

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JANUARY 23, 2018 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Jay Burk, Acting Mayor Pro Tem
Presiding

Also Present:
Jerry Ihler, City Manager
Frank Jensen, City Attorney
Traci Hushbeck, City Clerk

Acting Mayor Pro Tem Burk called the meeting to order at 6:22 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. Joe Williams, Sr., True Love Apostolic Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bob Morford, Ward One
Keith Jackson, Ward Two
Caleb Davis, Ward Three
Jay Burk, Ward Four
Dwight Tanner, Jr., Ward Five
Sean Fortenbaugh, Ward Six
Onreka Johnson, Ward Seven
Randy Warren, Ward Eight

ABSENT: None

PRESENTATION OF OUTSTANDING CITIZENS OF COMANCHE COUNTY TO
BRIDGET AND ERVIN RANDLE

Acting Mayor Pro Tem Burk presented a Certificate of Commendation from the Mayor's Office to Bridget and Ervin Randle.

EMPLOYEE SPOTLIGHT PRESENTATION TO DEREK BRYANT – STREET DIVISION

The City Manager recognized Derek Bryant from Street Division for his outstanding performance.

REPORT ON THE 2017 SPIRIT OF SURVIVAL (STRICKEN)

AUDIENCE PARTICIPATION:

Roger Waltrip, citizen of Lawton, requested assistance because they are being evicted out of their apartment because of meth. All of the tenants around them are on meth and his mother, who is on oxygen, tested positive for meth in December 2017. They have called the police

several times and police have come out but they have only knocked on the door one time. He stated he and his mother are both heart patients and they have no business breathing this.

Burk questioned if they have talked to their landlord.

Mr. Waltrip stated they have contacted them and they are doing nothing about it, they are allowing it during the daytime.

Burk suggested Mr. Waltrip speak to the police chief.

Mr. Waltrip questioned why the police never come out and bring a canine unit with them. The smell gets so strong in their apartment that it actually chokes them.

Burk requested Chief Smith talk to Mr. Waltrip in the hallway.

CONDUCT ELECTION OF MAYOR PRO TEM

MOVED by Jackson SECOND by Tanner to appoint Jay Burk as Mayor Pro Tem. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF NOVEMBER 28, 2017 AND DECEMBER 19, 2017.

MOVED by Warren SECOND by Morford to approve the minutes of Lawton City Council regular meetings of November 28, 2017 and December 19, 2017. AYE: Morford, Jackson, Davis, Burk, Tanner, Johnson, Warren. NAY: None. ABSTAIN: Fortenbaugh. MOTION CARRIED.

CONSENT AGENDA:

Davis requested items #5, #6, #7, #8 and #11 be considered separately.

MOVED by Tanner SECOND by Morford to approve the consent agenda with the exception of items #5, #6, #7, #8 and #11. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: American Electric Power Company in the amount of \$1,099.00 (**Res. 18-08**), and Wilma and Samuel Harris in the amount of \$2,000.00 (**Res. 18-09**). Exhibits: Legal Opinion/Recommendation, Resolution 18-____ and Resolution 18-____.
2. Consider the following damage claims recommended for denial: Jessica and Justin Pollock in the amount of \$150.00, Dean Winter, represented by Attorney Steven Crow in the amount of \$50,000.00, and Kleber Soriano in the amount of \$577.69. Exhibits: Legal Opinions/Recommendations.

3. Consider approving an Agreement for Professional Services between Reade A. Quinton, M.D., and the City of Lawton to provide medical expertise related to pending litigation, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
4. Consider approving a contract for Pyrotechnic Fireworks Production (RFPCL-18-015) to the lowest responsive bidder, Limelight Productions, LLC, to provide a community fireworks display on June 30th, 2018 in Elmer Thomas Park as part of the City's annual Freedom Festival and authorizing the Mayor and City Clerk to execute the Operating and Professional Services Agreement for same. Exhibits: Recommendation, bid sheet, Abstract. Operating and Professional Services Agreement on file at City Clerk's office and Finance Department.
5. Consider declaring one (1) 1994 International 4900 4x2 SVI Fire Rescue apparatus as surplus City Property and authorize the sale of said apparatus to the Flower Mound Volunteer Fire Department for \$8,500.00, in accordance with the provisions of Section 10-4-406 of the Lawton City Code. Exhibits: Estimate of value from Equipment Maintenance Superintendent.

Davis stated he is looking at items #5, #6, #7 and #8 as the same item in what he is addressing. When they approve the sale of these items he understood that the money goes into the general fund.

Ihler stated typically they go to the general fund.

Davis stated he knows that the fire department has tried to acquire a Polaris Ranger Crew with EMS Transport Bed at a cost of \$22,000. He stated at the Freedom Festival last year there were three individuals that had to be taken away in a stretcher and they were unable to get to them with an ambulance. This is just one instance where this Polaris Ranger Crew Transport Bed would come in useful for public safety for our citizens. He would like to see the accrued sales of items #5, #6, #7 and #8 be applied to the Polaris Ranger Crew with EMS Transport Bed up to the purchase price.

Burk stated the money, up to \$22,000, would be appropriated for the purchase of the vehicle.

Warren questioned if we will bid this out when we make the purchase.

Raanon Adams, Deputy Fire Chief, stated the unit itself will be off of the state contract. There are several different models and it would go through the purchasing process. The bed is approximately \$5,000 but it has a combination unit that allows them to put a skid unit on it for fire suppression in addition to EMS capabilities. The UTV is roughly \$17,000.

Burk stated the Fire Department requested this item in their budget last year but they just couldn't fund it.

MOVED by Davis SECOND by Tanner to apply all the money from the accrued sales to go toward the purchase of a Polaris Ranger Crew with EMS Transport Bed and once it is purchased the remaining money would go back to the general fund. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

6. Consider declaring one (1) 1994 Sutphen Fire Pumper apparatus as surplus City Property and authorize the sale of said apparatus to the Flower Mound Volunteer Fire Department, for \$17,500.00, in accordance with the provisions of Section 10-4-406 of the Lawton City Code. Exhibits: Estimate of value from Equipment Maintenance Superintendent.

MOVED by Davis SECOND by Tanner to apply all the money from the accrued sales to go toward the purchase of a Polaris Ranger Crew with EMS Transport Bed and once it is purchased the remaining money would go back to the general fund. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

7. Consider the sale of surplus Fire Equipment to include three (3) 1.5” nozzles, fifteen (15) sections of 1.5” fire hose, and eleven (11) wire SCBA harnesses to the Geronimo Fire Department for a nominal value. Exhibits: Letter of request from Geronimo Fire Department.

MOVED by Davis SECOND by Warren to approve the sale of surplus Fire Equipment to include three 1.5” nozzles, fifteen sections of 1.5” fire hose, and eleven wire SCBA harnesses to the Geronimo Fire Department for a nominal value. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

8. Consider the sale of surplus Fire Equipment to include one (1) Hurst Tool, one (1) Hurst cutting tool, one (1) Stihl K12 saw, twenty (20) 2216 SCBA Cylinders, and three (3) 1.5” nozzles to the Valley View Volunteer Fire Department for a nominal value. Exhibits: Letter of request from City of Valley View Volunteer Fire Department.

MOVED by Davis SECOND by Morford to approve the sale of surplus Fire Equipment to include one (1) Hurst Tool, one (1) Hurst cutting tool, one (1) Stihl K12 saw, twenty (20) 2216 SCBA Cylinders, and three (3) 1.5” nozzles to the Valley View Volunteer Fire Department for a nominal value. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

9. Consider approving a request to enter into a memorandum of understanding with the Stephens County Sheriff’s Office (hereinafter “SCSO”) and the City of Lawton authorizing the utilization of the Lawton Police Department’s Training Facility to train their new deputies in the Council of Law Enforcement and Training’s Basic Academy (CLEET) which has been authorized by formal board action. Exhibits: Copy of the proposed Memorandum of Understanding.
10. Consider accepting a memorandum of understanding between the City of Lawton and the Oklahoma State Bureau of Investigation (OSBI), specifically the Internet Crimes Against Children Task Force or ICAC, to promote a working relationship to deter, prevent,

investigate, and prosecute predators who seek to target minors through the internet.
Exhibits: Copy of Memorandum of Understanding between LPD and OSBI ICAC in City Clerk's Office.

11. Consider accepting a donation of one thousand dollars (\$1,000.00) by New Light United Methodist Church for the Lawton Police Department as an appreciation to the department for all the officers do each day. Exhibits: None.

Davis questioned if this \$1,000 goes into the general fund.

Ihler stated it goes into a fund 35 that is designated for donations for the police department. The money is used to buy equipment.

Tanner thanked New Light United Methodist Church for their donation.

MOVED by Davis SECOND by Morford to accept a donation of \$1,000.00 by New Light United Methodist Church for the Lawton Police Department. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

12. Consider approving an agreement between the Lawton Evening Optimist Soccer Association (LEOSA) and the City of Lawton for the cooperative effort to make a first-class soccer complex available to the citizens of Lawton and promote youth soccer in Southwest Oklahoma. Exhibits: Lawton Evening Optimist Soccer Association contract.
13. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: South side of the 500 block of SW 'C' Ave; NW Rogers Lane at NW Central Drive and at NW Morningside Drive and on NW Indian Trail Road south of Rogers Lane; SW Cambridge Drive at SW Edinborough Drive; SW 82nd Street, south of Lee Blvd. Exhibits: **Resolution No. 18-10**, Traffic Commission Minutes and Traffic Issue Requests.
14. Consider approving Change Order No. 1 and accepting the SW Bishop Road Reconstruction Project #2015-04 as constructed by T&G Construction, Inc. and placing the Maintenance Bond into effect. Exhibits: Change Order #1.
15. Consider extending for an additional year contract (CL15-026) Large Diameter PS46 Closed Profile PVC Pipe, (Item #1 – 36 inch Closed Profile, PS46 PVC Pipe and Item #2 – 42 inch Closed Profile, PS46 PVC Pipe) with Core & Main LP (previously known as HD Supply Waterworks, LTD) of Owasso, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
16. Consider approving an addendum to the citywide Copier Contract (RFPCL18-009) with High Tech Office Systems adding an additional machine for the City Jail, and two 'Z' Fold attachments for the Print Shop black and white copiers. Exhibits: Dept Recommendation, Addendum to Cost per Image Agreement with High Tech Office Systems is on file with City Clerk and Finance Dept.

17. Consider approval of payroll for the period of January 1 - 14, 2018.

OLD BUSINESS ITEMS:

18. Consider the following damage claim recommended for denial: Daisylinn Wright in the amount of \$25,249.52. Exhibits: Legal Opinion/Recommendation.

W.R. Moon, Assistant City Attorney, stated this item was tabled in order to give the owner time to come from out of state to speak on this claim. He is not sure she is in attendance.

Tovarius Warren, speaking on behalf of Daisylinn Wright, stated she is a government employee and she works in Iowa and was not able to be here tonight. He stated the claim happened on June 2nd and it was the day we had a severe rainstorm and the sewer backed up in her home. The tenant contacted him because he is looking after the house for Ms. Wright. The damage was severe and her insurance only paid \$10,000. They had a team come in and remove the carpet, baseboards, walls and deodorize and that cost \$9,000. He stated the owner had to pay out of pocket to get the house back together so she could get the tenant back in.

Moon stated it was a large rain event that day and that is part of the consideration for denial. There were 24 street closures that day within the city of Lawton and six calls to wastewater division from that area of SW 39th and Pecan. There were two other claims that were also denied in this area and the basis for the denial is that the City is not liable for unavoidable acts of God. That is a specific exemption that the City cannot be held legally liable for. The other consideration for the basis of denial is that both the actual main that is connected to this house and the three main segments below it have no history of defective conditions or ever having flooded again as such the City would not be on notice legally that there was a condition that they would need to remedy and would not be held responsible.

Burk stated that Ms. Wright received \$10,000 from insurance.

Mr. Warren stated that when she contacted USAA they told her that there was no flood insurance and there is a \$10,000 cap that they would use to cover the house. The bill to clean up was almost \$10,000. He stated he can go back to Ms. Wright and ask her to lower her claim. He stated she had to pay out of pocket to finish the home and she also lost rent income for several months.

Burk stated there are some invoices for roughly \$6,000 and then for carpet for \$862. He stated there was no proof of labor and he could not support paying with no documentation. He stated the claim would be worth about \$6,800 if they were to pay it.

Davis questioned if this was the first call made about this property regarding a sewer backup.

Mr. Warren stated the call was made by the plumber and he believes he made the call for all the other neighbors on the block that were experiencing the same issue. The City did come by and cleaned out the area and they said there was a grease blockage in the sewer line which caused the backup. City staff was very quick to respond.

Davis stated this is the first time they have called.

Mr. Warren stated yes.

Fortenbaugh stated last June we had record rainfall and many citizens learned the hard way about the need for flood insurance. He encouraged everyone to check into flood insurance because it does not cost that much especially if you are not in a flood zone.

Johnson stated there were no prior reports on this property and she would consider that minimum amount of what receipts were submitted. She asked if Mr. Warren would contact Ms. Wright to see if she would consider that amount.

Mr. Warren stated he would contact her.

MOVED by Johnson SECOND by Tanner to table to February 13th meeting. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

19. Consider the following damage claim recommended for approval: Dalton and Dollie Cook in the reduced amount of \$1,481.03. Exhibits: Resolution 18-___, Legal Opinion/Recommendation.

Moon stated this item came about as a discrepancy between the initial estimates for repair that were submitted for a pickup in the amount of \$3,558.36. The City claims investigator had also submitted an estimate from Guys Body Shop, but that estimate had been conducted just on the basis of some photographs. In the meantime, the claimant has had a chance to actually go to the body shop and get an estimate. The estimate from the photograph was \$1,481.03 and the in person estimate was \$1,705.04. Staff would recommend approval with the amended amount of \$1,705.04 and the claimant has agreed to that amount.

MOVED by Tanner SECOND by Davis to approve **Resolution 18- 11** approving the damage claim of Dalton and Dollie Cook in the amount of \$1,705.04. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

NEW BUSINESS ITEMS:

20. Consider adopting a resolution proposing an amendment to the Charter of the City of Lawton to be voted on by the citizens of the City. Exhibits: Resolution No. 18-___.

Tanner stated this is an item that we had postponed last year. There are only two employees that the City can set residency requirements for and that is the City Manager and the City Attorney and both of those have to live in Comanche County and specifically the city of Lawton. All of the other city administrators can live wherever they would like to. He would like to have the mechanisms to have the city administrators live a little closer to the city of Lawton, specifically Comanche County. For example, if the fire chief wanted to move to Burkburnett, Texas, at this point the City of Lawton has no policy in place to prevent that from happening. If the police

chief wanted to move to Wichita Falls, Texas, there is absolutely nothing that the City of Lawton can do about that. He is proposing to send out to a vote of the people to see if they would like their representatives, by ordinance, to be allowed to set some restraints on how far your city administrators can live from your city. He is only asking the council to approve a proposal to go out to a vote of the people that would allow their representatives to possibly set residency requirements for our city employees.

Warren stated they could accomplish the same thing at the next council meeting. There is no reason this has to be in a charter change, they can do it by ordinance or council policy and simply say that the council directs staff to have the ability to provide an advantage to people who live within the city limits. You can have a preference in hiring people who live within the city limits and they don't have to wait for a charter change if that is what the council wants to do.

Tanner stated if that was the case he would have already agended that item, but according to legal counsel, we can't set any residency requirements on any other employees except for those specified in the city charter which is the City Manager and the City Attorney.

Jensen stated you cannot require anyone to live in the Lawton city limits or Comanche County limits without originating in the charter. If all you are doing is directing staff to consider a preference, that is not a mandate. We are talking about two different things.

Warren stated he understands that. The difference in the preference issue is that if you have two individuals that are equally qualified, staff has the ability to hire that person that lives in town, but if you have two individuals that are equally qualified and neither one lives in the city, do you want to just not fill that position until somebody less qualified signs up.

Tanner stated this is what he is trying to prevent from happening. In the past two years we hired a very good finance director who never moved from Oklahoma City closer to Lawton. He kept his place of residency in Oklahoma City and when a job became available closer to his home, he went ahead and gave the City his notice that he would be leaving. The citizens he has spoken to are actually in amazement when they find out that some of their top level city administrators live nowhere near Lawton. He wants to tighten up the limit of how far you can actually be in these top level positions and live so far away from the people that you are actually working for and representing.

Warren stated if Chief Smith decides he wants to live in Burkburnett, he just quits and leaves, what have we accomplished?

Tanner stated he does not quit, he keeps his job.

Warren stated if we vote to do this and we don't have an ability to offer up an option and an employee wants to move someplace, whether it is Temple or wherever it is, then they can't work for the City of Lawton any longer.

Tanner stated that is not what he is saying. Under current policy we have no ability to limit where our top level city administrators live. If Chief Smith decided to move to Wichita Falls,

there is absolutely nothing we could do about it. He could still keep his job and move to Wichita Falls.

Warren stated it sounds like we are doing the exact opposite of what you want to accomplish.

Tanner stated he wants people that are able to influence policy at the city level, to be a little closer to the folks that they are helping to create and implement the policy for. If you are not living in the city of Lawton, then some of these policies that you have recommended to implement, you may not be for if you are actually living here underneath these types of policies.

Warren stated then you are saying that the employee is not truthful in what they are presenting to the city leaders as proposed policy. You are saying that “since this is a really bad policy, but since I don’t live here I’m going to tell them they need to do it”.

Burk stated he agrees with Council Member Warren in that there will be times that you can’t find that person that is going to live in the city limits and that person may have family or extenuating circumstances where they may come here and get an apartment and have family that still lives in Oklahoma City and they may have to travel back and forth. We have to have competent people doing these jobs and they are not on every street corner in Lawton, Oklahoma. It is not easy to hire qualified people at times. Our police chief was brought in from Kentucky. He stated there are existing employees that are telling him that they have always lived in Cache or Elgin and they want to be the fire chief, but because of what Council Member Tanner is wanting to pass, they can never be the fire chief because they live on a farm that their family has had for sixty years, even though they spend all their money in Lawton. The council sets policy and all they do is implement policy, the council is elected to determine what is a good or bad deal and they vote for or against it. He would rather say that you are going to get extra points in the hiring process and give applicants that live in the city limits a preference. If there are no applicants, what are we going to do and how do we find someone that has the qualifications and expertise that we are looking for.

Tanner stated his proposal, when it is sent out to a vote of the people, does not set residency requirements for anyone. If it passes, all it does is give the council the ability to set residency requirements by ordinance. It also gives the council the ability to take those back. He worked with legal and this is how they have drafted the language. It just gives the council the ability, if they so choose, to set these residency requirements and to take it back if it doesn’t work. It is a very flexible proposal.

Morford stated the way he reads it, the council could say that everybody working for the City of Lawton has to live in Lawton.

Tanner stated if this proposal goes out to a vote of the people, it is not setting any residency requirements for anyone. If it passes, it would give the council the ability, by ordinance, to say that hey, we want the finance director to at least live in Comanche County or the police chief has to live in a 30 minute radius, we want you to be able to respond to any type of emergencies within 30 minutes. This is a very flexible, user friendly proposition.

Morford stated the way it is written here, the city council could say that everybody working for the City has to live within the city.

Tanner stated if there was a proposal brought forth by a council member and it got five votes, then that could happen. He does not think it would happen, he is having a hard enough time getting this out to a vote of the people so they can give the council the ability to decide if they want the police chief living in Lawton or is it okay if he moved to Wichita Falls, Texas, because under current policy, that is where he can go if he wants to. Both chiefs live in Lawton, he is just using this as an example. All he is trying to do is empower the citizens of Lawton and their representatives with the ability, if they so choose, to set certain residency requirements for the city employees. If it doesn't work out the same city council or a future city council can change it. He feels this is a very good proposition and he wishes the council would go ahead and approve this, send it out to a vote of the people and let the people decide if they want to allow their representatives to set residency requirements by ordinance, and at the same time we can take those back, nothing is written in stone with this proposal.

Morford stated right now we are short on engineers and we can't find them anywhere. He does not see why this is necessary.

Tanner stated he is upset with the fact that our previous finance director never moved a little closer to Lawton. If he would have moved to Lawton and started purchasing him a home, sent his children to Lawton Public Schools or maybe joined a church or civic organization, he would be more invested in the community. As soon as he was able to get a job closer to home, that is where he went.

Morford stated we were pretty desperate and in need of a finance director at that time and it would not have mattered where they lived.

Tanner stated we have qualified accountants here in Lawton that can handle that job but that is a different issue. Mr. Mitchell was a fine finance director and we have good city employees, but he is requesting that we send this out to a vote of the people.

Warren questioned what it takes to prove residency. Don't you just have to have a place to get mail and vote. He stated we are not going to accomplish anything by this, because if one of our chiefs want to live in Texas, he can go down and rent an apartment and get mail and register to vote in Lawton, Oklahoma and there is not one single thing that anyone can do to stop that. Why don't we just try to hire the people that we need to hire and we can do that by a council policy or ordinance if we just give staff direction to give preference to people that live in the city or the county. To make someone have residency and think that is some kind of hammer you are going to hold over them, it is not because all they have to do is rent an apartment and get mail and register to vote. He does not think employees are going to do that, but it is not going to keep people here. He was not here when this finance director was here, but this would not have kept him here. If he wanted to go to a different job, then he is going to a different job regardless. You can't force people to live someplace that they choose not to live because they have looked at all the different things that are involved as far as schools, crime and all the other things that are involved in finding a home and they have determined that they don't want to live where you

want to force them to live and there is nothing you can do to force them to do that. His real problem is that this is not the purpose of the charter, the charter is supposed to be, in his way of thinking, hard and fast. When you read the charter it says that the city manager and the city attorney will live in the city of Lawton and that is what the charter is supposed to do. It is supposed to give you premier and distinct instruction on how the government is supposed to operate. If you want to add in some other individuals, the finance director if that is what is causing all the problem, then he can kind of understand this whole deal, but to just leave this open ended and to allow the council to do what the council wants to do just doesn't make any sense to him.

Tanner stated he had a list of the appointed officials, the department heads and their supervisors that he was going to add into a proposed amendment to the city charter that would go to a vote of the citizens, but there were some arguments that if we forced the city administrators to live in Lawton then we would limit our pool of applicants. One of the arguments against this is that if we force these employees to live in Lawton we would never get them because Lawton is not good enough for these employees, so we don't want to force these employees to live in Lawton, we need to keep allowing them to live wherever they want. He took this back to the drawing board and came up with this happy compromise. They have the ability to change this if it doesn't work.

Warren stated he understands what Council Member Tanner is trying to do, but you cannot, through the use of the charter or anything else, force someone to be civically involved in their community. They are either going to be or they are not going to be, you cannot force them to join the Ambucs or anything else. You hire them and if they want to go home at the end of the evening and watch football and drink beer until 3 a.m., as long as they show up for work and are not inebriated there is nothing you can do about that.

Tanner stated he is not wanting to decide this at all. All he is asking the council to do is let the citizens of Lawton decide. He is betting that it will pass.

Warren stated why don't they set up a citizens committee, like has always been done in the past, that they can gather up all these things that the citizens want to change about the charter and they can decide which ones are important to the citizens, bring those back to council and let council pass that or not pass that.

Tanner stated he is still open to that. This is something he has been working on for a couple of years so he decided to bring it back under a new fresh council. The last time it split 4-4.

Burk stated in the past they have had a citizens committee made up of members selected by ward and they met and had public hearings and then came back with a recommendation to council. He questioned if Council Member Tanner is willing to do that.

Tanner stated yes he does want to do that. This proposal will not go out to a vote of the people until November 6th. He would like to go ahead and take a vote on this.

Burk stated he would like to allow citizens from each ward to speak and have these open hearing where citizens can come and talk about what they would like to see changed. That is how you attack this, not by having the council vote on something that is so open ended. They can appoint a committee and get that going and make that happen and then set a timeline for the committee.

Tanner stated what if they just vote on this item and then they just don't set a time when it will go out to a vote of the people. That will give them time to get the citizen committee together.

Burk stated then the next item would be to set an election date.

Tanner stated they can table that item.

Burk stated that what if the citizens committee does not want to do this.

Tanner stated they can re-agenda this and he will retract it.

Burk stated this is putting the cart before the horse.

Davis questioned if a motion has been made.

Tanner state no.

Davis questioned if Council Member Tanner was going to make a motion.

Tanner stated if he were to make a motion, which he is not, it would be to approve this item.

MOVED by Warren SECOND by Burk that Council Member Tanner's item be amended to read that this idea of a residency requirement would be the first item presented to the new city charter committee that will be formed at the next meeting.

Tanner stated this is not helping much, this is cut and dry and he is asking to send this out to a vote of the people, not setting a time frame. He has worked on this a lot and spoken to a lot of citizens.

VOTE ON MOTION: AYE: Morford, Jackson, Burk, Tanner, Fortenbaugh, Johnson, Warren.
NAY: Davis. MOTION CARRIED.

21. Consider adopting a resolution calling for an election to be held on November 6, 2018, to consider the approval or rejection of an amendment to the Charter of the City of Lawton as specifically set forth in the resolution. Exhibits: Resolution No. 18-__ and Notice of Election.

This item was stricken from the agenda.

22. Discuss proposed Council Policy No. 1-10, regarding the intended use and expectations of official City of Lawton social media accounts, and take appropriate action as necessary. Exhibits: Draft Policy.

Tiffany Vrska, Community Relations Director, stated this item is basic administrative regulations and guidelines of civility for official City of Lawton social media pages. This is in an effort to maintain a professional and user friendly on line environment. It was brought to her attention in strategizing for our digital mediums in the future that all of these pages are under the auspices of our governing body. She worked with the city attorney on this to draft an all encompassing policy for the council's review and approval. This was created after extensive research as far as how other municipalities work in their social media forums.

Warren stated on our current Facebook page a citizen does not have the ability to ask a question. He questioned if they could look at doing that because you can set that to where they can't do something derogatory. His idea has always been that someone be able to go to that page and ask about Halloween, and they could go to the search box and then that would return. Now it is just an instant message machine. If we allowed people to ask questions then we could build a frequently asked questions situation where they necessarily wouldn't have to ask, the information would be there.

Vrska stated they try to encourage people to go to lawtonok.gov where there is a public information page that is set up.

Davis applauded the staff for coming up with this. He read through the policy and he feels it is a good policy.

MOVED by Davis SECOND by Jackson to approve Council Policy No. 1-10. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Ihler stated there was a question brought up at a meeting a couple months ago about transmitters replaced on water meters. He stated the number of transmitters that were damaged and actually billed to customers in 2017 was 73. The number that were damaged that we paid for because we did not have a customer that we bill to or there was no account holder or the damage was on a city easement was 30. We also provided 60 for new construction.

Davis questioned the cost.

Ihler stated they were \$125. He stated he and the Mayor discussed appointing Council Member Fortenbaugh to the IT committee.

Fortenbaugh stated he is agreeable with this appointment.

The Mayor and Council convened in executive session at 7:39 p.m. and reconvened in regular, open session at 8:56 p.m. Roll call reflected all members present excluding Jackson and Tanner. (Both left the meeting before executive session)

EXECUTIVE SESSION ITEMS:

23. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Nathan M. Johnson as Municipal Judge, and in open session take other action as necessary. Exhibits: None.

Burk read the title of item #23. He stated the consensus of the council was that Judge Johnson was doing a good job and they plan on working with him on other issues in the future. No action was taken.

24. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in United States District Court of Margie M. Robinson, as the Personal Representative of the Estate of Christina Dawn Tahhahwah, Deceased vs. City of Lawton, and eleven police/correctional officers, CIV-16-869-F, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen stated this item was not briefed in executive session and will be brought back for the next meeting.

25. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2018-2019 between the International Union of Police Associations (IUPA), Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #25.

MOVED by Johnson SECOND by Warren for fiscal year 2018-2019 negotiations with IUPA Local 24, move to appoint Tim Wilson as the City's chief negotiator, further move to appoint Bart Hadley, Warren Wick and Assistant Chief James Apple to the negotiating team. AYE: Morford, Davis, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

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 2017-2018 between the International Union of Police Associations (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 #26. No action was taken.

There being no further business to consider, the meeting adjourned at 8:58 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK