

**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
FEBRUARY 16, 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 February 16, 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: Krows, Blair, McMillan, Roberts, Milum, Lewis

ABSENT: Cavnar

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; Fire Chief, Charles Stephens; Parks & Recreation Director, Cindy Deckard; Risk Manager, Gary Benefield; Deputy Chief, Gary Tipps; and Veolia Water Project Manager, Robert Pistole.

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

Councilman Roberts announced that February was Boy Scout Month and Gayland Kitch, Emergency Management and Communications Director, also noted that February 8, 2010 was the 100th anniversary of the Boy Scouts of America.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD FEBRUARY 1, 2010.
- B) RECEIVE THE MINUTES OF THE PARKS BOARD MEETINGS HELD JANUARY 5, 2010.
- C) RATIFY ACTION OF THE MOORE ECONOMIC DEVELOPMENT AUTHORITY APPROVING SALES TAX REBATE AGREEMENT WITH TERRY FRITTS DBA TEDDY BEAR PARTNERS, LLC.
- D) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$1,739,665.85.

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

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

Agenda Item Number 3 being:

CONSIDER DECLARING ADUDDRELL ROOFING, INC. TO BE IN BREACH OF THEIR CONTRACT WITH THE CITY OF MOORE ENTERED INTO ON THE 4TH DAY OF AUGUST, 2008 FOR ROOF REPLACEMENT ON THE MOORE PUBLIC LIBRARY AND AUTHORIZE THE CITY TO TAKE ANY AND ALL ACTION NECESSARY TO COMPLETE THE CONTRACT INCLUDING, BUT NOT LIMITED TO, MAKING A CLAIM AGAINST THE PERFORMANCE BOND AS PROVIDED BY THE CONTRACT DOCUMENTS.

Stan Drake, Assistant City Manager, advised that the City's roofing contractor, Aduddrell Roofing, filed bankruptcy during the roof replacement project for the Moore Public Library. A meeting was held with the manufacturer of the roofing material - Johns Manville, Aduddrell, the architect, and Lisa Wells to discuss the status of the project. It was determined that Aduddrell would be unable to complete a punch list of items necessary to validate the warranty. Therefore, Mr. Drake recommended terminating the contract with Aduddrell and transferring it to Granite Re, the bonding company, who would use Universal Roofing for completion of the punch list items in order to get the warranty on the roof into effect. Mr. Drake noted that he met with Universal and a price was determined for completion of the items. He stated that there were adequate funds remaining in the budget to pay Universal for completion of the work.

Councilman Krows asked if Universal would honor the warranty on the new roof. Steve Eddy, City Manager, indicated that the manufacturer of the roof Johns Manville would honor the warranty on the roof upon completion of the various punch list items. Mr. Eddy indicated that Aduddrell appeared to have completed the project and so far the library has not had any leaks. He also advised that Aduddrell notified the City in advance of their impending bankruptcy.

Councilman Krows moved to declare Aduddrell Roofing, Inc. to be in breach of their contract with the City of Moore entered into on the 4th day of August, 2008 for roof replacement on the Moore Public Library and authorize the City to take any and all action necessary to complete the contract including, but not limited to, making a claim against the performance bond as provided by the contract documents, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER AUTHORIZING THE EXPENDITURE OF \$59,825 FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) TO PURCHASE MOBILE ELECTRONIC CITATION EQUIPMENT FROM BRAZOS TECHNOLOGY FOR THE PATROL CARS AS A SOLE SOURCE ITEM, AND PURCHASING THE GLOBAL SOFTWARE AS A SOLE SOURCE ITEM TO INTERFACE WITH THE BRAZOS TECHNOLOGY WHICH ALLOWS THE CITATIONS TO BE ENTERED INTO THE GLOBAL RECORDS CITATION MODULE, OF WHICH \$2,458 OF THE COST WILL COME FROM THE POLICE DEPARTMENT'S DISCRETIONARY FUND; AND SUPPLEMENT THE BUDGET ACCORDINGLY.

Assistant Chief Gary Tipps stated that Agenda Items No. 4 and 5 were companion items relating to Justice Assistance Grants (JAG). Staff requested authorization to purchase electronic ticket writers along with the necessary software for installation in approximately 14 patrol units from Brazos Technology, as a sole source item, in the amount of \$59,825. He noted that \$2,458 of the cost would come from the Police Department's Discretionary Fund.

Councilman Krows moved to authorize the expenditure of \$59,825 from the Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase mobile electronic citation equipment from Brazos Technology for the patrol cars as a sole source item, and purchasing the Global Software as a sole source item to interface with the Brazos technology which allows the citations to be entered into the Global Records citation module, of which \$2,458 of the cost will come from the Police Department's Discretionary Fund; and supplement the budget accordingly, second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER AUTHORIZING THE EXPENDITURE OF \$14,514 FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) TO PURCHASE EQUIPMENT FOR THE SPECIAL OPERATIONS DIVISION OF WHICH \$136.61 OF THE COST WILL COME FROM THE POLICE DEPARTMENT'S DISCRETIONARY FUND; AND SUPPLEMENT THE BUDGET ACCORDINGLY.

Assistant Chief Gary Tipps stated that staff was requesting authorization to purchase equipment for the Special Operations Division of the police department in the amount of \$14,514 using grant funds. Approximately \$136.61 in discretionary funds would be used to complete the purchases.

Councilwoman McMillan moved to authorize the expenditure of \$14,514 from the Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase equipment for the Special Operations Division of which \$136.61 of the cost will come from the police department's discretionary fund; and supplement the budget accordingly, second by Councilman Krows. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER ENTERING INTO AN AGREEMENT WITH THE CLEVELAND COUNTY SHERIFF'S OFFICE, THE CLEVELAND COUNTY COMMISSIONERS, AND THE CITY OF MOORE TO HOUSE THE CITY'S PRISONERS AT A COST OF \$45 PER DAY PER INMATE BEGINNING MARCH 10, 2010 AND ENDING ON JUNE 30, 2010.

Assistant Chief Gary Tipps advised that the proposed Jail Services Agreement with the Cleveland County Sheriff's Office and the Cleveland County Commissioners was to house the City's prisoners. The contract

reflected an increase from \$35 per inmate per day to \$45 per inmate per day; however, the City will recover approximately 50% of the jail costs since inmates are required to pay for their incarceration.

Councilman Krows asked if the contract would be renegotiated soon since the term of the contract was so short. Major Tipps indicated that the contract would be renegotiated and would cover the period from July 1, 2010 through June 30, 2011.

Steve Eddy, City Manager, stated that even with the increase in costs the policy of taking our prisoners to Cleveland County instead of housing them in a City jail was still a much cheaper option. Eventually a new County jail would be constructed much closer to the City which would result in less travel expense.

Councilman Roberts moved to entering into an agreement with the Cleveland County Sheriff's Office, the Cleveland County Commissioners, and the City of Moore to house the City's prisoners at a cost of \$45 per day per inmate beginning March 10, 2010 and ending on June 30, 2010, second by Councilman Krows. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER APPROVAL OF A FIELD USE AGREEMENT WITH MOORE YOUTH FOOTBALL ATHLETIC ASSOCIATION FOR A TWO YEAR TERM.

Cindy Deckard, Parks and Recreation Director, recommended approval of the proposed Field Use Agreement with the Moore Youth Football Athletic Association for a term of two-years. She stated that the purpose of the agreement was to make everyone involved more accountable. Ms. Deckard indicated that the fees collected under the agreement would go into a park improvement fund specifically for football.

Steve Eddy, City Manager, advised that the City has been in discussions with the three athletic associations regarding new Field Use Agreements. He stated that the City would be more active in the oversight of the associations, and felt that the agreements would be beneficial to both the City and the leagues.

Councilman Krows moved to approve a Field Use Agreement with Moore Youth Football Athletic Association for a two year term, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER APPROVAL OF A FIELD USE AGREEMENT WITH MOORE GIRLS SOFTBALL ATHLETIC ASSOCIATION FOR A TWO YEAR TERM.

Cindy Deckard, Parks and Recreation Director, requested approval of the proposed Field Use Agreement with the Moore Girls Softball Association for a two-year term. Ms. Deckard indicated that the fees

collected under the agreement would go into an account specifically earmarked for maintenance of the Girls Softball fields at Buck Thomas Park.

Mayor Lewis asked if the City still had Girls Fast Pitch and Girls Slow Pitch Associations. Ms. Deckard indicated that the City only has Girls Fast Pitch under the Moore Girls Softball Association.

Councilwoman McMillan moved to approve a Field Use Agreement with Moore Girls Softball Athletic Association for a two year term, second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER APPROVAL OF A FIELD USE AGREEMENT WITH MOORE YOUTH BASEBALL ATHLETIC ASSOCIATION FOR A TWO YEAR TERM.

Cindy Deckard, Parks and Recreation Director, advised that the proposed Field Use Agreement with Moore Youth Baseball Athletic Association was for a two-year term. She added that the monies collected under this agreement would go toward park improvements at Buck Thomas Park.

Councilman Krows moved to approve a Field Use Agreement with Moore Youth Baseball Athletic Association for a two year term, second by Councilwoman McMillan. Motion carried unanimously.

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

Agenda Item Number 10 being:

CONSIDER DECLARING A LIGHT TRAILER AND A DISPATCH RADIO CONSOLE AND ASSOCIATED EQUIPMENT AS OBSOLETE AND DONATE SAID EQUIPMENT TO PITTSBURG COUNTY EMERGENCY MANAGEMENT, A GOVERNMENT AGENCY.

Gayland Kitch, Emergency Management Director, stated that the light trailer and dispatch radio console equipment is obsolete. The equipment has been replaced and staff would like to donate them to an agency that can use them.

Councilman Krows moved to declare a light trailer and a dispatch radio console and associated equipment as obsolete and donate said equipment to Pittsburg County Emergency Management, a government agency, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 11 being:

CONSIDER AWARDING THE 2009 G.O. BOND ISSUE PROJECT NO. 1, ROADWAY IMPROVEMENTS AT SW 19TH STREET BETWEEN TELEPHONE ROAD AND WEST I-35 SERVICE ROAD, TO THE LOWEST AND MOST RESPONSIBLE BIDDER.

Steve Eddy, City Manager, stated that the City received bids on the 2009 G.O. Bond Issue Project No. 1 for roadway improvements on SW 19th Street between Telephone Road and the West I-35 Service Road. The engineer's estimate was just over \$2.1 million and the low bid came in at \$1.4 million. Staff would therefore recommend awarding the bid to Silver Star Construction in the amount of \$1,413,651.096.

Mr. Eddy advised that a meeting was scheduled with the merchants in the area to notify them of the roadway improvement project and the anticipated time frames. He stated that the project would take approximately four to five months and during that time staff would attempt to keep them informed of lane closures. Mr. Eddy advised that the anticipated start date for the project was March 1, 2010.

Councilwoman McMillan moved to award the 2009 G.O. Bond Issue Project No. 1, Roadway Improvements at SW 19th Street between Telephone Road and West I-35 Service Road to Silver Star Construction in the amount of \$1,413,651.96, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 12 being:

DISCUSS AND CONSIDER APPROVAL OF AN AGREEMENT WITH OKLAHOMA NATURAL GAS FOR AN AMOUNT NOT TO EXCEED \$145,715 TO RELOCATE UTILITIES WITHIN A PRIVATE RIGHT-OF-WAY FOR THE G.O. BOND INTERSECTION PROJECT AT SW 19TH AND TELEPHONE ROAD.

Stan Drake, Assistant City Manager, indicated that the G.O. Bond project for SW 19th Street between Telephone Road and the West I-35 Service Road required that an Oklahoma Natural Gas line be relocated in two different locations at a cost of \$145,715.

Steve Eddy, City Manager, explained that if the line is in the City's right-of-way there would be no charge to move it; however, if it is in a private right-of-way the City is compelled to pay for the relocation of the lines.

