



# City of Lawton

## City Council

### Agenda

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

---

Tuesday, April 9, 2024

2:00 PM

Lawton City Hall  
Council Chambers/Auditorium

---

#### MEETING CALLED TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

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

#### ROLL CALL

#### PRESENTATION:

True North Award

#### PROCLAMATION:

National Safe Digging Month

Animal Care and Control Appreciation Week

National Telecommunicators' Week

National Sexual Assault Awareness Month

National Donate Life Month

Citizen of the Month: Bishop John Dunaway

#### 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 two (2) damage claims (recommended for approval) and [24-1425](#)

resolutions authorizing payments for Rebekah Carne and Angela Shears in the amount of \$1,100.00, and Deaderick and Kimerly White in the amount of \$2,849.25.

**Attachments:** [DC-2024-002, Rebekah Carne and Angela Shears-Memorandum](#)  
[DC-2024-004, White, Deaderick and Kimerly White-Memorandum](#)  
[DC-2024-002, Rebekah Carne and Angela Shears-Resolution and Warrant of Attorney](#)  
[DC-2024-004, White, Deaderick and Kimerly White-Resolution and Warrant of Attorney](#)

2. Consider adopting a Resolution authorizing the Traffic Control measures with the installation of STOP signs on NW 6th Street at Columbia Ave and remove the STOP signs eastbound and westbound on Columbia Avenue. [24-1303](#)

**Attachments:** [Minutes Traffic Commission 02-15-2024.docx](#)  
[Traffic Commission Resolution .pdf](#)

3. Consider approving a resolution amending the City of Lawton FY23-24 budget, as amended, by appropriating \$11,000.00 from the Special Revenue Fund (Fire Training Court Costs) to Fire Operation's Training and Travel (2007501-52060) for the purpose of training opportunities and \$4,000.00 from the Special Revenue Fund (Fire Training Court Costs) to Fire Operation's Dues and Memberships (2007501-52055) for the purchase of required EMT certification tests. [24-1404](#)

**Attachments:** [04.09.24 Fire Training Fund Resolution](#)

4. Considering approving a resolution amending the City of Lawton FY 2023-2024 budget, as amended, by appropriating \$1,378,775.01 to the 2019 CIP Sales Tax Fund and \$241,349.43 to the Lawton Water Authority Fund for Oklahoma Water Resources Board loan payments. [24-1412](#)

**Attachments:** [04.09.24 OWRB Loan Payments Resolution](#)

5. 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 2019-2020 Biennial Supplement, known as Supplements No. 5 and 6 to the Lawton City Code, 2015, and authorizing distribution. [24-1406](#)

**Attachments:** [5 and 6 Approving Res](#)

6. Consider approving a resolution directing the City Clerk to notify the public of the publication of the 2019-2020 Biennial Supplement, known as Supplements No. 5 and 6 to the Lawton City Code, 2015 and further directing the City Clerk to file certified copies of this resolution and copies of Supplements No. 5 and 6 to the Lawton City Code, 2015 with designated governmental entities as required. [24-1407](#)

**Attachments:** [5 and 6 Directing Res](#)

7. Consider acknowledging receipt of permit number WL000016230748 for the construction of PU2204 Meadowbrook & PU2213 67th St & Bishop Rd Water Lines from the Oklahoma Department of Environmental Quality. [24-1384](#)  
**Attachments:** [WL000016230748 Permit](#)
8. Consider acknowledging receipt of permit number WL000016240030 for the construction of PU2308 Map 09 Waterlines Project from the Oklahoma Department of Environmental Quality. [24-1385](#)  
**Attachments:** [WL000016240030 Map 09 Permit](#)
9. Consider acknowledging receipt of permit number WL000016230990 for the construction of PU2306 Industrial Water Main Extension Phase 1 from the Oklahoma Department of Environmental Quality. [24-1386](#)  
**Attachments:** [Lawton WL230990 Per KD e](#)
10. Consider and take action in accepting and authorizing Mayor to sign a Right of Entry Permit from the Commissioners of the Land Office to drill test holes for potential water wells. [24-1428](#)  
**Attachments:** [Right of Entry Permit no 329](#)
11. Consider approving a limited support agreement between the City of Lawton and the Lawton Metropolitan Area Airport Authority, contingent upon the Lawton Metropolitan Area Airport Authority also approving the agreement, to provide funding to be used solely for legal expenses related to Fire Station #2 located on airport grounds, and authorize the Mayor and City Clerk to execute the agreement. [24-1410](#)  
**Attachments:** [AIRPORT AGREEMENT](#)
12. Consider and award a contract in the amount of \$4,371,020.00 to Horseshoe Construction, INC, for the construction of Sub-Basin 104-PU1306, 105-PU1410, & 106-PU1414 to replace approximately 33,000 linear feet of 8 and 10-inch gravity sewer lines. [24-1387](#)  
**Attachments:** [Recommendation of Award Sub-Basin 104, 105, 106 signed Bid Tab - SUB BASIN Contract](#)
13. Consider extending contract RFPCL22-003 Utility Billing & Invoice Services to DataProse, LLC. of Coppel, TX, for an additional year. [24-1416](#)
14. Consider and take action in approving an agreement with Republic Paperboard Company LLC, to implement new water, sewer, and solid waste rates with a retroactive effective date of April 1st, 2024. [24-1427](#)  
**Attachments:** [Republic Contract 4-1-24](#)  
[Exhibit A Legal Description of Facility Site](#)  
[Exhibit B Rate Schedule](#)
-

15. Consider approving appointments to boards and commissions.

[24-1409](#)

**Attachments:** [Board Appointments- 04.09.24](#)

**BUSINESS ITEMS:**

16. Hold a public hearing to consider a request for a Use Permitted on Review to allow a dormitory-style shelter for homeless youth within a Public Facility (P-F) district for property located at 714 SW 45th Street, Lawton, OK 73505 and take appropriate action as deemed necessary.

[24-1252](#)

**Attachments:** [Location map \(714 SW 45th\) 2023 1214](#)  
[UPOR Application](#)  
[S212 - Site Plan](#)  
[Analysis \(714 SW 45th\) 2024-0102](#)  
[Petition map \(714 SW 45th\) 2024 0124](#)  
[Notice Newspaper CPC & Council UPOR\(714 SW 45th\) 2024-0206](#)  
[Notice Mailing CPC & CC UPOR\(714 SW 45th St\) 2024-0206](#)  
[CPC Minutes 1-11-2024](#)  
[CPC Minutes 2-29-2024](#)

17. Hold a public hearing to consider a rezoning request from Builders Investment Group for a change of zoning from the R-1 Single-Family Dwelling District to R-2 Two-Family Dwelling District zoning classification for the property located at 1815 SW Jefferson Avenue Lawton, OK 73501 and take appropriate action as deemed necessary.

[24-1401](#)

**Attachments:** [Ordinance No. 24- \(1815 SW Jefferson\) 2024-0327](#)  
[Location map 1815 SW Jefferson Ave 2023 1228](#)  
[1815 SW Jefferson REZONING application.doc](#)  
[Site Plan 1815 SW JEFFERSON AVE. BUILDERS INVESTMENT GROUP LLC](#)  
[Analysis \(1815 SW Jefferson\) 2024-0311](#)  
[Notice CC Rezone \(1815 SW Jefferson\) 2024-0315](#)  
[Newspaper CC Notice Rezone \(1815 SW Jefferson\) 2024-0315](#)  
[CPC Minutes 3-14-24](#)

18. Hold a public hearing and consider rezoning request from Arkeketa Enterprises, Inc for an amendment to the 2030 Land Use Plan from Residential/High Density to Commercial for the properties located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501 and take appropriate action as deemed necessary.

[24-1402](#)



---

**Attachments:** [Resolution No. 24- \(2102 SW A and 2101 SW B\) 2024 0327](#)  
[Location Map 2102 SW A 2101 SW B](#)  
[2102 SW A and 2101 SW B- ALUP application](#)  
[Site Plan \(2102 SW A and 2101 SW B\)](#)  
[Analysis \(2102 SW A and 2101 SW B\) 2024-0311](#)  
[Notice CC Rezone \(2102 SW A and 2101 SW B\) 2024-0315](#)  
[Newspaper CC Notice Rezone \(2102 SW A and 2101 SW B\) 2024-0315](#)  
[CPC Minutes 3-14-24](#)

19. Hold a public hearing and consider rezoning request from Arkeketa Enterprises, Inc for a change of zoning from R-4 High-Density Apartment District to C-5 General Commercial District zoning classification for the properties located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501 and take appropriate action as deemed necessary. [24-1405](#)

**Attachments:** [Ordinance No. 24- \(2102 SW A and 2101 SW B\) 2024-0327](#)  
[Location Map 2102 SW A 2101 SW B](#)  
[2102 SW A and 2101 SW B- ALUP application](#)  
[Site Plan \(2102 SW A and 2101 SW B\)](#)  
[Analysis \(2102 SW A and 2101 SW B\) 2024-0311](#)  
[Notice CC Rezone \(2102 SW A and 2101 SW B\) 2024-0315](#)  
[Newspaper CC Notice Rezone \(2102 SW A and 2101 SW B\) 2024-0315](#)  
[CPC Minutes 3-14-24](#)

20. Consider approving the record plat for Replat of Lots 4, 5, 6 & 7, Block 18, Radio City Addition and the waiving of City Code Section 21-5-501.I requiring an additional ten feet of street right-of-way along the abutting section line road (SW Sheridan Road) and take appropriate action as deemed necessary. [24-1431](#)

**Attachments:** [Replat of Lots 4-7-BLK 18-Radio City Addition UPDATE\\_v1 03.28.2024 CPC Minutes](#)

21. Consider amending the FFY 2021-2025 COL Consolidated Plan by transferring Neighborhood Stabilization Program (NSP) Income from Account 2604515 to Account 2604512-52090 to be utilized in the Community Development Block Grant (CDBG) Program for approved CDBG Projects and following all CDBG rules and regulations. [24-1422](#)

22. Consider approving an ordinance pertaining to Administration, creating Section 2-3-20-404 and Division 2-3-20 in Article 2-3, Chapter 2, Lawton City Code, 2015, relating to Boards, Commissions and Committees by establishing the Veterans Affairs Committee, setting forth membership, duties and purpose; providing for severability and establishing an effective date. [24-1426](#)

**Attachments:** [Veterans Affairs Committee](#)

23. Provide City Council with a presentation on a public portal for reporting stormwater drainage issues and take action as City Council deems [24-1421](#)

appropriate.

**Attachments:** [Lawton Drainage Issue Input](#)  
[Lawton Stormwater Public Input Portal](#)

#### STAFF REPORTS:

24. 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:

25. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss potential litigation and condemnation suit against the real property owners for property needed for the Wolf Creek Bridge Project # EN2204, as authorized by Resolution No. 24-061, and take appropriate action in open session. [24-1420](#)
26. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action with Oklahoma Department of Environmental Quality concerning a Notice of Violation issued by ODEQ to the City on February 14, 2024, in relation to the City of Lawton Municipal Solid Waste Landfill and the FY 2022 and FY 2023 financial assurance mechanism update, local government test, not having been submitted by December 31, 2022 and December 31, 2023, respectively, and, if necessary, take appropriate action in open session. [24-1414](#)
27. Pursuant to 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 Isaac D'Wayne Parker, deceased v. City of Lawton, et al, Case number CIV-24-178-JD, and if necessary, take appropriate action in open session [24-1415](#)
28. 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 Christopher Hartley v City of Lawton, et al, Case number CIV-24-153-J, and if necessary, take appropriate action in open session. [24-1419](#)

#### ADJOURNMENT



# City of Lawton

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

## Commentary

---

**File #:** 24-1425

**Agenda Date:** 4/9/2024

**Agenda No:** 1.

---

**ITEM TITLE:**

Consider approving two (2) damage claims (recommended for approval) and resolutions authorizing payments for Rebekah Carne and Angela Shears in the amount of \$1,100.00, and Deaderick and Kemerly White in the amount of \$2,849.25.

**INITIATOR:** Deputy City Attorney, Timothy Wilson

**STAFF INFORMATION SOURCE:** Assistant City Attorney, Garrett Lam

**BACKGROUND:** The listed claims have been filed against the City of Lawton with the City Clerk. The claims have been investigated by the staff and legal opinions/recommendations have been prepared by the City Attorney's Office.

Rebekah Carne and Angela Shears: Claim in the amount of \$1,100.00 for property damage.

Deaderick and Kemerly White: Claim in the amount of \$2,849.25 for property damage.

**EXHIBIT:** Legal Recommendations/Memorandums; Resolutions for approval.

**KEY ISSUES:** N/A

**FUNDING SOURCE:** Sinking fund

**STAFF RECOMMENDED COUNCIL ACTION:** Approve resolutions authorizing payments of the claims in the amounts listed above.



## **OFFICE OF THE CITY ATTORNEY**

### **CLAIMS MEMORANDUM #DC-2024-002**

**TO:** Mayor and Council

**FROM:** Garrett Lam  
Assistant City Attorney

**DATE:** March 13, 2024

**MEETING:** April 9, 2024

**RE:** Damage claim of  
Rebekah Carne  
7206 SW Drakestone Blvd.  
Lawton, OK 73505

A handwritten signature in blue ink, appearing to be "GL", is written over the printed name of Garrett Lam.

Submitted in the amount of \$1,100.00 on January 16, 2023

**RECOMMENDATION:** Approval in the amount of \$1,100.00

**BASIS OF CLAIM:** Rebekah Carne and Angela Shears are the owners of the property located at 4526 NE Highlander Circle, Lawton, Oklahoma. Rebekah Carne has filed a claim and alleges on October 10, 2023, she turned the water off to the rental property to get some work done and prep for winter and the pipes kept leaking. On November 6, 2023, she called Water Distribution to report water bleeding past the meter and water entering her house. Water Distribution made three trips to the residence, November 7, 2023, December 6, 2023, and again on December 19, 2023, when they changed out the angle valve and the water stopped leaking. Ms. Carne is seeking \$1,100.00 to repair the water damage.

**DATE OF DAMAGE:** October 10, 2023, through December 19, 2023

**FACTS:** According to Water Distribution records, Mrs. Carne called on November 6, 2023, to report water was leaking past the valve. On November 7, 2023, a City of Lawton employee checked the meter and noted on his daily worksheet that the meter was not spinning, locates were marked in blue and it was scheduled for a crew to come back and dig up the meter. On December 6, 2023, a Water Distribution crew dug out the meter and removed it to check it and no problem was found on the City's side of the meter. It was noted that it was possibly on the homeowner's side. On Friday, December 15, 2023, Ms. Carne called Water Distribution back to get a status on the repair because the water was still seeping past the meter and coming out the busted pipe in the garage. Ms. Carne explained to the scheduler that a plumber checked it out and her valve was all the way off and it was still leaking, and continuing to cause damage in her garage and she couldn't get it repaired until the was shut off completely. The scheduler told her she would get


someone back out there on Monday to check it out again. On Monday, December 19, 2023, a Water Distribution crew replaced the angle valve on the meter. According to Water Distribution they did not find anything wrong with the angle valve. According to Rebekah Carne the water has stopped leaking past the meter. Ms. Carne submitted pictures that were taken on November 24, 2023, which is after the initial call and before the repair on December 19, 2023, which show moisture on the floor, for this reason, it recommended that this claim be paid. Claimant has admitted that water was leaking before she called the City, but due to the water continually leaking she is seeking the cost of repairs.

**LEGAL BASIS FOR APPROVAL OF CLAIM:** Pursuant to Title 51, Oklahoma Statutes, §151 et seq., municipalities are held accountable in the same manner as private entities or individuals for negligent acts or omissions that result in harm to others. However, negligence is never presumed, and the burden of proving negligence and that it was the proximate cause of the harm complained of, is on the complaining party. Oklahoma Ry. Co. v. Ivery, 204 P.2d 978 (Okla. 1949). In the case of a defective water and sanitary sewer system, the Oklahoma Supreme Court has held that a complaining party does not meet his burden of proving negligence unless prior notice of the defective condition, actual or constructive, has been received by the entity controlling and managing the system. City of Holdenville v. Griggs, 411 P.2d 521 (Okla. 1966). In that instance, a duty arises to abate the defect within a reasonable time. Id. at 522.

In this instance, the claimant discovered the water leak in her garage on October 10, 2023, and turned her water off at the meter. On November 6, 2023, she was told by a plumber it was the City's angle valve leaking past the meter and not her line. She then called Water Distribution to report the water leaking past the valve. The water continued to leak until the angle valve was replaced by Water Distribution on December 19<sup>th</sup>, 2023.

Accordingly, this office recommends approval of this claim in the amount of \$1,100.00

GARRETT LAM  
ASSISTANT CITY ATTORNEY

  
Mincie Beamesderfer, CLA  
*Claims Investigator*




# OFFICE OF THE CITY ATTORNEY

---

## CLAIMS MEMORANDUM #DC-2024-004

**TO:** Mayor and Council

**FROM:** Garrett Lam  
Assistant City Attorney 

**DATE:** March 21, 2024

**MEETING:** April 9, 2024

**RE:** Damage claim of  
Deaderick and Kemerly White  
5307 NW Elm Avenue  
Lawton, Oklahoma 73505

Submitted in the amount of \$7,900.00 on January 24, 2024

**RECOMMENDATION:** Approval in the amount of \$2,849.25

**BASIS OF CLAIM:** Deaderick and Kemerly White are the tenants at 5307 NW Elm Avenue, Lawton, Oklahoma. Claimants allege on January 1, 2024, they woke up to water overflowing from the shower drain in the basement and sewer water running throughout the house. Claimants have submitted a list of damaged items in the amount of \$7,915.00 and are requesting reimbursement in the amount of \$7,900.00.

**FACTS:** According to Wastewater Collection records, the Wastewater Collections Division received a call through dispatch for the residence at 5212 NW Liberty Avenue on January 1, 2024, at approximately 2:50 p.m. reporting a sewer back up. The Wastewater Collections crew arrived at 3:45 p.m. and cleared an obstruction of non-biodegradable wipes and grease on the actual pipe segment that services 5212 NW Liberty Avenue, which is three pipe segments below 5307 NW Elm Avenue. According to the homeowner, Trevor Scruggs, the tenant, Mr. White, called him around 2:30 p.m. on January 1, 2024, and he went to the residence. He called a plumber and they camera'd the line to see if they could find a problem. The following day he called Wastewater Collections and met with the Wastewater Collection Supervisor who informed him that they had a sewer backup downstream from 5307 NW Elm Ave. that could have caused them to back up as well. **Records show no prior main history on the first pipe segment above, actual pipe segment, second pipe segment, third pipe segment, or forth pipe segment below, there is history on the first pipe segment below this location in the last three (3) years.** None of the pipe segments appear on the SSES report.

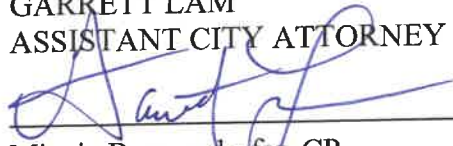


**LEGAL BASIS FOR APPROVAL OF CLAIM:** Pursuant to Title 51, Oklahoma Statutes, §151 et seq., municipalities are held accountable in the same manner as private entities or individuals for negligent acts or omissions that result in harm to others. However, negligence is never presumed, and the burden of proving negligence and that it was the proximate cause of the harm complained of, is on the complaining party. Oklahoma Ry. Co. v. Ivery, 204 P.2d 978 (Okla. 1949). **In the case of a defective water and sanitary sewer system, the Oklahoma Supreme Court has held that a complaining party does not meet his burden of proving negligence unless prior notice of the defective condition, actual or constructive, has been received by the entity controlling and managing the system.** City of Holdenville v. Griggs, 411 P.2d 521 (Okla. 1966). In that instance, a duty arises to abate the defect within a reasonable time. Id. at 522.

In this instance, there is prior history on the first pipe segment below. Therefore, it is recommended that the claim be approved in a reduced amount. The claims investigator met with the claimant and discussed each line item and came to an agreed reduced amount of \$2,849.25. The City will pick up several of the damaged items.

**In the future, if claimants or the homeowner experiences a problem with the sewer line at this residence, it is advised that they notify Wastewater Collections/Maintenance at 581-3500 or after hours and weekends at 581-3272. The City will send a crew out to the residence to check the main line immediately. Claimant is also advised not to flush wipes or personal hygiene products down the line.**

GARRETT LAM  
ASSISTANT CITY ATTORNEY



Mincie Beamesderfer, CP  
Claims Investigator



RESOLUTION NO. 24-\_\_\_\_\_

**A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST REBEKAH CARNE AND ANGELA SHEARS IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE AMOUNT OF ONE THOUSAND ONE HUNDRED AND NO/100 DOLLARS (\$1,100.00).**

**WHEREAS**, on November 7, 2023, Rebekah Carne reported water leaking past the angle valve on the City of Lawton water meter at 4526 NE Highlander Circle, Lawton, Oklahoma, which was not repaired by Water Distribution until December 19, 2023, causing damage to Rebekah Carne and Angela Shears, property in the alleged amount of \$1,100.00, as stated in their claim, which was filed with the City Clerk against the City of Lawton on January 16, 2024; and,

**WHEREAS**, it would be in the best interest of the City of Lawton to settle the claim by filing a friendly suit in the District Court of Comanche County and confess judgment therein.


**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Lawton, Oklahoma, that the City Attorney is hereby authorized and directed to assist Rebekah Carne and Angela Shears in bringing suit in the District Court of Comanche County, Oklahoma, against the City of Lawton and to confess judgment therein in the reduced amount of One Thousand One Hundred and No/100 Dollars (\$1,100.00); and further, **BE IT RESOLVED** that the Mayor and City Clerk are hereby authorized to execute a written Warrant of Attorney directing the City Attorney to confess judgment against the City in said amount.

**ADOPTED** and **APPROVED** by the Council of the City of Lawton this 9th day of April, 2024.

\_\_\_\_\_  
STANLEY BOOKER, MAYOR

ATTEST:

\_\_\_\_\_  
DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this 9<sup>th</sup> day of April 2024.  
  
\_\_\_\_\_  
GARRETT LAM  
ASSISTANT CITY ATTORNEY

**WARRANT OF ATTORNEY  
FOR MAKING CONFESSION OF JUDGMENT**

**KNOW ALL MEN BY THESE PRESENTS:**

That on April 9, 2024, by Resolution, the City Council of the City of Lawton, directed the City Attorney of the City of Lawton to waive the service of summons, to make a general appearance and to confess judgment in the District Court of Comanche County case to be styled:

**REBEKAH CARNE AND ANGELA SHEARS vs. CITY OF LAWTON, OKLAHOMA**

**CASE NO. CS-2024-**

in the amount of One Thousand One Hundred and No/100 Dollars (\$1,100.00).


Said Resolution further directed the Mayor and City Clerk of the City of Lawton to execute this Warrant, and the execution of said Warrant by the Mayor and the attestation by the Clerk of the City of Lawton thereby authorized the City Attorney to confess aforesaid judgment in the amount of One Thousand One Hundred and No/100 Dollars (\$1,100.00).

Dated this 9th day of April, 2024.

\_\_\_\_\_  
STANLEY BOOKER, MAYOR

ATTEST:

\_\_\_\_\_  
DONALYNN BLAZEK-SCHERLER, CITY CLERK

 APPROVED as to form and legality this 9th day of April, 2024.  
\_\_\_\_\_  
GARRETT LAM  
ASSISTANT CITY ATTORNEY

RESOLUTION NO. 24-\_\_\_\_

**A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST DEADERICK AND KEMERLY WHITE IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE AMOUNT OF TWO THOUSAND EIGHT HUNDRED FORTY-NINE AND 25/100 DOLLARS (\$2,849.25).**

**WHEREAS**, on January 1, 2024, a sewer backup occurred at 5307 NW Elm Avenue, Lawton, Oklahoma, causing damage to Deaderick and Kemerly White's, personal property in the alleged amount of \$7,900.00, as stated in their claim, which was filed with the City Clerk against the City of Lawton on January 24, 2024; and,

**WHEREAS**, it would be in the best interest of the City of Lawton to settle the claim by filing a friendly suit in the District Court of Comanche County and confess judgment therein.

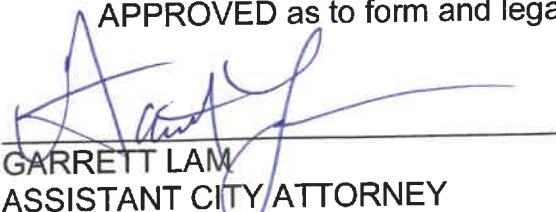
**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Lawton, Oklahoma, that the City Attorney is hereby authorized and directed to assist Deaderick and Kemerly White in bringing suit in the District Court of Comanche County, Oklahoma, against the City of Lawton and to confess judgment therein in the reduced amount of Two Thousand Eight Hundred Forty-Nine and 25/100 Dollars (\$2,849.25); and further, **BE IT RESOLVED** that the Mayor and City Clerk are hereby authorized to execute a written Warrant of Attorney directing the City Attorney to confess judgment against the City in said amount.

**ADOPTED** and **APPROVED** by the Council of the City of Lawton this 9th day of April, 2024.

\_\_\_\_\_  
STANLEY BOOKER, MAYOR

ATTEST:

\_\_\_\_\_  
DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this 9th day of April, 2024.  
  
\_\_\_\_\_  
GARRETT LAM  
ASSISTANT CITY ATTORNEY

**WARRANT OF ATTORNEY  
FOR MAKING CONFESSION OF JUDGMENT**

**KNOW ALL MEN BY THESE PRESENTS:**

That on April 9, 2024, by Resolution, the City Council of the City of Lawton, directed the City Attorney of the City of Lawton to waive the service of summons, to make a general appearance and to confess judgment in the District Court of Comanche County case to be styled:

**DEADERICK AND KEMERLY WHITE vs. CITY OF LAWTON, OKLAHOMA**

**CASE NO. CS-2024-**

in the amount of Two Thousand Eight Hundred Forty-Nine and 25/100 Dollars (\$2,849.25).

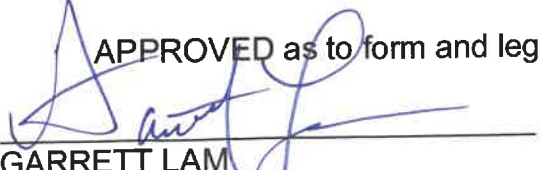
Said Resolution further directed the Mayor and City Clerk of the City of Lawton to execute this Warrant, and the execution of said Warrant by the Mayor and the attestation by the Clerk of the City of Lawton thereby authorized the City Attorney to confess aforesaid judgment in the amount of Two Thousand Eight Hundred Forty-Nine and 25/100 Dollars (\$2,849.25).

Dated this 9th day of April, 2024.

\_\_\_\_\_  
STANLEY BOOKER, MAYOR

ATTEST:

\_\_\_\_\_  
DONALYNN BLAZEK-SCHERLER, CITY CLERK

  
APPROVED as to form and legality this 9th day of April, 2024.  
\_\_\_\_\_  
GARRETT LAM  
ASSISTANT CITY ATTORNEY



# City of Lawton

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

## Commentary

---

**File #:** 24-1303

**Agenda Date:** 4/9/2024

**Agenda No:** 2.

---

**ITEM TITLE:**

Consider adopting a Resolution authorizing the Traffic Control measures with the installation of STOP signs on NW 6<sup>th</sup> Street at Columbia Ave and remove the STOP signs eastbound and westbound on Columbia Avenue.

**INITIATOR:** Joseph Painter, P.E., Director of Engineering/City Engineer

**STAFF INFORMATION SOURCE:** Joseph Painter, P.E., Director of Engineering/City Engineer

**BACKGROUND:** At the February 15<sup>th</sup>, 2024 Traffic Commission meeting, based on the recommendation of the Traffic Engineer, staff recommended approval of the following traffic control measure. Approve the installation of northbound and southbound STOP signs and W4-4P “CROSS TRAFFIC DOES NOT STOP” signs on NW 6<sup>th</sup> Street at Columbia Avenue and remove the STOP signs eastbound and westbound on Columbia Avenue. The segment of NW 6<sup>th</sup> Street from Gore Boulevard to Ferris Avenue is approximately 0.5 miles in length and there are no northbound or southbound STOP or YIELD signs. Columbia Avenue is approximately halfway between Gore Boulevard and Ferris Avenue. The northeast corner of the intersection of NW 6<sup>th</sup> Street and Columbia Avenue is the location of Thirty-Fifth Division Park. Two blocks to the east is the Villanova Apartment complex and two blocks to the west is the Washington Elementary School. There are currently pedestrian signs across NW 6<sup>th</sup> Street at Columbia Avenue, and it would be a logical pathway for neighborhood students to walk to school. The N/S STOP signs will increase safety.

**EXHIBIT:** Traffic Commission Minutes & Request, Resolution No. 24- \_\_\_\_.

**KEY ISSUES:** None

**FUNDING SOURCE:** This service will be paid for from the normal operational budget for Traffic Control.

**STAFF RECOMMENDED COUNCIL ACTION:** Consider adopting a Resolution authorizing the Traffic Control measures with the installation of STOP signs on NW 6<sup>th</sup> Street at Columbia Ave and remove the STOP signs eastbound and westbound on Columbia Avenue

**TRAFFIC COMMISSION MINUTES**

**CITY HALL COUNCIL CHAMBERS**

**February 15, 2024 – 4:00 P.M.**

**I. Meeting called to order – Roll Call**

David Means called the meeting to order at 4:07 p.m. in the City Hall Council Chambers (212 SW 9th St.). The meeting notice and agenda were posted on the City Hall (212 SW 9<sup>th</sup> St.) bulletin board as required by State law.

**MEMBERS PRESENT:** David Means, David Wood, Willie Smith, Mayoan Santana

**ALSO, PRESENT** BJ Hawkins, Traffic Engineer Consultant, Shanie Day, Traffic Commission Secretary, Sgt. Matt Whittington, Lawton Police Department Representative

**MEMBERS ABSENT:** Ted Warkentin, Hershel Kuykendall

**II. Approval of minutes from previous meeting (November 16, 2023) MOVED BY Wood; SECOND BY: Smith; to accept the minutes as written. AYE: Means, Wood, Santana, Smith NAY: None; ABSTAIN: None**

**III. Consent Item(s)**

None

**IV. Old Business**

None

**V. New Business**

- 1) Consider request (23-34) from Toni Thomley for a STOP Sign at SW 38<sup>th</sup> St. Tag Agency location.

Staff recommendation is to deny request. Stop signs are not typically installed by the City on private driveways. It is a state law that vehicles on a private driveway who are approaching a public street shall yield the right-of-way and not proceed until it is safe to do so, regardless of if there is a STOP sign or YIELD sign present, visible, or not. If a private business would like to install a STOP sign on their property, they may do so. Police records indicated five collisions near the intersection, but none of them would have been correctable with the installation of a STOP sign.

**MOVED BY:** Smith; **SECOND BY:** Wood, to deny request to install STOP signs at the Tag Agency at SW 38<sup>th</sup> St.

**AYE** Means, Wood, Santana, Smith; **NAY:** None; **ABSTAIN:** None

- 2) Consider a request (23-35) from Joanna Tazzia for a STOP sign to be placed at the intersection of 45<sup>th</sup> and Atom Ave.

Staff recommendation is to deny request. STOP signs are not intended to be speed control measures. SW Atom Avenue is located just one block south of Gore Boulevard so speeding should not be an issue. No sight distance issues either. If speeding in the area does occur, then it is an enforcement issue, and the citizen could request a speed table to be installed on SW 45<sup>th</sup> Street.

**MOVED BY:** Smith; **SECOND BY:** Santana; to deny request to install STOP sign at the intersection of 45<sup>th</sup> and Atom Ave.

**AYE:** Means, Wood, Smith, Santana; **NAY:** None; **ABSTAIN:** None

- 3) Consider a request (23-36) from Amy Albert for a STOP/YIELD sign at NO 6<sup>th</sup> St from Gore Blvd. to Ferris Ave.

Staff recommendation is to approve request. Approve the installation of northbound and southbound STOP signs and W4-4P "CROSS TRAFFIC DOES NOT STOP" signs on NW 6<sup>th</sup> Street at Columbia Avenue and remove the STOP signs eastbound and westbound on Columbia Avenue. The segment of NW 6<sup>th</sup> Street from Gore Boulevard to Ferris Avenue is approximately 0.5 miles in length and there are no northbound or southbound STOP or YIELD signs. Columbia Avenue is approximately halfway between Gore Boulevard and Ferris Avenue.



The northeast corner of the intersection of NW 6<sup>th</sup> Street and Columbia Avenue is the location of Thirty-Fifth Division Park. Two blocks to the east is the Villanova Apartment complex and two blocks to the west is the Washington Elementary School. There are currently pedestrian signs across NW 6<sup>th</sup> Street at Columbia Avenue, and it would be a logical pathway for neighborhood students to walk to school. The N/S STOP signs will increase safety.

**MOVED BY:** Smith; **SECOND BY:** Wood; to accept staff recommendation to approve STOP/YIELD sign at N. 6<sup>th</sup> St from Gore Blvd. to Ferris Ave.

.

**AYE** Means, Wood, Smith, Santana; **NAY:** None; **ABSTAIN:** None

- 4) Consider a request (23-37) from Street & Traffic Control Superintendent for a “No Thru Trucks” sign at NW Rogers and Lindy Ave.

Staff recommendation is to deny request. Hawkins visited site and did not witness any large trucks accessing NW Lindy Avenue. NW Lindy Avenue is a public street which any vehicle can utilize. If large trucks are using this route, the frequency would be very seldom and prohibiting trucks on NW Lindy Avenue does not guarantee they would adhere to the signage and may travel on an adjacent public street.

**MOVED BY:** Smith; **SECOND BY:** Wood; to accept staff recommendation to deny No Thru Trucks sign at N. 6<sup>th</sup> St. from Gore Blvd. to Ferris Ave.

**AYE:** Means, Wood, Smith, Santana; **NAY:** None; **ABSTAIN:** None

## **VI. Audience Participation - None**

## **VII. Adjournment**

4:13p.m.

The City of Lawton encourages participation from all of its citizens. If participation at any public meeting is not possible due to a disability, please notify the City Clerk at (580) 581-3305 at least 48 hours prior to the scheduled meeting to make

the necessary accommodations. The City may waive the 48-hour rule if signing interpreters for the deaf are not necessary.

**RESOLUTION NO. 24-\_\_**

**A RESOLUTION AUTHORIZING THE INSTALLATION AND/OR REMOVAL OF TRAFFIC CONTROL DEVICES AT CERTAIN DESIGNATED LOCATIONS WITHIN THE CITY OF LAWTON, OKLAHOMA.**

WHEREAS, it is deemed desirable to add and/or remove traffic control devices at certain designated locations within the City of Lawton, Oklahoma; and

WHEREAS, specific provisions to regulate traffic control are contained in Chapter 23 of the City Code of the City of Lawton, Oklahoma; and

WHEREAS, it is the opinion of the City Council that the public health, safety and welfare will be preserved by adding and/or removing traffic control devices at certain designated locations within the City of Lawton, Oklahoma.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Lawton, Oklahoma that:

SECTION 1. Pursuant to the authority granted by Section(s) 23-2-201 of the City Code of the City of Lawton, Oklahoma, the following traffic control measures shall be installed and/or removed:

- 1) Consider a request (23-36) from Amy Albert for a STOP/YIELD sign at NO 6<sup>th</sup> St from Gore Blvd. to Ferris Ave.

Staff recommendation is to approve request. Approve the installation of northbound and southbound STOP signs and W4-4P "CROSS TRAFFIC DOES NOT STOP" signs on NW 6<sup>th</sup> Street at Columbia Avenue and remove the STOP signs eastbound and westbound on Columbia Avenue. The segment of NW 6<sup>th</sup> Street from Gore Boulevard to Ferris Avenue is approximately 0.5 miles in length and there are no northbound or southbound STOP or YIELD signs. Columbia Avenue is approximately halfway between Gore Boulevard and Ferris Avenue. The northeast corner of the intersection of NW 6<sup>th</sup> Street and Columbia Avenue is the location of Thirty-Fifth Division Park. Two blocks to the east is the Villanova Apartment complex and two blocks to the west is the Washington Elementary School. There are currently pedestrian signs across NW 6<sup>th</sup> Street at Columbia Avenue, and it would be a logical pathway for neighborhood students to walk to school. The N/S STOP signs will increase safety.

PASSED and APPROVED by the Mayor and Council of the City of Lawton, Oklahoma, this day of , 2020

ATTEST:

---

DONALYNN BLAZEK-SCHERLER, CITY CLERK

---

STANLEY BOOKER, MAYOR

APPROVED as to form and legality this \_\_\_\_\_ day of August, 2020.

---

CITY ATTORNEY



# City of Lawton

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

## Commentary

---

**File #:** 24-1404

**Agenda Date:** 4/9/2024

**Agenda No:** 3.

---

**ITEM TITLE:**

Consider approving a resolution amending the City of Lawton FY23-24 budget, as amended, by appropriating \$11,000.00 from the Special Revenue Fund (Fire Training Court Costs) to Fire Operation's Training and Travel (2007501-52060) for the purpose of training opportunities and \$4,000.00 from the Special Revenue Fund (Fire Training Court Costs) to Fire Operation's Dues and Memberships (2007501-52055) for the purchase of required EMT certification tests.

**INITIATOR:** Jared Williams, Fire Chief

**STAFF INFORMATION SOURCE:** Jared Williams, Fire Chief

**BACKGROUND:** Resolution 2006-189 created training funds for the Lawton Fire Department and Lawton Police Department funded by monies received in municipal court fines for the purpose of ensuring sufficient revenues are available to meet the training requirements of the Lawton Firefighters and Police Officers. The Lawton Fire Department is young. In our pursuit of excellence, training is available, both in house and away. EMT certifications are a requirement of employment and our newest Academy is prepared for their licenses to be able to serve the community. Training and certification costs are not always known during the budget process and known prices have increased as well. Approving this amendment allows for training and certifies our members in a variety of ways throughout the remainder of the fiscal year.

**EXHIBIT:** Resolution No. 24-

**KEY ISSUES:** N/A

**FUNDING SOURCE:** Special Revenue Fund (Fire Training Court Costs)

**STAFF RECOMMENDED COUNCIL ACTION:** Approve Resolution No. 24- \_\_\_\_ amending the FY23-24 budget, as amended, by appropriating \$11,000.00 from the Special Revenue Fund (Fire Training Court Costs) to Fire Operation's Training and Travel (2007501-52060) for the purpose of training opportunities and \$4,000.00 from the Special Revenue Fund (Fire Training Court Costs) to Fire Operation's Dues and Memberships (2007501-52055) for the purchase of required EMT certification tests.

**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. 24-03, RESOLUTION NO. 24-19, RESOLUTION NO. 24-31, RESOLUTION NO. 24-51, AND RESOLUTION NO. 24-55 TO APPROPRIATE FIFTEEN THOUSAND AND 00/100 DOLLARS (\$15,000.00) TO THE SPECIAL REVENUE FUND FOR FIRE TRAINING OPPORTUNITIES AND EMT CERTIFICATION TESTS.**

**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 the 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 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 (\$536,903.97) from the insurance claims from the Hail Storm on June 15, 2023; and

**WHEREAS**, City Council previously approved Resolution No. 24-03, 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 construction 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; and

**WHEREAS**, City Council previously approved Resolution No. 24-19, amending Resolution No. 23-94 by appropriating One Million and 00/100 Dollars (\$1,000,000.00) from the Hotel Tax fund to FISTA for an economic development incentive to R4 Technologies, and One Million One Hundred Three Thousand One Hundred Twenty-Eight and 73/100 Dollars (\$1,103,128.73) for FISTA operations and insurance, One Million Five Hundred Twenty-Five Thousand Three Hundred Fifty and 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 and 00/100 Dollars (\$1,000,000.00) to pay an 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; and

**WHEREAS**, City Council previously approved Resolution No. 24-31, amending Resolution No. 23-94 by appropriating Five Hundred Twenty-Seven Thousand Six Hundred Fifty-Five and 94/100 Dollars (\$527,655.94) to the Lake Ellsworth Dam Project, Three Thousand and 00/100 Dollars (\$3,000.00) to the Cellular Phone System Fund for E911 Training, One Hundred Fourteen Thousand Four Hundred Fifty-Nine and 00/100 (\$114,459.00) to the Freedom Festival celebration, and Seventy-Seven Thousand Nine Hundred Twenty-Seven and 04/100 (\$77,927.04) to the Lawton Enhancement Trust Authority as per the Support Agreement; and

**WHEREAS**, City Council previously approved Resolution No. 24-51, amending Resolution No. 23-94 by appropriating Five Million and 00/100 Dollars (\$5,000,000.00) to the Streets Division for the "30 Wins for the Citizens" initiative, Two Million and 00/100 Dollars (\$2,000,000.00) 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 the Drainage Maintenance Fund, Three Hundred Seven Thousand Ninety-Six and 00/100 (\$307,096.00) 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; and

**WHEREAS**, City Council previously approved Resolution No. 24-55, amending Resolution No. 23-94 by increasing General Fund revenues in various accounts by Six Million Sixty Thousand, Eight Hundred Thirty-One and 00/100 Dollars (\$6,060,831.00); and

**WHEREAS**, the Fire Department has requested an additional Fifteen Thousand and 00/100 Dollars (\$15,000.00) be allocated to the Special Revenue Fund for fire training opportunities and EMT certification tests; and

**WHEREAS**, a budget amendment is needed to appropriate Fifteen Thousand and 00/100 Dollars (\$15,000.00) to the Special Revenue Fund for fire training opportunities and EMT certification tests.

**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 13<sup>th</sup> of June 2023, for the purpose on increasing appropriations in account 2007501-52055 by Four Thousand and 00/100 Dollars (\$4,000.00) and account 2007501-52060 by Eleven Thousand and 00/100 Dollars (\$11,000.00) for fire training opportunities and EMT certification tests.

**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 the 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 9<sup>th</sup> day of April, 2024.

(SEAL)

---

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this 9<sup>th</sup> day of April, 2024.

TIMOTHY E. WILSON, ACTING CITY ATTORNEY



# City of Lawton

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

## Commentary

---

**File #:** 24-1412

**Agenda Date:** 4/9/2024

**Agenda No:** 4.

---

**ITEM TITLE:**

Considering approving a resolution amending the City of Lawton FY 2023-2024 budget, as amended, by appropriating \$1,378,775.01 to the 2019 CIP Sales Tax Fund and \$241,349.43 to the Lawton Water Authority Fund for Oklahoma Water Resources Board loan payments.

**INITIATOR:** Kristin Huntley, Interim Finance Director

**STAFF INFORMATION SOURCE:** Kristin Huntley, Interim Finance Director

**BACKGROUND:** The Lawton City Council previously approved multiple loans with the Oklahoma Water Resources Board; however, the loan payments were not included in the FY 2023-2024 budget. A budget amendment is needed to allocate \$1,378,775.01 to the 2019 CIP Sales Tax Fund and \$241,349.43 to the Lawton Water Authority Fund for the loan payments.

**EXHIBIT:** Resolution No. 24-\_\_\_\_\_

**KEY ISSUES:** None

**FUNDING SOURCE:** 2019 CIP Sales Tax and Lawton Water Authority Funds

**STAFF RECOMMENDED COUNCIL ACTION:** Approve Resolution No. 24-\_\_\_\_\_ amending the City of Lawton FY 2023-2024 budget, as amended, by appropriating \$1,378,775.01 to the 2019 CIP Sales Tax Fund and \$241,349.43 to the Lawton Water Authority Fund for Oklahoma Water Resources Board loan payments.

**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. 24-03, RESOLUTION NO. 24-19, RESOLUTION NO. 24-31, RESOLUTION NO. 24-51, RESOLUTION NO. 24-55, AND RESOLUTION NO. 24-\_\_\_\_\_ TO APPROPRIATE ONE MILLION THREE HUNDRED SEVENTY-EIGHT THOUSAND SEVEN HUNDRED SEVENTY-FIVE AND 01/100 DOLLARS (\$1,378,775.01) TO THE 2019 CIP SALES TAX FUND AND TWO HUNDRED FORTY-ONE THOUSAND THREE HUNDRED FORTY-NINE AND 43/100 DOLLARS (\$241,349.43) TO THE LAWTON WATER AUTHORITY FUND FOR OKLAHOMA WATER RESOURCES BOARD LOAN PAYMENTS.**

**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 the 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 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 (\$536,903.97) from the insurance claims from the Hail Storm on June 15, 2023; and

**WHEREAS**, City Council previously approved Resolution No. 24-03, 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 construction 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; and

**WHEREAS**, City Council previously approved Resolution No. 24-19, amending Resolution No. 23-94 by appropriating One Million and 00/100 Dollars (\$1,000,000.00) from the Hotel Tax fund to FISTA for an economic development incentive to R4 Technologies, and One Million One Hundred Three Thousand One Hundred Twenty-Eight and 73/100 Dollars (\$1,103,128.73) for FISTA operations and insurance, One Million Five Hundred Twenty-Five Thousand Three Hundred Fifty and 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 and 00/100 Dollars (\$1,000,000.00) to pay an 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; and

**WHEREAS**, City Council previously approved Resolution No. 24-31, amending Resolution No. 23-94 by appropriating Five Hundred Twenty-Seven Thousand Six Hundred Fifty-Five and 94/100 Dollars (\$527,655.94) to the Lake Ellsworth Dam Project, Three Thousand and 00/100 Dollars (\$3,000.00) to the Cellular Phone System Fund for E911 Training, One Hundred Fourteen Thousand Four Hundred Fifty-Nine and 00/100 (\$114,459.00) to the Freedom Festival celebration, and Seventy-Seven Thousand Nine Hundred Twenty-Seven and 04/100 (\$77,927.04) to the Lawton Enhancement Trust Authority as per the Support Agreement; and

**WHEREAS**, City Council previously approved Resolution No. 24-51, amending Resolution No. 23-94 by appropriating Five Million and 00/100 Dollars (\$5,000,000.00) to the Streets Division for the “30 Wins for the Citizens” initiative, Two Million and 00/100 Dollars (\$2,000,000.00) 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 the Drainage Maintenance Fund, Three Hundred Seven Thousand Ninety-Six and 00/100 (\$307,096.00) 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; and

**WHEREAS**, City Council previously approved Resolution No. 24-55, amending Resolution No. 23-94 by increasing General Fund revenues in various accounts by Six Million Sixty Thousand, Eight Hundred Thirty-One and 00/100 Dollars (\$6,060,831.00); and

**WHEREAS**, City Council previously approved Resolution No. 24-\_\_\_\_\_, amending Resolution No. 23-94 by appropriating Fifteen Thousand and 00/100 Dollars (\$15,000.00) to the Special Revenue Fund for fire training opportunities and EMT certification tests; and

**WHEREAS**, the Lawton City Council previously approved multiple loans with the Oklahoma Water Resources Board and payment is now due; and

**WHEREAS**, a budget amendment is needed to appropriate One Million Three Hundred Seventy-Eight Thousand Seven Hundred Seventy-Five and 01/100 Dollars (\$1,378,775.01) to the 2019 CIP Sales Tax Fund and Two Hundred Forty-One Thousand Three Hundred Forty-Nine and 43/100 Dollars (\$241,349.43) to the Lawton Water Authority Fund for Oklahoma Water Resources Board loan payments.

**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 13<sup>th</sup> of June 2023, for the purpose on increasing appropriations in account 4400000-52100 by One Million Three Hundred Seventy-Eight Thousand Seven Hundred Seventy-Five and 01/100 Dollars (\$1,378,775.01) and account 7052501-55000 by Two Hundred Forty-One Thousand Three Hundred Forty-Nine and 43/100 Dollars (\$241,349.43) for Oklahoma Water Resources Board loan payments.

**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 the 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 9<sup>th</sup> day of April, 2024.

(SEAL)

\_\_\_\_\_  
STANLEY BOOKER, MAYOR

ATTEST:

\_\_\_\_\_  
DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this 9<sup>th</sup> day of April, 2024.

\_\_\_\_\_  
TIMOTHY E. WILSON, ACTING CITY ATTORNEY





# City of Lawton

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

## Commentary

---

**File #:** 24-1406

**Agenda Date:** 4/9/2024

**Agenda No:** 5.

---

**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 2019-2020 Biennial Supplement, known as Supplements No. 5 and 6 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. 5 and 6 to the 2015 City Code have been published in previous years. The supplements incorporate ordinances adopted and in effect as of December 15, 2020. The proposed resolution formally approves certain new and revised pages of the City of Lawton Municipal Code, 2015 in the form of Supplements No. 5 and 6 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. 5 and 6 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 2019-2020 BIENNIAL SUPPLEMENT KNOWN AS SUPPLEMENTS NO. 5 AND 6 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 December 15, 2020 to be known as Supplements No. 5 and 6 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. 5 and 6"; and

WHEREAS, Supplements No. 5 and 6 to the Lawton City Code, 2015, have been published containing ordinances adopted and in effect by the Lawton City Council through December 15, 2020, 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. 5 and 6 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. 5 and 6 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 9<sup>th</sup> day of April, 2024.

\_\_\_\_\_  
STANLEY BOOKER, Mayor

ATTEST:

\_\_\_\_\_  
DONALYNN BLAZEK-SCHERLER, City Clerk

APPROVED as to form and legality this \_\_\_\_ day of April, 2024.

\_\_\_\_\_  
TIMOTHY WILSON, Interim City Attorney



# City of Lawton

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

## Commentary

---

**File #:** 24-1407

**Agenda Date:** 4/9/2024

**Agenda No:** 6.

---

**ITEM TITLE:**

Consider approving a resolution directing the City Clerk to notify the public of the publication of the 2019-2020 Biennial Supplement, known as Supplements No. 5 and 6 to the Lawton City Code, 2015 and further directing the City Clerk to file certified copies of this resolution and copies of Supplements No. 5 and 6 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

**BACKGROUND:** This is a companion item to a resolution adopting Supplements No. 5 and 6 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. 5 and 6 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. 5 and 6 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 2019-2020 Biennial Supplement, known as Supplements No. 5 and 6 to the Lawton City Code, 2015 and further directing the City Clerk to file certified copies of this resolution and copies of Supplements No. 5 and 6 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 2019-2020 BIENNIAL SUPPLEMENT, KNOWN AS SUPPLEMENTS NO. 5 AND 6 TO THE LAWTON CITY CODE, 2015 AND FURTHER DIRECTING THE CITY CLERK TO FILE CERTIFIED COPIES OF THIS RESOLUTION AND COPIES OF SUPPLEMENTS NO. 5 AND 6 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. 5 and 6; 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. 5 and 6 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. 5 and 6 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. 5 and 6 with designated governmental entities.

PASSED and APPROVED by the Mayor and Council of the City of Lawton, Oklahoma, this 9<sup>th</sup> day of April, 2024.

---

STANLEY BOOKER, Mayor

ATTEST:

---

DONALYNN BLAZEK-SCHERLER, City Clerk

APPROVED as to form and legality this \_\_\_\_ day of April, 2024.

---

TIMOTHY WILSON, Interim City Attorney



# City of Lawton

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

## Commentary

---

**File #:** 24-1384

**Agenda Date:** 4/9/2024

**Agenda No:** 7.

---

**ITEM TITLE:**

Consider acknowledging receipt of permit number WL000016230748 for the construction of PU2204 Meadowbrook & PU2213 67th St & Bishop Rd Water Lines from the Oklahoma Department of Environmental Quality.

**INITIATOR:** Rusty Whisenhunt, Director of Public Utilities

**STAFF INFORMATION SOURCE:** Rusty Whisenhunt, Director of Public Utilities

**BACKGROUND:** On October 16, 2023, the City of Lawton was granted permit no. WL000016230748 from the Oklahoma Department of Environmental Quality for the construction of PU2204 Meadowbrook & PU2213 67<sup>th</sup> St & Bishop Rd Water Lines Projects. The permit approves construction of 15,600 linear feet of twelve (12) inch PVC potable water line, 1,800 linear feet of ten (10) inch PVC potable water line and all appurtenances. A condition of the permit is that it must be noted in the minutes of the next regular meeting on the Lawton City Council. This permit has been delayed getting onto the council agenda due to interior staffing changes.

**EXHIBIT:** ODEQ Construction Permit

**KEY ISSUES:** None

**FUNDING SOURCE:** N/A

**STAFF RECOMMENDED COUNCIL ACTION:** Acknowledge receipt of permit number WL000016230748 for the construction of PU2204 Meadowbrook & PU2213 67th St & Bishop Rd Water Lines from the Oklahoma Department of Environmental Quality.

October 16, 2023

Mr. Stanley Booker, Mayor  
City of Lawton  
212 SW 9th Street  
Lawton, Oklahoma 73501

Re: Lawton Water Authority  
Meadowbrook / 67th & Bishop Rd Water lines for Lawton  
Permit No. WL000016230748  
DWSRF Project No. P40-1011303-06  
Facility No. 1011303

Dear Mr. Booker:

Enclosed is Permit No. WL000016230748 for the construction of 15,600 linear feet of twelve (12) inch PVC potable water line, 1,800 linear feet of ten (10) inch PVC potable water line and all appurtenances to serve the Meadowbrook / 67th & Bishop Rd Water lines for the City of Lawton, Comanche County, Oklahoma.

The project authorized by this permit should be constructed in accordance with the plans approved by this Department on October 16, 2023. Any deviations from the approved plans and specifications affecting capacity, flow or operation of units must be approved, in writing, by the Department before changes are made.

Receipt of this permit should be noted in the minutes of the next regular meeting of the City of Lawton, after which it should be made a matter of permanent record.

**RECEIPT OF THIS PERMIT DOES NOT CONSTITUTE AN AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT UTILIZING FUNDING UNDER THE DRINKING WATER STATE REVOLVING FUND (DWSRF) PROGRAM. DO NOT AWARD A CONSTRUCTION CONTRACT UNTIL YOU ARE AUTHORIZED TO DO SO.**

Respectfully,



Justin Hodge  
Construction Permit Section  
Water Quality Division

JH/RC/md/cm/ct

Enclosure

c: Bill Kropf, Regional Manager, ECLS, DEQ  
LAWTON DEQ OFFICE  
Bryce Callies, P.E., Garver, LLC

PERMIT No. WL000016230748

WATER LINES

FACILITY No. 1011303

PERMIT TO CONSTRUCT

October 16, 2023

Pursuant to O.S. 27A 2-6-304, the City of Lawton is hereby granted this Tier I Permit to construct 15,600 linear feet of twelve (12) inch PVC potable water line, 1,800 linear feet of ten (10) inch PVC potable water line and all appurtenances to serve the Meadowbrook / 67th & Bishop Rd Water lines for the City of Lawton, located in Section 17, T-2-N, R-12-W and Sections 8 and 17, T-1-N, R-12-W, Comanche County, Oklahoma, in accordance with the plans approved October 16, 2023.

By acceptance of this permit, the permittee agrees to operate and maintain the facility in accordance with the Public Water Supply Operation rules (OAC 252:631) and to comply with the State Certification laws, Title 59, Section 1101-1116 O.S. and the rules and regulations adopted thereunder regarding the requirements for certified operators.

This permit is issued subject to the following provisions and conditions.

- 1) That the recipient of the permit is responsible that the project receives supervision and inspection by competent and qualified personnel.
- 2) That construction of all phases of the project will be started within one year of the date of approval or the phases not under construction will be resubmitted for approval as a new project.
- 3) That no significant information necessary for a proper evaluation of the project has been omitted or no invalid information has been presented in applying for the permit.
- 4) That the Oklahoma Department of Environmental Quality shall be kept informed on occurrences which may affect the eventual performance of the works or that will unduly delay the progress of the project.
- 5) That wherever water and sewer lines are constructed with spacing of 10 feet or less, sanitary protection will be provided in accordance with Public Water Supply Construction Standards [OAC 252:626-19-2].
- 6) That before placing this facility into service, at least two samples of the water, taken on different days, shall be tested for bacteria to show that it is safe for drinking purposes.
- 7) That any deviations from approved plans or specifications affecting capacity, flow or operation of units must be approved by the Department before any such deviations are made in the construction of this project.
- 8) That the recipient of the permit is responsible for the continued operation and maintenance of these facilities in accordance with rules and regulations adopted by the Environmental Quality Board, and that this Department will be notified in writing of any sale or transfer of ownership of these facilities.

PERMIT No. WL000016230748

WATER LINES

FACILITY No. 1011303

PERMIT TO CONSTRUCT

- 9) The issuance of this permit does not relieve the responsible parties of any obligations or liabilities which the permittee may be under pursuant to prior enforcement action taken by the Department.
- 10) That the permittee is required to inform the developer/builder that a DEQ Storm Water Construction Permit is required for a construction site that will disturb one (1) acre or more in accordance with OPDES, 27A O.S. Section 2-6-201 *et seq.* For information or a copy of the GENERAL PERMIT (OKR10) FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES, Notice of Intent (NOI) form, Notice of Termination (NOT) form, or guidance on preparation of a Pollution Prevention Plan, contact the Storm Water Unit of the Water Quality Division at P.O. Box 1677, Oklahoma City, OK 73101-1677 or by phone at (405) 702-8100.
- 11) That any notations or changes recorded on the official set of plans and specifications in the Oklahoma Department of Environmental Quality files shall be part of the plans as approved.
- 12) That water lines shall be located at least fifteen (15) feet from all parts of septic tanks and absorption fields, or other sewage treatment and disposal systems.
- 13) That whenever plastic pipe is approved and used for potable water, it shall bear the seal of the National Sanitation Foundation and meet the appropriate commercial standards.
- 14) That when it is impossible to obtain proper horizontal and vertical separation as stipulated in Public Water Supply Construction Standards OAC 252:626-19-2(h)(1) and OAC 252:626-19-2(h)(2), respectively, the sewer shall be designed and constructed equal to water pipe and shall be pressure tested to the highest pressure obtainable under the most severe head conditions of the collection system prior to backfilling.

Failure to appeal the conditions of this permit in writing within 30 days from the date of issue will constitute acceptance of the permit and all conditions and provisions.



Rocky Chen, P.E., Engineering Manager, Construction Permit Section  
Water Quality Division





# City of Lawton

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

## Commentary

---

**File #:** 24-1385

**Agenda Date:** 4/9/2024

**Agenda No:** 8.

---

**ITEM TITLE:**

Consider acknowledging receipt of permit number WL000016240030 for the construction of PU2308 Map 09 Waterlines Project from the Oklahoma Department of Environmental Quality.

**INITIATOR:** Rusty Whisenhunt, Director of Public Utilities

**STAFF INFORMATION SOURCE:** Rusty Whisenhunt, Director of Public Utilities

**BACKGROUND:** On January 19, 2023, the City of Lawton was granted permit no. WL000016240030 from the Oklahoma Department of Environmental Quality for the construction of PU2308 Map 09 Waterlines Project. The permit approves construction of 35,350 linear feet of eight (8) inch PVC potable water line, 720 linear feet of ten (10) inch PVC potable water line and all appurtenances. A condition of the permit is that it must be noted in the minutes of the next regular meeting on the Lawton City Council. This permit has been delayed getting onto the council agenda due to interior staffing changes.

**EXHIBIT:** ODEQ Construction Permit

**KEY ISSUES:** None

**FUNDING SOURCE:** N/A

**STAFF RECOMMENDED COUNCIL ACTION:** Acknowledge receipt of permit number WL000016240030 for the construction of PU2308 Map 09 Waterlines Project from the Oklahoma Department of Environmental Quality.

January 19, 2024

Mr. Stanley Booker, Mayor  
City of Lawton  
212 SW 9th Street  
Lawton, Oklahoma 73501

Re: Permit No. WL000016240030  
Lawton Water Authority - Waterline Replacement for Lawton - Map 09  
DWSRF Project No. P40-1011303-06  
Facility No. 1011303

Dear Mr. Booker:

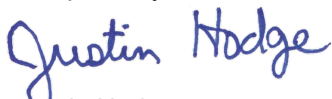
Enclosed is Permit No. WL000016240030 for the construction of 35,350 linear feet of eight (8) inch PVC potable water line, 720 linear feet of ten (10) inch PVC potable water line and all appurtenances to serve the City of Lawton - Map 09, Comanche County, Oklahoma.

The project authorized by this permit should be constructed in accordance with the plans approved by this Department on January 19, 2024. Any deviations from the approved plans and specifications affecting capacity, flow or operation of units must be approved, in writing, by the Department before changes are made.

Receipt of this permit should be noted in the minutes of the next regular meeting of the City of Lawton, after which it should be made a matter of permanent record.

We are returning one (1) set of the approved plans to you, one (1) set to your engineer and retaining one (1) set for our files.

Respectfully,



Justin Hodge  
Construction Permit Section  
Water Quality Division

JH/RC/md

Enclosure

c: Bill Kropf, Regional Manager, DEQ  
LAWTON DEQ OFFICE  
Rusty Whisenhunt, Director of Public Utilities, City of Lawton  
Douglas Lee Smith, P.E., Jacobs Engineering Group, Inc

PERMIT No. WL000016240030

WATER LINES

FACILITY No. 1011303

PERMIT TO CONSTRUCT

January 19, 2024

Pursuant to O.S. 27A 2-6-304, the City of Lawton is hereby granted this Tier I Permit to construct 35,350 linear feet of eight (8) inch PVC potable water line, 720 linear feet of ten (10) inch PVC potable water line and all appurtenances to serve the City of Lawton - Map 09, located entirely in Section 22, T2N, R12W, Comanche County, Oklahoma, in accordance with the plans approved January 19, 2024.

By acceptance of this permit, the permittee agrees to operate and maintain the facility in accordance with the Public Water Supply Operation rules (OAC 252:631) and to comply with the State Certification laws, Title 59, Section 1101-1116 O.S. and the rules and regulations adopted thereunder regarding the requirements for certified operators.

This permit is issued subject to the following provisions and conditions.

- 1) That the recipient of the permit is responsible that the project receives supervision and inspection by competent and qualified personnel.
- 2) That construction of all phases of the project will be started within one year of the date of approval or the phases not under construction will be resubmitted for approval as a new project.
- 3) That no significant information necessary for a proper evaluation of the project has been omitted or no invalid information has been presented in applying for the permit.
- 4) That the Oklahoma Department of Environmental Quality shall be kept informed on occurrences which may affect the eventual performance of the works or that will unduly delay the progress of the project.
- 5) That wherever water and sewer lines are constructed with spacing of 10 feet or less, sanitary protection will be provided in accordance with Public Water Supply Construction Standards [OAC 252:626-19-2].
- 6) That before placing this facility into service, at least two samples of the water, taken on different days, shall be tested for bacteria to show that it is safe for drinking purposes.
- 7) That any deviations from approved plans or specifications affecting capacity, flow or operation of units must be approved by the Department before any such deviations are made in the construction of this project.
- 8) That the recipient of the permit is responsible for the continued operation and maintenance of these facilities in accordance with rules and regulations adopted by the Environmental Quality Board, and that this Department will be notified in writing of any sale or transfer of ownership of these facilities.

PERMIT No. WL000016240030

WATER LINES

FACILITY No. 1011303

PERMIT TO CONSTRUCT

- 9) The issuance of this permit does not relieve the responsible parties of any obligations or liabilities which the permittee may be under pursuant to prior enforcement action taken by the Department.
- 10) That the permittee is required to inform the developer/builder that a DEQ Storm Water Construction Permit is required for a construction site that will disturb one (1) acre or more in accordance with OPDES, 27A O.S. Section 2-6-201 *et seq.* For information or a copy of the GENERAL PERMIT (OKR10) FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES, Notice of Intent (NOI) form, Notice of Termination (NOT) form, or guidance on preparation of a Pollution Prevention Plan, contact the Storm Water Unit of the Water Quality Division at P.O. Box 1677, Oklahoma City, OK 73101-1677 or by phone at (405) 702-8100.
- 11) That any notations or changes recorded on the official set of plans and specifications in the Oklahoma Department of Environmental Quality files shall be part of the plans as approved.
- 12) That water lines shall be located at least fifteen (15) feet from all parts of septic tanks and absorption fields, or other sewage treatment and disposal systems.
- 13) That whenever plastic pipe is approved and used for potable water, it shall bear the seal of the National Sanitation Foundation and meet the appropriate commercial standards.
- 14) That when it is impossible to obtain proper horizontal and vertical separation as stipulated in Public Water Supply Construction Standards OAC 252:626-19-2(h)(1) and OAC 252:626-19-2(h)(2), respectively, the sewer shall be designed and constructed equal to water pipe, and shall be pressure tested to the highest pressure obtainable under the most severe head conditions of the collection system prior to backfilling.

Failure to appeal the conditions of this permit in writing within 30 days from the date of issue will constitute acceptance of the permit and all conditions and provisions.



Rocky Chen, P.E., Engineering Manager, Construction Permit Section  
Water Quality Division



# City of Lawton

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

## Commentary

---

**File #:** 24-1386

**Agenda Date:** 4/9/2024

**Agenda No:** 9.

---

**ITEM TITLE:**

Consider acknowledging receipt of permit number WL000016230990 for the construction of PU2306 Industrial Water Main Extension Phase 1 from the Oklahoma Department of Environmental Quality.

**INITIATOR:** Rusty Whisenhunt, Director of Public Utilities

**STAFF INFORMATION SOURCE:** Rusty Whisenhunt, Director of Public Utilities

**BACKGROUND:** On March 11, 2024, the City of Lawton was granted permit no. WL000016230748 from the Oklahoma Department of Environmental Quality for the construction of PU2306 Industrial Water Main Extension Phase 1. The permit approves the construction of for the construction of 9,327 linear feet of twenty (20) inch water line, 20 linear feet of twenty four (24) inch of PVC potable water line, and all appurtenances. A condition of the permit is that it must be noted in the minutes of the next regular meeting on the Lawton City Council.

**EXHIBIT:** ODEQ Construction Permit

**KEY ISSUES:** None

**FUNDING SOURCE:** N/A

**STAFF RECOMMENDED COUNCIL ACTION:** Acknowledge receipt of permit number WL000016230990 for the construction of PU2306 Industrial Water Main Extension Phase 1 from the Oklahoma Department of Environmental Quality.

March 11, 2024

The Honorable Stanley Booker  
City of Lawton  
212 SW 9th Street  
Lawton, Oklahoma 73501

Re: Permit No. WL000016230990  
Industrial Water Main Extension Phase 1  
Facility No. 1011303

Dear Mayor Booker:

Enclosed is Permit No. WL000016230990 for the construction of 9,327 linear feet of twenty (20) inch water line, 20 linear feet of twenty four (24) inch of PVC potable water line, and all appurtenances to serve the Industrial Water Main Extension Phase 1, Comanche County, Oklahoma.

The project authorized by this permit should be constructed in accordance with the plans approved by this Department on March 11, 2024. Any deviations from the approved plans and specifications affecting capacity, flow or operation of units must be approved, in writing, by the Department before changes are made.

Receipt of this permit should be noted in the minutes of the next regular meeting of the City of Lawton, after which it should be made a matter of permanent record.

We are returning one (1) set of the approved plans to you, one (1) set to your engineer and retaining one (1) set for our files.

Respectfully,



Kimberly Douglas, P.E.  
Construction Permit Section  
Water Quality Division

KD/RC/md

Enclosure

c: Bill Kropf, Regional Manager, DEQ  
LAWTON DEQ OFFICE  
Michael A. Salinas, P.E., Garver

---

PERMIT No. WL000016230990

WATER LINES

FACILITY No. 1011303

PERMIT TO CONSTRUCT

March 11, 2024

Pursuant to O.S. 27A 2-6-304, the City of Lawton is hereby granted this Tier I Permit to construct 9,327 linear feet of twenty (20) inch water line, 20 linear feet of twenty four (24) inch of PVC potable water line, and all appurtenances to serve the Industrial Water Main Extension Phase 1, located in E/2, Section 1, T-1-N, R-13-W, Comanche County, Oklahoma, in accordance with the plans approved March 11, 2024.

By acceptance of this permit, the permittee agrees to operate and maintain the facility in accordance with the Public Water Supply Operation rules (OAC 252:631) and to comply with the State Certification laws, Title 59, Section 1101-1116 O.S. and the rules and regulations adopted thereunder regarding the requirements for certified operators.

This permit is issued subject to the following provisions and conditions.

- 1) This water line provides adequate fire flow in accordance with the 2009 International Fire Code through the approved hydraulic analysis. The fire flow provided is 1,500 gpm.
- 2) That the recipient of the permit is responsible that the project receives supervision and inspection by competent and qualified personnel.
- 3) That construction of all phases of the project will be started within one year of the date of approval or the phases not under construction will be resubmitted for approval as a new project.
- 4) That no significant information necessary for a proper evaluation of the project has been omitted or no invalid information has been presented in applying for the permit.
- 5) That the Oklahoma Department of Environmental Quality shall be kept informed on occurrences which may affect the eventual performance of the works or that will unduly delay the progress of the project.
- 6) That wherever water and sewer lines are constructed with spacing of 10 feet or less, sanitary protection will be provided in accordance with Public Water Supply Construction Standards [OAC 252:626-19-2].
- 7) That before placing this facility into service, at least two samples of the water, taken on different days, shall be tested for bacteria to show that it is safe for drinking purposes.
- 8) That any deviations from approved plans or specifications affecting capacity, flow or operation of units must be approved by the Department before any such deviations are made in the construction of this project.

---

PERMIT No. WL000016230990

WATER LINES

FACILITY No. 1011303

PERMIT TO CONSTRUCT

- 9) That the recipient of the permit is responsible for the continued operation and maintenance of these facilities in accordance with rules and regulations adopted by the Environmental Quality Board, and that this Department will be notified in writing of any sale or transfer of ownership of these facilities.
- 10) The issuance of this permit does not relieve the responsible parties of any obligations or liabilities which the permittee may be under pursuant to prior enforcement action taken by the Department.
- 11) That the permittee is required to inform the developer/builder that a DEQ Storm Water Construction Permit is required for a construction site that will disturb one (1) acre or more in accordance with OPDES, 27A O.S. Section 2-6-201 *et seq.* For information or a copy of the GENERAL PERMIT (OKR10) FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES, Notice of Intent (NOI) form, Notice of Termination (NOT) form, or guidance on preparation of a Pollution Prevention Plan, contact the Storm Water Unit of the Water Quality Division at P.O. Box 1677, Oklahoma City, OK 73101-1677 or by phone at (405) 702-8100.
- 12) That any notations or changes recorded on the official set of plans and specifications in the Oklahoma Department of Environmental Quality files shall be part of the plans as approved.
- 13) That water lines shall be located at least fifteen (15) feet from all parts of septic tanks and absorption fields, or other sewage treatment and disposal systems.
- 14) That whenever plastic pipe is approved and used for potable water, it shall bear the seal of the National Sanitation Foundation and meet the appropriate commercial standards.
- 15) That when it is impossible to obtain proper horizontal and vertical separation as stipulated in Public Water Supply Construction Standards OAC 252:626-19-2(h)(1) and OAC 252:626-19-2(h)(2), respectively, the sewer shall be designed and constructed equal to water pipe, and shall be pressure tested to the highest pressure obtainable under the most severe head conditions of the collection system prior to backfilling.

Failure to appeal the conditions of this permit in writing within 30 days from the date of issue will constitute acceptance of the permit and all conditions and provisions.



---

Rocky Chen, P.E., Engineering Manager, Construction Permit Section  
Water Quality Division





# City of Lawton

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

## Commentary

---

**File #:** 24-1428

**Agenda Date:** 4/9/2024

**Agenda No:** 10.

---

**ITEM TITLE:**

Consider and take action in accepting and authorizing Mayor to sign a Right of Entry Permit from the Commissioners of the Land Office to drill test holes for potential water wells.

**INITIATOR:** Rusty Whisenhunt, Director of Public Utilities

**STAFF INFORMATION SOURCE:** Rusty Whisenhunt, Director of Public Utilities

**BACKGROUND:** The Alternate Water Supply (AWS) project was identified as use of ground water by drilling wells into the Arbuckle-Timber Aquifer, conveyance system and plant upgrade at the SEWTP. The AWS project was authorized to proceed with phase one of project to produce a minimum of 5MGD potable water for the City of Lawton the first project the Lawton Groundwater Supply - Well Site K (Well No. 1) received bids and on June 8, 2023, City Council awarded the Project. The well #1 after it was completed produces 1.2 MGD of raw water per day. The Lawton Groundwater Supply - Treatment Pilot Project #PU2002 was bid and on April 13, 2023, City Council approved awarding of the project. On May 3, 2023, and May 10, 2023, the City of Lawton Department of Public Utilities advertised for bids for the Lawton Groundwater Supply - Test Well and Production Well Project PU2301 that included drilling of 7 test hole with conversion of 4 test hole to production wells. A bid opening was held July 25, 2023, and one non-responsible bid was received. City Council Approved Rejecting and Readvertising the project on August 22, 2023. Another Bid opening was held December 5, 2023 and a total of 3 bids were received. A construction contract for PU2301 Groundwater Supply Well Installation 2023 was awarded to Associated Environmental Industries. Corp on January 9, 2024 in the amount of \$9,223,500.

On February 20<sup>th</sup>, 2024, the State of Oklahoma Commissioners of the Land Office issued a Right of Entry Permit No. 329 for a limited term of 6-months beginning February 20, 2024, and ending August 20, 2024, at the locations of W/2 SEC 16-T1N- and NW/4 SEC 36-T2N-R11WIM for drilling test holes for potential water wells. These wells are a part of the Groundwater Well Installation 2023 Project PU2301. This project was approved by City Council on April 25, 2023, and Awarded to Associated Environmental, Inc on Tuesday, January 23, 2024.

**EXHIBIT:** Right of Entry Permit No 329

**KEY ISSUES:** Does City Council wish to accept and authorize Mayor to sign a Right of Entry Permit from the Commissioners of the Land Office to drill test holes for potential water wells?

**FUNDING SOURCE:** N/A

**STAFF RECOMMENDED COUNCIL ACTION:** Accept and authorize Mayor to sign a Right of Entry Permit from the Commissioners of the Land Office to drill test holes for potential water wells.

COMMISSIONERS OF THE LAND OFFICE  
STATE OF OKLAHOMA

ANR 2-20-2024

**RIGHT OF ENTRY PERMIT - LIMITED TERM**

County: Comanche  
Account No.: 101409, 101410, 101417

ROE No.: 329

**KNOW ALL MEN BY THESE PRESENTS:**

On this 20th day of February, 2024 the Commissioners of the Land Office of the State of Oklahoma (CLO) and City of Lawton (**Permittee**) 212 SW 9<sup>th</sup> St, Lawton, OK 73501 agree as follows:

**WITNESSETH:** The CLO by power vested in them by the Constitution and laws of the State of Oklahoma grant and convey unto **Permittee** a Right of Entry for a Limited Term, covering the following described land:

**LEGAL DESCRIPTION:** W/2 SEC 16-T1N- and NW/4 SEC 36-T2N-R11WIM, Comanche County

**PURPOSE:** Drilling test holes for potential water wells.

**FEE:** \$40.00 per test well.

**SPECIAL STIPULATIONS OR REQUIREMENTS:** City of Lawton or its contractors must make contact with the agricultural lessees and the CLO REMS prior to entering the properties.

This Permit will continue for a period of **6 months**, beginning **2/20/2024** and ending on **8/20/2024**. An extension will be granted if needed to properly establish the vegetation cover, if applicable.

**Permittee(s)** agree(s) to save and hold harmless the CLO from any and all claims or liability of whatsoever kind, nature or description as a result of operations under this Right of Entry Permit.

This Permit shall not be transferred in whole or in part while title to the land remains in the State. Should **Permittee**, its successors, heirs or assigns, cease to use said land for the purposes granted, the same shall revert to the Commissioners of the Land Office or its assigns, and all rights and privileges granted shall cease and terminate.

Upon expiration of this permit **Permittee** shall, in a timely and workmanlike manner, restore the land as near as is reasonable and possible to its condition immediately prior to entry, and according to the specifications of CLO's supervising Real Estate Management Specialist.

It is expressly understood and agreed that the **Permittee** shall settle with the surface lessee of the land for any damages that may be sustained to improvements and/or crops by reason of construction or use of this right-of-way or Permit.

**IN WITNESS WHEREOF**, the Commissioners of the Land Office of the State of Oklahoma have caused this Permit to be executed by their Secretary, on the date first above written.

**City of Lawton**

COMMISSIONERS OF THE LAND OFFICE  
STATE OF OKLAHOMA

By: \_\_\_\_\_  
Representative

\_\_\_\_\_  
Dan Whitmarsh, Secretary

For Land Office Use Only

No. \_\_\_\_\_

Volume \_\_\_\_\_

Recorded \_\_\_\_\_  
(Date)

By \_\_\_\_\_  
(Records Clerk)

LESSEE CONTACTS

101409 - NW/4 SEC 16-1N-11WIM  
BRET HANZA CATTLE CO  
807 SE 3RD STREET LAWTON, OK 73501  
580-704-7287  
[BRET@SOLDIERXPRESS.COM](mailto:BRET@SOLDIERXPRESS.COM)

101410 – SW/4 SEC 16-1N-11WIM  
KRIZ, RUSSELL  
5209 SE FLOWER MOUND RD LAWTON, OK 73501  
580-695-5876  
[JKRIZ@VU.COM](mailto:JKRIZ@VU.COM)

101417 – NW/4 SEC 36-2N-11WIM  
CABELKA, BONNIE S  
232 NE 46TH ST LAWTON, OK 73501  
940-704-5046  
[BONNIECABELKA@YAHOO.COM](mailto:BONNIECABELKA@YAHOO.COM)

CLO REMS  
ROGER KNAUSS at 405-668-0313



# City of Lawton

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

## Commentary

---

**File #:** 24-1410

**Agenda Date:** 4/9/2024

**Agenda No:** 11.

---

**ITEM TITLE:**

Consider approving a limited support agreement between the City of Lawton and the Lawton Metropolitan Area Airport Authority, contingent upon the Lawton Metropolitan Area Airport Authority also approving the agreement, to provide funding to be used solely for legal expenses related to Fire Station #2 located on airport grounds, and authorize the Mayor and City Clerk to execute the agreement.

**INITIATOR:** Kristin Huntley, Deputy Finance Director

**STAFF INFORMATION SOURCE:** Kristin Huntley, Deputy Finance Director  
John Ratliff, City Manager  
Timothy Wilson, Interim City Attorney

**BACKGROUND:** The Lawton Metropolitan Airport Authority is in litigation involving Fire Station #2, which is located on airport grounds. The funding outlined in the proposed agreement is to be used solely for legal expenses related to said litigation. The agreement allocates \$250,000.00 from general funds for use by the Authority, on a reimbursement basis.

**EXHIBIT:** Proposed Limited Support Agreement

**KEY ISSUES:** N/A

**FUNDING SOURCE:** General Funds

**STAFF RECOMMENDED COUNCIL ACTION:** Approve the agreement, contingent upon the Lawton Metropolitan Airport Authority also approving the agreement, and authorize the Mayor and City Clerk to execute the agreement.

## **LIMITED SUPPORT AGREEMENT**

This Limited Support Agreement is entered into by and between the City of Lawton, Oklahoma, a municipal corporation, hereinafter referred to as “City,” and the Lawton Metropolitan Area Airport Authority, a public trust, herein after referred to as “Authority.”

Whereas, the Authority is involved in litigation related to Fire Station #2, which is located on airport grounds.

Whereas, the City, through its governing body, has determined that the City will provide limited funding to the Authority to be used solely for legal expenses related to litigation involving Fire Station #2, located on airport grounds.

Now, therefore, in consideration of the mutual obligations of the parties, the City and Authority agree as follows:

1. City agrees:
  - a. To allocate to the Authority from general funds an amount not to exceed Two-Hundred and Fifty Thousand and No/100 Dollars (\$250,000.00), to be used solely for legal expenses related to litigation involving Fire Station #2. Funds will be dispersed as claims for reimbursement are submitted for payment.
2. Authority agrees as follows:
  - a. To periodically submit to the City’s finance office claims for reimbursement, specifically related to legal expenses involving Fire Station #2. Such claims will be submitted in accordance with and in compliance with City’s policies and procedures. The Authority understands that once a claim is submitted the processing of said claim may take up to twenty (20) days. The City reserves the right to deny any claim that is not in conformance with the terms of this agreement.
  - b. In the event the Authority is awarded attorney fees in the litigation over Fire Station #2, the Authority agrees to reimburse the City an amount equal to any payments it receives by or on behalf of the defendants as part of an attorney fee award, said reimbursement to the City not to exceed the \$250,000.00 being paid by the City under this agreement. The provisions of this paragraph will survive the expiration date of this agreement.
  - c. To abide by the Oklahoma Competitive Bidding Act, to the extent required by law.
  - d. To submit any request for funding for the following fiscal year to the City Manager and Finance Director of the City of Lawton by May 1, 2024.

- e. On or before the conclusion of the term of this agreement, any of the  
aforementioned funds not used for the explicit purpose of legal expenses related to  
Fire State #2 will remain within the City's General Fund.
3. Term. The term of this agreement will begin on April \_\_\_\_, 2024 and expire on June 30,  
2024.

**IN WITNESS WHEREOF**, the parties have hereunto set their hands to this agreement this \_\_\_\_  
day of \_\_\_\_\_ 2024.

CITY OF LAWTON, OKLAHOMA  
A Municipal Corporation

BY: \_\_\_\_\_  
STANLEY BOOKER, MAYOR

ATTEST:

\_\_\_\_\_  
DONALYNN BLAZEK-SCHERLER, CITY CLERK

LAWTON METROPOLITAN AREA  
AIRPORT AUTHORITY

BY: \_\_\_\_\_

APPROVED as to form and legality for the City of Lawton, Oklahoma, 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 #:** 24-1387

**Agenda Date:** 4/9/2024

**Agenda No:** 12.

### ITEM TITLE:

Consider and award a contract in the amount of \$4,371,020.00 to Horseshoe Construction, INC, for the construction of Sub-Basin 104-PU1306, 105-PU1410, & 106-PU1414 to replace approximately 33,000 linear feet of 8 and 10-inch gravity sewer lines.

**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 approve the Master Service Agreement with Garver, LLC. On July 11, 2023, City Council approved Amendment No. 1 which includes Work Package 1 for the Sewer System Rehabilitation. The Sewer System Work Package 1 includes preparation of bidding documents for the in-house designed sewer line construction projects, 2023 CIPP project and Sub -basin 104, 105, and 106 Sewer Line Rehabilitation (all designed in house); Garver, under Work Package 1, prepared the Final Bid Documents for the City in-house Design Project. On August 8, 2023, City Council approved the plans, specifications, and authorized the advertisement of the Sub-basin 104 PU1306, the Sub-basin 105 PU1410, and the Sub-basin 106 Sewer Line Rehabilitation Project PU1414.

The project advertised on January 31<sup>st</sup> and February 7<sup>th</sup>, 2024, with a non-mandatory pre-bid conference February 24<sup>th</sup>, 2024, at 10:00 a.m. in the Public Utilities Conference room. A Bid opening was publicly held March 12<sup>th</sup>, 2024, at 2:00pm at City Hall. A total of one (1) bid was received.

SUB-BASIN 104-PU1306, 105-PU1410, & 106-PU1414 BID TAB		
Project Number	Engineer's Estimate	Contractor 1: Horseshoe Construction, INC
Total Base Bid	\$ 4,435,328.00	\$ 4,371,020.00

After reviewing the bid documents, it is recommended to award the project to Horseshoe Construction, INC, of Bryan, Texas, who submitted the lowest responsive and responsible bid for the project. Garver recommends awarding the contract to Horseshoe Construction, INC, in the amount of \$4,371,020.00 for construction of Sub-Basin 104-PU1306, 105-PU1410, & 106-PU1414 Rehabilitation Project. **The project will benefit the Citizen by providing a 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 \$4,371,020.00 to Horseshoe Construction, INC, for the construction of Sub-Basin 104-PU1306, 105-PU1410, & 106-PU1414 to replace approximately 33,000 linear feet of 8 and 10-inch gravity sewer lines?



**FUNDING SOURCE:** CWSRF \$30 Million Loan Account No. 4400000-54020 \$14,455,174.02 (Current amount ) - \$4,371,020.00 (This project) = \$10,084,154.02 (Remaining account balance)

**STAFF RECOMMENDED COUNCIL ACTION:** Award a contract in the amount of \$4,371,020.00 to Horseshoe Construction, INC, for the construction of Sub-Basin 104-PU1306, 105-PU1410, & 106-PU1414 to replace approximately 33,000 linear feet of 8 and 10-inch gravity sewer lines.



750 SW 24th St.  
Suite 200  
Moore, OK 73160  
TEL 405.329.2555  
FAX 405.329.3555  
[www.GarverUSA.com](http://www.GarverUSA.com)

---

March 15, 2024

Mr. Rusty Whisenhunt  
Director of Public Utilities  
City of Lawton  
2100 SW 6<sup>th</sup> Street  
Lawton, OK 73501

Re: Sub-Basin 104, 105, & 106  
Recommendation of Award

Dear Mr. Whisenhunt:

Bids were received for the Sub-Basin 104, 105, & 106 Project the Office of the City Clerk at City Hall, 212 SW 9<sup>th</sup> Street Lawton, OK 73501 on Tuesday March 12, 2024. The bids have been checked for accuracy and for compliance with the contract documents.

A total of one (1) bid was received on the Project. Horseshoe Construction, Inc. submitted the responsive bid for the project in the amount of \$4,371,020.00. The Engineer's Opinion of Probable Cost was \$4,435,328.00.

A check of the bid documents indicated no issues with the documentation received.

A review of their current and past projects shows that Horseshoe Construction, Inc. has adequate experience in sanitary sewer line projects across the United States.

The Base Bid results in a final contract price of **four million three hundred seventy-one thousand twenty dollars (\$4,371,020.00)**. If the project is awarded to Horseshoe Construction, Inc., Garver believes that the bid submitted by Horseshoe Construction, Inc., is responsive, responsible, and represents a good value for the City of Lawton. Contingent upon signing the contract and submission of executed bonds, we recommend that the construction contract for the Sub-Basin 104, 105, & 106 Project be awarded to Horseshoe Construction, Inc.

Please call me if you have any questions.

Sincerely,

GARVER, LLC

Bryce Callies, P.E.  
Water Resources Team Leader

SUB-BASIN 104-PU1306, 105-PU1410, & 106-PU1414 BID TAB		
Project Number	Engineer's Estimate	Contractor 1: Horseshoe Construction, INC
Total Base Bid	\$ 4,435,328.00	\$ 4,371,020.00

SUB-BASIN 104-PU1306, 105-PU1410, & 106-PU1414 Engineer's Estimate									
Engineer's Estimate					Contractor: Horseshoe Construction, INC				
Item #	Est. QTY	Description	Unit Price	Item Total	Item #	Est. QTY	Description	Unit Price	Item Total
1	1	MOBILIZATION	\$215,000.00	\$215,000.00	1	1	MOBILIZATION	\$400,000.00	\$400,000.00
2	1	DEMOBILIZATION	\$127,000.00	\$127,000.00	2	1	DEMOBILIZATION	\$10,000.00	\$10,000.00
3	17883	PIPE BURST SANITARY SEWER HDPE 8"	\$100.00	\$1,788,300.00	3	17883	PIPE BURST SANITARY SEWER HDPE 8"	\$125.00	\$2,235,375.00
4	90	STANDARD DEPTH UP TO 8' MANHOLE	\$14,000.00	\$1,260,000.00	4	90	STANDARD DEPTH UP TO 8' MANHOLE	\$9,000.00	\$810,000.00
5	71	MANHOLE EXTRA DEPTH	\$300.00	\$21,300.00	5	71	MANHOLE EXTRA DEPTH	\$500.00	\$35,500.00
6	77	REMOVE EXISTING MANHOLE	\$1,200.00	\$92,400.00	6	77	REMOVE EXISTING MANHOLE	\$600.00	\$46,200.00
7	3	ABANDON MANHOLE	\$2,000.00	\$6,000.00	7	3	ABANDON MANHOLE	\$1,000.00	\$3,000.00
8	32	ASPHALT PAVING REMOVAL/REPLACEMENT	\$150.00	\$4,800.00	8	32	ASPHALT PAVING REMOVAL/REPLACEMENT	\$300.00	\$9,600.00
9	12	CONCRETE PAVING REMOVAL/REPLACEMENT	\$200.00	\$2,400.00	9	12	CONCRETE PAVING REMOVAL/REPLACEMENT	\$300.00	\$3,600.00
10	12	SIDEWALK REMOVAL/REPLACEMENT	\$150.00	\$1,800.00	10	12	SIDEWALK REMOVAL/REPLACEMENT	\$180.00	\$2,160.00
11	36	DRIVEWAY REMOVAL/REPLACEMENT	\$250.00	\$9,000.00	11	36	DRIVEWAY REMOVAL/REPLACEMENT	\$200.00	\$7,200.00
12	10	UNCLASSIFIED CONCRETE IN-PLACE	\$150.00	\$1,500.00	12	10	UNCLASSIFIED CONCRETE IN-PLACE	\$300.00	\$3,000.00
13	320	SEWER SERVICE CONNECTIONS	\$1,500.00	\$480,000.00	13	320	SEWER SERVICE CONNECTIONS	\$900.00	\$288,000.00
14	240	4' CHAIN LINK FENCE REMOVAL/REPLACEMENT	\$40.00	\$9,600.00	14	240	4' CHAIN LINK FENCE REMOVAL/REPLACEMENT	\$25.00	\$6,000.00
15	2545	6' WOOD PRIVACY FENCE REMOVAL/REPLACEMENT	\$20.00	\$50,900.00	15	2545	6' WOOD PRIVACY FENCE REMOVAL/REPLACEMENT	\$25.00	\$63,625.00
16	2500	TEMPORARY FENCE	\$10.00	\$25,000.00	16	2500	TEMPORARY FENCE	\$10.00	\$25,000.00
17	4638	GRASSING (SOLID SLAB SOD 8 FEET WIDE)	\$6.00	\$27,828.00	17	4638	GRASSING (SOLID SLAB SOD 8 FEET WIDE)	\$20.00	\$92,760.00
18	1	WORK CHANGE DIRECTIVE ALLOWANCE	\$300,000.00	\$300,000.00	18	1	WORK CHANGE DIRECTIVE ALLOWANCE	\$300,000.00	\$300,000.00
19	100	PIPE SAG REPAIR, FOR SAGS NOT CAUSED BY CONTRACTOR, AS DETERMINED, AND APPROVED, BY THE CITY.	\$125.00	\$12,500.00	19	100	PIPE SAG REPAIR, FOR SAGS NOT CAUSED BY CONTRACTOR, AS DETERMINED, AND APPROVED, BY THE CITY.	\$300.00	\$30,000.00
Total Amount Bid				\$4,435,328.00	Total Amount Bid				\$4,371,020.00
FOUR MILLION FOUR HUNDRED THIRTY FIVE THOUSAND THREE HUNDRED TWENTY EIGHT DOLLARS AND ZERO CENTS					FOUR MILLION THREE HUNDRED SEVENTY ONE THOUSAND TWENTY DOLLARS AND ZERO CENTS				

## CONTRACT

THIS CONTRACT made and entered into this 9th day of April, 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 Horseshoe Construction, 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

**SUB-BASIN 104 -PU1306, 105-PU1410, & 106-PU1414**  
**City of Lawton Project # PU1306, PU1410, PU1414**  
**CWSRF Project # ORF-24-0050-CW**

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:

Four million three hundred seventy-one thousand twenty dollars and no cents      Dollars (\$4,371,020.00 ).

Said proposal of Horseshoe Construction, 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 Addenda, all of which are on file in the office of the Project Manager, 2100 SW 6<sup>th</sup> 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 Contractor hereby represents and warrants to and for the benefit of the Owner that: The Contractor has reviewed and understands the Davis Bacon Act and prevailing wage rate requirements and will provide any further verified information, certification or assurance of compliance as may be required by the Owner.

3. 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.

4. 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.

5. 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 Addenda; and upon making such determination said official shall make his final certificate to the CITY.

The Contractor hereby agrees to commence work under the Contract on a date specified in a written "Notice to Proceed" of the Owner, and to complete the following project milestones within the calendar days indicated in the following table.

**Project Milestones**

Milestone #	Description	Calendar Days
1	All Work will be substantially complete within 220 calendar days after the date when the Contract Times commence to run in accordance with the General and Supplementary Conditions.	Two Hundred Twenty (220)
2	All Work will be completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions within 250 calendar days after the Contract Times commence to run.	Two Hundred Fifty (250)

The Contractor agrees to complete each milestone to a level of substantial completion, as defined by the General Conditions, within **the calendar days indicated in the above table**. The CONTRACTOR further agrees to pay as liquidated damages, for each milestone, the sum of **One Thousand Dollars and 00/100 (\$1,000.00) for each consecutive calendar day** thereafter as hereinafter provided in the General Conditions. Additionally, the CONTRACTOR agrees to fully complete the project, securing the ENGINEER's recommendation of final payment as described by the General Conditions, within **two hundred fifty (250) consecutive calendar days**. The CONTRACTOR further agrees to pay as additional liquidated damages the sum of **Five Hundred Dollars and 00/100 (\$500.00) for each consecutive calendar day** thereafter. The liquidated damages for exceeding each project milestone and final completion milestone shall be additive.

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.

6. 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.

7. 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.

8. 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 Addenda and the Contractor's Proposal.

9. Modification and Termination. This Contract cannot be modified or terminated except in writing signed by both parties or as otherwise provided herein.

10. Assignment. This Contract shall not be assigned without the written consent of the CITY.

11. 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.

12. 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.

13. 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.

14. 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)

Horseshoe Construction, Inc.

Name of Corporation

By

Title James R. Holt, President

ATTEST:

## Chad Wall

Title Chad Wall, Estimator

(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, 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 Sub-Basin 104, 105, 106 Rehabilitation Project PU1306, PU1410, PU1414 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 #:** 24-1416

**Agenda Date:** 4/9/2024

**Agenda No:** 13.

---

**ITEM TITLE:**

Consider extending contract RFPCL22-003 Utility Billing & Invoice Services to DataProse, LLC. of Coppell, TX, for an additional year.

**INITIATOR:** Kristin Huntley, Interim Finance Director

**STAFF INFORMATION SOURCE:** Mardi Repasy, Utility Services Manager

**BACKGROUND:** The contract RFPCL22-003 Utility Billing & Invoice Services is currently in effect until May 31, 2024. The vendor, DataProse, LLC. of Coppell, TX, has agreed to the contract extension with the same terms, conditions, and process. The department recommends extending the contract for an additional year. The vendor has met all contract requirements.

**EXHIBIT:** Vendor Extension Form, Department Recommendation, Original Contract

**KEY ISSUES:** Does the City of Lawton wish to extend contract RFPCL22-003 Utility Billing & Invoice Services to DataProse, LLC. of Coppell, TX, for an additional year?

**FUNDING SOURCE:** Utility Services Postage Account (7002502-52044)

**STAFF RECOMMENDED COUNCIL ACTION:** Extend contract RFPCL22-003 Utility Billing & Invoice Services to DataProse, LLC. of Coppell, TX, for an additional year.



# City of Lawton

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

## Commentary

---

**File #:** 24-1427

**Agenda Date:** 4/9/2024

**Agenda No:** 14.

---

**ITEM TITLE:**

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

**INITIATOR:** Rusty Whisenhunt, Director of Public Utilities

**STAFF INFORMATION SOURCE:** Rusty Whisenhunt, Director of Public Utilities , John Ratliff, City Manager

**BACKGROUND:** City of Lawton and Republic Paperboard Company LLC originally entered into a contract on June 9, 1998 for water, sewer, and solid waste services ("Legacy Contract"). The original contract does not expire until 2025, however Republic Paperboard Company LLC, has agreed to enter into a new contract to begin the implementation of raising these rates closer to those of other industrial users. This new agreement will replace the Legacy Contract. The first increase would be retroactively effective to April 1<sup>st</sup>, 2024. Contract is a five-year contract that will increase each year until rates are at current industrial water rates.

**EXHIBIT:** Agreement for Municipal Services, Exhibit "A" - Legal Description of Facility Site, Exhibit "B" - Rate Schedule

**KEY ISSUES:** Does City Council wish to approve an agreement with Republic Paperboard Company LLC, to implement raising their current water, sewer, and solid waste rates with a retroactive effective date of April 1<sup>st</sup>, 2024?

**FUNDING SOURCE:** N/A

**STAFF RECOMMENDED COUNCIL ACTION:** Approve an agreement with Republic Paperboard Company LLC, to implement new water, sewer, and solid waste rates with a retroactive effective date of April 1<sup>st</sup>, 2024

## **AGREEMENT FOR MUNICIPAL SERVICES**

THIS AGREEMENT FOR MUNICIPAL SERVICES is entered into this 1<sup>st</sup> day of April, 2024, by and between the CITY OF LAWTON, OKLAHOMA, a municipal corporation, hereinafter referred to as "Seller," and REPUBLIC PAPERBOARD COMPANY LLC, a Delaware corporation, hereinafter referred to as "Consumer."

WHEREAS, the Consumer operates a recycled paperboard manufacturing mill (the "Facility") in the area legally described on **Exhibit "A"** attached hereto and made part of this Agreement;

WHEREAS, the Seller owns and provides certain municipal services which could be made available to Consumer in the operation of the Facility pursuant to that certain Agreement for Municipal Services between Seller and Consumer dated June 9, 1998 ("Legacy Contract");

WHEREAS, the Seller and Consumer desire to enter into this Agreement to replace the Legacy Contract, which is nearing the end of its stated term, pursuant to which Consumer desires to receive municipal services from Seller as set forth below (collectively the "Services") and to pay Seller for such Services; and

WHEREAS, Consumer acknowledges that Seller is bound by certain state and federal regulations relating to treatment of water, pretreatment standards for sanitary sewer discharges, and disposal and storage of solid waste and Consumer agrees to abide by the requirements and limitations imposed by such regulations and to pay the costs associated with meeting the mandates of those regulations by Seller.

IN CONSIDERATION OF THE FOREGOING, the mutual covenants and obligations of the parties, and other good and valuable consideration the receipt and adequacy of which are hereby acknowledged, Seller and Consumer agree as follow:

### **SECTION I. WATER SERVICES**

1.1 WATER. Seller agrees to furnish Consumer, during the term of this Agreement and any renewal or extension thereof, potable water meeting applicable purity standards of the Oklahoma Department of Environmental Quality ("ODEQ") in an amount not to exceed one million five hundred thousand (1,500,000) gallons per day (monthly average with an individual day's consumption not to exceed one million seven hundred twenty eight thousand (1,728,000) gallons. No minimum

quantity of water is required to be consumed by Consumer hereunder.

1.2 WATER PRESSURE. Seller agrees to provide Consumer potable water at a minimum pressure of 50 psi static pressure. Additionally, Seller agrees to provide a Maximum of 1,200 gallons per minute at a minimum residual pressure of 40 psi for a two (2) hour fire flow duration period. The Maximum of 1200 GPM is allowed except during fire flow time frame To minimize the fluctuations in the static pressure of water supplied to Consumer, Seller shall provide water service to Consumer exclusively through the twelve inch (12") industrial line of Seller (the "Main Supply Line"), except in the event of a failure of such Main Supply Line, in which event Consumer may be temporarily supplied with potable water through a twelve inch (12") line which comes from the west high zone, until such time as the failure in the Main Supply Line is remedied by Seller, provided however, failure of pressure or water supply due to any failure in the Main Supply Line including, without limitation, breaks, power failure, flood, fire and use of water to fight fire, earthquake, high winds, or other catastrophe, shall not constitute a default by Seller so long as Seller promptly and continuously prosecutes all actions necessary to remedy such events within a reasonable period of time to restore water service. At the point of connection, Consumer has installed a back flow preventive device which meets Seller's reasonable standards and Consumer will maintain such device at its own expense. Installation of the service line and back flow preventive device will be done in accordance with Seller's plumbing standards as well as the Seller's standard details for constructions and must be approved by Seller's plumbing officials.

1.3 WATER METER. Consumer agrees that it will pay for the cost of the water meters (the "Water Meter") and the installation/maintenance of the Water Meter and all appurtenances relating to the Water Meter, and further agrees to maintain and repair such Water Meter thereafter at Consumer's cost and expense. The water meter shall be checked for accuracy every 12 months. The water meter shall interface with the Seller's AMR meter telemetry system.

1.4 WATER LINE MAINTENANCE. Consumer agrees that it will be responsible, at its own costs and expense, for the maintenance and repair of its water line from the point of connection at the Water Meter to its Facility, except in the event that the damage of the Consumer's service line is caused by the actions or negligence of Seller, its employees or agents, in which case Seller will promptly repair said service line at Seller's cost and expense.

1.5 WATER CHARGES. Consumer agrees that it will pay to the Seller for the cost of potable water used by the Consumer based on a

monthly or periodic reading of the Water Meter. The cost of the water will be as provided in the attached contracted rate schedule (**Exhibit "B"**) or as rates may hereinafter be amended by the parties hereto. The parties agree that the Consumer meets the definition of a "large volume consumer" as defined in Section 22-1-2-114 of the Lawton City Code, 2015, as the same shall be amended as hereinafter provided (the "Water Rate Code Provision). Consumer agrees to comply with all of the provisions Lawton City Code, 2015, which are applicable to Consumer and the Consumer's Facility.

1.6 WATER DURING CONSTRUCTION. When requested by the Consumer for construction efforts, the Seller will make available to Consumer's contractor at the point of delivery of potable water to Consumer, or other point reasonably close thereto, water in sufficient quantity during construction of any future Facility upgrade and for testing and flushing of Consumers water system during the construction of the Consumer's water line. Cost for the water used during the testing and flushing will be paid directly by Consumer to Seller based on the amount of water used and at Seller's then current water rates as set forth in contract agreement as now provided or as may be hereafter amended. The Consumer's construction contractor must obtain a temporary water meter from the Seller at the established rate for the purpose of metering the amount of water used during construction and testing of said water line.

1.7 NO RESALE. Consumer agrees that at no time during which this Agreement is in effect will Consumer sell any of the water purchased by Consumer from Seller, to any other third-party user, provided however, this restriction shall not prevent Consumer from transferring and/or selling water to any of its affiliates for use at the Facility.

## **SECTION II. SANITARY SEWER**

2.1 COMPLIANCE WITH LAWS. Consumer agrees to be bound by and comply with all of Seller's sanitary sewer quality controls and standards as they are promulgated in Article 3, Chapter 22, Lawton City Code, 2015, as now provided or as may hereafter be amended, but only to the extent any such amendment is the direct result of a requirement of the Oklahoma Department of Environmental Quality ("ODEQ") or the Environmental Protection Agency ("EPA"). Consumer further agrees to be bound by and comply with the federal Water Pollution Control Act, the Clean Water Act and any other federal or state directives relating to discharge of wastewater by Consumer into the Seller's storm water and sanitary sewer systems.

2.2 SEWER CHARGES. Consumer agrees to pay the Seller for the use of Seller's sanitary sewer system. The rates for such usage during the operation of Consumer's Facility will be as set forth in **Exhibit "B"**. The rate for Sewer shall become effective at commencement of this contract.

2.3 PRETREATMENT STANDARDS. Consumer agrees that it is bound by and will comply with Seller's pretreatment standards of wastewater as those standards and procedures are contained in Article 3, Chapter 22, Lawton City Code, 2015, as now provided or as may hereafter be amended, but only to the extent any such amendment is the direct result of a requirement of the ODEQ or the EPA.

### **SECTION III. SOLID WASTE**

3.1 DISPOSAL. Seller agrees to allow Consumer to dispose of its non-hazardous solid waste at Seller's landfill. For purposes of this Agreement, "non-hazardous solid waste" is defined as all wastes not defined as hazardous according to the definitions in EPA's and/or ODEQ's regulations implementing the Resource Conservation and Recovery Act ("RCRA"). Consumer agrees that it will separate all of its non-hazardous solid waste generated at the Facility, into Solid Waste and Processed Waste (which shall include Treated Waste) all as defined hereinbelow.

3.2 COMPLIANCE WITH SELLER'S REGULATIONS. Consumer agrees to comply with Article 4, Chapter 22, Lawton City Code, 2015, as now provided or as may hereafter be amended, but only to the extent any such amendment is the direct result of a requirement of the ODEQ or the EPA and in compliance with applicable rules applying to waste materials being disposed of in a municipal solid waste landfill. Seller reserves the right to close Seller's landfill on Sundays.

3.3 WASTE CHARGES. Consumer agrees to pay a fee for solid waste disposed of in Seller's landfill at the following charges for solid waste delivered to such landfill:

3.3.1 Solid Waste. Consumer shall pay at the rate as identified in **(Exhibit "B")**. The term "Solid Waste" for purposes of this Agreement, shall be deemed to be any waste produced by Consumer at its Facility which is not (i) human waste disposed of in Seller's sanitary sewer system, (ii) Processed Waste as defined in Section 3.3.2 hereinbelow, or (iii) Treated Waste as defined in Section 3.3.3 hereinbelow.

3.3.2 Processed Waste. Consumer shall pay at the rate as



identified in **Exhibit “B”**, for disposal of processed waste that can be used a beneficial daily cover by the City of Lawton Landfill facility. The Seller shall make the determinization if for Processed Waste produced by Consumer at its Facility meets the requirements of the Landfill as daily cover. The term "Processed Waste" for purposes of this Agreement, shall be deemed to be waste generated by Consumer in its manufacturing process, the weight of which shall be determined by its non-water content (which is expected to average forty percent (40%)).

3.3.3 Treated Waste. Seller acknowledges that Consumer will produce treated waste (the "Treated Waste"), in Consumer's manufacturing process, which is comprised of filtered paper fibers and mineral fillers, which Seller can use to cover other waste at Seller's landfill on a periodic basis. Seller agrees that to the extent Seller utilizes such Treated Waste produced by Consumer for such purpose, Consumer shall pay the rate as identified in **Exhibit “B”**.

#### 3.4 CONTAINER USE AND PICK-UP

Seller agrees to provide containers at the rate identified in Chapter 22 of Lawton City Code, 2015 Appendix A of Seller's fees and charges schedule. So long as Seller's landfill is open on Sundays, Seller shall provide fifteen (15), twenty-yard (20 yd.) containers. In the event Seller closes its landfill on Sundays, Seller shall provide twenty-four (24), twenty-yard (20 yd.) containers. Consumer reserves the right to contract with private waste haulers, at Consumer's sole cost and expense, for the delivery of Solid Waste and Processed Waste to Seller's landfill. In the event Consumer chooses any such private waste haulers, Consumer shall be solely responsible for all charges for the delivery of Solid Waste and Processed Waste to Seller's landfill. In the event Consumer desires to have Seller pick up Consumers Solid Waste or Processed Waste, Seller shall do so at rates as Seller and Consumer shall agree upon.

3.4 STATE LAW COMPLIANCE. Consumer agrees that all collected screening, slurries, sludges and other solid waste materials that are disposed in Seller's landfill will be in compliance with the Oklahoma Solid Waste Management Act and in such a manner as to prevent entry of that waste or runoff from the waste into the waters of the state, and in compliance with applicable rules of ODEQ.

### **SECTION IV. TERM OF AGREEMENT AND AMENDMENT**

4.1 TERM. This Agreement shall be on the Effective Date and

expire on the date of which is five (5) years after the Effective Date and provides for two (2) extensions of five (5) years each. The rates during each extension will be adjusted in accordance with **Exhibit "B."** The extensions will occur automatically unless Consumer or Seller notifies the other Party in writing at least six (6) months prior to the expiration that Consumer or Seller is not exercising the option to not extend the term.

4.2 LIMITATIONS ON SELLER'S LIABILITY. Without otherwise limiting the creation, validity and existence of the obligations of the Seller under this Agreement and notwithstanding the stated term of duration of this Agreement or any other provision of this Agreement, the parties hereto agree that the obligations of the Seller under this Agreement are subject to, and expressly conditioned upon, the appropriation by the City Council of Lawton, Oklahoma, of sufficient funds to permit the Seller to perform its obligations hereunder, pursuant to Article 10, Section 26 of the Oklahoma Constitution. To the extent funds appropriated, allocated and allotted to the Seller for all purposes are not sufficient to permit the Seller to perform its obligations under this Agreement as described herein, the Seller shall be obligated to perform under this Agreement only to the extent of the funds appropriated, allocated and allotted to the Seller. The Seller shall for each fiscal year request sufficient appropriations, allocations and allotments to continue performance under this Agreement, shall make good faith efforts to procure such funding, and, in the event insufficient funds are appropriated, allocated and allotted, shall promptly notify the Consumer. The Seller shall not be liable for or subject to any damages or penalties by reason of the reduction or termination of its obligations under this Agreement as provided in this Section 4.2. Neither the State of Oklahoma nor any other governmental agency or subdivision thereof, including the Seller, shall be obligated to appropriate funds annually for the purposes of this Agreement. The Seller understands and agrees that Seller has no right of termination pursuant to the terms of this Section 4.2 and that notwithstanding the absence of such right in favor of Seller, both the consideration and the mutuality of contract contained in this Agreement are sufficient for all purposes.

4.3 AMENDMENT. This Agreement may be amended in writing at any time and from time to time, as may be mutually agreed to by the Seller and Consumer.

4.4 ADJUSTMENT TO WATER, SEWER, AND SOLID WASTE CHARGES. The parties agree that the charges for water, sewer and solid water rates will be adjusted as identified in **Exhibit "B"**. The Landfill fixed dump fee per load will be as identified in **Exhibit "B"**.

## **SECTION V. MISCELLANEOUS PROVISIONS.**

5.1 BILLING PROCEDURES. Seller and Consumer agree that the billing cycle, payment dates and payment procedures for Consumer will be the cycle, dates and procedures established in the Lawton City Code, 2015, as now provided or as may hereafter be amended.

5.2 DEFECTS AND LEAKAGE. In the event of a defect in Consumer's Water Meter, water used by Consumer during a billing period may be averaged based on the provisions of Section 22-215, Lawton City Code, 2015, as now provided or as may hereafter be amended.

5.3 FIRE PROTECTION AND HAZARDOUS MATERIALS. Seller agrees that it will provide fire suppression services and hazardous material identification and recognition to Consumer in the same and like manner as those services are provided the citizens of Lawton, Oklahoma, all without additional cost or charge to Consumer.

5.4 STREET REPAIRS. Seller agrees that it will maintain and repair public ways within the jurisdiction of Seller which are traveled upon by vehicles of Consumer or its contractors in the same and like manner as those maintenance and repairs are provided the citizens of Lawton, Oklahoma, all without additional cost or charge to Consumer.

5.5 OTHER IMPROVEMENTS. Seller will be responsible for additional infrastructure improvements, such as waterlines, sewer lines, streets, drainage system, etc., to meet the operational requirements of Consumer.

5.6 PERMITS. Seller recognizes that Consumer may need to obtain federal and state permits in the construction of modifications to its Facility, to include water and sanitary sewer systems. Seller agrees to cooperate and assist Consumer in obtaining all such federal and state permits by providing Consumer with necessary data, information and statistics needed to obtain such permits. However, Consumer will pay for all such permits and administrative expenses related thereto.

5.7 ASSIGNMENT. This Agreement is assignable with the prior written approval of the Seller, which approval will not be unreasonably withheld.

5.8 NOTICES.

Notice to Seller/City will be addressed to:

City Manager  
City of Lawton  
212 SW 9<sup>th</sup> Street  
Lawton, Oklahoma 73501

Notice to Consumer will be addressed to:

Republic  
Paperboard Company LLC  
8801 SW Lee Blvd.  
Lawton, Oklahoma 73505  
Attn: Sverre Gunnarschja, Vice President - Operations

Notices shall be sent either by (i) certified mail return receipt requested, (ii) nationally recognized overnight courier service or (iii) personal delivery. A notice shall be deemed received on the earlier to occur of three (3) business days after posting or actual receipt. Either party may change its notice address at any time by providing notice of such change as hereinabove provided.

5.9 LAW GOVERNING. This Agreement shall be construed in accordance with and shall be enforceable under the laws of the State of Oklahoma. Jurisdiction and Venue will be in the District Court of Comanche County, Oklahoma, or the Federal Court of the Western District of Oklahoma. To the extent ordinances or regulations of the Seller are referred to herein, or are otherwise applicable to this Agreement, notwithstanding the lack of specific reference herein, the parties intend and agree that any subsequent changes to such ordinances or regulations shall not be deemed in any way to restrict or otherwise materially, adversely affect the rights and benefits of Consumer hereunder.

5.10 SEVERABILITY. If any clause, provision or section of this Agreement is ruled invalid by any court of competent jurisdiction, the invalidity of such clause, provision or section shall not affect any of the remaining provisions hereof, which shall remain in full force and effect.

5.11 ENTIRE AGREEMENT: COUNTERPARTS. This Agreement together with all appendices, exhibits and schedules attached hereto (collectively the "Attachments") constitutes the entire agreement between the parties with respect to the matters contained herein. All prior agreements with respect thereto (including the Legacy Agreement) are superseded and each party confirms that it is not relying on any representations or warranties of the other party except as specifically set

forth herein. No amendment or modification hereof shall be binding unless duly executed by both parties. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute one and the same instrument. This Agreement shall be binding upon the respective party's successors and assigns in accordance with its terms. The Attachments are as follows:

Exhibit "A" – Legal Description

Exhibit "B" – Rate Schedule

5.12 DUE AUTHORIZATION. Each party hereby represents and warrants to the other that all requisite action on the part of such party in connection with entering into this Agreement has been taken. Such execution and the performance by such party hereunder have been duly authorized by all requisite action of such party and all provisions of this Agreement are and shall be fully binding and enforceable according to their respective terms.

5.13 DEFAULT AND REMEDIES. In the event either party defaults in the performance of any obligations under this Agreement, the non-defaulting party shall give written notice of such default to the defaulting party. The defaulting party (i) shall have thirty (30) days from receipt of such notice in which to cure such defaults, or (ii) in the event such default cannot be reasonably cured within such thirty (30) day period, notwithstanding the diligent efforts of the defaulting party, the defaulting party shall have such additional period as may be necessary to cure such default so long as the defaulting party has commenced such cure within such thirty (30) day period and thereafter diligently and continuously pursues a cure for such default. In the event any such default is not cured within such period, the non-defaulting party shall be entitled to pursue any and all of its rights and remedies under applicable law.

5.14 IMPACT OF OTHER USER RATES. Notwithstanding the stated rate charges for water, sewer, and solid waste services as set forth in this Agreement, the Seller hereby agrees that if at any time during which this Agreement is in effect, the Seller agrees to provide to any other user (an "Other User"), such services provided by Seller, at a rate or rates which are less than the rates stated herein, effective as of the date when such rates are actually charged to any such Other User, this Agreement shall be deemed amended to provide such lower rate or rates for services to the Consumer under this Agreement. Such reduced rate or rates shall be in effect until any such Other User's rate or rates are reduced or increased in which case the rate for the particular service in question shall thereafter be the lesser of (i) the new Other User rate, or (ii) the rate originally set forth for such Service in this Agreement.

*Signature Page Follows*

IN WITNESS WHEREOF, the Seller and Consumer have hereunto  
set their hands and seals the day and year first above written.

**SELLER:**

CITY OF LAWTON, OKLAHOMA,  
A Municipal Corporation

\_\_\_\_\_  
Stanley Booker, Mayor

**ATTEST:**

\_\_\_\_\_  
Donalynn Blazek-Scherler, City Clerk

**CONSUMER:**

REPUBLIC PAPERBOARD COMPANY LLC,  
A Delaware Limited Liability Company

\_\_\_\_\_  
Sverre, Gunnarschja  
Vice President- Operations

Approved as to form and legality for the City of Lawton, Oklahoma, this \_\_\_\_ day of  
\_\_\_\_\_, 2023.

\_\_\_\_\_  
Timothy Wilson, Acting City Attorney

EXHIBIT "A"

**Legal Description of Facility Site**

**Parcel 1**

Lot Two (2), Block Two (2), Lawton Industrial Park, Part 1, to the City of Lawton, Comanche County, Oklahoma, according to the recorded plat thereof, containing 25.394 acres, more or less.

**Parcel 2**

A tract of land described as beginning at a point 150.75 feet North 00°24'28" East of the Southwest (SW) Comer of the Southeast Quarter (S.F/4) of Section Thirty-One (31), Township Two (2) North, Range Twelve (12) West, I.M., Comanche County, Oklahoma, according to the U.S. Government Survey thereof, said point also being the Southeast (SE) Comer of Lot Two (2), Block Two (2), of Lawton Industrial Park, Part 1, Comanche County, Oklahoma, according to the recorded plat thereof; Thence North 00°24'28" East along the Quarter (1/4) Section Line, being the East boundary of said Lawton Industrial Park, Part 1, a distance of 1808.395 feet; Thence South 89°38'38" East, a distance of 660.023 feet; Thence South 00°24'43" West along the East boundary of the West Half(W/2) of the West Half (W/2) of the Southeast Quarter (SE/4) of said Section Thirty-One (31), Township Two (2) North, Range Twelve (12) West, a distance of 1780.543 feet, to a point on the North right-of-way line of Lee Blvd.; Thence along said Lee Blvd. North right-of-way line in a Southwesterly direction along a curve to the left, having a radius of 21,615.920 feet, a distance of 49.293 feet; Thence South 88°02'35" West along said Lee Blvd. North right-of-way line, a distance of 611.230 feet to the point of beginning, containing 27.195 acres, more or less.

**Parcel 3**

A tract of land described as beginning at a point 659.885 feet South 89°41'57" East and 177.966 feet North 00°24'43" East of the Southwest (SW) Comer of the Southeast Quarter (SE/4) of Section Thirty-one (31), Township Two (2) North, Range Twelve (12) West, I.M., Comanche County, Oklahoma, according to the U.S. Government Survey thereof; Thence North 00°24'43" East along the East boundary of the West Half (W/2) of the West Half (W/2) of the Southeast Quarter (SE/4) of said Section Thirty-one(31), Township Two (2) North, Range Twelve (12) West, I.M. • Comanche County, Oklahoma, a distance of 1780.543 feet; Thence South 89°38'38" East a distance of 426.022 feet; Thence South 00°24'28" West a distance of 1757.675 feet to a point on the North right-of-way line of Lee Blvd.; Thence along said Lee Blvd. North right-of-way line in Southwesterly direction along a curve to the left, having a radius of 21,615.920 feet, a distance of 426.789 feet to the point of beginning, containing 17.298 acres, more or less.



## EXHIBIT"B"

### Rate Schedule

In addition to the other terms, covenants and conditions contained in the Agreement, the following Rate Schedule shall apply:

<b>New Rate Schedule Republic Paper Board</b>						
Dates	Water	Sewer	Solid Waste Rates			
	Rate/1000gal	Rate/1000gal	Rate/Ton Processed or Treated Waste		Rate/Ton of Non-Processed or Non-Treated Waste	
April 1, 2024	\$ 2.35	\$ 1.23	\$ 12.60	+gate fee	\$ 22.60	+gate fee
April 1, 2025	\$ 2.78	\$ 1.48	\$ 17.70	+gate fee	\$ 25.20	+gate fee
April 1, 2026	\$ 3.01	\$ 1.73	\$ 22.80	+gate fee	\$ 27.80	+gate fee
April 1, 2027	\$ 3.25	\$ 1.99	\$ 27.90	+gate fee	\$ 30.40	+gate fee
April 1, 2028	\$ 3.50	\$ 2.25	\$ 33.00	+gate fee	\$ 33.00	+gate fee

\*April 1, 2029, after each year after add CPI

\*Includes State Fee

The CPI rate to be used for rate adjustments following the initial 5-year term will be the South-Central Consumer Price Index, and the rate shall be adjusted up or down based on the CPI change measured at April 1 as compared to the previous April 1; provided, that the maximum year-over-year rate increase shall be 2.0%.

With respect to Solid Waste rates, the “gate fee” shall be \$3.00 per load. Such items will not be adjusted during the term.



# City of Lawton

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

## Commentary

---

**File #:** 24-1409

**Agenda Date:** 4/9/2024

**Agenda No:** 15.

---

**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 be approved for appointments to the following boards and commissions:

**MUSEUM OF THE GREAT PLAINS:**

Ryan Studebaker - Mayoral Appointment  
2512 NE Kingsbriar Place  
Lawton, OK 73507  
04/09/2027

**PENSION TRUST COMMISSION:**

Ed Petersen - Mayoral Appointment  
8321 NW Stonebridge Ct  
Lawton, OK 73505  
04/09/2029

**TRAFFIC COMMISSION:**

Mayoan Santana - Mayoral Appointment  
3030 NE Stratford Circle  
Lawton, OK 73507  
04/09/2027

Hershel Kuykendall - Mayoral Appointment  
1616 SW F Avenue  
Lawton, OK 73501  
04/09/2027

David Means - Mayoral Appointment  
PO Box 655  
Lawton, OK 73502  
04/09/2027

Ted Warkentin - Mayoral Appointment  
PO Box 2216  
Lawton, OK 73502  
04/09/2027

**YOUTH AND FAMILY AFFAIRS COMMITTEE:**

Councilman Bob Weger - Council Representative  
2701 NW 75<sup>th</sup> Street  
Lawton, OK 73505  
04/09/2027

Mary Ann Hankins - Mayoral Appointment  
3602 NW Julie Street  
Lawton, OK 73505  
04/09/2027

Judge Lisa Shaw - Mayoral Appointment  
315 SW 5<sup>th</sup> Street, Room 408  
Lawton, OK 73501  
04/09/2027

Willie Smith - Mayoral Appointment  
2904 NE Mesa Verde Road  
Lawton, OK 73507  
04/09/2027

**HISTORICAL PRESERVATION COMMITTEE:**

Paige Michener - Mayoral Appointment  
102 NW Fort Sill Boulevard  
Lawton, OK 73507  
04/09/2026

Kent Jester - Mayoral Appointment  
1125 NW Elm Avenue  
Lawton, OK 73507  
04/09/2026

Cherry Phillips - Mayoral Appointment  
6931 NW Eisenhower Drive  
Lawton, OK 73505  
04/09/2026

**EXHIBIT:** Proposed appointments

**KEY ISSUES:** N/A

**FUNDING SOURCE:** N/A

**STAFF RECOMMENDED COUNCIL ACTION:** Approve the appointments to boards and commissions.



April 9, 2024

**MUSEUM OF THE GREAT PLAINS:**

Ryan Studebaker – Mayoral Appointment  
2512 NE Kingsbriar Place  
Lawton, OK 73507  
04/09/2027

**PENSION TRUST COMMISSION:**

Ed Petersen – Mayoral Appointment  
8321 NW Stonebridge Ct  
Lawton, OK 73505  
04/09/2029

**TRAFFIC COMMISSION:**

Mayoan Santana – Mayoral Appointment  
3030 NE Stratford Circle  
Lawton, OK 73507  
04/09/2027

Hershel Kuykendall – Mayoral Appointment  
1616 SW F Avenue  
Lawton, OK 73501  
04/09/2027

David Means – Mayoral Appointment  
PO Box 655  
Lawton, OK 73502  
04/09/2027

Ted Warkentin – Mayoral Appointment  
PO Box 2216  
Lawton, OK 73502  
04/09/2027

**YOUTH AND FAMILY AFFAIRS  
COMMITTEE:**

Councilman Bob Weger – Council Representative  
2701 NW 75<sup>th</sup> Street  
Lawton, OK 73505  
04/09/2027

Mary Ann Hankins – Mayoral Appointment  
3602 NW Julie Street  
Lawton, OK 73505  
04/09/2027

Judge Lisa Shaw – Mayoral Appointment  
315 SW 5<sup>th</sup> Street, Room 408  
Lawton, OK 73501  
04/09/2027

Willie Smith – Mayoral Appointment  
2904 NE Mesa Verde Road  
Lawton, OK 73507  
04/09/2027

**HISTORICAL PRESERVATION  
COMMITTEE:**

Paige Michener – Mayoral Appointment  
102 NW Fort Sill Boulevard  
Lawton, OK 73507  
04/09/2026

Kent Jester – Mayoral Appointment  
1125 NW Elm Avenue  
Lawton, OK 73507  
04/09/2026

**HISTORICAL PRESERVATION**

**COMMITTEE CON'T:**

Cherry Phillips – Mayoral Appointment

6931 NW Eisenhower Drive

Lawton, OK 73505

04/09/2026



# City of Lawton

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

## Commentary

---

**File #:** 24-1252

**Agenda Date:** 4/9/2024

**Agenda No:** 16.

---

**ITEM TITLE:**

Hold a public hearing to consider a request for a Use Permitted on Review to allow a dormitory-style shelter for homeless youth within a Public Facility (P-F) district for property located at 714 SW 45th Street, Lawton, OK 73505 and take appropriate action as deemed necessary.

**INITIATOR:** Christine James, Interim Planning Director

**STAFF INFORMATION SOURCE:** Kameron Good, Senior Planner

**BACKGROUND:** An application has been submitted for a Use Permitted on Review for the property located at 714 SW 45th Street Lawton, OK 73505 (Lot 7, Block 2, Country Club Heights Addition). The property is owned by Quest Ministries of Oklahoma INC and is currently a gymnasium occupied by MIGHT Community Development and Resource Center (CDRC). MIGHT CDRC is a Non-Profit organization looking to remodel the existing gymnasium to include a dormitory-style shelter for homeless, school-age children.

The Zoning of the surrounding area is:

North	-	P-F
South	-	R-1
East	-	R-4
West	-	R-1

The 2030 Land Use Plan for the surrounding area is:

North	-	Parks/Open Space
South	-	Residential/Low Density
East	-	Residential/Low Density
West	-	Residential/Low Density

On January 9, 2024, the City Council waived the fee of \$1,082.15 for the Use Permitted on Review application and notice fees for the non-profit MIGHT Community Development and Resource Center.

The Notice of public hearing was mailed to 51 owners of property within 300 feet of the requested area on February 6, 2023, and proper notice was published in The Lawton Constitution on February 9, 2024. The Planning Division has received one (1) phone call in favor for the UPOR. A petition against the request was given to the City Clerk's office. Attached as an exhibit is a map depicting the signatures on the petition. Two signatures are not shown because they live too far away. The petition had 6 property owners within the 300 feet.

The City Planning Commission held a public hearing on January 11, 2024, and made the motion to approve subject to an eight-foot cyclone fence being constructed on the premises for safety concerns, unless there is an additional requirement in the zoning code for screening. The CPC also requested that a memorandum be sent from the Planning Department to Council Member Chapman, City Manager and Public Works requesting that this neighborhood be considered for a speed table as soon as possible. The CPC also requested that the Planning Department work with CDBL during the Building Permit process to make sure there is adequate

parking spaces for all intended uses of this building.

The Planning Department has confirmed the existing church and daycare has adequate parking. Staff called Commissioner Deborah Jones for clarification on the construction of the fencing area. Ms. Jones clarified that it was to enclose the dormitory area, the playground, and any outdoor area in which the children are utilizing.

Fire Marshals and Public Utilities have reviewed this request. Public Utilities has made the comment that the new parking lot paving shall meet the current City of Lawton standards and have a sidewalk crossing per ADA and City requirements.

This was approved by the City Planning Commission on January 11, 2024 with the condition of a fence around the property. The original newspaper notice for the City Planning Commission public hearing referenced the wrong City Code section pertaining to which type of public hearing is being administered. The notice was corrected and resent to all 51 owners and re-posted in the paper. A second public hearing was held on February 29, 2024, and the Planning Commission made the recommendation to approve subject to the sidewalk being installed.

**EXHIBIT:** Location Map

Application

Site Plan

Analysis

Petition Map

Council Mailing Notice

Council Newspaper Notice

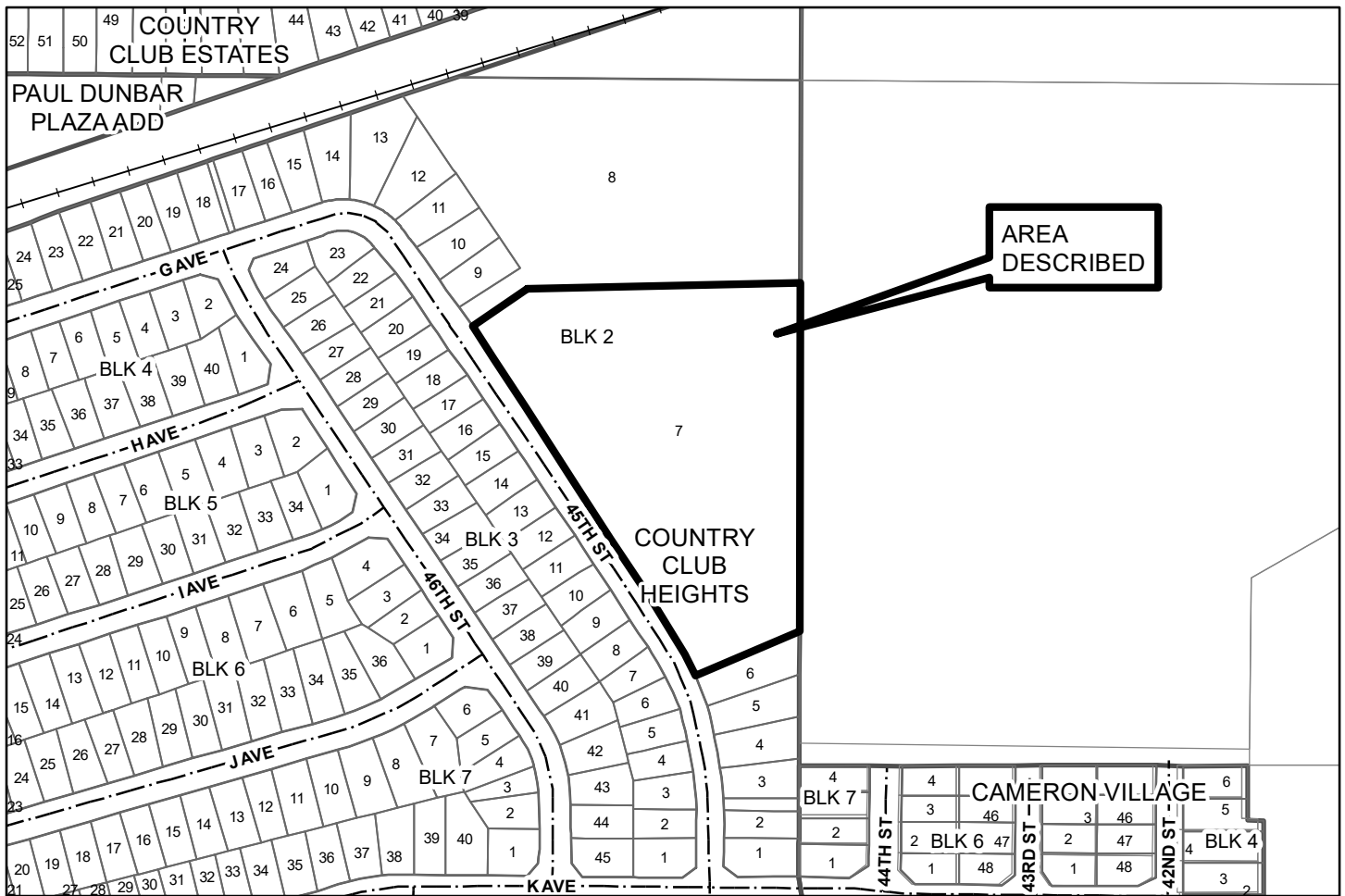
CPC Minutes 1-11-2024

CPC Minutes 2-29-2024

**KEY ISSUES:** A petition against the request was submitted to the City Clerk's office.

**FUNDING SOURCE:** N/A

**CPC RECOMMENDED COUNCIL ACTION:** Approve a Use Permitted on Review to allow a dormitory-style shelter for homeless youth within a Public Facility (P-F) district subject to the sidewalk being installed per the City Code for property located at 714 SW 45th Street, Lawton, OK 73505.



# Use Permitted on Review

REQUESTED BY: CDBL on behalf of MIGHT

PROPOSED USE: Local Non-Profit MIGHT will be remodeling an existing gymnasium to a dormitory-style shelter for homeless, school-aged children, located in a Public Facility (P-F) zone.

AREA DESCRIBED AS:

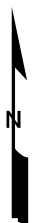
Lot 7, Block 2, Country Club Heights Addition, Lawton, Comanche County, Oklahoma.

## Legend

--- Street Centerline

714 SW 45th

0 125 250 500 Feet







# CITY OF LAWTON PLANNING DIVISION

212 SW 9<sup>th</sup> Street, Lawton, OK 73501 Telephone 580-581-3375 Fax 580-581-3573

## APPLICATION FOR USE PERMITTED ON REVIEW

1. Applicant(s): CDBL, Inc. Phone 580-355-5463  
Address: PO Box 485 - Lawton, OK 73502 Fax 580-355-5469
2. Owner(s): Quest Ministries of Oklahoma, Inc. Phone 580-595-4808  
Address: PO Box 6082 - Lawton, OK 73506 Fax 580-595-4910
3. Current Use: Gymnasium for a Community Center
4. Proposed Use: Dormitory for homeless youth
5. Current Zoning Classification: P-F
6. Authorization: Section 18- 5-7-572
7. Street Address of Location: 714 NW 45th Street
8. Legal Description of Property: Lot 7, Block 2, Country Club Heights Addition
9. Tract Size: 7.71 acres
10. In order that your application can be heard and 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 Department 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. 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 drawn to scale showing:
    - 1) The legal description of the property.
    - 2) The exterior property lines of the property included in the application.
    - 3) The location, size, and use of all existing and/or proposed structures.
    - 4) The location of all easements, rights-of-way, and setbacks.
    - 5) The location of existing and/or proposed parking spaces and drive openings.
    - 6) The location of existing and/or proposed screening fences and signage.
    - 7) The location of existing and/or proposed landscaping; and
    - 8) The floodplain as shown on the Flood Insurance Rate map if any portion of the property is within the floodplain.

Signature of Applicant(s)

Signature of Property Owner(s)

Date Submitted: 11-17-23





BASE AND TO INCLUDE  
MOVING EARTH TO AREA  
ADJACENT THE EARTH SPREAD  
UNDER DIRECTION OF  
ARCHITECT.

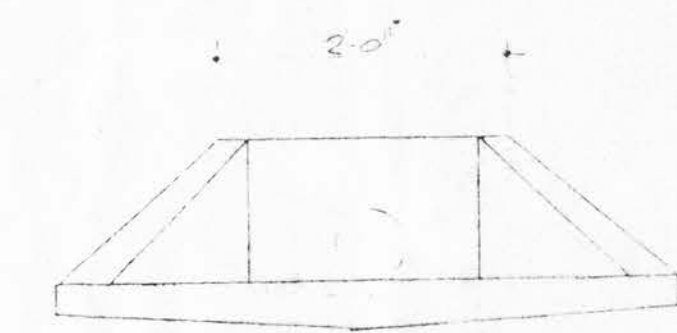
ALTERNATE #2  
REMOVE TERRAIN IN AREA NO. 1  
SLOPE FOR DRAINAGE FROM E  
N CENTER TO EL. 1122. AREA

NOTE  
1. BM nail in trans. pole  
2. BM on C of company on FH

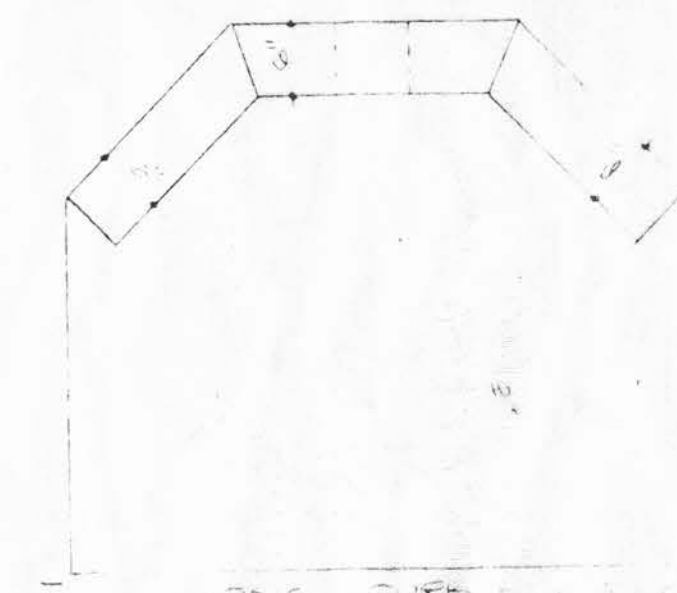
ELEV.  
1115.58  
1124.77

LEGAL DESCRIPTION  
LOT 7, BLOCK 2, COUNTRY CLUB HEIGHTS  
ADDITION TO THE CITY OF, LAWTON, OKLAHOMA

NOTE: BASE PROPOSED  
SLOPE SHOWN IS ALTERNATE  
TO BE SMOOTHED OUT TO  
FLAT SURFACES BUT LEFT  
TO EXISTING CONTOURS WHERE  
SHOWN. ELIMINATE SHARP  
CUTS AND PROJECTIONS  
BULGERS



ELEVATION



PLAN

CONC. CURB DETAILS





**Planning Division**  
212 SW 9<sup>th</sup> 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 Use Permitted on Review for Property Located at 714 SW 45th Street  
Lawton, OK 73505  
**MEETING DATE:** January 11, 2024

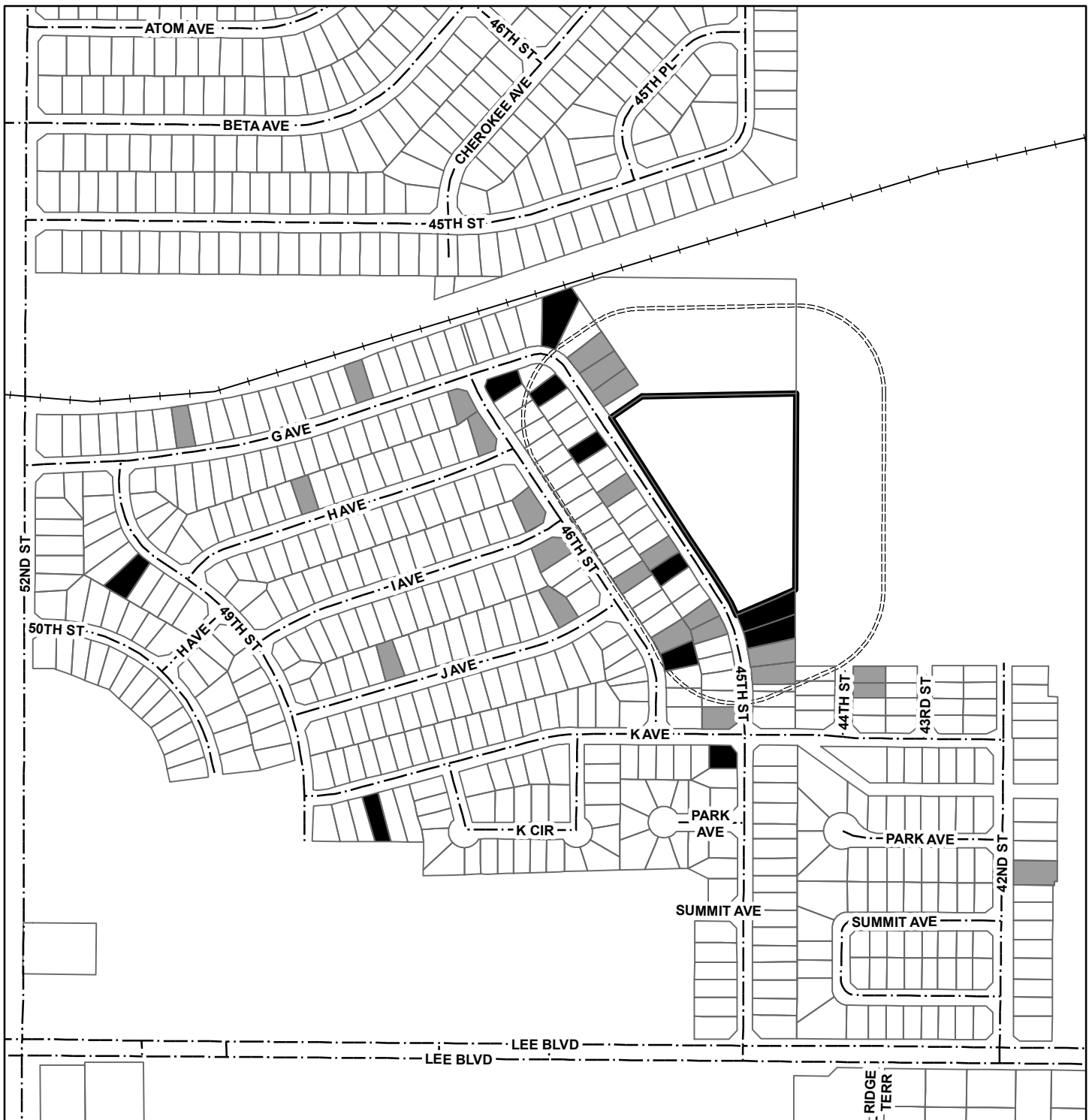
The following is an analysis of the request for a Use Permitted on Review to allow a dormitory-style shelter for homeless youth located in a Public Facility (P-F) district.

714 SW 45th Street Lawton, OK 73505 (Lot 7, Block 2, Country Club Heights Addition). The property is owned by Quest Ministries of Oklahoma INC and is currently a gymnasium occupied by MIGHT Community Development and Resource Center (CDRC). This property is located on the east side of SW 45<sup>th</sup> Street, south of the Stillwater Central Railroad. The land is currently a gymnasium, and the proposed use for this property will be a dormitory-style shelter.

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.* The proposed site plan shows additional parking spaces to be constructed to the south of the building. The construction of the parking spaces and curb openings will have to meet current city codes.
2. *To secure from fire, panic, and other dangers.* This property is not within the 100-year floodplain. There are two fire hydrants located within 150 feet of the existing building. Any new construction will have to meet all building and fire codes.
3. *To promote health and the general welfare.* Any construction, i.e., drives, parking, sidewalks, landscaping, etc., is required to meet all City Code requirements.
4. *To provide adequate light and air.* The proposed area is a low-density residential neighborhood, any parking areas created will need to be properly lit at night. The Lawton City Code requires the light to be oriented, so it does not trespass on the adjacent properties. A landscaping plan will be reviewed with the change of use application.
5. *To prevent the overcrowding of land.* No additional structures are proposed to be built on the property at this time. Only a parking lot on the south side of the building.

6. *To promote historical preservation.* There are no historic buildings, landmarks, or overlays on the requested property. There is also no historic buildings, landmarks, or overlays on the adjacent property.
7. *To avoid undue concentration of population.* The proposed use will not bring additional long-term residents to this area. The proposed use will only be for homeless youth for a short period of time.
8. *To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.* The City of Lawton Public Utilities placed a 6" water line on the west side of SW 45<sup>th</sup> Street and an 8" sewer line to the property line.
9. *To conserve the character of the district and buildings and encourage the most appropriate land uses.* The 2030 Land Use Plan has this designated as Public Facility. The proposed remodel of the building must meet the city code for architectural standards.

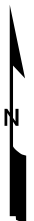


# 714 SW 45th Ownership Petition Map

## Legend

-  Street Centerline
-  300ft Boundry
-  714 SW 45th
-  Property Owner Signed Petition
-  Non-Property Owner Signed Petition

0 185 370 740 Feet



## NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to Title 11, Oklahoma State Statutes, and Section 18-1-1-113, 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 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. Below is the legal description for the requested area:

A tract of land described as Lot 7, Block 2, Country Club Heights 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 9<sup>th</sup> Street, Lawton, Oklahoma 73501  
Phone (580) 581-3375 • [www.lawtonok.gov](http://www.lawtonok.gov)

February 6, 2024

### NOTICE OF PUBLIC HEARING ON A USE PERMITTED ON REVIEW

Notice is hereby given pursuant to Title 11, Oklahoma State Statutes, and Section 18-1-1-113, 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 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.

Below is the legal description for the property located at 714 SW 45<sup>th</sup> Street, Lawton, OK 73505:

Lot 7, Block 2, Country Club Heights 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 Council on the above dates.

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, the word "for" is written in blue ink.

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.**

**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.**

Good stated yes, Sir. This is located in the Country Club Heights subdivision off of 45th Street Lot 7 of Block 2. Here's the aerial showing the existing structures on the site. This is the existing dorm gymnasium that will be remodeled for this proposed use with the appropriate parking and landscaping. The current zoning is Zone PF, which this use will be a Use Permit On Review. You have the current PF zoning to the north, the R-1 to the West and South and the R-4 to the east. The proposed remodel, as you can see in this rendering, would remodel the existing building for S 212 and then the one on the left is the master plan that they hope to expand into eventually. The current Land Use is Public as well and they have representation here if you have questions for them. This was noticed to 51 property owners within 300 feet on December 20th

and posted in the Lawton Constitution on December 26<sup>th</sup>. We did not receive any phone calls for against it, but I have been made aware of a petition that was recently submitted to the City Clerk's office and we will have to verify whether that meets the requirements over the percentage of the 300 feet and if it does meet that requirement, then it would require a super majority at the City Council to pass this.

Denham stated yes, ma'am.

Jones asked Kameron, is it possible for us to see the petition? I mean, I oh, OK. OK, just wondering how many. No, I'm not. I'm not.

Good stated the Planning Department was not made aware of it until just now so.

Jones stated I was just curious. Thank you.

Denham asked how many signatures were on there, did you see?

Good stated I'm not sure I'll have to.

Denham stated OK. Thank you.

Good stated and again, when it comes to the requirements of the Super majority what matters is the 300 feet ownership list and the percentage of those signatures that are within that 300 feet.

Denham asked and are they residents or property owners?

Good stated property owners.

Brown stated there are 46 (forty-six). I just got them to e-mail it to me. There's 46 (forty-six) that have signed the petition.

Denham stated that's almost 50 (fifty). All right. Any questions of Cameron before I open the public hearing? All right, at this time, I'll go ahead and declare the public hearing open anybody like to come speak for or against this? Please approach them. OK, go ahead and state your name and we'll need you to sign in. Name, address all that good stuff.

Reynolds stated my name is Leon Reynolds. I live at 734 SW 45<sup>th</sup> Street. Well, we are against not everyone on this list is not 300 feet from the school fact, but this does affect everybody in Lawton Heights Country Club Heights. So, when the main part is like. The only traffic we have in and out of our community goes to and from the daycare center. We have no lights, street lights on this street. We've also tried to talk to the city about getting speed bumps because when you come around the curve or when you're coming down 45th St. traffic is crazy sometimes. I stay right next door to the church. We, me and my neighbors, we put out cones for our children to play because we also don't have any sidewalks. The police has pulled up and told us to get the cones out of the way. Tell the children to go to the park and play so a lot of the people in the community do not want this to take place because what is it going to help us or hurt us? Because do our property value go up or do our property value go down? Do our property taxes go up or do our property taxes go down? So, we already can't get any help already as it is and you're going to add more traffic and the people don't want it. So, we get a notice at the last minute. You give us a December 22nd. I received a letter during Christmas time, New Years. You only have

two weeks. In two weeks. I got almost 50 signatures. I'm pretty sure if I would had enough time, could have got more. She stays right next door. Right across the street. Mailbox get torn up. Traffic is crazy. We don't want it.

Denham asked who did you speak to about the speed bumps the city? Or did you? That's something you need to take up with your Council person. They have these temporary speed bumps they can install in your every ward has access to them.

Reynolds stated me and my neighbor next door. We had called the City and you know you sometimes when you call you kind of get the run around, and that's basically what they had gave us the run around. Then nobody says like actually who to talk to or like what steps actually needs to be taken because they're doing 40 to 50 through the residential easy.

Denham stated I would recommend you A discuss this with your Council person and B the police since they're obviously talking to you about the cones to sit there and monitor the speed limits as well, seeing how this is a daycare there and all that other good stuff and talk to the Traffic Division there.

Reynolds stated I couldn't tell the police that. You know like.

Denham stated have your Council person do that then.

Reynolds stated The police. Hey, you sit right here, and you know. I couldn't say that.

Denham stated yeah, well, that's the process. So, I'm just saying. I appreciate your point.

Reynolds stated the kids really having nothing to do. You know what I'm saying? So, if anything, you going to take the dormitory why not make it into a Community Center where the kids can have. You have three schools within one mile of the church. There's nothing for the children to do. There's literally nothing. So, when you have bored teenagers, what happens?

