

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
FEBRUARY 28, 2012 – 6:00 P.M.  
NEW CITY HALL  
COUNCIL CHAMBERS/AUDITORIUM

Mayor Fred L. Fitch  
Presiding

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

Mayor Fitch called the meeting to order at 6:16 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Willie Smith, Jr., Bethlehem Baptist Church, 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

Mayor Fitch announced that the swearing in ceremony for Ward 6, 7 and 8 will be held on Monday, March 5, 2012 at 9:00 a.m.

STATE OF THE CITY ADDRESS BY MAYOR FRED L. FITCH

Mayor Fitch read highlights from the State of the City speech. The entire speech is posted on the website and on file in the City Clerks Office.

AUDIENCE PARTICIPATION:

Britt Hubbard, 1307 NW Cherry, stated he received another letter from PSO regarding the underground conversion in his neighborhood which is Fields and Dunning. He spoke with Councilmember Tennis and he had contacted PSO officials. He stated this was brought to his neighborhood back in 2008 and they held a public meeting but nothing happened. Three and a half years later he happened to be in a meeting where it was announced that PSO was going to start this conversion. He told PSO officials that the people in the neighborhood wanted to have another meeting just like they were promised back in 2008. Work started in November 2011 and

he called Councilmember Tennis and talked with PSO officials. He stated he has been passed around from person to person and all he is asking for is another meeting. He stated they only notify those residents if they are actually going to dig in their yard. He stated the underground conversion is moving all of their electric to the front of their homes. They have transformers that are sitting down 16<sup>th</sup> Street on about ten feet of road right of way. The switchbox, which is about ten feet long, sits right next to the safe route to school walkway for the children as well as within feet of playground equipment. He stated there is another one planned further down in that same park. He stated 90% of these are not in the utility easement. This will change the look of the neighborhood. He requested the council contact PSO officials and ask them to hold another public meeting. He stated there is no additional growth in Fields and Dunning and the electrical needs have been met. He has asked why they are not putting the lines in the backyards and he was told they would not do that. He suggested the engineering department review these plans to determine if public right of ways should be used this way.

Tennis stated he has spoken with Mr. Hubbard several times and he has contacted PSO and passed along the information. He stated he is not sure the council can force PSO to have a meeting.

Mr. Hubbard stated in 2010 the City of Lawton passed a franchise agreement with PSO and he believes with this agreement the city does have the right to review any changes that are made in those utilities. They are changing the entire electrical system for that neighborhood.

Tennis stated he does not know if Mr. Hubbard will be satisfied with the outcome if they have another meeting.

Mr. Hubbard stated PSO originally stated that they have to have the majority of the neighborhood agree before they can do the project. There has never been a vote or there has never been a letter sent out to be returned. If they have the meeting and the majority says do it, he will be fine with that.

Bellino-Hall questioned what the problem was with putting these underground.

Mr. Hubbard stated in Fields and Dunning the front yards are not very large and in most cases the back yard is larger than the front. Transformers will be set about every third house next to the road and underground boxes will be set on both sides of the road every other house. Underground electric to the homes will run along the side of the house around to the back and to the existing meter. He stated this will affect anything you do to your home that will go over where this electric line may be laid.

Haywood questioned if they had a neighborhood association.

Mr. Hubbard stated no. He stated they are being piecemealed and they are only notifying a certain group of homes prior to the installation. They are not notifying the whole neighborhood.

Tim Hushbeck, Public Service Company of Oklahoma (PSO), stated they held two neighborhood meetings when they initially decided to do this project. He stated Mr. Hubbard was actually in a third meeting with the City of Lawton at their facility to determine exactly where the switchgears

and other objects will be placed. The first meeting they had a decent turnout but a handful of people attended the second meeting. He stated there was a gap of several years before the project began. The problem was that when the economy fell apart they were unable to get the money for these types of projects. As money became available they resumed the project. Fields and Dunning was at the top of the list because they had already done the engineering work. When they started the project everyone in the directly affected section where they were doing the conversion was sent a letter. Of those letters sent out they have received no complaints about the project. He stated when they found out they had enough money for the next phase they moved forward and those are the letters that are going out now. There will be a third phase that will cover Mr. Hubbard's area but that will not be done for at least a year. The reason for the upgrade is that it is a very old neighborhood with an old electrical system and they have backyard lots and alleys and easements that are not accessible. This is a huge and very expensive upgrade to the system and it has just taken this long to do this from a financial standpoint.

Moses stated in Fields and Dunning the electrical service is in the rear of the homes along the old easement which has been built over. He requested Mr. Hushbeck explain why it is necessary to put it in the front as opposed to putting it in the back.

Mr. Hushbeck stated it is for accessibility purposes. It would be much more invasive because they would have to take down fences and cut down trees throughout the alleys. He stated they are measured by the number of outages they have and by the duration of those outages. He stated the transformers are not always attractive but at those meetings they showed residents options of what can be done to make them more aesthetically pleasing. He stated they would not put unsafe equipment out that was a hazard to the public but they do not want children playing on the equipment.

Haywood questioned how dangerous are the transformers.

Mr. Hushbeck stated it would be dangerous if someone pried it open and got inside to the mechanisms.

Wells stated that would not matter if it was in the front or the back.

Haywood questioned if all Mr. Hubbard wanted was a meeting.

Mr. Hubbard stated he is just requesting a meeting so the resident of Fields and Dunning can understand what they are proposing. These lines can be bored into the back yard just like the front yard. There are a lot of different construction techniques that can be done, he deals with these in his own world.

Wells stated that PSO has already held two meetings.

Mr. Hubbard stated those meetings were in April 2008.

Wells stated they are doing the same thing that they laid out in those two meetings and there were no complaints at that time.

Mr. Hubbard stated there was one meeting and he never heard anyone say they received notice of the second meeting. He did not receive one.

Wells stated they held meetings and the council needs to move on.

Mayor Fitch stated he agrees and he lived in that neighborhood and there is no access for utility vehicles in the narrow alley ways. He stated the system is old and he is sure there are poles that need to be replaced. There have been meetings, but he suggested they coordinate one more meeting with Councilmember Tennis and bring the residents up to date. He does not think the council can decide one way or another, this is a civil matter and he is sure PSO will be willing to work with them. He fully understands why it is being done.

Mr. Hushbeck stated he will take back the suggestion of holding another meeting. He stated they just didn't have people show up for the second meeting. He questioned where you draw the line on who you want invited.

Mayor Fitch stated he does not know how you get people to respond.

Mr. Hubbard stated if they don't respond, they don't respond and he understands that. He is just asking for the meeting they originally promised and let the residents have some input.

Mayor Fitch stated he hopes this meeting can be worked out and PSO will inform the residents what has to be done, and like it or not, it will have to be done to fix the infrastructure of the system and bring it up to date. Since they have no access to the alleys, it has to be moved to the front.

Mr. Hushbeck stated PSO has no desire to put this in the back, they would discontinue the process because the gains would not be large enough.

Haywood stated Mr. Hubbard is not here as a City of Lawton employee, he is here as a Lawton citizen.

Tennis suggested Mr. Hubbard and Mr. Hushbeck work out the details and he will be there.

**CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF FEBRUARY 14, 2012.**

**MOVED by Tennis SECOND by Burk to approve the minutes of Lawton City Council regular meeting of February 14, 2012. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.**

**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.

Wells requested item #7 be considered separately.

MOVED by Burk SECOND by Shoemate to approve the consent agenda with the exception of item #7. AYE: Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Lisa Fontenot in the amount of \$1,454.74. Exhibits: **Res. 12-19**, Legal Opinion/Recommendation.
2. Consider adopting a resolution approving payment on the judgment in the Workers' Compensation case of Brent Davis in the Workers' Compensation Court, Case No. 2011-10724A. Exhibits: **Resolution 12-20**.
3. Consider adopting a resolution approving the settlements and making payment in the workers' compensation claim of Robert McGlothin. Exhibits: **Resolution 12-21**.
4. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Reginal Bryant. Exhibits: **Resolution 12-22**.
5. Consider accepting donation of funds donated by Wal-Mart #269, for Lawton Police Department Tactical Team Response's Vehicle's interior security doors. Exhibits: None.
6. Consider approving request from the Parks and Recreation Department to pursue applying for a Healthy Communities Incentive Grant for FY 2012-13. Exhibits: None.
7. Consider approving a credit adjustment in the amount of \$1,204.65 for two months' bills to the Carriage House Apartments service account #00006402 for their property located at 3011 East Gore Boulevard for an undetected, underground leak on the customer's service line. Exhibits: Pippin Brothers invoice dated 10/24/2011.

Wells requested that the council give direction to the Finance Director to bring back an amendment to the ordinance on this issue. He stated he would like to see them do away with the adjustments all together. It is a person's responsibility from the meter to their house. Every time they approve one of these, all of the citizens of Lawton are paying for the adjustment. He stated the council previously talked about this issue but he does not think they gave any direction on what they wanted to do.

Mayor Fitch suggested staff put something on the agenda and open it up for discussion.

Mitchell stated they were planning on putting a discussion item on the agenda for the next meeting.

MOVED by Wells SECOND by Zarle to approve a credit adjustment in the amount of \$1,204.65 for two months' bills to the Carriage House Apartments service account #00006402 for their property located at 3011 East Gore Boulevard for an undetected, underground leak on the

customer's service line. AYE: Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells, Shoemate, Tennis. NAY: None. MOTION CARRIED.

8. Consider approving a credit adjustment in the amount of \$615.59 for two months' bills to Nancy Fell's service account #00025446 for the property located at 1113 SW J Avenue for an undetected, underground leak on the customer's service line. Exhibits: Statement from Mick's Plumbing dated 11/28/2011.
9. Consider and take action with respect to a resolution approving the incurrence of indebtedness by the Lawton Water Authority (the "authority") issuing its Sales Tax Revenue Note, Series 2012 (the "note"); providing that the organizational document creating the Authority is subject to the provisions of the Note Indenture, authorizing the issuance of said Note; waiving competitive bidding with respect to the sale of said Note and approving the proceedings of the Authority pertaining to the sale of said Note; approving and authorizing execution of a Sales Tax Agreement by and between the City of Lawton, Oklahoma (the "City") and the Authority pertaining to the year-to-year pledge of certain sales tax revenues; and containing other provisions relating thereto. Exhibits: **Resolution No. 12-23**.
10. Consider approving an Enterprise License Agreement (ELA) with Environmental Systems Research Institute (ESRI) for Enterprise Software to be utilized throughout the City's Geographical Information System (GIS). Exhibits: None.
11. Consider acknowledging the completion of the University Drive Closure Project. Exhibits: Location Map
12. Consider approving plans and specifications for the Police CID Building Project #2012-2 and authorizing staff to advertise for bids. Exhibits: None.
13. Consider renewing a Professional Services Agreement with John Lemmon Films, Inc. for a stormwater education campaign, and authorize the Mayor and City Clerk to execute the document. Exhibits: Professional Services Agreement.
14. Consider adopting **Street Light Resolution No. 474** to authorize the installation and/or removal of street lights at the locations listed in the Resolution. Exhibits: Street Light Resolution No. 474.
15. Consider awarding contract (CL12-025) Soft Body Concealable Armor (Ballistic) to Special Ops Uniforms from OKC, OK. Exhibits: Department recommendation, abstract of bids, price sheet.
16. Consider awarding contract (CL12-023) Mowing & Litter Contract Areas: Hwy 62 from 46<sup>th</sup> St. to Rogers Lane Bypass; Right of Ways Central to Teen Challenge of Oklahoma from Cache, OK. Exhibits: Department recommendation, abstract of bids, price sheet.

17. Consider awarding contract (CL12-023) Mowing & Litter Contract Areas: West Lee Blvd. from 67<sup>th</sup> St. to ½ mile West of 112<sup>th</sup> St.; Right of Ways East and West to Lawn Wizards from Lawton, OK. Exhibits: Department recommendation, abstract of bids, price sheet.
18. Consider approving appointments to boards and commissions. Exhibits: None.

**Arts and Humanities Council**

Dr. Judy Neale  
504 Fort Sill Blvd.  
Lawton, Oklahoma 73507  
580-248-0359  
Unexpired Term 06/30/13

**Mayors Commissions On The Status Of Women**

Patsy Lively  
1909 NW Andrews  
Lawton, Oklahoma 73501  
Unexpired Term 10/10/12

19. Consider approval of payroll for the period of February 6 - 19, 2012.

**NEW BUSINESS ITEMS:**

20. Hold a public hearing and consider a resolution amending the 2030 Land Use Plan from Residential/Low Density and Professional Office/Transition to Public Facility and an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to P-F (Public Facilities District) zoning classification located at 2007 NW 52<sup>nd</sup> Street. Exhibits: Resolution No. 12-24, Ordinance No. 12-05, Site Plan, Location Map, Applications and Draft CPC Minutes.

Richard Rogalski, Community Services Director, stated this request is for an approximately 10 acre tract of land located on the east side of NW 52<sup>nd</sup> Street approximately one-quarter mile north of Quanah Parker Trailway. The proposed use is a nursing home to be owned and operated by Comanche County Hospital Authority. The applicant is Independent School District No. 8.

The zoning of the surrounding area is R-1 to the north, south, and east, and C-3 (Planned Community Shopping Center District) and R-1 to the west. The land use of the surrounding area is vacant to the north, church to the south, single-family residential to the east, and commercial (Regency Square Shopping Center) and single-family residential to the west. The 2030 Land Use Plan designates most of the tract as Professional Office/Transition and as Residential/Low Density on the southern portion.

On February 16, 2012, the City Planning Commission held a public hearing on this request. During the public hearing one person, representing the church to the south, stated the church was not against the rezoning for the nursing home but was concerned about flooding. There were stormwater issues noted during staff's review of this request, and it was noted the development

must meet the requirements of Chapter 19A, Stormwater. The Commission, by a vote of 8 – 0 with 1 abstention, recommended approval

Moses stated he read that there were some drainage problems. He questioned if staff is satisfied that the drainage problems can be corrected.

Rogalski stated as part of the building permit application they do have to address all of the drainage issues.

Moses clarified that all of the requirements are understood by all parties concerned.

Rogalski stated yes, our stormwater engineer spoke with their stormwater engineer. He stated they were told they would have to do some channel improvements and they are aware of it.

PUBLIC HEARING OPENED.

Chuck Wade, Attorney for the Lawton Public Schools Board of Education, stated this is a proposal to relocate the McMahan Tomlinson Nursing Home to this site. He stated they have been in discussion for some time and are well aware of the drainage issues. The engineers are satisfied that they can resolve all of those issues.

Mayor Fitch stated they are dealing with an entity that has been down this road many times. They have expanded the hospital many times and works very diligently to have flood control in that area. This project is something that is much needed for this community.

PUBLIC HEARING CLOSED.

MOVED by Shoemate, SECOND by Haywood to adopt **Ordinance 12-05**, waive the reading of the ordinance, read the title only. AYE: Moses, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall. NAY: None. ABSENT: Burk. MOTION CARRIED

(Title read by City Attorney)

Ordinance 12-05

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to P-F (Public Facilities District) zoning classification on the tract of land which is hereinafter more particularly described in section one (1) hereof; approving the site plan attached as Exhibit A; and authorizing changes to be made upon the official zoning map in accordance with this ordinance.

MOVED by Shoemate, SECOND by Haywood to adopt **Resolution 12-24** amending the 2030 Land Use Plan from Residential/Low Density and Professional Office/Transition to Public Facility. AYE: Moses, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall. NAY: None. ABSENT: Burk. MOTION CARRIED

21. Hold a public hearing and consider a resolution amending the 2030 Land Use Plan from Residential/High Density to Public and an ordinance changing the zoning from R-1

(Single-Family Dwelling District) and R-3 (Multiple-Family Dwelling District) to P-F (Public Facilities District) zoning classification located on the east side of SW 27<sup>th</sup> Street between SW A Avenue and SW B Avenue. Exhibits: Resolution No. 12-25, Ordinance No. 12-06, Site Plan, Location Map, Applications and Draft CPC Minutes.

Rogalski stated this request is for Lots 19 – 26 and the West 15 feet of Lot 27, Block 5, College Addition. The lots fronting SW A Avenue (Lots 19 -22) total 100 feet by 127 feet and are zoned R-1. The lots fronting SW B Avenue (Lots 23 – 26 and the West 15 feet of Lot 27) total 115 feet by 127 feet and are zoned R-3. The proposed use is a parking lot. The applicant is Cameron University. The zoning of the surrounding area is R-4 (High Density Apartment District) and R-1 to the north, R-3 to the south, R-1 and R-3 to the east, and P-F to the west. The land use of the surrounding area is professional office and single-family residential to the north, single-family residential and Cameron Baptist Church to the south, single-family residential to the east, and Cameron University to the west. The 2030 Land Use Plan designates these lots as Residential/High Density. The 2030 Land Use Plan does list Cameron University as one of the Areas of Special Treatment. The Land Use Plan notes that land uses surrounding the university should be supportive of the technology and research development efforts related to Cameron. These lots are not included in the Cameron University Master Plan map included in the 2030 Land Use Plan. On February 16, 2012, the City Planning Commission held a public hearing. During the public hearing one person voiced concerns regarding SW 27<sup>th</sup> Street and the amount of traffic. The Commission, by a vote of 8 – 0 with 1 abstention, recommended approval of the request subject to the following conditions:

1. Align the drive on SW 27<sup>th</sup> Street with the platted alley with a minimum curb opening width of 25 feet. Remove the indication that the drive would be one-way.
2. Relocate the handicap access aisle out of the platted alley.
3. Include a 5-foot wide sidewalk along SW 27<sup>th</sup> Street and 4-foot wide sidewalks on SW A Avenue and SW B Avenue
4. Include ADA-compliant crosswalk with painted stripes and flashing pedestrian crossing signs immediately south of the alley to align with sidewalk on west side of SW 27<sup>th</sup> Street.
5. Correct the westernmost measurement along SW B Avenue from 24 feet to 32 feet.

Notice of public hearing was mailed to 34 owners of property within 300 feet of the requested area on January 26, 2012, and proper notice was published in *The Lawton Constitution* on January 29, 2012.

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

Wells questioned if Cameron officials had any problems with the CPC requirements.

Rogalski stated they have no problem meeting the requirements.

Moses stated that is a busy street and it is used as an access to Lee. He stated eventually there needs to be a long range traffic interface plan with Cameron University. As the traffic grows around that university we will run into more interface issues with the neighborhoods. He is

concerned about the safety issues of people crossing that street if we don't have some substantial crosswalk measures.

Rogalski stated he did participate in the master planning work session at Cameron and they did mention those exact issues in terms of traffic congestion and concern about traffic as well as the pedestrian crossings on Gore to the hospital and the neighborhood. It was discussed that sometime in the future there will have to be some sort of a walkway, especially across Gore Boulevard.

Moses stated we need to be proactive and get with the university and the hospital and begin thinking about how we are going to handle these kinds of problems as the university and the hospital continue to grow.

Haywood stated there should be sidewalks from Lee all the way going north.

Zarle questioned if we owned the air rights where they could put an aerial walkway over the top of the road.

Rogalski stated that was one of his suggestions. He feels like you have to go over or under and you need to think about some other way to get people moving through there more freely and safety.

Bellino-Hall stated the design for 27<sup>th</sup> and 31<sup>st</sup> street will play into this and they will possibly address something on the other side of the street because it will all go together.

MOVED by Moses, SECOND by Bellino-Hall to adopt **Resolution 12-25** amending the 2030 Land Use Plan from Residential/High Density to Public. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Moses. NAY: None. MOTION CARRIED

MOVED by Moses, SECOND by Wells to adopt **Ordinance 12-06**, waive the reading of the ordinance, read the title only. AYE: Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 12-06

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to P-F (Public Facilities District) zoning classification on the tract of land more particularly described in section one (1) hereof; changing the zoning classification from the existing classification of R-3 (Multiple-Family Dwelling District) to P-F (Public Facilities District) zoning classification on the tract of land which is hereinafter more particularly described in section two (2) hereof; approving the site plan attached as exhibit a; and authorizing changes to be made upon the official zoning map in accordance with this ordinance.

22. Hold a public hearing and consider an ordinance amending the townhouse development regulations of Chapters 18 and 21 of the Lawton City Code by creating Section 18-4-1-415 and amending Sections 18-5-3-522 through 18-5-3-527, Sections 18-5-4-534 through

18-5-4-538, Sections 18-5-5-550 through 18-5-5-554, Sections 18-5-6-563 through 18-5-6-566, and Section 21-5-506, and declaring an emergency. Exhibits: Ordinance No. 12-07, Matrix and Draft CPC Minutes.

Rogalski stated this attached ordinance moves the regulations for townhouses from the R-1, R-2, R-3, and R-4 districts to a newly created section in the General Rules article of Chapter 18 of the Lawton City Code, Section 18-4-1-415. The ordinance amends minimum rear yard, maximum coverage, and height requirements for townhouses. The matrix includes the current and proposed requirements. The proposed ordinance also includes language on addressing of townhouses and variances. The ordinance states for townhouse developments with public streets or private streets built to city standards, the lots will be addressed from the public or private street according to the City's addressing policy. For townhouse developments with private drives, the development will be addressed from the nearest public or private street, and each townhouse lot will be assigned a number (i.e., Unit 1, Unit 2, etc.). There shall be a sign posted at each entrance with a map depicting the layout of the townhouse development identifying the individual lots by unit number. The sign shall be a maximum of 8 square feet. Also for townhouse developments with private drives, signs shall be posted stating that drives are private and will not be maintained by the City of Lawton. The City Planning Commission may modify required coverage requirements provided that any reduction in yard area shall be accompanied by a similar increase in the active recreation area for the development. The proposed ordinance also amends Section 21-5-506 referring to Article 18-8 of Chapter 18 for parking requirements for townhouses.

The City Planning Commission held a public hearing on the proposed ordinance on February 16, 2012 and recommended approval with a few changes, which have been incorporated into the proposed ordinance.

Moses questioned if there was some kind of builder review or developer review of these changes.

Rogalski stated in this case the council directed staff to change a certain part of this code. There are developers on the City Planning Commission. They also look at codes from other cities as well as staff's own personal experiences.

Wells stated he would hope that there would be something indicating that these are private drives. He wished there was a way to get something on the abstract so that some buyer in the future would know what they are getting into. A person buying a home should know if they are going to have expenses in the future because they find out the road is private.

Haywood questioned if a person could receive a citation on a private road.

Jensen stated there is no posted speed limit on private roads.

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

MOVED by Bellino-Hall, SECOND by Burk to adopt **Ordinance 12-07**, waive the reading of the ordinance, read the title only, and declaring an emergency. AYE: Wells, Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 12-07

An ordinance creating Section 18-4-1-415, townhouse developments, amending Sections 18-5-3-522, 18-5-3-523, 18-5-3-524, 18-5-3-525, 18-5-3-526, 18-5-3-527, 18-5-4-534, 18-5-4-535, 18-5-4-536, 18-5-4-537, 18-5-4-538, 18-5-5-550, 18-5-5-551, 18-5-5-552, 18-5-5-553, 18-5-5-554, 18-5-6-562, 18-5-6-563, 18-5-6-564, 18-5-6-565, and 18-5-6-566, Chapter 18, Lawton City Code, 2005, modifying setback, lot width, intensity of use, and coverage requirements for townhouses; amending Section 21-5-506, Chapter 21, Lawton City Code, 2005, clarifying the parking requirement for townhouses; providing for codification; providing for severability, and declaring an emergency.

23. Consider an ordinance pertaining to the Mayor's Commission on the Status Of Women amending Section 2-3-13-382, Division 2-3-13, Article 2-3, Chapter 2, Lawton City Code, 2005, by adjusting the allocation of membership for the Commission, providing for severability and providing for an effective date. Exhibits: Ordinance No. 12-08.

Jensen stated this code change was requested by the Mayor's Commission on the Status of Women to create nine at large positions for the simple reason that they are having difficulty filling their 21 slots. Instead of having two members from each ward and two members from Fort Sill, they will now have one member from each ward, one from Fort Sill and the other nine positions will be at large members from the county.

MOVED by Zarle, SECOND by Shoemate to adopt **Ordinance 12-08**, waive the reading of the ordinance, read the title only, and providing for an effective date. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 12-08

An ordinance pertaining to the Mayor's Commission on the Status of Women amending Section 2-3-13-382, Division 2-3-13, Article 2-3, Chapter 2, Lawton City Code, 2005, by adjusting the allocation of membership for the commission, providing for severability, and providing for an effective date.

#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Tennis stated he has been working with the planning division, neighborhood services and legal regarding an ordinance pertaining to trees that encroach on neighbor's yards. He requested some volunteers to work on these changes.

Wells stated he would volunteer if they expand these changes to include retaining walls, both existing and future.

Burk volunteered to serve on the committee.

Wells stated he attended a water summit on Friday at Rose State College and one of the items that came up was that ODEQ is raising the fees for permits for cities. He stated one of our permits will go from \$5,000 a year to over \$62,000. He stated that OML is recommending that before the fees are raised there be an efficiency study done. He encouraged everyone to talk to their state legislator.

Bellino-Hall thanked Rogalski for working on the townhouse ordinance.

Burk stated that Rogalski does an amazing job.

Mitchell stated on Friday there is a business forum from 11:00 to 2:00 at city hall to talk about education. He stated on March 7<sup>th</sup> the chamber will host a legislative reception at the history museum in Oklahoma City from 5:00 – 7:00 p.m.

Jerry Ihler, Public Works Director, requested a volunteer from the council to sit on the Impact Fee Oversight Committee.

Burk volunteered for the committee.

Rogalski distributed a letter they will be sending out to the contractors in the community regarding pre-pour inspections.

Wells questioned if this was on new development.

Rogalski stated yes.

Wells questioned if this includes existing driveways that were poured years ago and have to be repaired.

Rogalski stated if they were repairing their apron and pulled a permit for it, staff would do an inspection before they pour it.

The Mayor and Council convened in executive session at 8:27 p.m. and reconvened in regular, open session at 9:23 p.m. Roll call reflected all members present.

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

24. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case of Duane Green vs. Eric Matthew Carter, CV-10-991-L, 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.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Traci L. Hushbeck as City Clerk, and in open session take other action as necessary. Exhibits: None.

Mayor Fitch read the title of item #25.

MOVED by Burk, SECOND by Haywood to approve a contract with an increase in salary of 5%. AYE: Burk, Moses, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall. NAY: None.  
MOTION CARRIED

26. Pursuant to Section 307B3 and C10, Title 25, Oklahoma Statutes, consider convening in executive session for the purposes of conferring on matters pertaining to 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, and take appropriate action in open session as necessary. Exhibits: None.

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

ADDENDUM:

1. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of City of Lawton v. International Union of Police Associations, ALF-CIO, Local 24, and Charles Todd Palmer, CV-2011-173, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of the addendum. No action was taken.

There being no further business to consider, the meeting adjourned at 9:25 p.m. upon motion, second and roll call vote.

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FRED L. FITCH, MAYOR

ATTEST:

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TRACI HUSHBECK, CITY CLERK