MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
SEPTEMBER 12, 2017 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Jerry Ihler, City Manager
Frank Jensen, City Attorney
Traci Hushbeck, City Clerk
COL Samuel Curtis, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Reverend Michael Logan, Galilee Missionary Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:
Bob Morford, Ward One
Caleb Davis, Ward Three
Keith Jackson, Ward Two
Jay Burk, Ward Four
Dwight Tanner, Jr., Ward Five
Cherry Phillips, Ward Six
V. Gay McGahee, Ward Seven
Doug Wells, Ward Eight

ABSENT: None

STATE OF THE CITY ADDRESS – MAYOR FRED L. FITCH

Mayor Fitch read highlights from the State of the City speech. The entire speech is on file in the City Clerk's Office.

AUDIENCE PARTICIPATION:

Theodore Symuleski, 2509 SW Cornell, questioned where the city is at with the virus with the city's computer system and he questioned what will be done with the old central fire station when the new public safety center is open.

Mayor Fitch stated central fire station was placed on the national historic record and it will be utilized by some city staff and the future plans will be to create a museum.

Mr. Symeleski questioned if it will ever be torn down.

Mayor Fitch stated no.

Bart Hadley, Assistant City Manager, stated with regards to the computer system, we are not completely operational at this point. The website is still down and we have about eight of the servers completely operational but there are a couple dozen more we are working on. We are reconfiguring our network to make sure it is safer.

M. Afzal, President of the Lawton Cricket Club, invited everyone to attend the grand opening for the McMahon Cricket Ground which will be held on Saturday, September 16th at 10:30 a.m.

CONSENT AGENDA:

Mayor Fitch stated item #1 will be discussed separately.

<u>MOVED by Wells SECOND by Jackson</u> to approve the consent agenda with the exception of item #1. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1. Consider approving a Grant Agreement for the Lawton-Ft. Sill Regional Airport in the amount of $3,716,280 for construction of the Airport Fire Station and a runway and taxiway removal and paint project. Exhibits: None.

Barbara McNally, Director for Lawton-Ft. Sill Regional Airport, stated they are amending the amount that was on the original agenda. The amended amount is $3,545,534. She stated the FAA was able to find additional money to do the fire station project and the marking project this year. She stated the grant offer expires this Friday and it has to be signed and returned to the FAA.

Davis questioned if the line that says City of Lawton/CCIDA in the amount of $1,283,200 is a split between the City and CCIDA.

Ihler stated it is $600,000 by the CCIDA and the other $683,200 comes through the City but it is not coming from any of the City's funds. It comes from an Oklahoma Strategic Military Planning Commission enhancement grant that the City received to be specifically used for the airport fire station.

Davis questioned the match to federal funds PFC's in the amount of $450,000.

McNally stated those are funds that the airport collects through the airlines. It is basically a head tax of $4.50 that is added to an airline ticket. The airline collects the fee and remits it back to the airport. She stated this money is used as the 10% match for federal grants.

<u>MOVED by Wells SECOND by Burk</u> to approve the grant agreement in the amended amount of $3,545,534. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

2. Consider approving a release agreement with Gloria J. Green of 3205 NE Pioneer Blvd for the partial reimbursement of installation expense of a backflow prevention valve in accordance with Council Policy 6-3, and authorize the Mayor and City Clerk to execute the document. Exhibits: Application for Installation of GBV and Rebate and Agreement between City of Lawton and Gloria J. Green.

3. Consider approving the construction plat, accepting a performance surety in lieu of the completed improvements, and approve the record plat for Stonegate Commercial. Exhibits: Plat Map. Performance Surety is on file in the City Clerk's Office.

4. Consider approving an agreement and payment of $4,042.00 to Mr. Craig Jennings for the replacement of a portion of the residential driveway located at 6914 SW Forest Ave., which was demolished in the course of completing a city waterline repair. Exhibits: Proposed agreement between the City of Lawton and Mr. Jennings.

5. Consider awarding an indefinite delivery/indefinite quantity contract for testing services required for City operations and construction to EST of Oklahoma City for a one year period and an optional one year extension. Exhibits: Bid Tabulation Attached.

6. Consider approving the Contribution-In-Aid-Of-Construction (CAIC) Agreements with AEP/PSO and adopting Street Light Resolution No. 491 to authorize the installation/removal of street lights at the locations listed in the Resolution; and approve funding from Council Contingency. Exhibits: Street Light Resolution No. 491. Contribution-In-Aid-Of-Construction (CAIC) Agreements are on file in Public Works.

7. Consider accepting two temporary easements from Micheal E. Bibbs and Margot H. Bibbs, husband and wife, for right of way located at 4 NW 53rd Street and 6 NW 53rd Street needed for the SW 52nd street Project #2012-4, authorizing the Mayor and City Clerk to execute the documents. Exhibits: Location Maps – attached as Exhibits A and B. Documents are on file in the City Clerk's office.

8. Consider extending contract (RFPCL15-059) Employee Physical/Drug Screen Testing to (section A - Physicals) to Comanche County Memorial, The Center for Occupational Health of Lawton, OK and (section B – Drug/Alcohol Testing) to Allied Labs, Inc. Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet

9. Consider extending contract (CL17-003) Manhole Coating Products to Corgill Construction Inc. of Greenwood, AR for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

10. Consider extending contract (CL16-004) Manhole Rings and Cover to HD Supply Waterworks, LTD., of Owasso, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

11. Consider extending contract for (RFPCL17-001) Annual Audit-City Retirement Fund to Finley & Cook, PLLC of Shawnee, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

12. Consider extending contract (CL16-003) Manhole Lining Material to Quadex LLC of Houston, TX. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

13. Consider approval of payroll for the periods of August 14 – September 10, 2017.

NEW BUSINESS ITEMS:

14. Consider holding a public hearing and approve the Lawton Police Department to submit an application for the 2017 Department of Justice Edward Byrnes Assistance Grant Local (JAG). Exhibits: Interlocal City-County Edward Byrne Memorial Grant Agreement.

Assistant Chief James Apple, Lawton Police Department, stated this item is to approve the submission of the 2017 Department of Justice Edward Byrnes JAG grant. The grant amount is $81,033 and it is an 80/20 split with the Comanche County Sheriff's Department. The funding is administered by the Lawton Police Department and there is no match from the city or county. The funding is applied towards equipment and it does require a public hearing.

Tanner questioned if there is specific equipment that they would like to purchase.

Chief Apple distributed a budget summary and narrative with a list of items and projected cost. He stated the grant requires that they submit a line item summary as part of the application process.

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

<u>MOVED by Wells SECOND by Phillips</u> to approve the submission of, and acceptance of, the 2017 Edward Byrne Memorial Grant and authorize the Mayor and City Clerk to execute the Interlocal Agreement between the City and County. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

15. Hold a public hearing and consider an ordinance changing the zoning form R-1 Single-Family Dwelling District and C-1 Local Commercial District to C-5 General Commercial District zoning classification on property located at the southwest corner of SW 26th Street and West Gore Boulevard and the north side of SW Cornell Avenue between SW 26th Street and SW 27th Street. Exhibits: Ordinance 17-___ with Site Plan (per applicants' request), Ordinance 17-___ with Site Plan (per CPC recommendation), Location Map, Application and CPC Minutes.

Richard Rogalski, Community Services Director, stated this request is for Lots 1-5, a portion of 6 and all of 12-22. The existing zoning for most of that area is C-1, only lots 20, 21 and 22 remain to be zoned R-1. The zoning in the surrounding area is all residential property, to the west you have a medical center and commercial center and to the north there is residential on the opposite side of Gore Boulevard. The adjacent property is still residential and is fairly stable. The property owners are CareyLou, Inc. and Arvest Bank. The applicant proposes to construct a convenience store and is requesting C-5 zoning for all the lots. He stated most of the lots are already C-1 and rezoning to C-5 with a binding site plan is actually going backwards a bit. The 2030 Land Use Plan designates these lots as commercial. The revised request would be to leave the C-1 zoning on most of these lots and rezone the three lots to C-5 with a binding site plan. With the binding site plan they are looking at two entrances on Gore Boulevard, an entrance on 26th Street, entrances off Cornell and there is a drive through. The applicant envisions this as a neighborhood store and that was his reason for wanting the access on Cornell. Gore can get very busy and there would be better access to 27th Street by being able to leave on Cornell. The City Planning Commission (CPC) held a public hearing on this request and two people spoke in favor of the request and two people spoke against the request. The CPC, by a vote of 7-1 recommended to rezone just the three lots that are currently R-1 to C-1. The CPC typically wants to recommend the rezoning to the most restrictive zoning that allows the use in question. In this case a convenience store with all those facilities that is has is allowed with a use permitted on review in the C-1 district. The CPC recommended to leave the rest C-1 and rezone the three lots to C-1 and did approve a use permitted on review subject to City Council approving this rezoning. He stated there are two ordinances included with the agenda packet, one with the original request of C-5 and one with the recommendation of C-1 from the CPC.

Phillips questioned if the CPC approved C-1 or C-2.

Rogalski stated they approved C-1.

Phillips stated she is concerned about Cornell Avenue because it is in bad shape. There are homes on the south side of Cornell that are close to the road and she was not sure if a barrier would be put up in the back of the station or if that would be addressed.

Rogalski stated this is a double fronted lot and they are not required to screen from the property across the street on a double fronted lot. He stated there are two driveways and you cannot screen across driveways. The applicant could put up vegetation or fencing.

Phillips questioned if the fueling trucks would use Cornell.

Rogalski stated the developer would have to answer that question.

Mayor Fitch questioned if the storage tanks were located on the northeast corner of that property.

Rogalski stated yes.

Mayor Fitch stated that would tell you that the trucks would go up 26th and go back down towards Gore and fill those tanks.

PUBLIC HEARING OPEN

Theodore Symuleski, 2509 SW Cornell, stated he is concerned that Cornell Avenue is in bad shape and when they get a heavy rain the street floods and you have potholes. He stated 26th Street is also broken up. He questioned if there is anything council can do to get these roads repaired. He questioned if they can live with just one exit on Cornell instead of two.

Davis stated that restricting it to one exit is a no go because it would be a big restraint and it may even cancel the entire project. They need to have two entrances on Cornell. As far as the road is concerned, this may increase the use of this road and he will look at addressing this as a priority. He stated this would not be done in correlation with this project, it is something that would be done two years down the road. There is one project already on the schedule in Ward 3. He stated they only have $2 million over 13 years from that bond issue. He stated he will make this a priority because it gets a lot of traffic from Cameron University and now with the EZ-GO coming in it will probably get more.

Mr. Symuleski stated at 26th and Cornell there are issues with standing water and it is just deteriorating the road. He stated more people will start using that road and will start complaining.

Davis stated they can go out and take a look at that street to see if anything can be done. He does not know the condition of that road. He will make it a priority to look at it and get an exact estimate and start working on other ways to fund it.

Mr. Symuleski stated he is not against EZ-GO, he just wants to make sure they look out for the area and they don't tear up what is already there.

Dr. Abbas Johari, 2608 SW Cornell, stated he represents the owners of 2612, 2614, 2616 and 2618 NW Cornell and the owner of 2620 NW Cornell. He stated he was at the CPC meeting and he is asking for some consideration from the council to not allow public access to Cornell Avenue from 8 p.m. to 8 a.m. He stated there is no traffic at the other EZ-GO's after 8 p.m. and they would have access to the 27th Street alley and access to Gore.

Jamie Smith, 2606 SW Cornell, stated she is concerned about the lighting that will be coming directly into her home in the evening. She is also concerned about the condition of the street. She suggested they either close it off or put up some kind of barrier.

Davis stated he talked with the developers and they talked about a gate to close it off during certain hours. He stated they feel that it would not be practical because the first couple of weeks they would close the gate and after then they would forget to close it and it would probably be an issue that would come back to council. It would probably be a headache to enforce. He did talk with Mr. Johnson about the lights, and he is willing to do something like automatic storm shutters and that could help out with those homes in front of the traffic coming out at night. He stated he appreciates Mr. Johnson investing in our community and they all want this. He stated as far as fixing the road, Cornell would not be a priority without EZ-GO going in there and now it will be a priority which will benefit these home owners. He will figure out a way to get that road redone. He does not feel he can support an ordinance that would require them to close that entrance for a set amount of hours. He does not feel it is feasible to enforce that and he does not think it is a business friendly policy for EZ-GO. He stated he applauds Mr. Johnson's willingness to spend the money and make an agreement with the homeowners to put up some sort of device to block the lighting.

Dr. Johari questioned if this could be in writing and they would like to have some peace of mind at night and they need to consider the neighbors.

Burk stated it would be a great idea if the homeowners could make an agreement with Mr. Johnson to install the shutters in the front of the homes.

Dr. Johari stated the City should initiate this.

Burk stated Mr. Johnson is a community guy and if he says he will do it, he will do exactly what he says.

Wells stated he thinks our code does require control of offsite lighting so there are things in place that will control the amount of lighting that comes off that property.

Burk stated he thinks they are concerned about the headlights from cars. He stated if they need to, members of the council will meet with the homeowners and Mr. Johnson to get it worked out.

Carey Johnson, 8203 Stonebridge, stated he is representing CareyLou, Inc. He stated the purpose of the application is so that they could develop a new EZ-GO convenience store at this site. He stated there are two choices of either approving the recommendation of the CPC or approving their original request for C-5 zoning. He stated they thought C-5 would be important to them because of uses, however all of this was debated in front of the CPC who carefully considered their request and also the staff's request. They are willing to accept the compromise that came out of the CPC. He stated they did a lot with this site plan to try to push the most impactful uses up towards Gore. He stated the underground storage tanks are on the periphery and a delivery truck would enter off of Gore and exit 26th Street or Gore. They put the delivery area and trash containers on the west side. He stated they plan to screen the south edge with landscaping to help block the back view of the store. He stated they will comply with the ordinance that controls the offsite lighting and they will put lights on the perimeter and they shine them back towards the building with LED lighting. He will also make the accommodations that Councilmember Davis spoke about regarding the blinds.

Phillips commended Mr. Johnson for his community concern and being so sensitive to going into a residential area.

PUBLIC HEARING CLOSED

MOVED by Davis SECOND by Burk to adopt **Ordinance 17-29**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 17-29

An ordinance changing the zoning classification from the existing classification of R-1 Single-Family Dwelling District to C-1 Local Commercial District Zoning Classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; approving the site plan attached as Exhibit A; and authorizing changes to be made upon the official zoning map in accordance with this ordinance.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

COL Curtis stated on Saturday Ft. Sill will be hosting a multi-gun competition from 8 a.m. to 6 p.m.

McGahee stated this past weekend she attended the Dunbar Elementary School reunion. She stated they will be moving forward with the revitalization of the school.

Jerry Ihler announced that he has received the resignation of Chase Massie, Human Resources Director.

There being no further business to consider, the meeting adjourned at 7:05 p.m. upon motion, second and roll call vote.

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FRED L. FITCH, MAYOR

ATTEST:
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TRACI HUSHBECK, CITY CLERK