

Meeting of 2003-9-23 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
SEPTEMBER 23, 2003 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBERS

ROLL CALL

Mayor Cecil E. Powell,                      Also Present:  
Presiding                                      Larry Mitchell, City Manager  
    John Vincent, City Attorney  
    Melody Cudd, Deputy City Clerk

The meeting was called to order at 6:36 p.m. by Mayor, Cecil E. Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT:                                      Randy Bass, Ward One  
    James Hanna, Ward Two  
    Glenn Devine, Ward Three  
    Amy Ewing-Holmstrom, Ward Four  
    Jeffrey Patton, Ward Six  
    Stanley Haywood, Ward Seven  
    Randy Warren, Ward Eight

ABSENT:                                      Robert Shanklin, Ward Five

\*Shanklin arrived at 6:48 p.m.

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AUDIENCE PARTICIPATION: Anyone having an item of business to present to the City Council that does not appear on the agenda, please come forward at this time.

Raymond McAlister spoke on the International Festival this weekend, Friday September 26, 2003, through Sunday, September 28, 2003, downtown in the Library Plaza and invited everyone to come out.

CONSENT AGENDA: All items approved as recommended except items 4, 5, 9, 10, 12, 13, and 16.

MOVED by Bass, SECOND by Patton, to approve the Consent Agenda items as recommended. AYE: Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

1. Consider accepting a Permanent Utility Easement from Country Hollow Townhouses for the Meadowbrook Creek Local Flood Protection Project, and authorize the Mayor and City Clerk to execute the Permanent Utility Easement. Exhibits: None. The Permanent Utility Easement is on file in the City Clerk's Office.
2. Consider accepting the 2000 CIP Waterline Replacement Project #2001-26 as constructed by S. M. Burk Mechanical Contractors and placing the Maintenance Bond into effect. Exhibits: None.
3. Consider ratifying the action of the Lawton Water Authority to permit PGS Onshore, Inc. to conduct a Geophysical Survey on land owned by the City of Lawton in the vicinity of Lake Ellsworth, accept payment of \$3,412.50 and authorize the Mayor and City Clerk to execute an agreement authorizing PGS Onshore, Inc. to conduct these surveys. Exhibits: None. See Water Authority Agenda for PGS Onshore, Inc. Permit for Geophysical Survey.
4. Consider renewing the agreement between the Board of County Commissioners of Comanche County and the City of Lawton for library service to Comanche county residents living outside the City of Lawton. Exhibits: None. Agreement on file in City Clerk's office.

Bass asked Snider if the County paid all county resident cards for two years. Snider said the library cards were issued for two years and preferred to issue county cards in the same manner.

MOVED by Bass, SECOND by Patton, to approve item. AYE: Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Patton. NAY: None. MOTION CARRIED.

5. Consider approving contracts for School of the Arts, Fall 2003 Semester for Alice Mayer (\$540), Sherri Denning (\$270), Nancy Arnold-Reynolds (\$360), Scott Smith (\$270), Moises Christian (\$90), Mrs. Woody Oliver (\$45), and Lori Franz (\$45) faculty members for the project. Total amount for stipends is \$1,620.00. Exhibits: None. Contracts on file in City Clerk's office.

Vincent said all contracts should be awarded except Alice Mayer and Nancy Arnold-Reynolds which were pulled.

MOVED by Hanna, SECOND by Warren, to approve contracts as recommended by Vincent. AYE: Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Patton, Haywood. NAY: None. MOTION CARRIED.

6. Consider approving contracts for the Co sponsorship Program. Exhibits: None. Contracts on file in the City Clerk's office.

7. Consider authorizing the Mayor to execute the recertification application for the Community Rating System of the National Flood Insurance Program. Exhibits: Annual Progress Report. Recertification Application is on file in City Clerk's office.

8. Consider accepting the sanitary sewerline located along the north side of Quanah Parker Trailway beginning at NW 82<sup>nd</sup> Street running 1,870 feet to the east to serve the Billingsley automobile dealership. Exhibits: Location Map. Escrow Agreement and Maintenance Bond are on file in the City Clerk's Office.

9. Consider a request from property owners along NW Cache Road for the City to construct a waterline along the south side of NW Cache Road from NW 82<sup>nd</sup> Street west approximately 4,000 feet. Exhibits: Location Map; Letter of Request; Memorandum from Public Works Director.

Devine pulled this item for discussion as there were citizens who wished to speak and said the City of Lawton was continually growing and in an effort to grow and bring in new business, these businesses would need water and sewer service, and said Lawton is the only entity to charge for developments. Devine said the City had previously allowed others to tie on to the high pressure line serving Goodyear and said taxes were received from these buildings and developments and asked Council to consider this issue if the intent was for Lawton to grow.

Hanna said the construction of these buildings would bring business to Lawton through employment, purchasing building materials, contractors, and said if Lawton expected to grow Council had to lend a helping hand to developers who were willing to spend their money in Lawton.

Warren said he spoke with the developers of this project and said it was the city's responsibility to provide section line utilities but said he did not know where the \$125,000.00 would come from for the 4,000 feet of 12 waterline. Jerry Ihler, Public Works Director, said he based this cost estimate on past projects the city had bid and was not sure what the cost would be to a private developer. Ihler said the estimated cost for a 12 waterline for the City of Lawton to construct was \$30.00 per foot and thought a private developer could construct this waterline at a lower cost.

Deborah Jones, Assistant Planning Director, said Mr. Merrifield had a one inch service line connected to this main and said Mr. Wilson participated financially but did not recoup his pro rata share. Ihler said Wilson extended a 12 line west off of the 24 line from the corner of 97<sup>th</sup> and Cache Road.

Devine said the 24 line was put in for industrial developments such as Goodyear and the City agreed to maintain a certain pressure for those businesses and he felt the City should do for others as they have done for one. Devine thought this to be a cost sharing effort on the part of the developer and the City.

Shanklin asked for explanation of a forced main and said the pressure is from the water tower and not the pump and said in the past the city could only pump during a certain time to refill the seven million gallon storage tank but in the 1990 CIP a line was built on Rogers Lane over to 67<sup>th</sup> and Atlanta to fill it any time to keep it at seven million gallons. Ihler said the concern was the line between the seven million gallon storage tank and the water tower and the more that line be tapped the less reliability the City had, saying when a line is tapped there becomes a potential for a leak and if a leak happened the line had to be shut down so therefore water would not be pumped to the tower. Ihler said there was always the potential for leaks on any water line, but at each tapped site there was an additional point for a leak to occur. Ihler said one pump at Station One runs all the time. Ihler said the CIP recently expanded the pumping capability of Pump Station One from about 2.9 million gallons per day to 5 million gallons per day and said summer peak demand for the industrial park and Pecan Valley was about 3.3 million gallons per day.

Ihler said the City was on a gravity flow system until Pump Station Four, at Fort Sill near the Fish Hatchery, was built. The pump system was gravity flow feeding the 42 going to the low zone as well as the seven million gallon storage tank and when demands of 17 to 18 million in the City's system, pumps are kicked on at Pump Station Four to supplement water to Lawton. Ihler said from Pump Station One to the elevated storage tower are pressures

greater than 100 in order to fill the tower.

Shanklin asked if any one had tied on to the high pressure line that was pumped from Cache Road. Ihler said there were three properties tied on to this line as far as tapping for an individual property. Ihler said he hoped these individuals had installed a pressure reducing valve on their property.

Mayor asked Council to consider tabling this item for further research and consideration in an effort to identify a funding source. Shanklin asked the number of citizens wanting to tie on to this line at the current time. Ihler said they requested to tap this main with an 8 water line and the dentist office and the church would tap that line on the south side. Ihler said this requested 8 water line should not be tied into any housing addition which would cause cross connection of water lines and said interconnecting would cause the water to go to where the demand was and water from the checkered tower would feed west Lawton instead of the Industrial Park. Ihler said one fear was the more this line was tapped the greater the potential for water leaks.

Bass asked to hear from the individuals requesting this line be installed.

Chris Stephens, Pastor, Dayspring Community Church, said his willingness is to participate in a position that is fair and right to work with the City and the intent was to tap the water line the citizens of Lawton own on the north side of Cache Road and pay the necessary fees required and later had discovered the City does not desire further taps on that particular line. Bass said the City did not have the funds to construct a new water line and asked how the church planned to participate in the cost of the construction of a new water line. Stephens was unable to commit to cost sharing for the construction of the new water line. Bass suggested this item be tabled and asked Stephens be prepared to bring his participation suggestions back at a later meeting.

MOVED by Bass, to table this item pending research and further review.

Jim Easton, said he had planned a housing development on 300 acres of the property at this location and said there was an available water line coming across the property, but to grid and loop water lines around he needed water to come in from the north side in order to do what is necessary. Easton said it was disheartening to know water was available, but not really available, and felt if lines were not available to the development, the City should provide a line that would be available. Easton said he was prepared to assist in the construction of the new line as best as could be expected.

Ewing-Holmstrom asked the line footage of the requested water line and what the projected cost would be for construction. Ihler said in the beginning the footage was estimated at 2,200 feet and had been increased to 4,000 feet to the cemetery, and at 4,000 feet, using figures from the past bids of 12 water line, would cost somewhere around \$120,000.00 if bid by the City; however, if the developers constructed the line and the City participated, the cost would be less. Ihler said another thing to consider, where major arterials were being widened, the City is finding they had to relocate water lines and whatever size and material placed in the ground the City only had a 33 foot statutory right-of-way, so another part of negotiations on this construction should be the consideration of right-of-way to install a new water line and said PVC pipe is expected to last one hundred years, and in the future when Cache Road needs to be widened, the City does not want to be out the expense of relocating this new water line.

Mayor Powell asked if these four representatives own all the frontage where the water line would be placed.

Patton said he did not know the owners of this frontage and said there would be a lot of development in this area and these are just the first of many to come to the City making their request and said the City should find a way to solve this issue to ensure future development. Ihler said another issue was the amount of water being taken away from the Industrial Park.

Jones said the Wolfe family owned substantial frontage in this location and Mayhall asked that no decision be made at this meeting that would force his client to give right-of-way without knowing the exact purpose. Jones said property owners could be identified on the frontage and letters would be sent notifying them of the intent.

Bass asked Ihler if there was a current provision in the Code restricting the high pressure line from being tapped. Ihler was not aware of any restrictions.

Devine said he agreed with Engineering not to tap the high pressure line but said an effort needed to be agreed upon to install a main along the south side of Cache Road eliminating the need to tap the high pressure line.

SECOND by Devine, to table this item for further research and review.

VOTE ON MOTION: AYE: Bass, Hanna, Devine, Ewing-Holmstrom, Patton, Haywood, Warren, Shanklin. NAY: None.  
MOTION CARRIED.

Ihler said when this was considered for the dentist and the church the 12 was needed to provide fire flow and said Engineering would put on the model and look at what needed to be done to loop a complete system for a housing

development and a line size would be determined at that point.

10. Consider accepting water and sewer improvements, a utility easement, and maintenance bonds for Lowe's Home Center at NW 47<sup>th</sup> Street and Cache Road. Exhibits: Location Map. Easement and Maintenance Bonds on file in City Clerk's Office.

Bass asked for clarification on the street of the location of Lowe's. The correct street is 47<sup>th</sup> Street. An error was made by the Acting City Clerk on the original agenda and was corrected the next day.

MOVED by Bass, SECOND by Warren, to approve item 10 as corrected. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. OUT: Hanna. MOTION CARRIED.

11. Consider approving the construction plat for Silver Creek Patio Homes Addition. Exhibits: Plat Map.

12. Consider entering into agreements with Christian Family Counseling Center, Inc., and Hospice of Lawton Area, Inc., to carry out CDBG projects authorized in the City of Lawton Consolidated One-Year Action Plan for FFY 2003 (July 1, 2003 thru June 230, 2004) and authorizing the Mayor and City Clerk to execute the agreements. Exhibits: None. The Consolidated One-Year Action Plan and the agreements are on file in the City Clerk's Office.

13. Consider approving an agreement with the Northside Chamber of Commerce, Inc. to conduct the Minority Small Business Development Project authorized by the Lawton City Council on April 26, 2003, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: None. The Consolidated One-Year Action Plan for FFY 2003 is on file in the City Clerk's Office.

14. Consider ratifying the action of the City Attorney and City Manager in not making an appeal in the Workers Compensation case of N. Joan Bias in the Workers Compensation Court, Case No. 2003-05545-X. Exhibits: None.

15. Consider approving the following contract extensions: Cellular Telephone Service (CL03-029) with US Cellular; Rental Equipment (CL02-026) with CL Boyd Company, Inc., and Hydraulic Root Saws (CL02-021) with Sewer Equipment Company of America.

16. Consider awarding contract for Pavilion (CL04-012).

Vincent said items 12, 13, and 16, involved CDBG funds of which Haywood could not vote.

MOVED by Devine, SECOND by Patton, to approve items 12, 13, and 16. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Warren, Bass. NAY: None. OUT: Hanna. ABSTAIN: Haywood.

17. Consider appointments to boards and commissions. Exhibits: Memorandum - Parks & Recreation Commission - Lisa Robinson and Joanne Gaasbeck; Lawton City (Municipal) Planning Commission (CPC) - David Denham.

18. Consider approval of payroll for the period of September 1 to September 14, 2003.

19. Consider approval of Minutes of September 3, 2003, Special Council Meeting and September 9, 2003, Regular Council Meeting.

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OLD BUSINESS ITEM:

20. Hold public hearings and adopt resolutions declaring the structures at: **1739 NW Ferris Avenue** to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate. Exhibits: Resolution No. 03-\_\_\_\_. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

Tom Aplin, Housing and Community Director, said the owner of this property was not available for consideration tonight and asked it be tabled for two weeks. Mitchell said he received a call from the owner who said he was interested in remodeling the property.

MOVED by Devine, SECOND by Shanklin, to table this item indefinitely.

Vincent said an agenda item would have to be brought back at direction of the entire Council for consideration at a later date.

VOTE ON MOTION: AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Devine. NAY: None. OUT: Hanna. MOTION CARRIED.

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BUSINESS ITEMS:

21. Consider the Consolidated Annual Performance and Evaluation Report (CAPER) for Federal Fiscal Year (FFY)2002, receive a briefing on the CAPER, hold a public hearing to receive input from citizens, consider the CAPER, and approve the report for submission to HUD. Exhibits: None. The CAPER is on file in the City Clerk's Office.

Tom Aplin, Housing and Community Director, presented a slide show reflecting receipts and expenditures of the Consolidated Annual Performance and Evaluation Report regarding the CDBG Programs, activities, and completed projects; Economic Development Activities; CDBG Housing Activities; CDBG Financial Summaries; HUD's performance criteria; Home Investing Partnership Program; Home Housing Activities; Home Report; Home Performance Criteria; and the Overall Assessment and Evaluation of the Community Development Projects. Due to HUD criteria of the CAPER, this in-depth report was necessary on an annual basis. Aplin said the department was well within the HUD guidelines on completion of this CAPER.

Devine requested an itemized listing of approved institutes who received CDBG and HOME funds and said this list should include the amount of money awarded, and how the money was expended in their program. He said this itemized list would help acknowledge the expenditures being discussed in the CAPER report. Aplin said part of the submission of the entity request is an itemized statement of expected expenditures of the funds, he had not presented them to Council during the CAPER report but would be glad to do so in the next fiscal year. Hanna said he thought this request had been made in the past. Aplin requested more resolution on this request and said he could provide documentation of fund expenditures before more money was requested. Aplin said 70 percent of CDBG funds had to be expended on low to moderate income level.

Aplin said funds were already committed, the services had already been performed and said these entities operated through the end of the year then after July 1, claims were received for payment for services provided before the end of the year.

Aplin said during this program year Lawton was within a County that was declared a disaster area by the Federal Government and were given a 100 percent exemption from any match payments for that program year and had also been given a 100 percent match exemption for the current fiscal year of FFY 2003 and FFY 2004, so this program had a lot of match banked that won't be used for the next few years.

Aplin said all funds had been committed through FFY 2001 which met HUD requirements for committing within two years. The second requirement was funds be expended within a five year period and were being expended from FFY 2001 and all prior year funds had been expended well within HUD's expenditure requirements. Aplin asked Council to hold a public hearing for those wishing to speak on the CAPER and asked Council consider approving the CAPER as presented.

PUBLIC HEARING OPENED.

Attey Smith, Lawton View Neighborhood, said she thought some of this money would be better served by distributing it to property owners who could renovate and bring their property up to code as the City required saying this would make for a better Lawton and would give property owners initiative to upgrade.

PUBLIC HEARING CLOSED.

MOVED by Hanna. SECOND by Bass, to approve the joint report (CAPER). AYE: Shanklin, Patton, Warren, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. ABSTAIN: Haywood. MOTION CARRIED.

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22. Consider awarding a contract for Property Insurance to Towe, Hester & Erwin, Inc. Exhibits: Vendors mailing list and Property Loss Experience. Bid review documents and contract on file in Financial Services.

Rick Endicott, Finance Director, said the City advertised for bids for property insurance in July 2003 and received one bid from Towe, Hester and Irwin, of \$154,211 for City property and \$7,267 for Airport property, based on a \$10,000 All Perils deductible and a \$25,000 Wind/Hail deductible. Endicott said the total bid was \$161,000. The current budget amount was set at \$140,000 and since the bid amount was over the budgeted amount for the year, Endicott scheduled a meeting with Keith Erwin, Towe, Hester and Erwin, to review cost saving options for the City.

Endicott said several options were considered and the best possible option at this time was Option 2; if the City chooses to raise the Wind/Hail deductible to \$35,000 the premium would be \$144,387 for the City and \$6,804 for the Airport for a total savings over of \$10,287. The City currently has a \$2,400 credit balance with Towe, Hester & Erwin, Inc., which would reduce the City's portion to \$141,987. Staff recommendation is to accept Option 2.

Devine asked why the City would consider raising the deductible in the Wind/Hail portion of the policy as this is the

area where SW Oklahoma is hit the hardest. Endicott said the Underwriter was not interested in raising the deductible on the All Perils portion of the policy but was willing to increase the deductible in the Wind/Hail portion. Devine said insurance was a gamble. Endicott said the deductible was paid per occurrence.

Bass said because the deductible is paid per occurrence it was evident in May 27, 2001, the City came out ahead in this incident. Patton said in all the years the City makes it through without an occurrence, the City had won the gamble. Mayor asked why other insurance agents were not bidding on this item. Endicott said he felt insurance companies had a hard time getting underwriters to cover municipal policies and said only one bidder did bother him, but bidding was out of his control. Endicott said the City's insurance policy expired September 22, 2003, at midnight and there was no grace period on this policy, but the City is covered at the present time. Mitchell said staff recommendation was to approve Option 2 for the current year and during the next year reevaluate the City's property, make an assessment, and determine how insurance could be amended.

Patton said the deductible is a gamble, pay now or pay later, and said the City should go with the higher deductible and hope nothing happened, and if something did happen the City would have to pay the additional deductible.

MOVED by Patton, SECOND by Warren, approve Option 2. AYE: Patton, Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

23. Consider a request from the Lawton Weed and Seed Steering Committee to assume the responsibilities of the fiscal agent for the Department of Justice Weed and Seed Grant funds for FY 2003. Exhibits: Letter from Taylor Stein, Chairman, Weed & Seed Steering Committee; Letter from Louise Lucas, U.S. Department of Justice; Federal Requirements for Weed & Seed Program; and Memorandum from Tom Aplin, Housing & Community Development.

Larry Mitchell, City Manager, said the Lawton Weed and Seed Steering Committee met on Monday, September 15, 2003, to review a management audit letter issued September 5<sup>th</sup> by the Washington Executive Office of Weed and Seed. The letter signed by Louise S. Lucas, Program Manager, stated that Lawton's 2003-WO426-OK-WS application would remain on hold pending the Steering Committee's response to the seven management audit recommendations the Steering Committee had to reach prior to the release of their current application and without the release of funds (\$275,000) requested in the pending application, the Lawton Weed and Seed Program would close on September 30th.

Mitchell said the requirement was for the Steering Committee to change the local programs fiscal agent and after consideration, the Steering Committee unanimously passed a motion requesting the City of Lawton entertain the idea of assuming the fiscal agent responsibilities for the coming grant year.

Mitchell said he had reviewed the standard assurances and financial monitoring requirements for the Weed and Seed Program and found them to be similar to the grant requirements for the City's CDBG and Housing Programs and had spoken to Ms. Lucas about the Department of Justice application process which she assured him that her office would do whatever was necessary to help and assist the City during the transition period.

Mitchell distributed a letter from the Lawton Housing Authority offering their assistance to Weed and Seed and to the City of Lawton and said it was possible for the City to review an option of contracting with the Lawton Housing Authority or similar agency to act as a contract agent for the grant year starting October 1, 2003.

Mitchell said Chief Thorne could give additional information as he was a current board member. Thorne said the program had been very helpful to the City and he would like to see the program continue once the issues had been reconciled. Shanklin asked Thorne if he could see controversy with the Lawton Housing Authority contracting as an agent. Thorne did not see a problem with that option. Shanklin said it should be contracted to the Lawton Housing Authority as they had called to offer their assistance and said the City did not have time to handle it.

Rick Romain, Law Enforcement Coordinator for the US Attorney's Office Western District of Oklahoma, addressed the Mayor and Council and said the efforts of Lawton had been very successful while working with Chief Thorne in providing services with the Weed and Seed strategy and looked for continued success. Romain said the idea of having the police department work with the citizens made the efforts more productive and said there was extensive work in the program. Romain said the City would have to make the final decision on management of the program.

Pat Paige, Program Director of the Lawton Outreach Center and the Weed and Seed Project, 2502 NW Sheridan Road, said since conception the Lawton Outreach Center had strived to bring awareness to the Weed and Seed Project to the Lawton community and had contacted a number of agencies and people to bring about a change to targeted neighborhoods saying for the past four years, the Lawton Outreach Center had brought to the City over one million dollars and were very happy with their success. Paige addressed the seven recommendations and said the Lawton Outreach Center was the fiscal agent for Weed and Seed saying she was the program director and the project director and said the Steering Committee oversaw the project and made decisions on where the funding was expended in the Weed and Seed Project. Paige thanked the City for their continued efforts and assistance in this project.

Haywood requested clarification on the sub-contracting of this project. Vincent said the City could contract this agency but would have to develop a contract between the City of Lawton and the Lawton Housing Authority to assume all or part of some portion of the responsibilities the City would gain as the fiscal agent.

Paige said the Steering Committee could discuss changes to be made or recommendations to be considered and they are involved in working with the Weed and Seed Committee, but if other agencies had not been involved, said the transition period would be harder.

MOVED by Haywood, SECOND by Shanklin, that the City of Lawton accept the responsibility of being the local program fiscal agent for Weed and Seed and also sub-contract with the Lawton Housing Authority. AYE: Haywood, Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

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ADDENDUM BUSINESS ITEM:

1. Discuss the number of fire protection employees stationed at the Lawton-Fort Sill Regional Airport and at Fire Station Number 2. Exhibits: Memorandum from Fire Chief, Bart Hadley; Email from Chief Hadley and Omar Villafranca dated September 09, 2003; and Memo from Barbara Whittington, Airport Manager, dated September 10, 2003.

Haywood said the Lawton-Fort Sill Regional Airport, Fire Station Number 2 a recommendation had been considered to cut one fire personnel and instead of having two fire personnel at the airport station there would only be one and said airport personnel, board chairman, and others were present to speak.

Bass requested clarification on the decision to cut staff within the Fire Department at the airport.

Bart Hadley, Fire Chief, said for years the fire department worked with an understood agreement that a minimum of two ARFF personnel, Aircraft Rescue Firefighting, assigned to the airport station 24/7 are dedicated to the airport only. Hadley said his investigation showed according to the index CFR 14-139 the fire department was allowed to go down to one fire fighter dedicated to the airport station 24/7 and once the cuts were placed on the fire department levels of service would become lower.

Hadley said fewer alarms were received at this station than in the other structural site at other stations. Hadley said it seemed most feasible to implement the cut at the airport station. Hadley said a unit would be dispatched from the Central Fire Station to assist in the event only one fireman was in-house at the airport station but added there were fire personnel stationed at the airport along side the ARFF unit, Station 2-a structural unit, and there are four people assigned to this station, and the staff on this truck never fall below three personnel. Hadley said approximately 75% of the time the unit assigned to Station 2, is in the station with the airport truck and these crews respond together and about 30% of the time the airport personnel have received calls while the Station 2 structural unit was out responding to a residential call at which time the airport unit would only have one personnel. In this case, a backup unit from Central Fire station would be dispatched and should respond within five minutes.

Ewing-Holmstrom asked why this issue was coming up. Hadley said he was very close to implementing cuts at the airport and had been covering the previous cuts through retirement and attrition. Hadley said the airport station reduced public safety and fire fighter safety the least within the department. Ewing-Holmstrom said boosts had been made to fly Lawton and bring people into Lawton and to reduce fire personnel at the airport station would be detrimental to the well being of Lawton. Hadley said this was the lesser of the evils he had to implement and was not in favor of cuts to the fire department but once issued he had to determine where to implement them.

Hadley said this station had one crew of two fireman respond by themselves from this station 30% of the time while backup was on the way and this cut would reduce that truck to one person which would mean this person would respond by himself until a backup could arrive. Shanklin asked if this was a cut knowing sooner or later the position would have to be filled and asked if there were other cuts that could have been considered.

Juan Rodriguez, President of the Lawton Firefighters Union, spoke against this cut in all forms of comparison of firefighters and said they were at a minimum in all aspects. Rodriguez said this ARFF vehicle could provide no rescue efforts in the event of an airline crash if only manned by one person and said people would be on a plane if it crashes. Rodriguez said the tolerance for risk, in his opinion, was getting dangerous for the citizens and asked staff to reconsider.

Warren asked if this cut was being proposed in lieu of losing a ladder truck that was discussed in the past.

Mitchell said during budget discussion it was decided to reduce manning by seven or nine positions and the way to implement that was to reassign the manpower to the engine companies and Fire Chief said he would have to reassign the equipment. Council agreed not to reduce manning by seven or nine, but to reduce it by two and at that time those reductions could be absorbed through retirement.

Dorice Shanklin, Chairperson-Lawton Metropolitan Airport Authority, said this ARFF crew had special training and were more equipped to work an aircraft fire than just any other fireman and to pull another unit without the proper training was detrimental to health and safety.

Barbara Whittington, Manager-Lawton Fort Sill Airport, referenced CFR Part 139, Regulations to operate the airport and standards of the firefighter, and said page four listed the detailed training required for ARFF fireman, and page five stated sufficient rescue and firefighting personnel be available during air carrier operations to operate the vehicle, to meet the response time, to meet the minimum aid and discharge rates required by this part and this section leaves it up to the airport operator, the certificate holder, to decide what the sufficient staffing level should be. Whittington said this airport had been having large aircraft land and take off from Lawton with the movement of the troops and on most occasions when such large aircraft was scheduled to arrive, the aircraft company called ahead of time and requested the index of the aircraft rescue and firefighting level be increased to index speed which could be done with the current staffing level and available equipment.

Devine said the big campaign was to Fly Lawton and this airport was being used for military troop movement and said the response time would be lengthy and if the City did not provide adequate rescue levels, these flights would pull out of Lawton. Whittington said other air carriers would divert their route away from Lawton if rescue and fire coverage was not adequate. Beller said the airport was committed to a three minute response time as required by FAA. Beller said the ARFF crew was the only crew qualified for the initial response during an aircraft fire. Beller said the staffing level needed to remain the same.

Patton asked what the next available option was in this consideration. Hadley said the next available option would be to cut a firefighter from a structural rig at a busier station and reduce it to a three man company.

Bass said the safety and risk level at the airport seemed to be detrimental and with this being the only option presented to Council asked if this was a method for Council to have to increase the staffing level at a later date.

Hadley said the majority of serious incidents happened within the Lawton area and not at the airport and his duty was to protect public safety and from that standpoint there was no doubt if one person was on the airport, and in all the worse scenarios during a plane crash, this cut would create major problems. But from the public safety aspect said there were more public safety issues within the city everyday and reducing the firefighter from the structural site reduced public safety more than reducing it at the airport. Hadley said budget discussions had considered many options if reductions were needed within the fire department.

Ewing-Holmstrom did not feel comfortable with decreasing the number of public safety employees. She said these issues continue to come up and suggested a task force and sub-committee be put together to discuss these issues offsite and look at avenues of public safety. Mitchell said this issue was coming up all over the nation and was not isolated to the City of Lawton. He said the City of New York had to layoff 12,000 police officers and said Lawton was not unique in this situation. Mitchell said he would honor her request and would work with a sub-committee to research financing.

Haywood asked the number of ARFF personnel of the fire department. Hadley said there were three shifts of two ARFF personnel dedicated full time and said the other three or four employees located at Station 2 were also ARFF certified and they were fresh in both sides of the job. Hadley said grant money had been received for structural repair at Station 2. Haywood said he preferred to see two employees dedicated to the airport at all times.

Mayor said this item had been prepared as a discussion only and would research if action could be taken.

Warren requested clarification from Hadley, if the airport crew is cut to one employee and he gets a call, he cannot respond until he gets backup; however, if one man is cut from a ladder truck, that truck could still run on the fire being one man short. Hadley said if a cut was made at any other station, the overtime cost would increase.

Hanna said if you take a man off of one truck could a crew be dispatched from another company and leave the crew at the airport.

Vincent said the title is to discuss the number of fire protection employees and since that discussion had been completed, Council could provide direction to the City Manager. Shanklin provided direction to the City Manager to find a way to keep the airport staff for reasons discussed and bring back a proposal.

MOVED by Shanklin, SECOND by Haywood, to provide direction to the City Manager to research and find a way to keep the airport staff. AYE: Warren, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

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REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood said Perkins, a College Football Player, was from the Lawton View neighborhood and is to be commended for his academic accomplishments as well as his sports accomplishments. Haywood also announced Cameron



University would host a college football game between Langston University and Texas on October 11 at 4:00 p.m.

Patton announced the Lawton Public School Foundation fundraiser of an all-you-can-eat breakfast at Golden Corral from 6:30 a.m. to 9:00 a.m. on September 26, 2003.

Shanklin commended a group of volunteers from Public Works Divisions of Street and Solid Waste clearing alleys. Shanklin requested the City Manager review a cost and method of clearing dead trees for two employees and possibly add those charges to the water bill saying the City's equipment was being protected by removing low hanging limbs. Shanklin said the intersection of 11<sup>th</sup> and F is soon to be the worst in the State of Oklahoma and said the timing of the lights on 11<sup>th</sup> Street needed to be adjusted.

Ewing-Holmstrom said the Cops and Kids Picnic on Saturday was a huge success saying every year it just gets bigger and better. She thanked the police department, officers, staff, spouses and requested everyone try to attend next year. Ewing-Holmstrom congratulated the Lawton City Champs, MacArthur High School, and said this was a long time in coming.

Mitchell reminded Council who had signed up for National League of Cities to complete their registration for the trip and said he may need to schedule a brief Special Council Meeting to consider an amendment to the Fort Sill water contract.

Mayor announced the State Motorcycle Convention would be held in Lawton this weekend and said this would be a boost for Lawton's economic development hosting 5,000 biker guests. Powell introduced the Lawton International Festival at the Library Plaza with kickoff Friday evening September 26, 2003 at 6:00 p.m.

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#### BUSINESS ITEMS:

24. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2003-2004 and terms and conditions of employment between the Firefighters Union, IAFF, Local 1882, and the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

25. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to evaluate the performance and proposed work plan of Larry Mitchell, City Manager. Exhibits: None. Memorandum and Proposed Performance Evaluation and Goal-Setting Procedure documents submitted to Mayor and Council

26. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the election of a City Clerk, and in open session take any necessary action. Exhibits: None.

MOVED by Warren, SECOND by Patton, to convene in executive session as shown on the agenda and as recommended by the legal staff. AYE: Bass, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None. OUT: Hanna. MOTION CARRIED.

The Mayor and Council convened in executive session at 8:55 p.m. and reconvened in regular, open session at 10:00 p.m. with roll call reflecting all members present.

Vincent reported on Item 24 by reading the agenda item title and stated executive session was held to discuss negotiations for a Collective Bargaining Agreement for FY 2003-2004 and terms and conditions of employment between the Firefighters Union, IAFF, Local 1882, and the City of Lawton, and no action was required.

Mayor Powell reported on Item 25 by reading the agenda item title and stated executive session was held to discuss the evaluation, performance and proposed work plan of Larry Mitchell, City Manager and no action was required.

Vincent reported on Item 26 by reading the agenda item title and stating executive session was held to discuss the election of a City Clerk and said Council had the option to make a motion in open session.

MOVED by Devine, SECOND by Warren, to resubmit for applications for the position of City Clerk. AYE: Patton, Warren, Bass, Devine, Ewing-Holmstrom. NAY: Shanklin, Haywood, Hanna. MOTION CARRIED.

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There being no further business to consider, the meeting adjourned at 10:00 p.m. upon motion, second and roll call vote.