

City of Lawton

City Council

MINUTES

Lawton City Hall
212 SW 9th Street
Lawton, Oklahoma
73501-3944

Tuesday, April 4, 2023

12:00 PM

**Lawton City Hall
Council Chambers/Auditorium**

Mayor Booker called the meeting to order at 12:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Councilman Hampton, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Mary Ann Hankins, Ward One
Kelly Harris, Ward Two
Linda Chapman, Ward Three
George Gill, Ward Four
Allan Hampton, Ward Five
Onreka Johnson, Ward Seven
Randy Warren, Ward Eight

ABSENT:

Ward Six (vacant)

ALSO PRESENT: Stan Booker, Mayor; John Ratliff, Acting City Manager; Timothy Wilson, Acting City Attorney; Traci Hushbeck, City Clerk

BUSINESS ITEMS:

Mayor Booker said there's been a request to consider business item 2 before business item 1 due to scheduling issues.

2. Consider receiving a report on the current status of the municipal pool and wading pools and giving staff direction for the 2023 summer season. **23-214**

Director Christine James and Deputy Director Mitchell Dooley, Parks & Recreation, gave a presentation on the status of the city's municipal pool and wading pools. A copy of this presentation may be obtained from the City Clerk's Office upon request.

Dooley said 3,834 people visited the municipal pool in 2022. The wading pools had 1,371 visitors in 2022, and the splash pads had 35,560 visitors in 2022.

Dooley said staff takes in revenue only at the municipal pool. Staff collected \$8,395 in revenue at the municipal pool last year. He said the total expenses far exceeded this amount – the total deficit for last year was \$83,201.02. The 2022 revenue breakdown is as follows:

Revenue Breakdown

Gate Fees	\$6,645.00
Rentals	\$1,750.00
<u>Total:</u>	\$8,395.00

Expenses Breakdown

General Maintenance	\$1,515.03
Chemicals	\$10,011.49
Head Lifeguards	\$12,900.85
Lifeguards	\$29,654.50
Attendants	\$31,241.15
Pool Manager	\$6,273.00
<u>Total:</u>	\$91,596.02

Deficit Total

- (\$83,201.02)

Dooley said the municipal pool is in a general state of disrepair. There are issues that need to be addressed, to include the following:

- Filter likely needs replaced
- Benches need refinished
- Deck and pool need new traction paint
- Diving board shouldn't even be touched
- May need pressure testing to find source of water loss

Dooley said the cost estimate to open the municipal pool is as follows:

Cost to Open

Essential

Bench Refinishing (in house, \$125x 12)	\$1,500.00
Plumbing and Aesthetics	\$2,000.00
Filter Media Replacement (\$45x 40 50lbs bags)	\$1,800.00
Diving Board	\$5,000 - \$7,000.00
<u>Total:</u>	\$10,300.00 - \$12,000.00

Likely Needed

Filter Replacement (not possible before Memorial Day due to order lead time)	\$54,980.00
Pressure Testing	\$20,000.00 - \$50,000.00
<u>Total:</u>	\$90,280.00 - \$116,980.00

Dooley said the projected revenue based on averages from last year is as follows:

Revenue (based on averages from last year)

Average Gate Fees (after fee changes)	\$483.00/ week
Open 15 weeks	
Average rentals per week	\$281.75/week
Open 15 weeks	
<u>Total:</u>	\$8,653.75

Operating Costs (does not include opening expenses)

Lifeguard/attendant average	\$4,709.97/week
Lifeguards for 17 weeks	\$80,069.49
Chemicals (budgeted)	\$25,000.00
Maintenance (budgeted)	\$20,000.00
<u>Total:</u>	\$125,069.49
(+/-)	(\$116,415.74)

Operating Costs

Projected Total (not including opening costs)	\$125,069.49
(+/-)	(\$116,415.74)
Opening Cost (not including filter replacement)	\$10,300.00-\$12,000.00
Opening Cost (including filter replacement)	\$65,280.00-\$67,280.00
(+/-) not including filter replacement	(\$126,715.74 - \$128,715.74)
(+/-) including filter replacement	(\$181,349.49 - \$183,715.74)

% Recapture Projected

Industry Standard	50%-70%
Recapture (not including opening cost)	6.92%
Recapture (including opening cost- low)	6.83%
Recapture (including opening cost- high)	4.71%

Potential Savings

- If the pool municipal pool and wading pools stay closed:
- Save a minimum of \$116,415.74 based on projected operating costs and revenues

Parks & Recreation Commission Recommendation

Based on projections of operating costs and potential revenue, current condition, cost to open, and timeline, the commission recommends opening the Municipal pool after making all the necessary repairs but to keep the wading pools closed, and to cut the staff that monitors the Elmer Thomas Park Splash Pad.

Considerations

- A recommendation for a new municipal pool is anticipated with the Aquatics Master Plan that Halff and Associates is working on now
- If we do replace the filter, it could potentially be used for the new pool
- Sunbelt indicates that the structure of the current pool is not the worst he's seen.
- Could be operable again with appropriate investment

Dooley introduced Irven Mcgoohan with Splash Pools and Spa. He said Irven has been a great resource for staff when it comes to the city's pools. Dooley also introduced the Chairman of the Parks & Recreation Commission, Mike Scott.

Mr. Mcgoohan said he has helped city staff with the municipal pool over the years, and it's been leaking for the past 15-20 years. He recommends the city get the pool cleaned up and get it filled and running so staff can assess what the actual problem is. He thinks that depending on what the issue is, the city might be able to fix it in house. Mr. Mcgoohan said he is certain the pool has leaks, but he's not sure exactly where they are just yet.

Mr. Mcgoohan said the wadding pools need to be dumped out and refilled every day to keep them sanitary.

Harris asked how many years the current filter at the municipal pool has been there.

Mr. Mcgoohan said there used to be a larger filter at the municipal pool, but it was changed out approximately 6 or 7 years ago.

Dooley said it's been longer than that.

Harris asked if Mr. Mcgoohan is suggesting the wrong size of filter was used when it was replaced.

Mr. Mcgoohan said it appears so.

Harris said he saw many cracks in the concrete at the municipal pool. He asked if these are fixable.

Mr. Mcgoohan said the cracks are fixable. He doesn't think there's structural damage to the pool. He thinks the leaks are coming from the pipes, and this should be investigated first.

Gill asked if staff or Mr. Mcgoohan have any figures for the investment it would take to get the pool up and running. He said he would think this wouldn't cost anywhere near what it would cost to construct a new pool.

Mr. Mcgoohan said he recommends holding off on the pressure test. He recommends the city get the pool up and running and then determine where the leaks are coming from.

Gill said pressure tests can also cause more problems than the ones that currently existed. Gill asked if staff has encountered issues with vandalism on any of these properties.

Dooley said there have been no issues with vandalism that he knows of at any of the city pools.

Mike Scott, Chairman of the Parks & Recreation Commission, said the Commission's overwhelming issue with closing the municipal pool is that the neighborhood needs it. They feel the city needs to provide for that need. Mr. Scott introduced Jacobi Crowley, who is a fellow member of the Parks & Recreation Commission.

Jacobi Crowley, 7204 NW Hunter Road, said he is the Executive Director for the Boys and Girls Club, and he has been a member of the Parks & Recreation Commission for approximately 8 years. He thinks the pool is a very important investment for the city – nearby citizens and organizations rely on it. Mr. Crowley said the Boys and Girls Club is one of the main organizations that use the municipal pool. He said the municipal pool appeals to a certain age demographic that the splash pads do not. He asked that Council think of the long-term effects closing the pool down would have on the community before making any decisions.

Johnson asked how long it would take to get the municipal pool filled up and get it running.

James said it takes at least overnight to fill the pool. For the filter to work, the pool must be completely full.

Dooley said there will also be prep work that needs to be done before the pool can be filled. Debris needs to be removed from the pool, the walls and floor of the pool need to be cleaned and the filters need to be cleaned. He said this prep work would probably take approximately two weeks.

Johnson asked if staff has thought about reducing the hours of operation at the municipal pool.

James said the pool is closed on Mondays for maintenance. The pool is open from 12:00 p.m. – 8:00 p.m. on Tuesday – Sunday. She noted that staff increased the hours from closing at 6:00 p.m. to closing at 8:00 p.m. last year. Rental hours would be anytime that the pool is not operational to the public.

Gill asked for clarification on what staff is recommending the city do with the municipal pool.

Mayor Booker said it sounds like staff's recommendation is different than Mr. Mcgoohan's

recommendation.

Dooley said the disparity is that two different companies have consulted with Parks & Recreation regarding the municipal pool. Sunbelt pools has recommended pressure testing. Splash Pools and Spas is not recommending pressure testing. However, both companies agree that the filter should be replaced at a minimum.

Dooley said the process to get a pool open is a couple months long. First, staff will clean the pool, fill it, and get it up and running. The cleaning process has already begun. Staff anticipates opening the pool the Saturday before Memorial Day. Dooley said if Council directs staff to replace the filter, the new filter will take approximately 3 months to be delivered.

Mayor Booker said it's his understanding the filter only *likely* needs to be replaced – we aren't 100% sure it's inoperable.

Mr. Mcgoohan said the issue could be one of several things – he won't know if it's broken until they get the pool up and running. However, the filter is more than likely undersized – this will be determined by the flow rate.

Hampton said he recently visited the municipal pool with a few other Council members, staff members and Mr. Mcgoohan. Councilman Fortenbaugh made a list of the following six recommendations:

- Direct staff to open the main pool and both wade pools – not shut them down
- Immediately troubleshoot the water features and get them running by May
- Staff may have to bandaid the current equipment now, but plan to buy new equipment to meet our needs
- All aquatics should be free this year
- Consider hiring an outside expert like Mr. Mcgoohan as a temporary PM for getting the pools open – there is no apparent talent on the staff that can handle this task rapidly
- Consider hiring an Aquatics Supervisor to oversee all aquatics amenities

Warren said from what he can remember, the large filter they had years back needed to be replaced, but that type of filter was no longer being manufactured. He said the city could not afford what was comparable, so they bought a filter that would function enough to get the pool open. Warren said if the pool is not fixed properly, each year it will become progressively worse. He said he thinks the city needs plan. Citizens are traveling to other cities to go to their waterparks. Warren said Lawton has a huge need for a facility where competitive swimming can take place as well as an updated municipal pool. Warren said rather than lowering our rates to where everyone can participate, maybe the city should look at setting the rates higher and discounting the rate to those individuals that aren't able to pay. Otherwise, the municipal pool may become a drain of municipal funds.

Hampton said he recently spoke with the State Historic Preservation Office (SHPO). The SHPO is thinking the city's pools can probably be placed on the National Historic Preservation list, which would include the funding of needed repairs at the pools. He said a meeting has been set up with the SHPO for

them to come down and evaluate the city's pools. A final determination should be made by the end of the month.

Hampton said he thought staff had plans to build a larger aquatics park.

James said that is correct. There are plans to do a new aquatics center in Elmer Thomas Park, and staff is also underway with an Aquatics Master Plan with Halff & Associates. The plans will be coming back to Council for final approval on April 25, 2023.

Hampton said we obviously have to do something to begin to compete with these other cities. He said these pools are relics, and a lot of the pool amenities are outdated. Hampton said he does think the city needs to have some type of aquatics available to the citizens because they pay taxes. He asked if staff's plan is to open the main pool.

Dooley said yes, that is staff's recommendation.

Hampton asked what all aquatics facilities were open last year.

James said staff did eventually get everything open last year. They did have some major repairs done at one of the wading pools, which delayed the opening for that pool.

Hampton said it's his understanding that staff is recommending closing the wading pools this year to save money.

James said that is correct.

Hampton said there are several wading pools in his ward. He was recently at Harmon Park and noticed people using the wading pool. Hampton said he has gotten emails about the 35th Division Park wading pool – he would like to see this wading pool open this year.

Chapman asked if the municipal pool could function this summer without a brand new filter, but doing the necessary improvements that have been suggested.

Mr. Mcgoohan said he won't know until the pool is cleaned out and up and running.

Chapman asked how long it would take for a new filter to be installed.

Mr. Mcgoohan said approximately 3-4 days.

MOTION by Hampton SECOND by Gill, to direct staff to open the main municipal pool and the 35th Division Park wading pool, and direct staff to put together a plan for the future of the main pool. **AYE:** Hankins, Harris, Chapman, Hampton, Johnson, Gill, Warren. **NAY:** None. **MOTION CARRIED**

Gill asked for staff to develop some sort of requirements for families regarding child supervision at the

pools. He said the lack of child supervision is creating problems for the lifeguards and it's a liability issue for the city.

James said staff is working on this.

MOTION by Johnson **SECOND** by Warren, to direct staff to bring back a resolution for Council approval to change the fee for city pools to no fee. **AYE:** Hankins, Harris, Chapman, Hampton, Johnson, Gill, Warren. **NAY:** None. **MOTION CARRIED**

1. Discuss the process under Section C-2-10 of the City Charter to fill the Ward **23-302**
6 Councilmember position being vacated by Councilmember Sean Fortenbaugh effective March 27, 2023, including the manner in which nominations will be made to the City Council.

Timothy Wilson, Acting City Attorney, provided background information on this item. According to Section C-2-10 of the City Charter, "the council, by majority vote of its remaining members, shall fill by appointment, vacancies in the office of mayor and in its own membership until successors are elected for the unexpired term of that office at the next possible municipal election."

Wilson said this is the rule we're under. In looking back of some of the history of this, Wilson said he went back to the last time this provision was in place, which was back in October 2015 when Councilman Stanley Haywood passed away. When that occurred, at that time Council elected to open up for applications individuals who were interested in seeking Mr. Haywood's seat. Wilson said the application process was open for a few weeks, and then a special Council meeting occurred in October 2015, at which point interviews were conducted with the applicants during executive session. When Council came out of executive session, a motion was made to appoint one of the applicants to become the Council member for Mr. Haywood's ward until the next election.

Wilson said if a resolution for the election could be prepared by April 13th, we could have a special election on June 13th. He said this would probably be a bit rushed. It might be better for the Council to consider looking at getting someone appointed after April 13th – this would put us on for the September 12th election. Wilson said this would be our regular election for Councilman Fortenbaugh's seat, which would make the most sense.

Warren said this would be the cleanest and easiest way to do things.

Mayor Booker asked Wilson if the Council would normally direct staff to advertise for applications.

Wilson said the Council could direct staff to open the application process. Anyone interested in applying should fill out a form with Traci Hushbeck, City Clerk. Wilson said Council could also give a deadline for when these applications are to be turned in.

Ratliff said he recommends giving a deadline for the application process. He said the form will be available in the Clerk's Office, and it will also be available on the City's website. He suggested the

application process remain open until April 15th.

Wilson noted that April 15th is a Saturday, but the Council can select whichever deadline they'd like.

Ratliff said he recommends that Council establish a deadline of Friday, April 21st for application submittal. If we receive all of the applications by this date, they can be reviewed in executive session and interviews can occur at the next Council meeting on April 25th.

MOTION by Gill SECOND by Warren, to direct staff to advertise for applications to be submitted for Ward 6 Council seat, with a deadline to receive the applicants in the city office by close of business on April 21st, and Council will review the applications in executive session on April 25th. **AYE:** Hankins, Harris, Chapman, Hampton, Johnson, Gill, Warren. **NAY:** None. **MOTION CARRIED**

3. Have a discussion between City Council, the City Manager, and other staff as **23-314**
necessary over the upcoming budget presentation to include the Hatch Report
on Benchmarking, and take any action deemed necessary.

Mayor Booker said he put this item on the agenda so that the Council could voice their ideas about the budget ahead of the staff's budget recommendation. He said he feels it's always best to provide staff with the Council's expectations before the staff presents, when possible, especially in view of the Hatch report on benchmarking and employee wages being behind the curve.

Mayor Booker said elected officials are representatives of the citizens, and their job can be broken down into two categories – leadership and accountability. The elected officials are here to provide accountability, and we're held accountable everyday by the citizens, and rightful so. Mayor Booker said that while accountability can be uncomfortable, it always makes us better.

Mayor Booker said the Hatch report on efficiency, which was all about transparency to the citizens, benchmarks the next larger three cities and the next smaller three cities in an attempt to see how we're doing on our goal of being the most efficient city in the state. Mayor Booker said we need to dig deeper and make sure we're measuring everything that needs to be measured.

Mayor Booker said certainly the elected officials want to make sure they have all the correct and complete information to make the right decisions for our citizens.

Mayor Booker said it appears that it costs more to live in Lawton than Norman by way of city taxes and utility fees, which is concerning. He said it's the responsibility of elected officials to find out the details of this situation and then report to the citizens with transparency. Mayor Booker noted that utility rates and fees were raised by 15% last year at the request of staff. He said it would be hard for him to vote for a raise in utility rates and/or fees until he better understands the *why* of the difference.

Mayor Booker said there are a couple of compensation surveys floating around. He said each Council member can comment for themselves, but he'd like to ultimately be the highest paying city in the state, and to be increasingly competitive on the way to that goal. Mayor Booker said if we're as far behind as he understands, we're not going to get there in one year. He said a plan to get us caught up has yet to be presented to Council. Mayor Booker noted that it's the staff's responsibility to bring these recommendations – not the elected officials. He said it's also important to note that in the time he's been on Council, Council has not denied any requests concerning pay raises. However, Mayor Booker said

there is indication that we need to look at the number of employees we need to run the city. He said tough decisions will have to be made. Mayor Booker said he does believe the pay scale is affecting operations, but it will have to be brought back up over several years.

Mayor Booker proposed Council make a motion to direct staff to bring back an option for a multiyear plan to maintain the level of service to the citizens, including the materials we buy and the capital expenditures that we reinvest in our budget, and getting the employee compensation to be more competitive. This motion does not limit the staff from bringing other options before the Council.

Warren said we continually hear that we're behind on the employee pay scale, and he knows from experience that the only way to get quality employees is to pay them what they deserve. However, Warren said he doesn't think the city should raise utility rates to balance the budget until proper research has been done.

Johnson said she agrees with Councilman Warren. She said the city should also examine which positions they are lacking.

*Johnson left the meeting at 1:22 p.m.

Hampton said everyone's input will be important moving forward.

Gill said he thinks benchmarking is something the city will have to have, and he thinks it's long overdue.

Chapman said the City of Lawton has limited ability to receive money, and we cannot continue to raise utility fees. The balance of salary needs to equal a person's ability, experience and education. Chapman said she thinks each department needs constant evaluations with the employees to reach these benchmarking goals. She noted that obviously change is needed – doing things the same way every time does not equal success.

Harris said the city must have a vision of what it wants to be. If we want to be a first-class city, sometimes we must pay first-class wages. Harris said to some extent, employees need to get on board with what the Council is doing. He said he is wholeheartedly in favor of getting employees caught up on the pay scale. He wants employees to be as proud of Lawton as he is.

Hankins said she hates when a citizen calls her, and their problem cannot be resolved either for a lack of number of employees or the issue just not being addressed. She said this has been happening to her lately, and it's concerning. Hankins said every business should have some type of outcome measurement. She said she's tired of hearing the negative talk about Lawton, and she's willing to do what she can to help.

Warren said at some point we must get to a place where we don't give raises the way we do now. If an employee isn't meeting their job requirements, they should not be getting a raise.

MOTION by Warren **SECOND** by Gill, to direct staff to bring back an option for a multiyear plan to maintain the level of service to the citizens, including the materials we buy and the capital expenditures that we reinvest in our budget, and getting the employee compensation to be more competitive. **AYE:** Hankins, Harris, Chapman, Hampton, Gill, Warren. **NAY:** None. **MOTION CARRIED**

MOTION by Gill **SECOND** by Hampton, to enter executive session. **AYE:** Hankins, Harris, Chapman,

Hampton, Gill, Warren. **NAY:** None. **MOTION CARRIED**

The Mayor and Council convened in executive session at 1:33 p.m. and reconvened in regular, open session at 2:56 p.m. Roll call reflected all Council members present except Johnson and Harris.

EXECUTIVE SESSION ITEMS:

4. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening **23-301**
in executive session to discuss the pending action in United States District
Court for the Western District of Oklahoma titled Linda Towne and Jeffery
Temple vs. City of Lawton, Case No. CIV-23-251 and if necessary, take
appropriate action in open session.

Wilson read the title of item #4.

MOTION by Hampton **SECOND** by Warren, to retain the Pierce, Couch, Hendrickson, Baysinger & Green, LLP, to represent the City of Lawton in the lawsuit titled Linda Towne and Jeffery Temple vs. City of Lawton, Case No. CIV-23-251-J and authorize the Mayor and City Clerk to execute the retainer agreement. **AYE:** Hankins, Chapman, Hampton, Gill, Warren. **NAY:** None. **MOTION CARRIED**

5. Pursuant to section 307B.1, Title 25, Oklahoma Statutes, consider convening **23-305**
in executive session to discuss particular candidates who have submitted
applications for the position of city manager, and, if necessary, take
appropriate action in open session.

Wilson read the title of item #5. No action was taken on this item.

MOTION by Gill **SECOND** by Hampton, to adjourn the April 4, 2023 meeting. **AYE:** Hankins, Chapman, Hampton, Gill, Warren. **NAY:** None. **MOTION CARRIED**

There being no further business, the meeting adjourned at 2:57 p.m.