

Meeting of 2010-3-23 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MARCH 23, 2010 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Fred L. Fitch Also Present:
Presiding Larry Mitchell, City Manager
 Frank Jensen, City Attorney
 Traci Hushbeck, City Clerk
COL Ray Lacey, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:09 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Minister Monte Ginnings, Northwest Church of Christ, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Michael Tennis, Ward Two
Janice Drewry, Ward Three
Jay Burk, Ward Four
Robert Shanklin, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
 Doug Wells, Ward Eight

ABSENT: None

AUDIENCE PARTICIPATION: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF FEBRUARY 23, 2010 AND THE SPECIAL MEETING OF MARCH 1, 2010.

MOVED by Drewry, SECOND by Burk, to approve the minutes of the regular meeting of February 23, 2010 and the special meeting of March 1, 2010. AYE: Haywood, Wells, Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Mitchell requested item #3 be considered separately.

MOVED by Drewry, SECOND by Shoemate, to approve the consent agenda with the exception of item #3. AYE: Wells, Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle, Haywood. NAY: None. MOTION CARRIED.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

1. Consider the following damage claims recommended for approval and consider passage of the resolution authorizing the City Attorney to file a friendly suits for the claims which are over \$400.00: O Rhetta Lee Ebisch in the amount of \$97.50, Lawton Fort Sill Veterans Center in the amount of \$358.50, and Thomas Rush and Jennifer Taylor in the amount of \$3,412.48 (**Res. 10-25**), Ricky Dean Hall c/o Cramer Law Firm in the amount of \$16,500.00 (**Res. 10-26**). Exhibits: Legal Opinion/Recommendation, Resolution No. 2010 - ____ and Resolution No. 2010-____.

2. Consideration of Grant Agreement 3-40-0051-025-2010 for the Lawton Ft Sill Regional Airport. Exhibits: Grant Application.

3. Consider approving the Memorandum of Understanding between the City of Lawton and Goodwill Industries of Southwest Oklahoma and North Texas, Incorporated. Exhibits: Memorandum of Understanding.

Kim Shahan, Parks and Recreation Director, stated he would like to acknowledge this program which will be very beneficial to our community and our young people.

Melissa Mayfield, Youth Services Coordinator, stated Goodwill Industries is bringing a mentoring program to town called Goodguides. The participants will meet in the different recreation centers and the City of Lawton will partner with the planning of events and provide referrals.

Robert Zachary, Program Manager for Goodwill Goodguides, stated they will place mentors at various locations to help with education and tutoring. They target kids from 12-17. He stated they have several organizations that are joining with them such as Cameron University and several radio stations.

Mitchell questioned how one becomes a mentor.

Mr. Zachary stated they have a background check done and then they go through a minimum of six hours of training. He stated they match them up, one on one or they do group mentoring in a church, school or outdoor setting.

MOVED by Wells, SECOND by Haywood, to approve the Memorandum of Understanding between the City of Lawton and Goodwill Industries of Southwest Oklahoma and North Texas, Incorporated. AYE: Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

4. Consider approving a grant application for an \$28,080.00 grant from the Corporation for National and Community Service (CNCS) for the Retired & Senior Volunteer Program (RSVP) for Fiscal Year 2010 2011 funding. Exhibits: None.

5. Consider approving the record plat for Lawton Airport Industrial Park, Part 1, and accepting an easement outside the platted area. Exhibits: Plat Map. Easement on file in City Clerk s Office.

6. Consider approving the construction plat for Dove Creek Addition, Part 4, subject to conditions. Exhibits: Plat Map.

7. Consider granting an extension of time for the performance bond for drainage improvements in Scissortail, Part 1. Exhibits: None.

8. Consider approving plans and specifications for the Rehabilitation of Old Lawton High School Phase III Parking Lots (F.A. Project No. STP-116E(177)EH, State Job Piece Number 26406(04)) subject to approval by the Oklahoma Department of Transportation and authorize staff to advertise for bids. Exhibits: Site plans for east and west parking lot and engineers cost estimate. Plans and specifications are on file in the Planning Division office.

9. Consider acknowledging receipt of Tier I permits from the Oklahoma Department of Environmental Quality for the construction of 3,400 linear feet of 8-inch PVC water line, 55 linear feet of 12-inch DIP sanitary sewer line, 928 linear feet of 10-inch PVC sanitary sewer line, 72 linear feet of 10-inch DIP sanitary sewer line, 3,280 linear feet of 8-inch PVC sanitary sewer line, 20 linear feet of 8-inch DIP sanitary sewer line, and all appurtenances to serve Sungate Addition, Part 10 located east of SE 45th Street, north of SE Lee Boulevard in the SW/4 of Section 35, T2N, R11W, Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City Clerk s Office.

10. Consider accepting a FEMA/State of Oklahoma reimbursement check for the total amount of two hundred seventy eight thousand four hundred seventeen dollars and fifty five cents (\$278,417.55) and authorize the Finance Department to deposit these funds into the General Fund, FEMA Fund 35, Sewer Rehab Fund and the 2005 CIP to reimburse the accounts from which the funds were expended during the 2007 summer floods. Exhibits: Summary of FEMA/State of Oklahoma checks received to date and eligible project costs.

11. Consider accepting the construction of the Southeast Water Treatment Plant (SEWTP) Project as constructed by Archer Western Contractors Ltd. Exhibits: None.

12. Consider extending (CL09-036) Items 3, 6, 15, 21, 23, 24, 31, 32&34 Library Book Contract to Infobase Publishing of New York, NY. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

13. Consider extending (CL09-036) Items 1-9, 11-12, 14-15, 17-27 & 31-33 Library Book Contract to Baker & Taylor of Charlotte, NC. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

14. Consider extending (CL09-036) Items 1-3, 6-7, 11, 14-18, 22-26, 28 & 31-33 Library Book Contract to Davidson Titles, Inc of Jackson, TN. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
15. Consider extending (CL09-036) Item15 Library Book Contract to The H.W. Wilson Company of Bronx, NY. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
16. Consider extending (CL09-036) Items 26, 31 & 33 Library Book Contract to Recorded Books, LLC. of Prince Frederick, MD. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
17. Consider extending (CL08-058) Rock Hauling to Atlas Truck Concrete of Duncan, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
18. Consider approving appointments to boards and commissions. Exhibits: None.

Historical Preservation Commission

Cherry Phillips
6931 NW Eisenhower Drive
Lawton Oklahoma 73505
Unexpired Term 01/27/12

Mayor s Commission on the Status of Women

Arlene C Wolfe
1205 Montague Road
Fort Sill, Oklahoma 73503
03/23/2012

19. Consider approval of payroll for the period of March 8 21, 2010.

OLD BUSINESS ITEMS:

20. Consider an appeal for a cost sharing agreement per City Council Policy 6-4, for a waterline extension to serve Western Hills Christian Church located at 1401 NW 82nd Street. Exhibits: Application.

Bryan Long, Assistant City Manager, stated since this item was on the agenda on March 9, 2010, several developments have occurred. At that meeting the Council asked staff to run a cost estimate on this project. He stated staff is not able to endorse this request. He spoke with Mr. Paul Webb from Western Hills Christian Church and related the policies to him. They discussed the difficulties surrounding this issue and he asked Mr. Webb what he thought the expectations would be from the church in terms of a cost share. He indicated a 50/50 cost split may be something his board would consider. If the City does not conduct the boring, they are looking at an overall cost of \$23,031. The 50/50 split would be \$11,515. He stated this would be for the boring and the material cost.

Tenis questioned the time frame and if we would use the local contractors already working within the city.

Long stated the main priority for this church is getting the required equipment in place as soon as possible. They cannot get their certificate of occupancy until the City gives the okay for the improvements.

Burk questioned the funding source.

Jerry Ihler, Public Works Director, stated they are recommending using the 2008 CIP waterline as the funding source. He stated the money from the church would go back into the water account. He stated they did get quotes from two of the local contractors that are working throughout the city.

Paul Webb, representing Western Hills Christian Church, stated he does not believe the split will be a problem. The building has been done since December and he cannot get the final on the building until this issue is resolved. He stated if this will take several weeks he requested a letter stating this would be taken care of. He can then begin using his building.

Shanklin questioned if this was any different than what has been done in the past.

Mitchell stated this is different. The basic policy says that the only time the City would participate is if there are other adjoining property owners that benefit from the installation of the fire hydrant. The only property owner that

benefit in this case is the church.

Wells stated that this hydrant and line was scheduled for replacement by the City at some point in the future.

Mitchell stated this was like a 2030 land use plan, you put together a master plan for thirty years and at some point in time when you have the funding, you put it in. Just because staff identified a series of fire hydrants, this just means they have identified weaknesses in the system.

Tenis questioned how the situation got to this point. Did it just slip through the cracks?

Mr. Webb stated this was a requirement for the building permit, even though it was not an occupancy type building, it was adding square footage to the structure.

Tenis questioned if Mr. Webb knew this would be the outcome.

Mr. Webb stated he knew from day one when he picked up his permit in July that this fire hydrant had to be in.

Mayor Fitch stated that the church thought the hydrant would cost approximately \$5,000, but in order to have the right diameter, they have to bore under the street.

Zarle questioned if it would be legal to do this 50/50 split.

Jensen stated the policy says a person can appeal and there are no parameters in the policy when you grant or deny an appeal. This tells him that it would be fair to allow it or it is not equitable. There are really no guidelines, but there should be.

Long stated to clarify the occupancy issue, staff can issue a temporary occupancy.

MOVED by Zarle, SECOND by Tenis, to approve a cost sharing agreement per City Council Policy 6-4, for a waterline extension to serve Western Hills Christian Church located at 1401 NW 82nd Street. AYE: Tenis, Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

NEW BUSINESS ITEMS:

21. Consider waiving Council Policy 1-6, and if approved, reconsider the damage claim of Joshua and Christina Blum. Exhibits: Estimate of Dutil s Home Repair, Cobb s Carpet Invoice, Mortgage Payment Statement.

Jensen stated since the City Council approved the claim at the last meeting, they will need to suspend the Council Rules of Procedure so they can reconsider the item.

MOVED by Wells, SECOND by Shoemate, to suspend the Council Rules of Procedures. AYE: Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Tenis. NAY: None. MOTION CARRIED.

Jensen stated the question last time was about the amount of the claim. The number in the agenda item has changed now because there was a new estimate from Dutil s Home Repair in the amount of \$9,997.19 and from Cobbs Carpet in the amount of \$690.00 which would bring that amount to \$10,687. He stated the Blum s have requested lost rent in the amount of \$579 per month for three months and now they are requesting a fourth month which staff is not willing to recommend. He stated the total with one months rent would be \$11,266, with two months it would be \$11,845 and three months would be \$12,425. He would like to know who turned on the electricity at the house they own on September 18, 2009.

Joshua Blum, claimant, stated he turned on the electricity.

Jensen stated the Blums took control of the house on September 18, 2009 and on that same day 211 gallons of water was used that day. On September 21st they used another 13 gallons, on the 22nd 13 gallons, on the 23rd 4 gallons and after the account was properly closed by the renter on September 23rd, there was more usage in November of 2009. Someone was using water at that house. The renter was gone in August and when the account was not closed properly by the renter in August, she came back in September and she was given a credit for water that she did not use herself. The point is that the Blums took control of the house on September 18th and someone was using water without an account turned on in their name and staff strongly recommends denial of this claim.

Mr. Blum stated he did turn on the electricity because the renter moved out and still had possession of the key and he could not do any cleaning to the property. She left the water on in her name. The cleaning was done to the property on September 21st.

Jensen stated water was used after the account was closed by the renter and all the way through November.

Mr. Blum stated he has a document that states on September 24th the water meter was locked.

Jensen stated they explained at the last meeting that the water meter was never locked. As part of the paper work staff indicates the account is closed, lock the meter. Staff does not actually lock the meter unless there has been a non payment issue or they are afraid someone is going to steal water. If someone just vacates the house, the policy is not to lock. It could not have been locked or they could not have used the water in the house.

Shanklin questioned what Mr. Blum s insurance paid.

Mr. Blum stated his insurance will not cover the loss due to the fact that there was water supplied to the house and he did not have heat on in the house. He stated he had the electricity on, but the heat is gas and he did not have the gas on.

Mayor Fitch stated that Mr. Blum knew the water was on when Cobbs was cleaning the property. He questioned how the drywall got so damaged. He questioned if the water line was in the attic. Is it wrapped for cold weather?

Mr. Blum stated it is in the attic and it is insulated.

Mayor Fitch stated Mr. Blum knew he had water lines running in the attic, he didn t have a renter, didn t have the gas on, and he did know that water was being used in the house.

Wells stated on the 23rd they did go down and have the water turned off.

Mayor Fitch stated that after the 23rd there was still water usage.

Jensen stated there was water usage all the way through November. He stated his renter received a bill from Mr. Blum for the cleaning by Cobbs. He is requesting that the City Council reconsider this decision and staff strongly recommends denial of this claim.

COL Lacey stated the Lieutenant Blum is a Lawton resident, but he is also a service member. He stated the City Council approved this claim at the last meeting. It is clear in his mind that he ordered the water to be shut off. He stated obviously it was not shut off because the pipes burst. The question is that it should have been shut off and should he have taken the guarantee that the water was shut off. Was it his responsibility to check to make sure it was shut off or if you don t believe him that he knew the water was running and he ignored it, then you disapprove it. If you believe what he is saying then you have to give him this claim.

Shanklin stated that house is covered by his finance company unless he paid cash for it and he does not want to pay this if he is going to get paid twice.

Jensen stated staff strongly recommends disapproval whether Mr. Blum has insurance coverage or not. Someone knew the water was back on because they used it. Staff went out on the 24th and made sure the water was off. The City is not liable for someone s use of water just because we don t put a lock on there. They can break that lock.

Burk questioned if there was something in writing from his insurance company denying the claim.

Mr. Blum presented a letter from his insurance company.

MOVED by Burk, SECOND by Shoemate, to approve the damage claim of Joshua and Christina Blum in the amount of \$12,425.15. AYE: Burk, Shanklin, Haywood, Wells, Shoemate, Tennis, Drewry. NAY: Zarle. MOTION CARRIED.

22. Consider an emergency ordinance amending Section 22-2-2-222, Division 22-2-2, Article 22-2, and Section 22-3-14-391, Division 22-3-14, Article 22-3, of Chapter 22, Lawton City Code, 2005, by modifying and expanding the exemptions for impact fees, providing for severability, and declaring an emergency. Exhibits: Ordinance 2010-____.

Wells stated he requested this item be brought back. A businessman contacted him about this issue and he also was about to be impacted by the fees due to a watering system, so he started looking into these fees. This was started with the 82nd Street development and the original issue was with new development coming into the city. By the time the ordinance was done, it included existing residences and businesses. He does not think this is fair and he asked the City Council to reconsider the policy. Changes were made but not for residences or businesses. He feels that those businesses and residences that are already here in the community already pay all kinds of fees for improvements and they

have been paying for capital improvement programs for the past thirty years. They pay sales tax and businesses provide jobs and he does not feel that impact fees should be charged unless it is a major remodel or a brand new development. He stated staff convinced him to change the wording to say that if there is a 50% improvement in the value of the property, they would have to pay the impact fees if the meter size increases. He read Randy Warren s letter and he feels that everyone has paid their fair share for thirty years. He feels they are taking advantage of the citizens with this impact fee.

Mitchell stated there is a lot of difference with someone increasing a one inch meter to a two inch meter, but if someone had a one inch meter and increased it to a three or four inch meter, that is a significant increase in water volume. He questioned if they should establish a maximum meter size.

Mayor Fitch stated there needs to be something where they focus on each individual circumstance and see what size meter they need.

Shanklin questioned how other towns deal with this issue.

Mitchell stated Norman, Edmond and Broken Arrow all have impact fees. He does not know if they cover this particular circumstance. He stated the committee reviewed this ordinance.

Burk stated he is not against what Councilmember Wells wants to do, but he is concerned that this is not going back to the committee for a recommendation.

Wells stated the committee discussed this issue but they did not think the change should be made. He brought this back because he did not agree with the committee. He stated it makes sense for those new developments that are coming into town.

Burk stated he is not in disagreement, but he wishes we would check with some other places to see what they are doing. We need to make sure we are doing it right.

Mayor Fitch stated he is hearing that the Council wishes to go back and gather information on other communities and what they are doing and how their impact fees are structured.

Wells stated this Lawton, not Norman. It comes down to how much money we want to charge our citizens.

MOVED by Wells, SECOND by Tennis, to adopt **Ordinance 10-11**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Shanklin, Zarle, Haywood, Wells, Tennis. NAY: Shoemate, Drewry, Burk. MOTION CARRIED. (EMERGENCY FAILED)

(Title read by City Attorney)

Ordinance 10-11

An ordinance pertaining to utilities amending Section 22-2-2-222, Division 22-2-2, Article 22-2, and Section 22-3-14-391, Division 22-3-14, Article 22-3, of Chapter 22, Lawton City Code, 2005, by modifying and expanding the exemptions for impact fees and providing for severability.

23. Consider an ordinance amending Section 9-1-126, Article 9-1, Chapter 9, Lawton City Code 2005, raising court costs from Twenty-five Dollars (\$25.00) to Thirty Dollars (\$30.00) in compliance with Oklahoma State Statute, Title 11, Chapter 1, Article 27, Section 27-126, and authorize the Municipal Court Clerk to collect additional fees and approve a Resolution to define the distribution of additional funds. Exhibits: Ordinance 2010-____, Resolution 10-__ and OS Title 11.1 27-126, Court Costs and Fees.

Burk stated the State of Oklahoma raised the cap from \$25 to \$30. Staff did check and Oklahoma City, Ardmore, and Edmond are all up to the \$30 amount. We need a continuous funding source for Lawton Enhancement. Last year they finally received money from hotel/motel funds. This will be a continuous stream of funding with 90% going to the Lawton Enhancement Trust Authority (LETA) and 10% to Municipal Court. No one will pay this fee unless they receive a citation. Municipal Court will use the funds for some upgrades to the court and for security measures.

Wells stated the LETA trust indenture requires an annual audit be done. He stated there has been no audited submitted.

Burk stated the trust was established in 2005 and the first year there was an audit done but it cost approximately \$3,000 and that was all the money they had. He stated they do have everything sent to a CPA and they do agree that an audit needs to be done but it will cost \$3,000 - \$6,000 a year.

Wells stated the trust document requires an audit by a certified public accountant. He questioned if there will be a budget approved by the Council.

Jensen stated there will be the same kind of accountability agreement that they have with hotel/motel funds. A proposed budget will have to be submitted.

Wells stated since they are dealing with a substantial amount of public funds they need to be very careful.

Shanklin stated he has to support this. There are people who give their time and effort to try and beautify this community and he cannot deny this.

MOVED by Burk, SECOND by Drewry, to adopt **Ordinance 10-12**, waive the reading of the ordinance, read the title only. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Drewry, Burk, Shanklin. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 10-12

An ordinance pertaining to the court amending Section 9-1-126, Article 9-1, Chapter 9, Lawton City Code, 2005, by changing the twenty-five dollar cost to thirty dollars and providing for severability.

MOVED by Drewry, SECOND by Burk, to adopt **Resolution 10-27**. AYE: Haywood, Wells, Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle. NAY: None. MOTION CARRIED.

24. Consider the appointment of a City Council representative to serve on, and act as chairman of, the Tax Increment Financing Review Committee, established pursuant to Resolution No. 06-30, adopted by the City Council on January 24, 2006. Exhibits: Resolution No. 06-30.

Haywood questioned who else was on this committee.

Mitchell stated this is the TIF review committee. They worked on putting the project plan together and developing the ordinances for the establishment of the TIF district. At that time Rex Givens was on the City Council and he served as the chair of the committee. He stated since Mr. Givens is no longer on the Council they need a replacement. They need to reconvene the committee to make a couple of amendments in the project plan.

MOVED by Shoemate, SECOND by Tennis, to nominate Councilmember Doug Wells. AYE: Wells, Shoemate, Tennis, Drewry, Burk, Shanklin, Zarle, Haywood. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Mayor Fitch stated at the last council meeting there was lengthy discussion regarding the proposed bike path in the Ferris Avenue area. The City Planning Commission (CPC) has been involved with the design committee and he stated the CPC was under the impression they were sending it to the Council for recommendations, but the Council did not send it back with any specific recommendations. He spoke with Pat Henry, Chairman of the CPC, and she would like to see an ad hoc committee formed with two members of the City Council and two members from the CPC to work with the design group and work some of these issues out so that the City Council and the CPC are fully abreast of what is being recommended. He stated Councilmember Tennis has volunteered to serve as one of the representatives. Councilmember Drewry agreed to serve as the second representative.

Wells stated he had some constituents that received a letter from the city regarding the clean up efforts. He requested the city staff send out a nicer letter rather than threaten citizens with fines.

Mitchell stated they try to put a door knocker on the home first.

Wells stated at the last meeting there was an issue regarding the animal control division. He feels that if a pet gets picked up and the owner goes to the shelter and pays the impoundment fees, this would be sufficient instead of also having to pay a fine, unless they habitually get picked up. He stated according to the code the animal control officer may give a ticket at their discretion. He does not feel they should ticket someone who loves their pet and goes to the shelter to pick it up. He stated four or five years ago a fund was set up that added 50 cents to the refuse bill and the fund got up over \$400,000. The Council agreed to let the museum use that money to apply for a grant and they were supposed to repay it. He stated that so far only \$100,000 has been repaid. He requested a report regarding when the balance will be repaid and where the money has gone that has been repaid.

Mitchell stated the money was used for a reimbursement grant through the Oklahoma Department of Transportation. They have had some problems with awarding the contract. They have gone out to bid three times and all of the responses have been over budget. The bids were just opened three weeks ago and this time they should be able to award the project. Once the project is completed the City will be reimbursed.

Wells questioned if the original ordinance stated what the money could be used for.

Mitchell stated there was a provision that it could be used for emergencies or for other special projects that were

approved by the Council. He stated the money is to be used to cash flow the grant. Eventually the monies will be returned.

Zarle stated they need to look at contracting out animal control services in the next budget discussion.

Shanklin stated he read the article from Art South and he does not understand why \$400,000 from the hotel/motel tax money would go to an entity that does almost a billion dollars of work a year and had a net profit of \$39 million. Why would we give them \$400,000? That is not going to make them go away, so why blow that money.

Shoemate stated this project will be located in Lawton Public School district.

Tenis stated the Council would be kicking themselves if they lost those jobs.

Mayor Fitch stated economic development is not only recruitment, it is also retention of the businesses you have. You have to take care of the existing businesses you have. There has been a lot of money used for Goodyear expansions.

Shanklin stated he does not believe that \$400,000 was that important to those people when they make \$30 million.

Haywood stated they could have moved to Elgin or Cache, but they stayed in Lawton.

Burk stated that he agrees that they should look at the policy regarding how animal control issues fines. He would like to see something brought back to the City Council. He also believes that the \$400,000 was the best money they ever spent. If they left Lawton, they would have taken good jobs away from the community. There is also the possibility of them adding more jobs with a bigger building. They need to retain the businesses in Lawton and they did a good thing.

Haywood stated they have built up Cache with Goodyear and he is pleased this will go to Lawton Public Schools.

Drewry stated the crews that are cleaning up the limbs are doing a great job and she really appreciates all their hard work.

Shoemate encouraged citizens to fill out their census forms. He stated it is very important for everyone to be counted.

COL Lacey invited everyone to the SW Oklahoma Special Olympics Parade of Athletes on Friday at 8:30 a.m. at Pritchard Field. He announced that on March 29th at 11:00 a.m. in front of McNair Hall, former Mayor John Purcell will be honored with a token of gratitude from Fort Sill. He stated a census office has been opened at Fort Sill.

Mitchell stated he wanted to mention three bills they are tracking. First one is HB1786 which is their economic development bill. It passed the house and is now on the senate floor. This bill would allow municipalities to capture state sales tax to help with infrastructure projects for economic development. Second bill is HB2426 which will repeal the population limit for counties participating with cities on road improvements. State law now says that counties cannot participate with cities over 15,000 in population. They are working to make sure the sales tax on groceries bill that has been introduced the last few years does not get through the house or the senate. He stated he has a promise from the Oklahoma State Emergency Management Office that the state's portion of our FEMA reimbursement from the 2007 flood would be coming to us in the next two weeks. That amount is \$175,000.

Shoemate stated he would like to see that money go into every ward to fix potholes.

Mitchell stated he would be fine with that recommendation.

The Mayor and Council convened in executive session at 7:29 p.m. and reconvened in regular, open session at 8:43 p.m. Roll call reflected all members present excluding Shanklin.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

25. Pursuant to Sections 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss pending action relating to the 36 sewerline collapses in the Manning and Capital Hill Additions and if necessary, take appropriate action in open session. Exhibits: None.

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

26. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Larry Mitchell as City Manager, and in open session take other action as necessary. Exhibits: Employment Agreement Summary. Amendment to Agreement is on file in the City Clerk's Office.

Mayor Fitch read the title of item 26.

MOVED by Drewry, SECOND by Haywood, to approve the employment contract with Larry Mitchell with an annual salary of \$138,000. AYE: Drewry, Burk, Zarle, Haywood, Shoemate, Tennis. NAY: Wells. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 8:45 p.m. upon motion, second and roll call vote.

/s/ Fred L. Fitch

FRED L. FITCH, MAYOR

ATTEST:

/s/ Traci Hushbeck
TRACI HUSHBECK, CITY CLERK