

**MINUTES OF THE REGULAR MEETING OF  
OF THE MOORE CITY COUNCIL  
THE MOORE PUBLIC WORKS AUTHORITY  
AND THE MOORE RISK MANAGEMENT BOARD  
FEBRUARY 6, 2017 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on February 6, 2017 at 6:30 p.m. with Mayor Glenn Lewis presiding.

*Adam Webb*  
*Councilman, Ward I*

*Danielle McKenzie*  
*Councilwoman, Ward I*

*Melissa Hunt*  
*Councilwoman, Ward II*

*Mark Hamm*  
*Councilman, Ward II*

*Jason Blair*  
*Councilman, Ward III*

*Terry Cavnar*  
*Councilman, Ward III*

PRESENT: McKenzie, Blair, Hunt, Hamm, Lewis

ABSENT: Cavnar, Webb

STAFF MEMBERS PRESENT: Interim City Manager, Brooks Mitchell; Assistant City Manager, Stan Drake; Assistant City Manager, Todd Jenson; City Attorney, Randy Brink; Community Development Director, Elizabeth Weitman; Assistant Community Development Director, Gabe Sevigny; Economic Development Director, Deidre Ebrey; Emergency Management Director, Gayland Kitch; Fire Chief, Gary Bird; Manager of Information Technology, David Thompson; Police Chief, Jerry Stillings; Sgt. David Dickinson; Public Works Director, Richard Sandefur; Risk Manager, Gary Benefield; Veolia Water Project Manager, Robert Pistole; and City Clerk, Linda Stewart.

**Agenda Item Number 2 being:**

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JANUARY 17, 2017.
- B) RECEIVE THE MINUTES OF THE REGULAR PARKS BOARD MEETING HELD DECEMBER 6, 2016.
- C) RECEIVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD SEPTEMBER 27, 2016.
- D) RECEIVE THE MINUTES OF THE SPECIAL PLANNING COMMISSION MEETING HELD SEPTEMBER 27, 2016.
- E) RECEIVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD OCTOBER 11, 2016.
- F) RECEIVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD DECEMBER 13, 2016.
- G) ACCEPT PUBLIC SANITARY SEWER AND PUBLIC WATER IMPROVEMENTS FOR THE VRE ADDITION (GOODWILL) LOCATED SOUTH OF SE 4<sup>TH</sup> STREET AND WEST OF EASTERN AVENUE.
- H) ACCEPT PUBLIC WATER IMPROVEMENTS FOR ROYAL ROCK ADDITION, SECTION 6 (AT-HOME) LOCATED NORTH OF SW 19<sup>TH</sup> STREET AND WEST OF TELEPHONE ROAD.

- I) ACCEPT PUBLIC SANITARY SEWER IMPROVEMENTS FOR THE SILVERLEAF SHOPPING CENTER LOCATED SOUTH OF NE 12<sup>TH</sup> STREET AND EAST OF EASTERN AVENUE, AND PLAZA TERRACE SECTION 1 LOCATED SOUTH OF SW 13<sup>TH</sup> STREET AND EAST OF MACALPINE.
- J) ACCEPT PUBLIC PAVING AND DRAINAGE IMPROVEMENTS FOR THE NORMAN REGIONAL HOSPITAL ADDITION, LOCATED SOUTH OF SW 4<sup>TH</sup> STREET AND EAST OF TELEPHONE ROAD.
- K) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2016-2017 IN THE AMOUNT OF \$6,085,005.01.

**Councilman Hamm moved to approve the Consent Docket in its entirety, second by Councilwoman McKenzie. Motion carried unanimously.**

Ayes: McKenzie, Blair, Hunt, Hamm, Lewis  
Nays: None  
Absent: Cavnar, Webb

**Agenda Item Number 3 being:**

CONSIDER APPROVAL OF AUDIT REPORT FOR YEAR ENDED JUNE 30, 2016.

Brooks Mitchell, City Manager, advised that the auditor Bob Dillon, with Dillon & Associates, would give a short overview of the audit report and answer any questions that the Council might have for him.

Mr. Dillon stated that the primary purpose of the annual audit was to determine if there were any material misstatements on the financial statements for which he issued an unmodified opinion. He advised that the audit included \$14 million in federal expenditures related to the Community Development Block Grant. Sales tax and use tax was around \$33 million which is down by \$1.6 million from last fiscal year which is the trend across Oklahoma. Carryover of the General Fund was \$3.2 million which is 9% of the annual expenditures.

Mayor Lewis asked if an unqualified opinion was the best opinion that the City could receive. Mr. Dillon indicated that the term changed from unqualified to unmodified opinion. However, if they had found material misstatements they would have had disclosures in their opinion, which they did not.

**Councilman Blair moved to approve the audit report for year ended June 30, 2016, second by Councilwoman Hunt. Motion carried unanimously.**

Ayes: McKenzie, Blair, Hunt, Hamm, Lewis  
Nays: None  
Absent: Cavnar, Webb

Mr. Dillon expressed his appreciation to the accounting staff and to Brooks Mitchell for their assistance during the auditing process.

**Agenda Item Number 4 being:**

CONSIDER ADOPTION OF RESOLUTION NO. 873(17) PERTAINING TO THE GENERAL OBLIGATION BONDS OF 2017, 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.

Brooks Mitchell, City Manager, stated that Terry Hawkins as bond counsel, and Chris Gander as financial advisor would be presenting the agenda item to the City Council for their consideration.

Mr. Gander advised that the City had two outstanding bond elections from 2012 for the park project and the 2014 for the 34<sup>th</sup> Street Bridge Project. Resolution No. 873(17) would set the date, time and place to receive bids for the last of the 2012 bond issue. The money will go to pay an advance funded lease. Mr. Gander stated that he would be back shortly for the 2014 bond on the 34<sup>th</sup> Street Bridge Project. He indicated that the City had set a target millage rate of 18 mills. He indicated that the City has not gotten to that rate and in fact would be a little lower than projections due to growth. He advised that the City would receive bids at 2:00 p.m. on February 21, 2017 and would have an item on the City Council meeting that evening to award the bid.

**Councilman Blair moved to adopt Resolution No. 873(17), second by Councilwoman McKenzie. Motion carried unanimously.**

Ayes: McKenzie, Blair, Hunt, Hamm, Lewis  
Nays: None  
Absent: Cavnar, Webb

**Agenda Item Number 5 being:**

CONSIDER AN APPEAL TO CONDEMNATION OF 504 HEDGEWOOD DRIVE. APPLICATION BY COLIN MCJUNKIN.

Gabe Sevigny, Assistant Development Director, stated that the home located at 504 Hedgewood received minor damaged during the May 20, 2013. Since that time additional damage occurred to the structure through neglect. The property was posted for condemnation on October 2, 2015. As a result of the condemnation hearings, the owner, Colin McJunkin, replaced the roof and was securing funding for additional repair work to the home. On September 26, 2016 staff received complaints from neighboring residents of rodents on the property and the homes' disrepair. After an exterior inspection of the home, staff reviewed with the homeowner repairs that must occur for the property to be removed from condemnation. The list included sealing and securing the front door, installing siding or brick on the exterior walls where it is missing, paint and repair holes in exterior, repair windows, remove storm debris from back porch, and clean up building materials and overgrown vegetation from the lot. Mr. Sevigny advised that repairs have not been made to the property as of this date. He indicated that he met with the Mr. McJunkin prior to the City Council meeting. They came up with an agreement that included specific dates for required repairs with inspections at two week intervals.

Councilwoman McKenzie advised that she lived nearby and was able to talk to several of the neighbors who expressed similar concerns. She asked if the property would be automatically set for demolition if the homeowner missed one of the deadlines set out in the agreement. Mr. Sevigny indicated that they would request Council direction on whether the property would be set for demolition or if the City Council would consider granting an extension.

Mayor Lewis asked if the structure was occupied. Councilwoman McKenzie believed that the house had remained vacant since the 2013 tornado. Councilman Blair asked if Mr. McJunkin could meet the timelines set for the required repairs. Councilwoman Hunt commented that Council typically notifies the property owners in similar situations that they should not invest more time and money into the repairs if they did not believe they could complete them within the specified timeframe. She stated that Council would likely adhere to the original agreement and if the deadlines are not met the property would automatically be set for demolition. Councilwoman McKenzie stated that she would like to hear from the homeowner that he is agreeable to the terms of the agreement. Mr. McJunkin felt that the timeline in the agreement was

very reasonable. Councilwoman McKenzie asked Mr. McJunkin what his plans were for the home after repairs were completed. Mr. McJunkin stated that he planned to move into the home; however, he must care for his mother and may not spend all of his time there. He advised that under the contract agreement he was allowed 70 days or until April 17, 2017 to complete the repairs; however, he stated that it was his desire to have repairs completed within 60 days or by April 7, 2017. Councilwoman McKenzie asked if the yard would be maintained. Mr. McJunkin indicated that he always kept the property mowed and would continue to do so.

Mayor Lewis asked if anyone present would like to speak on the item.

Brittany Copeland, 500 Hedgewood Drive, stated that she lived next door to the subject property. She indicated her belief that her property value had decreased due to the state of Mr. McJunkin's property, but was agreeable to allowing Mr. McJunkin the opportunity to make repairs as long as something was being done.

Terri Bryant, 508 Hedgewood Drive, indicated that she lived south of the subject site and shared a fence with Mr. McJunkin. Ms. Bryant stated that she was aware the property had been in disrepair for a long time but felt that Mr. McJunkin was working to get the property fixed and did not want him to lose his home. She confirmed that when Mr. McJunkin was there he kept the front of his property well maintained. Ms. Bryant asked that the City Council give him the opportunity to fix his home and stated that she was agreeable to giving Mr. McJunkin 70 days for repairs.

Councilman Hamm cautioned Mr. McJunkin to take advantage of the opportunity to save his home and be a good neighbor by maintaining his property. Mr. McJunkin stated that he had great neighbors and felt bad about the situation.

**Councilwoman McKenzie moved to approve the agreement with Colin McJunkin regarding repairs to property located at 504 Hedgewood Drive, second by Councilman Blair. Motion carried unanimously.**

Ayes: McKenzie, Blair, Hunt, Hamm, Lewis  
Nays: None  
Absent: Cavnar, Webb

**Agenda Item Number 6 being:**

AUTHORIZE STAFF TO SOLICIT REQUEST FOR QUALIFICATIONS FOR FY 2017-2018 CODE ENFORCEMENT NUISANCE ABATEMENT.

Gabe Sevigny, Assistant Development Director, stated the City solicits bids for the Code Enforcement Nuisance Abatement contract. Mr. Sevigny advised that last summer there were times when the contractor got behind on the abatements. After researching local communities he found a model to use for new bid specifications based on lot size. He indicated that the majority of the City's nuisance abatements were for lots between .20 and .40 acres with an abatement cost of \$60 to \$80. The specifications included rates for bigger lot sizes and included an additional charge for properties that have grass over three feet tall or have trash and small debris on the site. He noted that there was also a \$150 administrative fee that would also be assessed.

Mayor Lewis asked when the abatement contract was last awarded. Mr. Sevigny advised that the item was bid last year but staff would request rebidding the item using the new bid specifications.

**Councilwoman Hunt moved to authorize staff to solicit Request for Qualifications for FY 2017-2018 Code Enforcement Nuisance Abatement, second by Councilman Blair. Motion carried unanimously.**

Ayes: McKenzie, Blair, Hunt, Hamm, Lewis  
Nays: None  
Absent: Cavnar, Webb

**Agenda Item Number 7 being:**

CONSIDER MOORE VISION 20/20 COMPREHENSIVE PLAN AMENDMENT NO. 57, LOCATED IN THE SE/4 OF SECTION 3, T10N, R3W, BEING NORTH OF NE 27TH STREET AND WEST OF THE I-35 SERVICE ROAD, FROM MEDIUM COMMERCIAL/NEIGHBORHOOD PRESERVATION DISTRICT TO HEAVY COMMERCIAL. APPLICATION BY EXCEL FOOD MART, INC./NEAL DO. (PLANNING COMMISSION RECOMMENDED DENIAL 5-2). WARD 2.

Elizabeth Weitman, Community Development Director, stated that the vacant subject site located north of NE 27<sup>th</sup> Street and west of I-35 contained approximately 4.5 acres. The applicant proposed rezoning the property from C-3/R-1 General Commercial District/Single Family Residential to C-5/PUD Automotive and Commercial Recreation District as a Planned Unit Development for a truck stop or travel center. Public water and sewer were available to serve the site, and no floodplain was located on the property. Ms. Weitman stated that access was proposed from NW 27<sup>th</sup> Street and the I-35 Service Road, with limited access on N. Poplar Drive for automobiles only. She noted that the application was forwarded to Traffic Engineering Consultants ("TEC") to review for traffic flow. The engineers determined there would be a traffic increase of an acceptable capacity for the interchange, but expressed concern that the I-35 on-ramp south of NW 12<sup>th</sup> Street was not designed for heavy trucks merging onto the interstate. Staff would recommend that southbound truck traffic be detoured to Shields Blvd to merge onto I-35.

Ms. Weitman advised that the site abuts the Lockhoma Addition to the north and west, which is designated as a Neighborhood Preservation District in the Moore Vision 20/20. The applicant proposed a PUD to help offset any negative impacts from the heavy commercial development on the residential character of the area. She noted that potential concerns as a result of a truck stop development might include increased traffic, noise, and light pollution. The applicant was offering the following amenities:

1. Landscape buffer with a berm located along the western edge of the property abutting residential lots with increased landscaping.
2. A six-foot concrete fence abutting the residential lots.
3. Accessory signs limited to NE 27<sup>th</sup> and the I-35 Service Road. No accessory or wall signs would be allowed facing Poplar Drive.
4. Two detention ponds/infiltration ponds designed with a natural shape to serve as amenities.
5. The height limit for the buildings would be limited to one-story.
6. No overnight truck parking.

Ms. Weitman stated that because C-5 uses fall within Heavy Commercial land use designation an amendment to the comprehensive plan would be required. She advised that the application offered strong amenities for buffering and aesthetic controls; however, it would set a precedent of commercial encroachment into a neighborhood preservation district and there was limited southbound I-35 access for large trucks.

The Planning Commission held two public hearings to discuss the application. Approximately five residents spoke against the application. They cited increased traffic and limited access for southbound I-35 semi-truck traffic and the general encroachment of commercial development into a residential neighborhood as

their concerns. Ms. Weitman noted that two residents spoke in favor of the application stating their belief that the application was in-line with the 27<sup>th</sup> Street commercial corridor and were in favor of bringing the development to the area.

Mayor Lewis asked if the PUD was presented to the Planning Commission and why would limited traffic be allowed on Poplar Drive with access from NE 27<sup>th</sup> and I-35. Ms. Weitman stated that the application was always proposed as a Planned Unit Development and the Poplar Drive access was proposed by the applicant. She indicated that the traffic engineer felt that some of the residents of Lockhoma would likely want to use Poplar Drive for convenience. However, Ms. Weitman felt that the applicant would be willing to alter his proposal if that would be a sticking point on Council's decision to approve the item. Councilman Hamm asked what the difference was between a truck stop and an On-Cue. Ms. Weitman stated that On-Cue was designed primarily for cars; however, they do have some gas pumps that could accommodate box trucks, not necessarily semi-trucks. A travel center or truck stop was clearly geared toward semi-trucks with use by automobile traffic.

Mayor Lewis asked what the primary reason was for the Planning Commission's denial of the application. Ms. Weitman believed it was a combination of the traffic concerns, encroachment into a neighborhood preservation district, and the semi-trucks. Councilman Hamm felt that increased truck traffic could be damaging long term to some of the streets. Ms. Weitman stated that semi-trucks are a heavier load than ordinary traffic. However, the roadway was concrete and built to withstand a certain amount of load. She would expect maintenance being necessary a little sooner but she did not feel the roadway would fail just because of the semi-trucks.

Charles Allen with Allen Engineering appeared to represent the applicant, Neal Do. Mr. Allen stated that he assisted with the design work with the architect. He stated that Mr. Do, owner of Excel Food Mart was in attendance at the meeting to answer questions. Mr. Allen noted that they have made changes to their application since meeting with Ms. Weitman. They eliminated overnight truck parking and added landscaping, a dog park, and RV parking with a dump station. They are trying not to focus their business on semi-truck traffic. They are hoping to appeal to the RV owner or the local worker with a one-ton truck with a trailer that uses diesel fuel and has a hard time negotiating an On-Cue for example.

Councilman Hamm asked if a neighborhood meeting was held with the residents. Mr. Allen stated that they met with one or two of the homeowners after the Planning Commission meeting to address their concerns.

Daniel White, 2957 Poplar, attended one of the Planning Commission meetings to protest the application. His biggest concern was with the traffic. He stated that he did not believe the detour solution for the southbound traffic was enforceable. He was disappointed that the traffic engineer did not prepare an anticipated traffic count. Mr. White felt that northbound traffic would also be a concern. He commented that he would like for someone to quantify the term "acceptable capacity." He asked how the property owner would enforce overnight parking. He stated that he did not feel it was appropriate to place a heavy commercial use into an established Neighborhood Preservation District. Mr. White stated that the Oklahoma Bureau of Narcotics and Dangerous Drugs identified Oklahoma City trucks stops as a transit point for human trafficking, and he did not want that in his neighborhood. Mr. White asked that the City Council deny the application.

Sandra White, 2820 Woodlawn Drive, stated that he was in favor of the application and was not concerned about a potential traffic problem. Ms. White advised that someone stated at the Planning Commission that they were concerned about traffic and light problems. She commented that there was already noise and light issues going on with the trains, traffic, security lights, and street lights. She asked what type of business would go there if not a truck stop. It would likely not be a chain restaurant or it could be even worse since it was an older neighborhood with a lot of industrial uses nearby. Ms. White

felt it would be an asset to the neighborhood by providing a close place to get gas and food. The empty land would not bring in sales tax and it looked bad. Another type of development such as a strip center would still bring in additional traffic.

Neal Do, President of Excel Food Mart, Inc. located at 2820 SW 136<sup>th</sup>, stated that his application was for a travel center and not a truck stop. Mr. Do stated that he was not focusing on a truck stop and did not wish to compete with Loves Country Store or Pilot. His application was similar to an On-Cue except that they have a Mexican and Asian Grill, Fresh to Go Salad Healthy Wraps, tea and coffee. They are targeting the locals and the landscape workers who have large equipment. He didn't anticipate traffic being a concern since the type of customer base they were interested in would not frequent the store if it was difficult to access. There are no travel centers in the area where a family with small children and could stop and enjoy the amenities.

JoNell Lunow, 2936 Hillcrest, stated that she lived at her present address for 52 years and owned other homes in the addition. Ms. Lunow expressed her opposition to the proposed development. She stated that they were surrounded by plenty of convenience stores and gas stations in the area. The Valero Station on 89<sup>th</sup> Street has the same logo as the one Mr. Do has and asked if he owned the store. She stated that they visited properties owned by Mr. Do and them to be unclean and not maintained. Mr. Do confirmed that he owned a store at 89<sup>th</sup> and I-35 which he planned to close if the proposed application was approved. He stated that this was a next generation store which would range in size from 7,600 to 8,600 square feet and was similar to On-Cue with a lot of amenities.

Councilman Hamm asked City Manager Brooks Mitchell if there had been any major traffic problems or fatality accidents at the new On-Cue store. Mr. Mitchell stated that he was unaware of any serious accidents occurring at that location. Councilwoman Hunt asked if On-Cue had semi-trucks. Ms. Weitman stated that they have two or three gas pumps with a higher canopy that she felt could accommodate a semi-truck. Councilwoman Hunt asked if On-Cue was zoned C-5. Ms. Weitman indicated that On-Cue was zoned C-3. She stated that the difference had to do with whether the property was developed for use by semi-trucks. On-Cue's design was for automobiles and work trucks which classified it for a C-3 use.

Councilman Hamm suggested tabling the item to allow the applicant an opportunity to hold a public meeting with the neighborhood in an effort to resolve their concerns. He wanted to support his constituents but also wanted to support development in Moore.

Daniel White expressed his concern that Mr. Do would close the Valero at 89<sup>th</sup> and I-35 in order to shift the truck traffic to the subject site. Mr. White expressed concern that a map he obtained on the development contained truck parking. After review it was confirmed that the development did not have parking set aside for semi-trucks. He was concerned that there was nothing concrete on what could be expected for the volume of traffic at the development. He also stated that he was not aware of the statutory requirements for notification but his son who lives in the neighborhood received notice and he did not. Mr. White stated that meeting with the applicant in a neighborhood meeting would not change his mind about the proposed development.

Mr. Do stated that he had successful stores in downtown Oklahoma City and two locations in Edmond. They found they had a lot of success in food service and that is why they were transitioning into this type of store. He wanted to bring this new concept to Moore. He would offer a good quality meal at an affordable price for the everyday person and traveler. He stated that truckers are not their primary target. They were hoping to get the RV travelers and the construction or landscaping workers. They have 12 gas pumps and 5 diesel pumps. Councilwoman Hunt commented that if the semi-trucks were not their primary target then they should consider zoning the development C-3 which would still allow the box trucks and the construction trailers and it could alleviate some of the neighbors' concerns.

Sandra White indicated that holding a neighborhood meeting would ordinarily be good but she felt half of the neighborhood was comprised of renters and they would not care. Ms. White stated that property owners received notices and if they did not express interest by contacting the City Council or attending a meeting then they must not care. Ms. White did not believe that the traffic would be a concern and felt that the development would be an asset to the community. She stated that she did not want a strip center to locate on the property since there would be less control over what goes in. Ms. White stated that the neighborhood is old and they needed something new to bring life into it and attract other businesses to the location.

Councilman Hamm wanted to table the item to give the developer an opportunity to review what had been discussed at the Planning Commission and the City Council meeting and possibly meet with some of the property owners before bringing the item back for consideration. Councilwoman McKenzie agreed and asked that the applicant consider zoning the property to C-3 since she did not feel comfortable voting to approve a C-5 development next to a residential area. Councilwoman Hunt asked if the item would be reheard by the Planning Commission if the item was zoned C-3. Ms. Weitman confirmed that the item would need to be reheard by the Planning Commission. She stated that notification would be given to the residents when the item was reheard. Councilman Hamm thanked everyone for their attendance and comments regarding the item.

**Councilman Hamm moved to table Agenda Item No. 7, second by Councilwoman McKenzie. Motion carried unanimously.**

Ayes: McKenzie, Blair, Hunt, Hamm, Lewis  
Nays: None  
Absent: Cavnar, Webb

**Agenda Item Number 8 being:**

CONSIDER REZONING APPLICATION NO. RZ-950, LOCATED IN THE SE/4 OF SECTION 3, T10N, R3W, BEING NORTH OF NW 27TH STREET AND WEST OF THE I-35 SERVICE ROAD, FROM C-3/R-1 GENERAL COMMERCIAL DISTRICT/SINGLE FAMILY RESIDENTIAL TO C-5/PUD AUTOMOTIVE AND COMMERCIAL RECREATION DISTRICT/PLANNED UNIT DEVELOPMENT; AND APPROVE ORDINANCE NO. 838(17). APPLICATION BY EXCEL FOOD MART, INC. /NEAL DO. (PLANNING COMMISSION RECOMMENDED DENIAL 5-2). WARD 2.

**Councilman Hamm moved to table Agenda Item No. 8, second by Councilman Blair. Motion carried unanimously.**

Ayes: McKenzie, Blair, Hunt, Hamm, Lewis  
Nays: None  
Absent: Cavnar, Webb

**Agenda Item Number 9 being:**

CONSIDER REZONING APPLICATION NO. RZ-952, LOCATED IN THE NE/4 OF SECTION 26, T10N, R3W, BEING SOUTH OF SE 19TH STREET AND WEST OF EASTERN AVENUE FROM R-2 TWO-FAMILY DWELLING DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT; AND APPROVE ORDINANCE NO. 846(17). APPLICATION BY SOUTHMOOR ASSEMBLY OF GOD/LARRY HUTCHESON. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0). WARD 3.

Elizabeth Weitman, Community Development Director, stated that the subject property located south of SE 19<sup>th</sup> Street and west of S. Eastern Avenue was the current location of a church. The applicant



proposed rezoning the property from R-2 Two-Family Dwelling District to C-3 General Commercial District for a future church expansion. Ms. Weitman advised that water and sewer were available to serve the site and no floodplain was located on the property. Ms. Weitman advised that access would be provided by SE 19<sup>th</sup> and S. Eastern Avenue. She stated that this intersection does experience heavy traffic flow during peak hours; however, a church expansion was not anticipated to significantly impact the situation. Ms. Weitman suggested that if the property were to sale for a commercial use in the future curb cuts should be minimized to help mitigate traffic congestion near the site. Ms. Weitman stated that since the comprehensive plan identified the property as Medium Commercial a plan amendment would not be required. Staff recommended approval of the application.

**Councilwoman Hunt moved to approve Rezoning Application No. RZ-952 and Ordinance No. 846(17), second by Councilman Blair. Motion carried unanimously.**

Ayes: McKenzie, Blair, Hunt, Hamm, Lewis  
Nays: None  
Absent: Cavnar, Webb

**Agenda Item Number 10 being:**

CONSIDER THE PRELIMINARY PLAT OF TIMBER CREEK ESTATES, LOCATED IN THE NW/4 OF SECTION 33, T10N, R2W, BEING SOUTH OF SE 34TH STREET AND EAST OF SOONER ROAD. APPLICATION BY MONGOLD PROPERTIES, LLC/KIRBY MONGOLD. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0). WARD 1.

Elizabeth Weitman, Community Development Director, advised that the subject site zoned RE Residential Estates contained 28 acres located south of SE 34<sup>th</sup> Street and east of Sooner Road. The applicant proposed 31 residential lots resulting in a density of one unit per acre. Ms. Weitman stated that water would be extended to serve the site. She advised that due to the natural topography of the area gravity flow to the public sewer line along S. Sooner Road was not feasible; therefore, septic systems would service the individual residential lots. Access would be from S Sooner Road through an improved public roadway that would replace the existing gravel access road. She stated that two existing homes utilize the existing gravel road and would have access to the future improved roadway. Ms. Weitman stated that no FEMA designated floodplain was located on the site, and on-site detention would be required. Staff recommended approval of the item.

Mayor Lewis asked if the property could pass a Cleveland County perc test on their septic system. He noted that a similar situation occurred in the past with Belmar and the City had to extend sewer. Ms. Weitman advised that the engineer for Mongold Properties was in attendance at the meeting and could address the question. Stan Drake, Assistant City Manager, indicated that it was a small individual residential aeration system. Brad Reid, with Crafton, Tull indicated that they were aware of the situation at Belmar. He indicated that Twin Lakes which was located nearby has a septic system and it works well. The City Council indicated that they did not anticipate extending sewer to serve the site; therefore, they should take steps to ensure the septic system would work before constructing the houses.

**Councilwoman McKenzie moved to approve the preliminary plat of Timber Creek Estates located in the NW/4 of Section 33, T10N, R2W, being south of SE 34th Street and east of Sooner Road. Application by Mongold Properties, LLC/Kirby Mongold, second by Councilwoman Hunt. Motion carried unanimously.**

Ayes: McKenzie, Blair, Hunt, Hamm, Lewis  
Nays: None  
Absent: Cavnar, Webb

**Agenda Item Number 11 being:**

CONSIDER ADOPTING RESOLUTION NO. 875(17) BY AMENDING THE SCHEDULE OF FEES AND CHARGES BY ESTABLISHING A BEER AND WINE LICENSE, ESTABLISHING FEES FOR FLASH DRIVES FOR OPEN RECORDS REQUESTS, AND INCORPORATING FEES AND LICENSES RELATING TO CONSTRUCTION WITHIN CITY OWNED RIGHTS-OF-WAY; EFFECTIVE UPON APPROVAL AND REMAINING IN EFFECT UNTIL MODIFIED, AMENDED OR REPEALED; AND REPEALING PRIOR INCONSISTENT FEES.

Randy Brink, City Attorney, advised that adoption of Resolution No. 875(17) would modify the fee schedule to incorporate the recently approved ordinances which authorized a separate beer and wine license, notification and licenses required for work in the City owned rights-of-way, and a \$25 charge for flash drives for open records requests that are too big to place on a DVD.

**Councilwoman Hunt moved to adopt Resolution No. 875(17), second by Councilman Hamm. Motion carried unanimously.**

Ayes: McKenzie, Blair, Hunt, Hamm, Lewis  
Nays: None  
Absent: Cavnar, Webb

**Agenda Item Number 12 being:**

CONSIDER AWARDING RFP NO. 1617-01 "PURCHASE AND INSTALLATION OF A SPLASH PAD AT FAIRMOORE PARK" TO RJR/POWER PLAY ENTERPRISES IN THE AMOUNT OF \$200,000.

Todd Jenson, Assistant City Manager, advised that the City solicited RFPs for a Rocket Ship themed splash pad at Fairmoore Park. Three companies' submitted responses which were reviewed by a committee comprised of Park Board Members and City staff. The project would be funded using the 2012 parks quarter cent sales tax. Mr. Jenson recommended awarding the bid to RJR/Power Play Enterprises in the amount of \$200,000.

**Councilwoman McKenzie moved to award RFP No. 1617-01 "Purchase and Installation of a Splash Pad at Fairmoore Park" to RJR/Power Play Enterprises in the amount of \$200,000, second by Councilman Blair. Motion carried unanimously.**

Ayes: McKenzie, Blair, Hunt, Hamm, Lewis  
Nays: None  
Absent: Cavnar, Webb

**Agenda Item Number 13 being:**

CONSIDER AWARDING RFP NO. 1617-02 "PURCHASE AND INSTALLATION OF A PLAYGROUND AT FAIRMOORE PARK" TO KRAFTSMAN IN THE AMOUNT OF \$199,950.

Todd Jenson, Assistant City Manager, asked that the bid amount be amended in the agenda item to read \$174,950.

**Councilwoman McKenzie moved to amend the bid amount in the agenda language to read \$174,950, second by Councilwoman Hunt. Motion carried unanimously.**

Ayes: McKenzie, Blair, Hunt, Hamm, Lewis  
Nays: None  
Absent: Cavnar, Webb

Todd Jenson, Assistant City Manager, stated that RFPs were solicited for a playground at Fairmoore Park. The City received seven responses which were reviewed by a committee comprised of Parks Board Members and City staff. Mr. Jenson indicated that the playground was a budgeted item that would be funded using 2012 quarter cent sales tax. Staff recommended awarding the bid to Kraftsman in the amount of \$174,950.

Councilman Hamm asked when the park would be completed. Mr. Jenson stated that Cleveland County crews began demolition in October 2016 at no cost to the City. The road from Telephone Road to 5<sup>th</sup> Street was completed. Construction would begin on the walking trails, picnic shelters, and restrooms with construction on the playground and splash to begin soon after that. He advised that staff anticipated completion by July 4, 2017.

Mayor Lewis thanked County Commissioners Rod Cleveland and Darry Stacy for their assistance on the project.

**Councilman Blair moved to award RFP No. 1617-02 "Purchase and Installation of a Playground at Fairmoore Park" to Kraftsman in the amount of \$174,950 second by Councilman Hamm. Motion carried unanimously.**

Ayes: McKenzie, Blair, Hunt, Hamm, Lewis  
Nays: None  
Absent: Cavnar, Webb

**Agenda Item Number 14 being:**

CONSIDER AUTHORIZING THE FORMING OF A SEPARATE CORPORATION NAMED "CITY OF MOORE RESTORATION AND PRESERVATION FUND" AND MAKING APPLICATION TO THE INTERNAL REVENUE SERVICE FOR 501(C)(3) NON-PROFIT STATUS FOR THE PURPOSE OF RECEIVING TAX DEDUCTIBLE CONTRIBUTIONS FOR ACQUISITION AND RESTORATION OF CITY OF MOORE ARTIFACTS, AND OTHER NONRECURRING ITEMS AS DEEMED APPROPRIATE BY THE CITY COUNCIL, WHO WILL SERVE AS BOARD OF DIRECTORS FOR SAID ORGANIZATION.

Brooks Mitchell, City Manager, stated that discussion occurred over the past several months regarding the need to preserve historical artifacts as they become available. Some of the artifacts might need restoration or other improvements the cost of which are unfunded. The creation of a 501(C)(3) organization would allow the City to raise private funds to aid in this effort while allowing the donators to receive a tax deduction for their contribution. If City Council opted to use this venue then paperwork would be filed with the Oklahoma Secretary of State's Office and a Form 1023 filed with the Internal Revenue Service to request the 501(C)(3) non-profit status. The filing fees associated with both filings would be \$875.

Councilwoman Hunt stated that she loved the idea of having a non-profit status but was not certain that she liked it being under control of the City. During her personal experience with obtaining 501(C)(3) status she was told by the IRS that the majority of the Board of Directors should not be comprised of a

majority of the parent company. She added that she would not want to serve on a non-profit Board without being covered by Directors and Officers Insurance. Although she stated that she was not opposed to serving in that capacity she felt it would be more appropriate to have the historical committee serve in that role with support from the City. Councilwoman Hunt stated that it would be similar to what the State of Oklahoma does for the History Center. They have their own Board of Directors and by-laws and they are supported by the State of Oklahoma. Councilman Hamm commented that the City of Norman supports a historical house in their annual budget; however, they have an independent Board that oversees and manages the daily operations of the house. Councilwoman Hunt felt that one or two council members could serve on the Board but she felt it should be primarily comprised of other people. If she would sit on the Board she would like to see the by-laws before she committed herself to serving on the Board.

Mr. Mitchell recommended, based on the comments by Councilwoman Hunt, that the item be tabled and brought back at a later date after further research.

**Councilwoman Hunt moved to table Agenda Item No. 14, second by Councilman Blair. Motion carried unanimously.**

Ayes: McKenzie, Blair, Hunt, Hamm, Lewis  
Nays: None  
Absent: Cavnar, Webb

**Agenda Item Number 15 being:**

CONSIDER ACCEPTANCE OF A DONATED 1970 CHEVROLET TE62 FIRE TRUCK, VIN NO. TE630P136023, FROM VANOSS VOLUNTEER FIRE DEPARTMENT.

Councilman Hamm stated that he located a vintage fire truck from 1946 that he wanted to use in parades. He found that the cost to repair the engine would be approximately \$80,000 which was cost prohibitive. A representative from the Oklahoma Firefighter's Museum contacted him regarding a 1970 Fire Truck from the Vanoss Volunteer Fire Department that used to belong to the City of Moore. The Vanoss Volunteer Fire Department was finished with the truck and it was available if the City was interested. Councilman Hamm looked at the truck and found it was still operational. The truck was purchased by the City of Moore in 1970. Councilman Hamm hoped that the City could obtain the fire truck and use it for parades and the Fourth of July event among other uses. He noted that it needed paint and hoped to use donated funds for this expense. Councilwoman Hunt asked if there was space available to store the vehicle. Councilman Hamm stated that he had been working with the Cleveland County Commissioners office regarding the possibility of storing it in one of their facilities in Moore. The issue would be presented to the Board of County Commissioners for consideration. He noted that he found an individual who was willing to pick up the fire engine at no cost in order to save towing fees.

**Councilman Hamm moved to accept a donated 1970 Chevrolet TE62 Fire Truck, VIN No. TE630P136023, from Vanoss Volunteer Fire Department, second by Councilwoman McKenzie. Motion carried unanimously.**

Ayes: McKenzie, Blair, Hunt, Hamm, Lewis  
Nays: None  
Absent: Cavnar, Webb

**THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 8:07 P.M.**

**Agenda Item Number 16 being:**

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD JANUARY 17, 2017.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2016-2017 IN THE AMOUNT OF \$1,205,127.77.

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

Ayes: McKenzie, Blair, Hunt, Hamm, Lewis  
Nays: None  
Absent: Cavnar, Webb

**Agenda Item Number 17 being:**

CONSIDER AUTHORIZING STAFF TO PURCHASE ONE VAPEX ODOR CONTROLLING UNIT FOR INSTALLATION AT THE SE 34<sup>TH</sup> AND BROADWAY JUNCTION BOX AT AN ESTIMATED COST OF \$70,000.

Brooks Mitchell, City Manager, advised that the proposed Vapex odor controlling unit would address an odor problem that occurs primarily in the winter months at SE 34<sup>th</sup> and Broadway. Robert Pistole, Veolia Project Manager, and the City's engineer Satish Dasharathy with Eagle Consultants visited the Dallas metro area to review the operations of this particular system, and found that it would be a possible solution to addressing the odor issue here. Mr. Mitchell indicated that Mr. Pistole was available to answer any technical questions the City Council might have. Mr. Mitchell recommended purchasing one unit for installation at the SE 34<sup>th</sup> and Broadway Junction Box at an estimated cost of \$70,000. Councilwoman McKenzie asked if one unit was sufficient to control the odor problem.

Robert Pistole, Veolia Project Manager, stated that odors are fairly easy to treat if it can be contained. This unit oxidizes hydrogen sulfide killing the odor. Mr. Pistole commented that there was no doubt that the Junction Box is the source of the odor; however, in order for the unit to work the fogger must make contact with all of the odor. It may turn out that a smaller unit is needed upstream or downstream. He felt that the situation could be reassessed after the unit was installed to determine if further action would be necessary.

**Trustee McKenzie moved to authorize staff to purchase one VAPEX odor controlling unit for installation at the SE 34<sup>th</sup> and Broadway Junction Box at an estimated cost of \$70,000, second by Trustee Hunt. Motion carried unanimously.**

Ayes: McKenzie, Blair, Hunt, Hamm, Lewis  
Nays: None  
Absent: Cavnar, Webb

**THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 8:18 P.M.**

**Agenda Item Number 17 being:**

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD JANUARY 17, 2017.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2016-2017 IN THE AMOUNT OF \$326,453.17.

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

Ayes: McKenzie, Blair, Hunt, Hamm, Lewis  
Nays: None  
Absent: Cavnar, Webb

**THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 8:12 P.M.**

**Agenda Item Number 19 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 Hunt advised that her organization, the American Institute of Architects, rented a space at The Station for a luncheon program with over a 100 attendees. She stated that the the architects were impressed with the facility. She expressed her appreciation to the staff for their assistance.

Councilman Hamm expressed his appreciation to Councilwoman McKenzie for her attendance at the last ACOG meeting. He encouraged the other Council members to attend a meeting in the event they are asked to fill in for him in the future. He stated that ACOG meets the last Thursday of every month and felt that was a lot of beneficial information to be obtained. He commented that the joint meeting held with the City Council and the Moore Board of Education on January 23, 2017 went well. He suggested that a City staff member attend future School Board meetings or Technology Board meeting to continue with a line of communication. He expressed his appreciation to the firefighters at Station 2 who assisted during a Chili Cook-off.

- C) ITEMS FROM THE CITY/TRUST MANAGER.

City Manager Brooks Mitchell advised that the State of Oklahoma reached an agreement with Amazon for tax collection purposes. They begin collection March 1, 2017 and the City should see some of the tax the last few months of this fiscal year. Mr. Mitchell indicated that he was working with the Oklahoma Tax Commission to try to quantify what the amount might be to report back to Council. Mr. Mitchell indicated that the budget process began for FY 2018. Individual meetings would be held in April with the Mayor and Council to brief them on staff's recommendations and to receive input before a Budget Study Session was held with the entire body in May or June. A Joint Planning Commission and City Council Meeting was scheduled for February 27, 2017. Mayor Lewis commented that internet sales tax might be reduced since the 73160 zip code could be distributed to Oklahoma City and the 73165 zip code might go to Del City. He suggested that staff research the issue to assure that any tax remittance we are legally eligible for is submitted to the City of Moore.

**Agenda Item Number 20 being:**

ADJOURNMENT

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

Ayes: McKenzie, Blair, Hunt, Hamm, Lewis  
Nays: None  
Absent: Cavnar, Webb

**The City Council, Moore Public Works Authority, and Moore Risk Management meetings were adjourned at 8:17 p.m.**

TRANSCRIBED BY:

\_\_\_\_\_  
RHONDA BAXTER, Executive Assistant

RECORDED BY:

\_\_\_\_\_  
LINDA STEWART, City Clerk

FOR:

\_\_\_\_\_  
ADAM WEBB, MPWA Secretary

These minutes passed and approved as noted this \_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
LINDA STEWART, City Clerk