

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
NOVEMBER 10, 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

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 Councilmember V. Gay McGahee 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

STEM CITY AWARD PRESENTATION

Tom Deighan, Lawton Public Schools, stated Lawton is only one of four communities in the state that have been given this honor and it is an incredible testimony to our teachers and the entire community who have rallied around the idea of STEM education. Dr. Tom Thomas, Great Plains Technology Center, stated there are a variety of things that kids can do from elementary school through Cameron University that prepares them for great careers in science, technology, engineering and math. They would not have this award without the community working together and creating partnerships. Dr. John McArthur, Cameron University, presented the award to Mayor Fitch.

Mayor Fitch stated this is a tremendous advancement in education for this community and it is an honor to be recognized.

PROCLAMATION FOR PSI UPSILON CHAPTER, OMEGA PSI PHI FRATERNITY, INC.
WEEK

Mayor Fitch proclaimed the week of November 9 – 15, 2015 as Psi Upsilon Chapter, Omega Psi Phi Fraternity, Inc. Week and November 17, 2015 as Psi Upsilon Chapter, Omega Psi Phi Fraternity, Inc. Day. He presented the proclamation to members of the fraternity

PROCLAMATION FOR AMERICAN EDUCATION WEEK

Mayor Fitch proclaimed the week of November 2015 as American Education Week.

UPDATE ON CHAMBER EVENTS AND ACTIVITIES – JACOB RUSSELL, DIRECTOR OF
CONVENTION AND VISITORS BUREAU

Mr. Russell reported on convention sales, sports and agriculture.

AUDIENCE PARTICIPATION

Mike Dudley, 1006 B Avenue, stated four or five months ago the block between B Avenue and C Avenue on 10th Street was closed for reconstruction. In the past six weeks there has been no work done. He questioned how long the street will be destroyed.

Ihler stated Centerpointe Energy has to come in and relocate a gas line. The City has done all the work they can until the gas line is relocated.

Mr. Dudley stated the last Friday of December will fall on Christmas Day and he questioned when the retirees will receive their checks. They would normally receive them the last Friday of the month.

Wells stated in the past we have sent them out a day early.

Ihler stated he would check on the issue.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR
MEETING OF SEPTEMBER 8, 2015.

MOVED by Wells SECOND by Jackson to approve the minutes of September 8, 2015. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

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

1. Consider the following damage claims recommended for approval: Villanova Apartments in the reduced amount of \$500.00 (**Res. 15-85**) and Maricela Carrillo in the reduced amount of \$77.01 Exhibits: Legal Opinion/Recommendation and Resolution 15-____.
2. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Scott Preston. Exhibits: **Resolution 15-86**.
3. Consider approving a resolution authorizing and calling for an election in the City of Lawton, State of Oklahoma, for the purpose of setting the dates for the a primary and general municipal election to fill the unexpired term of the Ward 7 Councilmember and authorizing the Mayor to issue an election proclamation. Exhibits: **Resolution 15-87** and Election Proclamation.
4. Consider approving a Resolution increasing the petty cash account for the Library. Exhibits: **Resolution 15-88**.
5. Consider accepting a grant for the Lawton Police Department from the Lawton Community Foundation for the City of Lawton (Police) Succession Planning and Training in the amount of five thousand dollars (\$5,000). Exhibits: Copy of the award letter is on file in the City Clerk's office.
6. Consider a request from the Centenary United Methodist Church to use a portion of the funds collected as a Fee in Lieu of Constructing Sidewalks to construct sidewalks along SW E Avenue, SW 7th Street and SW D Avenue. Exhibits: Sketch of requested sidewalk and ramp location.
7. Consider a request from the Lawton Access Board to use a portion of the funds collected as a Fee in Lieu of Constructing Sidewalks to construct sidewalks along NW Smith Avenue, extending to the LATs bus stop located east of the intersection of NW 20th Street. Exhibits: Map of requested sidewalk.
8. Consider granting a revocable permit to G & G Real Estate, LLC, allowing the construction of a sign for Meadow Wood Animal Hospital overhanging a public utility easement at 7601 NW Cache Road. Exhibits: Application and Site Plan. Revocable Permit is on file in City Clerk's Office
9. Consider accepting a permanent easement from Highlands L.L.C., an Oklahoma limited liability company, for right of way needed for the SW Bishop Road Reconstruction 67th Street to 38th Street, Project# 2015-04, authorizing the Mayor and City Clerk to execute the document. Exhibits: Location map. Document is on file in the City Clerk's office.
10. Consider accepting a permanent easement from John E. Barnes, Jr., Linda T. Dauber and Paul E. Barnes, Co-Trustees of the John E. Barnes, Sr. Family Trust, Dated October 20, 2005, for right of way needed for the SW Bishop Road Reconstruction, Project# 2015-04,

authorizing the Mayor and City Clerk to execute the document. Exhibits: Location map. Document is on file in the City Clerk's office.

11. Consider extending contract (RFPCL15-013) Emergency Notification System to Everbridge, Inc. of Glendale, CA for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
12. Consider awarding contract (CL16-002) Patching Material to Quadex, LLC of North Little Rock, AR. Exhibits: Department Recommendation, Abstract of Bids.
13. Consider awarding contract (CL16-003) Manhole Lining Materials (Items #1 and #2) to Quadex, LLC of North Little Rock, AR and (Item #3) to Sauereisen, Inc. of Pittsburgh, PA. Exhibits: Department Recommendation, Abstract of Bids.
14. Consider awarding contract (CL16-004) Manhole Rings and Covers to HD Supply Waterworks, LTD of Owasso, OK. Exhibits: Department Recommendation, Abstract of Bids.
15. Consider approving appointments to boards and commissions. Exhibits: None.

City Planning Commission (CPC)

Charlotte R Perkins
2008 SW Monroe Avenue
Lawton, Oklahoma 73501
UT 01/11/16

Mayors Commission On the Status of Women

Kelly Edwards
At Large City Limits
2312 NE Turtle Creek Drive
Lawton, Oklahoma 73507
11/10/17

16. Consider approval of payroll for the period of October 26 – November 8, 2015.

OLD BUSINESS ITEMS:

17. Consider authorizing the City Manager to hire twelve (12) additional Firefighters and establish a Fire Academy start date in February of 2016 for the purpose of providing the needed training for said personnel in anticipation of the need to staff the new SW Fire Station (Fire Station #8) and authorize the funding of said positions from the 2015 Sales Tax Extension. Exhibits: None.

Chief Dewayne Burk, Lawton Fire Department, stated this will be the 12 firefighters that were designated by the sale tax extension to staff the new station #8.

Ihler stated there is a slight revision to the staff recommendation which indicates the academy will start in February. Staff would like council to authorize it after we receive the actual bids on the fire station. If the bids come in higher they may have to rebid the project which could take up to an additional six months, but if the bids come in fine and there is no delay they will be on that February schedule.

MOVED by Wells, SECOND by Jackson to authorize the City Manager to hire twelve (12) additional Firefighters with the starting of the fire academy to be based on the recommendation of the City Manager and Fire Chief and authorize the funding of said positions from the 2015 Sales Tax Extension. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

18. Consider approving plans and specifications for the for Fire Station #8 on Bishop Rd Project #2013-11 and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Engineering Department office.

(Maps were distributed to council representing a radius around each of the current fire stations and the projected location of Station #8).

Chief Burk stated the maps show the approximate response area that would be within the industry standards for fire protection. Based on the estimate response area, over the past one year the new station would have had 1,260 responses if it would have been built in the past year. He feels that the community will benefit from the new station.

MOVED by McGahee, SECOND by Burk to approve plans and specifications for the for Fire Station #8 on Bishop Rd Project #2013-11 and authorizing staff to advertise for bids. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

19. Consider an ordinance pertaining to utilities amending Section 22-2-1-215, Division 22-2-1, Article 22-2, Chapter 22, Lawton City Code, 2005, by adding a provision authorizing the Finance Director and City Manager to make adjustments to customer utility accounts in cases where an underground water leak is discovered in the service line provided certain conditions are met, providing for severability, and establishing an effective date. Exhibits: Ordinance 15-__.

Tanner stated this item was tabled a few months ago when the council was looking into a system called Aquahawk which would alert customers of high water usage. Apparently we are not able to use this software at this time and this would be a safety net for the citizens of Lawton who may experience an underground undetected water leak and they don't realize it until they get their monthly bill.

MOVED by Tanner SECOND by Wells to adopt **Ordinance 15-29**, waive the reading of the ordinance, read the title only and establishing an effective date.

