

AGENDA
LAWTON CITY COUNCIL REGULAR MEETING
DECEMBER 16, 2008 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

MEETING CALLED TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION OF CITIZEN OF THE MONTH FOR DECEMBER 2008 TO AWANDA GLOVER.

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.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

1. Consider the following damage claims recommended for approval and consider passage of the resolution authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: James and Francisca Stephens in the amount of \$745.45, Wanda Dees in the amount of \$55.00, Steve and Tracey Rich in the amount of \$5,850.00 and Chris and Hyang Suk Bloomfield in the amount of \$452.87. Exhibits: Legal Opinions/Recommendations, Resolution No.____, Resolution No.____, Resolution No.____. Page 1
2. Consider the following damage claim recommended for denial: Pamela Rogers in the amount of \$1,937.55. Exhibits: Legal Opinion/Recommendation. Page 16
3. Consider adopting a resolution ratifying the actions of the City Attorney in filing and making payment of the judgment in the Workers' Compensation case of Ronnie Walker in the Workers' Compensation Court, Case No. 2006-14772 R. Exhibits: Resolution No. 2008-____. Page 19
4. Consider approving an Amendment to the Professional Services Agreement with Mackey Law Firm, and authorize the Mayor and City Clerk to execute the Amendment. Exhibits: Agreement and Amendment are on file at the City Clerk's office. Page 21
5. Consider accepting the Retainer Agreement for Professional Services with Cynthia Herriage and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Professional Services Agreement on file in the City Clerk's office. Page 22
6. Consider approving the Contract for Sale of surplus property located on the 1700 block SW 13th Street to Herbert Derricott, in the amount of Two Thousand Four Hundred and No/100 Dollars (\$2,400.00), and authorize the Mayor and City Clerk to execute the Contract for Sale and a Quit Claim Deed. Exhibits: The Contracts for Sale and Quit Claim Deeds are on file in the City Clerk's office. Page 23
7. Consider accepting a quit claim deed from Cecil D. Graham, authorizing the Mayor and City Clerk to execute the deed and authorizing the Mayor to sign a thank you letter for the donated property. Exhibits: Donation Letter. Quit claim deed and thank you letter are on file in the City Clerk's office. Page 24

8. Consider authorizing annual financial assistance in the amount of \$10,000 (Ten Thousand and no/100 Dollars) from the Hotel/Motel Tax Fund, as set out in the Agreement for Limited Services entered into between the Lawton Enhancement Trust Authority and the City of Lawton and take appropriate action as deemed necessary. Exhibits: Agreement between LETA and the City of Lawton can be reviewed in the City Clerks Office. Page 26
9. Consider approving the application of Lawton Beautiful Inc. and the Lawton Enhancement Trust Authority to provide an enhancement project for the median located at 4005 W. Gore Blvd. and provide limited city assistance. Exhibits: Draft design of the project. Page 27
10. Consider rescinding Resolution 08-143 adopted by the Lawton City Council on October 28, 2008 and adopting Resolution 08-____ requesting the Secretary of Transportation and the Oklahoma Department of Transportation to consider future rail transit options in the Oklahoma City Metropolitan Area and the State of Oklahoma and authorizing the Mayor and City Clerk to execute said document. Exhibits: Resolution 08-__ and 10-13-2008 Correspondence from ODOT. Page 29
11. Consider ratifying the December 9, 2008 majority vote of the City's Department Directors to appoint Anthony Griffith to the City's Pension Trust Commission to fill the position of former employee Deborah Jones. Exhibits: Memo and Excerpt of Pension Trust Document. Page 33
12. Consider approving an amendment to the contract entered into with Comport Network/EI Technologies for implementation services of an integrated Geographical Information System (GIS). Exhibits: Amendment to the Contract and Contract Balances. Original contract is on file in City Clerk's Office. Page 37
13. Consider accepting donation of monies for Lawton Police Departments Award Ceremony/Banquet from the Ft. Sill-Apache Casino. Exhibits: None. Page 41
14. Consider accepting donation of funds donated by Wal-Mart West, 6301 NW Quannah Road for Lawton Police Department. Exhibits: None. Page 42
15. Consider approving the standard lease agreement for use of the Elmer Thomas Park/Lake Helen Stage area on July 4, 2009 with First Assembly of God-Lawton. Exhibits: Standard Lease Agreement with First Assembly of God-Lawton and Letter of request from First Assembly of God-Lawton. Page 43
16. Consider approving the construction plat for Boyles Landing, Section 4, subject to conditions. Exhibits: Plat Map. Page 48
17. Consider accepting a permanent utility easement and approving the vacation of Heinz Addition, Part 8. Exhibits: Location Map. Permanent Utility Easement, Vacation of the Plat of Heinz Addition, Part 8 are on file in the City Clerk's Office. Page 50

18. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 340 linear feet of 8-inch PVC sanitary sewer line and all appurtenances to serve Walgreens #12833 located at 1107 SW Lee Boulevard in the SE/4 of Section 36, T2N, R12W, I.M., Comanche County, Oklahoma. Page 52
19. Consider awarding a construction contract to M. Hanna Construction Co., Inc. for the Landfill Cells 4-5 Project #2008-4. Exhibits: None. Page 53
20. Consider a resolution approving the creation of a recycling fund for the Public Works Department to be funded by monies received from the sale of metals and other recycle materials generated from the Landfill for the purpose of assisting with funding recycle equipment and recycle operations. Exhibits: Resolution 2008-____. Page 54
21. Consider awarding (RFPCL09-021) Tree Pruning at Elmer Thomas Park to Giuseppe's Landscaping & Lawn Care of Lawton, OK in the amount of \$9,000.00. Exhibits: Abstract of bids, department recommendation, proposal price sheet. Page 56
22. Consider approval of payroll for the period of December 1 - 14, 2008.

OLD BUSINESS ITEMS:

23. Consider approving Council Policy 1-10 creating and establishing and economic development assistance policy for the City of Lawton. Exhibits: Memo from Leslie Batchelor and Proposed Council Policy 1-10. Page 61

NEW BUSINESS ITEMS:

24. Hold a public hearing and consider an ordinance amending Section 18-5-9-591 of the Lawton City Code adding church as a permitted use in the C-2 Planned Neighborhood Shopping Center District. Exhibits: Ordinance No. 08-____. Page 82
25. Consider granting a request from George and Linda Clark for a variance to Section 19A-2-4-232 B.1 of the Lawton City Code to permit construction of a 30' x 90' metal accessory building in the floodway at 2104 NE 25th Street. Exhibits: Permit Application from Spur Metal Buildings, Letter of Denial to Spur Metal Buildings, Permit Application from George Clark, Owner, Letter of Denial to Mr. Clark, Letter Requesting Variance from George Clark, Owner, Floodplain Map, Site Plan and Order. Page 86
26. Consider recommending to the Lawton City Council a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, to remove the \$2.00 fuel surcharge currently placed on the City of Lawton service bill and take appropriate action as necessary. Exhibits: Resolution 2008-____. Page 100
27. Consider denying a subordination agreement on the City's mortgage with Yvette M. Chenault, a single person (Borrower), to subordinate the City's mortgage on her property at 4614 SW Beta or take other appropriate action. Exhibits: Exhibit A: Letter of Request; Exhibit B: Mortgage (City of Lawton); Exhibit C: Promissory Note (City of Lawton); Exhibit D: Good Faith Estimate for new loan; Exhibit E: Proof of Income; Exhibit F: Credit Report; Exhibit G: Administrative Policy 7-2 "Subordination of Loan Position". (Exhibits A thru G and Appendices are on file in the City Clerks Office). Page 102

28. Consider approving an agreement with Arvest Bank to implement a Visa Purchasing Card system. Exhibits: Arvest Bank Purchasing Card Agreement and Addendum. Page 104
29. Direct staff as to the prioritization of the three current Transportation Enhancement (TE) grant applications submitted to the Oklahoma Department of Transportation. Exhibits: Comment Letter from ODOT, Applications, Prioritization of Lawton Bicycle and Pedestrian Projects and Map of 2nd Street Enhancement Street Phases. Page 108

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

30. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending damage claim of Pete Rodriguez, DC-2008-103, and if necessary, take appropriate action in open session. Exhibits: None. Page 139

ADJOURNMENT

"The City of Lawton encourages participation from all of its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at (580) 581-3305 at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The City may waive the 48 hour rule if interpreters for the deaf (signing) is not the necessary accommodation."