

AGENDA
LAWTON CITY COUNCIL REGULAR MEETING
MARCH 10, 2009 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

MEETING CALLED TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION FOR VIETNAM VETERANS AWARENESS DAY

STATE OF THE CITY ADDRESS BY MAYOR JOHN P. PURCELL, JR.

CONDUCT ELECTION OF MAYOR PRO TEM

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.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF FEBRUARY 24, 2009 AND THE SPECIAL MEETING OF MARCH 2, 2009.

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: AT&T Telephone L.P. in the amount of \$1,026.46, Gerhard Beck in the amount of \$195.00 and Donald and Linda Pendergraph in the reduced amount of \$5,268.12. Exhibits: Legal Opinions/Recommendations, Resolution No.____, Resolution No.____. Page 1
2. Consider the following damage claims recommended for denial: Southwestern Bell Telephone L.P. in the amount of \$4,186.30 and K.B. Chang in the amount of \$962.00. Exhibits: Legal Opinions/Recommendations. Page 12
3. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and Lisa Freeman and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional & Legal Services on file in City Clerk's Office. Page 17
4. Consider accepting donation of \$500.00 contributed by Dr. Alan E. Aycock for the Tactical Unit of the Lawton Police Department. Exhibits: None. Page 18
5. Consider waiving all fees and permits associated with the replacement of a fence and playground equipment at Northwest Baptist Church, Lawton, Oklahoma, for L. Curtis Thompson, in order for him to complete the necessary steps to attain the rank of Eagle Scout, and authorize License and Permits to execute any necessary documents associated with the waiving of requirements for the proposed project. Exhibits: Request letter from L. Curtis Thompson III and Eagle Scout Project Workbook and Plans for the Project. Page 19
6. Consider approving and accepting a donation from the Lawton Public Schools and Lawton Enhancement Trust Authority for the benefit of planting trees in Elmer Thomas

- Park and approving a staff pre-determined location for the planting of the trees in Elmer Thomas Park. Exhibits: Copy of Letter of Request and Map of Predetermined Planting Site. Page 24
7. Consider approving and accepting a donation from the United Way Success by 6/Smart Start Lawton Leadership Committee for the benefit of installing a Born to Learn Trail in Elmer Thomas Park and approving a staff pre-determined location for the trail in Elmer Thomas Park. Exhibits: Copy of Letter of Request. Page 27
 8. Consider approving a credit adjustment in the amount of \$593.19 to Diana Garcia's utility account #00018764 for the property at 4631 SW J Avenue for unexplained high consumption. Exhibits: Notarized Statement from Mrs. Diana Garcia and Copy of customer's service bill. Page 29
 9. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 210 linear feet of 8-inch PVC water line, 10 linear feet of 6-inch PVC water line and all appurtenances to serve the Switzer's Locker Room located at 602 SW 82nd Street in the NW/4 of Section 32, T2N, R12W, I.M., Comanche County, Oklahoma. Exhibits: Permit to Construct on file in the City Clerk's Office. Page 32
 10. Consider setting a date of April 14, 2009, to hold a public hearing and consider an ordinance closing 5 feet of the utility easement on Lot 54 and 10 feet of the utility easement on Lot 55, Block 4, Blys' Pointe Addition, Part 3, also known as 316 and 318 SW Boatsman Avenue. Exhibits: Location Map, Application and Surveys. Page 33
 11. Consider extending the contract (CL08-040) Footwear (Safety, Athletic, Walking)-Item: Safety with Woodward's Department Store of Cyril, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form. Page 39
 12. Consider extending the contract (CL08-040) Footwear (Safety, Athletic, Walking)-Item: Athletic with Kessler's Team Sports of Tulsa, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form. Page 43
 13. Consider extending the contract (CL08-041) Self-Contained Breathing Apparatus (SCBA) with Wayest Safety Inc. of Oklahoma City, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form. Page 48
 14. Consider extending the contract (RFPC08-063) Workers Compensation Administration Services with United Safety & Claims, Inc. of Tulsa, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form. Page 52
 15. Consider extending the contract (CL08-035) Hydraulic Root Saws with J&R Equipment LLC of Oklahoma City, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form. Page 56
 16. Consider approval of payroll for the period of February 23 – March 8, 2009.

NEW BUSINESS ITEMS:

17. Hold a public hearing and consider an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to R-2 (Two-Family Dwelling District) zoning classification with a binding site plan located at 802 and 804 NW Hilltop Drive. Exhibits: Ordinance No. 09-____ with site plan, Location Map, Application and CPC Minutes. Page 61
18. Consider an ordinance amending Section 17-1-6-164, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2005, by amending the personnel policies and procedures pertaining to family leave, providing for severability, and declaring an emergency. Exhibits: Ordinance 2009-_____. Page 68
19. Consider an application for a revocable permit to use a portion of the NW Taft Avenue right-of-way east of NW Sheridan Road for parking and maneuvering. Exhibits: Application and Site Plan. Page 76
20. Discuss conduct of City Council. Exhibits: None. Page 81
21. Consider approving Change Order #5, with J. L. Walker Construction, Inc. for the Historical Lawton High Project, for IT improvements, Phase II, and take appropriate action as deemed necessary. Exhibits: Email correspondence from Aaron Beasley, Meyer Architecture (3/5/09), Cover Letter Meyer Architecture Plus and J. L. Walker Construction Meeting Agenda. Page 82

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

22. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2009-2010 between the American Federation of State, County and Municipal Employees (AFSCME), Local 3894, and the City of Lawton, and take appropriate action in open session. Exhibits: None. Page 91
23. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the City of Lawton's subrogation interest in the case of James Lee Poindexter v. Wichita Emergency Physicians, et al., District Court of Comanche County, State of Oklahoma, Case No. CJ-2008-9, and if necessary, take appropriate action in open session. Exhibits: None. Page 92
24. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending investigation and action regarding a private water line leak on or near 50th and Gore, and if necessary, take appropriate action in open session. Exhibits: None. Page 93
25. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session for the annual performance employee review of Larry Mitchell as City Manager, and in open session take other action as necessary. Exhibits: Employment Agreement Summary. Page 94

ADJOURNMENT

Agenda – Lawton City Council Meeting

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"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."