

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 10, 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

Mayor Fitch called the meeting to order at 6:02 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Minister Trey Smart, First Baptist East, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One (arrived @ 6:50 p.m.)
Michael Tennis, Ward Two
Rosemary Bellino-Hall, Ward Three
Jay Burk, Ward Four
George Moses, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
Doug Wells, Ward Eight

ABSENT: None

AUDIENCE PARTICIPATION:

Elias Stauffer, 411 SW I Avenue, stated on June 9th he left Oklahoma at 6 a.m. in the morning. According to staff at Revenue Services around 9 p.m. that evening water started running at his home and it continued to run until the 14th. He didn't return home until the 21st and his neighbor was looking after his home to make sure nothing went wrong. He feels he should only have to pay his average bill and he does not owe the additional money.

Mr. Stauffer's neighbor (name unknown), stated she does not turn on any water so there is no reason anything should be running. She questioned if there were any problems with electronic billing.

Burk questioned if they are sure there were no issues with a running commode.

Neighbor stated she is an insurance person and she naturally looks at things like that and she heard nothing and there was no water around the house.

Barbara Curren, Revenue Services Supervisor, stated she has looked at the readings and it shows constant usage from the 9th through the 14th. She stated Mr. Stauffer visited with her about his bill and they looked and the usage is back to normal. She stated sometimes you may check your toilet, but you may not see or hear anything. She told Mr. Stauffer that there is nothing in city code that allows staff to adjust his bill, but she could make payment arrangements for him.

Moses questioned if there have been other instances where there is this unexplained running of the meter.

Curren stated we have had unexplained instances. The first thing they think about is a running toilet or leaky faucet.

Haywood stated this is in his ward and he would like to go by Mr. Stauffer's house and look into the situation.

Wells questioned how much it was showing during that time.

Curren stated maybe over 100 gallons every hour.

Burk stated it sounds like the flapper was open on the commode. It just happens sporadically. He may need to have a plumber take a look at it.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MAY 22, 2012.

MOVED by Wells SECOND by Burk to approve the minutes of Lawton City Council regular meeting of May 22, 2012. AYE: Moses, Zarle, Haywood, Wells, Tennis, Bellino-Hall, Burk. 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 stated item #10 needs to be considered separately. Wells requested item #21 be considered separately.

MOVED by Burk SECOND by Haywood to approve the consent agenda with the exception of items #10 and #21. AYE: Zarle, Haywood, Wells, Tennis, Bellino-Hall, Burk, Moses. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Phillip Binion and Sumolthip Wright in the amount of \$881.58. Exhibits: Legal Opinion/Recommendation, **Resolution No. 12-61.**
2. Consider the following damage claim recommended for denial: Scotty Hutcheson in the amount of \$70.48. Exhibits: Legal Opinion/Recommendation.

3. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Luis Pagan. Exhibits: **Resolution No. 12-62.**
4. Consider adopting a resolution approving payment on the judgment in the Workers' Compensation case of Christopher Jones in the Workers' Compensation Court, Case No. 2011-12736Q. Exhibits: **Resolution No. 12-63.**
5. Consider renewing the professional services agreement with John C. Mackey, for various matters involving real property, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
6. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and John C. Mackey, Jr., and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
7. Consider renewing the professional services agreement with Mackey Law Firm, to provide professional property research services to the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
8. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and John C. Mackey, Jr., and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional & Legal Services on file in City Clerk's Office
9. Consider approving a Professional Services Agreement with Orchid Cellmark, Inc. for expert forensic analysis, consultation, and testimony regarding DNA evidence in connection with Comanche County District Court Case No. CJ-2012-278, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Professional Services Agreement on file in the City Clerk's Office.
10. Consider accepting the Healthy Communities Incentive Grant Award from the Oklahoma Tobacco Settlement Endowment Trust (TSET) in the amount of \$15,000.00 to be used for the purchase of bollard lighting installed along the concrete walking/jogging trail in the east portion of Elmer Thomas Park. Exhibits: Picture and description of bollard lighting fixtures.

Kim Shahan, Parks and Recreation Director, stated on February 14, 2012, the City Council approved a grant proposal to be submitted for pursuing a grant incentive award by the Oklahoma Tobacco Settlement Endowment Trust. The grant has been awarded in the amount of \$15,000 for having achieved the basic certification level within the Certified Healthy Communities Program. He stated they will be able to submit applications for future grants.

Tracy Strader, Executive Director of the Oklahoma Tobacco Settlement Endowment Trust, introduced Commissioner and Secretary of Health Dr. Kline. She stated they consider Lawton to be a great partner and Lawton is one of fourteen communities who have achieved certification and achieved and incentive grant.

A check for \$15,000 was presented to Mayor Fitch.

MOVED by Burk SECOND by Zarle to accept the Healthy Communities Incentive Grant Award from the Oklahoma Tobacco Settlement Endowment Trust (TSET) in the amount of \$15,000.00 to be used for the purchase of bollard lighting installed along the concrete walking/jogging trail in the east portion of Elmer Thomas Park. AYE: Bellino-Hall, Burk, Moses, Zarle, Haywood, Wells, Tennis. NAY: None. MOTION CARRIED.

11. Consider approval of the Arts & Humanities Division acceptance of the Local Government Challenge Grant from the Oklahoma Arts Council (OAC) for the FY 2012-13. Exhibits: None.
12. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: Eastbound SW Hickory Lane at the intersection of SW 38th Street; eastbound SW Rolling Hills Drive at the intersection of SW 38th Street; northbound NE Pioneer Boulevard north of NE Rogers Lane; and westbound SW “I” Avenue west of SW Sheridan Road. Exhibits: **Resolution No. 12-64**, Traffic Commission Minutes and Traffic Issue Requests.
13. Consider adopting Street Light Resolution No. 477 to authorize the removal of street lights at the location listed in the Resolution. Exhibits: Street Light Resolution No. 477.
14. Consider approving contract Amendment No. 2 to the March 14, 2011, contract with CH2M Hill, Inc. for professional engineering design services to demolish the existing clearwell and construct two (2) new 850,000 gallon pre-stressed concrete clearwell tanks at the Medicine Park Water Treatment Plant. Exhibits: Amendment to the Agreement is on file in the City Clerk’s office.
15. Consider approving the agreement for receiving pre-treated wastewater at the Wastewater Treatment Plant from the City of Geronimo and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Agreement (On file with the City Clerk).
16. Consider approving plans and specifications for the 2012 CIP Street Mill & Overlay Program (W Gore from Sheridan Road to NW 38th Street and W Cache Road from NW 52nd Street to NW 67th Street) Project #2012-6 and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Engineering Division office.
17. Consider approving an agreement with Garver LLC for professional engineering design services for the SW 52nd Street (From railroad tracks to Gore Blvd.) Project #2012-4. Exhibits: A copy of the agreement is on file in the City Clerk’s office.

18. Consider extending contract (RFPCL10-049) Banking Services with IBC Bank of Lawton, OK. Exhibits: Department Recommendation and Contract Extension Form.
19. Consider extending contract (CL10-052) Electric Motor Repair with J & W Electric Motor Co. of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
20. Consider extending contract (CL10-051) Hydraulic Pump & Cylinder Repair with Horizon Hydraulics of Oklahoma City, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
21. Consider approving appointments to boards and commissions. Exhibits: None.

Wells stated they may want to look at one of the appointments under the Lawton Urban Renewal Authority (LURA). He stated Dr. Sheppard has been on the authority since 2003 and he is also on LEDA. He feels that they need to get some new blood and other ideas on to some of these boards. We appreciate everybody that serves on these boards, but at times maybe you need a change.

MOVED by Wells to approve appointments to boards and commissions excluding the appointment of Dr. Ernest Sheppard to the Lawton Urban Renewal Authority.

MOTION FAILED DUE TO LACK OF SECOND.

MOVED by Haywood SECOND by Burk to approve appointments to boards and commissions.
AYE: Moses, Zarle, Haywood, Tennis, Burk. NAY: Wells, Bellino-Hall. MOTION CARRIED.

22. Consider approval of payroll for the periods of June 25 – July 8, 2012.

NEW BUSINESS ITEMS:

23. Hold a public hearing to consider Consolidated One-Year Action Plans for FFY 2008, Change 4; FFY 2009, Change 2; FFY 2010, Change 1; and FFY 2011, Change 1; receive input from citizens, and authorize the Mayor and City Clerk to execute the implementing documents. Exhibits: **Resolution 12-65**, Exhibit A: The Consolidated One-Year Plan Changes for FFY 2008, Change 4; FFY 2009, Change 2; FFY 2010, Change 1; and FFY 2011, Change 1.

Tim Libby, Assistant Director, Housing & Community Development, distributed an amended commentary. He stated the major change they are making is that they are adding a resolution. He stated they are not going to construct or rehabilitate five homes, it is actually going to be six homes. It will have a twenty year period of affordability, which means they will be required to keep those as low/moderate income homes for twenty years. There will be \$815,816 available for first time homebuyer projects. He is requesting that we reallocate \$240,362.77 from FY 2008, 2009 and 2010 and make those funds available for our new CHDO, which is Verde Investments, who were approved in the 2012 consolidated plan. They will use Patriot Homes of

Lawton to purchase and rehabilitate the homes and make available as low income rental properties. He has also made available another \$110,000 for future CHDO projects if they show they are a competent CHDO. The major issue to discuss tonight is to move that \$240,000 from projects where the money was not used.

Moses stated he presumes that movement of monies from one fiscal year to another for different projects is a legal thing to do and there are no restraints from the federal government on how that money is moved around.

Libby stated they are required by law that when they want to move more than 25% of our entitlement, they are required to post a public hearing notice and at least 30 days prior to that meeting he publishes the notice for review by the local population. This is the final action. Once the City Council approves this action, HUD will approve.

Zarle questioned where the notice is posted.

Libby stated they are posted in the community centers, library, City Hall and their office. They also publish notice in the newspaper.

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

MOVED by Haywood SECOND by Tennis to approve **Resolution 12-65** approving Consolidated One-Year Action Plans for FFY 2008, Change 4; FFY 2009, Change 2; FFY 2010, Change 1; and FFY 2011, Change 1. AYE: Zarle, Haywood, Wells, Tennis, Bellino-Hall, Burk, Moses. NAY: None. MOTION CARRIED.

24. Hold a public hearing and adopt a resolution declaring the structure(s) located at: 912 S.W. Park Avenue, 1601 N.W. Dearborn Avenue and 1906 N.W. Lindy Avenue to be dilapidated, detrimental to the health, safety or welfare of the general public and community, a blighting influence, and a public nuisance; directing the owner(s) to abate the nuisance by obtaining a remodel or demolition permit within thirty (30) days; authorizing summary abatement of the nuisance should the owner(s) fail to abate the nuisance; and alternatively authorizing the City Attorney to commence legal action in district court to abate the nuisance if summary abatement is not economically practical. Exhibits: Three Resolutions. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

912 S.W. Park Avenue

Anthony Griffith, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has no utilities. Griffith presented photographs of the property.

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

MOVED by Haywood SECOND by Zarle, to adopt **Resolution 12-66** declaring the structure located at 912 S.W. Park Avenue to be a dilapidated public nuisance. AYE: Haywood, Wells, Tennis, Bellino-Hall, Burk, Moses, Zarle. NAY: None. MOTION CARRIED.

1601 N.W. Dearborn Avenue

Griffith reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has no utilities. Griffith presented photographs of the property.

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

MOVED by Moses SECOND by Zarle, to adopt **Resolution 12-67** declaring the structure located at 1601 N.W. Dearborn Avenue to be a dilapidated public nuisance. AYE: Wells, Tennis, Bellino-Hall, Burk, Moses, Zarle, Haywood. NAY: None. MOTION CARRIED.

1906 N.W. Lindy Avenue

Griffith reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has no utilities. Griffith presented photographs of the property.

PUBLIC HEARING OPENED.

John White, 2109 Baltimore, stated this is his parent's home and has just been turned over to him in the past couple of weeks. The house has been broken into and ransacked several times. He stated he will start working on the property tomorrow.

Tennis suggested they leave the property on the dilapidated list and Mr. White can go through the process and obtain a permit.

Mr. White stated he would need about two or three months to get it done on the outside.

Mayor Fitch stated that Mr. White would need to get a permit and staff will monitor the progress that is being made. If sufficient progress has not been made in a timely manner it will come back to council. He asked staff to get with Mr. White and explain the process.

PUBLIC HEARING CLOSED.

MOVED by Tennis SECOND by Burk, to adopt **Resolution 12-68** declaring the structure located at 1906 N.W. Lindy Avenue to be a dilapidated public nuisance. AYE: Moses, Zarle, Haywood, Wells, Tennis, Bellino-Hall, Burk. NAY: None. MOTION CARRIED.

25. Consider suspending Council Policy 1-6, para. 5 (E) and if so suspended, reconsider the damage claim of Alvin and Bessie Jasper, which was denied by Council on April 10, 2012, to permit Mr. and/or Mrs. Jasper the opportunity to address Council regarding their tort claim. Exhibits: Copy of Claims Memorandum/Recommendation dated March 28, 2012 and Copy of Water Usage for the Jasper residence.

Moses stated Mr. Jasper is relatively new to the community from Fort Hood, Texas. He was in attendance at the first meeting this claim was considered and he did not realize that he could have the item pulled from consent and that is why he has asked that this claim be reconsidered. He requested they listen to Mr. Jasper's discussion regarding why he thinks he should be compensated.

MOVED by Moses SECOND by Burk, to suspend Council Policy 1-6, para. 5 (E). AYE: Zarle, Haywood, Wells, Tennis, Bellino-Hall, Burk, Moses. NAY: None. MOTION CARRIED.

Kelea Fisher, Assistant City Attorney, stated Mr. Jasper filed this claim alleging the City damaged his sprinkler system during the repair of an emergency water main break on November 22, 2011. He also alleged that there was excessive water usage and he made a claim for that water usage. She stated this was an emergency main break and pursuant to city code the City was not required to give Mr. Jasper any notice to remove any encroachments that were in the city easement. When water distribution performed the repair they did not report that there was any damage to the sprinkler system. With regards to the excessive water usage, The Revenue Services Supervisor has verified that a few days prior to the water main break, Mr. Jasper's water usage increased which would indicate that there were problems associated with the sprinkler system prior to the water main break. Staff has recommended that the claim be denied.

Alvin Jasper, claimant, stated he was out of town on November 21st and he came back on November 23rd. He stated the rain busted the water pipe which was made in 1938. He stated they temporarily repaired it and when they turned the water back on a surge came through and it busted another pipe. Sometime they pushed dirt through the system and it got back to one of his main valves and it locked it up. He has an elaborate system and he had set it that Monday morning to come up that Monday and it would not come on again until Wednesday. Since it was raining it did not come on until Thursday or Friday. He measured where the encroachment was and where the easement was. His easement was three feet and beyond that it was an encroachment on his property. The sprinkler system is on the edge and the previous owner had a permit when the sprinkler system was installed. He stated he has had the sprinkler system fixed and it costs approximately \$500. He stated his bill says he used 69,000 gallons. A sprinkler system normally will normally run about 1,500 to 2,000 gallons at the most. When he looked at the usage just those few days it ran 53,000 gallons, a total of 69,000 for the entire month. He usually uses 8,000 gallons a month. He requested he be refunded for the excessive water bill. He stated he would take care of the cost for repairing his system.

Moses questioned the amount of his water bill.

Mr. Jasper stated it was \$269 for the month.

Haywood questioned how much is Mr. Jasper asking for.

Mr. Jasper stated he is requesting \$153 for water and \$109 for repair of sprinkler.

Moses stated he went over and looked at the repairs and the curb had to be taken out and in the course of those repairs they got into that sprinkler system. He is not sure anyone can explain where the excess water came from. He suggested they award Mr. Jasper the \$262.

Burk stated they have dealt with this before in right of way areas where people have put in sprinkler systems and fences. He stated they are on a slippery slope here and this will set precedence.

Moses stated Mr. Jasper has said that he would be satisfied if we just took care of the excess water on his bill. He suggested they approved the \$153 excluding the repairs for the sprinkler system for the reasons as stated by Councilmember Burk.

MOVED by Moses, SECOND by Shoemate to approve the damage claim of Alvin and Bessie Jasper in the amount of \$153. AYE: Haywood, Shoemate, Moses, Zarle. NAY: Wells, Tennis, Bellino-Hall, Burk, Fitch. MOTION FAILED

26. Consider approving an Ordinance amending Section 7-13-1-1302, pertaining to Chapter 7, Business, regarding adult businesses, sexually oriented businesses and massage establishments by modifying the definition of interior space by excluding the term “common area” from the definition. Exhibits: Ordinance 12-____.

THIS ITEM WAS STRICKEN FROM THE AGENDA.

27. Consider approving an Ordinance amending Sections 7-7-1-703, pertaining to Chapter 7, Business, regarding child care facility business license by adding language that the zoning district of a proposed facility may further control its location. Exhibits: Ordinance 12-____.

Rogalski stated in Chapter 7 the definition for a child care facility is child care facility, however the code that referenced it said child care center. This will change the definition to match the definition in the same section of the code. They also added item B which says that it also has to follow the zoning code.

MOVED by Wells, SECOND by Haywood to adopt **Ordinance 12-19**, waive the reading of the ordinance and read the title only. AYE: Wells, Shoemate, Tennis, Bellino-Hall, Moses, Zarle, Haywood. NAY: None. ABSENT: Burk. MOTION CARRIED

(Title read by City Attorney)

Ordinance 12-19

An ordinance pertaining to child care facility business licenses, amending Section 7-7-1-703, Division 7-7-1, Article 7-7, Chapter 7, Lawton City Code, 2005, by adding language stating that zoning may also control a location, providing for severability.

28. Consider approving an Ordinance repealing in its entirety Article 12-2 pertaining to Chapter 12, Food and Food Establishments, regarding the City’s regulation of milk and milk products. Exhibits: Ordinance 12-____.

Rogalski stated the State Board of Agriculture and the State Department of Environmental quality already heavily regulates milk and milk products as well as the federal government. Staff is recommending that this section of code be repealed.

MOVED by Wells, SECOND by Moses to adopt **Ordinance 12-20**, waive the reading of the ordinance and read the title only. AYE: Shoemate, Tennis, Bellino-Hall, Moses, Zarle, Haywood, Wells. NAY: None. ABSENT: Burk. MOTION CARRIED

(Title read by City Attorney)

Ordinance 12-20

An ordinance pertaining to food and food establishments repealing Article 12-2 milk and milk products, Chapter 12, Lawton City Code, 2005, in its entirety and reserving the numbers, providing for severability.

29. Consider approving an ordinance amending Section 17-1-1-102, Division 17-1-1, Article 17-1, Chapter 17, Lawton City Code, 2005, by amending the definition of “Longevity Pay”, removing the term “meter reader” and replacing it with the pay grade designation of GEO4H, providing for severability and establishing an effective date. Exhibits: Ordinance 12-____.

Jim Russell, Human Resources Director, stated staff is recommending that the term “meter reader” be dropped from the Longevity definition in Chapter 17. The meter reader position no longer exists under the existing pay plan. That position is a GEO4 position and they would like to reference just the grade title and not the actual job description title. We have approximately thirteen other GEO4 positions with various titles and that would eliminate any further confusion should we have to eliminate any job titles in the future.

MOVED by Wells, SECOND by Shoemate to adopt **Ordinance 12-21**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Tennis, Bellino-Hall, Moses, Zarle, Haywood, Wells, Shoemate. NAY: None. ABSENT: Burk. MOTION CARRIED

(Title read by City Attorney)

Ordinance 12-21

An ordinance pertaining to personnel policies and procedures amending Section 17-1-1-102, Division 17-1-1, Article 17-1, Chapter 17, Lawton City Code, 2005, by amending the definition of “longevity pay,” providing for severability and establishing an effective date.

30. Consider adopting an ordinance amending Section 17-1-6-167, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2005, by reducing the notice required prior to an employee taking terminal leave and removing Paragraph D, providing for severability and establishing an effective date of August 9, 2012. Exhibits: Ordinance 12-____.

Russell stated this ordinance would move the sixty day notice that is currently required for an employee to go on terminal leave before retirement to a thirty day notice. Once an employee is ready to retire, some of the positions have job assignments that have to be adjusted and sixty days is really more than we need. This issue has been brought before the Pension Board and the Employee Advisory Committee and they are both in support of this change. He stated there is an amendment to the version in the agenda book which has paragraph D stricken from the ordinance, but after reviewing staff would like paragraph D to remain in the code because it gives further definition of when to use vacation over sick leave during the terminal leave process.

MOVED by Wells, SECOND by Haywood to adopt **Ordinance 12-22** as amended, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Moses, Zarle. NAY: None. ABSENT: Burk. MOTION CARRIED

(Title read by City Attorney)

Ordinance 12-22

An ordinance pertaining to personnel policies and procedures amending Section 17-1-6-167, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2005, by reducing the amount of notice required from the date terminal leave is to begin and not removing paragraph D, providing for severability and establishing an effective date.

31. Consider approving an ordinance amending Section 5-1-116, Article 1-116, Chapter 5, Lawton City Code, 2005, by clarifying that concrete trails in City parks may not be used by dog owners or keepers for walking/running dogs, providing for severability and establishing an effective date. Exhibits: Ordinance 12-____.

Kim Shahan, Parks and Recreation Director, stated we have a current ordinance that prohibits dog owners and keepers from having dogs on jogging trails in the city parks, be it concrete or cinder trails. Staff is recommending that they deny them the right to be on concrete trails and give them permission to be on the cinders trails. That will allow them to have recreational activity with their dogs in the parks and will eliminate a safety related issue we have in Elmer Thomas Park and other parks with bicycles possibly getting tangled up with dogs and leashes.

Mayor Fitch clarified that this will still allow dogs in parks but will require them to stay on the cinder trails, not the concrete trails.

Moses questioned if this included sidewalks or just those that are designated as jogging or bike riding trails.

Shahan stated it is those that are designated as jogging or biking trails.

Bellino-Hall clarified that right now they are not allowed to use concrete or cinder trails, so this would make it more liberal.

Shahan stated this is prohibited now so they want to specify it so that they do have the opportunity to be in the parks on the cinder trails.

MOVED by Shoemate, SECOND by Haywood to adopt **Ordinance 12-23**, waive the reading of the ordinance, read the title only and establishing an effective date.

Wells stated after he read this in the agenda book he went by the park three times a day for the past several days and it is amazing the number of people that are using the trails with pets, including young mothers with pets pushing baby carriages up to senior citizens doing the same thing. He stated the path was originally put in by the bike community strictly for a bike trail, not a walking trail. He stated they will restrict a lot of young mothers with baby carriages who cannot use the cinder block trails because they have their pets with them.

Bellino-Hall stated the ordinance says they cannot use them now. She questioned if they could give them a ticket now.

Wells stated they could before if someone wanted to enforce it. He stated his point is that it was not a walking path to begin with, it was a bike path.

Bellino-Hall questioned what has prompted this to be brought up, is there a problem?

Shahan stated it is continued growth and use of the park. They are trying to enforce the existing ordinance and they feel the way to eliminate some of the problems that they see is to give a designated area for the dogs to be able to walk on with the people and also an area for the bikes and runners so there will be no conflict.

Moses stated that park is used by a lot of people all day. He does not see many bicycles on the path but there are a lot of people on foot and he does not feel they should be doing anything to discourage them. He can go along with the idea of the dogs using the cinder trails. He does not feel they should start passing rules that you cannot use that concrete trail for anything other than bike riding.

Wells stated the only thing they are restricting are people with pets.

Moses stated he also feels that people should be picking up after their pets.

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

(Title read by City Attorney)

Ordinance 12-23

An ordinance amending Section 5-1-116, Article 1-116, Chapter 5, Lawton City Code, 2005, by clarifying that concrete park trails in city parks may not be used by dog owners or keepers for walking or running dogs, providing for severability and establishing an effective date.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells complimented the Fire Department for installing the beds at the entrance of Elmer Thomas Park.

Burk stated the Fire PAC did it through LETA. He stated there will also be some lighting installed as well as signage.

Shoemate questioned when he was going to get together with Councilmember Burk regarding the request from the students for funding for landscaping.

Burk stated they will have a meeting in August and he will inform Councilmember Shoemate.

Bellino-Hall stated she has gotten several emails regarding the firework going off in the neighborhoods. She suggested they address this issue before the 4th of July next year.

Moses stated he received several call from constituents complaining about the lack of response by the city to complaints about fireworks. He stated if we are going to have a ban on fireworks we need to enforce it somehow.

Bart Hadley, Fire Chief, stated staff has intentions to bring back the fireworks ordinance to make it illegal to sell fireworks within the city limits. To be fair to the fireworks stand operators they decided to wait until after July 4th. The ordinance should come back to council in August.

Haywood stated kids are just going to buy them outside of the city limits and still bring them into town. We might as well get the money from the sales.

Moses stated he feels that the citizens of this town need to understand that there is not a bad person on this council and they are all trying to do what is best as they see it as clearly as they can when casting their votes for a decision. He stated they need to start eliminating some of the dissention in the minds of the citizens about the way this council does its business. They may have disputes but ultimately they have a decision, good or bad and it represents a council decision and the citizens need to accept it that way. Once a decision is made they are moving forward.

Mitchell stated the Oklahoma Department of Transportation is holding their board meeting in Lawton at City Hall on July 26th. This will be the first time they have held their meeting outside of Oklahoma City. He stated on August 10th and 11th, OML Leadership Academy will hold their workshop here at Lawton City Hall.

The Mayor and Council convened in executive session at 7:33 p.m. and reconvened in regular, open session at 8:25 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

32. 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.

Mayor Fitch read the title of item #32. No action was taken.

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

THIS ITEM WAS STRICKEN

34. 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 #34. No action was taken.

There being no further business to consider, the meeting adjourned at 8:28 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK