MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
NOVEMBER 15, 2022 – 2:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:
Michael Cleghorn, City Manager
John Ratliff, City Attorney
Traci Hushbeck, City Clerk

Mayor Booker called the meeting to order at 2:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. Bill Schneider, St. John Lutheran Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:
Mary Ann Hankins, Ward One
Kelly Harris, Ward Two
Linda Chapman, Ward Three
Jay Burk, Ward Four
Allan Hampton, Ward Five
Sean Fortenbaugh, Ward Six
Onreka Johnson, Ward Seven (arrived @ 2:29 p.m.)
Randy Warren, Ward Eight

ABSENT: None

PROCLAMATIONS:

Outstanding Citizen of the Month to Vincent Mesco

Mayor Booker presented a Certificate of Commendation from the Mayor's Office to Vincent Mesco

Junior League of Lawton's 75th Anniversary

Mayor Booker proclaimed November 15, 2022, as Junior League of Lawton's 75th Anniversary

Extra Mile Heroes recipients: Chance Harmon, Jose' Andres Olivo and Kay Love

Mayor Booker proclaimed November 1, 2022, as Extra Mile Day and provided special recognition to Chance Harmon, Jose' Andres Olivo and Kay Love.

AUDIENCE PARTICIPATION:

Brad Cooksey, President of the Lawton Economic Development Foundation, presented the council copies of Jay Garner's book "Economic Development is Still Not For Amateurs", which addresses the importance of teamwork.

REPORTS: MAYOR/CITY COUNCIL

Mayor Booker stated the council established a committee to work on the processes of license and permit and that is so import to the economic development factor in speed to market. He feels they need to talk about a dedicated funding source for economic and industrial development.

Warren reminded everyone to keep their property maintained.

Fortenbaugh commended the Lawton Fire Department who responded to a call at his home.

Hampton reminded everyone that the Great American Smoke Out is on Thursday. He commended Council Member Johnson and Sandy Foster who put together our policy.

Burk commended PSO who are replacing all the lights across town and it make everything look cleaner and brighter. He praised the Holiday in the Park committee for all their hard work to get ready for the parade on November 19th.

Chapman encouraged everyone to mow and edge those areas with sidewalks.

Harris thanked staff who came to his aid at the last meeting.

CONSENT AGENDA:

MOVED by Warren SECOND by Chapman to approve the consent agenda. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider adopting a resolution approving the joint petition settlement and making payments in the amount of $15,000.00 in the workers' compensation claim of Clinton Kizarr. **Resolution 22-202**

2. Consider approving, subject to the approval of the Lawton Youth Sports Trust Authority at its November 10, 2022, meeting, a lease agreement between the City of Lawton and Lawton Youth Sports Trust authority for the Lease of Land and Agreement for Use of a portion of Eastside Park and authorize the Mayor and City Clerk to execute said lease agreement

3. Consider approving a resolution amending the City of Lawton FY22-23 budget, as amended, by appropriating $8,187.44 to the Lakes Division Repair and Maintenance account from a refund issued by Cotton Electric Co-Op. **Resolution 22-203**

4. Consider extending contract CL21-013 Heavy Equipment Service & Parts to C.L. Boyd of Lawton, OK, for an additional year.

BUSINESS ITEMS:

Mayor Booker stated the council will consider item #7.

7. Consider receiving an update from staff concerning the research on the potential sale or use of approximately 92.5 acres (aka tract of E-10) of land located on the West side of Lake Ellsworth and direct staff on further action as necessary. Include an update on the appraisal process and the obtaining of the Attorney General's opinion. Additionally, receive and update on the anticipated completion of the Lakes Master Plan.

Dewayne Burk, Deputy City Manager, stated council directed staff to obtain an appraisal for the potential sale of the property. He provided a summary of the preliminary market appraisal by Kelly Hurt from the Land Doctors, Inc. (Appraisal is on file in the City Clerk's office). He valued the property in the range of $25,000 to $40,000 an acre. He stated they are having an appraisal done by a certified appraiser and it should be completed in January or February.

Warren questioned if Mr. Hurt was privy to the information in the state statute that states this property cannot be built on and no agriculture can be done on that property.

D. Burk stated he did not cover that information, but, with his credentials, he feels he should be aware of it. He will make sure that is covered in the final report.

Warren stated that will make a big difference and they need to know that information.

Ratliff stated he has an appointment tomorrow with the Oklahoma Assistant Solicitor General from the Attorney General's Office that will hopefully give an opinion on this matter. There was some discussion whether the statute applied to the given situation.

Fortenbaugh questioned if Mr. Hurt was a licensed appraiser.

D. Burk stated he was at one time, but now he is a broker. He stated as part of the process he pulled similar comps in order to arrive at this amount.

Mayor Booker questioned if the council wanted to wait until the appraisal comes in before bringing this back to council.

Warren stated he would like to have a report at the next meeting from the City Attorney after he speaks to the Attorney General's office. He would also like to know if Mr. Hurt considered state statute when he made this report.

5. Hold a public hearing and adopt a resolution declaring the structures located at 1808 NW Irwin Avenue, 1814 NW Irwin Avenue, 2003 NW Smith Avenue, 2004 NW Smith Avenue, 2123 NW Pollard Avenue, 2148 NW Smith Avenue, 2217 NW Pollard Avenue **(Stricken)**, 2316 NW 28th Street, 4510 SW K Avenue, 4555 SW G Avenue, 4603 SW H Avenue, 7604 NW Baldwin Avenue **(Stricken)**, to be dilapidated pursuant to Section 6-5-1 Lawton City Code, ordering the owner to abate the nuisance, authorizing summary abatement, and authorizing the City Attorney to commence legal action in District Court to abate the nuisance.

<u>1808 NW Irwin Avenue</u>

Charlotte Brown, Acting Community Services Director, reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Brown presented photographs of the property. Utilities are inactive.

PUBLIC HEARING OPENED.

Kien Miller, 502 NW Quanah Road, stated she is the owner and she has someone who would like to buy the property and she requested additional time.

PUBLIC HEARING CLOSED.

<u>MOVED by Harris SECOND by Burk</u>, to approve **Resolution 22-204** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

<u>1814 NW Irwin Avenue</u>

Brown reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Brown presented photographs of the property. Utilities are inactive.

PUBLIC HEARING OPENED.

Jim Richie, Oklahoma City, stated he represents the owner of the property. He stated they have contractors that will assess the property. He stated the owner plans on leaving it unoccupied and he questioned if that would be a problem.

Brown stated it will be fine as long as the property is brought up to code.

PUBLIC HEARING CLOSED.

<u>MOVED by Harris SECOND by Burk</u>, to approve **Resolution 22-205** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

<u>2003 NW Smith Avenue</u>

Brown reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Brown presented photographs of the property. Utilities are inactive.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

Harris stated this property looks to be in better condition than most of these properties. He questioned if it was because the windows were boarded up.

Brown stated that state statute states that if the windows are boarded up more than six months then we are allowed to declare it dilapidated.

Harris stated he is not comfortable putting this on the D&D list just yet.

Burk stated the neighbors do not want to live next door to this property and if they leave it off the list, the neighbors will be upset.

MOVED by Warren SECOND by Hankins, to approve **Resolution 22-206** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution.

SUBSTITUTE MOTION by Harris, to continue the public hearing on this matter to next meeting. (Motion died due to a lack of a second)

VOTE ON THE ORIGINAL MOTION: AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: Harris. MOTION CARRIED.

2004 NW Smith Avenue

Brown reported the property is in probate.

Ratliff stated if the property is going through the probate process, they should not destroy it.

PUBLIC HEARING OPENED.

MOVED by Harris SECOND by Burk, to continue the public hearing to December 13, 2022. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

2123 NW Pollard Avenue

Brown reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Brown presented photographs of the property. Utilities are inactive.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Hankins SECOND by Burk, to approve **Resolution 22-207** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

2148 NW Smith Avenue

Brown reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Brown presented photographs of the property. Utilities are inactive.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Hankins SECOND by Chapman, to approve **Resolution 22-208** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

2316 NW 28th Street

Brown reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Brown presented photographs of the property. Utilities are inactive.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Hankins SECOND by Harris, to approve **Resolution 22-209** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

4510 SW K Avenue

Brown reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Brown presented photographs of the property. Utilities are inactive.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Chapman SECOND by Burk, to approve **Resolution 22-210** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

4555 SW G Avenue

Brown reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Brown presented photographs of the property. Utilities are inactive.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Chapman SECOND by Burk, to approve **Resolution 22-211** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

4603 SW H Avenue

Brown reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. Brown presented photographs of the property.

PUBLIC HEARING OPENED.

Gabriel, 1002 SW --- Avenue, stated he is representing the owner. He stated there is progress being made on the property. He stated they are going to pull permits for electrical work.

PUBLIC HEARING CLOSED.

MOVED by Chapman SECOND by Burk, to approve **Resolution 22-212** declaring the structure/s on the property a dilapidated public nuisance and authorize the abatement thereof as set forth in the resolution. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

6. Discuss the sale of treated water outside of the city limits, consider whether to approve a resolution lifting the moratorium, approve revisions to Council Policy 5-2, and direct staff as necessary.

Fortenbaugh stated it has been over a year since we have been able to sell water meters to those outside city limits. He would like to move this along. He stated staff has made progress on the policy.

Ratliff stated staff has not completed the utility billing piece of this and they need to make sure that internally they are good with what we are charging. He would hate to see us charge an outside water sales district more than we are allowed to in accordance with the settlement just because we didn’t have a good idea of who we are charging what and then we violate the provisions of the settlement. That is his concern with moving forward on this item now.

Burk stated people are building in other communities because they can’t use our water supply. He stated we need to figure out a way to make this work because we make money off of water.

Hampton stated he would like to make a motion that we try to get this part done by the December 13th meeting and give the council a report on what is left to get this completed. This has been going on for too long and they need to get this lifted.

MOVED by Hampton SECOND by Warren, to direct staff to complete this and bring it back to council at the December 13, 2022, meeting. AYE: Hankins, Harris, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

8. Receive a presentation on funding loan opportunities administered by the US Environmental Protection Agency (EPA) under the Water Infrastructure Finance and Innovation Act (WIFIA) and provide direction to staff if Council's desire to proceed with application process. **STRICKEN**

9. Presentation and discussion of new utility billing plan moving from 20 billing cycles to 4 billing cycles as recommended in the Novak Report.

Joe Don Dunham, Finance Director, briefed the council on proposed utility billing plan.

Johnson questioned if there would be a notification on the utility bill.

Dunham stated it would appear on the bill and they will also post on social media. They will use everything in their power to make sure citizens are informed. This will not take effect until January 1st.

Chapman questioned if this would affect those who have automatic withdrawal.

Dunham stated that part of the bill will not change. The draft date is set automatically when they run the bills.

Hampton questioned if this would be a blanket transition or will it be done in stages.

Dunham stated they will move to four cycles a month in January, but it will be staggered throughout the month.

10. Consider an ordinance pertaining to administration amending Section 2-3-11-370 and Section 2-3-11-371, both within Division 2-3-11, Article 2-3, Chapter 2, Lawton City Code 2015, relating to the Capital Improvement Advisory Committee by expanding on the duties and terms of office for the Committee, providing for severability and establishing an effective date.

Mayor Booker stated he would like some feedback on this item. He stated this committee has not been acting in the way it was designed. It was designed to come before the council and make a report and say they have reviewed the way the money was spent and that it does line up with the way the citizens were told with the CIP. The point is to develop public trust. He suggested they add a person from the legal, financial and business community to the committee to ensure they have that expertise on the committee that they may not get from ward appointments. He is looking for some feedback.

Warren stated when this was formed, the idea was that the committee would look at the numbers and the projects and approve and present to the council. He does like the idea of adding professionals and also keeping citizens involved.

Fortenbaugh suggested they meet on a regular basis.

Hampton stated they need to have someone on that committee that knows numbers and some one with a legal background. Any type of oversite will be good.

Chapman stated this committee was supposed to be meeting quarterly.

Cleghorn stated there has been some challenges with getting the capital improvement management portal up and operational coupled with trying to mesh the financials with what was happening with the capital projects. He stated they are getting close to being able to bring the committee together and start providing them with accurate data so they can make recommendations to the committee. There are several types of money that will go through that capital improvement program and be monitored.

Mayor Booker questioned what types of money.

Cleghorn stated there are different monies and how they are spent. For example, grant monies from the federal side require special oversite.

Mayor Booker stated they have been trying to get the right financial information since January, but it does create some concern and he suggested our internal auditor audit the full CIP program and make a presentation to the council.

Cleghorn stated the internal auditor has looked at the CIP and that is how we got more accurate numbers to begin the spreadsheet process that our finance director has been working on.

Dunham stated the auditor started the reports in February. Since that time so many projects have been added and he is afraid that he would have to start over because he has been out of the loop. He may be able to do something in conjunction with the city-wide audit and he may be able to verify numbers that we have.

Mayor Booker suggested he meet with the internal auditor and figure out a pathway forward.

Burk suggested that the internal auditor be added as an ad hoc, because they will keep up with our books all the way along and they will be at every single meeting.

Hankins suggested that committees are explained at the Citizen's Academy.

Mayor Booker suggested that each committee review their duties at the first meeting of every year.

Cleghorn stated that staff will contact the internal auditor to see if we can amend his scope of work to include providing services to the CIP committee.

Mayor Booker questioned if they still need the additional positions if they add the internal auditor. He suggested they just add one at large position with someone from the legal field.

11. Receive the organizational leadership assessment findings of consultant Kyle Killingsworth and take any action Council deems appropriate. **(This item was addressed after the reports)**

STAFF REPORTS:

<u>Report from Parks and Recreation Department</u>

Christine James, Parks and Recreation Director, updated the status on the Lakes Master Plan. She stated that Halff and Associates will give a detailed presentation at the December 6th council meeting. She stated they will also bring two task orders to council on December 6th for the Aquatics Master Plan.

Fortenbaugh questioned the status of the leases at School House Slough.

Dewayne Burk, Deputy City Manager, stated staff has been working with the current concessionaire to obtain a list of all the leases. He stated the City Council authorized a temporary lease agreement. They just received the contact information of all 225 leases and they will get a letter drafted and sent to each tenant notifying them of the status of the situation and offering them the opportunity to extend their lease for four-months with a month-to-month extension. Once the master plan is completed, the council can decide what direction they would like to go.

Mayor Booker questioned if this includes the store.

D. Burk stated yes. He stated the lakes staff is prepared to operate in the absence of the concessionaire.

Burk stated they need to get ready to go out for bid to run that store because we don't know how. He stated they need to make sure we have the right numbers and a way to audit this.

Mayor Booker questioned how long we have known that the concessionaire was not going to renew the lease.

D. Burk stated they have been working on this for several months. He stated they anticipated being further along with the master plan so that they could use that as guidance to provide a recommendation. He stated that he was told the current concessioner would be willing to do a month to month, but staff is prepared to collect on the leases.

Mayor Booker questioned if December 31st has always been the date since he gave us notice, then why do we find ourselves within sixty days and we haven't come up with a way to bid out the store. The current concessionaire working on a month-to-month basis is certainly agreeable if you can work something out because he does not want the City of Lawton in the convenience store business.

Fortenbaugh stated the current concessionaire told him that he gave the city notice in February. He worries about staffing and he does not feel that we can manage this because the lease process is just chaotic.

Warren stated the lake should be a recreational area that eventually should pay for itself. If we are going to spend money out there then things are going to be different. It will take millions of dollars to make those two lakes someplace people want to go to. He stated we need to take control of those leases and we need to find someone to run the store until we can get a comprehensive plan and figure out what we want to do with all of these facilities.

Burk stated we need to work this out with everyone as a group and we need to get it right.

Cleghorn stated we did get a late start on the lakes portion of the master plan.

Ratliff stated staff has been diligent in contacting the current concessionaire. They were asking for the leases as far back as August and they finally got the leases yesterday. He stated his office has been tracking it since May but the information has not been forthcoming.

Harris stated the current concessionaire has told him that he could continue on until we get everything transitioned.

Hampton stated there will be some additional meetings and there will be a whole new system for those that are out there.

D. Burk stated there needs to be a lot of clean up and a lot of it has to be fixed.

Mayor Booker questioned if the Elmer Thomas conception drawings master plan and the aquatics master plan will come back to council on December 6th.

James stated just the task orders will come back on December 6th to authorize the spending of the money for those plans.

Mayor Booker stated months ago they talked about having these back by the end of the year and ready to take action.

James stated they just received the task orders from Halff this week.

Mayor Booker stated he is disappointed.

Discuss Crime Statistics/Crime Trends

Chief James Smith, Lawton Police Department, briefed the council on crime statistics.

11. Receive the organizational leadership assessment findings of consultant Kyle Killingsworth and take any action Council deems appropriate.

Kyle Killingsworth stated he was engaged by the council to perform an organizational assessment and a piece of that was about leadership assessment, which is primarily personality driven, so he feels it would be more appropriate to discuss that in executive session as it may relate to job performance and evaluation of individual council employees and their relationship with council. He did discover and identify some organizational inefficiencies and those recommendations will come back at a later date. At a high level, there seems to be a lack of communication among the council and council shying away from having crucial conversations and holding responsible parties accountable. And there seems to be a lack of relationship building activities between the council and council employees. This information will be previewed at a later date.

EXECUTIVE SESSION ITEM:

Ratliff recommended council strike agenda items #12 due to some legal concerns.

12. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Michael Cleghorn as City Manager, and in open session take other action as necessary. **STRICKEN**

There being no further business to consider, the meeting adjourned at 4:35 p.m. upon motion, Second and roll call vote.

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STAN BOOKER, MAYOR

ATTEST:

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TRACI HUSHBECK, CITY CLERK