



City of Lawton

City Council

Agenda

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

Tuesday, March 12, 2024

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, 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."

MEETING CALLED TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION:

True North Award

PROCLAMATION:

Developmental Disabilities Month

Citizen of the Month: Red Cross

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. 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.

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 approving the minutes of the February 27, 2024 meeting.

[24-1344](#)

Attachments: [02.27.24 Minutes](#)

2. Consider adopting a resolution ratifying the action of the Deputy City Attorney and the City Manager in making payment on the judgment in the amount of \$51,624.47, in the Workers' Compensation case of Itaska Rountree in the Oklahoma Workers' Compensation Commission, Case No. CM3-2019-06859A. [24-1313](#)

Attachments: [Rountree, Itaska, Resolution](#)

3. Consider approving a resolution amending the City of Lawton FY 23-24 budget, as amended, by appropriating Seven Million Nine Hundred Eighty-Six Thousand Eight Hundred Two and 00/100 Dollars (\$7,986,802.00) to General, Drainage Maintenance, Capital Improvement and Capital Improvement/propel 2019 Funds. [24-1315](#)

Attachments: [Budget Appropriation Amendment Resolution.pdf](#)

4. Consider adopting a resolution approving certain new and revised pages in the form of a book entitled Volumes I and II to the City of Lawton Municipal Code, 2015, printed and designated as the 2017-2018 Biennial Supplement, known as Supplements No. 3 and 4 to the Lawton City Code, 2015, and authorizing distribution. [24-1294](#)

Attachments: [3 and 4 Approving Res](#)

5. Consider approving a resolution directing the City Clerk to notify the public of the publication of the 2017-2018 Biennial Supplement, known as Supplements No. 3 and 4 to the Lawton City Code, 2015 and further directing the City Clerk to file certified copies of this resolution and copies of Supplements No. 3 and 4 to the Lawton City Code, 2015 with designated governmental entities as required. [24-1295](#)

Attachments: [3 and 4 Directing Res](#)

6. Consider approving a resolution to allow for the transfer of revenue the City receives by leasing space from the City operated lakes recreational areas to a Special Revenue Fund account for the Parks and Recreation Lakes Recreational Area. Currently, all revenues received are deposited in the General Fund. The funds will be carried over from year to year. [24-1331](#)

Attachments: [Resolution No. 24-](#)

7. Consider approving a resolution amending the City of Lawton FY 23-24 budget as amended, by increasing estimated revenues by Six Million Sixty Thousand Eight Hundred Thirty-one and 00/100 Dollars (\$6,060,831.00). [24-1342](#)

Attachments: [Budget Revenue Amendment Resolution.pdf](#)

8. Consider awarding a contract in the amount of \$14,177,260.00 to TIMCO Blastings & Coatings, INC, for the construction of Map 09 Waterlines Project PU2308 to replace approximately 37,000 linear feet of high maintenance waterlines. [24-1296](#)
- Attachments:** [Rec of Award Map 09 Rev1](#)
[Bid Tab - Map 09](#)
[PU2308 Contract](#)
9. Consider extending contract (CL23-015) Liquid Oxygen with Matheson Tri-Gas, Inc. [24-1337](#)
- Attachments:** [Extend Dept. Recommendation CL23-015](#)
[Signed Vendor Ext. Form - Matheson](#)
[CL23-015 Liquid Oxygen Original Contract](#)
10. Consider and approve agreement for professional services between the City of Lawton and Garver, LLC for the purpose of developing Phase I the 2050 Land Use Plan for the City of Lawton in amount not to exceed of \$156,336 and Phase II of the 2050 Land Use Plan in the amount not to exceed \$250,434 in July if the funding is available. [24-1332](#)
- Attachments:** [Professional Services Agreement with Garver](#)
11. Consider approving a professional services agreement with Ray Demeritt, National Public Adjusting LLC, for professional adjusting services regarding all applicable claims caused by severe weather on June 15, 2023. [24-1351](#)
- Attachments:** [Oklahoma PA Agreement](#)
12. Consider approving Amendment No. 4 to the Master Services Agreement with Garver, LLC, in an amount not to exceed \$687,825.00 for Professional Engineering Services for the Numu Creek Drainage Improvement Project to widen and stabilize the banks of the channel. [24-1297](#)
- Attachments:** [Amendment No. 4 Final](#)
[Exhibit B-2](#)
[Exhibit B-3](#)
13. Consider and take action rejecting all bids received for the Lake Ellsworth Spillway Project PU2312 and authorizing staff to re-advertise the contract for award. Only one bid was received, and the cost was 155% over the Engineers Estimate. [24-1307](#)
- Attachments:** [Bid Tab - Ellsworth Spillway](#)
[Rec to Reject](#)
[PU2312 Lawton Ellsworth Spillway Rehabilitation RejectionLetter February2024 Rev1](#)

14. Consider and take action in awarding a contract in the amount of \$242,150.00 to Integrity Construction Services, LLC, for the construction of 2021 CDBG Sewer Project PU2104 to replace approximately 1,800 feet of sewer line. [24-1308](#)
- Attachments:** [Rec to Award](#)
[Bid Tab - CDBG](#)
[CDBG Contract](#)
15. Consider and take action in approving Amendment No. 2 to the Wastewater Treatment Plant Improvements Project Phase I Contract with Garver, LLC in an amount not to exceed \$89,500.00 for Engineering Services to design the replacement of existing non-functioning blowers needed for plant operations and compliance. [24-1323](#)
- Attachments:** [Amendment No. 2_WWTP - executed](#)
[Appendix A](#)
16. Consider accepting a Public Works Safety Equipment (PWSE) grant from Oklahoma Municipal Assurance Group (OMAG) in the amount of \$2,000 for the purchase of traffic control devices, and authorize the execution of any documents necessary to accept the grant. [24-1311](#)
- Attachments:** [OMAG PSWE Grant Award Letter](#)
17. Consider accepting the Oklahoma Heritage Preservation grant of \$20,000.00 from the Oklahoma Historical Society to digitize newspaper records and authorizing the Mayor to sign the contract. [24-1316](#)
18. Consider accepting a donation of rocks and dirt with an approximate monetary value of \$15,000.00 from John and Krista Ratliff for use in City parks. [24-1324](#)
19. Consider approving a request allowing Lawton Police Department to submit an application for the Vested Interest in K9's Vest Recipient Program; and if awarded, approve the acceptance of said vests for K9 use. [24-1329](#)
- Attachments:** [K9 Vest Recipient Application](#)
20. Consider accepting permanent easements from Lawton Economic Development Authority and Comanche County Industrial Development Authority for right-of-way and utility relocation along the east side of SW 112th Street, between Lee Boulevard and Bishop Road, and authorizing the Mayor and City Clerk to execute the documents. [24-1334](#)
- Attachments:** [LEDA - PU & ROW](#)
[CCIDA - PU & ROW](#)

21. Consider accepting a permanent easement from Michael Gene Goodin and Tammy Goodin for property located adjacent to 7702 SW 11th Street required for the Wolf Creek Bridge Project # EN2204 along SW 11th Street, authorizing the Mayor and City Clerk to execute the document and payment for the same. [24-1336](#)

Attachments: [Goodin Easement](#)

22. Consider approving appointments to boards and commissions. [24-1343](#)

Attachments: [Board Appointments- 03.12.24](#)

BUSINESS ITEMS:

23. Consideration and action upon Resolution of the City of Lawton, Oklahoma (the “City”) authorizing and approving the incurring of indebtedness by the trustees of the Lawton Industrial Development Authority (herein the “Authority”) to be accomplished by the issuance of its Sales Tax Revenue Note, Series 2024 or other evidences of indebtedness in one or more series designations on a tax-exempt or taxable basis, at a premium or discount, in the aggregate principal par amount of not to exceed Thirty Million Dollars (\$30,000,000) (herein the “Note”) for the purpose of financing all or a portion of the cost of the acquisition, construction, equipping, renovating, and improving of certain public infrastructure and capital improvement projects to be located within the City; and pay costs of issuance related thereto; providing that the organizational document creating the Authority is subject to the provisions of the indenture authorizing the issuance of said Note; approving the award of the sale of said Note on a negotiated basis, approving the waiver of competitive bidding with respect to the sale of said Note; and approving the proceedings of the Authority pertaining to the sale of said Note; approving and authorizing a Sales Tax Agreement (the “Sales Tax Agreement”) by and between the City and the Authority pertaining to the year-to-year pledge of certain sales tax revenues; and all matters related thereto, including execution of all related documents thereto. [24-1349](#)

Attachments: [Resolution No. 23-152.pdf](#)
[City Council Resolution Authorizing Indebtedness](#)

24. Hold a public hearing and consider a resolution for a rezoning request for the property located at 1201 SW C Ave, Lawton, OK 73501, amending the 2030 Land Use Plan from Residential/ High Density to Commercial and take appropriate action as deemed necessary. [24-1251](#)

Attachments: [Resolution No. 24-](#)

[Location Map \(1201 SW C Ave\) 2023 1214](#)

[ALUP Application \(1201 SW C\) 1211 2023](#)

[Site Plan \(1201 SW C\) 1211 2023](#)

[Analysis \(1201 SW C Ave\) 2023-1229](#)

[Notice Newspaper CPC & Council Rezone\(1201 SW C Ave\) 2024-0206](#)

[Notice Mailing CPC & CC Rezone\(1201 SW C Ave\) 2024-0206](#)

[CPC Minutes 1-11-2024](#)

[CPC Minutes 2-29-2024](#)

25. Hold a public hearing and consider an ordinance for a rezoning request for the property located at 1201 SW C Ave, Lawton, OK 73501, changing the zoning from the R-4 High-Density Apartment District to C-1 Local Commercial District zoning classification and take appropriate action as deemed necessary. [24-1250](#)

Attachments: [Ordinance No. 24-](#)

[Location Map \(1201 SW C Ave\) 2023 1214](#)

[Application \(1201 SW C\) 1211 2023](#)

[Site Plan \(1201 SW C\) 1211 2023](#)

[Analysis \(1201 SW C Ave\) 2023-1229](#)

[Notice Mailing CPC & CC Rezone\(1201 SW C Ave\) 2024-0206](#)

[Notice Newspaper CPC & Council Rezone\(1201 SW C Ave\) 2024-0206](#)

[CPC Minutes 1-11-2024](#)

[CPC Minutes 2-29-2024](#)

26. Consider approving Amendment No. 1 to the agreement between the City of Lawton and SCS Engineers for professional engineering services in the amount of \$368,020.00, for the continuation of the subject scope of services for Project PW2101, dated September 12, 2022 and includes construction quality assurance (CQA) services for Cells 6 and 7 liner construction and groundwater services at the City of Lawton Landfill. [24-1325](#)
27. Consider approving plans and specifications for Engineering Project EN2002B Phase I, Goodyear Blvd Reconstruction from the Railroad Crossing to Cache Rd. and authorizing staff to advertise for bids. [24-1326](#)
28. Consider approving plans and specifications for Project PW2101 - Landfill Cells 6 & 7 and authorizing staff to advertise for bids. [24-13225](#)

29. Consider accepting the temporary construction easements and permanent utility and access easements from William A. Williams and Georgia J. Williams Real Estate Trust and The Chausry Group, Inc, for the Cache Road water main and sidewalk project, authorizing the Mayor and City Clerk to execute the documents, and payment for the same. [24-1322](#)

Attachments: [Williams - Copy of Easements and Offer Letter](#)
[Chausry Group - Copy of Easements and Offer Letter](#)

30. Consider approving an Ordinance pertaining to businesses by amending Sections 7-12-1-1201, 7-12-1-1202, 7-12-1-1203, 7-12-1-1205, 7-12-1-1209, 7-12-1-1210, and 7-12-1-1217, Division 7-12-1, Article 7-12, Chapter 7, Lawton City Code, 2015, by adding language to clarify the definition of storefront, clarifying that all persons who want to go door-to-door within Lawton shall have a permit, setting the fee as a per person instead of per business, setting forth the hearing process if a door-to-door permit is revoked, requiring a background check for all individuals going door-to-door except minors, clarifying the times that door-to-door vendors are permitted to operate, and setting an exception for the placement for handbills or leaflets on automobiles in public parking lots not be considered a door-to-door or itinerant vendor activity, providing for severability and establishing an effective date. [24-1314](#)

Attachments: [Ordinance No. 24-_____](#)

31. Consider an ordinance amending Personnel Policies and Procedures Section 17-1-6-161, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2015, by automatically paying regular full-time general employees and regular part-time general employees, who have completed five (5) years of service, all unused vacation hours above two hundred-eighty (280) for regular full-time general employees and one hundred-forty (140) for regular part-time employees at a reduced rate of seventy-five percent (75%) of the employees regular hourly rate of pay; establishing month of payment to be in January; providing for severability and establishing an effective date. [24-1319](#)

Attachments: [HR - Vacation Use Lose March 2024 Ordinance](#)
[HR - Vacation Use Lose March 2024 Brief Gist](#)

32. Consider an Ordinance, including any floor amendments, amending Personnel Policies and Procedures Section 17-1-6-162, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2015, by granting employees holidays off based on the federal holiday schedule, plus the day after Thanksgiving and Christmas Eve; repealing paragraph D of the Section dealing with flexible holidays; providing for severability and establishing an effective date. [24-1320](#)

Attachments: [HR - Holiday Leave March 2024 Brief Gist](#)
[Holiday Peer 6 Compare](#)
[HR - Holiday Leave March 2024 Ordinance](#)

33. Consider an Ordinance pertaining to Personnel Policies and Procedures amending Section 17-1-6-167, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2015, by requiring the request for terminal leave to be made not less than ninety (90) days from the date terminal leave is to begin for regular full-time employees not in the executive pay plan and to not less than one hundred-twenty (120) days from the date terminal leave is to begin for regular full time employees in the executive pay plan; requiring notification to be to the employee's department director or city manager (whichever is applicable); allowing for floor amendments; providing for severability and establishing an effective date. [24-1321](#)

Attachments: [1. Terminal Leave](#)

34. Consider approving an ordinance pertaining to Administration, creating Section 2-3-19-403 and Division 2-3-19 in Article 2-3, Chapter 2, Lawton City Code 2015, relating to Boards, Commissions and Committees by establishing the Homeless Action Committee, setting forth membership, duties and purpose; providing for codification; providing for severability and establishing an effective date. [24-1338](#)

Attachments: [Homeless Action Committee Ord](#)

35. Consider approving an ordinance pertaining to Recreation, creating Section 19-7-714 in Article 19-7, Chapter 19, Lawton City Code, 2015, by establishing a provision prohibiting metal detecting and digging in City owned parks; providing for severability and establishing an effective date. [24-1340](#)

Attachments: [Metal Detecting Digging](#)

36. Consider approving a supplemental agreement for additional funding between the City of Lawton and the Department of Transportation of the State of Oklahoma Project Number JP19144(04), State Job Number STP-116B(059) MS, City's Project Number EN1208 Gore Blvd between 67th to 82nd St. [24-1306](#)

Attachments: [Supplemental JP19144\(04\) Comanche Co. - Gore Boulevard funding agreement.pdf](#)
[1914404-2 Invoice.pdf](#)

37. Per the recommendation of the Streets and Bridges Committee, consider approving T&G Construction, Inc as the designated vendor for Project No. PW2303- Citywide Pavement Rehabilitation Project "A", commonly known as the "On Target, On Time" Street Project and direct staff to initiate the drafting of a contract to formalize the terms and conditions of the engagement. **24-1353**

Attachments: 2024 Citywide Pavement Rehabilitation Project A (PW 2303) Bid Results

38. Per the recommendation of the Streets and Bridges Committee, consider approving T&G Construction, Inc as the designated vendor for Project No. PW2304- Citywide Pavement Rehabilitation Project "B", commonly known as the "On Target, On Time" Street Project and direct staff to initiate the drafting of a contract to formalize the terms and conditions of the engagement. [24-1358](#)

Attachments: [2024 Citywide Pavement Rehabilitation Project B \(PW 2304\) Bid Results](#)

39. Receive a report from Bryce Mosley regarding an Eagle Scout Project proposal to repair the dog park. **24-1362**

STAFF REPORTS:

40. Provide City Council with an update on the FY 2022 & FY 2023 Audit Process **23-991**

Attachments: Progress Report - 2024.01.09.pdf
Progress Report - 2024.01.17.pdf
Progress Report - 2024.02.09.pdf
Progress Report - 2024.02.25.pdf
Audit Progress Report - 2024.03.05.pdf

EXECUTIVE SESSION ITEMS:

41. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending action in the United States District Court for the Western District of Oklahoma titled Felisha Parker and Laresha Parker as next of kin to Isacc 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. [24-1335](#)

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."



City of Lawton

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

Commentary

File #: 24-1344

Agenda Date: 3/12/2024

Agenda No: 1.

ITEM TITLE:

Consider approving the minutes of the February 27, 2024 meeting.

INITIATOR: Donalynn Blazek-Scherler, City Clerk

STAFF INFORMATION SOURCE: Donalynn Blazek-Scherler, City Clerk

BACKGROUND: Minutes for the February 27, 2024 meeting have been drafted and are awaiting approval.

EXHIBIT: 02.27.24 Minutes

KEY ISSUES: None

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Approve the minutes of the February 27, 2024 meeting.



City of Lawton

City Council

Meeting Minutes

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

Tuesday, February 27, 2024

2:00 PM

**Lawton City Hall
Council Chambers/Auditorium**

MEETING CALLED TO ORDER WITH INVOCATION LED BY PASTOR KATHY CRUIKSHANK FOLLOWED BY THE PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Council Member Mary Ann Hankins
Council Member Kelly Harris
Council Member Linda Chapman
Council Member George Gill
Council Member Allan Hampton
Council Member Bob Weger
Council Member Sherene Williams
Council Member Randy Warren

Also Present:

Mayor Stan Booker

John Ratliff- City Manager

Tim Wilson- Acting City Attorney

Donalynn Blazek-Scherler- City Clerk

Dr. Julia Sibilla- Deputy to the Garrison Commander of Fort Sill

PROCLAMATION:

Mayor Stan Booker presented the February Citizen of the Month Proclamation to The Military Welcome Center.

REPORTS: MAYOR/CITY COUNCIL

Harris stated there will be a Ward 2 meeting on March 6, 2024 at the HC King Center. He also stated that planning for Freedom Fest is in the works, and advised that soap box derby participants get their car kits early.

Chapman stated that there will be an organizational meeting for a new neighborhood watch group in her ward. The meeting will be on March 4, 2024 at 6PM at the Might Center.

Gill stated that today is the final day of street work for the Mayor's 10 Wins for the Citizens project. Proposals for the next 30 street projects will be considered next month.

Hampton spoke about the benefits of the Farmer's Market. He also stated that there have been

lot of water leaks in Ward 5 and reminded his constituents to call him if they see any so we can get them fixed.

Williams stated there will be a Ward 7 meeting on April 18, 2024 at the Leslie Powell Gallery from 5:30PM to 6:30PM. She also read the following quote from Dr. Martin Luther King Jr in honor of Black History Month, "Hate cannot drive out hate, only love can do that".

Warren praised the FISTA because the first partner signed a new contract to expand from 700 ft to 8,000 sq ft.

Dr. Sibilla thanked the community for supporting the Buffalo Soldier Run. She stated there is a run, either 5 or 10K, each month that is open to the community. They will also host the first ever Lawton/Fort Sill half marathon in June, which will hopefully expand to a full marathon next year.

Mayor Booker gave kudos to the Lawton Constitution for the editorial they ran to fight misinformation.

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.

Lavetta Yeahquo, 5 NW 5th Street, Lawton, OK, stated she is representing Westwin Resistance. She requested that Westwin be shut down to look at environmental impact. She wants an opportunity to read about what is going on.

At this time, several audience members began yelling, "Shut it down" repeatedly. Mayor Booker asked the audience to cease and desist three times and warned that they would be removed from the meeting. Mayor Booker asked that the City Manager direct the police officers come forward. Mayor Booker asked again that the audience members cease and desist. The audience members continued to chant, "shut it down", and Mayor Booker requested that the City Manager have the citizens removed from the building.

JR Warren, 2418 NW 82nd Street, Lawton, OK, stated thanked Ratliff and his team for getting holes in the road repaired. He also stated the Republican Party will have their annual meeting on March 2, 2024 at 9AM at the Prairie Building.

Connie Wood, 6432 NW Arrowhead Drive, Lawton, OK, stated she is also part of the Westwin Resistance and asked what other industrial facilities would want to build next to an experimental cobalt plant.

Melinda McCool, 1425 SW Jefferson Avenue, Lawton, OK. She stated she is blind and deaf and has voiced her opinion at a previous meeting about the discrimination and harassment that she is experiencing. She submitted a request to speak with the Mayor and her Councilmember, but she

has not received a response.

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.

Approval of the Consent Agenda

MOVED by Warren, SECOND by Harris, to approve the Consent Agenda. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

1. Consider approving a pending tort claim (recommended for approval) and a resolution authorizing payment for Jacqueline Smith in the amount of \$7,748.85 and authorizing the City Attorney to prepare and file said resolution and all appropriate settlement documents for the Court's approval.
2. Consider adopting a resolution approving the joint petition settlement in the amount of \$10,368.00 and making payment in the workers' compensation claim of Craig Caldwell.
3. Consider adopting a resolution ratifying the action of the Deputy City Attorney and the City Manager in making payment on the judgment in the amount of \$25,118.20, in the Workers' Compensation case of Michael A. McDaniel in the Oklahoma Workers' Compensation Commission, Case No. CM-2023-01900Y.
4. Consider approving a resolution delegating to the City Manager the power to authorize external use of trademarked City of Lawton logos.
5. Consider and take action awarding a contract in the amount of \$1,966,000.00 to Howard Construction, INC for construction of the Medicine Park Water Treatment Plant Filter Improvements Project PU2314.
6. Consider authorizing staff to approve a contract with Clayco Industries, Inc - DBA Ford Roof & Sheet Metal Co., to replace the roof of the John Denney Playhouse located at 1316 NW B Ave, Lawton, OK 73507 under the State Contract DCAM/CAP#000743/000746.
7. Consider and take action in approving Amendment Number 6 to the Master Services Agreement with Jacobs Engineering Group, INC, in the amount not to exceed \$336,655.00 for professional engineering services for the replacement of Belmont lift station and force main.
8. Consider and take action in approving Amendment Number 7 to the Master Services Agreement with Jacobs Engineering Group, INC, in the amount not to exceed \$420,163.00 for professional engineering services for the replacement of approximately 15,990 linear feet of sewer main.
9. Consider declaring the land described as Lots 46, 47, and 48, Block 2, in the Subdivision of

Blocks 6, 7, & 8 of Woodhouse Subdivision, as surplus property, authorizing the lots to be sold by public auction, setting a minimum bid of \$800 for the purchase price of each lot, and setting public auction date of March 25, 2024.

10. Consider approving the record plat for Bulldog Subdivision and take appropriate action as deemed necessary.
11. Consider approving the record plat for Cache Road Shopping Center and take appropriate action as deemed necessary.
12. Consider approving the Record Replat for Lot 2, Block 1 Fire View Addition and take appropriate action as deemed necessary.
13. Consider accepting permanent easements from Lawton Economic Development Authority at Goodyear Tire & Rubber Company for right-of-way and utility relocation along the east side SW 112th Street to serve Westwin Elements Inc, located at 10925 SW Bishop Road, and authorizing the Mayor and City Clerk to execute the documents.
14. Consider accepting a donation of one thousand dollars (\$1,000.00) by Korean Presbyterian Church for the Lawton Police Department as an appreciation to the department and officers for what they do for the community.
15. Consider accepting a grant from the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) in the amount of \$622,199.55 for acquisition and demolition of flood-prone properties located at 209 SW I Ave., 211 SW I Ave., 213 SW I Ave., 306 SW I Ave., 407 SW I Ave., 408 SW I Ave., 410 SW I Ave., 615 SW I Ave., 808 SW 3rd St., 810 SW 3rd St., 812 SW 3rd St., 808 SW 9th St., and 809 SW 6th St.
16. Consider approving a request from the IUPA Local 24 to authorize 20 hours of Flex Leave for the two Assistant Police Chief positions with said leave to be utilized by the last pay period in 2024.
17. Consider authorizing the use of Propel Beautification funds for the purchase of a litter vacuum trailer in an amount not to exceed \$35,000.00.
18. Consider approving a resolution amending the City of Lawton FY23-24 budget, as amended, appropriating Seven Hundred Twenty-Three Thousand Forty-One and 98/100 Dollars (\$723,041.98) to the Hotel/Motel, General, Cellular Phone System and Capital Improvements/Propel 2019 Funds.
19. Consider approving the minutes of the Lawton City Council special meetings of October 5, 2023 and October 11, 2023.
20. Consider approving appointments to boards and commissions.

BUSINESS ITEMS:

31. Provide City Council with a presentation on the pilot study and report from Traffic Engineer Consultants, Inc. (TEC) on EN2403 Pilot Project - Signal Improvements on Gore Blvd from Lawrie Tatum Rd.

BJ Hawkins, Traffic Engineering Consultants, presented a pilot study on Gore Blvd from 2nd Street to Lawrie Tatum Road. This presentation is available in the City Clerk's Office.

Gill stated the interchange at Lawrie Tatum was supposed to be closed when Highway 7 was open. He would like to speak with the owners of the casino to ask for assistance for funding to keep it open.

Hawkins stated this intersection met traffic signal warrants, and he looked at possibly removing it.

Mayor Booker stated he is a little confused on why two different studies are taking place on the same area. EST is also doing a study for the LMPO.

Hawkins stated EST's study is more of a planning document as opposed to a design and operation. He has worked with EST, the planning department, engineering, public works, and everyone else.

Harris asked how much more efficient our traffic flow would be by updating the signals.

Hawkins stated it is hard to put a number on it, but he could test the current system and the new system and then come up with a percentage of how much more improved it truly is.

Harris asked if this would also reduce the cut through's of neighborhood roads.

Hawkins stated absolutely. This helps overall flow.

Hampton stated that this has not gone through the bidding process and asked if the numbers could change.

Hawkins stated you never know how the bid will go, but he was overly conservative with his number and even included a 10% contingency.

Hampton stated he is concerned that we will test this and end up having to put more money in it again.

Joe Painter, Director of Engineering, stated the pilot test will be used to prove to the citizens that this state of the art equipment works before spreading it through the rest of the city. The current systems don't talk to each other, so if something goes wrong it messes up the whole thing. This solution really modernizes everything.

Warren stated we previously had the option to make a right turn only at the casino at Montego Bay, which would discourage using that as an exit and push them more towards Highway 7. He likes the idea of having uniformed equipment across the city

to cut down on expenses and delays if something is damaged. Warren also asked if there is still any talk with cell carriers about positioning their equipment on poles.

Ratliff stated it's been a while; maybe a year and half to two years.

Warren stated we might look at that to capture some of our cost back.

Gill stated this is a state of the art program we are looking at. Is it possible to take some of the bells and whistles right now that can be added back on at a later date.

Hawkins stated some of the features could be piecemealed. I did create a document that prioritizes the equipment, but if you want it to operate in the most efficient manner possible, what I presented is what you want. If you want to pull back a little bit, you can. Some of the most expensive equipment is going to be the vehicle detection systems.

Painter stated talking to the field services representatives, one of their major complaints is that there are so many different technology systems out there. Once the City settles on something, we can spec it only so they don't have to keep learning new systems. That's what we would like to head towards.

Mayor Booker stated I don't think we can do the \$34 million. He asked what all that quote includes.

Hawkins stated this is to replace all the equipment, including new poles and everything. It's a pie in the sky number, and it is not his recommendation. He recommends keeping some of the poles and equipment in place to keep costs down.

Mayor Booker stated the lights used to be set at 36 MPH, and it is frustrating that all this technology exists now, but you have to stop at every 3rd light. We simply don't have \$34 million for this. He asked why can't we do something like set Cache Road back at 36 MPH and then sometime at night, turn the lights to red and yellow or a four way stop so people don't have to wait for the light to go through a full rotation. He also stated he doesn't understand the purpose of the 4th and 6th Street light on Gore.

Hawkins stated he look at that as well as 11th. The light on 6th meets warrants, but 4th Street does not. He recommends keeping the light on 6th, but removing the light on 4th.

Mayor Booker asked what warrants a warrant.

Hawkins stated the volumes East, West, North, South and the time of day. Traffic has to meet 8 different hours to meet a threshold for the 8 hours; 4 hours is more strenuous, and then peak hour is the heaviest. 6th Street met 8, 4, and peak hour, but 4th Street meets it by sheer volume.

Hampton stated we should focus on the arterial roads for the high tech equipment, and

take some of the other roads back to the old timing method.

Painter stated anytime we are working on the arterial roads, like Lee and Gore, we are replacing the signals with updated equipment. We are just trying to settle on one form of software so we have uniformity. Cosmetics we can do later.

Hampton stated he is talking about the \$34 million number more than anything else. The Council needs a solid number to make a decision. He would like to see these changes prioritized.

Hawkins stated this is not for the citywide CIP. This is just for the five intersection G pilot study. Along with this, I'm also showing this pie in the sky to help modernize the rest of the signals. Before we started on any of that, we would do a thorough study, a firm budget, and then come back with hard numbers to explore that. That would be further down the line. I want buy in from the City and everyone, and these improvements along would help tremendously with that. Once everyone is okay with the equipment used in the pilot study, then we can explore the further options. On top of that, we would prioritize the signals on the citywide.

Hampton stated what he is talking about is for the day that this all has to be voted on. Hopefully his suggestions can be added to what is being done.

Harris stated he has three questions: 1. If any studies have been done on how much would be saved on gas and/or time by modernizing the traffic signals. 2. If the appearance of modern traffic signals has an impact on people who are coming into town looking to relocate. 3. Is it possible to update some signals, like Fort Sill Blvd and Cache Road, without getting the super deluxe model.

Hawkins stated there are emission studies that he can get as well as decreases in overall delay if the pilot study were to go forward. As far as appearances, this would have an impact. Businesses go away from traffic congestion, not towards it. Having efficient traffic signals helps everyone's overall impression.

Harris asked if there would be grant money available from the Feds for the reduction in emissions.

Hawkins stated that is something to explore. As far as prioritizing, the slide showing \$34 million was not meant to be a big talking point or what we are going after at this time. If we do small corridors at a time, that is perfect. We can rank those on priority.

Charlotte Brown, Community Services Director, stated we just got numbers from ODOT on the carbon reduction grant that the City qualifies for, and it's just over \$300,000.00 each year for a three year period.

Mayor Booker stated a few years ago we started using Clean Air federal money to replace a few signal lights. Is that still ongoing, or has it been diverted to something

else?

Brown stated it has been diverted to other items. We did the signals that we felt needed it at that time. I've visited with our transportation planners, and we can't update ones that are still currently working, but we used all of the funding that we had set aside for that.

Mayor Booker stated the clean air money is an ongoing funding stream.

Brown stated it is, but I believe the way our UPWP is set up, we have it budgeted elsewhere. But we can look at that and get back with ODOT.

Mayor Booker stated he would like that on the next LMPO agenda to discuss clean air, how we're using the money, and whether the group wants to wait for some relief the \$34 million.

Gill asked if money for the traffic lights would qualify for clean air money because of the burning fuel and causing carbon emissions.

Brown stated it probably would, but she'll go back and double check that. EST will come back to LMPO in April for their study.

NO ACTION TAKEN

21. Hold a public hearing and adopt a resolution declaring the structures located at 511 NW Bell Avenue, 516 SW H Avenue, 815 NW 35th Street, 918 SW 3rd Street, 1006 SW 28th Street, 1214 SW A Avenue, 1311 SW 9th Street, 1314 NW Taft Avenue, 1402 NW Logan Avenue, 1601 NW Andrews Avenue, 1601 SW Tennessee Avenue, 1709 SW McKinley Avenue, 1810 NW Taylor Avenue, 1901 NW Andrews Avenue, 2207 NW Pollard Avenue, 2312 NW Dunstan Lane, 2701 NW 46th Street, 4716 SE Avalon Avenue, 5632 NW Beechwood Drive, 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.

Mayor Booker stated the City Manager has stricken 2312 NW Dunstan Lane and its number 25 on the agenda.

511 NW Bell 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. Utilities have been inactive since 2017.

Public Hearing OPENED:

Rick Lowe, 2118 SW Surrey Place, stated he is here to represent the owners. Reading from a letter provided by the owners, Lowe stated the intention is to repair 511 NW Bell and work has already begun.

Mayor Booker stated that if Council puts a house on the D&D list, it doesn't mean we are going to go out there tomorrow to tear it down. It means you have 30 business days to pull permits. Every month you have to show progress, and the City will work with you on this. It is our desire that you get these houses back in liveable condition

Wilson stated Mayor Booker is correct in that you have 30 business days to pull a permit, but to be clear, you do have to make progress. If you do not make progress, the resolution will authorize the demolition. You can't take as much time as you like; there has to be sustained progress.

Mayor Booker stated your permit has to be renewed every 30 days, which requires inspection to make sure you made progress.

Public Hearing CLOSED.

MOTION by Hampton, SECOND by Warren, to approve Resolution 24-32 declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

516 SW H 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. Utilities have been inactive since 2022. The property has fire dates of 10-17-2023 and 11-15-2023.

Public Hearing was opened and closed with no comment.

MOTION by Hampton, SECOND by Weger, to approve Resolution 24-33 declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

815 NW 35TH 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. Utilities have been inactive since 2024.

Public Hearing OPENED:

Zebadiah Hendricks, Sr., 2328 NW Denver Avenue, stated he is a contractor and has entered into a financial relationship with the owner of the property. He tried to pull permits prior to the hearing and was informed by Neighborhood Services that it was on a hold, and they should show up to this hearing. He is prepared to pull permits on this job to make the structure liveable again in a timely manner.

Mayor Booker asked the timeframe on repairs.

Hendricks, Sr. stated approximately 3 and 1/2 months.

Chapman asked if Hendricks, Sr. has purchased the home.

Hendricks, Sr. stated no; he is representing the owner of the home, who is present.

Chapman requested to speak to the owner.

Chapman asked Neighborhood Services why they were told the permits were on hold. White stated he was unaware that they had come in to pull permits.

Chapman asked the owner when they came in to pull permits.

Hendricks, Sr. stated he was in the building at about 10:30AM on the 22nd and again on the 23rd. He also stated they met with a structural engineer at the property on the 23rd and confirmed that the walls on the structure are solid.

Charlotte Brown, Community Services Director, stated once notice is posted, we cannot issue any permits until the hearing. The owner can go downstairs today and apply for his permits. Once we hit that 10 day notice, we can't issue any permits.

Chapman asked if the owner understands the process if the property is put on the D&D list.

The owner stated the only reason this happened is because someone ran a car into the house. It was livable prior to that event, and he had a tenant living in the house. The driver took off, so he had to file a police report and contact their insurance company. Mayor Booker asked when that happened.

The owner stated that happened on December 28th.

Mayor Booker asked why the structure was left open for two months.

The owner stated he was working with another individual before he found Mr. Hendricks. The structure is now secured with plywood, as seen in the picture.

PUBLIC HEARING CLOSE.

Motion by Chapman to continue the public hearing

Mayor Booker stated the public hearing has already been closed, so it cannot be continued. Chapman can make a motion to continue the item to a date certain.

Chapman stated she would like to do that.

Mayor Booker asked if the owner would be able to pull a permit if the item is continued.

Brown stated because the date has been pushed back, we would work with the property owner to get the permit pulled.

Motion by Chapman, Second by Harris to continue the agenda item for 815 NW 35th Street to the 2nd meeting in March. This motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, and Williams

Nay: Warren

918 SW 3rd Street

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 property. Utilities are active on this property, and there is a fire date of 07-24-2021. Public Hearing opened and closed with no comment.

Hampton stated he would like to remind all the Ward 5 Constituents that he does go out to look at these properties, and they are welcome to contact him.

MOTION by Hampton, SECOND by Gill, to approve Resolution 24-34 declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

1006 SW 28th 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. Utilities have been inactive since 2022, and there are fire dates of 10-21-2023 and 01-02-2024.

Public Hearing opened and closed with no comments.

MOTION by Hampton, SECOND by Williams, to approve Resolution 24-35 declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

1214 SW A Avenue

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 property. Utilities have been inactive since 2023.

Public hearing was opened and closed with no comments.

MOTION by Hampton, SECOND by Gill, to approve Resolution 24-36 declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

1311 SW 9th 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. Utilities have been inactive since 2020, and there is a fire date of 01-29-2024.

Public hearing opened and closed with no comments.

Harris asked what is sticking out of the window.

White stated it is an exhaust that is running through the house.

MOTION by Williams, SECOND by Warren, to approve Resolution 24-37 declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

1314 NW Taft 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. Utilities have been inactive since 2018, and there are fire dates of 03-09-2019 and 09-26-2023.

Public hearing was opened and closed with no comments.

Harris stated that staff has done a great job at taking care of the properties he has turned in very quickly.

MOTION by Harris, SECOND by Williams, to approve Resolution 24-38 declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

1402 NW Logan 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. Utilities have been inactive since 2023.

Public hearing was opened and closed with no comments.

MOTION by Harris, SECOND by Chapman, to approve Resolution 24-39 declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

1601 NW Andrews 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. Utilities have been inactive since 2023, and there is a fire date of 08-24-2023.

Public hearing was opened and closed with no comments.

MOTION by Harris, SECOND by Chapman, to approve Resolution 24-40 declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:1601 SW Tennessee 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. Utilities have been inactive since 2012, and there is a fire date of 05-16-2023.

Public Hearing OPENED:

Paul Francis, 1601 SW Tennessee Avenue, stated he is the owner and he has talked to two contractors to tear the house down. It is too expensive to repair the property. He is just asking for a little more time.

Mayor Booker asked for someone to explain the process when the owner tears it down themselves.

Ratliff stated it's a 30% reduction at the landfill for gate fees.

Jonathan Jernigan, Deputy Director of Community Services, stated the citizen can come in and pull the permit for demolition with the Building Division.

Mayor Booker asked if it is cheaper for the owner to tear it down themselves as opposed to the City doing it and filing a lien.

Jernigan stated potentially, yes.

Mayor Booker stated so typically what we do is put it on the D&D list and start that process, right?

Jernigan stated yes, sir. Even if the property is on the D&D list, the citizen can still pull a demolition permit.

Public hearing CLOSED.

MOTION by Williams, SECOND by Warren, to approve Resolution 24-41 declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:1709 SW McKinley 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. Utilities have been inactive since 2014, and there is a fire date of 04-30-2023.

Ratliff asked if notice has been posted for the litter on the property.

White stated yes, I believe we did.

Public hearing OPENED:

Crystal Miles, 7498 E. 1st Street, Tulsa, OK, stated this was a family home, and she was not aware of the fire. She has not been to the property since October 2023. Her mother was told by the City that the gates on the property had to be opened, and when they did that, the homeless community took over the house. She is requesting time to get personal property out of the house. She stated they have been talking with contractors to knock down the house.

Public hearing CLOSED.

MOTION by Williams, SECOND by Warren, to approve Resolution 24-42 declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

1810 NW Taylor 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. Utilities have been inactive since 2020.

Public hearing OPENED:

Dora Preston and Stephanie Preston, 1810 NW Taylor Avenue, stated they want to remodel the front structure on the property and demolish the duplexes in the back. They are in the process of getting everything taken care of.

Public hearing CLOSED.

MOTION by Harris, SECOND by Williams, to approve Resolution 24-43 declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

1901 NW Andrews 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. Utilities have been inactive since 2016.

Public hearing opened and closed with no comments.

MOTION by Harris, SECOND by Williams, to approve Resolution 24-44 declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

2207 NW Pollard 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. Utilities have been inactive since 2021. White stated that this property has been brought before Council before and no improvements have been made.

Public Hearing opened and closed with no comments.

Hankins stated this was brought to us a while back, and the citizen called her. She agreed to give the citizen more time, and nothing has happened. She stated this is an example of what happens when we are generous.

MOTION by Hankins, SECOND by Harris, to approve Resolution 24-45 declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

2701 NW 46th 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. Utilities have been inactive since 2022.

Public hearing opened and closed with no comments.

MOTION by Hankins, SECOND by Harris, to approve Resolution 24-46 declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. The motion carried

by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

4716 SE Avalon 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. Utilities have been inactive since 2014.

Public hearing opened and closed with no comments.

MOTION by Gill, SECOND by Chapman, to approve Resolution 24-47 declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

5632 NW Beechwood Drive

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. Utilities have been inactive since 2016.

Public hearing OPENED.

Sharon Sutherland, 2309 NW 38th Street, stated she is the owner but hasn't lived there for a while. The house just got away from her. She had planned to fix the house back up, but now she doesn't think she will be able to. She has personal property in the house that she can't get out because she does not have anyone to help her.

Leann Enderly, 316 NW 32nd Street, asked what is the general cost to tear a house down and if the cost is placed on the taxes as a lien.

Wilson stated if the property is declared dilapidated, the City will place a notice of lien on the property as a public notice. The owner then has 30 days to pull a permit. If the permits are not pulled, Neighborhood Services will re-evaluate the property. The City will then work with a contractor to tear the house down. At that point, a tax lien is placed on the property that has to be satisfied if the property is sold.

Public hearing CLOSED.

MOTION by Warren, SECOND by Hampton, to approve Resolution 24-48 declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

22. Hold a public hearing and consider approving an Ordinance to annex approximately 160 acres of land into the corporate limits of the City of Lawton, located at the Southeast Quarter (SE/4) of Section Thirty (30), Township One (1) North, Range Eleven (11) West, I.M. classifying the land as Temporary I-4 Heavy Industrial District zoning classification, providing for severability and declaring an emergency.

Charlotte Brown, Community Services Director, stated this is property just on the East side of the existing landfill. The City of Lawton owns the property already. The request is to annex this property into city limits for a landfill gas line project with Comanche Renewables. Notice was mailed out to all property owners abutting the right-of-way and the sales tax commission. Only one call was received to ask if property was being taken from the landowner. When they were advised it was not, they had no further concerns.

Brown stated on January 23, 2024, Council approved a resolution authorizing staff to start this process. Today, we are here to hold a public hearing and request that Council approves annexing this piece of property into city limits.

Public hearing OPENED.

Tamra Pasat, 13 SW Riverbend, stated she is aware of a lot of concern regarding heavy industry and suggested that ordinances set rules on heavy industry and their proximity to residential homes. She stated that Oklahoma City ordinances say, "as far away from residential properties as possible". She suggested the City of Lawton include a similar statement.

Public hearing CLOSED.

Wilson explained there will be a motion for the annexation and a separate motion to approve the emergency clause so the ordinance can go into effect immediately. The emergency clause takes 6 votes to pass.

MOTION by Warren, SECOND by Hampton, to approve Ordinance 24-010, waive the reading of the ordinance, and read the title only.

Gill asked Brown to clarify what the piece of property will be used for.

Brown stated it will only be used for the landfill gas line.

(Title read by City Attorney) Ordinance 24-010

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF THE SOUTHEAST QUARTER OF SECTION THIRTY (30), TOWNSHIP ONE (1) NORTH, RANGE ELEVE (11) WEST OF THE INDIAN MERIDIAN, COMANCHE COUNTY, OKLAHOMA, INTO THE CORPORATE LIMITS OF THE CITY OF LAWTON, OKLAHOMA; PROVIDING THAT THE ANNEXED TERRITORY BE ZONED AS “TEMPORARY” I-4 (HEAVY INDUSTRIAL DISTRICT) FOR A PERIOD NOT EXCEEDING ONE (1) YEAR; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY

The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

MOTION by Warren, SECOND by Weger, to approve declaring an emergency for Ordinance 24-010. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

- 23.** Consider approving an Ordinance amending Section 6-1-1-118, Division 6-1-1, Article 6-1, Chapter 6, Buildings, Construction and Housing, Lawton City Code, 2015; by adding language regarding the utilities disconnection that will allow the City to cap the water and sewer main charge the property owner for those services, requiring the removal of all driveways on the property except for the final four feet of the approach that connects to the street and removing requirement for sod or grassing to be installed on the lots for stabilization, providing for severability, establishing an effective date and allowing for floor amendments.

Charlotte Brown, Community Services Director, stated this is part of the More in '24 initiative. We have received several complaints from contractors, and we want them know we are listening to them. Currently, we require contracts to hire a plumber to cap the water and sewer main service to a house before it is demolished. What this ordinance will do is give us a mechanism for Public Utilities to possibly hire additional staff so we have a crew to cap water and sewer mains. The next agenda item is a companion item to this that would allow us to charge a fee for this service to recoup the cost. If the City does the demolition, we will include this cost on the lien that is filed. If the property owner does the demolition themselves, we will charge the fee at the time they apply for their building permit. We also did some minor clean up, including that the driveway has to be removed except for the four feet of the approach and to remove the requirement for sod or grassing. That does not include anything over an acre, when an earth change permit is required. They are still required to follow the rules of the earth change permit.

Ratliff stated in addition to making it easier for demo contractors, what we have seen in the past is that they would cap the utilities and damage the water lines and sewer lines. In some cases, it was very significant damage that was difficult to recoup back. This will allow us to control the process a little better, make it more efficient, and protect our water and sewer infrastructure all at the same time.

Hampton asked if the sodding is going to take place so there is still a finished look after the demolition.

Brown stated the requirement is so they don't have to put grass or seed down, unless it is an earth change permit. It will just be one flat ground, and grass will eventually grow.

Hampton asked if that has anything to do with the capping of the water and sewer lines because of the meter.

Brown stated meter services will still pull the meter, and then a secondary crew will go out to cap the lines.

Hampton stated he has done a lot of these in his ward, and there is usually grass left on the front easement, and the rest of the property is level. Will they need to sod the meter was located?

Brown stated no, they will leave the meter box in place with the cover on it.

Gill stated this is something he worked on with Rusty Whisenhunt, and Brown refined it. It is something really good for the City because it will speed the demolition up ten fold. We are not going to require sodding unless it is an acre or more. We are going to grade it down to fine grade and leave it. This is a great plan; the contractors are happy with it, and it will save the City money and a lot of time.

MOTION by Gill, SECOND by Hampton, to approve Ordinance 24-011, waive the reading of the ordinance, and read the title only.

(Title read by City Attorney) Ordinance 24-011

AN ORDINANCE PERTAINING TO BUILDINGS, CONSTRUCTION AND HOUSING BY AMENDING SECTION 6-1-1-118, DIVISION 6-1-1, ARTICLE 6-1, CHAPTER 6, LAWTON CITY CODE, 2015; BY ADDING LANGUAGE REGARDING THE UTILITIES DISCONNECTION THAT WILL ALLOW FOR THE CITY TO CAP THE WATER AND SEWER MAINS AND CHARGE THE PROPERTY OWNER AND ALSO REQUIRE THE REMOVAL OF ALL DRIVEWAYS ON THE PROPERTY EXCEPT THE FINAL FOUR FEET OF THE APPROACH CONNECTING TO THE STREET AND REMOVING THE REQUIREMENT FOR SOD OR GRASSING TO BE INSTALLED ON THE LOTS FOR STABILIZATION, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

- 24.** Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, pertaining to Chapter 6, Building Construction and Housing, amending Article A-6-1 Building Code.

Brown stated this resolution goes in conjunction with the ordinance that was just approved. The fee we are inputting is \$400 for the disconnect for the water main and an additional \$400 for the disconnect of the sewer main. We got that number from a licensed contractor that we currently use to do other work as a reference.

MOTION by Gill, SECOND by Hampton, to approve Resolution 24-49. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

25.

Stricken

- 26.** Consider approving an Ordinance pertaining to Nuisances and Health by amending Section 15-2-206, Article 15-2, Chapter 15, Lawton City Code, 2015, by specifying the different types of appeals that can occur and adding language that states the hearing officer will send notice in writing within 10 days of the appeal hearing, providing for severability, establishing an effective date and allowing for floor amendments.

Brown stated this is a section of code that needed some clarification. This is in regard to appeals for liens on work orders that have been done for junk and debris, and tall grass and weeds on properties. We have a new form for the citizens to fill out to request an appeal. The citizen will have an option to state their appeal via phone, email, written, or in person. This ordinance will require that the staff member that hears the appeal will send out a determination of the hearing in writing.

MOTION by Hampton, SECOND by Warren, to approve Ordinance 24-012, waive the reading of the ordinance, and read the title only.

(Title read by City Attorney) Ordinance 24-012

AN ORDINANCE PERTAINING TO NUISANCES AND HEALTH AMENDING SECTION 15-2-206, ARTICLE 15-2, CHAPTER 15, LAWTON CITY CODE, 2015; BY ADDING LANGUAGE ON THE DIFFERENT TYPES OF APPEALS THAT CAN OCCUR AND ADDING LANGUAGE THAT STATES THE HEARING OFFICER SHALL SEND NOTICE

IN WRITING WITHIN TEN (10) DAYS OF THE HEARING, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

27. Consider an ordinance pertaining to Administration, amending Section 2-3-9-362, and creating Section 2-3-9-365, Division 2-3-9, of Article 2-3, Chapter 2, Lawton City Code, 2015, relating to Boards, Commissions, and Committees by clarifying absences for Youth and Family Affairs Committee members; adding language to allow for Participating Alternate members for the Youth and Family Affairs Committee; providing for severability; providing for codification, and establishing an effective date.

Greg Gibson, Assistant City Attorney, stated this item and the next two items are all similar. This item specifically deals with the Youth and Family Affairs Committee. We are making a small change to this section of code to remove a portion that says members cannot be reappointed if they are removed for missing three consecutive meetings. The main thing that we are trying to do is add alternate participating members. The alternates will attend the meetings and will be appointed in a rotation act as a voting member when a quorum is not available.

Gill asked if the section regarding removal for non-attendance was removed.

Gibson stated this will just allow them to be re-appointed if they are removed.

MOTION by Weger, SECOND by Gill, to approve Ordinance 24-013, waive the reading of the ordinance, and read the title only.

(The City Attorney read the title) Ordinance 24-013

AN ORDINANCE PERTAINING TO ADMINISTRATION, AMENDING SECTION 2-3-9-362, AND CREATING SECTION 2-3-9-365, DIVISION 2-3-9, OF ARTICLE 2-3, CHAPTER 2, LAWTON CITY CODE, 2015, RELATING TO BOARDS, COMMISSIONS, AND COMMITTEES BY CLARIFYING ABSENCES FOR YOUTH AND FAMILY AFFAIRS COMMITTEE MEMBERS; ADDING LANGUAGE TO ALLOW FOR PARTICIPATING ALTERNATE MEMBERS FOR THE YOUTH AND FAMILY AFFAIRS COMMITTEE, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND ESTABLISHING AN EFFECTIVE DATE.

The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

28.

Gibson stated all we are doing here is adding the participating alternate members.

Chapman stated she is concerned about having difficulty choosing people that will show up for meetings. She listed several possible issues including choosing individuals that aren't interested, having too many committees, and having meetings that are too often, too far apart, or too long to hold someone's interest. Chapman stated we've been talking about this, and it sounds like you've come up with something to solve part of it.

Gibson stated we've discussed various options. We feel like this one will bring some more people into the fold, have them there on hand, and keep the business moving. This may be a result of COVID, but these committees in particular have had a hard time establishing a quorum over the last few years. This solution will let us get some people in there who are interested, and they can take the place of members who are terming out. I think it's important that we let the citizens know we appreciate their contributions and that this is a serious commitment.

Hankins stated we do need something, and she is anxious to see how this work. The alternate will not be there to get the foundational information they need to make their decisions. She also asked if the alternate members will need to live in the City to serve. Hankins also stated advanced notice of meetings is needed.

Ratliff stated he thinks part of the issue is that we are now rigidly adhering to the Open Meeting Act. Previously, there was a loose interpretation of what a quorum was. He believes this is a good thing because we are being transparent and allowing citizens the opportunity to attend meetings, but the issue of having a quorum is a byproduct that as well.

Gibson stated that the ordinance does say that the alternate participating members must meet all the same requirements as a regular member. If the code already requires that someone is a Lawton resident to serve on the committee, the alternate member would also have to live in Lawton.

MOTION by Gill, SECOND by Hampton, to approve Ordinance 24-014, waive the reading of the ordinance, and read the title only.

(The City Attorney read the title) Ordinance 24-014

AN ORDINANCE PERTAINING TO ADMINISTRATION, CREATING SECTION 2-3-10-369, DIVISION 2-3-10, OF ARTICLE 2-3, CHAPTER 2, LAWTON CITY

CODE, 2015, RELATING TO BOARDS, COMMISSIONS, AND COMMITTEES BY ADDING LANGUAGE TO ALLOW FOR PARTICIPATING ALTERNATE MEMBERS FOR THE PARKS AND RECREATION COMMISSION, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND ESTABLISHING AN EFFECTIVE DATE.

The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

29. Consider an ordinance pertaining to Administration, creating Section 2-3-12-377, Division 2-3-12, of Article 2-3, Chapter 2, Lawton City Code, 2015, relating to Boards, Commission and Committees by adding language to allow for Participating Alternate members for the Race Relations Commission; providing for severability; providing for codification, and establishing effective date.

Gibson stated this is the same addition of alternate members as the previous two ordinances. This is a trial run to see if this is a possible solution to quorum issues. If works, we could look at expanding this to other boards and committees.

Hankins stated LETA also has issues with meeting a quorum.

Mayor Booker stated LETA is an authority and makes their own rules. They could change their own rules to include something like this.

MOTION by Gill, SECOND by Hampton, to approve Ordinance 24-015, waive the reading of the ordinance, and read the title only.

(The City Attorney read the title) Ordinance 24-015

AN ORDINANCE PERTAINING TO ADMINISTRATION, CREATING SECTION 2-3-12-377, DIVISION 2-3-12, OF ARTICLE 2-3, CHAPTER 2, LAWTON CITY CODE, 2015, RELATING TO BOARDS, COMMISSIONS, AND COMMITTEES BY ADDING LANGUAGE TO ALLOW FOR PARTICIPATING ALTERNATE MEMBERS FOR THE RACE RELATIONS COMMISSION, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND ESTABLISHING AN EFFECTIVE DATE.

The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

30. Consider establishing a Council Committee to study issues related to the City's homeless

population and make recommendations to the city council on how to address said issues.

Ratliff stated the impetus behind potentially establishing a Council committee is that we need an umbrella organization to provide some unity of effort and synchronizatic of all the initiatives we have to address the homeless issue. For example, we've talk about a potential shopping cart ordinance, mental health options and the homeless task force, and the trespassing pre-authorization for homeowners who live outside c city limits. There are a lot of different things that are coming up. This issue is very complicated and requires a multi-faceted, multi-disciplined approach to not only address the symptoms, but to address the issue and provide the homeless populatio in our town help without creating a dependency. There were a few of us that really f like there needed to be an organization to synchronize and oversee all of these effo

Mayor Booker stated we want as much representation as you can from our Housing Form run by the Continuum of Care Director, Bernita Taylor. That is all about preventing homelessness. We have a lot of great ideas. There is a lot of frustration concerning homelessness; it absolutely is a growing problem. If the Council choose to accept this, Councilman Harris will head it up, and I'll need other volunteers.

Hampton, Williams, and Weger all raised their hands to volunteer.

MOTION by Gill, SECOND by Warren, to approve establishing a Council Committee to study issues related to the City's homeless population and make recommendations to the City Council on how to address said issues, and to appoint Harris (Chairperson), Hampton, Williams, and Weger to serve as Council representatives. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

STAFF REPORTS:

32. Provide City Council with an update on the FY 2022 & FY 2023 Audit Process

Joe Don Dunham, Finance Director, stated he received an email on Monday mornin from our consultants that they had passed all our information on to our auditors. We are in line to meet our March 31 deadline of getting our 2022 audit done. They have also provided the journal entries we need to make to allow us to move forward on o 2023 audit. We are doing our reconciliations and trying to move that forward as quickly as possible.

Mayor Booker asked what date Dunham gave at the last meeting for the 2022 audit be complete.

Dunham stated the 2022 audit would be done on March 31, and it would be brought before Council at the first meeting in April.

Mayor Booker asked what the date was on 2023.

Dunham stated his original date was the end of February, but we aren't going to meet that date because we had to wait for the journal entries. My date today is April 31.

Mayor Booker asked Dunham his particular roll for the audit on a daily basis.

Dunham stated helping the staff where they need help, making sure information is received from other departments, and trying to keep that audit moving forward.

Mayor Booker asked if Dunham was involved daily.

Dunham stated yes, I'm involved in it daily.

Weger stated I have here that you will have the 2022 audit complete by March 31. Do you think we are going to make that okay?

Dunham stated I believe so. Forvis will take about 3 weeks to get their part of it done and submitted to us.

Weger asked how long it will take from the time it goes to the auditors to when you file it. I understand you have to file this.

Dunham stated the auditors will upload some of the information to the state auditor and inspector automatically on our behalf.

Weger stated he was told that Dunham has to file that personally.

Dunham stated we do send a copy to the auditors, but the auditors submit some of it on our behalf. There is a ledger form they fill out on our behalf, and they submit that to the auditors and inspectors.

Weger asked how long Dunham expects it to be for them to file with the state.

Dunham stated he expects them to submit to the state as soon as it is completed.

Mayor Booker asked if that is electronic filing.

Dunham stated yes, sir.

Mayor Booker stated once this is done, he will be really interested to hear what our process is to make sure that we have our audit done for 2023 and 2024 by the end of 2024.

Dunham stated understood.

NO ACTION TAKEN.

EXECUTIVE SESSION ITEMS:

MOVED by Gill, SECOND by Harris, to approve entering into executive session. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

The City Council remained in executive session from 4:58PM to 6:39PM. Roll call showed all members present. City Council discussed 4 items in executive session. No action was taken. MOVED by Gill, SECOND by Hampton, to approve exiting executive session and entering open session. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

33. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss an action relating to litigation against Settling Defendants and other defendants, where actions are currently pending in the multi-district litigation styled, In Re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2:18-mn-2873 (D.S.C.) (the “MDL”) and Case No. 2:23-cv-03230, to resolve claims relating to PFAS contamination of Public Water System and if necessary, take action in open session.

NO ACTION TAKEN.

34. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss litigation in the case Gerald S. Ihler v. City of Lawton, CJ-2020-185, and if necessary take appropriate action in open session..

MOTION by Weger, SECOND by Gill, to approve Councilman Warren to represent the City of Lawton in the mediation of Gerald S. Ihler v. City of Lawton, CJ-2020-185. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams, and Warren

Nay:

35. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the status of an ongoing investigation concerning pension calculations, and, if necessary take appropriate action in open session.

NO ACTION TAKEN.

36. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending action in the United States District Court for the Western District of Oklahoma titled Felisha Parker and Laresha Parker as next of kin to Isacc 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.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 6:42PM.

MOVED by Hampton, SECOND by Warren, to adjourn the meeting of February 27, 2024. The motion carried by the following vote:

Aye: Hankins, Harris, Chapman, Gill, Hampton, Weger, Williams,
and Warren

Nay:

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."



City of Lawton

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

Commentary

File #: 24-1313

Agenda Date: 3/12/2024

Agenda No: 2.

ITEM TITLE:

Consider adopting a resolution ratifying the action of the Deputy City Attorney and the City Manager in making payment on the judgment in the amount of \$51,624.47, in the Workers' Compensation case of Itaska Rountree in the Oklahoma Workers' Compensation Commission, Case No. CM3-2019-06859A.

INITIATOR: Deputy City Attorney, Timothy Wilson

STAFF INFORMATION SOURCE: Assistant City Attorney, Garrett Lam

BACKGROUND: This matter involves the Workers' Compensation claim of Itaska Rountree, a previous City of Lawton, Wastewater Treatment Plant employee, who alleges an injury to his left shoulder, left arm and left hand on February 13, 2019, when employed by the City of Lawton, Public Utilities Department. On February 22, 2024, Administrative Law Judge T. Shane Curtin of the Oklahoma Workers' Compensation Commission entered an Order awarding the employee 15 percent permanent partial disability to the left shoulder, 25 percent permanent partial disability to the left arm and 20 percent permanent partial disability to the left hand, in the total amount of \$54,375.75, and includes \$1,000.00 for consequential left hip (bone graft donor site), less an overpayment in the amount of \$2,751.28, reducing the judgment to \$51,624.47, including \$10,875.15 as attorney fee's. It was the opinion of the City's Workers' Compensation attorney that the award was consistent with the medical evidence and that there is no salient basis for an appeal. Because the Workers' Compensation Commission has expressed some concern in the past about cities holding judgments pending review by City Councils, it was the opinion of the Deputy City Attorney that the judgment should be paid in an effort to protect the City's own-risk status.

EXHIBIT: Resolution No. _____

KEY ISSUES: N/A

FUNDING SOURCE: Sinking Fund

STAFF RECOMMENDED COUNCIL ACTION: Adopt a resolution ratifying the action of the Deputy City Attorney and the City Manager in making payments of the judgment in the amount of \$51,624.47, in the Oklahoma Workers' Compensation Commission case of Itaska Rountree, Case No. CM3-2019-06859A.

RESOLUTION NO. 2024-_____

A RESOLUTION RATIFYING THE ACTIONS OF THE CITY ATTORNEY AND THE CITY MANAGER IN MAKING PAYMENT IN THE WORKERS' COMPENSATION CASE OF ITASKA ROUNTREE FOR THE JUDGMENT OF FIFTY-FOUR THOUSAND THREE HUNDRED SEVENTY-FIVE AND 75/100 DOLLARS (\$54,375.75), LESS AN OVERPAYMENT OF TWO THOUSAND SEVEN HUNDRED FIFTY-ONE AND 28/100 DOLLARS (\$2,751.28), EQUALING FIFTY-ONE THOUSAND SIX HUNDRED TWENTY-FOUR AND 47/100 DOLLARS (\$51,624.47), INCLUDING AN ATTORNEY'S FEE PAYMENT IN THE AMOUNT OF TEN THOUSAND EIGHT HUNDRED SEVENTY-FIVE AND 15/100 DOLLARS (\$10,875.15); AND FILING A FOREIGN JUDGMENT IN THE DISTRICT COURT OF COMANCHE COUNTY FOR PURPOSE OF PLACING SAID JUDGMENT ON THE TAX ROLLS. PER ORDER OF THE WORKERS' COMPENSATION COMMISSION.

WHEREAS, Itaska Rountree has filed an injury claim with the Workers' Compensation Commission for permanent partial disability for injury to the left shoulder, left arm, left hand, consequential left hip with a date of injury of February 13, 2019, while on duty as plant operator for the City of Lawton, Wastewater Treatment Plant; and,

WHEREAS, judgment was entered by the Workers' Compensation Commission on February 22, 2024, in the total amount of Fifty-Four Thousand Three Hundred Seventy-Five and 75/100 Dollars (\$54,375.75), less an overpayment of Two Thousand Seven Hundred Fifty-One and 28/100 Dollars (\$2,751.28), equaling Fifty-One Thousand Six Hundred Twenty-Four and 47/100 Dollars (\$51,624.47), including an attorney's fee payment in the amount of Ten Thousand Eight Hundred Seventy-Five and 15/100 Dollars (\$10,875.15); and,

WHEREAS, the amount due to Itaska Rountree will be Fifty-Four Thousand Three Hundred Seventy-Five and 75/100 Dollars (\$54,375.75), less an overpayment of Two Thousand Seven Hundred Fifty-One and 28/100 Dollars (\$2,751.28), equaling Fifty-One Thousand Six Hundred Twenty-Four and 47/100 Dollars (\$51,624.47), including an attorney's fee payment in the amount of Ten Thousand Eight Hundred Seventy-Five and 15/100 Dollars (\$10,875.15); and,

WHEREAS, the City Attorney and the City Manager agreed to make payment of the judgment rendered by the Workers' Compensation Commission on the premises that no appealable issue had been identified and to protect the City's own-risk status.


NOW THEREFORE, BE IT RESOLVED by the Council of the City of Lawton, that the City Council ratifies the actions of the City Attorney and the City Manager to make payment on the judgment of Fifty-Four Thousand Three Hundred Seventy-Five and 75/100 Dollars (\$54,375.75), less an overpayment of Two Thousand Seven Hundred Fifty-One and 28/100 Dollars (\$2,751.28), equaling Fifty-One Thousand Six Hundred Twenty-Four and 47/100 Dollars (\$51,624.47), including an attorney's fee payment in the amount of Ten Thousand Eight Hundred Seventy-Five and 15/100 Dollars (\$10,875.15), per order of the Workers' Compensation Commission as provided by law.

PASSED and APPROVED by the Mayor and Council of the City of Lawton, Oklahoma
this 12th day of March, 2024.

STANLEY BOOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

 APPROVED as to form and legality this 23rd day of February, 2024.

GARRETT LAM
ASSISTANT CITY ATTORNEY



City of Lawton

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

Commentary

File #: 24-1315

Agenda Date: 3/12/2024

Agenda No: 3.

ITEM TITLE:

Consider approving a resolution amending the City of Lawton FY 23-24 budget, as amended, by appropriating Seven Million Nine Hundred Eighty-Six Thousand Eight Hundred Two and 00/100 Dollars (\$7,986,802.00) to General, Drainage Maintenance, Capital Improvement and Capital Improvement/propel 2019 Funds.

INITIATOR: Joe Don Dunham, Finance Director

STAFF INFORMATION SOURCE: Joe Don Dunham, Finance Director

BACKGROUND: In accordance with the True North Culture of transparency, trust and efficiency a budget amendment is needed to appropriate Five Million and 00/100 Dollars (\$5,000,000.00) to the Street Department for the “30 Wins for the Citizens” initiative, Two Million and 00/100 Dollars (\$2,000,000.00) to be allocated to the Lawton Municipal Airport Authority as provided for in the support agreement, Two Hundred Five Thousand and 00/100 Dollars (\$205,000.00) to be allocated to the Lawton Drainage Fund, Three Hundred Seven Thousand Ninety Six and 00/100 (\$307,096.00) to be allocated to the McMahon Auditorium as provided for in the support agreement, Two Hundred Ninety Four Thousand Seven Hundred Six and 00/100 Dollars (\$294,706.00) for the LATS Terminal and Maintenance/Operations Center planning documents, and One Hundred Eighty Thousand and 00/100 (\$180,000.00) for the Lawton abatement process for the “Doing More for the Citizens” initiative.

EXHIBIT: Resolution No. 24-_____

KEY ISSUES: Does the City Council wish to make these purchases and improvements.

FUNDING SOURCE: Each of these areas except the General Fund have a fund balance which will be drawn down by the amounts noted in the budget amendment. The General Fund will be funded through an increase in revenues which is anticipated and reflected in companion resolution also on this agenda.

STAFF RECOMMENDED COUNCIL ACTION: Approve a resolution to amend The FY 23 budget by the appropriation of Five Million and 00/100 Dollars (\$5,000,000.00) to the Street Department for the “30 Wins for the Citizens” initiative, Two Million and 00/100 Dollars (\$2,000,000.00) to be allocated to the Lawton Municipal Airport Authority as provided for in the support agreement, Two Hundred Five Thousand and 00/100 Dollars (\$205,000.00) to be allocated to the Lawton Drainage Fund, Three Hundred Seven Thousand Ninety Six and 00/100 (\$307,096.00) to be allocated to the McMahon Auditorium as provided for in the support agreement, Two Hundred Ninety Four Thousand Seven Hundred Six and 00/100 Dollars (\$294,706.00) for the LATS Terminal and Maintenance/Operations Center planning documents, and One Hundred Eighty Thousand and 00/100 (\$180,000.00) for the Lawton abatement process for the “Doing More for the Citizens” initiative.

RESOLUTION NO. 24-_____

A RESOLUTION AMENDING RESOLUTION NO. 23-94, WHEREBY THE CITY OF LAWTON, OKLAHOMA BUDGET FOR FISCAL YEAR 2023-2024 WAS ORIGINALLY ADOPTED, AND AS PREVIOUSLY AMENDED BY RESOLUTION NO. 23-126, RESOLUTION NO. 23-127, RESOLUTION NO. 23-150, RESOLUTION NO. 23-157, RESOLUTION NO. 24-003, 24-019 AND 24-031 TO APPROPRIATE SEVEN MILLION NINE HUNDRED EIGHTY-SIX THOUSAND EIGHT HUNDRED TWO AND 00/100 DOLLARS (\$7,986,802.00) TO GENERAL, DRAINAGE MAINTENANCE, THE CAPITAL IMPROVEMENT AND CAPITAL IMPROVEMENT/PROPEL 2019 FUNDS.

WHEREAS, the City of Lawton has adopted the provisions of the Oklahoma Municipal Budget Act (the Act) in 11 O.S. Sections 17-201 through 17-216; and

WHEREAS the Interim City Manager prepared a budget for the fiscal year ending June 30, 2024 (FY 2023-2024) consistent with the Act; and

WHEREAS the Act in section 17-215 provides for the City Manager of the City, or designee, as authorized by the governing body, to transfer any unexpended and unencumbered appropriation from one department to another within the same fund; and

WHEREAS the budget was formally presented to the Lawton City Council at least 30 days prior to the start of the fiscal year in compliance with Section 17-205; and

WHEREAS the City of Lawton City Council conducted a Public Hearing at least 15 days prior to the start of the fiscal year, and published notice of the Public Hearing in compliance with Section 17-208 of the Act; and

WHEREAS, Resolution No. 23-94 approved the City of Lawton, Oklahoma budget for Fiscal Year 2023-2024, and established budget amendment authority; and

WHEREAS, City Council previously approved Resolution No. 23-126, amending Resolution No. 23-94 by appropriating Thirty-Two Million Four Hundred Ninety-Four Thousand Four Hundred Sixty-Seven Thousand and 23/100 Dollars (\$32,494,467.23) for projects funded by Clean Water and Drinking Water State Revolving Fund loans, and up to Three Million and 00/100 Dollars (\$3,000,000.00) to support projects within the Capital Improvements Project Fund; and

WHEREAS, City Council previously approved Resolution No. 23-127, amending Resolution No. 23-94 by appropriating Nine Thousand Twenty and 00/100 Dollars (\$9,020.00) to the Information Technology Services Division's Computer Supplies account; and

WHEREAS, City Council previously approved Resolution No. 23-150, amending Resolution No. 23-94 by appropriating Three Million Eighty Four Thousand Eight Hundred

Fourteen and 18/100 Dollars (\$3,084,814.18) for loan payments made on the FAP OWRB funded loan for Capital Improvements Project Fund/PROPEL; and

WHEREAS City Council previously approved Resolution No. 23-157 amending Resolution No. 23-94 by appropriating Ten Thousand Seventy-Five and 00/100 Dollars (\$10,075.00) from the Elk Hunt Administrative Fees, and Five Hundred Thirty-Six Thousand Nine Hundred Three and 97/100 Dollars (\$536,903.97) from insurance claims from the Hail Storm on June 15, 2023.

WHEREAS, City Council previously approved Resolution No. 24-003 amending Resolution No. 23-94 by appropriating Seven Million Four Hundred Fourteen Thousand Three Hundred Twenty Nine and 94/100 Dollars (\$7,414,329.94) for the purpose of Industrial Infrastructure construct to benefit WestWin Technologies and Two Million Nine Hundred Forty Thousand and 00/100 Dollars (\$2,940,000.00) to fund the acquisition and improvements in the operation of the water system that provided a benefit to the Lawton Recreation Facilities at Schoolhouse Slough.

WHEREAS, City Council previously approved Resolution No. 24-019 amending Resolution No. 23-94 by One Million and 00/100 Dollars (\$1,000,000.00) from Hotel Tax fund to FISTA for an economic development incentive to R4 Technologies, and One Million One Hundred Three Thousand Three One Hundred Twenty-Eight and 73/100 Dollars (\$1,103,128.73) for FISTA operations and insurance, One Million Five Hundred Twenty-Five Thousand and Three Hundred Fifty 00/100 Dollars (\$1,525,350.00) to the Parks CIP Project for the purpose of Parks improvements as approved during the November 14, 2023 City Council Meeting, One Million 00/100 Dollars (1,000,000.00) to pay industrial development incentive from the Economic Development Project of the CIP Fund, and Two Hundred Thirty-Five Thousand Five Hundred One and 00/100 Dollars (\$235,501.00) for Youth Programs as recommended by the Youth and Family Affairs Committee.

WHEREAS, City Council previously approved Resolution No. 24-031 amending Resolution No. 23-94 by Five Hundred Twenty-Seven Thousand Six Hundred Fifty-Five and 94/100 Dollars (\$527,655.94) to be allocated to the Lake Ellsworth Dam Project, Three Thousand and 00/100 Dollars (\$3,000.00) to be allocated to the Lawton Cellular Phone Fund for E911 Training, One Hundred Fourteen Thousand Four Hundred Fifty-Nine and 00/100 (\$114,459.00) to be allocated to the Freedom Festival Celebration, and Seventy-Seven Thousand Nine Hundred Twenty-Seven and 04/100 (\$77,927.04) for the Lawton Enhancement Trust Authority as per the Support Agreement.

WHEREAS, a budget amendment is needed to appropriate Five Million and 00/100 Dollars (\$5,000,000.00) to the Street Department for the “30 Wins for the Citizens” initiative, Two Million and 00/100 Dollars (\$2,000,000.00) to be allocated to the Lawton Municipal Airport Authority as provided for in the support agreement, Two Hundred Five Thousand and 00/100 Dollars (\$205,000.00) to be allocated to the Lawton Drainage Fund, Three Hundred Seven Thousand Ninety Six and 00/100 (\$307,096.00) to be allocated to the McMahon Auditorium as provided for in the support agreement, Two

Hundred Ninety Four Thousand Seven Hundred Six and 00/100 Dollars (\$294,706.00) for the LATS Terminal and Maintenance/Operations Center planning documents, and One Hundred Eighty Thousand and 00/100 (\$180,000.00) for the Lawton abatement process for the “Doing More for the Citizens” initiative.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAWTON, OKLAHOMA:

SECTION 1. The City Council does hereby amend the FY 2023-2024 Budget originally adopted on the 13th of June 2023, for the purpose of increasing appropriations in account 10005502-51020 by Five Million and 00/100 Dollars (\$5,000,000.00) to be allocated to the Street Department’s Repair and Maintenance line item for the “30 Wins for the Citizens” initiative.

SECTION 2. The City Council does hereby amend the FY 2023-2024 Budget originally adopted on the 13th of June 2023, for the purpose of increasing appropriations in account 4400000-53020 by Two Million and 00/100 Dollars (\$2,000,000.00) to be allocated to the Lawton Municipal Airport Authority.

SECTION 3. The City Council does hereby amend the FY 2023-2024 Budget originally adopted on the 13th day of June 2023, for the purpose of increasing appropriations in account 2105506-53015 Two Hundred Five Thousand and 00/100 Dollars (\$205,000.00) to be allocated to the Lawton Drainage Fund.

SECTION 4. The City Council does hereby amend the FY 2023-2024 Budget originally adopted on the 13th day of June 2023, for the purpose of transferring funds (1002503-52020) to the McMahon Auditorium as provided for in the support agreement and as instructed by City Council during the February 14, 2023 Council meeting by One Hundred Three Hundred Seven Thousand Ninety-Six and 00/100 Dollars (\$307,096.00) this amount has been reduced from the original amount of Three Hundred Fifty Thousand and 00/100 Dollars (\$350,000.00) due to contracts which the City has entered into in regards to National Guard Armory and the Carnegie Library.

SECTION 5. The City Council does here by amend the FY 2023-2024 Budget originally adopted on the 13th day of June 2023, for the purpose of increasing appropriations in the account 4400000-53020 amount of Two Hundred Ninety-Four Thousand Seven Hundred Six and 00/100 Dollars (\$294,706.00) for the Wendell Architecture, P.C. consulting contract, they were engaged to prepare plans for the LATS Transfer Center and Maintenance/Operations Facility.

SECTION 6. The City Council does here by amend the FY 2023-2024 Budget originally adopted on the 13th day of June 2023, for the purpose of increasing appropriations in the account 4350000-52025 amount of One Hundred Eighty Thousand and 00/100 Dollars (\$180,000.00) for the increased abatement and demolition process which was a part of the “Doing More for the Citizens” initiative.

SECTION 7. The City Council does hereby authorize the City Manager to transfer any unexpended and unencumbered appropriations, at any time throughout FY 2023-2024 from one line item to another, one object category to another within a department, or one department to another within a fund, without further approval by the City Council.

SECTION 8. All supplemental appropriations or decrease in the total appropriation of a fund shall be adopted at a meeting of the City Council and filed with the State Auditor and Inspector.

ADOPTED AND APPROVED, by the City Council of Lawton this 12th day of March 2024.

(SEAL)

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this 12th day of March, 2024.

TIMOTHY E. WILSON, ACTING CITY ATTORNEY



City of Lawton

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

Commentary

File #: 24-1294

Agenda Date: 3/12/2024

Agenda No: 4.

ITEM TITLE:

Consider adopting a resolution approving certain new and revised pages in the form of a book entitled Volumes I and II to the City of Lawton Municipal Code, 2015, printed and designated as the 2017-2018 Biennial Supplement, known as Supplements No. 3 and 4 to the Lawton City Code, 2015, and authorizing distribution.

INITIATOR: Donalynn Blazek-Scherler, City Clerk

STAFF INFORMATION SOURCE: Donalynn Blazek-Scherler, City Clerk; Timothy Wilson, Acting City Attorney

BACKGROUND: Supplements No. 3 and 4 to the 2015 City Code have been published in previous years. The supplements incorporate ordinances adopted and in effect as of November 13, 2018. The proposed resolution formally approves certain new and revised pages of the City of Lawton Municipal Code, 2015 in the form of Supplements No. 3 and 4 and authorizes distribution.

EXHIBIT: Resolution 24-__ - Supplements are on file in the City Clerk's Office.

KEY ISSUES: None.

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Adopt a resolution approving Supplements No. 3 and 4 to the Lawton City Code, 2015 and authorize distribution.

RESOLUTION NO. 24-

A RESOLUTION APPROVING CERTAIN NEW AND REVISED PAGES IN THE FORM OF A BOOK ENTITLED VOLUMES I AND II TO THE CITY OF LAWTON MUNICIPAL CODE, 2015, PRINTED AND DESIGNATED AS THE 2017-2018 BIENNIAL SUPPLEMENT KNOWN AS SUPPLEMENTS NO. 3 AND 4 TO THE LAWTON CITY CODE, 2015, AND AUTHORIZING DISTRIBUTION.

WHEREAS, the City of Lawton, Oklahoma has compiled the City's Code of Ordinances, containing all ordinances adopted and in effect by the City Council through November 13, 2018 to be known as Supplements No. 3 and 4 to the Lawton City Code, 2015; and

WHEREAS, new pages have been added and certain pages of the City of Lawton Municipal Code, 2015, have been reprinted and the new pages designated as the "Supplements No. 3 and 4"; and

WHEREAS, Supplements No. 3 and 4 to the Lawton City Code, 2015, have been published containing ordinances adopted and in effect by the Lawton City Council through November 13, 2018, and administrative changes made to said City Code; and

NOW THEREFORE, be it ordained by the Council of the City of Lawton, Oklahoma, that:

SECTION 1. Supplements No. 3 and 4 to the Lawton City Code, 2015, are hereby adopted in their entirety.

SECTION 2. The City Clerk shall keep at least one copy of Supplements No. 3 and 4 to the Lawton Code of Ordinances in the Office of the City Clerk for public use, inspection, examination, and purchase at a reasonable price.

PASSED and APPROVED by the Mayor and Council of the City of Lawton, Oklahoma, this 12th day of March, 2024.

STANLEY BOOKER, Mayor

ATTEST:

DONALYNN BLAZEK-SCHERLER, City Clerk

APPROVED as to form and legality this ____ day of March, 2024.

TIMOTHY WILSON, Interim City Attorney



City of Lawton

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

Commentary

File #: 24-1295

Agenda Date: 3/12/2024

Agenda No: 5.

ITEM TITLE:

Consider approving a resolution directing the City Clerk to notify the public of the publication of the 2017-2018 Biennial Supplement, known as Supplements No. 3 and 4 to the Lawton City Code, 2015 and further directing the City Clerk to file certified copies of this resolution and copies of Supplements No. 3 and 4 to the Lawton City Code, 2015 with designated governmental entities as required.

INITIATOR: Donalynn Blazek-Scherler, City Clerk

STAFF INFORMATION SOURCE: Donalynn Blazek-Scherler, City Clerk; Timothy Wilson, Acting City Attorney

BACKGROUND: This is a companion item to a resolution adopting Supplements No. 3 and 4 to the City of Lawton Municipal Code, 2015. 11 Okla. Stat. 2021, §14-110 establishes mandatory filing and notice procedures for judicial notice of a municipality's penal ordinances which are published in permanent volumes and in supplement. With approval of this Resolution, the City Clerk will publish notice to the public in the newspaper that Supplements No. 3 and 4 have been published and are available for purchase at a reasonable price. The City Clerk will also file certified copies of this resolution and copies of Supplements No. 3 and 4 with all the appropriate governmental entities.

EXHIBIT: Resolution 24-____

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Approve a resolution directing the City Clerk to notify the public of the publication of the 2017-2018 Biennial Supplement, known as Supplements No. 3 and 4 to the Lawton City Code, 2015 and further directing the City Clerk to file certified copies of this resolution and copies of Supplements No. 3 and 4 to the Lawton City Code, 2015 with designated governmental entities as required.

RESOLUTION 24-

A RESOLUTION DIRECTING THE CITY CLERK TO NOTIFY THE PUBLIC OF THE PUBLICATION OF THE 2017-2018 BIENNIAL SUPPLEMENT, KNOWN AS SUPPLEMENTS NO. 3 AND 4 TO THE LAWTON CITY CODE, 2015 AND FURTHER DIRECTING THE CITY CLERK TO FILE CERTIFIED COPIES OF THIS RESOLUTION AND COPIES OF SUPPLEMENTS NO. 3 AND 4 TO THE LAWTON CITY CODE, 2015 WITH DESIGNATED GOVERNMENTAL ENTITIES.

WHEREAS, on this date the Council of The City of Lawton has approved a Resolution adopting a supplement to the City of Lawton Municipal Code, 2015, designated as " Supplements No. 3 and 4; and

WHEREAS, 11 Okla. Stat. 2021, §14-110 established mandatory filing and notice procedures for judicial notice of a municipality's penal ordinances which are published in permanent volumes and in supplement; and

WHEREAS, the Supplements No. 3 and 4 to the City of Lawton Municipal Code, 2015, have been published and are available for purchase by the public at a reasonable price.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LAWTON that the City Clerk, in accordance with the above cited provisions of Oklahoma Statutes, is hereby directed to publish in the Lawton Constitution a notice to the public that Supplements No. 3 and 4 of the City of Lawton Municipal Code, 2015, have been published and are available for purchase at a reasonable price and file certified copies of this Resolution and copies of Supplements No. 3 and 4 with designated governmental entities.

PASSED and APPROVED by the Mayor and Council of the City of Lawton, Oklahoma, this 12th day of March, 2024.

STANLEY BOOKER, Mayor

ATTEST:

DONALYNN BLAZEK-SCHERLER, City Clerk

APPROVED as to form and legality this ____ day of March, 2024.

TIMOTHY WILSON, Interim City Attorney



City of Lawton

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

Commentary

File #: 24-1331

Agenda Date: 3/12/2024

Agenda No: 6.

ITEM TITLE:

Consider approving a resolution to allow for the transfer of revenue the City receives by leasing space from the City operated lakes recreational areas to a Special Revenue Fund account for the Parks and Recreation Lakes Recreational Area. Currently, all revenues received are deposited in the General Fund. The funds will be carried over from year to year.

INITIATOR: Dewayne Burk, Deputy City Manager

STAFF INFORMATION SOURCE: Dewayne Burk, Deputy City Manager

BACKGROUND: Currently, lease payments from the City operated lakes recreational areas are collected and deposited into the City of Lawton general fund. The City Council would like to see these funds reinvested in the operation, improvements, and security of these lakes recreational areas; investing in sustainable infrastructure, such as energy-efficient lighting, ecofriendly amenities, and environmentally conscious construction practices; and engaging the local community in the planning and maintenance of recreational areas. City staff will administer the funds for the purpose of improving and/or meeting the needs of the these lakes recreational areas.

EXHIBIT: Budget Resolution 24-

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Recommend approving a resolution and adopting the proposed funding proposition and authorize the Mayor and City Clerk to execute.

RESOLUTION NO. 24-

A RESOLUTION AMENDING RESOLUTION 21-118 BY ADDING REVENUE GENERATED FROM LAKES RECREATIONAL AREAS TO THE SPECIAL REVENUE FUND.

WHEREAS, Resolution No. 21-118 established a Special Revenue Fund for the purpose of receiving and disbursing all special revenues; and

WHEREAS, the City of Lawton receives revenue by leasing space from the City operated lakes recreational areas; and

WHEREAS, it is the Council's intention that the city's lake recreational areas evolve into a financially self-sustaining environment, ensuring its ongoing viability and independence; and

WHEREAS, the Council has also indicated that it is their intent to utilize these funds to reinvest in the operation, improvements and security of these recreational areas; invest in sustainable infrastructure, such as energy-efficient lighting, ecofriendly amenities, and environmentally conscious construction practices; and engage the local community in the planning and maintenance of recreational areas.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Lawton, Oklahoma that revenue received from the lakes recreational areas shall be deposited into the Special Revenue Fund for the purpose of reinvesting in the operation, improvements and security of these recreational areas; investing in sustainable infrastructure, such as energy-efficient lighting, ecofriendly amenities, and environmentally conscious construction practices; and engaging the local community in the planning and maintenance of recreational areas, with said revenue therein to carry over from year to year.

BE IT FURTHER RESOLVED that said funds will be administered by City Staff for the purpose of improving and/or meeting the needs of the lakes recreational areas.

PASSED and APPROVED by the Mayor and Council of the City of Lawton, Oklahoma, this 12th day of March 2024.

STANLEY BOOKER., MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this ____ day of _____, 2024.

TIMOTHY WILSON, ACTING CITY ATTORNEY



City of Lawton

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

Commentary

File #: 24-1342

Agenda Date: 3/12/2024

Agenda No: 7.

ITEM TITLE:

Consider approving a resolution amending the City of Lawton FY 23-24 budget as amended, by increasing estimated revenues by Six Million Sixty Thousand Eight Hundred Thirty-one and 00/100 Dollars (\$6,060,831.00).

INITIATOR: Joe Don Dunham, Finance Director

STAFF INFORMATION SOURCE: Joe Don Dunham, Finance Director

BACKGROUND: In accordance with the True North Culture of transparency, trust and efficiency a budget amendment is needed for the purpose of increasing General Fund Revenues in account various accounts, see attached detail, by Six Million Sixty Thousand, Eight Hundred Thirty-One and 00/100 Dollars (\$6,060,831.00).

EXHIBIT: Resolution No. 24-_____

KEY ISSUES: Does the City want to increase the projected revenues to a rate that is consistent with actual collections.

FUNDING SOURCE: This would be considered new revenue and there would be multiple sources attributing to this increase.

STAFF RECOMMENDED COUNCIL ACTION: Approve a resolution to amendment The FY 23-24 budget by increase revenues in the amount of Six Million Sixty Thousand Eight Hundred Thirty-One and 00/100 Dollars (\$6,060,831.00).

A RESOLUTION AMENDING RESOLUTION NO. 23-94, WHEREBY THE CITY OF LAWTON, OKLAHOMA BUDGET FOR FISCAL YEAR 2023-2024 WAS ORIGINALLY ADOPTED, AND AS PREVIOUSLY AMENDED BY RESOLUTION NO. 23-126, RESOLUTION NO. 23-127, RESOLUTION NO. 23-150, RESOLUTION NO. 23-157, RESOLUTION NO. 24-003, 24-019 AND 24-031 INCREASE REVENUES IN THE AMOUNT OF SIX MILLION SIXTY THOUSAND EIGHT HUNDRED THIRTY-ONE AND 00/100 DOLLARS (\$6,060,831.00).

WHEREAS, the City of Lawton has adopted the provisions of the Oklahoma Municipal Budget Act (the Act) in 11 O.S. Sections 17-201 through 17-216; and

WHEREAS the Interim City Manager prepared a budget for the fiscal year ending June 30, 2024 (FY 2023-2024) consistent with the Act; and

WHEREAS the Act in section 17-215 provides for the City Manager of the City, or designee, as authorized by the governing body, to transfer any unexpended and unencumbered appropriation from one department to another within the same fund; and

WHEREAS the budget was formally presented to the Lawton City Council at least 30 days prior to the start of the fiscal year in compliance with Section 17-205; and

WHEREAS the City of Lawton City Council conducted a Public Hearing at least 15 days prior to the start of the fiscal year, and published notice of the Public Hearing in compliance with Section 17-208 of the Act; and

WHEREAS, Resolution No. 23-94 approved the City of Lawton, Oklahoma budget for Fiscal Year 2023-2024, and established budget amendment authority; and

WHEREAS, a budget amendment is needed to increase anticipated revenues to match the actual collection rate. This increase is in several areas. See attached Exhibit A.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAWTON, OKLAHOMA:

SECTION 1. The City Council does hereby amend the FY 2023-2024 Budget originally adopted on the 13th of June 2023, for the purpose of increasing General Fund Revenues in account various accounts, see attached Exhibit A, by Six Million Sixty Thousand, Eight Hundred Thirty-One and 00/100 Dollars (\$6,060,831.00).

SECTION 2. The City Council does hereby authorize the City Manager to transfer any unexpended and unencumbered appropriations, at any time throughout FY 2023-2024 from one line item to another, one object category to another within a department, or one department to another within a fund, without further approval by the City Council.

SECTION 3. All supplemental appropriations or decrease in the total appropriation of a fund shall be adopted at a meeting of the City Council and filed with the State Auditor and Inspector.

ADOPTED AND APPROVED, by the City Council of Lawton this 12th day of March 2024.

(SEAL)

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this 12th day of March, 2024.

TIMOTHY E. WILSON, ACTING CITY ATTORNEY

Exhibit A
General Fund Revenue
Budget Increase

	FY 2024 Adopted Budget	February 2024 Actual	FY 2024 Revised Estimated	Budget Variance
40000 - City Sales Tax	28,429,748	19,414,329	29,121,493	691,745
40005 - Franchise & Ordinance Tax	3,000,000	2,015,886	3,023,829	23,829
40010 - Use Tax	7,000,000	6,344,823	9,517,234	2,517,234
43040 - Forfeited Bonds	13,750	12,339	18,509	4,759
44000 - Bldg & Safety Revenue	898,778	695,372	1,043,058	144,280
44005 - Garage Sale Permit	2,158	2,105	3,157	999
44010 - Other Business License	386,949	274,805	412,207	25,258
44020 - Zoning/Plat/Revokable Permits	2,166	9,104	13,656	11,490
44030 - Planning and Zoning	4,006	10,303	15,454	11,448
44035 - Zoning & Rezoning Fees	5,287	18,838	28,257	22,970
44045 - Use Permitted on Review	-	1,151	1,726	1,726
45016 - Parks and Rec Permits	-	1,470	2,205	2,205
45025 - Leases & Rentals	499,540	541,037	691,037	191,497
45065 - Boathouse TRF Admin Fee	881	3,675	5,513	4,632
47000 - Federal Grant	-	20,250	30,375	30,375
47090 - FEMA Revenue	-	5,077	7,616	7,616
48000 - Miscellaneous Revenue	1,100,000	815,374	1,223,061	123,061
48005 - Earned Interest	1,000,000	1,814,221	2,721,331	1,721,331
48060 - Library Revenue	9,000	6,425	9,637	637
48085 - Insurance Proceeds	50,000	571,552	571,552	521,552
48165 - Publication Fees	10,000	8,124	12,187	2,187

Increased Budget Revenue 6,060,831



City of Lawton

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

Commentary

File #: 24-1296

Agenda Date: 3/12/2024

Agenda No: 8.

ITEM TITLE:

Consider awarding a contract in the amount of \$14,177,260.00 to TIMCO Blastings & Coatings, INC, for the construction of Map 09 Waterlines Project PU2308 to replace approximately 37,000 linear feet of high maintenance waterlines.

INITIATOR: Rusty Whisenhunt, Public Utilities Director

STAFF INFORMATION SOURCE: Rusty Whisenhunt, Public Utilities Director

BACKGROUND: On March 28, 2023, City Council was given a presentation on Public Utilities' Water and Wastewater system conditions and a plan of improvements with a means of funding the improvements. On June 27, 2023, City Council approved the Master Service Agreement with Jacobs Engineering Group, INC. Amendment No. 1 to the MSA was approved by Council on July 25th, 2023, and included a scope of services and fee to provide Professional Engineering services for water system rehabilitation defined in work package #1. The Work Package #1 included surveying, design, production of bidding documents, and services during construction of the waterline rehabilitation in Map #9 located north of Cache Road between 38th Street and 52nd Street. The waterline rehabilitation will involve replacement of approximately 37,000 feet of old high maintenance water main lines with 8" to 12" new water main lines. The rehabilitation will also incorporate new public water service lines and meter sets. City Council approved the plans and specifications and authorized advertisement on December 12, 2023. The project advertised on January 3rd and 10th, 2024, with a non-mandatory pre-bid conference January 19th, 2024, at 10:00 a.m. in the Public Utilities Conference room. A Bid opening was publicly held February 13th, 2024, at 2:00pm at City Hall. A total of four (4) bids were received.

Map 09 Bid Tab					
Project Number	Engineer's Estimate	Contractor 1 - TIMCO	Contractor 2 - SWWW	Contractor 3 - Resicom	Contractor 4 - Evans
Total Base Bid	\$13,113,065.00	\$14,177,260.00	\$14,397,981*	\$14,407,240.00	\$15,965,967.77
Additional time after NTP		30 calendar days	175 calendar days	15 calendar days	30 calendar days

After reviewing the bid documents, it is recommended to award the project to TIMCO Blastings & Coatings, INC of Bristow, Oklahoma, who submitted the lowest responsive and responsible bid for the project. Jacobs Engineering Group recommends awarding the contract to TIMCO Blastings & Coatings, INC, in the amount of \$14,177,260.00 for construction of the Map 09 Waterlines Project PU2308. **The project will benefit The Citizen by preventing outage and providing safe drinking water to meet the goals of Safe Community and Our Pursuit of Excellence in the True North Culture.**

EXHIBIT: Recommendation of Award, Bid Tabulation, and Construction Contract

KEY ISSUES: Does City Council wish to award a contract in the amount of \$14,177,260.00 to TIMCO Blastings & Coatings, INC, for the construction of Map 09 Waterlines Project PU2308 to replace approximately 37,000 linear feet of high maintenance waterlines?

FUNDING SOURCE: DWSRF Loan P40-1011303-06 \$30,000,000.00 (original amount of loan) - \$10,308,013 (currently encumbered for projects) - \$14,177,260 (cost of this project) = \$5,514,727 (remaining)

balance of the loan)

STAFF RECOMMENDED COUNCIL ACTION: Award a contract in the amount of \$14,177,260.00 to TIMCO Blastings & Coatings, INC, for the construction of Map 09 Waterlines Project PU2308 to replace approximately 37,000 linear feet of high maintenance waterlines.

Recommendation of Award

Date:	February 15, 2024	1999 Bryan Street
Project name:	Map 9 Waterline Improvements - PU 2308	Suite 3500
Attention:	Rusty Whisenhunt, P.E. Director of Public Utilities	Dallas, TX 75201
Company:	City of Lawton	United States
		T +1.214.638.0145
		F +1.214.638.0447
		www.jacobs.com

Dear Rusty,

The bids received on February 13, 2024 for the subject project have been reviewed and it is recommended that the contract be awarded to Timco Blasting & Coatings Inc. The bid tabulation is attached, and details of the evaluation are as follows:

- All the documents from the bid checklist for Timco were included.
- Some Timco bid items were higher than the OPCC for Driveway Repair, Grassing & Gate Valves, and some items, like the 8" Water Main and 8" Directional Bore, were lower than the Engineer's OPCC. This appears to be acceptable.
- The bid does not appear to be imbalanced related to the other bids received. The separation from the next lowest bidder was approximately 1.6 percent.
- Contractor qualifications to do the work are seen as acceptable, with applicable projects being shown of similar size and complexity. The Contractor's experience indicates that they have the needed experience to do the work.
- The bid total for Southwest Water Works LLC was corrected to the itemized sum of all the bid items.

Regards,



Douglas L. Smith, P.E.
Project Manager
817-735-6065
doug.smith3@jacobs.com

City of Lawton, Engineering Division												
MAP 09 WATERLINE REPLACEMENT PROJECT - PROJECT NO. PU 2308												
Checklist Items												
Contractor's Checklist of Required Items			N/A		X				X		X	
Bid Proposal			N/A		X		X		X			
Bid Bond			N/A		X		X		X		X	
Noncollusion Affidavit (DW-412)			N/A		X		X		X		X	
Business Relationships Affidavit (DW-413)			N/A		X		X		X		X	
Experience and Capability Questionnaire			N/A		X		X		X		X	
OWRB Prospective Prime Contractor's (Bidder) Statement About Equal Opportunity Clause (DW-211)			N/A		X		X		X		X	
Prospective Prime Contractor's (Bidder) Certification Of Nonsegregated Facilities (DW-212)			N/A		X				X		X	
Sub-Contractor's Certification of Nonsegregated Facilities and Incorporation of Equal Opportunity Clauses (DW-212a)			N/A		X (N/A)		X (N/A)		X (TBD)		X	
Bidder's American Iron and Steel Certification (DW-501)			N/A		X		X		X		X	
Labor Standards Certificate for Bidding (DW-074a)			N/A		X		X		X		X	
Certification Regarding Lobbying (DW-414)			N/A		X		X		X			
			Engineer's Estimate		Contractor 1: TIMCO		Contractor 2: SWWW		Contractor 3: Resicom		Contractor 4: Evans	
ITEM #	Est. QTY	DESCRIPTION	UNIT PRICE	ITEM TOTAL	UNIT PRICE	ITEM TOTAL	UNIT PRICE	ITEM TOTAL	UNIT PRICE	ITEM TOTAL	UNIT PRICE	ITEM TOTAL
1.1A	1	MOBILIZATION	\$200,000.00	\$200,000.00	\$400,000.00	\$400,000.00	\$715,000.00	\$715,000.00	\$944,000.00	\$944,000.00	\$682,964.32	\$682,964.32
1.1B	1	DE-MOBILIZATION	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00	\$250,000.00	\$250,000.00	\$300,000.00	\$300,000.00	\$61,750.00	\$61,750.00
1.2A	31703	8" WATER MAIN (C900 PVC DR 18)	\$130.00	\$4,121,390.00	\$115.00	\$3,645,845.00	\$137.00	\$4,343,311.00	\$189.00	\$5,991,867.00	\$119.81	\$3,798,336.43
1.2B	599	10" Water Main (C900 PVC DR 18)	\$180.00	\$107,820.00	\$175.00	\$104,825.00	\$155.00	\$92,845.00	\$209.00	\$125,191.00	\$140.00	\$83,860.00
1.4A	3640	8" DIRECTIONAL BORE W/O CASING	\$390.00	\$1,419,600.00	\$175.00	\$637,000.00	\$137.00	\$498,680.00	\$189.00	\$687,960.00	\$89.87	\$327,126.80
1.4B	120	10" DIRECTIONAL BORE W/O CASING	\$540.00	\$64,800.00	\$250.00	\$30,000.00	\$175.00	\$21,000.00	\$209.00	\$25,080.00	\$152.06	\$18,247.20
1.5	19142	DUCTILE IRON FITTINGS (AWWA C153)	\$12.00	\$229,704.00	\$22.00	\$421,124.00	\$9.00	\$172,278.00	\$10.00	\$191,420.00	\$22.36	\$428,015.12
1.6	50	RESTRAINING GLAND ALLOWANCE	\$216.00	\$10,800.00	\$350.00	\$17,500.00	\$250.00	\$12,500.00	\$200.00	\$10,000.00	\$186.88	\$9,344.00
1.7A	182	GATE VALVE AWWA 509 - SIZE 8"	\$3,000.00	\$546,000.00	\$4,600.00	\$837,200.00	\$5,000.00	\$910,000.00	\$2,400.00	\$436,800.00	\$3,191.15	\$580,789.30
1.7B	13	GATE VALVE AWWA 509 - SIZE 10"	\$5,000.00	\$65,000.00	\$5,200.00	\$67,600.00	\$7,500.00	\$97,500.00	\$3,700.00	\$48,100.00	\$4,365.00	\$56,745.00
1.7C	5	6" GATE VALVE AWWA 509 ALLOWANCE FOR FIRE HYDRANT	\$3,600.00	\$18,000.00	\$3,500.00	\$17,500.00	\$3,500.00	\$17,500.00	\$1,500.00	\$7,500.00	\$2,646.80	\$13,234.00
1.7D	20	GATE VALVE AWWA 509 ALLOWANCE	\$6,000.00	\$120,000.00	\$3,500.00	\$70,000.00	\$6,500.00	\$130,000.00	\$2,400.00	\$48,000.00	\$3,399.50	\$67,990.00
1.9A	99	FIRE HYDRANT ASSEMBLY	\$7,500.00	\$742,500.00	\$9,100.00	\$900,900.00	\$10,500.00	\$1,039,500.00	\$7,900.00	\$782,100.00	\$10,887.67	\$1,077,879.33
1.9B	10	FIRE HYDRANT ASSEMBLY REPLACEMENT ALLOWANCE	\$7,500.00	\$75,000.00	\$9,100.00	\$91,000.00	\$12,500.00	\$125,000.00	\$7,900.00	\$79,000.00	\$10,780.25	\$107,802.50
1.9C	67	FIRE HYDRANT ASSEMBLY REMOVAL	\$2,500.00	\$167,500.00	\$3,000.00	\$201,000.00	\$1,000.00	\$67,000.00	\$500.00	\$33,500.00	\$946.87	\$63,440.29
1.13A	435	1" SERVICE LINE INSTALLATION SHORT	\$1,750.00	\$761,250.00	\$1,800.00	\$783,000.00	\$2,200.00	\$957,000.00	\$1,300.00	\$565,500.00	\$1,889.70	\$822,019.50
1.13B	342	1" SERVICE LINE INSTALLTION LONG	\$2,500.00	\$855,000.00	\$3,100.00	\$1,060,200.00	\$2,500.00	\$855,000.00	\$1,500.00	\$513,000.00	\$4,467.21	\$1,527,785.82
1.13C	2	2" SERVICE LINE INSTALLATION LONG	\$5,000.00	\$10,000.00	\$4,100.00	\$8,200.00	\$5,000.00	\$10,000.00	\$2,900.00	\$5,800.00	\$6,619.60	\$13,239.20
1.13D	2900	WATER SERVICE LINES - 1" C901 HDPE ALLOWANCE	\$5.00	\$14,500.00	\$25.00	\$72,500.00	\$5.00	\$14,500.00	\$6.25	\$18,125.00	\$34.75	\$100,775.00
1.13E	65	WATER SERVICE LINES - 2" C901 HDPE ALLOWANCE	\$15.00	\$975.00	\$50.00	\$3,250.00	\$10.00	\$650.00	\$10.00	\$650.00	\$42.80	\$2,782.00
1.14A	12283	DRIVEWAY REPAIR (CONCRETE)	\$150.00	\$1,842,450.00	\$198.00	\$2,432,034.00	\$175.00	\$2,149,525.00	\$135.00	\$1,658,205.00	\$298.08	\$3,661,316.64
1.14B	1228	DRIVEWAY REPAIR ALLOWANCE	\$150.00	\$184,200.00	\$198.00	\$243,144.00	\$175.00	\$214,900.00	\$135.00	\$165,780.00	\$298.08	\$366,042.24
1.15	200	SIDEWALK INSTALLATION/ REPLACEMENT	\$60.00	\$12,000.00	\$200.00	\$40,000.00	\$155.00	\$31,000.00	\$120.00	\$24,000.00	\$311.26	\$62,252.00
1.16A	941	STREET REPAIR (CONCRETE)	\$150.00	\$141,150.00	\$250.00	\$235,250.00	\$275.00	\$258,775.00	\$145.00	\$136,445.00	\$528.18	\$497,017.38
1.16B	23	STREET REPAIR (ASPHALT)	\$130.00	\$2,990.00	\$200.00	\$4,600.00	\$285.00	\$6,555.00	\$145.00	\$3,335.00	\$325.00	\$7,475.00
1.16C	96	STREET REPAIR ALLOWANCE	\$140.00	\$13,440.00	\$200.00	\$19,200.00	\$275.00	\$26,400.00	\$145.00	\$13,920.00	\$562.90	\$54,038.40
1.19	32166	GRASSING (SOLID SLAB SOD)	\$6.00	\$192,996.00	\$18.00	\$578,988.00	\$7.00	\$225,162.00	\$7.00	\$225,162.00	\$17.55	\$564,513.30
1.21	1	WORK CHANGE DIRECTIVE (ALLOWANCE)	\$770,000.00	\$770,000.00	\$770,000.00	\$770,000.00	\$770,000.00	\$770,000.00	\$770,000.00	\$770,000.00	\$770,000.00	\$770,000.00
1.22	100	AGGREGATE BACKFILL ALLOWANCE	\$100.00	\$10,000.00	\$84.00	\$8,400.00	\$75.00	\$7,500.00	\$165.00	\$16,500.00	\$106.08	\$10,608.00
1.23	100	TREE REMOVAL ALLOWANCE	\$300.00	\$30,000.00	\$100.00	\$10,000.00	\$100.00	\$10,000.00	\$200.00	\$20,000.00	\$73.93	\$7,393.00
1.24	1	EROSION CONTROL	\$50,000.00	\$50,000.00	\$75,000.00	\$75,000.00	\$100,000.00	\$100,000.00	\$80,000.00	\$80,000.00	\$31,200.00	\$31,200.00
1.25	1	TRAFFIC CONTROL	\$50,000.00	\$50,000.00	\$150,000.00	\$150,000.00	\$250,000.00	\$250,000.00	\$439,000.00	\$439,000.00	\$58,500.00	\$58,500.00
18.2	140	SANITARY SEWER LINE REPLACEMENT	\$200.00	\$28,000.00	\$150.00	\$21,000.00	\$90.00	\$12,600.00	\$250.00	\$35,000.00	\$162.50	\$22,750.00
18.3	140	TRENCH AND BACKFILL	\$400.00	\$56,000.00	\$150.00	\$21,000.00	\$45.00	\$6,300.00	\$45.00	\$6,300.00	\$62.40	\$8,736.00
TOTAL AMOUNT BID				\$13,113,065.00		\$14,177,260.00		\$14,397,981.00		\$14,407,240.00		\$15,965,967.77
			THIRTEEN MILLION ONE HUNDRED THIRTEEN THOUSAND AND SIXTY-FIVE DOLLARS		FOURTEEN MILLION ONE HUNDRED SEVENTY SEVEN THOUSAND TWO HUNDRED SIXTY		FOURTEEN MILLION THREE HUNDRED NINETY SEVEN THOUSAND NINE HUNDRED EIGHTY ONE		FOURTEEN MILLION FOUR HUNDRED SEVEN THOUSAND TWO HUNDRED FORTY		FIFTEEN MILLION NINE HUNDRED SIXTY FIVE THOUSAND NINE HUNDRED SIXTY SEVEN DOLLARS AND SEVENTY SEVEN CENTS	
Additional time after NTP					30 calendar days		175 calendar days		15 calendar days		30 calendar days	

CALCULATION CORRECTIONS ARE HIGHLIGHTED

Map 09 Bid Tab					
Project Number	Engineer's Estimate	Contractor 1 - TIMCO	Contractor 2 - SWWW	Contractor 3 - Resicom	Contractor 4 - Evans
Total Base Bid	\$13,113,065.00	\$14,177,260.00	\$14,397,981*	\$14,407,240.00	\$15,965,967.77
Additional time after NTP		30 calendar days	175 calendar days	15 calendar days	30 calendar days

Map 09 Waterline replacement Project																								
Engineer's Estimate				Contractor 1: TIMCO				Contractor 2: SWWW				Contractor 3: Resicom				Contractor 4: Evans								
Item #	Est. QTY	Description	Unit Price	Item Total	Item #	Est. QTY	Description	Unit Price	Item Total	Item #	Est. QTY	Description	Unit Price	Item Total	Item #	Est. QTY	Description	Unit Price	Item Total	Item #	Est. QTY	Description	Unit Price	Item Total
1.1A	1	MOBILIZATION	\$200,000.00	\$200,000.00	1.1A	1	MOBILIZATION	\$400,000.00	\$400,000.00	1.1A	1	MOBILIZATION	\$715,000.00	\$715,000.00	1.1A	1	MOBILIZATION	\$944,000.00	\$944,000.00	1.1A	1	MOBILIZATION	\$682,964.32	\$682,964.32
1.1B	1	DEMOBILIZATION	\$200,000.00	\$200,000.00	1.1B	1	DEMOBILIZATION	\$200,000.00	\$200,000.00	1.1B	1	DEMOBILIZATION	\$250,000.00	\$250,000.00	1.1B	1	DEMOBILIZATION	\$300,000.00	\$300,000.00	1.1B	1	DEMOBILIZATION	\$61,750.00	\$61,750.00
1.2A	31703	8" WATER MAIN (C900 PVC DR 18)	\$130.00	\$4,121,390.00	1.2A	31703	8" WATER MAIN (C900 PVC DR 18)	\$115.00	\$3,645,845.00	1.2A	31703	8" WATER MAIN (C900 PVC DR 18)	\$137.00	\$4,343,311.00	1.2A	31703	8" WATER MAIN (C900 PVC DR 18)	\$189.00	\$5,991,867.00	1.2A	31703	8" WATER MAIN (C900 PVC DR 18)	\$119.81	\$3,798,336.43
1.2B	599	10" Water Main (C900 PVC DR 18)	\$180.00	\$107,820.00	1.2B	599	10" Water Main (C900 PVC DR 18)	\$175.00	\$104,825.00	1.2B	599	10" Water Main (C900 PVC DR 18)	\$155.00	\$92,845.00	1.2B	599	10" Water Main (C900 PVC DR 18)	\$209.00	\$125,191.00	1.2B	599	10" Water Main (C900 PVC DR 18)	\$140.00	\$83,860.00
1.4A	3640	8" DIRECTIONAL BORE W/O CASING	\$390.00	\$1,419,600.00	1.4A	3640	8" DIRECTIONAL BORE W/O CASING	\$175.00	\$637,000.00	1.4A	3640	8" DIRECTIONAL BORE W/O CASING	\$137.00	\$498,680.00	1.4A	3640	8" DIRECTIONAL BORE W/O CASING	\$189.00	\$687,960.00	1.4A	3640	8" DIRECTIONAL BORE W/O CASING	\$89.87	\$327,126.80
1.4B	120	10" DIRECTIONAL BORE W/O CASING	\$540.00	\$64,800.00	1.4B	120	10" DIRECTIONAL BORE W/O CASING	\$250.00	\$30,000.00	1.4B	120	10" DIRECTIONAL BORE W/O CASING	\$175.00	\$21,000.00	1.4B	120	10" DIRECTIONAL BORE W/O CASING	\$209.00	\$25,080.00	1.4B	120	10" DIRECTIONAL BORE W/O CASING	\$152.06	\$18,247.20
1.5	19142	DUCTILE IRON FITTINGS (AWWA C153)	\$12.00	\$229,704.00	1.5	19142	DUCTILE IRON FITTINGS (AWWA C153)	\$22.00	\$421,124.00	1.5	19142	DUCTILE IRON FITTINGS (AWWA C153)	\$9.00	\$172,278.00	1.5	19142	DUCTILE IRON FITTINGS (AWWA C153)	\$10.00	\$191,420.00	1.5	19142	DUCTILE IRON FITTINGS (AWWA C153)	\$22.36	\$428,015.12
1.6	50	RESTRAINING GLAND ALLOWANCE	\$216.00	\$10,800.00	1.6	50	RESTRAINING GLAND ALLOWANCE	\$350.00	\$17,500.00	1.6	50	RESTRAINING GLAND ALLOWANCE	\$250.00	\$12,500.00	1.6	50	RESTRAINING GLAND ALLOWANCE	\$200.00	\$10,000.00	1.6	50	RESTRAINING GLAND ALLOWANCE	\$186.88	\$9,344.00
1.7A	182	GATE VALVE AWWA 509 - SIZE 8"	\$3,000.00	\$546,000.00	1.7A	182	GATE VALVE AWWA 509 - SIZE 8"	\$4,600.00	\$837,200.00	1.7A	182	GATE VALVE AWWA 509 - SIZE 8"	\$5,000.00	\$910,000.00	1.7A	182	GATE VALVE AWWA 509 - SIZE 8"	\$2,400.00	\$436,800.00	1.7A	182	GATE VALVE AWWA 509 - SIZE 8"	\$3,191.15	\$580,789.30
1.7B	13	GATE VALVE AWWA 509 - SIZE 10"	\$5,000.00	\$65,000.00	1.7B	13	GATE VALVE AWWA 509 - SIZE 10"	\$5,200.00	\$67,600.00	1.7B	13	GATE VALVE AWWA 509 - SIZE 10"	\$7,500.00	\$97,500.00	1.7B	13	GATE VALVE AWWA 509 - SIZE 10"	\$3,700.00	\$48,100.00	1.7B	13	GATE VALVE AWWA 509 - SIZE 10"	\$4,365.00	\$56,745.00
1.7C	5	6" GATE VALVE AWWA 509 ALLOWANCE FOR FIRE HYDRANT	\$3,600.00	\$18,000.00	1.7C	5	6" GATE VALVE AWWA 509 ALLOWANCE FOR FIRE HYDRANT	\$3,500.00	\$17,500.00	1.7C	5	6" GATE VALVE AWWA 509 ALLOWANCE FOR FIRE HYDRANT	\$3,500.00	\$17,500.00	1.7C	5	6" GATE VALVE AWWA 509 ALLOWANCE FOR FIRE HYDRANT	\$1,500.00	\$7,500.00	1.7C	5	6" GATE VALVE AWWA 509 ALLOWANCE FOR FIRE HYDRANT	\$2,646.80	\$13,234.00
1.7D	20	GATE VALVE AWWA 509 ALLOWANCE	\$6,000.00	\$120,000.00	1.7D	20	GATE VALVE AWWA 509 ALLOWANCE	\$3,500.00	\$70,000.00	1.7D	20	GATE VALVE AWWA 509 ALLOWANCE	\$6,500.00	\$130,000.00	1.7D	20	GATE VALVE AWWA 509 ALLOWANCE	\$2,400.00	\$48,000.00	1.7D	20	GATE VALVE AWWA 509 ALLOWANCE	\$3,399.50	\$67,990.00
1.9A	99	FIRE HYDRANT ASSEMBLY	\$7,500.00	\$742,500.00	1.9A	99	FIRE HYDRANT ASSEMBLY	\$9,100.00	\$900,900.00	1.9A	99	FIRE HYDRANT ASSEMBLY	\$10,500.00	\$1,039,500.00	1.9A	99	FIRE HYDRANT ASSEMBLY	\$7,900.00	\$782,100.00	1.9A	99	FIRE HYDRANT ASSEMBLY	\$10,887.67	\$1,077,879.33
1.9B	10	FIRE HYDRANT ASSEMBLY REPLACEMENT ALLOWANCE	\$7,500.00	\$75,000.00	1.9B	10	FIRE HYDRANT ASSEMBLY REPLACEMENT ALLOWANCE	\$9,100.00	\$91,000.00	1.9B	10	FIRE HYDRANT ASSEMBLY REPLACEMENT ALLOWANCE	\$12,500.00	\$125,000.00	1.9B	10	FIRE HYDRANT ASSEMBLY REPLACEMENT ALLOWANCE	\$7,900.00	\$79,000.00	1.9B	10	FIRE HYDRANT ASSEMBLY REPLACEMENT ALLOWANCE	\$10,780.25	\$107,802.50
1.9C	67	FIRE HYDRANT ASSEMBLY REMOVAL	\$2,500.00	\$167,500.00	1.9C	67	FIRE HYDRANT ASSEMBLY REMOVAL	\$3,000.00	\$201,000.00	1.9C	67	FIRE HYDRANT ASSEMBLY REMOVAL	\$1,000.00	\$67,000.00	1.9C	67	FIRE HYDRANT ASSEMBLY REMOVAL	\$500.00	\$33,500.00	1.9C	67	FIRE HYDRANT ASSEMBLY REMOVAL	\$946.87	\$63,440.29
1.13A	435	1" SERVICE LINE INSTALLATION SHORT	\$1,750.00	\$761,250.00	1.13A	435	1" SERVICE LINE INSTALLATION SHORT	\$1,800.00	\$783,000.00	1.13A	435	1" SERVICE LINE INSTALLATION SHORT	\$2,200.00	\$957,000.00	1.13A	435	1" SERVICE LINE INSTALLATION SHORT	\$1,300.00	\$565,500.00	1.13A	435	1" SERVICE LINE INSTALLATION SHORT	\$1,889.70	\$822,019.50
1.13B	342	1" SERVICE LINE INSTAL LONG	\$2,500.00	\$855,000.00	1.13B	342	1" SERVICE LINE INSTAL LONG	\$3,100.00	\$1,060,200.00	1.13B	342	1" SERVICE LINE INSTAL LONG	\$2,500.00	\$855,000.00	1.13B	342	1" SERVICE LINE INSTAL LONG	\$1,500.00	\$513,000.00	1.13B	342	1" SERVICE LINE INSTAL LONG	\$4,467.21	\$1,527,785.82
1.13C	2	2" SERVICE LINE INSTALLATION LONG	\$5,000.00	\$10,000.00	1.13C	2	2" SERVICE LINE INSTALLATION LONG	\$4,100.00	\$8,200.00	1.13C	2	2" SERVICE LINE INSTALLATION LONG	\$5,000.00	\$10,000.00	1.13C	2	2" SERVICE LINE INSTALLATION LONG	\$2,900.00	\$5,800.00	1.13C	2	2" SERVICE LINE INSTALLATION LONG	\$6,619.60	\$13,239.20
1.13D	2900	WATER SERVICE LINES - 1" C901 HDPE ALLOWANCE	\$5.00	\$14,500.00	1.13D	2900	WATER SERVICE LINES - 1" C901 HDPE ALLOWANCE	\$25.00	\$72,500.00	1.13D	2900	WATER SERVICE LINES - 1" C901 HDPE ALLOWANCE	\$5.00	\$14,500.00	1.13D	2900	WATER SERVICE LINES - 1" C901 HDPE ALLOWANCE	\$6.25	\$18,125.00	1.13D	2900	WATER SERVICE LINES - 1" C901 HDPE ALLOWANCE	\$34.75	\$100,775.00
1.13E	65	WATER SERVICE LINES - 2" C901 HDPE ALLOWANCE	\$15.00	\$975.00	1.13E	65	WATER SERVICE LINES - 2" C901 HDPE ALLOWANCE	\$50.00	\$3,250.00	1.13E	65	WATER SERVICE LINES - 2" C901 HDPE ALLOWANCE	\$10.00	\$650.00	1.13E	65	WATER SERVICE LINES - 2" C901 HDPE ALLOWANCE	\$10.00	\$650.00	1.13E	65	WATER SERVICE LINES - 2" C901 HDPE ALLOWANCE	\$42.80	\$2,782.00
1.14A	12283	DRIVEWAY REPAIR (CONCRETE)	\$150.00	\$1,842,450.00	1.14A	12283	DRIVEWAY REPAIR (CONCRETE)	\$198.00	\$2,432,034.00	1.14A	12283	DRIVEWAY REPAIR (CONCRETE)	\$175.00	\$2,149,525.00	1.14A	12283	DRIVEWAY REPAIR (CONCRETE)	\$135.00	\$1,658,205.00	1.14A	12283	DRIVEWAY REPAIR (CONCRETE)	\$298.08	\$3,661,316.64
1.14B	1228	DRIVEWAY REPAIR - ALLOWANCE	\$150.00	\$184,200.00	1.14B	1228	DRIVEWAY REPAIR - ALLOWANCE	\$198.00	\$243,144.00	1.14B	1228	DRIVEWAY REPAIR - ALLOWANCE	\$175.00	\$214,900.00	1.14B	1228	DRIVEWAY REPAIR - ALLOWANCE	\$135.00	\$165,780.00	1.14B	1228	DRIVEWAY REPAIR - ALLOWANCE	\$298.08	\$366,042.24
1.15	200	SIDEWALK INSTALLATION/REPLACEMENT	\$60.00	\$12,000.00	1.15	200	SIDEWALK INSTALLATION/REPLACEMENT	\$200.00	\$40,000.00	1.15	200	SIDEWALK INSTALLATION/REPLACEMENT	\$155.00	\$31,000.00	1.15	200	SIDEWALK INSTALLATION/REPLACEMENT	\$120.00	\$24,000.00	1.15	200	SIDEWALK INSTALLATION/REPLACEMENT	\$311.26	\$62,252.00
1.16A	941	STREET REPAIR (CONCRETE)	\$150.00	\$141,150.00	1.16A	941	STREET REPAIR (CONCRETE)	\$250.00	\$235,250.00	1.16A	941	STREET REPAIR (CONCRETE)	\$275.00	\$258,775.00	1.16A	941	STREET REPAIR (CONCRETE)	\$145.00	\$136,445.00	1.16A	941	STREET REPAIR (CONCRETE)	\$528.18	\$497,017.38
1.16B	23	STREET REPAIR (ASPHALT)	\$130.00	\$2,990.00	1.16B	23	STREET REPAIR (ASPHALT)	\$200.00	\$4,600.00	1.16B	23	STREET REPAIR (ASPHALT)	\$285.00	\$6,555.00	1.16B	23	STREET REPAIR (ASPHALT)	\$145.00	\$3,335.00	1.16B	23	STREET REPAIR (ASPHALT)	\$325.00	\$7,475.00
1.16C	96	STREET REPAIR ALLOWANCE	\$140.00	\$13,440.00	1.16C	96	STREET REPAIR ALLOWANCE	\$200.00	\$19,200.00	1.16C	96	STREET REPAIR ALLOWANCE	\$275.00	\$26,400.00	1.16C	96	STREET REPAIR ALLOWANCE	\$145.00	\$13,920.00	1.16C	96	STREET REPAIR ALLOWANCE	\$562.90	\$54,038.40
1.19	32166	GRASSING (SOLID SLAB SOD)	\$6.00	\$192,996.00	1.19	32166	GRASSING (SOLID SLAB SOD)	\$18.00	\$578,988.00	1.19	32166	GRASSING (SOLID SLAB SOD)	\$7.00	\$225,162.00	1.19	32166	GRASSING (SOLID SLAB SOD)	\$7.00	\$225,162.00	1.19	32166	GRASSING (SOLID SLAB SOD)	\$17.55	\$564,513.30
1.21	1	WORK CHANGE DIRECTIVE - ALLOWANCE	\$770,000.00	\$770,000.00	1.21	1	WORK CHANGE DIRECTIVE - ALLOWANCE	\$770,000.00	\$770,000.00	1.21	1	WORK CHANGE DIRECTIVE - ALLOWANCE	\$770,000.00	\$770,000.00	1.21	1	WORK CHANGE DIRECTIVE - ALLOWANCE	\$770,000.00	\$770,000.00	1.21	1	WORK CHANGE DIRECTIVE - ALLOWANCE	\$770,000.00	\$770,000.00
1.22	100	AGGREGATE BACKFILL ALLOWANCE	\$100.00	\$10,000.00	1.22	100	AGGREGATE BACKFILL ALLOWANCE	\$84.00	\$8,400.00	1.22	100	AGGREGATE BACKFILL ALLOWANCE	\$75.00	\$7,500.00	1.22	100	AGGREGATE BACKFILL ALLOWANCE	\$165.00	\$16,500.00	1.22	100	AGGREGATE BACKFILL ALLOWANCE	\$106.08	\$10,608.00
1.23	100	TREE REMOVAL ALLOWANCE	\$300.00	\$30,000.00	1.23	100	TREE REMOVAL ALLOWANCE	\$100.00	\$10,000.00	1.23	100	TREE REMOVAL ALLOWANCE	\$100.00	\$10,000.00	1.23	100	TREE REMOVAL ALLOWANCE	\$200.00	\$20,000.00	1.23	100	TREE REMOVAL ALLOWANCE	\$73.93	\$7,393.00
1.24	1	EROSION CONTROL	\$50,000.00	\$50,000.00	1.24	1	EROSION CONTROL	\$75,000.00	\$75,000.00	1.24	1	EROSION CONTROL	\$100,000.00	\$100,000.00	1.24	1	EROSION CONTROL	\$80,000.00	\$80,000.00	1.24	1	EROSION CONTROL	\$31,200.00	\$31,200.00
1.25	1	TRAFFIC CONTROL	\$50,000.00	\$50,000.00	1.25	1	TRAFFIC CONTROL	\$150,000.00	\$150,000.00	1.25	1	TRAFFIC CONTROL	\$250,000.00	\$250,000.00	1.25	1	TRAFFIC CONTROL	\$439,000.00	\$439,000.00	1.25	1	TRAFFIC CONTROL	\$58,500.00	\$58,500.00
18.2	140	SANITARY SEWER LINE REPLACEMENT TRENCH AND BACKFILL	\$200.00	\$28,00																				

CONTRACT

THIS CONTRACT made and entered into this 12th day of March 2024, by and between CITY OF LAWTON, Oklahoma, a Municipal Corporation, acting by and through the Mayor and City Council, party of the first part, hereinafter referred to as "CITY", and Timco Blastings & Coatings INC, party of the second part, hereinafter referred to as "CONTRACTOR".

WITNESSETH:

WHEREAS, the CITY has caused to be prepared in accordance with law, certain Contract Documents and Technical Specifications (including Plans) for the work hereinafter described, and has caused a Solicitation for Bids to be given and advertised as required by law, and has received sealed proposals for the furnishing of all labor and materials for

PU-2308 MAP 09 WATERLINE REPLACEMENT PROJECT
8 INCH AND 10 INCH WATERLINE IMPROVEMENTS

and

WHEREAS, the Contractor in response to said Solicitation for Bids submitted to the CITY in the manner and at the time specified a sealed proposal in accordance with the terms and provisions of said Contract Documents and Technical Specifications, Plans and Addenda(s) associated with this project; and

WHEREAS, the CITY, in the manner provided by law, has publicly opened, examined, and canvassed all the proposals submitted and has determined and declared the above named Contractor to be the best responsive bidder on the above described project; and

WHEREAS, the City, has duly awarded this Contract to said Contractor at the contract unit prices bid and as specified in the Contractor's proposal, to wit:

Fourteen million one hundred seventy seven thousand two hundred sixty Dollars (\$14,177,260.00) Said proposal of TIMCO Blastings & Coatings INC is incorporated by reference into this contract. The actual amount to be paid to the Contractor will be based on the unit price in the Contractor's proposal times the unit quantities actually used and accepted for this project.

NOW, THEREFORE, for and in consideration of the mutual agreements and covenants herein contained, the parties to this Contract have agreed, and hereby agree, as follows:

1. The Contractor shall, in a good and first-class workmanlike manner, at his own cost and expense, furnish all labor and materials, tools, and equipment required to perform and complete said work in strict accordance with this Contract, the Contract Documents and Technical Specifications and all applicable Plans and Addenda, all of which are on file in the office of the Director of Public Utilities, 2100 SW 6th Street, Lawton, OK, 73501, and hereby incorporated by reference and made a part of this Contract as if the same were each herein set out at length.
2. The CITY will make progress payments to the Contractor no more than once per month

upon request of the Contractor.

Such payment will be made on the basis of an agreed estimate of work performed since the previous pay request, provided that the Contractor and the Project Manager shall have previously come to an agreement as to the amount of the request prior to submission.

The City shall retain five percent (5%) of the amount of each estimate until the project is complete. This retainage shall not be released until final acceptance of project by the City Council.

Each monthly estimate for payment must contain or have attached an affidavit for payment, as set forth in the Contract Documents and Technical Specifications.

On completion of the work, but prior to the acceptance by the CITY, it shall be the duty of the City Engineer/Project Manager, or his authorized designee, to determine that said work has been completed and fully performed in accordance with said Contract Documents and Technical Specifications and all applicable Plans and Addenda; and upon making such determination said official shall make his final certificate to the CITY.

The Contractor hereby agrees to commence work under this Contract on a date to be specified in a written "Work Order" of the CITY and to fully complete the project **365 Calendar days to Substantial Completion and 395 Calendar Days to Final Completion** The Contractor further agrees to pay as liquidated damages, the sum of **One Thousand and 00/00 Dollars (\$1000.00) for each consecutive calendar day till Substantial Completion and Five Hundred and 00/00 Dollars (\$500.00) for each consecutive calendar Day till Final Completion** thereafter as provided in Paragraph 18 of the General Conditions section of the Contract Documents and Technical Specifications.

The Contractor shall furnish proof that all claims and obligations incurred by him in connection with the performance of said work have been fully paid and settled; said information shall be in the form of an affidavit constituting the Contractor's Release to City as set forth in the Contract Documents and Technical Specifications; thereupon, the final estimate (including any retained amounts) will be approved and paid.

3. Discrimination. The Contractor agrees in connection with the performance of work under this contract as follows:

- a. The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, disability, age or ancestry. Such actions shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruiting or recruitment, advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, (including apprenticeship.) The Contractor agrees to include this non-discrimination clause in any subcontracts connected with the performance of this Contract.
- b. The Contractor and Subcontractor shall agree to post in a conspicuous place available to employees and applicants for employment, notice to be provided by the City Clerk of the City of Lawton setting forth the provisions of this section.
- c. In the event of the Contractor's non-compliance with the above non-discrimination clause, this Contract may be terminated by the CITY. The Contractor may also be declared

by the CITY to be ineligible for future contracts with the CITY until satisfactory proof of intent to comply shall be made by the Contractor.

4. Use of Subcontractors. The Contractor shall actively solicit bids for the subcontracting of goods or services from qualified minority businesses. At the request of the CITY, the Contractor shall furnish evidence of compliance with this requirement of minority solicitation. The Contractor further agrees to consider the grant of subcontracts to minority bidders on the basis of substantially equal proposals in the light most favorable to said minority businesses.
5. Entire Contract. This Contract and all the documents incorporated by reference contain the entire understanding and agreement of the parties upon the subject matter hereof. There is no agreement, oral or otherwise, which is not set forth in writing hereto or attached. This Contract includes the following items: this Contract, the Contract Documents and Technical Specifications, all applicable Plans and Addenda and the Contractor's Proposal.
6. Modification and Termination. This Contract cannot be modified or terminated except in writing signed by both parties or as otherwise provided herein.
7. Assignment. This Contract shall not be assigned without the written consent of the CITY.
8. Bankruptcy. If the Contractor becomes bankrupt or insolvent, or if a petition in bankruptcy is filed against the Contractor, or if a receiver is appointed for the Contractor, the CITY shall have the right to terminate this Contract upon written notice to the Contractor without prejudice to any claim for damages or any other right of the CITY under this Contract to the time of such termination.
9. Variables in Cost. The parties hereto assume and understand that the variables in Contractor's cost of performance may fluctuate; consequently, the parties hereto agree that any fluctuations in Contractor's costs will in no way alter the Contractor's obligations under this Contract nor excuse performance or delay on his part.
10. Choice of Laws and Venue. This Contract shall be governed by the laws of the State of Oklahoma. Any lawsuit brought concerning this Contract shall be filed with the appropriate state court, Comanche County, Oklahoma or with the United States District Court for Western District of Oklahoma, as applicable.
11. The Contractor acknowledges to and for the benefit of the City of Lawton ("Owner") and the Oklahoma Drinking Water State Revolving Fund (the "State") that it understands the goods and services under this Agreement are being funded with monies made available by the Clean Water State Revolving Fund and/or Drinking Water State Revolving Fund that have statutory requirements commonly known as "American Iron and Steel;" that requires all of the iron and steel products used in the project to be produced in the United States ("American Iron and Steel Requirement") including iron and steel products provided by the Contractor pursuant to this Agreement. The Contractor hereby represents and warrants to and for the benefit of the Owner and the State that (a) the Contractor has reviewed and understands the American Iron and Steel Requirement, (b) all of the iron and steel products used in the project will be and/or have been produced in the United States in a manner that complies with the American Iron and Steel Requirement, unless a waiver of the requirement is approved, and (c) the Contractor will provide any further verified information, certification or assurance of compliance with this paragraph, or

information necessary to support a waiver of the American Iron and Steel Requirement, as may be requested by the Owner or the State. Notwithstanding any other provision of this Agreement, any failure to comply with this paragraph by the Contractor shall permit the Owner or State to recover as damages against the Contractor any loss, expense, or cost (including without limitation attorney's fees) incurred by the Owner or State resulting from any such failure (including without limitation any impairment or loss of funding, whether in whole or in part, from the State or any damages owed to the State by the Owner). While the Contractor has no direct contractual privity with the State, as a lender to the Owner for the funding of its project, the Owner and the Contractor agree that the State is a third-party beneficiary and neither this paragraph (nor any other provision of this Agreement necessary to give this paragraph force or effect) shall be amended or waived without the prior written consent of the State.

12. The Contractor acknowledges to and for the benefit of the City of Lawton ("Owner") and the Oklahoma Water Resources Board (the "Funding Authority") that it understands the goods and services under this Agreement are being funded with federal monies and have statutory requirements commonly known as "Build America, Buy America;" that requires all of the iron and steel, manufactured products, and construction materials used in the project to be produced in the United States ("Build America, Buy America Requirements") including iron and steel, manufactured products, and construction materials provided by the Contractor pursuant to this Agreement. The Contractor hereby represents and warrants to and for the benefit of the Owner and Funding Authority (a) the Contractor has reviewed and understands the Build America, Buy America Requirements, (b) all of the iron and steel, manufactured products, and construction materials used in the project will be and/or have been produced in the United States in a manner that complies with the Build America, Buy America Requirements, unless a waiver of the requirements is approved, and (c) the Contractor will provide any further verified information, certification or assurance of compliance with this paragraph, or information necessary to support a waiver of the Build America, Buy America Requirements, as may be requested by the Owner or the Funding Authority. Notwithstanding any other provision of this Agreement, any failure to comply with this paragraph by the Contractor shall permit the Owner or Funding Authority to recover as damages against the Contractor any loss, expense, or cost (including without limitation attorney's fees) incurred by the Owner or Funding Authority resulting from any such failure (including without limitation any impairment or loss of funding, whether in whole or in part, from the Funding Authority or any damages owed to the Funding Authority by the Owner). If the Contractor has no direct contractual privity with the Funding Authority, as a lender or awardee to the Owner for the funding of its project, the Owner and the Contractor agree that the Funding Authority is a third-party beneficiary and neither this paragraph (nor any other provision of this Agreement necessary to give this paragraph force or effect) shall be amended or waived without the prior written consent of the Funding Authority.

"Davis Bacon Act wages rules shall apply. All laborers and mechanics employed by contractors and sub-contractors on projects funded directly by or assisted in whole or in part by the through the Federal Government shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of Chapter 31 of Title 40, United States Code and the DW-185 Supplemental Conditions (Pink Sheets). The Department of Labor provides all pertinent information related to compliance with labor standards and including prevailing wage rates and for reporting. For more information, please refer to <http://www.wdol.gov/> and "<http://www.SAM.gov>."

13. This Contract requires proper signature and acceptance by the Contractor and approval

by the Lawton City Council before it becomes effective.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, in three (3) originals, the day and year first above written.

(FOR CORPORATIONS ONLY)

Name of Corporation

By _____

Title _____

ATTEST:

Title _____

(AFFIX SEAL)

(FOR PARTNERSHIPS AND PROPRIETORSHIPS)

Name of Partnership or Proprietorship

By _____

Title _____

COUNTY OF COMANCHE }
 STATE OF OKLAHOMA }

Before me the undersigned, a Notary Public in and for said state, on this ____ day of _____, 2024, personally appeared _____, a member of the partnership/proprietorship _____ to me known to be the identical person who executed the within and foregoing instrument on behalf of said partnership/proprietorship and acknowledged to me that _____ (he/she) executed the same as _____ (his/her) free and voluntary act and deed, and for the free and voluntary act and deed of said partnership/proprietorship, for the uses and purposes therein set forth.

My Commission Expires _____

 Notary Public

CITY OF LAWTON, OKLAHOMA
 A Municipal Corporation

 Stan Booker, MAYOR

ATTEST:

 Donalynn Blazek-Scherler, CITY CLERK

APPROVED as to form and legality this ____ day of _____, 2024.

 Tim Wilson, Acting CITY ATTORNEY

I, Joe Dunham, Finance Director of the City of Lawton, Oklahoma, do hereby certify that I have entered the amount for this encumbrance against appropriate Account No. _____ for (\$ _____), and after charging account title _____ with this encumbrance there is an unencumbered balance in said account of \$ _____.

Dated this ____ day of _____, 2024.

 Joe Dunham, FINANCE DIRECTOR



City of Lawton

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

Commentary

File #: 24-1337

Agenda Date: 3/12/2024

Agenda No: 9.

ITEM TITLE:

Consider extending contract (CL23-015) Liquid Oxygen with Matheson Tri-Gas, Inc.

INITIATOR: Rusty Whisenhunt, Director of Public Utilities

STAFF INFORMATION SOURCE: Rusty Whisenhunt, Director of Public Utilities
Carl Gray, WTP Superintendent
Colbie Garrett, Buyer-Financial Services

BACKGROUND: The contract (CL23-015) Liquid Oxygen is currently in effect. The vendor has agreed to the contract extension with the same terms, conditions, and prices currently in effect. The recommendation has been received from Water Plant Supervisor that the contract be extended for an additional year. The vendors have satisfactorily fulfilled the terms and conditions of the current contract. The chemical is used to produce safe drinking water for the Citizens of Lawton, providing for a Safe Community in accordance with the **TRUE NORTH CULTURE STATEMENT**.

EXHIBITS: Department Recommendation, Vendor Extension Form, Original Contract.

KEY ISSUES: Does the City of Lawton wish to extend contract (CL23-015) Liquid Oxygen to Matheson Tri-Gas, Inc.

FUNDING SOURCE: MPWTP Chemical Account (7006509-51015) and SEWTP (7006510-51015)
The chemical account for the WTP currently has \$1,506,511.00 available for encumbrance. With the approval of this contract the City of Lawton expects to spend \$72,790 of these funds by 6/30/2024.

RECOMMENDED COUNCIL ACTION: Extend contract (CL23-015) Liquid Oxygen with Matheson Tri-Gas, Inc., in the estimated amount of \$115,539 annually.



City of Lawton

Department of Public Utilities

E-mail: publicutilities@lawtonok.gov
Telephone 580-581-3405
Fax 580-581-3407

Mailing Address: 103 Southwest 4th Street
Shipping Address: 2100 South 6th Street
Lawton, Oklahoma 73501

To: Colbie Garrett, Buyer
From: Carl Gray, Plants Superintendent
Thru: Rusty Whisenhunt, Director of Public Utilities *lwh*
Subject: Extend CL23-015 – Liquid Oxygen
Date: February 27, 2024

It is recommended to extend the contract for Liquid Oxygen with Matheson Tri-Gas, Inc. for another year. Contract expenditures are estimated to be greater than \$75,000 per fiscal year.

Funds are available in the Medicine Park Water Treatment Plant and Southeast Water Treatment Plant Divisions' Chemical Accounts (7006509-51015) and (7006510-51015).

If you have any questions regarding this information, please contact me.



CITY OF LAWTON

FINANCE DEPARTMENT

February 15, 2024

Matheson Tri-Gas, Inc.
Attn: Jon Owen
909 Lake Carolyn Pkwy Ste 1300
Irving, TX 75039

RE: Contract CL23-015 Liquid Oxygen

Dear Jon,

Your contract with the City will expire on **April 30, 2024**. There are provisions that will allow this contract to be extended for an additional year upon mutual agreement of the City and your company. This letter is an initial notice to determine if your company wishes to extend this contract. Please, note that the extension must be under the same terms and conditions of the original agreement. Please, provide your response by **February 29, 2024**

We have included a copy of the extension document for your completion. This is done to decrease the paper flow between our offices. Please, note the appropriate department still must accept the extension. Once both parties have agreed to the extension, it will be processed for City Council approval. If the appropriate department does not wish to extend, your office will be notified.

If either your company or the City department does not wish to extend, this contract will expire. You will be notified if action will be taken to rebid the contract, or if the City no longer needs the goods/services covered by the contract.

Please, notify this office of your decision to extend, or not extend, the contract. **If you wish to extend, please sign, notarize and return the Contract Extension Form by email AND via USPS.** Please, contact colbie.garrett@lawtonok.gov for any questions.

Thank You,

A handwritten signature in cursive script that reads "Colbie Garrett".

Colbie Garrett
Buyer, Financial Services

CONTRACT EXTENSION FORM

CONTRACT TITLE: Liquid Oxygen
CONTRACT NUMBER: CL23-015

In accordance with the Agreement between the parties, the above-described contract is hereby modified in the following respects:

1. The contract period is extended to April 30, 2025, by mutual agreement between the undersigned vendor and the City of Lawton, Oklahoma subject to funding availability beyond this fiscal year.
2. All other terms and conditions of the contract or any written modifications thereto remain unchanged.
3. The laws of the State of Oklahoma shall govern this contract.

WITNESS the hands of the parties hereto this 29th day of February, 2024.

AFFIDAVIT:

STATE OF TEXAS COUNTY OF DALLAS

I, Mike Skrjanc (name of affiant), of lawful age, being first duly sworn, on oath says that:

1. Affiant is the duly authorized agent of the vendor executing the extension to the above referenced agreement, and that as such agent Affiant has the authority to bind the vendor, whether an individual, partnership, or corporation, for the purpose of negotiating and entering into any extension to or modification of said agreement, and for certifying the facts pertaining to the existence of collusion among vendors and City officials or employees, as well as facts pertaining to the giving or offering of things of value to government personnel in return for special consideration in the letting or extension of any contract entered; 2. Affiant is fully aware of the facts and circumstances surrounding the procurement of the contract to which this statement refers and has been personally and directly involved in the proceedings leading to the submission of such extension; 3. Neither the vendor nor anyone subject to the vendor's direction or control has been a party: a. to any collusion among vendors in restraint of freedom of competition by agreement to bid at a fixed price or to refrain from bidding, b. to any collusion with any municipal official or employee as to quantity, quality or price in the contract, or as to any other terms of such contract, c. in any discussions between vendors and any municipal official concerning exchange of money or other thing of value for special consideration in the letting or extension of a contract, nor d. to paying, giving or donating or agreeing to pay, give or donate to any officer or employee of the City of Lawton, any money or other thing of value, either directly or indirectly, in procuring the extension of the contract described above. 4. Affiant further agrees to be held personally liable in the event that Affiant has misrepresented the scope or extent of Affiant's authority to bind the vendor herein, and to indemnify and hold harmless the City of Lawton, its departments, boards, commissions, agencies, institutions, and all employees of the aforementioned from all damages based upon such misrepresentation, including but not limited to all costs and attorney fees incurred, in addition to any other remedies available by law.

Firm: Matheson Tri-Gas, Inc.

Address: 909 Lake Carolyn Pkwy STE 1300

Irving, TX 75039
(City, State, Zip)

Phone: 972-560-5700

Mike E Skrjanc

SIGNATURE OF AUTHORIZED AGENT

Mike Skrjanc / Vice President of Product Management

PRINT/TYPE NAME/TITLE

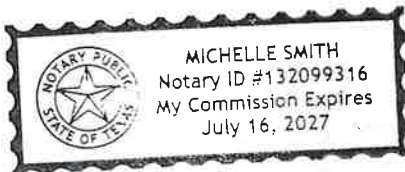
Subscribed & sworn before me this 29th day of February, 2024.

Michelle Smith

Notary Public

My Commission expires: 7/16/27

City of Lawton, Oklahoma
A Municipal Corporation



Stanley Booker, Mayor

ATTEST:

CITY CLERK

APPROVED as to form and legality on behalf of the City of Lawton on the _____ day of _____, 20____

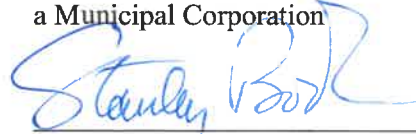
CITY ATTORNEY

Contract: CL23-015 Liquid Oxygen
Vendor(s): Matheson Tri-Gas, Inc.

CITY APPROVAL

Acceptance and entry into this agreement by and on behalf of the City of Lawton is made this 11th day of April, 2023.

The City of Lawton, Oklahoma
a Municipal Corporation



Stanley Booker, Mayor

ATTEST:


Traci Hushbeck, City Clerk

LEGAL REVIEW

APPROVED, as to form and legality on behalf of the City of Lawton on the 11
day of April, 2023.


City Attorney



City of Lawton

Department of Public Utilities

E-mail: cityof.lawton.ok.us
Telephone 580-581-3405
Fax 580-581-3407

Mailing Address: 103 Southwest 4th Street
Shipping Address: 2100 South 6th Street
Lawton, Oklahoma 73501

To: Justine Guevara, Buyer Financial Services
From: Carl Gray, Water Plants Superintendent *LB*
Thru: Rusty Whisenhunt, Director of Public Utilities
Subject: CL23-015 – Liquid Oxygen
Date: March 22, 2023

After reviewing the bids, it is recommended to award the contract for Liquid Oxygen to the low bidder, Matheson Tri-Gas, Inc. Matheson Tri-Gas, Inc. meets all requirements.

Funds are available in the Medicine Park Water Treatment Plant and Southeast Water Treatment Plant Divisions' Chemical Accounts (7006509-51015) and (7006510-51015).

If you have any questions regarding this information, please contact me.

COPY 1



MATHESON

The Gas Professionals

909 Lake Carolyn Pkwy
Suite 1300
Irving, TX 75039

Tel: 214.604.9563
www.mathesongas.com

February 27, 2023

Attn:
City Clerk
City of Lawton
212 SW 9th Street
Lawton OK 73501

RE: CL23-015 LIQUID OXYGEN

Matheson is pleased to submit this BID to City of Lawton for the supply of Bulk Liquid Oxygen.

Requests:

- We desire the BID results and the results for who received the contract. Please email the results to Jon Owen / jowen@mathesongas.com
- Matheson invoices using the CCF/per100 UOM. Equal pricing compared to pound is listed below and also notated on the Price BID Sheet.

Matheson is bidding the following price: \$0.064024/per pound (equal to) \$0.53/CCF

Thank you for this opportunity to BID on the supply of Bulk Liquid Oxygen. We look forward to supplying your (2) plants with reliable, safe, and an economic supply of product. This proposal is for commercial discussion purposes only.

Please feel free to contact me if you have any questions.

Best Regards, 

Jon Owen

Bulk Sales Representative

MATHESON

909 Lake Carolyn Pkwy. Ste. 1300

Irving, Texas 75039

Cell: 214.604.9563

jowen@mathesongas.com

www.mathesongas.com

City of Lawton

INVITATION TO BID AND CONTRACT

MAIL SEALED BIDS TO: City Clerk City of Lawton 212 SW 9th Street Lawton, OK 73501		DIRECT INQUIRIES TO: justine.quevara@lawtonok.gov	
		QUESTIONS REGARDING BID: www.bidsync.com/bidsync-cas/	
Date Bid Typed: February 22, 2023	Dates Bid Advertised: February 26, 2023	No Bids Received After: March 21, 2023 2:00pm	
Contract Number and Title: CL23-015 Liquid Oxygen		Requirements-type Contract:	Contract Period: 12 months
Bid Openings are held at Lawton City Hall 2nd Floor Conference Room 212 SW 9th Street Lawton, OK 73501 @ 2:00 pm			
Vendor Name and Point of Contact: Matheson Tri-Gas, Inc. / Jon Owen - Bulk Sales Rep.		Reason for No Bid:	
Mailing Address: 909 Lake Carolyn Pkwy STE 1300		Terms: NET 30	
City: State: Zip: Irving, TX 75039	Delivery: 2-Day		
Area Code and Phone Number: 972-560-5700		Email Address: jowen@mathesongas.com	
Federal Employer Identification Number or Social Security Number <div style="text-align: right;">TAX ID # 742460354</div>			

THIS BID INVALID IF NOT SIGNED AND NOTARIZED

AFFIDAVIT: STATE OF Texas COUNTY OF Dallas,

Jesse Rodgers

of lawful age, being first duly sworn, on oath says that:

1. Affiant is the duly authorized agent of the bidder/vendor and/or contractor submitting the competitive bid and executing the contract which is attached to this statement, and that as such agent Affiant has the authority to bind the bidder/vendor, whether an individual, partnership, or corporation, for the purpose of negotiating and entering into said agreement, and for certifying the facts pertaining to the existence of collusion among bidders and between bidders and City officials or employees, as well as facts pertaining to the giving or offering of things of value to government personnel in return for special consideration in the letting of any contract pursuant to the bid to which this statement is attached; 2. Affiant is fully aware of the facts and circumstances surrounding the making of the bid and/or the procurement of the contract to which this statement is attached and has been personally and directly involved in the proceedings leading to the submission of such bids; 3. Neither the bidder/vendor nor anyone subject to the bidder/vendor's direction or control has been a party: a. to any collusion among bidders in restraint of freedom of competition by agreement to bid at a fixed price or to refrain from bidding, b. to any collusion with any municipal official or employee as to quantity, quality or price in the prospective contract, or as to any other terms of such prospective contract, c. in any discussions between bidders and any municipal official concerning exchange of money or other thing of value for special consideration in the letting of a contract, nor d. to paying, giving or donating or agreeing to pay, give or donate to any officer or employee of the City of Lawton, any money or other thing of value, either directly or indirectly, in procuring the contract to which his statement is attached. 4. Affiant further agrees to be held personally liable in the event that Affiant has misrepresented the scope or extend of Affiant's authority to bind the bidder herein, and to indemnify and hold harmless the City of Lawton its departments, boards, commissions, agencies, institutions, and all employees of the aforementioned from all damages based upon such misrepresentation, including but not limited to all costs and attorney fees incurred, in addition to any other remedies available by law.

Firm: Matheson Tri-Gas, Inc.

Address: 909 Lake Carolyn Pkwy STE 1300
Irving, TX 75039
(City, State, Zip)

Phone: 972-560-5700

SIGNATURE OF AUTHORIZED AGENT

Jesse Rodgers / Vice President - Product Management

PRINT/TYPE NAME/TITLE

Subscribed & sworn before me this 2nd day of March, 20 23.

Michelle Smith
Notary Public

My Commission expires: 7/16/23

INVITATION TO BID AND CONTRACT
PAGE 1 OF 11

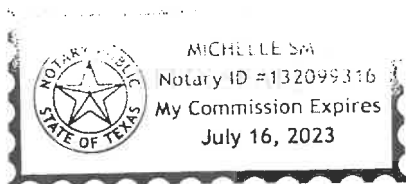
AFFIDAVIT FOR PAYMENTS IN EXCESS OF \$25,000.00
CITY OF LAWTON, STATE OF OKLAHOMA

STATE OF Texas

SS

COUNTY OF Dallas

The undersigned (architect, contractor, supplier or engineer), of lawful age, being first duly sworn, on oath says that this contract is true and correct. Affiant further states that the (work, services or materials) will be (completed or supplied) in accordance with the plans, specifications, orders or requests furnished the affiant. Affiant further states that (s) he has made no payment directly or indirectly to any elected official, officer or employee of the City of Lawton, any county or local subdivision of the state, of money or any other thing of value to obtain or procure the contract or purchase order.



Matheson Tri-Gas, Inc.

Business Name / Contractor Name

Signed [Signature]
Print: Jesse Rodgers

Attested to before me this 2nd day of March 2023.

[Signature]
Notary Public

My Commission Expires 7/16 2023.

NOTE: Copy of this Affidavit must be attached to any invoice submitted by an architect, contractor, or engineer or supplier for work, services, or materials completed or supplied under the terms of the contract or contracts in excess of \$25,000.00.



Bid Number: CL23-015

Bid Title: Liquid Oxygen

Vendor Name: Matheson Tri-Gas, Inc
(Please complete above information)

Price Bid

(Must be completed and returned with the bid)

Item	Description	Est. Qty	Unit	Unit Price
1	Liquid Oxygen	2.1 m	Wet pounds	\$0.064024 (equal to) \$0.53/CCF

This quantity is the estimated combined usage at the Medicine Park Water Treatment Plant and the Southeast Water Treatment Plant.

Notes:

1. As per accompanying specifications.
2. This is a requirements contract.
3. There are no insurance requirements for this contract.
4. Please submit two copies of any additional documents such as descriptive literature.
5. Please place all questions on Bidsync.



CITY OF LAWTON

FINANCE DEPARTMENT

February 27, 2023

**REQUEST FOR BID
CL23-0015
Liquid Oxygen**

The City of Lawton is hereby amending the above-mentioned Request for Request for Bid (CL). The original documentation can be found on at the City of Lawton City Clerk's office at 212 SW 9th Street, Lawton, OK 73501 and BidSync at <https://www.bidsync.com/bidsync-cas/>.

The following attachments are being revised in the Liquid Oxygen bid documents:

1. Bid Opening Location:
 - a. City Hall 3rd Floor Conference Room at 212 SW 9th Street, on Tuesday, March 21, 2023 at 2:00pm

Addenda #1 Acknowledged by Matheson Tri-Gas, Inc.

In the event that it is necessary to further amend, revise or supplement any part of this RFP, additional addenda will be posted to the City's website as well as Bidsync. The City will make a reasonable effort to provide the addenda to all bidders to whom the City provided the initial Invitation to Bid. The City is not responsible for any explanation, clarification, interpretation or approval made or given in any manner except by written addenda issued by the City.

ALL BIDDERS SHALL ACKNOWLEDGE AND INCLUDE THIS ADDENDA #1 AS PART OF THEIR SUBMITTAL PACKAGE.

Justine Guevara
Accountant/Buyer/Contract Administrator

City Hall | 212 SW 9th Street | Lawton, Oklahoma 73501 | 580-581-3328
WWW.LAWTONOK.GOV

CITY OF LAWTON SPECIFICATION

SPECIFICATION NUMBER: M-120

SPECIFICATION TITLE: Liquid Oxygen (Standard grade for ozone production)

APPROVAL DATE: 04-16-03

DELIVERY: **City of Lawton, Water Treatment Plant**
 S. Lake Drive & Water Street
 Medicine Park OK 73557
 &
 City of Lawton, Southeast Water Treatment Plant
 4596 SE 15th Street
 Lawton OK 73501

- a. Item(s) shall be delivered, FOB, to the address shown above.

WARRANTY:

- a. If item(s) bid are warrantable, the warranty will be considered during bid evaluation.
- b. Bidder is to clearly state the terms of the standard warranty and also the cost and terms of any additional available warranties.

DISCLAIMER: The City of Lawton reserves the right to accept or reject any or all bids.

DESCRIPTION:

- a. If bidder is bidding an item other than that which is shown, the bidder must include, with their bid, a complete, written specification of the item they are bidding, verifying the item, they are bidding is equal to or better than the item shown in the bid packet.
- b. The following specifications are the minimum acceptable standards for the item(s) shown above.
- c. Any deviation from these specifications must be clearly annotated by the Bidder by checking either Y or N and on a separate page list the specification reference and detailing the deviation.
- d. Failure to annotate deviations may cause bid to be deemed as non-responsive.

**SPECIFICATION FOR
LIQUID OXYGEN (STANDARD GRADE)**

ITEM	DESCRIPTION	COMPLY	
		Y	N
1	Oxygen, minimum 99.5% volume	Y ✓	
2	Nitrogen, maximum 100 ppm/vol	Y ✓	
3	Water, maximum 2 ppm/vol	Y ✓	
4	Total hydrocarbons as methane, maximum <25ppm/vol	Y ✓	
5	Dewpoint, maximum °F -97	Y ✓	

Vendor shall supply delivery time. This information will be used as criteria in bid evaluation.

Vendor shall supply security information 24 hours prior to delivery. (ie: drivers name, license number, picture, trailer number, hatch seal number)

Vendor shall supply certified weight certificate and product analysis per delivery.

Delivery quantities: Medicine Park Plant, approximately 4,500 gallons per load
Southeast Plant, approximately 2,000 gallons per load

Safety Data Sheet

Material Name: OXYGEN, LIQUID
SDS ID: 00225011

Section 1 - PRODUCT AND COMPANY IDENTIFICATION

Material Name

OXYGEN, LIQUID

Synonyms

MTG MSDS 242; LIQUID OXYGEN; LOX; OXYGEN; OXYGEN, PRESSURIZED LIQUID; UN 1073; O2; OXYGEN (CRYOGENIC LIQUID)

Chemical Family

inorganic, Gas

Product Use

industrial.

Restrictions on Use

None known.

Details of the supplier of the safety data sheet

MATHESON TRI-GAS, INC.

909 Lake Carolyn Parkway

Suite 1300

Irving, TX 75039

General Information: 1-800-416-2505

Emergency #: 1-800-424-9300 (CHEMTREC)

Outside the US: 703-527-3887 (Call collect)

Section 2 - HAZARDS IDENTIFICATION

Classification in accordance with paragraph (d) of 29 CFR 1910.1200.

Oxidizing Gases - Category 1

Gases Under Pressure - Refrigerated liquefied gas

Serious Eye Damage/Eye Irritation - Category 2A

Specific target organ toxicity - Single exposure - Category 3

GHS Label Elements
Symbol(s)

Signal Word

Danger

Hazard Statement(s)

May cause or intensify fire; oxidizer.

Contains refrigerated gas; may cause cryogenic burns or injury.

Causes serious eye irritation.

May cause respiratory irritation.

Precautionary Statement(s)
Prevention

Keep away from clothing and other combustible materials.

Keep reduction valves free from grease and oil.

Wear cold insulating gloves/face shield/eye protection.

Safety Data Sheet

Material Name: OXYGEN, LIQUID

SDS ID: 00225011

Avoid breathing gas.
 Wash thoroughly after handling.
 Use only outdoors or in a well-ventilated area.

Response

In case of fire: stop leak if safe to do so.
 Thaw frosted parts with lukewarm water.
 Do not rub affected area.
 Get immediate medical advice/attention.
 IF INHALED: Remove victim to fresh air and keep at rest in a position comfortable for breathing.
 Call a POISON CENTER or doctor/physician if you feel unwell.
 IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do.
 Continue rinsing.
 If eye irritation persists: Get medical advice/attention.

Storage

Store in a well-ventilated area.
 Keep container tightly closed.
 Store locked up.

Disposal

Dispose in accordance with all applicable regulations.

Other Hazards

May cause frostbite upon sudden release of liquefied gas.

Section 3 - COMPOSITION / INFORMATION ON INGREDIENTS

CAS	Component Name	Percent
7782-44-7	OXYGEN, LIQUID	100

Section 4 - FIRST AID MEASURES

Inhalation

If adverse effects occur, remove to uncontaminated area. Give artificial respiration if not breathing. Get immediate medical attention.

Skin

If frostbite or freezing occur, immediately flush with plenty of lukewarm water (105-115°F; 41-46°C). DO NOT USE HOT WATER. If warm water is not available, gently wrap affected parts in blankets. Get immediate medical attention.

Eyes

Immediately flush eyes with plenty of water for at least 15 minutes. Then get immediate medical attention.

Ingestion

If swallowed, get medical attention.

Most Important Symptoms/Effects

Acute

frostbite, respiratory tract irritation, eye irritation

Delayed

no information on significant adverse effects.

Indication of any immediate medical attention and special treatment needed

Treat symptomatically and supportively.

Section 5 - FIRE FIGHTING MEASURES

Extinguishing Media

Safety Data Sheet

Material Name: OXYGEN, LIQUID

SDS ID: 00225011

Suitable Extinguishing Media

Use regular dry chemical and/or carbon dioxide. Large fires: water spray or fog, regular foam

Unsuitable Extinguishing Media

Do not direct water at source of leak or safety devices; icing may occur.

Special Hazards Arising from the Chemical

Negligible fire hazard. Oxidizer. May ignite or explode on contact with combustible materials. Containers may rupture or explode if exposed to heat.

Hazardous Combustion Products

miscellaneous decomposition products

Fire Fighting Measures

Move container from fire area if it can be done without risk. Damaged cylinders should be handled only by specialists. Do not direct water at source of leak or safety devices; icing may occur. Withdraw immediately in case of rising sound from venting safety device or any discoloration of tanks due to fire. Stay away from the ends of tanks. For fires in cargo or storage area: Cool containers with water from unmanned hose holder or monitor nozzles until well after fire is out. If this is impossible then take the following precautions: Keep unnecessary people away, isolate hazard area and deny entry. Let the fire burn. For tank, rail car or tank truck, evacuation radius: 800 meters (1/2 mile).

Special Protective Equipment and Precautions for Firefighters

Wear full protective fire fighting gear including self contained breathing apparatus (SCBA) for protection against possible exposure.

Section 6 - ACCIDENTAL RELEASE MEASURES

Personal Precautions, Protective Equipment and Emergency Procedures

Wear personal protective clothing and equipment, see Section 8.

Methods and Materials for Containment and Cleaning Up

Keep away from clothing and other combustible materials. Do not touch or walk through spilled material. Stop leak if possible without personal risk. Keep unnecessary people away, isolate hazard area and deny entry. If possible, turn leaking containers so that gas escapes rather than liquid. Do not direct water at spill or source of leak. Use water spray to reduce vapors or divert vapor cloud drift. Avoid allowing water runoff to contact spilled material. Prevent entry into sewers, drains, ditches, underground or confined spaces and waterways. Damaged cylinders should be handled only by specialists.

Environmental Precautions

Avoid release to the environment.

Section 7 - HANDLING AND STORAGE

Precautions for Safe Handling

Keep away from clothing and other combustible materials. Keep reduction valves free from grease and oil. Wear cold insulating gloves/face shield/eye protection. Avoid breathing dust/fume/gas/mist/vapors/spray. Wash hands thoroughly after handling. Use only outdoors or in a well-ventilated area.

Conditions for Safe Storage, Including any Incompatibilities

Store in a well-ventilated area.

Keep container tightly closed.

Store locked up.

Keep container tightly closed. Store in a well-ventilated area. Keep locked up. Store and handle in accordance with all current regulations and standards. Subject to storage regulations: U.S. OSHA 29 CFR 1910.104. Protect from physical damage. Keep separated from incompatible substances. Store in a cool, dry place. Store outside or in a detached building.

Incompatible Materials

combustible materials, halo carbons, metals, bases, reducing agents, amines, metal salts, oxidizing materials

Safety Data Sheet

Material Name: OXYGEN, LIQUID
SDS ID: 00225011

Section 8 - EXPOSURE CONTROLS / PERSONAL PROTECTION

Component Exposure Limits

The following constituents are the only constituents of the product which have a PEL, TLV or other recommended exposure limit. At this time, the other constituents have no known exposure limits.

ACGIH - Threshold Limit Values - Biological Exposure Indices (BEI)

There are no biological limit values for any of this product's components.

Engineering Controls

Provide local exhaust ventilation system. Ensure compliance with applicable exposure limits.

Individual Protection Measures, such as Personal Protective Equipment
Eye/face protection

Wear splash resistant safety goggles with a faceshield. Contact lenses should not be worn. Provide an emergency eye wash fountain and quick drench shower in the immediate work area.

Skin Protection

Wear appropriate protective, cold insulating clothing.

Respiratory Protection

Under conditions of frequent use or heavy exposure, respiratory protection may be needed. Respiratory protection is ranked in order from minimum to maximum. Consider warning properties before use. Any supplied-air respirator with a full facepiece that is operated in a pressure-demand or other positive-pressure mode in combination with an auxiliary self-contained breathing apparatus operated in pressure-demand or other positive-pressure mode. Any self-contained breathing apparatus that has a full facepiece and is operated in a pressure-demand or other positive-pressure mode.

Glove Recommendations

Wear insulated gloves.

Section 9 - PHYSICAL AND CHEMICAL PROPERTIES

Appearance	blue liquefied gas	Physical State	gas
Odor	odorless	Color	blue
Odor Threshold	Not available	pH	Not available
Melting Point	-218 °C (-360 °F)	Boiling Point	-183 °C (-297 °F)
Boiling Point Range	Not available	Freezing point	Not available
Evaporation Rate	Not available	Flammability (solid, gas)	Not available
Autoignition Temperature	Not available	Flash Point	(Not flammable)
Lower Explosive Limit	Not available	Decomposition temperature	Not available
Upper Explosive Limit	Not available	Vapor Pressure	760 mmHg @ -183 °C
Vapor Density (air=1)	1.1	Specific Gravity (water=1)	1.1407 at -183 °C
Water Solubility	3.2 % (@ 25 °C)	Partition coefficient: n-octanol/water	Not available
Viscosity	0.156 cp	Kinematic viscosity	Not available

Safety Data Sheet

Material Name: OXYGEN, LIQUID
SDS ID: 00225011

Solubility (Other)	Not available	Density	Not available
Log KOW	0.65	Physical Form	cryogenic liquid
Taste	tasteless	Molecular Formula	O ₂
Molecular Weight	31.9988	triple point	-218.6 °C

Solvent Solubility

Soluble
alcohol

Section 10 - STABILITY AND REACTIVITY

Reactivity

Containers may rupture or explode if exposed to heat.

Chemical Stability

Stable at normal temperatures and pressure.

Possibility of Hazardous Reactions

Will not polymerize.

Conditions to Avoid

Avoid contact with combustible materials. Containers may rupture or explode if exposed to heat.

Incompatible Materials

combustible materials, halo carbons, metals, bases, reducing agents, amines, metal salts, oxidizing materials

Hazardous decomposition products

miscellaneous decomposition products

Section 11 - TOXICOLOGICAL INFORMATION

Information on Likely Routes of Exposure
Inhalation

irritation, cough, sensitivity to light, changes in body temperature, nausea, difficulty breathing, irregular heartbeat, dizziness, Disorientation, hallucinations, mood swings, tingling sensation, pain in extremities, tremors, visual disturbances, blindness, lung congestion, lung damage, convulsions, Unconsciousness

Skin Contact

blisters, frostbite

Eye Contact

irritation, frostbite, blurred vision

Ingestion

ingestion of a gas is unlikely

Acute and Chronic Toxicity
Component Analysis - LD50/LC50

The components of this material have been reviewed in various sources and no selected endpoints have been identified.

Product Toxicity Data
Acute Toxicity Estimate

No data available.

Immediate Effects

frostbite, respiratory tract irritation, eye irritation

Delayed Effects

no information on significant adverse effects.

Irritation/Corrosivity Data

Safety Data Sheet

Material Name: OXYGEN, LIQUID

SDS ID: 00225011

eye irritation, respiratory tract irritation

Respiratory Sensitization

No data available.

Dermal Sensitization

No data available.

Component Carcinogenicity

None of this product's components are listed by ACGIH, IARC, NTP, DFG or OSHA.

Germ Cell Mutagenicity

No data available.

Tumorigenic Data

No data available

Reproductive Toxicity

No data available.

Specific Target Organ Toxicity - Single Exposure

Respiratory system

Specific Target Organ Toxicity - Repeated Exposure

No data available.

Aspiration hazard

Not applicable.

Medical Conditions Aggravated by Exposure

No data available.

Section 12 - ECOLOGICAL INFORMATION

Component Analysis - Aquatic Toxicity

No LOLI ecotoxicity data are available for this product's components.

Persistence and Degradability

No data available.

Bioaccumulative Potential

No data available.

Mobility

No data available.

Section 13 - DISPOSAL CONSIDERATIONS

Disposal Methods

Dispose in accordance with all applicable regulations. Subject to disposal regulations: U.S. EPA 40 CFR 262.

Hazardous Waste Number(s): D001.

Component Waste Numbers

The U.S. EPA has not published waste numbers for this product's components.

Section 14 - TRANSPORT INFORMATION

US DOT Information:

Shipping Name: OXYGEN, REFRIGERATED LIQUID

Hazard Class: 2.2

UN/NA #: UN1073

Required Label(s): 2.2

IMDG Information:

Shipping Name: OXYGEN, REFRIGERATED LIQUID

Hazard Class: 2.2

Safety Data Sheet

Material Name: OXYGEN, LIQUID
SDS ID: 00225011

UN#: UN1073

Required Label(s): 2.2 5.1

International Bulk Chemical Code

This material does not contain any chemicals required by the IBC Code to be identified as dangerous chemicals in bulk.

Section 15 - REGULATORY INFORMATION

U.S. Federal Regulations

None of this product's components are listed under SARA Sections 302/304 (40 CFR 355 Appendix A), SARA Section 313 (40 CFR 372.65), CERCLA (40 CFR 302.4), TSCA 12(b), or require an OSHA process safety plan.

SARA Section 311/312 (40 CFR 370 Subparts B and C) reporting categories

Gas Under Pressure; Oxidizer; Serious Eye Damage/Eye Irritation; Specific Target Organ Toxicity

U.S. State Regulations

The following components appear on one or more of the following state hazardous substances lists:

Component	CAS	CA	MA	MN	NJ	PA
OXYGEN, LIQUID	7782-44-7	No	Yes	No	Yes	Yes

California Safe Drinking Water and Toxic Enforcement Act (Proposition 65)

Not listed under California Proposition 65.

Component Analysis - Inventory
OXYGEN, LIQUID (7782-44-7)

US	CA	AU	CN	EU	JP - ENCS	JP - ISHL	KR KECI - Annex 1	KR KECI - Annex 2
Yes	DSL	Yes	Yes	EIN	Yes	No	Yes	No

KR - REACH CCA	MX	NZ	PH	TH-TECI	TW, CN	VN (Draft)
No	Yes	Yes	Yes	Yes	Yes	Yes

Section 16 - OTHER INFORMATION

NFPA Ratings

Health: 3 Fire: 0 Instability: 0 Other:

Hazard Scale: 0 = Minimal 1 = Slight 2 = Moderate 3 = Serious 4 = Severe

Summary of Changes

Updated: 05/01/2015

Key / Legend

ACGIH - American Conference of Governmental Industrial Hygienists; ADR - European Road Transport; AU - Australia; BOD - Biochemical Oxygen Demand; C - Celsius; CA - Canada; CA/MA/MN/NJ/PA - California/Massachusetts/Minnesota/New Jersey/Pennsylvania*; CAS - Chemical Abstracts Service; CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act; CFR - Code of Federal Regulations (US); CLP - Classification, Labelling, and Packaging; CN - China; CPR - Controlled Products Regulations; DFG - Deutsche Forschungsgemeinschaft; DOT - Department of Transportation; DSD - Dangerous Substance Directive; DSL - Domestic Substances List; EC - European Commission; EEC - European Economic Community; EIN - European Inventory of (Existing Commercial Chemical Substances); EINECS - European Inventory of Existing Commercial Chemical Substances; ENCS - Japan Existing and New Chemical Substance Inventory; EPA - Environmental Protection Agency; EU - European Union; F - Fahrenheit; F - Background (for Venezuela Biological

Safety Data Sheet

Material Name: OXYGEN, LIQUID

SDS ID: 00225011

Exposure Indices); IARC - International Agency for Research on Cancer; IATA - International Air Transport Association; ICAO - International Civil Aviation Organization; IDL - Ingredient Disclosure List; IDLH - Immediately Dangerous to Life and Health; IMDG - International Maritime Dangerous Goods; ISHL - Japan Industrial Safety and Health Law; IUCLID - International Uniform Chemical Information Database; JP - Japan; Kow - Octanol/water partition coefficient; KR KECI Annex 1 - Korea Existing Chemicals Inventory (KECI) / Korea Existing Chemicals List (KECL); KR KECI Annex 2 - Korea Existing Chemicals Inventory (KECI) / Korea Existing Chemicals List (KECL) , KR - Korea; LD50/LC50 - Lethal Dose/ Lethal Concentration; KR REACH CCA - Korea Registration and Evaluation of Chemical Substances Chemical Control Act; LEL - Lower Explosive Limit; LLV - Level Limit Value; LOLI - List Of Lists™ - ChemADVISOR's Regulatory Database; MAK - Maximum Concentration Value in the Workplace; MEL - Maximum Exposure Limits; MX – Mexico; Ne- Non-specific; NFPA - National Fire Protection Agency; NIOSH - National Institute for Occupational Safety and Health; NJTSR - New Jersey Trade Secret Registry; Nq - Non-quantitative; NSL – Non-Domestic Substance List (Canada); NTP - National Toxicology Program; NZ - New Zealand; OSHA - Occupational Safety and Health Administration; PEL- Permissible Exposure Limit; PH - Philippines; RCRA - Resource Conservation and Recovery Act; REACH- Registration, Evaluation, Authorisation, and restriction of Chemicals; RID - European Rail Transport; SARA - Superfund Amendments and Reauthorization Act; Sc - Semi-quantitative; STEL - Short-term Exposure Limit; TCCA – Korea Toxic Chemicals Control Act; TDG - Transportation of Dangerous Goods; TH-TECI - Thailand - FDA Existing Chemicals Inventory (TECI); TLV - Threshold Limit Value; TSCA - Toxic Substances Control Act; TW – Taiwan; TWA - Time Weighted Average; UEL - Upper Explosive Limit; UN/NA - United Nations /North American; US - United States; VLE - Exposure Limit Value (Mexico); VN (Draft) - Vietnam (Draft); WHMIS - Workplace Hazardous Materials Information System (Canada).

Other Information

Disclaimer:

Matheson Tri-Gas, Inc. makes no express or implied warranties, guarantees or representations regarding the product or the information herein, including but not limited to any implied warranty or merchantability or fitness for use. Matheson Tri-Gas, Inc. shall not be liable for any personal injury, property or other damages of any nature, whether compensatory, consequential, exemplary, or otherwise, resulting from any publication, use or reliance upon the information herein.

I CERTIFY that I have opened, read, and recorded herein all bids received and listed below:

ABSTRACT OF BIDS

Signature: *Justine Guevara*

IFB/RFP Number CL23-015		Page <u>1</u> of <u>1</u>		Bidder Number <u>1</u>		Bidder Number <u>2</u>	
IFB/RFP Title Liquid Oxygen		Date Opened: March 21, 2023		Linde, Inc. Kimberley Howard 7000 High Grove Blvd Burr Ridge, IL 60527 630-320-4231		Matheson Tri-Gas, Inc. Jon Owen 909 Lake Carolyn Pkwy, Ste. 1300 Irving, TX 75039 972-560-5700 jowen@mathesonigas.com	
Accountant/Buyer/Contract Administrator Justine Guevara		Number of ADDENDA Issued 1		Addenda Acknowledged Yes		Addenda Acknowledged Yes	
DELIVERY: CORPORATE SEAL OR NOTARY: AFFIDAVIT OF PAYMENTS....\$25,000: CERTIFICATE OF INSURANCE ENCLOSED:				As required None None N/A		As required Yes Yes N/A	
Item No.	Description of Bid Item	Est. Qty	Unit	Unit Price	Amount / Remarks	Unit Price	Amount / Remarks
1	Liquid Oxygen	2.1m	Wet Pounds		NO BID	\$0.064024	(equal to \$0.53/CCF)



City of Lawton

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

Commentary

File #: 24-1332

Agenda Date: 3/12/2024

Agenda No: 10.

ITEM TITLE:

Consider and approve agreement for professional services between the City of Lawton and Garver, LLC for the purpose of developing Phase I the 2050 Land Use Plan for the City of Lawton in amount not to exceed of \$156,336 and Phase II of the 2050 Land Use Plan in the amount not to exceed \$250,434 in July if the funding is available.

INITIATOR: Charlotte Brown, Community Services Director

STAFF INFORMATION SOURCE: Charlotte Brown, Community Services Director;
Rusty Whisenhunt, Director of Public Utilities

BACKGROUND: On March 7, 2023, the Lawton Metropolitan Policy Board approved the Lawton Metropolitan Planning Organization (LMPO) staff to send out an RFQ for finding a consultant to develop the 2050 Land Use Plan. On May 2, 2023, the Policy Board reviewed the two responses and created a subcommittee to meet and interview the two candidates. On June 6, 2023, the Policy Board approved the subcommittee's recommendation to negotiate a contract with Garver. Once the cost of the contract came back, staff had to place signing the contract on hold. The 2050 Metropolitan Transportation Plan had to be completed due to federal requirements. LMPO staff had put aside \$225,000.00 for both plans, but needed to see what the MTP was going to cost before we could use any additional funds for the Land Use Plan. Once the cost came in for the 2050 MTP, it was determined that the Land Use Plan was going to have to be funded another way.

The close out of Consent Order #3 for the Sewer Rehabilitation program requires that the use of the 2050 Land Use plan to determine the compliance with sizing of sewer main lines as well as extension to serve the population projections identified in the 2050 plan. To have the Land Use plan available by spring of 2025, the phase 1 has to proceed by end of March of 2024. The Director of Public Utilities has determined that he needs the updated information from an update Land Use Plan completed by the spring of 2025 to comply with the ODEQ consent order. Sewer Rehabilitation program has the funds to pay for Phase I of the 2050 Land Use Plan to meet the compliance schedule. During budget discussions, staff has identified additional funding to fund Phase II after the start of the FY25 year.

EXHIBIT: Professional Services Agreement with Garver

KEY ISSUES: Does the City of Lawton wish to update the current Land Use Plan to the 2050 projections.

FUNDING SOURCE: Phase 1 is funded by the Profession Services account of Sewer System Construction \$156,376 and Phase 2 will be funded by either the Planning Department 2025 budget or the 2025 professional services account of Sewer Rehabilitation Program in the amount of \$250,434.

STAFF RECOMMENDED COUNCIL ACTION: Approve contract Phase I in amount not to exceed amount of \$156,434 and Phase 2 contract for Professional Engineering Services for the development of the 2050 Land Use Plan in the amount not to exceed \$250,434 with Garver, LLC Phase 2 work and cost will only be exercised if the funding is available.

This document has important legal consequences; consultation with an attorney is encouraged with respect to its completion or modification.

**AGREEMENT
BETWEEN CITY OF LAWTON
AND GARVER, LLC
FOR
LAWTON LAND USE PLAN
PROJECT NO. 23W02185**

Project No. 23W02185: "Lawton Land Use Plan"



Issued By
City of Lawton
In conjunction with the
CITY LEGAL SERVICES DEPARTMENT
CITY HALL, 212 SW 9th Street

LAWTON LAND USE PLAN TABLE OF CONTENTS

	Page No.
IDENTIFICATION OF THE PARTIES AND GENERAL DESCRIPTION OF THE PROJECT.....	3
1. SECTION 1 - BASIC PROGRAM MANAGEMENT SERVICES OF GARVER.....	3
1.1. GENERAL.....	3
1.2. SCOPE OF PROGRAM MANAGEMENT SERVICES	9
2. SECTION 2 - CITY'S RESPONSIBILITIES.....	9
3. SECTION 3 - PERIOD OF SERVICES	10
4. SECTION 4 - PAYMENTS TO GARVER	11
4.1. METHODS OF PAYMENT FOR SERVICES OF GARVER.	11
4.2. TIMES OF PAYMENT.....	11
5. SECTION 5 - MISCELLANEOUS	12
5.1. MUTUAL WAIVER OF CONSEQUENTIAL DAMAGES.	12
5.2. LIMITATION OF LIABILITY.	12
EXHIBIT A SUPPLEMENTAL AGREEMENT	15
EXHIBIT B SCOPE OF SERVICES	17
EXHIBIT C FEE.....	30

**AGREEMENT
BETWEEN
CITY OF LAWTON AND GARVER
FOR
PROFESSIONAL SERVICES**

THIS IS AN AGREEMENT made as of the ___ day of ___ in the year Two Thousand and Twenty-four by and between the City of Lawton in the State of Oklahoma (hereinafter called CITY), and GARVER, LLC (hereinafter called GARVER). The CITY intends GARVER to provide professional urban planning services and prepare contract documents for the Project No. 23W02185: Lawton Land Use Plan, hereinafter referred to as the PROJECT.

The CITY and GARVER in consideration of their mutual covenants herein agree in respect of the performance of professional urban planning services by GARVER and the payment for those services by the CITY, as set forth below.

GARVER shall serve as the CITY's professional representative in those phases of the Project to which this Agreement applies and will give consideration and advice to the CITY during the performance of those services.

1. SECTION 1 – URBAN PLANNING SERVICES OF GARVER

1.1. General

- 1.1.1. GARVER shall perform professional urban planning services as hereinafter stated which include development of a land use plan for the CITY.
- 1.1.2. Laws, Licenses and Permits. GARVER shall comply with all Federal, State and local laws, regulations and ordinances applicable to the contract.
- 1.1.3. Worker's Compensation Law. GARVER shall comply with the Oklahoma Worker's Compensation Law and file a copy of his Worker's Compensation Insurance Policy, or, if a self-insurer, a copy of the Industrial Commission's Order of Authorization with the CITY.
- 1.1.4. GARVER's Liability. GARVER shall assume responsibility for and save the CITY harmless from third party claims for bodily injury to, or death of persons, or damage to tangible property arising from GARVER's negligent acts, errors, or omissions, or those of his agents or employees, arising out of performance of the work.
- 1.1.5. Non-collusion. GARVER represents that it has not employed or retained any company or person, other than a bona fide employee working solely for GARVER to solicit or secure this contract, and that he has not paid or agreed to pay any company, political group, or person, other than a bona fide employee working solely for GARVER, any fee, commission, percentage,

brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award of this contract. For breach of violation of this provision, the CITY shall have the right to annul this contract without liability, or at its discretion to deduct from the contract price or consideration, or otherwise recover the full amount of such price or consideration, or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

- 1.1.6. **Services Furnished, Performed and Submitted.** GARVER shall furnish all urban planning services, labor and equipment as may be required in the performance of the contract, except as otherwise provided herein, and all work performed and submitted under the contract shall be done in a manner consistent with reasonable and sound practices ordinarily exercised by members of GARVER's profession practicing under similar conditions and locale. Such generally accepted practices and standards are not intended to be limited to the optimum practices, methods, techniques, or standards to the exclusion of all others, but rather to a spectrum of reasonable and prudent practices employed by the applicable United States professional services industry. This standard of care is the only warranty GARVER shall provide under this Agreement.
- 1.1.7. **Coordination of Work.** GARVER will coordinate its urban planning work with other project participants, if any, performing the immediately adjoining urban planning work, and shall furnish and share plans and data in such a manner as will facilitate and expedite the completion of contracts in adjacent urban planning work.
- 1.1.8. **Maintaining All Records.** GARVER shall maintain all books, documents, papers, accounting records, and other evidence pertaining to cost incurred in the performance of this contract and to make such materials available to their respective offices at all reasonable times, during the contract period and for three (3) years from the date of final payment under the contract, for inspection by authorized representatives of the CITY. Copies thereof shall be furnished if requested and the CITY shall pay a reasonable cost of reproduction.
- 1.1.9. **Responsibility for Accuracy.** GARVER will be held responsible for urban planning details and quantities of work to be performed in accordance with the standard of care in Section 1.1.6 above. GARVER will perform any re-work necessary to correct mistakes or omissions in its work as a part of existing authorized fees between the parties.
- 1.1.10. **Major Revisions.** For any major revisions ordered in writing by the CITY in the PROJECT a supplemental agreement for additional payment shall be entered into between the parties hereto. For any major revision in the character or scope of the work ordered in writing by the CITY after

performance of a substantial amount of work on the project, a Supplemental Agreement will be negotiated on the basis of all costs related to the salaries of employees for the time directly chargeable to the agreement, the salaries of principals for the time they are productively engaged in work necessary to fulfill the term of the agreement, direct non-salary cost incurred in fulfilling the terms of the agreement and GARVER's overhead or indirect costs to the extent they are properly allowable to the agreement plus a lump sum for profit.

1.1.11. Right to Terminate.

1.1.11.1. The CITY may terminate the Agreement at any time at the CITY's convenience. Upon such termination, GARVER shall be entitled to receive payment for: (i) the value of the services completed to the date of termination not previously covered by monthly payments, including profit with respect to such completed services, (ii) documented and reasonable costs (plus profit on such costs) incurred by GARVER to implement such termination (including demobilization costs, and termination/cancellation costs under subcontracts and purchase orders), and (iii) a fee equal to three percent (3%) of the unpaid balance of the contract price.

1.1.11.2. The CITY may terminate this Agreement for GARVER's default if GARVER fails in the performance of any material obligation under this Agreement provided that GARVER has been given (1) written notice of the cause and (2) a reasonable opportunity to commence to cure the default. The CITY may also terminate for default if GARVER is adjudged bankrupt or insolvent, if GARVER goes into receivership, or if GARVER should make a general assignment for the benefit of its creditors.

1.1.12. Right to Delete. The CITY reserves the right to delete any portion of the contract at any time, and if such is done the total urban planning fee shall be reduced in the same ratio as the estimated cost of the work deleted compares to the estimated cost of the work as originally planned, or when appropriate, the urban planning fee shall be recomputed for the reduced scope of work in the same manner used for determining the original contract fee, provided that if work has already been accomplished on that portion of the contract to be deleted GARVER shall be paid for the deleted portion on the basis of the estimated percentage of completion of such portion.

1.1.13. Non-Discrimination. GARVER will comply with all the requirements pertaining to the Section 3 Clause of the 1968 Housing and Urban Development Act (Affirmative Action Plan) as defined in attached Exhibit A, which is hereby incorporated into this contract.

- 1.1.14. **Assignments and Subleases.** GARVER shall not assign, sublease, subcontract, transfer or convey any interest in this Agreement without the express and prior written consent of the CITY. GARVER's interest hereunder shall not be assignable in bankruptcy or by operation of law. In the event a transfer is approved by the CITY, any document by which an interest is granted shall indicate that the person acquiring the interest takes subject to the terms of this Agreement. The CITY may prescribe any conditions to such an assignment or transfer.
- 1.1.15. **Waiver.** No waiver of default by the CITY or GARVER of any terms, covenants or conditions herein to be performed, kept or observed by GARVER or the CITY shall be construed to be or act as a waiver of any subsequent default of any terms, covenants or conditions herein contained.
- 1.1.16. **Merger.** It is mutually understood and agreed by the parties hereto that this Agreement contains all the covenants, agreements, stipulations and provisions agreed upon by said parties, and no agent or employee of either party to this Agreement has any authority to alter or change the terms hereof, except as provided herein, and neither party is or shall be bound by any statement or representation not in conformity herewith.
- If in the event that any portion or portions of this Agreement are adjudged unlawful by a court of competent jurisdiction, the judgment of such court shall not affect the validity of the remaining portions hereof, which shall be and remain in full force and effect during the term of this Agreement.
- 1.1.17. **Enforceability; Choice of Law; Choice of Forum.** Litigation arising out of or connected with this Agreement may be instituted and maintained in the courts of the state of Oklahoma only, and the parties' consent to jurisdiction over their person and over the subject matter of any such litigation.
- 1.1.18. **Key Personnel.** GARVER shall have designated certain key personnel to be assigned specifically to the performance of this work (such as project manager, lead designer, operations specialist, etc.). At the time of Agreement ratification, the CITY shall have the right to specify those project key personnel for whom GARVER shall not be allowed to substitute other personnel without prior written permission of the CITY.
- 1.1.19. **Detailed Scope of Services.** A detailed scope of services is attached as Exhibit B, which is hereby incorporated into this contract.
- 1.1.20. **Insurance.** GARVER shall procure and maintain during the life of this agreement insurance of the types of amounts as follows:

Worker's Compensation in full compliance with statutory requirements of Federal and State of Oklahoma law and Employer's Liability coverage in the amount of \$500,000.

Commercial General Liability and Bodily Injury:

Bodily Injury	\$ <u>125,000</u> each occurrence
Property Damage	\$ <u>100,000</u> each occurrence
Combined Single Limit	\$ <u>1,000,000</u> aggregate

Comprehensive Automobile:

Liability, Bodily Injury	\$ <u>125,000</u> each occurrence
Property Damage	\$ <u>100,000</u> each occurrence
Combined Single Limit	\$ <u>1,000,000</u> aggregate

<u>Professional Liability:</u>	\$ <u>1,000,000</u> per claim
<u>(Errors and Omissions):</u>	\$ <u>5,000,000</u> aggregate

Certificate evidencing such insurance shall not be canceled or altered except after ten (10) calendar days from receipt by the CITY of written notice thereof. Should the insurance outlined above be canceled for any reason, and GARVER fails to procure additional insurance, the CITY shall have the right to purchase equivalent insurance coverage and charge the cost of that insurance against any amounts due GARVER under the terms of this Agreement.

Said insurance shall be written by a company or companies licensed to do business in the State of Oklahoma and satisfactory to the CITY.

1.1.21. Drug-Free Workplace

1.1.21.1. Definitions. As used in this clause, "controlled substance" means a controlled substance in schedules I through V of section 202 of the Controlled Substance Act (21 U.S.C. 812) and as further defined in regulation 21 CFR 1308.11-1308.15. "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes. "Criminal drug statute" means a Federal or non-Federal criminal statute involving manufacture, distribution, dispensing, possession or use of any controlled substance.

"Drug-free workplace" means the site(s) for the performance of work done by the Contractor in connection with a specific contract at which employees of the contractor are prohibited from engaging

in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

“Employee” means an employee of a Contractor directly engaged in the performance of work under a Government contract.

“Directly engaged” is defined to include all direct cost employees and any other Contractor employee who has other than a minimal impact or involvement in contract performance.

“Individual” means an offeror/contractor that has no more than one (1) employee including the offeror/contractor.

1.1.21.2. GARVER, shall--within thirty (30) calendar days after award (unless a longer period is agreed to in writing) for contracts of thirty (30) calendar days or more performance duration; or as soon as possible for contracts of less than thirty (30) calendar days of performance duration--

1. Publish a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the contractor’s workplace and specifying the actions that will be taken against employees for violation of such prohibition.
2. Establish an ongoing drug-free awareness program to inform such employees about –
 - (i) The dangers of drug abuse in the workplace;
 - (ii) The contractor’s policy of maintaining a drug-free workplace;
 - (iii) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (iv) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
3. Provide all employees engaged in performance of the contract with a copy of the statement required by subparagraph 1.1.21.2.1. of this clause:
4. Notify such employees in writing of the statement required by subparagraph 1.1.21.2.1. of this clause, that as a condition of continued employment of this contract, the employee will -
 - (i) Abide by the terms of the statement; and
 - (ii) Notify the employer in writing of the employee’s conviction under a criminal drug statute for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Notify the contracting officer in writing within ten (10) days after receiving notice under subdivision 1.1.21.2.4. (ii) of this

clause from an employee or otherwise receiving actual notice of such conviction. The notice shall include the position title of the employee;

6. Within thirty (30) calendar days after receiving notice under subdivision 1.1.21.2.4. (ii) of this clause of a conviction, take one (1) of the following actions with respect to any employee who is convicted of a drug abuse violation occurring in the workplace;
 - (i) Take appropriate personnel action against such employee, up to and including termination; or
 - (ii) Require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
7. Make a good faith effort to maintain a drug-free workplace through implementation of subparagraphs 1.1.21.2.1. through 1.1.21.2.6. of this clause.

1.1.21.3. GARVER agrees by award of the contract or acceptance of a purchase order, not to engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the performance of this contract.

1.1.21.4. In addition to other remedies available to the CITY, GARVER's failure to comply with the requirements of paragraphs 1.1.21.2. and 1.1.21.3. of this clause may, pursuant to FAR 23.506, render the contractor subject to suspension of contract payments, termination of the contract for default, and suspension or debarment.

1.2. Scope of Urban Planning Services

After written authorization to proceed, GARVER shall develop a Land Use Plan for the CITY, as detailed in Exhibit B.

2. SECTION 2 - CITY'S RESPONSIBILITIES

CITY shall:

- 2.1. Provide full information as to its requirements for the project.
- 2.2. Assist GARVER by placing at its disposal all available information pertinent to the project including previous reports and any other data relative to design and construction of the project.

- 2.3. Examine all studies, reports, sketches, estimates, specifications, drawings, proposals, and other documents presented by GARVER and render in writing decisions pertaining within a reasonable time so as not to delay the services of GARVER.
- 2.4. Pay all advertising costs incident to obtaining bids or proposals from Contractor(s).
- 2.5. Return to GARVER submitted project documents for the CITY's review on which GARVER has not substantially addressed previously noted provisions and comments. GARVER's contract time will not be suspended for submission of project documents which do not contain substantial revisions.
- 2.6. Designate in writing a person to act as the CITY's representative with respect to the work to be performed under this Agreement. Such person shall have complete authority to transmit instructions, receive information and interpret and define the CITY's policies and decisions with respect to materials, equipment, elements, and systems pertinent to GARVER's services.
- 2.7. Issue all instructions to the GARVER; act as interpreter of the requirements of the Contract Documents and judge of the performance thereunder by the parties thereto and shall make decisions on all claims of GARVER relating to the execution and progress of the work and all other matters and questions related thereto.
- 2.8. Provide locations and coordination for all public meeting included within the scope of services.
- 2.9. Help identify and contact steering committee members/stakeholders.
- 2.10. Promote and communicate notice of public meetings through CITY social media.

3. SECTION 3 - PERIOD OF SERVICES

- 3.1. The provisions of 3.2. through 3.11. inclusive, and the various rates of compensation for GARVER's services provided for elsewhere in this Agreement have been agreed to in anticipation of the orderly and continuous progress of the project through completion of the Master Plan.
- 3.2. The scope of services in Exhibit B shall be completed within 420 calendar days following authorization to proceed. The project will be completed in two phases. The first phase shall be obligated upon execution of this agreement and be completed by June 30th, 2024. The second phase shall be commenced, obligated, and authorized on July 1st, 2024, unless the notification in writing is provided to GARVER by the CITY requesting delay or cancellation of the second phase. Specific time frames and requirements for completion of various items within the basic scope of services shall be completed as specified in the following paragraphs:

- 3.2.1. In the event that the work of the Project is to be performed under more than one contract, the CITY and GARVER shall develop a schedule for performance of GARVER's services order to sequence and coordinate properly such services as applicable to the work under such separate contracts. This schedule is to be prepared whether the work under such contracts is to proceed concurrently and is to be attached as an exhibit to and made a part of this Agreement and the provisions of paragraphs 3.4. and 3.5. will be modified accordingly.
- 3.3. If the CITY has requested significant modifications or changes in the Project, the time of performance of GARVER's services shall be adjusted appropriately.
- 3.4. If GARVER is delayed at any time in the progress of any phase of the project by any act or neglect of the CITY, or by any separate contractor employed by the CITY, or by any act or neglect of regulatory agencies, or by labor disputes, fire, unusual delay in transportation, adverse weather conditions not reasonably anticipatable, unavoidable casualties, or any causes beyond the GARVER's control, then the Contract completion date shall be extended by Supplemental Agreement (Amendment) for a reasonable time equaling the amount of delay.
- 3.5. Waiver in Case of Delay. Notwithstanding anything to the contrary herein, GARVER is entitled to an equitable adjustment in fee and schedule for impacts to the services beyond the reasonable control of GARVER. In the event of delay in proceeding with the work hereunder or any portion thereof, whether such delay be caused by the OWNER or any other agency, GARVER hereby agrees that they will not exert any claim against the OWNER by reason of such delay, and all such claims are hereby waived.

4. SECTION 4 - PAYMENTS TO GARVER

- 4.1. Methods of Payment for Services of GARVER.
 - 4.1.1. Services as a Witness. The CITY will pay GARVER for the services of the principals and employees as witnesses at GARVER'S standard rates or any portion thereof plus all reimbursable expenses, except that no payment shall be made for services as a witness in any case wherein the CITY is an adverse party, to GARVER.
 - 4.1.2. For services described herewith, exclusive of fees for services as witnesses, GARVER will be paid the fee(s) as outlined in Exhibit F.
- 4.2. Times of Payment.
 - 4.2.1. GARVER shall submit monthly statements for services rendered. Compensation will be based on GARVER's estimate of the proportion of the total services completed at the time of billing and agreed upon by CITY.

CITY shall make prompt monthly payments in response to GARVER's monthly statements.

5. SECTION 5 - Miscellaneous

5.1. Mutual Waiver of Consequential Damages.

5.1.1. Notwithstanding anything in this Agreement to the contrary, neither party (including its subconsultants, agents, assignees, affiliates and vendors) shall be liable to the other for any special, consequential, indirect, punitive, exemplary or incidental damages of any kind regardless of the cause or action (including negligence of any kind or character including gross negligence).

5.2. Limitation of Liability.

5.2.1. Notwithstanding any provision to the contrary herein, GARVER's (including its subconsultants, agents, assignees, affiliates and vendors) total aggregate liability under this Agreement shall be limited to 100% of the insurance proceeds received up to the five million dollar (\$5,000,000.00) aggregate limit for Professional Liability set forth in Section 1.1.20 above.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

On Behalf of GARVER:

By Mary E. Mach
Title Vice President

ATTEST: B. G. G. G.

Title Water Resources Team Lead

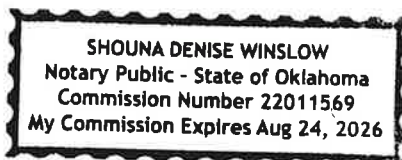
(AFFIX SEAL)

COUNTY OF COMANCHE }
STATE OF OKLAHOMA }

Before me the undersigned, a Notary Public in and for said state, on this 28 day of February, 2024, personally appeared Mary E. Mach, a member of the partnership/proprietorship Garver to me known to be the identical person who executed the within and foregoing instrument on behalf of said partnership/proprietorship and acknowledged to me that she (he/she) executed the same as her (his/her) free and voluntary act and deed, and for the free and voluntary act and deed of said partnership/proprietorship, for the uses and purposes therein set forth.

Shouna D Winslow
Notary Public

My Commission Expires Aug 24, 2026



CITY OF LAWTON, OKLAHOMA
A Municipal Corporation

Stanley Booker, MAYOR

ATTEST:

Donalynn Blazek-Scherler, CITY CLERK

APPROVED as to form and legality on behalf of the CITY of Lawton, Oklahoma, this
____ day of _____, 20____.

Tim Wilson, ACTING CITY ATTORNEY

I Joe Dunham, Encumbering Officer of the CITY of Lawton, Oklahoma, do hereby certify that I
have entered the amount for this encumbrance against appropriate Account No _____ for
\$ _____, and after charging account title _____ with this encumbrance, there is an
unencumbered balance in said account of \$ _____.

Dated this ____ day of _____, 20____

Joe Dunham, Encumbering Officer

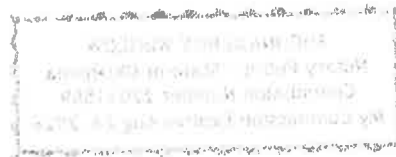


EXHIBIT A
SUPPLEMENTAL AGREEMENT
BETWEEN
CITY AND GARVER
FOR PROFESSIONAL URBAN PLANNING SERVICES

During the performance of this contract, GARVER agrees as follows:

GARVER will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin, or physical handicap. GARVER will take affirmative action to ensure that the applicants are employed and that the employees are treated during employment without regard to their race, religion, sex, color, national origin or physical handicap.

In the event of GARVER's non-compliance with this non-compliance clause, the contract may be canceled or terminated by the CITY. GARVER may be declared by the CITY in-eligible for further contracts with the said agency until satisfactory proof of intent to comply shall be made by GARVER.

GARVER agrees to include this non-discrimination clause in any subcontracts connected with the performance of this agreement.

The Section 3 Clause as set forth in 24 CFR 135.20(b) is incorporated herein is required.

- A. The work to be performed under this contract may be on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is **subject** to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the project.
- B. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR 135.20, and all applicable rules and order of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual obligation or other disability which would prevent them from complying with these requirements.
- C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or worker's representative of his commitments under this Section 3 Clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

- D. The contractor will include this Section 3 Clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Developments, 24 CFR 135.20. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135.20 and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.
- E. Compliance with the provisions of Section 3, the regulations set for in 24 CFR 135.20, and all applicable rules and orders of the Department issued thereunder prior to the execution of the contract, shall be a condition of the Federal financial assistance provided to the project, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.20.

I have read the above stated clause and agree to abide by its requirements.

By: _____

Mary El-Med

ATTEST:

B. G. ...

Water Resources Team Lead

EXHIBIT B

SCOPE OF SERVICES

Background

Generally, this scope of services includes urban planning services to develop a Land Use Plan for the CITY. The project will be completed in two phases. This scope of work is expected to be completed in two phases. Phase 1 will commence upon contract approval and Phase 2 will begin around upon receiving written notice to proceed, expected around July 1, 2024.

1. Phase 1 – This phase will be composed of Tasks 1, 2, and 3.
2. Phase 2 – This phase will be composed of Tasks 4, 5, 6, and 7.

Assumptions

In developing the scope of work and associated level of effort discussed in this proposal, GARVER has made the assumptions outlined below:

1. The CITY shall provide all its GIS basemaps, existing studies of the CITY, existing land use regulations, and other data important to the project such as utility data. Data requested will include, but may not be limited to:
 - a. Parcels and Subdivision Boundaries
 - b. City Limits and ETJ/Planning Area Boundary
 - c. Street Centerlines and Street Functional Classification
 - d. Trails and Bike Infrastructure
 - e. Building Footprints
 - f. Zoning District
 - g. Future Land Use
 - h. Key Community Facilities
 - i. Tribal Lands
 - j. Elevation Contours
 - k. Water and Sewer Utilities
 - l. Existing LURA Plans
 - m. Lawton Airport Master Plan
 - n. Lawton Aquatic Master Plan
 - o. Lawton Parks Master Plan
 - p. Lawton Lakes Master Plan
 - q. Lawton Mayor's Strategic Plan
 - r. Special Studies and Plans
 - s. 2045 MTP
 - t. Lawton MPO Bike/Pedestrian Plan
 - u. Current UPWP and TIP
2. The CITY will secure meeting locations for all public meetings, help identify and contact steering committee members/stakeholders, provide a representative to attend all public meetings, promote/communicate all public meetings through CITY social media, and review the work and deliverables produced.

- a. If an event is not attended, or comprehensive content is not provided during a workshop; repeat meetings, workshops, or content received after a deliverable approval will be considered rework and will be negotiated separately.
3. Meetings for the project shall occur through a combination of in person and virtual meetings. All major milestone meetings and meetings with City Council, sub-committees, public meetings etc, will have at least one (1) Garver Urban Planner in-person.

Phase 1 – Tasks below are to be initiated upon execution of this contract.

A. Task 1 – Project Kickoff and Project Management

- A. Peer Community Report: GARVER will prepare a Peer Community Report containing information on seven (7) peer communities including: Midwest City, Enid, Norman, Moore, Broken Arrow, Edmond, and Wichita Falls. This report will include:
 - a. Information on the current status of the Peer Community's Land Use Plan
 - b. Information on when the Peer Community last conducted a major update to its Land Use Plan
 - c. Information on how frequently the Peer Community updates its Land Use Plan
 - d. Information on the cost to amend the Peer Community's Land Use Plan by application
 - e. Information on how the Peer Community manages updates to its Land Use Plan
 - f. Information on the size of the Peer Community's planning department
- B. Establish Steering Committee: GARVER will assist the CITY in establishing a steering committee for the project. This committee will help guide the planning process for the entire length of the project. The CITY shall be responsible for obtaining contact information for all members, obtaining commitments of service on the committee, and shall handle primary communication with the steering committee throughout the project.
- C. Staff Kickoff Meeting: GARVER will facilitate one (1) Staff Kickoff meeting with key CITY staff. This meeting will include:
 - a. Up to three (3) Garver urban planning and engineering staff
 - b. Discussion of project objectives, internal and external team member roles and responsibilities, communication protocols, and document management protocols
 - c. Discussion of project schedule and initial time blocking for future workshops
 - d. Discussion of staff review processes, software, key ordinances, and known challenges
 - e. Initial input from the CITY staff on the desired staff direction for the plan
 - f. Meeting summary sent to CITY staff sent within three (3) days for approval
- D. Steering Committee Kickoff Meeting: GARVER will facilitate one (1) Steering Committee Kickoff meeting with the steering committee. This meeting will include:
 - a. Up to three (3) Garver urban planning and engineering staff
 - b. Discussion of project objectives and roles and responsibilities
 - c. Discussion of project schedule
 - d. Initial input from the steering committee on pressing issues the plan should address
 - e. Meeting summary sent to CITY staff sent within three (3) days for approval

- E. Planning Commission Kickoff Meeting: GARVER will facilitate one (1) Planning Commission Kickoff meeting. This meeting will include:
- a. Up to three (3) Garver urban planning and engineering staff
 - b. Discussion of project objectives and roles and responsibilities
 - c. Discussion of project schedule
 - d. Discussion with the Planning Commission on pressing issues the plan should address
 - e. Meeting summary sent to CITY staff sent within three (3) days for approval
- F. City Council Kickoff Meeting: GARVER will facilitate one (1) City Council Kickoff meeting. This meeting will include:
- a. Up to three (3) Garver urban planning and engineering staff
 - b. Discussion of project objectives and roles and responsibilities
 - c. Discussion of project schedule
 - d. Discussion with the City Council on pressing issues the plan should address
 - e. Meeting summary sent to CITY staff sent within three (3) days for approval
- G. Project Management Plan and Plan Kickoff Report: GARVER will prepare a Project Management Plan (PMP) and Plan Kickoff Report. The PMP and Plan Kickoff Report will include:
- a. Listing of key GARVER staff for the project.
 - b. General project assumptions
 - c. Project schedule with key milestones
 - d. General project calendar
 - e. List of all planned meetings
 - f. List of plan committees and members of committees
 - g. List of project responsibilities
 - h. Quality Assurance/Quality Control Plan (QA/QC)
 - i. Plan status report log containing meeting summaries, meetings agendas, and project status updates
 - j. Plan kickoff report containing agendas, meeting summaries, and key takeaways for each kickoff meeting.
- H. Project Coordination Meetings: GARVER will facilitate up to ten (10) virtual biweekly project update/coordination meetings with staff. Additional meetings for Phase 2 are covered under Task 2. These meetings will be important interim meetings with staff to discuss planning progress, project challenges, and These meetings will include:
- a. Up to three (3) Garver urban planning and engineering staff
 - b. Meetings agendas for each meeting
 - c. Meeting summaries for each meeting
- I. QA/QC and Administration: GARVER will develop a QA/QC Plan with delivery of the Project Management Plan. This item will include details on internal GARVER review of work on the plan and QA/QC of all deliverables prior to delivery to the CITY.

- J. Status Reports: GARVER will prepare and provide up to five (5) monthly progress/status reports, sufficient to support monthly billings. Monthly status reports shall be submitted with monthly invoices and project updates.

Task 1 Deliverables:

- a. Peer Community Report (Task 1A)
- b. Project Management Plan and Plan Kickoff Report with QA/QC Plan (Task 1G)
- c. Meeting agendas for each meeting (Task 1C, 1D, 1E, 1F, 1H)
- d. Meeting summaries for each meeting (Task 1C, 1D, 1E, 1F, 1H)
- e. Up to fifteen (15) monthly progress/status reports (Task 1J)

B. Task 2 – Existing Conditions Analysis

- A. Existing Plans/Reports/Regulations Review: GARVER will review all existing plans, reports, and regulations provided by the CITY to understand current and previous planning efforts within Lawton, outcomes from those efforts, inconsistencies between plans and regulations in an effort to understand community changes since previous efforts. Narrative description on key findings from this item will be included in the Existing Conditions Report.
- B. Demographic Assessment: GARVER will assess demographics and population change by researching census data and other relevant resources at least including population change, housing, race, income, commuting, age, sex, and education data. This will include production of up to three (3) population change scenarios to forecast population change for the planning period. Narrative description on key findings from this item will be included in the Existing Conditions Report.
- C. GIS Basemap: GARVER will establish a GIS Basemap for the CITY based on data derived from the CITY, OKMAPS, ODOT. This is to include all data listed under the assumptions in Section B of this Exhibit. This basemap will be maintained in ArcGIS Pro with select data published to ArcGIS Online for public consumption. Data from this item will be used to produce all mapping deliverables for the project.
- D. Existing Land Use Assessment/QC: GARVER will document existing land uses across the CITY and planning area using third-party software. A map will be produced to visualize these land uses across the City. Narrative description on key findings from this item will be included in the Existing Conditions Report.
- E. Character Area Review: GARVER will develop a Character Area map of Lawton by grouping geographic areas based into distinct neighborhoods and districts based on common unifying character. Descriptions of these Character Areas will be included in the documentation. A map will be produced to visualize this data. Narrative description on key findings from this item will be included in the Existing Conditions Report.
- F. Utility Assessment: GARVER will assess data from Lawton Utility Services to prepare a high-level analysis of the ability of water/sewer utilities to support new development and redevelopment. A map will be produced to visualize this data. Narrative description on key findings from this item will be included in the Existing Conditions Report.
- G. Transportation Assessment: GARVER will incorporate data from the CITY and the Lawton MPO Metropolitan Transportation Plan and Lawton Metropolitan Bicycle and Pedestrian

Plan to indicate planned transportation improvements, functional classification of streets, and proposed bike/ped routes. A map will be produced to visualize this data. Narrative description on key findings from this item will be included in the Existing Conditions Report.

- H. Existing Conditions Report: GARVER will prepare an Existing Conditions Report to summarize the findings from Task 1 – Plan Kickoff and Task 3 – Existing Conditions Analysis. The Existing Conditions Report will include:
- a. Summary of findings from the Plan Kickoff meetings
 - b. Narrative report of key findings and takeaways from existing plans and reports
 - c. Demographic assessment of the City’s socio-economic trends
 - d. Existing land use assessment with maps and narrative describing land use across the City
 - e. Character area assessment with map and narrative describing the core neighborhood units of the City
 - f. Utility assessment with maps and narrative describing utility limitations and assets impacting future development
 - g. Transportation assessment with maps and narrative describing conditions of the existing transportation system and key findings limitations and challenges in the transportation system
 - h. Maps in PDF format of:
 - i. Flood hazards
 - ii. Current future land use
 - iii. Existing land use
 - iv. Character areas
 - v. Existing transportation system
 - vi. Water and sewer utilities and service areas
 - vii. Key community facilities
- I. Existing Conditions Report Presentation: GARVER will present the Existing Conditions Report to the steering committee, Planning Commission, and City staff. This presentation will include:
- a. Up to three (3) Garver urban planning and engineering staff
 - b. Review of the Existing Conditions Report
 - c. Feedback from the steering committee and Planning Commission for revisions to the report
 - d. Meeting summary sent to City staff sent within three (3) days for approval
- J. QA/QC: GARVER will provide QA/QC according to the PMP.
- K. Notice to Proceed: GARVER will not proceed on the project past this task until a written notice to proceed is received from the CITY.

Task 2 Deliverables:

- a. Existing Conditions Report (Task 2H)

C. Task 3 – Community Engagement

- A. Community Engagement Plan: GARVER will develop a Community Engagement Plan for the project. This plan will include:
- a. Sample text for up to five (5) social media posts in advance of community engagement
 - b. Establishment and maintenance of a project website
 - c. Development of a cloud-based GIS map to collect public comments on community issues
 - i. Identify areas of concern
 - ii. Identify community assets
 - iii. Identify areas of opportunity
 - d. Development of a digital public survey to collect public input on community issues
 - i. Identify challenges facing the community
 - ii. Identify development preferences
 - iii. Assessment of community quality of life
 - iv. Identify recommendations for Lawton's future
 - e. Listing for all public engagement for the project
 - f. Plan and calendar for execution of all public engagement
- B. Steering Committee Meeting: GARVER will meet virtually with the steering committee. This meeting will include:
- a. Up to three (3) Garver urban planning and engineering staff
 - b. Discussion to identify individuals for key person interviews
 - c. Discussion to identify stakeholders for interviews
 - d. Discussion of selection of up to three (3) target strategy area for further study
 - e. Meeting summary sent to City staff sent within three (3) days for approval
- C. Key Person Interviews: GARVER will hold up to nine (9) key person interviews. Examples of potential interview candidates include business leaders, community leaders, people representing key institutions, minority leaders, or individuals with unique/privileged information. These interviews will include:
- a. Up to two (2) Garver urban planning and engineering staff
 - b. One-on-one discussions with Garver staff virtually or in-person
 - c. Discussion of issues facing the City and recommendations for the City's future
 - d. Meeting summaries for each interview with sensitive or privileged information redacted
- D. Stakeholder Group Meeting: GARVER will hold up to seven (7) stakeholder group meetings. Examples of potential stakeholder groups could include realtors/development professionals, chamber leaders, recreational advocates, minority organizations, downtown stakeholders, students/youth, Fort Sill stakeholders, etc. These will include:
- a. Up to two (2) Garver urban planning and engineering staff
 - b. Stakeholder groups may consist of up to fifteen (15) people
 - c. Discussion of issues facing the City and recommendations for the future of the subject area of the stakeholder group
 - d. Meeting summaries for each of the stakeholder groups interviews

- E. Outreach Report: GARVER will prepare an Outreach Report to summarize the findings from the Project Kick-off and Community Engagement tasks. This report will include:
- a. Plan Kickoff Report elements
 - b. Key takeaways and findings of the online public comment map
 - c. Key takeaways and findings of the digital public survey
 - d. Key takeaways and findings of the key person interviews
 - e. Key takeaways and findings of the stakeholder group meetings
 - f. General summary and synopsis of the findings of all public engagement for the project
 - g. Appendices containing detailed responses for public engagement obtained
- F. Outreach Report Presentation: GARVER will present the Outreach Report to the steering committee and City staff. This presentation will include:
- a. Up to three (3) Garver urban planning and engineering staff
 - b. Review of the Existing Conditions and Outreach Report
 - c. Feedback from the steering committee for revisions to the report
 - d. Consensus direction from the steering committee on the report's findings
 - e. Meeting summary sent to City staff sent within three (3) days for approval
- G. QA/QC: GARVER will provide QA/QC according to the PMP.
- H. Notice to Proceed: GARVER will not proceed on the project past this task until a written notice to proceed is received from the CITY.

Task 3 Deliverables:

- a. Community Engagement Plan (Task 3A)
- b. Outreach Report (Task 3E)
- c. Meeting summaries for all meetings held (Task 3B, 3F)

Phase 2 - Tasks below are only to be initiated with a written notice to proceed from the City.

D. Task 4 – Project Kickoff and Project Management

- A. Project Coordination Meetings: GARVER will facilitate up to twenty (20) virtual biweekly project update/coordination meetings with staff. These meetings will be important interim meetings with staff to discuss planning progress, project challenges, and These meetings will include:
- a. Up to three (3) Garver urban planning and engineering staff
 - b. Meetings agendas for each meeting
 - c. Meeting summaries for each meeting
- B. Status Reports: GARVER will prepare and provide up to ten (10) monthly progress/status reports, sufficient to support monthly billings. Monthly status reports shall be submitted with monthly invoices and project updates.

Task 4 Deliverables:

- a. Meeting agendas for each meeting

- b. Meeting summaries for each meeting
- c. Up to ten (10) monthly progress/status reports

E. Task 5 – Visioning and Goals

- A. Visioning Workshop: GARVER will hold one (1) Visioning Workshop with City staff, the steering committee, planning commission, elected officials, and public. The purpose of the Visioning Workshop will be to obtain public input helpful to establishing a general vision for plan that is informed by the City’s existing conditions. The workshop will include:
 - a. Up to three (3) Garver urban planning and engineering staff
 - b. Review of the existing conditions and outreach report
 - c. Discussion regarding the primary challenges, opportunities, and community vision.
 - d. Meeting summary sent to City staff sent within three (3) days for approval
- B. Vision and Goals Development: GARVER will develop a vision and set of goals to provide direction and focus for the plan recommendations. The vision and goals will address issues identified through the project kick-off, existing conditions analysis, community outreach, and visioning meeting. The vision and goals will include a general vision statement, list of plan goals, and policies/objectives supporting each plan goal.
- C. Vision and Goals Presentation: GARVER will hold one (1) meeting with steering committee to present the draft vision and goals. This meeting will include:
 - a. Up to three (3) Garver urban planning and engineering staff
 - b. Presentation and discussion of the draft vision and goals
 - c. Feedback from the steering committee on changes to the draft vision and goals
 - d. Consensus direction from the steering committee on the draft vision and goals
- D. Target Strategy Areas Workshops: GARVER will host up to three (3) target strategy area outreach meetings for the three (3) target strategy areas selected by staff and the steering committee. These target strategy areas will be locations intended for enhanced study in the plan with specific recommendations developed for each area. These workshops will include:
 - a. Up to three (3) Garver urban planning and engineering staff
 - b. Focus on developing strategies and actions for neighborhood improvement/stabilization, redevelopment opportunities, and catalytic development possibilities
 - c. Meeting summary sent to City staff sent within three (3) days for approval
- E. QA/QC: GARVER will provide QA/QC according to the PMP.
- F. Notice to Proceed: GARVER will not proceed on the project past this task until a written notice to proceed is received from the CITY.

Task 5 Deliverables:

- a. Vision and Goals document (Task 5B)
- b. Target Strategy Areas Workshop summary (Task 5D)
- c. Meeting summaries for all meetings held (Task 5C)

F. Task 6 – Plan Development

- A. Land Use Plan Map and Narrative: GARVER will develop a future land use plan map and plan narrative for the planning area. The plan will indicate land use designations depicting land uses, form, and character for each district. Text and graphics will be used to communicate the principles and concepts of the land use plan. The plan narrative will also include land use strategies and policies for achieving the plan.
- B. Quality of Life and Community Image Plan: GARVER will provide a quality of life and community image plan. This plan will provide specific recommendations to address community regeneration, housing, and placemaking toward establishing a Lawton community identity. Text and graphics will be used to communicate principles and strategies of the plan. At option of the steering committee and staff, this plan section may be substituted to address a different plan issue identified in the community outreach such as infill or growth.
- C. Target Strategy Areas Plans: GARVER will develop three (3) strategy area plans based on the input from the Target Strategy Area Workshops in Task 5D. These plans will include graphical master plans for these areas depicting future potential development, maps highlighting potential redevelopment and development opportunities, and narrative including strategies and recommendations for improvement of the target strategy areas.
- D. Transportation Plan Element: GARVER will incorporate findings of the Lawton MPO Metropolitan Transportation Plan in coordination with development of the 2050 MTP. GARVER will additionally outline recommendations for needed updates to support land use changes proposed because of this project. This will include transportation recommendations for vehicular, pedestrian, and bicycle travel modes. This plan element will also include a transportation plan map, narrative, and street cross sections indicating the City's functional classification.
- E. Plan Appendices: As appendices, GARVER will incorporate the provisions of the City's following plans:
 - a. Parks Master Plan
 - b. Aquatics Master Plan
 - c. Lakes Master Plan
 - d. City Strategic Plan
- F. Implementation Plan and Matrix: GARVER will develop an implementation plan and implementation matrix for all recommendations and actions items resulting from this project. This will include recommended policies, regulatory strategies, potential capital projects, and potential community partners for selected items. The implementation matrix will be included for each recommendation and include a responsible party and time frame for completion.
- G. Prioritization Matrix: GARVER will develop a prioritization matrix to establish priorities for capital investment projects needed to realize the plan based on factors identified through the planning process. The matrix will be an ongoing tool for CITY use to strategically guide capital investments toward implementation of the plan.
- H. Performance Measures: GARVER will develop a set of performance measures based on the plan's vision and goals to serve as a progress indicator for the plan. These measures will be

used to establish trends showing how well the plan is being implemented over time. The measures will be established so they can be tracked and updated by staff.

- I. QA/QC: GARVER will provide QA/QC according to the PMP.

Task 6 Deliverables:

- a. Draft Plan document consisting of the following:
 - a. Land Use Plan maps and narrative (Task 6A)
 - b. Quality of Life and Community Image Plan maps and narrative (Task 6B)
 - c. Target Strategy Areas Plans (Task 6C)
 - d. Transportation Plan Elements maps and narrative (Task 6D)
 - e. Plan Appendices (Task 6E)
 - f. Implementation Plan and Matrix narrative (Task 6F)
 - g. Prioritization Matrix (Task 6G)
 - h. Performance Measures (Task 6H)

G. Task 7 – Public Input and Plan Finalization

- A. Staff Plan Review: GARVER will host up to three (3) virtual meetings with City staff to coordinate review, public open house, and final presentations of the plan. These meetings will include:
- a. Up to three (3) Garver urban planning and engineering staff
 - b. Discussion of the draft plan and its provisions
 - c. Direction from City staff on needed revisions to the draft plan
 - d. Meeting summaries sent to City staff sent within three (3) days for approval following each meeting
- B. Draft Plan Presentation: GARVER will review the draft plan with the steering committee. This meeting will include:
- a. Up to three (3) Garver urban planning and engineering staff
 - b. Discussion of the draft plan and its provisions
 - c. Discussion of appropriate revisions to the draft plan
 - d. Meeting summary sent to City staff sent within three (3) days for approval
 - e. Direction from City staff on needed revisions to the draft plan
- C. Public Open House Presentation: GARVER will conduct one (1) public house to provide allow public feedback on the plan. This meeting will include:
- a. Up to three (3) Garver urban planning and engineering staff
 - b. Development of boards to convey plan concepts
 - c. Public plan presentation
 - d. Community feedback options such as Q&A and comment cards
 - e. Meeting summary sent to City staff sent within three (3) days for approval
 - f. Direction from City staff on needed revisions to the draft plan
- D. Plan Revisions: GARVER will provide revisions based on staff direction following the public open house.
- E. Final Plan Presentation: GARVER will conduct up to two (2) final presentations of the final

plan as public meetings. It is assumed these two (2) presentations will be conducted for the Planning Commission and City Council. These meetings will include:

- a. Up to three (3) Garver urban planning and engineering staff
- b. Presentation of the plan at public meetings organized by City staff

F. Final Plan Document: GARVER will provide a final copy of the plan document in conjunction with final presentation of the plan.

G. QA/QC: GARVER to provide QA/QC according to PMP.

Task 6 Deliverables:

- a. Final Plan Document in PDF format
- b. Meeting summaries for all meetings held (Task 6A, 6B, 6C)

H. Task 8 – Meeting Contingency

GARVER will set aside \$50,000 as a contingency for CITY directed meetings. This work will be scoped and approved on a case-by-case basis as requested by the CITY. Scope and fee will be adjusted based on the duration of the meeting, amount of pre-work required, and if the meeting is virtual or in-person.

I. Project Deliverables

These are further detailed with the Scope of Work for each task item. The following will be submitted to CITY, or others as indicated, by Garver:

- A. Up to Fifteen (15) Monthly Progress Reports (PDF)
- B. Peer Community Report (PDF)
- C. Project Management Plan and Plan Kickoff Report with QA/QC Plan (PDF)
- D. Existing Conditions Report/Existing Conditions Maps (PDF)
- E. Community Engagement Plan (Website, GIS Webmap, Digital Survey)
- F. Outreach Report (PDF)
- G. Draft Vision and Goals Document (PDF)
- H. Target Strategy Areas Workshop Summary (PDF)
- I. Draft Plan Document and Maps (PDF)
- J. Final Plan Document and Maps (InDesign, PDF)
- K. GIS Geodatabase for all GIS Data (GDB)
- L. Meeting agendas and summaries for each meeting (Word, PDF)

J. Project Meetings and Workshops

The following is a summary of the coordination meetings and workshops with the Owner as indicated above. These workshops will be held in conjunction with progress meetings and other workshops:

- A. Staff Kick-off Meeting
- B. Steering Committee Kickoff Meeting
- C. Planning Commission Kickoff Meeting

- D. City Council Kickoff Meeting
- E. Existing Conditions Report Presentation
- F. Steering Committee Meeting
- G. Up to nine (9) Key Person Interviews
- H. Up to seven (7) Stakeholder Group Meetings
- I. Outreach Report Presentation
- J. Visioning Workshop
- K. Vision and Goals Presentation
- L. Up to three (3) Target Strategy Area Meetings
- M. Up to (3) Staff Plan Review Meetings
- N. Draft Plan Presentation
- O. Draft Plan Public Open House
- P. Up to (2) Final Plan Presentations
- Q. Up to thirty (30) biweekly Staff Project Update/Coordination Meetings

K. Additional Services

Additional Services may be added to this scope of services as directed by the CITY in writing for an additional fee as agreed upon by the CITY and GARVER.

L. Extra Work

The following items are not included under this agreement but will be considered as extra work:

- A. Land Use Regulation Amendments
- B. Additional meetings and public meetings beyond those described in Tasks 1- 8.
- C. Development of online GIS maps/dashboards in addition to those listed herein.
- D. GIS support for Owner in addition to that listed herein.
- E. Re-evaluation for the Owner's convenience or due to changed conditions after previous alternate direction and/or approval.
- F. Submittals or deliverables in addition to those listed herein.

Extra Work will be as directed by the Owner in writing for an addition fee as agreed upon by the Owner and Garver.

M. Schedule

The following schedule milestones are anticipated for this project. Note that the schedule provides anticipated time periods for providing information, reviewing submittals, and scheduling meetings and workshops. Additional time required for these elements of the project will likely result in changes to milestone dates, which will be captured in the detailed project schedule maintained throughout the duration of the project.

Phase 1: Milestone Description	Milestone Date
M1: Peer Communities Report, Kick-off Meetings, and Project Management Plan (1A, 1C, 1D, 1E, 1F, 1G)	30 days from NTP
M2: Existing Conditions Report (2H)	30 days from M1
M3: Outreach Report (3E)	60 days from M2

Phase 2: Milestone Description	Milestone Date
M4: Draft Vision and Goals/Target Strategy Areas Summary	45 days from NTP for Ph 2
M5: Draft Plan Document (5A-H)	120 days from M4
M6: Draft Plan Presentation (6B)	45 days from M5
M7: Public Open House Presentation (6C)	45 days from M6
M8: Final Plan Presentation/Delivery (6E, 6F)	45 days from M7

EXHIBIT C

LUMP SUM FEE

The project will be completed in two phases. The first phase shall be obligated upon execution of this agreement anticipated to be substantially complete by June 30th, 2024. The second phase shall be commenced, obligated, and authorized after July 1st, 2024, unless the notification in writing is provided to GARVER by the CITY requesting delay or cancellation of the second phase.

1. Phase 1 – This phase will be composed of Tasks 1, 2, and 3.
2. Phase 2 – This phase will be composed of Task 4, 5, 6, and 7.

Phase 1: Tasks	Fee
Task 1: Project Kick-off and Project Management (Phase 1 Portion)	\$38,788.00
Task 2: Existing Conditions Analysis	\$70,520.00
Task 3: Community Engagement	\$47,068.00
TOTAL PHASE 1 FEE	\$156,376.00

Phase 2: Tasks	Fee
Task 4: Project Kick-off and Project Management (Phase 1 Portion)	\$17,504.00
Task 5: Visioning and Goals	\$48,622.00
Task 6: Plan Development	\$75,928.00
Task 7: Public Input and Plan Finalization	\$58,380.00
Task 8: Meeting Contingency	\$50,000.00
TOTAL PHASE 2 FEE	\$250,434.00

Total lump sum project fee is \$406,810.00



City of Lawton

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

Commentary

File #: 24-1351

Agenda Date: 3/12/2024

Agenda No: 11.

ITEM TITLE:

Consider approving a professional services agreement with Ray Demeritt, National Public Adjusting LLC, for professional adjusting services regarding all applicable claims caused by severe weather on June 15, 2023.

INITIATOR: John Ratliff, City Manager

STAFF INFORMATION SOURCE: John Ratliff, City Manager

BACKGROUND: A severe weather event on June 15, 2023 resulted in significant damage to the City of Lawton's properties, prompting the need to initiate insurance claims. To ensure the City receives the maximum insurance reimbursement for the storm damage, a professional services agreement is proposed with Ray Demeritt of National Public Adjusting LLC. This firm is offering their expertise at a discounted rate of 8% of the total claim, compared to the typical 10%. This partnership aims to streamline the claims process, optimize reimbursement outcomes, and facilitate expedited recovery efforts, aligning with the City's commitment to prudent financial management and effective disaster recovery strategies.

EXHIBIT: Oklahoma PA Agreement

KEY ISSUES: N/A

FUNDING SOURCE: General Fund

STAFF RECOMMENDED COUNCIL ACTION: Approve a professional services agreement with Ray Demeritt, National Public Adjusting LLC, for professional adjusting services regarding all applicable claims caused by recent weather events.



Professional Services Agreement

OKLAHOMA PUBLIC INSURANCE ADJUSTER AGREEMENT

Oklahoma License #: 3001236418

Date: _____

This contract form, Public Insurance Adjuster Contract, is prescribed to satisfy contract requirements for Public Insurance Adjusters under amended rules, effective January 1, 2014 for 28 TAC§19.701, 19.708 and 19.713 concerning the licensing of Public Insurance Adjusters.

The Insured(s) _____,

NAME OF INSURED(S)

hereby retains Ray Demeritt to assist in the preparation, presentation, consulting, negotiating and adjustment of all applicable claims for the following loss or damage caused by: _____.

TYPE OF LOSS

This loss was sustained at _____,

ADDRESS OF LOSS LOCATION

and occurred on or about _____.

DATE OF LOSS

Please READ AND INITIAL each provision of this contract verifying that you have read and understand each part.

_____ The method of calculating the commission for the public insurance adjusting firm, whether an hourly rate, flat fee, percentage of settlement or another method must be identified below and depending on the method, comply with Oklahoma law requiring detailed explanation of how the amount payable will be determined based on services provided.

Method of Calculating the Commission

_____ This contract is based on a percentage of settlement. The listed insured agrees where no monies have been received prior to the date of this contract; to pay a contingent fee in the amount of 8% of the total insurance claim settlement.

_____ If some monies have been received by the insured prior to the date of this contract, the fee will be 8% of any additional monies not already agreed to by the insurance carrier. The total fee will not exceed 8% of the total amount of the insurance claim settlement adjusted or otherwise received and or issued by the involved

Insurance Carrier on any and each portion of the claim whether recovered by adjustment, negotiation, bid award, grant, compromise offer, mediation, arbitration, appraisal, litigation, appeal or otherwise and conveys a lien on that portion of the insurance proceeds sufficient to pay the amount due to Ray Demeritt. This agreement is enforceable and Ray Demeritt is entitled to its fee, even if litigation is required to recover payments from the insurance company. Compensation payable to Ray Demeritt may not exceed 8% of the total amount of the insurance settlement under any method of calculation including expenses, direct costs, or any other cost accrued by Ray Demeritt.

_____ Professional fees are due as monies are received by the insured.

_____ The insured understands that all mortgagees will be named as additional payees on all insurance checks and the insured agrees to be solely responsible to obtain all mortgagees' endorsements of said checks, and that fees are due to Ray Demeritt regardless of additional lienholders or additionally named payees upon delivery and endorsement of checks.

_____ At the option of the Insured, this contract shall and may be voidable for 72 hours after signing. The insured may void the contract by notifying Ray Demeritt in writing by either registered or certified mail, return receipt requested to the address shown on this contract or by personally serving notice on Ray Demeritt. If the insurance carrier pays or commits in writing to pay to the insured the policy limits of the insurance policy within 72 hours of the loss being reported to the insurer, the public insurance adjuster is not entitled to compensation based on a percentage of the insurance settlement, but is entitled to reasonable compensation for the public insurance adjuster's time and expenses provided to the insured before the claim was paid or the written commitment to pay was received.

NOTICE: A public insurance adjuster may not participate directly or indirectly in the reconstruction, repair, or restoration of damaged property that is the subject of a claim adjusted by the public insurance adjuster or engage in any other activities that may reasonably be construed as presenting a conflict of interest, including soliciting or accepting any remuneration from or having a financial interest in any salvage firm, repair firm or other firm that obtains business in connection with any claim the public insurance adjuster has a contract or agreement to adjust.

WE REPRESENT THE INSURED ONLY.

NOTICE: YOU ARE ENTERING IN TO A SERVICE CONTRACT. YOU ARE BEING CHARGED A FEE FOR THIS SERVICE. YOU DO NOT HAVE TO ENTER INTO THIS CONTRACT TO MAKE A CLAIM FOR LOSS OR DAMAGE ON A POLICY OF INSURANCE.

NOTICE: THE INSURED MAY CANCEL THIS CONTRACT BY WRITTEN NOTICE TO THE PUBLIC INSURANCE ADJUSTER WITHIN 72 HOURS OF SIGNATURE FOR ANY REASON.

Agreed and accepted on this _____ day of _____ 20__ at _____ o'clock.

POLICY HOLDER(S)/INSURED(S)

SIGNATURE(S): _____.

Signature of Insured or Authorized Agent

INSURED(S) POLICY HOLDER(S)

Insured(s) Printed Name(s)

Insureds Mailing Address

Insured(s) Phone Number

Insured(s) Signature

Insured(s) Email Address

INSURANCE COMPANY

Insurance Company

Policy Number

Claim Number

PUBLIC ADJUSTER

Ray Demeritt

Public Insurance Adjuster's Printed Name

Fully Bonded Per State Law

4747 Research Forest Drive Ste.180-180

The Woodlands, TX 77381

Mailing Address

18 Trailhead Place

Spring, TX 77381

Business/Physical Address

Ray@NationalPublicAdjusting.com

Email Address

3001236418

PA License Number

713-714-2489

PA'S Phone Number

Public Adjuster's Signature/Date



City of Lawton

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

Commentary

File #: 24-1297

Agenda Date: 3/12/2024

Agenda No: 12.

ITEM TITLE:

Consider approving Amendment No. 4 to the Master Services Agreement with Garver, LLC, in an amount not to exceed \$687,825.00 for Professional Engineering Services for the Numu Creek Drainage Improvement Project to widen and stabilize the banks of the channel.

INITIATOR: Rusty Whisenhunt, Director of Public Utilities

STAFF INFORMATION SOURCE: Rusty Whisenhunt, Director of Public Utilities; Larry Wolcott, Public Works Director

BACKGROUND: On June 27, 2023, City Council approved the Master Service Agreement with Garver, LLC. On July 25, 2023, City Council approved Amendment No. 1 which includes scope of services and fee to provide Professional Engineering services for water and sewer system rehabilitation defined in work package #1. On October 10, 2023, City Council approved Amendment No. 2 which services water line rehabilitation and replacement on Maps 46, 53, and 58. On January 23, 2024, City Council approved Amendment No. 4 to update the City of Lawton's Stormwater Master Plan. Amendment No.4 to the MSA includes services defined in Exhibit B-2 - Scope of Services.

Identified in the City of Lawton's 2002 Stormwater Master Plan, the Numu Creek Drainage Improvement Project begins upstream of South Railroad Street and extends approximately 0.35 miles north-northwest to downstream of Lee Boulevard in Lawton. The project would consist of widening the channel on the same alignment of the existing stream and stabilizing the banks to reduce erosion. The project will be funded by debt forgiveness through OWRB State Revolving Funds. **The Numu Creek Drainage Improvement Project will aide in our efforts of the Safe Community standard of the True North Culture.**

EXHIBIT: Amendment No. 4, B-2 - Scope of Services, B-3 Fee Schedule

KEY ISSUES: Does City Council wish to approve Amendment No. 4 to the Master Services Agreement with Garver, LLC, for Professional Engineering Services for the Numu Creek Drainage Improvement Project to widen and stabilize the banks of the channel?

FUNDING SOURCE: CWSRF Loan ORF 22-0008-CW loan in amount of \$72,600,000. Loan funds are in account no. 7050000-54145 : \$23,487,362.62 (current available) - \$687,825.00 (this project) = \$22,799,537.62 (remaining)

STAFF RECOMMENDED COUNCIL ACTION: Approve Amendment No. 4 to the Master Services Agreement with Garver, LLC, in amount not to exceed \$687,825.00 for Professional Engineering Services for the Numu Creek Drainage Improvement Project to widen and stabilize the banks of the channel.

**AMENDMENT TO MASTER SERVICES AGREEMENT FOR
PROFESSIONAL SERVICES CITY OF LAWTON
LAWTON, OKLAHOMA**

CONTRACT AMENDMENT NO. 4

This Amendment to Agreement made as of this 6th day of February in the year two-thousand and twenty-four is by and between the City of Lawton, Oklahoma, a municipal corporation, hereinafter referred to as “First Party” or “Owner” and Garver, LLC, hereinafter referred to as “Second Party” or “Engineer.”

WITNESSETH

WHEREAS the parties hereto have a Master Service Agreement for professional services dated June 27, 2023, for providing Profession Engineering services for Public Utilities Projects.

WHEREAS the parties hereto desire to enter into an amendment to said Agreement to include additional professional services outlined herein, and all provisions of the contract and previous amendments remain in full effect except the additional scope of services in Amendment No. 4.

NOW THEREFORE, that in consideration of the covenants, agreements and representations hereinafter set forth, it is mutually agreed by the parties hereto that the Agreement entered into by the parties on June 27, 2023, is further amended as follows:

I. Additional Professional Services

The ENGINEER will provide professional assistance pertaining to the preparation of design, bidding, and construction services and documents for drainage improvements along Numu Creek. The ENGINEER will provide the scope of services in conformance with the attached Exhibit B2 – Scope of Services (“Services”), Exhibit B3 - Rate Schedule (Fee Schedule) and the applicable contract requirements as specified in the Agreement.

The OWNER will compensate ENGINEER for engineering work associated with the Services outlined in Exhibit B2 for a lump sum amount not to exceed six hundred eighty-seven thousand eight hundred twenty-five (\$687,825.00). In the event OWNER requests extra work be performed that is not already identified in the tasks above or the amended Agreement, OWNER and ENGINEER will negotiate an additional fee for such work. Any additional fee negotiated must be agreed to in writing by the parties prior to any such extra work commencing. The OWNER represents that funding sources are in place with the available funds necessary to pay ENGINEER.

All other requirements of the Agreement remain in effect except those changed by contract amendments herein.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth above.

ENGINEER

By: Mary E Mach
Printed Name: Mary Elizabeth Mach, PE

Title: Vice President

OWNER

APPROVED by the Council and signed by the Mayor for the City of Lawton this _____ day of _____, 20_____.

THE CITY OF LAWTON
A Municipal Corporation,

By: _____
MAYOR STANLEY BOOKER

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this _____ day of _____, 20_____.

TIM WILSON, ACTING CITY ATTORNEY

Exhibit B2 – SCOPE OF SERVICES

LAWTON NUMU CREEK DRAINAGE IMPROVEMENTS

General

The Numu Creek Drainage Improvement Project begins upstream of South Railroad Street and extends approximately 0.35 miles north-northwest to downstream of Lee Boulevard in the City of Lawton in Comanche County, as shown in Appendix 1. The project would consist of widening the channel on the same alignment of the existing stream and stabilizing the banks to reduce erosion. This project was identified in the City of Lawton 2002 Stormwater Master Plan, completed by others, and it is anticipated funding for this project will come from the Oklahoma Clean Water State Revolving Fund (CWSRF) loan program. The tasks included under this scope of services include the following:

1. Task 1 – Project Management, Kickoff, and Coordination
2. Task 2 – Data Collection
3. Task 3 – Conceptual Design
4. Task 4 – Environmental Services
5. Task 5 – Preliminary Design (60%)
6. Task 6 – Easements and Acquisition
7. Task 7 – Final Design (95%)
8. Task 8 – Bidding Assistance Services
9. Task 9 – Construction Phase Services
10. Task 10 – Contingency

Task 1 – Project Management, Kickoff, and Coordination

Task 1 will include the following:

1. Engineer will develop a Project Management Plan (PMP) and Quality Assurance/Quality Control (QA/QC) Plan.
2. Engineer will prepare and provide up to fifteen (15) monthly progress/status reports, sufficient to support monthly billings. Monthly status reports shall be submitted with monthly invoices and project updates.
3. Engineer will attend one in-person kickoff meeting with up to four (4) Engineer team members present to discuss project objectives, internal and external team member roles and responsibilities, communication protocols, document management protocols, and schedule.
4. Engineer will prepare monthly invoicing with percent complete by task and monthly progress reports. Project administration tasks will also include coordination of meetings, site visits, and requests for information and data, as well as developing and distributing meeting minutes. All documents will be delivered electronically unless explicitly stated in the task.

Task 2 –Data Collection

1. Survey

Engineer's subconsultant will complete a field survey of the project site for design of the Numu Creek drainage improvements, with the extent as shown in Appendix 1. Engineer's subconsultant will conduct field surveys, utilizing radial topography methods, at intervals and for distances at and/or along the project site as appropriate for modeling the existing ground, including locations of pertinent features or improvements. Engineer's subconsultant will locate buildings and other structures, streets, drainage features, trees over eight inches in diameter, visible utilities as well as those underground utilities marked

by their owners and/or representatives, and any other pertinent topographic features that may be present at and/or along the project site. Engineer will utilize field survey data provided directly by subconsultant to create base drawings for design of the project.

Engineer's subconsultant will provide field survey data for designing the project. Exact extents are to be determined by Engineer based on the project location determined in the engineering report (ER).

The survey will include the following:

- a. Topographic surveys, Engineer's subconsultant will provide field survey data for designing the project. Engineer will provide the Owner with electronic survey drawings prior to site planning.
- b. Property surveys, Engineer's subconsultant will locate existing monumentation representing property lines, rights of way, and/or easements based on record data that will be collected by Engineer's subconsultant, through public record research.

2. Geotechnical

Engineer will utilize Owner-provided geotechnical report to evaluate groundwater depth, soil properties, including pH and laboratory resistivity, and embankment slope stability parameters. Engineer will assist in coordinating at least four (4) bores location at the project site.

Owner will provide Engineer an electronic format of the geotechnical survey report. Information provided to Engineer is assumed as correct.

Task 3 – Conceptual Design

1. Hydrology and Hydraulic Model

Engineer will conduct a hydrologic and hydraulic model to determine design criteria to develop three (3) alternatives. Design goals will also include stormwater quality considerations as defined by the Clean Water Act.

Hydraulic studies will include data gathering for all parameters required for analysis in the United States Army Corps of Engineers (USACE) software program, Hydraulic Engineering Center – Hydrologic Modeling System (HEC-HMS). Hydraulic analysis will include updating a hydraulic model for Numu Creek provided by the Owner that was originally developed as part of a previous stormwater master plan.

Engineer will provide the Owner the updated hydrology and hydraulic model.

2. Alternatives Analysis Workshop

Engineer will conduct an Alternatives Analysis workshop with the Owner. Engineer will present Owner with three (3) alternatives based on the hydrologic and hydraulic model. The Engineer will generate minutes from the meeting including Owner's goals and design criteria. Owner's comments will be incorporated in preliminary engineering report (ER)

Engineer will proceed with preliminary ER after Owner approval of the three alternatives.

3. Engineering Report

Engineer will prepare a preliminary ER incorporating the three (3) alternatives for this project's stream segment. Conceptual design drawings and quantities, and a summary of hydraulic modeling and

alternative analysis will be provided as part of the preliminary ER.

Engineer will develop a conceptual level opinion of probable construction cost (OPCC) for each alternative. The conceptual design OPCCs will be Class 4 estimates as defined by the Association for the Advancement of Cost Engineering (AACE), which is consistent with cost estimates developed for study or feasibility. The expected accuracy range for the estimates is -30% to +50% of the estimated values. These OPCCs should be considered appropriate for planning purposes and/or budget authorization and control. The OPCCs will be used to further rank and prioritize alternatives for each given challenge area.

Following submission of the draft ER, Engineer will conduct a preliminary ER workshop with the Owner. Engineer will generate minutes from the meeting and collect the Owner's comments. Owner's selected alternative and comments will be incorporated in the conceptual design and engineering report. Engineer will proceed with Preliminary Design after the final ER is approved by the Owner in writing.

Engineer will provide the Owner an electronic format of the final ER.

Task 4 – Environmental Services

1. Environmental Information Document

Engineer will prepare the environmental information document (EID). The EID evaluates potential impacts to the environment, historical, cultural, and biological resources as a result of the project.

Engineer will complete an EID for the project site, including the following:

- a. Preparation of an EID that meets the Funding Agency Coordination Team (FACT) requirements. This will include environmental maps and exhibits. This will be a desktop study; fieldwork is not included in this Task.
- b. Solicitation of input regarding project specifics, document all correspondence and follow-up, and provide copies and summaries for all correspondence to agencies (list to follow)
- c. Coordination and response to up to 30 regulatory agencies
- d. Attend up to one (1) Public Hearing in person to fulfill FACT funding requirements. Meeting minutes will be provided following the meeting.

2. Individual 404 Permit

The following scope of work consists of environmental studies to support the National Environmental Policy Act (NEPA) requirements for anticipated federal funding of the Numu Creek Improvements Project. It is anticipated that a U.S. Army Corps of Engineers (USACE) Section 404 Permit will be required for the project. The required environmental services to apply for this permit will be performed by Engineer and Engineer's subconsultants.

a. Wetland Delineation

Engineer will conduct a wetland and stream delineation of the project and determine if any wetlands and other waters of the U.S. will be impacted. If wetlands and/or other jurisdictional waters are identified, they will be delineated in the field with a sub-meter GPS unit, documented in a report, and ESRI shapefiles of the jurisdictional areas will be provided. The report will be submitted to the USACE with the Section 404 permit application.

b. Threatened and Endangered Species Assessment

Engineer will conduct a review of the project's potential impacts on federally listed threatened and endangered species according to U.S. Fish and Wildlife Service (USFWS) procedures for federal projects. This review will include a field assessment for the presence of habitat for all federally listed species within the project area and documentation of the presence of habitat and the potential effects in a report. The report will be submitted to USFWS via the on-line review portal and the results will be submitted to the USACE with the Section 404 permit application.

c. Bald and Golden Eagle Assessment

Engineer will review the proposed action and determine if the action is in compliance with the Bald and Golden Eagle Protection Act (BGEPA).

d. Migratory Bird Assessment

Engineer will review the proposed action and determine if the action is in compliance with the Migratory Bird Treaty Act (MBTA) and if the action has been planned in such a way to avoid the active nesting season of migratory birds. This is typically achieved through scheduling.

e. Cultural Resources Survey

Engineer will coordinate with the State Historic Preservation Office during the EID process (Task 4.1) and depending on the outcome, a cultural resources studies may or may not be warranted for the project. This scope of service does not include cultural resources studies and will be considered extra work if required.

f. Clean Water Act Section 404 Permit Application Package

Engineer will prepare and submit a Section 404 permit package to the USACE. The permit application will include correspondence with USACE, the items listed under this task, exhibits of impacted features, a table of impacts, and a conceptual mitigation plan if necessary.

Task 5 – Preliminary Design (60%)

Upon receipt of written approval from Owner on final ER, Engineer will begin Preliminary Design. The Preliminary Design phase will represent approximately 60% of final construction plans. Engineer will prepare design documents for one (1) construction contract. The Preliminary Design will include the following:

1. 60% Preliminary Design drawings including cover sheet, general sheets, existing and proposed site plans, demolition plans, drainage maps, and plan and profile sheets.
2. Technical Specification table of contents with draft specifications for pertinent areas of work.
3. 60% level OPCC (AACE Class 2, -15% to +20-%)

Upon submission of the Preliminary Design, Engineer will conduct a Preliminary Design workshop with the Owner. Engineer will generate minutes from the meeting that will include review comments from the Owner. Engineer will incorporate comments from the Owner on the Preliminary Design in the Final Design. Engineer will proceed with Final Design after the Preliminary Design is approved by the Owner in writing.

Task 6 – Easements and Acquisition

Engineer will provide mapping as required for preparing easement acquisition documents for the Owner's use in acquiring the property. Documentation will include a key map showing all affected properties and an individual tract map with a description of proposed temporary and permanent acquisition for each

property. The Owner will provide a standard easement acquisition document or “go-by” example for use by Engineer. The fee for providing property acquisition documentation is based on permanent easement and temporary construction easements for no more than (6) properties. Property acquisition document preparation will begin after receiving the Owner’s comments from the Preliminary Design review.

Engineer will provide Owner with maps and exhibit. This scope of service does not include negotiation and coordination beyond what is outlined under this task.

Task 7 – Final Design (95%)

Upon receipt of written approval from Owner on Preliminary Design, Engineer will begin Final Design. The Final Design phase will represent 95% of the final construction plans, specifications, and contract documents. Engineer will prepare construction documents for one (1) construction contract. The Final Design will include the following:

1. 95% Final Design for final construction plans, specification, contract documents, and Owner’s “front end” specification.
2. Final Design Level OPCC (AACE Class 1, -10% to +15%).
3. Final field review with the Owner, make needed plan changes as a result of the final field review and/or special easement acquisition considerations, and prepare the construction documents as required to advertise for bids.

Upon submission of the Final Design, Engineer will conduct a Final Design workshop with the Owner. Engineer will generate minutes from the meeting that will include review comments from the Owner and notes from the field visit.

Task 8 – Bidding Assistance Services

Engineer will assist with advertisement and bidding for the project as follows:

1. Engineer will prepare advertisement for bids for publication by Owner. Owner will pay advertising costs.
2. Engineer will upload the construction contract documents to Engineer’s planroom for prospective bidders.
3. Engineer will coordinate, facilitate (including agenda), and attend one (1) pre-bid conference.
4. Engineer will support the contract documents by preparing addenda as appropriate to clarify, correct, or change the bidding documents.
5. Engineer will evaluate bids and make a recommendation for award.
6. Engineer will prepare one (1) digital and four (4) bound hard copies of conformed contract documents.

Task 9 – Construction Phase Services

Engineer will assist with the construction phase for the project as follows:

1. The Owner will prepare a Notice to Proceed letter.
2. Engineer will attend one (1) pre-construction meeting with Contractor, Owner, and Owner’s construction observation or inspection representative. It is assumed that the Owner will schedule the meeting, prepare an agenda, and prepare minutes.
3. Engineer will attend up to six (6) progress/coordination meetings with the Owner/Contractor up

to one time per month during construction.

4. Engineer will evaluate and respond to construction material submittals and shop drawings. Corrections or comments made by Engineer on the shop drawings during this review will not relieve the Contractor from compliance with requirements of the drawings and specifications. The check will only be for review of general conformance with the design concept of the project and general compliance with the information given in the contract documents. The Contractor will be responsible for confirming and correlating all quantities and dimensions, selecting fabrication processes and techniques of construction, coordinating his work with that of all other trades, and performing his work in a safe and satisfactory manner. Engineer's review shall not constitute approval of safety precautions or constitute approval of construction means, methods, techniques, sequences, procedures, or assembly of various components. When certification of performance characteristics of materials, systems or equipment is required by the Contract Documents, either directly or implied for a complete and workable system, Engineer shall be entitled to rely upon such submittal or implied certification to establish that the materials, systems, or equipment will meet the performance criteria required by the Contract Documents. Engineer will review up to 30 submittals.
5. Engineer will report to Owner any noted deviation from construction industry standards. Under request by Owner, Engineer does not have daily construction observation or site visit requirements during the construction period.
6. Engineer will respond to Request for Information (RFIs) regarding the construction contract documents. Engineer will respond to up to 20 RFIs.
7. Engineer will, when authorized by the Owner, prepare up to three (3) change orders for approved changes in the work from that originally provided for in the construction contract documents. If redesigned or substantial engineering or surveying is required in the preparation of these change order documents, the Owner will pay Engineer an additional fee to be agreed upon by the Owner and Engineer.
8. Engineer will review up to six (6) Contractor's progress payment requests based on the actual quantities of contract items completed and accepted and will make recommendation to the Owner regarding payment. Engineer's recommendation for payment shall not be representation that Engineer has made exhaustive or continuous inspections to (1) check the quality or exact quantities of the work; (2) to review billings from Subcontractors and material suppliers to substantiate the Contractor's right to payment; or (3) to ascertain how the Contractor has used money previously paid to Contractor.
9. Engineer will prepare and furnish record drawings based upon a set of redline marked up construction drawings maintained by the Contractor and verified by the Owner during construction observation. Engineer is not performing construction observation and assumes all information provided by the Owner and Contractor is correct.
10. Engineer will participate in final project inspection, prepare punch list, review final project closing documents, and submit final pay request.

Task 10 – Contingency

At the request of the Owner, Task 10 is set up as an hourly, not-to-exceed task for on-call or minor items that may arise throughout the completion of the work but that are out of this scope of services. This task will be a not-to-exceed \$75,000 dollars. These services will be billed according to the hourly rates and conditions outlined in the Master Services Agreement and only conducted with written approval by Owner and Engineer.

Project Deliverables

Deliverables shall be as follows:

1. Digital copy of the kickoff meeting minutes after kickoff meeting.
2. Digital copy of the Topographic Survey Drawings.
3. Digital Updated Hydrology and Hydraulic Model.
4. Digital Draft Preliminary Engineering Report.
5. Digital copy and Four (4) hard copies of the Final Engineering Report.
6. Digital copies of the Draft and Final EID.
7. Digital copy of EID Public Hearing Meeting Minutes.
8. Digital copy of the 404 Permit Application Package.
9. Digital copies of 60% Design Plans, Specifications Outline, and OPCC.
10. Digital copies of 95% Design Plans, Specifications, and OPCC.
11. Digital copies of the Workshop's Meeting Minutes (up to four (4) workshops) after each Workshop.
12. Digital copies of Bid Plans, Specifications, and OPCC.
13. Digital copy of Pre-bid Meeting Minutes after meeting.
14. Four (4) bound hard copies of Conformed Contract Documents.
15. Digital copy of the pre-construction meeting agenda.
16. Digital copy of the pre-construction meeting minutes after the meeting.
17. Digital copy and (1) hard copy of approved drawings/submittals from the Contractor.
18. Digital copy and (1) hard copy set of Record Drawings

Extra Work

The following items are not included under this agreement, except as agreed to in writing between Owner and Engineer but will be considered as Extra Work. Extra Work will be as directed by the Owner in writing for an additional fee as agreed upon by the Owner and Engineer.

1. Preliminary and/or Final Design Services outside of those identified in Task 5 and 7.
2. Redline markups on Construction drawings.
3. FEMA Map updating.
4. Condition Assessment.
5. Planning and/or City budgeting.
6. Submittals or deliverables in addition to those listed herein.
7. Design of improvements off-site.
8. ODOT coordination.
9. Redesign for the Owner's convenience or due to changed conditions after previous alternate direction and/or approval.
10. Invasive structural evaluation techniques beyond visual observation of existing structures at grade and existing record drawings.
11. Preparation of a Storm Water Pollution Prevention Plan (SWPPP) and OKR-10 Permit.
12. Construction materials testing.
13. Coordination with FEMA for the purpose of preparation/submittal of a CLOMR and/or LOMR.
14. Pavement Design.
15. Design of any utility relocation.
16. Retaining walls or other significant structural design beyond that required for channel widening.
17. Warranty Assistance.
18. Sampling Services.
19. Additional meetings.
20. Construction Observation Services.
21. Additional assistance with regulatory compliance closeout documentation.
22. Sustainability improvements

Extra Work will be as directed by the Owner in writing for an additional fee as agreed upon by the Owner and Engineer.

Schedule

This schedule is not only contingent on Owner review and authorization to proceed for each Task, but also regulatory and funding agencies review and response time. Engineer shall begin work under this Agreement within ten (10) days of a Notice to Proceed and shall complete the work in accordance with the schedule below:

Engineering Report & Project Tasks	Calendar Days
Task 1- Kickoff Meeting	10 days from Notice to Proceed
Task 2- Topographic Survey	30 days from Kickoff Meeting
Task 3- Updated Hydrology and Hydraulic Model	60 days from receipt of Surveys
Task 3- Alternatives Analysis Workshop	30 days from completion of Hydraulic Analysis
Task 3- Preliminary Engineering Report Workshop	45 days from acceptance of Alternatives
Task 3- Final Engineering Report	14 days from Preliminary Engineering Report Workshop
Task 4- Environmental Services	90 days from acceptance of Engineering Report
Task 5- Preliminary Design Workshop (60%)	90 days from acceptance of Engineering Report
Task 6- Easement Acquisition Documents	30 days from acceptance of Preliminary Design
Task 7- Final Design Workshop (95%)	90 days from acceptance of Preliminary Design
Task 8- Bidding Services	45 days from Owners Notice to Proceed
Task 9- Construction Services	Anticipated to be up to 180 days

APPENDIX 1 – Project Site

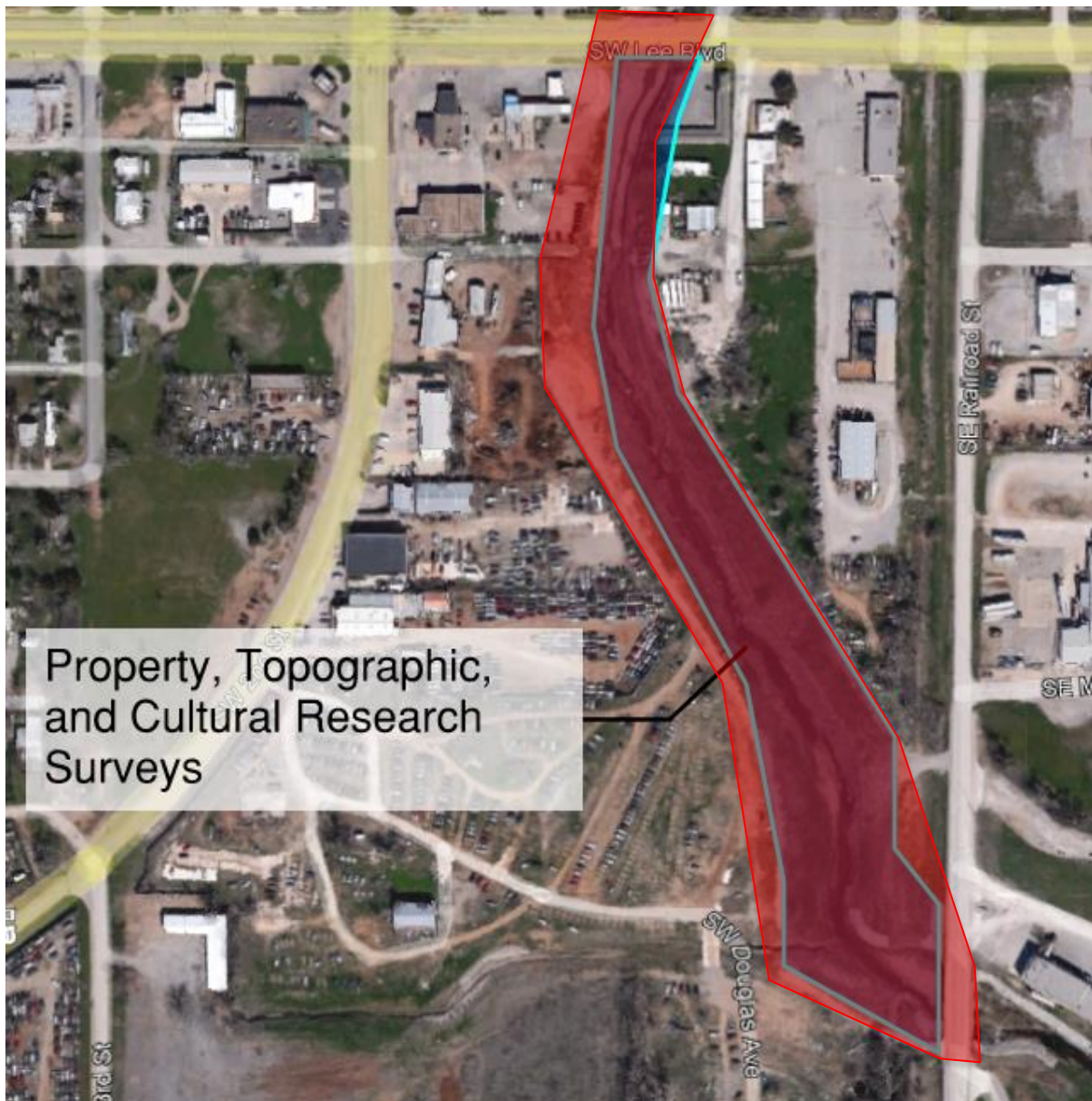


Exhibit B3

City of Lawton Lawton Numu Creek Drainage Improvements

FEE SUMMARY

Basic Services Section	Estimated Fees
TASK 1 - PROJECT MANAGEMENT,	\$ -
TASK 2 - DATA COLLECTION	\$ 51,944.00
TASK 3 - CONCEPTUAL DESIGN	\$ 73,914.00
TASK 4 - ENVIRONMENTAL SERVICES	\$ 116,750.00
TASK 5 - PRELIMINARY DESIGN (60%)	\$ 96,858.00
TASK 6 - EASEMENTS AND ACQUISITION	\$ 26,312.00
TASK 7 - FINAL DESIGN (90%)	\$ 105,028.00
TASK 8 - BIDDING ASSISTANCE SERVICES	\$ 27,264.00
TASK 9 - CONSTRUCTION PHASE SERVICES	\$ 114,755.00
TASK 10 - CONTINGENCY (\$75K)	\$ 75,000.00
Subtotal for Basic Services Section	\$ 687,825.00
 Total All Services	 \$ 687,825.00

Lump Sum



City of Lawton

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

Commentary

File #: 24-1307

Agenda Date: 3/12/2024

Agenda No: 13.

ITEM TITLE:

Consider and take action rejecting all bids received for the Lake Ellsworth Spillway Project PU2312 and authorizing staff to re-advertise the contract for award. Only one bid was received, and the cost was 155% over the Engineers Estimate.

INITIATOR: Rusty Whisenhunt, Director of Public Utilities

STAFF INFORMATION SOURCE: Rusty Whisenhunt, Director of Public Utilities

BACKGROUND: During the months of May and June of 2015 the City of Lawton received unusually heavy rainfall. The heavy rainfall events caused extensive damages to several sections of the Ellsworth Spillway. CH2M Hill/Jacobs Engineering was contracted to investigate and design necessary repairs in order to restore the spillway to pre-damage functionality. On September 13th 2016, the City Council approved Amendment No. 5,6,7,8 and 10 with CH2M Hill/Jacobs Engineering for review of standard methods, hydraulic, geotechnical numerical analysis, seismic analysis to determine the maximum credible earthquake motion at the site, perform design of rehabilitation and completion of a Benefit Cost Analysis of the Ellsworth Spillway. Currently the design is at 100% complete and a positive Benefit Cost Analysis has been developed. The estimated current construction cost for repairs to Ellsworth Spillway is ±\$20 million dollars. The Design has been permitted by OWRB for construction. On August 8th, City Council accepted funding agreements for the FEMA HHDFY22 Grant in the amount of \$925,251.00, the Oklahoma State Competitive ARPA grant in the amount of \$1,000,000.00, and the Oklahoma State Designated ARPA Grant in the amount of \$10,000,000.00. Remaining funds will come from City match up to \$8 million. On November 11, 2023, City Council Approved the plans, specifications and authorized advertisement for construction. The project advertised January 3rd and 10th, 2024. A Mandatory prebid conference was held January 16th, 2024, at 10:00 am in the Public Utilities Conference Room. Bids were received at the City Clerk's Office and publicly opened at 2 pm on February 20, 2024. A total of one (1) bid was received.

PU2312 Ellsworth Spillway Bid Tab		
Project Number	Engineer's Estimate	Contractor 1 - Shimmick
Total Base Bid	\$24,150,175.00	\$61,585,000.00
Additional time after NTP		

After reviewing the Bid Documents, it was determined that the one bid received was responsive but not responsible due to the unrealistic pricing of the project. It is the Department's and the Engineer's Recommendation that the bid be rejected, and the project be re-advertised to obtain a more reasonable bid. **This project is imperative to continue to provide a Safe Community to our Citizens as Public Utilities and the City of Lawton strive to meet the goals of the True North Culture Statement.**

EXHIBIT: Bid Tab, Department Recommendation, Engineer's Recommendation to Reject

KEY ISSUES: Does City Council wish to reject all bids received for the Lake Ellsworth Spillway Project PU2312 and authorizing staff to re-advertise the contract for award?

FUNDING SOURCE: Grant Funds, CWSRF Loan, and 2019 PROPEL CIP Water/Wastewater funds

STAFF RECOMMENDED COUNCIL ACTION: Reject all bids received for the Lake Ellsworth Spillway Project PU2312 and authorizing staff to re-advertise the contract for award.

PU2312 Ellsworth Spillway Bid Tab		
Project Number	Engineer's Estimate	Contractor 1 - Shimmick
Total Base Bid	\$24,150,175.00	\$61,585,000.00
Additional time after NTP		

PU2312 Ellsworth Spillway Rehabilitation									
Engineer's Estimate					Engineer's Estimate				
Item #	Est. QTY	Description	Unit Price	Item Total	Item #	Est. QTY	Description	Unit Price	Item Total
1	1	Mobilization and Demobilization	\$1,200,000.00	\$1,200,000.00	1	1	Mobilization and Demobilization	\$2,500,000.00	\$2,500,000.00
2	1	Work Change Directive Allowance	\$1,500,000.00	\$1,500,000.00	2	1	Work Change Directive Allowance	\$1,500,000.00	\$1,500,000.00
3	1	Inspection and Testing	\$250,000.00	\$250,000.00	3	1	Inspection and Testing	\$2,600,000.00	\$2,600,000.00
3.B	1	Inspection and Testing (Allowance)	\$100,000.00	\$100,000.00	3.B	1	Inspection and Testing (Allowance)	\$100,000.00	\$100,000.00
4	1	Ground Penetrating Radar	\$90,700.00	\$90,700.00	4	1	Ground Penetrating Radar	\$10,040.00	\$10,040.00
5	50	Pressure Grouting	\$2,700.00	\$135,000.00	5	50	Pressure Grouting	\$6,800.00	\$340,000.00
6	1	Survey	\$25,000.00	\$25,000.00	6	1	Survey	\$50,000.00	\$50,000.00
7	1	As-Builts	\$5,000.00	\$5,000.00	7	1	As-Builts	\$25,000.00	\$25,000.00
8	1	Phase 1 Cofferdamming	\$52,500.00	\$52,500.00	8	1	Phase 1 Cofferdamming	\$3,700,000.00	\$3,700,000.00
9	1	Phase 2 Cofferdamming	\$63,200.00	\$63,200.00	9	1	Phase 2 Cofferdamming	\$4,500,000.00	\$4,500,000.00
10	1	Phase 3 Cofferdamming	\$49,300.00	\$49,300.00	10	1	Phase 3 Cofferdamming	\$2,600,000.00	\$2,600,000.00
11	1	Repair Full Phase 1 Cofferdam damaged by Spillway Flows.	\$52,500.00	\$52,500.00	11	1	Repair Full Phase 1 Cofferdam damaged by Spillway Flows.	\$310,000.00	\$310,000.00
12	1	Repair full Phase 2 Cofferdam damaged by Spillway Flow.	\$63,200.00	\$63,200.00	12	1	Repair full Phase 2 Cofferdam damaged by Spillway Flow.	\$450,000.00	\$450,000.00
13	1	Repair full Phase 3 Cofferdam damaged by Spillway Flow.	\$49,300.00	\$49,300.00	13	1	Repair full Phase 3 Cofferdam damaged by Spillway Flow.	\$310,000.00	\$310,000.00
14	10100	Concrete Demolition for Phase 1 of the Spillway Rehabilitation.	\$40.00	\$404,000.00	14	10100	Concrete Demolition for Phase 1 of the Spillway Rehabilitation.	\$35.00	\$353,500.00
15	3500	Surface Grinding for Phase 1 of the Spillway	\$12.00	\$42,000.00	15	3500	Surface Grinding for Phase 1 of the Spillway	\$15.00	\$52,500.00
16	6570	Hydro-Demolition for Phase 1 of the Spillway Rehabilitation	\$41.00	\$269,370.00	16	6570	Hydro-Demolition for Phase 1 of the Spillway Rehabilitation	\$125.00	\$821,250.00
17	1	Hydro-Demolition Mockup	\$50,000.00	\$50,000.00	17	1	Hydro-Demolition Mockup	\$50,000.00	\$50,000.00
18	1	Concrete Repair and Construction for All Work in Phase 1	\$2,770,000.00	\$2,770,000.00	18	1	Concrete Repair and Construction for All Work in Phase 1	\$9,527,000.00	\$9,527,000.00
19	1	Non-Prestressed Rock Anchors in Phase 1	\$2,550,000.00	\$2,550,000.00	19	1	Non-Prestressed Rock Anchors in Phase 1	\$5,100,000.00	\$5,100,000.00
20	1	Strip Drains in Phase 1	\$32,000.00	\$32,000.00	20	1	Strip Drains in Phase 1	\$65,000.00	\$65,000.00
21	435	Relief Drains in Phase 1	\$38.00	\$16,530.00	21	435	Relief Drains in Phase 1	\$170.00	\$73,950.00
22	14100	Concrete Demolition for Phase 2 of the Spillway Rehabilitation	\$40.00	\$564,000.00	22	14100	Concrete Demolition for Phase 2 of the Spillway Rehabilitation	\$35.00	\$493,500.00
23	7050	Surface Grinding for Phase 2 of the Spillway Rehabilitation	\$12.00	\$84,600.00	23	7050	Surface Grinding for Phase 2 of the Spillway Rehabilitation	\$15.00	\$105,750.00
24	3125	Hydro-Demolition for Phase 2 of the Spillway Rehabilitation	\$41.00	\$128,125.00	24	3125	Hydro-Demolition for Phase 2 of the Spillway Rehabilitation	\$190.00	\$593,750.00
25	1	Concrete Repair and Construction for all Work in Phase 2.	\$3,330,000.00	\$3,330,000.00	25	1	Concrete Repair and Construction for all Work in Phase 2.	\$6,250,000.00	\$6,250,000.00
26	1	Non-Prestressed Rock Anchors in Phase 2	\$3,060,000.00	\$3,060,000.00	26	1	Non-Prestressed Rock Anchors in Phase 2	\$3,100,000.00	\$3,100,000.00
27	1	Strip Drains in Phase 2	\$38,000.00	\$38,000.00	27	1	Strip Drains in Phase 2	\$65,000.00	\$65,000.00
28	435	Relief Drains in Phase 2	\$38.00	\$16,530.00	28	435	Relief Drains in Phase 2	\$170.00	\$73,950.00
29	11750	Concrete Demolition for Phase 3 of the Spillway Rehabilitation	\$40.00	\$470,000.00	29	11750	Concrete Demolition for Phase 3 of the Spillway Rehabilitation	\$35.00	\$411,250.00
30	625	Surface Grinding of Phase 3 of the Spillway Rehabilitation	\$12.00	\$7,500.00	30	625	Surface Grinding of Phase 3 of the Spillway Rehabilitation	\$20.00	\$12,500.00
31	6570	Hydro-Demolition for Phase 3 of the Spillway Rehabilitation	\$41.00	\$269,370.00	31	6570	Hydro-Demolition for Phase 3 of the Spillway Rehabilitation	\$125.00	\$821,250.00
32	1	Concrete Repair and Construction for All Work in Phase 3	\$2,600,000.00	\$2,600,000.00	32	1	Concrete Repair and Construction for All Work in Phase 3	\$8,000,000.00	\$8,000,000.00
33	1	Non-Prestressed Rock	\$2,390,000.00	\$2,390,000.00	33	1	Non-Prestressed Rock	\$4,000,000.00	\$4,000,000.00
34	1	Strip Drains in Phase 3	\$30,000.00	\$30,000.00	34	1	Strip Drains in Phase 3	\$65,000.00	\$65,000.00
35	435	Relief Drains in Phase	\$38.00	\$16,530.00	35	435	Relief Drains in Phase	\$170.00	\$73,950.00
36	100	Spillway Concrete Allowance	\$700.00	\$70,000.00	36	100	Spillway Concrete Allowance	\$1,000.00	\$100,000.00
37a	20	Non-Prestressed Rock Anchor Allowance Type 1	\$3,500.00	\$70,000.00	37a	20	Non-Prestressed Rock Anchor Allowance Type 1	\$7,500.00	\$150,000.00
37b	20	Non-Prestressed Rock Anchor Allowance Type 2	\$3,500.00	\$70,000.00	37b	20	Non-Prestressed Rock Anchor Allowance Type 2	\$8,500.00	\$170,000.00
37c	20	Non-Prestressed Rock Anchor Allowance Type 3	\$3,500.00	\$70,000.00	37c	20	Non-Prestressed Rock Anchor Allowance Type 3	\$6,500.00	\$130,000.00
37d	20	Non-Prestressed Rock Anchor Allowance Type 4	\$3,500.00	\$70,000.00	37d	20	Non-Prestressed Rock Anchor Allowance Type 4	\$10,500.00	\$210,000.00
38	570	10 Inch Diameter Anchor Consolidation Grouting and Redrilling	\$356.00	\$202,920.00	38	570	10 Inch Diameter Anchor Consolidation Grouting and Redrilling	\$178.00	\$101,460.00
39	600	8 Inch Diameter Anchor Consolidation Grouting and Redrilling	\$350.00	\$210,000.00	39	600	8 Inch Diameter Anchor Consolidation Grouting and Redrilling	\$174.00	\$104,400.00
40	1	Pump Station building retrofit, new roof, new hatches, and associated work.	\$100,000.00	\$100,000.00	40	1	Pump Station building retrofit, new roof, new hatches, and associated work.	\$600,000.00	\$600,000.00
41	1	Site grading on east side of spillway	\$50,000.00	\$50,000.00	41	1	Site grading on east side of spillway	\$60,000.00	\$60,000.00
42	5000	Riprap Installation	\$40.00	\$200,000.00	42	5000	Riprap Installation	\$65.00	\$325,000.00
43	1000	Aggregate Bedding Beneath Riprap	\$20.00	\$20,000.00	43	1000	Aggregate Bedding Beneath Riprap	\$45.00	\$45,000.00
44	1	Seeding and Final Soil Stabilization, Sod Stake In Place	\$50,000.00	\$50,000.00	44	1	Seeding and Final Soil Stabilization, Sod Stake In Place	\$60,000.00	\$60,000.00
45	1	Engineer's Field Office	\$75,000.00	\$75,000.00	45	1	Engineer's Field Office	\$120,000.00	\$120,000.00
46	1	Engineer's Field Office Furnishing Allowance	\$8,000.00	\$8,000.00	46	1	Engineer's Field Office Furnishing Allowance	\$8,000.00	\$8,000.00
47	110	Anchor Proof Test	\$1,000.00	\$110,000.00	47	110	Anchor Proof Test	\$2,700.00	\$297,000.00
Total Amount Bid				\$24,150,175.00	Total Amount Bid				\$61,585,000.00
Twenty-Four Million One Hundred Fifty Thousand and One Hundred and Seventy Five Dollars and Zero Cents					Twenty-Four MillSixty-One Million Five Hundred Eighty-Five Thousand Dollars				



City of Lawton

Department of Public Utilities

E-mail: publicutilities@lawtonok.gov
Telephone 580-581-3405
Fax 580-581-3407

Mailing Address: 103 Southwest 4th Street
Shipping Address: 2100 South 6th Street
Lawton, Oklahoma 73501

To: File
From: Rusty Whisenhunt, Director of Public Utilities *WJH*
Subject: Reject Ellsworth Spillway Rehabilitation Project PU2312
Date: February 23, 2024

It is recommended to reject bid received for the Ellsworth Spillway Rehabilitation Project PU2312 and authorize staff to re-advertise. Only one (1) responsive bid was received which was 155% over the Engineers Estimate.

If you have any questions regarding this information, please contact me.

February 23, 2024

Attn: Rusty Whisenhunt, P.E.
Director of Public Utilities
City of Lawton

Project Name: Ellsworth Spillway Rehabilitation – PU 2312

Subject: Recommendation for Rejection of Bids

Dear Rusty,

The bids received on February 20, 2024, for the subject project have been reviewed and it is recommended that bid from Shimmick Construction Company Inc. be rejected. The bid tabulation is attached, and details of the evaluation are as follows:

- The Bid Checklist was filled in and all documents required for the checklist were included with bid package.
- Only one bid was received and the unit cost and lump sum prices for bid items were significantly more than engineer's estimate, indicating a non-competitive bidding situation with unreasonable prices.

Please let us know if you have any questions or need more information,

Regards,



Arun Srinivasan, P.E.
Project Manager

979-450-9785
Arun.srinivasan@jacobs.com

PU2312 Ellsworth Spillway Rehabilitation

Engineer's Estimate					Shimmick Construction				
Item #	Est. QTY	Description	Unit Price	Item Total	Item #	Est. QTY	Description	Unit Price	Item Total
1	1	Mobilization and Demobilization	\$1,200,000.00	\$1,200,000.00	1	1	Mobilization and Demobilization	\$2,500,000.00	\$2,500,000.00
2	1	Work Change Directive Allowance	\$1,500,000.00	\$1,500,000.00	2	1	Work Change Directive Allowance	\$1,500,000.00	\$1,500,000.00
3	1	Inspection and Testing	\$250,000.00	\$250,000.00	3	1	Inspection and Testing	\$2,600,000.00	\$2,600,000.00
3.B	1	Inspection and Testing (Allowance)	\$100,000.00	\$100,000.00	3.B	1	Inspection and Testing (Allowance)	\$100,000.00	\$100,000.00
4	1	Ground Penetrating Radar	\$90,700.00	\$90,700.00	4	1	Ground Penetrating Radar	\$10,040.00	\$10,040.00
5	50	Pressure Grouting	\$2,700.00	\$135,000.00	5	50	Pressure Grouting	\$6,800.00	\$340,000.00
6	1	Survey	\$25,000.00	\$25,000.00	6	1	Survey	\$50,000.00	\$50,000.00
7	1	As-Builts	\$5,000.00	\$5,000.00	7	1	As-Builts	\$25,000.00	\$25,000.00
8	1	Phase 1 Cofferdamming	\$52,500.00	\$52,500.00	8	1	Phase 1 Cofferdamming	\$3,700,000.00	\$3,700,000.00
9	1	Phase 2 Cofferdamming	\$63,200.00	\$63,200.00	9	1	Phase 2 Cofferdamming	\$4,500,000.00	\$4,500,000.00
10	1	Phase 3 Cofferdamming	\$49,300.00	\$49,300.00	10	1	Phase 3 Cofferdamming	\$2,600,000.00	\$2,600,000.00
11	1	Repair Full Phase 1 Cofferdam damaged by Spillway Flows.	\$52,500.00	\$52,500.00	11	1	Repair Full Phase 1 Cofferdam damaged by Spillway Flows.	\$310,000.00	\$310,000.00
12	1	Repair full Phase 2 Cofferdam damaged by Spillway Flow.	\$63,200.00	\$63,200.00	12	1	Repair full Phase 2 Cofferdam damaged by Spillway Flow.	\$450,000.00	\$450,000.00
13	1	Repair full Phase 3 Cofferdam damaged by Spillway Flow.	\$49,300.00	\$49,300.00	13	1	Repair full Phase 3 Cofferdam damaged by Spillway Flow.	\$310,000.00	\$310,000.00
14	10100	Concrete Demolition for Phase 1 of the Spillway Rehabilitation.	\$40.00	\$404,000.00	14	10100	Concrete Demolition for Phase 1 of the Spillway Rehabilitation.	\$35.00	\$353,500.00
15	3500	Surface Grinding for Phase 1 of the Spillway	\$12.00	\$42,000.00	15	3500	Surface Grinding for Phase 1 of the Spillway	\$15.00	\$52,500.00
16	6570	Hydro-Demolition for Phase 1 of the Spillway Rehabilitation	\$41.00	\$269,370.00	16	6570	Hydro-Demolition for Phase 1 of the Spillway Rehabilitation	\$125.00	\$821,250.00
17	1	Hydro-Demolition Mockup	\$50,000.00	\$50,000.00	17	1	Hydro-Demolition Mockup	\$50,000.00	\$50,000.00
18	1	Concrete Repair and Construction for All Work in Phase 1	\$2,770,000.00	\$2,770,000.00	18	1	Concrete Repair and Construction for All Work in Phase 1	\$9,527,000.00	\$9,527,000.00
19	1	Non-Prestressed Rock Anchors in Phase 1	\$2,550,000.00	\$2,550,000.00	19	1	Non-Prestressed Rock Anchors in Phase 1	\$5,100,000.00	\$5,100,000.00
20	1	Strip Drains in Phase 1	\$32,000.00	\$32,000.00	20	1	Strip Drains in Phase 1	\$65,000.00	\$65,000.00
21	435	Relief Drains in Phase 1	\$38.00	\$16,530.00	21	435	Relief Drains in Phase 1	\$170.00	\$73,950.00
22	14100	Concrete Demolition for Phase 2 of the Spillway Rehabilitation	\$40.00	\$564,000.00	22	14100	Concrete Demolition for Phase 2 of the Spillway Rehabilitation	\$35.00	\$493,500.00
23	7050	Surface Grinding for Phase 2 of the Spillway Rehabilitation	\$12.00	\$84,600.00	23	7050	Surface Grinding for Phase 2 of the Spillway Rehabilitation	\$15.00	\$105,750.00
24	3125	Hydro-Demolition for Phase 2 of the Spillway Rehabilitation	\$41.00	\$128,125.00	24	3125	Hydro-Demolition for Phase 2 of the Spillway Rehabilitation	\$190.00	\$593,750.00
25	1	Concrete Repair and Construction for all Work in Phase 2.	\$3,330,000.00	\$3,330,000.00	25	1	Concrete Repair and Construction for all Work in Phase 2.	\$6,250,000.00	\$6,250,000.00
26	1	Non-Prestressed Rock Anchors in Phase 2	\$3,060,000.00	\$3,060,000.00	26	1	Non-Prestressed Rock Anchors in Phase 2	\$3,100,000.00	\$3,100,000.00
27	1	Strip Drains in Phase 2	\$38,000.00	\$38,000.00	27	1	Strip Drains in Phase 2	\$65,000.00	\$65,000.00
28	435	Relief Drains in Phase 2	\$38.00	\$16,530.00	28	435	Relief Drains in Phase 2	\$170.00	\$73,950.00
29	11750	Concrete Demolition for Phase 3 of the Spillway Rehabilitation	\$40.00	\$470,000.00	29	11750	Concrete Demolition for Phase 3 of the Spillway Rehabilitation	\$35.00	\$411,250.00
30	625	Surface Grinding of Phase 3 of the Spillway Rehabilitation	\$12.00	\$7,500.00	30	625	Surface Grinding of Phase 3 of the Spillway Rehabilitation	\$20.00	\$12,500.00
31	6570	Hydro-Demolition for Phase 3 of the Spillway Rehabilitation	\$41.00	\$269,370.00	31	6570	Hydro-Demolition for Phase 3 of the Spillway Rehabilitation	\$125.00	\$821,250.00
32	1	Concrete Repair and Construction for All Work in Phase 3	\$2,600,000.00	\$2,600,000.00	32	1	Concrete Repair and Construction for All Work in Phase 3	\$8,000,000.00	\$8,000,000.00
33	1	Non-Prestressed Rock	\$2,390,000.00	\$2,390,000.00	33	1	Non-Prestressed Rock	\$4,000,000.00	\$4,000,000.00
34	1	Strip Drains in Phase 3	\$30,000.00	\$30,000.00	34	1	Strip Drains in Phase 3	\$65,000.00	\$65,000.00
35	435	Relief Drains in Phase	\$38.00	\$16,530.00	35	435	Relief Drains in Phase	\$170.00	\$73,950.00
36	100	Spillway Concrete Allowance	\$700.00	\$70,000.00	36	100	Spillway Concrete Allowance	\$1,000.00	\$100,000.00
37a	20	Non-Prestressed Rock Anchor Allowance Type 1	\$3,500.00	\$70,000.00	37a	20	Non-Prestressed Rock Anchor Allowance Type 1	\$7,500.00	\$150,000.00
37b	20	Non-Prestressed Rock Anchor Allowance Type 2	\$3,500.00	\$70,000.00	37b	20	Non-Prestressed Rock Anchor Allowance Type 2	\$8,500.00	\$170,000.00
37c	20	Non-Prestressed Rock Anchor Allowance Type 3	\$3,500.00	\$70,000.00	37c	20	Non-Prestressed Rock Anchor Allowance Type 3	\$6,500.00	\$130,000.00
37d	20	Non-Prestressed Rock Anchor Allowance Type 4	\$3,500.00	\$70,000.00	37d	20	Non-Prestressed Rock Anchor Allowance Type 4	\$10,500.00	\$210,000.00
38	570	10 Inch Diameter Anchor Consolidation Grouting and Redrilling	\$356.00	\$202,920.00	38	570	10 Inch Diameter Anchor Consolidation Grouting and Redrilling	\$178.00	\$101,460.00
39	600	8 Inch Diameter Anchor Consolidation Grouting and Redrilling	\$350.00	\$210,000.00	39	600	8 Inch Diameter Anchor Consolidation Grouting and Redrilling	\$174.00	\$104,400.00
40	1	Pump Station building retrofit, new roof, new hatches, and associated work.	\$100,000.00	\$100,000.00	40	1	Pump Station building retrofit, new roof, new hatches, and associated work.	\$600,000.00	\$600,000.00
41	1	Site grading on east side of spillway	\$50,000.00	\$50,000.00	41	1	Site grading on east side of spillway	\$60,000.00	\$60,000.00
42	5000	Riprap Installation	\$40.00	\$200,000.00	42	5000	Riprap Installation	\$65.00	\$325,000.00
43	1000	Aggregate Bedding Beneath Riprap	\$20.00	\$20,000.00	43	1000	Aggregate Bedding Beneath Riprap	\$45.00	\$45,000.00
44	1	Seeding and Final Soil Stabilization, Sod Stake In Place	\$50,000.00	\$50,000.00	44	1	Seeding and Final Soil Stabilization, Sod Stake In Place	\$60,000.00	\$60,000.00
45	1	Engineer's Field Office	\$75,000.00	\$75,000.00	45	1	Engineer's Field Office	\$120,000.00	\$120,000.00
46	1	Engineer's Field Office Furnishing Allowance	\$8,000.00	\$8,000.00	46	1	Engineer's Field Office Furnishing Allowance	\$8,000.00	\$8,000.00
47	110	Anchor Proof Test	\$1,000.00	\$110,000.00	47	110	Anchor Proof Test	\$2,700.00	\$297,000.00
Total Amount Bid				\$24,150,175.00	Total Amount Bid				\$61,585,000.00
Twenty-Four Million One Hundred Fifty Thousand One Hundred Seventy Five Dollars and Zero Cents					Sixty-One Million Five Hundred Eighty-Five Thousand Dollars				

PU2312 Ellsworth Spillway Bid Tab		
Project Number	Engineer's Estimate	Contractor 1 - Shimmick
Total Base Bid	\$24,150,175.00	\$61,585,000.00
Additional time after NTP		



City of Lawton

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

Commentary

File #: 24-1308

Agenda Date: 3/12/2024

Agenda No: 14.

ITEM TITLE:

Consider and take action in awarding a contract in the amount of \$242,150.00 to Integrity Construction Services, LLC, for the construction of 2021 CDBG Sewer Project PU2104 to replace approximately 1,800 feet of sewer line.

INITIATOR: Rusty Whisenhunt, Director of Public Utilities

STAFF INFORMATION SOURCE: Rusty Whisenhunt, Director of Public Utilities

BACKGROUND: On August 9, 2022, Council approved the consolidated action plan for the Housing Division that identified 2021 CDBG Sewer Project and funding. On November 9, 2022, the Public Utilities Department entered into a Memorandum of Understanding (MOU)/Notice to Proceed with the Housing & Community Development Division for the replacement of sewer line that was identified by Community Development Block Grant (CDBG) for construction of qualified sewer lines. The project scope is to open cut and replace approximately 1,800 feet of 8" sanitary sewer line and provide sanitary sewer for abutting lots and upstream properties. Properties abutting lines are SW 1701 to SW 1827 between SW Monroe Avenue and SW Jefferson Avenue, and from SW 1230 to SW 1501 between SW New York Avenue and SW Pennsylvania Avenue. City Council Approved the plans and specifications and authorized advertisement on January 10th, 2023. The plans were advertised on January 17th and 24th, 2024. A non-mandatory prebid conference was held February 2, 2024 at 10:00 am in the Public Utilities Conference Room. Bids were received at the City Clerk's Office and publicly opened at 2pm on February 20, 2024. A total of one (1) bid was received.

2021 CDBG Sewer Project PU2104		
Project Number	Engineer's Estimate	Contractor 1 -ICS, LLC
Total Base Bid	\$363,450.00	\$242,150.00

After reviewing the bid documents, it is the Department's recommendation to award a contract in the amount of \$242,150.00 to construct the 2021 CDBG Sewer Project PU2104 to Integrity Construction Services, LLC, of Indianahoma, Oklahoma, who submitted the lowest responsive and responsible bid for the project. **This project will benefit The Citizen by meeting the goal of Safe Community in the True North Culture.**

EXHIBIT: Recommendation of Award, Bid Tabulation, and Construction Contract

KEY ISSUES: Does City Council wish to award a contract in the amount of \$242,150.00 to Integrity Construction Services, LLC, for the construction of 2021 CDBG Sewer Project PU2104?

FUNDING SOURCE: \$200,000.00 Community Development Block Grant; Remaining \$42,150.00 out of SSC 7106501-51020

STAFF RECOMMENDED COUNCIL ACTION: Award a contract in the amount of \$242,150.00 to

Integrity Construction Services, LLC, for the construction of 2021 CDBG Sewer Project PU2104.




City of Lawton

Department of Public Utilities

E-mail: publicutilities@lawtonok.gov
Telephone 580-581-3405
Fax 580-581-3407

Mailing Address: 103 Southwest 4th Street
Shipping Address: 2100 South 6th Street
Lawton, Oklahoma 73501

To: File
From: Rusty Whisenhunt, Director of Public Utilities 
Subject: Award 2021 CDBG Sewer Project PU2104
Date: February 23, 2024

It is recommended to award a contract in the amount of \$242,150.00 for the construction of the 2021 CDBG Sewer Project PU2104 to Integrity Construction Services, LLC, of Indianahoma, OK. The one (1) bid received was determined to be responsive and responsible. The vendor meets all requirements of the City.

If you have any questions regarding this information, please contact me.

2021 CDBG Sewer Project PU2104					
Project Number	Engineer's Estimate	Contractor 1 -ICS, LLC	Contractor 2 -	Contractor 3 -	Contractor 4 -
Total Base Bid	\$363,450.00	\$242,150.00			
Additional time after NTP					

2021 CDBG Sewer Project PU2104

Engineer's Estimate					ICS Estimate				
Item #	Est. QTY	Description	Unit Price	Item Total	Item #	Est. QTY	Description	Unit Price	Item Total
1	1800	8" Sanitary Sewer Main Construction	\$110.00	\$198,000.00	1	1800	8" Sanitary Sewer Main Construction	\$62.00	\$111,600.00
2	6	4' Diameter Manhole Complete	\$3,500.00	\$21,000.00	2	6	4' Diameter Manhole Complete	\$6,250.00	\$37,500.00
3	26	Service Installation Complete	\$1,200.00	\$31,200.00	3	26	Service Installation Complete	\$1,550.00	\$40,300.00
4	120	Street Repair	\$200.00	\$24,000.00	4	120	Street Repair	\$145.00	\$17,400.00
5	1100	Alley Repair	\$80.00	\$88,000.00	5	1100	Alley Repair	\$31.00	\$34,100.00
6	50	4" Service Line Beyond the 10' with Service Connections	\$25.00		6	50	4" Service Line Beyond the 10' with Service Connections	\$25.00	
Total Amount Bid				\$363,450.00	Total Amount Bid				\$242,150.00
Three Hundred and Sixty Three Thousand Four Hundred and Fifty Dollars and Zero Cents					Two hundred forty two thousand one hundred fifty dollars				

CONTRACT

THIS CONTRACT made and entered into this 12th day of March, 2024, by and between CITY OF LAWTON, Oklahoma, a Municipal Corporation, acting by and through the Mayor and City Council, party of the first part, hereinafter referred to as "CITY", and Integrity Construction Services, LLC, party of the second part, hereinafter referred to as "CONTRACTOR".

WITNESSETH:

WHEREAS, the CITY has caused to be prepared in accordance with law, certain Contract Documents and Technical Specifications (including Plans) for the work hereinafter described, and has caused a Solicitation for Bids to be given and advertised as required by law, and has received sealed proposals for the furnishing of all labor and materials for

2021 CDBG SEWER PROJECT PU2104

and

WHEREAS, the Contractor in response to said Solicitation for Bids submitted to the CITY in the manner and at the time specified a sealed proposal in accordance with the terms and provisions of said Contract Documents and Technical Specifications, Plans and Addenda(s) associated with this project; and

WHEREAS, the CITY, in the manner provided by law, has publicly opened, examined, and canvassed all the proposals submitted and has determined and declared the above-named Contractor to be the best responsive bidder on the above described project; and

WHEREAS, the City, has duly awarded this Contract to said Contractor at the contract unit prices bid and as specified in the Contractor's proposal, to wit:

Two hundred forty two thousand one hundred fifty Dollars (\$ 242,150.00).

Said proposal of Integrity Construction Services, LLC, is incorporated by reference into this contract. The actual amount to be paid to the Contractor will be based on the unit price in the Contractor's proposal times the unit quantities actually used and accepted for this project.

NOW, THEREFORE, for and in consideration of the mutual agreements and covenants herein contained, the parties to this Contract have agreed, and hereby agree, as follows:

1. The Contractor shall, in a good and first-class workmanlike manner, at his own cost and expense, furnish all labor and materials, tools, and equipment required to perform and complete said work in strict accordance with this Contract, the Contract Documents and Technical Specifications and all applicable Plans and Addenda, all of which are on file in the office of the Project Manager, 2100 SW 6th Street, Lawton, OK, 73501, and hereby incorporated by reference and made a part of this Contract as if the same were each herein set out at length.

2. The CITY will make progress payments to the Contractor no more than once per month upon request of the Contractor.

Such payment will be made on the basis of an agreed estimate of work performed since the previous pay request, provided that the Contractor and the Project Manager shall have previously come to an agreement as to the amount of the request prior to submission.

The City shall retain five percent (5%) of the amount of each estimate until the project is complete. This retainage shall not be released until final acceptance of project by the City Council.

Each monthly estimate for payment must contain or have attached an affidavit for payment, as set forth in the Contract Documents and Technical Specifications.

On completion of the work, but prior to the acceptance by the CITY, it shall be the duty of the City Engineer/Project Manager, or his authorized designee, to determine that said work has been completed and fully performed in accordance with said Contract Documents and Technical Specifications and all applicable Plans and Addenda; and upon making such determination said official shall make his final certificate to the CITY.

The Contractor hereby agrees to commence work under this Contract on a date to be specified in a written "Work Order" of the CITY and to fully complete the project **120 consecutive calendar days** The Contractor further agrees to pay as liquidated damages, the sum of **One Thousand Dollars and 00/100 (\$1,000.00) for each consecutive calendar day** thereafter as provided in Paragraph 18 of the General Conditions section of the Contract Documents and Technical Specifications.

The Contractor shall furnish proof that all claims and obligations incurred by him in connection with the performance of said work have been fully paid and settled; said information shall be in the form of an affidavit constituting the Contractor's Release to City as set forth in the Contract Documents and Technical Specifications; thereupon, the final estimate (including any retained amounts) will be approved and paid.

3. Discrimination. The Contractor agrees in connection with the performance of work under this contract as follows:

- a. The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, disability, age or ancestry. Such actions shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruiting or recruitment, advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, (including apprenticeship.) The Contractor agrees to include this non-discrimination clause in any subcontracts connected with the performance of this Contract.

- b. The Contractor and Subcontractor shall agree to post in a conspicuous place available to employees and applicants for employment, notice to be provided by the City Clerk of the City of Lawton setting forth the provisions of this section.
- c. In the event of the Contractor's non-compliance with the above non-discrimination clause, this Contract may be terminated by the CITY. The Contractor may also be declared by the CITY to be ineligible for future contracts with the CITY until satisfactory proof of intent to comply shall be made by the Contractor.

4. Use of Subcontractors. The Contractor shall actively solicit bids for the subcontracting of goods or services from qualified minority businesses. At the request of the CITY, the Contractor shall furnish evidence of compliance with this requirement of minority solicitation. The Contractor further agrees to consider the grant of subcontracts to minority bidders on the basis of substantially equal proposals in the light most favorable to said minority businesses.

5. Entire Contract. This Contract and all the documents incorporated by reference contain the entire understanding and agreement of the parties upon the subject matter hereof. There is no agreement, oral or otherwise, which is not set forth in writing hereto or attached. This Contract includes the following items: this Contract, the Contract Documents and Technical Specifications, all applicable Plans and Addenda and the Contractor's Proposal.

6. Modification and Termination. This Contract cannot be modified or terminated except in writing signed by both parties or as otherwise provided herein.

7. Assignment. This Contract shall not be assigned without the written consent of the CITY.

8. Bankruptcy. If the Contractor becomes bankrupt or insolvent, or if a petition in bankruptcy is filed against the Contractor, or if a receiver is appointed for the Contractor, the CITY shall have the right to terminate this Contract upon written notice to the Contractor without prejudice to any claim for damages or any other right of the CITY under this Contract to the time of such termination.

9. Variables in Cost. The parties hereto assume and understand that the variables in Contractor's cost of performance may fluctuate; consequently, the parties hereto agree that any fluctuations in Contractor's costs will in no way alter the Contractor's obligations under this Contract nor excuse performance or delay on his part.

10. Choice of Laws and Venue. This Contract shall be governed by the laws of the State of Oklahoma. Any lawsuit brought concerning this Contract shall be filed with the appropriate state court, Comanche County, Oklahoma or with the United States District Court for Western District of Oklahoma, as applicable.

11. This Contract requires proper signature and acceptance by the Contractor and approval by the Lawton City Council before it becomes effective.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, in three (3) originals, the day and year first above written.

(FOR CORPORATIONS ONLY)

Name of Corporation

By _____

Title _____

ATTEST:

Title _____ (AFFIX SEAL)

(FOR PARTNERSHIPS AND PROPRIETORSHIPS)

Name of Partnership or Proprietorship

By _____

Title _____

**COUNTY OF
COMANCHE**

} STATE OF OKLAHOMA }

Before me the undersigned, a Notary Public in and for said state, on this day of _____, 2024, personally appeared _____, a member of the partnership/proprietorship _____ to me known to be the identical person who executed the within and foregoing instrument on behalf of said partnership/proprietorship and acknowledged to me that _____ (he/she) executed the same as _____ (his/her) free and voluntary act and deed, and for the free and voluntary act and deed of said partnership/proprietorship, for the uses and purposes therein set forth.

Notary Public

My Commission Expires _____

CITY OF LAWTON, OKLAHOMA
A Municipal Corporation

Stan Booker, MAYOR

ATTEST:

Donalynn Blazek-Scherler, CITY CLERK

APPROVED as to form and legality this _____ day of _____, 2024.

Tim Wilson, CITY ATTORNEY

I, Joe Dunham, Finance Director of the City of Lawton, Oklahoma, do hereby certify that I have entered the amount for this encumbrance against appropriate Account No. _____ for Two hundred forty two thousand one hundred fifty dollars (\$242,150.00), and after charging account title _____ with this encumbrance there is an unencumbered balance in said account of \$ _____.
Dated this _____ day of _____, 2024.

Joe Dunham, FINANCE DIRECTOR



City of Lawton

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

Commentary

File #: 24-1323

Agenda Date: 3/12/2024

Agenda No: 15.

ITEM TITLE:

Consider and take action in approving Amendment No. 2 to the Wastewater Treatment Plant Improvements Project Phase I Contract with Garver, LLC in an amount not to exceed \$89,500.00 for Engineering Services to design the replacement of existing non-functioning blowers needed for plant operations and compliance.

INITIATOR: Rusty Whisenhunt, Director of Public Utilities

STAFF INFORMATION SOURCE: Rusty Whisenhunt, Director of Public Utilities

BACKGROUND: On December 4, 2020, the City of Lawton received Consent Order 20-214 from the Oklahoma Department of Environmental Quality (ODEQ) as a result of OPDES Permit violations stemming from discharges at the Wastewater Treatment Plant. In order to comply with the expected details of the Consent Order and bring the WWTP into compliance, additional funding in the amount of up to \$47 million was obtained through the Clean Water State Revolving Fund program to address repairs and improvements as identified in the Consent Order and the WWTP Condition Assessment conducted by Garver, LLC. On June 22, 2021, Council awarded a contract to Garver, LLC in the amount of \$6,296,700.00 for the design of PU2103 WWTP Improvements Phase 1 Project. The Engineering and Design contract provides full Engineering and Design services for items identified as Phase 1 Improvements in the Final Engineering report approved by City Council on June 8th, 2021. The Final Engineering Report outlined three distinct phases of improvements. Originally listed in Phase 2 was replacing the influent screening structure, however, the condition of the current equipment dictates that replacement must be moved from Phase 2 to Phase 1 to ensure continued compliance. On March 9th, 2022, City Council approved Amendment No. 1 added additional professional services necessary to include the design of a new influent screening structure. Amendment No. 2 will include the replacement of existing blowers with new units, associated process mechanical improvements to integrate the new blowers, and new electrical improvements for the new blowers. **This project is imperative to continue providing a safe community to our citizens as stated in the True North Statement.**

EXHIBIT: Amendment No. 2, Appendix A - Scope of Services

KEY ISSUES: Does City Council wish to approve Amendment No. 2 to the Wastewater Treatment Plant Improvements Project Phase I Contract with Garver, LLC in the amount of \$89,500.00 to replace existing non-functioning blowers needed for plant operations?

FUNDING SOURCE: \$47million CWSRF loan: WWTP Program account 4400000-54145 \$6,935,556.94 (Current amount available) - \$89,500.00 (cost of this project) = \$6,846,056.94 (remaining balance of account)

STAFF RECOMMENDED COUNCIL ACTION: Approve Amendment No. 2 to the Wastewater Treatment Plant Improvements Project Phase I Contract with Garver, LLC in the amount not to exceed \$89,500.00 for Engineering Services to design the replacement of existing non-functioning blowers needed for plant operations and compliance.

**AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES
CITY OF LAWTON
LAWTON, OKLAHOMA**

CONTRACT AMENDMENT NO. 2

This Amendment to Agreement made as of this 12th day of March in the year two-thousand and twenty-four is by and between the City of Lawton, Oklahoma, a municipal corporation, hereinafter referred to as “First Party” or “Owner” and Garver LLC, hereinafter referred to as “Second Party” or “Engineer.”

WITNESSETH

WHEREAS the parties hereto have an agreement for professional services dated June 24th, 2021, for providing Contract Documents for the Project No. PU-21-03: Lawton Wastewater Treatment Plant (WWTP) Improvements – Phase I (Agreement). The parties have previously made an amendment to the original Agreement dated March 9th, 2022.

WHEREAS the parties hereto desire to enter into an amendment to said Agreement to include additional professional services outlined herein, and all provisions of the contract and previous amendments remain in full effect except the additional scope of services in Amendment No. 2.

NOW THEREFORE, that in consideration of the covenants, agreements and representations hereinafter set forth, it is mutually agreed by the parties hereto that the Agreement entered into by the parties on June 24th, 2021, is further amended as follows:

I. Additional Professional Services

The ENGINEER will provide professional assistance pertaining to the preparation of Contract Documents for a new additional screening structure at the WWTP. The ENGINEER will provide the scope of services in conformance with the attached Appendix A – Scope of Services (“Services”) and the applicable contract requirements as specified in the Agreement. The fee schedule for such Services is summarized below:

Task	Amount
Task 5 – Final Design	\$61,200.00
Task 7 – Construction Administration	\$9,100.00
Task 7 – Construction Administration (Additional Progress Meetings)	\$19,200.00
Total Services	\$89,500.00

The OWNER will compensate ENGINEER for engineering work associated with the Services outlined in Appendix A for a lump sum amount not to exceed three hundred and ninety-nine thousand and seven hundred and fifty dollars (\$89,500.00). Potential Extra Work has also been

enumerated in the Appendix A, under Section 3. In the event OWNER requests extra work be performed that is not already identified in the tasks above or the amended Agreement, OWNER and ENGINEER will negotiate an additional fee for such work. Any additional fee negotiated must be agreed to in writing by the parties prior to any such extra work commencing. The OWNER represents that funding sources are in place with the available funds necessary to pay ENGINEER.

II. Amendments to Terms and Conditions

N/A

REMAINDER OF PAGE LEFT INTENTIONALLY BLANK

All other requirements of the Agreement remain in effect except those changed by contract amendments herein.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth above.

ENGINEER

By: 

Printed Name: Mary Elizabeth Mach

Title: Vice President

OWNER

APPROVED by the Council and signed by the Mayor for the City of Lawton this ____ day of _____, 20_____.

THE CITY OF LAWTON
A Municipal Corporation,

By: _____
MAYOR STANLEY BOOKER

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this ____ day of _____, 20_____.

TIM WILSON, INTERIM CITY ATTORNEY

APPENDIX A – SCOPE OF SERVICES

GARVER agrees to perform engineering services in connection with the City of Lawton Wastewater Treatment Plant (WWTP) Phase I Improvements as hereinafter stated, in accordance with the stipulations in this agreement. Generally, the scope of services of this Amendment includes additional design and construction phase services. These additional design and construction phase services are due to unforeseen conditions that warranted the addition of blower facility rehabilitation to the Phase I Improvements project (previously planned as part of the Phase II Improvements). The additional improvements generally include the following as part of a rehabilitation of the existing blower facility:

1. Replacement of existing blowers with new units
2. Associated process mechanical improvements required to integrate the new blowers
3. New electrical improvements associated with the new blowers

1. TASK 5 - FINAL DESIGN

Conceptual Design of the blower replacement has previously been completed as part of the original Contract's Preliminary Design Task 4. During the final design phase of the project, GARVER will conduct additional final designs to prepare construction plans and specifications for the new blower replacement as part of a planned change order as part of the current ongoing construction contract, including final construction details, final quantities, special provisions, and Opinion of Probable Construction Cost (OPCC). The final design phase is anticipated to have three major submittals: a 60%, 90%, and 100%, and an appropriate design progression allowance, bidding contingency, and escalation to midpoint of construction will be included in the OPCC and based upon the level of design.

1.1. Drawings and Specifications

Based upon the results of the approved preliminary design by the Owner, GARVER will develop the detailed plans and specifications of the blower replacement as a part of the Final Design for a single construction change order. GARVER will not be required to develop front-end documents and/or general or supplementary conditions due to this work being conducted by an existing contractor through a negotiated change order. Multiple design scenarios or bid packages are not included as part of the level of effort provided with this agreement.

1.2. Contract Documents

The Contract Documents for the blower replacement will consist of drawings and specifications that set forth requirements for construction of the improvements, but shall not include proposal forms, notice to bidders, bid forms, bond forms, and other information as required by the Owner to competitively bid the work. Standard forms required by the Clean Water State Revolving Fund (SRF) source will be included as necessary.

2. TASK 7 - CONSTRUCTION ADMINISTRATION SERVICES

During the construction phase of work, GARVER will accomplish the following as part of this Amendment:

1. Evaluate and respond to construction material submittals and shop drawings related to the new screening structure. Corrections or comments made by GARVER on the shop drawings during this review will not relieve Contractor from compliance with requirements of the drawings and specifications. The check will only be for review of general conformance with the design concept of the project and general compliance with the information given in the contract documents. The Contractor will be responsible for confirming and correlating all quantities and dimensions, selecting fabrication processes and techniques of construction, coordinating his work with that of all other trades, and performing his work in a safe and satisfactory manner.

GARVER's review shall not constitute approval of safety precautions or constitute approval of construction means, methods, techniques, sequences, procedures, or assembly of various components. When certification of performance characteristics of materials, systems or equipment is required by the Contract Documents, either directly or implied for a complete and workable system, GARVER shall be entitled to rely upon such submittal or implied certification to establish that the materials, systems or equipment will meet the performance criteria required by the Contract Documents. The fee is based upon approximately five (5) estimated submittals for the blower replacement.

2. Issue instructions to the Contractor on behalf of the Owner and issue necessary clarifications (respond to RFIs) regarding the construction contract documents. The fee is based upon approximately two (2) estimated RFIs for the blower replacement.
3. GARVER will attend additional monthly progress/coordination meetings (up to eight) with the Owner/Contractor for the ongoing construction and blower replacement work.

3. EXTRA WORK

Extra Work will be as directed by the Owner in writing for an additional fee as agreed upon by the Owner and GARVER.

4. SCHEDULE

GARVER shall begin work under this Agreement within ten (10) days of a Notice to Proceed and shall complete the work in accordance with the schedule below. This schedule is conceived to meet Consent Order requirements but may require 14-day Owner review of submittals to meet ODEQ timelines.

Phase Description	Calendar Days
Task 5 – Final Design – 60% Submittal	30 days from Notice to Proceed
Task 5 – Final Design – 90% Submittal	30 days from Client approval of 60% Design
Task 5 – Final Design – 100% Submittal	14 days from Client approval of 90% Design.
Task 7 – Construction Administration	Up to eight (8) months additional beyond the original Agreement



City of Lawton

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

Commentary

File #: 24-1311

Agenda Date: 3/12/2024

Agenda No: 16.

ITEM TITLE:

Consider accepting a Public Works Safety Equipment (PWSE) grant from Oklahoma Municipal Assurance Group (OMAG) in the amount of \$2,000 for the purchase of traffic control devices, and authorize the execution of any documents necessary to accept the grant.

INITIATOR: Larry Wolcott, P.E., Public Works Director

STAFF INFORMATION SOURCE: Cynthia Williams, Deputy Public Works Director

BACKGROUND: OMAG provides funding for the purchase of public works safety equipment. It is a 2:1 matching funds grants with a maximum benefit of \$2,000 per fiscal year. The funds would be use for the purchase of jersey barriers by the Streets Division.

EXHIBIT: OMAG PWSE Grant Award Letter

KEY ISSUES: The purchase of safety related traffic control devices aligns with the True North Culture of protecting life and property while providing a safe environment for citizens to thrive.

FUNDING SOURCE: OMAG PWSE \$2,000. Streets Division Supplies Account 1005502-51000 balance \$5,439.42

STAFF RECOMMENDED COUNCIL ACTION: Accept Public Works Safety Equipment (PWSE) grant from Oklahoma Municipal Assurance Group (OMAG) in the amount of \$2,000 for the purchase of traffic control devices, and authorize the execution of any documents necessary to accept the grant.

Cynthia Williams

From: origami@omag.org on behalf of Hunter Askew <origami@omag.org>
Sent: Friday, February 23, 2024 11:18 AM
To: Cynthia Williams
Subject: **{**EXTERNAL**}**--OMAG Public Works Safety Equipment Grant - APPROVED!

WARNING: This email is from outside of the City of Lawton network.
****DO NOT CLICK**** on links or open attachments unless you know the content is safe.

Dear Ms. Williams:

I have received your application for the City of Lawton's Public Works Safety Equipment Grant application. I am excited that the City of Lawton is considering the purchase of General Safety Equipment.

With award of this grant, please consider the following. This PWSE Grant is only available to any Municipality once every fiscal year. We want you to be aware of this, so you are able to capitalize and maximize your spending dollars. If you would like to withdraw this grant and consider the best way to maximize your spending, it will not affect a future approval to obtain the maximum benefit available to your Municipality.

The following is an approval you can share with your Council:

To whom it may concern,

The City of Lawton is approved to receive OMAG's Public Works Safety Equipment (PWSE) Grant for the purchase of General Safety Equipment (traffic control). The PWSE Grant is a post purchase, \$2:1 matching funds grant with a maximum benefit of \$2,000.00. Equipment purchased under this grant must be completed on or before 5/23/2024. Given recent supply chain issues, grants not completed on or before the aforementioned date, may be transferred to the next fiscal year; and will be subject to the grant requirements for the next fiscal year.

In the event, delayed delivery of equipment is expected, please notify me at your earliest convenience.

After the equipment is delivered, please send a copy of the invoice, check used and pictures of your public works staff with the equipment. Once these documents are received, a check for the matching funds will be sent within 2 weeks.

If additional information on this or any of [OMAG's Value-Added Services](#) is needed, please feel free to contact me at your convenience.

Hunter Askew, GSP
Risk Management Specialist
haskew@omag.org



3650 S. Boulevard St.
Edmond, OK 73013
Phone: (405) 657-1457

Fax: (405) 657-1401

[OMAG Web Site](#)

NOTICE: *The information contained in this email and any document attached hereto is intended only for the named recipient(s). If you are not the intended recipient, nor the employee or agent responsible for delivering this message in confidence to the intended recipient(s), you are hereby notified that you have received this transmittal in error, and any review, dissemination, distribution or copying of this transmittal or its attachments is strictly prohibited. If you have received this transmittal and/or attachments in error, please notify me immediately by reply e-mail and then delete this message, including any attachments*

Replies to this email message will be saved with our email records.



City of Lawton

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

Commentary

File #: 24-1316

Agenda Date: 3/12/2024

Agenda No: 17.

ITEM TITLE:

Consider accepting the Oklahoma Heritage Preservation grant of \$20,000.00 from the Oklahoma Historical Society to digitize newspaper records and authorizing the Mayor to sign the contract.

INITIATOR: Kristin E. Herr, Library Director

STAFF INFORMATION SOURCE: Kristin E. Herr, Library Director

BACKGROUND: The library has been awarded funds to digitize more newspaper files to be hosted on the Oklahoma Gateway website. This is the 4th preservation grant the library has been awarded.

EXHIBIT: Contract

KEY ISSUES: n/a

FUNDING SOURCE: reimbursable grant with 10% (\$2,000.00) required. Upfront funding will come from transferring money from the library salaries (1003501-5000) and/or library book money (1003501-51004) lines to be transferred into professional services (1003501-52025). Once the reimbursement is received, funds will be transferred back. The 10% will come from the Southwest Oklahoma Genealogical Society (SWOGS).

STAFF RECOMMENDED COUNCIL ACTION: Accept the Oklahoma Heritage Preservation grant of \$20,000.00 from the Oklahoma Historical Society to digitize newspaper records and authorize the Mayor to sign the contract.



City of Lawton

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

Commentary

File #: 24-1324

Agenda Date: 3/12/2024

Agenda No: 18.

ITEM TITLE:

Consider accepting a donation of rocks and dirt with an approximate monetary value of \$15,000.00 from John and Krista Ratliff for use in City parks.

INITIATOR: Larry Parks, Parks and Recreation Director

STAFF INFORMATION SOURCE: Larry Parks, Parks and Recreation Director

BACKGROUND: John and Krista Ratliff would like to donate rocks and dirt with an approximate monetary value of \$15,000.00 (based on actual prices for large rocks and dirt for landscaping) to the Parks and Recreation Department. The donated rocks and dirt will be used in various parks throughout the City for the purpose of erosion prevention.

EXHIBIT: N/A

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Accept the donation of rocks and dirt with an approximate monetary value of \$15,000.00 from John and Krista Ratliff for use in City parks.



City of Lawton

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

Commentary

File #: 24-1329

Agenda Date: 3/12/2024

Agenda No: 19.

ITEM TITLE:

Consider approving a request allowing Lawton Police Department to submit an application for the Vested Interest in K9's Vest Recipient Program; and if awarded, approve the acceptance of said vests for K9 use.

INITIATOR: James T. Smith, Police Chief

STAFF INFORMATION SOURCE: Ulysses Henderson, Captain

BACKGROUND: The Lawton Police Department is committed to ensuring the safety and well-being of our officers, including our dedicated K9 unit. The Vested Interest in K9s, Inc. - K9 Vest Recipient Program offers an opportunity to enhance the protection of our K9 officers by providing them with ballistic vests at no expense to the department. These vests are specifically designed to safeguard our K9s from potential threats, ensuring their safety in the line of duty. This charitable initiative aims to provide law enforcement agencies with the necessary equipment to protect their canine partners. The program is funded through donations from individuals, businesses and organizations. Law enforcement agencies may apply to receive these vests for their K9s at no cost. Lawton Police Department is seeking approval to apply and accept said vests, if awarded.

EXHIBIT: K9 Vest Recipient Application

KEY ISSUES: N/A

FUNDING SOURCE: Vested Interest in K9's, Inc

STAFF RECOMMENDED COUNCIL ACTION: Approve a request allowing the Lawton Police Department to apply for the K9 Vest Recipient Program; and if awarded, approve the acceptance of said vests for K9 use.



Vested Interest in K9s, Inc. K9 Vest Recipient Application

PLEASE SUBMIT ALL INFORMATION THROUGH THE APPLICATION PORTAL AT WWW.VIK9S.ORG/PORTAL.

The mission of VIK9s is to raise awareness and funds to donate bullet and stab protective vests and other assistance to K9s of law enforcement and related agencies throughout the United States. The 501c(3) MA based organization, provides the vests at no cost to the eligible agencies.

K9's must be a minimum of 20 months of age. Vest awards are given on a first come, first served basis as funds become available and are embroidered with 1 of 7 standard sentiments. This application does not guarantee that a K9 vest will be awarded. To be considered for this equipment grant, all applicants must agree to all of the following terms and conditions and provide all required information.

RECIPIENT PARTICIPATION TERMS & CONDITIONS:

1. Complete and submit a vest sizing form via email PDF or JPG (see attached).
2. Provide copy of K9's current certification, if not required in your state, provide a pass/fail exam or up-to-date training records.
** Submitter attests that any electronic signatures on document(s) submitted with this application are an authentic and genuine representation of the certifier's handwritten signature.*
3. Provide a one paragraph biography for each applicant team including certifications, K9's age, abilities, likes and dislikes.
4. Provide **TWO, HIGH QUALITY, in focus, close up, clear digital photos in good lighting** of each K9 applicant (one off-duty and one on-duty), with or without the handler, and attach in JPG or PNG format, via email. Photos may be made public.
5. Submit a local press release at each of the following times: **(1) IMMEDIATELY upon notification of vest award & (2) UPON RECEIPT of the awarded vest(s)** (approx. 10 weeks post order), to at least one of the following media outlets: local, non-subscription newspaper(s) or public social media page or post. A template along with instructions, is provided by VIK9s to the PIO or other media contact listed below when the application is approved. It must appear, in its entirety, as defined in its instructions. Additional coverage via social media, print, radio, television, etc. is appreciated. VIK9s reserves the right to issue an independent press release in relation to grant awards. A sample of a published award is available via vik9s.org or Facebook.
6. In the event the covered K9 is no longer actively employed by your agency, passes away or the program becomes disbanded, and there is no immediate need, the vest is to be returned to VIK9s (at the agency's expense) to outfit another K9 in need.
7. **Submit all required forms and information via the application upload portal at www.vik9s.org/portal.**
Questions: Call (508) 824-6978. To be considered for this equipment grant, all fields on this form must be completed, agreed to, and submitted by an authorized party. The submission must also include the required supporting information, documents, and photos for each team.

List the Handler & K9 team(s) in the space below. Limit 10 K9s per application.

Police Officer Briar Adams

K9 Gwiazda

Authorized Signer: listed below, provides permission via signature, to Vested Interest in K9s, Inc. to utilize the submitted biography and photos for fundraising activities through social media, our website and third party fundraising promotions. Permission to use, publish and reproduce comments and testimonials received from the law enforcement agency or other related grant recipient on behalf of his/her K9 partner including name, K9s name, department, city and state for promotion, advertising or any other purpose is granted to Vested Interest in K9s, Inc.

Printed Name: James T. Smith

Authorized Signature: _____

PRINTED NAME OF AUTHORIZED SIGNER - Handler Cannot Sign

ORIGINAL SIGNATURE REQUIRED

Date: 02/13/2024 Authorized Signer Title: Chief of Police Cell # (required): _____

Email: James.Smith@lawtonok.gov Dept.: Lawton Police Department State: OK

PIO*/Internal Media Contact: Christopher Blessing Title: PIO

Direct Phone: (580) 917-1746 Email: christopher.blessing@lawtonok.gov

* If department does not have internal media relations or policy prohibits the distribution of press releases, list contact alternate outside PR/Media will distribute the vest award press releases to the media on behalf of the department.

Name: _____ Company Name: _____

Phone: _____ Email: _____

CANCELLATION/RETURN POLICY: Cancellation or return only accepted for the following reasons: K9 and/or handler no longer employed by agency, on permanent medical leave or becomes deceased, or K9 unit disbands.



City of Lawton

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

Commentary

File #: 24-1334

Agenda Date: 3/12/2024

Agenda No: 20.

ITEM TITLE:

Consider accepting permanent easements from Lawton Economic Development Authority and Comanche County Industrial Development Authority for right-of-way and utility relocation along the east side of SW 112th Street, between Lee Boulevard and Bishop Road, and authorizing the Mayor and City Clerk to execute the documents.

INITIATOR: W. Rusty Whisenhunt, Director of Public Utilities

STAFF INFORMATION SOURCE: W. Rusty Whisenhunt
Cindy Augustine, Real Property Coordinator

BACKGROUND: Permanent easements are required from Lawton Economic Development Authority and Comanche County Industrial Development Authority for right-of-way and utility relocation along the east side of SW 112th Street, between Lee Boulevard and Bishop Road. Lawton Economic Development Authority and Comanche County Industrial Development Authority have agreed to donate the required easements.

EXHIBIT: Easement Documents

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Accept permanent easements from Lawton Economic Development Authority and Comanche County Industrial Development Authority for right-of-way and utility relocation along the east side of SW 112th Street, between Lee Boulevard and Bishop Road, and authorize the Mayor and City Clerk to execute the documents.

PERMANENT EASEMENT
(Utility and Right-of-way)

KNOW ALL MEN BY THESE PRESENTS:

THAT, **LAWTON ECONOMIC DEVELOPMENT AUTHORITY, an Oklahoma public trust, of 212 SW 9th STREET, LAWTON, OKLAHOMA 73501**, Comanche County, State of Oklahoma, hereinafter referred to as "Grantor", in consideration of the sum of Ten and no/100 Dollars in hand paid, the receipt of which is hereby acknowledged, on behalf of the Grantor and said Grantor executors, administrators, successors and assigns, do hereby Grant, Bargain, Sell and Convey unto **CITY OF LAWTON, A MUNICIPAL CORPORATION, of 212 SW 9th STREET, LAWTON, OKLAHOMA 73501**, Comanche County, State of Oklahoma, hereinafter referred to as "Grantee", its administrators, successors and assigns, and dedicate to the public a permanent easement for utilities and right-of-way in, over, across and along, and upon the following described real property and premises situate in Comanche County, State of Oklahoma to-wit:

The West 60 feet of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section One (1), Township One (1) North, Range Thirteen (13) West, I.M., Comanche County, Oklahoma, according to the U.S. Government Survey thereof, which includes the 33-foot statutory right-of-way thereupon.

with the right of ingress and egress to and from the same for the purpose of installing, constructing, operating, maintaining, repairing and replacing in, over, through, and upon the said property as described a sewer line, a water line and any other public utility or utilities, along with the further right to operate, maintain, repair or replace the same, and for use as a roadway, walkway, driveway, for ingress and egress to any adjacent property, for parking and movement of motor vehicles, and for the comfort and convenience of Grantee, its customers, invitees, agents, licensees, contractors, assignees and employees, including the right, now or at any time in perpetuity.

Signed and delivered this _____ day of _____, 2024.

**Lawton Economic Development Authority,
an Oklahoma public trust**

By: _____
Fred L. Fitch, Chairman

ACKNOWLEDGMENT

[illegible]

Before me, the undersigned, a Notary Public in and for said County and State on this _____ day of _____, 2024, personally appeared Fred L. Fitch, to me known to be the identical person who subscribed the name of the Lawton Economic Development Authority to the foregoing instrument as its Chairman and acknowledged to me that they executed the same as their free and voluntary act and deed, and as the free and voluntary act and deed of such public body corporate, for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

Notary Public

My commission expires:

My commission number:

ACCEPTANCE

Accepted by the Lawton City Council for and on behalf of the City of Lawton,
Oklahoma, this _____ day of _____, 2024.

CITY OF LAWTON, OKLAHOMA
a municipal corporation

ATTEST:

Stanley Booker, Mayor

Donalynn Blazek-Scherler, City Clerk

APPROVED as to form and legality on behalf of the City of Lawton this _____ day
of _____, 2024.

Timothy Wilson. Acting City Attorney

PERMANENT EASEMENT
(Utility and Right-of-way)

KNOW ALL MEN BY THESE PRESENTS:

THAT, **COMANCHE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY, an Oklahoma public trust, of 802 SW C AVENUE, LAWTON, OKLAHOMA 73501**, Comanche County, State of Oklahoma, hereinafter referred to as "Grantor", in consideration of the sum of Ten and no/100 Dollars in hand paid, the receipt of which is hereby acknowledged, on behalf of the Grantor and said Grantor executors, administrators, successors and assigns, do hereby Grant, Bargain, Sell and Convey unto **CITY OF LAWTON, A MUNICIPAL CORPORATION, of 212 SW 9th STREET, LAWTON, OKLAHOMA 73501**, Comanche County, State of Oklahoma, hereinafter referred to as "Grantee", its administrators, successors and assigns, and dedicate to the public a permanent easement for utilities and right-of-way in, over, across and along, and upon the following described real property and premises situate in Comanche County, State of Oklahoma to-wit:

The West 60 feet of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section One (1), Township One (1) North, Range Thirteen (13) West, I.M., Comanche County, Oklahoma, according to the U.S. Government Survey thereof, which includes the 33-foot statutory right-of-way thereupon.

with the right of ingress and egress to and from the same for the purpose of installing, constructing, operating, maintaining, repairing and replacing in, over, through, and upon the said property as described a sewer line, a water line and any other public utility or utilities, along with the further right to operate, maintain, repair or replace the same, and for use as a roadway, walkway, driveway, for ingress and egress to any adjacent property, for parking and movement of motor vehicles, and for the comfort and convenience of Grantee, its customers, invitees, agents, licensees, contractors, assignees and employees, including the right, now or at any time in perpetuity.

Signed and delivered this _____ day of _____, 2024.

By: _____
Paul Ellwanger, Chairman

Secretary

175

ACCEPTANCE

Accepted by the Lawton City Council for and on behalf of the City of Lawton, Oklahoma, this _____ day of _____, 2024.

CITY OF LAWTON, OKLAHOMA
a municipal corporation

ATTEST:

Stanley Booker, Mayor

Donalynn Blazek-Scherler, City Clerk

APPROVED as to form and legality on behalf of the City of Lawton this _____ day of _____, 2024.

Timothy Wilson. Acting City Attorney



City of Lawton

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

Commentary

File #: 24-1336

Agenda Date: 3/12/2024

Agenda No: 21.

ITEM TITLE:

Consider accepting a permanent easement from Michael Gene Goodin and Tammy Goodin for property located adjacent to 7702 SW 11th Street required for the Wolf Creek Bridge Project # EN2204 along SW 11th Street, authorizing the Mayor and City Clerk to execute the document and payment for the same.

INITIATOR: Joe Painter, Director of Engineering

STAFF INFORMATION SOURCE: Joe Painter, Director of Engineering
Cindy Augustine, Real Property Coordinator

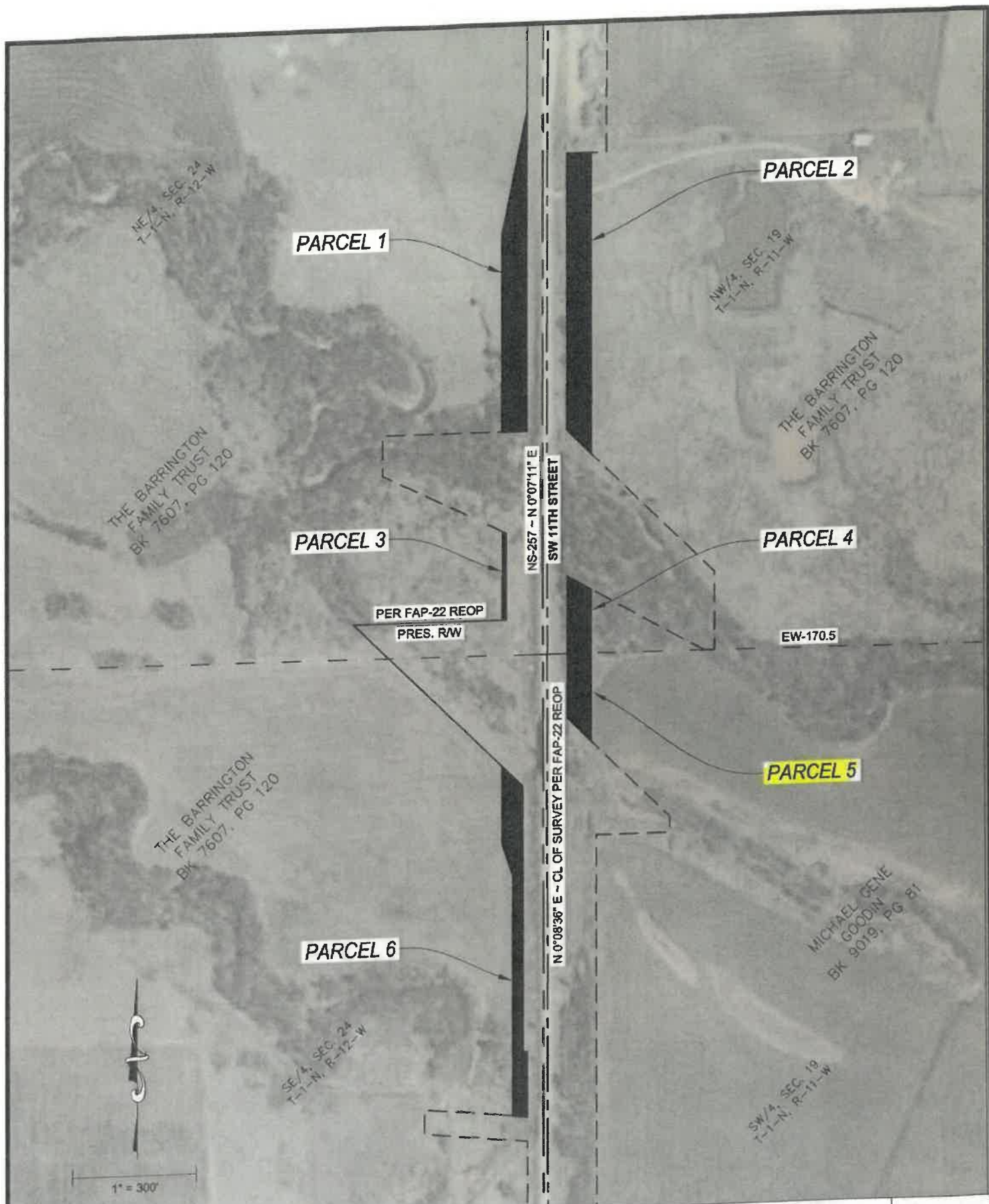
BACKGROUND: A permanent utility and roadway easement is required from Michael Gene Goodin and Tammy Goodin for the Wolf Creek Bridge Project # EN2204 along SW 11th Street. The property owners have agreed to \$5,000 for the required easement.

EXHIBIT: Easement Document

KEY ISSUES: N/A

FUNDING SOURCE: Engineering Other Expenses Acct # 1006001-52090

STAFF RECOMMENDED COUNCIL ACTION: Accept a permanent easement from Michael Gene Goodin and Tammy Goodin for property located adjacent to 7702 SW 11th Street required for the Wolf Creek Bridge Project # EN2204 along SW 11th Street, authorize the Mayor and City Clerk to execute the document and payment for the same.



PROJECT NO. 22-0109

DRAWN BY: CGK

DATE: 5/11/2023

PROJECT NO. EN2204
PARCEL KEY

frontier
LAND SURVEYING
CA #7232 EXP: 6/30/24

P.O. BOX 7197
EDMOND, OK 73083
405.285.0433

ATTACHMENT

PERMANENT EASEMENT
(Utility and Right-of-way)

KNOW ALL MEN BY THESE PRESENTS:

THAT, **MICHAEL GENE GOODIN and TAMMY GOODIN, husband and wife**, of 7702 SW 11th Street, Lawton, Oklahoma, 73501, hereinafter referred to as "Grantor", in consideration of the sum of Ten and no/100 Dollars in hand paid, the receipt of which is hereby acknowledged, on behalf of the Grantor and said Grantor executors, administrators, successors and assigns, do hereby Grant, Bargain, Sell and Convey unto **CITY OF LAWTON, A MUNICIPAL CORPORATION, of 212 SW 9th STREET, LAWTON, OKLAHOMA 73501**, Comanche County, State of Oklahoma, hereinafter referred to as "Grantee", its administrators, successors and assigns, and dedicate to the public a Permanent Easement for utilities and right-of-way in, over, across and along, and upon the following described real property and premises situate in Comanche County, State of Oklahoma to-wit:

See Attached Exhibits for the legal description of Parcels 5:

with the right of ingress and egress to and from the same for the purpose of installing, constructing, operating, maintaining, repairing and replacing in, over, through, and upon the said property as described a sewer line, a water line and any other public utility or utilities, along with the further right to operate, maintain, repair or replace the same, and for use as a bridge, roadway, walkway, driveway, for ingress and egress to any adjacent property, for parking and movement of motor vehicles, and for the comfort and convenience of Grantee, its customers, invitees, agents, licensees, contractors, assignees and employees, including the right, now or at any time in perpetuity.

Signed and delivered this 9th day of October, 2023.



MICHAEL GENE GOODIN



TAMMY GOODIN

ACKNOWLEDGMENT

Parcel No. 5

STATE OF OKLAHOMA)

) SS

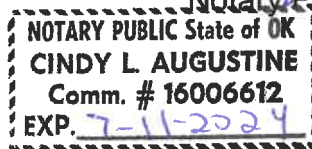
COUNTY OF COMANCHE)

Before me, the undersigned, a Notary Public in and for said County and State on this 9th day of October, 2023, personally appeared **MICHAEL GENE GOODIN and TAMMY GOODIN, husband and wife**, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

My commission expires:

My commission number:



Notary Public

ACCEPTANCE

Accepted by the Lawton City Council for and on behalf of the City of Lawton,
Oklahoma, this _____ day of _____, 2023.

CITY OF LAWTON, OKLAHOMA
a municipal corporation

ATTEST:

Stanley Booker, Mayor

Donalynn Blazek-Scherler, City Clerk

APPROVED as to form and legality on behalf of the City of Lawton this _____ day
of _____, 2023.

Tim Wilson, Acting City Attorney

ATTACHMENT "A"

A TRACT OF LAND BEING A PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION NINETEEN (19), TOWNSHIP ONE (1) NORTH, RANGE ELEVEN (11) WEST OF THE INDIAN MERIDIAN, COMANCHE COUNTY, OKLAHOMA. SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF SECTION NINETEEN (19), THENCE S 89°31'15" E ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (SW/4) A DISTANCE OF 60.23 FEET TO A POINT ON THE PRESENT RIGHT-OF-WAY OF SW 11TH STREET, SAID POINT BEING THE **POINT OF BEGINNING**.

THENCE S 00°08'36" W ALONG SAID PRESENT RIGHT-OF-WAY A DISTANCE OF 158.63 FEET;

THENCE CONTINUING ON SAID PRESENT RIGHT-OF-WAY S 44°51'24" E A DISTANCE OF 84.86 FEET;

THENCE N 00°08'36" E A DISTANCE OF 218.28 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER (SW/4);

THENCE N 89°31'15" W ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (SW/4) A DISTANCE OF 60.00 FEET BACK TO THE **POINT OF BEGINNING**.

SAID TRACT CONTAINS 0.26 ACRES (11,308.52 SQ. FT.) AS DESCRIBED, MORE OR LESS

BASIS OF BEARINGS:

GRID NORTH BASED ON NAD 83 OKLAHOMA
STATE PLANE COORDINATE SYSTEM SOUTH ZONE

THIS DESCRIPTION WAS PREPARED BY:

JOSEPH H. FARMER, PLS #1799
FRONTIER LAND SURVEYING, CA #7232



City of Lawton

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

Commentary

File #: 24-1343

Agenda Date: 3/12/2024

Agenda No: 22.

ITEM TITLE: Consider approving appointments to boards and commissions.

INITIATOR: Mayor Stan Booker

STAFF INFORMATION SOURCE: N/A

BACKGROUND: It is recommended that the persons nominated as shown by approved for appointments to the following boards and commissions:

STEM BOARD:

Mayor Stan Booker- Chairman

Dr. Krista Ratliff- FISTA Representative and Deputy Board Chairman

Dr. Kyle Moore- Cameron University Representative

Doug Brown- Lawton Public Schools Representative

Bill Matthey- Great Plains Technology Center Representative

Nate Slate- Industry STEM Partner Representative

BG (R) Randy McIntire- Industry STEM Partner Representative

Bernita Taylor- Non-profit Representative

Dr. Virginia Aid- Non-voting Fort Sill Representative

John Michael Montgomery - Chamber of Commerce Representative

YOUTH AND FAMILY AFFAIRS COMMITTEE:

Taron Epps - Alternate 3 Mayoral Appointment

PO Box 283

Lawton, OK 73502

3/12/2027

Reshard Horne - Alternate 2 Mayoral Appointment

901 NW Micklegate Boulevard

Lawton, OK 73505

03/12/2026

BOARD OF ADJUSTMENT:

Johnny Owens - Mayoral Appointment
PO Box 181
Lawton, OK 73502
05/25/2026

MAYOR'S COMMISSION ON THE STATUS OF WOMEN:

Maria Meredith - Mayoral Appointment
(Eastern County Commissioner)
11945 NE Happy Hollow Road
Elgin, OK 73538
3/12/2026

Rebekah Pullicar - Mayoral Appointment
(Western District)
1434 SW Paint Road
Cache, OK 73527
3/12/2026

Una Williams - Mayoral Appointment
(At Large City Limits)
PO Box 3381
Lawton, OK 73502
3/12/2026

EXHIBIT: Proposed appointments

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Approve the appointments to boards and commissions.



Office of the Mayor

212 SW 9th Street
Lawton, Oklahoma 73501
(580) 581-3305

Lawton, OK 73505
03/12/2026

March 12, 2024

STEM BOARD:

Mayor Stan Booker- Chairman

Dr. Krista Ratliff- FISTA Representative and
Deputy Board Chairman

Dr. Kyle Moore- Cameron University
Representative

Doug Brown- Lawton Public Schools
Representative

Bill Matthey- Great Plains Technology Center
Representative

Nate Slate- Industry STEM Partner Representative

BG (R) Randy McIntire- Industry STEM Partner
Representative

Bernita Taylor- Non-profit Representative

Dr. Virginia Aid- Non-voting Fort Sill
Representative

John Michael Montgomery – Chamber of
Commerce Representative

YOUTH AND FAMILY AFFAIRS COMMITTEE:

Taron Epps – Alternate 3 Mayoral Appointment
PO Box 283
Lawton, OK 73502
3/12/2027

Reshard Horne – Alternate 2 Mayoral Appointment
901 NW Micklegate Boulevard

BOARD OF ADJUSTMENT:

Johnny Owens – Mayoral Appointment
PO Box 181
Lawton, OK 73502
05/25/2026

MAYOR'S COMMISSION ON THE STATUS OF WOMEN:

Maria Meredith – Mayoral Appointment
(Eastern County Commissioner)
11945 NE Happy Hollow Road
Elgin, OK 73538
3/12/2026

Rebekah Pullicar – Mayoral Appointment
(Western District)
1434 SW Paint Road
Cache, OK 73527
3/12/2026

Una Williams – Mayoral Appointment
(At Large City Limits)
PO Box 3381
Lawton, OK 73502
3/12/2026



City of Lawton

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

Commentary

File #: 24-1349

Agenda Date: 3/12/2024

Agenda No: 23.

ITEM TITLE:

Consideration and action upon Resolution of the City of Lawton, Oklahoma (the “City”) authorizing and approving the incurring of indebtedness by the trustees of the Lawton Industrial Development Authority (herein the “Authority”) to be accomplished by the issuance of its Sales Tax Revenue Note, Series 2024 or other evidences of indebtedness in one or more series designations on a tax-exempt or taxable basis, at a premium or discount, in the aggregate principal par amount of not to exceed Thirty Million Dollars (\$30,000,000) (herein the “Note”) for the purpose of financing all or a portion of the cost of the acquisition, construction, equipping, renovating, and improving of certain public infrastructure and capital improvement projects to be located within the City; and pay costs of issuance related thereto; providing that the organizational document creating the Authority is subject to the provisions of the indenture authorizing the issuance of said Note; approving the award of the sale of said Note on a negotiated basis, approving the waiver of competitive bidding with respect to the sale of said Note; and approving the proceedings of the Authority pertaining to the sale of said Note; approving and authorizing a Sales Tax Agreement (the “Sales Tax Agreement”) by and between the City and the Authority pertaining to the year-to-year pledge of certain sales tax revenues; and all matters related thereto, including execution of all related documents thereto.

INITIATOR: Joe Don Dunham, Finance Director

STAFF INFORMATION SOURCE: Joe Don Dunham, Finance Director

BACKGROUND: During the September 12, 2023, City Council meeting Resolution No. 23-152 was approved. This Inducement Resolution authorized staff to seek a \$30,000,000 loan for the following Projects: (1) Widening of W. Gore Boulevard from 67th Street to 82nd Street (\$5,300,000); (2) Goodyear Boulevard Reconstruction from Lee Boulevard to Cashe Road (\$9,200,000); (3) Phase 1 McMahon Auditorium Addition and Renovations (\$8,000,000); and (4) the Construction of Landfill Cells 6 & 7 (\$7,500,000). This loan will allow the city to start these projects as per Council instruction. This loan will be secured with the PROPEL 2019 CIP Sales Tax receipts on a parity basis.

EXHIBIT: Resolution No. 24-_____; Resolution 23-152

KEY ISSUES: Does City Council approve of the Authority accepting the terms of the loan?

FUNDING SOURCE: This is a new loan which will be paid from the PROPEL CIP Sales Tax receipts.

STAFF RECOMMENDED COUNCIL ACTION: Approve the resolution authorizing the Authority to authorize a new loan in the amount of \$30,000,000.

THE CITY COUNCIL OF THE CITY OF LAWTON, STATE OF OKLAHOMA, MET IN REGULAR SESSION IN THE COUNCIL CHAMBERS AT THE CITY HALL BUILDING, 212 S.W. 9TH STREET, LAWTON, OKLAHOMA, ON THE 12th DAY OF SEPTEMBER 2023 AT 2:00 P.M.

PRESENT: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren

ABSENT: None

Notice of the regular meeting of the City Council of the City for September 12, 2023, was filed with the City Clerk of the City of Lawton, Oklahoma, on December 13, 2022, at 12:46 p.m., and public notice of this meeting, setting forth the date, time, place, and agenda was posted at City Hall in prominent view and open to the public twenty-four (24) hours each day, seven (7) days each week at 10:33 a.m. on the 11th day of September, 2023, being twenty-four (24) hours or more prior to this meeting, excluding Saturdays, Sundays, and legal holidays, all in compliance with the Oklahoma Open Meeting Act.

THEREUPON the Mayor introduced this Resolution set forth below, which was read by title. Upon motion by Warren, seconded by Chapman, said Resolution was adopted by the following vote:

AYE: Hankins, Harris, Chapman, Gill, Hampton, Weger, Johnson, Warren

NAY: None

Said Resolution was thereupon signed by the Mayor, attested by the City Clerk, sealed with the seal of said municipality, and is as follows:

RESOLUTION NO. 23-152

AN INDUCEMENT RESOLUTION OF THE CITY OF LAWTON, OKLAHOMA (THE "CITY"), DECLARING ITS OFFICIAL INTENT TO APPROVE THE INCURRING OF INDEBTEDNESS BY ONE OR MORE OF THE PUBLIC TRUSTS OF WHICH THE CITY IS THE BENEFICIARY IN ONE OR MORE SERIES OF BONDS, NOTES, OR OTHER EVIDENCES OF INDEBTEDNESS TO FINANCE ALL OR A PORTION OF THE COST OF THE ACQUISITION, CONSTRUCTION, EQUIPPING, RENOVATING, AND IMPROVING OF CERTAIN CAPITAL IMPROVEMENT PROJECTS TO BE LOCATED WITHIN THE CITY AS DEEMED NECESSARY; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

WHEREAS, the City of Lawton, Oklahoma (the "City") has needs for public infrastructure and capital improvement projects in order to preserve the public health, welfare, safety, and continue economic development of the City; and

WHEREAS, the capital improvement projects may require financing in order for the projects to be completed in a prompt manner; and

WHEREAS, the City desires to set forth its expectations and intentions regarding specific capital improvement projects within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAWTON, STATE OF OKLAHOMA:

SECTION 1. The City of Lawton, Oklahoma (the “City”) hereby declares its official intent to approve the incurring of indebtedness by one or more of the public trusts of which the City is the beneficiary in one or more series of bonds, notes, or other evidences of indebtedness to finance all or a portion of the cost of the acquisition, construction, equipping, renovating, and improving of certain capital improvement projects to be located within the City as deemed necessary. The capital improvement projects contemplated by this official intent are as set forth below:

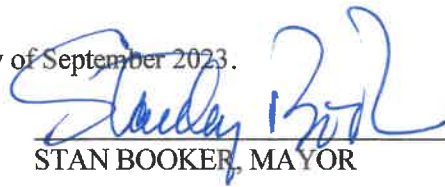
Number	Description	Current Estimated Cost
EN1208	Widening of W. Gore Boulevard (67th Street to 82nd Street)	\$5,300,000
EN2002B	Goodyear Boulevard Reconstruction from Lee Boulevard to Cache Road (Approximately 2 miles)	\$9,200,000
EN2108P1	Phase 1 McMahon Auditorium Addition and Renovation	\$8,000,000
PW2101	Landfill Cells 6 & 7	\$7,500,000

SECTION 2. Prior to the issuance of any bonds, notes, or other evidences of indebtedness by a public trust of which the City is the beneficiary, the public trust must satisfy all the requirements of the Oklahoma Public Trust Act, Title 60, Oklahoma Statutes 2021, Sections 176 *et seq.* including, but not limited to, the approval and authorization of indebtedness and the waiver of competitive bidding, if applicable.

SECTION 3. Notwithstanding the approvals given by the City in this resolution, the City shall not be obligated to take any other actions regarding the issuance of any bonds, notes, or other evidences of indebtedness for the purposes of the capital improvement projects set forth herein, until such issuance shall be subject to the approval of the City as the beneficiary of the public trust issuing such indebtedness and such public trust has authorized and approved such issuance of bonds, notes, or other evidences of indebtedness for the capital improvement projects herein.

[Remainder of Page
Left Blank Intentionally]

PASSED, APPROVED AND ADOPTED this 12th day of September 2023.


STAN BOOKER, MAYOR

(SEAL)

ATTEST:


TRACI HUSHBECK, CITY CLERK

APPROVED as to form and legality this 12th day of September 2023.


TIM WILSON, ACTING CITY ATTORNEY

[remainder of page intentionally blank]

STATE OF OKLAHOMA)
) SS
COUNTY OF COMANCHE)

I, the undersigned, the duly qualified and City Clerk of the City of Lawton, State of Oklahoma, hereby certify that the above and foregoing is a true, correct, and complete copy of an Resolution setting forth planned capital improvement projects adopted by the governing body of said City and transcript of proceedings of said governing body at a regular meeting thereof held on the date therein set out, insofar as the same relates to the introduction, reading, and adoption thereof as the same appears of record in my office.

Further, I certify that in conformity with Title 25, Oklahoma Statutes 2021, Sections 301-314, inclusive, as amended (the Oklahoma Open Meeting Act) I received notice of the meeting as required by law, and I did, or caused to be done, the following acts:

1. At least twenty-four (24) hours prior to said meeting (excluding Saturdays, Sundays and legal holidays declared by the State of Oklahoma), display public notice of said meeting in prominent public view at City Hall and at the location of said meeting, such notice setting forth thereon the date, time, place, and agenda for said meeting; and
2. That the minutes of the meeting reflect the time and manner of such notice of the meeting required by the Oklahoma Open Meeting Act.

WITNESS my hand and seal of said City this 12th day of September, 2023.

(SEAL)



City Clerk

RESOLUTION NO. 24-_____

A RESOLUTION AMENDING RESOLUTION NO. 23-94, WHEREBY THE CITY OF LAWTON, OKLAHOMA BUDGET FOR FISCAL YEAR 2023-2024 WAS ORIGINALLY ADOPTED, AND AS PREVIOUSLY AMENDED BY RESOLUTION NO. 23-126, RESOLUTION NO. 23-127, RESOLUTION NO. 23-150, RESOLUTION NO. 23-157, RESOLUTION NO. 24-003, 24-019 AND 24-031 TO APPROPRIATE SEVEN MILLION NINE HUNDRED EIGHTY-SIX THOUSAND EIGHT HUNDRED TWO AND 00/100 DOLLARS (\$7,986,802.00) TO GENERAL, DRAINAGE MAINTENANCE, THE CAPITAL IMPROVEMENT AND CAPITAL IMPROVEMENT/PROPEL 2019 FUNDS.

WHEREAS, the City of Lawton has adopted the provisions of the Oklahoma Municipal Budget Act (the Act) in 11 O.S. Sections 17-201 through 17-216; and

WHEREAS the Interim City Manager prepared a budget for the fiscal year ending June 30, 2024 (FY 2023-2024) consistent with the Act; and

WHEREAS the Act in section 17-215 provides for the City Manager of the City, or designee, as authorized by the governing body, to transfer any unexpended and unencumbered appropriation from one department to another within the same fund; and

WHEREAS the budget was formally presented to the Lawton City Council at least 30 days prior to the start of the fiscal year in compliance with Section 17-205; and

WHEREAS the City of Lawton City Council conducted a Public Hearing at least 15 days prior to the start of the fiscal year, and published notice of the Public Hearing in compliance with Section 17-208 of the Act; and

WHEREAS, Resolution No. 23-94 approved the City of Lawton, Oklahoma budget for Fiscal Year 2023-2024, and established budget amendment authority; and

WHEREAS, City Council previously approved Resolution No. 23-126, amending Resolution No. 23-94 by appropriating Thirty-Two Million Four Hundred Ninety-Four Thousand Four Hundred Sixty-Seven Thousand and 23/100 Dollars (\$32,494,467.23) for projects funded by Clean Water and Drinking Water State Revolving Fund loans, and up to Three Million and 00/100 Dollars (\$3,000,000.00) to support projects within the Capital Improvements Project Fund; and

WHEREAS, City Council previously approved Resolution No. 23-127, amending Resolution No. 23-94 by appropriating Nine Thousand Twenty and 00/100 Dollars (\$9,020.00) to the Information Technology Services Division's Computer Supplies account; and

WHEREAS, City Council previously approved Resolution No. 23-150, amending Resolution No. 23-94 by appropriating Three Million Eighty Four Thousand Eight Hundred

Fourteen and 18/100 Dollars (\$3,084,814.18) for loan payments made on the FAP OWRB funded loan for Capital Improvements Project Fund/PROPEL; and

WHEREAS City Council previously approved Resolution No. 23-157 amending Resolution No. 23-94 by appropriating Ten Thousand Seventy-Five and 00/100 Dollars (\$10,075.00) from the Elk Hunt Administrative Fees, and Five Hundred Thirty-Six Thousand Nine Hundred Three and 97/100 Dollars (\$536,903.97) from insurance claims from the Hail Storm on June 15, 2023.

WHEREAS, City Council previously approved Resolution No. 24-003 amending Resolution No. 23-94 by appropriating Seven Million Four Hundred Fourteen Thousand Three Hundred Twenty Nine and 94/100 Dollars (\$7,414,329.94) for the purpose of Industrial Infrastructure construct to benefit WestWin Technologies and Two Million Nine Hundred Forty Thousand and 00/100 Dollars (\$2,940,000.00) to fund the acquisition and improvements in the operation of the water system that provided a benefit to the Lawton Recreation Facilities at Schoolhouse Slough.

WHEREAS, City Council previously approved Resolution No. 24-019 amending Resolution No. 23-94 by One Million and 00/100 Dollars (\$1,000,000.00) from Hotel Tax fund to FISTA for an economic development incentive to R4 Technologies, and One Million One Hundred Three Thousand Three One Hundred Twenty-Eight and 73/100 Dollars (\$1,103,128.73) for FISTA operations and insurance, One Million Five Hundred Twenty-Five Thousand and Three Hundred Fifty 00/100 Dollars (\$1,525,350.00) to the Parks CIP Project for the purpose of Parks improvements as approved during the November 14, 2023 City Council Meeting, One Million 00/100 Dollars (1,000,000.00) to pay industrial development incentive from the Economic Development Project of the CIP Fund, and Two Hundred Thirty-Five Thousand Five Hundred One and 00/100 Dollars (\$235,501.00) for Youth Programs as recommended by the Youth and Family Affairs Committee.

WHEREAS, City Council previously approved Resolution No. 24-031 amending Resolution No. 23-94 by Five Hundred Twenty-Seven Thousand Six Hundred Fifty-Five and 94/100 Dollars (\$527,655.94) to be allocated to the Lake Ellsworth Dam Project, Three Thousand and 00/100 Dollars (\$3,000.00) to be allocated to the Lawton Cellular Phone Fund for E911 Training, One Hundred Fourteen Thousand Four Hundred Fifty-Nine and 00/100 (\$114,459.00) to be allocated to the Freedom Festival Celebration, and Seventy-Seven Thousand Nine Hundred Twenty-Seven and 04/100 (\$77,927.04) for the Lawton Enhancement Trust Authority as per the Support Agreement.

WHEREAS, a budget amendment is needed to appropriate Five Million and 00/100 Dollars (\$5,000,000.00) to the Street Department for the “30 Wins for the Citizens” initiative, Two Million and 00/100 Dollars (\$2,000,000.00) to be allocated to the Lawton Municipal Airport Authority as provided for in the support agreement, Two Hundred Five Thousand and 00/100 Dollars (\$205,000.00) to be allocated to the Lawton Drainage Fund, Three Hundred Seven Thousand Ninety Six and 00/100 (\$307,096.00) to be allocated to the McMahon Auditorium as provided for in the support agreement, Two

Hundred Ninety Four Thousand Seven Hundred Six and 00/100 Dollars (\$294,706.00) for the LATs Terminal and Maintenance/Operations Center planning documents, and One Hundred Eighty Thousand and 00/100 (\$180,000.00) for the Lawton abatement process for the “Doing More for the Citizens” initiative.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAWTON, OKLAHOMA:

SECTION 1. The City Council does hereby amend the FY 2023-2024 Budget originally adopted on the 13th of June 2023, for the purpose of increasing appropriations in account 10005502-51020 by Five Million and 00/100 Dollars (\$5,000,000.00) to be allocated to the Street Department’s Repair and Maintenance line item for the “30 Wins for the Citizens” initiative.

SECTION 2. The City Council does hereby amend the FY 2023-2024 Budget originally adopted on the 13th of June 2023, for the purpose of increasing appropriations in account 4400000-53020 by Two Million and 00/100 Dollars (\$2,000,000.00) to be allocated to the Lawton Municipal Airport Authority.

SECTION 3. The City Council does hereby amend the FY 2023-2024 Budget originally adopted on the 13th day of June 2023, for the purpose of increasing appropriations in account 2105506-53015 Two Hundred Five Thousand and 00/100 Dollars (\$205,000.00) to be allocated to the Lawton Drainage Fund.

SECTION 4. The City Council does hereby amend the FY 2023-2024 Budget originally adopted on the 13th day of June 2023, for the purpose of transferring funds (1002503-52020) to the McMahon Auditorium as provided for in the support agreement and as instructed by City Council during the February 14, 2023 Council meeting by Three Hundred Seven Thousand Ninety-Six and 00/100 Dollars (\$307,096.00) this amount has been reduced from the original amount of Three Hundred Fifty Thousand and 00/100 Dollars (\$350,000.00) due to contracts which the City has entered into in regards to National Guard Armory and the Carnegie Library.

SECTION 5. The City Council does here by amend the FY 2023-2024 Budget originally adopted on the 13th day of June 2023, for the purpose of increasing appropriations in the account 4400000-53020 amount of Two Hundred Ninety-Four Thousand Seven Hundred Six and 00/100 Dollars (\$294,706.00) for the Wendell Architecture, P.C. consulting contract, they were engaged to prepare plans for the LATs Transfer Center and Maintenance/Operations Facility.

SECTION 6. The City Council does here by amend the FY 2023-2024 Budget originally adopted on the 13th day of June 2023, for the purpose of increasing appropriations in the account 4350000-52025 amount of One Hundred Eighty Thousand and 00/100 Dollars (\$180,000.00) for the increased abatement and demolition process which was a part of the “Doing More for the Citizens” initiative.

SECTION 7. The City Council does hereby authorize the City Manager to transfer any unexpended and unencumbered appropriations, at any time throughout FY 2023-2024 from one line item to another, one object category to another within a department, or one department to another within a fund, without further approval by the City Council.

SECTION 8. All supplemental appropriations or decrease in the total appropriation of a fund shall be adopted at a meeting of the City Council and filed with the State Auditor and Inspector.

ADOPTED AND APPROVED, by the City Council of Lawton this 12th day of March 2024.

(SEAL)

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this 12th day of March, 2024.

TIMOTHY E. WILSON, ACTING CITY ATTORNEY



City of Lawton

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

Commentary

File #: 24-1251

Agenda Date: 3/12/2024

Agenda No: 24.

ITEM TITLE:

Hold a public hearing and consider a resolution for a rezoning request for the property located at 1201 SW C Ave, Lawton, OK 73501, amending the 2030 Land Use Plan from Residential/ High Density to Commercial and take appropriate action as deemed necessary.

INITIATOR: Christine James, Interim Planning Director

STAFF INFORMATION SOURCE: Kameron Good, Senior Planner

BACKGROUND: Adetola Olanrewaju is the owner of the property located at 1201 SW C Ave, Lawton, OK 73505. This property is located on the northwest corner of SW 12th Street and SW C Avenue. The land is currently vacant and the proposed use for this property will be a children's day care. The proposed use is allowed in a C-1 Local Commercial District, but this use is also allowed as a UPOR in a R-3 Multiple-Family Dwelling District and R-4 High-Density Apartment District. The UPOR would require the building design and signage match the character of the nearby residential area. The applicant's intension is for the building not to look like a residential house, but still comply with the City of Lawton design standards.

The Zoning of the surrounding area is:

North	-	R-4
South	-	R-4
East	-	C-5
West	-	R-4

The 2030 Land Use Plan for the surrounding area is:

North	-	Residential/High Density
South	-	Residential/High Density
East	-	Commercial
West	-	Residential/High Density

The Notice of public hearing was mailed to 24 owners of property within 300 feet of the requested area on February 7, 2024, and proper notice was published in The Lawton Constitution on February 9, 2024.

The City Planning Commission recommended this item for approval on January 11, 2024. The original newspaper notice for the first City Planning Commission hearing referenced the wrong City Code section pertaining to which type of public hearing was being administered. The notice was corrected and sent out again for an additional CPC hearing. The CPC held a public hearing on February 29, 2024, and made the recommendation to approve the request for rezoning.

EXHIBIT: Resolution No. 24-____

Location Map

Application

Site Plan

Analysis
Council Notice
Council Newspaper Notice
CPC Minutes - January 11, 2024
CPC Minutes - February 29, 2024

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Approve a Resolution to amend the 2030 Land Use Plan from Residential/ High Density to Commercial for the property located at 1201 SW C Ave, Lawton, OK 73501.

RESOLUTION NO. 24-_____

A RESOLUTION APPROVING AN AMMENDMENT TO THE 2030 LAND USE PLAN FOR THE CITY OF LAWTON FROM RESIDENTIAL/HIGH DENSITY TO COMMERCIAL LOCATED AT LOTS 20-24, BLOCK 8, BUTLER ADDITION, LAWTON, COMANCHE COUNTY, OKLAHOMA.

WHEREAS, the City Planning Commission and the Lawton City Council have adopted the 2030 Land Use Plan: and

WHEREAS, the 2030 Land Use Plan functions as the comprehensive plan in consideration of matters affecting the orderly urbanization of the community; and

WHEREAS, Title 11, Section 43-103, Oklahoma State Statutes, requires zoning districts to be in accordance with the comprehensive plan; and

WHEREAS, the 2030 Land Use Plan recognizes that changes may occur in the community which may cause the necessity of amending said plan: and,

WHEREAS, a public hearing has been held before the City Planning Commission, and the City Planning Commission recommended to approve amending the 2030 Land Use Plan on the property described in Section 1 hereof: and

WHEREAS, in accordance with Section 18-1-1-114, Chapter 18, Lawton City Code, 2015, the Lawton City Council shall approve any amendment to the Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Lawton, Oklahoma, that:

SECTION 1. An amendment to the 2030 Land Use Plan from Residential/High Density to Commercial be approved on the tract of land described as:

Lots 20-24, Block 8, Butler Addition, Lawton, Comanche County, Oklahoma
(Located at 1201 SW C Ave, Lawton, OK, 73501)

PASSED and APPROVED by the Mayor and Council of the City of Lawton this 12th day of March, 2024.

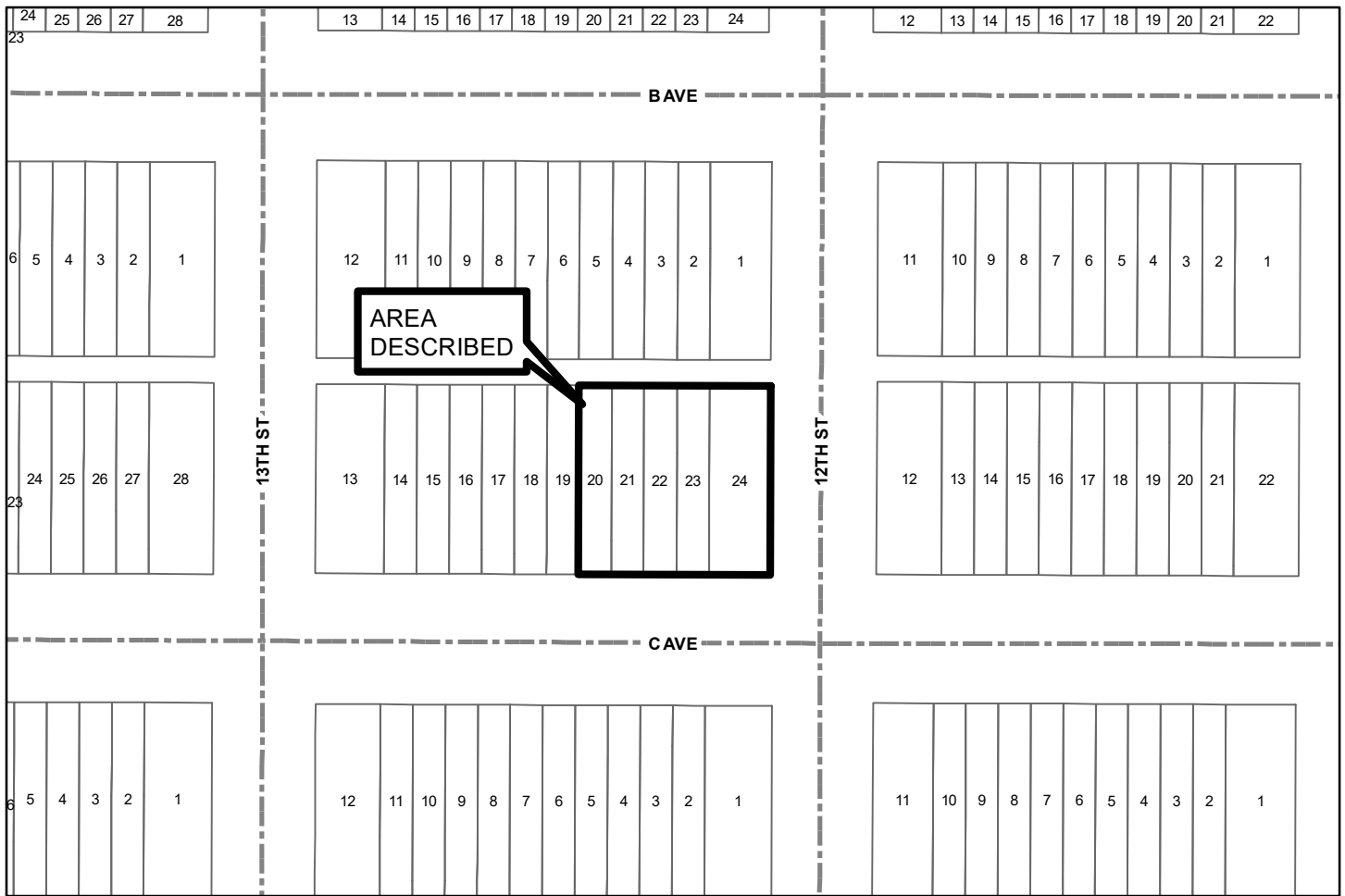
STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this _____ day of _____, 2024.

TIM WILSON, ITERIM CITY ATTORNEY



AMENDMENT TO THE LAND USE PLAN AND REZONING

REQUESTED BY: Adetola Olanrewaju

PROPOSED USE:


Amend the 2030 Land Use Plan from Residential/High Density to Commercial; and change the zoning from R-4 High-Density Apartment District to C-1 Local Commercial District to construct a new day care facility.

AREA DESCRIBED AS:

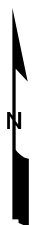
Lots 20-24, Block 8, Butler Addition, Lawton, Comanche County, Oklahoma.

Legend

--- Street Centerline

 1201 SW C Ave

0 50 100 200 Feet





CITY OF LAWTON PLANNING DIVISION

City Hall – 212 SW 9th Street, Lawton, OK 73501 Telephone 580-581-3375 Fax 580-581-3573

APPLICATION FOR AMENDMENT TO THE 2030 LAND USE PLAN

- A. Location and extent of requested amendment (legal description, street address. Attach map if possible):

1201 SW C Ave

- B. Present land use designation:

Empty Land

- C. Requested land use to be changed to:

DAY Care

- D. **Justification for change. The applicant must answer the following questions. If marked Yes, explain efforts to be provided by applicant to lessen the impact. Supplemental information is also encouraged.**

1. Will the proposed land use increase traffic congestion on streets serving the lot or tract or the area within 300 feet of the lot or tract?

☐ Yes ☒ No

2. Will proposed land use increase fire danger to area within 300 feet?

☐ Yes ☒ No

3. Will proposed land use increase health danger or decrease general welfare of the area within 300 feet of the lot or tract?

☐ Yes ☒ No

4. Will proposed land use diminish adequate light and air including the light and air quality to the tract or area within 300 feet of the lot or tract?

☐ Yes ☒ No

5. Will proposed land use cause overcrowding of structures on the lot or tract applied for or within 300 feet of the lot or tract?

☐ Yes ☒ No

6.a. Is the proposed land use in an area designated for historic preservation? If yes, answer 6b.

☐ Yes ☒ No

b. Will proposed land use diminish any historic preservation efforts on the lot or tract or the area within 300 feet of the lot or tract?

☐ Yes ☒ No

7. Will the proposed land use cause undue concentration of population on the lot or tract or within 300 feet of the lot or tract?

☐ Yes ☒ No

8.a. Will the proposed land use be served by existing infrastructure including streets, water, sewage, drainage, schools, parks, or other public facilities? If yes, answer 8b.

☐ Yes ☒ No

b. Will the proposed land use overburden the existing infrastructure including streets, water, sewage, drainage, parks, or other public facilities?

☐ Yes ☒ No

9. Is the proposed land use in character and suitable with the area within 300 feet of the lot or tract?

☐ Yes ☒ No

10. Will the proposed land use diminish the value of existing structures in the area within 300 feet of the lot or tract?

☐ Yes ☒ No

Applicant: ADETOLA OLANREWaju

Address: 313 SW CORAL AVE

Phone: 580-458-0677

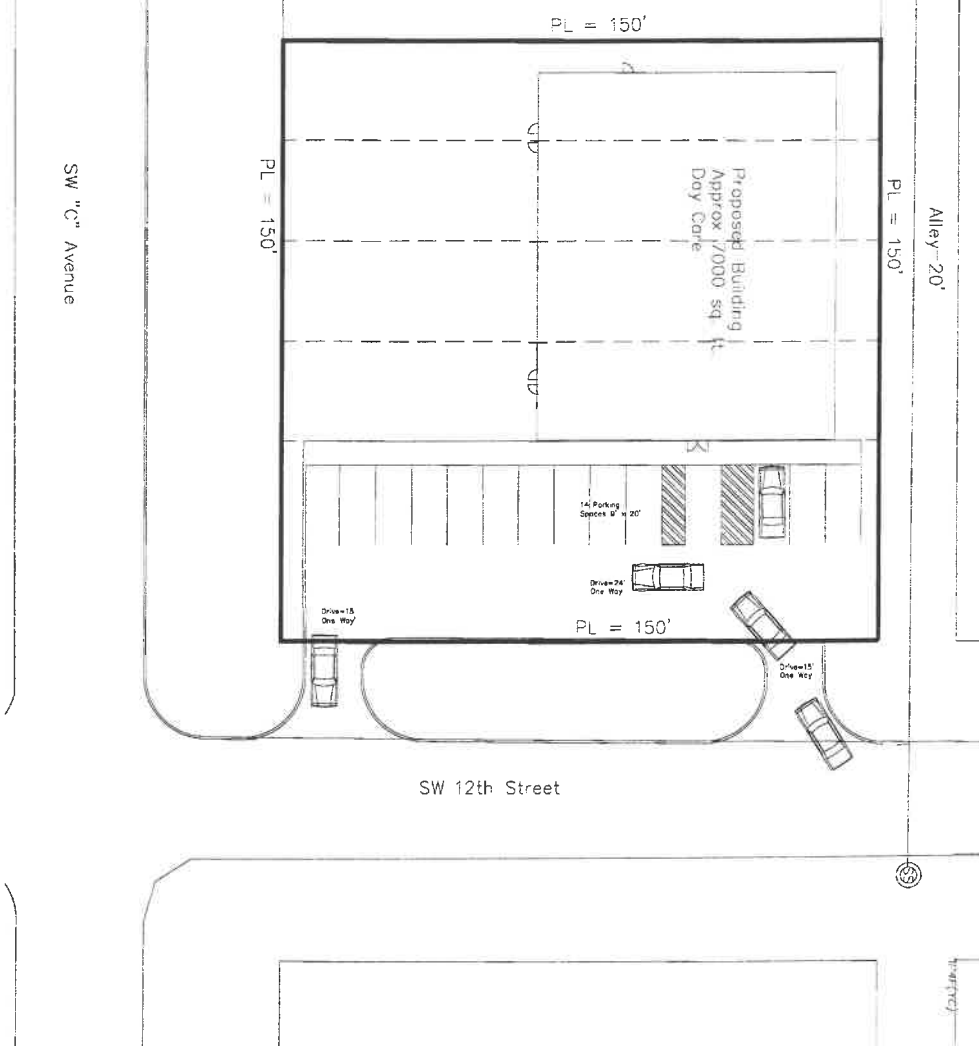
Date Submitted: _____

Signature: [Signature]

If filed in conjunction with an application for rezoning please enter the name of the applicant for such rezoning:

EXHIBIT A

PROPOSED USE:
DAY CARE



Property Description
Lots 20 -- 24 Block 8, Butler Addition

Owner Contact Information:
Adelola Olanrewaju
313 SW Coral Avenue
Lawton, OK, 73505
email=Kladphte@gmail.com
Phone=580-458-0677

Blessed Day Learn and Play
1201 SW "C" Avenue
Lawton, Oklahoma



landmark engineering
(580) 357-2022
2505 N.E. Skyline Place
Lawton, Oklahoma
OK CA# 2015
SHEET TITLE: Resume Site Plan
PROJECT NO: 23gen24
DATE: 12/06/23
SHEET -- OF --

Copyright (C) 2023 by Landmark Engineering



Planning Division
212 SW 9th Street, Lawton, Oklahoma 73501
Phone: 580-581-3375 Fax: 580-581-3573

MEMORANDUM

TO: City Planning Commission
FROM: Charlotte Brown, Director of Planning & Community Services
STAFF: Kameron Good, Senior Planner
Tyler Pobiedzinski, Planner I
SUBJECT: Request for Rezoning and Amending the 2030 Land Use Plan for Property
Located at 1201 SW C Avenue, Lawton, OK 73501
MEETING DATE: January 11, 2024

The following is an analysis of the request for a request to change zoning from the R-4 High-Density Apartment District to C-1 Local Commercial District zoning classification and amendment to the 2030 Land Use Plan from Residential/ High Density to Commercial for the property.

Adetola Olanrewaju is the owner of lots 20-24, Block 8 of the Butler Addition. This property is located on the northwest corner of SW 12th Street and SW C Avenue. The land is currently vacant, and the proposed use for this property will be a children's day. This is a permitted use within the C-1 zoning classification.

This analysis is based upon criteria set out in Title 11, Sections 43-102 and 43-103, Oklahoma Statutes.

1. *To lessen congestion in the streets.* This property is located on the northwest corner of SW 12th Street and SW C Avenue. Only patrons expected to use the day care service are likely at this time.
2. *To secure from fire, panic, and other dangers.* This property is not within the 100-year floodplain. There is one fire hydrant located within 50 feet of the property. Located across the street on the south side of SW C Avenue. Two hydrants are located within 250 feet of the property. One on the southeast corner of SW B Avenue and SW 12th Street; the other located on the northeast corner of SW C Avenue and SW 13th Street.
3. *To promote health and the general welfare.* All construction, i.e., drives, parking, sidewalks, landscaping, etc., to meet all City Code requirements.
4. *To provide adequate light and air.* The proposed site is vacant, any new construction will have to amend the binding site plan. All construction will have to meet all City Code and building code requirements.
5. *To prevent the overcrowding of land.* The current site plan shows the parking lot and entrance facing SW 12th Street. This would not overcrowd the land.

6. *To promote historical preservation.* There are no historic buildings, landmarks, or overlays on the requested property. There are also no historic buildings, landmarks, or overlays on the adjacent properties.
7. *To avoid undue concentration of population.* The proposed zoning change from R-4 to C-1 will not bring additional residential living space to this area.
8. *To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.* The City of Lawton Public Utilities placed a 4" water line along the north side of SW C Avenue. Also located along the north side of SW C Avenue is an 8" water line. There is an 8" sewer line running through the alley north of the property.
9. *To conserve the character of the district and buildings and encourage the most appropriate land uses.* The proposed use is a children's day care and would change the 2030 land use plan of the property if the rezoning is approved. Based upon these facts, it is recommended the request be approved.

NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to Title 11, Oklahoma State Statutes, and Section 18-1-1-114, Chapter 18, Lawton City Code, 2015, that the hearing scheduled for February 13, 2024, has been CANCELED and rescheduled to the dates below.

On February 29, 2024, at 1:30 p.m. in the Auditorium of City Hall, 212 SW 9th Street, Lawton, Oklahoma, the Lawton City Planning Commission will hold a public hearing and review the request.

Then on, March 12, 2024, at 2:00 p.m. in the Auditorium of City Hall, 212 SW 9th Street, Lawton, Oklahoma, the Lawton City Council will hold a public hearing and review, for the following purpose:

To consider a request for an amendment to the 2030 Land Use Plan from Residential/High Density to Commercial, and a change of zoning from the R-4 High-Density Apartment District to C-1 Local Commercial District zoning classification. The request would allow for a day care to be constructed at 1201 SW C Ave, Lawton, OK, 73501. Below is the legal description for the requested area:

A tract of land described as:

Lots 20-24, Block 8, Butler Addition, Lawton, Comanche County, Oklahoma

Any parties having an interest and any citizens desiring to be heard shall be afforded an opportunity to be heard at said public hearing.

Given under my hand and seal of the City of Lawton, Oklahoma, this 6th day of February 2024.

CITY PLANNING COMMISSION

CITY OF LAWTON, OKLAHOMA


CHARLOTTE BROWN, SECRETARY

 - for -
DONALYNN BLAZEK-SCHERLER, CITY CLERK

(Published in *The Lawton Constitution* this 9th day of February 2024.)



CITY OF LAWTON PLANNING DIVISION

Mailing Address: 212 SW 9th Street, Lawton, Oklahoma 73501
Phone (580) 581-3375 • www.lawtonok.gov

February 6, 2024

NOTICE OF PUBLIC HEARING ON AN AMENDMENT TO THE LAND USE PLAN AND A REZONING REQUEST REZONING REQUEST

Notice is hereby given pursuant to Title 11, Oklahoma State Statutes, and Section 18-1-1-114, Chapter 18, Lawton City Code, 2015, that the hearing scheduled for February 13, 2024, has been CANCELED and rescheduled to the dates below.

On February 29, 2024, at 1:30 p.m. in the Auditorium of City Hall, 212 SW 9th Street, Lawton, Oklahoma, the Lawton City Planning Commission will hold a public hearing and review the request.

Then on, March 12, 2024, at 2:00 p.m. in the Auditorium of City Hall, 212 SW 9th Street, Lawton, Oklahoma, the Lawton City Council will hold a public hearing and review, for the following purpose:

To consider a request for an amendment to the 2030 Land Use Plan from Residential/High Density to Commercial, and a change of zoning from the R-4 High-Density Apartment District to C-1 Local Commercial District zoning classification. The request would allow for a day care to be constructed at 1201 SW C Ave, Lawton, OK, 73501. Below is the legal description for the requested area:

A tract of land described as:

Lots 20-24, Block 8, Butler Addition, Lawton, Comanche County, Oklahoma

The above-described property is shown on the attached map as the "Area Described." Also attached is a proposed site plan for this request.

You are receiving this notice because your property is located within 300 feet of the requested area. If you desire to make a statement for or against said request at this location, you are invited to appear in person, by petition, or by attorney to so state your position to the City Council on the above dates.

If you wish to submit a petition to the City Council, it must be submitted to the City Clerk at least three (3) days prior to the public hearing. If you have any questions regarding this notice, please call the Planning Department at (580) 581-3375.

CITY PLANNING COMMISSION

A handwritten signature in blue ink, appearing to read "Charlotte Brown", is written over a horizontal line.

CHARLOTTE BROWN, SECRETARY

CITY OF LAWTON, OKLAHOMA

A handwritten signature in blue ink, appearing to read "Donalynn Blazek-Scherler", is written over a horizontal line. To the right of the signature is the text "-for-".

DONALYNN BLAZEK-SCHERLER, CITY CLERK

Attachment – Location Map
Site Plan

CITY PLANNING COMMISSION
CITY HALL AUDITORIUM
January 11, 2024

Minutes of the City Planning Commission meeting held January 11, 2024, in the City Council Auditorium, City Hall, 212 SW 9th Street, Lawton, Oklahoma.

The agenda for the meeting was posted on the bulletin board in City Hall in compliance with the Oklahoma Open Meeting Act.

The meeting was called to order at 1:33 p.m. by David Denham.

ROLL CALL

MEMBERS PRESENT

David Denham
Deborah Jones
Michael Logan
Ron Jarvis
Neil Springborn
Allan Smith
Darren Smith
Melissa Busse

MEMBERS ABSENT:

Joan Jester (excused)

ALSO PRESENT:

Christina Ryan-Huffer, Recording Secretary
Kameron Good, Senior Planner
Tyler Pobiedzinski Planner I
Gregory Gibson City Attorney
Dewayne Burk Assistant City Manager
Gary Brooks
Kim McConnell Lawton Constitution
Leon Reynolds
LeAnn Enderle
Bernita Taylor
Arthur Thomas
Jerica Taylor
Casey Robinson
Kim Johnson
Spencer Brown
Mike Brown
Taron Epps
John Dunaway

2. Establish Quorum.

8 (eight) of (nine).

3. Verify posting of meeting.

BUSINESS

4. Hold a public hearing and consider an ordinance and resolution for the property located at 10925 SW Bishop Road, Lawton, OK 73505 to consider a request for a change of zoning from the Temporary I-4 Heavy Industrial District to I-4 Heavy Industrial District zoning classification and amending the 2030 Land Use Plan to include the parcel as part of the Industrial land use classification and take appropriate action as deemed necessary.

This item was stricken from the agenda.

5. Hold a public hearing and consider an ordinance and resolution request for the property located at 1201 SW C Ave, Lawton, OK 73501 to amend to the 2030 Land Use Plan from Residential/ High Density to Commercial, and a change of zoning from the R-4 High-Density Apartment District to C-1 Local Commercial District zoning classification and take appropriate action as deemed necessary.

Denham asked Kameron, you handling this one?

Good stated Yes, Sir. Cameron, good City planning division. This is a request for an amendment to the land use plan from residential high to commercial and a change of zoning from the R4 apartment district to the C1 local commercial district. This is located on the northwest corner of 12th and C lots 20 through 24. As you can see from this aerial, the land is currently vacant. The proposed use is a daycare. There will be two curb cuts on the 12th St. and none on the C Avenue portion. Like I said, the current zoning is R4. You have R4 to the north, the West and the South and C5 to the east. The proposed zoning, as shown on this map is C1. The Land Use is high density residential and the proposed would be Commercial. The proposed use of a daycare is permitted in the C-1 district. It is also a Use Permitted On Review in the R-3 and R-4 Apartment District. This was sent to 24 property owners within 300 feet on December 20th and posted in the Lawton Constitution on December 26th.

Denham asked did we hear anything pro or con?

Good stated we did not receive any phone calls for or against this or any letters for or against this.

Denham asked any questions of Kameron before I open the public hearing? Go ahead, yes.

Jones asked Kameron, was there any reason why we the applicant wouldn't consider a Use Permitted On Review in R-4.

Pobiedzinski stated Tyler, with the Planning Department. The reason why is because for the Use Permitted On Review. It would be you would also have to build the building design and sign and shall match the character of nearby residential homes and they felt that just doing a blank building itself as just a daycare because there's a lot of it wood and it wouldn't have matched the homes next door.

Jones asked may I ask did they discuss what kind of architectural standards they intend to use for the commercial building?

Pobiedzinski stated they didn't get into the details about that. No.

Brown stated they would still be required to meet our architectural standards for the streets and the residents.

Jones stated I was just curious, you know, because it's an older part of town and it's mostly certainly it's mostly wooden structures, bungalows, but OK.

Denham stated ok I'll go ahead and declare the public hearing open anybody would like to come speak for or against this project please approach the podium and give us your name, sign in and tell me what you have to say. Seeing no one approach, I'll close the public hearing members of the Commission. What's your pleasure?

Jones stated I move that we make a recommendation to the City Council for a request for an amendment to the 2030 Land Use Plan for Residential High Density to Commercial and a change of zoning from R-4 High Density Apartment District to C-1 Local Commercial District zoning classification for the property located at 1201 C Avenue.

Motion by Jones. Second by Logan to make a recommendation to the City Council for a request for an amendment to the 2030 Land Use Plan for Residential High Density to Commercial and a change of zoning from R-4 High Density Apartment District to C-1 Local Commercial District zoning classification for the property located at 1201 C Avenue. **Aye:** Jarvis, Jones, Smith, Medders, Logan, Springborn, Denham, Busse **Nay:** None. **Motion Passed.**

6. Hold a public hearing to consider a request for a Use Permitted on Review to allow a dormitory-style shelter for homeless youth located in a Public Facility (P-F) district. The request is located at 714 SW 45th Street, Lawton, OK 73505 and take appropriate action as deemed necessary.

7. Hold a public hearing and consider an amendment to Chapter 21, Lawton City Code, 2015, that amends Sections 21-1-107 and 21-8-804, Chapter 21, Lawton City Code, 2015, by modifying the definition of knuckle and modifying figure 4.1, providing for severability, establishing an effective date and allowing floor amendments.

8. Consider approving the Record Plat for Lawton Marketplace – Phase II and take appropriate action as deemed necessary.

9. Hold a discussion on considering approving the NCS/Day Center Project location, the old Roosevelt Elementary School, 1502 SW I Avenue, funded through the FFY 2021 HOME-ARP Grant.

10. Commissioner's Reports or Comments.

Denham stated once again welcome, Melissa that normally these aren't this long, but it was an unusual one to say the least. And also, I wish John Jones all the best and we will no longer have to distinguish between D Jones and J Jones in future minutes.

Jones stated Yeah, I I don't know how to so the roll call anymore. I'm listening to that second Jones.

Denham asked any other Commissioner comments?

Jones stated Yes, I have one. And you know what it is? It's 2024. 2024 and we don't have a land use plan. We don't have a transportation plan. We don't have any comprehensive plan and so my recommendation to the Council, and I hope you'll join in this, is they take some of their CIP money. They seem to have earned some extra money. And they hire a consultant to do what we used to call a 701 Comprehensive Plan. The 701 Comprehensive Plan takes into account the Land Use Plan first, then the Transportation Plan combines all of the plans that your Public Works Division has in water, sewer, new water sources it takes into account the Parks Plan that they just approved and tries to bring all that stuff together where when the Council is making investments like an arterial. Which one do we pick? Which one is congested? Where's the growth? We need some guidance for ourselves, for our Council, and when you have, I don't know how the staff does it 50 (fifty) committees on the Council. Who actually don't even know what they're doing in terms of whether they're in conflict with each other or what the sequence is of how to get a project done. I mean, it's just not fair to the staff either. You know, they're trying to move things along they have got to realize that you can't just wing it. We need a guide for this City. Thank you. Happy New Year.

Denham stated thank you, DJ. We have addressed that. We've addressed that in LMPO. We have done traffic studies and we had this so close to being done but apparently when we don't do it in house, it cost a lot of money.

Jones stated I don't care.

Denham stated and so you're right, we're finding millions here and millions there. So, we're on the 2030 Land Use Plan and I think we need a 2050 Land Use Plan. So, we're only 20 (twenty) years behind and that's pathetic and it just like I say another item only money can fix.

Jones stated everybody knows on this Commission when you make a mistake in infrastructure, when a new development and I'm thinking folks, we've had new Subdivisions come to us for the first time, and I can't remember when you know for moderate income houses. If you don't have a sewer because you didn't calculate that growth in that quadrant, it cost you more millions because that now you got to build either God forbid a lift station and a sewer, and you know all of these things. It all costs money. But they're not. They need an investment.

Denham stated good job. Happy New Year too, DJ. All right. Any other comments, Commissioners?

11. Secretary's Report.

Brown stated so, I appreciate the candor, DJ. And I completely understand where you're coming from. Trust me, we do have, I will say we do have the consultant working on the MTP, the Metropolitan Transportation Plan that is underway. We finally got the final executed contract. So, we are working on that and my plan is to go as the City Manager for \$450,000 in the next budget year so that we can get the Land Use Plan updated. So, I we are working towards that but.

Jones stated in all honesty, when you have a Capital Improvement Plan as large as we have, you do not need to fund this out of the General Fund. You need to help. The staff needs help and guidance and the Council needs help and guidance, and yes, the Land Use Plan and Transportation Plan will help us enormously that I've been here when we had subdivisions that didn't have sewer, and the developers were not happy. You know it's a big investment. And so let's plan for growth not staying the same.

Brown stated Yes. Yes. And we will take a look at the CIP. I don't know that the way they did it when they did it this last time, if they included anything that we can use it for use it under, but we will, we will take a look at it and I know don't make that face.

Jones stated find the fuzziest attorney we have and we'll do it.

Brown stated Greg. And then the Fire View Plats that you guys recommended approval for at the last meeting will be coming back. There are some changes that need to be made to it. So, it was pulled off the Council agenda this week. So, we'll be bringing that back as soon as we get the redraft from the surveyor.

Denham stated thank you. Anything else? I hesitate.

12. Comments from the Public.

Denham stated seeing none, I will entertain a motion to adjourn. I got a motion and seconds. All in favor. Say aye. Aye. Any opposed. You're crazy. All right. We are adjourned.

13. Adjournment.

Denham stated I got a motion and second.

Motion by Logan, Second by Meaders to adjourn the meeting. All in favor. Say aye. Aye. Any opposed. You're crazy. All right. We are adjourned.

With no further business meeting was adjourned.

DRAFT

CITY PLANNING COMMISSION
CITY HALL AUDITORIUM
February 29, 2024

Minutes of the City Planning Commission meeting held February 29, 2024, in the City Council Auditorium, City Hall, 212 SW 9th Street, Lawton, Oklahoma.

The agenda for the meeting was posted on the bulletin board in City Hall in compliance with the Oklahoma Open Meeting Act.

The meeting was called to order at 1:30 p.m. by David Denham

ROLL CALL

MEMBERS PRESENT

David Denham
Melissa Busse
Ron Jarvis
Joan Jester
Deborah Jones
Darren Medders
Michael Logan
Neil Springborn

MEMBERS ABSENT:

Allan Smith (excused)

ALSO PRESENT:

Christina Ryans-Huffer, Recording Secretary
Charlotte Brown, Director Community Services/Planning
Kameron Good, Senior Planner
Christine James, Interim Planning Director
Madison Aust, Community Services/Planning Admin Assistant III
Gregory Gibson, Assistant City Attorney
Dewayne Burk, Assistant City Manager
Chris Boyd, CBDL Inc
Richard Rogalski
Laura Yeager
Gary
Terry Nieves
Garl Fountain
Tamara Passuet
Doug Brown
Mark Gibson
Timothy Stephens
Leon Reynolds
Linda Chapman
LeAnn Enderle
Kirsten Sellens
Jacquelyn Thomas

The meeting has established a quorum and was posted according to the Oklahoma Open Meeting Act, 25 O.S. 301-314.

NEW BUSINESS

2. Consider approving the minutes from February 15, 2023, regular scheduled meeting

Note there is a scrivener's error the agenda should read February 15, 2024. All attached documents are the February 15, 2024 documents.

Motion by Jarvis. Second by Medders to approve the minutes from February 15, 2024, regular scheduled meeting as written **Aye:** Busse, Jarvis, Jester, Jones, Medders, Logan, Springborn, Denham **Nay:** None. **Motion Passed**

Denham stated we are going at this time to move Item# 6 on the Agenda to Item #3 just move it up to now.

6. Hold a public hearing and consider an ordinance for a 32-acre tract of property located west of Northwest Goodyear Boulevard, east of 112th Street, south of Northwest Cache Road, and north of Southwest Lee Boulevard for a change of zoning from the Temporary A-1 General Agricultural District to I-4 Heavy Industrial District zoning Classification and take appropriate action as deemed necessary

3. Consider approving revisions to the City Planning Commission's Rules and Regulations in an effort to more closely reflect the established "Council Rules of Procedures" as listed in Council Policy 1-6, allowing for floor amendments and taking appropriate action as deemed necessary

4. Hold a public hearing and consider an ordinance and resolution request for the rezoning of the property located at 1201 SW C Ave, Lawton, OK 73501 amend the 2030 Land Use Plan from Residential/ High Density to Commercial, and to change the zoning from the R-4 High-Density Apartment District to C-1 Local Commercial District zoning classification and take appropriate action as deemed necessary

Good Stated good afternoon. Kameron Good with the Planning Division. This is been brought to you before on January 11th. This is being brought back to you because of a Notice error. The wrong City Ordinance pertaining to which type of public hearing to be administered was listed in the notice and so that has been corrected and re-noticed and that's why this item is being brought back to you. Just to run through it real quick this is located at 12th and C on the northwest corner, Lot 20, 21, 22, 23 and 24. The current land is vacant. The proposed use is a daycare. As you can

see on the site plan, both curb cuts would be off of 12th Street. The existing zoning is R-4 with R-4 to the North, West and South and C-5 to the East. The proposed zoning is C-1 Commercial. The existing Land Use map is Residential High Density, with the same to the North, West and South and the existing to the East is Commercial. The proposed is switching it to Commercial. This is also a Use Permit on Review within the R-3 and R-4 District but there is a stipulation that the building must match the architecture around it. That is why they have requested C-1 zoning instead of doing the Use Permit on Review. This was noticed to 24 property owners within 300 feet on February 7th and posted in The Lawton Constitution on February 9th with no phone calls or letters received for or against it.

Denham stated thank you Kameron. Anybody have questions for Kameron before I open the public hearing?

Jones stated if you look at that, it looks like spot zoning. I mean yes across the street you have C-5 but I'm a little curious why they couldn't build something that surrounds that area. You know it's mostly bungalows with wood and there's a variety but there is a number of materials they could use.

Denham asked is the applicant here?

Good stated I don't believe so.

Jones asked did he express to you any reservations about building materials or architecture?

Good stated I think the intent is to go with a metal building with the exterior finish being approved material by you know, City Code. So, not going with the wood siding or that some of the houses have around there.

Jones stated okay, thank you.

Denham asked any other questions? Alright at this time we'll go ahead and declare the public hearing open anybody would like to come speak for or against this item please approach the podium and give us your name. Seeing no one approach I'll close the public hearing. Members of the Commission what's your preference here? Any further discussion?

Motion by Jarvis, Second by Medders to recommend approval to the City Council for an amendment to the 2030 Land Use Plan from Residential/High Density to Commercial, and a change of zoning from the R-4 High-Density Apartment District to C-1 Local Commercial District zoning classification for the property located at 1201 SW C Avenue, Lawton, OK 73501
Aye: Medders, Logan, Springborn, Denham, Busse, Jarvis, Jester **Nay:** Jones. **Motion Passed.**

5. Hold a public hearing to consider a request for a Use Permitted on Review to allow a dormitory-style shelter for homeless youth located in a Public Facility (P-F) district. The request is located at 714 SW 45th Street, Lawton, OK 73505 and take appropriate action as deemed necessary

Good stated good afternoon this item has also been brought to you before to you on January 11, 2024. The same mistake was made in the Notice with the Section of Code that was referenced to the wrong City Ordinance pertaining to which type of public hearing was being administered so that was corrected and re-noticed. To run through this one real quick. This is located off of 45th Street North of Lee Boulevard at 714 SW 45th Street. The applicant has submitted for a Use Permit on Review to do a dormitory-style shelter for homeless and school aged children to be located within the existing gymnasium. Here's the arial for that area, you can see that the existing structure on the north portion of it with the existing gymnasium on the south portion of the buildings. The site plan as shown here is to re-model the existing building and add an additional parking lot on the southside with one point of entry onto 45th. The current zoning is P-F with P-F to the North, R-1 to the West and South and R-4 to the East. This is a kind of rendering of what the building is supposed to look like and then with also a master plan for future plans for MIGHT. This was noticed to 51 property owners within 300 feet of the requested area on February 6th and posted in The Lawton Constitution on February 9th. The Planning Division did receive a phone call in favor of the Use Permit on Review and a petition has been filed against the Use Permit on Review. That petition was included in your, a map of that petition was included in your packet, as you can see on the map it depicts how many are within 300 feet of the requested area. It does not, there is no threshold on a Use Permit on Review as far as how many there would need to be filed to make a Super-Majority. That is not an option on a Use Permit on Review, it's only an option on Re-zonings but this petition still was presented to the City Clerk's Office and is being presented to you guys.

Denham asked is it the same petition?

Good stated it's the same petition that was presented at the last meeting, correct.

Denham asked what's the difference between the advertisements on these public hearings that have caused this?

Good responded because it was referencing the re-zoning section of Code at the top of the newspaper notice. It reference a section of City Code that talks about who needs to be noticed, how many people need to be noticed, and stuff like that. It was referencing the Re-zoning one, which is 114 and the Use Permit on Review is 113.

Denham stated okay.

Good stated with that being said this was recommended for approval with conditions last time. The conditions was to add a 8 (eight) foot fence around the property and to verify that the existing building met all the parking requirements. Staff did look into that and the existing facility does meet all the parking requirements and then the applicant would like to speak on the fence itself.

Denham asked and this Fire Marshall background that looks to be new as well?

Good stated yes the Fire Marshalls and Public Utilities have reviewed the request. Public Utilities made a comment that the new parking lot shall meet City Code of Lawton City Standards and that a sidewalk with crossing per ADA and City requirements for the new portion

of that on the site plan. The existing one does not have side walks or ADA ramps aren't shown on the site plan. So that was when this was sent out to everyone for their review, the site plan that was Public Utilities that was their comments and the Fire Marshall's comments.

Brown stated David I would also like to say that the other recommendations from DJ was that we get with Councilwoman Chapman on the speed bumps and we did pass it along and she is working with Engineering to get one installed out there.

Denham stated excellent. Very good, thank you.

Good stated and the applicants are here.

Denham stated alright. Any other questions of Kameron?

Brown stated I was told the speed bump has already been installed.

Denham stated very good, very good. Thank you Councilperson Chapman, good job. Okay go ahead and declare the public hearing open. Anybody that would like to speak for or against this item please approach the microphone and give us your name and address and I'll need you to sign in too please.

Reynolds stated good afternoon.

Denham stated welcome back Sir.

Reynolds stated my name is Leon Reynolds, I am at 734 SW 45th Street. I have a few questions. First I'd like to see to make sure how everything is supposed to play out. So, on the way I think, this facility is supposed to get a Government Grant which ups the property value, which then us that lives there, our property tax goes up.

Denham stated if your property value goes up.

Reynolds asked so would it go up if they get a half a million dollars invested?

Denham responded no that doesn't have anything to do with, your property is not getting a half a million dollars.

Reynolds asked but the property value in the area doesn't get affected at all? With me living right next door? When you look at it, I'm literally right next door.

Denham stated it really don't affect your property per say but that's the Assessor's job, not ours.

Reynolds asked next question, you see how when we were just speaking on the property on C Avenue, they had a picture of how it will be re-zoned, we haven't seen what the re-zoning would look like yet?

Denham stated it is not a re-zoning.

Reynolds asked I thought this was a re-zoning?

Denham responded it is a Use Permit on Review request, so, that's why we're here again because it's just saying will we approve this use for this facility. So, it's still Public Facility zoning so that does not change.

Reynolds asked so the zoning now doesn't change?

Denham stated correct.

Reynolds asked so then speaking on the speed bump, when we were discussing the speed bump we were speaking on the people coming into the neighborhood going to this facility, right? So, you put the speed bump right there where they have to stop anyway. How does that make sense?

Denham responded I don't know where the speed bump is.

Reynolds asked can you go back to another picture, go back to the next one. So, you have them coming around the curve or they're coming off of 45th Street.

Denham stated so you're heading north.

Reynolds stated so you're coming around this curve to get here or you're coming down 45th Street to get here, the speed bump is right here, where they have to stop anyway. So, these people here where they're speeding here and they're speeding around this curve, the speed bump doesn't really help where you're going to stop anyway. Do you understand what I am saying?

Denham asked what makes them stop there? Is there a stop sign?

Reynolds stated no, there is no stop sign there.

Denham stated right.

Reynolds stated these are the people coming to pick their children up from the daycare center, right? The speed bump is right here. They're speeding coming down this street around this curve, then they're coming down 45th from like the Vo-Tech speeding this way. The speed bumps should have been placed on the curve or before you get to the church. Not where you have to stop anyway. Is that understood?

Denham stated I personally would want a speed bump on the straight away not the curve, or the turn but I don't have anything to do with that.

Reynolds stated not where you have to stop at anyway.

Denham stated only the people that are turning are going to stop there. So, the only people speeding are people that are going into the church?

Reynolds stated not the only people but the daycare is. If you come, like they said about the refinery, if you come at 7 or 8 o'clock in the morning, watch out you might get hit. They're trying to drop their kids off because they're running late. If you come 5 o'clock or 4 o'clock in the evening you got to get your kids out of the street because they're speeding past, remember I told you I put the cones out and the Police told me to move the cones. Because they're speeding past. And then at the last meeting they openly said they were going to get with the public to try

like he said public relations, no one has spoken to anybody in the public as of yet. Then on yesterday certain people, not me, that live right next door because I openly opposed them, certain people got these letters of how they want to start a Neighborhood Watch to make it look like they're doing something for the community. I can show you where we already have a neighborhood watch. Now we have, it says on this letter they're going to have City Councilman Linda Chapman, as well as Sgt. Matt Dunne and they want to set people up how to do a Community Watch. That has already been established, at least 7 (seven) years I've been there. Why not get with first the Community that already do this. We just had an incident about a week ago, someone was going through peoples back yard, he had on a gray hoodie on a silver bike. We go on a rode around the neighborhood, everybody locked their stuff up. This is already in play but now the Council person and the Police want to get involved because the money called them, not because they were worried about the community because.

Denham stated that's unfair speculation, Sir. So, okay let's stick here they were told to reach out. We have Councilperson Chapman right here so you have a few questions.

Reynolds asked Councilperson Chapman in this Community?

Denham stated no you can't talk to her, I'm just saying, what are your other concerns and she will come up and speak after you.

Reynolds stated one of my other concerns is like, we already have barbecues and cookouts. We already do things for the community. They have not been involved. I would like to know who is responsible for seeing because they claim they claim they are a church but they don't have a congregation, nobody comes to church there. Then is MIGHT under the church or is the church under the MIGHT or like who's responsible for making sure that this because Mr. Brown was speaking highly of them but Mr. Brown is ex-City Council person who already gets so many construction deals anyway. So, if Mr. Brown already have friends in the City Council and he's speaking to them I am wondering now who's getting kickbacks.

Denham stated now okay we're done. Go head thank you. Did you sign in?

Reynolds stated yes Sir.

Denham stated thank you Mr. Reynolds. Mrs. Chapman.

Chapman stated Linda Chapman, 803 NW 41st Street, Ward 3 City Council. MIGHT is included in my particular Ward. I was not at the last CPC meeting but I did understand there was lots of concern about traffic and speeding through that area. I have visited that area many times I have gone through MIGHT, several times and I'm so impressed with this whole facility. Getting back to the speeding, I talked with Larry Walcott and asked for some recommendations on where the Streets Department thought would be the best location for that speed table and he came up with a couple of them but I said, in fact I think he came up with 3 (three) and I said which do you think is the very best and he recommended where the speed table is where it should be right now. Second issue with the gentleman before me as far as I know as the 4 (four) years I've been on City Council; we have not had a Neighborhood Watch in that particular area. No one has contacted me and I very much in favor of the Neighborhood Watch meetings and as a result, I

met with Bishop Dunnaway, Bernita Taylor, Sgt Demit and we got together thinking how can we bring people together in this neighborhood to help facilitate what was going on there. So, yes we are having our first organizational Neighborhood Watch this coming Tuesday to get the community together for a variety of reasons what a Neighborhood Watch will do. So, I wanted to let you all know those two things.

Denham stated well thank you very much and getting speed tables into a location in a month and a half is almost unheard of, so good job and we need to get the Neighborhood Watches are coordinated with Neighborhood Watches. You can't have a Neighborhood Watch without Police involvement. Correct?

Chapman stated correct, plus there is that title misinformation so much out there just like the different questions the gentleman was asking. We can resolve some of those with an organizational Neighborhood Watch.

Denham stated thank you.

Chapman stated you're welcome.

Denham asked alright anybody else like to come and speak?

Enderle stated my name is LeAnn Enderle I reside at 316 NW 32nd Street. I also own a house directly across the street from the driveway that goes into the, I still call it a school, a school that was bought and it is now a church and know I hear that they never have church services there, it's only a daycare center and it's MIGHT and yeah it's all very, very, very confusing. I've been to all these meetings and I did hear on Neighbor that they are going to have a meeting, I thought it was going to be Monday not Tuesday but I'll have to look at my calendar and I was kind of confused about that too because I was told that we already have a Neighborhood Watch there and that's why got together and we did the petition that we did that we submitted back in January and then you guys didn't even have it and then it got put on and so forth. So, it sounds like the left don't know what the rights doing half the time so that's why I keep coming to these meetings because I feel like I need to be more informed and also more participation in what goes on in the City that I live in, retire in and probably die in. I have so many questions about this because we were told that it's going to be a 10 (ten) to (twelve) homeless boys from ages 13 (thirteen) to 17 (seventeen). Now those are all considered minors and so I'm sure everything is closed, that we can't find out if any of those kids have got any priors or you know if they've committed any crimes at all whether they be misdemeanors.

Denham stated I'll address that, at the last meeting Mrs. Taylor did say that there's a very heavy screening process on that.

Enderle stated she said that. She did say that. She did not say whether or not those children that would be there had previously committed any crimes.

Denham stated they're not going to put them there if that is the case because they're the ones that can screen. They can't put that public out there but there's thousands of homeless youth in this Community and we're talking 10 (ten) or (twelve). So I'm sure it's going to be screened very meticulously.

Enderle stated I also talked to several school teachers that teach in the Lawton School District and I says how do they know there's over a thousand homeless children in that age group and she says really simply by 2 (two) different teachers that if a kid comes to school and says he got into a fight with his parents and he's living on grandma's couch or he's living with a neighbor down the street living on their couch, they are they become homeless and again going back to what Mrs. Taylor said she was going to try to reunite them back into the system, if they wanted to get a job they would give them transportation to and from the job. They would try and reunite them with their parents so they could eventually go back and live with their parents and they would have all these.

Denham stated so you've answered your own question, okay.

Enderle stated no, that's the problem. I'm still saying this we're going to have so many more cars coming and going for all those meetings, all those appointments, all those reuniting, all those times they're taken to and from work it's like, yeah so we needed if you really want to go back to that Planning is around that corner coming down and also from Lee going up, that's where everybody is speeding. Not right in front of where that old school is, which is now the St. James Church. That's where everybody stops to either pickup or drop off their kids. So, putting a bump there is just totally a waste of money.

Denham stated that point has been addressed and Mrs. Chapman understands that. They are temporary anyway so they can be moved.

Enderle stated actually I was the one that notified Mrs. Chapman. She was the one that responded through an email and she apologized that you know wish that she could do something because you know you can only have 3 (three) and that really got me upset. Oh, we're only allotted 3 (three) per Ward. So, I was thrilled when I just found out today that she did push and try to get one in there but they didn't ask anybody in the neighborhood where would the best place, where does everybody speed at.

Denham stated the Lawton Transportation guy, but anyway that's been discussed and what's next?

Enderle asked okay so my question is can we as a neighborhood that are within 300 feet, that got this letter, can we before you table anything, before you approve anything, can we meet with this Mrs. Taylor and all those people this next week at and find out more information so that we can know whether or not we're for or against this? What little information that we have been told, we're putting our heels down and saying no, not only no but hell no. We don't want this. I have talked to another person just a week ago and they live in Oklahoma City and I was at one of these other meetings, not the Planning meeting, the Council meeting and she was from Oklahoma City and she said oh yeah you don't want one of those homeless things across the street from you. She says that I got one in Oklahoma City and she says my neighborhood has gone down hill ever since then and that was from somebody that has a homeless one in her neighborhood in Oklahoma City and so it's like all I hear is bad. I don't hear anything good and that's why I wish we could have some time to be able to hear more good and have it concrete not just Mrs. Taylor saying, you know, we're going to help these homeless children and it's for the

children and they always want to pull at the heart strings. I've got 9 (nine) children. I'm not against children. I love children but I don't want the more traffic in that neighborhood and problems with what comes with things like that.

Denham stated okay.

Enderle stated thank you.

Denham stated Mrs. Enderle we are a recommending body. We're going to make a recommendation and it will go forwarded to Council. So, I would encourage you and your group to get with Mrs. Taylor between now and the Council meeting. Is that been scheduled yet?

Brown stated yes. March 12th.

Denham stated March 12th.

Enderle stated the letter say March 12th.

Denham stated so I would encourage you to get with Mrs. Taylor and see if you can have that meeting before Council regardless of what happens here.

Enderle stated I was hoping she would have been here today.

Denham stated she's out of town. She wasn't aware of this either.

Brown stated you may be able to speak to this group right here. They're part of this development as well.

Denham stated thank you.

Boyd stated how you guys doing, Chris Boyd, 7501 NW Wycliffe Lane. I represent CDBL and I just wanted to talk about the 2 (two) recommendations we had when we came through the last time. The one Kameron already mentioned, the parking requirement, we meet that requirement already. The other was the 8 (eight) foot fence. The facility now from the west side in between the building and the gym, there is a fence and there's a fence from the northeast corner, actually the east side of the gym it goes around and encloses the playground area. That is an existing 6 (six) foot fence, which is the area, I believe, that we were asked to put an 8 (eight) foot fence up and so I would like you guys to consider allowing the 6 (six) foot fence to stay and not to have to replace it with an 8 (eight) foot fence. The price to remove that and re-install is about \$ 34,000 dollars. So, I just wanted to bring that up for your consideration.

Jones stated I'm sorry it is very difficult for me to read the site plan. Are you proposing also looks like remove, I'm not sure the word, around your parking lot to the south, be the southeast a fence?

Boyd responded no ma'am.

Jones stated well, Pastor Logan made this recommendation. Would you be amenable Michael to leaving the 6 (six) foot fence where it is, instead of the 8 (eight) but I would like the parking lot to be fenced.

Boyd asked you want us to put a fence around the parking lot and a gate entry to the parking lot?

Jones stated no, not a gate just a fence. There was a concern that the children might run across the street, wasn't it Pastor and I believe you raised the fence, and so it's just another physical barrier. I don't really care if it's 6 (six) foot or 8 (eight) foot but the neighborhood wanted it.

Boyd stated well there is 2 (two) egress doors, one on the southside, one on the northside. The one on the north will go into the fenced in area, which is really a back door, the one on the southside is the front door. So, if we put it behind a fence, I'm not sure where we would put a fence and you would have access to the parking lot.

Jones stated you see it is hard for me to read this. Can you fence this?

Boyd stated I can't see that.

Jones stated you can't see it either. Okay right there, leave that open, leave the driveway open, just put it that way the neighborhood concern is addressed. Everywhere you're active there's a fence.

Boyd stated you could but I (inaudible).

Jones stated that may help me immensely.

Boyd stated so I have given Ms. Jones a drawing that shows where the existing fence is highlighted. They asked me to come back.

Jones asked oh they asked you to step back?

Boyd stated to step back to the microphone.

Denham stated they, we can't hear yall's conversation. Public hearing.

Jones asked this is an existing parking lot?

Boyd stated correct.

Jones stated okay. This red line represents the fence that's there?

Boyd stated that's correct.

Jones asked you wish to reduce the height of the fence where?

Boyd responded I wish to not have to remove that fence to install an 8 (eight) foot fence, that's correct.

Jones stated yes. Okay is this 6 (six) foot all the way around?

Boyd stated that is correct.

Jones stated okay that clears him and I.

Boyd stated and the parking lot is right here. The front door is right down here on this corner and the back door is right back there.

Jones asked so, you're going to flip? The parking lot is right here.

Boyd stated well no, the parking lot for that facility only, is on the southside of that facility. That parking lot is not, that has nothing to do with what we're doing here we have to do an additional 8 (eight) parking spaces for that facility.

Jones asked for this?

Boyd stated yes ma'am. It's completely separate.

Jones asked then why can't we put 6 (six) foot there?

Boyd responded I mean we can, but it just I don't know, I don't see what you'd gain doing that.

Jones stated I understand your position.

Boyd stated yes ma'am.

Jones stated the motion we were trying to come up with is satisfy the neighborhood's concerns.

Boyd stated yes ma'am.

Jones stated plus let MIGHT do what it needed. Do you want to waive that? They're going to put a parking lot here.

Logan asked okay so public access?

Deputy City Manager Dewayne Burk made comments regarding meeting procedures.

Denham stated guys, we're.

Jones stated I'm trying to get a word in, what the heck is going on.

Denham stated but nobody else can see the map. Great point. Thank you.

Jones stated Darren we've already made these conditions.

Medders stated and I agree. I agree with you.

Jones stated and he wishes to.

Denham stated alright 2 (two) seconds. No, I'm teasing.

Reynolds stated we were under the impression at the last meeting because the fence that he is talking about goes around the building and the little playground. They own the rest of the field, which we thought was supposed to be fenced in. That's what we were under the impression, she was talking about because the rest like all of that field to the south, is still their property. So, I'm thinking they're going to fence the property not just right around the immediate building.

Denham stated no this was due to this specific use and this area of that property.

Reynolds stated so they don't have to fence it in.

Jones stated for the premises that are being used and I was called about this and the Pastor was called about this. We do not, we never intended acre after acre that was vacant to be fenced. We, the playground, the parking lot and the buildings were specifically mentioned. Now, my knowledge, you're asking us to amend that condition on the fencing to allow a 6 (six) foot fence.

Denham stated okay let's wait so we can deal with that on the, after the public hearing is closed.

Jones stated okay.

Denham asked Mr. Boyd were you done?

Boyd responded yes Sir.

Denham stated okay. Anybody else?

Sellens stated my name is Kirsten Sellens, I am the Secretary for MIGHT Executive Board. So, I'm not going to rehash but I do and did hear some of the comment regarding the speeding and the cars and I can tell you I have been one my youngest son who is 26 (twenty-six) attended Country Club. The traffic was big time back then and there's hardly anything, I have been currently there at 7:00 am, I've been there at noon, I've been there at 4:00, I've been there at 5:00. It's typical afternoon traffic. People coming home. People leaving to go to work. As far as addressing the community in that area or the neighborhood, if folks would come March 5th, they can talk with Mrs. Bernita. She said come on, they've left flyers with everybody, at everybody's home to let them know about this. Councilwoman will be there; the Sgt will be there. I think what we're all possibly losing sight of here is the fact that we're talking about homeless children. These are children who do not have a parent or parents, currently, whatever is the situation is. It's not their fault. We need to be a community. We need to be leaders to help these children so, that they can get out of the situation that they're in or possibly reunite. That's all I have to say, thank you.

Denham stated thank you Ms. Sellens.

Thomas stated my name is Jacquelyn Thomas. I live at 711 SW 49th Street out there in Country Club. This whole thing is really sad. Where's everybody that's supposed to be from the community for this thing that is supposed to be coming up, this little boys home. First of all, I didn't know about the boys home coming until recently. Whatever, not the boys home this little thing.

Denham stated homeless shelter.

Thomas stated homeless shelter, I'm sorry. I just can't get with the homeless shelter. We have kids that live in the neighborhood why aren't we doing something about them. Why are we having something for them? Building a shelter for them? Do something for the kids in the community before we reach out to everybody else, do something for what's in the community.

Denham stated these kids are in the community.

Thomas stated the homeless kids are not.

Denham stated they might not be in your neighborhood but hey're from this community.

Thomas stated well I'm talking about from our neighborhood. Do something for the kids in the neighborhood, do something for them. There's a lot of kids in that neighborhood that need help besides working for the outside. Work on the inside before you work on the outside. That's all I have to say.

Denham stated thank you Ms. Thomas. Anybody else? Alright I will go ahead and close the public hearing. Is there a motion?

Motion by Medders, Second by Logan to recommend approval to the City Council for a Use Permitted on Review to allow a dormitory-style shelter for homeless youth located in a Public Facility (P-F) District located at 714 SW 45th Street, Lawton, OK 73505 and amend the fence from 8 (eight) foot to 6 (six) foot existing (fence condition is not applicable) and install sidewalks as required by City Code. **Aye:** Logan, Springborn, Denham, Busse, Jarvis, Jester, Jones, Medders **Nay:** None. **Motion Passed.**



City of Lawton

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

Commentary

File #: 24-1250

Agenda Date: 3/12/2024

Agenda No: 25.

ITEM TITLE:

Hold a public hearing and consider an ordinance for a rezoning request for the property located at 1201 SW C Ave, Lawton, OK 73501, changing the zoning from the R-4 High-Density Apartment District to C-1 Local Commercial District zoning classification and take appropriate action as deemed necessary.

INITIATOR: Christine James, Interim Planning Director

STAFF INFORMATION SOURCE: Kameron Good, Senior Planner

BACKGROUND: Adetola Olanrewaju is the owner of the property located at 1201 SW C Ave, Lawton, OK 73505. This property is located on the northwest corner of SW 12th Street and SW C Avenue. The land is currently vacant and the proposed use for this property will be a children's day care. The proposed use is allowed in a C-1 Local Commercial District, but this use is also allowed as a UPOR in a R-3 Multiple-Family Dwelling District and R-4 High-Density Apartment District. The UPOR would require the building design and signage match the character of the nearby residential area. The applicant's intension is for the building to not look like a residential house, but still comply with the City of Lawton design standards.

The Zoning of the surrounding area is:

North	-	R-4
South	-	R-4
East	-	C-5
West	-	R-4

The 2030 Land Use Plan for the surrounding area is:

North	-	Residential/High Density
South	-	Residential/High Density
East	-	Commercial
West	-	Residential/High Density

The Notice of public hearing was mailed to 24 owners of property within 300 feet of the requested area on February 7, 2024, and proper notice was published in The Lawton Constitution on February 9, 2024.

The City Planning Commission recommended this item for approval on January 11, 2024. The original newspaper notice for the first City Planning Commission hearing referenced the wrong City Code section pertaining to which type of public hearing was being administered. The notice was corrected and sent out again for an additional CPC hearing. The CPC held a public hearing on February 29, 2024, and made the recommendation to approve the request for rezoning.

EXHIBIT: Ordinance No. 24-____

Location Map

Application

Site Plan

Analysis
Council Notice
Council Newspaper Notice
CPC Minutes - January 11, 2024
CPC Minutes - February 29, 2024

KEY ISSUES: N/A

FUNDING SOURCE: N/A

CPC RECOMMENDED COUNCIL ACTION: Approve an Ordinance to change the zoning from the R-4 High-Density Apartment District to C-1 Local Commercial District zoning classification for the property located at 1201 SW C Ave, Lawton, OK 73501.

ORDINANCE NO. 2024-__

AN ORDINANCE CHANGING THE EXISTING ZONING CLASSIFICATION FROM THE R-4 HIGH-DENSITY APARTMENT DISTRICT TO THE C-1 LOCAL COMMERCIAL DISTRICT ZONING CLASSIFICATION ON THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION ONE (1) HEREOF; APPROVING THE SITE PLAN ATTACHED AS EXHIBIT A; AND AUTHORIZING CHANGES TO BE MADE UPON THE OFFICIAL ZONING MAP IN ACCORDANCE WITH THIS ORDINANCE.

WHEREAS, the zoning changes to be made by this ordinance have been recommended for approval by the City Planning Commission; and

WHEREAS, legal notice has been given and a public hearing held regarding the said changes.

NOW, THEREFORE, be it ordained by the Council of the City of Lawton, Oklahoma, that:

SECTION 1. The following described tract of land, to-wit:

Lots 20-24, Block 8, Butler Addition, Lawton, Comanche County, Oklahoma
(Located at 1201 SW C Ave, Lawton, OK, 73501)

be and the same hereby is changed from the existing classification of R-4 High-Density Apartment District to the C-1 Local Commercial District zoning classification.

SECTION 2. The site plan attached as Exhibit A is hereby approved and made part of this ordinance. All construction and uses shall be in accordance with this site plan. The use shown on the site plan is: Daycare

SECTION 3. The changes be made upon the Official Zoning Map and/or sheets thereof reflecting the changes described in this ordinance and the Mayor and City Clerk are hereby authorized to execute the entry on said Official Zoning Map describing the nature of the changes.

PASSED and APPROVED by the Mayor and Council of the City of Lawton this 12th day of March, 2024.

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this ____ day of _____, 2024.

TIM WILSON, ITERIM CITY ATTORNEY

ORDINANCE NO. 2024-____

AN ORDINANCE CHANGING THE EXISTING ZONING CLASSIFICATION FROM THE R-4 HIGH-DENSITY APARTMENT DISTRICT TO THE C-1 LOCAL COMMERCIAL DISTRICT ZONING CLASSIFICATION ON THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION ONE (1) HEREOF; AUTHORIZING CHANGES TO BE MADE UPON THE OFFICIAL ZONING MAP IN ACCORDANCE WITH THIS ORDINANCE.

Brief Gist

Adetola Olanrewaju is the owner of the property located at 1201 SW C Ave, Lawton, OK 73505. This property is located on the northwest corner of SW 12th Street and SW C Avenue. The land is currently vacant and the proposed use for this property will be a children's day care. This proposed use is allowed in a C-1 Local Commercial District. However, this use is also allowed as a UPOR in a R-3 Multiple-Family Dwelling District and R-4 High-Density Apartment District. Provided the building design and signage shall match the character of the nearby residential area.

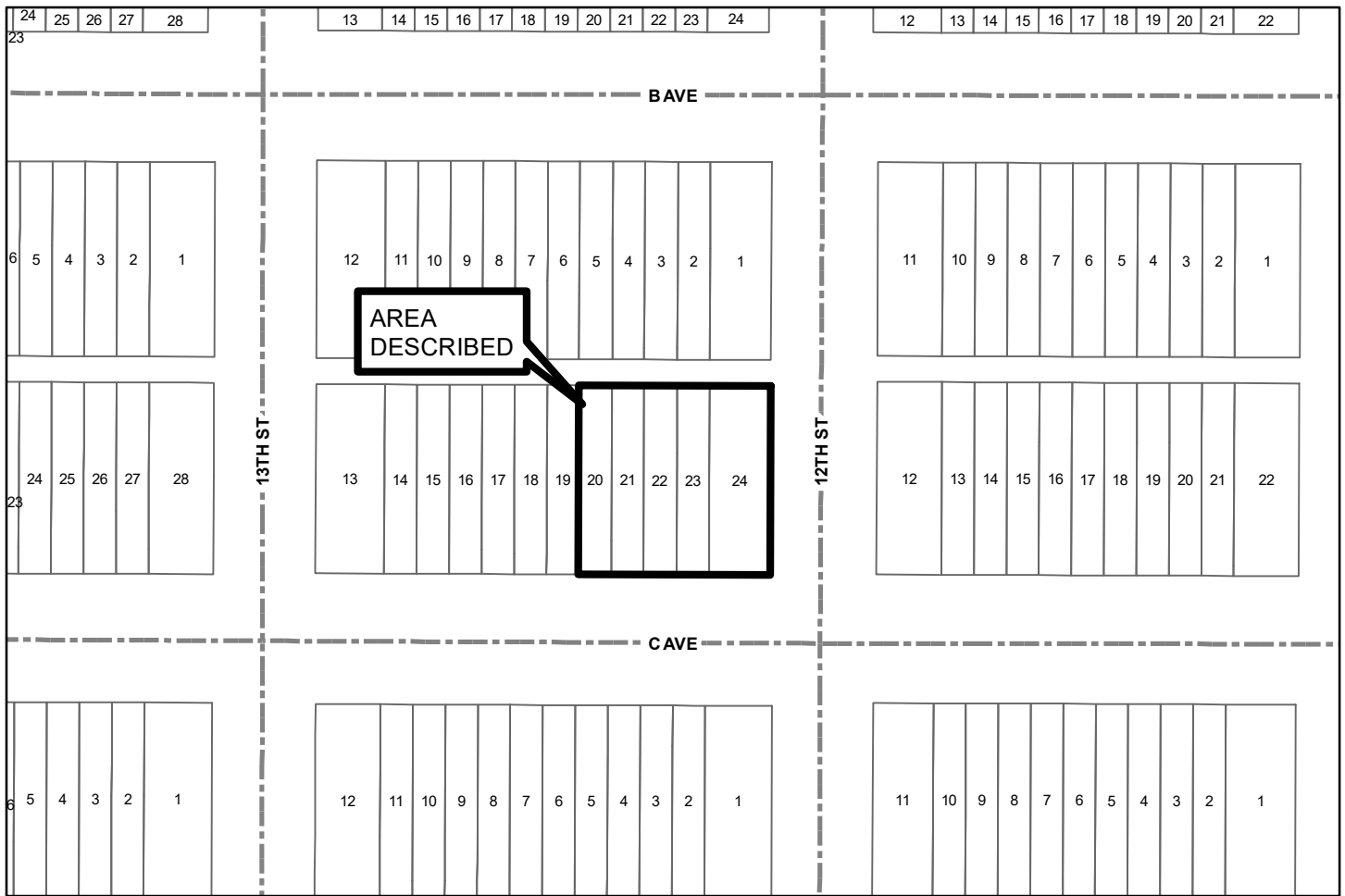
PASSED and APPROVED by the Council of the City of Lawton, Oklahoma, this 12th day of March, 2024.

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

(Published in *The Lawton Constitution* this ____ day of _____, 2024.)



AMENDMENT TO THE LAND USE PLAN AND REZONING

REQUESTED BY: Adetola Olanrewaju

PROPOSED USE:

Amend the 2030 Land Use Plan from Residential/High Density to Commercial; and change the zoning from R-4 High-Density Apartment District to C-1 Local Commercial District to construct a new day care facility.

AREA DESCRIBED AS:

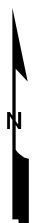
Lots 20-24, Block 8, Butler Addition, Lawton, Comanche County, Oklahoma.

Legend

--- Street Centerline

1201 SW C Ave

0 50 100 200 Feet





CITY OF LAWTON PLANNING DIVISION

212 SW 9th Street, Lawton, OK 73501
Telephone 580-581-3375 Fax 580-581-3573

APPLICATION FOR REZONING

1. Applicant(s): ADETOLO OLANREWASU Phone 580-458-0677
Address: 313 SW CORAL AVE Fax _____
2. Owner(s): OLANREWASU & KENESHA ADETOLO Phone _____
Address: 313 SW CORAL AVE Fax _____
3. Request Rezoning From: Residential To: Commercial
4. Proposed Use (including all buildings to be constructed)
From: Empty LAND
To: DAY - CARE
5. Street Address or Location: 1201-1205 SW C Ave
6. Legal Description of Property: _____

7. Tract Size: _____
8. In order that your application can be considered at the next available Planning Commission meeting, you must submit this completed application and all other information to include filing fee to the Planning Division for processing. Due to public hearing notice requirements the Planning Staff will advise you of the earliest date available for consideration by the Planning Commission and City Council. You must submit the following:
 - (a) A completed application form.
 - (b) Proof of ownership of the property or power of attorney from the property owner.
 - (c) Certified list of names and addresses of all property owners within 300 feet of the request. A map showing the 300-foot notification area will be provided to the applicant by the Planning Staff.
 - (d) A filing fee as required by Appendix A, Schedule of Fees and Charges, Lawton City Code.
 - (e) A site plan, basic or detailed, as required by Section 18-1-1-114 of the Lawton City Code. The site plan requirements of Section 18-1-1-114 are located on the back side of this application. Please note: if a detailed site plan is required, the site plan will be part of the rezoning ordinance and will be binding on the development of the property.
9. You may submit any other information you wish to support your request for rezoning.

Signature of Applicant(s)

[Signature]

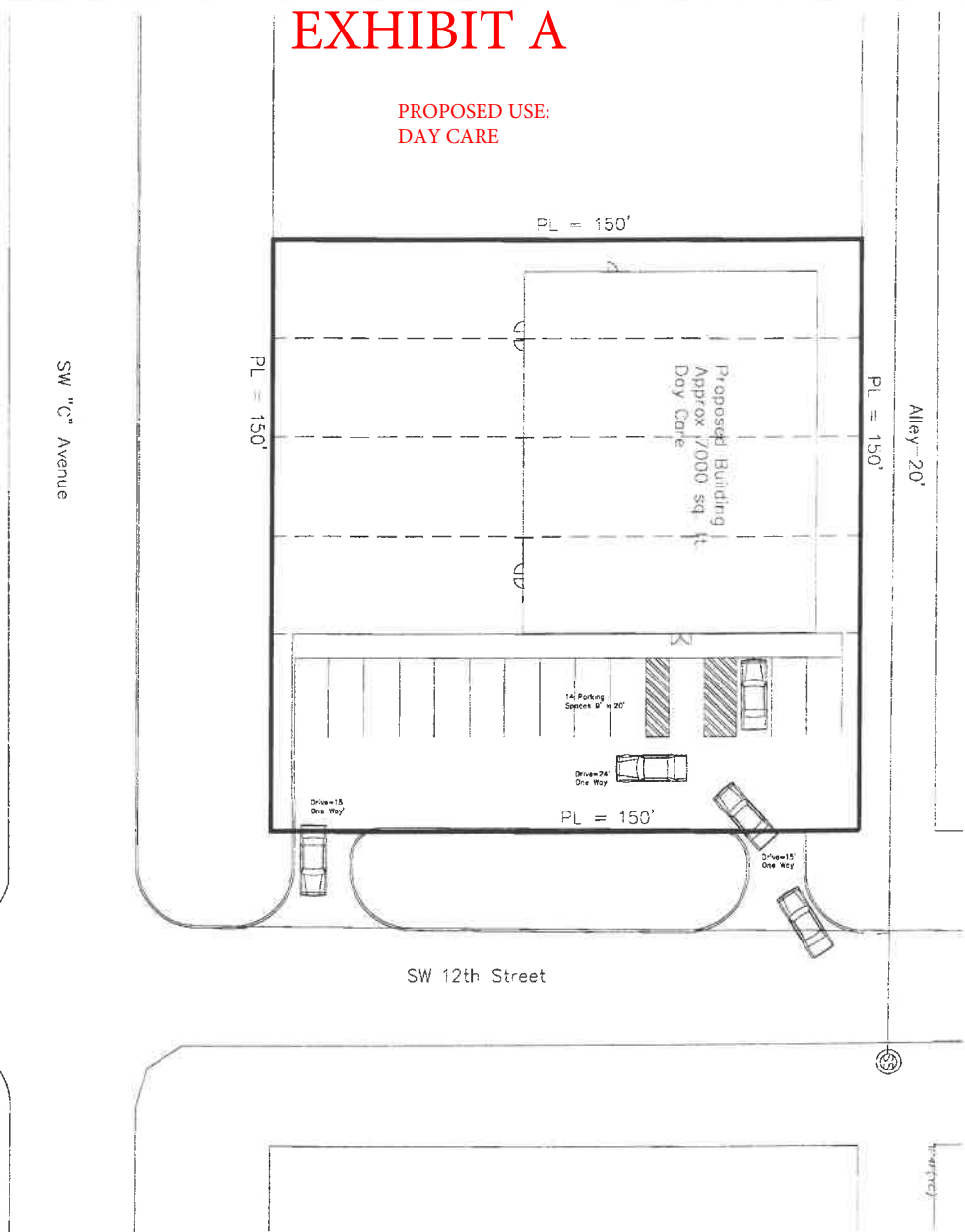
Signature of Property Owner(s)

[Signature]

Date Submitted: _____

EXHIBIT A

PROPOSED USE:
DAY CARE



Property Description
Lots 20 -- 24 Block 8, Butler Addition

Owner Contact Information:
Adelola Olanrewaju
313 SW Coral Avenue
Lawton, OK, 73505
email=Kladprie@gmail.com
Phone=580-458-0677

Blessed Day Learn and Play
1201 SW "C" Avenue
Lawton, Oklahoma



landmark engineering
(580) 357-2022
2505 N.E. Skyline Place
Lawton, Oklahoma
OK CA# 2015
SHEET TITLE: Resume Site Plan
PROJECT NO: 23gen24
DATE: 12/06/23
SHEET -- OF --

Copyright (C) 2023 by Landmark Engineering



Planning Division
212 SW 9th Street, Lawton, Oklahoma 73501
Phone: 580-581-3375 Fax: 580-581-3573

MEMORANDUM

TO: City Planning Commission
FROM: Charlotte Brown, Director of Planning & Community Services
STAFF: Kameron Good, Senior Planner
Tyler Pobiedzinski, Planner I
SUBJECT: Request for Rezoning and Amending the 2030 Land Use Plan for Property
Located at 1201 SW C Avenue, Lawton, OK 73501
MEETING DATE: January 11, 2024

The following is an analysis of the request for a request to change zoning from the R-4 High-Density Apartment District to C-1 Local Commercial District zoning classification and amendment to the 2030 Land Use Plan from Residential/ High Density to Commercial for the property.

Adetola Olanrewaju is the owner of lots 20-24, Block 8 of the Butler Addition. This property is located on the northwest corner of SW 12th Street and SW C Avenue. The land is currently vacant, and the proposed use for this property will be a children's day. This is a permitted use within the C-1 zoning classification.

This analysis is based upon criteria set out in Title 11, Sections 43-102 and 43-103, Oklahoma Statutes.

1. *To lessen congestion in the streets.* This property is located on the northwest corner of SW 12th Street and SW C Avenue. Only patrons expected to use the day care service are likely at this time.
2. *To secure from fire, panic, and other dangers.* This property is not within the 100-year floodplain. There is one fire hydrant located within 50 feet of the property. Located across the street on the south side of SW C Avenue. Two hydrants are located within 250 feet of the property. One on the southeast corner of SW B Avenue and SW 12th Street; the other located on the northeast corner of SW C Avenue and SW 13th Street.
3. *To promote health and the general welfare.* All construction, i.e., drives, parking, sidewalks, landscaping, etc., to meet all City Code requirements.
4. *To provide adequate light and air.* The proposed site is vacant, any new construction will have to amend the binding site plan. All construction will have to meet all City Code and building code requirements.
5. *To prevent the overcrowding of land.* The current site plan shows the parking lot and entrance facing SW 12th Street. This would not overcrowd the land.

6. *To promote historical preservation.* There are no historic buildings, landmarks, or overlays on the requested property. There are also no historic buildings, landmarks, or overlays on the adjacent properties.
7. *To avoid undue concentration of population.* The proposed zoning change from R-4 to C-1 will not bring additional residential living space to this area.
8. *To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.* The City of Lawton Public Utilities placed a 4" water line along the north side of SW C Avenue. Also located along the north side of SW C Avenue is an 8" water line. There is an 8" sewer line running through the alley north of the property.
9. *To conserve the character of the district and buildings and encourage the most appropriate land uses.* The proposed use is a children's day care and would change the 2030 land use plan of the property if the rezoning is approved. Based upon these facts, it is recommended the request be approved.



CITY OF LAWTON PLANNING DIVISION

Mailing Address: 212 SW 9th Street, Lawton, Oklahoma 73501
Phone (580) 581-3375 • www.lawtonok.gov

February 6, 2024

NOTICE OF PUBLIC HEARING ON AN AMENDMENT TO THE LAND USE PLAN AND A REZONING REQUEST REZONING REQUEST

Notice is hereby given pursuant to Title 11, Oklahoma State Statutes, and Section 18-1-1-114, Chapter 18, Lawton City Code, 2015, that the hearing scheduled for February 13, 2024, has been CANCELED and rescheduled to the dates below.

On February 29, 2024, at 1:30 p.m. in the Auditorium of City Hall, 212 SW 9th Street, Lawton, Oklahoma, the Lawton City Planning Commission will hold a public hearing and review the request.

Then on, March 12, 2024, at 2:00 p.m. in the Auditorium of City Hall, 212 SW 9th Street, Lawton, Oklahoma, the Lawton City Council will hold a public hearing and review, for the following purpose:

To consider a request for an amendment to the 2030 Land Use Plan from Residential/High Density to Commercial, and a change of zoning from the R-4 High-Density Apartment District to C-1 Local Commercial District zoning classification. The request would allow for a day care to be constructed at 1201 SW C Ave, Lawton, OK, 73501. Below is the legal description for the requested area:

A tract of land described as:

Lots 20-24, Block 8, Butler Addition, Lawton, Comanche County, Oklahoma

The above-described property is shown on the attached map as the "Area Described." Also attached is a proposed site plan for this request.

You are receiving this notice because your property is located within 300 feet of the requested area. If you desire to make a statement for or against said request at this location, you are invited to appear in person, by petition, or by attorney to so state your position to the City Council on the above dates.

If you wish to submit a petition to the City Council, it must be submitted to the City Clerk at least three (3) days prior to the public hearing. If you have any questions regarding this notice, please call the Planning Department at (580) 581-3375.

CITY PLANNING COMMISSION

A handwritten signature in blue ink, appearing to read "Charlotte Brown", is written over a horizontal line.

CHARLOTTE BROWN, SECRETARY

CITY OF LAWTON, OKLAHOMA

A handwritten signature in blue ink, appearing to read "Donalynn Blazek-Scherler", is written over a horizontal line. To the right of the signature is the text "-for-".

DONALYNN BLAZEK-SCHERLER, CITY CLERK

Attachment – Location Map
Site Plan

NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to Title 11, Oklahoma State Statutes, and Section 18-1-1-114, Chapter 18, Lawton City Code, 2015, that the hearing scheduled for February 13, 2024, has been CANCELED and rescheduled to the dates below.

On February 29, 2024, at 1:30 p.m. in the Auditorium of City Hall, 212 SW 9th Street, Lawton, Oklahoma, the Lawton City Planning Commission will hold a public hearing and review the request.

Then on, March 12, 2024, at 2:00 p.m. in the Auditorium of City Hall, 212 SW 9th Street, Lawton, Oklahoma, the Lawton City Council will hold a public hearing and review, for the following purpose:

To consider a request for an amendment to the 2030 Land Use Plan from Residential/High Density to Commercial, and a change of zoning from the R-4 High-Density Apartment District to C-1 Local Commercial District zoning classification. The request would allow for a day care to be constructed at 1201 SW C Ave, Lawton, OK, 73501. Below is the legal description for the requested area:

A tract of land described as:

Lots 20-24, Block 8, Butler Addition, Lawton, Comanche County, Oklahoma

Any parties having an interest and any citizens desiring to be heard shall be afforded an opportunity to be heard at said public hearing.

Given under my hand and seal of the City of Lawton, Oklahoma, this 6th day of February 2024.

CITY PLANNING COMMISSION

CITY OF LAWTON, OKLAHOMA


CHARLOTTE BROWN, SECRETARY

 - for -
DONALYNN BLAZEK-SCHERLER, CITY CLERK

(Published in *The Lawton Constitution* this 9th day of February 2024.)

CITY PLANNING COMMISSION
CITY HALL AUDITORIUM
January 11, 2024

Minutes of the City Planning Commission meeting held January 11, 2024, in the City Council Auditorium, City Hall, 212 SW 9th Street, Lawton, Oklahoma.

The agenda for the meeting was posted on the bulletin board in City Hall in compliance with the Oklahoma Open Meeting Act.

The meeting was called to order at 1:33 p.m. by David Denham.

ROLL CALL

MEMBERS PRESENT

David Denham
Deborah Jones
Michael Logan
Ron Jarvis
Neil Springborn
Allan Smith
Darren Smith
Melissa Busse

MEMBERS ABSENT:

Joan Jester (excused)

ALSO PRESENT:

Christina Ryan-Huffer, Recording Secretary
Kameron Good, Senior Planner
Tyler Pobiedzinski Planner I
Gregory Gibson City Attorney
Dewayne Burk Assistant City Manager
Gary Brooks
Kim McConnell Lawton Constitution
Leon Reynolds
LeAnn Enderle
Bernita Taylor
Arthur Thomas
Jerica Taylor
Casey Robinson
Kim Johnson
Spencer Brown
Mike Brown
Taron Epps
John Dunaway

2. Establish Quorum.

8 (eight) of (nine).

3. Verify posting of meeting.

BUSINESS

4. Hold a public hearing and consider an ordinance and resolution for the property located at 10925 SW Bishop Road, Lawton, OK 73505 to consider a request for a change of zoning from the Temporary I-4 Heavy Industrial District to I-4 Heavy Industrial District zoning classification and amending the 2030 Land Use Plan to include the parcel as part of the Industrial land use classification and take appropriate action as deemed necessary.

This item was stricken from the agenda.

5. Hold a public hearing and consider an ordinance and resolution request for the property located at 1201 SW C Ave, Lawton, OK 73501 to amend to the 2030 Land Use Plan from Residential/ High Density to Commercial, and a change of zoning from the R-4 High-Density Apartment District to C-1 Local Commercial District zoning classification and take appropriate action as deemed necessary.

Denham asked Kameron, you handling this one?

Good stated Yes, Sir. Cameron, good City planning division. This is a request for an amendment to the land use plan from residential high to commercial and a change of zoning from the R4 apartment district to the C1 local commercial district. This is located on the northwest corner of 12th and C lots 20 through 24. As you can see from this aerial, the land is currently vacant. The proposed use is a daycare. There will be two curb cuts on the 12th St. and none on the C Avenue portion. Like I said, the current zoning is R4. You have R4 to the north, the West and the South and C5 to the east. The proposed zoning, as shown on this map is C1. The Land Use is high density residential and the proposed would be Commercial. The proposed use of a daycare is permitted in the C-1 district. It is also a Use Permitted On Review in the R-3 and R-4 Apartment District. This was sent to 24 property owners within 300 feet on December 20th and posted in the Lawton Constitution on December 26th.

Denham asked did we hear anything pro or con?

Good stated we did not receive any phone calls for or against this or any letters for or against this.

Denham asked any questions of Kameron before I open the public hearing? Go ahead, yes.

Jones asked Kameron, was there any reason why we the applicant wouldn't consider a Use Permitted On Review in R-4.

Pobiedzinski stated Tyler, with the Planning Department. The reason why is because for the Use Permitted On Review. It would be you would also have to build the building design and sign and shall match the character of nearby residential homes and they felt that just doing a blank building itself as just a daycare because there's a lot of it wood and it wouldn't have matched the homes next door.

Jones asked may I ask did they discuss what kind of architectural standards they intend to use for the commercial building?

Pobiedzinski stated they didn't get into the details about that. No.

Brown stated they would still be required to meet our architectural standards for the streets and the residents.

Jones stated I was just curious, you know, because it's an older part of town and it's mostly certainly it's mostly wooden structures, bungalows, but OK.

Denham stated ok I'll go ahead and declare the public hearing open anybody would like to come speak for or against this project please approach the podium and give us your name, sign in and tell me what you have to say. Seeing no one approach, I'll close the public hearing members of the Commission. What's your pleasure?

Jones stated I move that we make a recommendation to the City Council for a request for an amendment to the 2030 Land Use Plan for Residential High Density to Commercial and a change of zoning from R-4 High Density Apartment District to C-1 Local Commercial District zoning classification for the property located at 1201 C Avenue.

Motion by Jones. Second by Logan to make a recommendation to the City Council for a request for an amendment to the 2030 Land Use Plan for Residential High Density to Commercial and a change of zoning from R-4 High Density Apartment District to C-1 Local Commercial District zoning classification for the property located at 1201 C Avenue. **Aye:** Jarvis, Jones, Smith, Medders, Logan, Springborn, Denham, Busse **Nay:** None. **Motion Passed.**

6. Hold a public hearing to consider a request for a Use Permitted on Review to allow a dormitory-style shelter for homeless youth located in a Public Facility (P-F) district. The request is located at 714 SW 45th Street, Lawton, OK 73505 and take appropriate action as deemed necessary.

7. Hold a public hearing and consider an amendment to Chapter 21, Lawton City Code, 2015, that amends Sections 21-1-107 and 21-8-804, Chapter 21, Lawton City Code, 2015, by modifying the definition of knuckle and modifying figure 4.1, providing for severability, establishing an effective date and allowing floor amendments.

8. Consider approving the Record Plat for Lawton Marketplace – Phase II and take appropriate action as deemed necessary.

9. Hold a discussion on considering approving the NCS/Day Center Project location, the old Roosevelt Elementary School, 1502 SW I Avenue, funded through the FFY 2021 HOME-ARP Grant.

10. Commissioner's Reports or Comments.

Denham stated once again welcome, Melissa that normally these aren't this long, but it was an unusual one to say the least. And also, I wish John Jones all the best and we will no longer have to distinguish between D Jones and J Jones in future minutes.

Jones stated Yeah, I I don't know how to so the roll call anymore. I'm listening to that second Jones.

Denham asked any other Commissioner comments?

Jones stated Yes, I have one. And you know what it is? It's 2024. 2024 and we don't have a land use plan. We don't have a transportation plan. We don't have any comprehensive plan and so my recommendation to the Council, and I hope you'll join in this, is they take some of their CIP money. They seem to have earned some extra money. And they hire a consultant to do what we used to call a 701 Comprehensive Plan. The 701 Comprehensive Plan takes into account the Land Use Plan first, then the Transportation Plan combines all of the plans that your Public Works Division has in water, sewer, new water sources it takes into account the Parks Plan that they just approved and tries to bring all that stuff together where when the Council is making investments like an arterial. Which one do we pick? Which one is congested? Where's the growth? We need some guidance for ourselves, for our Council, and when you have, I don't know how the staff does it 50 (fifty) committees on the Council. Who actually don't even know what they're doing in terms of whether they're in conflict with each other or what the sequence is of how to get a project done. I mean, it's just not fair to the staff either. You know, they're trying to move things along they have got to realize that you can't just wing it. We need a guide for this City. Thank you. Happy New Year.

Denham stated thank you, DJ. We have addressed that. We've addressed that in LMPO. We have done traffic studies and we had this so close to being done but apparently when we don't do it in house, it cost a lot of money.

Jones stated I don't care.

Denham stated and so you're right, we're finding millions here and millions there. So, we're on the 2030 Land Use Plan and I think we need a 2050 Land Use Plan. So, we're only 20 (twenty) years behind and that's pathetic and it just like I say another item only money can fix.

Jones stated everybody knows on this Commission when you make a mistake in infrastructure, when a new development and I'm thinking folks, we've had new Subdivisions come to us for the first time, and I can't remember when you know for moderate income houses. If you don't have a sewer because you didn't calculate that growth in that quadrant, it cost you more millions because that now you got to build either God forbid a lift station and a sewer, and you know all of these things. It all costs money. But they're not. They need an investment.

Denham stated good job. Happy New Year too, DJ. All right. Any other comments, Commissioners?

11. Secretary's Report.

Brown stated so, I appreciate the candor, DJ. And I completely understand where you're coming from. Trust me, we do have, I will say we do have the consultant working on the MTP, the Metropolitan Transportation Plan that is underway. We finally got the final executed contract. So, we are working on that and my plan is to go as the City Manager for \$450,000 in the next budget year so that we can get the Land Use Plan updated. So, I we are working towards that but.

Jones stated in all honesty, when you have a Capital Improvement Plan as large as we have, you do not need to fund this out of the General Fund. You need to help. The staff needs help and guidance and the Council needs help and guidance, and yes, the Land Use Plan and Transportation Plan will help us enormously that I've been here when we had subdivisions that didn't have sewer, and the developers were not happy. You know it's a big investment. And so let's plan for growth not staying the same.

Brown stated Yes. Yes. And we will take a look at the CIP. I don't know that the way they did it when they did it this last time, if they included anything that we can use it for use it under, but we will, we will take a look at it and I know don't make that face.

Jones stated find the fuzziest attorney we have and we'll do it.

Brown stated Greg. And then the Fire View Plats that you guys recommended approval for at the last meeting will be coming back. There are some changes that need to be made to it. So, it was pulled off the Council agenda this week. So, we'll be bringing that back as soon as we get the redraft from the surveyor.

Denham stated thank you. Anything else? I hesitate.

12. Comments from the Public.

Denham stated seeing none, I will entertain a motion to adjourn. I got a motion and seconds. All in favor. Say aye. Aye. Any opposed. You're crazy. All right. We are adjourned.

13. Adjournment.

Denham stated I got a motion and second.

Motion by Logan, Second by Meaders to adjourn the meeting. All in favor. Say aye. Aye. Any opposed. You're crazy. All right. We are adjourned.

With no further business meeting was adjourned.

DRAFT

CITY PLANNING COMMISSION
CITY HALL AUDITORIUM
February 29, 2024

Minutes of the City Planning Commission meeting held February 29, 2024, in the City Council Auditorium, City Hall, 212 SW 9th Street, Lawton, Oklahoma.

The agenda for the meeting was posted on the bulletin board in City Hall in compliance with the Oklahoma Open Meeting Act.

The meeting was called to order at 1:30 p.m. by David Denham

ROLL CALL

MEMBERS PRESENT

David Denham
Melissa Busse
Ron Jarvis
Joan Jester
Deborah Jones
Darren Medders
Michael Logan
Neil Springborn

MEMBERS ABSENT:

Allan Smith (excused)

ALSO PRESENT:

Christina Ryans-Huffer, Recording Secretary
Charlotte Brown, Director Community Services/Planning
Kameron Good, Senior Planner
Christine James, Interim Planning Director
Madison Aust, Community Services/Planning Admin Assistant III
Gregory Gibson, Assistant City Attorney
Dewayne Burk, Assistant City Manager
Chris Boyd, CBDL Inc
Richard Rogalski
Laura Yeager
Gary
Terry Nieves
Garl Fountain
Tamara Passuet
Doug Brown
Mark Gibson
Timothy Stephens
Leon Reynolds
Linda Chapman
LeAnn Enderle
Kirsten Sellens
Jacquelyn Thomas

The meeting has established a quorum and was posted according to the Oklahoma Open Meeting Act, 25 O.S. 301-314.

NEW BUSINESS

2. Consider approving the minutes from February 15, 2023, regular scheduled meeting

Note there is a scrivener's error the agenda should read February 15, 2024. All attached documents are the February 15, 2024 documents.

Motion by Jarvis. Second by Medders to approve the minutes from February 15, 2024, regular scheduled meeting as written **Aye:** Busse, Jarvis, Jester, Jones, Medders, Logan, Springborn, Denham **Nay:** None. **Motion Passed**

Denham stated we are going at this time to move Item# 6 on the Agenda to Item #3 just move it up to now.

6. Hold a public hearing and consider an ordinance for a 32-acre tract of property located west of Northwest Goodyear Boulevard, east of 112th Street, south of Northwest Cache Road, and north of Southwest Lee Boulevard for a change of zoning from the Temporary A-1 General Agricultural District to I-4 Heavy Industrial District zoning Classification and take appropriate action as deemed necessary

3. Consider approving revisions to the City Planning Commission's Rules and Regulations in an effort to more closely reflect the established "Council Rules of Procedures" as listed in Council Policy 1-6, allowing for floor amendments and taking appropriate action as deemed necessary

4. Hold a public hearing and consider an ordinance and resolution request for the rezoning of the property located at 1201 SW C Ave, Lawton, OK 73501 amend the 2030 Land Use Plan from Residential/ High Density to Commercial, and to change the zoning from the R-4 High-Density Apartment District to C-1 Local Commercial District zoning classification and take appropriate action as deemed necessary

Good Stated good afternoon. Kameron Good with the Planning Division. This is been brought to you before on January 11th. This is being brought back to you because of a Notice error. The wrong City Ordinance pertaining to which type of public hearing to be administered was listed in the notice and so that has been corrected and re-noticed and that's why this item is being brought back to you. Just to run through it real quick this is located at 12th and C on the northwest corner, Lot 20, 21, 22, 23 and 24. The current land is vacant. The proposed use is a daycare. As you can

see on the site plan, both curb cuts would be off of 12th Street. The existing zoning is R-4 with R-4 to the North, West and South and C-5 to the East. The proposed zoning is C-1 Commercial. The existing Land Use map is Residential High Density, with the same to the North, West and South and the existing to the East is Commercial. The proposed is switching it to Commercial. This is also a Use Permit on Review within the R-3 and R-4 District but there is a stipulation that the building must match the architecture around it. That is why they have requested C-1 zoning instead of doing the Use Permit on Review. This was noticed to 24 property owners within 300 feet on February 7th and posted in The Lawton Constitution on February 9th with no phone calls or letters received for or against it.

Denham stated thank you Kameron. Anybody have questions for Kameron before I open the public hearing?

Jones stated if you look at that, it looks like spot zoning. I mean yes across the street you have C-5 but I'm a little curious why they couldn't build something that surrounds that area. You know it's mostly bungalows with wood and there's a variety but there is a number of materials they could use.

Denham asked is the applicant here?

Good stated I don't believe so.

Jones asked did he express to you any reservations about building materials or architecture?

Good stated I think the intent is to go with a metal building with the exterior finish being approved material by you know, City Code. So, not going with the wood siding or that some of the houses have around there.

Jones stated okay, thank you.

Denham asked any other questions? Alright at this time we'll go ahead and declare the public hearing open anybody would like to come speak for or against this item please approach the podium and give us your name. Seeing no one approach I'll close the public hearing. Members of the Commission what's your preference here? Any further discussion?

Motion by Jarvis, Second by Medders to recommend approval to the City Council for an amendment to the 2030 Land Use Plan from Residential/High Density to Commercial, and a change of zoning from the R-4 High-Density Apartment District to C-1 Local Commercial District zoning classification for the property located at 1201 SW C Avenue, Lawton, OK 73501
Aye: Medders, Logan, Springborn, Denham, Busse, Jarvis, Jester **Nay:** Jones. **Motion Passed.**

5. Hold a public hearing to consider a request for a Use Permitted on Review to allow a dormitory-style shelter for homeless youth located in a Public Facility (P-F) district. The request is located at 714 SW 45th Street, Lawton, OK 73505 and take appropriate action as deemed necessary

Good stated good afternoon this item has also been brought to you before to you on January 11, 2024. The same mistake was made in the Notice with the Section of Code that was referenced to the wrong City Ordinance pertaining to which type of public hearing was being administered so that was corrected and re-noticed. To run through this one real quick. This is located off of 45th Street North of Lee Boulevard at 714 SW 45th Street. The applicant has submitted for a Use Permit on Review to do a dormitory-style shelter for homeless and school aged children to be located within the existing gymnasium. Here's the arial for that area, you can see that the existing structure on the north portion of it with the existing gymnasium on the south portion of the buildings. The site plan as shown here is to re-model the existing building and add an additional parking lot on the southside with one point of entry onto 45th. The current zoning is P-F with P-F to the North, R-1 to the West and South and R-4 to the East. This is a kind of rendering of what the building is supposed to look like and then with also a master plan for future plans for MIGHT. This was noticed to 51 property owners within 300 feet of the requested area on February 6th and posted in The Lawton Constitution on February 9th. The Planning Division did receive a phone call in favor of the Use Permit on Review and a petition has been filed against the Use Permit on Review. That petition was included in your, a map of that petition was included in your packet, as you can see on the map it depicts how many are within 300 feet of the requested area. It does not, there is no threshold on a Use Permit on Review as far as how many there would need to be filed to make a Super-Majority. That is not an option on a Use Permit on Review, it's only an option on Re-zonings but this petition still was presented to the City Clerk's Office and is being presented to you guys.

Denham asked is it the same petition?

Good stated it's the same petition that was presented at the last meeting, correct.

Denham asked what's the difference between the advertisements on these public hearings that have caused this?

Good responded because it was referencing the re-zoning section of Code at the top of the newspaper notice. It reference a section of City Code that talks about who needs to be noticed, how many people need to be noticed, and stuff like that. It was referencing the Re-zoning one, which is 114 and the Use Permit on Review is 113.

Denham stated okay.

Good stated with that being said this was recommended for approval with conditions last time. The conditions was to add a 8 (eight) foot fence around the property and to verify that the existing building met all the parking requirements. Staff did look into that and the existing facility does meet all the parking requirements and then the applicant would like to speak on the fence itself.

Denham asked and this Fire Marshall background that looks to be new as well?

Good stated yes the Fire Marshalls and Public Utilities have reviewed the request. Public Utilities made a comment that the new parking lot shall meet City Code of Lawton City Standards and that a sidewalk with crossing per ADA and City requirements for the new portion

of that on the site plan. The existing one does not have side walks or ADA ramps aren't shown on the site plan. So that was when this was sent out to everyone for their review, the site plan that was Public Utilities that was their comments and the Fire Marshall's comments.

Brown stated David I would also like to say that the other recommendations from DJ was that we get with Councilwoman Chapman on the speed bumps and we did pass it along and she is working with Engineering to get one installed out there.

Denham stated excellent. Very good, thank you.

Good stated and the applicants are here.

Denham stated alright. Any other questions of Kameron?

Brown stated I was told the speed bump has already been installed.

Denham stated very good, very good. Thank you Councilperson Chapman, good job. Okay go ahead and declare the public hearing open. Anybody that would like to speak for or against this item please approach the microphone and give us your name and address and I'll need you to sign in too please.

Reynolds stated good afternoon.

Denham stated welcome back Sir.

Reynolds stated my name is Leon Reynolds, I am at 734 SW 45th Street. I have a few questions. First I'd like to see to make sure how everything is supposed to play out. So, on the way I think, this facility is supposed to get a Government Grant which ups the property value, which then us that lives there, our property tax goes up.

Denham stated if your property value goes up.

Reynolds asked so would it go up if they get a half a million dollars invested?

Denham responded no that doesn't have anything to do with, your property is not getting a half a million dollars.

Reynolds asked but the property value in the area doesn't get affected at all? With me living right next door? When you look at it, I'm literally right next door.

Denham stated it really don't affect your property per say but that's the Assessor's job, not ours.

Reynolds asked next question, you see how when we were just speaking on the property on C Avenue, they had a picture of how it will be re-zoned, we haven't seen what the re-zoning would look like yet?

Denham stated it is not a re-zoning.

Reynolds asked I thought this was a re-zoning?

Denham responded it is a Use Permit on Review request, so, that's why we're here again because it's just saying will we approve this use for this facility. So, it's still Public Facility zoning so that does not change.

Reynolds asked so the zoning now doesn't change?

Denham stated correct.

Reynolds asked so then speaking on the speed bump, when we were discussing the speed bump we were speaking on the people coming into the neighborhood going to this facility, right? So, you put the speed bump right there where they have to stop anyway. How does that make sense?

Denham responded I don't know where the speed bump is.

Reynolds asked can you go back to another picture, go back to the next one. So, you have them coming around the curve or they're coming off of 45th Street.

Denham stated so you're heading north.

Reynolds stated so you're coming around this curve to get here or you're coming down 45th Street to get here, the speed bump is right here, where they have to stop anyway. So, these people here where they're speeding here and they're speeding around this curve, the speed bump doesn't really help where you're going to stop anyway. Do you understand what I am saying?

Denham asked what makes them stop there? Is there a stop sign?

Reynolds stated no, there is no stop sign there.

Denham stated right.

Reynolds stated these are the people coming to pick their children up from the daycare center, right? The speed bump is right here. They're speeding coming down this street around this curve, then they're coming down 45th from like the Vo-Tech speeding this way. The speed bumps should have been placed on the curve or before you get to the church. Not where you have to stop anyway. Is that understood?

Denham stated I personally would want a speed bump on the straight away not the curve, or the turn but I don't have anything to do with that.

Reynolds stated not where you have to stop at anyway.

Denham stated only the people that are turning are going to stop there. So, the only people speeding are people that are going into the church?

Reynolds stated not the only people but the daycare is. If you come, like they said about the refinery, if you come at 7 or 8 o'clock in the morning, watch out you might get hit. They're trying to drop their kids off because they're running late. If you come 5 o'clock or 4 o'clock in the evening you got to get your kids out of the street because they're speeding past, remember I told you I put the cones out and the Police told me to move the cones. Because they're speeding past. And then at the last meeting they openly said they were going to get with the public to try

like he said public relations, no one has spoken to anybody in the public as of yet. Then on yesterday certain people, not me, that live right next door because I openly opposed them, certain people got these letters of how they want to start a Neighborhood Watch to make it look like they're doing something for the community. I can show you where we already have a neighborhood watch. Now we have, it says on this letter they're going to have City Councilman Linda Chapman, as well as Sgt. Matt Dunne and they want to set people up how to do a Community Watch. That has already been established, at least 7 (seven) years I've been there. Why not get with first the Community that already do this. We just had an incident about a week ago, someone was going through peoples back yard, he had on a gray hoodie on a silver bike. We go on a rode around the neighborhood, everybody locked their stuff up. This is already in play but now the Council person and the Police want to get involved because the money called them, not because they were worried about the community because.

Denham stated that's unfair speculation, Sir. So, okay let's stick here they were told to reach out. We have Councilperson Chapman right here so you have a few questions.

Reynolds asked Councilperson Chapman in this Community?

Denham stated no you can't talk to her, I'm just saying, what are your other concerns and she will come up and speak after you.

Reynolds stated one of my other concerns is like, we already have barbecues and cookouts. We already do things for the community. They have not been involved. I would like to know who is responsible for seeing because they claim they claim they are a church but they don't have a congregation, nobody comes to church there. Then is MIGHT under the church or is the church under the MIGHT or like who's responsible for making sure that this because Mr. Brown was speaking highly of them but Mr. Brown is ex-City Council person who already gets so many construction deals anyway. So, if Mr. Brown already have friends in the City Council and he's speaking to them I am wondering now who's getting kickbacks.

Denham stated now okay we're done. Go head thank you. Did you sign in?

Reynolds stated yes Sir.

Denham stated thank you Mr. Reynolds. Mrs. Chapman.

Chapman stated Linda Chapman, 803 NW 41st Street, Ward 3 City Council. MIGHT is included in my particular Ward. I was not at the last CPC meeting but I did understand there was lots of concern about traffic and speeding through that area. I have visited that area many times I have gone through MIGHT, several times and I'm so impressed with this whole facility. Getting back to the speeding, I talked with Larry Walcott and asked for some recommendations on where the Streets Department thought would be the best location for that speed table and he came up with a couple of them but I said, in fact I think he came up with 3 (three) and I said which do you think is the very best and he recommended where the speed table is where it should be right now. Second issue with the gentleman before me as far as I know as the 4 (four) years I've been on City Council; we have not had a Neighborhood Watch in that particular area. No one has contacted me and I very much in favor of the Neighborhood Watch meetings and as a result, I

met with Bishop Dunnaway, Bernita Taylor, Sgt Demit and we got together thinking how can we bring people together in this neighborhood to help facilitate what was going on there. So, yes we are having our first organizational Neighborhood Watch this coming Tuesday to get the community together for a variety of reasons what a Neighborhood Watch will do. So, I wanted to let you all know those two things.

Denham stated well thank you very much and getting speed tables into a location in a month and a half is almost unheard of, so good job and we need to get the Neighborhood Watches are coordinated with Neighborhood Watches. You can't have a Neighborhood Watch without Police involvement. Correct?

Chapman stated correct, plus there is that title misinformation so much out there just like the different questions the gentleman was asking. We can resolve some of those with an organizational Neighborhood Watch.

Denham stated thank you.

Chapman stated you're welcome.

Denham asked alright anybody else like to come and speak?

Enderle stated my name is LeAnn Enderle I reside at 316 NW 32nd Street. I also own a house directly across the street from the driveway that goes into the, I still call it a school, a school that was bought and it is now a church and know I hear that they never have church services there, it's only a daycare center and it's MIGHT and yeah it's all very, very, very confusing. I've been to all these meetings and I did hear on Neighbor that they are going to have a meeting, I thought it was going to be Monday not Tuesday but I'll have to look at my calendar and I was kind of confused about that too because I was told that we already have a Neighborhood Watch there and that's why got together and we did the petition that we did that we submitted back in January and then you guys didn't even have it and then it got put on and so forth. So, it sounds like the left don't know what the rights doing half the time so that's why I keep coming to these meetings because I feel like I need to be more informed and also more participation in what goes on in the City that I live in, retire in and probably die in. I have so many questions about this because we were told that it's going to be a 10 (ten) to (twelve) homeless boys from ages 13 (thirteen) to 17 (seventeen). Now those are all considered minors and so I'm sure everything is closed, that we can't find out if any of those kids have got any priors or you know if they've committed any crimes at all whether they be misdemeanors.

Denham stated I'll address that, at the last meeting Mrs. Taylor did say that there's a very heavy screening process on that.

Enderle stated she said that. She did say that. She did not say whether or not those children that would be there had previously committed any crimes.

Denham stated they're not going to put them there if that is the case because they're the ones that can screen. They can't put that public out there but there's thousands of homeless youth in this Community and we're talking 10 (ten) or (twelve). So I'm sure it's going to be screened very meticulously.

Enderle stated I also talked to several school teachers that teach in the Lawton School District and I says how do they know there's over a thousand homeless children in that age group and she says really simply by 2 (two) different teachers that if a kid comes to school and says he got into a fight with his parents and he's living on grandma's couch or he's living with a neighbor down the street living on their couch, they are they become homeless and again going back to what Mrs. Taylor said she was going to try to reunite them back into the system, if they wanted to get a job they would give them transportation to and from the job. They would try and reunite them with their parents so they could eventually go back and live with their parents and they would have all these.

Denham stated so you've answered your own question, okay.

Enderle stated no, that's the problem. I'm still saying this we're going to have so many more cars coming and going for all those meetings, all those appointments, all those reuniting, all those times they're taken to and from work it's like, yeah so we needed if you really want to go back to that Planning is around that corner coming down and also from Lee going up, that's where everybody is speeding. Not right in front of where that old school is, which is now the St. James Church. That's where everybody stops to either pickup or drop off their kids. So, putting a bump there is just totally a waste of money.

Denham stated that point has been addressed and Mrs. Chapman understands that. They are temporary anyway so they can be moved.

Enderle stated actually I was the one that notified Mrs. Chapman. She was the one that responded through an email and she apologized that you know wish that she could do something because you know you can only have 3 (three) and that really got me upset. Oh, we're only allotted 3 (three) per Ward. So, I was thrilled when I just found out today that she did push and try to get one in there but they didn't ask anybody in the neighborhood where would the best place, where does everybody speed at.

Denham stated the Lawton Transportation guy, but anyway that's been discussed and what's next?

Enderle asked okay so my question is can we as a neighborhood that are within 300 feet, that got this letter, can we before you table anything, before you approve anything, can we meet with this Mrs. Taylor and all those people this next week at and find out more information so that we can know whether or not we're for or against this? What little information that we have been told, we're putting our heels down and saying no, not only no but hell no. We don't want this. I have talked to another person just a week ago and they live in Oklahoma City and I was at one of these other meetings, not the Planning meeting, the Council meeting and she was from Oklahoma City and she said oh yeah you don't want one of those homeless things across the street from you. She says that I got one in Oklahoma City and she says my neighborhood has gone down hill ever since then and that was from somebody that has a homeless one in her neighborhood in Oklahoma City and so it's like all I hear is bad. I don't hear anything good and that's why I wish we could have some time to be able to hear more good and have it concrete not just Mrs. Taylor saying, you know, we're going to help these homeless children and it's for the

children and they always want to pull at the heart strings. I've got 9 (nine) children. I'm not against children. I love children but I don't want the more traffic in that neighborhood and problems with what comes with things like that.

Denham stated okay.

Enderle stated thank you.

Denham stated Mrs. Enderle we are a recommending body. We're going to make a recommendation and it will go forwarded to Council. So, I would encourage you and your group to get with Mrs. Taylor between now and the Council meeting. Is that been scheduled yet?

Brown stated yes. March 12th.

Denham stated March 12th.

Enderle stated the letter say March 12th.

Denham stated so I would encourage you to get with Mrs. Taylor and see if you can have that meeting before Council regardless of what happens here.

Enderle stated I was hoping she would have been here today.

Denham stated she's out of town. She wasn't aware of this either.

Brown stated you may be able to speak to this group right here. They're part of this development as well.

Denham stated thank you.

Boyd stated how you guys doing, Chris Boyd, 7501 NW Wycliffe Lane. I represent CDBL and I just wanted to talk about the 2 (two) recommendations we had when we came through the last time. The one Kameron already mentioned, the parking requirement, we meet that requirement already. The other was the 8 (eight) foot fence. The facility now from the west side in between the building and the gym, there is a fence and there's a fence from the northeast corner, actually the east side of the gym it goes around and encloses the playground area. That is an existing 6 (six) foot fence, which is the area, I believe, that we were asked to put an 8 (eight) foot fence up and so I would like you guys to consider allowing the 6 (six) foot fence to stay and not to have to replace it with an 8 (eight) foot fence. The price to remove that and re-install is about \$ 34,000 dollars. So, I just wanted to bring that up for your consideration.

Jones stated I'm sorry it is very difficult for me to read the site plan. Are you proposing also looks like remove, I'm not sure the word, around your parking lot to the south, be the southeast a fence?

Boyd responded no ma'am.

Jones stated well, Pastor Logan made this recommendation. Would you be amenable Michael to leaving the 6 (six) foot fence where it is, instead of the 8 (eight) but I would like the parking lot to be fenced.

Boyd asked you want us to put a fence around the parking lot and a gate entry to the parking lot?

Jones stated no, not a gate just a fence. There was a concern that the children might run across the street, wasn't it Pastor and I believe you raised the fence, and so it's just another physical barrier. I don't really care if it's 6 (six) foot or 8 (eight) foot but the neighborhood wanted it.

Boyd stated well there is 2 (two) egress doors, one on the southside, one on the northside. The one on the north will go into the fenced in area, which is really a back door, the one on the southside is the front door. So, if we put it behind a fence, I'm not sure where we would put a fence and you would have access to the parking lot.

Jones stated you see it is hard for me to read this. Can you fence this?

Boyd stated I can't see that.

Jones stated you can't see it either. Okay right there, leave that open, leave the driveway open, just put it that way the neighborhood concern is addressed. Everywhere you're active there's a fence.

Boyd stated you could but I (inaudible).

Jones stated that may help me immensely.

Boyd stated so I have given Ms. Jones a drawing that shows where the existing fence is highlighted. They asked me to come back.

Jones asked oh they asked you to step back?

Boyd stated to step back to the microphone.

Denham stated they, we can't hear yall's conversation. Public hearing.

Jones asked this is an existing parking lot?

Boyd stated correct.

Jones stated okay. This red line represents the fence that's there?

Boyd stated that's correct.

Jones asked you wish to reduce the height of the fence where?

Boyd responded I wish to not have to remove that fence to install an 8 (eight) foot fence, that's correct.

Jones stated yes. Okay is this 6 (six) foot all the way around?

Boyd stated that is correct.

Jones stated okay that clears him and I.

Boyd stated and the parking lot is right here. The front door is right down here on this corner and the back door is right back there.

Jones asked so, you're going to flip? The parking lot is right here.

Boyd stated well no, the parking lot for that facility only, is on the southside of that facility. That parking lot is not, that has nothing to do with what we're doing here we have to do an additional 8 (eight) parking spaces for that facility.

Jones asked for this?

Boyd stated yes ma'am. It's completely separate.

Jones asked then why can't we put 6 (six) foot there?

Boyd responded I mean we can, but it just I don't know, I don't see what you'd gain doing that.

Jones stated I understand your position.

Boyd stated yes ma'am.

Jones stated the motion we were trying to come up with is satisfy the neighborhood's concerns.

Boyd stated yes ma'am.

Jones stated plus let MIGHT do what it needed. Do you want to waive that? They're going to put a parking lot here.

Logan asked okay so public access?

Deputy City Manager Dewayne Burk made comments regarding meeting procedures.

Denham stated guys, we're.

Jones stated I'm trying to get a word in, what the heck is going on.

Denham stated but nobody else can see the map. Great point. Thank you.

Jones stated Darren we've already made these conditions.

Medders stated and I agree. I agree with you.

Jones stated and he wishes to.

Denham stated alright 2 (two) seconds. No, I'm teasing.

Reynolds stated we were under the impression at the last meeting because the fence that he is talking about goes around the building and the little playground. They own the rest of the field, which we thought was supposed to be fenced in. That's what we were under the impression, she was talking about because the rest like all of that field to the south, is still their property. So, I'm thinking they're going to fence the property not just right around the immediate building.

Denham stated no this was due to this specific use and this area of that property.

Reynolds stated so they don't have to fence it in.

Jones stated for the premises that are being used and I was called about this and the Pastor was called about this. We do not, we never intended acre after acre that was vacant to be fenced. We, the playground, the parking lot and the buildings were specifically mentioned. Now, my knowledge, you're asking us to amend that condition on the fencing to allow a 6 (six) foot fence.

Denham stated okay let's wait so we can deal with that on the, after the public hearing is closed.

Jones stated okay.

Denham asked Mr. Boyd were you done?

Boyd responded yes Sir.

Denham stated okay. Anybody else?

Sellens stated my name is Kirsten Sellens, I am the Secretary for MIGHT Executive Board. So, I'm not going to rehash but I do and did hear some of the comment regarding the speeding and the cars and I can tell you I have been one my youngest son who is 26 (twenty-six) attended Country Club. The traffic was big time back then and there's hardly anything, I have been currently there at 7:00 am, I've been there at noon, I've been there at 4:00, I've been there at 5:00. It's typical afternoon traffic. People coming home. People leaving to go to work. As far as addressing the community in that area or the neighborhood, if folks would come March 5th, they can talk with Mrs. Bernita. She said come on, they've left flyers with everybody, at everybody's home to let them know about this. Councilwoman will be there; the Sgt will be there. I think what we're all possibly losing sight of here is the fact that we're talking about homeless children. These are children who do not have a parent or parents, currently, whatever is the situation is. It's not their fault. We need to be a community. We need to be leaders to help these children so, that they can get out of the situation that they're in or possibly reunite. That's all I have to say, thank you.

Denham stated thank you Ms. Sellens.

Thomas stated my name is Jacquelyn Thomas. I live at 711 SW 49th Street out there in Country Club. This whole thing is really sad. Where's everybody that's supposed to be from the community for this thing that is supposed to be coming up, this little boys home. First of all, I didn't know about the boys home coming until recently. Whatever, not the boys home this little thing.

Denham stated homeless shelter.

Thomas stated homeless shelter, I'm sorry. I just can't get with the homeless shelter. We have kids that live in the neighborhood why aren't we doing something about them. Why are we having something for them? Building a shelter for them? Do something for the kids in the community before we reach out to everybody else, do something for what's in the community.

Denham stated these kids are in the community.

Thomas stated the homeless kids are not.

Denham stated they might not be in your neighborhood but hey're from this community.

Thomas stated well I'm talking about from our neighborhood. Do something for the kids in the neighborhood, do something for them. There's a lot of kids in that neighborhood that need help besides working for the outside. Work on the inside before you work on the outside. That's all I have to say.

Denham stated thank you Ms. Thomas. Anybody else? Alright I will go ahead and close the public hearing. Is there a motion?

Motion by Medders, Second by Logan to recommend approval to the City Council for a Use Permitted on Review to allow a dormitory-style shelter for homeless youth located in a Public Facility (P-F) District located at 714 SW 45th Street, Lawton, OK 73505 and amend the fence from 8 (eight) foot to 6 (six) foot existing (fence condition is not applicable) and install sidewalks as required by City Code. **Aye:** Logan, Springborn, Denham, Busse, Jarvis, Jester, Jones, Medders **Nay:** None. **Motion Passed.**



City of Lawton

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

Commentary

File #: 24-1325

Agenda Date: 3/12/2024

Agenda No: 26.

ITEM TITLE:

Consider approving Amendment No. 1 to the agreement between the City of Lawton and SCS Engineers for professional engineering services in the amount of \$368,020.00, for the continuation of the subject scope of services for Project PW2101, dated September 12, 2022 and includes construction quality assurance (CQA) services for Cells 6 and 7 liner construction and groundwater services at the City of Lawton Landfill.

INITIATOR: Joseph Painter, P.E., Director of Engineering/City Engineer

STAFF INFORMATION SOURCE: Joseph Painter, P.E., Director of Engineering/City Engineer

BACKGROUND: In accordance with the True North Culture Statement by providing a more efficient service to the citizens of Lawton, SCS Engineers intend to include Construction Quality Assurance (CQA) and groundwater services for Project PW2101- City of Lawton Landfill Cells 6 & 7 Liner Construction. Amendment No. 1 has a proposed increased fee schedule of \$320,840.00 for CQA Services and \$47,180.00 for Groundwater Services for a combined total of \$368,020.00.

The format for compensation shall be:

CQA and Groundwater Services Lump Sum/T&M

The proposed fee schedule for these services is as follows:

CQA Services.....\$320,840.00

Groundwater Services.....\$47,180.00

Amendment No. 1 Sub-Total Fee\$368,020.00

Original Contract Total Fee\$134,830.00

Proposed Contract Total Fee.....\$502,850.00

EXHIBIT: Amendment No. 1 to the Standard Form of Agreement with SCS Engineers

KEY ISSUES: N/A

FUNDING SOURCE: Funding for the Landfill in the amount of \$7M is obtained through the \$30M loan which is being considered by Council.

STAFF RECOMMENDED COUNCIL ACTION: Approve Amendment No. 1 to the agreement between the City of Lawton and SCS Engineers for the continuation of scope of services.



City of Lawton

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

Commentary

File #: 24-1326

Agenda Date: 3/12/2024

Agenda No: 27.

ITEM TITLE:

Consider approving plans and specifications for Engineering Project EN2002B Phase I, Goodyear Blvd Reconstruction from the Railroad Crossing to Cache Rd. and authorizing staff to advertise for bids.

INITIATOR: Joseph Painter, P.E., Director of Engineering/City Engineer

STAFF INFORMATION SOURCE: Joseph Painter, P.E., Director of Engineering/City Engineer

BACKGROUND: Project EN2002B Phase I, Goodyear Blvd. Reconstruction from Railroad Crossing to Cache Rd. The project is the reconstruction of approximately 1.3 miles of Goodyear Boulevard beginning at the railroad crossing on Goodyear Blvd just north of SW Neal Blvd. and extending north to Cache Rd. In accordance with the True North Culture Statement by providing a more efficient service to the citizens of Lawton, the contract time of the project is specified as 200 calendar days.

EXHIBIT: Plans and specifications are on file in the Engineering Department Office

KEY ISSUES: N/A

FUNDING SOURCE: For FY24, \$9.2M was budgeted for EN2002B Goodyear Blvd Phase I & II. Project EN2002B Phase I engineer's estimated cost is \$5.8M. Therefore, the remaining amount in FY24 budget will be \$3.4M. Funding for EN2002B Phase I & II of \$9.2M will be obtained through the \$30M loan which is being considered by Council.

STAFF RECOMMENDED COUNCIL ACTION: Approve plans and specifications for Engineering Project EN2002B - Goodyear Blvd Reconstruction from Lee Blvd to Cache Rd. and authorizing staff to advertise for bids.



City of Lawton

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

Commentary

File #: 24-13225

Agenda Date: 3/12/2024

Agenda No: 28.

ITEM TITLE:

Consider approving plans and specifications for Project PW2101 - Landfill Cells 6 & 7 and authorizing staff to advertise for bids.

INITIATOR: Joseph Painter, P.E., Director of Engineering/City Engineer

STAFF INFORMATION SOURCE: Joseph Painter, P.E., Director of Engineering/City Engineer

BACKGROUND: Landfills 6 & 7 Project PW2101 consists of expansion of two (2) new cells at the existing landfill site. The construction time of the project specified is 260 calendar days. This is in accordance with the True North Culture Statement by providing a more efficient service to the citizens of Lawton.

EXHIBIT: Plans and specifications are on file in the Engineering Department Office.

KEY ISSUES: N/A

FUNDING SOURCE: For FY24, \$7.5M was budgeted for Project PW2101 Landfill Cells 6 & 7. Funding for the Landfill in the amount \$7.5M is obtained through the \$30M loan which is being considered by Council.

STAFF RECOMMENDED COUNCIL ACTION: Approve plans and specifications for Project PW2101 - Landfill Cells 6 & 7 and authorizing staff to advertise for bids.



City of Lawton

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

Commentary

File #: 24-1322

Agenda Date: 3/12/2024

Agenda No: 29.

ITEM TITLE:

Consider accepting the temporary construction easements and permanent utility and access easements from William A. Williams and Georgia J. Williams Real Estate Trust and The Chausry Group, Inc, for the Cache Road water main and sidewalk project, authorizing the Mayor and City Clerk to execute the documents, and payment for the same.

INITIATOR: W. Rusty Whisenhunt, Director of Public Utilities

STAFF INFORMATION SOURCE: W. Rusty Whisenhunt

Cindy Augustine, Real Property Coordinator

BACKGROUND: Temporary and permanent utility and access easements are required for the Cache Road water main and sidewalk project. After negotiations with the property owners, the amount agreed upon for the easements at 2116 NW Cache Road from William A. Williams and Georgia J. Williams Real Estate Trust is \$7,500, and \$4,050 for 1716 NW Cache Road from The Chausry Group, Inc..

The rehabilitation of the water system provides for a safe community through safe drinking water and places the Citizens first, in accordance with the goals of the True North Culture Statement.

EXHIBIT: Easement Documents

KEY ISSUES: N/A

FUNDING SOURCE: Acct # 7050000-54020 DWSRF loan funding

STAFF RECOMMENDED COUNCIL ACTION: Accept the temporary construction easements and permanent utility and access easements from William A. Williams and Georgia J. Williams Real Estate Trust and The Chausry Group, Inc, for the Cache Road water main and sidewalk project, authorize the Mayor and City Clerk to execute the documents, and payment for the same.

PERMANENT UTILITY AND ACCESS EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT, **William A. Williams and Georgia J. Williams Real Estate Trust dated March 14, 2018**, whose mailing address is P.O. Box 7080, Lawton, OK 73505, of Comanche County, State of Oklahoma, hereinafter referred to as "Grantor", in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other valuable considerations in hand paid, the receipt of which is hereby acknowledged, do hereby Grant, Bargain, Sell and Convey unto

CITY OF LAWTON, A MUNICIPAL CORPORATION, of 212 SW 9th STREET, LAWTON, OKLAHOMA 73501, Comanche County, State of Oklahoma, hereinafter referred to as "Grantee", its successors and assigns, a Permanent Easement for public access and sidewalk and utility right-of-way in, over, under, across and along, and upon the following described real property and premises situated in Comanche County, State of Oklahoma, to-wit:

See attached exhibit "A" and "B"

with the right of ingress and egress to and from the same for the purpose of installing, constructing, operating, maintaining, repairing and replacing in, over, under, through, and upon the real property adjacent to the said property as described a street, road, sewer line, a water line, drainage channel and any other public utility or utilities, along with the further right to operate, maintain, repair or replace the same.

And,


with the right of ingress and egress to and from the same for the purpose of passage in, over, through, upon, maintaining, repairing and replacing the said property.

This easement will be used for various construction purposes that the Grantee, its employees, agents and contractors may determine are necessary for the execution of such work, including but not limited to storage and operation of construction equipment, stockpiling of materials, and for any other purposes associated with the construction work.

Signed and delivered this 27th day of February 2024.

William A. Williams and Georgia J. Williams Real
Estate Trust dated March 14, 2018


William A. Williams, Trustee


Georgia J. Williams, Trustee


=====

INDIVIDUAL ACKNOWLEDGMENT

STATE OF OKLAHOMA)
) SS
COUNTY OF COMANCHE)

Before me, the undersigned, a Notary Public in and for said County and State on this 27th day of February, 2024, personally appeared, **William A. Williams and Georgia J. Williams, Trustees of the William A. Williams and Georgia J. Williams Real Estate Trust dated March 14, 2018**, to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.


Notary Public

My commission expires:

My commission number:


=====

ACCEPTANCE

Accepted by the Lawton City Council for and on behalf of the City of Lawton,
Oklahoma, this _____ day of _____ 2024.

CITY OF LAWTON, OKLAHOMA
a municipal corporation

Stan Booker, Mayor

ATTEST:

Donalynn Blazek-Scherler, City Clerk

APPROVED as to form and legality on behalf of the City of Lawton this _____ day
of _____ 2024.

Tim Wilson, Acting City Attorney

EXHIBIT 'A'
LOT 1 - PERM
THOMPSON SUBDIVISION, LAWTON, OK

LEGAL DESCRIPTION

PART OF LOT 1, THOMPSON SUBDIVISION, AN ADDITION TO COMANCHE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1, THOMPSON SUBDIVISION; THENCE S89°43'53"E ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 55.28 FEET; THENCE S0°31'15"W A DISTANCE OF 49.32 FEET TO A POINT ON THE EXISTING RIGHT-OF-WAY OF NW CACHE ROAD, BEING THE POINT OF BEGINNING; THENCE S0°31'15"W A DISTANCE OF 10.00 FEET; THENCE N89°28'45"W A DISTANCE OF 11.00 FEET; THENCE S0°31'15"W A DISTANCE OF 10.00 FEET; THENCE N89°28'45"W A DISTANCE OF 13.89 FEET TO A POINT ON THE EXISTING RIGHT-OF-WAY OF NW SHERIDAN ROAD; THENCE N0°12'06"E ALONG SAID RIGHT-OF-WAY A DISTANCE OF 5.08 FEET; THENCE N45°31'15"E ALONG SAID RIGHT-OF-WAY A DISTANCE OF 21.10 FEET TO A POINT ON SAID RIGHT-OF-WAY OF NW CACHE ROAD; THENCE S89°28'45"E ALONG SAID RIGHT-OF-WAY A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 277 SQUARE FEET MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MICHAEL ROYCE, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY STATE THAT THE ABOVE MAP REPRESENTS A SURVEY PERFORMED IN THE FIELD AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THIS DATE. THIS EXHIBIT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

BASIS OF BEARING

The Bearing Base shown are grid bearings and were derived using the North American Datum of 1988 (NAD83) Oklahoma South Zone, U.S. Feet. Legal Description prepared by or under the direct supervision of MICHAEL A. ROYCE PLS# 1627



Michael Royce
MICHAEL ROYCE PLS# 1627
NO. CA 1487
EXP. 06/30/2025

SEE EXHIBIT 'D' FOR ASSOCIATED SKETCH!

Project: **CACHE ROAD WATER MAIN - 2022**
Project: **LOT 1, THOMPSON SUBDIVISION**
Location: **LAWTON, COMANCHE COUNTY, OKLAHOMA**
Client: **JACOBS ENGINEERING GROUP, INC.**

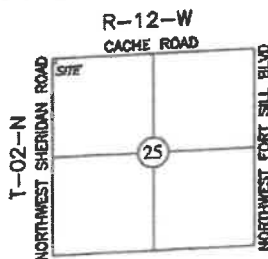
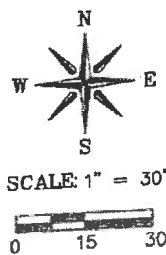
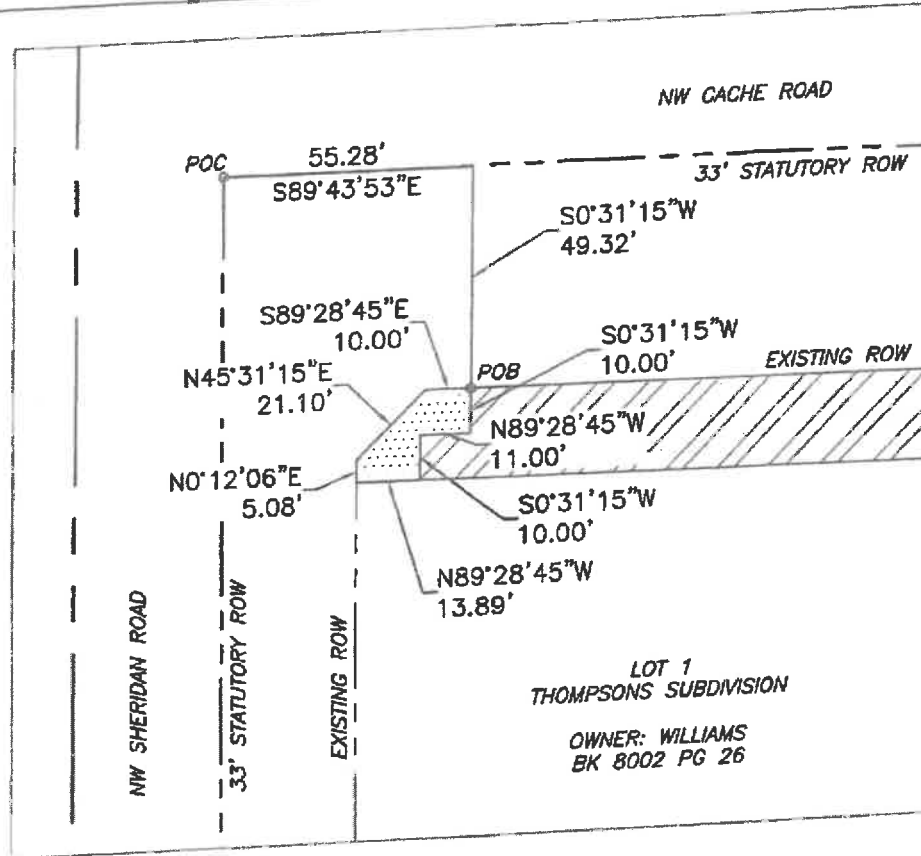
Surveyed By: **MAR**
Drawn By: **LAG**
Approved By: **MAR**
Date: **2023/11/02**
Scale:
Project No:

Meshek & Associates, LLC
1437 South Boulder Ave. #1550
Tulsa, Oklahoma 74119
CoA No. 1487
Expires June 30, 2025

SHEET NUMBER
1
1 OF 2

EXHIBIT 'B'

LOT 1 - PERM
THOMPSON SUBDIVISION, LAWTON, OK



SURVEY CONTROL DATA

Basis of Bearings: The Bearings
Shown are derived from the North
American Datum of 1988 (NAD83) and
are Grid Bearings.

PERMANENT U/E
TEMPORARY
CONSTRUCTION
EASEMENT

LEGEND

LOT LINE
PARCEL LINE
ROW LINE
EASEMENT
BUILDING

See Exhibit 'A' for Associated Legal Description

Project: CACHE ROAD WATER MAIN - 2022
Project Location: LOT 1, THOMPSON SUBDIVISION
LAWTON, COMANCHE COUNTY, OKLAHOMA
Client: JACOBS ENGINEERING GROUP, INC.

Surveyed By: MAR
Drawn By: LAG
Approved By: MAR
Date: 2023/11/01
Scale: 1"=30'
Project No:

Meshek & Associates, LLC
1437 South Boulder Ave. #1550
Tulsa, Oklahoma 74119
CoA No. 1487
Expires June 30, 2025

SHEET NUMBER
2
2 OF 2

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT, **William A. Williams and Georgia J. Williams Real Estate Trust dated March 14, 2018**, whose mailing address is P.O. Box 7080, Lawton, OK 73505, Comanche County, State of Oklahoma, hereinafter referred to as "Grantor", in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other valuable considerations in hand paid, the receipt of which is hereby acknowledged, do hereby Grant, Bargain, Sell and Convey unto

CITY OF LAWTON, A MUNICIPAL CORPORATION, of 212 SW 9th STREET, LAWTON, OKLAHOMA 73501, Comanche County, State of Oklahoma, hereinafter referred to as "Grantee", its successors and assigns, a Temporary Construction Easement and right-of-way in, over, under, across and along, and upon the following described real property and premises situated in Comanche County, State of Oklahoma, to-wit:

See attached exhibit "A" and "B"

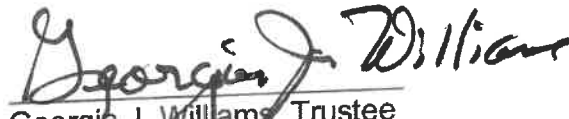
with the right of ingress and egress to and from the same for the purpose of installing, constructing, operating, maintaining, repairing and replacing in, over, under, through, and upon the real property adjacent to the said property as described a street, road, sewer line, a water line, drainage channel and any other public utility or utilities, along with the further right to operate, maintain, repair or replace the same.

This easement will be used for various construction purposes that the Grantee, its employees, agents and contractors may determine are necessary for the execution of such work, including but not limited to storage and operation of construction equipment, stockpiling of materials, and for any other purposes associated with the construction work. All of the rights of the Grantee in and to this easement shall terminate upon acceptance of the completed construction of the Cache Road Waterline Replacement Project, Project # PU2107.

Signed and delivered this 27th day of February 2024.

William A. Williams and Georgia J. Williams Real
Estate Trust dated March 14, 2018


William A. Williams, Trustee


Georgia J. Williams, Trustee

=====

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
) SS
COUNTY OF COMANCHE)

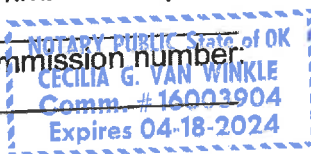
Before me, the undersigned, a Notary Public in and for said County and State on this 27th day of February, 2024, personally appeared, **William A. Williams and Georgia J. Williams, Trustees of the William A. Williams and Georgia J. Williams Real Estate Trust dated March 14, 2018**, to me known to be the identical people who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.


Notary Public

My commission expires:

My commission number:



=====

ACCEPTANCE

Accepted by the Lawton City Council for and on behalf of the City of Lawton,
Oklahoma, this _____ day of _____ 2024.

CITY OF LAWTON, OKLAHOMA
a municipal corporation

Stan Booker, Mayor

ATTEST:

Donalynn Blazek-Scherler, City Clerk

APPROVED as to form and legality on behalf of the City of Lawton this _____ day
of _____ 2024.

Tim Wilson, Acting City Attorney

EXHIBIT 'A'
LOT 1 - TEMP
THOMPSON SUBDIVISION, LAWTON, OK

LEGAL DESCRIPTION

PART OF LOT 1, THOMPSON SUBDIVISION, AN ADDITION TO COMANCHE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. MORE PARTICULARLY DESCRIBED AS:

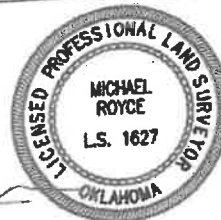
COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1, THOMPSON SUBDIVISION; THENCE S89°43'53"E ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 55.28 FEET; THENCE S0°31'15"W A DISTANCE OF 49.32 FEET TO A POINT ON THE EXISTING RIGHT-OF-WAY OF NW CACHE ROAD, BEING THE POINT OF BEGINNING; THENCE S89°28'45"E A DISTANCE OF 211.97 FEET; THENCE S0°11'51"W A DISTANCE OF 20.00 FEET; THENCE N89°28'45"W A DISTANCE OF 223.09 FEET; THENCE N0°31'15"E A DISTANCE OF 10.00 FEET; THENCE N89°28'45"W A DISTANCE OF 11.00 FEET; THENCE N0°31'15"E A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 4351 SQUARE FEET OR 0.1 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MICHAEL ROYCE, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY STATE THAT THE ABOVE MAP REPRESENTS A SURVEY PERFORMED IN THE FIELD AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THIS DATE. THIS EXHIBIT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

BASIS OF BEARING

The Bearing Base shown are grid bearings and were derived using the North American Datum of 1983 (NAD83) Oklahoma South Zone, U.S. Feet. Legal Description prepared by or under the direct supervision of MICHAEL A. ROYCE PLS# 1627



MICHAEL ROYCE PLS# 1627
NO. CA 1487
EXP. 06/30/2025

SEE EXHIBIT 'B' FOR ASSOCIATED SKETCH

Project: **CACHE ROAD WATER MAIN - 2022**
Project Location: **LOT 1, THOMPSON SUBDIVISION
LAWTON, COMANCHE COUNTY, OKLAHOMA**
Client: **JACOBS ENGINEERING GROUP, INC.**

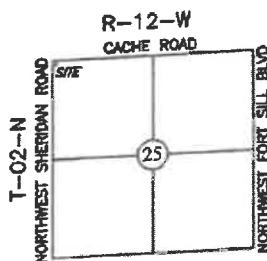
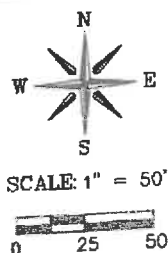
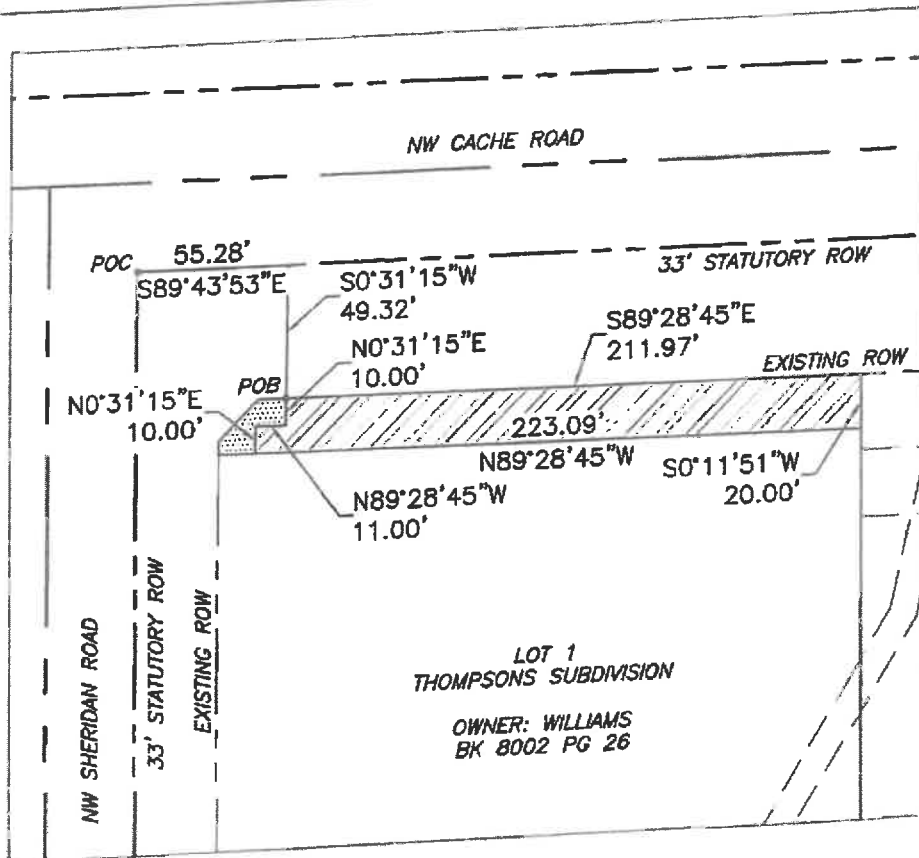
Surveyed By: **MAR**
Drawn By: **LAG**
Approved By: **MAR**
Date: **2023/11/02**
Scale:
Project No:

Meshek & Associates, LLC
1437 South Boulder Ave. #1550
Tulsa, Oklahoma 74119
CoA No. 1487
Expires June 30, 2025

SHEET NUMBER
1
1 OF 2

EXHIBIT 'B'

LOT 1 - TEMP
THOMPSON SUBDIVISION, LAWTON, OK



SURVEY CONTROL DATA

Basis of Bearings: The Bearings Shown are derived from the North American Datum of 1988 (NAD83) and are Grid Bearings.

PERMANENT U/E
TEMPORARY CONSTRUCTION EASEMENT

LEGEND

LOT LINE
PARCEL LINE
ROW LINE
EASEMENT
BUILDING

See Exhibit 'A' for Associated Legal Description

Project: CACHE ROAD WATER MAIN - 2022

Project Location: LOT 1, THOMPSON SUBDIVISION
LAWTON, COMANCHE COUNTY, OKLAHOMA

Client: JACOBS ENGINEERING GROUP, INC.

Surveyed By: MAR
Drawn By: LAG
Approved By: MAR
Date: 2023/11/01
Scale: 1"=50'
Project No:

Meshek & Associates, LLC
1437 South Boulder Ave. #1550
Tulsa, Oklahoma 74119
CoA No. 1487
Expires June 30, 2025

SHEET NUMBER

2

2

2



RIGHT-OF-WAY OR EASEMENT SUMMARY OF ACQUISITION

Project: Cache Road Waterline & Sidewalk Project

Parcel: Temp Construction Easement and Perm Easement

Property Address: 2116 NW Cache Road

Property Legal Description: Part of Lot 1 Thompson's Subdivision

Property Owner(s): William A. Williams and Georgia J. Williams Real Estate Trust dated March 14, 2018

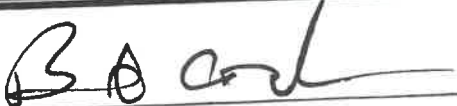
Mailing Address: 3503 NW Ridge Road Place, Lawton OK, 73505

PROPERTY OWNER(S) WILL EXECUTE AND SUBMIT TO THE BUYER, COL, THE FOLLOWING DOCUMENTS:

Temp Construction Easement CONTAINING 4,351 SQ FT

Perm Utility & Access Easement CONTAINING 277 SQ FT

ACQUISITION PRICE : \$7,500 DATE: 2-26-2024


PROPERTY OWNER

2-27-24
DATE


REAL PROPERTY COORDINATOR

2-26-24
DATE

PERMANENT UTILITY AND ACCESS EASEMENT
(Individual Form)

KNOW ALL MEN BY THESE PRESENTS:

THAT, **The Chausry Group, Inc., an Oklahoma Corporation**, hereinafter referred to as "Grantor", in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other valuable considerations in hand paid, the receipt of which is hereby acknowledged, do hereby Grant, Bargain, Sell and Convey unto **CITY OF LAWTON, A MUNICIPAL CORPORATION, of 212 SW 9th STREET, LAWTON, OKLAHOMA 73501**, Comanche County, State of Oklahoma, hereinafter referred to as "Grantee", its successors and assigns, a Permanent Easement for public access and sidewalk and utility right-of-way in, over, under, across and along, and upon the following described real property and premises situated in Comanche County, State of Oklahoma, to-wit:

See attached exhibit "A" and "B"

with the right of ingress and egress to and from the same for the purpose of installing, constructing, operating, maintaining, repairing and replacing in, over, under, through, and upon the real property adjacent to the said property as described a street, road, sewer line, a water line, drainage channel and any other public utility or utilities, along with the further right to operate, maintain, repair or replace the same.

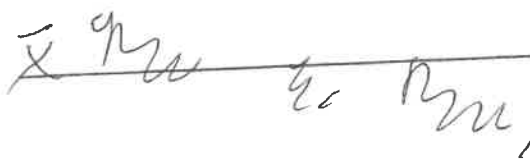
And,

with the right of ingress and egress to and from the same for the purpose of passage in, over, through, upon, maintaining, repairing and replacing the said property.

This easement will be used for various construction purposes that the Grantee, its employees, agents and contractors may determine are necessary for the execution of such work, including but not limited to storage and operation of construction equipment, stockpiling of materials, and for any other purposes associated with the construction work.

Signed and delivered this 06 day of Feb. 2024.

The Chausry Group, Inc., an Oklahoma Corp



Page 1 of 2

INDIVIDUAL ACKNOWLEDGMENT

STATE OF SAN JOSE DEL MONTE CITY
COUNTY OF PROVINCE OF BULACAN, PHILIPPINES

Before me, the undersigned, a Notary Public in and for said County and State on this 13 day of FEBRUARY, 2024, personally appeared Robert Lee Brown Jr President, The Chaussy Group, Inc., an Oklahoma Corp., to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

Doc. No. 56
Page No. 13
Book No. XXVIII
Series of 2024

My commission expires:

My commission number:

ATTY. ROGELIO R. GUINID
Notary Public
WITHIN THE PROVINCE OF BULACAN
COMMISSION NO. PNC-124-MB-2023 UNTIL DEC. 31, 2025
IBF ROLL NO. 34677, REP OR NO. 354622, 1-3-24, PASIG
PTR NO. 3157988, 1-2-24, BSJDM
MCLE VII-0015723 UNTIL APRIL 14, 2025

ACCEPTANCE

Accepted by the Lawton City Council for and on behalf of the City of Lawton, Oklahoma, this _____ day of _____ 2024.

CITY OF LAWTON, OKLAHOMA
a municipal corporation

ATTEST:

Stanley Booker, Mayor

Donalynn Blazek-Scherler, City Clerk

APPROVED as to form and legality on behalf of the City of Lawton this _____ day of _____ 2024.

Timothy Wilson, Acting City Attorney

EXHIBIT 'A'

LOT 8 BLOCK 1 ~~TEMP~~ *Perm*
LIBERTY HEIGHTS ADDITION, LAWTON, OKLAHOMA

LEGAL DESCRIPTION

PART OF LOT 8, BLOCK 1, LIBERTY HEIGHTS ADDITION TO COMANCHE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 8, BLOCK 1, LIBERTY HEIGHTS ADDITION; THENCE S0°16'07"W A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING THENCE S0°16'29"W A DISTANCE OF 15.00 FEET; THENCE N89°43'53"W A DISTANCE OF 55.00 FEET; THENCE N0°16'07"E A DISTANCE OF 15.00 FEET; THENCE S89°43'53"E A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING, CONTAINING 825 SQUARE FEET, OR 0.02 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MICHAEL ROYCE, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY STATE THAT THE ABOVE MAP REPRESENTS A SURVEY PERFORMED IN THE FIELD AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THIS DATE. THIS EXHIBIT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

BASIS OF BEARING

The Bearing Base shown are grid bearings and were derived using the North American Datum of 1988 (NAD83) Oklahoma South Zone, U.S. Feet. Legal Description prepared by or under the direct supervision of MICHAEL A. ROYCE PLS# 1627



Michael Royce
MICHAEL ROYCE PLS# 1627
NO. CA 1487
EXP. 06/30/2023

SEE EXHIBIT 'B' FOR ASSOCIATED SKETCH

Project: **CACHE ROAD WATER MAIN - 2022**

Project Location: **LOT 8 BLOCK 1 LIBERTY HEIGHTS ADDITION
LAWTON, COMANCHE COUNTY, OKLAHOMA**

Client: **JACOBS ENGINEERING GROUP, INC.**

Surveyed By: **MAR**

Drawn By: **LAG**

Approved By: **MAR**

Date: **2023/01/20**

Scale:

Project No:

Meshek & Associates, LLC
1437 South Boulder Ave. #1550
Tulsa, Oklahoma 74119
CoA No. 1487
Expires June 30, 2023

SHEET NUMBER

1

1

OF

2

EXHIBIT 'B'

LOT 8 BLOCK 1 - PERM
LIBERTY HEIGHTS ADDITION, LAWTON, OKLAHOMA

CACHE ROAD

S89°43'53"E
55.00'

N0°16'07"E
15.00'

S0°16'07"W
15.00'

N89°43'53"W
55.00'

WANG
BOOK 7979 PAGE 251

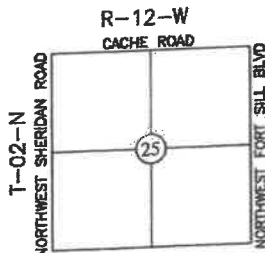
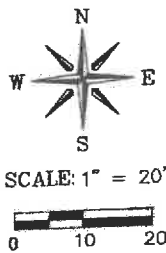
LOT 9
WANG,
SHAOLIN

THE CHAUSRY GROUP INC
BOOK 7918 PAGE 68

LOT 8
THE
CHAUSRY
GROUP INC

CHAUSRY LAND INVESTMENT
BOOK 7284 PAGE 68

LOT 7
CHAUSRY
INVESTMENT
LLC



SURVEY CONTROL DATA

Basis of Bearings: The Bearings
Shown are derived from the North
American Datum of 1988 (NAD83) and
are Grid Bearings.



LEGEND

LOT LINE ---
PARCEL LINE ---
ROW LINE ---
EASEMENT ---
BUILDING ---

See Exhibit 'A' for Associated Legal Description

Project: CACHE ROAD WATER MAIN - 2022

Project Location: LOT 8 BLOCK 1 LIBERTY HEIGHTS ADDITION
LAWTON, COMANCHE COUNTY, OKLAHOMA

Client: JACOBS ENGINEERING GROUP, INC.

Surveyed By: MAR

Drawn By: LAG

Approved By: MAR

Date: 2023/01/20

Scale: 1" = 20'

Project No:

Meshek & Associates, LLC
1437 South Boulder Ave. #1550
Tulsa, Oklahoma 74119
CoA No. 1487
Expires June 30, 2023

SHEET NUMBER

2

2

2

TEMPORARY CONSTRUCTION EASEMENT
(Individual Form)

KNOW ALL MEN BY THESE PRESENTS:

THAT, **The Chausry Group, Inc., an Oklahoma Corporation**, referred to as "Grantor", in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other valuable considerations in hand paid, the receipt of which is hereby acknowledged, do hereby Grant, Bargain, Sell and Convey unto **CITY OF LAWTON, A MUNICIPAL CORPORATION, of 212 SW 9th STREET, LAWTON, OKLAHOMA 73501**, Comanche County, State of Oklahoma, hereinafter referred to as "Grantee", its successors and assigns, a Temporary Construction Easement and right-of-way in, over, under, across and along, and upon the following described real property and premises situated in Comanche County, State of Oklahoma, to-wit:

See attached exhibit "A" and "B"

with the right of ingress and egress to and from the same for the purpose of installing, constructing, operating, maintaining, repairing and replacing in, over, under, through, and upon the real property adjacent to the said property as described a street, road, sewer line, a water line, drainage channel and any other public utility or utilities, along with the further right to operate, maintain, repair or replace the same.

This easement will be used for various construction purposes that the Grantee, its employees, agents and contractors may determine are necessary for the execution of such work, including but not limited to storage and operation of construction equipment, stockpiling of materials, and for any other purposes associated with the construction work. All of the rights of the Grantee in and to this easement shall terminate upon acceptance of the completed construction of the Cache Road Waterline Replacement Project, Project # PU2107.

Signed and delivered this 06 day of Feb 2024.

The Chausry Group, Inc., an Oklahoma Corp

X 

INDIVIDUAL ACKNOWLEDGMENT

STATE OF SAN JOSE DEL MONTE CITY
) SS

COUNTY OF PROVINCE OF BULACAN, PHILIPPINES

Before me, the undersigned, a Notary Public in and for said County and State on this 13 day of FEB 06 2024 2024, personally appeared, Robert Lee Brown Jr as, President of The Chaussy Group, Inc., an Oklahoma Corp, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

DOC. NO. 56
PAGE NO. 13
BOOK NO. XXVIII
SERIES OF 2221

My commission expires:

My commission number:

ATTY. ROGELIO B. GUINID
NOTARY PUBLIC
WITHIN THE PROVINCE OF BULACAN
COMMISSION NO. PNC-124-M-3-2022 UNTIL DEC. 31, 2025
IBF ROLL NO. 34577, IBP OR NO. 394622, 1-3-24, PASIG
PTR NO. 3157988, 1-2-24, CSJDM
MCLE VII-0015723 UNTIL APRIL 14, 2025

ACCEPTANCE

Accepted by the Lawton City Council for and on behalf of the City of Lawton, Oklahoma, this _____ day of _____ 2024.

CITY OF LAWTON, OKLAHOMA
a municipal corporation

ATTEST:

Stanley Booker, Mayor

Donalynn Blazek-Scherler, City Clerk

APPROVED as to form and legality on behalf of the City of Lawton this _____ day of _____ 2024.

Timothy Wilson, Acting City Attorney

EXHIBIT 'A'

LOT 8 BLOCK 1 -TEMP
LIBERTY HEIGHTS ADDITION, LAWTON, OKLAHOMA

LEGAL DESCRIPTION

PART OF LOT 8, BLOCK 1, LIBERTY HEIGHTS ADDITION TO COMANCHE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 8, BLOCK 1, LIBERTY HEIGHTS ADDITION; THENCE S0°16'07"W A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING THENCE S0°16'29"W A DISTANCE OF 15.00 FEET; THENCE N89°43'53"W A DISTANCE OF 55.00 FEET; THENCE N0°16'07"E A DISTANCE OF 15.00 FEET; THENCE S89°43'53"E A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING, CONTAINING 825 SQUARE FEET, OR 0.02 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MICHAEL ROYCE, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY STATE THAT THE ABOVE MAP REPRESENTS A SURVEY PERFORMED IN THE FIELD AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THIS DATE. THIS EXHIBIT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

BASIS OF BEARING

The Bearing Base shown are grid bearings and were derived using the North American Datum of 1988 (NAD83) Oklahoma South Zone, U.S. Feet. Legal Description prepared by or under the direct supervision of MICHAEL A. ROYCE PLS# 1627



Michael Royce
MICHAEL ROYCE PLS# 1627
NO. CA 1487
EXP. 06/30/2023

SEE EXHIBIT 'B' FOR ASSOCIATED SKETCH

Project: CACHE ROAD WATER MAIN - 2022

Project Location: LOT 8 BLOCK 1 LIBERTY HEIGHTS ADDITION
LAWTON, COMANCHE COUNTY, OKLAHOMA

Client: JACOBS ENGINEERING GROUP, INC.

Surveyed By: MAR
Drawn By: LAG
Approved By: MAR
Date: 2023/01/20
Scale:
Project No:

Meshek & Associates, LLC
1437 South Boulder Ave. #1550
Tulsa, Oklahoma 74119
CoA No. 1487
Expires June 30, 2023

SHEET NUMBER

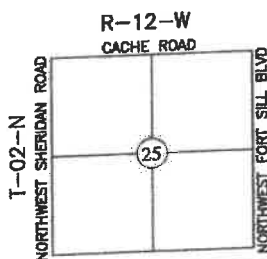
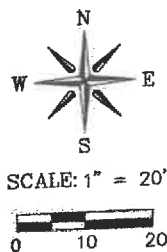
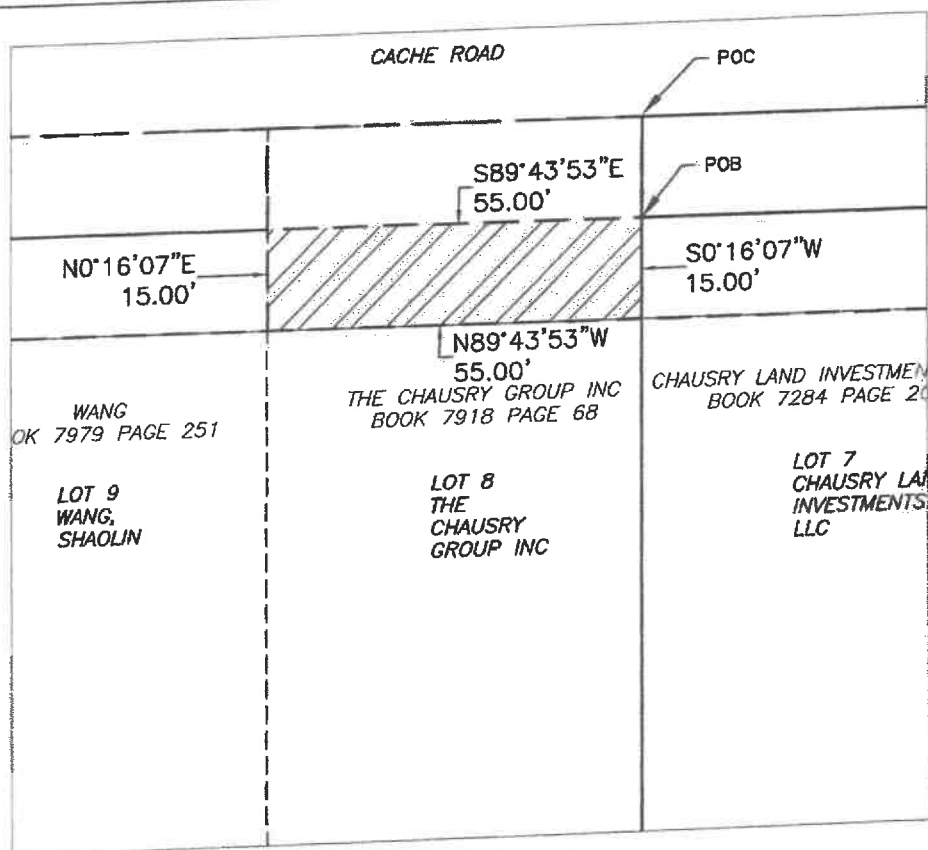
1

1

OF

2

LOT8 BLOCK1 -TEMP
LIBERTY HEIGHTS ADDITION, LAWTON, OKLAHOMA



Basis of Bearings: The Bearings Shown are derived from the North American Datum of 1988 (NAD83) and are Grid Bearings.



PERMANENT U/E
TEMPORARY
CONSTRUCTION
EASEMENT

LOT LINE	_____
PARCEL LINE	_____
ROW LINE	_____
EASEMENT	_____
BUILDING	_____

See Exhibit 'A' for Associated Legal Description

Project:	CACHE ROAD WATER MAIN - 2022
Project Location:	LOT 8 BLOCK 1 LIBERTY HEIGHTS ADDITION LAWTON, COMANCHE COUNTY, OKLAHOMA
Client:	JACOBS ENGINEERING GROUP, INC.

Surveyed By: MAR
 Drawn By: LAG
 Approved By: MAR
 Date: 2023/01/20
 Scale: 1" = 20'
 Project No:

Meshek & Associates, LLC
1437 South Boulder Ave. #1550
Tulsa, Oklahoma 74119
CoA No. 1487
Expires June 30, 2023

SHEET NUMBER

2

2

SYSTEM



RIGHT-OF-WAY OR EASEMENT SUMMARY OF ACQUISITION

Project: Cache Road Waterline & Sidewalk Project

Parcel: Perm UE & Access Easement and Temp Easement

Property Address: 1716 NW Cache Road

Property Legal Description: Liberty Hgts Block 1, Lot 8

Property Owner(s): The Chausry Group, Inc.

PROPERTY OWNER(S) WILL EXECUTE AND SUBMIT TO THE BUYER,
COL, THE FOLLOWING DOCUMENTS:

Perm Utility & Access Easement
Temporary Easement

FOR 825 SQ FT

ACQUISITION PRICE : \$4,050

DATE: 2-2-2024

\$4,000 for easement acquisitions
\$50 for postage reimbursement

Total \$4,050

X [Signature]
PROPERTY OWNER

[Signature]
REAL PROPERTY COORDINATOR

Feb. 06-2024
DATE

2-2-24
DATE



City of Lawton

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

Commentary

File #: 24-1314

Agenda Date: 3/12/2024

Agenda No: 30.

ITEM TITLE:

Consider approving an Ordinance pertaining to businesses by amending Sections 7-12-1-1201, 7-12-1-1202, 7-12-1-1203, 7-12-1-1205, 7-12-1-1209, 7-12-1-1210, and 7-12-1-1217, Division 7-12-1, Article 7-12, Chapter 7, Lawton City Code, 2015, by adding language to clarify the definition of storefront, clarifying that all persons who want to go door-to-door within Lawton shall have a permit, setting the fee as a per person instead of per business, setting forth the hearing process if a door-to-door permit is revoked, requiring a background check for all individuals going door-to-door except minors, clarifying the times that door-to-door vendors are permitted to operate, and setting an exception for the placement for handbills or leaflets on automobiles in public parking lots not be considered a door-to-door or itinerant vendor activity, providing for severability and establishing an effective date.

INITIATOR: Charlotte Brown, Community Services Director

STAFF INFORMATION SOURCE: Charlotte Brown, Community Services Director

BACKGROUND: On June 27, 2023, a similar ordinance was presented to City Council. At that time, floor amendments were introduced, and the proposed was approved. It was recently determined that due to the floor amendments, the final version of the ordinance was never executed and published within the required timeframe. The version presented for approval today includes the floor amendments from June of 2023. It is being brought back before Council so that execution and publication can occur within the required timeframe.

EXHIBIT: Ordinance No. 24-____

KEY ISSUES: n/a

FUNDING SOURCE: n/a

STAFF RECOMMENDED COUNCIL ACTION: Approve Ordinance No. 24-____, waive the reading of the ordinance and read the title only.

ORDINANCE NO. 24- _____

AN ORDINANCE PERTAINING TO BUSINESSES BY AMENDING SECTIONS 7-12-1-1201, 7-12-1-1202, 7-12-1-1203, 7-12-1-1205, 7-12-1-1209, 7-12-1-1210, AND 7-12-1-1217, DIVISION 7-12-1, ARTICLE 7-12, CHAPTER 7, LAWTON CITY CODE, 2015; BY ADDING LANGUAGE TO CLARIFY THE DEFINITION OF STORE FRONT, CLARIFYING THAT ALL PERSONS WHO WANT TO GO DOOR-TO-DOOR WITHIN LAWTON SHALL HAVE A PERMIT, SETTING THE FEE AS A PER PERSON INSTEAD OF PER BUSINESS, SETTING FORTH THE HEARING PROCESS IF A DOOR-TO-DOOR PERMIT IS REVOKED, REQUIRING A BACKGROUND CHECK FOR ALL INDIVIDUALS GOING DOOR-TO-DOOR EXCEPT MINORS, CLARIFYING THE TIMES THAT THE DOOR-TO-DOOR VENDORS ARE PERMITTED TO OPERATE, AND SETTING AN EXCEPTION FOR THE PLACEMENT OF HANDBILLS OR LEAFLETS ON AUTOMOBILES IN PUBLIC PARKING LOTS NOT TO BE CONSIDERED A DOOR-TO-DOOR OR ITINERANT VENDOR ACTIVITY, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

Section 1. Section 7-12-1-1201 is hereby amended to read as follows:

7-12-1-1201 Definitions.

- A. As used in this article, the following terms shall have the meanings ascribed to them in this section:
1. "Door-to-door vendor" means a person owning, managing or representing a local business or other organization that goes door-to-door to individual residences on behalf of said local business or organization selling or promoting goods or services. Activities of a door-to-door vendor include but are not limited to the following:
 - a. Soliciting orders for goods or services supplied from the stocks carried with or delivered later or for services provided by or through the vendor;
 - b. Promoting or attempting to obtain business through personal contact or distribution of handbills or leaflets to the public directly or by placing them on a doorknob, windshield or other property of another;
 - c. Persons on behalf of a ~~religious~~, political or charitable organization going door-to-door selling or promoting any goods or services, or soliciting donations through personal contact or distribution of handbills or leaflets.
 2. "Individual residence" means any private dwelling and the private area or yard associated with such dwelling to include multi-unit complexes or structures.
 3. "Itinerant merchant" means a person representing a business or organization that does not have a storefront within the corporate city limits of Lawton or who, from time to time or place to place, engages in temporary sales activities from locations not controlled by them through ownership or a long term lease.

4. "Itinerant vendor" means a person not owning, managing or representing a local business that goes door-to-door to individual residences selling or promoting goods or services; hawker; peddler. Activities of an itinerant vendor include but are not limited to the following:
 - a. Soliciting orders for goods or services supplied from the stocks carried with or delivered later by or through the peddler or for services provided by or through the peddler;
 - b. Promoting or attempting to obtain business through personal contact or distribution of handbills or leaflets to the public directly or by placing them on a doorknob, windshield or other property of another.
5. "Local business/organization" means a business or organization having a storefront located within the corporate city limits of Lawton.
6. "Storefront" means a business office, store or other permanent building regularly open to the public where individuals may inquire about said business or organization during posted hours. This includes internet based businesses and home occupation businesses that provide proof of residency in the city limits of Lawton. (Proof of residency is a utility bill within thirty (30) days of application).

Section 2. Section 7-12-1-1202 is hereby amended to read as follows:

7-12-1-1202 Permit required.

- A. No person shall go door-to-door within the corporate city limits of Lawton without first obtaining a door-to-door vendor permit.
- B. An owner or manager of a local business who wishes to have door-to-door vendors representing their business must first obtain a door-to-door vendor permit prior to allowing any door-to-door activities. The owner or manager shall act as the permit applicant and will be responsible for all individuals operating under the business's door-to-door vendor permit.
- ~~B. C.~~ A chairman or leader of a ~~religious~~, political, or charitable organization who wishes to have door-to-door vendors selling or promoting any goods or services, or soliciting donations through personal contact or the distribution of handbills or leaflets on behalf of their organization must first obtain a door-to-door vendor permit prior to allowing any door-to-door activities. The chairman or leader shall act as the permit applicant and will be responsible for all individuals operating under the organization's door-to-door vendor permit.
- ~~C. All door-to-door activities of itinerant vendors and itinerant merchants are prohibited within the City of Lawton.~~
- D. Persons wanting to go door-to-door that do not have a local storefront shall obtain a peddler's permit with the City of Lawton.

Section 3. Section 7-12-1-1203 is hereby amended to read as follows:

7-12-1-1203 Fee.

- A. The fee for permits herein required shall be as set in the fee schedule.

B. The fee shall be assessed for each individual engaged in door-to-door sales activity.

Section 4. Section 7-12-1-1205 is hereby amended to read as follows:

7-12-1-1205 ~~Reserved~~ Revocation of permit.

Any door-to-door vendor permit that is revoked shall be subject to the hearing as set out in Section 7-1-1-112 of Lawton City Code.

Section 5. Section 7-12-1-1209 is hereby amended to read as follows:

7-12-1-1209 Identification badge.

- A. Individuals operating under a door-to-door vendor permit that wish to sell or promote any goods or services or solicit donations through the distribution of handbills or leaflets only shall not be required to obtain a city-issued identification badge provided these individuals do not sell or promote any goods or services or solicit donations through personal contact and wear an identifiable shirt, uniform or badge provided by the business or organization which they are representing identifying them as belonging to such business or organization.
- B. Individuals wishing to sell or promote any goods or services or solicit donations under the door-to-door vendor permit of a local business or organization must first obtain a city-issued identification badge prior to conducting such door-to-door activities. To obtain a city-issued identification badge the individual must provide the following:
 - 1. Statement signed by the permit applicant giving permission for said individual to operate under the door-to-door vendor permit of the local business or organization;
 - 2. Two (2) recent passport style photos of themselves;
 - 3. Identification badge fee as provided in the fee schedule.
 - 4. A background check shall be conducted on the individual going door-to-door. The application shall be provided by the City of Lawton and the fee shall be as provided in the fee schedule; or provide one that has been completed by Oklahoma State Bureau of Investigation within the last thirty (30) days.

Section 6. Section 7-12-1-1210 is hereby amended to read as follows:

7-12-1-1210 Hours of operation.

Door to door vendors may operate only between the hours of 9:00 A.M. and 7:00 P.M., or sunset, whichever is earlier, unless prior arrangements have been made with the occupants of the residence.

Section 7. Section 7-12-1-1217 is hereby amended to read as follows:

7-12-1-1217 Exceptions.

- A. Advertisements mailed to potential customers via the postal service or delivered as part of a regularly delivered newspaper or periodical shall not be considered activities of a door-to-door vendor or itinerant vendor.

- B. Delivery of items ordered or services requested by an individual resident (i.e. where relationships between the requestor and the seller are pre-established) shall not be considered activities of a door-to-door vendor or itinerant vendor.
- C. Persons going door-to-door on behalf of a local religious, political or charitable organizations informing the public of their organization through personal contact or the distribution of handbills or leaflets shall not be required to operate under a door-to-door vendor permit provided that such individuals are not selling or promoting any goods or services or soliciting donations by any means.
- D. The placement of handbills or leaflets on automobiles in public parking lots shall not be considered an activity of a door-to-door vendor or itinerant vendor.
- E. Individuals, under the age of eighteen (18) or still enrolled in high school, that go door-to-door to sell goods shall not be considered a door-to-door vendor or itinerant vendor.

Section 8. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 9. Effective Date. The provisions of this ordinance shall become effective thirty days after passing of the ordinance.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this 12th day of March, 2024.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI L. HUSHBECK, CITY CLERK

APPROVED as to form and legality this ____ day of _____, 2024.

TIMOTHY WILSON, INTERIM CITY ATTORNEY

ORDINANCE NO. 24- ____

AN ORDINANCE PERTAINING TO BUSINESSES BY AMENDING SECTIONS 7-12-1-1201, 7-12-1-1202, 7-12-1-1203, 7-12-1-1205, 7-12-1-1209, 7-12-1-1210, AND 7-12-1-1217, DIVISION 7-12-1, ARTICLE 7-12, CHAPTER 7, LAWTON CITY CODE, 2015; BY ADDING LANGUAGE TO CLARIFY THE DEFINITION OF STORE FRONT, CLARIFYING THAT ALL PERSONS WHO WANT TO GO DOOR-TO-DOOR WITHIN LAWTON SHALL HAVE A PERMIT, SETTING THE FEE AS A PER PERSON INSTEAD OF PER BUSINESS, SETTING FORTH THE HEARING PROCESS IF A DOOR-TO-DOOR PERMIT IS REVOKED, REQUIRING A BACKGROUND CHECK FOR ALL INDIVIDUALS GOING DOOR-TO-DOOR EXCEPT MINORS, CLARIFYING THE TIMES THAT THE DOOR-TO-DOOR VENDORS ARE PERMITTED TO OPERATE, AND SETTING AN EXCEPTION FOR THE PLACEMENT OF HANDBILLS OR LEAFLETS ON AUTOMOBILES IN PUBLIC PARKING LOTS NOT TO BE CONSIDERED A DOOR-TO-DOOR OR ITINERANT VENDOR ACTIVITY, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

BRIEF GIST

This ordinance clarifies the definition of store front, that all persons who want to go door-to-door within Lawton shall have a permit, requires the fee to be per person not per business, sets forth the hearing process if a door-to-door vendor permit is revoked, requires a background check for all individuals who go door-to-door and sets an exception for the placement of handbills or leaflets left on automobiles in public parking lots not to be considered a door-to-door or itinerant vendor activity.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this 12th day of March, 2024.

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

(Published in the Lawton Constitution this ____ day of _____, 2024.)



City of Lawton

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

Commentary

File #: 24-1319

Agenda Date: 3/12/2024

Agenda No: 31.

ITEM TITLE:

Consider an ordinance amending Personnel Policies and Procedures Section 17-1-6-161, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2015, by automatically paying regular full-time general employees and regular part-time general employees, who have completed five (5) years of service, all unused vacation hours above two hundred-eighty (280) for regular full-time general employees and one hundred-forty (140) for regular part-time employees at a reduced rate of seventy-five percent (75%) of the employees regular hourly rate of pay; establishing month of payment to be in January; providing for severability and establishing an effective date.

INITIATOR: Craig Akard, Human Resources Director

STAFF INFORMATION SOURCE: Craig Akard, Human Resources Director

BACKGROUND: The proposed ordinance amends the month that vacation cash out will be paid. The proposal will automatically pay qualifying employees, regular full time and regular part time, that have completed five (5) years of service, as of the beginning of the first full pay period in January, for all unused vacation hours over two hundred-eighty (280) for regular full time employees and one hundred-forty (140) for regular part time employees, at a reduced rate of seventy-five percent (75%). By reducing the number of years from ten (10) to five (5) when an employee can cash out vacation leave without losing the leave and the employee will not need to worry about notifying payroll, this will enhance the morale of those employees. With the ability to cash out vacation, this may keep employees from just burning up vacation hours they may lose and therefore work more. By having employees that have a higher morale and have a better attitude at work, this shows citizens that our employee's care and that we are working for them. Employees may be more eager to listen to the citizens and interact with them on a more positive note, leading to world class customer service. The proposed amendment will be presented to the Employee Advisory Committee at their meeting on March 7, 2024.

EXHIBIT: Ordinance 2024- _____; Brief Gist

KEY ISSUES: N/A

FUNDING SOURCE: The funding source will be from each department's personnel budget authorized by the passing of the Fiscal Year Budget.

STAFF RECOMMENDED COUNCIL ACTION: Adopt Ordinance 24-_____, waive the reading of the ordinance, and read the title only.

ORDINANCE NO. 24-_____

AN ORDINANCE AMENDING PERSONNEL POLICIES AND PROCEDURES SECTION 17-1-6-161, DIVISION 17-1-6, ARTICLE 17-1, CHAPTER 17, LAWTON CITY CODE, 2015, BY AUTOMATICALLY PAYING REGULAR FULL-TIME GENERAL AND REGULAR PART-TIME GENERAL EMPLOYEES, WHO HAVE COMPLETED FIVE (5) YEARS OF SERVICE. ALL UNUSED VACATION HOURS ABOVE TWO HUNDRED-EIGHTY (280) FOR REGULAR FULL-TIME GENERAL EMPLOYEES AND ONE HUNDRED-FORTY (140) FOR REGULAR PART-TIME GENERAL EMPLOYEES AT A REDUCED RATE OF SEVENTY-FIVE PERCENT (75%) OF THE EMPLOYEES REGULAR HOURLY RATE OF PAY; ESTABLISHING MONTH OF PAYMENT TO BE IN JANUARY; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

Section 1. Section 17-1-6-161 is hereby amended to read as follows:

17-1-6-161 - Vacation.

- G. Vacation hours may accrue to a maximum of two hundred eighty (280) hours plus the current year's accrual for regular full-time employees and one hundred forty (140) hours plus the current year's accrual for regular part-time employees. Vacation hours in excess of the maximum of two hundred eighty (280) hours for regular full-time employees and one hundred forty (140) hours for regular part-time employees not used prior to the beginning of the first full pay period in January of each calendar year will be lost, if not cashed out as outlined in Section 17-1-6-161 (H), and there shall be no compensation paid therefor.
- H. Only regular full-time general employees and regular part-time general employees, who have completed ~~ten (10)~~ five (5) years of service, as of the beginning of the first full pay period in January will automatically cash out unused vacation hours and maintain a minimum balance of eighty (80) vacation hours, may elect to cash out up to one hundred (100) vacation hours above two hundred-eighty (280) for regular full time general employees and one hundred-forty (140) for regular part-time general employees. Vacation hours will be cashed out. The employee will be paid at a reduced rate of seventy-five percent (75%) of the employee's regular hourly rate of pay as of the beginning of the first full pay period in January. ~~One hundred (100) is the maximum number of vacation hours to be cashed out, which would result in a payment of seventy-five (75) hours. Payment for vacation hours cashed out will be made in February~~ January of each year. ~~Excess vacation hours will not receive automatic payment; requests to cash out vacation hours must be submitted to payroll by the beginning of the first full pay period in January of each calendar year.~~
- I. Regular employees, who have been employed for twelve (12) consecutive months, shall be paid for all accrued hours of vacation time upon separation. Employees, who have been employed for less than twelve (12) consecutive months, shall not be paid for any accrued

vacation balance upon separation. Regular part-time employees, who have been employed for twelve (12) consecutive months, shall be paid for all accrued hours of vacation time upon separation. Part-time employees, who have been employed for less than twelve (12) consecutive months, shall not be paid for any accrued vacation balance upon separation. Reimbursement shall be based on the employee's regular hourly rate of pay at the time of separation.

Section 2. Severability. If any section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 3. Effective Date. The provisions of this ordinance shall become effective thirty (30) days after its passage.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this ____ day of _____, 2024.

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this _____ day of _____, 2024.

TIMOTHY WILSON, INTERIM CITY ATTORNEY

ORDINANCE NO. 24-____

AN ORDINANCE AMENDING PERSONNEL POLICIES AND PROCEDURES SECTION 17-1-6-161, DIVISION 17-1-6, ARTICLE 17-1, CHAPTER 17, LAWTON CITY CODE, 2015, BY AUTOMATICALLY PAYING REGULAR FULL-TIME GENERAL AND REGULAR PART-TIME GENERAL EMPLOYEES, WHO HAVE COMPLETED FIVE (5) YEARS OF SERVICE. ALL UNUSED VACATION HOURS ABOVE TWO HUNDRED-EIGHTY (280) FOR REGULAR FULL-TIME GENERAL EMPLOYEES AND ONE HUNDRED-FORTY (140) FOR REGULAR PART-TIME GENERAL EMPLOYEES AT A REDUCED RATE OF SEVENTY-FIVE PERCENT (75%) OF THE EMPLOYEES REGULAR HOURLY RATE OF PAY; ESTABLISHING MONTH OF PAYMENT TO BE IN JANUARY; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

BRIEF GIST

This ordinance modifies code by automatically paying regular full-time general employees and regular part-time general employees that have completed five (5) years of service, all unused vacation hours above two hundred-eighty (280) for full-time general employees and one hundred-forty (140) for part-time general employees in January of each year.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this ____ day of _____, 2024.

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

(Published in the Lawton Constitution this ____ day of _____, 2024.)



City of Lawton

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

Commentary

File #: 24-1320

Agenda Date: 3/12/2024

Agenda No: 32.

ITEM TITLE:

Consider an Ordinance, including any floor amendments, amending Personnel Policies and Procedures Section 17-1-6-162, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2015, by granting employees holidays off based on the federal holiday schedule, plus the day after Thanksgiving and Christmas Eve; repealing paragraph D of the Section dealing with flexible holidays; providing for severability and establishing an effective date.

INITIATOR: Craig Akard, Human Resources Director

STAFF INFORMATION SOURCE: Craig Akard, Human Resources Director

BACKGROUND: The proposed amendment changes the current holiday schedule from seven (7) or eight (8) hard holidays, depending on the day of the week Christmas Eve falls, to thirteen (13) holidays based on the federal holiday schedule plus the day after Thanksgiving and Christmas Eve. In applicable years, there would also be a fourteenth (14th) holiday when the federal government recognizes Inauguration Day. All current flex leave must be taken by June 23, 2024. Going to a holiday schedule as the federal government uses, this will give the citizens a better understanding of when city offices will be closed and when we will be “open for business”. This will make for a more efficient workforce as our employees will be off the same days that federal offices, state offices, and local schools are closed. Due to most other businesses being closed, employees may not need to make arrangements for children or pay for the extra time at a daycare. This will also allow employees to be off for the holidays and not trying to use the current flexible holiday leave during the last few weeks of the fiscal year, which leaves the city short-handed at times, which may cause an interruption in city services. A recommendation of an effective date would be July 1, 2024, the start of Fiscal Year 2025. The Employee Advisory Committee will be presented this ordinance amendment at their meeting on March 7, 2024.

EXHIBIT: Ordinance 2024- ; Brief Gist

KEY ISSUES: N/A

FUNDING SOURCE: The funding will be from each department's personnel budget

STAFF RECOMMENDED COUNCIL ACTION: Adopt Ordinance 2024- , waive the reading of the ordinance, and read the title only.

ORDINANCE NO. 24-____

AN ORDINANCE AMENDING PERSONNEL POLICIES AND PROCEDURES SECTION 17-1-6-162, DIVISION 17-1-6, ARTICLE 17-1, CHAPTER 17, LAWTON CITY CODE, 2015, BY GRANTING EMPLOYEES HOLIDAYS OFF BASED ON THE FEDERAL HOLIDAY SCHEDULE, PLUS THE DAY AFTER THANKSGIVING AND CHRISTMAS EVE; REPEALING PARAGRAPH D OF THE SECTION DEALING WITH FLEXIBLE HOLIDAYS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

BRIEF GIST

The proposed amendment changes the current holiday schedule from seven (7) or eight (8) hard holidays, depending on the day of the week Christmas Eve falls, to thirteen (13) holidays based on the federal holiday schedule plus the day after Thanksgiving and Christmas Eve. In applicable years, there would also be a fourteenth (14th) holiday when the federal government recognizes Inauguration Day.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this ____ day of _____, 2024.

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

(Published in the Lawton Constitution this ____ day of _____, 2024.)

2024 Federal Holidays and

		Federal Holiday	State of Oklahoma	Broken Arrow	Enid
1	New Year's Day	YES	Yes	Yes	Yes
2	MLK Jr. Day	YES	Yes	Yes	Yes
3	President's Day	YES	Yes	Yes	Yes
4	Memorial Day	YES	Yes	Yes	Yes
5	Juneteenth	YES	NO	Yes	Yes
6	Independence Day	YES	Yes	Yes	Yes
7	Labor Day	YES	Yes	Yes	Yes
8	Columbus Day (Indigenous People Day)	YES	NO	NO	NO
9	Veteran's Day	YES	Yes	Yes	Yes
10	Thanksgiving Day	YES	Yes	Yes	Yes
11	Day After Thanksgiving	NO	Yes	Yes	Yes
12	Christmas Eve	NO	Yes	Yes	Yes
13	Christmas Day	YES	Yes	Yes	Yes
	Optional Holidays				
	TOTAL HOLIDAYS	11	11	12	12

A holiday that falls on a Saturday, it shall be observed on the preceding Friday. When a holiday falls on a Sunday, it shall be observed on the following Monday.

* Lawton currently recognizes Christmas Eve as a holiday if that day falls Monday through Thursday. Should proposed schedule become effective, Christmas Eve would be a permanent holiday.

the 6 Peer Cities

Edmond	Midwest City	Moore	Norman	Lawton Current	Lawton Proposed
Yes	Yes	Yes	Yes	Yes	Yes
Yes	NO	Yes	Yes	NO	Yes
Yes	NO	Yes	NO	NO	Yes
Yes	Yes	Yes	Yes	Yes	Yes
Yes	NO	NO	NO	NO	Yes
Yes	Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	Yes	Yes
NO	NO	NO	NO	NO	Yes
Yes	NO	Yes	Yes	NO	Yes
Yes	Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	Yes *	Yes
Yes	Yes	Yes	Yes	Yes	Yes
	2		2	5	
12	10	11	12	13 *	13

n a Sunday, the following Monday shall be observed.

ORDINANCE NO. 24-_____

AN ORDINANCE AMENDING PERSONNEL POLICIES AND PROCEDURES SECTION 17-1-6-162, DIVISION 17-1-6, ARTICLE 17-1, CHAPTER 17, LAWTON CITY CODE, 2015, BY GRANTING EMPLOYEES HOLIDAYS OFF BASED ON THE FEDERAL HOLIDAY SCHEDULE, PLUS THE DAY AFTER THANKSGIVING AND CHRISTMAS EVE; REPEALING PARAGRAPH D OF THE SECTION DEALING WITH FLEXIBLE HOLIDAYS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

Section 1. Section 17-1-6-162 is hereby amended to read as follows:

17-1-6-162 Holidays.

- A. Subject to the provisions below, regular employees shall be entitled to ~~twelve (12)~~ thirteen (13) holidays per year, with the exception being Presidential Inauguration Day, in applicable years, when employees will receive fourteen (14) holidays. ~~with the exception being when Christmas Eve falls on a Monday, Tuesday, Wednesday or Thursday. In years when Christmas Eve falls on a Monday, Tuesday, Wednesday or Thursday, regular employees shall then be entitled thirteen (13) holidays for that year. The holidays shall consist of either seven (7) or eight (8) fixed holidays (depending upon whether Christmas Eve falls on a Monday through Thursday) as designated herein and five (5) flexible holidays.~~
- B. Regular and regular part-time employees shall sustain no loss of pay for any biweekly payroll period in which a fixed holiday occurs which would normally be an employee's ~~work day~~ workday unless the employee is on leave without pay the day before or after the fixed holiday.
- C. The following fixed holidays are hereby designated and shall be observed in accordance with the following provisions:
- January 1—New Year's Day;
- Birthday of Martin Luther King, Jr;
- Inauguration Day (when applicable);
- Presidents Day (Washington's Birthday);
- Memorial Day;
- Juneteenth National Independence Day;
- July 4—Independence Day;
- Labor Day;

Columbus Day (Indigenous People's Day);

Veterans Day;

Thanksgiving Day;

Friday after Thanksgiving;

Christmas Eve (~~when this day falls on a Monday, Tuesday, Wednesday or Thursday~~); and

Christmas Day.

1. The department directors shall notify the human resources director by July 1 of each fiscal year the name and position of all shift employees. In lieu of overtime, all shift employees shall receive a holiday credit of eight (8) hours or an additional eight (8) hours of pay for each of the fixed holidays, either ~~seven (7) or eight (8)~~ thirteen (13) or fourteen (14), as applicable. If the fixed holiday leave credit is not used during the fiscal year, shift employees shall be paid annually for all unused fixed holiday leave credits. The annual payment shall be made on the first non-payday Friday in May.
2. In lieu of overtime, regular, non-exempt employees and shift employees who are not scheduled to work on a fixed holiday, but who are called on to work and do work on a fixed holiday, shall be paid for all hours actually worked on the fixed holiday at a rate which is one and one-half (1½) times their regular rate of pay. Such compensation shall be in addition to the regular payment for the fixed holiday and shall be paid at the next available payroll period following the fixed holiday.
3. It is the right of the immediate supervisor to determine who shall, to provide necessary services, work on a designated fixed holiday.
4. For those designated fixed holidays (~~excluding Christmas Eve~~) which fall on a weekend:
 - a. If the holiday falls on a Saturday, the preceding Friday will be considered the holiday with the exception of Christmas Day. When Christmas Day falls on a Saturday, the following Monday shall be considered the holiday since the preceding Friday will be the Christmas Eve holiday (~~excluding Christmas Eve~~); and
 - b. If the holiday falls on a Sunday, the following Monday shall be considered the holiday with the exception of Christmas Eve. When Christmas Eve falls on a Sunday, either the preceding Friday or the following Tuesday shall be considered the holiday since the following Monday will be the Christmas holiday. This decision shall be made by the City Manager. (~~excluding Christmas Eve~~).
5. If an employee is sick, the employee will not be charged sick leave for the designated fixed holiday authorized during the absence.
6. If an employee is on vacation, the employee will not be charged vacation leave for the designated fixed holiday observed during the absence.
7. Should the city council declare special fixed holidays, they shall be observed in accordance with the provisions of this section.

- ~~D. Flexible holidays may be observed by regular employees and regular part time employees on a date mutually agreeable to the employee, the employee's immediate supervisor and the department director and shall be in accordance with the following provisions:~~
- ~~1. Regular employees with at least one (1) year of current continuous service as of July 1 shall be allowed forty (40) hours flexible holiday time, to be used during the next fiscal year. Regular part time employees shall be allowed twenty (20) hours of flexible holiday time.~~
 - ~~2. Regular employees and introductory employees with less than a year of current continuous service, shall be allowed a prorated amount of flexible holiday time based on the relationship of the months of service remaining during the fiscal year to twelve (12) months' service.~~
 - ~~3. In submitting a request for flexible holiday time and in considering the request, the employee, the employee's supervisor, and the department director shall consider the level of service which must be provided by the city activity and the needs and desires of the employee.~~
 - ~~4. Regular employees, regular part time employees and introductory employees must use their flexible holidays before the last payroll period in June of each year or otherwise unused flexible holidays will be lost and there shall be no compensation paid therefore.~~
 - ~~5. Regular employees, regular part time employees and introductory employees who separate from city service during the fiscal year will have flexible holiday time prorated at the rate of four (4) hours per month for the months of July through April of the current fiscal year. If an employee leaves service during these months and has used more than the accrued amount of flexible leave, the amount used over the accrued amount will be deducted from final payouts due the employee. If an employee leaves during the months of May and June, no deduction will be made as they will have accrued the full forty (40) hours flexible holiday time as of April 30 of the current fiscal year. Reimbursement shall be based on the employees regular hourly rate of pay at the time of separation.~~

Section 2. Severability. If any section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 3. Effective Date. The provisions of this ordinance shall become effective thirty (30) days after its passage.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this ____day of _____, 2024.

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this _____ day of _____, 2024.

TIMOTHY WILSON, INTERIM CITY ATTORNEY



City of Lawton

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

Commentary

File #: 24-1321

Agenda Date: 3/12/2024

Agenda No: 33.

ITEM TITLE:

Consider an Ordinance pertaining to Personnel Policies and Procedures amending Section 17-1-6-167, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2015, by requiring the request for terminal leave to be made not less than ninety (90) days from the date terminal leave is to begin for regular full-time employees not in the executive pay plan and to not less than one hundred-twenty (120) days from the date terminal leave is to begin for regular full time employees in the executive pay plan; requiring notification to be to the employee's department director or city manager (whichever is applicable); allowing for floor amendments; providing for severability and establishing an effective date.

INITIATOR: Craig Akard, Human Resources Director

STAFF INFORMATION SOURCE: Craig Akard, Human Resources Director

BACKGROUND: The proposed ordinance amends the time that an employee must notify his/her director or the city manager (whichever is applicable) that they will be starting terminal leave from thirty (30) days to ninety (90) days for regular full time employees not in the executive pay plan and one hundred-twenty (120) days for regular full time employees in the executive pay plan. By increasing the amount of time an employee must give for terminal leave notice, the city may be able to hire a replacement while the current employee is still employed, which will help the transitioning phase. This will allow services to go uninterrupted and business to continue so that citizens will not see a reduction in services. With this change, we will be able to stay open for business through the process, continuing to provide world class customer service to our citizens. The ordinance has been submitted to the Employee Advisory Committee and will be presented at their meeting on March 7, 2024.

EXHIBIT: Ordinance 2024- and Gist.

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Adopt Ordinance 2024- , waive the reading of the ordinance, and read the title only.

ORDINANCE NO. 24-____

AN ORDINANCE AMENDING PERSONNEL POLICIES AND PROCEDURES SECTION 17-1-6-167, DIVISION 17-1-6, ARTICLE 17-1, CHAPTER 17, LAWTON CITY CODE, 2015, BY REQUIRING THE REQUEST FOR TERMINAL LEAVE TO BE MADE: (1) NOT LESS THAN NINETY (90) DAYS PRIOR TO THE TERMINAL LEAVE BEGINNING FOR ELIGIBLE EMPLOYEES NOT IN THE EXECUTIVE PAY PLAN, AND (2) NOT LESS THAN ONE HUNDRED-TWENTY (120) DAYS PRIOR TO TERMINAL LEAVE BEGINNING FOR ELIGIBLE EMPLOYEES IN THE EXECUTIVE PAY PLAN; REQUIRING NOTIFICATION TO EITHER THE EMPLOYEE'S DEPARTMENT DIRECTOR OR THE CITY MANAGER (AS APPLICABLE); PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

Section 1. Section 17-1-6-167 is hereby amended to read as follows:

17-1-6-167 Terminal Leave.

- A. A regular full-time employee after establishing a date of retirement from City of Lawton employment may elect to use accrued vacation and historical sick leave as terminal leave. A regular full-time employee not in the executive pay plan ~~The employee~~ must provide a request for terminal leave to his/her department director not less than ~~thirty (30)~~ ninety (90) days from the date the terminal leave is to begin. A regular full-time employee in the executive pay plan must provide a request for terminal leave to his/her department director or the city manager (whichever is applicable) not less than one hundred-twenty (120) days from the date the terminal leave is to begin. The request must specify the date of retirement and the date the requested terminal leave is to begin.

Section 2. Severability. If any section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 3. Effective Date. The provisions of this ordinance shall become effective thirty (30) days after its passage.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this ____day of _____, 2024.

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this _____ day of _____, 2024.

TIMOTHY WILSON, INTERIM CITY ATTORNEY

ORDINANCE NO. 24-____

AN ORDINANCE AMENDING PERSONNEL POLICIES AND PROCEDURES SECTION 17-1-6-167, DIVISION 17-1-6, ARTICLE 17-1, CHAPTER 17, LAWTON CITY CODE, 2015, BY REQUIRING THE REQUEST FOR TERMINAL LEAVE TO BE MADE: (1) NOT LESS THAN NINETY (90) DAYS PRIOR TO THE TERMINAL LEAVE BEGINNING FOR ELIGIBLE EMPLOYEES NOT IN THE EXECUTIVE PAY PLAN, AND (2) NOT LESS THAN ONE HUNDRED-TWENTY (120) DAYS PRIOR TO TERMINAL LEAVE BEGINNING FOR ELIGIBLE EMPLOYEES IN THE EXECUTIVE PAY PLAN; REQUIRING NOTIFICATION TO EITHER THE EMPLOYEE'S DEPARTMENT DIRECTOR OR THE CITY MANAGER (AS APPLICABLE); PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

BRIEF GIST

The proposed amendment changes the current terminal leave notification time from thirty (30) days: (1) to ninety (90) days prior to terminal leave commencing for eligible employees not in the executive pay plan and (2) to one-hundred twenty (120) days for eligible employees in the executive pay plan. The amendment also requires notification to the employee's department director or the city manager (as applicable).

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this ____ day of _____, 2024.

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

(Published in the Lawton Constitution this _____ day of _____, 2024.)



City of Lawton

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

Commentary

File #: 24-1338

Agenda Date: 3/12/2024

Agenda No: 34.

ITEM TITLE:

Consider approving an ordinance pertaining to Administration, creating Section 2-3-19-403 and Division 2-3-19 in Article 2-3, Chapter 2, Lawton City Code 2015, relating to Boards, Commissions and Committees by establishing the Homeless Action Committee, setting forth membership, duties and purpose; providing for codification; providing for severability and establishing an effective date.

INITIATOR: John Ratliff, City Manager

STAFF INFORMATION SOURCE: John Ratliff, City Manager

BACKGROUND: During the February 27th City Council meeting, Council approved establishing a Council Committee to study issues related to the City's homeless population and make recommendations to City Council. This proposed ordinance formally establishes the Homeless Action Committee which will consist of seven (7) members. Four (4) of the seven (7) shall be City Council members and three (3) of the seven shall be members of the community.

EXHIBIT: Ord 24 -

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Approve Ordinance 24-____, waive the reading of the ordinance, read the title only.

ORDINANCE NO 24-

AN ORDINANCE PERTAINING TO ADMINISTRATION, CREATING SECTION 2-3-19-403 AND DIVISION 2-3-19 IN ARTICLE 2-3, CHAPTER 2, LAWTON CITY CODE, 2015, RELATING TO BOARDS, COMMISSIONS AND COMMITTEES BY ESTABLISHING THE HOMELESS ACTION COMMITTEE, SETTING FORTH MEMBERSHIP, DUTIES AND PURPOSE; PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAWTON, OKLAHOMA THAT:

Section 1. Division 2-3-19 is hereby created in Chapter 2 of the Lawton City Code to read as follows:

2-3-19 – Homeless Action Committee.

Section 2. Section 2-3-19-403 is hereby created as part of Division 2-3-19 to read as follows:

2-3-19-403 – Homeless Action Committee – Creation, membership, terms of office, duties.

A. There is hereby established a committee to be known as the Homeless Action Committee. This committee shall consist of seven (7) voting members. All seven members will be appointed by the Mayor and confirmed by City Council. Four (4) of the seven (7) shall be City Council members. Three (3) of the seven (7) shall be members of the community, one (1) from the social services field, one (1) from the mental health field and one (1) from the faith-based community. Each individual nominated and confirmed to serve on the committee shall serve at the pleasure of the Mayor for an indefinite term. The committee shall appoint a chairperson. Appointments to fill any vacancy on the committee shall, following a nomination by the Mayor, be confirmed by a majority vote of the City Council.

Three participating alternate members (non-Council) shall be nominated by the Mayor and confirmed by the City Council. Alternate members shall attend all meetings, and if it appears the committee will not have enough members to achieve a quorum, the Chairperson may call on one, two or three alternate members to achieve a quorum. The City Manager (or designee) and Chief of Police (or designee) shall serve as ex-officio members of this committee.

B. The Homeless Action Committee shall meet on a regular basis, being no less than quarterly, at a predetermined location, date, and time. No meeting shall be called, unless four (4) of the voting committee members are present. The committee shall comply with the Open Meetings

Act. Roberts Rules of Order will control unless bylaws are established that state otherwise. The City Clerk (or designee) will attend meetings and publish the minutes.

C. The mission of the Homeless Action Committee is to reduce the community impact of homelessness through organization and empowerment of local groups who offer services and solutions to those impacted by homelessness.

D. It shall be the duty of this Committee to:

1. Identify the scope of homelessness in Lawton-Fort Sill.
2. Identify services offered and refer homeless to servicing agencies.
3. Create a database of contacts, to include agencies and the homeless.
4. Inform the public about scope of homelessness and of opportunities to effectively provide assistance.
5. Collaborate with affected business owners.
6. Make recommendations to standardize the City's role, related to Police, Fire and Neighborhood Services in addressing homelessness issues.
7. Make recommendations of ordinances to address unauthorized or illegal behaviors.
8. Seek grant funding opportunities to support needed services.
9. Seek to assist with increasing the availability of affordable housing.
10. Offer assistance to those who utilize support services.

Section 3. Codification. Division 2-3-19 and Section 2-3-19-403 shall be codified in Article 2-3, Chapter 2, Lawton City Code, 2015.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 5. Effective Date. The provisions of this ordinance shall become effective thirty (30) days after the date of passage of the ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that: SAID ORDINANCE IS ADOPTED

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this ____ day of _____ 2024.

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this _____ day of _____, 2024.

TIMOTHY WILSON,
INTERIM CITY ATTORNEY

ORDINANCE NO 24-

AN ORDINANCE PERTAINING TO ADMINISTRATION, CREATING SECTION 2-3-19-403 AND DIVISION 2-3-19 IN ARTICLE 2-3, CHAPTER 2, LAWTON CITY CODE, 2015, RELATING TO BOARDS, COMMISSIONS AND COMMITTEES BY ESTABLISHING THE HOMELESS ACTION COMMITTEE, SETTING FORTH MEMBERSHIP, PURPOSE AND DUTIES; PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

BRIEF GIST

This ordinance establishes the Homeless Action Committee and sets forth members, purpose and duties of the committee.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this ____ day of_____, 2024.

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

(Published in the Lawton Constitution this ____ day of _____, 2024.)



City of Lawton

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

Commentary

File #: 24-1340

Agenda Date: 3/12/2024

Agenda No: 35.

ITEM TITLE:

Consider approving an ordinance pertaining to Recreation, creating Section 19-7-714 in Article 19-7, Chapter 19, Lawton City Code, 2015, by establishing a provision prohibiting metal detecting and digging in City owned parks; providing for severability and establishing an effective date.

INITIATOR: Councilperson Warren

STAFF INFORMATION SOURCE: Councilperson Warren

BACKGROUND: The proposed ordinance will prohibit metal detecting and digging in City owned parks, in an effort to prevent safety hazards (such as holes) being left from digging.

EXHIBIT: Ordinance 24-

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Approve the Ordinance, waive the reading of the ordinance, read the title only.

ORDINANCE NO 24-

AN ORDINANCE PERTAINING TO RECREATION, CREATING SECTION 19-7-714 IN ARTICLE 19-7, CHAPTER 19, LAWTON CITY CODE, 2015, BY ESTABLISHING A PROVISION PROHIBITING METAL DETECTING AND DIGGING IN CITY PARKS; PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAWTON, OKLAHOMA THAT:

Section 1. Section 19-7-714 is hereby created in Chapter 19 of the Lawton City Code to read as follows:

19-7-714 – Metal Detecting and Digging Prohibited.

A. Metal detecting and digging within City owned parks is strictly prohibited. This prohibition does not affect work authorized by the City or utility work occurring within City easements.

B. Any violation of the provision of this section shall be deemed guilty of an offense punishable by a fine not to exceed \$100.

Section 2. Codification. Section 19-7-174 shall be codified in Article 19-7, Chapter 19, Lawton City Code, 2015.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 4. Effective Date. The provisions of this ordinance shall become effective thirty (30) days after the date of passage of the ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that: SAID ORDINANCE IS ADOPTED

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this ____ day of _____ 2024.

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this ____ day of _____, 2024.

TIMOTHY WILSON,
INTERIM CITY ATTORNEY

ORDINANCE NO 24-

AN ORDINANCE PERTAINING TO RECREATION, CREATING SECTION 19-7-714 IN ARTICLE 19-7, CHAPTER 19, LAWTON CITY CODE, 2015, BY ESTABLISHING A PROVISION PROHIBITING METAL DETECTING AND DIGGING IN CITY PARKS; PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

BRIEF GIST

This ordinance prohibits metal detecting and digging in City owned parks.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this ____ day of_____, 2024.

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

(Published in the Lawton Constitution this ____ day of _____, 2024.)



City of Lawton

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

Commentary

File #: 24-1306

Agenda Date: 3/26/2024

Agenda No: 36.

ITEM TITLE:

Consider approving a supplemental agreement for additional funding between the City of Lawton and the Department of Transportation of the State of Oklahoma Project Number JP19144(04), State Job Number STP-116B(059) MS, City's Project Number EN1208 Gore Blvd between 67th to 82nd St.

INITIATOR: Joseph Painter, P.E., Director of Engineering & City Engineer

STAFF INFORMATION SOURCE: Joseph Painter, P.E., Director of Engineering & City Engineer

BACKGROUND: Bids were opened on the subject project on February 8th, 2024, at 10:30 am. While there was only one Bidder, Duit Construction Company, Inc, and Duit was \$2,123,575.12 over the engineers estimate. The total construction project cost ODOT construction inspection fees is \$13,782,348.85. The Gore Blvd project from 67th Street to 87th Street is a very important project for Lawton. The project originated in 2001 and the funding agreement was executed in 2018. At the time of the agreement the federal STP funding was 80%. Today because of increases in construction costs and delays such as AT&T taking 2 years to relocate their utilities, the same 80% funding put Lawton at 50% with increased cost. City Engineer, Joseph Painter, P.E., reached out to ODOT by letter dated February 12, 2024, requesting for additional assistance. ODOT agreed to grant additional funds in the amount \$1,800,791.70 and having Lawton to pay \$450,197.93.

The overall share for the project is \$13,782,348.85 with \$6,826,000 original share for ODOT and now additional \$1,800,791.70 making the total ODOT share as \$8,626,791.70. And City's share as \$5,155,557.15 (including \$450,197.93).

EXHIBIT: Supplemental Funding Agreement

KEY ISSUES: None

FUNDING SOURCE: The funds will be available from the CIP loan series 2024. There is \$5M designated for this project in the \$30M loan which is being considered by Council.

STAFF RECOMMENDED COUNCIL ACTION: Consider approving a supplemental agreement for additional funding between the City of Lawton and the Department of Transportation of the State of Oklahoma Project Number JP19144(04), State Job Number STP-116B(059) MS, City's Project Number EN1208 Gore Blvd between 67th to 82nd St.

**S UPPLEMENTAL CONSTRUCTION FUNDING AGREEMENT
BETWEEN
THE OKLAHOMA DEPARTMENT OF TRANSPORTATION
AND
THE CITY OF LAWTON**

This Project Agreement ("Agreement") is made by and between the Oklahoma Department of Transportation, hereinafter referred to as the "Department", and the **City of LAWTON**, hereinafter referred to as the "Sponsor," which may be referred to collectively as the "Parties," for the following intents and purposes and subject to the following terms and conditions, to wit:

Project Type	Div.	County	JP No	Project No.	Work Type	Description
CITY STREET	07	COMANCHE	19144(04)	STP -116B (059) MS	GRADE, DRAIN & SURFACE	GORE BOULEVARD FROM 67TH STREET TO 82ND STREET IN LAWTON (S-31)

W I T N E S S E T H

WHEREAS, the Department is charged under the laws of the State of Oklahoma with construction and maintenance of State Highways; and,

WHEREAS, the Department is, by terms of agreements with the Federal Highway Administration, responsible for the management and construction of certain federally funded projects within the corporate limits of cities within the State of Oklahoma; and,

WHEREAS, the Sponsor has been identified as the beneficiary and sub-recipient of such federally funded project; and,

WHEREAS, receipt of the benefits of this project will require that the Sponsor assume certain financial responsibilities; and,

WHEREAS, the Sponsor is a municipal corporation created and existing under the constitution and laws of the State of Oklahoma; and,

WHEREAS, the laws and constitution of the State of Oklahoma impose financial restrictions on the Sponsor and its ability to ensure financial obligations; and,

WHEREAS, the Parties hereto recognize those financial limitations and agree that the financial obligations assumed by the Sponsor, by the terms of this Agreement, are enforceable only to the extent as may be allowed by law or as may be determined by a court of competent jurisdiction; and,

WHEREAS, it is understood that, by virtue of the Article 10, Section 26 of the Oklahoma Constitution, the payment of Sponsor funds in the future will be limited to appropriations and available funds in the then current Sponsor fiscal year.

NOW THEREFORE, subject to the limitations hereinbefore described, the Department and the Sponsor do agree as follows:

1. The Sponsor requested that certain street improvements be approved by the Oklahoma Transportation Commission, as were previously programmed by the Sponsor and described as follows:

Project Type	Div.	County	JP No	Project No.	Work Type	Description
CITY STREET	07	COMANCHE	19144(04)	STP -116B (059) MS	GRADE, DRAIN & SURFACE	GORE BOULEVARD FROM 67TH STREET TO 82ND STREET IN LAWTON (S-31)

2. The Sponsor shall prepare, or cause to be prepared, plans for construction of this federal-aid project and agrees that all construction shall be in conformance with the furnished plans, which are incorporated with and made part of this Agreement.
3. The Sponsor agrees that the furnished plans at the time of bidding, are at a minimum, in compliance with the current Oklahoma Department of Transportation Standard Specifications for Highway Construction.
4.
 - A. The Sponsor shall be responsible for furnishing all right-of-way for this federal-aid project in compliance with all applicable laws, federal regulations, and guidelines established by the USDOT's FHWA's Office of Real Estate Services, including 42 USC, Chapter 61 (The Uniform Act) and 49 CFR Part 24, (Uniform Relocation Assistance and Real Property Acquisition For Federal and Federally Assisted Programs), as well as applicable State Statutes, Oklahoma Administrative Codes, and Department Policy; free and clear of all obstructions and encroachments; and that the Sponsor shall, at its sole expense, maintain the project after construction.
 - B. The Sponsor shall keep all permanent right-of-way shown on said plans free from any encroachment and take timely action to effect the removal of any encroachments upon notification by the Department, including all necessary legal action when required.
 - C. The Sponsor shall acquire all right-of-way, if any, be responsible for the total costs for removing and relocating outdoor advertising signs and for the relocation assistance payments to persons displaced by reason of the acquisition of right-of-way and be responsible for the removal or relocation of all utility lines on public or private rights-of-way to accommodate the construction of this project, and comply with these additional requirements:
 1. Transmit copies of the instruments, including all deeds and easements, to the Department prior to the advertisement of bids for construction.
 2. Comply with the provisions of 42 U.S.C.A. § 4601-4655 and 23 U.S.C.A. § 323 (as amended) and, further comply with 49 C.F.R. Part 24 in the acquisition of all necessary right-of-way and relocation of all displacees.

3. Convey title to the State of Oklahoma on all tracts of land acquired in the name of the Sponsor if the project is located on the State Highway System.

D. If the acquisition of right-of-way for this project causes the displacement of any person, business or non-profit organization, the Sponsor will provide and be responsible for the Relocation Assistance Program and for all cost associated with the relocation assistance payments. The Department will supply a list of approved service providers qualified to administer the Relocation Assistance Program. The Sponsor agrees to employ a service provider from the approved list and comply with all applicable rules, regulations, statutes, policies and procedures of both the United States and the State of Oklahoma. Before any relocation assistance payments are made, (if applicable), all files with parcels requiring relocation shall be audited by the Department. The Department shall be notified in writing within seven (7) days of the date of the offer to the property owner on any parcel which will require relocation assistance. Written notifications of offers to acquire shall be addressed to Project Manager, Right-of-Way Division, Oklahoma Department of Transportation, 200 N. E. 21st Street, Oklahoma City, Oklahoma 73105.

5. The Sponsor agrees to the location of the subject project and agrees to adopt the final plans for said project as the official plans of the Sponsor for the streets, boulevards, arterial highways and/or other improvements contained therein; and further, the Sponsor affirmatively states that it has or shall fully and completely examine the plans and shall hereby warrant to the Department, the Sponsor's complete satisfaction with these plans and the fitness of the plans to construct aforesaid project.
6. A. The Sponsor certifies that the project design plans shall comply, and the project when completed will comply, with the requirements of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. §§ 12101 – 12213), 49 CFR Parts 27, 37 and 38 and 28 CFR parts 35 and 36. The Sponsor shall be exclusively responsible for integrated ADA compliance planning for all Sponsor streets, sidewalks and other facilities provided for public administration, use and accommodation, which is required of recipients and sub-recipients by 49 CFR § 27.11. State highways continued through corporate limits of the Sponsor shall be included in the Sponsor's comprehensive compliance plans.

B. The SPONSOR agrees to comply with **The Americans with Disabilities Act Non-Discrimination Clause** which is incorporated into this agreement as the attached ADA Exhibit.

7. The Parties hereto agree to comply with all applicable laws and regulations meeting Environmental Protection Agency (EPA) requirements for pollution prevention, including discharges from storm water runoff on this project. The Department shall require the contractor who may be awarded the project to meet all Oklahoma Department of Environmental Quality (ODEQ) requirements for storm water runoff on this project. It is agreed that the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the Storm Water Management Plan (SWMP) sheet and appropriate U.S. Geological Survey (USGS) topographic map contained in the plans constitute the SWMP for the project described previously in this document. Further, if required, the Department shall require the contractor to file a Notice of Intent (NOI) for storm water discharges associated with

construction activity under the Oklahoma Pollutant Discharges Elimination System (OPDES) General Permit with ODEQ, which authorizes the storm water discharges associated with construction activity from the construction site, and to develop, if required, a Storm Water Pollution Prevention Plan (SWPPP).

8. The Sponsor agrees that prior to the Department's advertising of the project for bids (as to that part of the project lying within the present corporate limits) it will:
 - (a) Grant to the Department and its contractors, the right-of-entry to all existing streets, alleys, and Sponsor owned property when required, and other rights-of-way shown on said plans.
 - (b) Remove at its own expense, or cause the removal of, all encroachments on existing streets as shown on said plans, including all signs, buildings, porches, awnings, porticos, fences, gasoline pumps and islands, and any other such private installations.
 - (c) To prohibit parking on that portion of the project within the corporate limits of the Sponsor, except as may be indicated in the plans or hereafter approved by agreement with the Department. The Sponsor further agrees not to install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the Federal Highway Administration and Manual on Uniform Traffic Control Devices (MUTCD).
 - (d) Comply with the Department's standards for construction of driveway entrances from private property to the highway, in accordance with the Department's manual entitled "Policy on Driveway Regulation for Oklahoma Highways", Rev. 5/96, 69 O.S. (2001) § 1210.
 - (e) Maintain all right of way acquired for the construction of this project, as shown on said plans, in a manner consistent with applicable statutes, codes, ordinances and regulations of the Department and the State of Oklahoma.
 - (f) The Sponsor shall have the authority pursuant to 69 O.S. 2001 § 1001 and 69 O.S. 2001 § 1004 to sell any lands, or interest therein, which were acquired for highway purposes as long as such sale is conducted in accordance with the above cited statutes. Prior written approval by the Chief, Right-of-Way Division for the Department shall be required before any sale is made.
9. The Sponsor further agrees and warrants to the Department that, subsequent to the construction of said project, the Sponsor will:
 - a Erect, maintain and operate traffic control devices, including signals, signs and pavement markings only in accordance with 47 O.S. 2011 §§ 15-104- 15-106, and subject to agreement of the Department:
 - 1) In the event that any traffic signal installed hereunder is no longer needed for the purposes designated herein, then the traffic signal installed hereunder shall not be removed by the Sponsor to any other point other than that which is approved by the Department prior to such removal.

- 2) In the event there is no mutually agreed location for the reinstallation, the Sponsor will assume complete ownership of the equipment following removal if the installation is ten (10) years old or older. If the installation is less than ten (10) years old and:
 - a) In the event the Sponsor desires total ownership of the equipment, the Sponsor shall reimburse the Department the original federal funding percentage share for the original equipment cost only, amortized for a ten (10) year service life, interest ignored, and assuming straight line depreciation.
 - b) In the event the Sponsor does not desire total ownership of the equipment, the Sponsor shall sell the equipment at public auction to the highest bidder. The Sponsor shall reimburse the Department the original federal funding percentage share of the proceeds of such sale.
- b) Subject to agreement with the Department, regulate and control traffic on said project, including but not limited to, the speed of vehicles, parking, stopping and turns only in accordance with 47 O.S. 2011 §§ 15-104- 15-106, and to make no changes in the provisions thereof without the approval of the Department. It shall be the responsibility of the Sponsor to notify the Department of any changes necessary to ensure safety to the traveling public.
- c) Maintain all drainage systems and facilities constructed, installed, modified or repaired in conjunction with this project or as may be otherwise necessary to ensure proper drainage for road surfaces constructed under the terms of this Agreement.
- d) Maintain all curbs and driveways abutting road surfaces constructed under the terms of this Agreement and all sidewalks adjacent thereto.
- e) Maintain all right-of-way areas adjacent to road surfaces, including erosion control and period mowing of vegetation, in a manner consistent with applicable codes, ordinances and regulations.
- f) Make ample provision annually for proper maintenance of items heretofore delineated as the responsibility of the Sponsor, including the provision of competent personnel and adequate equipment, and specifically, to provide all required special maintenance of the project during the critical period immediately following constructions.
- g) Keep all permanent right-of-way shown on said plans free from any encroachment and take immediate action to effect the removal of any encroachments upon notification by the Department.
- h) For any portion of the project encompassed under this agreement that is part of the State Highway System, the Sponsor shall maintain all that part of said project within the corporate limits of the Sponsor between the gutter lines and the right-of-way lines, and if no gutter exists, between the shoulder lines and the right-of-way lines, including

storm sewers, all underground facilities, curbs and mowing, all in accordance with 69 O.S. Supp. 1994 §901 and all other applicable law.

- i On limited access highways where county roads or city streets extend over or under the highway or public roads are constructed on state rights-of-way but there is no immediate ingress and egress from the highway, responsibility shall be as follows:

- (1) The public roads as defined in OAC 730:35-1-2 shall be maintained by the city or county and shall be included in their roadway mileage inventory.

- (2) Where county roads or city streets extend over the highway, the roadway, approaches and bridge surfaces, including the deck, shall be maintained by the city or county. The approach guardrail, bridge structure, and highest clearance posting on the structure shall be maintained by the Department.

- (3) Where county roads or city streets extend under the highway, the roadway approaches and advance signing shall be maintained by the city or county. The Department shall maintain the approach guardrail, bridge structure and surface, and the height clearance posting on the structure.

- 10. The Sponsor further agrees and warrants to the Department concerning any sign and highway facility lighting included as part of this project:
 - a. The Sponsor will, upon notice from the Department Engineer, provide at its own expense all required electrical energy necessary for all preliminary and operational tests of the highway lighting facilities.
 - b. Upon completion of the construction of said project, the Sponsor will be responsible for the maintenance and cost of operation of these highway lighting facilities, including all appurtenances thereto and including the sign lighting facilities.
 - c. It is specifically understood and agreed that the highway lighting and sign lighting facilities specified hereunder shall be continuously operated during the hours of darkness, between sunset and sunrise, and shall not be altered, removed or be allowed to cease operation without the mutual written consent of the Department and the Sponsor.
 - d. The Sponsor agrees to provide, on a periodic schedule, an inspection, cleaning and re-lamping maintenance program to assure the maximum efficiency of the highway lighting facilities.
 - e. In the event that the highway lighting facilities installed hereunder are no longer needed for the purposes designated herein, then the highway lighting facilities installed hereunder shall not be removed by the Sponsor to any point other than which is approved by the Department prior to such removal.

- f. In the event there is no mutually agreed location for reinstallation, the Sponsor will assume complete ownership of the equipment following removal if the installation is twenty (20) years old or older. If the installation is less than twenty years old and:
- 1) In the event the Sponsor desires total ownership of the equipment, the Sponsor shall reimburse the Department the original federal funding percentage share of the original equipment costs only, amortized for a twenty (20) year service life, interest ignored, and assuming straight line depreciation.
 - 2) In the event the Sponsor does not desire total ownership of the equipment, the Sponsor shall sell the equipment at public auction to the highest bidder. The Sponsor shall reimburse the Department the original federal funding percentage share of the proceeds of such sale.
11. The Sponsor agrees, affirms and warrants to the Department that the Sponsor will be responsible, during the period of construction, for any repairs or maintenance to the approved detour route or any other street which may be required as a result of additional traffic.
12. The Sponsor agrees to comply with Title VI of the Civil Rights Act of 1964, 78 O.S. § 252.42, 42 U.S.C. §§ 200d et seq., and all requirements imposed by or pursuant to 49 CFR, Part 21, "Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964."
13. The Sponsor agrees that it will, by resolution, duly authorize the execution of this Agreement by the proper officials and attach copies of such resolution to this Agreement.
14. To the extent permitted by the *Oklahoma Governmental Tort Claims Act*, Title 51 Oklahoma Statutes, Sections 151 *et seq.* and by Oklahoma Constitution Article 10, section 26 and as otherwise permitted by law, the Sponsor shall indemnify and save harmless the Department, its officers and employees, and shall process and defend at its own expense all claims, demands, or suits whether in law or equity brought against the Sponsor or the Department arising from the Sponsor's execution, performance, or failure to perform, and provisions of this agreement or alleged negligence in the location, design, construction, operation, or maintenance of a portion of the Sponsor Street System within the corporate limits of the Sponsor. Provided, nothing herein shall require the Sponsor to reimburse the Department for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Department. When any alleged act, omission, negligence, or misconduct may be subject to the limitations, exemptions, or defenses which may be raised under the *Oklahoma Governmental Tort Claims Act*, 51 O.S. § 151 et seq., all such limitations, exemptions, and defenses shall be available to and may be asserted by Sponsor. No liability shall attach to the Department except as expressly provided herein.

15. Based on an estimated total construction cost plus construction inspection cost of Thirteen-Million-Seven-Hundred-Eight-Two-Thousand-Three-Hundred-Forty-Eight-Dollars and Eight-Five-Cents (\$13,782,348.85), it is agreed the project referenced above will be financed as follows:
- Federal STP funds shall be used to finance a portion of the federally participating construction cost and will be capped at Eight-Million-Six-Hundred-Twenty-Six-Thousand-Seven-Hundred-Ninety-One-Dollars and Seventy-Cents (\$8,626,791.70).
 - Sponsor funds provided by the Sponsor shall be provided to finance the balance of the eligible participating project construction costs, estimated at Five-Million-One-Hundred-Fifty-Five-Thousand-Five-Hundred-Fifty-Seven-Dollars and Fifteen-Cents (\$5,155,557.15). The SPONSOR shall also provide 100% of any federally non-participating costs, estimated at Six-Hundred-Twenty-Two-Thousand-Eight-Hundred-Ninety-Eight-Dollars (\$622,898.00). Total Sponsor funds are currently estimated at Five-Million-Seven-Hundred-Seventy-Eight-Thousand-Four-Hundred-Fifty-Five-Dollars and Fifteen-Cents (\$5,778,455.15). The estimated Sponsor funds shall be placed on deposit with the DEPARTMENT upon execution of this agreement and receipt of the Department's invoice, prior to advertising the project for bid.
16. a) It is understood by the Sponsor and the Department that the funding participation stipulated herein may be altered due to bid prices, number of phases selected, construction supervision costs and federally non-participating costs incurred during construction.
- b) The DEPARTMENT, using its own forces or the services of others, will supervise and inspect all work performed by the construction contractor and will provide such engineering, inspection and testing services as may be required to ensure that the construction of the project is accomplished in accordance with the approved PS&E. Actual supervision and inspection costs shall be charged to the project and financed as described in PARAGRAPH 15 of this agreement.
- c) The Sponsor will be responsible for payment of estimated local funding prior to advertising the project for bid. Upon final acceptance of this project, the amount of federal funds and the amount previously deposited by the Sponsor will be deducted from the total cost and a refund will be made by the Department to the Sponsor or additional funding will be requested from the Sponsor. The Sponsor agrees to make arrangements for payment of any Department invoice within 45 days of receipt.
17. It is understood by the Sponsor that only those DEPARTMENT administered funding sources specified in Paragraph 15 of this agreement shall be made available for the financing of this project. All other costs are the responsibility of the SPONSOR. No STATE funds are allocated to this project.
18. Upon approval of this Agreement and the plans, specifications and estimates by the Sponsor, Department and the Federal Highway Administration, if applicable, the Department shall agree to advertise and let the contract for this project in the usual and customary legal manner. It is agreed that the project herein described is proposed to be financed as previously set forth, and that this Agreement, all plans, specifications, estimates of costs, acceptance of work, payments and procedures in general hereunder are subject in all things at all times to all federal laws,

regulations, orders and approvals as may be applicable hereto.

19. The Department agrees to construct said project in strict accordance with the plans furnished and approved by the Sponsor, provided that upon consultation with and agreement by the Sponsor, the Department shall have the right to make such changes in the plans and specifications as are necessary for the proper construction of the project. The Department shall provide competent supervision at all times that the work is in progress. The Sponsor shall have inspectors on the project site as the Sponsor determines necessary to ensure construction of the project to the satisfaction of the Sponsor and shall have representatives available for consultation with the Department representatives to cooperate fully to the end of obtaining work strictly in accordance with the Sponsor's approved plans and specifications.
20. The Sponsor agrees that it will intervene as a party defendant in all actions where a contractor may allege delay due to failure of the Sponsor to accomplish timely utility relocations, site conditions which are not represented on the plans or plan errors which impact on project constructability, whether in the District Court or in an alternative dispute resolution forum, will defend all such actions and will pay all damages relating to delay as may be assessed by such court or alternative dispute resolution forum against the Sponsor for its adjudged failure.
21. Failure by the Sponsor to fulfill its responsibilities under this Agreement will disqualify the Sponsor from future participation in any Federal-aid project. Federal funds are to be withheld until such time as the deficiencies in regulations have been corrected or the improvements to be constructed under this Agreement are brought to a satisfactory condition of maintenance.
22. It is further specifically agreed between the Sponsor and the Department that the project will be built in accordance with the plans and specifications, and upon final acceptance by the Sponsor and the Department of this project, the Sponsor does hereby accept full, complete and total responsibility for maintenance of this project as provided in this Agreement. The Sponsor does not waive any rights against any contractor(s) with respects to defects, hidden or otherwise, in materials or workmanship. The Sponsor does not, pursuant to this provision or any other provision in this Agreement, waive its sovereign immunity or any exemption from, exception to or limitation of liability as provided in the Governmental Tort Claims Act.
23. The Secretary of the Department may terminate this Agreement in whole or, from time to time, in part whenever:
 - a. The requisite federal funding becomes unavailable through failure of appropriation or otherwise.
 - b. The contractor is prevented from proceeding with the work as a direct result of an Executive Order of the President with respect to the prosecution of war or in the interest of national defense or an Executive Order of the President or Governor of the State with respect to the preservation of energy resources.
 - c. The contractor is prevented from proceeding with the work by reason of a preliminary, special or permanent restraining order of a court of competent jurisdiction where the issuance of such order is primarily caused by the acts or omissions of persons or

agencies other than the contractor.

- d. The Secretary determines that such termination is in the best interest of the State.

REMAINDER OF PAGE INTENTIONALLY BLANK

IN WITNESS WHEREOF, the Director of the Department of Transportation, pursuant to authority vested in him by the State Transportation Commission, has hereunto subscribed his name as Director of the Department of Transportation and the Sponsor has executed same pursuant to authority prescribed by law for the Sponsor.

The Sponsor, _____ on this _____ of _____,
20____, and the Department on the _____ day of _____, 20____.

THE CITY OF

APPROVED AS TO FORM
AND LEGALITY

By _____
City Attorney

By _____
Mayor

By _____
Attest: City Clerk
OF

(SEAL): Approved – THE CITY

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION

Recommended for Approval

Local Government DATE
Division

Director of Project Delivery DATE

APPROVED AS TO FORM
AND LEGALITY

APPROVED

General Counsel DATE

Deputy Director DATE

RESOLUTION NO. 18- 59

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF
LAWTON OKLAHOMA:**

THAT, WHEREAS, it is in the best interest of the City of LAWTON, Oklahoma, to execute that certain Project Agreement by and between the City of LAWTON and the Oklahoma Department of Transportation for the Federal- aid Project described below:

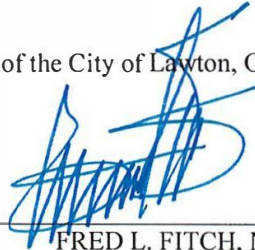
JP No.	Project No.	Description
19144(04)	STP – 116B(059) MS	Gore Boulevard From 67 th Street to 82 nd Street in Lawton (S-31)

PASSED and APPROVED by the Mayor and Council of the City of Lawton, Oklahoma, this 14th day of August, 2018.

ATTEST:



TRACI HUSHBECK, CITY CLERK



FRED L. FITCH, MAYOR

APPROVED as to form and legality this 14 day of August, 2018.



FRANK V. JENSEN, CITY ATTORNEY

OKLAHOMA DEPARTMENT OF TRANSPORTATION

INVOICE

Make check PAYABLE and MAIL TO:

Oklahoma Department of Transportation
Attn: Revenue Section
Comptroller Division, RM 3-B-6
200 N. E. 21st Street
Oklahoma City, OK 73105-3204

To:	City of Lawton	Division Invoice No.	19144(04)-2
	2202 SW 3 rd Street	Division Name:	Local Government
	Lawton, OK 73501	Date:	02/20/24

Description – Explanation of Charge		Quantity	Price Each	Total
Due Date:	UPON RECEIPT			
STP-116B(059)MS				
GRADE, DRAIN & SURFACE				
Lawton: Gore Blvd. from 67th St to 82nd St.				
TOTAL ESTIMATED COST				\$11,531,359.22
(Less Federal Funding - capped)				(\$ 6,826,000.00)
(Less Invoice 19144(04)-1 paid 01/12/24)				(\$ 4,705,359.22)
Bid Tab - Duit Construction 2/8/24				
Balance				\$ 2,123,575.12
6% Contingency on balance				\$ 127,414.51
(Less additional Federal Funding)				(\$ 1,800,791.70)
Invoice Total				<u>\$ 450,197.93</u>

Accounting Use Only

Distribution of Copies:
Purchaser
Remit with Payment
Division Project File
Division Accounting
Division Acctg-Invoice File
Comptroller

CMPT-IV 6349 11/94



City of Lawton

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

Commentary

File #: 24-1353

Agenda Date: 3/12/2024

Agenda No: 37.

ITEM TITLE:

Per the recommendation of the Streets and Bridges Committee, consider approving T&G Construction, Inc as the designated vendor for Project No. PW2303- Citywide Pavement Rehabilitation Project “A”, commonly known as the “On Target, On Time” Street Project and direct staff to initiate the drafting of a contract to formalize the terms and conditions of the engagement.

INITIATOR: Councilmember George Gill

STAFF INFORMATION SOURCE: Councilmember George Gill

BACKGROUND: On March 4, 2024 bids were opened for the 2024 Citywide Pavement Rehabilitation Project A (Project No. PW2303), more commonly known as the “On Target, On Time” Street Project. Four bids were received, and the results of the bid opening were presented to the Streets and Bridges Committee on March 6, 2024. T&G Construction, Inc was identified as the apparent low bidder. At this time, the committee is making a recommendation to Council to select T&G Construction Inc as the designated vendor for these projects.

Vendor	Amount
(Engineers Estimate) EST, Inc. 711 SW C Avenue Lawton, OK 73501	Base Bid: \$4,315,996.03 Base Bid + Alternate 1: \$5,126,050.06 Base Bid + Alternate 2: \$5,544,558.26 TOTAL BID: \$6,354,612.29
Rudy Construction Co. P.O. Box 14575 Oklahoma City, OK 73113	Base Bid: \$4,560,625.00 Base Bid + Alternate 1: \$5,189,175.00 Base Bid + Alternate 2: \$5,482,190.00 TOTAL BID: \$6,110,740.00
Ellsworth Construction OKC, LLC dba A-Tech Paving 500 North Vickie Drive Oklahoma City, OK 73117	Base Bid: \$3,930,326.25 Base Bid + Alternate 1: \$4,631,322.50 Base Bid + Alternate 2: \$4,538,666.56 TOTAL BID: \$5,239,662.81
T&G Construction, Inc. P.O. Box 1557 Lawton, OK 73502	Base Bid: \$3,924,224.18 Base Bid + Alternate 1: \$4,440,659.19 Base Bid + Alternate 2: \$4,633,182.92 TOTAL BID: \$5,149,617.93

EXHIBIT: Minutes of the March 4, 2024 Bid Opening
Bid Tabulation for Project PW2303 are available in the Clerk’s Office and Online

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Approve T&G Construction, Inc as the designated

vendor for Project No. PW2303- Citywide Pavement Rehabilitation Project “A”, commonly known as the “On Target, On Time” Street Project and direct staff to initiate the drafting of a contract to formalize the terms and conditions of the engagement.

2024 Citywide Pavement Rehabilitation Project “A” (Project No. PW2303)
-and-
2024 Citywide Pavement Rehabilitation Project “B” (Project No. PW 2304)

Bid Opening: March 4, 2024 @ 1:30pm (3rd Floor Conference Room)

Attendees:	
Dustin Leonhart	EST/WSB
JC Grayson	T&G Construction
Prentiss Swann	T&G Construction
Braydon Albert	T&G Construction
Jace Drew	Overland Corporation
Brent Frank	EST/WSB
Chris Serrano	EST/WSB
Councilman George Gill	Streets & Bridges Committee Chair
Sneha Dongre	City of Lawton – Engineering
Cliff Haggemiller	City of Lawton – Streets
Kobe Humble	City of Lawton – City Clerk’s Office
Kim McConnell	The Lawton Constitution

2024 Citywide Pavement Rehabilitation Project “A” (Project No. PW2303)

Bid Results:

Vendor:	Amount:
(Engineers Estimate) EST, Inc. 711 SW C Avenue Lawton, OK 73501	Base Bid: \$4,315,996.03 Base Bid + Alternate 1: \$5,126,050.06 Base Bid + Alternate 2: \$5,544,558.26 TOTAL BID: \$6,354,612.29
Rudy Construction Co. P.O. Box 14575 Oklahoma City, OK 73113	Base Bid: \$4,560,625.00 Base Bid + Alternate 1: \$5,189,175.00 Base Bid + Alternate 2: \$5,482,190.00 TOTAL BID: \$6,110,740.00
Ellsworth Construction OKC, LLC dba A-Tech Paving 500 North Vickie Drive Oklahoma City, OK 73117	Base Bid: \$3,930,326.25 Base Bid + Alternate 1: \$4,631,322.50 Base Bid + Alternate 2: \$4,538,666.56 TOTAL BID: \$5,239,662.81
T&G Construction, Inc. P.O. Box 1557 Lawton, OK 73502	Base Bid: \$3,924,224.18 Base Bid + Alternate 1: \$4,440,659.19 Base Bid + Alternate 2: \$4,633,182.92 TOTAL BID: \$5,149,617.93



City of Lawton

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

Commentary

File #: 24-1358

Agenda Date: 3/12/2024

Agenda No: 38.

ITEM TITLE:

Per the recommendation of the Streets and Bridges Committee, consider approving T&G Construction, Inc as the designated vendor for Project No. PW2304- Citywide Pavement Rehabilitation Project “B”, commonly known as the “On Target, On Time” Street Project and direct staff to initiate the drafting of a contract to formalize the terms and conditions of the engagement.

INITIATOR: Councilmember George Gill

STAFF INFORMATION SOURCE: Councilmember George Gill

BACKGROUND: On March 4, 2024 bids were opened for the 2024 Citywide Pavement Rehabilitation Project B (Project No. PW2304), more commonly known as the “On Target, On Time” Street Project. Four bids were received, and the results of the bid opening were presented to the Streets and Bridges Committee on March 6, 2024. T&G Construction, Inc was identified as the apparent low bidder. At this time, the committee is making a recommendation to Council to select T&G Construction Inc as the designated vendor for these projects.

Vendor:	Amount:
(Engineers Estimate)	Base Bid \$5,039,628.83
EST, Inc.	Base Bid + Alternate \$5,849,682.86
711 SW C Avenue	Base Bid + Alternate \$6,268,191.06
Lawton, OK 73501	TOTAL BID \$7,078,245.00
Rudy Construction Co.	Base Bid \$4,766,317.50
P.O. Box 14575	Base Bid + Alternate \$5,394,867.50
Oklahoma City, OK 73113	Base Bid + Alternate \$5,687,882.50
	TOTAL BID \$6,316,432.50
Ellsworth Construction OKC, LLC	Base Bid \$4,365,147.50
dba A-Tech Paving	Base Bid + Alternate \$5,072,301.00
500 North Vickie Drive	Base Bid + Alternate \$5,074,190.03
Oklahoma City, OK 73117	TOTAL BID \$5,781,243.53
T&G Construction, Inc.	Base Bid \$4,018,878.70
P.O. Box 1557	Base Bid + Alternate \$4,472,966.30
Lawton, OK 73502	Base Bid + Alternate \$4,648,131.41
	TOTAL BID \$5,102,210.01

EXHIBIT: Minutes of the March 4, 2024 Bid Opening

Bid Tabulation for Project PW2304 are available in the Clerk’s Office and online

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Approve T&G Construction, Inc as the designated vendor for Project No. PW2304- Citywide Pavement Rehabilitation Project “B”, commonly known as the “On

Target, On Time” Street Project and direct staff to initiate the drafting of a contract to formalize the terms and conditions of the engagement.

2024 Citywide Pavement Rehabilitation Project “A” (Project No. PW2303)
-and-
2024 Citywide Pavement Rehabilitation Project “B” (Project No. PW 2304)

Bid Opening: March 4, 2024 @ 1:30pm (3rd Floor Conference Room)

Attendees:	
Dustin Leonhart	EST/WSB
JC Grayson	T&G Construction
Prentiss Swann	T&G Construction
Braydon Albert	T&G Construction
Jace Drew	Overland Corporation
Brent Frank	EST/WSB
Chris Serrano	EST/WSB
Councilman George Gill	Streets & Bridges Committee Chair
Sneha Dongre	City of Lawton – Engineering
Cliff Haggemiller	City of Lawton – Streets
Kobe Humble	City of Lawton – City Clerk’s Office
Kim McConnell	The Lawton Constitution

2024 Citywide Pavement Rehabilitation Project “B” (Project No. PW2304)

Bid Results:

Vendor:	Amount:
(Engineers Estimate) EST, Inc. 711 SW C Avenue Lawton, OK 73501	Base Bid: \$5,039,628.83 Base Bid + Alternate 1: \$5,849,682.86 Base Bid + Alternate 2: \$6,268,191.06 TOTAL BID: \$7,078,245.09
Rudy Construction Co. P.O. Box 14575 Oklahoma City, OK 73113	Base Bid: \$4,766,317.50 Base Bid + Alternate 1: \$5,394,867.50 Base Bid + Alternate 2: \$5,687,882.50 TOTAL BID: \$6,316,432.50
Ellsworth Construction OKC, LLC dba A-Tech Paving 500 North Vickie Drive Oklahoma City, OK 73117	Base Bid: \$4,365,147.50 Base Bid + Alternate 1: \$5,072,301.00 Base Bid + Alternate 2: \$5,074,190.03 TOTAL BID: \$5,781,343.53
T&G Construction, Inc. P.O. Box 1557 Lawton, OK 73502	Base Bid: \$4,018,878.70 Base Bid + Alternate 1: \$4,472,966.30 Base Bid + Alternate 2: \$4,648,131.41 TOTAL BID: \$5,102,219.01



City of Lawton

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

Commentary

File #: 24-1362

Agenda Date: 3/12/2024

Agenda No: 39.

ITEM TITLE:

Receive a report from Bryce Mosley regarding an Eagle Scout Project proposal to repair the dog park.

INITIATOR: Larry Parks, Parks and Recreation Director

STAFF INFORMATION SOURCE: Larry Parks, Parks and Recreation Director

BACKGROUND: Eagle Scout Bryce Mosley will give a presentation regarding his proposed “Paws on the Ground” project, which includes repairs to the dog park. No action will be taken at this time.

EXHIBIT: None

KEY ISSUES: N/A

FUNDING SOURCE: None

STAFF RECOMMENDED COUNCIL ACTION: Receive a report from Bryce Mosley regarding an Eagle Scout Project proposal to repair the dog park.



City of Lawton

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

Commentary

File #: 23-991

Agenda Date:

Agenda No: 40.

ITEM TITLE:

Provide City Council with an update on the FY 2022 & FY 2023 Audit Process

INITIATOR: Joe Don Dunham, Finance Director

STAFF INFORMATION SOURCE: Joe Don Dunham, Finance Director

BACKGROUND: In accordance with the True North Culture Statement by adhering to transparency and Trust, Provide an update to City Council on the progress of the FY 2022 and the FY 2023 audit process.

EXHIBIT: None

KEY ISSUES: How is staff progressing on the FY 2022 & 2023 Audits

FUNDING SOURCE: Report only no funding required.

STAFF RECOMMENDED COUNCIL ACTION: Report only no action required.

AUDIT REPORT – JANUARY 09,2024

Update on June 30, 2022, Audit:

All the information for the June 30, 2022, audit was turned over to the consultants and auditors at the beginning of December. Currently the consultants, Crawford & Associates, are currently working to get the information supplied to them in December loaded into their reporting program. Unfortunately, the consultant has run into difficulties getting the information into their reporting program due to doing a complete enterprise resource planning (ERP) conversion the City of Lawton did during that budget year. ERP is a software system that helps you run your entire business, supporting automation and processes in finance, human resources, procurement, planning, etc. This has delayed the auditor's ability to prepare the audit report. As of my meeting with the consultants on January 8th, they were unable to give me an estimated time of completion. I have a follow-up meeting on January 11th. Bottom line is they will not be able to meet the projected time of completion of January 23, 2024.

Report on June 30, 2023, Audit:

Staff has been given the direction to complete the work required to submit this to the consultants and auditors by February 29, 2024. This should give the consultants and auditors ample time to complete their work and have the June 30, 2023, Audit presented by June 30, 2024.

Work Completed:

- **Main Bank Account Reconciliation:** This is the more difficult and time consuming part of the process. An example of this difficulty is, the City of Lawton records a deposit on one day, then that deposit will hit our bank account over the next several days. The cash and checks hit on the day of the deposit, but the credit cards will hit at separate times over the next few days and could include money from days that are not related to the deposit day. Credit Cards release money to the City of Lawton within 1 – 3 days of the deposit.

Staff is working to get the main back account reconciled. There are 7 departments that accept credit cards and all 7 of those departments have daily deposit. Staff can currently get through a months' worth of deposits in a week and a half. Utility Billing will take a week to get through by itself.

To date check clearing has been completed up through 12/31/2023, and check reconciliation has been completed through 11/30/2022.

- **The smaller bank account reconciliation:** We have 16 smaller bank accounts that are required to be reconciled. These accounts are reconciled through November 30, 2023.

AUDIT REPORT – JANUARY 09,2024

- **Preparation of June 30, 2023, utility billing:** Staff has 498 accounts, out of the 28,000, remaining to be reconciled to June 30, 2023. This is done to accrue the proper amount of utility billing in the budget year ending June 30, 2023. This accrual calculation will be completed by January 13, 2024.
- **Capital Assets:** Staff has accumulated the majority of the capital asset forms for items purchased in fiscal year ending June 30, 2023. There are approximately 12 purchase orders remaining which finance needs the Form 709 submitted. This will allow staff to prepare the schedule of capital assets for accrual and depreciation.
- **Roll over purchase orders:** Staff has about 80 purchase orders that are being review and monitored to determine if those purchase need to be carried as an encumbrance for the fiscal year ending June 30, 2023 audit.
- **Grants:** There are approximately 90 grants remaining to be reconciled for June 30, 2023. Over the past few weeks staff has been extensively working with CDBG and HOME which is one of the largest grants we have and takes quite a bit of time to reconcile. By January 18, 2024, staff should be completed with required reports through December 31, 2023 on all 100 grants being monitored. Once this reporting is completed, staff will address the remaining reconciliations for the June 30, 2023 audit.
- **Component Units:** Staff has completed the documentation and accruals for the LMPO June 30, 2023 audit. This component unit paperwork has been sent to the Auditor so he can compile his report for LMPO. Staff should be finished with the 4 component's financials in a few days and start LEDA audit work later this week. The LETA work should be started next week if things go as planned. Staff feels the component unit paperwork and documentation will be completed before the deadline of February 29th.

AUDIT REPORT – JANUARY 17,2024

Update on FY 2022 Audit (383 days late):

The Financial Consultants, Crawford and Associates, have finished their upload of all the City of Lawton general ledger accounts into their reporting software. They are currently working to ensure all the beginning fund balance accounts are in balance and setting up all the transfer entries to close funds which were closed during the FY 2022 budget year.

Report on FY 2023 Audit (18 days late):

The City Staff continues to work toward releasing the City of Lawton financials to the consultants by February 29, 2024.

Work Completed:

- **Main Bank Account Reconciliation:** Staff has reconciled 6,997 checks and an additional 970 electronic funds transfers. Currently staff is processing and reconciling utility billing. This includes reconciling cashier's batches, cash receipt entry, ACH receipts, OSG reports, TMR reports, the insufficient funds checks, and the correction and one-off items. Examples of the corrections are adjustments to account. The contract accountant is tying all the bank transactions to their corresponding GL entries. If anything is off, she's making the corrections now. This prep work will help us get through the utility billing reconciliation, payroll reconciliation, grant reconciliations and the one-off items at a much faster rate. I'm afraid this will be negated by the increased implementation of credit card machines throughout the City, but I can't say for sure yet.
- **Preparation of FY 2023 utility billing schedules:** Staff has finished the calculations required to accrue the revenues from utility billing into the FY 2023 fiscal year. What this entails is calculating all of the usages as of June 30, 2023 and accruing the billing related to that usage in the FY 2023 fiscal year. On June 30, 2023 the City of Lawton had 28,571 active utility account.
- **Capital Assets:** Staff is still waiting on some of the Capital Asset Form 709 from a few departments. They have until Friday, January 19th to remit the completed report to Finance.
- **City of Lawton Debt and Transfers:** Staff has updated and sent to the Financial Consultants all the new debt schedules and documents for the loans acquired during the FY 2023 budget year. And have updated and completed the transfer schedules for the FY 2023 budget year.
- **Compensated Absences:** Staff is working on reconciling the compensated absences. The City of Lawton is required to calculate the leave which was taken during the pay period that bridged the FY 2023 budget year and the FY 2024 budget

AUDIT REPORT – JANUARY 17,2024

year. The dollar amount of leave that occurred during the FY 2023 budget year but not paid until the FY 2024 budget year must be accounted for and expensed out. Also, staff has to accrue the amount of paid leave which existed on June 30, 2023 and record that as a liability. Staff is working on these schedules.

- **Grants:** Staff continues to reconcile the HOME/CDBG Grants. Currently, we are calculating work that was done by FY 2023, but not yet reimbursed by the granting agencies and what is due to the City of Lawton on June 30, 2023
- **Component Units:** Staff is updating bank letters and running required reports which will be turned over to component unit's auditors for the completion of those audits. Staff is currently updating the trial balance and general ledger for LEDA, which should be completed by January 22, 2023. A meeting with the LMPO auditor will be held on January 25, 2023 to discuss the FY 23 audit. The LMPO audit is expected to be presented to that board during the February meeting. The LURA FY23 audit is completed.

AUDIT REPORT – FEBRUARY 09,2024

Update on June 30, 2022, Audit (405 days late):

The Financial Consultants, Crawford and Associates, are down to the last few funds. They were missing the City's OPEB Actuarial Valuation, which has been provided, and they are missing the LATs Articles of Incorporation, we are trying to track this down. During my weekly meeting with the lead auditor at Crawford and Associates, they informed me that once they complete the work planned for the week of February 16th, I will be able to get a date for the June 30, 2022 draft audit. Crawford and Associates have been in communication with Forvis to appraise them of the progress.

Since the last report, staff has been working with Crawford and Associates on the June 30, 2022, beginning balances, GASB 87 questions, A/R, and transfer discrepancies.

Report on June 30, 2023, Audit (39 days late):

The City Staff continues to work toward releasing the City of Lawton financials to the consultants, Crawford and Associates, by February 29, 2024. Staff is currently running into issues that cannot be resolved without the June 30, 2022 audit. Without the June 30, 2022 audit we will not be able to meet the February 29, 2024 deadline which was originally set.

Work Completed:

- **Main Bank Account Reconciliation:** Staff is working on utility billing deposit posting, which is very meticulous work. Currently, staff is working on July 2022. What makes this task difficult is that utility billing deposits are a combination of cash, checks and credit/debit cards when we look at the deposit on the City's payment register. But, when we look at the bank side of the transaction, it won't be just one transaction on a specific day. What happens with the City is that deposit will post to the bank on up to three different days. The cash and checks will hit the banking reports on the day after the initial deposit, but the credit cards may be deposited over the next two or three days. This is a very difficult process to work through. Currently, the city experiences 4,759 lines of data (deposits, checks written, electronic funds transfers or ETF) per year. Of these lines of data, staff has reconciled the accounts payable portion and the payroll portion through June 30, 2023. The remainder of the areas that take or expend cash, i.e. Court, Licenses and Permits, Neighborhood Services, Police and Utility Billing are the main areas which staff reconciles in the main bank which are not completed to June 30, 2023.
- **Smaller Bank Accounts:** The City has 22 smaller bank accounts all of which have been reconciled to June 30, 2023.

- **Transfers:** Staff has updated the transfer schedule, and it is ready to be input into the systems. Staff is just waiting on the completed June 30, 2022, audit update to be turned in so final entries can be made.

- **Audit Schedules:**

Preparation of FY 2023 utility billing schedules: Staff has finished the calculations required to accrue the revenues from utility billing into the FY 2023 fiscal year. What this entails is calculating all the usages as of June 30, 2023, and accruing the billing related to that usage in the FY 2023 fiscal year. On June 30, 2023, the City of Lawton had 28,571 active utility account.

Transfer Schedules: Staff has completed and updated the transfer schedule for June 30, 2023.

Compensated Absences: The compensated absence schedule has been completed, except for needing the June 30, 2022, audit to complete the adjusting entries. We have completed the payroll accrual schedule for June 30, 2023.

Workers Compensation: Staff has started the work to complete the workers comp schedule. We are not far enough along on these schedules to determine when they will be done.

- **Capital Assets:** Staff has tentatively balanced the capital assets, calculated the depreciation and the accounts payable plus any retainage that will be required to account for as of June 30, 2023. The June 30, 2022, general ledger entries that are required to be made before these reconciliations can be completed.
- **City of Lawton Debt:** Staff has updated and sent to the Financial Consultants all the new debt schedules and documents for the loans acquired during the FY 2023 budget year.
- **Grants:** Staff has completed updating CDBG/Home Grant payroll, due to/from transactions have been reconciled for June 30, 2023, and these grants have been updated. The LATS grants are also balanced through June 30, 2023.
- **Component Units:** Staff has prepared LEDA and LETA bank confirmation letters for BOK, CNB, Arvest, and IBC banks. Also, the staff has prepared the LETA and LEDA proof of collateralization with types of investments details and submitted these to the auditors. We have also documented the receipt of state reimbursement matches. Meet with LMPO auditor to provide additional explanation on the MPO 5303 employee reimbursement to the City. Corrected errors which were made within the payroll of LMPO grant reimbursements.

Update on June 30, 2022, Audit (405 days late):

The Financial Consultants, Crawford and Associates, are down to the last few funds. They were missing the City's OPEB Actuarial Valuation, which has been provided, and they are missing the LATS Articles of Incorporation, we are trying to track this down. During my last meeting with Crawford and Associates, I was informed the June 30, 2022, audit will be turned over to review committee for review by March 1st and can be expected to be out of review by March 8th. It will then be turned over to Forvis for the completion of this audit. The schedule to have the audit completed by March 31, 2024 and on the first meeting in April for council acceptance.

Update on June 30, 2023 Audit (58 days late):

As stated at the last meeting, some of the work that needs to be finished requires the FY 2022 audit to be completed and with that work expected to be completed by March 31, 2022, I need to push the expected date of June 30, 2023, audit work being turned over to the consultants from February 29, 2024 to April 31, 2024. This will allow work which is currently paused to be picked up by March 31, 2024, and completed.

Staff continues to work through the reconciliation of the main bank account. The main bank reconciliation process is completed through August 2022.

Update on June 30, 2022, Audit (437 days late):

Forvis has received the trail balances and groupings plus the working papers for pension and OPEB, leases and other workpapers from Crawford and Associates and are checking to see if all areas have been tested for the material balances. They will inform Finance if any other testing is required. At this point they feel as though the financial statement report will be finished this month. The schedule to have the audit completed by **March 31, 2024** and on the first meeting in April for council acceptance is still a viable timeline.

Update on June 30, 2023 Audit (72 days late):

As stated at the last couple of meetings, some of the work that needs to be finished requires the FY 2022 audit to be completed and with that work expected to be completed by March 31, 2022, I need to push the expected date of June 30, 2023, audit work being turned over to the consultants from February 29, 2024 to **April 31, 2024**. This will allow work which is currently paused to be picked up by March 31, 2024, and completed.

Staff continues to work through the reconciliation of the main bank account. The main bank reconciliation process is completed through August 2022. Staff is working on September and October 2022.

Staff also is working on getting all grants reconciled and up to date. They are currently working on the reconciliation of the Police Grants, Highway Safety and Homeland grants for FY 22-23.



City of Lawton

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

Commentary

File #: 24-1335

Agenda Date: 3/12/2024

Agenda No: 41.

ITEM TITLE:

Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending action in the United States District Court for the Western District of Oklahoma titled Felisha Parker and Laresha Parker as next of kin to Isacc 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.

INITIATOR: Timothy Wilson, Acting City Attorney

STAFF INFORMATION SOURCE: Timothy Wilson, Acting City Attorney

BACKGROUND: The Acting City Attorney desires to discuss with Mayor and Council the pending action in the United States District Court for the Western District of Oklahoma titled Felisha Parker and Laresha Parker as next of kin to Isacc D'Wayne Parker, deceased v City of Lawton, et al, Case number CIV-24-178-JD. The City Attorney advises the City Council that the Council should determine that disclosure of confidential communications between the Council and the City Attorney regarding the above referenced item will seriously impair the ability of the City to protect the City's interest in the aforementioned litigation, and from that determination, the Council should convene in executive session to discuss this matter.

EXHIBIT: N/A

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending action in the United States District Court for the Western District of Oklahoma titled Felisha Parker and Laresha Parker as next of kin to Isacc 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.