

AGENDA
LAWTON CITY COUNCIL REGULAR MEETING
DECEMBER 13, 2011 - 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

MEETING CALLED TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION OF CERTIFICATE OF APPRECIATION TO FIELD ARTILLERY
WARRANT OFFICER ADVANCE COURSE CLASS 01-12

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 adopting a resolution approving payment on the judgment in the Workers' Compensation case of Arthur Reyes in the Workers' Compensation Court, Case No. 2011-06110J. Exhibits: **Resolution No. 11-108.** Page 1
2. Consider approving the 2012 Notice of Meeting Schedule for Lawton City Council Meetings and Resolution 11-___ rescheduling the regularly scheduled meetings in November and December 2012. Exhibits: 2012 Notice of Meeting Schedule for Lawton City Council; **Resolution No. 11-109.** Page 3
3. Consider accepting a grant of \$1,000 from the Oklahoma Humanities Council to support the 2012 Let's Talk About It, Oklahoma Book Discussion. Exhibits: None. Page 6
4. Consider and take action with respect to a resolution approving the incurrence of indebtedness by the Lawton Water Authority (the "Authority") issuing its utility system revenue note, series 2011 (the "note"); providing that the organizational document creating the authority is subject to the provisions of the indenture authorizing the issuance of said note; waiving competitive bidding with respect to the sale of said note and approving the proceedings of the authority pertaining to the sale of said note; ratifying and confirming a lease agreement, as amended, pertaining to the city's water, sanitary sewer, and refuse systems; establishing the city's reasonable expectation with respect to the issuance of tax-exempt obligations by or on behalf of said city in calendar year 2011, and designating the note as a qualified tax-exempt obligation; and containing other provisions relating thereto. Exhibits: **Resolution No. 11- 110.** Page 7
5. Consider approving a credit adjustment in the amount of \$560.03 for two months' bills to S. Saltiel's service account #00009038 for the property located at 1620 NW 46th Street for an undetected, underground leak on the customer's service line. Exhibits: Statement from Hodges Plumbing dated 9/24/2011. Page 13

6. Consider approving a credit adjustment in the amount of \$578.98 for two months' bills to Virginia Szatkowski's service account #00024961 for the property located at 908 SW H Avenue for an undetected, underground leak on the customer's service line. Exhibits: Statement from Mick's Plumbing dated 9/02/11. Page 15
7. Consider setting the date of January 24, 2012, to hold a public hearing and consider closing and vacating certain streets, alleys, and easements in the Downtown Redevelopment Project area. Exhibits: Location Map. Page 17
8. Consider accepting the water, drainage and street improvements, releasing the escrow agreement in lieu of a performance bond, accepting an escrow agreement in lieu of completion of minor improvements and accepting the maintenance bonds for Sun Group Development. Exhibits: Plat Map. Maintenance Bonds and Escrow Agreement are on file in City Clerk's Office. Page 19
9. Consider approving the construction plans and accepting an escrow agreement in lieu of completion of a waterline and fire hydrant installation for Cache Road Square Shopping Center. Exhibits: Location Map. Escrow Agreement is on file in City Clerk's Office. Page 21
10. Consider approving an adjustment of as built estimated quantities, establishing final project close-out cost and accepting the 2008 CIP Waterline Replacement Phases 1 and 2 project #2008-12 as constructed by Bowles Construction Company and placing the Maintenance Bond into effect. Exhibits: None. Page 23
11. Consider establishing a special Rental Revenue Fund in which to place all rental fees and deposits collected from the rental of any spaces at the New City Hall. Exhibits: Proposed **Resolution No. 11- 111** Page 25
12. Consider extending contract (RFPCL10-020) HDW/SFW Support Agreement to Atlantic Tech Services of Richfield, OH. Exhibits: Department recommendation, abstract of bids, price sheet. Page 27
13. Consider awarding contract (CL12-016) Heavy Equipment Service and Parts to Clarence L. Boyd of Lawton, OK. Exhibits: Department recommendation, abstract of bids, price sheet. Page 31
14. Consider approval of payroll for the periods of November 28 – December 11, 2011.

NEW BUSINESS ITEMS:

15. Hold a public hearing related to refunding the city of Lawton's General Obligation Bonds, series 2001 ("2001 bonds") as required by title 62, section 754.1, to receive public input regarding the possible refunding of the 2001 bonds and council vote to proceed with the refunding, if deemed appropriate. Exhibits: Refunding of 2001 General Obligation Bonds Analysis. Page 35

16. Consider and take action with respect to a resolution establishing a general obligation refunding plan, ratifying the publication of a notice of public hearing and authorizing the City Manager to negotiate a bond purchase agreement and present the same to the City Council. Exhibits: **Resolution 11-112.** Page 42
17. Hold a public hearing and consider a resolution amending the 2030 Land Use Plan from Residential/High Density to Commercial and an ordinance changing the zoning from R-4 (High Density Apartment District) to C-5 (General Commercial District) zoning classification for property located at 207 SW Summit Avenue. Exhibits: **Resolution No. 11-113, Ordinance No. 11-57**, Site Plan, Location Map, Applications and CPC Minutes.
18. Hold a public hearing and consider a resolution amending the 2030 Land Use Plan from Residential/High Density to Commercial and an ordinance changing the zoning from R-4 (High Density Apartment District) to C-5 (General Commercial District) zoning classification for property located at 2114-2116 SW A Avenue. Exhibits: **Resolution No. 11-114, Ordinance No. 11-58**, Site Plan, Location Map, Applications and CPC Minutes.
19. Hold a public hearing and consider an ordinance amending Section 18-1-1-107 modifying the list of zoning districts and repealing Division 18-11-2, Transition District. Exhibits: **Ordinance No. 11-59** and CPC Minutes. Page 73
20. Consider waiving Council Policy 1-6, and if approved, reconsider adopting a resolution to support an Oklahoma Affordable Housing Tax Credit application by Zimmerman Properties, LLC to the Oklahoma Housing Finance Agency for property located at the northwest corner of NE Rogers Lane and NE Angus Place. Exhibits: Agenda item from November 15, 2011, Resolution No. 11-____, Location Map and Site Plan. Page 78
21. Consider approving an application to allow access to a limited access roadway at three locations along NW Quanah Parker Trailway for the proposed Lawton Marketplace development project per City Council Policy 8-2. Exhibits: Application, Off-Site Exhibit, Quanah Parker Trailway Exhibit, Letter from Cates-Clark and Associates and City Council Policy 8-2. Page 84
22. Consider an ordinance creating Section 11-5-501 in Article 11-5 of Chapter 11, Lawton City Code, 2005, establishing and implementing a program to recover service fees from a responsible party for the costs associated with the deployment of city fire department assets to provide emergency response services for motor vehicle accidents, hazardous material (HAZMAT) incidents and/or technical rescue incidents that are additional services beyond the fire department's primary function and scope of providing basic fire suppression and investigation, providing for severability and declaring an effective date. Exhibits: Proposed **Ordinance 11-60.** Page 92

23. Consider amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, as amended, by adopting a resolution establishing the Schedule of Fees and Charges for the fire department's response to motor vehicle accidents, hazardous material incidents and/or technical rescue incidents that are additional services beyond the fire department's primary function and scope of providing basic fire suppression and investigation, and establishing an effective date. Exhibits: Proposed **Resolution 2011-115**. Page 97
24. Consider a resolution approving the execution and delivery by the Lawton Economic Development Authority of a 2009 Economic Development Capital Improvement Reformed Note in the amount of not to exceed \$12,000,000 in aggregate amount outstanding at any one time for the purpose of establishing a later maturity date of March 5, 2012. Exhibits: **Resolution No. 11-116** and Revised Note. Page 101
25. Consider approving an Ordinance amending Section 9-2-208, pertaining to Chapter 9, Court, by changing the location of where the marriage ceremony fee shall be paid. Exhibits: **Ordinance No. 11-61**. Page 111

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.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

26. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case of City of Lawton v. Woodburn Jr, Donovan dba Hop & Sack #12, CV-2010-82, and if necessary, take appropriate action in open session. Exhibits: None. Page 114
27. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers Compensation claim of John Foster, and if necessary, take appropriate action in open session. Exhibits: None. Page 115
28. 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. Page 116
29. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the Employment Agreement of Frank V. Jensen as City Attorney, and in open session take action as necessary. Exhibits: None. Page 117

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."