

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MARCH 24, 2015 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Bryan Long, City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk

Mayor Fitch called the meeting to order at 6:31 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

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

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO VICKIE JOHNSON

Mayor Fitch presented a Certificate of Commendation from the Mayor's Office to Vickie Johnson.

PROCLAMATION FOR VIETNAM VETERANS AWARENESS DAY

Mayor Fitch proclaimed March 19, 2015 as Vietnam Veterans Awareness Day.

AUDIENCE PARTICIPATION: None

CONDUCT ELECTION OF MAYOR PRO TEM

Jackson stated he would like to re-nominate Councilmember Wells. He has been doing an outstanding job of attending all the necessary functions that the Mayor has not been able to attend.

MOVED by Jackson SECOND by Morford to nominate Councilmember Wells to serve as Mayor Pro Tem. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MARCH 10, 2015.

MOVED by Wells SECOND by Jackson to approve the minutes of March 10, 2015. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Fitch stated they will strike the Albers claim on item #2. Wells requested items #2, #4, #6 and #17 be considered separately

MOVED by Burk SECOND by Morford to approve the consent agenda with the exception of items #2, #4, #6 and #17. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Alvin Majkowski in the amount of \$526.32 (**Res. 15-24**) and Yolanda McKissack in the amount of \$1,393.67 (**Res. 15-25**). Exhibits: Legal Opinions/Recommendations, Resolution No. 15-__ and Resolution No. 15-____.
2. Consider the following damage claims recommended for denial: Greg Woods in the amount of \$4,817.78, Regenia Albers in the amount of \$337.28 (STRICKEN) and McCoy's Building Supply in the amount of \$917.00. Exhibits: Legal Opinions/Recommendations.

MOVED by Burk SECOND by Wells to deny the damage claim of McCoy's Building Supply in the amount of \$917.00. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

Stacy Woods, claimant, stated she received a letter saying their claim had been recommended for denial and some of the facts were misconstrued. The response claims she did not call about the sewer backup until two days later, when in fact she did try to call. Every number she could find either went to voicemail or just kept ringing. When she did reach someone they told her the emergency numbers were on her water bill, and they are not. She stated the plumber never found an obstruction in her part of the line and she does not understand why it is being considered for denial.

Wells stated Mrs. Woods called him about this issue. This is unfortunately one of those cases where the plumber says that it was in the city line and the city went out and checked and there was no blockages in the city line or segments below that and they said it was obviously in the service line because when the plumber rodded it, it cleared up the problem. He does not know

who is correct, but regardless of which one is correct, state law states that since this is the first case being reported to us on that line at least in three years, if we were to approve this claim the council could be held personally responsible for triple damages because they don't pay the first claim. They have the option of going to district court if this was denied by council. He stated this is an unfortunate situation and he wishes they could pay the claim, but he is not going to put himself in liability by breaking state law.

Bellino-Hall questioned if there was a statute of limitation, can you go back ten or twenty years on that line.

Wells stated he believes it is three years.

Jensen stated that period of three years was created in the City Attorneys office. If we had a problem and we fixed a problem, if the line was good for a three year period then they did a pretty good job of fixing that problem. We wait an extended period of time to make sure we really did fix the problem. If we didn't and something else happens within three years, we give the citizen the benefit of the doubt.

Tanner stated Ms. Woods stated the plumber cleared her line and he said he did not hit any obstruction.

Ms. Woods stated when she woke up to 3 inches of water in her home she did not know where it was coming from so she called a plumber to find out what was going on. The plumber came out and ran his line and said he did not find anything in their line and it had to be a city back up.

Tanner questioned if the water stopped flowing after he ran the line.

Ms. Woods stated it had stopped flowing by the time the plumber got there.

Tanner questioned if the plumber stated that on his invoice.

Ms. Woods stated yes he did.

Tanner stated it would be the plumber's word against the city employee's word. He stated she could go to small claims court and pay \$78 and stand before the judge.

Wells stated he feels very sorry for Mr. and Mrs. Woods, but by state law the council is restricted on what they can do. He stated they can go to district court and they might get a judge to award them the money.

Jackson stated this is a state law that was passed several years ago regarding notice. It means that the City of Lawton has to be put on notice that we have a problem, such as a pothole, sewer back up problem, etc. Once we have been put on notice, then we will be liable from that point forward. If this would have happened on their sewer line previously, then we would be liable.

Burk stated he would like to make sure we have phone numbers listed everywhere. He would like to have a big flashing number on our webpage that says that if you have a problem, call this number. If you are new to Lawton it is not always easy to find those numbers that you need in an emergency. A lot of times when a plumber clears a sewer line they push whatever is in the line down the sewer line, so you don't always know. It is unfortunate and he knows it is a nightmare when something like this happens.

Bellino-Hall stated it has happened to her. She had a foot of sewer in her basement and she had no recourse and she understands what has happened.

Wells stated regarding the phone numbers, at 4 pm most public works offices convert their phones to E-911 center. You could dial 911 even though it is not an emergency. We also need to advertise the 581-3272, which is answered by the 911 center as a non-emergency number. We need to get those numbers out to the public.

MOVED by Wells SECOND by Jackson to deny the damage claim of Greg Woods in the amount of \$4,817.78. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

3. Consider accepting a donation of 16 Windows 7 desktop computers from Great Plains Technology Center. Exhibits: None.
4. Consider approving a Third Amendment to the Trust Indenture of the Lawton Enhancement Trust Authority, and authorize the execution of the same. Exhibits: Third Amendment to the Trust Indenture of the Lawton Enhancement Trust Authority.

Wells stated he understands why they want to do this, because possibly they want to have a director, someone more permanent to run that trust. The way it reads right now is that the director could be hired and be a paid employee. He would feel more comfortable if we had something in there that said that's okay, but it has to be through privately raised funds, not the hotel/motel tax or the tax on tickets to pay salaries.

Burk stated they are trying to structure it like what we have at the museum and other entities where if they wanted to hire someone they possibly could. We are not going to pay anyone because Richard is for free. It was done so they could try to have a liaison with the city and they will need that continuity of what is going on. He is not going to run it because he is still the chairman, but he needs some help because LETA started out with nothing and it has come a long way. He does not have a problem with it saying that the only way they can be paid is by private funding.

Wells stated he would hate to see that money used for salaries and not beautification.

Jensen stated if this is agreeable they will have to do a floor amendment and they also have to clean up a few things. He stated they will change it to say that all trustees will serve without compensation instead of may serve without compensation.

Tanner asked for clarification.

Wells stated that right now the City gives LETA 5% a year out of hotel/motel and they also get 5% of the tickets through municipal court. He is just saying we won't use that to pay someone's salary.

MOVED by Wells SECOND by Morford to approve with floor amendments. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

5. Consider a request from Comanche County Rural Water District No. 2 to terminate its outside the city water sales contract and establish an effective date. Exhibits: August 11, 1998, contract between the City and RWD #2; and March 5, 2015, letter from Ms. Viola M. Rizco, RWD #2.
6. Consider approving the record plat for Jones Seed Company Addition located on the south side of E Gore Boulevard, east of SE Wallock Street. Exhibits: Plat Map.

Wells stated he does not understand, it says they are not planning on building anything. What is the record plat supposed to do?

Richard Rogalski, Community Services Director, stated the record plat just combines all these parcels into two legal entities that can be sold separately.

Wells stated one of the lots is where the Shed will be.

Rogalski stated yes, one is where the old Jones Feed store building was and they are hoping to convert that into a restaurant.

MOVED by Wells SECOND by Jackson to approve the record plat for Jones Seed Company Addition located on the south side of E Gore Boulevard, east of SE Wallock Street. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

7. Consider executing a Grant of Public Right-of-Way from The City of Lawton, a municipal corporation for the purpose of ingress and egress needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project 2006-12, authorizing the Mayor and City Clerk to execute the document. Exhibits: Location Map. Document is on file in the City Clerk's office.
8. Consider accepting a permanent easement and a temporary easement from Chris P. Brown, a single person, for right of way needed for the Nine Mile Creek Sanitary Sewer Interceptor Project#2008-2, 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.

9. Consider accepting a warranty deed from The Comanche County Hospital Authority, a public trust for right of way needed for the Greer Addition Drainage NW 35th and Arlington Project #2012-03, authorizing the Mayor and City Clerk to execute the document. Exhibits: None.
10. Consider accepting a permanent easement from Comanche County, Oklahoma for right of way needed to install a new water meter located at the Great Plains Coliseum, authorizing the Mayor and City Clerk to execute the document. Exhibits: Location Map. Documents are on file in the City Clerk's office.
11. Consider approving contract Amendment #1 with Dewberry Engineers Inc. formerly known as Dewberry-Goodkind Inc. for additional engineering services for the Nine Mile Creek Sewer Line Project #2008-2. Exhibits: Amendment #1 to Agreement.
12. Consider awarding a contract to Guardian Enterprises for a Phase I Environmental Site Assessment and Environmental Site Review for the Wayne Gilley City Hall building, the City Hall Annex building, and the City Police Station. Exhibits: Copy of Proposal
13. Consider awarding a contract to demolish & remove the structure located at 103 S.W. 4th Street (Wayne Gilley City Hall). Exhibits: Bid Abstract.
14. Consider extending contract (CL14-023) Mowing & Litter Control Contract Areas G & H to Teen Challenge of Lawton, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
15. Consider extending contract (CL14-025) Wrecker Service to Priest Brothers, Inc., of Lawton, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
16. Consider awarding contract (CL15-032) Tire Recapping to Goodyear Commercial Tire & Service Centers of Wichita Falls, TX. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet
17. Consider awarding contract (CL15-029) Half Ton Pickups to Billingsley Ford of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

Wells stated when you look at the agenda item, the comments from finance and the bid sheets that are given, everything looks the same except in the agenda item it says that Lawton Chrysler Jeep Dodge Ram was declared a non-responsive bid and that they did not submit all the bid options as required by specifications. When you are going to put something like that in the commentary, staff needs to tell the council what they did not meet. What options did we want that they did not meet.

Jerry Ihler, Public Works Director, stated one of the things that was requested in this particular bid and they didn't include was downsizing from a V8 to a V6. They asked for additional options and they did not include those options. They did not include going from automatic windows to manual windows. Those were the two main options that make the cost difference

Wells questioned if option were required.

Ihler stated yes they were required to be bid and everyone else provided them.

MOVED by Wells SECOND by Morford to award contract (CL15-029) Half Ton Pickups to Billingsley Ford of Lawton, OK. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

18. Consider extending contract (CL14-033) Footwear (Safety, Athletic & Walking) Items 1A-1D to Woodward's, Cyril, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
19. Consider approving appointments to boards and commissions. Exhibits: None.

Lawton Enhancement Trust Authority

Allan H Hampton
1202 NW Bell Avenue
Lawton, Oklahoma 73501
Unexpired Term 6/30/17

Kyle Rogers
1609 SE Walnut Creek Road
Lawton, Oklahoma 73501
Unexpired Term 06/28/15

20. Consider approval of payroll for the period of March 2-15, 2015.

NEW BUSINESS ITEMS:

21. Hold a public hearing and adopt a resolution declaring the structure located at 402 N.W. Ferris Avenue to be dilapidated pursuant to Section 6-5-1 Lawton City Code, ordering the owner to abate the nuisance, authorizing summary abatement, and authorizing the City Attorney to commence legal action in District Court to abate the nuisance. Exhibits: Resolution 15-__ and exhibits for the property.

Anthony Griffith, Neighborhood Services Supervisor, stated this item was brought before the council on January 27th and was tabled for 30 days to allow the homeowner to clean and sanitize the interior. It was re-inspected on March 4th and March 20th and the condition of the interior has basically remained the same. He reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since May 2010. Griffith presented photographs of the property

PUBLIC HEARING OPENED.

Barbara Ivey, property owner, stated she has been working on the house and packing up all her belongings to take to storage. She has a person helping her with the yard and he will also be helping her with the inside of the house. She is on a fixed income and receives \$782 a month. The house is all she has and she has removed the animals and the cars. She is working as hard as she can. She hopes next month she can get the electricity back on so she can work longer in the day. Currently she is living with her daughter. She does not have enough money to rent a place. She is requesting additional time to work on the house.

Bellino-Hall questioned if Ms. Ivey intends to move into this house.

Ms. Ivey stated yes. She lived in the house since 1993.

Bellino-Hall questioned if Ms. Ivey has any idea about how much this will cost to renovate.

Ms. Ivey stated she has put in an application with HUD for assistance and she is trying to get the house cleared out so they can come in and help with the renovation.

Jackson stated this is his old neighborhood and he played in that house as a child and it is a magnificent house. It has some history with the city of Lawton. It has come to a point where the neighbors have been calling because it has become dilapidated and infested with fleas, ticks and rodents.

Ms. Ivey stated she does not have fleas. She has been in the house and has seen no fleas.

Burk stated he is not sure it is not best if this property goes on the D&D list. He respects the fact that Ms. Ivey wants to clean this up but it is a huge job. He stated that maybe our housing and community development division can help in getting Ms. Ivey into a decent place to stay. There is no way she can live there and there are neighbors that complain constantly about the odors, rodents and fleas. If this goes on the D&D list there still may be time if her son helps her, because he does not see how she can get this done by herself.

Bellino-Hall stated it is unrealistic to think that this home can be renovated. It is going to cost a huge amount of money. The best bet is to put it on the D& D list.

Tanner stated there were legitimate complaints on this house six months ago and there were animals kept in the home, which were taken care of, but were going around and using the restroom in the house. That is the major thing the house has going against it. The house is structurally sound. At that time he requested that the council give her more time to go in and clean it out. He has been in contact with her and her son about once a week pressuring them. It is going to take about sixty hours to clean that house out and he volunteered to pay to have the city pick it up. He cannot go in the house because he is allergic to cats. The animals have been picked up by the Humane Society and that has solved the flea and tick problem. Until the house gets cleaned out, the odor problem will not be solved. She has had the water turned on and the cars and the trees removed. The neighbors have legitimate complaints, but progress has been made and he believes the house can be restored and could be placed on the market to sell and she can recoup her investment. He cannot vote to tear down an elderly lady's one and only asset.

Bellino-Hall stated what if you lived next door to that home.

Tanner stated he spoke with Mr. Shanklin, the next door neighbor, who said the fleas and ticks were the problem and he has addressed that problem.

Burk stated putting this house on the D&D does not mean that it will be torn down. It means that Ms. Ivey still has another 30 days and then she will have to show some progress, but she needs some help with what she really needs to get this thing fixed. She can then go to housing and see if they can help get her some kind of subsidy. This cannot go on forever and they have to appreciate what the neighbors are going through as well.

PUBLIC HEARING CLOSED.

MOVED by Burk SECOND by Morford, to adopt **Resolution 15-26** declaring the structure located at 402 N.W. Ferris Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Bellino-Hall, Burk, Wells. NAY: Tanner, Phillips. MOTION CARRIED.

22. Consider an ordinance pertaining to utilities amending Section 22-2-1-218, Division 22-2-1, Article 22-2, Chapter 22, Lawton City Code, 2005, relating to temporary or periodic restrictions on water usage by modifying the conditions that trigger Stage 1, 2, 3 and 4 water restriction periods; modifying the exemptions in Stage 2, 3 and 4 water restriction periods; establishing a Stage 5 water restriction period; authorizing water conservation rates during Stage 3, 4 and 5 water restriction periods; and establishing an Alternative Water Source Fund for revenue generated by the water conservation rates to be used for identifying and obtaining alternative / additional water sources; providing for severability, and declaring an emergency. Exhibits: Ordinance 15-__.

Wells stated this is an implementing ordinance for the Lawton Water Authority's action earlier in the meeting.

Bellino-Hall clarified that this money does not go into the general fund.

Wells stated that is correct.

MOVED by Wells SECOND by Morford to adopt **Ordinance 15-04**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 15-04

An ordinance pertaining to utilities amending Section 22-2-1-218 Division 22-2-1, Article 22-2, Chapter 22, Lawton City Code, 2005, relating to temporary or periodic restrictions on water usage by modifying the conditions that trigger stage 1, 2, 3 and 4 water restriction periods; modifying the exemptions in stage 2, 3 and 4 water restriction periods; establishing a stage 5 water restriction period; authorizing water conservation rates during stage 3, 4 and 5 water

restriction periods; and establishing an alternative water source fund for revenue generated by the water conservation rates to be used for identifying and obtaining alternative / additional water sources; providing for severability, and declaring an emergency.

23. Consider adopting a Resolution amending Sections 22-111 and 22-112, Article A-22-1, Appendix A, Schedule of Fees and Charges, Lawton City code, 2005, as amended, and establishing water conservation rates during stage 3, 4 and 5 water restriction periods, as set forth in the Exhibit “A” to this Resolution, for the purpose of identifying and obtaining alternative / additional water sources and establishing an effective date. Exhibits: Resolution 15-__, Exhibit A - Sections 22-111 and 22-112, Article A-22-1, Appendix A, Schedule of Fees and Charges, Lawton City Code 2005.

Wells stated this resolution implements the rates as discussed in the Lawton Water Authority meeting.

MOVED by Wells SECOND by Morford to adopt **Resolution 15-27**. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

24. Discussion, consideration, and possible authorization city staff to negotiate a professional services contract with Mr. Tom Daxon, Proficia Financial Group, for the purpose of preparing the necessary documents to retain this firm through separate professional service agreement. Exhibits: Proficia letter dated Feb 20, 2015, Qualifications and Proposed Scope of Work.

Long stated at the November 5, 2014 council meeting the council had discussed the concept of using privately contributed partner dollars to fund a management study. It was a much broader range the first time he brought it to council. He is asking if the council still agrees with that concept. He stated if the council does not agree, he would ask the council to refund all monies that have been collected.

Phillips stated she likes this idea, but questioned if there was a way to keep this legal so these people who have donated don't have any rights to anything that is done with the money.

Jensen stated once they have full funding they will prepare an agreement which states exactly how we are going to use the donated money and they will set out, in accordance with Mr. Daxon's proposal, what his responsibilities will be in spending the money for the study and what our responsibilities will be to pay him and assist him as far as completing that study. There will be strict accountability for all donated funds. Once they donate those funds they turn those over to us for that very restrictive purpose only. He stated if council is interested in proceeding they need to give direction to his office to start spending time on an agreement which will not be brought to council until the City Manager has full funding.

Bellino-Hall stated basically we are going to hire a private company to look at how the city runs and how to make it more efficient.

Jensen stated yes, but this scope is narrower than the scope of the last consultant that was being considered.

Bellino-Hall stated those that donate will have no influence on how that money is spent once it becomes the City's money.

Jensen stated that is correct.

Wells stated originally he was against this proposal. Mr. Daxon was a former state auditor, so he comes with great qualifications to do the job.

MOVED by Morford SECOND by Tanner to authorize the city attorney to negotiate a professional services contract with Mr. Tom Daxon, Proficia Financial Group. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

FINANCE REPORT

Brooks Mitchell, Finance Director, stated they have had the budget meetings with the department directors, and the projected general fund revenues for fiscal year 2015-2016, as of now, shows an almost \$3.5 million decrease or 6.4%. The project decrease in the enterprise fund is almost \$1.3 million or 7.4%, based on that revenue. This is going to be a tough budget year and they will have to make some tough decisions. He is working with the City Manager to balance the budget and come up with a proposal to bring to council.

Mitchell presented revenue and expenditure highlights for period ending February 28, 2015. (On file in the City Clerk's office).

Tanner questioned what was included in the all other general fund revenue?

Mitchell stated on page two it lists all the other items.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells stated he was called by a lady on the Juneteenth committee and they were talking about having a parade this year and will be asking for a waiver of the fees associated with the parade. Long indicated that he thought they were a city sponsored organization and would not have fees. He will be bringing an agenda item back if they still intend to have this event and if any other council members would like to support the Juneteenth organization by waiving the fees, please let him know and he will add it to the agenda item.

Mayor Fitch stated he would imagine that Councilmember Haywood would have a comment on this issue.

Phillips stated she would like to put a plug in for the Citizens Police Academy. She has been attending this 12 week course that the Lawton Police Department puts on once a year. It is open to the public and you must submit an application to be accepted into the academy. She stated it

is very enlightening. Each division explains what they do, what their results are and what their problems are. She would like for more people to attend this academy and she encouraged other council members to attend.

Tanner commended Mr. Griffith on the job he does for the neighborhood services division. He is also in charge of Fresh Paint Days. They will be painting 60 plus houses around the city. He stated Mr. Griffith entered an essay contest on behalf of the Lawton Enhancement Trust Authority and he won a lawn mower for the City of Lawton.

Burk stated he believes they will be painting 50 homes during Fresh Paint Days. He believes they will also have 500 soldiers again this year that will be volunteering to paint. They hope to have a group from both the police and fire departments. They would also like to have a group from general employees. Last year they had some problems with lead based paint and Mr. Griffith took the initiative to get certified so he can handle the lead based paint abatement. They are looking for donations to help with this project. This year the oldest recipient is 97 years old and they are so excited they will be able to help. He stated on April 4th they will hold another adoption event at the animal shelter. He stated the Trash Off event will be held on May 23rd. He requested the council come and support the event.

Bellino-Hall stated she attended the Citizens Police Academy and it is really an eye opener of how this department runs and the needs of this department.

Jackson stated for the large number of people who are sitting in the audience regarding the dam issue enclosure, they are going according to procedure and items that they are required to do in executive session. They will meet behind closed doors and then will be back out to address this issue.

Long stated they took the question of whether or not to open the municipal pool to the water conservation committee. Due to the extensive repairs that are going to be required again this year, the recommendation was made that the pool not open this year.

Wells stated they also thought it would be a good possibility that we would be in stage 4 or stage 5 of water rationing by the time the pool would open Memorial Day weekend.

Burk stated the sad part is that there is a group of underprivileged kids that go to that pool every year and it helps keep them off the street and out of trouble. The council needs to address if they want to keep a public pool or do they want to make it where they have a splash park in a safe area where these kids can go. Every year there is a major repair for the pool. He would like to discuss where we go from here. There is one in the sales tax extension in Elmer Thomas Park, but maybe they need to look at more projects like this where we don't have to pay for lifeguards and security issues. Maybe they could use some of the water out of these wells that is not drinkable. He is concerned that we don't have other avenues for our young people.

Phillips questioned if there was security for that area if we don't open it.

Long stated yes, the facility is secured.

Wells stated they could try and work out a deal with the water park to get season passes for \$20.

Burk stated the biggest issue would be transportation. Most of those kids that go to the pool live in that area.

Rogalski invited the council to an OU Placemaking Conference which will be held tomorrow at 12:45 - 1:15 in the banquet hall.

The Mayor and Council convened in executive session at 7:53 p.m. and reconvened in regular, open session at 10:23 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

25. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending grievances from the International Association of Fire Fighters (IAFF), Local 1882 regarding working out of class and take action in open session, if necessary. Exhibits: Four fire grievances concerning working out of class.

Jensen read the title of item #25. No action was taken.

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.

27. 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 #27. No action was taken.

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

Jensen read the title of item #28.

MOVED by Burk SECOND by Wells to approve the pending tort claim #DC-2014-028 filed by Kailee King in the amount of \$60,000 and authorize the City Attorney to prepare and file any and all documents necessary to finalize the settlement of this claim. AYE: Morford, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: Jackson. MOTION CARRIED.

29. 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 City of Lawton vs. Heinz Family Trust, et al, CJ-2010-722, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #29.

MOVED by Bellino-Hall SECOND by Burk to appoint Councilmember Doug Wells as the representative for the City of Lawton to have authority while proceeding with mediation and settlement conferences regarding Comanche County District Court case CJ-2010-722 styled City of Lawton vs. Heinz Family Trust, et al. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

30. Pursuant to Section 307 B.9, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the City’s Vulnerability Assessment approved in 2003 concerning certain facilities and improvements and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #30.

Jackson stated he believes this issue is of such importance to a certain segment of this community and he feels they deserve the right to have input.

MOVED by Jackson SECOND by Morford to agenda this item for the April 14, 2015 City Council meeting and have an open public meeting so that everyone will have the right to speak on this issue. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

ADDENDUM:

1. Pursuant to Sections 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the potential acquisition of land that will be necessary for various proposed sites for the proposed Public Safety Facility projects as approved in the recent 2015 Sales Tax Extension, and if necessary, take action in open session. Exhibits: None.

Jensen read the title of the addendum. No action was taken.

Jensen stated this matter will be brought back to open session at the next council meeting to discuss proposed sites that are currently owned by the City of Lawton.

There being no further business to consider, the meeting adjourned at 10:29 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK