

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MAY 26, 2015 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Jim Russell, Acting 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 6:13 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Rev. Gene Spillman, First Christian 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
Stanley Haywood, Ward Seven
Doug Wells, Ward Eight

ABSENT:

None

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO ANDREA HADLEY

Mayor Fitch presented a Certificate of Commendation from the Mayor's Office to Andrea Hadley.

PRESENTATION FROM GARY WALKER FROM SOAR REGARDING STATUS OF CLOUD SEEDING

Gary Walker, Seeding Operations & Atmospheric Research (SOAR), distributed a handout regarding the status of the cloud seeding process for the past four weeks. (The handout is available in the City Clerk's office).

AUDIENCE PARTICIPATION:

Sharon Edgemon, Fields & Dunning, stated there is a necessary need for reservoirs for East Cache Creek and Medicine Creek and there is a need for the negotiation between the City and board members of the Native American Tribes to work together since they own the land. She believes it is an absolute necessity.

CONSENT AGENDA

Mayor Fitch stated they will need to strike item #7. Jackson requested item #10 be considered separately. Phillips stated she would like items #1, #3 and #15 to be considered separately

MOVED by Wells SECOND by Phillips to approve the consent agenda with the exception of items #1, #3, #7, #10 and #15. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Dewey Scoggins in the amount of \$314.20. Exhibits: Legal Opinions/Recommendations.

Phillips stated she pulled this item because she wanted to make it known that she had talked with the staff about these claims. We have many claims paid to the citizens because of damage caused by city employees. She questioned if there was a procedure in place to help the employee not make the same mistake again or that others coming on board would be taught how not to make this mistake again. She feels because the budget is so tight, they need to look to see if there are ways that we could avoid paying out these claims.

Russell stated when an employee has an accident it is recorded and sent through the Human Resources Department and there is a process it goes through with an investigation. The employee could be disciplined or may be required to go through additional training or it may be a mechanical issue which will be fixed. He stated they will be doing some restructuring of the HR department to allow the safety/risk officer to pay more focused attention on those types of issues.

MOVED by Phillips SECOND by Burk to approve the damage claim of Dewey Scoggins in the amount of \$314.20. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

2. Consider the following damage claim recommended for denial: Leo and Melline Guest in the amount of \$2,355.00. Exhibits: Legal Opinions/Recommendations.
3. Consider approving the Fourth Amendment renewing the Sales Tax Rebate Agreement for Lawton Marketplace at 82nd and Quanah Parker Trailway, for fiscal year July 1, 2015– June 30, 2016, and authorize the Mayor and City Clerk to execute the amendment. Exhibits: Third Amendment to Sales Tax Rebate Agreement, Lawton Marketplace

Phillips requested an update on this contract so that the citizens will know what we are still facing with this contract and what we can look forward to.

Brooks Mitchell, Finance Director, stated this is a five year contract or \$2.5 million, whichever comes first. For the first couple of years the sales tax generated for this development has been approximately \$500,000 which was refunded to the developer. This is on track as projected.

Wells stated the rebate was because he was asked to do additional work on roads and utilities that we would normally be responsible for and this was a way to reimburse the developer for those costs.

MOVED by Phillips SECOND by Wells to approve the Fourth Amendment renewing the Sales Tax Rebate Agreement for Lawton Marketplace at 82nd and Quanah Parker Trailway, for fiscal year July 1, 2015– June 30, 2016, AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

4. Consider canceling the agreement for professional services with Seeding Operations and Atmospheric Research (SOAR) of Plainview, Texas for a program of Applied Cloud Modification (Cloud Seeding). Exhibits: Agreement is on file in the City Clerk's office.
5. Consider and take action with respect to a resolution approving and authorizing the mayor to sign on behalf of the city an agreement with the Waurika Lake Master Conservancy District (the "District") and approving action taken by the Lawton Water Authority approving such agreement, which agreement will serve as a part of the security for a loan to the District for the purpose of certain outstanding indebtedness of the district pertaining to the western conveyance facilities; and containing other provisions related thereto. Exhibits: **Resolution 15-41** and Financial Analysis.
6. Consider and take action with respect to a resolution approving and authorizing the mayor to sign on behalf of the city an agreement with the Waurika Lake Master Conservancy District (the "District") and approving action taken by the Lawton Water Authority approving such agreement, which agreement will serve as a part of the security for a loan to the District from the Oklahoma Water Resources Board for the purpose of financing certain water system improvements; and containing other provisions related thereto. Exhibits: **Resolution 15-42** and Repayment Term Options.
7. Consider awarding a contract to the Association of South Central Oklahoma Government (ASCOG) to remove and dispose of all Asbestos Containing Material identified in a Phase 1 Environmental Site Review (ESA) conducted by DBA Guardian enterprises for 103 SW 4th Street (Wayne Gilley City Hall). Exhibits: Copy of Asbestos Cost Proposal and Asbestos Abatement Contract. **STRICKEN**
8. Consider accepting a \$510.21 donation to the Library from the Friends of the Library to be designated for programming, supplies, printing and library material purchases. Exhibits: None.

9. Consider appropriating a \$1,000.00 credit check deposited in the general fund to the Library small tools & equipment account. Exhibits: None.
10. Consider allowing the Parks & Recreation Department to Co-sponsor with the Lawton/Fort Sill Chamber of Commerce a series of softball tournaments for the year 2015. Exhibits: None.

Jackson stated there are a lot of fees that are collected during one of these softball tournaments and he wants to know where that money is going.

Jack Hanna, Parks and Recreation Director, stated some of the fees go back to the ASA organization and the gate fees go to the City of Lawton.

Jackson stated usually it has been a wash when you have one of these tournaments. He wanted to make sure that we incur as little cost as possible. He stated these tournaments that are listed are some quality tournaments and they will be really good for the economy.

Wells thanked Councilmember Burk who pushed to have the ball fields redone.

MOVED by Jackson SECOND by Wells to approve allowing the Parks & Recreation Department to Co-sponsor with the Lawton/Fort Sill Chamber of Commerce a series of softball tournaments for the year 2015. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

11. Consider allowing the Parks & Recreation Department to Co-sponsor with We Are Lawton, the 3rd Annual Project X Unity Festival as a fundraiser to support the building of a new skate-park for local youth. Exhibits: None
12. Consider approving the renewal of the annual lease agreement between the City of Lawton and the Crossroads Youth and Family Services Center, Inc. Exhibits: Lease Agreement.
13. Consider approving the renewal of the annual agreement between the Delta Nutrition Project and the City of Lawton. Exhibits: Lease Agreement.
14. Consider adopting a City Council resolution to support an Oklahoma Affordable Housing Tax Credit (OAHTC) application by Western Region Nonprofit Housing Corporation to the Oklahoma Housing Finance Agency (OHFA) and authorize the Mayor and City Clerk to execute the document. Exhibits: Exhibit A: **Resolution 15-43.**
15. Consider authorizing contract with Apache to provide services by the Animal Welfare Division to receive animals for the purpose of re-homing, euthanization, or other means of disposal. Exhibits: Agreement

Phillips stated there is a Medicine Park agreement in the packet and it is not one they will be voting on.

Russell stated Medicine Park was passed a couple of meetings ago. These are identical to that contract and he apologized for it being in the packet.

Wells questioned why we were making agreements with all these outside cities when we are trying to make sure pets within our own city limits are being taken care of.

Russell Anderson, Animal Welfare Division, stated they are only changing the verbage. It used to be a euthanasia contract and now this will allow them to adopt out these animals.

Wells stated he does not understand why we are taking responsibility for other cities. If we end up keeping the animal for two or three weeks it is costing us money and we may not get all of our animals adopted out.

Anderson stated they create revenue with this. They do pay us.

Jackson questioned if it covered the cost.

Anderson stated it depends on how long they keep them. Now they have been keeping them up to 1 ½ months to try and get them adopted out. This gives them a lot more flexibility.

Jackson questioned how they charge people and what does the fee cover.

Anderson stated the agreements they are discussing are for the cities themselves and the fee is \$40 per animal whether they keep it for 24 hours or a month. It is a flat fee.

Mayor Fitch questioned if it covered the cost of any medical treatment it might need.

Wells stated he likes that we are providing another chance for an animal to be adopted, but are we going to be the animal shelter for all Southwest Oklahoma and do we have to build a bigger and better facility. He does not understand the logic.

Russell stated these are contracts we have had in existence for a while so they are just renewals.

Burk suggested they pull this and get the standing committee together to look at the fees. He agrees with taking them, but we need to be covering our costs.

Russell stated if an animal comes in sick they have had success in having the rescue organizations pull them and pay those vet bills.

Burk stated that practice could stop and we still have a contract.

Russell stated they do have the right to refuse the animal.

Anderson stated if they pull this item they will need to pull items #15-#19 since they are contracts.

Wells stated they will have to reconsider items #16-#19.

MOVED by Wells SECOND by Jackson to reconsider items #16, #17, #18 and #19. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

MOVED by Wells SECOND by Burk to not approve items #15, #16, #17, #18 and #19. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

16. Consider authorizing contract with Cache to provide services by the Animal Welfare Division to receive animals for the purpose of re-homing, euthanization, or other means of disposal. Exhibits: Agreement.
17. Consider authorizing contract with Chattanooga to provide services by the Animal Welfare Division to receive animals for the purpose of re-homing, euthanization, or other means of disposal. Exhibits: Agreement.
18. Consider authorizing contract with Geronimo to provide services by the Animal Welfare Division to receive animals for the purpose of re-homing, euthanization, or other means of disposal. Exhibits: Agreement.
19. Consider authorizing contract with Grandfield to provide services by the Animal Welfare Division to receive animals for the purpose of re-homing, euthanization, or other means of disposal. Exhibits: Agreement.
20. Consider approving the revised Mutual Assistance Agreement for Fire Protection between the Board of County Commissioners of the County of Comanche, Oklahoma and the City of Lawton Fire Department. Exhibits: Mutual Assistance Agreement between City of Lawton Fire Department and the Board of County Commissioners of the County of Comanche, Oklahoma.
21. Consider accepting the maintenance bond, waterline, and sewer line improvements to serve Freddy's Frozen Custard and Steakburgers located at 7201 NW Cache Road. Exhibits: Location Map. Maintenance Bond is on file in the City Clerk's office.
22. Consider accepting the maintenance bond, waterline, and sewer line improvements to serve the House of Cool located at 7401 NW Cache Road. Exhibits: Location Map. Maintenance Bond is on file in the City Clerk's office.
23. Consider approving the construction plans for waterlines to serve a new restaurant located at 247 E. Gore Boulevard subject to a condition. Exhibits: Location Map.
24. Consider approving Amendment No. 1 to the December 9, 2014, contract with Garver, LLC for professional engineering services for preparation of bid documents, technical specifications and other related engineering services for construction of 10 test wells and conversion of suitable test wells to production wells. Exhibits: Amendment to the

25. Consider accepting the Sewer Construction/Wastewater Collection Division Equipment/Material Storage Building Package 1 with Alternate 1 and Street Division Equipment Shed Building Package 2 Project and placing the Maintenance Bond into effect. Exhibits: None.
26. Consider extending contract (CL15-003) Sulfuric Acid to Southwest Chemical Services, Inc of McAlester, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
27. Consider extending contract (CL13-047) Jail Food & Supplies to Stephenson Wholesale Co. dba Indian Nation Wholesale of Durant, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
28. Consider extending contract (RFPCL14-055) Emergency Generator Maintenance to Elite Power Services of Edmond, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
29. Consider extending contract (RFPCL14-041) Property Insurance to North America Insurance Agency of Lawton LLC dba INSURICA of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
30. Consider approval of payroll for the periods of May 11 - 24, 2015.

NEW BUSINESS ITEMS:

31. Hold a public hearing to receive input from citizens regarding the City of Lawton budget for Fiscal Year 2015-2016. Exhibits: None.

Mitchell stated at the budget workshop the council instructed him to go back and look at the 200 accounts and to reinstate the positions that had been selected to be eliminated in the upcoming budget. He stated what they have is an updated sheet with adjustments to the 200 accounts and everything else. He did this in summary form. The estimated beginning carryover was 900,000, the estimated revenues are \$33,298,915, the estimated enterprise transfer to general fund is \$22,056,313 and total resources available are \$56,255,228 less the estimated expenditures of \$56,160,107 and leading to an estimated carryover of \$95,121. For the water revenue he had recommended an increase of \$3.50 to the base rate, but with all the rain we have received and without the restrictions he calculated what the sales may be based on 5.3 million gallons of water sold and that is the 2013 level of water that was sold. Last year with restrictions they sold over 5 million gallons of water. Based on current rates, not including the \$3.50 it came up to almost the same number. That is the same number with no proposed base rate increase. Dollar amounts are added back to restore those positions to full salary levels at the sum of \$1,108,470. He has also added some revenue items that were not included in the original budget workshop. With the 200 accounts he tried to go back and look at the 2013 numbers, but some of the activities were budgeted differently. He tried to make it to where the divisions have a good chance to be able to operate for a good part of the fiscal year within their proposed budgets. He stated the council stated they were open to revisiting the budget later in the year and possibly adding some money back to the budget. The divisions that were slated to be eliminated have been added back and

some reclassification items were added back. The filling of some vacant positions will be deferred until January 1, 2016 which saves \$514,051 even though there will be some exceptions. As it stands they are projecting a carryover going into fiscal year 2017 of \$176,618.

Wells stated some city arts organizations received letters that they would not be receiving funds. He questioned if that money had been added back in for those organizations and the museum.

Mitchell stated yes, the museum funding is back to \$500,000.

Phillips questioned why they will fill some positions in January and not keep them vacant through the entire budget year.

Mitchell stated these are positions that the department directors felt that we still need these people to perform these functions. Deferring them until January is just an effort to save some money but preserve the position.

Russell stated they will go through the year and evaluate the openings as they come along. Some divisions now are severely undermanned and as they look at positions they will determine if they need to fill.

Wells questioned if there are any cuts in service that they can't identify by looking at what they have so far.

Mitchell stated as was identified in the budget workshop, the once a week trash pickup still exists in the current budget.

Jackson stated there are three positions that are being added back to solid waste. Is this anticipation of once a week or the continuation of twice a week.

Mitchell stated this is once a week.

Russell stated they have taken those positions that would be eliminated by reducing to the once a week pick up and they have already absorbed them into vacant positions that are available.

Tanner stated he has received emails about the once a week trash pickup and they are not very fond of the idea. He stated if they were to go once a week maybe they could supply an extra polycarts at no cost.

Russell stated we currently charge \$5 a month for an extra cart and over a years' time it pays for itself, so anything we collect after that point helps us buy replacements carts.

Phillips stated one of her constituents suggested they do twice a week pick up during certain times of the year and once a week during other times of the year. She stated that could be something to look at.

Morford questioned how much we would save by cutting it to once a week.

Mitchell stated we would save approximately \$375,000. If the will of the council is to go back to twice a week trash pickup, he will have to go back and look for other budget reductions.

Tanner stated he would like to keep it at twice a week. If someone missed a pickup it would go to two weeks and the trash would be overflowing and there are concerns about beautification in Lawton. He does not know if the savings would be a benefit.

Jackson questioned if the council would be willing to increase the utility bills by \$1 in order to retain twice a week pickup.

Burk stated at some point you either have to raise the cost of the service or the people that need the extra cart will have to pay the extra \$5. Some of his neighbors just use the pick up once a week. Should everyone pay for bigger families? For the elderly you are asking for more costs on them to offset the larger families and he does not think that is fair. The cost of running the trucks and fuel come into play.

Tanner questioned who would go out and pick up all the trash blowing around Lawton.

Bellino-Hall stated most of the trash comes from people throwing it out of the window. The cost goes beyond the \$375,000. Those trucks damage our road and there is more cost there. If people would recycle there would be less trash and it would be good for the environment. Maybe we could add more recycling centers so that people have more options.

Phillips questioned if staff had statistics on the numbers of residences that have more than one or two people in that residence that would need twice a week pickup versus one.

Russell stated he could probably supply the council with a list of those who have more than one polycart, but he would have no way to guess who would need an additional polycart.

Jerry Ihler, Assistant City Manager, stated there is somewhere around 2,500 to 3,000 homes with additional carts. He stated if the council wanted to provide a second cart for everyone you need to keep in mind that we have 30,000 customers which is \$1.6 million to buy additional carts and we don't have that kind of money.