Denham stated OK, Mr. Reynolds, we'll need you to sign in on that sheet there too, please. OK. OK, alright. Thank you very much.

Enderle stated my name is Leanne Enderle. I was talking with Leon because he posted it on our Facebook page and he says, am I the only person that got this letter? Saying that he was 300 feet from it, and I said yeah, I got one because I'm right across the street from the driveway that goes into that school, which is now a church. I don't live in it currently. It is a rental property, but I do own it. And I go over there frequently either to collect rent, do repairs, yada yada yada. And I have had my mailbox there, brand new one that I put in knocked down twice by people coming in and out of there delivering goods. I've had to go over to the pastor, talk to them. They replaced it once and because they finally found out who did it, and they replaced it. And the second time I just I just gave up. Because then this came. And so it's like, great, now, you know, we're going to have even more people running over my mailbox as they back out and in as they're fixing up and turning that Gymnasium into a dormitory. Now looking at the plan that he had, it looks like they're going to maybe add another entrance or exit. I don't know if you could go back to that one or not. That might help my mailbox but as we went around and talked to the neighbors. Some people said yes, they got this, and they wanted to sign it. A lot of people said that they did

not get this, but they did not want more traffic in the neighborhood, and they did not want a place for the youth, the homeless youth to live. Because, you know, that's all they said was homeless youth. So that could be anywhere school age. So, from 5 to 18 and again, all we can think of is all we're going to need is have a whole bunch more homeless boys or girls walking to and from down that street to go get stuff at the store or whatever. And then the first house that they're going to get to on that side of the street on the east side of 45th Street is Mr. Reynold's property, and he has a landscaping company. He's got lots of equipment and he's afraid now he's going to have to have everything locked up because people are going to try to cut through his backyard and property so they can get down to the neighborhood market on 38th and Lee because that would be the quickest way to go through is through his property. Yeah, it looks like they're going to add another entrance there. So that would be right next door, right next door to his vacant lot that he's also bought, that's right next to his home where he keeps all of his equipment. We just don't feel like that would be a good place. I don't know if you've got a pointer that can point to just the end of that place to show where Mr. Reynolds house is.

Denham stated it's #9.

Enderle stated the first house south, that's his right there and that vacant lot next to it, all of that is his.

Good stated that would be Lots 5 (five) and 6 (six).

Denham stated Gotcha you.

Enderle stated and then I'm just right across the street, I don't think, it doesn't show the driveway.

Good asked are you more up on the west side of it? That's it.

Enderle stated I'm right across street. Yeah, I'm right there.

Denham asked how's that going here or up here?

Enderle stated and again, it didn't say much more about would there be 24 hour policing or adult supervision? You know, as these homeless children live there and sleep there. How many children are there going to be? There was just not enough for us to get good vibes about it. All we got was. Not only no, but hell no.

Denham stated that will probably be discussed here after a bit I have a feeling.

Enderle stated and so that's why we got the petition going. We only had a couple of decent warm days that we walked around and got signatures. Otherwise, we probably would have got more and all we did is we just went up and down 45th and then went around to 46th Street because that turns in up there on G Avenue. We just kind of went right in that neighborhood.

Denham stated very good.

Enderle asked so you want me to sign on this?

Denham stated yes please.

Brown stated and just so you're aware, your Council person is Linda Chapman, and her contact information can be found on the website.

Denham stated and it was Mrs. Enderle. Thank you very much.

Enderle stated Enderle..

Denham stated thank you very much.

Enderle stated thank you.

Denham asked anybody else willing to discuss this item please approach. Thank you.

Taylor stated yes, my name is Bernita Taylor, and I am the owner of My Community Development and Resource Center, which is housed in the building that is Saint James Baptist Church. My husband is the pastor there and we have run this. We have been in the neighborhood since 2011. We have done many activities. We have a daycare there; we have a community garden there. We have a Teen program there. We pick up teens from every high school in Lawton and bring them there. We feed them dinner and we take them home. We have an adult program there as well. Where we help the entire family in that one location. We do have fencing around that area that runs down 45th Street and to the east we have fencing there so that no one can walk through that area. What we are proposing and building this building it will, it has been approved by McMahon, \$550,000 will go into building this property. It will be state-of-the-art. It is not going to bring devalue the property, it will have its own interest and it will have more parking space. It will service 10 (ten) to 12 (twelve) boys ages 13 (thirteen) to 17 (seventeen). They will be supervised 24/7. They cannot walk out the house and go up the street, down the street or anywhere. They must be supervised 24/7. There will be cameras inside and outside the building as there is now already cameras inside and outside the building. There will not be extra traffic because we will have the van that will transport them, so there will not be more traffic there.

Denham asked what about school hours are they, the van take them to and from school?

Taylor stated the van will take them to and from school. They will be in our Teen program where they will learn life skills that we are connected to Cameron and Great Plains Technology. We are part of the STEM consortium, and we have much support from the Minister Alliance and many, many, many organizations who are part of the Lawton Housing Task force which I am the lead of. I'm also the lead over 17 counties for continuum of care to combat homelessness. These boys that we're talking about are not vagrants. They're not. These are boys who need a place to stay and be safe and secure so that they can have all of the privileges that we can provide for them to give them a productive way into adulthood, we're trying to give them a pathway into adulthood.

Denham asked are they Local youth or?

Taylor stated they are local youth and our Lawton public school systems, which has over 1000 kids who are homeless. We are trying to help 10 (ten) to 12 (twelve) of those.

Denham stated thank you and we'll get you to sign in too, please.

Smith asked I've got one more question like how much turnover do you have in that? Just not that it really matters, I'm just curious.

Taylor asked turnover of which one?

Smith stated of like with boys.

Taylor stated with boys we have.

Smith asked it just boys or boys and girls?

Taylor stated this is going to be all boys because we do have Parker Point that serves girls and we do have Next Step that serves just girls. We have nothing that services our teen boys at all.

Denham asked so you have no even information or records yet on turnover because it doesn't exist.

Taylor stated no, it doesn't exist. Yeah, there's no place for them.

Smith stated gotcha. Thank you.

Spencer Brown stated hey there, my name is Spencer Brown and I'm the founder of S 212. I founded it my junior year in at Eisenhower High School, which was 2017. The goal has always been to provide a sanctuary for the less fortunate who are enrolled in Lawton public schools. I myself had peers and teammates. I was a baseball player at Eisenhower who experienced homelessness, and it struck a chord with me, and I truly think that this community deserves something like S 212 for these troubled youth to have a pedestal to stand on and allow them opportunities to succeed, just like I got. So, I completely understand some of the issues that were brought up and maybe might could help some of the traffic issues that they've brought up. And I'm sure that if y'all came to a board meeting, we would love to talk about that and see if there's any way for us to help out in that regard. However, I don't necessarily think that this project is going to cause any of those issues to become worse, like Miss Bernita said, it's going to be one single van bringing boys to and from school back to the shelter. There's going to be 12 (twelve) boys ages 13 (thirteen) to 17 (seventeen). And they will be supervised 24/7 by a counselor there at the shelter as well.

Denham stated thank you.

Thomas stated my name is. Excuse me. Arthur Thomas Junior. I am the Associate Pastor at Saint James Baptist Church and all the maintenance and in any other of the operational details, I will be aware of, I'm not aware of any mailbox that we have fixed since we've been resided in that area. We have did nothing but built up that area while we're there and the churches has nothing been nothing but a beacon and a light to the community while we're there. We have did a whole lot of things within the Community and then the outreach with Quest Ministries has did nothing but really expand and helped out the community and as well as increase the property value so with all these things that we're going, we will moving forward with doing. It's not going to downgrade the community. We are just here and we're going to do some more Kingdom building and then just go out through Lawton and praise God and just do the great things that we're supposed to do as children of God.

Denham stated thank you, Pastor Thomas.

Taylor stated hello. Hello, my name is Jerica Taylor. I stay on G am like more than the 300 limit. But I do have some questions. I'm a single mom with two teenagers. I don't know any teenagers that like to be cooped up 24/7. Watch 24/7. Just it's not possible and so what you're saying that you're going to have them under 24/7 surveillance? Sounds more like a jail to me and so even with them being in the situation where they're locked up 24/7 what's to stop them from wanting to get out what's to stop them from not getting on the bus and going to the school and walking, which is going to be them passing by my house because I have all the Eisenhower kids passing by my house and also that area that she mentioned, that area is not fenced in. That area behind around the church is not fenced in. It's not completely fenced in, so you're still going to have, unless you're going to fence it, you're still going to have it to where people can walk through, because that's what constantly happens. People walk from that area back behind his house. So, we still have to deal with all of those situations. So, you're going to you're telling me that you're going to keep these teenagers cooked up 24/7 from 13 to 18? Not let them out. They're not going to have any freedom, just what you allow them to have. And they're not going to go more than 300 feet, which is going to be towards my house. That just doesn't make sense to me, it doesn't sound like reality to me. I have a 12 year old daughter and a 17 year old son, it doesn't sound like reality to me. And then if they're working because you should teach them to work because you have to work to be able to provide for yourself, so they're going to start working. So are you going to ride them to work and back. OK. So, you're going to write them to work them back. So still, they're still in jail, it just doesn't make sense to me, to me as a mother, as of as a mother of a two teenagers. I don't see it but yeah, that's all I have to say.

Logan asked can I ask a question? And I want to direct it toward Mike. My question would be what security measures are you, can you guarantee if there's a such word to the community? I don't know if this is an appropriate question to ask or not but dealing with law enforcement myself and having to establish different security buildings and communities, I do understand the concern of this community. What security measures can you provide for them if this goes whatever, what can you provide to that community to assure them the safety?

Taylor stated so when we. So, when we say that they are going to be supervised 24/7, that does not mean locked up. They are going to be supervised. They'll be going on field trips, they will be going to work, they will be going to school, they will be going, they will be having people come in, the KAPPAs are going to be their mentors. They will have not only have a licensed counselor as the as the clinical director, but they will also have two managers, there will be 3 (three) supervisors that are on shift. All, all three, all three shifts 24/7. There's a visitation room, so we can try to get reunification with the parents. There's a counselors office for the parents and the families. So, it is a family oriented center. But to let the Community know that they won't be able to just walk away and things like that so that they don't have to, they're not going to walk to and from school. They're going to be picked up because we, the goal is to be a subsidy of DHS and we have to follow all DHS state rules just like we have to do for the childcare that we have there.

Denham asked Mrs. Taylor what is the selection criteria to identify these 10 (ten) to 12 (twelve) youth?

Taylor stated the selection criteria we will work with DHS and Lawton Public Schools to identify these students that are homeless into in the many veto program. They can't have violent any violent records or chemical criminal records or anything like that to be in our home, we actually can screen and say who can come in and who cannot come in because we have the daycare there. We are not going to not only keep people from being from being in a dangerous situation in the neighborhood, but especially in the daycare which is right next door to this.

Denham stated thank you. Any other questions while Miss Taylor's here? She's not going anywhere. But anyhow, at the microphone.

Jones asked I'm sorry, I did have a question. The way I understand it, ma'am, you have a number of programs operating in this building right now.

Taylor stated yes, ma'am.

Jones stated and so for, let's say, a normal day of seven to five or seven to six. This building is occupied with other services, it's not just this service, it's to daycare and the counseling so.

Taylor stated we have approximately 100 kids per day.

Jones stated okay so that there's a number of activities going on all day and so it's not just this you know.

Taylor stated No, ma'am.

Jones stated okay I just want to make sure.

Jones stated okay.

Dunaway stated good evening. My name is Bishop John Dunaway. I am the President of our local Lawton Ft. Sill Interdenominational Ministry Alliance. You heard Miss Taylor speaking and say that the ministry alliance and the churches all we're in agreement with this effort and I personally in agreement also. I'm a retired 20 year combat veteran. I also worked in corrections for about five or six years. I'm retired from Cameron. For 18 years in Cameron, I work with the trio program, which is a program which serves low to moderate income families and 1st generation families as well. This program mirrors a lot of what I did as a corrections officer, and with Cameron in working with families that may be in a position in life. Where they need some help and some support, especially to get the families back on track and to get the young people back on track. And that's what this program is, it mirrors that well. So, I'm in support of that as well. My wife works for the Might center, my son-in-law works for the Might center as well and Miss Taylor's trying to get me to work for Might but that's not going to happen at this stage in my life. But I am very much in favor of this, I think we all recognize that in, in Lawton, Fort Sill and Southwest Oklahoma, we do have some issues with homelessness, and I think that this is a positive way that if we give this program a chance that we could perhaps solve some of those issues because when I worked in trio programs, I'd say that in particular I first I was first hand eyes on families getting turned around, we heard that she said that it gave an opportunity for families to be reengaged again. And how great is that that would happen rather than. We would have continuous year after year. Some of our young men who perhaps could have an opportunity



to get some positive direction again in life, get some positive encouragement in life as well, and get reengaged back with their families. I would hate that we would not support this program for that to happen, I could tell you stories and I'm sure that Mr. Logan can as well. He and I are very familiar with the other with each other, and he and law enforcement as well. So, I've seen that in the prisons. And lastly I've seen it even today because I'm a chaplain with our Police Department, so I'm very much in favor of this and I hope that you would give it a chance. Thank you.

Denham stated thank you, Bishop. Sure, let him finish signing in and we'll let you come back. Thank you.

Smith stated while he's signing him before, if you'll just talk to your Councilman about those speed bumps as well, I think it's a quarter of a mile as long as your street is over 1/4 of a mile. And I think they'll put in one or two. We've had. We've had some put in.

Reynolds stated you can go back. When you look. When you come up that curve come around.

Smith stated yes, that's what I'm that's what I'm saying. You're.

Reynolds stated that curve and also coming down 45th Street. 45th, all the way around to G.

Smith stated right. But if you'll talk to your Councilman and kind of tell him if he's got any questions. My name is Alan Smith. He can call me. I'll kind of put him on the right track. We just had some put in East Lake addition, so.

Reynolds stated okay.

Smith stated so I'm kind of familiar with.

Reynolds stated understood. My question is this, so I have nothing against the children, and I love the children, and everybody needs help. I've dealt with a lot of children, and I have pools, bikes the kids come to my house, play, they get snacks. I love the children. Now with this amount of money which they're getting, and with all of the dilapidated buildings in Lawton, in hotels, why not convert one of those and do more than 10 to 12 boys? You see what I'm saying? Because you can get one of these hotels that's run down or one of these empty buildings. Renovate those and now you can do 20 to 30 boys. They still have the same use.

Robinson stated good afternoon. Hello, my name is Casey Robinson.

Denham stated I'm sorry.

Robinson stated Casey Robinson. OK, I'm short. I'm sorry.

Denham stated you can bring that down.

Robinson stated all right. Not only do I go to the church, I have worked at Might Community Resource Center. I am a member of that community. I stay on the 49th Street Block. I'm also the youth coordinator at the church. I've also helped with the coordination at the church. I understand their concerns, but we have some teens just walking around doing nothing. So, we I think we need to think about the kids. I understand what you're saying. I understand what you're saying

about the hotel but also we already have things in place that's on that same site. If we go get another site that's far away from the help that's already there, then that would be more money being put on other counselors and everything else. So, what I'm saying is we have, I'm, I'm also the youth director at the church. I got a lot of hats.

Denham stated sounds like it.

Robinson stated helping is what my first lady at Saint James do, and the Might Community Center together. So, if they can only help 12 (twelve) to 15 (fifteen) at a time so that they can get a grip on this program. Who's to say they can't get a hotel, you know, in in future years or another building in future years but they need to start in the neighborhood where they already have the help, so, but as a member of the church, a worker at Might and a community member, my house is there. We have a lot of teens walking around whose parents have to work or who parents left them. So if we have some people that's trying to start in a place that's already there, I think we should give them a chance to do that.

Denham stated thank you, Miss Robinson.

Robinson stated and I also worked at the county, and I was a certain member at Wackenhut.

Logan stated let me see your move.

Enderle stated again, my name is Leanne Enderle, I have another question for Miss Taylor. She first said that there'd be no more traffic there would just be 1 van that would go take in the school in the morning and then bring them back. And then when we started talking about it, sounds like it's going to be a prison or a jail for them because they going to have 24 hour surveillance and they're going to be almost like locked down right there. So then she comes back and changes things around and saying there's going to be supervised but then, oh yeah, they could get a job and they could go on these field trips and stuff like that. And so, yeah, then that means just like we were saying, there's going to be more traffic coming in and out. There's already enough traffic we don't need any more traffic. and I just feel like they put the cart for the horse. They did not let the people in the neighborhood know that this was an idea that they wanted to do and if they had our backs on it? No, they get the grant or whatever and they get all these millions of dollars at only house 10 or 12 youths, and I just think it's totally wrong.

Denham asked is there a question?

Enderle asked and so my question is, is how many of those signatures within that 300 feet do we have to have before that shoots this down as a disapproved by the neighborhood community?

Denham stated doesn't necessarily shoot anything down, it just means that if it does pass, it has to pass by a super majority of the City Council. What is the percent?

Brown stated so David I actually just pulled up the Code section that talks about the protests and it's actually specific to the rezoning piece, not a Use Permitted On Review and we're discussing A Use Permitted On Review for the property but the protest that section of code is specific to rezoning not a Use Permitted On Review.

Denham stated so that means basically the petition really doesn't apply in this situation. Now it still has effect on us. It will still have effect on council before they make final decision, but apparently it is not part of the UPO, Use Permitted On Review process. But you are being heard.

Jones stated Council will also display am I right Charlotte, the petition and what lots protested where you know.

Brown stated yes, we will still. Yeah, we will still provide them with the map and all of that, it just won't have to be a super majority of the vote.

Enderle stated I just got a little bit upset when I was looking over the minutes in in, in your little packet and there wasn't that petition there that we had submitted 3 days prior. Like it said, it had to be done and you guys weren't aware of it and we're going, oh, they're trying to sweep this under the rug and pass it without hearing.

Brown stated yeah, the city clerk's office just brought it to me. They thought we were already aware of it. They didn't know.

Enderle stated how would they know. They have to give it to you.

Brown stated yes.

Enderle stated like the left hand doesn't know what the right hand is doing.

Browns stated so we do apologize for that, but we do have it and we will still go ahead and create the map showing who signed it and where they fall within that 300 feet and we will present that to Council as well as part of it that we did have some complaints from the neighborhood against the this the situation. So, we will present that.

Enderle asked you know about will you know about that before?

Jones stated and the minutes.

Enderle asked will you know about that before you make your final decision?

Jones stated we do know.

Brown stated so City.

Enderle stated no, no, you won't know yet. Yes, you just got that of who lives where that signed it?

Brown stated so we will provide that to Council, so City Planning Commission is just a recommending body Council still makes the final determination, so there will be another public hearing you will receive notice again, so we will before we take it to Council, we will give them the map so they will be able to see that before they make the decision.

Enderle stated OK, So, we will get notified again.

Brown stated yes, ma'am. Enderle stated alright. Thank you very much.

Taylor asked even still, with being with what's being said of how much is going on in this neighborhood, like I said, I have two kids. I'm a pastor's kid. I understand because I've always been in the church. I've done VBS. I've done all this other stuff. So, even still, with what's being said, what happens in the neighborhood, nothing actually happens in the neighborhood from the church you don't see? OK, well, we're doing VBS. Let's put fliers in in the boxes, in the neighborhood. So, we don't really know what's going on with your church and what you have to offer. If we're not being alerted or notified, and then even still if you go down that street about 3:00, you can barely get down that street because you have little kids running across the street from the daycare with their parents because there's nowhere really for the parents to park besides on the actual main road. So, you're riding down the street. You see little kids. Trying to drive slow because you don't want to run over on little babies, and so even still like it would make more sense for you to upgrade what you got as far as your parking lot. So, we don't have to worry about the little kids that's running out in the middle of the street like or even still. If you want to be and make something better for the neighborhood, make something for the neighborhood, because there's nothing actually that you offer this for the neighborhood. Maybe just for y'all. I've actually been to your church three times. I don't if without me, actually just riding past there knowing there was a Church. I wouldn't even know that you were a church? I wouldn't even know that you offered anything. So, I'm just saying you want to add something extra that's actually going to affect us, but not anything that's going to actually help us. You said that you live in the community, so you know that the Community needs something where, somewhere for the kids to go because all they're doing is walking up and down the street. This isn't somewhere for the neighborhood kids to go. This is somewhere that they can't go.

Johnson stated my name is Kim Johnson. I'm the Assistant Executive Director at Might. I have been there; It'll be eight years in July. To address the issue with kids running across the street and whatnot. We are a five star nationally accredited facility. That's the absolute highest you could be in the state of Oklahoma. We started off as a three star when I got there two star when I got there. We have police officers who have their children at our facility, doctors. We also have members of the Community because our target demographics are individuals at or below poverty level. We want to see our kids have the same opportunities that anybody in any economic status has. So, to address that concern, I'm not aware of that. You are more than welcome to call us and let us know that that's happened. I've never heard of that happening. We don't even allow children who go to our facility to walk across the street by themselves. I've left the facility at different times of the day I've never seen any kind of issue with parking or getting out the street. That doesn't say that that doesn't happen, but I've never seen that. As far as kids walking the teens from the boys home, walking through the neighborhood, you don't know who's walking through the neighborhood right now. So at least with that, you would know. Well, that won't happen. We take our kids. We provide a vision for youth and for the kids, so we take them places that they would never, ever have an opportunity to go and that includes taking the boys home to the children that way too. We want them to have vision, our teen program, the purpose of it is to give teams a focus and direct pathway to adulthood, so our programs have been in place for at least since 2012 in that building. I'm just kind of taken back and as far as what the church does, I'm also a member of the church. We have a feeding site at that facility in the summer time. I

don't know if you're aware of that either, but all of these things have been advertised, so I'm not sure where you're looking at, but all of these things have been advertised.

Denham stated Thank you, Miss Johnson.

Questions being asked from the audience inaudible.

Johnson stated at the at the facility, 714 SW 45th Street. KSWO comes in our doors often. Lawton Constitution. The what's it called just did a newspaper for.

Question being asked from the audience.

Do you have like previous like advertising, can you?

Johnson stated you can Google.

Taylor asked from the audience Show me where I can see that like is it? Something that comes from my.

Johnson stated yes, you can Google My Community Development Resource Center and you will see all of the things that's been done. All of the everything that's on there, we are seeing up there. The mayor comes to our facility to work with our youth you are more than welcome. If you have children that age to go into our facility, you are more than welcome to do that.

Questions being asked from the audience inaudible.

Taylor asked I get that, but are you showing me?

Johnson stated yes, like I said, if you Google My Community Development and Resource Center, you will see all the things available that we have done. Yes, ma'am. Like I said, I have been here for eight years, and the parking lot has been already been done. There is parking up the hill, children cannot come on our property during daycare hours because it will look as if they are unsupervised. So, in the fenced in area, no they cannot go there, we lock it up as well at night time because of previous destruction. However, there's a park right above our facility that children go to all time. So, in the neighborhood. Don't know if you guys know the park is there.

Questions and comment made from the audience inaudible.

Jones stated David, may I make a comment?

Denham stated go right ahead.

Johnson stated thank you.

Denham stated thank you Ms. Johnson.

Jones stated I would just share with the church that you've heard some concerns from the neighborhood that they don't know what's going on with the church and maybe in the future you try to get together, whether it's a handbill or Internet or something and it's a hot dog.

Taylor stated OK

Jones stated so I just want you all to make sure the communications are a little better so that they feel they know some of the things that you're doing and you know you've informed them and they're welcome.

Taylor stated OK.

Comments for the audience inaudible.

Mike Brown stated good afternoon. My name is Mike Brown, I own CDBL. It's a local design build construction firm. Spencer Brown is also my son and I've been involved with the S 212 project since its inception, which started when we took a high school baseball player home two different places in one week and figured out that he didn't have a place to stay. He was homeless, so that's how the whole thing began. And all of the folks that are working on this, including I know the folks that live around the facility that we're proposing, have a heart for those that are in need. So, I want us to come together on that, I think we can at least all agree on that, and one of the things that I would ask is right now is there an issue with any of these teenage boys running around the neighborhood?

Question from the audience  
We don't know who they are.

Mike Brown stated OK, so there isn't an issue.  
Comments from the audience inaudible.

Mike Brown stated yeah, because here, here. Here's the point. The point is, is that right now, the church. I'm. I'm talking right now, please. Right now, the church is doing most of the programs that they're going to do with these young men. The biggest difference is they're going to get to stay in a bed that they know is theirs overnight. They're already doing these programs, the threats that you potentially perceive are not necessarily there. So, I'm just asking you open your mind to that potential. I can assure you that my company we design, build buildings all over town all over the country and we looked at all different ideas that you presented, great ideas, the challenge is the ability to pay the cost it takes to remodel a hotel is different than this specific building that is in the same excuse me location where administrative people can be there to help watch after it and I will tell you this if you need speed bumps and if the City will let me put them in, I'll put them in for you, for free. You want me to build a fence by your property? Tell me where you want it because I am confident in Bernita and her team, Spencer and I looked all over

town to help get people to help us with the S 212 project, and it took four years for us to find out about Bernita and her team, so confident in them. Confident in they do what they say they're going to do the PF zoning public facility. We were under the assumption that we to build this facility there without having to go to the rezoning. So, I'm going to try and find the good here. I think it's a blessing that we get a chance to talk to each other. Because in that blessing you can understand more about what the program's about, and my hope would be in the end, that we come together, and you feel better about what we're trying to do and that I am of a firm belief that your property values will be raised by what we're going to do with this piece of property.

Comments from the audience.

And so will our taxes.

Mike Brown stated so will your taxes OK? Yeah, alright.

Smith stated yeah, but you can't have both. Yeah.

Mike Brown stated so the reason why I wanted to talk, I wasn't going to talk. I do 100% support Might the S 212 project. I am certainly open to meet with you if need be to try and help you feel better about if there's something I can do about that to help you feel better about what they're trying to do. My company has potential to help with some things. Like I said, if we got to do some speed bumps and city will let us, I'll help you get that done. But we have over 1000 kids indicated homeless in the Lawton Public School system and like was mentioned before, we got to get a peg in the ground to start helping these kids. And I understand that it's a fear of yours. And so, the request would be as open your heart to what we're trying to do. And if there's a way that you could see and work with us to help you feel more comfortable about it. When I'm willing to help do anything I can, and I know Might is as well to help you feel more comfortable. About it. Thank you.

Denham stated thank you, Mr. Brown.

Epps stated my name is Taron Epps and I am the former vice president of the Lawton- Fort Sill Chamber of Commerce. I am also a retired military officer, and I'll tell you that I have seen a lot of communities. These in this community have people like Benita Taylor, Mike Brown that are trying to do something special and not all communities have citizens like that. Not everyone wants to do something special. And what I'll also tell you is that, you know, Mike Brown had a great segue to what I really want to talk about, which is a proven track record. Of a community leader, a business owner who is already doing programs that are very impressive. I first seen these programs as the Vice president at the Chamber of Commerce. We did a lot of community events together. I was so impressed with the work that they are doing at the MIT Community Center that my wife and I decided to enroll our own child there. And let me tell you, we've seen drastic improvements with his education with the way he conducts himself, they have a proven program and a proven track record that works. That program works and this is something that I hope the citizens in that neighborhood can open their mind to. These things are already happening, and they're just not aware of it. So now we're going to expand that program and I hope to see that program grow even more than what's proposed right now. Thank you.

Denham stated thank you, Mr. Epps. I think we got the messages, but if you feel compelled. We'll let you talk.

Logan stated may I interject something if I may.

Denham stated I'm sorry.

Logan stated I'm listening, and I share concerns on both sides. I've pastored here in Lawton, been pastor here 25 years, pastored out of Texas 9 (nine) years I worked for, I'm retired Oklahoma Department of Corrections where I ran prisons. I'm now currently a jail administrator Tillman County Jail. I share both sides, I don't think the question is the quality of the program. I think, Might, I think that what the citizens of that Community is needing to hear from you. And I didn't get my question answered. What type of security measures are you going to provide for the safety of that Community and what can you do as far as that they they've noted as as concern as far as the roadway as far as the parking as far as the roadway, what can you do to work with that community? To iron these things out, I don't think their question is the quality of program that you're providing but put yourself in their seat as people of that community and I understand we are saying well, we got people walking around and constantly over the neighborhood, but it brings a different strike to the neighborhood. When you bring any type of facility, whether it's homeless, whether it's a Community correctional center, whether it's a prison, it brings concerns. Their concerns are what can you and I may be misreading this, but what are you going to do to provide them the assurance? That this young lady who stood says she has two young daughters and you're telling me you're bringing in young men. What can you do to work with them? To ease their concern that your program is not just good internally, but it's going to be for the best interests of that community externally.

Taylor stated first of all, I can appreciate that you are giving me a better understanding of what they're asking. I guess my first thing before I answer your question again to me, I think I answered it, but I'm going to answer you going to tell me what I didn't say that that you perceive as a security is that we've been in the neighborhood since 2011. And so, to say that we don't know what you do or what you're doing, and we've been in the neighborhood since 2011, we've taken flight, we did a petition before we even came in the neighborhood. We did a petition to ask if they would want what we were going to provide in the neighborhood and we presented it to City Council before we came. And so, we do fliers, we're doing the feeding programs in the summertime, we even have people standing out there and looking in different costumes and things. And so, I didn't I perceived, and I was wrong for that. I perceived that you understood who we are and what we do, and I was wrong for that. OK. I just, I just thought you did, I really did I really did, and I know you don't live in the neighborhood you rent in the neighborhood and so I perceived. You're right next door. We've talked to our, my pastor and my associate ministers have talked to you, so I perceived that you knew. So, I apologize for that. OK. So, second of all. We're going to have security cameras inside and outside of the building. We are going to have a clinical director. We're going to have three guards and I don't want to call them that. I would rather call them, call them resident, resident stewards. That are going to be there at all times.



We're going to have a counselor there and we're going to have two managers. So those people will be responsible for those boys not under Might standards, but the state of standards for Oklahoma Department of Human Services. So that's why I thought I answered it OK.

Logan asked so again. You're going to have a total of what?

Taylor stated and it's going to be 3 (three) at all times and then.

Logan asked you're not going to have a counselor on duty 24/7.

Taylor stated No, we're going to have three residential stewards.

Logan stated at least three people there all the time and the other additional will be there at different times of the day.

Taylor stated Yes, Sir.

Logan stated OK. And you will have external cameras?

Taylor stated yes, Sir. Yes, Sir and internal.

Logan asked what's the possibility of you putting up a fence?

Taylor stated Yes, Sir.

Logan stated to around the block of the neighborhood. I mean.

Taylor stated yes Sir.

Logan stated I understand this is not a jail or whatever. But some type of fence.

Taylor stated there is a chain link fence there already and then is there aluminum since that's going to go on that east side?

Boyd stated it's going to connect, so it's got key.

Taylor stated yeah, there's an aluminum fence too.

Logan asked and I want to ask this again. Besides, this meeting has any of this been explained or told to the community?

Taylor stated well, this is this.

Logan asked have you guys met community?

Comments from the audience inaudible.

Taylor stated this is and I just apologize to that because this is what happened.

Denham stated Miss Taylor, we do need you to speak into the microphone for the Minutes, please.

Taylor stated ok, so this is what happened. We didn't get the letter that they got. We had a neighbor call us and say they're going around the neighborhood having people, asking people to sign a petition. So I felt that it would not be good for me to get a petition and go around the neighborhood and talk to the people as well. I felt the best way to address it would be to wait and come to this meeting and try to explain what we're doing, how many who and all of that. Because at that point it was out of my hands to try to have a meeting to do anything because the letter went to them, they didn't know. I read the letter because a neighbor took a picture and sent it to me. It was vague, it didn't explain, and it got to be rumors. It got so bad that parents in the neighborhood whose kids go to our facility and our programs came less and there's a petition going around to shut the program down. Where am I going to take my kids for daycare, and we have to tell them. It's OK. It's OK. It's it's OK. The, the childcare is going to be fine. There's no problem and I didn't want to make it worse. So that's why because I didn't know. I really didn't. They didn't send me a letter. So now that we know and Mr. Brown said he was going to get your information so that we can all meet if you all want to do that, I'll be more than happy wherever you want to meet. That's fine. But that nothing has been done intentionally.

Denham stated thank you. Charlotte, what would be the Council meeting that this would go to subsequent to this meeting?

Brown stated we haven't even, we haven't done notice, so we would still have to do at least 20 and 15 day notices.

Denham stated so we're talking February will be, so that that's the next step.

Brown stated the first meeting in February. February 13<sup>th</sup> at the earliest.

Denham stated procedurally we are an approving body for this request, and we do take everybody's positions into account when we make our decisions.

I think it's a definitely necessary need in this community and I would also hope that these 10 (ten) to 12 (twelve) young men are not criminals. There is a selection process for them to out of 1000 to be able to get it narrowed down to 10(ten). She's already said we're not looking for any criminal background, any violent background, so just 12 (twelve), hopefully young men who got a bed to sleep in. So, the traffic is going to be from your daycare. I mean, you got 100 kids in there that's coming and going. I mean, I've got a daycare across the street from me. In my residence, it happens. But you know, you think you see the good and see that these kids are actually got a place to go and hopefully help out. It should be nice to maybe explain to the

neighborhood how they qualify for the teen programs and into the daycares and whatnot that would, that would be huge. So hopefully during your meetings, you can also expand on that as well.

Taylor stated and let me say this. McMahon just reviewed our proposal Monday. I just found out yesterday, so we didn't have all this money before. Matter of fact, we have spent money to make these programs that we have our own personal money to make all the programs that we do in Saint James Might. So, we didn't get this money and now we're going to no, we if we could just come together and get the facts of what has happened and how it transpired, then I'm sure that we can resolve as many issues as.

Denham stated and I did hear you say it's a \$550,000 grant. So, it's close to a I mean it's a little over half a million, but far from millions. So anyway, that's the Lawton rumor monger mills. So don't get me started on that here, OK. Anybody else like to add to the discussion? Seeing no one approach, I'm going to close this public hearing. Members of the Commission. I'll entertain a motion.

Logan stated I recommend that it is sent and I hope I'm doing this right. If I'm not Deb, come help me. I recommend that it is sent to the Council item six, that it be sent to the Council for the Use to Permit on the Dorm style shelter of homeless youth located on Public Facility District. I hope I did it right.

Denham stated that's very close, Pastor Logan.

Jones stated I'd like, oh, OK. I'd like to make a substitute motion and I don't have any. I don't have any criticism of the pastors want a motion to go to council. I want to make that clear. OK. Let me see if I kind of separate the community needs and the neighborhood concerns in a motion. I'd like to recommend to the City Council, which takes care of Pastor Logan, to allow a dormitory style shelter for the homeless youth located in a PF district located at 714 SW 45th. Subject to, the area being fenced Pastor, you want 6 foot or 8 foot? Subject to a fence being constructed on the premises for eight feet cyclone. Unless there is an additional requirement, Charlotte, for in the zoning code, you know for screening. OK, a memorandum be sent from the Planning Department to Councilman Chapman to the city manager and to, what's streets in now public works? Yes, OK. And Public Works requesting that this neighborhood be considered for a speed table as soon as possible and that the Planning Department during the building permit process worked with CDBL to make sure there is adequate parking spaces for all the uses in this building. And that's my motion.

Denham asked is there a second? So, we vote on the Substitute motion and if it passes, it kills the second from the original?

Gibson stated and in this case it's full motion and recommendations

Denham stated yes, it was. Yeah. The whole motion was recommendation to council, right DJ?

Jones stated yes, it's recommended by the Code.

Denham stated yes. Yeah. No, you said it first, but then with the subject too. OK. But all that OK. We have a motion. We have a second. Is there any further questions or discussion?

**Motion by Jones, Second by Jarvis** to recommend to the City Council to allow a dormitory style shelter for the homeless youth located in a PF district located at 714 SW 45th. Subject to a fence being constructed on the premises for eight feet cyclone. Unless there is an additional requirement for in the zoning code for screening, a memorandum be sent from the Planning Department to Councilman Chapman to the City Manager and Public Works requesting that this neighborhood be considered for a speed table as soon as possible and that the Planning Department during the Building Permit process worked with CDBL to make sure there is adequate parking spaces for all the uses in this building. **Aye:** Medders, Logan, Springborn, Denham, Busse, Jarvis, Jones, Smith **Nay:** None. **Motion Passed.**

- Staffed called Commissioner Deborah Jones for clarification on the construction of the fencing area. Ms. Jones clarified that it was to include the dormitory area, the playground and any outdoor area in which the children are utilizing.

**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.

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 112<sup>th</sup> 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 11<sup>th</sup>. 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 12<sup>th</sup> 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 12<sup>th</sup> 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 7<sup>th</sup> and posted in The Lawton Constitution on February 9<sup>th</sup> 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 45<sup>th</sup> Street North of Lee Boulevard at 714 SW 45<sup>th</sup> 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 45<sup>th</sup>. 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 6<sup>th</sup> and posted in The Lawton Constitution on February 9<sup>th</sup>. 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 45<sup>th</sup> 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 45<sup>th</sup> 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 45<sup>th</sup> 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 45<sup>th</sup> 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 41<sup>st</sup> 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 32<sup>nd</sup> 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 12<sup>th</sup>.

Denham stated March 12<sup>th</sup>.

Enderle stated the letter say March 12<sup>th</sup>.

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 5<sup>th</sup>, 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 49<sup>th</sup> 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 45<sup>th</sup> 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 #:** 24-1401

**Agenda Date:** 4/9/2024

**Agenda No:** 17.

---

**ITEM TITLE:**

Hold a public hearing to consider a rezoning request from Builders Investment Group for a change of zoning from the R-1 Single-Family Dwelling District to R-2 Two-Family Dwelling District zoning classification for the property located at 1815 SW Jefferson Avenue Lawton, OK 73501 and take appropriate action as deemed necessary.

**INITIATOR:** Christine James, Interim Planning Director

**STAFF INFORMATION SOURCE:** Kameron Good, Senior Planner

**BACKGROUND:** Builders Investment Group is the owner of Lots 21-22, Block 15, Lawton View Addition. The parcel is currently vacant and located on the north side of SW Jefferson Avenue, east of SW 19th Street. The proposed use for this property is a duplex, this is not a permitted use in the current R-1 zoning district. The current 2030 Land Use Plan is Residential/ Low Density and therefore does not require any changes.

The Zoning of the surrounding area is:

North	-	R-1
South	-	R-1
East	-	R-1
West	-	R-1

The 2030 Land Use Plan for the surrounding area is:

North	-	Residential/ Low Density
South	-	Residential/ Low Density
East	-	Residential/ Low Density
West	-	Residential/ Low Density

The Notice of public hearing was mailed to 32 owners of property within 300 feet of the requested area on March 18, 2024, and proper notice was published in The Lawton Constitution on March 22, 2024.

The City Planning Commission held a public hearing on March 14, 2024, and recommended approval of the rezoning.

**EXHIBIT:** Ordinance 24-\_\_\_\_

Location Map

Application

Site Plan

Analysis

Mailing Notice

Newspaper Notice

CPC Minutes 3-14-24

**KEY ISSUES:** N/A

**FUNDING SOURCE:** N/A

**STAFF RECOMMENDED COUNCIL ACTION:** : Hold a public hearing and approve an ordinance and rezoning request for a change of zoning from the R-1 Single-Family Dwelling District to R-2 Two-Family Dwelling District zoning classification for the property located at 1815 SW Jefferson Avenue Lawton, OK 73501.

ORDINANCE NO. 2024-\_\_\_\_

AN ORDINANCE CHANGING THE EXISTING ZONING CLASSIFICATION FROM THE R-1 SINGLE-FAMILY DWELLING DISTRICT TO R-2 TWO-FAMILY DWELLING DISTRICT ZONING CLASSIFICATION ON THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION ONE (1) HEREOF; 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 to approve 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 21-22, Block 15, Lawton View Addition, Lawton, Comanche County, Oklahoma  
(Located at 1815 SW Jefferson Avenue Lawton, OK 73501)

be and the same hereby is changed from the existing classification of the R-1 Single-Family Dwelling District to R-2 Two-Family Dwelling District zoning classification.

SECTION 2. 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 9<sup>th</sup> day of April 2024.

\_\_\_\_\_  
STANLEY BOOKER, MAYOR

ATTEST:

\_\_\_\_\_  
DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
TIM WILSON, INTERIM CITY ATTORNEY

ORDINANCE NO. 2024-\_\_\_\_

AN ORDINANCE CHANGING THE EXISTING ZONING CLASSIFICATION FROM THE R-1 SINGLE-FAMILY DWELLING DISTRICT TO R-2 TWO-FAMILY DWELLING DISTRICT ZONING CLASSIFICATION ON THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION ONE (1) HEREOF; AND AUTHORIZING CHANGES TO BE MADE UPON THE OFFICIAL ZONING MAP IN ACCORDANCE WITH THIS ORDINANCE.

Brief Gist

This ordinance changes the zoning classification for the property located at 1815 SW Jefferson Avenue Lawton, OK 73501 from the R-1 Single-Family Dwelling District to R-2 Two-Family Dwelling District zoning classification. Said changes having been requested by Builders Investment Group is the owner of Lots 21-22, Block 15, Lawton View Addition. The parcel is currently vacant and located on the north side of SW Jefferson Avenue, east of SW 19th Street. The proposed use for this property is a duplex, this is not a permitted use in the current R-1 zoning. The current 2030 Land Use Plan is Residential/ Low Density and there is no change needed. The City Planning Commission held a public hearing on March 14, 2024, and recommended to approve to the request.

PASSED and APPROVED by the Council of the City of Lawton, Oklahoma, this 9th day of April, 2024.

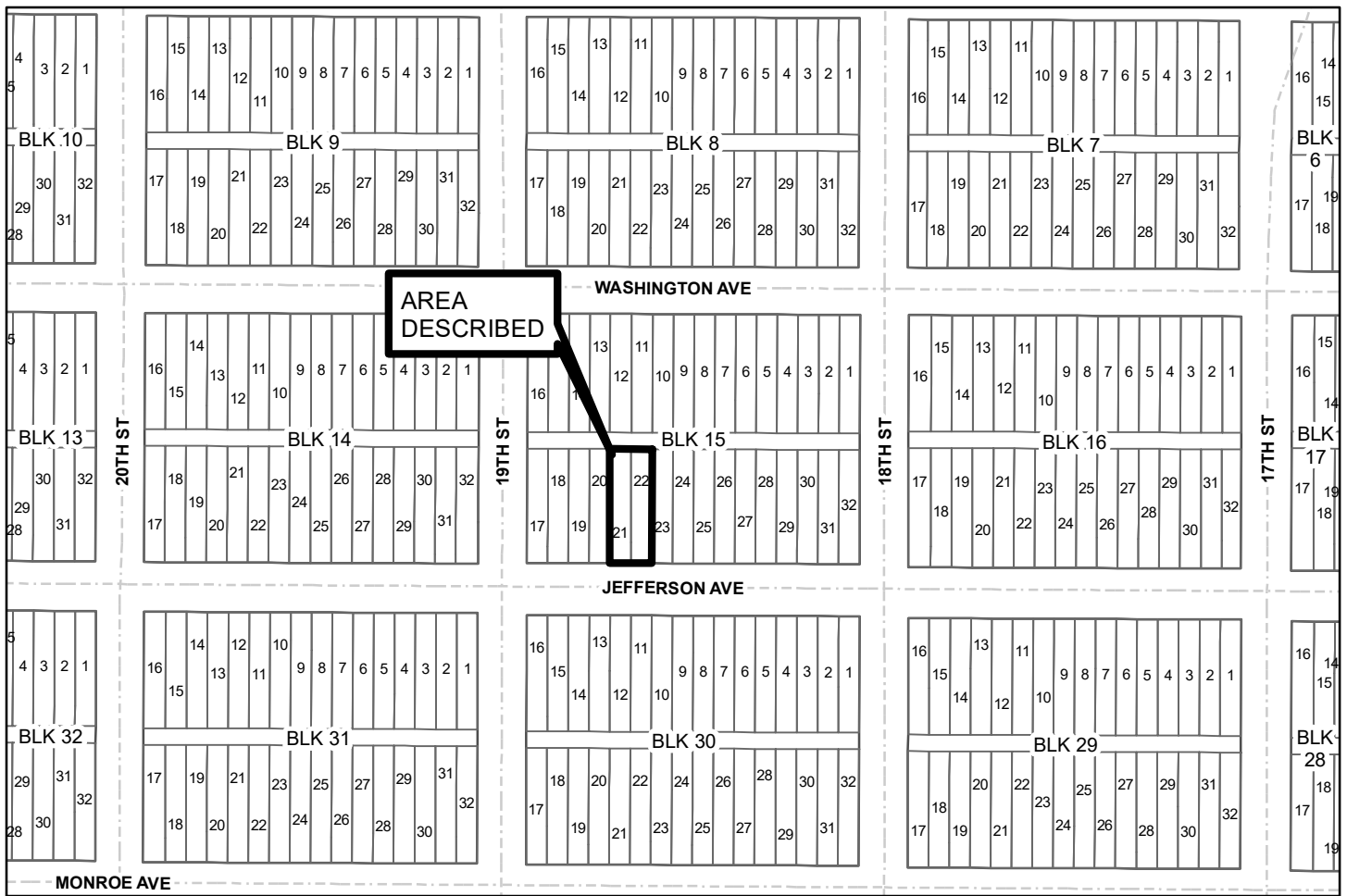
\_\_\_\_\_  
STANLEY BOOKER, MAYOR

ATTEST:

\_\_\_\_\_  
DONALYNN BLAZEK-SCHERLER, CITY CLERK

(Published in *The Lawton Constitution* this \_\_\_\_ day of \_\_\_\_\_, 2024.)





# REZONING REQUEST

REQUESTED BY: Builders Investment Group

## PROPOSED USE:

Request for a change of zoning from the (R-1) Single-Family Dwelling District to (R-2) Two-Family Dwelling District

## AREA DESCRIBED AS:


Lots 21-22, Block 15, Lawton View Addition, Lawton, Comanche County, Oklahoma.

## Legend

 1815 SW Jefferson Ave

--- Street Centerline

0 75 150 300 Feet






## CITY OF LAWTON PLANNING DIVISION

212 SW 9<sup>th</sup> Street, Lawton, OK 73501  
Telephone 580-581-3375 Fax 580-581-3573

### APPLICATION FOR REZONING

1. Applicant(s): BUILDERS INVESTMENT GROUP Phone (713) 598-4736  
Address: 1723 W BRITTON RD OKC, OK 73120 Fax \_\_\_\_\_
2. Owner(s): BUILDERS INVESTMENT GROUP Phone (713) 598-4736  
Address: 1723 W BRITTON RD OKC, OK 73120 Fax \_\_\_\_\_
3. Request Rezoning From: R-1 To: R-2
4. Proposed Use (including all buildings to be constructed)  
From: Single Family Dwelling  
To: Two Family Dwelling
5. Street Address or Location: 1815 SW Jefferson Ave. Lawton, OK 73501
6. Legal Description of Property: Lots 21-22, Block 15, Lawton View Addition, Lawton, Comanche County, Oklahoma
7. Tract Size: 0.16 Acres
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)

SMITH, TREY

Signature of Property Owner(s)

Date Submitted: 12/26/2023





**Planning Division**  
**212 SW 9<sup>th</sup> Street, Lawton, Oklahoma 73501**  
**Phone: 580-581-3375      Fax: 580-581-3573**

---

## MEMORANDUM

**TO:** City Planning Commission  
**FROM:** Builders Investment Group  
**STAFF:** Kameron Good, Senior Planner  
**SUBJECT:** Request for Rezoning for Property Located at 1815 SW Jefferson Avenue Lawton, OK 73501  
**MEETING DATE:** March 14, 2024

The following is an analysis of the request for a request to change zoning from the R-1 Single-Family Dwelling District to R-2 Two-Family Dwelling District zoning classification for the property.

Builders Investment Group is the owner of Lots 21-22, Block 15 of the Lawton View Addition. This property is located on the north side of SW Jefferson Avenue between SW 19<sup>th</sup> Street and SW 18<sup>th</sup> Street. The land is currently vacant, and the proposed use for this property will be a duplex. This is a permitted use within the R-2 zoning classification.

This analysis is based upon criteria set out in Title 11, Sections 43-103, Oklahoma Statutes.

1. *To lessen congestion in the streets.* The proposed use is low density residential which would not increase the congestion of the streets.
2. *To secure from fire, panic, and other dangers.* This property is not within the 100-year floodplain. There is a fire hydrant located on the northwest corner of SW 19<sup>th</sup> and SW Jefferson Ave. There is another hydrant located on the southwest corner of SW Washington Avenue and SW 18<sup>th</sup> Street; this hydrant is approximately 390' as the hose would lay.
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 and 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 a duplex which is in compliance with the 2030 Land Use Plan. 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-1 to R-2 will be in compliance with the 2030 Land Use Plan.
8. *To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.* Located along the north side of SW Jefferson Avenue is a public water line. There is a 6" 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 for this property is a duplex. The current 2030 Land Use Plan is Residential/ Low Density and there is no change needed.

Based upon these facts, it is recommended the request be approved.



## CITY OF LAWTON PLANNING DIVISION

Mailing Address: 212 SW 9<sup>th</sup> Street, Lawton, Oklahoma 73501  
Phone (580) 581-3375 • [www.lawtonok.gov](http://www.lawtonok.gov)

### NOTICE OF PUBLIC HEARING FOR A REZONING REQUEST

Builders Investment Group has submitted a request for a change of zoning for the property located at 1815 SW Jefferson Avenue Lawton, OK 73501. City Council will conduct a public hearing to review this request.

The public hearing will be held at 2:00 p.m. on Tuesday, April 9, 2024, in the Auditorium of City Hall, 212 SW 9th Street. City Council will review the request for a change of zoning from the R-1 Single-Family Dwelling District to R-2 Two-Family Dwelling District zoning classification. Below is the legal description for the requested area:

*Lots 21-22, Block 15, Lawton View 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. The proposed uses for this property will be a residential duplex. You are being notified of the public hearing because your property is within 300 feet of the property requested to be rezoned. If you desire to make a statement for or against said change of zoning 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 date.

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 Division at (580) 581-3375.

CITY OF LAWTON, OKLAHOMA

  
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 on April 9, 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 a change of zoning from the R-1 Single-Family Dwelling District to R-2 Two-Family Dwelling District zoning classification. The requested area is a parcel of vacant land with the proposed use being a residential duplex, located 1815 SW Jefferson Avenue Lawton, OK 73501. Below is the legal description for the requested area:

A tract of land described as:

Lots 21-22, Block 15, Lawton View Addition, Lawton, Comanche County, Oklahoma

Said changes having been requested by Builders Investment Group

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 15th day of March 2024.

CITY OF LAWTON, OKLAHOMA



DONALYNN BLAZEK-SCHERLER, CITY CLERK

(Published in *The Lawton Constitution* this 22nd day of March 2024.)

CITY PLANNING COMMISSION  
CITY HALL AUDITORIUM  
March 14, 2024

Minutes of the City Planning Commission meeting held March 14, 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  
Deborah Jones  
Allan Smith  
Michael Logan  
Darren Medders  
Neil Springborn

MEMBERS ABSENT:

Joan Jester (excused)

ALSO PRESENT:

Christina Ryans-Huffer, Recording Secretary  
Charlotte Brown, Director Community Services/Planning  
Kameron Good, Senior Planner  
Christine James, Interim Planning Director  
Tyler Pobiedzinski, Planner I  
Gregory Gibson, Assistant City Attorney  
Jon Jernigan, Chief Building Official  
Gary Brooks Housing Development Administrator  
Max Sasseen  
Glen Gatling  
Jeannine Lilly  
Timothy Diley  
Sarah Svec  
Brooke Brown  
Jervis Jackson  
Deborah Walker  
Bernita Taylor



The meeting has established a quorum and was posted according to the Oklahoma Open Meeting Act, 25 O.S. 301-314.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

**2. Hold a public hearing to consider an ordinance request from Builders Investment Group for a change of zoning from the R-1 Single-Family Dwelling District to R-2 Two Family Dwelling District zoning classification for the property located at 1815 SW Jefferson Avenue Lawton, OK 73501 and take appropriate action as deemed necessary.**

Pobiedzinski stated good afternoon, Tyler Pobiedzinski of the Planning Division. This application came from Builders Investment Group. They're the owners of Lots 21-22, Block 15, Lawton View Addition. The parcels is currently vacant and located on the north side of SW Jefferson Avenue. The proposed use of this property is a duplex, which is not a permitted use in the R-1 zoning and the current 2030 Land Use Plan is Residential/Low Density so, there's no change needed. Here's the location, as you can see it's currently vacant. Here's the site plan of the duplex that they're building, that they want to build, here's the existing zoning map, R-1 to the North, East, South, and West and this is what they're proposing for R-2 so they can build a duplex. Here's the Land Use map Residential/Low Density. Any questions?

Denham asked did you send out notices?

Pobiedzinski responded yes, notices for the Public Hearing was mailed to 32 owners within 300 feet of the requested area on February 21, 2024 and the proper notice was published in the Lawton Constitution on February 23, 2024.

Denham asked have we had any responses?

Pobiedzinski stated we have had no calls for or against.

Denham stated thank you Tyler. Any questions of Tyler before I open the Public hearing? Yes ma'am.

Jones asked Tyler did you all contact the Airport Authority? They had a Master Plan and you know you had noise, they had what they called noise cones, things like that. I just wonder how this fit in.

Pobiedzinski responded we did not contact the Airport for this.

Jones stated okay.

Denham asked any other questions?

Smith asked are there 2 (two) Lots there right now, is what it's showing are the building a duplex on 2 (two) Lots? Am I understanding correctly?

Pobiedzinski responded that is correct.

Smith stated okay.

Denham asked any other questions? Seeing none I will go ahead and declare the Public hearing open. Anybody that would like to come and speak for or against this item please approach the podium. Seeing no one approach I'll go ahead and close the Public hearing. Members of the Commission what's your pleasure?

**Motion by Smith, Second by Logan** to recommend to Council the approval for an ordinance from Builders Investment Group for a change of zoning from R-1 Single-Family Dwelling District to R-2 Two-Family Dwelling District zoning classification for the property located at 1815 SW Jefferson Avenue Lawton, OK 73501 **Aye:** Busse, Jarvis, Jones, Smith, Medders, Logan, Springborn, Denham **Nay:** None. **Motion Passed.**

**3. Hold a public hearing and consider an ordinance and resolution request from Arkeketa Enterprises, Inc 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-5 General Commercial District zoning classification for the properties located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501 and take appropriate action as deemed necessary.**

**4. Hold a public hearing to receive any citizen recommendations or concerns for the upcoming FFY 2024 Annual Action Plan (AAP) and approve a recommendation of a draft version of the FFY 2024 AAP that includes Public Service Organization (PSO) Funding recommendations and Policy Manual changes.**

**5. Commissioner's Reports or Comments.**

**6. Secretary's Report.**

**7. Audience Participation.**

**8. Adjournment.**



# City of Lawton

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

## Commentary

---

**File #:** 24-1402

**Agenda Date:** 4/9/2024

**Agenda No:** 18.

---

**ITEM TITLE:**

Hold a public hearing and consider rezoning request from Arkeketa Enterprises, Inc for an amendment to the 2030 Land Use Plan from Residential/High Density to Commercial for the properties located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501 and take appropriate action as deemed necessary.

**INITIATOR:** Christine James, Interim Planning Director

**STAFF INFORMATION SOURCE:** Kameron Good, Senior Planner

**BACKGROUND:** Arkeketa Enterprises, Inc is the owner of the properties located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501. The parcels they are requesting to rezone are on Lots 1-2, and 15-16 of Block 8, College View Addition. Lots 1 and 2 are located on the south side of SW A Avenue on the southwest corner of SW A Avenue and SW 21st Street. Lots 15 and 16 are located on the north side of SW B Avenue on the northwest corner of SW B Avenue and SW 21st Street. The four lots are currently 3 parcels, Lots 1 and 2 are divided in half to make 2 parcels. Lots 1-2 and 15-16 are only separated by the alleyway. The land on all 3 parcels is currently vacant with no proposed use yet established.

The Zoning of the surrounding area is:

North	-	C-4
South	-	C-5
East	-	R-4
West	-	R-4

The 2030 Land Use Plan for the surrounding area is:

North	-	Commercial
South	-	Residential/High Density
East	-	Residential/High Density
West	-	Residential/High Density

The Notice of public hearing was mailed to 36 owners of property within 300 feet of the requested area on March 18, 2024, and proper notice was published in The Lawton Constitution on March 22, 2024.

The City Planning Commission held a public hearing on March 14, 2024, and recommended the request be DENIED with a vote 8-0.

**EXHIBIT:** Resolution 24-\_\_\_\_

Location Map

Application

Site Plan

Analysis

Mailing Notice

Newspaper Notice

CPC Minutes 3-14-2024

**KEY ISSUES:** The City Planning Commission had the following concerns:

- 1) Speculative Zoning with no exact use.
- 2) C-5 is the highest Commercial Zoning.
- 3) Adjacent residential citizens spoke against the item at CPC.

**FUNDING SOURCE:** N/A

**STAFF RECOMMENDED COUNCIL ACTION:** Hold a public hearing and deny a resolution and rezoning request from Arkeketa Enterprises, Inc for an amendment to the 2030 Land Use Plan from Residential/High Density to Commercial for the properties located at 2102 SW A Avenue & 2101 SW B Avenue, 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 2102 SW A AVENUE AND 2101 SW B AVENUE, LAWTON, OK, 73501.

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 deny 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 Public Facility to Commercial be approved on the tract of land described as:

Lots 1-2 & 15-16, Block 8, College View Addition, Lawton, Comanche County, Oklahoma  
(Located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501)

PASSED and APPROVED by the Mayor and Council of the City of Lawton this 9<sup>th</sup> day of April 2024.

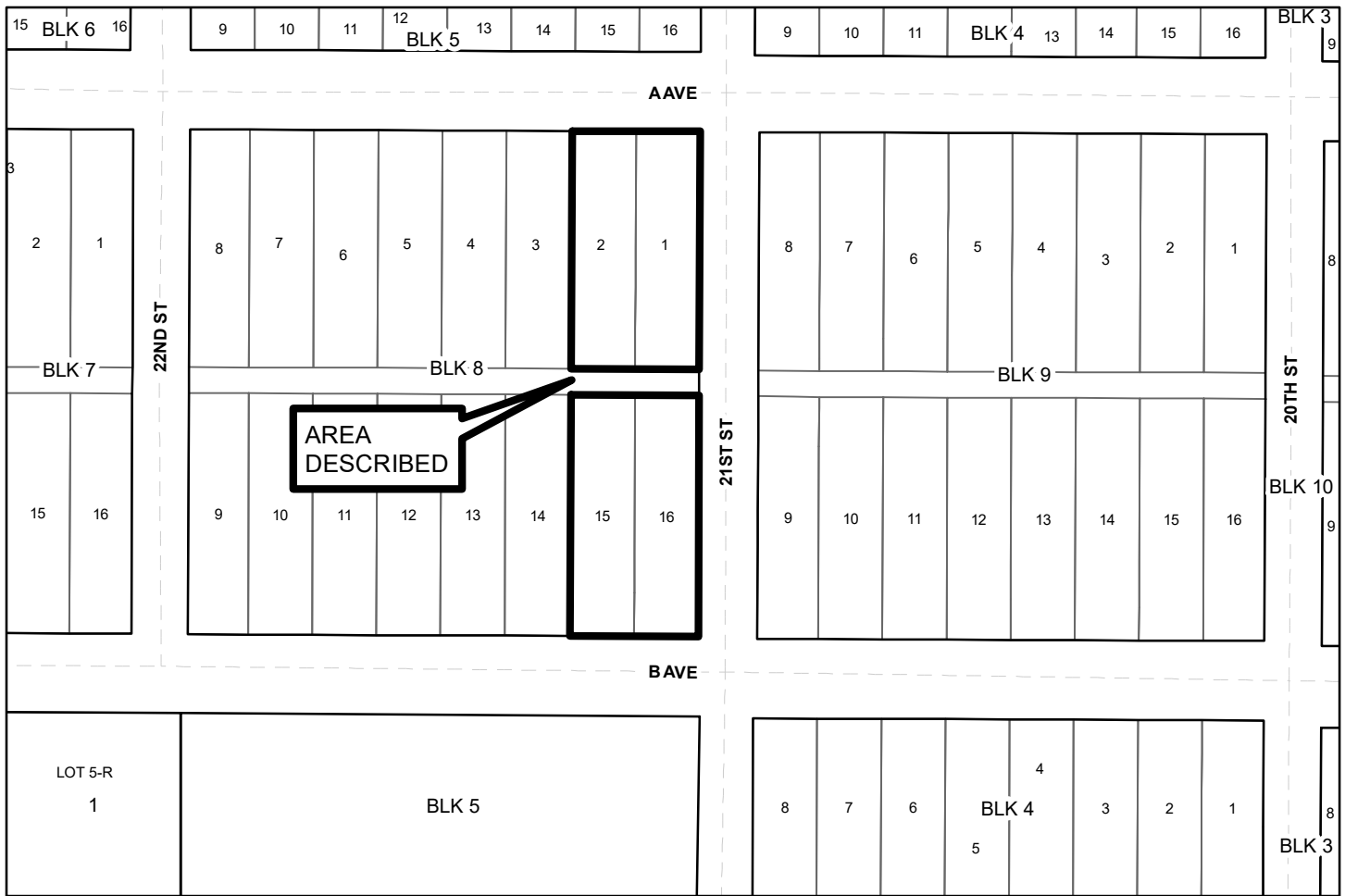
\_\_\_\_\_  
STANLEY BOOKER, MAYOR

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: ARKEKETA ENTERPRISES, INC

## PROPOSED:

Amend the 2030 Land Use Plan from Residential/High Density to Commercial and change the zoning from High-Density Apartment District (R-4) to General Commercial District (C-5)

## AREA DESCRIBED AS:

Lots 1-2 & 15-16, Block 8, College View Addition, Lawton, Comanche County, Oklahoma

## Legend

--- Street Centerline

2102 SW A and 2101 SW B

Lot

0 70 140 280 Feet





# CITY OF LAWTON PLANNING DIVISION

City Hall – 212 SW 9<sup>th</sup> 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):

2102 SW A Avenue & 2101 SW B Avenue Lawton, OK 73501

B. Present land use designation: Residential/High Density

C. Requested land use to be changed to: Commercial

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: Sasseen, Max

Address: 1701 NW Cache Road Lawton, OK 73507

Phone: (580) 695-8282

Date Submitted: 03/04/2024

Signature: \_\_\_\_\_

If filed in conjunction with an application for rezoning  
please enter the name of the applicant for such  
rezoning:

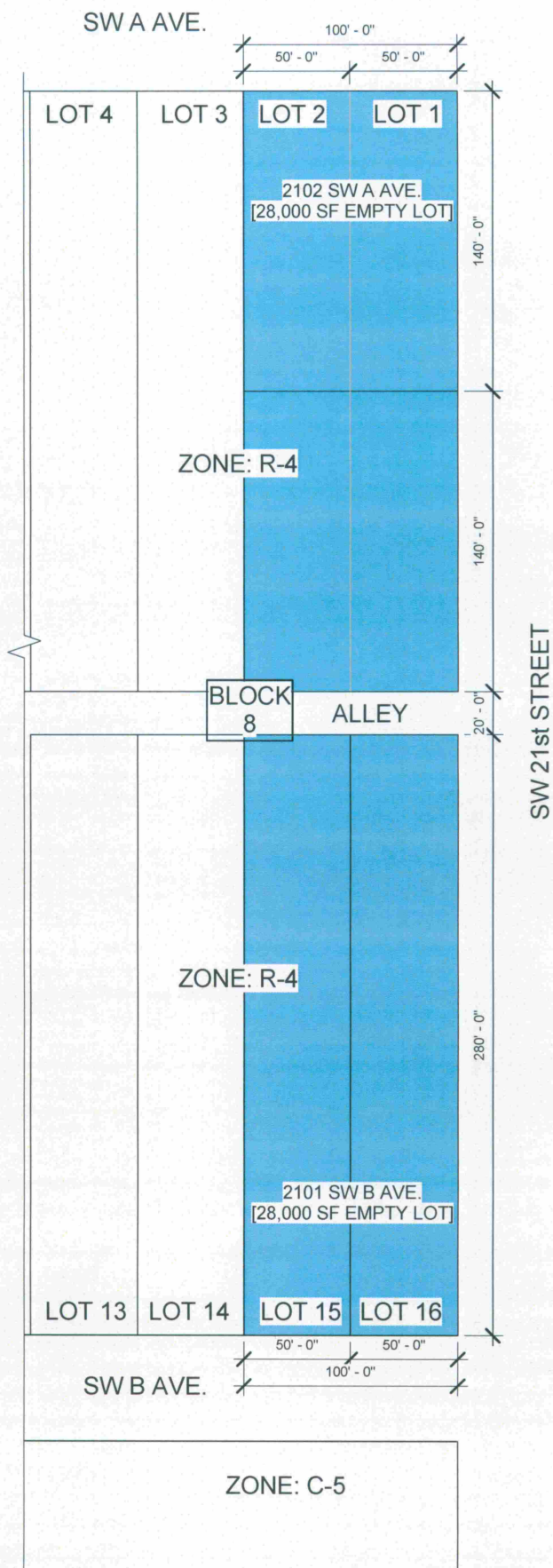
Sasseen, Max



N



SW A AVE.



**LEGAL DISCRIPTIONS:**

COLLEGE VIEW BLK 8  
LOTS 1-2

COLLEGE VIEW BLK 8  
LOTS 15-16

REZONING AREAS  
FROM R-4 TO C-5



sharpdesign@ymail.com

**Rezoning**  
2102 SW Ave. &  
2101 SW B Ave.

**Site Plan Overview**

Project number ME-034  
Date 12-6-2023  
Drawn by SS

**C1**

Scale 1" = 50'-0"



**Planning Division**  
**212 SW 9<sup>th</sup> Street, Lawton, Oklahoma 73501**  
**Phone: 580-581-3375 Fax: 580-581-3573**

---

## MEMORANDUM

**TO:** City Planning Commission  
**FROM:** Arkeketa Enterprises, Inc  
**STAFF:** Kameron Good, Senior Planner  
**SUBJECT:** Request for Rezoning for Property Located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501  
**MEETING DATE:** March 14, 2024

The following is an analysis of the 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-5 General Commercial District zoning classification for the property located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501.

Arkeketa Enterprises, Inc is the owner of the properties. The parcels they are requesting to rezone are on Lots 1-2, and 15-16 of Block 8, College View Addition. Lots 1 and 2 are located on the south side of SW A Avenue on the southwest corner of SW A Avenue and SW 21st Street. While Lots 15 and 16 are located on the north side of SW B Avenue on the northwest corner of SW B Avenue and SW 21st Street. The four lots are currently 3 parcels, Lots 1 and 2 are divided in half to make 2 parcels. Lots 1-2 and 15-16 are only separated by the alleyway. The land on all 3 parcels is currently vacant with no proposed use yet established.

This analysis is based upon criteria set out in Title 11, Sections 43-103, Oklahoma Statutes.

1. *To lessen congestion in the streets.* There is no proposed use currently.
2. *To secure from fire, panic, and other dangers.* This property is not within the 100-year floodplain. There are three fire hydrants located within 350' of the requested properties. One is located on the southeast corner of SW A Avenue and SW 22<sup>nd</sup> 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 and all construction will have to meet all City Code and building code requirements.
5. *To prevent the overcrowding of land.* The current site plan is vacant but will have a binding site plan. The commercial uses are pushing into this area. The amendment to the 2030 Land Use Plan will need to be done first.
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 current site plan is vacant but will have a binding site plan. The commercial uses are pushing into this area. The amendment to the 2030 Land Use Plan will need to be done first.
8. *To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.* There is a public water line running along the north side of SW A Ave and running along the north side of SW B Ave. Located along SW 21<sup>st</sup> Street there is a 18" sewer line running under the street to the east of the properties.
9. *To conserve the character of the district and buildings and encourage the most appropriate land uses.* The current site plan is vacant but will have a binding site plan. The commercial uses are pushing into this area. The amendment to the 2030 Land Use Plan will need to be done first.

Based upon the fact of a binding site plan, it is recommended the request be approved with appropriate screenings.



## CITY OF LAWTON PLANNING DIVISION

Mailing Address: 212 SW 9<sup>th</sup> Street, Lawton, Oklahoma 73501  
Phone (580) 581-3375 • [www.lawtonok.gov](http://www.lawtonok.gov)

### NOTICE OF PUBLIC HEARING ON AN AMENDMENT TO THE LAND USE PLAN AND A REZONING REQUEST REZONING REQUEST

Arkeketa Enterprises, Inc has submitted a request for an amendment to the 2030 Land Use Plan and a change of zoning for the property located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501. City Council will conduct a public hearing to review this request.

The public hearing will be held at 2:00 p.m. on Tuesday, April 9, 2024, in the Auditorium of City Hall, 212 SW 9th Street. City Council will review the 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 the C-5 General Commercial District zoning classification. Below is the legal description for the requested area:

*Lots 1-2 & 15-16, Block 8, College View 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. The proposed use for these properties is an unspecified commercial development. You are being notified of the public hearing because your property is within 300 feet of the property requested to be rezoned. If you desire to make a statement for or against said change of zoning 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 date.

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 Division at (580) 581-3375.

CITY OF LAWTON, OKLAHOMA

A handwritten signature in blue ink, appearing to read "Donalynn Blazek-Scherler", is written over a horizontal line.

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 on April 9, 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-5 General Commercial District zoning classification. The requested area is vacant land with the proposed use of an unspecified commercial development located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501. Below is the legal description for the requested area:

A tract of land described as:

Lots 1-2 & 15-16, Block 8, College View Addition, Lawton, Comanche County, Oklahoma

Said changes having been requested by Arkeketa Enterprises, Inc

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 15th day of March 2024.

CITY OF LAWTON, OKLAHOMA



DONALYNN BLAZEK-SCHERLER, CITY CLERK

(Published in *The Lawton Constitution* this 22nd day of March 2024.)

CITY PLANNING COMMISSION  
CITY HALL AUDITORIUM  
March 14, 2024

Minutes of the City Planning Commission meeting held March 14, 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  
Deborah Jones  
Allan Smith  
Michael Logan  
Darren Medders  
Neil Springborn

MEMBERS ABSENT:

Joan Jester (excused)

ALSO PRESENT:

Christina Ryans-Huffer, Recording Secretary  
Charlotte Brown, Director Community Services/Planning  
Kameron Good, Senior Planner  
Christine James, Interim Planning Director  
Tyler Pobiedzinski, Planner I  
Gregory Gibson, Assistant City Attorney  
Jon Jernigan, Chief Building Official  
Gary Brooks Housing Development Administrator  
Max Sasseen  
Glen Gatling  
Jeannine Lilly  
Timothy Diley  
Sarah Svec  
Brooke Brown  
Jervis Jackson  
Deborah Walker  
Bernita Taylor

The meeting has established a quorum and was posted according to the Oklahoma Open Meeting Act, 25 O.S. 301-314.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

**2. Hold a public hearing to consider an ordinance request from Builders Investment Group for a change of zoning from the R-1 Single-Family Dwelling District to R-2 Two Family Dwelling District zoning classification for the property located at 1815 SW Jefferson Avenue Lawton, OK 73501 and take appropriate action as deemed necessary.**

**3. Hold a public hearing and consider an ordinance and resolution request from Arkeketa Enterprises, Inc 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-5 General Commercial District zoning classification for the properties located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501 and take appropriate action as deemed necessary.**

Pobiedzinski Tyler with the Planning Division again. Arkeketa Enterprises, Inc. is the owner of the properties located at 2102 SW A and 2101 SW B. The parcels are requesting to re-zone Lots 1-2 and 15-16 of Block 8, College View ,as you can see they are joined by an alleyway, right there. These are technically 3 (three) parcels where Lots 1 and 2 are split in half, north and south. They own all 3 (three) parcels on all 4 (four) Lots. There is no current site plan in place. This is a binding site plan so anything they want to put on there would have to come back as a Use Permitted On Review to change the binding site plan. As you can see it's vacant lots. Surrounding the area is Residential Multi-Family Dwellings in one shape or form of another to the south and to the west. To the north is KO Storage. Here's the site plan that was submitted, again no buildings are actually proposed yet. The existing zoning map, they're in R-4 currently, with C-4 to the north and C-5 to the south, R-4 to the east and west, what they are proposing is be C-5. This is what it would look like. For the existing Land Use map, they are Residential/High Density to the east , west and south with Commercial to the north. Again, the Land Use map turning it into Commercial. This notice for Public hearing was mailed to 36 property owners within 300 feet of the requested area on February 21, 2024 and it was published in The Lawton Constitution on February 23, 2024. We've had no calls for or against this as well.

Denham asked Tyler it says on the south is C-5, isn't that the big apartment complex?

Pobiedzinski responded yes. So, we actually took a look at that, we were wondering if perhaps in the past before the new 2030 Land Use Plan can into place that it was already zoned, re-zoned and then they probably came back and made it R-4 because there was apartments already there.

Denham stated okay.

Pobiedzinski responded that's our theory.

Springborn asked do we know what is going to go in there?

Pobiedzinski responded we do not at this time but anything that would be proposed would have to come back to the CPC and Council as a Use Permitted on Review.

Denham asked and nothing as far as blocking the alley or requesting a closure or anything like that?

Pobiedzinski stated no.

Denham responded okay. Any other questions of Tyler?

Jones asked so without knowing what's going on it and not having a site plan even if a surrounding owner wanted to ask something we have no information?

Pobiedzinski stated correct.

Jones responded okay, thank you.

Denham asked anything else? Alright at this time I'll go ahead and declare the Public hearing open, anybody that would like to speak for or against this item please approach the podium. Give us your name and address. We'll need you to sign in as well. Please Sir.

Sasseen stated I'm Max Sasseen, I represent today Arkeketa LLC. This LLC is owned by Mike McKee and Terry Wells who is here today and the history on this property. It's actually a success story and what we had here was a situation in where we had multiple owners of this property. In its current R-4 zoning, it did have R-4 Dwellings on it did have R-4 Dwellings on this property not so long ago but they became so dilapidated that the owner of them actually donated them to Teen Challenge and of course then they were subsequently bought from Teen Challenge and the dwellings that really needed to be torn down, were torn down by these owners. And of course, the reason why I say it's a success because while the City Council has got a full-time job of finding these properties, working with Neighborhood Services and tearing them down. But this is a situation where the owners of this property being pro-active and got the all the demolition has all been done. So, what we have now is vacant lots. Realizing the C-5 to the south and the C-4 to the north and so much Commercial around that the R-4 zoning not the highest and best use, I their opinion. So, this is basically cleaning up a property, putting it into maybe some corrective zoning so that something can be done with it. It will either be developed or sold and then of course we'll be back here in front of you with a binding site plan when the final use is determined.

Denham stated or a modified binding site plan because this will be coming with this.

Sasseen stated yes, it's a blank site plan today. So, any site plan would be a modification. So, when the final use is determined, we'll be right back here.



Denham asked any questions for Mr. Sasseen?

Sasseen responded thank you.

Denham stated thank you Sir. Anyone else like to speak on this please come on up.

Ingle stated yes Sir, my name is Teresa Ingle. My husband and I live and own 104 SW 21<sup>st</sup> Street. We have grandchildren. We have animals and there's another house just a couple houses down from me that has 4(four) little children and 1 (one) smaller, all together they have 5 (five) children. And there's a gentleman on my right side on the corner of A and 21<sup>st</sup> and he is a handicapped young man and he has an electric wheelchair that he rides down the road and stuff back and forth to his church and stuff and his Dad has one.

Denham asked Ms. Ingle are talking the east side of the property?

Ingle responded I'm talking about the one on, I believe it's the one southwest B Avenue. Would that be closer to me? I'm not sure but I know it's right across from my house. It's right across that lot there.

Denham stated okay so you would be Block 9, I guess.

Smith asked what's your address?

Ingle stated it's 104 SW 21<sup>st</sup> Street.

Brown stated it appears it would be the middle house on the eastside. It's going to be on the east side, you got the house on the corner and the house right below it.

Smith asked you're between A and B?

Ingle responded I'm between A and B basically. And those lots and yes I've seen those houses across there catch on fire. I've seen all kinds of activities and recently yes they were all torn down. It's an empty lot, which to me is fine.

Denham asked you would say it's an improvement?

Ingle responded yes; I'd prefer no Commercial property as far as businesses because that's too much traffic. There's too many kids, too many animals and the young man that lives besides me he's about 34 (thirty-four) but he's, you know, he rides up and down. I just don't want anything to happen to him with too much traffic. There's enough traffic that comes through there already.

Denham stated very good.

Ingle stated so if there was businesses parked across there can you imagine. That's just my issue.

Denham stated okay thank you very much.

Ingle responded I appreciate you and I thank you for listening to me today.

Denham responded thank you. Thanks for coming.

Ingle stated thank you.

Denham asked anybody else to speak for or against? Seeing no one else approach, I'll go ahead and close the Public hearing. Any discussion?

Jones asked your Land Use Plan prohibits spec zoning, in other words we don't know what's going on and we're just changing the Land Use and the Zoning for speculative purposes. There's no, there's no guarantee to any owner that you get the highest and best use of the land. When you buy the land, it's the land and you make the highest and best use. I commend them for taking down the houses and improving the neighborhood but if you look around, you've got, I'm sorry they changed it, you have numerous, you had some duplexes, I'm just looking at the arial. You know and residential uses. What I would prefer to do is wait particularly when you're going to C-5, which is the highest density of Commercial use. You can put anything on it. Until we know more for the neighbors as far as activities, traffic, parking, driveways, that type of thing, I'm not in any way saying it won't end up C-5. I just, I don't feel comfortable when you can't answer questions of the 300 foot surrounding area as to what's going on it, what it will look like, I'm uneasy. So, that's my comment.

Denham stated thank you DJ. Anyone else? We'll entertain a motion.

**Motion by Jones, Second by Logan** recommend to the City Council that the ordinance and resolution request from Arkeketa Enterprises, Inc 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-5 General Commercial District zoning classification for the properties located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501 be denied. **Aye:** Jarvis, Jones, Smith, Medders, Logan, Springborn, Denham, Busse **Nay:** None. **Motion Passed.**

**4. Hold a public hearing to receive any citizen recommendations or concerns for the upcoming FFY 2024 Annual Action Plan (AAP) and approve a recommendation of a draft version of the FFY 2024 AAP that includes Public Service Organization (PSO) Funding recommendations and Policy Manual changes.**

**5. Commissioner's Reports or Comments.**

**6. Secretary's Report.**

**7. Audience Participation.**

**8. Adjournment.**



# City of Lawton

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

## Commentary

---

**File #:** 24-1405

**Agenda Date:** 4/9/2024

**Agenda No:** 19.

---

**ITEM TITLE:**

Hold a public hearing and consider rezoning request from Arkeketa Enterprises, Inc for a change of zoning from R-4 High-Density Apartment District to C-5 General Commercial District zoning classification for the properties located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501 and take appropriate action as deemed necessary.

**INITIATOR:** Christine James, Interim Planning Director

**STAFF INFORMATION SOURCE:** Kameron Good, Senior Planner

**BACKGROUND:** Arkeketa Enterprises, Inc is the owner of the properties located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501. The parcels they are requesting to rezone are on Lots 1-2, and 15-16 of Block 8, College View Addition. Lots 1 and 2 are located on the south side of SW A Avenue on the southwest corner of SW A Avenue and SW 21st Street. While lots 15 and 16 are located on the north side of SW B Avenue on the northwest corner of SW B Avenue and SW 21st Street. The four lots are currently 3 parcels, Lots 1 and 2 are divided in half to make 2 parcels. Lots 1-2 and 15-16 are only separated by the alleyway. The land on all 3 parcels is currently vacant with no proposed use yet established.

The Zoning of the surrounding area is:

North	-	C-4
South	-	C-5
East	-	R-4
West	-	R-4

The 2030 Land Use Plan for the surrounding area is:

North	-	Commercial
South	-	Residential/High Density
East	-	Residential/High Density
West	-	Residential/High Density

The Notice of public hearing was mailed to 36 owners of property within 300 feet of the requested area on March 18, 2024, and proper notice was published in The Lawton Constitution on March 22, 2024.

The City Planning Commission Held a public hearing on March 14, 2024 and recommended the request be DENIED with a vote 8-0.

**EXHIBIT:** Ordinance 24-\_\_\_\_

Location Map

Application

Site Plan

Analysis

Mailing Notice  
Newspaper Notice  
CPC Minutes 3-14-2024

**KEY ISSUES:** The City Planning Commission had the following concerns:

- 1) Speculative Zoning with no exact use.
- 2) C-5 is the highest Commercial Zoning.
- 3) Adjacent residential citizens spoke against the item at CPC.

**FUNDING SOURCE:** N/A

**STAFF RECOMMENDED COUNCIL ACTION:** Hold a public hearing and deny an ordinance and rezoning request from Arkeketa Enterprises, Inc for a change of zoning from R-4 High-Density Apartment District to C-5 General Commercial District zoning classification for the properties located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501.

ORDINANCE NO. 2024-\_\_

AN ORDINANCE CHANGING THE EXISTING ZONING CLASSIFICATION FROM THE R-4 HIGH-DENSITY APARTMENT DISTRICT TO C-5 GENERAL 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 to deny 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 1-2 & 15-16, Block 8, College View Addition, Lawton, Comanche County, Oklahoma  
(Located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501)

be and the same hereby is changed from the existing classification of the R-4 High-Density Apartment District to C-5 General 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:

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 9<sup>th</sup> day of April 2024.

\_\_\_\_\_  
STANLEY BOOKER, MAYOR

ATTEST:

\_\_\_\_\_  
DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
TIM WILSON, INTERIM CITY ATTORNEY

ORDINANCE NO. 2024-\_\_\_\_

AN ORDINANCE CHANGING THE EXISTING ZONING CLASSIFICATION FROM THE R-4 HIGH-DENSITY APARTMENT DISTRICT TO C-5 GENERAL 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.

Brief Gist

This ordinance changes the zoning classification of property located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501 from the R-4 High-Density Apartment District to C-5 General Commercial District zoning classification. Said changes having been requested by Arkeketa Enterprises, Inc. These properties are located between the south side of SW A Avenue and the north side of SW B Avenue. The land is currently vacant, and no proposed use for this property. The City Planning Commission held a public hearing on March 14, 2024, and recommended to not approve to the request.

PASSED and APPROVED by the Council of the City of Lawton, Oklahoma, this 9th day of April, 2024.

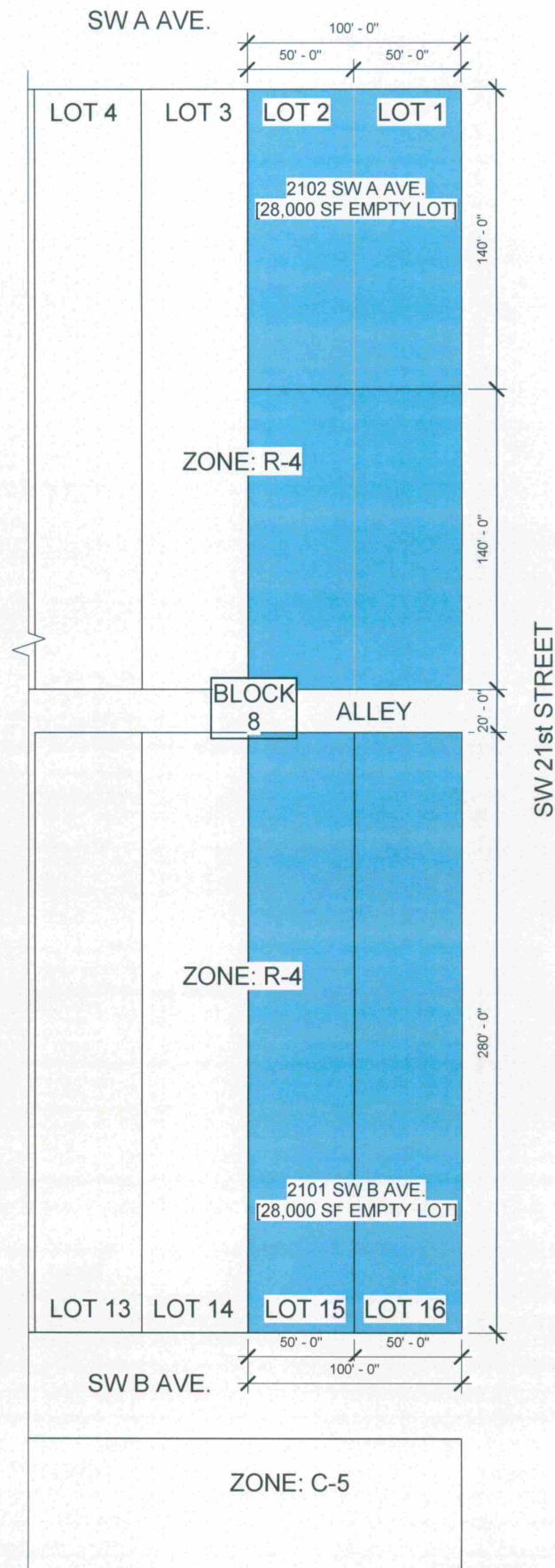
\_\_\_\_\_  
STANLEY BOOKER, MAYOR

ATTEST:

\_\_\_\_\_  
DONALYNN BLAZEK-SCHERLER, CITY CLERK

(Published in *The Lawton Constitution* this \_\_\_\_ day of \_\_\_\_\_, 2024.)

# EXHIBIT A



## LEGAL DISCRIPTIONS:

COLLEGE VIEW BLK 8  
LOTS 1-2

COLLEGE VIEW BLK 8  
LOTS 15-16

REZONING AREAS  
FROM R-4 TO C-5



sharpdesign@ymail.com

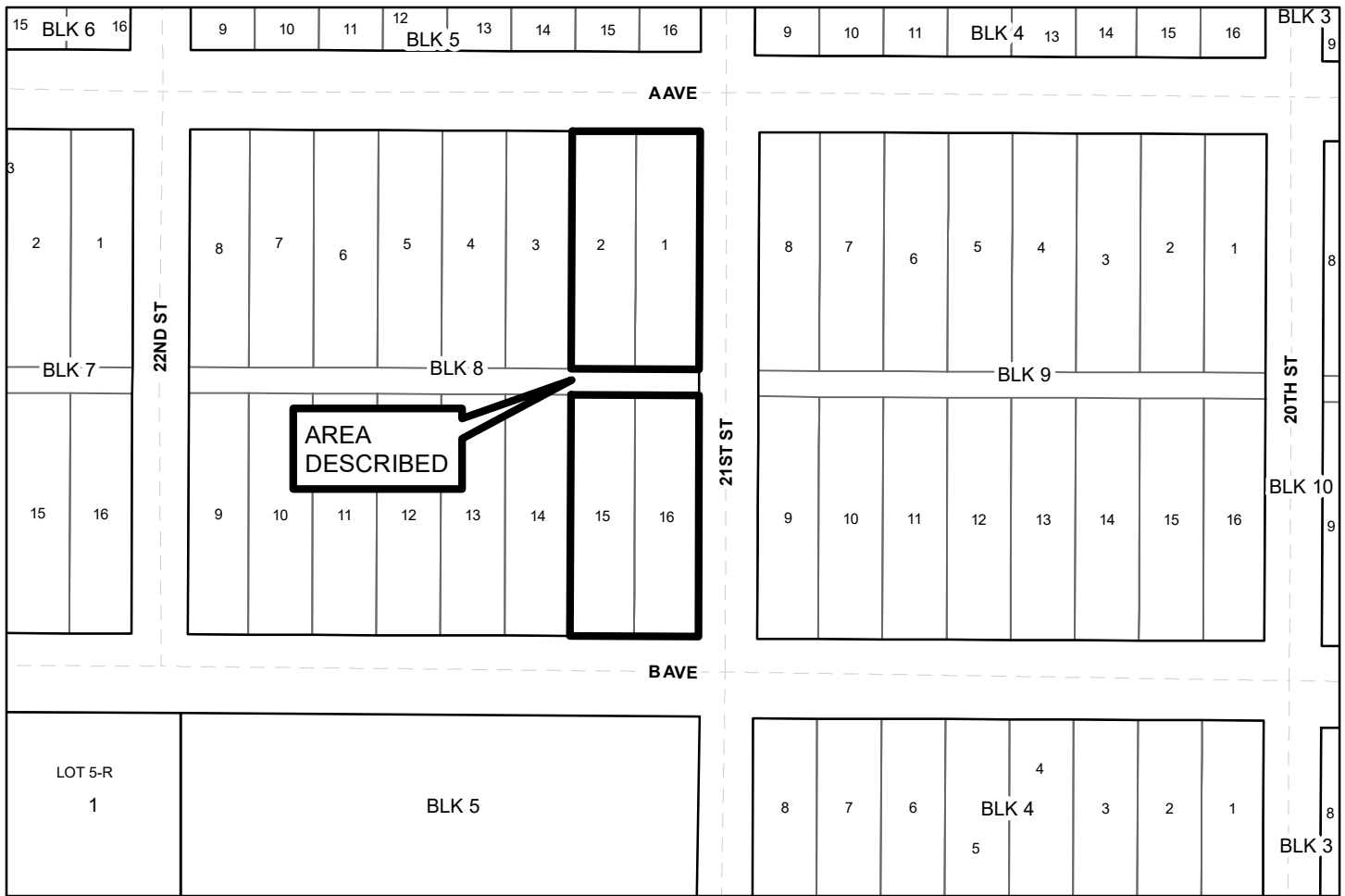
Rezoning  
2102 SW Ave. &  
2101 SW B Ave.

## Site Plan Overview

Project number ME-034  
Date 12-6-2023  
Drawn by SS

C1

Scale 1" = 50'-0"



# AMENDMENT TO THE LAND USE PLAN AND REZONING

REQUESTED BY: ARKEKETA ENTERPRISES, INC

## PROPOSED:

Amend the 2030 Land Use Plan from Residential/High Density to Commercial and change the zoning from High-Density Apartment District (R-4) to General Commercial District (C-5)

## AREA DESCRIBED AS:

Lots 1-2 & 15-16, Block 8, College View Addition, Lawton, Comanche County, Oklahoma

## Legend

--- Street Centerline

2102 SW A and 2101 SW B

Lot

0 70 140 280 Feet







# CITY OF LAWTON PLANNING DIVISION

City Hall – 212 SW 9<sup>th</sup> 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):

2102 SW A Avenue & 2101 SW B Avenue Lawton, OK 73501

B. Present land use designation: Residential/High Density

C. Requested land use to be changed to: Commercial

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: Sasseen, Max

Address: 1701 NW Cache Road Lawton, OK 73507

Phone: (580) 695-8282

Date Submitted: 03/04/2024

Signature: \_\_\_\_\_

If filed in conjunction with an application for rezoning  
please enter the name of the applicant for such  
rezoning:

Sasseen, Max

N



SW A AVE.

100' - 0"  
50' - 0" 50' - 0"

LOT 4 LOT 3 LOT 2 LOT 1

2102 SW A AVE.  
[28,000 SF EMPTY LOT]

140' - 0"

ZONE: R-4

140' - 0"

BLOCK  
8

ALLEY

20' - 0"

SW 21st STREET

ZONE: R-4

280' - 0"

2101 SW B AVE.  
[28,000 SF EMPTY LOT]

LOT 13 LOT 14 LOT 15 LOT 16

SW B AVE.

50' - 0" 50' - 0"  
100' - 0"

ZONE: C-5

**LEGAL  
DISCRIPTIONS:**

COLLEGE VIEW BLK 8  
LOTS 1-2

COLLEGE VIEW BLK 8  
LOTS 15-16

REZONING AREAS  
FROM R-4 TO C-5



sharpdesign@ymail.com

**Rezoning**  
2102 SW Ave. &  
2101 SW B Ave.

**Site Plan Overview**

Project number ME-034  
Date 12-6-2023  
Drawn by SS

**C1**

Scale 1" = 50'-0"



**Planning Division**  
**212 SW 9<sup>th</sup> Street, Lawton, Oklahoma 73501**  
**Phone: 580-581-3375 Fax: 580-581-3573**

---

## MEMORANDUM

**TO:** City Planning Commission  
**FROM:** Arkeketa Enterprises, Inc  
**STAFF:** Kameron Good, Senior Planner  
**SUBJECT:** Request for Rezoning for Property Located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501  
**MEETING DATE:** March 14, 2024

The following is an analysis of the 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-5 General Commercial District zoning classification for the property located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501.

Arkeketa Enterprises, Inc is the owner of the properties. The parcels they are requesting to rezone are on Lots 1-2, and 15-16 of Block 8, College View Addition. Lots 1 and 2 are located on the south side of SW A Avenue on the southwest corner of SW A Avenue and SW 21st Street. While Lots 15 and 16 are located on the north side of SW B Avenue on the northwest corner of SW B Avenue and SW 21st Street. The four lots are currently 3 parcels, Lots 1 and 2 are divided in half to make 2 parcels. Lots 1-2 and 15-16 are only separated by the alleyway. The land on all 3 parcels is currently vacant with no proposed use yet established.

This analysis is based upon criteria set out in Title 11, Sections 43-103, Oklahoma Statutes.

1. *To lessen congestion in the streets.* There is no proposed use currently.
2. *To secure from fire, panic, and other dangers.* This property is not within the 100-year floodplain. There are three fire hydrants located within 350' of the requested properties. One is located on the southeast corner of SW A Avenue and SW 22<sup>nd</sup> 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 and all construction will have to meet all City Code and building code requirements.
5. *To prevent the overcrowding of land.* The current site plan is vacant but will have a binding site plan. The commercial uses are pushing into this area. The amendment to the 2030 Land Use Plan will need to be done first.
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 current site plan is vacant but will have a binding site plan. The commercial uses are pushing into this area. The amendment to the 2030 Land Use Plan will need to be done first.
8. *To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.* There is a public water line running along the north side of SW A Ave and running along the north side of SW B Ave. Located along SW 21<sup>st</sup> Street there is a 18” sewer line running under the street to the east of the properties.
9. *To conserve the character of the district and buildings and encourage the most appropriate land uses.* The current site plan is vacant but will have a binding site plan. The commercial uses are pushing into this area. The amendment to the 2030 Land Use Plan will need to be done first.

Based upon the fact of a binding site plan, it is recommended the request be approved with appropriate screenings.



## CITY OF LAWTON PLANNING DIVISION

Mailing Address: 212 SW 9<sup>th</sup> Street, Lawton, Oklahoma 73501  
Phone (580) 581-3375 • [www.lawtonok.gov](http://www.lawtonok.gov)

### NOTICE OF PUBLIC HEARING ON AN AMENDMENT TO THE LAND USE PLAN AND A REZONING REQUEST REZONING REQUEST

Arkeketa Enterprises, Inc has submitted a request for an amendment to the 2030 Land Use Plan and a change of zoning for the property located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501. City Council will conduct a public hearing to review this request.

The public hearing will be held at 2:00 p.m. on Tuesday, April 9, 2024, in the Auditorium of City Hall, 212 SW 9th Street. City Council will review the 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 the C-5 General Commercial District zoning classification. Below is the legal description for the requested area:

*Lots 1-2 & 15-16, Block 8, College View 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. The proposed use for these properties is an unspecified commercial development. You are being notified of the public hearing because your property is within 300 feet of the property requested to be rezoned. If you desire to make a statement for or against said change of zoning 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 date.

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 Division at (580) 581-3375.

CITY OF LAWTON, OKLAHOMA

A handwritten signature in blue ink, appearing to read "Donalynn Blazek-Scherler", is written over a horizontal line.

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 on April 9, 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-5 General Commercial District zoning classification. The requested area is vacant land with the proposed use of an unspecified commercial development located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501. Below is the legal description for the requested area:

A tract of land described as:

Lots 1-2 & 15-16, Block 8, College View Addition, Lawton, Comanche County, Oklahoma

Said changes having been requested by Arkeketa Enterprises, Inc

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 15th day of March 2024.

CITY OF LAWTON, OKLAHOMA



DONALYNN BLAZEK-SCHERLER, CITY CLERK

(Published in *The Lawton Constitution* this 22nd day of March 2024.)

CITY PLANNING COMMISSION  
CITY HALL AUDITORIUM  
March 14, 2024

Minutes of the City Planning Commission meeting held March 14, 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  
Deborah Jones  
Allan Smith  
Michael Logan  
Darren Medders  
Neil Springborn

MEMBERS ABSENT:

Joan Jester (excused)

ALSO PRESENT:

Christina Ryans-Huffer, Recording Secretary  
Charlotte Brown, Director Community Services/Planning  
Kameron Good, Senior Planner  
Christine James, Interim Planning Director  
Tyler Pobiedzinski, Planner I  
Gregory Gibson, Assistant City Attorney  
Jon Jernigan, Chief Building Official  
Gary Brooks Housing Development Administrator  
Max Sasseen  
Glen Gatling  
Jeannine Lilly  
Timothy Diley  
Sarah Svec  
Brooke Brown  
Jervis Jackson  
Deborah Walker  
Bernita Taylor



The meeting has established a quorum and was posted according to the Oklahoma Open Meeting Act, 25 O.S. 301-314.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

**2. Hold a public hearing to consider an ordinance request from Builders Investment Group for a change of zoning from the R-1 Single-Family Dwelling District to R-2 Two Family Dwelling District zoning classification for the property located at 1815 SW Jefferson Avenue Lawton, OK 73501 and take appropriate action as deemed necessary.**

**3. Hold a public hearing and consider an ordinance and resolution request from Arkeketa Enterprises, Inc 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-5 General Commercial District zoning classification for the properties located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501 and take appropriate action as deemed necessary.**

Pobiedzinski Tyler with the Planning Division again. Arkeketa Enterprises, Inc. is the owner of the properties located at 2102 SW A and 2101 SW B. The parcels are requesting to re-zone Lots 1-2 and 15-16 of Block 8, College View ,as you can see they are joined by an alleyway, right there. These are technically 3 (three) parcels where Lots 1 and 2 are split in half, north and south. They own all 3 (three) parcels on all 4 (four) Lots. There is no current site plan in place. This is a binding site plan so anything they want to put on there would have to come back as a Use Permitted On Review to change the binding site plan. As you can see it's vacant lots. Surrounding the area is Residential Multi-Family Dwellings in one shape or form of another to the south and to the west. To the north is KO Storage. Here's the site plan that was submitted, again no buildings are actually proposed yet. The existing zoning map, they're in R-4 currently, with C-4 to the north and C-5 to the south, R-4 to the east and west, what they are proposing is be C-5. This is what it would look like. For the existing Land Use map, they are Residential/High Density to the east , west and south with Commercial to the north. Again, the Land Use map turning it into Commercial. This notice for Public hearing was mailed to 36 property owners within 300 feet of the requested area on February 21, 2024 and it was published in The Lawton Constitution on February 23, 2024. We've had no calls for or against this as well.

Denham asked Tyler it says on the south is C-5, isn't that the big apartment complex?

Pobiedzinski responded yes. So, we actually took a look at that, we were wondering if perhaps in the past before the new 2030 Land Use Plan can into place that it was already zoned, re-zoned and then they probably came back and made it R-4 because there was apartments already there.

Denham stated okay.

Pobiedzinski responded that's our theory.

Springborn asked do we know what is going to go in there?

Pobiedzinski responded we do not at this time but anything that would be proposed would have to come back to the CPC and Council as a Use Permitted on Review.

Denham asked and nothing as far as blocking the alley or requesting a closure or anything like that?

Pobiedzinski stated no.

Denham responded okay. Any other questions of Tyler?

Jones asked so without knowing what's going on it and not having a site plan even if a surrounding owner wanted to ask something we have no information?

Pobiedzinski stated correct.

Jones responded okay, thank you.

Denham asked anything else? Alright at this time I'll go ahead and declare the Public hearing open, anybody that would like to speak for or against this item please approach the podium. Give us your name and address. We'll need you to sign in as well. Please Sir.

Sasseen stated I'm Max Sasseen, I represent today Arkeketa LLC. This LLC is owned by Mike McKee and Terry Wells who is here today and the history on this property. It's actually a success story and what we had here was a situation in where we had multiple owners of this property. In its current R-4 zoning, it did have R-4 Dwellings on it did have R-4 Dwellings on this property not so long ago but they became so dilapidated that the owner of them actually donated them to Teen Challenge and of course then they were subsequently bought from Teen Challenge and the dwellings that really needed to be torn down, were torn down by these owners. And of course, the reason why I say it's a success because while the City Council has got a full-time job of finding these properties, working with Neighborhood Services and tearing them down. But this is a situation where the owners of this property being pro-active and got the all the demolition has all been done. So, what we have now is vacant lots. Realizing the C-5 to the south and the C-4 to the north and so much Commercial around that the R-4 zoning not the highest and best use, I their opinion. So, this is basically cleaning up a property, putting it into maybe some corrective zoning so that something can be done with it. It will either be developed or sold and then of course we'll be back here in front of you with a binding site plan when the final use is determined.

Denham stated or a modified binding site plan because this will be coming with this.

Sasseen stated yes, it's a blank site plan today. So, any site plan would be a modification. So, when the final use is determined, we'll be right back here.

Denham asked any questions for Mr. Sasseen?

Sasseen responded thank you.

Denham stated thank you Sir. Anyone else like to speak on this please come on up.

Ingle stated yes Sir, my name is Teresa Ingle. My husband and I live and own 104 SW 21<sup>st</sup> Street. We have grandchildren. We have animals and there's another house just a couple houses down from me that has 4(four) little children and 1 (one) smaller, all together they have 5 (five) children. And there's a gentleman on my right side on the corner of A and 21<sup>st</sup> and he is a handicapped young man and he has an electric wheelchair that he rides down the road and stuff back and forth to his church and stuff and his Dad has one.

Denham asked Ms. Ingle are talking the east side of the property?

Ingle responded I'm talking about the one on, I believe it's the one southwest B Avenue. Would that be closer to me? I'm not sure but I know it's right across from my house. It's right across that lot there.

Denham stated okay so you would be Block 9, I guess.

Smith asked what's your address?

Ingle stated it's 104 SW 21<sup>st</sup> Street.

Brown stated it appears it would be the middle house on the eastside. It's going to be on the east side, you got the house on the corner and the house right below it.

Smith asked you're between A and B?

Ingle responded I'm between A and B basically. And those lots and yes I've seen those houses across there catch on fire. I've seen all kinds of activities and recently yes they were all torn down. It's an empty lot, which to me is fine.

Denham asked you would say it's an improvement?

Ingle responded yes; I'd prefer no Commercial property as far as businesses because that's too much traffic. There's too many kids, too many animals and the young man that lives besides me he's about 34 (thirty-four) but he's, you know, he rides up and down. I just don't want anything to happen to him with too much traffic. There's enough traffic that comes through there already.

Denham stated very good.

Ingle stated so if there was businesses parked across there can you imagine. That's just my issue.

Denham stated okay thank you very much.

Ingle responded I appreciate you and I thank you for listening to me today.

Denham responded thank you. Thanks for coming.

Ingle stated thank you.

Denham asked anybody else to speak for or against? Seeing no one else approach, I'll go ahead and close the Public hearing. Any discussion?

Jones asked your Land Use Plan prohibits spec zoning, in other words we don't know what's going on and we're just changing the Land Use and the Zoning for speculative purposes. There's no, there's no guarantee to any owner that you get the highest and best use of the land. When you buy the land, it's the land and you make the highest and best use. I commend them for taking down the houses and improving the neighborhood but if you look around, you've got, I'm sorry they changed it, you have numerous, you had some duplexes, I'm just looking at the arial. You know and residential uses. What I would prefer to do is wait particularly when you're going to C-5, which is the highest density of Commercial use. You can put anything on it. Until we know more for the neighbors as far as activities, traffic, parking, driveways, that type of thing, I'm not in any way saying it won't end up C-5. I just, I don't feel comfortable when you can't answer questions of the 300 foot surrounding area as to what's going on it, what it will look like, I'm uneasy. So, that's my comment.

Denham stated thank you DJ. Anyone else? We'll entertain a motion.

**Motion by Jones, Second by Logan** recommend to the City Council that the ordinance and resolution request from Arkeketa Enterprises, Inc 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-5 General Commercial District zoning classification for the properties located at 2102 SW A Avenue & 2101 SW B Avenue, Lawton, OK, 73501 be denied. **Aye:** Jarvis, Jones, Smith, Medders, Logan, Springborn, Denham, Busse **Nay:** None. **Motion Passed.**

**4. Hold a public hearing to receive any citizen recommendations or concerns for the upcoming FFY 2024 Annual Action Plan (AAP) and approve a recommendation of a draft version of the FFY 2024 AAP that includes Public Service Organization (PSO) Funding recommendations and Policy Manual changes.**

**5. Commissioner's Reports or Comments.**

**6. Secretary's Report.**

**7. Audience Participation.**

**8. Adjournment.**



# City of Lawton

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

## Commentary

---

**File #:** 24-1431

**Agenda Date:** 4/9/2024

**Agenda No:** 20.

---

**ITEM TITLE:**

Consider approving the record plat for Replat of Lots 4, 5, 6 & 7, Block 18, Radio City Addition and the waiving of City Code Section 21-5-501.I requiring an additional ten feet of street right-of-way along the abutting section line road (SW Sheridan Road) and take appropriate action as deemed necessary.

**INITIATOR:** Christine James, Interim Planning Director

**STAFF INFORMATION SOURCE:** Christine James, Interim Planning Director  
Kameron Good, Senior Planner

**BACKGROUND:** Replat for Lots 4, 5, 6 & 7, Block 18, Radio City Addition is approximately 40,000 square feet or 1 acre and is being replated from 4 lots to 3 lots. This plat is located on the east side of SW Sheridan Road and south of SW D Avenue. The current zoning is C-5, General Commercial District. The alley on Block 18 of Radio City Addition was closed with the city ordinance 85-29. JW Properties, LLC, is the current owner of these lots, as well as the adjacent lots to the east and south.

Stormwater Division has reviewed the plat and recommends approval.

Public Utilities has reviewed the plat and recommends approval subject to the following condition: 60' Right of Way along SW Sheridan Road per Section 21-5-501.I.

The City Planning Commission discussed this item on March 28, 2024.

**EXHIBIT:** Replat of Lots 4, 5, 6 & 7, Block 18, Radio City Addition record plat  
March 28, 2024 CPC Minutes

**KEY ISSUES:** Does the Council want to waive the requirement of 120' of street right-of-way for SW Sheridan Road, a section line road (60' on each side of the section line)?

**FUNDING SOURCE:** N/A

**CPC RECOMMENDED ACTION:** Approve the record plat for Replat of Lots 4, 5, 6 & 7, Block 18, Radio City Addition subject to listed condition requiring the 60' Right of Way along the east side of SW Sheridan Road per City Code Section 21-5-501.I.

**APPLICANT REQUESTED ACTION:** Approve the record plat for Replat of Lots 4, 5, 6 & 7, Block 18, Radio City Addition as submitted and waive City Code Section 21-5-501.I requiring an additional ten feet of street right-of-way.

Replat of Lots 4, 5, 6 & 7, Block 18, Radio City Addition  
City of Lawton, Comanche County, Oklahoma  
Located in the Northwest Quarter of Section 36-T2N-R12W, I.M.

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That JW Properties, LLC, being the sole owner in fee simple of the following described real property to wit:

Lots 4, 5, 6 & 7, Block 18, Radio City Addition, located in the Northwest Quarter of Section 36-T2N-R12W, I.M., City of Lawton, Comanche County, Oklahoma.

Witness our hands  
this \_\_\_\_ day of \_\_\_\_\_, 2024.

JW Properties, LLC

\_\_\_\_\_  
Wade Fields, managing member

\_\_\_\_\_  
Jonathan Stuke, managing member

State of Oklahoma) SS  
County of Comanche)  
This foregoing instrument was acknowledged before me  
this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

My Commission Number: \_\_\_\_\_

SURVEYOR'S CERTIFICATE

I, H. Lester Seiger, a registered Land Surveyor in the State of Oklahoma, hereby certify that I have made a careful and accurate survey of the foregoing described property, and that the above foregoing plat is a correct representation of said survey. This plat of survey meets the Oklahoma Minimum Standards for the Practice of Land Surveying as Adopted by the Oklahoma State Board of Licensure for Professional Engineers and Professional Land Surveyors.

Witness my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2024.

State of Oklahoma) SS  
County of Comanche)  
This foregoing instrument was acknowledged before me  
this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

My Commission Number: \_\_\_\_\_

COUNTY TREASURER'S CERTIFICATE

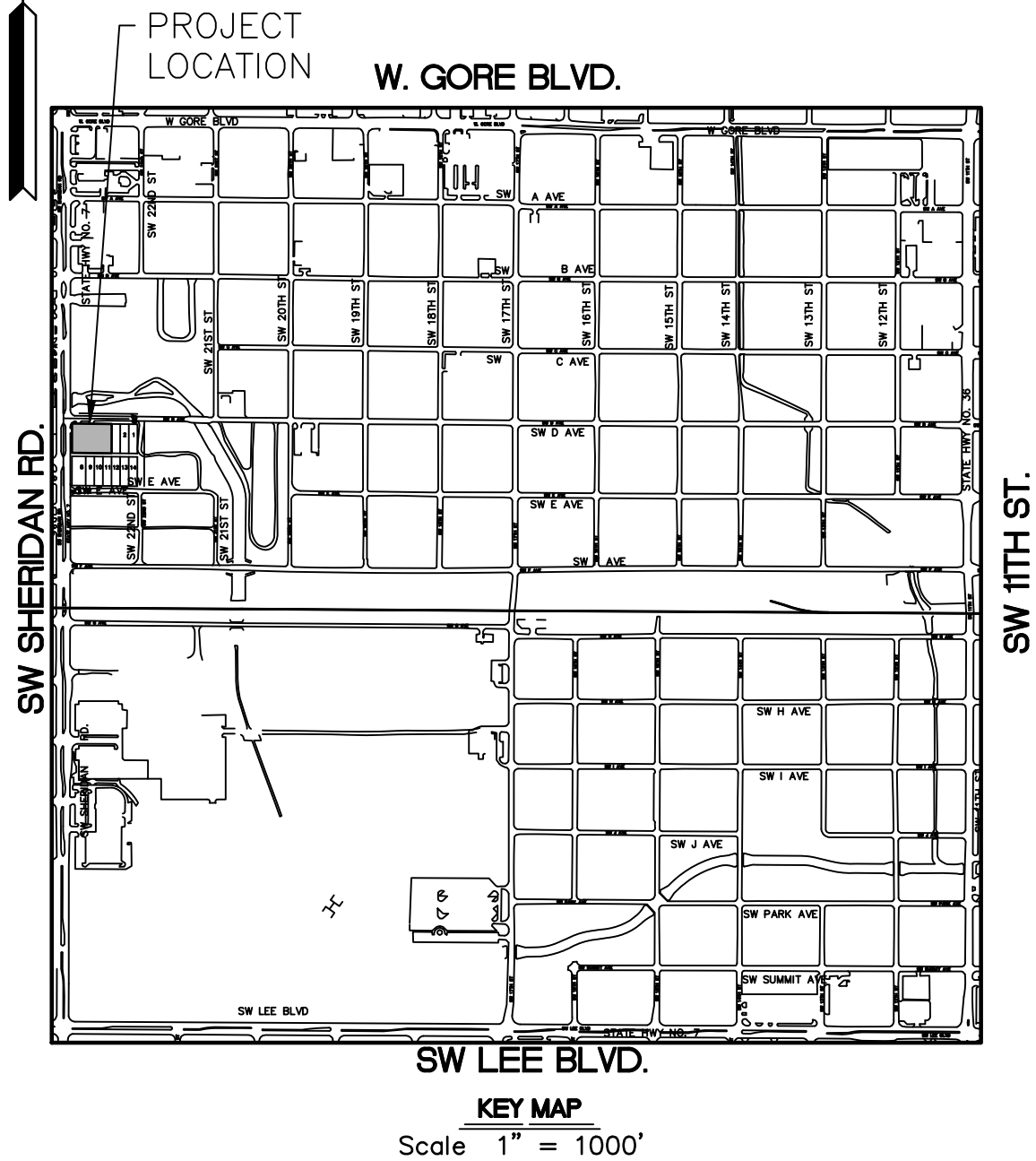
I, Rhonda Brantley, do hereby certify that I am the duly elected, qualified and acting County Treasurer of Comanche County, State of Oklahoma, and that the tax records of the said county show all taxes are paid for the year \_\_\_\_ and prior years on the land shown on the above foregoing plat located in Comanche County, Oklahoma.

In witness whereof, said County Treasurer has caused this instrument to be executed at Lawton, Oklahoma on this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
County Treasurer

Monuments and Permanent Markers

Type "C" Marker, 1/2" iron pin at all lot corners, points of curvature and tangency of all inside and outside right-of-way lines, 3/4 inch iron pins on all block corners.



KEY MAP  
Scale 1" = 1000'

CITY PLANNING COMMISSION APPROVAL

I, \_\_\_\_\_, Chairman of the CPC for the City of Lawton, County of Comanche, State of Oklahoma, hereby certify that the said Commission duly approved the above foregoing annexed plat on this \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

CERTIFICATE OF CITY CLERK

I, Donalynn Blazek-Scherler, City Clerk of the City of Lawton, State of Oklahoma, hereby certify that I have examined the records of the said City and find that all deferred payments or unmatured installments upon special assessments have been paid in full and there is no special assessment procedure pending against the land shown on the above foregoing annexed plat except: NONE

on this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
City Clerk

ACCEPTANCE OF DEDICATION BY CITY COUNCIL

Be it resolved by the City Council, City of Lawton, Oklahoma, that the dedications shown on the above foregoing annexed plat are hereby accepted. Adopted by the City Council, the City of Lawton, Oklahoma, this \_\_\_\_ day of \_\_\_\_\_, 2024. Approved by the Mayor of the City of Lawton, Oklahoma this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
County Clerk

State of Oklahoma) SS  
County of Comanche)

This instrument was filed on this \_\_\_\_ day of \_\_\_\_\_, 2024 A.D. at \_\_\_\_ (am/pm), and duly recorded in Book \_\_\_\_\_, Page \_\_\_\_\_.

State of Oklahoma) SS  
County of Comanche)

I, Carrie Tubbs, County Clerk of Comanche County, Oklahoma, do hereby certify that this is a true and correct copy of a like instrument as appears on record in this office on this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
County Clerk

CITY PLANNING COMMISSION  
CITY HALL AUDITORIUM  
March 28, 2024

Minutes of the City Planning Commission meeting held March 28, 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  
Allan Smith  
Michael Logan  
Darren Medders  
Neil Springborn

MEMBERS ABSENT:

Deborah Jones (excused)

ALSO PRESENT:

Christina Ryans-Huffer, Recording Secretary  
Charlotte Brown, Director Community Services/Planning  
Kameron Good, Senior Planner  
Christine James, Interim Planning Director  
Tyler Pobiedzinski, Planner I  
Gregory Gibson, Assistant City Attorney  
Jon Jernigan, Chief Building Official  
Dewayne Burk Assistant City Manager  
Sherene L. Williams Council Member Ward 7  
Jon Silver 4D Construction

The meeting has established a quorum and was posted according to the Oklahoma Open Meeting Act, 25 O.S. 301-314.

**OLD BUSINESS**

None.

## **NEW BUSINESS**

2. **Hold a public hearing and consider an ordinance and resolution request from Jesus Rodriguez-Contreras for an amendment to the 2030 Land Use Plan from Residential/High Density to Commercial, and a change of zoning from the R-1 Single-Family Dwelling District to C-4 Tourist Commercial District zoning classification for the properties located at 3116 SW J Avenue, Lawton, OK, 73505 and take appropriate action as deemed necessary.**

Pobiedzinski stated good afternoon Tyler Pobiedzinski, Planning Division. This applicant came to us to re-zone 3116 SW J Avenue. The parcel is currently vacant and it's not documented on any Record Plats. He is proposing to do 2 (two) soccer fields with a 1,000 square foot, 1 (one) story concession building. The site plan does show an 8 (eight) foot chain link fence around the property, an opaque fencing and tree buffer along the eastside of the property. Here is the area described. This is the arial, it's big open land. Here is the site plan with the 2 (two) soccer fields that he is proposing, along with the 1 (one) story concession stand in the middle. He is also proposing the parking lots be crushed stone, which if this is approved today, he would have to go to the Board of Adjustments next to be able to do that. But he does have to pave the Handicapped spaces which is also shown as paving in front of the concession stand. Here's the existing zoning map, it's currently R-1, the north is R-1, the south is I-1, east is R-3, west is C-5. It's proposed to be C-4. In C-4 the allowed Uses is recreation center, public or private, is the closest use we came up within the Planning Division of what he is asking to do. The Land Use Map is currently Residential/High Density is proposed Commercial and to the north is Residential/Low Density, south is Industrial, East is Residential/High Density and west is Professional Office/ Transition. This is what he is proposing to turn it into Commercial. Notice of Public hearing was mailed to 28 owners within 300 feet of the requested area on March 7<sup>th</sup> and published in The Lawton Constitution on March 12, 2024. We received 1 (one) phone call with a concern that people would be coming out of the parking lot zipping by and requested a stop sign, that was it. Any questions?

Smith asked so if we do approve this, we're not approving the chat parking lot, correct?

Pobiedzinski responded you're just approving the re-zoning.

Smith stated the zoning part of it, okay. Thank you.

Denham asked what are the consequences of being directly across the street of residential going to C-4?

Good stated Kameron Good of the Planning Division. This still would be a Binding Site Plan so any change of proposed Use or any structures added to it would be an amendment to the Binding site plan would come back to this Board and Council to change that so, going all the way up to C-4 you still have the protection of that binding site plan being put into place.



Denham responded thanks Kameron. Any other questions of Tyler? Hearing none, I'll go ahead and declare the Public hearing open. Anybody that would like to come and speak for or against this project please approach the microphone, sign in. Seeing no one approach I'll close the Public hearing. Members of the Commission what's your pleasure?

**Motion by Smith, Second by Logan** to recommend to the City Council approval of an ordinance and resolution request from Jesus Rodriguez-Contreras for an amendment to the 2030 Land Use Plan from Residential/High Density to Commercial, and a change of zoning from the R-1 Single-Family Dwelling District to C-4 Tourist Commercial District zoning classification for the properties located at 3116 SW J Avenue, Lawton, OK, 73505.

Denham stated it is unanimous 8 (eight) to 0 (zero) so this will move through City Council for the next step.

**3. Consider approving the record plat for Lee Commerce Addition, subject to conditions and take appropriate action as deemed necessary.**

Good stated Kameron Good with the Planning Division. This is a proposed Record-Plat for Lee Commerce Addition. This is roughly 15.68 acres, south of Southwest Lee boulevard, west of Southwest Brentwood Boulevard. This is located in southwest portion of Lawton, over by the Scooters Bar and the Brentwood Senior Living. The proposed Plat is to split this into 2 (two) lots, one being in the northeast corner and the proposed use there is a Dollar General Store. That's the reason for this Plat and leaving the rest of the land as Lot 2 (two). The conditions listed, label the Utility Easement as Public, label Brentwood Boulevard with SW (southwest), correct the City Clerk's name and label adjacent properties outside platted boundary have all been met since this packet has been made and has been turned back in to the Planning Division. There is representation if you have any questions from the applicant, 4D Construction, they're the ones building the Dollar General to be located on Lot 1 (one).

Denham asked Kameron what about the other two recommendations from Public Utilities?

Good responded I'm sorry, yes, all the conditions have been met.

Denham stated thank you. Any other questions for Kameron?

Smith asked did we, I know we talked about it, recommendations from the Planning Commission to us and then we stopped for a while, are we re-starting that back up?

Denham responded they're recommending approval.

Smith stated I didn't read that.

Denham asked any other questions? I'll entertain a motion.

**Motion by Jarvis, Second by Medders** to recommend to the City Council to approve the record plat for Lee Commerce Addition **Aye:** Jarvis, Jester, Smith, Medders, Logan, Springborn, Denham, Busse **Nay:** None. **Motion Passed.**

**4. Consider approving the record Replat for Lots 4, 5, 6 & 7, Block 18, Radio City Addition, subject to conditions and take appropriate action as deemed necessary.**

Good stated as you can see on the screen the original Record Plat was approved in the early 1900s. This is a re-plat of Block 18, Lots 4-7, highlighted with the red box. The proposed re-plat would be to turn one of the lots to the side and go from 4 (four) lots to 3 (three) lots. As you can see on this arial there is an existing Trailer Park, an existing house and an existing building. This is to split those lots and be able to sell off that northwest building on Lot 16 and right now as is the house and the building on Lot 16 are all on the same lots and so that's the reason for this re-plat. The current zoning is C-5. This is at the southeast corner of Sheridan and D Avenue. There is one listed condition and it is to make sure that we get 10 (ten) additional feet for the right-of-way on Sheridan. Right now, it's platted at 50 (fifty) and according to Code the arterial roads are supposed to be 120 feet total, 60 (sixty) on each side from the centerline. So, the condition on there is to get 10 (ten) more feet granted to the City along that west boundary line.

Denham asked does that include that median that's in front?

Good responded so that centerline of the road, it would be 60 feet from the centerline. So, the total width would be 120 feet for the arterial street of Southwest Sheridan Road. The additional 10 (ten) feet would require them to get a Council Revocable Permit for the existing concrete driveway that goes all the way to the street and the fence that's built out here for the house but due to City Code being arterial roads are supposed to be 120 feet that's why we are requiring the additional 10 (ten) feet right now. If you can see on the original plat these lots stick out farther than the other lots and so the street right-of- way should continue along. We don't, so the City doesn't have to purchase additional right-of-way later on, that's why we request it when they're platting it.

Denham asked and then the other ones to the south won't be addressed until some change comes forward?

Good responded correct. Or if at the time we decide that we need to widen that road the City would then go acquire more property and have to buy that land.

Denham asked alright, any questions? What's your pleasure?

**Motion by Medders, Second by Springborn** to recommend to the City Council approval of the record Replat for Lots 4, 5, 6, & 7, Block 18 Radio City Addition with listed conditions **Aye:** Jester, Smith, Medders, Logan, Springborn, Denham, Busse, Jarvis **Nay:** None. **Motion Passed.**

**5. Discuss and determine the proper zoning district classification of a crematorium use within the city of Lawton and take appropriate action as deemed necessary.**

Pobiedzinski stated thank you. Tyler Pobiedzinski, Planning Division. Basically, this came up because a citizen came into our office he wants a pet crematorium business. He was trying to figure out what zoning he was allowed in and it's not mentioned anywhere in our Code as a Use. So, we did a little digging the lists with similar uses is not listed in Chapter 18. However human crematoriums are being permitted as an Accessory Use to funeral homes within the City. Additionally human crematoriums not associated with a funeral home was allowed in our I-1, Restricted Manufacturing District because it is an existing establishment. So, we have a human crematorium that is currently that's not in a funeral parlor in I-1 right now. They're pre-existing prior to the zoning. So, a funeral home and mortuary is listed as a Permitted Use in our C-1 and C-4 District and C-5. When we did a local Use Permitted On Review for C-3. When we did a Google search for crematoriums and funeral homes, we actually looked up their addresses, they're currently all in the City operated in the C-5 zoning and we looked at our 6 (six) peer Cities, I'm not going to list them all but for the most part they break it apart between funeral homes and funeral homes with crematoriums and without. And then keep in mind the citizen came back for pet crematorium not human. The main takeaway is a separation, like I said, before I move on, the staff recommendation is a Use Permitted On Review in C-5, with permitted in I-1 and to go over some of the Use Permitted On Review Uses that we have currently we allow for Use Permitted On Review for C-5 You got theater, movie drive inn, your parcel pick up and delivery

**6. Commissioner's Reports or Comments.**

**7. Secretary's Report.**

**8. Audience Participation.**

**9. Adjournment.**



# City of Lawton

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

## Commentary

---

**File #:** 24-1422

**Agenda Date:** 4/9/2024

**Agenda No:** 21.

---

**ITEM TITLE:**

Consider amending the FFY 2021-2025 COL Consolidated Plan by transferring Neighborhood Stabilization Program (NSP) Income from Account 2604515 to Account 2604512-52090 to be utilized in the Community Development Block Grant (CDBG) Program for approved CDBG Projects and following all CDBG rules and regulations.

**INITIATOR:** Charlotte Brown, Community Services Director

**STAFF INFORMATION SOURCE:** Gary Brooks, Housing & Community Development Administrator

**BACKGROUND:** The NSP Program ended in 2016. The City of Lawton was a subrecipient of the Oklahoma Department of Commerce's NSP Grant awarded by HUD. The last Quarterly Report was generated in 2019. The City of Lawton's Program is no longer generating program income. The Oklahoma Department of Commerce is in favor of this transfer and wants the Program Income funds to be used for projects that benefit low-income households. Upon completion of the transfer, there will still be 3 properties that require some monitoring and reporting. 2 of the 3 are rental properties maintained by the Lawton Housing Authority and there is one house that the period of affordability ends in 2032.

**EXHIBIT:** NSP to CDBG Transfer Document, 2023 NSP Update Lawton 13611 NSP Report

**KEY ISSUES:** N/A

**FUNDING SOURCE:** N/A

**STAFF RECOMMENDED COUNCIL ACTION:** Approve the transfer of Program Income from the NSP Program to the CDBG Program and authorize the Mayor to sign the *NSP to CDBG Transfer Document*.



# City of Lawton

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

## Commentary

---

**File #:** 24-1426

**Agenda Date:** 4/9/2024

**Agenda No:** 22.

---

**ITEM TITLE:**

Consider approving an ordinance pertaining to Administration, creating Section 2-3-20-404 and Division 2-3-20 in Article 2-3, Chapter 2, Lawton City Code, 2015, relating to Boards, Commissions and Committees by establishing the Veterans Affairs Committee, setting forth membership, duties and purpose; providing for severability and establishing an effective date.

**INITIATOR:** John Ratliff, City Manager

**STAFF INFORMATION SOURCE:** John Ratliff, City Manager

**BACKGROUND:** During the March 12, City Council meeting Council approved establishing the Veterans Affairs Committee. This ordinance formally establishes the committee to enhance coordination, collaboration, and responsiveness to specific needs of the local veteran population.

**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 ADMINISTRATION, CREATING SECTION 2-3-20-404 AND DIVISION 2-3-20 IN ARTICLE 2-3, CHAPTER 2, LAWTON CITY CODE, 2015, RELATING TO BOARDS, COMMISSIONS AND COMMITTEES BY ESTABLISHING THE VETERANS AFFAIRS 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 2-3-20 is hereby created in Chapter 2 of the Lawton City Code to read as follows:**

#### **2-3-20 – Veterans Affairs Committee.**

**Section 2. Section 2-3-20-404 is hereby created as part of Division 2-3-20 to read as follows:**

#### **2-3-20-404 – Veterans Affairs Committee – Creation, membership, terms of office, duties.**

A. There is hereby established a committee to be known as the Veterans Affairs Committee. This committee shall consist of nine (9) voting members. Each of the eight (8) Councilmembers shall nominate a representative from their respective ward to be on the committee. The Mayor shall nominate one (1) City Councilmember to serve on the committee. All nominees shall be confirmed by the City Council. Each individual confirmed shall serve at the pleasure of the Council for an indefinite term. The committee shall appoint a chairperson. Appointments to fill any vacancy on the committee shall, following a nomination by the respective Councilmember or Mayor, be confirmed by a majority vote of the City Council.

B. The Veterans Affairs 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 five (5) 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 Veterans Affairs Committee is to enhance coordination, collaboration, and responsiveness to specific needs of the local veteran population.

D. It shall be the duty of this Committee to:

1. Coordinate and conduct needs assessments to identify veteran needs.
2. Facilitate collaboration between existing local veterans' organizations and agencies.
3. Ensure efficient and effective delivery of services to veterans.
4. Advocate for the rights and well-being of veterans at local and state levels.
5. Research and propose policies to address gaps in veterans' services.
6. Organize events and initiatives to raise awareness related to veterans' issues.
7. Foster community support and celebrate the contributions of local veterans.

**Section 3. Codification.** Division 2-3-20 and Section 2-3-20-404 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.

**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 2-3-20-404 AND DIVISION 2-3-20 IN ARTICLE 2-3, CHAPTER 2, LAWTON CITY CODE, 2015, RELATING TO BOARDS, COMMISSIONS AND COMMITTEES BY ESTABLISHING THE VETERANS AFFAIRS COMMITTEE, SETTING FORTH MEMBERSHIP, DUTIES AND PURPOSE; PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

**BRIEF GIST**

This ordinance establishes the Veterans Affairs 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 #:** 24-1421

**Agenda Date:** 4/9/2024

**Agenda No:** 23.

---

**ITEM TITLE:**

Provide City Council with a presentation on a public portal for reporting stormwater drainage issues and take action as City Council deems appropriate.

**INITIATOR:** Larry Wolcott, Public Works Director

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

**BACKGROUND:** To aid in the development of the Storm Water Master Plan, this presentation will cover a public portal, linked through the City's website, for citizens to report drainage issues and chronic problem areas. This information will be used to compile a database of drainage issues within the City of Lawton and help in establishing priorities for funding and remediation.

**EXHIBIT:** Lawton Drainage Issue Input Form

**KEY ISSUES:** Does the City Council wish to approve the public portal to collect information to aid in establishing funding priorities.

**FUNDING SOURCE:** N/A

**STAFF RECOMMENDED COUNCIL ACTION:** Receive a presentation on a public portal for reporting stormwater drainage issues and take action as Council deems appropriate.



## Lawton Drainage Issue Input

Please use the form below to describe and locate drainage issues within the City of Lawton. Only one location or drainage issue type can be entered at a time, but you may return to this page after submittal to enter additional issues.

The information you provide will be used to compile a database of drainage issues within the City of Lawton. By entering your information, you are giving permission to the City of Lawton and its consultant to contact you if additional information is needed. The data you provide will not be publicly displayed on this site and your personal information will not be publicly released.

### 1. Enter Information

Name (required)

First and Last

Phone Number

Email Address

✉ youremail@email.com

Please provide a valid email address should the City need to follow-up with you on this issue.

Mailing Address

What is your preferred method of contact should the project team need to gather additional information?

- ☐ Email
- ☐ Phone
- ☐ Mail

Please provide a description of the drainage issue. The following are examples of pertinent information: dates of flood events, damaged storm drains, location of floodwaters (in garage, in home, depth of water).

1000 characters remaining

What is flooded as a result of this drainage issue?

- ☐ Road
- ☐ House or Business
- ☐ Yard
- ☐ Other

On average, how often does the flooding indicated in the above question occur?

Select...

Has an insurance claim been submitted because of this issue?

- ☐ Yes
- ☐ No

If photos are provided, I give permission for the city/project team to share my photos.

- ☐ Yes
- ☐ No

 Photograph of drainage issue (if available)

**SELECT FILE**

Please provide only photos relating to this drainage issue. Your photos will not be publicly displayed on this webpage.

## 2. Select Location

Specify the location for this entry by clicking/tapping the map or by using one of the following options.

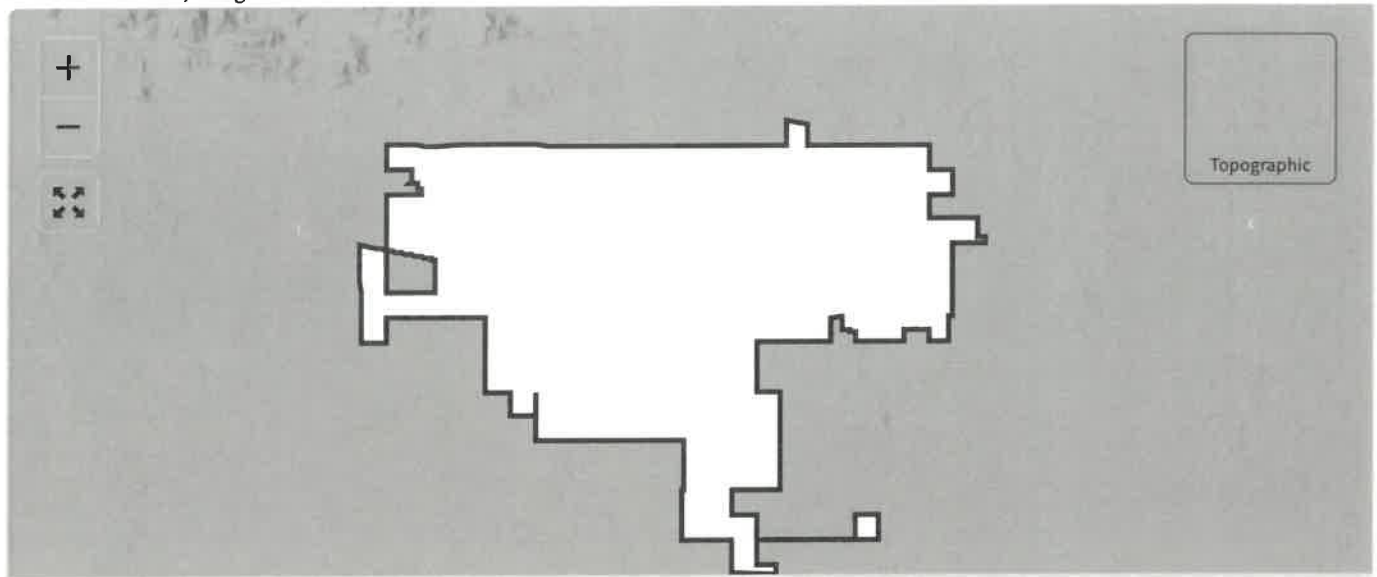
Search      Lat/Lon

Find address or place



[📍 LOCATE ME](#)

Latitude: 34.55753, Longitude: -98.22789



### 3. Complete Form

Add this information to the map.

[SUBMIT ENTRY](#)[Back to top](#)

()

# City of Lawton Stormwater Public Input Portal

City Council Meeting  
April 9<sup>th</sup>, 2024



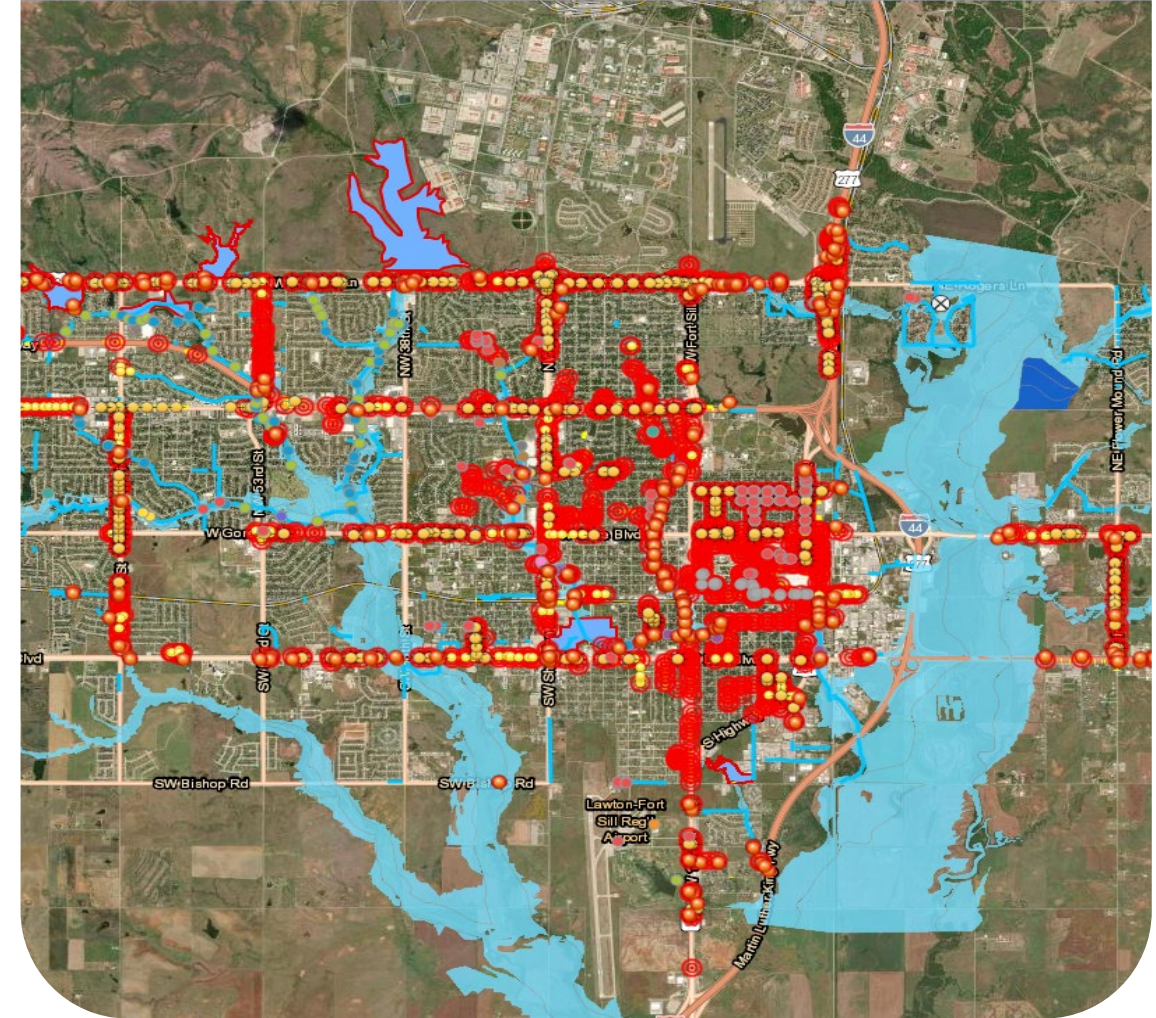
City of  
**Lawton**

Bryce Callies, PE



# Our Goals

- Update existing recommendations and costs from Lawton's 2003 Stormwater Master Plan
- Update river models with improvements and new developments since 2003
- Look for new alternatives and funding sources
- Plan for the Future



# For this to succeed we need Lawton's help

- Form to input flooding of structures and roadways on Lawton's website
- Public Input Period - 90 Days
- [Lawton Stormwater Public Portal](#)
- These results will be used to identify and support modelled issues



## Lawton Drainage Issue Input

Please use the form below to describe and locate drainage issues within the City of Lawton. Only one location or drainage issue type can be entered at a time, but you may return to this page after submit to enter additional issues.

The information you provide will be used to compile a database of drainage issues within the City of Lawton. By entering your information, you are giving permission to the City of Lawton and its consultants to contact you if additional information is needed. The data you provide will not be publicly displayed on this site and your personal information will not be publicly released.

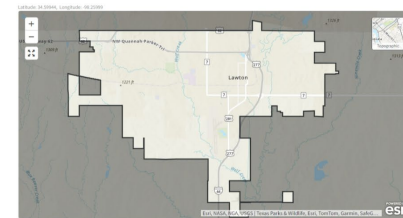
### 1. Enter Information

Name (required)  
First and Last  
Phone Number  
Email Address  
Please provide a valid email address should the City need to follow up with you on this issue.  
Mailing Address  
What is your preferred method of contact should the project team need to gather additional information?  
☐ Email  
☐ Phone  
☐ Mail  
Please provide a description of the drainage issue. The following are examples of pertinent information: dates of flood events, damaged storm drains, location of floodwaters (in garage, in home, depth of water).  
2000 characters remaining  
What is flooded as a result of this drainage issue?  
☐ Road  
☐ House or Business  
☐ Yard  
☐ Other  
On average, how often does the flooding indicated in the above question occur?  
Select...  
Has an insurance claim been submitted because of this issue?  
☐ Yes  
☐ No  
If photos are provided, I give permission for the city/project team to share my photos.  
☐ Yes  
☐ No  
Photograph of drainage issue (if available)  
SELECT FILE  
Please provide only photos relating to this drainage issue. Your photos will not be publicly displayed on this webpage.

### 2. Select Location

Specify the location for this entry by clicking/tapping the map or by using one of the following options.

Search  
Find address or place  
# LOCATE ME



### 3. Complete Form

Add this information to the map.

Submit Entry

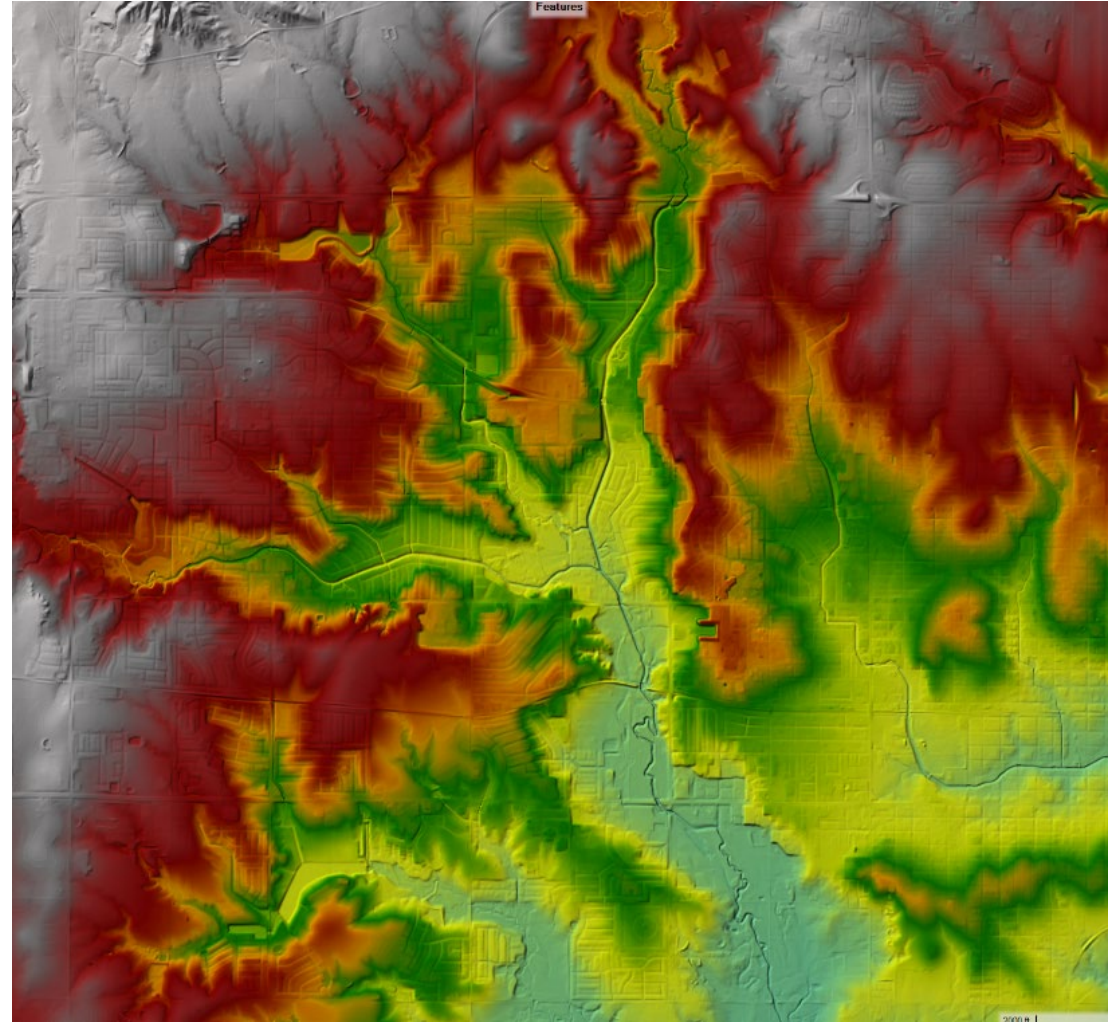
[Back to top](#)



# Our Ask

Please participate in this project by submitting information about roads, buildings, or other infrastructure that are flooding.

Please be part of Lawton's future!





# Questions



# City of Lawton

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

## Commentary

---

**File #:** 23-991

**Agenda Date:**

**Agenda No:** 24.

---

**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 8<sup>th</sup>, they were unable to give me an estimated time of completion. I have a follow-up meeting on January 11<sup>th</sup>. 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 29<sup>th</sup>.

## **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 19<sup>th</sup> 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 16<sup>th</sup>, 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 1<sup>st</sup> and can be expected to be out of review by March 8<sup>th</sup>. 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 #:** 24-1420

**Agenda Date:** 4/9/2024

**Agenda No:** 25.

---

**ITEM TITLE:**

Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss potential litigation and condemnation suit against the real property owners for property needed for the Wolf Creek Bridge Project # EN2204, as authorized by Resolution No. 24-061, and take appropriate action in open session.

**INITIATOR:** Timothy Wilson, Acting City Attorney

**STAFF INFORMATION SOURCE:** Garrett Lam, Assistant City Attorney  
Cindy Augustine, Real Property Coordinator

**BACKGROUND:** Certain parcels of land have been identified in the Resolution of Necessity, Resolution No. 24-061, as needing easements from the real property owners along the east and west side of SW 11<sup>th</sup> Street, between Interstate 44 and SW Pecan Road for the Wolf Creek Bridge Project # EN2204.

The City Attorney advises the City Council that the Council should determine that disclosure of confidential communications between the Council and the Assistant City Attorney regarding the above referenced project would impair the ability of the City to defend the City's interest, 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:** Convene in executive session to discuss potential litigation and condemnation suit against the real property owners for property needed for the Wolf Creek Bridge Project # EN2204, as authorized by Resolution No. 24-061, and take appropriate action in open session.



# City of Lawton

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

## Commentary

---

**File #:** 24-1414

**Agenda Date:** 4/9/2024

**Agenda No:** 26.

---

### ITEM TITLE:

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

**INITIATOR:** City Manager - John Ratliff, Acting City Attorney - Timothy Wilson

**STAFF INFORMATION SOURCE:** City Manager - John Ratliff, Acting City Attorney - Timothy Wilson, Interim Finance Director - Kristin Huntley

**BACKGROUND:** The Acting City Attorney desires to discuss with the Mayor and Council a pending action with the Oklahoma Department of Environmental Quality concerning a Notice of Violation issued by ODEQ to the City on February 14, 2024, in relation to the City of Lawton Municipal Solid Waste Landfill and the FY 2022 and FY 2023 financial assurance mechanism update, local government test, not having been submitted by December 31, 2022 and December 31, 2023, respectively, and, if necessary, take appropriate action in open session. The Acting City Attorney advises the City Council that the Council should determine that disclosure of confidential communications between the Council and the Acting City Attorney regarding the above referenced action will seriously impair the ability of the City to protect the City's interest, 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:** Convene in executive session to discuss a pending action with Oklahoma Department of Environmental Quality concerning a Notice of Violation issued by ODEQ to the City on February 14, 2024, in relation to the City of Lawton Municipal Solid Waste Landfill and the FY 2022 and FY 2023 financial assurance mechanism update, local government test, not having been submitted by December 31, 2022 and December 31, 2023, respectively, and, if necessary, take appropriate action in open session.



# City of Lawton

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

## Commentary

---

**File #:** 24-1415

**Agenda Date:** 4/9/2024

**Agenda No:** 27.

---

**ITEM TITLE:**

Pursuant to 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 Isaac D'Wayne Parker, deceased v. City of Lawton, et al, Case number CIV-24-178-JD, and if necessary, take appropriate action in open session

**INITIATOR:** Timothy Wilson, Acting City Attorney

**STAFF INFORMATION SOURCE:** Timothy Wilson, Acting City Attorney

**BACKGROUND:** The Acting City Attorney desires to discuss with the 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 Isaac D'Wayne Parker, deceased v City of Lawton, et al, Case number CIV-24-178-JD. The City Acting 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 Isaac D'Wayne Parker, deceased v. City of Lawton, et al, Case number CIV-24-178-JD, and if necessary, take appropriate action in open session.



# City of Lawton

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

## Commentary

---

**File #:** 24-1419

**Agenda Date:** 4/9/2024

**Agenda No:** 28.

---

**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 Christopher Hartley v City of Lawton, et al, Case number CIV-24-153-J, 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 the Mayor and Council the pending action in the United States District Court for the Western District of Oklahoma titled Christopher Hartley v City of Lawton, et al, Case number CIV-24-153-J. The acting City Attorney advises the City Council that the Council should determine that disclosure of confidential communications between the Council and the acting 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 Christopher Hartley v City of Lawton, et al, Case number CIV-24-153-J, and if necessary, take appropriate action in open session.