

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
APRIL 12, 2011 – 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Fred L. Fitch
Presiding

Also Present:
Larry Mitchell, City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk

Mayor Fitch called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Russ Bennett, Unitarian Universalist 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
Rex Givens, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
Doug Wells, Ward Eight

ABSENT:

None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MARCH 22, 2011.

MOVED by Tennis SECOND by Burk to approve the minutes of March 22, 2011. AYE: Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells, Shoemate. 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.

Mayor Fitch requested items #1 and #27 be considered separately. Burk requested item #4 be considered separately.

MOVED by Burk, SECOND by Zarle to approve the consent agenda with the exception of items #1, #4 and #27. AYE: Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells, Shoemate, Tennis. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for denial: Frank and Beverly Lessing in the amount of \$2,500.00. Exhibits: Legal Opinion/Recommendation.

Frank Lessing, 5710 NW Glenn Avenue, stated the city main failed and the riser fell over.

Kelea Fisher, Assistant City Attorney, stated she is not sure why Hodges Plumbing told the claimant that the city main failed when the photos show that the main was broken when the plumber was digging to excavate the main.

Jerry Ihler, Public Works Director, stated the inspector said the section of main had already been damaged and broken up. The clay tile pipe was in good shape and you could tell by the discoloration that it was a new destruction. When they excavated the line to get to the service line they just dug it all up and pulled it all apart.

Wells questioned if they just think the plumber did this and we don't know for a fact.

Ihler stated when we got out there it was broken up and there appeared to be a big piece of pipe that was broken up.

Ms. Fisher stated there is no history of service line problems with this line. She stated this claim is similar to the claim at the last council meeting where there was no evidence of negligence on the part of the city or any problems with the main. The client was charged \$2,500 which is the exact amount charged in this case to replace a private sewer line. This is not the city's responsibility.

Wells questioned if there was a way to pull the license of this plumber. He stated the average citizen does not know if a plumber is good or not. He questioned if the city maintains a list of those in the service industry we have problems with.

Mitchell stated the property owner would have some recourse against the plumbing company.

Wells stated he would like to help out Mr. Lessing, but they cannot legally approve this claim.

Haywood questioned if Mr. Lessing called the city first.

Ihler stated the city checked the main and it was flowing well.

Haywood questioned if it was already dug up when the city crews got there.

Ihler stated yes it was already dug up.

Wells stated Kens Plumbing was the first plumber called and they called the city and it was flowing okay, but he did not have time to do the repair, so Mr. Lessing called Hodges Plumbing. He stated they are supposed to hand dig out the pipe when they get close to it. A plumber should know this. He suggested Mr. Lessing speak with a private attorney.

Ihler stated when they go out and damage has been done by a plumber they have to fix the main. He suggested they charge the plumber for time and material for fixing that main.

Wells stated it said in the staff memo that we could have done that but we chose not to.

Fisher stated with the claims they have had, the claimants have waited right at a year to file the claim and that makes it difficult for us to proceed against the plumber. In the future they will work with public works on these types of claims.

MOVED by Wells, SECOND by Tennis to deny the claim of Frank and Beverly Lessing in the amount of \$2,500.00. AYE: Burk, Givens, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall. NAY: None. MOTION CARRIED.

2. Consider approving a Second Amendment to the Trust Indenture of the Lawton Enhancement Trust Authority, and authorize execution of the Second Amendment. Exhibits: Second Amendment to Trust Indenture of the Lawton Enhancement Trust Authority.
3. Consider accepting the transfer of the Lawton Armory from the Oklahoma National Guard to the City of Lawton, and authorize the City Manager to proceed with the transfer sequence outlined in the March 21, 2011, letter from the State of Oklahoma Military Department. Exhibits: Letter to City Manager from State of Oklahoma Military Department.
4. Consider approving the Adopt-a-Park/Street Program application and agreement. Exhibits: Adopt-A-Park Application and Agreement, to include the criteria and safety tips.

Burk stated this is an adopt-a-park application and agreement that was brought up because groups would be able to adopt a park or street. Lawton Enhancement Trust Authority (LETA) is responsible for this coming to council. He stated it is very difficult to maintain 70-80 parks the way the neighborhoods want them maintained. This will give an opportunity for groups to go in and do things and maintain their local parks. The first park they have looked at is a part of MacArthur Park where there is a small playground area. The group is willing to mow, weed eat and trash maintenance for a one year period. These contracts will be renewed yearly with the help of LETA and parks and recreation department. He stated signage will be put in the area designating the sponsors.

Kim Shahan, Parks and Recreation Directors, stated on the application where it states type of adoptions available, he would also like to include community garden, which would allow for groups to create a community garden space.

Burk stated this is what has been done with the Keep Oklahoma Beautiful and the Oklahoma City Beautiful and they have many groups that are going out to parks and doing this type of maintenance.

Shoemate suggested that civic clubs may want to join this effort. He stated homeowners may get behind some of the residential parks. He stated this was done back in the 1960's.

Shahan stated this can create a sense of community in neighborhoods.

Burk stated they can pick and choose what they would like to do whether it is litter control or mowing and city staff will still take care of swing sets and gyms. Groups may just want to plant some landscaping and this gives them an opportunity to pick what they want to do.

Givens stated he is supportive of the community garden idea but questioned if there were any provisions for any type of watering.

Shahan stated staff would first look at the site to see if was even feasible to do something because water would be an issue for those types of projects.

MOVED by Burk, SECOND by Shoemate to approve the Adopt-a-Park/Street Program amended application and agreement. AYE: Givens, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk. NAY: None. MOTION CARRIED.

5. Consider approving a request from the mission's organization of Dayspring Community Church to have the fees waived for using the Bridge Park facility to serve food and distribute clothing to the community on Saturdays from April – November. Exhibits: Letter of request from mission's organization of Dayspring Community Church.
6. Consider terminating the agreement between the City of Lawton, Oklahoma, and the Board of County Commissioners of the County of Comanche, Oklahoma, et al; Pictometry International, Corp. Exhibits: Agreement between the City of Lawton and Comanche County, 27th day of October, 2009 and proposed letter of termination.
7. Consider approving a credit adjustment in the amount of \$647.77 for one month's bill to Tina Lowry's service account #00026757 for the property located at 412 NW 19th Street for an undetected, underground leak on the customer's service line. Exhibits: Invoice from Bob Steele Plumbing dated 12/29/10 and Invoice from Shields Plumbing dated 1/11/11.
8. Consider adopting **Street Light Resolution No. 470** to authorize the installation/removal of street lights at the location listed in the Resolution. Exhibits: Street Light Resolution No. 470.
9. Consider authorizing staff to enter into an agreement with Hydro International to evaluate the performance of the Eutek Headcell Grit Removal Pilot System. Exhibits: Agreement is on file in the City Clerk's Office.
10. Consider authorizing the Mayor to execute a Release and Hold Harmless Agreement for the electronic version of the plans for the West Gore Boulevard (67th to 82nd) Project #2000-27. Exhibits: None.

11. Consider extending (RFPCL09-038) Non Exclusive Recycle Center Operations with Horn Sanitation for a period of six months or the award of a new contract, whichever occurs first, and authorize staff to prepare a new RFP (Request for Proposals) for advertisement of a new contract. Exhibits: Horn Sanitation letter Dated: March 23, 2011 and Horn Sanitation letter Dated: April 1, 2011.
12. Consider acknowledging receipt of a permit for the construction of sewer lines from the Oklahoma Department of Environmental Quality to serve the NW 82nd Street Sanitary Sewer Line Project #2010-4, City of Lawton, Comanche County, Oklahoma. Exhibits: Permit to Construct dated March 11, 2011.
13. Consider acknowledging receipt of amended permits for the construction of waterlines and appurtenances from the Oklahoma Department of Environmental Quality to serve the 2008 CIP Waterline Replacement Phases 1 and 2 Project #2008-12 and 2008 CIP Waterline Replacement Phase 3 Project #2010-1, City of Lawton, Comanche County, Oklahoma. Exhibits: Amended Permits to construct dated December 30, 2010, and January 10, 2011.
14. Consider adopting a Resolution of Necessity for real property acquisition for the NW 82nd Street Sewer Line Project #2010-4. Exhibits: **Resolution 11-16**. Resolution 11-__ with Exhibit “A” is on file in the Engineering Division Office.
15. Consider accepting a permanent easement from Don C. & Beverly A. Wooley for right of way needed for the NW 82nd Street Sewer Line Project #2010-4, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Document is on file in the City Clerk's office.
16. Consider approving the record plat for Boyles Landing, Section 4, and accepting the improvements, and maintenance bond. Exhibits: Plat Map. Maintenance Bond is on file in City Clerk's Office.
17. Consider approving the construction plans for an 8-inch waterline to serve King Fireworks Retail Outlet located at 5202 SW 11th Street. Exhibits: Location Map.
18. Consider granting a revocable permit for parking and maneuvering on the right-of-way of SE Elmhurst Lane adjacent to Sullivan Village Elementary School located at 3802 SE Elmhurst Lane. Exhibits: Revocable Permit (on file in City Clerk's Office), Application, Location Map, Site Plan and Letter from LPS.
19. Consider extending (CL10-035) Mowing & Littering Contract Areas B,D, & E to Teen Challenge of Oklahoma, from Cache, OK. Exhibits: Department recommendation, Contract Extension Form.
20. Consider extending (CL10-032) Nuisance Abatement – East Side to JM Lawn Services of Lawton, OK. Exhibits: Department recommendation, Contract Extension Form.

21. Consider awarding (CL11-016) Self-Contained Breathing Apparatus (SCBA) to Wayest Safety Inc. of Oklahoma City, OK. Exhibits: Department Recommendation, Abstract of Bids.
22. Consider awarding (CL11-019) Wrecker Service to Priest Brothers from Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids.
23. Consider extending (CL10-038) Topsoil, item 1a (Delivered) to Ballou Topsoil of Elgin, OK. Exhibits: Department recommendation, Contract Extension Form.
24. Consider extending (CL10-038) Topsoil, item 1b (yard pick up) to Beaver Creek Tractor Service of Cache, OK. Exhibits: Department recommendation, Contract Extension Form.
25. Consider extending (CL09-046) Heavy Wrecker Service to Alford's Truck & Wrecker of Lawton, OK. Exhibits: Department recommendation, Contract Extension Form.
26. Consider awarding (CL11-015) Agricultural Leases to named parties on attached memo from City Attorney. Exhibits: Department Recommendation, Abstract of Bids.
27. Consider approving appointments to boards and commissions. Exhibits: None.

Mayor Fitch stated they need to withdraw the name of Brendan Wolverton from the Lawton Urban Renewal Authority. He stated his employer will not allow him to participate on that authority.

MOVED by Givens, SECOND by Zarle to approve appointments to boards and commissions with the exception of Brendan Wolverton. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens. NAY: None. MOTION CARRIED.

28. Consider approval of payroll for the period of March 21 – April 3, 2011.

NEW BUSINESS ITEMS:

29. Hold a public hearing and consider a resolution amending the 2030 Land Use Plan from Public Facility and Professional Office/Transition to Commercial and Residential/High Density and an ordinance changing the zoning from R-1 (Single-Family Dwelling District) and P-O (Professional Office District) to C-3 (Planned Community Shopping Center District), C-1 (Local Commercial District), and R-3 (Multiple-Family Dwelling District) zoning classification located at the southeast corner of NW 67th Street and Rogers Lane. Exhibits: Resolution No. 11-____, Ordinance No. 11-____, Site Plan, Location Map and CPC Minutes.

Richard Rogalski, Planning Director, stated this request includes four tracts of land: Tract 1 - a 17.93 acre tract proposed as C-3; Tract 2 - an 11.57 acre tract proposed as C-1; Tract 3 - a 15.71 acre tract proposed as C-1; and Tract 4 – a 5.36 acre tract proposed as R-3. The tracts are owned

by the City of Lawton; there are no definitive proposed uses at this time. The zoning of the surrounding area is R-1 to the south, east and west, with the area to the north being outside of the City limits. The land use of the surrounding area is single-family residential to the east and west, a major storm drainage detention basin to the south, and the Fort Sill Military Reservation to the north. The 2030 Land Use Plan designates these tracts as Public Facility and Professional Office/Transition. The City wishes to sell these tracts for future development by private interests. Prior to such sale, it is beneficial for the City to rezone said tracts to allow a high end commercial and residential development that would benefit the community while at the same time placing such restrictions on the property, while it is still owned by the City, that it will not create a negative and deleterious impact on the adjacent neighborhoods.

On March 10, 2011, the City Planning Commission held a public hearing on this request. During the public hearing the Mayor and the City Manager spoke in favor of the request, and a representative from Fort Sill stated Fort Sill had no objection to the request but did want to ensure the drainage area would be protected. A letter from the Oklahoma Department of Transportation was received advising the City that “any new or modified access to US 62 (Rogers Lane) will require the approval of the ODOT Division 7 Engineer” and that “it is the local responsibility to prevent any land use development along highway corridors which would be incompatible with federal noise standards. Failure to properly control development excludes the use of federal transportation funds for noise abatement relief.” The CPC, by a vote of 6 – 0, recommended approval of the request.

Tenis questioned the distance between the drainage area on tract 4 and the nearest residence.

Rogalski stated it is approximately 250 feet.

Wells stated at one time someone was dumping on tract 4. He questioned if this was city property or were they just changing the classification for the property owner.

Ihler stated tract 4 is city property.

Wells questioned how he could use that land to fill.

Ihler stated the council had approved an authorization for this person to use this tract in return for \$1,000 a month. He stated he had begun dumping without approval.

Shoemate questioned if Rogers Lane had a right turn lane going east.

Rogalski stated it has single access limitation with a legal access point that already exists. He stated on Rogers Lane there is sufficient room in the right of way to put in a deceleration lane. He stated they are working with ODOT to create a safe turn lane.

Wells stated he distributed copies of emails he received from resident of Crosby Park Estates. He has had 17 phone calls from residents in Crosby Park Estates and Sherwood Addition. He stated those residents in Sherwood Addition are not happy with the possibility of apartments going in next to their property. He stated he hopes after this public hearing they could have

some type of hearing for the residents regarding what they could possibly do to put in green areas that would help protect the residential neighborhoods from the commercial development.

Mayor Fitch stated in tract 4 there is approximately a 250 feet buffer to the east. He stated most of the emails Councilmember Wells received were from Crosby Park Estate residents and they were not notified because they were not within the 300 feet.

Wells stated there were a lot of residents that had no idea of the public hearing and the publication in the paper is hard to read. He would like to see the council be as kind to these residents as they were to those in the Patterson neighborhood and let them make some suggestions on what possibly could be done.

PUBLIC HEARING OPEN.

Donna Millsbaugh, 6008 N Williams, stated if she had known what was going on she would have been at all of the public hearings. She stated she just moved from 5103 Liberty because of the flooding problems from widening the creek. She felt it should have been advertised better.

Tonya Riley-Banowsky, 6030 NW Williams Avenue, stated she is opposed to the rezoning of the area that is very near her home and will adversely impact her entire neighborhood. She stated they would like to preserve the family home environment. The zoning of Wal-Mart and the surrounding businesses were approved against the wishes of the neighbors a few years ago. The single family residential area will be compromised if the rest of the zoning in the area is changed. They feel they have endured their share in light of what they have to put up with and also what the city already gains from their immediate area. She stated the land use plan already changed the property zoning once and before anything has been done in accordance with that plan, there is already move for another change. She stated the notification laws were all met, but they were not considered. She stated they are concerned with preserving the character of the neighborhood as well as the value and appeal. They know the realities of having a huge commercial zone next door. They have to pick up litter every day generated by the commercial neighbors. They have also been impacted by increased traffic on Quanah Parker, Rogers Lane and 67th Street. She stated that even with good intentions, promises and site restrictions no one can anticipate all of the potential nuisances when you change the basic environment of the neighborhood. She encouraged the council to go look at the burn pits that were left by the city following the ice storm. She questioned if there has been any environmental impact studies done in that area and what will be the outcome during commercial construction. She stated the view will also be intruded upon by commercial buildings and apartment buildings. There is also a variety of wildlife that migrates in and out of the area and many are protected under federal law and she questioned if there needed to be a study or exception to the law. She stated they are most concerned about zoning permissions that will change their entire environment. When population density changes and more people are put into a smaller area, statistically crime will increase in that area. She requested the council vote no on this issue.

JoAnn Simms, resident of Crosby Park Estates, requested that a public hearing be held on behalf of the surrounding communities to include Crosby Park Estates, Grayson Mountain Estates and Sherwood Addition and that notification be sent to the residents in these additions. She stated

she would have never chosen to live in this community if she had anticipated something like this because she knew this area was a potential flood run off area. She stated she does not want the value of her home to devalue any further than it already has and as a real estate agent, she sees this happen daily.

Tenis questioned how many notices went out in the 300 feet area.

Rogalski stated there were 27 property owners within the 300 feet.

Tenis stated not one of the property owners attended the public hearing during the City Planning Commission.

Wells stated if you look at some of the addresses for the property owners they were in Mississippi and other places throughout the country. He stated some of the lots are not even built on.

Mike Thompson, 6106 NW Williams, stated everyone he talked with felt they would be wasting their time because they fought the waterslide and Wal-Mart issues and they lost. He stated his home would be surrounded.

COL Bob Briley, stated he lives in the first house on the left as you come into Crosby Park Estates which is the only entrance and exit into the area. They do not need anyone cruising through the area through a connecting access. He is about 1,000 feet away from the Wal-Mart store and he is still disturbed by it. He requested that there be no connecting roads through the area. He requested the city council have some consideration for the residents.

Haywood questioned why COL Briley moved to that area.

COL Briley stated he moved to the area because it was a nice quiet area.

Mayor Fitch stated there will be no road cut between the north area into the Crosby Park area. The detention area is the buffer area and that will remain. The entrance will be on the 67th Street area following the southern boundary. There could likely be offices built there that could contain upwards of 500 high paying jobs. There could be a water feature in the detention pond area with fountains and additional landscaping. He stated 33 years ago these residents were on the extreme west end of town. There has been growth and it has changed the landscape of a lot of areas and that is something they try to control to the best of their ability. He stated that this piece of property is of great value to the city and the city should not be holding a piece of property because it is not generating any sales tax or property tax. He stated they are trying to increase revenue for the community because the alternative is to raise water bills. He stated Wal-Mart pays a lot of taxes in this community and he would image that everyone that has been here tonight shop at Wal-Mart.

COL Briley stated he is close enough to the store that he gets all of their noise and plastic bags that fly into his yard. He stated the tracts 2, 3 and 4 should be zoned residential. He feels tract 1

should be offices that are closed at night. He stated there could be a problem if the wrong kind of neighborhood is built there, like a rowdy business or a lot of apartments.

Mayor Fitch stated C-1 zoning does not allow for rowdy businesses.

Mitchell requested that Rogalski give some examples of what could go in C-1 zoning.

Rogalski stated C-1 is called “local commercial” and is the lowest intensity commercial district. He stated beauty parlors and small retail shops are located in C-1. Even a gas station is a use permitted on review. It also allows office uses as well as high and low density residential uses. R-3 is the lowest density apartment district. C-3 is a specialty district that allows only commercial.

Bellino-Hall questioned if the apartment could be six, seven or eight stories.

Rogalski stated R-3 is limited to three stories. He stated this rezoning is the first step in the solicitation process. The next step would be a solicitation for development which will have a development agreement and binding site plan. He stated a number of years ago there was not a lot of control with the zoning. He stated now for property adjacent to residential there are binding site plans so that everyone will know what is going to happen. He stated now there are height restriction limitations on buildings. Very soon there will be a landscape ordinance that would have provided a buffering between the neighborhood and Wal-Mart.

Bill Millspaugh, 6008 N Williams, questioned if those tracts were worth more as commercial tracts rather than residential. He stated there are residential neighborhoods going in three miles west of town because they don’t have enough land in town. It is much more economical for them to live here than it is to live southwest. He stated if this is all commercial and apartments there will be a lot of run off that will go down the middle branch of wolf creek.

Ms. Banowsky questioned if the council could reveal to the residents who they are trying to bring into that area.

Mayor Fitch stated no.

Ms. Banowsky questioned if it was a secret.

Mayor Fitch stated it was not a secret, but there are confidentiality agreements when you are dealing with any type of commercial project of this nature.

Ms. Banowsky stated surely the city could find some other area to raise this type of revenue. She feels they are not being heard.

Mitchell questioned what the residents expectations would be if they had fifty acres of vacant property. You would think about developing it in some fashion. He stated residential backing up to a major highway is not going to work. He questioned what they would propose other than single family housing. He questioned the difference between a three story office building and a

commercial endeavor. They won't be backing up trucks at three in the morning, but they won't have a view of the mountains anymore. The city just can't afford to hold this property as vacant property.

Ms. Banowsky questioned if environmental studies have been completed.

Mitchell stated they are contracting with an engineer to do a site layout to make sure they do not impede the drainage systems that are coming off Fort Sill. He stated they are not required to do an environmental impact study. They would have to get an earth change permit like any other developer. He stated they will have a binding site plan and they will require the developer to tell them what will be done to the property and how they are going to develop it before they will sell it to them. There are some protections in place.

Ms. Banowsky questioned why we don't tell them what we would like done with it.

Mitchell stated that is why we are setting the zoning.

Ms. Banowsky questioned if this was a done deal.

Mitchell stated this is one step. The next step is to develop an RFP and to develop the criteria for how we are going to sell the property.

Ms. Banowsky stated once you have the property zoned a certain way then you have an obligation to really recruit those people and it becomes an economic development matter.

Mayor Fitch stated a binding site plan will not allow anything but what is approved.

Mitchell stated if the council did not care they would go ahead and rezone it C-5, put it up for sale and sell it to the first bidder without a binding site plan or any concern for the surrounding neighborhood.

Ms. Banowsky questioned if the council was going to vote on this tonight.

Mitchell stated it is up to the council.

Ms. Banowsky requested the council vote no. She stated there are other alternatives for the area and they have not gotten together to brain storm. Maybe there is a happy midway between nothing and everything.

Mitchell stated they are not saying this is all or nothing. If it was all, then they would rezone this C-5 and they would sell to the highest bidder.

Ms. Banowsky stated they are telling them everything the council could do to them. She stated the council needs to do stuff for them.

Bellino-Hall stated she is concerned that people feel that they are a hard-hearted council. She stated she is a resident on 38th Street and they just took 60 feet of her lawn. She is going to be waiving to cars from her bathroom window.

Ms. Banowsky questioned if Councilmember Bellino-Hall would like to stop the project.

Bellino-Hall stated no, because it is progress and 38th Street needs to be five lanes, not four, because of the danger of people stopping on that road to turn. It is okay because she is going to figure something else to do with that so that she does not see those cars and they don't see her. She understands the reasoning to put in five lanes because there have been enough accidents on 38th Street. The city is moving forward and she will figure out how to deal with it. The council is not hard-hearted and the city has changed a bit in the sense of how they will approach the site plans on this project. With the members of the council, the planning commission and the groups working with the landscape ordinance, they can change the area so that the neighbors will be looking at trees and landscaping.

Ms. Banowsky requested that the council vote no on this plan and the residents are available to work with them on what they would like to see and what would benefit them as a neighborhood and the city of Lawton.

Zarle questioned if there was anyone in attendance from Sherwood Addition.

Wells stated no, some residents called him to say they would not be able to make it.

PUBLIC HEARING CLOSED.

Wells stated he would hope the council would table this issue and let the residents meet with city staff to come up with some things that could be on the binding site plan to ensure that the neighborhoods are impacted as little as possible. He does not know that they need to rush into this tonight. Tabling this for a month to get some input does not seem like a bad idea.

Bellino-Hall clarified that Councilmember Wells is requesting this issue be tabled so that a public hearing can be held for all of these neighborhoods and those residents would be notified of the hearing.

Wells stated that is correct.

Mayor Fitch stated that they did have a public hearing tonight and those within accordance of the law have been notified. He questioned if they stop at Crosby Park or do they go on the Wyatt Acres? That is why there are guidelines.

Wells stated this would include Crosby Park Estates, Grayson Estates and Sherwood Addition. He understands the legal requirement, but in Sherwood Addition most of those lots in the 300 area are vacant. He stated the council will probably end up approving this rezoning, but he would like to have a meeting with those three residential neighborhoods to get some input on what they would like to see on the binding site plan that will help protect their neighborhoods.

Shoemate stated he could support tabling this until the next meeting, but the schools are hurting and the taxes the city gets from those businesses will help. He feels they need to think about that.

Wells stated he does not have a problem with tabling until the next meeting if they can get a public hearing called that quickly and get the residents notified.

Mayor Fitch stated he does not think you can get everyone notified within that time frame.

Mitchell stated they could have a neighborhood meeting, but he would be careful about talking about a public hearing which would require notice.

Wells clarified that this would be a neighborhood meeting.

Mayor Fitch stated they have had this on the table for some time and they have held a public hearing. They are considering the interest of the community by having a binding site plan. He stated the binding site plan will come back to this council for approval. They will not allow anything that will not be of benefit to this community.

Jensen questioned if they want to table this until the first or second council meeting in May.

Wells questioned how long it would take to have a neighborhood meeting.

Mitchell stated two weeks.

Jensen stated they will not hold another public hearing, this will be a neighborhood meeting with the citizens that are outside the 300 foot area.

MOVED by Wells, SECOND by Haywood, to table until May 10, 2011. AYE: Haywood, Wells. NAY: Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle. MOTION FAILED.

Burk stated he still hopes they hold a public meeting because they will still get to have their opinions heard before a binding site plan is approved. He stated he will be there.

Unidentified resident questioned if a neighborhood meeting has the same weight as a public meeting.

Mayor Fitch stated it works the same way, the public will be heard.

Tennis stated it worked for those residents on Carver, so he does not see why it would not work in this situation.

MOVED by Burk, SECOND by Tennis, to adopt **Resolution 11-17**. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle. NAY: Wells, Haywood. MOTION CARRIED

MOVED by Burk, SECOND by Zarle, to adopt **Ordinance 11-12**, waive the reading of the ordinance, read the title only. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood. NAY: Wells. MOTION CARRIED

(Title read by City Attorney)

Ordinance 11-12

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District and P-O (Professional Office District) to C-3 (Planned Community Shopping Center District), C-1 (Local Commercial District), and R-3 (Multiple-Family Dwelling District) zoning classification on the tracts of land which are hereinafter more particularly described in Section 1, Section 2, Section 3, and Section 4 hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

30. Consider adopting a resolution approving proposed amendments to the Charter of the City of Lawton to be voted on by the citizens of the City. Exhibits: Resolution No. 11-
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Jensen stated items #30 and #31 were prepared as final documents for the proposed charter amendments which were recommended by the Charter Review Committee for council approval and the calling of an election on June 14, 2011. He stated after the documents were finalized last week, staff found out about HB 1615. He stated the committee recommended holding the election in July of every year to correspond with the primary election of the State of Oklahoma. The proposed HB 1615 changes the date of the state primary election to the last Tuesday in June. The bill will also change the filing dates to the Monday, Tuesday and Wednesday not less than 15 days or more than 20 days following the date of the resolution calling for the election. He stated these two issues create a problem for the recommended charter changes. He stated the house bill is not yet approved by the house or the senate, it is being passed back and forth. He stated staff has come up with some wording to deal with these two issues that will tie into the state primary election but the specific day or month for the election and filing period would be done in a code section in chapter two. If state law changes again, we would not have to take it to a vote of the people. He stated they could approve this language tonight, but he cannot guarantee that the bill will not have some additional language that we cannot anticipate. He would hate to have to start all over again. He recommended that this item be tabled until the first council meeting in May and the election can be held in July.

Givens suggested the wording be more general to say that the elections will be set forth in chapter two of the Lawton City Code to conform with state law.

Jensen stated this will require some rewording by staff and they could hold an election in August if needed.

MOVED by Burk, SECOND by Zarle to table items #30 and #31. AYE: Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

31. Consider adopting a resolution calling for a special election to be held on June 14, 2011, 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-____.

AUDIENCE PARTICIPATION:

Dick McKean, 2415 NW 34th Street, stated he would like to discuss the civic center for the NW Sheridan area.

Shoemate stated Mr. McKean is talking about the building on 25th Street which belongs to Lawton Public Schools. He stated they are hoping the city could work out a deal for that building so that their neighborhood could take over the building so that they have a place for a civic center.

Mr. McKean stated he understands the cost of the building is \$300,000. He stated it is in good shape. He would also like to talk about the priority of street repair. He believes we should look at the bus routes. He suggested they look at the proposed street repair project already scheduled and compare it with the bus routes. He stated these should be a priority. He suggested they concentrate on overlay as opposed to reconstruction.

Mayor Fitch stated when they look at street repairs in each ward they do look at bus routes to receive the most impact.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Burk stated he would like to see staff work on a policy for a complete streets program. This ties together neighborhoods and areas with sidewalks. He stated there are grants available. He recommended they give staff direction to prepare a complete streets policy for council discussion.

Bellino-Hall stated she has met with staff regarding the issue of having staff to put all of these projects together. They are proposing to hire someone in the planning division to do something like this along with work on the bike paths and other projects. She stated they are looking at a licensed landscape architect position in the upcoming budget. She stated staff just has too much on their plates.

Burk stated he believes that they could use part of this grant money to hire a person. It is a \$200,000 grant that is renewed every year for a five year period. He attended a meeting with health department official today to discuss pursuing this grant. Part of the grant stipulation is that you have a complete streets policy in place.

Mitchell questioned if staff would prepare the application, not a policy.

Burk stated the first part is just the application.

Bryan Long, Assistant City Manager, stated they are asking for the authority to move forward on this concept of complete streets. He stated that is a prerequisite of the grant application.

Rogalski stated this grant is not for just infrastructure, they want the city to have a system and a policy to create a more active lifestyle. This is a health based initiative.

Haywood requested Rogalski explain the term “complete streets”.

Rogalski stated this is a notion that not only cars travel on a street. A complete street is one that has travel lanes for cars, areas for bus stops, sidewalks, bike lanes and landscaping. A complete street serves all members of the community.

Burk stated this grant has to be submitted by April 27th, so staff needs to start working with the health department on this application.

Bellino-Hall questioned if this was a state grant.

Burk stated it is through a private foundation.

Rogalski stated it is through the Robert Wood Johnson Foundation. He stated the complete streets policy would just bring everything together in one spot and define what they believe is a complete street.

Burk stated once the policy is written it will come back to the council for approval, but staff just needs the direction from the council for staff to work on this issue.

Rogalski stated they need direction to devote the time necessary to prepare a policy. The policy will come back to the full council for a vote. He stated complete streets is a national program so they will be able to look at examples from other cities.

Haywood questioned if there was a match for the grant.

Long stated he has briefly reviewed the information and he believes it is a 1-1 match. You pay \$100,000 to get \$100,000.

Burk stated he believes half of the local contribution can be in-kind.

Givens stated there is a state statute that provides for sidewalk districts. If half the residents agree to put in sidewalks, the cost goes on the ad valorem roles of individual properties. He stated in his CIP listing of projects, he is going to propose that we allocate matching funds for sidewalk projects with neighborhood residents. He has asked the City Attorney to look at how this could be codified in a city ordinance.

Burk stated this will make the whole community look better as well as make us healthier. He stated there are kids walking in the street because there are no sidewalks. It is more than just neighborhoods, they need to address this as a city.

Haywood thanked sewer rehab crews who are working in Country Club Heights.

Mitchell distributed census maps that show population and demographics by ward. He reminded everyone to turn in their list of CIP projects so that staff can compile the list for the next CIP workshop.

Haywood stated he would like to see census information broken down by neighborhoods.

The Mayor and Council convened in executive session at 7:58 p.m. and reconvened in regular, open session at 8:39 p.m. Roll call reflected all members present.

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 of Timothy and Rosemary Reed vs. City of Lawton, CJ-2008-1381, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #32.

MOVED by Tennis, SECOND by Burk to appoint Councilman Shoemate as the council representative with full settlement authority to attend the settlement conference in the pending case of Timothy and Rosemary Reed vs. City of Lawton, CJ-2008-1381. AYE: Givens, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk. NAY: None. MOTION CARRIED.

33. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending lawsuit in the United States District Court for the Western District of Oklahoma, Jason Wells v. City of Lawton, et al., Case No. CIV-09-1354-D, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #33.

MOVED by Burk, SECOND by Givens to adopt **Resolution 11-18** authorizing the City Attorney to enter into an economic settlement agreement in the Federal District Court for the Western District of Oklahoma as settlement of the lawsuit styled Jason Wells v. City of Lawton, et al., Case No. CIV-09-1354-D and direct the City Attorney to prepare and file a journal entry of judgment incorporating said resolution and settlement agreement for the court's approval. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens. NAY: None. MOTION CARRIED.

34. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2011-2012 between the Police Union, IUPA Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #34. No action was necessary.

There being no further business to consider, the meeting adjourned at 8:42 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK