

AGENDA
LAWTON CITY COUNCIL REGULAR MEETING
APRIL 26, 2005 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

MEETING CALLED TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION OF EMPLOYEE OF THE MONTH AWARD TO GROVER SEWELL, BUILDING MAINTENANCE WORKER III, PARKS & RECREATION DEPARTMENT.

PRESENTATION OF PROCLAMATION FOR FLOOD AWARENESS MONTH.

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 MEETING OF APRIL 12, 2005.

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 any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Shirley Cummiskey in the amount of \$1,535.21 and Tonyha and William Haywood in the amount of \$500.00. Exhibits: Legal Opinions/Recommendations; Resolution No. 05-____, Resolution No. 05-____. Page 1
2. Consider the following damage claims recommended for denial: Tony Ferrante, Sr. in the amount of \$100,000.00. Exhibits: Legal Opinions/Recommendations. Page 10
3. Consider adopting a resolution approving the settlement by a joint petition and making payment in the Workers' Compensation case of John Scott Reed in the Workers' Compensation Court, Case No. 2003-10336-X. Exhibits: Resolution No. 05-____. Page 14
4. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and Neil West and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Legal Services on file in City Clerks Office. Page 16
5. Consider approving the record plat for Yorkshire Estates and accepting the improvements and maintenance bond. Exhibits: Plat Map, Maintenance Bonds on file in City Clerk's Office. Page 17
6. Consider acknowledging the receipt of a permit from the Oklahoma State Department of Environmental Quality for the construction of 1,560 linear feet of eight (8) inch PVC water line and all appurtenances to serve the Yorkshire Estates, City of Lawton, Comanche County, Oklahoma. Exhibits: Permit is on file in the City Clerk's Office Page 19
7. Consider approving the construction plat for Dove Creek Addition, Part 1, subject to one condition. Exhibits: Plat Map. Page 20

8. Consider accepting an easement from Tompkins Trust, which is needed for the Squaw Creek Drainage Project, and authorize the Mayor and City Clerk to execute the easement and authorize the Mayor to sign a thank you letter to Tompkins Trust for the donation of the easement. Exhibits: Easement and Thank You Letter are on file in the City Clerks Office. Page 22
9. Consider continuation of a contract with the Comanche Tribe of Oklahoma for fire protection and emergency medical service on property located at 402 SE Interstate 44 and not within the jurisdiction of the City of Lawton. Exhibits: Contract on file in City Clerk's Office. Page 23
10. Consider continuation of existing contracts with the Comanche Tribe of Oklahoma for water and sewer services and fire protection and emergency medical service on property located at 501 NE Laurie Tatum Road and not within the jurisdiction of the City of Lawton. Exhibits: Contract on file in City Clerk's Office. Page 24
11. Consider approving a resolution requesting the Oklahoma Department of Transportation to include SE 45th Street between Lee Boulevard (SH7) and Gore Boulevard in their Eight Year Construction Program. Exhibits: Resolution No. 05-____ Page 25
12. Consider approving a resolution requesting the Oklahoma Department of Transportation to include NW 67th Street between Cache Road and Rogers Lane (US 62) in their Eight Year Construction Program. Exhibits: Resolution No. 05-____. Page 27
13. Consider acknowledging receipt of permit for the construction of a waterline and appurtenances from the Oklahoma Department of Environmental Quality to serve the 2005 CIP Waterline Replacement Project #2004-3, City of Lawton, Comanche County, Oklahoma. Exhibits: Permit is on file in the City Clerk's Office. Page 29
14. Consider approving Change Order No. 1 for the Modification of the Existing Landfill Leachate Collection System Project #2004-11 with L. D. Kemp Excavating, Inc. Exhibits: A copy of the change order is on file in the Engineering Office. Page 30
15. Consider awarding a construction contract to Barnett Paving & Sealing LP for the 2005 CIP Oil/Chip Street Project #2005-10. Exhibits: None. Page 31
16. Consider approving plans and specifications for the NW Ashby Avenue & NW Ferris Avenue Street Reconstruction Project #2005-1 and authorizing staff to advertise for bids. Exhibits: None. Page 32
17. Consider rejecting the bid proposal for the Lake Helen Fish Habitat and Access Improvement Phase II Project #2004-12 and authorize staff to re-advertise. Exhibits: None. Page 33
18. Consider approving the record plat for Doe Doe Park Development, Part Two Replat of a portion of Blocks 6, 7, and 8, Radio City Addition. Exhibits: Plat Map. Page 34

19. Consider approving the First Amendment to the Outside Water Sales Contract with Valley View Water Association, Inc., which would increase the maximum number of individual meters from twelve (12) to thirteen (13), and authorize the Mayor and City Clerk to execute the amendment. Exhibits: Request letter, First Amendment is on file in the City Clerks Office. Page 36
20. Consider approving the First Amendment to the Outside Water Sales Contract with Tri-Creek Water Association, Inc., which would increase the maximum number of individual meters from four (4) to eight (8), and authorize the Mayor and City Clerk to execute the amendment. Exhibits: Request letter, First Amendment is on file in the City Clerks Office. Page 39
21. Consider awarding contract for Mid-size sedan (CL05-035). Exhibits: Department recommendation and Abstract of Bids. Page 41
22. Consider awarding contract for Mowing and Litter Contract II (CL05-042). Exhibits: Department recommendation and Abstract of Bids. Page 58
23. Consider awarding contract for Mid-Size Pick-Up Truck (CL05-035). Exhibits: Department recommendation and Abstract of Bids. Page 62
24. Consider awarding contract for Skid Steer Loader (CL05-041). Exhibits: Department recommendation and Abstract of Bids. Page 68
25. Consider approving the following contract extensions: Library Book Contract (CL03-047) with Scholastic Library Publishing; Davidson Titles, Inc., Recorded Books, LLC, Regent Book Company; Publishers Quality Library Service; Thompson Gale – Library; Crane Service (CL04-047) with Allied Steel Construction Company, LLC – Wastewater Treatment Plant; Manhole Lining Materials (CL03-059) with The Strong Company, Inc. – Sewer Construction; Tree Transplanting Service (CL03-060) with Booker Tree Service – Parks and Grounds. Exhibits: Contracts, information from previous bid award, and letters of staff recommendations on file in Financial Services Office. Page 72
26. Consider approval of appointments to boards, commissions. Exhibits: None. Page 73
27. Consider approval of payroll for the periods of March 28 to April 24, 2005. Exhibits: None.

OLD BUSINESS ITEMS:

28. Consider awarding contract for Mid-size SUV (CL05-035). Exhibits: Department recommendation and Abstract of Bids. Page 75
29. Consider adopting Ordinance Number 05-__ repealing and replacing Division 2, Article 2, Chapter 22, Lawton City Code, 1995, establishing a water system capacity fee for all new taps; its application to new and amended water sales contracts: providing standards and criteria for water main extensions and lease-purchase agreements with developers to recover the costs and declaring an emergency. Exhibits: Ordinance No. 05-__, Proposed Fee Schedule, Commentary from October 12, 2004 and extract from minutes, Public Works Development Cost Study dated July 29, 2004 sent under separate cover. Page 91

30. Consider adopting Ordinance Number 05-___ creating Division 22-3-14, Article 3, Chapter 22, Lawton City Code, 1995, establishing a sewer system capacity fee for all new taps; providing standards and criteria for sewer main extensions and lease-purchase agreements with developers to recover the costs and declaring an emergency. Exhibits: Ordinance No. 05-___, Proposed Fee Schedule, Commentary from October 12, 2004 and extract from minutes, Public Works Development Cost Study dated July 29, 2004 sent under separate cover. Page 103
31. Consider a resolution creating water and sewer capacity fees in Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995. Exhibits: Resolution No. 05-___. Page 113

BUSINESS ITEMS:

32. Hold a public hearing and consider an ordinance changing the zoning from I-3 (Light Industrial District) to I-4 (Heavy Industrial District) zoning classification on property located at 2133 SW 4th Street. Exhibits: Ordinance No. 05-___, Location Map, Site Plan, Application, CPC Minutes. Page 123
33. Consider adopting an ordinance closing part of Roosevelt Avenue, part of SW 1st Street, the alley in Block 31, Airport Addition, and the alley in Block 32, Airport Addition and declaring an emergency. Exhibits: Ordinance No. 05-___, Location Map. Page 132
34. Hold public hearings and adopt resolution declaring the structure at: 914 SW E Avenue (originally presented January 11, 2005), 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: Resolution No. 05-___ Page 137
35. Hold a public hearing and consider approval of Ordinance Number 2005-___ amending of Section 18-404.2, Chapter 18, and Section 20-101, Chapter 20 Lawton City Code, 1995, related to regulations governing the use of easements and revocable permits. Exhibits: Proposed Ordinance amending Section 18-404.2 and Section 20-101, Proposed Council Policy governing the use and access to utility easements, Proposed construction standard for fences, playground equipment and accessory building less than 200 square feet in size to be located on utility easements, Proposed letter of notice to remove encroachment from utility easement, Proposed fee structure. Page 142
36. Consider approving Council Policy _____ regulations governing the use and access to utility easements. Exhibits: Council Policy _____. Page 156
37. Consider approving a resolution amending the fees and charges related to revocable permits. Exhibits: Resolution No. 2005-___. Page 164
38. Consider issuing a new revocable permit for the maneuvering, loading and parking of vehicles upon the street easement along the east side of Ridgecrest Drive for Hoover Elementary School located at 1614 NW 47th Street. Exhibits: Application and site plan, E-mail communications from city departments and private utility companies, Revocable Permit on file in the City Clerk's Office. Page 167

39. Consider issuing a new revocable permit for the maneuvering and parking of vehicles upon the street right-of-way along the north side of Quanah Parker Trailway for the First Assembly of God Church located at 2201 NW 82nd Street. Exhibits: Application and site plan, E-mail communications from city departments and private utility companies, Revocable Permit on file in the City Clerk's Office. Page 176
40. Consider Revocable Communication Cable Permit to Indian Nations Fiberoptics, Inc., to combine previously approved permits into one and approve a new Phase V description, all of which would constitute approximately 3,753 rods of fiberoptic cable located in various street rights-of-ways. Exhibits: Revocable Communication Cable Permit, General Location Map. Page 184
41. Consider adopting an ordinance amending Section 17-2-11-232, Lawton, City Code, 1995, by lowering the restriction of hiring relatives to the division level rather than the department level and declaring an emergency Page 194
42. Consider adopting an ordinance amending Section 17-1-6-163, Lawton City Code, 1995, by deleting the provision concerning historical sick leave, by redefining on the job injury leave and clarifying ordinary sick leave, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05-____. Page 197

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER- Status Report on E. Gore by Traffic Engineer

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

43. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers Compensation claim of Thomas C. Melton, and if necessary, take appropriate action in open session. Exhibits: None. Page 204
44. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the consolidated law suit, in the Comanche County District Court, Comanche County Rural Water District No. 1, et al vs. City of Lawton and Lawton Water Authority, Case No. CJ-2003-928; and if necessary, take appropriate action in open session. Exhibits: None. Page 205
45. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending applications of Meers-Saddle Mountain Ranch before the Oklahoma Water Resources Board, Stream Water No. 2003-41 and Ground Water Nos. 2003-598, 2003-599 and 2004-572, and if necessary, take appropriate action in open session. Exhibits: None. Page 206

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."