

**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
JUNE 15, 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 15, 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, Roberts, Milum, Lewis

ABSENT: Cavnar

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; City Clerk, Jim Corbett; City Attorney, Randy Brink; Economic Development Director, Deidre Ebrey; Emergency Management and Communications Director, Gayland Kitch; Acting Parks & Recreation Director, Chris Villani; Risk Manager, Gary Benefield; Police Chief, Ted Williams; Public Works Director, Richard Sandefur; 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 JUNE 1, 2009.
- B) RECEIVE AND APPROVE THE MINUTES OF THE SPECIAL JOINT WORK STUDY SESSION HELD MAY 19, 2009.
- C) RECEIVE AND APPROVE THE MINUTES OF THE SPECIAL JOINT BUDGET STUDY SESSION HELD MAY 5, 2009.
- D) RECEIVE THE MINUTES OF THE REGULAR PARKS BOARD MEETING HELD MAY 5, 2009.
- E) ACCEPT A 10-FOOT UTILITY EASEMENT FOR A SANITARY SEWER LINE LOCATED IN THE NE/4 OF SECTION 22, T10N, R3W, BEING SOUTH OF SW 4TH STREET AND WEST OF TELEPHONE ROAD.
- F) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$1,103,435.43.

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

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

Agenda Item Number 3 being:

CONSIDER CHANGE ORDER NO. 1 FOR FIRE STATION NO. 1 IN THE AMOUNT OF \$16,717 TO KUSTOM BUILDING, INC. TO UTILIZE DOUBLE "SWING GATES" INSTEAD OF A "SLIDING GATE."

Stan Drake, Assistant City Manager, advised that Change Order No. 1 in the amount of \$16,717 to Kustom Building, Inc. was for swing gates. Mr. Drake stated that the change order was necessary because there was not enough room for the planned sliding gate to retract without encroaching on the neighboring property.

Councilman Krows moved to approve Change Order No. 1 for Fire Station No. 1 in the amount of \$16,717 to Kustom Building, Inc. to utilize double "swing gates" instead of a "sliding gate", second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER APPROVAL OF APPLICATION FOR ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FUNDS IN THE AMOUNT OF \$454,000 TO BE USED TO ESTABLISH A RECYCLING CENTER AT 632 VERMEER DRIVE AND TO REPLACE VARIOUS HVAC SYSTEMS IN CITY-OWNED BUILDINGS WITH ENERGY EFFICIENT SYSTEMS.

Steve Eddy, City Manager, stated that the City received notice of an allocation of Energy Efficiency and Conservation Block Grant funds as a part of the Federal Stimulus Package approved by President Obama a few months previously. The \$454,000 referenced in Agenda Item No. 4 was an allocation given to the City for any project eligible for funding under federal law. Mr. Eddy indicated that staff proposed using half of the money to replace the HVAC systems in City owned buildings, such as the chiller system that heats and cools the library and the roof top units that service the Community Center. Both systems would be replaced with energy efficient systems that would save the City money in electrical costs.

The other half of the money would be used to establish a recycling center at 632 Vermeer Drive, which is City owned property temporarily being occupied by Veolia Water. A center would be constructed to allow citizens to take their recyclables to the site at their leisure. Mr. Eddy indicated that conversations occurred with the City's sanitation provider who provided recommendations about how to proceed with the project. The intent would be to have an attractive facility that would be manned and fenced, with a paved area, bins, landscaping, and signage on what recyclables would be accepted. He felt there would be adequate funding to pay for a part-time employee to man the facility for approximately three years. Mr. Eddy advised that the City had unsuccessfully attempted to provide unmanned bins around the City for recyclables since people used them as trash bins. The facility hours would vary; however, there would be some evening and weekend hours depending on the weather and the amount of usage the facility received.

Mr. Eddy explained that Agenda Item No. 5 involved competitive state grant funds in the amount of \$250,000. Both grants come from the same source and are the same type of funds; however, Agenda Item No. 5 involved a portion of the State allocation for which cities were invited to compete. These monies are proposed to be used for the retrofitting of the City's heavy gas use vehicles to a CNG format. Mr. Eddy indicated that the application had already been submitted due to the required deadline, and word had been received that the State suggested eliminating hybrid vehicles from the application. Therefore, the application budget was amended online to omit the hybrid vehicles and to replace it with the retrofit of existing vehicles for CNG use.

Mr. Eddy indicated that Mayor Lewis had previously suggested using some of the federal monies to replace traffic lights with LED lighting. He advised that the LED lights are brighter, easier to see, and use much less power. Therefore, the City intends to replace the LED lights using ACOG funds at 100% financing as the funding source.

Councilman Krows moved to approve application for Energy Efficiency and Conservation Block Grant funds in the amount of \$454,000 to be used to establish a recycling center at 632 Vermeer Drive and to replace various HVAC systems in City-owned buildings with energy efficient systems, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER APPROVAL OF APPLICATION FOR STATE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FUNDS IN THE AMOUNT OF \$250,000 TO BE USED TO PURCHASE ENERGY EFFICIENT HYBRID VEHICLES AND/OR TO RETROFIT EXISTING VEHICLES FOR CNG USE.

Councilman Krows moved to approve application for State Energy Efficiency and Conservation Block Grant funds in the amount of \$250,000 to be used to purchase energy efficient hybrid vehicles and/or to retrofit existing vehicles for CNG use, second by Councilwoman McMillan. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND MOORE PUBLIC WORKS AUTHORITY MEETING CONVENED AT 6:42 P.M.

Agenda Item Number 6 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD JUNE 1, 2009.
- B) RECEIVE AND APPROVE THE MINUTES OF THE SPECIAL JOINT WORK STUDY SESSION HELD MAY 19, 2009.

- C) RECEIVE AND APPROVE THE MINUTES OF THE SPECIAL JOINT BUDGET STUDY SESSION HELD MAY 5, 2009.
- D) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$54,587.30.

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

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING CONVENED AT 6:43 P.M.

Agenda Item Number 7 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD JUNE 1, 2009.
- B) RECEIVE AND APPROVE THE MINUTES OF THE SPECIAL JOINT BUDGET STUDY SESSION HELD MAY 5, 2009.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 08-09 IN THE AMOUNT OF \$152,207.19.

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

Ayes: Krows, Blair, McMillan, 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 6:45 P.M.

Agenda Item Number 8 being:

ROLL CALL

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

Agenda Item Number 9 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING HELD MAY 18, 2009.

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

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

THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 6:47 PM:

Agenda Item Number 10 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.

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:

- Auditors performed pre-audit.
- Sales tax figures available for Council's review.
- 19th Street Bridge project going well. Bridge beams were installed.
- 34th Street Bridge project between Bryant and Sunnyslane is going well.
- Final letting date set for August 2009 on Santa Fe project between 4th and 19th. The City will be responsible for 20% of the cost.
- Phase I of the Wastewater Treatment Plant project has begun.

Agenda Item Number 11 being:

EXECUTIVE SESSION

A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING LITIGATION STYLED THE UNITED STATES OF AMERICA AND THE STATE OF OKLAHOMA V. UNION PACIFIC RAILROAD, CASE NO. 5:06-CV-00887-C AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE CITY OF MOORE AS AUTHORIZED BY 11 OKLA. STAT. § 307-B(4)

B) DISCUSS AND CONSIDER TAKING ACTION CONCERNING THE CITY MANAGER'S EVALUATION AND EMPLOYMENT BENEFITS, AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(1).

C) CONVENE INTO EXECUTIVE SESSION

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

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

The City Council convened into executive session at 6:49 p.m.

D) RECONVENE FROM EXECUTIVE SESSION

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

The City Council reconvened from executive session at 7:26 p.m.

E) ACTION.

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING LITIGATION STYLED THE UNITED STATES OF AMERICA AND THE STATE OF OKLAHOMA V. UNION PACIFIC RAILROAD, CASE NO. 5:06-CV-00887-C AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE CITY OF MOORE AS AUTHORIZED BY 11 OKLA. STAT. § 307-B(4)

Councilman Roberts moved to authorize City staff to take necessary action to settle the lawsuit in case styled The United States of America and the State of Oklahoma v. Union Pacific Railroad, Case No. 5:06-CV-00887-C, second by Councilwoman McMillan. Motion carried unanimously.

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

- B) DISCUSS AND CONSIDER TAKING ACTION CONCERNING THE CITY MANAGER'S EVALUATION AND EMPLOYMENT BENEFITS, AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(1).

Councilman Roberts moved to renew the City Manager's contract with a 3.14% increase in base pay, second by Councilman Krows. Motion carried unanimously.

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

Agenda Item Number 12 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:28 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