

AGENDA
LAWTON CITY COUNCIL REGULAR MEETING
MAY 23, 2006 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

MEETING CALLED TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

CERTIFICATE OF RECOGNITION FOR KRISTOFFER PENDERGRAFT, ASHTON PATTON, MARY SELLERS, AND DIRECTOR, CYNTHIA KENT OF THE LAWTON COMMUNITY THEATER,

PRESENTATION OF PROCLAMATION FOR NATIONAL CHILDHOOD CANCER AWARENESS MONTH (JUNE 2006) FOR THE OKLAHOMA OPTIMIST CLUB

PRESENTATION OF EMPLOYEE OF THE MONTH FOR MAY TO MICHAEL SPENCER, PRINCIPAL EQUIPMENT OPERATOR, IN THE WATER DISTRIBUTION DIVISION OF THE PUBLIC WORKS DEPARTMENT.

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 any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Fred & Lou Cheek in the amount of \$731.98, Jimmie & Linda Hobbs in the amount of \$5111.69, Southwestern Bell Telephone in the amount of \$536.91, James Craig in the amount of \$513.87, Denise Brown in the amount of \$20.00. Exhibits: Legal Opinions/Recommendations. Resolution No.____, Resolution No.____, Resolution No.____, Resolution No.____. 1
2. Consider the following damage claims as recommended for denial: Victor & Pabla Morales in the amount of \$1,092.88, Wilbur & Shirley Gardner in the amount of \$150.00. Exhibits: Legal Opinion/Recommendation. Exhibits: Legal Opinion/Recommendation. 20
3. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in directing our third party administrator to make payment on the judgment in the Workers' Compensation case of Arguell Harris in the Workers' Compensation Court, Case No. 2004-09966H. Resolution No. 2006-____. 25
4. Consider approving a renewal Agreement effective July 1, 2006 through June 30, 2007 between the State of Oklahoma Office of Juvenile Affairs and the City of Lawton for the continued operation and management of a Community Intervention Center in Lawton, and authorize execution of the renewal Agreement and an Affidavit of Assignment authorizing payment directly from the State to Marie Detty as the CIC subcontractor. Exhibits: Renewal Agreement and Affidavit of Assignment on file in City Clerk's Office. 28

5. Consider authorizing the Mayor and City Clerk to execute a contractual agreement for receiving processed residue from the Four-D Tire Recyclers. Exhibits: Agreement (On file with the City Clerk). 38
6. Consider approving a credit adjustment to utility account #1301057202 for Keith Kelman for his property located at 5106 SE Bishop Road in the amount of \$1,292.56. Exhibits: Repair bill dated 1/25/06 from All Star Plumbing. Repair bill dated 3/6/06 from Kephart Mechanical, Inc. 45
7. Consider accepting the Permanent and Temporary Easements listed below needed for the Sullivan TV Acres Project (2000 CIP WL #2005-15), and authorize the Mayor and City Clerk to execute the easements. Exhibits: Easements are on file in the City Clerk's office. 48
8. Consider approving the record plat for Blys' Pointe Addition, Part 3 and accepting the improvements, maintenance bonds, and easements. Exhibits: Plat Map, Maintenance Bonds and Easements on file in City Clerk's Office 137
9. Consider approving plans and specifications for the NE Maine Waterline Improvement Project #2006-2 and authorizing staff to advertise for bids. Exhibits: None. 161
10. Consider entering into a Retainer Agreement for Professional Services with Mountain Commercial Graphics, for expert design, production, and installation of vinyl vehicle wraps in Comanche County, Oklahoma and authorize the Mayor and City Clerk to execute the document. Exhibits: Professional Services Agreement. 162
11. Consider setting a public hearing on June 27, 2006 at 6 o'clock pm in the City Council Chambers to hear any comments for or against the annexation of approximately 160 acres of land located in Southeast Quarter of the East Half of Section 2, Township 1 North, Range 13 West, Comanche County, Oklahoma, into City Limits. Exhibits: Request for Annexation, Location Map, Notice of Public Hearing. 166
12. Consider accepting a sand filter tank (44.18cu.ft.) from the Comanche Nation for the municipal swimming pool in Mattie Beal Park. Exhibits: None 170
13. Consider extending the contract (CL94-025) E-911 Equipment and Support Services with AT&T Oklahoma (formerly SBC) of Oklahoma City, Oklahoma. 171
14. Consider awarding (CL06-046) Mowing and Litter Contract Section I, Area B, E, Section II, Area A to Booker Tree Service of Chattanooga, Oklahoma; Section I, Area D to Teen Challenge of Cache, Oklahoma 174
15. Consider appointing Mary Virginia Ozier as the City's representative in the civil litigation styled *Comanche County Rural Water Dist. No. 1, et al. v. City of Lawton, et al.* now pending in the District Court of Comanche County before the Honorable Allen McCall. Exhibits: N/A. 178

16. 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 Professional & Legal Services on file in City Clerk's Office. 179
17. Consider adopting a Resolution in Support for a Section 202 Elderly Housing Project application being submitted by Lawton Support Services, Inc., to the U.S. Department of Housing and Urban Development (HUD), for the construction of a thirty-eight (38) unit elderly-only rental housing development to be located at 911 SW D Avenue, Lawton, Oklahoma. 182
18. Consider approving appointments to boards and commissions. Exhibits: None. 185
19. Consider approval of payroll for the period of April 24- May 7, 2006. Exhibits: None.

OLD BUSINESS ITEMS:

20. Continue the public hearing to consider the Consolidated One-Year Action Plan for FFY 2006, receive input from citizens, and provide input for development of the plan. Approve the Plan and pass a resolution authorizing the execution of the plan and authorizing the Mayor and City Clerk to execute the implementing documents necessary to implement the Consolidated One-Year Action Plan for FFY 2006. Exhibits: A copy of the Consolidated One-Year Action Plan for FFY 2006 is on file at the City Clerk's Office. 186

NEW BUSINESS ITEMS:

21. Hold public hearings and adopt resolutions declaring the structure(s) at: 524 S.W. "G" Avenue, 408 S.W. Jefferson Avenue, 311 N.W. Arlington Avenue, 616 S.W. Garfield Avenue, 9 N.W. Columbia Avenue, 612 S.W. Highland 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: Seven Resolutions. Summary documents with supporting photos. Reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services. 187
22. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Agriculture to Residential/High Density and an ordinance changing the zoning from Temporary A-1 (General Agricultural District) to R-4 (High Density Apartment District) zoning classification with Planned Unit Development overlay district located approximately at 8902 NW Cache Road. 207
23. Consider a resolution amending Resolution No. 05-171 extending the moratorium on the issuance of building permits for the construction of buildings in an area bounded by the north right-of-way line of Ferris Avenue, the north right-of-way line of Gore Boulevard, the west right-of-way line of 4th Street, and the east right-of-way line of Railroad Street

- from June 15, 2006 to September 13, 2006 and expanding the area of the moratorium to the south right-of-way line of C Avenue. 224
24. Consider an ordinance amending Section 22-2-2-221; 224; 225; 226 and 227, Division 22-2-2, Article 22-2, Chapter 22, and Section 22-3-14-390; 392; 393; 394 and 395, Division 22-3-14, Article 22-3, Chapter 22, Lawton City Code, 2005, by setting standards for impact fee and extension procedures according to the approved Water and Sewer Master Plan, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-____. 228
25. Consider an ordinance amending Section 21-6-607, Article 21-6, Chapter 21, Lawton City Code, 2005, by requiring subdividers to install water lines and fire hydrants in accordance with the approved Water Master Plan and requirements of Chapter 11, providing all main water lines shall not be less than an eight inch diameter on a looped system or a dead end main, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-____. 235
26. Consider an ordinance amending Section 11-4-402, Article 11-4, Chapter 11, Lawton City Code, 2005, by changing yard to private hydrants and establish standards for fire hydrants according to the approved Water Master Plan, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-____. 238
27. Consider amending Section 17-1-4-143 Educational Incentive Program, Lawton, City Code, 1995, to establish a maximum amount per credit hour for education assistance and establish a stepped scale based on grade(s) achieved. Exhibits: Ordinance 2006-____. 242
28. Consider amending Section 17-2-9-205 Elections, Lawton, City Code, 1995, per request of the EAC to allow part-time employees to vote and to establish a presence from the HR office during vote counting and tabulation. Exhibits: Ordinance 2006-____. 246
29. Consider an ordinance amending Section 23-6-602, Article 23-6, Chapter 23, Lawton City Code, 2005, relating to the crime of illegally parking in spaces reserved for the physically disabled and assessing towing costs to vehicle owners convicted of said crime, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-____. 249
30. Consider an ordinance amending Section 5-2-203, Article 5-2, Chapter 5, Lawton City Code, 2005, by prohibiting the mistreatment of service dogs or any other service animal, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-____. 253
31. Consider an ordinance amending Section 4-1-1-107; 4-2-1-215; 4-2-4-290, Division 4-1-1; 4-2-1; 4-2-4, Article 4-1; 4-2, Chapter 4, Lawton City Code, 2005, by prohibiting the transportation, sale or the offer to sell of non-intoxicating beverages, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-____. 256

32. Consider an ordinance amending Section 23-1-102, Article 23-1, Chapter 23, Lawton City Code, 2005, relating to the definition of a “Motor Vehicle,” providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-____. 261
33. Consider an ordinance amending Section 23-5-540, Article 23-5, Chapter 23, Lawton City Code, 2005, relating to the use of child passenger restraint systems in motor vehicles, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-____. 268
34. Consider an ordinance amending Section 16-5-1-512, Division, 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 2005, to prohibit all forms of telecommunication or other electronic communication devices when related to obscene, threatening, or harassing communications, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-____. 271
35. Consider an ordinance creating Section 16-5-1-542, Division, 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 2005, making it illegal to knowingly misrepresent oneself as a member or veteran of the United States Armed Forces or knowingly manufacture, sell or purchase for resale any merchandise used to impersonate a member or veteran of the United States Armed Forces, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-____. 274
36. Consider an ordinance amending Section 16-5-1-504, Division, 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 2005, making it illegal to buy, sell, furnish, manufacture or possess alcohol inhalation devices or alcohol infusers, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-____. 277
37. Consider an ordinance amending Section 16-6-1-613, Division, 16-6-1, Article 16-6, Chapter 16, Lawton City Code, 2005, making it illegal to knowingly communicate false information concerning a missing child to a law enforcement agency that causes or encourages the activation of the AMBER alert warning system, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-____. 280
38. Consider authorizing the Mayor to send a letter of response including requested information to the Bureau of Indian Affairs regarding the Comanche Nation request to have two tracts of land located in Lawton put into Trust with the United States Government. 283

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

39. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending lawsuit of Rachel Katherine Burton, CJ-2005-825, against the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None. 286

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."