stated he understands the interpretation, but it doesn't meet the spirit of what citizens were told. Let's look at Lee Blvd; nobody thought it was going to cost \$9.2 million. We were thinking 3 or 4 million, so we've got a situation where we promised the citizens certain roads when we were selling it. I feel like that has to be the priority.

Warren stated one of our problems of the past that we are trying to dig out of is the citizens' perception that we are changing the mission. Again, this may fit the definition and qualify, but it's not what we told the citizens we would do. If we ever hope to do more, we have to do what we told them we were going to do.

Hampton agreed with Warren and Mayor Booker. He asked the life of the bridges.

Painter stated the two by the landfill are at their 100 year life span and need to be completely replaced. The two on Cache Road will be rehab projects.

Hampton asked if any of the bridges have been closed down.

Painter stated we had to lower the weight limit on all the bridges; trash trucks can go over them and fire trucks can't go over the ones on Cache Road.

Burk asked if Council would entertain the option to amend the Resolution of Intent. The bridges are to a point that they are being considered an emergency. We certainly don't want to go against what we told the citizens, but it would behoove Council to at least have a discussion about modifying the Resolution of Intent.

Mayor Booker stated he would have a real issue with that. He asked if there is any emergency money that can be used and asked how we got to the point of it being an emergency without it being brought before Council to make a decision.

Dunham stated he can't answer why it wasn't brought to Council, but we can go into our emergency reserve or borrow the money.

Mayor Booker stated you can do an agenda item for it, but he doesn't believe Council would approve changing it. He stated you can look at borrowing the money, but if there is time, the better idea is to put together an ad valorem CIP.

Warren asked what all qualifies for ad valorem.

Mayor Booker stated any capital improvements, but they all have to be listed separately.

Warren stated maybe can come back with these bridges, storm sirens, and a list of roads. We could do that for the November election. If the citizens decide they don't want to do that, we can look at using PROPEL. I think we have to exhaust every option to not do that.

Mayor Booker stated he would like these taken out.

Mayor Booker stated he is also making a note for the final motion to increase the youth and family affairs money to be increased to \$300,000.00.

Warren stated he would like for someone to make the public more aware of where this money goes and how much things cost.

Harris noted that Carnegie Library, the Armory, and the museum are all listed under youth and family.

Mayor Booker stated that was discussed during the general budget discussion, and we said that would not be a youth and family expense; it was going to be approved elsewhere.

Warren talked about budgeting to have WiFi at the lakes.

Hankins agreed and talked about having payment kiosks at the lake as well.

Mayor Booker asked if the money for the sports complex was for the design.

Dunham stated yes.

Whisenhunt presented proposed budget for the Ellsworth Spillway, water improvements, Cache Road waterline replacement, alternate water supply, the SCADA system, the meter replacement project, the Meadowbrook water line replacement, sewer system, sewer rehab program, and the Southeast Wastewater Treatment Plant.

Painter presented proposed budgets for landfill cells, storm water projects, and street and sidewalk maintenance.

Motion by WARREN, Seconded by HAMPTON to accept the Capital Improvement and Capital Outlay plan with the exceptions of remove Projects EN2112 and EN2204 (bridges) from the proposed plan, increase EN9903 (youth and family) to \$300,000.00 , and research EN9911 and bring it back to Council. AYE: Hankins, Chapman, Hampton, Weger, Warren. NAY: None. *MOTION PASSED.*

Motion by HAMPTON, Seconded by WARREN, to adjourn the City Council meeting of May 18, 2023. AYE: Hankins, Chapman, Hampton, Weger, Warren. NAY: None. *MOTION PASSED.*

There being no further business, the meeting adjourned at 3:59PM.