

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JUNE 10, 2014 – 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
COL Glen A. Waters, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:10 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Ron DuPont, Faith Family Fellowship, 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

EMPLOYEE SPOTLIGHT PRESENTATION TO SHERRI POOLAW – SEWER
CONSTRUCTION AND JORGE MACIAS – TRAFFIC CONTROL.

Mayor Fitch and Bryan Long recognized Sherri Poolaw from Sewer Construction and Jorge Macias from Traffic Control. Mr. Macias was recognized for designing the Heroes Boulevard signs which were placed on 11th Street.

AUDIENCE PARTICIPATION: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR
MEETING OF MAY 13, 2014.

MOVED by Wells SECOND by Zarle to approve the minutes of Lawton City Council regular meeting of May 13, 2014. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

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

1. Consider the following damage claims recommended for approval: CenterPoint Energy in the amount of \$918.5 (**Res. 14-72**), and Kimberly Monda and Louis Williams in the reduced amount of \$142.26. Exhibits: Legal Opinions/Recommendations and Resolution 14-__.
2. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Donna Gibson. Exhibits: **Resolution No. 14-73**.
3. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Michael Porter. Exhibits: **Resolution No. 14-74**.
4. Consider approving an Outside Water Sales Contract with John Stowe, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office.
5. Consider renewing an Agreement for Professional Services between Alvin R. Jung, d/b/a Jung Engineering, and the City of Lawton to evaluate and provide expert testimony on the redesign and reconstruction of a property in the Comanche County District Court Case CJ-2014-49 styled Vickie Barney vs. City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Agreement between Alvin R. Jung and City of Lawton.
6. Consider awarding an extension for the Group Health and Dental Plan Administration Services and Reinsurance Stop Loss to Blue Cross and Blue Shield of Oklahoma for an additional a year. Exhibits: Administrative Guarantees (July 1, 2013 – June 30, 2016), Renewal Addendum to Benefit Program Application (ASO BPA), Dental Program Description, Exhibit to the Stop Loss Coverage Policy.
7. Consider authorizing acceptance of the award of a \$45,000.00 grant from the 2014 Oklahoma Attorney General's Safe Oklahoma Grant Program. Exhibits: None.
8. Consider approving annual contract renewals between the City of Lawton and the following: County Commissioners (Juvenile Detention Center); J. Roy Dunning (Children's Shelter); and Lawton Crimestoppers, Inc. (Funds from sale of property in police custody). Exhibits: Copies of contracts are located in the City Clerk's Office for review

9. Consider adopting a resolution designating places and times within municipal jurisdiction to discharge fireworks on July 4, 2014, and authorize the Mayor and City Clerk to execute the resolution. Exhibits: **Resolution No. 14-75**.
10. Consider approving a Memorandum of Agreement between the Comanche County Health Department and the City of Lawton for public health services and authorize the Mayor and City Clerk to execute the document. Exhibits: Memorandum of Agreement.
11. Consider accepting the maintenance bond and sanitary sewer line to serve the Hilton Garden Inn and Convention Center located at 135 NW 2nd Street. Exhibits: Location Map. Maintenance Bond on file in the City Clerk's office.
12. Consider accepting a permanent easement and a temporary easement from John I. and Helen M. Grose Trustee of The Grose Family Trust 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.
13. Consider awarding contract (RFPCL14-041) Property Insurance to North American Insurance Agency of Lawton, LLC dba INSURICA of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
14. Consider awarding contract (RFPCL14-045) HVAC Services to Johnson Controls of Oklahoma City, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
15. Consider awarding contract (CL14-049) Reinforcing Bar Products to Albright Steel & Wire of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
16. Consider awarding contract (CL14-053) 8" Chain Link Fence to Nichols Landscape Company of Stephens, Arkansas. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
17. Consider approving appointments to boards and commissions. Exhibits: None.

City Planning Commission (CPC)

Jim Nisbett
2903 Templeton Terrace
Lawton, Oklahoma 73505
07/26/17

Lawton Industrial Development Authority

Albert Johnson Jr.
25 NW Lakewood Dr
Lawton, Oklahoma 73505
5/25/19

Lawton Urban Renewal Authority

Albert Johnson
118 NE Bell Drive
Lawton Oklahoma 73507
07/31/17

Joe Abshere
611 NW Allison Lane
Lawton, Oklahoma 73505
07/31/17

Jacob Brox
PO Box 1646
Lawton, Oklahoma 73502
07/31/17

Mayor's Commission on the Status of Women

Toni Capra
At Large City or County
125 Forrest Drive
Medicine Park, Oklahoma 73557
Unexpired Term 09/10/15

Pension Trust Commission

Carl Dentler
6712 SW Driftwood Drive
Lawton, Oklahoma 73505
Unexpired Term 11/01/15

18. Consider approval of payroll for the periods of May 12 – June 8, 2014.

OLD BUSINESS ITEMS:

19. Consider approving an Ordinance pertaining to Telecommunications Towers amending Paragraph A, Section 6-8-1-804, Division 6-8-1, Article 6-8, Chapter 6, Lawton City Code, 2005, relating to placement and setback requirements, providing for severability, and establishing an effective date. Exhibits: Ordinance 14-__.

Richard Rogalski, Community Services Director, stated current city code states that towers shall maintain a setback of at least the tower height multiplied by a factor of one point one (1.1) to any property line which abuts an R-E, R-1, R-2, or R-3 zoning district; to any existing building used for residential purposes regardless of the zoning; or to any public street right-of-way or street easement. The original intent of the setback requirement was to prevent surrounding property damage resulting from a collapsed tower. The construction and engineering of modern telecommunication towers has improved since the code was written. Most modern towers are now designed as collapsible monopole type towers and are designed with break points which allow tower sections to collapse sequentially instead of the entire tower. This ordinance would allow for a reduction of the setback requirements when the tower is a collapsible monopole type tower and a professional structural engineer licensed in the State of Oklahoma certifies that the theoretical failure zone falls within the reduced setback. On April 16, 2014, the Building Development Appeals Board gave their support in favor of adopting this change.

Morford questioned if the owners of these towers have a bond or insurance in case there is a collapse.

Rogalski stated he believes they would have to carry whatever business bond is required.

MOVED by Burk SECOND by Wells to adopt **Ordinance 14-17**, 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 14-17

An ordinance pertaining to telecommunication towers amending paragraph a, Section 6-8-1-804, Division 6-8-1, Article 6-8, Chapter 6, Lawton City Code, 2005, relating to placement and setback requirements, providing for severability, and establishing an effective date thirty days from today.

NEW BUSINESS ITEMS:

20. Hold a public hearing to receive input from citizens regarding the City of Lawton budget for Fiscal Year 2014-2015. Exhibits: None.

PUBLIC HEARING OPENED.

Herbert Derricott, 1612 NW Cheyenne Drive, stated the newspaper reported that there will be a 1.1% utility hike. He questioned if that was part of the budget.

Mayor Fitch stated yes.

Mr. Derricott stated his water bill is \$62 whether he uses any water or not. He has been in this city since 1993 and he cannot remember a year without some kind of rate hike on the citizens. He sees all kinds of new businesses opening up in the city and he questioned where all this money is going. Don't they pay utilities? He is tired of a rate increase every year. They raised social security by 3% and everything else will go up. Citizens in Lawton are on a fixed income.

Mayor Fitch stated the Consumer Price Index (CPI) is able to be assessed against the water rates on an annual basis. The CPI in years past have not been extended and passed on the water bill and that is why they go along and then have a 6%, 7% or 8% increase. If the council had been doing this all along we would not have had some of those large increases.

Tanner questioned if this ordinance was at the City's option, they can either exercise the ordinance or just let it stay the same.

Long stated this was a resolution passed by the council directing staff to include this CPI.

Tanner questioned when this resolution was passed.

Long stated around 2004.

PUBLIC HEARING CLOSED.

21. Consider approving an ordinance creating Sections 10-18-1801 through 10-18-1809, Article 10-18, Chapter 10, Lawton City Code, 2005, to assess and levy the continuation of a one-half percent (0.5%) sales tax expiring December 31, 2014 and a three-eighths percent (0.375%) sales tax expiring June 30, 2015, by renewing both in a combined amount of seven-eighths of one percent (0.875%) to be collected from January 1, 2015, through December 31, 2025, with the purposes of the revenues derived from the renewed sales tax to include (1) school facility/grounds improvements and vehicles for Lawton Public Schools, (2) capital improvements for the City of Lawton in the areas of public safety, roadways/bridges, water/sewer systems, public buildings/recreation and sidewalks, and (3) operational expenditures in the areas of police/fire personnel, abatement of dilapidated structures and summer youth programs, with the requirement that all revenues and proceeds derived from the renewed tax be deposited and credited into the 2015 capital improvement/operational fund of the City in accordance with the provisions of state law, to be used solely for the purposes set forth in the ordinance as approved by the voters, providing for the administration of the collection of the sales tax, severability, continuation of the ordinance in the event any purpose of revenue provision is declared invalid, repeal of certain ordinances contingent upon the approval of the ordinance by the voters, codification and requiring the full text be published. Exhibits: Ordinance 14-__.

MOVED by Jackson SECOND by Burk to adopt **Ordinance 14-18**, 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 14-18

An ordinance pertaining to finance and taxation creating Sections 10-18-1801 through 10-18-1809, Article 10-18, Chapter 10, Lawton City Code, 2010, by enacting an ordinance assessing and levying an excise tax of seven-eighths of one percent (0.875%) in addition to all other excise taxes assessed and levied by the City of Lawton, Oklahoma, and all other taxing authorities, upon the gross proceeds or gross receipts derived from all sales to any person taxable under the Oklahoma sales tax code, codified in title 68, Oklahoma statutes, section 1350 et seq, providing for the administration and collection of said tax; providing for the use of state permits in lieu of permits issued by the city; stating the purpose of the revenues derived from said sales tax and providing for the disposition of proceeds therefrom; declaring that revenues be used for public safety purposes, capital improvement projects and operational expenditures; providing that the tax shall be limited to a period commencing January 1, 2015, and terminating December 31, 2025; making the tax cumulative; providing that the governing body may make administrative and technical changes which do not affect the tax rate; requiring approval of this ordinance by majority of the registered, qualified voters of the city voting at an election to be held for such purpose as provided by law; providing for codification; repealing certain ordinances contingent

upon the approval of this ordinance by the voters; providing for severability of the provisions of this ordinance; providing for continuation of this ordinance in the event the purpose of revenue provision is declared invalid; providing for an effective date; and requiring the full text to be published.

22. Consider approving an ordinance authorizing the calling and holding of an election on August 26, 2014, in the City of Lawton, State of Oklahoma, for the purpose of submitting to the registered qualified electors of said City the questions of the continuation of a one-half percent (0.5%) sales tax and a three-eighths percent (0.375%) sales tax by renewing both in a combined amount of seven-eighths of one percent (0.875) for eleven years to provide funds for the various purposes specified by the ordinance; providing for severability; declaring an emergency; and requiring the full text be published. Exhibits: Ordinance 14-__ and Election Proclamation.

MOVED by Burk, SECOND by Jackson to adopt **Ordinance 14-19**, 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 14-19

An ordinance authorizing the calling and holding of an election in the city of Lawton, state of Oklahoma, for the purpose of submitting to the registered qualified electors of said city the question of the approval or rejection of Ordinance No. 14-18 of the city relating to a continuation of certain existing sales tax of the city and defining the purpose for such tax; and declaring an emergency.

(Emergency Clause read by City Attorney)

Section 5. Whereas, it being immediately necessary for the preservation of the peace, health and safety of the City of Lawton and the inhabitants thereof of said City being without adequate water and sewer system facilities, streets, and other improvements, it is deemed and hereby declared necessary for the preservation of the public health, peace and safety that this Ordinance shall become operative immediately; wherefore an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage, as provided by law.

23. Consider approving a revised form and format of the City of Lawton's Mutual Assistance Agreement for Fire Department related emergency services and direct staff to seek implementation of said document. Exhibits: Proposed revision to the City of Lawton's Mutual Assistance Agreement for Fire Department related emergency services.

STRICKEN

24. Consider approving an Ordinance pertaining to Itinerant Vendors amending the definition of an itinerant vendor, prohibiting all door-to-door activities of itinerant vendors within the City of Lawton, and establishing a definition and regulations for door-to-door vendors by amending Sections 7-12-1-1201 through 7-12-1-1204, 7-12-1-1209, 7-12-1-1213, and

7-12-1-1217, and repealing Sections 7-12-1-1205 through 7-12-1-1208, 7-12-1-1210 through 7-12-1-1212, and 7-12-1-1214 through 7-12-1-1216, Division 7-12-1, and pertaining to Temporary Structures and Uses by establishing a temporary use category for itinerant merchants, amending the temporary use regulations for promotional activities of existing businesses by establishing Section 7-12-2-1249, and amending Sections 7-12-2-1250 and 7-12-2-1251, Division 7-12-2, Article 7-12, Chapter 7, Lawton City Code, 2005, providing for renumbering and severability. Exhibits: Ordinance 14-__.

Rogalski stated recently there was some concern in the community with people going door to door and there was some concern with where they came from and what they were doing. At that time city council asked staff to write a code regulating that activity. Staff worked with a council committee. He stated this does not regulate free speech by not allowing people to go door to door for religious and political reasons. But this regulates people from soliciting, going door to door asking for money. There are two tiers of door to door vending. They felt it was important to the community that people going door to door have some local presence and someone to hold accountable for their actions. The only way to get a permit to go door to door is if you have a store front within the city of Lawton. The first tier is your organization gets an annual permit at a cost of \$50 and your employees can hand out leaflets and door hangers. If you want your employees to go to the door and make personal contact, the code takes another step in that it requires a photo ID which identifies you with that company. He stated this will protect the community from people pretending to be someone.

Tanner questioned what would prevent someone from counterfeiting this information.

Rogalski stated it is hard to protect against those that are crafty and break the law.

Tanner stated he is self employed and his business fluctuates and sometimes he has to go out and solicit business by stopping and handing people his business card. From reading this ordinance, in order for him to do that type of activity, he will have to get a permit from the City to do this. He agrees with the part of stopping the itinerant vendors, these gypsies that come in from out of town, but he does not want us to burden the local small business community.

Burk stated that is not what staff is saying. If you are going to go up and ask someone for money at their door, you have to have the permit. He stated he gives out door hangers, but he is not soliciting money.

Tanner stated you are potentially selling your service.

Burk stated he is not selling anything. He is leaving them a leaflet for them to figure out if they want to call him. He stated recently there have been people who get permits and go down the street with big semi trucks full of furniture and it was very upsetting to citizens that this semi truck was going through residential neighborhoods selling furniture out of the back of a truck. They were going door to door up and down the streets. We have a real issue with this. If you are going to sell me something at my door you need to be able to show me who you are and that the City of Lawton is okay with you being here. If you are going to leave a leaflet on my door, then leave it.

Tanner stated he is talking about the local business owner having the liberty and freedom to walk up to someone in the community and hand them a business card without having to have a permit to do so and a city issued ID badge. He stated technically he would have to go get a permit to hand someone a business card. He requested a yes or no answer.

Rogalski stated to go to someone's door that would be yes.

Jensen requested Rogalski read the code section. He stated it defines what door to door activities are, it is not just knocking on the door.

Rogalski stated yes, you are a door to door vendor and you need a permit, you only need an ID if you knock on the door.

Tanner stated the answer to the question is yes, in order for him to hand a person business cards and solicit business from them, he would need a permit from the City and a city ID badge. He is sure there are a lot of citizens in Lawton that would be perfectly fine with that.

Rogalski stated if you are going to someone's home you would be a door to door vendor and the City does require your company to obtain a permit. If you are going to knock on that door and make contact, it asks for an ID card. He stated staff was directed to do this by the council and maybe it is not perfect.

Tanner stated he is just trying to get clarification.

Burk stated he is not going knocking on someone's door. If he is a vendor that is going door to door and knocking on the door, he needs a permit and an ID to get that done. If he is walking up to the door to put a door hanger on their door and he is not knocking on the door then he is not a vendor, he is just leaving a leaflet on the door.

Tanner stated he believe that he will need a permit.

Rogalski stated this code would require Councilmember Burk to have a permit so that they know who is responsible for all those leaflets. He is a door to door vendor but he does not have to have an ID because he is not making personal contact.

Jensen stated a door to door vendor means in particular the activities of a door to door vendor. He requested Rogalski read the code.

Rogalski read the following:

1. "Door-to-door vendor" means a person owning, managing or representing a local business or other organization that goes door-to-door to individual residences on behalf of said local business or organization selling or promoting goods or services. Activities of a door-to-door vendor include but are not limited to the following:

- a) Soliciting orders for goods or services supplied from the stocks carried with or delivered later or for services provided by or through the vendor;
- b) Promoting or attempting to obtain business through personal contact or distribution of handbills or leaflets to the public directly or by placing them on a doorknob, windshield or other property of another;
- c) Persons on behalf of a religious, political or charitable organization going door-to-door selling or promoting any goods or services, or soliciting donations through personal contact or distribution of handbills or leaflets.

Jackson stated he is also in the mom and pop small business and what they run into in the roofing industry is when the hail storm hits you immediately get the storm chasers in town and they are not going to stop by city hall and get their permit. They are going to hit that neighborhood hard and fast and make contact handing out flyers and asking for the right to do an estimate on their roof. The local vendor who has to come down and get a permit and ID may lose business if he has to wait a day or two. He is kind of leery simply because of that reason. He has to be able to knock on the door to check out the roof. He does not want to be restricted when the storm chasers hit town.

Burk stated the permit has to be purchased once a year. He questioned if Neighborhood Services Division is going to police these guys leaving flyers all over town. This could help the local vendor.

Tanner stated this is an infringement on personal liberties.

Burk questioned the penalty if they get caught putting out flyers without a permit.

Rogalski stated that would be up to the judge. It could go from 0\$ - 75\$. He stated this has been a struggle and the question is how do you protect the people in their houses without some kind of permit or ID.

Tanner questioned why they just don't focus on the itinerant gypsy vendors and make them get these permits. Why do you have to get a permit if you already have a business in Lawton.

Rogalski stated the people at home cannot tell the difference.

Tanner stated these folks that come in from out of town are not going to stop by city hall and get a permit.

Long stated staff receives calls very often asking if individual vendors are permitted through the City. Staff is trying to determine how we assure our citizens that in fact the service they are buying into is in fact a legitimate business.

Wells stated he understands the concerns from local businesses, but we have to remember in the early 2000's an itinerant vendor came in selling perfume and murdered a woman down on C Avenue. We are trying to protect the citizens. For the local vendors, we are saying that itinerant

vendors cannot go through neighborhoods anymore, they have to set up downtown someplace on a lot or something. Local vendors should not be competing with any of these people.

Mayor Fitch stated anytime there is storm damage citizens are made aware of the scam artists that have come to town.

Tanner read from the ordinance:

9. ~~Other p~~Promotional activities of retail merchants existing businesses involving the outdoor display of goods and merchandise or involving the use of a temporary structure conducted outside of their permanent enclosed commercial buildings and upon the business' premises in any commercial or industrial zoning districts shall be permitted subject to the following conditions:

He stated the following was stricken:

- ~~e) These provisions shall in no way be deemed to do not authorize the outdoor display of automobiles, trailers and equipment rental or the sale of used furniture, appliances, housewares, or building materials or similar display or sale in any commercial district except as such may otherwise be authorized elsewhere in this Code as a permitted principal or accessory use; and~~

He questioned if this will prevent folks like Sutherlands, Comanche Lumber and Malts Appliances from displaying their merchandise outside of their stores.

Rogalski stated no. When they moved itinerant vendors to itinerant merchants they changed temporary structures and uses and as they had this catch all that said “other promotional activities” and they had to narrow it to just “promotional activities” and clean that up. They did strike out all of item “e”. The reason is that it was kind of confusing. He stated the “do not” that is in there that is underlined was not in the original code. The original code reads “These provisions shall in no way be deemed to authorize the outdoor display of etc...” He stated the last sentence does state that “except as such may otherwise be authorized elsewhere in this code”. This provision does not authorize that unless other code does and they are part of other codes. If you have a business that is a certain zoning and you are permitted to have outdoor display, that is just part of your business.

Tanner clarified that if this ordinance passes we are not going to send someone over to Malt’s Appliances and tell them to put their appliances back inside.

Rogalski stated no, this does not change that at all.

MOVED by Wells SECOND by Burk to adopt **Ordinance 14-20**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Zarle, Haywood, Wells. NAY: Tanner. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 14-20

An ordinance pertaining to itinerant vendors, amending the definition of an itinerant vendor, prohibiting all door-to-door activities of itinerant vendors and/or merchants within the city of Lawton, and establishing a definition and regulations for door-to-door vendors, by amending Sections 7-12-1-1201 through 7-12-1-1204, 7-12-1-1209, 7-12-1-1213, and 7-12-1-1217, and repealing sections 7-12-1-1205 through 7-12-1-1208, 7-12-1-1210 through 7-12-1-1212, and 7-12-1-1214 through 7-12-1-1216, Division 7-12-1, Article 7-12, Chapter 7, Lawton City Code, 2005, and pertaining to temporary structures and uses by establishing a temporary use category for itinerant merchants, amending the temporary structure and use regulations for promotional activities of existing merchants and businesses by establishing Section 7-12-2-1249, and amending Sections 7-12-2-1250 and 7-12-2-1251, Division 7-12-2, Article 7-12, Chapter 7, Lawton City Code, 2005, providing for renumbering and severability.

25. Consider approving a Resolution pertaining to Itinerant Vendors and Temporary Structures and Uses by repealing the fees for itinerant vendors, establishing the fees for door-to-door permits, and amending the fees for temporary structures and uses by amending Articles A-7-12 and A-7-12-2, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005. Exhibits: Resolution No. 14-__.

Jackson questioned if he could go buy a permit and get his ID badges for the year.

Rogalski stated yes.

Jackson clarified that he has to have a badge for each one of his employees that hit the street.

Rogalski stated yes

Tanner stated he is concerned with the vendors who sell watermelon, honey, pecans, etc. He stated they can buy a permit for \$25, but they would have to put up a deposit of \$500.

Rogalski stated the deposit does seem a little high, but the purpose for deposits are so that people will clean up the place after they have a temporary sale. The majority of them are approximately \$100, so he said they could adjust that deposit and bring it back.

Mayor Fitch suggested they amend the resolution.

Wells stated he would amend his motion to say the deposit for Non-residential flea market, farmers market, auction, arts and craft fair will be \$50.

MOVED by Wells SECOND by Burk to adopt **Resolution 14-76** as amended. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

26. Consider approving an Ordinance pertaining to Donation Boxes and Recycling Bins amending the regulations for exemptions, clarifying the maximum size of a single recycling bin and providing that multiple smaller containers may be used in place of a single large recycling bin, by amending Sections 7-33-1-3302 and 7-11-1-3304, Division 7-33-1, Article 7-33, Chapter 7, Lawton City Code, 2005, and providing for severability. Exhibits: Ordinance 14-___. **STRICKEN**
27. Consider an ordinance pertaining to Personnel Policies and Procedures amending Section 17-1-7-171, Division 17-1-7, Article 17-1, Chapter 17, Lawton City Code, 2005, by extending the timeframe the City has to take disciplinary action against a non-union general employee from 15 to 30 working days, suspending such 30 day time limit when a criminal action is pending in district court, providing for severability and establishing an effective date. Exhibits: Ordinance 14-___.

Tim Wilson, Deputy City Attorney, stated this ordinance deals with our personnel policies. Since the 1990's city code has said that we have 15 working days to impose discipline upon our employees upon learning about an issue where discipline is needed. That has caused problems because you have to have time to do a thorough investigation which may mean interviewing the employee or other employees and getting that report to the City Manager/department director and then they need to determine if discipline is warranted. Then a predetermination hearing must be scheduled. All this takes time and it makes it difficult to get it done within the 15 working day requirement. He stated they have negotiated this with the police and fire unions and they have increased their timeframe to roughly 30 days. He stated they are asking to extend the time for general employees also to 30 working days. This issue has gone before the Employee Advisory Committee and they have voted to recommend that the council adopt this ordinance. One other thing this will do is when we have a criminal case filed in criminal court it will toll the time we have to impose discipline pending the outcome of the criminal case.

Morford questioned if this is from the time the offense happens or when it is discovered.

Wilson stated it is from the time it happens or we learn about it or should have known about it. It depends on the circumstances of the facts.

MOVED by Wells SECOND by Haywood to adopt **Ordinance 14-21**, 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 14-21

An ordinance pertaining to personnel policies and procedures, amending Section 17-1-7-171, Division 17-1-7, Article 17-1, Chapter 17, Lawton City Code, 2005, extending the time the city has to take disciplinary action against an employee from fifteen (15) working days to thirty (30) working days and adding the exemption tolling the deadline where a criminal action has been filed and the disposition of the criminal court case remains unresolved; providing for severability and declaring an effective date thirty days from today.

ADDENDUM:

1. Consider adopting a resolution approving indebtedness (the “Note”) of the Lawton Industrial Development Authority in the form of refinancing of the Authority’s Remodel of the Original Lawton High School Refunding Note, Series 2012, issued in the original principal amount of \$2,500,000 with a new note entitled the Lawton Industrial Development Authority’s Remodel of the Original Lawton High School Replacement Refunding Note, Series 2014, in the new principal amount of \$415,000, including closing and related costs; confirming documents including an Agreement of Support with the Authority; and other matters relating thereto. Exhibits: Resolution 14-___. Agreement of Support on file in City Clerk’s Office.

MOVED by Wells SECOND by Zarle to adopt **Resolution 14-77**. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

2. Consider a resolution authorizing the Mayor to execute a mortgage instrument concerning the two unsold tracts of real property owned by the City of Lawton and located in the vicinity of NW 67th Street and Rogers Lane, and upon the occurrence of certain conditions cause the mortgage instrument to be delivered to Liberty National Bank of Lawton, Oklahoma as security for the payment of the new Lawton Industrial Development Authority Remodel of the Original Lawton High School Replacement Refunding Note, Series 2014, in the new principal amount of \$415,000, including closing and related costs. Exhibits:.. Mortgage Document on file in City Clerk’s Office.

MOVED by Wells SECOND by Haywood to adopt **Resolution 14-78**. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Bellino-Hall stated on Wednesday at 6:30 p.m. she will be at Starbucks at Target and invited everyone to attend if they had any questions about city business.

Tanner stated that he has had some constituents calling him about the murky water in central part of Lawton. He stated he has spoken to public works staff and the pipes need to be replaced. He stated a possible solution to help reduce the problem at the retirement home at 10th and E is for them to flush their side of the line. They are reluctant to do that because of the cost. He wanted to discuss with council the possibility of waiving those flushing fees.

Haywood stated that Juneteenth is scheduled for Saturday, June 14th. He thanked all those who made donations for the event.

Wells questioned if the rain helped the lakes.

Ihler stated Lakes Lawtonka and Ellsworth came up about 7/10 of a foot. He stated the raw water supply was up about 1.3%.

COL Waters gave the council an update on the efforts to address the influx of unaccompanied children from other countries.

Long stated a special meeting will be scheduled for the adoption of the budget. The meeting will be held on Wednesday, June 18, 2014 at 1:30 p.m. He commended our lobbyist, Bill Phelps, for his efforts at the state capitol.

Kim Shahan, Parks and Recreation Director, announced there is an issue with the swimming pool in that the 6-inch main line has cracked. He stated they will move forward in addressing the problem. He is not sure if it will be available for operations in this summer season.

Jackson questioned if there is a funding source to deal with this issue.

Shahan stated they think it will take \$15,000 initially and it could go as high as \$50,000 if they have to go to the bottom of the pool.

Jackson stated the pool is of utmost importance and they need to get this fixed quickly. He suggested they identify funds out of the emergency relief fund.

Wells questioned when they are going to start leveling the buildings that the council passed as an emergency several months ago.

Jim Russell, Assistant City Manager, stated they are pulling the information to go out for bids for those projects within the next week or so.

Burk questioned why it is taking so long. They have been working on this since the winter.

Russell stated they are grouping the foundation problems into one project and in order to do that they are going out for bid for one company to do all the repairs.

Wells stated the council approved the funding months ago and he does not understand why it is taking so long to get something out. Two or three months to work up an RFP is a long time. He does not want to see the swimming pool get lost in this dark hole. They need to get these projects going. Staff came to the council to use emergency funds to do some projects, they agreed, and they are not being done.

Mayor Fitch stated the sub-committee on hotel/motel tax needs to reconvene. He suggested they meet after the special meeting on the 18th.

There being no further business to consider, the meeting adjourned at 7:38 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK