

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
JUNE 2, 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 June 2, 2008 at 6:30 p.m. with Vice-Mayor Robert Krows 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, Cavnar, Roberts, Milum
ABSENT: Lewis

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; City Attorney, Randy Brink; Fire Chief, Charlie Stephens; Police Chief, Ted Williams; Economic Development Director, Deidre Ebrey; Community Development Director, Elizabeth Jones; Emergency Management Director, Gayland Kitch; Finance Director/City Clerk, Jim Corbett; 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.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MAY 19, 2008.
- B) APPROVE THE MINUTES OF THE SPECIAL WORK STUDY SESSION HELD APRIL 22, 2008.
- C) RECEIVE AND APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETING HELD APRIL 8, 2008.
- D) ACCEPT TWO SEPARATE UTILITY AND DRAINAGE EASEMENTS FROM MARVIN HAWORTH LOCATED IN THE WILLOWS ADDITION, SECTION 2, TO CONSTRUCT A WATERLINE AND DRAINAGE FLUME TO SERVE THE PLANNED BELLA TERRA DEVELOPMENT.
- E) APPROVE AN AGREEMENT WITH THE OKLAHOMA WATER RESOURCES BOARD AND THE U.S. GEOLOGICAL SURVEY FOR STREAM GAUGING IN THE AMOUNT OF \$5,100.
- F) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2007-2008 IN THE AMOUNT OF \$877,435.03.

Councilwoman McMillan moved to approve the consent docket in its entirety, second by Councilman Roberts. Motion carried by majority vote.

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

Agenda Item Number 3 being:

CONSIDER THE FINAL PLAT OF FRITTS ADDITION, SECTION 2, LOCATED IN THE NW/4 OF SECTION 27, T10N, R3W, BEING SOUTH OF SW 19TH STREET AND WEST OF TELEPHONE ROAD. APPLICATION BY JASON FRITTS.

Elizabeth Jones, Community Development Director, advised that the final plat of the Fritts Addition, Section 2 contained two commercial lots on eight acres. She advised that the property was not located within a floodplain and a fee in lieu of detention would be required as described in a stormwater assessment district approved May 5, 2005. The \$5,400 per acre would cover costs associated with the construction of a regional detention facility in Little River Park. Ms. Jones stated that water and sewer would be extended to serve the site. Access would be from Telephone Road using a common access drive for Lots 5 and 6. She added that Lot 6 would have a limited curb cut to Telephone Road approved at the building permit stage. Staff recommended approval of the item.

Councilwoman Haworth moved to approve the final plat of Fritts Addition, Section 2, located in the NW/4 of Section 27, T10N, R3W, being south of SW 19th Street and west of Telephone Road, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER REZONING APPLICATION NO. RZ-824 TO REZONE A PART OF THE SW/4 OF SECTION 11, T10N, R3W, BEING NORTH OF NE 12TH STREET AND EAST OF BROADWAY AVENUE FROM C-3/PUD GENERAL COMMERCIAL DISTRICT/PLANNED UNIT DEVELOPMENT TO C-3/PUD GENERAL COMMERCIAL DISTRICT/PLANNED UNIT DEVELOPMENT FOR GENERAL USES; AND APPROVE ORDINANCE NO. 617(08). APPLICATION BY TRINITY FINANCIAL GROUP, LLC/WILL JOHNSON.

Elizabeth Jones, Community Development Director, advised that the subject property consisted of five acres located in the Brand Acres Addition located north of N. 12th Street and east of Broadway Avenue. The applicant requests to amend the existing PUD Design Statement to remove the All 4 Kids business and allow for general office/warehouse uses with a new layout and site plan. Ms. Jones stated that sanitary sewer and water are available to serve the site, and access would be from Broadway Avenue. She advised that under a Planned Unit Development the City is allowed to relax the maximum intensity requirements in return for other amenities that might off-set the proposed increase in intensity. Ms. Jones stated that the developer proposed the following amenities:

- A landscaping buffer of 20' provided along the south property line with existing trees to be preserved.
- An additional 16 trees shall be provided along the south property line.
- No outside storage will be allowed on the property.
- The office/warehouse uses are limited in scope compared to those allowed within a C-3 zoning district. Will exclude all auto related uses.

- Landscaped area along the west property line with eight trees, 20 shrubs, and five evergreen trees. This area along Broadway would utilize irrigation and accent lighting.

Several suggestions were made at the Planning Commission meeting and the applicant incorporated the changes into the design statement. The suggestions included turning the overhead loading areas inward in order to have a common drive aisle down the middle of the development with overhead doors facing inward. The corner units facing Broadway will have windows wrapping the corner to have a normal store front facade. Additionally, the retail liquor sales use unit classifications was excluded from allowable uses. A concrete fence on the north and south boundary would be constructed. The south boundary would have columns every eight feet. The north side bordering an office development would still have columns but would be spaced further apart. Staff recommended approval of the item.

Vice-Mayor Krows asked if there had been any objections to Rezoning Application No. 824. Ms. Jones indicated that one person attended the Planning Commission with some concerns. She commended the applicant's representative who spent some time explaining every detail of the application, and the person appeared to be satisfied with the answers to her concerns.

Councilwoman Milum moved to approve Rezoning Application No. RZ-824 and Ordinance No. 617(08), second by Councilwoman McMillan. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER REZONING APPLICATION NO. RZ-825 TO REZONE A PART OF THE SE/4 OF SECTION 18, T10N, R2W, BEING NORTH OF SE 4TH STREET AND WEST OF SUNNYLANE ROAD FROM I-1 LIGHT INDUSTRIAL DISTRICT TO I-1/PU LIGHT INDUSTRIAL DISTRICT WITH A PERMISSIVE USE; AND APPROVE ORDINANCE NO. 618(08). APPLICATION BY LOREN AND COURTNEY KOERTNER.

Elizabeth Jones, Community Development Director, advised that the subject property was located north of SE 4th and west of Sunnyslane. The applicants are the owners of L & K Auto Remarketing, which is a dispatch center for an automobile transportation company. The applicants wish to expand their business to include car sales. They are currently planning on conducting the sales over the internet with limited car storage and displays on-site. However, in order to obtain a used car dealers license from the State of Oklahoma the property must be properly zoned for used car sales. The property is developed with adequate buildings and parking facilities. Ms. Jones noted that the site does not have access to public water or sewer; however, private wells and septic systems are being utilized. She added that the property is not located within a floodplain, and access would be from Sunnyslane. Ms. Jones advised that surrounding uses are industrial in nature with sales and rental of heavy construction, farm, and oil well equipment. Staff recommended approval of the item, but noted that it was in no way approval for the storage of wrecked or dismantled vehicles such as a salvage yard.

Councilman Roberts moved to approve Rezoning Application No. RZ-825 and Ordinance No. 618(08), second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER ORDINANCE NO. 621(08) AMENDING PART 8, CHAPTER 1, SECTION 8-101(A)(31) AMENDING THE DEFINITION TO INCLUDE LIVE TREES AND ALL LIMBS, BRANCHES, STEMS, STUMPS OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR A REPEALER.

Randy Brink, City Attorney, stated that Ordinance No. 621(08) was being proposed due to the ice storms that Moore experienced earlier in the year. A situation occurred where limbs that were broken from the ice storm but were not dead were hanging into neighboring properties. The current ordinance would allow the City to remedy those situations involving only dead trees. Ordinance No. 621(08) would allow the City to declare situations involving live trees a public nuisance if they may cause injury to the property owner/occupant or passersby or may cause damage to any fence, structure, vehicle or any other property or utility.

Councilwoman McMillan moved to approve Ordinance No. 621(08), second by Councilwoman Haworth. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER RENEWAL OF AN AGREEMENT WITH THE BRUCE JANUARY VETERANS OF FOREIGN WARS POST NO. 8706 FOR RENTAL OF THE BRAND SENIOR CENTER FOR DANCES TO BE HELD TWICE MONTHLY.

Councilwoman Haworth moved to renew an agreement with the Bruce January Veterans of Foreign Wars Post No. 8706 for rental of the Brand Senior Center for dances to be held twice monthly, second by Councilwoman McMillan. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER AUTHORIZING THE PURCHASE OF 0.5730 ACRES OF LAND LYING IN THE NORTH HALF (N/2) OF THE NORTHWEST QUARTER (NW/4) OF SECTION NINETEEN (19), TOWNSHIP TEN (10) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN AT THE PURCHASE PRICE OF \$6,500 FOR THE REALIGNMENT OF A DRAINAGE CHANNEL.

Stan Drake, Assistant City Manager, requested authorization to purchase .5730 acres of land east of the Heatherwood Addition at SE 4th and Bryant in order to realign a drainage channel that runs through Heatherwood and the Creeks at Wimberely. Due to erosion, approximately 10 feet of sanitary sewer line has been exposed. The property owner does not want to maintain the channel since the realignment would prohibit him from gaining access to the property. The heavy rainfall the City experienced last summer and the resulting erosion necessitated the realignment of the channel. The existing oxbow would be removed from the channel; it would then be realigned, widened, and sloped in order to carry

additional water. The oxbow would be utilized for detention purposes. The upstream entry would be closed and allow the downstream to remain open for storage of water during heavy rainfall.

Councilwoman Haworth moved to authorize the purchase of 0.5730 acres of land lying in the N/2 of the NW/4 of Section 19, T10N, R2W at the purchase price of \$6,500 for the realignment of a drainage channel, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER APPROVAL OF A CONTRACT WITH ROBISON & ASSOCIATES FOR ARCHITECTURAL DESIGN SERVICES FOR CONSTRUCTION OF A NEW POLICE STATION AND EMERGENCY OPERATIONS CENTER IN THE AMOUNT OF \$646,300.

Steve Eddy, City Manager, advised that the proposed contract with Robison & Associates was for the design and engineering of a new police station and emergency operations center. Mr. Eddy indicated that the cost of the contract was \$646,300 due to the nature of the design. Mr. Eddy related that a schedule would be prepared for Council's review on the anticipated construction schedule over the next year.

Vice-Mayor Krows asked if the cost of the contract was based on a percentage of the estimated building costs. Mr. Eddy indicated that the contract amount was arrived at by looking at general guidelines for design of a certain size building and adding in the cost of other subcontracts and inspection costs. Vice-Mayor Krows also inquired as to the length of time it would take to complete the design of the buildings. John Robison with Robison & Associates estimated design of the buildings to take at least one year.

Councilman Roberts moved to approve a contract with Robison & Associates for architectural design services for construction of a new police station and emergency operations center in the amount of \$646,300, second by Councilwoman Milum. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING CONVENED AT 6:56 P.M.

Agenda Item Number 10 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD MAY 19, 2008.
- B) APPROVE THE MINUTES OF THE SPECIAL WORK STUDY SESSION HELD APRIL 22, 2008.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2007-2008 IN THE AMOUNT OF \$81,476.77.

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

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

Agenda Item Number 11 being:

CONSIDER APPROVAL OF CHANGE ORDER NO. 2 IN THE AMOUNT OF \$12,410 FOR THE WATERLINE PROJECT ON NE 27TH STREET BETWEEN POLE ROAD AND EASTERN AVENUE DUE TO A CONFLICT WITH AN ONG HIGH PRESSURE GAS LINE AT NE 27TH AND EASTERN.

Stan Drake, Assistant City Manager, advised that Change Order No. 2 in the amount of \$12,410 was for the waterline project at NE 27th Street between Pole Road and Eastern Avenue. The waterline could not be laid in the location specified in the plans due to an ONG high pressure gas line that was already located there.

Trustee Roberts moved to approve Change Order No. 2 in the amount of \$12,410 for the waterline project on NE 27th Street between Pole Road and Eastern Avenue due to a conflict with an ONG high pressure gas line at NE 27th and Eastern, second by Trustee Cavnar. Motion carried unanimously.

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING CONVENED AT 6:56 P.M.

Agenda Item Number 12 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD MAY 19, 2008.
- B) APPROVE THE MINUTES OF THE SPECIAL WORK STUDY SESSION HELD APRIL 22, 2008.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2007-2008 IN THE AMOUNT OF \$80,692.37.

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

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

THE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED AT 6:57 P.M.

Agenda Item Number 13 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/MPWA Trustees.

- C) ITEMS FROM THE CITY/TRUST MANAGER.

Steve Eddy, City Manager, stated that he had submitted his report by e-mail.

Agenda Item Number 14 being:

EXECUTIVE SESSION

- A) DISCUSS AND CONSIDER FISCAL YEAR 2008-2009 CONTRACT BETWEEN THE CITY OF MOORE AND THE FRATERNAL ORDER OF POLICE LODGE NO. 131 AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(2).
- B) DISCUSS AND CONSIDER FISCAL YEAR 2008-2009 CONTRACT BETWEEN THE CITY OF MOORE AND AFSCME LOCAL 2406 AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(2).
- C) CONVENE INTO EXECUTIVE SESSION

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

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

The City Council convened into executive session at 6:59 p.m.

- D) RECONVENE FROM EXECUTIVE SESSION

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

The City Council reconvened from executive session at 7:20 p.m.

- E) ACTION.

- A) DISCUSS AND CONSIDER FISCAL YEAR 2008-2009 CONTRACT BETWEEN THE CITY OF MOORE AND THE FRATERNAL ORDER OF POLICE LODGE NO. 131 AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(2).

Councilman Roberts moved to approve FY 2008-2009 contract with the Fraternal Order of Police Lodge No. 131 as negotiated, second by Councilwoman Haworth. Motion carried unanimously.

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

B) DISCUSS AND CONSIDER FISCAL YEAR 2008-2009 CONTRACT BETWEEN THE CITY OF MOORE AND AFSCME LOCAL 2406 AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(2).

Councilman Roberts moved to approve FY 2008-2009 contract between the City of Moore and AFSCME Local 2406 as negotiated, second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 15 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:23 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 _____, 2008.

ATTEST:

JIM CORBETT, JR., City Clerk