



officer for 20 - 30 minutes as the first officer stood there with her hand on her weapon. He told the officer he was going to ask for a meeting with the Mayor and the chief of police and when he returned to Dallas he was going to meet with the NAACP and their attorneys to find out if his civil rights had been violated. If they had he was going to sue the City of Lawton.

Mayor Fitch questioned if he had talked to the police chief.

Mr. Richardson stated he called Council Member Johnson and she advised him to get that person's name. He went to the police department and he met with a lieutenant.

Mayor Fitch suggested he meet with Chief Smith and the city manager. He stated he does not get involved in personnel matters. This would be handled between the city manager and the police chief.

**CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF JANUARY 9 AND JANUARY 23, 2018 AND THE SPECIAL MEETINGS OF JANUARY 8, JANUARY 16, AND FEBRUARY 6, 2018.**

MOVED by Burk SECOND by Morford to approve the minutes of Lawton City Council regular meetings of January 9 and January 23, 2018 and the special meetings of January 8, January 16, and February 6, 2018. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

**CONSENT AGENDA:**

Tanner requested item #6 be considered separately.

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

1. Consider the following damage claim recommended for denial: Doris and Artric Shelton in the amount of \$1,500.00. Exhibits: Legal Opinion/Recommendation.
2. Consider approving an Outside Water Sales Contract with Valley View Volunteer Fire Department, Inc., and authorize the Mayor and City Clerk to execute the Contract. Exhibit: Location Map. Contract is on file in the City Clerk's Office.
3. Consider approving a request for the City of Lawton to Co-sponsor the 2018 Open Streets Lawton Fort Sill events scheduled for April 21, 2018, and an undetermined date in the fall of 2018, within the downtown area to include the provision of necessary services as appropriate. Exhibits: None.
4. Consider approving Elmer Thomas Park standard lease agreement with Carson & Barnes Circus for two performances Tuesday and Wednesday, April 11-12, 2018, and consider waiving certain fees associated with the circus performances due to the circus being co-

sponsored by Holiday in the Park and upon Carson & Barnes' agreement to pay Holiday in the Park a portion of ticket sales. Exhibits: Standard Elmer Thomas Park lease agreement on file in the City Clerk's office.

5. Consider approving an extension of the current agreement between the City of Lawton and Delta Nutrition for the operation of a nutrition program at the H.C. King and Patterson Centers. Exhibits: Contract Extension.
6. Consider adopting a resolution amending City of Lawton FY 17-18 budget, as amended, by appropriating eighty thousand dollars (\$80,000.00) from the Fund Thirty-Five (35) fund balance into the Neighborhood Services Abatement & Demolition account (Acct. # 035-0097-000-00-02311099). Exhibits: Resolution 18-\_\_.

Tanner stated he had several constituents call and ask about this item and they were curious about what Fund 35 was and the way it was written it sounds like all we could use the money for was mowing grass, etc. He told them he believed we could use these funds for abating about any issue. He requested that the new neighborhood services supervisor explain what can be done with this Fund 35.

Brock Greenhill, Neighborhood Services Supervisor, stated that Fund 35 started in 2014. As money was coming back into the city from abatements and demolitions, as people paid those fees the money was going back into the general fund. This was created specifically for neighborhood services as a fund that they could utilize for demolition and abatement. That is the only thing this money can be used for.

**MOVED** by Tanner **SECOND** by Burk to approve **Resolution 18-12**. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

7. Consider authorizing staff to apply for a grant from Friends of Blue Thumb/Oklahoma Conservation Commission to be used for 2018 Stormwater Speech Contest awards. Exhibits: Friends of Blue Thumb email inviting volunteers to apply by February 21, 2018.
8. Consider approving the Change Order #1 to the existing Lawtonka Dam Gate Rehabilitation contract with Timco Blasting & Coating, Inc. Exhibits: Change Order # 1 (on file in the W/WW Office)
9. Consider accepting the Priority #1 Sidewalk Accessibility Project 15-5 SSES located between SW 26<sup>th</sup> Street and SW 27<sup>th</sup> Street on the north side of Lee Boulevard as constructed by Thomas Espinoza, DBA TE Construction Company. Exhibits: None.
10. Consider accepting the East Gore Boulevard Accessible Sidewalk Project SSES 16-3 Phase I and Phase II as constructed by Alfred Espinoza dba A E Construction Company. Exhibits: The Maintenance Bond is on file in the Field Utilities Maintenance & Collection Department's Office.

11. Consider awarding the 2017 CIPP Sewer Liner Project 17-5 SSES contract to Layne Inliner and authorizing the expenditure of Sewer Rehabilitation Program Funds. Exhibits: The Construction Contract and Bid Tabulation are on file in the Field Utilities Maintenance & Construction Office.
12. Consider approving the purchase of one 2017 John Deere 850K WH Crawler Dozer from CL Boyd under statewide contract SW-192, and approving the associated lease/purchase agreement financing from Arvest bank at a rate of 2.60% for same. Exhibits: Quote for above mentioned equipment, Department Recommendation, Lease Purchase Agreement, Schedule of Payments and Financing Costs
13. Consider awarding requirements contract (CL18-016) 12,000 LF 48” Closed Profile PVC Pipe to Ferguson Waterworks of Oklahoma City, Oklahoma. Exhibits: Department Recommendation, Abstract of Bids and Price Sheet.
14. Consider approving appointments to boards and commissions. Exhibits: None.

**Cemetery Board**

Gerald W. Gragg, II  
Existing Member  
03/28/18

**Lakes & Land Commission**

Donald Ryan  
Existing Member  
2/10/21

**Lawton Enhancement Trust Authority**

Joshua Coody  
Ward 4 Representative  
Unexpired Term 06/28/18  
New Member

**Lawton Housing Authority**

Shirley Pearson  
New Member  
Unexpired Term 5/25/19

**Mayors Commission On The Status Of Women**

Charise Walker  
Ward 3  
New Member  
UT 6/29/19

**Museum Of The Great Plains Trust Authority**

Clay Zelbst

At Large

New Member

Unexpired Term 6/30/2019

Jill Ryan

At Large

New Member

06/30/21

**Traffic Commission**

David Means

Existing Member

02/10/21

15. Consider approval of payroll for the periods of January 15 – February 11, 2018.

**OLD BUSINESS ITEMS:**

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

Kelea Fisher, Deputy City Attorney, stated this claim was on the last council meeting and was tabled. Mr. Tovarius Warren appeared on behalf of the claimant and there was some discussion about him contacting the claimant to get additional receipts and to see if she would accept a lesser amount. She stated that staff has not spoken with the claimant nor have they received any additional receipts. She does not see Mr. Warren in attendance and her recommendation remains to deny this claim. There was no history on this line and the City had no notice. On the date in question there was a significant rain event that caused flooding throughout the city and it was not just this line that backed up. She reminded the council that when this claim was originally brought before the council in November of 2017 there were two additional claims, one from the neighbor of this claimant, that were denied for those reasons. She requested the council deny this claim as well.

MOVED by Morford SECOND by Jackson to deny the damage claim of Daisylnn Wright in the amount of \$25,249.52. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

**NEW BUSINESS ITEMS:**

17. Discuss recent acquisition of Fire Department ambulances and their utilization and if necessary provide guidance to staff as appropriate. Exhibits: None

Davis stated the purpose of this item is to first receive a briefing from the fire chief. He has received several requests as to what we are doing buying the ambulances and what is the future with these ambulances and are we getting into the ambulance service. He agendaed this item so that they could have an open discussion and hear what the future plan is with these ambulances.

Chief Dewayne Burk, Lawton Fire Department, stated he inherited an ongoing project which is to steadily increase their ability to provide service to the community in the EMS sector. For

several years they have steadily increased their training like EMT, now they are going to advanced EMT and they have several paramedics. Several years ago a public safety council committee was formed and one of the things they discussed was the EMS portion of the fire department and how things were going. The former fire chief did a study back in the late 90's that discussed fire based EMS. There are many different versions of fire based EMS. It doesn't necessarily mean that it is a fire department running an ambulance, there are different levels of what types of services they could provide. Today they provide EMS service on a first responder type basis where they bring personnel in fire trucks and typically arrive one to several minutes ahead of the existing ambulance. They initiate treatment, patient assessment and do all those things prior to an ambulance getting there. In his professional opinion, that is the direction they need to be steadily moving in. They have experienced difficulties over the years with adequate ambulance response in the community because there are multiple facets that affect the ability to provide service. Historically the fire department has had an integral role in EMS. They have slowly moved the bar a little bit over the years and now they are at the point where they have two ambulances and they are utilizing them for rehab purposes. His intention was to seek out a transport license because even with those ambulances he cannot legally transport his own personnel to the hospital and he is not willing to risk not having an ambulance available, therefore that is why they sought out those ambulances. They are now able to respond an ambulance to every fire call. It is his intention to bring back to council at some point a request to seek out a transport license so that they can transport their own personnel as well as to be able to support the existing ambulance services unless and until this council or the next council decides they want them to go further into the EMS business and get in to running ambulances full time. From day one when he inherited this program, he believes that is the direction they need to be going, but that is 100% a council policy decision and that will fall on the shoulders of the governing body.

Davis stated when they bought the last ambulance the agenda item stated that it was specifically for the safety of the firefighters responding to fire calls. He has asked around about this and one of the things that came to his attention that surprised him was as far as the rehab goes, one of the most important things for the firefighters are that they have a truck with air conditioning or something to cool down. It was told to him that is the biggest safety issue they have is getting cooled down on a hot day fighting a fire. He was told that we have multiple trucks that the air conditioning does not work, which shocks him because we should be able to provide that pretty easily. He questioned if the air conditioners in the trucks do not work properly.

Chief Burk stated at any given time they have multiple rigs that may have air conditioning issues. These are large trucks with many windows and they typically spec out the rigs with the best air conditioners they can get. The latest ones have auxiliary units. They work diligently to maintain the mechanical abilities of those trucks, but they are limited on what they can do. They are going to break down on occasion and sometimes they don't get them fixed as quickly as they would like to.

Davis stated we are currently running this ambulance/rehab unit now.

Chief Burk stated they are running one at this point in time and they are waiting on the radios to install in the other.

Davis questioned if they were pulling guys from trucks in order to put a guy in this rehab unit. On a fire call how many guys would be going on a ladder truck?

Chief Burk stated typically there would be three assigned to the ladder truck. They are limited on staffing, they lost eight personnel back in 2015 and those were on a hazmat rig. The intention at the time was that they were going to utilize those people to staff these units as they move forward. Due to budget issues they were not able to keep those eight positions, so now they are forced to make some difficult decisions. That hazmat rig responded to all structure fires and now they don't have staffing on that so they have to send an additional engine from another to make up the difference in staffing deficiencies. This rehab unit is the responsibility of engine eight, the new fire station and every fire that happens in this town, station eight rolls and they bring the rehab truck with them unless it is in their district in which they would bring the engine company. At some point the intention will be to move those into the main stations where they have multiple companies, specifically the ladder trucks so that they can borrow personnel off of those to supplement the staffing issue and get those rehab units to the scene. He is not comfortable with any of this, but under the circumstances, if he has to deplete any kind of staffing he would rather take it off of a support truck, like a ladder truck, than he would a first end engine. At this point they are utilizing personnel off of existing trucks to make up the difference in the staffing issues.

Davis stated in that scenario, if you pull a guy from a truck, is that truck shut down.

Chief Burk stated not necessarily. It will have limited capabilities. They run the trucks with a minimum staffing level of three and on the ladder truck they are supposed to have five. They run all of the engine companies with three and they are supposed to have at least four. We don't have unlimited funding so they do the best they can. As it stands today, they would pull one or two guys off of a ladder truck to staff that rehab unit in order to get it there and provide those functions. That would allow one person to stay on the truck and it at least remains where it is serviceable and where it can be transported to a scene if needed, and at that point they would have to borrow people from another truck.

Davis questioned if the service we are providing to ourselves on this rehab unit, is it not a drain on our resources meaning personnel.

Chief Burk stated the truck has nothing to do with the drain on personnel. The direction he was given whenever they lost the personnel on the hazmat truck was that they would need to utilize a different engine from somewhere else in the city and pull it in there and maintain our numbers on the fire ground. As it stands, it is a better resource for them to bring that ambulance because it has an climate controlled environment in the back where they can do full scale medical evaluations as opposed to bringing in a fire truck, and NFPA 1584 requires that they have the ability to transport. Based on statistics provided to him by the dispatch center, they had six occurrences last year where they had no ambulances available for structure fire response, which means they cannot meet that standard. Adding these units to their fleet enables them to have the potential, once they get a transport license, to be able to meet that standard and be able to transport their own personnel.

Davis stated at this time there is still no plan to get a transport license other than to bring the request to city council or in any way to enter the ambulance service business other than to provide service to our own fire fighters.

Chief Burk stated his intention is to bring to this body an agenda item that would allow them to seek a transport license at this point in time for purposes of transporting their personnel and to be able to provide a mutual aid benefit to the existing ambulance companies, up until this governing body or next one or the one after that decides they are interested in moving forward with a full blown ambulance service. That may never happen.

Tanner stated he was on the public safety committee and he has heard all this and he has shared this with different citizens and other council members. He stated this dates back to several chiefs before Chief Burk who has been handed this task of fulfilling it. What has been presented so far is that there are times when the local ambulance services can't respond to these fires and it is a need for the fire department to at least be able to take care of its own first responders. The council has agreed thus far with this and we have allowed the purchase of these two ambulances and at this point we already have the ambulances and we can go to these fires but if we need to transport a firefighter we won't have the ability to do that. He has spoken with Kirk's Ambulance service and they have a concern if we fulfill the goal of going full blown into the ambulance business because it will basically put them out of business. He has tried to settle their concerns because right now we just don't have the money to hire the personnel and buy the equipment. He has voted to approve the purchase of these ambulances to support first responders in emergencies and he supports the ability to transport them to the hospital if we need to. Also, on those occasions when the private ambulance companies are not able to respond then we do need, for the safety of our citizens, the ability to respond to these situations and take these citizens to the hospital. In order to do that we will have to come up with some more personnel and that is one of the points that Council Member Davis is possibly trying to make, we don't have the personnel at this point to even manage what we have and we will have to come up with the funds to provide this personnel. A lot of the firefighters are not exactly for this plan, they say they did not sign up in the fire department to work an ambulance. We have some firefighters that are neutral with the idea, but if we are going to do this we need to provide the additional personnel to operate these ambulances. In his opinion, we have come too far to turn back. We need to go ahead and apply for this transport license, get the ability to respond to these fires or emergencies and if one of our first responders needs to be transported to the hospital, we need the ability to take them. He will vote for this proposal when it is brought forth. He is also going to ask the city manager to come up with the money to hire some additional personnel to handle these ambulances. He wants to assure the private ambulance companies that the majority of this council would say that our intention is not to run Kirk's Ambulance out of business, but to provide the fire department with the capability to help their own and to supplement the ambulance service here in Lawton if they are unable to respond. He feels they can get all of this worked out.

Ihler stated from his perspective, he feels that they do need to move forward as it relates to a transport license so we can transport our own. As far as an ambulance service, at this point it has been the position of his office that he would want to see a cost benefit analysis showing it would pay for itself if they were to get into that business. They would not proceed with getting into the

ambulance business other than take care of our own and transport only if the other ambulance companies cannot make the call. It would have to be the direction from the city council to get into the ambulance business.

Chief Burk stated the reason he feels strongly about this is because 451 times last year there were no ambulances available and 89 plus hours they were with no ambulances in the city limits of Lawton. That is a large number. That is why he feels strongly that we need to supplement or figure out a way to assist them or do a better job providing that service. From a fire and EMA professional standpoint, they deal with statistics all the time and that is the reason he feels they need to move forward. At some point this governing body is going to have to make a decision on whether or not that is okay or not okay.

Burk stated to hear that there were 451 instances where we did not have an ambulance is concerning to him and it should be concerning to every citizen. No one can be put out of business if they are doing the job they have to do and providing the service. The City of Lawton is not looking to put someone out of business. He was also on the public safety committee and this was a big concern but the main concern at the time was when we had house fires, they did not want to have to take care of a firefighter in the yard, but they wanted a controlled environment that they could actually put them in and take care of them and be able to transport them if they are hurt. Obviously the job of the fire chief is public safety and to try to point them in the right direction as to what they should be doing as a city, not waiting until they have a major problem and then we can't handle someone. He does not think with two ambulances we are putting anyone out of business but it does give us an opportunity to be able to help. As long as he has been on council no council has said they want to put anyone out of business but to just say that we are covered is very important and it is important to every citizen.

Davis stated it is very common for a municipality to be at zero status and you accumulate those times and add them together and it paints a little bit different picture. They might be at zero status for thirty seconds, so it is not that there were hours of time that no ambulance was available in the city. When fire departments have gotten into the ambulance business the seed money that was used to do that was the money that municipality took that they were paying in subsidy to a private ambulance service to operate within their network. Currently the city of Lawton is one of the very few municipalities that do not pay a subsidy to a private ambulance service to operate within our network. In Broken Arrow, their purpose in starting to handle EMS through the fire department was because they were being charged so much in subsidies to the private ambulance service. He does not want citizens to get the wrong impression because we have two ambulance services here that are providing a great job and not charging the City anything. They respond to all our jail calls and we don't pay them anything for that. They respond currently to the fires that they are called on and they don't get any reimbursement for that so he personally wants to thank the ambulance services that do provide such a great service here and don't try to do it on the backs of the citizens but figure out a way to make a profit and stay viable and provide a good service to us a no charge. The purpose of putting this item on the agenda was to get this out in the open so the citizens know what is going on and to give Chief Burk the chance to state what his professional opinion is and the direction that he is trying to go so that they can have an open discussion about this because if we do get into the ambulance business, as is proven true in every municipality that has done this, it will be at a great cost to the

citizens because we will have to hire quite a bit more personnel and get several more ambulances if we end up in the full blown ambulance service. He is all for providing the security to our firefighters knowing we have our ambulance and they can respond to calls with the fire truck. He feels that sounds like a great idea and that is the reason he voted to buy the ambulance. Personally that is where he wants to see it stop. He would like to make reference to the public safety transport committee that was formed. That committee was formed by ordinance and that committee is not functional right now because there is basically nobody on it anymore. There are supposed to be representatives from all the ambulance services, hospital, physicians, etc. he would like the council to consider reforming that committee and getting it set up pretty quickly for this purpose.

Mayor Fitch stated they need to go back and look at the ordinance and restructure it and align it with the changes that have taken place. He stated staff is going to look at it and come back with a plan. He stated there is a public safety committee and also there is this committee formed by ordinance. He stated the public safety committee was made up of Council Member Tanner and the three council members that are no longer here. He would like to have volunteers to fill the public safety committee along with Council Member Tanner.

Warren, Johnson and Fortenbaugh volunteered to sit on the public safety committee.

Mike Cornish, citizen, questioned how many injuries or occurrences that we have had to have an ambulance on call for firefighters.

Mayor Fitch stated Chief Burk would have to answer that question.

Mr. Cornish questioned how much we have spent for ambulances.

Mayor Fitch stated the council approved the purchase but he is not sure of the amount.

Mr. Cornish stated these were strictly for the firefighters and it seems like if the city taxpayers are going to support it, it ought to be expanded or eliminated. They need to know the injuries for the firefighters that have been injured in the past five years to justify the cost and added expense to the tax rolls. The council furloughed general employees last year because there was no money to pay them, but yet they bought ambulances for a select few. What will keep the police department from wanting their own medical team. They need to account for the actual general employees and not a select few. He wants to know the real statistics. He has a hard time believing that an ambulance was not available 459 times.

Mayor Fitch stated these were incidents where zero ambulances were available. He suggested Mr. Cornish set up a meeting with Chief Burk to address some of these questions. He does not think that the council can answer these questions.

Davis stated that is the very purpose for the request to form the committee to look into this. Those committee members will look into this type of data research to justify this.

Mr. Cornish stated it will take more fuel, manpower and money.

Davis stated these committee meetings will be open to the public and that is exactly what they will look at.

18. Consider forming a Charter review committee to study and make recommendations to the City Council on proposed changes to the City Charter, including a prior proposal authorizing City employee residency requirements, and set parameters for the committee to include (1) criteria for appointment of members of the committee (2) the scope of the committee's review (3) a timeline for completion of the committee's work (4) assigning City staff to assist the committee (5) conducting the meetings under the Open Meeting Act, and (6) other parameters desired by the Council. Exhibit: None.

Mayor Fitch stated in years past they have formed a charter review committee and they have had citizens on that committee and it has been one citizen from all eight wards. Each council member would select a person from their ward to serve on this committee and he would also be able to make an appointment. He would like to see the council proceed with this plan and then at the next council meeting each council member would bring back the issues they would like to see the committee get into.

Tanner stated he has four citizens in ward five that have volunteered to be on this citizens committee so he thinks the more citizens that want to be involved, they should not just limit it to just one citizen because the citizen he appoints is probably going to mirror the point of view that he has as closely as possible. The more citizens they have from each ward the better off they are. The process they used with the last charter review was similar to the process they have now. Each council member brought forth their idea based on discussions with the citizens of what they thought needed to be updated on the charter and they had open meetings and citizens from all wards can come and speak for or against. He would propose that they do this charter review exactly like they did last time where it is just an open format and that way they don't just limit it to one citizen from each ward. Last time it worked very well and he does not see why it wouldn't work in this instance.

Warren stated the way it was done last time was not the way it has been done in all the previous times. The purpose of the charter review, as far as he understands it, is to allow the citizens to actually have control and that is the citizen's opportunity to force, publically, the council to do something. The council does not have to vote for that, but they have the opportunity to publicly do that. In the past it has been citizens that bring the items to the council. The council is free to show up at these meetings and offer suggestions but it is citizens that bring these items to the council and the council approves them. He stated he does feel it needs to be made up of the citizens of Lawton because the things they change or don't change in the charter are things they force the council to abide by. They are not allowing the council to change things from one meeting to the next, these are hard fast rules that the citizens have put on the council to follow. He would like to see citizens control this.

Mayor Fitch stated when there were nine representatives from the city, the citizens had the opportunity to come and address their opinions. He has sat on boards where there are 15, 20, or 30 people and the more people you get, the less functional they are and the less attendance you have. The citizens will come and address their concerns.

Tanner stated he is all for citizen involvement, but if you just appoint one citizen from your ward, more than likely they will mirror your viewpoint. The more open the process, the council members, based off the discussion with citizens in their ward, are bringing forth something that the citizens want to have done. You can't have a larger citizen committee than sending whatever proposal you have out to a vote of the people.

Mayor Fitch stated you have a charter review committee of nine people and they are listening to the citizens of Lawton and they will come up with things that they will bring back to the council for open discussion. Every council member here will have the opportunity to say what they have and have not addressed and all those things will be voted on by the council before it goes to a vote of the people.

Tanner stated he wants to set residency requirements for the top level city administrators that actually govern the city. About 80% of the agenda items tonight were agended by city administrators and that has always been one of his points of discussion, that the city administrators help create and enforce policy and they oversee public safety. Now there is nothing in the city charter that gives them the ability to mandate residency requirements. He just wants the ultimate citizens committee to decide if they want the police chief to live in their city. Do they want the assistant city manager living in their city. He has even compromised, can we at least get them to live within a certain radius. Based on their critical position, we may need them to respond in a certain amount of time if we have an emergency. Let the citizens decide.

Burk stated they voted at the last meeting that they would do a committee and that is what this is about. When they citizens were in control, they had people come and fill the audience and give their opinions on what they wanted to see and what they wanted changed. Everyone got a chance to speak and that committee made recommendations back to the council and told about all the different things that had come up during their meetings and the council decided what would go on the ballot. There is no difference here today, they would set this up with the nine people and move forward from here.

Tanner stated he thought they were discussing how to formulate this citizen review committee and he was just putting in his opinion on how this should be formed. If they just appoint one citizen that citizen will probably reflect his views, so what is the point of appointing the citizen if it reflects your views. Why don't they just reflect their own views up here on the council floor and let citizens show up like they are doing now and give their input.

Burk stated the proposal is that they will set up this committee as they agreed at the last meeting. He does not know what the conversation is about.

Tanner stated the conversation is how this committee will be set up.

Mayor Fitch stated they can set up the committee tonight and then come up with the areas the council wants to see addressed within this committee and bring those back at the next council meeting.

Burk stated he is ready to appoint his person.

Tanner stated he has four people.

Mayor Fitch stated you get one.

Tanner stated he thought the council was going to decide.

Burk stated you get one. The Mayor said there will be nine people.

Davis stated this item stated to form the committee and then set parameters for the committee to include. If they form this committee they then need to set the parameters such as how many citizens would be appointed, how it would operate, the priority which they would take requests from council members or other citizens to review changes to the charter, timelines in getting those recommendations back to the council and other things. He questioned if he is understanding this agenda item correctly.

Mayor Fitch stated they go ahead and set it up with nine and then they will come back and confirm that and then they can set parameters for the committee to include criteria for appointment of members of the committee then they can come back and if Mr. Tanner wants fifteen people so that he gets fifteen votes to get what he wants on the ballot then everybody else gets fifteen people.

Tanner stated he would settle for the four citizens that volunteered to step up and be on this committee. These folks have nominated themselves.

Mayor Fitch stated if Mr. Tanner wants four or five then every council member will also have four or five.

Tanner stated they could just do it the way they did it last time, right here on the floor, have the citizens show up and they will discuss the issues and vote on it.

Davis stated this would not exclude currently the way the council could vote a charter change without burdening a committee with reviewing it.

Mayor Fitch stated that is correct.

Davis stated he was the only dissenting vote on this committee. The most inclusive committee they could have is a vote of the citizens of Lawton. All that they are doing is voting to send something out to let the citizens vote on it. That is literally the most inclusive that they could possibly be, if they want to know how the citizens feel about something, then let them vote on it regardless of their own feelings on it. He knows there are multiple council people that have multiple charter changes that they want to see and he sees that they are standing in the way of the citizens being allowed to vote on something. The citizens voted for us to represent them, they didn't vote for us to set somebody else up that they did not vote for, to represent them. To him, this just adds another burden and another inhibitor to allowing citizens to vote on something. He is for many citizen council committees, but to set up a committee to decide whether or not they are going to let citizens to vote on something.

Mayor Fitch stated they will set up a citizens committee to put all this charter review together and they will have input from citizens. They will come back with a recommendation to the council and the council can add to it, they can delete it, it will be the council's decision on what will go on the ballot.

Tanner stated citizens don't show up to council meetings, why would they show up to these committee meetings.

Jensen stated the most important the criteria listed in the agenda item is the timeline. If they want to have any kind of election in December, the resolution has to be at the election board on August 22<sup>nd</sup>. Staff cannot draft multiple proposals overnight, in a week or two weeks. He did not draft this agenda item to accomplish everything tonight, but they need to vote on whether or not to form a committee.

MOVED by Tanner SECOND by Davis to deny this item.

SUBSTITUTE MOTION by Burk SECOND by Warren to appoint a nine person committee with one member from every ward and one from the Mayor. AYE: Morford, Jackson, Burk, Warren, Fitch. NAY: Davis, Tanner, Johnson, Fortenbaugh. MOTION CARRIED.

Mayor Fitch requested that the council come back at the next meeting with their appointee and the items they would like to see discussed.

19. Consider endorsing the concept of a permanent farmer's market to be located within the parking area north of the former Wayne Gilley City Hall site and provide direction to staff regarding preparation of an agreement with the Lawton Farmers Market Institute concerning the maintenance and operation of the facility. Exhibits: Proposed building renderings and Conceptual plan for downtown event park.

Burk stated he really supports this and he feels it is a great idea.

Mayor Fitch stated this is a great project.

MOVED by Burk SECOND by Tanner to approve this concept and move forward. AYE: Morford, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

20. Consider reducing or eliminating the sidewalk requirement for the property located at 1530 SW 52<sup>nd</sup> 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, Community Services Director, stated this item has to do with sidewalks within the city of Lawton. It was brought up by Council Member Johnson because there was a specific property where the property owner felt like the sidewalk requirement was a little unjust. In our

code there are areas where sidewalks are not required. The amount of frontage you have for a single family home on an acre lot is more than if you are buying a house in a subdivision. The city needs sidewalks but they is some credence to looking at this item. The property is 1530 SW 52<sup>nd</sup> Street, which is a two lane road with no curbs.

Johnson stated she looked at the property and from Lee to Bishop there are no sidewalks and there is a ditch on the opposite side of the road. She agrees that we do needs sidewalks in Lawton, but this property would have a sidewalk with no connectivity in the near future.

MOVED by Johnson SECOND by Warren to eliminate the sidewalk requirement for the property located at 1530 SW 52<sup>nd</sup> Street.

Warren questioned if they eliminate the requirement will they still ask for a contribution to the fund.

Rogalski stated this item will address this specific property and will direct staff to change the code for council approval that would address this issue across the board. If this property was a regular home fronting Cache Road they would not approve this fee in lieu of because wherever they build that sidewalk, when we build that road we are going to tear it out. Those are areas where we have accepted fee in lieu of. The amount would be based on how the code was directed. If they are in a five acre lot, which would be equivalent to agricultural, you might say there is no fee at all if no sidewalk was required. If it was an acre you might say you want half of the fee in lieu which would be equivalent to a subdivision with a sidewalk on one side. This is the kind of direction he is looking for.

Morford questioned if this property was zoned R-1 or agricultural.

Rogalski stated this particular property is zoned commercial. If it was zoned R-1 there would not be a requirement.

Mayor Fitch stated they are only voting on this one particular property.

Rogalski stated he also needs some direction on whether or not the council wants something coming back or not.

Mayor Fitch stated the question is if they should pay the fee in lieu of building a sidewalk.

Warren stated they need to figure out some way to do some kind of fee in lieu of because this is exactly why we are where we are in sidewalks right now. It may be fifteen years until there is a functional sidewalk there, but at some point someone will have to expend the money to do that and we should have some money in a fund to be able to accomplish that.

Tanner stated they are giving a one time variance for this property.

Rogalski stated this item is set up as a single one time variance for this particular property, but he is also asking if the council wants to give direction to staff to amend the code.

Tanner stated the one time variance will take effect when they vote on this tonight and then they will give staff direction to craft something where they can possibly do this again in the future or they could just bring it back to the council every time and ask for a variance.

Warren requested Council Member Johnson to amend her motion to include directing staff to bring back an amended ordinance.

Mayor Fitch stated they are talking about approving this and wanting staff to come back with an amended ordinance. There would be no fee in lieu of.

Morford stated he feels they do need a fee in lieu of because they are going to put in curbs and gutters and a sidewalk will have to be built. He feels they need to pay some percentage.

Davis questioned if the funds in lieu of are only to be spent on sidewalks.

Rogalski stated yes. The fee goes into a special fund that is specifically used only for sidewalks. They have used it a couple of times for short sidewalks to some bus stops for some people who had accessibility issues.

Burk stated the money in lieu of is very important because they don't want to get on a slippery slope they used to be on where they did not require sidewalks to be built in areas and we had a huge mess. That is why we have all these areas with gaps where there are no sidewalks. We need sidewalks and our citizens demand that we have sidewalks. There needs to be some money in lieu of so we can have those connecting pieces fit back in otherwise we won't have the funds to do that.

Johnson stated she does not see that connectivity on this street happening anytime soon. She stated the council can table this and she can talk to the property owner about a fee in lieu of, but in her opinion, in this area there is not a lot of foot traffic.

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

#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

J.I. Johnson, Finance Director, presented revenue and expenditure highlights for period ending September 30, 2017. (On file in the City Clerk's office).

Johnson stated on February 27<sup>th</sup> from 4 – 6 p.m. at Great Plains Technology Center, Building 300 there will be a community resource fair and it is free to the community. There will be about 20-25 community resources in attendance.

Fortenbaugh stated on Monday, February 19<sup>th</sup> the road crews will be tearing up west Gore to redo the worst part of that road and no traffic will be able to go through. He stated it will take approximately 30 days, but they will have a brand new stretch of road.

Ihler stated that the Oklahoma Municipal League will be coming to Lawton for some training on parliamentary procedures. The potential dates will be March 19, 23, 26 or 30.

Tanner questioned the time of day.

Ihler stated it will be held at 1 p.m.

Mayor Fitch suggested the city manager get with OML to choose a date.

There being no further business to consider, the meeting adjourned at 7:52 p.m. upon motion, second and roll call vote.

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FRED L. FITCH, MAYOR

ATTEST:

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TRACI HUSHBECK, CITY CLERK