

AGENDA  
LAWTON CITY COUNCIL REGULAR MEETING  
SEPTEMBER 13, 2005 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

MEETING CALLED TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION TO LAWTON AUTOMOBILE DEALERSHIP ASSOCIATION

SIGNING FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

PROCLAMATION FOR FAMILY DAY

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: Henry Monroe in the amount of \$373.81, Ethel Graham in the amount of \$240.00 and Jimmie and Berith Thompson in the amount of \$1,030.14. Exhibits: Legal Opinion/Recommendation; Resolution No. 05-\_\_\_\_\_. Page 1
2. Consider the following damage claims recommended for denial: Javier Solis in the amount of \$1,950.00, Michael and Kelly Tennis in the amount of \$70.00 and Paul and Alice Elliott in the amount of \$67.50. Exhibits: Legal Opinions/Recommendations. Page 10
3. Consider authorizing the City Attorney to accept the sum of Fifteen Thousand Four Hundred Seventy Seven and 89/100 Dollars (\$15,477.89) for settlement of the City's subrogation interest in the personal injury case of Craig S. Lyman. Exhibits: None. Page 17
4. Consider setting a public hearing on October 11, 2005 at 6 o'clock pm in the City Council Chambers to hear any comments for or against the annexation of Quail Run Estates into City Limits. Exhibits: Location Map; Notice of Public Hearing Page 18
5. Consider awarding a professional services contract to Mackey Law Firm for the purpose of doing property research and authorize the Mayor and City Clerk to execute the contract. Exhibits: Bid Abstract, Professional Services Contract is on file in the City Clerk's office. Page 21

6. Consider adopting a Resolution authorizing the City Manager to waive utility application fees and deposits for the victims of a FEMA declared disaster and authorize the Mayor and City Clerk to execute the necessary documents. Exhibits: Resolution of Support 05-\_\_\_\_. Page 23
7. Consider ratifying the City Manager's action in accepting and paying for a 50 year easement from the Bureau of Indian Affairs for the Kiowa-Comanche-Apache Intertribal Land Use Committee property that the City of Lawton needs for the right-of-way along NE Flower Mound Road, South of Rogers Lane. Exhibits: Lease on file in the City Clerk's Office. Page 26
8. Consider approving contracts with Karl Waldbauer of The Polka Kings, Joe Ragan of Oklahoma Panhandlers, Jonathan Maracle of Broken Walls, Jimi Towry of Tropical Productions for Watusi and Panorama, and Richard Hight of Visual Impact and Johnny Summers as performers at the 2005 International Festival and authorize the Mayor and City Clerk to execute the agreements. Exhibits: Contracts on file in City Clerk's office. Page 27
9. Consider approving contracts for 'School of the Arts', Fall 2005 Semester for Steven Scott Smith (\$ 630), Sherri Denning (\$ 630), Shana M. Shriver (\$ 315), and Amanda Boehm (\$ 270) faculty members for the project. Total amount for fall semester stipends is \$ 1,845.00. Exhibits: Contracts on file in City Clerk's office Page 28
10. Consider issuing a revocable permit to Dr. Rose Lepien for the construction of a maneuvering area for vehicles upon the street easement/right-of-way along the north side of Gore Boulevard to connect the parking areas for 1201 West Gore Boulevard. Exhibits: Application and site plan; Revocable Permit on File in City Clerk's Office. Page 29
11. Consider acknowledging receipt of a permit from the Oklahoma State Department of Environmental Quality for the construction of 7,803 linear feet of eight (8) inch gravity sewer line and 4,035 linear feet of twelve (12) inch PVC water line, 4,935 linear feet of eight (8) inch water line and all appurtenances to serve the Dove Creek Addition Part One, City of Lawton, Comanche County, Oklahoma. Exhibits: None. Page 33
12. Consider authorizing the Mayor to sign and execute the DEQ Consent Order, Case No. 05-306 for permit limit violations of ammonia discharged from the City of Lawton Wastewater Treatment Plant. Exhibits: Consent Order, Case No. 05-306 is on file in the City Clerk's Office. Page 34
13. Consider rejecting bid proposals for the Animal Welfare Building Expansion Project #2004-14. Exhibits: None Page 35

14. Consider approving Change Order No. 1 for the NW Ashby Avenue & NW Ferris Avenue Street Reconstruction Project #2005-1 with A. E. Construction Co. Exhibits: Location Map. Page 36
15. Consider accepting the Lake Helen Fish Habitat and Access Improvement Phase II Project #2004-12 as constructed by A. E. Construction Co. and placing the Maintenance Bond into effect. Exhibits: None Page 38
16. Consider acknowledging completion of the Oklahoma Department of Transportation (ODOT) SE 45<sup>th</sup>/Lee Boulevard Signalization Project #2003-6, Project #STPY-116A(092)TR, Job Piece No. 20751(04), as constructed by T&G Construction. Exhibits: None. Page 39
17. Consider approving Change No. 1 adding 60 days to the contract time and accepting the 2004 Sewer Liner Project #04-3 SSES as required in the DEQ Consent Order, Case No.02-397 for the Citywide Sewer Rehabilitation Program and placing the Maintenance Bond into effect. Exhibits: None. Page 40
18. Consider approving Change Order No. 2 for the NE Flower Mound Road (Gore Blvd. to Rogers Lane) Water & Sewer Lines Relocation Project 2004-9 with Davenport Construction. Exhibits: None. Page 41
19. Consider awarding a professional services contract to ZIA Corporation for the purpose of providing environmental engineering services for the City of Lawton and authorize the Mayor and City Clerk to execute the contract. Exhibits: Retainer Agreement for Professional Engineering Services. Page 42
20. Consider and take appropriate action concerning a request for a competitive bid process to allow for a portable ice skating rink concession to be located on 3<sup>rd</sup> Street and B Avenue near Library Plaza. Exhibits: Pictures of the ice skating rink in Oklahoma City, Oklahoma. Agreement to go out for bid. Page 48
21. Consider approving an amendment to the Agreement between the City of Lawton and Great Plains Improvement Foundation, Inc., dated August 24, 2004. Exhibits: The agreement between the City of Lawton and Great Plains Improvement Foundation, Inc., dated August 24, 2004 and the Amendment to the Agreement are available for review in the City Clerk's office. Page 51
22. Consider approving City Council Policy 3-3, a new policy on harassment; and authorize the Mayor to execute the same. Exhibits: City Council Policy 3-3. Page 52
23. Consider approval of a resolution amending Resolution No. 01-102 revising the membership and duration of the Emergency Management Advisory Committee. Exhibits: Proposed Resolution, Resolution No. 01-102 and Resolution No. 02-33. Page 60

24. Consider approving a resolution ratifying the City Manager's decision to send Lawton firefighters out of state to aid in Hurricane Katrina relief efforts; outlining method of compensation and disclaiming liability. Exhibits: Resolution No. 05-\_\_\_\_. Page 65
25. Consider awarding professional services Agreement for Comport Network Services and Solutions ("Comport") RFP Vendor Evaluation Services. Exhibits: Agreement on file in City Clerk's Office. Page 67
26. Consider awarding Copier Contract (RFPCL06-004). Exhibits: Abstract of bids and department recommendation. Page 68
27. Consider awarding contract for Aqueous Ammonia. Exhibits: Abstract of bids and department recommendation. Page 73
28. Consider awarding contract for Roll Off Container Filter & Polymer Activation System (CL06-003). Exhibits: Abstract of bids and department recommendation Page 78
29. Consider approving the following contract extensions: A) Arts & Entertainment Magazine (CL03-075), with ColorGraphics "The Print Shop", of Lawton, Oklahoma – Arts & Humanities; B) Upholster Damaged Seats (CL04-016), with Joanie's Upholstery, of Lawton, Oklahoma – Arts & Humanities; C) Technical Support for International Festival (RFPCL03-074), with Journey Productions of Lawton, Oklahoma – Arts & Humanities; D) Rental of Portable Restrooms (CL04-002), with ARA Equipment Rentals of Lawton, Oklahoma – Parks & Grounds; E) City Employee Accidental Death Ins. (RFPCL05-003), with Aon Consulting of Tulsa, Oklahoma – Human Resources; F) Hardware/Software Support Agreement (RFPCL04-018), with Atlantic Tech Services of Richfield, Ohio – MIS; G) Fire Hydrants (CL05-002), with Oklahoma Contractor's Supply of Oklahoma City, Oklahoma – Water Distribution; H) Medical Director (CL03-076), Richard L. Campbell, M.D., Inc./Wichita Mountain Medical – Fire Department; I) Elevator Maintenance (CL04-001), American Elevator Co., Inc. – Police Technical Services; J) Refuse Containers (CL05-012), Wastequip Teem – Solid Waste. Exhibits: None Page 81
30. Consider approving appointments to boards and commissions. Exhibits: Recommended List of Appointees. Page 83
31. Consider approval of payroll for the periods of August 15- 28, 2005. Exhibits: None.

NEW BUSINESS ITEMS:

32. Hold public hearings and adopt resolutions declaring the structures at 2011 NW Hoover Avenue and 1510 SW Washington 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: Resolutions No 05-\_\_\_\_; No 05-\_\_\_\_; Summary documents with supporting photos. Reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services. Page 84

33. Hold a public hearing and consider rescinding Ordinance No. –5-16 and adopt a new ordinance closing part of Roosevelt Avenue, part of SW 1<sup>st</sup> Street, the alley in Block 31, Airport Addition, and the alley in Block 32, Airport Addition and declaring an emergency. Exhibits: Ordinance No. 05-\_\_\_\_ and Location Map. Page 92
34. Receive bids for sale of \$1,500,000 General Obligation Bonds, Series 2005, for Economic and Community Development, and award the sale of bonds to the lowest bidder. Exhibits: None Page 96
35. Consideration and approval of an ordinance providing for the issuance of general obligation limited tax bonds in the sum of \$1,500,000 dollars by the City of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; Prescribing form of bonds; Providing for registration thereof; Prescribing provisions for redemption of bonds; Designating bonds for purposes of certain provisions of the internal revenue code; Naming a paying agent and registrar; Approving a continuing disclosure agreement; Approving the official statement pertaining to the bonds; Providing for the levy of an annual tax not to exceed five mills for payment of principal and interest on the same; Fixing other details of the issue; And declaring an emergency. Exhibits: Ordinance No. 05-\_\_\_\_. Page 97
36. Receive bids for sale of \$2,500,000 General Obligation Bonds, Series 2005, for Sewer System Improvements and award the sale of bonds to the lowest bidder. Exhibits: None Page 113
37. Consideration and approval of an ordinance providing for the issuance of general obligation limited tax bonds in the sum of \$2,500,000 dollars by the City of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; Prescribing form of bonds; Providing for registration thereof; Prescribing provisions for redemption of bonds; Designating bonds for purposes of certain provisions of the internal revenue code; Naming a paying agent and registrar; Approving a continuing disclosure agreement; Approving the official statement pertaining to the bonds; Providing for the levy of an annual tax not to exceed five mills for payment of principal and interest on the same; Fixing other details of the issue; And declaring an emergency. Exhibits: Ordinance No. 05-\_\_\_\_. Page 114
38. Consider approving an ordinance pertaining to finance and taxation amending Section 10-12-1205, Article 10-12, Chapter 10, Lawton City Code, 1995, by amending the period of the City of Lawton Hotel Tax to be effective for a period of ten (10) years commencing on May 1, 2006, and ending on April 30, 2016, subject to approval of the ordinance by majority of registered voters voting at an election held for such purpose as provided by law, providing for severability; providing for an effective date and providing that a copy of this ordinance be published in a newspaper of general circulation within the City of Lawton, Oklahoma. Exhibits: Ordinance No. 05-\_\_\_\_, Page 129

39. Consider approving a resolution authorizing and calling for an election in the City of Lawton, State of Oklahoma, for the purpose of submitting to the registered qualified electors of said City the question of extending the existing five percent (5%) excise tax on rents received from the occupancy of motels and hotels; setting a ballot title; and authorizing the Mayor to issue an election proclamation. Exhibits: Resolution 05-\_\_\_\_; Election Proclamation Page 131
40. Consider approving a resolution to amend the City Charter to establish residency requirements for City employees. Exhibits: Resolution 05-\_\_\_\_, Page 138
41. Consider adopting a resolution setting the date for an election for the purpose of consideration of an amendment to the Lawton City Charter concerning residency requirements for City employees. Exhibits: Resolution 05-\_\_\_\_, Page 141
42. Consider an ordinance amending Section 23-5-537, Article 23-5, Chapter 23, Lawton City Code, 1995, by increasing the fine for any individual convicted of the violation of allowing persons under the age of thirteen (13) from riding within truck bodies in space intended for merchandise, providing for severability and establish an effective date of November 1, 2005. Exhibits: Ordinance No. 05-\_\_\_\_, Page 147
43. Consider an ordinance amending Section 23-5-540, Article 23-5, Chapter 23, Lawton City Code, 1995, by establishing a fine for any individual convicted of violating the child passenger restraint system, providing for severability and establish an effective date of November 1, 2005. Exhibits: Ordinance No. 05-\_\_\_\_, Page 150
44. Consider approving an ordinance pertaining to business creating Sections 7-29-1-2901 through 7-29-1-2907, Division 7-29-1, Article 7-29, Chapter 7, Lawton City Code, 1995, by establishing requirement for permitting of indoor shooting ranges and regulations for construction and operation of indoor shooting ranges, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05-\_\_\_\_ Page 153
45. Discuss City Council desire to request Comanche County to call an election for 911 enhanced cell service. Exhibits: Letter from Councilmember Randy Warren and House Bill 1751. Page 158

#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

46. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled Mark Roy Collins vs. State of Oklahoma, et al., Case No. CIV-05-585-W, and if necessary, take appropriate action in open session. Exhibits: None Page 168

47. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the damage claim for Juanita (Jane) P. Mireless, and if necessary, take appropriate action in open session. Exhibits: None Page 169
48. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled The City of Lawton vs. Randy Brierton, Case No. CJ-2005-705 and The City of Lawton vs. Raymond Dye, Case No. CJ-2005-738, and if necessary, take appropriate action in open session. Exhibits: None Page 170
49. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of Larry Mitchell, City Manager, and if necessary, take appropriate action in open session. Exhibits: None Page 171

#### 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."