

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
THE MOORE RISK MANAGEMENT BOARD
AND A PUBLIC HEARING OF THE MOORE CITY COUNCIL
NOVEMBER 2, 2009 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on November 2, 2009 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

Jason Blair
Councilman, Ward III

Terry Cavnar
Councilman, Ward III

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

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; City Attorney, Randy Brink; City Clerk, Jim Corbett; Economic Development Director, Deidre Ebrey; Emergency Management/Communications Director, Gayland Kitch; Fire Chief, Charles Stephens; Community Development Director, Elizabeth Jones; Manager of Information Technology, David Thompson; Police Chief, Ted Williams; Public Works Director, Richard Sandefur; Risk Manager, Gary Benefield; Acting Parks and Recreation Director, Chris Villani; Veolia Water Project Manager, Robert Pistole; and Purchasing Agent, Carol Folsom.

The invocation was given by Pastor Joseph Wingfield with First Christian Church.

Mayor Lewis read a proclamation declaring November as “Pancreatic Cancer Awareness Month.” Eleanor Goetzinger was present to accept the proclamation. Ms. Goetzinger announced that a walk to increase awareness of pancreatic cancer would be held on November 7, 2009 at 9:00 a.m. at the Stanton L. Young Biomedical Research Center, 975 NE 10th Street, Oklahoma City, Oklahoma.

Steve Eddy, City Manager, introduced Shari Kenney, Director of the Cleveland County Health Department. Mr. Eddy stated that he had invited Ms. Kenney to address the City Council and the citizens of Moore on the H1N1 virus. Ms. Kenney advised of the various things the health department was doing to reduce the effects of a pandemic flu. She explained that there are many different varieties of influenza. H1N1 is unique in that most of the population has not yet been exposed to it. Due to this, a second flu vaccine was made this year for H1N1. At the time the seasonal vaccine was developed they did not have a strain of the H1N1 to develop a vaccine with in time to add it to the seasonal flu vaccine. The seasonal and the H1N1 vaccines are made exactly the same way.

Ms. Kenney presented a copy of the most current report regarding the H1N1 flu which covers the week of October 18-24, 2009. So far there have been 5,453 confirmed cases that resulted in hospitalizations due to H1N1 in the United States. This reflects an increase from the week before. The number of confirmed cases has been increasing nationally. Oklahoma is now classified as wide spread along with 48 other states. Ms. Kenney advised that 166 people tested positive in Oklahoma reflecting a reduction in the number of positive cases. Although they are seeing a lot of hospitalizations they are also seeing a reduction in the number of flu like illnesses in the schools. The absentee rate in the Moore schools has actually dropped, and there is currently an attendance rate over 90%. Ms. Kenney felt this was good and meant that prevention strategies have been effective. Ms. Kenney reported that there were 175 influenza associated hospitalizations in Oklahoma over the past week. Six influenza related deaths were reported in Oklahoma, none of which were in Cleveland County. However, prior to that time there have been two deaths in Cleveland County. One was a high school age child and one was an adult. She stated that both had underlying health conditions that contributed to their deaths.

Ms. Kenney recommended that the City have an emergency plan in place in the event a large percentage of employees become ill. She recommended having a backup plan and determining what services can be decreased.

She stated that they are really trying to get pregnant woman in for the H1N1 vaccine. They are not hearing about pregnant woman dying but they are hearing about severe complications with potential harm to the fetus. They are providing vaccine to parents of children less than six months of age because infants cannot be vaccinated. Vaccine has been provided to hospitals to give nurses and health care workers caring for acutely ill patients and to emergency medical personnel transporting acutely ill patients. Children 6 months to 18 years of age are being offered the vaccine. Several health providers in Moore signed up to give the H1N1 vaccine. Seven school clinics were conducted in Moore targeting the schools with the highest absentee rates. Four additional schools are scheduled in Moore this week. Mass immunization clinics were also held. Approximately 500 received the immunization in Norman. A clinic at the school will be held Thursday and a clinic at the health department will be held on Friday. A special clinic in Norman will be held on Saturday from 10am to 2pm.

She advised that shipments of the H1N1 vaccine are being shipped every week. They are just now beginning to get significant quantities of the vaccine. At first they received the flu mist for healthy children. This week the risk groups were expanded and now include persons 19 to 64 with underlying medical conditions. Ms. Kenney stated that she expected additional vaccine and anticipates by the end of November being able to offer the vaccine to virtually everyone. However, some people are electing not to be vaccinated. The health department tries to educate the public by explaining that the vaccine is produced exactly like the seasonal vaccine, there are no known side effects, and it is safe and effective.

Ms. Kinney stated that information about H1N1 is changing daily. The health department is being briefed twice a week. For anyone interested in obtaining information about H1N1 the Center for Disease Control updates their website at cdc.gov once a week. They track vaccine, adverse effects, and complications among other things.

Mayor Lewis thanked Ms. Kinney for her presentation.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD OCTOBER 19, 2009.
- B) RECEIVE THE MINUTES OF THE PLANNING COMMISSION MEETING HELD SEPTEMBER 9, 2009.

- C) REAPPOINT LYNN STEDMAN AND LOUIE WILLIAMS TO THE BOARD OF ADJUSTMENT FOR A THREE-YEAR TERM.
- D) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$1,452,605.93.

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

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

THE CITY COUNCIL MEETING WAS RECESSED AND A PUBLIC HEARING WAS CONVENED:

Agenda Item Number 3 being:

RECEIVE PUBLIC COMMENTS ON THE 2009 STORMWATER PROGRAM.

Elizabeth Jones, Community Development Director, advised that the 2009 Stormwater Program known as "Be Stormwater Savvy" was the City's fourth year to participate in the Stormwater Quality Program required by the Oklahoma Department of Environmental Quality ("ODEQ") and the Environmental Protection Agency. The City obtained a five-year permit and must reapply for a new permit after the 2010 program.

Ms. Jones stated that this year the City focused on educating children on the benefits of being stormwater savvy. Summer youth camps worked to mark storm drain inlets in areas where there was an impacted creek watershed. The areas identified were in the Madison Place and Hunter's Glen Additions off of Tower Drive. Staff also addressed a 5th grade class at Central Elementary with a stormwater model. Tips were printed in the City's newsletters. A radio spot was held featuring Mike Harlan, the City's Stormwater Inspector. Ms. Jones stated that stormwater quality activity books were designed and printed along with the production of a short television show with a character named Dr. Savvy, which they hope to run them on the City's Channel 20.

The ODEQ will perform an audit of the stormwater program November 4-5, 2009. After 2010 staff will likely focus more on City facilities and training while maintaining the other programs established since 2005.

No action was taken on this item.

Agenda Item Number 4 being:

CONSIDER AN APPOINTMENT TO THE BOARD OF ADJUSTMENT TO REPLACE THE VACATED SEAT OF WAYLAND BONDS.

Elizabeth Jones, Community Development Director, advised that three applicants applied for a vacancy on the Board of Adjustment. Notice of the appointment was posted on Channel 20 and was posted in City Hall and other public buildings.

Mayor Lewis asked for a nomination for the seat. Councilman Roberts asked if any of the applicants were in attendance at the meeting. Steve Eddy, City Manager, advised that none of the applicants were asked to attend the City Council meeting; however, Mark Hamm and Steven Ferguson were in attendance. Ms.

Jones noted that Tom Bayless was sick with the flu and was unable to attend the meeting. The applicants were offered an opportunity to speak.

Mark Hamm stated that he applied for the position on the Board of Adjustment because he had been a lifelong resident of Moore and would like an opportunity to be a part of the City in a different way. He advised that he graduated from Moore High School, attends First Baptist Church of Moore, and works for the Cleveland County Sheriff's Office.

Steven Ferguson advised that he has lived in Moore his entire life. He graduated from Moore High School in 2005. He is 22 years ago old and has a desire to get into public service. Mr. Ferguson stated that he would like to give back to the community.

Councilman Roberts nominated Mark Hamm to the Board of Adjustment to replace the vacated seat of Wayland Bonds, second by Councilwoman McMillan. Motion carried unanimously.

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

Mayor Lewis asked Mr. Ferguson if he would consider serving on another Board or Commission. Mr. Ferguson indicated that he would apply for the next available opening.

Agenda Item Number 5 being:

CONSIDER APPROVAL OF CHANGE ORDER NO. 1 TO JORDAN CONTRACTORS FOR PHASE II OF THE REGENCY PARK SANITARY SEWER REPLACEMENT PROJECT IN THE AMOUNT OF \$3,717.00.

Elizabeth Jones, Community Development Director, stated that the proposed change order was connected to the 2008 CDBG program for Phase II of the Regency Park sanitary sewer replacement project in the amount of \$3,717. The original contract price was around \$97,000, which was well below the engineer's estimate of \$140,000. The change order is for the installation of electro fusion saddles, which fuses the service line to the main line to prevent breaks and potential discharges.

Mayor Lewis confirmed that the project completion date would not be delayed due to the change order.

Councilman Roberts moved to approve Change Order No. 1 to Jordan Contractors for Phase II of the Regency Park Sanitary Sewer Replacement Project in the amount of \$3,717.00, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER MOORE VISION 20/20 COMPREHENSIVE PLAN AMENDMENT NO. 16, LOCATED IN THE SW/4 OF SECTION 12, T10N, R3W, BEING NORTH OF NE 12TH STREET AND EAST OF EASTERN AVENUE, FROM MEDIUM COMMERCIAL TO HIGH DENSITY RESIDENTIAL. APPLICATION BY D & S PROPERTIES, LLC/JASON THOMPSON.

Elizabeth Jones, Community Development Director, advised that Agenda Item Nos. 6, 7 and 8 were companion items regarding the East Hills Apartments located north of NE 12th Street and east of Eastern Avenue. The applicant proposes to rezone a vacant two-acre parcel of land immediately adjacent to the East Hills Apartments to R-3 as a PUD in order to extend the apartment complex by 48 units. The parcel has no frontage to Eastern Avenue or NE 12th Street. Ms. Jones stated that public water and sewer are available to serve the site, with access from the existing East Hills Apartments and a secondary access point from the private roadway easement.

Ms. Jones stated that the concept of the PUD Design Statement was to provide a quality apartment complex that was cohesive with the existing structure resulting in an upgraded community. Ms. Jones advised that the applicant was proposing the following amenities:

1. A brick and wrought-iron boundary fence along the south and west sides of the property.
2. Extensive landscaping.

Although the Moore Vision 20/20 shows the parcel as Medium Commercial, staff does not feel this is feasible due to the limited access with no arterial roadway frontage. Ms. Jones added that the Comprehensive Plan allows Medium Commercial property to be considered for High Density Residential due to their similarities in land use.

The Final Plat reflects two lots on two acres. Lot One is the existing East Hills Apartments and Lot Two is the proposed extension.

Staff recommended approval of Agenda Items No. 6, 7 and 8, contingent upon changes to the PUD Design Statement which the applicant has already agreed to do. The changes involve planting 34 trees and 28 shrubs, extending the brick and wrought iron fence around the southern boundary of the original East Hills Apartments to provide uniformity with the expansion. The applicant was asked to provide staff with an architect's rendering of the apartment complex. Ms. Jones stated that renovation of the complex has already begun with the removal of the existing fireplaces.

Mayor Lewis asked Police Chief Williams if the police department responded to an inordinate number of calls from the complex. Chief Williams indicated that prior to the new management team the City had received an extraordinary number of calls for service. However, he was told that this group is much more proactive and had been working with the police department to resolve issues that existed prior to their takeover of the complex.

Councilman Roberts commented that he had driven through the complex and it appeared that an extensive amount of work was being done under the new ownership. Ms. Jones stated that the new owner is pretty confident that the renovations will be completed mid-spring of 2010. He would like to break ground on the new phase concurrent with the final renovations.

Councilman Cavnar stated that he would not be comfortable extending the complex as it existed in the past.

Councilwoman McMillan asked if there was any opposition to the items. Ms. Jones stated that no one appeared at the Planning Commission to voice objections to the item.

Councilwoman McMillan moved to approve Moore Vision 20/20 Comprehensive Plan Amendment No. 16, located in the SW/4 of Section 12, T10N, R3W, being north of NE 12th Street and east of Eastern Avenue, from Medium Commercial to High Density Residential, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER REZONING APPLICATION NO. RZ-841 LOCATED IN THE SW/4 OF SECTION 12, T10N, R3W, BEING NORTH OF NE 12TH STREET AND EAST OF EASTERN AVENUE, FROM C-4 PLANNED SHOPPING CENTER DISTRICT TO R-3/PUD GENERAL RESIDENTIAL DISTRICT AS A PLANNED UNIT DEVELOPMENT; AND APPROVE ORDINANCE NO. 650(09). APPLICATION BY D & S PROPERTIES, LLC/JASON THOMPSON.

Councilwoman McMillan moved to approve Rezoning Application No. RZ-841 and Ordinance No. 650(09), second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER THE FINAL PLAT OF THE EASTHILLS APARTMENT COMPLEX LOCATED IN THE SW/4 OF SECTION 12, T10N, R3W, BEING NORTH OF NE 12TH STREET AND EAST OF EASTERN AVENUE. APPLICATION BY D & S PROPERTIES, LLC/JASON THOMPSON.

Councilwoman McMillan moved to approve the Final Plat of the Easthills Apartment Complex located in the SW/4 of Section 12, T10N, R3W, being north of NE 12th Street and east of Eastern Avenue, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER MOORE VISION 20/20 COMPREHENSIVE PLAN AMENDMENT NO. 17 LOCATED IN THE SW/4 OF SECTION 25, T10N, R3W, BEING SOUTH OF SE 19TH STREET AND EAST OF BROADWAY AVENUE, FROM LIGHT COMMERCIAL TO HIGH DENSITY RESIDENTIAL. APPLICATION BY ARNOLD ROBERTSON.

Agenda Item Number 10 being:

CONSIDER REZONING APPLICATION NO. RZ-845, LOCATED IN THE SW/4 OF SECTION 25, T10N, R3W, BEING SOUTH OF SE 19TH STREET AND EAST OF BROADWAY AVENUE, FROM C-3 GENERAL COMMERCIAL DISTRICT TO R-3/PUD GENERAL RESIDENTIAL DISTRICT/PLANNED UNIT DEVELOPMENT; AND APPROVE ORDINANCE NO. 657(09). APPLICATION BY ARNOLD ROBERTSON.

Mayor Lewis asked for a tabling motion on Agenda Items No. 9 and 10 at the request of the applicant.

Councilman Roberts moved to table Agenda Items No. 9 and 10, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 11 being:

CONSIDER APPROVAL OF CHANGE ORDERS FOR FIRE STATION NO. 1 IN THE FOLLOWING AMOUNTS: KUSTOM BUILDINGS, INC. (WIND BRACING) IN THE AMOUNT OF \$18,267.00; KUSTOM BUILDINGS, INC. (HIP PLATES) \$1,894.00; APOLLO BUILDING SYSTEMS, INC. (WIND BRACING ERECTION) IN THE AMOUNT OF \$16,100.00; CGW, INC. (HIP PLATE INSTALLATION) IN THE AMOUNT OF \$2,616.00; CONTACT ELECTRIC (SUPPLEMENTAL HEATERS) IN THE AMOUNT OF \$4,078.99; AND ORCUTT PLUMBING (ROOM 168) IN THE AMOUNT OF \$1,105.00.

Stan Drake, Assistant City Manager, stated that the change orders were for construction of Fire Station One and roof construction on Stations 3 and 4. The addition of wind bracing and hip plates were recommended by the structural engineers and were not included in the plans. The supplemental heaters are for the sprinklers on the fire suppression system. Some of the workrooms adjoining the bay area are not heated so the supplemental heaters will prevent the sprinkler system from freezing in subzero temperatures. The item to Orcutt Plumbing is for extractors at Station One. An extractor is similar to a large washing machine that is used to clean bunker gear. The addition of this item should result in a cost savings. A different style of extractor was ordered but due to the manufacturer's recommendation they were going to be required to move some of the drainage systems. The new style would not require these changes resulting in a \$4,000 to \$5,000 savings.

Councilman Roberts moved to approve Change Orders for Fire Station No. 1 in the following amounts: Kustom Buildings, Inc. (Wind Bracing) in the amount of \$18,267.00; Kustom Buildings, Inc. (Hip Plates) \$1,894.00; Apollo Building Systems, Inc. (Wind Bracing Erection) in the amount of \$16,100.00; CGW, Inc. (Hip Plate Installation) in the amount of \$2,616.00; Contact Electric (Supplemental Heaters) in the amount of \$4,078.99; and Orcutt Plumbing (Room 168) in the amount of \$1,105.00, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 12 being:

CONSIDER APPROVAL OF CHANGE ORDERS FOR FIRE STATION NO. 3 IN THE FOLLOWING AMOUNTS: KUSTOM BUILDINGS, INC. (WIND BRACING) IN THE AMOUNT OF \$14,940.00; KUSTOM BUILDINGS, INC. (HIP & VALLEY PLATES) IN THE AMOUNT OF \$830.00; BEASLEY ERECTION (WIND BRACING ERECTION) IN THE AMOUNT OF \$14,970.00; AND EVERGREEN (HIP PLATE INSTALLATION) IN THE AMOUNT OF \$1,650.00.

Councilwoman McMillan moved to approve Change Orders for Fire Station No. 3 in the following amounts: Kustom Buildings, Inc. (Wind Bracing) in the amount of \$14,940.00; Kustom Buildings, Inc. (Hip & Valley Plates) in the amount of \$830.00; Beasley Erection (Wind Bracing Erection) in the amount of

\$14,970.00; and Evergreen (Hip Plate Installation) in the amount of \$1,650.00, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 13 being:

CONSIDER APPROVAL OF CHANGE ORDERS FOR FIRE STATION NO. 4 IN THE FOLLOWING AMOUNTS: KUSTOM BUILDINGS, INC. (WIND BRACING) IN THE AMOUNT OF \$14,940.00; KUSTOM BUILDINGS, INC. (HIP & VALLEY PLATES) IN THE AMOUNT OF \$830.00; BEASLEY ERECTION (HIP PLATE INSTALLATION) IN THE AMOUNT OF \$14,970.00; AND EVERGREEN (HIP PLATE INSTALLATION) IN THE AMOUNT OF \$1,650.00.

Councilman Roberts moved to approve Change Orders for Fire Station No. 4 in the following amounts: Kustom Buildings, Inc. (Wind Bracing) in the amount of \$14,940.00; Kustom Buildings, Inc. (Hip & Valley Plates) in the amount of \$830.00; Beasley Erection (Hip Plate Installation) in the amount of \$14,970.00; and Evergreen (Hip Plate Installation) in the amount of \$1,650.00, second by Councilwoman McMillan. Motion carried unanimously.

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

Agenda Item Number 14 being:

CONSIDER APPROVAL OF ANNEX H APPENDIX 3 "CITY OF MOORE CONTINUITY OF OPERATIONS PLAN – EPIDEMIC/PANDEMIC" TO THE CITY'S EMERGENCY OPERATIONS PLAN. EMERGENCY

Gayland Kitch, Emergency Management Director, stated that the supplement to the Emergency Operations Plan deals with how the City will continue operations if there is a large absentee rate and other issues dealing with an epidemic or pandemic. It sets out assumptions and responsibilities for the City Manager and department heads, and operations. Some of the City's operations cannot be shut down. Dispatchers, police officers, and firefighters have to be on duty to respond to operations. A plan must be in place on how we can provide essential services when we are understaffed. Services are divided into three levels Critical, Essential Support Services, and Non-Critical Services. Staff should determine how these services could continue in the event of mass employee sickness. Triggers are set at certain absentee rates. Preventative measures should be taken to prevent illness rather than deal with the aftereffects.

Steve Eddy, City Manager, pointed out that the plan includes a statement that gives the City Manager authority after consultation with the Mayor through an emergency declaration in an emergency situation to suspend personnel policies and procedures such as sick leave. So far there has not been a significant problem; however, upon approval of the plan it would give the City Manager authority with the Mayor's concurrence to amend the sick leave policy to allow for additional leave when the City informs sick employees that they must go home.

Mayor Lewis expressed his appreciation to Mr. Kitch for his work on the Emergency Operations Plan and stated that Moore has the best plan in the State.

Councilman Roberts moved to approve Annex H Appendix 3 "City of Moore Continuity of Operations Plan – Epidemic/Pandemic" to the City's Emergency Operations Plan, second by Councilwoman McMillan. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING CONVENED AT 7:25 P.M.

Agenda Item Number 15 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD OCTOBER 19, 2009.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$232,260.26.

Trustee Roberts to approve the consent docket in its entirety, second by Trustee Cavnar. Motion carried unanimously.

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

Agenda Item Number 16 being:

CONSIDER AUTHORIZING STAFF TO NEGOTIATE RENEWAL OF THE EXISTING COMMERCIAL SANITATION CONTRACT WITH ALLIED WASTE SERVICES.

Steve Eddy, Trust Manager, stated that the City has contracted with Allied Waste for several years for commercial sanitation services, and during that time they have provided extremely good service. Preliminary discussions have occurred with Allied regarding their contract which is due to expire the end of 2009. He stated that Allied was proposing a reduction in their contract price. He stated that it was his desire to continue providing high quality service to the City's commercial businesses without interruption. Mr. Eddy recommended renewal of the contract with Allied. He advised that representatives from Allied were in attendance at the meeting to answer any questions. Mr. Eddy stated that if it was agreeable with the City Council, an item would be placed on the next agenda for renewal of Allied's contract for a five-year period.

Trustee Roberts moved to authorize staff to re-negotiate a contract of the existing commercial sanitation contract with Allied Waste Services, second by Trustee McMillan. Motion carried unanimously.

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING CONVENED AT 7:29 P.M.

Agenda Item Number 17 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD OCTOBER 19, 2009.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$96,200.99.

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

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

THE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED AT 7:30 P.M.

Agenda Item Number 18 being:

NEW BUSINESS:

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

Tom Hauschild, 233 S. Janeway, expressed concern about how elderly people using City parks could identify their location over a cell phone if they were in need of emergency assistance. He suggested putting numbers or letters on poles along the trail so emergency personnel could locate them quicker. Gayland Kitch, Emergency Management Director, advised that dispatchers can map the location of a cell phone caller through the 9-1-1 system to within 10 to 30 feet.

Barry Dethloff, 532 Woodhollow Lane, stated that he understood the City was going to install speed bumps in the Crosstimbers Addition. There is a three-way stop at the intersection at Glenwood and Woodhollow Lane. Most drivers do not stop. He commented that his dog was run over and killed by a driver that didn't stop at the stop sign and he expressed concern that a child could be hit in the future. Mr. Eddy advised that he would look into the situation but rumble strips and signs might be a good option in the interim. Mr. Dethloff also asked if a sidewalk could be added to the 19th Street Bridge. He noticed a gentleman in a wheelchair and kids in a lane of traffic attempting to cross the bridge on numerous occasions. Mayor Lewis advised that the bridge is a State project. He hopes to make application to ACOG for sidewalks and a pedestrian walkway on the outside of the bridge. Mr. Eddy stated that staff spoke with ODOT during construction of the bridge and due to cost constraints it wasn't added to the project. Mr. Dethloff mentioned that there appears to be hog wire fencing along I-35 around the new development. Mayor Lewis stated that ODOT has approved a fencing project along both side of the I-35 service road. The materials for a white vinyl split-rail fence have been purchased and construction should begin within the next two weeks. Mr. Dethloff asked if the City could do anything to block the view of backyards on the east side of I-35. He suggested a solid concrete wall similar to those on I-240 in Oklahoma City. Mr. Eddy stated that a project like that would be nice but it would be very unlikely that the City could get funding for it. He mentioned that the solid fence on I-240 was erected for soundproofing reasons not for aesthetics.

Monty Lawler, President of the Moore Association of Classroom Teachers ("MACT") announced that American Education Week is November 15-21, 2009. She invited the City Council to be an educator for the day or to attend their open house. Ms. Lawler thanked Councilman Blair, Councilwoman McMillan, and Councilman Cavnar who agreed to participate at a school in their ward.

Jamie Rhodes, 933 SW 12th, thanked City Manager Steve Eddy and Councilman Cavnar for their response to an e-mail he sent regarding a barking dog complaint. He stated that he has two rescue dogs that he has sent to obedience school. However, he feels that the noise ordinance leaves a lot of leeway. But he felt that sometimes people can use it as a tool to punish their neighbors because it is so loosely written. Mr. Rhodes asked for specific times that barking is prohibited or the length of time. He said the way he read the ordinance he could play his stereo all day long but if his dog barked once he could be in violation. He stated that he keeps his dogs inside at night but he has had neighbors whose dogs were a disturbance and knows that an ordinance is needed for those situations but felt it should be more clear. Mr. Eddy stated that Mr. Rhodes situation is not unique. The City needs an ordinance that prohibits barking dogs but felt it would be difficult to determine when a dog can or can't bark. A determination of a barking dog violation is not absolute. It has to go through the municipal court system. Generally those things are worked out before a court appearance is necessary. Ordinarily the City can recognize when a complaint is issued out of spite due to a neighborhood dispute and try to limit our involvement. But on the other hand dogs that bark constantly are a noise nuisance. He felt there was a fine line between the rights of a dog owner and the rights of the neighbor next door to enjoy their peace and quiet. Mr. Eddy asked the City Attorney Randy Brink for his thoughts on the matter. Mr. Brink advised that most of the time when a complaint is made about a barking dog animal control will send a letter to the dog owner. He noted that most of the time the issue ends with the letter. When a second complaint is issued it goes before the Judge and a determination is made on whether the incident violates the ordinance. It has to be proven that there is a problem with long continuous barking. Mr. Rhodes requested that the ordinance be reviewed since it is so vague. He wanted it to set out what constitutes a nuisance. Councilman Cavnar agreed that the way the ordinance is written doesn't appear to be fair. Mr. Eddy stated that we absolutely don't have the ability to send someone out in the middle of the night to witness the barking. He commented that the letter is an attempt to notify the dog owner that a complaint has been issued by their neighbor and would they be a good citizen and take care of it. Mr. Eddy indicated that staff would look at ordinances from Oklahoma City and Norman to see if the situation with barking dogs can be handled differently. Councilman Roberts commented that these situations are always subjective.

B) ITEMS FROM THE CITY COUNCIL/MPWA TRUSTEES.

Councilman Cavnar stated that the area of Emergency Management is an important issue in the City but he doesn't worry about it because he knows Gayland Kitch, Emergency Management Director, will take care of it.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Steve Eddy, City Manager, indicated that numerous Halloween related activities held on October 31, 2009 were very successful. There were many employees who were assisting during the festivities and he congratulated them for a job well done.

Agenda Item Number 19 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:56 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

RECORDED BY:

CAROL FOLSOM, Purchasing Agent

FOR:

JANIE MILUM, MPWA Secretary

FOR:

KATHY MCMILLAN, MEDA Secretary

These minutes passed and approved as noted this ____ day of _____, 2009.

ATTEST:

JIM CORBETT, City Clerk