

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
APRIL 8, 2014 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Bryan Long, City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk

Mayor Fitch called the meeting to order at 6:05 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Charles Barnett, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bob Morford, Ward One
Keith Jackson, Ward Two
Rosemary Bellino-Hall, Ward Three
Dwight Tanner, Jr., Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
Doug Wells, Ward Eight

ABSENT:

Jay Burk, Ward Four

PRESENTATION ON THE FAIRMONT CREAMERY VISION – CHUCK WEBBER

Chuck Webber, representing the Fairmont District Experience, Inc., presented a series of slides regarding the development of the Fairmont District. (A copy of the presentation is on file in the City Clerk's office). He requested that the City work with them in securing the building to the north, either sell it or give it to the Rutherford's with a land lease. He requested they also look at the City's special event licensing and possibly consider an annual fee so they can hold many events throughout the year.

Wells encouraged everyone to go down and look at the building.

Mayor Fitch commended everyone involved with the clean up. He felt they will have the support of the council when some of these things need to be addressed. He sees this as the infant stages of enhancing that industrial area and having something they can all be proud of.

AUDIENCE PARTICIPATION: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MARCH 25, 2014.

MOVED by Jackson SECOND by Morford to approve the minutes of Lawton City Council regular meeting of March 25, 2014. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

MOVED by Wells SECOND by Zarle to approve the consent agenda. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Linda Burrison in the amount of \$43.30. Exhibits: Legal Opinion/Recommendation.
2. Consider the following damage claim recommended for denial: Sharon Nolan through her Attorney Peter J. Ram in the amount of \$75,000.00. Exhibits: Legal Opinion/Recommendation.
3. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Stephen Handy. Exhibits: **Resolution No. 14-46.**
4. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Janna Townsend. Exhibits: **Resolution No. 14-47.**
5. Consider waiving landfill fee charges for debris removed from Fisherman's Cove on Lake Ellsworth for the development of a concession operations and services to include the development of ATV recreational facility. Exhibits: None.
6. Consider accepting Fiscal Year 2014-2015 grant funds from the Federal Corporation for National and Community Service, CNCS, for the Retired and Senior Volunteer Program (RSVP). Exhibits: Federal CNCS Notice of Grant Award, Amendment 3.
7. Consider accepting the SW 2nd St. Improvement and Pedestrian Enhancement Project Phase 4 # 2011-4 as constructed by Rudy Construction, Co and placing the Maintenance Bond into effect. Exhibits: The Maintenance Bond is on file in the City Clerk's office.
8. Consider approving an engineering Letter of Engagement with C. H. Guernsey and Company to conduct a Needs Assessment for a proposed Public Safety Facility and authorizing the Mayor and City Clerk to execute the Engagement Letter. Exhibits: A copy of the Letter of Engagement is on file in the City Clerk's office.
9. Consider awarding contract (CL14-023) Mowing & Litter Control Contract Areas G & H to Teen Challenge of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

10. Consider extending contract (CL12-039) Bunker/Turnout Gear to Casco Industries Inc. of Oklahoma City, OK. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
11. Consider extending contract (CL13-035) Gate Valves to HD Supply Waterworks of Owasso, OK. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
12. Consider awarding contract (CL14-029) Liquid Aluminum Sulfate to SW Chemical Services, Inc of McAlester, OK as the Primary vendor. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
13. Consider awarding contract (CL14-029) Liquid Aluminum Sulfate to Chameleon Industries Inc of Mesquite, TX as the Secondary vendor. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
14. Consider awarding contract (CL14-022) Sodium Hypochlorite to Petra Chemical Company of Dallas, TX. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
15. Consider extending contract (CL12-037) Repair Clamps, Bell Joints Clamps & Steel Couplings to HD Supply Waterworks of Owasso, OK for items 1,7,8,10-12 for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
16. Consider extending contract (CL12-037) Repair Clamps, Bell Joints Clamps & Steel Couplings for items 2-6 and 9 to Powersteel Pipeline Products of Wichita Falls, TX. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
17. Consider awarding contract (CL14-019) Aluminum Trench Shields to ICM of Oklahoma City, OK. Exhibits: Department recommendation, Contract Extension Form, Price Sheet, Abstract of Bids.
18. Consider awarding contract (CL14-025) Wrecker Service to Priest Brothers, Inc of Lawton, OK. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.
19. Consider extending contract (RFPCL13-028) Concession Lease Grandview Sports Complex with Lawton Breakfast Optimist Club of Lawton, OK. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
20. Consider approving appointments to boards and commissions. Exhibits: None.

Citizens' Committee On Capital Improvement Program (CIP)

Sammie Powell, Jr.
Ward 8 Representative
120 NW 44th Street Apt K
Lawton, Oklahoma 73505
04/08/17

21. Consider approval of payroll for the periods of March 17 - 30, 2014.

NEW BUSINESS ITEMS:

22. Hold a public hearing and consider an ordinance changing the zoning from R-3 (Multiple-Family Dwelling District) to C-1 (Local Commercial District) zoning classification for property located at 2107 NW Cache Road. Exhibits: Ordinance No. 14-___, Site Plan, Location Map and Application.

Richard Rogalski, Community Services Director, stated this request is for the East 80 feet of Lots 27 and 28, Block 1, Stephens Addition. This portion of these lots has been used as parking lot under a Use Permitted on Review approved in 1985. The applicant, Orange Development, Inc., proposes to demolish the existing commercial center at the northwest corner of Cache and Sheridan Roads and construct a CVS Pharmacy. The proposed site plan indicates a portion of the new building will be located on the requested area, which necessitates this rezoning request. The zoning of the surrounding area is R-1 (Single-Family Dwelling District) and C-1 to the north, C-5 (General Commercial District) to the south, C-1 to the east, and R-3 and R-1 to the west. The land use of the surrounding area is single-family residential and commercial to the north, commercial to the south and east, and single-family residential to the west. On March 27, 2014, the CPC held a public hearing on this request. One person spoke in favor of the request. The CPC, by a vote of 8 – 0, recommended approval of the rezoning. The applicant also requested a Use Permitted on Review for the remainder of Lot 27 to provide a drive entrance on NW 22nd Street to serve the new pharmacy. The Use Permitted on Review request was approved by the City Planning Commission (CPC) on March 27, 2014.

Bellino-Hall questioned if this was the final site plan.

Rogalski stated this is the final site plan.

Bellino-Hall questioned where the landscaping was on the plan.

Rogalski stated they will have to comply with the landscaping requirements.

Bellino-Hall stated they need to reflect what is across the street.

Rogalski stated it is a very tight site so they will not provide anything that is very large. They will provide the minimum that is necessary.

Bellino-Hall stated the CVS on Lee Boulevard looks terrible.

Morford questioned if there was going to be a barrier across the north side to separate the residential.

Rogalski state there is a requirement to have an opaque screen across the north. There is a proposed six foot wooden fence.

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

MOVED by Morford SECOND by Jackson to adopt **Ordinance 14-07**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 14-07

An ordinance changing the zoning classification from the existing classification of R-3 (Multiple-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.

23. Consider the Change 2 to Consolidated Plan for FFY 2013, and authorize the Mayor and City Clerk to execute the documents necessary to implement the CDBG program. Exhibits: A copy of the Change 2 to the Consolidated One-Year Action Plan for FFY 2013 is on file at the City Clerk's Office.

Tim Libby, Assistant Director of Housing/Community Development, stated he is asking to take \$5,000 from the Exterior Housing Improvement Program and provide it to the Lawton Enhancement Trust Authority (LETA) to assist in the "Paint the City" day later this month.

Bellino-Hall stated "Fresh Paint Friday" is the day before Trash Off and LETA has gone out and asked residents to submit applications for homes that may need a little help with exterior paint. They must meet certain qualifications.

Tony Griffith, Neighborhood Services Supervisor, stated they will paint the exterior of 28 homes across the city. They will be painted by 500 volunteer soldiers from Fort Sill in 5 hours. They will paint the homes that are owned and occupied by elderly and disabled residents.

Haywood questioned how many applications they received.

Griffith stated they had 58 applications. Some of the homes came back with lead based paint and they did not have the resources to remediate that. He hopes they can do that sometime in the future.

MOVED by Haywood SECOND by Wells to approve Change 2 to Consolidated Plan for FFY 2013, and authorize the Mayor and City Clerk to execute the documents necessary to implement the CDBG program. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

24. Consider approving an ordinance granting CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Oklahoma Gas, a nonexclusive franchise for twenty-five (25) years with the right to construct, erect, install, maintain, extend, repair, remove, relocate and operate a system of works, pipes, pipelines, and all necessary apparatus, structures and appurtenances in, across, upon and under the streets, alleys, avenues, ways and other

public places and grounds in the City for the purpose of transporting, selling and distributing natural or artificial gas to the City, its inhabitants and the public generally.
Exhibits: Ordinance No. 14-__.

Scott Meadors, Deputy City Attorney, stated the existing franchise agreement with CenterPoint Energy is set to expire on October 4, 2014. This ordinance, if approved, will grant another 25 year franchise and will include a 2% franchise fee that is assessed against the rate payers in this community which comes back to the City. He stated this also allows for negotiated rates between the City and CenterPoint. Those discussions were initiated and they received very encouraging news from CenterPoint. There are some things going on before the Corporation Commission in regards to gas rates in compressed natural gas vehicles which will not only benefit the City, but others as well. The negotiated rate clause was there so that we can view towards the future of growing a natural gas fleet with all types of vehicles. He was told by CenterPoint that they are moving in that direction which reduces the urgency, but they will retain that right in this ordinance. He stated the next item will call for this election which will be held on June 24, 2014.

Keith Marple, CenterPoint Energy, presented an overview with regards to what they are doing to promote the expanded use of natural gas for vehicles at a better competitive rate. (Presentation is on file in City Clerk's Office).

MOVED by Haywood SECOND by Tanner to adopt **Ordinance 14-08**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 14-08

An ordinance granting to CenterPoint energy resources corp., d/b/a CenterPoint energy Oklahoma gas, its successors and assigns, for a period of Twenty-Five (25) years from the acceptance hereof, a nonexclusive franchise with the right to construct, erect, install, maintain, extend, repair, remove, relocate and operate a system of works, pipes, pipelines and all necessary apparatus, structures and appurtenances in, across, upon and under the streets, alleys, avenues, ways and other public places and grounds in the city of Lawton, Oklahoma, as any of the same now exist or may hereafter be created or added to the city of Lawton, Comanche, County, Oklahoma, for the purpose of transporting, selling and distributing natural or artificial gas to said city, its inhabitants and the public generally, subject to the terms and conditions hereinafter provided; providing for assignment; granting right to operate business with reasonable rules; whereby grantee agrees to maintain gas service pursuant to Oklahoma Corporation Commission regulation and agrees to indemnify the city in certain situations; whereby grantee agrees to charge legal rates for such service and to sell and deliver to the city all gas and services requested by it to the extent commercially practical and permitted under applicable law; providing for payment to the city by grantee of a monthly fee on the gross receipts from delivery and sale of natural or artificial gas; calling for an election and providing for acceptance; providing for repeal of the existing franchise ordinance; and providing for severability.

25. Consider approving a resolution authorizing the calling and holding of a special election on June 24, 2014 in the City of Lawton, State of Oklahoma, for the purpose of submitting to the registered qualified electors of the City the question of approval or rejection of Ordinance 14-____ of the City, more particularly described as an ordinance granting to CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Oklahoma Gas, a non-exclusive franchise for twenty-five (25) years with the right to construct, erect, install, maintain, extend, repair, remove, relocate and operate a system of works, pipes, pipelines, and all necessary apparatus, structures and appurtenances in, across, upon and under the streets, alleys, avenues, ways and other public places and grounds in the City for the purpose of transporting, selling and distributing natural or artificial gas to the City, its inhabitants and the public generally, and authorizing the Mayor and City Clerk to execute the Resolution and Special Election Proclamation and Notice. Exhibits: Resolution No. 14-__ and Special Election Proclamation and Notice.

Meadors stated this resolution and proclamation calls for a special election on June 24, 2014. The election will be paid for by CenterPoint Energy.

Bellino-Hall questioned if CenterPoint has to notify the City when they dig lines.

Meadors stated yes, they have done this for some time. They did strengthen the language in this agreement and they did reserve the right to adopt further regulations within our city code. We never lose the right to control or administer the right of way. They have the right to use it subject to any regulations the City Council would like to adopt. This will call for a permitting process.

MOVED by Wells **SECOND** by Jackson to adopt **Resolution 14-48**. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

26. Consider approving an Ordinance pertaining to Alcoholic Beverages amending the public places where alcoholic beverages and low point beer may be sold, consumed or possessed with the appropriate permits by amending Sections 4-1-1-101 and 4-1-1-109, Division 4-1-1, Article 4-1, amending Section 4-2-1-211, Division 4-2-1 and repealing Division 4-2-4, Article 4-2, Chapter 4, Lawton City Code, 2005, providing for renumbering and severability. Exhibits: Ordinance No. 14-__.

Rogalski stated the list of locations in City Code where alcoholic beverages and/or low point beer may be sold, consumed or possessed is outdated. This ordinance would update the lists to allow for the sale, consumption and possession of alcoholic beverages and low point beer at locations such as the new City Hall, Shepler Park and Elmer Thomas Park with the appropriate City issued permit in addition to the applicable State and County issued licenses. He stated staff has made a change in two places where it states the permit would be issued by the city or with prior written permission from applicable city official. Where it states “applicable city official” has been changed to state “the City Manager or his designee”.

Bellino-Hall stated this is the same code with just a minor change.

Rogalski stated this just updates where we operate now.

MOVED by Jackson SECOND by Wells to adopt **Ordinance 14-09**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 14-09

An ordinance pertaining to alcoholic beverages amending the public places where alcoholic beverages and low point beer may be sold, consumed, or possessed, amending Sections 4-1-1-101 and 4-1-1-109, Division 4-1-1, Article 4-1, amending Section 4-2-1-211, Division 4-2-1 and repealing Division 4-2-4, Article 4-2, Chapter 4, Lawton City Code, 2005, providing for renumbering and severability.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells stated the DC fly in trip was very successful and they received a lot of encouraging and disheartening information. Everyone needs to stay positive and hope everything works out.

Haywood stated there will be a neighborhood association meeting at Patterson Community Center on April 17th at 6:00 p.m. He stated there are a lot of homeless individuals in the Lincoln area and there are 80-90 homes that they may have to destroy in that area, so there are lots of places for them to hide. Neighborhood Services staff is putting together a list of these homes. There are three homes in particular, 703 SW H is too close to the next, and they are only two feet apart. He stated there is also a floodway in that area and we may have to buy three houses in the future. He stated there is a lot of potential in that particular area but they may have to go in and change some things.

Zarle reported that five people have filed for his seat.

Tanner stated he attended the Mayor's Service Recognition Day that was sponsored by the local RSVP program. He also attended the Box City sponsored by Family Promise and the basketball game between the Lawton Fire Department and Lawton Police Department.

Bellino-Hall reminded everyone that April 26, 2014 is Trash Off at McMahon Auditorium from 8:00 a.m. to 3:00 p.m. She stated they are looking for volunteers.

Jackson stated there is a program going on in zone one and two called "Restore Hope". These are areas that have been impacted by crime and dilapidated houses. He stated they need more funding to tear down more homes in that area. At the current time there are over 400 homes city wide that have been identified for demolition. They can't get this done by tearing down two or three a month. He stated they have added zone four.

Haywood stated he has torn down more houses in his ward than the other seven wards put together.

Long stated he attended the job fair at Fort Sill on March 27th. He stated it was very well attended. There were over 80 vendors in attendance. He stated that they have the pleasure of working with some outstanding utility partners. Much more than just 2% of the franchise fees that are returned to the city come back to the community. These utility partners provide for employment within our community and are more integrated with our community than we even recognize. He announced there will be a seminar on Friday, April 11th to discuss gang intervention.

Mayor Fitch stated the Chamber fly in to Washington, D.C. was a well supported event and they got to visit with all of our congressional delegation and staff members. He stated they discussed the parameters that will be implemented in the coming years as far as BRAC.

There being no further business to consider, the meeting adjourned at 7:21 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK