

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
FEBRUARY 27, 2018 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Jerry Ihler, City Manager
Frank Jensen, City Attorney
Traci Hushbeck, City Clerk
COL Samuel Curtis, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:00 p.m. Notice of meeting and agenda Were posted on the City Hall notice board as required by law. Invocation was given by Associate Pastor Tony Christie, First Baptist 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 (arrived @ 6:08 p.m.)
Randy Warren, Ward Eight (arrived @ 7:20 p.m.)

ABSENT: None

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO NAN
TAYLOR KENT

Mayor Fitch presented a Certificate of Commendation from the Mayor's Office to Nan Taylor Kent.

RECEIVE PRESENTATION FROM INSURANCE SERVICES OFFICE

Chief Dewayne Burk, Lawton Fire Department, introduced Ken Stoops and Yogi Cole who will speak about the recent Insurance Services Office evaluation with respect to the Lawton Fire Department and the City of Lawton.

Ken Stoops, Field Representative for ISO Mitigation, presented an overview on Lawton receiving the Class 1 ranking within the Fire Suppression Rating Schedule.

Yogi Cole, Oklahoma Insurance Department, stated he is representing Oklahoma Insurance Commissioner John Doak. He presented a Citation of Congratulations to the Lawton Fire Department.

AUDIENCE PARTICIPATION: None

CONSENT AGENDA:

Tanner requested item #6 and Davis requested item #11 be considered separately.

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

1. Consider accepting a \$600.00 donation to the Library from the Friends of the Library to be designated for library-related activities and book purchases. Exhibits: None.
2. Consider approving the agreement between Fidelity Communications and the City of Lawton for the purpose of upgrading internet services at the branch library required to increase public and staff Wi-Fi access speeds, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Internet Service Provider Agreement for Fidelity Communications is on file in the City Clerk's office.
3. Consider approving an Amended and Restated Access Service Request as specified in the Master Services Agreement with Fidelity Cablevision, Inc., for the purpose of substituting the previously included private Metro Ethernet (Metro E) service with a dedicated circuit at the Police Department facility and increased speeds at the Public Works Complex, and authorize the Mayor and City Clerk to execute the amended agreement. Exhibits: Amended and Restarted Access Service Request – Fidelity Communication Service Order is on file in the City Clerk's office.
4. Consider approving an agreement between the City of Lawton (CITY) and Lawton Veterinary Hospital Inc. (VET), for Veterinarian Services provided to the City of Lawton Animal Welfare Division and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Agreement to provide professional veterinary services, Dr. Haney's contract termination letter and VET proposal letter.
5. Consider renewing a memorandum of understanding between the City of Lawton and the Oklahoma State Bureau of Narcotics and Dangerous Drugs (OBNDD), specifically the "Safe Trip for Scripts Program", to facilitate a permanent location for a drop box to be placed at the Police Station to dispose of expired, unused or left over medications. Exhibits: Copy of Memorandum of Understanding between LPD and OBNDD in City Clerk's Office.

6. Consider accepting reimbursement of 70% of the costs of \$190,080 incurred by the City of Lawton in its successful defense of a matter before the Securities and Exchange Commission (SEC) relating to financial disclosure responsibilities to the marketplace in connection with the issuance of the City's bonds, and authorizing the Mayor and City Clerk to execute a release agreement reflecting the amount of the reimbursement and releasing any further claims in consideration of payment of the reimbursement amount. Exhibits: Reimbursement/Release Agreement on file in the City Clerk's Office.

Tanner stated he attended a neighborhood watch meeting and he had some questions about this. He spoke with the city attorney who said it was appropriate to go ahead and try to answer some of these openly on the council floor. He commended the legal department for the successful defense against the SEC investigation. If we had lost this investigation there would be the potential for unlimited fines and a decrease in our credit rating potentially costing millions for future borrowing. It has already raised our cost to issue bonds due to this investigation. He stated his constituents questioned who and what department at the city level is to be held responsible for the failure concerning our past bond disclosure and future bond disclosure. Ultimately the responsibility is the city council's, but the city council has delegated that task to the city manager and his staff. They are responsible for gathering and presenting disclosure information to our bond holders throughout the year and on an annual basis through the audit. We have put in place a new internal program that is run primarily by city administrators, the city manager, finance director, a few other staff members and the city attorney. We have also created a new position in the finance department to focus on bond disclosure information. A few months ago a special council meeting was held with our special bond attorney from Washington, D.C., we pay this guy about \$800 an hour, but it is well worth it. He informed the council of its responsibilities concerning bond disclosure information. He stated that the council somewhat shifts the liability and responsibility to this internal city bond disclosure committee run primarily by city administrators as long as the council has reasonable confidence that they are performing bond disclosure information in a responsible, efficient and accountable manner. Based on the fact that city staff is behind on our current annual audit and that they have overpaid all three employee groups by hundreds of thousands of dollars and we have been served by the IRS concerning our employee withholding and no city staff member has been held accountable for these failures, he has a reasonable doubt that the current city manager is able to perform these tasks delegated to him and hold his staff accountable concerning bond disclosure information to our bond holders as required by the SEC.

MOVED by Tanner SECOND by Davis to approve this reimbursement agreement and that they terminate Jerry Ihler as city manager due to lack of confidence concerning these matters.

Davis stated since he has been on council, which has been just a little bit over a year, there has been millions of dollars that has been shifted or unaccounted for when the first issue was \$3.34 million that, all of the sudden, we realized in a CIP, things were not accounted for in the debt service. We had to shift that money over and we were told it was a prior finance director that caused that problem. Last year they were told that they needed to raise the water disconnect fee from \$25 to \$35, not to increase revenue, but just to cover our costs. On further questioning and after that council meeting, they became aware that in fact the \$35 was to increase revenue. That department head was never held accountable. On the \$3.34 million, no one, to his knowledge,

was ever held accountable. Recently, the public safety committee went through a rigorous one week of deliberation over the public safety facility. The administrator tasked with providing them with the information about the jail and the policies, every bit of the policy information he provided was incorrect. To date he does not believe any retraining or discipline has been done on this. As Mr. Tanner just mentioned, we have this issue, we also have an IRS issue and it seems like at this point, after being on council for a year and seeing this as a repeated process of lack of accountability, he too shares Mr. Tanner's reasonable doubt in the ability of our city manager to hold staff accountable. He did mention this to Mr. Ihler about a month or two ago and had mentioned it to him previous to that.

Burk stated he totally disagrees. He has been here for over ten years and for the first time in those ten years he has felt more comfortable with city management than he has ever felt before. They are on their third finance director in that short period of time. When you bring someone in from the outside it does not matter how much they know, they have to learn the city operations of every individual department. It has taken lots of time to get there. Mr. Ihler has always been an upstanding, well respected person at all levels. He has always done an amazing job and he has held people accountable. He has made them do their jobs and he can attest to that because he has been here. He is not new, he has been here. We have had city management problems in the past that are 100 times more than what we have today. It would take him all night to tell you the problems we have had in the past. To be able to get someone of Jerry Ihler's stature to take this crappy job as a city manager, is an act in itself because city management in this city is not easy. Usually the length of employment for a city manager in a community is three years, maybe even less because every time a council changes so does their policies and so does their desires of who they want to be in that position. A lot of times it has nothing to do with the person in that position, it has to do with personal agendas. That to him is absolutely crazy in a city our size, that people have personal agendas because they don't like the way someone was disciplined. The last time he knew, our city charter puts him in charge of city employees. That is not our job, our job is to have him handle that and his staff. He knows, without a doubt, that things have been handled in different instances and he has had to go back and ask about. He stated being here through management and finance directors, the past ten years we have done so much growth and good in this community, at the same time we have been through so much change. Knee jerk reactions to things are not in the best interest for the citizens of Lawton and our entire community. It is poor judgment. As a city council for the past ten years there have been times, even with this SEC thing, that is not his forte, that is why we hire these major corporations to come in and work for us and do what they are supposed to do. Obviously that did not happen. They did not do the job they were supposed to do at the level they were supposed to do it at and we paid them for that and they are having to pay some of that back. He urged the council to consider that this is not the time to make a city management change. He stated that Jerry Ihler has brought a calmness to our management team that we haven't had for years. People believe in his leadership and that he will do the right thing. He knows that as well because he has come to know him personally over the past ten years. This is not a light decision to be made, this is a major decision and this is not the time.

Mayor Fitch stated Jerry Ihler has taken this responsibility and these accusations that are being made go back prior to him. Mr. Tanner does not even understand this SEC situation. He requested the city attorney address this part.

Jensen stated the matter that the SEC got involved with the City of Lawton focused primarily on a situation that occurred in the summer of 2013. At that point in time, before what Mr. Tanner has described as a in house process now, the City of Lawton had, under contract, a financial advisor firm that as part of their contract they were to perform disclosure responsibilities in connection with the City's issuance of bonds, including continuing disclosure responsibilities. Those continuing disclosure responsibilities are what was being focused on. Because of their contract they were also involved in this investigation and they had an express provision saying they would perform those responsibilities. They also had, as legal advisors in that regard, bond counsel for the City of Lawton that was involved in that act in 2013 that got the SEC's attention. The reason the City of Lawton was not charged, much less fined, is because of what you learned from our now new disclosure counsel, who gave you the training a couple months ago, that the City of Lawton, city officials and city staff had a right to place reasonable reliance on these experts in these specialized fields. That is why we were not even charged with an enforcement action. After they interviewed the Mayor, city manager, finance director and other finance staff and himself, they saw that we had turned this task over and placed that reasonable reliance and there was a big mistake made which triggered this investigation. Since that point in time when this investigation started in the summer of 2016, his position was to start talking to council members and say that he does not think we ought to continue to do that, he thinks we ought to bring this matter in house. Of course we will need outside expertise like from a disclosure counsel that we are paying a lot of money per hour, but if we do our job in house it doesn't cost that much money for him to review our work product. Each step of the way, starting with a policy that he prepared with the help of our disclosure counsel, that was enacted in 2016 for both initial and continuing disclosure responsibilities. That policy created a disclosure working group that involved himself, the city manager, finance director and finance staff. It created a position of a disclosure coordinator to watchdog things over there in the finance department and kick desks if things aren't getting done. We hired a service in Orlando, Florida, once we got our filings in the correct format and with the correct contents and with thorough and accurate and complete information, they properly filed this on an electronic message board for the municipal marketplace for bonds. The city council approved hiring John McNalley, a premiere disclosure counsel whose bills so far have been very reasonable, because our work product has not caused him to spend hours reviewing our work product. That is the system we have in place now and when Mr. McNalley was here council member Wells asked the question about this point in time with this in house operation, what is the exposure of the public officials of the governing body and he again said the legal standard is reasonable reliance. If you can reasonably rely upon what you have put in place with the policy, the position the disclosure working group, the filing service and the disclosure council, then you have the same kind of defense the city had in this case where they had farmed this out to outside consultants, that is what he emphasized. That is where we are at today and that is why he recommend that they continue to do and have a separate disclosure council from the new bond council firm they have and the new financial advisor firm they have and then hold the staff accountable for producing these thorough, complete and accurate documents so that bidders can have trust in buying City of Lawton bonds.

Tanner stated that is exactly the argument he is making. He does not have reasonable reliance on the city manager based on the facts that we are being served by the IRS, we have overpaid all three employee groups with the city and he does not think we have received any of that money back by the tune of hundreds of thousands of dollars.

Mayor Fitch stated it is \$100,000 and Mr. Tanner had tabled that issue and he has never brought it back.

Tanner stated he tabled the motion to give away \$100,000 of the citizens' money and it was never brought back by Council Member Davis. Tanner stated that the city manager was not holding staff, who are responsible for making these mistakes, accountable and that is the reason he made his motion.

Mayor Fitch stated we went through this several years back and we dismissed the city manager and we went out for solicitation of hiring a new city manager. We had thirteen applicants. We had one person who was qualified. They came from Frisco, Texas and wanted over \$160,000 just to start. We had one other applicant who was the assistant city manager and the council knew that they could hire him for considerably less and so they hired him. The other eight people that filed for that position came from towns with a population of 8,000 or less. In his meeting at OML in Oklahoma, he meets with the board of directors and then the city managers association meets. At that time there was not a city manager of any quality that would even consider filing for a job in Lawton. They said they would not go to Lawton because of the erratic actions of the council. Now here we are years later and we are in the same situation. We have things that are obviously brought up in Mr. Tanner's comments and Mr. Jensen stated that those problems went back to 2013 and yet you are holding a city manager that has been here a year and a half to two years totally responsible. You are making him totally responsible for the shortcomings of bond counsel of which we had employed with this city. The reason we had bond counsel employed by this city is because they are the experts and both of these firms had excellent reputations and the one bond counsel was well known and one of the best in a nine state area. We felt we had ourselves covered. As it turned out there were some shortcomings of which today's administration has to take the brunt of it. Jerry Ihler came up through the ranks in this city and he knows this city inside and out. We have a lot of good personnel that work with Jerry and support Jerry and yet we have some employees that don't necessarily work and support Jerry, but if this is voted on and approved tonight, this will be turning this city backwards for the next twenty years. We will not find another city manager. When we have people that have come on this council and have been here a little over a year and they have a thought or idea and they are so bullheaded that they will not take anybody else's comments, they don't imply anything in regards to any situation other than what their opinion is. This person costs this city a lot of money when he wanted to stop, delay, and downsize the public safety facility of which the citizens have voted for. This was voted on in 2015 and we started accumulating money to where we could afford to do the public safety building. Bids came in at \$40 million and that would not fly. City staff and Mr. Ihler went through rigorous conversations with the architects and engineers trying to redesign this to where we could get it more in line with what we could spend. We were able to get it to \$33.7 million. This \$3.3 million he has heard Mr. Davis say that was stolen from the city accounts and put into the public safety building was not stolen. This is money that was set aside for two road expansion projects within the community. One was the Gore Boulevard from 67th to 82nd Street. We had the match for what was needed for ODOT whenever they came forward with the money. We have waited three years for ODOT to make that match and we are still waiting and hoping that we will have it come April, May or June timeframe. We borrowed money from that earnest money that was put up for our share of the cost of that project and then on the Rogers Lane I-44 interchange, we borrowed the other amount

to go towards making up the shortfall within the program of the public safety building. The I-44 Rogers Lane project has been put on hold and it will not even be reviewed for an expenditure for at least the next three to five years. We would have had that money sitting there idly when we could put it to work. This is something that has been done for years within the City of Lawton and within any business. This will be the mistake that will turn this city down and out. He is thoroughly disgusted with the fact that this was even brought up in such a disguised, ruthless manner. There has been no correspondence between the council and Mr. Ihler but what hasn't been agreed upon and understood and yet you have two people here that are trying to drive their own agenda and drive this city down. The new council people that are here on this floor tonight have been supported by Mr. Davis, have been given money by Mr. Davis. Yes, it is true Ms. Stone (directing comments to a member of the audience), and I can get to you in a few minutes if you'd like, otherwise, keep....

Davis stated he would like to rise to a point of order and invoke the council rules that...

Mayor Fitch stated you can invoke any rule you want at this point, but I have the floor and I'm going to ...

Davis stated I stand to a point of order, sir.

Mayor Fitch stated he does not care what Mr. Davis says, he is thoroughly disgusted with Mr. Davis. He has done nothing but wreak havoc on this council and cost this city money since he has been here.

Davis questioned if Mayor Fitch understood, as the chairman, when he rises to a point of order, he questioned if he was refusing his responsibility as the chairman..

Mayor Fitch stated he is not refusing anything, he is not through. He would like to say that this would be one of the most disastrous things that this council could pass and he would hope that the new council members will see fit and that they will downplay this and not support the firing of our city manager.

Fortenbaugh stated he feels item #6 is a great deal for the city. We have been cleared of any wrongdoing and we are going to get most of our money back under this for the legal fees we paid. We hired a firm and they didn't do what we wanted them to do. He would like to make the motion that the council accepts item #6 and if anyone has concerns about Mr. Ihler, lets schedule to meet in executive session and talk to him like they do every time.

Mayor Fitch stated they cannot discuss it in executive session tonight, it is not on the agenda. He stated they need to accept item #6.

SUBSTITUTE MOTION by Fortenbaugh SECOND by Morford to accept the reimbursement of 70% of the costs of \$190,080 incurred by the City of Lawton in its successful defense of a matter before the Securities and Exchange Commission relating to financial disclosure responsibilities to the marketplace in connection with the issuance of the City's bonds, and authorize the Mayor

and City Clerk to execute a release agreement reflecting the amount of the reimbursement and releasing any further claims in consideration of payment of the reimbursement amount.

Tanner stated if I was the Mayor's CEO and he cost me \$60,000, and if he overpaid his employees to the tune of \$100,000, this doesn't date back to 2013, this is current events. If he recommended that you build you a public safety facility, go ahead and build the jail to 100 capacity, but guess what, I don't know where we are going to come up with the money to hire the additional 25 employees. If I was your employee and I wasn't filing your 941's on time with the IRS and I got served, do you think you would keep me under your employment, and your trying to tell me that I don't understand what's going on. You don't understand what's going on. He is costing the city money. I like Jerry Ihler, he is babying his staff, he is letting them do what they want to do, I told him this in every employment evaluation he's ever had.

Mayor Fitch stated that Mr. Tanner needed to calm down or he is going to

Tanner stated that just because I'm a tradesman and I work with my hands you think you are smarter than I am. I don't like that, Mayor. You've put me down too many times and if we were younger and we were eyeball to eyeball it would be a different situation my friend.

Mayor requested Chief Smith have someone remove Mr. Tanner from the council.

Tanner stated it won't be the first time. He stated that he would remove himself from the meeting. He stated we spend money around here like its monopoly money, spend it like it's your own money. He knows darn well he would fire him.

(Tanner exited the meeting at 7:04 p.m.)

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

7. Consider renewing the Small Government Enterprise License Agreement for the ArcGIS software package currently in use by the City of Lawton with Environmental Systems Research Institute, Inc. (ESRI). Exhibits: Staff recommendation, Small Government Enterprise License Agreement, on file in the City Clerk's office.
8. Consider approving the record plat for Park Ridge Addition, Part 8, and accepting the improvements and maintenance bonds. Exhibits: Plat Map. Maintenance Bonds are on file in the City Clerk's Office.
9. Consider accepting the construction project for the Landfill Maintenance Building - Project # 2008-06 located south of the existing landfill building by Cedar Ridge General Contracting pending completion of minor punch list items and placing the Maintenance Bond into affect. Exhibits: A copy of the Maintenance Bond is on file in the City Clerk's office.

10. Consider exercising the option to purchase the large hydraulic excavator currently leased from C.L. Boyd Co., Inc., of Oklahoma City, Oklahoma for \$285,566.49. Exhibits: Lease Contract with C.L. Boyd Co., Inc., of Oklahoma City, Oklahoma.
11. Consider authorizing staff to reject all bids on RFPCL18-013 Police Vehicle Lease/Purchase Program and prepare and submit two new Request for Proposals (RFP) for vehicle purchases and subsequent lease purchase financing agreement for city capital rolling stock and additional 2015 Public Safety Sales Tax Vehicles. Exhibits: Staff Recommendation.

Davis stated after reading this item he came to the conclusion that we are cancelling these proposals because the promotional period for the finance rate we received from Billingsley expired.

Bart Hadley, Assistant City Manager, stated that is part of the reason.

Davis questioned what was the other reason?

Hadley stated the price of the vehicles went up at that point as well.

Davis questioned just by Billingsley.

Hadley stated just by Billingsley. We had two choices and council has that choice currently. One is to go to the next lowest bidder and the other is to reject the bids and go back out. He and the staff has done a lot of research and they felt confident that the better choice would be to reject the bids, go back out just for bids on the vehicles and allow staff to talk to local banks about the financing and they felt confident that we could get a better rate, better price and a better deal. We do have the choice to go with the next choice which was Vance Auto Group.

Davis stated the two other bids are still good.

Hadley stated that is correct.

Davis stated if they go back out with an RFP will Billingsley be considered again even if they are disqualified now because the rate they offered is no longer available.

Hadley stated they indicated that their new non introductory price that they could offer now would still beat Vance. However, it would be against our code to allow them to submit another price. If they were going to consider Billingsley they would have to reject and go back out and give everyone an equal opportunity to resubmit pricing.

Davis stated he is concerned that the other two bidders did not make a mistake, their bids are valid and what we are basically doing is giving Billingsley a chance to rebid after now knowing the prices of their two competitors. He is not sure that is fair to the other groups whose bids are still valid. He is not sure how he feels about this, it looks like this was Billingsley's mistake, they bid on an item and they could not honor the offer.

Hadley stated theirs did change, but he would not say it was a mistake. These were bid late last year and by the time they got through the entire process and when legal was working on the contract they contacted Billingsley's finance company and found out that the pricing had expired.

Davis stated he takes that back about the mistake on their part. They have a bid issued to us and they cannot honor that price. He has fought to try to save money anywhere we can but he wants to do it honestly and fair to all the bidders involved.

Burk stated he does not think it was Billingsley's error in the fact that we went through the crash of our entire system. He talked to folks at Billingsley and he talked to a bank that offers financing and lease options that he did not know existed. He feels this computer issue slowed our process down and we were not fast enough on our end to get this to happen. We should have awarded the contract much faster. He does not think that Billingsley should be held at risk in any way. They put the bid in and we just didn't approve it fast enough to get their special rate. Putting it back out, the others have seen Billingsley's rates too. He hates to punish a local business that we usually give preference to. He would like to see the money stay in Lawton.

Hadley stated the only reason for this recommendation was they felt it would save the citizens money.

Davis stated according to the laws that regulate the awarding of bids, if a bid is disqualified for some reason, do we have the legal authority to throw them all out?

Jensen stated we reserve the right to reject all bids. The other problem they have with this is we changed gears and we did a package deal of purchasing the equipment and then the lease purchase of the financing all in one package. We typically do that separately and they don't think it is a good idea to do that as a combined package. They typically have done lease purchase agreements with the product and then the financing and don't tie the two together.

Davis questioned if that language was in these bids.

Hadley stated it was.

MOVED by Burk SECOND by Morford to authorize staff to reject all bids on RFPCL18-013 Police Vehicle Lease/Purchase Program and prepare and submit two new Request for Proposals (RFP) for vehicle purchases and subsequent lease purchase financing agreement for city capital rolling stock and additional 2015 Public Safety Sales Tax Vehicles. AYE: Morford, Jackson, Davis, Burk, Fortenbaugh, Johnson. NAY: None. MOTION CARRIED.

12. Consider extending contract for Items No. 1-5 and 9 of Fire Hydrants Contract to American Waterworks Supply Inc. of Norman, OK; and Items No. 6 and 7 to Ferguson Waterworks of Oklahoma City, OK. Exhibits: Recommendation, Contract Extension Form, Price Sheet.
13. Consider extending contract for Purate® to Thornton, Musso & Bellemin, Inc. of Zachary, LA. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

14. Consider approving appointments to boards and commissions. Exhibits: None.

Great Plains Improvement Foundation

Jason Wells

New Member

Unexpired Term – 5/1/2019

Lawton Enhancement Trust Authority

Lynda Walters

Ward 3 Representative

New Member

15. Consider approval of payroll for the periods of February 11 - 25, 2018.

OLD BUSINESS ITEMS:

16. Consider reducing or eliminating the sidewalk requirement for the property located at 1530 SW 52nd Street and/or direct staff to draft a modification of the City Code to reduce or eliminate the requirement for sidewalks to be included with the construction of new single family residential buildings on large lots and/or along uncurbed arterial roadways that will be expanded in the future. Exhibits: None.

Richard Rogalski stated this item was tabled from the last council meeting. There is a request to waive or reduce the sidewalk requirement or the fee in lieu of requirement for 1530 SW 52nd Street and also to direct staff to actually modify the code that would account for this in the future. This is a unique situation where you have a large lot on a property that is zoned C-5 as opposed to R-1. It is fronting an arterial roadway that has not been approved yet. You have a lot of frontage and on an arterial roadway your sidewalks are 6 feet wide as opposed to 4 feet wide in a residential neighborhood so it is 1 ½ times the price so you end up with a sidewalk fee in lieu of which in this case would be \$3,002.59. He stated the question is if this is too significant for that size of a lot or too much of an imposition on those homebuilders. This is a location where we would want them to build a sidewalk because we would have to tear it out later when we rebuilt the road. The fee in lieu of is probably twice what the normal sidewalk cost would be for a single family home.

Burk questioned if they could just waive this because it is something that is not needed and there is no reason for money in lieu of if we are not going to put a sidewalk on that side of the street.

Rogalski stated some day there will be a sidewalk on that roadway so it is not improper to ask for a sidewalk fee in lieu of on a roadway that you are not building right now. If this lot was in a different location they would pay half this fee.

Burk questioned if they can pay a fee in lieu of in the amount of \$500.

Rogalski stated the council can do whatever they like.

Johnson stated she felt that would be fair and she does understand that someday they would have a sidewalk but that day would not be anytime soon. She feels the \$500 amount would be fair. MOVED by Johnson SECOND by Burk to authorize a sidewalk fee in lieu of in the amount of \$500. AYE: Morford, Jackson, Davis, Burk, Fortenbaugh, Johnson. NAY: None. MOTION CARRIED.

(Warren entered the meeting at 7:20 p.m.)

NEW BUSINESS ITEMS:

17. Consider directing staff to prepare a sidewalk master plan for the construction of sidewalks and pedestrian trails within the City of Lawton. Exhibits: None.

Rogalski stated this is planning where we need the sidewalks the most. A master plan would be a plan that would be used to try to prioritize and where the community and city council would set a vision for where we want to start spending the most and where is the most necessary. Sidewalks are needed on arterial roadways but they have some studies on the walkability around all the schools. It is important for the community to sit down and have a dialogue about where we really need the sidewalks and what is the most important thing for the community and where should they invest these funds.

Morford questioned if they will prioritize these with the disabilities group.

Rogalski stated they are talking about two different things. The accessibility board does their own thing and they are dealing with accessibility not only on sidewalks but on playgrounds, buildings, etc., but the two would overlap and that body would be an important part of this overall master plan for the city.

Davis stated it will take some time for city staff to get this map together and that is what they are approving tonight. The idea is to get the council to endorse the plan and the priority and when they fund this it goes according to the priority plan, so instead of working against one another, when they put money towards the sidewalk fund, it follows the priority list. This will get everyone on the same page and understand where we are going.

Ihler stated in addition to the map and the priority they will also be putting together some estimated costs.

Fortenbaugh stated he does not think it will take as long as we might think to come up with the list of priorities because a lot of the groundwork has been done already. Two weeks after he was elected, two people got run over in the street here in Lawton because there was no sidewalk and nowhere for them to walk so they were walking in the street. Twice a day kids walk back and forth to Eisenhower schools on the grass on Gore Boulevard with no sidewalk. Once we have a list he is going to be looking for a plan to build some of these that we need right now.

MOVED by Johnson SECOND by Burk to direct staff to prepare a sidewalk master plan for the construction of sidewalks and pedestrian trails within the City of Lawton. AYE: Morford, Jackson, Davis, Burk, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

18. Submit citizen appointments and set parameters for the Citizens' Charter Review Committee to include (1) the scope of the committee's review (2) a timeline for completion of the committee's work (3) assigning City staff to assist the committee (4) conducting the meetings under the Open Meeting Act, and (5) other parameters desired by the Council. Exhibits: None.

Mayor Fitch stated this was on the agenda two weeks ago and we asked everyone to come up with a person to appoint to serve on this committee. He would suggest that everyone turn that information into the City Clerk as well as any items the council would like to see the committee address.

Davis stated they still need to set parameters for rules of how they get their priorities, how their timelines are set, if they can take on items of their own or if items have to come to them through council. The entire parameters that will guide the committee still all have to be set. He stated they came to this item through Council Member Tanner's motion to put an item on the ballot for a charter change and he would like to table this until the next council meeting. He feels that is appropriate since Mr. Tanner is not at this council meeting now.

MOVED by Davis SECOND by Warren to table. AYE: Morford, Jackson, Davis, Burk, Johnson, Warren. NAY: Fortenbaugh. MOTION CARRIED.

19. Consider an ordinance amending Section 19-6-606, Article 19-6, Chapter 19, Lawton City Code, 2015, pertaining to the operation of golf carts in the primitive camping area located on the eastside of Lake Lawtonka, known as The Ponds, adding a regulation prohibiting the operation of golf carts in The Ponds, and providing for severability. Exhibits: Ordinance 18-__.

Jack Hanna, Parks and Recreation Director, stated this issue was brought up at the Lakes and Lands Commission meeting last summer. It has to deal with a safety issue at The Ponds, which is a primitive campsite used for tents. There has been a lot of safety issues with motorized vehicles just flying in and out. Staff and Lakes and Lands Commission members are in favor of putting this regulation in place so the campers have a safe and fun environment.

Davis stated he just received a text message from a citizen who wanted to discuss this item with him and he requested this item be tabled.

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

20. Consider an ordinance pertaining to Refuse Fees and Charges amending Section 22-1-4-144, Division 22-1-4, Article 22-1, Chapter 22, Lawton City Code 2015, by authorizing funds generated by the landfill gate fee to be used for the collection of bulk solid waste at one- or two-family residential properties that do not have active utility accounts, providing for severability and establishing an effective date. Exhibits: Ordinance 18-__.

Davis stated the initiator of this item is the council bulk waste committee which consists of council members Burk, Tanner and Davis. He stated Mr. Tanner is the chairman of that committee and was going to present this item, so he would request this be tabled.

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

(Warren exited the meeting at 7:32 p.m.)

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

J.I. Johnson, Finance Director, presented revenue and expenditure highlights for period ending October 31, 2017. (On file in the City Clerk's office).

Johnson thanked all the vendors and citizens that attended the community resource fair this evening at vo-tech. She wanted to publicly thank all the citizens who voted her into this seat because they understand that she has her own mind and she makes her own decisions based on what is right for her ward.

Fortenbaugh stated he also appreciates the citizens who are in constant contact with him who tell him what is on their minds and what is important to them. He stated the project on West Gore between 67th and 82nd got delayed, but they are working to get it done as fast as they can.

Davis stated he wanted to make a couple statements on behalf of those who elected him to represent them on the city council and to save the citizens money. He stated the Mayor stated that he has cost the citizens thousands of dollars since he has been on council including looking into the public safety facility at the possibility of saving money. The one week that the committee looked at this, progress did not stop on the public safety facility and the project was not delayed and it did not cost the city any money. The committee was unable to find what they felt like was substantial enough savings to cut the project down. He appreciated the efforts of the committee and they did not cost the city any money. We will continue to fight for the citizens who tell him on a weekly basis not to stop, not to give up, not to let the system run him over, but to fight for them and to continue to try to save them money and spend their money where they voted on it to go. The Mayor stated that he had said that the city stole money from city accounts to fund the public safety facility at \$5 million over budget, that is an incorrect statement, he said that city stole money from other projects in the CIP to fund that, and the funds were taken from the road construction projects to fund the public safety facility at over \$5 million over budget. He wanted to set that record straight for his constituents that watch these meetings. He didn't do that earlier to try to facilitate the calming of the council, but he wanted to set this straight.

Ihler stated there will be a special council meeting on March 26th with the Oklahoma Municipal League coming to Lawton to provide some training. He stated OML has requested a list of the five major concerns that the council would like to see as far as education on parliamentary procedures and Roberts Rules of Order. He would like the council to provide him some comments.

The Mayor and Council convened in executive session at 7:42 p.m. and reconvened in regular, open session at 8:24 p.m. Roll call reflected all members present excluding Tanner, Warren and Jackson (exited before executive session).

EXECUTIVE SESSION ITEMS:

21. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action involving an employee wage and benefit issue, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #21. No action was taken.

22. 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 #22. No action was taken.

23. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Traci L. Hushbeck as City Clerk, and in open session take other action as necessary. Exhibits: None.

Mayor Fitch read the title of item #23.

Burk stated everyone is very happy with the work of Ms. Hushbeck and her office.

MOVED by Burk SECOND by Davis to approve a contract with a 2% cost of living increase. AYE: Morford, Davis, Burk, Fortenbaugh, Johnson. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 8:25 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK