

Notice of regular Midwest City Council meetings was filed for the calendar year with the Midwest City Clerk and copies of the agenda for this meeting were posted at City Hall, accessible to the public for at least 24 hours in advance of the meeting.

MINUTES OF THE MIDWEST CITY COUNCIL MEETING

July 13, 2004 - 7:15 p.m.

This regular meeting of the Midwest City Council was held in the Council Chambers, City of Midwest City, County of Oklahoma, State of Oklahoma, on July 13, 2004 at 7:15 p.m., with the following members present:

Eddie O. Reed	Mayor
Jerry R. Maynard	Councilmember
Turner Mann	Councilmember
Ruth Cain	Councilmember
Charles C. Joyner	Councilmember
Michael A. Pung	Councilmember
Richard R. Rice	Councilmember
Bob Provine	City Clerk

Absent: None

Charles Johnson, City Manager, announced that the July sales tax check was a -11.30% or -\$160,743.00 decrease compared to the previous year for the month; and -11.65% or -\$166,482.00 below projection for the month and for the year.

Councilman Rice announced he went fishing and caught a seven pound bass.

Mayor Reed called the meeting to order.

Motion was made by Mann, seconded by Maynard, to approve the minutes of the regular meeting of June 22, 2004, as submitted. Voting aye: Maynard, Mann, Cain, Joyner, Pung, Rice and Mayor Reed. Nay: none. Absent: none. Motion carried.

Consent Agenda. Motion was made by Maynard, seconded by Pung, to approve the items on the Consent Agenda:

1. Discussion and consideration of awarding the FY 2004-05 bid for city-wide Portland cement concrete to Dolese Brothers, who submitted the lowest and best bid meeting specifications.

2. Discussion and consideration of awarding a bid for the FY 2004-05 city-wide street rehabilitation and repair contract to Nash Construction Company for a total of \$855,077.50.
3. Discussion and consideration of awarding a bid for materials and labor to construct salt sand storage structures to Cover-All of Oklahoma who submitted the only bid, and the bid does meet specifications, for a total price, with erection, of \$68,281.00.
4. Discussion and consideration of approval of tentative agreement between the City of Midwest City and the International Association of Firefighters Local #2066 for FY 2004-05 and directing the Finance Director to make appropriate adjustments in the FY 2004-2005 Fire Department Budget.
5. Discussion and consideration of approval of the annual maintenance agreement with HTE, Inc. for software support in the amount of \$77,755.00 for the period from July 1, 2004 to June 30, 2005.
6. Discussion and consideration of approval of the annual software maintenance agreement with Northrop Grumman, PRC Public Sector, Inc. in the amount of \$86,218.10.
7. Discussion and consideration of approval to continue an agreement for writing and reading skills assessment testing of prospective Police Officers and Reserve Officers between the City of Midwest City and Rose State College.
8. Discussion and consideration of entering into an agreement with the City of Choctaw, the City of Harrah and the City of Spencer for the Midwest City Police Department to provide labor and jail facilities to retain all prisoners who are placed into a confinement status by law enforcement officials at a rate of \$36.00 per day.
9. Discussion and consideration of adopting Resolution No. 2004-14 to establish the 9-1-1 service fee rate at 3% to be collected through the telephone bills for the calendar year 2005.
10. Discussion and consideration of declaring Toshiba copier Model #3550, City Property #1147, as surplus property and authorizing its trade-in value be applied toward the purchase

of a new machine and setting the minimum trade-in value at \$725.00.

11. Discussion and consideration of approving Change Order No. 1 with Warren Cat, for delivery of a new 2004 low ground pressure crawler bulldozer, changing the original number of days to deliver by adding 100 calendar days.
12. Discussion and consideration of approving Change Order No. 1 to the foundations and sheet pile retaining wall contract with Buckner and Moore, Inc. associated with the Sheraton Midwest City Hotel, for installation of underground storm water drainage pipes, in the amount of \$42,676.00.
13. Discussion and consideration of approving Change Order No. 1 to the mechanical work contract with Acme Mechanical Contractors, Inc., changing the duct construction material associated with the Sheraton Midwest City Hotel from aluminum to galvanized steel, for a deduction amount of \$6,000.00.
14. Discussion and consideration of approval of Change Order No. 2 to the contract with Cimarron Construction Company for the 12" water line on S.E. 29th Street from Air Depot Boulevard to Marshall Drive increasing the contract amount from \$135,601.00 to \$143,684.56.
15. (SFP-784) Discussion and consideration of approval of a waiver to street improvements and approval of a request for short form platting the property described as a part of the SW/4 of Section 1, T11N, R2W, located at 9117 Wonga Avenue, subject to all staff comments.
16. (SFP-785) Discussion and consideration of approval of a waiver to street improvements and approval of a request for short form platting the property described as a part of the SE/4 of Section 36, T12N, R2W, located in the 300 block of Grandview Road, subject to all staff comments.
17. Discussion and consideration of accepting maintenance bonds from Males Brothers Paving, Inc., in the amounts of \$20,972.18 and \$1,641.70; Ronnie's Backhoe Service in the amounts of \$3,963.47 and \$3,390.68; S & S Road Boring, Inc., in the amount of \$800.00; and Hurst Enterprises, Inc., in the amount of \$1,828.10.

18. Discussion and consideration of 1) approval for making grant application(s) for fiscal year 2004 HOME Investment Partnerships Act (HOME) funds from the State of Oklahoma through the Oklahoma Housing Finance Agency, and 2) authorization of the Mayor and/or City Manager to enter into the necessary contracts to implement the program.
19. Discussion and consideration of awarding the bid for surplus property at 233 W. Fairchild.

Voting aye: Maynard, Mann, Cain, Joyner, Pung, Rice and Mayor Reed. Nay: none. Absent: none. Motion carried.

(D-1) Public hearing was held with discussion and consideration of an ordinance closing two easements located at the Northwest Quarter of Section 11, T11N, R2W, and in a part of the Northeast Quarter of Section 11, T11N, R2W, of the Indian Meridian in Midwest City, Oklahoma County. No one appeared before the Council during the public hearing. Motion was made by Joyner, seconded by Pung, to adopt Ordinance No. 2922A as proposed. Voting aye: Maynard, Mann, Cain, Joyner, Pung, Rice and Mayor Reed. Nay: none. Absent: none. Motion carried.

(D-2) (PC-1530) Public hearing was held with discussion and consideration of the final plat of Glenhaven Villas, described as a part of the NW/4 of Section 34, T12N, R2W, Midwest City, Oklahoma, located in the 800 block of N. Air Depot Boulevard, subject to all staff comments. No one appeared before the Council during the public hearing. Motion was made by Joyner, seconded by Rice, to approve this item. Voting aye: Maynard, Mann, Cain, Joyner, Pung, Rice and Mayor Reed. Nay: none. Absent: none. Motion carried.

(D-3) (PC-1543) Public hearing was held with discussion and consideration of an ordinance to redistrict from R-1-D, Single Family Detached Residential, to Simplified Planned Unit Development (SPUD) for the property described as Lot 5, Traub Second Addition, located at 2750 S. Post Road, subject to all staff comments. The following spoke before the Council during the public hearing in opposition to this item: Abbas Tagmir, 2604 S. Post Road, Euel N. White, 2608 S. Post Road, Diana Owen, 2720 S. Post Road, and Raymond Harding, 2804 S. Post Road. Jeff Moore, 12230 Jaycie Circle, owner/applicant, Moore Real Estate Development, Inc., spoke regarding this item. Guy Henson, Development Services Director, briefed the Council on this item. There was much discussion among the Council regarding this item. Motion was made by Rice, seconded by Joyner, to adopt Ordinance No. 2923 as proposed. Voting aye:

Cain, Joyner, Pung, Rice and Mayor Reed. Nay: Maynard and Mann.
Absent: none. Motion carried.

(D-4) (PC-1551) The Council considered approval of the final plat of Eastwood Addition, Section 13, described as a part of the SW/4 of Section 33, T12N, R1W, located in the 12200 block of Elizabeth Drive, subject to all staff comments. Motion was made by Joyner, seconded by Rice, to approve this item. Voting aye: Maynard, Mann, Cain, Joyner, Pung, Rice and Mayor Reed. Nay: none.
Absent: none. Motion carried.

(D-5) (PC-1552) The Council considered approval of the final plat of Turtlewood 1st Addition, described as a part of the SE/4 of Section 7, T11N, R1W, located in the 2000 block of S. Westminster Drive, subject to all staff comments. Motion was made by Mann, seconded by Maynard, to approve this item. Voting aye: Maynard, Mann, Cain, Joyner, Pung, Rice and Mayor Reed. Nay: none.
Absent: none. Motion carried.

(D-6) (PC-1553) The Council considered approval of the final platting of Cassidy Cove Addition, Section 2, described as a part of the NW/4 of Section 1, T11N, R2W, located in the 500 block of Davidson Road, subject to all staff comments. Motion was made by Rice, seconded by Pung, to approve this item. Voting aye: Maynard, Mann, Cain, Joyner, Pung, Rice and Mayor Reed. Nay: none. Absent: none. Motion carried.

(D-7) The Council considered an appeal of the revocation of a certificate of occupancy by the Midwest City Building Official for the Hong Kong Health Spa by Chris Eulberg, attorney for Young N. Gregg. Motion was made by Maynard, seconded by Cain, to strike this item. Voting aye: Maynard, Mann, Cain, Joyner, Pung, Rice and Mayor Reed. Nay: none. Absent: none. Motion carried.

(D-8) The Council considered appointing an additional council representative, planning commissioner and a representative from the Builders Board to the Comprehensive Plan Advisory Committee. Guy Henson, Development Services Director, briefed the Council on this item. Mayor Reed submitted the name of Councilmember Ruth Cain for this appointment. Motion was made by Joyner, seconded by Pung, to approve the appointment of Ms. Cain to the Comprehensive Plan Advisory Committee. Voting aye: Maynard, Mann, Cain, Joyner, Pung, Rice and Mayor Reed. Nay: none. Absent: none. Motion carried.

(D-9) The Council considered passing and approving a resolution of the City Council of the City of Midwest City finding and confirming that blighted areas exist within the corporate boundaries; finding and confirming that the rehabilitation, conservation or redevelopment, or a combination thereof, of such areas is necessary in the interest of the public health, safety, morals and welfare of the residents of such areas, determining that the exercise of the powers granted by the Oklahoma Urban Redevelopment Law, 11 O.S.2001 §§ 38-101 - 38-123, is in the public interest; electing that those powers be exercised by an urban renewal authority; creating the Midwest City Urban Renewal Authority; authorizing the mayor to appoint a Board of Commissioners for the Midwest City Urban Renewal Authority and directing the preparation of an urban renewal plan to aid in the implementation of the Midwest City Downtown Redevelopment Project. Motion was made by Pung, seconded by Joyner, to table this item. Voting aye: Maynard, Mann, Cain, Joyner, Pung, Rice and Mayor Reed. Nay: none. Absent: none. Motion carried.

(D-10) The Council considered passing and approving a resolution of the City Council of the City of Midwest City declaring the necessity of acquiring right-of-way across certain tracts of land located in Section 10, Township 11 North, Range 2 West of the Indian Meridian to provide for construction, relocation and improvement of public roadways within the City of Midwest City; authorizing, instructing and directing the city manager to acquire the permanent rights-of-way by purchase from the owners; and authorizing, instructing and directing further that the city attorney initiate the necessary legal proceedings to condemn the land if it cannot be purchased. Motion was made by Rice, seconded by Pung, to adopt Resolution No. 2004-15 as proposed. Voting aye: Maynard, Mann, Cain, Joyner, Pung, Rice and Mayor Reed. Nay: none. Absent: none. Motion carried.

(D-11) The Council considered confirming the mayor's appointments of commissioners to the Midwest City Urban Renewal Authority. Motion was made by Rice, seconded by Pung, to table this item. Voting aye: Maynard, Mann, Cain, Joyner, Pung, Rice and Mayor Reed. Nay: none. Absent: none. Motion carried.

Councilman Maynard left the meeting.

(E-1) The Council considered denial of Tort Claim No. 03-32 filed by David Twidwell in the amount of \$696.10. Motion was made by Cain, seconded by Joyner, to deny this tort claim. Voting aye:

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Mann, Cain, Joyner, Pung, Rice and Mayor Reed. Nay: none.
Absent: Maynard. Motion carried.

Councilman Maynard re-entered the meeting.

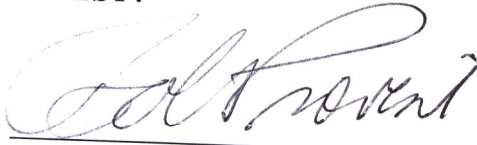
(E-2) The Council considered denial of Tort Claim No. 03-33 in excess of \$10,000 filed by Attorney David L. Smith on behalf of Shelina Huddleston. Motion was made by Joyner, seconded by Cain, to deny this tort claim. Voting aye: Maynard, Mann, Cain, Joyner, Pung, Rice and Mayor Reed. Nay: none. Absent: none. Motion carried.


No one appeared before the Council during the New Business/Public Discussion portion of the agenda.

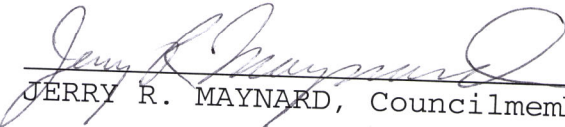
There being no further business, motion was made by Rice, seconded by Joyner, to adjourn. Voting aye: Maynard, Mann, Cain, Joyner, Pung, Rice and Mayor Reed. Nay: none. Absent: none. Motion carried.

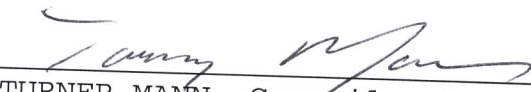
The meeting adjourned.

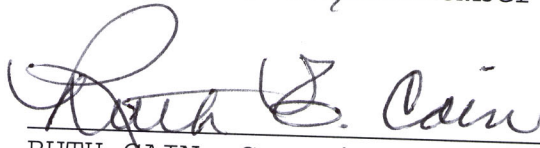
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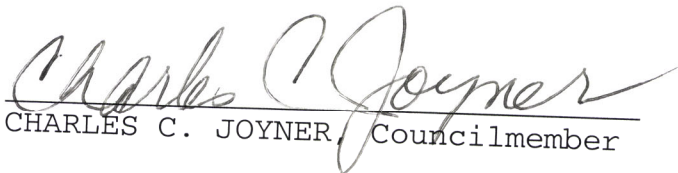

BOB PROVINE, City Clerk


EDDIE O. REED, Mayor

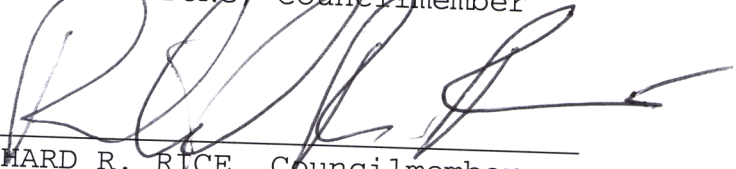

JERRY R. MAYNARD, Councilmember


TURNER MANN, Councilmember


RUTH CAIN, Councilmember


CHARLES C. JOYNER, Councilmember

MICHAEL A. PUNG, Councilmember


RICHARD R. RICE, Councilmember