

**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 21, 2010 – 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 21, 2010 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 Attorney, Randy Brink; City Clerk/Finance Director, Jim Corbett; Community Development Director, Elizabeth Jones; Manager of Information Technology, David Thompson; Economic Development Director, Deidre Ebrey; Emergency Management and Communications Director, Gayland Kitch; Deputy Fire Chief, Gary Bird; Police Chief, Ted Williams; Deputy Police Chief, Gary Tipps; Parks and Recreation Director, Cindy Deckard; Public Works Director, Richard Sandefur; and Veolia Water Project Manager, Robert Pistole.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JUNE 7, 2010.
- B) APPROVE RESOLUTION NO. 701(10) ESTABLISHING THE NINE-ONE-ONE EMERGENCY TELEPHONE FEE RATE FOR CALENDAR YEAR 2011.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$4,737,597.41.

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

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

Agenda Item Number 3 being:

CONSIDER AWARDING BID NO. 910-013 "PURCHASE OF SECOND CHANCE, SUMMIT II, LEVEL 2 BULLET PROOF VESTS" TO SPECIAL OPS UNIFORM, INC. FOR THE REPLACEMENT OF 38 SECOND CHANCE BALLISTIC VESTS AT A TOTAL COST OF \$23,284.50.

Police Chief Ted Williams advised that the body armor for the police officers is replaced when the warranty expires approximately every five years. He stated that ordinarily there are only five to ten bullet proof vests purchased at a time; however, this year there are 38 vests that have expiring warranties that must be replaced. Chief Williams recommended awarding the bid to Special Ops Uniform Inc. as the low bidder in the amount of \$23,284.50.

Councilman Krows moved to award Bid No. 910-013 "Purchase of Second Chance, Summit II, Level 2 Bullet Proof Vests" to Special Ops Uniform, Inc. for the replacement of 38 Second Chance ballistic vests at a total cost of \$23,284.50, second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER APPROVAL OF A CONTRACT WITH THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS ("ACOG") FOR PHASE 2 OF THE WASTELOAD ALLOCATION STUDY AT THE CANADIAN RIVER, IN AN AMOUNT NOT TO EXCEED \$206,910, AND SUPPLEMENT THE BUDGET ACCORDINGLY.

Steve Eddy, City Manager, advised that approximately two years ago the Department of Environmental Quality met with all of the cities that discharge effluent into the Canadian River. Mr. Eddy stated that changes were made to the designation of the Canadian River relating to allowable discharge limits. Because of this all of the cities were asked to participate in a Wasteload Allocation Study that determines the level of discharge each city can put into the river without adversely affecting the river or the wildlife living there. Phase I of the study was prepared at a cost to the City of approximately \$20,000. He advised that Phase 2 will determine the standards that will be set by the Environmental Protection Agency for the Discharge Permit issued by the Department of Environmental Quality. Mr. Eddy indicated that the City must ensure that our recent wasteload allocation increase from 5 MGD to 12 MGD doesn't get reduced. The City's portion of the Phase 2 study will be in an amount not to exceed \$206,910. He referred Council to page 93 of the agenda which gives a breakdown of each participant's cost based on percentage of effluent discharged into the river. Mr. Eddy added that all of Moore's effluent is discharged into the river.

Mayor Lewis asked if the City was in compliance with the current regulations. Mr. Eddy indicated that the City was absolutely in compliance and had recently received a new five-year discharge permit. However, he did anticipate the permit being amended to reflect the results of the study upon its completion.

Councilman Roberts moved to approve a contract with the Association of Central Oklahoma Governments ("ACOG") for Phase 2 of the Wasteload Allocation Study at the Canadian River, in an amount not to exceed \$206,910, and supplement the budget accordingly, second by Councilwoman McMillan. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER RENEWAL OF AN AGREEMENT WITH AGING SERVICES INC. TO PROVIDE HOME DELIVERED MEALS TO ELIGIBLE SENIOR CITIZENS FOR THE PERIOD JULY 1, 2010 THROUGH DECEMBER 31, 2010 IN AN AMOUNT NOT TO EXCEED \$9,000.

Councilwoman Milum asked to be excused from the item since she served as President of Aging Services and wished to avoid the appearance of a conflict of interest.

Steve Eddy, City Manager, advised that the City entered into an agreement with Aging Services around October 2009 when the State of Oklahoma appeared unable to fund the congregate and home delivered meal program for senior citizens living in Moore.

Kathleen Wilson, Executive Director of Aging Services, Inc. advised that since November 2009 the money obtained through the City was used to serve 1,482 meals to homebound seniors living in Moore or 212 seniors per month from a pool of 12 to 16 senior adults. Ms. Wilson stated that although meals costs have increased, the proposed contract renewal in the amount of \$9,000 should allow them to continue providing meals.

Mr. Eddy indicated that the current contract expires on June 30, 2010 and some of the Council had expressed their desire to continue providing the home delivered meals. Mayor Lewis asked if everyone that was in need of meals was receiving them. Ms. Wilson indicated that everyone who was qualified and eligible to receive the meals was receiving them.

Councilman Krows moved to renew an agreement with Aging Services Inc. to provide home delivered meals to eligible senior citizens for the period July 1, 2010 through December 31, 2010 in an amount not to exceed \$9,000, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 5.1 being:

CONSIDER AUTHORIZING AN ADDITIONAL PAYMENT OF \$10,000 TO CROSSROADS YOUTH AND FAMILY SERVICES AS PART OF THE FY 09-10 COMMUNITY INTERVENTION CENTER PARTNERSHIP AND SERVICE PROVIDER AGREEMENT, FOR A TOTAL COMMITMENT OF \$40,000; AND SUPPLEMENT THE BUDGET ACCORDINGLY.

Police Chief Ted Williams stated that the City had contracted with the Juvenile Intervention Center since 1997 for \$30,000 a year to house juveniles arrested in the City. Chief Williams advised that at the start of FY 09-10 Crossroads Youth and Family Services requested an increase of \$10,000 from both the City of Moore and the City of Norman. He stated that both cities opted to defer payment until the end of the fiscal year when the economic situation was better known.

Terran Manning, Director of the Juvenile Intervention Center, was in attendance at the meeting to answer any questions the City Council may have had. Mayor Lewis asked Chief Williams if he felt the contract with Crossroads Youth and Family Services was beneficial. Chief Williams indicated that without some place to take the juveniles an officer would be required to sit in the station with them until a parent could pick them up. Steve Eddy, City Manager, stated that the contract price had not increased for several years, and Crossroads Youth and Family Services was experiencing a shortfall in their budget.

Councilman Krows asked if the number of juveniles taken to their facility was increasing. Mr. Manning indicated that the City averages approximately 296 kids a year or 25 children a month that commit misdemeanor and nonviolent felonies. Officers are able to return to patrol with 15 minutes; however, the average stay for each child is 6 hours and 50 minutes.

Mayor Lewis commented that the City appreciates the services provided by Crossroads Youth and Family Services.

Councilman Roberts moved to a authorize an additional payment of \$10,000 to Crossroads Youth and Family Services as part of the FY 09-10 Community Intervention Center Partnership and Service Provider Agreement, for a total commitment of \$40,000; and supplement the budget accordingly, second by Councilman Krows. 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 WAS CONVENED AT 6:44 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 7, 2010.
- B) RATIFY ACTION OF THE CITY COUNCIL APPROVING A CONTRACT WITH THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS ("ACOG") FOR THE PHASE 2 WASTELOAD ALLOCATION STUDY AT THE CANADIAN RIVER.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$287,758.40.

Trustee McMillan moved to approve the consent docket in its entirety, second by Trustee Krows. 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 RISK MANAGEMENT MEETING WAS CONVENED AT 6:45 P.M.

Agenda Item Number 7 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD JUNE 7, 2010.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$211,016.29.

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 MAYOR GLENN LEWIS PRESIDING AT 6:46 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 17, 2010.

Trustee McMillan 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 ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 6:47 P.M.

Agenda Item Number 10 being:

NEW BUSINESS:

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

Ronald Kriesel, 941 NW 10th, commented that the changes instituted by the City on big trash pickup are a big improvement; however, he felt the scheduling was a huge problem. He commented that trash lies on the street for an entire month every three months. He said that a quarter of the year the entire neighborhood look like a trash dump. A few piles remain even after the pickup month is over and must remain there until the next scheduled pickup, or be taken back in from the street. Once the trash has been picked up brown spots mar the lawn. Mr. Kriesel stated that he was deeply appreciative of the terminator trash collectors' effects to pick up all of the trash and to ensure there was no damage to the lawns. He stated that a simple solution to the problem would be to schedule more reasonably sized segments of the City for pickup, since he felt the City scheduled far more pickups than the trucks could handle. The City should be divided into twelve segments instead of three with each segment scheduled for pickup within one week. If there are not enough trucks to accommodate this suggestion then the pickups should be scheduled for every four months instead of three with the segment sizes adjusted accordingly.

Steve Eddy, City Manager, stated that he was aware of the issues involved with the big trash collection process, but staff hoped that the amount of trash to be collected would be reduced the second time through reducing the amount of time it took to collect it. But this is turning out not to be the case. He agreed that changes needed to occur and asked for input. Councilman Roberts indicated that scheduling the pickups every four months might work better. Mr. Eddy stated that the City went from one free pickup per year to three. The citizens might be opposed to having the number of pickups per year reduced; however, he did add that the rates for this service were never increased. Councilman Krows suggested increasing the time between pickups to six months. Mayor Lewis asked about adding another terminator truck and driver. Mr. Eddy indicated that the cost of a terminator truck was approximately \$110,000 with an ongoing expense of a salaried driver. He suggested that staff look at different options and bring them back to the City Council for their consideration. Councilman Krows asked how many terminator trucks the City owns. Mr. Eddy related that there are three trucks, one of which requires frequent maintenance. June is one of the heaviest months and the amount of trash put out for collection has been overwhelming. Mayor Lewis reminded everyone that recent weather events caused additional trash. Councilwoman McMillan advised that she received a complaint call about people going through trash piles and creating a mess, or adding trash to someone else's pile. She agreed that two collections a year should be reasonable. Councilman Roberts stated that two pickups per year would create smaller segments. Mr. Eddy stated that essentially it would mean staff would be collecting trash all of the time. Mayor Lewis suggested two free pickups with a third truck reserved for extra pickups and charge for the service. Mr. Eddy advised that he would present several options for Council's consideration at a future meeting.

B) ITEMS FROM THE CITY COUNCIL/MPWA TRUSTEES.

Councilwoman Milum commented that the First Annual Big Wheel Nationals was held in Old Town with 160 four to ten year old children participating in the race. She thanked Trinity Trike for sponsoring the event, and the Old Town Association, Economic Development, and the Old Town merchants for their participation. It was a fabulous event.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Steve Eddy, City Manager, asked Deidre Ebrey, Economic Development Director, for her to discuss the upcoming events to be held July 3-4, 2010 at Buck Thomas Park. Ms. Ebrey indicated that most of the events would be held on the east side of the park. The Star Spangled Car Show would be back on July 3rd from 9:00 a.m. until 3:00 p.m. The other events would be held from 10:00 a.m. until 10:00 p.m. There

will be a carnival, inflatables, and over 100 vendors, a food court, and a giant sand pit. She added that festivities will begin at noon on July 4th with live music starting at 4:30 p.m. with a Classic Rock Band "Bad Monkey" which is the opening act for the Grammy awarding winning artist Johnny Lee. The Urban Cowboy Band will take the stage at 7:00 p.m. until the start of the fireworks display, which begins at dark. She stated that parking is limited and encouraged everyone to arrive early. The gates will close at the park once all of the parking spaces have been taken, although attendees can certainly walk to the park. Absolutely no dogs will be allowed in the park during the event.

Mr. Eddy advised the City Council of the following items:

- May financial statement available for review.
- The wastewater treatment plant project has been put out to bid. There were 8 to 9 general contractors who were prequalified to bid the project. The bid opening was anticipated for the end of July 2010 with an award recommendation in August. Formalizing the approval of the financing through the Oklahoma Water Resources Board will be on the July 6, 2010 agenda for consideration.
- The second bond issue project at NE 12th Street was bid out and an item will be on the July 6, 2010 agenda to award the contract.
- 19th Street and Telephone Road bond issue construction project is on schedule.
- Stimulus projects including the reconstruction of SE 34th between Bryant and Sooner, and Bryant between 4th and N. 27th Street have started.
- Received approval for a disaster declaration for the May 10, 2010 hail and tornado storm. Most of the debris has been picked up. The City will be eligible for 75% reimbursement of costs associated from the storm through FEMA.
- City will apply for a tree grant for the 19th and Telephone Road intersection after construction is completed.

Agenda Item Number 11 being:

EXECUTIVE SESSION

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, TAKE POSSIBLE ACTION REGARDING PENDING LITIGATION STYLED METROPOLITAN UTILITIES, CO., AN OKLAHOMA CORPORATION, THE SUCCESSOR IN INTEREST TO METROPOLITAN WATER, CO., AN OKLAHOMA CORPORATION V. CITY OF MOORE AND MOORE PUBLIC WORKS AUTHORITY, A PUBLIC TRUST CJ-2002-1397 AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION(S) AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE DEFENDANTS AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).
- B) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, TAKE ACTION REGARDING A PENDING TORT CLAIM FILED BY JENNIFER WOODS, 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 25 OKLA. STAT. § 307(B)(4).
- C) CONVENE INTO EXECUTIVE SESSION

Councilman Krows moved to convene into 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 7:04 p.m.

D) RECONVENE FROM EXECUTIVE SESSION

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

The City Council reconvened from executive session at 7:42 p.m.

E) ACTION.

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, TAKE POSSIBLE ACTION REGARDING PENDING LITIGATION STYLED METROPOLITAN UTILITIES, CO., AN OKLAHOMA CORPORATION, THE SUCCESSOR IN INTEREST TO METROPOLITAN WATER, CO., AN OKLAHOMA CORPORATION V. CITY OF MOORE AND MOORE PUBLIC WORKS AUTHORITY, A PUBLIC TRUST CJ-2002-1397 AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION(S) AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE DEFENDANTS AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

Councilman Krows authorized legal counsel and staff to accept the settlement agreement in Case No. CJ-2002-1397, second by Councilwoman McMillan. Motion carried unanimously.

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

- B) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, TAKE ACTION REGARDING A PENDING TORT CLAIM FILED BY JENNIFER WOODS, 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 25 OKLA. STAT. § 307(B)(4).

Councilman Krows moved to authorize legal counsel and staff to proceed as directed in executive session regarding pending tort claim filed by Jennifer Woods, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 12 being:

ADJOURNMENT

Councilwoman McMillan moved to adjourn the City Council meeting, second by Councilwoman Milum. 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 7:43 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 _____, 2010.

ATTEST:

JIM CORBETT, City Clerk