

AGENDA
LAWTON CITY COUNCIL REGULAR MEETING
JUNE 12, 2012 - 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

MEETING CALLED TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

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: Daisy Perez in the amount of \$220.00 and James and Betty Phillips in the amount of \$4,374.71. Exhibits: **Resolution 12-47** and Legal Opinions/Recommendations.
2. Consider adopting a resolution approving the settlements and making payment in the workers' compensation claims of Michael Cargill. Exhibits: **Resolution No. 12-48**.
3. Consider authorizing the City Attorney to accept the sum of Sixteen Thousand Six Hundred Sixty-Six and 66/100 Dollars (\$16,666.66) for settlement of the City's subrogation interest in the personal injury case of Anthony Buzbee. Exhibits: None.
4. Consider renewing the professional services agreement with James C. Ferguson of Walker, Ferguson and Ferguson for the defense of Workers' Compensation claims. Exhibits: Retainer Agreement for Professional & Legal Services on file in the City Clerks Office.
5. Consider renewing the Retainer Agreement for Professional Services with Granville D. Long, to provide professional investigative services to the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
6. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and McAfee & Taft 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.
7. Consider adopting a resolution designating places and times within municipal jurisdiction to discharge fireworks on July 4, 2012, and authorize the Mayor and City Clerk to execute the resolution. Exhibits: **Resolution No. 12-49**.

8. Consider adopting a resolution declaring that Ninety Percent (90 %) of the budgeted and appropriated revenues for fiscal year 2011-2012 have been collected for the General Fund. Exhibits: **Resolution No. 12-50**
9. Consider approving a water sales contract between the City of Lawton and Comanche Nation (JAR Holdings, LLC) for the operation of the Comanche Nation Water Park. Exhibits: Proposed contract and memo from JAR Holdings.
10. Consider setting the date of July 24, 2012, to hold a public hearing and consider an ordinance closing the portion of the alley between Lots 20 – 25, Block 5, College Addition, east of SW 27th Street between SW A Avenue and SW B Avenue. Exhibits: Application, Location Map and Council Policy 5-1.
11. Consider setting the date of July 24, 2012, to hold a public hearing and consider an ordinance closing the portion of the alley between Lots 1 and 12, 13 and 14, Block 4, McClung Addition, located in the 800 block on the south side of SW Lee Boulevard. Exhibits: Location Map and Council Policy 5-1.
12. Consider approving the construction plat for Lawton Marketplace subject to conditions. Exhibits: Plat Map.
13. Consider endorsing the Federal Fiscal Year 2013-2016 Transportation Improvement Program for the Lawton Metropolitan Area Transportation Study area. Exhibits: FFY 2013-2016 TIP on file in the City Clerk's Office.
14. Consider endorsing the Fiscal Year 2013 Unified Planning Work Program for the Lawton Metropolitan Transportation Planning Process. Exhibits: FY 2013 UPWP on file in the City Clerk's Office.
15. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization for Congestion Mitigation and Air Quality programs and projects during Fiscal Year 2013. Exhibits: Memorandum of Understanding.
16. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization for metropolitan transportation planning for Fiscal Year 2013. Exhibits: Memorandum of Understanding.
17. Consider approving a short term lease agreement between LATS and the City of Lawton for the purpose of establishing a customer service center at Wayne Gilley City Hall. Exhibits: Lease agreement.
18. Consider accepting the street, sanitary sewer and storm sewer improvements and easements to serve the Fort Sill Apache Casino located at 2401 East Gore Boulevard and waiving the maintenance bond and engineering inspection fee requirements. Exhibits: Location Map.

19. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: Westbound SW “A” Avenue near the intersection of SW Sheridan Rd and SW “A” Avenue; westbound NW Mimosa Lane at the “T” intersection of NW Mimosa Lane and NW Northwood Place; southbound NW 40th Street south of the intersection of NW Cache Road and NW 40th Street; northbound Ft Sill Boulevard and southbound Ft Sill Boulevard at the signalized intersection of NW Cache Road and NW Fort Sill Boulevard. Exhibits: **Resolution No. 12-51**. Traffic Commission Minutes and Traffic Issue Requests.
20. Consider approving agreements for euthanization services with the following entities, and authorize the Mayor and City Clerk to execute the Agreements: City of Grandfield and Town of Medicine Park. Exhibits: Agreements (On file with the City Clerk).
21. Consider approving agreements for refuse disposal with the following entities, and authorize the Mayor and City Clerk to execute the Agreements: Town of Indianoma, Multiple Community Services Authority and Town of Temple. Exhibits: Agreements (On file with the City Clerk).
22. Consider approving the Proposed Cooperative Program and Memorandum Agreement between the Oklahoma Water Resources Board, the U.S. Geological Survey and the City of Lawton and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Proposed Cooperative Program and Memorandum Agreement (on file with the City Clerk).
23. Consider approving the proposed Memorandum of Understanding (MOU) between the City of Lawton and Comanche County Health Department (CCHD) to participate in the planning and transport of medication as part of a Mass Immunization/Prophylaxis Strategy (MIPS), and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Memorandum of Understanding (on file with the City Clerk).
24. Consider entering into an Agreement with Horn Sanitation, Inc. for Non Exclusive Recycle Center Operations within the City of Lawton and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Agreement is on file in the City Clerk’s Office.
25. Consider approving the Oklahoma Department of Transportation (ODOT) Change Order No. 4, Change Order No. 5 and Change Order No. 6 for the NW 67th Street (Cache Road to Rogers Lane) Project #2003-7. Exhibits: None.
26. Consider approving Amendment #1 to Agreement with Dewberry and Davis LLC for additional time for the 2011 All Hazard Mitigation Plan. Exhibits: Amendment #1 to Agreement.
27. Consider awarding a construction contract to Rudy Construction, Co. for the SW 2nd Street Enhancement Phase IV (Gore Blvd. to SW C Ave.) Project #2011-4. Exhibits: None.

28. Consider approving an agreement with Cardinal Engineering, Inc. for professional engineering design services for the NW Arlington Avenue & NW 35th Street Drainage & Street Construction Project #2012-3. Exhibits: None.
29. Consider extending the City of Lawton Property Insurance contract with North American Insurance Agency of Lawton, underwritten by the Chubb Insurance Group. Exhibits: Contract Extension Form.
30. Consider awarding (RFPCL12-028) Cellular Telephone Service to U.S. Cellular of Tulsa, OK. Exhibits: Department recommendation, RFP and proposal packets on file at City Clerk's Office, Abstract, Price Sheet.
31. Consider awarding contract (CL12-036) Trailer Mounted Vacuum Pumping System to Vermeer of Great Plains of OKC, OK. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.
32. Consider awarding contract (CL12-038) Security Gate to Hall Building Products of Lawton, OK. Exhibits: Department recommendation, Abstract of Bids, Price Sheet.
33. Consider approving appointments to boards and commissions. Exhibits: None.
34. Consider approval of payroll for the periods of May 14 – June 10, 2012.

NEW BUSINESS ITEMS:

35. Consider reviewing and approving the City of Lawton Fiscal Year 2012-2013 budget and approving a resolution adopting the FY 2012-2013 City of Lawton budget. Exhibits: **Resolution No. 12 -52** will be distributed at meeting.
36. Consider adopting an ordinance amending Section 17-3-4-343, Division 17-3-4, Article 17-3, Chapter 17, Lawton City Code, 2005, by amending the restrictions on benefits to conform to IRS requirements, providing for severability and establishing an effective date. Exhibits: Proposed **Ordinance 12-17**.
37. Consider approval of the Sales Tax Rebate Agreement between Hunt Properties Inc. and the City of Lawton for retail economic development assistance for the Lawton Marketplace project to be located at 82nd and Quannah Parker Trailway, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Sales Tax Rebate Agreement Summary and Sales Tax Rebate Agreement.
38. Consider and approve or reject a resolution approving the issuance by the Lawton Economic Development Authority of its "tax apportionment bonds or notes for the financing of projects in the Lawton Downtown Increment Districts in the amount of not to exceed \$37,000,000 (the "series 2012 bonds"); waiving competitive bidding; approving actions by the Lawton Urban Renewal Authority and the Lawton Water Authority; approving agreements with the Lawton Economic Development Authority; and other matters relating thereto. Exhibits: **Resolution 12-53** and Resolution 12-39.

39. Consider and approve or reject a resolution approving the issuance by the Lawton Economic Development authority of its “tax apportionment bonds or notes, series 2012b (taxable) (Lawton Downtown Increment Districts project) in the amount of not to exceed \$20,000,000; waiving competitive bidding; approving agreements with the Lawton Economic Development Authority; and other matters relating thereto. Exhibits: **Resolution 12-54** and Resolution 12-39.
40. Consider and approve or reject a resolution approving the issuance by the Lawton Economic Development Authority of its “tax apportionment bonds or notes, series 2012a (taxable) (Lawton Downtown Increment Districts project) in the amount of not to exceed \$17,000,000; waiving competitive bidding; approving agreements with the Lawton Economic Development Authority; and other matters relating thereto. Exhibits: **Resolution 12-55** and Resolution 12-39.
41. Consider and approve or reject a resolution approving the execution and delivery by the Lawton Economic Development Authority of a new reformed Economic Development Capital Improvement note in the amount of not to exceed \$13,500,000 for the purpose of replacing the existing similar line of credit note originally entered into in 2007 to finance downtown TIF district redevelopment activities; waiving competitive bidding; establishing a later maturity date; confirming prior actions of the City, the Lawton Economic Development Authority and the Lawton Urban Renewal Authority; approving and authorizing execution and delivery of a reformed note and authorizing an agreement of support, a mortgage and security agreement to provide additional security for the note and all documents relating thereto and other matters relating thereto. Exhibits: **Resolution 12-56** and Resolution 12-39.
42. Consider adopting a resolution to support an Oklahoma Affordable Housing Tax Credit application by Gardner Development and MRE Capital, to the Oklahoma Housing Finance Agency for rehabilitation of the Sanders Heights Apartments located in the Lawton View area at 2403 SW Jesse L. Davenport Street, and consider waiving building permit and impact fees up to an amount of \$14,005. Exhibit: **Resolution 12-57**.
43. Consider adopting a resolution to support an Oklahoma Affordable Housing Tax Credit application by the Commonwealth Companies to the Oklahoma Housing Finance Agency for property located at 2138 SW 11th Street. Exhibits: **Resolution No. 12-58**, Location Map, Site Plan, Floor Plan and Building Elevations.
44. Consider adopting a resolution to support an Oklahoma Affordable Housing Tax Credit application by Apple Run Apartments 2012 LP LLC, to the Oklahoma Housing Finance Agency for the Apple Run apartment complex located at 2301 NW Williams Avenue. Exhibits: **Resolution No. 12-59** and Location Map.

45. Consider adopting a resolution to support an Oklahoma Affordable Housing Tax Credit application by Deer Park Apartments 2012 LP LLC, to the Oklahoma Housing Finance Agency for the Deer Park apartment complex located at 2301 NW Williams Avenue. Exhibits: Exhibits: **Resolution No. 12-60** and Location Map.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

46. Pursuant to Section 307B3 and C10, Title 25, Oklahoma Statutes, consider convening in executive session for the purposes of conferring on matters pertaining to economic development, including the purchase/transfer of property, incentive proposals, and financing in connection with the Lawton Downtown Redevelopment Project and other development projects under consideration in the City, and take appropriate action in open session as necessary. 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."