

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

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.

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: Connie Ehrlich in the amount of \$2,887.98. Exhibits: Legal Opinions/Recommendations and Resolution No. 10-____. Page 1
2. Consider the following damage claim recommended for denial: Southwestern Bell Telephone in the amount of \$911.19. Exhibits: Legal Opinion/Recommendation. Page 6
3. Consider adopting a resolution approving the settlement by a joint petition and making payment in the workers' compensation claim of Angela Chiarappa. Exhibits: Resolution No. 2010-____. Page 9
4. 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 Eric Tienter in the Workers' Compensation Court, Case No. 2009-15842H. Exhibits: Resolution No. 2010-____. Page 11
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 Amee Tahbonemah, Cameron Tahbonemah and Caden Tahbonemah, surviving spouse and minor children of Robert Tahbonemah (deceased), in the Workers' Compensation Court, Case No. 2010-13370R. Exhibits: Resolution 10-____. Page 14
6. 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 Mark Alan Murphy in the Workers' Compensation Court, Case No. 2010-04692L. Exhibits: Resolution 10-____. Page 17

7. Consider renewing the Retainer Agreement for Legal Services between the City of Lawton and Ambre C. Gooch, to provide professional and legal services to the City of Lawton in case styled Jason Wells vs. City of Lawton, Case No. CIV-09-1354-D, 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. Page 20
8. Consider approving the professional services agreement with Deborah A. Sterkel, to serve as legal advisor for a pending appeal before the Personnel Board, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement on file in the City Clerk's Office. Page 21
9. Consider ratifying the action of the Lawton Water Authority to accept the Surface Restoration Bond for El Pache Energy, Inc., and authorize the Mayor and City Clerk to execute the document. Exhibits: Surface Restoration Bond. Page 22
10. Consider approving Meyer Architecture Plus' Change Order No. 1 which will authorize G.W. Hastings Construction Company to commence work on modifying an unfinished Phase III break room to be constructed as the City's primary mail distribution work center. Exhibits: Architect's Change Order No. 1, dated November 19, 2010 and General Contractor's Response: RFP No. 2, dated November 8, 2010. Page 26
11. Consider approving Change Order # 3 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. 3. Page 36
12. Consider receiving a donation of two computer monitors from Douglas Wells, Councilman Ward 8, to the Information Technology division for allocation to other division(s). Exhibits: None. Page 42
13. Consider approval of a Mutual Aid Agreement (MAA) between the City of Lawton Fire Department and Sheppard Air Force Base (AFB) Fire Department. Exhibits: Proposed Mutual Aid Agreement between the City of Lawton and Sheppard AFB Fire Department. Page 43
14. Consider approving the 2011 Notice of Meeting Schedule for Lawton City Council Meetings and Resolution 10-____ rescheduling the regularly scheduled meetings in November and December 2011. Exhibits: 2011 Notice of Meeting Schedule for Lawton City Council and Resolution No. 10-____. Page 46
15. Consider approving a credit adjustment in the amount of \$618.33 to Robert Caillet's service account #00022024 for the property at 2304 NE Village Drive for an undetected, underground leak on the customer's sprinkler system. Exhibits: Repair Statement from Gene Simmons Plumbing dated 09/11/2010 and statement from Robert Caillet dated 09/14/2010. Page 49

16. Consider approving a credit adjustment in the amount of \$668.25 to Billy Smith's service account #00005212 for the property at 10101 NW Shadybrook Drive for an undetected, underground leak on the customer's water service line. Exhibits: Repair statement from Andy's Plumbing dated 10/14/2010 and repair statement from Goldstarr Construction dated 7/26/10. Page 52
17. Consider approving plans and specifications for the Animal Welfare Building Project #2006-6 and authorizing staff to advertise for bids. Exhibits: Site plan. Page 56
18. Consider adopting a resolution for the selection of a consulting engineer to conduct the bi-annual inspections required by the National Bridge Inspection Standards (NBIS) Program. Exhibits: Resolution 10-____. Page 58
19. Consider awarding a contract to Leon Alexander authorizing him to proceed with the erection of a metal building to provide additional storage area for Water Distribution Division. Exhibits: None. Page 60
20. Consider approving plans and specifications for the NW 38th Street Reconstruction (Gore to Cache) Project #2006-7 and authorizing staff to advertise for bids. Exhibits: None. Page 61
21. Consider adopting a Resolution of Necessity for real property acquisition for the NW Santa Fe Bridge Replacement Project #2010-2. Exhibits: Resolution 10-____ with Exhibit "A". Page 62
22. Consider approving an indemnity agreement between the City of Lawton and Paul Ellwanger, who resides at 6506 SW Brookline Ave, for the partial reimbursement of the installation expense of a backflow prevention valve in accordance with Council Policy 6-3, and authorize the Mayor and City Clerk to execute the document. Exhibits: Agreement between City of Lawton and Paul Ellwanger. Page 69
23. Consider approving the Contribution-In-Aid-Of-Construction (CIAC) Agreement with the AEP-PSO and adopting Street Light Resolution No. 466 to install a 35 foot wood pole, one 250 Watt High Pressure Sodium Directional Flood Light and wiring at the parking lot on the north side of the Grandview Sports Complex. Exhibits: Contribution-In-Aid-of-Construction Agreement with AEP-PSO; and Street Light Resolution No. 466. Page 72
24. Consider adopting a Resolution authorizing the installation of traffic control measures on: eastbound and westbound NW Maple Drive at the intersection of NW 73rd Street; eastbound and westbound NW Arlington Avenue at the intersection of NW 12th Street; and southbound SW 46th Street at the intersection of SW Cherokee Avenue. Exhibits: Resolution No. 10- _____. Traffic Commission Minutes and Traffic Issue Request. Page 77
25. Consider setting the date of January 25, 2011, to hold a public hearing and consider closing certain streets and alleys in the Downtown Redevelopment Project area. Exhibits: Location Map. Page 87

26. Consider a request for an extension of time for the escrow agreement for the drainage improvements in Dove Creek Addition, Part 3. Exhibits: Letter from Developer List of Deficiencies. Page 92
27. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality to receive, transport and /or treat flow from Green Terraces West Townhouse Addition, Part 2, and a Tier I permit to supply potable water to Green Terraces West Townhouse Addition, Part 2, located south of West Gore Boulevard, west of SW 69th Street in the NE/4 of Section 32, T2N, R12W, I.M., Comanche County, Oklahoma. Exhibits: Permit to Receive, Transport and Treat, and Permit to Supply Water on file in the City Clerk's Office. Page 96
28. Consider extending the contract (CL09-027) Laboratory Services of Toxic Pollutants from Accurate Environmental Laboratories. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form. Page 97
29. Consider extending the contract (RFPCL10-020) HDW/SFW Support Agreement to Atlantic Tech Services of Richfield, OH. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form. Page 101
30. Consider approval of payroll for the periods of November 15 – December 12, 2010.

OLD BUSINESS ITEMS:

31. Consider releasing the performance bond for drainage improvements in Scissortail, Part 1, and accepting the water, sewer, and public drainage improvements, escrow agreement in lieu of incomplete minor improvements, and maintenance bonds. Exhibits: Plat Map. Escrow Agreement and Maintenance Bonds on file in City Clerk's Office. Page 105
32. Hold a public hearing and consider an ordinance closing a portion of a public utility easement on Lot 2, Block 18, Rolling Hills Development, Part 4A, located at 2061 SW 45th Street. Exhibits: November 9, 2010, Agenda Item Commentary with Exhibits. Page 108

NEW BUSINESS ITEMS:

33. Hold public hearings and adopt a resolutions declaring the structures located at: 101 S.E. "D" Avenue, 312 S.W. Summit Avenue, 320 S.W. "I" Avenue, 406 S.W. 24th Street, 506 S.W. Park Avenue, 708 S.W. Garfield Avenue, 916 S.W. "B" Avenue, 1312 S.W. Wisconsin Avenue, 1516 S.W. "G" Avenue, 1907 S.W. "D" Avenue, 1929 S.W. McKinley Avenue 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 owners to abate the nuisance by obtaining a remodel or demolition permit within thirty (30) days; authorizing summary abatement of the nuisance should the owners 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: Eleven Resolutions. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services. Page 114

34. Hold a public hearing and consider an ordinance amending the open space requirements for townhouse developments. Exhibits: Ordinance No. 10-____ and CPC Minutes.

Page 148

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

35. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending claim of Eddie Cordes Auto Finance and, if necessary, take appropriate action in open session. Exhibits: None.

Page 158

36. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending cases of City of Lawton vs. EZ-GO (CV-2010-79) and City of Lawton vs. Hop & Sack (CV-2010-82), and if necessary, take appropriate action in open session. Exhibits: None.

Page 159

37. 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 160

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."