

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
DECEMBER 11, 2012 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Mayor Fred L. Fitch
Presiding

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

Mayor Fitch called the meeting to order at 6:04 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Don Barnes, Lawton First Assembly, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bill Shoemate, Ward One
Michael Tennis, Ward Two
Rosemary Bellino-Hall, Ward Three
Jay Burk, Ward Four
George Moses, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
Doug Wells, Ward Eight

ABSENT:

None

AUDIENCE PARTICIPATION

Raymond Singer, 4605 SE Arberdeen, stated the prairie dogs in Elmer Thomas Park are spreading out and multiplying beyond reasonable numbers. They have spread up to McMahon Auditorium and all the way over to Ferris and Railroad. They are eating so much of the groundcover that most areas are dirt. They need to be removed from the park and other areas to get us back to a reasonable population. He suggested they remove them by killing them or relocating them.

Mayor Fitch stated they will probably have that discussion in the near future.

Tennis stated he hopes that whatever decisions are made by this council on this subject are supported by every member of this council. You get three people waiving a sign against this and everything falls apart.

Eugene Lee, 312 SW H Avenue, stated he lives next door to 804 SW 4th Street, which is owned by Keith Barbee. He stated the property was condemned in March and he got three permits to remodel. Nothing has been done. He wants to know what is going to be done with this property.

Tony Griffith, Neighborhood Services Supervisor, stated his division has been working on this piece of property for a while. Right now they have gone out for bid and have a contractor lined out to take it down. They are unable to do so because the Barbee's have filed a bankruptcy lawsuit and staff has to wait for the outcome of this lawsuit. As soon as they get clearance they will take the structure down.

Haywood stated he went by and talked with Mr. Lee and Mr. Griffith has also spoken to Mr. Lee. He stated Mr. Lee has a new home and he understands why he wants this house taken down, but we can't do anything until the court has played out. Mr. Lee should understand this situation.

Griffith stated they plan to take this house down the day after the court gives them clearance. They already have the contractor lined out.

Jensen stated there is a stay in place and we are about to pay \$190 and file an application to lift the stay in the bankruptcy case.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF OCTOBER 23, 2012.

MOVED by Wells SECOND by Haywood to approve the minutes of October 23, 2012. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Fitch stated items #2, #5 and #13 needs to be discussed separately. Wells requested item #9 be discussed separately.

MOVED by Burk SECOND by Wells to approve the consent agenda with the exception of items #2, #5, #9 and #13. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: James and Sharon Clower in the amount of \$80.00. Exhibits: Legal Opinion/Recommendation.
2. Consider the following damage claims recommended for denial: Ted Williams Jr. in the amount of \$97.50 and Robert and Arvella Green in the amount of \$791.29. Exhibits: Legal Opinion/Recommendation.

Wells stated he has read through this and he understands the rationale of the City Attorney, but Mr. Williams was a bystander at an incident at the Dewdrop Inn and his vehicle had bullet holes. The police wanted the car taken in for evidence and they had the car towed. When Mr. Williams went to get his car he had to pay the \$97.50. He does not think that is right and he feel we should pay the \$97.50.

Moses questioned if it was required by state statute that Mr. Williams pay the fee to get his car out.

Wells stated yes.

Moses stated he agrees, but they need to recognize that it is an exception to the policy.

MOVED by Wells SECOND by Tenis to approve the damage claim of Ted Williams Jr. in the amount of \$97.50. AYE: Shoemate, Tenis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

Mayor Fitch stated Mr. Green would like to speak on his claim.

Robert Green stated 67th Street has had major problems with water main caps constantly popping up and flipping over. The City Attorneys office stated the city was not aware of the problem. He stated he worked for the Lawton Police Department for 3 ½ years and worked zone 10 and 12 for numerous months and he was dispatched out to 67th Street to flip over those metal caps. In the last two day he has called in twice about caps on 52nd and Cache Road. On June 16th he managed to hit one with his car and he called police and the water department came out and had to pry it out because it was so wedged down in the hole standing vertically upright. He filed a claim and his paperwork was misplaced and after ninety days he called and was told his claim never made it to the City Attorneys office. He stated there have been other vehicles damaged and this is an ongoing problem.

Haywood questioned where Mr. Green lived.

Mr. Green stated he lived at 52nd and Rogers Lane in the Sherwood Addition. He stated his address is wrong in the packet from the City Attorney's office.

