

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
AUGUST 13, 2013 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Bryan Long, City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk

Mayor Fitch called the meeting to order at 6:05 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Kenn Lane, Olivett Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

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

ABSENT:

None.

AUDIENCE PARTICIPATION:

James Wilson, 1708 NW Gray Warr Place, stated his dogs have escaped from the yard twice this year. He does not mind paying the fine, but the second time one of his dogs escaped, they are forcing him to spade his dog. The first time she escaped he paid a \$100 fine because she was not spade. The second time it was \$65. How can they charge him fines and make him go to court and force him to spade his dog.

Jerry Ihler, Public Works Director, stated the ordinance states if a dog is caught running at large a second time it is mandatory that they are required to be spade.

Mayor Fitch stated that is city ordinance.

Mr. Wilson stated in total he has paid over \$1,000 in fines and he still has to spade his dog. It doesn't run loose every day and the second time she got out was because the meter reader left the gate open. He feels this is not right.

Mayor Fitch stated there are city codes and policies and a person who is a pet owner has a responsibility to comply with those ordinances.

Mr. Wilson stated he is in violation of the city code right now because he has not had his dog spade. He questioned if he was going to jail over this. He was told he could be given 30-60 days if he does not have her spade. He is being treated like a common criminal.

Mayor Fitch stated he has been asked to comply with city ordinance like every other citizen and there are consequences, but he wouldn't think it would go to that extreme. He stated Mr. James seems to understand the ordinance and he has paid the fines.

Mr. Wilson stated he has paid the fines and he does not understand why he is being forced to do something to his pet. He does not believe in any type of birth control.

Mayor Fitch questioned if Mr. Wilson was going to breed the dog.

Mr. Wilson stated if he gets the right dog he would like to breed her in the future.

Mayor Fitch stated there is another ordinance in place that if you have breeding pets on the premises you have fees to pay and you must abide by the licensing of being a breeder.

Jackson stated you can purchase a BAT permit to take care of this.

Rose Wilson, Animal Welfare Supervisor, stated you can purchase a BAT permit to breed your animal. She stated Mr. Wilson is in violation and would not be eligible for that BAT permit. His animal has already been impounded twice and city codes stated that on the second impoundment it is mandatory spay and neuter. She stated even if he had the BAT permit it would still be mandatory spay or neutering.

Jackson stated the running at large is Mr. Wilson's problem.

Tristen Wright and Jamar Lockhart, stated they want to inform the council of an event that will be taking place this Saturday. He thanked the parks and recreation staff for endorsing the event.

Mr. Lockhart stated the parks staff has been very instrumental in putting this event together. The event is the Project X Unity Festival and will take place at 38th and Lee at the skate park. The event is about building awareness and raising funds for the new skate park project. It will also be a unity concert featuring five types of music.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF JULY 9 AND JULY 23, 2013.

**MOVED by Wells SECOND by Jackson to approve the minutes of July 9 and July 23, 2013.
AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None.
MOTION CARRIED.**

PROCLAMATION FOR WATER QUALITY AWARENESS MONTH

Mayor Fitch proclaimed the month of August 2013 as Water Quality Awareness Month. He presented the proclamation to Cynthia Williams, Stormwater Manager for the City of Lawton.

Ms. Williams encouraged citizens to take the opportunity to learn more about their water shed and the changes they can make in their daily activities.

CONSENT AGENDA:

Wells requested item #27 be addressed separately.

MOVED by Burk SECOND by Wells to approve the consent agenda with the exception of item #27. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider approving an Agreement for Administrative Professional Services between Jennifer Cargill and the City of Lawton to work as a fill-in Legal Assistant in the City Attorney's Office, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
2. Consider approving an Agreement for Limited Services between the Museum of the Great Plains Authority and the City of Lawton to fund the continued operation of the Museum, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement.
3. Consider allowing Regal Cinemas to benefit from the reduced landfill fees of \$14 per ton for disposal of material from the demolition of the Cache Road Cinema building located at 4902 NW Cache Road. Exhibits: None.
4. Consider approving a purchase agreement with Creative Form Liners, Inc. to provide aesthetic bridge design liners that will be incorporated with Oklahoma Department of Transportation construction improvements to bridges along the I-44 corridor within the City of Lawton and in future city bridge projects, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Agreement is on file in the City Clerk's Office.
5. Consider approving contracts with Mike Griffin (Big Mike Griffin), Enye Music (Son del Barrio) and David Gish (Tract & Friends) performers at the 2013 International Festival and authorize the Mayor and City Clerk to execute the agreements. Exhibits: Contracts on file in City Clerk's office.
6. Consider approving contract with Theatreworks USA for two performances of "Peter Pan" on Friday, February 7, 2014. Exhibits: Contract on file in City Clerk's office.

7. Consider approving contract with Journey Productions for technical support services for the 2013 International Festival for September 23 - 30, 2013. Exhibits: Contract on file in City Clerk's office.
8. Consider approving an agreement with Comanche County Veterans organization for the construction and maintenance of a Memorial at Elmer Thomas Park to honor all Those Who Served in America's Wars and be sponsored by the Comanche County Veterans organization. Exhibits: Park Map for the Memorial Site and Photos of the Memorial, Cooperative Agreement for Construction and Maintenance of the Comanche County Veteran's Memorial: "Those Who Served in America's Wars", Various Slides for the Veteran's Memorial.
9. Consider approving the waiving of the Banquet Hall Fees in the amount of \$175.00 as set out in accordance with Chapter 19-7-702, Fees and Charges of the Lawton City Code for support of the use of the City Hall conference center room (Banquet Hall) for the After Party held on July 27, 2013 for the "Shelters of Love" concert. Exhibits: Letter of Request from Holiday in the Park and Email request from Kelly Smalts, July Moon Music Events Promoter.
10. Consider approving the memorandum of understanding with the Friends of the Lawton Public Library. Exhibits: Memorandum of Understanding.
11. Consider accepting a \$5,500.00 donation to the Library from the Friends of the Library to be designated for library material moneys and library programming. Exhibits: None.
12. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: Eastbound SW Wolf Street at the intersection of SW Sheridan Rd; and westbound and eastbound SW Lee Boulevard in advance of SW 30th Street. Exhibits: **Resolution No. 13-46** and Traffic Commission Minutes and Traffic Issue Requests.
13. Consider acknowledging receipt of a permit for the construction of sanitary sewer lines from the Oklahoma State Department of Environmental Quality to the serve the SE Flowermound Sewerline Upgrade Project #2012-5, City of Lawton, Comanche County, Oklahoma. Exhibits: The permit to construct dated July 3, 2013 is on file in the Sewer Rehab office.
14. Consider awarding a construction contract to Herring Construction, Inc. for the Animal Welfare Building Project #2011-1. Exhibits: A copy of the agreement is on file in the City Clerk's office.
15. Consider approval of Change Order Number 1 for the South Wolf Creek Expansion #1 Siphon Project. Exhibits: Change Order Number (On file in the Public Works Administration office).
16. Consider adopting a Resolution of Necessity for real property acquisition for the South Wolf Creek Trunk Expansion #2 Project# 13-3SSES. Exhibits: Location Map and

- Resolution No. 13-47.** Resolution 13-_____ with Exhibit “A” is on file in the Engineering Division Office.
17. Consider awarding (CL13-047) Jail Food & Supplies to Indian Nation Wholesale of Durant, OK. Exhibits: Department recommendation, Price Bid Sheet, Abstract of Bids.
 18. Consider awarding (RFPCL13-050) Overhead Door Repair, Street Division Building # 2 to Hall Building Products, Inc. of Lawton, OK. Exhibits: Department recommendation, Price Bid Sheet, Abstract of Bids.
 19. Consider awarding (CL13-048) Hydraulic Pump and Cylinder Repair to Horizon Hydraulics, Inc. of OKC, OK. Exhibits: Department recommendation, Price Bid Sheet, Abstract of Bids.
 20. Consider awarding (CL13-049) Electric Motor Repair to J & W Electric Motor Co. of Lawton, OK. Exhibits: Department recommendation, Price Bid Sheet, Abstract of Bids.
 21. Consider extending contract (CL12-005) Rental of Portable Restrooms with ARA Equipment Rentals of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Bid Sheet.
 22. Consider awarding (CL13-031) East Side Abatement to JM Lawn Services of Lawton, OK. Exhibits: Department recommendation, Price Bid Sheet, Abstract of Bids.
 23. Consider accepting a bid for (RFPCL13-044) Annual Audit-City Retirement Fund to Finley & Cook of Shawnee, OK. Exhibits: Vendor’s Mailing List, Bid Record Tabulation and Department Recommendation.
 24. Consider cancelling contract (CL13-004) Audio Visual Interview System with AAFEX Fire Systems and forfeiture of Performance Bond. Exhibits: Department Recommendation.
 25. Consider awarding contract (CL13-004) Audio Visual Interview System to Precise Digital, Wesley Chapel, FL. Exhibits: Department Recommendation, Bid tabulation.
 26. Consider awarding (RFPCL13-051) Maintenance of Public Grounds to Bedrock Nursery of Lawton, OK. Exhibits: Department Recommendation, Price Bid Sheet and Abstract of Bids.
 27. Consider approving appointments to boards and commissions. Exhibits: None.

Mayor Fitch stated Councilmember Wells had been in contact with one of the citizens selected to be on a commission and he was having some second thoughts. Councilmember Wells spoke with Councilmember Morford who stated he would talk with the citizen.

Mayor Fitch suggested they table the appointment of Ronnie Hartline from the Parks and Recreation Commission.

MOVED by Wells SECOND by Jackson to approve the appointment of Barry Ezerski to the Lawton Enhancement Trust Authority and table the appointment of Ronnie Hartline to the Parks and Recreation Commission. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

28. Consider approval of payroll for the periods of July 22 - August 4, 2013.

NEW BUSINESS ITEMS:

29. Hold a public hearing and consider an ordinance amending Section 18-5-7-572 of the Lawton City Code regarding the uses permitted on review in the Public Facilities District modifying the criteria in which uses listed as permitted uses in Section 18-5-7-571 are included therein. Exhibits: Ordinance No. 13-___, Section 18-5-7-571, Uses Permitted in the PF District, Draft CPC Minutes.

Richard Rogalski, Community Services Director, stated in 2002 the P-F District was amended and the permitted uses were put in two categories, there were 1) uses permitted on tracts containing at least 5 acres and abutting an arterial street and 2) uses permitted on tracts containing less than 5 acres. The list of uses permitted on review includes “any wholly public use similar in function and character” to the permitted uses; however, it is not clear what would be classified as “wholly public” uses. Recently Lawton Public Schools sold a closed elementary school which is located on a lot containing approximately 7.2 acres to a church. While a church is a permitted use in the P-F District, it is permitted only on a tract smaller than 5 acres. The proposed ordinance would allow the planning commission to grant a Use Permitted on Review for any of the uses listed as permitted uses regardless of the size of the tract or the functional classification of the abutting street. A Use Permitted on Review would include a binding site plan and be considered on a case-by-case basis.

Haywood stated “wholly” means something different than a church.

Rogalski stated it means completely covered. He stated this simply just clarifies this code to say that if it is listed as a permitted use then it can be a use permitted on review regardless of the size of the tract. This would allow a church to be a use permitted on review in the P-F District.

Haywood questioned if it was appropriate to use the word “wholly”.

Rogalski stated it said that some of the uses that were permitted could be uses permitted on review, so they took that out so that any of the uses listed, if the planning commission feels they are appropriate, they are uses that may be permitted on review. When it said “wholly” public, it was excluding some of those other uses and they felt it should not be excluding those uses.

Haywood stated the planning commission voted 7-0 to pass this.

Morford stated he knows there will be several of these come up in the next few years and it does affect the neighborhood. He feels all of these should be uses permitted on review. It seems that in looking at some of these uses there are some that would be difficult in neighborhoods.

Rogalski stated that is why it is good to put it in this category. To get a use permitted on review approved you have to give notice to all the neighbors within 300 feet and there is a public hearing before the planning commission.

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

MOVED by Bellino-Hall SECOND by Haywood to adopt **Ordinance 13-25**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 13-25

An ordinance related to zoning amending Section 18-5-7-572 of Chapter 18, Lawton City Code, 2005, to add the permitted uses in P-F Public Facilities District as a use permitted on review in the P-F District; and providing for severability.

30. Consider approving the reclassification of one (1) Firefighter position to the position of Assistant Training Officer and authorize staff to adjust the Fire Department's budget to accommodate the reclassification. Exhibits: Fire Chief's memorandum dated August 6, 2013.

Chief Dewayne Burk, Lawton Fire Department, stated the Lawton Fire Department has provided a number of services to the citizens of Lawton. They have specialized training in trench rescue, high angle rescue and water rescue. They are looking at the broad spectrum of the services that they provide and trying to analyze where they need to focus on and what they do on a daily basis. It is difficult to manage this with the amount of training staff they have assigned to personnel. In most cases he would not advocate moving a firefighter position into a training position, but with budget constraints they did not see any other way to accommodate the need for an additional person. They are recommending that they move one firefighter position over to training division which will allow them to better diversify the training that is being executed in that division. Right now approximately 2/3 of their calls are emergency medical response. The level of training they provide now to existing personnel is EMT basic. They have five personnel currently on the department that are at the paramedic level. They are working everyday to get more people certified, but this is an 18-24 month commitment and they are doing this voluntarily. The movement within fire service is for the medical field and with the bulk of their calls being medically related, they feel it would be prudent to start addressing that need and providing that level of service that citizens expect. He stated they can absorb the cost of that individual by transferring the funds from their operations division over to their training division and there will be enough funding to accommodate the salary.

Jackson questioned if the salary was going to be the same.

Chief Burk stated it is comparable and the net increase would be \$5,000 - \$10,000 this budget year depending on the individual that is selected. In the next years budget they will have to make adjustment because they would typically be losing a new firefighter position which starts

out at \$33,000 - \$34,000. This position is mid-management beginning level supervisory position. This year there would be no new dollars needed to fund this.

Wells stated probably 90% or more of the calls are fire departments first on the scene. It may be five or ten minutes later before an ambulance shows up. He would like to see us start this program.

MOVED by Wells SECOND by Morford to approve the reclassification of one Firefighter position to the position of Assistant Training Officer and authorize staff to adjust the Fire Department's budget to accommodate the reclassification. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

31. Consider an appeal from St. James Baptist Church regarding staff's denial of a cost sharing request for a fire hydrant installation to serve their facility located at 714 SW 45th Street. Exhibits: Location Map, Application, Agreement and Council Policy 6-4.

Rogalski stated St. James Baptist Church recently purchased the Country Club Heights Elementary school building located at 714 SW 45th Street from Lawton Public Schools. During the building permit review for a change of use/remodel of the building, the Fire Marshal determined that an additional fire hydrant would be required to meet the fire hydrant spacing requirements of Section 11-4-402 of the City Code. The contractor submitted an application for cost sharing per City Council Policy 6-4. This policy provides a means for the City of Lawton to share the costs for required public fire system improvements when said improvements meet the Public Benefit Threshold such that less than 50% of the buildings within the direct benefit area of the hydrant are owned/leased by the applicant. In reviewing the application, staff determined that the project would not qualify for cost sharing since the church is within such a large building and there are not enough of the adjacent residences within the benefit area of the new hydrant that are underserved by the existing system to meet the Public Benefit Threshold required for approval. St. James Baptist Church has requested that the council consider their appeal and approve their cost sharing application since the church is on a limited budget and is changing a vacant school building and providing a substantial benefit to the neighborhood. The cost of materials would be \$2,319.65. Staff feels that this situation is unique but there is not funding source appointed to this policy and staff is requesting the appeal be denied.

Wells questioned how these were paid in the past.

Rogalski stated the 2008 CIP.

Wells stated he understands the need for stricter fire regulations but he feels they should try to help out. He would recommend they approve this and take it out of the 2008 CIP.

Long stated all the funds are expended out of that specific area of the 2008 CIP.

Ihler stated there was approximately \$5 million in the 2008 CIP for waterline replacement and all of the money has been spent on projects that have been completed.

Wells questioned if there was any money in the 2012 CIP.

Ihler stated they just started the 2012 projects.

Haywood questioned if public works had the material.

Ihler stated the materials they have are for budgeted waterline breaks.

Haywood stated they have spent a lot of money transferring this over from a school to a church and they have done substantial work. He stated they have done cost sharing in the past and they need to help.

Burk stated Ihler has asked the council for the past few years to put money aside for this issue. He agrees they need to help the church, but if they take it away from a break that comes up, what do you do?

Ihler stated they are at the beginning of the year and if the council wished to fund this particular one, this could leave them short at the end of the year.

Burk questioned if they are going to allow others to apply.

Morford stated this is how we got into the situation we are in now and he feels it should be denied.

Zarle questioned why the hydrants are not acceptable for a church when they were acceptable for a school.

Ihler stated in the review it was required by the fire department based on our city code. Spacing of fire hydrants is required to be every 400 feet in residential neighborhoods and 300 feet in commercial. At this particular location they are required to bring it up to existing code with a remodel or reconstruction.

Mark Mitchell, Fire Marshall, stated the hydrants have been there long before they developed the fire hydrant ordinance. Under the fire hydrant ordinance the spacing of the hydrants is designed based on operational tactics. They are looking at almost 600 feet on either direction from that initial hydrant. The building is over 25,000 sq. ft and the reason he requires the hydrant is because our code requires buildings or attached buildings over 20,000 sq. ft. have a hydrant within 300 feet of all portions of that building. The current hydrant probably met the requirements at that time the school was built. He has two opportunities to improve fire safety within the city for buildings around town, and that is new construction or a change of use. This is a great improvement for that neighborhood and would be a great benefit and that is why they looked at it and said let's correct the lack of fire protection there now. The best solution would have been to put a fire suppression system in. He stated they are working with limited funds and that would have been costly so they chose to subdivide that building into smaller fire areas which is allowed by code, and that is why they were asked to put in the hydrant. He stated if they drop

a valve or lose that fire hydrant in a fire operation they are looking at going 1,100-1,200 feet to lay a line. Time is of the essence and they would lose more of the structure with this delay.

Mayor Fitch questioned what it would cost the church to put this in.

Ihler stated approximately \$8,700.

James Taylor, Pastor of St. James Baptist Church, stated for the past 50 years, Country Club Heights Elementary School has housed 185 students every day. Their church houses approximately 50 parishioners on Sunday and 20 on Wednesday. In 2012 they heard that Country Club Heights Elementary School was closing down and they scheduled a meeting with the school superintendent, principals and teachers. The theme of the meeting was the crime in the neighborhood. They went to the school board and presented a proposal. To this date they provided fire doors, installed 38 smoke detectors, carpeted and tiled the sanctuary and beautified the outside and touched the lives of the people around them. They intend to install central air conditioning and repair the parking lot. To date they have spent approximately \$100,000 to renovate the building. They cannot receive their certificate of occupancy until they receive the fire hydrant. The children of country club heights need to see that St. James Baptist Church care about them and the war on crime will be won in our classrooms. If they do not cost share the hydrant, they may not be able to afford to get their certificate of occupancy and every day they wait it is one day they cannot offer these social services.

Wells stated they have been discussing crime in the city and things for kids to do. This is an organization that is trying to help.

MOVED by Wells SECOND by Haywood to approve the cost sharing request for a fire hydrant with the money to be taken out of public works materials account.

Haywood stated Pastor Taylor and his wife have done a lot for this community and he feels something needs to be done.

Bellino-Hall questioned the bottom line of the costs.

Wells stated \$2,319.65.

Haywood stated they also did a cost share with the church on 82nd Street.

Jackson stated the City of Lawton is broke with an \$8.3 million deficit they have had to overcome. He stated he would vote to take it out of this budget, but a 10 cent one month surcharge would bring \$3,000.

Mayor Fitch stated that is not a solution tonight. He questioned if the church is willing to have their contractor install the water meter if the \$2,300 charge went away.

Mrs. Taylor stated they are asking for the \$2,300 for many “ifs”. If the City requires that they put a fire hydrant in, they will pay the labor to do that even though they don’t think they should have to do it at all.

Mayor Fitch stated if the City would furnish the materials, the church would proceed and finish the project. He stated there will be a check down there tomorrow morning. He stated they have done a tremendous job.

Wells questioned if the Mayor is stating that the money will come in for this.

Mayor Fitch stated yes.

Wells stated he will add \$500 to help with this and he will withdraw his previous motion.

Haywood stated he will also add \$500.

32. Discuss possibility of additional water resources for city of Lawton. Exhibits: None.

Jackson stated over the past three years the water situation has been difficult in Lawton as well as southwest Oklahoma. He became concerned with the decreasing water volume in our three reservoirs and even though it has rained and the lakes are full, he still believes that if Lawton is to grow, we can have an industry reading the paper that says Lawton is on water rationing. We need to start a dialogue, whether it be the possibility of an additional lake north or south or look at the water well situation in Lawton. He believes we are at the point where he does not think our water resources will get better and we need to start a dialogue now to improve the water situation in Lawton and Southwest Oklahoma. The answers are not going to come tomorrow or next week, but they need to recommend to city staff that they start research on proposing some sort of additional water source.

Mayor Fitch stated public works staff is gathering data and if we are talking about another lake we could be talking a minimum of \$300 million and 15 years to build. There are alternatives with wells, but staff has looked into recycling water at the water treatment plant. They are looking at possibly 10 million gallons a day that would be available. These issues are being thought about and addressed

Ihler stated we haven’t gotten the fall and springs rains they had hoped for. At the beginning of the year he asked staff to start researching and working with the Oklahoma Water Resources Board to gather information and data on the aquifer that exists under Lawton and the wells that we have used in the past to determine how much we could draw and look at the water quality. In addition they have started to push with the Oklahoma Department of Environmental Quality the reuse of wastewater, which is not a high priority to them at this time. They have asked our legislators to get involved in that process and they approved some bills that did allowed reuse, but not for drinking water. He requested staff put together a conceptual report that takes a look at different sources of water in this area and cost of what it might take to be able to move in that direction. This is more of a five to ten year outlook before you could start implementing some of these things. A great portion of it will depend on what we are able to get pushed through

legislation and pushed through ODEQ to be able to utilize with regards to reuse. We already reuse 3 million gallons a day from the wastewater treatment plant that they supply to AEP/PSO, which leaves 6-7 million that we could still utilize. There are going to be costs associated with being able to treat that type of water to utilize as drinking water. They are hoping that by the end of this calendar year they will have a very preliminary conceptual report that they can look at for perhaps the next CIP and hiring someone for a full blown study.

Jackson stated there would be more of an immediate use with the aquifers and water wells that have been used in the past.

Ihler stated that is what staff is looking at. She has gathered a lot of data on those particular wells that we have used in the past. That will all be part of this conceptual study.

Morford stated he read that the governor was setting up a board and he questioned if we could be involved.

Ihler stated he would have to check. He stated the OWRB has a committee that looks at these issues. One of the biggest issues with the groundwater is the quality. We could use that water for irrigation purposes, but we want to look at it for domestic as well as irrigation.

Jackson stated they just need to plan ahead. He questioned the time frame of this report.

Ihler stated when they get into a real study and hiring someone as part of the CIP they are looking at a year to two years to do a full blown study. He has asked staff to give him some type of information on a conceptual report by the end of the calendar year.

33. Consider an ordinance pertaining to animals amending Sections 5-1-104, 5-1-106, 5-1-107, 5-1-114, 5-1-117, 5-1-118, 5-1-120, 5-2-202, 5-2-204, 5-2-206, 5-4-404, 5-4-405, and 5-6-601, Chapter 5, Lawton City Code, 2005, providing for severability, and establishing an effective date. Exhibits: Ordinance No. 13-__ and Summary of proposed ordinance changes.

Neil West, Assistant City Attorney, stated from time to time they get called to look at some ordinances that need to be changed to make the laws they have on the books work more smooth when they get to court. He stated Rose Wilson, Animal Welfare Supervisor, requested he look at the code. He stated the major changes to the code are as follows:

-The amendment to Section 5-1-104 permits euthanizing a diseased, injured or sick animal to relieve unnecessary pain and suffering without waiting the seventy-two (72) hour redemption period in which an animal normally may be reclaimed by its owner.

-The amendment to Section 5-1-106 permits Animal Rescue Groups to hold adopt-a-thons and establishes criteria for when a BAT permit fee can be reimbursed.

-The amendment to Section 5-1-107 declares it a nuisance when any person fails to immediately remove animal feces deposited on public streets, sidewalks, gutters, parks or other publicly

owned property or the private property of another. The amendment also declares it a nuisance when any person allows animal feces to accumulate on his or her own private property to such an extent that it creates an offensive odor for neighboring properties. It also requires that the conditions creating the nuisance be corrected before the animal may be redeemed.

-The amendment to Section 5-1-114 permits an animal welfare officer to use all standard methods, techniques and equipment to capture an animal running at large.

-The amendment to Section 5-1-117 clarifies the manner in which an impounded animal may be disposed of by the City.

-The amendment to Section 5-1-118 requires the owner of an animal impounded due to abandonment or public nuisance to demonstrate that the conditions leading to impoundment have been corrected before the animal can be redeemed. It also requires the owner to pay all impoundment and boarding fees prior to redemption.

-The amendment to Section 5-1-120 clarifies the circumstances under which animal welfare officers are authorized to seize animals in serious and life threatening situations and makes any expenses and property damage associated therewith city personnel rescuing an animal the responsibility of the person creating the conditions requiring rescue or seizure of the animal.

-The amendment to Section 5-2-202 expands the requirements for owning a dangerous dog to include ownership of a muzzle, proof of a city license, and proof of micro chipping the animal before the owner will be issued a certificate of registration. It also provides an exception for dangerous dogs under six (6) months old.

-The amendment to Section 5-2-204 clarifies the conditions under which a dangerous dog may be confiscated by animal welfare and authorizes the judge to order the owner or keeper to comply with other preventative measures.

-The amendment to Section 5-2-206 clarifies the authority of the court following dangerous dog hearings.

-The amendment to Section 5-4-404 restricts the riding or walking of large animals on roadways or on public property.

Jackson clarified that this section means he cannot ride his horse down the street.

West stated yes.

Wells stated there is land zoned agricultural in town where horses are raised. He feels this is too restrictive and he cannot vote for this ordinance.

Jackson stated he does not agree with this section.

West stated this is a public safety matter.

Jensen suggested Mr. West complete the summary and let Ms. Wilson address the council concerns.

West continued summarizing the changes:

-The amendment to Section 5-4-405 substitutes the word “division” in place of “supervisor”.

-The amendment to Section 5-6-601 includes “repetitive instances of running at large” as a factor used by the animal welfare division to determine if preventative measures for confinement or seizure of animals should be imposed. It also permits the animal welfare division to require an animal to be muzzled and spayed or neutered as part of the preventative measures.

Mayor Fitch requested Ms. Wilson address the concerns regarding Section 5-4-404.

Rose Wilson, Animal Welfare Supervisor, stated a lot of the proposed changes come from complaints from citizens. There are a few stables in town and one is south on Sheridan Road and there is a group of individuals that get on their horses and ride through Lawton and ride through people’s yards and tear them up and they receive calls and there is nothing in the code to address this situation.

Morford questioned how you can have these animals in Lawton.

Wilson stated if you want horses or livestock, you have to have at least five acres or more of land and she assumes this stable has that.

Burk stated he was by the dog park and they were riding through the ball park on 38th Street eating the grass inside the ball park. He assumes this would be dangerous for people.

Haywood stated he believes Wilson is talking about the stable on Bishop Road.

Burk stated it would be dangerous for the riders as well.

Wells questioned if they were going to pass an ordinance that you can’t have any agricultural or ranch land inside the city limits. He stated on 67th and Gore there is a family that has horses on the property. He stated we get overly restrictive.

Burk stated he is concerned that someone will get hurt. He did not care for the fact that they are walking through the ball parks after we have spent hundreds of thousands of dollars to upgrade.

Morford stated people should be responsible for cleaning up their mess and for the damages.

Burk questioned if they can address these issues without saying you can never ride a horse.

Jackson stated he does not have a problem with the ordinance as it is written except for item “B” of that section.

Wilson stated they receive complaints that these riders go down Sheridan and through the neighborhoods.

Jackson stated they need to figure out a way to stop that activity.

Burk questioned if they could bring this back with another recommendation for this problem.

Mayor Fitch suggested they pass the ordinance except for that one particular item and let staff rework it and bring it back.

Wells suggested they table this item and appoint a council committee to discuss what they really want. Of all the complaints he has had since he has been on council, there have been none as bad as against the animal shelter. We get too restrictive.

Jackson stated there is a public perception that staff is required to put animals down after three days. He questioned if that was true.

Wilson stated they are held for 72 hours and that does not count the day they come in and the days they are closed, so that can add up to about five days. If they are not considered adoptable, they will be put down at the end of that time. If they are considered adoptable, they have held them up to two months.

Jackson stated that is important for the public to understand.

Wells questioned how long we keep those animals we get from other communities that we contract with.

Wilson stated the contract is for euthanization. If there is an animal in there that looks adoptable she will pull it out and put it up for adoption or transfer it to a rescue group.

MOVED by Wells SECOND by Tanner to table this issue and appoint a council committee to look at the ordinance.

Morford questioned the definition of a dangerous dog.

Wilson stated that is an animal that has shown aggression towards someone or an animal that, because of its breed, has a propensity of inflicting severe injury or has inflicted severe injury on a human or another animal.

SUBSTITUTE MOTION by Jackson SECOND by Burk to adopt **Ordinance 13-26**, with the exception of Section 5-4-404 (B), waive the reading of the ordinance, read the title only, and establishing an effective date. AYE: Morford, Jackson, Bellino-Hall, Burk, Fitch. NAY: Tanner, Zarle, Haywood, Wells. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 13-26

An ordinance pertaining to animals amending Sections 5-1-104, 5-1-106, 5-1-107, 5-1-114, 5-1-117, 5-1-118, 5-1-120, 5-2-202, 5-2-204, 5-2-206, 5-4-405, and 5-6-601, Chapter 5, Lawton City Code, 2005, providing for severability, and establishing an effective date.

34. Consider an ordinance amending Section 16-4-4-473, Division 16-4-4, Article 16-4, Chapter 16, Lawton City Code, 2005, pertaining to transporting a loaded firearm, providing for severability, and establishing an effective date. Exhibits: Ordinance No. 13-__.

Jensen stated there currently is a provision in the code that says that any person who stops pursuant to a moving traffic violation in a vehicle and who is transporting a loaded pistol in the motor vehicle without a valid concealed hand gun permit, if they do so they shall be issued a traffic citation. Last year the Oklahoma legislature amended the law regarding the improper transportation of firearms to include concealed and unconcealed firearms. The law also allows a lawfully-carried firearm to be confiscated under certain circumstances.

MOVED by Jackson SECOND by Burk to adopt **Ordinance 13-27**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 13-27

An ordinance amending Section 16-4-4-473, Division 16-4-4, Article 16-4, Chapter 16, Lawton City Code, 2005, pertaining to transporting a loaded firearm, providing for severability, and establishing an effective date.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Morford stated he got a note on the issue of boathouses and he thought this might be something they may need to discuss. He stated there was one for sale in the newspaper for \$85,000 and some people thought there were inequities there.

Mayor Fitch stated he would question whether it was the council's responsibility to deal in personal property sales.

Wells stated a person is selling a boat with a slip attached to it and the slip does not belong to them, it belongs to the City. He spoke to Kim Shahan, Parks and Recreation Director and he was told that School House Slough has no waiting list for boat houses. He requested if they were going to allow a citizen to lease a slip and then sell their boat house and that person gets the slip even though there is a waiting list.

Long stated currently our code does allow for the owners of boat houses to barter and conduct his type of activity. He stated the question tonight is if they should allow for that bartering to occur.

Mayor Fitch stated they did need that slip.

Bellino-Hall stated we had a huge softball tournament here and she predicts that our sales tax revenue will increase.

Jackson stated sports was important to the economy in the early 80's and at that time he thought we could promote sports and he requested the chamber create a sports promotion committee within the chamber and they agreed. He stated they began to bring in other tournaments. Competition around the state is fierce but it is something they need to continue with and the council needs to support these people.

Burk stated we just need to fix our facilities. We need to start working on some of our other sites. You are going to have to have CIP money to go in and redo some of our other ballparks.

Long stated the council has received a report from neighborhood services division. They received 506 complaints in July on tall grass and weeds. He stated the council has also received a report on the Chevron Energy contract. We have currently exceeded our goal by \$46,000.

Mayor Fitch stated he and the City Manager sat down with the police and fire chiefs to talk about their shortages in personnel. He would like to schedule a special council meeting to discuss the situation we are in regarding these two departments.

Council agreed to meet on Wednesday, August 21st at 1:30 p.m.

The Mayor and Council convened in executive session at 7:50 p.m. and reconvened in regular, open session at 9:11 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

35. Pursuant to Sections 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending actions relating to modified Consent Order, Case No. 12-136 offered by the Oklahoma Department of Environmental Quality (ODEQ) regarding the sludge lagoons utilized at the Medicine Park Water Treatment Plant (MPWTP) located on Ft. Sill and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #35.

MOVED by Wells SECOND by Haywood to authorize the Mayor to execute consent order #12-136 with the Oklahoma Department of Environmental Quality which requires the City to perform certain tasks to upgrade the City's water treatment facility in order to maintain compliance with the City's permit limits associated with the sludge lagoon system at the Medicine Park Water Treatment Plant. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

36. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of Loretta Dillard vs. City of Lawton, CJ-2012-883, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #36.

MOVED by Burk SECOND by Bellino-Hall to adopt **Resolution 13-48** authorizing the City Attorney to enter into an economic settlement agreement, the District Court of Comanche County, State of Oklahoma, for the sum of \$5,000 as settlement of the lawsuit styled Loretta Dillard vs. City of Lawton, CJ-2012-883 and directing the City Attorney to prepare and file a journal entry incorporating said resolution and settlement agreement for the courts approval. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

37. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of Kerry Fryer-Price vs. City of Lawton, CJ-2012-278, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #37. No action was taken.

38. 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. **STRICKEN.**
39. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending claim/litigation involving the Finance Director, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #39. No action was taken.

There being no further business to consider, the meeting adjourned at 9:15 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK