

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
SEPTEMBER 8, 2015 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Doug Wells, Mayor Pro Tem
Presiding

Also Present:
Jerry Ihler, City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk
COL Glen A. Waters, Fort Sill Liaison

Mayor Pro Tem Wells called the meeting to order at 6:08 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Sydney Tillery, Centenary United Methodist 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
Cherry Phillips, Ward Six

ABSENT:

Stanley Haywood, Ward Seven

AUDIENCE PARTICIPATION:

Connie Pruitt, 2324 NW 30th Street, stated she moved to Lawton from Stillwater in April. She was an avid recycler and she was disappointed with the program in Lawton. She is excited that the city is looking at curbside recycling and encouraged everyone to look at the survey on the website. She would like to see the city develop a focus group that includes community members. She suggested they do a pilot program in a designated zone. In Stillwater they have a 30 gallon receptacle that takes aluminum, newspapers, cardboard, tin cans, plastic and they take glass in a separate container. They worked with a management recovery facility and they take those items and separate them. She stated in Stillwater they are saving a little over \$10 a ton of trash that goes into the landfill and that is above the cost of what they are paying for the facility. Lawton is set up to have one trash day and one recycle day each week. She encouraged the city to consider this option and she would love to serve on the committee.

Mayor Pro Tem Wells stated they are looking at the issue and do have a committee.

Tanner stated the problem with the recycling centers we had around town is with the vendor we chose and citizens in the community thought it was a place to drop off their bulky items. He

suggested the council look at doing more than twice a year bulk trash pickup. Oklahoma City does it once a month.

Mayor Pro Tem Wells stated when we set those centers up we took away two bulk pickups. Now that we have dropped the centers, maybe the City Manager can take that \$100,000 and add those two pickups back in.

Phillips stated there is a twelve question survey on recycling on our website. She encouraged everyone to respond to the survey. She questioned if we were sending out anything with the water bills.

Ihler stated we are putting information on the water bill about the survey on the website and if they are not comfortable with the computer they can go to the library and use their computers.

Michelle Churchwell, Geronimo, stated she is here as part of the Back the Blue movement and so many officers are being targeted and they began this movement to build community relations and they are asking for the council's support to build a bridge between the city council and the Lawton Police Department. In this town the officers are respected and appreciated and they have the support of the citizens. They are planning community events so that citizens can interact with the men and women of LPD.

Burk reminded everyone of the Cops and Kids event this weekend.

Mayor Pro Tem Wells stated they were taught to respect police officers and they are out there to serve us and take care of us and the way to keep from getting into trouble is to follow their orders because they are doing this to protect us.

CONSENT AGENDA

Mayor Pro Tem Wells stated they will strike item #4 and #2 will need to be discussed separately.

MOVED by Burk SECOND by Morford to approve the consent agenda with the exception of items #2 and #4. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Mathew Jones, dba Firo Pizza in the reduced amount of \$2,543.25 (**Res. 15-74**) and Michael Garcia in the reduced amount of \$1,006.85 (**Res. 15-75**). Exhibits: Legal Opinions/Recommendations, Resolution No. 15-____ and Resolution No. 15-____.
2. Consider the following damage claim recommended for denial: Bruce and Un-Cha Davis in the amount of \$2,248.56. Exhibits: Legal Opinion/Recommendation.

Kelea Fisher, Assistant City Attorney, stated Mr. Davis alleges that on May 23rd during the excessive rainfall the pond behind his home at 315 NE Skyline Circle flooded causing his home to flood and that he also experienced a sewer back up on that day. He has filed a claim in the amount of \$2,248,56. Staff is recommending denial of the claim. The first basis for denial is that the Public Works Director, Larry Wolcott, is of the opinion that the pond did not flood on that date. Mr. Wolcott has given the elevations of East Cache Creek as well as the pond and the back water effect of East Cache Creek is 22 feet below the pond and it is his opinion that the pond overflowing could not have caused the flooding. The legal recommendation related to the sewer back up and whether or not the pond overflowed is because of the excessive rainfall which is legally called an unavoidable act of God, which is an event that occurred outside the negligence of any party. When that type of event occurs the City cannot be held liable. Mr. Davis stated that there is a trench built by the City that failed and Mr. Wolcott has stated that the drainage channel and the channel that leads into the pond were built to recognized standards and when you build to recognized standards there is clear exemption found in the governmental tort claims act. Staff is strongly recommending denial.

Phillips questioned if anyone went in the home to see if there was evidence of a back up.

Fisher stated yes, and they did confirm that there was a back up, but the City had no notice of any defect in our sewer system. They did check the pipe segment that services Mr. Davis' home as well as the first, second and third pipe segments below his home and there was no history of any backups.

Phillips questioned if this was the first back up in Mr. Davis' home.

Fisher stated Mr. Davis told her he had a back up that occurred around 1985 or 1986, but they did not find that claim. She stated their typical point of reference is about three years.

Morford questioned if this was a flood control pond.

Ihler stated they do have a spillway and discharge structure, so the city did build this in a park to control flooding.

Jackson stated there were numerous backups that took place in that housing addition during that time and some have filed claims and some have not. It is hard for him to believe that we did not have prior notice to some of the areas in those sewer lines when he knows there have been multiple backups in that addition. He does not see how staff can be so nonchalant and flippantly deny these claims as we are doing when they are so devastating. He suggested they table this claim and have staff take another look at this particular claim.

Jensen stated they can table this but there is nothing nonchalant or flippant about their recommendation. It was a very thorough investigation and they relied on the expertise of public works staff to determine this recommendation.

Jackson stated he believes that someone is not finding out where the other backups have taken place.

Jensen stated that back up was upstream from this location and would not have any effect.

MOVED by Jackson SECOND by Tanner to table.

Burk clarified that we have not had a back up prior to this event in that section of line.

Fisher stated not that she was aware of.

Bruce Davis, claimant, stated he has lived in that house for 27 years and that pond has been a nuisance periodically through those years. He stated the water came down through that easement so fast it took out bushes and flowers and nothing from the north side suffered due to the rain. It rushed right into the house and there was mud to the top of the bathtub and all in the master bath and bedroom. He cannot believe it was the rain since all his neighbors survived this. This is the second time this has happened and the first time he was reimbursed by the city. This is the same thing. He stated his aunt does not recall anyone coming in to look at the house. They removed the carpet and had the drywall checked. They replaced the carpet and they have not had any problems since. With regards to the sewer line, there was a city truck sitting in that easement at least 7-10 days before working on that manhole.

Jackson stated because this is not only a sewer back up, but also a flood problem with the pond behind the house, he is going to make a motion to approve this claim.

Burk stated if it wasn't for the pond he would have to say no, but he believes that we have some responsibility to make sure that pond is doing what it is supposed to do and that is why he will support paying this claim.

Tanner stated he was more comfortable with tabling the item so staff could do a more thorough investigation.

Phillips questioned where we stand on the pond issue, which is different from the sewer back up.

Jensen stated if the pond was originally built or maintained in a negligent manner, then we could have some liability, but there is no evidence from public works staff that says that is the case. They see no way that the pond could have the effect that is being claimed because it is so much higher in elevation than the creek it is associated with. They will rely on the expertise they have in public works in making this recommendation.

Burk stated it is just common sense that this pond is an issue. They need to look at correcting these issues.

Tanner stated he agrees, but we need to do our due diligence and table this issue and look into it a little bit further.

SUBSTITUTE MOTION by Jackson SECOND by Burk to approve the damage claim of Bruce and Un-Cha Davis in the amount of \$2,248.56 (**Res. 15-76**). AYE: Jackson, Bellino-Hall, Burk, Wells. NAY: Morford, Tanner, Phillips. MOTION CARRIED.

3. Consider approving the first amendment to the Outside Water Sales Contract with the Fraley Water Association, which serves the southeast corner of SE Woodlawn Rd and SE 60th street, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office.
4. Consider authorizing the City Manager to draft and sign a letter of intent to purchase one (1) Fire Pumper Apparatus from Sutphen Corporation to be assigned to the new southwest Fire Station (AKA Fire Station #8). Exhibits: None. **THIS ITEM WAS STRICKEN**
5. Consider approving the waiving of fees for the use of Grandview Sports Complex for the Lawton Athletic Foundation Inc. to a football jamboree for the year 2015. Exhibits: Letter requesting to waive fees.
6. Consider approving a professional services retainer agreement with Dr. Haney for the purpose of providing veterinarian services for the City of Lawton and authorize the Mayor and City Clerk to execute the agreement. Exhibits: A copy of the agreement is on file in the City Clerk's Office.
7. Consider accepting the turn lane improvement, Escrow Agreement in Lieu of a Maintenance Bond, and grant Right of Access into Billingsley Ford located at 8209 NW Quanah Parker Trailway. Exhibits: Location Map. Right of Access document and Escrow Agreement is on file in the City Clerk's Office.
8. Consider accepting a permanent easement from Brooks LLC, for right of way needed for the SW 52nd Street Project #2012-4, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Document is on file in the City Clerk's office.
9. Consider approving plans and specifications for the SE 45th Street Water and Sewer Line Relocation Project #2015-08 and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Engineering Department office.
10. Consider rejecting bids for the ATM services and submit for rebidding. Exhibits: None.
11. Consider allowing the current contract RFPCL13-038 titled FIRE SERVICES COST RECOVERY BILLING & COLLECTION SERVICES to expire and authorize staff to initiate a new Request for Proposals: (1) to recover service fees for the costs associated with the deployment of city fire department assets to provide emergency response services for motor vehicle accidents, hazardous material (HAZMAT) incidents and/or technical rescue incidents that are additional services beyond the fire department's primary function and scope of providing basic fire suppression and investigation, and (2) that the proposals include all phases of the billing and collections services associated with

Lawton City Code, Chapter 11, Article 11-5, Section 11-5-501. Exhibits: Department Recommendation and Lawton City Code, Chapter 11, Article 11-5, Section 11-5-501.

12. Consider awarding contract for procurement of Repair Clamps, Bell Joint Clamps and Steel Couplings, Items No. 1, 3, 5, 6, 7, 8 and 9 to HD Supply Waterworks of Owasso, OK; Items No. 2 and 4 to Oklahoma Contractor Supply of Oklahoma City, OK; and Items No. 10, 11 and 12 to Pioneer Supply of Moore, OK. Exhibits: Department Recommendation, Abstract of Bids.
13. Consider awarding contract (CL15-054) Sludge Lagoon Maintenance to Denali Water Solutions LLC of Russellville, AR (Primary Vendor) and Horn Sanitation, Inc. of Lawton, OK (Secondary Vendor). Exhibits: Department Recommendation, Abstract of Bids.
14. Consider awarding (CL15-056) Agricultural Leases to named parties on attached memorandum from City Attorney. Exhibits: Department Recommendation Abstract of Bids.
15. Consider approving appointments to boards and commissions. Exhibits: None.
16. Consider approval of payroll for the periods of August 17-30, 2015.

ADDENDUM:

- 1 Consideration of Grant Agreement for the Lawton-Ft Sill Regional Airport in the amount of \$ 719,924.00 for Design and Construction of Wildlife Fencing, Design of the Snow Removal Equipment Building and Design of the Airport Fire Station. Exhibits: None.

Barbara McNally, Director of Lawton-Ft Sill Regional Airport, stated this is a grant offer from the FAA for the airport. Their grants come co-sponsored with the City of Lawton so they need to be accepted by the City Council and the Airport Authority. She stated they have three projects for this year, enhancing the perimeter fencing, design of a new fire station and design of a snow removal equipment building.

Mayor Pro Tem Wells stated 90% of this is covered by the FAA and 10% comes out of the passenger facility charge.

MOVED by Morford, SECOND by Burk to approve the Grant Agreement for the Lawton-Ft Sill Regional Airport in the amount of \$ 719,924.00 for Design and Construction of Wildlife Fencing, Design of the Snow Removal Equipment Building and Design of the Airport Fire Station. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

NEW BUSINESS ITEMS:

17. Hold a public hearing and consider an ordinance amending Division 18-5-7, Public Facilities District, Chapter 18, Lawton City Code, 2005, amending the uses, the height limitation, and the amendment of yard, height, parking, and landscaping requirements

within the Public Facilities District. Exhibits: Ordinance No. 15-__ and Draft CPC Minutes.

Richard Rogalski, Community Services Director, stated on May 28, 2015 the City Planning Commission discussed the permitted uses within the P-F (Public Facilities District) and formed a committee to further review the appropriateness of certain uses considering the location of properties zoned P-F within residential neighborhoods. The current Code has a different set of permitted uses depending on whether the property is more than five acres or less than five acres. The current permitted uses include a number of public and private facilities that may not be appropriate if located within or adjacent to a residential neighborhood. The committee met on July 14th and reviewed the uses, uses permitted on review, and height limitations within the P-F district. The committee recommended amending the permitted uses to include publicly-owned facilities and private hospital, private elementary or secondary school, and colleges and universities. The list of uses permitted on review is included in the proposed ordinance. The committee recommended that buildings be limited to 45 feet if adjacent to R-1 and R-2 districts or single-family and two-family dwellings. The current code limits buildings on tracts less than five acres to 35 feet in height. The proposed ordinance includes the recommendations of the committee and language which would allow the City Council, after receiving a recommendation from the City Planning Commission, to amend the landscaping and screening requirements as well as setbacks, height, and parking requirements in the P-F district. On August 13, 2015, the City Planning Commission held a public hearing on the proposed amendment and, by a vote of 7 – 0, recommended approval to the City Council. Notice of public hearing was published on August 23, 2015, in *The Lawton Constitution*.

Burk questioned if they were talking about the big fences where they are parking the buses behind the old schools.

Rogalski stated no, this is just about the uses in Public Facilities District and what kind of uses would go into a building.

Bellino-Hall clarified that the use permitted on review simply means that it goes back to the City Planning Commission and they can say that they can or can't put it in that building.

Rogalski stated yes and there is also a notice that goes to the neighbors, people within 300 feet, for a public hearing.

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

Jackson stated this is an effort by staff to work a little bit closer with community on the guidelines we are using to help people work in Lawton. He applauded the effort and more changes will be coming.

Burk stated they have been working on this for years and staff has done a great job. He stated it is easy for people to go straight to the council on issues but at times they just need to go through the process and now people do not have the issues they have had in the past. This will help those neighbors that are having issues with things going into their neighborhood and they had no idea.

MOVED by Jackson SECOND by Burk to adopt **Ordinance 15-22**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 15-22

An ordinance pertaining to zoning amending Division 18-5-7, P-F Public Facilities District, Chapter 18, Lawton City Code, 2005, modifying the permitted uses, uses permitted on review, height limitation, and amendment of yard, height, parking, and landscaping requirements; and providing for severability.

18. Hold a public hearing and consider an ordinance amending Section 18-9-1-908E, Chapter 18, Lawton City Code, 2005, modifying the regulations on electronic message center signs. Exhibits: Ordinance No. 15-__ and Draft CPC Minutes.

Rogalski stated the current City Code requires electronic message center signs to be located at least 200 feet from A-1 (General Agricultural District), A-2 (Suburban District), R-1 (Single-Family Dwelling District), R-2 (Two-Family Dwelling District), R-3 (Multiple-Family Dwelling District), and R-4 (High Density Apartment District) zoning districts. The Board of Adjustment (BOA) has reviewed numerous requests for variances to allow electronic message center signs to be located within 200 feet of these districts, especially on arterial streets. Most of the signs are either not visible or will have little or no impact on the adjacent zoning districts, and the BOA therefore typically approves the variance. Staff has drafted an ordinance which would not require electronic message center signs to observe the 200-foot separation if the sign is 25 square feet or less in sign area or separated from said districts by a building or other screening such that the light trespass onto any portion of said districts does not exceed 0.1 foot-candles. This is the maximum amount of light trespass allowed for parking lot lighting adjacent to single-family residential. On August 13, 2015, the City Planning Commission held a public hearing on this proposed amendment and, by a vote of 7 – 0, recommended approval to the City Council.

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

Morford questioned if electronic meant a digital sign or is it backlit signs.

Rogalski stated this is the electronic message centers that can animate.

Bellino-Hall questioned if the size of that sign is limited.

Rogalski stated the size of the sign is limited to 200 square feet. If the sign is closer than 200 feet from residential it would have to be 25 square feet or it can be 200 square feet if it is far enough or if it is screened so that no light gets through the adjacent residential property.

Phillips questioned how this will look on Cache Road near 38th Street where the two new businesses are going in that face Cache Road.

Rogalski stated that you would think that if they put a sign up it will shine right in the back yards of those houses. If it is within 200 feet and it shines into the houses it is more than 0.1 foot-candle, so it would not be allowed. They would have to make the sign at 25 square feet or they would have to position it so it is screened by one of the buildings or landscaping. The adjacent properties are also residential and that would make it even harder.

MOVED by Burk SECOND by Jackson to adopt **Ordinance 15-23**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 15-23

An ordinance pertaining to zoning amending Section 18-9-1-908, Chapter 18, Lawton City Code, 2005, modifying the regulations for electronic message center signs and providing for severability.

19. Hold a public hearing and consider an ordinance amending Section 18-1-1-106, Chapter 18, Lawton City Code, 2005, modifying the definition of front yard, rear yard, and side yard and Section 18-4-404.1, Chapter 18, Lawton City Code, 2005, establishing the determination of the front yard for single-family and two-family dwellings on corner lots. Exhibits: Ordinance No. 15-___, Illustration of Existing and Proposed Yard Definitions and Draft CPC Minutes.

Rogalski stated that currently the City Code is confusing in the definitions of front, side, and rear yards. The side yard extends from the front lot line to the rear lot line, the front yard extends across the lot between the side yard lines, and the rear yard extends between the side lot lines. The proposed amendment would define the front yard as the area between the front property line and the front elevation of the main building extending across the lot between the side lot lines; the rear yard as the area between the rear property line and the outside wall of the rear of the main building extending across the lot between the side lot lines; and the side yard as the area between the side lot line and the main building extending from the front yard to the rear yard. The proposed ordinance also provides for determination of front yards on corner lots. The proposed ordinance provides that the front yard will be located along the shorter of the two street frontages unless the Planning Director determines the front yard is located along the longer of the two street frontages based upon the unique characteristics of the lot and/or functional aspects of any related structures.

Phillips questioned if this affected the easements.

Rogalski stated no, the easements are as they are and platted. Even the platted setbacks are not affected by this. Currently the platted setbacks are going to be 25 feet on the narrow side and will be 15 feet on the side yard.

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

MOVED by Burk SECOND by Jackson to adopt **Ordinance 15-24**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 15-24

An ordinance pertaining to zoning amending Section 18-1-1-106, Chapter 18, Lawton City Code, 2005, modifying the definition of front yard, side yard, and rear yard; amending Section 18-4-1-404.1, Chapter 18, Lawton City Code, 2005, determining front yards on corner lots for single-family and two-family dwellings; and providing for severability.

20. Hold a public hearing and consider an ordinance amending Section 18-4-1-415, Chapter 18, Lawton City Code, 2005, modifying landscaping and screening requirements for developments adjacent to residential districts and uses and repealing the sections of the City Code which set out the landscaping and screening requirements in P-O (Professional Office District), C-1 (Local Commercial District), C-2 (Planned Neighborhood Shopping Center District), C-3 (Planned Community Shopping Center District), C-4 (Tourist Commercial District), and C-5 (General Commercial District). Exhibits: Ordinance No. 15-__ and Draft CPC Minutes.

Rogalski stated the current City Code requires a combination of 6 foot to 8 foot opaque fence or wall and evergreen trees which will, at maturity, exceed the height of the primary building between a P-O (Professional Office District) and adjacent residential districts. The commercial districts require only a 6 foot to 8 foot opaque fence or wall as screening between the commercial and residential districts. The proposed ordinance would require a combination of a 6 foot to 8 foot opaque fence or wall and a tree buffer between P-O, P-F, C-1, C-2, C-3, C-4, C-5, and CBD and R-1 and R-2 districts or single-family or two-family residential uses. The specific requirements of the tree buffer would be set out in Section 6-1-5-186, Landscaping Provisions, of the City Code. Consideration of the proposed ordinance amending Section 6-1-5-186 to establish the tree buffer requirement is a separate item on the agenda. The tree buffer requirement would be a minimum of one-half point per linear foot of the entire length of each lot line that is adjacent to a one-family or two-family residential district or use with all trees being placed within 25 feet of the lot line. A minimum of 50% of the trees must be evergreen trees, and all trees must be a minimum size of 3-inch caliper and 9 to 10 feet tall at time of planting. If the development is separated from the residential by a dedicated alley, the required points may be reduced by 50%. The ordinance also modifies the appeal process which would allow the City Planning Commission to decide appeals on the landscaping requirement. The screening requirement between commercial developments and multi-family residential is included in Section 18-4-1-415 of the proposed ordinance. The screening requirement would remain as an opaque ornamental fence or wall 6 to 8 feet high. The proposed ordinance would repeal the screening requirements in the individual districts and does not include the option to place the required screening on the residential property if an alley separates the properties.

Phillips stated she is concerned that we are not suggesting what kinds of shrubs or evergreens to put in because many of them take a lot of water.

Rogalski stated this references chapter six for the tree buffer. The trees listed in chapter six are all listed as Oklahoma proven and approved for this area and approved by Oklahoma State University. They are not high water use.

Burk stated that the Lawton Enhancement Trust Authority (LETA) has helped design most of this landscape ordinance and it has worked pretty well. We have seen some changes and people have started using some alternative types of ground cover throughout the city. People have been very creative. Some people have told him that we are not strict enough.

Rogalski stated the point table may seem complex but it is actually kind of an industry standard.

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

MOVED by Burk SECOND by Jackson to adopt **Ordinance 15-25**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 15-25

An ordinance pertaining to zoning amending Section 18-4-1-415, Chapter 18, Lawton City Code, 2005, modifying landscaping and screening requirements for developments adjacent to residential districts and uses; repealing Sections 18-5-7(1)-578.7, 18-5-8-588, 18-5-9-598, 18-6-10-607, 18-6-11-620, and 18-6-12-632, Chapter 18, Lawton City Code, 2005, deleting the screening and landscaping requirements in P-O (professional office district), C-1 (local commercial district), C-2 (planned neighborhood shopping center district), C-3 (planned community shopping center district), C-4 (tourist commercial district), and C-5 (general commercial district); and providing for severability.

21. Consider an ordinance amending Section 6-1-5-186, Landscaping Provisions, Chapter 6, Lawton City Code, 2005, amending ground cover material; establishing landscaping and screening requirements for certain developments adjacent to R-1 (Single-Family Dwelling District) and R-2 (Two-Family Dwelling District) and single-family and two-family residential uses; and amending the landscaping plan content. Exhibits: Ordinance No. 15-___. Table 1 – Landscaping Point Values.

Rogalski stated a separate item on the agenda is to amend Chapter 18 to require a tree buffer on property zoned P-O, P-F, C-1, C-2, C-3, C-4, C-5, and CBD when abutting R-1 and R-2 districts or single-family or two-family residential uses. Section 18-4-1-415, Chapter 18 of the Lawton City Code refers to Section 6-1-5-186 of the City Code for the specific requirements of the tree buffer. The proposed ordinance requires a tree buffer with a minimum of one-half point per linear foot of the entire length of each lot line that is adjacent to the one- or two-family residential district or use with all trees being placed within 25 feet of said lot line. A minimum of 50% of the trees must be evergreen trees. All deciduous trees must be a minimum size of three-inch (3”) caliper and evergreen trees must be nine feet to ten feet (9’ - 10’) tall at planting. The required points for the tree buffer may be reduced by 50% if there is a dedicated alley separating the properties. The tree buffer shall not be located on a dedicated alley or utility

easement. The points required for a tree buffer shall be rounded to the nearest whole tree requirement.

Rogalski stated the proposed ordinance also includes an appeal process. If the landscaping requirements create an undue hardship, an appeal can be made to the Planning Director, and his decision can be further appealed to the City Planning Commission. Currently the Code provides for an appeal to substitute significant improvements to the exterior façade of the building(s) within the development in lieu of providing landscaping for up to 50% of the required landscaping. An appeal can be made to the Planning Director, and his decision can be further appealed to the Building Materials Review Committee. Another amendment is to better identify the plants shown on the landscaping plan. The proposed ordinance requires an appropriate key of all plant species giving the common and scientific name and organized by type (e.g. ground cover, shrub species, tree species) and nature (e.g. evergreen, deciduous) within the plan view of the landscaping plan. Currently the Code allows a maximum of 25% of the required landscaping points to be used for turf grass, river rock or other ground cover. The proposed ordinance adds that “a maximum of 50% of the ground cover in any yard area may be non-live materials. Decomposed granite and other crushed stone material may only be used as ground cover when specifically approved by LETA.”

Bellino-Hall stated this does not specify what type of evergreen trees, you can put whatever you want.

Rogalski stated there is a list of approved trees.

Bellino-Hall stated that you don't have to put in an approved tree.

Rogalski stated that we don't want trees that are not suitable for this climate.

Burk stated OSU came up with a listing of trees that are hardy and would be best for Southwest Oklahoma. We adopted their policies. There is an appeal process if someone wants something specific.

Tanner stated he feels they should allow additional points for developers that plant drought resistant varieties that need less water.

Rogalski stated that zeroscaping is allowed and is given equal points. You get the same value and it costs less so we are encouraging it.

Tanner stated this ordinance is asking businesses and new developers to do a little bit more.

Rogalski stated with regards to ground cover it says that instead of gravel, half of it needs to be grass or some kind of live material.

Tanner stated it needs to be extremely drought resistant. When we get low on water they will not be able to water this stuff.

Bellino-Hall they are moving this from 25% to 50% of drought tolerant ground cover. She has pea gravel and river rock and you could only allow 25% and now you can allow 50%. She feels this is a good step forward.

MOVED by Burk SECOND by Phillips to adopt **Ordinance 15-26**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Phillips, Wells. NAY: Tanner. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 15-26

An ordinance pertaining to buildings amending Section 6-1-5-186, landscaping provisions, chapter 6, Lawton City Code, 2005, amending ground cover material; establishing landscaping and screening requirements for certain developments adjacent to R-1 (single-family dwelling district) and R-2 (two-family dwelling district) and single-family and two-family residential uses; amending the landscaping plan content; and providing for severability.

22. Consider an ordinance pertaining to animals amending Section 5-2-202 and Section 5-2-204, Article 5-2 and Section 5-6-601, Article 5-6, Chapter 5, Lawton City Code, 2005, by authorizing a decrease to the amount of liability insurance required for dangerous or potentially dangerous dogs, providing for severability, and establishing an effective date. Exhibits: Ordinance No. 15-__.

Tanner stated some of the folks in the community feel that the \$1 million liability coverage was a bit excessive so he spoke with some local insurance agents, David Towe at Insurica, Jeff Smith at Smith & Sons and Carlos Izarry at American National and most owners already have liability insurance in their policy that covers animals. He stated it will only go up to \$500,000 and after that you have to buy a specialized umbrella insurance which could be prohibitive in some cases.

Morford stated he spoke to his insurance agent and was told that what we really need is a vicious dog exclusion. A lot of the home owners liability will exclude vicious dogs. The increase to \$1 million was only \$150 more. He feels they need to leave it at \$1 million and recommended that they need to show that the dog is not excluded from their insurance.

Tanner stated the insurance agents he talked with, specifically David Towe, said that the homeowners policies that he writes will only allow the insurance coverage to go up to \$500,000 and after that you have to buy the expensive umbrella insurance.

Bellino-Hall stated insurance policies have a lot of disclaimers in them and that is one of the concerns that she has with this. It makes the policy cheaper, but no one needs those disclaimers. She stated if you have ever seen a child bit by a vicious dog, \$1 million is not enough.

MOVED by Tanner SECOND by Jackson to adopt **Ordinance 15-27**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Tanner. NAY: Morford, Jackson, Bellino-Hall, Burk, Phillips, Wells. MOTION FAILED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

COL Waters stated the Co-op Buffalo Burger cookout will be held on Saturday, September 19th at 11:00 a.m. He stated Fort Sill is recognizing the month as Suicide Prevention Month.

Phillips stated she attended the RSVP banquet last week and a lot of volunteers attended and it is a great organization.

Tanner recognized Clayton and Ethan Lane with Boy Scout Troop #40100 which meets at Holy Family Catholic Church. Also in attendance is Scout Master Ronnie Webb. They are working on scout advancement and part of that is attending local government activities.

Burk stated the Two Hearts Adoption event was held on September 5th and it was a total success. He stated the shelter has truly become an adoption center and he thanked city staff who worked to make those changes.

Jackson stated he appreciates all those who come out and support the Lawton police officers. He stated that this council does back the blue but this is a legal process they must go through with negotiations in order to reach the agreement that we need. There seems to be some misunderstanding regarding the public safety tax and he wants to assure everyone that \$29 million that has been set aside for 18 additional police officers on top of the manned staff, 12 additional fire fighters on top of the manned staff and the pay enhancement will come and 100% will be spent on police officers and firefighters and their department.

Ihler stated three years ago staff started a process with ODEQ where they asked us to make some improvements to the lagoons that serve the water treatment plant at Medicine Park. They asked us to dig those lagoons a couple feet deeper. We received a consent order to do an engineering study and move forward with how we may approach that. We received notice last week that after three years, they have come back and agreed with staff with less stringent requirements which will save us a lot of money. They have closed out that consent order which is a positive savings for the city.

Mayor Pro Tem Wells stated staff has worked on this issue for a long time and those lagoons were built to the design specifications that were originally approved by ODEQ and then they come back 10-15 years later and want to change it and cost us money.

Ihler stated most of the credit goes to Afsaneh Jabbar, Director of Water/Wastewater.

Mayor Pro Tem Wells stated he agrees with Councilmember Jackson's comments. The money that was approved by the citizens was to hire 18 additional police officers, 12 additional firefighters and raise the starting pay. He can guarantee that every penny of that will go to the officers as it was intended by the citizens. The council does have an obligation to negotiate with the unions. He stated they have to fill the vacancies we have now before they can fill the 18 and that could take a while. As a council it is their job to make sure the funds are there to pay their salaries when they are hired. They all appreciate the first responders and they will do the best they can and every penny will be spent the way the citizens voted.

The Mayor and Council convened in executive session at 7:44 p.m. and reconvened in regular, open session at 9:09 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

23. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2015-2016 between the International Association of Fire Fighters (IAFF), Local 1882, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #23. No action was taken.

24. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2015-2016 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 #23. No action was taken.

There being no further business to consider, the meeting adjourned at 9:10 p.m. upon motion, second and roll call vote.

DOUG WELLS, MAYOR PRO TEM

ATTEST:

TRACI HUSHBECK, CITY CLERK