

AGENDA
LAWTON CITY COUNCIL REGULAR MEETING
JULY 10, 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.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MAY 22, 2012.

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 claim recommended for approval: Phillip Binion and Sumolthip Wright in the amount of \$881.58. Exhibits: Legal Opinion/Recommendation, **Resolution No. 12-61.**
2. Consider the following damage claim recommended for denial: Scotty Hutcheson in the amount of \$70.48. Exhibits: Legal Opinion/Recommendation.
3. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Luis Pagan. Exhibits: **Resolution No. 12-62.**
4. Consider adopting a resolution approving payment on the judgment in the Workers' Compensation case of Christopher Jones in the Workers' Compensation Court, Case No. 2011-12736Q. Exhibits: **Resolution No. 12-63.**
5. Consider renewing the professional services agreement with John C. Mackey, for various matters involving real property, 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 John C. Mackey, Jr., and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.

7. Consider renewing the professional services agreement with Mackey Law Firm, to provide professional property research 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.
8. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and John C. Mackey, Jr., 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
9. Consider approving a Professional Services Agreement with Orchid Cellmark, Inc. for expert forensic analysis, consultation, and testimony regarding DNA evidence in connection with Comanche County District Court Case No. CJ-2012-278, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Professional Services Agreement on file in the City Clerk's Office.
10. Consider accepting the Healthy Communities Incentive Grant Award from the Oklahoma Tobacco Settlement Endowment Trust (TSET) in the amount of \$15,000.00 to be used for the purchase of bollard lighting installed along the concrete walking/jogging trail in the east portion of Elmer Thomas Park. Exhibits: Picture and description of bollard lighting fixtures.
11. Consider approval of the Arts & Humanities Division acceptance of the Local Government Challenge Grant from the Oklahoma Arts Council (OAC) for the FY 2012-13. Exhibits: None.
12. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: Eastbound SW Hickory Lane at the intersection of SW 38th Street; eastbound SW Rolling Hills Drive at the intersection of SW 38th Street; northbound NE Pioneer Boulevard north of NE Rogers Lane; and westbound SW "I" Avenue west of SW Sheridan Road. Exhibits: **Resolution No. 12-64**, Traffic Commission Minutes and Traffic Issue Requests.
13. Consider adopting Street Light Resolution No. 477 to authorize the removal of street lights at the location listed in the Resolution. Exhibits: Street Light Resolution No. 477.
14. Consider approving contract Amendment No. 2 to the March 14, 2011, contract with CH2M Hill, Inc. for professional engineering design services to demolish the existing clearwell and construct two (2) new 850,000 gallon pre-stressed concrete clearwell tanks at the Medicine Park Water Treatment Plant. Exhibits: Amendment to the Agreement is on file in the City Clerk's office.
15. Consider approving the agreement for receiving pre-treated wastewater at the Wastewater Treatment Plant from the City of Geronimo and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Agreement (On file with the City Clerk).

16. Consider approving plans and specifications for the 2012 CIP Street Mill & Overlay Program (W Gore from Sheridan Road to NW 38th Street and W Cache Road from NW 52nd Street to NW 67th Street) Project #2012-6 and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Engineering Division office.
17. Consider approving an agreement with Garver LLC for professional engineering design services for the SW 52nd Street (From railroad tracks to Gore Blvd.) Project #2012-4. Exhibits: A copy of the agreement is on file in the City Clerk's office.
18. Consider extending contract (RFPCL10-049) Banking Services with IBC Bank of Lawton, OK. Exhibits: Department Recommendation and Contract Extension Form.
19. Consider extending contract (CL10-052) Electric Motor Repair with J & W Electric Motor Co. of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
20. Consider extending contract (CL10-051) Hydraulic Pump & Cylinder Repair with Horizon Hydraulics of Oklahoma City, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
21. Consider approving appointments to boards and commissions. Exhibits: None.
22. Consider approval of payroll for the periods of June 25 – July 8, 2012.

NEW BUSINESS ITEMS:

23. Hold a public hearing to consider Consolidated One-Year Action Plans for FFY 2008, Change 4; FFY 2009, Change 2; FFY 2010, Change 1; and FFY 2011, Change 1; receive input from citizens, and authorize the Mayor and City Clerk to execute the implementing documents. Exhibits: **Resolution 12-65**, Exhibit A: The Consolidated One-Year Plan Changes for FFY 2008, Change 4; FFY 2009, Change 2; FFY 2010, Change 1; and FFY 2011, Change 1.
24. Hold a public hearing and adopt a resolution declaring the structure(s) located at: 912 S.W. Park Avenue (**Res 12-66**), 1601 N.W. Dearborn Avenue (**Res 12-67**) and 1906 N.W. Lindy Avenue (**Res 12-68**) to be dilapidated, detrimental to the health, safety or welfare of the general public and community, a blighting influence, and a public nuisance; directing the owner(s) to abate the nuisance by obtaining a remodel or demolition permit within thirty (30) days; authorizing summary abatement of the nuisance should the owner(s) fail to abate the nuisance; and alternatively authorizing the City Attorney to commence legal action in district court to abate the nuisance if summary abatement is not economically practical. Exhibits: Three Resolutions. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

25. Consider suspending Council Policy 1-6, para. 5 (E) and if so suspended, reconsider the damage claim of Alvin and Bessie Jasper, which was denied by Council on April 10, 2012, to permit Mr. and/or Mrs. Jasper the opportunity to address Council regarding their tort claim. Exhibits: Copy of Claims Memorandum/Recommendation dated March 28, 2012 and Copy of Water Usage for the Jasper residence.
26. Consider approving an Ordinance amending Section 7-13-1-1302, pertaining to Chapter 7, Business, regarding adult businesses, sexually oriented businesses and massage establishments by modifying the definition of interior space by excluding the term “common area” from the definition. Exhibits: **Ordinance 12-19.**
27. Consider approving an Ordinance amending Sections 7-7-1-703, pertaining to Chapter 7, Business, regarding child care facility business license by adding language that the zoning district of a proposed facility may further control its location. Exhibits: **Ordinance 12-20.**
28. Consider approving an Ordinance repealing in its entirety Article 12-2 pertaining to Chapter 12, Food and Food Establishments, regarding the City’s regulation of milk and milk products. Exhibits: **Ordinance 12-21**
29. Consider approving an ordinance amending Section 17-1-1-102, Division 17-1-1, Article 17-1, Chapter 17, Lawton City Code, 2005, by amending the definition of “Longevity Pay”, removing the term “meter reader” and replacing it with the pay grade designation of GEO4H, providing for severability and establishing an effective date. Exhibits: **Ordinance 12-22**
30. Consider adopting an ordinance amending Section 17-1-6-167, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2005, by reducing the notice required prior to an employee taking terminal leave and removing Paragraph D, providing for severability and establishing an effective date of August 9, 2012. Exhibits: **Ordinance 12-23**
31. Consider approving an ordinance amending Section 5-1-116, Article 1-116, Chapter 5, Lawton City Code, 2005, by clarifying that concrete trails in City parks may not be used by dog owners or keepers for walking/running dogs, providing for severability and establishing an effective date. Exhibits: **Ordinance 12-24**

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

32. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Nathan M. Johnson as Municipal Judge, and in open session take other action as necessary. Exhibits: None.

33. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2012-2013 between the Police Union, IUPA Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.
34. 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."