

**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
JANUARY 19, 2010 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on January 19, 2010 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, Milum, Lewis

ABSENT: Krows

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; City Attorney, Randy Brink; City Clerk, Jim Corbett; Community Development Director, Elizabeth Jones; Manager of Information Technology, David Thompson; Economic Development Director, Deidre Ebrey; Emergency Management and Communications Director, Gayland Kitch; Deputy Fire Chief, Gary Bird; Parks & Recreation Director, Cindy Deckard; Risk Manager, Gary Benefield; Police Chief, Ted Williams; Public Works Director, Richard Sandefur; and Veolia Water Project Manager, Robert Pistole.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JANUARY 4, 2010.
- B) DECLARE A 1990 CHEVROLET PICKUP VIN # 1GCDC14K4LZ263165 AND A 1995 CHEVROLET PICKUP VIN # 2GCEK19K7S1230278 AS SURPLUS.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$1,854,431.99.

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

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

Agenda Item Number 3 being:

CONSIDER REZONING APPLICATION NO. RZ-846 LOCATED IN THE SW/4 OF SECTION 1, T10N, R3W, BEING NORTH OF NE 27TH STREET AND EAST OF EASTERN AVENUE FROM A-2 SUBURBAN AGRICULTURAL DISTRICT TO R-1 SINGLE-FAMILY DWELLING DISTRICT; AND APPROVE ORDINANCE NO. 659(09). APPLICATION BY VENTURA HOMES/DAVIN METHVIN.

Elizabeth Jones, Community Development Director, stated that the subject property was located north of NE 27th Street and east of Eastern. The applicant proposed rezoning the property from A-2 Suburban Agricultural District to R-1 Single-Family Dwelling District for a residential subdivision. The approximate density would be five units per acre. The applicant proposed removing the existing home and constructing homes on 22 lots with on-site detention. Ms. Jones noted that a 12" water main was available from NE 27th Street, and sanitary sewer was available from the Amber Ridge Addition to the south. The property is not located in a floodplain, and access would be provided from NE 27th Street. Due to drainage concerns from the neighboring property owners, the applicant would provide on-site detention through a detention pond located on the eastern edge of the property. The outflow of the detention area during a storm event would be released at a controlled rate equal to that of the undeveloped property. The outflow would be directed into a public drainage easement to the east of the property. Ms. Jones indicated that the application was in compliance with the Moore Vision 20/20 since R-1 uses are considered to be Low Density Residential.

Ms. Jones advised that this item was tabled at the December 7, 2009 City Council meeting. The City Council requested that the applicant work to resolve the stormwater drainage concerns of the neighbors to the east. The Planning Commission would then rehear the item after a solution had been formulated. She stated that the applicant provided on-site detention and preliminary drainage calculations to the City, which the City's engineer has since reviewed and approved. The Planning Commissioners were presented with the detention plan and drainage calculations and after thorough discussion of the issues recommended approval of the item 7 to 1. Ms. Jones explained the issues that were used to reverse the Planning Commission's original recommendation for denial. She advised that the applicant would be providing more detention than is required under City Code. The Low Density Residential Land Use Designation is an allowable use under the comprehensive plan. And the Rezoning Application and Preliminary Plat met or exceeded all requirements under the City Code. Much of the discussion during the Planning Commission meeting centered around off-site drainage to the north of Gabriel's Crossing from the Lakeside Golf Course. Ms. Jones advised that the City Manager's office had been reviewing the drainage issues in order to formulate a solution to the problem.

Stan Drake, Assistant City Manager, advised that the City received calls regarding drainage issues prior to the proposed rezoning application. However, Mr. Drake felt that adequate detention could be created in order to resolve the problem. Drainage issues were created when runoff from the Lakeside Golf Course from the north drains onto a portion of Gabriel's Crossing and Bradford Court to the south. However, most of the water is diverted into another drainage basin. Currently there are two 30-inch pipes that are discharging from the south end of the golf course property. Staff would propose removing one pipe and creating a detention area to control the release of the water. The discharge would be controlled upstream thus preventing much of the erosion that has taken place downstream. Mr. Drake felt that this option would improve the situation to what it was prior to Gabriel's Crossing being developed approximately three to five years ago. He advised that barring inclement weather the work would begin within the next month.

Councilman Roberts stated that this solution should remedy the situation that occurred prior to Gabriel's Crossing being developed.

Councilwoman Milum advised that she attended the Planning Commission meeting on January 12, 2010 and felt that the proposed solution should resolve many of the problems that they discussed at that time, which primarily include drainage of the water from the north and the addition of the new development.

Mr. Drake advised that he met with the owner of Lakeside Golf Course and obtained his verbal permission for right-of-entry onto the property to make the necessary changes.

Citizens to Speak:

Todd Bowling, 1100 NE 29th in the Bradford Court Addition. Mr. Bowling stated that he was unable to attend the January 12, 2010 Planning Commission meeting because he was out of town and did not know the outcome of that meeting. Mr. Bowling expressed concern that the runoff from the new development would be diverted directly into his culvert and pond. He advised that he had been researching the City ordinances and stated that the required post development runoff calculations were never prepared. A section of the Code also states that new developments must employ the use of a regional detention pond and not use multiple individual ponds. Mr. Bowling stated that the water from the development would go from a detention pond into the property owner's pond. The Code also states that all detention facilities shall remain in the care of the private sector and be the responsibility of the property owner's association. He added that the section regarding determination of stormwater runoff states explicitly what computations needed to be done. He stated that the size, shape and characteristics of the watershed must be determined. Mr. Bowling indicated that these things have not been determined. The drainage area contributing to the system and the sub-area contributing to each inlet point should be identified. He stated that to his knowledge this has not been done either.

Elizabeth Jones, Community Development Director, confirmed that the sections of the Code being cited by Mr. Bowling were correct. However, it is really the timing of the development plans that come into question. At this point the applicant is requesting preliminary plat approval, which does not require full engineering with a final set of plans. She added that those items are required at the final plat stage which would be considered by Council at a future date. All of the requirements under the City's drainage ordinance would be addressed with the final plat and final construction plans. Ms. Jones indicated that the developer had actually provided more information than was required of him at this time. Preliminary calculations were given to the City's engineer, who wrote the drainage ordinance for the City and was very familiar with the requirements. The engineer confirmed that so far the calculations work out.

Mr. Bowling stated that he was supportive of the land being developed but wanted to ensure that it was done correctly. He suggested that a subsurface pipe be installed or an enclosed storm sewer. He knew it may not be cost effective but was an option to taking the water and putting it somewhere else.

Mayor Lewis commented that the developer must comply with the drainage ordinance requirements before the final plat was approved. Mr. Bowling stated that he filed a protest but was told that the protest was not discussed at the meeting. Ms. Jones indicated that the Planning Commissioners were given copies of the protest and were aware of it. Mr. Bowling then presented the City Council with a copy of the protest. Ms. Jones indicated that she believed a copy of the protest was also e-mailed to the City Council. Mr. Bowling asked what the allowable densities were per acre. Ms. Jones indicated that around four units per acre was typical. She advised that the subject development would be between four and five units per acre. She added that even by rounding the number up to 5 units per acre it was still within the R-1 requirements. Mr. Bowling asked about required setbacks and commented that it appeared a lot of allowances were being made for the development. He also mentioned a cesspool was located on the property and understood that the issue must be addressed before building a house on it. Ms. Jones indicated that the cesspool was discussed at the Planning Commission. She noted that the applicant was in attendance at the meeting and was available for questions. Mayor Lewis asked Mr. Bowling if he would have an issue with the development if the drainage ordinance requirements were followed. Mr. Bowling indicated that he would not have a problem if the

drainage issues are addressed properly. He advised that during the previous development the runoff caused so much erosion he had to buy 75 cubic yards of dirt and 4,000 square feet of sod just to keep his driveway intact. He also had to bring in 100 cubic yards of dirt and 5,000 square feet of sod for his backyard too. Now there would be a pipe with water coming out of it pooling in his backyard.

Mike Angelin, 1108 NE 29th Street, stated that he was not opposed to development and was not an environmentalist but felt it was wrong when residents are damaged from development upstream. Mr. Angelin indicated that the spillway was on his property and he gets a lot of the runoff in his pond. He stated that his sidewalks are damaged and his landscaping is dying from the runoff. Mr. Angelin also indicated that he applies treatment to his grass and the chemicals are washed off. He also has a problem with trash being washed onto his property following a rain. Mr. Angelin requested delaying the development until a solution could be found for the runoff problems. He suggested that runoff from the golf course should go east to the creek instead of routing it through a property owner's spillway and pond. The runoff from the pond would end up in the same creek. Mayor Lewis stated that the City proposed a solution to alleviate some of the drainage issues earlier in the meeting; however, since Mr. Angelin arrived late to the meeting he was unaware of the suggested remedy for the situation. Stan Drake, Assistant City Manager, explained that he felt the City could ultimately control the release of water coming from the golf course resulting in less erosion downstream.

Steve Eddy, City Manager, commented that the drainage issues and the proposed subdivision are primarily two different issues. Whether the subdivision is approved or not, the City would still address the drainage issues.

Mayor Lewis added that the applicant had not supplied the City with full engineering and a final set of plans, because the items were not required until the applicant requests final plat approval. All of the requirements under the City's drainage ordinance would be addressed through the final construction plans.

Mr. Angelin commented that he understood that the water would be slowed down but asked if the volume would be decreased. Mr. Drake indicated that the historical water patterns existing prior to Gabriel's Crossing would not be changed in the basin. However, he reiterated his opinion that most of the homeowner's runoff problems were coming from the golf course not Gabriel's Crossing. Only about five acres of Gabriel's Crossing is going through the basin, the majority of the water from the subdivision is going due south to a flume. However, there is approximately 40 acres of golf course property runoff that falls onto the homeowner's property. The owner of the golf course is willing to allow the City access to his property to perform the proposed detention work.

Mr. Angelin expressed his appreciation for the City's assistance with the drainage issues. He admitted that he was not certain exactly what was planned but trusted that it would work. Stan Drake, Assistant City Manager, offered to meet with Mr. Angelin and show him the proposed plans for the construction work being proposed.

Councilman Roberts confirmed that the issue being considered was the rezoning of the property, and that construction would not move forward until the applicant received final plat approval and staff is satisfied that all engineering and drainage requirements have been met.

Councilman Roberts moved to approve Rezoning Application No. RZ-846 and approve Ordinance No. 659(09), second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER THE PRELIMINARY PLAT OF BROOKSTONE VILLA, LOCATED IN THE SW/4 OF SECTION 1, T10N, R3W, BEING NORTH OF NE 27TH STREET AND EAST OF EASTERN AVENUE. APPLICATION BY VENTURA HOMES/DAVIN METHVIN.

Elizabeth Jones, Community Development Director, stated that Agenda Items No. 3 and 4 were companion items. Ms. Jones advised that the proposed preliminary plat included 22 lots with on-site detention. The developer was requesting a 20-foot building line to accommodate for slightly shallower lots. This request is not unusual and has been granted by the City Council in the past. She stated that a 20-foot building line would allow the properties to have a more usable backyard and would not affect the appearance from the street or limit parking. In addition the developer is proposing to locate the sewer in the front yards. Ms. Jones stated that this request is also not unusual and has been permitted in the past. This will allow a landscaping strip between the proposed Brookstone Villa addition and the Bradford Place Estates as natural grass to assist with erosion control and to prevent the property from being disturbed during the construction phase.

Ms. Jones reiterated that the next step would be approval of the final plat. The Planning Commission and City Council will have an opportunity review the final construction plans, which would include much more detail on the issues being discussed, before consideration of the item.

Mayor Lewis asked what size houses would be constructed. Applicant, David Methvin indicated the homes would be at least 1,600 square feet.

Mayor Lewis offered an opportunity for anyone opposed to the item to speak. Finding none he asked for a motion.

Councilman Roberts moved to approve the Preliminary Plat of Brookstone Villa, located in the SW/4 of Section 1, T10N, R3W, being north of NE 27th Street and east of Eastern Avenue, second by Councilwoman Milum. Motion carried unanimously.

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

Mayor Lewis asked what the status of the detention pond would be when the City Council considers final plat approval of the item. Stan Drake, Assistant City Manager, indicated that the detention work should be complete by that time.

Councilwoman McMillan asked if the residents would be notified when the final plat would be heard by the City Council. Elizabeth Jones, Community Development Director, advised that staff does not ordinarily make notification on final plats. Mayor Lewis requested that the residents be notified of the date the final plat would be heard by the City Council.

Agenda Item Number 5 being:

CONSIDER APPROVAL OF A LOT SPLIT LOCATED IN THE SW/4 OF SECTION 25, T10N, R3W, BEING NORTH OF SW 34TH STREET AND WEST OF BROADWAY. APPLICATION BY DAVID YOUNG.

Elizabeth Jones, Community Development Director, advised that the applicant David Young submitted a lot split application for one lot located north of SW 34th Street and west of Broadway. The vacant

property is currently zoned C-2 Neighborhood Commercial District. The applicant would like to put the property up for sale. The proposed lot conforms with all C-2 requirements and has water and sewer available to serve the site. Staff recommended approval of the application contingent upon receiving a roadway and utility easement for Broadway, and all sanitary sewer easements filed in Cleveland County for public sewer lines that service the property.

Councilwoman McMillan moved to approval of a lot split located in the SW/4 of Section 25, T10N, R3W, being north of SW 34th Street and west of Broadway, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER AUTHORIZING STAFF TO ENTER INTO CONTRACT NEGOTIATIONS WITH PINNACLE MAPPING TECHNOLOGIES AND THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS (ACOG) FOR ORTHOPHOTOS AND ASSOCIATED PLANIMETRIC DATA FOR THE CITY OF MOORE AT A COST NOT TO EXCEED \$27,000.

Elizabeth Jones, Community Development Director, stated that the latest aerial photos and associated data available to the City are from 2004 or 2005. Because of all of the activity and growth the City has experienced the photos are outdated and do not reflect some of the most recent projects in the City. Ms. Jones noted that coincidentally the Association of Central Oklahoma Governments (ACOG) was forming a committee of Central Oklahoma communities to enter into a contract for aerial photography and associated planimetric data. The project was submitted for bid and Pinnacle Mapping Technologies was the low bidder. ACOG is the lead agency; however, Moore would be contracting directly with Pinnacle. The cost of the project would be reduced due to the volume of work provided. The City's cost for its portion of the contract would be \$26,216. Ms. Jones noted that the City spent \$30,000 in 2004 for the same data. The aerial photographs would be in color and within six-inch accuracy. The planimetric data includes impervious surface, building footprints, and street centerlines, among other things. Contour data would also be available which would be beneficial to engineers in particular. Ms. Jones indicated that if staff approves entering into negotiations she would anticipate a contract being available for consideration at the February 1, 2010 City Council meeting. The fly date would be set for March 2010 and aerials would be available within one to two months.

Councilwoman McMillan moved to authorize staff to enter into contract negotiations with Pinnacle Mapping Technologies and the Association of Central Oklahoma Governments (ACOG) for orthophotos and associated planimetric data for the City of Moore at a cost not to exceed \$27,000, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER APPROVAL OF A CONTRACT WITH EVERGREEN PARTNERSHIP, INC. FOR BID PACKAGE NO. 21 – SPECIALTIES, IN THE AMOUNT OF \$55,413.00 FOR FIRE STATION NO. 1.

Stan Drake, Assistant City Manager, stated that Agenda Items No. 7, 8, 9, 10, 11.1, and 11.2 were associated items pertaining to construction costs for the new fire stations. Mr. Drake indicated that Items No. 7 and 11.1 and 11.2 are new contractual agreements with subcontractors. The construction of the fire stations involved approximately 30 different trades. The new agreements involve areas in which there were no bidders. The construction manager solicited bids and recommended the following:

Agenda Item No. 7: Recommend approval of a contract with Evergreen Partnership, Inc. in the amount of \$55,413 for specialty items for the interior of Station One. It involves miscellaneous items such as marker boards, tack boards, identifying devices, lockers, specialty items, and toilet and bath accessories.

Agenda Item No. 11.1: Recommend approval of two contracts with Baldwin Acoustics and Drywall, Inc. for Fire Stations No. 3 and 4 for insulation in the combined amount of \$66,000.

Agenda Item No 11.2: Recommend approval of two contracts with Complete Waterproofing Services for thermal and moisture protection and fire stopping for Fire Stations No. 3 and 4 in the combined amount of \$144,450.

Mr. Drake indicated that Agenda Items No. 8, 9 and 10 are Change Orders. The shower pans were not included in the bid specifications. Staff was able to obtain a cost savings due to a change from Terrazzo to a ceramic tile shower pan. Ten shower stalls would be installed at Station 1 and four shower stalls at the other substations by Fowler Floor World in the combined amount of \$3,200. Wade Electric would be installing supplemental heaters at Station 3 in the amount of \$3,215 and Alliance Electric would be installing supplemental heaters at Station 4 in the amount of \$3,450.

Councilman Roberts moved to approve a contract with Evergreen Partnership, Inc. for Bid Package No. 21 – Specialties, in the amount of \$55,413.00 for Fire Station No. 1, second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER APPROVAL OF A CHANGE ORDER FOR FIRE STATION NO. 1 IN THE FOLLOWING AMOUNT:
FOWLER FLOOR WORLD FOR TEN SHOWER PANS IN THE AMOUNT OF \$4,000.

Councilwoman McMillan moved to approve a change order for Fire Station No. 1 to Fowler Floor World for ten shower pans in the amount of \$4,000, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER APPROVAL OF A CHANGE ORDER FOR FIRE STATION NO. 3 IN THE FOLLOWING AMOUNTS:
FOWLER FLOOR WORLD FOR FOUR SHOWER PANS IN THE AMOUNT OF \$1,600, AND WADE ELECTRIC FOR SUPPLEMENTAL HEATERS IN THE AMOUNT OF \$3,215.

Councilwoman McMillan moved to approve a Change Order for Fire Station No. 3 in the following amounts: Fowler Floor World for four shower pans in the amount of \$1,600, and Wade Electric for supplemental heaters in the amount of \$3,215, second by Councilman Roberts Motion carried unanimously.

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

Agenda Item Number 10 being:

CONSIDER APPROVAL OF A CHANGE ORDER FOR FIRE STATION NO. 4 IN THE FOLLOWING AMOUNTS: FOWLER FLOOR WORLD FOR FOUR SHOWER PANS IN THE AMOUNT OF \$1,600, AND ALLIANCE ELECTRIC FOR SUPPLEMENTAL HEATERS IN THE AMOUNT OF \$3,450.

Councilman Roberts moved to approve a Change Order for Fire Station No. 4 in the following amounts: Fowler Floor World for four shower pans in the amount of \$1,600, and Alliance Electric for supplemental heaters in the amount of \$3,450, second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 11 being:

DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE RESCIND APPROVAL OF SALES TAX REBATE AGREEMENT BETWEEN THE CITY OF MOORE AND PROPERTY CLOSING LTD, PREVIOUSLY APPROVED BY THE CITY COUNCIL ON OCTOBER 6, 2008.

Steve Eddy, City Manager, stated that the item was placed on the agenda to have Council formally rescind a Sales Tax Rebate Agreement between the City of Moore and Property Closing Ltd. The agreement with Direct Development was entered into as incentive to induce a particular retailer to build in the area of SW 19th and Telephone Road. The project fell through and the agreement should be rescinded in order to ensure that the agreement would not affect current negotiations.

However, Mr. Eddy stated that staff intended to request that a similar agreement be approved under Agenda Item No. 16 by the Moore Economic Development Authority Trustees with Terry Fritts dba Teddy Bear Partners, LLC, as incentive for the construction of a Target store at SW 19th Street west of Fritts Boulevard. However, staff would request that Agenda Item No. 16 be tabled to the February 1, 2010 City Council meeting.

Councilwoman McMillan moved to rescind approval of Sales Tax Rebate Agreement between the City of Moore and Property Closing LTD, previously approved by the City Council on October 6, 2008, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 11.1 being:

CONSIDER APPROVAL OF TWO CONTRACTS WITH BALDWIN ACOUSTICS AND DRYWALL, INC. FOR BID PACKAGE NO. 9 – BOARD AND BATT INSULATION, IN THE TOTAL AMOUNT OF \$66,000 FOR FIRE STATIONS NO. 3 AND 4.

Councilman Roberts moved to approve two contracts with Baldwin Acoustics and Drywall, Inc. for Bid Package No. 9 – Board and Batt Insulation, in the total amount of \$66,000 for Fire Stations No. 3 and 4, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 11.2 being:

CONSIDER APPROVAL OF TWO CONTRACTS WITH COMPLETE WATERPROOFING SERVICES FOR BID PACKAGE NO. 8 – THERMAL AND MOISTURE PROTECTION, IN THE TOTAL AMOUNT OF \$144,450 FOR FIRE STATIONS NO. 3 AND 4.

Councilwoman McMillan moved to approve two contracts with Complete Waterproofing Services for Bid Package No. 8 – Thermal and Moisture Protection, in the total amount of \$144,450 for Fire Stations No. 3 and 4, second by Councilwoman Milum. Motion carried unanimously.

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

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

Agenda Item Number 12 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD JANUARY 4, 2010.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$798,939.60.

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

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 7:26 P.M.

Agenda Item Number 13 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD JANUARY 4, 2010.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$195,774.15.
- C) APPROVE PAYMENT OF A COURT ORDERED WORKERS' COMPENSATION SETTLEMENT IN THE AMOUNT OF \$26,010.00 TO GIA RODRIGUEZ FOR CLAIM NO. 2008-13688Q AND AUTHORIZE PLACEMENT ON THE PROPERTY TAX ROLLS.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS CONVENED WITH CHAIRMAN DAVID ROBERTS PRESIDING AT 7:27 P.M.

Agenda Item Number 14 being:

ROLL CALL

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

Agenda Item Number 15 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING HELD DECEMBER 21, 2009.

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

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

Agenda Item Number 16 being:

DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE APPROVE SALES TAX REBATE AGREEMENT BETWEEN THE MOORE ECONOMIC DEVELOPMENT AUTHORITY AND TERRY FRITTS DBA TEDDY BEAR PARTNERS, LLC, AS INCENTIVE TO CAUSE THE DEVELOPMENT OF A *TARGET* STORE ON SW 19TH STREET WEST OF FRITTS BOULEVARD.

Trustee McMillan moved to table Agenda Item No. 16, second by Trustee Cavnar. Motion carried unanimously.

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

Agenda Item Number 17 being:

DIRECTOR'S REPORT

Deidre Ebrey, Economic Development Director, advised of the following items:

Jack-in-the-Box closed on the property off 19th Street next to Chili's.

Ms. Ebrey received comments about the new businesses in the City being primarily fast food restaurants. She stated that attracting any type of new business in today's economy is a good thing and the fast food sector is the only thing moving. She stated that she is not actively recruiting fast food restaurants and the City isn't offering them any incentives. The market is available for them and they are adding to the City's tax base. Impact fees are extremely expensive for fast food restaurants with drive-thru windows. Steve Eddy, City Manager, indicated that impact fees were developed several years ago prior to the development craze and since drive-thru restaurants generate much more traffic their fees are higher on a traffic impact fee basis compared to many other retail uses.

Councilman Roberts asked if the traffic impact fees were fair. Mr. Eddy stated no other city in the metro area has traffic impact fees; therefore, we have no way of making a comparison. Moore instituted impact fees approximately 15 years ago. An extensive study was done to determine what the traffic impact was for any given use. Fast food traffic is much more significant than other types of uses. Councilman Roberts stated that the fees do not appear to be discouraging fast food retailers from coming to the City. Ms. Ebrey indicated that many of the restaurants have a different concept and use their windows primarily for pick up orders which wouldn't have the negative impact on the streets. She stated that staff might look into tiered impact fees for those restaurants which aren't totally fast food.

The walls are going up on the Hobby Lobby with an anticipated opening date of April 1, 2010. The developer Burk Collins is excited about pending leases.

Moore will host a state wide retail summit for the Oklahoma Municipal League in February 2010. Moore will be assisting small communities in understanding the retail game.

The 2010 Economic Profile will be ready for distribution in February 2010. It will have a slightly new format and include population, housing values, largest businesses, and quality of life issues.

The website traffic continues to increase. The intranet appears to be doing well.

Business Spotlight will feature Quizno's in Riverwalk and Yogurt Bliss next door to the newly opened Louie's.

THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 7:39 P.M.

Agenda Item Number 18 being:

RATIFY ACTION OF THE MOORE ECONOMIC DEVELOPMENT AUTHORITY APPROVING SALES TAX REBATE AGREEMENT WITH TERRY FRITTS DBA TEDDY BEAR PARTNERS, LLC.

Councilwoman McMillan moved to table Agenda Item No. 18, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 19 being:

NEW BUSINESS:

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

There were no citizens to speak.

B) ITEMS FROM THE CITY COUNCIL/MPWA TRUSTEES.

There were no items from the City Council.

C) ITEMS FROM THE CITY/TRUST MANAGER.

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

- Indicated that a large Oklahoma City water line break could affect the northern portions of Moore if it takes too long to get their line repaired and operational. Code Red would be used to notify the citizens of any urgent information. In the meantime he requested that citizens living around NW 20th north to the City limit line conserve water in the event there is a shortage. Water storage levels have already begun dropping.
- Potholes resulting from the blizzard are being filled as soon as possible. Waterline breaks due to the extreme temperatures are being repaired as quickly as possible.
- The City was planning to purchase a thermal imaging camera for Fire Engine No. 4 using sales tax money. However, Deputy Chief Bird was able to obtain the unit through the Urban Area Security Initiative grant as part of the Homeland Security Program. The \$10,000 piece of equipment allows the firefighters to look for hidden fires in the ceiling or a wall using thermal imaging.
- January sales tax receipts were up 1.5%. Most metro area cities are having significant problems with the exception of Moore and Yukon.

Mayor Lewis thanked the City Council for their work in making Moore pro-business.

Agenda Item Number 20 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:45 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 _____, 2010.

ATTEST:

JIM CORBETT, City Clerk