

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
OCTOBER 13, 2015 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Jerry Ihler, 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 6:09 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Bob Weger, Bible Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bob Morford, Ward One
Keith Jackson, Ward Two
Rosemary Bellino-Hall, Ward Three
Jay Burk, Ward Four
Dwight Tanner, Jr., Ward Five
Cherry Phillips, Ward Six
V. Gay McGahee, Ward Seven
Doug Wells, Ward Eight

ABSENT:

None

EMPLOYEE SPOTLIGHT PRESENTATION TO BOBBY COOPER – SOLID WASTE COLLECTIONS DIVISION

The City Manager and Mayor recognized Bobby Cooper, Solid Waste Collections Division for his outstanding performance.

PRESENTATION FROM KIM SHAHAN REGARDING 4TH MUSKETEER PROGRAM

Kim Shahan briefed the council on the 4th Musketeer Program, which is an international program that inspires men and justice worldwide.

AUDIENCE PARTICIPATION: None

CONSENT AGENDA

Mayor Fitch stated they need to strike item #7 which will be brought back at a later date and they need to discuss item #10 separately.

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

1. Consider the following damage claim recommended for denial: Clay Carson, dba Clear Creek Development in the matter of Indigo Salon in the amount of \$1,258.00. Exhibits: Legal Opinion/Recommendation.
2. Consider approval of agricultural leases to Cameron University for grazing and baling, and authorize the Mayor and City Clerk to execute the Agreements. Exhibits: Leases are on file at the City Clerk's Office.
3. Consider approving an Outside Water Sales Contract with John and Mildred Kennedy and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map, Easement for Water Pipeline. Contract is on file in the City Clerk's Office.
4. Consider authorizing a resolution establishing the guidelines for the Lawton Police Department's response to motor vehicle accidents occurring on private property. Exhibits: **Resolution No. 15-80**.
5. Consider authorizing acceptance of the award of a \$73,000.00 (per year for (2) two years) grant from the 2015 Oklahoma Office of Homeland Security Grant Program for a Crime Analyst position and authorize the Mayor to sign acceptance forms. Exhibits: None.
6. Consider approving a Lease Agreement between Sensus Spectrum, LLC, and the City of Lawton in order to continue utilizing the licensed Federal Communication Commission (FCC) radio frequencies (spectrum) held by Sensus and needed for the City's automated water meter reading system and authorize the Mayor to execute. Exhibits: Ownership Disclosure Information and Spectrum Lease Agreement.
7. Consider approving Amendment No. 2 to the Chevron Energy Services Contract between the City of Lawton and Chevron Energy Solutions, and authorize the Mayor and City Clerk to execute. Exhibits: Chevron Energy Solutions Performance Contract and Amendment No. 2 with Scope of Work (available for review in the City Clerk's Office).
STRICKEN
8. Consider accepting the maintenance bonds and street and drainage improvements to serve Lawton Town Center development located at NW 2nd Street and West Gore Boulevard. Exhibits: Location Map. Maintenance Bonds are on file in City Clerk's Office.

9. Consider approving the record plat for Pappy's Corner 2, located on the southeast corner of SW 52nd Street and SW Lee Boulevard. Exhibits: Plat map.
10. Consider approving a cost sharing agreement for a public waterline extension per City Council Policy 6-4, for Salas Urban Cantina, located at 247 E. Gore Boulevard. Exhibits: Agreement.

Jackson stated there needs to be some discussion on this issue and there is some confusion on what the city council is allowed to do versus what may have been told at some point.

Richard Rogalski, Community Services Director, stated during the building permit review for Salas Urban Cantina, located at 247 E. Gore Boulevard, it was noted that the existing fire hydrant along Gore Boulevard serving the buildings at that location was fed from a dead-end 6-inch waterline and did not have sufficient fire flow to serve the new project. It would therefore be a requirement that a new 12-inch waterline be installed to meet the fire protection requirements. The developer, J T Salas Properties, LLC, has requested assistance to construct the waterline extension. Per City Council Policy 6-4, the City of Lawton can share the cost for public fire system improvements when the improvements provide a public benefit beyond that required for the respective development. Per this policy, Public Works would supply up to \$10,000 in materials and the developers would be required to complete the waterline installation. The estimated cost for the materials for this project is \$19,785.43. Staff has reviewed the application and finds that this project is in accordance with the requirements of City Council Policy 6-4, and therefore recommends approval of the \$10,000 maximum amount of assistance provided therein.

Burk stated there have been several meetings to figure out how to handle this and they all want to support this project. It wasn't long ago that there was no money in this account because everyone had asked for the \$10,000. He questioned if this was mandated by fire code or by city code.

Rogalski stated a little of both. Fire code states that you have to have a fire hydrant that gives you 1,500 gallons per minute along with whatever you are supplying to the sprinkler system. The size of the line on the opposite side of the street is a mandate by city council that we require 12-inch lines on section line roads. Some areas of town require a 24-inch line. Section line roads need to be bigger.

Phillips stated she is concerned that this business is being required to pay for this with some assistance from the city, but it will be used by other businesses in that area.

Rogalski stated if there was some additional development in that area, that larger water line is going to provide an infrastructure boost to that area. Anyone who would try to expand a building in that localized area would have to put in a larger water line. There is a regional area that does benefit from this line.

Jackson stated with the installation of this new line, can the company recover some of those expenses after additional people hook onto that line.

Rogalski stated the city does have a policy called a lease purchase agreement and some funding could come back but there is not a lot of raw land there that would be open to development.

Wells questioned if the 1,500 gallons per minute requirement is because it is a restaurant.

Rogalski stated no, 1,500 gallons per minute has been the minimum fire flow requirement at a hydrant.

Wells questioned if Cracker Barrel was required to put in a bigger line.

Rogalski stated Cracker Barrel has a separate line and they have fire flow on that side on Interstate Drive that provides for the hotels.

Wells questioned if it would be cheaper to tie into that line instead of going across the highway.

Rogalski stated they did an extensive test of which way it could possibly go and this would cost the least.

Burk stated all that was put in new when the hotels were built and everything was brought up to sufficient fire protection code.

Bellino-Hall stated there was a similar scenario at the motorcycle business on Cache Road and she thought we donated materials that we had sitting at public works.

Rogalski stated that is how this policy works, we will go to the public works yard and pull materials off the shelf and basically give them to the contractor to build this line.

Ihler stated we do our cost estimates based on our prices because we buy a larger volume and they are able to receive a greater savings when we provide the material.

Mayor Fitch stated we only supply up to \$10,000 worth of materials.

Phillips stated it appears that the small business owner is not addressed well in the policy. It really was made for a development where there is more than one building.

Rogalski stated this policy has actually been very good for the small business owner. When a small business owner goes into an existing building it is usually a change of use and requires fire protection under the current code and these fire hydrants are required. This policy has been a very good policy since it was enacted in 2008.

Tanner stated it is good policy for whom, the person who has to pay to put it in, or the city who is receiving the benefits.

Rogalski stated it is public safety and the hydrant needs to go in there and we share the responsibility and it has been a good compromise for both.

Tanner stated if he opened a small business and he was hit with a \$19,000 additional cost to install a fire hydrant, that is discouraging to a small business and he feels this is designed for corporations that have multi-million dollar budgets. He is all for this cost sharing and he feels it should be approved.

Rogalski stated this is designed for smaller improvements.

McGahee stated several years ago they were promised that some restaurants would come into that area during the revitalization project on 2nd Street and they have not seen any come into the area. She is concerned that this may be one of the causes because of the cost involved. She is glad that a small business owner wants to come in and we are almost penalizing her for deciding to come into an area where it is needed.

Jackson stated Rogalski is not the enemy here, he simply interprets the policy that the city council has passed. Rogalski has bent over backwards to help businesses and local people adapt to these changes. He feels they need to hear from the City Attorney.

Burk stated in 2008 there was no policy and it was up to the good ole boy system. The council chose to come up with a policy that was fair across the board and as long as they had money in that fund they would help businesses. There are other restaurants that want to come down on 2nd Street and he wants Salas' to succeed and they will do everything they can within the policy to make sure they can prove every dollar that is available.

McGahee stated there may be some other funding that may be available for Ms. Salas.

Burk questioned if they could also apply to the Lawton Economic Development Corporation.

Jackson stated that was applied for and denied because of a lack of funding.

Mayor Fitch clarified that Salas' will get the \$10,000 according to policy. Anything above that is against policy and you would be opening yourself up to a lawsuit.

Julia Salas, 247 E. Gore, stated the \$19,000 is material only, this is a \$70,000 project and actually material is around \$25,000. She stated when they went to buy the property there was a fire hydrant there and they assumed there was adequate pressure. That money was not in the budget. She requested that the council change the policy. They believe in the revitalization of this area and want to be here.

Tanner stated this is a prime example of how difficult it is to do something in Lawton.

Morford questioned what would happen if they have a fire.

Tanner stated you can't fight the public safety card. There was a fire hydrant already there and it was deemed inadequate and now we pass that cost along to Ms. Salas. It is a \$70,000 additional cost to the project that was not budgeted.

Ms. Salas stated before the loan went through she had an informal meeting with the city and she walked out of there with the impression that the city would allow for 50% of the cost.

Morford questioned who told Ms. Salas that.

Ms. Salas stated it was staff and some council members including Councilmember Haywood.

Burk stated he was there along with Councilmembers Jackson and Haywood, the fire marshal, Rogalski, Ms. Salas and her builder. He stated it was a lot less than \$70,000, he was thinking it was around \$40,000. He knows that he did not have the authority to say the city would pay 50% but they did say they would get Ms. Salas every available dollar they could. He didn't even know if there was even any money in that account, but he knew there was a limited amount of funds.

Ms. Salas stated she is just asking for some help with this \$70,000 debt.

Burk stated he wishes they could do more.

Jackson stated the council has been trying to help as much as they can. They could change policy to help out but he does not want to get involved in setting a precedence where they are changing a policy for someone and then they get sued when the next customer does not get as much help. He requested the City Attorney speak about the problems with changing policy for citizens. Ms. Salas is local and she has a great restaurant and she has over \$1million investment and now she has to deal with \$70,000 for a water line and it is not fair, but the council needs to cover itself with any policy changes they may do.

Jensen stated this is a council policy and they decided the \$10,000 cap was appropriate. He cannot legally tell the council they cannot change the policy or deviate from the policy. If the council is going to exceed the cap that was set by the council, if they don't do that in the next case and the next case thereafter, then the council is being arbitrary and capricious and we do face lawsuits. He suggested if they want to do this they need to change the policy, do not do this as the policy is written.

Ms. Salas requested that if the council changes the policy that she be grandfathered in since they hope to have their occupancy permit by November 9th and are under a time crunch. She is losing \$800 to \$1,000 a day every day that she does not open.

Mayor Fitch stated they would look at 30-45 days to change the policy.

Ms. Salas stated she would hope she could get a temporary occupancy and be grandfathered in.

Mayor Fitch stated she would have to have a temporary permit but she would have to adhere to whatever the new policy was.

Rogalski stated he spoke to city staff and the existing situation can provide enough fire service and limp for a period of time while this water line is being constructed so the city could issue a

temporary certificate of occupancy for this project, but they would not recommend it for long term.

Phillips stated she does not want to set precedence, but she would like staff to look at the policy and any others that would affect a small business that is going on.

Burk stated when they set the policy at \$10,000 it was because they wanted to help as many people as they could. Over prior years they have exhausted that full amount of money, so if they set it at \$20,000 they would only be able to help out half as many people. There are many areas that are underdeveloped and there are limited funds.

Jackson suggested that Rogalski review this particular policy.

Phillips questioned if they could vote on this issue and also ask staff to review.

Jackson stated they need to vote on this tonight so she can continue with the project. He stated that Rogalski and his staff are bending over backwards to help individual businesses.

Jensen stated the motion should be to approve the amount up to \$10,000 tonight with the understanding that if the policy is changed in the future, Ms. Salas will be able to resubmit an application. Otherwise she will be blocked.

Tanner stated staff had stated that this was partially a city requirement and a state requirement to update this fire hydrant.

Rogalski stated to provide sufficient fire flow is an international fire code which is state mandated.

Tanner questioned if Ms. Salas moved to Elgin would she be required to upgrade the water flow.

Mayor Fitch stated that we don't know what the codes are in Elgin.

Tanner questioned if this was a state requirement or a city requirement.

Rogalski stated the state Fire Marshall will tell them what is required.

Mayor Fitch stated there is an international code which the state adopts and the cities adopt the state.

Tanner stated he just wanted clarification on if the city is being more stringent than Elgin would be.

Wells state only if we adopted state codes and they had not yet adopted the same codes. Cities adopt the code at different times. We were ahead of Oklahoma City in adopting the codes. When that area was developed 600 gallons a minutes was apparently sufficient water flow but over the years it has changed.

Jackson stated it is important that the council is made aware of these issues and that staff is working on changes.

MOVED by Jackson, SECOND by Wells to approve a cost sharing agreement for a public waterline extension per City Council Policy 6-4 in the amount of up to \$10,000 with the understanding that if this council policy is amended in the future then Salas Urban Cantina will have an opportunity to supplement the application to request additional funds without going back through the process. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

11. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures at: a) Wilson Elementary School at 102 NW 17th Street; b) Park Lane Elementary School at 4912 SE Avalon Avenue; c) Swinney Elementary School at 1431 NW 23rd Street; and d) Brockland Elementary School at 6205 NW Ferris Avenue. Exhibits: **Resolution No. 15-81** and Traffic Commission Minutes and Traffic Issue Requests.
12. Consider designating the City of Lawton owned 1995 Ingersoll P130WJD trailer-mount air-compressor (Ser. # 254498UCF276) as surplus and authorize the sale of this unit to the City of Walters for a cost of \$2,000.00. Exhibits: None.
13. Consider awarding a NACE (National Association of Corrosion Engineers) certified inspection agreement to Howie Construction Services for the Industrial Elevated Tank & East Elevated Tank Re-painting Project (#2015-05) Inspection. Exhibits: A copy of the agreement is on file in the City Clerk's office.
14. Consider awarding (RFPCL15-059) Employee Physicals/Drug Screen Testing section A (Physicals) to the Center for Occupational Health, of Lawton, OK and section B (Drug/Alcohol Testing) to Allied Health Research Laboratory, of Lawton, OK. Exhibits: Department Recommendation, Proposal Price Sheets.
15. Consider extending contract (CL15-027) Copier Contract to Bennett Office Equipment of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
16. Consider extending contract (CL15-015) Heavy Equipment Service and Parts to C L Boyd Company, Inc of Oklahoma City, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
17. Consider awarding contract (CL15-057) Pest Control Program to Texoma Pest Management of Wichita Falls, TX. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
18. Consider approval of payroll for the periods of September 14 – October 11, 2015.

NEW BUSINESS ITEMS:

19. Consider the Consolidated Annual Performance and Evaluation Report (CAPER) for Federal Fiscal Year (FFY) 2014, receive a briefing on the CAPER, hold a public hearing to receive input from citizens, and approve the report for submission to HUD, and authorize the Mayor to sign the approved CAPER. Exhibits: The CAPER is on file in the City Clerk's Office.

Tim Libby, Assistant Director for Housing and Community Development, stated HUD requires grantees to submit a CAPER, which reports on the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Programs' activities and accomplishments during the previous program year. A briefing was presented by Libby. (on file in City Clerk's office).

Jackson stated the outlook is pretty dim for these programs.

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

MOVED by Wells, SECOND by Jackson to approve the CAPER for FFY 2014 and approve the report for submission to HUD, and authorize the Mayor to sign the approved CAPER. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

20. Accept the Annual ADA Report that outlines completed ADA accessibility projects, and work done towards compliance, and the money expended on each project required by the settlement agreement between the City and Joseph Harper and Vivian Wheeler dated 9 December, 2013. Exhibits: 2014-2015 ADA Compliance Report.

Mike Jones, Chairman of the Lawton Access Board, presented the annual ADA report as a result of the efforts in complying with the settlement agreement and thus far all directives that have been stipulated in the agreement to be completed by this date have been satisfied. The board reviews and prioritizes complaints and suggestions as they come to the board and take action accordingly. (Jones reviewed projects with the council which is on file in the City Clerk's office).

Phillips questioned if we ever get to an end when we have complied.

Jensen stated the requirements are still there and it will be a never ending process. We are making very good progress.

Jackson stated our policies have changed and everything is designed and developed to be ADA compliance. He hopes the citizens have seen some of the progress made around town.

Tanner questioned if we did a cost share on those projects that were city facilitated.

Jones stated no, city facilitated would be improvements that were included in the building permit or a commercial project.

MOVED by Burk, SECOND by Wells to accept the Annual ADA Report that outlines completed ADA accessibility projects, and work done towards compliance, and the money expended on each project required by the settlement agreement between the City and Joseph Harper and Vivian Wheeler dated 9 December, 2013. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

21. Discussion concerning the option of contracting with a company to do the City's 2015 Fall Bulk Clean-Up. Exhibits: None.

Tanner stated it is disappointing to the citizens that we are not picking up bulk items this year. He spoke with Councilmembers Jackson and Morford about subcontracting this out and getting some prices.

Ihler stated staff contacted Progressive and requested a budgetary price and they came back and indicated that they did not have the manpower to go ahead and pick up at this time. He stated they provided numbers from the last spring cleanup and requested a budgetary number. He stated they also asked Gill's for a number. Both numbers were over \$150,000.

Tanner questioned what it normally costs the city to do these fall clean ups.

Ihler stated he cannot recall the number when you include the equipment and the man hours. We typically look at how much overtime we have to budget for those pickups. We typically budget approximately \$15,000 for each pickup.

Larry Wolcott, Public Works Director, stated for the spring cleanup they used \$36,000 for overtime.

Wells stated when they started the recycling attempt they were going to cut two of the pickups for bulk items and it would give us \$100,000 to pay for that recycling effort.

Ihler stated the cost they had set aside for the five recycle drops was just under \$100,000. He stated they can go back and calculate the number of man hours and give equipment and labor cost.

Wells stated that we are apparently saving that money since we cancelled the recycling contract.

Ihler stated they spent about \$12,000 of that \$96,000. There is \$84,000 remaining in that contract, but they will need that money just to pay the normal overtime.

Jackson stated they receive a lot of complaints from citizens about the lack of a bulk pickup and they felt they needed to find out some cost information because sometimes it is better to contract it out.

Wells stated there are a lot of citizens that don't have a way to get items to McMahon Auditorium on the 23rd and 24th. He questioned if citizens could call for a pickup for those items.

Burk stated for the past two years at the trash offs, he provided his entire company with all of his trailers and said they would pick up for free for anyone who could not get to that location. He had zero requests.

Wells stated he had never heard that before. There are a lot of people who do not have transportation to get things to the landfill and they look at these clean ups as very important.

Ihler stated they are short eight drivers but with applications received this week they will be interviewing five candidates that have met the requirements and have some experience. It will take three to four months for them to learn their routes and after that maybe we can look at setting something up but we really need to give our employees a break. They are going out and doing their residential and commercial routes and when they are done around 3:00 p.m. they come in and go back out and finish other routes and it is typically 8:00 p.m. or 9:00 p.m. when they get finished. When we get back to full manpower we can look at pickups.

Burk stated he does not mind looking at offering the pickups on the 23rd and 24th.

Ihler stated these clean ups were originally scheduled to be bulk clean ups and it is now turned into people just throwing their trash into their yards. We need to do a better job on educating the community that this is a bulk clean up which would include refrigerators, stoves, couches and furniture. Construction material is something a lot of people put out from renovations and that is not the intent of these clean ups.

Tanner stated last year he asked Ihler for a cost of the bulk clean up and he gave him a breakdown of approximately \$70,000 which includes overtime man hours and benefits. We do it pretty reasonable compared to Gills and others.

Burk stated we are not a private business so it is a totally different concept.

Tanner questioned when we could expect bulky items to be picked up.

Ihler stated he can only commit that hopefully we will be at full staff by the spring clean up. They are still having the event on October 23rd & 24th at McMahon Auditorium for people to bring bulk items.

22. Consider an ordinance amending Section 6-1-5-185, Surfaced Walkway Provisions, Chapter 6, Lawton City Code, 2005, amending the provisions regarding the amount of surfaced walkway (sidewalk) that must be constructed or repaired along with the construction of new buildings or the expansion of existing buildings. Exhibits: Ordinance 15-__.

Rogalski stated that Section 6-1-5-185, Surfaced Walkway Provisions, requires surfaced walkways (sidewalks) to be constructed along the public street frontages as a part of the construction of new buildings within the City of Lawton. This has been an important addition to City Code and has resulted in a significant amount of sidewalks being added along our roadways. However, recently there has been some question as to the amount of sidewalk that should

reasonably be required along with the expansion of an existing building or within an existing development. This ordinance proposes that the amount of new sidewalk that should be required along the public street frontage would be equal to the proportion of the area of the new building to the area of the existing building(s) on a site. This ordinance also clarifies that when existing sidewalks are present, the construction of a new building shall include any necessary repairs to the sidewalk.

Wells stated this is a perfect example of helping small businesses. Why would you build a sidewalk to nowhere? Several years ago the code used to require that if you put in a new driveway you had to put in a sidewalk on your property. Why should a business have to put in a sidewalk that has no sidewalk on either side and you can't even get to it. This way we get some compensation and put it into a fund and use the money similar to the way the ADA fund is being used.

MOVED by Wells SECOND by Burk to adopt **Ordinance 15-27**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 15-27

An ordinance modifying surfaced walkway provisions by amending Section 6-1-5-185, Division 6-1-5, Article 6-1, Chapter 6, Lawton City Code, 2005, and providing for severability.

23. Consider an ordinance pertaining to animals amending Section 5-2-201, Section 5-2-202, Section 5-2-203, Section 5-2-204, Section 5-2-205 and Section 5-2-206, Article 5-2, Chapter 5, Lawton City Code, 2005, by authorizing a change in the use of the term dangerous dog(s) to dangerous animal(s), where applicable, providing for severability, and establishing an effective date. Exhibits: Ordinance 15-__.

Tanner stated when the liability insurance requirements were being raised they realized that the language was unclear. In some areas it would say dangerous dogs and in some areas it would say dangerous animals. After speaking with the City Attorney he is proposing that we replace those areas where it says dangerous dogs to say dangerous animals.

MOVED by Burk SECOND by Jackson to adopt **Ordinance 15-28**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 15-28

An ordinance pertaining to animals amending Section 5-2-201, Section 5-2-202, Section 5-2-203, Section 5-2-204, Section 5-2-205 and Section 5-2-206, Article 5-2, Chapter 5, Lawton City Code, 2005, by authorizing a change in the use of the term dangerous dog(s) to dangerous animal(s), where applicable, providing for severability, and establishing an effective date.

Bellino-Hall stated in the fine print of her home owners policy she read that it excludes dangerous dogs and vicious animals.

Jensen stated you would still have to have the insurance if it is not covered by your general policy. You would have to get a rider.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells stated the redesign of the intersection at Gore and Fort Sill Boulevard is terrible.

Ihler stated they are looking at the left turn lane.

Wells stated he is not sure if we can do this, but as we adopt new national codes, it would be nice if we could identify costs that will be incurred by different people because of the changes in the code. Water lines would be a good example. He questioned if this would be the responsibility of the business owner or is it the city's responsibility. Obviously we don't have money so we try to shift it and help where we can, but it would be nice to know when these new codes are adopted and what is the hidden impact to the citizens.

Ihler stated it would be very difficult to be able to determine what the cost would be as a result in the change of the code. It could be different in each location. With a change in the size of a water line we would have to determine the fire flows for every facility. Some areas may require a 10-inch line upgrade and an additional fire hydrant, and in some areas it might be something different. When new codes come in a lot of times they provide national averages.

Wells suggested the council get a good breakdown of what is changing.

Ihler stated that can be done. Usually when the council adopts the new codes there will be a list of the primary items that are changing.

Burk stated it is amazing what they put on them every year and the homeowner, builder and developer are usually the ones who have to pay. The books are very big.

Tanner stated he attended the fundraiser for Holiday in the Park. He expressed his condolences to the Shanklin family. He stated with regards to the bulk trash issue, he does not know why we can't have a policy to where the citizens get two bulk trash pickups a year and they can choose when they want them. He stated he has had some citizens concerned about the levels at Lake Lawtonka. He questioned if the gates are still leaking.

Ihler stated there is some minor leakage on the seals as well as at Lake Ellsworth. We are pumping from Ellsworth to Lawtonka and the elevation is holding steady.

Tanner stated they will have to let the level go down when we do repair the gates.

Ihler stated last time we replaced the seals in the 1980's we built a bulkhead in front of the piers and lifted the gate and the bulkhead held the water back. We did not have to lower the water level.

Burk stated he is concerned that we have residents that allow their curbs to overgrow into the streets and some of it is knee high. We are working to clean up our city and it looks like we haven't mowed recently and we have let it go. Some of our parks are also looking run down and road conditions are crazy and we are so far behind. We just need to fix the little things and it doesn't take much to weed eat and how do we expect our citizens to want to do it if we as a city aren't doing it. He suggested they get a group together to address this issue.

Mayor Fitch stated we are not overseeing the mowing contractors that we have.

Ihler stated the best way to address this is with chemicals and to spray those areas.

Bellino-Hall stated the CVS store on Lee Boulevard has grass growing all up on the front of the store to the street. The trees are dead at the store on Cache Road. At one time Jack in the Box looked bad, but the City Manager called corporate headquarters and now it doesn't look so bad.

Ihler stated they have received the electronic copy of the water report from Garver Engineering. He stated they will send the report out electronically on Friday and they can come to give a presentation at a workshop in November.

The Mayor and Council convened in executive session at 8:00 p.m. and reconvened in regular, open session at 9:38 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

24. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Yolanda Allen-Cook and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #24. No action was taken.

25. 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 #25.

MOVED by Burk SECOND by Jackson to add Bart Hadley to the city's fire negotiating team to replace Bryan Long. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

26. 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 #26.

MOVED by Burk SECOND by Wells to add Bart Hadley to the city's police negotiating team to replace Bryan Long. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:40 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK