



City of Lawton

City Council

Agenda

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

Tuesday, May 9, 2023

2:00 PM

**Lawton City Hall
Council Chambers/Auditorium**

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

MEETING CALLED TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

Administration of Constitutional and Statutory Oaths of Office - Municipal Court Judge Nathan Johnson

ROLL CALL

PROCLAMATIONS:

**MacArthur Highlander Battalion JROTC
Flood Awareness Month
Mental Health Awareness Month
National Police Week
Asian American and Pacific Islander Heritage Month**

REPORTS: MAYOR/CITY COUNCIL

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

CONSENT AGENDA:

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

1. Consider the following damage claim recommended for approval: Sekou Diawara in the reduced amount of \$1,000.00 and approve the resolution authorizing payment. [23-398](#)
Attachments: [DC-2023-010-Diawara, Sekou-Memorandum pdf](#)
[DC-2023-010-Diawara, Sekou-Resolution and Warrant of Atty.](#)
2. Consider the following damage claim recommended for denial: James P. Jackson in the amount of \$1,600.00. [23-397](#)
Attachments: [DC-2023-013-Jackson, James P. - Memorandum](#)
3. Consider adopting a resolution approving the joint petition settlement and making payments in the amount of \$22,680.00 in the workers' compensation claim of Charlie Martin. [23-414](#)
Attachments: [Martin, Charlie-Resolution](#)
4. Consider adopting a resolution approving the joint petition settlement and making payments in the amount of \$20,000.00 in the workers' compensation claim of Joshua Burkhalter. [23-396](#)
Attachments: [Burkhalter, Joshua-Resolution](#)
5. Consider approving an agreement for professional services between the City of Lawton and The Love Law Firm for Margaret McMorrow-Love to represent the City in the pending grievance arbitration of IUPA Local 24 & Jerry Vallejo vs. City of Lawton, FMCS Case No. 220909-09142 and authorize the Mayor and City Clerk to execute the Agreement. [23-423](#)
Attachments: [Retainer Agreement - signed](#)
6. Consider approving the settlement of an insurance claim against Oklahoma Municipal Assurance Group in the amount of \$10,870.00 for vehicle damage and authorize the Mayor to execute the Sworn Statement in Proof of Loss and Members Release. [23-428](#)
Attachments: [Omag Sworn Statement in Proof of Loss, Unit 6648](#)
7. Consider approving amendments to the two Agreements for Judicial Services for the Alternate Municipal Judges to reflect a pay increase. [23-390](#)
Attachments: [Judicial Service Agreement - Steve Coleman 2010](#)
[Judicial Service Agreement - Scott Ray 2015](#)
[Judicial Service Agreement - Steve Coleman 2023](#)
[Judicial Service Agreement - Scott Ray 2023](#)

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8. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, as amended, pertaining to Chapter 19, Recreation, by amending Article A-19-7 Miscellaneous Provisions and pertaining to Chapter 7, Business, by amending Article A-7-23 Sound Truck/Sound Amplification Equipment Permit and Article A-7-31 Event and Assembly Permits to eliminate the fees associated with events for special needs individuals when using Miracle Field within Elmer Thomas Park. [23-381](#)
- Attachments:** [Res 23-__ Special Needs Waiver](#)
9. Consider approving a request to enter into a memorandum of understanding with the Waurika Police Department and the City of Lawton authorizing the utilization of the Lawton Police Department's Training Facility to train their new officers in the Council of Law Enforcement and Training's Basic Academy (CLEET) which has been authorized by formal board action. [23-340](#)
- Attachments:** [CLEET MOU - Waurika 2023](#)
[Exhibit A - CLEET Approval Waurika](#)
10. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures at 1001 SW B Avenue, SW 63rd Street and SW Summit Avenue, SW Wolf Avenue and SW 24th Street, and NW Woodland Drive west of NW Woodland Court. [23-380](#)
- Attachments:** [TRAFFIC ISSUE REQUEST \(23-10\) Eakins 1001 SW B Angled Parking](#)
[TRAFFIC ISSUE REQUEST \(23-16\) SW 24th & SW Wolf](#)
[TRAFFIC ISSUE REQUEST, \(23-14\) Lasley 6217 SW Summit Ave](#)
[TRAFFIC ISSUE REQUEST, \(23-15\) 7110 NW Woodland Cir](#)
[Resolution 23-__, 4-20-23 meeting](#)
[Minutes Traffic Commission 4-20-23](#)
11. Consider approving a contract with Blue Cross Blue Shield of Oklahoma to provide health care coverage to eligible City of Lawton employees and eligible retiree's effective July 1, 2023, and authorize the Mayor and City Clerk to execute the contracts. [23-252](#)
- Attachments:** [Approved - BCBS Renewal Acknowledgement - 07-01-2023 - Unsigned 04-12-2023](#)
[Approved - Copy of 07.01.2023 BCBS Medical Premium Breakdown](#)
[BPA - 07-01-2023 - FI - Initial Draft 04-10-2023 - Unsigned](#)
[BPD - 07-01-2023 - Low Plan - Initial Draft 04-10-2023 - Unsigned](#)
[BPD - 07-01-2023 - Mid Plan - Initial Draft 04-10-2023 - Unsigned](#)
[BPD - 07-01-2023 - High Plan - Initial Draft 04-10-2023 - Unsigned](#)
12. Consider approving a contract with LegalShield to provide legal and identity protection to eligible City of Lawton employees effective July 1, 2023, and authorize the Mayor and City clerk to execute the contracts. [23-364](#)
- Attachments:** [Approved - LegalShield 2023 Employer Agreement](#)
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13. Consider approving a contract with PVCS Primary Vision Care Services, Inc. to provide vision insurance coverage to eligible City of Lawton employees effective July 1, 2023 and authorize the Mayor and City Clerk to execute the contract. [23-365](#)
- Attachments:** [Approved - 2023 PVCS City of Lawton Proposal REV](#)
14. Consider approving an agreement with MASA, Medical Transport Solutions for Medical Transportation Coverage for eligible City of Lawton employees effective July 1, 2023, and authorize the Mayor and City Clerk to execute the contracts. [23-366](#)
- Attachments:** [Approved - MASA City of Lawton Proposal](#)
[Approved - MASA Employer Benefit Agreement_Membership_FINAL_02.16.2023 \(1\) - unsigned](#)
15. Consider approving a contract with Nationwide for group voluntary pet insurance coverage to eligible City of Lawton employees effective July 1, 2023 and authorize the Mayor and City Clerk to execute the contract. [23-368](#)
- Attachments:** [Approved - Nationwide Pet Insurance Proposal - City of Lawton](#)
16. Consider approving an agreement with Aetna for Employee Assistance Program Services to eligible City of Lawton employees effective July 1, 2023 and authorize the Mayor and City Clerk to execute the contract. [23-371](#)
- Attachments:** [Approved - Aetna EAP](#)
[Approved - Aetna Business Associate Agreement](#)
17. Consider approving a contract with Zurich to provide Accidental Death and Dismemberment and Loss of Use coverage for City of Lawton employees effective July 1, 2023, and authorize the Mayor and City Clerk to execute the contract. [23-372](#)
- Attachments:** [Zurich AD&D](#)
18. Consider approving a contract with Colonial Life, to include any floor amendments that may be necessary, to provide the following coverages; Life Insurance, Term Life, Cancer and Confinement Indemnity Insurance effective July 1, 2023, and authorize the Mayor and City Clerk to execute the contracts. [23-373](#)
- Attachments:** [Approved - Colonial Application_07.01.2023](#)
[Approved - Colonial - Group Products Master App_07.01.2023](#)
[Approved - Colonial Flex Plan Supplemental Form_07.01.2023](#)

19. Consider awarding a professional services contract to Standard Testing & Engineering, LLC, for the purpose of providing full testing and engineering services for the City of Lawton and authorize the Mayor and City Clerk to execute the contract. [23-383](#)
- Attachments:** [2023 Professional Services Agreement-Standard Testing.pdf](#)
20. Consider and take action on entering a conditional contract with Garver, LLC, for Engineering and Design Services for a water main line extension to support the CCID 480 acers industrial site locate at SW Bishop Road and SW 112th Street to support the Industrial project Blue Braveheart (Westwin Elements) Project. The approval is conditional on the Binding commitment by Westwin Elements for the Industrial Development or as amended by City Council. [23-387](#)
- Attachments:** [Water Line Phase 1 and 2.pdf](#)
[Lawton 2023 - Garver - PU2306 Industrial Water Maine line Phase 1](#)
21. Consider and take action on awarding contract (CL23-020) Sodium Hypochlorite , a Chemical used to treat water for potable use to the lowest responsive and responsible bidder, Brenntag Southwest, Inc. of Lancaster Texas. [23-376](#)
- Attachments:** [Letter of Recommendation CL23-020](#)
[Abstract of Bids CL23-020](#)
[Bid packet CL 23-020](#)
22. Consider and take action on awarding contract (CL23-018), Liquid Aluminum Sulfate a Chemical used to treat water for potable use to the lowest responsive and responsible bidder, Chameleon Industries, Inc. [23-378](#)
- Attachments:** [Recommendation Letter CL23-018](#)
[Abstract of Bid CL23-018](#)
[Bid Packet CL23-018](#)
23. Consider and take action on awarding contract (CL23-021), Sulfuric Acid a Chemical used to treat water for potable use to the lowest responsive and responsible bidder, Univar Solutions of Dover, Florida. [23-377](#)
- Attachments:** [Recommendation Letter CL23-021](#)
[Abstract of Bid CL23-021](#)
[Bid Packet CL23-021](#)
24. Consider approving Operating and Professional Services Agreement, providing entertainment and fireworks for the 7th Annual Freedom Festival by LimeLight Productions and authorizing the Mayor and City Clerk to execute the contract. [23-403](#)
- Attachments:** [2023 LimeLight Professional Services Agreement 5.3.2023](#)

25. Consider rejecting all bids received for CL23-019 Precast Concrete Manholes Small and authorizing staff to rebid the contract due only one bid being received price was excessively high. [23-363](#)

Attachments: [Memo to extend CL22-027 Precast Concrete MHs Abstract1.docx](#)
[CL23-019 Precast Concrete Manholes - Bid Results](#)

26. Consider awarding contract (CL23-016) Mowing and Litter Control to the lowest and most responsible bidders. [23-410](#)

Attachments: [Dept Recommendation Memo](#)
[Abstract of Bids](#)
[Price Sheets](#)
[CL23-026 Mowing & Litter](#)

27. Consider approving appointments to boards and commissions. [23-413](#)

Attachments: [Board Appointments- 05.09.23](#)

UNFINISHED BUSINESS:

28. Receive a presentation from Traffic Engineering Consultants, Inc. (TEC) regarding traffic signal operations on Gore Boulevard from 2nd Street to Lawrie Tatum Road (KCA Veterans Drive) and provide direction as deemed appropriate. [23-392](#)

Attachments: [TEC Lawton City Council Meeting Presentation.pptx](#)

29. Receive a progress update on the Clean City & Clean Culture- Destination Excellence Motion and Plan presented to the council on March 7th, including roadblocks encountered and the associated workarounds, taking any necessary action. [23-229](#)

Attachments: [Clean City- Clean Culture Motion](#)
[Bulky Waste Flyer](#)
[Presentation](#)

BUSINESS ITEMS:

30. Hold a public hearing to consider a change of zoning from the R-4 High-Density Apartment District to C-1 Local Commercial District zoning classification and a change to the 2030 Land Use Plan from Residential/Low-Density to Commercial for the property located at 1212 NW Arlington Avenue, Lawton, OK 73507, and if desired approve: (1) an ordinance changing the zoning and (2) a resolution changing the 2030 Land Use Plan. [23-405](#)
- Attachments:** [Ordinance No. 23-Resolution No. 23-Council Exhibits](#)
31. Hold a public hearing to consider a request for a Use Permitted on Review to allow an Autism & Behavior Services Medical Facility to be located in a Residential (R-4) zone for the property located at 502 NW Fort Sill Boulevard, Lawton, OK 73501, and take action as necessary. [23-409](#)
- Attachments:** [Council Exhibits](#)
32. Hold a public hearing to receive any citizen recommendations or concerns for the upcoming FFY 2023 Annual Action Plan (AAP) and approve a draft version of the FFY 2023 AAP that includes Public Service Organization (PSO) Funding recommendations and Policy Manual changes. [23-412](#)
- Sponsors:** Planning
- Attachments:** [2023 AAP Funding Estimates](#)
[CPC Minutes](#)
33. Receive public comments on the usage and allocation of unallocated sales tax revenue, which has been or is expected to be received for the July 1, 2022, to June 30, 2023 time frame, these funds are estimated to be \$5,472,607.00 at June 30, 2023, and take action as necessary, to include if desired, the allocation of said unallocated funds. [23-367](#)
- Attachments:** [Resolution 22-59.pdf](#)
[FY 2023 - Monthly Sales Tax Analysis.pdf](#)
34. Consider approving a Resolution, including any floor amendments that may be made thereto, repealing and replacing Resolution No. 2022-59 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. [23-432](#)
- Attachments:** [Proposed Final Resolution 23-Proposed Resolution w/Strikethroughs showing changes](#)

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35. Consider: (1) waiving paragraph (A)(4)(a) of City Code Section 10-1-108 for the time to accept bids and instead apply the requirements set forth in Section 111 of the Public Competitive Bidding Act of 1974, and (2) for good cause shown [to include having to hold two public input sessions and allocate additional funding from the CIP] and in accordance with Section 111, extend by mutual written agreement through May 9, 2023, the time to award the proposed Amendment No. 2 Guaranteed Maximum Price (GMP) to the contract with Construction Manager At-Risk CMS Willowbrook, Inc. for Project EN2004A City Hall Renovation Main Building Package. [23-433](#)
- Attachments:** [Signed May 4, 2023 Statement from CMS Willowbrook \(Proposed written extension agreement\)](#)
[City Code City Code Section 10-1-108](#)
[61 O.S. §111](#)
36. Subject to the approval of Item 23-432 and Item 23-433 on this agenda, consider approving Amendment No. 2 Guaranteed Maximum Price (GMP) to the contract with Construction Manager At-Risk CMS Willowbrook, Inc. for Project EN2004A City Hall Renovation Main Building Package, including any floor amendments related thereto. [23-429](#)
- Attachments:** [EN2004A GMP 2 0509.2023](#)
37. Discussion and action on the approval of the use the State contract according to City Ordinance 19-35, 10-1-113 E on Project EN2301 Demolition of Nursing Home and approval of the proposal/quote from Environmental Action Inc. for the demolition of said nursing home in the amount of \$261,800.00. [23-292](#)
38. Discuss the Communications & Marketing Department's options to gather research through a community survey to tailor a Communications and Marketing Strategy that will benefit citizens and the City of Lawton. [23-389](#)
- Attachments:** [Community Outreach Survey Approach and Questions](#)
39. Discuss the possibility of adopting an ordinance requiring microchipping of all dogs and cats in the City of Lawton. [23-342](#)
- Attachments:** [DISCUSSION POWERPOINT](#)
40. Consider an ordinance pertaining to vehicles and traffic, amending Section 23-19-1909, Article 23-19, Chapter 23, Lawton City Code, 2015; revising language to adhere to current judicial rulings regarding standing, sitting, or staying on any street, highway, or median, providing for severability, and declaring an effective date. [23-385](#)
- Attachments:** [ORDINANCE NO 23-](#)
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STAFF REPORTS:**Status Report for Granicus Short Term Rentals portal - Judy Franco, ITS Director****EXECUTIVE SESSION**

41. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending claim of School House Slough Inc., and, if necessary, take appropriate action in open session. [23-421](#)
42. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of John Ratliff as Acting City Manager, and in open session take other action as necessary. [23-424](#)

ADJOURNMENT

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