

**MINUTES OF THE REGULAR MEETING OF  
OF THE MOORE CITY COUNCIL  
THE MOORE PUBLIC WORKS AUTHORITY  
THE MOORE RISK MANAGEMENT BOARD  
AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY  
SEPTEMBER 21, 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 21, 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, McMillan, Cavnar, Roberts, Milum, Lewis  
ABSENT: Blair

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; Assistant City Attorney, K.O. Williams; City Clerk, Jim Corbett; City Attorney, Randy Brink; Community Development Director, Elizabeth Jones; Economic Development Director, Deidre Ebrey; Emergency Management and Communications Director, Gayland Kitch; Fire Chief, Charles Stephens; Manager of Information Technology, David Thompson; Acting Parks & Recreation Director, Chris Villani; Risk Manager, Gary Benefield; Police Chief, Ted Williams; Public Works Director, Richard Sandefur; and Veolia Water Project Manager, Robert Pistole.

**Agenda Item Number 2 being:**

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 8, 2009.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$1,520,997.62.

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

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

**Agenda Item Number 3 being:**

CONSIDER ADOPTING RESOLUTION NO. 684(09) OF THE CITY COUNCIL OF THE CITY OF MOORE, OKLAHOMA, APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE MOORE ECONOMIC DEVELOPMENT AUTHORITY (THE "AUTHORITY") IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000 IN CONNECTION WITH THE ISSUANCE OF ITS SALES TAX REVENUE NOTES, SERIES 2009 (PUBLIC SAFETY PROJECT) (THE "NOTES"); PROVIDING THAT THE DECLARATION OF TRUST, AS AMENDED, CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE GENERAL INDENTURE, AS SUPPLEMENTED AND AMENDED, AUTHORIZING THE ISSUANCE OF SAID NOTES; WAIVING COMPETITIVE BIDDING AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF SAID NOTES; APPROVING A SECURITY AGREEMENT BETWEEN THE CITY AND THE AUTHORITY PERTAINING TO THE DEPOSIT AND TRANSFER OF SALES TAX REVENUE; RATIFYING AND CONFIRMING AN AGREEMENT OF SUPPORT, BETWEEN THE MOORE PUBLIC WORKS AUTHORITY AND THE AUTHORITY WHEREBY THE MOORE PUBLIC WORKS AUTHORITY AGREES TO TRANSFER REVENUES TO THE AUTHORITY; ESTABLISHING THE CITY'S REASONABLE EXPECTATIONS WITH RESPECT TO THE ISSUANCE OF TAX-EXEMPT NOTES IN CALENDAR YEAR 2009 AND DESIGNATING THE NOTES AS A QUALIFIED TAX-EXEMPT OBLIGATION; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Steve Eddy, City Manager, introduced Paul Smith, the City's financial advisor, who would give a brief overview of the proposed resolution. Mr. Eddy indicated that Resolution No. 684(09) sets out the financing necessary to fund the City's Public Safety Center. He also advised that Terry Hawkins, the City's bond counsel, was in attendance at the meeting if the City Council had any questions.

Mr. Smith stated that the size of the note was set at \$16.4 million. At the time the resolution was drafted the exact number of the note was not known; therefore, they placed a "not to exceed" figure of \$20 million in the document. The financing was anticipated to occur sometime late first quarter or early second quarter of 2010. However, in light of tax considerations that have recently come to light it appears to be advantageous to lock in the interest rates now.

Mr. Smith advised that all of the MPWA notes and Oklahoma Water Resources Board loans have the same security structure. All of the MEDA financing is subordinate to that and has all of the same security features.

The note is structured as an 18 month draw down note which means interest does not accrue until the money is drawn down. Also included in the financing is the matching funds payable to the Department of Transportation for the City's portion of the Santa Fe project. This project also precipitated the timing of the financing rather than waiting until November in order to meet the Department of Transportation's deadline of September 25, 2009 for submittal of the matching funds. The interest rate during the construction period will be a variable rate of 65% of one month of LIBOR plus 1.75%. Mr. Smith estimated that currently this would translate into an interest rate of less than 2%. The rate would be recalculated every month and be payable quarterly. A fixed rate of 4.05% would go into effect 18 months from October 1, 2009 for 20 years. There is also included a 15 year par call clause which allows the City to pay off the indebtedness early without penalty. Mr. Smith stated that if the cash flows become available to pay off the debt earlier, there are ways to effectively pay off the debt without incurring penalties.

Mr. Smith indicated that this was a two purpose financing with approximately \$1.1 million for the Santa Fe project to be sent to the Department of Transportation with the remaining balance going toward the public safety projects.

As a side note, Mr. Smith advised that the City anticipates the second leg of the approved financing with the Oklahoma Water Resources Board that will appear later this year or early next year that has been factored into the matrix in the memorandum he submitted for their review. There is also a little over \$2 million in

approved but unissued G.O. bonds. Once the bids are in for the wastewater treatment plant and the public safety bids, he can determine what, if any, that the City will issue in G.O. Bonds for calendar year 2010.

Councilman Roberts asked how much money was expected to be generated from the ½ cent public safety sales tax. Mr. Eddy indicated the last projection was around \$13 million. Councilman Roberts asked if the \$13 million was included in the \$16 million figure. Mr. Eddy advised that the \$16 million was on top of the \$13 million. Mr. Smith confirmed that the 2007 issue was close to \$14 million. Councilman Roberts wanted to know how much of the \$16 million would be used for the public safety center. Mr. Eddy stated that virtually 100% of it. Staff is still working on cost estimates on the new building; however, the latest number is around \$13 million. The public safety center would house the police, emergency management, and courts, and is expected to be constructed next year. He explained that the project grew significantly from what was originally anticipated. Frankly, the only reason the City is able to do this type of financing without the need for a new tax is due to the short-term MEDA issues that were done in the past three to five years. Those notes were short term and the notes will become due and the revenue freed up to be used to make debt service payments on this. Councilman Roberts stated that no other revenue source would be needed. Mr. Smith stated that it would not require a new tax. He added that the scope of the project ultimately went beyond the capacity of the 2007 financing plan. However, the debt service being paid off or the development agreements that are going through their schedules to get full capture, would be used as the funding source. Mr. Eddy added that the City is not proposing any new taxes. He stated that staff is confident the revenue will be there when construction begins next summer. The 20% matching funds or \$1 million for Santa Fe will be drawn down. That should be the only draw down for some time. The original public safety tax proceeds will pay for the three new fire stations and all of the architectural design. It will also pay for most of the architectural design on the public safety center. The new fire equipment has been purchased.

Mayor Lewis asked if the City could afford it. Mr. Smith stated it was clear that the City could pay for it. However, steps have been taken to finance a massive capital improvement plan for the new wastewater treatment plant to deal with environmental and sizing issues that should take care of the community far into the future. With regard to the public safety improvements, hopefully the realignment will well serve the community. If that is the case then there should be no problem. However, as with any community whether through growth or some new mandate, there are always new demands. There is a never ending capital allocation process.

**Councilman Krows moved to approve Resolution No. 684(09), second by Councilman Roberts. Motion carried unanimously.**

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

**Agenda Item Number 4 being:**

CONSIDER AWARDED BID NO. 910-002 "PURCHASE AND INSTALLATION OF A DIGITAL IP VIDEO SURVEILLANCE RECORDING SYSTEM AND A CITY WIDE IP BASED ACCESS CONTROL SYSTEM" TO WIRING SOLUTIONS IN THE AMOUNT OF \$119,629.45

David Thompson, Manager of Information Technology, stated that Bid No. 910-002 would include the purchase of cameras and access control for four fire stations and City Hall. Currently, the City uses three different badge systems that are being used throughout the City. This would incorporate two of those systems by allowing the police department into the same system once the new building has been constructed. This bid would also provide security cameras at City Hall and the fire stations.

**Councilman Roberts moved to award Bid No. 910-002 "Purchase and Installation of a Digital IP Video Surveillance Recording System and a City Wide IP Based Access Control System" to Wiring Solutions in the amount of \$119,629.45, second by Councilwoman Milum. Motion carried by majority vote.**

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

**THE CITY COUNCIL MEETING WAS RECESSED AND MOORE PUBLIC WORKS AUTHORITY MEETING CONVENED AT 6:49 P.M.**

**Agenda Item Number 5 being:**

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD SEPTEMBER 8, 2009.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$703,991.74.

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

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

**Agenda Item Number 6 being:**

CONSIDER ADOPTING RESOLUTION NO. 226(09) AUTHORIZING AN AGREEMENT OF SUPPORT BY AND BETWEEN THE AUTHORITY AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY.

**Trustee Roberts moved to approve Resolution No. 226(09), second by Trustee Krows. Motion carried unanimously.**

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

**Agenda Item Number 7 being:**

CONSIDER AUTHORIZING STAFF TO SOLICIT BIDS FOR BID NO. 910-004 "EAST LIFT STATION FORCE MAIN IMPROVEMENTS".

Steve Eddy, Trust Manager, advised that he had e-mailed a report to the City Council from Satish Dasharathy with Eagle Consultants. The lift station on SE 34<sup>th</sup> Street that was constructed approximately five to ten years ago has had some overflows and bypass issues. There have been problems due to the new subdivisions in the area and balancing the flows and elevations, particularly in the area south of 34<sup>th</sup> and east of Sunnyslane. Mr. Dasharathy looked at the situation and recommended installing a new force main at the lift station to provide additional capacity. The pumps have the ability to move more sewage

than the current force main can move. Mr. Dasharathy suggested re-assessing the situation in a year and see if anything else needs to occur. Mr. Eddy indicated during the previous budget process that a large contingency fund was available to fund unexpected costs such as these, which is estimated to be around \$420,000.

**Trustee Krows moved to authorizing staff to solicit bids for Bid No. 910-004 "East Lift Station Force Main Improvements", second by Trustee Roberts. Motion carried unanimously.**

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

**Agenda Item Number 8 being:**

DISCUSS THE EXISTING SOLID WASTE DISPOSAL AGREEMENT WITH ALLIED WASTE (SOUTHEAST LANDFILL) AND IF DEEMED APPROPRIATE CONSIDER RENEWAL OF SAID AGREEMENT FOR A PERIOD OF THREE (3) YEARS.

Steve Eddy, City Manager, stated that the City has used the Bryant landfill since 1997 through a contract with Allied Waste. The City has had a great working relationship with Allied. However, since Allied's contract had expired and was up for renewal, he used the opportunity to compare rates with other local landfills. Taking into consideration the drive times and distances to the next closest landfill at SE 15<sup>th</sup> and Rockwell, staff felt we would be better served using the current landfill contract. Mr. Eddy advised that Traci Crawford with Allied Waste was in attendance at the meeting to answer any questions. Mr. Eddy recommended renewing a contract with Allied Waste for landfill services for five years versus the proposed three year renewal on the solid waste disposal agreement.

**Trustee Krows moved to approve the existing solid waste disposal agreement with Allied Waste for a period of five-years, second by Trustee McMillan. Motion carried unanimously.**

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

**THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING CONVENED AT 6:55 P.M.**

**Agenda Item Number 9 being:**

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD SEPTEMBER 8, 2009.
- B) APPROVE A PAYMENT OF A COURT ORDERED WORKER'S COMPENSATION SETTLEMENT IN THE AMOUNT OF \$55,440 TO RONNIE WARLICK FOR CLAIM NO. 2009-00018H AND AUTHORIZE PLACEMENT ON THE PROPERTY TAX ROLLS.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$369,521.02.

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

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

**THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS CONVENED WITH CHAIRMAN DAVID ROBERTS PRESIDING AT 6:56 P.M.**

**Agenda Item Number 10 being:**

ROLL CALL

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

**Agenda Item Number 11 being:**

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING HELD AUGUST 17, 2009.

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

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

**Agenda Item Number 12 being:**

CONSIDER ADOPTING RESOLUTION NO. 9(09) AUTHORIZING THE ISSUANCE OF ITS SALES TAX REVENUE NOTES, SERIES 2009 (PUBLIC SAFETY PROJECT) (THE "NOTES") IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$20,000,000, FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A POLICE STATION, AN EMERGENCY OPERATIONS CENTER, AND A MUNICIPAL COURT FACILITY IN THE CITY OF MOORE, OKLAHOMA, CAPITALIZING INTEREST AND PAYING CERTAIN LEGAL AND FINANCING COSTS; WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE NOTES TO BE SOLD ON A NEGOTIATED BASIS; RATIFYING, APPROVING AND AUTHORIZING THE EXECUTION OF A SECURITY AGREEMENT BETWEEN THE CITY AND THE AUTHORITY PERTAINING TO THE DEPOSIT AND TRANSFER OF SALES TAX REVENUE; RATIFYING, APPROVING AND AUTHORIZING THE EXECUTION OF A SERIES 2009 SUPPLEMENTAL NOTE INDENTURE, WHICH, ALONG WITH THE GENERAL INDENTURE, THE SERIES 2001 SUPPLEMENTAL NOTE INDENTURE, THE SERIES 2005 SUPPLEMENTAL NOTE INDENTURE, THE SERIES 2007 SUPPLEMENTAL NOTE INDENTURE (DATED AS OF JUNE 1, 2007) AND THE SERIES 2007 SUPPLEMENTAL NOTE INDENTURE (DATED AS OF NOVEMBER 1, 2007) SHALL BE REFERRED TO COLLECTIVELY AS THE "INDENTURE", AND WHICH INDENTURE AUTHORIZES THE ISSUANCE AND SECURES THE PAYMENT OF THE NOTES; PROVIDING THAT THE DECLARATION OF TRUST, AS AMENDED, CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF SAID INDENTURE; AUTHORIZING AND DIRECTING THE EXECUTION OF NOTES AND OTHER DOCUMENTS RELATING TO THE TRANSACTION INCLUDING, BUT NOT BY WAY OF LIMITATION, AN AGREEMENT OF SUPPORT BY AND BETWEEN THE

AUTHORITY AND THE MOORE PUBLIC WORKS AUTHORITY; ESTABLISHING THE AUTHORITY'S EXPECTATIONS WITH RESPECT TO ISSUANCE OF TAX-EXEMPT NOTES IN CALENDAR YEAR 2009, AND DESIGNATING THE NOTES AS A QUALIFIED TAX-EXEMPT OBLIGATION; AUTHORIZING EMPLOYMENT OF FINANCIAL ADVISOR AND BOND COUNSEL PERTAINING TO SAID FINANCING; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

**Trustee Krows moved to approve Resolution No. 9(09), second by Trustee McMillan. Motion carried unanimously.**

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

**Agenda Item Number 13 being:**

DIRECTOR'S REPORT

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

- New retailers in The Shops at Moore include Rue 21 and Sally's Beauty Supply. Hobby Lobby turned in their plans to City Hall for an anticipated opening in April 2010.
- Sunnyside Up opened in the old Popeye's building.
- Pablano Grill will open on the west side of I-35 and Louie's will open soon.
- Attended a retail conference in Tulsa, Oklahoma. It appears that activity is picking up. In the past week she met with three retailers and received calls from two others. National retailers are looking for potential locations once the economic slump is over.
- Successful 5K run on August 29<sup>th</sup>. Farmer's Market will wrap up October 3, 2009 for the year. They are thinking of continuing with the pumpkin patch through the end of October or November. Red Ribbon and Trick or Treat activities will be held in conjunction on October 31, 2009.
- Report to Citizens and October Newsletter were distributed.
- Website has a record number of hits this month. OML asked if Moore would give a presentation regarding the City's website. In their opinion we have one of the best.
- Assisting various departments on marketing needs such as Santa Express, Fishing Derby, and Internet Predator Workshop.

Chairman Roberts asked how well the Farmer's Market did this year. Ms. Ebrey felt that the citizens have done well locating the market, since the venue changes each year. Unfortunately across the state larger markets are pushing out the smaller markets. However, the City has retained most of the vendors and appear to be doing okay. On every single occasion almost every vendor sold out prior to the end of the day.

**THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 7:09 PM:**

**Agenda Item Number 14 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.

Councilwoman McMillan stated that a citizen had AT&T U-Verse and wanted to know how he could get the City Council meetings. Steve Eddy, City Manager, stated that federal law defines the difference between a cable provider and a telecommunication provider. Under the law AT&T is not compelled to provide the public access channels. However, AT&T has indicated that they will but the City has no authority to require it. Mr. Eddy suggested that the customers need to inquire from AT&T why they can't access the local access channels. Councilman Roberts asked if the City could negotiate through AT&T's representative. Mr. Eddy stated that staff could certainly do that.

C) ITEMS FROM THE CITY/TRUST MANAGER.

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

- August financial report available for review and reflects a slight improvement in the General Fund.
- Status report on projects states that basically everything has been delayed due to rain.

**Agenda Item Number 15 being:**

EXECUTIVE SESSION

A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING CASE NO. CJ-2007-1189BH, MARK JONES ET. AL. V. CITY OF MOORE, AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE CITY OF MOORE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

B) CONVENE INTO EXECUTIVE SESSION

**Councilman Krows moved to convene to executive session, second by Councilwoman McMillan. Motion carried unanimously.**

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

Councilman Cavnar indicated that his company insured Mark Jones when the situation occurred and he would be recusing himself from the discussion.

**The City Council convened into executive session at 7:12 p.m.**

C) RECONVENE FROM EXECUTIVE SESSION

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

**The City Council reconvened from executive session at 7:24 p.m.**

D) ACTION.

A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING CASE NO. CJ-2007-1189BH, MARK JONES ET. AL. V. CITY OF MOORE, AND

AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE CITY OF MOORE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

**Councilman Krows moved to authorize staff to proceed as directed in executive session in Case No. CJ-2007-1189BH, second by Councilwoman McMillan. Motion carried by majority vote.**

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

**Agenda Item Number 16 being:**

ADJOURNMENT

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

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

**The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:30 p.m.**

TRANSCRIBED BY:

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RHONDA BAXTER, Executive Assistant

RECORDED BY:

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CAROL FOLSOM, Purchasing Agent

FOR:

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JANIE MILUM, MPWA Secretary

FOR:

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KATHY MCMILLAN, MEDA Secretary

These minutes passed and approved as noted this \_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

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JIM CORBETT, City Clerk