

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
THE MOORE RISK MANAGEMENT BOARD
SEPTEMBER 8, 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 September 8, 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 (arrived late), Milum, Lewis
ABSENT: None

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; City Attorney, Randy Brink; Assistant Finance Director, Cheryl McConnell; Economic Development Director, Deidre Ebrey; Emergency Management/Communications Director, Gayland Kitch; Fire Chief, Charles Stephens; Community Development Director, Elizabeth Jones; Information Systems Manager, David Thompson; 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.

Anne Masters, Manager for the Pioneer Library System, presented the annual Pioneer Library System report regarding the Moore Public Library. Ms. Masters advised that Lisa Wells, Moore Public Library Branch Manager, was also in attendance at the meeting. She added that Ms. Wells also serves as the Cleveland County Coordinator for the Pioneer Library System and all other Cleveland County branch managers report to her. Ms. Masters also advised that City Manager Steve Eddy was the Moore Representative on the Pioneer Board of Trustees.

Ms. Masters stated that the data reflected in the report was for fiscal year 2008-2009 ending June 30th. It included comparisons of the 2007-2008 figures to the 2008-2009 figures. The report shows 57 staff members and an FTE of 27.2 serving over 47,000 library card holders. She advised that additional staff members were added to the Moore Public Library who are working to develop a relationship with the south Oklahoma City area that will eventually be served by the new south Oklahoma City branch. Ms. Masters stated that more than 640,000 items were checked out during more than 350,000 customer visits. There are 52 public computers in the library with over 73,000 computer sessions logged. Over 618 programs were planned that were attended by children, teens and adults. The library just completed another successful summer reading program, including the popular concert series in the park. Ms. Masters noted that circulation increased from 526,512 to over 640,000 items. The Moore library collection increased from 96,000 to over 111,000 items. She mentioned that there were over 313,000 visits to the

Moore Library in 2008 with 350,000 in 2009. Ms. Masters stated that the Moore library has shown the greatest increases in circulation and library attendance compared to all of the other libraries in the Pioneer Library System. Ms. Masters ended her presentation by expressing her appreciation for the community support of the millage increase in the May 13th election.

Councilwoman McMillan moved to bring Agenda Item No. 17A forward on the agenda, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 17 being:

NEW BUSINESS:

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

Michael and Ashlee Paul, 941 NE 30th, appeared at the August 17, 2009 City Council meeting to present a petition filed on behalf of Gabriel's Crossing located at 27th and Eastern against Cowpokes Wrecker Service. They formally requested that the City abate the public nuisance. Mr. Paul stated that Cowpoke Wrecker Service is a salvage yard and should therefore comply with all ordinances and requirements for a salvage yard. Mr. Paul advised that City Manager Steve Eddy contacted him through e-mail to advise him that he had personally inspected the site and could not find where Cowpokes was in violation of any of the City Ordinances or the Land Development Code. Mr. Paul stated that he did have some questions regarding Section 12-206 of the City Code that covers commercial use unit classifications. This section excludes junk or salvages yards. However, Mr. Paul stated that Cowpoke advertises that they perform scrap operations; therefore, he felt they should have an industrial use unit classification.

Steve Eddy, City Manager, indicated that Cowpokes was not licensed through the City or the Department of Public Safety to operate as a salvage yard, and they do not have the appropriate zoning for a salvage facility. He added that the owners of the facility indicate they are not operating as a salvage facility. Ashlee Paul stated that Cowpokes chose to be listed on yellowpages.com under the category of salvage yard. Mr. Eddy stated that the determination whether Cowpokes was operating as a salvage yard would not be made by the ad but by what they were doing and what the City or State licenses them to do. Mr. Paul commented that they had provided proof through pictures which showed the condition of the vehicles located there. Some of the cars have no wheels and appear to be wrecked or junk vehicles. Ms. Paul commented that they were told Cowpokes was planning to put up a fence; however, she did not feel there was room enough to construct a fence between the neighborhood fence and the wrecked cars. She stated that their fence and their neighbor's had been damaged and that they were not reimbursed by Cowpokes. She asked how they could protect their fence and the children playing there since a vehicle could come through at a child's play area.

Councilman Krows suggested that staff ensure Cowpokes was operating legally. Mr. Eddy stated that staff has confirmed that they are operating legally. He added that the business changed ownership recently. The new owners are aware that they are being watched by the neighbors and by the City and are making improvements to the property. Mr. Eddy stated that the improvements were obvious in terms of what it looked like before. He added that he could sympathize with the homeowners' situation. However, while it appeared that the new owners expanded the storage area of the wrecker facility, the entire tract is zoned C-5 and wrecker services for many years have been allowed in the C-5 zoning district. Therefore, Cowpokes is required to meet all requirements of the City's wrecker ordinance.

Mr. Paul felt that Cowpokes' fence was not sight proof which was a violation of the City's ordinance. He also mentioned a time restriction was in place under the ordinance. Mayor Lewis asked if Cowpokes gave a time frame for erecting a sight proof fence. Mr. Eddy indicated that an existing six-foot wooden sight proof fence was erected along the south and east sides of the property. Cowpokes indicated that they plan to erect a six-foot metal fence around the remainder of the property. Ms. Paul commented that according to the ordinance six feet would not be tall enough. Mr. Paul stated that in order to be sight proof it would have to be a minimum of seven feet tall.

Mayor Lewis asked the City Attorney if the City could legally force Cowpokes to comply with a sight proof fence under a nuisance abatement petition. Randy Brink, City Attorney, stated the City must first determine whether the situation fits the legal description of a public nuisance. If a nuisance doesn't exist then the City isn't legally obligated to intervene. If the situation is declared a public nuisance then the City would proceed with the abatement process by requiring the business to come into compliance. If they do not comply then the City would abate the situation and assess liens or take other legal steps necessary to recover costs incurred by the City. Mayor Lewis asked how the City would determine if a taller fence is required. Mr. Eddy stated that the City's position is that Cowpokes is in compliance with the City Code regarding the height of their sight proof fence. There is no requirement in the City Code to erect anything more than a six-foot metal or stockade fence. Ms. Paul commented that Cowpokes does not have their own fence and appear to be using the neighboring property's fence. She felt that Cowpokes should have to construct a fence in order to have an additional buffer to prevent another car from coming through onto their property.

Councilman Krows asked if Mr. Eddy noted any salvaged cars on the lot when he toured the facility. Mr. Eddy indicated that any car located in a wrecker yard potentially looks like a salvage car. However, all of the vehicles appeared wrecked which is common in a wrecker yard. Mr. Brink stated that the cars must be held for 30 to 45 days on the lot to allow the owner an opportunity to claim the vehicle. If the vehicle is unclaimed an auction is held to get rid of the vehicle. Ms. Paul felt that her property had depreciated significantly due to the wrecker service being located behind their property. Councilwoman McMillan advised that Cowpokes was located at its current site first. Mr. Eddy stated that he doesn't blame the property owners for being concerned. No one would want to live behind a wrecker company; however, Cowpokes has property rights and the property is zoned for the use they are using it for. The zoning has been in place for many years. Ms. Paul asked why they didn't have any rights if the land was purchased by Cowpokes in 2008 and the neighborhood was established in 2006. When they moved in the lot behind them was vacant. Ms. Paul understood that property owners within 300 feet of the business must approve of the proposed use. Mr. Eddy explained that notification was only necessary for a new business that did not have the appropriate zoning at the proposed location, and an established neighborhood abutted the property. In this case the zoning was appropriate for the use, the right to use the property was established under City laws, and there is nothing the City can do to force them to do anything different.

Councilman Roberts stated that the zoning was already in place and the land already purchased when the Pauls purchased their home. Although the land changed hands it was continuing to be used within the appropriate zoning district. The zoning is tied to the land not the ownership of the land.

Councilman Cavnar asked what Mr. Paul was referring to when he read about requirements for a six and seven foot fence. Mr. Eddy stated that Mr. Paul was reading definitions within the City Code about sight proof fencing. The Code states that sight proof fencing can be six or seven feet tall and, in certain circumstances, it can be eight feet depending on the use. Mr. Paul was reading about a salvage yard requirement for an eight-foot fence.

Ms. Paul asked how the City knows that Cowpokes wasn't operating a salvage yard when they have produced pictures to the contrary. She stated that they monitor the situation daily and know that some

vehicles were out there longer than 30 days. Councilman Roberts indicated that having a car on the lot longer than 30 to 45 days doesn't make them a salvage yard. In many instances it takes longer than that to reach a settlement through an insurance company. That is part of the nature of their business as a wrecker company. Councilman Roberts stated that he was sympathetic to their position but he was not interested in putting the City in the position of attempting to enforce something when he felt the operators were in compliance, thereby subjecting the City to a lawsuit and incurring thousands of dollars in legal fees to defend ourselves in District Court.

Councilman Cavnar added that if Cowpokes was dismantling cars and selling them by the piece the City needed to be aware of it. However, a wrecked car sitting in the lot for a period of time is a separate issue. The City can prevent them from selling vehicles by the piece if they witness that occurring. Councilman Cavnar requested that staff check into the necessity of requiring an eight-foot fence for a wrecker service. Mr. Eddy indicated that staff could certainly check into it however, historically the City requires a six-foot wood or metal sight proof fence in commercial areas. Six feet is the established requirement for sight proof fencing. Ms. Paul indicated that they would like Cowpokes to put up their own fencing. Councilwoman McMillan indicated that she visited with Cowpokes and they were working on completing the fencing around their property. Mr. Paul asked when that would occur.

Councilman Krows asked Tony Reiser, the owner of Cowpokes, to comment on when they anticipated the fencing to be complete. Mr. Reiser stated they were in the process of fencing the perimeter of the back lot. They have one side completely finished and are working on the front of the property since it is visible from the roadway. After that they plan to continue down the other side of the property and across the back. They will be using a six foot solid metal fence as required by the State of Oklahoma. Councilwoman McMillan asked about their hours of operation and noise level. Mr. Reiser indicated that cars are brought in and out on a 24-hour basis since they are on the rotation of the Moore Police Department and the Oklahoma Highway Patrol. They attempt to sympathize with the neighbors by keeping the lights off and the noise level at a minimum. It usually takes less than 30 minutes to unload a car. Councilwoman McMillan asked how many drivers they hire. Mr. Reiser indicated that they have three drivers. Councilman Krows asked how long the cars remain on the lot. Mr. Reiser indicated that the cars must be held for 30 days before a Title 42 process is started in order to sell the vehicle and remove it from the facility. Once the process has begun the vehicle must be held another ten days in order to make legal notice. After the 40 days have expired they have the option to sell the vehicle. They attempt to have a group of cars to sell before holding an auction instead of auctioning them off one at a time. It averages around one auction every four to six weeks. Councilwoman McMillan asked Mr. Reiser to define the type of business he operates. Mr. Reiser stated that Cowpokes is licensed as a wrecker service. They advertise in the Yellow Pages phone book. Mr. Reiser distributed a copy of a letter from Yellow Pages that describes the software program they use which groups salvage yards and wrecker services together under one category. The letter verifies that Cowpokes is advertising as a wrecker service not a salvage yard. Mr. Reiser asked to comment on some of the things that had been mentioned earlier in the meeting. He stated that Cowpokes was aware that one fence was damaged by a buyer during their last auction that was held on a Saturday. They contracted with Lowe's and by Tuesday the fence was repaired. They asked the property owner to look at the job to ensure there were no issues. They paid for the fence repair although Cowpokes was not responsible for the damage that occurred by a third party. Mr. Reiser stated that they have never heard from the Pauls regarding damage to their fence. They want to be good neighbors and if they find they damaged someone's property they want to address it.

Mr. Paul stated that auctioning cars requires a Special Use permit. He asked Cowpokes if they have the required permit. They responded by stating that a permit is not required since auctions is part of operating a wrecker service. Mr. Paul also asked if the Department of Environmental Quality inspected the property when the lot was empty. Cowpokes advised that the City's building inspector and DEQ inspected the property and it met all drainage requirements. The City and Cowpokes both indicated that they had a copy of the letter from DEQ on file.

Councilwoman McMillan asked if Cowpokes had a timeline for completing the fence. Mr. Reiser indicated that they plan on starting on the south side within the next six months. Currently they are working on the side visible from Eastern Avenue.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 17, 2009.
- B) RECEIVE THE MINUTES OF THE PLANNING COMMISSION MEETING HELD JULY 14, 2009.
- C) RECEIVE THE MINUTES OF THE PARKS BOARD MEETINGS HELD JUNE 2, 2009 AND JULY 7, 2009.
- D) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$1,796,994.64.

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

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

Agenda Item Number 3 being:

CONSIDER REZONING APPLICATION NO. RZ-842 LOCATED IN THE SE/4 OF SECTION 14, T10N, R3W, BEING SOUTH OF MAIN STREET AND WEST OF TURNER AVENUE FROM R-2/C-1/C-3 TWO-FAMILY DWELLING DISTRICT/OFFICE DISTRICT/GENERAL COMMERCIAL DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT; AND APPROVE ORDINANCE NO. 651(09). APPLICATION BY WORK ACTIVITY CENTER, INC./L.O. HARRINGTON.

Elizabeth Jones, Community Development Director, advised that the subject property is a strip of land located on Main between Santa Fe and Turner Avenue and includes the Work Activity Center on the west side with the remainder of the property being vacant. The Work Activity Center has recently scaled down their operations and the building is no longer needed by them. The owner wishes to sell or lease the building for a daycare and market the rest of the property as General Commercial uses. Existing water and sewer serve the site with no flood plain located on the property. Access is available from Main Street, Turner Avenue, and Santa Fe Road. Ms. Jones indicated that curb cuts should be reviewed on a case by case basis at the building permit stage. She noted that shared curb cuts may be required. Due to the property's location along Main Street within the downtown area and due to the medium commercial land use designation in Moore Vision 20/20 staff recommended approval of the application.

There was no one in attendance at the meeting who objected to the item.

Councilman Krows moved to approve Rezoning Application No. RZ-842 located in the SE/4 of Section 14, T10N, R3W, being south of Main Street and west of Turner Avenue from R-2/C-1/C-3 Two-Family Dwelling District/Office District/General Commercial District to C-3 General Commercial District; and approve Ordinance No. 651(09), second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER REZONING APPLICATION NO. RZ-843 LOCATED IN THE SW/4 OF SECTION 2, T10N, R3W BEING NORTH OF NE 27TH STREET AND EAST OF INTERSTATE 35, FROM A-2 SUBURBAN AGRICULTURAL DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT; AND APPROVE ORDINANCE NO. 652(09). APPLICATION BY CURT MASSENGALE.

Elizabeth Jones, Community Development Director, stated that Agenda Items No. 4 and 5 were companion items. Ms. Jones advised that the subject property was located north of NE 27th Street and east of I-35. The applicant wishes to construct an eye care clinic on this site. Ms. Jones stated that existing water serves the site from the south; however, sanitary sewer is not available and the applicant would be required to extend sewer to the property from NE 27th Street. There is a flood plain located on the property and is contained within a sixty-foot channel easement along the east side of the property. Access is available from the I-35 service road. All proposed curb cuts will be reviewed at the building permit stage and must be approved by the Oklahoma Department of Transportation. Ms. Jones advised that the final plat to be considered under Agenda Item No. 5 contained one lot on approximately one acre. She stated that staff recommended approval of both applications.

No one appeared in opposition to the item.

Councilwoman McMillan moved to approve Rezoning Application No. RZ-843 located in the SW/4 of Section 2, T10N, R3W being north of NE 27th Street and east of Interstate 35, from A-2 Suburban Agricultural District to C-3 General Commercial District; and approve Ordinance No. 652(09), second by Councilman Krows. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER THE FINAL PLAT OF MASSENGALE ADDITION LOCATED IN THE SW/4 OF SECTION 2, T10N, R3W, BEING NORTH OF NE 27TH STREET AND EAST OF INTERSTATE 35. APPLICATION BY CURT MASSENGALE.

Councilman Krows moved to approve the final plat of Massengale Addition located in the SW/4 of Section 2, T10N, R3W, being north of NE 27th Street and east of Interstate 35, second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER REZONING APPLICATION NO. RZ-840 TO REZONE A PART OF THE SE/4 OF SECTION 29, T10N, R2W, BEING NORTH OF SE 34TH STREET AND WEST OF SOONER ROAD, FROM A-2 SUBURBAN AGRICULTURAL DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT; AND APPROVE ORDINANCE NO. 649(09). APPLICATION BY ANDREAS GMEINER.

Elizabeth Jones, Community Development Director, stated that the subject property is a vacant parcel of land located directly north of the Royal Bavaria restaurant. Currently the unimproved lot is being used for parking without the permission of the owner. The applicant is seeking to rezone the property to C-3 in order to construct a new parking facility for the Royal Bavaria which will eliminate parking on an unimproved surface. The property is designated as medium commercial and is in general compliance with the Moore Vision 20/20 as C-3 uses are considered medium commercial. Due to the property's location along Sooner Road and the Medium Commercial land use designation, staff recommended approval of the item with the following contingencies:

1. All drainage must be directed toward Sooner Road.
2. All commercial parking requirements shall apply, including landscaping requirements and sealed surface requirements.
3. A six foot sight proof fence must be erected around the improved parking area for separation of commercial and residential properties.

Councilman Roberts moved to approve Rezoning Application No. RZ-840 to rezone a part of the SE/4 of Section 29, T10N, R2W, being north of SE 34th Street and west of Sooner Road, from A-2 Suburban Agricultural District to C-3 General Commercial District; and approve Ordinance No. 649(09), second by Councilman Krows. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER AUTHORIZING STAFF TO SOLICIT REQUEST FOR PROPOSALS FOR AN ENERGY EFFICIENCY AND CONSERVATION STRATEGY AS REQUIRED BY THE ENERGY EFFICIENCY COMMUNITY BLOCK GRANT (EECBG).

Elizabeth Jones, Community Development Director, stated that the City of Moore was allocated approximately \$450,000 for energy efficiency upgrades through the ARRA stimulus package. The grant requires the City of Moore to develop an Energy Efficiency and Conservation Strategy ("EECS") prior to expenditure of the funds. Ms. Jones advised that the grant allows a percentage of the award to be used to develop the strategy. Therefore, approximately \$50,000 has been requested to develop the EECS and its administration. The \$50,000 has been awarded to the City. The remainder of the funds will be used to replace outdated heating and air conditioning equipment in City facilities as well as implementing a drop off recycling program. Staff is requesting authorization to solicit proposes for development of the EECS.

Councilman Krows moved to authorize staff to solicit Request for Proposals for an Energy Efficiency and Conservation Strategy as required by the Energy Efficiency Community Block Grant (EECBG), second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER AUTHORIZING STAFF TO SUBMIT APPLICATION TO THE FEDERAL DEPARTMENT OF TRANSPORTATION FOR TIGER DISCRETIONARY GRANT FUNDING FOR THE PROPOSED SW 34TH STREET OVERPASS.

Elizabeth Jones, Community Development Director, stated that staff is requesting authorization to submit application for another grant opportunity through the ARRA stimulus program. The grant funds must be used for certain transportation infrastructure improvements. Staff proposes using the monies for construction of the SW 34th Street overpass. Ms. Jones stated that updated cost estimates for the project is around \$20.228 million dollars. The grant application is due September 15, 2009.

Councilman Krows moved to approve authorizing staff to submit application to the Federal Department of Transportation for TIGER Discretionary Grant funding for the proposed SW 34th Street Overpass, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER UPDATING THE FEE LIST TO INCLUDE A \$200 SURCHARGE ON REZONING APPLICATIONS FOR TREATMENT CENTERS, MULTI-FAMILY HOUSING, HALFWAY HOUSING, OR ANY OTHER USE THAT FALLS UNDER HOUSE BILL NO. 1424, TO COVER MAILING AND MATERIALS EXPENSE.

Elizabeth Jones, Community Development Director, stated that the most common rezoning application listed under the fee list is multi-family housing. House Bill No. 1424 increases the amount of notification from a 300 foot radius to a ¼ mile radius. Land uses included in the bill are alcohol and drug treatment centers, multi-family housing, and halfway houses. Ms. Jones indicated that staff attempted to calculate the expense the changes would cause the City and found that a typical multi-family proposal in the Old Ttown area which normally includes 29 to 30 property owners within 300 feet, the notification list would grow to well over 200 property owners within ¼ mile. Staff is requesting a \$200 surcharge to be implemented in addition to normal rezoning fees to cover additional postage, envelopes, paper, and anything else associated with a rezoning mail out.

Councilman Krows moved to approve updating the fee list to include a \$200 surcharge on rezoning applications for treatment centers, multi-family housing, halfway housing, or any other use that falls under House Bill No. 1424 to cover mailing and materials expense, second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 10 being:

CONSIDER ORDINANCE NO. 654(09) AMENDING PART 17, CHAPTER 2, SECTION 17-205 BY REPEALING PARAGRAPHS B AND C, PERTAINING TO PROCEDURE FOR REMOVAL OF LARGE TRASH ITEMS; PROVIDING FOR A REPEALER; AND PROVIDING FOR SEVERABILITY.

Steve Eddy, City Manager, stated that Ordinance No. 654(09) would bring the City Code into conformance with the recent changes to the big trash service. It removes the language regarding the one free pick up and prohibiting placing trash at the curb sooner than 48 hours before a scheduled pick up.

Councilman Krows moved to approve Ordinance No. 654(09), second by Councilman Cavnar. Motion carried unanimously.

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

Mr. Eddy advised the City completed one full pass through the City. Beginning September 1, 2009 staff will begin the second free pickup.

Mayor Lewis stated that Moore Public Schools requested that he ask the public not to place old mattresses and box springs in the school dumpsters.

Agenda Item Number 11 being:

CONSIDER ORDINANCE NO. 655(09) AMENDING PART 7, CHAPTER 7 OF THE MOORE MUNICIPAL CODE BY CREATING SECTIONS 7-706 THROUGH 7-710 CREATING AN ELECTRIC UTILITY FEE IN-LIEU OF FRANCHISE PAYABLE MONTHLY AND PROVIDING FOR OUSTER FOR FAILURE TO PAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR A REPEALER.

Steve Eddy, City Manager, stated that Ordinance No. 655(09) will raise the electric utility fee that OEC customers are currently paying from 2% to 3% which will match the OG&E rate under their franchise agreement. Approximately two years ago the State Legislature entered into a big discussion regarding House Bill 1729 that changed some of the rules regarding how cities deal with electrical providers. One of the provisions dealt with competition between electrical providers. The Bill compelled the two electric providers to negotiate a service agreement for exclusive territory rights over a given area. OG&E and OEC went through the Oklahoma Corporation Commission to determine territories. OG&E ended up with exclusive rights to the City of Moore for all new electrical users. OEC will continue to service their existing Moore customers. One of the provisos is that the City could compel any electrical provider to pay the same rates to the City as a voter approved franchise was paying. OG&E is a voter approved provider paying 3% and OEC is regulated through City Code because they are not legally required to have a franchise with Moore. Approval of Ordinance No. 655(09) would increase OEC customers' rates from 2% to 3% in terms of the fees due to the City.

Councilman Roberts stated that a 1% increase would not mean a significant amount of money.

Councilman Roberts moved to approve Ordinance No. 655(09), second by Councilwoman McMillan. Motion carried unanimously.

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

Agenda Item Number 12 being:

CONSIDER APPROVAL OF AN ADDENDUM TO THE CONTRACT FOR ENGINEERING SERVICES WITH EST, INC. CHANGING THE CONTRACT AMOUNT FROM \$144,755 TO AN AMOUNT NOT TO EXCEED \$153,000 FOR ADDITIONAL ENGINEERING SERVICES NECESSARY ON THE S. 19TH AND TELEPHONE ROAD BOND ISSUE PROJECT.

Steve Eddy, City Manager, indicated that EST was the engineering company retained to do the engineering work on the 19th and Telephone Road street bond project. The original contract did not include right-of-way acquisition and right-of-way staking and utility relocation staking. Adding the items by addendum would increase the contract amount from \$144,755 to \$153,000.

Councilman Cavnar moved to approve an addendum to the contract for engineering services with EST, Inc. changing the contract amount from \$144,755 to an amount not to exceed \$153,000 for additional engineering services necessary on the S. 19th and Telephone Road bond issue project, second by Councilman Krows. Motion carried by majority vote.

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

Agenda Item Number 13 being:

CONSIDER AWARDDING BID NO. 910-003 "PURCHASE AND INSTALLATION OF AN AUDIO/VISUAL SYSTEM" TO AVD AUDIO/VISUAL DESIGNS IN THE AMOUNT OF \$33,026.00.

David Thompson, Information Systems Manager, stated that Bid No. 910-003 was for the purchase and installation of improvements to the audio/visual system in the City Council Chambers. Mr. Thompson indicated that the bid would include new microphones for the City Council, a podium microphone, a cordless microphone for presentations, an overhead presenter for citizens who had items that they wanted the City Council to see, six monitors – two for the City Council, two for the audience, and two for the lobby, a video switcher, camera controls in the sound booth, audio controls, and a graphic overlay for putting names and designations of who is speaking on the screen. Mr. Thompson also stated that this system would replace the channel 20 equipment that utilizes the DVDs that play on the half hour and would be hard drive based and connected to the City network. This would make transcription easier since the information could be received from the network and would not be transcribed using a cassette tape.

Councilman Roberts asked if the new system would also be available to feed into AT&T's U-verse System. Mr. Eddy stated that when and if the public access channel is available to the City from AT&T then the new system could be placed on U-verse.

Mr. Eddy stated that the new system would allow better utilization of Channel 20. Part of the equipment could be used similar to a television station making it less restrictive on the exact air times and making live feeds possible.

Councilman Krows moved to award Bid No. 910-003 "Purchase and Installation of an Audio/Visual System" to AVD Audio/Visual Designs in the amount of \$33,026.00, second by Councilwoman Milum. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING CONVENED AT 7:42 P.M.

Agenda Item Number 14 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD AUGUST 17, 2009.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$275,393.08.

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

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

Agenda Item Number 15 being:

CONSIDER AUTHORIZING MAYOR LEWIS TO EXECUTE CONSENT ORDER, CASE NO. 09-173, REGARDING UPGRADES TO THE CITY'S WASTEWATER COLLECTION SYSTEM AND WASTEWATER TREATMENT PLANT.

Steve Eddy, City Manager, advised that the City negotiated a new consent order with the Department of Environmental Quality that incorporates several of the outstanding enforcement actions previously issued by the DEQ relating to the new wastewater treatment plant. Some of the by-passes of the system were caused by the volume issues at the wastewater treatment plant. This also includes the consent order where the City wasn't meeting the effluent requirements for ammonia, which ultimately caused the decision to construct a new treatment plant. The new consent order would combine the outstanding consent orders and change the completion dates to allow for construction of the plant before risking violation of the consent order.

Mayor Lewis asked when the deadline was set for the first phase of the project. Mr. Eddy stated that the contract completion date for Phase 1 was scheduled for December 2009. He advised that Satish Dasharathy, engineer with Eagle Consultants, worked meticulously with DEQ to ensure that the construction schedule fits the DEQ deadlines.

Trustee Krows moved to authorize Mayor Lewis to execute Consent Order, Case No. 09-173, regarding upgrades to the City's wastewater collection system and wastewater treatment plant, second by Trustee McMillan. Motion carried unanimously.

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING CONVENED AT 7:46 P.M.

Agenda Item Number 16 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD AUGUST 17, 2009.

- B) APPROVE A PAYMENT OF A COURT ORDERED WORKER'S COMPENSATION SETTLEMENT IN THE AMOUNT OF \$22,888.80 TO GARY TIPPS FOR CLAIM NO. 2009-02533Q AND AUTHORIZE PLACEMENT ON THE PROPERTY TAX ROLLS.
- C) APPROVE A PAYMENT OF A WORKER'S COMPENSATION SETTLEMENT IN THE AMOUNT OF \$14,107.50 TO JIMMY SECRIST FOR CLAIM NO. WC000882 AND AUTHORIZE PLACEMENT ON THE PROPERTY TAX ROLLS.
- D) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$137,810.12.

Trustee Roberts moved to approve the consent docket in its entirety, second by Trustee Milum. Motion carried by majority vote.

Ayes: Blair, McMillan, Cavnar, Roberts, Milum, Lewis
Nays: Krows

THE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED AT 7:48 P.M.

Agenda Item Number 17 being:

NEW BUSINESS:

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

Mayor Lewis stated that he had received notification from the Oklahoma Department of Transportation that the resurfacing of NW 27th, Janeway, and NW 12th Streets were approved. The City will receive stimulus grant funds in the amount of \$618,488.

- C) ITEMS FROM THE CITY/TRUST MANAGER.

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

- The first stimulus project is underway with Haskell Lemon Construction to install handicapped ramps beginning on 27th Street.
- The contractor on the SE 34th Street Bridge project is finished and open to traffic. Councilman Roberts mentioned that the sign that reads "Caution One-Lane Bridge" can be removed.
- The I-35 and 19th Street improvements are complete.
- Sales tax numbers were flat for September. Considering the economic situation that is probably not bad news. Expenditures will be monitored closely and we will watch what happens during the holiday shopping season. Councilman Roberts asked what time period the sales tax numbers reflected and if it included the tax free weekend. Mr. Eddy indicated July 15 through August 15, 2009 which did include the tax free weekend. The City will be reimbursed for the lost sales tax, which will be reflected later.

Agenda Item Number 18 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:52 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