

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
THE MOORE RISK MANAGEMENT BOARD
APRIL 6, 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 April 6, 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

Shelia Haworth
Councilwoman, Ward III

Terry Cavnar
Councilman, Ward III

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

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; City Attorney, Randy Brink; Emergency Management/Communications Director, Gayland Kitch; Fire Chief, Charles Stephens; Community Development Director, Elizabeth Jones; Risk Manager, Gary Benefield; Economic Development Director, Deidre Ebrey; Finance Director/City Clerk, Jim Corbett; Parks and Recreation Director, Carson Lynch; Major Gary Tipps; Public Works Director, Richard Sandefur; Veolia Water Project Manager, Robert Pistole; and Purchasing Agent, Carol Folsom.

The invocation was given by Pastor Ron Isam with New Beginning Fellowship Church.

Mayor Lewis read a proclamation declaring April 13-17, 2009 as "National Telecommunicator Week". Virginia Gould, Dispatch Supervisor, was in attendance at the meeting to accept the proclamation.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MARCH 16, 2009.
- B) APPROVE A BUDGET SUPPLEMENT IN THE AMOUNT OF \$200,000 TO THE GENERAL FUND - STREET DEPARTMENT.
- C) APPROVE A CONTRACT IN THE AMOUNT OF \$4,000 WITH CLEVELAND COUNTY REBUILDING TOGETHER (FORMERLY KNOWN AS CHRISTMAS IN APRIL).
- D) RENEW CONTRACT WITH M & M LANDSCAPING AND LAWN CARE FOR MAINTENANCE OF THE RIVERWALK AND BROADWAY STREETScape PROJECTS.
- E) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$1,846,951.16.

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

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

Agenda Item Number 3 being:

CONSIDER AWARDING BID NO. 089-004-2 "MOORE MAIN FIRE STATION NO. 1 FOR ORNAMENTAL FORMED METAL & ROUGH CARPENTRY" (BID PACKAGE NO. 7) TO CGW, INC. IN THE AMOUNT OF \$197,500.

Steve Eddy, City Manager, advised that the City did not originally receive any bids on Bid Package No. 7 and the item was rebid.

Councilwoman McMillan moved to award Bid No. 089-004-2 "Moore Main Fire Station No. 1 for Ornamental Formed Metal & Rough Carpentry" (Bid Package No. 7) to CGW, Inc. in the amount of \$197,500, second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER AWARDING BID NO. 089-009 "MOWING AND NUISANCE ABATEMENT" TO G & G SERVICES.

Elizabeth Jones, Community Development Director, stated that staff recommended using only one abatement contractor this year instead of two. The mowing and nuisance abatement contract was bid and the low bidder was G & G Services. Ms. Jones noted that G & G Services is one of the contractors the City is currently using.

Councilman Krows moved to award Bid No. 089-009 "Mowing and Nuisance Abatement" to G & G Services, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER APPROVAL OF A LOT SPLIT LOCATED IN THE SW/4 OF SECTION 23, T10N, R3W BEING NORTH OF SW 19TH STREET AND EAST OF TELEPHONE ROAD. APPLICATION BY MURPHY OIL COMPANY.

Elizabeth Jones, Community Development Director, stated that the proposed lot split by Murphy Oil Company would split off the existing gas station from the Wal-Mart located north of SW 19th Street and east of Telephone Road. The intended use of the property is not expected to change and the request is primarily for tax purposes. A private access agreement with Wal-Mart will insure access to their property.

Ms. Jones advised that the lot split does not approve any type of curb cuts onto 19th Street. Staff recommended approval of the item.

Councilman Krows moved to approve a lot split located in the SW/4 of Section 23, T10N, R3W, being north of SW 19th Street and east of Telephone Road, second by Councilwoman McMillan. Motion carried unanimously.

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

Agenda Item Number 6 being:

DISCUSS AND RECEIVE CITIZEN INPUT REGARDING PROPOSED USE OF THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FUNDS IN THE AMOUNT OF \$59,825.

Major Tipps advised that the Edward Byrne Memorial Justice Assistant Grant award would be shared with Norman and Cleveland County. He stated that Norman would receive \$119,844, Cleveland County would receive \$25,251 and Moore would receive \$59,825; however, all entities must agree on the use of the grant in order to receive the monies. Major Tipps indicated that the City is required under the grant terms to receive citizen input regarding the proposed use of the grant funds. Staff would recommend using the grant funds to purchase mobile electronic citation equipment for the patrol cars. The ticket will be printed out when, following a traffic stop, the police officer would slide the drivers license through the equipment, enter the offense and whether the ticket would be issued as a warning or citation. The information could then be downloaded to the Court Clerk's computer system. Major Tipps indicated that there are no matching funds required for this grant.

Steve Eddy, City Manager, advised that the motorcycle officers have been using the ticket writers for the past six months and have been very pleased with the system.

Major Tipps advised that staff would consider any suggestion made by the public; however, if there are no suggestions then Agenda Item No. 7 would request authorization to accept the grant with the proposed use.

There were no citizen comments.

Agenda Item Number 7 being:

CONSIDER AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE CITY OF NORMAN AND THE CLEVELAND COUNTY BOARD OF COMMISSIONERS FOR ACCEPTANCE OF THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) IN THE AMOUNT OF \$59,825.

Councilwoman McMillan moved to authorize the City to enter into an agreement with the City of Norman and the Cleveland County Board of Commissioners for acceptance of the Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$59,825, second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER APPROVAL OF CONTRACT AMENDMENT NO. 1 WITH ROBISON & ASSOCIATES FOR ARCHITECTURAL SERVICES FOR DESIGN OF THE MUNICIPAL COURT COMPLEX AS PART OF THE PUBLIC SAFETY CENTER.

Steve Eddy, City Manager, indicated that the existing contract with Robison & Associates was for architectural services for the design of the new police and emergency operations centers. The amendment is for the addition of the municipal court complex to the contract in the amount of \$275,000. Mr. Eddy indicated that a copy of the final floor and site plans are available for Council's review.

Councilman Roberts moved to approve Contract Amendment No. 1 with Robison & Associates for architectural services for design of the Municipal Court Complex as part of the Public Safety Center, second by Councilman Krows. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER APPROVAL OF A CONTRACT AND SCOPE OF SERVICES WITH CARDINAL ENGINEERING, INC. FOR ENGINEERING DESIGN SERVICES FOR G.O. BOND PROJECT NO. 2 – NE 12TH STREET FROM EASTERN TO BRYANT IN THE AMOUNT OF \$254,700.

Steve Eddy, City Manager, indicated that the proposed contract with Cardinal Engineering is for engineering services for G.O. Bond Project No. 2 which is the reconstruction and widening of NE 12th Street from Eastern to Bryant in the amount of \$254,700. Mr. Eddy indicated that the transportation committee interviewed several engineering firms before selecting Cardinal Engineering. Negotiations regarding the scope of services have been ongoing; however, an agreement has been reached and Cardinal has proceeded with surveying the project. Mr. Eddy indicated that staff anticipates putting the project out to bid this Fall.

Councilman Roberts moved to approve a contract and scope of services with Cardinal Engineering, Inc. for engineering design services for G.O. Bond Project No. 2 – NE 12th Street from Eastern to Bryant in the amount of \$254,700, second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 10 being:

CONSIDER ACCEPTANCE OF THE PRIVATE ROADS IN LOST CREEK SECTION II (NE 18TH STREET AND HIGH MEADOW LANE) FOR PUBLIC MAINTENANCE, SUBJECT TO THE HOMEOWNERS' PAYMENT OF \$172,164.54 TO RECONSTRUCT SAID ROADWAYS TO MEET CITY STANDARDS, AND AUTHORIZE THE CITY TO PERFORM THE WORK UNDER ITS EXISTING CONTRACT WITH SILVER STAR CONSTRUCTION.

Stan Drake, Assistant City Manager, advised that he had met with the homeowners of Lost Creek Section II regarding the poor condition of the private roadways within their addition. He stated that the

subdivision was constructed prior to the City's requirement that gated communities or private roadways be built to meet City specifications. Steve Shawn with Silver Star Construction estimated the cost of rebuilding the roadway with a 6" stabilized subgrade and a 4" asphalt overlay to be \$172,164.54. Mr. Drake advised that the homeowners of Lost Creek have agreed to pay the cost of the reconstruction and have signed a Hold Harmless Agreement in the event private property is inadvertently damaged during construction. Mr. Drake indicated that if Council approved the item the City would permanently accept maintenance of the roadways and would reconstruct them to meet City standards.

Councilwoman Haworth moved to approve acceptance of the private roads in Lost Creek Section II (NE 18th Street and High Meadow Lane) for public maintenance, subject to the homeowners' payment of \$172,164.54 to reconstruct said roadways to meet City standards, and authorize the City to perform the work under its existing contract with Silver Star Construction, second by Councilwoman Milum.

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

Agenda Item Number 11 being:

CONSIDER ORDINANCE NO. 647(09) AMENDING PART 12, ARTICLE F, SECTION 12-433 OF THE LAND DEVELOPMENT CODE OF THE MOORE MUNICIPAL CODE TO REQUIRE MULTI-FAMILY RESIDENTIAL BUILDINGS, OR ANY PART THEREOF, SOLD OR CONSTRUCTED AFTER THE EFFECTIVE DATE OF THIS ORDINANCE TO OBTAIN AN OCCUPANCY PERMIT; PROVIDING DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR A REPEALER.

Mayor Lewis requested that the item be placed on the agenda. The item was originally presented to Council at the February 17, 2009 City Council meeting to establish a maintenance bond requirement for upkeep and maintenance of multi-family housing complexes. Several alternatives were considered but staff recommended using the occupancy permit process with a mandatory inspection as a way to address the issue. Councilman Roberts asked what the City would do in the case of an occupied property. Steve Eddy, City Manager, stated that the existing exterior property maintenance code would be used on occupied units. The units around Janeway and 24th that instigated the issue of property maintenance are now under condemnation. Mr. Eddy indicated that the new owner is working with the City. He added that the issue of adding duplexes to the ordinance was reviewed but it was determined that the City did not have adequate staffing levels to monitor duplexes, especially since they change ownership frequently.

Councilwoman Haworth moved to approve Ordinance No. 647(09), second by Councilman Roberts. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING CONVENED AT 6:55 P.M.

Agenda Item Number 12 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD MARCH 16, 2009.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$349,106.62.

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

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

Agenda Item Number 13 being:

CONSIDER AWARDING BID NO. 089-008 "WASTEWATER TREATMENT SYSTEM IMPROVEMENTS, CONTRACT 1" TO WYNN CONSTRUCTION COMPANY, INC., SUBJECT TO CONCURRENCE BY THE OKLAHOMA WATER RESOURCES BOARD, IN THE AMOUNT OF \$2,392,000 (BASE BID) AND/OR \$2,538,000 (BASE BID WITH DAVIS-BACON WAGE RATES).

Steve Eddy, City Manager, advised that Bid No. 089-008 was the first contract for the Wastewater Treatment Plant improvements. The engineer's estimate for the first phase of the project was around \$4 million. Construction costs came in much lower than anticipated with the low bid from Wynn Construction Company, Inc. in the amount of \$2,392,000. Mr. Eddy added that the stimulus bill that was approved by Congress would make monies available to various states and municipalities for different types of projects. He advised that the Oklahoma Water Resources Board ("OWRB") allocated the City \$2 million as our portion of the federal stimulus monies that could be contributed toward this project. Mr. Eddy advised that one of the requirements when receiving federal funds is to pay Davis-Bacon wages rates, which is a higher wage rate. Therefore, if the City receives the stimulus money the bid amount would change to \$2,538,000 in order to incorporate the higher wage rates. Mr. Eddy further advised that the Oklahoma Water Resources Board would finalize the City's application and funding source on April 14, 2009. After it is approved by the OWRB the contract would be executed and the project would be set to proceed.

Trustee Roberts moved to award Bid No. 089-008 "Wastewater Treatment System Improvements, Contract 1" to Wynn Construction Company, Inc., subject to concurrence by the Oklahoma Water Resources Board, in the amount of \$2,392,000 (Base Bid) and/or \$2,538,000 (Base Bid with Davis-Bacon Wage Rates), second by Trustee Krows. Motion carried unanimously.

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

Agenda Item Number 14 being:

CONSIDER RENEWAL OF THE SOFTWARE SUPPORT SERVICES AGREEMENT FOR THE GENERAL LIABILITY AND WORKERS' COMPENSATION CLAIMS SYSTEM FOR ONE-YEAR.

Gary Benefield, Risk Manager, stated that staff recommended the renewal of the Software Support Services Agreement for General Liability and Workers' Compensation Claims System with Computer Sciences Corporation for one year in the amount of \$5,207.69.

Trustee Krows moved to renew the Software Support Services Agreement with Computer Sciences Corporation for the General Liability and Workers' Compensation Claims System for one-year, second by Trustee Roberts. Motion carried unanimously.

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

Agenda Item Number 15 being:

CONSIDER APPROVAL OF A CHANGE IN THE SCHEDULE FOR LARGE ITEM SANITATION PICK UP (AKA TERMINATOR SERVICE).

Stan Drake, Assistant City Manager, met with Public Works, Community Development, and Customer Service to discuss the proposed changes to the large item sanitation pick up service also known as the "terminator" service. Staff has had some difficulty keeping up with the demand for terminator service during the summer months. It has taken as long as six to eight weeks to schedule a pick up during the busiest times of the year. Mr. Drake felt the proposed changes would be more cost effective and yet provide the citizens with better service since they would be allowed three free pick ups a year as opposed to one. It would also negate the necessity to schedule a pick up. He explained that regular sanitation service is provided to a different route four days of the week. Each route would be assigned three months of the year in which they can utilize the terminator service. For example:

Monday's route would receive large item pick ups during the months of November, March and July.
Tuesday's route would receive large item pick ups during the months of December, April and August.
Thursday's route would receive large item pick ups during the months of January, May and September.
Friday's route would receive large item pick ups during the months of February, June and October.

Mr. Drake stated that items must be placed at the curb and cannot be put out earlier than the 1st of the month or later than the 10th.

Having a set schedule for each route also makes it easier for Code Enforcement to determine who is in violation.

Councilman Krows asked what items would not be accepted. Mr. Drake advised that the City would not pick up any household hazardous waste, tires, batteries, Freon units or shingles. Mr. Drake advised that vouchers will also be eliminated to allow citizens to take their trash to the landfill. Notification will be made on the water bills and printed on the polycarts, and the changes would go into effect May 1, 2009.

Trustee Krows moved to approve a change in the schedule for large item sanitation pick up also known as Terminator Service, second by Trustee McMillan. Motion carried unanimously.

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING CONVENED AT 7:07 P.M.

Agenda Item Number 16 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD MARCH 16, 2009.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$202,682.27.

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

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

THE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED:

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.

Mayor Lewis expressed his appreciation to Councilman Roberts for taking his place at the Mayor's Cup at the Bricktown Ball Park. The City of Edmond and the City of Moore had three high schools compete in a baseball tournament.

- C) ITEMS FROM THE CITY/TRUST MANAGER.

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

- Will contact the City Council to suggest dates in which to hold a budget study.
- Library roof project was completed.
- 34th Street bridge replacement is underway. The street will be closed to through traffic until the end of August.
- Fire Station project underway.
- Several new restaurants held their grand openings and appear to be doing very well.

Agenda Item Number 18 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:12 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

RECORDED BY:

CAROL FOLSOM, Purchasing Agent

FOR:

SHELIA HAWORTH, MPWA Secretary

FOR:

KATHY MCMILLAN, MEDA Secretary

These minutes passed and approved as noted this ____ day of _____, 2009.

ATTEST:

JIM CORBETT, JR., City Clerk