



City of Lawton

City Council

Agenda

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

Tuesday, October 12, 2021

2:00 PM

**Lawton City Hall
Council Chambers/Auditorium**

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

MEETING CALLED TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS:

White Cane Safety Day

National Code Compliance Month

REPORTS: MAYOR/CITY COUNCIL

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

CONSENT AGENDA:

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

1. Consider approval of the minutes of the Lawton City Council regular meeting of September 28, 2021. [21-99](#)

Attachments: [28Sept21](#)

2. Consider the following damage claim recommended for approval: Comanche County in the amount of \$2,895.00. [21-542](#)

Attachments: [DC-2021-026, Comanche County, Memorandum.](#)
[DC-2021-026, Comanche County, Resolution & Warrant of Atty.](#)

3. Consider adopting a resolution approving the joint petition settlement and making payment in the workers' compensation claim of Matthew McKinney. [21-538](#)
Attachments: [McKinney, Matthew DOI 4.20.2018 Resolution](#)
4. Consider adopting a resolution approving the joint petition settlement and making payments in the workers' compensation claim of Matthew McKinney. [21-539](#)
Attachments: [McKinney, Matthew DOI 7.11.2019 Resolution](#)
5. Consider adopting a resolution approving the joint petition settlement and making payments in the workers' compensation claim of Robert Bay. [21-541](#)
Attachments: [Bay, Robert-Resolution](#)
6. Consider appointing the Finance Director or the Interim Finance Director (whomever is currently leading the Financial Services Division when council considers this matter) as the ex-officio Treasurer and Disbursing Agent for the Lawton Water Board. [21-535](#)
7. Consider designating the City's Human Resources Director, or the Interim Human Resources Director, to serve as the authorized agent of the City in matters pertaining to the defined contribution retirement plan for eligible employees and authorize the Mayor and City Clerk to execute the Authorized Agent Notification Form. [21-529](#)
Attachments: [Authorized Agent Notification](#)
8. Consider authorizing the use of 2015 CIP funding in an amount not to exceed \$75,000.00 for the replacement of the Collier's Landing boat dock and road/parking lot improvements and; upon completion of the project, authorize the Mayor and City Clerk to accept and execute a reimbursement grant from the Oklahoma Department of Wildlife Conservation (ODWC) in the minimum amount of \$37,000.00 with said reimbursement to be credited back to the 2015 CIP fund. [21-527](#)
Attachments: [ODWC Boating & Fishing Access Agreement](#)
9. Consider acknowledging receipt of the National Flood Insurance Program Community Rating System Flood Insurance Assessment. [21-534](#)
Attachments: [2021 Flood Insurance Assessment](#)
10. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures at SW 27th Street, between SW 'J' Avenue and Lee Boulevard near Cleveland Elementary School. [21-533](#)
Sponsors: Hampton
Attachments: [10-12-21 Speed Table Resolution Ward 5 Cleveland Elementary.docx](#)

11. Consider approving Amendment No. 1 and accepting the 2017 Ad Valorem Street and Roads Program (Residential), Phase I-E - SW 7th Street - Project #2017-07 as constructed by AE Construction, LLC and placing the Maintenance Bond into effect. [21-522](#)

Attachments: [Project E - SW 7th - Amendment No. 1 .pdf](#)

12. Consider approving the construction plat for Eastlake Addition, Part 3D, subject to conditions. [21-526](#)

Attachments: [Plat Eastlake Part 3D 2021-0825](#)

13. Consider approving appointments to boards and commissions. [21-531](#)

Attachments: [Board Appointments](#)

BUSINESS ITEMS:

14. Receive a report from Crawford and Associates on internal audits conducted on the Parks and Recreation Department and the Public Works Department (Streets/Traffic Division). [21-503](#)

Attachments: [Lawton Report 4pgs](#)

15. Receive a presentation from EST, Inc., and consider accepting the Conceptual Alignment and Feasibility Report for the Extension of Goodyear Boulevard from the West Industrial Park to US Highway 62, and directing staff to negotiate a contract with EST, Inc. to develop construction documents to complete the project. [21-552](#)

Attachments: [Goodyear Boulevard Report Presentation - Short Version](#)

16. Consider an ordinance creating Sections 20-5-501 through 20-5-509, Article 20-5, Chapter 20, Lawton City Code 2015, by creating regulations for small cell wireless facilities, creating submittal requirements and who administers the revocable permit for council consideration, creating requirements for construction and maintenance of the facilities, providing for severability, and establishing an effective date. [21-525](#)

Attachments: [Small Cell Wireless Facilities](#)

17. Consider a resolution amending Appendix A, Schedule of Fees and Charges, by creating the application, review, inspection, and annual use fees for a small cell wireless facility permit. [21-524](#)

Attachments: [Small Cell Wireless Resolution](#)

STAFF REPORTS:

18. Receive an update on the City of Lawton Capital Improvement Projects - Joe Painter, Engineering Director [21-421](#)

Attachments: [CIP - AUGUST 2021.pdf](#)

EXECUTIVE SESSION ITEMS:

19. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Russell Green, dba, Waterstone Properties, LLC. And, if necessary, take appropriate action in open session. [21-521](#)
20. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending action in United States District Court titled City of Lawton v. Engie Services, U.S., Inc. f/k/a OpTerra Energy Services, Inc., CIV-21-455-R, and if necessary, take appropriate action in open session. [21-532](#)
21. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action in relation to the District Attorney's new policy regarding internal LPD investigations, and if necessary, take appropriate action in open session. [21-544](#)
22. Pursuant to Section 307C.11, Title 25, Oklahoma Statutes, consider convening in executive session for purpose of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate within their jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business. [21-563](#)

ADJOURNMENT

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



City of Lawton

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

Commentary

File #: 21-99

Agenda Date: 10/26/2021

Agenda No: 1.

ITEM TITLE:

Consider approval of the minutes of the Lawton City Council regular meeting of September 28, 2021.

INITIATOR: Traci Hushbeck, City Clerk

STAFF INFORMATION SOURCE: Traci Hushbeck, City Clerk

BACKGROUND: N/A

EXHIBIT: Draft minutes of September 28, 2021

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Approve the minutes of the Lawton City Council regular meeting of September 28, 2021.

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
SEPTEMBER 28, 2021 – 2:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:
Michael Cleghorn, City Manager
John Ratliff, City Attorney
Traci Hushbeck, City Clerk
COL Rhett A. Taylor, Fort Sill Liaison

Mayor Booker called the meeting to order at 2:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Paul Appleby, First Christian Church of Lawton, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Mary Ann Hankins, Ward One
Keith Jackson, Ward Two
Linda Chapman, Ward Three
Jay Burk, Ward Four
Allan Hampton, Ward Five
Sean Fortenbaugh, Ward Six
Onreka Johnson, Ward Seven
Randy Warren, Ward Eight

ABSENT: None

PRESENTATION:

RECEIVE THE ANNUAL UPDATE OF THE HOTEL/MOTEL TAX FUNDED ACTIVITIES FOR FY 2020-2021 FROM THE LAWTON ECONOMIC DEVELOPMENT CORPORATION.

Brad Cooksey, President of the Lawton-Fort Sill Economic Development Corporation, briefed the council on economic development activities.

PROCLAMATION: Hispanic Heritage Month

Mayor Booker proclaimed September 15 through October 15, 2021 as Hispanic Heritage Month. He presented the proclamation to members of the Race Relations Commission.

REPORTS: MAYOR/CITY COUNCIL

Chapman thanked staff for getting repairs started at the museum.

Hampton stated he met with a committee to discuss historic tours. They were able to retrieve some artifacts from old town hall.

Johnson stated the application deadline for funding from the Youth and Family Affairs Committee is September 30th.

AUDIENCE PARTICIPATION:

Charlie Leto, III, 4002 NW Ozmun, discussed with the council the discrimination of vaccinated versus non-vaccinated people and how this is affecting citizens and their jobs.

CONSENT AGENDA:

Mayor Booker stated the Morales claim on item #2 will be discussed separately and the Galilee Missionary Baptist Church claim on item #2 will be stricken from the agenda.

MOVED by Warren SECOND by Burk to approve the consent agenda with the exception of item #2 (Morales Claim) and striking item #2 (Galilee Missionary Baptist Church claim). AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider approval of the minutes of the Lawton City Council regular meeting of September 14, 2021.
2. Consider the following damage claims recommended for denial: Frank Walker, on behalf of the YMCA in the amount of \$24,567.39, Wayne Willis, on behalf of Galilee Missionary Baptist Church in the amount of \$12,940.00 (**STRICKEN**), Delores McFarland in the amount of \$433.43 and Martin Morales in the amount of \$1,750.00.

Kelea Fisher, Deputy City Attorney, briefed the council on the facts of the Martin Morales claim. She is recommending denial of the claim.

Martin Morales, 3407 SW Crestview Drive, stated his vehicle was fine until he hit a bump on Cache Road and now it is not.

MOVED by Burk SECOND by Warren to deny the claim of Martin Morales in the amount of \$1,750.00. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

3. Consider approving Council Policy 1-1, Employee Travel, dated September 28, 2021 to replace Council Policy 1-1, Employee Travel dated October 10, 2006.

4. Consider approving a resolution amending the City of Lawton FY21-22 budget, as amended, by appropriating \$16,755.00 from the General Fund to the Streets Division's Construction, Improvements, and Additions account for the completion of the Farmer's Market parking lot. **Resolution 21-185**
5. Consider approving a resolution amending the City of Lawton FY21-22 budget, as amended, by appropriating \$3,665.73 from the General Fund to the Police Uniform Division's Maintenance Material-Motive Equipment account. **Resolution 21-186**
6. Consider renewing a professional services agreement with BKD, LLP (BKD) for the City's annual auditing services for FY 2020-2021, including the City's required single audit of expenditures from federal financial awards.
7. Consider approving a resolution that ratifies the National Incident Management System (NIMS) as the continuing incident management system at the City of Lawton and designating Comanche County Emergency Management Director Clint Langford as the new Local Point of Contact (LPOC) for NIMS compliance. **Resolution 21-187**
8. Consider directing staff to review the current approval and siting process of memorials and tributes such as statues, monuments, pavilions, gardens, fountains, trees, etc. and to develop a formal process for the endorsement.
9. Consider accepting a Temporary Construction Easement from The Jim & Kay Johnson Trust for right of way needed for the W. Gore Blvd Reconstruction from SW 67th ST to SW 82nd ST, Project #2012-08, and authorizing the Mayor and City Clerk to execute the document(s).
10. Consider accepting a Permanent Roadway and Utility Easement from Michael Todd Wyatt, Mitchell Scott Wyatt, Johnna Kay Parks, and Shana Leigh Wyatt Horton, for right of way needed for the W. Gore Blvd Reconstruction from SW 67th ST to SW 82nd ST, Project #2012-08, and authorizing the Mayor and City Clerk to execute the document(s) and authorizing payment for the same.
11. Consider approving Amendment No. 1 to the Contract for Right-of-Way Acquisition Services - West Gore Blvd. (82nd ST to 67th ST) - Project No. 2012-08 with Smith-Roberts Land Services, Inc.
12. Consider approving plans and specifications for the Larrance Street Drainage Improvements (SW B Ave to SW D Ave) - Project #2014-06A and authorizing staff to advertise for bids.
13. Approve Amendment No. 1 for the Project No. 2020-04A City Hall Renovation with MA+ Architecture, LLC.
14. Consider extending the current contracts with BlueCross BlueShield (BCBS) for the purpose of providing health care insurance coverage for City of Lawton retirees over the age of 65 for an additional year, as authorized by the contract.

15. Consider extending contract for (RFPCL16-034) Banking Services to IBC Bank of Lawton, OK for an additional 90 days.
16. Consider approving a bid with Air Solutions, LLC for the City HVAC Maintenance Contract (CL22-002) effective September 30, 2021, and authorizing the Mayor and City Clerk to execute the contract.

BUSINESS ITEMS:

17. Consider approving a Resolution fixing the amount of Street Improvement General Obligation Bonds, Series 2021, to mature each year; fixing the time and place the bonds are to be sold; designating a paying agent/registrar; approving the preliminary official statement and distribution thereof; ratifying and confirming a continuing disclosure agreement; authorizing the clerk to give notice of said sale as required by law and fixing other details of the issue.

Cleghorn stated this is our fifth issuance of our street bonds. This issuance will be approximately \$3.2 million. He stated we are ready to move forward with more street projects.

MOVED by Burk SECOND by Warren to approve **Resolution 21-188**. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

18. Consider approving an Agreement for Economic Development Assistance - Retail [i.e. Sales Tax Rebate Agreement] with Cache Properties LLC, including any floor amendments that may be made thereto, to assist with the cost of public improvements associated with the development of Phase One the Mathis Center on the property located at 4800 NW Cache Road and authorize the Mayor and City Clerk to execute the agreement.

Tim Wilson, Deputy City Attorney, stated at its June 17, 2021, meeting, the Lawton Economic Development Authority reviewed and voted to accept and forward to the City Council with LEDA's approval an application for Economic Development Assistance - Retail, submitted by Cache Properties LLC, to assist with the cost of public improvements associated with the development of Phase One of the Mathis Center on property located at 4800 NW Cache Road, to include a 76,000 square foot furniture store consisting of an Ashley Homestore, Mathis Sleep Center, and Mathis Furniture Outlet. On July 27, 2021, the City Council voted to approve the application and directed the City Attorney to draft an agreement for Council consideration. Since Council acted at its July 27 meeting, the Developer has provided supplemental information that is included in the proposed Sales Tax Rebate Agreement. The proposed Agreement, which incorporates the supplemental information, includes language that does not limit the 76,000 square foot furniture store building to the three originally named stores. Rather, the proposed Agreement identifies as Phase One Stores for the 76,000 square foot building as "those retail stores branded under the Mathis Brothers family of retail stores (e.g., Mathis Outlet or Mathis Sleep Center) or another nationally recognized home furnishing retail brand (e.g., Ashley Homestore or La-Z-Boy Furniture Store), each of which is operated and managed by Mathis Brothers." Because (1) the original application the Developer submitted identified the anchor

tenant as Mathis Brothers Furniture and (2) the proposed Agreement defines Phase One Stores as being stores either branded under the Mathis Brothers family of retail stores (e.g., Mathis Outlet or Mathis Sleep Center) or another nationally recognized home furnishing retail brand (e.g., Ashley Homestore or La-A-Boy Furniture Store), each of which to be operated and managed by Mathis Brothers, this change fits within the parameters of the initial application. The Chair of LEDA has also been advised of this. The other terms of the proposed Agreement remain unchanged. If approved the Developer will contract and pay all costs associated with Phase One construction, supporting appurtenances in Phase One, and the off-site infrastructure improvements, and in turn receive an annual rebate of one-half (1/2) of the two percent (2%) sales tax collected that is apportioned to the City's General fund from sales tax generated and collected: (a) from the construction of Phase One [i.e. Phase One 76,000 square foot building, supporting appurtenances to said building, and the off-sight infrastructure improvements - traffic signal, water and sewer) during the Initial Construction Period [up to 24 months], and then (b) from qualifying Phase One stores to be located in the Phase One 76,000 square foot building during the Retail Sales Period [up to seven years], with said rebate not to exceed \$750,000.

Warren stated the repayment schedule is the same regardless of what stores will be there.

Wilson stated yes, the only time the developer is entitled to the rebate is with one of the phase one stores. He stated once that 76,000 square foot building opens, that sales tax rebate period for sales in the building is seven years.

MOVED by Burk SECOND by Hankins to approve an Agreement for Economic Development Assistance - Retail [i.e. Sales Tax Rebate Agreement] with Cache Properties LLC. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

19. Hold a public hearing and consider approving the Consolidated Annual Performance and Evaluation Report (CAPER) for Federal Fiscal Year 2020, for submission to HUD, and authorize the Mayor to sign all necessary documents required to submit the approved CAPER.

Gary Brooks, Interim Director of Housing and Community Development, reported on Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Programs' activities and accomplishments during the program year July 1, 2020 through June 30, 2021. (On file in the City Clerk's office)

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Hankins SECOND by Johnson to approve the Consolidated Annual Performance and Evaluation Report (CAPER) for Federal Fiscal Year 2020, for submission to HUD, and authorize the Mayor to sign all necessary documents required to submit the approved CAPER. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

20. Hold a public hearing and consider an ordinance to amend Chapter 18, Lawton City Code, 2015, that amends Sections 18-1-1-106, 18-5-1-503, 18-5-8-580, 18-5-8-581, 18-5-9-591, 18-5-9-592, 18-6-10-602, 18-6-11-612, 18-6-12-623, 18-6-12-624, 18-6-13-635, 18-6-13-636, 18-6-14-646, 18-6-15-658, 18-6-16-671, and 18-6-18-692, Chapter 18, Lawton City Code, 2015, by adding definitions and establish zoning requirements for medical marijuana growing, processing, and dispensary facilities, providing for severability and allowing floor amendments.

Richard Rogalski, Deputy City Manager, stated the current definition of a “Medical marijuana processor” in Chapter 18 of the Lawton City Code was approved in 2018 with Ordinance No. 18-30. The definition groups include all types of processing activities into one definition. Medical marijuana processing can be broken up into several different activities with varying degrees of impact on adjacent properties. When compared to other cities’ definitions such as Tulsa, Oklahoma City, and Norman our code has become outdated.

The ordinance proposes the definition of “Medical marijuana processor” be modified to break up processing into four different tiers:

- Tier I processing would allow processing by mechanical means, such as grinding to make “pre-rolled” marijuana cigarettes, “joints” and “blunts.” Tier I medical marijuana processor does not include extraction processes of any kind.
- Tier II processing would allow all Tier I processing activities with the addition of cooking and baking. Tier II processing does not include extraction processes of any kind.
- Tier III processing would allow all Tier II and Tier I processing activities with the addition of medical marijuana concentrate extraction processes that use only non-flammable substances.
- Tier IV processing would allow any type(s) of medical marijuana processing, consisting of all extraction processes including flammable chemicals such as butane, alcohol, propane, and ethanol.

The A-1 zoning district would now permit Tier I processing when associated with a growing facility located on the same property. Tier II and Tier III processing would require a Use Permitted on Review when associated with a growing facility located on the same property. Indoor and Outdoor grow facilities are already permitted when located a minimum of 1,000 feet from any non-agriculturally zoned property. This change would allow for an indoor grow to be a Use Permitted on Review when located within 1,000 feet of any non-agriculturally zoned property.

The C-1, C-2, C-3, C-4 and CBD zoning district would permit Tier I processing when associated with a dispensary located within the same building and all processed materials are sold on site. Tier II processing would require a Use Permitted on Review when associated with a dispensary located within the same building and all processed materials are sold on site.

The C-5 zoning districts would permit Tier I and Tier II processing when associated with a dispensary located within the same building and all processed materials are sold on site. The C-5 zoning district will continue to allow Tier III processing as a Use Permitted on Review when associated with a dispensary located within the same building.

Tier III processing is a permitted use in all Industrial zones, but Tier IV processing is only a permitted use in I-2, I-3, and I-4 Industrial Zoning District.

This concept was brought to the City Planning Commission for discussion on August 26, 2021 and they like it. CPC will hold a public hearing on September 16, 2021. Notice of the public hearing was published in *The Lawton Constitution* on September 1, 2021.

Burk questioned what happens to all the people who have processing and have been given approval by the City at this point. Are they grandfathered in?

Rogalski stated they would all be grandfathered in by the zoning.

Burk questioned at what tier?

Rogalski stated at whatever tier they got approved.

Burk stated he does not see that in the code where it says that will happen. He stated under C-5 grow indoor and you go under processing Tier one, it says permitted, you get a processing tier one mechanical, but number five says that all processing materials are sold on site. He stated that is a problem.

Rogalski stated only as a permitted use.

Burk questioned why it would say sold on site. That would mean they can only sell it to that dispensary. We are putting them in a spot where they can only sell to themselves.

Rogalski stated in C-5 you can process and sell it offsite. That use permitted on review give you full processing and indoor growing rights. With this you can just go ahead and start doing this mechanical processing because this is lower intensity. If you want to sell offsite, you come down with a use permitted on review and you have that full right. There is processing as it related to the store itself. It is actually creating more rights for that lower issue and doesn't take anything away from the larger.

Burk stated when people start calling and saying they already have their processing facility what do they have to do?

Rogalski stated nothing.

Burk questioned where it says that in this code.

Rogalski stated it does not say it in this code, but it says it in an old section of legal nonconformities. It says that if you are already doing it, you can do it forever unless you stop doing it for three years, then you lose that right. The only thing they do not allow in C-5 is the volatile chemical processing. We want that to be in industrial.

Burk stated he likes the concept, it gives people the ability to do processing on site and that will help some of the smaller sites.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Burk SECOND by Warren to adopt **Ordinance 21-23**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 21-23

AN ORDINANCE PERTAINING TO PLANNING AND ZONING AMENDING SECTIONS 18-1-1-106, 18-5-1-503, 18-5-8-580, 18-5-8-581, 18-5-9-591, 18-5-9-592, 18-6-10-602, 18-6-11-612, 18-6-12-623, 18-6-12-624, 18-6-13-635, 18-6-13-636, 18-6-14-646, 18-6-15-658, 18-6-16-671, AND 18-6-18-692, CHAPTER 18, LAWTON CITY CODE, 2015, BY ADDING DEFINITIONS AND ESTABLISH ZONING REQUIREMENTS FOR MEDICAL MARIJUANA GROWING, PROCESSING, AND DISPENSARY FACILITIES, PROVIDING FOR SEVERABILITY AND ALLOWING FLOOR AMENDMENTS.

21. Hold a public hearing and consider an ordinance changing the zoning of the property located at 1925 West Gore Blvd Suite A, Lawton, OK 73505 from the C-1 Local Commercial District to the C-5 General Commercial District zoning classification with a binding site plan, and also consider a request for a Use Permitted on Review for medical marijuana processing (non-chemical) in conjunction with a dispensary.

Rogalski stated the CPC voted for denial because they felt this was spot zoning. The applicant said that if the prior code passed that is all they needed. He stated they still need to go through the process of the public hearing.

Chapman stated she has an opposition letter and she questioned if anything in this code has anything to do with a daycare center.

Rogalski stated this new code does not address any of that, it simply allows certain rights along with a dispensary. When the law was put into place there was a distance from a dispensary to the door of a school, but they did not address day care centers. The OMMA is the one who measures that distance so if they give them a license that means it was included. Our codes do not address any of these things.

Burk stated it is key to remember that we don't license medical marijuana. We don't give a license for grows or processing, that is all OMMA, we have no control over it. They check out their requirements for the state and that is it.

Mayor Booker stated item #20 approved their limited processing without changing their zoning.

Rogalski stated yes, it would allow just the tier one automatically without changing the zoning. He stated they do need to open the public hearing to allow citizens to speak.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

Fortenbaugh questioned the zoning on this property to the east and west.

Rogalski stated it is C-1 to the east, west and south and R-1 to the north.

MOVED by Hampton SECOND by Fortenbaugh to deny the rezoning. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

22. Consider approving an ordinance, including any floor amendment related thereto, pertaining to Public Health and Safety, renaming the title of Chapter 8 of Lawton City Code from “Civil Defense” to “Public Health and Safety”; amending Sections 8-1-101, 8-1-102, 8-1-103, 8-1-104, 8-1-105, 8-1-106, 8-1-107, 8-1-108, 8-1-110, 8-1-112, 8-1-113, 8-1-114, 8-1-115, 8-1-118, 8-1-119; repealing and reserving Sections 8-1-109, 8-1-111, 8-1-116, 8-1-117; creating Sections 8-1-122 and 8-1-123, Article 8-1, Chapter 8, Lawton City Code, 2015; updating the provisions of the chapter to include revising the scope of said chapter, updating definitions to include adding the definition of “Emergency Management”, removing references to “Civil Defense”, adding other definitions, adding a section on cybersecurity and an emergency operations center, and bringing several sections into compliance with the Oklahoma Emergency Management Act of 2003; providing for severability and establishing an effective date.

Ratliff stated while dealing with the aftermath of the historic winter weather event in February of this year, Chapter 8 of Lawton City Code 2015 was identified by key leaders in the city as being woefully out of date. This revision of the code is needed in order to align the city code with the Emergency Management Act of 2003 and to ensure city officials/employees are operating the same terminology that their state and federal level counterparts are operating under. This revision also deletes antiquated terminology like “civil defense forces” and “civil defense activities” and replaces those words with terms used in the state statute. Additionally, new sections are being added to address (1) cybersecurity and emergency communication while operating under a proclaimed state of emergency, and (2) the establishment of an Emergency Operations Center.

MOVED by Chapman SECOND by Hankins to adopt **Ordinance 21-24**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 21-24

AN ORDINANCE PERTAINING TO PUBLIC HEALTH AND SAFETY, RENAMING THE TITLE OF CHAPTER 8 OF LAWTON CITY CODE FROM “CIVIL DEFENSE” TO “PUBLIC HEALTH AND SAFETY”; AMENDING SECTIONS 8-1-101, 8-1-102, 8-1-103, 8-1-104, 8-1-105, 8-1-106, 8-1-107, 8-1-108, 8-1-110, 8-1-112, 8-1-113, 8-1-114, 8-1-115, 8-1-118, 8-1-119;

REPEALING AND RESERVING SECTIONS 8-1-109, 8-1-111, 8-1-116, 8-1-117; CREATING SECTIONS 8-1-122 AND 8-1-123, ARTICLE 8-1, CHAPTER 8, LAWTON CITY CODE, 2015; UPDATING THE PROVISIONS OF THE CHAPTER TO INCLUDE REVISING THE SCOPE OF SAID CHAPTER, UPDATING DEFINITIONS TO INCLUDE ADDING THE DEFINITION OF “EMERGENCY MANAGEMENT”, REMOVING REFERENCES TO “CIVIL DEFENSE”, ADDING OTHER DEFINITIONS, ADDING A SECTION ON CYBERSECURITY AND AN EMERGENCY OPERATIONS CENTER, AND BRINGING SEVERAL SECTIONS INTO COMPLIANCE WITH THE OKLAHOMA EMERGENCY MANAGEMENT ACT OF 2003; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

23. Consider an ordinance pertaining to collection services for unpaid utility bills, creating Section 22-1-1-105, Article 22-1, Chapter 22, Lawton City Code 2015, authorizing the City to enter into a contract with a collection agency for the provision of collection services for debts and accounts receivable, which includes unpaid utility bills, to refer utility bill indebtedness to the collection agency for collection, and authorizing the collection agency to collect a fee in an amount not to exceed thirty-five percent (35%) of the indebtedness, and establishing an effective date.

Fisher stated items #23 through #27 deal with the same topic. She stated that Title 11 Oklahoma Statutes Section 12-138 provides that the governing body of a municipality may enter into a contract with a collection agency for the provision of collection services for debts and accounts receivable including, but not limited to, unpaid fees, penalties, interest, and other sums due the municipality. This ordinance establishes the City’s ability to enter into such a contract and to collect unpaid utility bills in accordance with and as allowed by state statute. The state statute further provides that the collection fee may not exceed 35% of the total indebtedness referred by the municipality to the collection agency for collection. This ordinance establishes the same percentage limitation. She stated when they started this project they had over \$200,000 in outstanding utility bills and it is estimated that municipal court have \$11 million in outstanding penalties and costs.

Burk stated he thought we always had a collection agency.

Mardi Repasy, Revenue Services Supervisor, stated we had a contract with United Adjustments and another company underbid them and eventually that contract was not extended. United Adjustments came back without a contract, but the owner died of COVID and his wife was unable to continue the service.

Cleghorn stated that was just on the utility side, we have never had a contract to collect for court costs. The company they are looking at for this contract is a legal firm that specializes in this type of collection. He stated the company can add a fee on top of what they are owed us. The City will still get what they are owed, or at least as much as they can collect.

Hampton questioned if this would cover residential and industrial.

Fisher stated it will cover any delinquent bill we have for utility services.

MOVED by Burk SECOND by Warren to adopt **Ordinance 21-25**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 21-25

AN ORDINANCE PERTAINING TO COLLECTION SERVICES FOR UNPAID UTILITY BILLS, CREATING SECTION 22-1-1-105, ARTICLE 22-1, CHAPTER 22, LAWTON CITY CODE, 2015, AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH A COLLECTION AGENCY FOR THE PROVISION OF COLLECTION SERVICES FOR UNPAID UTILITY BILLS IN AN AMOUNT NOT TO EXCEED THIRTY-FIVE PERCENT (35%), PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

24. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, by authorizing the addition of a collection fee in an amount not to exceed thirty-five percent (35%) for debts and accounts receivables including, but not limited to, unpaid fees, penalties, interest, and other sums due to the City for unpaid utility bills and establishing an effective date.

Fisher stated this is a resolution that places this fee in the fee schedule.

MOVED by Burk SECOND by Hankins to approve **Resolution 21-189**. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

25. Consider approving an ordinance pertaining to collection services for court penalties, costs, fines, and fees creating Section 9-1-135, Article 9-1, Chapter 9, Lawton City Code, 2015, authorizing the City to enter into a contract with a collection agency for the provision of collection services for court penalties, costs, fines and fees in municipal court in which the accused has failed to appear or otherwise failed to satisfy a monetary obligation ordered by the Court, providing for severability and establishing an effective date.

Fisher stated this item establishes a collection service for court penalties, fees and costs in accordance with the state statute.

MOVED by Warren SECOND by Burk to adopt **Ordinance 21-26**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 21-26

AN ORDINANCE PERTAINING TO COLLECTION SERVICES FOR COURT PENALTIES, COSTS, FINES AND FEES CREATING SECTION 9-1-135, ARTICLE 9-1, CHAPTER 9,

LAWTON CITY CODE, 2015, AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH A COLLECTION AGENCY FOR THE PROVISION OF COLLECTION SERVICES FOR COURT PENALTIES, COSTS, FINES AND FEES IN MUNICIPAL COURT IN WHICH THE ACCUSED HAS FAILED TO APPEAR OR OTHERWISE FAILED TO SATISFY A MONETARY OBLIGATION ORDERED BY THE COURT, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

26. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, by authorizing the addition of a collection fee in an amount not to exceed thirty-five percent (35%) for unpaid court penalties, costs, fines and fees in municipal court cases in which the accused has failed to appear or otherwise failed to satisfy a monetary obligation ordered by the court and establishing an effective date.

Fisher stated this resolution creates the fee in the fee schedule.

MOVED by Burk SECOND by Johnson to approve **Resolution 21-190**. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

27. Consider approving a professional services agreement for collection services between the City of Lawton and Perdue, Brandon, Fielder, Colling & Mott, L.L.P.; and authorize the Mayor and City Clerk to execute the agreement.

Fisher stated this item authorizes the contract with the collection agency. Both the court and utility services division have selected this law firm. She stated this law firm has a good understanding that they must follow the fair debt collection practices act as included in the information packet. This firm represents more than 2,100 local governments across seven states and 30 municipalities in Oklahoma. The rate for the collection fee for utility debt will be at 35% and a negotiated fee of 30% for the outstanding municipal court debt.

Warren stated this is the citizen's money and they have a responsibility to make sure that it gets collected.

MOVED by Burk SECOND by Hampton to approve a professional services agreement for collection services between the City of Lawton and Perdue, Brandon, Fielder, Colling & Mott, L.L.P.;. AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

STAFF REPORTS:

Kristin Huntley, Interim Finance Director, presented revenue and expenditure highlights for the period ending August 31, 2021. (On file in the City Clerk's office).

The Mayor and Council convened in executive session at 3:34 p.m. and reconvened in regular, open session at 4:13 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

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

Ratliff read the title of item #28.

MOVED by Warren SECOND by Burk concerning the calculation issues that have been identified in the ongoing investigation, move to have pension attorney John Papahronis of McAfee & Taft file an application with the IRS requesting: (1) any calculations resulting in overpayments of what was due to retirees be grandfathered in up to a certain future date [e.g. the date of the IRS application or some other reasonable date], then have the monthly benefit adjusted over a graduated period of time [e.g. like a 1/12th reduction per month over a year] until the correct monthly amount is reached and then pay the correct amount per month for said retirees thereafter; (2) any calculations resulting in underpayments of what was due to retirees be adjusted to the correct amount and paid accordingly; and (3) address in the application any calculation issues the pension attorney deems appropriate, to include but not limited to calendar year and fractional month calculations.

Wilson stated that the motion includes the requirement that any past due amounts paid that would be due to the underpays be caught up also.

Warren stated he would amend his motion to include the requirement that any past due amounts paid that would be due to the underpays be caught up also.

VOTE ON MOTION: AYE: Hankins, Jackson, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

29. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending claim of Linda Towne and, if necessary, take appropriate action in open session.

Ratliff read the title of item #29. No action was taken.

There being no further business to consider, the meeting adjourned at 4:15 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK



City of Lawton

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

Commentary

File #: 21-542

Agenda Date: 10/12/2021

Agenda No: 2.

ITEM TITLE:

Consider the following damage claim recommended for approval: Comanche County in the amount of \$2,895.00.

INITIATOR: City Attorney, John Ratliff

STAFF INFORMATION SOURCE: Deputy City Attorney, Kelea Fisher

BACKGROUND: The listed claim has been filed against the City of Lawton with the City Clerk. The claim has been investigated by staff and a legal opinion/recommendation has been prepared by the City Attorney's Office.

Comanche County: Claim in the amount of \$2,895.00 for sewer line damage

EXHIBIT: Legal Opinion/Recommendation

Resolution No. _____

KEY ISSUES: N/A

FUNDING SOURCE: N/A


STAFF RECOMMENDED COUNCIL ACTION: Approve the claim listed above.



OFFICE OF THE CITY ATTORNEY

CLAIMS MEMORANDUM #DC-2021-026

TO: Mayor and City Council

FROM: Kelea L. Fisher 
Deputy City Attorney

DATE: September 30, 2021

MEETING: October 12, 2021

RE: Damage claim of
Johnny Owens, Central District Commissioner
on behalf of Comanche County
315 SW 5th Street
Lawton, OK 73501

Submitted in the amount of \$2,895.00 on August 2, 2021

RECOMMENDATION: Approval in the amount of \$2,895.00

BASIS OF CLAIM: Johnny Owens, Central District Commissioner, has filed a claim on behalf of the Comanche County Sheriff's Department in the amount of \$2,895.00. On April 20th, 2021 an employee of the Sheriff's Department storage lot located at 913 SW 2nd Street, Lawton, Oklahoma started having issues with the sewer service line backing up. The employee used an auger to try to clear the blockage with no success. Claimant hired Andy's Plumbing and they snaked the line with no success. Due to the line holding Andy's plumbing ran a camera down the line and felt there was a problem at the connection. Andy's then dug up the tap and found it was not connected to the City's main. Claimants have submitted three invoices from Andy's Plumbing one in the amount of \$260.00 to snake the line, another in the amount of \$135.00 to camera the line, and the other in the amount of \$2,500.00, which represents the amount charged for discovering the problem and digging down to the City's main to find the issue.

DATE OF DAMAGE: April 20, 2021

FACTS: According to Britt Hubbard, Construction Inspector for the City of Lawton, Sewer System Technical Division, on May 3, 2021, Andy's Plumbing contacted City of Lawton, Sewer Construction Division to inform them that the Sheriff's lot was not connected to the City's main. John Santos, Sewer Construction Superintendent, responded to the call and found the service line was in fact not connected to the main. A Construction crew was dispatched the same day to make a new connection from the service line to the City main and backfill the area. According to Mr. Hubbard, the City's main was replaced in the area of 913 SW 2nd Street on March 5, 2014 as part of the SSES work project in Sub-Basin 102 and the City crews likely failed to tie the service line back into the City's main after the project was complete.

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.


Generally, because the failure to tie the service line to the main occurred in 2014, approximately seven years ago, this claim would be time barred because a claimant has one (1) year from the date of loss to present a claim to the City. Title 51 O.S. § 156(B). However, in this case, the discovery rule applies. The discovery rule is designed to allow limitations in tort cases to be tolled until the injured party knows or, in the exercise of reasonable diligence, should have known of the injury. Where applicable, the discovery rule tolls the limitations period until a plaintiff learns of an injury and, through prudent investigation, can obtain sufficient facts to state a cause of action. Woods v. Prestwick House, Inc., 2011 OK 9, ¶ 3, 247 P.3d 1183, 1186. The facts of this case indicate that the “injury” – the disconnected service line – was not discovered until April 2021, when the Claimants hired a plumber to resolve a plumbing issue. There is no significant evidence at this point to indicate that Claimants knew or should have known, discovered, or should have discovered the disconnected service line prior to that date. Therefore, in this limited instance, the discovery rule applies and the claim was timely filed within one (1) year of discovery.

This office recommends approval of this claim for the following reason:

1. The City failed to reconnect the Claimants’ service line to the City’s main and would therefore be liable for this claim.

This office recommends approval in the amount of \$2,895.00.

KELEA L. FISHER
DEPUTY CITY ATTORNEY


Mincie Beamesderfer
Claims Investigator

RESOLUTION NO. 21-_____

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST JOHNNY OWENS, CENTRAL DISTRICT COMMISSIONER ON BEHALF OF COMANCHE COUNTY 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 NINETY-FIVE AND NO/100 DOLLARS (\$2,895.00).

WHEREAS, It was discovered on April 20, 2021, City of Lawton Wastewater Maintenance failed to reconnect the sewer line at 913 SW 2nd Street during a sewer rehabilitation project, causing damage in the alleged amount of \$2,895.00, as stated in his claim, which was filed with the City Clerk against the City of Lawton on August 2, 2021; 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 Comanche County in bringing suit in the District Court of Comanche County, Oklahoma, against the City of Lawton and to confess judgment therein in the amount of Two Thousand Eight Hundred Ninety-Five and No/100 Dollars (\$2,895.00); 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 12th day of October, 2021.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI L. HUSHBECK, CITY CLERK

APPROVED as to form and legality this 15th day of October, 2021.



KELEA L. FISHER
DEPUTY CITY ATTORNEY

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

KNOW ALL MEN BY THESE PRESENTS:

That on October 12, 2021, 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:

COMANCHE COUNTY vs. CITY OF LAWTON, OKLAHOMA

CASE NO. CS-2021-

in the amount of \$2,895.00.


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 Two Thousand Eight Hundred Ninety-Five and No/100 Dollars (\$2,895.00).

Dated this 12th day of October, 2021.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI L. HUSHBECK, City Clerk

 APPROVED as to form and legality this 1st day of October, 2021.

KEVAEL FISHER
DEPUTY CITY ATTORNEY



City of Lawton

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

Commentary

File #: 21-538

Agenda Date: 10/12/2021

Agenda No: 3.

ITEM TITLE:

Consider adopting a resolution approving the joint petition settlement and making payment in the workers' compensation claim of Matthew McKinney.

INITIATOR: City Attorney, John Ratliff

STAFF INFORMATION SOURCE: Deputy City Attorney, Kelea Fisher

BACKGROUND: This matter involves the workers' compensation claim of Matthew McKinney, a Firefighter for the City of Lawton, Fire Department who alleges injury to the back that was reported on April 20, 2018. Settlement has been reached subject to City Council approval with the claimant agreeing to accept the City's offer of \$5,000.00, including \$1,000.00 as attorney fees.

EXHIBIT: Resolution No. 2021-_____

KEY ISSUES: N/A

FUNDING SOURCE: Sinking fund

STAFF RECOMMENDED COUNCIL ACTION: Adopt a resolution approving the Joint Petition settlement and making payment in the pending workers' compensation claim of Matthew McKinney.

RESOLUTION NO. 2021-

A RESOLUTION APPROVING THE JOINT PETITION SETTLEMENT AND MAKING PAYMENT OF THE SETTLEMENT IN THE WORKERS' COMPENSATION CASE OF MATTHEW MCKINNEY FOR THE AMOUNT OF FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) INCLUDING AN ATTORNEY'S FEE PAYMENT IN THE AMOUNT OF ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00), AND FILING A FOREIGN JUDGMENT IN THE DISTRICT COURT OF COMANCHE COUNTY FOR PURPOSE OF PLACING SAID JUDGMENT ON THE TAX ROLLS.

WHEREAS, Matthew McKinney has filed an injury claim with the Workers' Compensation Commission for disability benefits as a result of injury to his back, that occurred on April 20, 2018, while on duty as a firefighter for the City of Lawton, Fire Department; and,

WHEREAS, a Joint Petition Settlement has been reached in the amount of Five Thousand and No/100 Dollars (\$5,000.00), including an attorney's fee payment in the amount of One Thousand and No/100 Dollars (\$1,000.00); and,

WHEREAS, the amount due to Matthew McKinney will be Five Thousand and No/100 Dollars (\$5,000.00), including an attorney's fee payment in the amount of One Thousand and No/100 Dollars (\$1,000.00).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Lawton, that the City Council approves the Joint Petition Settlement and filing of a foreign judgment for purposes of placing said judgment on the tax rolls and making payment of Five Thousand and No/100 Dollars (\$5,000.00), including an attorney's fee payment in the amount of One Thousand and No/100 Dollars (\$1,000.00), in the workers' compensation case of Matthew McKinney.

PASSED and APPROVED by the Mayor and Council of the City of Lawton, Oklahoma this 12th day of October, 2021.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

APPROVED as to form and legality this 30th of September, 2021.



KELEAL L. FISHER, DEPUTY CITY ATTORNEY



City of Lawton

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

Commentary

File #: 21-539

Agenda Date: 10/12/2021

Agenda No: 4.

ITEM TITLE:

Consider adopting a resolution approving the joint petition settlement and making payments in the workers' compensation claim of Matthew McKinney.

INITIATOR: City Attorney, John Ratliff

STAFF INFORMATION SOURCE: Deputy City Attorney, Kelea Fisher

BACKGROUND: This matter involves the workers' compensation claim of Matthew McKinney a Firefighter for the City of Lawton, Fire Department, who alleges injury to his back, that was reported on July 11, 2019. Settlement has been reached subject to Council approval with the claimant agreeing to accept the City's offer of \$15,000.00, including a \$450.00 Multiple Injury Trust Fund Assessment payment to the Oklahoma Tax Commission, and \$3,000.00 as attorney's fees.

It was the opinion of the City's Workers' Compensation attorney that the award is consistent with the medical evidence.

EXHIBIT: Resolution No. 2021 _____

KEY ISSUES: N/A

FUNDING SOURCE: Sinking fund

STAFF RECOMMENDED COUNCIL ACTION: Adopt a resolution approving the Joint Petition settlement and making payment in the pending workers' compensation claim of Matthew McKinney.

RESOLUTION NO. 2021-

A RESOLUTION APPROVING THE JOINT PETITION SETTLEMENT AND MAKING PAYMENT OF THE SETTLEMENT IN THE WORKERS' COMPENSATION CASE OF MATTHEW MCKINNEY FOR THE AMOUNT OF FIFTEEN THOUSAND AND NO/100 DOLLARS, (\$15,000.00) INCLUDING AN ATTORNEY'S FEE PAYMENT IN THE AMOUNT OF THREE THOUSAND AND NO/100 DOLLARS (\$3,000.00); DIRECTING THREE PERCENT (3%) OF SAID JUDGMENT, IN THE AMOUNT OF FOUR HUNDRED FIFTY AND NO/100 DOLLARS (\$450.00), TO BE PAID DIRECTLY TO THE OKLAHOMA TAX COMMISSION AS A MULTIPLE INJURY TRUST FUND TEMPORARY ASSESSMENT IN ACCORDANCE WITH 85A OKLA. STAT. SECTION 31.A.7; AND FILING A FOREIGN JUDGMENT IN THE DISTRICT COURT OF COMANCHE COUNTY FOR PURPOSE OF PLACING SAID JUDGMENT ON THE TAX ROLLS.

WHEREAS, Matthew McKinney has filed an injury claim with the Workers' Compensation Commission for disability benefits as a result of injuries to his back, that occurred on July 11, 2019, while on duty as a firefighter for the City of Lawton, Fire Department; and,

WHEREAS, a Joint Petition Settlement has been reached in the amount of Fifteen Thousand and No/100 Dollars, (\$15,000.00), including an attorney's fee payment in the amount of Three Thousand and No/100 Dollars (\$3,000.00); and,

WHEREAS, pursuant to Title 85A Okla. Stat. Section 31.A.7., for injuries occurring on or after July 1, 2019, the Oklahoma Tax Commission shall assess and collect from claimants a Multiple Injury Trust Fund temporary assessment in the amount of three percent (3%) of the total award or settlement for permanent partial disability or permanent total disability; and,

WHEREAS, in the Joint Petition Settlement filed with the Workers' Compensation Commission, the claimant agreed that said assessment, representing three percent (3%) of the joint petition settlement amount attributable to permanent partial disability or permanent total disability, shall be deducted from the settlement amount and paid by the employer; and,

WHEREAS, the above referenced Multiple Injury Trust Fund Assessment representing three percent (3%) of the joint petition settlement amount attributable to permanent partial disability or permanent total disability is Four Hundred Fifty and No/100 Dollars (\$450.00); and,

WHEREAS, the amount due to Matthew McKinney will be Fifteen Thousand and No/100 Dollars, (\$15,000.00), including an attorney's fee payment in the amount of Three Thousand and No/100 Dollars (\$3,000.00) and including a Multiple Injury Trust Fund Assessment to be paid to the Oklahoma Tax Commission in the amount of Four Hundred Fifty and No/100 Dollars (\$450.00).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Lawton, that the City Council approves the Joint Petition Settlement and filing of a foreign judgment for purposes of placing said judgment on the tax rolls and making payment of Fifteen Thousand and

No/100 Dollars, (\$15,000.00), including an attorney's fee payment in the amount of Three Thousand and No/100 Dollars (\$3,000.00) and a Multiple Injury Trust Fund Assessment to be paid to the Oklahoma Tax Commission in the amount of Four Hundred Fifty and No/100 Dollars (\$450.00), in the workers' compensation case of Matthew McKinney.

PASSED and APPROVED by the Mayor and Council of the City of Lawton, Oklahoma this 12th day of October, 2021.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

APPROVED as to form and legality this 30th of September, 2021.



KELEAL L. FISHER, DEPUTY CITY ATTORNEY



City of Lawton

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

Commentary

File #: 21-541

Agenda Date: 10/12/2021

Agenda No: 5.

ITEM TITLE:

Consider adopting a resolution approving the joint petition settlement and making payments in the workers' compensation claim of Robert Bay.

INITIATOR: City Attorney, John Ratliff

STAFF INFORMATION SOURCE: Deputy City Attorney, Kelea Fisher

BACKGROUND: This matter involves the workers' compensation claim of Robert Bay a previous firefighter for the City of Lawton, Fire Department, who alleges injuries to the neck, that was reported on August 13, 2020. Settlement has been reached subject to City Council approval with the claimant agreeing to accept the City's offer of \$22,680.00, including a \$680.40 Multiple Injury Trust Fund Assessment payment to the Oklahoma Tax Commission and \$4,536.00 as attorney's fees.

It was the opinion of the City's Workers' Compensation attorney that the award is consistent with the medical evidence.

EXHIBIT: Resolution No. _____

KEY ISSUES: N/A

FUNDING SOURCE: Sinking fund

STAFF RECOMMENDED COUNCIL ACTION: Adopt a resolution approving the Joint Petition settlement and making payment in the pending workers' compensation claim of Robert Bay.

RESOLUTION NO. 2021-

A RESOLUTION APPROVING THE JOINT PETITION SETTLEMENT AND MAKING PAYMENT OF THE SETTLEMENT IN THE WORKERS' COMPENSATION CASE OF ROBERT BAY FOR THE AMOUNT OF TWENTY-TWO THOUSAND SIX HUNDRED EIGHTY AND NO/100 DOLLARS (\$22,680.00) INCLUDING AN ATTORNEY'S FEE PAYMENT IN THE AMOUNT OF FOUR THOUSAND FIVE HUNDRED THIRTY-SIX AND NO/100 DOLLARS (\$4,536.00); DIRECTING THREE PERCENT (3%) OF SAID JUDGMENT, IN THE AMOUNT OF SIX HUNDRED EIGHTY AND 40/100 DOLLARS (\$680.40), TO BE PAID DIRECTLY TO THE OKLAHOMA TAX COMMISSION AS A MULTIPLE INJURY TRUST FUND TEMPORARY ASSESSMENT IN ACCORDANCE WITH 85A OKLA. STAT. SECTION 31.A.7; AND FILING A FOREIGN JUDGMENT IN THE DISTRICT COURT OF COMANCHE COUNTY FOR PURPOSE OF PLACING SAID JUDGMENT ON THE TAX ROLLS.

WHEREAS, Robert Bay has filed an injury claim with the Workers' Compensation Commission for disability benefits as a result of injuries to his neck, which occurred on August 13, 2020, while on duty as a firefighter for the City of Lawton, Fire Department; and,

WHEREAS, a Joint Petition Settlement has been reached in the amount of Twenty-Two Thousand Six Hundred Eighty and No/100 Dollars (\$22,680.00), including an attorney's fee payment in the amount of Four Thousand Five Hundred Thirty-Six and No/100 Dollars (\$4,536.00); and,

WHEREAS, pursuant to Title 85A Okla. Stat. Section 31.A.7., for injuries occurring on or after July 1, 2019, the Oklahoma Tax Commission shall assess and collect from claimants a Multiple Injury Trust Fund temporary assessment in the amount of three percent (3%) of the total award or settlement for permanent partial disability or permanent total disability; and,

WHEREAS, in the Joint Petition Settlement filed with the Workers' Compensation Commission, the claimant agreed that said assessment, representing three percent (3%) of the joint petition settlement amount attributable to permanent partial disability or permanent total disability, shall be deducted from the settlement amount and paid by the employer; and,

WHEREAS, the above referenced Multiple Injury Trust Fund Assessment representing three percent (3%) of the joint petition settlement amount attributable to permanent partial disability or permanent total disability is Six Hundred Eighty and 40/100 Dollars (\$680.40); and,

WHEREAS, the amount due to Robert Bay will be Twenty-Two Thousand Six Hundred Eighty and No/100 Dollars (\$22,680.00), including an attorney's fee payment in the amount of Four Thousand Five Hundred Thirty-Six and No/100 Dollars (\$4,536.00) and including a Multiple Injury Trust Fund Assessment to be paid to the Oklahoma Tax Commission in the amount of Six Hundred Eighty and 40/100 Dollars (\$680.40).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Lawton, that the City Council approves the Joint Petition Settlement and filing of a foreign judgment for

purposes of placing said judgment on the tax rolls and making payment of Twenty-Two Thousand Six Hundred Eighty and No/100 Dollars (\$22,680.00), including an attorney's fee payment in the amount of Four Thousand Five Hundred Thirty-Six and No/100 Dollars (\$4,536.00) and a Multiple Injury Trust Fund Assessment to be paid to the Oklahoma Tax Commission in the amount of Six Hundred Eighty and 40/100 Dollars (\$680.40), in the workers' compensation case of Robert Bay.

PASSED and APPROVED by the Mayor and Council of the City of Lawton, Oklahoma this 12th day of October, 2021.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

APPROVED as to form and legality this 30th of September, 2021.



KELEA I. FISHER, DEPUTY CITY ATTORNEY



City of Lawton

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

Commentary

File #: 21-535

Agenda Date: 10/12/2021

Agenda No: 6.

ITEM TITLE:

Consider appointing the Finance Director or the Interim Finance Director (whomever is currently leading the Financial Services Division when council considers this matter) as the ex-officio Treasurer and Disbursing Agent for the Lawton Water Board.

INITIATOR: City Manager Michael Cleghorn, City Attorney John Ratliff

STAFF INFORMATION SOURCE: City Manager Michael Cleghorn, City Attorney John Ratliff

BACKGROUND: The Lawton Water Board Trust indenture requires ratification of this action before an individual can begin performing these functions for the board.

EXHIBIT: None.

KEY ISSUES: N/A

FUNDING SOURCE: General Fund

STAFF RECOMMENDED COUNCIL ACTION: Appoint the Finance Director or the Interim Finance Director to the aforementioned roles within the Lawton Water Board.



City of Lawton

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

Commentary

File #: 21-529

Agenda Date: 10/12/2021

Agenda No: 7.

ITEM TITLE:

Consider designating the City's Human Resources Director, or the Interim Human Resources Director, to serve as the authorized agent of the City in matters pertaining to the defined contribution retirement plan for eligible employees and authorize the Mayor and City Clerk to execute the Authorized Agent Notification Form.

INITIATOR: Human Resources Director, Craig Akard

STAFF INFORMATION SOURCE: Human Resources Director, Craig Akard

BACKGROUND: The Oklahoma Municipal Retirement Fund (OMRF) Master Defined Contribution Plan requires participating municipalities to designate an authorized agent to carry out operation of the plan at the local level. The authorized agent shall be designated in writing by the municipal governing body and shall act as the agent of the city in matters pertaining to the plan, the Fund and the OMRF, to centralize in one person the local administration and coordination thereof, and to file payroll and contribution information, to file claims, forms and applications for participants for the City and the council. The authorized agent, under the control and direction of the council, shall have such general duties as the City and council may deem necessary and proper for such purposes, which duties shall include but not be limited to: (1) coordinate the deduction of participant contributions and to see that City and participant contributions are properly received and forwarded promptly to OMRF for management and investment; (2) forward any communications directed to participants and beneficiaries by the trustees, the trust service provider or the OMRF; (3) lend assistance to participants and beneficiaries in filing applications for benefits, and in communicating with the City, the trustees, or the trust service provider and forward such communications to the addressees; (4) assist in determining whether or not employees are eligible to participate in the plan; (5) to certify when a participant is on authorized leave of absence, paid or unpaid; (6) to file at the direction of the council a petition or nomination and cast a ballot for election to trustees to OMRF.

EXHIBIT: OMRF Authorized Agent Notification Form

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Designate the City's Human Resources Director, or the Interim Human Resources Director, to be the City's authorized agent in matters pertaining to the defined contribution plan and authorize the Mayor and City Clerk to execute the Authorized Agent Notification Form.



Oklahoma Municipal Retirement Fund
AUTHORIZED AGENT NOTIFICATION FORM

AUTHORIZED AGENT DESIGNATION PROCESS

An Authorized Agent shall be designated in writing by the Plan's Retirement Committee (governing body) and shall act as the agent of the Employer in matters pertaining to the Plan and the Fund to centralize in one person the local administration and coordination of Plan activities including contribution and payroll information, forms and applications for Plan participants and to assist Participants, the Employer and Committee regarding Plan matters. Please refer to the Authorized Agent Role and Responsibilities section of this form or the plan document for specific duties.

If you, as Authorized Agent, want to designate another Authorized Signer (please complete a Notice of Authorized Signer).

AUTHORIZED AGENT INFORMATION (Please print clearly using black or blue ink)

NAME OF MUNICIPALITY OR ENTITY: _____

FEDERAL TAX ID NUMBER: _____

APPROVED AUTHORIZED AGENT: _____

TITLE: _____

AUTHORIZED AGENT SIGNATURE: _____

EFFECTIVE DATE: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ FAX NUMBER: _____

EMAIL ADDRESS: _____

AUTHORIZATION

The undersigned hereby certifies that the foregoing information was introduced before the _____
(governing body) of _____ Oklahoma and was duly approved on the ____ day of _____, 20 ____

City of _____

By: _____

Title: _____
(Mayor or Chairman)

Date

Seal

City Clerk

PLEASE CONTINUE TO PAGE 2 FOR AUTHORIZED AGENT'S ROLE AND RESPONSIBILITIES DEFINITION

AUTHORIZED AGENT ROLE AND RESPONSIBILITIES

EXCERPT FROM SECTION 9.1 (b) OF THE MASTER DEFINED BENEFIT PLAN

Authorized Agent: An Authorized Agent shall be designated in writing by the Committee and shall act as the agent of the Employer (but not the agent of the Trustees or the Trust Service Provider of the Oklahoma Municipal Retirement Fund the "Fund") in matters pertaining to the Plan and the Fund, to centralize in one person the local administration and coordination thereof, and to file payroll and contribution information, to file claims, forms and applications for Participants, and to advise Participants, the Employer and the Committee. The Authorized Agent, under the control and direction of the Committee, shall have such general duties as the Employer and the Committee may deem necessary and proper for such purposes, which duties shall include but not be limited to, the following:

- (1) to coordinate the deduction of Participant contributions and to see that Employer and Participant contributions are properly received and forwarded promptly to the Fund for management and investment;
- (2) to forward any communications directed to Participants and Beneficiaries by the Trustees, the Trust Service Provider or the Fund;
- (3) to lend assistance to Participants and Beneficiaries in filing applications for benefits, and in communicating with the Employer, the Committee and the Trustees or the Trust Service Provider of the Fund and to forward such communications to the addressees;
- (4) to keep the Employer and Committee informed regarding Employer contribution rates and funds required to meet the costs of the Plan;
- (5) to assist the Committee in determining whether Employees are eligible for participation in the Plan;
- (6) to certify at the direction of the Committee that an Employee is on an Authorized Leave of Absence, paid or unpaid; and
- (7) to file at the direction of the Committee a petition or nomination and cast a ballot for election of Trustees of the Fund.

EXCERPT FROM SECTION 10.1 (b) OF THE MASTER DEFINED CONTRIBUTION PLAN

Authorized Agent: An Authorized Agent shall be designated in writing by the Committee and shall act as the agent of the Employer (but not the agent of the Trustees or the Trust Service Provider of the Oklahoma Municipal Retirement Fund the "Fund") in matters pertaining to the Plan and the Fund, to centralize in one person the local administration and coordination thereof, and to file payroll and contribution information, to file claims, forms and applications for Participants, and to advise Participants, the Employer and the Committee. The Authorized Agent, under the control and direction of the Committee, shall have such general duties as the Employer and the Committee may deem necessary and proper for such purposes, which duties shall include but not be limited to, the following:

- (1) to coordinate the deduction of Participant contributions and to see that Employer and Participant contributions are properly received and forwarded promptly to the Fund for management and investment;
- (2) to forward any communications directed to Participants and Beneficiaries by the Trustees, the Trust Service Provider or the Fund;
- (3) to lend assistance to Participants and Beneficiaries in filing applications for benefits, and in communicating with the Employer, the Committee and the Trustees or the Trust Service Provider of the Fund and to forward such communications to the addressees;
- (4) to assist the Committee in determining whether Employees are eligible for participation in the Plan;
- (5) to certify at the direction of the Committee that a Participant is on an authorized leave of absence, paid or unpaid; and
- (6) to file at the direction of the Committee a petition or nomination and cast a ballot for election of Trustees of the Fund.



City of Lawton

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

Commentary

File #: 21-527

Agenda Date: 10/12/2021

Agenda No: 8.

ITEM TITLE:

Consider authorizing the use of 2015 CIP funding in an amount not to exceed \$75,000.00 for the replacement of the Collier's Landing boat dock and road/parking lot improvements and; upon completion of the project, authorize the Mayor and City Clerk to accept and execute a reimbursement grant from the Oklahoma Department of Wildlife Conservation (ODWC) in the minimum amount of \$37,000.00 with said reimbursement to be credited back to the 2015 CIP fund.

INITIATOR: Christine James, Interim Parks & Recreation Director

STAFF INFORMATION SOURCE: Keith Nietzke, Parks Superintendent

BACKGROUND: Due to recent storm damage, age, and material make up, the Collier Landing boat dock has been removed from the lake due to safety reasons and the structure being beyond repair. Damage included a severely bent gangway along with the pin holders that had been ripped out. In addition, the dock had been reduced in size due to the removal of rotten wood which had made the dock too small to support the gangway. Staff has discussed the possibility of replacing this dock, using the Oklahoma Department of Wildlife Conservation grant as a means of offsetting costs, with our Lakes and Land commission during the April 21st meeting and both parties recommend moving forward. If approved, the project would initially be funded by the 2015 CIP Recreation Improvements account in the amount of \$66,096.00. Upon completion, the City would receive a new dock from the State valued at \$48,827.10. The improvements paid for by the City would be for a concrete bulkhead at the dock, an ADA pickup and boat trailer parking stall, over 1000' of asphalt road leading to the boat dock, and roughly a 100'x170' paved parking lot for all other boating and lake traffic. With this replacement of the dock, Lake Ellsworth would be handicap accessible on both sides of the lake. The total value of the project will be approximately \$114,923.10, with the City spending approximately \$66,096.00 plus the labor to complete construction of the above stated improvements. Estimated reimbursement to the City of Lawton from the Oklahoma Department of Wildlife Conservation would be just over \$37,000.00. The Sport Fish Restoration Program is a great example of a "user pays-user benefits" program where anglers and boaters are the users who pay and benefit. Anglers and boaters pay taxes on certain items associated with the pursuit of their sport. This award would come from the Oklahoma Department of Wildlife Conservation and would be deposited back into the 2015 CIP fund. Project Summary - Total value of Project is \$114,923.10. ODWC Reimbursement is \$37,365.23 resulting in a net cost to the City of Lawton of \$28,731.00.

With the current market volatility on materials, especially asphalt, staff is requesting the approval of up to \$75,000.00. The numbers in the above paragraph are as if the construction took place today. If the cost of the project was to increase, so would the reimbursement amount from ODWC.

EXHIBIT: ODWC Boating Fishing Access Agreement

KEY ISSUES: Does the Council wish to approve the replacement of the damaged Collier Landing boat dock?

FUNDING SOURCE: 2015 CIP Recreation Improvements 4200000-54120

STAFF RECOMMENDED COUNCIL ACTION: Authorize the use of 2015 CIP funding in an amount not to exceed \$75,000.00 for the replacement of the Collier's Landing boat dock and; upon completion of the project, authorize the Mayor and City Clerk to accept and execute a reimbursement grant from the Oklahoma Department of Wildlife Conservation in the minimum amount of \$37,000.00 with said reimbursement to be credited back to the 2015 CIP fund.



OKLAHOMA DEPARTMENT OF WILDLIFE CONSERVATION

BOATING & FISHING ACCESS PROGRAM



The Oklahoma Department of Wildlife Conservation (ODWC) cooperates with cities, state agencies, counties and other government entities in the construction and maintenance of boating and fishing access facilities on water bodies across the state through the Sport Fish Restoration Program.

WHAT IS THE SPORT FISH RESTORATION PROGRAM?

The Sport Fish Restoration Program involves federal and state fish and game agencies, the sport fishing industry, anglers and boaters, and local cooperators. The purpose of the program is to increase sport fishing and boating opportunities. The program was created in 1950 by the Dingell-Johnson Act and an amendment in 1984 (Wallop-Breaux; CFDA-15.605) that added funds for boating access development projects. The Sport Fish Restoration Program is a great example of a “user pays-user benefits” program. Anglers and boaters are the users who pay...and benefit.

HOW IT WORKS:

Anglers and boaters pay taxes on certain items associated with the pursuit of their sport. These tax dollars are collected by the U.S. Treasury and disbursed to the state fish and game agencies through the Wildlife and Sport Fish Restoration Program of the U.S. Fish & Wildlife Service (USFWS).

Sport fish restoration, management, research, enhancement, boating and fishing access developments or maintenance and education projects are permissible under the Act. Projects must be approved in advance by the USFWS who establishes the project criteria. Projects must be technically sound, environmentally acceptable, and competently designed. Once approved, the state or cooperator spends money on the project and is then reimbursed up to 75%. A cooperator's share must be at least 25% and must be derived from a non-federal source.

The Wildlife and Sport Fish Restoration Program office inspects projects and requires documentation to ensure the funds are being used properly and project goals and objectives are being achieved.

SOURCES OF INCOME:

The “users” (boaters and anglers) pay the funds through three methods: excise taxes, import duties and boat motor fuel taxes. Wholesale manufacturers pay a 10% federal excise tax on most sportfishing tackle like rods, reels, artificial lures, and tackle boxes. A 3% federal excise tax is collected on electric trolling motors and certain fish finders. Duties are charged for imported fishing tackle, pleasure boats and yachts. The portion of the federal fuel tax attributable to motorboat fuel completes the funding.

Congress mandates that each state must spend at least 15% of its annual apportionment of these funds on development and maintenance of boating access facilities which may **include boat ramps, boating courtesy docks, breakwaters, restrooms, parking areas and entrance roads.**

ODWC cooperates with cities, state agencies, counties and other government entities in the construction, repair and maintenance of boating and fishing access facilities on a 75% ODWC / 25% cooperator cost-share basis. On most boating access projects, the ODWC will reimburse the project cooperator up to 75% of the approved project costs after the project is satisfactorily completed. For boating courtesy docks only, the ODWC may purchase and install the dock after the cooperator has contributed at least a 25% share.

For more information about the boating access program, please contact the Department of Wildlife Conservation, Fisheries Division at (405) 521-3721, or contact your local ODWC representative. For a list of contacts, visit: www.wildlifedepartment.com/fisheriescontacts/fisheriescontacts.htm

COOPERATIVE AGREEMENT
BETWEEN
OKLAHOMA DEPARTMENT OF WILDLIFE CONSERVATION
AND

Project Number _____

(ODWC use only)

_____(cooperator)

This Cooperative Agreement, made in duplicate this _____ day of _____, 20_____, by the Oklahoma Department of Wildlife Conservation, hereinafter called the Department, and the _____ hereinafter called the Cooperator.

WHEREAS, the Department has a cooperative **boating and/or fishing access** facilities development program to construct and/or repair or replace certain boating ___ or fishing ___ (check one) access facilities, and

WHEREAS, the Cooperator is the owner and/or operator of the lake and/or other real property described in Attachment B, and thereby made a part of this agreement, and

WHEREAS, the Cooperator has herein entered into this cooperative agreement with the Department to construct, repair or replace the boating or fishing access facility as specifically described in Attachment B, and

WHEREAS, the Department has available Federal Aid in Sport Fish Restoration Act Funds to share up to 75% of total cost for construction, repair or replacement of said facility described in Attachment B, and

WHEREAS, the Cooperator has available matching local, state or other non-federal funds or in-kind services for cooperating in completing work as described in Attachment B, and

WHEREAS, the Cooperator hereby agrees to be totally responsible for the construction and subsequent maintenance, and liability, as described herein, of the said access facility.

NOW THEREFORE, it is mutually agreed as follows:

1. The Department agrees to fund up to, but not exceed, 75% of the total cost of the access facilities development(s) specifically described in Attachment B with Federal Aid in Sport Fish Restoration Act Funds apportioned to the Department.
2. The Cooperator agrees to perform the work on the access facility as described in Attachments A and B, and to provide to the Department adequate records of all costs incurred, both cash encumbrances and in-kind services, so that accurate total costs are documented for reimbursement up to 75%, (or)
3. The Cooperator agrees to provide in advance direct payment or in-kind services of 25% or more of the installed cost of a boating courtesy dock, and document expenditures.
4. The Cooperator agrees to allow public access and to maintain said facility at own expense for 20 years. Minimum maintenance includes mowing vegetation, removing trash, restroom sanitation and repairing damages to structures. **Failure to comply with said access and maintenance will result in breach of contract and the Cooperator will repay monies received from Sport Fish Restoration Funds within 180 days of written notice.**
5. The Cooperator agrees not to prohibit or discourage any boater from launching boats based on sizes and horsepower ratings. However, boat speed limits may be imposed.
6. The Cooperator agrees not to discriminate against any user or potential user on the basis of race, creed, color, gender, ancestry, age or disability. Furthermore, the development described in Attachment B will be constructed so as to be accessible to persons with disabilities in adherence to the Americans with Disabilities Act (ADA) and Architectural Barriers Act (ABA). **Failure to comply with said accessibility will result in breach of contract and the Cooperator will repay monies received from Sport Fish Restoration Funds within 180 days of written notice.**
7. The Cooperator agrees not to charge any kind of boat launching fee(s) for use of said facility. However, fishing, boating, camping and/or picnicking permits on the property owned or managed by the Cooperator are allowed.

8. The Cooperator agrees that the access facility will remain open for inspection and compliance reviews at all times by the U.S. Fish & Wildlife Service and the Department to fulfill responsibilities in monitoring uses of Federal Aid acquired and developed properties.
9. The Cooperator agrees to use the facilities described in Attachment B only for the intended public purposes provided and to prohibit all activities or use that interferes with, conflicts with or discourages use by boaters and anglers. **If such conflicting use is not prevented, the Cooperator agrees to repay all monies received from Sport Fish Restoration Funds within 180 days of written notice.**
10. The Cooperator agrees to accept all responsibility and liability for the construction, maintenance and operation of said facility and will not hold the Department liable for any damage or injury to any persons during its construction, operation or use.
11. The Cooperator agrees to install and maintain in perpetuity a sign(s) supplied by the Department stating that Department Sport Fish Restoration Funds were used to develop said facility.
12. Failure to comply with the terms of this agreement and the requirements in attachments A and B by either party shall allow the other party to withdraw any interest they have at the time and terminate the agreement. **Monies that have been paid by the ODWC will be reimbursed by the Cooperator within 180 days of written notice.**

Dated this _____ day

_____, 20____

for the Oklahoma Department of Wildlife Conservation:

Director

Signature

Subscribed and sworn to me _____, 20____

Notary

My commission expires _____, 20____

Commission number _____

Dated this _____ day

_____, 20____

for the Cooperator:

Name/Title

Signature

(Signee must have spending authority for the Cooperator and authority to enter into agreement for 20 years)

Subscribed and sworn to me _____, 20____

Notary

My commission expires _____, 20____

Commission number _____

ATTACHMENT A: Boating/Fishing Access Development Requirements

The ODWC must ensure the following items have been addressed before signing a Cooperative Agreement and issuing a Purchase Order with a cooperator. Please read each item carefully before completing this agreement. *Important points are in italics:*

1. **Open to the Public:** The ODWC cannot provide assistance unless the boating/fishing access facility is on public waters or private waters where the public is guaranteed free use and access to the facility. The cooperator must guarantee developments will remain open and free to boaters and anglers, without interference from other uses, for the expected life of the facility (usually 20 years). Fees for fishing, boating, camping and/or picnicking on the property owned or managed by the Cooperator are allowed, but boat launching or trailer parking fees are not. Facilities may be closed seasonally, periodically for maintenance or repair, have hours of operation (curfew), or be closed to the general public for short-term special events as requested by the cooperator with ODWC approval.
2. **Will Provide needed Benefits to Boaters and Anglers:** Projects shall accommodate or be associated with areas accommodating motor boats and anglers, and fill a demonstrated need for the facility. Projects accommodating a larger range of motorboat sizes and providing benefits to a greater number of boaters and anglers will be given a higher priority for funding.
3. **Project must be Feasible:** Only those projects that are well planned and feasible in regard to costs, designs, safety, location, access and usability will be approved.
4. **Cooperator Share:** The cooperator must assume at least 25% of the total project costs which may be in (1) cash, (2) third party in-kind contributions such as donated labor, equipment, or materials, or (3) force account (i.e. labor performed by employees or use of equipment owned by the cooperator). The cost share must be documented. Items not included in the Cooperative Agreement will be paid 100% by the cooperator.
5. **Cooperative Agreement:** The ODWC and the cooperator must complete and sign a Cooperative Agreement with the attachments A, B, C, D, E and F, prior to initiating construction of the facilities identified within the application.
6. **Reimbursement Program:** The cooperator must spend money first and then be reimbursed by the ODWC for up to 75% of approved project costs. Exception: for boating courtesy docks only, the ODWC may pay for the dock if the cooperator has contributed 25% of the cost or documented in-kind contribution, or both, in advance to the ODWC.
7. **Construction and Subsequent Operation and Maintenance:** The cooperator will be totally responsible for the construction of the facility and the subsequent operations and maintenance for the life of the facility (generally 20 years). Construction responsibility will include (but not be limited to) selection of the contractor, site surveying and preparation, inspection, oversight and materials testing, payment to the contractor and for supplies and materials, and final acceptance. Construction of boating courtesy docks may be administered by the ODWC, but maintenance of those docks will be the responsibility of the cooperator.
8. **Liability:** The cooperator will accept full responsibility for liability during the construction and subsequent use and operations of the facility, and will not hold the ODWC liable for any damage or injury that may occur during the construction and subsequent life of the facility.
9. **Federal and State Laws:** The cooperator will comply with all federal and state laws and requirements including but not limited to the Americans with Disabilities Act, Section 404 of the Clean Water Act, NEPA, Section 7 of the Endangered Species Act, and State Historic Preservation and Archeological requirements. The facility shall be constructed so that it is accessible to the physically impaired. The ADA/ABA Accessibility Guidelines may be accessed at: www.access-board.gov.
10. **Signs:** Cooperator will install and maintain, in perpetuity, sign(s) provided by the ODWC stating that Sport Fish Restoration Funds were used to develop the facility.

11. **Time and Cost Records:** The cooperator will keep all required time and itemized cost records and provide copies to the ODWC prior to requesting reimbursement. These records will include all invoices of materials, supplies, labor and equipment and copies of canceled checks as proof of actual funds expended. Sample copies of employee time sheets, work sheets and equipment use records for the cooperator's use are available from the ODWC. No invoices will be paid without proper documentation and cancelled checks.
12. **Plans and Specifications:** The Cooperator must consult with ODWC at the beginning of the planning process. Preliminary plans need not be full architectural or engineering drawings but must show sufficient detail to adequately describe the facilities to be constructed and what measures will be used to meet accessibility requirements. ODWC can provide the cooperator the minimum generic specifications and plans for boat ramps, boat docks, fishing piers, restrooms, sidewalks or parking facilities, however, detailed engineering plans and specifications that are particular to the site or facility shall be prepared or obtained by the cooperator and submitted with the application for funding. Exception: For boating courtesy docks to be purchased and installed by the ODWC, plans and specifications for the dock and concrete abutment will be provided by the ODWC.
13. **Architectural/Engineering:** A project with an estimated cost of \$20,000.00 or greater must have plans and specifications prepared by certified architects and/or engineers. For construction costing more than \$100,000.00, a qualified engineer must approve engineering plans and specifications, approve the feasibility determination, supervise the construction and furnish a report of final inspection.
14. **Specific Site:** The specific location of the boating/fishing access facility shall be selected jointly by the ODWC and the cooperator. Work with your local ODWC representative to determine an appropriate site and needed facilities. For a list of local ODWC contacts, visit: www.wildlifedepartment.com/fisheriescontacts/fisheriescontacts.htm
15. **Changes:** No changes will be made in the project plans and specifications after execution of the Cooperative Agreement unless agreed to by both parties in writing. Items that differ from contract specifications may not be reimbursed by the ODWC.
16. **Project Deadline:** Once a project is approved and the agreement is signed, it must be completed within one year. State purchase orders and the ODWC budget are only for a one year period. Failure to complete a project and/or submit reimbursement documentation within one year may result in loss or repayment of funding.
17. **Project Review and Acceptance:** The cooperator will notify the ODWC representative prior to each phase of construction and when construction is complete, so that the ODWC representative can inspect the work, observe that plans and specifications have been met, and so that reimbursement can be made.
18. **Partial Payments:** Cooperators may request partial payment after major project components are completed. If the cooperator fails to complete the entire project as designed within agreed time period(s), cooperator will be required to repay all federal funding within 180 days of notification.
19. **Federal Assurances:** Because federal funds are involved, the two (2) federal forms enclosed - Attachments E & F - must be signed by the appropriate authority for the cooperator. One assurance of note is that the cooperator will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the ODWC and the USFWS, for the life of the project.

ATTACHMENT B: Application for Funding with the Oklahoma Department of Wildlife Conservation for Boating/Fishing Access Facilities Development

To apply for Boating and/or Fishing Access development, repair or replacement funds from ODWC, please complete this application and return it to the Regional Fisheries Supervisor where the lake is located. A list of contacts is at www.wildlifedepartment.com/fisheriescontacts/fisheriescontacts.htm.

1. Name of Cooperator (City, county, other): _____
2. Cooperator's FEI number: _____ Date of Application _____
3. Authorized Agent (contact) for cooperator _____
4. Business Address _____
5. Office phone _____ Cell _____ Email address _____
6. Location of development or proposed work site (address and legal description) Attach map and aerial photo: _____
7. Type of development (check those which apply)
 - a. ☐ boat ramp
 - b. ☐ parking facilities
 - c. ☐ boat dock
 - d. ☐ fishing dock
 - e. ☐ restrooms
 - f. ☐ other (describe) _____
8. New facility? ☐ Improvement/repair to existing facility? ☐ Replacement of existing facility? ☐
9. Who owns property where development is proposed? _____
10. If you (the cooperator) are not the owner of the property, what agreements have been made with the owner to approve and sanction the proposed work? Attach copies of agreements: _____
11. Description of work: (Describe the facility to be developed and list major phases and related costs. ODWC will provide minimum specifications). Include plans & specifications. Use additional pages as necessary to provide detail.

12. Justification and Purpose- Why is the work needed and how will anglers and boaters benefit from this work?

13. For projects over \$20,000 (except for boating courtesy docks supplied by the ODWC) who will be the project architect or engineer (give name and employer). *For construction costing more than \$100,000.00, a qualified engineer must approve engineering plans and specifications, approve the feasibility determination, supervise the construction, and furnish a report of final inspection.* _____
14. Who will be the on-site construction inspector? (Not the engineer - give name of inspector and employer).

15. Estimated **Total Cost** of Project (ODWC and Cooperator's shares): \$ _____
16. How much funding will be provided by the cooperator? (\geq 25% of line 15) _____ Please describe cooperator's share, if other than cash _____
17. How much funding are you requesting from ODWC? (\leq 75% of line 15) _____

ATTACHMENT C: Affidavit

STATE OF OKLAHOMA)
)
COUNTY OF _____)

_____ of lawful age, being first duly sworn, on oath states,

1. (S)He is the duly authorized agent of _____, the cooperator under the agreement which is attached to this statement, for the purpose of certifying the facts pertaining to the commitment to government personnel in order to procure said agreement;
2. (S)He is fully aware of the facts and circumstances surrounding the making of the agreement to which this statement is attached and has been personally and directly involved in the proceedings leading to the development of said agreement; and
3. Neither the cooperator nor anyone subject to the cooperator's direction or control has paid, given or donated, or agreed to pay, give or donate to any officer or employee of the State of Oklahoma any money or other thing of value, either directly or indirectly, in procuring the agreement to which this statement is attached.

Cooperator's Agent Title

Signature

Subscribed and sworn to me _____, 20____

Notary

My commission expires _____, 20____

Commission number _____

ATTACHMENT D: U.S. Department of the Interior Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 43 CFR Part 12, Section 12.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations are included in the proposal package. For further assistance in obtaining a copy of the regulations, contact the U.S. Department of the Interior, Acquisition and Assistance Division, Office of Acquisition and Property Management, 18th and C Streets N.W., Washington, DC 20240.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS BELOW)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal Department or Agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name and Title of Authorized Representative

Signature

Date

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Non-procurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, of a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

ATTACHMENT E: Assurances - Construction Programs

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or represents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794) which prohibit discrimination on the basis of handicaps; (d) the Age Discrimination Act 1975, as amended (42 U.S.C. §§6101-6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255), as amended, relating to non-discrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to non-discrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other non-discrimination provisions in the specific statute(s) under which application for Federal assistance is being made, and (j) the requirements on any other non-discrimination Statute(s) which may apply to the application.
11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable

treatment of persons displaced or whose property is acquired as a result of Federal and federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employee whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federal assisted construction sub-agreements.
14. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation

of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
19. Will comply with all applicable requirements of all other Federal laws, Executive Orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE	
APPLICANT ORGANIZATION		DATE SUBMITTED

ATTACHMENT F: Assurances - Non-construction Programs

OMB Approval No. 0348-0040

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a-7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), regarding labor standards for federally assisted construction sub-agreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. ,1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. ,7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C., 1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. ,470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C., 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. ,2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C., 4801 et seq.) which prohibits the use of lead- based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, ☐Audits of States, Local Governments, and Non-Profit Organizations.☐
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE	
APPLICANT ORGANIZATION		DATE SUBMITTED

Cooperator Timeline and Checklist

1. Contact ODWC Regional Supervisor and discuss proposed project and funding mechanisms (www.wildlifedepartment.com/fisheriescontacts/fisheriescontacts.htm).
2. Schedule and make a site visit with Regional Supervisor to identify site-specific issues.
3. Request generic plans and specifications from Regional Supervisor if necessary for proposed facilities to be constructed. Download *Key Components of an Accessible Boating Access Site* from ODWC website at www.wildlifedepartment.com/boatingfishingaccess/ADAguidelines.pdf
4. For projects that include the installation of a boating courtesy dock(s), download dock plans & specifications at www.wildlifedepartment.com/boatingfishingaccess/dockplans.pdf. Plans and specifications for dock abutment are included in this file.
5. Prepare preliminary drawings of site and all proposed facilities that address issues noted in site visit, including all measures that must be incorporated to meet accessibility requirements.
6. Obtain cost estimates for all phases of the proposed project.
7. Provide preliminary plans and cost estimates to Regional Supervisor for review. Discuss and modify plans and estimates as necessary following consultation.
8. Go to www.wildlifedepartment.com/boatingfishingaccess/Application.pdf and fill out web-based application forms on-line, print and sign/notarize each page as required.
9. Provide ODWC with two (2) copies of all documents: Check off as documents are completed:

- ☐ Cooperative Agreement - signed by Cooperator's authorized agent and notarized
- ☐ Attachment B (Application for Funding) - completed with additional pages for description of work attached as necessary
- ☐ Map of the lake showing the proposed work site and proximity to access roads
- ☐ Aerial photograph of proposed site showing specific location of proposed facilities
- ☐ Final construction-ready drawings of all facilities to be built as part of the project
- ☐ Copies of agreements made with the owner of the property (if other than the Cooperator) to approve and sanction the proposed work
- ☐ Attachment C (Affidavit) - completed and notarized
- ☐ Attachment D (Certification) - signed by Cooperator's authorized agent
- ☐ Attachment E (Assurances Construction) - signed by Cooperator's authorized agent
- ☐ Attachment F (Assurances Non-construction) - signed by Cooperator's authorized agent

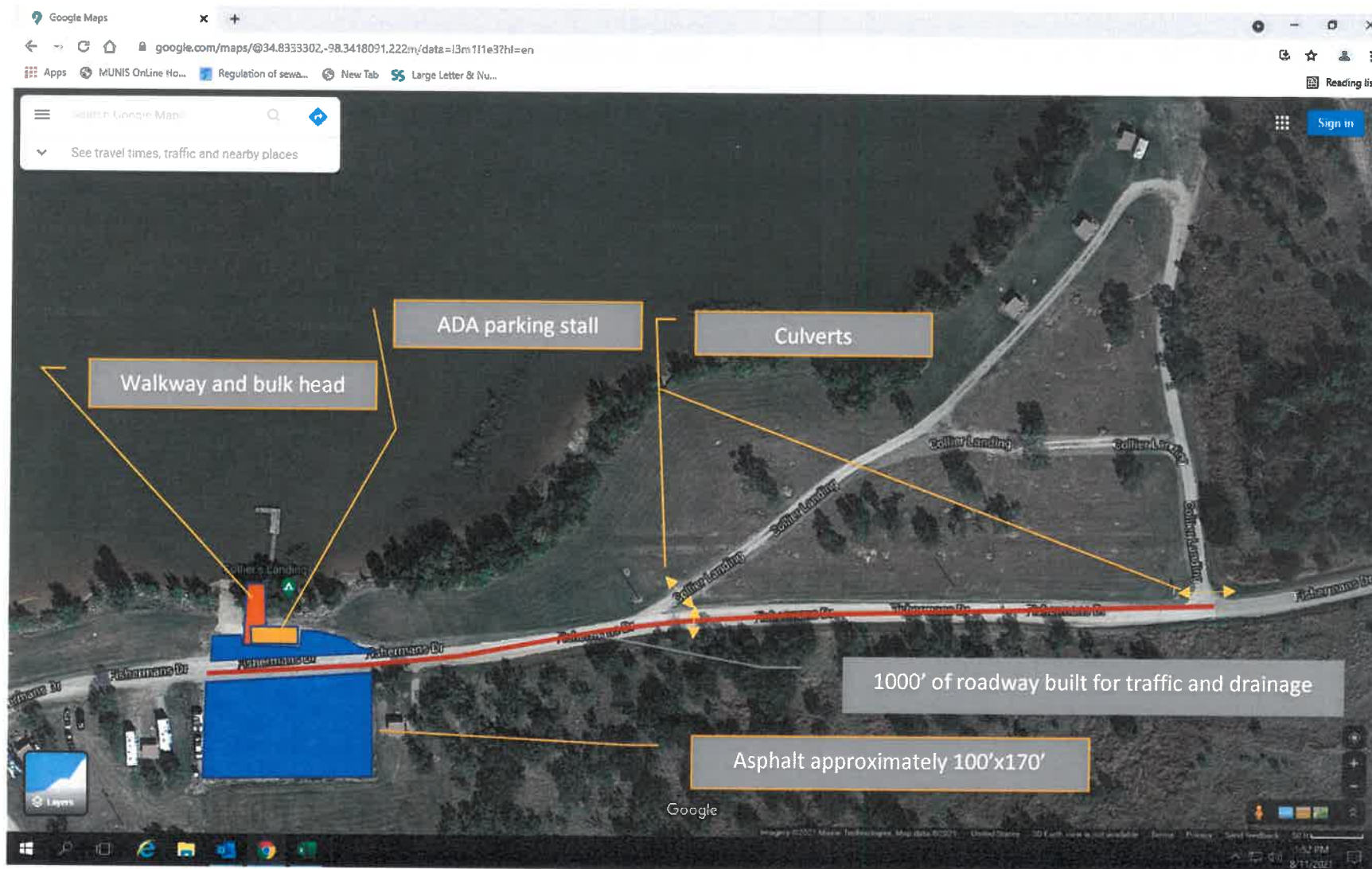
10. Send application packet to Regional Supervisor for approval and forwarding to Federal Aid Office
11. Upon receipt of Cooperative Agreement signed by ODWC Director, construction can begin. Cooperator must document all expenditures for reimbursement.
12. For in-kind or force account matching expenditures, use the Excel spreadsheet to record and track matching contributions (www.wildlifedepartment.com/boatingfishingaccess/inkind.xls)
13. Inform Regional Supervisor prior to each phase of construction to allow scheduling of site visit(s).
14. Upon completion of construction contact Regional Supervisor to schedule final inspection.
15. Compile expenditure documentation including copies of vendor invoices and the associated cancelled payment checks (to confirm expenditures by cooperator), and/or employee time sheets and equipment records (for in-kind or force account match) and submit to ODWC with letter and invoice requesting reimbursement.



Collier's Landing - Lake Ellsworth

Proposed work site - proximity to roads and access





Lake Ellsworth

Collier's Landing proposed site

Legend

Collier's Landing - Lake Ellsworth

Proposed work site -
existing dock and parking





City of Lawton

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

Commentary

File #: 21-534

Agenda Date: 10/12/2021

Agenda No: 9.

ITEM TITLE:

Consider acknowledging receipt of the National Flood Insurance Program Community Rating System Flood Insurance Assessment.

INITIATOR: Public Works Director, Larry Wolcott P.E.

STAFF INFORMATION SOURCE: Public Works Director, Larry Wolcott, P.E. and Deputy Public Works Director, Cynthia Williams

BACKGROUND: In 1968, Congress created the National Flood Insurance Program (NFIP) to help provide a means for property owners to financially protect themselves. The NFIP offers flood insurance to homeowners, renters, and business owners if their community participates in the NFIP. The Community Rating System (CRS) is a voluntary incentive program that recognizes communities for implementing floodplain management practices that exceed the Federal minimum requirements of the NFIP to provide protection from flooding. In exchange for a community's proactive efforts to reduce flood risk, policyholders can receive reduced flood insurance premiums for buildings in the community. The City of Lawton became a member of the NFIP in 1984 and began participating in the CRS program in 1990. Citizens of the City of Lawton currently receive a 20% discounted rate on flood insurance through the FEMA Community Rating System based upon activity points. Changes in community participation credit were made to the CRS Coordinator's Manual in 2017. A Flood Insurance Assessment was completed to comply with the new regulations. The Flood Insurance Assessment compares the number of insurance policies in place to the number of vulnerable structures within the Special Flood Hazard Area. The assessment also outlines outreach activities the City should perform to increase insurance coverage. Lawton must review and update the insurance assessment annually to continue receiving credit.

EXHIBIT: 2021 Flood Insurance Assessment

KEY ISSUES: City of Lawton Flood Insurance Assessment sets goals of providing education outreach through various messages and methods. The activities and effectiveness must be reviewed for continuing credit within the CRS Program.

FUNDING SOURCE: NA

STAFF RECOMMENDED COUNCIL ACTION: Acknowledge receipt of the National Flood Insurance Program Community Rating System Flood Insurance Assessment.

Flood Insurance Assessment

Step 1 – Collect Flood Insurance Information

In order to determine the level of flood insurance coverage in Lawton, Oklahoma, the most recent Insurance Zone and Insurance Occupancy flood insurance policy data provided by FEMA were used, along with the assistance of the community's GIS department.

Step 2 – Determine Level of Flood Insurance Coverage

Our current number of buildings within the FEMA mapped Special Flood Hazard Area (SFHA) is 1442. Based on this information, approximately 20% of the buildings located in the SFHA are covered by flood insurance. Flood insurance coverage of properties in the SFHA by occupancy can be found in Table 1 and flood zone in Table 2.

Table 1 – Policies by Occupancy

Table 1	Policies in Force	Premium	Insurance in Force	Number of Paid Losses	\$ of Closed Paid Losses
Single Family	456	\$309,685	\$101,541,400	518	\$421,685.55
2-4 Family	5	\$2,557	\$837,700	25	\$12,975.00
All other Residential	7	\$10,122	\$2,632,000	23	\$21,877.48
Non-Residential	59	\$113,134	\$16,378,600	39	\$51,284.26
Total	527	\$435,498	\$121,389,700	605	\$507,822.29

Table 2 – Insurance Zone

Table 1	Policies in Force	Premium	Insurance in Force	Number of Paid Losses	\$ of Closed Paid Losses
A01-30 & AE Zones	285	\$326,475	\$54,873,600	365	\$313,753.46
A Zones	4	\$3,279	\$194,500	31	\$16,527.99
AO Zones	0	\$0	\$0	0	\$0
B, C & X Zones					
- Standard	42	\$33,826	\$10,507,600	94	\$93,747.16
- Preferred	196	\$71,918	\$55,814,000	68	\$68,268.68
Total	527	\$435,498	\$121,389,700	558	\$492,297.29

Step 3 – Prepare the Document

City staff began this process with the intent of learning where flood insurance policies were concentrated and what would need to be done to try and increase the awareness of the importance of protecting property with flood insurance. We began the process by asking our ISO/CRS Specialist to provide the Insurance Zone and Insurance Occupancy sheets needed to calculate the numbers

generated in Table 1 and 2. City staff then proceeded to analyze the information provided on these sheets.

Staff summarized that our most vulnerable properties, the majority of properties in the SFHA or areas within our A zones, do not have adequate flood insurance coverage. According to our numbers, only 20% of our SFHA properties have flood insurance coverage. However, there are many properties within other flood zones that do have policies.

Staff also looked at paid claims to policy holders. Staff came to the conclusion that properties within our Repetitive Loss areas and historic flooded areas, along with properties within the SFHA should receive additional attention from the City.

It is therefore recommended that funding be utilized to support outreach projects geared toward increasing the aware of the flood hazard in the areas mentioned above and promoting the purchase of flood insurance for property protection. Those projects include but are not limited to:

- 1) Increased direct mailings to residents in these areas done with different letters or brochures.
- 2) Direct contact with these areas through community and neighborhood events.
- 3) Using social media, our web site and other digital media.
- 4) Billboards and reader boards displayed in vulnerable neighborhoods.

Step 4 – Submit to the Governing Body

This assessment will be submitted to the City Council on October 12, 2021 at the regular council meeting.

Step 5 – Reassess

This flood insurance assessment will be re-assessed in 5 years before the next CRS verification/cycle visit. Updated flood insurance data will be requested from the ISO/CRS Specialist prior to the 5 year visit and used to revise this document including the process followed, summary of data, along with any conclusions and recommendations. The revised assessment will then be submitted to the City Council prior to the CRS visit.



City of Lawton

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

Commentary

File #: 21-533

Agenda Date: 10/12/2021

Agenda No: 10.

ITEM TITLE:

Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures at SW 27th Street, between SW 'J' Avenue and Lee Boulevard near Cleveland Elementary School.

INITIATOR: Councilmember Hampton

STAFF INFORMATION SOURCE: Public Works Director, Larry Wolcott, P.E.

BACKGROUND: As part of the FY 19/20 and 20/21 budgets, City Council approved the purchase of eight speed tables. One speed table was assigned to each of the eight wards for installation at a location as directed by each Councilmember. The location for the speed table in ward 5 has been identified by Councilmember Hampton and is to be on SW 27th Street, between SW 'J' Avenue and Lee Boulevard in front of Cleveland Elementary School.

EXHIBIT: Resolution 21-_____

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Adopt Resolution No. 21-_____ authorizing the installation and/or removal of traffic control measures at SW 27th Street, between SW 'J' Avenue and Lee Boulevard near Cleveland Elementary School.

RESOLUTION NO. 21-__

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) Install speed table on SW 27th Street between SW 'J' Avenue and Lee Boulevard near Cleveland Elementary School.

PASSED and APPROVED by the Mayor and Council of the City of Lawton, Oklahoma, this 12th day of October, 2021

ATTEST:

TRACI HUSHBECK, CITY CLERK

STANLEY BOOKER, MAYOR

APPROVED as to form and legality this _____ day of _____, 2021.

JOHN RATLIFF, CITY ATTORNEY



City of Lawton

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

Commentary

File #: 21-522

Agenda Date: 10/12/2021

Agenda No: 11.

ITEM TITLE:

Consider approving Amendment No. 1 and accepting the 2017 Ad Valorem Street and Roads Program (Residential), Phase I-E - SW 7th Street - Project #2017-07 as constructed by AE Construction, LLC and placing the Maintenance Bond into effect.

INITIATOR: Director of Engineering, Joseph Painter

STAFF INFORMATION SOURCE: Director of Engineering, Joseph Painter

BACKGROUND: On September 22, 2020, the City Council awarded a construction contract to AE Construction, LLC in the amount of \$1,048,476.30 for the reconstruction/alignment of the SW 7th ST extending approximately 1800 ft (0.34 miles) from SW Lee Boulevard to SW McKinley Avenue as a part of 2017 Ad Valorem Street Improvement Funds. The project included paving, ADA compliant sidewalks, driveways, storm drain lines, and other works shown on the plans and specifications. Also, the project included the installation of approximately 2000-LF of 8-inch PVC waterline from SW Lee Boulevard to SW McKinley Avenue. A notice to proceed was issued effective October 12, 2020. The contract time was specified as 240 calendar days. The contract amount was increased by \$29,222.00 to construct a new 8-inch C-900 sanitary sewer line on west side of SW 7th ST running 220-LF south of SW Monroe Ave and SW 7th ST intersection as a part of Change Order No. 1. The revised contract amount was \$1,077,698.30. Change Order No. 2 and Change Order No. 3 accounted for 38 weather days extending the contract completion date from June 08, 2021 to August 02, 2021. The project was substantially complete on August 02, 2021. A final inspection was held on August 03, 2021. A list of deficient items noted at the meeting was completed by August 25, 2021. AE Construction, LLC has submitted the Maintenance Bond, Payment Certificate, Contractor's Release to the City, and Subcontractor's Waiver and Release of Lien upon Final Payment. The maintenance Bond is on file in the City Clerk's office. Amendment No. 1 reconciles the actual as-built quantities with the final construction quantities and represents a deduction of \$160,380.68 from the contract sum. As a result, the final construction cost is \$917,317.62.

EXHIBIT: Amendment No. 1

KEY ISSUES: Click or tap here to enter text.

FUNDING SOURCE: 2017 Ad Valorem Street Improvement Funds

STAFF RECOMMENDED COUNCIL ACTION: Approve Amendment No. 1 and accepting the 2017 Ad Valorem Street and Roads Program (Residential), Phase I-E - SW 7th Street - Project #2017-07 as constructed by AE Construction, LLC and placing the Maintenance Bond into effect.



2017 AD VALOREM STREET AND ROADS PROGRAM (RESIDENTIAL), PHASE I - E - SW 7th STREET Amendment No. 1

Project No. 2017-07

Date: September 20, 2021

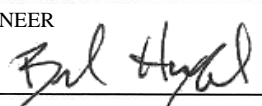
PROJECT: 2017 Ad Valorem Streets and Roads Program Contract For: Roadway Reconstruction (Residential), Phase I – E - SW 7th Street	CONTRACT INFORMATION: NTP Date: October 12, 2020	AMENDMENT INFORMATION: Amendment Number: 1
OWNER: City of Lawton 212 Southwest 9 th Street Lawton, OK 73501	ENGINEER: Freese and Nichols, Inc. 3600 NW 138 th Street, Suite 202 Oklahoma City, OK 73134	CONTRACTOR: A.E. Construction, LLC 713 NW 46 th Street Lawton, OK 73505

THE CONTRACT IS CHANGED AS FOLLOWS:

Amendment No. 1 is to reconcile actual as-built quantities with the final construction contract quantities as shown in the attached table entitled 2017-07 Ad Valorem Streets and Roads - Project I-E - Final Contract Quantities and Value. Amendment No. 1 represents a total deduction of \$160,380.68 from the original contract plus previously authorized change order amount of \$1,077,698.30, resulting in a new final contract amount of \$917,317.62.

The original Contract Sum was	\$1,048,476.30
The net change by previously authorized Change Orders	\$ 29,222.00
The Contract Sum prior to this Amendment was	\$1,077,698.30
The Contract Sum will be decreased by this Amendment in the amount of	\$ (160,380.68)
The new Contract Sum including this Amendment will be	\$ 917,317.62

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Freese and Nichols, Inc.	A.E. Construction, LLC	City of Lawton
ENGINEER	CONTRACTOR	OWNER
		
SIGNATURE	SIGNATURE	SIGNATURE
Brandon Huxford, Project Manager	Alfred Espinoza, Owner	Stan Booker, Mayor
PRINTED NAME AND TITLE	PRINTED NAME AND TITLE	PRINTED NAME AND TITLE
9/21/2021		
DATE	DATE	DATE

Attest:_____

Traci Hushbeck, City Clerk

APPROVED as to form and legality on the _____ day of _____, 2021

John Ratliff, City Attorney

I, _____, Finance Director, of the City of Lawton, Oklahoma, do hereby certify that I have entered the amount of this encumbrance (\$ _____) against the appropriated Account # _____,

and after charging this encumbrance in the amount of \$ _____, there is an unencumbered balance in said appropriated account of \$ _____.

Dated this _____ day of _____, 2021

Finance Director

2017-07 AD VALOREM STREETS AND ROADS- PROJECT I-E - FINAL CONTRACT QUANTITIES AND VALUE

ITEM NO	UNITS	ITEM DESCRIPTION	SW 7TH STREET			UNIT PRICE	ORIGINAL CONTRACT VALUE	CONTRACT VALUE CHANGE	FINAL CONTRACT VALUE
			PLAN QUANTITY	QUANTITY TO DATE	QUANTITY CHANGE				
1	LSUM	CLEARING AND GRUBBING	1	1	0	\$ 4,200.00	\$ 4,200.00	\$ -	\$ 4,200.00
2	LSUM	EARTHWORK	1	1	0	\$ 35,000.00	\$ 35,000.00	\$ -	\$ 35,000.00
3	LSUM	SWPP DOCUMENTATION AND MANAGEMENT	1	1	0	\$ 3,500.00	\$ 3,500.00	\$ -	\$ 3,500.00
4	LF	TEMPORARY SILTATION SCREEN	340	340	0	\$ 3.00	\$ 1,020.00	\$ -	\$ 1,020.00
5	EA	TEMPORARY SEDIMENT CONTROL FILTER	9	9	0	\$ 100.00	\$ 900.00	\$ -	\$ 900.00
6	LSUM	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	1	1	0	\$ 5,000.00	\$ 5,000.00	\$ -	\$ 5,000.00
7	SY	REMOVAL OF CONCRETE PAVEMENT	947	947.18	0.18	\$ 6.50	\$ 6,155.50	\$ 1.17	\$ 6,156.67
8	SY	REMOVAL OF ASPHALT PAVEMENT	4393	5231.71	838.71	\$ 5.50	\$ 24,161.50	\$ 4,612.92	\$ 28,774.42
9	SY	REMOVAL OF CONCRETE DRIVEWAY	353	353	0	\$ 5.00	\$ 1,765.00	\$ -	\$ 1,765.00
10	SY	REMOVAL OF ASPHALT DRIVEWAY	79	79	0	\$ 5.00	\$ 395.00	\$ -	\$ 395.00
11	SY	REMOVAL OF SIDEWALK	12	12	0	\$ 5.00	\$ 60.00	\$ -	\$ 60.00
12	EA	REMOVE AND RESET MAILBOX	15	12	-3	\$ 125.00	\$ 1,875.00	\$ (375.00)	\$ 1,500.00
13	LSUM	REPAIR EXISTING IRRIGATION	1	0	-1	\$ 1,000.00	\$ 1,000.00	\$ (1,000.00)	\$ -
14	LSUM	MOBILIZATION	1	1	0	\$ 36,000.00	\$ 36,000.00	\$ -	\$ 36,000.00
15	LSUM	CONSTRUCTION STAKING LEVEL II	1	1	0	\$ 12,000.00	\$ 12,000.00	\$ -	\$ 12,000.00
16	EA	REMOVE & RESET GROUND MOUNTED SIGN	14	14	0	\$ 70.00	\$ 980.00	\$ -	\$ 980.00
17	LSUM	TRAFFIC CONTROL	1	1	0	\$ 5,500.00	\$ 5,500.00	\$ -	\$ 5,500.00
18	SY	SOLID SLAB SODDING	4688	1422.3	-3265.7	\$ 4.10	\$ 19,220.80	\$ (13,389.37)	\$ 5,831.43
19	SY	SEPARATOR FABRIC	6061	5717.75	-343.25	\$ 1.50	\$ 9,091.50	\$ (514.88)	\$ 8,576.63
21	CY	AGGREGATE BASE TYPE A (6")	1012	956.61	-55.39	\$ 28.00	\$ 28,336.00	\$ (1,550.92)	\$ 26,785.08
22	SY	LIME STABILIZED SUBGRADE	6061	5657.73	-403.27	\$ 9.00	\$ 54,549.00	\$ (3,629.43)	\$ 50,919.57
25	TON	SUPERPAVE TYPE S4 (PG 64-22 OK) (4 IN LAYER)	8	0	-8	\$ 300.00	\$ 2,400.00	\$ (2,400.00)	\$ -
26	TON	SUPERPAVE TYPE S4 (PG 64-22 OK) (2 IN LAYER)	4	0	-4	\$ 300.00	\$ 1,200.00	\$ (1,200.00)	\$ -
27	SY	PORTLAND CEMENT CONCRETE PAVEMENT (6")	5442	4905	-537	\$ 53.00	\$ 288,426.00	\$ (28,461.00)	\$ 259,965.00
28	LF	CONCRETE CURB (6" BARRIER-INTEGRAL)	3709	3542	-167	\$ 14.00	\$ 51,926.00	\$ (2,338.00)	\$ 49,588.00
30	LF	CONCRETE CURB (6" MOUNTABLE-INTEGRAL)	15	17	2	\$ 20.00	\$ 300.00	\$ 40.00	\$ 340.00
32	LF	TRAFFIC STRIPE (PLASTIC) 24" WIDE	470	470	0	\$ 12.00	\$ 5,640.00	\$ -	\$ 5,640.00
33	SY	4" CONCRETE SIDEWALK	861	799.03	-61.97	\$ 50.00	\$ 43,050.00	\$ (3,098.50)	\$ 39,951.50
34	SY	6" CONCRETE DRIVEWAY	1152	890.87	-261.13	\$ 55.00	\$ 63,360.00	\$ (14,362.15)	\$ 48,997.85
35	SF	TACTILE WARNING DEVICE NEW (TYPE B)	110	110	0	\$ 27.00	\$ 2,970.00	\$ -	\$ 2,970.00
36	LF	8" PVC WATER LINE AWWA C900.DR 18	2500	1962	-538	\$ 45.00	\$ 112,500.00	\$ (24,210.00)	\$ 88,290.00
37	EA	CONNECTION TO EXISTING 4" WATER MAIN	7	1	-6	\$ 425.00	\$ 2,975.00	\$ (2,550.00)	\$ 425.00
38	EA	CONNECTION TO EXISTING 6" WATER MAIN	2	8	6	\$ 550.00	\$ 1,100.00	\$ 3,300.00	\$ 4,400.00
39	EA	CONNECTION TO EXISTING 8" WATER MAIN	4	3	-1	\$ 710.00	\$ 2,840.00	\$ (710.00)	\$ 2,130.00
40	EA	WATER SERVICE LINE 1" (SHORT SIDE)	7	4	-3	\$ 847.00	\$ 5,929.00	\$ (2,541.00)	\$ 3,388.00
41	EA	WATER SERVICE LINE 1" (LONG SIDE)	3	6	3	\$ 1,540.00	\$ 4,620.00	\$ 4,620.00	\$ 9,240.00
42	EA	8" GATE VALVE	26	18	-8	\$ 1,670.00	\$ 43,420.00	\$ (13,360.00)	\$ 30,060.00
43	LB	MISCELLANEOUS FITTINGS	6200	3531.59	-2668.41	\$ 12.50	\$ 77,500.00	\$ (33,355.13)	\$ 44,144.88
44	EA	ADJUST EXISTING WATER SERV METER/VALVE TO GRADE	9	0	-9	\$ 350.00	\$ 3,150.00	\$ (3,150.00)	\$ -
45	EA	FIRE HYDRANT ASSEMBLY & 6" GATE VALVE	6	4	-2	\$ 4,700.00	\$ 28,200.00	\$ (9,400.00)	\$ 18,800.00
46	EA	ADJUST EXISTING MANHOLE TO GRADE	2	2	0	\$ 500.00	\$ 1,000.00	\$ -	\$ 1,000.00
47	EA	4" SEWER SERVICE CONNECTION	2	2	0	\$ 500.00	\$ 1,000.00	\$ -	\$ 1,000.00
48	CY	AGGREGATE BASE TYPE A (8") (PAVEMENT REPAIR)	14	14	0	\$ 50.00	\$ 700.00	\$ -	\$ 700.00
49	SY	PORTLAND CEMENT CONCRETE PAVEMENT (PAVE. REPAIR)	59	126.08	67.08	\$ 20.00	\$ 1,180.00	\$ 1,341.60	\$ 2,521.60
50	EA	INLET C. 1 DES. 1 (STD)	5	4	-1	\$ 2,600.00	\$ 13,000.00	\$ (2,600.00)	\$ 10,400.00
51	EA	MANHOLE (4' DIAMETER)	1	1	0	\$ 3,800.00	\$ 3,800.00	\$ -	\$ 3,800.00
52	LF	24" R.C. PIPE CLASS III	391	280	-111	\$ 91.00	\$ 35,581.00	\$ (10,101.00)	\$ 25,480.00
	LF	8" GREEN C-900 SEWER PIPE	220	220	0	\$ 66.70	\$ 14,674.00	\$ -	\$ 14,674.00
	EA	SERVICE LINE TAPS	2	2	0	\$ 782.00	\$ 1,564.00	\$ -	\$ 1,564.00
	EA	MANHOLE	2	2	0	\$ 5,980.00	\$ 11,960.00	\$ -	\$ 11,960.00
	LF	CONCRETE ENCASEMENT	10	10	0	\$ 102.40	\$ 1,024.00	\$ -	\$ 1,024.00
TOTAL CONTRACT VALUE							\$ 1,077,698.30	\$ (160,380.68)	\$ 917,317.63



City of Lawton

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

Commentary

File #: 21-526

Agenda Date: 10/12/2021

Agenda No: 12.

ITEM TITLE:

Consider approving the construction plat for Eastlake Addition, Part 3D, subject to conditions.

INITIATOR: Richard Rogalski, Deputy City Manager

STAFF INFORMATION SOURCE: Richard Rogalski, Deputy City Manager and
Kameron Good, Planner I

BACKGROUND: Eastlake Addition, Part 3D, is located east of Flower Mound Road, north of Cache Road, consists of 34 single-family residential lots and a lot containing private parkland and private detention pond on 28.15 acres. The current zoning is R-1 Single-Family Dwelling District and R-3 Multiple-Family Dwelling District. The developer is Keegan Ledford and the consulting engineer is Robert B. Hendricks and Sons.

This plat was submitted with the construction plans for water, sewer, streets, and drainage. Staff has reviewed the plat and recommends approval subject to the following conditions:

Submit an Earth Change Permit Application to add Pt. 3-D to the existing Earth Change Permit.

Obtain updated ODEQ permits for the water line and sanitary sewer extensions.

Developer to build sidewalks across Drainage Flumes NE Fieldcrest Drive both sides of street and 39th Street knuckle.

Pavement section calculation submitted using City of Lawton Modified ASSHTO design standards.

BFP shown on lots that has upstream manhole top above finish floor.

Service line lot block 25 lot 2 need to extend to lot line.

Build toe on end of all drainage flumes.

Note that all manhole lids shall be unvented and minimum 6" above finish grade.

EXHIBIT: Plat Map

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: City Planning Commission recommended to approve the

construction plat for Eastlake Addition, Part 3D, subject to the conditions listed.



City of Lawton

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

Commentary

File #: 21-531

Agenda Date: 10/12/2021

Agenda No: 13.

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.

EXHIBIT: Proposed appointments

KEY ISSUES: N/A

FUNDING SOURCE: N/A

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



Office of the Mayor

212 SW 9th Street
Lawton, Oklahoma 73501
(580) 581-3301 Fax (580) 581-3536

October 12, 2021

Redistricting Commission

Ron Jarvis- Ward 1
3605 NW Julie Street
Lawton, OK 73505
Term Expires 07/01/2026

John Purcell- Ward 4
3006 NE Muse Circle
Lawton, OK 73507
Term Expires 07/01/2026

Darren Medders- Ward 6
7512 NW Stonegate Drive
Lawton, OK 73505
Term Expires 07/01/2026

Historical Preservation

Ryan Studebaker- Public Rep
2512 NE Kingsbriar Place
Lawton, OK 73507
Unexpired Term 01/27/2022

Kent Jester
1125 NW Elm Avenue
Lawton, OK 73507
Term Expires 9/10/2023

Providing efficient, effective, and responsive service. Promoting a quality of life based on harmony and cooperation. Creating leadership and opportunity for southwest Oklahoma



City of Lawton

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

Commentary

File #: 21-503

Agenda Date: 10/12/2021

Agenda No: 14.

ITEM TITLE:

Receive a report from Crawford and Associates on internal audits conducted on the Parks and Recreation Department and the Public Works Department (Streets/Traffic Division).

INITIATOR: Michael Cleghorn City Manager

STAFF INFORMATION SOURCE: Michael Cleghorn City Manager, Crawford and Associates

BACKGROUND: Crawford and Associates was engaged for the specific professional services of performing internal audit services. Crawford and Associates contacted both the Public Works department and Parks and Recreation Department to obtain information and review selected accounting records to determine whether any recommendations are warranted regarding the design of established internal control policies and procedures, and to report on the level of compliance with those policies and procedures as designed based on our test work.

EXHIBIT: Internal Audit Report

KEY ISSUES: Click or tap here to enter text.

FUNDING SOURCE: NA

STAFF RECOMMENDED COUNCIL ACTION: Receive and discuss the internal audit report from Crawford and Associates on internal audits conducted on the Parks and Recreation Department and the Public Works Department (Streets/Traffic Division).

September 7, 2021

Honorable Mayor and Members of the City Council
City of Lawton, Oklahoma
212 SW 9th Street
Lawton, OK 73501-3944

Re: Report on Internal Audit Type Monitoring Activities

Honorable Mayor and Members of the City Council:

The City of Lawton (the City) engaged Crawford and Associates, P. C. to provide certain professional services as identified in the Scope and Objectives of Our Services section below. As you may remember, last year the City transitioned from an in-house internal auditor function to an outsourced internal audit function by the hiring of our firm to provide these services to the City on an annual basis. This report describes the scope and objectives of our services, the specific procedures we performed, our findings and recommendations, and management's responses to our findings and recommendations.

Scope and Objectives of Our Services

The scope of our professional services was limited to performing certain consulting services designed to assist the Mayor and City Council in meeting its fiduciary responsibilities. These services were performed in accordance with the standards applicable to consulting engagements of the American Institute of Certified Public Accountants. With regards to this specific engagement, the scope of our services included certain internal audit type monitoring procedures in the following areas at the City:

- Parks and Recreation Department
- Public Works Department - Street and Traffic Division

The objectives of our services in this engagement were to obtain information and review selected accounting records to determine whether any recommendations are warranted regarding the design of established internal control policies and procedures, and to report on the level of compliance with those policies and procedures based on our test work.

Parks and Recreation Department

The City Parks and Recreation Department oversees roughly 80+ parks and two lakes for the City. They also manage and oversee most of the activities in the parks and lakes. For the purpose of this report, we focused on the following areas of the department:

- Cash collections and deposits
- Capital assets

Procedures Performed:

To accomplish the stated objectives, we performed the following procedures:

- We conducted interviews with appropriate management and personnel of the Department.
- We also obtained and reviewed City policies and procedures related to cash collections and deposits of the Department.
- We also performed specific procedures over cash collections and deposits of the Lake Division of Parks and Recreation Department based on information obtained from our interviews. We conducted additional interviews with the Lake Division staff to gain an understanding of their procedures regarding cash collections. The following additional procedures were performed:
 - For the Lake Division, we selected a sample of deposits to ensure proper supporting documentation and timeliness of deposits
 - Reviewed fees charged to the rates and fees approved City Ordinances
- For capital assets, we selected a sample of capital assets to test location tracking and proper tagging of assets

Findings:

During interviews, management informed us that the Parks and Recreation Department, excluding the Lake Division, was in the process of making changes to their cash collection and deposit controls. Prior to these control changes, the staff would turn in the cash collected with a preprinted deposit slip to the Parks and Recreation Division's main office. The Park and Recreation Division's main office would then take the cash collected and the preprinted deposit slip to the License and Permits Department. Prior to the process changes, there was no formal tracking being performed by the Parks and Recreation Department between amounts collected and amounts deposited. With the Department's most recent changes, a staff person at the Parks and Recreation Department will be assigned the responsibility of reviewing collections, logging the deposit by the appropriate fund and line item accounts, and ensuring that the amount reconciles to the amount remitted to the License and Permits Department. This staff person will also ensure that the amounts agree to the amounts turned over by License and Permits Department to the Water Department for the eventual deposit in the bank, and further to the records reported to the Parks and Recreation's general ledger fund accounts.

During our interviews with the Lake Division, we noted that one individual currently is primarily responsible for inspecting the Lake each morning in order to collect payments for camping and other items in which a fee is charged. Subsequently, this individual brings the cash and checks back to the Administrative Assistant at the Lake. The Administrative Assistant then reconciles the amounts collected to supporting receipt books and combines the reconciled payments with funds received through a drop box located outside the office. Both the Lake Director and/or the Administrative Assistant may take the cash and checks collected to the License and Permits Department, who reconciles the fees and then delivers the entire amount of monies collected to the Water Department head cashier, who then records the deposit into the system and takes the actual deposit to the bank. Additionally, the Administrative Assistant typically serves as the primary backup for the individual who inspects and patrols the lake to collect fees from campers, however the Administrative Assistant is also the person responsible for preparing and delivering the monies collected to License and Permits Department. If the Administrative Assistant is on vacation or sick leave, the deposit is locked in a filing cabinet until that individual returns and can prepare the monies collected to be transferred to the Water Department.

In this situation, the monies collected may not be taken to the License and Permits Department for several days. This leads to extended periods of time in which cash and check collections may accumulate and be kept at the Lake office location. In our testing of the deposits, we noted the average number of days difference between the actual collections of cash and checks and the deposits of those monies was approximately three to four days, with a maximum period of up to 15-17 days in instances in which the Administrative Assistant was on leave.

During the testing of capital assets, we selected a haphazard sample of capital assets, and noted that the City has several different forms of identification numbers tied to a single capital asset. For example, there is an asset ID (from the capital asset system), a barcode number (on the tag given to physically place on the asset), and a Division or Department number painted on the capital asset and is also usually included in the description. Of the capital assets tested in our sample, the description and location of assets were all correct. In addition, we noted approximately half of the capital assets tested did not have a barcode tag on them, however we were able to identify them by the number painted on the asset and/or the items' description.

Recommendations:

1. We recommend that the Parks and Recreation Department continue to implement the new cash collection procedures they recently developed. This includes coaches and staff signing off on the deposit form as they turn it into the Department headquarters and then tracking and reviewing it before it is transferred to the License and Permits Department.
2. The Lake Division needs to designate a backup individual to make deposits when the administrative assistant is on vacation, so that there is no lengthy delay between the receipt of fees and the deposit of the monies with the License and Permits Department.

The City should work with the Lake Division to develop an acceptable timely deposit requirement policy for all deposits to be made.

1. This can be based off allowable time between deposits, an amount limit that requires a deposit, or a combination of both time and amount, in light of the statutory considerations that require all deposits to be made daily.
2. When the administrative assistant collects the cash from the Lake visitors, a different individual should review the deposit and support and sign off on it before submitting it to the License and Permits Department.
3. We recommend the City consider a new capital asset policy that uses some combination of the three different asset identification methods into a more manageable tracking identification number of the various capital assets.

Public Works Department - Street and Traffic Division

The Street and Traffic Division performs minor to major repairs on the streets and alleys of the City. They also maintain the traffic signals and signage all around City property.

Procedures Performed:

To accomplish the stated objectives, we performed the following procedures:

- Conducted interviews and walkthroughs with appropriate management and personnel to gain an understanding of internal controls related to the finance aspects of the Street and Traffic division.
- For capital assets, we selected a haphazard sample of assets to test proper identification, location tracking and the proper tagging of such assets.
- Used the work order tracking system currently employed by Street and Traffic Division, and along with invoices, prepared a rough tracking of rebar to see if a proper accounting of the purchase and use of rebar could be performed.

Findings:

- The haphazard capital assets sample produced roughly the same results as the capital asset testing in the Parks and Recreation Department. We again noted that the City has several different forms of identification numbers tied to a single capital asset. For example, there is an asset ID (from the capital asset system), a barcode number (on the tag given to physically place on the asset), and a Division or Department number painted on the capital asset and is also usually included in the description. Of the capital assets tested in our sample, the description and location of assets were all correct. In addition, we noted approximately half of the capital assets tested did not have a barcode tag on them, however we were able to identify them by the number painted on the asset and/or the items' description.
- Inventory for bulk items is not being tracked. For some bulk items like rock, this may be a difficult process due to differing Departments and Divisions using the bulk rock when needed. There also does not appear to be any type of scale that is used for rock weight coming in and going out, but instead bulk rock going out is just estimated based on bucket and truck sizes being used for hauling. Smaller bulk items would not have the same complication for inventory purposes.

Recommendations:

1. For capital assets, please see recommendation 3 from the above recommendation section
2. For bulk items like rebar and other individual items, a monthly perpetual inventory system, tracking the ins and outs in total would be useful to include in certain monthly reports and for accountability purposes. This should be discussed with those individuals who use the monthly reports from the Street and Traffic Division to see if this inventory information would be useful.

We would like to express our appreciation for all the courtesy and assistance we received from management and staff during our work at the City and hope that this report will be of benefit to the City.

Crawford & Associates, P.C.
Crawford & Associates, P.C.



City of Lawton

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

Commentary

File #: 21-552

Agenda Date: 10/12/2021

Agenda No: 15.

ITEM TITLE: Receive a presentation from EST, Inc., and consider accepting the Conceptual Alignment and Feasibility Report for the Extension of Goodyear Boulevard from the West Industrial Park to US Highway 62, and directing staff to negotiate a contract with EST, Inc. to develop construction documents to complete the project.

INITIATOR: Richard Rogalski, Deputy City Manager

STAFF INFORMATION SOURCE: Richard Rogalski, Deputy City Manager

BACKGROUND: On June 9th, 2020, the Lawton Metropolitan Planning Organization (LMPO) approved a contract with EST, Inc. (EST) to develop a Conceptual Alignment and Feasibility Report for the Extension of Goodyear Boulevard from the West Industrial Park to US Highway 62. EST, Inc. produced a "Universe of Alternatives" which were brought before the Transportation Technical Committee and the Transportation Policy Board for review, consideration, and scrutiny. From the feedback provided, to include considerable input from our industrial partners, EST developed a preferred alternative that was selected by the LMPO on April 27th, 2021. EST has since produced the Final Report for the conceptual alignment, which was approved by the LMPO on October 5, 2021. The Oklahoma Department of Transportation has indicated support for this project, to include possibly partnering with the City to fund the construction. It would be beneficial for the City Council to consider accepting this final report and directing staff to negotiate with EST to develop a contract for the preparation of construction documents (plans, specifications, and bid documents). This contract would be brought to the City Council as soon as possible for approval.

EXHIBIT: Short Version of the Conceptual Plan Report Presentation

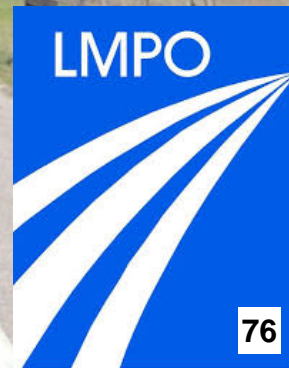
KEY ISSUES: This conceptual roadway extension greatly improves access to the West Lawton Industrial Complex and removes heavy truck traffic from our local streets.

FUNDING SOURCE: N/A

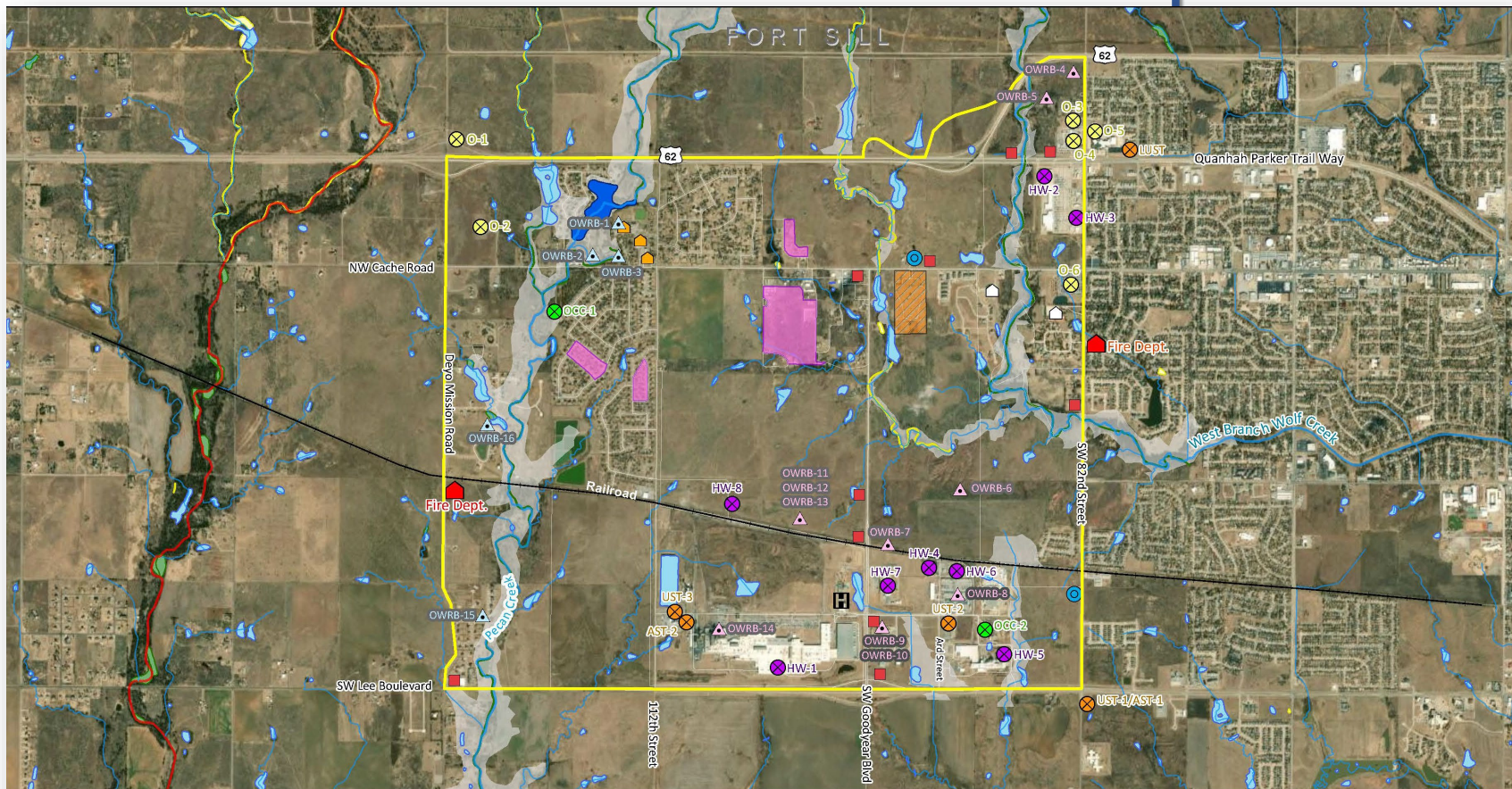
STAFF RECOMMENDED COUNCIL ACTION: Accept the Conceptual Alignment and Feasibility Report for the Extension of Goodyear Boulevard from the West Industrial Park to US Highway 62, and direct staff to negotiate a contract with EST, Inc. to develop construction documents to complete the project.



Conceptual Alignment and Feasibility Report for an Extension of Goodyear Blvd. from the West Lawton Industrial Park to US-62



Study Area & Environmental Constraints Map



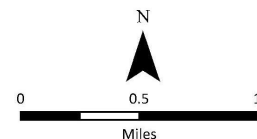
Please note: the following were not identified in the study area: likely suitable habitat for Bald & Golden Eagles, mapped historic resources, and EJ block groups for low income

Legend

Study Area	Groundwater Well	Railroad	EJ Census Block	NWI Wetlands
HazWaste Site	Monitoring Well	Cemetery	Emergent Wetland	Forested/Shrub Wetland
Other Site	Medical Center	Impaired Water (2014)	Pond	Lake
Tanks	Schools	NHD Flowline	FEMA Floodplain	
Active Oil Well	Place of Worship			
Billboard	Water Tower			

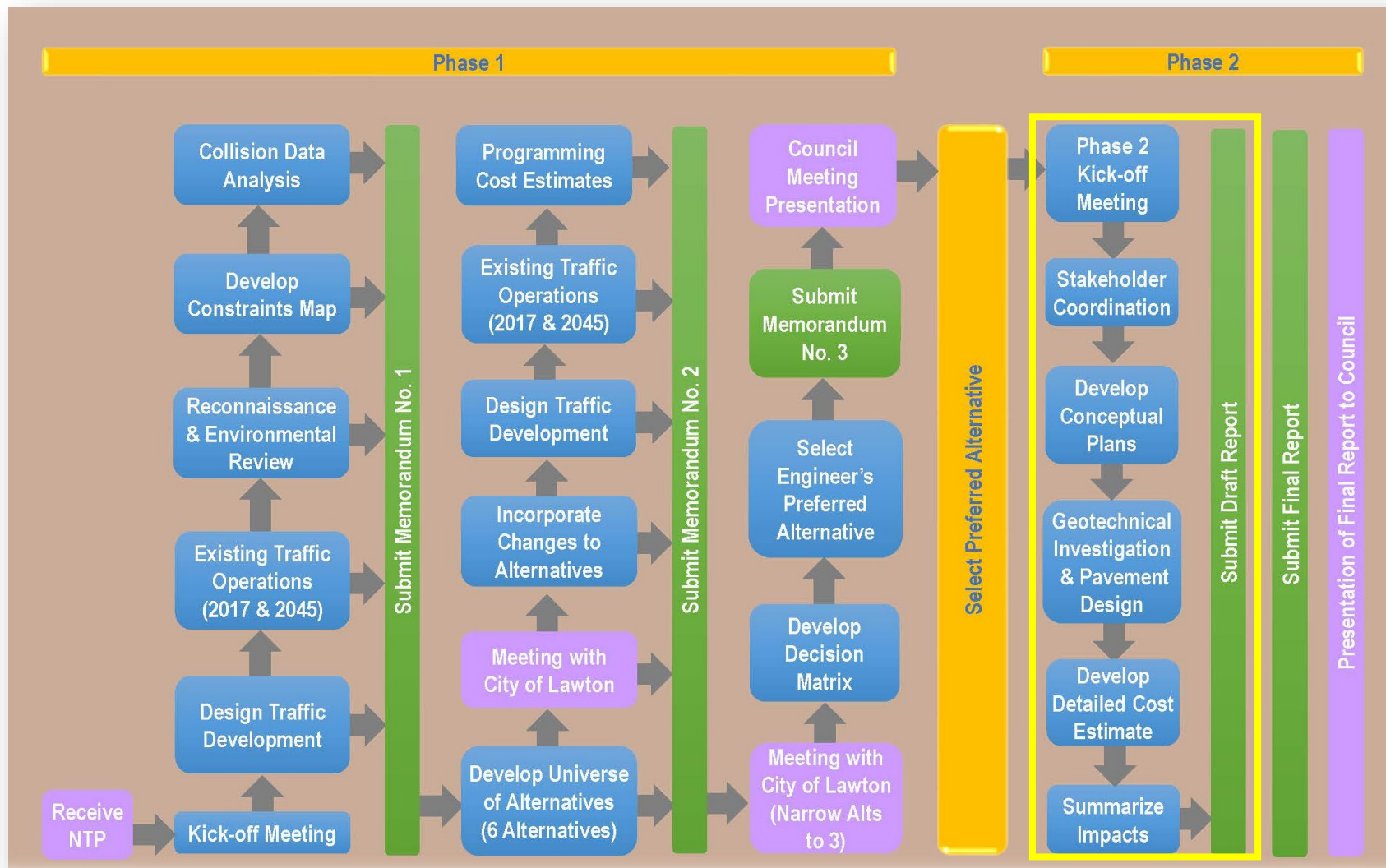
ENVIRONMENTAL CONSTRAINTS MAP

Conceptual Alignment and Feasibility Study:
Extension of Goodyear Blvd. from W. Lawton
Industrial Park to US Highway 62



EST
Comprehensive Engineering Services
Date: 11/11/2020

Project Scope



Stakeholder Coordination

PROGRAMMING COST
ESTIMATE:
\$15,106,700

PROGRAMMING COST
ESTIMATE:
PHASE 1: \$18,526,000
PHASE 2: \$1,231,200
TOTAL: \$19,757,200

PROGRAMMING COST
ESTIMATE:
\$15,765,900

Geotechnical Report

GEOTECHNICAL ENGINEERING SERVICES REPORT

GOODYEAR BOULEVARD EXTENSION
FROM NW CACHE ROAD TO U.S. HIGHWAY 62
WITH ASSOCIATED RAMPS
LAWTON, OKLAHOMA

Prepared For:
City of Lawton

Prepared By:
EST, Inc.



Approved by:

Bryce R. Hanlon, P.E.
Geotechnical Engineer
bryceh@estinc.com



EST PROJECT NUMBER
60-10332

September 22, 2021

Geotechnical Report

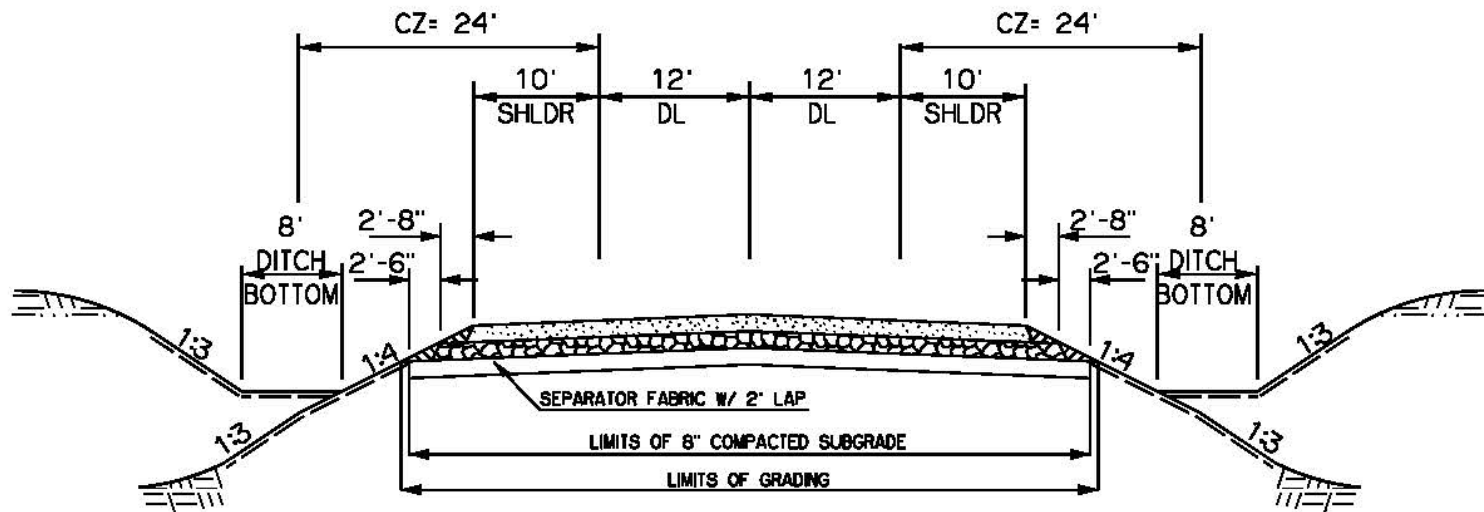


Geotechnical Report

**GOODYEAR BLVD. EXTENSION FROM NW CACHE ROAD, EXTENDING 1/2 MILE NORTH TO US-62
AND ASSOCIATED RAMPS AT US-62
RECOMMENDED PAVEMENT SECTION
(ESTIMATED DESIGN LIFE OF 20 YEARS)**

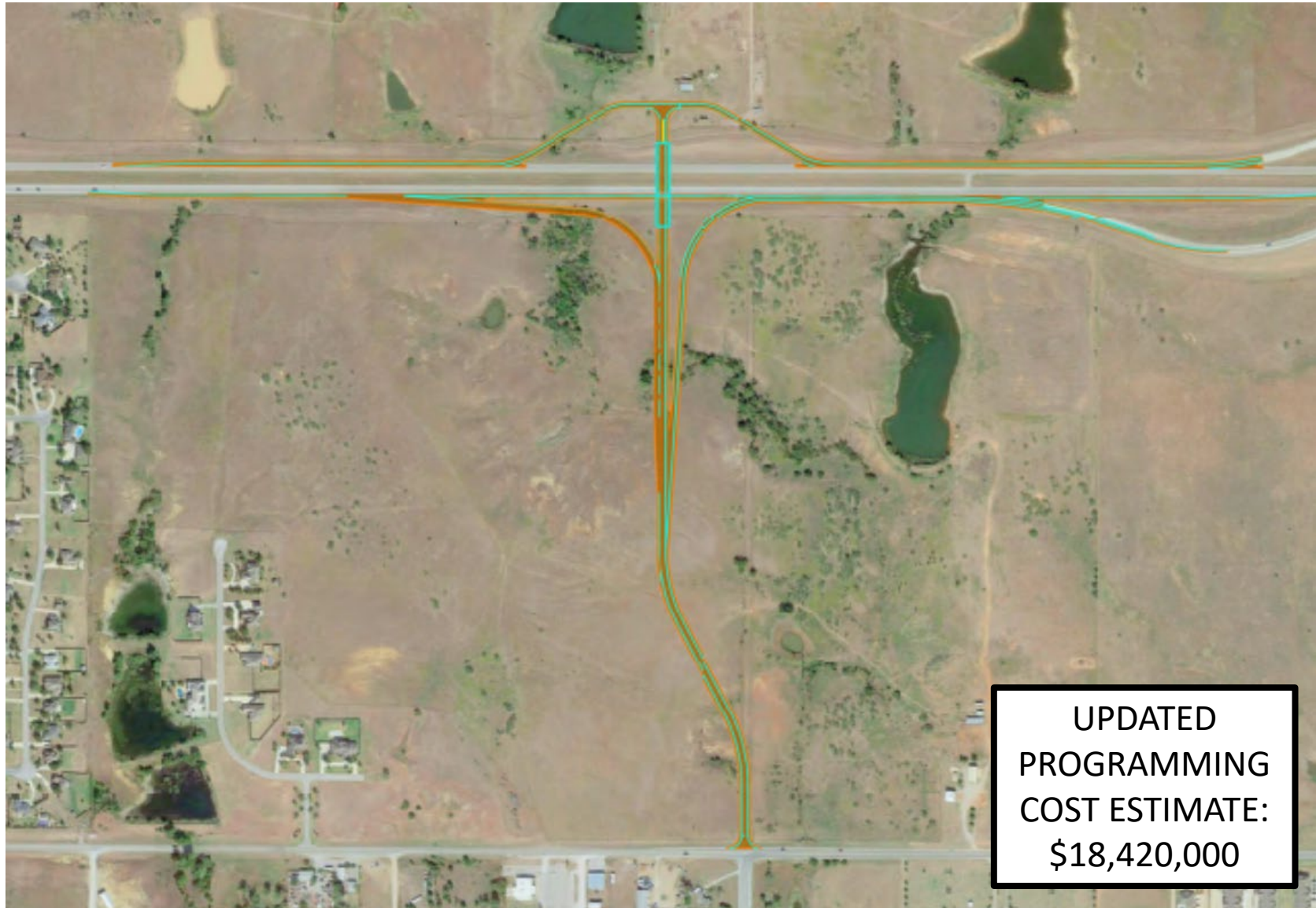
2" Superpave Type 'S4' Asphalt Concrete (PG 70-28OK)
over
3" Superpave Type 'S3' Asphalt Concrete (PG 64-22OK or PG 70-28OK)
over
3" Superpave Type 'S3' Asphalt Concrete (PG 64-22OK)
over
8" ODOT Type "A" Aggregate Base
(Compacted to 98% Std. Proctor)
over
AASHTO M288 "Separation Geotextile Property Requirements" Class 2 non-woven Fabric (max AOS of 0.25)
over
Minimum of 8" of Compacted Subgrade
(Compacted to 95% Std. Proctor)

Conceptual Plans



GOODYEAR BOULEVARD TYPICAL SECTION

Option G – Preferred Option



UPDATED
PROGRAMMING
COST ESTIMATE:
\$18,420,000



City of Lawton

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

Commentary

File #: 21-525

Agenda Date: 10/12/2021

Agenda No: 16.

ITEM TITLE:

Consider an ordinance creating Sections 20-5-501 through 20-5-509, Article 20-5, Chapter 20, Lawton City Code 2015, by creating regulations for small cell wireless facilities, creating submittal requirements and who administers the revocable permit for council consideration, creating requirements for construction and maintenance of the facilities, providing for severability, and establishing an effective date.

INITIATOR: Richard Rogalski, Deputy City Manager

STAFF INFORMATION SOURCE: Rusty Whisenhunt, Public Utilities Director
Charlotte Brown, Code Plans Supervisor

BACKGROUND: Over the past couple of years, there have been multiple inquiries about installation of above-ground small cell communications facilities. These facilities are required to deliver 5G coverage in areas that are difficult to serve. Due to the number of facilities needed to provide adequate coverage, they are primarily installed within the public right-of-way. While Chapter 20 does provide for the issuance of a revocable permit for underground communications cable and pipelines to be installed within city right-of-way, it does not currently address above ground small cell towers and facilities. Telecommunication towers located on private property are addressed in Chapter 6 of Lawton City Code. This ordinance allows for small cell wireless facilities to be constructed on the right-of-way within the City of Lawton with a revocable permit issued by City Council, provided that they can meet certain requirements, such as a minimum of 10 feet from a sanitary sewer main, shall be located on the opposite side of the roadway or other public way from a public water main, no facility shall impede an existing or proposed sidewalk, no more than 50 feet in height, and the adjacent property owner shall provide written permission for the small cell wireless facility to be located adjacent to their property. The ordinance also allows for exceptions to be granted by City Council if the requirements are found to be infeasible. The ordinance also sets an annual use fee required in order to continue to be placed in the right-of-way.

EXHIBIT: Ordinance No. 2021- ____

KEY ISSUES: Do we want to allow the small cell wireless facilities to be located within the right-of-way.

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Adopt Ordinance No. 2021-____, waive the reading of the ordinance, read the title only.

ORDINANCE NO. 21-____

AN ORDINANCE CREATING SECTIONS 20-5-501 THROUGH 20-5-509, ARTICLE 20-5, CHAPTER 20, SMALL CELL WIRELESS FACILITIES PERMIT, LAWTON CITY CODE, 2015; BY CREATING THE ARTICLE, CREATING REGULATIONS FOR SMALL CELL WIRELESS FACILITIES, CREATING SUBMITTAL REQUIREMENTS AND WHO ADMINISTERS THE REVOCABLE PERMIT FOR COUNCIL CONSIDERATION, CREATING REQUIREMENTS FOR CONSTRUCTION AND MAINTENANCE OF THE FACILITIES, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

Section 1. The title of Article 20-5 is hereby created to read as follows:

Article 20-5 – SMALL CELL WIRELESS FACILITY PERMIT

Section 2. Section 20-5-501 is hereby created to read as follows:

20-5-501-Purpose - Definitions.

- A. The purpose of this Article is to provide for the public health, safety and welfare by the orderly regulation and use of public ways by transmission facilities.
- B. As used herein, the following terms shall have the meanings ascribed to them in this Section:
 1. An “above-grade facility” means a transmission facility whose primary conduit, apparatus and equipment for transmission is located as or a part of a vertical, above-grade structure. Typically, an above-grade facility would include but not be limited to a small wireless facility.
 2. A “below-grade facility” means a transmission facility whose primary conduit, apparatus and equipment for transmission is located or buried underground or otherwise below the surface grade. Typically, a below-grade facility would include, but not be limited to a wire, cable, fiber optic, pipeline or similar facility.
 3. A “public way” means any public lands, rights-of-way and easements owned or controlled by the City of Lawton.
 4. A “small cell wireless facility” means small cell systems and distributed antenna systems (DAS). Small cell systems are low-powered wireless base stations that function like traditional cell sites in a mobile wireless network. DAS uses numerous antennas similar in size to small cell systems that are connected to and controlled by a central hub.
 5. A “transmission facility” means the facilities for any communications system and for any type of water, gas or other pipeline system.

Section 3. Section 20-5-502 is hereby created to read as follows:

20-5-502 –Requirements of permits, exceptions –Applicability of permits.

- A. Construction or placement of any type of transmission facility shall not be placed upon, over, in or under any public ways under the control of the City without a revocable transmission facility permit as authorized by the City Council. Public ways shall include all public land, right-of-way and easements.
- B. The provisions of Subsections A of this Section shall not apply to any person, organization or entity that has a valid franchise with the City nor apply to the installation, construction or operation of television cable system.
- C. Communications facilities, small cell wireless facilities and telecommunication towers that are located on private property shall comply with Article 6-8 of the Lawton City Code.

Section 4. Section 20-5-503 is hereby created to read as follows:

20-5-503 - Application and plan submittal requirements –Procedural process.

- A. An application shall be submitted to the Community Services Director, or his/her designee, for a revocable small cell wireless facility permit, as required in Section 20-5-502, on forms prepared by the City Planning Division. The application shall contain the following general information:
 - 1. Full name of organization, corporation or individual, address and telephone information of the applicant;
 - 2. A written explanation of the proposed project;
 - 3. Plans showing the proposed location of all small cell wireless facilities and related components, identification of the public ways to be utilized, location of all existing above-grade and below-grade utilities in the area of the proposed construction and other related information to provide the City with sufficient information to objectively evaluate the merits of the proposed project;
 - 4. All plans shall be submitted on a drawing made to scale and sealed by an Oklahoma licensed surveyor or engineer; and
 - 5. Any other additional information requested by the Community Services Director or his/her designee, related to the project necessary to provide the proper recommendation to the City Council.
- B. Plans for above-grade facilities shall include the following information:
 - 1. Plans for above-grade attachment/co-location to existing poles/structures are not required to be sealed by an Oklahoma licensed surveyor or engineer for location purposes.
 - 2. Plans for above-grade attachment/co-location on existing poles/structures shall include the location on the public way, written approval from the utility company that the communication equipment is to be located on, information demonstrating the ability of the pole to support the extra weight and capacity and the location of any new power supply.
 - 3. Plans for new above-grade small cell wireless facilities and components shall include the height of the pole, information demonstrating the ability of the pole to support the equipment and location of all utilities in the area of the proposed location.
- C. Submission and review of the application
 - 1. After submission of the complete application, as required by Subsection A of this Section, the Community Services Director, or his/her designee, shall initiate and

- coordinate with the appropriate departments and utility companies for review of the application and formulate a recommendation for City Council's consideration.
2. The application shall be submitted for review and consideration by City Council within sixty (60) days of the submission date.
 3. The Community Services Director, or his/her designee, shall prepare an appropriate small cell wireless facility permit on forms acceptable to the City Council which are not in conflict with the provisions of this Article, and which will protect the interest of the citizens of Lawton.
 4. The City Council will consider the issuance of a small cell wireless facility permit(s) for the installation and construction of all small cell wireless facilities on public ways. The City Council may approve, modify, or deny the permit. Following action by the City Council on the application, notice shall be sent to the applicant within ten (10) calendar days.

Section 5. Section 20-5-504 is hereby created to read as follows:

20-5-504 - Fee requirements and expiration date of small cell wireless facility permit.

- A. An application fee as set out in Appendix A, Fees and Charges, shall be paid at the time of filing the application for the small cell wireless facility permit.
- B. A review and inspection fee as set out in Appendix A, Fees and Charges, shall be paid for each location of above-grade small cell wireless facilities installed in the City's public ways prior to any construction/installation of any facilities as authorized by the small cell wireless facility permit. No construction/installation shall commence before the effective date of the small cell wireless facility permit. All electrical or other required trade inspections as required by the currently adopted building and electrical codes shall require separate fees as set out in Appendix A, Fees and Charges, Chapter A-6.
- C. The permittee shall pay an annual use fee beginning the second year following application and each subsequent year thereafter for the small cell wireless facility permit. The annual use fee shall be as set out in Appendix A, Fees and Charges, for each location for above-grade facilities installed in the City's public ways as described in the permit. The annual use fee shall be due on the anniversary date of the permit's effective date as approved by the City Council.
- D. The small cell wireless facility permit will automatically renew upon receipt of the annual use fee, unless otherwise revoked by the City Council. The annual use fee shall be payable to the City of Lawton and shall be submitted to the Community Services Director.

Section 6. Section 20-5-505 is hereby created to read as follows:

20-5-505 - Inspections required – Authorized Adjustments.

After issuance of the revocable transmission facility permit by the City Council, the City Engineer, or his/her designee, shall inspect the construction of the facilities for compliance with the applicable provisions of the City Code and for any additional requirements or conditions for the issued permit. The permittee shall coordinate with the City Engineer or his/her designee, in writing regarding the start date and the schedule of the project prior to construction. All electrical or other required trade inspections are considered separate from the engineering inspections.

Section 7. Section 20-5-506 is hereby created to read as follows:

20-5-506 – Requirements for location and maintenance for small cell wireless facilities within a public right-of-way.

A. General requirements for small cell wireless facilities:

1. The adjacent property owner shall provide written permission for the facility to be located adjacent to the property.
2. No facility shall be located on an arterial street as defined by Chapter 18 of this Code.
3. All facilities shall harmonize with the area in which they are located and shall be monopoles.
4. All facilities shall be located no closer than ten (10) feet to a public sanitary sewer main and shall be located on the opposite side of the roadway or other public way from any public water main.
5. All facilities shall be located to be a minimum of four (4) feet from back of curb on streets that have a speed limit of no more than twenty-five (25) miles per hour, minimum of six (6) feet from back of curb on streets that have a speed limit of between twenty-five (25) and thirty-five (35) miles per hour and a minimum of eight (8) feet from back of curb on streets with a speed limit above thirty-five (35) miles per hour.
6. No facility shall overhang or impede the existing and proposed public sidewalks.
7. All facilities shall be a minimum of one (1) foot from the existing sidewalk and a minimum of two (2) feet from the ADA pathway.
8. All above-grade facilities shall be attached/co-located onto an existing pole or other appropriate structure when such is within three hundred (300) feet of a requested location, except as otherwise approved by the City Council.
9. All facilities shall be no higher than fifty (50) feet above-grade.
10. All facilities shall be designed to withstand a wind speed of one hundred and thirty (130) miles per hour.
11. In addition to the requirements elsewhere provided in this code, all above-grade small wireless facilities shall be located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that requires exposed elements, the antenna and the exposed elements shall fit within an imaginary enclosure of not more than six (6) cubic feet in volume. All facilities shall be maintained in a good, structural manner. Failure to maintain the structural integrity of the facility may cause revocation by the City Council and may result in the abatement of the offending facilities. The permittee shall periodically inspect the facilities to ensure that they are maintained in a sound and aesthetic manner.
12. Upon notification by the City that any facility appears to be in need of maintenance or repair, the permittee shall inspect the facility and notify the City with a timeline of repair work within forty-eight (48) hours.
13. If, in the City's opinion, a damaged or unmaintained facility poses an imminent threat to the public or otherwise constitutes a public nuisance, it may be removed by the City and the permittee shall be responsible for paying all costs of said removal.
14. Permittee shall obtain general liability insurance covering property damage and bodily injury in amounts not less than the limits of liability set forth in the Oklahoma Governmental Tort Claims Act and shall provide proof thereof annually to the Community Services Director.

15. Permittee, its successors and assigns will indemnify and hold the city, its employees and officials harmless against any and all claims and damages including but not limited to personal injuries, deaths or property damages arising from the construction, installation, repair, maintenance or operation of its transmissions facility.
- B. City Council may grant exceptions to the requirements in this Section. Such exceptions may include, but are not limited to the following:
1. An exception for the attachment/co-location on an existing pole may be granted provided that the applicant submits written documentation showing that the attachment/co-location to an existing pole is not feasible or does not meet the service requirements of the facility, or that the aesthetic and safety impact of the new above-grade structure will be mitigated by incorporating it with a new street light or other facility that provides a public benefit.
 2. An exception to the maximum height requirement may be granted provided that the applicant submits written documentation that the height limitation is not feasible or the height does not meet the service purpose of the facility. An exception of up to seventy-five (75) feet total height may be granted.
 3. An exception to locating the facility on the opposite side of the public way from the public water main may be granted provided that the applicant submits documentation that locating the facility on the opposite side of the public way from the public water main is not feasible. An exception may be granted to allow the facility to be located on the same side of the street, but can be no closer than ten (10) feet to the public water main.
 4. An exception to the required exposed elements to fit in an enclosure of six (6) cubic feet may be granted provided that the applicant submits documentation that the antenna and/or the required exposed elements will not fit in said enclosure. An exception may be granted to allow said enclosure to be no more than nine (9) cubic feet in total size.
- C. If, after the City Council has issued a small cell wireless facility permit, the requested location becomes not feasible, the Director of Public Utilities, or his/her designee, may allow for minor revisions to the location. If the Director of Public Utilities determines that the change in location is not a minor revision, the permittee shall submit an amended application to the City Council for the new location and pay the fee as set out in Appendix A, Fees and Charges.

Section 8. Section 20-5-507 is hereby created to read as follows:

20-5-507 –Revocation for failure to pay annual use fee.

- A. Failure of the permittee to pay the annual use fee as set forth in Section 20-4-404, and as recited in the permit, may cause the permit to be revoked and a penalty to be assessed. If the permittee fails to pay the annual use fee within thirty (30) calendar days of any due date, there shall be a penalty of ten percent (10%) assessed upon the balance due and owing for each thirty (30) calendar days that it remains unpaid. If the balance remains unpaid after sixty (60) calendar days, notice of revocation shall be sent to the permittee by certified mail by the Community Services Director. The notice will give the permittee thirty (30) additional calendar days to pay and be considered a renewal. Thirty (30) calendar days after the notice of revocation is sent, an agenda item commentary will be drafted for City Council consideration of revocation of the small cell wireless facility

permit. At that time, notice of the meeting date for City Council consideration of revocation shall be sent to the permittee.

- B. If the permit is revoked, the permittee will have ninety (90) calendar days from the date of revocation to remove all equipment from all public ways. The permittee shall restore the grounds and all remaining infrastructure to their preexisting conditions and to City Code standards.
- C. If the permittee wishes to reapply for a small cell wireless facility permit, all fees attributable to a new application shall be required. However, plan submittal requirements will be waived for in-place equipment.
- D. A permittee's failure to adhere to the requirements for removing equipment from all public ways shall be grounds for the City to seek damages from the District Court of Comanche County, Oklahoma. Damages shall include the cost of removal of the offending facilities plus costs and attorney fees and any other monetary amount as deemed appropriate by the court.

Section 9. Section 20-5-508 is hereby created to read as follows:

20-5-508 – Revocation for cause or convenience.

- A. A small cell wireless facility permit issued under this article grants unto the permittee, its successors and assigns, the privilege of using certain public ways for its permitted facilities. A small cell wireless facility permit may be revoked as provided in this Section.
- B. Except for permittee's failure to pay the annual use fee, City Council may revoke the permit in whole or in part by providing ninety (90) days written notice to the permittee. Where the revocation is based on the permittee's failure to comply with the provisions of the permit or other provisions of other federal, state or local laws, the revocation notice shall list the reasons for revocation and provide a reasonable amount of time to cure.
- C. The permittee shall remove all permitted facilities located in the permitted areas within ninety (90) days after the expiration or revocation of the permit. The permittee shall restore the grounds and all remaining infrastructure to their preexisting conditions and restore to City Code standards.
- D. In addition to the requirements as set forth in this Article, the City may require other reasonable terms and conditions in the permit on a site specific and/or a case by case basis as necessary for the public safety and welfare of the citizens of Lawton.
- E. In the event the City finds it necessary and convenient to relocate any such small cell wireless facility for any reason, to include but not be limited to any construction or reconstruction or widening of any city road, public easement or other city improvement, then in such event, such relocation shall be accomplished and done at the sole expense of the permittee. The City shall give written notice to the permittee not less than ninety (90) days of the requirement to relocate the small cell wireless facilities. The City shall coordinate as necessary with the permittee to find a suitable replacement location for those small cell wireless facilities. The permittee shall apply for an amended permit to include possible suitable replacement relocations without having to pay the application fee as set forth in Appendix A, Fees and Charges of this code.
- F. In the event the City undertakes an emergency repair or replacement of a public sanitary sewer or public water main to protect public health and safety, the City may remove any of the permitted facilities interfering with such repair or replacement. The permittee will

be responsible for the re-installation of the encroachment at the permittee's sole cost and expense once the emergency repair or replacement has been completed and public health and safety are no longer a concern.

Section 10. Section 20-5-509 is hereby created to read as follows:

20-5-509 – Liability for failure to timely remove small cell wireless facilities.

A permittee shall be liable to the City for its failure to remove the permitted small cell wireless facilities from public ways as required by this Article. Damages shall include the City's cost of removal of the offending facilities. Damages shall further include all litigation costs incurred by the City in its enforcing the requirements of this Article, to include but not limited to court costs, attorney fees and any other monetary amount as deemed appropriate by the court.

Section 11. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 12. Effective Date. The provisions of this ordinance shall become effective thirty days after passing of the ordinance.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this 12th day of October, 2021.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI L. HUSHBECK, CITY CLERK

APPROVED as to form and legality this ____ day of _____, 2021.

JOHN RATLIFF, CITY ATTORNEY

ORDINANCE NO. 21-_____

AN ORDINANCE CREATING SECTIONS 20-5-501 THROUGH 20-5-509, ARTICLE 20-5, CHAPTER 20, SMALL CELL WIRELESS FACILITIES PERMIT, LAWTON CITY CODE, 2015; BY CREATING THE ARTICLE, CREATING REGULATIONS FOR SMALL CELL WIRELESS FACILITIES, CREATING SUBMITTAL REQUIREMENTS AND WHO ADMINISTERS THE REVOCABLE PERMIT FOR COUNCIL CONSIDERATION, CREATING REQUIREMENTS FOR CONSTRUCTION AND MAINTENANCE OF THE FACILITIES, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

BRIEF GIST

This ordinance creates the permit process, and regulations for construction and maintenance for small cell wireless facilities to be located within the City of Lawton.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this 12th day of October, 2021.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI L. HUSHBECK, CITY CLERK

(Published in the Lawton Constitution this _____ day of _____, 2021.)



City of Lawton

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

Commentary

File #: 21-524

Agenda Date: 10/12/2021

Agenda No: 17.

ITEM TITLE:

Consider a resolution amending Appendix A, Schedule of Fees and Charges, by creating the application, review, inspection, and annual use fees for a small cell wireless facility permit.

INITIATOR: Richard Rolgaski, Deputy City Manager

STAFF INFORMATION SOURCE: Rusty Whisenhunt, Public Utilities Director
Charlotte Brown, Code Plans Supervisor

BACKGROUND: As a companion to the previous agenda item to create the fee for the application, review, inspections, and annual use fees for the small cell wireless facility permits.

EXHIBIT: Resolution No. 21- ____

KEY ISSUES: Do we want to allow the small cell wireless facilities to be located within our rights-of-way.

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Adopt Resolution No. 21- ____ amending Appendix A, Schedule of Fees and Charges, creating the application, review, inspection, and annual use fees for a small cell wireless facility permit.

RESOLUTION NO. 21-_____

A RESOLUTION AMENDING APPENDIX A, SCHEDULE OF FEES AND CHARGES, LAWTON CITY CODE, 2015, PERTAINING TO CHAPTER 20, REVOCABLE COMMUNICATIONS PERMIT, BY CREATING ARTICLE A-20-5 SMALL CLL WIRELESS FACILITY PERMIT.

WHEREAS, Section 1-205, Chapter 1, Lawton City Code, 2015, provides that fees and charges shall be set by resolution.

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

SECTION 1. Article A-20-5 is hereby created as follows:

Article A-20-5 – Small Cell Wireless Facility Permit.

<u>20-504</u>	<u>Initial Application for all Facilities</u>	<u>\$500.00</u>
<u>20-504</u>	<u>Review Fee</u>	<u>\$100.00 per location/facility</u>
<u>20-504</u>	<u>Annual Use Fee – Individual Above Grade Facilities</u>	<u>\$250.00 per facility</u>
<u>20-504</u>	<u>Annual Use Fee – Attached/Co-located Above Grade Facilities</u>	<u>\$0.00</u>
<u>20-505</u>	<u>Inspection Fee</u>	<u>\$30.00 per hour</u>

ADOPTED and APPROVED by the Mayor and Council of the City of Lawton this 12th day of October, 2021.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI L. HUSHBECK, CITY CLERK

APPROVED as to form and legality this ____ day of _____, 2021.

JOHN RATLIFF, CITY ATTORNEY



City of Lawton

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

Commentary

File #: 21-421

Agenda Date: 10/12/2021

Agenda No: 18.

ITEM TITLE:

Receive an update on the City of Lawton Capital Improvement Projects

INITIATOR: Joe Painter, Engineering Director

STAFF INFORMATION SOURCE: Joe Painter, Engineering Director

BACKGROUND: Click or tap here to enter text.

EXHIBIT: Click or tap here to enter text.

KEY ISSUES: Click or tap here to enter text.

FUNDING SOURCE: Click or tap here to enter text.

STAFF RECOMMENDED COUNCIL ACTION: Click or tap here to enter text.

City of Lawton

CIP Update

August 24, 2021

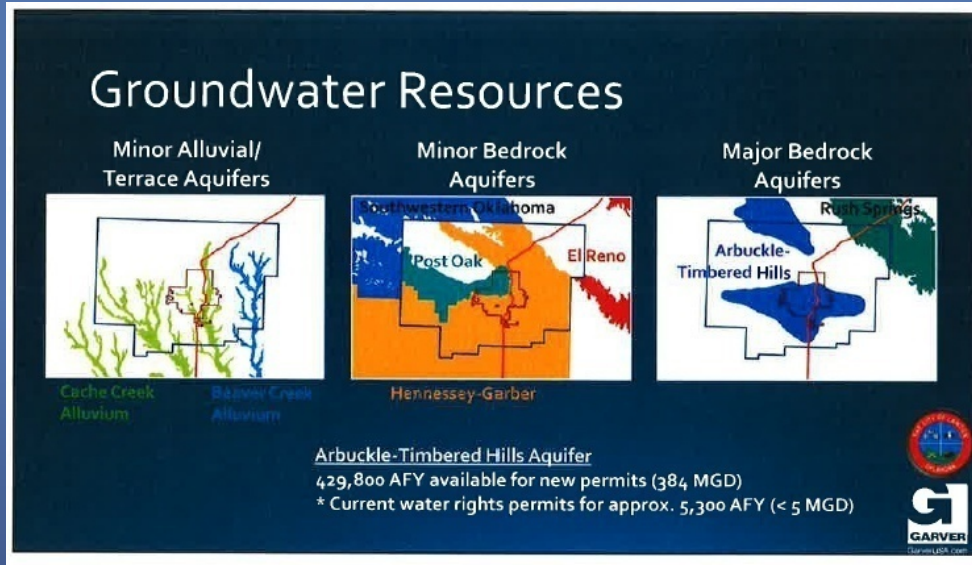
Presented by:
Joseph Painter, PE
Director of Engineering

Phase III Sewer Rehabilitation Program



- Total Phase III Estimated Cost : \$48 Million
- Council awarded boring Contract to Matthews Trenching for \$816,670 on January 8, 2019.
- Received permit for construction from ODEQ in September 2020
- 6/7 boring completed
 - 85 % Work complete on North Wolf Creek #2 west of 38th Street and north of Lee Blvd.
 - 100% Work complete on Sub-basin 113 just south of Rogers Lane at Fort Sill Blvd.
 - 100% Work complete on South Wolf Creek #4
 - 15% Work complete on South Wolf Creek #5
 - 20% Work complete on South Wolf Creek #6
 - Funding Sources: 2012 CIP, 2016 CIP, and OWRB SRF Loan

ALTERNATIVE WATER SOURCE FEASIBILITY STUDY PROJECT NO. 2014-10



- ◆ Council awarded a Contract to Garver, LLC on December 9, 2014 in the amount of \$812,000.
- ◆ Feasibility Report Completed
- ◆ Council approved Amendment #4 in the amount of \$3,740,900 on November 13, 2018.
- ◆ Current Status:
 - Lawton Groundwater Supply – Well No. 1 PU20-01 awarded to Layne Construction
 - NTP April 16, 2021
 - Well is drilled and drawdown testing is currently being done to determine production volume.
 - Lawton Groundwater Supply – Treatment Pilot PU20-02 awarded to Worth Hydrochem
 - NTP expected August 16, 2021
 - Test hole drilling delayed due to weather – Rescheduled for September 1, 2021 at five sites
- ◆ Funding Sources: 2012 CIP, 2016 CIP, and 2019 CIP
- ◆ \$8.4 million ODFA grant accepted by Council on November 10, 2020
- ◆ Seeking additional funding

- ◆ Expanding Scope to Include:
 - Preliminary & Final Design of three Groundwater Wells
 - Preliminary & Final Design of Conveyance Piping System
 - Pilot Study for Treatment Alternatives
 - Preliminary & Final Design of Treatment Facility at SEWTP

LAKE ELLSWORTH DAM SPILLWAY REHABILITATION

PROJECT NO. 2017-06

- ◆ CH2M Hill Engineers
- ◆ Design Cost: \$521,000
- ◆ Council awarded a Contract on February 28, 2017
- ◆ Design is at 95% level
- ◆ Preliminary Report Submitted
- ◆ Scope modification for \$623,578 was approved by Council on October 23, 2018.
- ◆ Earthquake Hazard Analysis is Complete.
- ◆ Additional Geotechnical Studies for the OGEE, Training Wall and Final Design are On-going.
- ◆ Council accepted \$551,996 Grant through Hazard Mitigation Grant Program for Hydraulic Damage Frequency Assessment on December 18, 2018.
- ◆ OWRB and FEMA permits issued.
- ◆ Funding Source: 2016 CIP
- ◆ Seeking additional funding



Interim WWTP Improvements Project

PROJECT NO. PU21-02

- ◆ Project awarded to Wynn Construction on June 8, 2021
- ◆ Construction Cost: \$4,960,000
- ◆ NTP issued June 23, 2021
 - ◆ Contractor mobilizing to site
- ◆ Project addresses immediate needs as identified in the WWTP Condition Assessment and Engineering Report received by Council
 - ◆ Primary Clarifiers
 - ◆ Primary Sludge Pump Stations
 - ◆ RAS Pump Station
 - ◆ Final Filters
- ◆ Funding Source: OWRB SRF Loan



WWTP Improvements Project – Phase 1

PROJECT NO. PU21-03

- ◆ Engineer: Garver, LLC
- ◆ Design Cost: \$6,296,700
- ◆ Council awarded a contract on June 22, 2021
- ◆ Project designs Phase 1 (of 3 total phases) as identified in the WWTP Condition Assessment and Engineering Report received by Council
 - ◆ New Influent Pump Stations
 - ◆ New Grit Facility
 - ◆ Upgrade of other Existing Facilities
- ◆ Estimated cost of Phase 1 construction is \$47 million
- ◆ Funding Source: OWRB SRF Loan
 - ◆ Closed on loan June 29, 2021



WATER TREATMENT PLANTS

GRANULATED ACTIVATED CARBON PROJECT

- ▶ Carbon Activated Corporation
- ▶ Construction Cost: \$465,440
- ▶ Construction completed and accepted by Council
- ▶ Funding Sources: 2015 CIP and Water/Sewer System Improvements Fund



SCADA

- ▶ SCADA: Supervisory Control And Data Activation System
- ▶ Preliminary design awarded to Garver Engineering
- ▶ Kick-off meeting: October 2020
- ▶ Conceptual design received July 2021
- ▶ Developing final scope for design
- ▶ Funding Source: 2019 CIP



SW 52ND STREET (GORE TO RR TRACKS)

PROJECT NO. 2012-04

- ◆ T&G Construction, Inc.

- ◆ **Cost**

Construction Cost	\$6,144,227
Change Orders	\$65,756
Total Construction Cost	\$6,209,983

- ◆ Council awarded a Contract at the July 25, 2017 meeting.
- ◆ Notice to Proceed: September 18, 2017
- ◆ Council accepted the project: August 25, 2020
- ◆ Funding Sources: 2012 CIP, 2016 CIP and Fund 82
- ◆ Working with Mark E. Smallwood, *Rail Division*, **CDL Electric Co., Inc.** to relocate railway poles



EAST GORE BLVD./I-44 PEDESTRIAN BRIDGE PROJECT NO. 2016-04

- ❑ Council authorized funding on August 22, 2017
- ❑ Council approved Contract with ODOT hiring CEC Engineering for design on October 9, 2018
- ❑ Joint ODOT/COL Project
- ❑ Meeting with CEC – July 2020
- ❑ Design concept changed to dual span standalone pedestrian bridge
- ❑ 90% Plan Submittal – January 2021
- ❑ Received Land Access Permit for NEPA Study from Fort Sill Apache Tribe in April 2021
- ❑ CEC/ODOT working on Right-of-way acquisition and environmental
- ❑ Funding Sources: 2012 CIP, 2015 CIP and Fund 35



	Date Executed	Total	Federal \$	Fed %	COL \$	COL %
TAP Project Application	07/30/16	\$1,300,000	\$700,000	54%	\$600,000	46%
Design Fees	10/09/18	\$191,911	\$153,529	80%	\$38,382	20%
Total Actual Construction Share		\$1,108,089	\$546,471	49%	\$561,618	51%

**\$153,650.50
(Over Budget)**

**Dual Span
Stand-Alone
Bridge**

Amount

Estimated Cost

\$1,261,739.50

PUBLIC SAFETY FACILITY

FIRE STATION-1, POLICE, COURTS AND JAIL PROJECT NO. 2014-06

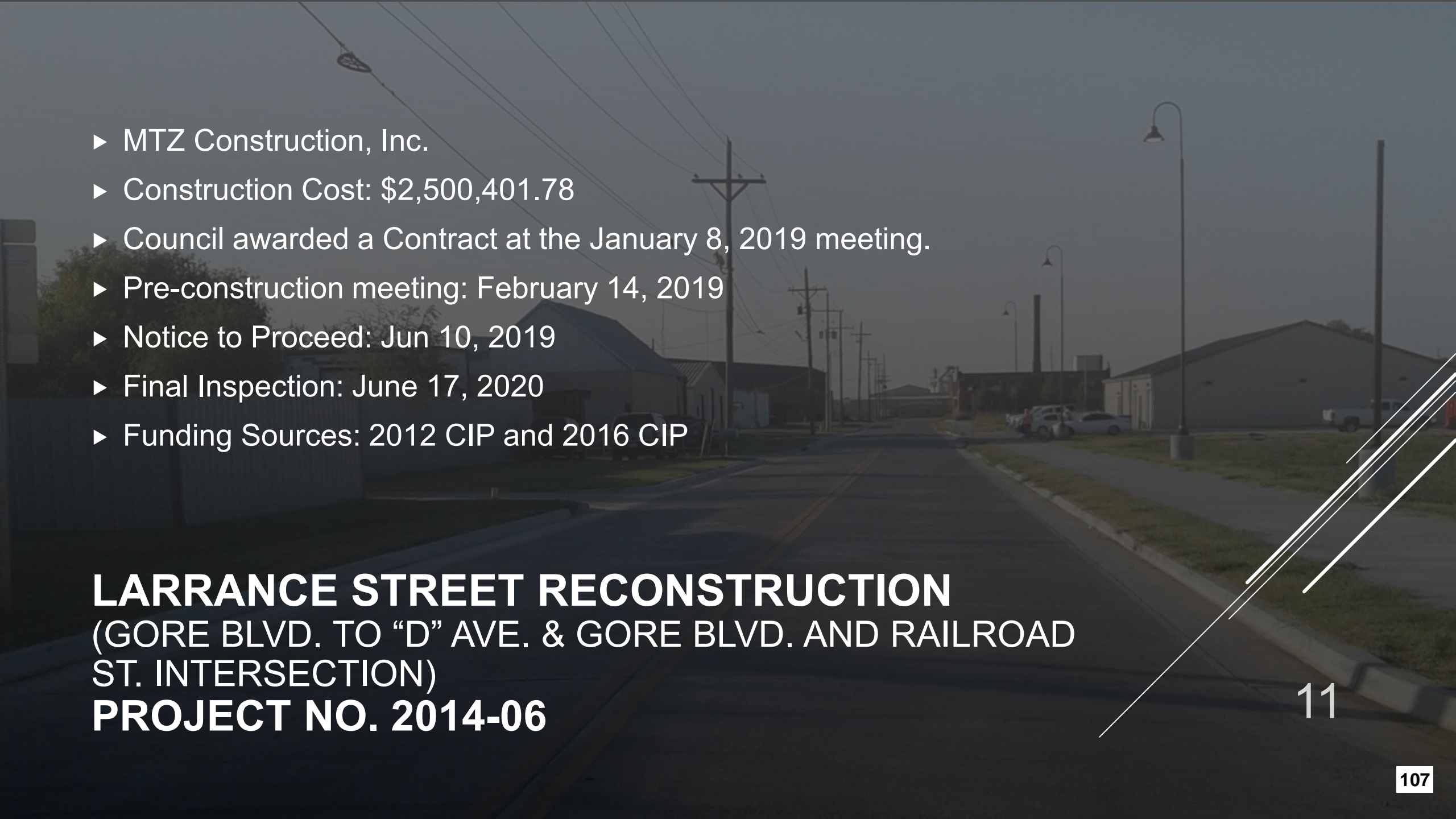


- ❑ Flintco, LLC

Cost	
Construction Cost	\$ 33,765,447.00
With Change Orders	\$34,520,029.00**
Invoice Paid to Contractor (most recent)	\$33,484,428.13

** Based on Change Order #20, approved by CM on January 25, 2021

- ❑ Council awarded a Contract on August 22, 2017
- ❑ Notice to Proceed: October 2, 2017
- ❑ Date of Substantial Completion: March 11, 2021
- ❑ Structure A & B occupied and operational; Structure C received Certificate of Occupancy from the Office of State Fire Marshall on June 2, 2021
- ❑ Health Department performed their Official Final Inspection on the Jail on June 8, 2021
- ❑ Working on final Change Order No. 21
- ❑ Funding Sources: 2012 CIP, 2015 CIP, 2016 CIP and Fund 35

- 
- ▶ MTZ Construction, Inc.
 - ▶ Construction Cost: \$2,500,401.78
 - ▶ Council awarded a Contract at the January 8, 2019 meeting.
 - ▶ Pre-construction meeting: February 14, 2019
 - ▶ Notice to Proceed: Jun 10, 2019
 - ▶ Final Inspection: June 17, 2020
 - ▶ Funding Sources: 2012 CIP and 2016 CIP

LARRANCE STREET RECONSTRUCTION

(GORE BLVD. TO “D” AVE. & GORE BLVD. AND RAILROAD ST. INTERSECTION)

PROJECT NO. 2014-06

LARRANCE STREET DRAINAGE IMPROVEMENTS (SW B AVE TO SW D AVE) PROJECT NO. 2014-06A

- ▶ Consultant: Dewberry Engineering, Inc.
- ▶ Estimated Construction Cost: \$294,103.55
- ▶ Project Design at 90% Level
- ▶ Working with local franchise utilities to relocate the utilities-in-conflict and Mr. Green regarding metal fence
- ▶ Anticipated Advertisement Date: October 13, 2021
- ▶ Anticipated Bid-Opening Date: November 10, 2021
- ▶ Funding Sources: 2016 CIP



Design

- ▶ Consultant: Dewberry Engineering, Inc.
- ▶ Cost: \$427,100
 - ▶ Paid: \$251,069.93; Remaining : \$176,030.07
- ▶ Widening the roadway to 5 lanes
- ▶ Roadway Design at 90% Level
- ▶ Water and Sewer Utilities reconstruction design at 90% level
- ▶ Coordinating with Utility Companies to relocate utilities in conflict

Right-of-Way

- ▶ Agent: Smith-Roberts Land Services, Inc.
- ▶ Cost: \$98,600
 - ▶ Paid: \$61,900.00; Remaining: \$36,700.00
- ▶ Council awarded a Contract on July 28, 2020.
- ▶ Currently acquiring the required temporary and permanent easements; Council accepted several easements at the August 10, 2021, Council Meeting

W. GORE BOULEVARD (67TH TO 82ND) PROJECT NO. 2012-08

Construction

- ▶ Joint ODOT Project (80% contribution towards construction)
- ▶ Estimated Construction Cost: \$8,988,120
 - ▶ ODOT: \$5,971,191
 - ▶ City: \$3,016,929
- ▶ Available Funds: \$3,808,060.47
- ▶ ODOT NEPA categorical exclusion received
- ▶ Funding Source: 2015 CIP



SE 45TH STREET RECONSTRUCTION (LEE TO BELL) PROJECT NO. 2006-12

- ❑ Allen Contractors
- ❑ Joint ODOT Project (80% contribution towards construction)
- ❑ Construction Cost: \$8,930,458.15
 - ❑ ODOT - \$6,000,000 (federal max cap)
 - ❑ COL - \$2,930,458.15
- ❑ ODOT awarded a contract in September 2017.
- ❑ Construction Complete
- ❑ Working with ODOT on auditing and closing the project
- ❑ Funding Source: 2016 CIP

SE 45TH STREET RECONSTRUCTION (LEE TO BELL) PROJECT NO. 2006-12



- **Gold award winner** in the Municipal More Than 30,000 Square Yards Category at the Annual Oklahoma American Concrete Pavement Association (ACPA) Conference held on March 24, 2020

REHABILITATION OF NEAL AND ARD STREET

PROJECT NO. 2019-04

- ◆ T&G Construction, Inc.
- ◆ Cost: \$1,292,259.18
 - Paid: \$66,329.79; Remaining: \$1,225,929.39
- ◆ Council awarded a Contract at the April 27, 2021 meeting.
- ◆ Notice to Proceed: May 17, 2021
- ◆ Status:
 - ✓ Overall 15% Complete
 - ✓ Working on intersection paving for Neal Boulevard and Ard Street
- ◆ Contractual End Date: January 17, 2022
- ◆ Funding Sources: Industrial Improvement Funds (\$1.0 million) and 2016 CIP



Project includes:

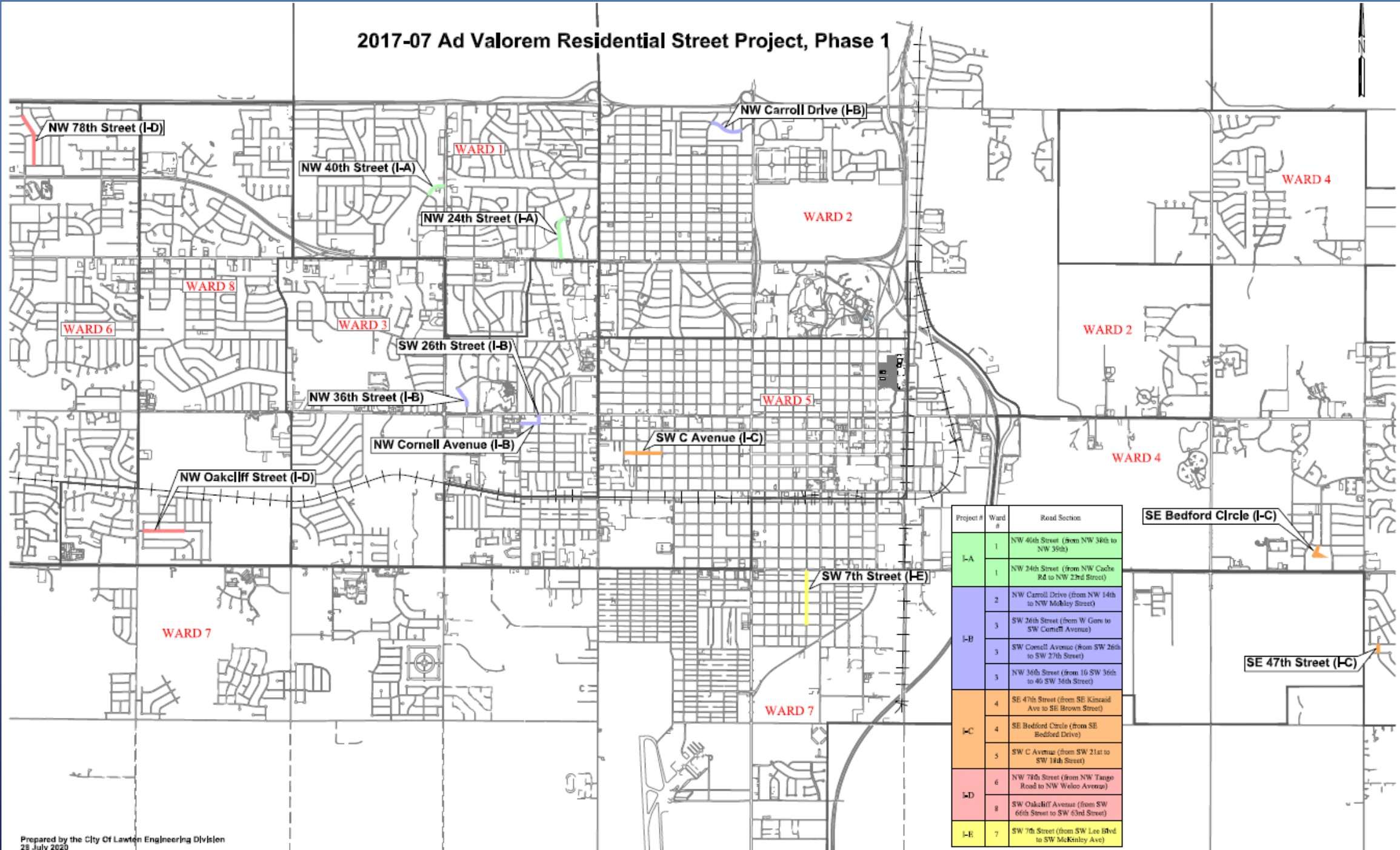
- Reconstruct intersection at Neal Blvd and Ard St.
- Mill and Overlay of Neal Blvd and Ard St.
- Drainage improvement at Ard St.

2017 AD VALOREM STREET AND ROADS PROGRAM (RESIDENTIAL), PHASE I PROJECT NO. 2017-07



- ▶ Contract awarded to Freese and Nichols, Inc. on July 12, 2017.
- ▶ Contract includes the design of twelve (12) roadway improvement sections in eight different wards
- ▶ Design Cost: \$505,572.00; Revised Cost: \$606,328.00 (project split and easements)
- ▶ November 12, 2019, Council split the project into five (5) sub-projects, approximate value of \$1.5 million each.
- ▶ Funding Source: Fund 82

2017-07 Ad Valorem Residential Street Project, Phase 1





PHASE I-D

- **MTZ Construction, Inc**
- Cost: \$2,006,636 (concrete paving)
 - Paid: \$1,072,050.04; Remaining: \$934,585.62
- Roadway Sections:
 - ❖ **Ward 6** - NW 78th Street (NW Tango Rd to NW Welco Ave)
 - ❖ **Ward 8** - SW Oakcliff Avenue (SW 66th ST to SW 63rd ST)
- Notice to Proceed: October 12, 2020
- Status:
 - ✓ Overall 53% Complete
 - ✓ Working on Oakcliff; NW 78th St complete
 - ✓ Working on Change Order to replace waterline on Oakcliff Avenue
 - ✓ Change order #1 is on August 24, 2021, council meeting
- Contractual End Date: December 10, 2021
- Funding Source: Fund 82

PHASE I-E



- **AE Construction, LLC**
- Cost: \$1,048,476 (concrete paving)
 - Paid: \$812,087.28; Remaining: \$306,215.38
- Roadway Section:
 - ❖ **Ward 7 - SW 7th Street** (SW Lee Blvd to SW McKinley Ave)
- Notice to Proceed: October 12, 2020
- Status:
 - ✓ 100% Complete
- Contractual End Date: August 2, 2021
- Project Inspection Date: August 3, 2021
- Funding Source: Fund 82

PHASE I-B

- **MTZ Construction, Inc**
- Cost: \$1,932,807 (concrete paving)
 - Paid: \$664,654.06; Remaining: \$1,301,385.63
- Roadway Sections:
 - ❖ **Ward 2** – NW Carroll Drive (NW 14th to Mobley ST)
 - ❖ **Ward 3** –
 - ❖ SW 26th Street (W Gore to SW Cornell Ave)
 - ❖ SW Cornell Ave (SW 26th ST to SW 27th ST)
 - ❖ NW 36th Street (10 NW 36th to 40 NW 36th)
- Status:
 - ✓ Over all 34% Complete
 - ✓ NW Carroll Dr Completed
 - ✓ Working on SW 26th St & SW Cornell Ave
- Notice to Proceed: January 11, 2021
- Contractual End Date: January 06, 2022
- Funding Source: Fund 82



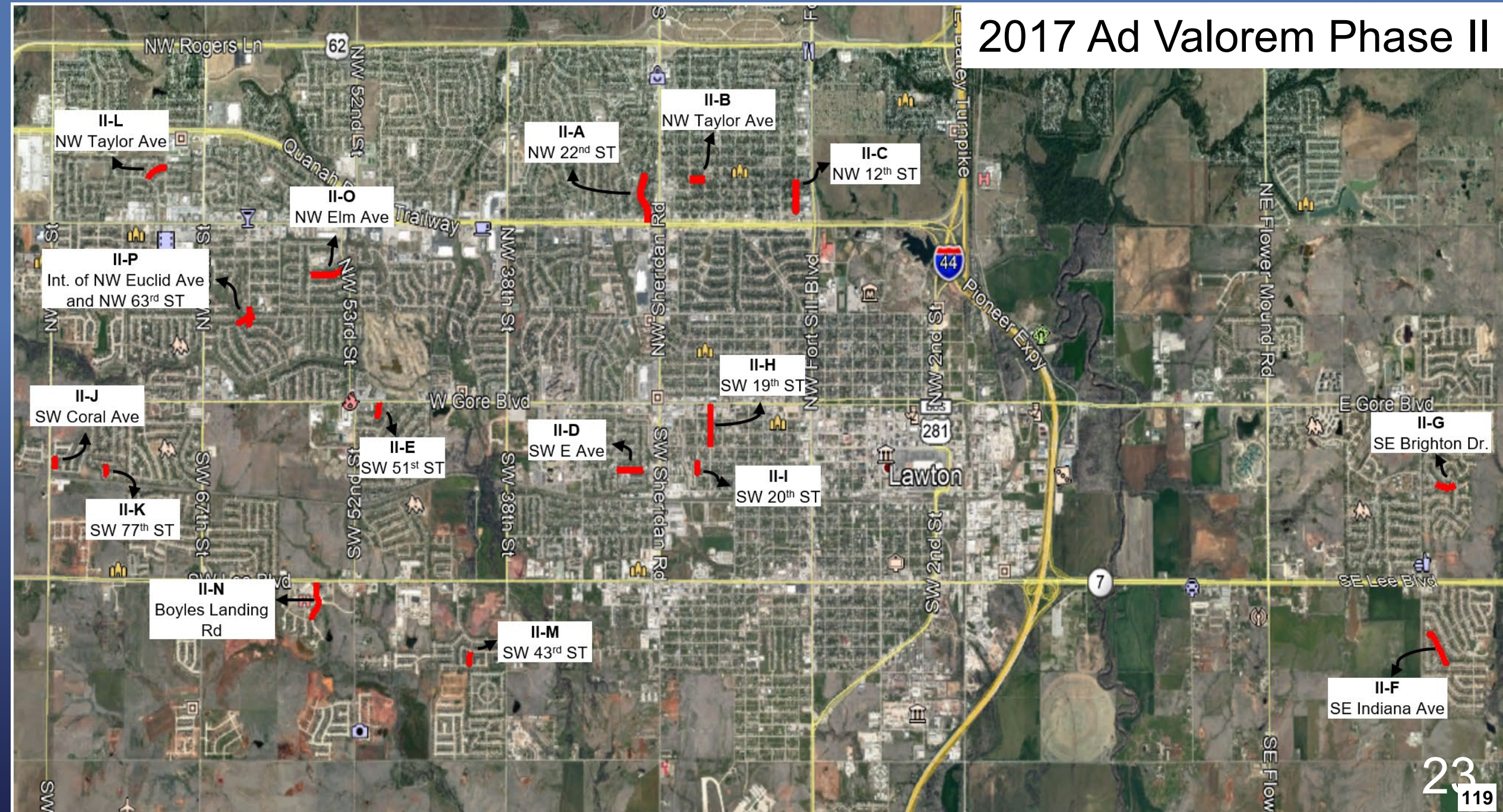
PHASE I-C

- **A-Tech Paving, Inc.**
- Cost:
 - \$1,975,443.55 (Concrete paving)
- Roadway Sections:
 - ❖ **Ward 4 –**
 - ❖ SE 47th Street (SE Kincaid Ave to SE Brown ST)
 - ❖ SE Bedford Circle
 - ❖ **Ward 5 -** SW C Ave (SW 21st ST to SW 18th ST)
- Notice to Proceed: August 9, 2021
- Contractual End Date: September 13, 2022
- Funding Source: Fund 82

PHASE I-A

- **A&E Construction, Inc**
- Cost:
 - \$1,751,746 (Concrete paving)
- Roadway Sections:
 - ❖ **Ward 1 –**
 - ❖ NW 40th Street (NW 38th ST to NW 39th ST)
 - ❖ NW 24th Street (NE Cache Rd to NW 23rd Street)
- Construction Contract awarded at July 27, 2021 Council Meeting
- Pre-Work Meeting: August 3, 2021
- Notice to Proceed: September 7, 2021
- Contractual End Date: August 3, 2022
- Funding Source: Fund 82

2017 Ad Valorem Phase II



Section No.	Ward No.	Project Locations	Map No.
A	1	NW 22nd St. (Cache Rd. to NW Baltimore Ave.)	10 SE
B	2	NW Taylor Ave. (NW 18th St. to NW 19th St.)	11 SW
C		NW 12th St. (NW Taylor Ave. to NW Lawton Ave.)	11 SE
D	3	SW "E" Ave. (SW 23rd Pl. to SW 25th St.)	40 NE
E		SW 51st St. (Gore Blvd. southwest approximately 450 ft. to between #10 and #12 SW 51st St.)	39 NW
F	4	SE Indiana Ave. (SE Kincaid Ave. to 1608 Indiana Ave.)	53 NW
G		SE Brighton Dr. (SE Meiling Dr. to SE Brighton Pl.)	46 NW
H	5	SW 19th St. (Gore Blvd. to SW 'C' Ave.)	41 NW
I		SW 20th St. (SW "E" Ave. to SW "D" Ave.)	41 NW
J	6	SW Coral Ave. (SW Forest Ave. to SW Boatsman Ave.)	37 NW
K		SW 77th St. (SW Forest Ave. to SW Delta Ave.)	37 NW
L		NW Taylor Ave. (NW Hunter Rd. to NW 72nd St.)	07 SE
M	7	SW 43rd St. (SW Wolf St. to SW Wendy Dr.)	60 NE
N		Boyles Landing Rd. (SW Pamela Ln. to SW Lee Blvd.)	61 NE
O	8	NW Elm Ave. (NW 53rd St. to NW 57th St.)	29 NE
P		Intersection of NW Euclid Ave. and NW 63rd St.	29SW

2017 AD VALOREM STREET AND ROADS PROGRAM (RESIDENTIAL), PHASE II - PROJECT NO. 2017-07

- ❑ Freese and Nichols, Inc. Contract was amended to add Phase II on March 12, 2019
- ❑ Contract includes the design of fifteen (15) roadway improvement sections and one intersection in eight different wards
- ❑ Design Cost: \$596,795; Revised Cost: \$629,445 (Easement)
- ❑ Design at 60% level
- ❑ Consultant is preparing approximately 115 easement documents
- ❑ Working on Right-Of-Way Acquisition
- ❑ Estimated Construction Cost:
 - ❑ \$7,585,970 (concrete paving)
 - ❑ \$7,074,100 (asphalt paving)
- ❑ Funding Source: Fund 82

REHABILITATE LEE BLVD – 97TH ST TO I-44

PROJECT NO. 2020-02

- ❑ Council approved a contract with EST, Inc., for Corridor Pavement Evaluation Study on September 08, 2020.
- ❑ Cost: \$232,700
- ❑ Study Limits:
 - SW Lee Boulevard approximately 0.75 miles West of Goodyear Boulevard and extends approximately 8.6 miles East
 - Goodyear Boulevard beginning approximately 0.1 miles south of Lee Boulevard and extending approximately 2.1 miles North
 - Includes collection of existing information (as-built plans, traffic data, accident history), distress survey, pavement coring, geotechnical report and pavement recommendations, cost estimates



REHABILITATE LEE BLVD – 97TH ST TO I-44

PROJECT NO. 2020-02

- ❑ The Study is 90% Complete
- ❑ Conceptual Plans are underway
- ❑ Report Completion: September 2021
- ❑ Funding Source: 2019 CIP

GEOTECHNICAL ENGINEERING SERVICES REPORT

LEE BOULEVARD PAVEMENT REHABILITATION
FROM SW GOODYEAR BLVD. TO SW 8TH ST
LAWTON, OKLAHOMA

Prepared For:
City of Lawton



Existing Pavement Assessment



Pavement Condition



Cost Estimates & Funding

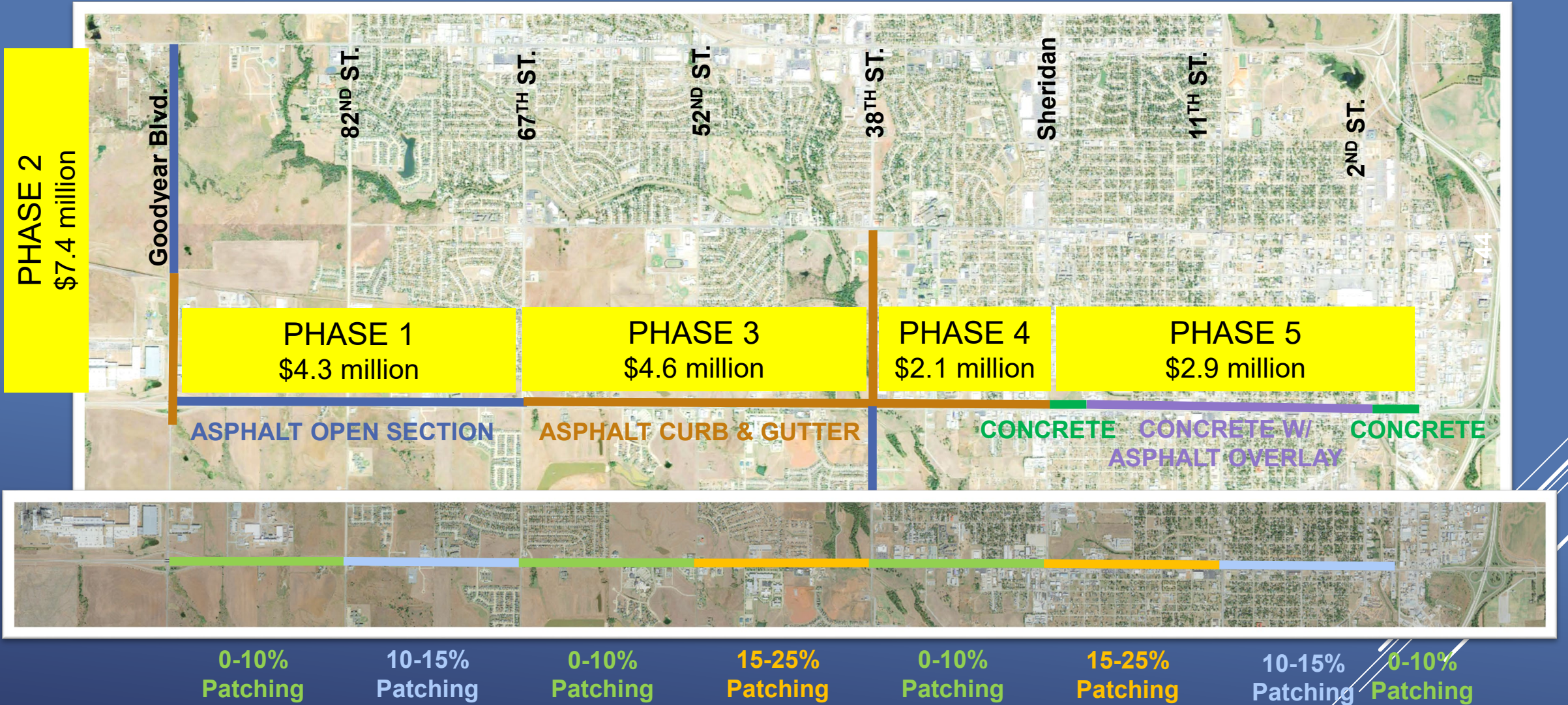


Conceptual Plans



Report

PHASE 2
\$7.4 million



- Recommendations:
 - Cold mill and overlay for asphalt sections.
 - Replace panels and crack seal for concrete section.

PAVEMENT RESURFACING, LEE BLVD PHASE I (SW 67TH ST TO SW 97TH ST) PROJECT NO. 2020-02A

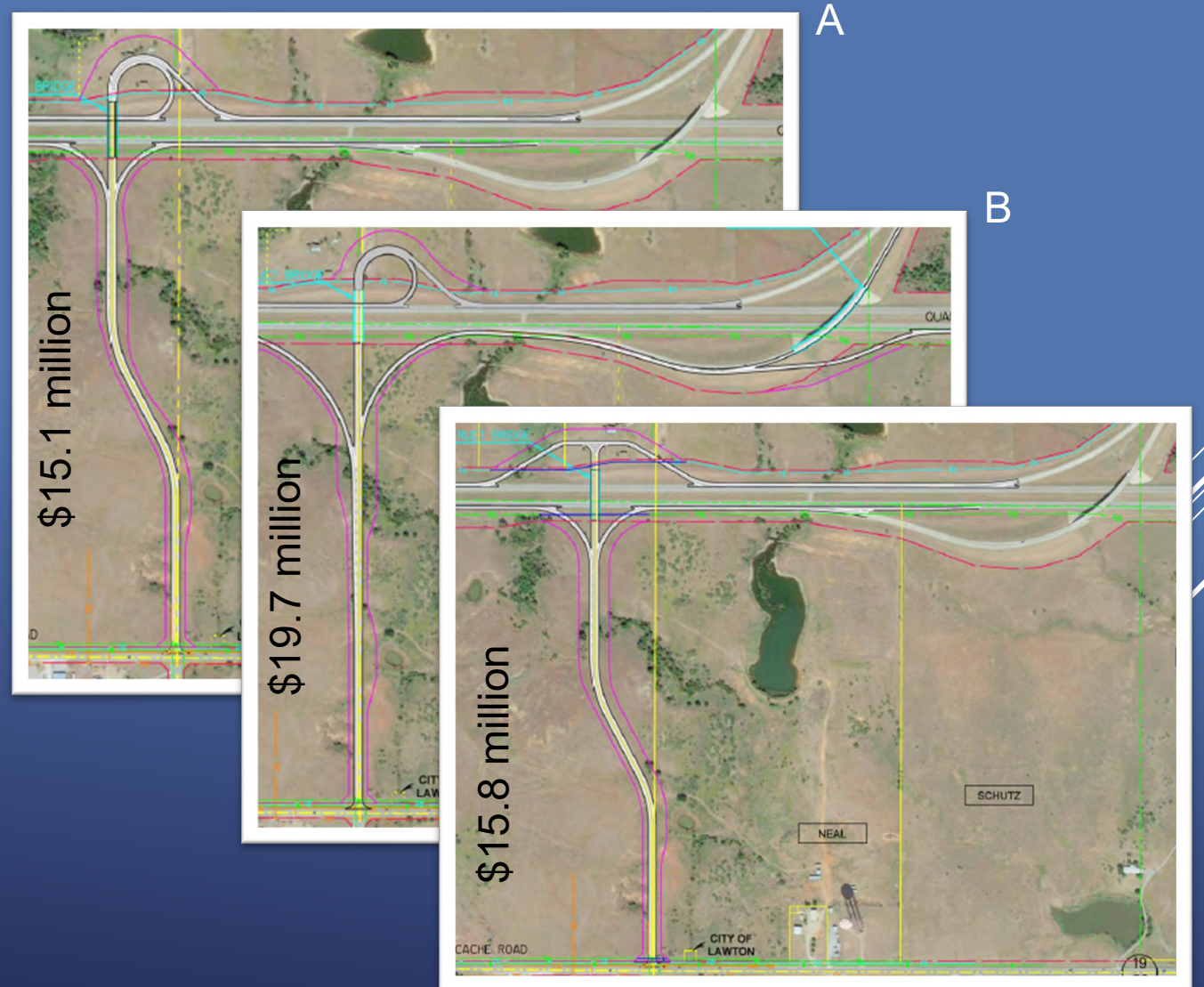


- EST, Inc.
- Estimated Cost: \$4,466,084.70 (\$2,466,084.70 Lawton's share)
- Bid Advertisement: July 28, 2021
- Bid-Opening Date: August 25, 2021
- Contract Days: 45 Calendar Days
- Awarded with \$2.0 million EDA grant for SW 97th ST to 38th ST section through ASCOG
- Funding Sources: EDA Grant (\$2.0 million) and 2019 CIP

GOODYEAR BOULEVARD EXTENSION TO US-62 INTERCHANGE

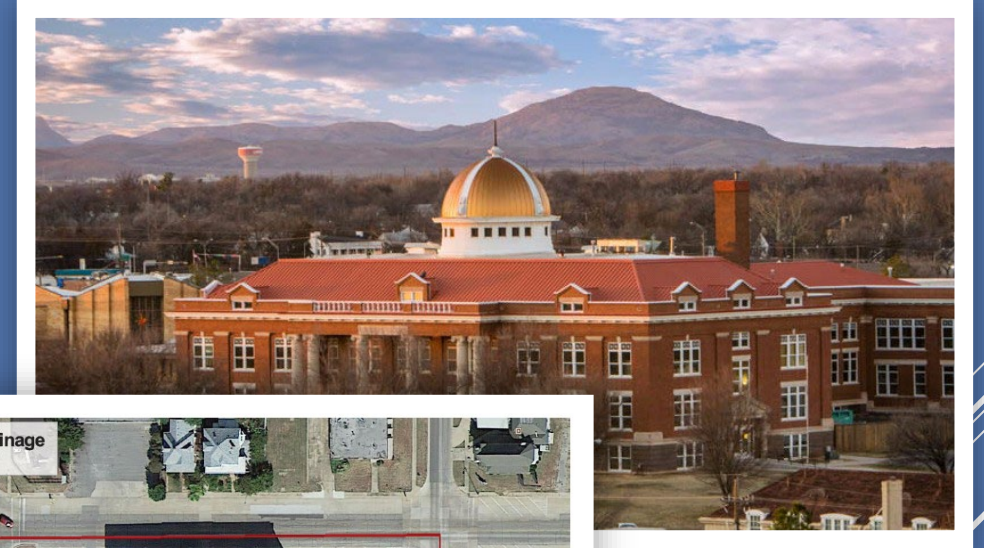
PROJECT NO. 2021-04

- ▶ EST, Inc.
- ▶ Cost: \$298,558
- ▶ Joint Lawton Metropolitan Planning Organization (LMPO) project; 80% contribution
- ▶ Approved by the LMPO Transportation Policy Board on June 9th, 2020
- ▶ Selected Option G as the preferred Alternative
- ▶ Conceptual Plans are Underway
- ▶ Funding: ODOT PL Grant money



CITY HALL RENOVATION AND DRAINAGE EVALUATION PROJECT NO. 2020-04

- ▶ EST Inc. providing Project Management Services
 - ▶ Cost: \$26,600
- ▶ 2020-04A City Hall Renovation
 - ▶ Design Consultant: MA+ Architecture
 - ▶ Estimated costs, including Construction Costs, A&E fees and FF&E costs: \$6,734,087.13 (Includes base bid + Alternate Package I)
 - ▶ Approved by City Council: July 13, 2021
- ▶ 2020-04B City Hall Drainage Evaluation
 - ▶ Consultant: CEC Corporation
 - ▶ Total Engineering Fees: \$27,950
 - ▶ Received drainage assessment report: April 8, 2021
 - ▶ Working on phasing
- ▶ Funding Source: 2019 CIP



MCMAHON MEMORIAL AUDITORIUM CHILLER AND BOILER REPLACEMENT PHASE 1 PROJECT NO. 2015-02B

- Consultant: C.H. Guernsey
- Design fees: \$328,950
- Design contract includes the design elements which will help progress the building to meet current building code requirements by the recommendations included in the Final Report of the ADA, Landscaping, Building Code and HVAC Systems of McMahon Memorial Auditorium (Guernsey, February 19, 2021) for Phase 1
- Council awarded a Contract at the June 8, 2021 meeting.
- Funding Source: 2019 CIP



PROPEL CIP PROGRAM PLANNING PROJECT NO. 2020-09

Capital Improvement Planning – Common Web Portal

Proof of concept

Editable by City staff



*Source: Garver; Meshek & Associates

- ❑ Consultant: Garver, INC.
- ❑ Fee: \$543,540
- ❑ Includes development of a process to prioritize and budget projects to implement a city-wide CIP
- ❑ Kick-off meeting took place on April 16, 2021
- ❑ Completed in-person Data Collection meetings with Engineering, Finance, GIS, and Parks and Recreation Departments
- ❑ Working on demo of data entry, draft data gap technical memorandum (TM) sections, and swim lanes
- ❑ Funding Source: 2019 CIP

SW 38TH ST – BISHOP RD TO GORE BLVD PROJECT NO. 2021-02

- Consultant: EST, Inc.
- Working with EST for contract documents and preliminary estimate
- Estimated Design Cost: \$472,432
- Design Contract will on September 14, 2021, council meeting



PAVEMENT ASSESSMENT PROGRAM PROJECT NO.2021-03

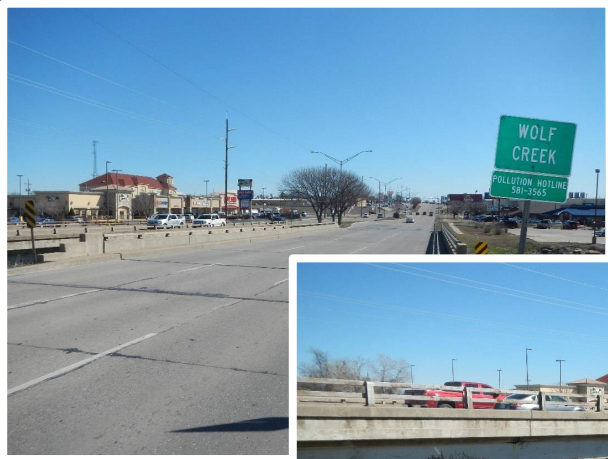
- Request for Proposal was sent to different firms on June 21, 2021
- Includes:
 - Pavement Condition Data Collection and Processing
 - Loading Pavement Data into ESRI ARC GIS
 - Pavement Analysis and Budget Development
- Submission Deadline: August 04, 2021
- Received proposals from three different firms
- Reviewing and comparing the received proposals



REQUEST FOR PROPOSALS
FOR THE DEVELOPMENT OF A
MUNICIPAL PAVEMENT MANAGEMENT PROGRAM
JUNE 21, 2021

BRIDGE PROJECTS

- ▶ Replace Bridges M94-2 and M94-3 on 11th Street (Project No. 2020-01B)
 - ✓ Total Preliminary Estimated Project Cost:
 - ✓ For M94-2: \$2,096,804
 - ✓ For M94-3: \$2,116,255
 - Funding Source: 2019 CIP

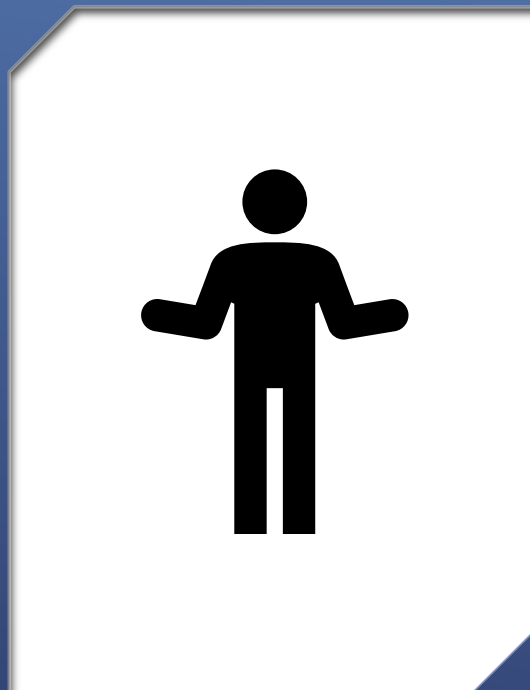


- ▶ Rehabilitate Bridges M09-1 and M09-2 on Cache Road over Wolf Creek
 - ▶ Total Preliminary Estimated Project Cost:
 - ✓ \$950,000 approx.

SIDEWALK PROJECTS



- ▶ 2013-09 Pat Henry School Sidewalk Project: funded by ODOT Safe Routes to School Program and ADA Compliance Improvement funds; Awaiting findings of ODOT Environmental Impact Study
- ▶ 2020-05 Ridgecrest School Sidewalk Project: funded by the contractor AE Construction, LLC under the terms of settlement with the city; Project construction completed
 - ▶ Agreed Cost: \$53,881
- ▶ 2020-06 Santa Fe Avenue Sidewalk Project: funded by proceeds from the marijuana sales tax plan and ADA Compliance Improvements funds; To be constructed as part of the 2017 Ad Valorem Streets and Roads Program
 - ▶ Estimated Cost: \$55,959
- ▶ NW 53rd Street Pedestrian Bridge Project: funded by the contractor AE Construction, LLC under the terms of settlement agreement with the city; Design plans received from structural engineer; Survey necessary for bridge placement
 - ▶ Agreed cost: \$117,000
- ▶ 2020-07A Sheridan Rd. Sidewalk Project (Phase I): funded by proceeds from the marijuana sales tax plan; Initial design and plan review complete; Intersection signalization in design
- ▶ 2020-07B Sheridan Rd. Sidewalk Project (Phase II): funded by proceeds from the marijuana sales tax plan; preliminary design complete; Survey necessary for ongoing design
 - ▶ Design Consultant 2020-07(A and B): CEC Corp.
- ▶ 2020-08 SW Lee Blvd. Sidewalk Project: funded by proceeds from the marijuana sales tax plan and ADA Compliance Improvements funds; Updating design to include additional sidewalk and intersection signalization at SW 13th Street
- ▶ 2020-11 Downtown Accessibility Improvement Project: funded by proceeds from the marijuana sales tax plan and ADA Compliance Improvements funds; preliminary design complete
- ▶ 2020-12 NW Ferris Avenue Sidewalk Project: funded by proceeds from the marijuana sales tax plan and ADA Compliance Improvements funds; preliminary design complete



QUESTIONS?



City of Lawton

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

Commentary

File #: 21-521

Agenda Date: 10/12/2021

Agenda No: 19.

ITEM TITLE:

Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Russell Green, dba, Waterstone Properties, LLC. And, if necessary, take appropriate action in open session.

INITIATOR: John Ratliff, City Attorney

STAFF INFORMATION SOURCE: Kelea Fisher, Deputy City Attorney

BACKGROUND: The City Attorney desires to discuss with the Mayor and Council the pending damage claim of Russell Green, dba, Waterstone Properties, LLC. The City Attorney advises the City Council that the Council should determine that disclosure of confidential communications between the Council and the City Attorney regarding the above referenced case will seriously 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 the pending damage claim of Russell Green, dba, Waterstone Properties, LLC. 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 #: 21-532

Agenda Date: 10/12/2021

Agenda No: 20.

ITEM TITLE:

Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending action in United States District Court titled City of Lawton v. Engie Services, U.S., Inc. f/k/a OpTerra Energy Services, Inc., CIV-21-455-R, and if necessary, take appropriate action in open session.

INITIATOR: City Attorney - John Ratliff

STAFF INFORMATION SOURCE: Deputy City Attorney - Timothy Wilson

BACKGROUND: The City Attorney and Deputy City Attorney desire to discuss with the Mayor and Council a pending action in United States District Court titled City of Lawton v. Engie Services, U.S., Inc. f/k/a OpTerra Energy Services, Inc., CIV-21-455-R.

The City Attorney advises the City Council that the Council should determine that disclosure of confidential communications between the Council and the City Attorney regarding the above referenced action will seriously impair the ability of the City to conduct the pending litigation, and from that determination, the Council should convene in executive session to discuss this matter.

EXHIBITS: N/A

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Convene in executive session to discuss the pending action in United States District Court titled City of Lawton v. Engie Services, U.S., Inc. f/k/a OpTerra Energy Services, Inc., CIV-21-455-R, 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 #: 21-544

Agenda Date: 10/12/2021

Agenda No: 21.

ITEM TITLE:

Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action in relation to the District Attorney's new policy regarding internal LPD investigations, and if necessary, take appropriate action in open session.

INITIATOR: City Attorney John Ratliff and Chief of Police James Smith

STAFF INFORMATION SOURCE: City Attorney John Ratliff and Chief of Police James Smith

BACKGROUND: The City Attorney desires to discuss with the Mayor and Council a pending action in relation to the District Attorney's new policy regarding internal LPD investigations.

The City Attorney advises the City Council that the Council should determine that disclosure of confidential communications between the Council and the City Attorney regarding the above referenced case will seriously 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: NA

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Convene in executive session to discuss a pending action in relation to the District Attorney's new policy regarding internal LPD investigations, and if necessary, take appropriate action in open session.

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City of Lawton

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

Commentary

File #: 21-563

Agenda Date: 10/12/2021

Agenda No: 22.

ITEM TITLE:

Pursuant to Section 307C.11, Title 25, Oklahoma Statutes, consider convening in executive session for purpose of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate within their jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business.

INITIATOR: Deputy City Manager Richard Rogalski

STAFF INFORMATION SOURCE: Deputy City Manager Richard Rogalski

BACKGROUND: The Lawton Economic Development Corporation (LEDC) is tasked with recruiting and retaining industrial development within the Lawton Community. To this end they have, in cooperation with the City of Lawton, been developing the terms of a possible agreement to facilitate and incentivize a manufacturing facility to be developed within the City of Lawton.

EXHIBIT: N/A

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: No action is required at this time.