

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
THE MOORE RISK MANAGEMENT BOARD
DECEMBER 1, 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 December 1, 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: McMillan, Haworth, Cavnar, Roberts, Milum, Lewis
ABSENT: Krows

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 Roger Velasquez with Shekinah Fellowship Church.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD NOVEMBER 17, 2008.
- B) RECEIVE AND APPROVE THE MINUTES OF THE PARKS BOARD MEETINGS HELD AUGUST 5, 2008, SEPTEMBER 8, 2008, AND OCTOBER 7, 2008.
- C) RELEASE A PUBLIC UTILITY EASEMENT LOCATED IN THE NW/4 OF SECTION 26, T10N, R3W, BEING SOUTH OF SW 19TH STREET AND EAST OF I-35.
- D) APPROVE THE ISSUANCE OF HOLIDAY GIFT CERTIFICATES FOR EMPLOYEES IN THE AMOUNT OF \$50.00 EACH.
- E) APPROVE A BUDGET SUPPLEMENT AND A RESIDUAL EQUITY TRANSFER TO THE SPECIAL REVENUE FUND IN THE AMOUNT OF \$4,870.
- F) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$1,594,482.65.

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

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

Agenda Item Number 3 being:

CONSIDER ADOPTION OF RESOLUTION NO. 665(08) PERTAINING TO THE GENERAL OBLIGATION BONDS OF 2009, APPROVED BY A MAJORITY OF THE QUALIFIED VOTERS AT AN ELECTION HELD ON NOVEMBER 4, 2008, FIXING THE AMOUNT OF BONDS TO MATURE EACH YEAR, FIXING THE TIME AND PLACE THE BONDS ARE TO BE SOLD AND AUTHORIZING THE CITY CLERK TO GIVE NOTICE OF SAID SALE AS REQUIRED BY LAW.

Steve Eddy, City Manager, advised that Resolution No. 665(08) was identical to Resolution No. 662(08), which was approved at the November 17, 2008 City Council meeting, with the exception of the sale date. Paul Smith, the City's financial advisor, recommended postponing the sale date due to the current state of the economy to allow for better rates on the bonds. Mr. Eddy indicated that he hoped to get between 4.5% to 4% interest rates on the bonds. Under Resolution No. 665(08), the bid date would be rescheduled to December 15, 2008.

Mr. Eddy stated that Terry Hawkins, the City's bond counsel, was in attendance at the meeting. Mr. Hawkins felt that delaying the bond sale shouldn't cause a problem. He still anticipated that the bonds could be dated by January 2009. Mr. Hawkins advised that after the bonds are sold a transcript would be prepared and delivered to the attorney general within one week for approval. A thirty day waiting period is mandatory prior to close of the sale. If the bids are favorable on December 15, 2008 then two resolutions would be on the next agenda for approval. One resolution accepts the low bid and the other resolution authorizes the issuance of the bonds.

Councilman Roberts moved to adopt Resolution No. 665(08), second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 4 being:

AUTHORIZE STAFF TO SOLICIT BIDS FOR EROSION CONTROL ABATEMENT AND CLEAN-UP SERVICES FOR CONSTRUCTION ACTIVITIES.

Elizabeth Jones, Community Development Director, advised that Agenda Items No. 4 and 5 were companion items. Ms. Jones stated that City staff met with the Moore Homebuilders Association to discuss problems occurring in the City's subdivisions with erosion control. They came up with a system for abating the erosion control activities while still allowing the builders and developers to move forward with the building process. She commented that the intent is not to penalize the innocent parties. Ms. Jones outlined issues that were discussed:

1. Plats under development that have been filed with Cleveland County containing stormwater or erosion control violations directly related to the developer would result in halting all building permits in the addition until the violations are corrected.

2. Plats filed after January 1, 2009 would require a \$300 deposit for each lot that would be placed in a pre-paid account for each builder. Any violations would be abated and funded by the pre-paid account. The pre-paid account must be replenished so that \$300 must be on hand for each open lot or a lot without an occupancy permit. Quarterly reimbursements would be given on those lots that receive occupancy permits.
3. Individual lots owned by a builder would go through the normal abatement process since stormwater violations are considered a public nuisance. The inspectors will have some discretion in this area and can determine where the violation is coming from most of the time.

Ms. Jones stated that Agenda Item No. 4 authorizes staff to solicit bids for erosion abatement services. Item No. 5 is consideration of Ordinance No. 641(08) establishing a Stormwater Violation Abatement Deposit and Reimbursement Procedures and allowing the City to pull from the deposit when corrections need to occur, and outlining the reimbursement procedures.

Mayor Lewis asked how the amount of the deposit was determined. Ms. Jones asked the homebuilders what it cost them to install erosion control methods. Staff also looked at the abatements that the City did on stormwater violations. The final number was an average figure that everyone appeared to be agreeable with.

Councilman Roberts asked if the deposit was just enough to cover the cost of the installation of erosion barriers what would happen if the builders decided to allow the City to do it for them. He suggested that a penalty be attached to it. Ms. Jones indicated that the code enforcement process does include a \$100 administrative fee. However, if Council would like to implement a penalty fee staff could certainly look into it. Mr. Eddy added that the administrative fee could be assessed to the builders; however, the \$300 fee would be assessed on each lot to the developer. It would likely be on several lots and any or all of the money could be used on any problem with their lots.

Ms. Jones noted that there were only a handful of problem developers and builders, and that the majority appeared extremely responsible by responding to a problem as soon as they became aware of it.

Councilman Cavnar asked for Councilwoman Haworth's opinion regarding the proposal. Councilwoman Haworth advised that she sat on the committee and felt that the recommendation was very fair and would work to remedy the problem.

Councilwoman McMillan moved to authorize staff to solicit bids for erosion control abatement and clean-up services for construction activities, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER ORDINANCE NO. 641(08) AMENDING PART 12, CHAPTER 15, ARTICLE B, SECTION 12-205, BY ESTABLISHING A STORMWATER VIOLATION ABATEMENT DEPOSIT AND REIMBURSEMENT PROCEDURE FOR LAND DEVELOPERS.

Councilwoman McMillan moved to approve Ordinance No. 641(08), second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER APPROVAL OF A BRIDGE MODIFICATION AGREEMENT WITH THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR FEDERAL AIDE PROJECT NO. IMY-0035-2(292)116, STATE JOB PIECE NO. 15392(07), BEING THE S. 19TH STREET BRIDGE MODIFICATION TO FIVE LANES, IN THE AMOUNT OF \$580,000, APPROVE RESOLUTION NO. 664(08); AND SUPPLEMENT THE BUDGET ACCORDINGLY.

Steve Eddy, City Manager, advised that staff anticipated a February letting on the S. 19th Street Bridge widening project. The approximate construction period is 120 days with an estimated construction cost of \$1.5 million. The City's portion would be \$580,000. Mr. Eddy advised that the money was actually deposited with ODOT a few years ago and was reimbursed when the project came in over bid.

Councilman Cavnar moved to approve a Bridge Modification Agreement with the Oklahoma Department of Transportation for Federal Aide Project No. IMY-0035-2(292)116, State Job Piece No. 15392(07), being the S. 19th Street Bridge Modification to five lanes, in the amount of \$580,000, approve Resolution No. 664(08); and supplement the budget accordingly, second by Councilwoman McMillan. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER APPROVAL OF AN AGREEMENT WITH EST, INC. TO PROVIDE SURVEYING SERVICES FOR 2009 BOND PROJECT NO. 1, THE WIDENING OF S. 19TH STREET FROM TELEPHONE ROAD TO THE I-35 W. FRONTAGE ROAD, IN THE AMOUNT OF \$19,200; AND SUPPLEMENT THE BUDGET ACCORDINGLY.

Steve Eddy, City Manager, advised that staff wanted to get a head start on the engineering required for the first 2009 Bond Project. Staff hopes to have the S. 19th street widening project from Telephone road to the I-35 W. Frontage Road, and the S. 19th Street Bridge project scheduled for the same time. EST is the firm that did the engineering on the bridge project and was very knowledgeable on this intersection already. The proposed agreement for the first phase of the project would provide surveying services. Mr. Eddy advised that another contract would be presented to Council on the engineering design.

Councilman Roberts moved to approve an agreement with EST, Inc. to provide surveying services for 2009 Bond Project No. 1, the widening of S. 19th Street from Telephone Road to the I-35 W. Frontage Road, in the amount of \$19,200; and supplement the budget accordingly second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER ADOPTING RESOLUTION NO. 663(08) CALLING FOR AND SETTING THE DATES FOR THE MUNICIPAL ELECTIONS FOR THE YEAR 2009 AS PROVIDED IN THE CITY CHARTER; SPECIFYING THE OFFICERS TO BE ELECTED; PROVIDING FOR QUALIFICATIONS OF CANDIDATES; DESIGNATING WHICH OFFICES SHALL BE FILLED BY WARD; PROVIDING FOR NON-PARTISAN ELECTION; PROVIDING FOR RESIDENCY REQUIREMENTS; DIRECTING THAT A COPY OF SAID RESOLUTION BE FORWARDED TO THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD AS REQUIRED BY STATE LAW; AND PROVIDING THAT A COPY OF THE RESOLUTION BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY.

Jim Corbett, Finance Director, advised that three council seats are up for election next year. Resolution No. 663(08) sets the dates for the 2009 election. The filing period would be January 5, 2009 through January 7, 2009. The primary election date would be March 3, 2009 and, if necessary, a general election date of April 7, 2009.

Councilwoman Haworth moved to adopt Resolution No. 663(08), second by Councilwoman McMillan. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING CONVENED AT 6:52 P.M.

Agenda Item Number 9 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD NOVEMBER 17, 2008.
- B) RATIFY ACTION OF CITY COUNCIL ON APPROVAL OF THE ISSUANCE OF HOLIDAY GIFT CERTIFICATES FOR EMPLOYEES IN THE AMOUNT OF \$50.00 EACH.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$846,213.18.

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

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

Agenda Item Number 10 being:

CONSIDER RENEWAL OF THE CITY'S PROPERTY INSURANCE AND TERRORISM COVERAGE POLICY WITH THE CURRENT COMPANY, GREAT AMERICAN INSURANCE OF NEW YORK, AND THE CURRENT AGENT, UNIVERSAL INSURANCE AGENCY, FOR YEAR 2009.

Gary Benefield, Risk Manager, advised that the value of the City's property and contents has increased; however, the rate remained the same at \$1.45 per \$1,000 for property coverage. There was a slight

increase in property such as traffic signals and playground equipment. Staff recommended renewing the Great American Insurance policies for property insurance and terrorism coverage for one year. Mr. Benefield advised that Insurance Agent Tom Green was in attendance at the meeting to answer any questions.

Trustee Haworth moved to renew the City's Property Insurance and Terrorism Coverage policy with the current company, Great American Insurance of New York, and the current agent, Universal Insurance Agency, for year 2009, second by Trustee Cavnar. Motion carried unanimously.

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

Agenda Item Number 11 being:

CONSIDER RENEWAL OF THE CITY'S EXCESS HEALTH INSURANCE POLICY WITH INTERNATIONAL ASSURANCE OF TENNESSEE (IAT), THE MANAGING GENERAL UNDERWRITER, AND AMERICAN FIDELITY ASSURANCE COMPANY TO PROVIDE EXCESS HEALTH INSURANCE FOR YEAR 2009.

Gary Benefield, Risk Manager, advised that C.L. Frates, the City's third-party administrator, researched the market and received quotes from several Excess Health Insurance companies. Staff recommended renewal of the policy with International Assurance of Tennessee (IAT), The Managing General Underwriter, and American Fidelity Assurance Company, which is an A+ rated Oklahoma City based company. Mr. Benefield anticipated a premium increase of 1%. He noted that Mark Marion with C.L. Frates was in attendance at the meeting and could respond to any questions.

Trustee Cavnar moved to renew the City's Excess Health Insurance policy with International Assurance of Tennessee (IAT), the Managing General Underwriter, and American Fidelity Assurance Company to provide Excess Health Insurance for year 2009, second by Trustee Haworth. Motion carried unanimously.

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING CONVENED AT 6:56 P.M.

Agenda Item Number 12 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD NOVEMBER 17, 2008.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$119,209.02.

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

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

THE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED AT 6:57 P.M.

Agenda Item Number 13 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 Milum invited everyone to attend the events scheduled downtown December 5, 2008. Events include the First Annual Christmas Tree Lighting ceremony at 6:00 p.m., community dinner at 5:00 p.m. at the Methodist Church, and merchant specials and give-aways all evening. She added the Moore Public Library would have their Holiday Gala at 6:30 p.m. with Santa Claus in attendance.

Councilman Cavnar asked Robert Pistole to explain why the plant was having odor problems. Mr. Pistole stated that there were some power failures which contributed to the issue along with weather related problems.

Mayor Lewis stated that Christmas falls on a Thursday this year and asked how Council felt about letting the employees have Friday off. Council agreed.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Steve Eddy, City Manager, advised that he spoke with local retailers regarding their sales over the holiday weekend. It appeared that everyone was doing well with lots of cars and activity. Mr. Eddy stated that the City received bids on Fire Station One. Bids should be awarded on the December 15, 2008 City Council meeting with plans to begin construction after the first of the year.

Agenda Item Number 13 being:

EXECUTIVE SESSION

A) DISCUSS ACQUISITION OF CERTAIN REAL PROPERTIES AND AUTHORIZE STAFF TO PROCEED AS APPROPRIATE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(3).

B) CONVENE INTO EXECUTIVE SESSION

Councilman Roberts moved to convene to executive session, second by Councilwoman Haworth. Motion carried unanimously.

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

The City Council convened into executive session at 7:01 p.m.

C) RECONVENE FROM EXECUTIVE SESSION

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

The City Council reconvened from executive session at 7:27 p.m.

D) ACTION.

A) DISCUSS ACQUISITION OF CERTAIN REAL PROPERTIES AND AUTHORIZE STAFF TO PROCEED AS APPROPRIATE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(3).

Councilman Roberts moved to authorize the City Manager to proceed as directed in executive session, second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 15 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:29 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