

**MINUTES
OF
A REGULAR MEETING OF THE MAYOR AND BOARD OF COMMISSIONERS OF
THE CITY OF ARDMORE, OKLAHOMA, HELD ON SEPTEMBER 21, 2020
AT 7:00 PM IN THE COMMISSION CHAMBERS**

Present:	Doug Pfau	Mayor
	Beth Windel	Vice-Mayor
	Sheryl Ellis	Commissioner
	John Moore	Commissioner
	Martin Dyer	Commissioner
	J.D. Spohn	City Manager
	Lori Linney	City Clerk

This meeting was held in compliance with the Oklahoma Open Meeting Act (OSS 25)

1. VIDEO CONFERENCE INSTRUCTIONS

2. CALL TO ORDER, BY THE MAYOR

Mayor Pfau called the meeting to order.

3. INVOCATION

The invocation was led by Robert Newell, Director of Information Technology.

4. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Dyer.

5. ROLL CALL

The City Clerk called roll. All were present.

Mayor Pfau - In Person
Vice-Mayor Windel - In Person
Commissioner Dyer - In Person
Commissioner Ellis - In Person
Commissioner Moore - In Person

6. APPROVE AGENDA – ORDER OF BUSINESS AND CONTENTS

Motion was made by Commissioner Dyer and seconded by Commissioner Ellis to approve the agenda as written.

Ayes: Ellis, Moore, Dyer, Windel, Pfau
Nays: None

7. APPROVE MINUTES

A. of the City Commission Regular Meeting held on September 8, 2020

Motion was made by Commissioner Moore and seconded by Vice-Mayor Windel to approve the minutes of the City Commission Regular Meeting of September 8, 2020 as written.

Ayes: Ellis, Moore, Dyer, Windel, Pfau
Nays: None

8. PUBLIC HEARING(S)

A. Public Hearing for the Purpose of Hearing and Considering Any Objections and/or Complaints Concerning the Request to Rezone Approximately 0.785 Acres located at 1008 and 1020 North Washington Street from O (Office) to CC (Commercial Corridor)

The City received a Rezoning Application from the property owner of approximately 0.785 acres located at 1008 and 1020 North Washington Street requesting rezoning of the subject property from O (Office) to CC (Commercial Corridor). In keeping with the requirements of Section 319 of the Unified Development Code, a public hearing was held before the Planning Commission on September 10, 2020. Per Section 319, a public hearing is now required before the City Commission.

No One Present to Speak For or Against

Public Hearing Closed

B. Public Hearing for the Purpose of Hearing and Considering Any Objections and/or Complaints Concerning the Request to Rezone Approximately 0.55 Acres located at 1020 8th Avenue NW from O (Office) to CC (Commercial Corridor)

The City received a Rezoning Application from the property owner of approximately 0.55 acres located at 1020 8th Avenue NW, requesting rezoning of the subject property from O (Office) to CC (Commercial Corridor). In keeping with the requirements of Section 319 of the Unified Development Code, a public hearing was held before the Planning Commission on September 10, 2020. Per Section 319, a public hearing is now required before the City Commission.

No One Present to Speak For or Against

Public Hearing Closed

C. Public Hearing for the Purpose of Hearing and Considering Any Objections and/or Complaints Concerning the Request for a Conditional Use Permit to locate a Communication Tower in the CC (Commercial Corridor) Zoning District at 1211 Veterans Boulevard

The City received a Conditional Use Permit application from the property owner of 1211 Veterans Boulevard, requesting to allow a Communications Tower at this location. In keeping with the requirements of Section 314 of the Unified Development Code, a public hearing was held before the Planning Commission on September 10, 2020. Per Section 314, a public hearing is now required before the City Commission.

Present to Speak For: Ty Knott, AT&T Build Project Manager

Present to Speak Against: None

Public Hearing Closed

9. CONSENT

A. Consideration and Possible Action of an Assignment Approval and Agreement between the City of Ardmore; T & C Aviation, LLC, and Citizens Bank and Trust Company of Ardmore for Tract 8 located at the Ardmore Downtown Executive Airport

The Assignment Approval and Agreement is between City of Ardmore; T & C Aviation, LLC, and Citizens Bank and Trust Company of Ardmore. T & C Aviation, LLC entered into a Ground Lease Agreement with the City of Ardmore to lease a tract of land located at the Ardmore Downtown Executive Airport known as Tract 8. T & C Aviation, LLC desires to assign the subject lease to Citizens Bank and Trust Company of Ardmore, Oklahoma as security.

B. Consideration and Possible Action to Consent to a Sublease Agreement for a Box Hangar located at 610 McDonnell at the Ardmore Municipal Airport between the Ardmore Development Authority a Public Trust of the City of Ardmore and Southern Market Group, Inc., an Oklahoma Corporation for a Term of Five (5) Years with an Annual Lease Rate of \$10,200.00

The Box Hangar Sublease Agreement entered into is between the Ardmore Development Authority, a public trust of the City of Ardmore and Southern Market Group, Inc., which will allow certain property to be subleased located within the Ardmore Industrial Airpark, which property is encompassed within the Lease by the City of Ardmore, a consenting party to this Agreement to the Ardmore Development Authority of the Ardmore Industrial Airpark. The Box Hangar Sublease Agreement requires approval by the City Commissions.

C. Consideration and Possible Action to Consent to a Sublease Agreement for a Box Hangar located at 622 McDonnell at the Ardmore Municipal Airport between the Ardmore Development Authority a Public Trust of the City of Ardmore and Blackbeard Aviation LLC, for a Term of Five (5) Years with an Annual Lease Rate of \$10,200.00

The Box Hangar Sublease Agreement entered into is between the Ardmore Development Authority, a public trust of the City of Ardmore and Blackbeard Aviation LLC, which will allow certain property to be subleased located within the Ardmore Industrial Airpark, which property is encompassed within the Lease by the City of Ardmore, a consenting party to this Agreement to the Ardmore Development Authority of the Ardmore Industrial Airpark. The Box Hangar Sublease Agreement requires approval by the City Commissions.

D. Consideration and Possible Action to Consent to a Sublease Agreement for a Box Hangar located at 606 McDonnell at the Ardmore Municipal Airport between the Ardmore Development Authority a Public Trust of the City of Ardmore and Steve Baggerly for a Term of Five (5) Years with an Annual Lease Rate of \$10,200.00

The Box Hangar Sublease Agreement entered into is between the Ardmore Development Authority, a public trust of the City of Ardmore and Steve Baggerly which will allow certain property to be subleased located within the Ardmore Industrial Airpark, which property is encompassed within the Lease by the City of Ardmore, a consenting party to this Agreement to the Ardmore Development Authority of the Ardmore Industrial Airpark. The Box Hangar Sublease Agreement requires approval by the City Commissions.

E. Consideration and Possible Action to Consent to Ground Sublease Agreement between the Ardmore Development Authority a Public Trust of the City of Ardmore and Holbrook Hobbies for a Parcel of Land 4400 Square Feet located at 606 McDonnell Drive for a Term of Five (5) Years with an Annual Lease Rate of \$432.00

The Ground Sublease Agreement (Lease Agreement) is between the Ardmore Development Authority, a public trust of the City of Ardmore (ADA) and Holbrook Hobbies, LLC (Lessee). The ADA leases from the City of Ardmore the Ardmore Municipal Airport (Airport) in Ardmore, Oklahoma. The ADA desires to sublease property to Lessee and Lessee hereby subleases from the ADA property at the Airport to include; a parcel of land 4400 square feet at 606 McDonnell Drive for a term of five years with an annual lease rate of \$432.00. Lessee likewise desires to sublease such property under the same terms and conditions for the purpose of a personal hangar facility.

F. Consideration and Possible Action to Consent to an Option to Lease Agreement between the Ardmore Development Authority a Public Trust of the City of Ardmore and Cowboy Holdco, LLC, and Oklahoma Limited Liability Corporation for Three (3) Hardstands South of Taxiway Delta and Fifty-Six (56) Additional Acres South of Hardstand Area located at the Ardmore Municipal Airport

The Option to Sublease Property Agreement entered into is between the Ardmore Development Authority, a public trust of the City of Ardmore and Cowboy Holdco, LLC, an Oklahoma Limited Liability Company which will allow certain property to be subleased located within the Ardmore Industrial Airpark, which property is encompassed within the Lease by the City of Ardmore, a consenting party to this Agreement to the Ardmore Development Authority of the Ardmore Industrial Airpark. This Agreement is for two tracts of land consisting of three Hardstands south of Taxiway Delta and fifty-six acres additional acres south of the hardstand area in the Ardmore Municipal Airport located in the Southwest Quarter of Section 17, Township 3 South, Range 3 East, Carter County Oklahoma and the Southeast Quarter of Section 18, Township 3 South, Range 3 East, Carter County Oklahoma. The Option to Sublease Property Agreement requires approval by the City Commissions.

G. Consideration and Possible Action for a Minor Subdivision Plat of 2 Lots on 0.81 Acres of the DJ Farms Addition located at 620 F Street SW

On September 10, 2020, the Planning Commission considered the application to approve the Minor Subdivision Plat of the DJ Farms Addition. The Planning Commission, after discussing the application voted (7-1) to recommend approval of the Minor Subdivision Plat.

H. Consideration and Possible Action for a Minor Subdivision Plat of 1 Lot on 0.95 Acres of the Pleasant Land Addition located at 1518 and 1520 Mt. Washington Road

On September 10, 2020, the Planning Commission considered the application to approve the Minor Subdivision Plat of The Pleasant Land Addition. The Planning Commission, after discussing the application voted (8-0) to recommend approval of the Minor Subdivision Plat.

I. Consideration and Possible Action of a Lump Sum Distribution from the Oklahoma Municipal Retirement Fund to Mr. Brian Scott Sheehy

Mr. Scott Sheehy, a past employee, requests a lump sum distribution of his retirement account with Oklahoma Municipal Retirement Fund (OkMRF). Under the requirements of the OkMRF Agreement with the City of Ardmore, it is required that the City Commission approve any lump sum distribution.

Motion was made by Commissioner Moore and seconded by Commissioner Ellis to approve Consent Agenda Items 9. A-I with Item 9.G. by Resolution No. 4139 and Item 9.H. by Resolution No. 4140.

Ayes: Ellis, Moore, Dyer, Windel, Pfau
Nays: None

10. REGULAR BUSINESS

A. ORDINANCE(S)

1. Consideration and Possible Action of an Ordinance to Rezone Property located at 1008 and 1020 North Washington from O (Office) Zoning District to CC (Commercial Corridor) Zoning District

A presentation was made by Jessica Scott, Director of Community Development, to the Commission. She stated that staff received a request from Robert and Brandi Rogers, property owners of property located at 1008 and 1020 North Washington Street to rezone this property from O (Office) to CC (Commercial Corridor). The Planning Commission, after discussion and consideration of the applicant's responses to the 15 criteria used to justify a rezoning, and after consideration of information provided by staff, voted (8-0) to recommend approval of rezoning to CC (Commercial Corridor) zoning district.

Motion was made by Commissioner Ellis and seconded by Commissioner Dyer to approve Ordinance No. 3093.

Ayes: Ellis, Moore, Dyer, Windel, Pfau
Nays: None

2. Consideration and Possible Action of an Ordinance to Rezone Property located at 1020 8th Avenue NW from O (Office) Zoning District to CC (Commercial Corridor) Zoning District

A presentation was made by Jessica Scott, Director of Community Development, to the Commission. She stated that staff received a request from Fox Engineering on behalf of Mary Littleton, property owner of property located at 1020 8th Avenue NW to rezone this property from O (Office) to CC (Commercial Corridor). The Planning Commission, after discussion and consideration of the applicant's responses to the 15 criteria used to justify a rezoning, and after consideration of information provided by staff, voted (8-0) to recommend approval of rezoning to CC (Commercial Corridor) zoning district.

Motion was made by Commissioner Dyer and seconded by Vice-Mayor Windel to approve Ordinance No. 3094.

Ayes: Ellis, Moore, Dyer, Windel, Pfau
Nays: None

B. RESOLUTION(S)

1. Consideration and Possible Action of a Resolution for a Conditional Use Permit for CRB Companies, LLC to locate a Communications Tower at 1211 Veterans Blvd.

A presentation was made by Jessica Scott, Director of Community Development, to the Commission. She stated that on September 10, 2020, the Planning Commission considered the request by CRB Properties for a Conditional Use Permit to allow a Communications Tower in CC (Commercial Corridor) zoning district for 1211 Veterans Boulevard. The Planning Commission, after discussion and consideration of the applicant's responses to the 15 criteria used to justify a rezoning, and after consideration of information provided by staff, voted (8-0) to recommend approval of the Conditional Use Permit in the CC (Commercial Corridor) zoning district to allow a Communications Tower. The tower must be a monopole tower with fall protection design in place.

Motion was made by Commissioner Moore and seconded by Commissioner Ellis to approve Resolution No. 4141.

Ayes: Ellis, Moore, Dyer, Windel, Pfau
Nays: None

C. BID(S)

1. Consideration and Possible Action of a Bid Received from Bean Construction for the Western Heights Storm Sewer Project in the Total Amount of \$139,900.00 and Authorize the Mayor to Execute the Contract

A presentation was made by Thomas Mansur, City Engineer, to the Commission. He stated that the City advertised for and received construction bids on September 10, 2020 for the Western Heights Storm Sewer Repair Project. The project provides for repair and replacement of a failed segment of storm sewer in the subdivision. Staff received bids from two (2) competent and experienced contracting firms. Bids received as follows:

Bean Construction	\$139,900.00
Howard Construction	\$176,150.00
Engineer's Estimate	\$125,500.00

Staff requests that the Commissions approve the award of the Western Heights Storm Sewer Project to Bean Construction in the amount of \$139,900.00 and authorize the Mayor to execute the contract.

Motion was made by Commissioner Ellis and seconded by Commissioner Dyer to approve the bid received from Bean Construction for the Western Heights Storm Sewer Project in the total amount of \$139,900.00 and authorize the Mayor to execute the contract.

Ayes: Ellis, Moore, Dyer, Windel, Pfau
Nays: None

2. Consideration and Possible Action of a Bid Received from GCC Enterprises, Inc., for the Ardmore Downtown Executive Airport to Clean and Seal Joints and Cracks, Seal Coat, and Re-Mark Runway 17 and Install LED Medium Intensity Runway Lights in the Total Amount of \$2,243,401.25

A presentation was made by Kevin Boatright, Assistant City Manager, to the Commission. He stated that in June of 2020, the City of Ardmore solicited bids to clean and seal joints and cracks; seal coat; re-mark Runway 17, and Install LED medium intensity runway lights for the Ardmore Downtown Executive Airport. Four add alternates were included in the solicitation to reconstruct partial parallel taxiway; construct concrete connecting taxiway; remove asphalt connecting taxiway, and install Runway 17-35 LED runway end identifier lights. The lowest, most responsible bidder meeting specifications was received from GCC Enterprises, Inc., in the amount of \$2,243,401.25. Therefore, the City applied for Federal Aviation Administration (FAA) grant funding in the aforementioned plus engineering in the total amount of \$2,690,100.00. Ninety percent (90%) of funding for the project will be paid by the FAA and ten percent (10%) will be

paid by the CARES Act. The City's Engineer, H.W. Lochner, Inc., has previously worked with GCC Enterprises and recommends then for the award.

Motion was made by Commissioner Dyer and seconded by Commissioner Moore to approve the bid received from GCC Enterprises, Inc., for the Ardmore Downtown Executive Airport to clean and seal joints and cracks, seal coat, and re-mark Runway 17 and install LED Medium Intensity Runway Lights in the total amount of \$2,243,401.25.

Ayes: Ellis, Moore, Dyer, Windel, Pfau
Nays: None

D. AGREEMENT(S)

1. Consideration and Possible Action to Amend an Agreement with H.W. Lochner, Inc., to Provide Required Engineering Oversight Services at the Ardmore Downtown Executive Airport for the Rehabilitation of Runway 17-35 in an Increased Amount of \$233,000.00 for a Total Engineering Cost of \$587,600.00

A presentation was made by Kevin Boatright, Assistant City Manager, to the Commission. He stated that the City of Ardmore executed an agreement with H.W. Lochner, Inc., on June 3, 2019 to provide engineering services at the Ardmore Downtown Executive Airport, for the rehabilitation of Runway 17-35. The construction phase of the project requires engineering oversight and therefore, amending the original agreement to include those in the amount of \$233,000.00 for a total engineering cost of \$587,600.00. The Federal Aviation Administration (FAA) requires that the agreement is signed when applying for grant funds. The City Commission authorized the City Manager to execute agreements per Resolution 4136. The funding for the services will be paid with funds by the FAA at ninety percent (90%) and the CARES Act for the remaining ten percent (10%).

Motion was made by Vice-Mayor Windel and seconded by Commissioner Dyer to approve to amend an Agreement with H.W. Lochner, Inc., to provide required engineering oversight services at the Ardmore Downtown Executive Airport for the rehabilitation of Runway 17-35 in an increased amount of \$233,000.00 for a total engineering cost of \$587,600.00.

Ayes: Ellis, Moore, Dyer, Windel, Pfau
Nays: None

2. Consideration and Possible Action of Supplemental Budget Amendments to the Fiscal Year 2019/2020 Budget

A presentation was made by Sandy Doughty, Director of Finance, to the Commission. She stated that the supplemental budget amendments to the Fiscal Year 2019/2020 budget need to bring the original approved budget into compliance. All of the expenses were either related to grants that were not known at the time of the original budget, or an increase of tax revenue received over the budgeted revenue, which then is sent to other entities creating the additional expense. All budget increases are covered by additional revenues or by the contingency funds.

Motion was made by Commissioner Ellis and seconded by Commissioner Moore to approve supplemental budget amendments to the Fiscal Year 2019/2020 budget.

Ayes: Ellis, Moore, Dyer, Windel, Pfau
Nays: None

3. Consideration and Possible Action of Supplemental Budget Amendments to the Fiscal Year 2020/2021 Budget

A presentation was made by Sandy Doughty, Director of Finance, to the Commission. She stated that the supplemental budget amendments to the Fiscal Year 2020/2021 budget need to bring the original approved budget into compliance. In general, the expenses are budget projects from Fiscal Year 2020/2021, not known during the budget process. All budget increases are covered by additional revenues/grants or by the contingency funds.

Motion was made by Commissioner Moore and seconded by Vice-Mayor Windel to approve supplemental budget amendments to the Fiscal Year 2020/2021 budget.

Ayes: Ellis, Moore, Dyer, Windel, Pfau
Nays: None

4. Consideration and Possible Action of Change Order No. 1 for the Isabel Waterline Replacement Project in an Increased Amount of \$7,975.00 for a Total Project Cost of \$161,273.80

A presentation was made by Shawn Geurin, Director of Utilities, to the Commission. He stated that Change Order No. 1 for the Isabel Waterline Replacement Project is in the additional amount of \$7,975.00. This changes the total cost of the project from \$153,298.80 to a cost of \$161,273.80 and will finalize the project. This project is being funded through the GAPS Tax.

Motion was made by Commissioner Ellis and seconded by Commissioner Dyer to approve Change Order No. 1 for the Isabel Waterline Replacement Project in an increased amount of \$7,975.00 for a total project cost of \$161,273.80.

Ayes: Ellis, Moore, Dyer, Windel, Pfau
Nays: None

5. Consideration and Possible Action to Confirm the Receipt of a Construction Permit received from the Oklahoma Department of Environmental Quality for the Exit 29 Waterline Project

A presentation was made by Shawn Geurin, Director of Utilities, to the Commission. He stated that the City of Ardmore received a Construction Permit from the Oklahoma Department of Environmental Quality (ODEQ) for the Exit 29 Waterline Project. It is a requirement of the ODEQ to place these permits on a regular meeting to be noted in the minutes and made a matter of permanent record.

Motion was made by Commissioner Dyer and seconded by Commissioner Ellis to approve to confirm the receipt of a Construction Permit received from the Oklahoma Department of Environmental Quality for the Exit 29 Waterline Project.

Ayes: Ellis, Moore, Dyer, Windel, Pfau
Nays: None

E. PURCHASE(S)

1. Consideration and Possible Action for the Purchase of Three (3) Thermal Imaging Cameras for the Ardmore Fire Department from Northern Safety from the Oklahoma State Contract No. SW241 in the Total Amount of \$29,276.46

A presentation was made by Cary Williamson, Fire Chief, to the Commission. He stated that for the Fiscal Year 2020/2021, the Ardmore Fire Department budgeted \$30,000.00 for the purchase of two (2) Thermal Imaging Cameras. Fortunately, with current pricing, staff are able to purchase three (3) of the units for under the budget amount. The purchase of three (3) Thermal Imaging Cameras with spare battery and truck charger will be from Northern Safety from the Oklahoma State Contract SW241 in the total amount of \$29,276.46.

Motion was made by Vice-Mayor Windel and seconded by Commissioner Ellis to approve the purchase of three (3) Thermal Imaging Cameras for the Ardmore Fire Department from Northern Safety from the Oklahoma State Contract No. SW241 in the total amount of \$29,276.46.

Ayes: Ellis, Moore, Dyer, Windel, Pfau
Nays: None

11. ADJOURN

Motion was made by Commissioner Dyer and seconded by Commissioner Moore to adjourn from this meeting.

Ayes: Ellis, Moore, Dyer, Windel, Pfau
Nays: None