

**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
APRIL 20, 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 20, 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: Assistant City Manager, Stan Drake; City Clerk, Jim Corbett; City Attorney, Randy Brink; Community Development Director, Elizabeth Jones; Fire Chief, Charles Stephens; Economic Development Director, Deidre Ebrey; Emergency Management and Communications Director, Gayland Kitch; Parks and Recreation Director, Carson Lynch; Risk Manager, Gary Benefield; Police Chief, Ted Williams; Public Works Director, Richard Sandefur; Veolia Water Project Manager, Robert Pistole; and Purchasing Agent, Carol Folsom.

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

Mayor Lewis read a proclamation declaring May 1, 2009 "Bike to Work Day." Elizabeth Jones, Community Development Director, announced that a group ride would be held on May 1, 2009 at 5:30 p.m. beginning at Buck Thomas Park and ending at City Hall. She advised that on-line registration for the event was available.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD APRIL 6, 2009.
- B) APPROVE EXTENDING A CONTRACT FOR UNIFORM CLEANING SERVICES WITH SHARP CLEANERS FOR ONE YEAR.

- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$1,144,437.83.

Councilwoman Haworth moved to approve the consent docket in its entirety, second by Councilman Krows. 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 6:36 P.M.

Agenda Item Number 3 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD APRIL 6, 2009.
B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$707,093.98.

Councilwoman McMillan moved to approve the consent docket in its entirety, second by Councilman Krows. 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 6:38 P.M.

Agenda Item Number 4 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD APRIL 6, 2009.
B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$250,332.57.

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

Ayes: Krows, McMillan, Haworth, 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 6:39 P.M.

Agenda Item Number 5 being:

ROLL CALL

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

Agenda Item Number 6 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING HELD MARCH 16, 2009.

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

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

Chairman Roberts stated that Shelia Haworth served as Chairperson of the Moore Economic Development Authority for five or six years since its inception around 2002. He felt the City owed her their gratitude for her service and added that she had been a guiding force during the early development of the Authority.

THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 6:41 P.M.

Agenda Item Number 7 being:

SWEARING IN OF NEWLY ELECTED/RE-ELECTED CITY COUNCIL MEMBERS BY JUDGE BLAKE VIRGIN

Judge Blake Virgin administered the oath of office to the newly elected and re-elected City Council Members to the following wards:

Jason Blair, newly elected Councilman for Ward 3
Kathy McMillan, re-elected Councilwoman for Ward 2
Robert Krows, re-elected Councilman for Ward 1

Agenda Item Number 8 being:

ROLL CALL

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

Agenda Item Number 9 being:

CONSIDER ADOPTION OF RESOLUTION NO. 674(09) APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE MOORE PUBLIC WORKS AUTHORITY IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$32,000,000 TO BE EVIDENCED BY THE AUTHORITY'S CLEAN WATER SRF PROMISSORY NOTE

TO THE OKLAHOMA WATER RESOURCES BOARD; APPROVING ACTIONS TAKEN BY THE AUTHORITY IN CONNECTION THEREWITH; APPROVING AND AUTHORIZING THE EXECUTION OF A SALES TAX AGREEMENT.

Steve Eddy, City Manager, advised that Agenda Items No. 9 and 13 are companion items relating to the approval of Resolutions No. 674(09) and 224(09) for incurrence of debt to the Oklahoma Water Resources Board ("OWRB") in the amount of \$32 million. Mr. Eddy stated that the OWRB had already approved the loan. He added that Moore is one of five communities in Oklahoma that was awarded federal stimulus monies for wastewater projects with Moore's share being \$2 million. Mr. Eddy reminded everyone that the Phase One bid was awarded contingent upon approval of the resolutions and closing of the loan. He advised that Terry Hawkins, bond counsel and Paul Smith, financial advisor were in attendance at the meeting to answer questions.

