



CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF JUNE 11, 2013.

MOVED by Wells SECOND by Moses to approve the minutes of Lawton City Council regular meeting of June 11, 2013. AYE: Morford, Jackson, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

Jackson requested items #2, #6 and #22 be discussed. Moses requested items #14 and #18 be discussed and Wells requested items #9 and #12 be considered separately.

MOVED by Burk SECOND by Zarle to approve the consent agenda with the exception of items #2, #6, #9, #12, #14, #18 and #22. AYE: Morford, Jackson, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Curtis Young and Gisela Young in the reduced amount of \$2,048.00. Exhibits: Legal Opinion/Recommendation and **Resolution No. 13-36**.
2. Consider approving a renewal Agreement between the City of Lawton and the Marie Detty Youth and Family Service Center, Inc. for the continued operation and management of the Community Intervention Center in Lawton and authorize execution of the renewal Agreement and any associated documents. Exhibits: Agreement with Marie Detty Youth and Family Service Center, Inc., is on file in the City Clerks Office.

Jackson stated it was determined after the budget was approved at the last meeting that they were going to address the budget continuously. He questioned if they would consider a 10% budget cut to this agreement.

Long stated it was considered. He stated this is a necessary tool for the police department.

Jackson stated he does not want to be selective on who they force budget cuts upon and he feels this one deserves a 10% budget cut.

Haywood stated he thought we passed this at the last meeting.

Jensen stated the council did pass an agreement with the state, City of Lawton and OJA for funding of \$270,000. For us to get that funding we have to service the CIC ourselves or subcontract it out and we have always chosen to subcontract it out with Marie Detty.

Haywood stated the students who are not in school go to Community Intervention Center. He stated he is on the juvenile bureau committee and this is very important to the city of Lawton and they need to continue this.

Jackson stated he understands what this is for and he is in support of it, but this council needs to take stock of every dollar that is spent from now until next year so they do not have to address an \$8.3 deficit again.

Haywood stated this is not something they need to mess with.

Jensen stated this one is more complicated because of matching funds.

MOVED by Jackson SECOND by Haywood to approve a renewal Agreement between the City of Lawton and the Marie Detty Youth and Family Service Center, Inc. for the continued operation and management of the Community Intervention Center in Lawton and authorize execution of the renewal Agreement and any associated documents. AYE: Morford, Jackson, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

3. Consider renewing an Agreement for Professional Services between Kenneth Otten, Otten Consulting Group, Inc. and the City of Lawton to provide expert witness services and testimony on behalf of the City of Lawton in the case styled Joseph Harper and Vivian Wheeler vs. City of Lawton, Oklahoma, Western District of Oklahoma Court Case No. CV-12-841-F, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Agreement between Kenneth Otten and City of Lawton
4. Consider renewing the professional services agreement with James C. Ferguson of Walker, Ferguson and Ferguson for the defense of Workers' Compensation claims. Exhibits: Retainer Agreement for Professional & Legal Services on file in the City Clerks Office.
5. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and Clay Hillis 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.
6. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, to implement increases in water and sewer rates as set forth in Exhibit A of the Resolution, and establishing an effective date. Exhibits: Resolution No. 13-\_\_ and Exhibit "A".

Jackson stated he just wanted this pulled so that each council member could individually vote their conscience on this again.

Jensen stated they also need to state for the record that the attachment to Exhibit A has been modified to make that consistent with the Lawton Water Authority action.

Wells stated he was under the impression staff wanted an emergency clause and it is not there.

Jensen stated this is not an ordinance.

MOVED by Wells SECOND by Haywood to approve **Resolution 13-37** as amended by the Lawton Water Authority. AYE: Morford, Burk, Moses, Haywood, Wells. NAY: Jackson, Zarle. MOTION CARRIED.

7. Consider approving the Second Amendment renewing the Sales Tax Rebate Agreement for Lawton Marketplace at 82<sup>nd</sup> and Quanah Parker Trailway, for fiscal year July 1, 2013– June 30, 2014, and authorize the Mayor and City Clerk to execute the amendment. Exhibits: Second Amendment to Sales Tax Rebate Agreement, Lawton Marketplace.
8. Consider adopting a resolution declaring that Ninety Percent (90 %) of the budgeted and appropriated revenues for fiscal year 2012-2013 have been collected for the General Fund. Exhibits: **Resolution No. 13-38**.
9. Consider approving a collective bargaining agreement with IAFF Local 1882 for Fiscal Years 2013-2014 & 2014-2015, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: New Collective Bargaining Agreement for Fiscal Years 2013-2014 & 2014-2015 on file in the City Clerk’s Office.

Wells stated he has been associated with the City of Lawton for 35 years and he has always known the Fire Department was a very professional organization with firemen who were dedicated to the citizens of Lawton for fire and emergency medical response. He was thrilled to see the Fire Department step up and voluntarily give up a 3% pay increase effective January and their merit increases for the next year because of the dire situation of the budget. He feels they need to be publicly commended for supporting city government and citizens of Lawton.

MOVED by Wells SECOND by Haywood to approve a collective bargaining agreement with IAFF Local 1882 for Fiscal Years 2013-2014 & 2014-2015, and authorize the Mayor and City Clerk to execute the Agreement. AYE: Morford, Jackson, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

10. Consider accepting Fiscal Year 2013-2014 grant renewal from Oklahoma Department of Human Services Aging Services Division (OKDHS ASD) for the Retired and Senior volunteer Program (RSVP). Exhibits: OKDHS ASD grant contract is on file in City Clerk’s office.
11. Consider accepting the Fiscal Year 2013-2014 federal grant from the Corporation for National and Community Service (CNCS) for the Retired and Senior Volunteer Program (RSVP). Exhibits: None
12. Consider approving Elmer Thomas Park standard lease agreement with July Moon Music Events for “Shelters of Love” concert for the purpose of securing donations for storm shelters for Oklahoma area schools for one performance on July 27, 2013. Exhibits: Ltr, July Moon Music Events and Map for Gating of Event. Standard Elmer Thomas Park lease agreement on file in the City Clerk’s office.

Kim Shahan, Parks and Recreation Director, stated each summer they put together an American band festival event that normally takes place in early July. He stated during the planning process this year a woman from the business community stepped forward to put together this project. He stated she is willing to pay the fees associated to rent the park and stage. He has asked her to speak to the council tonight and communicate what she would like to do.

Kelly Smalts, July Moon Music Events, stated she moved back to this area six months ago and was contacted by some friends of hers from Nashville when the tornado hit Moore. She would like to pull together an event that provides part donation and part ticket sales with three song writers, Greg Barnhill, Leroy Parnell and Bill Dean with donations of 50% of the ticket proceeds to go directly to the Oklahoma relief fund and ask that when they start to build the Moore schools, that this funding go towards building storm shelters for every school.

MOVED by Wells SECOND by Haywood to approve Elmer Thomas Park standard lease agreement with July Moon Music Events for “Shelters of Love” concert for the purpose of securing donations for storm shelters for Oklahoma area schools for one performance on July 27, 2013 AYE: Morford, Jackson, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

13. Consider approving resolution 2013-\_\_\_\_\_ amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2001, as amended, by adopting a resolution establishing the Schedule of Fees and Charges for the Library to charge late fees, damages, etc. and establishing an effective date. Exhibits: Proposed **Resolution No. 13-39**.
14. Consider depositing the reimbursements received from the Oklahoma Department of Transportation for transportation planning and Congestion Mitigation and Air Quality planning for FY 2013 into the City of Lawton Bicycle and Pedestrian Improvement Project account. Exhibits: Lawton Bicycle and Pedestrian Plan Phase II and III Route Map.

Moses stated he does not object to this item, but what caught his eye was the movement of funds from air quality funds into construction planning and engineering. He is sensitive to the control of funds and their uses. It does not sound like a bicycle path addresses air quality or congestion mitigation. He questioned if we are getting close to any legal boundaries.

Richard Rogalski, Community Services Director, stated ODOT has approved our UPWP and for several years in a row they have been using CMAQ money for three focal things. Part is used for an educational campaign and part has been used to fund the bicycle plan and ODOT has approved that.

Moses stated the legal hook is on ODOT if there is one.

MOVED by Moses SECOND by Zarle to deposit the reimbursements received from the Oklahoma Department of Transportation for transportation planning and Congestion Mitigation and Air Quality planning for FY 2013 into the City of Lawton Bicycle and Pedestrian

Improvement Project account. AYE: Morford, Jackson, Burk, Moses, Zarle, Haywood, Wells.  
NAY: None. MOTION CARRIED.

15. Consider extending the non-exclusive license agreement between the City of Lawton and PinHigh Investments of Lawton, Inc. to provide bus benches with advertising on LATS bus routes and authorize the Mayor to execute. Exhibits: None.
16. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 284 linear feet of 8-inch PVC sanitary sewer line and all appurtenances to serve the Hilton Garden Inn located at 135 NW 2<sup>nd</sup> Street in the LawtonTown Center project located between NW 2<sup>nd</sup> Street and Railroad Avenue, Gore Boulevard and Ferris Avenue in the SE/4 of Section 30, T2N, R11W, I.M., Comanche County, Oklahoma. Exhibits: Permit to Construct on file in the City Clerk's Office.
17. Consider approving the construction plans for an 8-inch waterline and three fire hydrants to serve the McMahon Tomlinson Skilled Nursing Facility located at 2007 NW 52<sup>nd</sup> Street subject to conditions. Exhibits: Location Map.
18. Consider adopting Street Light Resolution No. 483 to authorize the installation/removal of street lights at the location listed in the Resolution. Exhibits: Street Light Resolution No. 483.

Moses stated he has no objections but these were built before this resolution was approved. He questioned if there was a procedural problem.

Jerry Ihler, Public Works Director, stated when the developer goes in and starts building water and sewer lines and streets for a residential development, they also are meeting with the electric company. They do not turn the lights on until they actually start building houses. This is actually paying the electricity for turning on the street lights.

Moses clarified that it is not approving the location of the lights or their size.

Ihler stated no, that is worked out with the developer. We do have say so as to the location.

MOVED by Moses SECOND by Haywood to adopt Street Light Resolution No. 483 to authorize the installation/removal of street lights at the location listed in the Resolution. AYE: Morford, Jackson, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

19. Consider accepting a permanent easement and a temporary easement from Adan & Pia E. Bernal for right of way needed for the Nine Mile Creek Sanitary Sewer Interceptor Project#2008-2, 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.

20. Consider accepting a permanent easement and two temporary easements from LS&D LLC for right of way needed for the Nine Mile Creek Sanitary Sewer Interceptor Project#2008-2, 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.
21. Consider approving agreements for euthanization services with the following entities, and authorize the Mayor and City Clerk to execute the Agreements: City of Cache, City of Grandfield and Town of Medicine Park. Exhibits: Agreements on file with the City Clerk.
22. Consider approving agreements for refuse disposal with the following entities, and authorize the Mayor and City Clerk to execute the Agreements: Town of Indianahoma, Multiple Community Services Authority and Town of Temple. Exhibits: Agreements on file with the City Clerk.

Jackson questioned if we had renegotiated an increase with these contracts.

Ihler stated they have sent the contracts to the communities with the understanding that they will be based on the current fees listed in the fee schedule or as that fee may be amended. He stated over the next couple of months staff will bring back some adjustments to the fee schedule. At that time if there is an adjustment made to this particular fee, they will make the adjustment at that time. They do have the right to increase the contract amount.

Jackson questioned if it was necessary to approve this contract tonight.

Ihler stated each of the communities has to provide a letter to ODEQ by July 1<sup>st</sup> stating that they have a contract as to where they will place their trash. Approving this contract tonight allows them to meet that ODEQ requirement.

Jackson stated he just wants to make sure they understand that there will be an increase.

MOVED by Jackson SECOND by Wells to approve agreements for refuse disposal with the following entities, and authorize the Mayor and City Clerk to execute the Agreements: Town of Indianahoma, Multiple Community Services Authority and Town of Temple. AYE: Morford, Jackson, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

23. Consider awarding a professional services contract to Dr. Haney for the purpose of providing veterinarian services for the City of Lawton and authorize the Mayor and City Clerk to execute the contract. Exhibits: Retainer Agreement for Professional Services (On file with the City Clerk).
24. Consider approving contract Amendment No. 4 to the March 14, 2011, contract with CH2M Hill, Inc. for evaluating and recommending alternative methods of treating sludge at the Medicine Park Water Treatment Plant (MPWTP). Exhibits: Amendment No. 4 to the Agreement.

25. Consider approving plans and specifications for the Animal Welfare Building Project #2011-01 and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Engineering Division office.
26. Consider approving an equipment rental agreement with Pitney Bowes for a D1380/DI425 Inserter system to be utilized for folding/stuffing/sealing mailing assembly for Financial/Payroll applications. Exhibits: Pitney Bowes rental agreement on file in the City Clerk's Office.
27. Consider awarding (RFPCL13-040) Employee Assistance Program (EAP) Services to Deer Oaks EAP Services of San Antonio, TX. Exhibits: Department recommendation, Price Bid Sheet.
28. Consider canceling (CL13-031) Nuisance Abatement-East Side to Landshapers, Inc. of Lawton, OK. Exhibits: Letter from Vendor.
29. Consider awarding (RFPCL13-041) Recycle/Liquidation of Surplus Electronic Equipment to File Thirteen, LLC of Lawton, OK. Exhibits: Vendor Letter and Price Bid Sheet.
30. Consider awarding (CL13-043) 6" Trailer Mounted Trash Pump to ICM of OKC, OK. Exhibits: Department recommendation, Price Bid Sheet, Abstract of Bids.
31. Consider approving appointments to boards and commissions. Exhibits: None.

**Mayor's Commission On The Status Of Women**

Lynne Miller  
At Large City Limits  
7640 NW Folkstone Way  
Lawton, Oklahoma 73505  
06/25/2015

Tracy Rogers  
At Large City Limits  
311 NE Skyline Circle  
Lawton, Oklahoma 73501  
6/25/15

32. Consider approval of payroll for the periods of June 10- 23, 2013.

**NEW BUSINESS ITEMS:**

33. Hold a public hearing and consider an ordinance closing a 5-foot walkway easement located on the north side of Lot 13, Block 19, Greer Addition. Exhibits: Ordinance 13-\_\_ and Location Map.

Rogalski stated there was a five foot walkway easement that was originally platted along the north side of Lot 13, Block 19, Greer Addition. This walkway was never improved, and is too narrow for the proposed multi-use path to be constructed with this project. However, the property owners of Lot 14, to the north of this lot, have agreed to provide the necessary easement for the trail. The current plans for the bicycle route show that the easement is actually going to be located on the south part of lot 14. Those easements have all been accepted by council and recorded. This is the final step to close the easement which is no longer needed.

Burk stated they have worked on this project for months.

Rogalski stated this has been a long process and the engineering division has stepped up and will get this done.

Burk stated a lot of times staff gets beat up for not being citizen friendly, but staff has jumped in with a lot of great suggestions and everyone worked together and both residents are very happy with city staff on the final product.

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

MOVED by Morford SECOND by Burk to adopt **Ordinance 13-22**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 13-22

An ordinance closing the 5-foot walkway easement on lot 13, block 19, Greer Addition.

34. Hold a public hearing and consider an ordinance amending Section 22-3-2-313, Division 22-3-2, Article 22-33, Chapter 22, Lawton City Code, 2005, relating to local limits and rights of revision by clarifying the authority of the Director of Public Works to determine locally permitted pollution discharge limits under the City of Lawton's Industrial Pretreatment Program, providing for severability, and establishing an effective date. Exhibits: Ordinance 13-\_\_, ODEQ Letter dated April 23, 2013 and Notice of Public Hearing and Opportunity to Comment.

Ihler stated just as we have limits we have to meet with ODEQ, our industries within the community also have limits that they have to meet with regards to the amount of BOD, dissolved oxygen or total suspended solvents. They have discharge limits that they can put into our sewer system such that it does not cause our wastewater treatment plant to be out of compliance. The Lawton City Council adopted an Industrial Pretreatment Program to implement the requirements of the ODEQ in 1981. When we established our ordinance at that time we knew the amount of overall of different types of discharge that could come to the plant. He stated they split that amount that can come to the plant equally. About a year ago, Bar S came to them and indicated that they were having problems meeting the chloride limits they were required to meet. As they did some research they determined that some of the other industries were not discharging chlorides into the system, so they have revised the ordinance to give the Public Works Director

the flexibility to readjust amounts that each industry receives, but still the total amount cannot exceed what the plant can accept. This gives them the flexibility to give more limit to Bar S in one area and less to another industry that is not having any problem meeting the requirement as long as the overall does not exceed the total amount.

Moses questioned if our limits needed to be expanded.

Ihler stated to expand our limits we would have to make improvement to the plant to be able to treat greater amounts that come in. It is based on the capabilities of your plant and our plant is capable of accepting “X” amount of different discharge that come from the plants.

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

MOVED by Wells SECOND by Moses to adopt **Ordinance 13-23**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Morford, Jackson, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 13-23

An ordinance pertaining to utilities amending Section 22-3-2-313, Division 22-3-2, Article 22-3, Chapter 22, Lawton City Code, 2005, relating to local limits and rights of revision by clarifying the authority of the director of public works to determine locally permitted pollution discharge limits under the city of Lawton’s industrial pretreatment program, providing for severability, and establishing an effective date.

35. Consider approving an Ordinance amending language in Chapters 6,11, and 20, Lawton City Code, 2005, to reference the fee schedule for fee amounts relating to building permits and associated building, trade, landscaping, street and alley cut inspections and by establishing a fee for fire marshal inspections relating to building permits and business licenses, and declaring an emergency. Exhibits: Ordinance 13-\_\_.

Rogalski stated this will change the code to prepare for item #36 which is the actual rates and building permit fees. This item cleans up some language and references the rates for the building permits. He stated they did add a line that allows for the inspections of the Fire Marshall to be recovered.

Burk stated he does not like some of this because he feels they are getting fishy with this hourly thing. He stated they are going to \$30 an hour for inspections. As a contractor, when you go out and bid a job you have to figure out your costs and you have to figure these fees into your planning. He has seen some inspectors go in and out the door within 3-4 minutes and he has seen some stay there for three days trying to find something.

Rogalski stated that is a problem and exactly the issues they have had. He is not saying this proposal is perfect, but you set a fixed amount and sometimes they may be out there all day long and they are paying that fixed amount. The \$30 is about the city’s cost for one hour inspection time. He does not think the hourly rate is outrageous, but exactly how we apply it is tricky

because we want to be able to cover those who call us out and then say they are not ready and want us to wait around a while. It would be great if we did not penalize people who do it right. We tried to cover the city's cost by setting up the hourly rate, that was the easiest way for staff to figure that we would always cover our cost.

Burk stated look at section 6-113, it says “inspection outside city limits per hour minimum one hour plus inspectors hourly rate in mileage”. He questioned what his rate was? He stated it does not make sense.

Rogalski stated for outside city limits we will charge you \$50 plus \$30 per hour. We are trying to cover travel time.

Wells questioned why we would inspect anything outside city limits.

Rogalski stated it is very rare we do outside inspections, but for example, we are inspecting a school out on Fort Sill.

Burk stated we do inspections for things like the subdivision on Cache Road and 60<sup>th</sup> because they use our water.

Wells stated a good contractor can figure his costs.

Burk stated everyone can figure \$300 - \$400 to add on to a bill for a customer to pick up the fees, but that is not fair. He feels they need to continue to look at this and bring it back.

Wells suggested they appoint a council committee with members that are familiar with this subject.

Burk stated it is very confusing to him.

Rogalski stated this item does not have a single number in it, it just modifies the code to refer you to the table.

Moses stated he does not want to lose the principal that we are covering the city's cost in whatever we do.

Jensen stated the only new item in this ordinance is to establish a new fee for fire department inspections relating to building permits.

MOVED by Wells SECOND by Morford to adopt **Ordinance 13-24**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Morford, Jackson, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 13-24

An ordinance pertaining to building, construction and housing, amending Section 6-1-1-113, Division 6-1-1, Article 6-1, Section 6-1-5-186, Division 6-1-5, Article 6-1, Section 6-2-1-208, Division 6-2-1, Article 6-2, Section 6-4-1-408 and 6-4-1-409, Division 6-4-1, Article 6-4, and Section 6-8-1-806, Division 6-8-1, Article 6-8, all in Chapter 6, and repealing Sections 6-4-1-404 and 6-4-1-405, Division 6-4-1, Article 6-4, Chapter 6, and establishing Section 6-3-1-319, Division 6-3-1, Article 6-3, Section 6-4-1-411 Division 6-4-1, Article 6-4, all in Chapter 6, and fire department and services establishing Section 11-2-213, Article 11-2, Chapter 11, and streets and sidewalks, amending Section 20-2-204, Article 20-2, Chapter 20, Lawton City Code, 2005, by amending language to reference the fee schedule for building permits and inspection fee amounts relating to building permits and associated building, trade, landscaping, street and alley cut inspections and by establishing a fee for fire marshal inspections relating to building permits and business licenses, providing for severability and declaring an emergency.

36. Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, by amending the fees relating to building permits and associated inspections. Exhibits: Resolution No. 13-\_\_ and Comparison of Fees Table.

MOVED by Wells SECOND by Burk to table this item and appoint a council committee to look at the fees. AYE: Morford, Jackson, Burk, Moses, Zarle, Haywood, Wells. NAY: None.  
MOTION CARRIED.

Mayor Fitch appointed a committee of Council members Burk, Morford and Wells.

Long stated traditionally with these council committees they would like to appoint a chairman so staff knows who they will work with to facilitate progress.

Mayor Fitch appointed Wells as chairman.

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

Wells stated he has an agenda item scheduled for the next meeting dealing with the once or twice a week trash pick up. He is opposed to once a week and he would like to discuss going back to twice a week.

Moses stated he has gotten several anonymous letters over the trash pick up issue. He throws them away because no one signs them. If you are not willing to put your name on an issue, why should we deal with it. He feels anonymous letters are ineffective.

Jackson stated he gets a lot of comments over the issue of water going down the drain from the fire hydrants. He is not sure citizens know what it is all about. If this is an issue we can stop, he feels it would be wise not to use this purification system and switch from one to another every year and stop this waste of water.

Ihler stated from a protection of water safety standpoint, he would not call it waste. He wished they did not have to do it this way. Our main water treatment plant is 12-15 miles away and ODEQ says that you can only leave the plant with this much chlorine residual and by the time it

gets to town there are some areas of town that don't have good circulation or the demand is low and they don't use a lot of water, so our residual continues to reduce as it comes into town. At the user end we have a minimum limit that we have to be able to meet and from there to here we have trouble falling in between those categories. He stated ODEQ is coming down to take some readings tomorrow from some of these areas and he hopes we will be right at the limit. He stated it is a delicate balance.

Jackson stated with the water rate increases and budget problems, then you drive down the street and see a bunch of open fire hydrants, it is just a little more than people want to deal with. If we don't have to switch from chloramines to chlorides, then let's not do it anymore if we have to have a lot of water running down the drains.

Ihler stated they feel it is necessary to do the chlorine twice a year for a period of time to maintain the transmission lines. It takes care of the film build up. He stated in the past the flushing of the fire hydrants by the fire department has helped us reach it, but now because of the draught conditions they have stopped that. He stated he really does not want to do this.

Moses stated if they don't do this, people will get sick and then we will start seeing lawsuits.

Ihler stated this is correct.

Jackson stated most of the public does not understand and they still call and ask why we are wasting water.

Burk stated they have all gotten calls about the trash and fees. He stated it is not easy making these decisions, but invariably the no votes don't come up with plans on how to address it. He does not mind sitting up here and taking the heat when he knows he has done everything he can do to make the right decisions for his constituents. No one wants their rates to go up, but he realizes cutting \$4 million and increasing \$4 million was the right thing to do instead of cutting people. He stated they struggle with this every single year and they are all in this together and employees depend on them. They could go back to twice a week trash pickup with the same results that they have overspent again and they will be right back in the same boat they were in when they started working on the budget. It is hard enough for citizens to get prepared for what is coming, let alone their chain being yanked every other week when they are going to change their mind again.

Wells stated there are too many citizens that can't take a 50% cut in their trash pick up without having to pay extra money.

Burk stated they should have addressed that during budget.

Wells stated he tried to.

Burk stated it was Wells' proposal.

Wells stated not for trash.

Burk stated they made those decisions and here they are a week from implementation. They need to look at recycling instead of always dumping in the landfill. That landfill costs us every time we do a CIP, it is \$5-\$6 million to dig those holes.

Wells stated he could support recycling if someone could come up with \$2-\$3 million. It is not free.

The Mayor and Council convened in executive session at 7:16 p.m. and reconvened in regular, open session at 8:20 p.m. Roll call reflected all members present. (Haywood and Moses entered at 8:22 p.m.)

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

37. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2013-2014 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 #37.

MOVED by Jackson **SECOND** by Wells that until the City of Lawton and IUPA Local 24 are able to reach an agreement for a fiscal year 2013-2014 contract, he moves to adopt **Resolution 13-40** extending the current collective bargaining agreement into fiscal year 2013-2014 with the exception of employee step merit increases which shall be frozen effective July 1, 2013 until the issue can be resolved through the collective bargaining process. AYE: Morford, Jackson, Burk, Zarle, Wells. NAY: None. MOTION CARRIED.

38. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending lawsuit of Ronald Smith Sr. and Robert Puccino Jr., and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #38.

MOVED by Wells **SECOND** by Burk to renew and amend a retainer agreement with Tony Puckett of the law firm McKee, McAfee and Taft for representation of the City in various labor employment matters including representing the current and former city employees named in their individual capacity in the pending lawsuit of Robert Puccino and Ronald Smith Sr. versus City of Lawton, et al and authorize the Mayor and City Clerk to execute the agreement. AYE: Morford, Jackson, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

39. Pursuant to Title 25, Section 307.B.1, Oklahoma Statutes, consider convening in executive session to discuss appointment to fill the position of Ward 5 Council Member and take appropriate action in open session. Exhibits: None.

Jensen read the title of item #39.

MOVED by Burk SECOND by Zarle to appoint Dwight Tanner as Ward Five council member effective July 1, 2013. AYE: Morford, Jackson, Burk, Moses, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 8:24 p.m. upon motion, second and roll call vote.

\_\_\_\_\_  
FRED L. FITCH, MAYOR

ATTEST:

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