

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
JANUARY 14, 2014 – 6:00 P.M.  
NEW CITY HALL  
COUNCIL CHAMBERS/AUDITORIUM

Mayor Fred L. Fitch  
Presiding

Also Present:  
Bryan Long, City Manager  
Frank V. Jensen, City Attorney  
Denise Ezell, Deputy City Clerk  
COL Glen A. Waters, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:11 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:

Bob Morford, Ward One  
Keith Jackson, Ward Two  
Rosemary Bellino-Hall, Ward Three  
Jay Burk, Ward Four  
Dwight Tanner, Jr., Ward Five  
Richard Zarle, Ward Six  
Stanley Haywood, Ward Seven  
Doug Wells, Ward Eight

ABSENT:

None

AUDIENCE PARTICIPATION:

Tanner thanked the men and women of the Lawton Fire Department for their dedicated service to the city. He commended them on foregoing their raises so that the City could balance their budget.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF NOVEMBER 19, DECEMBER 10 AND DECEMBER 17, 2013.

MOVED by Wells SECOND by Jackson to approve the minutes of November 19, December 10 and December 17, 2013. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Fitch stated Items 23 and 26 would be considered separately.

MOVED by Burk SECOND by Haywood to approve the consent agenda with the exception of Items #23 and #26. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Southwestern Bell Telephone, dba AT&T Oklahoma in the amount of \$2,232.65 and Amber Brewer in the reduced amount of \$1,688.93. Exhibits: Legal Opinions/Recommendations, **Resolution No. 14-01** and **Resolution No. 14-02**.
2. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Scott Kisner. Exhibits: **Resolution No. 14-03**
3. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Joshua Hall. Exhibits: **Resolution No. 14-04**.
4. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Joshua Caughron. Exhibits: **Resolution No. 14-05**.
5. Consider approving a Settlement Agreement with Brentwood Development Inc., and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Settlement Agreement is on file in the City Clerk's Office.
6. Consider authorizing the City Attorney to accept the sum of Sixteen Thousand Six Hundred Sixty-Six and 66/100 Dollars (\$16,666.66) as settlement of the City's subrogation interest in the personal injury case of Phillip Gibson. Exhibits: None.
7. Consider authorizing the Fire Department to accept grant funding in the amount of \$6,000 from the State Office of Oklahoma Emergency Management for the purchase of a Technical Rescue Trailer. Exhibits: None.
8. Consider ratifying the actions approved by the Lawton Water Authority (LWA) to redeem, or payoff, two current loans that are held by the City through the Oklahoma Resources Water Board (OWRB) by applying the previously collected 2005 CIP sales tax that is currently held in the City's investment portfolio. Exhibits: **Resolution No. 14-06** and Funding Analysis.
9. Consider granting a revocable permit for a masonry retaining wall in the public utility easement along the rear of Lot 38, Block 6, Heritage Hills Addition, Part 2, addressed as 1630 NE 31<sup>st</sup> Street. Exhibits: Application, Site Plan. Revocable Permit is on file in the City Clerk's Office.

10. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 718 linear feet of 10-inch PVC waterline, 490 linear feet of 15-inch PVC sanitary sewer line, and all appurtenances to serve Comanche County Memorial Hospital located at 3401 W Gore Boulevard in the SW/4 of Section 25, T2N, R12W, I.M., Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City Clerk's Office.
11. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 827 linear feet of 12-inch PVC waterline and all appurtenances to serve the Armed Services YMCA located at 900 NW Cache Road in the NW/4 of Section 30, T2N, R11W, I.M., Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City Clerk's Office.
12. Consider authorizing the City of Lawton to become an account holder of the Climate Action Reserve and the Public Works Director/City Engineer, Gerald S. Ihler, to act as the account manager on behalf of the City of Lawton in order to receive revenue from carbon credits produced from the Landfill Gas Collection & Control System. Exhibits: None.
13. Consider approving plans and specifications for the Goodyear Tire Industrial Access Road JP No. 29428(04) - (NW 112<sup>th</sup> Street - Project No. 2014-01) and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Engineering Division office.
14. Consider accepting a permanent easement and a temporary easement from Ronald E. Cagle and Barbara A. Cagle, husband and wife for right of way needed for the South Wolf Creek Trunk Expansion #2 Project #13-3SSES, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.
15. Consider accepting a permanent easement from Lawton Metropolitan Area Airport Authority for right of way needed for the South Wolf Creek Trunk Expansion #2 Project #13-3SSES, authorizing the Mayor and City Clerk to execute the document. Exhibits: Location Map. Documents are on file in the City Clerk's office.
16. Consider accepting a temporary easement from Robert Meyer and Xiaoya Meyer, husband and wife, for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.
17. Consider accepting a warranty deed from Cleo L. Craig Jr. and Helen Craig, husband and wife and Michael Thomas Craig and Debbie Jayne Craig, husband and wife, for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.

18. Consider accepting three temporary easements from Luis A. Santos and Lynn S. Santos, husband and wife, Omar Santos and Debra F. Santos, husband and wife and Rafael Santos and Jerri O. Santos, husband and wife for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.
19. Consider accepting a temporary easement from Matthew Byron Sisson and Katrin Sisson husband and wife for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.
20. Consider accepting a temporary easement from Stratford Square Associates, L.P., aka Stratford Square, an Oklahoma Limited Partnership, for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.
21. Consider extending contract (CL12-021) Laboratory Services for Ground Water/Storm Water to Test America Laboratories, TN. Exhibits: Department recommendation, Contract Extension Form, Price Sheet, Abstract of Bids.
22. Consider extending contract (CL12-024) Patching Material to Quadex, Inc from North Little Rock, AR for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet, Abstract of Bids.
23. Consider awarding contract (CL14-017) 20x28 Pavilions to Zanecar LLC dba Enwood Structures of Raleigh, NC. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.

Kim Shahan, Parks and Recreation Director, stated he would like the council to reject the bids so that they could go back out for bid with new specifications.

MOVED by Burk SECOND by Jackson to reject the bids on contract (CL14-017) 20x28 Pavilions to Zanecar LLC dba Enwood Structures of Raleigh, NC. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

24. Consider awarding contract (CL14-016) Rear Load Packer Bodies to Frontier Equipment Sales LLC of El Reno, OK. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.
25. Consider awarding contract (CL14-010) Water Truck, 4000 gallon to Total Truck and Trailer of Norman, Ok. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.

26. Consider awarding contract (CL14-013) Four Door, Cab Over, Rescue Style Pumper to Sutphen Corporation of Dublin, Ohio. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.

Chief Dewayne Burk, Lawton Fire Department stated this recommendation is contingent upon getting financing set aside and they will be buying these through a lease purchase agreement.

Jackson stated he knows what the concerns are tonight. He questioned why they were going out for financing when we have a fund set up that is dedicated specifically to purchase these engines.

Chief Burk stated there is a reverb board that oversees the purchase of all the rolling stock and the board determined that because a fire truck costs so much money, if they bought the fire truck outright and paid cash, essentially no other department within the City would have funding to get what is needed for them. The board believes that the best method for everyone is to space out the purchase of these two fire trucks over a three year period.

Jackson stated the original intention of the rolling stock was for police, fire and public works vehicles.

Mayor Fitch stated since this was established, vehicles have gone up in cost and we have not adjusted the rolling stock surcharge until recently. The funds that this generates does not keep up with the rate of inflation of the cost of new vehicles.

Chief Burk stated the last pumpers they purchased were around \$379,000 a piece and they see about a 3-4% increase every year which includes the equipment that goes on these trucks. He stated there is funding set aside in this years budget in the amount of 1/3 of the projected cost. By the time the truck gets here, which is an 8-12 month period, they should have the second payment. They may only be financing the last third of the payment.

Morford questioned if we were replacing trucks or expanding.

Chief Burk stated they are replacing their front line apparatus and they are adding to make sure they have an active reserve truck. The current reserve trucks should have been retired.

Tanner stated Councilmember Jackson's issue is not with buying the truck out of rolling stock funds, he feels some of the things that have been classified as rolling stocks, like projectors with wheels on them.

Jackson stated he did not want to get into the details but the original rolling stock fund was \$4 on the water bill and as a result of the increase cost of police and fire vehicles, an additional \$2 was added. That was set up to buy just those vehicles, but in the past some city managers used that money to shift from general fund into the rolling stock so as to balance the budget and now we can't shift the money back.

Burk stated in the six years he has been here he is not sure we have paid for machinery like this.

Long stated we have a revert committee that monitors each request from departments. They submit a report every January as to their recommendation of what the city should move forward on. There may be some issues that may not look like a piece of rolling stock, but those items may be essential to the operation of that vehicle and it may be cheaper to purchase those items from a third party other than the maker of those vehicles. City staff is always looking to save money when it comes to the purchase of vehicles. He is not aware of any projectors on wheels.

Jackson stated he has seen a list where projector tables were on a rolling stock purchase in 2005.

Long stated he has been here since 2008 and we are not purchasing any pieces of product that are not qualified as rolling stock.

Chief Burk stated the first third of this purchase has been approved in the existing budget and securing financing for the remaining two payments will be determined by council if they would like to fund the remaining two thirds in next years budget or space it out over a three year agreement.

Mayor Fitch stated there are two men in the audience that would like to speak about this item.

Jim Keltner, owner of Precision Fire Apparatus and co-owner of John's Mid American-KME, stated he would like for Council to not purchase trucks tonight. He stated there were seven bidders and one bidder wrote the bid specs and the other six bidders were called out on ten things that they supposedly didn't meet specs on. He stated they did meet the specs on many of those things they were called out on (he read an email from Dennis Bothell, Equipment Maintenance). He stated both of his companies spent over \$3,000 to bid this. On November 13<sup>th</sup> he received an email from one of his salesmen that said that the attached specifications were from Sutphens and the Lawton Fire Department has purchased every major piece of apparatus from Sutphens for almost twenty years under three chiefs and he believes that the current chief continues to practice this and he is not above using any tactics to do so and he does not trust him and recommended they not bid. He stated he spent over \$6,000 to bid these trucks and when one of their trucks, which would have done the job and has done the job for over 15 years, was \$70,000 a truck lower, and they give a proposal to spend an extra \$140,000 to buy fire trucks from a guy they like. Something is not right and he has not seen anything this wrong in a long time. He put in an effort to drive twelve hours to do something about this. He requested this item be tabled.

Wells stated he does not appreciate Mr. Keltner being derogatory towards our fire chief.

Tanner questioned if Mr. Keltner feels that we don't have the right to set out specifications for a certain piece of apparatus that best meets our needs. Mr. Keltner does not have the right to come to Lawton, Oklahoma and basically say that we are doing something underhanded.

Mayor Fitch stated this is getting out of hand.

Tanner questioned if Mr. Keltner has been before any other city council in the state of Oklahoma complaining that they did not buy his equipment.

Mr. Keltner stated no. He stated the council could go back and buy the lowest bid or buy what they want to and they have the right to do that. In his opinion they should reject these and re bid these and do what is right and not waste taxpayers money. There are six people that didn't meet spec, and the one person who wrote the spec, met spec. He came here because it is not right.

Bellino-Hall clarified that there were seven bidders and one bidder wrote the specs.

Mr. Keltner stated absolutely.

Wells stated that is his opinion. We have a specs committee that reviews all the specs to make sure they are not written for any one piece of equipment. This committee is chaired by the assistant city attorney and the committee reviews the specs to make sure a department director is not writing them for a specific vendor. He stated as a former department director he can tell you that the committee always made sure he did not write anything into the specs that identified any single piece of equipment. There are reasons that you may reject a bid, but if you have read the specs put out by the Fire Chief, he has the justification for every rejection.

Mr. Keltner stated those are incorrect. He can go through this and the reason some of theirs was rejected are incorrect and that is not what was in their bid.

Long stated if we go out to a vendor it is not for the purposes of drafting a specification so specific that we no longer include any other prospective bidders in our bid, the purpose is to seek out the industry standard. They do seek out expert recommendations from the industry field.

MOVED by Wells SECOND by Tanner to award contract (CL14-013) Four Door, Cab Over, Rescue Style Pumper to Sutphen Corporation of Dublin, Ohio.

Steve Loftin, Oklahoma representative for KME, stated the specifications were based on Sutphens specs. He stated there were four items that were exclusive to Sutphen, for example the twelve inch bumper versus the ten inch bumper. Their specs that were proposed meet or exceed the City of Lawton specs in every way. He can show you where the list is incorrect.

Long questioned if they contacted city staff for any clarification on the specs.

Mr. Loftin stated when they reviewed the specs they mentioned sixteen things that they didn't meet and when they submitted the bid they put those things in there.

Long stated they noticed them after they received notice that they were not selected.

Mr. Keltner stated city staff sent them sixteen things that they didn't meet, but they did meet them.

Long stated that is Mr. Keltner's opinion.

Burk stated they are not going to solve this tonight. He feels they need to table this and look it over.

Bellino-Hall stated that someone is coming to this council saying that there is a problem with the bidding process and that maybe we have shown favoritism and she feels they need to straighten this out. She does not know if it is true or not, but they cannot let it go forward like this.

Long recommended they reject all bids at this point and rebid. To simply go back and look at the bids again in their current form is going to be meaningless.

SUBSTITUTE MOTION by Burk SECOND by Zarle to reject all bids.

Tanner questioned how long the bid process takes.

Chief Burk stated the specifications used were approved in 2006.

Bart Hadley, Municipal Court Administrator and former Fire Chief, stated they did use a Sutphens spec as the base at that time, but he did want to clarify that they had a committee that generacized it as much as they possibly could. They used the equipment maintenance supervisor to genericize it further, then he gave it to the buyer and he asked him to get with all the manufacturers that he could contact and send that spec out and ask them all to provide input and see if there was anything in that spec that was proprietary or that would keep them from being able to bid on them. They took all those comments into account and the finance department genericized that spec even further so that it did not exclude the opportunity for any of those manufacturers to be able to bid on that spec. That is the process that occurred and he takes personal offense to having his integrity questioned by someone he has never even met before. All the city guidelines, practices and policies were followed to the letter, the spec committee reviewed these and approved it again.

Wells stated he knows the specs in the past were written generically and he feels bad that they are sitting here questioning the fire department about their integrity.

Tanner stated he agreed.

Burk stated that is not what he is doing and \$140,000 is a lot of money.

Wells stated there is a \$36,000 bid difference between Precision and the one that got the bid. He is talking \$100,000 per truck.

Burk stated he is not questioning their integrity or the stuff the city did, but maybe we need to look at this again. He stated he knows they did the best they did to try and figure this out. He stated it will not hurt them to look at this and send it back out for bid.

Tanner stated the bid process takes a bit of time and the prices could go up.

Haywood stated they do support the chief. He questioned how the council fits into this.

Jensen stated the council either awards the bid or they don't. He does not think there are questions of whether our specs are illegal, they just don't agree with them. There is nothing

illegal about awarding this tonight and there is nothing illegal about not awarding it and rejecting the bids. This is a factual question about the specs. As far as he is concerned the specs are legal and if they want to modify or amend them that is the prerogative of the council.

Zarle stated it is not distrust, it is the issue of taxpayers dollars.

Wells stated you pay for what you get and you want to get the best for your money.

VOTE ON SUBSTITUTE MOTION: AYE: Morford, Jackson, Bellino-Hall, Burk, Zarle.  
NAY: Tanner, Haywood, Wells. MOTION CARRIED.

27. Consider approval of payroll for the periods of December 23, 2013 – January 5, 2014.

NEW BUSINESS ITEMS:

28. Consider a request from Lawton Public Schools to waive the inspection fee and annual operations fee associated with the Revocable Communications Cable Permit issued to Unite Private Network, LLC, for the installation and operation of approximately 10,435 rods of fiber optic cable serving Lawton Public Schools. Exhibits: Letter from LPS requesting fee waiver. Revocable Communications Cable Permit (On File in City Clerk's Office).

Richard Rogalski, Community Development Director, stated in December the council approved a revocable permit for some cable that was being laid by United Private Network. They are laying the cable to serve Lawton Public Schools, who is responsible for the cost. They sent a letter asking that the cost be waived. He stated they have found some additional information and are not sure if the code that accesses these fees is applicable to Unite Private Network. It is possible they could be considered a telephone or telegram company. Staff would like to have some time to work with their attorneys and get this sorted out.

Jensen stated staff started talking about whether this company that will provide service to the Lawton Public Schools will fit into the right category of needing a permit for a data line. Were they put into the right category as a data service company only or do they actually qualify for something else that may or may not be to their benefit. They just need more information.

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

29. Consider approving an Ordinance amending and correcting a numbering error in Section 10 of Ordinance 13-24 approved on June 25, 2013, by substituting section 11-2-220 in place of section 11-2-213, providing for severability and declaring an emergency. Exhibits: Ordinance 14-\_\_.

Rogalski stated it was recently discovered that two different newly adopted sections of code within Chapter 11, Fire Department and Services, were inadvertently given the same section number. This ordinance would correct this oversight.

MOVED by Burk SECOND by Jackson to adopt **Ordinance 14-01**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 14-01

An ordinance amending and correcting a numbering error in Section 10 of Ordinance 13-24 approved on June 25, 2013, by substituting Section 11-2-220 in place of Section 11-2-213, providing for severability and declaring an emergency.

30. Consider approving an Ordinance amending Sections 7-20-1-2001 through 7-20-1-2009 and 7-20-1-2011 through 7-20-1-2012, Division 7-20-1, Article 7-20, Chapter 7, Lawton City Code, 2005, by amending language relating to residential sales, commonly known as garage sales, requiring a permit for all residential sales located at a residence and changing the city issued license to a permit, providing for severability. Exhibits: Ordinance 14-\_\_.

Rogalski stated the License and Permits Division has been directed to review the fees associated with licenses and permits collected by that division. As part of that review it was determined that some updates were also needed in the code relating to residential sales. This ordinance will change the City issued residential sales license to a permit since a permit is normally used for temporary businesses/activities. This ordinance will also require a residential sales permit for all sales located at a residence regardless of the zoning district the residence is located in. Residential sales that are sponsored by a school or church and located on the school or church premises are exempt from the residential sale regulations found in Article 7-20. Lastly, this ordinance will change the way a permit is reissued when the original residential sale cannot occur due to inclement weather. The permit holder will now be able to contact the License and Permits Division by phone rather than coming to City Hall to obtain a reissued permit.

Morford questioned the penalty if you do not get a permit.

Rogalski stated it does not have a specific penalty. If you violate city code you could receive a citation with a fine up to \$750.

Jensen stated the maximum fine for anything that does not specify a penalty is up to \$750 and up to 60 days in jail. You are not going to get very much for a first offense on a violation of this provision but that is up to the judge.

Tanner stated he does not feel it should be more than \$50. He questioned if this was the last permit staff is requesting the fees be raised.

MOVED by Wells SECOND by Burk to adopt **Ordinance 14-02**, waive the reading of the ordinance, read the title only.

SUBSTITUTE MOTION by Tanner to adopt **Ordinance 14-02**, waive the reading of the ordinance, read the title only and cap the penalty at \$50 with no days in jail. **Motion died due to the lack of a second.**

VOTE ON ORIGINAL MOTION: AYE: Morford, Jackson, Bellino-Hall, Burk, Zarle, Haywood, Wells. NAY: Tanner. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 14-02

An ordinance pertaining business, amending Sections 7-20-1-2001 through 7-20-1-2009 and 7-20-1-2011 through 7-20-1-2012, Division 7-20-1, Article 7-20, Chapter 7, Lawton City Code, 2005, by amending language relating to residential sales commonly known as garage sales requiring a permit for all residential sales located at a residence changing the city issued license to a permit, and providing for severability.

31. Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, by amending the fee for a residential sales permit. Exhibits: Resolution No. 14-\_\_.

Rogalski stated this is a proposal to raise the fee for residential sales permits. It has been set at \$2.50 and you cannot cover a lot of staff time with \$2.50. He stated staff time comes to about \$10, but they felt that was too high. Staff is recommending a fee of \$5.00 per residential sale.

Tanner stated his issue is not the cost of \$2.50 going up to \$5.00, it just seems that you have to get a permit to do anything in this town. It is frustrating.

Rogalski stated they are trying to make it as easy as possible on citizens and that is why the permits are also sold at the Lawton Constitution and the Thrifty Nickel, so you don't have to come to City Hall. The reason you have a permit for something like this is because some people will start having garage sales every week at their home. That is not an appropriate use for a residential neighborhood and that is the issue.

Tanner stated he would like the council to not go up on something.

MOVED by Tanner SECOND by Wells to disapprove Resolution 14-07 amending the fee for a residential sales permit. AYE: Tanner, Haywood. NAY: Morford, Jackson, Bellino-Hall, Burk, Zarle, Wells. MOTION FAILED.

MOVED by Wells SECOND by Jackson to approve a **Resolution 14-07** amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, by amending the fee for a residential sales permit AYE: Morford, Jackson, Bellino-Hall, Burk, Zarle, Haywood, Wells. NAY: Tanner. MOTION CARRIED.

ADDENDUM TO AGENDA

BUSINESS ITEM:

1. Hold a public hearing and consider approving an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to R-2 (Two-Family Dwelling District) zoning

classification on property located at 2501 – 2507 SW A Avenue. Exhibits: Ordinance No. 14-\_\_\_, Site Plan, Location Map, Application and CPC Minutes.

Rogalski stated this request is for Lots 15 – 18, Block 4, Caldwell's Subdivision of Blocks 5, 6, and 7, Highland Park Addition. The applicant, Justin Dipprey, proposes to construct four duplexes on these lots for a total of eight units. The zoning of the surrounding area is R-1 to the north, south and west and R-2 to the east. The land use of the surrounding area is single-family residential to the north, south, and west, and duplexes to the east. The 2030 Land Use Plan designates these lots as Residential/High Density. The site plan submitted with the application will be a binding site plan if this request is approved. Each lot contains 6,850 square feet. The minimum lot size for a duplex is 7,000 square feet. The site plan indicates there will be a drive for Lots 15 and 16 and a drive for Lots 17 and 18. Vehicles using the parking spaces will be encroaching on the adjacent lot for maneuvering. On November 14, 2013, the City Planning Commission (CPC) held a public hearing on this request. During the public hearing two persons spoke against the rezoning, and one person spoke in favor of the rezoning. The CPC, by a vote of 8 – 0, recommended approval subject to the applicant obtaining a variance from the Board of Adjustment for the lot size of 6,850 square feet and joining Lots 15 and 16 on a deed and Lots 17 and 18 on a deed with the stipulation the lots cannot be sold separately. The Board of Adjustment granted the variance for the lot size of 6,850 square feet on December 20, 2013.

Burk stated that area has changed from old homes that were falling down and boarded up to an area that has become vibrant again. The crime rate went from 160 calls to 70 calls in the past year. That is a huge turnaround in our community.

Jackson stated the builders are doing a great job. It is more cost effective to build duplexes on these smaller lots.

#### PUBLIC HEARING OPENED

Betty Manuel, 2502 Cornell, stated she is against this rezoning because there will be four families living in her back yard. She requested the council deny the rezoning.

Bruce Bumgarner, 2517 A Avenue, stated he is all for rezoning this, and has been since 1980, but he was denied time and time again to where he could not build a shop in his back yard. He stated if the council is going to rezone they need to rezone from Gore to Lee and from 38<sup>th</sup> to Sheridan, so that his property becomes valuable to outside investors that will come in and buy up the neighborhood because he does not have any interest in living in an apartment or duplex neighborhood. His property value goes down, but his property taxes go up. He is against changing this piece by piece and if it is going to be rezoned, they need to rezone the whole neighborhood.

#### PUBLIC HEARING CLOSED

MOVED by Tanner to deny the ordinance. Motion died due to a lack of a second.

MOVED by Burk SECOND by Jackson to adopt **Ordinance 14-03**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Zarle,

Haywood. NAY: Tanner, Wells. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 14-03

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to R-2 (Two-Family Dwelling 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.

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

Burk reminded everyone of the LETA banquet on the 23<sup>rd</sup> of January and that there were still tickets available.

Bellino-Hall stated she and Long are attending the Citizens Police Academy.

Jackson announced that there will be a news conference on January 15<sup>th</sup> at 2:00 at City Hall. Chief Smith will make an announcement on a massive effort with regards to crime and neighborhood clean up in wards 1 and 2. He distributed applications for membership to the Lawton Heritage Association.

Long stated that year to date total we are up on sales tax by 2.79%. He announced that the new Finance Director, Brooks Mitchell, will begin work on Monday, January 20<sup>th</sup>.

The Mayor and Council convened in executive session at 7:39 p.m. and reconvened in regular, open session at 8:07 p.m. Roll call reflected all members present.

Bellino-Hall presented the one year and five year action plan of the Lawton Enhancement Trust Authority.

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

32. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in the Western District of Oklahoma of Billy Ray Chandler vs. City of Lawton and Bryan P. Long, 13-CV-1082-HE, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item 32. No action was taken.

33. 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 Southwestern Bell Telephone Co. vs. City of Lawton, CJ-2013-656, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item 33.

MOVED by Wells SECOND by Burk to adopt **Resolution No. 14-08**, authorizing the City Attorney to enter into an Economic Settlement Agreement for the sum of twenty-six thousand dollars (\$26,000.00) as settlement of Comanche County District Court case styled: Southwestern Bell Telephone, Co. vs City of Lawton, case number CJ-2013-656, and directing the City Attorney to prepare and file a Journal Entry incorporating said resolution and Settlement Agreement for the court’s approval. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

34. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Nathan M. Johnson as Municipal Judge, and in open session take other action as necessary. Exhibits: None. STRICKEN FROM AGENDA

There being no further business to consider, the meeting adjourned at 8:13 p.m. upon motion, second and roll call vote.

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FRED L. FITCH, MAYOR

ATTEST:

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DENISE EZELL, DEPUTY CITY CLERK