Wells stated Mr. Green had not contacted him, but he read the agenda item and felt this claim should not be denied.

Tim Wilson, Deputy City Attorney, stated when Mr. Green came in to check on the status of his claim, staff did not have it in their records. They checked with the City Clerk's office and it showed that the claim had been logged in but it did not show that it had been sent over. There was a disconnect in distribution. He stated staff immediately began processing the claim. The claims investigator did speak with the streets division and they indicated that the first notice they had in their records was going back to the day in question when they got the call in after the incident had occurred and they dispatched their person out. The reason for the denied claim was based on a lack of notice that the city did not have to fix this problem. He stated in the file there were two estimates provided for the work to repair his vehicle. One was for \$791.29 and the other was for \$637.41.

Wells stated on 67th Street they do have a problem with those lids. He feels that it was a piece of city property that caused the damage and as a responsible body we should take care of our citizens.

Moses stated that staff should look at these things. If this happens frequently we may have a device that needs to be replaced. If something is not working the way it is supposed to we need to take a look at it and determine if there is a problem.

Mr. Green stated in Oklahoma City they have a single bolt that holds that lid down in place and they don't have these kinds of problems.

MOVED by Wells SECOND by Tenis to approve the damage claim of Robert and Arvella Green in the amount of \$637.41. AYE: Shoemate, Tenis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

3. Consider approving an Outside Water Sales Contract with Oscar A. Sarinana, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office
4. A Resolution authorizing and directing the City Attorney to finalize a condemnation suit styled *City of Lawton vs. Dennis W. Merrifield, Sr. and Mary Lou Merrifield* in Comanche County District Court Case CJ-2011-198; authorizing payment of the judgment therein for just compensation and damages in the amount of \$40,000.00 and for attorney fees and expert witness fees in the amount of \$23,075.00. Exhibits: **Resolution 12-110**.
5. Consider approving the request from Mr. Kent Waller to exercise his remaining option to renew the Ground Lease and Non-Exclusive Concession Operation agreement between the Lawton Water Authority, Schoolhouse Slough, Inc., and the City of Lawton, Oklahoma. Exhibits: Proposed Amendment No. 4 of lease and Letter of request from Mr. Kent Waller.

Shoemate stated he is opposed to this and he would like the council to vote on this request. He feels that the City of Lawton needs to be running that part of our lake and the money would improve our lake with boat ramps, fishing docks and areas where people can go as a family and have fun activities. He is opposed to Mr. Waller getting another five years.

MOVED by Shoemate SECOND by Wells to deny the request.

Bellino-Hall questioned if the city would be held liable if they deny this request.

Jensen stated Mr. Waller has the right to request this. The council is not required to allow Mr. Waller to exercise that five year option, they are only required to consider the request. Several months ago a committee made up of himself, Councilmember Burk and Kim Shahan negotiated a potential extension with increased rates over the next five years. The council was briefed in executive session about the negotiated agreement. He stated the council has to approve or deny the request tonight. The committee is recommending approval.

Mayor Fitch questioned when the lease expires.

Jensen stated it expires at the end of the month.

Mayor Fitch stated there has been a lot of time and effort put into this and there is nothing perfect about it, but the council has enough things on their plate right now rather than get involved in a lawsuit. He feels they need to approve this request and then address a new lease in five years.

Burk stated the committee worked hard on this and it is not perfect. They were able to almost double the rate. In five years it has to go out for bid and at that point someone else can take it over. He does not feel we are prepared to take on that kind of responsibility at this time.

Moses stated he hates to make a sharp turn in heavy traffic so it makes sense to him to approve this request.

VOTE ON THE MOTION: AYE: Shoemate, Wells. NAY: Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood. MOTION FAILED.

MOVED by Burk SECOND by Moses to approve the request from Mr. Kent Waller to exercise his remaining option to renew the Ground Lease and Non-Exclusive Concession Operation agreement between the Lawton Water Authority, Schoolhouse Slough, Inc., and the City of Lawton, Oklahoma. AYE: Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood. NAY: Shoemate, Wells. MOTION CARRIED.

6. Consider approving the 2013 Notice of Meeting Schedule for Lawton City Council Meetings and Resolution 12-___ rescheduling the regularly scheduled meetings in November and December 2013. Exhibits: 2013 Notice of Meeting Schedule for Lawton City Council and **Resolution No. 12-111**.
7. Consider accepting a \$25 gift and memorial donation to the library from a library patron to purchase a book in memory of a friend. Exhibits: None.
8. Consider accepting reimbursement of \$2,496.70 from the Fire Management Assistance Grant (FMAG), \$1,388.15 from Zurich American Insurance Co., and \$925.44 from the Stillwater Central Railroad, LLC and approving the deposit of these funds into the City of Lawton's Emergency Reserve Fund. Exhibits: None.
9. Consider approving a Mutual Assistance Agreement for Fire Protection between the Valley View Volunteer Fire Department and the City of Lawton Fire Department. Exhibits: Mutual Aid Agreement between City of Lawton Fire Department and the Valley View Volunteer Fire Department.

Wells questioned if we ever receive reimbursement if we provide mutual aid through the organization or through the state emergency management.

Chief Bart Hadley, Lawton Fire Department, stated not from the organization we provide protection to but on the consent agenda tonight there was some reimbursement through a fire management assistance grant through FEMA for assistance for wild land fires. As a rule we typically do not receive reimbursements.

Moses stated this arrangement with these different agreements has nagged him. We have a bunch of agreements of support with outlying communities. We need to make sure that we are covering the cost of providing this support and that the agreements are balanced with the kind of support we get from them when we need it. We cannot continue to provide support for everyone without covering the cost.

Hadley stated typically the cost is additional fuel and wear and tear on the equipment. There have been some of the larger fires where they have had to utilize some overtime personnel, but that is extremely rare. He stated there are occasions where we will have wild land fires in some of the outlying areas of the city limits and we can call on those volunteer fire departments to come in and they have assisted us on occasion as well.

Moses stated goodwill will only take us so far.

Wells questioned if we still had contracts with some citizens outside of city limits for fire protection.

Hadley stated no. Years ago the council made the decision to not enter into individual outside fire protection contracts. There is a request currently pending that he and Long have been working on and it will come to the council as a discussion item soon.

MOVED by Wells SECOND by Zarle to approve a Mutual Assistance Agreement for Fire Protection between the Valley View Volunteer Fire Department and the City of Lawton Fire Department. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

10. Consider setting the date of January 22, 2013, to hold a public hearing and consider an ordinance closing the alley in Block 28, McClung Addition located between SW 8th and SW 9th Streets and SW Garfield and SW McKinley Avenues. Exhibits: Application, Location Map and Council Policy 5-1.
11. Consider acknowledging receipt of a permit for the construction of a waterline and appurtenances from the Oklahoma Department of Environmental Quality to serve the Water Infrastructure Improvement Phs 1A (Lee Blvd.) Waterline Project #2006-17, City of Lawton, Comanche County, Oklahoma. Exhibits: Permit to Construct dated October 30, 2012.
12. Consider accepting a permanent easement and a temporary easement from Austin Buckner, Trustee Chairmen for First Baptist Church East Inc. for right of way needed for the Flower Mound Sewer Line Upgrade Project #2012-5, authorizing the Mayor and City

Clerk to execute the documents and authorizing payment for the same. Exhibits:
Documents are on file in the City Clerk's office and Location Map.

13. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: Eastbound NW Meadowbrook Drive at the intersection of NW Meadowbrook Drive and NW 40th Street; northbound and southbound SW 27th Street between W Gore Boulevard and SW “G” Avenue. Exhibits: **Resolution 12-112** and Traffic Commission Minutes and Traffic Issue Requests.

Bellino-Hall stated she has had numerous people contact her about this problem. She stated when they rerouted the traffic for the 38th reconstruction project, they rerouted it through Meadowbrook and then into 40th. Because there was so much increase in traffic, they put up stop signs that were not there before. Now that 38th Street is open, the traffic has decreased there and a lot of citizens who live in the area have come to her and requested the stop signs be removed. She stated it was suggested that since Meadowbrook is the through street, there be no stop signs on Meadowbrook. There is a stop sign on 40th that is coming from the north and south and that is not protested.

Jerry Ihler, Public Works Director, stated there is currently off of 40th for those going northbound and turning east. There also is a stop sign on 40th for those going northbound going west. On Meadowbrook, during the construction, the traffic almost tripled and there was a stop sign placed for eastbound and a stop sign placed for west bound.

Bellino-Hall stated it was suggested that the stop signs on Meadowbrook be removed so there is no stopping on Meadowbrook.

Ihler stated the three stop signs that already exist, the one for north bound turning west on Meadowbrook and northbound turning east on Meadowbrook and on Meadowbrook turning south bound on to 40th. Those were installed between 1990 and 1993. Meadowbrook is a through street and basically 40th becomes a “T” intersection entering onto a collector street. Typically in a “T” intersection you have a stop sign at the location when you have a smaller street coming onto a collector. The manual on uniform traffic control suggests that if you have a T intersection of a residential street coming onto a collector you would put a stop sign. The other reason you have them there is because there are about 2,200 cars a day that utilize Meadowbrook drive and much less on 40th. Then you have the landscaping in the middle of that triangular intersection and in the summer when they grow out. The reason the stop signs were put on Meadowbrook drive deal with the site distance as it relates to Meadowbrook drive going east and west. Prior to construction there were no stop signs at that location. When it went to Traffic Commission back in February, because of the site distance problems going around the curve they decided to make it permanent. The conflict is for those people who decide to go southbound on 40th and that is why they put the stop sign on both the east and west direction. The people going west on Meadowbrook as long as they continue west on Meadowbrook, but several of them turn south and that is the reason for stop signs on Meadowbrook. The Traffic Commission recommended to remove the eastbound stop sign on Meadowbrook and left the westbound.

Haywood questioned if Council member Bellino-Hall wanted the two stop signs removed on Meadowbrook.

Bellino-Hall stated that is what people are telling her, they would like the stop signs on Meadowbrook removed because they consider it a through street.

Haywood stated before when you turned on 40th and Meadowbrook there used to be a yield sign. He questioned if that was now a stop sign.

Ihler stated they are currently stop signs. Ihler stated staff is recommending they leave all of the stop signs. The Traffic Commission recommended removing the eastbound on Meadowbrook. In talking with the traffic engineer today, if they were going to remove just one stop sign it would probably be staff's preference that the eastbound remain and the westbound removed.

Haywood stated he thinks that Councilmember Bellino-Hall wants the signs on Meadowbrook going east and west removed.

Ihler stated that is the way they were before construction.

Burk stated it concerns him that there were accidents there before and there has not been an accident since the stop signs were in place. The Traffic Commission always works very hard to make the right decision. He would hate to remove them and someone get hurt.

Moses questioned if Council member Bellino-Hall could live with just having one removed on the eastbound traffic and leaving the westbound.

Bellino-Hall stated that is a reasonable compromise.

Ihler stated that is the Traffic Commission's recommendation. Staff would have switched which stop sign they would have removed. Ihler stated what is in the agenda is the recommendation of the Traffic Commission and their recommendation was to remove the eastbound and keep the westbound. Because people are able to go south, staff would rather have stopped eastbound and removed. He stated that is opposite of the recommendation of the Traffic Commission.

Haywood stated they can't see going west because of the bushes.

Wells stated Mr. Haywood is recommending that they keep the one going west and do away with the east one.

Haywood stated there is a stop sign on the other side going south on Meadow Brook. If you are going to remove one it would be the stop sign that is going east.

Ihler stated once you get to the stop sign going eastbound you are already around the curve and you can see what is here. But west bound you are at the beginning of the curve and you can't see around it. Staff recommendation was to leave all the stop signs, but as a compromise, the next

recommended effort would be to remove the west bound stop sign and leave the east bounds stop sign in place, because they will have to stop if a westbound decides to turn south on 40th.

Moses stated his motion would be to remove the west stop sign and leave the eastbound stop sign.

Wells stated it does not make a lot of sense to take a stop sign out of where you don't have any site. Your coming westbound and you can't see around that curve. If you have eastbound traffic stopped, that should take care of that problem. Leaving the eastbound stop sign and taking it out of the westbound side, you have people coming down there that can't see around the curve.

Ihler stated if they continue westbound, they are not in conflict with anyone going eastbound.

Wells stated there is a bus stop right around that corner.

Ihler stated if the bus stops directly around the corner, you should keep all the stop signs.

Burk stated there are too many concerns here and suggested they keep all the stop signs.

Ihler stated that was the staff recommendation to the Traffic Commission, to leave them all.

MOVED by Moses SECOND by Zarle to approve **Resolution 12-112** authorizing the installation and/or removal of traffic control measures on: Eastbound NW Meadowbrook Drive at the intersection of NW Meadowbrook Drive and NW 40th Street (leave all stop signs in place); northbound and southbound SW 27th Street between W Gore Boulevard and SW "G" Avenue. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

14. Consider adopting Street Light Resolution No. 479 to authorize the installation of street lights at the locations listed in the Resolution. Exhibits: Street Light Resolution No. 479.
15. Consider awarding a contract for the Rogers Lane Auger Boring Project to Young Contracting LLC of Oklahoma City, Oklahoma in the amount of \$152,610. Exhibits: None.
16. Consider extending contract (CL12-020) Laboratory Services for Toxic Pollutants with Accurate Labs of Stillwater, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
17. Consider extending contract (CL12-021) Laboratory Services for Ground Water/Storm Water with Test America Laboratories, Inc. of Nashville, TN. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
18. Consider extending contract (RFPCL12-019) Jail-Inmate Telephone System with Legacy Inmate Communications of Cypress, CA. Exhibits: Department Recommendation, Contract Extension Form, Price Bid Sheet.

19. Consider approval of payroll for the periods of November 12 – December 9, 2012.

NEW BUSINESS ITEMS:

20. Receive the semi-annual update of the hotel/motel tax funded activities for FY 2012-2013 from the Lawton-Fort Sill Chamber of Commerce. Exhibits: None.

Toney Stricklin, Chairman of Lawton Fort Sill Chamber of Commerce, stated the chamber sponsored a special meeting of its membership to discuss the 2nd Street project prior to the council's final approval a couple months ago and the chamber is please to have been a part of that process. Over the past six months the chamber has aggressively supported SQ 764 and SQ 766, both were critical to chamber business members. He stated the community is looking for the next potential BRAC in 2015. They are considering forming a BRAC planning group that will have key members of the community who will communicate and coordinate with the city, state, Fort Sill and DOD as we move into this 2015 potential BRAC. They will host a day at the capital and legislative reception which will be held in March and April. He stated hotel/motel collections are down and they have lagging revenue this year and recommendations will be made to the board of directors to adjust spending. He hears from people all around the state and they are all impressed with what is going on in Lawton.

Moses questioned in preparation for the anticipation of BRAC in 2015, do we still have a good relationship with Oklahoma Strategic Military Planning Commission.

Stricklin stated General Raulston is our representative to the OSMPC and they have done good work for us. He stated they are looking in this community to establish our panel to mirror that of the OSMPC. They believe the actions we take can help coordinate the BRAC actions. Fort Sill is already receiving inquiries from Washington. The city has to answer some of those questions.

Debra Burch, President of Lawton Fort Sill Chamber of Commerce, stated their sustainable economic development efforts centered on monitoring the business climate, organizing public events to address specific issues and creating the state and federal legislative agendas to address the specific issues and needs of our community. She stated they hosted the Lt. Governors Regional Summit for Small Businesses. She stated the tourism program has made great strides in more accurately tracking the visitors and hotel room nights that are associated with their marketing efforts. She stated they were able to bring the Grand National horse play day back to Lawton for 2013. They were able to recruit an ASA 16 and under girls softball tournament for 2014 and the Oklahoma Parks and Recreation Society convention for 2014. They have supported eight local events that have brought thousands of visitors since July. They will continue to work with the Lawton Philharmonic as well as promote Lawton as a great destination for sporting events, conventions and agricultural events.

Barry Albrecht, Lawton Economic Development Corporation, stated the board has adopted new policies, strategies and implemented new tools that will take Lawton into the global marketplace. He continues to meet with community leaders and organizations and it is clear that the citizens want quality jobs. He stated the strategic plan is ongoing and they need to consistently update

with new ways of doing business. They put out a press release regarding the new organization and it has received over 100,000 hits from around the world. He stated they wanted to develop a new website that is used by not only existing business leaders in Lawton, but also site selectors from around the world. They have launched that new website and it has received over 139,000 hits. The economic research has been downloaded 191 times by different companies from around the country. Those documents are an economic snapshot of this community. They are also developing new tools with data base systems and they are emailing customized power point presentations on Lawton. They are no longer waiting on the state to send down leads, they are going after companies. Recently they attended the AUSA Conference and they were able to brief 40 aerospace and defense companies and provide them with thumb drives with all the data about Lawton. He stated it is important that they continue to work with the chamber to push this image building campaign so that we can get global attention.

Wells encouraged everyone to look at the new video on the website.

Moses stated he reads the reports that come from the chamber and he commended staff for their hard work.

21. Hold a public hearing and adopt a resolution declaring the structure(s) located at: 108 NW 4th Street (**Res. 12-113**) and 215 NW Arlington Avenue (**STRICKEN**) to be dilapidated, detrimental to the health, safety or welfare of the general public and community, a blighting influence, and a public nuisance; directing the owner(s) to abate the nuisance by obtaining a remodel or demolition permit within thirty (30) days; authorizing summary abatement of the nuisance should the owner(s) fail to abate the nuisance; and alternatively authorizing the City Attorney to commence legal action in district court to abate the nuisance if summary abatement is not economically practical. Exhibits: Resolution No 12__, Resolution No 12__, and Summary documents with supporting photos. Reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

108 NW 4th Street

Anthony Griffith, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since October 2009. Griffith presented photographs of the property.

Moses questioned if they have received a response from anyone from the notices that were sent out.

Griffith stated they have had no response from the property owner, but they do have certified receipts that were signed showing they did receive the notices.

Bellino-Hall questioned if the property owners lived in Lawton.

Griffith stated they do have a Lawton address.

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

MOVED by Moses SECOND by Haywood, to adopt **Resolution 12-113** declaring the structure located at 108 NW 4th Street be a dilapidated public nuisance. AYE: Shoemate, Tennis, Bellino-Hall, Moses Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

Burk left the meeting at 7:28 p.m. and did not return.

22. Hold a public hearing and consider a resolution amending the 2030 Land Use Plan from Residential/High Density to Commercial and an ordinance changing the zoning from R-1 (Single-Family Dwelling District) and R-4 (High Density Apartment District) to C-5 (General Commercial District) zoning classification located at 6305-6315 NW Oak Avenue. Exhibits: Resolution No. 12-____, Ordinance No. 12-__ with Site Plan, Location Map, Applications and Draft CPC Minutes.

Richard Rogalski, Community Services Director, stated this request is for Lots 9 – 14, Block 2, Brockland Addition, which measure 360 feet by 150 feet. The applicant owns some lots along NW Cache Road in this block and stated the purpose of the request is to assemble a larger parcel for commercial development. Initially, the application did not list any proposed uses; however, subsequent to the City Planning Commission public hearing, the applicant amended the application to include all permitted uses in the C-5 district with the exception of adult entertainment business, bar or tavern, and mixed beverage establishment not associated with a restaurant. There are no proposed buildings shown on the site plan. The applicant has been advised that the request does require a binding site plan and since the site plan submitted with the application does not indicate any buildings, future development will be required to follow the amendment procedure as outlined in Section 18-114.1 of the Lawton City Code. The zoning of the surrounding area is C-5 to the north, R-4 to the south, R-4 and C-5 to the east, and R-4 and R-1 to the west. The land use of the surrounding area is vacant and commercial to the north, apartments to the south, apartments and professional office to the east, and apartments and single-family residential to the west. The 2030 Land Use Plan designates these lots as Residential/High Density. The lots are currently vacant. On November 8, 2012, the City Planning Commission held a public hearing on this request. During the public hearing one person spoke in favor of the request, and no one spoke against the request. The CPC, by a 7 – 0 vote, recommended approval of the request. Notice of public hearing was mailed on November 20, 2012 to 28 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on November 25, 2012.

Wells questioned if the exceptions were binding.

Rogalski stated if approved those exceptions would be binding with a blank site plan.

PUBLIC HEARING OPENED.

Max Sasseen, Remax Professionals. 1701 Cache Road, stated he initiated this rezoning request on behalf of his clients, Gerald and Jan McKee. This is 2 ½ acres of undeveloped land on Cache

Road. The front of the property and adjoining property is zones C-5, but the rear still has residential zoning. Their request is to take the R-4 and R-1 zoning and make it all C-5 so the whole 2 ½ acres can be developed more easily.

PUBLIC HEARING CLOSED.

MOVED by Wells, SECOND by Shoemate to approve **Resolution No. 12-114**. AYE: Shoemate, Tennis, Bellino-Hall, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

MOVED by Wells, SECOND by Shoemate to adopt **Ordinance 12-46**, waive the reading of the ordinance, read the title only. AYE: Shoemate, Tennis, Bellino-Hall, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 12-46

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to C-5 (General Commercial District) zoning classification on the tract of land which is hereinafter more particularly described in section one (1) hereof; changing the zoning classification from the existing classification of R-4 (High Density Apartment District) to C-5 (General Commercial District) zoning classification on the tract of land which is hereinafter more particularly described in section two (2) hereof; approving the site plan attached as exhibit a noting development will require amending the site plan; and authorizing changes to be made upon the official zoning map in accordance with this ordinance.

23. Consider approving an Ordinance pertaining to Temporary Structures and Uses amending Section 7-12-2-1250, Division 7-12-2, Article 7-12, Chapter 7, Business, Lawton City Code, 2005, by amending where temporary holiday sales may be located, providing for severability and declaring an emergency. Exhibits: Ordinance 12-__.

Rogalski stated on June 28, 2011, the City Council approved the current regulations regarding Temporary Structures and Uses. Since that time, the code had functioned fairly well, with many permits issued without complications. However, staff feels that the regulations regarding holiday sales are overly restrictive. Current code provides that holiday sales are only allowed on arterial streets. The proposed ordinance would allow holiday sales to be located on any property owned by a church or a school and on any street as long as the location was not zoned residential.

MOVED by Wells, SECOND by Shoemate to adopt **Ordinance 12-47**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Shoemate, Tennis, Bellino-Hall, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 12-47

An ordinance pertaining to temporary structures and uses, amending Section 7-12-2-1250, Division 7-12-2, Article 7-12, Chapter 7, Business, Lawton City Code, 2005, by amending where temporary holiday sales may be located, providing for severability and declaring an emergency.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells stated in the October 31st edition of the Daily Oklahoman they talked about their MAPS Street program and they talked about their sidewalks master plan. They put \$9 million in their MAPS 3 program to do 26-37 miles of sidewalk. He questioned if they could put a sidewalk program in the next CIP.

Mayor Fitch stated he believes that could be done in the next CIP.

Wells stated he has had several calls from citizens and businesses about our watering policy. Their complaint is when we reduced the three hours in the mornings. They are having a hard time watering in the mornings when the temperatures are freezing. They requested that we go back to noon in the winter months.

Mayor Fitch stated he has received some of those calls and emails and he has forwarded those to Mr. Ihler. Staff is going to look at changing the code to allow for watering in the warmer parts of the day and reducing the hours in the night.

Wells stated he has told people that in February or March we may not allow watering at all and they need to think about what they are planting.

Mayor Fitch stated staff was also going to look at allowing for watering around foundations.

Bellino-Hall stated she has heard from people who are concerned that people are not following the ordinance and are out there watering and nothing is being done about it. They need to start thinking about doing something to those who do not follow the rules.

Mayor Fitch stated there are fines set out in the ordinance. He stated they are trying to get everyone comfortable with this and then it will have to be enforced.

Long announced the rain barrel auction will be held on Saturday from 3:00 p.m. to 5:00 p.m.

The Mayor and Council convened in executive session at 8:05 p.m. and reconvened in regular, open session at 9:05 p.m. Roll call reflected all members present excluding Councilmember Burk.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

24. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2012-2013 between the Police Union, IUPA Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #24. No action was taken.

25. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action involving the City of Lawton, Public Service Company of Oklahoma, and the Oklahoma Department of Environmental Quality regarding the discharge permit for the Wastewater Treatment Plant, and take appropriate action in open session as necessary. Exhibits: None.

Jensen read the title of item #25. No action was taken.

26. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the Employment Agreement of Frank V. Jensen as City Attorney, and in open session take action as necessary.

Mayor Fitch read the title of item #26. No action was taken.

27. Pursuant to Section 307B3, B4 and C10, Title 25, Oklahoma Statutes, consider convening in executive session for the purposes of conferring on matters pertaining to (1) economic development, including the purchase/transfer of property, incentive proposals, and financing in connection with the Lawton Downtown Redevelopment Project and other development projects under consideration in the City, (2) a pending action with AEP/PSO regarding responsibility for electric utility relocation costs in connection with the Lawton Downtown Redevelopment Project, and take appropriate action in open session as necessary. Exhibits: None.

Jensen read the title of item #27. No action was taken.

There being no further business to consider, the meeting adjourned at 9:07 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK