

AGENDA
LAWTON CITY COUNCIL REGULAR MEETING
OCTOBER 22, 2013- 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

MEETING CALLED TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

EMPLOYEE SPOTLIGHT PRESENTATION TO BUTCH MILLER, EQUIPMENT MAINTENANCE DIVISION.

PRESENTATION OF AWARDS FROM OKLAHOMA WATER & POLLUTION CONTROL ASSOCIATION TO SCOTT GOLDEN, GEORGE SPICER AND LYNN KISNER.

(Sam Drain from OWPCA will be here to present awards)

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: Kimberly and George Foster in the amount of \$905.29 and Nicholas and Charlotte Brown in the amount of \$921.53. Exhibits: Legal Opinions/Recommendations, **Resolution No. 13-62** and **Resolution No. 13-63**.
2. Consider the following damage claims recommended for denial: David Walker, for Juan Maldonado Ortiz in the amount of \$200.00 and Vickie Barney, through her attorney John Doolin in the amount of \$125,000.00. Exhibits: Legal Opinions/Recommendations.
3. Consider approving an Outside Water Sales Contract with Herbert and Melissa 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.
4. Consider approving an agreement between the City of Lawton and Kellogg & Sovereign Consulting, LLC for E-rate management services on behalf of the Lawton Public Library and authorize the Mayor and City Clerk to execute the documents needed to allow Kellogg & Sovereign to perform the services. Exhibits: Kellogg & Sovereign Master Services Agreement, Letter of Agency, Fee Schedule, Scope of Services and Fact Sheet.
5. Consider sale of three (3) vehicles to the Cotton County Sheriff's Department and one (1) vehicle and one (1) animal cage to the town of Geronimo. Exhibits: Letters from Cotton County Sheriff's Office and Town of Geronimo.

6. Consider setting the date of December 10, 2013, to hold a public hearing to close the 10-foot utility easement for an abandoned waterline beginning approximately at the northwest corner of NW Taft Avenue and NW 20th Street extending northwest to NW Hoover Avenue and NW 22nd Street. Exhibits: Location Map.
7. Consider accepting a Settlement Agreement for the maintenance bond deficiencies in Dove Creek Addition, Part 2, 3, and 4A and putting the money in a designated account in order to make the necessary repairs. Exhibits: Letter from United Risk Management Corp and Settlement Agreement.
8. Consider accepting a temporary easement from William Earl Dixon & Willie M. Dixon for right of way needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
9. Consider accepting a temporary easement from Kenton B. Macom & Heather Macom for right of way needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
10. Consider accepting a temporary easement from Gary Wayne Minnick for right of way needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
11. Consider accepting a temporary easement from Kenneth R. Monson for right of way needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
12. Consider accepting a temporary easement from WanPen Bua Otsuka for right of way needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
13. Consider accepting a warranty deed and a temporary easement from Peggy J. Thomas & James W. Thomas Jr. for right of way needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.

14. Consider accepting a warranty deed from Trinity Assembly of God Inc. for right of way needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
15. Consider accepting a temporary easement from Tammi D. Whitehead for right of way needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
16. Consider accepting a temporary easement from Cathleen K. Widner for right of way needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
17. Consider accepting a temporary easement from L.B. Wiley & Jettie M. Wiley for right of way needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
18. Consider accepting a temporary easement from Paul Lane Zale & Nancy Ann Zale for right of way needed for the SE 45th Street Reconstruction (Between Lee & Gore) Project #2006-12, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
19. Consider accepting a permanent easement and a temporary easement from Robert D. & Jennifer L. Head for right of way needed for the Nine Mile Creek Sanitary Sewer Interceptor Project#2008-2, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Location Map. Document is on file in the City Clerk's office.
20. Consider accepting two permanent drainage easements at 1911 NW Taylor from Becky Craig to give the City of Lawton access to maintain a drainage channel, authorizing the Mayor and City Clerk to execute the documents. Exhibits: Location maps. Easements are on file in the City Clerk's office.
21. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: both sides of NE Kingsbriar Drive between NE Cache Road and NE Eastlake Drive; and SW Sheridan Road south of SW Bishop Road near Bishop Elementary School. Exhibits: **Resolution No. 13-64** and Traffic Commission Minutes and Traffic Issue Requests.

22. Consider adopting Street Light Resolution No. 484 to authorize the installation/removal of street lights at the location listed in the Resolution. Exhibits: Street Light Resolution No. 484.
23. Consider extending contract (CL13-013) Pest Control Services with Advanced Pest & Termite, LLC of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Bid Sheet.
24. Consider approval of payroll for the periods of September 30 – October 13, 2013.

OLD BUSINESS ITEMS:

25. Hold a public hearing and consider an ordinance closing 5 feet of the 25-foot utility easement on Lot 27, Block 6, Heritage Hills Addition, Part 2, addressed as 1608 NE 31st Street. Exhibits: **Ordinance No. 13-32**, CCAIC of October 8, 2013, Application and Location Map.

NEW BUSINESS ITEMS:

26. Consider an ordinance pertaining to consumer fireworks and public fireworks displays; prohibiting the retail sale of consumer fireworks by repealing Article 7-11, Division 7-11-1, Section 7-11-1-1101 through Section 7-11-1-1120 of Chapter 7, Lawton City Code; amending Section 11-2-208 of the Fire Prevention Code in Article 2, Chapter 7, by modifying requirements for financial responsibility related to firework displays and by repealing provisions related to retail sales; by creating Sections 11-2-113 through 11-2-216, Article 2, Chapter 11 related to allowing firework sales among retailers, distributors, manufactures and wholesalers, related to making application and permitting public fireworks displays, and providing for punishment for violations; by providing for severability and for an effective date. Exhibits: Ordinance 2013-____. **STRIKE**
27. Consider approving an Ordinance amending language in Section 6-6-1-601, Chapter 6, Building, Construction and Housing, Lawton City Code, 2005, relating to building contractors by stating that the building contractor is responsible for the licensing requirements of the specialized trade contractors they hire to perform work under their building permit, and declaring an emergency. Exhibits: **Ordinance No. 13-33**.
28. Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, by amending the fees pertaining to several different business licenses and establishing an effective date. Exhibits: **Resolution 13-65**.
29. Consider adopting an ordinance amending Section 20-1-101, Chapter 20, Lawton City Code, by adding driveways and walkways in a public utility easement as encroachments which may be allowed with the administrative approval of a revocable permit. Exhibits: **Ordinance No. 13-34**.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

30. Pursuant to Sections 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the proposed purchase of approximately 3 acres of land for the purpose of construction of a new fire station in the southwest area of Lawton and if necessary, take appropriate action in open session. Exhibits: None.
31. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case of Joseph Harper and Vivian Wheeler vs. City of Lawton, CV-12-841-F, and if necessary, take appropriate action in open session. Exhibits: None.
32. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending claim or action pertaining to city-owned property under lease located at 215 SE Larrance, and take appropriate action in open session as necessary. Exhibits: None.
33. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in the Western District of Oklahoma of Billy Ray Chandler vs. City of Lawton and Bryan P. Long, 13-CV-1082-HE, and if necessary, take appropriate action in open session. 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."