

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
NOVEMBER 29, 2011 – 6:00 P.M.  
NEW CITY HALL  
COUNCIL CHAMBERS/AUDITORIUM

Mayor Pro Tem Jay Burk  
Presiding

Also Present:  
Larry Mitchell, City Manager  
Frank V. Jensen, City Attorney  
Traci Hushbeck, City Clerk  
COL Paul Hossenlopp, Fort Sill Liaison

Mayor Pro Tem Burk called the meeting to order at 6:34 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Mark Hennessey, Westminster Presbyterian Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One  
Michael Tennis, Ward Two  
Rosemary Bellino-Hall, Ward Three  
Rex Givens, Ward Five  
Richard Zarle, Ward Six  
Stanley Haywood, Ward Seven  
Doug Wells, Ward Eight

ABSENT: None

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Jensen request item #1 be considered separately.

Wells requested items #4 and #11 be considered separately.

MOVED by Wells, SECOND by Haywood to approve the consent agenda with the exception of items #1, #4 and #11. AYE: Givens, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Rosemary Bellino in the amount of \$131.00. Exhibits: Legal Opinion/Recommendation.

Jensen stated this claim was pulled so that council member Bellino-Hall could abstain from the vote. He stated staff is recommending approval of this claim.

MOVED by Wells, SECOND by Givens to approve the damage claim of Rosemary Bellino in the amount of \$131.00. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Burk, Givens. NAY: None. ABSTAIN: Bellino-Hall. MOTION CARRIED.

2. Consider the following damage claims recommended for denial: AT&T/Southwestern Bell Telephone in the amount of \$1,647.82 and AT&T/Southwestern Bell Telephone in the amount of \$2,174.51. Exhibits: Legal Opinions/Recommendations.
3. Consider adopting a resolution approving the settlement by a joint petition and making payment in the workers' compensation claim of Robert Puccino. Exhibits: **Resolution No. 11-102.**
4. Consider approving a Memorandum of Understanding with the Oklahoma Department of Transportation and the State of Oklahoma for the deployment and installation of fiber optic cable for the statewide Oklahoma Community Anchor Network broadband network. Exhibits: Memorandum of Understanding is on file in the City Clerk's Office.

Wells questioned the network and where it will go.

Jensen stated he did not know yet.

Mitchell stated in the documents we have received there was a map which is available in the public works department. This is a fiber optic network being installed through the ODOT that will link the university and other organizations around this part of the state. This will grant ODOT and their subcontractors the use of our public right of ways.

Wells questioned what the network was going to do.

Mitchell stated we do not know the technology.

Wells stated we put in a fiber optic network to support city functions within the city.

Mitchell stated this is a state wide network and they are only asking to utilize our right of ways.

Wells stated he would like to table this issue until they can find out where it is going and what it will actually be servicing.

Jensen stated he doesn't think they even have a definite plan yet. This is part of a statewide system that they need to get approval on and move forward.

Wells questioned what the statewide system was going to do.

Jensen stated they just want to use our right of ways to install their lines without interfering with other lines.

Mitchell stated all the information we received was a letter of request, resolution and routing map.

Burk questioned if this was costing us any money.

Mitchell stated no.

MOVED by Wells, SECOND by Zarle to table. AYE: Wells, Shoemate, Zarle. NAY: Haywood, Tennis, Bellino-Hall, Burk, Givens. MOTION FAILED.

MOVED by Bellino-Hall, SECOND by Tennis to approve a Memorandum of Understanding with the Oklahoma Department of Transportation and the State of Oklahoma for the deployment and installation of fiber optic cable for the statewide Oklahoma Community Anchor Network broadband network. AYE: Tennis, Bellino-Hall, Burk, Givens, Haywood. NAY: Wells, Shoemate, Zarle. MOTION CARRIED.

5. Consider renewing the agreement between the Board of County Commissioners of Comanche County and the City of Lawton for library service to Comanche County residents living outside the City of Lawton. Exhibits: Agreement on file in City Clerk's office.
  6. Consider approving an agreement between the Lawton Evening Optimist Soccer Association (LEOSA) and the City of Lawton for the cooperative effort to make a first-class soccer complex available to the citizens of Lawton and promote youth soccer in Southwest Oklahoma. Exhibits: Lawton Evening Optimist Soccer Association contract.
  7. Support the discussion and action of the Lawton Water Authority with respect to the potential refunding of the Authority's (I) Series 2003B Promissory Note to Oklahoma Water Resources Board, (II) Series 2003D Promissory Note to Oklahoma Water Resources Board, and (III) Series 2004B Promissory Note to Oklahoma Water Resources Board and the option to include funding for additional projects. Exhibits: None.
  8. Consider adopting a resolution supporting the Oklahoma Department of Transportation (ODOT) decision to authorize the Comanche Nation to fund the design and construction of a traffic signal at the intersection of State Highway (SH) 7 and a new access road consistent with ODOT and City of Lawton standards; and authorizing the City of Lawton to provide additional Right-of-Way if necessary to accomplish construction of the traffic signal and to accept future maintenance responsibilities for the new traffic signal. Exhibits: **Resolution 11-103** and ODOT e-mail.
  9. Consider approving a resolution authorizing the transfer of \$4,200.00 from City funds to the McMahon Auditorium Authority for the purchase of projection equipment for McMahon Memorial Auditorium. Exhibits: None. **Resolution 11-104**
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10. Consider accepting a donation of \$1000.00 from the Oklahoma Pipeline Awareness Liaison, to the Lawton Fire Department, and to be used to repair and/or replace department fitness equipment. Exhibits: None.
11. Consider approving a credit adjustment to Hamra Property's service account #15969 in the amount of \$632.97 for two months' service bills for undetectable leaks on the customer's service line for their sprinkler system at 2500 NW Cache Road. Exhibits: Invoices from L & L Sprinkler Systems dated 7/1/11 and 10/20/11.

Well stated he just pulled this because this is another six hundred and some dollars. He stated the City Manager did give them a memo showing that they have approved over \$37,000 worth of adjustments so far this year which include claims under and over \$500. He questioned if staff was working on a new recommendation for the city council.

Mitchell stated yes they are.

MOVED by Wells, SECOND by Zarle to approve a credit adjustment to Hamra Property's service account #15969 in the amount of \$632.97 for two months' service bills for undetectable leaks on the customer's service line for their sprinkler system at 2500 NW Cache Road. AYE: Givens, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk. NAY: None. MOTION CARRIED.

12. Consider granting a revocable permit for landscaping and irrigation in the median on SE Warwick Way at East Gore Boulevard. Exhibits: Revocable Permit (on file in City Clerk's Office). Application, Location Map and Site Plan.
13. Consider awarding contract (CL12-013) Electro Fusion Polyethylene Fittings for DR 17 Pipe to ISCO Industries from Pryor, OK. Exhibits: Department recommendation, abstract of bids, price sheet.
14. Consider awarding contract (RFPCL11-045) Swimming Pool Rehabilitation to G. Farney & Associates, Inc. of Wichita, KS. Exhibits: Department recommendation, abstract of bids, price sheet.
15. Consider approving appointments to boards and commissions. Exhibits: None.

**Lawton Arts & Humanities Council**

Kristin Mravinec  
701 NW Ferris Avenue  
Lawton, Oklahoma 73507  
Unexpired Term 06/30/14

16. Consider approval of payroll for the periods of November 14 - 27, 2011.

NEW BUSINESS ITEMS:

17. Hold a public hearing and consider an ordinance creating Section 6-1-5-186, Landscaping, Section 6-1-5-187, Site Lighting, and Section 6-1-5-188, Refuse Facilities, of Chapter 6, Lawton City Code, 2005; creating Section 18-4-1-415, Landscaping, Section 18-4-1-416, Site Lighting, and Section 18-4-1-417, Refuse Facilities; and amending Sections 18-5-7(1)-578.5, 18-5-7(1)-578.7, 18-6-14-653, 18-6-14-655, and 18-6-15-664, Chapter 18, Lawton City Code, 2005. Exhibits: Ordinance 11-\_\_\_\_, Fast Fact Sheet and CPC Minutes.

Richard Rogalski, Planning Director, stated currently the city code does provide for 5% landscaping within all parking areas. The problem is that there is no definition of what landscaping is. At the February 22, 2011 meeting, City Council formed a committee with Councilman Burk as the chairman and Rex Givens, Keegan Ledford, Steve Rich, David Denham, Brenda Bentley and Steve Barnes also serving. The purpose of the committee was to direct staff in preparation of a more complete and definite landscaping ordinance for the betterment and beautification of the City of Lawton. After several lengthy meetings, a draft landscaping ordinance was completed. The details of the ordinance closely follow the ordinance in Oklahoma City. The draft ordinance was then presented to the City Planning Commission for a series of workshops wherein the draft ordinance was further refined. One strong point of contention was how the landscaping requirements would be applied to existing properties during a renovation. The Commission finally directed staff to move the ordinance forward applying only to new buildings and existing buildings being enlarged. One of the large portions they took out was if this code would apply to renovations. He stated landscaping not only improves air quality, it reduces energy consumption, storm water run off, noise and crime and provides for quality of living. Due to complexity of the proposed ordinance, staff drafted a fast fact sheet highlighting the provisions of the ordinance. He stated he has created a spreadsheet where a person could just plug in the numbers and it will calculate the code requirements. He stated even if you had nothing, the reduction in the parking code actually will pay for the landscaping. They were put together on purpose because it provides for a cost neutral situation for landscaping. He stated this is not an oppressive code.

Wells questioned if public buildings and public schools were included in the ordinance.

Rogalski stated the original code said it applied to schools and churches, but during the review process they were directed to change that to private schools and churches, so the fact is that it applies to public schools in TF and brand new schools in those zones, but it does not apply to public schools built in the low density residential areas, which is generally the elementary schools.

Wells questioned if the schools were against this in the low density areas.

Rogalski stated they did not hear from anyone with the school system.

Wells stated he would think they would want to include all schools. He stated the ordinance refers to giving points for trees that already exist and those points will be assessed by the Planning Director. He questioned who would determine the health of the tree.

Rogalski stated he would go out and look at the tree and if it is reasonably good shape they will give it points based on the size. There is no way to look at the tree other than subjectively. Any decision he makes on this can be appealed to Lawton Enhancement Trust Authority (LETA).

Wells stated public works should really be involved because of the location of where things will be planted. He stated coordination should be done before the item comes to council.

Rogalski stated they actually work very closely with public works on items such as revocable permits. He will seek input from other departments.

Wells stated when this ordinance is passed and a developer is required to add landscaping, he feels that they need to insure the funds are set up to put property back to its original condition if a line breaks and the city has to tear it out and make repairs.

Rogalski stated the council could modify that piece of the code.

Tenis questioned if someone can appeal to the City Planning Commission (CPC).

Rogalski stated this will be part of the zoning code and will appeal to the CPC. Some aspects would appeal to the Building, Materials and Review Committee and some to LETA.

Wells stated he feels the City Council should be the final decision on these issues. Citizens should have the right to appeal to the City Council.

Rogalski stated he can change that.

Burk stated this was something that needed to be done and staff has worked very hard along with multiply committees working on this and no one has come to the public hearings and spoke against this ordinance.

Rogalski stated even though the requirements for landscaping is in chapter 18, the nuts and bolts of the code are in chapter 6. This will make it easier to fix things as opposed to a 40 or 60 day process. He stated this is something they will keep working on until they get it tuned up.

Burk stated one of things the committee talked about was allowing the Planning Director to be able to make some decisions at the director level as to what will work or not so that it does not have to go to the appeal process.

Givens stated the new Tractor Supply has no landscaping at all and that is why this is needed.

Bellino-Hall stated she is concerned that this landscaping will go in and it will not be maintained. She is also concerned that you cannot have more than 25% gravel.

Burk stated that occurs when they don't put in a sprinkler system. The committee felt that this is not the end all of codes and the CPC felt the same way. There are things they will look at and see how it works for six months and then they could adjust certain requirements. He questioned if they could look at the amount of gravel that they allow someone to use.

Rogalski stated currently in the code gravel is valued the exact same as turf. Anything that is flat on the ground you can only use 25% of your points. He stated they could look at the non live points. The idea is to support live things and promotes trees. He stated zero scaping is allowed in this code and it is given the same point values as the live items. Zero scaping is the only thing that you don't have to put an irrigation system on. He stated they can certainly change the percentage to either 50% or 75%.

Tenis questioned the fees associated with a citation.

Burk stated it would probably be the same as citations from neighborhood services.

Tenis questioned how you would make the person plant all that back or would they get another ticket.

Burk stated they would still be in violation.

Rogalski stated if they make landscaping a code requirement and you violate the code, the city will enforce that code.

Wells stated he would think they could enforce the landscaping requirement as part of the building permit.

Rogalski stated when you come in for your building permit you will have a landscaping plan and you put in what you said you would put in and you get your CO. At that point they are done.

Tenis questioned what happens if next year all of the landscaping is dead.

Wells stated he would think since it is part of the building permit you would have to replant it or pay the penalty. This is something they need to work on.

Shoemate stated if we are going to force them put in plants their water consumption will be more, so we could look at giving them a break on their water bill.

Wells stated they don't need to go down that road.

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

MOVED by Haywood, SECOND by Wells to adopt **Ordinance 11-53**, with change of appealing to City Council, defining how fine process will work, waive the reading of the ordinance, read

the title only. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Burk, Givens. NAY: Bellino-Hall. MOTION CARRIED

(Title read by City Attorney)

Ordinance 11-53

An ordinance creating section 6-1-5-186, landscaping, Section 6-1-5-187, site lighting, and Section 6-1-5-188, refuse facilities, of Chapter 6, Lawton City Code, 2005; creating Section 18-4-1-415, landscaping, Section 18-4-1-416, site lighting, and Section 18-4-1-417, refuse facilities, Chapter 18, Lawton City Code, 2005; amending Sections 18-5-7(1)-578.5, 18-5-7(1)-578.7, 18-6-14-653, 18-6-14-655, and 18-6-15-664, Chapter 18, Lawton City Code, 2005; providing for codification; and providing for severability.

18. Hold a public hearing and consider an ordinance amending Section 18-6-12-625, Chapter 18, Lawton City Code, 2005, amending surfacing requirements for open display uses, and amending Article 18-8, Parking, Chapter 18, Lawton City Code, 2005, modifying the requirements for off-street parking and loading. Exhibits: Ordinance 11-\_\_\_\_, Matrix of Current and Proposed Parking Requirements by Use and CPC Minutes.

Rogalski stated the City's parking standards have not been updated in many years, and it has become apparent that the standards are not comparable to national standards or those of other cities in Oklahoma. Staff has surveyed nine cities in Oklahoma and the American Planning Association to obtain updated parking standards. For some uses, there is clear consensus on parking standards, but for other uses the standards vary greatly. On August 25 and September 15, 2011, the City Planning Commission discussed proposed changes to the parking regulations, and on October 13, 2011, the CPC held a public hearing on the proposed amendments. On October 27, 2011, the CPC recommended approval of the ordinance. Also included is a matrix showing the current and proposed parking requirements by type of use.

Other changes included in the proposed ordinance include:

- Amending the requirement to screen and observe a 15-foot setback from the front property line for parking lots with more than 6 spaces when located within or adjacent to residential to only require the screening and setback when within or adjacent to R-E Residential Estates District, R-1 Single-Family Dwelling District, R-2 Two Family Dwelling District, or a single-family or two-family residential use.
- Amending the minimum standards for pavement for parking areas, aisles, and access drives to 2 inches of hot asphaltic concrete on a 4-inch base of stabilized aggregate or 4 inches of Portland cement concrete on a 2-inch sand or aggregate base or equivalent, and access driveways on public right-of-way shall require 6 inches of Portland cement concrete on a 2-inch sand or aggregate base or equivalent.
- In determining number of parking spaces required, any fraction equal to or greater than 0.50 shall require one additional space.
- Establishing requirements to provide space for queuing of vehicles for uses with drive-up windows, gas pumps, car washes, and automated teller machines.
- Allowing reduction in number of parking spaces for providing additional landscaping and/or providing bicycle parking spaces.

- Deleting the matrix for reduction of parking spaces for multiple uses. Commercial developments with less than 50,000 square feet of gross floor area will be required to meet the parking requirement for each use unless the developer provides documentation that certain uses will not operate at the same time. In such case, the parking requirement will be based on the more intense use. Multiple-use commercial developments with a total square footage of building area at least 50,000 square feet may use the Commercial Development/Shopping Center formula regardless of individual uses.
- Amending driveway widths to a maximum of 36 feet.
- Amending the minimum width of a parking space to 9 feet.

The proposed ordinance also includes amending the design requirements for parking areas for open display uses to be consistent with the parking requirements in Article 8.

Wells stated with regards to elementary schools, three spaces per classroom seems like a lot of parking spaces.

Rogalski stated they just followed the national standard. Usually you will have a teacher and helper per classroom.

Shoemate stated that regarding places to worship, one per four seats might not be enough.

Rogalski stated he tries to do the standard on the low side. He feels that this is enough.

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

MOVED by Givens, SECOND by Haywood to adopt **Ordinance 11-54**, waive the reading of the ordinance, read the title only. AYE: Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 11-54

An ordinance amending section 18-6-12-625, Chapter 18, Lawton City Code, 2005, amending surfacing requirements for open display uses; amending Article 18-8, parking, Chapter 18, Lawton City Code, 2005, modifying the requirements for off-street parking and loading; providing for severability.

19. Consider adopting a resolution proposing amendments to the Charter of the City of Lawton to be voted on by the citizens of the City. Exhibits: Resolution No. 11-\_\_\_.

Jensen stated the last time that they spoke about charter amendments by the Charter Review Committee months ago they were dealing with state election dates and filing periods. He stated they were also dealing with the new voting system coming on line and being tested in December and January. He stated they are simply going to follow the primary and general election dates for the State of Oklahoma and if they ever change again they will not be in our charter, they will be in chapter 2 of the Lawton City Code. He stated the proposed amendments by the Charter Review Committee are ready for approval.

Wells stated in Section C-6-1a it states that if a mayor-elect or a councilmember-elect fails to qualify within one month after the beginning of his term, his office shall be vacant, and the vacancy shall be filled as other vacancies in the offices of mayor and councilmembers are filled. He questioned the meaning of the term “fail to qualify”.

Jensen stated if we found out that the person wasn't a resident of his ward or of the city of Lawton or if they found out about a felony conviction. There are a number of reasons why you could not qualify. He stated to his knowledge that has never happened, but they have to have some provision that if they don't qualify within a specified period of time they need to move on to someone else.

Wells questioned why it says qualify within one month, if they didn't live in the ward six months before the election they would not have qualified at all.

Jensen stated that is his interpretation. This language has been there a long time.

Wells questioned how you would qualify within one month if you were not legally there anyway.

Jensen stated that they would be happy to change that language.

MOVED by Givens, SECOND by Tennis to adopt **Resolution 11-105**. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood. NAY: Wells. MOTION CARRIED

20. Consider adopting a resolution calling for a special election to be held on February 14, 2012, to consider the approval or rejection of amendments to the Charter of the City of Lawton as specifically set forth in the resolution. Exhibits: Resolution No. 11-\_\_\_\_, Notice of Election.

MOVED by Givens, SECOND by Zarle to adopt **Resolution 11-106**. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood. NAY: Wells. MOTION CARRIED

21. Consider adopting a resolution superseding Resolution 11-101 and amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, as amended, by establishing the Schedule of Fees and Charges for the public use and rental or lease of Lawton City Hall common areas located at 212 SW 9<sup>th</sup> Street and establishing an effective date. Exhibits: Proposed Revised Resolution with Exhibit A. Resolution No. 11-\_\_\_\_.

Mitchell stated the exhibit they showed in the packet at the last council meeting was the original sample and they did not amend that sample. The intent, they believe, was that those fees were going to be set on a daily rate versus and hourly rate. This is a change of that one word.

MOVED by Givens, SECOND by Shoemate to adopt **Resolution 11-107**. AYE: Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED

22. Discuss and take action as necessary with respect to the potential refunding of the City's General Obligation Bonds, Series 2001. Exhibits: Refunding of 2001 General Obligation Bonds Analysis.

Mitchell stated this is the second financial issue they would like to discuss. He stated they believe they can save money on this issue as well.

Rick Smith, Municipal Finance Service, Inc., stated this item relates to the issue of trying to take advantage of lower interest rates in today's market. These bonds were issued in 2001 for water system improvements. There is 4 ½ years left on the bonds and they looked at the possibility of issuing new bonds today and refinance these and look at what kind of savings might be achieved by a lower interest rate. These are general obligation bonds which are different than water resources board bonds or utility revenue notes. The process is much more rigid and structured and it takes longer to go through the process. He stated there would have to be a public hearing where people are allowed to ask questions about the proposed transaction. The plan is to schedule the public hearing for December 13<sup>th</sup> as well as the presentation explaining the savings and structure. He stated in January they will come back to the council with the final transactions. He stated there is about \$5.8 in outstanding principle and the average interest rate is around 4.66%. They would expect the new interest rate to be around 1.6% on this issue because it is much shorter and it is backed by ad valorem tax. He stated it should be approximately \$200,000 in savings and instead of crediting the savings back to all of taxpayers, which would be pennies, the city can take these savings up front and make improvements. The original issue was for two or three purposes, but 95% of it was related to the Medicine Park water treatment plant. They could make some improvements that were related to the plant and this could take some pressure off the budget. He stated tonight they are requesting permission to publish the notice for the public hearing. He stated these bonds would not be bank qualified so in order to market the bonds they would have an underwriting firm that would actually purchase the bonds from the city and turn around and sell them. He stated the process will be discussed at the December 13<sup>th</sup> meeting.

Wells stated the commentary states \$5,850,000 but the bond issue itself states \$5,985,000.

Mr. Smith stated the amount of principal outstanding is \$5,850,000 on the existing debt. The new debt would be around \$5,985,000. We would be increasing the principle amount outstanding but because the rate on the new debt would be so much less, the total debt payment would be about the same.

Wells stated they would end up with an extra \$200,000.

Mr. Smith stated yes, and we would be able to use those funds for capital projects but they have to be in line with the original proposition approved by the voters.

MOVED by Shoemate, SECOND by Givens to approve. AYE: Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle. NAY: None. MOTION CARRIED

23. Consider an ordinance pertaining to applications for retail beer license to sell low point beer amending section 4-2-1-204, Division, 4-2-1, Article, 4-2, Chapter 4, Lawton City Code, 2005, by denying the issuance of a retail dealer's license to an applicant or business associate whose municipal retail dealer's license has been denied during the past twelve (12) months, providing for severability, and establishing an effective date. Exhibits: Ordinance 11-\_\_\_\_.

Steven Greb, Assistant City Attorney, since they revised the code a year ago they have been working with it and they have seen a potential problem and they would like this clarified. This states that if a person has been denied or revoked a beer license, they would not be eligible until that period of revocation has expired, which basically is for twelve months. It also fixes a potential loophole where people may have a business associate or relative come in and make application for a license.

MOVED by Tennis, SECOND by Givens to adopt **Ordinance 11-55**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Wells, Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood. NAY: None. ABSENT: Shoemate. MOTION CARRIED

(Title read by City Attorney)

Ordinance 11-55

An ordinance pertaining to applications for retail dealer's license to sell low point beer, amending Section 4-2-1-204, Division, 4-2-1, Article 4-2, Chapter 4, Lawton City Code, 2005, by denying the issuance of a retail dealer's license to an applicant or business associate whose municipal retail dealer's license has been denied during the past twelve (12) months, providing for severability, and establishing an effective date.

24. Consider an ordinance pertaining to the property and maintenance code amending Section 6-5-1-503, Division 6-5-1, Article 6-5, Chapter 6, Lawton City Code, 2005, by changing the definition of a dilapidated building to correspond with an amendment to state law, providing for severability, and establishing an effective date. Exhibits: Ordinance 11-\_\_\_\_.

Jensen stated effective November 1, 2011, state law made an amendment to one of the five definitions of a dilapidated building, stating that it is a structure which has been boarded and secured for more than eighteen months, which previously was a thirty-six month time frame. By adopting this ordinance, Lawton City Code will be consistent with Oklahoma law.

MOVED by Givens, SECOND by Zarle to adopt **Ordinance 11-56**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood. NAY: None. ABSENT: Shoemate, Wells. MOTION CARRIED

(Title read by City Attorney)

Ordinance 11-56

An ordinance pertaining to the property and maintenance code amending Section 6-5-1-503, Division 6-5-1, Article 6-5, Chapter 6, Lawton City Code, 2005, by changing the definition of a dilapidated building to correspond with an amendment to state law, providing for severability, and establishing an effective date.

AUDIENCE PARTICIPATION: None.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Mitchell introduced Barry Albrick, the new Economic Development Director for the Lawton Industrial Foundation.

Mitchell announced that the City of Lawton increased the United Way campaign contributions by 6% over last year. He thanked all of those who participated.

Tenis thanked those who participated in the Fishing for Food event. He stated they had over 350 participants and raised over 700 lbs of food and \$800 for the Lawton Food Bank.

Burk stated the Eye Candy Award banquet will be held this Thursday, December 1<sup>st</sup>. He stated the event is sold out.

Kim Shahan, Parks and Recreation Director, distributed a list of the procedures which will be used to manage the new litter control program. He introduced Randy Hall who is the new litter control officer.

The Mayor and Council convened in executive session at 8:09 p.m. and reconvened in regular, open session at 8:46 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

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 draft permit for the Wastewater Treatment Plant and ODEQ's proposed permit limit based on their determination that PSO's cooling pond served by the Wastewater Treatment Plant's effluent pond should be treated as "waters of the state", 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.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Keith Valentine and if necessary, take appropriate action in open session. Exhibits: None.

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

There being no further business to consider, the meeting adjourned at 8:47 p.m. upon motion, second and roll call vote.

\_\_\_\_\_  
JAY BURK, MAYOR PRO TEM

ATTEST:

\_\_\_\_\_  
TRACI HUSHBECK, CITY CLERK