

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
SEPTEMBER 8, 2015 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on September 8, 2015 at 6:30 p.m. with Mayor Glenn Lewis presiding.

David Roberts
Councilman, Ward I

Robert Krows
Councilman, Ward I

Melissa Hunt
Councilwoman, Ward II

Mark Hamm
Councilman, Ward II

Jason Blair
Councilman, Ward III

Terry Cavnar
Councilman, Ward III

PRESENT: Krows, Hunt, Cavnar, Roberts, Lewis

ABSENT: Blair, Hamm

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; Assistant City Manager, Todd Jenson; Animal Control Supervisor, John Fryrear; Assistant Finance Director, Cheryl McConnell; Assistant Planner/Grants Manager, Jared Jakubowski; City Attorney, Randy Brink; Community Development Director, Elizabeth Jones; Economic Development Director, Deidre Ebrey; Fire Chief, Gary Bird; Human Resources/Risk Management Director, Gary Benefield; Manager of Information Technology, David Thompson; Assistant Parks and Recreation Director, Chris Villani; Recreation Center Supervisor, Darron Buchanan; PC Technician, Matt Gillentine; Police Chief, Jerry Stillings; Sergeant Jeremy Lewis; Public Works Director, Richard Sandefur; Purchasing Agent, Carol Folsom; and Veolia Water Project Manager, Robert Pistole.

Mayor Lewis read a proclamation declaring September 17-23, 2015 as "Constitution Week" in the City of Moore.

Steve Eddy, City Manager, introduced Sherri Corbett, Melissa Corbett, and Walt Corbett who asked to address the City Council. Sherri Corbett, on behalf of the Corbett family, expressed their sincere gratitude and heartfelt thanks for the outpouring of love, generosity, and concern following the sudden death of her husband, Finance Director/City Clerk Jim Corbett. She wanted to relate how much her husband counted it a privilege and an honor to serve the City of Moore. She stated that he was always so excited about the progress and development he had witnessed during his 21 years with the City, and expressed his admiration and respect for the management and leadership of the community. Ms. Corbett felt that he would also have given credit to the citizens for their courage and bravery during the rebuilding following the catastrophic disasters that occurred here. Finally, she wanted to let his co-workers know how much he loved them and considered them his family away from home. Jim Corbett's daughter, Melissa Corbett, echoed her mother's comments and thanked everyone for the love that was shown following her father's passing but also the love that was shown him during his tenure with the City. Walt Corbett, Jim Corbett's

brother, thanked everyone for their kindness and commented on the attendance at the funeral by the Police and Fire Departments and how much it meant to their family.

Steve Eddy, City Manager, stated that in partnership with Norman Regional Health System the City will offer "The Jim Corbett Heart Scan for Health" to all City of Moore employees. The free heart scan was offered in memory of Jim Corbett to honor him. Mr. Eddy commented that he had the pleasure of working with Jim during his time with the City and everyone loved him. He was a very valuable employee and held a job that was critical to the City. Mr. Eddy commented that he always had confidence in the accuracy of the information and felt confident in the decisions that were made based on the financial information. Mr. Eddy thanked his family for sharing Jim with the City and stated that he would never be forgotten. Mayor Lewis stated that Jim Corbett was one of the finest men he had ever met and thanked his family for coming to the City Council meeting.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 17, 2015.
- B) APPROVE A PARTIAL VACATION OF THE ROYAL ROCK ADDITION, SECTION IV PLAT, TO REMOVE A 25' PRIVATE ROAD EASEMENT. APPLICATION BY PAT BROADFOOT.
- C) ACCEPT A 10' DRAINAGE EASEMENT LOCATED IN THE BELMAR NORTH ADDITION, SECTION 2 FOR CONSTRUCTION AND MAINTENANCE OF A DRAINAGE FLUME. APPLICATION BY BELMAR GOLF, LLC/HUNTER MILLER.
- D) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2015-2016 IN THE AMOUNT OF \$4,552,747.13.

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

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

Agenda Item Number 3 being:

CONSIDER A CONDEMNATION AND DEMOLITION APPEAL FOR 3104 TWIN CIRCLE. APPLICATION BY VIRGIL HAYMON.

Elizabeth Jones, Community Development Director, stated that this item was continued from the August 17, 2015 City Council Meeting. The applicant was granted 30 additional days to make necessary repairs to the home located at 3401 Twin Circle. Mr. Haymon was asked to meet with City staff to obtain a list of repairs and discuss a time line for completion. The item was placed on this agenda in order to obtain an update on work accomplished since August 17, 2015.

Ms. Jones noted that very little work had been performed on the home during the three week period. She stated that a liner was placed on the decking on the roof and the blue tarp was removed. A call log reflected a call from Mr. Haymon to the Building Official on August 24, 2015. At that time a meeting was scheduled at the residence to go over the property and create a time line for repairs. Mr. Haymon met the Building Official on-site on August 25, 2015 where the following items were identified as needing attention within 30 days. A new roof, shingles, siding on the gable ends and eaves of the structure, a new front door, other doors secured that are currently standing open. Mr. Haymon advised that he was waiting for bids on the new roof, but commented that he may decide to install the doors and siding

himself, but could not give a definite completion date. An inspection on September 2, 2015 revealed that a liner had been installed on the roof, but no other repairs were identified. On September 4, 2015 the Building Official notified Mr. Haymon that quotes were being sought for demolition of the property. Mr. Haymon called back with a time line for repairs although staff was unable to speak with him at that time. Ms. Jones advised that the Building Official had a conversation with Mr. Haymon regarding time lines but hesitated to confirm anything without discussing it with the City Council first. Ms. Jones indicated that Mr. Haymon was in attendance at the meeting to answer questions.

Councilman Krows stated that he was absent at the August 17, 2015 City Council meeting when the item was previously discussed. He asked how long the home had been in disrepair. Ms. Jones stated that a fire occurred in the residence in 2012. Since that time the roof trusses and decking had been repaired. The interior was gutted down to the studs. Councilwoman Hunt confirmed that Mr. Haymon purchased the home after the fire.

Virgil Haymon advised that the dormer had been his biggest delay. The last three roofing companies did not want to install a dormer; however, the bidder he is waiting on had agreed to give him an estimate on installing the dormer. He stated that if he does not receive the bid he will begin installing the shingles himself. This would be more costly by coming back after the shingles are on to install the dormer. Mr. Haymon indicated that Council had given him additional time to make the repairs. Councilwoman Hunt stated that Mr. Haymon had three weeks and hasn't even replaced the doors. She commented that she can understand problems getting the roof repaired but none of the other work has been completed either. Mr. Haymon stated that he had to work on the storm shelter and mow the property. He agreed that the doors aren't difficult and he can have them installed by the next day. Councilman Krows asked how long he owned the property. Mr. Haymon stated that he purchased the property approximately two and a half years ago, around four to six months after the fire. He apologized to his neighbors for the delays but he assured them he was working on the repairs.

Stan Drake, Assistant City Manager, stated that he attended the meeting on-site with Mr. Haymon and the Building Official. The storm shelter was completely full of water and the backyard was covered in insulation which provides a home for rodents. He estimated that approximately two months of work has occurred on the house

Kathleen Metcalf, 3109 Twin Circle, stated that Mr. Haymon had been at the residence twice in three weeks and did not appear to be making any effort to fix the problems and she would like to see it demolished.

Jerry Stephens, 3108 Twin Circle, stated that he lives next door to Mr. Haymon and has worked with him for the past two to three years by allowing him access to water and electricity. Mr. Haymon obtained five or six estimates on the roof and had an opportunity to get it scheduled immediately but keeps procrastinating. Mr. Stephens expressed his frustration and felt that something needed to be done.

Councilman Roberts commented that the City Council made a good faith gesture at the August 17, 2015 meeting to give Mr. Haymon an opportunity to get the repairs started. He expressed his dismay that nothing had occurred. Councilman Roberts stated that although Council voted to view the progress of the repairs at this meeting with the option to continue it to the September 21, 2015 Council meeting, it did not mean that the item would be automatically continued. He felt that Mr. Haymon could have found a roofer to start immediately if decided to do so.

Mr. Haymon asked for an additional week on the repairs.

Councilman Roberts moved to uphold the administrative finding to condemn the property at 3104 Twin Circle and order it to demolition, second by Councilman Krows. Motion carried unanimously.

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

Agenda Item Number 4 being:

APPROVE THE FY 15-16 COMMUNITY INTERVENTION CENTER PARTNERSHIP AND SERVICE PROVIDER AGREEMENT WITH CROSSROADS YOUTH AND FAMILY SERVICES IN THE AMOUNT OF \$60,000 TO HOUSE DETAINED JUVENILES.

Steve Eddy, City Manager, stated that the annual contract with Crossroads Youth and Family Services provides the Moore Police Department with a place to house detained juveniles. The contract amount has typically been \$40,000 a year. Due to a shortfall they are experiencing from State budget cuts the proposed contract amount is \$60,000. In order to prevent reduction in hours of service and service levels due to lost funding, staff would recommend approving the contract with the proposed rate increase.

Terran Manning, Director of Youth Services with Crossroads Youth & Family Services, advised that they had to close their facility two days a week due to the funding cuts. During that time detained juveniles were diverted to the emergency youth shelter in Norman. However, when the delinquent kids were placed in the shelter they attempt to beat up and bully the abused and neglected children. The rate increase would allow them to open up one of the two days they are forced to close. Mr. Manning noted that the City of Norman previously approved increases to their contract.

Councilman Krows thanked Mr. Manning for the assistance that Crossroads Youth and Family provides to the community.

Councilman Krows moved to approve the FY 15-16 Community Intervention Center Partnership and Service Provider Agreement with Crossroads Youth and Family Services in the amount of \$60,000 to house detained juveniles, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 5 being:

DISCUSS AND CONSIDER APPROVAL OF A MEMORANDUM OF UNDERSTANDING TO CREATE A REGIONAL TRANSIT AUTHORITY TASK FORCE FOR THE PURPOSE OF DEVELOPING A REGIONAL TRANSIT AUTHORITY IN CENTRAL OKLAHOMA, AND AUTHORIZE THE EXPENDITURE OF \$31,165.97 IN FY 15-16 TO SUPPORT SAID TASK FORCE.

Steve Eddy, City Manager, stated that John Johnson, Executive Director with the Association of Central Oklahoma Governments ("ACOG"), was scheduled to address the City Council regarding the proposed Memorandum of Understanding; however, something came up and he was unable to attend the meeting. Mr. Eddy advised that he would present the item for Mr. Johnson; however, if Council had questions or concerns that he could not address the item could be tabled and arrangements made for Mr. Johnson to attend a future meeting to discuss the item in more detail.

Mr. Eddy indicated that Mr. Johnson attended the May 18, 2015 City Council Meeting to discuss the regional transit project for Central Oklahoma. The possibility of setting up a transit authority for the Oklahoma City metropolitan area had been discussed for some time. A study was recently performed to identify the commuter rail corridors, of which one is the Oklahoma City to Norman corridor through Moore. Since the City will be directly involved Mr. Eddy felt it would be beneficial to be a voting member on a task force or transit authority when one is created and be involved in the process. He stated that the project will continue even if the City opts not to be involved.

Mayor Lewis commented that his issue with the item is that the City does not have a station in the 30-year plan. Mr. Eddy felt that the City should be involved in the process to ensure there is a stop in Moore. He stated that it was his understanding that they have identified a potential station site in Moore. This is something that will take many years to implement.

Councilman Roberts stated that a commuter rail may not be in place during his lifetime but he agreed that Moore needed to be a part of the process in order to have any chance of having a station located here. He felt it was vital to the community to be a part of the transit system. Councilman Roberts believed that the transportation system will be much different 20 to 25 years in the future.

Mayor Lewis also expressed other issues he had with the plan for commuter rail service. He said the first rail would be from downtown Oklahoma City to Tinker Air Force Base. He said that the base is closed and he doesn't see how a commuter rail could operate onto a base. He felt a better option would be from the airport to downtown Oklahoma City. Mayor Lewis did not feel that the City could contribute \$280,000 over a five-year contract if the train does not stop in Moore. Mr. Eddy commented that the proposed contract was for \$31,165.97 for this fiscal year, around \$60,000 next fiscal year, and approximately \$40,000 the following fiscal year.

Councilman Krows asked if the City Council decided to approve the Memorandum of Understanding then ultimately decided there was no benefit to the City, can the City opt out of any financial obligation in the future. Mr. Eddy stated that the City Council could certainly vote not to participate financially in the future. Councilman Roberts felt that the contract would only commit the City for the \$31,165.97 this fiscal year. Mr. Eddy stated that was correct in terms of budgeting; however, the MOU is for a three-year period. The MOU states that the City would participate in the task force which is the precursor to the creation of a metro transit authority. The authority will be a legal entity created at a later date that would cover multiple cities or jurisdictions. The City may choose to participate in the Authority at a later date; however, there is no question that in several years there will be a need for additional funding particularly for construction and ongoing operational costs.

Councilman Roberts stated that he had no objection to tabling the item until Mr. Johnson could attend the meeting to address the Mayor's concerns.