Paul Smith stated that the OWRB is a state agency that provides the lowest cost financing that can be obtained for water and wastewater improvements. The loan is a 20 year draw down note with no debt service reserve fund required. Interest would only be paid on what is drawn down. The rate anticipated if the loan was locked in on this date would be 2.89% plus a .50% administrative fee. However, it cannot be locked in since the stimulus money goes to the Oklahoma Water Resources Board as the designated agency, and the City is waiting for the EPA to notify the OWRB what language is needed on various documents. Mr. Smith advised that the bids received in mid-March were very aggressive and much better than anticipated. He noted that the majority of the project would be bid out later in the fall. Mr. Smith indicated that the \$32 million figure was comprised of the engineer's cost estimate, a 10% contingency, and some time bidding contingencies. He anticipated that the estimate would be high and added that the figure was determined prior to discovery of the stimulus monies.

Mr. Smith commented that the City's balance sheet had undergone a tremendous transformation during the past ten years, which has not gone unnoticed. The OWRB staff discussed how good the City's balance sheet looked. He commended the City for their fiscal responsiveness, management, discipline, foresight and planning in keeping the balance sheet tight and short on the capital side. Although this is a large project, due to the type and cost of financing, the financial burden is tremendously less than if a bond issue had been necessary.

Mr. Smith stated that approval of the resolutions would approve incurrence of the debt with not to exceed limits. Execution of the documents and closing of the loan will occur after documents are approved by the Oklahoma Water Resources Board.

Councilman Roberts asked if the City's newest bond rating resulted in the OWRB loan approval. Mr. Smith indicated that the OWRB program had loaned Oklahoma communities and water districts over a billion dollars since 1988. They are able to lever the money tax exempt and lend money to communities at a subsidized rate, 60% of market in this case. Steve Eddy, City Manager, stated that it isn't directly related. The loan was approved due more to the overall financial condition of the City. Mayor Lewis asked if the City was pledging sales tax as collateral. Mr. Smith stated that the City is not consuming sales tax for utility debt.

Councilman Roberts moved to approve Resolution No. 674(09) second by Councilman Krows. Motion carried unanimously.

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

Agenda Item Number 10 being:

CONSIDER APPROVAL OF A JOB DESCRIPTION FOR THE "HUMAN RESOURCES AND RISK MANAGEMENT DIRECTOR" POSITION.

Steve Eddy, City Manager, advised that the new job description for Human Resources and Risk Management Director was necessary due to his intention to move the human resources or personnel function of the City's operation into the Risk Management Department using Gary Benefield as department head. Human resources is currently under Jim Corbett in the Finance Department. Mr. Eddy commented that generally speaking the human resources and risk management departments are together in many cities. Mr. Benefield's job description would be amended to include the extra job duties with no anticipated pay increase.

Councilman Krows moved to approve a job description for the "Human Resources and Risk Management Director" position, second by Councilwoman McMillan. Motion carried unanimously.

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

Agenda Item Number 11 being:

CONSIDER AUTHORIZING PAYMENT OF \$539,501 TO MOORE SORRENTO, LLC FOR CALENDAR YEAR 2008 SALES TAX REBATE FOR THE SHOPS AT MOORE, UNDER THE EXISTING TAX REBATE AGREEMENT DATED DECEMBER 18, 2006.

Steve Eddy, City Manager, presented a handout that itemized sales tax amounts for each business located within The Shops at Moore. The businesses include J.C. Penney, GNC, Men's Warehouse, Famous Footwear, Fashion Bug, Justice Stores, Office Depot, and Vintage Stock. Mr. Eddy indicated that this was the first reimbursement, for calendar year 2008, under the Sales Tax Rebate Agreement dated December 18, 2006. The payment amount of \$539,501 is 80% of the sales tax collected from the new businesses. It does not include Ross or Ricky's which existed prior to the redevelopment of the shopping center. Mr. Eddy noted that this amount also does not include monies that may be owed from the AT&T store. The City has some questions about why the amount of sales tax being reported is equivalent to the J.C. Penney store. Staff speculates that AT&T is using their Moore store as the reporting address for all of the sales tax collected from customers for cell phone service.

Councilman Krows asked for clarification on the percentage of sales tax reimbursement to be paid and for how long. Mr. Eddy indicated that next year the City would reimburse 75% of the sales tax collected. Jim Corbett, Finance Director, stated that 80% was paid for 2008 and 75% will be paid for 2009. The percentage would be reduced by 5% every year after that until completion of the agreement in February 2012.

Councilman Krows moved to authorize payment of \$539,501 to Moore Sorrento, LLC for calendar year 2008 sales tax rebate for The Shops at Moore, under the existing Tax Rebate Agreement dated December 18, 2006, 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 CONVENED AT 7:02 P.M.

Agenda Item Number 12 being:

CONSIDER AND IF DEEMED APPROPRIATE ACCEPT NOMINATIONS AND ELECT A SECRETARY OF THE TRUST.

Trustee Roberts moved to elect Janie Milum as Secretary of the Trust, second by Trustee Krows. Motion carried unanimously.

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

Agenda Item Number 13 being:

CONSIDER ADOPTION OF RESOLUTION NO. 224(09) AUTHORIZING A LOAN FROM THE OKLAHOMA WATER RESOURCES BOARD IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$32,000,000; APPROVING THE ISSUANCE OF A CLEAN WATER SRF PROMISSORY NOTE IN SAID PRINCIPAL AMOUNT TO BE SECURED BY A PLEDGE OF UTILITY AND SALES TAX REVENUES AND LEASEHOLD INTEREST OF THE AUTHORITY IN UTILITY SYSTEMS AND PROPERTIES; DESIGNATING A LOCAL TRUSTEE; APPROVING AND AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL NOTE INDENTURE, LOAN AGREEMENT, TRUST AGREEMENT, SALES TAX AGREEMENT, AND RELATED LOAN DOCUMENTS, CERTIFICATES, AND AGREEMENTS; APPROVING VARIOUS COVENANTS AND REPRESENTATIONS; APPROVING AND AUTHORIZING PAYMENT OF FEES AND EXPENSES; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Trustee McMillan moved to approve Resolution No. 224(09), second by Trustee Krows. Motion carried unanimously.

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

Agenda Item Number 14 being:

CONSIDER AWARDDING BID NO. 089-010 "WATERLINE IN THE VICINITY OF SW 34TH STREET FROM SANTA FE EAST" TO 4M TRENCHING IN THE AMOUNT OF \$247,586.30.

Steve Eddy, City Manager, advised that Bid No. 089-010 was for the installation of a 12" waterline along SW 34th Street between Telephone and Santa Fe. The project would be paid for out of the MPWA operating revenue. Mr. Eddy indicated that the project was necessary due to the area having undergone a tremendous amount of growth. He advised that the water line that serves the area goes down Telephone between 19th and 34th and down Santa Fe but aren't tied together on the south end. This will provide back feed for Southmoore High School and generally improve the water pressure within the area. The City had around 17 bidders at the pre-bid conference and ultimately had around 10 companies give very competitive bids on the project. Staff recommended awarding the project to 4M Trenching in the amount of \$247,586.30.

Trustee Krows moved to award Bid No. 089-010 "Waterline in the Vicinity of SW 34th Street from Santa Fe East" to 4M Trenching in the amount of \$247,586.30, second by Trustee Milum. Motion carried unanimously.

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

Agenda Item Number 15 being:

CONSIDER APPROVAL OF A LICENSE AGREEMENT WITH HADLEY MEDIA, INC. TO USE THE WATER TOWER AT 220 N. TELEPHONE ROAD TO PROMOTE THE UNITED STATES NAVY AND THE NAVYFORMOMS.COM WEBSITE FOR A PERIOD OF FOUR WEEKS, UPON PAYMENT OF A \$5,000 LICENSE FEE.

Steve Eddy, City Manager, advised that he had been approached by Hadley Media, an advertising agency located in the northeast part of the United States. Their client is the United States Navy and they propose an advertising campaign whereby they would put a temporary advertising piece on the water tower located at 220 N. Telephone Road using a mesh material. The bottom would likely be navy blue with the top part containing the NAVYForMoms.com website. The U.S. Navy recruiting command along with the advertising agency is developing a marketing program aimed at mother and fathers of 18 to 24 year olds, educators and community leaders. The marketing piece would be erected for four weeks upon payment of a \$5,000 licensing fee. If approved it would be installed during the month of May and the advertising campaign would be for the month of June.

Trustee Krows moved to approve a License Agreement with Hadley Media, Inc. to use the water tower at 220 N. Telephone Road to promote the United States Navy and the NAVYForMoms.com website for a period of four weeks, upon payment of a \$5,000 license fee, second by Councilman Roberts. Motion carried 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 ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS CONVENED WITH CHAIRMAN DAVID ROBERTS PRESIDING AT 7:10 P.M.

Agenda Item Number 16 being:

ROLL CALL

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

Agenda Item Number 17 being:

DIRECTOR'S REPORT

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

- She and City Manager, Steve Eddy, attended a round table event hosted by Grubb & Ellis, a commercial brokerage firm, with various other municipalities to discuss the state of the economy and how everyone is doing. Ms. Ebrey distributed information on real estate forecasting. Warren Theatre is discussed and comments are made about its vibrancy here.
- Shops at Moore doing well. Rue 21 and Sally Beauty Supply are under construction. Whataburger doing remarkable well.
- J.R.'s on the west side of I-35 will transition into another concept.
- Sushi Bar and Radio Shack will be the featured businesses on the Business Spotlight show.
- Approximately 10,000 rack cards have been printed and will be placed in the Oklahoma State Travel Centers by the State Department of Tourism. Local restaurants and hotels are welcome to take as many as they want.
- Big Trash Pickup cards to be mailed out to citizens.
- Saturday, May 2, 2009 will hold the 11th Annual Safety Fair at the Moore Community Center, Moore Public Library, and the Cleveland County Health Department from 10am to 2pm.
- Farmers Market will be held indoors at 105 E. Main beginning May 23, 2009.

THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING

Agenda Item Number 18 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.

Councilwoman Milum expressed her appreciation for their participation in the American Red Cross campaign during the month of March at which time approximately \$30,000 was raised.

Steve Eddy, City Manager, announced that Deidre Ebrey, Economic Development Director, served as Chair for the First Annual Relay for Life event for the American Cancer Society held April 17, 2009 at the Moore Community Center. Their goal was to raise \$10,000 but at last check approximately \$35,000 was raised.

Mayor Lewis thanked Shelia Haworth for all the work she did during her service on the Moore City Council. She asked her to continue serving on the Moore Beautiful Committee. He also welcomed newly elected Councilman Jason Blair to the City Council.

C) ITEMS FROM THE CITY/TRUST MANAGER.

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

- Expressed his appreciation to Shelia Haworth for her service on the City Council and for assisting in gauging the pulse of the community on various issues and being the liaison with the homebuilders and hoped those things would continue. Welcomed Jason Blair to the City and stated his opinion that he would make a great addition to the City Council.
- The Moore and Edmond High School baseball teams competed in the Mayor's Cup. Moore won the trophy and it will be put on display in City Hall.

- Tentatively scheduled a budget study session for April 27, 2009; however, it was discovered that Councilman Cavnar and Councilman Blair would be unable to attend. There was a consensus among the City Council for May 5, 2009 at 6:30 p.m. in the upstairs conference room.
- Notified the City Council and citizens that the U.S. Census is in the preliminary stages of taking census information and could be going door to door. They can be identified with the appropriate identification or by calling City Hall. Cooperation is encouraged.
- Fire Department had 200 hours in overtime hours providing mutual aide in Midwest City, Oklahoma City, and the Slaughterville area. Four to five units were out and Moore still had complete manning and vehicles available to respond to any emergencies within the City.

Agenda Item Number 19 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:27 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, JR., City Clerk