

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
DECEMBER 7, 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 December 7, 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: Krows, Blair, McMillan, Cavnar, Roberts, Milum, Lewis
ABSENT: None

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 Leslie Johnson with Eastland Cumberland Presbyterian Church.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD NOVEMBER 16, 2009.
- B) RECEIVE THE MINUTES OF THE PARKS BOARD MEETINGS HELD AUGUST 4, 2009, SEPTEMBER 1, 2009, AND OCTOBER 6, 2009.
- C) RECEIVE THE MINUTES OF THE PLANNING COMMISSION MEETING HELD OCTOBER 13, 2009.
- D) APPROVE THE ISSUANCE OF HOLIDAY GIFT CERTIFICATES FOR EMPLOYEES IN THE AMOUNT OF \$50.00 EACH.
- E) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$459,644.08.

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

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

Agenda Item Number 3 being:

CONSIDER APPROVAL OF A PAYMENT OF \$7,974.98 TO MOORE SORRENTO, LLC FOR SALES TAX REBATES FROM SALES AT THE AT&T STORE AT THE SHOPS AT MOORE.

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

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

Agenda Item Number 4 being:

CONSIDER APPROVAL OF A LOT SPLIT LOCATED IN THE SE/4 OF SECTION 26, T10N, R3W, BEING NORTH OF SW 34TH STREET AND WEST OF EASTERN AVENUE. APPLICATION BY JOHN WOODS.

Elizabeth Jones, Community Development Director, advised that the proposed lot split application by John Woods was for four lots fronting Eastern Avenue north of SW 34th Street. The property is zoned R-1 and the proposed lots conform with all R-1 requirements. Ms. Jones stated that since the property was located on Eastern Avenue, which is a major arterial street, there is some concern with individual driveways accessing Eastern Avenue. She advised that it had been the policy of the City to eliminate as many drives onto arterial roadways as possible to help improve traffic flow. Therefore, staff recommended approval of the item contingent upon Lots 2 and 3 receiving one shared curb cut onto Eastern Avenue, and Lots 1 and 4 limited to one curb cut each. This requirement shall be shown on the approved deeds and on the drawing exhibit filed at Cleveland County.

There was no one in attendance at the meeting who wished to speak in opposition to the item.

Councilman Krows moved to approve a lot split located in the SE/4 of Section 26, T10N, R3W, being north of SW 34th Street and west of Eastern Avenue, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER APPROVAL OF ORDINANCE NO. 662(09) AMENDING PART 12, CHAPTER 3, ARTICLE B, SECTIONS 12-331 AND 12-332 BY REMOVING THE USE UNIT CLASSIFICATION "AUTOMOTIVE AND EQUIPMENT: STORAGE" FROM A USE ALLOWED BY RIGHT IN THE C-5 ZONING DISTRICT AND ALLOWING SAID USE UNIT CLASSIFICATION AS A USE PERMITTED ON REVIEW IN THE C-5 ZONING DISTRICT.

Elizabeth Jones, Community Development Director, stated that the use unit classification "Automotive and Equipment: Storage", allows the use of wrecker services by right in the C-5 zoning District. Although the City doesn't typically have many of these applications, in the recent past there have been some land use

conflicts between the C-5 Automotive and Equipment Storage use and the Residential uses abutting it. Ms. Jones recommended approving Ordinance No. 662(09) to classify the use unit classification "Automotive and Equipment: Storage" as a permissive use in the C-5 Zoning District. This would mean that every application that falls under the use unit classification "Automotive and Equipment: Storage" would be required to go through a rezoning process for a Use on Review when a proposed business is to be located in a C-5 zoning district. This allows some Heavy Industrial zoning districts to be open to wrecker services by right, but would protect the residents where a wrecker service might not be appropriate.

Steve Eddy, City Manager, indicated that approval of Ordinance No. 662(09) would not apply to existing wrecker services.

Councilman Krows moved to approve Roberts moved to approve Ordinance No. 662(09) amending Part 12, Chapter 3, Article B, Sections 12-331 and 12-332 by removing the Use Unit Classification "Automotive and Equipment: Storage" from a use allowed by right in the C-5 zoning district and allowing said Use Unit Classification as a use permitted on review in the C-5 zoning district, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER AMENDING CITY OF MOORE WATER STANDARD NO. 101 TO SPECIFY THE USE OF MUELLER, M & H OR CLOW FIRE HYDRANTS WITH NATIONAL STANDARD THREADING AND HIGH GLOSS "SAFETY RED" COLOR.

Elizabeth Jones, Community Development Director, advised that Chief Stephens requested that Community Development look into standards for fire hydrants due to some safety and maintenance problems the Fire Department had been experiencing. Ms. Jones stated that the City does not currently have manufacturer specific standards and does not specify a type of fire hydrant that must be used. However, due to recent events involving stripped threads and defective parts the Fire Department would like to implement specific fire hydrant standards to be used in all new development and re-development. She advised that upon approval of the item the following language would be added to the City of Moore Water Standard Sheet No. 101:

"All fire hydrants for both public lines and fire lines shall conform to AWWA Standard C502, latest revision. Hydrants shall be Mueller, M & H or Clow, all National Standard Threading. All fire hydrants shall be painted with two (2) coats of high gloss Safety Red enamel paint."

Councilman Krows asked if the change in standards would apply to new hydrants. Ms. Jones stated that the ordinance would apply only to new fire hydrants but the new standards would also apply if a defective hydrant needed to be replaced.

Councilman Roberts asked about compatibility issues on fire hydrant hookups between Oklahoma City and Moore. Chief Stephens indicated that Oklahoma City has a different threading system than other cities. He stated that Moore's hoses are not compatible with Oklahoma City's hydrants and vice versa; however, each city has adaptors that will allow the hoses and hydrants to function together in the event mutual aid is necessary. Chief Stephens recommended approval of the item stating his opinion that maintenance on the older hydrants far outweighs the initial cost to purchase a new hydrant.

Councilwoman McMillan moved to amend City of Moore Water Standard No. 101 to specify the use of Mueller, M & H or Clow fire hydrants with National Standard Threading and high gloss "Safety Red" color, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 7 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/ DAVID METHVIN.

Agenda Item Number 8 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. 7 and 8 are companion items. The subject property is located north of NE 27th Street and east of Eastern Avenue. The applicant proposes to rezone the property from A-2 Suburban Agricultural District to R-1 Single-Family Dwelling District for a home development with an approximate density of five units per acre. A 12" water main is available to serve the site from NE 27th and sanitary sewer is available from the Amber Ridge addition to the south. Since a floodplain is not located on the property a fee in lieu of detention would be required, and access to the development would be provided by NE 27th Street. Ms Jones added 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 stated that the plat reflects 23 lots on a cul-de-sac street. The developer is requesting a variance for a 20-foot front building line from the 25-foot building line that the City normally requires. She advised that the variance was requested to try and compensate for the small backyards that were caused by the shallow depth of the proposed lots. Staff does not anticipate any adverse effects from the request.

Ms. Jones advised that two homeowners from Bradford Court attended the Planning Commission meeting to protest the item primarily due to drainage concerns. She informed Council that the complaints were unanticipated and without prior knowledge of the situation staff was unable to alleviate their concerns during the meeting. Therefore, the Planning Commission voted for denial of the item. Following the meeting staff had the opportunity to look into the property owners' concerns and to meet with the applicant to determine a possible solution. Ms. Jones indicated that drainage from the eastern portion of the development could be directed toward the existing pond in the southwest corner of the Bradford Estates Addition by a public drainage easement. She noted that that it was undetermined at the Planning Commission meeting whether the easement was a public or private drainage easement. The remainder of the water will be taken to 27th Street. She noted that the path of the drainage would not be changed. Ms. Jones stated that these issues could have been addressed at the Planning Commission stage had they been aware of the property owners' concerns. After meeting with the developer and reviewing their drainage plans, staff recommended approval of the rezoning application and the preliminary plat due to the conformance with Moore Vision 20/02, and with the assurance that the drainage will be addressed

per City Code and reviewed by the City engineer at the time of development. Ms. Jones advised that the applicant was in attendance if Council had any questions.

Councilman Krows asked if protestors were in attendance at the meeting who wished to speak.

Citizens to Speak:

Terry Stahl, 1104 NE 29th, stated that she lives in Bradford Court and the pond being discussed was located in her backyard. Ms. Stahl said that she cannot take any more water onto her property. Ms. Stahl stated that after the adjacent addition, Gabriel's Crossing, was built water was dumped into the overflow ditch and it brought so much silt into the bottom of the pond that the pond turned red. After they complained hay was brought in and placed on the hillside. Then the hay started to wash into the pond. Every time it rains the water level gets higher and higher. There is a cement retaining wall around the north edge of the pond and the water already exceeding that and entering their yard when it rains. The development being proposed would be located on a higher elevation and, there is some discussion about raising the elevation even higher causing additional drainage problems. She stated that the pond cannot take additional runoff. Councilman Krows asked Ms. Jones if the developer was able to address Ms. Stahl's concerns. She stated that subdivision regulations state that the developer must address drainage issues and will be required to install the appropriate infrastructure which could include an underground storm sewer and flumes. In order to convey the water to the detention pond he would be required to follow the subdivision regulations which could include a concrete trickle channel. The City engineer would calculate the capacity of the pond and if it shows that the capacity has received its limits due to siltation, the developer would be required to address the issue. The City would not approve anything in the review process that does not conform to the City Code. Councilman Cavnar asked if the developer would add additional drainage to the pond. Ms. Jones stated that it would allow all of the water that has gone in that direction to continue in that direction.

Julia Linger, 3109 Bradford Drive, stated that she owns the property at the head of the drainage. Apart from the drainage concerns they also had issues with the density of the homes proposed for the site. She added that the homes on 27th Street are all multi-acre homes and the Bradford Court addition has one-acre homes. Gabriel's Crossing caused horrendous problems due to the density of the neighborhood. Ms. Linger felt that instead of the City granting a variance they should cut down on the number of homes allowed in the development. She noted that the developer is talking about raising the grade on the east property line. This was also done in Gabriel's Crossing where they had a very steep west to east slope. They shaved the elevation from the west side and took soil excavated from a drainage trench and raised the elevation six feet above what had existed. On the other side of the drainage trench a six-foot fence was erected. However, the fence was pointless because the footing of the homes were at the top of the six foot fence. Ms. Linger stated that she discovered that the storm drain put in at the head of the neighborhood was put in as part of the construction of Gabriel's Crossing. She has no idea why because the water that now runs there did not run through the land previous to the addition. She added that a utility road acted as a dike and kept the water off the golf course from draining onto Bradford Court. As a result of the storm drain there is now an enormous amount of water that shoots down through the entire drainage trench. Water run-off from the roofs of the homes will also contribute to the existing drainage problems. The drainage channel at that point in their neighborhood is very shallow. There have been problems with water overflowing due to the golf course runoff. Any additional water will flood their yards. Additional construction will prevent the land's ability to absorb the water. Ms. Linger discovered at the Planning Commission that Mr. Pollard was the engineer on this particular development, he was the engineer on Gabriel's Crossing, and was the engineer for Bradford Court. They have not had access to the engineer's reports; however, four years ago the City Council and the Planning Commission acted in good faith that the information given was reasonable and should be approved. The homeowners appeared then to oppose the item. However, now they no longer have faith in City government being able to uphold the ordinances and no confidence in Mr. Pollard because they were given assurances last time and it has

been a huge problem ever since. All of the existing homes on 27th where Gabriel's Crossing is to the north have flooding that they never had before. In fact, after some rains there is standing water on 27th Street.

Mike Anglin, 1108 NE 29th, advised that the spillway is located on his property. He stated that the inlet catches the overflow off the golf course, which is four or five times as large as the pond they have. It used to run east toward the creek; however, someone put an inlet in to catch the overflow from the pond. This had a major impact on their pond. The next drainage issue had to do with Gabriel's Crossing. Mr. Anglin indicated that he was unaware that there was an outlet that runs into his pond. He stated that three residents own the pond. When he purchased the pond he bought a retaining wall and sidewalk around the pond. There is water behind the retaining wall instead of dirt. They now have muskrats that come onto their yard from it. The sidewalk is starting to fail because the dirt has been washed out. They are having a difficult time controlling the algae and grass weeds in the water because so much fertilizer is running into the pond. They treated it once this year and it lasted approximately four to five weeks and then it washed out. Water comes over the retaining wall and into the yard killing a lot of the vegetation. He enjoys the fact that the pond stays full but now even a mild rain causes an overflow problem.

Deborah Simmons, 3005 Bradford Court Drive, stated that their flooding concerns involve two buildings that back up to the drainage. If this situation continues she will have to obtain flood insurance because they are worried about their buildings. She also mentioned concern about a neighbor's home who lives closer to the ditch. Ms. Simmons passed out pictures reflecting the drainage problem.

Mayor Lewis addressed the developer, David Methvin, about the situation. Also in attendance was the engineer on the project, Tom Pollard. Mayor Lewis felt the item should be referred back to the Planning Commission for further review and possible solutions to the drainage problems.

Councilman Roberts stated that he would like an opportunity to visit the site. He felt everyone involved in the situation had good intentions but added that the City could not allow more water to feed into the neighborhood. Councilman Krows concurred. He expressed his desire to see the neighborhood developed but in the right way.

Councilman Krows moved to table Agenda Items No. 7 and 8 and send the items back to the Planning Commission for further review, second by Councilwoman McMillan. Motion carried unanimously.

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

A resident from the audience asked if they would be notified when the items appeared before the Planning Commission. Elizabeth Jones, Community Development Director, indicated that the City was required to notify every resident within 300 feet. There was a comment made that a resident was interested in attending the meeting but may fall outside the required 300 feet. Mayor Lewis asked that every resident within the addition be notified.

Agenda Item Number 9 being:

CONSIDER REZONING APPLICATION NO. RZ-847 LOCATED IN THE NE/4 OF SECTION 15, T10N, R3W, BEING NORTH OF NW 5TH STREET AND WEST OF I-35 FROM C-4 PLANNED UNIT SHOPPING CENTER DISTRICT TO C-4 PLANNED UNIT SHOPPING CENTER DISTRICT WITH A PERMISSIVE USE FOR A BAR AND DANCE HALL; AND APPROVE ORDINANCE NO. 660(09). APPLICATION BY INCAHOOTS SALOON, LLC/ALLEN PORTER.

Mayor Lewis received a request that the item be tabled. A citizen stated that he was at the meeting to speak on the item but would be unable to attend the December 21, 2009 meeting. Since the applicant was also absent Mayor Lewis requested that the item be placed on the January 4, 2010 City Council meeting for consideration.

Councilman Roberts moved to table Agenda Item No. 9 to the January 4, 2010 City Council meeting, second by Councilman Krows. Motion carried unanimously.

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

Agenda Item Number 10 being:

CONSIDER REZONING APPLICATION NO. RZ-849 LOCATED IN THE SE/4 OF SECTION 14, T10N, R3W BEING SOUTH OF NE 3RD STREET AND WEST OF TURNER AVENUE TO AMEND SITE PLAN FOR PUD #836 FOR PARKING CHANGES. APPLICATION BY TOMMY LAWRENCE.

Elizabeth Jones, Community Development Director, advised that Rezoning Application No. RZ-836 was approved with a PUD at the March 2, 2009 City Council meeting. The site plan was approved exactly as it was submitted; however, during the development the applicant Tommy Lawrence installed parking along Turner Avenue instead of the south parking lot. This is considered a significant change because of the traffic along Turner Avenue when the proposed parking was approved. This change requires Planning Commission and City Council approval. Staff recommended approval of the proposed site plan which will delete the south parking lot completely in order to increase the amount of green space for the six-plex. The parking that was already constructed along Turner would remain since it met minimum requirements for a parking lot, and additional parking must be added along NE 3rd Street.

Councilman Roberts moved to approve Rezoning Application No. RZ-849 located in the SE/4 of Section 14, T10N, R3W being south of NE 3rd Street and west of Turner Avenue to amend site plan for PUD #836 for parking changes, second by Councilman Krows. Motion carried unanimously.

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

Applicant Tommy Lawrence requested an opportunity to address the City Council. Mr. Lawrence advised that four of the six-plexes have been leased with a fifth contract pending. This is the second six-plex constructed in the area. The first had been completely leased for the past 18 months. A third six-plex project is underway down the street on Turner. Mr. Lawrence indicated that the handicapped seniors living in the new development appreciate the ability to get into their unit so quickly and easily.

Mayor Lewis expressed his appreciation to Elizabeth Jones, Community Development Director, and her staff for dealing with the sometimes difficult development issues.

Agenda Item Number 11 being:

CONSIDER AWARDDING BID NO. 910-005 "PURCHASE AND INSTALLATION OF A DIGITAL IP VIDEO SURVEILLANCE RECORDING SYSTEM AND/OR AN IP BASED ACCESS CONTROL SYSTEM FOR PUBLIC WORKS CAMPUS" TO THE LOWEST AND MOST RESPONSIBLE BIDDER.

David Thompson, Manager of Information Technology, recommended awarding Bid No. 910-005 to Wiring Solutions for a Digital IP Video Surveillance Recording System and/or an IP Based Access Control System. Mr. Thompson advised that the new equipment would allow the Fire Stations and City Hall to be on the same keycard systems. Mayor Lewis questioned the amount of the bid. Steve Eddy, City Manager, indicated that Wiring Solutions bid \$42,096.36; however, staff deleted a badge printer in the amount of \$8,000 along with other associated costs making the final bid price \$34,608.86.

Councilman Krows moved to award Bid No. 910-005 "Purchase and Installation of a Digital IP Video Surveillance Recording System and/or an IP Based Access Control System for Public Works Campus" to Wiring Solutions in the amount of \$34,608.86, second by Councilman Cavnar. Motion carried unanimously.

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

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

Agenda Item Number 12 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD NOVEMBER 16, 2009.
- 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 2009-2010 IN THE AMOUNT OF \$494,248.18.

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

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

Agenda Item Number 13 being:

CONSIDER APPROVING AN ADDITIONAL THREE-YEAR AGREEMENT WITH WALGREENS HEALTH INITIATIVES TO PROVIDE THE CITY'S PRESCRIPTION DRUG MANAGEMENT PROGRAM.

Gary Benefield, Risk Manager, stated that the City has contracted with Walgreens (WHP Health Initiatives) for the past eleven years to provide the City's Prescription Drug Management program. C.L. Frates, the City's health benefit consultants, has been in negotiations with Walgreens and has shopped the market from time to time to ensure the City is receiving competitive prices. Therefore, staff would recommend that we continue using Walgreens for the City's Prescription Drug Management Program. Mr. Benefield stated that Walgreens offered to reduce rates for prescription drugs, increase rebates, and allow members to obtain a 90 day supply of maintenance medication at any in-network WHI pharmacy. WHI would implement the proposed pricing and discounts for the remaining year of their contract and extend it another three years beginning January 1, 2011. Mr. Benefield advised that Eric Spain with C.L. Frates was in attendance at the meeting to answer questions.

Trustee Krows moved to approve an additional three-year agreement with Walgreens Health Initiatives to provide the City's Prescription Drug Management Program, second by Trustee Milum. Motion carried unanimously.

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

Agenda Item Number 14 being:

RECEIVE AND CONSIDER QUOTES ON THE CITY'S EXCESS HEALTH INSURANCE AND AWARD POLICY FOR YEAR 2010.

Gary Benefield, Risk Manager, stated that C.L. Frates shopped the market for the City's Excess Health Insurance. They requested competitive proposals from eight of their stop-loss markets. Mr. Benefield reviewed the top three quotes for Council's consideration:

1. International Assurance of Tennessee ("IAT") is the current underwriter for the City's Excess Health Insurance. They presented a renewal offer reflecting a premium increase of \$83,195. The maximum claim liability estimate is \$65,452 lower than the nearest competitor, and there is no run-in limit on claims incurred in 2009. Lasers or higher specific deductibles on two individuals total \$375,000. Mr. Benefield advised that IAT's many years of underwriting experience and the financial strength of American Fidelity, an Oklahoma City based insurance company, makes this the most attractive proposal. Since January 1, 2009 the City has collected \$132,689.98 in reimbursements.
2. United-Re Trust is a Trust and proposed a slightly higher maximum liability estimate; however, the lasers are identical. They have a run-in limit of \$515,990. United-Re Trust is backed by United-Re AG which is a Switzerland based company that has been operating in the United States for seven years. They are a smaller company with less experience than the current provider.
3. Berkley Accident and Health offered a proposal that would equate to a \$65,724 increase in the City's annual premium. Their maximum claim liability estimate is reasonable but the lasers proposed at \$960,000 made this quote non-competitive.

Mr. Benefield advised that C.L. Frates recommended using IAT for the City's Excess Health Insurance. Steve Eddy, City Manager, stated that IAT proposed an \$83,000 premium increase. He suggested that Mr. Benefield visit with Councilmen Blair and Cavnar about the proposals since they are experienced in the insurance field. There was some concern with a Trust company that was backed by an insurance company located in a foreign country.

Trustee Roberts moved to award the City's Excess Health Insurance policy for year 2010 to International Assurance of Tennessee (IAT), second by Trustee Cavnar. Motion carried unanimously.

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

Agenda Item Number 15 being:

CONSIDER RENEWAL OF THE CITY'S EXCESS WORKERS' COMPENSATION POLICY WITH THE CURRENT COMPANY, MIDWEST EMPLOYERS CASUALTY, AND AGENT, THE BECKMAN COMPANY, FOR ONE YEAR.

Gary Benefield, Risk Manager, advised that Midwest Employers Casualty Insurance Company proposed to renew the City's Excess Workers' Compensation policy for a one-year period. They offered four options with specific retention and price quotes. Mr. Benefield indicated that the City's current retention (deductible) is \$300,000 for all classifications except police and fire which is \$350,000. The current rate is .4023 per \$100 of payroll with a current premium of \$64,000. Option 1 has the same deductibles we are now paying and the rate .4023 per \$100 of payroll. The estimated premium for 2010 would be \$68,407 including terrorism coverage. The other options offer lower prices for higher deductibles.

Mr. Benefield recommended renewing the City's Excess Workers' Compensation policy for one-year with Midwest Employers Casualty with The Beckman Company as agent. Mr. Benefield indicated that Tom Beckman with The Beckman Company was in attendance at the meeting and available for questions.

Trustee Roberts moved to renew the City's Excess Workers' Compensation policy for one-year with Midwest Employers Casualty with The Beckman Company as agent, second by Trustee Cavnar. Motion carried unanimously.

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING CONVENEED AT 7:41 P.M.

Agenda Item Number 16 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD NOVEMBER 16, 2009.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$135,153.97.

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

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

THE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED AT 7:42 P.M.

Agenda Item Number 17 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.

Councilman Roberts advised that the owner of Poblano Grill came into the Chamber of Commerce while he was there and commented about the pleasure it had been to deal with City staff. They compared their

experience with several other experiences they had and stated how happy they were to be in Moore. Councilman Cavnar stated that he had just completed a new building for his insurance company and every contractor commented on how happy they were to be building in Moore. He stated that the City doesn't allow them to do anything wrong but we work to get things done quickly. Mayor Lewis stated that he had a similar experience while constructing his new building.

C) ITEMS FROM THE CITY/TRUST MANAGER.

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

- A temporary drop off recycling location will be open to the public sometime after the first of the year. It will be located off Telephone Road adjacent to the Midwest City Ambulance facility at 400 N. Telephone Road. The location will be used for a permanent manned recycling facility in the future.
- Thanked Countrywide Construction for reroofing the pavilion at Kiwanis Park at no cost to the City.
- Old Town Christmas celebration went well. Downtown merchants doing a great job promoting the downtown area. Thanked Deidre Ebrey, Economic Development Director, and her staff for their work on the project.
- Fencing funded by the City is continuing along I-35 south of 19th Street.

Mayor Lewis asked for an update on the Meals on Wheels program. Councilwoman Milum indicated that with the City's contribution they are now able to serve the 13 individuals who were on a waiting list for home delivered meals as a result of their funding being cut. Councilwoman Milum added that there are over 100 seniors who receive home delivered meals every day. Meals are also offered at the Brand Senior Center. In response to a question about the future funding of the program Councilwoman Milum stated that Aging Services Director Kathleen Wilson feels addition funding cuts will occur in the future.

Agenda Item Number 18 being:

EXECUTIVE SESSION

A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CLAIM BY SHAUN RUSSELL AGAINST THE CITY OF MOORE, AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE CITY OF MOORE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

B) CONVENE INTO EXECUTIVE SESSION

Councilman Krows moved to convene to executive session, second by Councilwoman McMillan. Motion carried unanimously.

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

The City Council convened into executive session at 7:47 p.m.

C) RECONVENE FROM EXECUTIVE SESSION

PRESENT: Krows, Blair, McMillan, Cavnar, Roberts, Milum, Lewis
ABSENT: None

The City Council reconvened from executive session at 8:02 p.m.

D) ACTION.

A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CLAIM BY SHAUN RUSSELL AGAINST THE CITY OF MOORE, AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE CITY OF MOORE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

Councilman Krows moved to deny pending claim by Shaun Russell against the City of Moore and authorize legal counsel and staff to take action as necessary and appropriate in the interest of the City of Moore as authorized by 25 Okla. Stat. § 307(B)(4), second by Councilwoman McMillan. Motion carried unanimously.

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

Agenda Item Number 19 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 8:04 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