

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
MARCH 1, 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 March 1, 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, 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; 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; Risk Manager, Gary Benefield; Police Chief, Ted Williams; Veolia Water Project Manager, Robert Pistole; and Purchasing Agent, Carol Folsom.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD FEBRUARY 16, 2010.
- B) RECEIVE THE MINUTES OF THE PLANNING COMMISSION MEETING HELD JANUARY 12, 2010.
- C) DECLARE IMAGISTICS SMART IMAGE PLUS COPY MACHINE USED BY THE COMMUNITY CENTER AS SURPLUS.
- D) DECLARE A 2003 FORD CROWN VICTORIA (VIN # 2FAFP71W43X111700) USED BY THE POLICE DEPARTMENT AS SURPLUS.
- E) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$1,273,924.23.

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 EXTENDING A CONTRACT WITH PROPERTY IMAGE SOLUTIONS FOR STORMWATER QUALITY NUISANCE ABATEMENT FOR ONE YEAR.

Elizabeth Jones, Community Development Director, stated that the City contracts with Property Image Solutions for stormwater nuisance abatements. Ms. Jones stated that the City has been very happy with the service provided by them and would request that the contract be extended for one year.

Councilwoman McMillan moved to extend a contract with Property Image Solutions for stormwater quality nuisance abatement for one year, second by Councilwoman Milum. 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 SW/4 OF SECTION 26, T10N, R3W, BEING SOUTH OF SW 25TH STREET AND EAST OF TELEPHONE ROAD. APPLICATION BY RON WILHITE.

Elizabeth Jones, Community Development Director, advised that the proposed lot split located south of Gordman's off of S. Telephone Road was zoned C-3. Ms. Jones stated that water was available to serve the site. Sewer must be extended prior to the issuance of a building permit. She added that the proposed lot split met all C-3 requirements; therefore, staff recommended approval of the item.

Mayor Lewis asked for the proposed use of the property. Deidre Ebrey, Economic Development Director, indicated that the applicant planned to construct doctors' offices at the site.

Steve Eddy, City Manager, asked the City Council to keep in mind that with a C-3 zoning use could be any type of commercial or office use permitted in that zoning district.

No one appeared in opposition to the item.

Councilman Krows moved to approve a lot split located in the SW/4 of Section 26, T10N, R3W, being south of SW 25th Street and east of Telephone Road, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER AUTHORIZING STAFF TO SOLICIT BIDS FOR MOWING AND NUISANCE ABATEMENT SERVICES.

Elizabeth Jones, Community Development Director, advised that the City currently has a code enforcement mowing and nuisance abatement contract with G&G Properties. In 2009 the City performed 530 abatements. The City has the option to extend the contract for one year; however, staff would

recommend soliciting bids in order to ensure that the City has a contractor with the ability to complete the jobs in a timely manner and to obtain competitive pricing.

Councilman Cavnar moved to authorize staff to solicit bids for mowing and nuisance abatement services, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER MOORE VISION 20/20 COMPREHENSIVE PLAN AMENDMENT NO. 18, LOCATED IN THE NW/4 OF SECTION 11, T10N, R3W, BEING NORTH OF NE 18TH STREET AND EAST OF I-35 FROM MEDIUM COMMERCIAL TO HIGH DENSITY COMMERCIAL. APPLICATION BY ROBERT L. SULLIVAN.

Elizabeth Jones, Community Development Director, advised that Agenda Items No. 6 and 7 were companion items. Ms. Jones stated that the proposed Rezoning Application No. RZ-852 was located on the east side of N. Broadway and south of NE 27th Street. A motel previously located on the site was destroyed in the May 3, 1999 tornado, and the site has remained vacant since that time. Ms. Jones advised that the applicant was requesting a permissive use for Automotive and Equipment; Heavy, Sales and Rentals in order to operate a heavy equipment rental business similar to a United Rentals also located on NE 27th Street. The property has existing water and sewer to serve the site and access would be provided by N. Broadway Avenue. She noted that two existing curb cuts located on the property were installed by ODOT in 2005, when improvements were made to the service road. Any additions or modifications to the curb cuts must be approved by the City of Moore and ODOT.

Ms. Jones stated that the property is currently designated in the Moore Vision 20/20 Comprehensive Plan as Medium Commercial. An amendment to the Plan is required to change the land use designation from Medium Commercial to Heavy Commercial. Staff reviewed the surrounding property's uses and zoning as well as the potential impact from the use to the I-35 corridor and the residential addition to the east. Although there is a precedent in the general area for outside storage and display, a granite store and a U-haul storage are located to the south of the lot, there is some concern over the application's aesthetic impact to the I-35 Corridor. The application is seeking permissive use in the C-5 zoning district. Ms. Jones explained that permissive uses are uses that may not be compatible in all areas with the appropriate underlying zoning. Therefore, the City Council must determine whether the proposed use will negatively impact or affect the integrity of the comprehensive plan or the I-35 Corridor. Ms. Jones requested that if the application is approved that it be contingent upon compliance with the I-35 Corridor aesthetic requirements.

Mayor Lewis asked for staff's recommendation. Ms. Jones recommended that a determination be made by looking at the proposed site and determining what is best for the area since it is an amendment to the comprehensive plan. Mayor Lewis noted that the Planning Commission recommended approval of the rezoning application, and added that no one signed up to speak in opposition to the item. Ms. Jones stated that she would take into consideration the fact that the property had not been redeveloped since it was destroyed in 1999. In addition access and visibility issues off the service road would prevent many of the medium commercial uses from wanting to go there. She expressed some concern about the visible impact it would have from I-35 since there would be a lot of bucket trucks on display. However, the City must look at the highest and best use of that particular piece of property.

Councilman Krows asked if the property had been marketed since the tornado. Ms. Jones indicated that the applicant was in attendance at the meeting if Council would like additional information. Councilman

Roberts stated that directly across the interstate was another operation similar to the one being proposed. He stated that if the proposed business looked similar to the one across the street he would not have an objection to approving the item. Mayor Lewis agreed that those businesses appeared to be well maintained.

Mayor Lewis asked if anyone in attendance was opposed to the item. Finding none he asked for a motion.

Councilwoman McMillan moved to approve a Moore Vision 20/20 Comprehensive Plan Amendment No. 18, located in the NW/4 of Section 11, T10N, R3W, being north of NE 18th Street and east of I-35 from Medium Commercial to High Density Commercial, second by Councilman Krows. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER REZONING APPLICATION NO. RZ-852 LOCATED IN THE NW/4 OF SECTION 11, T10N, R3W, BEING NORTH OF NE 18TH STREET AND EAST I-35, FROM C-5 AUTOMOTIVE AND COMMERCIAL RECREATION DISTRICT TO C-5/PU AUTOMOTIVE AND COMMERCIAL RECREATION DISTRICT WITH A PERMISSIVE USE FOR AUTOMOTIVE AND EQUIPMENT; HEAVY, SALES AND RENTAL; AND APPROVE ORDINANCE NO. 665(10). APPLICATION BY ROBERT L. SULLIVAN.

Elizabeth Jones, Community Development Director, reiterated the proposed stipulations mentioned in Agenda Item No. 6. The Planning Commission wanted to ensure that the applicant complies with the aesthetic requirements for the I-35 Corridor. Those requirements include bricking 75% of the main building, installing a sealed surface parking lot, and landscaping. Ms. Jones advised that the applicant was aware of the requirements and assured the Planning Commissioners that she would meet the requirements.

Robert Sullivan, applicant, stated that he had originally purchased the property three years ago for a Hertz equipment rental. Hertz backed out due to the economic downturn. The new applicant also planned to use the property for equipment rental. Mr. Sullivan advised that he is a commercial real estate broker and the property had been marketed heavily.

Councilman Krows moved to approve Rezoning Application NO. RZ-852 and Ordinance No. 665(10), second by Councilwoman McMillan. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER AUTHORIZING LEGAL REPRESENTATION FOR POLICE OFFICER JOHN EIKEL IN THE CASE STYLED SHAUN RUSSELL V. CITY OF MOORE, AN OKLAHOMA MUNICIPALITY AND OFFICER JOHN EIKEL AN INDIVIDUAL, IN THE DISTRICT COURT OF CLEVELAND COUNTY, STATE OF OKLAHOMA, CASE NO. CJ-10-201(L) PURSUANT TO 11 OKLA. STAT. § 23-101.

Steve Eddy, City Manager, stated that the lawsuit was filed within the last two weeks as a result of an incident that occurred at IHOP last summer. The incident was discussed in executive session following the filing of a tort claim. The City denied the tort claim and the lawsuit was ultimately filed. Mr. Eddy advised that under state law the City is required to provide an employee named individually in a lawsuit with separate legal counsel if it is determined they were acting within the scope of their job duties.

Councilman Krows moved to authorize legal representation for police officer John Eikel in the case styled Shaun Russell v. City of Moore, an Oklahoma municipality and Officer John Eikel an individual, in the District Court of Cleveland County, State of Oklahoma, Case No. CJ-10-201(L) pursuant to 11 Okla. Stat. § 23-101, second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER A CHANGE ORDER TO BINSWANGER GLASS IN THE AMOUNT OF \$1,600 TO ADD CLEAR COAT TO THE DOORS AND WINDOWS ON FIRE STATIONS NO. 3 AND 4.

Stan Drake, Assistant City Manager, advised that the architect on the fire station projects recommended the addition of clear coat to the doors and windows of Fire Stations No. 3 and 4 in order to retain the red color and prevent fading due to exposure to sunlight.

Mayor Lewis asked if there was a completion date set for the new stations. Mr. Drake estimated late summer due to delays caused by the weather.

Councilman Krows moved to approve a change order to Binswanger Glass in the amount of \$1,600 to add clear coat to the doors and windows on Fire Stations No. 3 and 4, 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 WAS CONVENED AT 6:53 P.M.

Agenda Item Number 10 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD FEBRUARY 16, 2010.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$870,474.09.

Trustee McMillan moved to approve the consent docket in its entirety, second by Trustee Roberts. 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 WAS CONVENED AT 6:54 P.M.

Agenda Item Number 11 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD FEBRUARY 16, 2010.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$141,747.46.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED AT 6:55 P.M.

Agenda Item Number 12 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/Trustees.

- C) ITEMS FROM THE CITY/TRUST MANAGER.

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

- New drop-off recycling center is open at 400 N. Telephone Road.
- Santa Fe between 4th and 19th Streets is in disrepair; however, the street project, which is under the direction of ODOT, isn't scheduled to start until April 5, 2010. In the meantime the City will attempt to keep the potholes filled due to safety issues.
- 19th and Telephone Road bond issue project awarded at the February 16, 2010 City Council meeting has a start date for off roadway construction of March 8, 2010. The actual roadway construction would start in several weeks.
- Second round of stimulus roadway projects were awarded by ODOT last week. Silver Star Construction was awarded the contract, with an anticipated start date of April 1, 2010. There appears to be sufficient funds to do four segments: repaving of SE 34th between Bryant and Sooner, and Bryant between N. 27th and S. 4th.
- 4th Street Bridge re-decking started by ODOT which may cause future lane closures.

- 19th Street Bridge maintenance occurred over the weekend.
- The 2010 Census questionnaires will be mailed out between March 15 and 17, 2010. The questionnaires should be mailed back between March 15, 2010 and April 15, 2010. Encouraged citizen participation.

Mayor Lewis announced the remodeled Braums at 19th and Broadway would re-open March 8, 2010.

Agenda Item Number 13 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 7:00 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