

**MINUTES OF THE REGULAR MEETING OF  
OF THE MOORE CITY COUNCIL  
THE MOORE PUBLIC WORKS AUTHORITY  
AND THE MOORE RISK MANAGEMENT BOARD  
MAY 6, 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 May 6, 2013 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 (arrived late), Blair, Singer, Cavnar, Hamm, Lewis  
ABSENT: Roberts

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

Mayor Lewis read a proclamation declaring May 12-18, 2013 as "National Police Week". Sergeant David Dickinson with the Moore Police Department accepted the proclamation on behalf of the City. He announced some of the events that would be occurring during the week of May 12, 2013. A Blue Ribbon Campaign at Wal-Mart on May 12, 2013 with a static display of vehicles and distribution of Child Identification Kits, a memorial service to be held on May 15, 2013 at the Moore Public Library to honor those officers killed in the line of duty, and a Kid's Bike Safety Fair on May 18, 2013 at the Moore Community Center. Mayor Lewis expressed his appreciation to the police officers and the job that they do.

Councilman Krows arrived.

**Agenda Item Number 2 being:**

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD APRIL 15, 2013.
- B) RECEIVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD MARCH 12, 2013.

- C) RENEW CONTRACT WITH THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS ("ACOG") TO PROVIDE TRANSPORTATION PLANNING ACTIVITIES AS IDENTIFIED IN THE 2013 UNITED PLANNING WORK PROGRAM.
- D) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2012-2013 IN THE AMOUNT OF \$2,227,773.05.

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

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

**Agenda Item Number 3 being:**

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

Elizabeth Jones, Community Development Director, stated that Agenda Items No. 3 and 4 were companion items tabled from the April 1, 2013 City Council Meeting.

Ms. Jones advised that the subject property was originally zoned R-1 and was platted with the Apple Valley Addition in 2000 as acreage lots. It was shown on the Moore Vision 20/20 as Rural Residential Land Use. This decision was based on the approved preliminary plat and the fact that sanitary sewer was unavailable to serve the site at the time. In 2011 the applicant applied to increase the density from the approved 24 lots, which was approved with the final plat of Apple Estates Section 3, to 85 patio-home lots. That application was withdrawn and 68 single-family residential lots were proposed and ultimately denied by the City Council.

Ms. Jones stated that the applicant was again asking to increase the densities from the approved 24 lots to 76 single-family lots. Ms. Jones noted that while the current R-1 Zoning District allows this increase in densities, the Land Use Plan must be amended from Rural Residential land use to Low Density Residential land use, and the applicant must submit a new preliminary plat for the Apple Valley Addition, Section 9. She indicated that staff did receive the new plat.

Ms. Jones advised that Council would now be considering the required Comprehensive Plan Amendment and the Preliminary Plat for Apple Valley, Section 9. The issue surrounding the request is appropriate densities given the character of the area. The Moore Vision 20/20 designates the area to the west, south and east as rural residential. The comprehensive plan encourages transitional buffers to protect the rural residential properties from any adverse effects from higher densities. The application includes an open space and drainage way as a transition to the lower density developments to the west, which could be considered an appropriate buffer; however, there is no transition or buffer to the south or east. Part of the density discussion centers around the increase in traffic along the local residential roads. Although the subdivision provides two points of entry from local residential roads, both originate and terminate from one existing intersection at Baldwin Avenue and Manhattan Way, which includes a roundabout for the intersection as a traffic calming device.

With the increase in proposed housing units on the subject property a higher concentration of traffic would be funneled to the intersection which is located next to an existing City park and proposed parkland within the development being considered. Ms. Jones noted that the plat does not meet the intent of the subdivision access ordinance by designing a neighborhood of 76 homes with effectively one

point of access which creates concerns for emergency management accessibility. Staff would therefore recommend careful thought and consideration to the situation as the safety of the park users should also be paramount in their decision. Staff also has concerns about the provisions for pedestrian safety and aesthetic treatment of the center median of the proposed roundabout. Along with the ownership and maintenance of the roundabout, none of these concerns were addressed by the plat under consideration. Because of the considerable increase in densities without consideration of the adopted Moore Vision 20/20, staff recommended denial of the application. The applicant has not made substantial material changes to the application since the City Council's August 2011 denial of the previous application which included 68 lots. The denial was not effectively appealed by the applicant and should prevent the applicant from presenting a similar proposal absent any substantial or material changes to address the City Council's objections from the 2011 meeting.

Councilman Krows advised that the application was in his ward and asked why the City Council was hearing the item again. Steve Eddy, City Manager, suggested that the City Council let the applicant resubmit their item and make a case that there was significant change. Steve Eddy, City Manager, introduced Brent Johnson, the attorney who represented the City when Shaz Investment Group filed an appeal to District Court after the City denied their application in 2011, and asked him to give a summary of the lawsuit.

Brent Johnson stated that Shaz Investment Group did not file a true appeal but rather a Writ of Mandamus wherein they requested the Court to require the City to approve the prior application because the City did not have the discretion to deny the application. In response to the lawsuit the City filed a Motion for Summary Judgment to establish with the Court that the City did have the discretion to deny the prior application because there were no transitional buffers to the south and to the east, it did not comply with the comprehensive plan, and it did not comply with subdivision regulations or zoning ordinances. He added that the City also argued that Shaz Investment Group had a plain and adequate appeal right which they did not pursue instead of a Mandamus action and, they should be estopped from pursuing the application and developing as requested based on representations they made to landowners buying into the development. The City argued that it was entitled to summary judgment before the District Court. In response the lawsuit was dismissed by Shaz and a new application submitted to the City, which was on the agenda for consideration. The Court never ruled on the issue since Shaz dismissed the lawsuit.

Councilman Krows asked if Mr. Johnson recommended that the Council listen to the items before making a decision on the issue. Mr. Johnson felt that one of the issues before the City Council was the merits of the applications but also to determine whether there was a substantial and material change that warrants looking at the applications again. There is an argument to be made there if there are not substantial material changes from the prior applications then they should be denied because of the prior denial. Councilman Krows requested that the builder address the City Council regarding what changes, if any, were made to the application.

Attorney David Box, 522 Colcord Drive, and engineer Chris Anderson with SMC Consultants appeared on behalf of the applicant. Mr. Box stated that they are back because their previous plat had deficiencies and a new engineer was hired and substantial and material changes were made based on his findings. Mr. Box referred the City Council to their amended plat contained in Exhibit 1. Internal circulation, two points of access, and a roundabout were now included in the plans. They feel that they now meet every requirement in the subdivision regulations for R-1. This application is for a plat and comprehensive plan change. He noted that they disagree with staff's opinion that the comprehensive plan has to change when the property has the correct zoning for the proposed use.

Mr. Box read Section 4(a) of the Moore Vision 20/20 because he felt it was important when looking at the relationship between the comprehensive plan and the zoning. It states in part: "The land use plan is closely related to the City zoning ordinance, both provide guidance on how land should be used. The

zoning ordinance is much more detailed in its guidance. It is a legal document . . . " Mr. Box stated that the plan therefore is a guide and a tool, but zoning is a legal right the property owners have. Therefore, they feel that the plat before the City Council for consideration meets all of the requirements that the legal R-1 zoning requires.

Councilman Krows asked how emergency vehicles would enter the addition if an automobile accident occurred at Baldwin and Manhattan, effectively shutting the intersection down. Mr. Box indicated that they would still have access on the other side of the roundabout. Councilman Krows asked for an explanation of how the roundabout would work. Mr. Box indicated how traffic would flow counterclockwise through the roundabout. Councilman Krows asked how traffic would enter the neighborhood if traffic flowed counterclockwise through the roundabout and an accident occurred since he could only see one point of access. Mr. Box stated that he would let Mr. Anderson address Councilman Krows' question; however, he felt that a roundabout was safer than what the subdivision regulations allowed. Councilman Krows stated that Mr. Box had not yet explained how a roundabout would provide two points of access. Chris Anderson, engineer with SMC Consultants, stated that the original design had a single entrance. He was tasked with looking at the original plat and determining if it met the R-1 subdivision regulation requirements. After review of the subdivision regulations he did not feel the original configuration met the requirements. He also had an issue with the length of the cul-de-sac and the number of lots on a single cul-de-sac. He felt he came up with a layout that met the City's regulations. Mr. Anderson stated that there is one intersection and two entrances into the neighborhood. The question about the intersection is something he wondered about too. He said that there is a comment in the staff report that said it met the letter of the code but not necessarily the intent. In Section 12-558(b) of the City's subdivision regulations entitled "Subdivision Access Standards" which addresses subdivisions with 31 to 100 lots. It states: "A single entrance into an addition may be constructed with a divided median with driving lanes on both sides maintaining a minimum paving width of 20-feet." He felt it would be unreasonable for the City to say that two single 20-foot lanes met the intent of the subdivision regulations, then argue that two full-sized City streets coming from that same point does not meet the intent of the regulations. Councilman Krows states that traffic normally flows counterclockwise in a roundabout; however, in the event of an accident it would have to go against the normal flow of traffic. Mr. Anderson stated in an emergency situation if an accident occurred at the intersection the traffic emergency vehicles would enter the roundabout going the opposite direction. Councilman Krows confirmed that during an emergency situation traffic would be entering and exiting in the same lane. Mr. Anderson confirmed that would be case during an emergency situation.

Mr. Box indicated that at the time the comprehensive plan came about the City did not allow lift stations so the property was designated as rural. Due to the topography of the property it meant that this section could not be sewerred. Now the City allows lift stations and the property can be sewerred. The densities they are asking for now meet the densities that were zoned for in 2000. Nothing has changed on the densities allowed in an R-1 zoning.

Mr. Box advised that there were a few comments in the staff report that he would like to address. Staff believes that because the comp plan is different than the zoning then it must be changed in order to plat. They have a legally vested zoning right that is R-1 and they meet all of the regulations that the City of Moore requires for an R-1 piece of property. When all of the regulations have been met pursuant to the zoning right you should be able to develop the property accordingly. Light and noise trespass was also mentioned in the staff report. He presented an aerial photograph as Exhibit 2 that he indicated was the subject property which is a residential area that is less dense than anything around them. He wasn't certain what type of light and noise trespass would be created since those are normally associated with industrial or commercial zoning. There was a comment that there was no buffer to the south and east. If you look at other plats in the area it is consistent with other plats previously approved. Mr. Anderson addressed the roundabout and staff's comment that they met the letter of the code but not the intent. Developers should only be required to meet what the regulations require. Mr. Box stated that there was no increase in traffic since it was zoned in 2000. When it was zoned in 2000 certain densities were

allowed and those densities were in line with what they are requesting today. Finally, incompatible densities were mentioned. There is roughly 183 acres, not including the 26 being discussed, when you add together all of the surrounding developments. Mr. Anderson looked at all of the approved plats located in the 183 acres. Of those, 137.14 of those acres are more dense than what they are requesting. The acres that are less dense are because at the time they could not get sewerred.

Councilman Hamm commented that the individuals who purchased property in the development were told it would be something different than what was being proposed now. Mr. Box stated that there was a plat on file that some people saw; however, plats are subject to change. Densities could be calculated for an R-1 development based on the amount of property using the code and subdivision regulations. Councilman Krows asked if realtors or sales representatives from Home Creations had a full understanding of what was being planned for the development. Mr. Box stated that Home Creations have sales representatives who probably do not have a full understanding of the business plan or business model the owners have. Councilman Krows reiterated that Home Creations has sales representatives selling homes that do not know what is being proposed or planned for the development. Mr. Box stated that Home Creations has a substantial amount of real estate in various cities and he guessed that sales representatives do not know every design and build out plan. Councilman Krows felt that the sales representatives who are making promises to potential homeowners in this area should know and understand what is going to happen in the neighborhood. Mr. Box stated that allegations were made about promises made and that someone saw a map on a wall, but he did not know that any of those promises were included in a contract. A plat is subject to change.

Councilman Krows stated that he has been a City councilman since the mid-90s and he believed the citizens have a right to speak out about their neighborhoods. Council members are elected to represent the citizens of Moore. He believes that there was a lot of misinformation being given out about the development. When promises are made to entice individuals to buy a home, he expected those promises to be kept. He stated that he was not making accusations but he did feel that some of the promises made were not kept. Mr. Box stated that he did not know anything about any promises but when a property owner owns a piece of property and it is zoned correctly, they should be able to develop it in a manner that the subdivision regulations of Moore prescribe. Councilman Krows asked, "so buyer beware"? Mr. Box felt that was implicit in any sales agreement.

**Citizens to Speak:**

Linda Williams, 4500 Baldwin Avenue, indicated that she wrote an e-mail to the City Council regarding her concerns. Ms. Williams stated that not only was there not a buffer to the west and south but she did not feel there was a buffer to the north of her house either other than Baldwin Avenue. She expressed concern about the roundabout not dumping into a collector street. The nearest collector street would be Central Park or Manhattan. Ms. Williams noted that Manhattan and Baldwin do not intersect. It is actually Melrose and Baldwin at the intersection where the roundabout would be located. There was discussion regarding the densities in the surrounding developments. She assumed they were referring to Apple Village III on the corner of Eastern and 34<sup>th</sup> Street and Apple Landing. She agreed that they were more dense but they dumped out onto a main street. They do not come through one intersection and go a great distance to get to a collector street. Ms. Williams commented that she liked her house. She was the one Councilman Krows referred to who was looking at the map on the wall when she signed the papers. She took a picture of the map and was glad that she had proof that it existed. Ms. Williams shared e-mail conversations with the salesperson. She felt that the salesperson shared with her what she thought was the absolute truth at the time. Ms. Williams asked that the City Council deny the items.

Phil Watts, attorney, appeared as representative for the Haney family. He advised that the Haney's purchased land in 2000 through the Gene Haney Revocable Family Trust located immediately east of the proposed development. Mr. Watts stated that he and his clients researched the intent of the surrounding developments. He has three issues to discuss. They have issues with the subject property having only one

ingress and egress. Mr. Watts referred to Commissioner Snow's comments from the March 12, 2013 meeting as it relates to the required substantial and material changes with the development. Commissioner Snow stated that if you look at the placement of the park in relation to the proposed increase in traffic, it is obvious that high density was not an end goal. It was not originally proposed to be a high density development. He also stated that the lessons learned in the Oklahoma Supreme Court case of Melton v. The City of Durant is that the interpretation of regulations and decisions with respect to noncompliance with applicable ordinances is clearly within the sound discretion of the City Council. On behalf of his clients and all of the other property owners in the area he encouraged Council to look at the original plan and see if what was being proposed was consistent with promises made.

Tony Legree, 4515 Apple Estates Road, stated that he is a disabled veteran who served 29 years in the United States military. When he and his wife made the decision to build a retirement home they looked at four areas, Norman, Edmond, Yukon, and Moore. After months of looking and researching they decided on their current location. It is a great environment to raise a family with no crime and not a lot of traffic. It is also a great place to spend his retirement years. He also chose the location due to the low densities that he was promised. He was told as a selling point that the adjacent 26 acres located across from his property would contain 24 estate homes. He invested a lot of money into his home and what they are proposing would certainly not increase his property value. Mr. Legree stated that he has every intention of staying where he is provided the item is denied. He purchased his property because he knew the other properties going in would be a similar type. This is about the integrity in the process and integrity in the system. The property was initially designed for 24 estate homes not 76 high density homes. He encouraged the City Council to deny the item.

James Benear, 312 SW 45<sup>th</sup>, commented that he purchased his lot after a two year search. One of the greatest deciding factors was the assurance of a great neighborhood. In September 2006 they believed that was what they were going to get. They had a vision to build their dream home in a rural residential area. During his 21 years in the military they had a chance to live in many cities and even overseas. They wanted to make sure they built their retirement home in just the right location. Mr. Benear respectfully requested that the item be denied.

Shyla Dwyer, 612 SW 45<sup>th</sup>, stated that she would be reading a revised letter that she wrote when the issue was first heard in 2011. Ms. Dwyer indicated that she lives in The Apples Estates. They purchased their home with the understanding the area would be further developed into estate homes with large lots and open space. They felt it was a good financial investment and a great place to spend many happy years. The knowledge that the developer intended to change the nature of the neighborhood greatly disturbed them. She requested that the City Council deny the items. The Apples development is zoned a PUD and City regulations clearly states that several considerations must be made prior to changing a PUD plan. Not the least of the considerations is that it must result in a development providing amenities sufficient to address, offset, and mitigate developmental impacts. Clearly changing an area from residential estates consisting of large homes on large lots is a significant developmental impact. Those individuals living in the development felt that it would continue to grow into high scale residential area thereby increasing property values. Instead the developer wanted to decrease the property value of hardworking individuals by taking what would be an upscale neighborhood and turning it into a cookie cutter development with inexpensive homes. The neighborhood amenities will become crowded. The park areas, entries, and street layouts were designed for a certain quantity of traffic. If the Council changes the nature of the development the amenities and design of the neighborhood will no longer work to accommodate the increased population and traffic. It is the duty of the City Council to protect the interests of the citizens and insure that Moore is a good place to conduct business. However, it is not the duty of the Council to ensure that every business deal is profitable.

Councilman Hamm stated that he had spoken with several of the residents and believed that when they purchased their property it was with the understanding it would be a lower density addition. He understands that things change and the developer wants to make money; however, he felt the developer

should say what he means and mean what he says. Councilman Hamm advised that he has worked in Norman and there have been issues with roundabouts and getting emergency equipment into a neighborhood resulting in slow response times. In emergency situations minutes and seconds count.

Councilman Singer asked if a study had been performed to determine whether a higher density neighborhood would adversely affect property values and devalue the investment. He had to question the wisdom of the development.

**Councilman Krows moved to deny Moore Vision 20/20 Comprehensive Plan Amendment No. 38, located in the SW/4 of Section 36, T10N, R3W, being south of SW 34th Street and west of Broadway Avenue, from Rural Residential to Urban Residential/Low Density, second by Councilman Cavnar. Motion carried unanimously.**

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

**Agenda Item Number 4 being:**

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

**Councilman Krows moved to deny the Preliminary Plat for Apple Valley, Section 9, located in the SW/4 of Section 36, T10N, R3W, being south of SW 34th Street and west of Broadway Avenue, second by Councilman Blair. Motion carried unanimously.**

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

**Mayor Lewis called a five minute recess to allow those individuals in attendance on Agenda Items No. 3 and 4 to exit the chambers.**

**Agenda Item Number 5 being:**

CONSIDER ORDINANCE NO. 747(13) EXTENDING THE CORPORATE LIMITS OF THE CITY OF MOORE, OKLAHOMA; PROVIDING FOR THE DESIGNATION OF THE TERRITORY INCLUDED IN SUCH EXTENSION; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR THE ZONING OF PROPERTIES IN THE ANNEXED TERRITORY; PROVIDING FOR THE SEVERABILITY THEREOF; AND PROVIDING FOR A REPEALER.

Elizabeth Jones, Community Development Director, advised that Agenda Items No. 5, 6 and 7 were companion items. The application was for the incorporation of the northwest corner of Indian Hills and Sooner Road into the Moore City limits. If Council chooses to incorporate the subject property then it must be given a zoning classification and a land use designation. In 2007 when the Belmar Golf Course development was annexed into the City of Moore this property was excluded because it was under separate ownership. Since that time the property was purchased and the single-family residence was removed. The applicant is requesting that the property be annexed to develop the property as a convenience store with gas pumps. Public water is located along the west side of Sooner Road and will be

extended through the property. Sanitary sewer would be provided by the lift station that was installed with the adjacent Belmar Town Homes Addition. Access would be provided by Indian Hills Road and Sooner Road. Ms. Jones advised that because Sooner Road is a State highway, any curb cuts must be approved by ODOT. There is not a floodplain located on the property and detention will be required.

Ms. Jones indicated that a comprehensive plan amendment would be required to include this property and to designate its land use. The proposed use falls under the Medium Commercial Land Use designation which follows the established pattern of reserving corners for commercial areas. Staff recommended approval of the item.

Councilman Hamm asked what would happen if traffic improvements were made at the intersection since part of the area is located within the City limits of Norman, Moore, and a portion in an unincorporated area. Ms. Jones advised that discussions have occurred with ODOT and the City of Norman about a cost sharing agreement. It would be prorated based on what each entity owned of the intersection. Each of the entities would have to agree to fund the improvement. The City of Norman agreed that a traffic light at this location would be beneficial; however, they do not have budgeted funds for that purpose. The issue would be revisited in the future. Mayor Lewis asked if a traffic light could be considered as an ACOG project. Ms. Jones felt that ACOG funding would certainly be an option.

**Citizens to Speak:**

Rob Griffin, 4108 SE 40<sup>th</sup>, advised that he lived in Belmar North and although he has a Norman address he is located in Moore. Mr. Griffin wished to discuss an issue with curbing in his neighborhood. He stated that when Belmar North was under construction they built the street and curbing first and when a house was build they did a curb cut and constructed the driveway. However, this means the curb from the driveway does not meet the existing curb. He felt that it looked bad. Mr. Griffin was requesting a moratorium on this practice until the City can inspect the practice. Steve Eddy, City Manager, advised that he was unaware of this type of practice and a building inspector would be sent out immediately to look at the situation. Stan Drake, Assistant City Manager, suggested that they could be protecting the integrity of the gutter section that drains the water off of the street. Mr. Eddy asked for an address where this situation was occurring. Mr. Griffin stated that 4109 SE 40<sup>th</sup> in the Belmar North Addition was a house with this type of curbing issue.

**Councilman Krows moved to approve Ordinance No. 747(13) extending the corporate limits of the City of Moore, Oklahoma; providing for the designation of the territory included in such extension; providing for the repeal of all ordinances or parts of ordinances in conflict therewith; providing for the zoning of properties in the annexed territory; providing for the severability thereof; and providing for a repealer plans and specifications for G.O. Bond project No. 5, Broadway Avenue from N. 5<sup>th</sup> Street to N. 18<sup>th</sup> Street and authorize staff to solicit bids for construction of said project, second by Councilman Hamm. Motion carried unanimously.**

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

**Agenda Item Number 6 being:**

CONSIDER MOORE VISION 20/20 COMPREHENSIVE PLAN AMENDMENT NO. 37, LOCATED IN THE SE/4 OF SECTION 32, T10N, R2W, BEING NORTH OF INDIAN HILLS ROAD AND WEST OF SOONER ROAD, FROM RURAL RESIDENTIAL TO MEDIUM COMMERCIAL. APPLICATION BY CABO CROSSING ENTERPRISES, LLC. (PLANNING COMMISSION RECOMMENDED APPROVAL 6-0). WARD 1.



Mayor Lewis asked for a legal opinion regarding hearing an item regarding property that is was not located in the City limits of Moore. Mr. Brink indicated that the Council could take action on the item.

**Councilman Krows moved to approve Moore Vision 20/20 Comprehensive Plan Amendment No. 37, located in the SE/4 of Section 32, T10N, R2W, being north of Indian Hills Road and west of Sooner Road, from Rural Residential to Medium Commercial, second by Councilman Blair. Motion carried unanimously.**

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

**Agenda Item Number 7 being:**

CONSIDER REZONING APPLICATION NO. RZ899, LOCATED IN THE SE/4 OF SECTION 32, T10N, R2W, BEING NORTH OF INDIAN HILLS ROAD AND WEST OF SOONER ROAD, FROM A-1 RURAL AGRICULTURAL DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT; AND APPROVE ORDINANCE NO. 745.13. APPLICATION BY CABO CROSSING ENTERPRISES, LLC. (PLANNING COMMISSION RECOMMENDED APPROVAL 6-0). WARD 1.

**Councilman Krows moved to approve Rezoning Application No. RZ899, located in the SE/4 of Section 32, T10N, R2W, being north of Indian Hills Road and west of Sooner Road, from A-1 Rural Agricultural District to C-3 General Commercial District; and approve Ordinance No. 745.13, second by Councilman Blair. Motion carried unanimously.**

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

**Agenda Item Number 8 being:**

CONSIDER MOORE VISION 20/20 COMPREHENSIVE PLAN AMENDMENT NO. 35, LOCATED IN THE NW/4 OF SECTION 24, T10N, R3W, BEING SOUTH OF SE 4<sup>TH</sup> STREET AND EAST OF EASTERN AVENUE, FROM LIGHT COMMERCIAL TO HIGH DENSITY RESIDENTIAL. APPLICATION BY VUONG NGUYEN. (PLANNING COMMISSION RECOMMENDED DENIAL 6-0). WARD 1.

**Agenda Item Number 9 being:**

CONSIDER REZONING APPLICATION NO. RZ896, LOCATED IN THE NW/4 OF SECTION 24, T10N, R3W, BEING SOUTH OF SE 4<sup>TH</sup> STREET AND EAST OF EASTERN AVENUE, FROM C1 OFFICE DISTRICT TO R3/PUD GENERAL RESIDENTIAL DISTRICT; AND APPROVE ORDINANCE NO. 735(13). APPLICATION BY VUONG NGUYEN. (PLANNING COMMISSION RECOMMENDED DENIAL 6-0). WARD 1.

**Agenda Item Number 10 being:**

CONSIDER THE PRELIMINARY PLAT FOR EASTERN SENIOR COMMUNITY, LOCATED IN THE NW/4 OF SECTION 24, T10N, R3W, BEING SOUTH OF SE 4<sup>TH</sup> STREET AND EAST OF EASTERN AVENUE. APPLICATION BY VUONG NGUYEN. (PLANNING COMMISSION RECOMMENDED DENIAL 6-0). WARD 1.

Mayor Lewis advised that Engineer, Ross Morris submitted a request to withdraw for further consideration Agenda Items No. 8, 9 and 10. His client was reworking some aspects of the site and would resubmit their items at a later time. Mayor Lewis asked for a tabling motion.

**Councilman Hamm moved to table Agenda Items No. 8, 9 and 10, second by Councilman Singer. Motion carried unanimously.**

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

**Agenda Item Number 11 being:**

CONSIDER APPROVAL OF A RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT WITH THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR SIDEWALK INSTALLATION ON THE SOUTH SIDE OF NW 12<sup>TH</sup> STREET BETWEEN SANTA FE AVENUE AND GRACE POINT DRIVE, ALSO KNOWN AS STP-114B(304)AG, JOB NO. 29012(04).

Elizabeth Jones, Community Development Director, advised that the proposed Right-of-Way, Public Utility, and Encroachment Agreement was with the Oklahoma Department of Transportation for a sidewalk project funded up to \$200,000 through ACOG's sidewalk funds. This would provide 100% funding of the project with no City match required. The sidewalk was proposed for NW 12<sup>th</sup> Street between Santa Fe Avenue and Grace Point Drive along the south side of the road only. The estimated cost of the project was \$210,142. Ms. Jones anticipated a September 2013 bid letting.

**Councilman Singer moved to approve a Right-of-Way, Public Utility and Encroachment Agreement with the Oklahoma Department of Transportation for Sidewalk Installation on the south side of NW 12<sup>th</sup> Street between Santa Fe Avenue and Grace Point Drive, also known as STP-114B(304)AG, Job No. 29012(04), second by Councilman Cavnar. Motion carried unanimously.**

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

**Agenda Item Number 12 being:**

CONSIDER APPROVAL OF TWO CONTRACTS WITH TRAFFIC ENGINEERING CONSULTANTS FOR ENGINEERING SERVICES FOR STREET STRIPING OF 9 MILES OF ARTERIAL ROADWAY AND 15 INTERSECTIONS IN THE AMOUNT OF \$37,350; AND ENGINEERING SERVICES FOR STREET STRIPING OF 7 MILES OF ARTERIAL ROADWAY AND 11 INTERSECTIONS IN THE AMOUNT OF \$29,050.

Elizabeth Jones, Community Development Director, advised that the agenda item pertained to two separate engineering contracts for ACOG street striping contracts. Phase I was scheduled for 2014 at an estimated cost of \$186,528. Phase II was scheduled for 2015 at an estimated cost of \$145,050. Both projects would be 100% funded using ACOG's Safety Funds. The proposed contracts are for the engineering necessary to create plans for the projects. Engineering is required on all ODOT projects. Ms. Jones indicated that this project is part of a four to five year plan to place all of the City roadways on a street striping schedule.

**Councilman Hamm moved to approve two contracts with Traffic Engineering Consultants for engineering services for street striping of 9 miles of arterial roadway and 15 intersections in the amount of \$37,350; and engineering services for street striping of 7 miles of arterial roadway and 11 intersections in the amount of \$29,050, second by Councilman Blair. Motion carried unanimously.**

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

**Agenda Item Number 13 being:**

CONSIDER APPROVAL OF A CONTRACT WITH CLEVELAND COUNTY REBUILDING TOGETHER IN THE AMOUNT OF \$6,000 TO BE USED FOR HOME REPAIR AND WEATHER-PROOFING OF SEVEN LOW-INCOME HOMES IN MOORE.

Elizabeth Jones, Community Development Director, introduced Jared Jakubowski, Special Projects Coordinator. Ms. Jones stated that Mr. Jakubowski would be appearing on items pertaining to CDBG projects such as Cleveland County Rebuilding Together.

Mr. Jakubowski advised that Cleveland County Building Together, formerly known as Christmas in April, provides critical repairs and weather-proofing upgrades to low-income homes at no cost to the recipients. Approximately \$1,000 is spent on supplies for each home, with labor contributed by volunteers. He noted that 13 homes in Cleveland County were selected with 7 of those located in Moore. The City has historically contributed \$3,000 toward the projects; however, since 7 of the homes are located in Moore staff would request \$6,000.

Mayor Lewis asked how many applications were submitted for residents of Moore. Mr. Jakubowski indicated that the total number of applications submitted for Cleveland County was 25. He did not know how many were submitted specifically from Moore. Mayor Lewis wanted to make certain that those individuals who qualify for this program get their homes repaired. Steve Eddy, City Manager, indicated that the problem was obtaining enough work crews.

Councilman Blair asked what types of repairs are made to the homes. Mr. Jakubowski indicated that weather stripping windows, roof repair, exterior and interior painting, and bathroom renovations to make it handicapped accessible are routine projects.

Mr. Eddy added that the program was for minor repairs in order to make the homes safer and more livable. Councilman Singer asked who supplied the labor. Mr. Eddy advised that volunteer organizations, group, banks or any entity that wished to help. He added that City employees have made up a crew in the past. Mayor Lewis asked that Mr. Jakubowski report back to the City Council if he found other qualifying homes that were unfunded.

**Councilman Blair moved to approve a contract with Cleveland County Rebuilding Together in the amount of \$6,000 to be used for home repair and weather-proofing of seven low-income homes in Moore, second by Councilman Singer. Motion carried unanimously.**

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

**Agenda Item Number 14 being:**

CONSIDER AWARDING RFP NO. 1213-003 "PARMELE PARK PLAYGROUND" TO ACS PLAYGROUND ADVENTURES INC. IN THE AMOUNT OF \$123,750. PARKS AND RECREATION

Todd Jenson, Parks and Recreation Director, advised that Agenda Items No. 14 and 15 were related to the new park to be located at 12<sup>th</sup> and Janeway known as Parmele Park. The items would be funded using the ¼ cent sales tax approved by the voters at the November 2012 election. Mr. Jenson stated that City staff worked with teachers, administrators, and students at Kelly Elementary in December to develop a theme for the playground and park. Three options were presented to the students in a vote. The winning theme was a forest themed playground and splash pad. Proposals were solicited in January 2013 with 15 proposals submitted from 8 different companies. A committee comprised of City staff and Park Board Member Sid Porter ranked each of the proposals based on specific criteria. The committee recommended awarding the playground to ACS Playground Adventures in the amount of \$123,750. The cost estimate for the project was \$135,000.

**Councilman Krows moved to award RFP No. 1213-003 "Parmele Park Playground" to ACS Playground Adventures Inc. in the amount of \$123,750, second by Councilman Cavnar. Motion carried unanimously.**

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

**Agenda Item Number 15 being:**

CONSIDER AWARDING RFP NO. 1213-002 "PARMELE PARK SPRAY PARK" TO BENCHMARK ENTERPRISES, LLC IN THE AMOUNT OF \$315,000.

Todd Jenson, Parks and Recreation Director, stated that the City solicited bids for a forest themed splash pad. The City received five responses from four different companies. A committee comprised of staff members and Park Board Members Janie Milum and Kelly Maddox reviewed the bids. The committee recommended awarding the bid to Benchmark Enterprises in the amount of \$315,000, which was the budgeted amount.

Mr. Jenson indicated that this would be the largest splash pad in the metro area. Since the splash pad would include interactive features for kids toddler age to 15 or years old he anticipated it would generate a lot of traffic

Mr. Jenson estimated around 45,000 gallons of water would be used per day. The water would be taken to a water feature which is a dammed up drainage channel and reused to irrigate the park. If weather permits construction should be completed by late summer.

Councilman Krows asked how spray parks would be affected during extreme drought conditions. Mr. Jenson indicated that some cities shut their splash pads down and some reduce the time the park is open to just evening hours. Steve Eddy, City Manager, stated that Oklahoma City approved new restrictions for outdoor usage of water depending on lake levels. Currently, we are on odd/even water rationing; however, it is possible that later in the year additional restrictions may have to be implemented. He added that he is uncertain at this point how it would affect the splash pad.

Councilman Krows advised that the City of Edmond was now requiring water sprinklers to have sensors on them. This would prevent sprinklers from running when it is raining. He felt the City should think about implementing this too.

**Councilman Blair moved to award Bid No. 1213-002 "Parmele Park Spray Park" to Benchmark Enterprises, LLC in the amount of \$315,000. by Councilman Cavnar. Motion carried unanimously.**

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

**Agenda Item Number 16 being:**

CONSIDER, AND IF DEEMED APPROPRIATE, ACCEPT NOMINATIONS AND ELECT A VICE-MAYOR.

**Councilman Cavnar moved to appoint Robert Krows as Vice-Mayor, second by Councilman Blair. Motion carried unanimously.**

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

**Agenda Item Number 17 being:**

CONSIDER, AND IF DEEMED APPROPRIATE, ACCEPT NOMINATIONS AND ELECT A MEMBER AND AN ALTERNATE TO SERVE ON THE ACOG BOARD OF DIRECTORS, INTERMODAL TRANSPORTATION POLICY COMMITTEE, GARBER WELLINGTON POLICY COMMITTEE, AND THE 911 ASSOCIATION BOARD OF DIRECTORS.

**Councilman Cavnar moved to appoint Mark Hamm as a Member to serve on the ACOG Board of Directors, Intermodal Transportation Policy Committee, Garber Wellington Policy Committee, and the 911 Association Board of Directors, second by Councilman Blair. Motion carried unanimously.**

**Councilman Krows moved to appoint Jason Blair as Alternate to serve on the ACOG Board of Directors, Intermodal Transportation Policy Committee, Garber Wellington Policy Committee, and the 911 Association Board of Directors, second by Councilman Cavnar. Motion carried unanimously.**

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

**THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 8:04 P.M.**

**Agenda Item Number 18 being:**

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD APRIL 15, 2013.

- B) DECLARE A 1985 TOYOTA FORKLIFT, MODEL NO. 2FBE10 WITH A 3,000 LB. CAPACITY AS SURPLUS TO BE TRADED IN ON THE PURCHASE OF A NEW 6,000 LB. CAPACITY FORKLIFT.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2012-2013 IN THE AMOUNT OF \$2,245,575.51.

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

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

**Agenda Item Number 19 being:**

CONSIDER, AND IF DEEMED APPROPRIATE, ACCEPT NOMINATIONS AND ELECT A VICE-CHAIR OF THE TRUST.

**Trustee Cavnar moved to appoint Robert Krows as Vice-Chair of the Trust, second by Councilman Blair. Motion carried unanimously.**

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

**Agenda Item Number 20 being:**

CONSIDER, AND IF DEEMED APPROPRIATE, ACCEPT NOMINATIONS AND ELECT A SECRETARY OF THE TRUST.

**Trustee Krows moved to appoint David Roberts as Secretary of the Trust, second by Trustee Cavnar. Motion carried unanimously.**

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

**Agenda Item Number 21 being:**

CONSIDER APPROVAL OF AN AGREEMENT WITH CONSOLIDATED BENEFIT RESOURCES FOR THIRD-PARTY ADMINISTRATIVE SERVICES FOR WORKER'S COMPENSATION AND GENERAL LIABILITY CLAIMS FOR THREE YEARS.

Gary Benefield, Risk Manager, advised that Consolidated Benefit Resources has been the City's third-party administrator for worker's compensation and general liability claims for the past three years. They are currently submitting data for the Medicare Section 111 reporting that is now required on larger settlements. Consolidated Benefit Resources will renew their contract for a \$100 per month increase. Mr. Benefield felt this was a reasonable increase and recommended renewal for another three years.

**Trustee Krows moved to approve an agreement with Consolidated Benefit Resources for third-party administrative services for worker's compensation and general liability claims for three years, second by Trustee Cavnar. Motion carried unanimously.**

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

**Agenda Item Number 22 being:**

CONSIDER THE PURCHASE OF 425 POLYCARTS AT A TOTAL COST OF \$22,631.25 FROM TOTER CORPORATION.

Richard Sandefur, Public Works Director, indicated that the City has been purchasing polycarts from Toter Corporation and was very satisfied. Councilman Krows asked how the polycarts are holding up. Mr. Sandefur indicated that some of the polycarts purchased in 2000 need to be replaced.

**Trustee Hamm moved to approve the purchase of 425 polycarts at a total cost of \$22,631.25 from Toter Corporation, second by Trustee Singer. Motion carried unanimously.**

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

**THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 8:09 P.M.**

**Agenda Item Number 23 being:**

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD APRIL 15, 2013.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2012-2013 IN THE AMOUNT OF \$343,598.36.

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

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

**Agenda Item Number 24 being:**

CONSIDER, AND IF DEEMED APPROPRIATE, ACCEPT NOMINATIONS AND ELECT A VICE-CHAIR OF THE MOORE RISK MANAGEMENT BOARD.

**Trustee Cavnar moved to appoint Robert Krows as Vice-Chair of the Moore Risk Management Board, second by Trustee Blair. Motion carried unanimously.**

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

**Agenda Item Number 25 being:**

CONSIDER, AND IF DEEMED APPROPRIATE, ACCEPT NOMINATIONS AND ELECT A SECRETARY OF THE MOORE RISK MANAGEMENT BOARD.

**Trustee Hamm moved to appoint Scott Singer as Secretary of the Moore Risk Management Board, second by Trustee Blair. Motion carried unanimously.**

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

**THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 8:11 P.M.**

**Agenda Item Number 26 being:**

NEW BUSINESS:

A) CITIZENS' FORUM FOR ITEMS NOT ON THE AGENDA.

There were no citizens to speak.

B) ITEMS FROM THE CITY COUNCIL/MPWA TRUSTEES.

Councilman Hamm asked for an update on the 12<sup>th</sup> Street construction. Stan Drake, Assistant City Manager, advised that weather permitting they will be pouring concrete the middle of next week.

Councilman Cavnar clarified his comments from the April 15, 2013 City Council meeting. He stated that he advised that some of the Council toured the Animal Shelter and was pleased with what they saw. They meant that they were pleased with what management has done with what they have to work with. He stated that everyone is in agreement that the Animal Shelter needs renovation.

C) ITEMS FROM THE CITY/TRUST MANAGER.

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

- Asked Todd Jenson, Parks and Recreation Director, to advise the City Council of meetings that would be held later in the week.

Mr. Jenson indicated that the City Council approved a contract with the design team for Central Moore Park. A stakeholder group comprised of business people, youth, seniors, religious leaders, staff, Council Members and Park Board Members was put together to obtain input throughout the process. The first the Stakeholders meeting would be held May 8, 2013 at the Community Center at noon. A public forum would be held on May 9, 2013 from 6:30 p.m. to 8:00 p.m. at the Community Center. He stated that this would be an ongoing process. Dirt work could begin later this year with construction beginning around this time next year.

- The City Council Retreat will begin at 5:30 p.m. on May 10, 2013 at Fire Station No. 1 to get an idea of what the Council might want to discuss on May 11, 2013 from 8:30 a.m. at the Moore Chamber of Commerce.
- Will be meeting individually with the Council throughout the week. Suggested holding a Budget Study Session at 6:30 p.m. on May 13, 2013.



- Closings occurred on each of the three parcels of land the City purchased for the Central Moore Park. Noted that the property owners have had many opportunities to sell their property in the past. They were very happy that the City will own the property and the plans we have for it. He stated that the City was fortunate to have landowners who are supportive of the plans for the site.

Mayor Lewis congratulated Mr. Eddy on his recent marriage.

**Agenda Item Number 27 being:**

EXECUTIVE SESSION

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CLAIM ON BEHALF OF GARY PATTERSON (DECEASED) AND MELODY PATTERSON, PERSONAL REPRESENTATIVE OF THE ESTATE OF GARY PATTERSON, DECEASED, AGAINST THE CITY OF MOORE, AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE CITY OF MOORE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).
- B) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CLAIM BY EARNEST ROBINSON AGAINST THE CITY OF MOORE, AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE CITY OF MOORE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).
- C) CONVENE INTO EXECUTIVE SESSION

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

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

**The City Council convened into executive session at 8:20 p.m.**

- D) RECONVENE FROM EXECUTIVE SESSION

PRESENT: Krows, Blair, Singer, Cavnar, Hamm, Lewis  
ABSENT: Roberts

**The City Council reconvened from executive session at 8:29 p.m.**

- E) ACTION.

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CLAIM ON BEHALF OF GARY PATTERSON (DECEASED) AND MELODY PATTERSON, PERSONAL REPRESENTATIVE OF THE ESTATE OF GARY PATTERSON, DECEASED, AGAINST THE CITY OF MOORE, AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE CITY OF MOORE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

**Councilman Hamm moved to deny pending claim filed on behalf of Gary Patterson (deceased) and Melody Patterson, Personal Representative of the Estate of Gary Patterson, deceased, against the City of Moore, and authorization for legal counsel and staff to take action as necessary and appropriate in the interest of the City of Moore, second by Councilman Singer. Motion carried unanimously.**

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

- B) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CLAIM BY EARNEST ROBINSON AGAINST THE CITY OF MOORE, AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE CITY OF MOORE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

**Councilman Singer moved to deny pending claim filed by Earnest Robinson against the City of Moore, and authorization for legal counsel and staff to take action as necessary and appropriate in the interest of the City of Moore, second by Councilman Hamm. Motion carried unanimously.**

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

**Agenda Item Number 28 being:**

ADJOURNMENT

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

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

**The City Council, Moore Public Works Authority, Moore Risk Management and Moore Economic Development Authority meetings were adjourned at 8:31 p.m.**

TRANSCRIBED BY:

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RHONDA BAXTER, Executive Assistant

RECORDED BY:

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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