

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
MARCH 17, 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 March 17, 2008 at 6:30 p.m. with Vice-Mayor Kathy McMillan 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: Krows, Haworth, Cavnar, Milum, McMillan
ABSENT: Roberts, Lewis

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; City Attorney, Randy Brink; Deputy Fire Chief, Gary Bird; Major, Gary Tipps; 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; Parks and Recreation Director, Carson Lynch; Police Chief, Ted Williams; Veolia Water Project Manager, Robert Pistole; and Purchasing Agent, Carol Folsom.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MARCH 3, 2008.
- B) ACCEPTANCE OF A DRAINAGE EASEMENT FROM RICHARD MONTGOMERY LOCATED IN LOTS 10, 11 AND 12 IN BLOCK 8 OF THE LOCKHOMA ESTATES ADDITION.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2007-2008 IN THE AMOUNT OF \$1,184,981.55.

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

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING CONVENED AT 6:32 P.M.

Agenda Item Number 3 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD MARCH 3, 2008.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2007-2008 IN THE AMOUNT OF \$20,032.31.

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

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING CONVENED AT 6:33 P.M.

Agenda Item Number 4 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD MARCH 3, 2008.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 07-08 IN THE AMOUNT OF \$119,126.88.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING CONVENED WITH CHAIRWOMAN MILUM PRESIDING AT 6:34 P.M.

Agenda Item Number 5 being:

ROLL CALL

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

Agenda Item Number 6 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING HELD FEBRUARY 19, 2008.

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

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

THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED AT 6:36 PM WITH VICE-MAYOR MCMILLAN PRESIDING:

Agenda Item Number 7 being:

SWEARING IN OF MAYOR AND CITY COUNCIL MEMBERS BY JUDGE BLAKE VIRGIN.

Judge Virgin administered the Oath of Office to Terry Cavnar and Janie Milum. Steve Eddy, City Manager, advised that Councilman Roberts and Mayor Lewis were absent from the meeting and would be sworn in at the next City Council meeting.

Vice-Mayor McMillan thanked the newly elected council members for their past participation and their future performance on the City Council.

Agenda Item Number 8 being:

ROLL CALL:

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

Agenda Item Number 9 being:

CONSIDER A BUDGET SUPPLEMENT TO THE GENERAL FUND STREET DEPARTMENT IN THE AMOUNT OF \$500,000.

Jim Corbett, Finance Director, stated that the proposed budget supplement was for the Street Department in the amount of \$500,000 to fund various street projects.

Councilwoman Haworth moved to approve a budget supplement to the General Fund Street Department in the amount of \$500,000.00, second by Councilman Krows. Motion carried unanimously.

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

Agenda Item Number 10 being:

CONSIDER APPROVAL OF A LOT SPLIT LOCATED IN LOT 1, BLOCK 1 OF WESTMOORE BUSINESS PARK FOR THE CONSTRUCTION OF A MINI-STORAGE. APPLICATION BY SASSAN MOGHADAM.

Elizabeth Jones, Community Development Director, stated that the subject property was located in the Westmoore Business Park Addition north of SW 19th Street and east of Santa Fe Avenue. The applicant requested a lot split in order to release the mortgage on Tract B, and to construct an expansion of the existing A + Mini-Storage. Ms. Jones stated that because the applicant would still hold ownership of the lots after the lot split, staff recommended approval of the item contingent upon having an appropriate access easement, guaranteeing access to Tract B, filed in Cleveland County. She added that the deed for Tract B must also specify that the property would be used for mini-storage use only. Ms. Jones advised that the applicant had already satisfied both of the contingencies.

Councilman Cavnar moved to approve a lot split located in Lot 1, Block 1 of Westmoore Business Park for the construction of a mini-storage, second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 11 being:

CONSIDER APPROVAL OF A CONTRACT WITH CLEVELAND COUNTY REBUILDING TOGETHER (FORMERLY KNOWN AS CHRISTMAS IN APRIL) FOR LOW INCOME HOME REPAIRS IN THE AMOUNT OF \$3,000.

Elizabeth Jones, Community Development Director, advised that Cleveland County Rebuilding Together formerly known as Christmas in April was an annual event where a work day is scheduled for volunteers to assist low income families to make their homes safe and weather tight. The City of Moore has participated in the program for several years. It is the only program available to the community that deals with this type of service. Approximately \$1,000 is spent on each home to make the necessary improvements. Ms. Jones noted that five homes had been approved in Moore out of a total of 18 homes within Cleveland County. She advised that Cleveland County Rebuilding Together requested that the City contribute \$3,000 toward the cost of the repairs.

Councilwoman Haworth moved to approve a contract with Cleveland County Rebuilding Together for low income home repairs in the amount of \$3,000.00, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 12 being:

CONSIDER APPROVAL OF ORDINANCE NO. 615(08) AMENDING PART 12, CHAPTER 9, SECTION 12-913 OF THE MOORE CITY CODE BY LIMITING THE REQUIREMENT FOR SIGHT-PROOF FENCING FOR OIL AND GAS WELLS AND STORAGE TANKS TO THOSE WITHIN 300' OF RESIDENTIALLY ZONED PROPERTY.

Elizabeth Jones, Community Development Director, advised that Ordinance No. 615(08) was an amendment to Ordinance No. 547(07) that included changes to the sight-proof fencing requirements for oil and gas wells and storage tanks. Ms. Jones noted that various oil companies asked that the item be revisited due to their comments and concerns based on perceived safety issues. She advised that staff did review the issue again in order to seek out a solution that would balance the oil well owners concerns with a basic level of maintenance and buffering for the residential community. Ms. Jones felt that Ordinance No. 615(08) was a good compromise. She stated that it would require any oil well, gas well, or storage tank within 300 feet of a residentially zoned property, including zoning districts RE through R-4, to have sight proof fencing. The type of fencing must be constructed of pressure treated pine or better and be between 6 and 8 feet in height. The fence must be maintained in good condition. Ms. Jones advised that an alternative would be to install an approved landscaping package and maintenance plan. In addition, a non-opaque fence such as chain link fencing would be required with barbed wire along the top, which must be kept locked at all times. Ms. Jones noted that the location of the oil wells, as it related to the zoning map, would be reviewed on an annual basis. She advised that the City had notified every owner of an oil well or storage tank in the City limits of the proposed changes.

Councilman Krows asked what the oil well owners' concerns were with the fencing requirement. Ms. Jones responded that they felt sight proof fencing would prevent someone who was vandalizing the structure, or children playing who could potentially be harmed, from being seen.

Councilman Cavnar inquired what surrounding cities do in relation to sight-proof fencing for oil and gas wells. Ms. Jones stated that Oklahoma City requires a 300 foot separation from a residence or building for a newly drilled oil well. They also require sight proof fencing and six foot evergreen vegetation berms.

Ms. Jones commented that it was understood that the entire facility could not be completely screened. The intent of the ordinance is to provide a sense of separation to the pedestrians and neighboring residents. Steve Eddy, City Manager, advised that the previous ordinance applied to all oil wells no matter what zoning district they were in or their proximity to any other zoning district.

Ms. Jones advised that the City has 29 oil related facilities within the city limits. The proposed ordinance would apply only to those oil wells that are adjacent to single-family residential properties. This would affect only 12 of the oil well facilities at this time.

Vice-Mayor McMillan asked when the ordinance would become effective. Ms. Jones stated that it would become effective in 30 days unless Council decided to extend the deadline. She added that some of the oil well companies have already complied with the requests; however, most have not.

Councilman Krows asked what recourse the City had if the oil well companies did not comply with the new regulations. Ms. Jones stated that the oil well companies' non-compliance would be documented and turned over to City Attorney Randy Brink for prosecution through municipal court, which could result in a fine.

Citizens to Speak:

David Pardue, with Veenker Resources, 100 N. Broadway, Ste. 3100, Oklahoma City, mentioned that he had previously appeared before Council to voice the concerns of his clients. He was pleased that the proposed ordinance addressed Veenker Resources concerns. Mr. Pardue requested extending the deadline for installation of the fencing to 60 days. He added that his client estimated delivery of the wooden fencing would take approximately 30 to 45 days with an additional 14 days required for installation at all six of their oil well locations. Steve Eddy, City Manager, advised that if Ordinance No.

615(08) was approved, all of the oil well operators would be notified that the effective date would be 30 days from the date of approval. However, an administrative time period would be allowed in which to comply. Mr. Eddy advised that the landscaping option must have prior staff approval. He stated that oil well owners would have approximately 30 to 60 days past the implementation period in which to comply. Those companies that are not in compliance would be prosecuted through municipal court.

Scott Robiniwitz with Grand Resources stated that he owned the oil well behind the German restaurant. He felt that landscaping around a pumping oil well becomes problematic during extended work other than a routine pump change because the landscaping was not removable. He felt that several of his wells would be impacted by the 300 foot requirement. Mr. Eddy advised that the ordinance makes the distinction between residential versus commercial or agricultural properties. Mr. Eddy felt it would not affect as many as he might anticipate because the 300 foot requirement only relates to single-family residential subdivisions. Mr. Robiniwitz felt the 300 foot requirement would be a fair compromise. Mr. Eddy reminded him that landscaping was only an option.

Neil Bissel with Linn Energy advised that he owned three oil wells at 19th and Eastern. He asked for clarification of the ordinance. Mr. Bissel asked if he added cyclone fencing to the existing chain link fencing at his oil well site, would it be necessary to add landscaping in order to be compliant. Mr. Eddy stated that a chain link fence combined with cyclone fencing would not be an option. Ms. Jones advised that Mr. Bissel had been in compliance with Ordinance 547(07) from the beginning. It was determined that he would be "grandfathered in" and wouldn't need to do anything else in order to be in compliance with the fencing requirements. Mr. Bissel advised that painting the wells must take place when it was not windy and the temperature was above 40 degrees. Ms. Jones stated that staff began enforcement of the painting requirements recently. She suggested that he speak with the Inspector because he may not be in violation of this section of the ordinance.

Councilman Krows moved to approve Ordinance No. 615(08), second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 13 being:

CONSIDER APPROVAL OF THE PRELIMINARY PLAT OF OLD TOWN SQUARE, LOCATED IN THE SW/4 OF SECTION 14, T10N, R3W, BEING NORTH OF MAIN STREET AND WEST OF BROADWAY AVENUE. APPLICATION BY PAUL METHVIN.

Elizabeth Jones, Community Development Director, advised that the proposed preliminary plat consisted of eight patio homes on one acre. Ms. Jones stated that the property was not located in a flood plain; however, a fee in lieu of detention would be required. There are existing drainage concerns in the area due to the age and maintenance of the natural drainage swales that are used for the stormwater conveyance. The fee in lieu of detention would be used to fund a project to enclose the drainage swale along Howard from NW 1st Street to Main Street in an underground pipe in an effort to relieve the historical flooding issues occurring from within the general area. Access would be from NW 1st Street using a common access drive for the eight lots with no individual access allowed along Howard or 1st Streets. Ms. Jones commented that the development was approved as a PUD on April 2, 2007. The PUD was designed to incorporate traditional urban development with a higher density project. She felt this had been achieved by reducing the number of patio homes from ten to eight. It should be noted that the plat reflects that a portion of the roadway right-of-way along Howard and 1st Street would be included as

private property within the development. Staff does not have an objection to this because the original town site was platted with very wide rights-of-way that are not being used. Ms. Jones did advise that the developer would still be required to vacate this portion of the right-of-way through District Court. The plat could be approved contingent upon the requirement. Staff recommended approval of the item.

Stan Drake, Assistant City Manager, noted that the proposed off site drainage would carry the water south but there may not be enough cover to enclose it.

Councilwoman Haworth moved to approve the Preliminary Plat of Old Town Square, located in the SW/4 of Section 14, T10N, R3W, being north of Main Street and west of Broadway Avenue, second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 14 being:

CONSIDER AWARDING BID NO. 078-007 "PURCHASE OF THREE (3) ONE-TON WILDLAND GRASS/BRUSH APPARATUS" TO CHIEF FIRE & SAFETY IN THE AMOUNT OF \$101,277.00.

Deputy Chief Gary Bird advised that the City received four bids on the purchase of three one-ton grass units. Chief Fire & Safety out of Chickasha, Oklahoma submitted the lowest and most responsive bid in the amount of \$101,277.00.

Councilman Cavnar moved to award Bid No. 078-007 "Purchase of Three One-Ton Wildland Grass/Brush Apparatus" to Chief Fire & Safety in the amount of \$101,277.00, second by Councilman Krows. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING RECONVENED AT 7:05 P.M.

Agenda Item Number 15 being:

CONSIDER A CONTRACT WITH GREAT PLAINS COCA-COLA BOTTLING COMPANY.

Carson Lynch, Parks and Recreation Director, stated that the proposed contract with Great Plains Coca-Cola Bottling Company was an agreement to use Great Plains exclusively for a one year period at the Community Center and Moore Swimming Pool in exchange for two scoreboards for the gymnasium at a cost of \$8,450. The agreement would automatically renew unless the City gives 60 day notice. Mr. Lynch's recommended approving the contract for a five year period. He stated that Coca-Cola Bottling Company already had all of the vending at the Community Center and swimming pool; however, the contract would include the concession stand at the Community Center, which was only open during basketball season. Mr. Lynch noted that upon approval of the contract Pepsi would remove a refrigerator they had previously given to the City under their contract; however, in addition to two scoreboards Great Plains would also replace the refrigerator. Mr. Lynch related that the current scoreboards were original to

the building. One of the scoreboards wasn't operational and the second scoreboard didn't work consistently.

Trustee Haworth moved to approve a contract with Great Plains Coca-Cola Bottling Company, second by Trustee Milum. Motion carried unanimously.

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

Addendum Item Number 15A being:

ACCEPT ENVIRONMENTAL INFORMATION DOCUMENT FOR PROPOSED WASTEWATER TREATMENT PLANT IMPROVEMENTS; SET A DATE FOR PUBLIC HEARING ON MAY 5, 2008; AND AUTHORIZE NOTICE OF PUBLIC HEARING TO BE PUBLISHED.

Steve Eddy, City Manager, stated that there were several steps in acquiring approval from the Environmental Protection Agency and the Department of Environmental Quality before constructing a new wastewater treatment plant at the current site. An Environmental Information Document prepared by engineer Satish Dasharathy was a necessary step in obtaining the proper approvals.

Satish Dasharathy with Eagle Consultants addressed the City Council regarding the necessity of an Environmental Information Document. Mr. Dasharathy advised that this document would evaluate the type of impact the project would have on ground and surface water, floodplains, geology of the area, and traffic patterns, to name a few. He stated that it would culminate in a public hearing in order to receive comments or concerns.

Trustee Haworth moved to approve the Environmental Information Document for proposed Wastewater Treatment Plant improvements, set a date for public hearing on May 5, 2008, and authorize notice of public hearing to be published, second by Trustee Krows. Motion carried unanimously.

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING RECONVENED AT 7:10 PM WITH CHAIRWOMAN MILUM PRESIDING:

Agenda Item Number 16 being:

DIRECTOR'S REPORT

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

- Sephora's grand opening inside the J.C. Penney store was scheduled for March 21, 2008.
- Warren Theatre will hold their grand opening on April 4, 2008.
- Office Depot, Famous Footwear, Justice for Girls, Fashion Bug are open for business.
- Ricky's Mexican Café is under construction on a pad site in the Shops at Moore.

- Tourism rack card is complete and would be submitted in tourism visitor centers around the State.
- The Economic Profile is complete and available on-line.
- The 2008 Quality of Life Survey is available to answer on-line. Alternatively, interested citizens can call and request a survey to be mailed to them. To date staff has received 400 responses and will continue accepting responses until the end of April.
- Old Town Farmer's Market will begin May 22, 2008 and will run every Thursday and Saturday, barring bad weather, during the remainder of the summer. This year vendors will bring their own tents and will set up in the parking lot between City Hall and the Old School Business Center.
- 2008 Art in the Park: A Celebration in the Heartland will be July 3-4, 2008.

THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS RECESSED AND THE CITY COUNCIL RECONVENED AT 7:15 PM WITH VICE-MAYOR MCMILLAN PRESIDING:

Agenda Item Number 17 being:

NEW BUSINESS:

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

There were no citizen comments.

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:

- E-mailed an update to the City Council.
- February Financial Statement was distributed to the City Council. Discretionary Fund still looks good even after the recent purchase of land in Oklahoma City.
- Sales Tax Report totals are up.

Agenda Item Number 18 being:

EXECUTIVE SESSION

A) CONSIDER APPROVAL OF THE FY 2008-2009 WAGE ARTICLES (ARTICLES 8 AND 28) WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) LOCAL 2047, AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(2).

B) CONVENE INTO EXECUTIVE SESSION

Steve Eddy, City Manager, stated that the City had entered into a two year contract with the firefighters last year, and the only issues remaining to be negotiated were wage issues. Historically the City pays one year behind Oklahoma City's pay schedule. Mr. Eddy suggested that an executive session would not be necessary if Finance Director, Jim Corbett could give the percentages of pay increases.

Jim Corbett, Finance Director, stated that the only articles open for discussion were Articles 8 and 28, which involved base wages and longevity. The increase for longevity was based on years of service 3 through 20. The base wages increased approximately 3% to 4% depending on the rank. Mr. Corbett advised that the Assistant Chief's base pay was increased by 7%. He added that for those employees who have steps remaining in the pay scale there be a merit raise.

C) RECONVENE FROM EXECUTIVE SESSION

The City Council did not convene into executive session.

D) ACTION.

- A) CONSIDER APPROVAL OF THE FY 2008-2009 WAGE ARTICLES (ARTICLES 8 AND 28) WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) LOCAL 2047, AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(2).

Councilwoman Haworth moved to approve FY 2008-2009 wage articles (Articles 8 and 28) with the International Association of Firefighters (IAFF) Local 2047, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 19 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

RECORDED BY:

CAROL FOLSOM, Purchasing Agent

FOR:

SHELIA HAWORTH, MPWA Secretary

FOR:

ROBERT KROWS, MEDA Secretary

These minutes passed and approved as noted this ____ day of _____, 2008.

ATTEST:

JIM CORBETT, JR., City Clerk