

4. Consider adopting a resolution approving the settlement by a joint petition and making payment in the workers compensation claim of Lawrence Turner. Exhibits: **Resolution No. 2008-149**.
5. Consider approving the 2009 Notice of Meeting Schedule for Lawton City Council Meetings and **Resolution 08-150** rescheduling the regularly scheduled meetings in November and December, 2009. Exhibits: 2009 Notice of Meeting Schedule for Lawton City Council; Resolution No. 08-___.
6. Consider approving contract with Theatreworks USA for school performances of If You Give a Pig a Pancake & Other Story Books on Monday, February 23, 2009. Exhibits: Contract on file in City Clerk s office.
7. Consider approving the lease agreement between the City of Lawton and the Comanche County Nutrition Project Authority. Exhibits: Lease Agreement.
8. Consider accepting donation of funds donated by the Wal-Mart located at 6301 Quanah Parker Trailway, for Lawton Fire Department s Fire Prevention Fund. Exhibits: None.
9. Consider accepting donation of funds donated by the Apache Corporation located at 3900 W. Third Street, Elk City, OK 73648, for Lawton Fire Department s Fire Prevention Fund. Exhibits: None.
10. Consider approving three Change Orders submitted by Meyer Architecture Plus and J. L. Walker Construction, Inc. for the Historical Lawton High School project, Phase II contract with J. L. Walker and authorize the Mayor to execute the Change Order documentation. Exhibits: Copy of Change Orders submitted by Architecture Plus and J. L. Walker Construction.
11. Consider accepting the Medicine Park WTP Administration Building Re-roofing Project #2008-8 as constructed by Aduddell Roofing, Inc. and placing the Maintenance Bond into effect. Exhibits: None.
12. Consider adopting a Resolution of Necessity for real property acquisition for the NW 38th Street Project (Gore Blvd. to Cache Rd.) #2006-7. Exhibits: Resolution 08-___, Location map, **Resolution 08-151** with Exhibit A is on file in the Engineering Division Office.
13. Consider adopting a resolution for the selection of a consulting engineer to conduct the bi-annual inspections required by the National Bridge Inspection Standards (NBIS) Program. Exhibits: Letter from ODOT and **Resolution #2008- 152**.
14. Consider granting a revocable permit to use a portion of the SW C Avenue right-of-way for an ADA handicap accessible ramp and parking and maneuvering located at 1302 SW C Avenue. Exhibits: Revocable Permit, Application and site plan.
15. Consider accepting the improvements and maintenance bonds for Dove Creek Addition, Part 1C. Exhibits: Plat Map. Maintenance Bonds are on file in the City Clerk s Office.
16. Consider approving the record plat for Dove Creek Addition, Part 2, and accepting performance bonds in lieu of completed improvements and easements outside the platted area. Exhibits: Plat Map. Performance Bonds and Easements are on file in the City Clerk s Office.
17. Consider awarding (RFPCL09-019) Concession Operation Grandview Sports Complex to Lawton Breakfast Optimist of Lawton, OK. Exhibits: Department recommendation, proposal price sheet, Concession Operation Agreement.
18. Consider awarding (CL09-017) Heavy Equipment Service & Parts to C.L. Boyd Co., Inc. of Lawton, OK. Exhibits: department recommendation, abstract of bids. Exhibits: Department recommendation, abstract of bids.
19. Consider rejecting bids for (CL09-013) Sale of Caterpillar Scrapers. Exhibits: Department Recommendation, Abstract of Bids.
20. Consider awarding (CL09-020) Hook Hoist & Grapple Skid Unit to Rush Truck Centers of Oklahoma dba Perfection Equipment of Oklahoma City, OK. Exhibits: Department recommendation, abstract of bids.
21. Consider approving appointments to boards and commissions. Exhibits: None.
22. Consider approval of payroll for the period of November 17 - 30, 2008.

OLD BUSINESS ITEMS:

Mayor Purcell stated that item #24 will be stricken off the agenda.

23. Consider an ordinance amending Section 17-2-11-232, Article 17-2, Chapter 17, Lawton City Code, 2005, by providing that no person related within the third degree of affinity or consanguinity to any employee of the personnel department shall be appointed to any office, position or clerkship or any other service of the City without the express written approval of the City Manager, providing for severability and declaring an emergency.

Exhibits: Ordinance 08-__.

Mayor Purcell stated the only reason this was tabled from the last meeting was because there were some words that were left out of the title. There was no discussion.

Jim Scholes, Human Resources Director, stated this will get us more in line with other cities across the state. He stated they have not been able to hire lifeguards, police officers and many others who could have been working for the City of Lawton. He could not find any other city that has a nepotism policy that carves out the Human Resources Department. He stated this was added in many years ago under certain circumstances in dealing with a certain employee.

Shanklin questioned if that meant that his three sons could not go to work for the City of Lawton.

Vincent stated that would be prohibited by state law and the city charter.

Scholes stated the way the policy reads right now is that division level managers and above cannot have someone working in the same division as them.

Shanklin questioned if he was in the fire department could his sons come to work in the fire department.

Scholes stated that would be covered separately under the fire contract.

Vincent stated it would depend on the position in the fire department. If he was the assistant fire chief or the fire chief, he could not have a relative come to work in the fire department after he takes that position. It is the same thing in the police department.

Scholes stated this change only deals with Chapter 17 and will not affect the police and fire unions.

MOVED by Drewry, SECOND by Haywood, to adopt **Ordinance 08-70** waive the reading of the ordinance, read the title only, and declaring an emergency. AYE: Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 08-70

An ordinance pertaining to personnel policies and procedures amending Section 17-2-11-232, Article 17-2, Chapter 17, Lawton City Code, 2005, to amend by providing that no person related within the third degree of affinity or consanguinity to any employee of the personnel department shall be appointed to any office, position or clerkship or any other service of the city without express written approval of the City Manager, providing for severability, and declaring an emergency.

NEW BUSINESS ITEMS:

24. Discuss permit application of John Wolverton, Eden Tattoo, for 2309 NW Erwin Lane and take appropriate action if necessary. Exhibits: Section 7-30-1-3004, Lawton City Code, 2005, Original application dated November 11, 2008 and Site Map of proposed site showing proximity to church.

THIS ITEM WAS STRICKEN FROM THE AGENDA.

25. Consider approving Council Policy 1-10 creating and establishing and economic development assistance policy for the City of Lawton. Exhibits: Proposed Council Policy 1-10 and Memo from Leslie Batchelor.

Mitchell stated that most of the credit for this policy should go to John Vincent and Leslie Bachelor. He stated this policy is long overdue and as we worked through 2008 there has been discussion and confusion over what a city can or cannot do when you look at providing financial incentives for development, whether industrial or retail. This will set some ground rules for how we address these proposals and projects. Ms. Batchelor feels that the adoption of a general and comprehensive economic development assistance policy will put the City of Lawton ahead of most other communities by letting both the public and potential developers know what the City is willing and able to consider in the way of assistance. He stated this would encourage development by demonstrating the City's interest and willingness to support the development provided it creates quality jobs and provides an economic benefit to the community. He stated staff did send out a copy to the Lawton Urban Renewal Authority (LURA) and the Lawton Economic Development Authority (LEDA). He did receive a few comments from Fred Fitch, Chairman

of LEDA. He stated he also spoke with Dana Davis, President of the Lawton Fort Sill Chamber of Commerce who had a few minor corrections to the policy. This policy outlines financial incentives for quality proposals, sets and identifies the differences and distinctions between industrial and retail projects and recognizes the limitations placed on development under state law.

Shanklin questioned if this would delegate more of the City Council's responsibility and authority.

Vincent stated this policy refers everything back through the City Council.

Drewry stated this policy would keep someone from having to keep coming in for different information. This is all laid out and she feels this is a good move forward.

Shanklin stated he remembers what happened forty years ago and they would be delegating their authority. They don't know what LEDA is doing.

Drewry stated they are open meetings and Councilmember Shanklin can come.

Haywood questioned what changes the Chamber requested.

Dana Davis, Lawton Fort Sill Chamber of Commerce, stated he thought this policy was put together pretty well. He stated they are always asked about local incentives and generally they do not identify local incentives as far as the City of Lawton providing benefits with clients. He stated they generally utilize local incentives through the Comanche County Industrial Development Authority. He stated this is a step in the right direction and he did share some concerns with the City Manager but they are not major concerns. Their concerns had to do with the type of businesses they focus upon, retention of jobs is just as critical as the creation of new jobs and there are other areas he has shared.

Vincent stated that on page 101 of the agenda book at the bottom of the middle paragraph, the final sentence states that all final decisions will be made by the appropriate authority and the City Council.

Shanklin stated they did the same thing when the TIF was formed. He stated the City Council would have the final say. He questioned when the City Council had the final say on anything that has anything to do with the TIF. They are delegating it away.

Mayor Purcell questioned why Councilmember Shanklin was upset. He questioned if it was regarding the price paid for lots in the TIF district.

Shanklin stated he does not like to be quizzed from citizens about things he knows nothing about.

Mayor Purcell stated they are briefed every month.

Shanklin stated he wanted to see the minutes regarding what he had personally missed.

Mitchell stated he gives the Council an updated listing of properties every month.

Drewry stated if you want to know what is going on you need to go to the LEDA meetings.

Shoemate questioned if this would include trust land.

Vincent stated this would not include trust land. This includes right of way or easements.

Mitchell stated in order to do a public improvement the City of Lawton would have to own an easement or right of way to do a street, for example.

Burk stated he has not had enough time to look at this policy. He stated this is something that they all need to make sure that they know exactly what they are doing and that they are all on the same page. He would like to talk to more people who are involved to find out if this is the right thing to do.

Mr. Davis stated that having a policy in place certainly sets the game rules and people understand what they need to do to come to the City for local incentives. This is something that they have not had to offer to clients. This has been done on a case by case basis. They do not object to having a policy in place, but they need to make sure they do not get bogged down in processes, but know that processes are there. He suggested that they need to make sure that our industrial parks and industrial land is included so that they automatically qualify to go through this process.

Burk questioned if they were tying their hands with this policy.

Vincent stated actually they will be giving the chamber something they can send out to industries to show how they can help. He stated this is to spend tax dollars to create a benefit to the city and we are limited on how we can spend tax dollars.

Mr. Davis stated they also need to make sure that the language is drafted in such a way that a major department store or clothing store that might want to locate in Lawton is not excluded from receiving some benefit.

Vincent stated that only in TIF districts can we help retail.

Shanklin questioned how they were going to get the funding for these people.

Vincent stated there is no budgeted funding for this program.

Mitchell stated most of these projects are driven by industrial revenue bonds or revenue bonds that are issued by the City pledging future revenues to finance the development.

Shanklin questioned if these had to be voted on by the public.

Mitchell stated industrial revenue bonds and revenue bonds are not required to have a vote. The City Council would have to vote on issuing them.

Vincent stated that is why they would have to have LEDA or the Lawton Industrial Development Authority because they are the ones who can issue revenue bonds. The City of Lawton cannot issue revenue bonds.

Burk stated he would like to table this until they have a chance to look at it.

MOVED by Burk, SECOND by Shanklin, to table. AYE: Drewry, Burk, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

Mayor Purcell questioned when a revised policy could be sent out to the Council.

Mitchell stated he could have it mailed out by Friday of this week.

26. Approve and receive a report from Jerry Walker, Impact Data Source, for a retail Sales Tax Analysis and Growth Projection Report which was approved by Council on August 26, 2008. Exhibits: None.

Jerry Walker, Impact DataSource, presented a report on economic impact, retail spending and projected population. (See attached)

Shanklin stated a great deal of the sales tax collections for fiscal year 2008-2009 is from construction and it will not be there five years from now. He questioned where else Mr. Walker had done a report like this.

Mr. Walker stated this concept is true of anyplace in the country. He has done three or four studies similar to this and he has also done a lot of analysis on TIFs.

Shanklin questioned if Mr. Walker thought that sales tax collections of \$21 million for a city of 90,000 is low.

Mr. Walker stated it does not seem low to him.

Shanklin stated we are expected to do a lot of things with very little money.

Mr. Walker stated there are assumptions that the spending in the past will continue into the future.

Mayor Purcell stated he does not understand the population number on page ten. He questioned if the 1.05% increase is per year.

Mr. Walker stated it is 1.05% annual increase.

Burk questioned if Mr. Walker saw the proposal for the development on the west side. They are very different numbers from what Mr. Walker has presented. He would like to know why there is such a huge difference. He would like Mr. Walker to look at the proposal and explain why there is such a disparity.

Mitchell stated the other analysis did not account for internet sales or for on-post sales. They took a straight forward formula of building X number of square feet and selling X amount of goods, then based on our sales tax rate this is the money that will be generated.

Mr. Walker stated that he is under the assumption that these sales will cannibalize other stores in town.

Mitchell stated that was a point of the other study, that these were all new sales.

Burk stated there are a lot of different variables and he would like to know what the differences are and why.

Mr. Walker stated with doing a limited study there are certain things he has to make assumptions about and he always likes to be conservative regarding his assumptions.

27. Consider approving an Ordinance pertaining to Fire Department and Services amending Section 11-4-402, Article 11-4, Chapter 11, Lawton City Code, 2005, by clarifying site construction inspection fees, and consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, amending the site construction inspection fees pertaining to Chapter 6 Buildings, Construction and Housing, Chapter 11 Fire Department and Services, and Chapter 20 Streets and Sidewalks. Exhibits: Ordinance No. 08-____, Resolution No. 08-____.

Vincent stated this is a clean up ordinance when staff was reviewing Appendix A. They were looking for the authority for the various fees and charges and they had referenced a section of the code that referenced sewer back ups. He stated they are not creating any new fees or charges, but just referencing them to the right code section.

MOVED by Burk, SECOND by Shoemate, to adopt **Ordinance 08-71** waive the reading of the ordinance, read the title only, and approve **Resolution 08-153**. AYE: Burk, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED

(Title read by City Attorney) Ordinance 08-71

An ordinance pertaining to fire department and services amending Section 11-4-402, Article 11-4, Chapter 11, Lawton City Code, 2005, by clarifying site construction inspection fees and providing for severability.

28. Consider approving an ordinance adding Section 2-3-2-315 and amending Section 2-3-3-323, Chapter 2, Lawton City Code, 2005, changing the designation of the metropolitan planning organization from the Lawton Metropolitan Area Planning Commission to the City Planning Commission. Exhibits: Ordinance No. 08-____.

Richard Rogalski, Planning Director, stated this is a clean up ordinance. The change occurred in 2002 when the CPC was designated as the LMPO as opposed to the LMAPC. He stated staff noticed in Chapter two that the LMAPC was still called out as the LMPO.

MOVED by Warren, SECOND by Shoemate, to adopt **Ordinance 08-72** waive the reading of the ordinance, read the title only. AYE: Drewry, Burk, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED

(Title read by City Attorney) Ordinance 08-72

An ordinance pertaining to administration adding Section 2-3-2-315, Division 2-3-2, and amending Section 2-3-3-323, Division 2-3-3, Article 2-3, Chapter 2, Lawton City Code, 2005, by changing the designation of the metropolitan planning organization from the Lawton Metropolitan Area Planning Commission to the City Planning Commission, providing for codification, and providing for severability.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Mitchell distributed a summary of activity on the TIF district. He stated all 102 parcels have been appraised and they have closed on 69 parcels and they should have another 6 or 7 under contract by the end of the year.

Shanklin questioned the definition of LURA and LEDA.

Mitchell stated LURA buys the property and LEDA manages the letter of credit and approves payment for the properties that are being purchased.

Shanklin questioned who decides the developer.

Mitchell stated LEDA. He stated a four member development committee has started negotiations with the developer.

Shanklin questioned who was on the development committee.

Mitchell stated Carroll Rodgers, David Madigan, Mike Brown and Fred Fitch.

Mitchell announced that Jim Scholes will be leaving as Human Resources Director and Kevin Jackson has taken a job with Fort Sill.

Rick Endicott, Finance Director, stated the new utility bills went out two weeks ago.

Shanklin stated since gas prices have come down they need to figure out a way to cut the water bills.

Endicott stated staff will bring something back to the City Council on December 16th.

The Mayor and Council convened in executive session at 7:18 p.m. and reconvened in regular, open session at 7:25 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

29. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers Compensation claim of Jorge Macias, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 29. No action was required.

There being no further business to consider, the meeting adjourned at 7:26 p.m. upon motion, second and roll call vote.

/s/ John P. Purcell, Jr.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

/s/Traci Hushbeck

TRACI HUSHBECK, CITY CLERK