

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
THE MOORE RISK MANAGEMENT BOARD
AUGUST 3, 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 August 3, 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, Cavnar, Roberts, Lewis
ABSENT: Milum

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; City Attorney, Randy Brink; Assistant City Attorney, K.O. Williams; City Clerk, Jim Corbett; Economic Development Director, Deidre Ebrey; Emergency Management/Communications Director, Gayland Kitch; Fire Chief, Charles Stephens; Community Development Director, Elizabeth Jones; Police Chief, Ted Williams; Public Works Director, Richard Sandefur; Risk Manager, Gary Benefield; Acting Parks and Recreation Director, Chris Villani; 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 20, 2009.
- B) RECEIVE THE MINUTES OF THE PLANNING COMMISSION MEETING HELD APRIL 14, 2009.
- C) ACCEPTANCE OF TWO EASEMENTS LOCATED IN THE SE/4 OF SECTION 27, T10N, R3W BEING NORTH OF SW 34TH STREET AND WEST OF TELEPHONE ROAD IN THE WILLOWS ADDITION FOR PUBLIC UTILITIES AND DRAINAGE FLUMES.
- D) ACCEPT A 20' PUBLIC UTILITY EASEMENT LOCATED IN THE SW/4 OF SECTION 14, T10N, R3W, CLEVELAND COUNTY, OKLAHOMA, BEING NORTH OF NW 1ST STREET AND EAST OF HOWARD DRIVE.
- E) REAPPOINT CHARLES PAYNE, JEFF ARVIN, AND ROBERT WASHINGTON TO THE PARK BOARD FOR THREE-YEAR TERMS.
- F) REAPPOINT DON SNOW, KENT GRAHAM, AND ROBERT MCDONALD TO THE PLANNING COMMISSION FOR THREE-YEAR TERMS.
- G) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$1,324,076.05 AND FY 2009-2010 IN THE AMOUNT OF \$1,345,992.97.

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

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

Mayor Lewis expressed his appreciation to the Parks and Planning Commission board members for their service to the community.

Agenda Item Number 3 being:

CONSIDER REZONING APPLICATION NO. RZ-839 TO AMEND PUD NO. 804 LOCATED IN THE SW/4 OF SECTION 14, T10N, R3W, BEING NORTH OF NW 1ST STREET AND EAST OF HOWARD AVENUE, FROM A DENSITY OF TEN UNITS PER ACRE TO FOUR UNITS PER ACRE; AND APPROVE ORDINANCE NO. 648(09). APPLICATION BY PAUL METHVIN.

Elizabeth Jones, Community Development Director, advised that Agenda Items No. 3 and 4 were companion items. Ms. Jones stated that Rezoning Application No. RZ-839 proposed amending approved PUD Design Statement No. 804 to decrease the proposed densities from ten patio homes per acre with access from a single entryway off of NW 1st Street, to four single-family homes with individual access from NW 1st Street. Ms. Jones stated that the subject site was a vacant parcel of property located west of the Old School Business Center and south of the Central Elementary school. With the proposed decrease in densities staff believes that the amenities for the project should be decreased accordingly. The amended PUD Design Statement deletes the landscaping and hardscaping requirements. She added that staff requested concept elevations for the homes since the applicant has not provided any detailed documents to date. Ms. Jones recommended approval of the item with the following stipulations.

1. All landscaping and hardscaping requirements are deleted.
2. Each home would undergo an administrative review at the building permit stage to ensure it meets required criteria and be compatible with the Old Town neighborhood as determined by the Community Development Director.
3. A flushed, recessed or minimally extended garage would be required. The garage should not extend more than five to eight feet beyond the front building line.
4. A front porch that is a prominent element of the front façade.
5. A different architectural and paint scheme must be used for each house.

It should be noted that if the applicant and the Community Development Director cannot agree on an appropriate elevation the applicant may appeal the decision to the City Council.

Ms. Jones stated that a lot split was included with the application under Agenda Item No. 4. The applicant proposed splitting a single tract of land into four separate tracts for the construction of four homes. Water and sewer are available to serve the property. Access is provided by NW 1st Street. Staff recommended approval of the item.

Mayor Lewis asked about the square footage of the homes. Ms. Jones indicated that the homes would be smaller than what you might find in a new subdivision at around 1,400 to 1,600 square feet; however, she noted that the original design was for much smaller two-story patio homes.

Councilman Krows if any of the residents living within the area expressed opposition to the item. Ms. Jones stated that a homeowner picked up a copy of the staff report. Another homeowner attended the

Planning Commission meeting but did not speak. Councilman Krows indicated that the plans should be more in line with what the neighborhood originally wanted.

Mayor Lewis noted that no one was signed up to speak on the item and there did not appear to be anyone in attendance who wished to speak.

Councilman Krows moved to approve Rezoning Application No. RZ-839 and Ordinance No. 648(09), second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER A LOT SPLIT LOCATED IN THE SW/4 OF SECTION 14, T10N, R3W BEING NORTH OF MAIN STREET AND WEST OF BROADWAY AVENUE IN THE OLD TOWN ADDITION. APPLICATION BY PAUL METHVIN.

Steve Eddy, City Manager, indicated that the applicant went to District Court to get a portion of the right-of-way on NW 1st Street and Howard Avenue vacated. He stated that this was the area in Old Town that had 100-foot rights-of-way. The applicant was able to get 25-feet on NW 1st and 20-feet on Howard Avenue vacated. He advised that the vacated property would be incorporated into the lots.

Councilman Krows moved to approve a lot split located in the SW/4 of Section 14, T10N, R3W being north of Main Street and west of Broadway Avenue in the Old Town Addition, second by Councilwoman McMillan. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER ORDINANCE NO. 653(09) TO AMEND PART 8, CHAPTER 4, SECTION 8-401 THROUGH 8-414 TO INCLUDE THE DEFINITIONS OF ENFORCEMENT OFFICER, OPERABLE UNLICENSED MOTOR VEHICLE, AND OPERABLE CONDITION; TO AMEND PROHIBITED ACTS TO INCLUDE STORING OF OPERABLE UNLICENSED VEHICLES, MAKING EXTENSIVE AUTO REPAIRS ON ANOTHER'S PROPERTY, AND BY PROVIDING FOR THE COVERING OF VEHICLES BY A TARP; TO AMEND PERMITS FOR RECONSTRUCTION BY REQUIRING PERMITS FOR REPAIRS IN EXCESS OF TEN (10) DAYS, RESTRICTING APPLICANT TO PROPERTY OWNER OR LESSEE; TO AMEND PRESUMPTION OF ABANDONED OR JUNK VEHICLE; TO INCLUDE DEFINITION OF JUNK VEHICLE AND PROVIDE FOR EVIDENCE OF OPERABLE VEHICLE; TO AMEND NOTICE TO REMOVE FROM PUBLIC AND PRIVATE PROPERTY TO INCLUDE ENFORCEMENT OFFICER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR A REPEALER.

Elizabeth Jones, Community Development Director, advised that the proposed amendments to Ordinance No. 653(09) were in response to several citizen complaints. City staff reviewed the current junk vehicle ordinance and found that it allows more than what should be allowed using today's standards of living.

The Code Enforcement Officer and City Attorney's office worked with her on the proposed amendments. One of the major amendments included a change in the definition of Junk Vehicle. Under the new ordinance a vehicle would be considered a junk vehicle if it met any of the following criteria:

1. Weeds or grass growing up under and around the car indicating the car had not been moved in some time.
2. One or more tires are flat or missing.
3. Has an out of date license tag.
4. A portion of the vehicle needed for street legal operation is missing such as the windshield, headlights, door, etc.
5. City receives a complaint that the car is not operational. This item can be refuted by the owner of the vehicle if they can start and move the vehicle for a specified distance or to the satisfaction of the Code Enforcement Officer.

Another change involves the use of tarps. Ms. Jones indicated that tarps would only be allowed on vehicles not considered junk provided they are in good condition.

Ms. Jones stated that another amendment involved obtaining a "Rebuilders Permit" to allow owners of vehicles declared junk an opportunity to work on them in an attempt to make them operational. The permit would be valid for six months as long as the vehicle is stored inside a garage or shop at night. A Rebuilders Permit can be revoked by the City if any of the requirements are not met. Only one car can be worked on at a residence at one time.

Mr. Jones advised that there are other smaller changes to the ordinance that she would not take time to review. She stated that this ordinance was stricter than the surrounding cities. The City does reserve the right to tow a vehicle from private and public property. Towing as an abatement option would be used as a last resort, prior to this a ten-day notice would be given and citations issued.

Councilman Roberts felt the ordinance was in keeping with Council's philosophy on making Moore a quality place to live. He stated that in some cases issues like these may be the first step in the decline of the neighborhood. He applauded the efforts of staff and felt it was an excellent ordinance.

Councilman Krows asked if a Rebuilders Permit would be necessary for cars that are not considered junk. Ms. Jones indicated that a permit would not be necessary for a homeowner to work on their own vehicle or to do routine maintenance on a friend's car. It does not allow for major repairs such an engine rebuild or transmission repair.

Councilman Cavnar asked if the City anticipated lots of complaints regarding the new ordinance. Ms. Jones stated that because the ordinance was much stricter than other cities it was likely that there would be some property owners who were opposed to the ordinance. However, every effort would be made to work with the vehicle owners.

Steve Eddy, City Manager, advised that Councilwoman Milum had voiced her approval of the ordinance previously. Mr. Eddy indicated that Councilwoman Milum was absent from the meeting, but had been involved in discussions that occurred in a neighborhood where the complaint originated from and brought the issue to a head.

Councilwoman McMillan moved to approve Ordinance No. 653(09), second by Councilman Krows. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER THE FINAL PLAT OF KEEPSAKE STORAGE ADDITION LOCATED IN THE NE/4 OF SECTION 30, T10N, R2W BEING SOUTH OF SE 19TH STREET AND WEST OF SUNNYLANE. APPLICATION BY KEEPSAKE SELF STORAGE, LLC/LYNN MEDFORD.

Elizabeth Jones, Community Development Director, stated that the proposed final plat consisted of two commercial lots on five acres located south of SE 19th Street and west of Sunnylan. Lot One would be developed as a mini-storage facility and Lot Two would be available for development sometime in the future. Ms. Jones advised that public water was available to serve the site; however, public sewer had not been extended to the site. Ms. Jones noted that because a mini-storage does not generate significant amounts of wastewater the City typically allows private septic systems in these situations. However, Lot Two would not be allowed to develop until adequate sewer had been extended to serve the lot. Access would be provided by both SE 19th and Sunnylan. A fee in lieu of detention would be required at the time of the building permit application stage.

Ms. Jones advised that the final plat reflects additional ODOT right-of-way that was in place to serve State Highway 77. After Sooner Road was improved ODOT relinquished the right-of-way to the respective municipalities; however, ODOT never filed a deed transferring ownership. Since the final plat application has been filed, the applicant filed the deed from ODOT giving the additional right-of-way to the City of Moore. If the City Council approves the Final Plat the City will transfer the deed for the additional right-of-way to the applicant.

Councilman Krows moved to approve the Final Plat of Keepsake Storage Addition located in the NE/4 of Section 30, T10N, R2W being south of SE 19th Street and west of Sunnylan, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER THE FINAL PLAT OF LAKE WOODS ADDITION, SECTION 6 LOCATED IN THE SE/4 OF SECTION 26, T10N, R3W BEING NORTH OF SE 34TH STREET AND WEST OF EASTERN AVENUE. APPLICATION BY JOHN WOODS.

Elizabeth Jones, Community Development Director, stated that the proposed Final Plat is for the final phase of the Lake Woods Addition. It consists of 66 residential lots on approximately 19.5 acres located north of SE 34th Street and west of Eastern Avenue. Public water and sewer would be extended to serve the site. Access would be provided by previous sections of the Lake Woods Addition. On-site detention is required and is provided by a large pond constructed with a previous phase of the development. This phase of the development is located adjacent to the railroad tracks on the west and industrial land use on the north. As discussed at the preliminary plat stage, a 75-foot utility and landscaping easement is included in the lots adjacent to the railroad and a 40-foot utility and landscaping easement is included

where lots are adjacent to the industrially zoned property. These easements are intended to act as a buffer. Staff recommended approval of the item.

Councilman Krows moved to approve the Final Plat of Lake Woods Addition, Section 6 located in the SE/4 of Section 26, T10N, R3W being north of SE 34th Street and west of Eastern Avenue, second by Councilwoman McMillan. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER ACCEPTANCE OF ENTITLEMENT GRANTEE STATUS UNDER HUD'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND DIRECT STAFF AS APPROPRIATE.

Steve Eddy, City Manager, advised that the City received official notice from the Department of Housing and Urban Development ("HUD") that according to the 2008 census numbers Moore achieved the eligibility threshold, or a population of 50,000, for an "entitlement status" under CDBG. He stated that the City would then be eligible for more funds under the CDBG Program. Mr. Eddy advised that the Community Development Block Grant program was a federally funded program for public improvements in areas of low to moderate income areas. There is a number of ways that the monies could be used as opposed to the single application process the City used in the past. Mr. Eddy recommended accepting the entitlement status and authorize him to send a letter to HUD to that effect. The entitlement status would become effective September 1, 2009. Mr. Eddy advised that a consolidated plan must be prepared to give an indication of how the City proposed to use funds over a two, three, or five-year period. Elizabeth Jones, Community Development, indicated that the consolidated plan looks at every aspect as it relates to low to moderate income housing, where their needs are, and where the gaps exist.

Councilman Krows moved to approve acceptance of Entitlement Grantee status under HUD's Community Development Block Grant (CDBG) program, second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER A BUDGET SUPPLEMENT TO THE MOORE ECONOMIC DEVELOPMENT AUTHORITY IN THE AMOUNT OF \$11,436.12; TO THE GO STREET BONDS IN THE AMOUNT OF \$281,725; TO THE GENERAL FUND IN THE AMOUNT OF \$818,345.50; TO THE SPECIAL REVENUE FUND IN THE AMOUNT OF \$390,315.44; AND TO THE PUBLIC SAFETY IMPROVEMENT FUND IN THE AMOUNT OF \$4,389,813.77 FOR CARRYOVER OF YEAR-END PURCHASE ORDERS.

Jim Corbett, Finance Director, stated that the proposed budget supplements are for the carryover of unpaid purchase orders from Fiscal Year 2009 to Fiscal Year 2010. Mr. Corbett indicated that the amount of the carryovers is much higher than normal due to the new fire stations and new wastewater treatment plant projects.

Councilman Roberts moved to approve a budget supplement to the Moore Economic Development Authority in the amount of \$11,436.12; to the GO Street Bonds in the amount of \$281,725; to the General Fund in the amount of \$818,345.50; to the Special Revenue Fund in the amount of \$390,315.44; and to the Public Safety Improvement Fund in the amount of \$4,389,813.77 for carryover of year-end purchase orders, second by Councilman Krows. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING CONVENED AT 7:03 P.M.

Agenda Item Number 10 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD JULY 20, 2009.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$185,793.95 AND FY 2009-2010 IN THE AMOUNT OF \$371,846.31.

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

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

Agenda Item Number 11 being:

CONSIDER A BUDGET SUPPLEMENT FOR MOORE RISK MANAGEMENT IN THE AMOUNT OF \$3,066.12 AND TO THE MOORE PUBLIC WORKS AUTHORITY IN THE AMOUNT OF \$2,549,376.19 FOR CARRYOVER OF YEAR-END PURCHASE ORDERS.

Trustee McMillan moved to approve a budget supplement for Moore Risk Management in the amount of \$3,066.12 and to the Moore Public Works Authority in the amount of \$2,549,376.19 for carryover of year-end purchase orders, second by Trustee Krows. Motion carried unanimously.

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING CONVENED AT 7:04 P.M.

Agenda Item Number 12 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD JULY 20, 2009.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2008-2009 IN THE AMOUNT OF \$366,766.88.

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

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

THE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED AT 7:05 P.M.

Agenda Item Number 13 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.

Mayor Lewis congratulated Councilwoman McMillan on her leadership position with the Oklahoma Association of Realtors. He asked Councilwoman McMillan to talk a little about it. Councilwoman McMillan stated that 14 realtors are involved in a year long program to raise awareness of Oklahoma's standing in the Gallup Wellness Poll. Councilwoman McMillan stated that we are third in the nation on work environment but we are pretty far down in other areas. She advised that a commercial would be shot within the next 30 days that would be available on YouTube, My Space, and Facebook, along with several newspapers and television stations, which would give ideas on how to raise your overall health and happiness.

Mayor Lewis stated that he received a letter from Mayor Daley of Chicago, Illinois thanking the City of Moore as one of 170 cities who supported them in their attempts to locate the future Olympics in Chicago.

- C) ITEMS FROM THE CITY/TRUST MANAGER.

Steve Eddy, City Manager, submitted a status report to the City Council for their review.

Agenda Item Number 14 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:07 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, City Clerk