

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
DECEMBER 12, 2017 – 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

Mayor Fitch called the meeting to order at 6:06 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. Charles Whitlow, Union Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bob Morford, Ward One
 Caleb Davis, Ward Three
 Jay Burk, Ward Four
 Dwight Tanner, Jr., Ward Five
 Cherry Phillips, Ward Six
 V. Gay McGahee, Ward Seven

ABSENT: Keith Jackson, Ward Two
 Doug Wells, Ward Eight

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO ALBERT RIVAS

Mayor Fitch presented a Certificate of Commendation from the Mayor's Office to Albert Rivas.

PRESENTATION OF OKLAHOMA MUNICIPAL LEAGUE HONOR ROLL OF SERVICE

Mayor Fitch and Jerry Ihler, City Manager, presented certificates and 25 year service pins to William Grimes, Timothy McIntosh, Rose Wilson, Jeannie Wheeler, Dewayne Burk, Rusty Whisenhunt, Candy Williams and Jerry Ihler.

AUDIENCE PARTICIPATION: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF NOVEMBER 14, 2017.

MOVED by McGahee SECOND by Phillips to approve the minutes of the Lawton City Council regular meeting of November 14, 2017. AYE: Morford, Davis, Burk, Tanner, Phillips, McGahee. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

Davis request item #3 be considered separately.

MOVED by Burk SECOND by McGahee to approve the consent agenda with the exception of item #3. AYE: Morford, Davis, Burk, Tanner, Phillips, McGahee. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Mike and Chantel Nottingham approval in the amount of \$500.00. Exhibits: Legal Opinion/Recommendation and **Res. 17-128**.
2. Consider the following damage claims recommended for denial: Drexell and Hedi Thomas in the amount of \$75.00, Mary McCall in the amount of \$1,500.00, and David and Doreen O’Gwin in the amount of \$15,734.00. Exhibits: Legal Opinion/Recommendation.
3. Consider approving the “2017 Community Video Program” agreement between CGI Communications, Inc., and the City of Lawton, in which CGI produces promotional web-based videos for the City of Lawton at no cost with the understanding that these videos will be displayed on the official City of Lawton website – Lawtonok.gov – and authorize the mayor and city clerk to execute the agreement. Exhibits: CGI Communications 2017 Community Video Program Agreement.

Davis questioned if they are the only ones who have the right to do videos for the City of Lawton.

Tiffany Vrska, Community Relations Director, stated no, it does not exclude anyone else.

Davis stated they can do any live feeds or videos through anyone else.

Vrska stated that is correct.

MOVED by Davis SECOND by Morford to approve the “2017 Community Video Program” agreement between CGI Communications, Inc., and the City of Lawton. AYE: Morford, Davis, Burk, Tanner, Phillips, McGahee. NAY: None. MOTION CARRIED.

4. Acknowledge receipt of election returns of September 12, 2017 and November 14, 2017. Exhibits: Official Certification of Votes from Comanche County Election Board.
5. Consider extending the contract for Consultant Brokerage services concerning employee benefits to National Financial Partners Corporate Benefits (NFP), of Oklahoma City, OK. Exhibits: Contract Extension Agreement and Original Consulting Agreement.

6. Approve a resolution authorizing the execution and delivery of an equipment lease/purchase agreement with Motorola Solutions, Inc. for the acquisition, purchase, financing and leasing of certain equipment for the City's E911 center to be used in the implementation of a proposed communications system agreement with Motorola Solutions Inc., including certain capital expenses associated with design, staging, development, training, and system support related to such equipment; and authorize the Mayor and City Clerk to execute the lease/purchase agreement and any related documents necessary to the consummation of the transactions contemplated by the lease/purchase agreement. Exhibits: **Resolution No. 17-129**. Equipment Lease Purchase Agreement is on file in City Clerk's office.
7. Consider approving a Communications System Agreement with Motorola Solutions Inc. for the purpose of upgrading the equipment in the City's E911 center, subject to Council also approving a companion lease purchase agreement, and once Council approves the lease purchase agreement, authorize the Mayor and City Clerk to execute the Communications System Agreement. Exhibits: Communication System Agreement on file in the City Clerk's Office.
8. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on SE Interstate Drive, near 201 SE Interstate Drive and SE Park Avenue and NW Rogers Lane at NW Morningside Drive. Exhibits: **Resolution No. 17-130**, Traffic Commission Minutes and Traffic Issue Requests.
9. Consider adopting a resolution for the selection of a consulting engineer to conduct the bi-annual inspections required by the National Bridge Inspection Standards (NBIS) Program. Exhibits: Letter from ODOT and **Resolution 17-131**.
10. Consider awarding contract (CL18-010) Redi-Mix Concrete to Bid # 1, Southwest Ready Mix of Lawton, OK (primary) and Bid # 2, Lawton Transit Mix of Lawton, OK (secondary). Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
11. Consider approving appointments to boards and commissions. Exhibits: None.
12. Consider approval of payroll for the period of November 20 – December 4, 2017.

NEW BUSINESS ITEMS:

13. Consider adopting a resolution amending the FY 2017-2018 budget to increase the staffing level of the Information Technology (IT) division by adding a newly created staffing position of Information Technology Director making the IT division a department. Exhibits: Resolution No. 17-__ and Position Description for IT Director.

Ihler stated the IT department supports our internal infrastructure for every department and division within the city. He feels it is important to go ahead and bring on a department head that can coordinate with the other departments and agencies within the city that we deal with. The recent digital interruption crippled the City over the past four months and prior to that occurring

they put together a council committee to look at our operating systems, our manpower, our level of training and expertise necessary to provide a plan for moving forward. He feels that a director could come in and assist us with these issues and take us into the future. There are three key employees in the IT department that will be retiring within the next year and we will lose a lot of valuable knowledge within the division and a new director could spend some time working with those folks and gaining the history of the multitude of software that it has to support. He stated if they could bring someone on by the middle of March they would be here to help work through the budget process to gain that experience because in the following year those key personnel will be gone. The desire is to focus on a forward thinking and efficient approach to enhance the IT function in terms of growth and efficiency ensuring that the IT strategy is aligned and would enable the City's business strategy to move forward and he believes a new IT director would be responsible for creating and implementing that business strategy in helping us move forward.

Tanner questioned how much the position will cost on an annual basis.

Ihler stated they called some other cities and looked at salary ranges and the low range was at \$100,000 and the high range was \$140,000. They also included Cameron University and they requested information from Comanche County Memorial Hospital but did not receive anything.

Tanner stated we already have a supervisor in IT which falls under the City Manager or Assistant City Manager. By adding this position with a range of \$100,000 to \$150,000, he likes the idea of having someone in place, but he dislikes the idea of having someone there if we can't afford them. He does not see that we can afford a position like this at this time. He stated there are specialists out there and we could probably get some estimates where they could come in and charge us a one time fee to tell us what we need to prevent these type of cyber attacks or decrease the risk of these types of attacks from happening in the future and we would pay them a maintenance fee on a yearly basis. He is personally opposed to creating a new bureaucratic position, he does not see what is wrong with what we already have in place if we could just tweak it without adding another annual burden to the City of Lawton of \$150,000 plus their benefits. He would prefer to at least postpone this so he could look into it a little further and weight the advantages and disadvantages.

Ihler stated in looking at contracting out some of these services, as they have gone through this process with our network, they have contracted out to a third party to be responsible to maintain and provide security for our website. They are putting together proposals to go out for our email exchange and they are looking at a third party to provide security for that. Hiring these third independent parties if very expensive. For this individual position they are not just looking at the security but our operating system is old and antiquated and as they try to move forward to choose the right system, it is very important that we have someone on board that has that expertise and can help us make that kind of decision.

Tanner stated the current supervisor has come before council to let them know that what we have is not adequate and the council has had plenty of opportunity to come up with some solutions to resolve the antiquated system we have in place and it always comes down to the dollars. He would rather invest the \$150,000 annually into upgrading the system we have and keeping the

current position as the supervisor and not adding any labor costs to the City. He would like to postpone this idea to a future date so he can look into it a little more thoroughly.

Phillips questioned if the supervisor was one of the three to retire.

Ihler stated yes.

Phillips stated she feels the request is timely and they will have to do something because there will be no one in that department that has any history of the system.

Ihler stated there will still be some employees that have some history with us. Some of the key personnel will be retiring by the end of next year.

Tanner stated when the supervisor retires we can hire another supervisor at that salary. When you create a department head you kick it up about double. He is not opposed to paying folks what they need to be paid, but he does not think the City can afford it at this time and he would prefer to invest that money into software or hardware to upgrade the City's systems. He would rather invest that \$150,000 to hire employees and purchase grabber trucks to go out and clean up this bulk trash. He would like to postpone this to do a little more research.

Chris Martin (citizen), stated he was an IT director and network engineer for twenty years and he left the field three years ago to pursue a lifelong passion. He is very knowledgeable with regards to IT infrastructures and what is needed. He stated this salary is not unheard of within this field. He stated all cities require IT, and it is critical to the function of the staff and the citizens being able to pay bills and stay on top of what is going on through the website. Based on his personal experience, a department with autonomy and its own budget line with a directed vision to stay in front of the issues at hand is absolutely critical. You need to look at the cost of the recent outage and the lost revenue and frustration within the citizenry. He questioned if everything was 100% up and running now.

Ihler stated it is not 100%.

Mr. Martin stated it is going on four months now and the City is losing revenue and losing a lot of impact by not having a solid unified front in going forward. He stated security was a huge part of the previous jobs he has had and security was a big issue to cause this most recent outage and he would like to see something in place that is well protected, well preserved and having third party assets to be able to protect itself for future outages, redundancies are absolutely key. He questioned if they were looking at 400-500 computers across the city.

Ihler stated it is around 600 computers.

Mr. Martin stated that is a huge number to look at and there are multiple installations throughout the city. There has to be someone that is highly knowledgeable and enterprise level thinking and can bring in a staff to go forward. Ultimately IT is expensive but it allows revenues to come back in. He would love to see discussion with council to be able to find someone that is

qualified and someone is going to be well paid in the sense of making sure they stay because there is a lot of institutional knowledge here that is about to disappear and that is very critical.

Tanner stated he agrees with Mr. Martin, but where he may disagree is putting this \$150,000 position in place is going to be the cure all and we are not going to have any more problems. He does not know that creating a new position is necessarily going to solve all our problems. He just needs to think about this and would like to make a motion to postpone this.

McGahee stated there is work that has to be done and even though there is a supervisor in place, the director would have more responsibility and they can't expect the supervisor to do the job of a director for a supervisor's pay. If the IT department is going to move forward, then they would have to have someone in place that would make it work and have the knowledge to move it forward.

Mayor Fitch stated we have a situation where we will be needed a person of this quality level almost immediately because we have three high level employees within IT that will be retiring and you just don't wait until they leave to hire someone. There is a tremendous amount of knowledge and they will be helping this person start building this new IT department that we have to have. He stated \$150,000 is not going to go anywhere in addressing software problems, we are talking about \$6 – 8 million for a new system that would be adequate for the City of Lawton. You don't wait until you lose staff to start replacing them. He agrees with Mr. Martin, Mr. Ihler and the council committee that worked on this and he feels they need to move forward.

Tanner questioned if they are going to fill those positions that are retiring or will the IT director take the place of these three other positions.

Ihler stated that is not correct.

Tanner stated then we would add another position with a salary of \$150,000 hoping that by adding this position we are never going to have these IT problems again. He stated the IT supervisor has come before the council on several occasions to say that this computer system we have is out of date and she needs money to update it. The council did not update it and we were attacked. He does not see how putting a new position in place will prevent this from happening if we are not going to invest money in our computer software.

Burk stated our system is antiquated and we have to figure out what we need. Having a director is key and we need someone to put everything together and understands how to get everyone on the same page. We have spent hundreds of thousands of dollars over the past four months trying to get out of this mess. Having someone that has some knowledge about running a department is going to be something they will need to look for and paying someone is not going to be cheap. This will help build the IT department to be what you want it to be. We are still not at 100% and we must invest in the future and in the City. Citizens want the ability to pay on line and get permits on line. Other cities have been doing it for years and we just haven't and we have a long way to go. There is no guarantee that if they hire an IT director that this will not happen again, but what we can do is do all we can to hire someone that is knowledgeable in this and has the

expertise to get us where we need to be. He supports this issue and he knows that they need to figure out where they need to go and that is where a director will help us.

Morford stated he agrees but they are getting ready to spend maybe \$7 million to upgrade this system and they have to have the guidance to do this and they have to have this person whether they do it now, they need this person before they buy the wrong equipment or software. They need to go along with it.

Davis stated he and council member Burk are on the IT committee and they did recommend that we do need an IT director, but they also recommended to send out RFP's for companies to assess our IT needs and what system we should be going to. He still believes we need an IT director but it is a little bit of the cart ahead of the horse. He would like to see us hire an IT director that is proficient in the system that we decide to go with. We still have to wait for the RFP's to come back and approve a company to assess all our IT needs and what level of IT director we need. He is not against paying an IT director the top salary because everything in this city bottlenecks in IT. IT can insure that bulk trash gets picked up and that people on the list get taken care of. He is against doing it right now and hiring blindly an IT director without following the direction of the committee which was to first get a company to assess our IT needs and then to move forward from that and hire an IT director that would be proficient in whatever system we decide to go to. He questioned if there was anyone in house that could be promoted to the supervisor position so that we can continue the way we have been for now.

Ihler stated he cannot answer that question right now. He would like to visit with the current supervisor about that issue.

Davis stated that giving approval to hire the IT director right now before we know what the assessment is would be a little premature.

Phillips questioned how this would impact the budget.

Ihler stated it would impact this fiscal year by about \$40,000 - \$45,000. One of the reasons that he is suggesting they hire the position now is that because of the issues we have been having we have not had a chance to put together the RFP yet and that was one of the things that this director could help with and assist. It is not just going to be this cost, we have not funded the IT division well enough in the past and we will have to provide additional funding whether we hire a director or not.

Tanner stated he is not against hiring an IT consultant at this point to come in and assess our needs and tell us what we need rather than create a new position that we are locked into year after year. He just needs more time to investigate this issue.

MOVED by Tanner SECOND by Davis to table to January 23, 2018. AYE: Morford, Davis, Burk, Tanner, McGahee. NAY: Phillips. MOTION CARRIED.

14. Consider authorizing the Cultural Preservation Committee, a subcommittee of the Lawton Enhancement Trust Authority, permission to provide preservation policies and procedures for historical City of Lawton-owned facilities and City of Lawton-owned cultural materials, treasures and archives. Exhibits: None.

Tiffany Vrska, Community Relations Director, stated the interworking for this committee began more than a year ago under a former assistant city manager. She and Sharon Cheatwood of the Lawton Arts and Humanities division picked it back up after receiving a request from concerned citizens this past fall. She stated committee member Ms. Cynthia Usher from the Lawton Heritage Association would like to address the council about the preservation efforts.

Cynthia Usher, committee member, stated she is here to go over this recommended council action. She stated the committee, which is a subcommittee of the Lawton Enhancement Trust Authority (LETA), is asking the council permission to provide preservation policies, procedures and guidelines for historical City of Lawton owned facilities and City of Lawton owned cultural materials. This includes overseeing requests for the hanging or placement of any décor, ornamentation or materials of an artistic nature for any amount of time within the public spaces of such facilities. She stated they want to act as an ad hoc committee of LETA to preserve the buildings and cultural items for our city. They want to act in an advisory capacity to develop those policies and procedures for that kind of oversight. It could be an expense if there is not an organization that oversees those areas that are under historical preservation. If there is not an oversight to oversee requests such as the placement of things on the walls or the handling of the floors, we will lose a lot of that integrity.

Phillips questioned the relationship between the Lawton Heritage Association and this request.

Ms. Usher stated the Lawton Heritage Association is just one of the four positions on this particular committee. There are also representatives from the Southwest Oklahoma Historical Association, the Lawton High Archival Association and the Museum of the Great Plains. Citizens will also be on this committee.

Phillips questioned what LETA thought of this committee.

Burk stated this came before the LETA board a few months ago and he feels this is a great fit because it is enhancement of our city and it will make sure that we preserve those things that are important to us. They felt like it was a great idea to bring these groups together and have a subcommittee that will bring these policy recommendations to LETA and then to the City Council for approval. We need people who can address the issues and bring to council. Since LETA is 501.c3 they hopefully can raise money by having an account where people can donate to this group and have funds to do some projects. LETA voted unanimously to bring them on as a subcommittee and he hopes the City Council will agree as well.

Morford stated this committee will set up a procedure to bring issues to the council. The council is not giving them permission to regulate everything.

Burk stated the committee will bring everything back to LETA and the LETA board will then bring it to the City Council for final approval.

Ms. Usher stated currently there are no procedures and with the restoration of these historic building they want to ensure that they are preserved indefinitely. In order to do that they want to create those procedures using best practices that currently exist in the state of Oklahoma as well as nationally. They will be looking at those types of procedures and guidelines so that they could advise as well as disseminate that information to those who would be using these facilities.

Burk stated that LETA did not have the expertise to be this committee, so having this subcommittee was a perfect way to handle these issues.

Phillips stated the council does have the historical preservation commission and she is a member of that commission and it more has to do with historical zoning overlays which deal with the outside of the historical buildings. She would not want these procedures to conflict with that commission and she suggested this committee look at what the commission does before coming up with these procedures.

Ms. Usher stated the committee will be looking at the interior of these public use areas and they are not looking at replacing the commission.

Tanner stated there currently is no one to oversee these preservation policies and procedures and he feels this is a good idea and he commends the efforts of these citizens.

Allan Hampton, 1202 NW Bell, stated he was on the Leadership Lawton 2016 committee and they decided they were going to restore the fountain outside City Hall. He is also on the LETA board and one of his concerns was that they follow some type of guidelines to do something to that fountain. He feels there is a need for some guidelines. There was nothing to follow and they spent \$15,000 fixing that fountain and he feels they could have gotten more with that money if they had some guidelines in place.

MOVED by McGahee SECOND by Burk to authorize the Cultural Preservation Committee, a subcommittee of the Lawton Enhancement Trust Authority, permission to provide preservation policies and procedures for historical City of Lawton-owned facilities and City of Lawton-owned cultural materials, treasures and archives.

Davis stated this is described as a committee to provide recommendations but that is not the way it is written and he is not comfortable with the way it is written .

SUBSTITUTE MOTION by Davis SECOND by Burk authorize the Cultural Preservation Committee, a subcommittee of the Lawton Enhancement Trust Authority, permission to provide recommendations to LETA and requiring city council approval concerning preservation policies, procedures and guidelines for historical City of Lawton-owned facilities and City of Lawton-owned cultural materials, treasures and archives. AYE: Morford, Davis, Burk, Tanner, Phillips, McGahee. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Tanner stated the committee met to discuss the bulk trash pickup system that is currently in place. They are trying to come up with some ways to be able to pick this bulk trash up and create some mechanism to pick up trash when dumped on vacant lots.

Davis stated the policy has changed for the bulk trash pick up to where they will create five zones and each zone will be picked up on a particular day. The maximum amount that trash will sit out on the curb would be five days.

Ihler stated that is if they are not going through the neighborhood services division where notices are sent out.

Davis stated they are still working on some parts where if there is not an active water account, there are some legal issues there, and that would have to go through neighborhood services and that will take about 20 days.

Tanner stated he has some ideas he has discussed with the city attorney about a way to provide funding so that we can go ahead and pick things up and the city will be reimbursed.

Ihler introduced Warren Wick, the new Human Resources Director.

EXECUTIVE SESSION ITEMS:

15. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of Jerry Ihler, City Manager, and if necessary, take appropriate action in open session. Exhibits: None. **STRICKEN**
16. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the Employment Agreement of Frank V. Jensen as City Attorney, and in open session take action as necessary. Exhibits: None. **STRICKEN**

There being no further business to consider, the meeting adjourned at 7:23 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK