

8. Consider approving plans and specifications for the NW 34th Street/Drainage Project #2001-23 and authorizing staff to advertise for bids. Exhibits: Location Map.
9. Consider awarding contract for Upholstery of Damaged Seats (CL04-016). Exhibits: Department recommendation and Abstract of Bids.
10. Consider awarding contract for Ultra Light Trench Shield System (CL04-015). Exhibits: Department recommendation and Abstract of Bids.
11. Consider appointments to boards and commissions. Exhibits: Memorandum Lawton Arts & Humanities Council Astrid Davis.
12. Consider approval of payroll for the period of October 13 to October 26, 2003.
13. Consider approval of Minutes of October 14, 2003, Regular Council Meeting.

OLD BUSINESS ITEMS:

14. Consider providing direction to staff concerning water service along NW Cache Road west of NW 82nd Street and related issues. Exhibits: Map No. 1 and Map No. 2.

Jerry Ihler, Public Works Director, summarized information discussed at the October 14th council meeting and said the Engineering Division had analyzed the water system on the west side of Lawton and had come up with a long term development of a water system that would be able to serve that area annexed in the past year as well as be able to serve some areas on a short term basis that are wanting to construct and do development with regard to a church and dentist office and in a manner for them to tie into the system now without causing problems to the dedicated line utilized for the industrial park. West Lawton is made up of two zones; The Industrial High Zone is basically the area west of NW 82nd Street with some exceptions. It currently includes the following areas: Terrace Hills Addition, Pecan Valley Additions (an extended service area outside the City limits), West Industrial Park including the Goodyear Tire Plant, Bar-S, Silverline Plastics, Republic Paper, etc. The present water demand for this zone is approximately 4.0 mgd. The area is served by Pump Station No. 1 located north of NW Cache Road and west of NW 67th Street. Eighteen inch and twenty inch water mains transfer water from the pump station to the West Industrial Tower located north of NW Cache Road and east of NW 97th Street. From the tower, water mains transfer the water to the various users in the area.

The present capacity of the pump station and water distribution system serving the Industrial High Zone is approximately 5.0 mgd. Currently, we have 1 mgd ($5.0-4.0=1.0$) of capacity available to the area from the existing system. If the City improved the Industrial High Zone by increasing the water main size, changing pump impellers and adding one more pump, the ultimate capacity of the system would be approximately 10.6 mgd. The additional demand of the Industrial High Zone area, if developed as residential, would be approximately 3.0 mgd on a maximum day. This would mean approximately 3.6 mgd ($10.6-4.0-3.0=3.6$) would be available for additional industrial demand, once all improvements had been completed. If the area only partially developed as residential, the amount of additional water available for industrial purposes would be somewhere between 3.6 mgd and 6.6 mgd.

Another key factor was the maximum day water demand for the entire water system and the water treatment plant capacity. Currently, the maximum day demand for the entire water system is approximately 38 mgd. The Medicine Park Water Treatment Plant will have a capacity of approximately 40 mgd when the present improvements are completed. Water demands can vary significantly, and with a hot dry summer could reach the 40 mgd range. This means additional treatment capacity such as that proposed by the SE Water Treatment Plant which was currently under design and has been discussed for funding from a proposed 2005 CIP. The plant would be constructed with an initial capacity of 10 mgd and could be expanded up to 40 mgd. Therefore, if a small reserve of 1 mg could be retained, then 1 mg would be available to utilize for growth for the entire City until the SE Water Treatment Plant was constructed and put in service based upon current usage patterns.

In view of the background presented, several items have been identified for Council's consideration. First, it is proposed that the West High Zone be extended to include all areas which are below elevation 1200 as indicated on the attached Map No. 1. Second, it is proposed that the existing 20 and 18 water mains which serve the Industrial High Zone be replaced with a 24 water main as indicated on the attached Map No. 2. These lines are undersized for ultimate development of this system. The existing 18 water main west of NW 82nd Street would then be connected to the West High Zone. This would allow property along NW Cache Road and other areas south of Cache Road to connect to the existing 18 water main. It is recommended that individual taps to these larger mains (18, 24 and 30) not be allowed and that if service is desired for property in the Industrial High Zone area that a grid main be constructed by those property owners desiring service where the line would ultimately form a loop in that area. Third, it is proposed that all property owners along the south side of NW Cache Road donate the necessary right of way (an additional 27 ft.) for construction of the proposed 24 water main and that the property owners/developers desiring water service fund construction of a 12 water main from the 18 water main to their property in the proposed West High Zone area. This line

would ultimately be extended and looped south and east to the 30 water main on NW 82nd Street.

If Council desires, an option would be that the property owners/developers enter into a cost sharing agreement with the City similar to the agreement for the construction of the Geronimo waterline. In this case the property owners/developers would pay the cost of a 12 waterline extended to their property (approx. \$100,000) which would be applied to the cost of the 24 waterline. Fourth, it is proposed that Economic Development Funds from the 2000 CIP be utilized to fund construction of the 24 water main section (Phase I) from the vicinity of NW 82nd Street west to the Industrial High Zone water tower (estimated cost in the \$400,000 range). It is also proposed that funding for construction of the 24 water main section (Phase II) from Pump Station No. 1 to NW 82nd Street, pump station upgrading and related improvements (estimated to be in the \$800,000 range) be included in the anticipated 2005 CIP.

We are asking council to authorize funding for the phase 1 portion, from 82nd Street to the industrial tower on the south side of the road. It is our estimate that the cost to construct that portion of the line would be somewhere in the neighborhood of \$400,000.00. We are asking that you utilize the economic development funds from the 2000 CIP. There is a balance of \$640,000.00. If you did do that we would move forward with the design phase of the 24 water line and then we would move into the construction phase. We are probably looking at about one year from now before that line would be in. Then we are asking you to consider phase two of that project which would be constructing the 24 line from pump station one to 82nd Street to tie into the phase one line so that we could complete that and increase the capacity of the industrial park from the current 5 mgd to approximately 10.5 mgd. We are asking that you consider incorporating that into the 2005 CIP. If we got approval of that we would move forward with preparing the design of the plans and specifications and then construction of that would occur if the CIP was approved by the voters and that was an approved project. That outlines the sequence and it is your decision if you want to go with a cost share agreement or we are asking them to donate an additional 10 feet of right of way perhaps that is enough as far as a cost share agreement for that aspect. It will increase the capacity of the industrial park from the current 5 mgd what we currently provide to that area, from 5 to 10.5 mgd, the one philosophy change we are looking at is using that checkered industrial tower as it is today instead of just servicing mainly the industrial park we are saying this tower is going to service that area in which we annexed where the elevation is greater than 1200 feet. It makes sense because why duplicate and build another tower next to this one and parallel lines to service the residential area. We would ask that you limit the taps to the new 24 line and the 24 line that goes south to Goodyear so that we only have a 12 line that comes off at the half mile or the quarter mile and any development that wants to tie onto that would tie on to the 12 at those strategic points.

Devine: I thought the intentions were if we put the 24 main in that that would be our industrial line that we would use strictly for industrial and it would not be used as a residential.

Ihler: The 24 line will go directly to the tower from pump station one.

Devine: In other words, no one would be able to tie onto that.

Ihler: We don't want anyone to tie on to that 24 line that goes from the pump station to the tower. From the tower we have the 24 line that goes to Goodyear and the industrial park and it does service Pecan Valley and Terrace Hills now.

Devine: So you would be switching from the 18 line now that is the high pressure line that pumps to the tower that would eventually go to the development, the 24 would be a solid line that no one would be able to tap on between those two points.

Ihler: Between there and the tower, there is that (Map 1) small area where the cemetery falls in that is to the west and that elevation is greater than 1200, so what we are suggesting is that area in here near the cemetery and the development that may go on in that area which is west of the 1200 mark is that they would be allowed to tie on to the industrial line at strategic locations but limit the number of taps, in other words, perhaps between these property owners here, construct one 12 that comes across to service the entire area here so that we only had one tap on that 24 industrial line. Also the 18 basically from the tower back to the east about where the development of the church and dentist office, that area we would still utilize from the tower east to the 1200 mark and would be utilized again as industrial high zone and people could tap that and we would valve it such that it won't cause a problem for Goodyear and the industrial park if we have to shut down for a reason.

Shanklin: You are going to loop that 18 around back to 82nd Street.

Ihler: Yes. We are suggesting (map 2) this tie in. What we are saying is we show a 12 line that ties into the 18 and comes down and follows the outer edge, the westwardly edge of the west high zone. We don't know how that is going to develop and the developer is going to develop that, but that 12 that comes across to serve the church and the dentist office could be extended by the developer who owns this property, just continue on with that 12 down to what would eventually be Gore Boulevard in the future and run that back to 82nd street and create that loop for the west high zone.

Shanklin: So the 18 line is going to loop.

Ihler: Yes, back to 82nd street which will be with the 30 line, that is the west high zone.

Shanklin: So it will tie into the 30 line.

Ihler: Yes.

Shanklin: And the \$100,000 from those that want to tie on is going to help pay the \$400,000.

Ihler: That is if council chooses to go that way.

Shanklin: The 2005 CIP we are furnishing the developers water.

Ihler: Let me make sure I am clear on what you are asking. On the \$400,000 for this 24 the \$100,000 that we reference here, that is if you want them to participate in a cost share of that 24 water line.

Shanklin: What are you going to do with that \$100,000.

Ihler: That would be a cost share agreement that would help fund the 24 line to the tower.

Shanklin: And then the 18 line would be looped would be for anybody who wanted to develop.

Ihler: Strictly at the cost of the developer who wanted to develop those areas, that area to the north as well as that area to the south, they would have to extend as part of their development, that 12 line down and loop back or as it develops to the north, they would be responsible for doing their infrastructure inside that area.

Shanklin: And that is going to be in the 2005 CIP.

Ihler: No, what we are asking to be in the 2005 CIP is this 24 line from 82nd Street to pump station one. The reason we are breaking it up into two phases is we don't have enough funds in our current 2000 CIP to construct the entire line so we are saying tie the proposed 24 into existing 18 at this point and run it on out to the tower under the economic development funds of the 2000 CIP.

Mayor: What happens to your phase two plan if the CIP doesn't pass.

Ihler: If the CIP did not pass then it would be the downside, really there is not a downside per say, if we didn't have the 2005 CIP because we still will isolate this 24 and it will tie on to the existing 18 at that location at 82nd Street, so from 82nd street to the checkered tower will be the new industrial line. The downside would be that we would not be able to increase the capacity of the industrial park in that area because we have to replace this entire pipe this 18 to be able to increase our capacity to the industrial system in that area from 5 mgd now to the future 10.5 mgd. The downside would be the industrial park would still only be at 5 mgd for that entire area.

Shanklin: One more time, in this case the property owners and developers would pay the cost of the 12 water line extended to their property which would then be applied to the cost of the 24 water line, where is the 12 line, where does it come in.

Ihler: One of the previous alternatives discussed would be if we did not do the 24 at all was that the church and dentist office would have to construct a minimum 12 line from 82nd Street to their property on the south side of the road to get water if we were going to stick to the concept that nobody tie to the dedicated industrial line, the 18. What we are saying is, similar to what was done with Geronimo, do you want to have a cost share agreement and have the City pay the difference between a 12 and a 24 we are saying the 24 would cost approximately \$400,000 and a 12 would cost about \$100,000. So that would be the cost share agreement.

Shanklin: Are we furnishing water to the developer free, and have we done it anywhere else in the past that you know of.

Ihler: I can say that are we providing water to the developer in this case, what is different about this case is we are expanding the industrial park and the capacity of the industrial park from 5 mgd to 10.5 mgd and so we are going to do this anyway at sometime in the future because as we have gone along with our program if you recall in the 2000 CIP the limiting capacity to the industrial park was pump station one .

Shanklin: So, yes we are going to furnish some people with free water lines.

Ihler: By building the 24 water line to the industrial park those people that live in this area benefit by the fact that the 18 line is now available to tap so they benefit from the fact that we are building this 24 line to upgrade our industrial park, are we providing them free water lines, you know, this project is providing a line to increase the

capacity of the industrial park and address future growth for this entire area.

Patton: I would initially say to them no and the reason why I would say that is because right now there is an existing 18 line out there now that has been tapped, not by them, but by others out there and so basically they can tap, the water is there, we are just telling them no we really don't want you to tap that because of the industrial importance of that water line so really in a sense what Jerry has come up with is something where we all win, we get to expand our water supply out there and get to increase that and the folks who are going to develop out there are going to have an opportunity to tap into that line without putting in jeopardy the high volume water line that exists now to go straight to the manufacturer utility. I know where you are getting at Bob, but I think that is a really a bad way to look at it, I think like I said, the water line is out there right now, they could tap it, there is no code that says they can't, we are just saying we don't want you to. If there was no water out there at all I would say hey you are exactly right.

Warren: I would clarify because it did get a little bit muddled there that the CIP that we would be using would be used for the 24 line only, the looping lines the 12, 18, whatever, happens later on that is all paid for by the developer.

Ihler: That should be at the expense of the developer.

Shanklin: It is paid by the developer, why didn't we say that.

Ihler: I guess I didn't understand your question.

Devine: I like the idea that you came up with charging a larger amount on the tapping fees whenever you put those lines in, because right now we don't really charge hardly anything to tap our mains.

Ihler: That is correct.

Devine: That is what all the other cities are doing that when we do run those waters in that line, that they charge a larger tapping fee and everybody pays and not just one or two individuals that wants to develop, everybody that taps on pays these larger fees.

Shanklin: Are you saying these are thousands of dollars.

Devine: Yes, there are some that charge up to \$10,000.00 to have one.

Mayor: Okay council, you have an abundance of information, Jerry you have done a good job explaining this this evening, now this is an item agenda for direction to staff and it appears to me that do you want staff to pursue right of way, identify the funding in the 2000 CIP for phase one, tap the existing line that is out there now, then go ahead and identify a funding for phase two, and also cost share that Glenn was talking about just now, so I think, Jerry, would you agree that these are things you need direction from the council on still yet.

Devine: I would like to see us move forward and try to find the funding and use a tapping fee to offset some of the costs, raise our tapping fees for the developers to offset costs that we are going to be endured on this.

Mayor: When staff brings this back to you, can they do this, give you options on exactly how to handle the funding. Mr. Mitchell do you understand.

Patton: I just want to say one thing quickly about the tapping fee, I totally agree with you Glenn 110% but I do feel like this is a very unique situation that we have and I think everyone would agree this is not just a simple deal, we have an applicant that has come forward with plans, they have made plans, they have a builder on site, they have gone forward with the assumption of tapping into the 18 line and so I just think if we change the rules a little bit and say we are going to do this, then we are going to hammer you with a really big tapping fee, I think that would be something we should reconsider and that should be part of the negotiations.

Ihler: I think with regards to a tapping fee what we are talking about, we are looking at a tapping fee that would be established for, as they tap when the new homes are built and they tie into a sewer line there would be a tapping fee that would be large enough and would go into a pot and a water tapping fee as they put new taps for these houses that would go into a pot that would be utilized to help fund water line extensions such as this in areas throughout the city on major arterials.

Mayor: Council entertain a motion to staff that we have talked about.

MOVED by Patton, SECOND by Devine, to begin moving in that direction. AYE: Haywood, Warren, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

15. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Agriculture to Professional Office and an ordinance changing the zoning from A-1 (General Agricultural District) to P-O (Professional and Office District) zoning classification located at 8504 NW Cache Road. Exhibits: Resolution No. 03-170 Ordinance No. 03-48, City Council Agenda Item Commentary of October 14, 2003, Location Map, Site Plan, Applications, CPC Minutes.

Robert Bigham, Planning Director, said this was a continuation of the public hearing held at the October 14, 2003, meeting and said that all pertinent issues had been covered at that meeting where this item was tabled due to the water line issue.

Public Hearing Opened, no one appeared to speak and the public hearing was closed.

Devine said the 18 line would be tapped to provide water to this area of development.

Dennis Merrifield asked for clarification of the drainage problem which was discussed at the October 14 meeting and the Mayor said his concerns would be addressed. Bigham showed a map of the area and clarified the drainage question. Bigham said looking at the development plans for the dentist area, all of the drainage from the natural flow would go to the east over to the creek and said the church, which is not part of the rezoning consideration, but have received a development plan along with the foundation permit for the church and said the natural drainage of the church flows down toward the Merrifield house however, Landmark Engineering had prepared a development plan for this and they had proposed building an earthen berm in a location to divert the water to the proposed roadway for the residential development and said this statement should address the drainage concerns.

MOVED by Patton, SECOND by Ewing-Holmstrom, to adopt Resolution No. 03-170 and Ordinance 03-48 and will continue to monitor the drainage situation in this area.

(title read aloud) Ordinance No. 03- **48**

An Ordinance changing the zoning classification from the existing classification of A-1 (General Agricultural District) to P-O (Professional and Office District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

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

16. Consider an ordinance creating Division 2-3-6 of Chapter 2, Lawton City Code, which establishes the Historical Preservation Commission and provides for membership, terms, and duties and creates Article 18-10 of Chapter 18, Lawton City Code which establishes the Historical Preservation Overlay District as part of the zoning regulations and provides for codification. Exhibits: Agenda Item Commentary for the October 14, 2003 meeting.

Bigham said this was to consider an ordinance that was discussed and considered at the October 14 meeting and had been returned to this meeting for consideration because the public hearing was closed and votes were taken but the motion failed due to an insufficient number of votes to pass the ordinance and said under Council Policy 1-6 stated in this situation where five affirmative votes are required the item is automatically returned to council for consideration.

Bigham recapped two major things, creation of the Historic Preservation Commission which creates the potential for the Historic Preservation Overlay zoning district and this did go through a dual committee process through a citizens committee as well as the planning commission subcommittee and the CPC did recommend this to the City Council. The discussion at the last meeting to concur with this that Section 18-10-1009, page 7 of the ordinance be deleted and reserved and if council desires to adopt this ordinance, staff and the Historic Preservation Commission could come back with alternative language for this section as it relates to screening. Bigham said the ordinance, page one, sets out the members of the commission and people will come from all walks of life throughout the city.

Bigham said each area will be specific to its ordinance but will have different standards for each particular area and would be defined for the area and said the size of the overlay would be the decision of the process and how it was initiated and ultimately decided by the City Council.

Patton said if this were to pass he would like to see one of those members be a licensed appraiser. Bigham said Council could amend the ordinance to include this position in number two and these members would be appointed by the Mayor and affirmed by the Council. Devine said he had received numerous phone calls on this recommendation.

Richard Jensen, 1001 NW Arlington, son lives at 1003 NW Arlington, said they had recently renovated the house at 1003 to conform with historic standards and have made application to the Historical Society and said this process

was complicated and restrictive and gets involved with federal tax credit. Jensen said these houses are nice and he wanted to see the area continue to thrive but doesn't want to have others tell him what he can do with the property and said everyone needed to be very careful when putting this vehicle on the road, what it consists of and what it restricts people in doing to their property and said there were a lot of things to be considered on this to include the alleys and areas that need to be cleaned up and concluded the city had ordinances now they can't back up and hate to have restrictions put on him when he invested in the property for the value and need to be moving forward with care and make decisions toward everyone's advantage and not deter others from moving to the area. Jensen said house trailers and high density apartments would not be acceptable to this area but what is currently there should not be penalized. Jensen said the standards to be met at the Historical Society is stringent but there is a tax credit available to those who meet the criteria.

Minnette Page, 1619 NW 25th Street, said there had been misinformation regarding this ordinance and said this was a vehicle to obtain guidelines for various areas within the city and the commission would be from all over the city and any area within the city could apply and there was a lot of differences between a preservation district and an application to the Historical Society and only the exterior is affected and an owner can do whatever desired to the interior in a manner of keeping the integrity of the area. Page asked for a show of hands from the audience members who were in support of this ordinance and a substantial number raised their hands.

MOVED by Shanklin, SECOND by Warren, to adopt Ordinance No. 03-49 establishing the Historical Preservation Commission and Historical Preservation Overlay Zoning District deleting 18-10-1009.

(title read aloud) Ordinance No. 03- **49**

An Ordinance creating Division 2-3-6, Chapter 2, Lawton City Code, 1995, establishing the Historical Preservation Commission; creating Article 18-10, Chapter 18, Lawton City Code, 1995, Establishing the Historical Preservation overlay district; providing for severability; and providing for codification.

VOTE ON MOTION: AYE: Hanna, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: Devine. MOTION CARRIED.

17. Consider adopting an ordinance repealing Section 22-2-1-209, WATER USED IN CONSTRUCTION, amending Section 22-1-2-118, WATER SERVICES, OTHER APPLICATION FEES, and amending Section 22-2-1-210, APPLICATION FOR INSTALLATION OF SERVICE, BUILDING PERMITS, in Chapter 22, Lawton City Code, 1995, providing for severability, codification and declaring an emergency. Exhibits: Ordinance No. 03- **50**.

Vincent said direction was given to staff at the September 9 meeting to provide an ordinance to repeal section 22-1-2-118 A1 and while doing the research on this section it was determined that impacted Section 22-2-1-209 and 22-2-1-210 and had prepared an ordinance that accomplished these changes and created a construction meter situation for new construction only that would allow a person to build new structures, whether they be apartments, commercial industrial or residential, get a construction meter and pay for water only until a certificate of occupancy was issued and no occupancy would be allowed until the occupancy certificate had been issued. This would correct the inefficiencies and inadequacies of the prior provisions.

Shanklin: Page 72. A. new construction, you are going to leave remodeling out then. Is that it.

Vincent: It was our direction as we understood the construction at the council meeting on the 9th of September that the intent of the original code was for new construction; however, we can add remodeling very easily.

Shanklin: But you don't want to.

Vincent: I don't have a preference one way or the other, the discussion at the September 9th meeting was for new construction.

Devine: I am the one that asked for this ordinance and I don't mind adding remodeling.

Ewing-Holmstrom: That is where it got sticky last time, was remodeling.

Devine: As long as there is no resident in that property then it should be fine.

Vincent: We would add language such that remodeling as long as the structure was not occupied during the permit period.

Shanklin: I don't think it has to mention remodeling, I think it should say any construction application for water service installation of building permit for the construction of ~~new~~ a structure not previously served by the city utilities.

Vincent: If you had an apartment complex like the one you are in the process of remodeling, it was serviced by city utilities so we really need to put in new construction or remodeling of an existing structure that is not occupied.

Shanklin: I disagree but if that will get it in there it will work. That is the difference I have with staff that nobody could live there, but they won't believe me and so there I've got a \$173 bill for 1,000 gallons, do you think that is fair.

Ewing-Holmstrom: I move that we adopt Ordinance 03-50 with the changes.

Shanklin: That will work.

Patton: Second

MOVED by Ewing-Holmstrom, SECOND by Patton, to adopt Ordinance No. 03-50 to include the changes.

(title read aloud) Ordinance No. 03- **50**

An Ordinance pertaining to water credit on construction projects repealing Section 22-2-1-209, Division 22-2-1, Article 22-2, Chapter 22, Lawton City Code, 1995, amending Section 22-1-2-118, Division 22-1-2, Article 22-1, Chapter 22, Lawton City Code, 1995, and amending Section 22-2-1-210, Division 22-2-1, Article 22-2, Chapter 22, Lawton City Code, 1995, providing for severability, codification and declaring an emergency.

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

18. Discuss and take appropriate action on commercial structures listed and structures placed on the D & D list to uphold the ruling as was decided at the council meeting of August 26, 2003. Exhibits: Memo to Mayor and Council dated October 23, 2003, and list of properties and status report; Memo to Council dated August 15, 2003, copy of letter and property maintenance code worksheet mailed to commercial property owners and list of owners that received the letter, copy of motion and vote of the August 26, 2003, meeting.

Shanklin said he had just received a list of what Assistant City Attorney, Tim Wilson, said had been done in the court room which he had asked for several months ago and said he was pleased these things had been done and said Bass and I were under the impression that we gave staff thirty days and if those people didn't comply or didn't come in we would write a citation. I understand we are going to do that and I am saying until we take some of these to court and I understand that they have to comply with the State Statute and our code we are wasting our time but we have to get there and staff is going to have to bring back one or two of these commercial properties and calls will be made but this is what we have to do because our labor costs are getting too high regarding these situations. We need to follow up and I have checked into several demolitions issued and nothing had been done by either party. Shanklin would like to be informed when citations are issued and would like the city to be proactive and not reactive and said staff had done a good job and he knows this is not tasteful but a job that has to be done and until we get them in the court room and a judge issues an order we are spinning our wheels.

Ewing-Holmstrom asked if council had not issued guidelines for staff to start issuing tickets after thirty days and it had now been thirty days and asked had any tickets been written. Bigham read the motion of the August 26th meeting and said everyone had made contact with the city as listed and progress was being made on all of those properties and as we understood the direction in thirty days if we had not heard from them or they had not taken any action then we would start writing tickets and to date we are making progress on those structures. Ewing-Holmstrom asked if there was sufficient staff to do all council was asking to be done and Bigham said staff was limited but they would continue to do the best possible.

Warren reviewed the handout and requested copies of inspection reports of each property. Alltizer said the reports she referenced were available in her office and in an effort to keep the agenda packet in a workable size she did not include those reports.

Shanklin asked Bigham if he was satisfied that some of this work would take twenty years to complete. Bigham said he was not satisfied they were not all up to code right now but was seeing progress made and would stay on top of it to accomplish the task. Bigham expanded on man power and said there was a limited number of inspectors to cover 35,000 properties located in the city limits and this could be compared to does the city have enough police officers and fire personnel.

Shanklin said he new an individual that could live three life times to get his property up to code, but that is making progress as you explained and I want you to say it because I am going to stop worrying about it.

BUSINESS ITEMS:

With Council's approval, Item 21 was heard at this time.

21. Consider adopting a resolution authorizing the application for grant funds be submitted to the Oklahoma Strategic Planning Commission providing for the expenditure of Four Thousand Dollars (\$4,000.00) from the 2000 CIP to meet the matching requirements and authorizing the Mayor and City Clerk to execute an agreement between the City of Lawton and the Lawton Chamber of Commerce and Industry for administration of the grant including but not limited to establishing and administering the project. Exhibits: Resolution No. 03-171, Application, Certificate of Grant Application Approval, and Agreement.

Mayor said he had briefed council in the past about the appointment of the first committee here and prior to that the committee was put together by the previous Governor Keating and plans were hand carried to Washington D.C. and now Governor Henry and representatives of the Lawton-Fort Sill community had appointed a member, retired Colonel George Moses. Moses has worked closely with city staff to come forth and present all the documents for consideration tonight and the letter presented from Col. Moses indicated one person to make the analysis, Retired Colonel Tony Pokorny, but which had been amended to include the Lawton Chamber of Commerce designee that will take care of this and the trail to be taken when this is all complete and the analysis is made will then come back and be with you by the original committee as well as the City Council.

MOVED by Shanklin, SECOND by Hanna, to adopt Resolution No. 03-171. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Hanna. NAY: None. MOTION CARRIED.

MOVED by Warren, SECOND by Hanna, to take ten minute recess at 7:20 p.m. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Hanna, Devine. NAY: None. MOTION CARRIED.

ROLL CALL returning from recess at 7:30 p.m. HERE: Shanklin, Patton, Haywood, Warren, Hanna, Devine. ABSENT: Bass, Ewing-Holmstrom.

Ewing-Holmstrom entered at 7:35 p.m.

19. Consider approving a project agreement and adopting a resolution authorizing the Mayor and City Clerk to execute the agreement with the Oklahoma Department of Transportation (ODOT) for the Lake Helen Access Project #2002-6 - Project No. SAP-116D(090), State Job No. 20464(04). Exhibits: Resolution 2003-____ and Location Map. Project Agreement is on file in the City Clerk's Office.

Kim Shahan, Parks and Recreation Director, said 19 and 20 would be considered at this time. These items are related to the master plan of Elmer Thomas Park where item 19 established an agreement with the ODOT to receive \$100,000 to assist in the project of the development of the roadway at Elmer Thomas and item 20 reflected receiving the grants from the McMahan Foundation in the amount of \$452,142 to continue this project with a contingency request from the foundation that the City of Lawton would put in \$100,000 for this project which would end up being a \$652,142 project estimated cost for the street project which was the second phase of the master plan. Shahan said he identified funding for the \$100,000 match which would come from multiple division as listed on the agenda item commentary for item 20 which is the key issue in terms of how the match will be completed as follows: \$50,000 from the Lakes Capital Outlay fund, Activity 47, Account 321; \$25,000 from the Building Maintenance Capital Outlay fund, Activity 80, Account 321, which was budgeted to be an expansion to the maintenance facility; \$6,000 from the Park Maintenance Capital Outlay fund, Activity 52, Account 321 which was budgeted for a park sign maker where an avenue was found to have those signs provided; and \$124.77 from the Park Maintenance Professional Technical fund, Activity 52, Account 231; and then from the unexpended funds from the McMahan Foundation other grants from some of the smaller projects completed that had a fund balance remaining in the amount of \$18, 875. This is the breakdown of funds to be utilized for the city's matching portion and said the McMahan Foundation agreed this was an appropriate action for the remaining funds.

Shanklin asked what other project would be completed with this \$652,000 and Shahan said this project was for the roadway only and said that was the estimated cost as provided by the Engineering Division. Powell said that question had been asked by the board and he did verify this cost to be accurate and compared this project to the Flower Mound Road project that cost in the excess of three million dollars and said these figures had been verified. This road will be a 6 to 8 base, 12 rock and 4 asphalt plus curb and gutter.

Devine asked if the \$50,000 came from any particular lake or just the lakes division in general. Shahan said by using this money, there would be no capital improvement projects done at the lakes during this budget and this was money that was not assigned to a particular project but were considering putting in the vault type restroom facility throughout the region this year, but when prioritizing the needs of the department, the funds would be better served on this project.

MOVED by Patton, SECOND by Warren, to approve Resolution No. 03-172. AYE: Patton, Haywood, Warren, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

20. Consider accepting McMahon Grant in the amount of \$452,142.00 and providing City match of \$100,000.00 for Elmer Thomas Park Phase II roadway. Exhibit: October 7, 2003 McMahon Foundation Letter.

MOVED by Hanna, SECOND by Haywood, to accept the McMahon Grant in the amount of \$452,142 and provide City match fund in the amount of \$100,000. AYE: Haywood, Warren, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

22. Consider request for proposals for Utility Services/Operation Audit. Exhibits: Request for proposals for Utility Services/Operation Audit.

AS RECOMMENDED BY THE MAYOR, THIS ITEM WILL BE HEARD AFTER THE CONCLUSION OF EXECUTIVE SESSION.

23. Consider setting a date of December 8, 2003, to hold a public hearing and consider an ordinance closing a portion of a 10-foot public utility easement in Block 2, Moore Addition located at 2104 and 2106 NW Oak Avenue. Exhibits: Application, Location Map, Council Policy 5-1.

Bigham said his department had received an application to go through the closure-vacation process to close and vacate this platted utility easement at 2104 and 2106 NW Oak for a new development immediately south of Ryan s Restaurant where a proposed carwash will be installed and this easement would be in the way of this development. This item is to set a public hearing date to consider the ordinance for December 8.

MOVED by Devine, SECOND by Hanna, to set the date of December 8, 2003, to hold a public hearing and consider an ordinance to close a public utility easement. AYE: Warren, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

24. Consider approving an amendment to the Goodwill Industries of Southwest Oklahoma, Inc. agreement authorizing an additional \$2,200.00 to conduct the Circular Drive Project authorized in the City of Lawton Consolidated One-Year Action Plan for FFY 2002 (July 1, 2002 thru June 30, 2003). This action will raise the total cost of the project to \$22,200.00. Exhibits: Exhibit A: Letter; Goodwill Industries of Southwest Oklahoma; Subject: Additional funding Request for Circular Drive Project. The original agreement and the amendment are on file in the City Clerk s office.

Aplin said this amendment was related to the Goodwill Industries circular drive project on Summit Avenue and when this project was approved as part of the consolidated plan \$20,000 were allocated for construction of this drive. This was to address a serious safety issue around the rehabilitation facilities at the Goodwill location and particularly to provide for off loading for the handicapped and disabled persons. The request for the additional \$2,200 is to complete the full cost of the project which came in \$2,200 over what was estimated where the initial allocation was based on a realistic estimate of the cost. Staff is recommending that council approve this additional request.

Devine said he looked at this driveway and commended Goodwill Industries where this has made it very convenient for the residents for loading and unloading and is a nice improvement for the property.

MOVED by Shanklin, SECOND by Hanna, to approve the amendment for the additional request of \$2,200. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Warren. NAY: None. ABSTAIN: Haywood. MOTION CARRIED.

25. Consider entering into an agreement with Meet the Needs, 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 30, 2004) and authorizing the Mayor and City Clerk to execute the agreements. Exhibits: None. The agreements are on file in the City Clerk s Office.

Aplin said this item is to approve an agreement with Meet the Needs, Inc. for conduct of their meet the needs project that was funded under the current years consolidated plan and this agreement allocates the \$26,588.00 for them to conduct the project.

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

Devine said the City had really moved away from the original use of the meet the needs and said it was to help people who were in need for food and clothing at the time and now this has been moved into job training and criminal prevention programs.

26. Consider approving an ordinance amending Section 17-3-4-333 14., Chapter 17, Lawton City Code 1995, redefining member s accumulated contributions; providing for severability and declaring an emergency. Exhibits: Ordinance No. 2003-_____.

Deborah Jones, Chairman of the Pension Trust for the General Employees, said this is a pension fund for the general employees and to define the member s contribution as that which they contribute plus at least 6 percent per annum and said frankly the trust cannot guarantee that interest in this slow of an economy so we are recommending to council and the EAC that we change the definition to read compounded per annum and adjusted to a rate of 2% above the United States Treasury Bill market rate at the close of business on the Wall Street exchange on December 31 and June 30 of the next business day. I did fail to tell you that on September 12, 2003, the EAC did approve this and Mr. Thomas is the chairman of the EAC and is here tonight.

Devine said he thought there was a man here to speak on this issue.

Mayor said Renee had completed a request to speak form on this item, but she declined to speak at this time.

Dave Truitt, 108 SE Brookshire Way, said he felt this change would hurt the employees as he understood it, the proposed action to lower the interest rate paid on the employee s portion does not insure a maximum principal as the agenda item is asking that should do and said the funding level of the pension as of 2001 actuary study was very good and states 94.1% where actuaries say 50% are good and 75% is wonderful, and we are at 94.1% as of 2001, and the 2003 study is due out any time, I understand we have it but there were some discrepancies in it and will not refer to it at this time. Next comment is the interest is paid only on the contributions made by the employees, so you will understand the pension system a little bit, and this is approximately a little bit less than 1/3 of the total amount of the fund assets. Actuarial study indicates that interest earned in the 2000/2001 study paid interest at approximately 15.5% over the two year period. The current actuarial study indicates interest earned in the 2002/2003 study of approximately 9.8% over the two year period.

Next comment is that the proposed change can lower the interest paid but it also limits or places a cap on the interest paid. Again, if the real purpose is to protect the principal, in my opinion, it is to do so without hurting the general employees. There is a comment in the actuary study that says this plan is still higher than the private industry can provide through various accounts. I have two other accounts and they are paying a lot more than 6% in the last two years. Any quarter it paid better than 6% but in the last two years it has paid considerably more. So that statement, I have problems understanding how someone would want to say that when there is evidence otherwise.

Another comment is that the financial attitude or mindset of the general employees that have more than ten years, at ten years we are vested to where the city contribution also becomes the asset of the employee, and if they leave city employment, the potential of compounding of interest that is within the current city pension plan will be lessened by the proposed changes, the financial common sense indicates that this fund must be transferred to a private account that would remove not only the employee s portion and interest but also the city s portion which lowers the principal of the total funds even greater than this proposed amount, so I have a misunderstanding or lack of understanding of how this proposal can help secure the principal. The comments on the agenda state that on September 12, 2003, this proposed change to the retirement plan was presented to the EAC and was approved by the committee, which was the case; however, this does not share with you the council the misunderstandings that have been portrayed to me by two emails from two of the EAC members. The understanding the pension is currently funded at 82.5% actually the pension as stated earlier in the 2001 actuary study at 94.1% so the approval that the EAC made upon this was based upon inaccurate information. The understanding that have also from these two members who sent these emails is that these changes were needed in the plan to ensure that it stays in good shape, actually the plan has been increasing its funding percentage condition since 1998 through 2001. The fund is already becoming stronger just as it is without changes being made that will hurt the general employee. There is an understanding that the changes would not affect anyone who retires in the city, actually this proposed change potentially affects all the employees in the city except a few. There is an understanding that this plan is for pensioners and I have to agree, it is for those who will eventually retire with the City, but actually it is not only for the potentials who will retire, but it is for a benefit of the current employees and not just if and when they retire.

Changes in the plan should address benefiting the general employees and also benefiting the current and future pensioners not just one group. Changes in the plan should not be made to help one at the detriment of the others.

If indeed you consider an interest rate change, if the interest rate paid on the employee s contribution should be considered tonight, why would we be interested in connecting the rate to a fund such as the US Treasury Bill that has no direct connection with our pension plan. If interest rate paid only to the employee s contribution is to be revised and is to hurt employees and other retiree people to protect the principal of the plan as the intended stated

purpose was in the agenda item then why not connect it directly to the interest earned to the account. The next question of understanding is this really an emergency. Should this item be declared an emergency, I would say no, the accounting nightmare that it would cause to set an emergency would cause additional accounting and administrative troubles and problems for additional staff. If has to be done, then why not do it at an annual turn around of the plan.

The next statement is an actuary study and this is my request to you, to be performed prior to any changes, with these proposed changes considered in a new study to what affect the proposed changes would make to the total plan and let the individuals whose plan this belongs to, the general employees, be involved and know what is going on rather than just presented and they find out about it after the fact.

Ewing-Holmstrom: You specifically said that this helps some but not everyone, is there a specific employee group this is helping over a different, is this helping a certain section of the general employees that we are not aware of .

Truitt: I have tried to do a lot of number crunching in the last couple of months since I found out about this proposed plan, and that is difficult to say because there are so many variables, as I stated an employee that leaves for any reason financially is going to have to take his money out including the city portion because the financial gain compounding of interest is so much better because there is no more additional gain when the employee leaves employment.

Mayor: Where did you get that information from, that they have to take it out?

Truitt: I am saying it is financially advisable that they should take it out but they don t have to, but if they leave it in there more than ten years say, financial advisors are still calculating the earnings on retirement are anywhere from 7% to 8% compounding rule 72 means in about ten years it doubles so an employee that works ten years before receiving his retirement would be financially advised to remove those funds so the employee group, and please understand this is only a general employee retirement plan and it doesn t compare to the other two employee groups, fire and police, but that is another issue. The issue we are talking about tonight is what group or what people are with the general employees would this benefit it will benefit those that have a large number of years already and that do retire because it can benefit those because they are not going anywhere. Those that are younger, and the younger they are the more it hurts them, and as I said earlier this is a benefit for the employees it is not a savings plan it is a retirement plan, but it is an employee retirement plan and yes we do need to protect the principal but lets protect the principal lets secure the pension plan to benefit the pensioners that are currently there and provide hopefully a cost of living somewhere and maybe some medical assistance on that, all kinds of problems that we need to address in this plan that is not addressed. This plan as I see it will hurt more employees because there are only a few employees currently here that have more than twenty years and are in the age bracket of 55 and above, that last ten years. The younger they are, the more it is going to hurt.

Ewing-Holmstrom: I would actually like to table this issue until we can see some numbers on how this is going to affect the overall general employees.

Mayor: You know the rules, make a motion.

Shanklin: Before you do that,

Jones: Council before you do that I would like to give some explanation, and I am not here to argue with any general employee that is not the role of the trust. This pension fund is not an IRA it is an established set pension fund and it was set out by the city fathers for the general employees many many years ago and it is a wonderful benefit. It was designed to accumulate money for the early pensioners who didn t contribute many of them who are still alive as well as build a fund over the years for people like myself, who intended to stay with city 25 or 30 years and hopefully for many employees that come after us. The pension trust over the last 15 years, which comes from our CPA, has earned 5.44% interest. That is extraordinary particularly in the light of the investments that we have made. Over the years, this fund has had wonderful pension trustees who have taken a very conservative course of action we generally, the majority of the funds are invested in guaranteed instruments, by that I am talking about Ginny Mae, Judgments, CDs in other words, if the economy goes sour we are guaranteed by the term of that interest a certain set interest rate. We have not invested heavily in the stock market which is very volatile. We have made some bond investments in which we watch very closely, they are more volatile and we have made some money and particularly went into the bond market after the other instruments started going down in the interest they were paying. We simply couldn t continue to invest in those conservative investments and make that kind of money.

Obviously like any pension fund we do have actuaries and we do have a CPA that advises us each year and so we rely heavily on their advise with regard to the amount of contributions going in and the interest earned and the stability of the funds. And several years back we even decided to start investing in capitol equities and the stock market, unfortunately we started that conversion about 90 days prior to 9-11 as you can well imagine we slowed that conversion to a grinding halt and we have for about the last twelve months. We are now back in the markets

and we think over a period of time we can make good interest on some equity investments that are a little more risky. The bottom line is this fund was, and I described this to the manager, and perhaps it is a poor comparison, but managing this fund is about like bringing the Queen Mary into the New York port, if you are going to make any midcourse corrections you need to make them way out there in the sea and not in the channel coming in. So these are midcourse corrections that we recommended to the EAC, we have had an actuary since then and we've gone down to 88.5%, there are some discrepancies we think in the actuary we don't know if we are down to 88.5% the accountant that we use says based on actual payouts we are down to 82.5%, we think we are somewhere in between but the fact of the matter is that our unfunded liability is increasing so we have been working both with the EAC and the manager to try to stabilize the fund with as little pain and suffering to the general employee as possible and that is the reasoning behind the item and I am more than willing if you want to table it that is fine, our clients are the EAC so when we go to the EAC and they say go forward to the council then that is what we do.

Shanklin: Of all the years that I have been down here I don't remember refereeing a deal like this, how did we get in this, and what is our authority with this pension.

Vincent: Right now the pension program is established by ordinance in the City Code it replaced some of the language in the trust document when the code was readopted back in the early 80s I believe it was when those changes were made. Right now the code says that everybody will get 6% and what they are proposing to do is to cap it at 6% or 2% above prime not to exceed 6%.

Shanklin: I don't understand that, I second Amy's motion.

Mayor: I see the initiators as the Pension commissioners of the city employee retirement system.

Jones: Yes, sir. I am the chairman. And Mr. Ihler is here.

Mayor: Would any of them like to speak.

Plata: The only thing that I am looking at is in defense of the employees we lost our sick leave pay, we lost our COLA, we've lost our step raise, this is in the past year, this is the general employees, it is not the fire and not the police, and in defense of that, and I spoke to DJ earlier and I understand it is a pension fund it is not an IRA but in defense of the general employees I ask for you to table this.

Ihler: I really don't have anything new to add, except that this is a pension retirement trust and so as DJ addressed, we need to make some midcourse adjustments as we continue to go down and our unfunded portion continues to go up, the pay outs now for those people that retire for the city are at 6% and so this particular item which ties it to the T-bill basically pays out what the market bears at that point. Obviously as a retirement trust committee member as it says it is for a pension, for a retirement I think that is a good number.

Mayor: Do you want to table this.

Dwells: I want to talk on behalf of the pension commission. There are two types of pensions, there are fixed pensions, what our plan is, and there are IRA/401Ks which are stock market plans and if the stock market goes up, your potential is a better retirement. Our system is a fixed pension plan, we say we pay 2.3% per year if you retire. There is nobody that gets hurt by this per say if you quit the city employment you get to take out your portion which is drawing interest. I have been with the city 23 years now, I have put about \$45,000 in the pension system so my interest comes about to \$2,400 per year, but I am never going to see that, I am going to get it in a check, it is going to stay in the fund, the only way that I would see that interest they are talking about is if I said, I don't want to draw a pension I just want money. So with a fixed pension system they have got to actuarially keep it sound, it is not a 401K.

Mayor: Amy direction for the table, what do you want to happen.

Ewing-Holmstrom: I just would like to see data other than just this one sheet and I am not questioning Debbie or Dave I just feel that if we are given the burden to make decision that affects so many employees, I think we need more information before we make a sound decision.

Mayor: Bob.

Shanklin: The problem I have is why you don't want to make more than 6%. And I want to table it until I find out.

Mayor: We have a motion and a second, call the roll.

MOVED by Ewing-Holmstrom, SECOND by Shanklin, to table this item until more information and data is provided. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Hanna. NAY: None. MOTION CARRIED.

Addendum: Receive an explanation of the adjusted water bill for the Brookridge Retirement Center and how said adjustment was arrived at. Exhibits: Memo from City Manager, Larry Mitchell, dated September 22, 2003, and information packet distributed to Council at the October 14, 2003, Council meeting.

Shanklin said he put this on because he got to reading it and looking at it took it and to a good friend and we looked at it and I think we made some very bad judgment and we have all heard Mr. Endicott and Mr. Mitchell say we don't deviate from the code, does anybody disagree with that. We don't deviate from the code, well I think without any doubt we can prove that that is true in this instance and let me tell you council, we can't give away our assets, you are not entitled to give away your assets you can get a class action lawsuit on you for ten times the money and we have three or four of them. If you will look on, I don't think it is numbered, but if you will go to the page where they give us, before you can make a complaint and get it acted upon you have to do it before the delinquent date and you have to do it in a Affidavit. I am sure Mr. Vincent is going to disagree with me what an affidavit is but I can tell you what one judge said it was and I am going to read, I don't know why I brought that all stapled up I had mine all separated, if you will go to the letter that is sent to from a guy named Mr. Ghosn, he wrote the letter on June 23, he is denying use of that water and he states in there that an individual was given that meter and he installed it.

Private sector, a citizen, we gave him a meter, we have our own people, and his name is German I can't pronounce his last name, I have met German, and I know him as very efficient and I was impressed whenever he helped me, but if I don't have it it is because they left it out, that letter, does anybody see the letter?

Patton: dated June 23 is toward the back.

Shanklin: June 23, that was the date of the delinquent, wonder how they knew that. Barbara is pretty close friendship there, the meter was installed by David Tab Turner in October 2002, I don't know how he got that meter but I think Ms. Curran was already at work at that time, in charge of the water delivery. It says over here on two times he wants to have the meter reset and we owe the adjusted image so we took that meter in and our people checked it and there is a deal in here that says it was one percent one way or the other plus or minus. And I probably could do it by memorization anyway. So Ms. Curran writes the letter and she gets down and says probably the only way we can do this is through a certain code and if my wife did this to me I am going to get her. Anyway, I will just have to do it from memory, we decided to adjust it off and they gave us the bill of August but it was adjusted off on the 09-24, September 24th just back. They denied using the 1.5 hundred thousand gallons. Council if you will go out there and look at that oasis out there and that lake, back in 2001 and 2002 and now we are in 2003, somebody used some water out there and you are only going to read that meter May, June, July, August, September, October, and you read October's sometime in November and we sent them 2119 a minimum bill because we couldn't find the meter and there are statutes that say you will not disguise the meter. So that is the reason why it was not read and if I could find Ms. Curran's letter, it is about seven pages from the back. And he states that we didn't use that water, but how did all the grass and the lakes get filled, we had a drought last summer and the same we had this year. Whenever we disallowed it, approved the \$3,500 on Sept 24, we already knew that they had already used 718,000 gallons this year when we did it on the 09-24 which would leave someone to indicate that had been used last year and so far right now this year they have used 904,000 gallons so my concern is, especially when they say they don't deviate and all of that, that disappoints me due to some of the action that I have had.

Council, I've got a water bill here for 1,000 gallons for \$175.?? And Mr. Endicott and Mr. Mitchell say I owe that, well I am going to bring you an affidavit, I will show you what an affidavit is, it isn't a letter, it means I testify, is that right Mr. Vincent, that this declaration is correct and it is notarized and no where do you have that, so there is no way that you could have given an adjustment.

Vincent: Not only notarized sir, it is signed under oath.

Shanklin: Yes sir. We don't have that and we don't have it on another one of around 7,000. We just oh yow oh yow he does work for the city, does his contract say he gets free water, I doubt it, but if it does how do we know that all the water that that contractor took was for the city projects and I have a lot more, but I just want you to think about that council, because we can get sued, a class action lawsuit for just giving somebody back their water, in fact I probably know ten of them that will do it.

I got \$173.41 for 1,000 gallons and if that is fair council, I tell you, I don't understand it and I don't understand why one individual is determined to see how much pain he can cause me, but that pain will go away, it is just money, it is the idea that they refuse to acknowledge that there might be another interpretation than theirs. With that in mind, let's go in there to the, that is next isn't Mayor that we are going to go in there and find out about the water, there are some things in there that I can tell you about, that we haven't addressed, council we haven't, you know those fire hydrant water meters, you see that water meter the contractors have on their hose to get water, they haven't been read in four years. If I live at 902 Arlington and move to 6675 Bessie and I leave a water bill you can send it to me, they haven't done that. I read someplace, let's just write this off it would be too much trouble, let's just write it off. What I am trying to tell you is that we are in the shambles down there, I don't know how many new employees we have had of the turn over employees, I think it is somewhere around eleven, but you can't ask, if

you go ask well then you have identified your plan, so somewhere in time Ms. Curran came on sometime after August 22 and we give away that meter, we didn't give away the meter council, and this guy that we have the affidavit from is just a letter to Barbara and David Tab Turner he just came down here and got it, he just went out there and put it in there and if you believe that then there is some ocean front property in Arizona, so I don't know what we are going to do with it, we will just have to think about it, bring it back, but somebody do something.

Ewing-Holmstrom: I am kind of with Bob on this particular case because with all the documentation that we have, and I don't know who needs to speak on this, Barbara or Rick, but it is kind of hard to believe that they have a \$3,000 water bill and they only turned their water on once, something isn't right.

Shanklin: He just says he turned it on once or twice.

Ewing-Holmstrom: I am saying that the staff went out there, there wasn't a leak and I am kind of wondering the same thing. This letter pretty much tells the whole story, but I don't want to put you on the spot.

Endicott: No, I am not being put on the spot at all. There is a provision in the code and this isn't an irregular thing where there is unexplainable losses of water that we have no idea based on the customer's statement, as you can see we have documented and documented of having people go out and look at this and having another division get involved, there has been some insinuations that we are doing something crooked here

Ewing-Holmstrom: No, I don't think so.

Shanklin: Well, I do. I certainly do.

Endicott: Mayor, I resent the fact that is being insinuated, what the code allows for in these situations is for us to do exactly what we did, now does everybody agree that that is how it should have been handled. We had one month, 158,000 gallons of water to use as a measuring stick. Barbara came to me, this is not Barbara Curran's attempt to do anything wrong, I am the one that approved it, I am the one that sent it to the City Manager for his approval, so it lies at my door.

Shanklin: Not the 24th when you did it, and in September used 560,000 gallons, you knew that and you knew 158, that is 718,000 gallons, that is an indicator.

Endicott: I am the one, she came to me and asked me what to do and I said use the 158,000 and that is what she did, based on my direction, yes, sir.

Shanklin: How about an affidavit, you came right out and said we go right by the code, you told me I got to go by the code, I can't help if you are a councilman.

Mitchell: I did a little research today too and the code that we are talking about here, the requirement for an affidavit, it says that in the code, but the code was adopted in 1985, and I would be very surprised to see the record as to how many people who have submitted requests for adjustments have filed affidavits.

Shanklin: That makes it right then.

Mitchell: I don't believe any have I think this has been a long standing practice and the only observation I would like to make is if the council chooses to do something different then I am more than willing to do whatever the council would like to do to correct this, the code says that there is some administrative discretion here. I have a list of all of the adjustments that were made in the last four months, you take out the three adjustments for sprinkler service, our sprinkler adjustments that had to do with a sprinkler system and you are looking at thirty six adjustments in the last four months, the average adjustment was \$182.00.

Endicott: I want to add something here sir, prior to, since we have done such a horrible job, prior to me becoming Finance Director and Ms. Curran Rev Svcs Supervisor, the practice was to make all adjustments within Revenue Services very few if any went to the City Manager for approval, once I found that out, we changed that practice immediately and that is what we do today, because the code requires it.

Shanklin: That is easy to say, can you prove that.

Endicott: Yes sir, I can prove it.

Shanklin: So you think you made a good deal here on the 708,000 gallons.

Endicott: Sir, we did what we thought we should do in light of the information we had, yes I do.

Shanklin: You did have

Ewing-Holmstrom: My issue is not with your department, my question is how can we make sure this does never happen again, if we can't prove he used the water then it falls back on us, obviously, and we have to give the

adjustment, because if we can't prove he used it, and if there is no safety net, how do we keep ourselves from doing this again or having this happen again.

Endicott: We deal with this on, not on a daily basis, but on a regular basis, we try our best to get involved with Water Distribution have them do certain things, for instance we went out and tested the meter, we charged them \$125 for testing the meter.

Ewing-Holmstrom: And the meter worked,

Shanklin: That is a good trade out.

Ewing-Holmstrom: Bob, I am speaking, just give him a moment to answer, thank you.

Shanklin: I am sorry

Endicott: So based on all the information that we had, we did make the best judgment that we had at the time to adjust their water bill, because of the issue in the code that talks about the unexplainable leaks. We do not have any reasonable way to determine whether or not these folks did use the water or they didn't.

Ewing-Holmstrom: My concern is that we have got to somehow keep this from happening again, whether it be with a residential or a business instead of you all being put on the defensive.

Endicott: I think a way to do that is bring back an ordinance that we are not going to provide any adjustments for unexplainable leaks.

Ewing-Holmstrom: I am with you on that, I think that is a good idea.

Mayor: Wow.

Ewing-Holmstrom: If you get a bill that is high, you should be looking and paying attention to your bill, otherwise we're eating 3 and 6, God knows how much money and that ends up putting yourself on the defensive.

Mitchell: Just one foot note, I think if you look back at the last five years, the number of adjustments we are making are decreasing. We are not making nearly the number of adjustments we had been making two, three years ago.

Ewing-Holmstrom: Well you know how I feel about adjustments and vacancies, so we won't go there.

Plata: Did I fill out a form to speak on this item.

Mayor: No ma'am you didn't.

Shanklin: Do you want to speak, why can't she speak, we let everybody else speak.

Mayor: I understand that Mr. Shanklin, she has not been denied that right, I gave her an opportunity while ago on the other one and she didn't want to speak.

Plata: Thank you Mayor, I appreciate that. Let me tell you about this bill. When it was read it immediately came up on a repair list, we have a little list that comes out once the meter readers have read the meters, before we ever bill, we have something that is called a repair list and we look at this list before it bills and there is a determination on who has had high readings, who has had questionable readings on this and when Barbara came on, I asked her to put the expert on this repair list because prior to this, under the old regime you might say, the prior people that were in charge, yes we did have I understand four million dollars worth of adjustments, and it was mainly because bad bills went out with the City. They were not caught in time because the expert was not working on the repair list, other people were given the job that didn't fully understand this process of catching bills before they are ever billed because once they are billed it looks like you are going to get that money, and that is money that those particular adjustments, the 2 million, 4 million, there was a question on how much it was. Those were bad bills that went out, they were billed, they were never corrected and the adjustments were made on that you might say, yes they were made, it was never money that should have been counted in in the budget process, but because there was a failure in the billing section I know this for a fact that those bills went out because there was inexperienced people working in that job, okay let me tell you.

When this first came up the expert came to me and asked me, what do you think of this Renee, the meter had never been read, and I have a question of when the meter was put in, I understand it because I set up this account originally, under the tap there was a question on the building and there was a question on the seasonal meter, whether they had ever been paid for in fact, the meters itself. That was never answered to me and this is going back several years I am talking about, back in 2001 I set up that seasonal meter. I had information from Field Utilities, German, down there at Field Utilities, that he put the meter in, what the meter reading was, which they are all set on zeros, it was a brand new big meter, big meter, 2 or 1 whatever it was, I worked on this account,

okay, when this reading came up for 1.5 million and 85 thousand gallons, this is what I told them, the expert, did you have the reading checked, did ya ll go out there and make sure it was correct, that reading. I told her bill it, they billed it, I said bill it because they will be calling us, okay, you know what, when that call came through, if just so happened I was the first person to get that call because I was picking up some phones ringing off the hook. I spoke to the people out there, and I can t say that it was that I spoke to Sam Ghosn, I am going to say I did not, I spoke to somebody else out there, and we spoke about the pond, and because to tell you the truth, I went out and seen the meter years ago, to see where they were, to see if they were out there because there was a question of whether that meter was out there. The meters set within six feet of each other, you can t miss them if you are walking right by there, you cannot miss them, unless one should have been covered. I spoke to whoever called me and you know what, I asked about the sod, I asked about a sprinkler system, I told them I was aware there was a pond out there so you know what, we came to the agreement whoever I spoke to , that yes they probably had used the meter, used it and used the water since 2001 and I believe it was somewhere in December that it got set, supposedly by Field Utilities, like I said, I never had a firm answer on when that meter was set. It was never given to Tab Turner, I don t believe that, German supposedly put that meter in. Okay, when you are looking at a sprinkler system, it depends on how much they are using it, how many heads there are, how long they are using it. I say we billed it correctly. Okay, I talked to the people, that guy whoever he was and I don t have his name, you are talking five months ago, in June the bill came out. Okay I remember a lot but I can t remember who I talked to , but I am almost positive it wasn t Sam Ghosn, I went to Barbara and I told her this bill from my experience will never be paid, from my experience, what I know. Okay, whatever, it went on and then I find out, I don t know where I found out, I found out the bill was adjusted. Okay, let me tell you, by the time the bill was adjusted, three bills were produced, they used 100 something thousand on the first one, 560 thousand on the second one, and then it is almost a million gallons they have used this summer, three months, so I say at this point and how the ordinance reads, whatever part it s figuring, number F it is, it says that you must consider that there was the time we are talking about, and the use of that meter, so it is not just like all the sudden it read that and it popped down to something else, that water was used, I d say legitimately to put that sod in out there, I would say it was used with the pond, and I don t think it is extraordinary based on three months reading right now, almost a million gallons in one summer when that meter has been there two years and that is just my personal expert opinion I am going to say, I am the expert on that, aside from the girl who is doing the repair list. And if you will look at the ordinance under five, I mean F, it does say to consider at the end of that sentence that the time of year and the usage we are talking about, it is a seasonal meter, it is for outside water only and of course nobody came to me, but I did make Ms. Curran aware of this situation right from the get go, after I talked to the first person who called me, after that just to let you know.

Ewing-Holmstrom: Mayor I have a question and I don t know if Rick can answer this or what, but it says on here, July 5, 2002, per 2, reason 9, 6262, it is on this page right here, 97,981. We have written off \$97,000

Endicott: The 97,981, I don t know why .

Plata: No we have not, what it was, it was a bad reading and the bill got produced because the repair list, whoever was doing the repair list at that time, they didn t catch how that was punched before that ever billed that night.

Ewing-Holmstrom: So where did all the water come from to build that pond.

Plata: You tell me. All I am saying is, you know what, look at the amount of that adjustment, excuse me, I have little old grandmothers that come into the water department and they have to pay their bill because they can t prove something and I have a problem with it because it, I am sorry, I just have a problem with it.

Devine: Maybe I missed something here, but, you are saying they did use the water you felt like that they should have paid the bill.

Plata: Yes I do feel like definitely and it was admitted to me that they were, by whom, I can t tell you, just that it was somebody from Brookridge, I know it wasn t Mr. Ghosn because I had other dealings with him in licensing and I know, I have spoke to him, and it was not him but I can tell you whoever it was, the maintenance guy or whoever, he admitted that there was a sprinkler system, there was a pond, and we came to more or less that he understood that the meter had never been read, it is sitting out there, I don t know if it got covered with sod, because if you walk by there, you will see that meter is right here and there is another one within six feet of it, and I didn t just go out there and look at it, I know it from when there was a question of whether the meter had ever been paid for, and that question was to the other administration, not to them.

Ewing-Holmstrom: I think the problem is that this department does not have the tools to do their job, I don t think we have the right amount people taking care of the meters that we have, so how can we get accurate readings and situations like this won t come up if you have enough people out in the field.

Devine: My problem is in sitting here and listening to all sides of it, is I think that you are going to have to have some kind of leeway for a department, for instance, like Mr. Vincent s tort, we give them \$400 to settle deals, and I think this council should set an amount that Mr. Endicott, you ve got to trust him, you have hired the man for the job and we are going to have to trust him, that if he is going to do it or Barbara, that we need to set an amount that

they can adjust, because I have asked for adjustments on water bills before and we make out the invoice, we put on there undetected water leak and the homeowner brings it in and they adjust it. But I think that we need to set a ceiling on these adjustments and if it becomes a large amount like this particular bill, we are talking about enough money that should be brought before this council to make the judgment call on, not one individual, that puts that person on the spot, and I am not trying to protect him, I am saying he did right or wrong, I am just saying we put that man in that position and he made the judgment call, right, wrong or indifferent. We should have never put him in that position to start with for that kind of money. Because we don't do that on anything else within this city.

Ewing-Holmstrom: I agree with you Glenn, what's done is done, we just have to figure out a way to keep this from happening again.

Mayor: This was agendaed for an explanation of the adjusted water bill and that has been done very well and so if we can, if somebody wants to bring that back

Shanklin: I will bring it back because I just don't believe as intelligent and the degrees that she has that she would buy this little dinky letter unless she knew him as well as he called her Barbara.

Curran: Could I make a comment here please.

Mayor: Sure.

Curran: The information for any leak adjustment is based on the information the customer provides us whether it is an undetectable leak and there is a plumber's statement or whether it's an unexplained consumption as in this case. The customer provides us information, they are all given the same opportunity and all looked at in the same manner. The City code provides currently for unexplained consumption, the facts given to me by Mr. Ghosn were that the sprinkler system used to be hooked on to the meter for the building, the consumption for the sprinkler system and the building was never that high, they put the sprinkler system on its own meter. Mr. Tab Turner did not install that meter as Mr. Ghosn originally said and I did check that out with Water Distribution, and it is in my notes. The city installed that meter and it was set at zero and that is provided by German in Water Distribution. When we looked at this, it was an unexplained consumption, it was unusually high, and based on what's available on the City Code my recommendation was to give an adjustment, that is the only out so to speak or adjustment allowed that I knew of and we all looked at it and determined that there was an unexplained consumption and based on the code we adjusted it.

Ewing-Holmstrom: Mayor, I would like to ask both of you and I don't know if you can do this now or maybe if this is something that you all can submit to council at a later date, what are the things that we can do to help you all make sure this doesn't happen again or I don't know what we can do to ensure that unexplained leaks are investigated. Is it a lack of manpower, what can we do.

Endicott: Personally I like Mr. Devine's idea of setting a limit, anything over that limit can come to council and we will provide you with all the information that we can possibly provide you and have the council make that decision. But we do need some availability, I don't know \$300 or \$400 I don't care what it is, and it is fine with me if council would like to see all of them we can produce a report and show you every leak and we would be more than happy to do that.

Mayor: I think what would help you out, I think Mr. Mitchell has done some research and has about 35 adjustments that have been made, and he will get you a copy of it and from that copy you can make a pretty intelligent decision of where you want to set that limit. I think there's three in here probably that you would want to be in the decision making process. Maybe just two, but after you see this I think you will see what you need to do.

Endicott: Mayor, there are certain situations that we do come across and one is on that list and that was Burk. We inadvertently billed his company for \$7,000 worth of water and he was doing a construction project for the City of Lawton, so we did adjust that off. The City Manager and myself signed off on that because of the dollar amount.

Ewing-Holmstrom: Just one thing, Larry Mitchell is the one that approved this adjustment, not either one of ya ll.

Shanklin: Let me ask Ms. Curran, did you give Mr. Turner a meter.

Curran: That meter was purchased before I came over here, I believe the account was set up in 2001. The meter, to my knowledge, purchased from the city, it was not installed by Tab Turner,

Shanklin: Then this isn't a true statement by these people, then is it.

Curran: On the copy that is in there I made a note because I talked with Tab Turner and I asked him, Mr. Ghosn originally told me that meter was installed by Tab Turner, I talked to German at WD and I talked to Tab Turner himself and they both said no he did not install it, the City installed it.

Shanklin: Then you shouldn't have given this letter any validity, you seldom will come out and look at mine to let me prove to you there is no one living there.

Curran: My note on that letter states the City installed that meter, not Tab Turner.

Shanklin: Then you shouldn't have given any validity to this statement then and that is what you made your adjustment on.

Hanna: You keep talking about these unexplained leaks, do you pressure test these lines and make sure that they are working properly out to the meter and so forth, you are talking about a million gallons of water just a span over a 3 month period, that is hard to swallow, either there is a major leak in a line someplace in the line or something, something has got to be checked, other than just testing the meter.

Endicott: We didn't pressure check the line.

Hanna: I think you ought to start doing it because we are losing lots and lots of money here. How many accounts Larry do you have here to be adjusted. 36 in the last four months times three times that, you are talking about 120 accounts here.

Endicott: The 36 that he is referring here are specific leaks, they are not this type, they are leaks at your house, you find a leak, you fix it and give us a plumber's statement and then we adjust that off.

Hanna: How many other ones you got like this out there, you are talking about lots of money.

Ewing-Holmstrom: But it goes back to staffing, do they have the staff to be able to do the things.

Mayor: Glenn if you want to bring that back or if any of you want to bring that back

Devine: Sure that will be fine, I just want to rebuttal Hanna, Mr. Hanna one of our problems on these leaks is that when the meter readers, and everybody knows that is my pet peeve, but on the meter readers are when they go out to set these meters they will go out and set it and if there is nobody home, they will leave a note on the door, turn the water valve counter clock wise to turn your water on, and people don't know whether it is leaking or not, they turn the water on and go on in the house and do whatever they've got to do if they got a leak, oh well, it just comes up with an overzealous bill that they got.

Mayor: I don't want to beat this to death, but I want to say one thing. I have been involved in some of this stuff, we do not have the people to go out there and baby-sit that meter until somebody gets home at 6 o'clock.

Ewing-Holmstrom: Make them be home, you have to be there when they turn the cable on.

Mayor: That is right.

Mayor: Okay, let's move to the next item please and that's give report.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

27. Consider receiving a report on the City's financial condition for the first three months of fiscal year 2003-2004, and provide direction to staff. Exhibits: None.

Endicott said this was good news regarding the distribution of the first quarter financial report and referred to the Financial Supplemental Report and said the other is the regular financial report and during the budget process on a monthly basis try to make a projected fund balance for the end of the budget year, June 30, 2003. On the second page on the March 31, 2003, a projected fund balance was projected at \$536,000. After the completion of June 30, 2003, a financial report was provided the projected fund balance was \$1,098,000. On the first sheet it indicates books have been closed and the fund balance has been revised to be \$1,286,304. Endicott said this report is good news but not great news because several things are currently in process that could cause the fund balance to be affected; one is the lawsuit with the water districts to be concerned about.

I do want to remind council there was discussion at a previous meeting about having a five percent reserve balance to carryover and that number equates to 1.7 million dollars and it was decided that closer to ten percent gives a better comfort level and our number is currently at 3.5 percent. The city is headed in the right direction if we stay on target and everything holds true and we end up with 1.8 million dollar fund balance at the end of the year but we need to be very careful how we utilize that fund balance.

Endicott said the IUPA contract cost was about \$95,000 and there was a pending decision of the interest arbitrator on the IAFF contract and should be getting that fairly soon and if there was any adjustment to the general employee group and a furlough day that would affect the fund balance; however, the furlough day originally set the day after Thanksgiving had been rescheduled for a later date if necessary. The cost of the one furlough day was

approximately \$120,000 and depending on the actual action of a furlough day that would also affect the fund balance.

Endicott said the reports indicated the fund balance was moving in the right direction and it had increased over the budgeted fund balance. Shanklin said water is up 29.79 percent.

Endicott said the general fund financial report revenue is up two percent over expected and we were at 25% of the year and the report shows about 27% of revenue collected and said water had been collected at approximately 29% of revenue which meant we are up a little over 4% of the first quarter of the year. Water sales are doing well, but the city has sold the most water we were going to sell the first three months of the year which had peaked and the sales tax were up about 8% over last year.

Colonel Herring announced General Maples was leaving for a new assignment in Washington D.C. and coming in would be General David Valcourt who had been stationed here in the past.

Haywood expressed thanks to the fire department for assisting a good friend on Sunday morning and said happy birthday to his wife Charlott.

Shanklin commended the volunteers who had been cutting down trees in the alleys throughout the city and asked Mitchell research and provide information to him on the cost to put a crew together to clear these dead trees from the city s easements and right-of-ways. Shanklin asked that the council be advised on the 10th or 11th regarding the sales tax amount and said he always loved to see how the city was doing.

Mayor said he received a report comparing Enid, Tulsa, Oklahoma City, and Lawton, those other three are downward spiraling and the only one going upward is Lawton.

Ewing-Holmstrom said the lights are up at Flower Mound and Gore Boulevard but flashing red and she requested information from the briefing from the National Park Service and requested to not receive copied material in her distribution box but preferred to receive information via email. Ewing-Holmstrom reminded everyone this country was still at war and we need to be replacing the yellow ribbons to show our support.

Mitchell said he would provide council with a report from the Chamber meeting and said it was a very productive meeting with great attendance and to include the land conservation program is moving forward and the National Park Service has asked the City of Lawton participate in a national partnership conference that will be held in Los Angeles, November 17 19, 2003.

Shahan reported on the Elmer Thomas Master Plan Project and said the Lawton-Fort Sill Coop had recognized this project as one of their projects and so some of the extra things we would be looking for such as irrigation and trees and things of that nature, the Lawton-Fort Sill Coop will be involved and we will begin to see other things taking shape there.

Chief Thorne gave an update on the Lawton City Jail and said with the assistance of the City Manager the LPD had been approved to convert the storage area of the jail to a worker inmate dormitory environment which would increase the capacity by twenty beds. The requirements are that the city provide a complete fire alarm system for the jail and add that into what presently exists and that the plumbing requirements be met. Some funding has been previously set aside but cost estimates are not available as of yet.

Mayor announced Santa Shops Lawton would happen again this Christmas season and said Trick or Treating would be observed Friday evening October 31, 2003, from 6:00 p.m. until 8:30 p.m. and advised everyone to watch out for the little ghosts and goblins as the evening would be dark early since the time change.

Raymond McAlister announced the Christmas Parade and lighting of the Boulevard of Lights on Friday, November 21, 2003, at 7:00 p.m.

BUSINESS ITEMS:

28. Pursuant to Oklahoma Statutes Title 25, Section 307 B.9, consider convening in executive session to discuss the City s Vulnerability Assessment concerning the City s water supply system and if needed take all action necessary in open session, to include reviewing and approval of all Phase 17 project list recommendations for funding. Exhibits: List of Proposed Projects.

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

The Mayor and Council convened in executive session at 9:00 p.m. and reconvened in regular, open session at 9:20

p.m. with roll call reflecting all members present.

Mayor Powell reported on Item 28 by reading the agenda item title and said he needed a motion to approve expenditures of the Phase 17 grant funds in accordance with the City's Vulnerability Assessment.

MOVED by Devine, SECOND by Hanna, to approve the expenditures of the Phase 17 grant funds. AYE: Patton, Haywood, Warren, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

Addendum: Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the companion law suits, in the Comanche County District Court, Comanche County Rural Water District No. 1 vs. City of Lawton and Lawton Water Authority, Case No. CJ-2003-928; Comanche County Rural Water District No. 2 vs. City of Lawton and Lawton Water Authority, Case No. CJ-2003-929; Comanche County Rural Water District No. 3 vs. City of Lawton and Lawton Water Authority, Case No. CJ-2003-930; City of Geronimo and Geronimo Public Works Authority vs. City of Lawton and Lawton Water Authority, Case No. CJ-2003-931; and Harold and Dorothy Wilson d/b/a Pecan Valley Waterworks Association, LLC vs. City of Lawton and Lawton Water Authority, Case No. CJ-2003-932; and if necessary, take appropriate action in open session. Exhibits: None.

Vincent reported on the Addendum Item 28 by reading the agenda item title and said the city did meet in executive session to discuss the above mentioned lawsuits to brief the council on the lawsuits as they currently existed and no action was required at this time.

ITEM 22 WAS HEARD AT THIS TIME.

22. Consider request for proposals for Utility Services/Operation Audit. Exhibits: Request for proposals for Utility Services/Operation Audit.

MOVED by Devine, SECOND by Hanna, to strike this item at this time. AYE: Warren, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

ADJOURNMENT.

There being no further business to discuss, the meeting adjourned at 9:23 p.m.