

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MAY 12, 2015 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Jim Russell, Acting City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk

Mayor Fitch called the meeting to order at 6:16 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor John Helgeson, First Presbyterian Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bob Morford, Ward One
 Keith Jackson, Ward Two
 Rosemary Bellino-Hall, Ward Three
 Jay Burk, Ward Four (arrived @ 6:23 p.m.)
 Dwight Tanner, Jr., Ward Five
 Cherry Phillips, Ward Six
 Stanley Haywood, Ward Seven
 Doug Wells, Ward Eight

ABSENT: None

PROCLAMATION FOR AIR QUALITY AWARENESS WEEK

Mayor Fitch proclaimed the week of April 27th through May 1st as Air Quality Awareness Week.

PROCLAMATION FOR FOSTER CARE AWARENESS MONTH

Mayor Fitch proclaimed May 2015 as Foster Care Awareness Month.

PROCLAMATION FOR NATIONAL TOURISM MONTH

Mayor Fitch presented a proclamation to Jacob Russell, Lawton Fort Sill Chamber of Commerce, proclaiming May 2015 as National Tourism Month.

PROCLAMATION FOR NATIONAL PUBLIC WORKS WEEK

Mayor Fitch proclaimed the week of May 17-23, 2015 as National Public Works Week.

PROCLAMATION FOR FLOOD AWARENESS MONTH

Mayor Fitch proclaimed May 2015 as Flood Awareness Month.

RECEIVE PUBLIC COMMENTS REGARDING FORT SILL VISITOR CONTROL CENTER

Bob Pirtle, Director of Emergency Services for Fort Sill was in attendance to answer questions regarding the Fort Sill Visitor Control Center.

Jackson questioned if citizens will be required to go through the visitor center when attending events such as concerts, July 4th activities, Armed Forces Day activities, etc.

Mr. Pirtle stated the guidance allows them to designate special events. This allows them to waive the responsibility to go through the Visitor Control Center. They will isolate a portion of the installation and ease access for citizens going on and off the installation.

AUDIENCE PARTICIPATION:

Carol Gardner, Lawton, OK, questioned if it would be possible for the water parks and splash pools to be reinstated so that citizens can use them this summer.

Russell stated they are currently looking at the maintenance issues with the splash park and the wading pools to see if we can get them up and running. They will not be able to open the community pool because the YMCA already have their lifeguards hired and in place.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF APRIL 28, 2015.

MOVED by Wells SECOND by Burk to approve the minutes of April 28, 2015. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Fitch stated they will need to strike item #4 and it will be considered at the next meeting. Phillips stated she would like item #19 to be considered separately

MOVED by Burk SECOND by Jackson to approve the consent agenda with the exception of items #4 and #19. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Nathan and Valentina Cox in the amount of \$2,082.99 (**Res. 15-37**) and C.L. Boyd Co., Inc. in the amount of \$300.00. Exhibits: Legal Opinions/Recommendations and Resolution No. 15-_____.

2. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Laverne Aitson. Exhibits: **Resolution No. 15-38.**
3. Consider an agreement allowing Olsson Associates on behalf of the Oklahoma Department of Transportation (ODOT) to enter upon City-owned property to undertake a preliminary survey needed to develop plans for improvements along State Highway 58 and authorize the Mayor to execute the approval form. Exhibits: Two letters from Olsson Associates.
4. Consider entering into a professional services agreement with PROFICIA LLC, for consultation services (to be conducted by Tom Daxon, a member of PROFICA LLC) regarding the analysis of General Fund operations, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office. **STRICKEN**
5. Consider awarding a lawn maintenance contract to Lawn Wizards for the lawn maintenance of properties managed by LUHA and authorizing the Mayor and City Clerk to execute the contract. Exhibits: Contractor Bid Log. Contract is on file at the City Clerk's office.
6. Consider accepting Fiscal Year 2015-2016 grant funds in the amount of \$22,456.00 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 7.
7. Consider accepting an additional \$3,000.00 in Fiscal Year 2014-2015 State contract funds from Oklahoma Department of Human Services, Aging Services (OKDHS AS) for the Retired and Senior Volunteer Program (RSVP). Exhibits: None.
8. Consider approving the waiving of special assistance and property usage fees in the amount of \$4,665.00 as set out in accordance with Chapter 7-31-3101 -3112 of the Lawton City Code and Council Policy 9-2 Parade and Assembly Policy for support of the Black Beaver District Cub Scout Day Camp to be held May 31 thru June 6, 2015 at Elmer Thomas Park. Exhibits: City Assistance and Property Requested Attachment.
9. Consider approving plans and specifications for the Industrial Elevated Tank & East Elevated Tank Re-Painting Project #2015-05 and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Engineering Division office.
10. Consider accepting the Animal Welfare Building Project #2011-1 as constructed by Herring Construction, Inc. and placing the Maintenance Bond into effect. Exhibits: The Maintenance Bond is on file in the City Clerk's office.

11. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 1,221 linear feet of 8-inch PVC waterline, 451 linear feet of 8-inch PVC sanitary sewer line, and all appurtenances to serve Cache Road Professional Center located at 5101 NW Cache Road in the SW/4 of Section 22, T2N, R12W, I.M., Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City Clerk's Office.
12. Consider awarding contract (CL15-041) Sludge Dewatering Polymer to Polydyne Inc., of Riceboro, GA. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
13. Consider awarding contract (CL15-040) Thermoplastic Material and Epoxy Primer/Sealer to Ennis Paint, Inc. of Thomasville, NC. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
14. Consider extending contract (CL14-049) Reinforcing Bar Product to Albright Steel & Wire of Oklahoma City, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
15. Consider extending contract (RFPCL14-045) HVAC SERVICES to Johnson Control Inc., of Oklahoma City, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
16. Consider extending contract (RFPCL13-040) Employee Assistance Program (EAP) Services to Deer Oaks EAP of San Antonio, TX for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
17. Consider awarding contract (CL15-045) Heavy Wrecker Service to Hat Wrecker Services of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
18. Consider extending contract (CL14-040) Precast Concrete Manholes (Large) to Primary Structure of Guthrie, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
19. Consider extending contract (CL12-045) Recycling Center Operation to Horn Sanitation, Inc., of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

Phillips stated she visited the recycling site behind Eisenhower High School and around the bins were mattresses, a large television and a washing machine. A compactor truck pulled up and she spoke with the people in the truck and they were there just to pick up the items that were not supposed to be there. She stated it is very disconcerting for someone to take their recyclables and have to wade through the trash that is around the bins. She feels they need to talk to Horn Sanitation about some ideas to keep these things from happening. They need larger signs with large lettering that says that this goes in this bin and absolutely nothing else. She stated fencing could be changed so that people could not bring in these types of items. They are very unsightly and she would like some discussion with Horn.

Burk stated that Horn's job is to pick up the recyclables only. The City of Lawton comes out and cleans up. The signage has been taken down and they added fencing but it is just not a great system and obviously we need curbside recycling. He does not know how to stop it. He questioned if they needed to have a discussion with Horn about picking it up.

Jerry Ihler, Assistant City Manager, stated staff recently sent him a letter and told him that we had to go down and pick it up and that the contractor is responsible.

Burk stated the citizens need to know that this is a recycling center, not a trash center.

Phillips stated as she was looking at the bins she noticed that another fence, a fourth piece could be put there and locked and just have a gate that people can walk through. Let's try to find something that works.

Tanner stated the bulk trash pick up takes place twice a year and it would be nice to have a system in place that sends out trucks to pick up bulk items on a monthly basis. He understands we don't have the money to do that but he would like to see something like that happen. He stated some citizens get a notice from Neighborhood Services and they have to clean up their yard in ten days or face a fine. He suggested they look into monthly bulk trash pick up.

Jackson stated several years ago they had a quarterly pick up program and it just became cost prohibitive and staff asked to reduce it to twice a year. The cost is the factor. They also tried remote sites set up but commercial vendors starting using them to avoid paying fees at the landfill.

Burk stated they have Trash Off once a year and the quarterly pick ups have really helped to clean up the city.

Wells stated they gave up two of the quarterly pick ups to pay for the recycling program.

Tanner questioned what a citizen is supposed to do if they get a letter from Neighborhood Services to remove these bulk items and they don't have a car or truck.

Wells stated a citizen can call and ask for a special pick up. They have to pay a fee, but they can get a special pick up.

Ihler stated it is \$110.

Tanner stated he did a cost analysis on this and he thought we could get these bulk pick ups based on the tonnage that was actually picked up and delivered to the landfill. He had it rounded out to about \$55 a load. If they could reduce the cost the city would be a lot cleaner and less bulky items would not end up at the recycling centers.

Burk stated he thought we contracted with another company.

Ihler stated Horn is who we contract with but he has a subcontractor.

MOVED by Burk SECOND by Tanner to extend contract (CL12-045) Recycling Center Operation to Horn Sanitation, Inc., of Lawton, OK for an additional year. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

20. Consider rejecting all bids (CL15-042) Concrete Repair. Exhibits: Department recommendation, abstract of bids.
21. Consider extending contract (RFPCL14-048) Workers Compensation Services to United Safety & Claims, Inc., of Tulsa, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
22. Consider approving appointments to boards and commissions. Exhibits: None.

Arts and Humanities Council

Eric Abbott
1407 NW Lake Avenue
Lawton, Oklahoma 73507
06/30/18

George Kent
906 SW Arlington
Lawton, Oklahoma 73507
06/30/18

Scott Veenhuizen
6503 SW Oakcliff Avenue
Lawton, Oklahoma 73505
06/30/18

City Planning Commission (CPC)

Frank Petty
4507 NE Pheasant Way
Lawton, Oklahoma 73507
Unexpired Term 12/14/16

Library Board

Patty Neuwirth
715 Heinzwood Circle
Lawton Oklahoma 73505
05/31/17

Tom Rine
1807 NE 29th Street
Lawton, Oklahoma 73507
5/31/17

Susan M. Kremmer
201 NW Mockingbird Rd
Lawton, OK 73507-1608
05/31/17

Mayor's Commission On The Status Of Women

Erin Delaney
Ft. Sill
537 Batson Avenue
Ft. Sill Oklahoma 73503
UT 09/12/16

Parks & Recreation Commission

Jason Wells
3707 NE East Lake
Lawton, Oklahoma 73507
Unexpired Term 01/01/16

23. Consider approval of payroll for the periods of April 27 - May 10, 2015.

NEW BUSINESS ITEMS:

24. Hold a public hearing and consider approving a resolution amending the 2030 Land Use Plan from Residential/High Density to Public, an ordinance changing the zoning from R-3 (Multiple-Family Dwelling District) to P-F (Public Facilities District) zoning classification, and modification of the front yard setback and parking requirements for property located at 410 SW Jefferson Avenue. Exhibits: Resolution No. 15-___, Ordinance No. 15-___ with Site Plan, Location Map, Applications and CPC Minutes.

Richard Rogalski, Community Services Director, stated this request is for Lots 4 - 8, Block 12, Airport Addition. The proposed use is a church. The applicant is Another Chance Outreach Ministries. The zoning of the surrounding area is R-3 to the north, south, east, and west. The land use of the surrounding area is single-family residential to the north, south, east, and west. The 2030 Land Use Plan designates this area as Residential/High Density. The City Code requires a front yard setback of 25 feet. The site plan indicates the building would meet the 25-foot setback; however, the site plan includes a portico which would be located within the front yard setback. Based on the seating capacity of the sanctuary, the parking requirement for the church would be 119 spaces. The City Code requires at least 60% of required parking to be located onsite, and the remaining parking spaces must be located within 300 feet. The site plan indicates 50 parking spaces onsite and 52 parking spaces within 300 feet of the church. Section 18-5-7-577 of the City Code authorizes the City Council, after receiving a recommendation from the City Planning Commission, to modify setback and parking requirements for property zoned Public Facilities District. On April 16, 2015, the City Planning Commission held a public hearing on this request. No one spoke for or against the request at the public hearing. The CPC, by a vote of 6 – 0, recommended approval of the request for amendment of the Land Use Plan, rezoning, and modification of the front yard setback to allow the portico to be constructed 5 feet from the front property line, the parking requirement to be a total of 102 spaces, and that only 49% of the parking be located onsite. The CPC recommendation is subject to revisions to the site plan to meet the City Code as follows: 1) Show screening fences between the parking areas and adjacent single-family residences, 2) Delete the parking spaces within 15 feet of the front property line adjacent to the single-family residences, 3) Either pave the full width of the alley if it is to be used as a secondary access or delete the access to the alley, and 4) Decrease the width of the portico to be 5 feet from the right-of-way of Jefferson Avenue. A revised site plan has been submitted addressing the conditions.

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

MOVED by Haywood SECOND by Wells to adopt **Resolution No. 15-39**. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

MOVED by Haywood SECOND by Wells to adopt **Ordinance 15-07**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 15-07

An ordinance changing the zoning classification from the existing classification of R-3 (Multiple-Family Dwelling District) to P-F (Public Facilities 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.

25. Hold a public hearing and consider approving a resolution amending the 2030 Land Use Plan from Professional Office to Commercial and an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification on property located at 3407 and 3409 NW Cache Road. Exhibits: Ordinance No. 15-__ with Site Plan, Location Map, Applications and CPC Minutes.

Rogalski stated this request is for Lots 4 and 5, Block 2, Morford Hills Addition. The lots are under contract for sale through Insight Commercial Real Estate Brokerage. The current uses of the lots are single-family residential, and the proposed uses are all uses permitted in the C-1 district. The zoning of the surrounding area is R-1 with Historic Preservation Overlay District to the north, C-1 and C-5 (General Commercial District) to the south, C-1 to the east, and R-1 to the west. The land use of the surrounding area is single-family residential to the north, east, and west, and single-family residential and commercial to the south. The 2030 Land Use Plan designates the lots along the north side of NW Cache Road between NW 33rd Street and NW 38th Street as Professional Office. In January 2015 Lots 1 – 3 immediately to the east of these two lots were rezoned to C-1. The site plan submitted with this request indicates all five lots will be developed as one project. The building to be located on Lots 4 and 5 is shown to have a drive-thru window. The single-family residential neighborhood to the north was rezoned to include Historic Preservation Overlay District in 2012. The lots fronting NW Cache Road were not included in that request. While the 2030 Land Use Plan shows this area as transitioning to Professional Office, most of the property fronting NW Cache Road between Fort Sill Boulevard and NW 82nd Street is zoned as commercial. The C-1 Local Commercial District is the most restrictive commercial zoning district, and the majority of the uses permitted in the C-1 district are typically businesses that operate during the daytime and do not create a negative impact on nearby residential neighborhoods. There are a few permitted uses that can be very intensive if not controlled as to size and hours of operation. The C-1 zoning district allows restaurants, including drive-thru service which is typically a fast food restaurant, and some fast food restaurants are open late at night or even 24 hours. The site plan indicates the westerly building to be 3,800 square feet with a drive-thru window. The total development would include 9,600 square feet of gross floor area, and the site plan indicates 96 parking spaces, which would be

sufficient if the buildings required the highest commercial parking requirement of 1 space per 100 square feet of floor area. On April 16, 2015, the City Planning Commission (CPC) held a public hearing on this request. During the public hearing one person, Jason Wells with Insight Commercial Real Estate Brokerage, spoke in favor of the request. Mr. Wells advised that the drive-thru was an essential part of the proposed development. The CPC, by a vote of 2 – 4, failed to recommend approval of the request. The members were very concerned about the impact a drive-thru restaurant with an outdoor order box and late night hours would have on the adjacent neighborhood to the north. Notice of public hearing was mailed on April 21, 2015, to 34 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on April 26, 2015.

Rogalski stated if the request is approved, the site plan would be part of the ordinance, and development of the property would have to be in conformance with the site plan. If the Council desires to approve the request, there are some modifications to the site plan that would be required to meet the City Code, i.e., the western driveway does not meet the radius requirement, the driving aisle adjacent to Cache Road should be 24 feet wide, and the sidewalk along Cache Road must be 6 feet wide. Staff has discussed these items with the applicant. The applicant has submitted a revised site plan and they have a nice looking commercial development with no drive-thru. If the City Council approves this request there are a number of conditions that will have to be made on the site plan. The resolution that changes the land use plan has no conditions.

Phillips stated she is happy to see the alternate site plan. She received several calls. She stated she went over about 11 p.m. one night and parked on Atlanta and she could hear the orders being taken at McDonalds. This would be a problem for those people sitting outside or trying to sleep.

Morford stated when this first came up he was opposed. There is a historical overlay and they want to make this a nice area and the drive-thru did not seem right. He feels that this is the best plan for both sides.

PUBLIC HEARING OPENED.

Suzanne Crawford, 3320 Atlanta, stated her neighbors are strongly opposed to the drive-thru windows because of the hours, noise and the trash. There are other issues related to that drive-thru that would not be appropriate for the only historical neighborhood in Lawton. They would like a chance to survive and thrive.

Mayor Fitch stated the current site plan does not have a drive-thru, they have taken that off.

Ed Cagle, 3413 NW Cache Road, stated he and his son live in the lots just to the west. He has been on both sides of the issue with Cache Road and he was against it across the street when it first came up, but now he is on the other side and he would like it to go business. He feels it would be a good thing for the community and he would like to see it rezoned.

Claude Matchette, 3411 NW Atlanta, stated his home is north of this proposed site. He questioned if they had any information on what the western building will be used for.

Rogalski stated it will be commercial, so it could be any C-1 use.

Mr. Matchette stated he is concerned about the trash and the odor coming across the fence into his area. He is also concerned about the entrance. It will be difficult for those traveling eastbound on Cache Road. They would go to the corner of 34th & Cache and make a u-turn and come back. That intersection is very busy and it is very difficult to use that intersection, especially with additional commercial activity.

PUBLIC HEARING CLOSED.

MOVED by Morford SECOND by Wells to adopt **Resolution No. 15-40** amending the 2030 Land Use Plan from Professional Office to Commercial. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells, Haywood. NAY: None. MOTION CARRIED.

MOVED by Morford SECOND by Wells to adopt **Ordinance No. 15-08**, waive the reading of the ordinance, read the title only, with the condition that either the binding site plan be modified to meet the required building setback of 52 feet or a variance from the Board of Adjustment for the 31 foot setback be requested and approved and the site plan be modified to show the required screening along the western property line and that one additional accessible parking space to indicate building height to 30 feet and make additional corrections necessary to meet the city code. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 15-08

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 with the conditions stated in the motion; and authorizing changes to be made upon the official zoning map in accordance with this ordinance.

26. Hold a public hearing and consider an ordinance amending Section 18-8-1-803, Design Requirements for Curb Openings and Driveways, and Figures 2 – 8, Chapter 18, Lawton City Code, 2005, modifying the minimum curb radius for driveways on arterial streets. Exhibits: Ordinance No. 15-__ and CPC Minutes.

Rogalski stated at the request of the Traffic Engineer, on January 29, 2015, the City Planning Commission discussed modifying the City Code to require a minimum curb radius of 15 feet for all driveways connecting to arterial streets. The City Code currently requires a minimum 5 foot radius for curbs for one- and two-family dwellings and a minimum 10 foot radius for commercial developments. The larger radius would allow safer and smoother traffic flow because vehicles would not have to slow down as significantly when turning into the driveways. The modification would not affect curb radii on collector or local streets or the improvement or reconstruction of existing driveways on arterial streets. He stated he met with representatives of the Lawton Home Builders Association on February 3, 2015, and there were no objections to this code change. On

March 26, 2015, the City Planning Commission held a public hearing on the proposed code amendment, and by a vote of 8 – 0, recommended approval. This change in the minimum curb radius would require Figures 2 – 8 of Chapter 18 to be revised.

Tanner stated this is just for construction, not existing.

Rogalski stated the last line of the code says anything that was preexisting can be rebuilt as it was.

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

MOVED by Burk SECOND by Morford to adopt **Ordinance 15-09**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 15-09

An ordinance amending Section 18-8-1-803, and Figures 2 – 8, Chapter 18, Lawton City Code, 2005, modifying the minimum curb radius for driveways on arterial streets, and providing for severability and an effective date.

27. Hold a public hearing and consider an ordinance amending Section 21-5-501, Streets, Chapter 21, Lawton City Code, modifying street standards and number of required access points to subdivisions and Figure 4, Design Standards for Subdivision Streets, Chapter 21, Lawton City Code. Exhibits: Ordinance No. 15-__ and CPC Minutes.

Rogalski stated on January 29, 2015, the City Planning Commission discussed proposed modifications to Chapter 21, Subdivisions, to include:

1. A request by the Public Works Director to increase the required right-of-way widths for principal arterials and minor arterials. Currently the City Code requires 100 feet of right-of-way for principal arterials and 80 feet of right-of-way for minor arterials. The proposed modification would require 120 feet of right-of-way for all arterial and section line roadways. The additional right-of-way would allow space for future widening of the roadway, as well as adjacent sidewalks and utilities.
2. An increase to the minimum street centerline slope/grade from 0.6 percent to 1.0 percent. The increased slope will reduce the potential for ponding at low-points and intersections, making the streets more constructible and easier to maintain. There are no modifications to maximum street grades, minimum horizontal alignment, and minimum sight distance, but the information would be combined into one table.
3. Add the requirement for at least two separate points for emergency access for subdivisions and neighborhoods containing more than 50 lots.
4. Provide requirements for developing commercial and residential lots abutting arterial streets, providing that the CPC may:
 - a. require service streets;
 - b. require double frontage lots with a non-access easement along the arterial;

- c. allow lots 2 ½ acre or greater in size to have direct access to the arterial with the potential for additional setback requirements; or
- d. allow such other treatment as may be necessary to insure adequate safety and functionality of the arterial street.

On March 26, 2015, the CPC held a public hearing on the proposed amendments to Section 21-5-501, Streets. One of the proposed amendments would require at least two points of access to an arterial street for each subdivision containing more than 50 lots and would allow an all-weather, hard surface road to be used as one of the access points provided it is approved by the City Engineer and the Fire Marshal. The Commission requested input from the Fire Marshal on whether the secondary access road to subdivisions could be gravel until the development extends to the arterial street. On April 16, 2015, a representative from the Fire Department did address the CPC and stated the recommendation of the Fire Department is that the access points be hard surface roads that can handle the weight of the heavy fire trucks. The CPC, by a vote of 5 – 1, recommended approval of the proposed amendments with the change that the description of an all weather road be described as one with adequate base material to support any fire equipment and emergency vehicles and with nothing less than oil and chip surface.

Morford questioned if private streets would be covered.

Rogalski stated there are two ways you can consider private streets. In the middle of an apartment complex, those are driving aisles and are not considered private streets. If you go with a planned unit development, those have private streets that are designed to city subdivision standards. This code does not apply to those streets.

Wells requested staff give him an example of arterial and minor arterial.

Rogalski stated it would be anything designated as an arterial on our functional classification map or if it is a section line road. You are talking about the one mile grid, with the exception of Quannah Parker.

Wells stated like 67th Street, 82nd Street and not the roads within the subdivisions. This will keep people from building homes on arterials and there will be businesses.

Phillips stated she noticed that the Lawton Home Builders Association objected to the increase of the street center line grade and she questioned their objection.

Rogalski stated the only amendment the Association disliked was the increase of the street centerline grade from 0.6 percent to 1.0 percent. He stated that will add up if you go ½ mile. If you are trying to build a subdivision that is steeper than the natural grade, you will have to do a lot more work at a lot more cost. The language in the proposed ordinance has been modified to address their concerns. They dropped the 1.0 percent minimum and you have a 0.6 minimum when you do your vertical curb and you have to make sure all intersections drain and engineer it to provide positive drainage. They will have to be very careful how they design intersections and sag curves.

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

Phillips stated in the commentary it said that this would not affect cul-de-sacs but yet there should be additional discussion about that.

Rogalski stated they didn't change the length of a cul-de-sac so they did not change that code at all.

Wells stated he hopes that one of these days they work on getting the right-of-way needed reduced down from the old standards of 80 and 100 feet. Most people don't realize how much of their front yard they don't have any right to use.

Rogalski stated the public has a right to access it for public purposes but as long as they are not using it, it is still your yard.

Jensen stated the item title refers to figure 4, but in the ordinance title there is a reference to figure 7.

Rogalski stated they are not modifying figure 7.

Jensen stated they need to delete the reference to figure 7 in the ordinance title.

MOVED by Wells SECOND by Phillips to adopt **Ordinance 15-10**, omitting all references to figure 7 in the title and section 2, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 15-10

An ordinance pertaining to subdivisions amending Section 21-5-501, Article 21-5, Chapter 21, Lawton City Code, 2005, by amending street standards and amending Figure 4 of Chapter 21, Lawton City Code, 2005, and providing for severability.

28. Consider approving an ordinance creating Sections 10-19-1901 through 10-19-1909, Article 10-19, Chapter 10, Lawton City Code, 2005, to assess and levy the continuation of a one and one-quarter percent (1.25%) sales tax expiring December 31, 2018, by discontinuing the current one and one-quarter percent (1.25%) sales tax three years early on December 31, 2015, and renewing the same one and one-quarter percent (1.25%) sales tax for ten years to be collected from January 1, 2016, through December 31, 2025, with the purposes of the revenues derived from the renewed sales tax to include (1) new, alternate, and/or improvements to existing water resources, (2) completion of all capital improvements for the City of Lawton from the 2012 Capital Improvement Project list that are yet to be completed, and (3) Lawton Area Transit Services Transportation improvements, with the requirement that all revenues and proceeds derived from the renewed tax be deposited and credited into the 2016 capital improvement fund of the City in accordance with the provisions of state law, to be used solely for the purposes set forth

in the ordinance as approved by the voters, providing for the administration of the collection of the sales tax, severability, continuation of the ordinance in the event any purpose of revenue provision is declared invalid, repeal of the 2012 Capital Improvement Sales Tax ordinance contingent upon the approval of this ordinance by the voters, codification and requiring the full text be published. Exhibits: Ordinance No. 15-__.

Jackson stated for those citizens who are concerned that because we received some rain the last few weeks that we will let up on the water issue, this is what this is about. We are not letting up on our water problem. With the passage of this we are looking at spending a lot of money addressing the needs of this community's water issues, all the way from well water to reuse water. Just because we changed the restrictions, we are not changing the procedures on addressing the water issues.

Wells stated this is an important issue. We were a week or so away from going into stage 4 because we had used 20% of our water supply in the past 14 months and it could happen again. We need to maintain our focus with the alternate resources for the future of Lawton. We need to diversify our water supply for the future of the city.

Burk stated he is concerned that we have gone to almost no water restriction after what we have been through and the condition we have been in just a few weeks ago. It is easy to say we have a great amount of lake water today, but what will we have six months from now or a year from now. He suggested we consider going back to the even/odd days for watering because it is a precious commodity and just passing this and getting it to go to the voters is not an instant change in what we have today. We are not out of the drought and we could be in this situation next year. We need the water sales, but as a council we need to consider still staying in some kind of restriction so we don't water every single day. He hopes we can bring this back as an item for the council to discuss.

Wells stated they can call a meeting of the water committee.

MOVED by Wells SECOND by Morford to adopt **Ordinance 15-11**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 15-11

An ordinance pertaining to finance and taxation creating Sections 10-19-1901 through 10-19-1909, Article 10-19, Chapter 10, Lawton City Code, 2005, by enacting an ordinance assessing and levying an excise tax of one and one-quarter percent (1.25%) in addition to all other excise taxes assessed and levied by the city of Lawton, Oklahoma, and all other taxing authorities, upon the gross proceeds or gross receipts derived from all sales to any person taxable under the Oklahoma sales tax code, codified in title 68, Oklahoma Statutes, section 1350 et seq, providing for the administration and collection of said tax; providing for the use of state permits in lieu of permits issued by the city; stating the purpose of the revenues derived from said sales tax and providing for the disposition of proceeds therefrom; declaring that revenues be used for new, alternate, and/or improvements to existing water sources, sewer rehabilitation and expansion

projects, street reconstruction and overlay projects, landfill cell expansion projects, and Lawton area transit system improvements, including buses; providing that the tax shall be limited to a period commencing January 1, 2016, and terminating December 31, 2025; making the tax cumulative; providing that the governing body may make administrative and technical changes which do not affect the tax rate or period of the tax; requiring approval of this ordinance by a majority of the registered, qualified voters of the city voting at an election to be held for such purpose as provided by law; providing for codification; repealing an ordinance contingent upon the approval of this ordinance by the voters; providing for severability of the provisions of this ordinance; providing for continuation of this ordinance in the event the purpose of revenue provision is declared invalid; providing for an effective date; and requiring the full text to be published.

29. Consider approving an ordinance authorizing the calling and holding of an election on August 11, 2015, in the City of Lawton, State of Oklahoma, for the purpose of submitting to the registered qualified electors of said City the question of discontinuing the 2012 one and one-quarter percent (1.25%) sales tax three years early and renewing the same one and one-quarter percent (1.25%) sales tax for ten years to provide funds for the various purposes specified by the ordinance; providing for severability; declaring an emergency; and requiring the full text be published. Exhibits: Ordinance No. 15-__ and Election Proclamation.

Wells stated he would remind citizens to get out and vote for this and it does not increase the sales tax at all. This will give us the funds we need. We approved an \$800,000 study to look at alternate sources of water and the results should be in by September and we have no way to fund any of the recommendations. The drought may not be as severe today, but this may only be temporary relief and we need to provide for the future. This is the only way we have to raise money to do this. This program will complete all of the projects that citizens have voted for in the past and allow us to do the alternate water source things that we need to do to insure the water supply for the city.

MOVED by Wells SECOND by Jackson to adopt **Ordinance 15-12**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 15-12

An ordinance authorizing the calling and holding of an election in the city of Lawton, state of Oklahoma, for the purpose of submitting to the registered qualified electors of said city the question of the approval or rejection of Ordinance No. 15-11 of the city relating to the continuation and extension of a certain existing sales tax of the city and defining the purpose for such tax; and declaring an emergency.

30. Consider an Ordinance pertaining to Personnel Policies and Procedures, amending Section 17-2-11-239, Division 17-2-11, Article 17-2, Chapter 17, Lawton City Code, 2005, by amending the layoff provisions set forth in City Code for City Employees; providing for severability and declaring an emergency. Exhibits: Ordinance No. 15-__.

Russell stated the changes deal primarily with the severance piece. Currently we have a 90 day severance package if we have lay offs. This will bring it down to a 2 week severance package. He stated through working with the Employee Advisory Committee (EAC) on this issue they expressed a concern regarding the terminal leave notice which requires employees to give a 30 day notice. He did include a waiver in this policy to allow an employee to not put in that 30 day notice. If they were selected for a layoff they would be able to put in for that terminal leave right away. Even though they did work through the EAC on these changes, the EAC does not support the passing of this change.

Wells stated this is one of the worst pieces of management recommendation he has seen. We probably have the worst employee morale among the general employees since the charter was done in the 1960's. Almost all companies our size give 3, 4, 5 or 6 months of severance pay when they have reductions in force. He does not know how we can expect anybody to apply for a job with the City if we are going to change the rules which will only affect one employee group. He does not support any change that they try to recommend unless it will affect all employee groups. They cannot put everything on the backs of the general employees, they are the lowest paid group in the City and they are extremely important to the City. We have to treat the general employees equally and this is just not fair, just before layoffs, to announce that we are changing all the rules. He feels this is horrible.

Tanner stated he agrees with Councilmember Wells' assessment. He attended the EAC meeting this morning and got to listen to the general employee's comments and he agrees that the morale is low and they feel like the lower class of the employment groups and they are not, they are the working class.

Burk stated that being a blue collar worker, he gets it. We are always the ones that are called out in the middle of the night and it is disheartening to see that some groups get a better seat at the table to get their voices heard. He does not know how to fix it. He knows there was a union at one time, but they have to have a voice and the council listens and does what they can but there are two unions that speak very loudly and constantly. They need to do something or it is going to keep happening over and over. He does not support this and he does not think this is something they should do. If they cannot affect all employees across the board it is a definite no vote for him.

Wells stated the problem with the union as approved by the state, it was a union in name only, they had no bargaining power or binding arbitration or anything else, so it did no good. The solution is that management has to understand that the general employees are employees too and you can't do all the balancing on the general employees.

Jackson stated management may bring these decisions forward but the council makes the final decisions. It is time for the council to step up and protect the general employees. The two other groups get heard often, but now they have an opportunity to stop a bad situation.

Phillips questioned if this was looked at to help balance the budget.

Russell stated this was originally initiated as a cost saving measure for the budget process and balancing the entire budget. When they went into this process, they have to plan for an additional 90 days worth of pay going into the new budget year. The intent was to eliminate that need.

MOVED by Wells SECOND by Jackson to deny. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

FINANCE REPORT

Brooks Mitchell, Finance Director, presented revenue and expenditure highlights for period ending March 31, 2015. (On file in the City Clerk's office).

Phillips questioned if the surcharge still applies in stage 1 restriction on 8,000 gallons and above.

Mayor Fitch stated it only applies to stages 3, 4 and 5.

Jackson requested staff to explain how the billing procedure will take place as far as the surcharge and when the citizens will see it come off of their bill.

Russell stated the surcharge, once it is in place, goes through the entire billing cycle, even though we are not in stage 1.

Wells stated the water committee recommended the surcharge go into effect immediately and it stay in effect until the end of the billing cycle.

Mayor Fitch requested staff give an overview of the lake levels.

Ihler stated Waurika came up 6.35 feet, Ellsworth came up 5.31 feet and Lawtonka came up 2 feet. Overall raw water capacity as a totality of the three lakes combined is at 63.7%.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Phillips stated she received a call from a constituent that was concerned about a blockage of debris on one of our canals. This was Friday at 4:30 p.m. She call Mr. Ihler and interrupted his day off and told him the situation and requested that staff go out and assess this to see if these homes would be flooded if there was more rain over the weekend. She stated Mr. Ihler came out and the next morning at 8:30 a.m. city workers had come out and cleaned up the debris. She stated she would like to thank those workers on behalf of the constituents in Ward 6. Their names were Gene Sovo, Danny Hamblin and Brandon Purdue.

Tanner stated there is a dedication this Saturday at 9 a.m. at Gore and Ft. Sill Boulevard. There are seven different flag poles installed which represents the United States, State of Oklahoma and all the Armed Forces. This was organized by a Scout named Marcus Benier, who raised \$2,700 and LETA donated \$4,500 to the project. He stated there is another project taking place on 10th Street between B Avenue and C Avenue. City crews are completely redoing the street.

This project has been in the go for about five years. He stated it is right next to some property he just purchased and he does not want folks to think he is a councilmember who is fixing nobody's streets but his own.

Burk stated he appreciated all the volunteers for the flag project on Ft. Sill Boulevard and he is happy that LETA was happy to help. Where else would they go to help fund projects like this. He thanked Parks and Recreation for help today on a senior week activities for McArthur High School. They have been without power since last week and they could not hold their activities at the school. He called city staff to get space at Elmer Thomas Park.

Jackson reminded everyone of the Armed Forces Day parade on Saturday at 10 a.m.

Morford stated last Friday he attended a Fit Kids presentation and Lawton was designated as a Healthy City. We also received a \$160,000 grant.

Burk stated it was great to hear that Lawton was the only large city in the state to get this designation. Lawton is the leader in smoke free areas and parks. He stated Trash Off is being held on May 23rd at McMahan Auditorium and they need volunteers.

Mayor Fitch stated the \$160,000 we received was from a tobacco settlement from years ago. In 2000 the State of Oklahoma voted to form an endowment trust and that money could not be used for any other purpose other than health benefits within the state. Every other state voted for their money to just go into their general operating fund and they don't have any of that money left for health programs. He recognized Drew Edmondson and the other state leaders who did this. They have a billion dollar reserve built up and all they are using is the interest. That money will continue to come to the State of Oklahoma as long as cigarettes are sold in this state.

The Mayor and Council convened in executive session at 8:15 p.m. and reconvened in regular, open session at 9:45 p.m. Roll call reflected all members present excluding Haywood, Mayor Fitch and Jensen.

EXECUTIVE SESSION ITEMS:

31. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2015-2016 between the International Association of Fire Fighters (IAFF), Local 1882, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Tim Wilson, Deputy City Attorney, read the title of item #31. No action was taken.

32. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2015-2016 between the Police Union, IUPA Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Wilson read the title of item #32. No action was taken.

33. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the employment of the City Manager, and in open session take action if deemed necessary. Exhibits: None.

Wilson read the title of item #33. No action was taken.

There being no further business to consider, the meeting adjourned at 9:46 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK