

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
APRIL 14, 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 6:04 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. Bill Schneider, St. John Lutheran 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  
Doug Wells, Ward Eight

ABSENT:

Stanley Haywood, Ward Seven

PROCLAMATION FOR MULTIPLE SCLEROSIS EDUCATION AND AWARENESS  
MONTH

Mayor Fitch proclaimed April 2015 as Multiple Sclerosis Education and Awareness Month.

PROCLAMATION FOR SAFE DIGGING MONTH

Mayor Fitch proclaimed April 2015 as Safe Digging Month.

RECEIVE PUBLIC COMMENTS REGARDING FORT SILL VISITOR CONTROL CENTER

COL. Waters received feedback and addressed numerous questions from audience members. He stated they will receive comments again in 30 days.

AUDIENCE PARTICIPATION:

Matthew Johnson, 1306 NW Taylor, stated he would like to address the issue of some of the parks that have been closed, mainly the spray pool, wave pool and the splash pool. He questioned if those pools were closed due to the lack of water, resources or was it funding.

Mayor Fitch stated it was a combination of both. We are under water restrictions and the City must follow the same policy as our citizens. If we don't have some significant rain we could be in stage 5 this year. This is a conservative measure the City is taking in not filling those pools because it takes a lot of water and we are in a critical situation. The surrounding communities are doing the same.

Mr. Johnson stated he is really concerned about the wave pool and the splash pool. He questioned how much water they were actually using. He went to the water department and the parks and recreation department to find out the usage and found that they are not metered.

Mayor Fitch stated the city buildings are not metered.

Mr. Johnson questioned if we had the water resources but we didn't have the funds. How would we know how much money to allocate if a group was willing to contribute and raise the funding to keep it open.

Mayor Fitch stated there is no need for the city to buy the water because we own the water. In this drought situation we are not going to do that.

Mr. Johnson questioned if the wade pool and splash pool are in need of maintenance.

Mayor Fitch suggested Mr. Johnson meet with the Acting City Manager and he can explain these issues in detail.

Tanner stated regarding the city building that are not metered, that was a discussion that was brought up in the Water Conservation Committee. That is something they would like to have done. All city owned property or properties that the city furnishes water to need to be metered so we will know how much water they are actually consuming.

Jackson stated we have a lot of programs going on in the city to try to help keep children off the street and out of trouble. We always seem to have problems with the pool. We just can't fill those splash pools this year because of the urgency of the water situation. If water was not the issue, the council could figure out some way to find the money to get the pools repaired and running.

Mr. Johnson questioned if there are any alternatives since the pools will be closed. He questioned if they had thought of allocating funds to sponsor memberships to the YMCA.

Mayor Fitch stated the YMCA is an independent organization and he does not think the city would enter into paying memberships for people. He stated they were talking with the water park on the east side of town, but those kids would be unable to get there or their parents would just drop young children off. Those talks went nowhere. He suggested Mr. Johnson come by and see Mr. Russell.

Dick McKean, 2415 NW 38<sup>th</sup> Street, stated currently 5% of the hotel/motel tax was approved by voters ten years ago and is used for economic development and tourism. He stated that is very unspecific. He is concerned that 70% goes to the chamber but we can use that money in other places. Economic development and tourism must have water and those funds could be used for cloud seeding. He suggest three options: 1) reduce chamber funding to 30% which would give the city \$300,000 to pay for the cloud seeding, 2) task the chamber to fund the seeding operation and remove the \$1 charge and 3) do not do anything. He suggested that the ballot for hotel/motel, which comes out this year, is more specific. All funding decisions should be hinged on what will be the impact on water. Another point is that some justification on some of these projects is that will have matching funds. It is not really matching because the funds you use to do the matching are the funds that could be used for other things in this city. We need to look at the water and curb economic development by at least 50% across the board.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF NOVEMBER 25, 2014, JANUARY 27, 2015, MARCH 24, 2015 AND THE SPECIAL MEETINGS OF DECEMBER 22, 2014, MARCH 2, 2015 AND MARCH 18, 2015.

MOVED by Wells SECOND by Jackson to approve the minutes of November 25, 2014, January 27, 2015, March 24, 2015 and the special meetings of December 22, 2014, March 2, 2015 and March 18, 2015. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

#### CONSENT AGENDA

Mayor Fitch stated they will strike the Southwestern Bell claim on item #1 and pull item #23 for discussion.

MOVED by Burk SECOND by Wells to approve the consent agenda with the exception of items #1 (Southwestern Bell Claim) and item #23. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: Regenia Albers in the amount of \$337.28, Anthony and Crystal Marez in the amount of \$540.20, Southwestern Bell Telephone, dba AT&T in the amount of \$837.85 and Corrie Certain in the amount of \$805.00. Exhibits: Legal Opinions/Recommendations.
2. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Jerry Don Ray. Exhibits: **Resolution No. 15-29.**

3. Consider adopting a resolution setting the E-911 fee for the period of July 1, 2015, through June 30, 2016. Exhibits: **Resolution No.15-30**.
4. Consider a request from the MacArthur Baseball Booster Club to waive fees for the use of Eastside Ball Park to host a baseball tournament to raise funds for the MacArthur baseball program. Exhibits: MacArthur Baseball Booster Club Request Letter.
5. Consider a request from the MacArthur Basketball Booster Club to waive fees for the use of Grandview Sports Complex to host a series of baseball tournaments to raise funds for the MacArthur basketball program. Exhibits: None.
6. Consider a request from Sam’s Club to waive fees for the use of McMahan Softball Complex to host the 7<sup>th</sup> Annual Rusnow Slugfest Softball tournament. Exhibits: Sam’s Club Request Letter.
7. Consider accepting donation of memorabilia to be donated by family members of fallen Lawton Police Officer William Hayes who died April 8, 1916. Exhibits: None.
8. Consider accepting donation of items from Mr. Joseph Marable, M&M Pet Store, 6708 NW Cache Rd. Lawton Oklahoma, to aid in the care and maintenance of animals housed at the City of Lawton, Animal Welfare Division shelter. Exhibits: Letter from Mr. Marable.
9. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: Eastbound and westbound NW Baldwin Avenue at the intersection of NW 80<sup>th</sup> Street; northbound and southbound NE 31<sup>st</sup> Street at the intersection of NE Colonial Drive; westbound NE Colonial Drive at the intersection of NE 31<sup>st</sup> Street; and on eastbound and westbound SW Neal Boulevard east of the intersection of SW Ard Street. Exhibits: **Resolution No. 15-31**, Traffic Commission Minutes and Traffic Issue Requests.
10. Consider adopting Street Light Resolution No. 488 to authorize the installation/removal of street lights at the location listed in the Resolution. Exhibits: Street Light Resolution No. 488
11. Consider approving plans and specifications for the Animal Welfare Building Kennel Ventilation Plans & Specifications and authorizing staff to advertise for bids. Exhibits: None.
12. Consider authorizing contract with Medicine Park 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.

13. Consider accepting a warranty deed and a temporary easement from Betsy L. Lawrence, a single person for right of way needed for the SE 45<sup>th</sup> Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Location Map. Documents are on file in the City Clerk's office.
14. Consider accepting a permanent easement from The Comanche County Hospital Authority, a public trust for right of way needed for the Greer Addition Drainage NW 35<sup>th</sup> and Arlington Project #2012-03, authorizing the Mayor and City Clerk to execute the document. Exhibits: Location Map. Document is on file in the City Clerk's office.
15. Consider approving contract Amendment #1 with C.H. Guernsey & Co. for additional engineering services to develop bid plans and specifications for the McMahon Auditorium HVAC System. Exhibits: Amendment #1 to Agreement.
16. Consider approving an agreement with Dewberry for professional engineering services associated with the design of West Gore from 67<sup>th</sup> Street to 82<sup>nd</sup> Street and authorizing the Mayor and City Clerk to enter into a contract for these design services. Exhibits: A copy of the agreement is on file in the City Clerk's office.
17. Consider authorizing staff to apply for a contract with Ford Roofing & Sheet Metal Co. to replace the roof of McMahon Auditorium and the Museum of the Great Plains, under the State Contract DCAM#14040. Exhibits: DCAM/CAP – FORM M701 Project Requisition Checklist
18. Consider extending contract (CL13-029) Asphalt Crack Fill Material to Right Pointe Company of Dekalb, IL for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
19. Consider rejecting all bids (CL15-037) 1 Ton Cab Chassis/Dump Truck. Exhibits: Department recommendation, abstract of bids, price sheet.
20. Consider awarding contract (RFPCL15-030) McMahon Park Concession Lease to LaSill Optimist Club of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
21. Consider extending contract (RFPCL14-032) Delinquent Library Accounts Collection to Unique Management Services of Jeffersonville, IN for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
22. Consider extending contract (CL14-022) Sodium Hypochlorite to Petra Chemical Company of Dallas, TX for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
23. Consider awarding contract (CL15-033) Mid Size SUV to Statewide contract purchase. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

Russell stated they are not purchasing this vehicle at all and rather than striking the item the council will need to reject all bids.

MOVED by Wells SECOND by Jackson to reject all bids (CL15-033) Mid Size SUV. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

24. Consider awarding contract (CL15-034) Auto, Full Size 4 Door to Billingsley Ford of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
25. Consider awarding contract (CL15-038) 16,000# GVWR Reg. Cab Chassis to Billingsley Ford of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
26. Consider extending contract (RFPCL13-028) Concession Operation Grandview Sports Complex to Lawton Breakfast Optimist of Lawton, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
27. Consider approving appointments to boards and commissions. Exhibits: None.

**Lawton Enhancement Trust Authority**

Andrew Duffy  
2426 SW A Avenue, Unit B  
Lawton, OK 73505  
06/30/16

28. Consider approval of payroll for the periods of March 16 – April 12, 2015.

**NEW BUSINESS ITEMS:**

29. Hold a public forum to discuss public access to the Lake Lawtonka Dam related to recreational activities at or near this location and take appropriate action as necessary. Exhibits: None.

Mayor Fitch stated this was on the agenda two weeks ago and it is being brought back for a public comment period.

Jerry Ihler, Assistant City Manager, stated a lot of these people are here for answers as to why we closed access to the dam. In October 2003, as a result of the actions of 911, all of the water treatment plants in communities that were greater than 3,300 people were required to do an assessment of their water system. There were grants available for these assessments. The City of Lawton had a vulnerability assessment of its water system which came up to 17 projects. One of those projects was to make security improvements and remove the access to Lake Lawtonka Dam and that area. The council at that time voted to approve those projects. Approximately five or six years ago, as a result of some projects at the dam the gates were removed and were never put back up. Over time people started utilizing access to the dam. Because of some comments

made by COL. Waters, there was some discussion at staff level with regards to all the activity that was occurring at the dam in that location. Staff researched if there have been any council actions removing the action of the council in 2003 and there weren't any. After discussion at the staff level and discussions with the City Manager, they went out and closed access to the dam.

Mayor Fitch requested those who would like to comment to please come forward.

Phil Easton, 711 Heinzwood Circle, stated he has been a life long user of Lake Lawtonka as his grandfather was a lake patrolman. In the 1950s we had a drought much like today but we only had one lake. The city council erected 10 foot gates at Lawtonka and put a walkway across the top so they could service the gates. The walkway above the dam quickly became a favorite spot of fisherman. Hikers used it to get to the west side of the lake. This activity has gone on for 57 years and we have not had one issue of anyone trying to attack our dam or poison our water. This is a solution to a problem that does not exist. The two issues are lake security and liability to the city. We all want security for our lakes. He does not think that anyone who wants to do harm will be deterred by a sign. Even if they encapsulate that dam with wire and metal gates, for \$50 you can get a blow up boat and launch it with explosives. In 57 years this has never happened. He understands the threat assessment in 2003, but it is now 2015 and no one has tried to destroy the dam. Countless people use that dam to go across to the hiking trails, for mountain bikers and especially for the fishermen. It is the only place they have in deep water where a disabled person in a wheelchair, a walker or someone that is on oxygen can go to fish and actually expect to catch a fish. They cannot maneuver around the boulders around the lake. All they are asking is to do what they have done for the past 57 years without any harm to the city. Please allow the fishermen to fish off the dam and the hikers and bikers to cross the dam to get to the west side of the lakes. It is all about quality of life.

Thomas Laverdusky, 1804 NW 75<sup>th</sup> Street, stated he served in the military for 24 years and he is a 100% disabled veteran. Many Ft. Sill soldiers come out to the dam to fish. It is a great place for these individuals to have therapy and get back to a normal life. There are many people that come from out of town and stay in our hotels and eat at our restaurants and shop at our malls. We need that revenue. If you take the dam away you lose that. The dam is an asset to this city.

Maurice Brown, 20 NW Mission Boulevard, stated he is a retired disabled veteran. The walkway gives thousands the freedom to enjoy the outdoors from a different perspective. He stated the dam is not only a great place to fish, but also to stay in contact with his fellow veterans and citizens he has come to know.

Kay Copeland, 5330 NW Rotherwood, stated she has been fishing since she was 8 years old. She stated fishing from the dam is a unique experience and is different from fishing from the shore or from a boat. It is the only place to get to the deep water crappy. As far as security goes, if a terrorist wants to get our water supply they will find a way and living in fear is keeping us from living our lives in freedom and doing what we want to do as Americans. She stated they all do watch and know everyone in the area and they would know a stranger. What better security than to have people out there and around the dam.

Wallie Breden, 1908 NW 66<sup>th</sup> Circle, stated the only access they have to deep water is at the dam. The best security is to have the fishermen out there.

John Sklanny, 2409 NW 68<sup>th</sup> Street, stated he retired from the military here and he uses the dam almost every day and as a disabled veteran, it is one of the few places he can go to successfully fish. He tried to fish off the rocks today and he fell in the water. You have taken away the major fishing area that disabled people have in the winter time. There are a lot of active military go to the dam and those that are experienced teach them how to fish in the deep water. They give them jigs and fishing poles because they want them to come back to the dam. Most of the people are retirees and this will significantly affect them. They take care of each other and take care of the dam.

Michael Browning, 2213 Baltimore Circle, stated the dam is the only place to catch fish in the winter time and he wants to see a future for his son.

Ryan Ryswyk, Oklahoma Department of Wildlife, stated he offices out of Medicine Park. He stated fishing is very important to people in this part of the state. He has received a lot of phone calls and he has provided the council with some numbers. We have over 700,000 fishermen in the state and they provide a significant impact to the state and local economy. The Lawtonka dam is a place that brings both fish and fishermen together. The deep water habitat of the crappy is easily accessible to a person fishing from the dam. Fishing is a quality of life issue that is very important to a lot of people in this area. His office is very interested in what will happen to the dam and they will offer any assistance in any way they can to help remedy the situation.

Jackson stated he is one of several council members who asked that this be brought back with a public forum. He personally believes that the dam is an asset to the City of Lawton and Southwest Oklahoma and he would recommend they leave it open.

MOVED by Jackson SECOND by Morford to keep the dam open.

Tanner stated he does not want to deprive fishermen from going onto the dam, but we did have a risk assessment that took place years ago which was brought before the council years ago and they agreed to abide by their advice. If he was to vote to say yes they could go on the dam and no one has had an accident in fifty years but tomorrow someone falls in the water, he goes from being a hero to “you’re the one who said let them fish”. We haven’t had any terrorist attacks or anyone trying to do harm to the dam but as soon as he says yes, go ahead and do this and someone goes out there and dumps chemicals. He is concerned about putting his personal liability on the line because a city councilman can be sued and personally held liable for the decision that he or she makes.

Wells stated they can only be sued when they violate state law, normal council business like this, if they make a change, they couldn’t be sued for that.

Jensen stated anyone up here can be sued and they are all the time for all kinds of crazy things. We had a wrongful death case at the spillway several years ago where a child was not supervised. We won that case. The difference between being sued and liability is totally

different. If someone falls off that dam our legal defense would be the same they put forth in that case at the spillway. That was a case of letting a young child go out there without parental supervision and without anything to protect him.

Bellino-Hall stated she is tired of having fear and panic pushed in her face. What did we fight for freedom for this country if we can't even fish from a dam. She feels they need to take a vote and move on.

Phillips commended city staff for following the suggestions from the federal government. They did their job. She questioned how they could protect the dam and the water treatment plant from terrorist. After visiting the dam there does need to be some safety issues addressed because there are some dangerous areas and it is very old. She would like to see these issues explored to protect the fishermen.

Burk stated there is no one on the council that is against anyone fishing, biking or walking across the dam. He stated a prior council did the best they could do with the funding they had. It is our fault, as a city, that they allowed the gates to be taken down and it is terrible that it happened. He feels if someone is going to do something to us it will happen and there is nothing we can do to prevent it. He stated they have been told that if they undo something that was put in place, they all take personal liability for the fact that if something were to happen and they were told it was a high risk and they did nothing to help secure it, they take personal responsibility. He loves this community but he does have concerns. They need to come up with a solution that everyone can live with. He is willing to stand up for city staff because when they found out it was open and when people wanted to use it they went back and found out what happened. He does not believe anyone on the council wants the dam closed, but how do we do it responsibly. They cannot always reveal what was told in executive session and there are things that are concerning. How do they not put themselves at personal risk and that is his concern. They do not want to make a decision that will come back to haunt them. He is not against opening the dam, but how do they help.

Tanner stated he is a fisherman too but there is another concern, that dam is not handicap accessible. If they are going to allow people on the dam they should allow all people. It needs to be handicap accessible and right now it is not.

Jackson stated they do need to have staff take a look at some of the safety factors of the fencing and rails to see if we can reinforce it.

Burk stated he would like to have some ideas on how they could secure areas of the dam.

Michael Tennis, 1710 NW Cherry, recommended daylight to dark, that is what Mt. Scott does.

Tanner questioned why the council even makes this decision, it is the city administrator's job and that is what we pay them to do. We had a risk assessment done and a former council voted to implement these recommendations. He stated we just had a settlement in a lawsuit with the disabled and we have to make things handicap accessible. If we open this dam up it will also have to be opened up to those who are handicapped to go up on top of the dam.

SUBSTITUTE MOTION by Tanner SECOND by Wells to approve keeping the dam open but making safety changes as well as making it ADA compliant. AYE: Burk, Tanner, Phillips, Wells. NAY: Morford, Jackson, Bellino-Hall. MOTION CARRIED.

Mayor Fitch stated the dam will remain open and city staff will put together recommendations to make it a safer area and it will have to be ADA compliant.

Wells stated they will attempt to come up with the funds to make it ADA compliant as quickly as possible.

Burk stated it will be open now and we will work to make it ADA compliant so we don't have an issue.

Bellino-Hall questioned how we are going to make the dam ADA compliant.

Wells stated that is up to staff to look at and if it can't be done it can't be done, but we have to at least attempt to comply with federal government rules.

Ihler stated staff will put together a list of safety issues and they can put the ADA issues into the current program and implement this over time. He clarified that they will remove the traffic barriers so that the parking lot can be utilized. He questioned if they were allowing full access.

Tanner stated they discussed implementing safety measure and they had discussed possibly opening it up during the daytime and closing in the evening. They still need to maintain safety and security.

Ihler stated he needs clarification on the parking lot that has been barricaded off with concrete traffic barriers that would not allow full access.

Jackson stated he does feel they need to allow full access.

Wells stated as he understood the vote, let's open it back up to include the parking and work up a plan for the safety issues and the ADA.

30. Discussion, consideration, and possible action regarding the identification of suitable land parcel(s) that will be developed, demolished, prepared, or acquired for the purpose of constructing or rehabilitating Public Safety Facilities that are to be funded through the 2015 Sales Tax Extension. Exhibits: None.

Jensen read the current ballot language that was voted on by the people which states: "Construct and equip a new City police, jail and municipal court facility, (which is one project), acquire land/structures for the expansion of fire station 1 and improve and remodel fire station number 1 (which is a separate project).

Jensen stated it is both his opinion and the city's long time bond attorney, Gary Bush, that these two facilities can be combined. If the council decides to do that staff will have to do an amendment to this section to make it a single facility for police, jail, municipal court and fire. They can do this without a vote of the people, but it will be necessary for financing purposes.

Jackson stated he still has not been given clarification on how a new fire station will be funded because there was no funding developed in that sales tax extension program to fund a new fire station. There was only money to remodel central fire station.

Jensen stated there were different figures that were allocated towards one facility versus the other. When the ballot was written and it was voted on, all of those projects were lumped into one sum of \$39 million plus. There is breakdowns for what was allocated to remodel and upgrade fire station 1 and the bottom line is the lump sum of 39 million was approved by the voters and if there is not enough allocated in those separate allocations, you would have to make some adjustments to other facilities to be able to do that.

Jackson stated staff got excited that the tax was approved by overwhelming numbers and the idea of the fire station came across with that excitement. He does not mind having a new fire station, but not to take away the intent of the original ballot item which was the police station, fire station and the jail. That's the original concept of the balloted item but as long as funding is identified and not taken away from the original projects approved by the public.

Ihler stated staff is looking for direction from the council as to a specific site. City staff has a preferred site as it relates to the Railroad and Gore site. The idea of one facility at one location is preferred by the police chief, fire chief and municipal court clerk. The other site with some interest is the old city hall location. It would be very difficult, from a logistics standpoint, to build this facility at this site. They spoke with Comanche County officials and the logistics of making that location happen in a timely fashion will be an issue as well as a funding issue. Now they are back looking at these two sites. Staff recommendation is one public safety facility at Railroad and Gore.

Mayor Fitch stated the council needs to identify what parcel of land they are going to use. The Railroad and Gore site where everything could be established and the existing fire station facility would be under consideration for preservation through the historical society. You cannot remodel that without leaving it like it looks now. That would create a big problem. The other situation is you are having to acquire land and you don't have enough there to do what you need to do without tearing down a bunch of buildings at a lot of cost. If you talk about building the police station, jail and court at the old city hall site you will have to work around the annex and then will have to temporarily relocate employees in the annex and then will have to move them back in. You will have to tear down the old jail facility in order to make room for parking and there is a lot of cost when you start tearing down and relocating people.

Phillips questioned if the land at Railroad and Gore was owned by the city and is it clear of buildings.

Mayor Fitch stated the city does own the land and it is vacant and it has had phase I and phase II studies for contamination and it does have a small contaminated area that would be a parking lot and the concrete would contain it.

Burk stated he will recommend the property at Railroad and Gore. They need to make sure that we are funded enough to include the fire station.

Jensen stated they needed to make sure this direction is not final and absolute and it will depend on some cost factors.

Burk stated they will have to look at the cost factors to make sure this is a viable thing.

Tanner clarified that they are choosing the Railroad and Gore location for a combined facility for fire, police, court and jail.

Mayor Fitch stated this will give staff direction to start looking at actual cost estimates on that parcel of land.

Jensen stated this is not being chosen tonight, but council is giving direction to pursue that option.

MOVED by Burk SECOND by Morford to give direction to staff to look at cost estimates on the parcel of land at Railroad and Gore for a combined facility for fire, police, municipal courts and jail. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None.  
MOTION CARRIED.

31. Consider discussing installation of a fence on one or both sides of the road to deter pedestrians from crossing Interstate 44 between Gore Blvd. and Lee Blvd. and take appropriate action. Exhibits: Letter dated September 25, 2013 from the Mayor to ODOT.

Jackson stated we recently have had the second death from people walking across I-44 from the casinos and if the city council can do anything to help prevent this in the future they need to do this.

Tanner stated they have to get across somehow and walking across the bridge on Gore is not safe. He suggested we build a pedestrian bridge across I-44.

Mayor Fitch stated they would have to look at the 2019 CIP for that project.

Tanner suggested they talk with ODOT about that option.

Mayor Fitch stated they already spoke with them and they will not do that.

Jensen stated we can't just build anything on a state highway.

Burk questioned the placement of the fence.

Jackson stated the request is to put a fence on both sides.

Mayor Fitch stated ODOT had made comment that they would fund that but it was not addressed because the hotel owners did not want a 10 foot cyclone fence to block the view of their hotel. The request is to start a conversation with ODOT and see if they will proceed.

MOVED by Jackson SECOND by Morford to ask the State to fund a fence on one or both sides of the road to deter pedestrians from crossing Interstate 44 between Gore Blvd. and Lee Blvd.

Tanner stated he has a thick chain link fence around his storage lot and it did not stop thieves from cutting it and going right on in. If someone wants through that fence bad enough they will just cut it.

Burk stated there was already a barb-wire fence there that is ugly and he understands the concern from the hotel people. You put up this big ugly fence and block off everything that they have done to make their places look nice. He does not know if a fence is going to stop them, they will just walk around. We have to come up with some other solutions.

Jackson stated this council cannot willfully leave that road open after two deaths.

Wells stated the ideal thing would be a nice pedestrian walkway. There is no solution to this if a person wants to go across that highway.

Tanner stated he is not so sure that the people are coming from the hotels. He feels they are coming from the neighborhoods.

Phillips questioned if the staff has really looked at ways to take care of this issue or is this fence just it.

Mayor Fitch stated the fence is it because ODOT is not going to build a walkway on that bridge because they don't have the money.

Burk stated if there wasn't already a fence there he would want to put something up.

Jackson stated there is no fence on the east side.

VOTE ON MOTION: AYE: Morford, Jackson, Phillips. NAY: Bellino-Hall, Burk, Tanner, Wells. MOTION FAILED.

32. Considering appointing a special committee to study, research and develop a public policy recommendation concerning the City's financial ability to develop new and/or alternative water sources that are necessary to protect the health, safety and welfare of the community during the extended drought conditions, to include the early termination/restructuring of the City's 2012 Capital Improvements Program (CIP) and a new replacement CIP setting forth alternative water sources as the highest priority along with incorporating 2012 CIP projects yet to be completed. Exhibits: Spreadsheet – Proposed Revised 2012 CIP through

12/31/2015, Spreadsheet – Proposed 2016 CIP through 12/31/2022 and Spreadsheet – Proposed 2016 CIP through 12/31/2025.

Wells stated they all recognize that water is a high priority issue. He stated last December they approved \$800,000 for Garver Engineering to come up with a plan for surface, ground and reuse water with the report due in September. One of the things they will probably recommend is ten test wells and that will be about \$1 million and we don't have that. Staff would like to look at five wells which would provide up to 500 gallons of water a minute for some areas in town that could use non-treated water and that would be \$6 million. He questioned what they were going to do when they get this report. Will they have to wait until the 2019 CIP which would mean they would sit here and wait three years for any type of alternate water sources. There are no viable solutions to raising this amount of money so he started looking at the programs we currently have in place. In 2012 we have already spent almost \$50 million by the end of this year and there are projects on there we have tried to fund for many years and we don't want to take those off the list and not be able to complete them. He suggested they cut off the 2012 program at the end of this year and start a new program January 1, 2016 for seven years, which would be just adding four years onto the current program, and carry over everything on the 2012 that has not been started or completed. They will end up with approximately \$50 million which will go towards alternate water sources. That will cover test wells and regular wells as well as infrastructure to get the water where it needs to go. They may have to put in some small treatment facilities to treat the water before it goes on. This keeps pressure on the Oklahoma Water Resources Board and ODEQ to keep working on what is necessary to reuse water in Oklahoma. We don't have a state law that allows that right now. He stated he also looked at taking it out for ten years which would give them an advantage because they would end up with two programs that would expire in December 2025. Future council would then have 2 1/8 cent sales tax, around \$25 million a year and could get back to 3-4 year programs rather than 7 and 10 year. He is requesting that they appoint a council committee to look at this idea and come up with something that they could take to voters. He stated he would like to serve on that committee.

Morford, Tanner and Phillips stated they would like to be on the committee.

Mayor Fitch stated Councilmember Wells will chair this committee.

MOVED by Wells SECOND by Morford to appoint a council committee to identify funding for alternate water resources. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

33. Discuss potential revisions to the Standard Elmer Thomas Park Restricted Access Lease Agreement for the 30<sup>th</sup> Annual Charlie Christian International Music Festival to be held on May 28 – 31, 2015. Exhibits: Proposed site layout.

Burk stated when this was brought to council earlier it was his understanding that they were asking for the park to be closed for four days and that was the part he could not support. They have come back and said they would like to have the park starting on Friday at 2:00 p.m. and

going until Saturday night at midnight. They will have the fencing up prior to this but the road will be open until 2:00 p.m. on Friday.

Russell stated we do not have enough fencing to cover the area that they are requesting. We would have to go out and purchase additional material. This is also requiring waiving the fees of \$8,000 for the entire park. He had staff go back and look at all of the permits that we have processed from July 1<sup>st</sup> to December 31<sup>st</sup> of this fiscal year and that total is \$121,000. Out of that \$121,000, council has waived \$118,000. By reducing the size of land used for this festival, the waiver is reduced as well as the cost of material and staff time. They have said they are expecting 100,000 people this year and he believes they will not pull those numbers to require the space they are asking for.

Wells stated he was concerned about taking the Kid's Zone area out for Friday afternoon and all day Saturday. He is not sure if we have a resolution or policy that specifies what events will be waived.

Jensen stated we do not have one and he has repeatedly raised the question.

Wells stated this is something they really need to look at. Either we have fees and charge them or we don't have fees. He has talked with staff and was told they were pulling 40,000 around Oklahoma City and they could do better around here.

Burk stated he knows we purchased enough fencing for Elmer Thomas Park so that when we have events that fencing could be put up. He questioned if we have lost fencing.

Russell stated they have purchased fencing in the past but the fencing gets damaged by continual use. He was told that at this point we do not have enough fencing and we will have to go out and purchase additional fencing.

Burk questioned how much this will cost.

Keith Nietzke, Parks and Grounds Supervisor, stated he is not sure but they will have to purchase 800 to 1,000 feet of additional fencing.

Phillips questioned why we had a fee schedule if we waive all the fees.

Mayor Fitch stated they really need to look at this issue.

Russell stated he is working with parks and recreation staff to develop some guidelines that will help manage this issue.

Burk stated we have been waiving events for years. They want this event to be successful and quality of life is bringing events to town and to be successful they will be a paid event so we are going to have to have fencing exclusively for the park.

Russell stated he is just making the council aware of the total cost to the city.

Tanner stated he attended the event last year and the entertainment is top notch and he feels it is important to have these types of activities in Lawton. He supports this event.

MOVED by Burk SECOND by Wells to accept the new times which will be from Friday at 2:00 p.m. and will open back up at midnight on Saturday. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

34. Consider an ordinance amending Section 9-1-126, Article 9-1, Chapter 9, Lawton City Code, 2005, by establishing a Municipal Court Technology Fee and setting forth the purpose to be funded by the fee, providing for severability and declaring an effective date. Exhibits: Ordinance 15-\_\_.

Bart Hadley, Municipal Court Clerk, stated this is something that is being done across the state. In 2009 the state law changed which authorized district courts to collect a \$25 technology fee. The change also allows municipal courts the ability to collect these types of fees as well. He stated they have been trying to get new software for the court system because they are currently still operating off of the old mainframe. This would be a way to provide funding for this software. He stated they are asking for \$26, which will not cover the technology needs but it will get them very close, within a year to 18 months they should have enough to get the court software as well as address some other technology needs. Most of their fines are \$149, \$169 and this would make it easier on the citizens and staff in that they will have to make less change.

Tanner questioned if the \$26 would be added to each ticket we write.

Hadley stated yes. He stated he sent out a mass email to courts across the state asking for feedback from those who have adopted this and who have not. Of the replies he received, those that have not adopted the fees, their citation amounts are much higher than ours. Some are larger, most are smaller than Lawton. Our citation fees will still be lower even after we add the fee. The courts have upheld that as long as it can be shown that the fee addresses the needs it is legal.

Tanner questioned if we were going to add this to those tickets in violation of the animal ordinance. The animal welfare committee is working to keep the cost down so the citizen will be able to redeem their animal.

Hadley stated if they plead guilty or are found guilty then this would be added to the citation. If they are found not guilty or dismissed without cause it would not be included. The goal is to put the burden of court technology on the violators and not the citizens that are not violating the law.

Tanner questioned how much additional revenue this fee will raise annually.

Hadley stated under the current ticket rate, it should raise approximately \$250,000 per year.

Tanner questioned if there was any way to exempt the animal citations.

Jensen stated he would not want to do that from a legal standpoint. There are already plenty of exemptions such as if the case is dismissed, if the defendant is acquitted or if the prosecutor declines to prosecute. He would not want to do selective enforcement.

Wells stated when he received a ticket for rolling through a stop sign and he came down and paid his fine, is he considered a criminal.

Hadley stated he is a violator.

Wells stated he did not realize a traffic violation was a criminal case.

Jensen stated they are all criminal citations.

Tanner stated he would like to lower the cost of the fines. He could go for \$5, but not \$26.

Hadley stated we would still be below other cities our size and smaller.

Tanner stated there is a range and the judge could give them a higher fine.

Hadley stated that is not typically how it works in municipal court. The vast majority of the time they don't see the judge and they take the citation, which would be \$175 for the vast majority of violators.

COL Water questioned what the predicted annual automation improvement cost would be.

Hadley stated right at \$300,000. That is just a cost estimate from a vendor.

Burk questioned if this goes on forever, what will they buy?

Hadley stated anything related to the collection of the data. One idea was to help the police department and purchase ticket readers which would allow them to swipe the driver's license and automatically gather all their information instead of hand writing the ticket. This would save time and money.

Burk stated this could be used to modernize the way we issue tickets.

Hadley stated it would be used for the acquisition, operation, maintenance, repair and replacement of data processing equipment and software related the administration of the court including prosecution.

Jensen stated it is the administration of the municipal criminal justice system and the cost of prosecution.

Hadley stated he considers the prosecutors office as part of what they do.

Jensen stated it is not part of the court.

Burk stated he was not thinking about this beyond the court.

Wells stated we have a lot of people with low incomes and unfortunately, a lot of those who are getting the tickets and paying the fines. Until the city figures out a better way to fund the government, we do need to be able to increase automation and make work flow better.

MOVED by Wells SECOND by Phillips to adopt **Ordinance 15-05**, waive the reading of the ordinance, read the title only and establishing an effective date.

SUBSTITUTE MOTION by Tanner to reduce the fee to \$11. MOTION DIED DUE TO LACK OF A SECOND.

VOTE ON ORIGINAL MOTION: AYE: Morford, Jackson, Bellino-Hall, Burk, Phillips, Wells.  
NAY: Tanner. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 14-05

An ordinance pertaining to municipal court costs and fees, amending Section 9-1-126, Article 9-1, Chapter 9, Lawton City Code, 2005 by establishing a municipal court technology fee and setting forth the purpose to be funded by the fee; providing for severability and declaring an effective date of thirty days from today.

35. Consider adopting a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, as amended, by adding a Municipal Court Technology Fee in the amount of twenty-six dollars (\$26.00) and establishing an effective date. Exhibits: Proposed Resolution 15-\_\_ and “Exhibit A”.

MOVED by Wells SECOND by Burk to approve **Resolution 15-32** amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, as amended, by adding a Municipal Court Technology Fee in the amount of \$26.00. AYE: Morford, Jackson, Bellino-Hall, Burk, Phillips, Wells. NAY: Tanner. MOTION CARRIED.

36. Consider an ordinance pertaining to Businesses amending Section 7-2-1-204, Division 7-2-1, Article 7-2, Chapter 7, Lawton City Code, 2005, to include public safety notices issued by law enforcement as an allowable notice to be placed upon motor vehicles, providing for severability and establishing an effective date. Exhibits: Ordinance 15-\_\_.

Chief James Smith, Lawton Police Department, stated this ordinance will allow them to do some proactive things. His watch commander came up with the idea to go through neighborhoods and apartment complexes and do some proactive intervention. If they see a garage door open or a car with valuables left inside they will leave this notice on their window just to let them know that the police are out there and asking them to put up their valuables to stop car break ins. Over the past year, car break in have been one of their largest crimes so they are trying to do something proactive. The code did not allow them to go out and put pamphlets on car window so they are just asking for this amendment to allow them to do this.

Phillips questioned if the notices will be sticky or will they be placed under the windshield.

Chief Smith stated they will be slipped under the windshield wiper.

Phillips stated they will become litter. She questioned if there was any way to do something that will stick to the windshield.

Chief Smith stated they will take a look at that.

MOVED by Burk SECOND by Morford to adopt **Ordinance 15-06**, waive the reading of the ordinance, read the title only and establishing an effective date of May 14, 2015. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 15-06

An ordinance pertaining to business, amending Section 7-2-1-204, Division 7-2-1, Article 7-2, Chapter 7, Lawton City Code, 2005, to include public safety notices issued by law enforcement as an allowable notice to be placed upon motor vehicles; providing for severability and declaring an effective date of thirty days from today.

#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells stated on the 23<sup>rd</sup> at 6 p.m., Eisenhower is having an event to celebrate their state championship. He stated the water committee will meet Tuesday at 10 a.m. in the Mayor's conference room.

Phillips stated she attended a bond and sales tax oversight committee meeting at the school board. The superintendent presented a document showing where they have spent the money and where they need to spend more money. She was invited to go and she wondered if a council member should be at each of these meetings since it involves the decision they made on the sales tax.

Mayor Fitch stated they could have invited Councilmember Phillips because she was a new member of the council and she could become familiar with their process and what they have done in the past.

COL. Waters stated this piece is what they spent and the second part will be a bond issue that will come to the council in the future.

Tanner stated Family Promise hosted an event last Friday called Box City which brings awareness to the plight of the homeless.

Burk stated Lawton Enhancement Trust Authority worked on a project with the well at the old Coca-Cola plant, but unfortunately that well is not viable. They have some new estimates on looking at a well across the street in Elmer Thomas Park.

Jackson stated when he came back on council he wanted to get involved in the crime issue in Lawton. They all received an email from the Chief regarding the crime statistics and overall crime rate in Lawton has fallen considerably. He thanked Chief Smith and the members of the Lawton Police Department and Operation Restore Hope, which was created for the higher crime areas.

Russell stated this Friday at the Hilton from 11:30 a.m. to 1:00 p.m. there will be a Leadership Lawton luncheon celebrating their 25<sup>th</sup> anniversary.

Wells stated on Friday at 1:00 p.m. the Lawton Police Department will hold their graduation ceremony in the banquet hall.

Mayor Fitch stated due to a current investigation to be conducted by the Oklahoma State Bureau of Investigation he is requesting Mr. Russell to notify Bryan P. Long, by letter, that we are placing him on administrative leave with pay pending the results of the investigation. He is authorized to do this by Lawton City Code Section 17-1-6-168.

The Mayor and Council convened in executive session at 8:38 p.m. and reconvened in regular, open session at 9:44 p.m. Roll call reflected all members present.

#### EXECUTIVE SESSION ITEMS:

37. 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 #37. No action was taken.

38. 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 #38. No action was taken.

39. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of Michael L. Davis, Deceased By Willis Davis and Florine Davis vs. City of Lawton, CJ-2013-834, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #39. No action was taken.

MOVED by Jackson SECOND by Morford to appoint Councilmember Doug Wells as the representative for the City of Lawton at the pre-trial and settlement conference in Comanche County District Court case CJ-2013-834 styled Michael L. Davis, Deceased By Willis Davis and Florine Davis vs. City of Lawton. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:46 p.m. upon motion, second and roll call vote.

\_\_\_\_\_  
FRED L. FITCH, MAYOR

ATTEST:

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TRACI HUSHBECK, CITY CLERK