

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
AUGUST 2, 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 August 2, 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: Assistant City Manager, Stan Drake; City Attorney, Randy Brink; Assistant Finance Director, Cheryl McConnell; Community Development Director, Elizabeth Jones; Economic Development Director, Deidre Ebrey; Emergency Management/Communications Director, Gayland Kitch; Manager of Information Technology, David Thompson; Fire Chief, Charles Stephens; Acting Parks & Recreation Director, Todd Jenson; Risk Manager, Gary Benefield; Police Chief, Ted Williams; Public Works Director, Richard Sandefur; Veolia Water Project Manager, Robert Pistole; and Purchasing Agent, Carol Folsom.

The invocation was given by Pastor Dan Farmer.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JULY 19, 2010.
- B) APPROVE THE REAPPOINTMENT OF STEVE EDDY TO THE PIONEER LIBRARY BOARD FOR A THREE-YEAR TERM.
- C) APPROVE THE REAPPOINTMENT OF JERRY MEEK AND STEVE THOMPSON TO THE PERSONNEL BOARD FOR A SIX-YEAR TERM.
- D) APPROVE A BUDGET SUPPLEMENT FOR THE GO STREET BONDS IN THE AMOUNT OF \$659,241; THE GENERAL FUND IN THE AMOUNT OF \$550,562; THE SPECIAL REVENUE FUND IN THE AMOUNT OF \$374,632; AND THE PUBLIC SAFETY FUND IN THE AMOUNT OF \$3,393,872 FOR OUTSTANDING PURCHASE ORDERS FROM JUNE 30, 2010.
- E) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$133,348.52 AND FY 2010-2011 IN THE AMOUNT OF \$1,424,743.99.

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 RESOLUTION NO. 705(10) IN SUPPORT OF THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENT'S GRANT APPLICATION FOR THE DEVELOPMENT OF A "REGIONAL PLAN FOR SUSTAINABLE DEVELOPMENT".

Elizabeth Jones, Community Development Director, stated that the Association of Central Oklahoma Governments ("ACOG") was seeking grant funding from the Tiger grants funded through the Stimulus Program. Ms. Jones advised that Resolution No. 705(01) supports ACOG's grant application for the development of a regional plan for sustainable development. The plan would cover the following issues:

1. Provide more transportation choices.
2. Promote equitable affordable housing.
3. Enhance economic competitiveness.
4. Support existing communities.
5. Coordinate policies and leverage investment.
6. Value communities and neighborhoods.

Ms. Jones noted that ACOG is not requesting any money but merely asking for the City's support in their grant application. The more support they have from local communities the higher their grant application will score.

Councilman Roberts moved to approve Resolution No. 705(10), second by Councilman Krows. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER APPROVAL OF CHANGE ORDERS FOR FIRE STATION NO. 1 IN THE TOTAL AMOUNT OF \$6,427.37.

Stan Drake, Assistant City Manager, stated that staff was requesting approval of two change orders for Station One. The first change order in the amount of \$1,649.37 addresses structural components within a concrete wall separating the living quarters from the bay area in order to accommodate the firefighters' bunker gear. Mr. Drake advised that the second change order in the amount of \$4,428 involved the flooring. The plans reflected a 1-foot area of carpeting along one side of the hallway from the foyer to the administrative offices with the remaining hallway covered with ceramic tile. No one caught this during the plan review; however, staff feels this is not aesthetically pleasing and would be difficult to maintain. Staff would recommend replacing the carpet in the hallway with additional ceramic tile. Mr. Drake noted that the change order also included an additional stock of tile to use for any future repairs.

Councilman Krows moved to approve change orders for Fire Station No. 1 in the total amount of \$6,427.37, second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER APPROVAL OF AN AGREEMENT WITH CLEVELAND COUNTY AND THE CITY OF OKLAHOMA CITY FOR STREET IMPROVEMENTS ON SW 34TH STREET AND WEST OF SANTA FE.

Stan Drake, Assistant City Manager, stated that one quarter of the proposed mile long roadway improvements on SW 34th west of Santa Fe to Western is located in the city limits of Moore. Oklahoma City is in the process of extending a 48" water line on SW 34th Street and has damaged the roadway. Mr. Drake advised that he met with County Commissioner Rod Cleveland and the City of Oklahoma City regarding the necessary street repairs since a new elementary school is due to open in two to three weeks. The City has an opportunity to get the roadway repaired for the cost of materials, which will include stabilization with a 4" asphalt overlay, in the amount of \$50,000.

Mayor Lewis thanked Commissioner Cleveland for assisting the City with the street project.

Councilman Krows asked when construction on the roadway would begin. Mr. Drake indicated that construction would not begin before the start of the new school year. He stated that he would meet with Jeff Horn with Moore Public Schools to coordinate the project but he anticipated construction to begin in approximately 30 days.

Councilman Krows moved to approve an agreement with Cleveland County and the City of Oklahoma City for street improvements on SW 34th Street and west of Santa Fe, second by Councilwoman Milum. Motion carried unanimously.

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

Addendum Item Number 5.1 being:

CONSIDER MOORE VISION 20/20 COMPREHENSIVE PLAN AMENDMENT NO. 21, LOCATED IN THE SW/4 OF SECTION 25, T10N, R3W, BEING NORTH OF SE 34TH STREET AND WEST OF BROADWAY AVENUE, ALSO KNOWN AS 3201 S. BROADWAY, FROM LOW DENSITY RESIDENTIAL TO MEDIUM COMMERCIAL. APPLICATION BY BRIAN SCROGGINS. (PLANNING COMMISSION RECOMMENDED DENIAL 7-0).

Elizabeth Jones, Community Development Director, stated that Addendum Item Nos. 5.1 and 5.2 were companion items. Ms. Jones advised that the subject property was located north of SE 34th Street and west of Broadway Avenue at 3201 S. Broadway, immediately north of Broadmoore Elementary School. The site was developed with a metal residence. The applicant proposed utilizing the property as a showroom and sales office for an outdoor living area installation business. In order to accommodate this use the applicant must obtain a use on review under the C-3 zoning classification, and the land use plan must be amended from Low Density Residential to Medium Commercial. Ms. Jones stated that the property has access to existing water and sewer facilities.

Ms. Jones found in review of the application that the land use classification and zoning required to accommodate this business would open the possibility of a large variety of potentially high traffic and high intensity businesses occupying the site sometime in the future. However, the applicant disagrees stating that he has a limited clientele of less than ten clients per year, which would have little impact on the traffic and surrounding land uses. Ms. Jones stated that the Moore Vision 20/20 Comprehensive Plan gives special consideration to elementary school sites and reflects a conscious effort to eliminate all commercial land uses from abutting existing and proposed elementary schools. In the past residential buffers have been used to develop school and commercial land uses. Based on the fact that the property is located next door to an existing elementary school with a high volume of school related pedestrian and vehicular traffic, and because the land use amendment would support future businesses at this location that may not be compatible with the adjacent elementary school, staff would recommend denial of the Comprehensive Plan Amendment No. 21 and Rezoning Application No. 856. Ms. Jones noted that several residents appeared in opposition to the items at the Planning Commission citing concerns with the future uses of a C-3 zoning district.

Councilman Krows asked what type of business the applicant was proposing. Ms. Jones indicated that the applicant owns a business called Outdoor Escapes and builds high end outdoor living areas such as kitchens. He is looking for a sales office that could accommodate four to five employees. Because it is a construction related business it falls under the use unit classification of construction, sales, and services and is C-3 with Permissive Use. Typically this type of business would have some outdoor storage; however, the applicant indicated that he would construct a building to house some of his equipment. Ms. Jones added that the possibility exists that some incidental outdoor storage of materials could be stored outside for a short period of time or overnight. Although the applicant stated that he would not have outdoor storage, City Code does allow it.

Councilman Krows asked what type of business could go into a C-3 zoning with permissive use. Ms. Jones stated that the C-3 zoning district is the broadest classification and could include things from a convenience store to a dry cleaner. Alcohol sales are prohibited due to its proximity to a school but it could include very high traffic businesses.

Mayor Lewis asked if the applicant would like to address the City Council. Applicant Brian Scroggins with Outdoor Escapes addressed the City Council regarding his application. Mr. Scroggins stated that their main focus at the proposed facility would be a sales and design office. There would not be much storage on-site; however, if necessary they could construct a building or warehouse space for storage on land located south of the property. They would like to use the space for a showroom. They do outdoor kitchens, patios, pools, outdoor fireplaces, etc. They would like to set up an outdoor showroom with a demonstration pool and outdoor kitchens where potential clients could view their product. Mr. Scroggins stated that his application would address an eyesore. Currently there is a metal building on the property. They would put a rock or stone veneer on the building with possibly a composite shingle roof and nice landscaping. They deal with 25 to 30 people a year, with around 10 to 20 coming to the showroom on an annual basis, and will have around five employees. He did not feel that his business would increase traffic. There are four to six lots south of Broadmoore Elementary that are zoned commercial. Mayor Lewis asked how big the lot is. Mr. Scroggins indicated that it is an acre and a half. Mayor Lewis asked why he chose the spot. He stated that he did not want in a high visibility area and wanted the showroom to fit into a residential setting. Mayor Lewis stated that he appreciated Mr. Scroggins bringing the business to Moore; however, he was concerned about the future development of the property. He stated that their decisions also affect what happens in 15 to 20 years.

Citizens to Speak:

Donald Binion, 208 SW 32nd, expressed his opposition to the items. He stated that the property was zoned R-2 and the metal building was constructed as a residence. He agreed that a C-3 zoning would

open the door to other uses in that zoning district in the future. Mr. Binion stated that the business would bring extra traffic, noise, and possibly seven days of business activity in a residential area. He asked that the City Council maintain the residential zoning for the area.

Councilman Krows moved to deny Moore Vision 20/20 Comprehensive Plan Amendment No. 21, located in the SW/4 of Section 25, T10N, R3W, being north of SE 34th Street and west of Broadway Avenue, also known as 3201 S. Broadway, from Low Density Residential to Medium Commercial, second by Councilwoman McMillan. Motion carried unanimously.

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

Agenda Item Number 5.2 being:

CONSIDER REZONING APPLICATION NO. 856, LOCATED IN THE SW/4 OF SECTION 25, T10N, R3W, BEING NORTH OF SE 34TH STREET AND WEST OF BROADWAY AVENUE, ALSO KNOWN AS 3201 S. BROADWAY, FROM R-2 TWO-FAMILY DWELLING DISTRICT TO C-3/PU GENERAL COMMERCIAL DISTRICT WITH A PERMISSIVE USE FOR OUTDOOR LIVING AREA SALES AND SHOWROOM; AND APPROVE ORDINANCE NO. 672(10). APPLICATION BY OUTDOOR ESCAPES, LLC/ BRIAN SCROGGINS. (PLANNING COMMISSION RECOMMENDED DENIAL 7-0). WARD 1.

Councilman Krows moved to deny Rezoning Application No. 856 and Ordinance No. 672(10), second by Councilman Blair. 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 6:55 P.M.

Agenda Item Number 6 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD JULY 19, 2010.
- B) APPROVE A BUDGET SUPPLEMENT FOR RISK MANAGEMENT IN THE AMOUNT OF \$436 AND THE MOORE PUBLIC WORKS AUTHORITY FUND IN THE AMOUNT OF \$293,747 FOR OUTSTANDING PURCHASE ORDERS FROM JUNE 30, 2010
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$480,450.69 AND FY 2010-2011 IN THE AMOUNT OF \$1,263,422.66.

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

Agenda Item Number 7 being:

CONSIDER THE PURCHASE OF A SANITATION TRUCK FOR LARGE ITEM PICK UP AT AN ESTIMATED COST OF \$125,000 USING FEDERAL GRANT FUNDS; AND SUPPLEMENT THE BUDGET.

Mayor Lewis stated that he had requested that the item be placed on the agenda for consideration. He felt that there was a need for an additional sanitation ("terminator") truck for pick up of large trash items. Mayor Lewis advised that federal grant funds were available to fund the purchase. Stan Drake, Assistant City Manager, indicated that the FY 2010-2011 budget included the purchase of a sanitation truck. Mr. Drake noted that staff was looking into the possibility of purchasing a Compressed Natural Gas ("CNG") fueled vehicle. He advised that other cities are now utilizing CNG vehicles and that a fueling station is located near to the dump site at 74th Street. Compressed Natural Gas costs \$1.10 per gallon compared to gasoline costs.

Mr. Drake advised that the City owns three terminator trucks or trucks fitted with knuckle booms used for large trash pickups. One of the vehicles is approximately 12 years old. Staff would propose using the older vehicle in drainage ditches following storms to remove obstructions. If the City receives grant funds it would help offset the cost of a CNG terminator truck.

Councilman Krows asked about the status of the big trash policy. Mr. Drake stated that there had been a lot of internal discussion about the subject. The biggest complaint is that the trash sits at the curb for three to four weeks. The City does not have the staff necessary to expedite the removal of the large amount of trash being placed at the curb; therefore, the City might have to consider returning to the policy of scheduling pickups. It was generally agreed that two pickups per year seemed adequate. Mr. Drake stated that staff would present Council with a recommendation for a new policy for big trash pickup at a future meeting.

Richard Sandefur, Public Works Director, clarified that the \$125,000 cost included in the agenda item would be the cost of the truck after the rebate from the manufacturer and any grant monies are obtained. The initial cost to be paid up front would be \$185,000 before the grant and rebate monies are received by the City. Mr. Sandefur noted that the purchase price of a CNG truck is higher than a gasoline fueled vehicle.

Trustee Krows moved to approve the purchase of a sanitation truck for large item pick up at an estimated cost of \$125,000 using Federal grant funds; and supplement the budget accordingly, second by Trustee Roberts. 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 7:01 P.M.

Agenda Item Number 8 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD JULY 19, 2010.
- B) APPROVE PAYMENT OF A COURT ORDERED WORKER'S COMPENSATION SETTLEMENT IN THE AMOUNT OF \$22,572 TO MONROE (BOE) COLSTON FOR CLAIM NO. WC-2010-0568A AND AUTHORIZE PLACEMENT ON THE PROPERTY TAX ROLLS.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$157,226.91 AND FY 2010-2011 IN THE AMOUNT OF \$19,386.60.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED AT 7:03 P.M.

Agenda Item Number 9 being:

NEW BUSINESS:

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

Marcia Bresback, 1509 Sequoyah, asked for an update on the recycling program and an update on the purported closing of the Moore High School swimming pool. Councilman Krows stated that Moore High School will be closing the swimming pool and the swim teams will be practicing at Oklahoma City Community College. The pool was too expensive for Moore Public Schools to maintain. Councilman Krows stated that he is a coach and was aware of Moore Public School's plan to close it; however, any other questions should be directed to the school board. Elizabeth Jones, Community Development Director, addressed Ms. Bresback's questions regarding the City's recycling program. She indicated that the recycling center is currently an unmanned drop-off facility. Grant funding is in place to make it a manned facility that will have many more capabilities. Staff is preparing specifications for the existing pole sign to increase visibility. Also, staff will be requesting authorization to solicit RFPs for a public education campaign for recycling. Ms. Jones noted that Midwest City Ambulance was currently using a portion of the site and not all of the improvements can be made until they vacate the site and move into their new facility. The Special Projects Manager is devoting his time mostly to the recycling center. Ms. Bresback asked if the City planned to do a curbside recycling program. Mayor Lewis stated that the City had previously attempted to approve a curbside recycling program and met with opposition to the item.

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

Councilman Krows wished his parents a happy 50th wedding anniversary.

- C) ITEMS FROM THE CITY/TRUST MANAGER.

Stan Drake, Assistant City Manager, stated that construction crews are on site at NE 12th. The eastbound lane is now closed from the water tower to Bryant Avenue. The road is anticipated to be closed until the end of September with the project completed by the end of this year or early next year. Mr. Drake stated that construction is continuing on the new fire stations.

Agenda Item Number 10 being:

ADJOURNMENT

Councilman Roberts moved to adjourn the City Council meeting, second by Councilman Krows. 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 7:08 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

RECORDED BY:

CAROL FOLSOM, Purchasing Agent

FOR:

JANIE MILUM, MPWA Secretary

These minutes passed and approved as noted this ____ day of _____, 2010.

ATTEST:

JIM CORBETT, City Clerk