Councilman Krows moved to table Agenda Item No. 5 to the September 21, 2015 City Council Meeting, second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER ADOPTION OF RESOLUTION NO. 830(15) DECLARING VARIOUS IPADS PURCHASED ON OR BEFORE MARCH 1, 2012 AS SURPLUS AND PROVIDING FOR THEIR DISPOSAL.

David Thompson, Manager of Information Technology, stated that Resolution No. 830(15) would declare 80 iPads purchased on or before March 1, 2012 for the Police and Fire Departments as surplus. Mayor Lewis asked if the cases purchased with the iPads would be kept and reused. Mr. Thompson indicated that the mounts could be reused; however, the cases would not fit the new iPads.

Councilman Cavnar asked what would happen to the items once they were declared surplus. Mr. Thompson suggested the City could have an employee buyback program for iPads that were still viable and allow employees who had been using the iPad to purchase it at an equitable price.

Councilwoman Hunt moved to adopt Resolution No. 830(15) declaring various iPads purchased on or before March 1, 2012 as surplus and providing for their disposal, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER MOORE VISION 20/20 COMPREHENSIVE PLAN AMENDMENT NO. 50, LOCATED IN THE SW/4 OF SECTION 25, T10N, R3W, BEING NORTH OF SW 34TH STREET AND EAST OF EASTERN AVENUE, FROM LOW DENSITY RESIDENTIAL DISTRICT TO MEDIUM RESIDENTIAL DISTRICT AND MEDIUM COMMERCIAL DISTRICT. APPLICATION BY STEPHEN HEADLEE. (PLANNING COMMISSION RECOMMENDED APPROVAL 4-3). WARD 1.

Elizabeth Jones, Community Development Director, stated that Agenda Items No. 7, 8 and 9 were companion items related to five acres of vacant property located north of SW 34th Street and east of Eastern Avenue. The applicant proposed a 16 unit duplex housing development on the north three acres while reserving the south two acres located on the corner of S. Eastern and SW 34th for general commercial uses. Public water and sewer must be extended to serve the site. Access will be provided from S. Eastern Avenue with a secondary access for the commercial property from SW 34th Street. The Comprehensive Plan designates the property as Low Density Residential District which are typically R-1 Single-Family uses.

Ms. Jones noted that the proposed preliminary plat is just for the duplex development and does not include the commercial property. The plat contains 8 duplex lots, or 16 units, on three acres. The property is located in a growing area with higher density developments such as patio homes and duplexes located to the south of the site in the Apple Valley and Katie Ridge Additions. She stated that this development will abut single family large acreage residential developments to the north while Medium Commercial land use designation is present to the south and southeast of the site. Due to the growth trend in this area and a mixture of land use densities and medium commercial on the hard corners of the SW 34th and Eastern intersection staff recommended approval of the items.

Ms. Jones advised that several neighbors appeared in opposition to the item at the Planning Commission meeting, citing concerns with the potential uses that could be constructed in a C-3 zoning district, incompatibility between the duplexes and surrounding residential homes, and drainage and traffic concerns. The Planning Commission recommended approval contingent upon a drainage study being

provided at the Final Plat stage to ensure the properties to the north would not be negatively impacted. Since the Planning Commission meeting the neighbors have submitted a protest. Copies of the letter and protest map were provided to the City Council for their review. Ms. Jones advised that the protest area outlined on the map included a 300-foot radius from the subject property encompassing 20.1 acres. The protesting property owners equal 39% of the protest area. She noted that a protest area of 51% would require approval by a supermajority of the City Council. Although the protest did not contain enough signatures to make it an official protest, it does reflect that a significant number of property owners oppose the item. Ms. Jones did reflect on the map the unofficial protest lots that are located in the Lake Woods Addition and Apple Valley Additions but do not fall within the 300-foot radius.

Councilman Krows asked what type of businesses can locate in a C-3 zoning district. Ms. Jones indicated that the C-3 zoning district is the broadest commercial category and could include anything from a dry cleaners or barber shop to a 24-hour gas station.

Councilwoman Hunt asked if the discussion at the Planning Commission involved opposition to the commercial or residential development. Ms. Jones felt it was directed more toward the commercial development; however, the residents who opposed the item were in attendance at the meeting and could express their concerns in more detail.

Citizens to Speak:

Jeffrey and Susan Fox, 3408 Elmo Way, pointed out his home on the plat map and stated that he would directly impacted by the rezoning of the subject property. Ms. Fox contested Ms. Jones statement that their protest was not an official protest because they obtained a list of property owners from the City and they obtained 32 of the 55 signatures. Ms. Jones confirmed that written instructions were mailed to Mr. and Mrs. Fox on how to file a written protest. The written protest requirements are based on State law and sets out the required signatures within the land area. Mr. Fox stated the general concerns expressed among their neighborhood included childrens' safety walking to Broadmoore Elementary School with no sidewalks along 34th Street and a creek located nearby cause the kids to walk in the road to cross the creek. The additional road traffic caused by the commercial development would cause additional safety concerns. Mr. Fox indicated that there are four residential subdivisions located in the area that use SW 34th Street on a routine basis. When the 34th Street Bridge construction gets underway traffic will be diverted to Eastern Avenue. Traffic flow will be disrupted if a high use business such as a restaurant or gas station goes in at the intersection due to the added traffic. He also stated his opinion that the development will cause a decrease in property values. Light and noise issues will also become a problem if a 24-hour business is constructed. Mr. Fox mentioned that drainage problems is a concern for some of the residents. Several residents stated that they purchased homes in the area due to their close proximity to amenities but with a rural feel to it. He commented that an informal traffic count was performed on Eastern Avenue and around 70 cars are passing within a ten minute period currently. Mr. Fox requested that the Council deny the item. Councilman Cavnar asked Mr. Fox what his expectations were for the area when he moved in. Mr. Fox indicated that the area was zoned R-1 so they believed it would be homes. Councilman Cavnar commented that the traffic counts between the duplexes and homes would be similar. Ms. Fox stated that their biggest issue was with the commercial development. Councilman Cavnar asked if the application was for both residential and commercial. Ms. Jones advised that the application was for both and could not be considered separately.

Mayor Lewis asked what business would go into the commercial development. Ms. Jones indicated that the applicant, but that he previously indicated that he did not have a user for the commercial property.

Councilman Krows asked if the individuals who did not sign the petition were in favor of the item. Ms. Fox stated that they did not receive a response from them.

Shar McLaughlin, 3200 S. Eastern, stated that she was also under the impression that they had met the legal definition for an official protest. Of the 55 property owners they were able to contact 45. Ms. McLaughlin stated that 32 out of the 45 signed the petition. She stated that she was opposed to the duplexes and commercial property and was under the impression when they purchased the property that the subject site would be a wildlife refuge or single-family homes. She does not believe that the intersection of 34th and Eastern can handle heavy traffic from a commercial development. Ms. McLaughlin stated that when they had experienced a flooding problem a few years ago the City installed a concrete drainage ditch but was not allowed on the subject site, which caused the problem to become worse on her property. She stated that the area has major drainage issues that would be exacerbated. The increase light and noise is a problem. The owners of the custom built homes on acreages do not want to have duplexes next door.

Councilman Krows asked if a traffic study was done at the 19th and Eastern location before and after the construction of a new 7-Eleven. Mr. Eddy stated that the City had not obtained a traffic study for the site but he has no doubt that traffic has increased in this location since the stores appears to be one of their busiest.

Kathy Metcalf, 3109 Twin Circle, voiced her concern about the increased traffic in the area and did not feel that this was a good location for this type of development.

Councilman Cavnar stated that he does not have a problem with the eight duplexes but does have a concern with the corner being rezoned for commercial development. Councilwoman Hunt concurred.

Applicant Stephen Headlee, 509 SW 34th, indicated that two properties to the south of him are already zoned C-3. When 34th Street becomes a 4-lane roadway the traffic will become heavier regardless of whether or not the item is approved. Mr. Headlee stated that he has no immediate plans to develop the commercial property but would like to have the option if commercial development comes into the area. Mr. Headlee indicated that as the property owner he would be happy to allow the City onto the property to rectify the existing drainage problems. He felt that the duplexes would have a lower density than some of the houses in the area. He stated that he did not believe that his property was contributing to the flooding problem. Mr. Headlee indicated that it was his intention to keep the leasing of the duplexes to individuals 55 and over.

Councilman Roberts stated that he could see valid issues on both sides of the issue. He did not agree that the flooding issue was caused from this property, or that the proposed development would adversely affect property values. However, he also did not feel that having a commercial development at this location made sense without street improvements, but if there were other properties already zoned C-3 he did not feel that the environment would be changed significantly.

Councilman Krows felt that a significant number of individuals living in the area were opposed to the development and he believed that their opinion should be taken into consideration in the decision.

Councilman Krows moved to deny Moore Vision 20/20 Comprehensive Plan Amendment No. 50, located in the SW/4 of Section 25, T10N, R3W, being north of SW 34th Street and east of Eastern Avenue, from Low Density Residential District to Medium Residential District and Medium Commercial District, second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER REZONING APPLICATION NO. RZ-928, LOCATED IN THE SW/4 OF SECTION 25, T10N, R3W, BEING NORTH OF SW 34TH STREET AND EAST OF EASTERN AVENUE, FROM R-1 SINGLE-FAMILY DWELLING DISTRICT TO R-2 TWO-FAMILY DWELLING DISTRICT AND C-3 GENERAL COMMERCIAL DISTRICT; AND APPROVE ORDINANCE NO. 800(15). APPLICATION BY STEPHEN HEADLEE. (PLANNING COMMISSION RECOMMENDED APPROVAL 4-3). WARD 1.

Councilman Krows moved to deny Rezoning Application No. RZ-928, located in the SW/4 of Section 25, T10N, R3W, being north of SW 34th Street and east of Eastern Avenue, from R-1 Single-Family Dwelling District to R-2 Two-Family Dwelling District and C-3 General Commercial District; and approve Ordinance No. 800(15), second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER THE PRELIMINARY PLAT FOR THE MEADOW AT MOORE SOUTH ADDITION, LOCATED IN THE SW/4 OF SECTION 25, T10N, R3W, BEING NORTH OF SW 34TH STREET AND EAST OF EASTERN AVENUE. APPLICATION BY STEPHEN HEADLEE. (PLANNING COMMISSION RECOMMENDED APPROVAL 4-3). WARD 1.

Councilman Krows moved to deny the Preliminary Plat for the Meadow at Moore South Addition, located in the SW/4 of Section 25, T10N, R3W, being north of SW 34th Street and east of Eastern Avenue, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 10 being:

CONSIDER ORDINANCE NO 801(15) AMENDING PART 4, CHAPTER 1, ARTICLE G, SECTION 4-171, 4-172, AND 4-173 OF THE MOORE MUNICIPAL CODE REQUIRING STRUCTURES TO BE LOCKED, MODIFYING OFFSPRING NOTIFICATION, REQUIRING SPAYING AND NEUTERING OF VICIOUS OR POTENTIALLY VICIOUS CANINES, REQUIRING MICROCHIPPING OF VICIOUS OR POTENTIALLY VICIOUS CANINES, REQUIRING ANNUAL REGISTRATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR A REPEALER. LEGAL

Randy Brink, City Attorney stated Ordinance No. 801(15) included proposed changes to the City's vicious canine ordinance recommended by Animal Control Supervisor, John Fryrear. Currently, the ordinances require that vicious animals housed outdoors be placed in a secure pen; however, the proposed ordinance would require that the structure also be locked. Mr. Brink advised that the ordinance also requires microchipping the animal to obtain ownership information and medical history, and provides for mandatory spaying and neutering of an animal deemed to be vicious or potentially vicious. Once an animal is declared vicious or potentially vicious the animal must be registered and an insurance policy obtained in the amount of \$50,000.

Councilman Cavnar suggested that the City be named as an additional insured to guarantee that the City would receive notification in the event the insurance policy was cancelled.

Mayor Lewis asked how an animal is deemed to be vicious. Mr. Brink stated that a potentially vicious canine is one that approaches an individual in a public place in an aggressive manner but does not cause bodily injury to that person because the individual was able to get away or did something to ward off the attack. A vicious canine is one that causes bodily injury to an individual or kills other animals or livestock.

Steve Eddy, City Manager, asked Mr. Brink to review the legal process used to make the determination of vicious or potentially vicious. Mr. Brink stated that a citation is issued for an administrative hearing when a canine is thought to be vicious. The hearing must be held within ten days of issuing the citation. The Judge will hear evidence at the hearing to assist in the determination of whether the dog should be considered vicious or potentially vicious. If the dog is deemed vicious or potentially vicious an order is issued that requires the dog to be registered and photographed and instructions are given on obtaining an insurance policy in order to keep the canine. Other requirements might be to post signs to provide notice of a vicious canine. A review date for 30 days is given on the order to determine if the pen has been constructed and if the owner has met any other requirements. If the individual met the requirements by the review date, the City will typically make a motion to dismiss a charge of Harboring a Vicious Animal. Mr. Brink noted that once a canine is deemed vicious the order is kept with the animal for its lifetime.

Councilman Roberts asked how many orders were in existence. Mr. Fryrear estimated approximately ten orders are issued per year.

Councilwoman Hunt moved to approve Ordinance No. 801(15), second by Councilman Krows. Motion carried unanimously.

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

Agenda Item Number 11 being:

CONSIDER AWARDING BID NO. 1516-001 "PURCHASE AND INSTALLATION OF FURNITURE FOR THE STATION AT CENTRAL PARK RECREATION CENTER" TO ADMIRAL EXPRESS IN THE AMOUNT OF \$124,440.18.

Todd Jenson, Assistant City Manager, advised that the City received two bids for the purchase and installation of furniture for The Station at Central Park Recreation Center. Admiral Express submitted the lowest bid in the amount of \$124,440.18. Mr. Jenson advised that this was a budgeted item.

Councilman Krows moved to award Bid No. 1516-001 "Purchase and Installation of Furniture for The Station at Central Park Recreation Center" to Admiral Express in the amount of \$124,440.18, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 12 being:

CONSIDER AWARDING RFP NO. 1415-012 "PURCHASE AND INSTALLATION OF ALL INCLUSIVE PLAYGROUND EQUIPMENT FOR CENTRAL PARK" TO ACS PLAYGROUND ADVENTURES, INC. IN THE AMOUNT OF \$300,000.

Todd Jenson, Assistant City Manager, stated the proposed bid award was for the purchase and installation of all-inclusive playground equipment for Central Park. The park will be one of the only fully accessible playgrounds in Oklahoma. Mr. Jenson advised that seven playground companies submitted proposals. A committee comprised of City staff, Parks Board Member Janie Milum, Central Park stakeholder Marlene Wood, and AMBUCS member Orlie Boehler, reviewed the proposals and recommended that the bid be awarded to ACS Playground Adventures, Inc. in the amount of \$300,000. Mr. Jenson advised that ACS installed the equipment at Veterans Park and Parmele Park and will install the equipment at Kiwanis Park. He stated that this is a budgeted item.

Councilman Krows confirmed through Mr. Jenson that handicapped accessible parking, restrooms, and drinking fountains were available adjacent to the park.

Orlie Boehler, AMBUCS, thanked Todd Jenson and his staff for their hard work on the project. Mr. Boehler stated that he was impressed with the work done during the RFP process and for staff allowing his input and the input of interested citizens in the development of the park. He indicated that the AMBUCS have been involved in this project for the last four years. Research has shown that this will be a unique park for Oklahoma and the City should be very proud of that. The AMBUCS had one goal in mind and that was to create independence and mobility for people with disabilities. Mr. Boehler stated that the park allowed them to meet this goal. He wanted to thank the City Council and staff for the good job and noted that he has never had this type of cooperation.

Councilman Roberts indicated that he was unfamiliar with the AMBUCS until they became involved in the park project, but he has since found that the organization exists to make life better for other people. The national organization works building custom tricycles so that handicapped children can have accessibility to the outside world. Councilman Roberts stated that he has developed a lot of respect for the organization.

Steve Eddy, City Manager, noted that the AMBUCS made a very generous donation that will likely go toward signage for the park.

Janie Milum, Parks Board, stated that she had been involved with the project for some time and discussed the history of the project. Ms. Milum stated that it had been an exciting and rewarding process for everyone involved. The park will have a steam engine inspired playground with freestanding components that allow children of all abilities to play with their family and friends.

Councilman Krows moved to award RFP No. 1415-012 "Purchase and Installation of All Inclusive Playground Equipment for Central Park" to ACS Playground Adventures, Inc. in the amount of \$300,000, second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 13 being:

CONSIDER APPROVAL OF A CONTRACT WITH POE & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY PROGRAM.

Stan Drake, Assistant City Manager, stated that Agenda Items No. 13-16 are identical engineering contracts with four different companies for various CDBG-DR projects. The City received around 20 to 25 responses to a Request for Proposals. Interviews were held with 13 firms and four firms were selected to perform the necessary engineering for infrastructure improvements located throughout the pathway of the 2013 tornado.

Steve Eddy, City Manager, noted that each of the four contracts were exactly alike. The firms would be used on a rotating basis for various projects as they come up as well as specific projects that have already been identified.

Mayor Lewis confirmed that the contract language had been previously approved by HUD.

Councilman Roberts moved to approve a contract with Poe & Associates, Inc. for professional engineering services for the Community Development Block Grant – Disaster Recovery Program, second by Councilman Cavnar. Motion carried by majority vote.

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

Agenda Item Number 14 being:

CONSIDER APPROVAL OF A CONTRACT WITH MESHEK & ASSOCIATES, PLC FOR PROFESSIONAL ENGINEERING SERVICES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY PROGRAM.

Councilman Roberts moved to approve a contract with Meshek & Associates, PLC for professional engineering services for the Community Development Block Grant – Disaster Recovery Program, second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 15 being:

CONSIDER APPROVAL OF A CONTRACT WITH CEC CORPORATION FOR PROFESSIONAL ENGINEERING SERVICES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY PROGRAM. CAPITAL PLANNING & RESILIENCY/HUD

Councilwoman Hunt moved to approve a contract with CEC Corporation for professional engineering services for the Community Development Block Grant – Disaster Recovery Program, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 16 being:

CONSIDER APPROVAL OF A CONTRACT WITH CABBINESS ENGINEERING FOR PROFESSIONAL ENGINEERING SERVICES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY PROGRAM. CAPITAL PLANNING & RESILIENCY/HUD

Councilman Krows moved to approve a contract with Cabbiness Engineering for professional engineering services for the Community Development Block Grant – Disaster Recovery Program, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 17 being:

DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, AUTHORIZE THE APPOINTMENT OF LEGAL COUNSEL FOR CITY OF MOORE POLICE OFFICER BRIAN CLARKSTON PURSUANT TO 11 O.S. § 23-101, AND ANY OTHER RELEVANT STATE LAW, FOR REPRESENTATION IN CJ-2015-357, NAIR RODRIGUEZ, AS NEXT OF KIN TO, THE ESTATE OF LUIS RODRIGUEZ V. WARREN THEATRES, LLC, OKLAHOMA, WARREN THEATRES, LLC, BRIAN CLARKSTON, TYLER HOWSER, CHAD STRANG, THE CITY OF MOORE EX REL. THE MOORE POLICE DEPARTMENT, JOSEPH BRADLEY, RYAN MINARD, ET AL.

Steve Eddy, City Manager, stated that the City Council previously authorized legal representation for police officers Joseph Bradley and Ryan Minard in the lawsuit brought by Nair Rodriguez as next of kin to the estate of Luis Rodriguez. At that time staff mentioned there was a possibility that legal representation would be requested at a later date for Officer Brian Clarkston. Mr. Eddy advised that Officer Clarkston was off-duty and working a security job for the Warren Theatre at the time of the incident; however, the City's attorneys suggested an argument might be made that Officer Clarkston was acting as a police officer during his involvement in the incident. The City's primary purpose is to ensure that the officer receives good representation; therefore, he would recommend approval of Officer Clarkston's request for legal representation.

Councilman Krows moved to authorize the appointment of legal counsel for City of Moore police officer Brian Clarkston pursuant to 11 O.S. § 23-101, and any other relevant state law, for representation in CJ-2015-357, Nair Rodriguez, as next of kin to, the Estate of Luis Rodriguez v. Warren Theatres, LLC, Oklahoma, Warren Theatres, LLC, Brian Clarkston, Tyler Howser, Chad Strang, the City of Moore ex rel. The Moore Police Department, Joseph Bradley, Ryan Minard, et al., second by Councilman Cavnar. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 8:10 P.M.

Agenda Item Number 18 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD AUGUST 17, 2015.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2015-2016 IN THE AMOUNT OF \$1,269,410.18.

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

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

MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 8:11 P.M.

Agenda Item Number 19 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD AUGUST 17, 2015.
- B) APPROVE PAYMENT OF A COURT ORDERED WORKERS COMPENSATION SETTLEMENT IN THE AMOUNT OF \$10,490.70 TO LARRY LOVE FOR WC NO. 2015-01912L, AUTHORIZE PLACEMENT ON THE AD VALOREM TAX ROLL, AND SUPPLEMENT THE BUDGET ACCORDINGLY.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2015-2016 IN THE AMOUNT OF \$289,894.91.

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

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

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 20 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.

There were no items from the City Council.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Steve Eddy, City Manager, discussed the following items:

- A fire truck on display in front of City Hall was purchased with Public Safety Sales Tax funds and was recently put into service.
- The Burlington Northern Santa Fe Railroad will make repairs within the next week to the 12th Street railroad crossing.
- Thanked the employees who were involved with the Moore War Football Game.

Agenda Item Number 21 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 8:14 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 _____, 2015.

ATTEST:

LINDA STEWART, Deputy City Clerk