Phillips stated this has a maximum on it of \$1,000.

Ihler stated anything \$1,000 or below can be approved by the finance director if it meets all of the criteria. Anything over \$1,000 would have to come to the city manager for approval.

Wells stated he hopes that staff would not approve any claim if it is obvious that they have gone two, three, or four months with a leak and haven't said anything and their bill has gotten large. They should be coming forward with their first high bill.

Burk stated he cannot support this because every citizen pays for someone that has an issue with an undetected leak that has gone on for a very long time. If the citizens of Lawton want their utility bills raised, this is the kind of stuff that will make your water bill go up, because all of us pay this. Water is not free and it is nothing to give away. The council stopped these years ago for a specific reason because it was out of control and it added up and all of a sudden the city is spending large amounts of money each year. He would rather wait until we can afford a program that will work with our current equipment. This is not helping our citizens, it is hurting everyone else.

Phillips questioned if Councilmember Burk felt that the restrictions listed in the ordinance were not enough.

Burk stated he does not feel that we should have to pay for someone having a leaky faucet or a sprinkler issue. We have plumbers writing up bills on scrap pieces of paper telling us what they had to do. It got out of control and we stopped it because people were trying to take advantage of a loophole in a government policy. The bad thing is how you pick and choose who is right and wrong.

Tanner stated a specific clause was added because of the concern with leaky toilets, leaky faucets, and that is excluded. Bills or increased consumption due to leaking or running toilets, leaking or broken hot water tanks or other fixtures also do not qualify for this adjustment. Any other water lines relating to irrigation systems, swimming pools or other purposes are excluded. If someone was to have a leak under the conditions of the water restrictions it would bankrupt someone. He is concerned about the lower income or fixed income folks who did not realize they had a leak until they get their bill. He wants to give them an opportunity for an adjustment. He stated they are only allowed one leak adjustment a year. This is a safety net to help folks in Lawton that are misfortunate enough to have an undetected, underground water leak. We are not in the business to make a profit at another person's misfortune and he does not believe in giving anything away. If you can't pay your water bill the city administrators have no other option but to turn your water off and if you can't pay your water bill we send that bill out for collection and if you don't have water at your residence, under city ordinance, the city administrators have no other option than to make you move because it is not habitable.

Wells stated that is not quite correct. A person can come in and set up a payment schedule to pay their bill. He questioned if they could add in to the ordinance that the bill has to come from a plumber that has a license to operate in the city.

Burk stated they were getting all kinds of people saying it was an underground leak here or there. We don't have the staff to verify what these people are telling us.

Tanner stated provision #3 states that all repairs must have been completed by a licensed plumber before any account adjustment can be approved.

Burk stated we can't legislate everything.

Jackson stated he would like to make a substitute motion that item #2 be changed from 30 days to 10 days, item #5 state that no more than one months' billing be adjusted and item #8 state that instead of up to \$1,000, we change it to \$200. If someone is truly in need he can justify 10 days, one month and \$200.

Ihler stated the \$1,000 is just the level of cost where it differentiates who will be able to approve the adjustment should it meet all the criteria. The \$1,000 was not the maximum amount of the adjustment.

Wells questioned if Councilmember Jackson wanted the maximum adjustment to be \$200.

Jackson stated yes.

Jensen stated then #5 would not say one months' billing, it would just say no more than \$200.

Wells stated this will probably work well unless we get into water restrictions again and then they may have to look at it again. People should know as soon as they get that bill that they have a leak.

Jackson stated he does not want them to wait 30 days to get it fixed.

Phillips questioned if this is enough information for the decisions to be made by the necessary people.

Ihler stated it spells out the criteria and it does state a licensed plumber must make the repairs, but it does not say the written statement comes from a licensed plumber.

Jackson stated it should say that all repairs and estimates must have been completed by a licensed plumber.

Tanner requested the motion be repeated.

SUBSTITUTE MOTION by Jackson SECOND by Burk to adopt **Ordinance 15-29** with the following modifications: under paragraph D. 2) thirty days is changed to 10 days, under D. 5) two months' billing is changed to a maximum of \$200 and D. 8) we would simply recommend that the finance director be able to approve that because the cap is now \$200, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: Morford. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 15-29

An ordinance pertaining to utilities amending Section 22-2-1-215 Division 22-2-1 Article 22-2, Chapter 22, Lawton City Code, 2005, by adding a provision relating to water leak adjustments, providing for severability, and establishing an effective date of thirty days from today with the following modifications: under paragraph D. 2) thirty days is changed to 10 days, under D. 5) two months' billing is changed to a maximum of \$200 and D. 8) we would simply recommend that the finance director be able to approve that because the cap is now \$200.

NEW BUSINESS ITEMS:

20. Hold a public hearing and consider issuing a Certificate of Public Convenience and Necessity to A-1 Cab. Exhibits: Application with some submittal documents. (Full application is on file in the City Clerk's Office).

Richard Rogalski, Community Services Director, stated on September 21, 2015, the License and Permits Division received an application from Jack Drennon to request a Certificate of Public Convenience and Necessity for a new cab company to be named A-1 Cab. Pursuant to Division 7-24-2, Lawton City Code, the City Council shall conduct a public hearing to determine if there is a need to allow this taxicab company to operate within the City of Lawton. Per Section 7-24-2-2414, four questions are given to help the City Council determine whether an additional taxicab company is needed within the city.

1) What is the current number of taxicabs already in service? The City of Lawton currently has two taxicab companies licensed; People's Cab, with 17 vehicles, and Americab, with 25 vehicles. However, while the two taxicab companies are allowed 42 vehicles, only 26 are currently licensed with the city. In addition to the listed taxicab companies, the LATS bus system, which has been operating since April 2002, provides public transportation within the community.

2) Is the existing transportation adequate to meet the public need? With the recent closure of two previously approved cab companies within Lawton, there are now 17 fewer cabs operating within the community. According to online research, the percentage of non-vehicle households in Lawton is 8%. For comparison, Oklahoma City has 6.8%, Norman 4.9%, Altus 5.1% and the State of Oklahoma as a whole is 5.7%. Based on the high percentage of non-vehicle households and the fact that there are fewer cabs operating than in the past, the City of Lawton should be able to support an additional cab company.

Wells questioned why the two cab companies went out of business. He questioned if there was not enough business.

Rogalski stated he does not know why they went out of business. He does not think that Lawton is struggling for cabs. Since the two cab companies that are operating have 42 cabs licensed but they only have 26 on the road. They probably feel that they are adequately serving the community with those cabs that are on the road.

Morford questioned if we regulate what they charge.

Rogalski stated yes. There is a rate card that is used and staff is working on updating the rate card to something more straight forward.

3) What is the probable effect of the increased service on local traffic conditions? The addition of 10 vehicles would not have a deleterious effect on local traffic conditions.

4) What is the character, experience and responsibility of the applicant? A-1 Cab would be a new start-up company. The proprietor for A-1 Cab, Jack Drennon, has over 20 years experience driving cabs in Lawton. He has stated that he plans on hiring only people with a strong work ethic and is planning on enforcing the rules and regulations that he puts into place. The financial statement provided does not show a large amount of assets. The applicant lists that he has two vehicles that are ready to be put into service; a 2002 Ford and a 2005 Chevy. Unfortunately, one of the vehicles is older than is allowed by City code (maximum of 12 years). The applicant also provided a letter from the owner of the building that he intends to lease, that states that she is willing to give him free rent for a minimum of six months, until he is able to get the business off the ground. Staff believes that Mr. Drennon is sincere in his desire to provide quality cab service to the Lawton Community. However, while there is some evidence that Lawton could support an additional cab company, staff is concerned that A-1 Cab is not at this time equipped and financed well enough to provide a sound and continuing cab service to the community.

Rogalski stated once the public hearing notice was published he has received a few complaints/concerns. There is an A-1 Taxi Cab company in Norman that objects to us licensing him as A-1 Tax. Looking at the background of the applicant they have found that he was employed with People's Cab Company but was dismissed September 21, 2014 for cause. Staff also looked at police records and Mr. Drennon has four citations this year and several over the past few years. He also received a complaint from someone who gave him a business card from A-1 Cab Company that said that they were solicited as if he was an operating cab company. Their complaint is that he was operating without a license. There was some issues with him trying to operate out of the casino and he was removed for not having a current drivers license. He stated staff does recommend that the council deny this certificate of necessity.

Wells questioned if the other cab companies think their businesses will support additional cabs. They can turn around tomorrow and put another 16 cabs on the street. He questioned why two companies went out of business. He stated question #3 talks about the addition of 10 vehicles when the applicant only has two vehicles.

Rogalski stated the request on the application was for 10 vehicles but he shows he only has 2.

PUBLIC HEARING OPENED

Jack Drennon, applicant, stated he has been a cab driver for 22 years and there is a great need for another cab service in town. Now there are people waiting an hour, hour and half or two hours for a cab. The reason Busy Bee went out of business is because of bad management. The reason why AAA went out of business is because they did not pay their taxes. He stated there is

plenty of room for another cab company. A cab company makes their own business and you do it by your reputation. Terry Jones, owner of People's Cabs, told him that his drivers like to stay out on post. He will not let his drivers go out on post, he wants to serve the community of Lawton.

Mayor Fitch stated there are issues with Mr. Drennon's traffic violations and his revoked license. He questioned if Mr. Drennon had been drinking.

Mr. Drennon stated he has had multiple strokes and he is disabled.

Bobby Richards stated he been taking taxis for year and when you call a taxi and you get a voice mail, that is ridiculous. Lawton definitely needs a new taxi service and Mr. Drennon is a good man but he was hospitalized with multiple strokes. He has three vehicles in good shape, but he has access to ten more but he does not want to get them and spend that money if he does not get approved.

Tanner questioned if Mr. Drennon's license is not up to date. He questioned if the city ordinance states that the owner of a taxi company has to have a valid drivers license.

Mr. Drennon stated he will not be driving the cabs, he will hire drivers.

Tanner stated he is not opposed to small enterprise and as long as Mr. Drennon can pay for the insurance that is required and the rent on the building and utilities, he is not opposed to issuing this license.

Mr. Drennon stated that Margaret Wolfenbarger is giving him a rent free building for six months. She is willing to give him a chance.

Bellino-Hall questioned when was the last time Mr. Drennon drove.

Mr. Drennon stated two or three months ago. He does not drive much anymore because of his condition.

Bellino-Hall stated Mr. Drennon was let go for cause from one cab company in 2014, she questioned what happened.

Mr. Drennon stated he was attacked by a drunk and he hit her back to get her off him so he wouldn't wreck his cab. The reason he was discharged was because he said something he can't repeat.

Mayor Fitch questioned if anyone else had any comments to make.

John Carr, People's Cab, stated they are not in favor of Mr. Drennon having a cab company. He is already operating as a cab business even though he does not have a taxi cab license. When he was fired at People's Cab it was a he said, she said situation. He stated Mr. Drennon has been operating as a taxi cab company and in the past week he has heard over ten complaints that he

has given people death rides. His license is suspended and he is not supposed to be driving and he is not in favor of Mr. Drennon having a cab company.

Candy Hanza, Americab, stated they have 25 certificates where they can have cars on the road and she currently has 12. She stated it is not a matter of if they are busy enough, but finding the right driver is a task in this town. She stated that Mr. Drennon does not understand the complexity of owning a cab company, there is so much more than just dispatching a call. You do get a voicemail when you call her company because she bought the phone numbers for those other six companies that are out of business. They get 1,600 calls and there is a need for more drivers and more companies, but they have to find the right drivers and the right people to operate it.

PUBLIC HEARING CLOSED

Jackson stated that in his line of business he has had to call taxi companies and sometimes it is a lengthy amount of time before they respond to his customers. He stated the desirability and the questionability of this situation is where he cannot approve this.

Tanner stated all these accusations have been made against Mr. Drennon. If he applies for a permit to go into business and he passes all the requirements, he does not want to stifle free enterprise. He does not want to make that type of judgment call.

MOVED by Jackson SECOND by Burk to deny the application. AYE: Morford, Jackson, Bellino-Hall, Burk, Phillips, McGahee, Wells. NAY: Tanner. MOTION CARRIED.

21. Consider approving an amendment to City Council Policy No. 6-4, modifying the maximum amount of cost sharing that may be provided to qualifying applicants for new fire hydrant installation and/or public water main improvements that are required for public safety and to meet current development standards in areas with existing development. Exhibits: Draft of amended Council Policy No. 6-4 and Table of Cost Sharing Agreements Since 2008.

Rogalski stated Council Policy 6-4 went into effect on February 12, 2008. This policy provides that property owners or developers who are required to install new fire hydrants and/or upgrade/install new waterlines, under certain circumstances, can qualify for cost sharing with the City. To qualify, the new fire hydrant or waterline must be located within the public right-of-way or a public utility easement and provide direct benefit to existing nearby properties such that it meets the Public Benefit Threshold of 50%. For qualifying projects, the City provides the materials for the improvement in an amount not to exceed \$10,000.00. This policy has been fairly successful in practice and the City has participated in 11 fire hydrant and water main installations. In all but the most recent case, the cost of the materials requested was well below the \$10,000 maximum. In that application, due to the length and size of the water main extension that was required to provide sufficient fire flow to the existing hydrant located in front of their proposed location, the cost of the materials submitted by Salas Urban Cantina was estimated at \$19,785.43. The proposed amendment to Council Policy 6-4 would increase the maximum amount of participation from the City to \$20,000, and clarify the circumstances for

which the City Manager could recommend exceeding this amount.

Wells stated they were told at one point we ran out of funds and had to stop this.

Ihler stated it was funded through a previous CIP and we did run out of the funds for that and did not operate the policy for a couple of years. Staff was able to put in about \$150,000 from the 2008 CIP to help fund this program.

Wells questioned how long that money will last if we start going up to \$20,000. He has a bigger concern because it seems that we are requiring businesses to pay for what should be city improvements. You had a six inch line that supported that area until a new code came out and now the new code states they have to build 12 inch lines. That is a developed area and it really should be a city responsibility, not individual businesses that want to go in there. There was a business there before and the six inch was sufficient for that. Does the code absolutely say it has to be upgraded to a 12 inch line or can the lines be grandfathered in until there is a major redevelopment in the area? He is not in favor of raising the amount but he is also concerned we are requiring businesses to put up money to do something that really should be a city responsibility.

Burk stated this policy was put into place to help people in areas that were not developed enough and our water and sewer line infrastructure across this entire city was not upgraded. We could spend \$100 million and still not get where we need to be. We have been horrible about taking care of what is ours and as the city has grown we have not changed things out. He agrees that it is hard on a business, but every business picks where they want to be and they picked an area that was underdeveloped and had a 6-inch line. Most of these businesses are only going to qualify for the \$2,000 or \$3,000 and he feels the \$20,000 is a good number to use. He questioned how much we have in that account.

Ihler stated \$150,000. No one has used any money since they addressed the money from the 2008 CIP.

Burk stated this policy helps promote more business and it help develop that entire roadway and now it makes that area usable for other industry. If they don't do anything to the existing building, then nothing changes and you don't have to upgrade.

Wells stated that is not true. A restaurant closed down for two years in his ward and it reopened as a restaurant and the new code had to be applied at a cost of over \$40,000 because they had to put in a new fire hydrant and other things.

Burk stated he thinks they changed that because we were not interpreting the intent of the code correctly. He thinks we have it right now and if you go back into an existing business and nothing has changed then the existing building code becomes the law. He stated they have come very far.

Wells stated when he goes to NLC he talks with city planners and they do not deal with a lot of our issues.

Jackson stated that Ms. Salas was told she would have to replace that waterline size because of that fire suppression system so she was hit with a \$43,000 bill which put a big dent in her construction costs. He stated council has wanted a friendlier operation within the planning department and Mr. Rogalski is addressing these issues and doing a great job. He feels this \$20,000 change will help. He does agree with Wells in that the Salas deal, the city should have done this from the beginning because it went all the way from Douglas Elementary and it was intended to not only address the restaurant but other things in the future.

Phillips stated she is pro small business and that most of our ordinances and policies are based on developments and not a small business. She has requested staff to try and separate that out. The single business ends up supporting other properties around them because of this requirement.

MOVED by Jackson SECOND by Burk to approve an amendment to City Council Policy No. 6-4, modifying the maximum amount of cost sharing that may be provided to qualifying applicants for new fire hydrant installation and/or public water main improvements that are required for public safety and to meet current development standards in areas with existing development. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

22. Consider an ordinance pertaining to offenses and crimes amending Section 16-4-4-451, Section 16-4-4-452, Section 16-4-4-467, Section 16-4-4-471 and repealing Section 16-4-4-468, all within Division 16-4-4, Article 16-4, Chapter 16, Lawton City Code, 2005, by removing knives from any municipal regulation as now required by state law, providing for severability, and establishing an effective date. Exhibits: Ordinance 15-__.

Scott Meadors, Deputy City Attorney, stated the Oklahoma legislature adopted legislation in 2015 removing the authority for municipalities to regulate knives in any way. This legislation was signed by the governor with an effective date of November 1, 2015. The proposed changes to municipal code remove existing municipal regulations relating to knives as required by state law. State laws that regulate knives will continue to have application, but any violations of state law will need to be filed in District Court.

Morford questioned why sword canes were left in.

Meadors stated he did not believe that fell into the definition of a knife.

Jensen stated it does have a blade and he suggested it be taken out.

MOVED by Wells SECOND by Morford to adopt **Ordinance 15-30** with the removal of sword or gun cane, 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 15-30

An ordinance pertaining to offenses and crimes amending Section 16-4-4-451, 16-4-4-452, Section 16-4-4-467, Section 16-4-4-471 and repealing Section 16-4-4-468, all within division 16-4-4, Article 16-4, Chapter 16, Lawton City Code, 2005, by removing knives from any type of municipal regulation as now required by state law, providing for severability, and establishing an effective date of thirty days from today.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells stated that Cameron University has received an anonymous grant of \$30,000 but they must receive 300 donations within 30 days. The grant will be used for scholarships and he encouraged Cameron graduates to make a donation as well as citizens.

McGahee invited the community to a meet and greet at Galilee Missionary Baptist Church from 6 p.m. to 8 p.m. on Thursday, November 12th. On Saturday the Patterson community is having a block party from 11 a.m. to 2 p.m.

Phillips stated the tree at 11th and Gore is full of green ribbons in support of the Next Step program. She attended the RSVP pinning ceremony for veterans.

Tanner thanked the veterans for their service and especially his father, Dwight Tanner, Sr. who served in the Air Force from 1954 – 1958 and his stepfather, Dan Cox, who toured in Vietnam. He stated he attended the Arts for All gala.

Burk stated he attended the National League of Cities (NLC) conference in Nashville and he always hopes to bring home one new idea. It is very important to be a member of the NLC because it always teaches us what other communities are doing and you don't have to reinvent the wheel.

Jackson thanked the Mayor for allowing him to present a proclamation at the Alzheimer's Walk in Elmer Thomas Park. He questioned the status of getting the swimming pool in order for the summer and also the spray park in Elmer Thomas Park.

Jack Hanna, Parks and Recreation Director, stated they are doing monthly maintenance on the pool and they are waiting for winter to go by to actually see if there are any more cracks to be filled. They are scheduled to start repair work in February and their goal is to have water in it by the end of March so they can see if there are any problems. With regards to the splash pan, they are waiting until they have the final word that the money is available and then they will start working on that project. They are looking at some tentative plans which will be a 3500 square foot splash pad with 24 different water features.

Jackson questioned when the funding for the splash pad will be available.

Ihler stated council did approve a financing package for the 2015 for some initial projects but the splash pad was not included, it was about \$9.1 dollars. He will check with finance tomorrow with regards to our cash flow on the collection because he feels they will probably have enough money to go forward with the project.

Morford stated the grand opening for the Great Plains Museum will be next week.

Ihler stated staff received two proposals for the recycling RFP's that went out. The recycling committee will receive this information and the committee will meet soon to go over the proposals. He stated the past two days they have had workshops with Dewberry for the public safety facility. They will take all this information to move forward with the project. He stated they met with the auditors and because of the GEMS system and the problem with converting our budgeting data into auditing information, we will have to work with Crawford and Associates to convert the data which will start in January and BKD will not be able to start until April 1st. We will not receive the audit until June. We are in the process of purchasing a software program so that this will not happen again.

The Mayor and Council convened in executive session at 8:09 p.m. and reconvened in regular, open session at 8:31 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

23. 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 #23.

MOVED by Burk SECOND by Wells to settle the damage claim of Yolanda Allen-Cook in the amount of \$55,000 and authorize the City Attorney to prepare the paperwork and the Mayor to sign said paperwork to finalize the settlement. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

24. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Mitchell Stafford 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 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 #25. No action was taken but the City Attorney stated they do expect action on this item at the next City Council meeting.

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 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 #26. No action was taken but the City Attorney stated they do expect action on this item at the next City Council meeting.

There being no further business to consider, the meeting adjourned at 8:33 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK