

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
JANUARY 22, 2008 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on January 22, 2008 at 6:30 p.m. with Vice-Mayor Kathy McMillan presiding.

David Roberts
Councilman, Ward I

Robert Krows
Councilman, Ward I

Kathy McMillan
Councilwoman, Ward II

Janie Milum
Councilwoman, Ward II

Shelia Haworth
Councilwoman, Ward III

Terry Cavnar
Councilman, Ward III

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

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; City Attorney, Randy Brink; Fire Chief, Charles Stephens; Major, Gary Tipps; Economic Development Director, Deidre Ebrey; Community Development Director, Elizabeth Jones; Emergency Management Director, Gayland Kitch; Risk Manager, Gary Benefield; Finance Director/City Clerk, Jim Corbett; Public Works Director, Richard Sandefur; Veolia Water Project Manager, Robert Pistole; and Purchasing Agent, Carol Folsom.

The invocation was given by Pastor Jimmy Milligan with the Living Faith Church. Vice-Mayor McMillan asked Pastor Milligan to tell them about his church. Pastor Milligan indicated that Living Faith Church was located at 24th and Janeway. The church celebrated their 23rd anniversary in the City of Moore on January 20, 2008. He advised that they have a number of outreach ministries offering food to those in need. Pastor Milligan stated he was glad to be a part of the community.

Vice-Mayor McMillan read a proclamation on behalf of Mayor Lewis honoring the 43rd anniversary of the Bruce January Veterans of Foreign Wars Post No. 8706. Commander Mike Devenitch accepted the proclamation on behalf of Post No. 8706. He then recognized Larry Cook who was one of only three men still living from the 42 original members. He noted that Mr. Cook was the former Commander of Post 8706 in the 1960s, and played an active role in getting the post started.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JANUARY 7, 2008.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2007-2008 IN THE AMOUNT OF \$1,394,727.79.

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

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

Agenda Item Number 3 being:

RECEIVE PUBLIC COMMENTS REGARDING THE 2008 SAFE ROUTES TO SCHOOL TRAVEL PLAN FOR NORTHMOOR ELEMENTARY.

Elizabeth Jones, Community Development Director, advised that the Safe Routes to School grant program was a new program offered through ODOT for the purpose of increasing the number and safety of children walking and biking to neighborhood schools. She advised that the infrastructure application was limited to \$200,000 each, with non-infrastructure applications limited to \$20,000 each. Ms. Jones stated that the City could apply for as many projects as they would like during the grant funding period. She spoke to Moore Public Schools about which schools would be appropriate for inclusion in the program. It was determined that Northmoor Elementary should be used in a pilot program to determine the value of the program. Surveys were mailed to the Northmoor Elementary parents to obtain ideas. Ms. Jones used the comments from the surveys to select projects for the application process. The following items were suggested:

- Sidewalks on selected streets, including portions of Julie and NE 19th Street.
- Multi-use trail on the school property to connect the north end of the neighborhood to the school.
- Speed feedback trailers to be utilized to make the motorists aware of their speed.

Ms. Jones advised that if ODOT approved the Travel Plan the City could then apply for grant funding. All of the projects would then be reviewed, followed by a neighborhood meeting with City staff and school officials to answer questions.

There were no citizen comments.

Agenda Item Number 4 being:

CONSIDER APPROVAL OF THE 2008 SAFE ROUTES TO SCHOOL TRAVEL PLAN FOR NORTHMOOR ELEMENTARY.

Councilman Roberts moved to approve the 2008 Safe Routes to School Travel Plan for Northmoor Elementary, second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER AUTHORIZING STAFF TO SOLICIT BIDS FOR CODE ENFORCEMENT NUISANCE ABATEMENT.

Elizabeth Jones, Community Development Director, advised that the City's current contract for Code Enforcement Nuisance Abatement with Specialty Irrigation and Landscaping would expire in April 2008. Ms. Jones recommended soliciting bids to ensure the City continued to get the most economical and efficient service possible.

Councilwoman Haworth moved to authorize staff to solicit bids for Code Enforcement Nuisance Abatement, second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER APPROVAL OF A LOT SPLIT LOCATED IN THE MIDWAY PLACE ADDITION, BEING SOUTH OF S. 19TH STREET AND EAST OF BROADWAY.

Elizabeth Jones, Community Development Director, advised that the proposed lot split was located in the Midway Place Addition. She stated that the addition was originally platted in 1925 and had undergone a multitude of lot splits since that time. The proposed lot split would create two lots on the corner of SE 19th Street and Broadway, and would meet the minimum requirements for a lot split.

Councilman Roberts moved to approve a lot split located in the Midway Place Addition, being south of S. 19th Street and east of Broadway, second by Councilwoman Haworth. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER APPROVAL OF AN AGREEMENT WITH THE BRUCE JANUARY VETERANS OF FOREIGN WARS POST NO. 8706 FOR RENTAL OF THE BRAND SENIOR CENTER FOR DANCES TO BE HELD TWICE MONTHLY.

Stan Drake, Assistant City Manager, stated that the Moore Council on Aging held dances at the Brand Senior Center until approximately six months ago. The VFW decided to sponsor the dances to offer an

event for the senior community rather than as a money making proposition. Mr. Drake noted that the VFW was requesting that the proposed contract be amended to change the amount of the contract from \$20 to .50 cents per person in attendance at the dance. Staff recommended approval of the contract with the proposed change.

Councilman Roberts moved to approve an agreement with the Bruce January Veterans of Foreign Affairs Post No. 8706 for rental of the Brand Senior Center at .50 cents per person for dances to be held twice monthly, second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER ORDINANCE NO. 612(08) AMENDING PART 10, CHAPTER 5, SECTION 10-509 OF THE MOORE MUNICIPAL CODE BY ESTABLISHING A DEFINITION OF TELECOMMUNICATION AND ELECTRONIC COMMUNICATION; CREATING AN OFFENSE FOR MAKING AN OBSCENE, THREATENING OR HARASSING TELECOMMUNICATION OR OTHER ELECTRONIC COMMUNICATION; ESTABLISHING A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR A REPEALER.

Randy Brink, City Attorney, advised that the City had recently received numerous incident reports from victims claiming they had received threatening, harassing, or obscene text messages or e-mails on their cell phones. Mr. Brink stated that the City's telecommunication and electronic communication ordinance was adopted in the early '70s and did not cover situations involving cell phones. He stated that state law was changed in 2005 to incorporate cell phones into the definition of a telecommunication. Ordinance No. 612(08) would mirror that law.

Councilwoman Haworth moved to approve Ordinance No. 612(08), second by Councilwoman Milum. Motion carried unanimously.

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

Agenda Item Number 9 being:

RECEIVE A REPORT ON NON-MANAGEMENT NON-UNION EMPLOYEE COMPENSATION AND AUTHORIZE THE CITY MANAGER TO MAKE CHANGES TO THE PAY PLAN AS RECOMMENDED AND DEEMED APPROPRIATE.

Steve Eddy, City Manager, indicated that the item was tabled from the January 7, 2008 City Council meeting. Mr. Eddy stated that a memo was e-mailed to the City Council explaining the item in more detail. He advised that there were 15 non-management positions that were not included in the membership of one of the City's three unions. Those positions are filled by employees who have been with the City for many years. Mr. Eddy wanted to ensure that those employees were treated equal to other employees who had the ability to negotiate through their respective unions. He advised that the group of employees being discussed was made up of line supervisors and exempt positions within City Hall. Staff researched average pay scales for comparable positions in Oklahoma City, Norman, Edmond, and Midwest City. In 14 of the cases the positions were significantly lower than what their pay would be

in other communities. Mr. Eddy recommended moving the specified positions from their current ranges into a new proposed range. He noted that the Code Enforcement Supervisor, Building Maintenance Supervisor, and Fleet Maintenance Supervisor were included in one range. He stated that the category should only include the Building Maintenance Supervisor and Fleet Maintenance Supervisor. The Code Enforcement Supervisor was currently located in Pay Range 55. The changes would be implemented in two stages. The first would become effective January 1, 2008. The second would occur on July 1, 2008, subject to approval of the budget.

Councilman Roberts moved to authorize the City Manager to make changes to the pay plan as recommended and deemed appropriate, second by Councilwoman Haworth. Motion carried unanimously.

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

Addendum Item Number 9A being:

DISCUSS A POSSIBLE PURCHASE AND/OR LEASE OF A TROLLEY TO PROVIDE TRANSPORTATION IN THE OLD TOWN AND RIVERWALK AREAS, AND AUTHORIZE STAFF TO PROCEED AS APPROPRIATE.

Steve Eddy, City Manager, advised that he had been in conversation with local developers regarding the possibility of leasing or purchasing their trolley to provide transportation in the Old Town and Riverwalk areas. Mr. Eddy understood that they were now having a few mechanical difficulties with the trolley, which the City would have to look into more closely; if it was determined that Council would be interested in entering into some sort of agreement with them. Mr. Eddy felt that the decision to move forward with the project should be made by the entire Council, but the idea of providing public transportation had become more and more of an issue. However, the need for public transportation could be very different depending on the person. Some need transportation for doctor's appointments outside the community, for employment both inside and outside the community, for shopping trips, or for school. A few of the larger employers have indicated some interest in public transportation to get employees to and from work. Mr. Eddy stated that the City could not begin to fund all of the transportation needs, but wanted Council's thoughts prior to the start of the budget process. He advised that the developers submitted a proposal for Council's review, which he forwarded to them.

Councilman Roberts didn't feel he was prepared to make an immediate decision; however, he was interested to know if there was enough potential usage in a concentrated area to make it a worthwhile venture. Mr. Eddy indicated that Deidre Ebrey, Community Development Director, was working on a Quality of Life Survey that would include two or three questions regarding public transportation needs.

Mr. Eddy stated that preliminary discussions had occurred with COTPA. Edmond has two trolleys owned and operated by COTPA. Norman has the cart system that COTPA helped start but does not run. COTPA runs a bus from Norman to Oklahoma City two or three times per day. Councilman Roberts asked about the possibility of the COTPA bus stopping in Moore. Mr. Eddy stated that the bus could stop in Moore; it would just be a matter of coming to an agreement through the negotiation process. It was brought up that COTPA had a route that touched Moore at NW 27th and Santa Fe and they would be willing to extend the route into Moore for a fee. He stated that COTPA was supposed to start a transportation service from First Baptist Church to Tinker AFB. Mr. Eddy advised that grant funds were available, and subsidies would have to be considered through the budget process; however, the greatest need must be determined before the City could proceed much further.

**Councilman Roberts moved to table the item, second by Councilwoman Milum.
Motion carried unanimously.**

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

**THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY
MEETING CONVENED AT 7:00 P.M.**

Agenda Item Number 10 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD JANUARY 7, 2008.
- B) GRANT A UTILITY EASEMENT TO OKLAHOMA GAS AND ELECTRIC COMPANY TO SERVE A CELL TOWER AT BUCK THOMAS PARK.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2007-2008 IN THE AMOUNT OF \$232,315.88.

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

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

**THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK
MANAGEMENT MEETING CONVENED AT 7:01 P.M.**

Agenda Item Number 11 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD JANUARY 7, 2007.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 07-08 IN THE AMOUNT OF \$235,070.20.
- C) APPROVE PAYMENT OF A COURT ORDERED WORKERS' COMPENSATION SETTLEMENT IN THE AMOUNT OF \$7,294.22 TO LYNDALL MILES FOR CLAIM NO. WCC 2002-03303-X.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS CONVENED WITH CHAIRWOMAN MILUM PRESIDING AT 7:02 P.M.

Agenda Item Number 12 being:

ROLL CALL

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

Agenda Item Number 13 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING HELD DECEMBER 17, 2007.

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

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

Agenda Item Number 14 being:

DIRECTOR'S REPORT

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

- Encouraged commercial property owners to notify Economic Development to catalogue the information along with broker information, selling price, and status of the property in order to assist them in matching buyers to sellers.
- Ms. Ebrey advised that she was chair of a marketing committee for the Workforce Investment Board for Cleveland County. They were attempting to contact the business community in order to determine if the necessary workforce was available to them, if they need skilled labor, how many applicants must be interviewed before hiring someone.
- A tour of Warren Theatres would be scheduled for the end of February or first of March toward the end of completion. She would be meeting with Warren Theatres to discuss their marketing campaign.
- Received final revision of "rack" cards to go into tourism and travel racks around the state. The cards would also be stocked at local hotels.
- Intend to host a statewide tourism symposium in Moore toward the end of spring or early summer.
- Quality of Life survey being prepared for mail out to obtain feedback on quality of life issues.
- Business Spotlight focusing on a bakery located on Eastern Avenue in Silverleaf Shopping Center called Sweet Celebration, and a new business in New City Shopping Center called Nothing But Fun Kidz, a parent supervised in-door kidsplay.
- The City Council meetings are now available to view on the City's website at www.cityofmoore.com and would be archived by date.

THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH VICE-MAYOR KATHY MCMILLAN PRESIDING.

Agenda Item Number 15 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 Haworth made several attempts to contact OG&E to request the construction of a precast masonry fence around the substation at 4th and Eastern. She stated that last year this type of fence was erected around the substation on S. Santa Fe, and it was brought to her attention that OG&E was currently putting up a fence around the station south of Crossroads Mall. She requested that a staff member contact OG&E about putting up a fence around the substation at 4th and Eastern because it was located in the middle of town next to a daycare center.

C) ITEMS FROM THE CITY/TRUST MANAGER.

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

- Crews are working on tree limb removal and have made it to 4th Street on both sides of I-35. Mr. Eddy anticipated an additional two to three weeks before completing the first round before starting the second tour.
- Numerous meetings have been held with FEMA. They seem impressed with the process. Councilman Roberts asked for Mr. Eddy to clarify the recent news report that FEMA denied the Governor's request for individual assistance. Mr. Eddy stated that FEMA did deny the application for individual assistance which would compensate individual property owners and business owners for damage they incurred. However, the Disaster Declaration was approved for public assistance which would pay for the majority of the costs the City is incurring for the cleanup.
- Discussions have occurred over the last few years about the possibility of a YMCA being located in the city. There were some internal discussions with the YMCA about whether Moore would be a part of the Greater Oklahoma City YMCA or a part of the Cleveland County YMCA. Ultimately the national YMCA made the determination that Moore would be a part of the Greater Oklahoma City YMCA. A meeting was recently held with the President of the Greater Oklahoma City YMCA, his Chief Operating Officer, and the executive for the Earlywine YMCA at 119th and May. They indicated that they are ready to move forward with preliminary planning which should result in the very near future with a "store front" YMCA to make their presence known while looking for a permanent location. Councilman Roberts felt it was advantageous to be a part of the Greater Oklahoma City YMCA because the funding for the construction of the facilities come from large corporate donations; however, they are not allowed to solicit corporate organizations outside of their service area. Norman does not have the type of large corporations that could donate the amount of money it would take to fund this type of facility.
- A meeting was held with Gary Ridley, the Director of ODOT, last week. He would not commit to an exact amount, but he would agree to State participation on the 19th Street bridge project. Staff would need to review the plans and get updated cost estimates. The City would be required to submit this information along with the amount the City could contribute.

Agenda Item Number 16 being:

EXECUTIVE SESSION

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CLAIM BY OKLAHOMA FOREIGN PARTS, INC. AGAINST THE CITY OF MOORE AND AUTHORIZE LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AS APPROPRIATE IN THE INTEREST OF THE CITY OF MOORE, AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

- B) CONVENE INTO EXECUTIVE SESSION

Councilman Roberts moved to convene to executive session, second by Councilwoman Haworth. Motion carried unanimously.

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

The City Council convened into executive session at 7:19 p.m.

- C) RECONVENE FROM EXECUTIVE SESSION

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

The City Council reconvened from executive session at 7:38 p.m.

- D) ACTION.

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CLAIM BY OKLAHOMA FOREIGN PARTS, INC. AGAINST THE CITY OF MOORE AND AUTHORIZE LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AS APPROPRIATE IN THE INTEREST OF THE CITY OF MOORE, AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

Councilman Roberts moved to deny a claim by Oklahoma Foreign Parts Inc. against the City of Moore and authorize legal counsel and staff to take action as necessary and appropriate, second by Councilwoman Haworth. Motion carried unanimously.

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

Agenda Item Number 17 being:

ADJOURNMENT

Councilwoman Haworth moved to adjourn the meeting, second by Councilwoman Milum. Motion carried unanimously.

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:40 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

RECORDED BY:

CAROL FOLSOM, Purchasing Agent

FOR:

SHELIA HAWORTH, MPWA Secretary

FOR:

ROBERT KROWS, MEDA Secretary

These minutes passed and approved as noted this ____ day of _____, 2007.

ATTEST:

JIM CORBETT, JR., City Clerk