

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
APRIL 10, 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 6:08 p.m. Notice of meeting and agenda
Were posted on the City Hall notice board as required by law. Invocation was given by
Charles Barnett, 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

Mayor Fitch recognized Michael and Margaret Rose who were in attendance. Mr. Rose served
47 years in the military and spent time at Fort Sill. Last October he was honored with the Merit
Award which was presented by the President of the United States.

PROCLAMATION FOR AIR QUALITY AWARENESS WEEK

Mayor Fitch proclaimed the week of April 30 – May 4, 2018 as Air Quality Awareness Week.
He presented the proclamation to Jonathan Stone, Planning Department.

AUDIENCE PARTICIPATION:

John Purcell, 3006 NE Muse Circle, stated he sat on the committee to review the charter which
finished last night. He stated when he sat on the last two charter review committees there was a
written report to the council and Mayor as to what was basically done, the numbers of people
who showed up and the recommendations. He stated in a vote of 6-3 there was a
recommendation that no changes be made to the city charter. There was a lot of confusion on
this committee. They met five times and every single time they met there was a different group

of people sitting on that committee. His recommendation tonight is that any future committee appointments by the council, that they be by name and if someone should resign, their replacement's name be brought back to the council for appointment.

Sterling Bailey, 3413 Abilene Drive, stated he is asking the city council to set a meeting with him and the city manager and city planner to explain to him the laws regarding his food trailer. He requested a meeting on Thursday. He is the only trailer in town that cannot operate the way he was operating. He stated he can get with his council member and get the time.

Mayor Fitch questioned who Mr. Bailey wanted to meet with.

Mr. Bailey stated he wanted to meet with three council members, city manager, city planner and the city attorney.

Mayor Fitch questioned if any council members would like to attend this meeting.

Johnson stated she would attend since Mr. Bailey lives in her ward. Davis stated he could attend.

Mayor Fitch stated this issue originated in Mr. Tanner's ward.

Tanner stated, from his understanding, Mr. Bailey needs to go down to the state health department, have his truck inspected and they can issue him a license and our license and permit center will issue him a city permit.

Mr. Bailey stated there is no state law about a trailer moving every 12 hours. That is the issue.

Mayor Fitch stated those attending the meeting will be council members Johnson, Davis, Tanner, the city manager, city attorney and city planner. He requested Mr. Bailey leave his number with the city clerk. The meeting time will be set for Thursday afternoon at 2:30 p.m.

Ihler stated there is a legal proceeding happening on the 19th and it has been advised that they don't meet until after that.

Jensen stated this dispute has been going on for a long time. If they decide to have a meeting he will send the attorney in his office who has been handling this lawsuit. That lawsuit is currently dismissed because Mr. Bailey did not do what he was supposed to do in responding to one of our pleadings. Mr. Bailey's primary dispute is with the state, but he wants the City of Lawton to be involved with it.

Mr. Bailey stated there has never been a state law. You can't sit here and tell him that he cannot operate when they let others.

Jensen stated it is for a judge to decide who is wrong and who is not.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF FEBRUARY 27, MARCH 13 AND MARCH 27, 2018.

Tanner questioned if the city clerk made the corrections to the February 27th minutes he requested.

Hushbeck stated yes.

MOVED by Jackson SECOND by Morford to approve the minutes of Lawton City Council regular meetings of February 27 (amended), March 13 and March 27, 2018. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

MOVED by Burk SECOND by Jackson to approve the consent agenda. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider awarding a professional services contract to Landmark Technology Solutions for the purpose of providing Information Technology (I.T.) and management consulting services for the City of Lawton and authorize the Mayor and City Clerk to execute the contract. Exhibits: Professional Services Contract with Landmark Technology Solutions.
2. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on NE Albert Johnson Sr. Avenue. Exhibits: **Resolution No. 18-21**. Traffic Commission Minutes and Traffic Issue Requests.
3. Consider accepting the Nine Mile Creek Sewer Line Phase 1 Project #2008-2 as constructed by McKee Utility Contractors, Inc. and placing the Maintenance Bond into effect. Exhibits: None.
4. Consider accepting a permanent easement located near East Gore and SE 60th street from Clayton L. Green, Jr. Revocable Trust and Lisa Jan Green Revocable Trust, for right of way needed for the Nine Mile Creek Sanitary Sewer Interceptor Project#2008-2, also execute a release of easement and authorize the Mayor and City Clerk to execute the documents. Exhibits: Location Map- Attached as an Exhibit A. Documents are on file in the City Clerk's office.
5. Consider extending contract for (CL16-022) Mowing & Litter Control Areas B, D and E to Teen Challenge of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
6. Consider approving appointments to boards and commissions. Exhibits: None.

Arts and Humanities Council

Reginald Ramey

New Member

Unexpired Term 06/30/19

Mayor's Commission On The Status Of Women

April L Campbell

At Large City Limits

New Member

04/10/20

7. Consider approval of payroll for the periods of March 26 – April 8, 2018.

BUSINESS ITEMS:

8. Consider approving an amendment to Council Policy No. 1-6, City Council Rules of Procedure, adding a section 6, Meeting Decorum/Maintaining Order that specifies prohibited comments/actions by members of the governing body and audience and actions to be taken if they occur. Exhibits: Proposed Amendment to Council Policy 1-6.

Davis stated he would be happy to answer any questions about this item. It is basically a decorum issue and trying to clarify some of the language where our charter refers us to Roberts Rules of Order, since our Council Rules of Procedure is much shorter and that seems to be what most of us are more familiar with, and it puts these rules in our Council Rules of Procedure.

MOVED by Davis SECOND by Warren to approve an amendment to Council Policy No. 1-6, City Council Rules of Procedure, adding a section 6, Meeting Decorum/Maintaining Order that specifies prohibited comments/actions by members of the governing body and audience and actions to be taken if they occur. AYE: Morford, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: Jackson. MOTION CARRIED.

9. Consider authorizing staff to prepare and issue an RFP (Request for Proposals) for citizen engagement software that allows for transparency and accountability in tracking citizen requests and resultant municipal responses. Exhibits: None.

Warren stated there are several software platforms out there that will provide a method for citizens to report issues, problems or concerns to council and then staff. It is an app for your phone, laptop, desktop computer, etc. If you are out driving and you see a pothole you can send that information on your phone to a council member and then they can forward to the city manager who can then disseminate it out to staff. Currently, a citizen will call him to say they have a problem with the sewer in his backyard and he would then send an email to the city manager who will then send an email to the department head and then a work order will be processed. It is all paper and emails back and forth. Now the council member is in the dark because the information went into this vast email hole and they don't know what happened. With this new app, it would show all the steps and everyone would know if there is an issue. The staff has the ability to decide what level is shown to the public and if the council is contacted

by the individual again, that information is right there at your fingertips and there is no communication that has to go back through that chain again. In the old days we did everything with paper and then we did everything with email. This will expand that and speed it up because you don't have to move all those emails around. There are different types of platforms but they basically do the same thing, it just depends on the bells and whistles they want to emphasize. That is the issue with this RFP because we really don't know what is out there. This RFP will go out to all those vendors that have these applications available and ask them what can they do for us that will give us information that will help citizens be better informed about what is happening.

Burk stated they looked at an app at National League of Cities a few years ago called See It, Click It, Fix It. This app automatically goes to the department. He feels this is great to put out an RFP. He stated the prices they were looking at were \$50,000 to \$75,000 per year. He feels this would really simplify the process.

Morford questioned if this should go to the IT committee.

Fortenbaugh stated they have discussed this in the IT committee. He has looked at a couple of these programs and some of them are inexpensive, there is one option that is \$40 a month per subscriber. The best thing about this is if a citizen makes a complaint, there is an electronic record of it right then and it doesn't go away until we solve the problem.

Burk stated the funding depends on what you need it to do.

Warren stated the reason you would want this to go to the IT committee is because we want to be very careful about what we want to introduce into our system. This would be cloud based and it would never be attached to our servers or our network.

Mayor Fitch questioned if the "subscriber" would be city staff or the individual in the community.

Fortenbaugh stated it would be the individuals working for the City that are part of this network which would include council members, department heads, etc.

Davis clarified that the RFP's would come to the IT committee and then a condensed version would come to council with the cost.

Ihler stated they were planning on putting together the request for proposal and send it out to the vendors, but if council would like they can take it to the IT committee first. Once the proposals come in, they could take it to the IT committee again.

Burk suggested it come back to the IT committee and then bring it to the council.

Ihler questioned if the IT committee wants to see the RFP before it goes out.

Burk stated they just want to see them when they come back.

MOVED by Warren SECOND by Burk to authorize staff to prepare and issue an RFP for citizen engagement software. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

10. Consider forming a Council Committee to devise and propose a City of Lawton employee monetary incentive program based on ideas of employees that will achieve measurable cost-savings to the City. Exhibits: None.

Davis stated the reason he is asking to form a committee is because there are so many different incentive programs that private businesses have to incentivize their employees to find more efficient and cost saving measures within their scope of work. He would like to form a committee to look into this. This would allow the employee to share in some percentage of the savings they brought to the City. He stated this had previously been done in the past but there was a hang up after some time on who certified whether or not it was an actual savings and how much it actually saved. There are a lot of moving parts to this and that is why he would like a committee to be formed. He would like to see us have a monetary incentive program where if a city employee saves the City money they would reap the benefit of those savings.

Mayor Fitch stated there are a lot of things that will have to be worked out. You have to be able to measure the savings and he does not think you would want to pay those savings up front, you would need to see that happen. He requested council members Davis, Fortenbaugh and Morford serve on this committee.

11. Consider forming a Council Committee to devise and propose a City program expanding the duties of City employees manning sanitation trucks to include documenting and taking pictures of properties with high weeds and grass, junk and debris, illegally parked vehicles and other violations of the City Code; and identify a funding source to compensate the employees for their additional duties. Exhibits: None.

Davis stated he appreciates the expertise and the history of this council and he is relying on them to help him with this issue. Most of the complaints that he has gotten from those who have been turned in to neighborhood services were not that they were turned in, they understood there was high grass or junk in the yard, the complaint was always about why they got turned in but their neighbor's property has been bad for two years and no one has ever done anything about it. Uniform enforcement has been the common complaint that he has gotten from citizens. He stated the sanitation drivers cover our city twice a week and they would be able to provide complete uniform coverage. He feels they should also be compensated for the additional work. He is just asking for a committee to be formed to look at this option. He has done about a year's worth of work on this and he would like to get some other input and expertise from other council members and see if they could institute a program like this.

Morford stated the only problem he has with this is that about every month they get two or three claims against the City and he is not sure we don't have them working at their capacity. Do they need to put someone else in the truck or more people in neighborhood services.

Davis stated that would be something the committee would look at. He has spoken with several sanitation drivers about this idea and of course they were thrilled about getting a pay raise and they told him that they felt they could handle the extra duties. Neighborhood services is so busy that they don't proactively cover our city, they only respond to complaints that are called in and that is why there is not uniform coverage. If a program like this worked, it would reduce positions of the neighborhood services inspectors and provide uniform coverage throughout the city.

Mayor Fitch questioned how many inspectors we have in neighborhood services.

Brock Greenhill, Neighborhood Services Supervisor, stated they have five inspectors and until four years ago there were six. They also have two administrative assistants. He stated if this committee is formed, there are a lot of roadblocks he sees from his division side. He stated he would like to be a part of this committee.

Mayor Fitch suggested Mr. Greenhill be one of the staff members assigned to the committee. He stated there are a lot of things that will have to be worked out because there are a lot of legal issues they have to look at. He requested council members Davis, Jackson and Burk serve on this committee.

Warren stated this app discussed in the previous agenda item would be useful in this situation.

Tanner stated his preferences are that when they go out he wants them to pick the trash up. He stated if it is that big of an issue they would need to find more funding for neighborhood services. He has personally run into the same issue about why we are picking on this resident as opposed to that resident. He stated neighborhood services may have already sent them a letter, but that does not necessarily mean that they took care of business. Some people just don't care if they get a ticket. He would like to see the trash trucks go back to the old system of one driver, two attendants in the rear, we go down the street once, we pick up both sides of the street, they tip the trash in and if a piece falls on the ground they reach down and pick it up. It is a very efficient system.

Mayor Fitch stated we now have hundreds of thousands of dollars worth of equipment that won't accommodate dumping a dumpster into the trash truck as you go down the street.

Tanner stated we do have rear tippers.

Mayor Fitch stated he feels this committee can come up with some solutions.

12. Consider holding a Special City Council meeting that will serve as a question-and-answer session for community members, hosted by The Lawton Grapevine Facebook page administrators. Exhibits: None.

Davis stated this is an item that the council is familiar with and the purpose of putting this on the agenda is to basically take a vote on the council floor. We have had a couple of young professional forums and the Lawton Grapevine had requested a forum and was told that the

majority of council did not approve that. He placed this on the agenda to take a vote. In the future he would like all special council meetings for anyone to be put on the council floor for a vote. The last young professional's forum was approved without being put on the floor and in the future he plans on putting any requests for a special council meeting on the agenda for a vote.

Burk stated the council has enough on their plates already and they are constantly meeting. These special council meetings are hard on him as a business person because it seems like they are doing them more and more often. He feels if you let one do it then you have to do it for all groups or you don't do any. His personal opinion is that you don't do any. They can come to a meeting and give their opinions on what is going on in our community rather than doing it hidden behind a fake screen name and saying bad things. He will never vote for the council to have special meetings for special groups.

Mayor Fitch stated the first time they met with the young professionals group there were some council members there. The second times there were two council members present, Council Members Tanner and Johnson and there were probably zero young professionals in the audience. He feels they are opening themselves up to so many different entities that are on social media and some of them are good, but some are very negative. The things he has seen on the Lawton Grapevine have had a negative spin to them in a lot of ways. He does not feel they should get involved.

Tanner stated there were about 50 people at the last young professionals meeting. He feels that since they went ahead and let the young professionals have their special council meeting, he is not opposed to having the Lawton Grapevine folks come up here. He would like to see them in person instead of behind the fake screen names. He will answer any questions they have.

Warren stated he did not attend any of the young professional meetings, and he does not feel like they can have a meeting for everyone. They have a minimum of two meetings a month and anyone is invited to come up and ask any question. As a general rule they do not see anyone up here asking any questions. He stated his information is out there and anyone can ask him a question and he will do everything he can to get them an answer and if he can't he will pass it along to the appropriate person. They just do not have the time.

Mayor Fitch stated they have had the last meeting for a Q&A with any group because there are a lot of things these council members have to do during the week. They attend a lot of meetings and it takes a lot of time out of their day and they have a job that makes them a living and this job does not make them a living whatsoever. He feels they just put a halt to this.

Tanner stated since they have already given the young professionals group two opportunities to have their special council meeting, it would look like they are being unfair to the grapevine people. He would like to answer some of their questions in person, so he feels they should go ahead and do this last meeting and then cut it off.

MOVED by Tanner SECOND by Davis to approve holding a special city council meeting that will serve as a question-and-answer session for community members, hosted by The Lawton Grapevine Facebook page administrators. AYE: Davis, Tanner, Johnson, Warren. NAY: Morford, Jackson, Burk, Fortenbaugh, Fitch. MOTION FAILED.

13. Consider directing staff to amend Article 2-3 (Boards, Commissions and Committees), Chapter 2, Lawton City Code, 2015, to require all members of these bodies to be residents of the City of Lawton or, upon unanimous vote of the City Council, they may reside outside the City limits, but within Comanche County; and further request all independent legal entities benefitting the City in their capacities as City trusts, authorities, etc. to consider amending their membership requirements in the same manner. Exhibits: None.

Tanner stated he brought this item forward to bring some consistency and continuity between the boards, commissions and committees. In 2014, he and Council Member Haywood made a motion that if you are going to be on one of these committees or boards that you have to be a resident of Lawton and if you are not a resident of Lawton then you can be a resident of Comanche County, it just needs to be passed by a unanimous vote of the council. That very evening someone from the county was appointed to the LIDA. Since he has been on the council he has never seen anyone that was denied. He would like to approve this so they will have consistency and continuity between all the boards, commissions and committees.

Mayor Fitch stated all these boards, committees, trusts and authorities have their own bylaws and he knows that the Mayor's Commission on the Status of Women has about twenty five members. There were so many from each ward and there were many vacancies, yet there were qualified people who did not live in those wards and they couldn't get on the committee. They changed their bylaws to state they would have one from each ward, one from Ft. Sill and then they had at large positions. Most of these groups could amend their bylaws. He does not have a problem with at least everyone residing within Comanche County.

Burk stated they set up LETA to where they had ward positions, a representative from the chamber, the council and the county. He stated this is set up in their trust indenture so they would have to change it. He feels they are represented well with the scope of people they have. He stated he was confused about what they are doing.

Jensen stated there are probably ten or eleven entities in chapter two of the city code, and they would just take out what they have for each individual commissioner and put a general provision in there. All the entities that are separate legal entities, and there are approximately 22 trusts, they control their trust indenture and the only thing you can do with them is to request that they consider doing this and they could decide. If they did decide to do this, every one of their trust indentures address their membership requirements, and every one of them would have to be amended.

Tanner stated the trust indenture is a voluntary thing, we are just making a recommendation. This is exactly what they did for LIDA.

Morford questioned if there is a problem somewhere and that is why this has been brought up.

Tanner stated there is not a problem, he would like to have some consistency.

Morford questioned why they needed to change this. It seems to be working.

Tanner stated he is not going to argue the issue, he thinks that if people are going to be on these boards and commissions, then they need to be a resident of Lawton, and it needs to be in writing, or they need to be a resident of Comanche County and that needs to be in writing because we don't know what the future holds. This would prevent any trouble from happening in the future. The people that sit on these boards and commissions make a lot of important decisions for the residents of Lawton.

Morford stated that these appointments have to go through the Mayor and then the council has to approve it. He does not see where we will have a problem in the future.

MOVED by Tanner to approve.

Davis stated he would like to make a substitute motion.

Mayor Fitch stated we don't have a second yet.

Mayor Fitch stated that motion died due to a lack of a second.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Johnson stated that Citizens with Solutions is having Together Oklahoma come down through the Oklahoma Policy Institute on April 19th at 5:30 p.m. at 701 ½ C Avenue. They are coming down to give some tips and information on how to get in touch with our senators and representatives and give information on how to become involved politically.

Tanner stated Open Streets will be held on April 21st from 11 a.m. to 3 p.m. He stated in the state of Oklahoma, Lawton has the fourth largest GDP, it is over \$4 billion on an annual basis that flows through the city of Lawton. The per capita income that Lawton has, you will see that we are ranked 35th in the state. He would like to see individuals come up with some ideas that we can implement to try to change that. In his opinion, if you have the fourth largest GDP, you should be the fourth wealthiest city in the state. A lot of the things he is doing, as far as the residency requirements and what he is pushing for, he is looking for value added. People that not only come to Lawton and live in Lawton and invest in Lawton, which a lot of people do that that don't live here, what capital that they generate, those that do live here, stays in Lawton and it enriches the city. This isn't about picking on people that live in the county or live in Oklahoma City, he loves those people but he does not represent them. He represents the citizens of Lawton, specifically ward five and he wants local decisions made by local people, if he can make it happen.

Burk stated the annual LETA event will be held on April 20th at the Museum of the Great Plains from 6 p.m. to 8 p.m. There is limited space so council members need to RSVP. He stated Stan Booker contacted him about the possibility of removing the chain link fence along I-44 and down Rogers Lane. He stated he met with staff and met with ODOT and city staff will be taking down some of the fencing now.

Davis thanked two of our officers, Dustin Dye and Matt Dimmitt, for helping pick up trash this past week on Rogers Lane. They covered between Sheridan Road and 11th Street. He stated these guys are great and he thanked them for all they do for the community.

Ihler stated he hoped to have the preliminary budget by the end of the week. His goal is to get it distributed to council on Friday. He stated he needs some replacement members appointed to the hotel/motel budget committee.

Mayor Fitch stated this committee recommends the appropriation amount that goes to the chamber and different entities which will be approved by council. He would like to appoint Council Members Morford, Jackson, Warren and appoint Burk as alternate.

The Mayor and Council convened in executive session at 7:20 p.m. and reconvened in regular, open session at 8:28 p.m. Roll call reflected all members present excluding Jackson (left @ 8:01 p.m.) and Davis.

EXECUTIVE SESSION ITEMS:

14. 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 to item #14. No action was taken.

15. Pursuant to Section 307(B)(3), Title 25, Oklahoma Statutes, consider convening in executive session to discuss the appraisals of approximately 22 ½ acres, collectively or by parcel, of City-owned real property in the vicinity of NW 67th Street and Rogers Lane, as authorized by Ordinance No. 10-36, and take appropriate action in open session. Exhibits: None.

Jensen read the title to item #15. No action was taken.

There being no further business to consider, the meeting adjourned at 8:30 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK