

AGENDA
LAWTON CITY COUNCIL REGULAR MEETING
MAY 10, 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 CITIZEN OF THE MONTH TO LISA JOHNSON

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 SPECIAL MEETING OF APRIL 19, 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: Doris and Ben Benson in the amount of \$188.00 and John Joesil in the amount of \$801.33. Exhibits: Legal Opinions/Recommendations; Resolution No. 05-____. Page 1
2. Consider the following damage claim recommended for denial: Crystal Moon in the amount of \$275.00. Exhibits: Legal Opinion/Recommendation. Page 8
3. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers' Compensation case of Mark Preston Culp in the Workers' Compensation Court, Case No. 2004-01748X. Exhibits: Resolution No. 05-____. Page 11
4. Consider authorizing staff to use 2000 CIP Citywide Water Distribution Improvement funds for the Lake Ellsworth Bypass Project # 2004-2 and installing a 42" valve on the Waurika pipeline near Lake Ellsworth. Exhibits: None Page 13
5. Consider adopting a resolution amending Resolution 04-69 to correct a scrivener's error. Exhibits: Resolution 04-69, Resolution 05-____. Page 14
6. Consider approving an extension of the Retainer Agreement for Legal Services between the City of Lawton and John P. Zelbst Law Firm to continue representing three Lawton police officers being sued in their individual capacities in a case originally filed by former Drug Enforcement Administration agent Kevin D. Waters in Comanche County District Court (now re-filed in U.S. District Court in Oklahoma City) and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Legal Services is on file in the City Clerks Office.

7. 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 20
8. Consider endorsing the Federal Fiscal Year 2006-2008 Transportation Improvement Program (TIP) for the Lawton Metropolitan Area. Exhibits: FFY 2006-2008 TIP. Page 22
9. Consider endorsing the Federal Fiscal Year 2005-2006 Unified Planning Work Program (UPWP) for the Lawton Metropolitan Transportation Planning Process. Exhibits: FFY 2005-2006 UPWP. Page 48
10. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization (LMPO) for metropolitan transportation planning for Fiscal Year 2005-2006 for the Lawton Metropolitan Area and authorize the Mayor to execute. Exhibits: Memorandum of Understanding between LMPO and the City of Lawton. Page 66
11. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization (LMPO) for Congestion Mitigation Air Quality Campaign during Fiscal Year 2005-2006 and authorize the Mayor to execute. Exhibits: Memorandum of Understanding between LMPO and the City of Lawton. Page 69
12. Consider adopting a Resolution in Support of Columbia Square Limited Partnership in their efforts to rehabilitate a housing project at 305 NW 4th Street, Lawton, Oklahoma for consideration by the Oklahoma Housing Finance Agency (OHFA) for the award of Oklahoma Affordable Housing Tax Credits. Exhibits: Resolution No. O5-____. Page 72
13. Consider approving a request to enter into a memorandum of understanding between the City of Lawton and the Oklahoma Office of Homeland Security for the purpose of assigning the City of Lawton's share of 2004 Homeland Security Grant Program for the Statewide Criminal Justice Portal and Information Sharing Program in accordance with guidelines to the Oklahoma State Bureau of Investigation. Exhibits: Copy of Memorandum of Understanding, Letter to Chief of Police from OKOHS. Page 74
14. Consider approval of an agreement between the City of Lawton and the National Academy of Emergency Medical Dispatch to sponsor a 3-Day Emergency Medical Dispatch Training and Certification Course. Exhibits: None Page 77
15. Consider approving the lease agreement between the City of Lawton and the Community Development Institute Head Start, a Colorado nonprofit organization (CDI HS). Exhibits: Proposed Lease Agreement on file in the City Clerk's office. Page 83
16. Consider approving the work performed by ZIA Corporation for professional environmental engineering services for clean up of the Abandoned Wastewater Treatment Plant (AWWTP) and authorizing ZIA to proceed with the investigation and remediation phase of the process. Exhibits: Page 84

17. Consider accepting a permanent easement from the Comanche County Commissioners that is needed for the School House Slough Restroom, Lift Station and Force Main Project 2001-17, and authorize the Mayor and City Clerk to execute the easement. Exhibits: Easement is on file in the City Clerk's office. Page 88
18. Consider accepting documents needed for the School House Slough Restroom, Lift Station and Force Main Project 2001-17, and authorize the Mayor and City Clerk to execute the documents and authorize payment to the property owners as listed below. Exhibits: Payment request letter, Easements are on file in the City Clerk's office. Page 89
19. Consider acknowledging receipt of a grant in the amount of \$368,344.00 from the Oklahoma Department of Wildlife Conservation for the construction of the School House Slough Restroom, Lift Station and Force Main Project 2001-17. Exhibits: None Page 91
20. Consider approving plans and specifications for the School House Slough Restroom, Lift Station and Force Main Project 2001-17 and authorizing staff to advertise for bids. Exhibits: None Page 92
21. Consider approving Contract Amendment #4 with Burns & McDonnell Engineering Company, Inc. for Air Quality Tier II Testing, Analysis, and Reporting Services for the City of Lawton Landfill. Exhibits: Amendment #4 to Agreement. Page 93
22. Consider approving plans and specifications for the Highland Cemetery Road Overlay Phase III Project #2005-11 and authorizing staff to advertise for bids. Exhibits: Location Map. Page 98
23. Consider awarding contract for Laboratory Services of Toxic Pollutants (CL05-046). Exhibits: Department recommendation and Abstract of Bids. Page 100
24. Consider awarding contract for Refuse Collection Bodies (CL05-045). Exhibits: Department recommendation and Abstract of Bids. Page 103
25. Consider rejecting bids for Rock Hauling (CL05-044). Exhibits: Department recommendation. Page 108
26. Consider approving the following contract extensions: Custodial Maintenance Group I (CL02-061) with Pride Janitorial – Building Maintenance, Testing Services (CL03-069) with QuanTem Labs – Engineering. Exhibits: None Page 110
27. Consider approving appointments to boards and commissions. Exhibits: None Page 111
28. Consider approval of payroll for the period of April 25, 2005 to May 8, 2005. Exhibits: None.

BUSINESS ITEMS:

29. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Residential/High Density to Commercial and an ordinance changing the zoning from R-4 (High Density Apartment District) to C-2 (Planned Neighborhood Shopping Center District) zoning classification located at 2901 NW 40th Street. Exhibits: Resolution No. 05-____, Ordinance No. 05-____, Location Map, Site Plan, Applications, CPC Minutes. Page 113

30. Hold public hearings and adopt resolutions declaring the structures at: 2023 SW Roosevelt Avenue, 504 SW G Avenue, 2332 NW Lincoln Avenue, 913 SW 36th Street, 1401 NW Baldwin Avenue, 1305 NW Lincoln Avenue, 1205 NW Gore Boulevard (Voluntary) 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: Seven Resolutions. Page 129
31. Consider an ordinance amending Section 15-1-101, Article 15-1, Chapter 15, Lawton City Code, 1995, by deleting, adding and/or changing the definitions for junk vehicle and antique or classic vehicles and renumbering; amending Section 15-5-502, Article 15-5, Chapter 15, Lawton City Code, 1995, by changing the name, providing junk vehicles are prohibited within the City of Lawton unless located totally within a building or in connection with a business located within a properly zoned area, declaring the existence of junk vehicles a public nuisance, establishing a time limit for junk vehicles to be located on private or public property and deleting the section establishing a rebuttable presumption; providing for severability and establishing an effective date. Exhibits: Ordinance No. 05-____. Page 155
32. Consider an ordinance amending Section 15-5-503, Article 15-5, Chapter 15, Lawton City Code, 1995, by clarifying the prohibition of parking or storage of vehicles in residentially zoned districts or lots occupied by a dwelling unit and clarifying the specific exceptions and establishing conditions and limitations on the storage or parking in front and side yard areas; and repealing Section 15-5-505, Article 15-5, Chapter 15, Lawton City Code, 1995, providing for severability and establishing an effective date. Exhibits: Ordinance 05-____. Page 162
33. Consider approving creation of a trust under the provisions of Title 60, Oklahoma Statutes, section 176 to 180.4, as amended and supplemented, to be named the Lawton Enhancement Trust Authority with the purpose of benefiting the City of Lawton by serving as a fair and impartial representative body responsible for administration, management, and expenditure of public and private funds entrusted to it exclusively for projects that will beautify and aesthetically enhance the appearance of the City of Lawton. Exhibits: Trust Indenture for LETA. Page 166
34. Consider adopting an ordinance adopting the latest revisions to the International Building, Residential, Plumbing, Mechanical, Fuel Gas Codes and the International Fire Code, amending Chapters 6 and 11. Exhibits: Ordinance No. 05-____. Page 178
35. Consider adopting a resolution to repeal Resolution No. 04-121 which established the Code Review Committee. Exhibits: Resolution No. 05-____. Page 220

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 the law suit, in the Oklahoma County District Court, City of Lawton vs. Public Employees Relations Board and American Federation of State, County, and Municipal Employees, Case No. CJ-2004-9617. Exhibits: None Page 222

37. 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 223
38. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the law suit, in the U. S. District Court for the Western District Court of Oklahoma, styled Kevin D. Waters vs. City of Lawton, et al., Case No. 04-CV-1761-L. Exhibits: None
Page 224
39. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the purchase of property which is necessary for the Flower Mound Road Project (Gore to Rogers Lane) #STP-116B(046) and if necessary, take appropriate action in open session. Exhibits: To be distributed to the Mayor and Council in Executive Session. Page 225

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."