

**MINUTES OF THE REGULAR MEETING OF  
OF THE MOORE CITY COUNCIL  
THE MOORE PUBLIC WORKS AUTHORITY  
AND THE MOORE RISK MANAGEMENT BOARD  
APRIL 1, 2013 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on April 1, 2013 at 6:30 p.m. with Mayor Glenn Lewis presiding.

*David Roberts*  
*Councilman, Ward I*

*Robert Krows*  
*Councilman, Ward I*

*Kathy Griffith*  
*Councilwoman, Ward II*

*Mark Hamm*  
*Councilman, Ward II*

*Jason Blair*  
*Councilman, Ward III*

*Terry Cavnar*  
*Councilman, Ward III*

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

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; Assistant City Controller, Cheryl McConnell; City Attorney, Randy Brink; Communication's Supervisor, Tammy Koehn; Community Development Director, Elizabeth Jones; Economic Development Director, Deidre Ebrey; Emergency Management Director, Gayland Kitch; Fire Chief, Gary Bird; Parks and Recreation Director, Todd Jenson; Police Chief, Jerry Stillings; Public Works Director, Richard Sandefur; Risk Manager, Gary Benefield; Manager of Information Technology, David Thompson; Veolia Water Project Manager, Robert Pistole; and Purchasing Agent, Carol Folsom.

Mayor Lewis read a proclamation declaring April 14-20, 2013 as "National Telecommunicator Week". Steve Eddy, City Manager, introduced Tammy Koehn as the new Communications Supervisor. Ms. Koehn accepted the proclamation on behalf of the City. Mr. Eddy thanked Ms. Koehn for coming and stated that he appreciates the job that they do.

**Agenda Item Number 2 being:**

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MARCH 18, 2013.
- B) RECEIVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD FEBRUARY 12, 2013.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2012-2013 IN THE AMOUNT OF \$1,524,259.85.

Councilman Hamm referred Council and staff to page 32 of the agenda. He asked for additional information regarding a claim in the amount of \$15,326.90 for legal expenses. Steve Eddy, City Manager, indicated that the City retained a law firm for representation in a lawsuit filed by Shaz Investments. Mr. Eddy advised that there would likely be additional claims in the future.

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

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

**Agenda Item Number 3 being:**

CONSIDER EXTENDING THE TEMPORARY EMPLOYEE SERVICE CONTRACT WITH 1<sup>ST</sup> STAFFING GROUP FROM APRIL 2, 2013 TO APRIL 2, 2014 WITH NO INCREASE IN RATES.

Richard Sandefur, Public Works Director, indicated that the City has contracted with 1<sup>st</sup> Staffing Group for the past three years. The City bid out the Temporary Employee Service Contract last year and 1<sup>st</sup> Staffing Group was awarded the contract. Mr. Sandefur felt that the City has developed a good working relationship with them. Since they have performed well and they are not proposing a fee increase staff would recommend extending the contract for an additional year. Councilman Krows asked if any of the temporary employees have any longevity with the City. Mr. Sandefur indicated that some of the employees have worked for the City off and on for close to five years.

**Councilman Krows moved to approve extending the Temporary Employee Service Contract with 1<sup>st</sup> Staffing Group from April 2, 2013 to April 2, 2014 with no increase in rates, second by Councilman Blair. Motion carried unanimously.**

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

**Agenda Item Number 4 being:**

CONSIDER AWARDING BID NO. 1213-011 "LOW VOLTAGE CABLING FOR THE CITY OF MOORE PUBLIC SAFETY CENTER" TO PROFESSIONAL TECHNOLOGIES IN THE AMOUNT OF \$44,039.60.

David Thompson, Manager of Information Technology, stated that this bid was for the wiring needed for voice data and video for the new Public Safety Center. Professional Technologies in the amount of \$44,039.60 was the low bidder. Oklahoma City Public Schools, Moore Public Schools, and Mid-Del Public Schools gave Professional Technologies good recommendations.

**Councilman Blair moved to award Bid No. 1213-011 "Low Voltage Cabling for the City of Moore Public Safety Center" to Professional Technologies in the amount of \$44,039.60, second by Councilman Roberts. Motion carried unanimously.**

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

**Agenda Item Number 5 being:**

CONSIDER APPROVAL OF PLANS AND SPECIFICATIONS FOR G.O. BOND PROJECT NO. 5, BROADWAY AVENUE FOR N 5<sup>TH</sup> STREET TO N. 18<sup>TH</sup> STREET AND AUTHORIZE STAFF TO SOLICIT BIDS FOR CONSTRUCTION OF SAID PROJECT.

Stan Drake, Assistant City Manager, stated that the proposed item was for approval of the plans and specifications for the fifth and final G.O. bond project for Broadway Avenue from NE 5<sup>th</sup> to NE 18<sup>th</sup>. Signalization is proposed for NE 5<sup>th</sup> and Broadway. There will be a three-lane roadway from NE 5<sup>th</sup> to NE 12<sup>th</sup> with a two-lane roadway from NE 12<sup>th</sup> to NE 18<sup>th</sup> with a center landscape median.

Mayor Lewis asked if the three-lane roadway included a turn lane. Mr. Drake confirmed that the center lane would be a turn lane.

Councilman Hamm asked why Broadway would go from four lanes to three lanes. Mr. Drake stated that under ODOT standards it is not a four lane roadway although it is stripped and utilized that way. Sidewalks will be incorporated along both sides of Broadway to accommodate foot traffic from the elementary and junior high schools.

Councilman Hamm asked that the utility issues be taken care of prior to the start of the project. Mr. Drake indicated that the Broadway construction would not begin until the 12<sup>th</sup> Street project was completed.

Councilwoman Griffith asked about the implementation of a roundabout at 5<sup>th</sup> and Broadway. Mr. Drake advised that Community Development Director Elizabeth Jones has a better location in mind for a roundabout.

**Councilman Krows moved to approve plans and specifications for G.O. Bond project No. 5, Broadway Avenue from N. 5<sup>th</sup> Street to N. 18<sup>th</sup> Street and authorize staff to solicit bids for construction of said project, second by Councilman Cavnar. Motion carried unanimously.**

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

**Agenda Item Number 6 being:**

CONSIDER ADOPTING RESOLUTION NO. 763(13) URGING THE STATE LEGISLATURE TO REPEAL ANY PREEMPTION OF LOCAL SMOKE-FREE AIR AND RESTORE THE RIGHT OF LOCAL GOVERNMENTS TO ENACT AND ENFORCE SMOKE-FREE AIR LAWS.

Steve Eddy, City Manager, advised that this issue has been discussed at the legislative level for the past two or three years. Tobacco Free Cleveland County is an entity that is working toward tobacco free areas in public spaces. They approached the City regarding a resolution of support, which urges legislators to repeal laws where there is state preemption or state control of smoking issues. There is legislation that was proposed but did not go anywhere during this legislative session. By adopting Resolution No. 763(13) it would indicate that the City of Moore was in favor of local control over these issues. It would be presented to the state legislators in next year's legislative session. Heather Sebero with Tobacco Free Cleveland County was in attendance at the meeting to answer questions. Mr. Eddy indicated that there is legislation that is still alive that would support City control over smoking in parks.

**Councilman Roberts moved to adopt Resolution No. 763(13) urging the State Legislature to repeal any preemption of local smoke-free air and restore the right of local governments to enact and enforce smoke-free air laws, second by Councilwoman Griffith. Motion carried unanimously.**

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

**Agenda Item Number 7 being:**

CONSIDER APPROVAL OF A LOT SPLIT LOCATED IN THE SW/4 OF SECTION 28, T10N, R2W, BEING NORTH OF SE 34<sup>TH</sup> AND EAST OF SOONER ROAD. APPLICATION BY RON WATERS.

Elizabeth Jones, Community Development Director, advised that the subject property is located north of SE 34<sup>th</sup> Street and east of Sooner Road. It was rezoned at the March 4, 2013 City Council meeting as a PUD for small administrative offices. The developer would like to split the property as approved in the PUD Design Statement to transfer ownership to the applicant for construction of an advertising/marketing agency. Staff recommended approval of the lot split contingent upon the property being platted prior to the issuance of a building permit, and all the standards included in PUD No. 894 are met.

**Councilman Roberts moved to approve a lot split located in the SW/4 of Section 28, T10N, R2W, being north of SE 34<sup>th</sup> and east of Sooner Road subject to the recommendations by staff, second by Councilman Krows. Motion carried unanimously.**

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

**Agenda Item Number 8 being:**

CONSIDER MOORE VISION 20/20 COMPREHENSIVE PLAN AMENDMENT NO. 38, LOCATED IN THE SW/4 OF SECTION 36, T10N, R3W, BEING SOUTH OF SW 34<sup>TH</sup> STREET AND WEST OF BROADWAY AVENUE, FROM RURAL RESIDENTIAL TO URBAN RESIDENTIAL/LOW DENSITY. APPLICATION BY SHAZ INVESTMENT GROUP, INC. (PLANNING COMMISSION RECOMMENDED DENIAL 8-0). WARD 1.

Elizabeth Jones, Community Development Director, stated that Agenda Items No. 8 and 9 are companion items. The property is zoned R-1 and was platted with the Apple Valley Addition in 2000 as acreage lots and was shown on the Moore Vision 20/20 as Rural Residential Land Use. This decision was based on the approved preliminary plat and the unavailability of sanitary sewer to serve the site. In 2011 the applicant applied to increase the density from the approved 24 lots to 85 patio-home lots. That application was withdrawn and 68 single-family residential lots were proposed. That application was denied by City Council. The applicant is again asking to increase the densities from 24 lots to 76 single-family lots. Ms. Jones noted that while the current R-1 Zoning District allows this increase in densities, the Land Use Plan must be amended from Rural Residential to Low Density Residential, and the applicant must submit a new preliminary plat for the Apple Valley Addition, Section 9.

Ms. Jones advised that public water would be extended through the site from an 8" water main on Baldwin Avenue. A secondary water feed would be required from the west to provide adequate fire protection. A new sanitary sewer lift station is proposed to provide public sanitary sewer service. The lift station would allow for public sewer connections to the north in the existing Apple Gardens Addition.

In considering the Moore Vision 20/20 comprehensive plan amendment the issue surrounding the request is the appropriate densities given The Moore Vision 20/20 designates the property to the west, south and east of the subject property as rural residential. The comprehensive plan encourages transitional buffers to protect the rural residential properties from any adverse effects from higher densities abutting them. This particular application includes open space and drainage way as a transition to the lower density developments to the west; however, there is no transition to the south or the east. Part of the density discussion centers around the increase in traffic along the local residential roads. The subdivision does provide two points of entry from local residential roads; however, both points of entry originate and terminate from one existing intersection of Baldwin Avenue and Manhattan Way. The proposed plat shows a roundabout to be constructed at this intersection as a traffic calming device. With the increased

in proposed housing units a higher concentration of traffic will be funneled to this intersection which is adjacent to the existing City park, and the parkland within the proposed development. Ms. Jones noted that the plat does not meet the intent of the Subdivision Access Standards Ordinance by designing a neighborhood of 76 homes with one point of access, creating concerns for emergency management accessibility.

In review of the application consideration should be given to how the increase of 52 lots would affect the surrounding properties, including the City parkland located on the northwest corner of Baldwin and Manhattan. As proposed, the application would increase traffic within the existing Apple Valley neighborhood. The streets that would carry the traffic are Baldwin Avenue and Manhattan Way, both of which are adjacent to existing and proposed parkland. Careful thought and consideration should be given to the safety of the park users. The plat includes a traffic calming technique of a roundabout at the intersection of Baldwin and Manhattan within the existing street right-of-way. The preliminary plat was revised to include a 15' turning radius as required by the City's Fire Marshal. Additional concerns about the provisions for pedestrian safety as they cross to the popular park, the aesthetic treatment of the center median, along with the ownership and maintenance of the roundabout are not addressed in the plat. Because of the significant increase in densities without consideration of the adopted Moore Vision 20/20 staff recommended denial of both applications. The applicant has not made substantial material changes to his application since the City Council August 2011 denial of the previous application for 68 lots. The denial was never appealed by the applicant, and should prevent the applicant from again submitting a similar proposal absent substantial or material changes which address Council's conditions or objections in the 2011 application. However, if the City Council decides to approve the application staff would recommend that said approval be contingent upon the following:

1. Approval of the companion Comprehensive Plan Amendment No. 38.
2. Staff approval of all building lines, easements, and street names.
3. Staff approval of all paving, drainage, water, and sewer plans, including the plans for the proposed sanitary sewer lift station.
4. Roundabout at the Baldwin Avenue and Manhattan Way intersection is required. Final design should meet all City requirements including, but not limited to, a 15' turning radius, proper pedestrian safety improvements, adequate provisions for street drainage, and landscaped center island to be maintained by the homeowner's association.
5. Fire Department approval of all fire hydrant locations.
6. Compliance with all development fees, including the Transportation Impact Fee and Lift Station Impact Fee.

Ms. Jones noted that the City received a Petition of Protest regarding the application. A 300-foot radius was calculated for the official notification list. The square footage within the 300-foot radius was then determined, excluding City owned property. The square footage of the protestors living within the 300-foot radius was determined. This showed 59% of the property owners living in the notification area protested the item. Ms. Jones referred Council to a map which indicated protestors who lived outside the 300-foot notification radius.

Mayor Lewis asked Randy Brink, City Attorney, for a legal opinion regarding the Petition of Protest. Mr. Brink stated that the City Council may consider the protest in their decision but it does not change the legal requirement for a super majority vote. Mayor Lewis indicated that a lawsuit occurred over the City Council decision on the 2011 application. He asked what the outcome was on the lawsuit. Mr. Brink advised that the lawsuit was dismissed by the complainant prior to any hearings. Mayor Lewis advised that the applicant has a court reporter and their attorneys in attendance at the meeting; however, the City's attorney on the case was not present. The Mayor asked whether in Mr. Brink's opinion it be beneficial to table the item until the City's legal counsel could be present. Mr. Brink felt that the City's attorney on the case would have information that might be beneficial in deciding such a controversial and contested issue.

Councilman Krows asked what the reason was for increasing the densities. Ms. Jones advised that she was never given a reason; however, the applicant's representative was in attendance at the meeting and available for questions. Mayor Lewis suggested that the item be tabled to the April 15, 2013 City Council meeting. Councilman Krows stated that several people signed up to speak regarding the item. He asked them if they would mind coming to the next meeting when the City's legal counsel was in attendance. Councilman Roberts asked if there was a legal point at issue requiring someone other than the City Attorney. Mr. Eddy stated that Mr. Brink could definitely advise the City Council regarding the applicant; however, there were some very specific case law and information that was a part of the lawsuit which outside legal counsel would be better able to discuss. He felt it would be beneficial for the City Council to hear it prior to making a decision. Councilmembers Roberts and Krows felt that they were fully aware of the issues but based on advice of counsel he would move to table the item.

David Box, 522 Colcord Drive, Oklahoma City, attorney for the applicant, stated that he was involved in a trial the weeks of April 15<sup>th</sup> and April 22<sup>nd</sup>. Mr. Box felt that the item should be heard. He stated that the last application had all sorts of problems and they had a new application with substantial changes to the layout and access points. He felt that this was a new plat with substantial material changes that have been made. Mr. Box asked if the item could not be heard now, if it could be postponed to a time when both he and Mr. Anderson could attend. Councilman Roberts suggested postponing the item to May 6, 2013.

Councilman Krows suggested that those individuals in attendance at the meeting could express their support or objection by e-mail.

**Councilman Roberts moved to table the item to the May 6, 2013 City Council meeting, second by Councilman Cavnar. Motion carried unanimously.**

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

**Agenda Item Number 9 being:**

CONSIDER THE PRELIMINARY PLAT FOR APPLE VALLEY, SECTION 9, LOCATED IN THE SW/4 OF SECTION 36, T10N, R3W, BEING SOUTH OF SW 34<sup>TH</sup> STREET AND WEST OF BROADWAY AVENUE. APPLICATION BY SHAZ INVESTMENT GROUP, INC. (PLANNING COMMISSION RECOMMENDED DENIAL 8-0). WARD 1.

**Councilman Krows moved to table the item to the May 6, 2013 City Council meeting, second by Councilman Hamm. Motion carried unanimously.**

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

**Agenda Item Number 10 being:**

CONSIDER MOORE VISION 20/20 COMPREHENSIVE PLAN AMENDMENT NO. 36, LOCATED IN S/2 OF SECTION 26, T10N, R3W, BEING NORTH OF SW 34<sup>TH</sup> STREET AND EAST OF I-35, TRACT 1: FROM MEDIUM COMMERCIAL/MEDIUM INDUSTRIAL TO HIGH DENSITY RESIDENTIAL AND TRACT 2: FROM MEDIUM INDUSTRIAL TO MEDIUM COMMERCIAL. APPLICATION BY C-STAR CONSTRUCTION SERVICES LLC/HOWARD AUFLEGER. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-1). WARD 3.

Elizabeth Jones, Community Development Director, stated that Agenda Items No. 10 and 11 are companion items. The subject property consists of two vacant parcels of land located along the east side

of the I-35 Service Road and north of SW 34<sup>th</sup> Street. The applicant proposes to develop Tract 1 as a high density apartment complex with 384 units on 17 acres resulting in a density of 23 units per acre. Tract 2 is proposed as retail and/or office space. Both tracts will be developed as part of a larger mixed use residential/commercial development between I-35 and the railroad tracks. Public water and sewer will be extended to serve the site. An existing drainage way on the property is identified as a FEMA floodway. Detention will be required for the site and all FEMA studies and submittals will be required. Ms. Jones advised that access to the larger site would be provided from the I-35 Service Road and SW 34<sup>th</sup> Street. The apartment site will have direct access to the I-35 Service Road with the commercial site having access to both arterial roadways through collector streets. Citizen concerns were raised about the traffic congestion currently being experienced along the service road and the additional traffic that the application may add to the situation. The City is currently investigating some potential remedies to the situation. Pursuant to the Moore Vision 20/20 the applicant is utilizing a Planned Unit Development for the rezoning. By utilizing a PUD the City may relax certain density requirements in exchange for amenities that would otherwise not be required. The PUD proposal included the following amenities:

1. Increased aesthetic requirements for the main structure being 70% brick veneer, rock, masonry, and/or stone for the first story, 50% coverage for the 2<sup>nd</sup> story, and varied architectural elements including projecting gable-ends, varied rooflines, and gabled roof elements for the 3<sup>rd</sup> story.
2. 100 single-car garages for residential use.
3. Central boulevard with traffic calming measures and enhanced landscaping.
4. Common areas including a 5,000 square foot clubhouse, swimming pools, and a tennis court. Approximately four acres of green space will be usable recreation areas.
5. Buffering from the Crystal Heights Addition including a sight-proof fence and limiting the placement of three-story buildings to a minimum setback of 50' and two-story buildings to a minimum setback of 25' to the north property line.

The property is designated in the Moore Vision 20/20 as Medium Commercial and Medium Industrial. The Moore Vision 20/20 did not identify specific tracts of future High Density Residential land use, but rather identified the Medium Commercial land use designation as a comparable land use in terms of traffic and parking impacts, and recommended that future High Density Residential project be considered for parcels with Medium Commercial designation. The plan goes on to recommend transitional buffers between multi-family and lesser density uses. The application meets the basic intent of the comprehensive plan; however, the City Council should determine if the buffering techniques are appropriate.

Ms. Jones advised that a public hearing was held on February 12, 2013 and a neighborhood meeting was held on February 25, 2013 to collect citizen comments on the proposed apartments. Some residents of the Crystal Heights Addition appeared to voice concerns regarding traffic congestion along the I-35 Service Road, potential increased traffic through Crystal Heights, the height of the apartment complex, and the impact on the adjoining residential addition.

To mitigate the adverse impacts to the surrounding residential additions, the developer included transitional buffers along the north and east property lines. A 250-foot commercial buffer to separate the apartment development from the BNSF Railroad and the Lake Woods Addition, and a 50-foot buffer from the north property line to any three-story building in the apartment development.

The proposed development meets the intent of the Moore Vision 20/20 as well as the PUD requirements for multi-family housing. If the City Council feels that the proposed buffering and transitional techniques provide adequate protection to the existing residential properties, staff recommends approval of the item.

Ms. Jones noted that the applicant was in attendance at the meeting to answer any questions and there were some protestors in attendance as well. Mayor Lewis asked if a traffic study was performed at the site. Ms. Jones indicated that the applicant paid for a study by EST to look at preliminary impacts. Their

findings were a multi-family development would generate less traffic than retail. Although the I-35 Service Road is operating poorly, the additional traffic would not necessarily make the problem worse.

Councilman Hamm asked if the commercial portion of the site did not sell, would the applicant have to get Council approval before building additional apartments. Ms. Jones confirmed that Council approval would be required.

Councilman Krows requested additional information on the apartment complex. Heath Hans with Architects in Partnership appeared on behalf of the applicant. Mr. Hans indicated that the subject property contains 103 acres of a mixed use development. In addition to the apartment complex there will be over 100,000 square feet of retail, over 35,000 square feet of commercial office space, and five or six high end restaurant pads. One of the first things the applicant did was obtain a feasibility study. The study is prepared by a national company looks at the demographics in an area in order to identify the best land use for the site. The company determined the best use for this site was a life style center. A life style center is a unique concept to Oklahoma but it is a combined live, work, play environment; meaning that people would live in a location where they can walk to work, purchase retail, and eat. Ms. Hans felt that Moore did not have this unique combination. The feasibility study specifically stated that there was a need for high end apartments. He commented that all components of the development are necessary in order for it to work. Rent is much higher for a high end apartment. The average rent in Moore is approximately .85 to .90 cents per square foot. The average rent in the proposed apartment complex is over a \$1.00 a square foot. There will be better amenities and better finishes both inside and out. The apartment complex would be constructed first because the site has a large drainage ditch or floodway running through it. This requires that the Corp of Engineers must approve any modifications that are made to the drainage ditch. The process takes anywhere from six months to a year at a minimum. The developer started the process by getting a drainage analysis from an engineer which costs several thousand dollars. Mr. Hans mentioned this only to show that the developer was committed to the project. The apartment complex is situated on the north end of the site. This was primarily done to create a buffer between the apartments and the residential property to the north. There are no other neighborhoods that abut the property. This allows construction of the complex while the drainage issues are dealt with on the larger site. The existing drainage ditch can be used as a water feature that can provide a view for the restaurant pads. An internal boulevard was created for traffic. The location of those boulevards and thoroughfares are placed around a high pressure utility line. Mr. Hans felt that the layout was conceptual until they complete the drainage study. The apartments would be constructed in two phases. The first phase would contain 256 apartments and the second phase would contain 128 apartments. This is a three-story construction. The amenities being discussed are jogging trails, landscaped pond situated on the southeast side of Tract 1, tennis court, and a dog walk. There is currently 4.2 acres of green space. They realize that there are people in the community to the north that are very concerned about the development. He stated that they have done their best to appease their concerns yet make it a good development that would show a good return on their investment. They want to work with the City and be a good neighbor. When it was evident that there was some concern the developer sat down with the residents and tried to work out a compromise. The end result is that they lowered a three-story building to two-stories at the request of the neighbors. The middle of the complex is still three-stories in order to get as much value as they could out of the construction. The other major concern they expressed was the view into their backyards. The site plan shows that the buildings were rotated to minimize the views and the windows were deleted from the sides of the buildings. They expressed concern over the quality of the tenants. The tenants will be paying higher rent from \$750 per month to over \$1,100 per month. The target demographic is for a specific individual. There is major retail and medical growth in Moore and this will provide homes for that level of occupant. Another concern is with degradation over time. Typically apartment property is structured for buyout. The developer is Howard Aufleger with C-Star Construction Services. He is from Oklahoma and has a good track record. The property is not structured for buyout. He and his son will maintain the property for 20 to 30 years. Traffic is another concern. They are committed to work with the City to provide a solution. They can't solve the current traffic issues, some of that is dictated by ODOT, but they can help create a development

that might influence ODOT to come out and solve some of the traffic challenges. They have hundreds and thousands of dollars in impact fees that can be allocated toward projects. Private funds can also be used for additional improvements. They have committed to try and help the traffic in Crystal Heights by providing speed bumps. The traffic study reflects that a residential development provides a third to a half the traffic that a commercial one does. They are excited about getting the project moving. The landowner and the developer of the apartment community are also in attendance and available for questions.

Mayor Lewis asked if they received anything back from the Corps of Engineers. Mr. Hans replied that they have not. They are still in the process of collecting data. Mayor Lewis asked if storm shelters or safe rooms would be included in the development. Mr. Hans stated that they typically do not provide storm shelters or safe rooms in apartment construction since it is very difficult in wood construction. However, he felt there would be an opportunity for something in the clubhouse.

Councilman Krows asked if the property would be marketed toward singles or families. Mr. Hans felt there would be a mix of people but primarily a younger professional who is unmarried with no children. Councilman Krows asked if the apartments would be gated. Mr. Hans indicated that they would be gated and include a pedestrian gate.

Councilman Hamm asked about the retail development. Mr. Hans stated that they have already had interest; however, until they have a pad ready to go it is difficult to close a deal. The current goal is development the pads with utilities to develop in the future. The landowner will have purchase or lease agreements that can be executed. Councilman Hamm asked if adequate fire protection would be available for the three-story structures. Mr. Hans indicated that they plan to sprinkle all of the buildings.

**Councilman Roberts moved to approve Moore Vision 20/20 Comprehensive Plan Amendment No. 36, located in S/2 of Section 26, T10N, R3W, being north of SW 34<sup>th</sup> Street and east of I-35, Tract 1: from Medium Commercial/Medium Industrial to High Density Residential and Tract 2: from Medium Industrial to Medium Commercial, second by Councilman Krows. Motion carried unanimously.**

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

**Agenda Item Number 11 being:**

CONSIDER REZONING APPLICATION NO. 897, LOCATED IN THE S/2 OF SECTION 26, T10N, R3W, BEING NORTH OF SW 34<sup>TH</sup> STREET AND EAST OF I-35, TRACT 1: FROM I-2/A-2 MEDIUM INDUSTRIAL DISTRICT/SUBURBAN AGRICULTURAL DISTRICT TO R-4/PUD MULTIPLE FAMILY DISTRICT/PLANNED UNIT DEVELOPMENT. TRACT 2: FROM I-2/A-2 MEDIUM INDUSTRIAL DISTRICT/SUBURBAN AGRICULTURAL DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT; AND APPROVE ORDINANCE NO. 736(13). APPLICATION BY C-STAR CONSTRUCTION SERVICES, LLC/HOWARD AUFLEGER. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0).

**Councilman Krows moved to approve Rezoning Application No. 897, located in the S/2 of Section 26, T10N, R3W, being north of SW 34<sup>th</sup> Street and east of I-35, Tract 1: from I-2/A-2 Medium Industrial District/Suburban Agricultural District to R-4/PUD Multiple Family District/Planned Unit Development. Tract 2: from I-2/A-2 Medium Industrial District/Suburban Agricultural District to C-3 General Commercial District; and approve Ordinance No. 736(13), second by Councilman Cavnar. Motion carried unanimously.**

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

**Agenda Item Number 12 being:**

CONSIDER REZONING APPLICATION NO. 898, LOCATED IN THE SE/4 OF SECTION 14, T10N, R3W, BEING SOUTH OF MAIN STREET AND WEST OF EASTERN AVENUE, FROM C-3 GENERAL COMMERCIAL DISTRICT TO C3/PU GENERAL COMMERCIAL DISTRICT WITH A PERMISSIVE USE; AND APPROVE ORDINANCE NO. 744(13). APPLICATION BY JASON NEDROW. (PLANNING COMMISSION RECOMMENDED APPROVAL 5-3).

Elizabeth Jones, Community Development Director, advised that the subject property contained three acres and was located south of Main Street along the west side of Eastern Avenue. The City Council approved Rezoning Application No. 888 on July 2, 2012 rezoning the property to C-3 General Commercial District. Since that time the developer has removed a single-family residence and would propose to redevelop the property as a mini-storage. This would require rezoning from C-3 to C-3 with Permissive Use. Public water is located along S. Eastern, and sanitary sewer is located on the northwest property line. Access would be provided by Eastern Avenue. Future development will be reviewed at the time of the building permit to determine the number and size of the driveways to be approved. Although no floodplain is located on the property, there is a significant drainage channel on the west boundary of the property that abuts Woods Drive and releases along the south end of the property. The drainage channel handles a significant amount of stormwater in the basin. Prior to the issuance of a building permit a drainage study must be performed by an engineer to determine whether detention is needed.

The specific use and potential impacts on the surrounding properties are looked at when considering a permissive use. Because the property abuts the Woods Addition, particular attention was given to the proposed buffering techniques. With the existing drainage channel as a natural buffer to the residential development to the west and north, staff believes the application meets the intent of the Moore Vision 20/20. Staff recommended approval of the item.

Mayor Lewis asked why the applicant decided to construct a mini-storage instead of retail development. Councilman Krows indicated that there are approximately 60 storage units in Moore and the surrounding area. The applicant, Jason Nedrow, stated that he looked into the feasibility of a mini-storage and felt it would bring a good return on their investment. The lot was very deep with narrow frontage. They wanted to put in retail on the frontage with mini-storage in the back but they couldn't fit it on the lot. Mayor Lewis agreed that the City doesn't need more mini-storage. Councilman Cavnar indicated that he liked the idea of retail development much better. Councilman Roberts commented that the land was a difficult configuration. He felt that the area needed to be developed to improve the looks of the area. If the developer continued with the concept he thought the City would be pleased with the looks of it. He felt there would be a market for mini-storage. Mr. Nedrow indicated that they were spending so much money on the front elevation to make it aesthetically appealing.

Councilman Hamm asked if once the item was approved could the applicant change some of the things included in the rendering. Mr. Eddy indicated that he must meet certain aesthetic requirements included in the C-3 ordinance; however, the elevation being proposed is much nicer than the requirements. If it was in a PUD the specific elevations and materials could be tied down. Even the proposed use could be changed to something in the C-3 zoning district. Mr. Eddy commented that the City Council should make their decision based solely on the land use and if the location is appropriate for the proposed use. Councilman Krows commented that although the mini-storage was nice he did not feel the location was appropriate for it.

**Councilman Krows moved to deny Rezoning Application No. 898, located in the SE/4 of Section 14, T10N, R3W, being south of Main Street and west of Eastern Avenue, from C-3 General Commercial District to C3/PU General Commercial District with a Permissive Use; and Ordinance No. 744(13), second by Councilman Hamm. Motion carried by majority vote.**

Ayes: Krows, Blair, Cavnar, Hamm  
Nays: Griffith, Roberts, Lewis

**Agenda Item Number 13 being:**

CONSIDER AWARDDING BID NO. 1213-007 "BRAND SENIOR CENTER EXPANSION" TO APOLLO BUILDING SYSTEMS, WITH ALTERNATE NO. 1, IN THE AMOUNT OF \$331,000.

Elizabeth Jones, Community Development Director, stated that the Brand Senior Center Expansion would be funded using \$228,000 in 2012 CDBG funding. The remainder of the project would be funded using the ¼ cent sales tax. There will be 2,000 square feet addition added onto the east side of the building to be used for dominoes, craft room, computer lab, and billiards. Alternate No. 1 would include interior painting throughout the building.

**Councilman Hamm moved to award Bid No. 1213-007 "Brand Senior Center Expansion" to Apollo Building Systems with Alternate No. 1, in the amount of \$331,000, second by Councilman Krows. Motion carried unanimously.**

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

**Addendum Item Number 13.1 being:**

CONSIDER APPROVAL OF A CONTRACT WITH TAP ARCHITECTURE IN AN AMOUNT NOT TO EXCEED \$1,794,790 FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE NEW CENTRAL MOORE PARK, TO INCLUDE A COMMUNITY CENTER, AQUATIC FACILITY, AMPHITHEATER, FARMER'S MARKET/MULTIPURPOSE BUILDING, WALKING TRAIL, AND INFRASTRUCTURE DEVELOPMENT.

**This item was heard before Agenda Item No. 16.**

**THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 7:40 P.M.**

**Agenda Item Number 14 being:**

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD MARCH 18, 2013.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2012-2013 IN THE AMOUNT OF \$1,701,661.49.

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

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

**THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 7:42 P.M.**

**Agenda Item Number 15 being:**

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD MARCH 18, 2013.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2012-2013 IN THE AMOUNT OF \$164,881.26.

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

Ayes: Krows, Blair, Griffith, 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 7:45 P.M.**

**Addendum Item Number 13.1 being:**

CONSIDER APPROVAL OF A CONTRACT WITH TAP ARCHITECTURE IN AN AMOUNT NOT TO EXCEED \$1,794,790 FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE NEW CENTRAL MOORE PARK, TO INCLUDE A COMMUNITY CENTER, AQUATIC FACILITY, AMPHITHEATER, FARMER'S MARKET/MULTIPURPOSE BUILDING, WALKING TRAIL, AND INFRASTRUCTURE DEVELOPMENT.

Steve Eddy, City Manager, stated that the City accepted proposals from engineering and architectural firms. There were sixteen submittals and a committee interviewed five of those firms. The committee recommended TAP Architecture. The contract will include all of the planning and architectural work for all of the components for the new park. This will be a three or four year contract. Mr. McDermid is the principle for TAP Architecture located in Oklahoma City.

**Councilman Roberts moved to approve a contract with TAP Architecture in an amount not to exceed \$1,794,790 for architectural and engineering design services for the new Central Moore Park to include a community center, aquatic facility, amphitheater, farmer's market/multipurpose building, walking trail, and infrastructure development, second by Councilman Cavnar. Motion carried unanimously.**

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

**Agenda Item Number 16 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 requested that the topic of a 34<sup>th</sup> Street Bridge be discussed at the upcoming City Council retreat.

Councilman Roberts felt that the subject of Open Meeting laws should be reviewed at the retreat. He felt that items on the Consent Docket cannot be discussed. Before any discussion can occur an item must be pulled from the Consent Docket.

Councilwoman Griffith announced that this would be her last meeting as Councilwoman for Ward 2. She thanked everyone for the last eight years of support. Steve Eddy, City Manager, asked Councilwoman Griffith to come back for a reception prior to the April 15, 2013 meeting to honor her and the newly elected councilman. Councilman Hamm expressed his appreciation to Councilwoman Griffith for her willingness to help him as a newly elected councilman learn more about Ward 2.

Councilman Krows commented that the street crews were doing a great job keeping dirt and debris off of Broadway.

C) ITEMS FROM THE CITY/TRUST MANAGER.

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

- Offered condolences to Finance Director/City Clerk Jim Corbett on the loss of his son.
- Toured the new wastewater treatment plant.
- Significant amount of work being done on 12<sup>th</sup> Street
- Traffic engineers completed the retiming of the traffic signals at 5<sup>th</sup> and Telephone.

**Agenda Item Number 17 being:**

EXECUTIVE SESSION

- A) DISCUSS AND, IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING LITIGATION STYLED PEPPER MACKEY BUILDING COMPANY, LLC AND SUMMITT QUALITY HOMES, INC., V. THE CITY OF MOORE, CASE NO. CJ-2012-154L, 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) DISCUSS AND, IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING LITIGATION STYLED RONNIE BIGWHIP, INDIVIDUALLY AND AS FATHER AND NEXT FRIEND OF TAZIA BIGWHIP, V. THE CITY OF MOORE, CASE NO. CJ-2011-115L, 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).
- C) CONVENE INTO EXECUTIVE SESSION

**Councilman Krows moved to convene into executive session, second by Councilman Hamm. Motion carried unanimously.**

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

**The City Council convened into executive session at 7:55 p.m.**

D) RECONVENE FROM EXECUTIVE SESSION

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

**The City Council reconvened from executive session at 8:25 p.m.**

E) ACTION.

- A) DISCUSS AND, IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING LITIGATION STYLED PEPPER MACKEY BUILDING COMPANY, LLC AND SUMMITT QUALITY HOMES, INC., V. THE CITY OF MOORE, CASE NO. CJ-2012-154L, 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 take action as directed in executive session regarding pending litigation styled Pepper Mackey Building Company, LLC and Summitt Quality Homes, Inc., v. the City of Moore, Case No. CJ-2012-154L, second by Councilwoman Griffith. Motion carried unanimously.**

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

- B) DISCUSS AND, IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING LITIGATION STYLED RONNIE BIGWHIP, INDIVIDUALLY AND AS FATHER AND NEXT FRIEND OF TAZIA BIGWHIP, V. THE CITY OF MOORE, CASE NO. CJ-2011-115L, 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 take action as directed in executive session regarding pending litigation styled Ronnie Bigwhip, individually and as father and next friend of Tazia Bigwhip, v. the City of Moore, Case No. CJ-2011-115L, second by Councilman Blair. Motion carried unanimously.**

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

**Agenda Item Number 18 being:**

ADJOURNMENT

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

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

**The City Council, Moore Public Works Authority, Moore Risk Management and Moore Economic Development Authority meetings were adjourned at 8:27 p.m.**

TRANSCRIBED BY:

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

RECORDED BY:

\_\_\_\_\_  
CAROL FOLSOM, Purchasing Agent

FOR:

\_\_\_\_\_  
DAVID ROBERTS, MPWA Secretary

These minutes passed and approved as noted this \_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

\_\_\_\_\_  
JIM CORBETT, City Clerk