

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
THE MOORE RISK MANAGEMENT BOARD
AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY
OCTOBER 6, 2008 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on October 6, 2008 at 6:30 p.m. with Mayor Glenn Lewis presiding.

David Roberts
Councilman, Ward I

Robert Krows
Councilman, Ward I

Kathy McMillan
Councilwoman, Ward II

Janie Milum
Councilwoman, Ward II

Shelia Haworth
Councilwoman, Ward III

Terry Cavnar
Councilman, Ward III

PRESENT: Krows, McMillan, Haworth, Roberts, Milum, Lewis
ABSENT: Cavnar

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; City Attorney, Randy Brink; Deputy Fire Chief, Gary Bird; Economic Development Director, Deidre Ebrey; Community Development Director, Elizabeth Jones; Emergency Management Director, Gayland Kitch; Risk Manager, Gary Benefield; Finance Director/City Clerk, Jim Corbett; Police Chief, Ted Williams; Major, Gary Tipps; Public Works Director, Richard Sandefur; Veolia Water Project Manager, Robert Pistole; and Purchasing Agent, Carol Folsom.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 15, 2008.
- B) APPROVE THE MINUTES OF THE SPECIAL WORK STUDY SESSION HELD AUGUST 28, 2008.
- C) APPROVE THE MINUTES OF THE SPECIAL WORK STUDY SESSION HELD SEPTEMBER 22, 2008.
- D) RECEIVE THE MINUTES OF THE PLANNING COMMISSION MEETING HELD JULY 8, 2008.
- E) APPROVE A BUDGET SUPPLEMENT TO THE SPECIAL REVENUE FUND IN THE AMOUNT OF \$362,200.
- F) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$1,793,333.95.

Councilwoman Haworth moved to approve the consent docket in its entirety, second by Councilman Krows. Motion carried unanimously.

Ayes: Krows, McMillan, Haworth, Roberts, Milum, Lewis
Nays: None
Absent: Cavnar

Agenda Item Number 3 being:

CONSIDER ACCEPTANCE OF THE ANNUAL ACTUARIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2008.

Gary Benefield, Risk Manager, advised that Select Actuarial Services prepared the actuarial report for the City of Moore for the past nine years and has always been very accurate in their liability estimates. Mr. Benefield introduced Laura Sprouse with Select Actuarial Services who gave a short summary of the actuarial report for fiscal year ended June 30, 2008.

Ms. Sprouse indicated that the purpose of the actuarial study was to keep the City in compliance with the GASB 10 requirements. Liabilities for claims must be recognized on the City's financial statements. The actuarial study estimates liabilities on worker's compensation, general and auto liability, and health care. She indicated that the first objective was to estimate the liability for the balance sheet as of 6-30-08 and the second is to estimate costs associated for FY 08-09 for budgeting purposes. Variations in the losses and the potential for how the experience may vary from the expected losses are also looked at in the study. The total required reserve at 6/30/08 for all combined liabilities was \$1,685,000. This shows a slight increase over the previous year due to increases in worker's compensation and liability. Health liabilities were down. Ms. Sprouse indicated that healthcare costs for 07-08 were 5% lower than expectations at around 2.5 to 2.6 million. She felt this was significant because overall healthcare costs run about 2.7 million annually. She added that workers compensation came out \$65,000 or 2% higher than expectations. Ms. Sprouse advised that the City had not had a worker's compensation claim exceed the current retention level. She added that the liability experience came in as expected or essentially unchanged.

A Composition of Reserves pie chart was reviewed looking backward on prior claims. She indicated that worker's compensation claims pay out the longest therefore they tend to increase as claims are added on each year. Part of that is called the case reserves from the individual claims files and the IBNR is the individual portion that the actuaries estimate for future liabilities that are not recognized yet on individual claims. Liability and health care represent a smaller portion.

Ms. Sprouse advised that the projected costs for health benefits in fiscal year 08-09 would be \$2,753,000. She stated that this is almost the exact amount of the projection for FY 07-08 at \$2,780,000. However, the actual costs for 07-08 were \$2,580,000. Since the actuals were 5% lower than the projections, the cost per employee for estimates for 08-09 went down; however, the City hired more employees resulting in a level forecast projection for 08-09 at \$2,753,000. The forecast for 09-10 is \$2,850,000 reflecting inflation in medical costs.

The projection for workers compensation is FY 08-09 is \$394,000. The previous forecast for 08-09 was \$399,000. The decrease in loss rate had an offsetting effect on the increase in payroll, resulting in a slightly decreased forecast. The forecast for 09-10 was \$426,000.

Ms. Sprouse indicated that the forecast for 08-09 for liability was \$96,000 and the projection was \$98,000. The forecast for 09-10 was \$103,000.

The total costs are \$3.2 million with the largest portion being health care costs.

PROGRAM SUMMARY

Program	Reserve @ 6/30/08	Forecast 08-09	Forecast 09-10
Health	\$285,000	\$2,753,000	\$2,850,000
Workers Compensation	\$1,102,000	\$394,000	\$426,000
Liability	\$248,000	\$96,000	\$103,000
Other	\$50,000		
TOTAL	\$1,685,000	\$3,243,000	\$3,379,000

Councilman Krows moved to accept the annual Actuarial Report for fiscal year ended June 30, 2008, second by Councilman Roberts. Motion carried unanimously.

Ayes: Krows, McMillan, Haworth, Roberts, Milum, Lewis
Nays: None
Absent: Cavnar

Agenda Item Number 4 being:

CONSIDER ACCEPTANCE OF THE ANNUAL AUDIT REPORT FOR FISCAL YEAR ENDED JUNE 30, 2008.

Jim Corbett, Finance Director, presented the annual audit report for fiscal year ended June 30, 2008. Mr. Corbett distributed the Management Letter, the Single Audit covering federal grants, and the Audit Report. The City received an Unqualified Audit Opinion for the seventh year in a row.

Auditor Bob Dillon summarized his findings. Mr. Dillon stated that the City's financial statements have no material misstatements in them based on the Governmental Accounting Standards put out by the IACPA. In addition there were no significant findings that needed to be brought to the Council's attention. A few minor items were reviewed with management. He advised that the accounting staff has a lot of experience, which increases the controls.

The auditor reviews internal controls from the past year to the present. Controls are then tested, such as cash receipts and disbursements, including vendor disbursements and payroll, grant management, compliance with award notices, review budget compliance and initial preparation of the budget, the filing of the budget and any amendments to the budget made throughout the year, and looked at the legal compliance to ensure that appropriations are in place for expenditures made. After year end the individual balance sheets of each fund were looked at, including cash balance, receivables, and restricted investments, liabilities including outstanding debt were reviewed, and to make sure restrictions were in place on the fund balances.

Mr. Dillon noted some financial highlights in the audit. He stated that at the end of June 2008, the net assets were approximately \$65 million. This figure included fix assets, cash, and restricted assets minus any liabilities such as debts and accounts payable and the accruals of the actuaries. The total net assets increased by \$742,733. At the close of June the governmental funds (General Fund, Special Revenue Funds, and the Capital Improvement Funds) had ending fund balances of approximately \$22,000,000. An increase of almost \$16,000,000 occurred because in year's past MEDA was accounted for as a separate entity. It was management's suggestion and they concurred that MEDA should be included in the primary government of the City.

At the end of the current fiscal year the unreserved fund balance of the general fund was \$3.5 million or 13.8% of the annual expenditures.

The City's total debt increased by \$8.4 million during the current fiscal year due to the issuance of \$14 million in notes by the Moore Economic Development Authority. The City actually paid down its debt significantly. The amortization schedule for the debt is fairly aggressive allowing the debt to be paid down fairly quickly.

Comparative tables for current year versus prior year statement of net assets, and a comparative statement on changes in net assets were referenced. In corporate accounting this would be referred to as profit and loss.

Tables on Capital Assets and Long-Term Debt were reviewed. Mr. Dillon advised that the capital or fixed assets table indicated that after depreciation the fixed assets were about the same as the prior year. Also included were additions of new assets in the amount of \$8 million, most of which was due to infrastructure improvements, and some equipment. Table 4 dealing with "Long Term Debt" reflected an increase due to the previously mentioned MEDA note. Also included was a comparison with last fiscal year. Mr. Dillon also mentioned that the audit included statistical tables which should be useful to City management and Council on the past ten years of historical data on revenues, expenditures, debt and property tax levy valuations, and miscellaneous tables dealing with construction and water consumption.

Steve Eddy, City Manager, felt that the tables included pertinent information and encouraged Council to take the time to look at the tables, which paint a great picture of the growth of the City over the past ten years.

Mayor Lewis expressed his appreciation to Mr. Dillon and his staff for their work in preparing the audit report. He also expressed his appreciation to Jim Corbett, Finance Director, for the great job they do. Steve Eddy, City Manager, also concurred stating that Mr. Corbett and his staff do a great job.

Councilman Krows moved to accept the annual Audit Report for fiscal year ended June 30, 2008, second by Councilwoman McMillan. Motion carried unanimously.

Ayes: Krows, McMillan, Haworth, Roberts, Milum, Lewis
Nays: None
Absent: Cavnar

Agenda Item Number 5 being:

CONSIDER THE APPOINTMENT OF MITCHELL DAVIDSON AND BRAD BENNETT TO THE MECHANICAL BOARD FOR TWO-YEAR TERMS.

Councilwoman Haworth moved to appoint Mitchell Davidson and Brad Bennett to the Mechanical Board for two-year terms, second by Councilman Roberts. Motion carried unanimously.

Ayes: Krows, McMillan, Haworth, Roberts, Milum, Lewis
Nays: None
Absent: Cavnar

Agenda Item Number 6 being:

CONSIDER REZONING APPLICATION NO. RZ-831 TO REZONE A PART OF THE NE/4 OF SECTION 10, T10N, R3W, BEING NORTH OF VERMEER STREET AND WEST OF I-35, FROM I-1 LIGHT INDUSTRIAL DISTRICT TO I-1/SUP LIGHT INDUSTRIAL DISTRICT WITH A SPECIAL USE PERMIT FOR SPECIALTY AUTO; AND APPROVE ORDINANCE NO. 628(08). APPLICATION BY OKIE CITY CUSTOMS/RUSTY CORNETT.

Elizabeth Jones, Community Development Director, advised that the subject property at 2229 N. Moore Avenue was located north of Vermeer Street and west of N. Moore Avenue. Ms. Jones stated that the applicant occupies an existing industrial building and operates the Okie City Custom Motors, which is an after market motorcycle accessory and repair business. The applicants wish to expand their business to include custom motorcycle sales, requiring limited showroom and showroom capability. She advised that the applicants do not intend to display their motorcycles offered for sale outside. In order to obtain a used car dealers license from the State of Oklahoma the property must be zoned to allow a used car sales facility.

The Land Development Code was updated to include the special use permit allowing very limited auto sales in a location not zoned for that as long as the retail characteristics of the proposed business are compatible with the surrounding area. In this case the application would not have a traditional sales lot, the nature of the area is not anticipated to be changed; therefore, staff recommended approval of the item.

Councilwoman McMillan asked if there was opposition to the proposed rezoning. Ms. Jones advised that there was no opposition to the item at the Planning Commission meeting. Mayor Lewis inquired why the applicant was not displaying the motorcycles outside. Ms. Jones indicated that the motorcycles are specialized and they did not want them exposed to the elements.

Councilwoman McMillan moved to approve Rezoning Application No. RZ-831 and Ordinance No. 628(08), second by Councilman Krows. Motion carried unanimously.

Ayes: Krows, McMillan, Haworth, Roberts, Milum, Lewis
Nays: None
Absent: Cavnar

Agenda Item Number 7 being:

CONSIDER THE FINAL PLAT OF FRITTS FARM ADDITION, LOCATED IN THE NE/4 OF SECTION 27, T10N, R3W, BEING SOUTH OF SW 19TH STREET AND WEST OF TELEPHONE ROAD. APPLICATION BY TEDDY BEAR PARTNERS, LLC/TERRY FRITTS.

Elizabeth Jones, Community Development Director, advised that the proposed final plat consisted of six commercial lots on 28 acres. There is no floodplain located on the property and detention would be provided on the Fritts property to the south. Public water and sewer would be extended throughout the site. Access is shown from SW 19th and Fritts Blvd. with cross access easements throughout the development so shoppers can go from store to store. Curb cuts along 19th Street would be minimized and approved at the building permit stage. Because the final plat is in general conformance with existing development within the area, staff recommended approval of the item.

Councilwoman Haworth moved to approve the final plat of Fritts Farm Addition, located in the NE/4 of Section 27, T10N, R3W, being south of SW 19th Street and west of Telephone Road. Application by Teddy Bear Partners, LLC/Terry Fritts, second by Councilman Krows. Motion carried unanimously.

Ayes: Krows, McMillan, Haworth, Roberts, Milum, Lewis
Nays: None
Absent: Cavnar

Agenda Item Number 8 being:

CONSIDER THE FINAL PLAT OF ROYAL ROCK ADDITION, SECTION 2, LOCATED IN THE SE/4 OF SECTION 22, T10N, R3W, BEING NORTH OF SW 19TH STREET AND WEST OF TELEPHONE ROAD. APPLICATION BY RENF DEVELOPMENT, LLC/PAT BROADFOOT.

Elizabeth Jones, Community Development Director, stated that proposed final plat for property located north of SW 19th Street and west of Telephone Road consisted of two commercial lots on three acres. There is no floodplain located on the property. Ms. Jones advised that detention would be required for the commercial development as a whole, and would be located north of Lot 2 to serve the eastern basin. However, this is subject to change. Public water and sewer is available to serve the property and the applicant's engineer is working to develop a utility plan in order to extend the public utilities to serve the lots. She noted that no service connections would be allowed to the 24" sanitary sewer trunk line that is located to the east of the property. Access would be provided by SW 19th Street and through private access easements as part of the overall development plan. Ms. Jones mentioned that a portion of the original Royal Park Moore plat must be vacated through District Court. She added that all of the water and sewer lines should be addressed whether they are capped, abandoned or relocated in the engineer's utilities plan, which staff would review upon its availability. Staff recommended approval of the item.

Councilman Roberts moved to approve the Final Plat of Royal Rock Addition, Section 2, located in the SE/4 of Section 22, T10N, R3W, being north of SW 19th Street and west of Telephone Road, second by Councilman Krows. Motion carried unanimously.

Ayes: Krows, McMillan, Haworth, Roberts, Milum, Lewis
Nays: None
Absent: Cavnar

Agenda Item Number 9 being:

CONSIDER THE FINAL PLAT OF ROYAL ROCK ADDITION, SECTION 3, LOCATED IN THE SE/4 OF SECTION 22, T10N, R3W, BEING NORTH OF SW 19TH STREET AND WEST OF TELEPHONE ROAD. APPLICATION BY RENF DEVELOPMENT, LLC/PAT BROADFOOT.

Elizabeth Jones, Community Development Director, stated that the proposed final plat consisted of one commercial lot on 1.5 acres. There is no floodplain located on the property and detention would be required for the commercial development as a whole, but is not located on this particular piece of property. Public water and sewer was available to serve the site and a utility plan is being developed by the applicant's engineer. Access is provided by SW 19th Street and is through a shared curb cut located in a private access easement. Staff recommended approval of the item.

Councilman Krows moved to approve the Final Plat of Royal Rock Addition, Section 3, located in the SE/4 of Section 22, T10N, R3W, being north of SW 19th Street and west of Telephone Road. Application by renf Development, LLC/Pat Broadfoot, second by Councilwoman Haworth. Motion carried unanimously.

Ayes: Krows, McMillan, Haworth, Roberts, Milum, Lewis
Nays: None
Absent: Cavnar

Agenda Item Number 10 being:

CONSIDER ACCEPTANCE OF THE 2007 HIGHWAY TREE GRANT IN THE AMOUNT OF \$25,000 FOR INSTALLATION OF TREES AND SHRUBS AT THE I-35 AND N. 27TH STREET/SHIELDS INTERCHANGE, AND THE 2008 ODOT HIGHWAY TREE GRANT IN THE AMOUNT OF \$25,000 FOR INSTALLATION OF TREES AND SHRUBS AT THE I-35 AND N. 12TH/N.5TH STREET INTERCHANGE, AND AUTHORIZE STAFF TO SOLICIT BIDS FOR SAME.

Elizabeth Jones, Community Development Director, stated that the City received two ODOT tree grants in the amount of \$25,000 each for the installation of 152 trees and 199 shrubs to be planted at different locations along I-35 between N. 5th and N. 27th Street. Some of the plantings would also be along the interchange at Shields Blvd. A local match is required in the amount of \$20,000 which could be made in-kind. Staff anticipates meeting the matching fund requirements by installing a drip irrigation system where possible, planting the trees, and the initial watering and mulching of the trees. Ms. Jones stated that 2007 grant was awarded around the time of the ice storm last winter. The work was delayed; however, now the project needs to be bid out and the plants in the ground prior to April 2009. Staff would propose bidding both projects at the same time in the hopes of obtaining a better price.

Councilwoman McMillan moved to accept the 2007 Highway Tree Grant in the amount of \$25,000 for installation of trees and shrubs at the I-35 and N. 27th Street/Shields interchange, and the 2008 ODOT Highway Tree Grant in the amount of \$25,000 for installation of trees and shrubs at the I-35 and N. 12th/N.5th Street interchange, and authorize staff to solicit bids for same, second by Councilman Krows. Motion carried unanimously.

Ayes: Krows, McMillan, Haworth, Roberts, Milum, Lewis
Nays: None
Absent: Cavnar

Agenda Item Number 11 being:

CONSIDER ADOPTING RESOLUTION NO. 661(08) ADOPTING THE SCHEDULE OF FEES AND CHARGES EFFECTIVE UPON APPROVAL AND REMAINING IN EFFECT UNTIL MODIFIED, AMENDED OR REPEALED; AND REPEALING PRIOR INCONSISTENT FEES.

Randy Brink, City Attorney, advised that Resolution No. 661(08) incorporates the changes to the Schedule of Fees and Charges that have been adjusted, added or eliminated throughout the year.

Steve Eddy, City Manager, clarified that adoption of the resolution would not change any fees, it would only institute fees that have already been approved over the last year.

Councilwoman Haworth moved to adopt Resolution No. 661(08) adopting the Schedule of Fees and Charges effective upon approval and remaining in effect until modified, amended or repealed; and repealing prior inconsistent fees, second by Councilman Krows. Motion carried unanimously.

Ayes: Krows, McMillan, Haworth, Roberts, Milum, Lewis
Nays: None
Absent: Cavnar

Agenda Item Number 12 being:

DISCUSS A PROPOSED ORDINANCE AMENDMENT CREATING A VIOLATION FOR PERMITTING ANIMALS OR FOWLS TO DEFECATE ON PUBLIC PROPERTY OR ON CERTAIN PRIVATE PROPERTY AND DIRECT STAFF TO PROCEED AS DEEMED APPROPRIATE.

Steve Eddy, City Manager, advised that Animal Control has been receiving an increasing number of complaints regarding animals defecating on private property. The City does not have an ordinance in place dealing with this sort of thing. The proposed ordinance was patterned after the City of Edmond. One part of the ordinance deals with public property and the other deals with private property. Animal owners would be required to clean up after their animal in the City's parks and rights-of-way. For situations occurring on private property it would be a violation for the owner to allow the animal to defecate on private property. Enforcement by Animal Control personnel would essentially be impossible. Therefore, the matter would have to be rectified by allowing the property owner to file charges against the animal owner in municipal court. Mr. Eddy indicated that this could set up emotionally charged situations between neighbors; however, he also understands why some property owners would be upset. He asked for Council's input on whether they would like to proceed with the entire ordinance, a portion of it, or none of it.

Councilman Krows asked how Animal Control felt about the proposed ordinance. Mr. Eddy indicated that staff would like an avenue to be able to address those property owners who have a concern.

Mayor Lewis asked for City Attorney Randy Brink's opinion. Mr. Brink indicated that it would be handled like any other ordinance. Councilman Krows asked what the penalty would be if the animal owner was found guilty. Mr. Eddy advised that a citation would be issued based on a citizen's complaint. A court appearance would be scheduled and the case would be made. If found guilty the defendant could be fined up to \$500.

Councilman Krows asked if other cities have similar ordinances. Richard Sandefur, Public Works Director, indicated that Oklahoma City and Norman also have similar ordinances.

Councilman Krows moved to bring an Ordinance creating a violation for permitting animals or fowls to defecate on public or on certain private property back for consideration by City Council, second by Councilwoman McMillan. Motion carried unanimously.

Ayes: Krows, McMillan, Haworth, Roberts, Milum, Lewis
Nays: None
Absent: Cavnar

Agenda Item Number 13 being:

DISCUSS AND CONSIDER APPROVAL OF A SALES TAX REBATE AGREEMENT WITH PROPERTY CLOSING, LTD. (A.K.A. DIRECT DEVELOPMENT, INC.) AS INCENTIVE TO CONSTRUCT A RETAIL SHOPPING CENTER LOCATED EAST OF FRITTS BOULEVARD AND SOUTH OF SW 19TH STREET.

Steve Eddy, City Manager, advised that Agenda items No. 13 and 14 were companion items relating to a Sales Tax Rebate Agreement that the City has been negotiating with Direct Development for some time. Mr. Eddy introduced David Watson, principal with Direct Development, who was in attendance at the meeting along with consultants George Schrader and Larry Cline. He advised that the Sales Tax Rebate Agreement was discussed in detail at a Work Study Session held September 22, 2008.

Mr. Eddy then asked Mr. Watson to give the City Council a brief history of the project, an update on the status of the project, their reasoning for the request for additional time added onto the agreement, and the changes in the market.

Mr. Watson advised that he was the managing principal and owner of Direct Development. He expressed his appreciation for the opportunity to speak to the City Council regarding the project. He congratulated the Council on the professionalism of the staff at the City of Moore. He found that the bigger projects are complicated and often they break down when City staff isn't in place that has the knowledge and professionalism to address the concerns. Mr. Watson stated he liked things to be straight forward and doesn't like change. He doesn't find himself in this position very often because there has not been much change in the capital markets for ten years. With the dramatic changes in the capital markets and real estate being so dependent on capital, and with the proposed shopping center costing approximately \$30 million, the whole system gets turned upside down. The ramifications of that is a model that changes for Direct Development and the whole development process such as equity sources, debt sources, retailers, land owners, partners, and municipalities. He realizes that Direct Development's proposal changed and he understands that had to be frustrating. Mr. Watson appreciated the time Council put into the study session to study the changes to the agreement. He didn't want to change their request in the middle of the process. Mr. Watson expressed his appreciation for Council's patience and flexibility. He felt there was a true partnership between the landowners the Fritts family, the municipality, the developer, the anchor tenants, and the capital providers. Everyone must pull together when there is this much change because the whole process has been upset. He expressed his appreciation for Council's consideration of their request because he felt it was integral to the process. Mr. Watson talked to the anchor tenant that morning and they indicated they are committed to the project. If the City of Moore makes its financial commitment it would allow the project to move forward. He felt that Direct Development's quality of development distinguishes itself and differentiates them from other developers.

Steve Eddy, City Manager, asked Mr. Watson to give an overview of who Direct Development is, how long they have been around, and the number of shopping centers, and the square footage. Mr. Watson stated that he formed Direct Development in 1997 and had been in the shopping center business since 1985, based in Dallas, Texas. They currently have offices in Austin and in Dallas and develop shopping centers across the southwest and somewhat into the southeast. Over the past five years Direct Development has developed over 5 million square feet of shopping center space. Around 11 or 12 shopping centers in the 350,000 to 1,000,000 square foot range. His company is solely set to do what they are proposing to do and singularly focused on commercial retail development.

Councilman Krows asked if he builds and sells them or manages them. Mr. Watson advised that he lets the capital market dictate what they should do. Over the past three years prices have been high for this product and costs have been high and in evaluation it has been extremely risky to hold them; therefore, they have sold the shopping centers, and prior to that they held them.

Councilwoman McMillan moved to approve a Sales Tax Rebate Agreement with Property Closing, Ltd. (aka Direct Development, Inc.) as incentive to construct a retail shopping center located east of Fritts Boulevard and south of SW 19th Street, second by Councilwoman Haworth. Motion carried unanimously.

Ayes: Krows, McMillan, Haworth, Roberts, Milum, Lewis
Nays: None
Absent: Cavnar

Agenda Item Number 14 being:

DISCUSS AND CONSIDER APPROVAL OF A SALES TAX REBATE AGREEMENT WITH PROPERTY CLOSING, LTD. (A.K.A. DIRECT DEVELOPMENT, INC.) AS INCENTIVE TO CONSTRUCT A RETAIL SHOPPING CENTER WEST OF FRITTS BOULEVARD AND SOUTH OF SW 19TH STREET.

Steve Eddy, City Manager, stated that one of the sales tax agreements is 20% of the total shopping center, to be developed east of Fritts Blvd. and 80% would be developed west of Fritts Blvd. He stated that the main anchor tenant would be located on the west side of Fritts Blvd. Mr. Eddy indicated that Direct Development requested two separate Sales Tax Rebate Agreements for two different funding entities.

Councilman Krows asked how many businesses would be on the west side of Fritts Blvd. Mr. Eddy advised that the final plat approved under Agenda Item No. 7 was for the property located west of Fritts Blvd. that contained approximately 350,000 square feet of retail space including the anchor tenant, with three or four out lots on the frontage along SW 19th Street with smaller retail space on the corner of SW 19th and Fritts Blvd. He estimated around 10 to 15 separate retailers on the west side of Fritts Blvd. Mr. Eddy indicated about 65,000 total square footage of shopping center space and a couple of out lots would be on the east side of Fritts Blvd.

Mayor Lewis asked City Attorney Randy Brink if he saw any legal problems with the approval of the Sales Tax Rebate Agreements. Mr. Brink indicated that he did not see any problems with the agreements.

Councilman Krows moved to approve a Sales Tax Rebate Agreement with Property Closing, Ltd. (a.k.a. Direct Development, Inc.) as incentive to construct a retail shopping center west of Fritts Boulevard and south of SW 19th Street, second by Councilman Roberts. Motion carried unanimously.

Ayes: Krows, McMillan, Haworth, Roberts, Milum, Lewis
Nays: None
Absent: Cavnar

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING CONVENED AT 7:27 P.M.

Agenda Item Number 15 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD SEPTEMBER 15, 2008.

- B) RATIFY ACTION OF THE CITY COUNCIL ON APPROVAL OF THE ANNUAL ACTUARIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2008.
- C) RATIFY ACTION OF CITY COUNCIL REGARDING ACCEPTANCE OF JUNE 30, 2008 ANNUAL AUDIT REPORT.
- D) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$367,626.61.

Trustee Haworth moved to approve the consent docket in its entirety, second by Trustee Krows. Motion carried unanimously.

Ayes: Krows, McMillan, Haworth, Roberts, Milum, Lewis
Nays: None
Absent: Cavnar

Agenda Item Number 16 being:

CONSIDER AWARDING BID NO. 089-003 "PURCHASE OF A REAR LOADER BODY" TO J & R EQUIPMENT IN THE AMOUNT OF \$54,913.87 AS THE LOWEST AND MOST RESPONSIVE BIDDER.

Richard Sandefur, Public Works Director, stated that Agenda Items No. 16 and 17 were companion items. Mr. Sandefur advised that the low bidder did not meet all of the bid specifications. He added that there were issues with the hydraulic tanks and their location which could cause problems with the sanitation truck at the landfill. Therefore, staff recommended awarding the bid to J & R Equipment as the second lowest bidder in the amount of \$54,913.87.

Trustee Krows moved to award Bid No. 089-003 "Purchase of a Rear Loader Body" to J & R Equipment in the amount of \$54,913.87, second by Trustee McMillan. Motion carried unanimously.

Ayes: Krows, McMillan, Haworth, Roberts, Milum, Lewis
Nays: None
Absent: Cavnar

Agenda Item Number 17 being:

CONSIDER AWARDING BID NO. 089-002 "PURCHASE OF A REAR LOADER CHASSIS" TO CRANE CARRIER IN THE AMOUNT OF \$124,965.00.

Richard Sandefur, Public Works Director, recommended awarding Bid No. 089-002 for a rear loader chassis to Crane Carrier out of Tulsa, Oklahoma in the amount of \$124,965. Mr. Sandefur advised that Crane Carrier constructed the last three sanitation trucks purchased for the City. He advised that this is one of the only companies that build a truck with only one step for the driver to get into the cab. Since the drivers must get in and out of the truck often and during inclement weather it increases the chance of injury.

Trustee Krows moved to award Bid No. 089-002 "Purchase of a Rear Loader Chassis" to Crane Carrier in the amount of \$124,965.00, second by Trustee Roberts. Motion carried unanimously.

Ayes: Krows, McMillan, Haworth, Roberts, Milum, Lewis
Nays: None
Absent: Cavnar

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING CONVENED AT 7:31 P.M.

Agenda Item Number 18 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD SEPTEMBER 15, 2008.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$284,061.66.

Trustee Haworth moved to approve the consent docket in its entirety, second by Trustee McMillan. Motion carried unanimously.

Ayes: Krows, McMillan, Haworth, Roberts, Milum, Lewis
Nays: None
Absent: Cavnar

Agenda Item Number 19 being:

CONSIDER A TRANSFER OF \$300,000 FROM THE BOND TRUST ACCOUNT TO THE OPERATING ACCOUNT FOR RISK MANAGEMENT; AND SUPPLEMENT THE BUDGET ACCORDINGLY.

Jim Corbett, Finance Director, requested a \$300,000 transfer from the Bond Trust Account to the Operating Account for Risk Management to fund health claims. Steve Eddy, City Manager, indicated that \$1.6 million in the Bond Trust Account was left over following the payoff of the Risk Management Bonds. These monies can only be used for Risk Management type purposes. It has been at least three years since any money was transferred out of the account. It is there and earning interest in the event of an emergency.

Trustee Krows moved to approve a transfer of \$300,000 from the Bond Trust account to the operating account for Risk Management; and supplement the budget accordingly, second by Trustee Roberts. Motion carried unanimously.

Ayes: Krows, McMillan, Haworth, Roberts, Milum, Lewis
Nays: None
Absent: Cavnar

THE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED AT 7:35 P.M.

Agenda Item Number 20 being:

NEW BUSINESS:

- A) CITIZENS' FORUM FOR ITEMS NOT ON THE AGENDA.

There were no items from citizens.

B) ITEMS FROM THE CITY COUNCIL/MPWA TRUSTEES.

Councilwoman McMillan asked about traffic congestion at I-35 and 19th Street. A constituent called and said the street lights were out on the east side service road. Steve Eddy, City Manager, indicated a problem existed previously but he understood that it was taken care of. Stan Drake, Assistant City Manager, confirmed that the problem was corrected several months previously. Mr. Eddy advised that the Dallas Phasing traffic lights work somewhat differently and staff has been receiving calls that they aren't working. He stated that the traffic lights are working properly they are just different than what drivers are used to. Mr. Eddy used the opportunity to update Council on the 19th Street bridge widening and the addition of a right turn lane for southbound traffic exiting I-35. He indicated a February letting was scheduled for these projects.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Steve Eddy, City Manager, advised the City Council of the following items:

- Public meetings scheduled for October 16, 2008 at 6:30 p.m. at Moore City Hall and October 27, 2008 at 6:30 at the Moore Public Library for a presentation from staff regarding the proposed G.O. Bond issue. The public meetings will be advertised by notice and fliers. He also advised that the October "Inside Moore" episode will have a story regarding the streets to be funded and the costs involved.
- Groundbreaking ceremony for Fire Station One will be held October 17, 2008 at 9:00 a.m.
- The appraised value of the property donated by the Fritts family is \$495,000. He advised that this was a tremendously generous gift to the City of Moore.
- The roofing company has had difficulty getting the Moore Public Library roof project scheduled with the appropriate personnel.
- Report to Citizens prepared by the Economic Development department was ready for distribution.

Mayor Lewis asked when the Chick-Fil-A would be completed. Mr. Eddy advised that Chick-Fil-A anticipated an April or May 2009 opening.

Agenda Item Number 21 being:

ADJOURNMENT

Councilwoman Haworth moved to adjourn the City Council meeting, second by Councilwoman McMillan. Motion carried unanimously.

Ayes: Krows, McMillan, Haworth, Roberts, Milum, Lewis
Nays: None
Absent: Cavnar

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:42 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

RECORDED BY:

CAROL FOLSOM, Purchasing Agent

FOR:

SHELIA HAWORTH, MPWA Secretary

FOR:

KATHY MCMILLAN, MEDA Secretary

These minutes passed and approved as noted this ____ day of _____, 2008.

ATTEST:

JIM CORBETT, JR., City Clerk