

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
THE MOORE RISK MANAGEMENT BOARD
JUNE 1, 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 June 1, 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

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; Assistant City Attorney, K.O. Williams; Emergency Management/Communications Director, Gayland Kitch; Fire Chief, Charles Stephens; Community Development Director, Elizabeth Jones; Police Chief, Ted Williams; Risk Manager, Gary Benefield; Assistant Finance Director, Cheryl McConnell; Economic Development Director, Deidre Ebrey; Acting Parks and Recreation Director, Chris Villani; 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 MAY 18, 2009.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$1,667,891.16.

Steve Eddy, City Manager, noted an error on the first page of the minutes of the May 18, 2009 City Council meeting reflecting Shelia Haworth as Councilmember for Ward III instead of the newly elected Councilmember Jason Blair. The original document was corrected to reflect the change.

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

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

THE CITY COUNCIL MEETING WAS RECESSED AND A PUBLIC HEARING CONVENED AT 6:35 P.M.

Agenda Item Number 3 being:

RECEIVE PUBLIC INPUT REGARDING THE PROPOSED 2009 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

Elizabeth Jones, Community Development Director, stated that Community Development Block Grant Program funds are to be used in low to moderate income areas. The 2009 CDBG program awarded \$75,000 to the City. Together with matching funds \$150,000 would be used to replace an 8" sanitary sewer line that services Nottingham Apartments in the Regency Park Addition.

There were no citizen comments.

THE PUBLIC HEARING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED AT 6:37 P.M.

Agenda Item Number 4 being:

CONSIDER APPROVAL OF THE CITIZEN PARTICIPATION PLAN FOR THE 2009 CDBG PROJECT.

Elizabeth Jones, Community Development Director, related that the Citizen Participation Plan states that the City will give seven days notice of a public hearing regarding the grant. A public hearing is required at the application phase and a second one following the construction phase of the project.

Councilman Roberts moved to approve the Citizen Participation Plan for the 2009 CDBG Project, second by Councilman Krows. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER RESOLUTION NO. 678(09) REQUESTING ASSISTANCE FROM THE 2009 CDBG PROGRAM FOR SANITARY SEWER IMPROVEMENTS IN THE REGENCY PARK NEIGHBORHOOD.

Elizabeth Jones, Community Development Director, stated that Resolution No. 678(09) would formally request assistance from the 2009 CDBG Program for the sanitary sewer line replacement project.

Councilman Krows moved to approve Resolution No. 678(09), second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER RESOLUTION NO. 677(09) ALLOCATING \$74,583 FROM THE GENERAL FUND AS THE LOCAL MATCH FOR THE 2009 CDBG PROGRAM.

Steve Eddy, City Manager, advised that matching funds for the CDBG program are budgeted each year.

Councilman Krows moved to approve Resolution No. 677(09), second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER APPROVAL OF THE RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN FOR THE 2009 CDBG PROGRAM.

Elizabeth Jones, Community Development Director, advised that staff does not anticipate residents being displaced due to the proposed project. However, if by some chance that would occur the Residential Anti-Displacement and Relocation Assistance Plan states that the City would assist with their relocation.

Councilman Krows moved to approve the Residential Anti-Displacement and Relocation Assistance Plan for the 2009 CDBG Program, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER AUTHORIZING STAFF TO SOLICIT BIDS FOR THE 2008 CDBG PROGRAM FOR PHASE II OF THE SANITARY SEWER IMPROVEMENTS IN THE REGENCY PARK NEIGHBORHOOD.

Elizabeth Jones, Community Development Director, stated that Phase II of the 2008 CDBG Program was the replacement of sanitary sewer line between Nottingham Way and Yorkshire Avenue. Approximately \$200,000 was available to go toward the project. Ms. Jones advised that the engineer has completed the construction plans and staff would request authorization to solicit bids on the project.

Councilman Krows moved to authorize staff to solicit bids for the 2008 CDBG Program for Phase II of the sanitary sewer improvements in the Regency Park neighborhood, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER APPROVAL OF PROJECT AGREEMENT WITH THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF A SIGNAL LIGHT AT SE 4TH STREET AND TOWER DRIVE, PROJECT NO. STPG-114B(227)AG, STATE JOB NO. 25821(04).

Elizabeth Jones, Community Development Director, advised that the proposed agreement with the Oklahoma Department of Transportation would accept a signal light at the intersection of SE 4th Street and Tower Drive. The estimated cost of the project was approximately \$140,000 and is 100% federally funded. She advised that the plans had been completed and the project was expected to be let in early summer. Ms. Jones indicated that there are some access issues with a property owner adjacent to 4th Street; however, a few alternatives have been identified and staff is confident that the issue can be

worked out. Ms. Jones noted that the traffic light will have a bicycle detection camera to allow the light to be triggered for movement. It is the only light in the City that has this type of camera.

Mayor Lewis asked if the signal would have LED lights. Ms. Jones indicated that all new installations would come equipped with LED lights. Mayor Lewis inquired whether energy grant monies could be used to switch all the older lights to LED. Steve Eddy, City Manager, stated that there had been a lot of internal discussion regarding the proposed use of the energy grant monies. Moore was awarded \$450,000 in federal grant monies, and potentially as much as \$250,000 from the State of Oklahoma. Mr. Eddy indicated staff had talked about several options on use of the monies. Besides replacing the old signal lights with LED lighting there is the possibility of implementing a recycling program or replacing old energy consuming air conditioning and heating systems. Deadline for application for the State funds is June 8, 2009. Mr. Eddy stated that there is also the option of going through ACOG to get the lights changed out on the traffic signals.

Councilman Krows moved to approve a Project Agreement with the Oklahoma Department of transportation for the installation of a signal light at SE 4th Street and Tower Drive, Project No. STPG-114B(227)AG, State Job No. 25821(04), second by Councilwoman Milum. Motion carried unanimously.

Ayes: Krows, Blair, McMillan, Cavnar, Roberts, Milum, Lewis

Nays: None

Agenda Item Number 10 being:

CONSIDER APPROVAL OF A PROFESSIONAL SERVICES CONTRACT WITH EST, INC., FOR THE ENGINEERING OF TWO "AMERICAN RECOVERY AND REINVESTMENT ACT" STREET PROJECTS, IN AN AMOUNT NOT TO EXCEED \$56,000.

Elizabeth Jones, Community Development Director, stated that the proposed contract with EST, Inc. is for the engineering of two stimulus projects through the Oklahoma Department of Transportation. The first project involves the mill and overlay of Janeway Avenue from 12th to 27th Street and the mill and overlay on 27th Street from Janeway to Santa Fe. An add alternate project would be the mill and overlay of 12th Street from Janeway to Santa Fe depending upon the amount of money remaining. The engineer's cost estimate for the project is slightly less than \$600,000. The plans have been submitted to ODOT. The second project is the Telephone Road reconstruction between SW 4th and NW 5th Street with a bridge rehabilitation and striping for bike lanes. It is likely that this project wouldn't go to bid until fall with an estimated cost of \$900,000.

Steve Eddy, City Manager, commented that the City's allocation for the stimulus projects was around \$1.5 million.

Councilman Roberts moved to approve a professional services contract with EST, Inc. for engineering of two "American Recovery and Reinvestment Act" street projects in an amount not to exceed \$56,000, second by Councilman Krows. 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 CONVENED AT 6:49 P.M.

Agenda Item Number 11 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD MAY 18, 2009.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$296,565.18.

Trustee Krows 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 CONVENED AT 6:50 P.M.

Agenda Item Number 12 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD MAY 18, 2009.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$80,474.67.

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 RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED AT 6:51 P.M.

Agenda Item Number 13 being:

NEW BUSINESS:

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

Mary Garrett and Beverly Conway, 336 N. Turner Avenue, asked for interpretation of the leash law in Moore. She indicated that a large dog was roaming in the Langley Village complex and felt that it could be dangerous to the elderly people that live there and their small animals. Ms. Conway stated that she was informed that Animal Control had been instructed to leave the animal there. Ms. Conway brought pictures of the dog for Council's review. Steve Eddy, City Manager, stated that he would check into the matter and notify her of what he finds.

- B) ITEMS FROM THE CITY COUNCIL/MPWA TRUSTEES.

Mayor Lewis stated that the Farmer's Market appears to be going well.

C) ITEMS FROM THE CITY/TRUST MANAGER.

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

- Introduced Chris Villani as the new Acting Parks and Recreation Director. Mr. Eddy indicated that Mr. Villani worked at the Community Center for the past three years and has an outstanding background in parks and recreation.
- Water tower off Telephone Road has the new NAVYForMoms advertising media.
- City closed on the Phase I construction loan for the new wastewater treatment plant. A pre-construction meeting was held with the contractors. The official start date is June 8, 2009; however, the contractor has already moved onto the site. The proposed construction period is 200 calendar days.
- 19th Street bridge project is ongoing.
- Staff indicated to apply for the Transportation Investment Generating Economic Recovery (TIGER) discretionary grant for the 34th Street Bridge project. The application deadline is September 15, 2009.
- Deputy Fire Chief Gary Bird advised him of a grant that was available for construction of new fire stations; however, the terms of the grant require compliance with Davis-Bacon and other issues. Considering how far into the project the City has gotten it would make qualifying for the grant impossible.

Agenda Item Number 14 being:

EXECUTIVE SESSION

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE DETERMINE IF EMPLOYEE JOHN BARNETT WAS ACTING IN GOOD FAITH AND IN THE COURSE OF HIS EMPLOYMENT DURING ALL MATERIAL TIMES ALLEGED IN CASE NO. CJ-2008-1891BH, AND AUTHORIZE THE APPOINTMENT OF COUNSEL TO DEFEND JOHN BARNETT PURSUANT TO 11 OKLA. STAT. § 23-101, 23-102.
- B) CONVENE INTO EXECUTIVE SESSION

Councilman Krows moved to convene to executive session, second by Councilman Roberts. Motion carried unanimously.

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

The City Council convened into executive session at 7:01 p.m.

C) RECONVENE FROM EXECUTIVE SESSION

PRESENT: Krows, Blair, McMillan, Cavnar, Roberts, Milum, Lewis
ABSENT: None

The City Council reconvened from executive session at 7:34 p.m.

D) ACTION.

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE DETERMINE IF EMPLOYEE JOHN BARNETT WAS ACTING IN GOOD FAITH AND IN THE COURSE OF HIS EMPLOYMENT DURING ALL MATERIAL TIMES ALLEGED IN CASE NO. CJ-2008-1891BH, AND AUTHORIZE THE APPOINTMENT OF COUNSEL TO DEFEND JOHN BARNETT PURSUANT TO 11 OKLA. STAT. § 23-101, 23-102.

Councilman Krows moved to authorize the appointment of counsel to defend John Barnett in Case No. CJ-2008-189BH pursuant to a determination that John Barnett was acting in good faith and in the course of his employment and further authorize the City Attorney and staff to proceed as directed, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 15 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 7:35 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