

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
JULY 21, 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 July 21, 2008 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, Cavnar, Roberts, Milum, Lewis
ABSENT: None

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; Assistant City Attorney, K.O. Williams; Fire Chief, Charles Stephens; Economic Development Director, Deidre Ebrey; Community Development Director, Elizabeth Jones; Emergency Management Director, Gayland Kitch; Risk Manager, Gary Benefield; Finance Director/City Clerk, Jim Corbett; Police Chief, Ted Williams; Police Major, Gary Tipps; 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 JULY 7, 2008.
- B) APPROVE A CHANGE ORDER IN THE AMOUNT OF \$700.00 FOR THE HANDHELD TICKET DEVICES APPROVED BY COUNCIL JUNE 16, 2008.
- C) APPROVE RESOLUTION NO. 658(08) ESTABLISHING THE 9-1-1 EMERGENCY TELEPHONE FEE RATE AT 3% FOR THE CALENDAR YEAR 2009.
- D) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2007-2008 IN THE AMOUNT OF \$1,457,326.79.

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

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

Agenda Item Number 3 being:

CONSIDER THE FINAL PLAT OF THE WILLOWS ADDITION, SECTION 6, LOCATED IN THE SE/4 OF SECTION 27, T10N, R3W, BEING NORTH OF S. 34TH STREET AND WEST OF TELEPHONE ROAD. APPLICATION BY PHS DEVELOPMENT, LLC/MARVIN HAWORTH.

Elizabeth Jones, Community Development Director, stated that the proposed Final Plat of the Willows Addition, Section 6 consisted of eight commercial lots on four acres. She advised that the property was not located within a floodplain, and detention would be provided with The Willows Addition. Water and sewer would be extended to serve the site. She stated that access would be from Telephone Road, with the individual lots utilizing SW 30th Court for access. Ms. Jones advised that staff recommended approval of the item since the final plat was in general conformance with the commercial development within the area.

Councilwoman McMillan moved to approve the Final Plat of The Willows Addition, Section 6 located in the SE/4 of Section 27, T10N, R3W, being north of S. 34th Street and west of Telephone Road, second by Councilman Cavnar. Motion carried by majority vote.

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

Agenda Item Number 4 being:

CONSIDER ORDINANCE NO. 626(08) DELETING PART 12, CHAPTER 8, ARTICLE A, FLOOD DAMAGE PREVENTION REGULATIONS.

Elizabeth Jones, Community Development Director, stated that Agenda Items No. 4 and 5 were companion items relating to FEMA updates to the floodplain maps. Ms. Jones presented the proposed map for Council's review. She noted that the biggest change was the digitization of the maps which correspond with each city's GIS data. This allows information to be obtained quicker and map amendments to be made easier. Ms. Jones added that once proposed amendments are reviewed and approved by FEMA, the floodplain map was automatically updated. Ms. Jones advised that the floodplain map revisions include data that was previously submitted, such as the Riverwalk floodplain area that has been limited to just the channel. Some areas that were submitted to FEMA for review, such as the Creeks at Wimberley, have not yet been reflected on the map.

In order to participate in the National Flood Insurance Program the City of Moore is required to adopt a Flood Hazard Prevention Ordinance and to adopt and administer the floodplain maps. If adopted the Ordinance would go into effect September 26, 2008.

Ms. Jones noted that the gold area marked "A" encompassed part of the Plaza Towers Addition. The City protested the area in earlier public hearings and was waiting for a decision from FEMA. She stated that Plaza Towers was never previously included in the floodplain, and a creek is not located there. Ms. Jones felt Plaza Towers was included in the floodplain by mistake and that it would eventually be removed. However, all affected property owners were being notified by mail urging them to contact their insurance agents. Ms. Jones advised that residents who are included in a floodplain are encouraged, although not required, to get flood insurance.

Ms. Jones explained that Ordinance No. 626(08) would delete the existing Flood Hazard Ordinance and Ordinance No. 625(08) would replace it with the new Flood Hazard Ordinance. She advised that the two ordinances are almost identical in that the City enforces one foot above the base flood elevation for new structures. The revised ordinance contains minor changes such as the deletion of a flood designation of "VO" and reformatting changes. She stated it would also address accessory structures that are over 600 square feet by requiring them to meet the same elevation requirements as a house. Ms. Jones stated that the ordinance does allow the floodplain administrator and City staff to make judgment calls on-site.

Councilman Cavnar stated that if the City did not approve the Ordinance it could not participate in the National Flood Insurance Program and our citizens could not purchase flood insurance. Ms. Jones agreed and commented that the whole purpose of participating in the program would be to protect the citizens and their property.

Councilwoman Haworth asked if a regional or master detention facility would be constructed. Steve Eddy, City Manager, advised that discussions had occurred regarding regional detention, which was primarily needed in the southeastern portion of the City. She asked if floodplain maps would be available on-line. Ms. Jones stated that the maps would be available on-line. She added that citizens would also be able to file a Letter of Map Amendment on-line as well.

Councilwoman Haworth moved to approve Ordinance No. 626(08), second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER ORDINANCE NO. 625(08) ADDING PART 12, CHAPTER 8, ARTICLE A OF THE LAND DEVELOPMENT CODE TO ESTABLISH MINIMUM RESIDENTIAL AND SUBDIVISION CONSTRUCTION STANDARDS WITHIN FLOOD PRONE AREAS; REGULATING DEVELOPMENT WITH THE FLOODWAYS; AND ESTABLISHING A PERMIT PROCEDURE.

Councilwoman Haworth moved to approve Ordinance No. 625(08), second by Councilman Krows. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER ORDINANCE NO. 627(08) AMENDING PART 12, CHAPTER 4, ARTICLE H OF THE LAND DEVELOPMENT CODE BY ADDING "SPECIALTY AUTOMOTIVE" AS A SPECIAL USE PERMIT AND ESTABLISHING MINIMUM REQUIREMENTS FOR SUCH USES.

Elizabeth Jones, Community Development Director, stated that proposed Ordinance No. 627(08) was the result of several inquiries about City requirements for establishing a moped, scooter store, or custom order motorcycle shop. She advised that staff researched other communities and determined that a special use permit would most accurately define these types of businesses, and give the City some sort of zoning control over them. A special use permit would require Planning Commission and City Council approval for that specific owner, use, and location, with certain requirements attached to it. Ms. Jones advised that businesses of this type would require less floor space and storage. On-site inventory is low and does not depend on a show room or sales lot. Ordinance No. 627(08) would allow this type of use in

a C-3 and above zoning district. Restrictions would include no outside storage of vehicles or parts. Outside displays would include only completed vehicles during regular hours of operation. Site and building plans must include parking, lighting, signage, and any overhead doors or display areas, and must be submitted for review with their special use permit.

Councilman Roberts asked if this would include businesses that operate over the internet. Ms. Jones stated internet business without on-site inventory would be regulated through this ordinance along with businesses that retro-fit vans for wheelchair lifts.

Councilwoman Haworth moved to approve Ordinance No. 627(08), second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER AWARDING BID NO. 078-019 "REGENCY PARK SANITARY SEWER REPLACEMENT PROJECT", CDBG NO. 12984-07 TO KRAPFF-REYNOLDS CONSTRUCTION COMPANY IN THE AMOUNT OF \$191,339.00.

Elizabeth Jones, Community Development Director, advised that Bid No. 078-019 was for the CDBG sewer line replacement project in the Regency Park Addition. This would involve 1,500 linear feet of sanitary sewer line with all necessary manholes. She stated that Krapff-Reynolds Construction Company was the low bidder in the amount of \$191,339. Ms. Jones noted that with federal funding and local matching funds the total grant amount would be \$131,936, requiring an additional \$60,000 from the City. She added that this amount was still below the engineer's estimate.

Councilwoman McMillan moved to award Bid No. 078-019 "Regency Park Sanitary Sewer Replacement Project" CDBG No. 12984-07 to Krapff-Reynolds Construction Company in the amount of \$191,339.00, second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER APPROVAL OF A PROJECT WITH CLEVELAND COUNTY COMMISSIONER GEORGE SKINNER DISTRICT 2 TO REPAVE BRYANT AVENUE BETWEEN BROADWAY AND INDIAN HILLS WITH THE CITY'S PORTION BEING \$16,000.00; AND SUPPLEMENT THE BUDGET ACCORDINGLY.

Stan Drake, Assistant City Manager, stated that Cleveland County Commissioner George Skinner requested the City's participation in repaving Bryant Avenue between Broadway and Indian Hills where a new OG&E substation had been constructed. The westbound side of the street was located within our city limits and would be patched with a 2" overlay. The area north of Broadway would be patched without an overlay. Mr. Drake stated that the City's responsibility would be \$16,000 and was figured based on the linear feet located within our City limits.

Councilman Krows moved to approve a project with Cleveland County Commissioner George Skinner District 2 to repave Bryant Avenue between Broadway and Indian Hills with the City's portion being \$16,000; and

supplement the budget accordingly, second by Councilman Roberts. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING CONVENED AT 6:55 P.M.

Agenda Item Number 9 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD JULY 7, 2008.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2007-2008 IN THE AMOUNT OF \$318,600.36.

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

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

Agenda Item Number 10 being:

CONSIDER APPROVAL OF A SUPPLEMENT TO THE ENVIRONMENTAL INFORMATION DOCUMENT FOR THE WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT.

Steve Eddy, City Manager, advised that the proposed supplement to the Environmental Information Document was part of the continuing documentation that the engineers were preparing in order to obtain the necessary approvals from the Department of Environmental Quality for construction of the new wastewater treatment plant. Page 117 of the agenda sets out what the proposed supplement contained, such as dates of publication, notice of hearings, and the adoption of required resolutions among other things, that were added to the previously approved document.

Trustee Krows moved to approve a Supplement to the Environmental Information Document for the Wastewater Treatment Plan Improvements Project, second by Trustee McMillan. Motion carried unanimously.

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

Agenda Item Number 11 being:

CONSIDER APPROVAL OF THE BIO-SOLIDS MANAGEMENT PLAN/ONE-TIME APPLICATION FOR THE CITY OWNED SITE LOCATED AT SW 179TH AND PENNSYLVANIA IN OKLAHOMA CITY.

Steve Eddy, City Manager, advised that while the City's engineer was looking at the existing site for the new wastewater treatment plant, it was determined that sludge from the outdoor earthen holding pond must be removed in order for construction to begin next year. Since the site previously chosen for the

plant, at SW 179th and Pennsylvania in Oklahoma City, could not be used as the site for the plant, it was suggested that money could be saved by doing land application on the property as opposed to hauling it to the landfill as is typically done. A one-time application was submitted to the Department of Environmental Quality to place the sludge, which is like high powered fertilizer, on the land. Mr. Eddy indicated that the farmer who currently farms the property for the City of Moore would be very happy to receive it. He stated that it is not in any way a bio-hazard to the surrounding property or neighborhoods. Mr. Eddy added that before the City began taking the sludge to the landfill it was land applied. He commented that it was not an uncommon practice and would save the City money.

Trustee Krows moved to approve the Bio-Solids Management Plan/One-time Application for the City owned site located at SW 179th and Pennsylvania in Oklahoma City, second by Trustee Haworth. Motion carried unanimously.

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

Agenda Item Number 12 being:

CONSIDER AUTHORIZING STAFF TO SOLICIT BIDS FOR CONSTRUCTION OF A 12-INCH WATER LINE ON SW 34TH STREET BETWEEN TELEPHONE ROAD AND SANTA FE AVENUE.

Steve Eddy, Trust Manager, stated that this was one of the projects that was identified as necessary to loop various water lines throughout the City and to better accept water from Oklahoma City. This would specifically allow the new high school and the entire section of land within the area to tie together and complete a loop. Mr. Eddy indicated that a couple of developers who would be constructing homes within the vicinity agreed to participate in the cost of connecting Telephone Road and Santa Fe along SW 34th Street.

Trustee Haworth moved to authorize staff to solicit bids for construction of a 12-inch water line on SW 34th Street between Telephone Road and Santa Fe Avenue, second by Trustee Cavnar. Motion carried unanimously.

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING CONVENED AT 7:00 P.M.

Agenda Item Number 13 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD JULY 7, 2008.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 07-08 IN THE AMOUNT OF \$69,244.61.

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

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

Agenda Item Number 14 being:

CONSIDER A TORT CLAIM FILED BY JIM AND BERNICE MORRIS, 717 S. PATTERSON, ALLEGING THE CITY SEWER MAIN BACKED UP AND DAMAGED THEIR CARPET AND TILE ON APRIL 23, 2007.

Gary Benefield, Risk Manager, advised that the purported backup occurred on April 23, 2007. Veolia Water flushed the line and opened the blockage that was found on the City line. Risk Management was contacted, at which time the Customer Assistance Program was provided. After researching the appropriate records it was determined that a backup had never before occurred at this address. Therefore, no negligence was found on the part of the City and staff recommended denial of the tort claim.

Trustee Cavnar spoke with City staff and contacted people outside the City regarding the matter and felt that the tort claim should be denied.

Trustee Krows moved to deny a tort claim filed by Jim and Bernice Morris, 717 S. Patterson, alleging damage to their carpet and tile following a sewer main backup on April 23, 2007, second by Trustee Cavnar. Motion carried unanimously.

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS CONVENED WITH CHAIRMAN DAVID ROBERTS PRESIDING AT 7:05 P.M.

Agenda Item Number 15 being:

ROLL CALL

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

Agenda Item Number 16 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING HELD JUNE 16, 2008.

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

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

Agenda Item Number 17 being:

DIRECTOR'S REPORT

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

- Wrapped up the Summer Nights Concert series which ran through the month of June.
- Art in the Park held July 4th was a success. Discussions have occurred regarding proposed changes for 2009.
- Warren Theatre was number two in the country for opening of Journey to the Center of the Earth.
- Business Before Hours held at City Hall July 10, 2008 was well received.
- JR's Restaurant opened.
- Working on Report to Citizens which will include City map.
- Will assist in preparing baskets to welcome over 140 new teachers and staff to the community for newly constructed high school.
- Encouraged everyone to vote in the Oklahoma Gazette's "Best Of" survey for the category "Up and Coming Area of the Metro". Moore was listed one of top five.
- July sales tax figures were up considerably.
- July's Business Spotlight will feature Starbucks. Despite current media attention of some of the Starbucks closures, Moore's location is continuing to do well. Fashion Bug will also have a segment on July's Business Spotlight.
- Construction between Russell Stover and Alfredo's will be a Dental Depot with small shop lease space.
- Carl's Junior under construction at new site at Fritz Blvd. and 19th Street.
- Sales tax holiday will be August 1-3, 2008.

Chairman Roberts asked if the weekend numbers for Dark Knight opening at Warren Theatre were available. Ms. Ebrey stated that the numbers should be received Monday or Tuesday.

THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 7:12 P.M.

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.

Councilman Roberts commented on the curbside recycling issue. He stated that the Council felt that a curbside recycling program would be beneficial but was trying to determine how to go about it in addition to funding for the new wastewater treatment plant. He felt a palatable option could be found for everyone. Mayor Lewis agreed that the timing was bad with the higher cost of living. Councilman Krows stated that he was on a recycling committee for the school system and felt that maybe the two entities could work together on a solution.

Mayor Lewis advised that ten to eleven soldiers in Moore were not receiving any donations. The Blue Star Mothers were asking for donations of razors, deodorant, toothbrushes/toothpaste, foot powder, and non-aerosol shaving cream. Anyone interested in participating may take donated items to City Hall for collection. Councilwoman Haworth asked if the information could be put on Channel 20 along with a contact number for those individuals who might want to donate money.

C) ITEMS FROM THE CITY/TRUST MANAGER.

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

- State of the City Address hosted by the Chamber of Commerce at First Baptist Church July 22, 2008.
- Contractor completed 27th Street water tower lettering that says "Moore - Home of Toby Keith".
- June Financial Statement distributed. Reflects a reduced fund balance due to end of year payments. Closed books on last fiscal year.
- Auditors will begin their work on City audit.

Councilman Roberts asked how much the City would collect on the ½ cent sales tax passed a couple of years ago. Mr. Eddy indicated that over the four year term it was anticipated that the City would receive approximately \$12 to \$14 million. The original projection was \$10 million. However, the project costs have reached at least that amount. Mayor Lewis asked when one of the new buildings would be constructed. Mr. Eddy indicated that the construction manager, architect, Chief Stephens, and Assistant City Manager Stan Drake met last week regarding the issue. It is anticipated that plans for Station One would be received by the end of the month. Bid the item in August with a September or October start of construction. The other two stations will follow a month or two later. An agreement with the Fritz family regarding the donation of land and what the City will be willing to do would be presented at the August 4, 2008 City Council meeting. The Fritz family is very community minded and the City appreciates the donation very much. Steve Shawn is donating land for new Station 3 on Sunnyslane. The new Station 4 site at 12th and Bryant received free dirt from the hotel constructed off 12th and I-35.

- New roadway south of 19th and Santa Fe looks great.
- Finished with 34th Street intersection by end of week.
- Toured new high school. Ribbon cutting for school will be around August 7, 2008 with another City ribbon cutting on roadway.

Agenda Item Number 19 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:25 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