

**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 3, 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 November 3, 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, Cavnar, Roberts, Milum, Lewis
ABSENT: None

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; City Attorney, Randy Brink; Fire Chief, Charles Stephens; 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.

The invocation was given by Pastor Randy Little with the First United Methodist Church.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD OCTOBER 20, 2008.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$1,046,519.83.

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

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

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

Agenda Item Number 3 being:

RECEIVE PUBLIC INPUT REGARDING THE CITY OF MOORE'S STORMWATER QUALITY PROGRAM.

Elizabeth Jones, Community Development Director, advised that the City was entering its third year of a Stormwater Quality Program that was formed following a directive from the Environmental Protection Agency and the Oklahoma Department of Environmental Quality to implement a program with a five-year compliance deadline. This year the program focused on educating residents on stormwater issues. A poster was designed and posted at municipal buildings. A contract with the City of Oklahoma City was approved for use of their facility for disposal of household hazardous waste. Ms. Jones stated that two Friday afternoons her staff attended the Oklahoma State Fair to hand out information on how to keep stormwater clean. She felt it was received by the public very well. A water testing kit was purchased to obtain base counts this year. Testing will occur next year in order to monitor how Moore's water compares to other cities in the metro area. A stormwater quality model was also purchased and is used to educate kids and adults on how certain land uses affect stormwater. Next year staff will be expanding the public education campaign. Ms. Jones stated that although most people think of erosion control and construction sites when stormwater quality is discussed, this was only a third of the program. Eventually inspections would be made at businesses and industries that might have an impact on stormwater.

There were no questions from citizens.

THE PUBLIC HEARING WAS RECESSED AND THE CITY COUNCIL MEETING WAS RECONVENED:

Agenda Item Number 4 being:

CONSIDER APPROVAL OF A HOLD HARMLESS, INDEMNIFICATION AND REIMBURSEMENT AGREEMENT WITH PROPERTY CLOSING, LTD. (AKA DIRECT DEVELOPMENT) FOR FOUR MONUMENT SIGNS TO BE LOCATED WITHIN A 20-FOOT SANITARY SEWER LINE EASEMENT SOUTH OF SW 19TH STREET.

Elizabeth Jones, Community Development Director, advised that staff discovered during the site plan review for Direct Development that their signs were encroaching on an existing sanitary sewer easement. The easement provides Home Depot and the out lots with sewer. It was determined after careful review that the edge of the signs would be within five to six feet from a 12" sanitary sewer line. Robert Pistole, Project Manager with Veolia Water, took measurements at the site and felt that the signs would not adversely impact the sewer line. He also felt that repairs could be initiated without affecting their signs. However, staff felt it was prudent to obtain a Hold Harmless Indemnification and Reimbursement Agreement from Direct Development as a precautionary measure. In the event repairs must be made that would cause damage to Direct Development's signs, the agreement would prevent the City from incurring any liability. She added that in the agreement Direct Development would agree to incur any repair costs associated with damage to their signs.

Councilwoman McMillan moved to approve a Hold Harmless, Indemnification and Reimbursement Agreement with Property Closing, Ltd. (a/k/a Direct Development) for four monument signs to be located within a 20-foot Sanitary Sewer Line Easement south of SW 19th Street, second by Councilman Krows. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER APPROVAL OF A CONTRACT WITH MEADERS AND ASSOCIATES, LLC FOR APPRAISAL SERVICES OF ROADWAY EASEMENTS FOR THE S. SANTA FE (4TH TO 19TH) ROAD WIDENING PROJECT IN AN AMOUNT NOT TO EXCEED \$14,000.

Elizabeth Jones, Community Development Director, advised that the City secured federal funding for the reconstruction and widening of S. Santa Fe between 4th and 19th Streets. Right-of-way must be obtained on seven parcels of land. Since the project is federally funded certain protocols must be met in acquiring the easements. Every property owner has been contacted with a request to donate the easements. Only one property owner, Bill and Nancy Goodrich, has donated the necessary easements. The remaining property owners have elected to have their property appraised before making a decision. Several appraisers had been contacted before selecting Mark Meaders of Meaders and Associates. She noted that Mr. Meaders comes highly recommended because of his familiarity with the ODOT property acquisition regulations. The terms of the contract are \$2,000 per appraised parcel with a total contract amount of \$14,000.

Councilwoman Haworth moved to approve a contract with Meaders and Associates, LLC for appraisal services of roadway easements for the S. Santa Fe 4th to 19th Street road widening project in an amount not to exceed \$14,000, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER APPROVAL OF AN INTERLOCAL AGREEMENT WITH THE CLEVELAND COUNTY BOARD OF COMMISSIONERS FOR INTERLOCAL COOPERATION PERTAINING TO GRADING, DRAINAGE, AND HARD SURFACING OF CERTAIN STREETS WITHIN THE CITY, WHICH ARE CONTINUATIONS OR CONNECTING LINKS IN THE STATE AND COUNTY HIGHWAY SYSTEM.

Steve Eddy, City Manager, advised that the item was for annual renewal of an Interlocal Agreement with the Cleveland County Commissioners for assistance on road projects. Mr. Eddy indicated that the County has always been tremendously helpful to the City with these projects.

Councilman Krows moved to approve an Interlocal Agreement with the Cleveland County Board of Commissioners for interlocal cooperation pertaining to grading, drainage, and hard surfacing of certain streets within the City, which are continuations or connecting links in the State and County Highway System, second by Councilman Roberts. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING CONVENED AT 6:39 P.M.

Agenda Item Number 7 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD OCTOBER 20, 2008.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$349,462.23.

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

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING CONVENED AT 6:40 P.M.

Agenda Item Number 8 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD OCTOBER 20, 2008.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$114,175.27.

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

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

Agenda Item Number 9 being:

DISCUSS AND CONSIDER A TORT CLAIM FILED BY JOHN WILLARD OF 1509 EAGLE DRIVE ALLEGING THAT HIS GATE WAS BROKEN DOWN AND HIS SUNFLOWERS WERE DESTROYED DURING A CODE ENFORCEMENT ABATEMENT OF HIS PROPERTY.

Gary Benefield, Risk Manager, stated that according to the Code Enforcement officer the gate was laying on the ground in a dilapidated condition when they were investigating the violation of high weeds and grass prior to the abatement. Mr. Benefield advised that pictures were contained in the agenda packet for Council's review. He noted that one picture reflected a fence panel in bad repair that was lying against the house with plywood erected in its place. Staff believes that the owner had received proper notice prior to the abatement and that the gate was in bad repair prior to that time.

Trustee Roberts moved to deny a tort claim filed by John Willard of 1509 Eagle Drive alleging that his gate was broken down and his sunflowers were destroyed during a code enforcement abatement of his property, second by Trustee Cavnar. Motion carried unanimously.

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

THE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED AT 6:48 P.M.

Agenda Item Number 10 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.

Councilman Krows encouraged citizens to vote. He advised that he was a member of the transportation committee that made the recommendations for the street repairs that are up for consideration under the \$18 million G.O. bond issue. Councilman Krows assured the citizens of Moore that they studied the proposal in depth and looked at various funding options but determined that a G.O. bond was the best option.

C) ITEMS FROM THE CITY/TRUST MANAGER.

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

- Would be calling David Watson with Direct Development on the status of the project
- City Manager Steve Eddy, Councilman Roberts, Mayor Lewis, and Economic Development Director Deidre Ebrey, met with Bill Meek and John Salisbury last week regarding the impact the current economic situation was having on retail sales. They reported a weak September but a strong October.
- Met with the manager of Best Buy who was excited about their opening scheduled for mid-November.
- Halloween events held October 31, 2008 were strongly attended with no major incidents.
- Library roof project 30% to 40% complete.

Agenda Item Number 11 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 6:52 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