

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
THE MOORE RISK MANAGEMENT BOARD
DECEMBER 7, 2015 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on December 7, 2015 at 6:30 p.m. with Mayor Glenn Lewis presiding.

David Roberts
Councilman, Ward I

Robert Krows
Councilman, Ward I

Melissa Hunt
Councilwoman, Ward II

Mark Hamm
Councilman, Ward II

Jason Blair
Councilman, Ward III

Terry Cavnar
Councilman, Ward III

PRESENT: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
ABSENT: None

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; Assistant City Manager, Todd Jenson; Finance Director, Brooks Mitchell; Assistant Planner/Grants Manager, Jared Jakubowski; City Attorney, Randy Brink; Community Development Director, Elizabeth Jones; Economic Development Director, Deidre Ebrey; Emergency Management Director, Gayland Kitch; Fire Chief, Gary Bird; Deputy Fire Chief, Greg Herbster; Major Kevin Kidd; Human Resources/Risk Management Director, Gary Benefield; Police Chief, Jerry Stillings; Sergeant David Dickinson; Public Works Director, Richard Sandefur; and Administrative Assistant, Katie Berhalter.

City Manager Steve Eddy advised that employees Dan Southerland, Darrell Shaw, Richard Sandefur, Jon White, Erik Day, Kerry Lunsford, Greg Herbster, Kevin Kidd, and Jeff Lindsay were being honored with Oklahoma Municipal League service pins and certificates for 25 years of municipal service. Mr. Eddy advised that Dan Southerland and Darrell Shaw were sanitation operators, Richard Sandefur serves as Public Works Director, Jon White is in the police department, Eric Day, Greg Herbster, Kevin Kidd, and Jeff Lindsay work in the Fire Department, and Kerry Lunsford works in Risk Management. He presented Richard Sandefur, Greg Herbster, and Kevin Kidd with their certificates and pins, noting that the other employees were not in attendance at the meeting. Mr. Eddy stated that he appreciated those long-term employees who have dedicated their lives and careers to the City. He commented that it was a privilege to be working with them and added that they provided great service to the community.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD NOVEMBER 16, 2015.

- B) RECEIVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD OCTOBER 13, 2015.
- C) APPROVE THE ISSUANCE OF A \$50 CHRISTMAS STIPEND TO EMPLOYEES PER COUNCIL RESOLUTION.
- D) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2015-2016 IN THE AMOUNT OF \$3,177,381.41.

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

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

Agenda Item Number 3 being:

CONSIDER ADOPTING RESOLUTION NO. 834(15) CALLING FOR AND SETTING THE DATES FOR THE MUNICIPAL ELECTIONS FOR THE YEAR 2016, AS PROVIDED IN THE CITY CHARTER; SPECIFYING THE OFFICERS TO BE ELECTED; PROVIDING FOR QUALIFICATIONS OF CANDIDATES; DESIGNATING WHICH OFFICES SHALL BE FILLED BY WARD; PROVIDING FOR NON-PARTISAN ELECTION; PROVIDING FOR RESIDENCY REQUIREMENTS; DIRECTING THAT A COPY OF SAID RESOLUTION BE FORWARDED TO THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD AS REQUIRED BY STATE LAW; AND PROVIDING THAT A COPY OF THE RESOLUTION BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY.

Steve Eddy, City Manager, stated that Resolution No. 834(15) calls for the 2016 election for expiring seats on the City Council. Mr. Eddy advised that recent changes in state law sets different dates for elections and the filing periods. Mr. Eddy indicated that the new filing period would be December 28, 29 and 30, 2015. The primary election would be held February 9, 2016 and a general election, if needed, would be held April 5, 2016.

Councilman Hamm moved to adopt Resolution No. 834(15), second by Councilman Roberts. Motion carried unanimously.

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

Agenda Item Number 4 being:

CONSIDER REZONING APPLICATION NO. RZ-931, LOCATED IN THE SW/4 OF SECTION 15, T10N, R3W, BEING NORTH OF SW 4TH STREET AND EAST OF SANTA FE AVENUE, FROM R-2 TWO-FAMILY DWELLING DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT; AND APPROVE ORDINANCE NO. 804(15). APPLICATION BY 1005, LLC/AMIR FARZANEH.

Elizabeth Jones, Community Development Director, advised that the subject property contained 1.5 acres and is located north of SW 4th and east of Santa Fe Avenue. The property was previously used as a school building; however, the applicant proposed renovating the existing building for an office building and medical clinic. Public water and sewer are available to serve the site with access from SW 4th Street. No floodplain was located on the property.

Ms. Jones indicated that staff recommended approval of the item since the application was in compliance with the Comprehensive Plan and the property was located next to similar land uses.

Councilman Roberts moved to approve Rezoning Application No. RZ-931 and Ordinance No. 804(15), second by Councilman Krows. Motion carried unanimously.

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

Agenda Item Number 5 being:

CONSIDER APPROVAL OF A LOT SPLIT LOCATED IN THE SW/4 OF SECTION 13, T10N, R3W, BEING EAST OF EASTERN AVENUE AND SOUTH OF MAIN STREET. APPLICATION BY EASTMOOR HOLDINGS, INC./CARL POJEZNY.

Elizabeth Jones, Community Development Director, advised that the subject site was located east of Eastern Avenue and south of Main Street. The applicant proposed splitting the property into two lots. Ms. Jones stated that the west lot fronting Eastern Avenue would be a McDonald's restaurant, and the east lot would be held for future development. Access to public water and sewer was available from Eastern Avenue. Ms. Jones added that the lot split met all zoning requirements; therefore, staff recommended approval of the item.

Councilman Hamm asked if there were any existing issues with drainage in the area. Ms. Jones indicated that staff does not anticipate any problems since the McDonalds site drains fully onto Eastern Avenue which has existing storm sewer.

Councilman Cavnar moved to table Agenda Item No. 5, second by Councilwoman Hunt. Motion carried unanimously.

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

Agenda Item Number 6 being:

CONSIDER APPROVAL OF FY 2014–15 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) AND CONSIDER ADOPTION OF RESOLUTION NO. 835(15) SUBMITTING SAID REPORT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

Jared Jakubowski, Assistant Planner/Grants Manager, advised that the U.S. Department of Housing and Urban Development requires cities receiving federal grant entitlement funds to develop and submit a Consolidated Annual Performance and Evaluation Report ("CAPER"). The year-end report includes projects and services benefitting low to moderate income areas within the community using Community Development Block Grant ("CDBG") funds. Mr. Jakubowski indicated that approximately \$520,000 was allocated to fund projects in the categories of Administration, Public Services, and Public Improvement. He advised that the projects included sewer improvements in Southgate Addition and new park equipment installed in Kiwanis Park. Funds were also granted to Aging Services, Inc. to fund meals for eleven homebound seniors for one year. Moore Youth and Family received funds for school based counseling for 83 children and community based counseling for 96 children. Bethesda received funding for counseling services for 98 children. Success by 6 received funding for a reading program for 20 children. Mr. Jakubowski added that Metro Fair Housing assisted 31 residents with fair housing issues. He stated that in total 3,774 individuals benefited from the program.

Councilman Roberts moved to approval the FY 2014-2015 Consolidated Annual Performance and Evaluation Report (CAPER) and adoption of Resolution No. 835(15), second by Councilman Cavnar. Motion carried unanimously.

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

Agenda Item Number 7 being:

CONSIDER APPROVAL OF SUPPLEMENT NO. 2 TO THE ENGINEERING SERVICES CONTRACT WITH EST, INC. FOR DESIGN OF THE 34TH STREET/I-35 BRIDGE PROJECT.

Steve Eddy, City Manager, indicated that the proposed contract was the final contract on the design of the SW 34th Street/I-35 Bridge Project. Mr. Eddy advised that the initial contract and Supplement No. 1 were previously approved by Council in the total amount of \$230,000. He indicated that Supplement No. 2 would be the largest contract in the amount of \$754,700. Mr. Eddy advised that the bridge project was moving forward with an anticipated letting date in 2017.

Councilman Hamm stated that the contract indicated there was an underground storage container located on the property. He inquired whether the City could be held liable if EST determined contamination existed due to leakage. Mr. Eddy stated that EST has not yet confirmed the existence of the underground storage tank; however, if the tank exists a Phase II environmental study would be performed which would include soil testing to determine leakage. ODOT would be involved in the determination on cleanup; however, under law it is the property owner's responsibility. Since the property is located in right-of-way necessary for the roadway project it is possible that the City could agree to handle the cleanup and the cost would be recouped through a reduction in the valuation of the property during the appraisal process, or the property owner could remediate the problem.

Councilman Roberts moved to approve Supplement No. 2 to the engineering services contract with EST, Inc. for design of the 34th Street/I-35 Bridge Project, second by Councilwoman Hunt. Motion carried unanimously.

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

Addendum Item Number 7.1 being:

CONSIDER ADOPTION OF RESOLUTION NO. 836(15) PERTAINING TO THE GENERAL OBLIGATION BONDS OF 2016, APPROVED BY A MAJORITY OF THE QUALIFIED VOTERS AT AN ELECTION HELD ON NOVEMBER 6, 2012, FIXING THE AMOUNT OF BONDS TO MATURE EACH YEAR, FIXING THE TIME AND PLACE THE BONDS ARE TO BE SOLD AND AUTHORIZING THE CLERK TO GIVE NOTICE OF SAID SALE AS REQUIRED BY LAW.

Steve Eddy, City Manager, introduced financial advisor, Chris Gander with BOSCO, and bond counsel, Terry Hawkins with the Phillips Murrah law firm, who would be addressing the agenda item.

Chris Gander advised that Resolution No. 836(15) sets the date, time and place of the next bond election. Mr. Gander stated that there were two outstanding authorizations. The first authorization in the amount of \$25,100,000 was from a November 6, 2012 election for the parks. The second authorization in the amount of \$15,000,000 was from November 4, 2014 for the 34th Street Bridge Project. Mr. Gander advised that the authorization being considered is for \$2,805,000 from the parks election and will be used

to make the lease purchase payments. He stated that an item would be presented at the January 19, 2016 City Council meeting to award the bid.

Mayor Lewis noted that the item pertained to the sale of bonds that were already approved by the voters in a previous election. Mr. Gander added that the bonds were being issued in increments to keep taxes as low as possible. Mr. Eddy added that this would be the fourth issuance from the \$25 million bond election. He indicated that there would be one more in 2017 in the amount of \$2.77 million.

Councilman Krows moved to adopt Resolution No. 836(15), second by Councilman Blair. Motion carried unanimously.

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

Councilman Roberts left the meeting at 6:50 p.m.

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 6:50 P.M.

Agenda Item Number 8 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD NOVEMBER 16, 2015.
- B) APPROVE THE ISSUANCE OF A \$50 CHRISTMAS STIPEND TO EMPLOYEES PER COUNCIL RESOLUTION.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2015-2016 IN THE AMOUNT OF \$1,101,728.40.

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

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 6:51 P.M.

Agenda Item Number 9 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD NOVEMBER 16, 2015.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2015-2016 IN THE AMOUNT OF \$340,640.79.

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

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 6:51 P.M.

Agenda Item Number 10 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.

Councilman Hamm stated that the newly striped streets and Christmas decorations look good.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Steve Eddy, City Manager, discussed the following items:

- The City will be making one pass through the community collecting tree limbs from the ice storm. Limbs should be placed at the curb beginning December 7, 2015. Assistance is being offered from the Cleveland County Commissioners which is very much appreciated.
- Street crews have started working in Plaza Towers for street reconstruction from the 2013 tornado using HUD funds. A neighborhood meeting was held at Plaza Towers Elementary. Approximately 43 individuals attended the meeting and voiced their appreciation for the planned road work.
- Old Town Christmas Event held December 5, 2015 went well.
- Announced the retirement of Assistant Chief Jack Briggs who was with the Moore Fire Department for 39 years. A retirement party will be held at Moore High School in the Commons Area at 6:00 p.m. on December 8, 2015.

Agenda Item Number 11 being:

ADJOURNMENT

Councilman Krows moved to adjourn the City Council meeting, second by Councilman Blair. Motion carried unanimously.

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 6:55 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

RECORDED BY:

KATIE BERHALTER, Administrative Assistant

FOR:

DAVID ROBERTS, MPWA Secretary

These minutes passed and approved as noted this ____ day of _____, 2015.

ATTEST:

BROOKS MITCHELL, City Clerk