

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
MAY 5, 2014 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on May 5, 2014 at 6:30 p.m. with Mayor Glenn Lewis presiding.

David Roberts
Councilman, Ward I

Robert Krows
Councilman, Ward I

Scott Singer
Councilman, Ward II

Mark Hamm
Councilman, Ward II

Jason Blair
Councilman, Ward III

Terry Cavnar
Councilman, Ward III

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

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; City Clerk/Finance Director, Jim Corbett; City Attorney, Randy Brink; Community Development Director, Elizabeth Jones; Economic Development Director, Deidre Ebrey; Marketing Specialist, Jayme Shelton; Emergency Management Director, Gayland Kitch; Fire Chief, Gary Bird; Manager of Information Technology, David Thompson; Parks and Recreation Director, Todd Jenson; Police Chief, Jerry Stillings; Lieutenant James Fagans; Sergeant David Dickinson; Public Works Director, Richard Sandefur; Risk Manager, Gary Benefield; Veolia Water Project Manager, Robert Pistole; and Purchasing Agent, Carol Folsom.

Mayor Lewis read a proclamation declaring the week of May 11-17, 2014 as Police Week in Moore and directing that all flags be flown at half-staff on May 15, 2014 for Peace Officers Memorial Day. Sergeant Dickinson was asked to announce various activities planned for the week. He advised that a trailer registration program was scheduled for May 11, 2014. A Memorial Service will be held on May 15, 2014 at 4:00 p.m. at the Public Safety Center honoring fallen officers and their families. And a Kid's Bike Safety Fair will be held on May 17, 2014 from 10 am to 12 pm at Buck Thomas Park. Sgt. Dickinson encouraged everyone to attend.

Mayor Lewis thanked Councilman Singer and Councilman Hamm for their service in law enforcement. Councilman Krows mentioned that three police officers had traveled to Arkansas to assist those communities who were hit by a recent tornado.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD APRIL 21, 2014.
- B) RECEIVE THE MINUTES OF THE PLANNING COMMISSION MEETING HELD FEBRUARY 11, 2014.

- C) APPROVE A FIELD LEASE AGREEMENT WITH THE MOORE GIRLS SOFTBALL ASSOCIATION ("MGSA") FOR ONE-YEAR.
- D) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2013-2014 IN THE AMOUNT OF \$1,370,216.33.

Councilman Singer moved to approve the consent docket in its entirety, second by Councilman Blair.

Carol Folsom, Purchasing Agent, indicated that a citizen signed up to speak regarding Agenda Item No. 2B. Mayor Lewis asked for a motion to pull the item from the Consent Docket.

Councilman Krows moved to remove Agenda Item No. 2B from the consent docket and consider it separately, second by Councilman Singer. Motion carried unanimously.

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

Steve Hardeman, 2101 NE 18th, commented that the Planning Commission Meeting minutes were inaccurate. He stated that Elizabeth Jones, Community Development Director, indicated that the proposed rezoning for a dog kennel was A-1. Then it appeared that the rezoning was for A-2. They were also told that the dogs would not be allowed outside and then they discovered that they would be allowed outside. Mr. Hardeman stated that he had a difficult time obtaining the minutes. Ms. Jones indicated that the minutes listed under Agenda Item No. 2B were for the February 11, 2014 Planning Commission Meeting. The meeting that Mr. Hardeman was referring to was held on April 8, 2014 and was not on the agenda for consideration.

Mayor Lewis asked that a motion be made to place Agenda Item No. 2B back into the consent docket for consideration.

Councilman Krows moved to place Agenda Item No. 2B back into the consent docket for consideration, second by Councilman Singer. Motion carried unanimously.

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

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

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

Agenda Item Number 3 being:

CONSIDER APPEAL TO CONDEMNATION ORDER FOR 904 S. HOWARD.

Elizabeth Jones, Community Development Director, advised that the rental property owned by Evva King was located at 904 S. Howard. The home was damaged in the May 20, 2013 tornado and Ms. King did not have insurance and was having difficulty obtaining building materials. Ms. Jones stated that a Notice for Condemnation was mailed out on March 20, 2014. An Administrative Hearing was held April 2, 2014 at which time it was determined that the condemnation would move forward since Ms. King could not

estimate when the repairs would be completed. Subsequently, Ms. King notified staff that she would be working with Serve Moore who had agreed to supply volunteers to assist with repairs. Ms. Jones noted that once school is out they anticipate having additional volunteers that can be assigned to the project. Because Serve Moore has agreed to help with repairs staff would recommend extending the Condemnation Order for 45 days to allow the homeowner an opportunity to show compliance. Ms. Jones advised that Ms. King was in attendance at the meeting, along with Sean Evans with Serve Moore, to answer questions.

Councilman Krows asked Mr. Evans to describe how they plan to assist Ms. King with the repairs and an estimate of how long it might take. Sean Evans indicated that windows have been ordered and delivered. They have skilled laborers who are willing to assist with the project and are scheduled to arrive the first week of June. Work will then begin on the interior of the home. Mr. Evans stated that Serve Moore has committed to helping Ms. King and are waiting for the arrival of skilled laborers. Mayor Lewis asked Mr. Evans if 45 days would be a sufficient amount of time. Mr. Evans stated that they should have no problem beginning work within the 45 days since they have a team due to arrive on site June 9, 2014. Mayor Lewis advised Serve Moore to contact the City if an extension became necessary.

Councilman Krows moved to approve a 45 day extension to the Condemnation Order issued for 904 S. Howard, second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER THE FINAL PLAT OF SIENA RIDGE, SECTION 2, LOCATED IN THE NE/4 OF SECTION 12, T10N, R3W, BEING SOUTH OF NE 27TH STREET AND WEST OF BRYANT AVENUE. APPLICATION BY AFFINITY DEVELOPMENT GROUP, LLC/BRANDON WALLER. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0).

Elizabeth Jones, Community Development Director, advised the subject property located south of NE 27th Street and west of N. Bryant Avenue was zoned R-1 for a single-family residential community. The Final Plat consisted of 44 lots on approximately 12 acres resulting in a density of 4 units per acre. Access will be provided from N. Bryant Avenue with one curb cut proposed. Additional access was proposed through existing streets installed with Siena Ridge Section 1. There is no flood plain located on the property and water and sewer would be extended to serve the site. Staff recommended approval of the item.

Councilman Hamm moved to approve the Final Plat of Siena Ridge, Section 2, located in the NE/4 of Section 12, T10N, R3W, being south of NE 27th Street and west of Bryant Avenue, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER THE FINAL PLAT OF THIRTY5 WEST AT ROYAL ROCK, LOCATED IN THE SE/4 OF SECTION 22, T10N, R3W, BEING NORTH OF SW 19TH STREET AND WEST OF TELEPHONE ROAD. APPLICATION BY ROYAL PARK BUSINESS DEVELOPMENT, LLC/PAT BROADFOOT. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0).

Elizabeth Jones, Community Development Director, advised the vacant property containing 17 acres was located north of SW 19th Street and west of Telephone Road. The final plat shows one lot for the approved Thirty5 West Apartments that will include 314 multi-family units. Water and sewer will be extended to serve the site. There is no FEMA floodplain located on the property. Ms. Jones stated that detention is required and will be located on the southern portion of the tract. Access would be provided by SW 19th Street through a private drive. A required secondary access would be provided through SW 17th Street and Yule Drive. She noted that SW 17th was a collector street with access to Max Morgan Blvd. and Telephone Road. Ms. Jones stated that the applicant must comply with the Gated Communities Ordinance since this will be a gated community. Staff recommended approval of the item.

Councilman Hamm asked if the intersection of SW 17th and Telephone Road would be improved with traffic signals. Steve Eddy, City Manager, indicated that it was included in the redevelopment proposed for the area along with the relocation of 17th Street.

Councilman Hamm moved to approve the Final Plat of Thirty5 West at Royal Rock, located in the SE/4 of Section 22, T10N, R3W, being north of SW 19th Street and west of Telephone Road, second by Councilman Singer. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER REZONING APPLICATION NO. RZ-911 LOCATED IN THE SE/4 OF SECTION 12, T10N, R3W, BEING SOUTH OF NE 27TH STREET AND WEST OF BRYANT AVENUE, FROM A-1 RURAL AGRICULTURAL DISTRICT TO A-2/PU SUBURBAN AGRICULTURAL DISTRICT/WITH A PERMISSIVE USE; AND APPROVE ORDINANCE NO. 769(14). APPLICATION BY JUDITH TRUSSELL. (PLANNING COMMISSION RECOMMENDED APPROVAL 5-2).

Elizabeth Jones, Community Development Director, advised that the proposed rezoning application generated a lot of discussion at the last Planning Commission meeting. An official protest was filed which included 71% of the eligible properties located within a 300 foot radius of the site. Ms. Jones stated that official protests requires a super majority, or five affirmative votes, for the item to be approved. Ms. Jones stated that she e-mailed a copy of the protest map to the City Council for their review. The applicant requested a neighborhood meeting be held on May 1, 2014 to discuss the protestors' concerns. Ms. Jones advised that the meeting was unsuccessful; therefore, the applicant was requesting a continuance to the May 19, 2014 City Council meeting in order to have time to find a workable solution. Staff recommended granting the applicant's request for a two-week continuance.

Councilman Krows asked what action the applicant planned to take. Ms. Jones indicated that the applicant was planning to hire counsel to guide them through the process of how to move forward by coming up with items that could help in reaching an agreement. Mayor Lewis asked if the applicant was considering a different location. Ms. Jones indicated that she did not believe that was one of their options.

Councilman Krows stated that he did not like postponing consideration of an item since interested parties were inconvenienced. He asked if the City Council would consider listening to the concerns of the protestors who were in attendance. Mayor Lewis stated that both parties should have the opportunity to address the issue. Councilman Krows indicated that he would like to hear their comments since they made the effort to attend the meeting.

Citizens to Speak:

Tammy Evans, 2100 NE 18th, expressed her appreciation to the City Council for allowing them to speak. Ms. Evans stated that her property is located across the street from the proposed rezoning. She was born and raised in Moore and invested time and money into her custom built property in the Lost Creek Addition. She has been diagnosed with a rare eye disease that is robbing her of her vision. After her vision is gone the last thing she wants is to be left listening to barking dogs all day and throughout the evening while attempting to spend time entertaining guests or swimming in her pool. Ms. Evans felt there was a hidden agenda that the City was keeping from them regarding the property and the new parks plan. Two of the Planning Commissioners argued with them and they believe the Planning Commission minutes are incorrect. The Musgroves indicated that they have been unable to utilize their current kennel at 1701 N. Bryant due to its condition. City staff is grandfathering in the old kennel saying that it has been in continuous use. Ms. Evans stated that the business was not registered with the Secretary of State until July 2013 with an address of 1705 N. Bryant. The Cleveland County Assessor's records reflect that the property was purchased on August 9, 2013. The old kennel wasn't purchased until September 22, 2010 with their personal residence sitting behind the kennel. Ms. Evans advised that she obtained a letter from the Deputy County Assessor stating no personal business tax had been filed on the commercial property since 2001. Ms. Evans asked if information from the Oklahoma Tax Commission had been verified on the business or if staff inspected the condition of the applicant's properties. She felt that the proposed location sits too close to Bryant, and traffic and odors will create a nuisance to the adjacent homeowners. Ms. Evans felt that the kennel would lower her property value. The City ordinances are outdated and do not include rules or regulations. No licenses or permits are required for this type of business. She expressed concern that they never shut their gate and a dog could escape and attack a child at the park, daycare, or elementary school located nearby. Ms. Evans advised that she left the neighborhood meeting after Ms. Musgrove indicated that she did not care what the neighbors thought about the kennel. Ms. Evans stated that regardless of what the applicant proposed she does not want a commercial enterprise operating this close to her backyard. The previous owner only used the property for show dogs and they were out of town most of the time. Ms. Evans believed that staff was catering to the property owner instead of listening to the adjacent property owners who are all opposed to the rezoning.

Steve Hardeman, 2101 NE 18th, read Section 12-223 of the City Code which covers area and height regulations. It states that all lot improvements in the A-2 Suburban Agricultural District should have a minimum depth of 50 feet with a minimum setback of 75 feet from any section line road. He noted that the applicant's house is 67 feet from the center of Bryant, and is 42 feet from the easement. This means it is 33 feet too close to the road. Mr. Hardeman stated that state statutes prevent them from being any closer than 2,500 feet to a school or daycare. They are approximately 835 feet from a daycare and 2,200 to an elementary school.

Janice Turner, 2101 NE 15th, submitted pictures to the City Council of the view from her back porch. She indicated that they are the closest property owner to the applicant which is located approximately 100 feet away. Ms. Turner stated that she moved to Moore in 1980 after Tom Strouhal suggested it was the perfect place to raise a family. Mr. Strouhal built her first home in J.D. Estates. Ten years and three kids later they built another home on SE 15th. In 1998 they moved to Germany and returned four years later. In 2003 after her husband's deployment to Iraq they decided Moore was where they wanted to live following her husband's retirement from the Air Force. In 2003 they moved into the Lost Creek Addition. Ms. Jones advised at the Planning Commission meeting that permissive uses by definition are uses that may not be appropriate in all areas due to potentially undesirable characteristics. The City Council must determine if a 100-foot setback from single-family homes is adequate. One hundred percent of the property owners surrounding the applicant's property are opposed. They have all signed a petition signifying their feelings. They were aware of an existing kennel when they purchased their home; however, they were told that they were for show dogs only and boarding would be sporadic. The gray

building located on the property was not visible in its entirety due to a large berm of trees planted behind their house at the time of the purchase. In the past few years the City was forced to remove the trees and the berm for better drainage. They have since replanted seven trees closer to their fence to act as a site barrier and 12 trees in their backyard for the same reason. Ms. Turner believes they have the right to the quiet enjoyment of their own property. The kennel will require the homeowners to make the accommodation since theoretically the dogs will control their lives inside or outside their own home.

Don Turner, 2101 NE 15th, stated that he was sorry that the City Council had to listen to the issues but felt they were obviously very sensitive issues. Mr. Turner stated that urbanization has taken place in the addition up against the fences of some agricultural A-1 and A-2 zoning areas and was creating a conflict. Mr. Turner asked that the City Council keep in mind that the reason for so much discussion regarding the topic was that everyone in close proximity was fearful that it would infringe on their daily lives. The business would be a 24-hour a day 7-day a week operation. He was researching the issue and was uncertain why a commercial business would be allowed in an agricultural setting since dogs are not considered livestock. Around 70 petitioners are on the petition. No one wants the kennel located in their addition. He believes that the kennel will potentially be a constant nuisance to the property owners. Mr. Turner expressed his appreciation to the City Council for allowing them the opportunity to discuss their concerns. He stated that they wanted to be good neighbors but did not want their neighbors to infringe on their right to enjoy their neighborhood in a peaceful environment.

Mayor Lewis asked if the applicant would like to speak. Ms. Trussell stated that they had met with the homeowners in order to work out a compromise. They purchased the business in 2010 and have been in continuous operation since that time. To be able to operate and renovate the current building would create the same situation the surrounding property owners did not want in the past. It would solve all of their concerns if the permissive use is granted for the house. It is more of an upscale resort type of facility instead of an indoor/outdoor kennel. She respectfully requested that the item be tabled to allow her the opportunity to obtain answers to questions posed by the City and the protestors.

Councilman Krows advised that he listened to the concerns of the surrounding homeowners. He suggested that Ms. Trussell might want to work on a compromise that was agreeable to everyone.

Councilman Hamm asked staff to review the minutes Mr. Hardeman was referring to earlier in the meeting to make sure they are accurate.

Councilman Krows moved to table Agenda Item No. 6 to the May 19, 2014 City Council meeting, second by Councilman Hamm. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER REZONING APPLICATION NO. RZ-912 LOCATED IN THE SW/4 OF SECTION 15, T10N, R3W, BEING NORTH OF SW 4TH STREET AND EAST OF SANTA FE AVENUE, FROM C-3 GENERAL COMMERCIAL DISTRICT TO C-3/PU GENERAL COMMERCIAL DISTRICT/WITH A PERMISSIVE USE; AND APPROVE ORDINANCE NO. 770(14). APPLICATION BY JACOB BOYER. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0).

Elizabeth Jones, Community Development Director, advised that Rezoning Application No. RZ-912 was for a doggie daycare to be located on the northeast corner of SW 4th and S. Santa Fe Avenue. The property was previously a child daycare until it was cleared for redevelopment in 2013. The applicant owns and operates an existing veterinary clinic and boarding facility in Norman and wishes to relocate his business

to Moore. He planned to expand his services to include daycare for dogs and boarding services with outdoor runs. Ms. Jones stated that an ancillary living unit for emergency personnel would be located on the top floor of the facility. In review of the application staff looked at noise issues which is one of the most common concerns regarding this type of business. As a reference they looked at an existing business, Vera's Doggy Daycare. She believed that locating this type of daycare in a commercialized area is beneficial since the ambient noise drowns out some of the barking. This facility would abut the Southgate Addition to the north. The proposed outdoor play area is located approximately 100 feet south of the single-family residential lots. The applicant proposed a 7-foot masonry fence along the east and north side of the outdoor run area for noise abatement. Staff believes this is an appropriate use in a commercial setting; however, the City Council must determine if the 100' setback from residential homes along with the 7' masonry fence is adequate for noise mitigation. If Council decides to approve the application staff would recommend adding the contingency that the 7' masonry fence be required around the north and east property lines, and that all dogs must be boarded inside for overnight care. Ms. Jones noted that the applicant was agreeable to those conditions.

Mayor Lewis asked if there is an existing house on the site. Ms. Jones replied that it is a vacant lot on which they would have new construction. Mayor Lewis inquired about the state law previously mentioned which prohibits a kennel from being located next to a school. Ms. Jones understood that the state law was referring to breeding dogs, which is different than boarding dogs. Councilman Krows asked Mr. Brink if he was familiar with the law being referred to. Mr. Brink stated that he was not. Mayor Lewis felt that the issue should be resolved before the Council takes action. He suggested tabling the item to the end of the Council agenda to give the City Attorney an opportunity to research the issue.

Councilman Krows moved to move the item to the end of the City Council meeting, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER REZONING APPLICATION NO. RZ-913 LOCATED IN THE NE/4 OF SECTION 30, T10N, R2W, BEING SOUTH OF SE 19TH STREET AND WEST OF SUNNYLANE ROAD, FROM A-1 RURAL AGRICULTURAL DISTRICT TO R-1 SINGLE-FAMILY DEVELOPMENT; AND APPROVE ORDINANCE NO. 771(14).

Elizabeth Jones, Community Development Director, stated that Agenda Items No. 8 and 9 are companion items. The subject site is located south of SE 19th Street and west of Sunnylan Road. The applicant proposed developing the property into a single-family residential neighborhood. The Edgewater Addition will have 220 lots on 98 acres. This would result in a density of two lots per acre. To accommodate this use the property must be rezoned to R-1 Single-Family Residential.

Water and sewer will be extended to serve the site. Ms. Jones advised that there is a significant amount of floodplain located on the property; therefore, the applicant would be required to complete the appropriate FEMA submittals for development within a floodplain. Detention will also be required. The applicant has proposed detention from several ponds located primarily along the southeast section of the site. Access will be provided from SE 19th, which is a rural arterial roadway. Ms. Jones stated that the request is in compliance with the Moore Comprehensive Plan and recommended approval of the items. Ms. Jones stated that the applicant was unable to be in attendance at the meeting.

Councilman Krows asked if there was any protestors at the Planning Commission. Ms. Jones stated that there were two woman who attended the meeting to obtain information.

Councilman Hamm asked if the three or four homes located on Scott Drive were on well water and City sewer. Ms. Jones indicated that they were not on City sewer and assumed they were on well water but was unsure. Councilman Hamm asked if those homeowners would be able to utilize City services if the proposed development was approved. Ms. Jones advised that a significant drainage channel divides those properties from this site making it cost prohibitive for the homeowners to tie into the utilities.

Councilman Krows moved to approve Rezoning Application No. RZ-913 located in the NE/4 of Section 30, T10N, R2W, being south of SE 19th Street and west of Sunnyslane Road, from A-1 Rural Agricultural District to R-1 Single-Family Development; and approve Ordinance No. 771(14), second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER THE PRELIMINARY PLAT OF EDGEWATER ADDITION LOCATED IN THE NE/4 OF SECTION 30, T10N, R2W, BEING SOUTH OF SE 19TH STREET AND WEST OF SUNNYLANE ROAD. APPLICATION BY R&R LAND DEVELOPMENT, LLC/ROCKY CLARK. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0).

Councilman Krows moved to approve the Preliminary Plat of Edgewater Addition located in the NE/4 of Section 30, T10N, R2W, being south of SE 19th Street and west of Sunnyslane Road, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 10 being:

CONSIDER MOORE VISION 20/20 COMPREHENSIVE PLAN AMENDMENT NO. 42, LOCATED IN THE NE/4 OF SECTION 11, T10N, R3W, BEING SOUTH OF NE 27TH STREET AND WEST OF EASTERN AVENUE, FROM MEDIUM COMMERCIAL/LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL FOR A DUPLEX SENIOR DEVELOPMENT. APPLICATION BY JUSTIN RHODES. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0).

Elizabeth Jones, Community Development Director, advised that Agenda Items No. 10 and 11 are companion items. The subject site is located south of NE 27th Street and west of Eastern Avenue. The large lot rural development was originally platted in the 1930s as Pioneer Acres. Since that time the property has remained vacant in large part due to the lack of utilities. Since that time City services have been extended closer to the site resulting in renewed interest. The applicant proposes a 36-unit senior housing development on approximately 5 acres resulting in a density of 7 units per acre. To accommodate this use the property must be rezoned to R-3 as a Planned Unit Development and the comprehensive plan amended to Medium Density. Public water and sewer are available to the site with access provided from NE 27th Street requiring one curb cut. The development will be gated and therefore must comply with the City's Gated Community Ordinance. A secondary emergency access will be provided from Little Lane. Pursuant to the Moore Vision 20/20 the applicant is utilizing a Planned Unit Development to achieve higher densities. In exchange for the City relaxing certain density requirements other amenities are being provided that may not otherwise be required. The PUD proposal included the following amenities:

- 2,000 square foot clubhouse
- All structures limited to one story
- 70% masonry requirement and one car attached garage for all of the units.
- Divided median entry street
- Minimum of 33 trees and brick entryway fencing along 27th Street

Because it is a growing section of Moore and the application meets PUD requirements staff recommended approval of the items.

Councilman Hamm asked if Little Lane is a private roadway. Ms. Jones indicated that it is a City street and would be used for emergency access only.

Councilman Singer moved to approve the Moore Vision 20/20 Comprehensive Plan Amendment No. 42, located in the NE/4 of Section 11, T10N, R3W, being south of NE 27th Street and west of Eastern Avenue, from Medium Commercial/Low Density Residential to Medium Density Residential for a Duplex Senior Development, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 11 being:

CONSIDER REZONING APPLICATION NO. RZ-914 LOCATED IN THE NE/4 OF SECTION 11, T10N, R3W, BEING SOUTH OF NE 27TH STREET AND WEST OF EASTERN AVENUE, FROM A-2 SUBURBAN AGRICULTURAL DISTRICT TO R-3/PUD GENERAL RESIDENTIAL DISTRICT/PLANNED UNIT DEVELOPMENT; AND APPROVE ORDINANCE NO. 772(14). APPLICATION BY JUSTIN RHODES. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0).

Councilman Krows moved to approve Rezoning Application No. RZ-914 located in the NE/4 of Section 11, T10N, R3W, being south of NE 27th Street and west of Eastern Avenue, from A-2 Suburban Agricultural District to R-3/PUD General Residential District/Planned Unit Development; and approve Ordinance No. 772(14), second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 12 being:

CONSIDER REZONING APPLICATION NO. RZ-915 LOCATED IN THE SW/4 OF SECTION 29, T10N, R2W, BEING NORTH OF SE 34TH STREET AND EAST OF SUNNYLANE ROAD, FROM A-1 RURAL AGRICULTURAL DISTRICT TO A-2 SUBURBAN AGRICULTURAL DISTRICT; AND APPROVE ORDINANCE NO. 773(14). APPLICATION BY KENT DAVIDSON. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0).

Elizabeth Jones, Community Development Director, stated that the subject site is located north of SE 34th Street and east of Sunnylan. The applicant proposes to rezone the property to A-2 Suburban Agricultural District to match the zoning of his current property which sits adjacent to the subject site. The applicant intends to split the property in the future. Since this site is located in a rural area of Moore there is no access to public water or sewer services. The lots will be served with private well and septic systems. Ms. Jones noted that the applicant does not currently have access to Seiter Lane which was shown on the site

plan. Discussion occurred at the Planning Commission with residents who currently have access to and maintain Seiter Lane. Staff believes that the question of access to Seiter Lane does not affect the rezoning issue at hand, and would be reviewed in the future when the applicant proposed a lot split or development on the site. This would also give the applicant an opportunity to work out the problem of access. Staff recommended approval of the item.

Mayor Lewis asked for the size of the property. Ms. Jones advised that it contained approximately seven acres.

Councilman Hamm moved to approve the Rezoning Application No. RZ-915 located in the SW/4 of Section 29, T10N, R2W, being north of SE 34th Street and east of Sunnyslane Road, from A-1 Rural Agricultural District to A-2 Suburban Agricultural District; and approve Ordinance No. 773(14), second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 13 being:

CONSIDER APPROVAL OF NAMES FOR THE NEW PARK, RECREATION CENTER, AND AQUATIC CENTER TO BE LOCATED AT S. 4TH AND BROADWAY: DR. CURTIS BERRY – CENTRAL PARK, IRON HORSE RECREATION CENTER, AND IRON HORSE AQUATIC CENTER.

Todd Jenson, Parks and Recreation Director, stated early on in the planning process staff began identifying an area of land as Central Park and the name stuck. The majority property owner, Becky Marshall and her family, met to discuss the land which was previously owned by her father Dr. Curtis Berry. The amount of money the City budgeted for land purchase fell far short of the appraised value. The Berry family agreed to take the amount budgeted which resulted in a \$1 million to \$1.5 million donation for the park. It was discussed in planning meetings naming the park after Dr. Curtis Berry. Since the site became known early on as Central Park, staff proposed combining the two and naming the park "Dr. Curtis Berry – Central Park." There has been a precedent for that in other parks such as the Tom Strouhal – Little River Park. Mr. Jenson felt that this name would honor the individual and fulfill an obligation to the family for their generous donation. Mr. Jenson advised that the vast majority of cities name their aquatic and recreation centers. He stated that in going through the master plan process the stakeholders and over 1,000 participants in the process appeared to like the railroad history of the land and made that a theme with the architecture and features being offered. They felt that the name Iron Horse would carry on that theme and lend itself to many marketing opportunities.

Mayor Lewis commented that everyone did a great job. Councilman Krows expressed appreciation to the Berry/Marshall family for their extremely generous contribution to the City. Councilman Roberts stated that although he was not in love with the Iron Horse name, he felt the City should honor its commitment to the family. However, he felt that the City Council should be informed before City staff makes commitments such as this. Councilman Hamm agreed and suggested that items such as these should be brought to them prior to it being on the agenda for consideration. Mayor Lewis asked if Council would like to table the item. Councilman Krows asked staff if there was any reason that a decision needed to be made on the naming of the recreation center and aquatic center at this time. Mr. Jenson indicated that there was certainly time to discuss other options. Councilman Krows asked if Councilman Roberts was agreeable to approving the name "Dr. Curtis Berry – Central Park". Councilman Roberts felt that the commitment to the name should be honored. Councilman Cavnar advised that he was aware that staff was discussing making the family name a part of the park name due to the concession that they made on the purchase price. He did not feel there was any intent to keep it hidden. Mayor Lewis also recalled a

discussion where the City would offer naming the park after the family during negotiation of the sale of the land. Councilman Cavnar stated that it was not a surprise and he felt it was an appropriate thing to do.

Councilman Krows asked if Council could move to approve the name of the park only. Randy Brink, City Attorney, felt that the item should be tabled. Councilman Krows thanked Mr. Jenson for the work he did.

Councilman Krows moved to table agenda Item No. 13 to the May 19, 2014 City Council Meeting, second by Councilman Hamm. Motion carried unanimously.

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

Todd Jenson, Parks and Recreation Director, announced that the groundbreaking ceremony for the new park will take place May 9, 2014 at 10:00 a.m. on site at 4th and Broadway.

Steve Eddy, City Manager, advised that a bid solicitation was submitted for contractors on the park project. Mr. Jenson indicated that a pre-bid was scheduled for May 6, 2014 and the bid opening would be held May 15, 2014. Mr. Eddy stated that staff is expecting a lot of interest in the project.

Councilman Cavnar asked for information regarding an event at Little River on May 13, 2014. Mr. Jenson stated that the Devon Corporation donated a considerable amount of money to the Little River Park rebuild. They will be making a presentation at a ribbon cutting to be held May 13, 2014 at 10:00 a.m. On May 15, 2014 at 11:00 a.m. a ribbon cutting will be held at Parmele Park. An invitation was sent to Kelly Elementary, the City Council, and Parks Board. Councilman Cavnar asked if anything had been scheduled for Veterans Park. Mr. Jenson indicated that since park repairs are not finished a date would be selected closer to completion.

Agenda Item Number 14 being:

DISCUSS A POSSIBLE ORDINANCE DEALING WITH LIMITS ON WHERE PROTESTORS CAN STAND AROUND PUBLIC SCHOOLS.

Steve Eddy, City Manager, advised that he had a conversation with the City Manager of Norman regarding their ordinance limiting the number of feet protestors can stand to 150-feet from the point of ingress and egress to public schools. He did not believe it would appear before their City Council for consideration until June.

Councilman Krows spoke to Dr. Romines the superintendent of Moore Public Schools and he would support this type of ordinance. Mr. Eddy indicated that he also spoke to Dr. Romines who told him the same thing.

Randy Brink, City Attorney, agreed with the reasoning behind the ordinance but would not be completely comfortable until it was challenged and upheld in Court.

The current law was discussed about where protestors are legally able to stand. Mr. Eddy confirmed that they can be in the City right-of-way. Councilman Krows stated that they stand on the sidewalks adjacent to school property. Councilman Krows indicated that his interest in the ordinance was not an attempt to restrict Freedom of Speech. His interest was in getting the students to and from school safely and without being harassed. He felt it was intimidating for the walkers to be forced to walk through a picket line to

get home. He mentioned that the City of Norman was also discussing the possibility of prohibiting protests from occurring thirty minutes before or thirty minutes after school.

Mayor Lewis stated that he was in agreement with Councilman Krows that there was a need for this type of ordinance; however, he was concerned that it would not be upheld if challenged. Councilman Krows stated that there are laws involving Freedom of Speech issues that have been upheld.

There was no action taken on this item.

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

Agenda Item Number 15 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD APRIL 21, 2014.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2013-2014 IN THE AMOUNT OF \$347,422.63.

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

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 7:41 P.M.

Agenda Item Number 16 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD APRIL 21, 2014.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2013-2014 IN THE AMOUNT OF \$161,591.73.

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

Ayes: Krows, Blair, Singer, 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 7:42 P.M.

Agenda Item Number 7 being:

CONSIDER REZONING APPLICATION NO. RZ-912 LOCATED IN THE SW/4 OF SECTION 15, T10N, R3W, BEING NORTH OF SW 4TH STREET AND EAST OF SANTA FE AVENUE, FROM C-3 GENERAL COMMERCIAL

DISTRICT TO C-3/PU GENERAL COMMERCIAL DISTRICT/WITH A PERMISSIVE USE; AND APPROVE ORDINANCE NO. 770(14). APPLICATION BY JACOB BOYER. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0).

This item was moved to the end of the City Council meeting to allow City Attorney Randy Brink the opportunity to research state statutes regarding a statement made by a citizen that a dog kennel cannot be located within 2,500 square feet of a school or daycare. Mr. Brink advised that 11 Okla. Stat. § 22-115 states that no dog kennel shall be located within 2,500 feet of a public or private school or licensed daycare facility in a municipality having a population of more than 300,000. Mr. Brink stated that this section would not apply since Moore does not have a population greater than 300,000.

Mayor Lewis asked if anyone in attendance wanted to speak regarding the item. Carol Folsom, Purchasing Agent, advised that she lived in the area and was opposed to having a doggy daycare there. Elizabeth Jones, Community Development Director confirmed that no protestors appeared at the Planning Commission regarding the item.

Councilman Krows asked for the definition of a kennel. Mr. Brink stated that the definition within the statute says that a dog kennel means any place other than a federal, state, or municipal facility, veterinary hospital or medical research institute where more than four dogs beyond the age of six months are kept, harbored, boarded, sheltered, or bred.

The applicant Jacob Boyer asked to speak. He indicated that the facility would primarily be a veterinary office. Dogs would be boarded while being cared for or at the request of the owners who plan to be out of town. The building is 7,200 square feet and the kennel space is around 750 square feet. The outside areas are pushed to the south away from the residential areas.

Councilman Roberts moved to approve Rezoning Application No. RZ-912 located in the SW/4 of Section 15, T10N, R3W, being north of SW 4th Street and east of Santa Fe Avenue, from C-3 General Commercial District to C-3/PU General Commercial District/with a Permissive Use; and approve Ordinance No. 770(14), second by Councilman Singer. Motion carried unanimously.

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

Agenda Item Number 17 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 Krows thanked Robert Pistole and his crew for their work in repairing water lines and have done a great job.

Mayor Lewis thanked the Apache Corporation for their donation of 5,000 trees and a monetary donation in the amount of \$500,000 for storm shelters in schools. He expressed his appreciation for the generous donations. Mayor Lewis thanked the parks department for their help in planting the trees.

Councilman Singer asked if an impact study could be performed on Buck Thomas Park to determine the noise and traffic impact to Lost Creek with Rezoning Application No. 911. Councilman Hamm asked if the City typically does those or if the applicant would be required to. Mr. Eddy stated that Council could certainly request that when the item is discussed at the May 19, 2014 meeting. Councilman Singer wondered if the State EPA would get involved in an issue such as this. Mr. Eddy stated that it was doubtful the EPA would get involved on a local noise issue. He was unaware of a study that had been performed on the park.

Councilman Hamm read a U.S. Supreme Court ruling that it was legal for municipalities to have an invocation prior to the City Council Meetings. He knew the City stopped doing it and wondered if it could be brought back. Councilman Hamm visited the new Public Safety Center and asked if staff felt there was sufficient parking, particularly during municipal court. Mr. Eddy indicated that employee parking will be behind the building. The new parking lot on the east side will be public parking. All of the Main Street parking will be available. Some preliminary discussions have occurred with Intrust Bank regarding the possibility of leasing some parking space. He stated that the only time there should be a problem is when municipal court is in session. They are waiting until court dockets are held there to determine the extent of the problem. Councilman Hamm noticed that there were some buildings for sale off of Broadway along the east side of the street across from Hoffman's Furniture store. He wondered if it would be worth the City purchasing the property to use as parking. Mr. Eddy noted that the owner east of the bank had approached the City regarding the sale of his property, which would be much closer to the Public Safety Center and better suited as a parking lot. Councilman Hamm suggested that as some of the buildings in the Old Town area are purchased the City might try to help the appearance be more tied together with matching facades. Mr. Eddy stated that over the years the City has looked into the issue. It appears that those individuals who can afford to remodel the structures likely would; however, if the City tried to compel it through an ordinance it would likely mean that it would stop growth in the area. He stated that it was originally thought that HUD funds could be used but it does not look as likely now. Councilman Hamm asked if the new park would cause an increase in development in the area. Mr. Eddy stated that the Old Town Association has been working with their merchants to offer activities and festivals to bring people to the area.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Steve Eddy, City Manager, proposed scheduling another budget study session for May 12, 2014 at 6:30 p.m. Several of the council members confirmed their availability.

Agenda Item Number 18 being:

ADJOURNMENT

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

Ayes: Krows, Blair, Singer, 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 7:59 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 _____, 2014.

ATTEST:

JIM CORBETT, City Clerk