

AGENDA
LAWTON CITY COUNCIL REGULAR MEETING
SEPTEMBER 14, 2010 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

MEETING CALLED TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION OF SEPTEMBER 2010 CITIZEN OF MONTH TO DELORES RAPHEL.

PRESENTATION OF CERTIFICATES OF APPRECIATION FROM MAYOR'S
COMMISSION ON THE STATUS OF WOMEN

PRESENTATION OF CERTIFICATE OF APPRECIATION FOR COMANCHE COUNTY
VETERANS COUNCIL

PRESENTATION OF PROCLAMATION FOR CONSTITUTION WEEK

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 AUGUST 24, 2010.

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 the resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Neal and Dorothy Goode in the amount of \$83.30 and Debbie Martin of Johnny Owens Commercial Properties on behalf of Bethlehem Baptist Church Rental Properties in the amount of \$25,000.00. Exhibits: Legal Opinions/Recommendations and Resolution 10-____. Page 1
2. Consider the following damage claims recommended for denial: Abraham and Delia Salazar in the amount of \$650.00. Exhibits: Legal Opinion/Recommendation. Page 8
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 Steven Bowen in the Workers' Compensation Court, Case No. 2008-12566J. Exhibits: Resolution No. 2010-____. Page 13
4. Consider adopting a resolution ratifying the actions of the City Attorney in filing and making payment of the judgment in the Workers' Compensation case of Dwight Franklin in the Workers' Compensation Court, Case No. 2008-09721R. Exhibits: Resolution No. 2010-____. Page 16
5. 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 Jack Crabtree in the Workers' Compensation Court, Case No. 2009-03825H. Exhibits: Resolution No. 2010-____. Page 19

6. Consider approving an Outside Water Sales Contract with Terry Shaw, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office. Page 22
7. Consider approving an Outside Water Sales Contract with Earl Kephart, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office. Page 24
8. Consider approving the deposit of a reimbursement check from Thomson-West, in the amount of Two Hundred Twenty-Four and No/100 Dollars (\$224.00) into City Attorney's 264 – Dues and Memberships Account. Exhibits: Thomson-West reimbursement check. Page 26
9. Consider receiving a donation as a gift from the Humane Society (materials used to construct the dog park) for McMahon Park. Exhibits: Posted language on the Informational Sign. Page 28
10. Consider approving an Agreement between the Lawton Community Theater and the City of Lawton to fund activities by the Theater designed to encourage, promote and foster tourism and economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget. Page 31
11. Consider approving an Emergency Management Memorandum of Understanding with the Great Plains Technology Center, which establishes a formal working Mutual-Aid relationship between Great Plains Technology Center and the City of Lawton in support of Emergency Management planning, response and recovery programs. Exhibits: Emergency Management Memorandum of Understanding is on file in the City Clerk's Office. Page 35
12. Consider approving an Emergency Management Memorandum of Understanding with the Cameron University, which establishes a formal working Mutual-Aid relationship between Cameron University and the City of Lawton in support of Emergency Management planning, response and recovery programs. Exhibits: Emergency Management Memorandum of Understanding is on file in the City Clerk's Office. Page 36
13. Consider adopting a Resolution in Support of the Goodyear Tire & Rubber Company for their contributions to our community and supporting the expansion and future growth in the City of Lawton, and authorize the Mayor and City Clerk to execute the same. Exhibits: Resolution 10-___ and Correspondence dated May 24, 2010. Page 37
14. Consider and take action with respect to a resolution approving and authorizing the Mayor to sign on behalf of the City an agreement with the Waurika Lake Master Conservancy District (The "District") and approving action taken by the Lawton Water Authority approving such agreement, which agreement will serve as a part of the security for a loan to the District from the Oklahoma Water Resources Board for the purpose of acquiring additional water storage capacity at Waurika Lake and certain water system improvements; and containing other provisions related thereto. Exhibits: Resolution 10-___. Addendum to contract between Waurika Lake Master Conservancy District, City of Lawton and Lawton Water Authority is on file in the City Clerk's Office. Page 40

15. Consider approving the request from Kent Waller, concessionaire, School House Slough, Inc.; for certain electrical improvements and construction upgrade improvements to these designated campsites (Campers 1-33) at School House Slough. Exhibits: Letter of request from Kent Waller, School House Slough, Inc. Page 46
16. Consider accepting donation of seven (7) police equipped bicycles for Lawton Police Department from the Ft. Sill-Apache Casino. Exhibits: None. Page 48
17. Consider approval of two Federal Aviation Administration grant offers for the Lawton-Ft Sill Regional Airport in the amount of \$90,221.50 for a Wildlife Hazard Assessment and \$616,244.10 for a new Aircraft Rescue and Firefighting (ARFF) vehicle. Exhibits: None. Page 49
18. Consider approving Change Order # 1 for the Rehabilitation of Old Lawton High School Phase III Parking Lots (F.A. Project No. STP-116E(177)EH, State Job Piece Number 26406(04)) subject to approval by the Oklahoma Department of Transportation. Exhibits: Contract Change Order No. 1. Page 50
19. Consider approving Phase II of the Proposed Cooperative Program and Memorandum Agreement between 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). Page 55
20. Consider awarding a contract for the purchase of poly sewer pipe as part of the Sewer Rehab Stimulus Project ORF-09-0015-CW. Exhibits: None. Page 56
21. Consider awarding a construction contract to T & G Construction, Inc. for the NW Gore Boulevard Overlay Project #2010-8. Exhibits: None. Page 57
22. Consider accepting a permanent easement and a temporary easement from Wade J. Vardeman for right of way needed for the NW 82nd Street Sewer Line Project #2010-4, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Documents are on file in the City Clerk's office. Page 58
23. 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 59
24. Consider awarding a construction contract to A. E. Construction for the 2008 CIP Residential Streets Phase 3 Project #2010-3. Exhibits: None. Page 65
25. Consider adopting a Resolution of Necessity for real property acquisition for the NW 82nd Street Sewer Line Project #2010-4. Exhibits: Resolution 10-_____, Resolution 10-_____ with Exhibit “A” is on file in the Engineering Division Office. Page 66

26. Consider accepting a permanent easement from Woodland Hills Townhouse Association, Inc., for right of way needed for the NW 82nd Street Sewer Line Project #2010-4, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Permanent easement is on file in the City Clerk's Office. Page 69
27. Consider accepting a permanent easement and a temporary easement from Schutz Farm, L.L.C. for right of way needed for the NW 82nd Street Sanitary Sewer Project #2010-4, authorizing the Mayor and City Clerk to execute the documents and authorizing the Mayor to sign a thank you letter. Exhibits: Easements are on file in the City Clerk's office. Page 70
28. Consider approving the construction plat for Eastlake Addition, Part 3A subject to conditions. Exhibits: Plat Map. Page 71
29. Consider approving the construction plat for the Replat of Block 9, Eastlake Addition, Part 2, subject to conditions. Exhibits: Plat Map. Page 74
30. Consider approving the record plat for The Meadows and accepting the improvements and maintenance bond. Exhibits: Plat Map. Maintenance Bond on file in City Clerk's Office. Page 76
31. Consider accepting NE Angus Place, which is located north of Rogers Lane and west of Pioneer Park Elementary School. Exhibits: Location Map and Easement. Page 78
32. Consider extending (RFPCL09-008) Emergency Notification System to Emergency Communications Network Inc. of Ormond Beach, Fl. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form. Page 83
33. Consider extending (RFPCL09-038) Non-Exclusive Recycling Center Operation to Horn Sanitation of Lawton, Ok. Exhibits: Department Recommendation, Contract Extension Form. Page 88
34. Consider awarding (CL10-052) Electric Motor Repair to J & W Electric Motor Repair of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids. Page 91
35. Consider awarding (CL10-051) Hydraulic Pump & Cylinder Repair to Horizon Hydraulics of Oklahoma City, OK. Exhibits: Department Recommendation, Abstract of Bids. Page 94
36. Consider approving contract extension on month to month basis for (RFPCL08-007) City Employee Accidental Death Insurance to Zurich North America of Chicago, IL. Exhibits: Human Resources Memo, Letter from Zurich. Page 97
37. Consider extending (CL09-009) Degreaser to Mid American Research Chemical of Windthorst, TX. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet. Page 101
38. Consider awarding (CL11-002) Nuisance Abatement-West Side to The Lawn Wizards of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids. Page 105

39. Consider extending (CL10-008) Fluorosilicic Acid to Pencco, Inc. of San Felipe, TX. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form. Page 108
40. Consider extending (RFPCL10-001) Employee Physicals/Drug Screen Testing-Section B- Drug and Alcohol Testing to Allied Health Research Laboratory of Lawton, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form. Page 112
41. Consider extending (RFPCL10-001) Employee Physicals/Drug Screen Testing-Section A- Physicals to Comanche County Memorial, The Center for Occupational Health of Lawton, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form. Page 118
42. Consider approving appointments to boards and commissions. Exhibits: None. Page 124
43. Consider approval of payroll for the period of August 23 – September 5, 2010.

OLD BUSINESS ITEMS:

44. Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, pertaining to Chapter 7, Business, and Chapter 18, Planning & Zoning, by amending the fee and permit length of temporary signs. Exhibits: Resolution No. 10-_____ and Section 18-9-1-905 LCC. Page 126

NEW BUSINESS ITEMS:

45. Consider an ordinance amending Section 2-3-1-300, Division 2-3-1, Article 2-3, Chapter 2, Lawton City Code, 2005, pertaining to recognition and attendance at meetings, providing for severability, and declaring an emergency. Exhibits: Ordinance 2010-_____. Page 130
46. Consider an ordinance amending Section 22-2-3-232, Division 22-2-3 (Water and Sewer Services Outside City), Article 22-2, Chapter 22, Lawton City Code, 2005, by adding city sewer service inadvertently omitted from this section and exempting State of Oklahoma political subdivisions, not just municipalities, from the general building code requirements in the Lawton City Code required to be met by outside customers, providing for severability, and declaring an emergency. Exhibits: Ordinance 2010-_____. Page 133
47. Consider approving a revised Outside Water and Sewer Sales Contract with the Board of Education of Dependent School District No. D-48, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Revised Contract is on file in the City Clerk's Office. Page 136
48. Consider waiving Council Policy 1-6(E) and if so waived, reconsider the damage claim of John Trenholm, which was approved by Council on July 13, 2010, to permit Mr. Trenholm to retain ownership of his damaged vehicle in exchange for a reduction of his monetary claim from \$1,553.00 to \$1,000.00. Exhibits: Copy of Claims Memorandum/Recommendation dated July 13, 2010. Page 138

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

49. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2010-2011 between the Police Union, IUPA Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None. Page 143
50. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2010-2011, between the American Federation of State, County and Municipal Employees (AFSCME) Local 3894, and, if necessary, take appropriate action in open session. Exhibits: None. Page 144
51. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action relating to the cracking of the foundation of the newly constructed Medicine Park Water Treatment Plant Water Storage Tank and if necessary, take appropriate action in open session. Exhibits: None. Page 145
52. Pursuant to Sections 307B.4, Title 25, Oklahoma Statutes, consider convening in an executive session to discuss the pending actions relating to a Notice of Violation (NOV) received from the Oklahoma Department of Environmental Quality (ODEQ) regarding the sludge lagoons utilized at the Medicine Park Water Treatment Plant (MPWTP) located on Ft. Sill and if necessary, take appropriate action in open session. Exhibits: None. Page 146
53. Pursuant to Sections 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the purchase of real property which is necessary for the protection of Lake Ellsworth, identifying a funding source and if necessary, take appropriate action in open session. Exhibits: None. Page 147
54. 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 148

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."