

Meeting of 2004-6-8 REGULAR MEETING

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JUNE 8, 2004
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Kathy Fanning, City Clerk
 Col. G. Keith Herring, Fort Sill Liaison

The meeting was called to order at 6:19 p.m. by Mayor Purcell with invocation by Father James Stafford of Blessed Sacrament Church and pledge of allegiance. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT: Randy Bass, Ward One
 Rex Givens, Ward Two
 Glenn Devine, Ward Three
 Amy Ewing-Holmstrom, Ward Four
 Robert Shanklin, Ward Five
 Jeffrey Patton, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: None

ROLL CALL

PRESENTATION OF CITIZEN OF THE MONTH AWARD TO BILLIE PENN

Edwina Reddick-Scott of the Mayor s Commission on the Status of Women presented the Citizen of the month award to Billie Penn. Scott introduced Penn to the Council. She said Mrs. Penn has spent many volunteer hours making the community a better place for our citizens. She has spent countless hours with the Pregnancy Resource Center, Lawton Women s Forum, and the Christian Women Club. She has been a Red Coat Ambassador for 19 years and is still going strong. She is devoted to the arts in our community. She offers free piano lessons to students. As a member of Grace Fellowship Church, she teaches Sunday School, serves on the Praise and Worship Team, where she plays the piano, sings specials, and assists her husband as a group leader. She has taught and assisted with Vacation Bible School and has recently received the Church Woman of the Year Award from the Daughters of the American Revolution. She is married, has two children and is the grandmother of four.

Mayor Purcell congratulated her and said she is one of the hardest working ladies, even when she was working full time, she still did all this volunteer work. He read Citations of Congratulations from the Oklahoma Senate and the Oklahoma House of Representatives. Next he read a Proclamation from the Mayor s Office and presented her with a Mayor s coin.

Penn said she was just overwhelmed and appreciates this honor. She said she was raised in Lawton and loves to serve people, to help others in need, and to encourage people. She has the heart to do it and wants to do it. She worked for Senator Nichols for 18 years. She said there s a need out there and wants to help fill that. She thanked her family and church family for their support and encouragement.

Mayor Purcell asked Dr. Robert Bower to come forward. He introduced him and spoke on how he has helped the City for many years. He gives his time and efforts in handling our police dogs and never asks anything for it. He wanted to recognize Dr. Bower and thank him. He read a Certificate of Appreciation from the Office of the Mayor and presented it to him. He also presented Bower with a Mayor s coin.

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

Raymond MacAlister spoke on the upcoming youth concert and asked everyone to pray for the President.

Dan Tucker, 6916 SW Beta, asked for Council's caution on entering into agreements with the County Commissioners. We have entered into agreements with them in the past and are now considering entering into an agreement over 911, if that can be worked out. We have entered into agreements in the past and they have all been one-sided. They asked for Library services outside of Lawton and reneged on that, they also asked to use City facilities to provide the Nutrition Program and came back and reneged on that deal. He said he and other citizens of Lawton pay huge amounts of ad valorem tax and to his knowledge, he is not getting anything for that, proportionately speaking, for what he pays to the City of Lawton directly through water, utility and other bills. The City has always delivered service and never reneged on anything. The County likes to claim dominion, the Fair Grounds is theirs, the Jail is theirs, and they will turn to the State agencies to gain their expertise. They say the City doesn't have any authority. They don't hesitate to call our Police Department when there is trouble at the County facility at the Fair Grounds and then stand around and criticize the way our people react and its unearned criticism. They are not going to call the State or the County if there is a fire in that jail, they're going to call our Fire Department. We are not going to be reimbursed for that, it's something we do because they too are occupants of this community. He asked that any agreements we enter into be done with open eyes and the willingness to, when they do forfeit, that our services stop also.

AUDIENCE PARTICIPATION CLOSED AT THIS TIME.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF APRIL 27, 2004

MOTION by Warren, SECOND by Haywood, to approve the minutes of the Lawton City Council Regular Meeting of April 27, 2004. AYE: Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED.

Purcell instructed Council to strike item #29 of the business items. With Council's permission he would like to move a couple items around. He asked that items 24, 25, 27, and 34 be heard first and then continue on.

There were no objections from Council.

CONSENT AGENDA: Separate consideration was requested for Items 12 and 20.

MOTION by Warren, SECOND by Bass, to approve the consent agenda with the exception of items #12 and 20. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Givens. NAY: None. MOTION CARRIED.

Vincent said he has a request to speak that didn't come forward for this item. He said Mr. Bynum's claim was denied and he has requested to speak on that. He asked if Council wants to reconsider item #1 so Bynum will have an opportunity to speak.

MOTION by Patton, SECOND by Bass, to reconsider item #1. AYE: Patton, Haywood, Warren, Bass, Givens, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: Leland and Julie Smith, Jimmy and Gertrud Cadenhead, Bob and Delores Mansell, Donald and Marcelle Bynum, Tony Ferrante, Sr., and Leonor Herron.

Vincent said Marcelle Bynum wishes to comment on her claim, which was recommended for denial by the City Attorney's Office. There was a cavity in the sewer line, it did collapse, and we did have to replace the main, but the problem with this is there was no prior notice and we are required to have prior notice by State Law in order for us to be held liable. That is the basis of our recommendation for denial.

Bynum said she is the sole owner of the property at 1116 Columbia. She said there have been several times she has had to have the plumber come and unstop the line and this last time, in December, it turned out to be in the City's main line. She said there is a chronic situation in that line in the alley and asked this to be postponed until next Council meeting. She needs to see the evidence that helped make the decision.

Shanklin asked if this happened as a result of the cavity. Vincent said yes. Shanklin said he would make a motion to pay her. Vincent said they have not reviewed the loss amount. If Council wishes to consider paying this, then postpone Bynum's claim until the next Council meeting so we can review the loss data and go ahead and deny the remainder of the claims on this item.

MOTION by Shanklin, SECOND BY Bass, to deny the remaining items on this agenda item (Smith, Cadenhead, Mansell, Ferrante, and Herron) and postpone Bynum's claim until the next Council meeting. AYE: Haywood, Warren, Bass, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

2. Consider the following damage claims recommended for approval and consider passage of the resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Maria Bacon, Moises and Dorothy Christian, and Dale and Betty Reser. Action: approved; Resolution No. 04- 66.
3. Consider approving a renewal Agreement effective July 1, 2004 through June 30, 2005 between the State of Oklahoma Office of Juvenile Affairs and the City of Lawton for the continued operation and management of a Community Intervention Center in Lawton, and authorize execution of the renewal Agreement and an Affidavit of Assignment authorizing payment directly from the State to Marie Detty as the CIC subcontractor. Action: approved.
4. Consider ratifying the action of the City Attorney in entering into a promissory note with Rafael Sanchez for the repayment of damages to City property and authorize the Mayor and City Clerk to execute the note. Action: approved.
5. Consider ratifying the actions of the Lawton Water Authority approving baling leases to the highest bidder and authorize the Mayor and City Clerk to execute the leases. Action: approved.
6. Consider renewing the professional services agreement with Robert M. Jernigan as a representative on telecommunication issues as they effect the City of Lawton and authorize the Mayor and City Clerk to execute the Agreement. Action: approved.
7. Consider approving the construction plat for Pinchback Development. Action: approved.
8. Consider approving the amended construction plat for Wyatt Acres Addition. Action: approved.
9. Consider awarding a contract for the Squaw Creek Sanitary Sewer System Flow Monitoring Project 04-1 SSES to Interra Hydro, Inc. in the amount of \$603,500. Action: approved.
10. Consider approving the Releases of Mortgage between the City of Lawton (Lender) and Wilma Smith and Armando V. & Rosa D. Mangual participants of the CDBG &/or HOME program (Borrowers) and authorize the Mayor and City Clerk to execute the documents. Action: approved.
11. Consider accepting a grant from the Oklahoma Department of Human Services for the Retired and Senior Volunteer Program (RSVP) for Fiscal Year 2004-2005 funding. Action: approved.
12. Consider approving an Outside Water Sales Contract with Jerry Wise, and authorize the Mayor and City Clerk to execute the Contract.

Bass asked Vincent if this was all up to City Code before selling water and asked if this was a new house being built.

Vincent said he wasn't sure why Wise is purchasing the water. He said he didn't remember but would get him the information. Endicott said he is planning on building a house and he believes there's an easement with a water line. Vincent said yes, this is adjacent to the 12 City main down there.

Bass asked if everything would be brought up to City Code before. Vincent said the contract is a standard contract and he's got to meet Code and pay for the water tap and all that.

MOTION by Bass, SECOND by Haywood, to approve an Outside Water Sales Contract with Jerry Wise, and authorize the Mayor and City Clerk to execute the Contract. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Givens, Devine. NAY: None. MOTION CARRIED.

13. Consider approving agreements for euthanasia services with the following entities, and authorize the Mayor and City Clerk to execute the Agreements: City of Cache, City of Grandfield, City of Geronimo, and Town of Medicine Park. Action: approved.
14. Consider approving agreements for refuse disposal with the following entities, and authorize the Mayor and City Clerk to execute the Agreements: City of Cache, Town of Indianahoma, Multiple Community Services Authority, and Town of Temple. Action: approved.
15. Consider approving the following contract extensions: Collection of overdue Utility Bills (RCPCL02-056) with Lawton Retail Merchants Assn. - Revenue Services. Action: approved.
16. Consider awarding contract for Sewer Pipe Fittings (CL04-061) with Water Products of Oklahoma, Inc. Action: approved.

17. Consider awarding contract for Liquid Sulfur Dioxide (CL04-60) to DPC Industries, Inc. Action: approved.
18. Consider awarding contract for Pre-Sort Mailing (CL04-63) to Southwest Mailing Service, Inc. Action: approved.
19. Consider awarding contract for Workers Compensation Administration Services (RFPCL04-051) to United Safety and Claims, Inc. Action: approved.
20. Consider adopting a Resolution to restore United States Postal Service delivery back to porch delivery. Action: postponed.

Ewing-Holmstrom said she talked with the Postmaster today about this item and he said anytime anyone is elderly or needs any kind of assistance, they just need to call the post office and the postal person who works that zone will be more than glad to give them porch delivery. It s by request. Her other concern is we are getting involved in how the postal service delivers mail and she doesn t think that s our place.

Shanklin said we are trying to get away from the discriminating practices of the United States Post Office. The postal receptacles on a fence pole are in the poor areas and you don t find them out in the wealthier areas of town. You will find them right down the street in Old Town North and to the south. This distracts from the overall look of the city.

MOTION by Shanklin, to approve this Resolution.

Haywood said we have had some problems in Ranch Oak twice, it has been stopped twice by putting those mailboxes in Ranch Oak. The first time it went to Oklahoma City and the second time we spoke with Mr. Chambers, the Postmaster at that time, and a group of people in Washington D.C. and was able to stop it. In Lawton View they have these mailboxes and it doesn t look good. We can put those mailboxes in one location, like they do in other areas.

Ewing-Holmstrom said the actual item agendaed was to request the postal service to restore porch delivery because the elderly and sick were forced to walk down the driveway to get their mail. If this is a clean up Lawton effort, that s a whole different ballgame and we are going about it in the wrong way. She said we need to work with the postal service and Postmaster if we are looking to get rid of what you refer to as the big boxes. This particular item, the postal service already takes care of and we are talking about a whole other item and it s not addressed in this item.

Patton said the mailboxes out on the curb is your mailbox, you are responsible for it, it says right on it, property of US Post Office but you buy it, so he believes the owner of the property is responsible for the mailbox. He said he thinks this is an owner responsibility issue. If this is a beautification issue, we need to put the responsibility back on the people who own the property to put a better looking mailbox up if it s bothersome to people.

Bass asked if Shanklin was talking about being able to move your mailbox to your front doorstep. Shanklin said he didn t know if you could. He has properties they never informed or asked him permission to do this; they just did it in some areas. They are a distraction and dangerous. His point is, these mailboxes have been discriminately placed. He asked Council to approve this resolution asking the post office to remove those because it is a blight.

Bass said his daughter lives in one of these areas and if there s a car blocking the mailbox, the postal person will not get out of the car and put the mail in that mailbox, he goes right on. If that car sits there for four days, you do not get mail for four days.

Ewing-Holmstrom said she spoke with the Postmaster and they have policies in place to handle this particular item.

Motion SECOND by Haywood. Powell said we have a second. Haywood said he takes his second back.

Bass asked if they could make a motion the way Shanklin wanted instead of this because they already have a solution to this problem. Shanklin said he is talking about the blight, they way they look. Bass asked if he could amend his motion to read that way.

Powell suggested postponing this until next Council meeting.

MOTION by Shanklin, SECOND by Bass, to postpone this item until the next meeting. AYE: Shanklin, Patton, Haywood, Warren, Bass, Givens, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

21. Consider approving appointments to boards and commissions as shown on the exhibit to this item. Action: approved.

22. Consider approval of payroll for the period of May 10, 2004 to May 23, 2004. Action approved.

OLD BUSINESS:

23. 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.

Tim Golden, Human Resources Director, said this item deals with the City of Lawton Employee Retirement System, specifically dealing with the amount of interest that accrues on a member s contribution to the retirement plan should he/she quit. In no way does this ordinance affect people who retire with the City, only people who quit or if they re involuntarily terminated. Currently if an employee quits, they will accrue 6% accumulated interest on their contributions to the retirement fund. The market has been returning substantially less than that over the last few years. As a result, our funding for the plan has decreased. We are obligated with more than we are bringing into the retirement system. The Pension Trust Committee came to Council on November 11, 2003 with this proposal, recommending we revise the formula on the interest accrual to be the US Treasury Bill plus 2%, not to exceed a total of 6%. At the direction of Council, we were to take this ordinance back to the Employee Advisory Committee for their recommendation. They brought in the Auditor who gave a presentation to them about this proposal and about the status of the retirement system. The EAC recommended unanimously that we approve this ordinance. The Pension Trust Committee unanimously recommends approval also and staff feels strongly for approval.

Mitchell said he handed out a management letter from the CPA who reviewed our retirement program and the evaluation is attached to that.

John Thomas, EAC Chairman, said the EAC did meet with the Trust and Mr. Cummings and they strongly feel this change is necessary due to the fact of the economy. He said they do not want to get into a situation where we were with the Health Plan, where we waited for dire straights and then had to do something drastic to get it back solvent. Due to 9-11 and other things beyond our control, the fund decreased. The EAC members strongly recommend implementation of this change because it is not adding to nor taking away from any of the employees.

Dave Truitt, said the actuarial consultant Tom Cummings replied to his questions (copies which he passed out to Council). He referred to #5, the definition of a fixed annuity condition is very secure, 100%. For secure it says 75-99%, for protected 50-75%, concerned plan was less than 50%. We are currently rated 88.6% and in his opinion, it s secure, we are way above the mid point of the secure range. He asked why we need to change anything. We were told several years at the last change, the expected decline would go down to 80% and it has not even reached 88% yet and it is still stable. It is fluctuating but not going down. He referred next to item #2 on the handout and Cummings answer was the expected return is 7%. He said if that is incorrect then the actuary is incorrect and we need to do something about that. Next he asked Council not to decrease the benefits to General Employees. It happened last year and we have not received full return of those benefits and he doesn t know if we will during this budget year, but taking more benefits away from General Employees is demoralizing, it s hurting us, and it s getting to a point where we are really afraid. It will effect an employee who is a G7. In the first ten years they will receive \$2,200 approximately, less money, if he leaves the City. After 20 years it exceeds \$13,000; this proposed change at the current T Bill plus 2, which would be about 3% right now. It will not change the funding level according to Cummings except by about .4 or .5%, so we are not going to increase the funding of the plan if we do make this change. He said the next item is about Council s request the employees have a mass meeting to get their opinions and make sure they understand what s going on, that has not happened. He said the majority he has spoke with has stated they are against the proposal, but the EAC Representative said the people he represents was for it. There is a problem here with communication and asked Council not to approve this proposal.

Casey Caddell said he is a member of the EAC and this has been talked about at great length on the committee and with employees. He said this will not effect the bottom line retirement. If he stays 30 years and retires, it will not have any effect on this retirement. This effects people who quit and leave early, only. He asked Council to approve this.

Mitchell said this very same item was on the agenda six months ago and was tabled at that time and he believes we have done the things Council asked us to do. Part of our Preliminary Budget submitted to Council includes some additional money they feel should be appropriated for the Pension Plan which would increase the contributions from both the employees and the employer into that pension fund. This is one good step and the new money we are proposing to put into the fund will be a second step.

Vincent read the ordinance title at this time.

MOTION by Ewing-Holmstrom, SECOND by Warren, to approve Ordinance No. 04-26 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. AYE: Warren, Bass, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

(Title read aloud) **Ordinance No. 04-26**

An ordinance pertaining to Personnel Policies and Procedures amending Section 17-3-4-333, amending the definition of Member s Accumulated Contributions, Chapter 17, Lawton City Code, 1995; providing for severability; and declaring an emergency.

BUSINESS ITEMS:

24. Hold a public hearing and consider amending Chapter 18, Lawton City Code, 1995, to delete the 30% rear yard coverage limitation for accessory buildings and establish a one-story (14-foot) height limitation, and declaring an emergency.

Deborah Jones, Acting Planning Director, said we started discussions at the last meeting to amend Chapter 18 to try to offer a little more liberal residential accessory building and main building coverage requirements so in the older parts of town we could build some reasonable accessory buildings. She met with Shanklin and they looked at the current Code and they also looked at some drawings, which she provided to Council, and they agreed that the 45% total coverage requirement we have to main and accessory buildings in all residential districts really offers the older neighborhoods as well as the new neighborhoods a fairly large structure both main and accessory. They did agree that Council might want to recommend a coverage limitation of the 30% rear yard. They also discussed a concern Shanklin as well as the Planning Commission had raised that we not have accessory buildings that were two and a half stories high or one and half stories high that you could see from the street when you had a single story main structure. We have removed the 30% rear yard coverage to leave as is, the 45% main and accessory building coverage, and limit any accessory building in a residential area to one story, or 14 feet high.

Bass asked if the height requirements have always been in there or is this something just added. Jones said they added that but the height requirement in residential districts is two and a half stories for all buildings which would mean, even if you built a one story main structure, you could build a two and a half story accessory building behind it. For aesthetics we were trying to keep the height of the accessory structure, not the main structure, down to one story or 14 feet.

Devine said we have accomplished nothing on this because we are still at the 45%. Shanklin said 60% of the lot is almost all of it by the time you get the setback and the 5 feet down the side the first 65 feet and then 3 feet and one foot across the back. This does not mean that a 2,000-foot house, I can t add onto it. His concern is he doesn t want an accessory building larger than the main house. He is concerned that we don t build one up two stories high back there.

Devine said that has never been an issue with this, but when he originally started working on this it was Shanklin said he could live with this. It was 35% and now it s 45%. Devine asked if this was going to solve the problem. Shanklin said he was told it will. I m not doing this just for H. Devine said that was their main objective to get started working on. Shanklin asked if this would limit the project on H. Jones said it would allow a Building Permit to be issued on H for the accessory building addition.

Givens asked if someone only had a 1400 square foot home in front, that would allow a 4,400 square foot accessory building behind it. Jones said yes it would. Givens said he didn t think that s what Shanklin wanted. Shanklin said he agreed he did not want an accessory building larger than the main house. Givens asked if that couldn t be in this ordinance that no accessory building could be larger than the main house. Jones said if you do that, it would impact the Building Permit situation on H. She said the old Code originally amended said you could not have an accessory building that was larger than 50% of the main structure. In the older part of town where you have small bungalows, that really penalized them in terms of putting a two car garage on that lot. She said you could limit this ordinance to no bigger than the main structure.

Shanklin asked if that was the reason why they have authorized people to tie on a building to the main house in the past. Jones said she believes there has been some creative Code interpretation that should not have occurred nor does she want to encourage in the future. She recommends the 45% coverage, when you take out the front yard setbacks and the side yard, you are covering almost 100% of that rear yard with the main structure or the accessory building. If in fact, you want to have a fairly large accessory building, she recommends deleting the 30% rear yard proposed in this ordinance. If you do so, she would also recommend you limit it to one story so if you do build a large accessory building, it will not extend above a single story roofline.

Bass asked why the 14 foot limit. If you have a two story building and are going to build a building in the back, why can t you build it no taller than the main building? Jones said the yard space should provide some sunlight and open space to the adjacent neighbors and if we build two and a half story accessory buildings, you re going to limit your neighbor s yard in terms of the aesthetics of it.

Shanklin said he would like to table this and bring it back after we look at it again and would like a committee of three appointed, to include himself, to work with Jones to bring something back that would be livable for everyone.

Purcell said before we postpone, let s appoint a committee. He said Shanklin wants to be on the committee and he asked for two more. He said Givens agreed to be on it and Patton agreed also. It will be Shanklin, Givens, and Patton on the committee to look over this.

MOTION by Shanklin, SECOND by Patton, to appoint a committee to go over this ordinance and to postpone this item until the committee has time to look it over and then bring it back to Council. AYE: Bass, Givens, Devine, , Shanklin, Patton, Haywood, Warren. ABSTAIN: Ewing-Holmstrom NAY: None. MOTION CARRIED.

25. Hold a public hearing and consider an ordinance changing the zoning from Temporary A-1 (General Agricultural District) to I-4 (Heavy Industrial District) zoning classification located at 5202 SW 11th Street.

Jones said this is a request for a 2.75 acre track located near the intersection of SW 11th Street and Interstate 44. The applicants are Keith and Cindy Herriage and the proposed uses of this tract after rezoning would be a business office and a fireworks warehouse. The zoning of the surrounding area is temporary A1 to the north and east, temporary A1 and I1 to the south, and I4 to the west across 11th Street. The land use of the surrounding area is agricultural to the north, south, and east, a billboard is located to the south on the I1 tract, and a chemical supplier and beer distributor to the west. The fireworks warehouse use is the activity requiring the I4 zoning. On April 22 and May 13, 2004 the CPC held a public hearing on this request and they voted 8 to 1 to approve the rezoning to I4.

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS

MOTION by Haywood, SECOND by Shanklin, to adopt Ordinance No. 04-27 changing the zoning from Temporary A-1 (General Agricultural District) to I-4 (Heavy Industrial District) zoning classification located at 5202 SW 11th Street.

Vincent read the ordinance title at this time.

MOTION ON THE VOTE WAS HELD AT THIS TIME.

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

(Title read aloud) **Ordinance No. 04-27**

An ordinance changing the zoning classification from the existing classification of Temporary A-1 (General Agricultural District) to I-4 (Heavy Industrial 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.

26. Hold public hearings and adopt resolutions declaring the structures at: 1112 NW Dearborn Avenue (ref: 407 & 407 1/2 NW 12th Street); 1511 & 1513 SW Summit Avenue; 215 SW Summit Avenue; 1214 SW H Avenue; 1611 SW B Avenue; and 2604 NW Williams Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public s health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate.

Purcell asked for these to be addressed individually because he has received a request to speak form from someone wanting to speak on one of the properties.

1112 NW Dearborn Avenue

Angie Alltizer said this property is actually two structures adjacent to the alley, also known as 407 and 407 NW 12th Street. There are structural problems with the foundation, is in very poor condition, and is unsecured. We have been monitoring these structures for a couple of years and there has not been any response from the owners.

Ewing-Holmstrom asked if the owner has had any contact at all with her office.

Alltizer said she did receive green cards back showing the person did sign for the certified mail with the list of violations that needed corrected and also for the Notice of Hearing.

Ewing-Holmstrom said this is a matter of public record that Johnny Kinder owns that and he s a Realtor in town. Alltizer said that is correct. Ewing-Holmstrom asked how long it has been like this. Alltizer said she does not show any record of City utility services, so that means it has been in excess of five years. Ewing-Holmstrom asked if this was the first time this has come before Council. Alltizer said this one is, yes.

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS.

MOTION by Shanklin, SECOND by Ewing-Holmstrom, to adopt Resolution No. 04-67 declaring the structures at: 1112 NW Dearborn Avenue (ref: 407 & 407 1/2 NW 12th Street) to be dilapidated and dangerous, thus causing a blighting influence

on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate.

Vincent asked Shanklin if he would amend his motion to include the attachment of the list of deficiencies as an exhibit to the Resolution.

Shanklin amended his motion as stated above. Purcell asked Ewing-Holmstrom if she agreed with the amendment. Ewing-Holmstrom said yes she agreed.

Givens asked if the owner would receive any of the reduced tipping fees and if this was just straight demolition of this property. Vincent said he has two routes he could go. He's got the list of deficiencies showing what's wrong with the property. Within 15 days of the passage of the resolution he can come in and obtain a Remolding Permit and bring it up to Code, pursuant to that list, or he can get a Demolition Permit and with that, because it's on the resolution, he is allowed a 50% deduction, but only if he does it within the first 15 days after this is passed by the Council.

Givens said he would like to see people like this not get any reduction and having to take care of this kind of property, they should just have to take care of it at the full expense. He said this was ridiculous. A prominent businessman in town to be getting a reduced fee. Even allowing this kind of stuff in the first place is absolutely ridiculous.

VOTE WAS HELD ON THE MOTION AT THIS TIME.

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

1511 and 1513 SW Summit Avenue

Alltizer said these two structures are both very similar. She said Neighborhood Services has not expended any funds on any of these structures tonight for mowing and securing, so we are making progress. Both of these structures have been vacant and have had no utilities since March of 1997. This property owner also received a notice of deficiencies and Property Code Violations on April 20th. The owners have made contact with the License and Permits Office, however, a permit was not applied for or obtained and that is why this is being brought before Council tonight.

PUBLIC HEARING WAS OPENED AT THIS TIME

Adam Zijon, 712 SW Summit Avenue, is the owner of these properties. They purchased them through a County Sale two years ago. He has kept them maintained and boarded up and has been planning on working on them. The one at 1513 has been demoed out, the roof is all new, except the front part of the porch. We are planning on fixing them. They are sound properties and he has been doing work through the City's Rehabilitation Program for 13 years. These structures are just as good as anything we have ever worked on through that program. He said he needs just a little time. He has a house at 714 that he is trying to finish up a remodel on and as soon as he is complete with that one, he will start on 1513 and when that is done, he will do the one at 1511. He said this is the first time they have heard anything from the City. They got a letter a month or so ago and now here we are before Council. He said he didn't understand why he was here before Council at this time.

Beth Zijon said they bought these properties because they feel it would be good rental property. It's in that location where people can walk to the grocery stores, to downtown, etc., for the needs of that area. It's a low income area. They did hook up electricity to one of the houses. It would be affordable housing for wage earners in that area.

PUBLIC HEARING CLOSED AT THIS TIME.

MOTION by Ewing-Holmstrom, SECOND by Warren, to adopt Resolution No. 04-68 declaring structures at 1511 and 1513 SW Summit Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate and include the attachment of the list of deficiencies as an exhibit to the Resolution.

Shanklin said we have penalized him with two properties at the same time and we have not had this before us before. He knows the owner and knows he can do the job. He said to put one on the resolution and give him time to see what he can do.

SUBSTITUTE MOTION by Shanklin, SECOND by Haywood, to adopt Resolution No. 04-68 declaring structure at 1513 SW Summit Avenue, to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to

the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate and include the attachment of the list of deficiencies as an exhibit to the Resolution and hold in abeyance, 1511 SW Summit Avenue for three months.

Bass said before he can do anything he has to come in and get a permit. If he puts new windows and new siding, will Neighborhood Services work with him, even though they are put on demolition and give him a little extra time?

Vincent said he has 15 days after it goes onto the demolition list to pull a Remodel Permit, then it is broken down into 30 day increments over a period of 90 days to see that he is making substantial compliance before we effectuate the rest of the resolution. If he's making substantial compliance, the rest of the resolution, as for demolition, never goes into effect.

Bass asked if it will come back to Council so we can give him the opportunity of more time, if we see he is making progress, or will legal take it into their own hands

Vincent said no, if he's making progress, then it's brought back to Council if there is an extension of time needed, if he requests it. It's up to him to request it.

Shanklin said there is a significant amount of work that has to be done in the first 60 days. He is going to have to bring it up to Code and somebody's going to have to live in it. That's the Code.

Purcell asked if there was a list that could be provided to him. Alltizer said yes, there's a list based on an exterior inspection of the property. Both of those properties were secured at the time we did the inspection. She pointed out to Council this is not the first correspondence sent on this property. We have gone back and submitted those lists and sent those out to the property owners certified mail. Everything has been in our filing cabinets that are being brought before City Council, has had a letter at least six months to a year ago, saying an inspection needed to be conducted because under the State Law and City Code the structure was considered a dilapidated building. This is not the first correspondence.

Bass asked how that is going to help the owner. Shanklin said he is going to have to attack in another direction, when he finds out what has to be done, if he wants those properties to be rehabilitated, he is going to have to do it. If he doesn't want to do it then he can get them demolished at 50% of the cost.

VOTE ON THE SUBSTITUTE MOTION WAS HELD AT THIS TIME.

AYE: Bass, Shanklin, Patton, Haywood, Warren. NAY: Givens, Devine, Ewing-Holmstrom. MOTION CARRIED.

215 SW Summit Avenue

Alltizer said this structure is very similar to the other structures discussed in the past. A certified letter was mailed on May 17th listing the Code violations needing to be corrected. The property owner did come into Neighborhood Services and apply for a permit; however, we had already sent the notices of Public Hearing out for this meeting. She has spoken with the property owner and told him what the process would be tonight and he's here to speak with Council. This was initially listed in the Demolition Project back in 1998 and from looking through the file it appears that very few of those repairs were made at that time, so staff felt it was a good idea and bring this structure and put it on the timeline so that maybe those repairs would be made at this point.

PUBLIC HEARING OPENED AT THIS TIME.

Floyd Frye said he is the owner of this property. On May 17th he received the letter from the City and on May 18th he applied for a permit. He said he was denied the permit and was told he had to come before Council. He feels he should be able to obtain the permit he requested and have six months to repair this. One side of the roof is in bad condition, but the other side is in good condition. He requested Council give him the permit he requested on May 18th and give him six months to repair it and if he doesn't repair it completely to Council's satisfaction, tear it down.

Ewing-Holmstrom asked him how long he has owned the property. Frye said he has owned it for several years.

Ewing-Holmstrom asked him what kind of work was he doing on the house, prior to getting the letter. Frye said he was working on the roof and on the inside. Ewing-Holmstrom asked him when was the last time someone had lived in it. Frye said last month when the City Inspector, Mr. Cruz came by, they thought they were being evicted and moved out. He said he had a family that was poor and was letting them live there without paying rent so they would have a place to live. Subsequently they have moved out. He said he is a licensed contractor with the City and has the means and capital to make the repairs and they will be made.

Shanklin asked Frye what those repairs are going to cost him to bring it up to Code. He said he didn't see how he was going to come close to doing it for the amount of money it's going to take. Frye said he already has some supplies and estimates the cost to be less than \$4,000 with him doing the repairs. He has another contractor

willing to help him do the repairs and get paid later.

PUBLIC HEARING CLOSED AT THIS TIME.

Alltizer said they sent a letter to Frye in April 2003 with a list of items that needed corrected and no initiative was made to obtain a permit and make those corrections and that is why it is before Council now. It was also brought to our attention from a complaint from a tenant on a substandard complaint. Cruz did go out and meet with the tenant who told us she was planning on moving out because of the condition of the property. She said Frye came in and applied for a permit, however, the permit was on 211 Summit, not 215 and that is why it is before Council tonight.

Bass asked if he applied for a permit on 215. Alltizer said the mistake on the application was discovered the day she sent out the Notices of Public Hearing. Frye did come to the office and she informed him she had already mailed out the notices and it would come before Council.

MOTION by Haywood, SECOND by Shanklin, to adopt Resolution No. 04- 69 declaring structures at 215 SW Summit Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate and include the attachment of the list of deficiencies as an exhibit to the Resolution. AYE: Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED.

1214 SW H Avenue

Alltizer said this property is a mobile home and City utility services were terminated in August 2003. A certified letter was sent on May 17th outlining the deficiencies and violations of the Property Maintenance Code that needed addressed. She has spoken with the owner on several occasions prior to bringing it to Council and he told her he was going to remove the mobile home from the property, but no action has been taken to do that, so we are bringing it tonight.

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS.

MOTION by Shanklin, SECOND by Haywood, to adopt Resolution No. 04- 70 declaring structures at 1214 SW H Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate and include the attachment of the list of deficiencies as an exhibit to the Resolution. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Givens. NAY: None. MOTION CARRIED.

1611 SW B Avenue

Alltizer said this property is a voluntary condemnation. The owner, The Lawton Teacher's Credit Union, just to the west of this property, has asked Council to consider it for condemnation so they can take advantage of the 50% off at the landfill.

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS.

MOTION by Shanklin, SECOND by Haywood, to adopt Resolution No. 04- 71 declaring structures at 1611 SW B Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate and include the attachment of the list of deficiencies as an exhibit to the Resolution. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Givens, Devine. NAY: None. MOTION CARRIED.

2604 NW Williams Avenue

Alltizer said the City utility services were terminated on this property in December 1991. A certified letter was sent on April 20th to the property owner but did not receive any response as far as obtaining a permit and correcting the deficiencies.

PUBLIC HEARING OPENED AND CLOSED WITH NO PARTICIPANTS.

MOTION by Bass, SECOND by Givens, to adopt Resolution No. 04- 72 declaring structures at 2604 NW Williams Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate and include the attachment of the list of deficiencies as an exhibit to the Resolution. AYE: Shanklin, Patton, Haywood, Warren, Bass, Givens, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED

Council went to item #28 at this time.

27. Consider a request for a revocable permit for the placement of a masonry and wrought iron fence and asphalt surfacing in the easement located at 8211 NW Stonebridge Court.

Jones said this revocable permit was submitted by Anthony Layton for a fence with masonry support along the rear property line located at 8211 NW Stonebridge Court. Additionally, there is asphalt with a 5 barrier curb also located on the easement. She said Mr. Layton constructed the asphalt, curbing, and fence without a Building Permit. He was advised at the time he obtained a Building Permit for his home that an additional permit would be required for the fence and the proposed concrete footing would not be allowed within the utility easement. On March 19th a letter was sent to Layton directing him to remove the masonry supports within the easement. On the 16th of April he filed for the Revocable Permit. We sent the Revocable Permit Application to all the franchise holders as well as our Public Works Director. All parties have objected to the issuance of the Revocable Permit.

Patton asked if the telephone and cable was the only lines that was going to be affected as far as the footing. Jones said AEP evidentially has some facilities in there and they object to the asphalt and the 5 barrier curb. The permit, if Council approves it, requires the owner to remove the encroachments upon notice by the franchise holder. If the owner fails to remove the encroachment, then the City or franchise holder will remove the encroachment and charge the owner any additional relocation or charges related to the removal. In the permit, the owner is obligated to recoup the cost back to us within 30 days.

Ewing-Holmstrom referred to a letter dated March 19th from the City of Lawton explaining to Layton the violations and at the bottom of the paragraph says he is expected to comply with this directive within 15 days. She asked what happens if they don't. Jones said nothing has been done in terms of charges being filed or any other action to cause removal because he filed an application for a revocable permit to remedy the situation.

MOTION by Patton, SECOND by Shanklin, to grant a revocable permit for the placement of a masonry and wrought iron fence and asphalt surfacing in the easement located at 8211 NW Stonebridge Court.

SUBSTITUTE MOTION by Ewing-Holmstrom, SECOND by Warren, to deny the issuance of a revocable permit for the placement of a masonry and wrought iron fence and asphalt surfacing in the easement located at 8211 NW Stonebridge Court.

Purcell said if we are going to let people keep doing this we might as well do away with the ordinance. This keeps happening over and over again. At some point we are going to have to stand up and be counted.

Devine said about six months ago we allowed the same identical thing happen on Oak in about the 6100-6200 block, where a gentleman had an asphalt over the easement. We allowed that and allowed him to get a revocable permit and it's still there. How can you take and deny this man for what he's done, when you have allowed it in the past?

Shanklin said he didn't have any problem supporting this.

Warren said there is a difference between this situation and Oak in the fact that gentleman bought that property and the asphalt was already there, he only wanted to change his building and the fact the asphalt was there was going to prevent him from doing that. In this situation Layton knew up front before the whole thing started that he couldn't do that and he went ahead and did it.

Ewing-Holmstrom said no one wants to be the bad guy, but Mr. Layton was told he couldn't do it. Why bother having an ordinance when we keep allowing this to go on?

2ND SBUSTITUTE MOTION by Patton, SECOND by Shanklin, to postpone this to give Mr. Layton the opportunity to come before Council. AYE: Shanklin, Patton, Haywood, Bass, Givens, Devine. NAY: Warren, Ewing-Holmstrom. MOTION CARRIED.

At this time Council went to item #34.

28. Consider accepting a Contract for Sale from the highest bidder of a tract of City owned surplus property that was auctioned off at a public auction on June 7, 2004, and authorize the Mayor and City Clerk to execute the contract and authorize staff to prepare a Quit Claim Deed to the highest bidder.

Vincent said the auction for this property, 930 SW 60th was held yesterday. This is a vacant tract of land that is basically unbuildable because of the size of the lot. It is City owned property and Council declared it surplus and the bidder bid \$500.00 for this. We are not providing an abstract, this will be done by Quit Claim Deed. The only cost to this will be staff time for closing if Council should approve this contract.

MOTION by Shanklin, SECOND by Bass, to accept a Contract for Sale from the highest bidder of a tract of City owned surplus property that was auctioned off at a public auction on June 7, 2004, and authorize the Mayor and City Clerk to execute the contract and authorize staff to prepare a Quit Claim Deed to the highest bidder. AYE: Patton, Haywood, Warren, Bass, Givens, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

29. Consider approving a pro rata water agreement for approximately 2,300 linear feet of 8" water main, located on the south side of US 277B from SW 7th Street west approximately 2,300 linear feet, to be constructed under the cost share agreement with P & P Properties.

THIS ITEM WAS STRUCK.

30. Consider approving Resolution No. 04-____ establishing a pro rata distribution fee for an 8 water main located on the south side of US 277B from SW 7th Street west approximately 2,300 linear feet to be constructed under the cost share agreement with P & P Real Estate.

Deborah Jones said in February Council entered into a cost share agreement with P & P Real Estate to construct approximately 2,300 linear feet of 8 water line along the south side of US 277B. Council requested we develop a pro rata water agreement so the City could recoup its cost if future development occurs and those owners tapped onto that line. She said they have established the City's cost at \$35,000 and the pro rata is established at \$15.22 per linear foot of footage along the street frontage of whoever ties in.

Bass asked for how long. Jones said she believes it's set up for 15 years from the date of the resolution or until the money is recouped, if it's recouped sooner.

Devine said we need to bring something back in the near future about charging people to tap our City water mains. We did a tap for the new custard place on Cache Road and charged them approximately \$800 to do that. It cost us almost \$3,000 to do that tap. He said we wonder where our money goes and how we come up short and right there is a major prime example. That's something that really needs looked at in the near future.

MOTION by Haywood, SECOND by Warren, to adopt Resolution No. 04- 73 establishing a pro rata distribution fee for an 8 water main located on the south side of US 277B from SW 7th Street west approximately 2,300 linear feet to be constructed under the cost share agreement with P & P Real Estate. AYE: Haywood, Warren, Bass, Givens, Devine, Patton. NAY: Ewing-Holmstrom, Shanklin. MOTION CARRIED.

31. Consider amending Section 23-6-602, Article 23-6, Chapter 23, Lawton City Code, 1995, clarifying the language regarding enforcing handicapped parking and declaring an emergency.

Vincent said this is basically a clean up ordinance. When we passed the handicapped parking restrictions based on the State Law several months ago, it became clear to us during the enforcement stage there was some confusion about whether you could park a car in a stripped area next to an adjacent handicapped space or a handicapped loading ramp and there was confusion in the way the State Law was written so we visited with the Prosecutor, Judge, and Police Department and they believe this clarifies exactly where you can park a car in a handicapped situation and it gives better directions to our volunteers, the Sentinels, who are out writing the handicapped tickets. Staff recommends approval of this ordinance.

Bass asked if it has to be posted and painted on the ground. Vincent said no, either or.

MOTION by Ewing-Holmstrom, SECOND by Devine, to adopt Ordinance No. 04- 28 amending Section 23-6-602, Article 23-6, Chapter 23, Lawton City Code, 1995, clarifying the language regarding enforcing handicapped parking and declaring an emergency.

Vincent read the ordinance title at this time.

VOTE ON MOTION WAS HELD AT THIS TIME.

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

(Title read aloud) **Ordinance No. 04-28**

An Ordinance pertaining to Handicapped Parking amending Section 23-6-602, Article 23-6, Chapter 23, Lawton City Code, 1995, by clarifying the language regarding enforcing Handicapped Parking, providing for severability and declaring an emergency.

32. Discuss and review a request to temporarily suspend annual boathouse fees at Lake Ellsworth and take the appropriate action, if any.

Warren provided pictures to Council of one of the involved boathouses; currently there are 8 boathouses on Ellsworth that have been deemed unusable by Shahan. He asks we temporarily suspend payments on those spots until such time they are usable again. Currently there are two individuals who have not paid through the rest of the year and he suggests we suspend their further payments. The remaining six currently have paid through to the end of the year and suggests crediting them for unused time on next year's fees.

Ewing-Holmstrom voiced her concern of the boathouses sitting there, not in the water, and asked if those could be moved or what could be done about them.

Shahan said if you are wanting to improve the site of them, it would be an expense to the owner to do that. Ewing-Holmstrom said they could take the rent we are waiving and spend it to move the boathouse. Warren said some of these are built in place. Ewing-Holmstrom said like a permanent structure built in place on City owned property.

Purcell said he doesn't think it's practical, everyone knows the problem is we don't have water and that's why they look like that. We aren't going to get around that, the issue we are discussing now is do we waive the fees.

MOTION by Warren, SECOND by Bass, to temporarily suspend annual boathouse fees at Lake Ellsworth. AYE: Bass, Givens, Devine, Shanklin, Patton, Haywood, Warren. NAY: Ewing-Holmstrom. MOTION CARRIED.

33. Consider awarding a contract for the Group Health and Dental Plan Administration Services (RFPCL04-054).

Tim Golden, Human Resources Director, said the bottom line recommendation of the Health Insurance Committee and staff is that we award the contract for the Group Health and Dental Plan to Blue Cross Blue Shield. We received, in response to our RFP, seven bids. The Sub-Committee of the Health Committee reviewed all seven bids and then the full committee of the Health Insurance reviewed the bids and as late as today, management and staff got together and reviewed the bids again. The reason we are recommending Blue Cross Blue Shield is because of their volume and the size of their network, they are able to get us about a 16.3 additional provider discount than what we were getting from PPO Oklahoma. As a result of that, we think we will be able to save about 25% of our cost in claims this year. If that materializes, we stand to save a considerable sum of money.

Devine asked if this takes us out of the Health Insurance business. Golden said no, not at all. We're still going to be a self-insured plan. We are merely hiring Blue Cross Blue Shield to administer that plan for us. As part of that they bring in their network for us to take advantage of, so we will be able to go to Blue Cross Blue Shield providers in terms of physicians, dentists, and hospitals. Those providers have lower rates than what we're currently getting from PPO Oklahoma.

MOTION by Shanklin, SECOND by Ewing-Holmstrom, to awarding a contract for the Group Health and Dental Plan Administration Services (RFPCL04-054) to Blue Cross Blue Shield. AYE: Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED.

34. Consider a resolution changing the name of SW Roosevelt Avenue between SW Jesse L. Davenport Street and SW Sheridan Road to Dr. N. H. Jones Avenue.

Haywood said when Rev. Jones died he went to his house and spoke with his wife. He asked her what she would like for him to do and she said she would like a Proclamation and he did that. He said he had a hard time reading at the funeral and Shanklin stepped up and read it for him and Haywood said he has never forgotten that and thanked Shanklin for doing that. Haywood said he received a call last summer from Mabel Baker and asked what was being done for Rev. Jones. He said this is the time to do something in his honor.

MOTION by Haywood, SECOND by Shanklin, to adopt Resolution No. 04- 66 changing the name of SW Roosevelt Avenue between SW Jesse L. Davenport Street and SW Sheridan Road to Dr. Nathaniel Harmon Jones Avenue.

Mrs. Jones requested the name be Dr. N.H. Jones Avenue. Bass asked her if that was Dr. N.H. Jones. Mrs. Jones said N.H. Jones.

Purcell repeated the motion and said the motion is amended to read N.H. Jones.

VOTE ON MOTION WAS HELD AT THIS TIME.

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

At this time Council went to item #26.

35. Consider awarding contract for Rental of Work Clothing (RFPCL04-062) to Cintas Corporation.

Endicott said at one of the recent Budget Workshops we talked about going to a rental of work clothing and we sent out five proposals and two bids were received. One was from Cintas Corporation and one from Unifirst. We believe Cintas can provide the best service at the lowest cost. We believe we can clothe the employees that need to be clothed in a more professional manner. One of the things this rental process will do is give us a little more control. In the 04-05 Budget, we have put those monies in the City At Large account, approximately \$75,000 to clothe primarily Parks and Recreation and Public Works, those people who are out in the field. Right now there are some administrative folks who have enjoyed the privilege of getting t-shirts and polo shirts, etc. We have not included those folks in this program. We feel confident Cintas can provide the City with excellent uniforms.

Shanklin asked if this was the first time we have done this. Endicott said yes it is.

Bass asked if this clothing would be mandatory for City employees. Endicott said one of the things we want to do is to sit down with the Assistant City Manager and develop an Administrative Policy that clothing will be mandatory, if provided. He said one thing he would like to see in that policy is if your uniform isn't on when you come to work, you get sent home. We haven't developed that policy yet, we are waiting for this process.

Ewing-Holmstrom asked how is it going to be affixed to the garments. If it would be heat-sealed or embroidered. Endicott said we can do either option. The preference is the embroidered, on some things. The cost benefit is it is cheaper to do the heat seal so we are going to look at the actual garment we are talking about for that specific Division or Department and make a decision based on that. We are going to try to get away from the heat seal.

Ewing-Holmstrom asked if we went with this, would the people in administration, or whoever, who wanted to purchase the City of Lawton polo shirt as being an employee, would that option be available to them. Endicott said he hoped so because it would be a lot cheaper for him, personally, to do that program and pay for it himself. We have to look at that and see and we haven't actually talked to the company about that.

MOTION by Shanklin, SECOND by Bass, to award the contract for Rental of Work Clothing (RFPCL04-062) to Cintas Corporation. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Givens. NAY: Devine. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Col. Herring said Ft. Sill will be observing a National Day of Mourning on Friday the 11th of June, so most of their offices will be closed and most of the Federal workers will be off that day. There will be a couple observances in honor of former President Reagan.

Devine announced his possible intention to file for County Commissioner to run for Central District.

Mitchell said the meeting scheduled for tomorrow has been canceled due to an illness from one of the company's family member, so that meeting will be rescheduled for mid July. The other meeting scheduled is next Tuesday night, we have a Public Hearing on the Municipal Budget. He said Endicott would be passing out summaries that will give you their overview of what the changes that have been suggested since submitting the Preliminary Budget. He asked Council to look at those between now and Tuesday and we will talk about it then and see if there are any other changes you want made. He said attached to the summary is a memorandum with information Purcell asked about; comparing our fire service cost to Enid, Norman, Edmond, and Broken Arrow, along with other information and their organizational charts and manning tables for Broken Arrow and the City of Norman.

Vincent said he will be attending an OML meeting on the General Employee Unions next Friday, on the 18th and Jensen will also be out that day but he will be available by cell phone and will be back about 3:00 or 4:00.

Purcell reminded Council about next Tuesday's meeting on the 15th. If there are no changes, he believes we can approve the budget after the public hearing. Obviously if we have to make changes, we will have to send it back after the public hearing and will have to approve the budget on the 22nd, which is our last day because it has to go forward on the 23rd.

Council adjourned into executive session at 8:50 p.m.

Council reconvened from executive session at 9:28 p.m. with a motion, second, and roll call with all present.

EXECUTIVE SESSION ITEMS:

36. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending tort claim of Dean McHam, DC-2004-39 against the City of Lawton, and if necessary, take appropriate action in open session.

Vincent read the title of Item 36 as shown above. He said Council convened in executive session and after discussion, and no action is required at this time.

37. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2004-2005 between the Fire Union, IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session.

Vincent read the title of Item 37 as shown above. He said Council convened in executive session and after discussion, no action is required at this time.

There being no further business to consider, the meeting adjourned at 9:30 p.m. upon motion, second and roll call vote.