Tanner stated he would like to keep it at twice a week and if the trash is there he would like us to pick it up. He does not feel the twice a year pick up for bulk items is working out. Oklahoma City picks up bulk trash items once a month and he would like to see that done. It would make for a cleaner city.

Morford stated he feels the bigger problem is in the summer when people mow the yard and trim their trees.

Wells stated the bigger problem is with the families that are working for minimum wage and do fill up one trash can twice a week. He questioned the life expectancy of the polycarts.

Ihler stated approximately five years.

Wells suggested people pay \$1 or \$2 and that would pay for it over the five year life expectancy rather than \$5. If they are going to go to once a week the only way he would vote for it is if they do something to ensure that people can get a second can at a reasonable price.

Ihler suggested that if someone can bring in the documentation that they fall within the low/moderate income level they could only pay the \$1 or \$2.

Wells stated he could go along with that. The disabled/senior citizen discount is set at \$25,000 per year. People could bring in their tax forms and they could get their cart for \$1. A third cart could be \$10.

Ihler stated there are a few customers that get more than two carts.

Tanner stated it would be simpler to leave it at twice a week.

Phillips stated the trash in our city is more involved than picking it up once or twice a week. It also has to do with recycling, either at the curb or at a center. The whole thing needs to be looked at and they need to come up with a good viable solution.

Ihler stated they are heading down the path trying to get a recycling facility and he believes that is the way to go. The most costly thing associated with the pickup of trash are the trucks going out and picking it up at the house. They talked about one pickup a week for trash and one pickup for recyclables, but we don't have anywhere to take the recyclables.

Burk stated Fort Sill has a great interest in partnering with us to do something and they will get back on trying to get recycling in Lawton.

Phillips questioned if they could delay a decision on the trash pick up until we look at the recycling options.

Russell stated not without adding that \$375,000 back into the budget.

Morford stated he believes they need to keep the twice a week pickup until they can come up with a solution.

Burk stated he does not know how they can do that with this budget.

Tanner stated the last proposal they had they were saving \$300,000 by going to once a week and we had \$176,000 surplus, so actually they would just need to come up with an additional \$125,000.

Jackson stated they are saying it is a \$375,000 cost and he believes what Ihler is saying.

Wells suggested they look at the 300 accounts and come up with some additional funds.

Russell stated they would go back and see if they can find the additional funding to keep twice a week trash pickup.

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

32. Hold a public hearing and consider a resolution amending the 2030 Land Use Plan from Residential/Low Density to Commercial and an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to C-5 (General Commercial District) zoning classification on property located at 2315 East Gore Boulevard. Exhibits: Resolution 15-__, Ordinance No. 15-__ with Site Plan, Location Map, Applications and CPC Minutes.

Richard Rogalski, Community Services Director, stated this request is for a 1.25 acre tract located directly behind the Apache Casino at 2315 East Gore Boulevard. The applicant is the Fort Sill Apache Tribe of Oklahoma. The proposed use is an event center and any other permitted use in the C-5 district. The zoning of the surrounding area is tribal trust land to the north and west and C-5 to the south and east. The land use of the surrounding area is Apache Casino to the north; casino offices to the south; Apache Casino Hotel, restaurant, and parking to the east; and vacant to the west. The 2030 Land Use Plan designates this tract as Residential/Low Density. Previously there was a single-family house on this tract; however, it is currently used as a parking lot. The modular buildings to the south of this tract will be removed, and the offices will be located in the event center. The parking requirement for the hotel, restaurant, and event center is 804 spaces, and the site plan indicates 1,031 parking spaces. The City Code does not address parking requirement for casinos because casinos are not permitted uses within the zoning regulations. On April 30, 2015, the City Planning Commission (CPC) held a public hearing on this request. One person spoke on behalf of the applicant. The CPC, by a vote of 7 – 0, recommended approval of the request.

Morford questioned since this is not trust land, do we get sales tax.

Rogalski stated yes, just like they get the taxes on the hotel and restaurant.

Morford questioned if there was anything they could do now to set things straight for the future. He would like to get in writing what we are supposed to receive and what they will pay.

Jensen stated they will be treated for taxing purposes just like any other property that is not trust land property.

PUBLIC HEARING OPENED.

Robert Prince, tribal attorney for the Fort Sill Apache Tribe, stated the tract was originally trust land and he does not know how it was zoned residential, but through the Comanche Housing Authority they put a house on the property 40 years ago. They took it out of trust and put it into fee land. Whatever they put on that facility is going to be taxable by the city and state. They anticipate approximately \$20 million in the facility.

Mayor Fitch questioned the square footage of the entertainment center.

Brady Jones, Fort Sill Apache Casino, stated 59,000 square feet. The event center is roughly 10,000 square feet and the other part is a permanent structure for the administration building.

Morford questioned if this was a facility for concerts.

Mr. Jones stated the sole purpose of this facility is to bring tier two types of concerts. People want to have events where there is also a hotel.

Jeff Haozous, Chairman of Fort Sill Apache Tribe, stated they are looking at adding an entertainment venue to Lawton which will give people a reason to come here and spend time.

Burk stated he will support this if we can fix the road on Gore in front of the casino. He begged for this a while ago and was promised it would be done and he has supported everything they have done. That outside lane will bounce your car off the road.

Mr. Jones stated they spent \$22,000 repairing that area and the saw cut they made to repair it just breaks up. They would have to redo the entire stretch of road.

Burk questioned if they could get help in fixing that road. Obviously it is because of the amount of traffic. The parking lot is full all the time. He has no money to fix that road and his constituents complain every single day about getting bumped off that road. That area in front of the casino is really an issue for east Lawton citizens.

Chairman Haozous stated they are really in the early stages of planning this whole thing and they have a number of hurdles to go through and that may be something they could include.

Phillips questioned why it says that city code does not address the parking requirement.

Rogalski stated you have an entity that is outside of the city of Lawton, the casino is on trust land, and we do not have a use of a parking requirement for a casino. The parking spaces for the hotel and restaurant and event center would total about 804 spaces and they are providing 1,004 spaces. He does not want to create an ocean of asphalt that lies empty most of the time. It is really a self regulating issue. If they find they need more parking they will build more parking. He does not feel he can require parking for a use outside of our jurisdiction.

Burk questioned how many more parking spaces will there be in the rear.

Rogalski stated an additional 270 spaces.

Burk stated that could depend on what kind of concert you have.

Chairman Haozous stated the rear parking lot is often 10% full and it is a pretty large parking lot and they will be adding to that with this project.

Wells suggested they put up a sign about the additional parking out back because most people do not realize it exists.

Mr. Jones stated they do have some office back there in modular buildings and part of the plan is to move those offices into this event center and take those buildings down and that will give them 270 plus additional parking spaces plus they have some additional space back to the east. He does not think that parking will be a major issue and if it is they will be back to address the issue.

PUBLIC HEARING CLOSED.

Jackson stated he believes the Apache Tribe is attempting to be better partners with the City of Lawton and there are some issues we need to continue to work on and he feels they are good partners for the City of Lawton.

Burk stated we have given them beautification awards and they have done a great job and have done things they didn't have to do. It is a beautiful facility and the tribe has helped with other things in the community.

MOVED by Burk SECOND by Morford to adopt **Resolution 15-44**. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

MOVED by Burk SECOND by Phillips to adopt **Ordinance 15-13**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 15-13

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to C-5 (General Commercial District) zoning classification on the tract of land which is hereinafter more particularly described in section one (1) hereof; approving the site plan attached as Exhibit A; and authorizing changes to be made upon the official zoning map in accordance with this ordinance.

33. Consider an ordinance pertaining to Camping and Boathouse Regulations, amending Section 19-1-111, Article 19-1, Chapter 19, Lawton City Code, 2005, by adding language prohibiting swimming pools at camping areas at Lakes Ellsworth and Lawtonka, providing for severability and establishing an effective date. Exhibits: Ordinance 15-__.

Jack Hanna, Parks and Recreation Director, stated the Lakes and Land Commission had a concern about recreational swimming pools being added to the campsites and staff is asking that language be added to the city code prohibiting swimming pools at camping areas at Lakes Ellsworth and Lake Lawtonka.

Tanner stated these are pretty large pools and when they rent these sites they are filling them up.

Hanna stated they are filling these pools through the usage of our water and it is creating more work by having to mow around these pools and it is killing the grass.

Tanner stated it is unbelievable that people would bring these types of pools and fill them up. He stated on occasion when he and his family would go to the lake they would carry a kiddie pool. He questioned if staff is talking about these small pools.

Jim Bonnare, Lakes Division Supervisor, stated the discussion by the Lakes and Land Commission was regarding all pools so that it did not become an issue where city staff or LPD had to decide the size of the pools.

Tanner stated a lot of pet owners would also carry the small pools. He would like to exempt the small pools that are less than 10 gallons or 20 gallons.

Wells stated for a 10 gallon pool you are probably talking about \$50 worth of water because they are paying the rural water district rates. He questioned if they paid a fee for water usage in the trailers.

Bonnare stated that is all provided.

Tanner stated hopefully this would be a rare incidence. He has yet to see one of these larger pools, but evidently it has turned into an issue. He questioned how many a year we have at the lakes.

Bonnare stated there were five pools just on the east camp ground, there was one at Robinson's Landing and typically there are one or two of the larger pools at Ralph's resort.

Wells stated they appoint members to the Lakes and Land Commission and they have made a recommendation and he will have to support that recommendation.

MOVED by Burk SECOND by Wells to adopt **Ordinance 15-14**, waive the reading of the ordinance, read the title only and establishing an effective date of June 1, 2014.

(Title read by City Attorney)

Ordinance 15-14

An ordinance pertaining to camping and boathouse regulations, amending Section 19-1-111, Article 19-1, Chapter 19, Lawton City Code, 2005, by adding language prohibiting swimming pools at camping areas at Lakes Ellsworth and Lawtonka, providing for severability and establishing an effective date.

SUBSTITUTE MOTION by Tanner, SECOND by Haywood to exempt pools of ten gallons or less. AYE: Tanner, Phillips, Haywood. NAY: Morford, Jackson, Bellino-Hall, Burk, Wells. None. MOTION FAILED.

VOTE ON ORIGINAL MOTION: AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: None. MOTION CARRIED.

34. Consider adopting a Resolution amending Article A-19-1, Chapter A-19, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, by increasing all campground fees associated with Lakes Ellsworth and Lawtonka except for fees charged to Boy Scouts/Girl Scouts and similar recognized youth organizations per tent in primitive areas. Exhibits: Resolution No. 15-__ and Exhibit “A” to Resolution No. 15-_____.

Hanna stated that the Lakes and Land Commission has recommended a \$5 increase on some camp sites along with additional fees added to the different areas. This will help offset the cost of what we are paying in utilities at both lakes.

Jackson stated several years ago the council made a motion to increase fishing and camping fees at the lake and the idea was that all that increase would be placed into a capital improvement fund restricted to the lakes. It worked for a number of years but then it disappeared. He would recommend that same thing happen again. He would like to restrict these increases to a capital fund to be used at our lakes. It would be about \$48,000 to \$50,000 a year and they could do some major improvements to the lake.

Mayor Fitch stated he thinks they used that with matching money that was offered by the U.S. Fish and Wildlife service.

Jackson stated it did qualify us for some matching money and we used it for a lot of major capital improvements at the lakes.

Mayor Fitch stated the whole idea of this fee increase was to cover the cost of utilities. He suggested they raise it \$10.

Jackson questioned if the additional utility cost was greater than \$25,000 a year.

Hanna stated the utility cost for the three water districts and the two electric companies they use is over \$161,000 for the camp sites.

Bonnarens stated there was a 3.67% increase this year from Cotton Electric and that covers all of Lake Lawtonka, PSO covers Lake Ellsworth and there are three water districts, one has raised their rates because of a \$2.50 surcharge that the City of Lawton put on them.

Jackson questioned if the revenue from all those camping fees cover that cost.

Bonnarens stated no, to his knowledge, the last time camping fees were increased was effective 2009. He stated this \$5 will bring us in line with a lot of camp site in the area.

Bellino-Hall questioned who has been paying the difference.

Bonnarens stated the city.

Mayor Fitch suggested they approve this recommendation and send a message back to the Lakes and Lands Commission to find a way to establish revenue that we can use with matching funds for enhancement of projects within our city lakes.

Jackson stated he feels that is a great idea.

Tanner questioned what the deficit was if we are collecting \$161,000 from camping fees, how much exactly does the city have to make up?

Russell stated we are not collecting the \$161,000, which is our cost. We are not collecting anywhere near that amount.

Tanner questioned how much we are collecting.

Mayor Fitch stated the lakes are costing us about \$800,000 a year and we are bringing in \$250,00 or \$300,000 a year, so the city is out \$500,000 to provide for all these facilities with no revenue coming in to offset the cost. He is sure there is still a good gap.

Bonnarens stated currently they do not see any of the money from the license and permit fees. They do see the camping funds and that is where the shortfall is. They do not see all the revenue based on all the recreation they are trying to provide.

Jackson requested they put all this information together for the Lakes and Land Commission so we have some accurate figures.

Burk stated he chaired a committee that looked at all the fees and they raised the fees substantially and they renegotiated with the concessionaire. They have to stop putting the burden on the back of the rest of the citizens to be able to go out there and have recreation. We cannot eat \$500,000 a year. He would like to know the exact numbers.

Wells questioned how much we charge for a trailer.

Bonnarens stated \$15 a night and all the preferred and non-preferred have electricity. Non-preferred is \$12 and for the retired or 60% disabled that number drops to \$8.

Wells stated they need to come up with how much revenue we are taking in and what it is costing to run.

Jackson stated he has a trailer at School House Slough and his fee is considerable and he also has to pay an additional fee for the electric bill.

Burk stated some places have better facilities so you cannot compare ours with all other lakes but we do have some real reasons to raise those rates to where we need to be and not just give it away.

(Haywood exited the meeting at 7:57 p.m.)

MOVED by Jackson SECOND by Burk to adopt **Resolution 15-45** and ask the Lakes and Lands Commission look at an additional fee to be deposited in a capital outlay fund. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None.
MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells thanked city staff for all their work during the flooding.

Burk stated it is imperative that we get Rogers Lane put in so it is at the flood level that we talked about. He is concerned that they cannot get people out of East Lawton and they have to address this issue. Every time they have flooding in Cache Creek it floods that entire area and no one can get out of east Lawton. Hopefully we can go to ODOT and see what we need to do to get this part of the road built.

Ihler stated it is designed for a 25 year storm. The difference between a 100 year and 25 year is very minimal. There will still be a little coming across the road, but not enough where you should be able to travel over it. They do have a signed agreement with ODOT and they could not help us fund the entire way from I-44 to Flowermound but they have split it up into two 1-mile sections. The first project is from I-44 to just east of the entrance into Village Drive. He stated ODOT is in the process of conducting the environmental assessment for the project and after that is done they will give us a project number and we can start with the planning.

Burk questioned if they could talk to them about changing phase one to go to the other end to where they could get past Garden Village.

Ihler stated the agreement is for that mile and they would just need to talk with them and see if they could extend that project to get further east past that low spot.

Phillips stated she is aware of three businesses that could not open that day because the owners lived on the east side.

Jackson stated this is the third time he has been involved in a flood in Garden Village and he wanted to thank the police, fire and the street department. He requested that staff check into how citizens can get signed up for the E-911 telephone call for evacuations. A lot of citizens in that area did not get that call.

The Mayor and Council convened in executive session at 8:08 p.m. and reconvened in regular, open session at 9:24 p.m. Roll call reflected all members present.

- 35 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 #35. No action was taken.

36. 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 #36. No action was taken.

37. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending grievance from the International Union of Police Associations (IUPA), AFL-CIO, Local 24 regarding a recent promotion in the police department, and take action in open session, if necessary. Exhibits: None.

MOVED by Tanner SECOND by Phillips to authorize the City of Lawton to participate in mediation with IUPA Local 24 in an attempt to resolve this grievance, and further move to appoint Councilperson Wells as council representative to attend any such mediation session that may be scheduled. AYE: Bellino-Hall, Burk, Tanner, Phillips, Haywood, Wells. NAY: Morford, Jackson. MOTION CARRIED.

38. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the appointment of an Acting City Manager, and take action in open session if deemed necessary. Exhibits: None.

MOVED by Wells SECOND by Burk to appoint Jerry Ihler as Acting City Manager. AYE: Morford, Jackson, Bellino-Hall, Burk, Phillips, Haywood, Wells. NAY: Tanner. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:28 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK