

AGENDA
LAWTON CITY COUNCIL REGULAR MEETING
APRIL 14, 2009 - 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 APRIL 2009 TO MARY SCREEN.

PROCLAMATION FOR NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK

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 10, 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: Daniel Pinkney in the reduced amount of \$1,721.73, Carl and Rita Eubanks in the amount of \$263.76, Bryan and Traci Pierce in the reduced amount of \$3,810.00 and Barbara Stewart c/o DesRae Stewart in the reduced amount of \$1,172.50. Exhibits: Legal Opinions/Recommendations and Resolution No. ____.
2. Consider the following damage claims recommended for denial: Harold Byrd in the amount of \$1,168.00 and Christopher Tanequodle in the amount of \$109.45. Exhibits: Legal Opinions/Recommendations.
3. Consider authorizing application and acceptance of the 2009 Department of Justice Edward Byrne Assistance Grant (JAG) which is part of the Federal Stimulus Package for Oklahoma. Exhibits: None.
4. Consider approving a request to enter into a Memorandum of Understanding with Comanche County and the City of Lawton Police Department accepting the conditions of the Justice Edward Byrne Assistance Grant as provided by the 2009 Federal Stimulus Package for Oklahoma. Exhibits: None.
5. Consider authorizing application and acceptance of the 2009 Community Oriented Policing Grant (COPS). Exhibits: None.
6. Consider accepting permanent and temporary easements from Harvey and Dorothy Jenkins, husband and wife, and Gary and Ann Tubbs, husband and wife, which are needed for the Numu Creek Bridge Replacement Project # 2008-15, authorizing the Mayor and City Clerk to execute the easements. Exhibits: Location map. Easements are on file in the City Clerk's Office.

7. Consider accepting a permanent easement from Guy and Betty Dodd, husband and wife for additional right of way needed for the NW 67th Street Reconstruction (Cache Road to Rogers Lane) Project # 2003-7, authorizing the Mayor and City Clerk to execute the document and authorizing payment in the amount of \$700.00. Exhibits: Location map. Easement is on file in the City Clerk's office.
8. Consider accepting a Warranty Deed from Summit Village, L.L.C for street right-of-way on Southwest 52nd Street, and authorizing the Mayor and City Clerk to execute the deed. Exhibits: Location map. Warranty deed is on file in the City Clerk's office.
9. Consider accepting temporary construction permits for improvements related to the Fort Sill Apache Casino project located at 2401 East Gore Boulevard. Exhibits: Temporary Construction Permits on file in City Clerk's Office.
10. Consider adopting a Resolution authorizing the installation of traffic control measures on NW Parkview Boulevard at the intersection of NW Cherry Avenue; and on NW Laird Boulevard; E Gore Boulevard between I-44 and NE Flower Mound Road; NW Cherry Avenue at the intersection of NW 16th Street. Exhibits: Traffic Commission Minutes, Traffic Issue Requests, and Resolution No. 09-____.
11. Consider denying the requests for traffic control measures on NE Kingsbriar Drive at the intersection of NE Fieldcrest Drive; NW Bell Avenue at the intersection of NW 15th Street. Exhibits: Traffic Commission Minutes and Traffic Issue Requests.
12. Consider adopting Street Light Resolution No. 459 to authorize the installation/removal of street lights at the locations listed in the Resolution. Exhibits: Street Light Resolution No. 459.
13. Consider approving contract Amendment #1 with Jacobs Consultancy for additional planning services for the Sustainable Growth Study and Plan for the City of Lawton. Exhibits: Amendment to Agreement.
14. Consider extending the contract (RFPCL07-053) Health and Dental – Third Party Administrator with Blue Cross Blue Shield of Oklahoma City, OK. Exhibits: Department Recommendation, Administrative Fee Exhibit, Contract Extension Form.
15. Consider awarding (RFPCL09-038) Non-Exclusive Recycling Center Operation to Horn Sanitation of Lawton, OK. Exhibits: department recommendation, proposal sheet, Non-Exclusive Recycling Center Operation Agreement.
16. Consider awarding (CL09-042) GPS System to Midwest A&E Supply of Richardson, TX. Exhibits: department recommendation, abstract of bids.
17. Consider extending the contract (RFPCL07-052) Employee Assistance Program (EAP) with Deer Oaks EAP Services, LLC of San Antonio, TX. Exhibits: Department Recommendation, Proposal Price Bid Sheet, Contract Extension Form.
18. Consider awarding (CL09-041) Rear Load Refuse Collection Body to J&R Equipment LLC of Oklahoma City, OK. Exhibits: department recommendation, abstract of bids.

19. Consider extending the contract (CL08-045) Mowing & Litter Contract II: Areas G, H, & L with Teen Challenge of Oklahoma of Cache, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
20. Consider extending the contract (CL07-033) Nuisance Abatement – East Side with Charlie's Backhoe & Demolition of Sterling, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
21. Consider approving appointments to boards and commissions. Exhibits.
22. Consider approval of payroll for the period of March 23 – April 5, 2009.

NEW BUSINESS ITEMS:

23. Hold public hearings and adopt resolutions declaring the structure(s) at: 411 SE Larrance Street, 911 SW "C" Avenue, 905 SW 12th Street, 1207 SW New York Avenue to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Four resolutions. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.
24. 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: Ordinance No. 09-____, Location Map, Application and Surveys.
25. Discuss and take appropriate action as necessary concerning amending the process for an appeal of an order of the municipal judge to revoke or suspend a retail dealer's low point beer license under Section 4-2-1-213, Division 4-2-1, Article 4-2, Chapter 4, Lawton City Code, 2005. Exhibits: None.
26. Consider an ordinance amending Sections 15-4-401, 402, 403, 404, and 407, Article 15-4, Chapter 15, Lawton City Code, 2005, pertaining to Nuisances and Health by incorporating into city code the same provisions currently in state law that prohibit the use of lighted tobacco in certain public places, providing for severability, and declaring an emergency. Exhibits: Ordinance 2009-_____.
27. Consider an ordinance amending Section 15-5-503, Article 15-5, Chapter 15, Lawton City Code, 2009, pertaining to nuisances and health by adding provisions for allowing vehicles to partially park on yards abutting roadways under certain conditions, providing for severability, and declaring an emergency. Exhibits: Ordinance 2009-_____.
28. Consider an ordinance amending Sections 4-1-1-114, Division 4-1-1, Article 4-1, Chapter 4, Lawton City Code, 2005, by clarifying that restaurants or other businesses that derive more than 50% of their sales from sources other than alcohol are not mixed beverage establishments. Exhibits: Ordinance No. 09-_____.

29. Discuss extending contract with Giuseppe's Landscaping & Lawn Care of Lawton, OK to complete tree pruning at Elmer Thomas Park and take appropriate action if necessary. Exhibits: Invitation to Bid and Contract with Giuseppe's Landscaping & Lawn Care.
30. Discuss the authority of the Mayor, City Council and City Manager as established by the Lawton City Charter. Exhibits: Article C-2 and Article C-3, Lawton City Charter.
31. Receive an update on the 2nd Street Enhancement Project and the Tax Increment Financing (TIF) District. Exhibits: None.
32. Discuss budget for fiscal year 2009-2010 and take appropriate action if necessary. Exhibits: None.
33. Discuss billboard at 2010 SW Lee Boulevard and take appropriate action if necessary. Exhibits: None.
34. Consider approving a lease agreement with Duit Construction Company, Inc. for City property located along the NW 67th Street Reconstruction (Cache to Rogers Lane) Project #2003-7 and along Rogers Lane for a temporary concrete batch plant/construction site. Exhibits: Location map.
35. Consider appointing a proxy for final decision authority to accept or reject bids from the public auction of a 1998 Caterpillar 623F scraper, s/n 6BK00530 and a 1994 Caterpillar 623F scraper, s/n 11N10983. Exhibits: Complete copy of Ordinance 08-49.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

36. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a potential lawsuit from Mike Evans, regarding the city code requirement prohibiting a tattoo parlor within 1,000 feet of a church, school, or playground, and if necessary, take appropriate action in open session. Exhibits: Court order in Oklahoma District Court Case CJ-2007-988.
37. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the lawsuit Jamal Lipford vs. City of Lawton, et al., CIV-08-0490-HE, and if necessary, take appropriate action in open session. Exhibits: None.
38. 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 Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

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."