Councilman Krows moved to approve an agreement with Oklahoma Natural Gas for an amount not to exceed \$145,715 to relocate utilities within a private right-of-way for the G.O. Bond Intersection Project at SW 19th and Telephone Road, second by Councilwoman Milum. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 7:00 P.M.

Agenda Item Number 13 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD FEBRUARY 1, 2010.
- B) RATIFY ACTION OF CITY COUNCIL ON APPROVAL OF FIELD USE AGREEMENTS WITH MOORE YOUTH FOOTBALL ATHLETIC ASSOCIATION, MOORE GIRLS SOFTBALL ATHLETIC ASSOCIATION, AND MOORE YOUTH BASEBALL ATHLETIC ASSOCIATION.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$120,036.58.

Steve Eddy, Trust Manager, advised that ratification of the Field Use Agreements was on the MPWA consent docket because the land at Buck Thomas Park is in the name of the Moore Public Works instead of the City of Moore.

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

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

Agenda Item Number 14 being:

CONSIDER APPROVAL OF CONTRACTOR QUESTIONNAIRE (PREQUALIFICATION REQUIREMENTS) FOR CONSTRUCTION OF PHASE II OF THE WASTEWATER TREATMENT PLANT.

Steve Eddy, Trust Manager, advised that Satish Dasharathy with Eagle Consultants would address the Trustees on the projected timelines for construction of Phase II of the Wastewater Treatment Plant.

Mr. Dasharathy stated that submittal of a contractor questionnaire is necessary on large projects so that contractors' qualifications can be evaluated prior to submittal of bids. The general contractor, electrical, contractor, mechanical contractor, dirt work process, yard piping, demolition, and instrumentation and controls must be prequalified. The goal would be to complete the prequalifications by the end of March. Final plans will be submitted to the Department of Environmental Quality for permits. Once the permit is issued by the DEQ the City Council will consider authorizing the solicitation of bids. There are some formalities with the Oklahoma Water Resources Board, including the loan closing, that still need to be completed.

Steve Eddy, City Manager, indicated that only two or three contractors in the State of Oklahoma and three or four outside of the State of Oklahoma have the expertise and bonding capacity to do a job of this size. Mr. Eddy indicated that the City needs to be certain that the contractor awarded the bid can do the job. Mr. Dasharathy added that the City must also insure that the contractor has the necessary experience to construct a wastewater treatment plant.

Trustee Krows moved to approve the Contractor Questionnaire (prequalification requirements) for construction of Phase II of the Wastewater Treatment Plant, second by Trustee Roberts. Motion carried unanimously.

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 7:05 P.M.

Agenda Item Number 15 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD FEBRUARY 1, 2010.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$83,634.96.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS CONVENED WITH CHAIRMAN DAVID ROBERTS PRESIDING AT 7:06 P.M.

Agenda Item Number 16 being:

ROLL CALL

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

Agenda Item Number 17 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING HELD JANUARY 19, 2010.

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

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

Agenda Item Number 18 being:

DIRECTOR'S REPORT

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

- Agreement with Teddy Bear Partners was approved at a special meeting held February 8, 2010.
- Jack in the Box under construction along the 19th Street frontage road near Chili's.
- Meetings will be held with merchants regarding 19th Street improvements. The project would allow additional traffic flow through the area following construction.
- Seeking sit down restaurants.
- Property on I-35 frontage under contract with existing property owner who already owns 18 acres.
- Retail Summit to be held in Moore to help local communities learn how to recruit retail.
- 2010 Economic Profile at printers and will be available in one to two weeks.

THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 7:12 P.M.

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:

- Long awaited recycling center will open a drop off facility on February 17, 2010 at 400 N. Telephone Road.
- Santa Fe project between 19th and 4th Street will begin April 5, 2010.
- The second phase of the street stimulus projects to repave Bryant and SE 34th Streets were bid out by ODOT.
- Monthly financial statement presented to the City Council.

Mayor Lewis stated that local communities are struggling with the economy. He expressed his appreciation to the City Council, City Manager and staff for the great job they are doing.

Agenda Item Number 20 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:17 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