

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
MARCH 4, 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 March 4, 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; City Clerk/Finance Director, Jim Corbett; City Attorney, Randy Brink; Community Development Director, Elizabeth Jones; Economic Development Director, Deidre Ebrey; Fire Chief, Gary Bird; Network Technician, Mike Marti; Parks and Recreation Director, Todd Jenson; Police Chief, Jerry Stillings; Public Works Director, Richard Sandefur; Risk Manager, Gary Benefield; Veolia Water Project Manager, Robert Pistole; and Purchasing Agent, Carol Folsom.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD FEBRUARY 19, 2013.
- B) RECEIVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD DECEMBER 11, 2012.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2012-2013 IN THE AMOUNT OF \$1,317,213.67.

Councilman Hamm moved to approve the consent docket in its entirety, second by Councilwoman Griffith. Motion carried unanimously.

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

Agenda Item Number 3 being:

RECEIVE A REPORT FROM THE CENTER FOR ECONOMIC DEVELOPMENT LAW SUMMARIZING POSSIBLE COSTS AND PROCEDURES FOR THE REDEVELOPMENT OF CLEVELAND HEIGHTS ADDITION.

Steve Eddy, City Manager, indicated that Cleveland Heights was a partially platted addition located south of NE 12th Street and west of Sunnyslane that was started around 50 years ago. Except for a few homes that were constructed it has remained largely undeveloped and is now in a blighted condition. Discussion has occurred over the years about what the City can do to make it a productive piece of property. The City Council recently retained the Center for Economic Development Law ("CEDL") out of Oklahoma City to give suggestions and estimated costs involved in its potential redevelopment. This law firm has been used by the City of Oklahoma City for assistance with their urban renewal efforts. Emily Pomeroy attorney with CEDL would be addressing the City Council regarding their findings. Mr. Eddy added that there were several interested parties that might also like to speak, including Moore Public Schools Superintendent Susie Pierce.

Emily Pomeroy, attorney with the Center for Economic Development Law, stated that her firm was asked to look into the possibility of redeveloping Cleveland Heights Addition using urban renewal law and the estimated costs associated with that, including the initiation of an urban renewal authority, the creation and adoption of an urban renewal plan, and the acquisition of approximately 350 parcels within the 160 acres. There are a range of options that can be considered:

1. Do nothing and let the market dictate what happens in the area because the platting of the area is problematic and public infrastructure is needed to make it developable. However, a single developer could purchase all of the lots and develop the entire area as a PUD development.
2. Implement zoning and planning changes under the City's existing power. For instance, create a zoning overlay district with specific requirements for commercial fronts off of 12th and Sunnyslane and the residential interior.
3. Work with the existing property owners. There are a few property owners that own a significant number of lots in the area. The City could allow them to own contiguous parcels in a larger tract to allow the entire addition to be developed in phases.
4. The City owns approximately 82 lots. Lots could be swapped out to allow for contiguous lots that could be developed in pieces.
5. Initiate an Urban Renewal Authority, adopt an Urban Renewal Plan, and acquire the land in phases. It might make more sense to acquire the commercial areas along 12th and Sunnyslane and clean up some of the lot layout and right-of-way issues that exist, and enter into redevelopment agreements for development of the commercial area.
6. Initiate an Urban Renewal Authority, adopt an Urban Renewal Plan, acquire all of the land, and master plan the entire area. This is the option for which they provided cost estimates.

Ms. Pomeroy indicated that acquisition costs are difficult to determine and jury awards are nearly impossible. She stressed that the figures included in her report are merely estimates. She noted that prior to any type of condemnation the City must adopt an Urban Renewal Plan. To be properly adopted it must include a finding of blight. Such a declaration would be based on factual findings that the area meets the definition of blight under Urban Renewal Law. Once the plan is adopted the Urban Renewal Authority could begin acquisition of the area. After acquisition one or more redevelopment agreements could be entered into with one or more redevelopers for the development of the site.

The City can decide to choose one or more of the options to clean up or redevelop the area through an Urban Renewal Authority or through its own zoning powers.

Councilman Krows stated that some of the property owners could not be located and asked how those situations would be handled. Ms. Pomeroy advised that in those instances it would be beneficial to have the power of condemnation through the Urban Renewal Authority.

Councilman Roberts asked for the average lot size. Steve Eddy, City Manager, indicated that he believed them to be around 50 feet by 140 feet.

Councilman Hamm confirmed that there were no water or sewer lines available to serve the site. Mr. Eddy indicated that there were several issues with the property. Although the City owns a water well on the site, water is not currently available to each lot. Sewer was brought to the industrial developments along Sunnyslane from 4th Street north around six months to one year ago. Sewer is now located on the southeast corner of the development and could be extended to each lot in Cleveland Heights.

Citizens to Speak:

Marvin Haworth, 2800 Shady Creek Lane, stated that he has been a builder and developer in the Moore area for many years. Mr. Haworth presented the City Council with a handout. He stated that he was in partnership with Bill Waterman who served on the City Council some time ago. They have been working over the past six years to redevelop the area which has turned out to be a difficult task. They currently own around 220 lots or around 1/3 of the lots in the addition. They would like to be considered as a partner with the City. He felt he had a reputation as a quality developer and builder who could be depended upon to do a good job redeveloping the site. Mr. Haworth added that he is a citizen of Moore who would like to continue with the project and not have it taken away and given to an outsider. He suggested a work study session be held to discuss the situation more thoroughly and requested that he be included in the meeting. He commented that the area has an inadequate water system resulting in basically no fire protection. The residents have septic systems, which the covenants specifically prohibit, and numerous other code violations and problems in the addition.

Mr. Eddy indicated that this property was included in a lawsuit involving Metropolitan Utilities Company. This legal issue has not been completely resolved; however, the area needs to be redeveloped. He advised that costs involved in the redevelopment of the area would range from \$20,000 to \$40,000 per acre for acquisition of all of the lots. Currently the City does not have the financial ability to begin the process; however, there are certain financial mechanisms, such as tax increment financing, that the City could look into.

Councilman Krows asked Mr. Haworth if the lots he owned are located together or spread throughout the addition. Mr. Eddy indicated that a colored map was included in the information presented which designates which lots he owned as Alamo and Monet. The area in pink denotes which properties the City owns. Councilman Krows wanted to know how the attempt to contract property owners was progressing. Mr. Haworth stated that letters have been sent out over the past six years. Any interested parties typically contact them but disinterested parties do not. He added that the property owners are literally scattered all over the United States. He felt there were things that could be discussed in the work study session that might help motivate the property owners to sell their lot. However, some of the property owners believe their lot is worth more than it really is making it difficult to persuade them to sell for the true value price. Mr. Haworth advised that some of the property owners are selling their lots to unsuspecting people for a lot of money. Councilman Krows asked what he would like to see developed on the site. Mr. Haworth indicated he would like to see commercial development along Sunnyslane and 12th Street, with a mixed use on the residential, and a church or school site in a corner of the addition. He stated that a lift station would be required to serve the entire area because not all of the site can flow to the sewer line. There is some expense involved and as a developer he knows how to finance it, get it paid for, and move the project forward in phases. He felt the entire process would take several years to complete and, although it won't be easy or fast he believes it can be done.

Councilman Hamm wanted to know if there would be a conflict of interest since Shelia Haworth and Bill Waterman used to sit on the City Council. Marvin Haworth indicated that when his wife, Shelia Haworth, and his business partner Bill Waterman sat on the Council the only time Cleveland Heights was discussed was to mention that something needed to be done. There was never a proposal put before the Council and there was never a vote taken on anything to do with Cleveland Heights. Mr. Haworth stated that they had good intentions but now feel that it is not possible to get the project completed without help from the City. Mr. Eddy concurred with Mr. Haworth in that there was a general discussion by the City Council at that time, but never any indication that the City would move forward with a potential project. Mr. Haworth advised that one of the problems they encountered had to do with the fact that most of the lots were sold in the early 1960s. Some of the property owners have passed away and their children and grandchildren have inherited the lot or a portion of the lot. This results in them having to purchase a 1/6 or 1/8 of a lot at a time. All of the heirs must agree on a purchase price. Although it is a daunting task they plan to continue with their efforts regardless of what the City decides to do. He expressed an interest in working with the City, and felt that everyone was in agreement that something must be done.

Mike Galier, 3708 NE 12th, indicated that he was a thirty plus year resident of Cleveland Heights and he is the Vice-President of the Cleveland Heights Homeowners Association which was formed to take care of a lot of the problems. There are eight homeowners living in the addition. He advised that they do have water problems in the area. They would like to see the City develop the area into something they can be proud of. He felt that all of the homeowners would be willing to sell their property to the City. The Homeowners Association has been funding the maintenance of their water system. Mr. Galier felt that the Oklahoma Water Resources Board could help finance the acquisition of properties without having to be more adversarial and going through Eminent Domain. He felt that the City could use the property for a park and asked that some sort of action be taken.

Emily Pomeroy stated that Mr. Haworth's efforts are a good indication to the City on what is going on in Cleveland Heights as far as acquisition of property. She felt it would behoove the City to work with Mr. Haworth to see if a joint effort could be taken to redevelop the site. Ms. Pomeroy indicated that due to all of the title issues if the City wants to be involved in the acquisition of the property then an Urban Renewal Authority is the way to do it. She also mentioned that if the City would be playing a financial role in the redevelopment of the property it makes sense that they should be able to recoup some of the increases especially in property taxes that are made on the property.

Susie Pierce, Moore Public Schools Superintendent, thanked everyone for the passage of their recent bond issue. Ms. Pierce noted that part of that bond issue was for the construction of three new schools; however, they find themselves in the position of finding no new land for future building. Due to the current growth rate it will soon be imperative to find additional land. Although they are aware that the City has a long way to go in overcoming some issues with the land she would like to say on behalf of the school system that they would be very much interested in obtaining at least 15 acres within the development for an elementary school. Ms. Pierce indicated that they would also be interested in more land if they could work out something on a larger school. They will keep an eye on the demographics each year and keep in touch with the City to see what is going on with the property.

Mayor Lewis commented on how many different ideas were proposed for the property and how the City could make that work. Ms. Pomeroy stated that under the power of the Urban Renewal Law it is possible to have a multifaceted development that included a school and some homes. She felt the City needed to decide its vision. If the City wants to go big it should be bold and thoughtful and get a development that we really want. Use the tools that we have to get it. There will be bumps in the road and there are definite problems with the site but it is a huge site and the City can do great things if it is thoughtful and strategic about what we want. Mayor Lewis commented that a work study session regarding Cleveland Heights would be beneficial. City Manager Eddy confirmed stating that there are various options and lots

of legal issues that haven't been discussed as of yet. The water issue has to be addressed before anything can be done with the land. A meeting can be set up in a more informal setting with maps and aerial photography that might be helpful. Mr. Eddy felt this was a great opportunity for the City to redevelop the area with potential partners in Mr. Haworth and Mr. Waterman and some interest from the school system in the purchase of some land.

Mr. Galier stated that the individuals who own improved property in Cleveland Heights have a legal right to the water. They purchased the water rights through a settlement with Metropolitan Utilities.

Mr. Eddy indicated that a date for a special work study session would be proposed at the March 18, 2013 City Council meeting.

There was no action taken on the item.

Agenda Item Number 4 being:

CONSIDER APPROVAL OF AN AGREEMENT WITH DILLON & ASSOCIATES, P.C. FOR AUDITING SERVICES IN THE AMOUNT OF \$40,500.

Jim Corbett, Finance Director, stated that the City was required under State Statute and City Charter to have an audit of the books each year. Dillon & Associates was retained for the past several years to prepare the necessary audits. Mr. Corbett was requesting approval of an agreement with Dillon & Associates in the amount of \$40,500. Services would include everything required by law including a City Audit, Single Audit, and Sinking Fund Estimates.

Mayor Lewis asked what Mr. Dillon's fee was last year. Mr. Corbett indicated it was \$38,000. Mr. Dillon included an audit or review of the hotel/motel tax. That type of review was never done previously and his new fee would include that review.

Councilman Hamm asked how Mr. Dillon's fees compare to other auditors. Mr. Corbett indicated that auditing services have been bid out three or four times since Mr. Dillon has started working with the City and each time he has been by far the lowest. There are very few firms that audit municipalities. The last time auditing services was bid out in 2010 the City received two responses. One bid was from Dillon & Associates and the other firm, whose bid was around \$20,000 higher.

Councilman Krows moved to approve an agreement with Dillon & Associates, P.C. for auditing services in the amount of \$40,500, second by Councilman Hamm. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER THE FINAL PLAT FOR SIENA RIDGE, SECTION 1 LOCATED IN THE NE/4 OF SECTION 12, T10N, R3W, BEING SOUTH OF NE 27TH STREET AND WEST OF BRYANT AVENUE. APPLICATION BY BAM INVESTMENTS/GENE METHVIN. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0). WARD 2.

Elizabeth Jones, Community Development Director, advised that the subject property was located south of NE 27th Street and west of Bryant Avenue. It is zoned R-1 for a single-family residential development. Section 1 includes 67 lots with a density of four homes per acre. Sanitary sewer and water are available to serve the site. Ms. Jones noted that a flood plain was not located on the property and a fee in lieu of

detention would be required. Access will be provided by NE 27th Street through a divided median entryway. Rear yard access would not be permitted to individual lots located along NE 27th Street. The plat includes a street stub to the south for future development and connectivity. Staff recommended approval of the final plat.

No one appeared in opposition to the item.

Councilwoman Griffith moved to approve the Final Plat for Siena Ridge, Section 1 located in the NE/4 of Section 12, T10N, R3W, being south of NE 27th Street and west of Bryant Avenue, second by Councilman Krows. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER REZONING APPLICATION NO. 895, LOCATED IN THE SE/4 OF SECTION 3, T10N, R3W, BEING NORTH OF NW 27TH STREET AND EAST OF SHIELDS BOULEVARD, FROM C-5 AUTOMOTIVE AND COMMERCIAL RECREATION DISTRICT TO C5/PU AUTOMOTIVE AND COMMERCIAL RECREATION DISTRICT/WITH A PERMISSIVE USE FOR USED CAR SALES; AND APPROVE ORDINANCE NO. 734(13). APPLICATION BY RICHARD MONTGOMERY. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0).

Elizabeth Jones, Community Development Director, indicated that the subject property was located east of Shields Boulevard and north of NW 27th Street, also known as 2860 N. Shields Boulevard. The north portion of the site has been used as a rock and stone retail sales business, with the south half of the property remaining vacant. The applicant was proposing to rezone the property from C-5 to C-5 with Permissive Use to sell used cars on the south half of the property. The site has existing water and sewer with access provided by northbound Shields Avenue. The property is designated in the Moore Vision 20/20 as Heavy Commercial and because the proposed land use falls under this designation no amendment to the Land Use Plan would be required.

Ms. Jones noted that because Shields Boulevard has traditionally been the location of heavier automotive sales and service industries the application is in keeping with the historical trend. Therefore, staff recommended approval of the item.

Mayor Lewis asked how much of the property would be rezoned and if the rock and stone retail business would remain on the site. Ms. Jones indicated that the property was combined into one lot and the rezoning was for the entire property. The retail business would remain at its current location.

Councilman Hamm asked if the City received much interest in the Shields area for other types of uses. Ms. Jones indicated that heavier uses such as car sales are not permitted along the I-35 frontage so the Shields area is the location where people are referred.

Applicant Sean Salsberry, 1005 Nail Parkway, indicated that they plan to sell used motorcycles, and a variety of merchandise such as motorcycle jackets. They plan to move the motorcycles indoors at night.

No one appeared in opposition to the item.

Councilman Krows moved to approve Rezoning Application No. 895, located in the SE/4 of Section 3, T10N, R3W, being north of NW 27th Street and east of Shields Boulevard, from C-5 Automotive and Commercial Recreation District to

C5/PU Automotive and Commercial Recreation District/with a Permissive Use for Used Car Sales; and approve Ordinance No. 734(13), second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER MOORE VISION 20/20 COMPREHENSIVE PLAN AMENDMENT NO. 34, LOCATED IN THE SW/4 OF SECTION 28, T10N, R2W, BEING NORTH OF SE 34TH STREET AND EAST OF SOONER ROAD, FROM RURAL RESIDENTIAL TO LIGHT COMMERCIAL. APPLICATION BY RON WATERS. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0). WARD 1.

Elizabeth Jones, Community Development Director, advised that Agenda Items No. 7 and 8 were companion items. The subject property is located north of SE 34th Street and east of Sooner Road. The vacant property is zoned C-3 and A-1. There is no access to public sewer. The applicant proposes to split a portion of the property to sell as an advertising agency. To accommodate this use the Land Use Plan must be changed to light commercial and the zoning changed to C-1 with a Planned Unit Development. Public water is available to serve the site from a 12" main along Sooner Road. Public sewer is not available to this site. A floodplain is not located on the property and detention requirements were satisfied with the Twin Lakes development which abuts the property to the east.

Ms. Jones indicated that access would be provided by Sooner Road which is an ODOT highway. The applicant proposes a small office development along the frontage of Sooner Road. The use of the PUD is a zoning tool meant to address concerns about commercial incapability to surrounding residential uses. By utilizing the PUD the City can relax certain development requirements in exchange for amenities that would not otherwise be required. The residents of Twin Lakes Addition requested the PUD which included the following amenities:

1. Site limited to three buildings and two parking lots.
2. The buildings would be limited to 3,500 square feet each.
3. Building design would be residential in character with a minimum of 75% bricking or masonry requirement and architectural details similar to traditional residential homes.
4. A 50-foot landscape easement is proposed for the east property line, which will eliminate buildings and concrete except for drainage purposes within 50 feet of the east property line. Ms. Jones noted that the eastern 25 feet of the landscape easement is unbuildable due to a change in elevation.
5. All signs shall be limited to a maximum height of 15 feet and no more than 100 square feet per side. Signs shall be limited in number to a maximum of one per lot.
6. The driveways should be limited to two shared drives only.
7. The City will allow private septic systems only if developed as described in the PUD.

By limiting the size of the structures to 3,500 square feet and limiting the use to administrative and professional office use only, the sewer flow will be compatible with common private septic systems. It should be noted that open sewer lagoons will not be allowed.

The property is currently designated in the Moore Vision 20/20 as rural residential, and because C-1 uses are considered to be light commercial, an amendment to the plan would be required.

Ms. Jones indicated that some of the Twin Lakes' residents have expressed concern about the appropriateness of the commercial properties in relation to residential properties. The application includes

a landscape buffer that will work to mitigate any adverse effects of the higher intensity development of the commercial area. The PUD offers the architectural requirements and guidelines to maintain the rural residential character of the area.

The Planning Commission heard the item on two occasions. Concerns from property owners include increased traffic along Sooner Road. Staff feels that the proposed application addresses this concern in that it limits the size and use of the building resulting in negligible increases in the traffic generated. They are also limiting driveway access to Sooner which should help with traffic flow; although Ms. Jones noted that Sooner Road is a State Highway which means traffic flow is heavier and speeds are higher. Staff recommended approval of the item. She felt that the applicant has worked with the City and concerned property owners as much as possible and that the applicant has met the intent of the PUD requirements.

Ms. Jones commented that the addition of a minimum roof pitch requirement for all buildings of 9 to 12 was requested by the Planning Commission who felt it would be more in line with the residential homes in the Twin Lakes Addition. Ms. Jones advised that the applicant and proposed business owner was in attendance at the meeting and available for questions.

Mayor Lewis asked if ODOT approved the curb cuts. Ms. Jones indicated that ODOT reviews the proposed curb cuts during the building permit stage.

Mayor Lewis asked if anyone present wished to speak in opposition to the item. Finding none he asked for a motion.

Councilman Roberts moved to approve the Moore Vision 20/20 Comprehensive Plan Amendment No. 34, located in the SW/4 of Section 28, T10N, R2W, being north of SE 34th Street and east of Sooner Road, from Rural Residential to Light Commercial, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER REZONING APPLICATION NO. 894, LOCATED IN THE SW/4 OF SECTION 28, T10N, R2W, BEING NORTH OF SE 34TH STREET AND EAST OF SOONER ROAD, FROM A-1 RURAL AGRICULTURAL DISTRICT TO C-1/PUD OFFICE DISTRICT/PLANNED UNIT DEVELOPMENT; AND APPROVE ORDINANCE NO. 733(13). APPLICATION BY RON WATERS. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0).

Councilman Cavnar stated that he was pleased that Elizabeth Jones, Community Development Director, took the time to work with the applicant and the homeowners in Twin Lakes to come up with some sort of compromise. He was proud that Moore was willing to do that because he doubted other cities in the surrounding area would.

Councilman Roberts moved to approve Rezoning Application No. 894, located in the SW/4 of Section 28, T10N, R2W, being north of SE 34th Street and east of Sooner Road, from A-1 Rural Agricultural District to C-1/PUD Office District/Planned Unit Development; and approve Ordinance No. 733(13), second by Councilwoman Griffith. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER ORDINANCE NO. 743(13), AMENDING PART 12, CHAPTER 3, ARTICLE C, SECTION 12-386, OF THE CITY OF MOORE CODE, ADOPTING REGULATIONS AND STANDARDS CONCERNING THE MAXIMUM HEIGHT, SQUARE FOOTAGE, AND AESTHETIC REQUIREMENTS FOR ACCESSORY BUILDINGS ON RESIDENTIAL LOTS UNDER THREE-QUARTERS ACRE.

Elizabeth Jones, Community Development Director, indicated that proposed Ordinance No. 743(13) incorporated suggestions made by the City Council at the January 22, 2013 City Council meeting regarding amendments to the accessory building ordinance. Ms. Jones summarized the changes included in the proposed ordinance.

Ms. Jones stated that stricter regulations would be put into place for accessory buildings on lots under $\frac{3}{4}$ of acre which are residentially zoned or used for a residential use. The restrictions would include the following:

1. Maximum square footage of all permanent or temporary accessory buildings not to exceed 600 square feet.
2. Maximum number of three accessory buildings on any lot.
3. Maximum ten foot wall height from ground level up to the side wall fascia, and shall not exceed an overall height of 15 feet from ground level to the roof ridge.
4. A permanent accessory building built at the front or side building line on the same plane as a house, 50% of the façade facing the street must be covered with brick, rock, or stone to complement the existing house.
5. Steel shipping containers, such as those used for shipping items cross country on trains cannot be used as permanent or temporary accessory buildings with any residential zoning district.

Ms. Jones asked for additional comments or questions from the City Council. Mayor Lewis suggested that a building permit be required for all accessory buildings. He wasn't concerned about a building permit fee being assessed by felt it would give staff an opportunity to inspect it before it is permanently installed. Stan Drake, Assistant City Manager, stated that the ordinance would require additional changes to accommodate for very small lots, such as in Baer's Westmoore, because they cannot meet the setback requirements for the zoning district on portable buildings. They have a ten foot rear yard setback and a five foot side yard setback on some lots that are 45 foot wide lots. Steve Eddy, City Manager, stated that homeowners would have the option of going through the Board of Adjustment if they wanted to build something larger than what is allowed under the ordinance.

Councilman Roberts asked if a permit is necessary before a permanent structure is constructed. Ms. Jones stated that it is required although everyone does not always do that. Councilman Krows wanted to know what happens if they do not pull a permit. Councilman Roberts felt there should be consequences included in the ordinance for those individuals who do not abide by the requirements set out in the ordinance. Mr. Eddy stated that permanent structures that have electricity are typically erected by a company who is well aware that a permit is required. Those issues are dealt with by sending them through the Board of Adjustment, requiring the homeowner to start over, or allowing the structure to remain as is. Mr. Eddy thought the ordinance would make the citizens aware that there are size, aesthetic, and size restrictions. He commented that the City can certainly make accessory building companies aware of the new regulations.

Councilman Krows asked what enforcement methods the City has in place for violations. Ms. Jones indicated that they would be told they should have the item heard by the Board of Adjustment who can grant variances or other ways to mitigate the problem by additional landscaping or aesthetic standards to

camouflage or require them to conform. Mayor Lewis strongly felt that the ordinance should state that anyone found in noncompliance must have the building demolished at the owner's expense. Councilman Roberts concurred. Councilman Cavnar felt that in some cases there could be some minor changes made to fix the problem instead of requiring its demolition. Councilman Roberts felt an opportunity should be given to bring the building into conformance and then require the building to be removed if they don't comply. Councilman Krows also liked the idea of giving a homeowner the opportunity to fix the problem and then requiring them to remove the structure. Mr. Eddy felt that the implication is in any ordinance that if a permit has not been obtained the construction must be brought into compliance with the code. Councilman Roberts asked if staff felt that if the remedies were available he did not have a problem with the ordinance. Councilman Hamm requested that the item be tabled until he received input from some of his constituents.

**Councilman Hamm moved to table the item, second by Councilman Krows.
Motion carried unanimously.**

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

Agenda Item Number 10 being:

CONSIDER APPROVAL OF A CONTRACT WITH EST, INC. IN THE AMOUNT OF \$148,000 FOR CONSTRUCTION PLANS TO REBUILD TELEPHONE ROAD FROM SW 4TH TO NW 5TH STREETS.

Stan Drake, Assistant City Manager, stated that the section of roadway on Telephone Road from SW 4th to NW 5th Street has been in bad repair for many years. The proposed item is for authorization to contract with EST for the redesign of the drainage structure by Fairmoore Park and the drainage area on the east side of I-35. After survey information is obtained the type of roadway to construct can be determined. Staff is certain at this point they can build a two-lane roadway with sidewalks. They are waiting to see if there is adequate room for a turn lane at Main Street, a three lane roadway, or bike lanes.

Councilman Roberts moved to approve a contract with EST, Inc. in the amount of \$148,000 for construction plans to rebuild Telephone Road from SW 4th Street to NW 5th Streets, second by Councilman Krows. Motion carried unanimously.

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

Agenda Item Number 11 being:

CONSIDER APPROVAL OF AGREEMENT WITH UTILITY SERVICE PARTNERS PRIVATE LABEL, INC. D/B/A SERVICE LINE WARRANTIES OF AMERICA TO PROVIDE WATER AND SEWER SERVICE LINE WARRANTIES TO RESIDENTS OF MOORE.

Steve Eddy, City Manager, indicated that Brian Davis made a presentation at the February 19, 2013 City Council Meeting regarding a service line warranty program that could be made available to all utility customers for water and sewer service lines. Mr. Eddy spoke to the City Manager for the City of Lawton and the Utilities Director for the City of Stillwater who appeared very pleased with the program and indicated that it seemed to save their utility customers a lot of money. Mr. Eddy felt this program could be very beneficial to some of the residents in Moore.

Councilwoman Griffith moved to approve an agreement with Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America to provide water and sewer service line warranties to residents of Moore, second by Councilman Krows. Motion carried unanimously.

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

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

Agenda Item Number 12 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD FEBRUARY 19, 2013.
- B) RATIFY ACTION OF CITY COUNCIL ON APPROVAL OF AGREEMENT WITH DILLON & ASSOCIATES, P.C. FOR AUDITING SERVICES IN THE AMOUNT OF \$40,500.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2012-2013 IN THE AMOUNT OF \$948,161.10.

Trustee Roberts moved to approve the consent docket in its entirety, second by Trustee Krows. 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 13 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD FEBRUARY 19, 2013.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2012-2013 IN THE AMOUNT OF \$230,212.30.

Trustee Cavnar moved to approve the consent docket in its entirety, second by Trustee Krows. 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 7:43 P.M.

Agenda Item Number 14 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.

Mayor Lewis encouraged the citizens to vote in the City Council election for Ward 2 on March 5, 2013.

Councilman Krows received a complaint from the residents who use Veterans Park about owners who walk their dogs in the park and don't clean up after them. Steve Eddy, City Manager, advised that there is an ordinance that requires owners to pick up after their dogs. Todd Jenson, Park and Recreation Director, indicated that the appropriate signage is present along with dispensers with bags in which to collect the excrement. Councilman Krows advised that although the dispenser is at the park they are apparently not being used and he asked what could be done about it. Mr. Eddy commented that reminders about the responsibility of pet owners can be placed in the City newsletter. Councilman Cavnar advised that a park in Colorado that he frequents has a sign that states violators can be fined. Randy Brink, City Attorney, indicated that Animal Control Officers and Police Officers can write citations for violations. Mr. Eddy added that before a citation is issued the officer must witness it happening.

Councilman Krows indicated that he had received calls regarding the state of the roadway north of 27th Street in Oklahoma City. He asked if the City can speak to Oklahoma City about the possibility of getting it repaired. Councilwoman Griffith stated that Oklahoma City has that section of roadway on a long-range list for resurfacing. Elizabeth Jones, Community Development Director, added that Oklahoma City was applying for federal aid funding and anticipated construction in the new few years.

C) ITEMS FROM THE CITY/TRUST MANAGER.

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

- Announced that John Salisbury, Manager of the J.C. Penney store located in the Shops at Moore was in attendance at the meeting.
- Indicated that staff was looking at May 3-4, 2013 or May 10-11, 2013 as potential dates for a City Council Retreat. He stated that the agenda would include an informal dinner on Friday night and the retreat would last all day on Saturday. Majority of the Council indicated either date would work. Mr. Eddy suggested May 10-11, 2013.
- Offered condolences and prayers to David Thompson, Manager of Information Technology, who lost his mother-in-law and mother a day apart.

Agenda Item Number 15 being:

ADJOURNMENT

Councilman Cavnar moved to adjourn the City Council meeting, second by Councilman Krows. 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 7:50 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